UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS
FIRST SESSION

VOLUME 125—PART 3

FEBRUARY 19, 1979 TO MARCH 6, 1979
(PAGES 2713 TO 4034)

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UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1979

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HOUSE OF REPRESENTATIVES—*Monday, February 19, 1979*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. GIAIMO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIAIMO) laid before the House the following communication from the Speaker:

Washington, D.C., February 15, 1979.

I hereby designate the Honorable ROBERT GIAIMO to act as Speaker pro tempore on Monday, February 19, 1979.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The SPEAKER pro tempore. Prayer will be offered by the gentleman from Tennessee (Mr. BONER).

Mr. BONER of Tennessee offered the following prayer:

GEORGE WASHINGTON'S PRAYER FOR OUR COUNTRY

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; That Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens in the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, to demean ourselves with charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 13, 1979, and without objection, the Chair recognizes the gentleman from Tennessee (Mr. BONER) to read Washington's Farewell Address.

Mr. BONER of Tennessee. Thank you, Mr. Speaker.

It is an honor for me to give this address, realizing the circumstances under which I have been called upon by my fellow Members of this body to do so.

Mr. BONER of Tennessee read the Farewell Address as follows:

To the People of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad: of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish, a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with

Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alternaions which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations: cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temparary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of

permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce; but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, preseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. BONER of Tennessee. Mr. Speaker, I request unanimous consent to revise and extend my remarks to include the entire composition of Washington's Farewell Address.

The SPEAKER pro tempore. Without objection, it is so ordered, and the Chair would like to thank the gentleman from Tennessee for his presentation of the farewell speech of President George Washington.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 60 minutes.

Mr. HANSEN. Mr. Speaker, I appreciate very much the opportunity to testify before you and this subcommittee regarding the planned assault on the Nation's private schools by the Internal Revenue Service (IRS).

Mr. Speaker, I am the congressional "whistle blower" who exposed the presumptuous and secretive move by the IRS to broaden its control over, as well as "discriminate" against, private schools which has become a national outrage.

Hidden among the "Notices" section of the August 22, 1978, Federal Register—sandwiched between routine announcements instead of appearing in the section on Proposed Rules and Regulations—was an IRS proposal that all private schools formed or expanded at or after the implementation of desegregation plans in the respective communities, will be presumed guilty of systematic racial discrimination and their tax-exempt status will be revoked retroactively.

The IRS long ago seems to have lost its sense of mission as a tax-collection agency and with all the grace of the hobnailed gestapo has embarked on a course of implementing and enforcing social reform with the view that Americans are basically dishonest, uncharitable, bigoted, criminal-minded and even violent to deal with.

These may seem like strong words, Mr. Speaker, but the shocking story on IRS behavior that I will reveal to you today will prove my point.

For years we have become progressively inured to the routine contempt the IRS has chronically demonstrated for accepted civilized standards of fairness, something which has its roots in the regrettable presumtion that in tax matters the citizen is guilty until proven innocent, an innocence that has to be proven at the expense of the taxpayer, no matter how groundless or frivolous the charge.

To demonstrate that this is not taxpayer paranoia, I submit for the record a shocking paragraph from a recently acquired IRS memo dated November 19, 1976, which clearly states that taxpayers should be intimidated with expensive unwarranted lawsuits. The communication addressed to the Regional Counsel, Salt Lake City office, from Group Manager, 1004, Boise District Office, declares:

> It is stated you do not wish to litigate a case you may lose. However, failure to attempt litigation will foster their program far more than a loss in court. At least by litigating, the Taxpayer is forced to produce the necessary substantiation. In addition, the Taxpayer is committed to spend time and money defending his position. Perhaps the inconvenience alone will inspire future compliance.

Now Mr. Speaker, with this attitude the IRS has been creeping into the social reform enforcement business for many years and began in 1975 requiring schools to state that they are nondiscriminatory in order to keep their tax-exempt status. The Washington Post of October 14, 1978, confirms this reality in reporting that Virginia's "Prince Edward School Tax-Exempt Status is Revoked by IRS."

The regulation proposed in August for IRS to become a big-time civil rights enforcer was a further extension of a malignant spread that has taken them from the confinement of simple tax collection to impact on many sensitive areas of the body politic.

In its usual sweeping manner the IRS proposed to make a blanket finding of racial discrimination and automatically harass all private schools, putting on its victims the onerous burden of proving their innocence. At the same time the IRS pointed out how it would be practically impossible to refute the charge unless there is an affirmative action program operating.

This serious constitutionally questionable IRS action was brazenly taken without congressional authorization in circumstances that dwarf all their previous efforts at trickery. To cover up their attempt to "hide" the Federal Register notice, the IRS had the astonishing gall to say that this is an insignificant regulation, a mere procedural change which does not merit public hearing.

Frankly, the position of the IRS is not only absurd and dishonest, but it is dangerous. This is not merely a procedural matter, but a substantive proposition that calls into question the tax liabilities, supposedly long past settled, of hundreds of thousands of citizens for many years past. IRS auditors will have a field day. It obviously has the gravest conceivable implications for the survival of private schools, and certainly gives the IRS wide scope for abuse and harassment.

Having watched the IRS swoop down on the hapless victims of the Teton Dam disaster of 1976 and scoop up capital gains taxes arbitrarily imposed on flood claims reimbursements, I am not surprised to see them again gleefully anticipating the financial squeeze they can put on those private schools identified as discriminatory and the taxpayers who have supported them.

And lest we believe the IRS has any conscience about forcing private schools or anyone else out of business by taking their last farthing, let me cite to you an alarming memo dated March 2, 1973, to the chief, Collection and Taxpayer Service, from a group supervisor in Boise entitled, "How Can We Prevent Delinquency?"

> Marginal taxpayers in inefficient, non-profitable businesses are probably responsible for a larger percentage of delinquencies than any other segment of the tax paying public. The most apparent characteristic of these enterprises is the ability to start business with an absolute minimum in capital equipment, cash reserves and other assets, e.g. service stations, restaurants, and construction trades.
>
> The Collection Division has been faced with a two-pronged problem for many years:
>
> First. Prevent delinquencies by stern, prompt enforcement action which forces the taxpayer to discontinue business.
>
> Second. Accomplish the above without undue pressure from the public and the elected officials.
>
> In my opinion, this cannot be done and we must realize that complaints will be an integral part and result of such measures. We must not be oversensitive to these complaints and requests for leniency.
>
> Law addition and other approvals that would help in other areas:
>
> 1. Require known prior delinquents to post a cash bond before commencing business (as does the State).
>
> 2. Require farmers to withhold income taxes.
>
> 3. In collaboration with the State, require license applicants to prove filing and paying HUT and liquor and beer stamps before a license is issued.
>
> 4. Provide more man hours for cold canvass operation.
>
> 5. A more religious and systemic use of Public Law 85-321.

What is involved in the proposed IRS regulation regarding private schools is not actually a matter of racial discrimination, nor is it really a tax matter. Since the regulation explicitly includes church-related schools, and since there is nothing in the regulation that could not later be applied to churches themselves, what is involved is a very deep first amendment question.

It is a patent evasion to label this regulation "procedural" and claim that it is of no significance and this remains true despite the recent softening of the IRS under public and congressional pressure to get out of the business of enforcing social reform where private schools are concerned.

The fact that the new proposal still retains the questionable percentage requirements subject to arbitrary interpretation by IRS leaves the "tiger in the tank" with broad latitude and virtually unlimited areas to prowl as regulations are adjusted and expanded in the future.

Mr. Speaker, I must warn you. The IRS is the last agency which should be entrusted with any responsibility for legal judgment regarding civil and religious rights.

If the two IRS memos quoted earlier have not sufficiently disturbed you, let me now inform you of an attempt by IRS officials in the highest positions to literally terrorize a small community in my congressional district by staging a massive armed door-to-door search and then cover up not only this particular incident but other equally shocking atrocities being committed against citizens of this Nation.

In November 1975 some 25 specially selected IRS personnel were directed to participate in a project calling for a confrontation and armed shakedown of 167 citizens in Fremont County, Idaho—citizens who, beyond belief, found themselves on an IRS "hit list" largely because of the size of their church donations, because of time devoted to church service, because of extended serious illness or death, and because of assorted other similar reasons.

A neurotic IRS, suffering apparent paranoia over the tax resistors movement in the Nation, decided the percentage of returns in the St. Anthony area was too low and initiated the "Fremont County Returns Compliance Program (RCP)" to educate the public about tax laws.

The word "educate" has very ominous meaning when civic and business leaders, clergymen, elderly female church organists, young men just back from serving 2-year missions for their church with no income, and people in extended hospital confinement or on social security disability pensions are included on IRS lists of citizens considered dangerous to contact or who may advocate violence—citizens slated for contact by armed Federal agents who would be asking them to produce their tax returns.

The project, which was to last a week, was canceled only 4 days before it was scheduled to begin because certain less militant IRS employees balked and complained to their union which finally forced a decision in the Washington office of the IRS Assistant Commissioner for Inspections.

It has taken over 2 years to get to the bottom of this story and in the process I find that the tactics used in dealing with the citizens of Fremont County, Idaho, are not unusual in IRS operations across the Nation, and this can now be documented.

The Nixon enemy list is tame compared to the IRS violence lists and the identified abuses and coverups of the CIA and FBI in recent years also exist in the IRS, perhaps to an even greater degree.

Commissioner Jerome Kurtz and other officials have repeatedly provided false and misleading information apparently designed to obscure or justify the heavy-handed mtehods of the IRS, information which is readily refuted by IRS documents.

I was told the armed confrontation was planned to deal with a list of tax resisters provided by the FBI but can prove that such a list (which itself can be challenged) was not prepared until nearly 2 months after the Fremont project was canceled and that list had no residents of Fremont County included.

In other words, Mr. Kurtz justified the planning and approval of an armed search with a list that was not applicable to the area involved and did not even exist during the period of the operation. This is an intolerable abuse of facts.

Furthermore, I was told the Fremont project was to protect IRS personnel and that the hit list was to include only men over age 20. However, I find that the IRS included women on their list contrary to instructions and violated their own rules in creating a confrontation which could have caused violence rather than prevent it.

Although there is documentation to prove that the search was only canceled because of employee complaints, a letter from Mr. Kurtz would have us believe that the canvass was canceled because, of all things, it might provoke the very confrontations the mission was originally set up to create.

A long list of examples of such duplicity could be provided, and is evident in the attached narrative of the Fremont County project which I submit for the

RECORD at the end of my remarks. However, if there is any question as to the acceptability of this type of operation among IRS officials, let it now be laid to rest.

Just 7 days after the project was scrubbed on November 14, 1975, the coordinator of this project was given a memorandum of appreciation by an IRS group manager who stated:

> I was very impressed with the Plan of Action which you originated.

And on January 30, 1979 the Idaho district director announced the selection of this same IRS employee for a GS–12 position as disclosure officer.

In the meantime, the Idaho district director, who supervised the planning of the Fremont project, has now been promoted to national director of the Disclosure Division of IRS, where ironically he is responsible for administration of the Freedom of Information Act, the Privacy Act and the new disclosure laws.

Mr. Speaker, the Fremont project was planned, canceled and covered up at State, regional, and national levels so there is no way this activity can be discounted as an isolated incident. The blundering, bullish manner in which IRS handled civil and religious rights in the Fremont project can be rehearsed many times over in other situations in Idaho and across the Nation with substantial documentation.

I have cited many valid constitutional objections to the IRS having any role in the interpretation and enforcement of social reform programs.

These objections are bolstered with a practical concern for allowing an agency with such a poor track record to have broad license in sensitive decisions regarding matters of religious and civil rights.

IRS has demonstrated that it is neither mentally nor mechanically flexible enough to deal with religious and personal differences and this is true even down to the very decision we currently face. Even in backing off from the original August pronouncement IRS has, in reality, reserved the right to make selective judgment regarding private schools which gives them broad latitude for arbitrariness and harassment.

For instance, in singling out certain denominational academies as possible exceptions, IRS is opening a pandora's box where other exceptions are demanded and where those rejected can be expected to pose costly time-consuming challenges to the Government.

It is absolutely absurd to continue to allow the IRS to run like a rampant bull in a shop stocked with the fragile porcelain of human rights. It is time to confine IRS to the tax-collection mission for which it was instituted.

I urge this Congress to take all necessary action to stop the implementation of the proposed IRS rules regarding private schools. I further strongly urge appropriate congressional committees to hold oversight hearings on the abuse of taxpayers by the IRS such as I have outlined today.

And finally, I urge Congress to consider legislation I have introduced, and any other of like nature, which will reform or restrict the mission of the Internal Revenue Service before it does significantly more damage.

Mr. Speaker, in closing I submit for the record House Joint Memorial No. 2 from the Idaho State Legislature transmitted to me on February 6, 1979, "which urges the U.S. Congress to prevent proposed Internal Revenue Service regulations from becoming effective that eliminate the tax exempt status of private schools that do not conform to certain rules and regulations regarding minority membership."

A JOINT MEMORIAL

We, Your Memorialists, the House of Representatives and Senate of the State of Idaho assembled in the First Regular Session of the Forty-fifth Idaho Legislature, do hereby respectfully represent that:

Whereas, the Internal Revenue Service, Department of the Treasury, has announced a proposed revenue procedure relating to private school tax exemptions; and

Whereas, the proposed revenue procedure will, in effect, establish quotas for minority participation in tax exempt private schools; and

Whereas, such quotas have been held discriminatory in a recent United States Supreme Court opinion; and

Whereas, the use of private schools should be encouraged in order to help take the burden from public schools.

Now, Therefore, Be It Resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are deeply concerned with such a proposed procedure and strongly urge that the Congress take such immediate action as necessary to prevent such proposed procedure from becoming effective.

Be It Further Resolved that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

AN ARMED IRS SHAKEDOWN

I have recently discovered official Internal Revenue Service documents which show, in some detail, an attempt by the IRS to literally terrorize a small community in my congressional district by staging a massive armed door-to-door search. These same documents have also helped me prove that there has been and still is an extensive and onging attempt by IRS officials in the highest positions to coverup not only this particular incident but other equally shocking atrocities being committed against the citizens of this Nation.

What I am about to present is a real-life horror story, one chapter in a whole book of outrageous IRS violations of the basic rights of American citizens, which I will continue to expose.

On October 2, 1975 a meeting of IRS division chiefs and the Idaho district director was held in Boise, Idaho, apparently with the knowledge and approval of national headquarters, to discuss coordination of what was later termed a "planned armed, door-to-door search" in St. Anthony, Fremont County, Idaho.

Howard Martin, then district director of the IRS, authorized what was to be known as the Fremont County returns compliance program (RCP) on October 16, 1975. The purpose of the program was ostensibly "to determine the degree of voluntary compliance, to secure any delinquent returns and to educate the public about tax laws."

The IRS, under the direction of Revenue Officer Sherrill Ohman, began immediately to gather data on the citizens of St. Anthony and to cross reference driver's license receipts with existing IRS files. From this effort, the IRS developed a list of 167 taxpayers to be confronted.

The criteria for being placed on the list was simple enough—a male licensed driver from Fremont County between the ages of 21 and 65 with any irregularities in his tax history for any of the years 1972, 1973, and 1974 appeared to automatically qualify, even if there was obviously no illegality involved.

These tax irregularities or aberrations, which would likely be picked out on the microscreening of taxpayer returns used for the selecting process, seemed to include such things as, first, reporting unusually high church contributions; second, not filing because of physical or mental handicap; third, not filing because of no income such as students and missionaries; fourth, not appearing to file because of change of name or address; fifth, not filing because of death; sixth, being previously audited whether for good cause or because of clerical error or IRS error, or substantiable large deductions; seventh, filing an improper return; eighth, not filing a return; ninth, delinquency in tax payments, and so forth. Given this large number of determining factors, the final list grew to 167 names, a number approximately equal to one-fourth of the heads of households in the small city of St. Anthony, the Fremont county seat.

The people involved, though not necessarily, and probably not, illegal or improper in their tax filings, still were listed on forms entitled "Delinquent Return Information and Returns Compliance Records" and handled under a covering letter or memorandum which suggested ominously that these randomly selected people may be dangerous to contact.

Not only was the list wrongly suggestive of taxpayer status and temperament, but it was so sloppily and erroneously assembled as to present further complications to an already inflammable project. It will be noted on the list I hereby submit that women were included when only men were intended to be and the spelling of many of the names is so inaccurate as to make the list almost useless. I have supplied what I believe to be the proper spelling of names in parentheses where possible:

> Brent Powell, Charles Wesley Rash, Ronald G. Remington, Clayton Reum, Brent Crofts Rhodehouse, Theril B. Ricks, James Jean Rumsey, T. J. Ryan, William Renton Siddoway, Robert Smith, Terry Lynn Hobles, Harry K. Horrell, Grant I. Howard, Mark Hale Howard, and Gean Jackson.
>
> Jerri Lee Jenkins, Jack Douglas Kapor, Robert E. Kohlenger, Eugene LeCheminer (Le Cheminant) Lillis Burbank Michelsen, . . . ward Garvis (?), Gary Hobbs, Mont Carlos Howard, Glen Lyman Jackson, Gerald Vernon J . . ., and Richard F. Jergensen.

Russell Kay Johnson, . . . Dee Angell, Kenny Leo Beddes, Randall Bergeson, Jim Birch, Richard Reynolds Blake, Robert Lynn Carraway, Roy Graude (Grende), Bruce Kay Crapo, Clyde Raymond Garrett, Montie Jo Jackson, and Lillis Birch Johnson.

James Kim Kirkham, Ossie D. Mason, Dennis D. Maynard, Charles D. McMinn, Morris Gordon Nielsen, Douglas C. Peck, Jimmie Remington, Hal Andrew Rumsey, Lance Stoddard, Roger Willete, and William Edward Wocelka.

Dale Larson, Don Coy Larson, Thomas Steven Robison, Monte E. Rydalch, Lynn Wesley Schulties (Schuldies), Brian D. Schuldies, John R. Seely, Cecil E. Shitmore (Whitmore), Torger J. Skalet, Thomas R. Stilley, Charles Alonzo Stoddard, George Kino Sutterfield, Randall K. Abbegern, Solomon E. Angell, Solomon E. Angell, Jr., and William Arndt.

Paulo Brassanini, Kenny L. Beddes, Rodney G. Chandler, Damaris L. Clark, Randell D. Cogburn, Douglas L. Curr, Lester Ricardo Daniel, George E. Davis, Marvin Duane Thompson, Frederick Leo Wahl, Edward H. Weaver, Jean Chandler Worrell, Louis R. Bergesen (Bergeson), and Alton Birch.

Johnathan Blain, Ramiro Cadena, David Barry Cazier, David Dean Clark, Samuel Richard Davis, Steven Hawkes, Otis W. Jefferson, Curtis M. Kary, Edwin L. Larson, Willis Clark Mason, William Rody McAndrews, Michael Lee Nielsen, Curtis Alex Orgill, Steve Bacon Packer, and Rial Palmer.

Floyd R. Parker, Edward Horace Weaver, Don Winegar, Russell Arthur Severyn, Dale Lamar Swensen, Merrill J. Walker, Van Ranav Weaker (Weaver), Charl Lee Worrell Winters (Charles), Evan Arthur Blanchard, Richard Dee Burbank, William Craig Cashing, and Burke Clark.

J. Howard Clark, Carrie Thomas Cox, David Alan Dennis, Samule Rodney Fife (Samuel), Merrill Jean Grunbalgh (Greenhalgh), Franklin Albert Miller, Michael R. Miller, Terry R. Miller, Robert Alan Murdoch, and Wallace Pierce Murdoch.

Merle Parker, Afton Owens Toone, Joel T. Young, Wayne E. Welker, Dennis Allen, Randall Bergeson, Dennis Sinclair Birch, Lowell Edgar Birch, Rhea Mecham Blake, . . . J. Collette, Grant Arthur Hathaway, Alvin Gayle Hathory (Hathaway), Dan R. Hill, John Ho, Morris Lincoln Nielson, Alex D. Orgill, Lionel Ray Parker, Jerry Raymond Parkett, and Donald Andrew Peck.

My findings show that this list contains several local clergymen, L.D.S. (Mormon) missionaries (away from home for 2-year periods without an income), people incapacitated in hospitals, people on disability pensions, prominent businessmen and farmers and even a 61-year-old lady church organist.

However, to the best of my knowledge, none of the people listed, with the possible exception of one known to have been involved in a tavern scuffle, I have every reason to believe that most, if not all of them, were properly filing and paying their taxes.

The list was sent, on October 30, 1975, to inspector in charge, Don DeBoer, "to enable screening by the Inspection Division: Identification of those individual taxpayers which may be dangerous to contact." Mr. DeBoer was and is chief of inspection for the Ogden region and his immediate supervisors are the Assistant Commissioner and the Commissioner of the Internal Revenue Service.

On November 3, 1975, Howard Martin approved staffpower for this project of approximately 25 IRS agents, more than one-third of which were to be armed. The following IRS personnel, none stationed in the project area, were involved:

Don DeBoer, Bob Higgins, Gerd Hattwig, Sherrill Ohman, Monte Hobson, Diane Medina, Gene Bryan, Jim Quam, Hugh Pierce, Rick Owens, Ray Boone, Gary Hellekson, Keith Farrar, Stan Leake, Shirley Sterling, Shirley Sisson, Bob Hanmer, Kathy Corrigan, Jim Welty, Peggy Newcomb, John Eastham, Warren Packard, and Larry Kimbrell.

The Freemont County RCP program "plan of action," written in October 1975, reads like a military invasion strategy. It includes terms such as "protecting personnel,"; "report of threat or assault,"; "summons preparation,"; and calls for the installation of telephone lines to "first, headquarters; second, inspection; third, intelligence; fourth, St. Anthony Police; fifth, sheriff's office, and sixth, operations base. The technical procedure descriptions of the program included: First, extensive discussion of anticipated situations and how to react; second, briefing on intelligence; third, briefing on assaults or threats; fourth, briefing on protection.

Some local IRS agents, when informed of this strategy, questioned the advisability of this operation which was contrary to basic procedure and vigorously pointed out that this type of unusually aggressive action on the part of the IRS could result in serious misunderstandings and even intimidation of innocent citizens into hostile and perhaps violent confrontation with IRS personnel.

One IRS employee described the operation as a naked attempt to grab power:

> They can bring in enough agents to have an army of their own. The important thing is * * * their policies are creating a situation here that is harming not only the citizens, but it is harming the IRS.

Because of pressure from concerned agents within the IRS, the project was cancelled only 4 days before its proposed inception. The memorandum, dated November 7, 1975, which canceled the program states:

To: All participating personnel, Fremont County RCP.
From: Acting Chief, CTS, Boise district.
Subject: Total cancellation of entire project.

The decision has been made to cancel all plans for this RCP program. Those individuals previously notified to attend an crientation meeting on November 11, 1975, and to be present in Idaho Falls during the week of November 17, 1975 should cancel their plans and resume normal activities. All reservations and transportation plans are also being cancelled as of this date.

RALPH HUTCHINSON.

This cancellation in no way indicated that the upper levels of the IRS objected to the project. As a matter of fact, the project coordinator received a group manager's "memorandum of appreciation" dated November 14, 1975 just 1 week after the project was terminated. Note the sentences stating, "I was very impressed with the plan of action which you originated" and "I sincerely appreciate your enthusiasm and dedication in this project." The memo follows:

SHERRILL OHAMN,
Revenue Officer,

MONTE HOBSON,
Group Manager.

MEMORANDUM OF APPRECIATION

I would like to compliment you on your performance in coordinating the proposed Returns Compliance Program in Southeastern Idaho. I was very impressed with the Plan of Action which you originated.

You have demonstrated that you are fully capable of organizing and implementing a complex assignment. I have complete confidence in your ability to handle any project assigned to you, and I look forward to working with you on future projects.

I sincerely appreciate your enthusiasm and dedication in this project.

MONTE HOBSON.

Furthermore, shortly after this incident, Howard Martin, the Idaho State Director of IRS who approved these projects, was promoted to National Director of the Disclosure Division of IRS—the agency responsible for administering the Freedom of Information Act, the Privacy Act, and the new disclosure laws.

The fact that a small town full of innocent people nearly suffered a full scale armed invasion is certainly in itself a terrifying story—but the tale does not end here.

A few months after the above abortive attempt to "educate" the citizens of St. Anthony, the waters from the faulty Teton Dam swept through this same area turning many of the small towns into so many piles of rubble and mud.

My office, along with other members of Idaho's congressional delegation and departments of the Federal Government, moved quickly to assist in rehabilitation efforts and to insure that the victims were properly reimbursed by the Federal Government for their losses. And just as quickly the IRS moved in and attempted to retrieve as much money as possible for the U.S. Treasury in the form of capital gains taxes.

Beginning during this period of the summer of 1976, I came to really see a mentality and driving force behind the IRS, that caused me grave concern. Not only was I appalled at the callous attempted application of capital gains taxes, but I began to see a similar pattern of overkill in other matters concerning taxpayers. Only through congressional pressure did IRS give some ground on an item-for-item application of capital gains procedure regarding replacement of household goods of flood victims, and it was during this hassle that I discovered that the IRS had recently composed a "violence list" on citizens in the Teton disaster area—names of a number of Idahoans considered prone to "advocate violence toward Western region (IRS) personnel."

The list consisting of 25 people and dated December 31, 1975, is as follows:

District Director, Boise.
Regional Inspector, Western Region.
Taxpayers Who May Advocate Violence Toward Western Region Personnel.

We are transmitting a list of individuals in your District who may advocate violence to-

> ward government officials including Revenue employees.
>
> The list was compiled from a system of records dealing with criminal law enforcement was exempted from disclosure under 5 U.S.C. 522a(j) (2) by the Commissioner. You are not to make this list a part of your system of records or associate it with any individual's record which you have. Any requests for access to the list under the Freedom of Information Act or Privacy Act should be directed to the Inspection Service.
>
> Kenneth A. Anderson, Rexburg, Ivan Barney, Rathdrum, Wayne Beck, Thorton, Leonard Brasham, Kootenai County, Roy E. Cliff, Priest River, Robert W. Dixon, Sandpoint, Ron K. Fairchild, Rupert, Del Ray Holm, Bonneville County, Charles H. Miller, Coeur d'Alene, Joseph E. Nielsen, Sugar City, Herman L. Shyping, Hayden Lake, and Jack A. William, Priest River.
>
> Richard W. Bevan, Rexburg, Henry Joseph Blake, Jr., Sandpoint, Clair E. Blaser, Rexburg, Richard G. Butler, Hayden Lake, L. D. Harold Crawford, Priest River, Robert Eddy, Sandpoint, Glenn P. Glissner, Coeur d'Alene, William Matt Junttila, Priest River, S. M. Nelson, Hayden Lake, Detsel A. Parkinson, Rexburg, John D. Strode, Sandpoint, Jack H. Wright, Rexburg, and Roy G. Harn, Rathdrum.
>
> We are currently in the process of identifying other individuals in your District who may have a propensity toward violence. Additional information will be forwarded periodically. Specific inquires should be forwarded to this office as the need arises for additional information concerning any of the individuals listed above.
>
> F. R. ROWE,
> *Regional Inspector.*

Recognizing that some of the 25 persons on this second so-called violence list were responsible civic, political and religious leaders, I checked with local law enforcement officers to determine if any of these men had criminal records—particularly a record which would lead the IRS to consider them as being dangerous to contact. I found that, regardless of their individual attitudes toward filing and paying taxes or how their tax money was spent, there was no real evidence to justify the inclusion of their names by the IRS on a list of persons prone to violence other than the fact that they may belong to an organized tax-protest group.

Certainly, the IRS should be able to distinguish between a nonviolent tax-complainer and an aggressive activist tax-resister. No one can condone the nonpayment of taxes due by an individual, but the first amendment of the U.S. Constitution guarantees a person's right to complain as long as he does not violate the law. I suspect the only violence some of the people listed might have is the feeling they experience in being arbitrarily and even haphazardly placed on a roster of protestors prone to violence when they have properly filed and paid their taxes. It is a crime for some IRS bureaucrat, who is too lazy to do his homework, to prepare a list which can place the lives and honor of people in jeopardy.

When I learned that the IRS had intended to use a "violence list" in conjunction with an armed door to door search in eastern Idaho, I submitted the approximate date and general location of the project to IRS Assistant Commissioner Warren Bates with serious questions regarding IRS operations in my congressional district. In December 1977, under the Freedom of Information Act, Mr. Bates was requested to provide my office with specific documents related to my concerns, and I specifically asked for copies of inspection reports of an investigation of the armed search which I learned had been conducted. After considerable double-talk, vacillation and delay, I was to finally receive nothing of substance.

In the meantime, on December 13, 1977, I sent a detailed letter to IRS Commissioner Jerome Kurtz which stated in part:

> Why would an IRS "violence list" be periodically circulated containing the names of Idaho citizens having no record of violence?
>
> Why would IRS agents go to conservative meetings to make lists of license plate numbers which were then expanded to watch lists of names, addresses, business addresses and poitions in the Mormon Church—and why were no liberal group similarly monitored, if extremists were the target?
>
> Why would IRS agents anonymously contact individuals who politically complained of high taxes in letters to the Editor and place them under automatic investigation? The right of speech seems to have its liabilities.
>
> Why should IRS have planned an armed door-to-door search by some 30 to 40 agents in communities north of Idaho Falls to demand the showing of tax returns, an operation finally halted at the Washington level when collection officers complained that someone might be hurt or killed?
>
> Why would IRS agents maintain a full-scale clipping file from the newspapers on taxpayers regarding vacation trips and other activities? I'm not sure the taxpayers realize the extent to which individual privacy has been invaded by big government.

Over 2 months later on February 24, 1978, a reply was received from Mr. Kurtz, which included the following statements:

> Your letter questions why the Internal Revenue Service maintained a so-called violence list and kept lists of license plate numbers of those attending certain meetings which you characterize as "conservative meetings". You also stated that the Internal Revenue Service had planned "armed searches" of taxpayers' homes in the Snake River area.
>
> Based on the information then available, each of these questions seems to relate to certain actions undertaken to protect our personnel against tax protesters advocating violence. High level Internal Revenue Service managers were seriously concerned that certain tax protestors belonging to organizations which advocated the violent disruption of tax administration posed a threat to the physical safety of our enforcement personnel. This concern was shared by the Federal Bureau of Investigation (FBI). The principal group advocating violent interference with the administration of the tax laws was the Sheriff's Posse Comitatus (SPC). This group's activity initiated in the western part of the United States within the boundaries of our Western Region. Accordingly, most actions undertaken by the Service in response to those threats also occurred in the Western Region.
>
> On December 5, 1975, the Deputy Commissioner issued guidelines to the Regional Commissioners and Regional Inspectors. The guidelines included: (1) the maintaining of liaison with other law enforcement agencies including the FBI by our Intelligence Division and Inspection Service; (2) authorization to solicit information concerning the SPC and similar organizations restricting that authorization to information that concerned individuals involved in efforts to disrupt tax administration, or to information directly tax related, or involving potential assaults or threats against Service employees. On July 26, 1976, the Deputy Commissioner issued a Manual Supplement (93G–171, renumbered 9G–35) on the same subject. Copies of the December 5, 1975 memorandum and the July 26, 1976 Manual Supplement, respectively, appear as Attachments 7 and 8 to this letter.
>
> Pursuant to these directives, our Inspection Service began to gather information on various tax protester groups which, in their organizational documents or other pronouncements, advocated violent interference with the administration of the tax laws. During December, 1975, our Inspection Service in the Western-Region furnished a list of names of 25 individuals who were reportedly members of groups advocating violence to the District Director, Boise, Idaho. The agencies which furnished the information to Inspection were the FBI, Idaho State Police and our own Intelligence Division. The Idaho State Police named two individuals as known members of the SPC. Of the other 23 names (all furnished to us by the FBI), all but two were listed on charter petitions of the SPC on file in various counties in Idaho. Of the remaining two, one individual was a reported member of the SPC who had been arrested on an assault charge by local police.* The other individual was reported to be a member of the Vigilant Committee of 10,000 by a local Idaho newspaper. According to local police sources in the Rexburg, Idaho, area, the Vigilant Committee of 10,000 also advocated the violent disruption of tax administration.
>
> Some of the information obtained by Inspection from the sources described above did include license plate numbers of individuals who were attending or were parked in the vicinity of SPC meetings. However, the license plate information was never used as the sole basis for placing an individual's name on the list furnished to the District Director. Generally, no name was included on the list unless the person was also identified from some other source as being a member of the SPC or another organization advocating violence.
>
> The purpose of the list was to provide management with some indication of those individuals who presented some threat to our personnel, so that our personnel, forwarned of the possibility of violence, could take appropriate precautions in carrying out their duties. This list was to be used for no other purpose, and we would appreciate being informed of any allegations of its use for other than its intended purpose. We have an obligation to protect the safety of our own personnel and I believe we would have been negligent to do less than we did in the face of the express goals of these groups.
>
> The planned activities to which you refer in your letter as an "armed search" were also a reaction to concerns for the safety of our personnel in view of the activities of SPC and similar organizations. Among the compliance techniques occasionally used by the Service are canvassings of areas by revenue officers who knock on doors and ask occupants to produce a copy of their tax return as evidence of their compliance with the tax laws. Such canvassing techniques are usually performed in areas where compari-

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* Known members of the SPC attempted to serve a summons on the county Sheriff to have the charge against that individual dismissed.

> sons with other publicly available information shows an abnormally low percentage of return filings. The revenue officer conducting the canvassing does not search the houses in question; rather, he or she asks the occupant to produce a return and, if no return is produced, simply notes this fact. These revenue officers are not armed.
>
> Such a canvassing was planned for a community in the Snake River Valley. In view of the high number of identified SPC members in the area, however, local personnel considered having our unarmed revenue officers accompanied by special agents or by our Inspection personnel, who were to act as escorts, available to assist only in the event of violence against our unarmed personnel. In view of the possible confrontations which might have resulted, this proposed canvassing program was cancelled after review by appropriate management officials at the district, regional and national levels.

The response I received from Mr. Kurtz was both disturbing and puzzling—disturbing because his description and justification of the so-called planned activities—that is the armed search—did not square with IRS information in my possession and did not comply even to established IRS guidelines for employee safety which I herewith submit from an IRS memorandum dated April 25, 1977:

> Protestors accounts (TDAs, TDIs, OIs, RCPs) are currently assigned directly to the Revenue Officer having responsibility for a particular area. Unless the assignment is preidentified as a protestor case (3949 TDI, correspondence, etc.), the Revenue Officer generally has no advance knowledge of a potential protestor problem.
>
> Once the assignment has been identified as a "Protestor": the following precautions and instructions prevail:
>
> 1. Do not make an appointment with a known protestor outside of IRS facilities. This instruction is to promote an impromtu meeting with the protestor, so that he cannot gather his accomplices for any confrontations.
> 2. Whenever possible, two Revenue Service employees should be present when dealing with protestors.
> 3. Secure as much information as possible on first contact (e.i. books, records, bank accounts, history, financial statements, etc.)
> 4. Revenue Officers should not engage in a verbal exchange on constitutionality of the Revenue laws or valuation of currency philosophy.
> 5. If protestor or situation appears to be out of hand, withdraw immediately.

The puzzling part of the Kurtz reply was in how much he was willing to say about the proposed armed operation on one hand while on the other his assistant, Mr. Bates, was telling me that he could not provide any information regarding that project and, in fact, specifically denying the existence of any report on the operation described by Mr. Kurtz.

Shortly after I received these conflicting denials and descriptions from top IRS officials, I was able to obtain from other sources key portions of the so-called "nonexistent material" which, I have since learned, was apparently in the possession of Mr. Bates all the time he was making denials. The total picture of the armed confrontation is now available despite the Bates denials and considerable misinformation in the Kurtz letter.

The disjointed and unresponsive nature of the workings of the leadership of the Internal Revenue Service has demonstrated well the same weaknesses that cause the agency to continue to be hated and feared by a vast number of Americans who daily feel its unnecessarily arbitrary and heavy hand and too often receive only deceit and coverup instead of fair redress for grievances.

Mr. Kurtz states that the December 1975 list identified a high number of SPC members in the area in which the "canvassing activity" was to have taken place. This is patently untrue. First, the December list is plainly after the fact, since the IRS armed "canvassing activity" had already been planned, approved and then aborted over a month before the December list came into existence. Second, the December list does not even contain one name of a resident of Fremont County, where the armed Government agents planned to invade the homes of unwary taxpayers.

In other words, Mr. Kurtz justifies the planning and approval of an armed search with a list that was not applicable to the area involved and did not exist during the period of the operation. This is an intolerable abuse of the truth.

Mr. Kurtz claims that "the actions taken by the IRS were necessary to protect our personnel against tax protestors advocating violence." If Mr. Kurtz believes this—he lives in a pipedream. The IRS action as described by its own employees was geared to expose IRS agents to danger in an attempt to intimidate and terrorize people into tax compliance (even though most, if not all, of them were already in compliance).

Mr. Kurtz further states that the purpose of the list was to "provide management with some indication of those individuals who presented some threat to our personnel, so that our personnel forewarned of the possibility of violence, could take appropriate precautions in carrying out their duties. This list was to be used for no other purpose . . .". This is absolutely untrue. Mr. Kurtz obviously knew of the Fremont County RCP program since he describes it in his letter. This being the case, it is outrageous for him to claim that the list was not abused since it was to be used to precipitate a confrontation. In fact, the very idea of such a list is abusive, despotic and poses a serious threat to the lives, honor and constitutional rights of any citizen whose name appears thereon.

These illegal and immoral practices of the IRS have not ceased; instead they are spreading and becoming more flagrant. I have proof that the production and promulgation of these lists continues. The harassment, embarrassment, and legal and financial pressures applied by the IRS relentlessly even though some corrections are made from time to time. The civil and constitutional rights of taxpayer and employee are not in safe hands when an agency creates so-called violence lists to protect its agents from senior citizens, invalids and clergymen, and then goes to extravagant lengths to obscure the very existence of such lists. An IRS employee recently expressed such concern when he stated:

> My reason for asking to see someone outside the IRS system is that I do not trust IRS management because of prior scandals that have been covered up.

To finally drive home the fact that the IRS seems to view American taxpayers as basically dishonest, uncharitable, bigoted, criminal-minded and even violent to deal with, one only has to point out the fact that they recently (1978) changed the name of the division handling possible tax fraud cases from the Intelligence Division to Criminal Investigations Division. Considering the small fraction of those investigated who are indicted or convicted, this is an ugly choice of names, especially when one considers the onus it puts on that poor innocent taxpayer whose friends and business associates are contacted by the IRS criminal investigator.

A canvass was planned to solicit evidence from an area which was suspected of having a high percentage of violence-prone people who did not pay their taxes. The reason for the canvass was precisely that the IRS had already decided that its target group was hostile, in other words that confrontations were to be expected; in anticipation of these expected confrontations the service determined to provide armed escorts for its men.

Mr. Kuntz then turns 180 degrees and would have us believe that the canvass was canceled because, of all things, it might provoke confrontations. This means we are expected to believe that the reason for planning the raid was the reason for calling it off. The difficult job of the tax collector demands more responsible direction from its leaders.

In addition, Mr. Kuntz tells us that such canvasses are common and only the presence of armed agents makes this one different that IRS agents regularly go door to door asking people to produce their own copies of their tax returns as evidence of filing.

Any first year law student could tell Mr. Kurtz that production of a copy of a tax return is not evidence of anything, and particularly not evidence of having filed the original. On the other hand, failure to produce the tax report copy is not evidence of failure to file.

In addition to all this, that same first year law student could tell Mr. Kurtz that failure to file is not necessarily a crime and that a mere failure to file without much more information about the situation would tell his canvassing agent absolutely nothing. But remember who was to be canvassed in this situation, 167 people whom Mr. Kurtz erroneously passed off as a list of tax resisters. What did he expect such people to do?

Beyond even this comic opera aspect of collection enforcement, there is a much more serious question. Do IRS agents, at the direction of the Service, go about entrapping citizens on tax laws? Do they warn these citizens of their basic rights, that they have no duty to provide the agent anything? Do the canvassers tell their victims that consequences could follow from discussing their taxes with the Service without legal assistance?

They are, after all, seeking evidence of crime; that is, failure to file a tax return properly. Taken at it's face value, Mr. Kurtz' explanation for an armed foray upon citizens against whom no charges had been filed, gives the picture of incompetent Government administration, armed with computers, legal process, and all awesome array of IRS fact-gathering, collection expertise and coercive brilliance, deciding instead, with or without guns, to send agents door to door to gather facts and enforce collection.

Knowing the background and experience of Mr. Kurtz, it is difficult, if not impossible, to take his explanation seriously. Rather it would seem obvious that the IRS had decided deliberately to create a confrontation in hopes of forcing an incident from which the IRS could massively react with public acceptance to be rid of those who protest and resist taxes. The IRS, after a shooting incident, could assert their need for even more guns, for even greater authority and to be exempt from respecting the "Bill of Rights."

All totalitarian governments have at least one agency which, in the name of protecting the regime, claims the right of total control of the citizens. We can do without an American Gestapo or KGB.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HANSEN) to revise and extend his remarks and include extraneous matter:)

Mr. HANSEN, for 60 minutes today, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,304.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. CARNEY.

ADJOURNMENT

Mr. WILLIAMS of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Wednesday, February 21, 1979, at 3 p.m.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1978:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

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[Omitted in printing]

PAGE 1◀

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B. Iowa Beef Processors, Inc., Dakota City, Nebr.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pesticide Producers Association, Washington, D.C.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Paul Kellerblock, 3830 Swenson Street, Apt. 311, Las Vegas, Nev. 89109.

A. Steve Elliott, Fidelity Union Trust Co., 765 Broad Street, Newark, N.J. 07101.
B. Fidelity Union Trust Co.

A. Herb Epstein, 1028 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Solar Lobby, 1028 Connecticut Avenue, No. 1100 Washington, D.C. 20036.

A. Cecilia D. Esquer, 200 State Capitol, 1700 West Washington, Phoenix, Ariz. 85007.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

A. Jane Fawcett-Hoover, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. C. Welles Fendrich, Jr., P.O. Box 1500, Somerville, N.J. 08876.
B. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

A. Fisheries Development Corp., 17 Battery Place, New York, N.Y. 10004.

A. Daniel V. Flanagan, Jr., 1801 K Street NW., Suite 221, Washington, D.C. 20006.
B. Southern Pacific Transportation Co., 1 Market Plaza, San Francisco, Calif. 94105.

A. Ira N. Forman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Washington, D.C. 20001.

A. C. Allen Foster, Turner, Enochs, Foster & Burnley, P.O. Drawer D, Greensboro, N.C. 27402.
B. Safari Club International, 5151 East Broadway, Suite 1680, Tucson, Ariz. 85711.

A. John A. Friel, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.

A. Jeffrey A. Fritzlen, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.

A. Gailor, Elias & Matz, 700 E Street SE., Washington, D.C. 20003.
B. North Carolina Guaranty Savings Corp., Suite 504, Washovia Building, Box 2612, Raleigh, N.C. 27602.

A. Bob Garcia, Winner/Wagner & Associates, Inc., 1024 10th Street, Suite 310, Sacramento, Calif. 95814.
B. Southwest Flight Crew Association, 6160 Mission Gorge Road, Suite 100, San Diego, Calif. 92120.

A. Gardner, Carton & Douglas, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, 1150 17th Street NW., Washington, D.C. 20036.

A. James A. Gavin, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Robert D. Gordon, P.O. Box 162, Bryans Road, Md. 20616.

A. Sanford Gottlieb, 11102 Brandywine Street, Kensington, Md. 20795.
B. Americans for SALT, Inc., 324 Fourth Street NE., Washington, D.C. 20002.

A. Maria Ann Graham, National Audubon Society, 1301 20th Street NW., Apt. 501, Washington, D.C. 20036.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

A. Alison E. Greene, 1707 H Street NW., Washington, D.C. 20006.
B. National Foundation-March of Dimes, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.

A. Robert M. Greening, Jr., Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.

A. David R. Griffin, Tenneco, Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511. Houston, Tex. 77001.

A. Jack Grimes, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Aetna Life and Casualty, 151 Farmington Road, Hartford, Conn. 06115.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Ill. 60015.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Connecticut General Insurance Co., Hartford, Conn. 06115.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Eli Lilly and Co., 307 East McCarty, Indianapolis, Ind. 46206.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Natomas Co., 601 California Street, San Francisco, Calif. 94108.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.

A. Barbara Gross, 3319 16th Street NW., Washington, D.C. 20010.

B. Consumer Action Now, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. David B. Gross, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

A. Maria Faller Gwaltney, 1730 K Street NW., Washington, D.C. 20006.

B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., Suite 903, Washington, D.C. 20006.

A. James L. Hamilton III, U.S. Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. U.S. Steel Corp., 600 Grant Street, Pittsburg, Pa., 15230.

A. Thomas A. Hammer, Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Jerry M. Hamovit, Melrod, Redman & Gartlan, 1801 K Street NW., Washington, D.C. 20006.

B. O.P.M. Leasing Services, Inc., Lehman Brothers Kuhn Loeb. Inc., One William Street, New York, N.Y. 10004.

A. Lewis R. Hardy, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. U.S. Student Association, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

A. Harshe-Rotman & Druck, Inc., 1010 Wisconsin Avenue NW., Suite 640, Washington, D.C. 20007.

A. Alison Heath, Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Richard L. Hellwege, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

B. Lear Siegler, Inc., 4141 Eastern Avenue SE., Grand Rapids, Mich. 49508.

A. John C. Hooper, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Robert R. Hurt, 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.

B. Merck and Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.

A. Deborah A. Insley, General Motors Corp., 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Frank Jackalone, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. United States Student Association, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF, 178 Boulevard Gabriel Peri, 92240 Malakoff, France).

A. Al Jones, Northwest Energy Options, 1022 Northeast 68th, Seattle, Wash. 98115.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. De Soto Jordan, Advisors Inc., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Advisors Inc., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Stephen G. Kellison, 1835 K Street NW., Suite 515, Washington, D.C. 20006.

B. American Academy of Actuaries, 1835 K Street NW., Suite 515, Washington, D.C. 20006.

A. John V. Kenny, 1801 K Street NW., Suite 221, Washington, D.C. 20006.

B. Southern Pacific Co., 1801 K Street NW., No. 221, Washington, D.C. 20006.

A. Edward J. Kiernan, 27 Bluebird Drive, Congers, N.Y. 10920.

A. Edward H. King, Walgreens, 200 Wilmot Road, Deerfield, Ill. 60015.

B. Walgreens, 200 Wilmot Road, Deerfield, Ill., 60015.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.

B. Northeast Utilities Services Co., Selden Street, Berlin, Conn.

A. Joann Klimschot, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. James H. Lake, Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

B. Nelson & Harding, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.

A. Susannah Lawrence, 1028 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.

B. Solar Lobby, 1028 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.

A. Kevin R. Leary, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

A. David A. Leff, Joint Maritime Congress, 444 North Capitol, Washington, D.C. 20001.

B. Joint Maritime Congress, 444 North Capitol, Washington, D.C. 20001.

A. Robert B. Leflar, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Bulova Watch Co., Inc., Bulova Park, Flushing, N.Y. 11370.

A. David Levine, Sierra Club, 545 East Fourth Avenue No. 5, Anchorage, Alaska 99501.

B. Sierra Club, 545 East Fourth Avenue No. 5, Anchorage, Alaska 99501.

A. B. P. Lewallen, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Wayne E. Lewis, 6301 Stevenson Avenue, Alexandria, Va. 22304.

A. Maritime Legislative Association, 923 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Ernest C. Marty, 1/40 Waters Road, Cremorne, Australia 2090.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, P.O. Box 3769, Washington, D.C. 20007.

B. National Association of Federal Credit Unions, P.O. Box 3769, Washington, D.C. 20007.

A. Patrick W. McElhoes, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Francis X. Meaney, One Center Plaza, Boston, Mass. 02108; and 2700 Virginia Avenue NW., Washington, D.C. 20037.

B. Mintz, Levin, Cahn, Glovsky, & Popeo, One Center Plaza, Boston, Mass. 02108 (for Goldman Sachs and Co., 55 Broad Street, New York, N.Y.).

A. Carson Miller, 6185 Franktown Road, Carson City, Nev. 89701.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Stella L. Miller, National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.

A. Wayne L. Millsap, Millsap, Eyerman and Heitmann, Suite 2300, Clayton Inn Center, 7777 Bonhomme Avenue, St. Louis, Mo. 63105.

B. Seven-Up Bottling Co., 555 Brown Road, St. Louis, Mo.

A. Michael S. Moe, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Joy E. Moore, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street, NW., Washington, D.C. 20005.

A. Roger Owen Moore, 9333 Angelina Circle, Columbia, Md. 21045.

A. James A. Morrill, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Victor G. Morris, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

A. Moss, Frank & Franklin, Watergate Six Hundred, Suite 480, Washington, D.C. 20037.

B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Suite 901, Washington, D.C. 20006.

A. National Citizens Communications Lobby, P.O. 19101, Washington, D.C.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of Independent Medical Equipment Suppliers, 3164 Oakcliff Industrial Street, Doraville, Ga. 30340.

A. National Potato Council, Suite 800, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Michael C. Nave, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Gordon E. Nelson, 12005 Millstream Drive, Bowie, Md. 20715.

A. Northeast Utilities Service Co., Seldon Street, Berlin, Conn.

B. Northwest Energy Options, 1022 Northeast 68th, Seattle, Wash. 98115.

A. Rosemary L. O'Brien, 1629 K Street NW., Suite 701, Washington, D.C. 20006.

B. CF Industries, Inc. and Energy Cooperative, Inc., Salem Lake Drive, Long Grove, Ill. 60047.

A. T. J. Oden, National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

A. Robert Todd Oldham, Oldham Landscape Contractor, P.O. Box 143, Cincinnati, Ohio 45229.

A. Townes Osborn, National Citizens Communications Lobby, 1028 Connecticut Avenue, Suite 918, Washington, D.C. 20036.

B. National Citizens Communications Lobby, 1028 Connecticut Avenue, Suite 918, Washington, D.C. 20036.

A. Joel Packer, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

B. United States Student Association, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., No. 800, Washington, D.C. 20037.

B. Bixby Ranch Co., 523 West Sixth Street, Los Angeles, Calif. 90014.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Rena S. Pies, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

B. American Footwear Industries Association, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.

A. David E. Piper, Pacific Northwest Generating Co., 10570 Southeast Washington, Portland, Oreg. 97216.

B. Pacific Northwest Generating Co., 10570 Southeast Washington, Portland, Oreg. 97216.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., Suite 700, Washington, D.C. 20036.

A. Robert F. Pontzer, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. James B. Potter, Jr., The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

A. John Michael Powderly, United Steelworkers of America, 815 Sixteenth Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

A. M. Elizabeth Powell, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.

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A. Preston, Thorgrimson, Ellis, Holman, and Fletcher, 1776 F Street NW., Washington, D.C. 20006.

B. Fisheries Development Corp., 17 Battery Place, New York, N.Y. 10004.

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.

B. Princess Realty, Ltd., P.O. Box F684, Freeport, Grand Bahamas Island, Bahamas.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.

B. Sugar Users Group, 1660 L Street NW., Washington, D.C.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.

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B. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003.

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B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. James E. Rooks, Jr., Speiser, Krause and Madole, 1216 16th Street NW., Washington, D.C. 20036.

B. Speiser, Krause and Madole, 1216 16th Street NW., Washington, D.C. 20036.

A. Joseph P. Saba, 1156 15th Street NW., Suite 1200, Washington, D.C. 20005.

B. Surrey Karasik and Morse, 1156 15th Street NW., Suite 1200, Washington, D.C. 20003 (for Westway Trading Corp., 464 Hudson Terrace, Englewood Cliffs, N.J. 07632).

A. Charles J. Sabatier, Jr., Paralyzed Veterans of America, Inc., 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

B. Paralyzed Veterans of America, Inc., 4330 East-West Highway, Washington, D.C. 20014.

A. Robert P. St. Louis, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Robert Scowcroft, 620 C Street SE., Washington, D.C. 20003.

B. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003.

A. Pamela Sederholm, Sheet Metal and Air Conditioning Contractors' National Association, 8224 Old Courthouse Road, Vienna, Va. 22180.

B. Sheet Metal and Air Conditioning Contractors' National Association, 8224 Old Courthouse Road, Vienna, Va. 22180.

A. H. Richard Seibert, Jr., 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Seven-Up Bottling Co., 555 Brown Road, Hazelwood, Mo. 63042.

A. Dean T. Sharp, Suite 408, 1015 Eighteenth Street NW., Washington, D.C. 20036.

B. Independent Health Insurance Institute, Inc., Suite 408, 1015 Eighteenth Street NW., Washington, D.C. 20036.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Bally Manufacturing Corp., 2640 Belmont Avenue, Chicago, Ill. 60618.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.

B. Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.

B. New Zealand Wool Board, 139–141 Featherstone Street, Wellington, New Zealand.

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A. Joan Shorey, 1028 Connecticut Avenue, NW., No. 1100, Washington, D.C. 20036.

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B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

A. Frank Slover, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.

E. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga., 30346. (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.

B. Association of Insular Manufacturers, 400 South Jefferson Street, Chicago, Ill. 60607.

A. Smathers, Symington & Herlong, 1700 K Street NW., Washington, D.C. 20006.

B. Goldman-Sachs, 55 Broad Street, New York, N.Y. 10004.

A. Solar Lobby, 1028 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.

A. Michael L. Solomon, 1850 Columbia Pike, Apt. 619, Arlington, Va., 22204.

B. National Apartment Association, 1825 K Street NW., No. 604, Washington, D.C. 20006.

A. Speiser, Krause and Madole, 1216 16th Street NW., Washington, D.C. 20036.

A. Joe A. Stamm, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. John H. Stroh, Suite 3400, One Mercantile Center, St. Louis, Mo. 63101.

B. Seven-Up Bottling Co., 555 Brown Road, Hazelwood, Mo. 63042.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., No. 708, Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for

Hanna-Barbera Productions, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068).

A. Tanaka Walders & Ritger, 1819 H Street NW., Washington, D.C. 20006.
B. Electronic Industries Association of Japan, 2-2, Marunouchi, 3-Chome, Chiyoda-ku, Tokyo, Japan.

A. Daniel Tandy, 620 C Street SE., Washington, D.C. 20003.
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B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

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B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

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A. W. Glenn Tussey, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. Americal Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

A. John C. Uehlinger, 501 North Quaker Lane, Alexandria, Va. 22304.
B. American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, Va. 22046.

A. United States Student Association, 1028 Connecticut Avenue, Suite 300, Washington, D.C. 20036.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Yellowstone Park Co., Yellowstone National Park, Wyo. 82190.

A. Frank Viggiano, 1028 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
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A. Ethan Wagner, Winner/Wagner & Associates, Inc., 1024 10th Street, Suite 310 Sacramento, Calif. 95814.
B. Southwest Fight Crew Association, 6160 Mission Gorge Road, Suite 100, San Diego, Calif. 92120.

A. Charles W. Walker, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.
B. Delta & Pine Land Co. of Mississippi, Scot, Miss. 38772.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.
B. Diversion Communications, Inc., 60 East 42d Street, New York, N.Y. 10017.

A. Arnold H. Weiss, Arent, Fax, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. Constructora Nacional de Carros de Ferrocarril, S.A., Paseo de la Reforma, 369. Mexico 5, O.F., Mexico.

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B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. Williams & Jensen, 1101 Connecticut Avenue, Washington, D.C. 20036.
B. North American Game Breeders & Shooting Preserve Association, Gooselake, Iowa.

A. F. Lorraine Woehrle, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue NW., Suite 1000, Washington, D.C. 20036.
B. Consolidation Coal Co., Consol Plaza, Pittsburgh, Pa. 15241.

A. Stephen Young, National Audubon Society, 1425 17th Street NW., Apartment 504, Washington, D.C. 20036.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

A. Betsy Younkins, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Michael D. Zagata, National Audubon Society, 11801 Rockville Pike, Apartment 914, Rockville, Md. 20852.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1973:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter.
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------TOTAL for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------TOTAL now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------TOTAL for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------TOTAL now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

A. Robert J. Aagre, Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.
E. (9) $8.25.

A. Bruce Adams, Common Cause, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,524.97.

A. Adams, Duque & Hazeltine, 523 West Sixth Street, Los Angeles, Calif. 90014.
B. GATX Corp., 120 South Riverside Plaza, Chicago, Ill. 60606.
D. (6) $19,598.37. E. (9) $2,123.24.

A. Thomas L. Adams, Jr., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $11,736.07. E. (9) $11,736.07.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,450. E. (9) $3,529.54.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; for Aerospatiale, 37 Boulevard de Montmorency, 75016, Paris, France.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street, NW., Washington, D.C. 20036; (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa., 18105.

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $350. E. (9) $133.26.

A. G. Colburn Aker, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $2,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. The John Akridge Co., 1627 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street, NW., Washington, D.C. 20005.
B. American Collectors Association, Inc., 4040 West 70th Street, Minneapolis, Minn. 55435.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. American Para Transit Institute, P.O. Box 340276, Coral Gables, Fla. 33134.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Coastal States Gas Producing Co. 9 Greenway Plaza, Houston, Tex., 77046.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. E & J Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Suite 901, Washington, D.C. 20006.
D. (6) $10,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kans. 67201.
D. (6) $250.

A. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003.
D. (6) $29,134.53. E. (9) $40,620.54.

A. James J. Albertine, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Air Sunshine, 1129 Simonton Street, Key West, Fla.
D. (6) $500.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 South Adams Street, Tallahassee, Fla. 32302.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Association of Local Transport Airlines, 1801 K Street NW., Suite 803, Washington, D.C. 20006.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60076.
D. (6) $2,500.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 1616 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Continental Group, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Kline, 1901 North Fort Meyer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alderson, Ondov, Leonard & Sween, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.
D. (6) $7,321. E. (9) $1,021.83.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
D. (6) $1,875. E. (9) $19.82.

A. Maxton M. Allcox, 400 First Street NW., Room 801, Washington. D.C. 20001.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $9,458.48.

A. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $1,025.

A. Joseph C. Allwarden, Rural Delivery No. 3 Nathan Lord Road, Amherst, N.H. 03031.
B. Kollsman Instrument Co., Daniel Webster Highway South, Merrimack, N.H. 03054.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $1,840. E. (9) $664.76.

A. Robert Alvarez, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $900.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) 1,163.77. E. (9) $1,163.77.

A. American Arts Alliance, 424 C Street NE., Washington, D.C. 20002.
D. (6) $48,113.21. (E) (9) $56,959.52.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $562.76.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $22,507.33 E. (9) $22,507.33.

A. American Council for Capital Formation, 1425 K Street NW., Suite 1007, Washington, D.C. 20005.
D. (6) $2,475. E. (9) $2,113.60.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $1,030. E. (9) $17.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $11,353.79. E. (9) $11,353.79.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; 425 13th Street NW., Washington, D.C. 20004.
D. (6) $57,428. E. (9) $57,428.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $131,614.65.

A. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C.
E. (9) $27,431.26.

A. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22101.
D. (6) $112,216.88. E. (9) $550.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $1,850. E. (9) $4,799.23.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $9,044.88. E. (9) $7,126.68.

A. The American Humane Association, P.O. Box 1266, Denver, Colo., 80201.
E. (9) $1,800.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $57,815.25. E. (9) $57,815.25.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $5,058.

A. American League for International Security Assistance, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $6,000. E. (9) $6,000.

A. American Maritime Association, 17 Battery Place North, New York, N.Y. 10004; 1612 K Street, NW., Washington, D.C. 20006.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,678.75. E. (9) $28,523.07.

A. American Nuclear Energy Council, 1750 K Street, NW., Suite 300, Washington, D.C.
D. (6) $3,828.23. E. (9) $7,943.33.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo.
D. (6) $10,584.57. E. (9) $10,584.57.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $80.25.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $49,296. E. (9) $135,628.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $6,677.17. E. (9) $6,677.17.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
E. (9) $12,635.01.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,549,351.13. E. (9) $123,701.17.

A. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $3,200. E. (9) $9,000.35.

A. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,091.70. E. (9) $1,441.68.

A. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $287.50. E. (9) $143.09.

A. American Textile Manufacturers Institute, Inc., Wachovia Center, 400 South Tryon Street, Charlotte, N.C. 28285.
D. (6) $37,135.86. E. (9) $37,135.86.

A. American Trucking Assns., Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $50,429.45.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
D. (6) $50. E. (9) $60.

A. Americans for Alaska, Inc., P.O. Box 50, Riderwood, Md. 21139.
E. (9) $734.46.

A. Americans for SALT, Inc., 324 Fourth Street NE., Washington, D.C. 20002.
D. (6) $41,022. E. (9) $22,427.

A. Morris J. Amitay, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $7,083.32.

A. Virginia Andary, 201 Massachusetts Avenue NW., No. 105, Washington, D.C. 20002.
B. Catholics for a Free Choice, 201 Massachusetts Avenue NE., No. 105, Washington, D.C. 20002.
D. (6) $2,312.76. E. (9) $268.70.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $3,460. E. (9) $5,167.

A. Gwen A. Anderson, American Sign and Indicator Corp., 1220 19th Street NW., Washington, D.C. 20036.
B. American Sign and Indicator Corp., 2310 Fancher Way, P.O. Drawer 2727, Spokane, Wash. 99220.
D. (6) $1,500. E. (9) $837.55.

A. Anderson, Pendleton, McMahon, Peet & Donovan, Suite 701, 1000 16th Street NW., Washington, D.C. 20036.
B. Embassy of Chile, 1732 Massachusetts Ave. NW., Washington, D.C. 20036.
D. (6) $6,249. E. (9) $139.23.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Scott G. Anderson, Burlington Northern Inc., Suite 506, 2000 L St. NW., Washington, D.C. 20036.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,900. E. (9) $1,791.79.

A. Wayne C. Anderson, 1629 K St. NW., Washington, D.C. 20006.
B. Nabisco, Inc., East Hanover, N.J. 07936.
D. (6) $2,500. E. (9) $1,995.40.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $5.

A. Emmet Andrews, American Postal Workers Union, AFL–CIO, 817 14th St. NW., Washington, D.C. 20037.
B. American Postal Workers Union, AFL–CIO, 817 14th St. NW., Washington, D.C. 20037.
D. (6) $7,502.72.

A. Laureen E. Andrews, 1720 M St. NW., Washington, D.C. 20036.
B. The League of Women Voters of the United States, 1730 M St. NW., Washington, D.C. 20036.
D. (6) $675. E. (9) $13.

A. Robert C. Angel, 1000 Connecticut Ave. NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Ave. NW., Washington, D.C. 20036.
D. (6) $300.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $220. E. (9) $10.50.

A. C. Stephen Angle, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $103.95.

A. J. Donald Annett, 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $300.

A. Linda M. Anzalone, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.
E. (9) $25.

A. APA Co., 400 First Street NW., Washington, D.C. 20001.
B. University of Health Sciences/The Chicago Medical School, 2020 West Ogden Avenue, Chicago, Ill. 60612.
D. (6) $750.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.
D. (6) $137.50.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. The London Commodity Exchange Co. Ltd., Cereal House, 58 Mark Lane, London EC3R 7NE, England; International Commodities Clearing House, Ltd., Roman Wall House, 1–2 Crutched Friars, London EC3N 2AN, England.
D. (6) $1,725.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Maritz, Inc., 1355 North Highway Drive, Fenton, Mo. 63026.
D. (6) $10,600. E. (9) 174.48.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. MFA Mutual Insurance Co., 1817 West Broadway, Columbia, Mo. 65201.
D. (6) $7,585.85 E. (9) $30.47.

A. Maureen Aspin, Common Cause, 2030 M Street, NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,250. E (9) $70.65.

A. Richard J. Asplund, 4012 Calvert Street NW., Washington, D.C. 20007.
B. Americans for SALT, 324 Fourth Street NE., Washington, D.C. 20002.
D. (6) $5,250. E. (9) $904.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, Tex. 78218.

A. Associated Third Class Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $600.

A. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $25. E. (9) $1,643.97.

A. Association for the Improvement of the Mississippi River, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
E. (9) $2,213.75.

A. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $5,286.37. E. (9) $5,286.37.

A. Association of American Railroads, American Railroads Building (211), 1920 L Street NW., Washington, D.C. 20036.
D. (6) $31,068.40. E. (9) $31,068.40.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 282, Washington, D.C. 20005.
D. (6) $50.

A. Association of Data Processing, 1925 North Lynn Street, No. 1100, Arlington, Va. 22209.
D. (6) $8,493.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $4,835.

A. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $4,441.25. E. (9) $4,441.25.

A. Association of Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
E. (9) $500.

A. George J. Aste, United Airlines, 1825 K Street NW., Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,500.

A. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
E. (9) $60.

A. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
E. (9) $1,635.71.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $600. E. (9) $50.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.
E. (9) $1,214.

A. Charles W. Bailey, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

A. George E. Bailey, Jr., Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $138.40. E. (9) $40.57.

A. William W. Bailey, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $6,000. E. (9) $128.90.

A. Baker & Boots, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting and Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Daniels, 1800 M Street NW., Washington, D.C. 20036.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $80.58.

A. Baker & Daniels, 1800 M Street NW., Washington, D.C. 20036.
B. Indiana Toll Road Commission, P.O. Box 748, South Bend, Ind. 46624.
D. (6) $150.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cambridge Research and Development Group, 21 Bridge Square, Westport, Conn. 06880.
D. (6) $9,269.89.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Magnatex Corp., One Marienfeld Place, Midland, Tex. 79701.
D. (6) $6,099.50. E. (9) $7.10.

A. Donald Baldwin, Donald Baldwin Associates, Suite 804, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20006.
D. (6) $3,600.

A. Jacqueline Balk-Tusa, 1625 Eye Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 Eye Street NW., No. 809, Washington, D.C. 20006.
D. (6) $9,123.

A. Will G. Barber, 1300 American Bank Tower, Austin, Tex. 78701.
B. Texas Medical Association, 1801 North Lamar Boulevard, Austin, Tex. 78701.
D. (6) $250. E. (9) $80.

A. Dennis J. Barbour, 1015 18th Street NW., Washington, D.C. 20036.
B. American College of Preventive Medicine, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $92.

A. Dennis J. Barbour, 1015 18th Street NW., Washington, D.C. 20036.
B. Association of Teachers of Preventive Medicine, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $46.

A. Wayne B. Bardsley, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Robert O. Barker, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $18.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,150. E. (9) $160.86.

A. Thomas J. Barlow, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, 917 15th Street NW., Washington, D.C. 20005.
D. (6) $86.82.

A. Roger H Barnard, National Association of Federal Credit Unions, P.O. Box 3769, Washington, D.C. 20007.
B. National Association of Federal Credit Unions, P.O. Box 3769, Washington, D.C. 20007.

A. Barnett, Alagia & Carey, 1627 K Street NW., No. 900, Washington, D.C. 20006.
B. Dairymen, Inc., 200 West Broadway, Louisville, Ky. 40202.

A. Barnett, Alagia & Carey, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6) $2,500.

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York Cocoa Exchange, Inc.; and New York Cocoa Cearing Association, Inc.; 127 John Street, New York, N.Y. 10038.

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York Coffee and Sugar Exchange, Inc.; and New York Coffee and Sugar, Clearing Association, Inc.; Four World Trade Center, New York, N.Y. 10048.
D. (6) $1,180. E. (9) $106.40.

A. Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. The New York State Urban Development Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $2,300. E. (9) $150.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. Thea Rossi Barron, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).
D. (6) $1,192.

A. David S. Barrows, 1201 Southwest 12th, Suite 300, Portland, Ore. 97205.
B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200.

A. Richard A. Barton, Direct Mail/Marketing Association, Inc., 1730 K Street NW., Suite 905, Washington, D.C. 20006.

B. Direct Mail/Marketing Association, Inc., 6 East 43d Street, New York, N.Y. 10017.

D. (6) $3,125. E. (9) $100.

A. Robert E. Bates, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,125.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street NW., Suite 611. Washington, D.C. 20005.

D. (6) $900.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,818.75.

A. Lucius D. Battle, Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $50.

A. Batzell, Nunn & Bode, 1523 L Street Washington, D.C. 20005.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $1,376.50.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.

B. JOC Oil, Inc., Olympic Tower, 645 Fifth Avenue, New York, N.Y. 10022.

D. (6) $12,336.25.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.

B. Mt. Airy Refining Co., International Energy Building, 256 North Belt East, Suite 150, Houston, Tex. 77060.

D. (6) $3,640.

A. Gary L. Bauer, Direct Mail/Marketing Association, 1730 K Street NW., Suite 905, Washington, D.C. 20006.

B. Direct Mail/Marketing Association, 6 East 43d Street, New York, N.Y. 10017.

D. (6) $1,000. E. (9) $125.

A. Richard H. Bauer, 1899 L Street NW., 11th Floor, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $406.37.

A. Sadie R. Baulch, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Marvella Bayh, American Cancer Society, Inc., 1875 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20009.

B American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.

D. (6) $84. E. (9) $626.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $25.

A. Bruce A. Beam, American Electric Power Service Corp., 1629 K Street NW., Washington, D.C 20006.

B. American Electric Power Service Corp., 2 Broadway, New York, N.Y. 10004.

D. (6) $11,250. E. (9) $212.12.

A. John E. Bearer, 1001 Broad Street, Johnstown, Pa. 15907.

B. GPU Service Corp., 260 Cherry Hill Road, Parsippany, N.J. 07054.

D. (6) $514.04. E. (9) $569.15.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $2,441.08.

A. Christine T. Beatty, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.

D. (6) $2,410. E. (9) $74.29.

A. Robert J. Becker, Joint Council of Allergy and Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056; North 229 Hammes Avenue, Joliet, Ill. 60435.

B. Joint Council of Allergy and Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.

B. United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $37,750. E. (9) $181.64.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. C. Thomas Bendorf, 1620 Eye Street NW., Washington, D.C. 20006.

B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

D. (6) $3,000. E. (9) $100.

A. Bruce Benefield, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., American Medical Association, 1776 K Street NW., Washington, D.C. 20906.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,887.50. E. (9) $49.98.

A. Douglas P. Bennett, 499 South Capitol Street SW., No. 407, Washington, D.C. 20003.

B. Association of Executive Recruiting Consultants, Inc., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Douglas P. Bennett, 499 South Capitol Street SW., No. 407, Washington, D.C. 20003.

B. National Restaurant Association, Suite 850, 1850 K Street NW., Washington, D.C. 20006.

D. (6) $4,000. E. (9) $125.34.

A. Douglas P. Bennett, 499 South Capitol Street SW., No. 407, Washington, D.C. 20003.

B. Pepsi-Co., Inc., Purchase, N.Y.

D. (6) $4,590. E. (9) $2.57.

A. Kathleen M. Bennett, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.

B. Crown Zellerbach, One Bush Street, San Francisco, Calif. 94119.

A. Paul Bennett, Union of Concerned Scientists, 1025 15th Street NW., Washington, D.C. 20005.

B. Americans for SALT, Inc., 324 Fourth Street NE., Washington, D.C. 20002; and Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.

D. (6) $3,000.

A. Kenneth W. Bergen, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

D. (6) $270.

A. David Berick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $402.50. E. (9) $229.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.

B. CNA, CNA Plaza, Chicago, Ill. 60685.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.

B. Dutcher Industries, 7617 Convoy Court, San Diego, Calif. 92111.

D. (6) $2,000.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.

B. Loews Corp., 666 Fifth Avenue, New York, N.Y.

D. (6) $4,500.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.

B. Unicare Services, Inc., 105 West Michigan Street, Milwaukee, Wis. 53203.

D. (6) $3,750.

A. Berman and Associates, 1776 K Street NW., Washington, D.C. 20006.

B. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y.

D. (6) $12,000.

A. Arthur S. Berner, Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. George K. Bernstein, 1730 K Street NW., Washington, D.C. 20006.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,650. E. (9) $1,650.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington. D.C. 20006.

B. Centre National Interprofessionel De L'Economie Laitere, 8, Rue Danielle Casanova 75002 Paris, France.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Constructora Nacional de Carros de Ferrocarril, S.A., Av. Universidad Y Miguel Laurent, Mexico 12, D.F.

D. (6) $26,312.50. E. (9) $1,093.81.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $2,400.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Energy Consumers and Producers Association, Petroleum Plaza, Box 1726, Seminole, Okla. 74868.
D. (6) $2,502.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
D. (6) $6,487.50. E. (9) $234.30.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Max N. Berry, Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $150.99.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. American League for International Security Assistance, Inc., 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
D. (6) $1,500. E. (9) $800.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. TADCO Enterprises, Inc., 1625 Eye Street NW., Washington, D.C. 20006; and Archer Daniels Midland Co., Decatur, Ill. 62525.
D. (6) $600. E. (9) $500.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $12.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. New England Power Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $1,150.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. SoGen Swiss International Corp., 20 Broad Street, New York, N.Y.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. Union Mines, 9 West 57th Street, New York, N.Y. 10019.
D. (6) $800.

A. Beveridge, Fairbanks & Diamond, One Farragut Square South, Washington, D.C. 20006.
B. Union Seas, c/o The Corporation Trust, Inc., 25 South Charles Street, Baltimore, Md. 21201.

A. Andrew J. Biemiller, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 816 16th Street N.W., Washington, D.C. 20006.
D. (6) $13,034. E. (9) $219.45.

A. Eileen M. Biermann, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $550.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Thomas E. Biery, Mid-Continent Oil and Gas Association, 1800 K Street NW., Suite 620, Washington, D.C. 20006.
B. Mid-Continent Oil and Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $966. E. (9) $9.50.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Aleutian-Pribilof Island Association, Inc., 430 C Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. American Kitchen Foods, Inc., 99 Powerhouse Road, Roslyn, N.Y. 11577.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Coastal States Gas Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Potlatch Corp., Two Embarcadero Center, 20th Floor, San Francisco, Calif. 94120.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Sealaska Corp., One Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Steering Council for Alaska Lands, 1016 West Sixth Avenue, Suite B, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Moore, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20015.

A. John L. Birkinbine, Jr., National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. C. Thomason Bishop III, National Association of Manufacturers, 704 Lisburn Road, Camp Hill, Pa. 17011.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Neal R. Bjornson, National Milk Producers, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,125. E. (9) $77.78.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,150.

A. Steven H. Blackwell, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $90.

A. Richard W. Blake, 1776 K Street NW., No. 900, Washington, D.C. 20006.
B. American Sugarbeet Growers Association, 1776 K Street NW., No. 900, Washington, D.C. 20006.
D. (6) $190.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $17,727.50. E. (9) $2,181.57.

A. Michael K. Blevins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. L. Thomas Block, Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $400. E. (9) $93.

A. Mark Bloomfield, American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
B. American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
D. (6) $875.

A. Mark Andrew Bloomfield, 1661 Crescent Place NW., No. 309, Washington, D.C. 20009.
B. American Electronics Association, 2600 El Camino Real, Palo Alto, Calif. 94306.
D. (6) $3,300.

A. Jack A. Blum, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
D. (6) $10,000. E. (9) $10,010.

A. Jared O. Blum, 1730 M Street NW., Suite 610, Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., No. 408, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $177.46.

A. Blum, Parker & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Computer and Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

A. Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. National Union Electric Corp., 575 Adams Avenue, Philadelphia, Pa. 19120.

A. Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

A. Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.

A. Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.

A. Wayne F. Boan, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Seth M. Bodner, 1101 15th Street NW., Suite 803, Washington, D.C. 20005.
B. Lead-Zinc Producers Committee, 1101 15th Street NW., Suite 803, Washington, D.C. 20005.
D. (6) $2,250.

A. Becky Bogard, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $260.50.

A. Theodore D. Bogue, 2000 P Street NW.. Suite 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
D. (6) $50.

A. Christie K. Bohner, 900 17th Street NW., No. 1016, Washington, D.C. 20006.
B. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.

A. Robert J. Bolger, National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
D. (6) $1,650.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.)
D. (6) $500.

A. L. H. Bonin, Jr., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $2,400. E. (9) $350.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $450. E. (9) $29.75.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Bonsib, Inc., P.O. Box 1807, Washington, D.C. 20013.

A. Edward T. Borda, 1625 I Street NW., Suite 1023, Washington D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Suite 1023, Washington, D.C. 20006.
D. (6) $4,000. E. (9) $520.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.
E. (9) $1,200.

A. A. D. Bourland, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,322.46.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 2006.
D. (6) $1,000.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $10,892.23. E. (9) $2,839.80.

A. Randal Bowman, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $8.25.

A. Francis J. Boyd, Jr., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. John G. Boyd, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $334.80. E. (9) $55.14.

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $667.

A. Frank W. Bradley, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $375.

A. Wayne W. Bradley, American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $400. E. (9) $10.93.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $857.50. E. (9) $13.31.

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $150.

A. David C. Branand, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $15.87.

A. Robert M. Brandon, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $687.50

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Electro Signal Lab, Inc., 1022 Hingham Street, Rockland, Mass. 02370.

A. Jerome J. Breiter, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Edward J. Brenner, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Miles H. Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.
D. (6) $878.40. E. $823.26.

A. Claude S. Brinegar, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. $200.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. $1,406.25. E. (9) $237.57.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $500.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $4,500.

A. Dale E. Brooks, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $25.

A. Brotherhod of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $24,481. E. (9) $24,481.10.

A. Donald G. Brotzman, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $8,000.

A. David S. J. Brown, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $68.73.

A. Howard Brown, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $131.24.

A. J. D. Brown, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $350.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Michael F. Brown, American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.
D. (6) $200.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $340. E. (9) $90.85.

A. Stanley R. Browne, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $65. E. (9) $4.50.

A. John R. Bruch, P.O. Box 5000, Cleveland, Ohio 44101.
B. The Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.).
D. (6) $3,000. E. (9) $193.10.

A. John S. Brunson, 1700 Transco Tower, Houston, Tex. 77056.
B. Bob Perry, 11930 South Belt, Houston, Tex.
D. (6) $7,500.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $142.45.

A. Michael W. Buckner, United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,379.18. E. (9) $483.88.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $400.

A. Norman D. Burch, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60077.
D. (6) $3,375. E. (9) $56.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. Thomas G. Burke, 1625 I Street NW., Suite 1023, Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Suite 1023, Washington, D.C. 20006.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $46,896.45. E. (9) $850.02.

A. Phillip C. Burnett, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $276.92. E. (9) $32.25.

A. Charles S. Burns, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200.

A. Gerrie Bjornson Burns, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $100.

A. Theresa Ann Burt, 1010 Vermont Avenue NW., Washington, D.C. 20005.
B. Opera America, 1010 Vermont Avenue NW., Washington, D.C. 20005.
D. (6) $685.06. E. (9) $1,014.86.

A. B. Kent Burton, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $18,000. E. (9) $83.29.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. The Bureau of National Affairs, Inc., 1231 25th Street NW., Washington, D.C. 20037.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.
E. (9) $167.96.

A. Nicholas J. Bush, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $312.

A. Gary Bushell, 780 Bank and Trust Tower, P.O. Box 173, Corpus Christi, Tex. 78477.
B. Atlantic Richfield Co., 1601 Bryan Street, Dallas, Tex. 75221.
D. (6) $12,501. E. (9) $1,375.54.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $2,500. E. (9) $1,068.42.

A. James J. Butera, 1709 New York Avenue N.W., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,500. E. (9) $236.44.

A. Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Inexco Oil Co., Suite 1900, 1100 Milam Building, Houston, Tex. 77002.

A. Kenneth W. Butler, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
D. (6) $622.50.

A. John R. Butz, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the U.S.A., P.O. Box 2268, San Antonio, Tex. 78298.
D. (6) $1,500. E. (9) $130.85.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for American Family Mutual Insurance Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Cabot Corp.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Fort Howard Paper Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Johnson Controls, Inc.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Republic of the Philippines), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., One North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cadwalader, Wickersham & Taft, Eleven Dupont Circle, Suite 450, Washington, D.C. 20036.
B. Amex Commodities Exchange, Inc., 86 Trinity Place, New York, N.Y. 10006.

A. Cadwalader, Wickersham & Taft, Eleven Dupont Circle, Suite 450, Washington, D.C. 20036.
B. Associated Metals & Minerals Corp., 30 Rockefeller Plaza, New York, N.Y. 10020.
D. (6) $1,043. E. (9) $10.

A. Cadwalader, Wickersham & Taft, Eleven Dupont Circle, Suite 450, Washington, D.C. 20036.
B. Mocatta Metals Corp., 25 Broad Street, New York, N.Y. 10004.

A. Morrison G. Cain, American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
D. (6) $5,000.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., One Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. Frank W. Calhoun, 500 Gulf Building, Houston, Tex. 77002.
B. El Paso Natural Gas Co., P.O. Box 2185, Houston, Tex. 77001.
E. (9) $2,920.38.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $80. E. (9) $41.59.

A. Peter E. Callanan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Honeywell, Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $100. E. (9) $110.

A. James R. Calloway, Suite 500, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $13,000.

A. Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.
E. (9) $7,806.

A. Donald L. Calvin, New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

A. C. R. Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp., One Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $9.08.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $317.69.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $400. E. (9) $768.70.

A. David A. Caney, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,337.50. E. (9) $3,251.02.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
B. California Savings and Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
D. (6) $2,000. E. (9) $1,785.42.

A. Marvin H. Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $5,222.75. E. (9) $95.77.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Association of American Publishers, Mass Market Paperback Book Division, One Park Avenue, New York, N.Y. 10016.
E. (9) $106.44.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Clark Oil & Refining Corp., 8530 West National Avenue, Milwaukee, Wis. 53227; and American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.
D. (6) $40,863. E. (9) $803.74

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Council on Foundations, Inc., 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $5,734.60

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Salomon Brothers, One New York Plaza, New York, N.Y. 10004.
D. (6) $3,031.69

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European & Japanese National Shipowners' Association, 17/18 Bury Street, London, EC3A 5AH England.
D. (6) $15,400. E. (9) $575.80.

A. Charles E. Capron, 2401 Calvert Street NW., Suite 905, Washington, D.C. 20008.
E. (9) $112.

A. Norval E. Carey, 2021 K Street NW., Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif., 92138.
D. (6) $1,000. E. (9) $375.

A. Charles R. Carlisle, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $9,360. E. (9) $336.49.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,500.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500.

A. Jack Carpenter, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $48.08. E. (9) $3.85.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $8,000.

A. Harlon, B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,625.

A. Joseph L. Carter, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $271.87. E. (9) $80.38.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $385.

A. John S. Casey, P.O. Box 266, Heflin, Ala. 36264.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $82.20. E. (9) $448.89.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Independent Gas Producers Committee, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
D. (6) $2,338.75. E. (9) $691.15.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Kansas Delaware Tribe of Indians, Inc., 1909 Aladdin, Norman, Okla. 73609.
E. (9) $119.58.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Slurry Transport Association, 490 L'Enfant Plaza East, Suite 320, Washington, D.C. 20024.
D. (6) $15.50. E. (9) $60.43

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Texas Oil & Gas Corp., 2700 Union Fidelity Tower, Dallas, Tex. 75201.
D. (6) $1,935. E. (9) $267.05.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Wabanex Energy Corporation, Ltd., 759 Victoria Square, Montreal, Quebec H2Y 2K4 Canada.
D. (6) $6,526.25. E. (9) $620.97.

A. James B. Cash, Jr., American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $127.80.

A. Allen R. Caskie, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. John J. Castellani, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $174.50. E. (9) $28.

A. Catholics for a Free Choice, 201 Massachusetts Avenue NE., No. 105, Washington, D.C. 20002.
D. (6) $8,456.03. E. (9) $3579.42.

A. Philip T. Cavanagh, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,312.47. E. (9) $6.65.

A. Central Lincoln People's Utility District, 255 South West Coast Highway, Newport, Oreg. 97365.
E. (9) $2,395.99.

A. Chain Saw Manufacturers Association, 1015 18th Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $340. E. (9) $340.

A. Jerry L. Chambers, National Association of Manufacturers, 704 Lisburn Road, Camp Hill, Pa. 17011.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1101 17th Street NW., Washington, D.C. 20036.

B. York Division, Borg-Warner Corp., South Richland Avenue, York, Pa.

E. (9) $31.30.

A. William C. Chapman, General Motors Corp., 1660 L Street NW., Suite 805, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. (E) $4,972.84.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002).

D. (6) $5,465. E. (9) $595.33.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.

B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Lone Star Steel Co., P.O. Box 35888, Dallas, Tex. 75235).

D. (6) $110. E. (9) $3.35.

A. Leslie Cheek, III, Crum & Forster Corp., 1120 Connecticut Avenue NW., Suite 1142, Washington, D.C. 20036.

B. Crum & Forster Corp., Madison Avenue at Canfield Road, P.O. Box 2387, Morristown, N.J. 07960.

D. (6) $12,500. E. (9) $1,134.48.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

D. (6) $127. E. (9) $398.54.

A. Phillip R. Chisholm, National Oil Jobbers Council, Inc., 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

B. National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

D. (6) $6,125. E. (9) $21.30.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

E. (9) $4,021.47.

A. Julia Churchman, Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.

B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.

D. (6) $1,856.72. E. (9) $58.49.

A. James W. Ciarrocchi, Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $937.50. E. (9) $127.80.

A. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE, Suite 151, Bellevue, Wash. 98004.

D. (6) $243,757.55. E. (9) $108,487.05.

A. Citizens For Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.

D. (6) $51,231. E. (9) $16,914.82.

A. Citizens for Tax Reform in 1978, Inc., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.

D. (6) $189.12. E. (9) $15.

A. Bob Clark & Associates, Suite 1908, 400 Madison Street, Alexandria, Va. 22314.

B. Ryder System Inc., P.O. Box 520816, Miami, Fla.

D. (6) $1,000. E. (9) $95.

A. Earl W. Clark, 100 Indiana Avenue, NW., Washington, D.C. 20001.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,039. E. (9) $81.47.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

D. (6) $151.92. E. (9) $350.75.

A. Kimball Clark, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $105.70. E. (9) $75.13.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,750.01.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

D. (6) $54.41.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $550. E. (9) $531.

A. Donald M. Clarke, Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.

B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $1,480.78.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Time Critical Shipment Committee.

D. (6) $11,532.22. E. (9) $37.98.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $170. E. (9) $170.

A. Franklin Clements, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,697.93. E. (9) $1,919.

A. Ronald D. Clements, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. Edison Electric Institute, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $65.

A. Clifford Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Avco Corp., 750 Third Avenue, New York N.Y. 10017.

A. Clifford Glass, McIlwain & Finney, 815 Connecticut Avenue, Washington, D.C. 20006.

B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.

D. (6) $900. E. (9) $270.

A. Clifford Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. New York Cocoa Exchange, Inc. and New York Cocoa Clearing Association, Inc., 127 John Street, New York, N.Y.; New York Coffee & Sugar Exchange, Inc., Four World Trade Center, New York, N.Y.

D. (6) $2,920. E. (9) $730.

A. Clifford Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Charles M. Clusen, 330 Pennsylvania Avenue SE., Washington, D.C., 20003.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $7,500. E. (9) $15.

A. CNA, CNA Plaza, Chicago, Ill. 60685.

A. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. Coalition of Concerned Charities, c/o Annette Gnospelius, 1776 F Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $800.

A. Coalition on American Rivers, P.O. Box 2667 Station A, Champaign, Ill. 61820.

D. (6) $10,629. E. (9) $3,444.78.

A. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga., 30301.

E. (9) $1,212.05.

A. John J. Coffey, Suite 638, 2101 L Street NW., Washington, D.C. 20037.

B. Western Oil and Gas Association, Roosevelt Building, 727 West Seventh Street, Suite 850, Los Angeles, Calif. 90017.

D. (6) $825.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $11,749.98. E. (9) $548.34.

A. Thomas Cohen, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,999.99.

A. Marcus Cohn, Cohn & Marks, 1920 L Street NW., Washington, D.C. 20036.

B. Wometco Enterprises, Inc., P.O. Box 2440, Miami, Fla. 33128.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.
D. (6) $2,037.71. E.(9) $2.09.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. The Chase Manhattan Bank, N.A., 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $1,232.50. E.(9) $0.11.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. International Six, Ltd., c/o William Gulley, 7831 Welch Court, Alexandria, Va. 22310.

A. E. William Cole, Jr., Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $600. E. (9) $200.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $1,000.

A. Ken W. Cole, Security Life Building, Denver, Colo. 80202.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,750.02. E. (9) $433.63.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $2,063.04.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Cardio Pulmonary Contractors Association, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $6,000.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. National Pharmaceutical Alliance, P.O. Box 13547, St. Petersburg, Fla. 33733.
D. (6) $7,500.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Ad Hoc 602 Committee), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Air Products & Chemical Co.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for American Guild of Authors and Composers), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for American Imported Automobile Dealers Association), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for American Maritime Association), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for American Retail Federation), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for American Society of Association Executives), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Boating Industry Association), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Business Roundtable), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Chicago Board Options Exchange), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Committee Concerned with Safe Banking Act,) 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Computer Sciences Corp.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Council of State Chambers of Commerce), 2550 M Street NW., Washihgton, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Energy Advances), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Independent U.S. Tanker Owners), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Machinery Dealers National Association), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Marathon Oil), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Mars, Inc.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Mocatta Metals), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for National Association of Engine & Boat Manufacturers), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Ocean Minerals Co.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Jack Philip & Son, Inc.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Pyrotechnic Signal Manufacturers Association), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Reading Co.), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Redwood Industry Park Committee), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for State of Louisiana), 2550 M Street NW., Washington, D.C. 20037.

A. William J. Colley, 2550 M Street NW., Washington, D.C. 20037.
B. Patton, Boggs & Blow (for Uncle Ben's Foods), 2550 M Street NW., Washington, D.C. 20037.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $210.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $333.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Tool and Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $1,250. E. (9) $525.

A. Bruce Collins, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,562. E. (9) $109.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C., 20036.
D. (6) $1,000.

A. Committee for Consumers No-Fault, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $365. E. (9) $105,888.13.

A. Committee for Humane Legislation, Inc., 2101 L Street NW., Washington, D.C. 20037 and 11 West 60th Street New York, N.Y. 10023.
D. (6) $63,430.23. E. (9) $21,424.41.

A. Committee of Americans For The Canal Treaties, Inc., 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $260. E. (9) $12,951.01.

A. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
D. (6) $16,500. E. (9) $7,801.74.

A. Committee to Assure the Availability of Casein, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $2,500.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,524,770. E. (9) $363,824.69.

A. Lance Compa, 917 15th Street NW., Washington, D.C. 20005.
B. United Electrical, Radio & Machine Workers of America, 11 East 51 Street, New York, N.Y. 10022.
D. (6) $3,744. E. (9) $97.50.

A. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.
D. (6) $108,742. E. (9) $13,202.

A. Stephen R. Conafay, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $360. E. (9) $160.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $609.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $37,581.53. E. (9) $37,581.53.

A. Raymond F. Conklin, 1050 17th Street NW, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $150.

A. James T. Conner, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobay Chemical Corp., P.O. Box 4913, Hawthorn Road, Kansas City, Mo. 64120.

A. Robert J. Conner, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $500. E. (9) $1,422.28.

A. David R. Conrad, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $279.64.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Consolidated Office Building, Inc., 115 North Pennsylvania Street, Indianapolis, Ind. 46204.
D. (6) $4,250.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $20,297.

A. Constructora Nacional de Carros de Ferrocarril, S.A., Av. Universidad y Miguel Laurent, Mexico 12, D.F.
E. (9) $27,313.23.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Suite 801, Washington, D.C. 20036.
D. (6) $500.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. John T. Conway, American Nuclear Energy Council, 1750 K Street NW., No. 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $525. E. (9) $17.72.

A. Charles F. Cook, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $51.11. E. (9) $7.75.

A. Frederick N. Cook, c/o Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300.

A. K. Richard Cook, General Electric Co., 777 14th Street, NW., Suite 700, Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $300.

A. Robert M. Cook, Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
B. Livestock Marketing Association, 3900 Oak Street, Kansas City, Mo. 64112.
D. (6) $3,500. E. (9) $19.31.

A. Charles E. Cooke, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $50. E. (9) $15.

A. Eileen D. Cooke, American Library Association, 110 Maryland Avenue NE., Suite 101, Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $885.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Jesse D. Cooper, North Dakota Petroleum Council, P.O. Box 1395, Bismarck, N. Dak. 58501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,500. E. (9) $692.21.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $7.55.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,500. E. (9) $11.75.

A. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $5,700. E. (9) $768.

A. Darrell Coover, National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $308.

A. Carl B. Cordes and Thomas V. Glynn, Battle, Fowler, Jaffin, Pierce & Kheel, 280 Park Avenue, New York, N.Y. 10017.
B. State Troopers Fraternal Association of New Jersey, Inc., 30 Newport Drive, Howell, N.J. 07731.
D. (6) $1,250. E. (9) $14.13.

A. Richard L. Corrigan, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
D. (6) $875.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.
D. (6) $300.

A. R. H. Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central & South West Services, Inc., 1 Maine Place, Suite 2700, Dallas, Tex. 75250.
D. (6) $1,008. E. (9) $125.65.

A. John E. Cosgrove, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $10,669.60.

A. David Cosson, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $96.

A. Michael E. Costello, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $210.91.

A. Carol Coston, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
E. (9) $13.

A. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $249.33. E. (9) $622.98.

A. Douglas Couttee, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $8,706.23. E. (9) $2,740.01.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral and Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $9,600. E. (9) $13.20.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Watch Association, 10 East 40th Street, New York, N.Y. 10016.
D. (6) $1,500. E. (9) $734.73.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Anchor National Life Insurance Co., Camelback at 22d Street, Phoenix, Ariz. 85016.
D. (6) $12,500.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Delmarva Poultry Industry, Inc., Rural Delivery No. 2, Box 47, Georgetown, Del. 19947.
D. (6) $10,000. E. (9) $29.83.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Interbank Card Association, 888 Seventh Avenue, New York, N.Y. 10019.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $25,000. E. (9) $40.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $13,750. E. (9) $173.41.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Lydall, Inc., 615 Parker Street, Manchester, Conn. 06040.
D. (6) $2,171.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Federation of Independent Business, 921 Washington Building, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017 and Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017.
E. (9) $68.06.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Perdue Farms, Inc., P.O. Box 1537, Salisbury, Md. 21801.
D. (6) $3,500.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Pyramid Ventures Group, Inc., P.O. Box 1671, Morgan City, La. 70380.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Standard Brands, Inc., 625 Madison Avenue, New York, N.Y. 10022.
E. (9) $115.42.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.

A. Eugene S. Cowen, 2759 Unicorn Lane, Washington, D.C. 20015.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $90.

A. Carol A. Cowgill, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $757.35. E. (9) $69.71.

A. William J. Cox, National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $9,237.06. E. (9) $3,461.14.

A. William D. Crawford, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo. 64117.
D. (6) $1,470.

A. Josephine Crewe, Americans for SALT, Inc., 4601 North Park Avenue, Chevy Chase, Md. 20015.
B. Americans for SALT, 324 Fourth Street NE., Washington, D.C. 20002.
D. (6) $3,500. E. (9) $1,403.

A. Richard E. Cristol, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.
B. Robert H. Kellen Co. for Calorie Control Council), 64 Perimeter Center East, Atlanta, Ga. 30346.
D. (6) $210.

A. Bobby E. Crow, P.O. Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., P.O. Box 683, Houston, Tex. 77001.
D. (6) $393.75. E. (9) $699.09.

A. David T. Crow, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $742.

A. Jack A. Crowder, American Textile Manufacturers Institute, Inc., Suite 300, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 400 South Tryon Street, Suite 2124, Charlotte, N.C. 28285.
D. (6) $2,000. E. (9) $71.40.

A. James M. Cubie, Union of Concerned Scientists, 1025 15th Street NW., Washington, D.C. 20005.
B. Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.
D. (6) $6,250.02.

A. Richard D. Cudahy, Suite 701, 1050 17th Street NW., Washington, D.C. 20036.
B. Central & South West Corp., P.O. Box 1631, Wilmington, Del. 19899.
D. (6) $100. E. (9) $6.

A. Barry M. Cullen, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
D. (6) $125.

A. Frank Cummings, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Institute of Electrical & Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.
D. (6) $7,050.

A. John T. Curran, Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $10,977.27. E. (9) $375.55.

A. Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall Street, New York, N.Y. 10005.
B. United States Trust Company of New York, 45 Wall Street, New York, N.Y. 10005.
D. (6) $1,472. E. (9) $287.47.

A. Mimi Cutler, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Aviation Consumer Action Project, P.O. Box 19029, Washington, D.C. 20036.
D. (6) $60.

A. Everett E. Cutter, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. William K. Dabaghi, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $345. E. (9) $263.09.

A. William Kay Daines, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $150. E. (9) $8.50.

A. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.

A. Joan E. Dannebaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $100.

A. William H. Darden, 1620 Eye Street NW., Washington, D.C. 20006.
B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.
D. (6) $750. E. (9) $30.

A. Philip J. Daugherty, Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $5,222.75. E. (9) $130.90.

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $82.50.

A. Larry C. Davenport, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.

B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.
D. (6) $360.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051; and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompac, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member, Plumas-Sierra Rural Electric Cooperative.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. First Chicago Corp., One First National Plaza, Chicago, Ill. 60670.

A. Charles W. Davis, One First National Plaza, Chicago, Ill. 60670.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $150.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $7,100.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.
D. (6) $150.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $1,850. E. (9) $31.14.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
E. (9) $31.15.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $200.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $184.85. E. (9) $98.26.

A. Edward M. Davis, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $750. E. (9) $20.98.

A. Kenneth E. Davis, 1025 Connecticut Avenue NW., Suite 202, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $48.99.

A. R. Milton Davis, Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20036.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,600. E (9) $975.

A. Walter L. Davis, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. P. M. Davison, Jr., North Dakota Railway Lines, 48 Eight Rosser Avenue, P.O. 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $682.83.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif., 91731.

A. Deaver & Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.
B. National Venture Capital Association, 2030 M Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $3,500. E. (9) $1,058.21.

A. Tony T. Dechant, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Education and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $5,000. E. (9) $259.49.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
D. (6) $40.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Catharine B. Deely, 1730 M Street NW., Washington, D.C. 20036.
B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $906. E. (9) $40.15.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., One East 57th Street, New York, N.Y. 10022.
D. (6) $825. E. (9) $52.15.

A. deKieffer and Associates, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Bureau of National and International Communications, Private Bag X152, Pretoria, 0001, Republic of South Africa.
E. (9) $653.51.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Cargill, Inc., P.O. Box 9330, Minneapolis, Minn. 55440.
D. (6) $1,292.17.

A. DeLaney & Patrick, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Dynamic Instrument Corp., 933 Long Island Parkway, Hauppauge, N.Y. 11787.
D. (6) $27.30.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Trade Adjustment Assistance Coordinating Committee.
D. (6) $3,500.

A. John L. Delano, Montana Railroad Association, Box 1172, Helena, Mont. 59601.
B. Montana Railroad Association, Box 1172, Helena, Mont. 59601.
E. (9) $715.91.

A. Myra J. DeLapp, 1901 L Street NW., Suite 702, Washington, D.C. 20036.
B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.
D. (6) $621.50. E. (9) $60.20.

A. Ray Denison, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,487. E. (9) $320.78.

A. John H. Denman, c/o Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $149. E. (9) $21.

A. Daniel B. Denning, 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $300. E. (9) $12.

A. Wells Denyes, Eastman Chemical Products, Inc., 500 12th Street SW., Washington, D.C. 20024.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $50. E. (9) $2.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.
B. Flavor and Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.
B. Merrill Lynch, Pierce, Fenner & Smith, Inc., One Liberty Plaza, New York, N.Y. 10006.
D. (6) $2,000.

A. Dennis Devaney, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $320.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 140 Broadway, New York, N.Y. 10005.
B. Needham, Harper & Steers, Inc., 909 Third Avenue, New York, N.Y. 10022.
D. (6) $161.20. E. (9) $91.93.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France.
E. (9) $12,161.11.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Government of Morocco, Rabat, Morocco.
D. (6) $5,032.50. E. (9) $3,594.42.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Krauss-Maffei AG, Krauss-Maffei-Strasse 2, 8000 Munich, Federal Republic of Germany.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Societe Nationale Industrielle Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France.
D. (6) $402.50. E. (9) $991.91.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Thomson-CSF, Division Equipements Avioniques, 178 Boulevard Gabriel Péri, 92240 Malakoff, France.
D. (6) $280.50. E. (9) $666.14.

A. John M. Dickerman, John Dickerman and Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber and Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $6,333.34. E. (9) $392.90.

A. John R. Dierker, 1150 17th Street NW., Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $18.75.

A. Paula A. Dilley, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. Timothy V. A. Dillon, 1850 K Street NW., Washington, D.C. 20006.
B. Westlands Water District, P.O. Box 5222, Fresno, Calif. 93755.
D. (6) $3,906.33. E. (9) $156.33.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Ave. SE., Washington, D.C. 20003.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C.
D. (6) $56,500. E. (9) $62,199.18.

A. Harley M. Dirks, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $80.69.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky. 41076.
D. (6) $59,395.40. E. (9) $59,395.40.

A. Norman L. Dobyns, Cutler-Hammer, Inc., 1660 L Street NW., No. 912, Washington, D.C. 20036.
B. Cutler-Hammer, Inc., 4201 North 27th Street, Milwaukee, Wis. 53216.
E. (9) $175.

A. Doctors for the Equal Rights Amendment, P.O. Box 19531, Dallas, Tex. 75219.
D. (6) $176.91. E. (9) $990.32.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.
B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $1,561.50. E. (9) $1,212.19.

A. Robert C. Dolan, Governmental Affairs Division of Edison Electric Institute, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. Edison Electric Institute, Governmental Affairs Division, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $140. E. (9) $41.

A. David P. Dolgen, Seafarers International Union, AGLIW District, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, AGLIWD, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,500. E. (9) $406.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.
E. (9) $36,885.42.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.
B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. $2,500. E. (9) $175.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Indianapolis Water Co., Indianapolis, Ind.

A. Doub, Purcell, Muntzing & Hansen, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Agricultural Chemicals Association, Washington, D.C.

A. H. Eugene Douglas, Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22102.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $5,124. E. (9) $350.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chicago Metropolitan Higher Education Council, Douglas Library, Chicago State University, 95th Street at King Drive, Chicago, Ill. 60628.
D. (6) $1,100. E. (9) $1,629.03.

A. Richard Morgan Downey, American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852.
E. $35.

A. John C. Doyle, Jr., Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $900. E. (9) $170.10.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.
B. Society of Military Widows, P.O. Box 254, Coronada, Calif., 92118.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.
D. (6) $750.

A. Nancy Drabble, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,250.

A. James E. Drake, American Medical Association, 1776 K Street, Chicago, Ill. 60610. D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,984.85.

A. Andrew Drance, Room 402, 2020 North 14th Street, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $207.50. E. (9) $11.50.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20037.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Macmillan, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $1,575.

A. Franklin B. Dryden, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $100.

A. Lawrence M. Dubin, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $1,850. E. (9) $31.14.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $6,695. E. (9) $3,953.93.

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $130.

A. Francis J. Duggan, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $414.41. E. (9) $530.13.

A. Mervin E. Dullum, 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $200. E. (9) $37.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Koniag, Inc., P.O. Box 746, Kodiak, Alaska.
D. (6) $35.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Western Fuels Association, Inc., 1835 K Street NW., Suite 412, Washington, D.C. 20006.
D. (6) $762.50. E. (9) $7.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $250.

A. Douglas G. Dunn, Northern Natural Gas Co., 1133 15th Street NW., Washington, D.C. 20005.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $1,500.

A. Dunnells, Duvall, Bennett & Porter, 1220 19th Street NW., Washington, D.C. 20036.

B. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y.

D. (6) $22.50.

A. David F. Dunning, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.

B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga., 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).

D. (6) $1,200.

A. Dunnington, Bartholow & Miller, 161 East 42d Street, New York, N.Y. 10017.

B. Bessemer Securities Corp., 245 Park Avenue, New York, N.Y. 10017.

D. (6) $880.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $1,625. E. (9) $474.49.

A. Joseph L. Duran, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

D. (6) $252.36. E. (9) $190.46.

A. Dutcher Industries, 7617 Convoy Court, San Diego, Calif. 92111.

E. (9) $2,000.

A. L. L. Duxbury, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $2,000. E. (9) $3,721.89.

A. R. Ken Dyar, 1620 Southeast, 127th Avenue, Vancouver, Wash. 98664.

B. Central Lincoln People's Utility District, 255 Southwest Coast Highway, Newport, Oreg. 97365.

D. (6) $1,350. E. (9) $1,870.99.

A. Jean F. Dye, National Congress of Parents and Teachers, 12700 Lake Avenue, Lakewood, Ohio 44107; 700 North Rush Street, Chicago, Ill. 60611.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $912.45.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.

D. (6) $12.50. E. (9) $4.50.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $250. E. (9) $15,600.

A. Patricia S. Ebaugh, St. Joe Minerals Corps., 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.

D. (6) $1,125.

A. Joan Eazarsky, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $150.

A. Donald R. Ebe, Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

D. (6) $1,500.

A. Robert E. Ebel, ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.

B. ENSERCH Corp., 301 South Harwood Street, Dallas, Tex. 75201.

D. (6) $1,450. E. (9) $716.50.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500. E. (9) $1.85.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. American Seat Belt Council, 481 Main Street, New Rochelle, N.Y. 10801.

D. (6) $14,000. E. (9) $5.50.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.

D. (6) $500. E. (9) $107.66.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.

B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Boulevard de Montmorency, 75781 Paris, France).

E. (9) $114.93.

A. Edelman Internataional Corp., 1730 Pennsvlvania Avenue NW., No. 460, Washington, D.C. 20006.

B. DGA International, 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac (Toulouse) France).

D. (6) $12,060. E. (9) $101.11.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Government of Turkey/Embassy of Turkey, 1606 23d Street NW., Washington, D.C. 20008.

D. (6) $17,200. E. (9) $12,140.72.

A. Arthur B. Edgeworth, Jr., U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,312.50.

A. Edison Electric Institute, Governmental Affairs Division, 1140 Connecticut Avenue, Suite 1010, Washington, D.C. 20036.

D. (6) $1,477. E. (9) $3,982.

A. Stephen L. Edmiston, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $5,655.

A. Clifford E. Edwards, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $3. E. (9) $3.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. Blue Ribbon Sports, Inc., 8285 SW. Nimbus Avenue, Suite 115, Beaverton, Oreg. 97005.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. The Confederated Tribes of Warm Spring, Warm Springs, Oreg. 97761.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. Portland General Electric, 121 Southwest Salmon Street, Portland, Oreg. 97204.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $120. E. (9) $155.63.

A. Charles E. Ehrhart, 1800 K Street NW., Suite 924, Washington, D.C. 20006.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $400. E. (9) $134.

A. Electronic Data Systems Corp., Office of Government Affairs, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

E. (9) $200.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $320. E. (9) $570.

A. J. Burton Eller, Jr., 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

D. (6) $1,000.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $50.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $4,200. E. (9) $562.50.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Associated Electric Cooperative, Inc., Springfield, Mo. 65801.

D. (6) $506.25.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.

B. Ocean Mining Associates, Gloucester Point, Va. 23062.

D. (6) $6,000.

A. Carl F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.

B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Emerson Electric Co., c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.

E. (9) $8,633.77.

A. William Emerson, TRW Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $235.

A. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $1,020. E. (9) $1,892.90.

A. Energy Consumers & Producers Association, P.O. Box 1726, Petroleum Plaza, Seminole, Okla. 74868.

D. (6) $10,000. E. (9) $10,008.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. Bob Hoffman, York Barbell Co., York, Pa. 17405.

D. (6) $1,950. E. (9) $408.92.

A. Patricia Hanahan Engman, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

A. M. Dale Ensign, Husky Oil Co., 1800 M Street NW., Suite 295, Washington, D.C. 20036.

B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.

E. (9) $655.05.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $28,105.30. E. (9) $49,339.73.

A. James R. Enyant, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500. E. (9) $50.95.

A. Vicki Erickson, Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $150.

A. John M. Erskine, Jr., P.O. Box 3092, Houston, Tex. 77001.

B. Standard Oil Co. (Indiana), P.O. Box 3092, Houston, Tex. 77001.

A. Thomas E. Esterly, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $57.70.

A. John T. Estes, 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.

D. (6) $150. E. (9) $128.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

E. (9) $900.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.

D. (6) $400. E. (9) $50.

A. Fawn K. Evenson, 1611 North Kent Street, Arlington, Va. 22209.

B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

D. (6) $400. E. (9) $46.85.

A. Robert R. Fahs, Cargill, Inc., 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $2,500. E. (9) $18.

A. Thomas B. Farley II, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L. Street NW., Washington, D.C. 20037.

D. (6) $4,250. E. (9) $90.25.

A. The Farmers' Educational & Co-operative Union of America, Denver, Colo., 80251: 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $73,974.83. E. (9) $52,977.54.

A. John W. Farquhar, Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., Washington, D.C.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,503. E. (9) $229.71.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Il. 60062.

A. Penelope S. Farthing, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Il. 60062.

A. R. Roy Fausset, 1050 17th Street NW., Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $300.

A. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $1,027.38. E. (9) $1,027.38.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.

D. (6) $7,650. E. (9) $7,650.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $1,975.

A. Arthur S. Fefferson, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Andrew Feinstein, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,788.46.

A. John W. Feist, 900 17th Street NW., No. 1016, Washington, D.C. 20006.

B. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.

D. (6) $200.

A. Lois M. Felder, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $7,342.27. E. (9) $2,754.59.

A. Fellowship Square Foundation, Inc., 11450 North Shore Drive, Reston, Va. 22090.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $400.

A. Edward T. Fergus, c/o Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

B. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10038.

D. (6) $700.

A. Vincent J. Ferri, 444 North Capitol Street NW., No. 820, Washington, D.C. 20001.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., No. 820, Washington, D.C. 20001.

A. Manuel D. Fierro, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. Council of Forest Industries of B.C., 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.

D. (6) $9,999.99. E. (9) $325.

A. Matthew P. Fink, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $290. E. (9) $398.49.

A. Thomas D. Finnigan, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

E. (9) $159.93.

A. Firearms Lobby of America, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

E. (9) $18,915.16.

A. First Pro-Life Congressional District Action Committee, Six Maxfield Court, Barrington, R.I.

D. (6) $495. E. (9) $355.99.

A. Michael D. Fischer, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Republic of the Philippines).

A. Richard L. Fischer, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil of Indiana, 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $218. E. (9) $31.

A. T. E. Fitzgerald, 18913 Quail Valley Boulevard, Gaithersburg, Md. 20760.

B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $1,340. E. (9) $783.13.

A. Margaret Fitzgerald-Bare, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,843.75.

A. Hilliard J. Fjord, 602 Main Street, Cincinnati, Ohio 45202.

B. The Ohio River Co., 580 Walnut Street, Cincinnati, Ohio 45202.

D. (6) $1,500. E. (9) $337.03.

A. Susan G. Flack, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006

D. (6) $2,000. E. (9) $58.75.

A. James J. Flanagan, 20 Turnpike Road, Westborough, Mass. 01581.

B. New England Power Service Co., 20 Turnpike Road, Westborough, Mass. 01581.

B. (6) $521.28. E. (9) $348.44.

A. Ronald L. Floor, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Suite 2124, 400 South Tryon Street, Charlotte, N.C. 28285.

D. (6) $650. E. (9) $20.60.

A. James F. Flug, 2904 Brandywine Street NW., Washington, D.C. 20008.

B. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $1,186.26.

A. Robert P. Fogarty, 3499 Ridgewood Drive, Columbus, Ohio 43220.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Family Mutual Insurance Co., 3099 East Washington Avenue, Box 7430, Madison, Wis. 53707.

D. (6) $9,670. E. (9) $68.53.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cabot Corp. and Subsidiaries, 125 High Street, Boston, Mass. 02110.

D. (6) $3,725. E. (9) $12.40.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Fort Howard Paper Co., 1919 South Broadway, Green Bay, Wis. 54305.

D. (6) $325. E. (9) $3.87.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.

D. (6) $5,010. E. (9) $20.99.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Johnson Controls, Inc., 507 East Michigan Street, P.O. Box 423, Milwaukee, Wis. 53201.

D. (6) $2,825. E. (9) $41.35.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of the Philippines.

D. (6) $13,850. E. (9) $62.90.

A. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $6,837.92. E. (9) $6,837.92.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $3,050. E. (9) $3,050.

A. John S. Forsythe, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $225.

A. David H. Foster, Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,775.01. E. (9) $599.05.

A. Albert A. Fox, Jr., Suite 700, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.

A. John G. Fox, American Telephone & Telegraph Co., 2000 L Street NW., Washington, D.C. 20036; 195 Broadway, New York, N.Y. 10007.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Joe H. Foy, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. William C. France, National Motorsports Committee of ACCUS, Suite 302, 1735 K Street NW., Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, Suite 302, 1735 K Street NW., Washington, D..C 20006.

A. William H. G. France, National Motorsports Committee of ACCUS, Suite 302, 1735 K Street NW., Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, Suit 302, 1735 K Street NW., Washington, D.C. 20006.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.

B. Silver Users Association, 1717 K Street NW., Washington, D.C. 20006.

D. (6) $937.50. E. (9) $83.80.

A. Harry L. Freeman, American Express Co., 1700 K Street NW, Washington, D.C. 20006.

B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. James O. Freeman, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,265. E (9) $44.50.

A. Paul A. Freeman, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Associations, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $220.

A. Pamela B. Freer, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York N.Y. 10019.

D. (6) $4,199. E. (9) $162.45.

A. David T. French, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York N.Y. 10001.

D. (6) $1,500. E. (9) $40.

A. Burton D. Fretz, 806 15th Street NW., Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

D. (6) $2,752.76. E. (9) $12.85.

A. Gregory Friberg, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $3,750. E. (9) $225.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,170. E. (9) $45.60.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak.

D. (6) $2,158. E. (9) $9.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.

E. (9) $8.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Nez Perce Tribe, Lapwai, Idaho.

D. (6) $400. E. (9) $9.20.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak. 57770.

E. (9) $8.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, N. Mex.

E. (9) $9.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Rosebud Sioux Tribe, Rosebud, S. Dak.

E. (9) $4.20.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.

D. (6) $8,717. E. (9) $8.65.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $750.

A. Joseph B. Friedman, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lucas, Friedman & Mann (for Republic of the Philippines), 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Gay H. Friedmann, 1150 Connecticut Avenue, Suite 717, Washington, D.C. 20036.

B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.

D. (6) $2,187.50. E. (9) $132.75.

A. John A. Friel, American Nurses' Association, 1230 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,132. E. (9) $224.07.

A. Marie Louise P. Friendly, Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
D. (6) $1,161.23. E. (9) $259.76.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $125,476.39. E. (9) $18,006.53.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $605.83. E. (9) 96.71.

A. Robert D. Fritz, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, Three Research Place, Rockville, Md. 20850.
D. (6) $1,560. E. (9) $1,767.

A. Charles H. Fritzel, National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,500. E. (9) $220.

A. Jeffery A. Fritzlen, Clark Oil and Refining Corp., Washington, D.C. 20036.
B. Clark Oil and Refining Corp., P.O. Box 1994, Milwaukee, Wis. 53221.

A. Cornelius F. Froeb, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Gordon H. Fry, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. David C. Fullarton, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue N.W., Washington, D.C. 20037.
D. (6) $150.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92112.
D. (6) $200.

A. Terry Gabrielson, 490 L'Enfant Plaza, SW., Suite 3202, Washington, D.C. 20024.
B. Transcontinental Gas Pipe Line Corp., 490 L'Enfant Plaza SW., Suite 3202, Washington, D.C. 20024.
D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, Suite 1006, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $735.

A. Gailor, Elias & Matz, 700 E Street SE., Washington, D.C. 20003.
B. Maryland Savings Share Insurance Corp., 901 North Howard Street, Baltimore Life Building, Baltimore, Md. 21201.
D. (6) $925. E. (9) $10.

A. Gailor, Elias & Matz, 700 E Street SE., Washington, D.C. 20003.
B. National Association of State Savings and Loan Supervisors, 100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20023.

A. Gailor, Elias & Matz, 700 E Street SE., Washington, D.C. 20003.
B. North Carolina Savings Guaranty Corp., Post Office Box 2612, Raleigh, N.C. 27602.
D. (6) $925. E. (9) $20.

A. Mark J. Gallagher, National Committee for a Human Life Amendment, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $8,052.17. E. (9) $651.22.

A. Robert M. Gants, National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $27.

A. M. D. Garber, Jr., Phillips Petroleum Co., 2101 L Street NW., 6th Floor, Washington. D.C. 20037.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,000.02. E. (9) $127.31.

A. Wendell P. Gardner, Jr., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Philip Gasteyer, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,600.

A. Margaret L. Gehres, Chamber of Commerce of the United States, 1615 H Street NW, Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $26.10.

A. Robert C. Gelardi, Calorie Control 64 Perimeter Center East, Atlanta, Ga. 30346.
B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346; (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).
D. (6) $1,400.

A. Morton A. Geller, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $459. E. (9) $244.03.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
E. (9) $477.88.

A. Joseph G. Gerard, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $900. E. (9) $936.47.

A. Louis Gerber, CWA, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $3,635.49. E. (9) $29.

A. Donald H. Gerrish, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.

A. William T. Gibb III, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $480. E. (9) $17.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1800 K Street NW., Suite 620, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $1,920. E. (9) $43.

A. Anne Marie Gibbons, American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $400.

A. William L. Gifford, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Michael Gildea, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $9,373.

A. John E. Giles, 1600 Eye Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C. 20006.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. James T. Gillice, 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 1776 F Street NW., Washington, D.C.
D. (6) $250. E. (9) $50.

A. Michael J. Giuffrida, 1469 Quail Hollow Road, Harrisburg, Pa. 17112.
B. National Frozen Food Association, Inc., One Chocolate Avenue, P.O. Box 398, Hershey, Pa. 17033.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class 1 Railroads in Tennessee.
E. (9) $294.50.

A. George L. Gleason, American Nuclear Energy Council, 1750 K Street NW., No. 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $875. E. (9) $21.88.

A. John P. Gleason, Jr., Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Godfrey Association, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.
E. (9) $29.50.

A. Godfrey Association, Inc., 918 16th Street NW., S-501, Washington, D.C. 20006.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20006.
E. (9) $15.50

A. Horace D. Godfrey, 918 16th Street NW., S-501, Washington, D.C. 20006.
B. Godfrey Association, Inc., 918 16th Street N.W., S-501, Washington, D.C. 20006.
D. (6) $1,800. E. (9) $45.

A. J. F. Godfrey, P.O. Box 186, Fort Worth, Tex. 76101.
B. The Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.
D. (6) $16.

A. Patrick L. Godfrey, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,400.

A. Harvey S. Gold, Velsicol Chemical Corp., 910 17th Street NW., Suite 1000, Washington, D.C. 20006.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).
D. (6) $57.23. E. (9) $21.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. Carl Goldfield, American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Suite 212, Washington, D.C. 20037.
D. (6) $500.

A. Ruth Gonze, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

A. Don A. Goodall, 1625 Eye Street NW., Suite 401, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $330. E. (9) $69.77.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Government of Morocco, Rabat, Morocco).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG, Krauss-Maffei-Strasse 2, 8000 Munich, FRG).

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $8,081.25.

A. Vivian Goodier, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $425. E(9) $51.

A. Bruce G. Goodman, 115 Fourth Avenue, Needham Heights, Mass. 02194.
B. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 2006.
D. (6) $40. E. (9) $27.50.

A. Frederick D. Goss, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $120.

A. Sanford Gottlieb, 11102 Brandywine Street, Kensington, Md. 20795.
B. Americans for SALT, Inc., 324 Fourth Street NE., Washington, D.C. 20002.

A. Gould, Reichert & Strauss, 2613-20 Carew Tower, Cincinnati, Ohio 45202.
B. Francis J. Rorke, Box 1336, Cristobal, Canal Zone, et al.

A. Carl F. Graham, Amway Corp., 7575 East Fulton Road, Ada, Mich. 49355.
B. Amway Corp., 7575 East Fulton Road, Ada, Mich. 49355.

A. Lawrence T. Graham, American Hotel & Motel Association, Suite 1006, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $735.

A. Allan Grant, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $1,583. E. (9) $2.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., Suite 710, Washington, D.C. 20036.
B. Utah International, Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $1,030.90.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $1,200. E. (9) $25.

A. Kirk L. Gray, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,375.

A. Mark E. Grayson, National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $10.

A. Samuel A. Grayson, Union Pacific Railroad Co., 611 Idaho Building, 216 North 8th, Boise, Idaho 83702.
B. Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr. 68179.
E. (9) $6,964.14.

A. Donald R. Greeley, 1101 17th Street NW., Suite 603, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $625. E. (9) $90.

A. Mark Green, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $4,250.

A. Howard Greenberg, 7426 Arrowwood Road, Bethesda, Md. 20034.
B. Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 87204.
D. (6) $4,500.

A. Margit S. Greenspon, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $475.

A. Dale W. Greenwood, Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 612 Hoge Building, Seattle, Wash. 98104.
E. (9) $720.16.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.

A. William G. Grief, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $9,000.

A. Lori Gribbin, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $31.69.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.
B. Family Health Program, 2925 North Palo Verde Avenue, Long Beach, Calif. 90815.
D. (6) $2,625. E. (9) $337.55.

A. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aetna Life & Casualty, 151 Farmington Road, Hartford, Conn. 06115.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Baxter Travenol Laboratories, Inc., One Baxter Parkway, Deerfield, Ill. 60015.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
E. (9) $50.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Connecticut General Insurance Co., Hartford, Conn. 06115.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

E. (9) $50.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

E. (9) $250.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Eli Lilly and Co., 307 East McCarty, Indianapolis, Ind. 46206.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.

E. (9) $300.

A. Groom and Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

B. Natomas Co., 601 California Street, San Francisco, Calif. 94108.

E. (9) $200.

A. David B. Gross, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $1,000.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.

D. (6) $1,500. E. (9) $300.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $900.

A. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.

B. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.

D. (6) $2,926. E. (9) $22,119.28.

A. Craig Hackler, Rural Route 1, Box 177–S, Kearneysville, W. Va. 25430.

B. Independent Consultants, Inc., 1120 Connecticut Avenue NW., No. 1128, Washington, D.C. 20036.

D. (6) $100.

A. Loyd Hackler, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington D.C. 20006.

D. (6) $2,000. E. (9) $137.

A. Paul R. Haerle, Thelen, Marrin, Johnson & Bridges, 2 Embarcadero Center, Room 2200, San Francisco, Calif. 94111.

B. Energy Transportation Systems, Inc., P.O. Box 3965, San Francisco, Calif. 94119.

A. Charles T. Hagel, Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.

B. Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

D. (6) $3,750. E. (9) $360.

A. Thomas F. Hairston, Union Oil of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

B. Union Oil Co. of California, 461 South Boyltson Street, Los Angeles, Calif. 90017.

E. (9) $175.31.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1750 K Street NW., Suite 350, Washington, D.C. 20006.

B. Williams Cos., 1 Williams Center, Tulsa, Okla. 74101.

A. Floyd D. Hall, International Air Transport Association, 277 Park Avenue, New York, N.Y. 10017.

B. International Air Transport Association, 1000 Sherbrooke Street West, Montreal, Quebec, Canada H3A 2R4.

E. (9) $325.77.

A. Harry L. Hall, National Multiple Sclerosis Society, 6845 Elm Street, McLean, Va. 22101.

B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.

D. (6) $3,750.

A. Joseph Halow, North American Export Grain Association, Inc., 1800 M Street NW., Washington, D.C. 20036.

B. North American Export Grain Association, Inc., 1800 M Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Jerald V. Halvorsen, Allied-General Nuclear Services, 2120 L Street NW., Suite 245, Washington, D.C. 20037.

B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Belize Sugar Industries, Ltd., Belize City, Belize, Central America.

E. (9) $57.30.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Government of Republic of Panama, Compania Azucarera La Estella, S.A. and Azucarera Nacional, S.A., Panama City, Panama.

E. (9) $147.92.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $3,000. E. (9) $15.36.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

E. (9) $199.77.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 1901 L Street NW., Washington, D.C. 20036 (for the National Labor-Management Foundation, Louisville, Ky.)

E. (9) $15.50.

A. Jerry M. Hamovit, c/o Melrod, Redman & Gartlan, 1801 K Street NW., Washington, D.C. 20006.

B. O.P.M. Leasing Services, Inc., c/o Lehman Bros., Kuhn, Loeb, Inc., 1 William Street, New York, N.Y. 10004.

D. (6) $8,250. E. (9) $78.75.

A. Christopher G. Hankin, National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Peter J. Hapworth, 1850 K Street NW., Suite 850, Washington, D.C. 20006.

B. National Restaurant Association, 1850 K Street NW., Washington, D.C. 20006; 1 IBM Plaza, Suite 2600, Chicago, Ill. 60611.

D. (6) $775. E. (9) $188.

A. William E. Hardman, National Tool, Die & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

B. National Tool, Die & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Andrew E. Hare, National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $150. E. (9) $127.

A. Bryce L. Harlow, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

D. (6) $10.

A. C. Wayne Harmon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Michael T. Harrigan, Suite 700, 2033 M Street NW., Washington, D.C. 20036.

B. United States Olympic Committee, Colorado Springs, Colo.

D. (6) $3,750. E. (9) $125.60.

A. Jim Harrison, Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.

B. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, 20036.

D. (6) $5,116. E. (9) $201.47.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.

E. (9) $7,100.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $13,447.

A. Walter A. Hasty, Jr., 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $1,150. E. (9) $179.25.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Sidney G. Hawkes, Mead Corp., 1000 Connecticut Avenue NW., Suite 715, Washington, D.C. 20036.

B. Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.

D. (6) $400.

A. John H. Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

D. (6) $8,814. E. (9) $7,165.37.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

D. (6) $281.15. E. (9) $281.15.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

D. (6) $71.39. E. (9) $71.39.

A. Patrick B. Healy, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $487.50.

A. William H. Hecht, 1776 K Street NW., No. 1200, Washington, D.C. 20006.

B. Tobacco Institute, 1776 K Street NW., No. 1200, Washington, D.C. 20006.

D. (6) $1,610. E. (9) $690.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C. 20005.

B. Citizens for Management of Alaska Lands (CMAL), Anchorage, Alaska.

D. (6) $6,000.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $9,424. E. (9) $191.31.

A. Harry V. Helton, Reynolds Metal Co., 1800 Southwest First, Suite 520, Portland, Oreg. 97201.

B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.

E. (9) $123.75.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Suite 101, Box 54, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $489.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

E. (9) $40.

A. Henkel & Lamon, 229 Peachtree Street NE., Suite 2500, Atlanta, Ga. 30303.

B. National Association of Pension Consultants & Administrators, Inc., 151 Ellis Street NE., Atlanta, Ga. 30303.

D. (6) $3,362. E. (9) $234.29.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. George F. Hennrikus, Jr., Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $3,578.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

E. (9) $2,031.

A. Jack E. Herington, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $500.

A. Esther Herst, 510 C Street NE., Washington, D.C. 20002.

B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $3,055. E. (9) $1,878.06.

A. Ted A. Heydinger, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

E. (9) $200.53.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $17,449.26. E. (9) $559.04.

A. Frederic W. Hickman, 1 First National Plaza, Chicago, Ill. 60603.

B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60603.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $7,100.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

D. (6) $150.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $1,850. E. (9) $31.14.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $200.

A. Janet E. Hieber, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $3,000. E. (9) $45.25.

A. J. Thomas Higginbotham, Mellon Bank, N.A., Pittsburgh, Pa. 15230.

B. Mellon Bank, N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.

D. (6) $2,000. E. (9) $690.47.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.

B. Investment Counsel Association of America, c/o John L. Casey, Scudder, Stevens & Clark, 345 Park Avenue, New York, N.Y. 10022.

D. (6) $2,531.05.

A. Gerald (Jerry) Hill, 6 Executive Park Drive, Atlanta, Ga. 30329.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. J. Eldred Hill, Jr., UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.

D. (6) $2,000.

A. Richard E. Hill, Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Northwest Alaskan Pipeline Co., P.O. Box 1526, Salt Lake City, Utah 84110.

D. (6) $5,700.

A. Kathryn Hilton, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $1,687.

A. Joe Hinson, National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

D. (6) $600. E. (9) $60.

A. Sheila K. Hixson, American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Lawrence S. Hobart, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $200.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $2,200. E. (9) $520.

A. Ralph D. Hodges, Jr., National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $407.60.

A. Lawrence S. Hoffheimer, 6845 Elm Street, Suite 511, McLean, Va. 22101.

B. American Group Practice Association, 20 South Quaker Lane, Alexandria, Va. 22314.

D. (6) $5,000. E. (9) $850.

A. Lawrence S. Hoffheimer, National Multiple Sclerosis Society, 6845 Elm Street, Suite 511, McLean, Va. 22101.

B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.

D. (6) $3,750. E. (9) $1,910.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Children's Defense Fund of the Washington Research Project, Inc., 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $373.88. E. (9) $10.20.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Bessemer Securities Corp., 245 Park Avenue, New York, N.Y. 10017.
D. (6) $9,043.20.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European and Japanese National Shipowners' Associations, 17/18 Bury Street, London EC3A 5AH, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $48,507.32.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Schrader Stoves, Inc., Energy Alternatives, Inc., JNJ Enterprises, Inc., c/o Fisher Stoves International, Inc., P.O. Box 10605, Eugene, Oreg. 97440.
D. (6) $500.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue, NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,240.40. E. (9) $939.32.

A. Eric Holmes, Jr., Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Lee B. Holmes, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $725.

A. Peter E. Holmes, G.E. Co., 777 14th Street NW., Washington, D.C. 20005.
B. G.E. Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $500.

A. John W. Holton, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Ave. NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Linwood Holton, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Hormel Foundation, Austin, Minn. 55912.
E. (9) $8,342.83.

A. Michael L. Horn, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Robert Jack Horn, 1819 H Street NW., Suite 950, Washington, D.C. 20006.
B. Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.
D. (6) $344.

A. Michael E. Horrell, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $341.25. E. (9) $4.46

A. John F. Horty, National Council of Community Hospital, 815 Connecticut Avenue, Suite 206, Washington, D.C. 20006.
B. National Council of Community Hospitals, 815 Connecticut Avenue NW., Suite 206, Washington, D.C. 20006.
E. (9) $1,251.17.

A. Houger, Garvey & Schubert, 1725 K Street NW., Suite 303, Washington, D.C. 20006.
B. American Pyrotechnics Association, 407 Campus Avenue, Chestertown, Md. 21620.
D. (6) $199.50. E. (9) $220.64.

A. Thomas B. House, American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22102.
D. (6) $250.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $11,489.45.

A. Thomas Howarth, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $4,875. E. (9) $79.28.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. John B. Howerton, ASARCO Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.
D. (6) $1,500.

A. Gary E. Hughes, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Royston C. Hughes, Florida Transmission Co., 1711 Venetian Way, Winter Park, Fla. 23789.
B. Florida Gas Transmission Co., P.O. Box 44, Winter Park Fla. 32790.

A. William G. Hughes, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $84.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $905. E. (9) $3.77.

A. William J. Hull, Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio.
B. Ohio Valley Improvement Association, Inc.

A. Keith R. Hundley, 1625 I Street NW., Suite 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $200.

A. Burt H. Hunley, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of the Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $75.

A. Acacia Graham Hunt, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $27.60. E. (9) $1.50.

A. Richard M. Hunt, NL Industries, Inc., Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $2,000.

A. Robert C. Hunt, 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Milton F. Huntington, c/o Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $100.

A. James L. Huntley, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $11,234.48. E. (9) $1,008.42.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $66.35. E. (9) $3.35.

A. Benjamin Melvin Hurwitz, Coastal States Gas Corp., 1015 18th Street NW., Suite 610, Washington, D.C. 20036.
B. Coastal States Gas Corp., Nine Greenway Plaza, Houston, Tex. 77046.
D. (6) $1,200. E. (9) $65.

A. John F. Hussey, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $113.64.

A. Dewey M. Hutchins, Eastman Kodak Co., 500 12th Street SW., Washington, D.C. 20024.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.
D. (6) $375. E. (9) $85.

A. Philip A. Hutchinson, Jr., Volkswagen of America, 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $250.

A. Randy Huwa, Common Cause, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,600.

A. Lee M. Hydeman, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.

A. Frank N. Ikard, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $3,750.

A. Atilla S. Ilkson, National Association of Realtors®, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors ®, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000. E. (9) $113.82.

A. Independent Consultants, Inc., 1120 Connecticut Avenue, NW., No. 1128, Washington, D.C. 20036.
D. (6) $100.

A. Independent Data Communications Manufacturers Association Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $384. E. (9) $384.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $15,712.49.

A. Independent Local Newspaper Association, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $7,500.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $14,272.81. E. (9) $14,272.81.

A. G. Conley Ingram, Citizens & Southern National Bank Building, 35 Broad Street, Atlanta, Ga. 30303.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,290.

A. Deborah A. Insley, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp.
D. (6) $2,500. E. (9) $106.95.

A. International Brotherhood of Painters and Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
E. (9) $1,501.87.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $24,546.24.

A. International Services Corp., 1776 K Street NW., Suite 605, Washington, D.C. 20006.
B. U.S. Merchant Marine Academy Alumni Association, Inc. (Kings Point Fund, Inc.), Kings Point, Long Island, N.Y. 11024.
D. (6) $1,250. E. (9) $1,250.

A. International Union of Electrical, Radio and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
B. IUE–AFL–CIO–CLC, 1126th 16th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $300.

A. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $2,137.11.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $3,867.49. E. (9) $8,318.50.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $600.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $132.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric, Water & Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. Mary Jo Jacobi, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $258.

A. Walter K. Jaenicke, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $2,775. E. (9) $50.

A. E. A. Jaenke & Associates, Inc., 1735 Eye Street NW., Washington, D.C. 20006.
B. The Cooperative League of the USA, 1828 L Street NW., Washington, D.C. 20036.

A. Leslie A. Janka, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).
D. (6) $85.34.

A. Evie Jarvis, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $81.

A. T. Destry Jarvis, 529 Tennessee Avenue, Alexandria, Va. 22305.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $922.50.

A. Joseph A. Jeffrey, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $274.70.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.
D. (6) $270. E. (9) $11.15.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.
B. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.
D. (6) $100.

A. W. Pat Jennings, Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
D. (6) $500.

A. A. W. Jessup, 1899 L Street NW., No. 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $253.75.

A. Guy E. Jester (J. S. Alberici Construction Co.), 2150 Kienlen Avenue, St. Louis, Mo. 63121.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $6,283.

A. Ronald P. Johnsen, Columbia Gas System Service Corp., 1625 Eye Street NW., Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $175. E. (9) $237.50.

A. Bob Johnson, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $2,234. E. (9) $115.68.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. Johnson, Hoar & Co., Inc., 1220 19th Street NW., Suite 201, Washington, D.C. 20036.
B. Allstate Insurance Co., c/o Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

A. Johnson, Hoar & Company, 1220 19th Street NW., Suite 201, Washington, D.C. 20036.
B. Committee for Consumers No-Fault, c/o Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. John Paul Johnson, Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $350. E. (9) $80.70.

A. Reuben L. Johnson, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 15th Street NW., Washington, D.C. 20005.
D. (6) $7,753.87. E. (9) $207.12.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the USA, P.O. Box 2268, San Antonio, Tex. 78298.
D. (6) $2,281.55. E. (9) $230.28.

A. Spencer A. Johnson, Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C.
D. (6) $150.

A. Stanley L. Johnson, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $100.

A. William Johnson, Consumers Power Co., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $600.

A. James D. Johnston, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $1,697.49.

A. Joint Corporate Committee on Cuban claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $1,200. E. (9) $1,170.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $182.04.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 19919.
D. (6) $950. E. (9) $20.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
E. (9) $5.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Control Data Corp., 6003 Executive Boulevard, Rockville, Md.
D. (6) $1,822.50. E. (9) $3.65.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. Gerald Jones, Paralyzed Veterans of America, Inc., 4330 East-West Highway, Suite 300, Washington, D.C. 20014.
B. Paralyzed Veterans of America, Inc., 4330 East-West Highway, Washington, D.C. 20014.

A. James E. Jones, Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.
B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24022.

A. James E. Jones, Jr., 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 1776 F Street NW., Washington, D.C.
D. (6) $75. E. (9) $55.

A. Phillip W. Jones, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $487.50.

A. Randall T. Jones, 1030 15th Street NW., Suite 700, Washington, D.C.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $50.

A. De Soto Jordan, Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Donald L. Jordan, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Jeffrey H. Joseph, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Robert E. Juliano, Hotel and Restaurant Employees and Bartenders International Union, 1666 K Street NW., Washington, D.C. 20006.
B. Hotel and Restaurant Employees and Bartenders International Union, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.
D. (6) $9,999.96. E. (9) $471.44.

A. H. Richard Kahler, 1850 K Street NW., Suite 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $2,422.06.

A. Ann P. Kahn, National Congress of Parents and Teachers, 9202 Ponce Place, Fairfax, Va. 22030.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $28.40.

A. Kaiser Steel Corp., 900 17th Street NW., No. 1016, Washington, D.C. 20006.
E. (9) $1,462.69.

A. Irving K. Kaler, Kaler, Lefkoff, Pike & Fox, Suite 2101, 100 Colony Square, 1175 Peachtree Street NE., Atlanta, Ga. 30361.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215-16, Washington, D.C. 20036.
D. (6) $2,172.59. E. (9) $422.59.

A. Donald J. Kaniewski, Laborers' International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers International Union of N.A., AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $4,749.99. E. (9) $167.40.

A. Richard T. Kaplar, Motor Vehicle Manufacturers Association of the United States Inc., 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $30. E. (9) $28.

A. Charles W. Karcher, 1780 Guildhall, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Gene Karpinski, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. American League for International Security Assistance, Inc., 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
D. (6) $4,500.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $3,100. E. (9) $2,313.50.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. Special Committee for U.S. Exports, 1666 K Street NW., Washington, D.C. 20005.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. TADCO Enterprires, Inc., 1625 I Street NW., Washington, D.C. 20006; and Archer Daniels Midland, Decatur, Ill. 62525.
D. (6) $3,000.

A. Linda Eileen Katz, 3350 Huntley Square Drive, T-2, Temple Hills, Md. 20031.
B. Chicago, Rock Island & Pacific Railroad Co., 332 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $5,000. E. (9) $534.12.

A. Kathryn Kavanagh, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Keck, Cushman, Mahin & Cate, 8300 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.
B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.
D. (6) $77. E. (9) $2.39.

A. Howard B. Keck, The Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
B. The Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,200.01. E. (9) $140.26.

A. David C. Keehn, Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Robert H. Kellen, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346.
B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 for (Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).
D. (6) $1,950.

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,500.

A. Ty Kelley, National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.

B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.

D. (6) $1,500.

A. Carol A. Kelly, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Suite 2124, 400 South Tryon Street, Charlotte, N.C. 28285.

D. (6) $3,850.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, Washington, D.C. 20005.

A. Thomas J. Kenan, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.

B. Coquina Oil Corp., P.O. Box 2690, Midland, Tex.

D. (6) $50,000. E. (9) $6.78.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, No. 3 Research Place, Rockville, Md. 20850.

D. (6) $5,000. E. (9) $1,100.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $385.74.

A. Robert T. Kenney, 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. William S. Kies, 1750 K Street NW., Washington, D.C. 20006.

B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Richard H. Kimberly, Kimberly-Clark Corp., Executive Suite, 3390 Peachtree Road NE., Atlanta, Ga. 30326.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

D. (6) $10. E. (9) $199.16.

A. Charles L. King, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D. C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

D. (6) $125.

A. Dean King, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $15. E. (9) $15.

A. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

B. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $1,000. E. (9) $9.50.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $7,500.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.

B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

D. (6) $13,380. E. (9) $437.08.

A. Kirkland & Ellis, 1776 K Street NW., Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,084.61.

A. Catherine B. Klarfeld, 1775 Pennsylvania Avenue, NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for the Republic of the Philippines).

A. Richard P. Kleeman, Association of American Publishers, Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.

B. Association of American Publishers, Inc., No. 480, 1707 L Street NW., Washington, D.C. 20036.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $46.46. E. (9) $2.65.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $1,375.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $3,876.98. E. (9) $216.37.

A. Bradley R. Koch, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D. C. 20036.

D. (6) $126.

A. George W. Koch, 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $3.30.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

E. (9) $3.50.

A. Law Offices of Tony Korioth, P.O. Box 12901, Capital Station, Austin, Tex. 78711.

B. Texas Municipal League Workers' Compensation Joint Insurance Fund, 1020 Southwest Tower Building, 211 East Seventh, Austin, Tex. 78701.

D. (6) $2,280.

A. Horace R. Kornegay, Suite 1200, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $500. E. (9) $150.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $7,164.56. E. (9) $2,833.40.

A. Michael J. Kowalsky, Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

D. (6) $9,253.80.

A. Mylio S. Kraja, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $7,881. E. (9) $798.33.

A. Edward DeW. Kratovil, American Can Co., American Lane, Greenwich, Conn. 06830.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $936.40.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Raymond R. Krause, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

D. (6) $300. E. (9) $150.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. M. J. Kuehne, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $10,500. E. (9) $1,097.62.

A. Thomas R. Kuhn, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $570. E. (9) $23.87.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.

B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

D. (6) $300.

A. Kutak Rock & Huie, 1101 Connecticut Avenue NW., 11th floor, Washington, D.C. 20036.

B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.

D. (6) $1,500. E. (9) $45.54.

A. Kutak Rock & Huie, 1650 Farnam Street, Omaha, Nebr. 68102.

B. E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004.

D. (6) $2,500. E. (9) $587.74.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 2005; 11 South La Salle Street, Chicago, Ill. 60603.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,979. E. (9) $5,296.

A. Laborers' Int'l Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $18,145.13.

A. Walter B. Laessig, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $1,250.

A. Sarah M. Laird, 1730 M Street NW., Washington, D.C. 20036.

B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $1,186. E. (9) $22.20.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Avenue NW., Suite 704, Washington, D.C. 20001.

E. (9) $65.

A. John L. Lancaster, Paralyzed Veterans of America, Inc., 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

B. Paralyzed Veterans of America, Inc., 4330 East-West Highway, Suite 300, Washington, D.C. 20014.

A. David W. Landsidle, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $225.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International, Inc., Suite 503, 4676 Admiralty Way, Marina del Rey, Calif. 90291.

D. (6) $750.

A. Lane and Edson, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

B. National Leased Housing Association, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $450.

A. J. Stephen Larkin, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $300. E. (9) $83.03.

A. Lucille Larkin, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $82.50.

A. Reed E. Larson, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

A. Latham, Watkins & Hills, 1625 K Street NW., Suite 500, Washington, D.C. 20006.

B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $3,475. E. (9) $23.54.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Kenneth L. Lay, 641 Via Lugano, Winter Park, Fla. 32789.

B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Lead-Zinc Producers Committee, 1101 15th Street NW., Suite 803, Washington, D.C. 20005.

D. (6) $3,255. E. (9) $12,938.20.

A. Alice V. Leaderman, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $7.50.

A. LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036.

B. Neratoom, B.V., P.O. Box 93244, 2509 AE Den Haag, The Hague, Holland.

E. (9) $26.80.

A. Robert Leibner, American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

B. American Frozen Food Institute, 1700 Old Meadow Road, McLean, Va. 22101.

D. (6) $150.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.

B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.

D. (6) $100. E. (9) $25.

A. Lynette B. Lenard, 1800 M Street NW., Suite 700S, Washington, D.C. 20036.

B. The Dow Chemical Co., Midland, Mich. 48640.

D. (6) $333.34. E. (9) $78.74.

A. Earl T. Leonard, Jr., The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $342. E. (9) $870.05.

A. Lloyd Leonard, 1730 M Street NW., Washington, D.C. 20036.

B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $849. E. (9) $30.65.

A. Will E. Leonard, 1629 K Street NW., Suite 1100, Washington, D.C. 20006.

B. Universal Leaf Tobacco Co., Inc., Hamilton Street at Broad, Richmond, Va. 23260.

A. Steven H. Lesnik, Lumbermens Mutual Casaulty Co., Long Grove, Ill. 60049.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $300.

A. Gilbert B. Lessenco, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Consolidated Edison Co. of New York, Inc., Four Irving Place, New York, N.Y. 10003.

D. (6) $56.25.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. National Council of Community Hospitals, 815 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $332.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue N.W., Washington, D.C. 20006.

B. National Association for Hospital Development, 1700 K Street NW., Suite 605, Washington, D.C. 20006.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.

B. Association of American Railroads, American Railroad Building, Washington, D.C.

D. (6) $1,000.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.

B. Independent Local Newspaper Association, Suite 240, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $7,500.

A. David Levine, Sierra Club, 545 East Fourth Avenue, No. 5, Anchorage, Alaska 99501.

B. Sierra Club, 545 East Fourth Avenue, No. 5, Anchorage, Alaska 99501.

D. (6) $2,812.50 E. (9) 251.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. E. David Lewis, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.

D. (6) $110. E. (9) $225.

A. Robert G. Lewis, 1012 14th Street NW., Washington, D.C. 20005.

B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $2,153.84. E. (9) $54.66.

A. Stuart A. Lewis, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.

B. Association of Reserve City Bankers, 1800 H Street NW., Suite 1010, Washington, D.C. 20036.

D. (6) $200.

A. Susan Paris Lewis, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. Walter R. Lewis, Jr., National Association of Manufacturers, 704 Lisburn Road, Camp Hill, Pa. 17011.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $212.50.

A. Ronald L. Leymeister, American Bankers Associations, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $83.74.

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. William C. Lienesch, 238 10th Street SE., Washington, D.C. 20003.

B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $541.86. E. (9) $11.

A. Andrew Litsky, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,169. (E) (9) $46.75.

A. Thierry J. Liverman, Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Time Corp., 3500 North Greenfield Road, Mesa, Ariz. 85201.
D. (6) $1,000. E. (9) $50.

A. Livestock Marketing Association, 4900 Oak Street, Kansas City, Mo. 64112.
E. (9) $3,532.12.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $41.50.

A. James T. Lloyd, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.

A. Harold D. Loden, American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.

A. Robert H. Loeffler, Suite 701, 1050 17th Street NW., Washington, D.C. 20036.
B. State of Alaska, Department of Natural Resources, Pouch M, State Capitol Building, Juneau, Alaska 99811.
D. (6) $1,080.

A. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.
E. (9) $4,500.

A. Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,500.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Industrial Diamond Association, 59 East Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Linen Supply Association of America, 1250 East Hallandale Beach Boulevard, Hallandale, Fla. 33009.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. National Association of Casualty & Surety Agents, 5225 Wisconsin Avenue N.W., Washington, D.C. 20016.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Edward J. Lord, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,043. E. (9) $277.59.

A. Philip J. Loree, 17 Battery Place North, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $200.

A. Robert E. Losch, McNutt, Dudley, Easterwood & Losch, 910 17th Street N.W., Washington, D.C. 20006.
B. American Dredging Co. et al., P.O. Box 328, Fort Washington, Pa. 19034.
D. (6) $24,500. E. (9) $2,010.38.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $500. E. (9) $200.

A. Robert C. Lower, 1200 Citizens & Southern National Bank Building, 35 Broad Street, Atlanta, Ga. 30303.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $157.50.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Mrs. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,045.93.

A. Lucas, Friedman & Mann, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Republic of the Philippines.
D. (6) $1,408.48.

A. John S. Lucas, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $335.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $3,579.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Christian J. Lund, 1125 15th Street NW., Washington, D.C. 20005.
B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $10,000. E. (9) $41.60.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $600. E. (9) $12.38.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, Box 11111, Cincinnati, Ohio 45211.
D. (6) $250. E. (9) $5.56.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.
D. (6) $750. E. (9) $156.65.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $120.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.).
D. (6) $500.

A. M&I Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Douglas E. MacArthur, Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.
B. Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.
D. (6) $667. E. (9) $1,022.22.

A. Alan G. Macdonald, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $2,400.

A. Kathleen Clifford MacDonough, 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.
B. Burson-Marsteller, 1800 M Street NW., 750 South, Washington, D.C. 20036.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.
D. (6) $18,375. E. (9) $3,755.35.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $872. E. (9) $500.

A. Duncan H. Mackenzie, 3015 Goat Hill Road, Bel Air, Md. 21014.
D. (6) $130. E. (9) $139.77.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.
B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.
D. (6) $5,900.72. E. (9) $2,768.20.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,650. E. (9) $64.

A. W. Terry Maguire, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

D. (6) $1,800. E. (9) $25.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $3,610.44. E. (9) $225.59.

A. Andre Maisonpierre, 1776 F Street NW., Washington, D.C.

B. Alliance of American Insurers, 1776 F Street NW., Washington, D.C.

A. Leonard W. Mall, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 500 12th Street SW, Washington, D.C. 20024.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.

D. (6) $210. E. (9) $11.50.

A. Dennis Maloney, Wien Air Alaska, 4100 International Airport Road, Anchorage, Alaska 99502.

D. (6) $600. E. (9) $150.95.

A. The Management Group, 1211 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.

B. United States Industrial Council, P.O. Box 2686, Nashville, Tenn. 37219.

D. (6) $1,500.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

D. (6) $9,000. E. (9) $46.40.

A. Mike Manatos, 1801 K Street NW., Suite 230, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $30.

A. James Mann, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Lucas, Friedman & Mann, 1028 Connecticut Avenue NW., Washington, D.C. 20036 (for Republic of the Philippines).

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. Dallace E. Marable, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,050. E. (9) $34.25.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C. 20013.

D. (6) $15,376.96. E. (9) $16,918.88.

A. David J. Markey, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washingon, D.C. 20036.

D. (6) $2,000. E. (9) $301.35.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.

B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

D. (6) $1,794.32. E. (9) $2,227.15.

A. John C. Marlin, 309 West Nevada, Urbana, Ill. 61801.

B. Coalition on American Rivers, P.O. Box 2667, Station A, Champaign, Ill. 61820.

D. (6) $2,505.

A. Jack D. Maroney, 1300 American Bank Tower, Austin, Tex. 78701.

B. Texas Medical Association, 1801 North Lamar Boulevard, Austin, Tex. 78701.

D. (6) $250. (E) $80.

A. J. Paull Marshall, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $103.50. E. (9) $421.55.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

D. (6) $75. E. (9) $301.76.

A. Katherine E. Martin, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $227.04. E. (9) $185.84.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $225.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Mike M. Masaoka, Masaoka-Ishikawa and Associates, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $1,500.

A. Paul J. Mason, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $250.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

A. Charles D. Matthews, National Ocean Industries Association, 1100 17th Street NW., Suite 410 Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street NW., Suite 410, Washington, D.C. 20036.

D. (6) $191.68. E. (9) $108.45.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

D. (6) $487.50.

A. Joanne E. Mattiace, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

D. (6) $150. E. (9) $22.

A. Robert R. Mattson, Standard Oil Co. (Indiana), 200 East Randolph Drive, Mail Code 6123, Chicago, Ill. 60601.

B. Standard Oil Co., 200 East Randolph Drive, Chicago, Ill. 60601.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $463. E. (9) $30.

A. Harold R. Mayberry, Jr., Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Arnold Mayer, Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 100 Indiana Avenue NW., Room 502, Washington, D.C. 20001.

B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $10,289. E. (9) $140.

A. Mayer, Brown & Platt, c/o James L. Mitchell, 888 17th Street NW., Washington, D.C.

B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Brunswick Corp., 1 Brunswick Plaza, Skokie, Ill. 60076.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. The ERISA Industry Committee, Suite 1201, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. J. G. Boswell Co., 333 South Hope Street, Los Angeles, Calif. 90017.

D. (6) $1,050. E. (9) 656.50.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. California Planting Cotton Seed Distributors, P.O. Box 1281, Bakersfield, Calif. 93302.

A. H. Wesley McAden, 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. Salyer Land Co., P.O. Box 488, Corcoran, Calif. 93212.

D. (6) $1,050. E. (9) $656.50.

A. Richard F. McAdoo, 1901 L Street NW., Suite 702, Washington, D.C. 20036.

B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif. 90071.

D. (6) $904. E. (9) $313.66.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Armco Inc., 815 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $450.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,750. E. (9) $44.

A. John A. McCahill, 2033 M Street NW., Suite 700, Washington, D.C. 20036.

B. United States Olympic Committee, P.O. Box 4000, Colorado Springs, Colo. 80930.

D. (6) $3,750. E. (9) $241.72.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. John A. McCart, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,176.72.

A. McClure & Trotter, 1100 Connecticut Avenue, NW., Suite 600, Washington, D.C. 20036.

B. Allied Capital Corp., 1625 I Street NW., Suite 306, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $2.52.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C.. 20036.

B. Avon Products, Inc., Nine West 57th Street, New York, N.Y. 10019.

D. (6) $618.75. E. (9) $84.27.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

D. (6) $23,114.38. E. (9) $247.93.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

D. (6) $734.25. E. (9) $79.29.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Estate of Chester H. Roth, Parker, Chapin, Flattau & Klimpl, 530 Fifth Avenue, New York, N.Y. 10036.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, N.Y. 10023.

D. (6) $1,567.63. E. (9) $319.53.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $4,717.50 E. (9) $86.02.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

A. Robert S. McConnaughey, American Council of Life Insurance, Inc., 1850 K Street N.W., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Joel C. McConnell, Jr., Independent Bankers Association of America, 1625 Massachusettes Avenue NW., Washington, D.C. 20036.

B. Independent Bankers Association of America, 1168 South Main, Sauk Centre, Minn. 56378.

D. (6) $5,000. E. (9) $1,000.

A. Bruce A. McCrodden, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

D. (6) $142.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $85.20.

A. D. McCurrach, 1500 Wilson Boulevard, No. 609, Arlington, Va. 22209.

B. National School Supply & Equipment Association, 1500 Wilson Boulvard, No. 609, Arlington, Va. 22209.

A. Albert L. McDermott, American Hotel & Motel Association, Suite 1006, 1101 Connecticut Avenue, NW., Washington, D.C. 20036.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $1,481.32.

A. E. T. McDonald, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes; No. 3 Research Place, Rockville, Md. 20850.

D. (6) $1,300. E. (9) $2,100.

A. Jack McDonald Associates, 6845 Elm Street, No. 500, McLean, Va. 22101.

B. Northrop Corp., 1800 Century Park East, Los Angeles. Calif. 90067.

D. (6) $4,500. E. (9) $2,450.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. Montana Power Co., Butte, Mont. 59701.

E. (9) $180.85.

A. Ruth Gordon McGill, 5437 Druid Lane, Dallas, Tx. 75209.

B. Doctors for the Equal Rights Amendment, P.O. Box 19531, Dallas, Tex. 75219.

E. (9) $990.32.

A. Robert M. McGlotten, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street, NW., Washington, D.C. 20006.

D. (6) $11,487. E. (9) $172.50.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, 1660 L Street, N.W., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW, Washington, D.C. 20036.

D. (6) $500.

A. Joseph B. McGrath, 1619 Massachusetts Avenue, Washington, D.C. 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $7,875. E. (9) $3,256.45.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $12,307.50. E. (9) $302.25.

A. Peter E. McGuire, National Association of Retired and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.

B. National Association of Retired & Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans. 66106, Hotel & Restaurant Employees & Bartenders International Union, 1666 K Street NW., Washington, D.C.; International Conference of Police Associations, 1239 Pennsylvania Avenue NW., Washington, D.C. 20003.

D. (6) $900. E. (9) $316.41.

A. John J. McHale, Jr., 1817 Biltmore Street NW., Apt. A, Washington, D.C. 20009.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $1,500.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $1,045.39.

A. Lyn R. McIntosh, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $300. E. (9) $31.56.

A. Robert S. McIntyre, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.

B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.

D. (6) $937.50.

A. C. A. Mack McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Marine Corps League, 933 North Monroe Street, Suite 321, Arlington, Va. 22201.

E. (9) $23.

A. C. A. Mack McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.

B. Non Commissioned Officers Association of the U.S.A., P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $5.358.11. E. (9) $10,730.44.

A. John S. McLees, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

E. (9) $300.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $475. E. (9) $220.25.

A. C. W. McMillan, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

D. (6) $1,500.

A. Craig L. McNeese, P.O. Box 1700, Houston, Tex. 77001.

B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

D. (6) $875. E. (9) $455.

A. George G. Mead, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000.

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street NW., Suite 1160, Washington, D.C. 20036.
B. Interlake, Inc., Commerce Plaza, 2015 Spring Road, Oak Brook, Ill. 60521.
D. (6) $7,020. E. (9) $16.09.

A. David O. Meeker, the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,487. E. (9) $568.05.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036:.
B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street NW., Washintgon, D.C. 20036.
D. (6) $6,803. E. (9) $51.50.

A. F. A. Meister, Jr., 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $350. E. (9) $67.80.

A. R. Otto Meletzke, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22102.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $8,124. E. (9) $400.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va., 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
E. (9) $27.89.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.
D. (6) $6,250. E. (9) $116.49.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Holly Corp., 3327-2001 Bryan Tower, Dallas, Tex. 75201.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Klineman Associates, Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $10,000. E. (9) $177.62.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20006.
D. (6) $12,650. E. (9) $29.20.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. John Tudor, 18 East 53d Street, New York, N.Y. 10022.
E. (9) $45.45.

A. Harold E. Mesirow, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C.
B. Stencel Aero Engineering Corp., P.O. Box 5836, Asheville, N.C. 28803.

A. Marc Messing, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,400. E. (9) $236.79.

A. Tanya K. Metaksa, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $750.

A. James G. Michaux, 1801 K Street NW., Suite 903, Washington, D.C. 20006.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202.
D. (6) $500.

A. Ronald A. Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Charles J. Micoleau, Curtis Thaxter Corey Lipez & Stevens, One Canal Plaza, Portland, Maine 04112.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $653. E. (9) $6.60.

A. Mid-Continent Oil and Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $867.28. E. (9) $3,228.35.

A. Joy Midman, National Association of Private Psyche. Hospitals, 1701 K Street NW., Washington, D.C. 20006.
B. National Association of Private Psyche. Hospitals, 1701 K Street NW., Washington, D.C. 20006.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
E. (9) $5,383.25.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $56.75.

A. A. Stanley Miller, 910 16th Street, Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $200.

A. Miller & Chevalier, 1700 Pennsylvania Avenue, Washington, D.C. 20006.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $15,011.25. E. (9) $9.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $910.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. IDS Life Insurance Co., IDS Tower, Minneapolis, Minn. 55402.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $27.85.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Texasgulf, Inc., Stamford, Conn.
D. (6) $450. E. (9) $419.13.

A. Luman G. Miller, Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
E. (9) $584.77.

A. Stella L. Miller, Nanatiol Paint and Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint and Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $18.69.

A. Millman Broder and Curtis, 1730 M Street NW., Suite 908, Washington, D.C. 20036.
B. National Council of Senior Citizens, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $4,500. E. (9) $49.96.

A. John F. Mills, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $600.

A. Linda F. Mills, 1629 K Street NW., Suite 300, Washington, D.C. 20006.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $10.

A. Edward J. Milne, Edison Electric Institute, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. Edison Electric Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. Stephan M. Minikes, Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Washington, D.C.
B. Seatrain Lines, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.
D. (6) $1,250. E. (9) $22.

A. Charles W. Mitchell, 7915 Sherwood Road, Ruxton, Md. 21204.
B. Americans for Alaska, P.O. Box 50, Riderwood, Md. 21139.
D. (6) $84.84. E. (9) $22.51.

A. Clarence Mitchell, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1735 I Street N.W., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $560.

A. Wayne L. Millsap, Millsap, Eyerman and Heitmann, Clayton Inn Center, 7777 Bonhomme, Suite 2300, St. Louis, Mo. 63105.
B. Seven-Up Bottling Co., 555 Brown Road, St. Louis, Mo.
D. (6) $999.

A. Richard Mizrack, 270 Madison Avenue, New York, N.Y. 10016.

B. Wolf Haldenstein Adler Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016 (for Fallek-Lankro Corp., Tuscaloosa, Ala.).
D. (6) $999.

A. Marian E. Moe, 821 15th Street NW., Suite 638, Washington, D.C. 20005.
B. Center on Social Welfare Policy and Law, 821 15th Street NW., Washington, D.C. 20005.
D. (6) $2,125. E. (9) $80.

A. Phillip W. Moery, 1230 Kensington Road, McLean, Va. 22101.
B. Surrey, Karasik and Morse, 1156 15th Street NW., Washington, D.C. 20005 (for Westway Trading Corp., 464 Hudson Terrace, Englewood Cliffs, N.J. 07632).
D. (6) $100. E. (9) $15.

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $192.

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $60.

A. John S. Monagan, 1730 Pennsylvania Avenue NW., Suite 1010, Washington, D.C. 20006.
B. United States Olympic Committee, 57 Park Avenue, New York, N.Y. 10016.

A. Michael Monroney, 2030 M Street NW., Suite 800, Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.
E. (9) $100.

A. G. Merrill Moody, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $177.37. E. (9) $50.85.

A. John M. Mooney, Suite 2200, Two Embarcadero Center, San Francisco, Calif. 94111.
B. Bechtel Corp., 50 Beale Street, San Francisco, Calif. 94105.
D. (6) $2,000.

A. Alan J. Moore, The Atchison, Topeka & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,000.

A. April D. Moore, 1867 California Street NW., Washington, D.C. 20009.
B. National Consumers League, 1028 Connecticut Avenue NW., No. 522, Washington, D.C. 20036.

A. Joy E. Moore, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,750. E. (9) $87.37.

A. L. Calvin Moore Oil, Chemical, and Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical, and Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $3,575.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Mondakota Gas Co., P.O. Box 224, Billings, Mont. 59103.

A. Powell A. Moore, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $747.50.

A. Jo V. Morgan, Jr., 1050 17th Street NW., Washington, D.C. 20036.
B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
D. (6) $1,800.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $588. E. (9) $38.68.

A. Stephen C. Morrisette, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 215, Washington, D.C. 20036.
B. Crown Kellerbach, One Bush Street, San Francisco, Calif. 94119.

A. Lynn E. Mote, Northern Natural Gas Co., 1133 15th Street NW., Suite 503, Washington, D.C. 20005.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,000.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $719.30. E. (9) $719.30.

A. David Moulton, Congress Watch, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20005.
D. (6) $2,750.

A. William G. Mullen, National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
E. (9) $25.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $517.88.

A. Mullin, Connor and Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Alberto de la Vega-Ripol, Flemingstrsse 46 8000 Munich 81, West Germany.
E. (9) $13.72.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $200. E. (9) $10.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $3,876.08. E. (9) $15.42.

A. Anne G. Murphy, PBS, 8415 Stafford Street, Arlington, Va. 22206.
B. Public Broadcasting Service, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $9,490. E. (9) $42.10.

A. Daniel Patrick Murphy II, Scientific Apparatus Makers Association, 1140 Connecticut Avenue, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $480. E. (9) $26.

A. Richard E. Murphy, 2020 K Street NW., No. 200, Washington, D.C. 20006.
B. Service Employees International Union, AFL–CIO, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $200.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $173.50.

A. Thomas H. Mutchler, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $300.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $38.25.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $479.42.

A. Gerald P. Nagy, National Home Furnishing Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $560.

A. John J. Nangle, National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.

A. Bernard Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Association of Independent Corrugated Converts, 2530 Crawford Avenue, Evanston, Ill. 60201.

A Bernard Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

A. Bernard Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. National Union Electric Corp., 575 Adams Avenue, Philadelphia, Pa. 19120.

A. Bernard Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.

A. Bernard Nash, 1015 18th Street NW., Washington, D.C. 20036.

B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.

A. Raymond Nathan, 5025 Garfield Street NW., Washington, D.C. 20016.

B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.

D. (6) $555. E. (9) $449.40.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $17. E. (9) $17.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.

D. (6) $36.

A. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.

E. (9) $530.

A. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

B National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.

E. (9) $216.15.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

D. (6) $1,750. E. (9) $1,230.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C.

D. (6) $58,142.36. E. (9) $58,142.36.

A. National Association of Mutual Savings Bank, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $11,058.93. E. (9) $11,058.93.

A. National Association of Pension Consultants & Administrators, Inc., Three Piedmont Center, Suite 300, Atlanta, Ga. 30305.

D. (6) $13,600. E. (9) $3,701.24.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $1,400.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611, 925 15th Street NW., Washington, D.C. 20005.

E. (9) $27,204.57.

A. National Association of Wheat Growers, 1020 15th Street NW., Suite 1030, Washington, D.C. 20005.

D. (6) $1,146.61. E. (9) $1,002.86.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

D. (6) $8,663. E. (9) $5,980.18.

A. National Broiler Council, 1155 15th Street NW., Washington. D.C. 20005.

D. (6) $525. E. (9) $525.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $8,381.50. E. (9) $8,799.93.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.

E. (9) $4,190.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.

D. (6) $633.75. E. (9) $4,379.04.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.

D. (6) $22,799.44. E. (9) $31,341.81.

A. National Committee for Symphony Orchestra Support, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.

D. (6) $22,378.18. E. (9) $23,761.17.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $7,208.19. E. (9) $7,208.19.

A. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $884.24.

A. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.

D. (6) $11,133.29. E. (9) $9,850.73.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $2,403.75. E. (9) $2,403.75.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $17,580.05. E. (9) $17,580.05.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $157,585.70. E. (9) $961.55.

A. National Housing Conference, Inc., 1126 16th Street NW., Washington. D.C. 20036.

D. (6) $37,303.92. E. (9) $41,992.92.

A. National Leased Housing Association, Suite 400 South, 1800 M Street NW., Washington, D.C. 20036.

D. (6) $450. E. (9) $450.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

E. (9) $1,921.80.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

D. (6) $3,092.66 E. (9) $3,092.66.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $6,024.54. E. (9) $6,024.54.

A. National Motorsports Committee of ACCUS, Suite 302, 1735 K Street NW., Washington, D.C. 20005.

E. (9) $76.59.

A. National Newspaper Association, Suite 400, 1627 K Street NW., Washington, D.C. 20006.

D. (6) $4,300. E. (9) $4,300.

A. National Oil Jobbers Council, Inc., 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

D. (6) $127,641.77. E. (9) $23,857.60.

A. National Pest Control Association, 8150 Leesburg Pike, Suite 1100, Vienna, Va. 22180.

D. (6) $6,300.

A. National Product Liability Council, Box 11111, Cincinnati, Ohio 45211.

D. (6) $1,891. E. (9) $3,114.38.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

E. (9) $2,065.

A. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $2,422. E. (9) $2,422.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue, Washington, D.C. 20036.

E. (9) $4,496.84.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $4,650. E. (9) $7,170.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $701,424.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $12,500. E. (9) $14,950.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $242,375. E. (9) $268.15.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue, Suite 930, Washington, D.C. 20036.

A. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

E. (9) $1151.

A. National Tire Dealers and Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.

D. (6) $1,660. E. (9) $1,660.

A. National Turkey Federation, Reston International Center, Suite 302, Reston, Va. 22091.

D. (6) $1,000. E. (9) $1,000.

A. National Water Resources Association, 955 L'Enfant Plaza SW., Suite 1202, Washington, D.C. 20024.

D. (6) $2,630.38. E. (9) $10,490.70.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

B. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

D. (6) $1,237. E. (9) $1,822.70.

A. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.

D. (6) $278,500. E. (9) $8,024.07.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $553. E. (9) $56.

A. Alan M. Nedry, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.

D. (6) $75. E. (9) $25.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $2,655.41.

A. J. T. Nelson, Suite 704, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Household Finance Corp., HFC International Headquarters, 2700 Sanders Road, Prospect Heights, Ill. 60070.

D. (6) $2,475. E. (9) $1,092.40.

A. L. James Nelson, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $925.

A. Lloyd A. Nelson, 12200 Brookhaven Drive, Silver Spring, Md. 20902.

B. Fellowship Square Foundation, Inc., 11450 North Shore Drive, Reston, Va. 22090.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $160.

A. Michael A. Nemeroff, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. De Kalb AgResearch, Inc., Sycamore Road, De Kalb, Ill. 60115.

D. (6) $10,000.

A. A. S. Nemir Associates, Suite 1230, Pennslvania Building, Washington, D.C.

B. Brazilian Sugar & Alcohol Institute, Rio de Janeiro, Brazil.

D. (6) $35,700. E. (9) $544.94.

A. Network, 1029 Vermont Avenue NW., No. 650, Washington, D.C. 20005.

D. (6) $16,378.96. E. (9) $17,202.81.

A. E. John Neumann, Baltimore Gas & Electric Co., 1523 L Street NW., No. 500, Washington, D.C. 20005.

B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.

D. (6) $153.35. E. (9) $67.66.

A. Robert B. Neville, 1850 K Street NW., Suite 850, Washington, D.C. 20006.

B. National Restaurant Association, 1850 K Street NW., Washington, D.C.; One IBM Plaza, Suite 2600, Chicago, Ill.

D. (6) $6,500. E. (9) $1,630.35.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $3,593.75. E. (9) $985.71.

A. Bill Newbold, 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Bill Newbold & Associates, 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $4,800.

A. Kathryn L. Newman, 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, Two Militia Drive, Lexington, Mass. 02173.

B. National Association of Manufacturers, 1776 F. Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Janet G. Newport, National Oil Jobbers Council, Inc., 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

B. National Oil Jobbers Council, Inc., 1707 H Street NW., 11th Floor, Washington, D.C. 20006.

D. (6) $3,875. E. (9) $22.50.

A. M. Ray Niblack, 1101 15th Street NW., Washington, D.C. 20005.

B. American Bankers Insurance Co. of Florida, 600 Brickell Avenue, Miami,. Fla. 33131.

D. (6) $1,000. E. (9) $29.60.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,425. E. (9) $643.40.

A. John B. Nicholson, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $150.

A. Melissa A. Nielson, 1775 K Street N.W., Washington, D.C. 20006.

B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $450. E. (9) $125.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $125. E. (9) $280.12.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $9,950.23. E. (9) $4,477.80.

A. Nan Fielding Nixon, 309 Fourth Street SE., Apartment 7, Washington, D.C. 20003.

B. Office of Government and Community Affairs, et al., Grays Hall 16, Harvard University, Cambridge, Mass.

D. (6) $6,600. E. (9) $351.83.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $2,000.

A. H. Christopher Nolde, Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $300.

A. Richard B. Norment IV, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $600.

A. North American Export Grain Association, Inc., 1800 M Street NW., Washington, D.C. 20036.

E. (9) $3,000.

A. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.

D. (6) $33,989.06. E. (9) $33,989.06.

A. Frank Northcutt, Southwest Homefurnishings Association, 7139 Hunters Ridge Drive, Dallas, Tex. 75248.

B. Southwest Homefurnishings Association, 4313 North Central Expressway, Dallas, Tex. 75205.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

E. (9) $372.34.

A. Northwest Energy Options, 1022 Northeast 68th, Seattle, Wash. 98115.

D. (6) $144.51. E. (9) $144.51.

A. N.O.S.I. ("Not One Square Inch!"), 4082 Howard Avenue, Los Alamitos, Calif. 90720.

A. Franklin W. Nutter, 1025 Connecticut Avenue N.W., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.

D. (6) $850.

A. Mary E. Oakes, 1800 K Street NW,. Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $333. E. (9) $50.

A. Hubert K. O'Bannon, 1532 34th Street NW., Washington, D.C. 20067.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $1,200.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,125. E. (9) $71.94.

A. Raymond V. O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

D. (6) $60. E. (9) $20.

A. W. Brice O'Brien, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $109.05. E. (9) $30.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.

B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.

D. (6) $2,500. E. (9) $1,072.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $1,450. E. (9) $279.80.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. American Clinical Laboratory Association, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

D. (6) $3,500.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Public Transit Association, 1100 17th Street NW., Washington, D.C.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. DeKalb AgResearch, Inc., Sycamore Road, DeKalb, Ill.

D. (6) $9,868.78.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hennepin County, 2300 Government Center, Minneapolis, Minn. 55487.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Minneapolis City Council, 307 City Hall, Minneapolis, Minn. 55415.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Independent Lumbermen, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pioneer Hi-Bred International, Inc., 1206 Mulberry Street, Des Moines, Iowa 50306.
D. (6) $9,868.78.

A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
D. (6) $300. E. (9) $100.

A. Patrick E. O'Donnell, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $75.

A. Bradford C. Oelman, Owens-Corning Fiberglas Corp., 900 17th Street NW., Suite 508, Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $3,400. E. (9) $441.98.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,423. E. (9) $160.86.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,667.

A. James Grant O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

A. James G. O'Hara, Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $125.

A. Matthew D. O'Hara, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. W. J. Olwell, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $13,500.11. E. (9) $2,942.52.

A. Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Avenue, New York, N.Y. 10017.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $1,728. E. (9) $27.81.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. R. E. Omohundro, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $96.

A. Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.
B. Commodity Exchange, Inc., 4 World Trade Center, Southeast Plaza Building, New York, N.Y. 10048.
D. (6) $2,301.

A. John F. O'Neal, Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.
B. International Precious Metals Corp., 6451 North Federal Highway No. 1101, Fort Lauderdale, Fla. 33308.
D. (6) $500.

A. O'Neill & Forgotson, 1220 19th Street NW., Washington, D.C. 20036.
B. Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.

A. O'Neill & Forgotson, 1220 19th Street NW., Washington, D.C. 20036.
B. Texas Utilities, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. John L. Oshinski, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $7,246.31. E. (9) $3,489.85.

A. J. Denis O'Toole, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $660.

A. Roland A. Ouellette, 1660 L Street NW., Suite 501, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,600. E. (9) $3,932.31.

A. Outdoor Power Equipment Institute, Inc., 1901 L Street NW., Suite No. 700, Washington, D.C. 20036.

A. William H. Owens, Jr., 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $565.

A. Fred Panzer, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., No. 1200, Washington, D.C. 20006.
D. (6) $520. E. (9) $310.

A. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
E. (9) $246.75.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $425.

A. Nicholas D. Pasco, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.

A. Howard G. Paster, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $11,223.64. E. (9) $1,071.49.

A. Richard M. Patterson, 1800 M Street NW., Suite 700S, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $500. E. (9) $239.50.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $2,512. E. (9) $20.10.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $875.

A. Patton, Boggs & Blow, 2550 M. Street NW., Washington, D.C. 20037.
B. Ad Hoc Committee of Zonal Electric Heating Manufacturers, 150 Avenue L, Newark, N.J. 07101.
D. (6) $174.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ad Hoc Committee on Section 602, 1101 16th Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $600.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $230.

A. Patton, Boggs, & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Alyeska Pipeline Service Corp., P.O. Box 576, Bellevue, Wa. 98004.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Maritime Association 17 Battery Place, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,465.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $400.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Armco Steel Corp., General Offices, Middletown, Ohio 45042.
D. (6) $600.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of General Merchandise Chains, 1625 I Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass. 02138.
D. (6) $600.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine, 04530.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601; and National Association of Engine & Boat Manufacturers, P.O. Box 5555, Grand Central Station, New York, N.Y. 10017.
D. (6) $1,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chicago Board Options Exchange, La Salle at Jackson, Chicago, Ill. 60604.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chippewa-Cree Tribe, Rocky Boy Reservation, Box Elder, Mont. 59521.

A. Patton, Boggs & Blow, 2550 M Street N.W., Washington, D.C. 20037.
B. City of Birmingham, City Hall, Birmingham, Ala. 35203.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Committee Concerned With the Safe Banking Act, 5500 Veterans Memorial Boulevard, Metairie, La. 70003.

A. Patton, Boggs & Blow, 2550 M Street N.W., Washington, D.C. 20037.
B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Federal Pacific Electric Co., 150 Avenue L, Newark, N.J. 07101.
D. (6) $174.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Frontier Spar Corp., P.O. Box 235, Salem, Ky. 42078.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. General Mills Corp., 9200 Wayzata Boulevard, Minneapolis, Minn. 55426.
D. (6) $1,260.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Hobby Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Electrical & Electronics Engineers, 2029 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Scrap Iron & Steel, Inc 1627 K Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Landmark Services, Inc., 900 Ohio Drive SW., Washington, D.C. 20024.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Lane, Powell, Moss & Miller, 1700 Washington Building, Seattle, Wash. 98101.
D. (6) $115.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. LOOP, Inc., 1010 Common Street, 250 Bank of New Orleans Building, New Orleans, La. 70112.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 SW., Fifth Avenue, Portland, Oreg. 97201.
D. (6) $750.

A. Patton, Boggs, & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.
D. (6) $400.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $1,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mocatta Metals Corp., 35 Broad Street, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Medical Care, Inc., 560 Sylvan Avenue, Englewood Cliff, N.J. 07632.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. New Process Co., 220 Hickory Street, Warren, Pa. 16366.
D. (6) $1,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Pipeline Corp., 315 East 200 Sough, Salt Lake City, Utah 84111.
D. (6) $9,200.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co., 465 North Bernardo, Mountain View, Calif. 94040.
D. (6) $3,400.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $115.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Jack Philip & Son, Inc., 724 Dupont Plaza Center, Miami, Fla. 33131.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pillsbury Corp., 608 Second Avenue South, Minneapolis, Minn. 55402.
D. (6) $1,260.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street NW., Suite 1300 Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Radiation Imaging Products Division, National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washintgon, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Redwood Industry Park Committee, 2750 Sand Hill Road, Menlo Park, Calif. 94205.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
D. (6) $62.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Tax Corp. of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Todd Shipyards Corp., One State Street Plaza, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. United Plant Guard Workers of America, 25510 Kelly Road, Roseville, Mich. 48066.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Virgin Islands Manufacturers & Importers Association, Inc., c/o Thomas Travis, 1290 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $687.50.

A. Barbara Jo Pease, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.
E. (9) $906.65.

A. Dominic V. Pensabene, Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc. (Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fee Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,000.

A. Barbara Peguet, 2926 Upton Street NW., Washington, D.C. 20008.
B. National Consumers League, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $200.

A. Perito, Duerk & Carlson, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, Calif. 94100.
E. (9) $1,830.

A. Perito, Duerk & Carlson, Suite 1200, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. National District Attorneys Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $381.

A. Tony Perkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Susan Perry, American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $2,100. E. (9) $180.35.

A. Tom E. Persky, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Kenneth Peterson, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $11,487. E. (9) $253.36.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,621.90.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Barbara F. Phillips, 1620 I Street NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., P.O. Box 7598, San Francisco, Calif. 94120.

A. Ilbert Phillips, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Physicians National Housestaff Association, 1029 Vermont Avenue NW., Suite 308, Washington, D.C. 20005.
E. (9) $600.

A. Sam Pickard, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $86.59.

A. Ace Pickens, 1300 American Bank Tower, Austin, Tex. 78701.
B. Texas Medical Association, 1801 North Lamar Boulevard, Austin, Tex. 78701.
D. (6) $250. E. (9) $80.

A. Wilhelm Pickens, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $40.30.

A. Pierce, Atwood, Scribner, Allen, Smith & Lancaster, One Monument Square, Portland, Maine 04101.
B. Greater Northern Paper Co., Dead River Co., Baskahegan Co.
D. (6) $530. E. (9) $16.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $40. E. (9) $2.47.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Edgington Oil Co., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Independent Refiners' Association of California, 900 Wilshire Boulevard, Los Angeles, Calif. 90048.

A. Rena S. Pies, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Suite 900, Arlington, Va. 22209.
D. (6) $250. E. (9) $9.50.

A. David E. Piper, Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
D. (6) $8,499.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. Francis A. Pollak, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,000.

A. Judith A. Pond, 1800 K Street NW., Suite 924, Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis Mo. 63188.
D. (6) $200. E. (9) $104.

A. S. J. Poray-Tucholski, P.O. Box 1681, Whittier, Calif. 90609.
B. Bermejo River Project Development Association.

A. Everett O. Post, National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $14.05.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,500.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.
D. (6) $5,000.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.
D. (6) $3,000.

A. Ramsay D. Potts, Shaw Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,125. E. (9) $15.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $92.50.

A. John J. Power, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $5,200. E. (9) $489.40.

A. Graydon R. Powers, Jr., Scientific Apparatus Makers Association, 1140 Connecticut Avenue, Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue, Suite 610, Washington, D.C. 20036.
D. (6) $200.

A. William C. Prather, U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $678.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International Inc., 1225 19th Street NW., Washington, D.C. (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. **20036.**
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Government of Morocco, Rabat, Morocco).

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Citronelle-Mobile Gathering, Inc., 717 First Southern Federal Tower, Mobile, Ala. 36616.
D. (6) $1,822.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $2,408.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. The 13th Regional Corp., P.O. Box 24764, Seattle, Wash. 98109.
D. (6) $80.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Transportation Institute, 923 15th Street NW., Washington, D.C.
D. (6) $337.50.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.
D. (6) $2,370.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $625.

A. Patricia Pride, Financial Accounting Standards Board, 1100 17th Street NW., Washington, D.C. 20036.
B. Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
D. (6) $229.92. E. (9) $158.95.

A. Arnold J. Prima, Jr., the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Pro Life/Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.
D. (6) $61.40.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $6,128.90.

A. Gerald R. Prout, Burson-Marsteller, 1800 M Street NW., No. 750S, Washington, D.C. 20036.
B. Gould, Inc., 1831 Chestnut Street, St. Louis, Mo. 63160.

A. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $4,314.27. E. (9) $4,314.27.

A. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $25,739.04. E. (9) $28,114.14.

A. Philip N. Pulizzi, Jr., 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.
D. (6) $3,000.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $57.88.

A. Richard W. Rahn, American Council for Capital Formation, 1425 K Street NW., Washington,, D.C. 20005.
B. American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
D. (6) $687.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $28,800. E. (9) $28,800.

A. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

A. Gretchen P. Ralph, 303 Kimry Moor, Fayetteville, N.Y. 13066.
B. National Committee for Symphony Orchestra Support, 1100 17th Street NW., Suite 313, Washington, D.C. 20036.
D. (6) $10,500. E. (9) $391.62.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.
D. (6) $6,000. E. (9) $2,800.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. National Association for Milk Marketing Reform, 1625 K Street NW., Suite 1206, Washington, D.C. 20006.
D. (6) $4,000. E. (9) $650.

A. R. Ray Randlett, Allied Chemical Corp., 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.
D. (6) $276. E. (9) $6.50.

A. Arthur G. Randol III, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $918.75. E. (9) $20.18.

A. Jerry Rapp, 1155 15th Street NW., Suite 502, Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $1,000.

A. D. Michael Rappoport, Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.
B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.
D. (6) $2,405.15 E. (9) $2,751.08.

A. G. J. Rauschenbach, COMSAT, 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $750. E. (9) $333.

A. B. P. Rauwerda, Neratoom, B.V., P.O. Box 93244, 2509 AE Den Haag, Holland.
B. Neratoom, B.V., P.O. Box 93244, 2509 AE Den Haag, Holland.
D. (6) $1,790. E. (9) $1,790.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $505. E. (9) $30.32.

A. G. G. Reckley Associates, 2737 Devonshire Place No. 9 NW., Washington, D.C. 20008.
B. Kootznoowoo Inc., P.O. Box 116, Angoon, Alaska 99820.
D. (6) $3,862.84. E. (9) $667.04.

A. John H. Reed, 444 North Capital Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $7,500. E. (9) $300.

A. Jerry Rees, National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
B. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
D. (6) $257.22.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. American Constituency Overseas, George E. Fisher Associates, 2152 DuPont Drive, 106 Irvine, Calif. 92715.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Fluor Corp., 1627 K Street NW., Washington, D.C. 20006.

A. Thomas M. Rees, 1101 Connecticut Avenue NW., Suite 403, Washington, D.C. 20036.
B. Imperial Resources Association, P.O. Box 119, Brawley, Calif. 92227.

A. Robert S. Reese, Jr., American Trucking Associations. Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $4,085.62.

A. Thomas J. Reese, 1225 Otis Street NE., Washington, D.C. 20017.
B. Taxation with Representation, 6830 North Fairfax Drive, Arlington, Va. 22213.

A. Don Reeves, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,146.

A. J. Ronald Reeves, Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

B. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

D. (6) $2,000. E. (9) $131.88.

A. Frank D. Register, National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

B. National Association of Retail Grocers of the United States, Inc., 11800 Sunrise Valley Drive, Reston, Va. 22091.

D. (6) $100. E. (9) $34.

A. Reid & Priest, 1701 K Street NW., Washington, D.C. 20006.

B. Governmental Affairs Division of the Edison Electric Institute, 1140 Connecticut Avenue NW., Suite 1010 Washington, D.C. 20036.

D. (6) $38.

A. W. W. Renfroe, 69 Fountain Place, Wilkinson Street, Frankfort, Ky. 40601.

B. Kentucky Railroad Association, 69 Fountain Place, Wilkinson Street, Frankfort, Ky. 40601.

E. (9) $373.65.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $950. E. (9) $152.71.

A. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $5,320.

A. Kent Rhodes, The Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.

B. The Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.

D. (6) $2,500.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044; 3046 Roosevelt, Detroit, Mich. 48216.

E. (9) $164.93.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., No. 400, Washington, D.C. 20036.

B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $300.

A. K. O. Richardson, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, No. 3 Research Place, Rockville, Md. 20850.

D. (6) $1,320. E. (9) $1,405.

A. Russell C. Richardson, Jr., 1155 15th Street NW., No. 713, Washington, D.C. 20005.

B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.

D. (6) $425.

A. Russell W. Richardson, Lear Siegler, Inc., Suite 1002, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. Sheffield C. Richey, Jr., 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.

D. (6) $125. E. (9) $85.

A. E. Philip Riggin, The American Legion, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $4,569. E. (9) $82.33.

A. Douglas V. Rigler, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006; (for Republic of the Philippines).

A. Morris A. Riley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $1,200.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Companies 730 15th Street NW., Washington, D.C. 20005.

D. (6) $562.50. E. (9) $36.90.

A. Carol A. Risher, Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $1,000. E. (9) $500.

A. Nancy J. Risque, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. George W. Ritter, 3914 King Arthur Road, Annandale, Va. 22003.

B. Alton Box Board Co., Alton, Ill. 62002.

D. (6) $6,250. E. (9) $1,458.

A. Paul H. Robbins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Perry A. Roberts, Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $364.27.

A. William S. Roberts, National Rural Electric Cooperative Association, 800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $60.

A. Charles A. Robinson, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $245.90.

A. John K. Robinson, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C.

E. (9) $25.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $2,250.

A. Antoinette K. Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $500. E. (9) $25.

A. Betty P. Rocker, Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.

B. Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $69.44.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.

B. Consolidated Natural Gas Service Co., Inc., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Robert Rodriguez, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,600.

A. Mitchell Rofsky, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $3,750.

A. Bruce N. Rogers, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,000. E. (9) $1,505.86.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.

D. (6) $1,187.50.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $6,171.20. E. (9) $17,302.03.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. Central American Pipeline Co., P.O. Box 86, Hambro House, St. Julian's Avenue, St. Peter Port, Guernsey, Channel Islands.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. Tax Equity for Americans Abroad, c/o Connie K. Borken-Hagen, BCM Box 4700, London WC1V 6XX, England.

D. (6) $160.

A. Richard A. Rohrbach, 1625 Eye Street NW., No. 809, Washington, D.C. 20006.

B. Boise Cascade Corp., 1625 Eye Street NW., No. 809, Washington, D.C. 20006.

D. (6) $15,000.

A. John F. Rolph III, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Tatiana Roodkowsky, Chamber of Commerce of the United States, 1615, H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

E. (9) $25.

A. Nicholas Roomy, Jr., Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.

B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327; a subsidiary of the American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.

A. Kevin M. Rooney, Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.

B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.

D. (6) $1,125. E. (9) $489.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.

B. National Public Radio, 2025 M Street NW., Washington, D.C.

D. (6) $10,000. E. (9) $100.85.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc.. 1616 P Street NW., Washington. D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Seymour N. Ross, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036; (for Thomson-CSF(AVS), 178 Boulevard Gabriel Peri, 92240 Malakoff, France).

D. (6) $26.87. E. (9) $2.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Florida, et al.

D. (6) $120.

A. Edwin Rothschild, 1615 Anderson Road, McLean, Va. 22101.

B. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.

A. William C. Rountree, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Rouss & O'Rourke, Lawyers Building, 231 E. Vermijo, Colorado Springs, Colo. 80903; 1614 20th Street NW., Washington, D.C. 20009.

B. Union Nacional de Productores de Azucar, S.A. de C.V. (UNPASA), Baideras 36, Mexico, D.F., Mexico.

D. (6) $2,400. E. (9) $3,522.68.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America,, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $505.

A. Donald M. Rubel, 3889 North 30th Street, Arlington, Va. 22207.

B. Meat Importers Council of America, Inc., One Penn Plaza, New York, N.Y. 10001.

A. James S. Rubin, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Allied Chemical Corp., P.O. Box 3000-R, Morristown, N.J. 07960.

A. Steven J. Rukavina, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, Box 12285, Memphis, Tenn. 38112.

A. Wally Rustad, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $75.

A. Ella Marice Ryan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Russell Jay Ryan, Jr., Room 1900, One Indiana Square, Indianapolis, Ind. 46204.

B. Consolidated Office Building, Inc., 115 North Pennsylvania Street, Indianapolis, Ind. 46204.

D. (6) $4,250.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $5,000.

A. Peter G. Sandlund, Room 400, 919 18th Street NW., Washington, D.C. 20006.

B. Council of European and Japanese National Shipowners' Associations, 17/18 Bury Street, London EC3A 5AH, England.

D. (6) $300.

A. Carroll J. Savage, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.

D. (6) $1,500.

A. Carroll J. Savage, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $2,500.

A. Carroll J. Savage, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Xero Corp., Stamford, Conn. 06904.

D. (6) $1,500.

A. Thomas T. Scambos, DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei, Krauss-Maffei-Strasse 2, 8000 Munich, FRG).

A. Thomas T. Scambos, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF(AVS), 178 Boulevard Gabriel Peri, 92240 Malakoff, France).

D. (6) $86.54.

A. Henry Schacht, California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

B. California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $3,600. E. (9) $966.04.

A. Jay T. Scheck, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $900. E. (9) $483.59.

A. Lois M. Schell, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $170.

A. Allan D. Schimmel, 639 South Carolina Avenue SW., Washington, D.C. 20003.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $3,625.

A. Allan D. Schlosser, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. $400.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Suite 700, Washington, D.C.

B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington. D.C. 20036.

D. (6) $500.

A. Robert L. Schmidt, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $227.

A. Anthony Schopp, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $2,500.

A. Kathy Schroeher, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington. D.C. 20036.

D. (6) $3,235.61.

A. Donald H. Schwab, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $3,750. E. (9) $277.40.

A. Carl F. Schwensen, 1030 15th Street NW., Suite 1030 Washington, D.C. 20005.

B. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

D. (6) $218.67.

A. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., No. 610, Washington, D.C. 20036.

D. (6) $3,949.60. E. (9) $4,016.10.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $421.88. E. (9) $5.73.

A. Ronald C. Seeley, 701 Fairview, Milford, Mich. 48042.

B. Estate of Bert N. Adams, et al., 1461 West 16th Place, Yuma, Ariz. 85364.
E. (9) $265.75.

A. David Seldner, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
D. (6) $400.

A. Stanton P. Sender, Sears, Roebuck and Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $250. E. (9) $7.75.

A. Seven Months Session for Congress, 7201 Wood Hollow Drive, No. 337, Austin, Tex. 78731.
E. (9) $442.

A. J. Richard Sewell, Florida Power and Light Co., 1701 K Street NW., Suite 503, Washington, D.C. 20006.
B. Florida Power and Light Co., P.O. Box 529100, Miami, Fla. 33152.
D. (6) $489. E. (9) $277.48.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $100. E. (9) $20.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $125.

A. Shamrock Foods Co., 2228 North Black Canyon, Phoenix, Ariz. 85009.
E. (9) $105.

A. Lloyd D. Shand, Monsanto Co., 1101 17th Street NW., Washington, D.C.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $200.

A. John J. Sharkey, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $986.50. E. (9) $26.70.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. American Children's Citizenship Rights League, 157 Route du Grand-Lancy, 1213 ONEX, Geneva, Switzerland; Samuel Cummings, P.O. Box 88, Monte Carlo, Monaco.
D. (6) $8,000. E. (9) $277.05.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.
D. (6) $2,202.50. E. (9) $11.25.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Atlas Minerals Division, Atlas Corp., 2506 Prudential Plaza, Denver, Colo. 80202.
D. (6) $1,612.50. E. (9) $5.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
D. (6) $8,192.50. E. (9) $77.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Institute of Foreign Bankers, c/o Elizabeth Tobon, 200 Park Avenue, Suite 303, Room 23, New York, N.Y. 10017.
D. (6) $16,942.08.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $4,344.57.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Norfolk and Western Railway, 8 North Jefferson Street, Roanoke, Va. 24011.
D. (6) $3,480. E. (9) $50.45.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill., 60604.
D. (6) $2,480. E. (9) $50.45.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Teleprompter Corp., 50 West 44th Street, New York, N.Y.
D. (6) $480. E. (9) $35.

A. Shea Gould Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $1,760. E. (9) $175.28.

A. Spencer C. Sheldon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $125. E. (9) $23.17.

A. Jowanda Shelton, 2101 L Street NW., Washington, D.C. 20037.
B. Committee for Humane Legislation, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $5,100.

A. Morris Shipley, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $864. E. (9) $24.25.

A. Harvey A. Shipman, 2021 K Street NW., Suite 700, Washington, D.C. 20006.
B. Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

A. W. Ray Shockley, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 400 South Tryon Street, No. 2124, Charlotte, N.C. 28285.
D. (6) $2,550. E. (9) $66.77.

A. Scott Shotwell, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $2,475.

A. Candice J. Shy, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Enserch Corp., 301 South Harwood Street, Dallas, Tex. 75201.
D. (6) $550. E. (9) $686.50.

A. Lawrence E. Siegel, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $3,300.

A. Mark A. Siegel, Mark A. Siegel and Associates, 734 15th Street NW., Suite 403, Washington, D.C. 20005.
B. Michigan State Democratic Party, c/o Morley Winograd, 606 Townsend Street, Lansing, Mich. 48933.
D. (6) $1,804.88. E. (9) $21.92.

A. Mark A. Siegel, Mark A. Siegel and Associates, 734 15th Street NW., Suite 403, Washington, D.C. 20005.
B. Tadco Enterprises, 1625 Eye Street NW., Suite 1009, Washington, D.C. 20006.
D. (6) $4,000.

A. Richard H. Siemsen, Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

A. David Silver, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $57.57.

A. Silver Users Association, 1717 K Street NW., Washington, D.C. 20006.
D. (6) $5,422.50. E. (9) $1,685.47.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $160. E. (9) $199.26.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,039. E. (9) $72.07.

A. Richard L. Sinnott and Co., 888 17th Street NW., Suite 212, Washington, D.C. 20006.
B. Port of Oakland, Oakland, Calif. 94607.
D. (6) $1,250.

A Richard L. Sinnott & Co., 888 17th Street NW., Suite 212, Washington, D.C. 20006.
B. Citizens for Management of Alaska Lands, P.O. Box 3256 DT, Anchorage, Alaska 99510.
D. (6) $1,500.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.
B. United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20852.
D. (6) $713.63. E. (9) $25.92.

A. Barney J. Skladany, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. F. Slatinshek and Associates, Inc., 218 North Lee Street, Alexandria, Va. 22314.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714; United Technologies Corp., 1125 15th Street NW., Washington, D.C. 20005; General Dynamics Corp., Pierre LacLede Center, St. Louis, Mo. 63105.
D. (6) $550.

A. Frank Slover, Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346
B. Robert H. Kellen Co., 64 Perimeter Center East, Atlanta, Ga. 30346 (for Calorie Control Council, 64 Perimeter Center East, Atlanta, Ga. 30346).
D. (6) $480.

A. Slurry Transport Association, 490 L' Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
B. Slurry Transport Association, 490 L' Enfant Plaza East SW., Suite 3210. Washington. D.C. 20024.
D. (6) $99.000. E. (9) $650.

A. Small Producers for Energy Independence, 1000 Sutton Place Building, Wichita, Kans. 67202.
D. $86,952.08.

A. Stephan K. Small, Suite 3212, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Securities Industry Association, 490 L' Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $80.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.
E. (9) $1,657.

A. Elizabeth Smith, Amalgamated Clothing and Textile Workers Union, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 770 Broadway, New York, N.Y. 10003.
D. (6) $2,216. E. (9) $35.25.

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,060. E. (9) $4,732.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
D. (6) $750. E. (9) $831.

A. P. Daniel Smith, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $22.10.

A. Robert Bland Smith, Jr., American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Robert Wm. Smith, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 Fairfax Street, Alexandria, Va. 22314.

A. Talbott C. Smith, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $25.

A. Wayne H. Smithey Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $1,375. E. (9) $416.25.

A. Arthur V. Smyth, 1625 Eye Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $3,300. E. (9) $26.50.

A. Frank B. Snodgrass, Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $850.02.

A. John M. Snow, National Association of Furniture Manufacturers, 8401 Connecticut Avenue NW., No. 911, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $4,322.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $100.

A. John M. Snyder, 600 Pennsylvania Avenue SE, Suite 205, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $5,100.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $24,751.62. E. (9) $9,894.89.

A. Edmund T. Sommer, Jr., Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $110.

A. S. L. Sommer and Associates, Inc., 1800 North Kent Street, Suite 1104, Arlington, Va. 22209.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $15,000. E. (9) $13,905.29.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $5,700. E. (9) $768.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.
B. American Greyhound Track Operators Association, 139 Southeast 14th Lane, Miami, Fla. 33131.
E. (9) $8.11.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $289.46.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.
B. Public Power Council, 1310 Main Street, Vancouver, Wash. 98666.
D. (6) $11,372.50. E. (9) $11.72.

A. Southwest Homefurnishings Association, 4313 North Central Expressway, Dallas, Tex. 75205.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91731.

A. William C. Spence, P.O. Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., P.O. Box 682, Houston, Tex. 77001.
D. (6) $1,000. E. (9) $968.64.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif., 95051; cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif.; and Plumas-Sierra Rural Electric Cooperative.
D. (6) $97.50.

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, et al., 770 Kiely Boulevard, Santa Clara, Calif. 95050.

A. Larry N. Spiller, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1155 15th Street NW., No. 713, Washington, D.C. 20005.
D. (6) $1,850.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. Earl C. Spurrier, Monsanto Co., 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $226.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.
B. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $401.50. E. (9) $168.

A. Squire, Sanders & Dempsey, 21 Dupont Circle NW., Washington, D.C. 20036.
B. National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $3,130.75 E. (9) $7.50.

A. Lynn E. Stalbaum, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,000. E. (9) $118.66.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $1,642.

A. David P. Stang, Suite 601, 1629 K Street NW., Washington, D.C. 20006.
B. J. Ray McDermott & Co., Inc., 1010 Common Street, New Orleans, La. 70160.
D. (6) $387.45.

A. David P. Stang, Suite 601, 1629 K Street NW., Washington, D.C. 20006.
B. National Ocean Industries Association, 1100 17th Street NW., Washington, D.C.

A. David P. Stang, Suite 601, 1629 K Street NW., Washington, D.C. 20006.
B. Ocean Minerals Co., P.O. Box 4531, Mountain View, Calif. 94040.

A. David P. Stang, Suite 601, 1629 K Street NW., Washington, D.C. 20006.
B. Fred J. Russell, P.O. Box 54228, Los Angeles, Calif. 90054.

A. M. B. Stanley, Ford Motor Co., Room 900, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $488.34. E. (9) $280.51.

A. Melvin L. Stark, 1707 L Street NW., Suite 321, Washington, D.C. 20036.
B. Hartford Fire Insurance Co.
D. (6) $6,000.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $1,800. E. (9) $1,945.65.

A. State and Federal Associates, Inc., 1101 15th Street NW., Suite 205, Washington, D.C. 20005.
B. National Association of Convenience Stores, 5205 Leesburg Pike, Suite 311, Falls Church, Va. 22041.
D. (6) $2,360.

A. State and Federal Associates, Inc., 1101 15th Street NW., Suite 205, Washington, D.C. 20005.
B. Potato Chip/Snack Food Association, 5205 Leesburg Pike, Baileys Crossroads, Va. 22041.

A. State and Federal Associates, Inc., 1101 15th Street NW., Suite 205, Washington, D.C. 20005.
B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $5,400. E. (9) $54.63.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,375.

A. David J. Steinberg, National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Karen L. Stevens, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $500.

A. Margaret Stewart, RFD 5, Box 109, Piedmont, Ala. 36272.

A. Kenneth F. Stinger, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $316.57.

A. Stephen A. Stitle, Eli Lilly and Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly and Co., 307 East McCarty Street, Indianapolis, Ind. 46206.
D. (6) $3,000. E. (9) $235.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000.

A. Richard B. Straus, 444 North Capitol Street, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $8,099.94.

A. John D. Stringer, 1776 F Street NW., Washington, D.C.
B. Alliance of American Insurers, 1776 F Street NW., Washington, D.C.
D. (6) $375. E. (9) $65.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $4,117. E. (9) $219.35.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill., 60601.
B. United States League of Saving Associations, 111 East Wacker Drive, Chicago Ill. 60601.
D. (6) $1,687.50.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $4,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.
D. (6) $179.54. E. (9) $192.80.

A. Harold R. Sullivan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Market Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Aiea, Hawaii 96701.
E. (9) $19.80.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
D. (6) $4,350. E. (9) $18.49.

A. Duward F. Sumner, Jr., Professional Insurance Agent, 400 North Washington Street, Alexandria Va. 22314.
B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.
D. (6) $100. E. (9) $250.

A. Surrey, Karasik & Morse, 1156 15th Street NW., Suite 1200, Washington, D.C. 20005.
B. Westway Trading Corp., 464 Hudson Terrace, Englewood Cliffs, N.J. 07632.
D. (6) $115. E. (9) $115.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006; 3100 First National Bank Tower, Atlanta, Ga. 30303.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.

A. Irving W. Swanson, 11212 Farmland Drive, Rockville, Md. 20852.
B. Harris Corp., 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $5,615.07. E. (9) $240.06.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $11,250.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $6,000.

A. Rosemarie Sweeney, 1659 32d Street NW., Washington, D.C. 20007.
B. American Osteopathic Association, 1611 North Kent Street, Suite 803A, Arlington, Va. 22209.
D. (6) $1,542. E. (9) $49.15.

A. Richard Preston Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $325.95.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $455.88. E. (9) $434.73.

A. Michael T. Swinehart, National Association of Manufacturers, 1422 West Peachtree Street NW., Suite 612, Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Howard Symons, Congress Watch, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,250.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202; American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001.
D. (6) $500. E. (9) $11.27.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202; Family Leisure Centers, Inc., 1906 Highland Avenue, Cincinnati, Ohio 45219.
D. (6) $100.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202; Special Committee for Workplace Product Liability Reform, 1150 Connecticut Avenue NW., No. 504, Washington, D.C. 20036.
D. (6) $12,000. E. (9) $361.05.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202; Taft Broadcasting Co., 1906 Highland Avenue, Cincinnati, Ohio 45219.

D. (6) $3,800.

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $6,250.02. E. (9) $101.15.

A. Norman Wilson Tanner, Jr., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $112. E. (9) $21.

A. William M. Tartikoff, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $76.50. E. (9) $74.55.

A. David K. Taylor, Jr., 1100 Connecticut Avenue NW., No. 620, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $375.

A. Sid Taylor, National Taxpayers Union (NTU), 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $1,200. E. (9) $374.

A. William K. Tell, Jr., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

D. (6) $75.

A. Paul Tendler, 2020 K Street NW., Suite 420, Washington, D.C. 20006.

B. Paul Tendler Associates, 2020 K Street NW., Suite 420, Washington, D.C. 20006 (for National Federation of Licensed Practical Nurses).

D. (6) $1,600. E. (9) $250.

A. Bruce D. Thevenot, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.

B. American Health Care Association, 1200 15th Street NW., Washington, D.C. 20005.

D. (6) $3,000. E. (9) $65.43.

A. Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., No. 1128, Washington, D.C. 20036.

B. Swaziland Sugar Association, Mbabane, Swaziland.

D. (6) $3,000.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. 13th Congressional District Action Committee, 7370 Pegasus Way, San Jose, Calif. 95139.

D. (6) $250. E. (9) $17.50.

A. 38th Pro-Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.

E. (9) $30.

A. 39th Congressional District Action Committee, Rural Delivery 2, Allegany, N.Y. 14706.

D. (6) $122.50. E. (9) $1.50.

A. John W. Thomas, 1522 K Street NW. No. 828, Washington, D.C. 20005.

B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington D.C. 20005.

D. (6) $20.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.

B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Robert L. Thomas, National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.

B. National Association of Private Psychiatric Hospitals, 1701 K Street NW., Washington, D.C. 20006.

D. (6) $250.

A. Kathleen O'Flaherty Thompson, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. Roger G. Thompson, Kentucky Power Co., 1701 Central Avenue Ashland, Ky., 41101.

B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.

B. Lear Siegler, Inc., 3171 South Bundy Drive, Santa Monica, Calif. 90406.

D. (6) $3,000. E. (9) $31.07.

A. Gil Thurm, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 430 North Michigan Street, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $262.33.

A. Cyrus C. Tichenor III, 1050 17th Street NW., Washington, D.C. 20036.

B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.

D. (6) $6,000. E. (9) $7,830.31.

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $170.

A. Martin R. Tilson, Jr., P.O. Box 2563, Birmingham, Ala. 35202.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.

D. (6) $200.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $563.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

D. (6) $425.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Baxter Travenol Laboratories, Inc., 1 Baxter Parkway, Deerfield, Ill. 60015.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.

D. (6) $1,425.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.

D. (6) $500.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.

D. (6) $400.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $175.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

D. (6) $300.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.

D. (6) $325.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $450.

A. Michael L. Tiner, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $6,454.76. E. (9) $940.77.

A. Tobacco Associates, Inc., 1101 17th Street NW., Suite 912, Washington, D.C. 20036.

E. (9) $2,526.

A. James R. Tobin, Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.

B. Becton Dickinson & Co., Mack Centre Drive II, Paramus, N.J. 07652.

D. (6) $2,000. E. (9) $200.

A. Mary A. Tobin, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

D. (6) $165.

A. David G. Todd, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $19.89.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.
B. Harris Corp., Melbourne, Fla. 32919.
E. (9) $61.

A. Howard A. Topel, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Mullin, Connor & Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036 (for Alberto de la Vega-Ripol, Flemingstrasse 46, 8000 Munich 81, West Germany.
D. (6) $8.

A. John M. Torbet, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International.
D. (6) $32.25. E. (9) $171.20.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Joseph P. Trainor, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 3 Research Place, Rockville, Md. 20850.
D. (6) $6,750. E. (9) $1,579.10.

A. Paula C. Treat, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $375.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $250.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $4,250. E. (9) $78.

A. George G. Troutman, GE Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $400.

A. Thomas L. Trueblood, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $972.17.

A. Bruce H. Turnbull, National Retail Merchants Association, 1000 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $300. E. (9) $15.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Shela Turpin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,200. E. (9) $28.06.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,100.

A. Joan E. Twiggs, 1730 M Street NW., Washington, D.C. 20036.
B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

A. Jerry G. Udell, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $50.

A. Joseph Uehlein, Industrial Union Department, AFL–CIO 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,607.36. E. (9) $42.50.

A. Unicare Services, Inc., 105 West Michigan Street, Milwaukee, Wis. 53203.
E. (9) $3,750.

A. United Action for Animals Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $3,337.83. E. (9) $3,337.83.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $5,680.40.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $408.50.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $7,630.51.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) $7,301.96.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $920. E. (9) $920.

A. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
E. (9) $82,003.25.

A. U.S. Maritime Committee, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $5,281.25. E. (9) $42,137.41.

A. United States and Overseas Employees Tax Fairness Committee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $32,000. E. (9) $27,967.03.

A. Lynn Kay Utzinger, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 22036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $44.

A. Jack J. Valenti, 1600 Eye Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C. 20006.

A. Francis R. Valeo, 818 18th Street NW., Washington, D.C. 20006.
B. United Nations University, D.C. 1180 U.N., New York, N.Y.
D. (6) $4,500. E. (9) $1,339.11.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Allstate Insurance, Allstate Plaza, Northbrook, Ill. 60062.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 Eye Street NW., Washington, D.C. 20006.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp., Barrow, Alaska.
D. (6) $1,020. E. (9) $126.75.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Basin, Inc., P.O. Box 2297, Midland, Tex. 79702.
D. (6) $1,610. E. (9) $57.80.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Central & South West Corp., P.O. Box 1631, Wilmington, Del. 19899.
D. (6) $180. E. (9) $22.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Delaware & Hudson Railway Co., Albany, N.Y. 12207.
D. (6) $1,690. E. (9) $47.25.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Huntington's Disease Coalition, 250 West 57th Street, New York, N.Y. 10019.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.
D. (6) $170. E. (9) $64.85.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Northern Tier Pipeline Co., P.O. Box 5568, 1776 Lincoln Street, Denver, Colo. 80217.
D. (6) $800. E. (9) $68.95.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.
D. (6) $135. E. (9) $3.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite 1, Santa Fe Springs, Calif. 90670.
D. (6) $405. E. (9) $19.10.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.
D. (6) $135. E. (9) $3.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C., 20036.
B. South West Winter Vegetable Growers Association, P.O. Box 1670, Immokalee, Fla. 33934.
D. (6) $135. E. (9) $2.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Wheelabrator-Frye Inc., Liberty Lane, Hampton, N.H. 03842.
D. (6) $650. E. (9) $24.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Yellowstone Park Co., Yellowstone National Park, Wyo. 82190.
E. (9) $5.

A. Lois W. Van Valkenburgh, 3512 Halcyon Drive, Alexandria, Va. 22305.
B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $238. E. (9) $42.05.

A. John A. Vance, Pacific Gas & Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $113.55. E. (9) $1,433.92.

A. Richard F. Vander Veen, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. American Seating Co.
D. (6) $29,050. E. (9) $1,113.99.

A. Richard F. Vander Veen, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Consumers Power Co.
D. (6) $2,700.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Jerry T. Verkler, P.O. Box 2521, Houston, Tex. 77001.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1000, Washington, D.C. 20036.
B. Hellenic Republic of Greece, 2221 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $10,319.04. E. (9) $374.91.

A. Verner, Liipfert, Bernhard & McPherson. 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1000, Washington, D.C. 20036.
B. Texas International Airlines, P.O. Box 12788, Houston, Tex. 77017.
D. (6) $2,206.25. E. (9) $169.58.

A. Richard E. Vernor, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036; (for Houston Natural Gas Corp.).
D. (6) $4,312.50. E. (9) $143.74.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Vinson & Elkins, 1101 Connecticut Avenue NW., No. 900, Washington, D.C. 20036; (for Texas Eastern Transmission Corp.).
D. (6) $1,225.

A. Brenda R. Viehe-Naess, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $50. E. (9) $10.

A. R. Eric Vige', Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $2,500.

A. Walter D. Vinyard, Jr., American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500.

A. Andrew Vitali, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000. E. (9) $288.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092; c/o P. A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
E. (9) $250.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800 South, Washington, D.C. 20036.
B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $3,680.35. E. (9) $143.09.

A. Vorys Sater, Seymour & Pease, 1800 M Street NW., Suite 800 South, Washington, D.C. 20036.
B. Ohio Medical Indemnity, 6740 North High Street, Worthington, Ohio 43085.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800 South, Washington, D.C. 20036.
B. University of Hawaii at Manoa, College of Tropical Agriculture, Honolulu, Hawaii 96822.

A. Robert J. Wager, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $381.25. E. (9) $3.25.

A. Herbert R. Waite, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
D. (6) $1,000. E. (9) $1,900.36.

A. Robert E. Waldron, c/o Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $488.75.

A. E. F. Waldrop, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $679.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Allen Products Co., Inc., P.O. Box 2187, R. D. No. 3, Allentown, Pa. 18001.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, Washington, D.C. 20006.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., AMAX Center, Greenwich, Conn. 06830, et al.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, 1100 Connecticut Avenue NW., Room 310, Washington, D.C. 20036.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., Wilmington, Del. 19898.
D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.
D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Fluor Engineers and Constructors, Inc., 3333 Michelson Drive, Irvine, Calif. 92730.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. General Electric Co., Washington, D.C. 20005.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Goodyear Tire and Rubber Co., 1800 K Street NW., Washington, D.C. 20006.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Hughes Airwest, San Francisco International Airport, San Francisco, Calif. 94128.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75215.

D. (6) $1,667.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Magma Power Co., 631 South Witmer Street, Los Angeles, California 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. McCulloch Oil Corp., 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Bankers Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Owens-Illinois, Inc., Owens-Illinois Building, P.O. Box 1035, Toledo, Ohio 43666.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Piedmont Airlines, Smith Reynolds Airport, Winston-Salem, N.C. 27102.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Proctor and Gamble, Cincinnati, Ohio 45201.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pullman-Kellogg, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Carbide, 270 Park Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Union Oil Co., 461 South Boylston, Los Angeles, Calif., 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $200.

A. Warren W. Walkley, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street, NW., Washington, D.C. 20005.

D. (6) $12.

A. R. Duffy Wall, 1050 17th Street NW., Washington, D.C. 20036.

B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.

D. (6) $500.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.

B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.

D. (6) $93.40.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.

B. American Sugar Cane League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La. 70130.

D. (6) $7,500 E. (9) $11,520.10.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.

B. American Textile Machinery Association, 1730 M Street NW., Suite 804, Washington, D.C. 20036.

D. (6) $1,800. E. (9) $2,236.34.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.

B. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.

D. (6) $9,375. E. (9) $10,110.01.

A. Linda Walker-Hill, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Charles S. Walsh, Fleischman & Walsh, 1725 N Street NW., Washington, D.C. 20036.

B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

A. J. W. Walsh, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.

D. (6) $350.

A. John F. Wanamaker, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.

D. (6) $1,177.

A. Jack Ware, American Petroleum Institute, 2101 L Street, Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street, Washington, D.C. 20037.

D. (6) $5,180. E. (9) $72.40.

A. Michael O. Ware, Continental Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

D. (6) $800.

A. Peter F. Warker, TRW Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.

D. (6) $2,101.94. E. (9) $2,773.58.

A. Michael G. Wasserman, 1200 Citizens and Southern National Bank Building, 35 Broad Street, Atlanta, Ga. 30303.

B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Nan Waterman, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street, Washington, D.C. 20036.

D. (6) $5,250. E. (9) $540.46.

A. Carolyn Herr Watts, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. George B. Watts, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20006.

D. (6) $300.

A. James L. Watts, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.

D. (6) $3,400.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $1,110.84.

A. William H. Weatherspoon, N. C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Douglas M. Webb, 1899 L Street NW., 11th Floor, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.

D. (6) $1,000. E. (9) $52.22.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Club Association, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $2,360.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Sand Springs Home, c/o E. J. Doerner, 1200 Atlas Building, Tulsa, Okla.

D. (6) $2,700.

A. Webster & Sheffield, 1 Rockefeller Plaza, New York, N.Y. 10020; 1750 New York Avenue NW., Washington, D.C. 20006.

B. City of Northglen, Colo. 80234, 10701 Melody Drive, Suite 313.

D. (6) $5,000.

A. Webster & Sheffield, 1750 New York Avenue NW., Washington, D.C. 20006.

B. National Conference of Bankruptcy Judges, c/o Webster & Sheffield, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $8,750. E. (9) $967.29.

A. Webster & Sheffield, 1 Rockefeller Plaza, New York, N.Y. 10020.

B. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1,657. E. (9) $473.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 57211.

D. (6) $146.08. E. (9) $245.57.

A. Weisman, Celler, Spett, Modlin & Wertheimer, 1025 Connecticut Avenue NW., Suite 317, Washington, D.C. 20036.

B. Beneficial Management Corp., 200 South Street, Morristown, N.J.

D. (6) $2,000.

A. Weisman, Celler, Spett, Modlin &. Wertheimer, 1025 Connecticut Avenue NW., Suite 317, Washington, D.C. 20036.

B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000.

A. Dennis W. Weissman, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.

B. American Society for Medical Technology, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.

D. (6) $1,350. E. (9) $150.

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

A. William B. Welsh, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $12,716. E. (9) $98.22.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.

B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $10,500. E. (9) $993.75.

A. West Mexico Vegetable Distributors, Inc., P.O. Box 848, Nogales, Ariz. 85621.

E. (9) $500.

A. Harry H. Westbay III, 1625 Eye Street NW., Suite 805, Washington, D.C. 20006.

B. St. Regis Paper Co., 150 East 42nd Street, New York, N.Y. 10017.

D. (6) $1,200. E. (9) $600.

A. The Western Co. of North America, P.O. Box 186, Fort Worth, Tex. 76101.

E. (9) $182.70.

A. Harvey J. Wexler, Continental Airlines, Inc., 1050 17th Street NW., No. 1060, Washington, D.C. 20036.

B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.

D. (6) $2,000. E. (9) $1,000.

A. Brian B. Whalen, International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.

B. International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.

D. (6) $1,250. E. (9) $29.16.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.

B. Sun Co. Inc., 100 Matsonford Road, Radnor, Pa. 19087.

D. (6) $11,212. E. (9) $10,184.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $25.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Presbyterian Hospital in the city of New York, 622 West 168th Street, New York, N.Y.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.

D. (6) $300.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,250.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.

B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

E. (9) $20.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $387.50.

A. Alton W. Whitehouse, Jr., 1750 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Allegheny Airlines, National Airport, Washington, D.C. 20001.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. American Airlines, 633 3d Avenue, New York, N.Y. 10017.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Committee for a Uniform Investment Tax Credit, 1050 17th Street NW., Suite 1112, Washington, D.C. 20036.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Congaree Limited Partnership, 222 West Adams Street, Suite 821, Chicago, Ill. 60606.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Eastern Air Lines, Miami International Airport, Miami, Fla. 33148.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Hughes Air West, San Francisco International Airport, San Francisco, Calif. 44128.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.

A. Wickham Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Piedmont Airlines, Smith Reynolds Airport, Winston Salem, N.C. 27102.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Ryder System, Inc., 3600 Northwest 82d Avenue, Miami, Fla. 33166.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. Trans World Airlines, 605 Third Avenue, New York, N.Y. 10016.

A. Wickham, Craft & Cihlar, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.

B. United Airlines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Leonard M. Wickliffe, 1801 K Street NW., Suite 221, Washington, D.C. 20006.

B. California Railroad Association, 1127 Eleventh Street, Suite 242, Sacramento, Calif. 95814.

D. (6) $11,000.01. E. (9) $6,370.35.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

D. (6) $650. E. (9) $203.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

E. (9) $1,012.62.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.

E. (9) $109.72.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J., 07645.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.

E. (9) $583.42.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Brigham Young University, Provo, Utah.

E. (9) $13.44.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Church of Jesus Christ of Latter-Day Saints, 10 East North Temple, Salt Lake City, Utah.

E. (9) $39.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. College Placement Council, Inc., 65 Elizabeth Street, Bethlehem, Pa.

E. (9) $147.48.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.

E. (9) $147.45.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

E. (9) $64.52.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $375. E. (9) $9.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.

D. (6) $4,251.50. E. (9) $60.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

E. (9) $20.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 531, Honolulu, Hawaii.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

E. (9) $180.33.

A. Sandra L. Willett, 624 C Street SE., Washington, D.C.

B. National Consumers League, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $325.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

D. (6) $80. E. (9) $82.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. CBS, Inc., 1800 M Street NW., Washington, D.C. 20036.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.

B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

D. (6) $25,704.75. E. (9) $144.09.

A. Harry D. Williams, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $2,000.

A. Lee Williams, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,600.

A. Lucinda L. Williams, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.

B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.

D. (6) $3,150.

A. Williams, Myers and Quiggle, 888 17th Street NW., Washington, D.C. 20006.

B. Church Alliance for Clarification of ERISA, c/o Gary S. Nash, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.

D. (6) $20,737.50 E. (9) $94.87.

A. Robert E. Williams, 1825 K Street NW., Suite 607, Washington, D.C. 20006.

B. United Airlines, 1825 K Street NW., Suite 607, Washington, D.C. 20006.

D. (6) $1,500.

A. Wade S. Williams, 1620 I Street NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.

E. (9) $600.

A. Bertram C. Willis, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

D. (6) $50. E. (9) $8.

A. Allen W. Wills, Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22102.

B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.

D. (6) $3,000. E. (9) $50.

A. George S. Wills, 7914 Sherwood Road, Ruxton, Md. 21204.

B. Americans for Alaska, P.O. Box 50, Riderwood, Md. 21139.

E. (9) $118.25.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $200.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. The State of Alaska, Department of Revenue, Pouch SB, Juneau, Alaska 99981.

E. (9) $1,850.66.

A. Henry T. Wilson, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Brotherhood of Painters and Allied Trades, AFL–CIO, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $913.50.

A. Winston P. Wilson, 523 North Forrest Street, Forrest City, Ark. 72335.

B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.

D. (6) $5,200. E. (9) $2,943.

A. Albert Winchester, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,375.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $711.97.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

D. (6) $3,800.

A. Karen T. J. Winterbottom, American Osteopathic Association, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.

B. American Osteopathic Association, 1611 North Kent Street, Suite 803–A, Arlington, Va. 22209.

D. (6) $1,500. E. (9) $1,546.11.

A. Jane Wishner, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,799.99.

A. Witkowski, Weiner, McCaffrey and Brodsky, 1750 K Street NW., Suite 1130, Washington, D.C. 20006.

B. Ad Hoc Mobile Home Finance Group, 1750 K Street NW., Suite 1130, Washington, D.C. 20006.

D. (6) $320.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Suite 501, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $1,408.48.

A. Erving Wolf, Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. Wolf Haldenstein Adler Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016.

B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala.

D. (6) $1,445. E. (9) $663.29.

A. Kenneth Wollack, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Israel Public Affairs Committee, 444 North Capitol Street, Washington, D.C. 20001.

D. (6) $8,749.92.

A. Don Womack, 1150 Connecticut Avenue NW., Suite 1013, Washington, D.C. 20036.

B. Texas Utilities Services Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

D. (6) $1,687. E. (9) $63.75.

A. Wilbur S. Wood, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Diane Woodruff, Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.

B. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.

D. (6) $1,875.

A. M. Alan Woods, DGA Internatonal, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washngton, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thompson-CSF (AVS), 178 Boulevard Gabriel Peri, 92240 Malakoff, France).

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $8,000. E. (9) $210.

A. Paige Wooldridge, Box 1006, Bluefield, W. Va. 24701.

B. National Council of Coal Lessors, Inc., 1130 17th Street NW., Suite 230, Washington, D.C. 20036.

D. (6) $7,500.

A. Ronald L. Wooten, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. W. Robert Worley, 1546 Farnell Court, Apt. 3, Decatur, Ga. 30033.

B. Georgia Power Co., 270 Peachtree Street NW., Atlanta, Ga. 30302.

D. (6) $3,261. E. (9) $2,846.65.

A. Edward E. Wright, 1819 H Street NW., Suite 1175, Washington, D.C. 20006.

B. G-4 Childrens' Coalition, 7309 Delfield Street, Chevy Chase, Md. 20015.

D. (6) $331.25. E. (9) $3.14.

A. Franklin L. Wright, Jr., National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,250. E. (9) $78.80.

A. John Yarmola, Seafarers International Union of North America, 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Seafarers International Union of North America, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $85.63.

A. Kenneth Young, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $11,844. E. (9) $89.15.

A. Pamela K. Young, National Association of Manufacturers, 7250 York Avenue South, No. 516, Edina, Minn. 55435.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $70.

A. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,100. E. (9) $562.98.

A. Eugene A. Yourch, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $200.

A. Donald Zahn, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $85. E. (9) $60.

A. Lynn Zakupowsky, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $250.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610

D. (6) $3,870. E. (9) $373.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $250.

A. Paul G. Zurkowski, 316 Pennsylvania Avenue SE., No. 502, Washington, D.C. 20003.

B. Information Industry Association, 316 Pennsylvania Avenue SE., No. 502, Washington, D.C. 20003.

D. (6) $500.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,500. E. (9) $94.93.

A. Frances Zwenig, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $3,583.33.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1978 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. Albert E. Abrahams, National Association of Realtors®, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors®, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $3,875. E. (9) $142.

A. Ad Hoc Committee for Competitive Telecommunications, 520 North Capitol Street NW., No. 800, Washington, D.C. 20001.

D. (6) $15,003.22. E. (9) $17,123.33.

A. Ad Hoc Low Income Housing Coalition, 215 Eighth Street NE., Washington, D.C. 20002.

D. (6) $876. E. (9) $2,091.45.

A. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $925.

A. Roger D. Allan, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Anne Genevieve Allen, Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.

B. Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.

D. (6) $118.70. E. (9) $302.66.

A. Marjorie D. Allen, Community Service Society, 105 East 22d Street, New York, N.Y. 10010.

B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.

D. (6) $54. E. (9) $110.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

E. (9) $9,738.40.

A. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C.

E. (9) $29,156.38.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $19,186.78. E. (9) $19,186.78.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., Washington, D.C. 20001.

D. (6) $29,976. E. (9) $41,683.36.

A. The American League of Anglers, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $7,600. E. (9) $3,180.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $2,122.60. E. (9) $3,510.34.

A. American Optometric Association, % Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

D. (6) $300.71. E. (9) $300.71.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

E. (9) $2,626.54.

A. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $5,690.82. E. (9) $3,845.50.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $10,290.06. E. (9) $50,351.77.

A. Virginia Andary, 201 Massachusetts Avenue NE., No. 105, Washington, D.C. 20002.

B. Catholics for a Free Choice, 201 Massachusetts Avenue NE., No. 105, Washington, D.C. 20002.

D. (6) $2,287.78. E. (9) $42.63.

A. J. L. Anderson, Time Inc., 888 16th Street NW., Washington, D.C. 20006.

B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y.

D. (6) $2,500. E. (9) $280.18.

A. Scott G. Anderson, Burlington Northern Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.

B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $1,900. E. (9) $841.33.

A. Linda M. Anzalone, Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C.

B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C.

E. (9) $25.

A. Fred Armstrong, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 838, Nogales, Ariz.

D. (6) $27,000. E. (9) $27.90.

A. Joseph Ashooh, 1957 E Street, NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.

B. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.

E. (9) $133.80.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.

D. (6) $1,755.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $4,000. E. (9) $5,195.

A. Carl E. Atkinson, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $175. E. (9) $507.

A. Atlantic Container Line, 80 Pine Street, New York, N.Y. 10005.

E. (9) $992.

A. Emil F. Baker, 1303 New Hampshire Avenue, NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue, NW., Washington, D.C. 20036.

A. Baker & McKenzie, 815 Connecticut Avenue N.W., Washington, D.C. 20006.

C. Cambridge Research and Development Group, 21 Bridge Square, Westport, Conn., 06880.

A. Baker & McKenzie, 815 Connecticut Avenue N.W., Washington, D.C. 20006.

B. Magnatex Corp., One Marienfeld Place, Midland, Tex. 79701.

D. (6) $3,900.50. E. (9) $36.72.

A. Robert D. Bannister, National Association of Home Builders, of the United States, 15th and M Streets N.W., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $10,781.46. E. (9) $1,631.81.

A. Thomas J. Barlow, 917 15th Street NW., Washington, D.C. 20005.

B. Natural Resources Defense Council, 917 15th Street NW., Washington, D.C. 20005.

D. (6) $166.41. E. (9) $6.

A. Eileen Barthelmy, The American League of Anglers, Inc., 810, 18th Street NW., Washington, D.C. 20006.

B. The American League of Anglers, Inc., 810 18th Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $230.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.

B. American Airlines, Inc., 1101 17th Street NW., Washington, D.C.

D. (6) $975. E. (9) $35.

A. Davis M. Batson, 1155 15th Street, N.W., Suite 611, Washington, D.C. 20005.

B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

D. (6) $1,000.

A. Richard H. Bauer, 1949 L Street N.W., 11th Floor, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Paul Bennett, Union of Concerned Scientists, 1025 15th Street NW., Washington, D.C. 20005.

B. Americans for SALT, Inc., 324 Fourth Street NE., Washington, D.C. 20002; Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.

D. (6) $1,590.91.

A. John C. Bennison, 818 18th Street NW., Washington, D.C.

B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.

A. Nancy C. Benson, 1625 I Street, NW., Suite 401, Washington, D.C. 20006.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $54. E. (9) $28.55.

A. Randolph C. Berkeley, National Association for Uniformed Services, 6200 Lakeview Drive, Falls Church, Va. 22041.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $790.

A. Charles Bernhardt, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $255. E. (9) $2.50.

A. George K. Bernstein, 1730 K Street N.W., Washington, D.C. 20006.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $12,600. E. (9) $12,600.

A. Andrew J. Biemiller, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006 .

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $12,103. E. (9) $392.

A. Sarah Massengale Billock, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago Ill. 60611.

D. (6) $416.67.

A. Robert Bird, 1629 K Street NW., Suite 300, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $50.

A. Tom G. Black, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Helen Blank, American Parents Committee, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Parents Committee, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $14,300.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

D. (6) $4,075.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

D. (6) $393.75. E. (9) $5.50.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. National Union Electric Corporation, 575 Adams Avenue, Philadelphia, Pa. 19120.

D. (6) $2,100. E. (9) $93.33

A. Blum, Parker & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.

B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

D. (6) $700. E. (9) $5.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.

D. (6) $10,200. E. (9) $545.42.

A. Bonsib, Inc., P.O. Box 1807, Washington, D.C. 20013.

A. Thomas C. Borzilleri, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $290.77.

A. Mary M. Bourdette, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 Fifteenth Street NW., Washington, D.C. 20005.

D. (6) $412.32. E. (9) $29.60.

A. A. D. Bourland, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $1,991.92.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

D. (6) $1,000.

A. Boyden, Kennedy, Romney & Howard, 1000 Kennecott Building, Salt Lake City, Utah 84133.

B. The Zuni Indian Tribe, Zuni, New Mex.

D. (6) $100.

A. Melvin J. Boyle, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $8,500.

A. Gene M. Bradley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $268. E. (9) $294.

A. S. Gail Bramblett, National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $4,152.60. E. (9) $255.13.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. The Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20036.

D. (6) $800.

A. Bergman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. American Car Rental Association, 1201 K Street NW., Washington, D.C.

D. (6) $1,500.

A. Bergman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

D. (6) $300.

A. Bergman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

A. Bergman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. Truck Renting & Leasing Association, 1201 K Street NW., Washington, D.C.

D. (6) $900.

A. Bergman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.

B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C.

D. (6) $500.

A. Charles T. Brown, Cities Service Co., Box 100, Miami, Ariz. 85539.

B. Cities Service Co., Box 100, Miami, Ariz. 85539.

E. (9) $265.87.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif 95814.

B. Summa Corp., P.O. Box 14000, Las Vegas, Nev. 89156.

A. Howard Brown, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $874.67.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.

B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.

B. National Association of Life Sciences, 9200 Leesburg Turnpike, Vienna, Va. 22180.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $400.

A. Quentin L. Burgess, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $227.63. E. (9) $14.35.

A. Duane V. Burke, P.O. Box 1724, Rockville, Md. 20850.

B. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield, Conn. 06109.

D. (6) $1,800. E. (9) $1,379.21.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $14.

A. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C.

D. (6) $2,600.91. E. (9) $840.51.

A. David G. Burney, United States Tuna Foundation, 2040 Harbor Island Drive, No. 208, San Diego, Calif. 92101.

B. United States Tuna Foundation, 2040 Harbor Island Drive, No. 208, San Diego, Calif. 92101.

D. (6) $6,000. E. (9) $3,000.

A. Gerrie Bjornson Burns, 1800 K Street NW., Suite 929, Washington, D.C. 20006.

B. B. F. Goodrich Co., Akron, Ohio 44318.

D. (6) $100.

A. B. Kent Burton, American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) 607.50.

A. James R. Calloway, Suite 500, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.

D. (6) $13,000.

A. Arthur E. Cameron, 918 16th Street NW., Suite 406, Washington, D.C. 20006.

B. LFE Corp., 1601 Trapelo Road, Waltham, Mass. 02154; Eagle Signal Corp., 8004 Cameron Road, Austin, Tex. 78753; Safetran Systems Corp., 7721 National Turnpike, Louisville, Ky. 40214.

D. (6) $5,625.

A. Arthur E. Cameron, 918 16th Street NW., Suite 406, Washington, D.C. 20006.

B. Prismo Universal Corp, et al.

D. (6) $5,499.

A. John E. Campbell, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $238.61.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.

B. Association of American Publishers, Mass Market Paperback Book Division, One Park Avenue, New York, N.Y. 10016.

D. (6) $24,033. E. (9) $35.55.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $5,235.60. E. (9) $199.50.

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $200.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $7,778.47. E. (9) $575.45.

A. Catholics for a Free Choice, 201 Massachusetts Avenue NE., No. 105, Washington, D.C. 20002.
D. (6) $2,732.50. E. (9) $4,081.84.

A. R. S. Chamberlin, Dow Chemical, U.S.A., 1800 M Street NW., Suite 700, South Lobby, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $1,150. E. (9) $910.

A. Steven M. Champlin, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Vietnam Veterans, Inc., Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,875.

A. Chemical Specialties Manufacturers Association, 1001 Connecticut Ave. NW., Washington, D.C. 20036.
D. (6) $115.21. E. (9) $115.21.

A. Julia Churchman, Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
B. Preservation Action, 1914 Sunderland Place NW., Washington, D.C. 20036.
D. (6) $1,485.84. E. (9) $7.52.

A. James Ciarrocki, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $912.50. E. (9) $305.94.

A. Citronelle-Mobile Gathering, Inc., 717 First Southern Federal Tower, Mobile, Ala. 36616.
E. (9) $3,944.45.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Room 208, Washington, D.C. 20002.
B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $357. E. (9) $188.

A. Charles M. Clusen, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,500. E. (9) $77.90.

A. Coalition for New York, Inc., 230 Park Avenue, New York, N.Y. 10017.
D. (6) $750. E. (9) $750.

A. Coan & Couture, 1707 L Street NW., Suite 446, Washington, D.C.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C.
D. (6) $8,769. E. (9) $1,329.96.

A. Coan & Couture, 1707 L Street NW., Suite 446, Washington, D.C.
B. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C.
D. (6) $1,287. E. (9) $300.20.

A. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $609.49.

A. Timothy A. Colcord, Visa U.S.A. Inc., 1620 I Street NW., Washington, D.C. 20006.
B. Visa U.S.A. Inc., P.O. Box 8999, San Francisco, Calif. 94128.
D. (6) $6,875. E. (9) $2,725.89.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $7,800. E. (9) $2,182.96.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Ad Hoc Committee for a Fair Natural Gas Policy, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
E. (9) $18.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.
B. Tanners' Council of America, Inc., 411 Fifth Avenue, New York, N.Y. 10016.
D. (6) $267.94. E. (9) $47.54.

A. Committee for 806.30 and 807, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $6,500. E. (9) $9,214.48.

A. David R. Conrad, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,600.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $20,447.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.
B. Allegheny Airlines, Washington National Airport, Washington, D.C. 20001.
D. (6) $4,500. E. (9) $84.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Business & Professional Women's Clubs, Inc., 2011 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $5.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Consolidated Natural Gas Co., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $4,250. E. (9) $47.37.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D C. 20006.
B. Food Distributors Task Force, 1750 K Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $9,325. E. (9) $104.56.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Saint George Tanaq Corp., c/o Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.
D. (6) $2,507.50.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
D. (6) $3,750. E. (9) $40.26.

A. Cook & Henderson, 1735 K Street NW., Suite 200, Washington, D.C. 20006.
B. The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $7,546. E. (9) $63.55.

A. Charles E. Cooke, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $175. E. (9) $50.

A. Edward Cooney, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $1,004.54.

A. Janet Cooper, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Glen S. Corso, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $5,625. E. (9) $424.82.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $8,750. E. (9) $5,930.

A. Clark R. Cossé, III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $6,650. E. (9) $2,182.97.

A. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
E. (9) $4,552.14.

A. Eric Cox, 3133 Connecticut Avenue NW., Washington, D.C. 20008.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $566.66.

A. Kenneth A. Cox, 1150 17th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $2,896.39.

A. William J. Cox, National Committee for a Human Life Amendment, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $7,917.48. E. (9) $1,484.31.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C 20006.
D. (6) $4,000. E. (9) $200.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $30.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $200.

A. David T. Crow, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $6,300.

A. Douglas A. Crowley, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James M. Cubie, Union of Concerned Scientists, 1025 15th Street NW., Washington, D.C. 20005.
B. Union of Concerned Scientists, 1208 Massachusetts Avenue, Cambridge, Mass. 02138.
D. (6) $6,250.02.

A. Barry M. Cullen, International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.
D. (6) $100.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $550. E. (9) $1,806.

A. Robert J. Cushman, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,254.34. E. (9) $633.68.

A. Jay B. Cutler, American Psychiatric Association, Suite 802, 2033 M Street NW., Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $3,278. E. (9) $836.16.

A. Eugene B. Dalton, 1600 South Eads Street, Apt. 1010 N., Arlington, Va. 22202.
B. National League of Postmasters, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
E. (9) $393.89.

A. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.
E. (9) $250.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $3,000. E. (9) $234.13.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $250.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $5,625.

A. Dennis N. Davis, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
E. (9) $1,087.74.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.
E. (9) $8,906.43.

A. Debevoise & Liberman, Suite 700, 806 15th Street NW., Washington, D.C. 20005.
B. Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06156.
D. (6) $3,400.

A. DeHart Associates, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $550. E. (9) $53.01.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,348. E. (9) $540.20.

A. Daniel B. Denning, 1025 Connecticut Avenue NW, No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $625. E. (9) $86.50.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Jefferson/Young & Associates, 1600 Kapiolani Boulevard, Honolulu, Hawaii 96814.
E. (9) $508.48.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $33,000. E. (9) $27,541.02.

A. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $14,954. E. (9) $14,954.

A. Cushing N. Dolbeare, 215 Eighth Street NE., Washington, D.C. 20002.
B. Ad Hoc Low Income Housing Coalition, 215 Eighth Street NE., Washington, D.C. 20002.
D. (6) $1,500. E. (9) $497.73.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $6,695. E. (9) $3,986.05.

A. William DuChessi, 815 16th Street NW., Washington, D.C.
B. Amalgamated Clothing & Textile Workers Union, 99 University Place, New York, N.Y. 10003.
D. (6) $4,717.31. E. (9) $100.

A. Jeffrey M. Duke, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $100.

A. William E. Dutcher, Independent Gas Producers Committee, 2601 Northwest Expressway, Suite 300, Oklahoma City, Okla. 73112.
B. Independent Gas Producers Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
D. (6) $7,021.20 E. (9) $4,433.87.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $2,478.59

A. Thomas Ehrlich, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $170.52

A. Phyllis Eisen, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $578. E. (9) $30.

A. Kimberly A. Elliott, 444 North Capitol Street NW., Suite 409, Washington, D.C.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20006.
D. (6) $3,260. E. (9) $300.

A. John Ellis, 1057 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert J. Englehart, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Cecilia D. Esquer, 200 State Capitol, 1700 West Washington, Phoenix, Ariz. 85007.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $60. E. (9) $53.04.

A. Thomas E. Esterly, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $155.59.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
E. (9) $1,000.

A. Robbie Exley, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.
E. (9) $32,140.33.

A. Joseph D. Feeney, 222 South Riverside Plaza, Chicago, Ill. 60606.

B. Western Railroad Association, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606.

D. (6) $416.66.

A. Stuart F. Feldman, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Council of Vietnam Veterans, Inc., Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $2,442.99.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.

D. (6) $6,000. E. (9) $908.41.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.

B. National Nutritional Foods Association, 7727 South Painter Avenue, Whittier, Calif. 90602.

D. (6) $3,000. E. (9) $630.48.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,481. E. (9) $40.10.

A. Theodora Fine, American Psychiatric Association, Suite 802, 2033 M Street NW., Washington, D.C. 20036.

B. American Psychiatric Association, 1700 18th Street, NW., Washington, D.C. 20009.

D. (6) $1,438. E. (9) $644.67.

A. Laurie A. Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $289.42. E. (9) 154.75.

A. First Pro-Life Congressional District Action Committee, 6 Maxfield Court, Barrington, R.I.

D. (6) $500. E. (9) $684.39.

A. Mark Fitzgerald, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $4,687.56. E. (9) $1,440.96.

A. Mary Clare Fitzgerald, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.

D. (6) $403.80. E. (9) $439.20.

A. James H. Fitzpatrick, Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.

B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y.

D. (6) $170. E. (9) $133.97.

A. Food Research & Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $23,375. E. (9) $12,189.53.

A. David H. Foster, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,775.01. E. (9) $367.32.

A. J. Dee Frankfourth, P.O. Box 403, Eagle River, Alaska 99577.

B. Alaska Coalition, 620 C Street SE., Washington, D.C. 20003; Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $437.46.

A. Frank C. Frantz, 3917 Livingston Street NW., Washington, D.C. 20015.

B. Greater Southeast Community Hospital, 1310 Southern Avenue SE., Washington, D.C. 20032.

D. (6) $3,750.

A. Robert M. Frederick, The National Grange, 1616 H Street NW., Washington, D.C. 20006.

B. National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $8,305.89.

A. Pamela B. Freer, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

D. (6) $4,199. E. (9) $392.57.

A. Burton D. Fretz, 806 15th Street NW., Washington, D.C. 20005.

B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

D. (6) $3,404.94. E. (9) $10.40.

A. Gregory Friberg, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $3,750. E. (9) $225.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

E. (9) $18.20.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Vought Corp., P.O. Box 5907, Dallas, Tex. 75222.

E. (9) $5,500.54.

A. Marie Louise Friendly, Preservation Action, 1914 Sunderland Place, Washington, D.C. 20036.

B. Preservation Action, 1914 Sunderland Place, Washington, D.C. 20036.

D. (6) $442.34. E. (9) $99.27.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $55,723. E. (9) $63,385.

A. Sharon Frink, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $213.

A. Full Employment Action Council, 815 15th Street NW., Washington, D.C. 20005.

D. (6) $21,345.59. E. (9) $31,881.15.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $1,550.

A. Terry D. Garcia, New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20002.

B. New Directions, 305 Massachusetts Avenue NE., Washintgon, D.C. 20002.

D. (6) $4,445.15.

A. Leo J. Gehrig, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.

B. American Hospital Assocation, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $2,031.53. E. (6) $171.

A. Thomas G. Geiler, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Nation Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Irving Geller, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Claire M. Geoghegan, 520 North Capitol Street NW., No. 800, Washington, D.C. 20001.

B. Ad-Hoc Committee for Competitive Telecommunications, 520 North Capitol Street NW., Washington, D.C. 20001.

D. (6) $7,942.34.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

E. (9) $12,269.87.

A. Norma J. Gilbert, 1776 K Street NW., Suit 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $1,200. E. (9) $101.83.

A. Michael Gildea, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,433.50.

A. Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. P. & O. Falco, Inc., Shreveport, La.; True Oil Purchasing Co., Casper, Wyo.; Western Crude Oil, Inc., Denver, Colo.

A. Vernie R. Glasson, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Toughy Avenue, Park Ridge, Ill.

D. (6) $3,875.

A. Robert Glavin, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $747.89.

A. Lloyd L. Golding, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.

B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.

D. (6) $1,300.

A. Neil B. Goldstein, Sierra Club, 800 Second Avenue, New York, N.Y. 10017.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

D. (6) $6,241.41. E. (9) $995.12.

A. Bruce G. Goodman, 115 Fourth Avenue, Needham Heights, Mass. 02194.
B. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.
D. (6) $100. E. (9) $150.

A. Sara Gordon, Bill Newbold and Associates, 1901 North Fort Myer Drive, Arlington, Va. 22209.
B. Bill Newbold and Associates, 1901 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,000.

A. John K. Gram, Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 97204.
B. Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $2,127. E. (9) $627.

A. Ruth P. Graves, RIF, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
B. Reading Is Fundamental, 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $5,989.80. E. (9) $525.04.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago. Ill. 60611.
D. (6) $1,067.28. E. (9) $51.84.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.
B. Family Health Program, 2925 North Palo Verde Avenue, Long Beach, Calif. 90815.
D. (6) $2,625. E. (9) $244.15.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $32,601.32. E. (9) $32,601.32.

A. Gun Owners of America, Inc., 101 South Whiting Street, Alexandria, Va. 22304.
D. (6) $4,290. E. (9) $28,330.27.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $430.77. E. (9) $155.10.

A. Charles T. Hagel, Firestone Tire & Rubber Co., 1730 K Street NW., Suite 915, Washington, D.C. 20006.
B. Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.
D. (6) $3,750. E. (9) $360.

A. Harry L. Hall, National Multiple Sclerosis Society, 6845 Elm Street, McLean, Va. 22101.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $3,750.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Belize Sugar Industries, Ltd., Belize City, Belize.
E. (9) $142.50.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.
D. (6) $12,229.04. E. (9) $726.81.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $6,013.06. E. (9) $12.98.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sugar Association of the Caribbean, Port of Spain, Trinidad.
D. (6) $8,750. E. (9) $2,178.40.

A. Thomas A. Hammer, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,077. E. (9) $10.

A. Jerry M. Hamovit, c/o Melrod, Redman & Gartlan, 1801 K Street NW., Washington, D.C. 20006.
B. Lehman Bros., Kuhn, Loeb, Inc., 1 William Street, New York, N.Y. 10005.
E. (9) $28.

A. Kay Harrold, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $210.

A. Rita M. Harts, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $966.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,815.37. E. (9) $136.05.

A. Lewis B. Hastings, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $100.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 S. Michigan Avenue, Chicago, Ill.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,500. E. (9) $15.50.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.
D. (6) $935.10. E. (9) $935.10.

A. William H. Hecht, 1776 K Street NW., No. 1200, Washington, D.C. 20006.
B. The Tobacco Institute, 1776 K Street NW., No. 1200, Washington, D.C. 20006.
D. (6) $1,590. E. (9) $670.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C. 20005.
B. Cast Iron Pipe Research Association, Oak Brook, Ill.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C. 20005.
B. Citizens for Management of Alaska Lands, Anchorage, Alaska.
D. (6) $6,000.

A. John Helm, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Daniel R. Helmick, 1625 I Street NW., Room 301, Washington, D.C. 20006.
B. Columbia Gas Distribution Cos., 99 North Front Street, Columbus, Ohio 43215.
D. (6) $7,125. E. (9) $127.39.

A. C. Dayle Henington, Chicago Mercantile Exchange, 1101 Connecticut Avenue, Suite 801, Washington, D.C. 20036.
B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $2,000. E. (9) $1,050.

A. Thomas M. Hennessy, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $4,254. E. (9) $859.49.

A. Jack E. Herington, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $500.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Frank E. Basil, Inc. of Delaware, 1101 15th Street NW., Suite 507, Washington, D.C. 20005.
D. (6) $2,463.50.

A. Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Investment Counsel Association of America, c/o John L. Casey, Esq., Scudder, Stevens & Clark, 345 Park Avenue, New York, N.Y. 10022.
D. (6) $10,434.45. E. (9) $2,220.83.

A. Dave Hill, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,500. E. (9) $81.34.

A. Arthur F. Hintze, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 22204.
B. Vought Corp., P.O. Box 5907, Dallas, Tex.
D. (6) $4,500. E. (9) $5,500.54.

A. Robert Hitzhusen, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Cravens Wanlass Corp., 1442 Irvine Boulevard, Suite 101, Tustin, Calif. 92680.
D. (6) $1,645. E. (9) $70.25.

A. John H. Holloman III, O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John H. Holloman III, O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Holt International Children's Services, Inc., Holt Adoption Program, Inc., P.O. Box 2420, Eugene, Oreg. 97402.

E. (9) $100.

A. Michael L. Horn, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Douglass C. Horstman, 1612 K Street NW., Suite 906, Washington, D.C. 20006.

B. Maytag Co., Newton, Iowa 50208.

D. (6) $660. E. (9) $227.77.

A. Douglass C. Horstman, 1612 K Street NW., Suite 906, Washington, D.C. 20006.

B. Northern Textile Association, 211 Congress Street, Boston, Mass. 02110.

D. (6) $660. E. (9) $227.77.

A. John F. Horty, National Council of Community Hospitals, 815 Connecticut Avenue, Suite 206, Washington, D.C. 20006.

B. National Council of Community Hospitals, 815 Connecticut Avenue NW., Suite 206, Washington, D.C. 20006.

E. (9) $611.90.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y.

D. (6) $2,065.95. E. (9) $2,065.95.

A. Arthur L. Howard, 1100 H Street NW., Washington, D.C. 20080.

B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.

D. (6) $728.84. E. (9) $58.20.

A. Thomas Howarth, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $4,625. E. (9) $90.55.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,211.75.

A. Peter W. Hughes, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $782.11. E. (9) $149.76.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $8,188.50. E. (9) $201.90.

A. David J. Humphreys, Paulson & Humphreys, 5272 River Road, Suite 400, Washington, D.C. 20016.

B. Recreation Vehicle Industry Association, P.O. Box 204, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $19,800.

A. Lawrence H. Hunt, Jr., Sidley & Austin, 1 First National Plaza, Chicago, Ill. 60603.

B. Heinold Commodities, Inc., 222 South Riverside Plaza, Chicago, Ill. 60603; Conti-Commodity Services, Inc., 141 West Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $6,088. E. (9) $314.49.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $126. E. (9) $32.85.

A. Raymond D. Hurley, 1828 L Street NW., Suite 405, Washington, D.C. 20036.

B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Philip A. Hutchinson, Jr., Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.

B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.

D. (6) $250.

A. Independent Gas Producers Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

E. (9) $18,053.43.

A. Independent Local Newspaper Association, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $7,500. E. (9) $7,500.

A. Institute of Foreign Bankers, c/o Mrs. Elizabeth Tobon, 200 Park Avenue, Suite 303, Room 23, New York, N.Y. 10017.

D. (6) $2,238.32.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.

E. (9) $11,745.33.

A. International Service Corp., 1776 K Street NW., Suite 605, Washington, D.C. 20006.

B. U.S. Merchant Marine Academy Alumni Association, Inc., Kings Point, L.I., N.Y. 11024.

D. (6) $1,250. E. (9) $1,250.

A. Investment Annuities Institute, Inc., Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,055.

A. John D. Isaac, Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $4,287.24. E. (9) $264.90.

A. David L. Ivey, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Herbert N. Jasper, 520 North Capitol Street NW., No. 800, Washington, D.C. 20001.

B. Ad-Hoc Committee for Competitive Telecommunications, 520 North Capitol Street NW., No. 800, Washington, D.C. 20001.

D. (6) $16,576.96.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

D. (6) $207. E. (9) $5.70.

A. Bruce T. Johnson, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $4,206. E. (9) $4,910.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Stuart H. Johnson, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. New York Dock Railway, 334 Furman Street, Brooklyn, N.Y.

E. (9) $1.67.

A. Stuart H. Johnson, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. U.S. Lines, One Broadway, New York, N.Y. 10004.

E. (9) $1.67.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $237.38.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Jeffrey H. Joseph, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Thomas M. Joyce, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.

B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10036.

E. (9) $18,137.64.

A. Robert E. Juliano, Hotel and Restaurant Employees and Bartenders International Union, 1666 K Street NW., Washington, D.C. 20006.

B. Hotel and Restaurant Employees and Bartenders International Union, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.

D. (6) $9,999.96. E. (9) $1,345.60.

A. Gary Paul Kane, National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.

D. (6) $6,562.49. E. (9) $549.30.

A. W. Thomas Kelly, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Investment Annuities Institute, Inc., Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $7,746.95.

A. Daniel J. Kerrigan, Atlantic Container Line, 80 Pine Street, New York, N.Y. 10005.

B. Atlantic Container Line, 80 Pine Street, New York, N.Y. 10005.

D. (6) $240. E. (9) $317.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.

B. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.

D. (6) $360. E. (9) $279.96.

A. Roberta D. Kimball, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James L. Kimble, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.
D. (6) $7,100. E. (9) $1,617.32.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 22036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $278.34.

A. Sally Ann Kirkpatrick, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.
D. (6) $4,896. E. (9) $1,679.24.

A. Jeff Kirsch, Food Research and Action Center, 2011 Eye Street NW., Suite No. 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 Eye Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $236. E. (9) $0.80.

A. Terrence H. Klasky, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 46378.
D. (6) $7,000. E. (9) $1,500.

A. Keith LeVern Kline, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $500.

A. John S. Knox, Jr., 166 16th Street N.W., Atlanta, Ga. 30318.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $304.

A. Koch Refining Co., P.O. Box 2302, Wichita, Kans. 67201.

A. Ann Kolker, National Women's Political Caucus, 1411 K Street NW., Washington, D.C. 20005.
B. National Women's Political Caucus, 1411 K Street NW., Washington, D.C. 20005.
D. (6) $2,043.10.

A. Edward DeW. Kratovil, American Can Co., American Lane, Greenwich, Conn. 06830.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $141.32.

A. Joseph A. Kuchler, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,128.33. E. (9) $31.47.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
D. (6) $14,000. E. (9) $1,492.41.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800 Washington, D.C. 20036.
B. Chicago Mercantile Exchange, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $600.

A. James H. Lake, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. National Potato Council, Montebello Building, 45th and Peoria, Denver, Colo. 80239.
D. (6) $500. E. (9) $146.03.

A. David R. Lambert, The National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. J. Stephen Larkin, International Paper Co., 1620 Eye Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 Eye Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $300. E. (9) $54.85.

A. Robert B. Laurents, National Association for Uniformed Services, 7205 Reservoir Road, Springfield, Va. 22150.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $1,475.

A. Alice V. Leaderman, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $900. E. (9) $48.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $5,235.60. E. (9) $191.95.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Bulova Watch Co., Inc., Bulova Park, Flushing, N.Y. 11370.
E. (9) $21.32.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Commonwealth Edison Co., 1 First National Plaza, Chicago, Ill.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $1,000.

A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Independent Local Newspaper Association, Suite 240, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500.

A. David Levine, Sierra Club, 545 East Fourth Avenue, No. 5, Anchorage, Alaska 99501.
B. Sierra Club, 545 East Fourth Avenue, No. 5, Anchorage, Alaska 99501.
D. (6) $3,000. E. (9) $150.

A. Roger N. Levy, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y.
E. (9) $18,137.64.

A. Liberty Lobby, Inc., 130 3rd Street SE., Washington, D.C. 20003.
D. (6) $65,765.78. E. (9) $73,841.61.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $4,500. E. (9) $1,200.

A. Herbert Liebenson, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $1,419.34.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $312.28.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.
D. (6) $693.94.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.
D. (6) $936.37.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $187.72.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $3,038.23. E. (9) $11.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis. 53701.
D. (6) $1,300.32.

A. Linton, Mields, Reisler & Cottone, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $1,256.86.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Radwaste Management Group, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $4,925. E. (9) $28.19.

A. Pamela Lippe, Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $2,396.25.

A. F. P. Longeway, Jr., National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $379.05.

A. James P. Low, American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.
B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $891.64.

A. C. Lance Lujan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $5,235.60. E. (9) $125.

A. Douglas E. MacArthur, Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.

B. Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.

D. (6) $2,004. E. (9) $3,236.70.

A. Leonard W. Mall, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.

B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Chalmers Marquis, 3430 Blair Road, Falls Church, Va. 22041.

B. Agency for Instructional Television, Box A, Bloomington, Ind. 47401.

D. (6) $1,700. E. (9) $78.10.

A. John B. Martin, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $676.31. E. (9) $20.55.

A. Charles D. Matthews, 1100 17th Street NW., Suite 410, Washington, D.C. 20036.

B. National Ocean Industries Association, 1100 17th Street NW., Suite 410, Washington, D.C. 20036.

D. (6) $1,277. E. (9) $157.71.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Armco, Inc., 815 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $600. E. (9) $480.

A. McCarty & Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.

B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.

D. (6) $540. E. (9) $11.77.

A. Nancy Fifield McConnell, American Parents Committee, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Child Welfare League of America, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,700.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60 E. (9) $85.20.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C.

B. Balcor Co., 10024 Skokie Boulevard, Skokie, Ill. 60077.

D. (6) $300.

A. Francis O. McDermott, 1750 K Street NW, Suite 1110, Washington, D.C. 20006.

B. Big Prairie Farms, Inc., c/o J. J. White, 100 State Street, Beardstown, Ill. 62618.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. First Chicago Corp., 1 First National Plaza, Chicago, Ill. 60670.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

E. (9) $6.46.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. JMB Realty Corp., 875 North Michigan Avenue, Suite 3804, Chicago, Ill. 60611.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,060.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $3,450.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

E. (9) $245.59.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $1,400.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trustees Under Will of Warren Wright, c/o First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60603.

A. Stanley J. McFarland, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $6,525. E. (9) $134.95.

A. Robert M. McGlotten, AFL–CIO, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $9,571.50 E. (9) $1,050.05.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organzations, 815 16th Street NW., Washington, D.C.

D. (6) $10,348. E. (9) $405.97.

A. John J. McHale, Jr., 1817 Biltmore Street NW., Apt. A, Washington, D.C. 20009.

B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.

D. (6) $1,500.

A. Walter McHugh, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $633.34. E. (9) 106.18.

A. Phil A. McKeaney, American Federation of Teachers, AFL–CIO, 11 DuPont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, 11 DuPont Circle NW., Washington, D.C. 20036.

D. (6) $6,094.98.

A. Paula V. McMartin, Physicians National Housestaff Association, 1029 Vermont Avenue NW., Washington, D.C. 20005.

B. Physicians National Housestaff Association, 1029 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $1,400.

A. Mrs. Robert S. McNamara, c/o RIF, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.

B. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.

A. Ronald E. McWilliams, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

D. (6) $181.78. E. (9) $6,571.02.

A. George G. Mead, American Trucking Associations, Inc., 1616 P. Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $42.48.

A. Carl J. Megel, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $8,135. E. (9) $59.40.

A. Kenneth A. Meiklejohn, 815 16 Street NW., Washington, D.C. 20006.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $10,348. E. (9) $765.75.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $6,803. E. (9) $141.05.

A. Men for ERA, 200 Park Avenue, Suite 303 East, New York, N.Y. 10017.

D. (6) $5,505. E. (9) $3,858.14.

A. Faye L. Mench, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $181.73. E. (9) $184.49.

A. Ellis E. Meredith, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

E. (9) $28.58.

A. Ted H. Meredith, 6030 Warwick Court, New Orleans, La. 70114.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $3,009.

A. Ralph J. Merigliano, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $4,797.53.

A. Charles L. Merin, National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $950.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.

D. (6) $6,250. E. (9) $93.25.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Dirilyte Co. of America, Inc., 320 West Jefferson Road, Kokomo, Ind.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Holly Corp., 3327 2007 Bryan Tower, Dallas, Tex. 75201.

D. (6) $6,250. E. (9) $374.54.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. Klineman Associates, Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.

E. (9) $271.49.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. National Association of Recycling Industries, Inc., 333 Madison Avenue, New York, N.Y. 10017.

D. (6) $8,333. E. (9) $196.31.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20006.

D. (6) $2,150. E. (9) $22.80.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.

B. John Tudor, 18 East 53d Street, New York, N.Y. 10022.

D. (6) $2,000. E. (9) $264.39.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

E. (9) $6,931.14.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. DECQ Committee, P.O. Box 5551, Beverly Hills, Calif. 90210.

D. (6) $23,082.52. E. (9) $969.24.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lockheed Corp., Burbank, Calif. 91520.

D. (6) $4,115.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Medical Area Service Corp., c/o Michael Brewer, Holyoke Center, Cambridge, Mass. 02138.

D. (6) $275. E. (9) $68.75.

A. Clinton R. Miller, National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

D. (6) $209. E. (9) $432.

A. Deborah Imle Miller, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $1,875. E. (9) $268.65.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20035.

D. (6) $4,500. E. (9) $845.50.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. MEBA Political Action Fund, 444 North Capitol Street, Washington, D.C. 20001.

D. (6) $3,000. E. (9) $855.50.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

D. (6) $3,750. E. (9) $610.50.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. O & C Counties Association, Box 1530, Route 3, Roseburg, Oreg. 97470.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Port of Portland, Box 3529, Portland Oreg. 97208.

D. (6) $1,200.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Professional Air Traffic Controllers Organization, 444 North Capitol Street, Washington, D.C. 20001.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.

B. Western Forest Industries Association, 1500 Southwest Taylor, Portland, Oreg. 97205.

D. (6) $3,000. E. (9) $485.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,375. E. (9) $45.10.

A. Linda F. Mills, 1629 K Street NW., Suite 300, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Marian E. Moe, 821 15th Street NW., Suite 638, Washington, D.C. 20005.

B. Center on Social Welfare Policy and Law, 821 15th Street NW., Washington, D.C. 20005.

D. (6) $2,125. E. (9) $80.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. April D. Moore, 1867 California Street NW., Washington, D.C. 20009.

B. National Consumers League, 1028 Connecticut Avenue NW., No. 522, Washington, D.C. 20036.

A. L. Calvin Moore Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.

D. (6) $3,575.

A. Moore McCormack Resources, Inc., 1 Landmark Square, Stamford, Conn.

E. (9) $1,530.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

D. (6) $588. E. (9) $38.11.

A. Sol Mosher, Crown Zollerbach, 1660 L Street NW., Suite 915, Washington, D.C. 20036.

B. Crown Zollerbach, 1 Bush Street, San Francisco, Calif. 94119.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $1,000.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. District of Columbia Federation of Musicians Local 161-710, 5020 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. KUTV, Inc., 179 Social Hall Avenue, Salt Lake City, Utah 84111.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Ogden Standard-Examiner, P.O. Box 951, Ogden, Utah 84402.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Radwaste Management Group, 1800 M Street NW., Washington, D.C. 20036.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Steering Council for Alaska Lands, 1016 West Sixth Avenue, Suite B, Anchorage, Alaska 99501.

D. (6) $350. E. (9) $4.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Sunsat Energy Council, Watergate 600, Suite 480, Washington, D.C. 20037.

D. (6) $50.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Thiokol Corp., P.O. Box 1000, Newtown, Pa. 18940.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. United Parcel Service of America, Inc., Greenwich Office Park 5, Greenwich, Conn. 06830.

D. (6) $5,600.

A. Moss, Frink & Franklin, Watergate 600, Suite 480, Washington, D.C. 20037.

B. Utah Power & Light Co., 1407 West North Temple Street, Salt Lake City, Utah 84101.

A. Daniel Patrick Murphy II, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., No. 610, Washington, D.C. 20036.

B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., No. 610, Washington, D.C. 20036.

D. (6) $400. E. (9) $43.73.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

D. (6) $4,075.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. Computer and Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.

D. (6) $393.75. E. (9) $5.50.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.

B. National Union Electric Corp., 575 Adams Avenue, Philadelphia, Pa. 19120.

D. (6) $2,100. E. (9) $93.33.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.
D. (6) $10,200. E. (9) $545.42.

A. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $194,575.25. E. (9) $18,745.70.

A. National Associated Businessmen, Inc., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,074.82. E. (9) $1,218.74.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $24,312. E. (9) $24,699.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $40,183.60. E. (9) $7,115.28.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $241,214.66. E. (9) $111,663.82.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,646,154.57. E. (9) $90,985.55.

A. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

A. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $5,833.77. E. (9) $5,833.77.

A. National Association of State Lotteries, 1290 Silas Deane Highway, Wethersfield, Conn. 06109.
D. (6) $1,800. E. (9) $3,179.21.

A. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $11,111.06. E. (9) $11,111.06.

A. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C.
D. (6) $1,250. E. (9) $706.40.

A. National Coalition to Ban Handguns, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $160,886.50. E. (9) $124,990.21.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $20,391. E. (9) $17,651.98.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Paratransit Institute, Inc., 1747 Pennsylvania Avenue, Suite 1000, Washington, D.C. 20006.
D. (6) $6,900. E. (9) $611.96.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of Independent Medical Equipment Suppliers, 3164 Oakcliff Industrial Street, Doraville, Ga. 30340.
D. (6) $9,200. E. (9) $932.99.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.
D. (6) $15,000.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Cenco Instruments, 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $8,250.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Domestic Wildcatters Association, 900 First National Bank Building, Houston, Tex. 77002.
D. (6) $6,000. E. (9) $243.37.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. International Rectifier, 9220 Sunset Boulevard, Los Angeles, Calif. 90069.
D. (6) $7,500. E. (9) $234.57.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Southern Railway System, P.O. Box 1808, Washington, D.C. 20013.
D. (6) $7,150. E. (9) $368.58.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Trailways, Inc., 1500 Jackson Street, Dallas, Tex. 75201.
D. (6) $8,000. E. (9) $1,217.34.

A. The National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $475,007.44. E. (9) $4,271.30.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $16,813.14. E. (9) $16,813.14.

A. National Federation of Licensed Practical Nurses, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,785. E. (9) $1,785.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $116,332.89. E. (9) $19,180.89.

A. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.
D. (6) $65,588. E. (9) $111,860.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $3,877.52.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $5,000.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $75,140. E. (9) $55,640.

A. National School Transportation Association, 9001 West Braddock Road, Room 310, Springfield, Va. 22151.
D. (6) $547.19. E. (9) $547.19.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,192.99. E. (9) $5,776.43.

A. National Taxpayers Union, 153 E Street SE., Washington, D.C. 20003.
D. (6) $64,261.41. E. (9) $651.30.

A. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.
D. (6) $40,750. E. (9) $8,716.87.

A. Nazario & Ortiz-Daliot, 1522 K Street NW., Suite 410, Washington, D.C. 20005.
B. The Puerto Rico Mayors Association, 1510 Ponce de Leon Avenue, Santurce, P.R. 00909.
E. (9) $110.25.

A. Alan M. Nedry, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $250. E. (9) $70.

A. New Directions, 305 Massachusetts Avenue NE., Washington, D.C. 20003.
D. (6) $50,601.94. E. (9) $8,717.34.

A. Harold Frank Newman, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $8,562.01. E. (9) $1,500.

A. Melissa A. Nielson, 1775 K Street NW., Washington, D.C. 20006.
B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $40.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Charles M. Noone, 490 L'Enfant Plaza East, No. 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Co's., 512 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $199.11.

A. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
E. (9) $1,285.96.

A. Julia J. Norrell, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $5,437.49. E. (9) $1,593.52.

A. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.
D. (6) $39,720.33. E. (9) $39,720.33.

A. Hubert K. O'Bannon, 1532 34th Street NW., Washington, D.C. 20067.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,200.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $3,400. E. (9) $362.07.

A. Therese S. Ogle, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $3,500.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $9,386. E. (9) $328.19.

A. John F. O'Neal, Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.
B. Commodity Exchange, Inc., Four World Trade Center, Southeast Plaza Building, New York, N.Y. 10048.
D. (6) $6,450. E. (9) $1,635.28.

A. John F. O'Neal, Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.
B. International Precious Metals Corp., 6451 North Federal Highway No. 1101, Ft. Lauderdale, Fla. 33308.
D. (6) $4,331.25. E. (9) $490.86.

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $2,800. E. (9) $5.

A. F. J. O'Rourke, Ad Hoc Committee of Concerned Parents, 75 Federal Street, Suite 600, Boston, Mass. 02110.
B. Ad Hoc Committee of Concerned Parents, P.O. Box 343, Lexington, Mass. 02173.
E. (9) $448.49.

A. Pacific Seafood Processors Association, 1600 South Jackson Street, Seattle, Wash. 98144.
E. (6) $2,350.44.

A. Gerard Paul Panaro, 6525 Belcrest Road, Hyattsville, Md. 20782.
B. Retail Bakers of America, 6525 Belcrest Road, Hyattsville, Md. 20782.
D. (6) $490. E. (9) $89.

A. Fred Panzer, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., No. 1200, Washington, D.C. 20006.
D. (6) $500. E. (9) $330.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $343.01. E. (9) $263.95.

A. Carl A. Parker, 449 Stadium Road, Port Arthur, Tex.
B. Government of Republic of Liberia, Monrovia, Liberia.
D. (6) $3,572.63.

A. Lynn Parker, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $2,321.84. E. (9) $23.50.

A. Howard G. Paster, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $13,115.96. E. (9) $558.09.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees. 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,186.

A. Perito, Duerk & Carlson, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, Calif. 94100.
E. (9) $3,718.

A. Perito, Duerk & Carlson, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. National District Attorneys Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $413.

A. Edmund J. Perret II, American Psychiatric Association, Suite 802, 2033 M Street NW., Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $913. E. (9) $649.90.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $5,333.37. E. (9) $2,527.27.

A. Geoffrey G. Peterson, American Insurance Association, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue, Suite 415, Washington, D.C. 20036.
D. (6) $13,250. E. (9) $4,062.39.

A. Kenneth Peterson, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $10,348. E. (9) $200.21.

A. Physicians National Housestaff Association, 1029 Vermont Avenue NW., Suite 308, Washington, D.C. 20005.
E. (9) $1,400.

A. Paul E. Pierce, National Association of Truck Stop Operators, 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $3,129.

A. Grant C. Pinney, 113 Felspar, Ridgecrest, Calif. 93555.
B. Sierra Sands Unified School District, 113 Felspar, Ridgecrest, Calif. 93555.

A. Ronald Pollack, Food Research and Action Center, 2011 I Street NW., Suite No. 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $3,270.03. E. (9) $37.90.

A. Nathaniel Polster, 2128 Wyoming Avenue NW., Washington, D.C. 20008.
B. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017; Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10021.
D. (6) $1,740. E. (9) $1,815.52.

A. Judith A. Pond, 1800 K Street NW., Suite 924, Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $200. E. (9) $104.

A. Population Resource Center, Inc., 622 Third Avenue, New York, N.Y. 10017.
D. (6) $917. E. (9) $475.

A. Garry C. Porter, 11356 Southeast Black Road, Olalla, Wash. 98359.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $328. E. (9) $88.

A. A. Frank Portmann III, Amax Coal Co., 105 South Meridian Street, Indianapolis, Ind. 46225.
B. Amax Coal Co., 105 South Meridian Street, Indianapolis, Ind. 46225.
D. (6) $2,250. E. (9) $310.

A. John Post, 1801 K Street NW., Suite 821, Washington, D.C. 20006.
B. The Business Roundtable, Lexington Avenue, New York, N.Y., and 1801 K Street NW., No. 821, Washington, D.C.
D. (6) $200. E. (9) $40.

A. Janet Power, VISA-U.S.A., Inc., 1620 I Street NW., Washington, D.C. 20006.
B. VISA-U.S.A., Inc., 555 California Street, San Francisco, Calif. 94126.
D. (6) $3,000.

A. Graydon E. Powers, Jr., Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $200.

A. Paul F. Preston, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,125. E. (9) $78.97.

A. Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $27,975.90. E. (9) $7,944.75.

A. Purcell & Nelson, 1776 F Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 200 Park Avenue, No. 2222, New York, N.Y. 10017.

A. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $23,286.88. E. (9) $23,286.88.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.
D. (6) $6,000. E. (9) $2,700.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. National Association for Milk Marketing Reform, 1625 K Street NW., Suite 1206, Washington, D.C. 20006.
D. (6) $4,000. E. (9) $650.

A. Magda Ratajski, Norfolk & Western Railway Co., P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $468. E. (9) $178.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $724.

A. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
D. (6) $757,967.55.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $128,050. E. (9) $66,206.35.

A. Recreation Vehicle Industry Association, P.O. Box 204, 14650 Lee Road, Chantilly, Va. 22021.
E. (9) $19,800.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $7,500. E. (9) $300.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $1,805.05.

A. Don T. Reeves, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,522.

A. J. E. Reinke, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $605.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
E. (9) $712.52.

A. Reserve Officers Association of U.S., 1 Constitution Avenue NE., Washington, D.C. 20002.
D. (6) $1,564.32. E. (9) $6,139.25.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,243.84. E. (9) $68.06.

A. Grace Ellen Rice, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,604. E. (9) $18.90.

A. Peter S. Ridley, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $525.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $1,875. E. (9) $67.

A. Siert F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.
B. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

A. Kenneth Roberson, 193 Stuart Road, Valley Stream, N.Y. 11581.
B. Meat Importers Council of America, Inc., 1 Penn Plaza, New York, N.Y. 10001.
D. (6) $112. E. (9) $335.34.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,250.

A. Harry N. Rosenfield, 1735 DeSales Street NW., Washington, D.C. 20036.
B. American Chiropractic Association, 2200 Grand Avenue, Des Moines, Iowa 50312.
D. (6) $1,500. E. (9) $203.32.

A. Sheryl P. Rutledge, 1100 H Street NW., Washington, D.C. 20080.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
D. (6) $624.68. E. (9) $113.12.

A. Michael Sandifer, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $426.71.

A. Jennifer Sauve, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $6,046.88. E. (9) $483.78.

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
B. California Canners & Growers, 3100 Ferry Building, San Francisco. Calif. 94106.
D. (6) $3,600. E. (9) $783.78.

A. Jerome D. Schaller, 1101 15th Street NW., Washington, D.C. 20005.
B. Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, Minn. 55101.
E. (9) $2,622.

A. Fred E. Schillreff, International Association of Fire Fighters, AFL–CIO, 1750 New York Avenue NW., Third Floor, Washington, D.C. 20006.
B. International Association of Fire Fighters, AFL–CIO, 1750 New York Avenue NW., Third Floor, Washington, D.C. 20006.
D. (6) $973.36.

A. Allan D. Schimmel, 639 South Carolina Avenue SW., Washington, D.C. 20024.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $3,625.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington. D.C. 20036.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Roger Schwartz, Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
B. Food Research and Action Center, 2011 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $270.45.

A. Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $5,646.83. E. (9) $5,646.83.

A. Donald A. Scott, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John W. Scott, The National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $6,875.

A. Seatrain Lines, Inc., One Chase, Manhattan Plaza, New York, N.Y. 10005.
E. (9) $750.

A. Andrea I. Semmes, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Seven Months Session for Congress, 7201 Wood Hollow Drive, No. 337, Austin, Tex. 78731.
E. (9) $400.

A. Shea, Gould, Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y.
D. (6) $1,920. E. (9) $354.03.

A. Shea, Gould, Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Committee for a Uniform Investment Tax Credit, 1050 17th Street NW., Suite 1112, Washington, D.C. 20036.
D. (6) $2,160. E. (9) $495.43.

A. Shea, Gould, Climenko & Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $640. E. (9) $128.75.

A. John P. Sheffey, National Association for Uniformed Services, 956 North Monroe Streeet, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $1,125.

A. Fred B. Shippee, American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, V. 22209.

A. Mark S. Sigurski, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $410.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. American Stock Exchange, 86 Trinity Place, New York, N.Y. 10006.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Bristol-Myers, Co., 345 Park Avenue, New York, N.Y. 10002.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Champion International Corp., One Landmark Square, Stamford, Conn. 06921.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. General American Transportation Co., 120 South Riverside Plaza, Chicago, Ill. 60606.
E. (9) $35.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Government of the Netherlands Antilles, Fort Amsterdam Willemstad, Curacao, Netherlands Antilles.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.

E. (9) $70.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. National Association of Home Builders, 15th and M Streets NW., Washington, D.C.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. National Savings & Loan League, 1200 17th Street NW., Washington, D.C. 20036.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. Ogden Transportation Corp., 277 Park Avenue, New York, N.Y. 10017.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. Venezuelan-American Chamber of Commerce and Industry, Apartado 5181, Caracas 101, Venezuela.

A. Marcus W. Sisk, Jr., 1775 K Street NW.. Washington, D.C. 20006.

B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

D. (6) $1,800. E. (9) $81.80.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. American Horse Council, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $5,500. E. (9) $993.07.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.

D. (6) $3,750. E. (9) $78.85.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. The Arthritis Foundation, 422 C Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $4.15.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. Burlington Northern, 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $1,500. E. (9) $44.22.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. National Hockey League, Two Pennsylvania Plaza, New York, N.Y. 10001.

D. (6) $8,500. E. (9) $583.30.

A. Smathers, Symington & Herlong, 1700 K Street NW., No. 400, Washington, D.C. 20006.

B. Pennzoil Co., Houston, Tex. 77001.

D. (6) $6,000. E. (9) $14.05.

A. John G. Smillie, 900 17th Street NW., Washington, D.C. 20006.

B. Permanente Medical Group.

D. (6) $19,710. E. (9) $844.86.

A. Elizabeth M. Smith, 815 16th Street NW., Room 310, Washington, D.C. 20006.

B. Amalgamated Clothing & Textile Workers Union, 15 Union Square, New York, N.Y. 10003.

D. (6) $6,250. E. (9) $97.85.

A. Talbott C. Smith, Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.

E. (9) $25.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $4,322.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $32,716.15. E. (9) $32,716.15.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150. E. (9) $150.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.

B. Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $700. E. (9) $225.

A. Frederick C. Spreyer, Pacific Resources, Inc., 1990 M Street NW., Suite 560, Washington, D.C. 20036.

B. Pacific Resources, Inc., 1060 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96842.

D. (6) $166.67.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. David E. Stahl, 15th and M Streets NW., Washington, D.C. 20005.

B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

D. (6) $2,647.50. E. (9) $112.33.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

D. (6) $2,005. E. (9) $159.86.

A. Sarah Jane Stewart, 825 15th Street NW., Washington, D.C. 20005.

B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

D. (6) $367.

A. Travis P. Stewart, Hoffmann-La Roche Inc., 1775 K Street NW., Washington, D.C. 20006.

B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

D. (6) $1,000. E. (9) $250.

A. Kenneth F. Stinger, American Trucking Associations, Inc. 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $325.23.

A. George Stockton, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America. 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Stroock, Stroock & Lavan, 1150 17th Street NW., Washington, D.C 20036.

B. J Aron & Co., Inc., 160 Water Street, New York, N.Y.

E. (9) $2,799.59.

A. Stroock, Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.

B. Commonwealth of Puerto Rico, Office of Commonwealth of Puerto Rico, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,950. E. (9) $1.90.

A. Stroock, Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.

B. Patsy Perry, 70 Glen Cove Road, Roslyn Heights, N.Y.

E. (9) $307.73.

A. Stroock, Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.

B. Tris Indemnity Corporate Group, 1150 17th Street NW., No. 600, Washington, D.C. 20036.

E. (9) $632.23.

A. R. Keith Stroup, 2317 M Street NW., Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.

D. (6) $5,522.79.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004.

B. Financial Accounting Foundation, High Ridge Park, Stamford, Conn.; and Financial Accounting Standards Board, High Ridge Park, Stamford, Conn.

D. (6) $1,000.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C.

B. International Nickel Co. of Canada, Ltd., Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1E3.

E. (9) $7.50.

A. Sullivan & Cromwell, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $500. E. (9) $95.32.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Carnegie Corp., of New York, 437 Madison Avenue, New York, N.Y. 10022.

E. (9) $10.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006; and 3100 First National Bank Tower, Atlanta, Ga. 30303.

B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Equifax Inc., P.O. Box 4081, Atlanta, Ga. 30302.

D. (6) $5,000. E. (9) $500.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Estate of Cartter Lupton, c/o Miller & Martin, Volunteer State Life Building, Chattanooga, Tenn. 37402.

D. (6) $500. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Lincoln National Life Insurance Co., 1300 South Clinton Street, Fort Wayne, Ind. 46801.

D. (6) $1,000. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Massachusetts Mutual Life Insurance Co.; 1295 State Street, Springfield, Mass. 01111.

D. (6) $1,000. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Mutual of Omaha Insurance Co., Dodge at 33rd Street, Omaha, Nebr. 68131.
D. (6) $2,500. E. (9) $850.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.
D. (6) $1,000. E. (9) $20.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $6,000.

A. Swerdloff Associates, Inc., 18 West 10th Street, New York, N.Y. 10011.
B. Coalition for New York, Inc., 230 Park Avenue, New York, N.Y. 10017.
D. (6) $750.

A. Robert D. Swezey, Jr., 1150 17th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $3,419.64. E. (9) $73.06.

A. Clayton C. Taylor, McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.
B. McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill., 60521.
D. (6) $95.29.

A. Frank A. Taylor, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. 10th Pro-life Congressional District Action Committee, c/o Dr. George Ramsey, 1338 Lafayette Street, Cape Coral, Fla. 33904.
D. (6) $87.54. E. (9) $286.45.

A. Stephen M. Thomas, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Gil Thurm, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Street, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $239.58.

A. Drew V. Tidwell, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
B. Consumer Bankers Association, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
D. (6) $2,000. E. (9) $3,789.18.

A. George Tilton, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $9,051.

A. Patrick Tobin, International Longshoremen's & Warehousemen's Union, 417 Fourth Street SW., Washington, D.C. 20001.
B. International Longshoremen's & Warehousemen's Union, 1188 Franklin Street, San Francisco, Calif. 94109.
D. (6) $4,810.02.

A. William D. Toohey, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Discover America Travel Organizations, Inc., 1100 Connecticut Ave NW., Washington, D.C. 20036.
D. (6) $1,942.

A. Thomas J. Trabucco, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $4,657.68.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D (6) $1,000.

A. Thomas L. Trueblood, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $533.48.

A. Jerry R. Tucker, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) 7,703.47. E. (9) 1,673.34.

A. St. Clair J. Tweedie, Scientific Apparatus Makers Association, 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
B. Scientific Apparatus Makers Association (SAMA) 1140 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $2,100.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. U.S. Merchant Marine Academy Alumni Association, Inc. (Kings Point Fund, Inc.), Kings Point, L.I., N.Y. 11024.
E. (9) $1,250.

A. J. Joseph Vacca, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,870.84.

A. Gilda Ventresca, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $780. E. (9) $84.65.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $14.28.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Hellenic Republic of Greece, 2221 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Pan American World Airways, Inc., Pan American Building, New York, N.Y. 10017.
D. (6) $3,874.99. E. (9) $7,277.18.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Texas International Airlines, P.O. Box 12788, Houston, Tex. 77017.
D. (6) $1,797.50. E. (9) $84.27.

A. Walter D. Vinyard, Jr., American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092, c/o P. A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
E. (9) $250.

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $200.

A. Abe J. Voron, 6204 White Oak Lane, Tamarac, Fla. 33319.
B. National Radio Broadcasters Association, Suite 500, 1705 De Sales Street NW., Washington, D.C. 20036.
D. (6) $1,200. E. (9) $765.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW., Suite 800 South, Washington, D.C. 20036.
B. Kenneth D. Beck & C. C. Pruitt, Jr., Co., 52 East Gay Street, Columbus, Ohio 43215.

A. Vorys, Sater, Seymour & Pease, 1800 M Street NW, Suite 800 South, Washington, D.C. 20036.
B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.
E. (9) $21.63.

A. Joseph S. Wager, Sellers, Conner & Cuneo, 1625 K Street NW., Washington, D.C. 20006.
B. Zantop International Airlines, Inc., Willow Run Airport, Ypsilanti, Mich. 48197.
D. (6) $2,394. E. (9) $35.

A. Leonard F. Walentynowicz, 4970 Sentinel Drive, Apt. 301, Sumner, Md. 20016.
B. Polish American Congress, 1200 North Ashland Avenue, Chicago, Ill. 60622.
D. (6) $3,750. E. (9) $456.05.

A. James E. Wanko, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.

A. Gregg Ward, SMACNA, 8224 Old Courthouse Road, Vienna, Va. 22180.
B. Sheet Metal and Air Conditioning Contractors' National Association, Inc., 8224 Old Courthouse Road, Vienna, Va. 22180.
D. (6) $800. E. (9) $300.

A. John E. Ward, 182 Soundview Avenue, White Plains, N.Y. 10606.
B. Meat Importers Council of America, Inc., 1 Penn Plaza, New York, N.Y. 10001.

A. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
E. (9) $12,000.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
E. (9) $1,774.84.

A. George B. Watts, National Broiler Council, 1155 Fifteenth Street N.W., Washington, D.C. 20005.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Douglas M. Webb, 1899 L Street NW., 11th floor, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Fred W. Wegner, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

D. (6) $444.23.

A. Arnold H. Weiss, Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. Constructora Nacional de Carros de Ferrocarril, S.A., Paseo de la Reforma, 369, Mexico 5, D.F., Mexico.

D. (6) $1,500.

A. Frances E. Welles, 810 18th Street NW., Washington, D.C. 20006.

B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

D. (6) $437.50. E. (9) $5.

A. William B. Welsh, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County and Municipal Employees, AFL-CIO, 1625 L Street, NW., Washington, D.C. 20036.

D. (6) $12,716 E. (9) $100.

A. Carol Werner, 825 15th Street NW., Washington, D.C. 20005.

B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.

D. (6) $4,208.

A. Western Railroad Association, 222 South Riverside Plaza, Room 1200, Chicago, Ill. 60606.

D. (6) $1,508.16. E. (9) $1,508.16.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $25.

A. Evelyn J. White, 2301 Market Street, Philadelphia, Pa. 19101.

B. Philadelphia Electric Co., 2301 Market Street, Philadelphia, Pa. 19101.

E. (9) $7,572.05.

A. Rebecca Wilcox, 900 17th Street NW., Washington, D.C. 20036.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $8,000. E. (9) $2,000.

A. Sandra L. Willett, 624 C Street SE., Washington, D.C. 20003.

B. National Consumers League, 1028 Connecticut Avenue NW., No. 522, Washington, D.C. 20036.

D. (6) $325.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Medicorp, Inc., 111 Presidential Boulevard, Bala Cynwyd, Pa.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Quasar Petroleum Co., 2500 Fort Worth National Bank Building, Fort Worth, Tex. 76102.

E. (9) $40.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.

E. (9) $260.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B The Association of Family Farmers, 1130 17th Street NW., Washington, D.C. 20036.

D. (6) $1,000. E. (9) $160.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Blyth Eastman Dillon & Co., Inc., McGraw-Hill Building, 1221 Avenue of the Americas, New York, N.Y. 10020.

D. (6) $600. E. (9) $60.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. C. Brewer and Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96801; and IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

E. (9) $15.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Consolidated Foods Corp., 1305 South LaSalle Street, Chicago, Ill. 60603.

E. (9) $30.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $80.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Estee Lauder, Inc., 767 Fifth Avenue, New York, N.Y. 10022.

D. (6) $150. E. (9) $15.

A. Wiliams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. The First Boston Corp., 20 Exchange Place, New York, N.Y. 10005.

E. (9) $15.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Hawaiian Sugar Planters' Association, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $240.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

D. (6) $550. E. (9) $55.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Litton Industries, 360 North Crescent Drive, Beverly Hills, Calif. 90210.

D. (6) $1,250. E. (9) $125.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.

D. (6) $450. E. (9) $45.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.

D. (6) $500. E. (9) $50.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Water Companies, Suite 1110, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $50.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. Nationwide Insurance Co., 1 Nationwide Plaza, Columbus, Ohio 43216.

D. (6) $1,550. E. (9) $155.

A. Williams & Jensen, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

E. (9) $20.

A. Wade S. Williams, 1620 Eye Street NW., Washington, D.C. 20006.

B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.

A. Peters D. Willson, Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington D.C. 20036.

B. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,244. E. (9) $13.

A. Charles D. Wilson, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

E. (9) $47.95.

A. F. Lorraine Woehrle, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.

B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.

D. (6) $201.92.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $6,375. E. (9) $17,190.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City,

B. Ewing M. Kauffman, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $390. E. (9) $485.75.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo., 64137.

D. (6) $535. E. (9) $617.50.

A. Wyatt and Saltzstein, 1300 Wyatt Building, Washington, D.C. 20005.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $2,687.50. E. (9) $125.

A. Donald Yarborough, Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C.

B. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $120.

A. Edward R. Yawn, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,500. E. (9) $50.85.

A. Jack Yelverton, 1303 New Hampshire Avenue, N.W., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue, NW., Washington, D.C. 20036.

A. A. Steven Young, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $200.

A. Kenneth Young, AFL-CIO, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street, Washington, D.C.

D. (6) $10,998. E. (9) $391.08.

A. Barry W. Zander, 6113 Amhurst Street, Metairie, La. 70003.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

D. (6) $5,300. E. (9) $2,182.96.

A. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,800. E. (9) $9,563.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.

D. (6) $69.60.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Lummi Tribe of Indians, 2616 Kwina Road, Bellingham, Wash. 98225.

D. (6) $1,589.80. E. (9) $237.31.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.

D. (6) $1,518.60. E. (9) $250.36.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Ark. 99926.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Northern Cheyenne Indian Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seatle, Wash. 98104.

B. Quileute Indian Tribe, P.O. Box 279, LaPush, Wash. 98350.

D. (6) $794.80. E. (9) $119.10.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98392.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Allegheny Airlines, Washington National Airport, Washington, D.C. 20001.

D. (6) $4,500. E. (9) $84.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Federal Express Corp., AMF, Box 30167, Memphis, Tenn. 38130.

D. (6) $6,666. E. (9) $227.57.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Frontier Airlines, 1776 K Street NW., Washington, D.C. 20006.

D. (6) $4,500. E. (9) $84.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, 1800 K Street NW., Suite 900, Washington, D.C. 20006.

D. (6) $9,000. E. (9) $364.05.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Resource Associates of Alaska, 3230 Airport Way, Fairbanks, Alaska 99701.

D. (6) $5,600. E. (9) $1,000.

A. John L. Zorack, Cook & Henderson, 1735 K Street NW., Washington, D.C. 20006.

B. Time—Critical Shipment Committee.

D. (6) $3,216.80. E. (9) $147.20.

A. Daniel I. Zwick, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

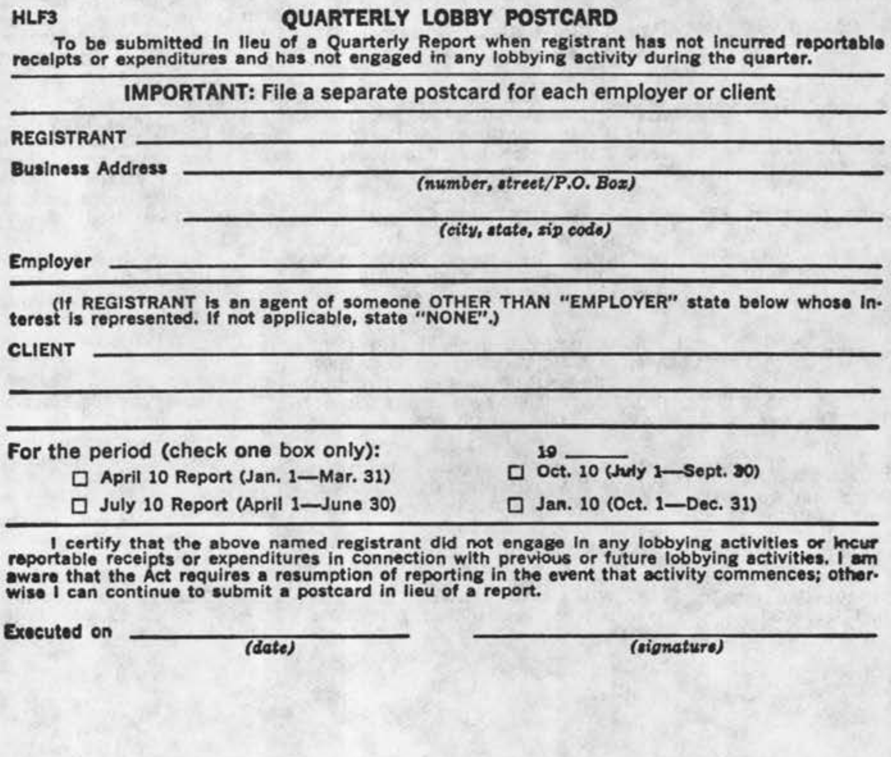
QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the third calendar quarter of 1979:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:



HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT ______

Business Address ______ *(number, street/P.O. Box)*

______ *(city, state, zip code)*

Employer ______

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not applicable, state "NONE".)

CLIENT ______

For the period (check one box only): **19** ____

☐ April 10 Report (Jan. 1—Mar. 31)

☐ July 10 Report (April 1—June 30)

☐ Oct. 10 (July 1—Sept. 30)

☐ Jan. 10 (Oct. 1—Dec. 31)

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on ______ *(date)* ______ *(signature)*

A. John J. Adams.
B. Ethyl Corp.

A. John J. Adams.
B. Virginia Electric & Power Co.

A. V. J. Adduci.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Adfast Systems, Inc.

A. Akin, Gump, Hauer & Feld.
B. American Polygraph Association.

A. Akin, Gump, Hauer & Feld.
B. Arlington Red Top Cab Co.

A. Akin, Gump, Hauer & Feld.
B. Beacon Oil Co.

A. Akin, Gump, Hauer & Feld.
B. Northwest Exploration Co.

A. Akin, Gump, Hauer & Feld.
B. Northwest Pipeline Co.

A. Akin, Gump, Hauer & Feld.
B. Sun Pipe Line Co.

A. Akin, Gump, Hauer & Feld.
B. United Refining Co.

A. Frederick K. Alderson.
B. Edison Electric Institute.

A. Robert D. Allen.
B. Bechtel Power Corp.

A. Amalgamated Transit Union.

A. Amalgamated Transit Union, National Capital Local 689.

A. American Advertising Federation, Inc.

A. American Association of Blood Banks.

A. American Pulpwood Association.

A. American Radio Relay League, Inc.

A. Walter G. Asmus.

A. Association of Government Accountants.

A. George J. Aste.
B. United Airlines.

A. Allan E. Auger.
B. The Great Western Sugar Co.

A. Frank M. Ault.
B. Norwich-Eaton Pharmaceuticals.

A. John D. Austin, Jr.
B. American Mining Congress.

A. Walter C. Ayers.
B. American Petroleum Institute.

A. Richard L. Baldwin.
B. American Radio Relay League, Inc.

A. Dennis J. Barbour.
B. American Occupational Medical Association.

A. John H. Barnard, Jr.
B. Bechtel Corp.

A. Richard L. Barr.
B. Iowa Railway Association.

A. John F. Battles.
B. American Petroleum Institute.

A. Stephen M. Belikoff.
B. Provident Indemnity Life Insurance Co.

A. Howard H. Bell.
B. American Advertising Federation, Inc.

A. C. Robert Benedict.
B. American Osteopathic Hospital Association.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employees.

A. Berry, Epstein, Sandstrom & Blatchford.
B. National Pest Control Association.

A. Berry, Epstein, Sandstrom & Blatchford.
B. Orkin Exterminating.

A. Beveridge, Fairbanks & Diamond.
B. Florida Power & Light Co.

A. Beveridge, Fairbanks & Diamond.
B. International Paper Inc.

A. Beveridge, Fairbanks & Diamond.
B. New England Fish Co.

A. Beveridge, Fairbanks & Diamond.
B. The Society of Plastics, Inc.

A. Robert J. Bird.
B. Occidental Life Insurance Co. of America.

A. Robert J. Bird.
B. Paul Revere Life Insurance Co. of America.

A. Robert J. Bird.
B. H. B. Zachry Co.

A. Robert W. Blanchette.
B. Agribusinessmen, Inc.

A. Robert W. Blanchette.
B. Board of Trade Clearing Corp.

A. Robert W. Blanchette.
B. IC Industries.

A. Jerald Blizin.
B. Hill and Knowlton, Inc.

A. Jeffrey W. Bolotin.
B. Electro Signal Lab, Inc.

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. Frank J. Bowden, Jr.
B. American Petroleum Institute.

A. Robert R. Bowers.
B. American Petroleum Institute.

A. Melvin J. Boyle.
B. International Brotherhood of Electrical Workers.

A. John Henry Brebbia.
B. Electro Signal Lab, Inc.

A. Jeffrey Bricker.
B. Fallek Chemical Corp.

A. John B. Brock.
B. Quintana Refinery Co.

A. Henry W. Brook.
B. Nuclear Fuel Services, Inc.

A. Phillip W. Brooks.
B. American Petroleum Institute.

A. Albert D. Brown, Jr.
B. Associated Employers, Inc.

A. Donald K. Brown.
B. Summa Corp.

A. Vincent D. Brown.
B. American Petroleum Institute.

A. Brownstein, Zeidman and Schomer.
B. Holiday Inns, Inc.

A. Brownstein, Zeidman and Schomer.
B. International Foodservice Manufacturers Association.

A. Brownstein, Zeidman and Schomer.
B. International Franchise Association.

A. Brownstein, Zeidman and Schomer.
B. Mortgage Guaranty Insurance Corp.

A. Brownstein, Zeidman and Schomer.
B. New York State Urban Development Corp.

A. Fred J. Bruner.
B. Indiana & Michigan Electric Co.

A. Harvey F. Brush.
B. Bechtel Power Corp.

A. David J. Burch.
B. National Constructors Association.

A. Michael F. Butler.
B. Grocery Manufacturers of America, Inc.

A. C. Richard Calkins.
B. American Paper Institute, Inc.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. Can Manufacturers Institute.

A. David L. Cantor.
B. Edison Electric Institute.

A. Charles E. Capron.

A. Issac R. Caraco.
B. Bechtel Power Corp.

A. Charles S. Carter.
B. Edison Electric Institute.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Daniel J. Cassidy.
B. Chemical Specialties Manufacturers Association.

A. Rita L. Castle.
B. Caterpillar Tractor Co.

A. Frank R. Cawley.
B. Agricultural Publishers Association, Inc.

A. Henry Chajet.
B. American Mining Congress.

A. John E. Chapoton.
B. Belco Petroleum Corp.

A. John E. Chapoton.
B. Petroleum Equipment Suppliers Association.

A. John E. Chapoton.
B. Quintana Petroleum Corp.

A. Chemical Specialties Manufacturers Association.

A. Howard P. Chester.
B. Stone, Glass and Clay Coordinating Committee.

A. Vanessa Lea Chiapetta.
B. Doctors for Equal Rights Amendment.

A. James M. Christian.
B. Potomac Electric Power Co.

A. Carlton S. Clark.
B. Baltimore Gas & Electric Co.

A. Gilbert M. Clark.
B. American Association of Blood Banks.

A. Clay Pipe Industry Depletion Committee.

A. Cleary, Gottlieb, Steen & Hamilton.
B. Synthetic Organic Chemical Manufacturers Association.

A. Thomas B. Coates.
B. American Petroleum Institute.

A. Calvin J. Collier.
B. Pfizer, Inc.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Allegheny Ludlum Industries, Inc.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Can Manufacturers Institute.

A. Collier, Shannon, Rill, Edwards & Scott.
B. Republic of China.

A. Charles P. Collins.
B. ICX Aviation, Inc.

A. Richard Colvin.
B. Prisoners of the State of Indiana, et al.

A. Committee Urging Regulatory Reform for Efficient National Trucking (CURRENT).

A. Stephen N. Conner.
B. Ministry of Foreign Affairs, Kingdom of Saudi Arabia.

A. Donald L. Connors.
B. Electro Signal Lab, Inc.

A. Cook & Franke.
B. M&I Marshall & Ilsley Bank.

A. Patrick H. Corcoran.
B. Association of Oil Pipe Lines.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co., Inc.

A. Samuel C. Corey.
B. Provident Indemnity Life Insurance Co.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Bennet J. Corn.
B. New York Coffee and Sugar Exchange, Inc.

A. John A. Corry.
B. Morgan Guaranty Trust Co. of New York.

A. Cosmetic, Toiletry and Fragrance Association, Inc.

A. Raymond L. Courage.
B. Railway Progress Institute.

A. C. Bryan Cox.
B. Kansas City Life Insurance Co.

A. Donald A. Crosier.
B. American Petroleum Institute.

A. Thomas A. Daly.
B. National Soft Drink Association.

A. John E. Daniel.
B. American Paper Institute, Inc.

A. David S. Danielson.
B. American Optometric Association.

A. Stephen I. Danzansky.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Embassy of Japan).

A. Stephen I. Danzansky.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Japan Atomic Industrial Forum).

A. Thomas Roger Dart.
B. American Petroleum Institute.

A. Joseph Dauksys.
B. Rubber Manufacturers Association.

A. Clarence Davan.
B. Great Western Sugar Co.

A. George R. Davis.
B. Amalgamated Transit Union, National Capital Local 689.

A. William L. Davis.
B. Westvaco Corp.

A. J. Edward Day.
B. Associated Third Class Mail Users.

A. J. Edward Day.
B. Electronic Industries Association.

A. Stephen T. DeLaMater.
B. Halliburton Co.

A. DeLaney & Patrick.
B. Continental Grain Co.

A. William D. D'Onofrio.
B. National Association for Neighborhood Schools, Inc.

A. William D. D'Onofrio.
B. Positive Action Committee, Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. American Rice, Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. L. T. Barringer and Co.

A. Doub, Purcell, Muntzing & Hansen.
B. Board of Trade of Kansas City, Mo., Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. Campbell Taggart, Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. Clayton Brokerage Co. of St. Louis, Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. CSR, Inc.

A. Doub, Purcell, Muntzing & Hansen.
B. Pioneer Corp.

A. Doub, Purcell, Muntzing & Hansen.
B. Planters Peanuts.

A. James E. Drake.
B. American Medical Association.

A. Jerome L. Dreyer.
B. Association of Data Processing Service Organizations.

A. Deborah Drudge.
B. Healthy America.

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Refinery Co.).

A. William DuChessi.
B. Amalgamated Clothing and Textile Workers Union.

A. Jeffrey M. Duke.
B. American Paper Institute, Inc.

A. Duncan, Brown, Weinberg & Palmer.
B. Alaska Federation of Natives.

A. Duncan, Brown, Weinberg & Palmer.
B. Aloha Association, Inc.

A. Duncan, Brown, Weinberg & Palmer.
B. Clinton-Huron Metropolitan Authority.

A. Duncan, Brown, Weinberg & Palmer.
B. East Bay Regional Park District.

A. Duncan, Brown, Weinberg & Palmer.
B. Iva May Harvey.

A. Duncan, Brown, Weinberg & Palmer.
B. Paul Kellerblock.

A. Duncan, Brown, Weinberg & Palmer.
B. Kenai Native Association.

A. Duncan, Brown, Weinberg & Palmer.
B. Mid West Electric Consumers Association.

A. Duncan, Brown, Weinberg & Palmer.
B. Shee Atika, Inc.

A. Duncan, Brown, Weinberg & Palmer.
B. Western Railroad Association.

A. Mari Lee Dunn.
B. American Council for Capital Formation.

A. Henry I. Dworshak.
B. American Mining Congress.

A. Daniel J. Edelman, Inc.
B. Alaska Airlines.

A. V. Anne Edlund.
B. Motor Vehicle Manufacturers Association of the United States.

A. J. Rodney Edwards.
B. American Paper Institute, Inc.

A. Stephen R. Effros.
B. Community Antenna Television Association.

A. H. Brent Egbert.
B. BankAmerica Corp.

A. J. C. B. Ehringhaus, Jr.
B. Tobacco Institute.

A. Timothy L. Elder.
B. Caterpillar Tractor Co.

A. Carl F. Emde.
B. Air Products and Chemicals.

A. John W. Emeigh.
B. National Rural Letter Carriers' Association.

A. Employers Insurance of Wausau.

A. Ralph Engel.
B. Chemical Specialties Manufacturers Association.

A. Jerry N. Ervin.
B. Quintana Refinery Co.

A. Joseph O. Evans.

A. Robert J. Falasca.
B. American Seed Trade Association, Inc.

A. Clinton B. Fawcett.
B. Coastal States Gas Corp.

A. James H. Ferguson.
B. American Society for Personnel Administration.

A. John L. Festa.
B. American Paper Institute, Inc.

A. First National Boston Corp.

A. Mary Clare Fitzgerald.
B. BankAmerica Corp.

A. Aaron I. Fleischman.
B. Warner Cable Corp.

A. Raymond J. Foley.
B. National Candy Wholesalers Association, Inc.

A. C. Allen Foster.
B. Safari Club International.

A. Ebert E. Fournace.
B. Ohio Power Co.

A. Joseph L. Fraites.
B. New York Coffee and Sugar Exchange, Inc.

A. Annette P. Fribourg.
B. National Association of Manufacturers.

A. George L. Frick.
B. American Petroleum Institute.

A. James M. Friedman.
B. Cleveland Electric Illuminating Co.

A. Rosann Fuhrman.
B. Retail Store Employees Union, Local No. 400.

A. Terry Gabrielson.
B. Transcontinental Gas Pipe Line Corp.

A. Edward A. Garmatz.
B. Baltimore Gas and Electric Co.

A. James J. Garry.
B. New York Coffee and Sugar Exchange, Inc.

A. Gas Appliance Manufacturers Association, Inc.

A. George W. Gephart.
B. Baltimore Gas and Electric Co.

A. Jonah Gitlitz.
B. American Advertising Federation, Inc.

A. Elmer R. Gleske.
B. FlightSafety International, Inc.

A. George T. Glover.
B. Edison Electric Institute.

A. Thos. G. Godfrey.
B. Kikkoman Foods, Inc.

A. Vance V. Goodfellow.
B. Crop Quality Council.

A. Edward Gottlieb & Associates.
B. Hecon Corp. Flextime Division.

A. Martha W. Gray.
B. Independent Petroleum Association of America.

A. Robert K. Gray.
B. Hill and Knowlton, Inc.

A. Edward M. Green.
B. American Mining Congress.

A. Michael B. Green.
B. Montgomery Ward & Co., Inc.

A. William L. Greener, Jr.
B. Railway Progress Institute.

A. Roger F. Griffin.
B. Bechtel Corp.

A. Robert J. Grimm.
B. Avon Products, Inc.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. C. James Hackett.
B. American Plywood Association.

A. Martin Ryan Haley and Associates.
B. Agri-Business, Inc.

A. Martin Ryan Haley and Associates.
B. Federal Express Corp.

A. Martin Ryan Haley and Associates.
B. M&M/Mars Division of Mars, Inc.

A. Martin Ryan Haley and Associates.
B. Tobacco Tax Council.

A. George J. Hanks, Jr.
B. Union Carbide Corp.

A. Robert L. Harris.
B. Aluminum Association.

A. Saul J. Harris.
B. Edison Electric Institute.

A. David A. Hartquist.
B. United States Fastener Manufacturing Group.

A. Edward D. Heffernan.
B. Cast Iron Pipe Research Association.

A. Spencer H. Heine.
B. Montgomery Ward and Co., Inc.

A. Paul T. Hicks.
B. American Petroleum Institute.

A. Hill and Knowlton, Inc.
B. Florists Transworld Delivery Association.

A. Janet L. Hirshberg.
B. National Telephone Cooperative Association.

A. Howard E. Hoelter.
B. American Petroleum Institute.

A. Kelly Holley.
B. American Paper Institute, Inc.

A. Henry W. Holling.
B. Caterpillar Tractor Co.

A. Richard C. Holmquist.
B. American Mining Congress.

A. David Emery Hughes.
B. Union Mutual Life Insurance Co.

A. Lawrence H. Hunt, Jr.
B. Heinold Commodities, Inc.

A. Peter C. Hunt.
B. Brooklyn Union Gas Co.

A. Robert R. Hurt.
B. Merck & Co., Inc.

A. David C. Hyer.
B. American Petroleum Institute.

A. Independent U.S. Tanker Owners' Committee.

A. E. A. Jaenke & Associates.
B. Land O'Lakes, Inc.

A. Robert L. James.
B. BankAmerica Corp.

A. Joseph S. Jenckes.
B. Abbott Laboratories.

A. James C. Jennings.
B. Hill & Knowlton, Inc.

A. Chris L. Jensen.
B. American Petroleum Institute.

A. David H. Johnson.
B. American Petroleum Institute.

A. H. Bradley Johnson.
B. American Mining Congress.

A. John B. Johnson.
B. American Petroleum Institute.

A. Jones, Day, Reavis & Pogue.
B. Asociated Gas Distributors.

A. Donald L. Jordan.
B. Alliance of American Insurers.

A. James V. Jordan III.
B. Southern Natural Gas Co.

A. Ardon B. Judd, Jr.
B. Dresser Industries, Inc.

A. James N. Juliana.
B. Braniff International.

A. Candace Sue Kasper.
B. Doctors for Equal Rights Amendment.

A. Linda Eileen Katz.
B. Chicago Rock Island & Pacific Railroad Co.

A. Everett E. Kavanaugh.
B. Cosmetic, Toiletry and Fragrance Association, Inc.

A. William J. Keating.
B. National Grain & Feed Association.

A. David C. Keehn.
B. Air Products & Chemicals Association.

A. Jefferson D. Keith.
B. National Pest Control Association.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. Stephen S. Kellner.
B. Chemical Specialties Manufacturers.

A. John J. Kelly.
B. United Mine Workers of America.

A. Robert F. Kelly.
B. E. I du Pont de Nemours & Co., Inc.

A. Robert M. Ketchel.
B. General Electric Co.

A. Gilbert W. Keyes.
B. Boeing Aerospace Co.

A. Francis L. Kinney.
B. Northeast Utilities Service Co.

A. Alan G. Kirk II.
B. Potomac Electric Power Co.

A. Arthur E. Klauser.
B. Dow Corning Corp.

A. Richard P. Kleeman.
B. Association of American Publishers, Inc.

A. Allie C. Kleinpeter, Jr.
B. Louisiana Bankers Association.

A. Richard A. Kline.
B. Council of Active Independent Oil and Gas Producers.

A. John J. Klocko III.
B. E. I. du Pont de Nemours & Co.

A. John C. Knott.
B. Burlington Northern, Inc.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. Amos Kramer.
B. American Petroleum Institute.

A. L. Wayne Krug.
B. Union Oil Co. of California.

A. Philip A. Lacovara.
B. Bristol-Myers Co.

A. Philip A. Lacovara.
B. Merck & Co., Inc.

A. Philip A. Lacovara.
B. Pfizer, Inc.

A. James J. LaPenta, Jr.
B. Laborers' International Union of North America.

A. Lawrence C. Laser.
B. Cities Service Co.

A. Glenn T. Lashley.
B. American Automobile Association.

A. Louis F. Laun.
B. American Paper Institute, Inc.

A. Richard A. Leahy.
B. David L. Babson & Co., Inc. (for Investment Counsel Association of America, Inc.).

A. John I. Le Berre.
B. Kaiser Aluminum & Chemical Corp.

A. Robert J. Leigh.
B. National Telephone Cooperative Association.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. General Electric Co., Gas Turbine Division.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute.

A. Charles W. Linderman.
B. Slurry Transport Association.

A. Robert G. Litschert.
B. Edison Electric Institute.

A. Nils A. Lofgren.
B. Motor Vehicle Manufacturers Association.

A. Robert W. Long.
B. American Mining Congress.

A. Christine A. Loupy.
B. Gardner, Carton & Douglas (for Elmer W. Kneip).

A. Christine A. Loupy.
B. Gardner, Carton & Douglas (for Sealed Power Corp.).

A. Robert C. Lower.
B. Rosenthal & Co.

A. Robert L. Maier.
B. Kaiser Aluminum and Chemical Corp.

A. Andre Maisonpierre.
B. Alliance of American Insurers.

A. Jon Massey.
B. Oil Investment Institute.

A. D. V. Maroney, Jr.
B. Amalgamated Transit Union.

A. Mike M. Masaoka.
B. Nisei Lobby.

A. C. V. & R. V. Maudlin.
B. Georgia Power Co.

A. C. V. & R. V. Maudlin.
B. Joint Government Liaison Committee.

A. Anthony F. Mauriello.
B. American Petroleum Institute.

A. Thomas H. Maxedon.
B. American Petroleum Institute.

A. Hugh A. McBride.
B. Kybe Corp.

A. Linda A. McCorkle.
B. Blum, Parker & Nash (for Independent Gasoline Marketers Council).

A. Robert E. McCoy.
B. Exxon Corp.

A. Michael D. McDonald.
B. American Petroleum Institute.

A. Thomas H. McGannon.
B. Chemtex, Inc.

A. J. Raymond McGlaughlin.
B. Brotherhood of Maintenance of Way Employes.

A. William F. McKenna.
B. Silver, Freedman, Housley & Taff.

A. L. Bradley McNally.
B. Blue Cross and Blue Shield Associations.

A. William H. Megonnell.
B. Edison Electric Institute.

A. Edward L. Merrigan.
B. Dirilyte Co. of America, Inc.

A. Metzger, Shadyac & Schwarz.
B. Melex, U.S.A., Inc.

A. M. Barry Meyer.
B. The Aluminum Association.

A. Milton E. Meyer, Jr.

A. Joy Midman.
B. National Association of Private Psychiatric Hospitals.

A. Miller, Cassidy, Larroca & Lewin.
B. American Motors Corp.

A. Miller & Chevalier.
B. H. E. Butt.

A. Paul J. Miller.
B. Investment Counsel Association of America, Inc.

A. R. Eric Miller.
B. Bechtel Corp.

A. William P. Miller, Jr.
B. American Society of Mechanical Engineering.

A. Stacey J. Mobley.
B. E. I. du Pont de Nemours & Co.

A. Mocatta Metals Corp.

A. John V. Moller.
B. Motor Vehicle Manufacturers Association of the United States.

A. John S. Monagan.
B. Connecticut Bankers Association.

A. Donald L. Mooers.
B. Coalition for New York.

A. Donald L. Mooers.
B. Facts and Comparisons, Inc.

A. E. Joyce Morgan.
B. American Mining Congress.

A. Earl J. Morgan.
B. McDonnell Douglas Corp.

A. Morison, Murphy, Abrams & Haddock.
B. Sperry & Hutchison Co.

A. Roger L. Mozingo.

A. Law offices of Timothy D. Naegele.
B. Baybanks, Inc.

A. Law offices of Timothy D. Naegele.
B. Prulease, Inc.

A. National Grain and Feed Association.

A. National Security Traders Association.

A. Mark D. Nelson.
B. E. I. du Pont de Nemours & Co.

A. Milton E. Neshek.
B. Kikkoman Foods, Inc.

A. Frank Newham.
B. National Rural Letter Carriers' Association.

A. Frank Northcutt.
B. Southwest Homefurnishings Association.

A. Nuclear Fuel Services, Inc.

A. Victor L. Nutt.
B. Gulf and Western Industries, Inc.

A. John F. O'Brien.
B. American Petroleum Institute.

A. Mary Eileen O'Brien.
B. Dow Corning Corp.

A. O'Connor & Hannan.
B. Automotive Parts and Accessories Association, Inc.

A. O'Connor & Hannan.
B. Investors Diversified Services, Inc.

A. O'Connor & Hannan.
B. Westinghouse Electric Co.

A. Ashton J. O'Donnell.
B. Betchel Power Corp.

A. John A. O'Donnell.

A. Oil Investment Institute.

A. Alvin E. Oliver.
B. National Grain and Feed Association.

A. Roy E. Olson.
B. American Paper Institute, Inc.

A. George C. P. Olsson.
B. Ocean Spray Cranberries, Inc.

A. G. Oliver Papps.
B. American Petroleum Institute.

A. Herschell E. Parent.
B. American Petroleum Institute.

A. Ben F. Peake.
B. American Association of Blood Banks.

A. Jack Pearce.
B. Committee Urging Regulatory Reform for Efficient National Trucking (CURRENT).

A. Pepper, Hamilton & Scheetz.
B. Coalition of Concerned Charities.

A. Victor J. Perini, Jr.
B. Highway Users Federation for Safety & Mobility.

A. Scott H. Phillips.
B. Howell Corp.

A. Pineapple Growers Association of Hawaii.

A. Ronald L. Platt.
B. Burger King Corp.

A. James L. Pledger.
B. National Savings and Loan League.

A. Michael M. Pocost.
B. American Petroleum Institute.

A. A. Frank Portmann III.
B. AMAX Coal Co.

A. Potter International, Inc.
B. Rohr Industries, Inc.

A. Richard M. Powell.
B. International Association of Refrigerated Warehouses.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher.
B. Intalco Aluminum Co.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher.
B. OPASTCO.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher.
B. Pacific Seafood Processors Association.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher.
B. Seafarers International Union.

A. Earle W. Putnam.

A. William A. Quinlan.
B. Retail Bakers of America.

A. Quintana Refinery Co.

A. Clifford H. Raber.
B. McDonald's Corp.

A. G. G. Reckley Associates.
B. Ketchikan Indian Corp.

A. G. G. Reckley Associates.
B. 13th Regional Corp.

A. Dwight C. Reed.
B. National Soft Drink Association.

A. Paul Reiber.
B. International Air Leases.

A. Harry O. Reinsch.
B. Bechtel Power Corp.

A. Murray P. Reiser.
B. Edward Blankstein, Inc.

A. James Replogle.
B. Independent Petroleum Association of America.

A. William L. Reynolds.
B. National Savings and Loan League.

A. Austin T. Rhoads.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. C. B. Rhoads, Jr.
B. Bell Telephone Co. of Pennsylvania.

A. M. Lee Rice.
B. Ogden Corp.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A Morris A. Riley.
B. American Medical Association.

A. Stark Ritchie.
B. American Petroleum Institute.

A. Rogers & Wells.
B. F&M Schaefer Corp.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Rogers & Wells.
B. Overseas Shipholding Group, Inc.

A. Rogers & Wells.
B. Seyforth Laboratories, Inc.

A. Rogers & Wells.
B. S. Shamash & Sons, Inc.

A. Rogers & Wells.
B. Squibb Corp.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Association.

A. Rogers & Wells.
B. 20th-Century Fox Film Corp.

A. Kenneth S. Rolston, Jr.
B. American Pulpwood Association.

A. William F. Ross.
B. American Petroleum Institute.

A. Donald D. Rounds.
B. American Petroleum Institute.

A. John W. Rowland.
B Amalgamated Transit Union.

A. Leonard H. Ruppert.
B. American Petroleum Institute.

A. Perry A. Russ.
B. Society of American Florists & Ornamental Horticulturists.

A. J. T. Rutherford & Associates, Inc.
B. American Association of Bioanalysts/International Society of Clinical Laboratory Technicians.

A. J. T. Rutherford & Associates, Inc.
B. American College of Radiology.

A. J. T. Rutherford & Associates, Inc.
B. American Optometric Association.

A. J. T. Rutherford & Associates, Inc.
B. Hospital Pharmacies, Inc.

A. J. T. Rutherford & Associates, Inc.
B. Rebecca D. Shapiro & Associates.

A. Fred J. Sacco.
B. American Petroleum Institute.

A. Carl K. Sadler.
B. COFEPE/American Federation of Government Employees.

A. Herbert Y. Schandler.
B. American League for International Security Assistance, Inc.

A. Andreas George Schneider.
B. National Health Law Program.

A. Mahlon C. Schneider.
B. Green Giant Co.

A. John M. Schobel, Jr.
B. New York Coffee and Sugar Exchange, Inc.

A. N. Donald Schroeder.
B. American Petroleum Institute.

A. Stanley W. Schroeder.
B. Gas Appliance Manufacturers Association, Inc.

A. Lauren Kim Schryver.
B. American Paper Institute, Inc.

A. Robert L. Schulz.
B. American Petroleum Institute.

A. Harold B. Scoggins, Jr.
B. Independent Petroleum Association of America.

A. David A. Scott.
B. American Petroleum Institute.

A. Seyfarth, Shaw, Fairweather & Geraldson.
B. Dresser Industries, Inc.

A. Seyfarth, Shaw, Fairweather & Geraldson.
B. Trans-Union Corp.

A. Luther W. Shaw.
B. Paluszek & Leslie Associates.

A. Shaw, Pittman, Potts & Trowbridge.
B. Investment Counsel Association of America, Inc.

A. Shaw, Pittman, Potts & Trowbridge.
B. National Committee on Locks and Dam 26.

A. Shea, Gould, Climenko & Casey.
B. Belco Petroleum Corp.

A. Shea, Gould, Climenko & Casey.
B. Committee for a Uniform Investment Tax Credit.

A. Shea, Gould, Climenko & Casey.
B. Occidental Petroleum Corp.

A. Seymour Sheriff.
B. Man-Made Fiber Producers Association, Inc.

A. Russell L. Shipley, Jr.
B. National Candy Wholesalers Association, Inc.

A. James K. Shiver.
B. Diamond Shamrock Corp.

A. Mary Frances Shlagel.
B. Union Oil Co. of California.

A. Bernard H. Sieracki.
B. Illinois Petroleum Council.

A. Karen Sikkema.
B. Union Oil Co. of California.

A. Marcus W. Sisk, Jr.
B. American Bakers Association.

A. G. Bernard Siebos.
B. United Airlines.

A. Donald E. Smiley.
B. Exxon Corp.

A. Gordon L. Smith.
B. Hill & Knowlton, Inc. (for Florists' Transworld Delivery Association).

A. Gordon L. Smith.
B. Edward Gottlieb & Associates (for Hecon Corp., Flextime Division).

A. James Lawrence Smith.
B. Airlift International, Inc.

A. William H. Smith.
B. American Bankers Association.

A. Snyder & Ball Associates, Inc.
B. Gould, Inc.

A. South Dakota Railroads Association.

A. Southwest Homefurnishings Association.

A. Larry Speakes.
B. Hill & Knowlton, Inc.

A. Philip J. Spear.
B. National Pest Control Association.

A. John F. Speer, Jr.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Charles D. Statton.
B. Bechtel Power Corp.

A. Leon P. Stavrou.
B. American Hellenic Institute Public Affairs Committee, Inc.

A. Randolph J. Stayin.
B. Taft, Stettinius & Hollister (for American Hospital Association).

A. Randolph J. Stayin.
B. Taft, Stettinius & Hollister (for Special Committee for Workplace Product Liability Reform).

A. Eugene H. Stearns.
B. American Petroleum Institute.

A. Arthur R. Stewart.
B. Great Western Sugar Co.

A. Edward W. Stimpson.
B. General Aviation Manufacturers Association, Inc.

A. B. R. Stokes.
B. American Public Transit Association.

A. Richard B. Storey.
B. International Military Club Executive Association.

A. Robert B. Stulberg.
B. Health Research Group.

A. Sullivan & Cromwell.
B. INCO Ltd.

A. Robert Taft, Jr.
B. Taft, Stettinius & Hollister (for Grocery Manufacturers of America).

A. Robert Taft, Jr.
B. Taft, Stettinius & Hollister (for Sisters of Charity of Cincinnati, Ohio).

A. Robert Taft, Jr.
B. Taft, Stettinius & Hollister (for Werner Von Clemm).

A. Clayton C. Taylor.
B. McDonald's Corp.

A. Robert L. Thomas.
B. National Association of Private Psychiatric Hospitals.

A. Richard L. Thompson.
B. Abbott Laboratories.

A. Robert T. Thornburg.
B. American Petroleum Institute.

A. Samuel Thurm.
B. Assoc. of National Advertisers.

A. Paul J. Tierney.
B. Transportation Association of America.

A. E. Linwood Tipton.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation.

A. Charles R. Titus.
B. Society of the Plastics Industry.

A. Jay Charles Townley.
B. Schwinn Bicycle Co.

A. Transportation Association of America.

A. 12th Congressional District Pro-Life Action Committee.

A. Joseph D. Tydings.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Embassy of Japan).

A. Joseph D. Tydings.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Japan Atomic Industrial Forum).

A. Stewart L. Udall.
B. Foothills Pipelines (Yukon) Ltd.

A. Wayne R. Underwood.
B. American Seed Trade Assoication, Inc.

A. Lloyd N. Unsell.
B. Independent Petroleum Association of America.

A. Howard Useem.
B. Independent Petroleum Association of America.

A. Nicholas L. Van Nelson.
B. American Paper Institute, Inc.

A. Richard F. Vander Veen.
B. Citibank.

A. Verner, Liipfert, Bernhard & McPherson.
B. Pan American World Airways, Inc.

A. Wald, Harkrader & Ross.
B. Chemtex Fibers, Inc.

A. Elaine Nogay Walker.
B. Can Manufacturers Institute.

A. Raymond C. Wallace.
B. Amalgamated Transit Union.

A. L. L. Wallenrod.
B. American Paper Institute, Inc.

A. Bonnie B. Wan.
B. Montgomery Ward & Co., Inc.

A. The Washington Group, Inc.

A. Robert B. Washington, Jr.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Government of Antigua).

A. Robert B. Washington, Jr.
B. Danzansky, Dickey, Tydings, Quint & Gordon (for Government of Dominica).

A. Webster & Chamberlain.
B. Associated Credit Bureaus.

A. Webster & Chamberlain.
B. National Sporting Goods Association.

A. Webster & Chamberlain.
B. Truck Body and Equipment Association.

A. Morton N. Weiss.
B. National Security Traders Association.

A. White & Case.
B. Presbyterian Hospital in the city of New York.

A. Louis M. Whitlock.
B. Beker Industries Corp.

A. Richard J. Wiechmann.
B. American Paper Institute, Inc.

A. Everett H. Wilcox, Jr.
B. Alston, Miller & Gaines (for IC Industries).

A. Harding deC. Williams.
B. National Savings and Loan League.

A. Robert E. Williams.
B. United Airlines.

A. Wilmer, Cutler & Pickering.
B. Dealer Bank Association.

A. Wilmer, Cutler & Pickering.
B. Morgan Guaranty Trust Co

A. Wilmer, Cutler & Pickering.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer, Cutler & Pickering.
B. National Corporation for Housing Partnerships.

A. Dorothy R. Wilson.
B. Coalition for Concerned Charities.

A. Ronald J. Wilson.

A. James R. Winnie.
B. Cities Service Gas Co.

A. Glenn P. Witte.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation.

A. Sidney M. Wolfe.
B. Health Research Group.

A. Carl E. Zwisler.
B. International Franchise Association.

SENATE—*Monday, February 19, 1979*

(Legislative day of Monday, January 15, 1979)

The Senate met at 12 o'clock meridian, pursuant to House Concurrent Resolution 42, and was called to order by the Honorable HOWELL T. HEFLIN, a Senator from the State of Alabama.

PRAYER

The Presiding Officer, the Honorable HOWELL T. HEFLIN, offered the following prayer:

In the absence of the Chaplain, we shall pray today in the words of President George Washington's prayer for his country.

Let us pray:

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou will incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

Having completed George Washington's prayer, let me add these words of prayer: May the beauty of the snow give us a serenity of mind and the weather's resulting slowness to mobility give us a determination to get on with the business of this Nation as soon as possible.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The acting legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 19, 1979.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL T. HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. HEFLIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Chair now recognizes the Senator from Montana (Mr. BAUCUS) who is the acting Senate majority leader.

THE JOURNAL

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Journal be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL WEDNESDAY, FEBRUARY 21, 1979

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 o'clock noon on Wednesday, February 21, 1979.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 9, 1979, the Senator from Virginia (Mr. WARNER), having been appointed by the Vice President, will now read Washington's Farewell Address.

Mr. WARNER. I thank the Chair, my colleagues, the Senate staff, who are to be commended for their fortitude in getting here today, and an assemblage of citizens of the United States and perhaps other countries who have joined us on this historic day.

It is a great honor for a freshman Senator from Virginia to give this historic address, which is done in keeping with the long traditions of the U.S. Senate.

I find, Mr. President, as I am sure the Chair does and my colleagues, that there are many thoughts in our first President's Farewell Address that the leaders of this Nation could take to heart today when our country faces so many grave decisions throughout the world.

Mr. President, I will now proceed.

Mr. WARNER, at the rostrum read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern—Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake since history and experience prove, tha foreign influence is one of the most baneful foes of republican government. Bu that jealousy, to be useful, must be impartial, else it becomes the instrument o the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessiv dislike for another, cause those whon they actuate to see danger only on on side, and serve to veil and even secon the arts of influence on the other. Rea patriots, who may resist the intrigues o the favorite, are liable to become suspected and odious; while its tools an dupes usurp the applause and confidenc of the people, to surrender their interests

The great rule of conduct for us, in regard to foreign nations, is, in extendin our commercial relations, to have wit them as little *political* connection a possible. So far as we have alread formed engagements, let them be fulfilled with perfect good faith:—Here le us stop.

Europe has a set of primary interests which to us have none, or a very remot relation. Hence, she must be engaged i frequent controversies, the causes c which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes c her politics, or the ordinary combinatior and collisions of her friendship or enmities.

Our detached and distant situation invites and enables us to pursue a differer course. If we remain one people, under a efficient government, the period is not fa off when we may defy material injur from external annoyance; when we ma take such an attitude as will cause th neutrality we may at any time resol upon, to be scrupulously respected; whe belligerent nations, under the imposs bility of making acquisitions upon us, wi not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances of extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

The ACTING PRESIDENT pro tempore. On behalf of this Senate, I thank the Senator from Virginia (Mr. WARNER) for so eloquently repeating the words of President Washington which he wrote for his Farewell Address.

May we in this day give heed to his words.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 1 hour, with statements therein limited to 15 minutes.

Under the previous order, the Senator from Wisconsin is recognized.

WASHINGTON'S FAREWELL ADDRESS

Mr. PROXMIRE. Mr. President, I, too, commend the distinguished Senator from Virginia (Mr. WARNER) for his superlative reading of Washington's Farewell Address.

It is most appropriate that this fine, new Senator should be chosen as the person to read the address this morning. He has had a great record of service to the country as Secretary of the Navy. He is a man who, as I understand it, was head of the Bicentennial celebration.

He understands so deeply the history of our country and the majesty of our country, and to have him read the Farewell Address to us this morning is a real privilege.

Unfortunately, the weather kept the crowd down. I do wish there had been more Senators present to hear our friend from Virginia.

I join the Presiding Officer in commending him on an excellent reading. It is most appropriate that we should have this before us.

Mr. President, I would like to say a few things very briefly about the Farewell Address, because, unfortunately, we hear the reading and then we let it go. I do not think we should do that.

This is a great address by George Washington. Incidentally, it was never actually delivered. He never gave it himself. He wrote it, but it was not delivered.

There are some remarkable things about this. Obviously, it was delivered at a time, in 1796, when this was an entirely different kind of a country with a different situation; a small, agricultural country of 3.5 million people.

He talked about being involved in the controversies in Europe. We were a country far smaller than the European countries, weaker than the European countries militarily, and virtually in every other respect. His advice, given at that time, should be viewed under those circumstances.

He said:

> Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

That was right in 1796. Obviously, it is not the case in 1979 when, of course, our NATO alliance with Europe is the very cornerstone of achieving peace in the world.

Mr. President, in spite of the fact that much of this address does relate to a period that is far in the past, and to a little country, I think there is a very great deal we can learn from it.

It is interesting in this year that follows proposition 13 and the concern so many have with balancing the budget, that Washington does say:

> . . . avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your . . .

Of course, that is good advice. It is advice we can and should take. No matter how we try to rationalize the colossal deficits we have suffered in the last 8 or 10 years particularly, there is no way that that can be squared with the fundamental principles on which this country was founded and the good, solid advice that George Washington gave us.

CAUSES OF INFLATION

Mr. PROXMIRE. Mr. President, apropos of that, I would like to call to the attention of the Senate one of the most remarkable responses that I have heard in a long time in a Senate hearing.

The other day, the Senate Banking Committee had hearings on the Council on Wage and Price Stability. Our witnesses were Dr. Kahn and Dr. Bosworth. Dr. Bosworth, as you know, is the man who runs the Council on Wage and Price Stability. Both of these men are eminent economists.

Dr. Bosworth was asked by a member of the committee what was the anatomy, the causes, of inflation. I think at a time when we are perplexed by this, it is good to get the advice or the observations of one of the ablest men in this country in the area of inflation, and a man who has the principal responsibility for handling the details of it.

Dr. Bosworth did something most unusual. He not only discussed the causes of inflation, but he analyzed the causes in numerical terms. I would like to read part of what he said:

> Number one is that there is an ongoing momentum of inflation that has come out of past inflation, the expectations of people that it will continue.
>
> The Chairman made reference earlier to people who are seeking wage increases in order to catch up with past price increases and they fully expect those increases to recur in the future.
>
> Businessmen who pass on those increases and adjust it a little bit because they expect them to continue in the future. That after 10 years of rapid inflation in the United States that whole process, whether you describe it simply as expectations or catch-up or wage rate relationships has become deeply embedded in the economy.
>
> That is the first problem, to break that. I would place the magnitude of that sort of process today as basically giving us a rate of inflation of between 7 and 7.5 percent a year, just ongoing continual pressure.
>
> Whereas, a year ago I would have put that number down around 6 percent. I think, in other words, that there has been an acceleration of the underlying rate of inflation or momentum of inflation in this country of about a percentage point or a little bit more in the last 12 months.
>
> The reasons that inflation momentum tends to pick up, the factors responsible for them, is first fiscal and monetary policy, given some basic inflation, market shortages and some prices move up more rapidly.
>
> When that happens, it gets built into the wages, it spreads throughout the economy and gets built in again.
>
> The other part of it, though, is the economy's vulnerability to a large number of shocks from a variety of different sources that tend to have inflationary impacts.
>
> The first and most dramatic in the February price index is the instability of farm prices.
>
> Secondly, we are much more vulnerable to the international community than we are a decade ago. There is more volatility, oil is only one example of raw materials, there are others on which we are dependent to the rest of the world.
>
> Next to that, government; government has had impact on initiating this action and speeding it up.
>
> It's an attempt to keep up with the cost of living. Expectation of continued price inflation. Government does do it in two areas. One is direct price actions that it takes.
>
> Earlier, there was mention of sugar. We have had farm bill legislation passed.
>
> We have a minimum wage increase. We have had two major increases in social security taxes. In the current year, I put the magnitude of those sort of direct price increasing actions by government at between a half of a percent and three-quarters of a percent, if it goes ahead with the type of plans that seem to be anticipated for tax increases and other measures.
>
> The second one is the regulatory. The regulatory does not show up as a wage increase. It does not show up as a profit margin increase. It shows up as a decline in productivity.
>
> When we try to reduce air pollution and other things, we tell firms to divert more labor and other resources into reducing pollution and less to producing goods and services.
>
> The impact of that is to reduce productivity. This country up until the middle part of the 1960s had a steady trend rate increase in productivity of about 3 percent a year. It began to drop off in the last sixties and was a cause of some concern.
>
> We used to talk about productivity growth declining by a third of what it was, down to 2 percent a year. In the last two years, productivity has averaged less than 1 percent a year.
>
> But I would argue that those regulations from empirical studies that exist so far say that federal regulation has probably contributed between one-half and three-quarters of a percentage point in the slow-down of productivity growth. So that is a major factor.
>
> Second, it's difficult to get people to cooperate to restrain their own increases when in real terms they are not gaining anything.
>
> The only way society as a whole can gain is through productivity growth. If there is no productivity growth, my wage increase comes out of your hide and your wage increase comes out of my hide.
>
> A fundamental difficulty is that we can't promise people that by cooperating and holding down on their money price increases, that there will be an improvement in the real income because this economy is beginning to look like Great Britain in the 1960s.
>
> In other words, momentum of inflation, shocks of inflation coming from the international market, food, and government, and third, this growing serious problem of productivity growth.
>
> If all three of those areas could be addressed effectively, I think over the next couple of years we could very effectively try to reduce inflation.

Mr. President, I think this is such an unusual summary, I would like to conclude by pointing out how he indicates we can do this:

> We know of several ways to bring that to an end.
>
> Fiscal and monetary restraints rigorously applied to slow the rate of growth of the economy and throw some people out of work, we know would work.
>
> People say if you would only quit printing money, inflation would come to an end, if you would only—they are right.
>
> Slow down production, slow down—it would throw 3 million people out of work.
>
> The problem of those policies is that they are so costly. What's happened in the past, we all get upset about inflation. We call on the Congress to balance the budget, hold down spending—it doesn't and we go into a recession.
>
> Then everybody gets panicky about unemployment.
>
> Before the recession has an impact on the inflation rate we switch around. I think those costs are very real costs. It is unreasonable to deal with inflation by throwing people out of work.
>
> Instead what we try to do, hopefully were this program to succeed is slow the rate of growth of the economy, yes, relieve excess demand pressure, yes. But don't undo the progress we have made over the past three years.
>
> Try to hold the unemployment rate roughly where it is right now. Unfortunately, we cannot reduce the overall unemployment rate more than it is right now in the next couple years without worsening inflation.
>
> But hold it there. Don't overdo it. We know that process is slow and gradual. There is a way to speed it up. That is to ask people to voluntarily, within that kind of atmosphere where there are no shortages driving up prices and wages, to voluntarily agree to hold down and accelerate the rate of slowdown in their own wage and price increase, so we can translate fiscal and monetary restraints into a slowing rate of inflation at less cost in unemployment than would otherwise be the case.

Mr. President, he concluded by saying this:

> The attempt here, we cannot promise success overnight, but we have to stick with it with a smooth and gradual policy to gradually slow down the rate of growth in the economy and recognize that no government can promise success in inflation on one month's prices.
>
> More importantly, no government can solve this problem.
>
> It just is not a problem that can be solved by government alone.
>
> It's going to require a lot more contributions than just those of government.

That was an impromptu response by Dr. Bosworth, and it is one that I thought should be called to the attention of all Senators because, as I say, he is the man who is in charge of running the Council on Wage and Price Stability. It does give a reason and a coherent basis for the attempt to hold down prices.

COLLEGE OF AGRICULTURE AND LIFE SCIENCES, UNIVERSITY OF WISCONSIN

Mr. PROXMIRE. Mr. President, I am happy, as the senior Senator from Wisconsin, to call to the attention of the Senate that some 4,000 faculty members around the Nation have ranked the College of Agriculture and Life Sciences at the University of Wisconsin in Madison as second in the Nation among agricultural colleges.

It showed Wisconsin's college was second only to Cornell University at Ithaca, N.Y. Wisconsin ranked above Iowa State, third; Michigan State, fourth; Purdue, fifth; and the campuses of the University of California at Davis and Berkeley, sixth and seventh.

The feeling at the University of Wisconsin is that we are moving ahead and that we are likely to be first in the near future, because there are as many improvements that we expect to be able to put into effect in the next few years.

Mr. President, I ask unanimous consent to have printed in the Record an article from the Wisconsin State Journal of January 28, 1979.

There being no objection, the article was ordered to be printed in the Record, as follows:

University of Wisconsin's High Agricultural School Ranking Is an Honor

The rank of the College of Agricultural and Life Sciences at the University of Wisconsin-Madison as second in the nation among agriculture colleges is a great achievement for the men and women who work under Dean Glenn S. Pound.

The rating was made by 4,000 faculty members around the nation. It showed Wisconsin's college was second only to Cornell University at Ithaca, N.Y. Wisconsin ranked above Iowa State third; Michigan State, fourth; Purdue, fifth; and the campuses of the University of California at Davis and Berkeley, sixth and seventh.

And this rating can only get better since the Board of Regents has moved up the priority of new College of Agricultural and Life Sciences buildings, like the new Plant Industry and Engineering building, and has renewed its endorsement of a School of Veterinary Medicine on the Madison campuses.

These new facilities, along with the North Central Regional Dairy-Forage Laboratory and plans for expansion of horticulture and improvement of soil science buildings, will aid in recruiting top faculty members who will add to the strength Wisconsin has traditionally had in agriculture.

It is only right that the College of Agricultural and Life Sciences be nationally recognized. It is an honor, too, for the people of Wisconsin whose resources have created and supported the college programs.

JAPANESE WINDOW DRESSING

Mr. PROXMIRE. Mr. President, the trade imbalance between Japan and the United States reflects basic structural differences in the two economies and requires significant policy adjustments in both countries. Japan must open her markets to U.S. goods and the United States must make a greater effort to promote exports to Japan. Such measures combined with the higher exchange rates the yen has attained recently will gradually reduce the imbalance.

Unfortunately Japan is showing a preference for "window dressing" the balance-of-payments statistics at a time when basic corrective measures are needed. The Export–Import Bank of Japan has hatched a scheme to provide funds for foreign, and perhaps even United States, commercial airlines, and have the full value of the aircraft recorded as a U.S. export to Japan. Of course, the airplanes would never even fly over Japan; they would go directly to the third-country or U.S. airline.

But the Japanese get more than an artificial adjustment in their balance of payments; they earn interest and charges on the leases and build up trade relations with airlines which will eventually be used to promote Japanese, not American, exports. In addition, when the leases are paid, and ownership transferred to third country airlines, Japan will record the transactions as exports—the window dressing will be reversed to benefit the Japanese trade balance in 1989 and beyond.

Such gimmicks will not remedy the fundamental problems in United States-Japanese trade and should be firmly rejected in both countries. Leasing transactions which do not involve true U.S. exports to Japan must be excluded from calculations of the United States-Japan trade balance. I have asked the staff of the Committee on Banking, Housing, and Urban Affairs to investigate the accounting treatment of international leasing in the balance of payments and to draft legislation, if necessary, to insure that window dressing transactions do not obscure the unpleasant truth about trade imbalances.

Mr. President, I ask unanimous consent that an item on this subject by A. E. Cullison which appeared in the Journal of Commerce of February 5, 1979, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Japan Jet-Leasing Plan Probed To Avoid Possible Criticism

(By A. E. Cullison)

Tokyo.—Purchase and leasing of foreign commercial jetliners under Japan's "emergency import" program has come under scrutiny by the Finance Ministry out of fears that possible questionable arrangements may result in criticism by Japanese taxpayers that they are benefiting a specific industry at public expense.

The system calls for a group of private leasing firms in Japan to use low-interest, foreign-currency loans from the governmental Export-Import Bank of Japan in the purchase of American and European aircraft for leasing to commercial airlines abroad.

It is based upon the concept that by so doing the purchase price of the commercial jets can be added to Japan's imports and thus reduce the country's large trade surpluses with the nations manufacturing the planes.

But Finance Ministry officials have taken note of growing skepticism in Japan concerning the aircraft business, mainly due to the recent lockheed bribery scandal and claims that the Grumman Corp. may have been guilty of illegal payoffs as well.

The ministry also is aware that circles in the United States government are starting to complain that the program really does not lead to increasing Japan's imports to any meaningful degree and might actually be ruining normal markets for the same aircraft overseas and inside the U.S.

Critics in Washington for example, contend that calling the leased aircraft "imports" ignores the fact that the Japanese companies involved are earning interest and rental charges similar to an outright reexporting arrangement.

Although the Japanese government adds the "imports" to its statistics as a result of the leasing arrangements, the argument goes, the American manufacturers could sell the aircraft to the same buyers without Japan's "window dressing."

Apparently, Finance Ministry authorities already have asked those of the country's private banking institutions which have become involved in such leasing programs to use their utmost discretion.

It is expected that the ministry will now make much more thorough inspections of each leasing project which makes use of Exim Bank funding. Ministery officials, it is understood, also intend to reject applications from leasing firms for the purchase of American commercial jetliners for the purpose of leasing them to airlines in the U.S.

There had been reports in Tokyo that some of the leasing companies had approached United, Pam Am and TWA Airlines, for instance, with a plan to purchase $300 million worth of U.S. aircraft for leasing to them.

Under the administration of former Prime Minister Takeo Fukuda it has been planned to use Exim Bank easy-term loans for the purchase of $745 million worth of leasing aircraft.

Now, however, with the Finance Ministry considering a considerable increase in the 6 percent interest rate per annum, the entire program could be greatly reduced in scope. Opposing such a decision is the Ministry of International Trade and Industry (MITI).

Finance Ministry officials have explained that one of the most questionable cases in recent days involves a leasing contract concluded with British Airways. Apparently, the British firm in 1976 had concluded a contract with Boeing company for purchase of a 747 jetliner.

This contract was canceled in favor of leasing from a consortium of Japanese firms, although British Airways already had made a down payment to Boeing.

If the Finance Ministry finally decides to go ahead with the aircraft purchase and leasing program, even with tightened supervision, it is expected that much of the $2 billion in emergency imports scheduled for fiscal 1979, a term beginning in April, will involve such leasing projects.

IMPACT OF "HOLOCAUST" WORLDWIDE

Mr. PROXMIRE. Mr. President, I have spoken on this floor previously about the reactions of the West German audience to that country's recent showing of the American filmed docudrama "Holocaust." The West German public had its eyes reopened to the cool and calculated atrocities of the Nazi decade, and public response to this controversial showing was overwhelmingly positive.

Mr. President, this response has not been limited to West Germany. The New York Times on January 28, 1979, reported that West German television officials have been receiving calls from Communist East Germany, the vast majority of which have also been in favor of the program.

The response to this program abroad only confirms the response that many of us had when this program was broadcast in this country. It renews in us the sense of urgency to take concrete action to insure that such a tragedy never repeats itself.

What, then can we do? There are three main areas where our efforts should be concentrated.

First, documentaries and docudramas like "Holocaust" must continue to be produced and aired. These programs can only serve as necessary reminders of the brute factuality of what happens when a group of people such as the Jews are systematically exterminated.

Second, our educational institutions must continue to keep ourselves and our children informed about the historical reality of occurences like the holocaust.

Third, we must make concerted effort on the international level to prevent any future possibility of such a tragedy from reoccuring.

Mr. President, this body has an opportunity to act on this third option. The Genocide Convention, more than any other proposal to come before the Senate, addresses the problem of genocide which the holocaust program so vividly reminds us of.

Mr. President, we must prevent future holocausts. We must ratify the Genocide Convention.

Mr. President, what we can do, the concrete action that only the U.S. Senate can take, is to ratify the Genocide Convention that has been waiting for our ratification for 30 long years. We have been called upon by every President, Democrat and Republican, every Secretary of State, every Attorney General, by the bar association, by virtually every religious denomination, to ratify the Genocide Convention, but this body has somehow not been able to find it in its heart to take this humane, humanitarian action.

I do hope the Senate will find a way to act, and act within the next few months. After 30 long years, it is about time.

Mr. President, I ask unanimous consent that an article appearing in the New York Times of January 29, 1979, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Effects of "Holocaust" on West German TV Cross Border Into East

(By Ellen Lentz)

West Berlin, January 27.—An intense public debate in West Germany about Nazi policies of genocide against the Jews of Europe, a debate aroused by showing this week of the American television series "Holocaust," is reaching across the border into East Germany. Many people there who live beyond normal West German broadcasting range are demanding that they be given an opportunity to see the series.

Peter Kroeger, a spokesman for West Berlin television, said he was receiving many telephone calls from East Berlin and other parts of East Germany, with callers commenting on the series or complaining of being unable to pick up the programs.

Audience reaction in West Germany has been "overwhelming," Mr. Kroeger said, taking the form of 20,000 telephone calls, telegrams, messages and letters received so far in West Berlin and Cologne, the main broadcasting station, since the four-part program opened Monday.

Further segments were presented Tuesday and Thursday night, with the final installment last night.

"THIS IS AN ABSOLUTE RECORD"

"We have never had this kind of reaction before," the television official said. "This is an absolute record."

An East Berlin woman told a visitor who crossed from the West that she had insisted upon seeing the series—in which the fate of a fictional Jewish family from Berlin is used to portray ordeals under the Nazis—after she had heard about it on a West German news broadcast.

"My husband was opposed at first and said we knew enough about the past already," said the woman, a 34-year old graphic artist.

"Now that I have seen two of the segments I understand that our state-run network will not show the program because they feel it is too pro-Zionist. But what I do not understand is why the West Germans are not showing it on their main national channel."

The regional television channels on which West Germany is broadcasting the series can be received in East Berlin and in areas along the boundary, but most of East Germany's viewers are beyond their range.

The main West German channel, the First Program, can be picked up by about 85 percent of the sets in East Germany.

The Communist leadership in East Germany and the party-led press have not indicated any public reaction. While there is no official ban in East Germany on watching West German television, the Communist authorities do not encourage it.

Mr. Kroeger said that among those East German callers who had seen the program, positive reaction outweighed negative comments at a rate of 6 to 2.

"We have been shown a large number of documentaries here," an East German said, "but so far we were always led to believe Nazi atrocities were a matter only for the capitalists and did not concern us, as a socialist country."

He added that a public debate about anti-Semitism "is overdue in our part of the country."

WASHINGTON'S FAREWELL ADDRESS

Mr. LEVIN. Mr. President, I commend Senator Warner on the reading of Washington's Farewell Address this morning. It is fitting that this address was read this morning by a Senator who braved the elements to be here to carry out his duty in honor of our first President, who braved many a storm in order to make this country possible.

I think there is some important symbolism in that.

GENOCIDE CONVENTION

Mr. LEVIN. Mr. President, while I am on my feet, I wish to commend Senator Proxmire for his daily reminder to this Senate, which also has taken a great amount of courage and bravery, of the fact that we have not yet ratified the Genocide Convention.

I, as one Senator, wish to take this opportunity when we are talking about courage and bravery to thank the senior Senator from Wisconsin for pricking the conscience daily on something which should not rest until we finally do it.

I thank the Chair.

Mr. PROXMIRE. Will the Senator yield for just a moment?

Mr. BAUCUS. Yes.

SENATOR BAUCUS AS ACTING MAJORITY LEADER

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Montana as acting majority leader. I believe he is one of the newest and youngest acting majority leaders we have ever had.

It is so appropriate to have a Senator from Montana. As the Senator knows, one of the most beloved men who ever served in this Senate was a predecessor, Mike Mansfield. He served as majority leader longer than any majority leader in the history of the Senate, and with great distinction.

So it is good to have Senator Baucus, who is a fine man, who not only represents Montana, but represented the same congressional district in the House of Representatives, as I understand it, that Mike Mansfield represented.

It seems like old home week. It seems we are back in the situation we were in for so many years when Senator Mansfield did a great job as majority leader here.

Mr. BAUCUS. I deeply thank the senior Senator from Wisconsin.

Senator Mansfield has long been a model to this Senator, to the citizens of Montana, as well as Members of the U.S. Senate and the Nation as a whole. He has been an inspiration to all of us.

I thank the Senator.

Mr. WARNER. Will the Senator yield?

Mr. BAUCUS. I yield to the Senator from Virginia.

WASHINGTON'S FAREWELL ADDRESS

Mr. WARNER. Mr. President, I would like to express my appreciation to the Senator from Wisconsin for his very thoughtful remarks on my behalf. I wish to note that nothing deterred him either in his mental stamina or his physical stamina, to get here on this day.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Pursuant to the order of the Senate of February 9, 1979, sundry messages, transmitting nominations, were received by the Secretary of the Senate during the recess of the Senate, which were referred to the appropriate committees.

(The nominations received during the recess are printed at the end of today's proceedings of the Senate.)

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE,
U.S. SENATE DELEGATION TO NORTH ATLANTIC ASSEMBLY, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna					7, 814. 12	734. 41	7, 814. 12	734. 41
Romania	lei					1, 164. 24	98. 00	1, 164. 24	98. 00
Saudi Arabia	riyal					4, 389	1, 330. 00	4, 389	1, 130. 00
Israel	pound					67, 878	3, 610. 00	67, 868	3, 610. 00
Egypt	pound					1, 133. 15	1, 618. 78	1, 133. 15	1, 618. 78
Portugal	escudo					143, 290. 5	3, 216. 66	143, 290. 5	3, 216. 66
Total									10, 407. 85

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enrer amount expended.

Note: Delegation expenses including direct payments and/or reimbursements to the Embassies and Department of Defense under the authority of sec. 502B of the Mutual Security Act of 1954 as amended by sec. 22 of Public Law 95–384, and S. Res. 179, agreed to May 25, 1977, for transportation, overtime for Embassy employees, clerical supplies, control rcom expenses, baggage handling, travel and per diem for Embassy personnel, communications, gratuities, appropriate hospitality, and other expenses on behalf of the delegation including inflight expenses on aircraft.

RECAPITULATION	Amount
Foreign currency (U.S. dollar equivalent)	
Appropriated funds: Reimbursement to Department of Defense	$5, 503. 68
Total	15, 911. 53

CLAIBORNE PELL, Chairman.
ROBERT C. BYRD, Majority Leader.

Jan. 4, 1979.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1, 596	150. 00						150. 00
Romania	lei	891	75. 00						75. 00
Israel	pound	1, 410	75. 00						75. 00
Egypt	pound	92	131. 43						131. 43
Portugal	escudo	14, 914	324. 21						324. 21
Total			755. 64						755. 64

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION	Amount
Appropriated funds: Total	$755. 64

JAMES A. McCLURE,
Chairman, Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	crown	789	75. 00					789	75. 00
Romania	lei	756	63. 64					756	63. 64
Israel	pound	1 ,410	75. 00					1 ,410	75. 00
Egypt	pound	100. 390	143. 41					100. 390	143. 41
Portugal	escudo	17 ,607	382. 75	690	15. 00			77 ,297	397. 75
Total			739. 80						754. 80

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Dec. 21, 1978.

ALBERT A. LAKELAND, JR.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	crowns	789. 00	75. 00					789. 00	75. 00
Romania	lei	891. 00	75. 00					891. 00	75. 00
Israel	pounds	1, 410. 00	75. 00					1, 410. 00	75. 00
Egypt	pounds	105. 000	150. 00					105. 000	150. 00
Portugal	escudos	215. 643	468. 79					215. 643	468. 79
Total			843. 79						843. 79

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 3, 1979

JACOB K. JAVITS.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,488	139.85					1,488	139.85
Romania	lei	891	75.00					891	75.00
Israel	israel pds	1,410	75.00					1,410	75.00
Egypt	pound	105	150.00					105	150.00
Portugal	escudo	22,207.88	482.78			7,722.18	154.83	2,993.06	657.61
Total			922.63				154.83		1 077.46

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$1,077.46

Jan. 4 ,1974.

CLAIBORNE PELL,
Chairman, Delegation to North Atlantic Assembly.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978.

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,596	150.00						150.00
Romania	lei	891	75.00						75.00
Israel	pound	1,410	75.00						75.00
Egypt	pound	105	150.00						150.00
Portugal	escudos	16,496	358.52						358.52
Total			808.52						808.52

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$808.52

Dec. 12, 1978.

ERNEST F. HOLLINGS,
Chairman, Delegation to North Atlantic Assembly.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 26 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Portugal, total	escudo	18,818	409.09	460	10.00				419.09

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$419.09

ROBERT MORGAN,
Delegation to North Atlantic Assembly.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,393.4	130.91						130.91
Romania	lei	891	75.00						75.00
Israel	pound	1,410	75.00						75.00
Egypt	pound	105	150.00						150.00
Portugal	escudo	18,506	402.30						402.30
Total			833.21						833.21

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$833.21

Dec. 12, 1978.

TED STEVENS,
Delegation to North Atlantic Assembly.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,276	119.92						119.92
Romania	lei	891	75.00						75.00
Israel	pound	1,410	75.00						75.00
Egypt	pound	75.25	107.50						107.50
Portugal	escudo	15,324.44	333.14						333.14
Total			710.56						710.56

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$710.56

HENRY M. JACKSON,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S.dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,038.90	97.64						97.64
Romania	lei	696	58.58						58.58
Israel	pound	785.66	41.79						41.79
Egypt	pound	105	150.00						150.00
Portugal	escudo	13,094	284.65	368	8.00	322	7.00		299.65
Total			632.66		8.00		7.00		647.66

[1] If foreign currency is used, enter U.S. equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$647.66

LAWRENCE O. THOMPSON,
Delegation to North Atlantic Assembly.

Dec. 7, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	940	88.30						88.30
Romania	lei	696	58.58						58.58
Israel	pound	1,410	75.00						75.00
Egypt	pound	63	90.09						90.09
Portugal	escudo	8,309	180.63						180.63
Total			492.60						492.60

If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$492.60

SUSAN L. GOLUB,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	978	91.92						91.92
Romania	lei	744	62.62						62.62
Israel	pound	884	47.02						47.02
Egypt	pound	90	127.50						127.50
Portugal	escudo	9,100.38	197.53	460	10.00	690	15.00		222.53
Total			526.59		10.00		15.00		551.59

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$551.59

DOROTHY FOSDICK,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,223.2	114.96						114.96
Romania	lei	891	75.00						75.00
Israel	pound	1,034	55.00						55.00
Egypt	pound	94	134.42						134.42
Portugal	escudo	12,517	272.11	460	10.00				282.11
Total			651.49		10.00				661.49

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$661.49

JOANNE P. NOVINS,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,066	100.18						100.18
Romania	lei	791	66.58						66.58
Israel	pound	1,410	75.00						75.00
Egypt	pound	67.10	95.95						95.95
Portugal	escudo	11,934	259.43	92	2.00	12,070	262.43		523.86
Total			597.14		2.00		262.43		861.57

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$861.57

SUSAN ALVARADO,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	964	90.60						90.60
Romania	lei	669.3	56.34						56.34
Israel	pound	800	42.55						42.55
Egypt	pound	77.75	111.18						111.18
Portugal	escudo	11,642	253.10	230	5.00				258.10
Total			553.77		5.00				558.77

RECAPITULATION

	Amount
Appropriated funds: Total	$558.77

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NANCY D. CRABB,
Delegation to North Atlantic Assembly.

Dec. 12, 1978

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, OFFICE OF THE PRESIDENT OF THE SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	1,086	102.07						102.07
Romania	lei	891	75.00						75.00
Israel	pound	1,070	56.91						56.91
Egypt	pound	105	150.00						150.00
Portugal	escudo	18,201	395.67	828	18.00	276	6.00		419.67
Total			799.65		18.00		6.00		803.65

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: total	$803.65

WILLIAM C. SMITH,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Romania	lei	891	75.00						75.00
Israel	pound	1,410	75.00						75.00
Egypt	pound	105	150.00						150.00
Portugal	escudos	12,710	276.00	460	10.00				286.00
Total			576.00		10.00				586.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$586.00

JOHN B. RITCH III,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, NOV. 18 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Czechoslovakia	koruna	970	91.17					970	91.17
Romania	lei	759	63.87					759	63.87
Israel	pound	858	45.65					858	45.65
Egypt	pound	99	141.45	3.4	4.85			102.4	146.30
Portugal	escudo	12,837	279.06	460	10.00			13,297	289.06
Total			621.20		14.85				636.05

[1] If foreign currency is used, enter U.S. dollar equivalent. If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Total	$636.05

GERYLD B. CHRISTIANSON,
Delegation to North Atlantic Assembly.

Dec. 12, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, SECRETARY OF THE SENATE, NOV. 23 TO DEC. 1, 1978

Country	Name of currency	Per diem		Transportation		Other Purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S currency
Portugal, total	dollar		374.63		346.52				721.15

[1] If foreign currency is used, enter dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Public Law 95-384, Total	$721.15

ARTHUR M. KUHL,
Delegation to North Atlantic Assembly.

Dec. 15, 1978.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1-19, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Japan	yen	22,176	112.00	63,761	322.00			85,937	434.00
PRC	yuan	985.71	620.33	598.54	376.68			1,584.25	997.01
Hong Kong	H.K. dollar	1,075	225.00	697.56	146.55			1,772.56	371.55
Total									1,802.56

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARRISON A. WILLIAMS, JR.,
Delegation, Codel Williams-Bellmon to China.

Jan. 11, 1979.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1–19, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Japan	yen	22, 176	112.00	63, 761	322.00			85, 937	434.00
PRC	yuan	985.71	620.33	598.54	376.68			1, 584.25	997.01
Hong Kong	H.K. dollar	1, 075	225.00	697.56	146.55			1, 772.56	371.55
Total									1, 802.56

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 11, 1979.

WALTER D. RAMSAY,
Delegation, Codel Williams-Bellmon to China.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1–19, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Japan	yen	22, 176	112.00	63.761	322.00			85, 937	434.00
PRC	yuan	985.71	620.33	598.54	476.68			1, 584.25	997.01
Hong Kong	H.K. dollar	1, 075	225.00	697.56	146.55			1, 772.56	371.55
Total									1, 802.56

[1] If foreign currency is used, enter U.S. dollar equivalent. if U.S. currency is used, enter amount expended.

Jan. 16, 1979.

HOWARD W. CANNON,
Delegation, Codel Williams-Bellmon to China.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1–19, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S currency [1]
Japan	yen	22, 176	112.00	63, 761	322.00			85, 937	434.00
PRC	yuan	985.71	620.33	598.54	376.68			1, 584.25	997.01
Hong Kong	H.K. dollar	1, 075	225.00	697.56	146.55			1, 772.56	371.55
Total									1, 802.56

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 18, 1979.

DONALD W. RIEGLE, JR.,
Delegation, Codel Williams-Bellmon to China.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1–19, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency
Japan	yen	22, 176	112.00	63, 761	322.00			85, 937	434.00
PRC	yuan	985.71	620.33	598.54	376.68			1, 584.25	997.01
Hong Kong	H.K. dollar	1, 075	225.00	697.56	146.55			1, 772.56	371.55
Total									1, 802.56

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: Equivalent First Class Commercial Air Rate for travel to China is $2,730.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1, 802.56

Jan. 19, 1979.

HENRY BELLMON,
Delegation, Codel Williams-Bellmon to China.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, DEC. 1–19, 1978

		Per diem		Transportation		Other purposes		Total	
Country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Japan	yen	20, 676	104.50	63, 761	322.00			84, 537	426.50
PRC	yuan	985.71	620.33	598.54	376.68			1, 584.25	997.01
Hong Kong	H.K. dollar	1, 075	225.00	697.56	146.55			1, 772.56	371.55
Total									1, 795.06

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 18, 1979.

DALE L. BUMPERS,
Delegation, Codel Williams-Bellmon to China.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON FOREIGN RELATIONS, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
John Sparkman: Panama	Am. dollar		136.64				13.36		150.00
Clifford P. Case: Panama	Am. dollar		70.54						70.54
Frank Church:									
Panama	Am. dollar		99.64				4.00		103.64
Switzerland	franc	195.35	104.94					195.35	104.94
United Kingdom	pound	77.33	150.00	134.50	260.91				410.91
Spain	peseta	41,138	515.00			1,197	15.00	42,335	530.00
United States	dollar				1,117.11				1,117.11
Claiborne Pell:									
Panama	Am. dollar		81.74				5.00		86.74
Austria	schilling	4,618.25	328.00					4,618.25	328.00
Switzerland	franc	83.85	49.24					83.85	49.24
United States					547.17				547.17
Charles H. Percy:									
Panama	Am. dollar		96.74						96.74
Egypt	pound	104.90	150.00					104.90	150.00
Yemen	rial	520.375	114.75					520.375	114.75
Sudan	pound	300.40	602.00					300.40	602.00
United States	dollar				1,830.00				1,830.00
Paul Sarbanes:									
Panama	Am. dollar		76.49						76.49
United States					347.00				347.00
Jacob K. Javits:									
France	franc	337.5	75.00					337.5	75.00
Spain	peseta	21.420	300.00					21,420	300.00
United Kingdom	pound	128.95	255.00					128.95	255.00
United States	dollar				5,496.40				5,496.40
Turkey	pound	5,625	150.00					5,625	150.00
Israel	pound	3,196.75	194.00					3,196.75	194.00
Greece	drachma	2,517.5	68.20					2,517.5	68.20
Richard Stone:									
Japan	yen	19,002.60	102.00					19,002.60	102.00
People's Republic of China	yuan	1,463.67	900.00					1,463.67	900.00
Hong Kong	H.K. dollar	665	140.00	244.26	50.57			909.26	190.57
George W. Ashworth:									
Syria	pound	877.50	225.00					877.50	225.00
Jordan	dinar	40.350	129.32					40.350	129.32
Israel	pound	2,813.75	169.00			349.75	21.00	3,163.50	190.00
Israel	pound			1,427	85.50			1,427	85.50
U.S.S.R.	U.S. dollar		368.00		63.50		12.50		444.00
Switzerland	franc	418.85	225.00					418.85	225.00
United States	dollar				3,180.00				3,180.00
Frank C. Ballance:									
England	pound	195.82	375.00					195.82	375.00
Sweden	kroner	697.90	150.00					697.90	150.00
Germany	mark	309	150.00					309	150.00
France	franc	1,035	225.00					1,035	225.00
United States	dollar				805.00				805.00
George McGovern:									
United Kingdom	pound	119.05	225.00					119.05	225.00
Austria	schilling	2,233.50	150.00					2,233.50	150.00
Romania	lei	752	62.00					752	62.00
Czechoslovakia	crown	1,056	96.00					1,056	96.00
United States	dollar				4,683.00				4,683.00
Spain	peseta	21,509	300.00					21,509	300.00
Sudan	pound	214.57	430.00					214.57	430.00
Ethiopia	birr	154.09	75.00					154.09	75.00
Tanzania	shilling	551.25	75.00					551.25	75.00
Mozambique	escudo	2,450	75.38					2,450	75.38
Rhodesia	rand	195	225.00					195	225.00
South Africa	rand	325	375.00					325	375.00
Angola	pound	75.09	150.00					75.09	150.00
London	pound	42.55	85.00					42.55	85.00
Pauline H. Baker:									
U.S.S.R.	U.S. dollar		416.28		91.30		80.22		587.80
United States					3,829.00				3,829.00
Spain	peseta	21,509	300.00					21,509	300.00
Sudan	pound	214.57	430.00					214.57	430.00
Ethiopia	birr	154.09	75.00					154.09	75.00
Tanzania	shilling	551.25	75.00					551.25	75.00
Mozambique	escudo	2,450	75.38					2,450	75.38
Rhodesia	rand	195	225.00					195	225.00
South Africa	rand	325	375.00					325	375.00
Angola	pound	75.09	150.00					75.09	150.00
London	pound	42.55	85.00					42.55	85.00
Johannes A. Binnendijk:									
United Kingdom	pound	83.79	168.00					83.79	168.00
Belgium	franc	5,689	190.00					5,689	190.00
France	franc	1,411	332.00					1,411	332.00
Germany	mark	441	237.00					441	237.00
Sweden	kroner	708	187.00					708	187.00
U.S.S.R.	U.S. dollar		300.00		15.66				315.66
United States	dollar				1,031.00				1,031.00
Stephen D. Bryen:									
Israel	pound	12,367.57	657.15	835.98	44.42	720.05	38.26	13,923.60	739.83
Egypt	pound	271.72	388.17	21.90	31.28	13.13	18.76	306.75	438.21
United States	dollar				974.00				974.00
Norman C. Clyne:									
Great Britain	pound	83.79	150.00					83.79	150.00
Belgium	franc	5,689	190.00					5,689	190.00
France	franc	1,411	332.00					1,411	332.00
U.S.S.R.	U.S. dollar		300.00		15.66				315.66
Germany	mark	440.82	237.00					440.82	237.00
Israel	pound	2,748.00	150.00					2,748.00	150.00
Italy	lira	121,500.00	150.00					121,500.00	150.00
United States	dollar				1,741.90				1,741.90

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON FOREIGN RELATIONS, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Robert H. Dockery:									
Balboa	U.S. dollar	75.00	75.00			21.00	21.00	96.00	96.00
U.S.S.R	U.S. dollar		416.28		241.10		12.50		669.88
United States	dollar				1,031.00				1,031.00
Patricia J. Donovan:									
United States	dollar				1,495.00				1,495.00
Great Britain	pound	158.73	300.00					158.73	300.00
Austria	schilling	2,233.50	150.00					2,233.50	150.00
Romania	lei	652.00	54.00					652	54.00
Czechoslovakia	crown	1,116.00	101.00					1,116.00	101.00
Michael Glennon:									
Belgium	franc	6,538.00	200.00	490.00	15.00	327.00	10.00	7,312	225.00
Spain	peseta	14,000.00	175.00	800.00	10.00	800.00	10.00	15,600.00	195.00
Clifford P. Hackett:									
Italy	lira	256,800	300.00					256,800	300.00
Switzerland	franc	282	150.00			131.75	70.05	313.75	220.05
Brazil	cruziero	10,258.50	525.00					10,258.50	525.00
United States	dollar				1,124.00				1,124.0
Mexico	peso	6,175	273.23					6,175	273.20
United States	dollar				347.00				347.003
John D. Holum:									
United States	dollar				1,495.00				1,495.00
Great Britain	pound	158.73	300.00					158.73	300.00
Austria	schilling	2,233.50	150.00					2,233.50	150.00
Romania	lei	652	54.00					652	54.00
Czechoslovakia	crown	1,096	99.00					1,096	99.00
Norvill Jones:									
Panama	Am. dollar		69.84						69.84
Papua, New Guinea	kina	88	124.08			15	21.15	103	145.23
Solomon Islands	Am. dollar		73.80						73.80
Fiji	F. dollar	40	46.80					40	46.80
	Am. dollar	22.75	28.00					22.75	28.00
George M. Kroloff:									
Panama	Am. dollar		94.14				18.00		112.14
Egypt	pound	213.65	305.21	16	22.86	35	50.00	264.65	378.07
United States	dollar				1,251.00				1,251.00
Great Britain	pound	71.73	134.85	23.59	44.35	19.65	36.94	114.97	216.14
United States	dollar				812.00				821.00
Albert A. Lakeland, Jr.:									
Panama	dollar		110.00						110.00
United States	dollar				2,715.72				2,715.72
Turkey	lira	5,625	225.00						225.00
Israel	pound	2,464.50	150.00						150.00
Greece	drachma	5,535	50.00						50.00
Karin Lissakers:									
England	pound	113.91	225.00					113.91	225.00
Portugal	escudo	30,599.30	675.00					30,599.30	675.00
United States	dollar				1,007.42				1,007.42
Richard L. McCall:									
Syria	pound	877.50	225.00					877.50	225.00
Jordan	dinar	15.600	49.92					15.600	49.92
Israel	pound	2,746.25	166.50					2,746.25	166.50
Israel	pound			1,427	85.50			1,427	85.50
United States	dollar				1,214.00				1,214.00
Israel	pound	16,938	900.00					16,938	900.00
Egypt	pound	315	450.00					315	450.00
United States	dollar				1,001.00				1,001.00
Mary M. McLaughlin: Panama	Am. dollar		79.14		4.00		121.72		204.86
Angela Morris: Panama	Am. dollar		72.06				5.80		77.86
Ralph Nurnberger:									
England	pound	93.63	185.40					93.63	185.40
Portugal	escudo	30,599.30	675.00					30,599.30	675.00
United States	dollar				1,007.42				1,007.42
England	pound	77.33	150.00	134.50	260.91				410.91
Spain	peseta	244.24	435.00						435.00
John Ritch:									
Belgium	franc	6,538	200.00	490	15.00	327	10.00	7,312	225.00
Spain	peseta	21,600	270.00	1,200	15.00	1,200	15.00	24,000	300.00
Stanley R. Sloan:									
United States	dollar				889.00				889.00
United Kingdom	pound	118.68	233.81	33.60	66.19			152.28	300.00
Belgium	franc	7,410	235.99	3,333	106.15	900	28.66	11,643	370.80
Germany	mark	486	241.73	52	25.90	65	32.37	603	300.00
France	franc	1,587.5	332.11	426.20	89.16	25	5.23	2,038.70	426.50
Austria	chilling	5,067.2	337.08	320	21.29	250	16.63	5,637.20	375.00
Italy	lira	241,100	281.33	12,000	14.00	4,000	4.67	257,100	300.00
L. Bruce van Voorst:									
United Kingdom	pound	83.79	150.00					83.79	150.00
Belgium	franc	5,689	190.00					5,689	190.00
France	franc	1,411	332.00					1,411	332.00
W. Germany	mark	836.82	462.00					836.82	462.00
Israel	pound	2,748	150.00					2,748	150.00
Italy	lira	121.500	150.00					121,500	150.00
Italy	lira	59,850	75.00					59,850	75.00
U.S.S.R	U.S. dollar		300.00		15.66				315.66
United Kingdom	pound	41.34	75.00					41.34	75.00
Octa R. Watson: Panama	Am. dollar		104.14		10.00		15.86		130.00
Roy A. Werner:									
Thailand	baht	6,030	300.00		271.90	52.40	2.60		574.50
Burma	kyat		38.00		2.25				40.25
Papua, New Guinea	kina	76.41	107.85					76.41	107.85
Solomon Islands	Am. dollar		51.25						51.25
Fiji	F. dollar	67.90	82.15					67.90	82.15
Indonesia	rupiah	126,520	305.00	46,275	111.64	4,145.00	10.25	176,940	426.89
United Kingdom	pound	90.34	180.00	188.50	360.92				540.92
United States	dollar				2,124.90				2,124.90

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON FOREIGN RELATIONS, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Janice O'Connell:									
France	franc	1,161.45	267.00					1,161.45	267.00
Switzerland	franc	1,687.30	981.00					1,687.30	981.00
United States	dollar				889.00				889.00
Steven Emerson:									
Egypt	pound	315	450.00					315	450.00
Israel	pound	16,938	900.00					16,938	900.00
United States	dollar				1,257.00				1,257.00
Alison Rosenberg:									
Sudan	pound	183.921	368.58			10.479	21.00	194.400	389.58
United States	dollar				1,435.00				1,435.00
Jeffrey M. Smith:									
Spain	peseta	21,509	300.00					21,509	300.00
Sudan	pound	214.57	430.00					214.57	430.00
Ethiopia	birr	154.09	75.00					154.09	75.00
Tanzania	shilling	551.25	75.00					551.25	75.00
Mozambique	escudo	2,450	75.38					2,450	75.38
Rhodesia	rand	195	225.00					195	225.00
South Africa	rand	325	375.00					325	375.00
Angola	pound	75.09	150.00					75.09	150.00
London	pound	42.55	85.00					42.55	85.00
United States					2,798.00				2,798.00
Barry Schochet:									
Israel	pound	16,938	900.00					16,938	900.00
Egypt	pound	315	450.00					315	450.00
United States	dollar				1,141.00				1,141.00
Total			35,588.25		53,092.62		747.53		89,428.40

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Total foreign currency (U.S. dollar equivalent)	$89,428.40

JOHN SPARKMAN,
Chairman, Committee on Foreign Relations.

Jan. 2, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON HUMAN RESOURCES, FROM JAN. 4, TO DEC. 7, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Senator S. I. Hayakawa: Japan	yen	89,572	375.00		1,627.00			89,572	2,002.00
Eugene R. Prat: Japan	yen	89,572	375.00		1,627.00			89,572	2,002.00
Robert P. Hunter: Mexico	pesos	6,780	300.00	(2)	(2)			6,780	300.00
Senator Edward M. Kennedy: U.S.S.R	rubles		525.00		1,156.00				1,681.00
Lawrence C. Horowitz: U.S.S.R	rubles		525.00		1,156.00				1,681.00
Jan Kalicki: U.S.S.R	rubles		525.00		1,156.00				1,681.00
Richard Burke: U.S.S.R	rubles		525.00		1,505.00				2,030.00
Stephen J. Paradise: Switzerland	S. franc	989.55	570.00		1,587.00			989.55	2,157.00
Michael L. Goldberg: Switzerland	S. franc	824.65	475.00		1,587.00			824.65	2,062.00
Total			4,195.00		11,401.00				15,596.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [2] Air Force II.

Jan. 25, 1979.

HARRISON A. WILLIAMS, Jr.,
Chairman, Committee on Human Resources.

REPORT UNDER PELLY AMENDMENT TO FISHERMEN'S PROTECTIVE ACT OF 1967—MESSAGE FROM THE PRESIDENT—PM 25

Under authority of the order of the Senate of Friday, February 9, 1979, the Secretary of the Senate on February 13, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On December 14, 1978, Secretary of Commerce Kreps certified to me, pursuant to the Pelly Amendment to the Fishermen's Protective Act of 1967, that nationals of Peru, Chile and the Republic of Korea were conducting whaling operations in a manner that diminishes the effectiveness of the International Whaling Commission conservation programs.

Under the Pelly Amendment, such a certification must be followed by a report to the Congress. I am pleased to transmit the attached report which indicates that all three of these nations are becoming members of the International Whaling Commission and will therefore voluntarily become subject to its conservation programs. Thus, I am not at this time imposing sanctions against these nations.

JIMMY CARTER.

THE WHITE HOUSE, *February 13, 1979.*

PROPOSED CREATION OF CABINET-LEVEL DEPARTMENT OF EDUCATION—MESSAGE FROM THE PRESIDENT—PM 26

Under authority of the order of the Senate of Friday, February 9, 1979, the Secretary of the Senate on February 13, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am sending to the Congress today my proposal to establish a Department of Education.

There is a compelling need for the increased national attention to a separate Cabinet department will bring to education issues. Our Nation's pluralistic education system, considered the most competent and open in the world, faces many problems and challenges: a decline in public confidence in the quality of education; unacceptably high rates of high school dropouts and of young people who lack basic educational tools and specific skills for productive employment; and increasing demands for retraining and learning opportunities.

The primary responsibility for education in our Nation lies with State and local government. The Federal government has a limited, but critical responsibility to help public and private institutions meet these challenges: to ensure equal educational opportunities; to increase access to postsecondary education by low and middle income students; to generate research and provide information to help our educational systems meet special needs; prepare students for employment; and encourage improvements in the quality of our education. The achievement of each of these goals will be enhanced by a new Department of Education.

Through our legislative and budget initiatives of the past two years, this Administration has given high priority to meeting these educational commitments. My budget for FY 1980 provides for $13.3 billion in education outlays, about a 45 percent increase above the level when I came into office. Last year, we established a legislative framework, the Middle Income Student Assistance program, to help solve one of our major education problems—the growing cost of a college education. The establishment of a Cabinet Department of Education will reflect the continued high priority my Administration places on education.

A Department of Education will bring our Nation's educational challenges and the Federal government's role in meeting them to the forefront of domestic policy discussion. Such discussion is vital to an activity that directly affects 60 million students, teachers and educational employees and constitutes a $120 billion public and private enterprise.

Establishing a separate Department will create, for the first time, a Cabinet-level advocate for education with direct access to the President, the Congress, and the public.

Second, it will give Federal education programs the full-time, high-level leadership and management that they cannot receive in a structure so large and complex as the Department of Health, Education, and Welfare. This will allow the Federal government to fulfill its responsibilities in education more effectively. It will eliminate duplication in the administrative and staff support activities within the Office of the HEW Secretary and the Education Division. It will allow improved financial management and more efficient administration of education programs. Separation of the education functions from HEW will also promote improved management of its closely-related health and welfare responsibilities.

Third, it will provide greater accountability. Submerged beneath HEW's dominant functions of health and welfare, Federal education programs lack full-time accountability at the Cabinet level. With a separate Department of Education, one Cabinet member will report directly to the President and be accountable to the Congress and the American people for the conduct of Federal education policies.

Fourth, it will provide simpler, more reliable, and more responsive support to states, localities, public and private institutions, giving them a direct line of Cabinet-level contact with the Federal government.

Fifth, the new Department will allow better coordination of education programs with related Federal activities, such as employment programs and research. It will also allow high-level consideration of the impact of other Federal policies, such as tax and energy, on education institutions and students.

Under the proposal I am submitting today, the Department of Education will include more than 150 programs and 16,200 employees. With a budget of more than $13 billion, this Department will be larger than five other Departments including Energy, Commerce, Justice, Interior and State.

In addition to the 140 programs in the Education Division of the Department of Health, Education, and Welfare, the new Department of Education will handle educational activities now carried out by several other departments. These include: the U.S. Department of Agriculture School, certain science education programs of the National Science Foundation, the overseas dependents' schools of the Department of Defense, the college housing loan program of the Department of Housing and Urban Development, the Law Enforcement Education and the Law Enforcement Internship Program of the Department of Justice, and the Migrant Education programs of the Department of Labor.

The proposed legislation establishes within the Department of Education separate Offices for Civil Rights, Elementary and Secondary Education, Postsecondary Education and Educational Research and Improvement, each headed by an Assistant Secretary. It establishes an office to administer functions related to the education of overseas dependents of Department of Defense personnel, an Inspector General, and a 20-member Intergovernmental Advisory Council on Education, appointed by the President, to promote better relations with the various levels of government and private institutions.

I urge the Senate and the House of Representatives to act promptly on this important proposal.

JIMMY CARTER.

THE WHITE HOUSE, *February 13, 1979.*

SIXTH SPECIAL MESSAGE FOR FISCAL YEAR 1979 UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT—PM 27

Under authority of the order of the Senate of Friday, February 9, 1979, the Secretary of the Senate on February 14, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Foreign Relations, jointly, pursuant to the order of January 30, 1975:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report revisions to three previously transmitted deferrals increasing the amount deferred by $33.8 million. These revisions to existing deferrals involve programs in the Departments of Transportation and the Treasury and the International Communication Agency.

The details of the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *February 14, 1979.*

QUORUM CALL

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The acting President pro tempore. The clerk will call the roll.

The acting legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARTHUR M. KUHL

Mr. BAUCUS. Mr. President, on this fateful day, before we move to recess, I would like to personally note that one of the Senate's most faithful servants, Mr. Arthur M. Kuhl, the Assistant Secretary of the Senate, a citizen of the State of Montana, died on his quest to come to work this morning. Two hours ago, as Mr. Kuhl left his residence to come to work yet another day in the U.S. Senate, he passed away on his way to work.

I have known Art Kuhl for some time, not only as a citizen from the State of Montana, but also as a friend and an employee of the U.S. Senate.

I personally extend my deepest sympathies to his family and to his friends in this hour of bereavement, not only to his relatives and friends, but to all those who knew of his service to this body.

RECESS UNTIL WEDNESDAY, FEBRUARY, 21, 1979

Mr. BAUCUS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12 noon on Wednesday.

The motion was agreed to; and at 1:24 p.m., the Senate recessed until Wednesday, February 21, 1979, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate on February 13, 1979, under authority of the order of the Senate of February 9, 1979:

Law Enforcement Assistance Administration

Henry S. Dogin, of New York, to be Administrator of Law Enforcement Assistance, vice Richard W. Velde, resigned.

The Judiciary

George E. Cire, of Texas, to be U.S. district judge for the southern district of Texas, vice a new position created by Public Law 95–486, approved October 20, 1978.

National Museum Services Board

The following-named persons to be Members of the National Museum Services Board for terms expiring December 6, 1983:

Douglas Dillon, of New York (reappointment).

Neil Harris, of Illinois (reappointment).

In the Navy

The following-named officer having been designated for commands and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Lee Baggett, Jr., U.S. Navy.

The following-named captain in the Nurse Corps of the Navy for appointment as the Director of the Navy Nurse Corps for a term of 4 years pursuant to title 10, United States Code, section 5140(a), and for temporary promotion to the grade of rear admiral pursuant to section 5767(c).

To be rear admiral

Capt. Frances Teresa Shea, Nurse Corps, U.S. Navy.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

To be rear admiral

William A. Williams III
John L. Butts
William E. Ramsey
Paul T. Gillcrist
John D. Beecher
Lawrence Layman
Paul J. Mulloy
Charles B. Hunter
Albert A. Gallotta, Jr.
Austin B. Scott, Jr.
Lee E. Levenson
Paul W. Dillingham, Jr.
David L. Harlow
Jerry O. Tuttle
James R. Hogg
James W. Austin
Robert R. Fountain, Jr.
Charles R. Larson
James S. Elfelt
James K. Nunneley
David G. Ramsey
Raymond N. Winkel
Glen W. Lenox
Charles F. Horne III
Richard C. Avrit
Kleber S. Masterson, Jr.
William A. Cockell, Jr.
Henry C. Mustin
Stephen J. Hostettler
George A. Aitcheson, Jr.
Byron B. Newell, Jr.
Ralph G. Bird
Richard C. Berry
Thomas F. Brown III
Edward A. Wilkinson, Jr.

Executive nominations received by the Senate on February 14, 1979, under authority of the order of the Senate of February 9, 1979:

Department of Defense

Robert Burns Birie, Jr., of Maryland, to be an Assistant Secretary of Defense vice John Patrick White, resigned.

Communications Satellite Corporation

Jesse Hill, Jr., of Georgia, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1982 (reappointment).

EXTENSIONS OF REMARKS

LEGALLY BLIND STUDENT AIDS VISION TESTS OF RETARDED

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 19, 1979

● Ms. FERRARO. Mr. Speaker, I rise in praise of the accomplishments of an outstanding young woman who is a resident of New York's Ninth Congressional District. Laurie Koehler, a senior at Grover Cleveland High School in Ridgewood, N.Y., was recently awarded honors in the Westinghouse science talent search. Ms. Koehler, although legally blind, did research in the area of vision perception among the retarded. In this day of increased apathy among our young people, it is heartwarming to find a young woman who is involved and is trying to assist those less fortunate then she. Furthermore, I believe it is most admirable that Ms. Koehler has used the insight she has gained through her own disability to its best advantage to shed new light on the difficulties of those more disadvantaged than she.

I am inserting in the Record an article which appeared in the January 25, 1979, issue of the New York Times which outlines Ms. Koehler's achievement. I commend my colleagues to take a few moments to read about Ms. Koehler's outstanding accomplishments.

The article follows:

Legally Blind Student Aids Vision Tests of Retarded

(By Joseph B. Treaster)

A legally blind Queens high school student has won honors in the annual Westinghouse Science Talent Search for a research project on vision tests administered to the mentally retarded.

Laurie Koehler, a senior at Grover Cleveland High School, in Ridgewood, was one of 300 students recognized in the nation's largest high school science scholarship program.

The honored students will be recommended to universities and colleges by Westinghouse, and next week 40 of them will be selected as finalists to compete in Washington for $89,500 in scholarships.

As has often been the case in the past, New York State led the country in the number of students honored. There were 80 from New York, with the majority of them from New York City. Florida was second for the third consecutive year, with 20 students.

Miss Koehler, who is 17 years old, has been legally blind since birth. The term "legally blind" is applied to those who can see only the largest letter on a standard eye chart at a distance of 20 feet. Miss Koehler, like many who are legally blind, can read ordinary printing with the aid of contact lenses. She travels on her own and enjoys photography. Both her parents, Charles and Dorothy Koehler of 1891 Stockholm Street in Ridgewood, are legally blind. She has a 19-year-old sister with normal vision.

Miss Koehler said she began her project last spring with the recognition that many vision tests do not make accurate assessments of the vision of the handicapped. Among the problems, she said, is that some of the handicapped do not know the alphabet, which is used in the most popular eye test. Some also have short attention spans, she said.

Working with about 30 normal youngsters and 30 who are retarded, she began tests with flashcards with individual symbols: a house, an apple and an umbrella. And she found she was getting markedly greater precision in her tests than with a wall chart using similar symbols.

The flashcards were devised by the Lighthouse for the Blind, she said. But the cards had not been significantly tested with the retarded in the past.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 20, 1979, may be found in the Daily Digest of today's Record.

Meetings Scheduled

FEBRUARY 21

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 354, proposed supplemental authorization for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

5110 Dirksen Building

Human Resources

Child and Human Development Subcommittee

To resume hearings on S. 4, proposed Child Care Act.

4232 Dirksen Building

9:30 a.m.

Foreign Relations

To receive testimony from Deputy Secretary of State Christopher on proposed FY 1980 authorizations for foreign assistance programs.

4221 Dirksen Building

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Navajo-Hopi Relocation Commission and the Institute of Museum Services.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Labor.
S–128, Capitol

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Thomas P. Salmon, of Vermont, to be a Member of the Board of Directors of the U.S. Railway Association, and S. Lee Kling, of Missouri, to be a Member of the Board of Directors of the National Railroad Passenger Corporation.
235 Russell Building

Finance
International Trade Subcommittee
To hold hearings on issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, and to consider other committee business.
301 Russell Building

Joint Economic
To resume hearings to explore the problems of unemployment and training programs among blacks, Mexican Americans, and other groups.
6226 Dirksen Building

10:30 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for FY 80 for the Consumer Product Safety Commission.
1318 Dirksen Building

2:00 a.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Labor.
S–128, Capitol

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for FY 80 for the Attending Physician of Congress, Copyright Royalty Tribunal, and the Library of Congress.
1114 Dirksen Building

FEBRUARY 22

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
5110 Dirksen Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed authorizations for the National Institute on Alcohol Abuse and Alcoholism.
1224 Dirksen Building

Veterans' Affairs
To hold hearings on S. 330, to provide for a judicial review of decisions made by the Veterans' Administration in matters involving claims for veterans.

9:30 a.m.

Energy and Natural Resources
To hold hearings on the nomination of Larry E. Meierotto, of the District of Columbia, to be an Assistant Secretary of the Interior.
3110 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for FY 80 for the Consumer Product Safety Commission and the Office of Consumer Affairs.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Office of Indian Education.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Labor.
S–128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed fiscal year 1980 authorizations for the U.S. Railway Association and the Office of Rail Public Counsel.
235 Russell Building

Finance
International Trade Subcommittee
To continue hearings on issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings to examine the impact of recent oil discoveries in Mexico and on the oil production situation in Iran.
3302 Dirksen Building

Rules and Administration
To continue hearings to receive testimony on behalf of resolutions requesting funds for activities of Senate committees and subcommittees, and to consider other committee business.
301 Russell Building

Joint Economic
To resume hearings on the President's economic report.
6226 Dirksen Building

2:00 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for FY 80 for the Export-Import Bank and the General Accounting Office.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Labor.
S–128, Capitol

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for FY 80 for the Joint Economic Committee, Joint Committee on Printing, Office of the Senate Sergeant at Arms, Cost Accounting Standards Board, and the General Accounting Office.
S–146, Capitol

FEBRUARY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To resume hearings on the nutritional information contained on food labels.
322 Russell Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.
4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To resume oversight hearings on present U.S. monetary policies.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Jesse Hill, Jr., of Georgia, and Joan Fleischmann Tobin, of the District of Columbia, each to be a Member of the Board of Directors of the Communications Satellite Corporation, and Anne P. Jones, of Massachusetts, to be a Member of the Federal Communications Commission.
235 Russell Building

Joint Economic
To receive testimony from Advisor to the President on Inflation Kahn on the state of the U.S. economy.
1202 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hear Secretary Marshall on proposed budget estimates for fiscal year 1980 for the Department of Labor.
S–128, Capitol

FEBRUARY 26

9:00 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Gordon Vickery, of Washington, to be Administrator of the U.S. Fire Administration, to be followed by hearings on proposed legislation authorizing funds for programs administered by the Federal Fire Prevention and Control Act (P.L. 93–498).
5110 Dirksen Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To continue hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.
4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings on S. 85, proposed Monetary Policy Improvement Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the objectives that a national policy on tourism should seek to achieve.
235 Russell Building

2:00 p.m.

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Japan-U.S. Friendship Commission, and on supplemental appropriations for FY 79 for the International Communications Agency and Renegotiation Board.

S–146, Capitol

2:30 p.m.

Appropriations

Labor-HEW Subcommittee

To hear Secretary Califano on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S–128, Capitol

FEBRUARY 27

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings to access Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.

235 Russell Building

Human Resources

Child and Human Development Subcommittee

To mark up S. 239, authorizing funds through fiscal year 1981 for ACTION programs, and S. 232, authorizing funds through fiscal year 1981 for information and counseling projects to aid families who experienced sudden infant death syndrome deaths.

4232 Dirksen Building

Judiciary

To hold hearings on the nominations of Phyllis A. Kravitch, of Georgia, to be U.S. Circuit Judge for the Fifth Circuit; John G. Penn, of Maryland, to be U.S. District Judge for the District of Columbia; Abraham D. Sofaer, of New York, to be U.S. District Judge for the Southern District of New York; and Robert E. Keeton, John J. McNaught, David N. Sutherland, and Rya W. Zobel, all of Massachusetts, each to be a U.S. District Judge.

2228 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear its Secretary.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Services Administration, Department of HEW.

S–128, Capitol

Banking, Housing, and Urban Affairs

To mark up S. 108, proposing simplification of the truth-in-lending laws, and on proposed legislation to extend for two years, through 1981, the Council on Wage-Price Stability.

5302 Dirksen Building

Finance

To hold hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

Rules and Administration

To resume hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, and to consider other committee business.

301 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Center for Disease Control, Department of HEW.

S–128, Capitol

FEBRUARY 28

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

9:30 a.m.

Judiciary

Constitution Subcommittee

To resume hearings on S. 10, authorizing the Department of Justice to initiate suit to enforce constitutional rights to institutionalized persons.

2228 Dirksen Building

10:00 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 budget.

6202 Dirksen Building

Commerce, Science, and Transportation

To resume hearings on the objectives that a national policy on tourism should seek to achieve.

457 Russell Building

Energy and Natural Resources

Energy Regulations Subcommittee

To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

10:30 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S–128, Capitol

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S–128, Capitol

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979 both for the Department of State.

S–146, Capitol

MARCH 1

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume oversight hearings to assess Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.

235 Russell Building

Veterans' Affairs

To resume markup of S.7, to revise and improve certain health care programs of the Veterans' Administration.

412 Russell Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Office of Water Research and Technology.

1223 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S–128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S–128, Capitol

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for fiscal year 1979 both for the Department of State.

S–146, Capitol

MARCH 2

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on proposed legislation to renew programs administered by the Alcohol, Drug Abuse, and Mental Health Administration, HEW.

4232 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

To resume hearings on the objectives that a national policy on tourism should seek to achieve.

5110 Dirksen Building

MARCH 5

Appropriations

Interior Committee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.

1318 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.
*Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.
234 Russell Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Judiciary.
S-146 Capitol

MARCH 6

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislatvie recommendations for fiscal year 1980 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Resources Administration, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Justice.
S-146, Capitol

MARCH 7

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To hold oversight hearings on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to cordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 8

9:30 a.m.
Veterans' Affairs
To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol

2:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 12

10:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

MARCH 13

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.
1224 Dirksen Building

Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

2:30 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

MARCH 16

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the Northeast corridor improvement project.
235 Russell Building

MARCH 19

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To resume hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.

MARCH 20

9:30 a.m.
Human Resources
Child and Human Development Subcommittee.
To mark up S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department of HEW.
S-128, Capitol

Energy and Natural Resources
Energy Regulation Subcommittee
To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee.
To continue hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.
S-146, Capitol

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board for International Broadcasting.
S-146, Capitol

MARCH 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.
1224 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.
S-146, Capitol

MARCH 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

MARCH 27

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the earth's resources and environment.
235 Russell Building

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for FY 1980 from AMVETS, paralyzed Veterans of America, Veterans of World War I, and blinded veterans.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

MARCH 30

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the earth's resources and environment.
235 Russell Building

APRIL 3

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.

1224 Dirksen Building

APRIL 4

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.

1224 Dirksen Building

APRIL 5

9:30 a.m.

Veterans Affairs

To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.

5110 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.

1224 Dirksen Building

APRIL 10

9:30 a.m.

Veterans' Affairs

To hold oversight hearings on the role of the Federal Government in providing educational, employment, and counseling benefits to incarcerated veterans.

6226 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.

1223 Dirksen Building

APRIL 12

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.

1223 Dirksen Building

APRIL 24

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.

1223 Dirksen Building

APRIL 25

9:30 a.m.

Veterans' Affairs

To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.

412 Russell Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear Congressional Witnesses.

1223 Dirksen Building

APRIL 26

10:00 a.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimats for FY 1980 for the Office of Surface Mining Reclamation and Enforcement.

1223 Dirksen Building

MAY 1

9:30 a.m.

Human Resources

Child and Human Development Subcommittee

To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93-113).

4232 Dirksen Building

SENATE—*Wednesday, February 21, 1979*

(Legislative day of Monday, January 15, 1979)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Honorable PAUL E. TSONGAS, a Senator from the State of Massachusetts.

PRAYER

The Honorable JOHN C. DANFORTH, a Senator from the State of Missouri, offered the following prayer:

Let us pray:

Hour after hour we sat in crowded airports, waiting for planes to leave for Washington. On arrival, we dug the drifted snow away, straining shoulders and backs as we struggled to free our captive cars. Spinning, rocking forward and back, we finally gained momentum, and set ourselves on course for our destination. Warned by radio traffic advisories, alert for patches of ice, we proceeded carefully to the Capitol. At long last, we are here. We have made it. Grant us gracious God, the same patience, the same effort, the same endurance in Your service, that each day may be dedicated to the doing of Your will. Grant that we may proceed, step by step, hour by hour, meeting the challenges You have given us, so that, at the end, the purpose You have set out for us may be accomplished to Your glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., February 21, 1979.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL E. TSONGAS, a Senator from the State of Massachusetts, to perform the duties of the Chair.
>
> WARREN G. MAGNUSON,
> *President pro tempore.*

Mr. TSONGAS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators?

The ACTING PRESIDENT pro tempore. No, there are none.

Mr. ROBERT C. BYRD. Mr. President, is there an order for routine morning business?

The ACTING PRESIDENT pro tempore. There is no such order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, not to extend beyond 20 minutes, with statements therein limited to 2 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, for not to exceed 1 minute, to consider the first two nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

FEDERAL ELECTION COMMISSION

The second assistant legislative clerk read the nomination of John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President,

I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The second assistant legislative clerk read the nomination of Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission.

Mr. BAKER. Mr. President, it is my distinct pleasure to rise in support of the nomination and to support the confirmation of the appointment of Max L. Friedersdorf.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am delighted with the confirmation today of Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission. He will bring to that important position a unique blend of commonsense, talent, and experience. It should be noted that Max Friedersdorf has already performed distinguished public service for our country as the Assistant to the President for Legislative Affairs and recently as the staff director of the Republican policy committee in the U.S. Senate. It has been a genuine personal pleasure to work closely with Max in both of those capacities. I am certain that his professional presence as staff director of the Senate Republican policy committee will be sorely missed by all of us on my side of the aisle. Nonetheless, I know that my colleagues join me in saluting his confirmation to the Federal Election Commission and in extending to Max our heartiest congratulations and sincere best wishes.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE GENOCIDE CONVENTION: HISTORY AND NECESSITY

Mr. PROXMIRE. Mr. President, for 13 years I have spoken in this Chamber thousands of times on the Genocide Convention and, in fact, almost every day we have been in session, on how it relates to current issues and on specific arguments pro and con. In dealing with the many and complex facets of the Genocide Convention, we must not lose sight of its original purpose and the history of its tribulations.

The Genocide Convention was proposed at the first session of the United Nations on November 2, 1946—1946—a world reeling in the aftermath of the holocaust, a world shocked by the horrifying crime which defined the word "genocide," a world determined never to let this happen again. But, Mr. President, this determination has dangerously been allowed to fade.

The United States was party to the unanimous U.N. adoption of the Genocide Convention in 1948. Soon afterward, President Truman, realizing the significance of the treaty, transmitted the Genocide Convention to the Senate. Mr. President, every President since that time has, as well, strongly endorsed the Convention.

The Foreign Relations Committee and Subcommittee have since 1950 consistently recommended the Convention favorably to the Senate.

The American Bar Association, which for many years had hesitations about the Convention, now unequivocally supports it.

Mr. President, every argument against the Genocide Convention has long since been resolved.

The Genocide Convention was the first human rights resolution of the United Nations and it is still the most important. Ratification by the U.S. Senate is essential for the treaty to have the worldwide consequence it should have. There is only one way for us to demonstrate our convictions: We must act now to ratify the Genocide Convention.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time for morning business remains?

The ACTING PRESIDENT pro tempore. Four and a half minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that there be 10 minutes in totality for routine morning business and that statements be limited therein to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, may I first thank the majority leader for his courtesy in arranging 5 minutes within which I might speak on two subjects which strike me as having some relevance.

BEHIND THE LINES

Mr. MOYNIHAN. Mr. President, I call attention to an editorial comment in the current issue of Texas Monthly called "Behind the Lines," which seems to me to be most apt with respect to the relationships between the Snow belt and Sun belt. It is a very candid comment about a Texan's view of New York and its problems.

Mr. President, in a spirit of comity and of acknowledging the validity of a good many of the things that are said, I ask unanimous consent to print in the Record the editorial by William Broyles in the February 1979 issue of the Texas Monthly.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Behind the Lines

Not too long ago American Airlines announced it was moving its corporate headquarters from New York City to Texas. New Yorkers reacted as if the airline were trying to spirit away the Statue of Liberty. "A betrayal," Mayor Koch called it. Taxi drivers, policemen, firemen, civil servants, and a number of companies announced a boycott of American. TWA ran large ads swearing its fealty to New York. Pan Am, which supposedly had been considering moving to Houston, announced that it was in New York for good. *New York* magazine published an indignant article that all but called on New Yorkers to switch to other airlines. At the top of one page in large type was this quote: " 'Why should I subsidize Dallas when I pay taxes in New York?' says one frequent passenger. 'Texas doesn't need my help.' "

Why are New Yorkers so upset? After all, we didn't complain when Texaco (the Texas Company, remember?) abandoned us for New York, when Standard Oil (which started in Cleveland) bought Humble and moved it to New York, or when American Airlines left Texas in the first place, back in the thirties. So completely has New York dominated corporate wealth and power in America that we Texans believed, as New Yorkers did, that its preeminence was ordained. That preeminence, however, was ordained less by the Almighty than by sound economics. Before telephones, computer terminals, and jet airplanes, our national economy needed a financial and corporate center. Today major companies are finding they can do quite well in the New York suburbs or even in Dallas, Texas. The other foundations of New York—its role as a manufacturing, financial, media, and cultural center—are also weakening; both money and vigor are flowing into the rest of America. In spite of what New Yorkers seem to think, there is nothing any more immoral in leaving New York than in going there in the first place. For decades the rest of the country couldn't compete with New York. Now we can.

Many of New York's problems are shared by other cities of the Northeast and Midwest. Their economies are sluggish, their tax bases are shrinking. Understandably, they don't believe that the dispersion of American industry and population is as good for the country as was its original concentration in their regions. They believe instead that their plight is the fault of the rest of the country, particularly that group of states, including Texas, they have come to call the "Sunbelt." In Congress their representatives have formed the "Snowbelt" coalition. They don't want the federal treasury to "subsidize" Sunbelt states; instead they want to pour massive doses of tax money into the Northeast and Midwest.

Reduced to its essence, the Snowbelt's basic principle is that poverty, unemployment, and substandard housing are national problems if they occur in Snowbelt cities, but local problems if they occur in states like Texas. So successful have they been in writing federal spending formulas that Texas received less antirecession assistance than did Rhode Island and Connecticut combined, although we had more than twice as many unemployed. A rich city like Newton, Massachusetts, thanks to formulas designed to benefit older cities, will receive three times as much new federal money to upgrade housing (even though its vintage houses are inhabited by wealthy people) as a city like Brownsville, whose predominantly poverty-stricken residents have the misfortune of living in overcrowded, substandard, but newer buildings.

Let's remember that what prosperity we have in Texas is both newfound and overdue. Texas (population 12,500,000) has more poor people than the state of New York (population 18,250,000). Along our border with Mexico are the poorest countries in the nation, where almost half the families earn below the poverty line and live in substandard, overcrowded housing. Glittering Houston has more substandard housing than blighted Detroit. Hidden within Houston's city limits is a central pocket of poverty and urban decay that contains more people than Newark, New Jersey, the quintessential decaying Northeastern city. The Fifth Ward, part of this pocket of poverty, is the setting for "Only the Strong Survive," by Richard West, which begins on page 94. The formulas for targeting federal aid drawn up by the Snowbelt Congressmen are specifically designed to ignore Fifth Ward, which is not a city, and to benefit Newark, which is. The victims of the Snowbelt offensive are not wealthy Texas oilmen. The victims are the poor of Fifth Ward, of South Dallas, of West Side San Antonio, of Laredo, Fort Worth, and El Paso. They don't need their fair share of our fellow Americans' hard-earned tax dollars because they are Texans, but because they are just as poor and unemployed as their counterparts in New York, Detroit, and Philadelphia.

In a recent column in *Newsweek*, George Will wrote that "New York's coming [financial] crisis will test something newly relevant to America, the ability of representative institutions to manage decline." Will's sentiments are correct, but his history is wrong. The representative institutions of small towns and rural counties have been managing decline for three generations. More than one hundred of Texas' 254 counties lost population between 1910 and 1970, some losing more than half. New York, like most cities, profited from the economic conditions that killed the small town. But, in one of history's more poignant ironies, the abandoned hulks of housing projects in the South Bronx have become the urban equivalents of the boarded-up Main Streets in small towns throughout America.

In the cold terms of the marketplace, the best way for the rest of us to help New York and its sister cities would be to do nothing. People follow jobs and opportunities, unless they have incentives to stay where there are none. The welfare state New York created in its flush times is like an artificial life support system forestalling the inevitable. True compassion would be to subsidize New Yorkers to leave New York, since they would be better off working in North Carolina and Texas than on welfare in the Bronx, just as Texans from Cranfills Gap are better off working in Dallas or Houston than unemployed on the farm. The real barrier to any sensible approach to New York's problems is the instinctive, but mistaken, belief that the movement of people from rural America to cities like New York was progress, but the movement of people out of cities like New York is disaster.

The typical response of government, after having helped create such fundamental historical movements, is to try to forestall them—hence the spending formulas favoring the Northeast and the Alice in Wonderland attitudes of the city government of New York. But we can no more forestall the decline of the Northeast than Winston Churchill could prevent the decline of the British Empire. The sooner the Northeast recognizes its competitive disadvantages with the rest of the country, the sooner it will reach some equilibrium of jobs and population. After all, jobs and population are returning to rural areas blighted for two generations. They will probably return to the Northeast one day, particularly if Texans make as much a mess of prosperity as New Yorkers did. Dallas, for example, is already worried that its municipal pension program could bleed the city dry, forcing up tax rates, making Dallas less attractive for business and . . . did someone mention New York? New York's lesson for us is a simple one: it *can* happen here, even with American Airlines.—*William Broyles.*

Mr. MOYNIHAN. Mr. President, I particularly, acknowledge the validity of the concern which the Texas monthly expresses about the nature of Federal programs which find older cities to be qualified under set formulas for Federal aid whilst they are unable to deal with the sometimes extraordinarily dense and extraordinarily needy newer cities.

The wards of Texas cities are built up with some of the poorest, the most needy people in the Nation. They have claims, too.

I would simply like to join with my dear friend and colleague, Senator Bentsen, in saying that there are indeed parts of Houston, Dallas, and the whole region including the cities of San Antonio, Laredo, Fort Worth, and El Paso that have claims that need to be acknowledged.

Certainly I, as a New Yorker, would want to be among those to acknowledge them, and I would like particularly to acknowledge the advocacy of Senator Bentsen in drawing attention to them.

DECLINE OF AMERICAN MILITARY EFFORT

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have printed in the Record the testimony of Secretary of Defense Harold Brown this morning before our Senate Budget Committee. In it, he outlines the decline of American military effort over 15 years in a way that seems to me extraordinary. He states that the budget forthcoming reflects, and I quote, "The President's determination to begin countering the Soviet military buildup that had been underway for over 15 years"—a proposal which, should it come about, has the largest possible strategic consequences of this political generation.

The President is saying, if we understand Secretary Brown correctly, that for 15 years the military position has been deteriorating. I asked the Secretary in questioning, "Are you saying, Mr. Secretary, that for 15 years the military position of the United States with respect to the Soviet Union has been deteriorating?" He said, in effect, "Yes."

I asked the Chairman of the Joint Chiefs of Staff, General Jones, if he would agree that this is the case—since he in fact stated it—that we now have come from a position of overwhelming preponderance to "rough parity," and if that trend continued would it be fair to assume that in 3, 4, or 5 years' time the Soviet Union would have achieved a military preponderance over the United States; and the Chairman of the Joint Chiefs of Staff said yes, that would be fair to assume.

It therefore certainly behooves us to ask two things, of ourselves: One, how did we get to a point at which, with almost no public awareness—and with the Chairman of the Joint Chiefs and the Secretary of Defense agreeing—in 3 or 4 or 5 years' time the Soviet Union is likely to be the predominant military power of the world; and, secondly, what is the real prospect of reversing a relationship of that kind in a period of 3 to 5 years? I think 5 years is the period we emphasized.

Such trends get an economy deep into an institutional bind, and reversing them is scarcely likely to be an easy thing to do.

In any event, it suggests to me that the reality of our relationship to the Soviet Union in the years ahead is going to be one of protracted crises.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Is there objection to entering Secretary Brown's statement in the Record?

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Honorable Harold Brown

Mr. Chairman and Members of the Committee: I appreciate the chance to discuss with you the FY 1980 Defense Budget, including, specifically, a number of points that have arisen in public debate since the President's Budget was sent to you.

This year we are submitting, along with our request for FY 1980, a $2.2 billion (TOA) supplemental request for FY 1979 that will generate $595 million in outlays. If approved, this action will return the FY 1979 Defense budget authority to approximately the level originally requested in January 1978.

The planned FY 1979 Defense level of $125.8 billion in TOA reflects the President's determination to begin countering the Soviet military build-up that has been underway for over 15 years. The supplemental will permit us to:

Accelerate our efforts on the much-needed new land-based strategic missile and its mobile basing.

Provide the FY 1979 U.S. share of NATO AWACS and add to our capabilities for reinforcing NATO.

Add needed surface combatants to our Navy shipbuilding program.

Make further improvement in the readiness of our forces. Without the supplemental, real Defense authority will decline 0.6 percent in FY 1979 from the FY 1978 enacted budget.

Let me say that this supplemental is very important to us. We need it now. We need it to keep the MX program on a schedule responsive to the new estimates of Soviet ICBM capabilities in the 1980's. We need it to pay $97.7 million in ships settlement claims which, if authorization is not provided by March 31, must be renegotiated at probable added cost to the Government. We need it to provide funding for NATO-oriented equipment and readiness items and for the NATO AWACS. This will enable us to keep

NATO capabilities from falling behind in the face of Soviet actions—and to show that the U.S. intends to do its part. Moreover, the Congress urged us—through your colleagues on other committees, and some of you yourselves—to introduce this supplemental. The reason given, with which we agree, is to provide an alternate program restoring cuts Congress made to make room for a program—the nuclear carrier—that in the end itself failed of authorization. What is involved is restitution of our program, not expansion.

Let me now speak to our overall FY 1980 budget request. The President's proposed Department of Defense budget for FY 1980 is $135.5 billion in TOA, $135 billion in Budget Authority, and $122.7 billion in outlays (excluding $100 million for Civil Defense which will now be a part of the Federal Emergency Management Agency). These totals will provide:

3.1 percent real increase in spending over that now estimated for FY 1979 including the supplemental.

1.7 percent real increase in TOA, which reflects the long-term effects of the proposal.

Even with this level of funding, Defense outlays will be about:

4.9 percent of the expected Gross National Product; in constant buying power the level will be 4.6 percent, the lowest since FY 1940;

23 percent of all Federal spending—with the exception of FY 1978 the lowest level since FY 1940;

Less than 15 percent of all public spending—including State and local—again, the lowest levels since FY 1940.

In short, if both the FY 1979 supplemental and FY 1980 budget are passed as requested, U.S. Defense will, by these significant measures, still receive the lowest fraction of our resources in 40 years—that is, the lowest ever within the adult experience of most of us in this room.

Before discussing why I believe we must start to increase our real military spending, let me deal with an allegation often heard about the Department of Defense—that it has surplus funds which it cannot spend. This year, as last, the issue has been raised about the levels of funds the Department has unobligated—that is, budget authority against which we have not written contracts, and those funds we have obligated but not spent.

Defense unobligated funds have risen from $19 billion in FY 1977 to $23.2 billion in 1980. In constant 1980 dollars the level of unobligated funds has remained constant over that period. The ratio of unobligated funds to obligational authority for industry purchases (that is, TOA with military and civilian pay and allowances removed) has actually declined since FY 1977 and is lower than the average for FY 1972–76. In short, we are controlling our unobligated funds today as well or better than in the recent past.

Unobligated funds are the direct result of the Congressionally-mandated and correct, practice of full funding of major weapons systems that spend over more than one year. It should be noted that these funds are pragramatically committed. The Department does not attempt to place all contracts in the year in which the program is authorized—to do so would not be desirable. Some funds for short-term contracts are held until first long-lead contracts are shown to be on schedule.

Viewed slightly differently, the Department is obligating at a rate of $71.3 billion for industry purchases (or $133.9 billion, total) in FY 1980. It will maintain an end-year unobligated balance of $23.2 billion, or about four months of purchasing (or two months based on total expenditures). Given that many major programs (especially shipbuilding) stretch for five years or more, and given Congress' insistence on care in contracting procedures, a four month end-year working balance is surprisingly small. The figure for the rest of the Government is about 12 months, that is, about three times as large a fraction of the appropriated funds are unobligated at the end of the year—and since non-defense appropriations are about three times as large as those for defense, that means about ten times as much unobligated money in non-defense as in defense programs. Unexpended balances are about seven times as large in non-defense as in defense programs.

Each year, at budget time, the presentation of the Administration's Defense budget raises the same three rather basic questions. The questions, although essential to an orderly consideration of the budget are, as a rule answered only indirectly. Today, I propose to answer these questions directly. They follow:

Is our Defense program in reasonable balance with other federal programs and public sector spending as a whole?

Are the funds we are now proposing actually adequate to provide for our defense?

Does the Defense budget represent the intelligent selection of reasonable priorities among competing defense needs?

Does the Defense budget represent the intelligent selection of reasonable priorities among competing defense needs?

First, lets discuss defense as a part of a reasonable balance within the National Budget. Defense has not grown and is not growing at the expense of other Federal programs. Although the point seems to have been largely ignored thus far in this year's budget debate, it seems to me that for this committee—part of whose duty must be to insure that reasonable and appropriate policy choices are reflected in the National Budget and that important National needs not go unattended—this is a major consideration. For the period of twelve years from 1955 to 1967, Defense amounted to about one-half of the obligational authority of the Government annually. (You can see that on Chart 1, where Defense authority is shown in constant dollars for the past 30 years). Since that time, non-defense programs have risen over three times in constant 1980 dollars, while Defense has shrunk to about its pre-Vietnam levels. Measured in constant 1972 dollars, Defense obligational authority is today 1.1 percent below that of 1964.

Defense outlays show the same trends in obligational authority. We now project Department outlays to be 9.1 percent below their 1964 level in constant 1980 dollars, and 22 percent of the Federal total (Chart 3).

I believe these comparisons are fair although they include the outlays for Social Security and from other trust fund and "non-discretionary" accounts. After all, the taxpayer has to pay for those as well as other non-defense and defense costs. Actually, parts of our Defense effort such as the core of our strategic nuclear forces are, in fact, some of the last "discretionary" expenditures of the Government, and military retirement costs are counted in the defense account. I also believe these comparisons are fair in that they show the long-term course of the allocation of our national resources, and the implications for our budgets and programs today. In the longer run the full range of Government expenditures are controllable by Congress. Both in the long-term and the short, Defense competes for budget dollars on the margin with the full range of services the Government provides. It is this competition that forces us all with choices, to the extent that expenditures are fungible.

Another measure of the Defense claim on national resources is the fraction of the total U.S. labor force devoted to Defense activities—that is all military and civilians employed by the Department plus all civilians employed by Defense-related industries. Today, that number stands at just over five million people, the lowest in absolute terms and, at 4.9 percent, the lowest percentage of the labor force since 1941.

Perhaps a more sensive measure of priorities in the current budget is a comparison of Defense with other Departments, for example, the Department of Health, Education and Welfare. In FY 1979–80 Defense budget authority will increase 7.3 percent as compared to 10.3 percent for HEW; in outlays Defense will increase 8.8 percent compared to 9.3 percent for HEW. Because the HEW budget is now 50 percent greater than that of Defense, percentage changes do not tell the whole story. The actual marginal dollars committed to HEW's social programs, and I believe those are very necessary programs, will be about twice those committed to Defense.

This major shift in the balance of federal expenditures away from Defense is not the only impact of the trend to greater Federal emphasis on social and human services. There have been analogous shifts in the patterns of Department expenditures themselves. Today, the Department must pay proportionately more for personnel and their support than in the past. With relatively constant budgets in real dollars, this has forced reduction in manpower, force levels and new investment. Since FY 1964, the last year prior to the Vietnam buildup, the consumer price index has risen 2.36 times. The per-man cost of our military forces has risen 3.1 times, or 3 percent more than inflation. These increases have been necessary to match benefits available in the civilian sector and, to some extent, to correct inequities that existed earlier. In spite of these increases, we still have difficulty in attracting and keeping the skilled people we need. In order to maintain a reasonable balance in our Defense structure, the increasing costs of military personnel have forced reductions from the 1964 level in the strength of our Armed Forces by 630,000 active duty personnel to our current level of just over two million. At today's reduced personnel levels, combined civilian and military payroll and associated costs nevertheless constitute 52 percent of the Defense Budget, compared to 45 percent in 1964.

Part of the pattern of the changing social costs within Defense is due to the increase in retirement pay. In 1964 Defense paid $1.2 billion or 2.4 percent of its budget for retirement. In 1980 we will spend $11.5 billion or eight percent of the budget. These funds, although generally counted in Defense totals, provide no military capability. If retirement is excluded from Defense totals, Defense funds have shrunk seven percent in constant dollars since FY 1964.

The mounting costs of personnel and personnel-associated services have caused major shifts in Defense appropriations, reflecting the choices we have had to make among mission allocations since FY 1964. In constant dollars, funds:

For strategic forces have shrunk 53 percent reflecting reduced procurement, and the phasedown of bomber and air defense forces;

For intelligence and communications are down 19 percent;

For air and sealift are down 30 percent;

For all our general purpose forces are up only eight percent—over a period of 15 years in which manpower has consumed an increasing fraction of the budget.

The mounting costs of personnel and personnel-associated services have been a significant factor in the Department's efforts to substitute equipment for men, and technological sophistication for numbers. We have been able to reduce the size of our forces dramatically, while increasing our real military strength (though not nearly as much, in my judgment, as the Soviet Union has increased its strength, through very large growth both in personnel and in after-inflation expenditures). Since 1964:

Our manpower has been reduced 24 percent.

Our total active Navy ships have been reduced 43 percent.

Our active Air Force aircraft inventories have shrunk 40 percent.

Our active Army divisions have remained constant in number at 16—but we have cut our reserve structure 72 percent—to achieve ready forces better suited to the threats we face.

Today we have better equipment—in general, still the finest in the world. We have achieved better combat readiness, training and support for all our forces. We have achieved a more efficient military establishment, and one with higher combat potential than ever before. But let there be no doubt—for its security, today the U.S. depends on fewer forces, fewer men, and fewer real resources than perhaps it has at any time since the beginning of World War II.

We are limited in the numerical reductions we can stand. We must face contingencies of a global nature, and a threat increasing both in sophistication and in size. Thus, there comes a point at which we can no longer reduce forces to save cost; I believe we have reached that point.

The second of the fundamental questions I have asked is: does the Defense budget now provide an adequate level of forces to meet our needs, and will it continue to do so in the future? The answer inevitably involves judgments—judgments about the policies of the United States, about the threats to our security, and about the role and adequacy of our military means. In trying to make such judgments it is of assistance to look where we and others have been to estimate where we are today, and where we may be going.

Today the United States is, by most measures, the strongest nation in the world. Beyond military power, the national security lies in economic strength, political and social cohesion, technology proficiency, international friendships, and national will. Only in military capability can the Soviet Union approach us. However, we now live in a world in which we are increasingly challenged. Thus, we are more than ever dependent on a sound economy at home and good international relations abroad—matters which are not by any means solely the products of our armed strength. Recent events have again shown we live neither in a benign world, nor one from which we are well insulated. In arriving at the FY 1980 Defense program we have had to balance between our needs for military strength, and the economic impacts that further expenditures would entail. I believe that balance is properly struck against the threats, both military and economic, now facing us.

One cause of our international concern is the Soviet Union's continued emphasis on expanding its military power. It is unclear why the Soviet Union has opted for military expansion. Perhaps the capability to use military threats, directly or by proxy, to substitute for their other failures to compete successfully in the international arena is important to them. I am convinced this is a major reason. Perhaps the Soviet military industrial complex is a sufficient political force to drive Soviet resource allocations. Perhaps this continuing emphasis results from Soviet fear—however misplaced—of NATO and the People's Republic of China.

Whatever the causes we know that Soviet military growth in the past two decades has been impressive indeed. Chart 4 shows both the growth in total Soviet spending and in investment in new military hardware when compared to the U.S. in constant dollars. Over a period from the early 1960's when U.S. defense spending has actually declined, Soviet expenditures have increased 75 percent or about 3 percent per year. There is some debate about the equivalent U.S. buying power of Soviet spending, but today Soviet defense budgets exceed ours by between 25 and 45 percent. If total spending of NATO and the Warsaw Pact are compared, there is today rough equivalence. But more critically, Soviet investment in new military hardware has increased twofold in the same period and is more than twice ours today.

This growth in Soviet military spending, especially the level of military investment, presents potentially grave dangers for us, particularly since the upward trend shows every sign of continuing. It is an effort that we must keep in perspective, not necessarily to imitate, but to prevent it from becoming a major Soviet advantage. Some points are clear:

We are dealing with long-term trends in total budgets and forces—not threats to one narrow region or in one type of force.

Soviet spending has shown no response to U.S. restraint—when we build they build; when we cut they build.

We are facing a challenge both to ourselves and to our allies.

The disparity of military forces that can result from disparate spending will be the accumulation of annual differences—each yearly imbalance increases the disparity, and in many measures of capability the disparity is cumulative.

In comparisons like this one we need to consider the contribution of our allies—contributions which make the balance more nearly even, though the trends remain adverse in that broader comparison as well. It is in this light that we have proposed to act in concert with the other members of NATO to increase our mutual real defense expenditures by roughly three percent annually. This mutual agreement is a way of assuring cooperative efforts in reversing an adverse trend. But we propose this budget because our national security requires the programs in it, not merely to reach some arbitrary figure.

I am pleased to say our partners have responded with action—the average real growth in non-U.S. NATO military spending was 2.9 percent in FY 1978–1979. And, in keeping with this pledge and our partners' actions, we are requesting both supplemental funds for 1979 and a three percent real growth for FY 1980 outlays.

The final question is whether the Defense budget provides a rational prioritization of competing defense needs. Our interest is to build the necessary military capability to meet our objectives. Our military problems, no matter what the challange, differ from those of the Soviet Union. Hence, our program at any given point in time should not mirror theirs.

Our strategic nuclear forces must meet a set of specific conditions—independent of whatever may be the needs of the Soviets. They must be able: to survive in adequate numbers and types after a well-executed surprise attack on them; to penetrate Soviet defenses and destroy a comprehensive set of targets in the USSR with whatever timing, and degree of deliberation and control, proves desirable; if necessary, inflict high level of damage on Soviet society—particularly those elements the Soviet leadership values—regardless of the measure the Soviets might take to limit the damage; and retain a reserve capability in the wake of a controlled exchange, if one occurs.

Although our current strategic forces meet these objectives, it is quite possible that by the mid-1980's the Soviets could, with a first strike, destroy most of our ICBMs and still have in reserve a large number of deliverable warheads. Although our increasing ICBM vulnerabilites will not be catastrophic per se, they will present an increasing problem of military asymmetry that will have major political overtones. Thus, I believe we must plan corrective measures now, in the modernizations that are included in our proposed program.

We provide with our theater nuclear forces a credible deterrent to limited nuclear attack. In addition, the Soviets must face the fact that we could commit these forces in case of a massive failure of our conventional defenses, even with the profound risks such escalation would involve. We are continuing our modernization of these forces in combination of our improvement of our general purpose capabilities.

One test, but only one, of the adequacy of our general purpose forces is that, with our allies, they can withstand a conventional Warsaw Pact assault on NATO Europe—both in the Center region and on the flanks. In addition, we are concerned about attacks by the Soviets or others in more remote regions—The Persian Gulf, the Mid-East, and Korea among the more sensitive. Further we must face the fact the war in NATO Europe—to the extent previous conflicts and current world-wide military deployments are any guide—is likely simultaneously to involve lesser military actions elsewhere. Thus, in planning our conventional forces we must consider the possible global nature of any major contingency.

The implication of these criteria is that our forces and plans must be—and are being—better integrated with those of our allies than they have been in the past. Alliance cooperation is central to our policy—and is being reflected in the standardization and interoperability of our equipment with that of our allies.

Today, the Soviets, in my opinion, cannot be confident of a rapid conventional victory in Europe. But NATO, in spite of its current strengths and increasing allied contributions, cannot have as much confidence in its non-nuclear deterrent as I consider prudent. Thus, we wish to continue our emphasis on the readiness, mobility and fighting power of our general purpose forces.

I am convinced our naval forces remain capable of maintaining the sea lines of communications to Europe, protecting our essential routes and supporting allied forces—whether in the Western Pacific or on the flanks of NATO. What is more, with our proposed program, our naval forces will be gaining capability in the next five years.

In making these assessments I do not wish to imply I am content with the current status of U.S. defenses. Any estimate of military balance involves both judgment and risk. Today, there are risks, tolerable perhaps, but not such that they will permit an increasing gap between U.S. and Soviet military expenditures. We are more ingenious than the Soviet Union—but not so much more that, without increased budgets, we can make up for the increasing disparities in our defense efforts.

The total FY 1980 Defense budget is tightly constrained even though it allows some real growth in buying power. New budget authority will allow us to make necessary improvements in our strategic programs, but will allow no real growth in general purpose force budgets.

While we intend to keep up our military guard in dealing with the Soviets, we also intend to find ways to limit the competition. Stimulating arms races serve neither nations' interests, but finding safe, equitable ways to reduce military competition is difficult and time-consuming. We are, however, making progress. We are nearing the completion of a SALT II agreement that will contribute to the security of the United States and its allies. In fact, no agreement failing that test should or would be signed by the United States. We want arms control, but must insist on arms control agreements that are verifiable and balanced.

I do not see any immediate prospect of ending the military competition between the Soviet Union and the United States. SALT will not solve all our problems. Even with SALT, we will need to—and we will be permitted to—expand our strategic nuclear efforts. But SALT will mean greater stability and predictability in the strategic challenges we face.

In summary, we are faced with challenges including but not limited to those posed by the Soviet military machine. We must balance the use of our resources, for security, indeed, depends on more than our defense posture. Nevertheless, a strong defense is key to our security. It is a measure of the confusion that sometimes attends this issue that I feel obligated to repeat the obvious: without adequate military capability we cannot preserve our security. Today our defense is not so weak as some would have us believe, nor so strong as I would wish it to be. Real defense growth is a necessity. I believe the budget we propose will allow us to do those things that are necessary now, necessary to provide our fellow citizens safety from the range of military threats to our security, and balanced against the economic and social needs of our time.

(NOTE.—Charts are not reproducible in the RECORD.)

Mr. MOYNIHAN. I thank the Chair. I have completed my statement. Once again I would like to express my appreciation to the majority leader.

The ACTING PRESIDENT pro tempore. Is there further morning business? The Senator from South Dakota.

MINORITIES IN IRAN

Mr. PRESSLER. Mr. President, I would like very briefly to say I am deeply concerned with the situation in Iran as it affects minorities. Tomorrow I shall have a more detailed statement regarding those minorities. But there are at least between 70,000 and 80,000 persons of the Jewish faith, plus other minorities, who may be very vulnerable at this point. I believe it appropriate that our Government should make very clear its concern for the protection of the lives as well as the ability to transit of those minorities.

I yield back the remainder of my time. I shall have a more detailed statement tomorrow concerning the number and location of those minorities.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, today we in the Senate pause in our deliberations on the legislation before us to reflect on the tragic events of June 1940 when the Baltic States were occupied by Soviet troops and—within 40 days—forcibly incorporated into the Soviet Union.

The national sovereignties of Lithuania, Latvia, and Estonia were extinguished as a bright flame snuffed out by a chilling wind. Foreign domination was firmly implanted in these nations which had been free since the First World War. The new regimes extolled atheism, attacked religion, collectivized agriculture, nationalized private property, deported large numbers of the people, and brought in non-Baltic colonizers.

As we now commemorate Lithuanian Independence Day, it seems impossible that the domination of the Soviet Union and their puppets continues. Yet it does continue. The Lithuanians, Latvians, and Estonians have not known liberty for all these years. Those who speak out for freedom are spirited away. For most of the Baltic peoples, freedom is a subject for their prayers, not a possibility for their lives.

Nevertheless, sustained by God, they have maintained their national identities, their national cultures, their religious beliefs and their self-respect. Their indomitable will to exist is exemplified in the valor of Viktoras Petkus who languishes in a Soviet prison, and on whose behalf many of us continue to bring pressure on the Soviet authorities.

I am persuaded that those of us who live in freedom have a responsibility to speak out for the freedom of others. The deprivation of freedom is felt by hundreds of millions of our brothers and sisters in other lands, but nowhere more tragically than in the Baltic States. In Lithuania, for example, a people who had a highly developed culture and society are in effect imprisoned by forces beyond their control. This is a people who 400 years ago established a university in Vilnius. It is our responsibility to support their aspiration for a return to freedom, not only morally but also politically, and we can do that by making it clear to the Soviet authorities on every occasion that we deeply care about the plight of the people of Lithuania.

I am encouraged that so many of my colleagues share this view and let the representatives of the Soviet Government know that we have not forgotten Lithuania, that we do care, that we will never forget.

It is easier for those of us who have large Lithuanian constituencies to keep the burdens of the Lithuanian people firmly in mind, because we have many friends in these communities and we share their commitment to freedom. But today I address myself to those of my colleagues who do not have Lithuanian constituencies and therefore may not know at first hand the anxieties of Lithuanian Americans about the situation in their native country. I would hope that all my colleagues would interest themselves in the plight of the Baltic peoples and would add their voices to the appeals for Baltic freedom.

We are blessed in this country with freedom, with economic strength, with the basic rights guaranteed by our Constitution, so it is hard for Americans to understand the living hell to which peoples are condemned when they are denied these blessings. But the responsibility remains for those who live in freedom to pray and act and speak for those who have no freedom.

It is in this spirit that I join today with Lithuanian Americans and the people of Lithuania in recalling the independence of the Lithuanian nation so proudly proclaimed at the end of World War I and in committing ourselves again to the cause of freedom.

Sveiki Lietuviai.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is now closed.

SENATE RESOLUTION 61—PROPOSED AMENDMENT OF STANDING RULES OF THE SENATE

The ACTING PRESIDENT pro tempore. The pending question is on Senate Resolution 61, as amended, which the clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 61) proposing to amend the standing rules of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I will not press the request until Senator STEVENS is on the floor—that I may be able to strike from my resolution, Senate Resolution 61, the words beginning on line 11, page 3, and going through line 14 on page 3, those words reading as follows:

> A Senator may also yield back all or part of his one hour, in which event, the time for consideration of the measure, motion, or matter shall be reduced by the amount of time yielded back.

Mr. President, this is verbiage that I put into the resolution when we were considering it. I have thought about this language over the prolonged holiday—prolonged because of the extraordinarily inclement weather—and I believe, in fairness to Senators who would not have yielded back their hour, that Senators who yield back all or part of an hour should not, by virtue of that action, be able automatically to reduce the time of other Senators.

In considering my resolution, one must keep in mind that it establishes a 100-hour cap over all of the debate and actions on or relating to a measure or matter on which cloture has been invoked. This means that time for rollcall votes and time for quorum calls all comes out of the cap. If, upon cloture having been invoked, 30 Senators were to stand and yield back their time, this would mean the overall cap is reduced to 70 hours, which would further mean that for those remaining 70 Senators, whose hours, with even the 100-hour cap, would be impinged upon by every quorum call and rollcall vote, that 100 hours which originally was going to be reduced by virtue of rollcall votes and quorum calls would automatically be reduced by almost one-third, by virtue of the yielding back of time on the part of Senators immediately upon the invoking of cloture.

So this situation would, I think, be unfair to the Senators who did not yield back their time. Therefore, I would ask unanimous consent that I be permitted to strike that sentence in the interests of protecting Senators who may wish to offer legitimate amendments and motions and make statements during debate.

I do not think it is necessary to reduce the cap by virtue of Senators yielding back their time. If they want to yield back their time, they have that privilege, under the present rule, simply by saying nothing. By doing that, when no Senators rises to speak or to seek recognition, under the present rule, once cloture is invoked, the Chair puts the question, so any time that is not used is automatically disposed of once the Chair puts the question.

Therefore, now that the distinguished acting Republican leader is present, I do present my request and hope he will consent to it.

Mr. STEVENS. Mr. President, does the Senator ask unanimous consent to do this?

Mr. ROBERT C. BYRD. Yes; I ask unanimous consent to strike from my resolution the words, beginning on line 11 of page 3, "A Senator," and continuing to the end of the sentence on line 14, thus striking the entire sentence.

Mr. STEVENS. Reserving the right to object, and I shall not object, I would like to ask the distinguished majority leader if it would be possible to treat the language that is before us now in the reprinted version of Senate Resolution 61, the version printed on February 9, as original text for the purpose of an amendment.

I do not have any objection, and I am sure none of us do, to the Senator's deleting that portion of the current text of Senate Resolution 61. But I would hope that he would agree that we can deal with this text of Senate Resolution 61 and that we do not get into any problems about amendments. One of my amendments, as a matter of fact, deals with the question of yielding time. I would like to be able to offer it and discuss it with the Senator, the distinguished majority leader. Hopefully we may come to an agreement before the day is out, or tomorrow at least, in terms of a version of Senate Resolution 61, in which we could join with the leader.

Mr. ROBERT C. BYRD. Mr. President, I would not want at this moment to agree that all of the amendments that have been agreed to thus far be considered as original text for the purpose of further amendment. But may I say to the distinguished Senator that we will have no problem in that regard, I believe, because we may be able to get a general agreement, and I would like to be able to get a general agreement, in which case that would be part of the argeement, or we could proceed on the basis of case-by-case. If the Senator wants a certain area of my resolution which I have already amended to be open for amendment by him, I am sure there would be no problem in that regard.

The ACTING PRESIDENT pro tempore. Is there further objection?

Mr. STEVENS. I do not object.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I would hope now that Senators will come to the floor to offer amendments. My resolution is open to amendment. I would welcome Senators offering any amendments that they may have.

The ACTING PRESIDENT pro tempore. Are there any other amendments to Senate Resolution 61?

UP AMENDMENT NO. 13

(Purpose: To dispense with the reading of the Journal after cloture has been invoked)

Mr. STEVENS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 13.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution add the following:

Paragraph 1 of rule III of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" before "The" in the first sentence;

(2) by striking "The" in the second sentence and inserting in lieu thereof: "Except as provided in subparagraph (b), the"; and

(3) by adding at the end thereof, the following new subparagraph:

"(b) Whenever the Senate is proceeding under paragraph 2, Rule XXII, the reading of the Journal shall be dispensed with."

Mr. STEVENS. Mr. President, it would be my intention here this afternoon, with the courtesy of my good friend from West Virginia, to see how close we might come in bringing together our two proposals by putting into Senate Resolution 61 some of the key provisions in the substitute which I offered on behalf of the committee that was appointed by our minority leader. I do this with the hope that maybe we can, as I said before this session commenced, get to the point where we can join together with the majority leader and support the passage of Senate Resolution 61 in an amended version today or maybe tomorrow.

This amendment is a very simple amendment. It deals with one of the problems we have discussed in our meetings with the majority leader and with the ad hoc committee on the majority side, which was chaired by the distinguished Senator from Wisconsin (Mr. NELSON).

What it would do is simply dispense with the reading of the Journal whenever we are in a real rule XXII postcloture period. That is a simple matter. And it deals with one of the vexatious problems which can come up in such a period. It does not change the rule with regard to the reading of the Journal.

I know that the Senator from West Virginia can make this an immaterial situation by virtue of having recessed rather than adjourned during a period that is in a postcloture mode.

The Journal would not necessarily have to be read, but as a technical amendment, I hope the Senator will consider it. I offer it for the purpose of assuring us that we start down the road toward changing the provisions of Senate Resolution 61 as they are now before us in the February 9 version.

I do not know that any controversy exists over it. I do not know of anyone on our side who wishes to address the issue.

But it is one of the provisions that is in the substitute that I have offered on behalf of our committee that is not in the current text of Senate Resolution 61.

I might add, a similar provision was in one of the earlier versions of Senate Resolution 61.

Mr. McCLURE. Will the Senator yield?

Mr. STEVENS. I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank my colleague.

Mr. President, this amendment becomes of some importance if, as a matter of fact, there is an accommodation arrived at at all with respect to the 100-hour cap, or the availability of time for each individual Member, because any one Member might be able to use up a substantial portion of the 100 hours doing something which most of us would, under those circumstances, regard as being a useless thing to do, reading the Journal.

I think most of us have come to the conclusion that if there is to be any kind of a protection for each individual Member with respect to the use of his hour during the postcloture 100-hour period, that we have to limit things such as the reading of the Journal.

I would hope that the majority leader would agree with this procedural change in that period of time in the effort to protect the right of each individual Member to offer substantive amendments, to debate those amendments, to get rollcall votes on those amendments if he desires, and to make certain that 100 hours is not used up by someone else in an effort to prevent those amendments from being called up.

I think it is a useful amendment. It may not be the most important single one, but it certainly is a constructive step toward making sure that the 100 hours is as available to the Members as we can make it.

Mr. STEVENS. I thank the Senator from Idaho.

Mr. President, I would inquire of the distinguished majority leader what his feelings might be on this amendment. It would be my hope that an amendment of this type would be acceptable to him.

Mr. ROBERT C. BYRD. Mr. President, as the distinguished acting Republican leader has accurately predicted, I really do not see any benefit to be gained from this amendment. If the Senate recesses, as he has pointed out, there is no necessity for reading the Journal, and during the debate on a matter, once cloture has been invoked, the Senate can simply recess and go over from day to day and the reading of the Journal is automatically dispensed with.

I would like to see the reading of the Journal dispensed with on nondebatable motions at any time. That, I think, would be a distinct improvement over the present rules.

However, I am certainly not going to reject this amendment out of hand. It is a sincere attempt on the part of the acting Republican leader to bring about some improvement in the postcloture rule.

I wonder if he would be willing to

accept an amendment to his amendment which would read as follows:

> Strike the period and the quotation marks and insert in lieu thereof a comma, and shall be considered approved to date."

So that what this does then, indeed, we are not only delaying the dispensing of the reading of the Journal, but we are approving automatically during that period, otherwise the Journal merely builds up over that period and, if the debate following cloture should go for several days, the Journal would have built up to the point that an objection to the dispensing of the reading thereof could result in the Senate's having to spend an additional day simply reading the Journal that had been building up for a period of 6 or 8 or 10 days.

So, if the Senator would be willing to let the Journal during that period be automatically approved, I think it would be a good amendment.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Now, if the Senator's amendment, or suggested amendment to my amendment, were agreed to, it would be my understanding that if a Member found an item in the Journal that he wished to have changed or corrected, that that correction could still be made on the basis of a motion, notwithstanding this provision that the Senator has suggested.

I have seen, rarely, but I have seen Members raise a question as to the accuracy of the Journal and I would not like to foreclose a Member's right to move to amend in order to have the Journal appear in a correct fashion.

Now, if the Senator's suggested amendment to my amendment were adopted, it would appear that it could be interpreted as foreclosing a Member's right to amend the Journal if it is considered to be approved without any further proceedings possible.

Now, would the Senator's interpretation be that a Senator could still seek to have the Journal amended, or in a postcloture period he would have to take his time, in a time cap, so there would be no potential for any dilatory tactic? For the purpose of an honest attempt to correct the Journal, I think we should not foreclose that.

Mr. ROBERT C. BYRD. I agree with the Senator.

The way I read rule III, it would seem to me that at any time a legitimate error were to be found in the Journal, a motion would be in order to amend or correct that, because it reads as follows: "and when."

It does not say that the motion has to be made on the following new legislative day. It reads as follows: "and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of."

So the Journal could be considered as approved as read, the Journal of the action on the measure on which cloture had been invoked, or 1 month thereafter, if an error were to be found in the Journal, or 1 year thereafter if an error were to be found in the Journal, and it could not be cured by unanimous consent under rule III, a motion would be in order and it would be a privileged motion because it says "when"—w-h-e-n, when.

> When any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. I should like to inquire of the Members on our side of the aisle who participated in the committee deliberations we had as to whether they see any objection.

I believe that when the Record is clear as to the intent of rule III, as it has just been read by the distinguished majority leader, and the statements we have made here. This amendment does not foreclose a motion to amend or correct the Journal. It would be a privileged motion when and if presented. Our intent, in fact, was to consider the Journal for the preceding day approved to date, unless such motion to amend or correct the Journal was offered then or any other time.

I think that is an amendment we can accept, and we can modify my amendment, if my colleagues agree.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. HATFIELD. Mr. President, it is my observation that the majority leader's amendment to the amendment of the Senator from Alaska strengthens the purpose of the amendment, in the first instance, of trying not only to limit the reading of the Journal of that particular time but also to declare it as having been approved, the same action. So not only would it be acceptable, but also, I think it strengthens the purpose of the purpose of the amendment.

Mr. STEVENS. I thank the Senator from Oregon.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. McCLURE. I thank the Senator from Alaska for having asked the question which crossed my mind, with respect to whether or not the Journal could be corrected. I think that leaves us with one problem which this will not solve, and it is this: If a Member desires to seek to change a correction in the Journal within the 100-hour cap, as to whether or not that time is charged against the 100-hour cap.

However, I think that is a separate question and can be dealt with separately.

With the kind of history that has been made here with respect to the meaning of the words being added to the amendment by the Senator from West Virginia, I have no objection to it.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to the distinguished Senator from Alaska adding his amendment as amended by my amendment.

Mr. STEVENS. Mr. President, I ask to modify my amendment by adding at the end of the amendment suggested by the distinguished majority leader, which strikes the last portion of the quotation marks and the period and inserts a comma and adds to my amendment the words "and shall be considered approved to date," with a period and the end of the quotation marks.

I send the amendment to the desk in written form.

I move the adoption of my amendment.

The PRESIDING OFFICER (Mr. BOREN). The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 14

(Purpose: To dispense with the reading of amendments that have been printed and available 24 hours prior to the time the amendment is called up)

Mr. STEVENS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 14:
>
> At the end of the Resolution add the following:
>
> "After cloture is invoked, the reading of all amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Mr. STEVENS. Mr. President, this amendment also is designed to try to get to the problem of the delay that can be caused under a cap by a Senator offering an amendment, including at times long amendments that are in printed form, sometimes the House amendments themselves, which have been deleted by action in a Senate committee on the floor, which the Member wishes to offer in a postcloture period. If he asked to have the reading of the amendment dispensed with, another Member could refuse to dispense with the reading of the amendment and could use up some of the time under the cap, which we think would be most disadvantageous to those people who are trying to use their time for the purpose of presenting substantive amendments.

In order to protect all Members, the intent of this amendment is that the amendment would have to be identified and available in printed form at the desks of the Members for not less than 24 hours prior to its being offered. It was the feeling of our committee that this would be an amendment that necessarily would protect those who were seeking to offer substantive amendments and at the same time would protect the cap that the majority leader seeks to place on the post-cloture procedure.

I believe it is a matter of fairness to require that this be printed, if we are going to offer a procedure whereby the reading of any amendment can be dispensed with.

I do not know whether any members of our ad hoc committee wish to address the matter. I have discussed this matter informally, as the distinguished majority leader will recall, at some of our meetings prior to the recess. It is something about which we feel very strongly: that the offering of an amendment should not, in and of itself, use up so much time simply because of the necessity to read the amendment, when it is a very long one.

I hope the distinguished majority leader will find this amendment acceptable, also.

I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank my colleague for yielding.

It is entirely possible that a very lengthy amendment could be called up by someone who is not opposed to the bill but is opposed to the other amendments. There is also the possibility of having one called up that would use up a considerable amount of his colleagues' time, thereby limiting the opportunity to offer substantive amendments and to debate those substantive amendments.

I think the rationale for this amendment is similar to that of the last one: that if we are going to have a 100-hour cap and it is going to be strict, it should be maintained as closely as we can to the availability of that time for the Members to offer, to debate, and to vote upon substantive amendments which they may choose.

I hope this amendment will be agreed to.

Mr. STEVENS. I thank the Senator from Idaho.

I say to the Senator from West Virginia again that, as the Senator from Idaho has just mentioned, the purpose of this amendment is to assure that the time under the cap is meaningful in the sense of being available for discussion and debate, rather than being placed in the position of being used up by the reading of printed amendments.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I think the purpose of this amendment is a good one. I would merely offer one or two modifications for the purpose of clarification.

The amendment reads as follows:

> After cloture is invoked, the reading of all amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified. . .

I wonder whether the distinguished Senator would change the word "all" in the first line to read "any," so that it would read as follows:

> After cloture is invoked, the reading of any amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed—

Right there, if it is understood that "printed form" means typed or Xeroxed, if Xeroxed form or typed form conforms with the intent of the word "printed," I have no objection to the word "printed." Otherwise, it should say "typed or Xeroxed."

I think that the general acceptance of the term "printed" around here is that it does include Xeroxed and typewritten material. I ask the Chair if that is correct.

Mr. STEVENS. That is certainly the intent of the sponsor of the amendment, I say to my good friend from West Virginia.

We know that the Printing Office at times is delayed. As a matter of fact, the Senator from West Virginia has in his hands a Xeroxed copy because of the situation we are in right now, because of the storm and what not.

I otherwise would have offered these and they would be on the desk today.

It is entirely within the intent of this amendment that it be in printed form and at the desk for 24 hours, and I am sure that the desk would have a way of logging in such an amendment when it is presented in the post-cloture period.

The PRESIDING OFFICER. The Chair will rule that if it is intended to include typewritten and Xerox materials, as has been indicated, they would be so included in the term "printed."

Mr. ROBERT C. BYRD. Very well. That is satisfactory with me, and we have the legislative history established.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. I might say it is not intended to have Xerox copies of handwritten pieces of paper that are patched together. We are talking about a typewritten or Xerox copy of a typewritten amendment that are in readable form for all to know what it is and what its purpose is and a copy of it having been placed at the desk to establish when it was available to all Members.

Mr. ROBERT C. BYRD. Yes. I would agree that we should not accept Xerox handwritten amendments in this context.

Mr. STEVENS. I certainly accept the Senator's change.

UP AMENDMENT NO. 15

(Modification of UP Amendment No. 14)

Mr. President, I send the modification to the desk and the Senator from North Carolina and his English teacher would be happy with that correction. I just modify my amendment by changing the word "all" to "any."

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. ROBERT C. BYRD. Singular.

The assistant legislative clerk read the modification as follows:

> At the end of the resolution add the following:
>
> "After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Mr. STEVENS. Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment (UP amendment No. 15) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 16

(Purpose: To allow amendments in the second degree to be offered after cloture has been invoked)

Mr. STEVENS. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS) proposes unprinted amendment numbered 16.
>
> At the end of the resolution add the following:
>
> "New amendments in the second degree can be offered after cloture has been invoked if they are germane to the amendment in the first degree to which offered and have been printed and available at each Member's desk for at least twenty-four hours. Amendments which are otherwise in order may amend the measure or matter in more than one place, if they involve only one substantive issue."

Mr. STEVENS. Mr. President, we may be getting into an area of some controversy here.

I hope that in the spirit that we are proceeding my good friend will again try to see if we can work something out.

The times that I have seen in my 10 years in the Senate the postcloture period become most intense, has been when we have gotten into the position that it was impossible to get a change in a bill that would meet the consensus of the Senate, that accommodated those who had previously sought to delay the bill, and remain within the scope of the willingness of those who were the majority behind the bill trying. In the sense that amendments have been at the desk prior to the vote on cloture, we get locked into those amendments and we have not been able to go to amendments in the second degree.

I think one of the reasons for that in the original rule XXII was the problem of time because obviously if you could offer an amendment to amendments and amendments to amendments and they were not at the desk, this procedure could have gone on ad infinitum.

We are now looking toward a new era of a cap of 100 hours, and in that period it has been our contention that one of the best ways to get out of the tension that comes in a postcloture debate would be to permit amendments in the second degree so long as they are germane to the amendment in the first degree and have been printed and available for 24 hours.

This amendment deals with another concept, and that is the problem of the amendment amending a measure in more than one place.

In connection with the gas bill, for instance, there was a date. It appeared in many places throughout the bill. In order to get to that date it was necessary, for those who sought to change it, to offer as many as 10 or 15 amendments to deal with one simple issue, and that would be the date at which the change proposed by the gas bill would have become effective.

The amendment that I have offered would permit amendments in the first or second degree to touch the measure in more than one place so long as it involved only one substantive issue such as the changing of a date, the changing of a name, for instance, one single substantive issue that we would not face the question of the rules as far as amending a measure or matter in more than one place.

I do understand the Senator from West Virginia has expressed some question about the new amendments in the second degree. It is if I understand the distinguished majority leader that this would be a substantial variation from the present procedure. Under the present procedure of rule XXII, the amendments must be at the desk before cloture is voted. We are not changing that.

An amendment in the first degree would still have to be there at the desk. This would say that an amendment in the second degree could be offered even though it was not at the desk so long as it was germane to the amendment in the first degree and so long as it had been available for 24 hours, consistent with what we have just done with this prior amendment.

I might say we are not just talking solely about amendments in the second degree. I would be talking also about amendments in the nature of a total substitute to an amendment which was at the desk so long as it was in order otherwise under the procedures that we follow here in the Senate.

I am sure the Senator from West Virginia will recall those times when his predecessor and the distinguished Senator from Pennsylvania, who was our minority leader, on at least two occasions that I recall went though the procedure of sending a bill that was under cloture back to the committee with orders to report it back immediately in a changed version in order that we might finally get the votes to terminate the whole procedure.

It took us several days to go through that process, in order to get that concensus that would allow that procedure to take place; whereas, if this provision had been in the rules it could have been brought about by the simple mechanism of offering the amendment under the process that we suggest here.

Again we are dealing with a cap. As long as we are dealing with a time cap amendments in the second degree cannot be dilatory. It can only be a substantive attempt to resolve the dispute that has led to the cloture period.

I am hopeful that the Senator will again look at this amendment, which really has two principal objectives, and that we can work something out with regard to this amendment also.

Mr. ROBERT C. BYRD. Mr. President, I applaud the spirit and the intent behind the offering of the amendment.

Actually there are two amendments here, and both of them would change the cloture rule which has been in existence now for 62 years.

Under the cloture rule which was first established in 1917 and at all times since that cloture rule was established, no amendments in the second degree have been allowed once cloture has been invoked if they were not first offered and originally read before cloture was invoked, and under the present rule unless they are offered in writing at the desk before the vote is announced on the invoking of cloture.

So this is something entirely new.

Senators would be allowed for the first time, since the cloture rule was established in this body, to offer amendments in the second degree as long as those amendments were germane to the amendment in the first degree, even though such second degree amendments had not conformed with the letter and intent of the rule prior to the invoking of cloture.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I hope the distinguished Senator from West Virginia will look at the scope of the problems involved.

I am just sitting here thinking about one of the amendments that really was vexatious as far as my State was concerned in a cloture period where a Member had filed prior to the vote on cloture—that I supported—an amendment of which I had no knowledge. It was at the desk and I did not even know about it until it was here on my desk about 2 days after cloture was voted.

I suddenly discovered an amendment that would have seriously disturbed the pricing picture for natural gas coming out of my State.

It was not possible to offer an amendment to that amendment, and yet it appeared that the amendment was going to get support.

In any normal precloture period there would have been no problem of offering an amendment in the second degree in order to clarify the intent of the amendment, and protect my State which is unique in terms of location so far as gas supplies are concerned, and everyone, including the sponsor of the amendment, indicated that my position was correct so far as Alaska was concerned. Not knowing of this amendment I had no way of offering an alternative amendment prior to cloture. If I had known that other amendment was there and uncorrected, I would not have voted for cloture.

The real problem we have is the inability to protect ourselves in a time period where there is a cap from amendments that are at the desk of which we have no knowledge. When we are really trying to wind this thing down as far as the debate on a controversial matter is concerned.

I think this is a substantive improvement to this procedure. As long as we are proceeding under a cap it cannot be dilatory. It can only present the Senate with a substantive issue designed to protect an individual's State or region of the country from a particular approach that might otherwise be completely unacceptable to that region or State.

I think the first part of this amendment I have offered is the most important. Again I say that one of the reasons why I think the original rule was as it has been, that we would only have amendments in the first degree, is that it was intended that the postcloture period not provide for additional dilatory tactics.

This would not be a dilatory tactic because it is still under the cap. At least as far as the first part of the amendment is concerned I hope the Senator will give it serious consideration because I think if we cannot get it this way we are going to have to find some other way.

You will recall that one prior version of the suggested substitute that we have discussed in your office as a result of the negotiations in our committee, would have required the amendments to be at the desk 2 days before or the evening of the day of the filing of the cloture motion so that we could then have a chance to look at them and have amendments to the amendments at the desk prior to voting cloture.

You could accomplish it in the same way there. But as long as we are going to have a procedure continue that the amendment need only be at the desk 1 second before the rollcall starts on the cloture motion, there is no way for an individual Member to know what is there until it is called up or until it is printed and at the desk in the postcloture period.

I agree this amendment is a radical departure from the procedures of rule XXII, but it is timely. It is time that we really thought about the necessity to have the ability to protect those whom we were sent here to protect, even though we might be in a postcloture time frame.

I hope the Senate will give that problem serious consideration in view of some of the matters that we ran into last year in that long postcloture debate period on the gas bill.

Mr. ROBERT C. BYRD. Mr. President, I had not completed my dissertation on this amendment. I had prefaced that statement by saying that I thought the spirit and the intent of the amendment were laudable.

Let me continue now with stating what I find to be wrong with the amendment. Perhaps something can be worked out. The problem really arises, the problem that the Senator has just addressed himself to arises, from the amendment to the rules that was adopted on April 6, 1976. That change that was made at that time—previous to that date only those amendments could be called up after cloture was invoked that were germane or which had been read prior to the invoking of cloture.

In 1976 an amendment was adopted which deleted the reference to reading the amendment, which was for the purpose of alerting all Senators as to what amendments were going to be called up or going to be eligible to be called up after cloture was invoked. But the Senate did away with the requirement for the reading of the amendment and merely required that amendments be submitted in writing to the Journal clerk prior to the end of the vote, which means a Member can carry 100 amendments up there. If he has a large briefcase he can carry 1,000 or if he has 2 briefcases he can carry 2,000 up there at the time that vote is going on.

I daresay that the Members of the Senate do not have any knowledge of the substance of those amendments. They have no opportunity to prepare amendments in the second degree, and they are caught with a bagful of amendments at the desk of which they had no knowledge, no previous notice whatsoever, and only the Member who lugged them up to the desk in the two briefcases knows what is in the amendments.

So I, for one, feel that probably was not a good amendment to the rules. But that is where the problem has arisen, the problem to which the distinguished Senator from Alaska has addressed himself.

What do I find wrong with the amendment he has just offered?

> "New amendments in the second degree can be offered after cloture has been invoked if they are germane to the amendment in the first degree to which offered and have been printed and available at each Member's desk for at least twenty-four hours.

For the first time in the history of the cloture rule amendments in the second degree will be permitted under the amendment that is now pending, once cloture is invoked, the only requirement being, in addition to—well, the only requirement being that they be germane to the amendment in the first degree which, under the present rule, has to be germane.

It seems to me this would punish Senators who prepare and who file first degree amendments before cloture is invoked. They do not sit on their rights, they prepare their amendments before cloture is invoked. The objective of cloture, of course, is to bring the consideration of the matter to a close.

The purpose of cloture is not to open the bill up to the amending process and, generally speaking, the amending process should have advanced to a considerable degree or even be ended or be well under control when the Senate resorts to invoking cloture, because 2 days pass before the vote on cloture occurs.

So it seems to me those Senators who have laboriously prepared their amendments in the first degree are being punished, while those who want to offer amendments in the second degree are being rewarded. They have not filed any amendment at the desk before cloture. They can simply sit back and draft their amendments as second-degree amendments to first-degree amendments once the first-degree amendments are called up.

That would be one of the problems I would have. Another problem would be as to determining whether or not a Senator has an absolute right to offer amendments in the second degree.

What sort of priority does a Member have to offer amendments in the second degree? If there is an amendment pending in the first degree, can a Senator who wishes to offer an amendment in the second degree demand that he has an absolute right to offer that amendment, and consequently he has an absolute right to hold up the Senate for 24 hours before it can act on the amendment in the first degree? Or does it mean that if he does not have his amendment then ready to call up, the Senate can proceed with its consideration of the amendment in the first degree?

That is merely a rhetorical question. In any event, if he does not have an automatic right to call up an amendment in the second degree, it is perfectly within his powers and the powers of other Senators alined with him to delay the Senate's action on amendments in the first degree for 24 hours until the amendment in the second degree is available and printed.

Moreover, once the amendment in the second degree has been disposed of, it would be possible, then, for another Senator to stand and say, "I have an amendment in the second degree." Does he have an absolute right, under this amendment, to do that? If he does, then the Senate has to wait 24 hours; it has to set the amendment in the first degree aside until that amendment in the second degree can be printed and is available.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Not at this moment. I will yield to the Senator in just a moment. I was trying to think of a third problem that I had.

It would be possible, Mr. President, for a Senator to offer an absolute substitute, a complete substitute, and if that amendment is in the second degree, he can haul in a complete substitute that never was in writing or contemplated when cloture was invoked; and Senators who voted for cloture might not have done so had they seen that substitute. But, lo and behold, Senator X calls up a substitute that was at the desk, that did qualify for consideration in every way, and Senator Y offers a substitute to that as an amendment in the first degree, but then Senator Z, under this proposal, because the second substitute was an amendment in the first degree, along comes Senator Z—Senator ZORINSKY—and calls up a complete new substitute that only he and God knew about, and offers it as an amendment in the second degree. Nobody ever saw it, and he did not even need God's approval for it; he just simply called it up, and under this rule he could offer that amendment. He played blindman's buff; everybody in the Senate was blind to the amendment except Senator ZORINSKY, a complete new substitute in the second degree.

Under this proposal, are we going to allow him to do that to us? Is the Senate going to permit that?

As I say, the Senator from Alaska has put his finger here on a thing that from time to time needs some remedy; but it would seem to me that this may not be the best way to go about it. I do not denigrate his intent and spirit, but I do not really believe he intends to open this rule up to the kind of mischief that might follow, such as I have just envisioned.

Mr. STEVENS. Will the Senator yield at that point?

Mr. ROBERT C. BYRD. Yes, I yield at this point.

Mr. STEVENS. I am sure my good friends realize that I am not suggesting that we would punish those who have been diligent. The difficulty is that unless we have some way to have an amendment to an amendment, we who come from small States and distant areas, I think, are going to get to the point where we just cannot vote for cloture, ever. After what happened to me last year, I said that, as a matter of fact, from this floor: That I thought probably the day would come that I would not ever vote for cloture unless we got some of these things changed, because of what could happen in terms of an amendment that was entirely well designed, but the person who designed it had no knowledge whatsoever of circumstances in my State that needed protection in order to assure that we would not be emasculated by a national concern. I might add that when it was called to the attention of those involved with the amendment, they readily admitted they would have been willing to change it, but they were unable to, that because of the terms of the cloture rule it was not possible to change the amendment by agreement.

Somehow, we have to get to the point where we can protect our interests and still subscribe to the concept of terminating debate by the cloture process.

I suggest to the Senator from West Virginia that his first element did not seem to be of much substance, because a Senator would not even be able to offer an amendment unless it had been printed for 24 hours.

It would be possible, of course, through the cooperation of other Senators, to use the time and to go through a 24-hour period. If it was that important and a Member could get 23 other Senators to cooperate with him to use the time, admittedly still under a cap, in order to get that protection, I think that ought to be achievable.

I admit that the Senator's third objection is a rational one—not that the others were irrational, you understand—but that one bothers me. It was our intention to have a perfecting amendment to an amendment offered in the nature of an amendment in the second degree, but not to permit the offering of an amendment in the second degree as a complete substitute for the whole bill. I can see that the Senator has a legitimate worry there, that we might suddenly find Pandora's box opened by an amendment in the second degree in the postcloture situation.

I think we have to get at this problem from the matter of scope; to provide that the amendment in the second degree could not exceed the scope of the amendment which it seeks to amend.

Mr. ROBERT C. BYRD. Mr. President, the problem there is, who would bell the cat? Who, in that situation, would determine the scope?

May I say to my friend, I think we could simply amend this rule back to where it was before 1976 and require the reading of amendments.

The problem that arose in that case was we had sort of a habit of coming in here just before the cloture vote and asking unanimous consent that all amendments then at the desk be considered as having been read. We abused that. On this one occasion I did not make that request. Lo and behold, we were in cloture, the request had not been made that all amendments at the time meet the reading of the requirement, and Mr. Brooke, if I remember, was not allowed to call up his amendment.

So Mr. KENNEDY suggested the change

that so long as amendments were in writing at the desk prior to cloture they be considered as having been proper. His intention was good. It was meant to overcome and cure the evil which had arisen from the fact that Mr. Brooke was not allowed to call up his amendment.

But the fault there was we had abused the rule so many times asking unanimous consent that all amendments at the desk be considered as having been read and on this occasion nobody asked for that consent. Somehow or other I got blamed for it because I was majority whip at the time and I was usually the one who stood up and made the request. But I was under no obligation to make that request. The majority whip was not under any obligation to make that request. My recollection of the old maxim in equity is that one must not sit on his rights. Simply because the majority whip had not asked unanimous consent in that instance I got the blame because no one else did ask.

Somehow or other I was supposed to be the fellow who looked after all the gates and padlocked them or saw to it that all the shadows were lighted and everything. In that instance, however, I did not ask and Mr. Brooke was put into the position of not being able to call up his amendment. That is what happened.

If those amendments still required reading, it would only take one objection to any request that amendments at the desk meet the reading requirement. Then all Senators are on notice as to what the first degree amendments are.

What I am saying to my friend is perhaps we can find some remedy to this if we can think about it a little bit. I believe the way this amendment is written, however, would create probably more problems than he foresees.

I want to address myself to the other part of the amendment. Before that, I will yield to the Senator from Maryland.

Mr. SARBANES. I wanted to say that I think this approach might get to the problem the Senator from Alaska seeks.

I have sympathy with the argument that if an amendment is at the desk we do not know what the amendment is. You have no way of finding out. It catches you by surprise and you are then in a postcloture period and cannot do anything about it.

It seems to me the better way to address that problem is to go to the precloture period and try to work something out in that period so that once you vote cloture you are voting it on the basis of the measure before you and the amendments that are pending to that measure. In effect, Members know what the situation is and potentially what the situation can be on the basis of the pending amendments. Otherwise, diligent people prepare their amendments, put them at the desk, and get them in at the appropriate time. Someone can come along who did not pay any attention at all and devise his second-degree amendment to a first-degree amendment that someone has worked out and come in with it in a postcloture period. It seems to me that person ought to be required to do that in the precloture period.

That leaves us with the problem of how does a concerned Senator, in a situation in which the Senator from Alaska outlined, gain knowledge of what is pending so he can respond before we go into cloture. It seems to me we would be better off addressing it at that point and trying to work something out than to permit this second degree amending in the postcloture period.

I could put a first degree amendment at the desk just to give myself a vehicle and then go off and prepare my second degree amendment for the postcloture period, having gotten a vehicle in on which I can hang it, and then come in.

I do not care how you limit it in scope, its germaneness, or anything else. If I have a real substantive purpose I want to accomplish I can do it in terms of how I draw my first degree amendment so that it gives me a shelter for my second degree amendment that I am going to come in with in the postcloture period.

Mr. STEVENS. Will the Senator yield to me?

Mr. ROBERT C. BYRD. Mr. President, may I continue to hold the floor? I want to address the second part of the amendment. I will yield to the Senator.

Mr. STEVENS. I thank the Senator.

Let me say again I am not unmindful of the problems discussed just now by the Senator from Maryland or the Senator from West Virginia previous to that. The difficulty is we tried to devise a procedure whereby amendments would be presented and would be available prior to the vote on cloture. I think that is still the best answer. But we are unable to get to that point yet. I think we will, in time, realize that the only way we can really know what we are voting cloture on is to see the bill and see the amendments, and, as a matter of fact, see the amendments to the amendments which might be in order under the rules.

We had an approach which could have accomplished that. That unfortunately was not timely yet. I think the day will come when it will be timely.

The Senator from Maryland has a good point. I do not argue with that. The only thing is I do not think that a Senator is sitting on his rights if he does not know of the amendment to be offered by another Senator and has a legitimate concern that should be expressed in the form of an amendment to that amendment prior to its being voted upon by the Senate.

Let me make this very specific. We are going to get into a fight later on this year over the Alaska lands bill. Everybody knows it. I know it. We have some people in the Senate who have areas they want to make into national parks, wildlife refuges, wild or scenic rivers, or national forests in my State. I know those areas pretty well. The people who seek to change their status in terms of the public lands status have some knowledge of them. They do not have the particular knowledge about who is living in what portion of this land, what right-of-way ought to be preserved, what rights to land on river bottoms in the summertime in order to have tourist access ought to be preserved, or the very particular items that, as the Senator from Alaska, it would be my duty to inform the Senate about.

Yet another Senator could come in here if cloture were voted on that at the very last minute and drop an amendment on the desk and say, "I want to make a national park out of all the lands in the Kenai Peninsula."

It does not mean much to other people, but the Kenai Peninsula is an area the size of New England and there are a lot of people who live there. Currently, for all intents and purposes, a considerable portion of it is known as the Kenai moose range. There are people who want to change its status and give it either a refuge or a park status.

I think I ought to have the right to come forward with a perfecting amendment to preserve the rights of the Alaskan people who are there, or preserve access for Alaskans in some way, to make suggestions for amendments to that prime amendment which has been offered, which was not available to me.

Without this amendment, there is no way I can protect my people under the existing law.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. I sympathize with the Senator's problem. As I said earlier, there must be some way we can deal with it as an additional problem.

Let us think about it, talk about it, and see if we can work something out.

It might be that three-fifths of the Senators present and voting could vote to allow that second degree amendment to come in in a situation in extremis, such as the Senator has alluded to.

I am certainly agreeable to giving some thought to this. The amendment as it is written would certainly deal with the Senator's problem, but I am afraid it would create additional ones.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I say to my good friend, I can see the problems he has raised.

I would like to suggest we go back and consider again a time factor of requiring amendments to be filed, requiring petitions for cloture to be filed prior to noon, and requiring amendments that would be considered to be filed at the desk before the close of business that day, or at least, say, before 8 o'clock that night, whatever it might be, and then allow Members to research the amendments that are at the desk, to offer their amendments to those amendments, and have them pending there before the cloture vote takes place.

I do not like to rely upon three-fifths of the Senate for the right to protect my State. I should have that right as a Senator. The rules, if they forbid that right, will get us in a position where more and more of us are going to have to absolutely oppose cloture, period, and that is not going to achieve the Senator's goal if we have more and more cloture petitions defeated.

In order to accommodate the Senator, though, and I do believe we are proceeding in a mode of really trying to be constructive in terms of our approach, let me withdraw that amendment and proceed to a more controversial one with the hope that our collective staffs might pursue our discussion and see if we can get something we might offer here tomorrow when we convene to accomplish that purpose.

I do withdraw that amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 17

(Purpose: To change the 100 hour limit on debate following cloture to the aggregate of the 100 one hour periods of time to which each member of the Senate would be guaranteed)

Mr. STEVENS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself and Mr. HATFIELD, proposes an unprinted amendment numbered 17:

On page 1, line 6, following the word "invoked," insert the words: "which time is the aggregate of the one hour of time to which each Member is entitled,".

On page 2, line 6, strike everything through page 3, line 18, and insert in lieu thereof the following:

"The last paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the first sentence and inserting in lieu thereof the following:

"After cloture has been invoked, no Senator shall be entitled to use more than one hour on the measure, motion, or other matter pending before the Senate, the amendments thereto, and motions affecting the same, except as hereinafter provided.

"A Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests except the time consumed in one quorum call immediately prior to a vote on final passage. A Senator may yield any of his remaining time to another Senator or may yield it back to the Presiding Officer, in which case the hours of consideration shall be reduced by the time so yielded back, and it shall be the duty of the Presiding Officer to keep the time of each Senator. No Senator may be yielded more than nine additional hours. If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member. If the objecting Senator does not have at least ten minutes remaining, he may not object to dispensing with further proceedings under the quorum call. If the time required to call a quorum exceeds the balance of the objecting Senator's time, such time shall not be charged against the one hundred hours.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.".'.

Mr. STEVENS. Mr. President, this is the most controversial amendment we shall present. I offer it on behalf of myself and the Senator from Oregon (Mr. HATFIELD), our distinguished ranking Republican on the Rules Committee.

Let me try to explain, thought by thought, what this proposal entails.

It would substantially change the procedure of the existing rule XXII and it strikes out the balance of the first sentence of rule XXII as it appears in the majority leader's version of Senate Resolution 61. The first portion of it, if adopted, would assure that no Senator could use more than an hour in the postcloture period in any manner unless he is yielded additional time, again recognizing the total concept of a 100-hour cap.

It specifically says that a Senator will be charged for the use of all time consumed after he is recognized and until he yields the floor, including the time on rollcalls and quorums, except for the one quorum call prior to a vote on final passage, which I believe is the constitutional requirement to ascertain the seconding of a request for rollcall.

However, this would change the procedure to permit a Senator to yield his 1 hour, or any portion of it, to another Senator, or he may yield it back to the Presiding Officer, in which event the time cap would be reduced by the amount of time yielded back.

That language, incidentally, was the language deleted by the majority leader from his amendment that was adopted earlier today. At the time, I indicated that I hoped we would have the opportunity to consider portions of Senate Resolution 61 or the whole text thereof as original text for the purpose of amendment.

I do concede that is trying to deal with the same issue. However, in the context of this version, I think the Senator from West Virginia would see that the yielding back of time might be conducive to shortening the whole process of the postcloture period.

Under this proposal, a Senator could acquire a total of 10 hours, not just the majority leader, but any Senator involved in a postcloture debate could have up to 10 hours if nine other Senators would yield him an hour apiece, or, as a matter of fact, 20 other Senators could yield him a half hour, whatever it would take, but the limit would be 10 hours for any Senator.

When we consider the fact that all time consumed by the Senate after that Senator is recognized is going to be charged against that individual cap, I think the Senate would see that this is a limiting amendment rather than an amendment to expand any time after cloture. In order to protect the Senator who has a substantive issue before the Senate and seeks a quorum call for the purpose of trying to discuss it with another Member, or trying to get the attendance of an absent Member who might be assisting on the matter for any legitimate reason, a quorum call is one of our ways to seek a temporary delay. But having put the quorum call into effect, knowing under this approach that all the time would be charged against the Senator who has been recognized, another Senator who might want to force that Senator to use up his time without being able to discuss totally his proposition could object to removing the quorum call.

This approach would charge the time taken in completing a quorum call, following an objection to dispensing with the remainder of the quorum call, against the Senator who objected. It would state, further, that no Senator could object unless the Senator had 10 minutes remaining and, further, that if for any reason a quorum call proceeding went beyond the remainder of the time, if a Senator did have 10 minutes and the quorum call took 15 minutes, then the 5 minutes would not be charged against anyone but would just expire. It would not be charged against the 100 hours, either.

This amendment also deals with another question, and it therefore has two principal portions, and that is the reprinting of a measure or matter after cloture has been invoked.

Those amendments which are at the desk at the time cloture is voted could be out of order if the measure or matter is reprinted after cloture because of the page reference or the lineage reference, and therefore technically subject to a point of order.

In order to meet that situation, the proposed amendment deals, in its last paragraph, with the problem by saying that if for any reason a measure or matter is printed after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed or reprinted at the request of the sponsors of the amendments. The conforming changes must be limited to lineation and pagination.

That is simply for the purpose of protecting against the situation that developed last year, inadvertently, I believe, in terms of the reprinting of the principal substitute to which the amendment had been offered; but all those amendments were technically out of order because they referred to the original version of the bill rather than to the substitutes.

I am informed by my very competent staff member, Mr. Perles, that in the Senator from West Virginia's recent version of Senate Resolution 61, the last paragraph of this proposal is included, in substance. So I take it that we really do not have to discuss that portion, since our change there would be redundant, now that that is in the amendment. Under the circumstances, I will modify this amendment before it is finally called up, to delete the redundancy.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. Let me make one final comment, and then I will yield to the Senator from Oregon.

I think this amendment is the significant one, primarily because it seeks to recognize the fact that in a postcloture period, while some of us are part of the leadership on a permanent basis, through action of the Senators on our respective sides, the actual leadership on a particular bill or an amendment that has been subject to cloture may not lie with the leadership on either side but, as we saw last year, would actually be with perhaps a small number of Senators who were opposed to the leadership on both sides of the aisle.

I think that any changes that are made in the rules should protect the rights of those who seek to swim upstream and make certain that we do not get into a situation in which the rights of those Senators are so constrained because of time or because of the technicalities of the rules that they will not be able to raise legitimately the alarm they wish to be heard throughout the country.

I did not agree with those Senators last year, as everyone knows, but I had complete admiration for their determination to stick to their point of view and to use completely their rights as Senators to bring to the attention of the country an issue which they considered to be of national importance.

The limiting features of this proposal that we have devised would depend upon the support they have in the Senate; because under this proposal, if there are just a few Senators who wish to swim upstream, the time is going to run on them very quickly. Only if they have the support of other Members who will yield them time will they be able to use even more than a fraction of a day.

Last year, I think we had probably 8 to 10 Members, at the most, who were supporting those who had disagreed with what the Senate wanted to do. Under this approach, that would have been the limit of time they could have used, because every minute consumed by the Senate would be charged against the Senator from the time he was recognized, and the hundred hours would be an absolutely firm 100 hours.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I am among those Senators who believe that once cloture has been invoked, debate must draw to a close. Postcloture consideration should be a time for summation and tidying up. Postcloture filibusters are an abuse of the Senate rules, and they are an abuse against which the Senate has little protection. They erode the spirit of comity and courtesy that is a part of this institution.

Mr. President, our distinguished majority leader, the Senator from West Virginia (Mr. Robert C. Byrd), is fond of quoting from the history of the Senate, for which he is well-known; and I note that today, on the floor of the Senate, probably the only Member who recalls the historic issue that I would like to raise at this moment is the Senator from New York (Mr. Javits).

I go back to the part of the history of the Senate when filibusters were particularly geared into the question of civil rights. I am reminded that one of the leaders of the cause of civil rights, the Senator from New York (Mr. Javits), faced a great adversary in Senator Russell of Georgia, who usually was leading the filibuster against civil rights. But there was a very interesting understanding that these distinguished gentlemen had, particularly Senator Russell, who was on the losing side, that once cloture was laid down, he understood the filibuster was at an end, and the institution of the Senate took preeminence over the individual viewpoint, for which he was well known and about which he felt very sincerely and was very dedicated.

So it is that the current rules do not necessarily invite abuse, but they permit it to happen, as we have seen in the latter days of the Senate. To prevent recurrence of the problem, the rules must be changed.

In my judgment, there is no question about that; and in that sense, the able majority leader and I proceed from the identical premise: At issue is not whether some change is desirable but what kind of change is best.

The rules amendment offered by the distinguished majority leader, I believe, goes too far. No doubt, it would cure the illness, but it excessively chips away at the rights or prerogatives of individual Senators. Fortunately for the Senate, we need not choose between the continued abuses and such a sweeping departure from our traditions.

Mr. President, the amendment now pending offered by the Senator from Alaska and myself is clearly a better solution. It guarantees that the one postcloture hour granted to each Senator shall be inviolate. Senators can do with their hour as they please. They can call up amendments, make points of order, make speeches, request quorum calls, or even ask that the Journal be read. The time they consume is charged against them. It is their right—as it should be—to parcel out that time as they see fit. When their hour expires, Senators have had their say.

Furthermore, Mr. President, if Senators wish, they can even yield their time back to the Presiding Officer, and the postcloture cap will be correspondingly reduced. In so doing, they impinge on no one's time but their own. The rules should never permit a vote of Senators to decrease postcloture time and thus strip a Senator's hour away. Thus much is basic: A Senator should not have to go hat-in-hand to the leadership to ask for time. The distribution of time should be a determination made by individual Members, not a decision exercised by the leadership.

Under the amendment, Senators can also yield their time to other Senators. No restrictions lie on these transfers, except that no Member can receive more than nine such transferred hours. Unlike Senate Resolution 61, no specified Senators act as the collectors and conduits of time. The proposal needlessly elevates the standing of a few Senators over the rest of the membership. Our amendment properly equalizes the status of all Senators.

Mr. President, there is an inherent tension between the rights of individual Members and the rights of the corporate body. Postcloture filibusters tip the balance too far in one direction. Senate Resolution 61, however well-intentioned, tips the scales too heavily in the opposite direction. Perfecting amendments offered by the majority leader prior to the recess tend to address this problem but do not relieve it. The best argument that can be made for the amendment pending before us is that it strikes the proper balance.

I, therefore, urge the amendment be adopted. If passed, it will both end postcloture filibusters and preserve the legislative prerogatives of each U.S. Senator.

Mr. ROBERT C. BYRD. Mr. President, first let me compliment the distinguished Senator from Alaska (Mr. Stevens) on having laboriously, methodically, systematically, and dedicatedly approached this problem over a long period of time going back into last year. I have met with him on several occasions. He has in a very earnest endeavor attempted to bring about some satisfactory rule changes that will not worsen but will improve the postcloture situation. As a matter of fact he brought in what I thought was some good suggestions that would deal with precloture situations.

I also compliment the distinguished Senator from Oregon (Mr. Hatfield) who is the ranking minority member on the Committee on Rules and Administration because he has very sincerely and conscientiously attempted to bring to bear his very considerable talents in this effort also.

Now, as to the amendment that the distinguished Senator from Alaska has offered, first of all it will require unanimous consent that it be in order to offer the amendment to my resolution. I, therefore, ask unanimous consent that the substitute may be in order, Mr. President.

The PRESIDING OFFICER (Mr. Sarbanes). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the substitute.

Mr. STEVENS. Mr. President, will the Senator withhold that until I get a chance to modify the amendment?

Mr. ROBERT C. BYRD. That was why I wanted to get the yeas and nays. I did not want the Senator to modify it. But I will withhold that. I will not ask for the yeas and nays.

Mr. President, to go to the very jugular vein of this substitute, it removes any semblance of a cap. There is no cap. That is the distinguishing feature and, as a matter of fact, that is the crux of my resolution. It does establish a cap, a cap of 100 hours.

But I ask the distinguished Senator from Alaska if I am correct in saying that his substitute does not envision a cap.

Mr. STEVENS. Mr. President, if I might respond, if the Senator will yield, with his usual accuracy the Senator has zeroed in on the one problem of this amendment, and I would have to say that there is one instance in which the cap could be exceeded, but it is limited to this situation that where a Senator has at least 10 minutes, and he objects to the elimination or to the rescinding of a quorum call, all of the time taken on that quorum call would be charged against the objecting Member to the extent of his time that remains. The provision requires that he have at least 10 minutes so that we are talking about the difference between 10 minutes and in the total time taken in a quorum call which could get up to 15 or 20 minutes at times, and that would not be charged against the 100 hours to the extent that it exceeded the remaining time of the objecting Member.

So the Senator from West Virginia is right that the 100-hour cap can theoretically be lifted by that procedure, but that is the only manner. Other than that all time used by a Senator—and I might say it is my understanding that the time under this amendment charged against a Senator would be more precise than the time under the distinguished majority leader's amendment because under the distinguished majority leader's amendment all time is charged against the cap. Under our approach every Senator is entitled to 1 hour or up to 10 hours if he has the time yielded to him, and all of the time consumed after the time that Senator is recognized, including yielding to another Senator or including the time taken in voting or the time taken on a quorum, except for the one quorum prior to the rollcall and final passage, is charged against that Senator.

We have an individual chargeability; whereas, the Senator from West Virginia has an overall Senate chargeability on the 100 hours.

I believe that I have to be precise and say "Yes," it is theoretically possible to exceed the 100-hour cap but only to the extent that a Member who had 10 minutes remaining but did not have enough for the full time of the quorum call, would be in a position of objecting to the rescinding of a quorum call.

That is a very small amount under any normal procedure. It could not account to many hours in a postcloture process.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the response by the distinguished Senator, and I say what I am about to say with the utmost respect for the Senator, but I can point to a hole in this amendment that is big enough to drive a 747 through. As a matter of fact, there is a star—I do not know how it is pronounced but it is spelled, I believe, B-e-t-e-l-g-e-u-s-e—that star is so large that it could not pass between the Earth and the Sun, the distance of 93 million miles. There is a hole in this that is as large as that star.

Now, let me point it out to the distinguished Senator. He says that under his amendment it would be only that time charged against an objecting Member who opposes the calling off of a quorum once; that is, if he had as many as 10 minutes. If he did not have 10 minutes remaining, he could not object to calling off a quorum. If he did have whatever time the quorum required over and above his remaining time, then it would not come out of anything.

Well, Mr. President, I am about to take out my gold watch: "Mr. President, I call up amendment No. 123."

That time required less than 2 seconds. Let us allow for the sake of doing some mathematical computations, an average of 10 seconds for calling up an amendment.

"Mr. President, I call up amendment No. 12345."

That took 10 seconds. Every Senator here knows that it does not take 10 seconds to call up an amendment. But once a Senator calls up an amendment he loses the floor. Once a Senator makes a motion he loses the floor. Once a Senator suggests the absence of a quorum he loses the floor.

The Senator says this changes that. But what he is doing then is changing rules other than XXII, and that is not in accordance with the agreement.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Not right at the moment.

The Senator would change that rule. If he changes the rule, that charges to a Senator time when he does not have the floor, and I do not believe that Senators will want to vote for that resolution knowing what they are doing.

He a moment ago said to the Senate that all time would be charged against a Senator for rollcall votes and for quorum calls, et cetera, et cetera. But under the present rules, Mr. President, when a Senator suggests the absence of a quorum he gives up the floor.

"Mr. President, I suggest the absence of a quorum."

I have given up the floor. How is the Senate going to charge me with the time for that quorum when I do not hold the floor?

The same thing is going to be true with regard to rollcall votes or any motion, Mr. President.

"Mr. President, I move that the Senate stand in recess for 30 minutes."

Somebody asks for a yea-and-nay vote. That Senator gives up the floor the second he makes that motion. He gives up the floor.

Or he may say: "Mr. President, I offer Amendment No. 123."

He has given up the floor. He cannot be charged with that time.

So a Senator who has 1 hour, allowing 10 seconds per amendment, can call up 6 amendments per minute, 360 amendments per hour, and if he is allotted—if he can be yielded 9 additional hours, think of the havoc that is wreaked upon this Senate. It would make him a total of 10 hours, and he could call up 3,600 amendments, and at 15 minutes per rollcall vote that is 300 voting hours, and if he is not yielded any time he can take that 1 hour—the late Jim Allen would be delighted to see this change in the rules.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. If he could call up in 1 hour, allowing 10 seconds for calling up an amendment, allow him 10 seconds, and he could call it up in 2 seconds, allow him 10 seconds per amendment, he could call up 360 amendments, 15 minutes per vote, and that is 90 hours of rollcall votes, and all he has to do is stand up and call up an amendment and sit down.

The time for reading that amendment cannot be charged against him because he has yielded the floor. The time for debate on the amendment cannot be charged against him because he has yielded the floor. He is sitting in his chair. It would be a travesty of justice to charge that Senator with the time that is consumed.

So, Mr. President, we have not seen anything yet as far as postcloture filibusters are concerned. Once you write into this rule, the standing rule of the Senate, the language that is in this substitute, Mr. President, give me 10 hours and an unlimited amount of brass, and a thorough disregard of the feelings of other Senators, and I can call up 3,600 amendments, demand the yeas and nays on every one of them, move to reconsider them, all within 10 seconds per amendment, and we can stretch the time out ad infinitum.

So, Mr. President, we are not tightening up the rule; we are really making it possible for one or two Senators who wish to prolong the time of the Senate in carrying out action on a measure, as long as they have got the guts and they do not mind being nasty they can do it.

Let us take a look at this:

> A Senator shall be charged with the use of all time consumed after he is recognized until he yields the floor.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. When he asks for a quorum he automatically yields the floor. If he asks for the yeas and nays and a rollcall starts he loses the floor. If he moves, makes a motion, he loses the floor. If he offers his amendment, he loses the floor. So he cannot be charged with that time because it says, "until he yields the floor."

But he yields it automatically under the present rules, and any rollcall votes and quorum calls he requests, except for the time consumed in one quorum call immediately prior to a vote on final passage—and I suppose that means final passage of the measure—any of those rollcall votes and quorum calls will be charged against him. But the poor fellow yielded the floor when he suggested the absence of a quorum, and now we are going to hang around his neck the 30 minutes that are consumed in the calling of that quorum, even though he automatically gave up the floor.

More than that, once he calls one such quorum and only has about 20 minutes left and gets a rollcall vote on something he has only 5 minutes left. Why should he care? He could not care less, Mr. President. Just charge all the time you want to him. He has only got 5 minutes left. Charge it all to him. And what does it come out of? It results in the stretching of the time so that there is no cap, and once we do away with the cap then we have done away with a remedy that will work in a postcloture situation.

Now I yield the floor.

Mr. STEVENS. Well now, my good friend has taken this concept and has demonstrated how under the existing rule it could be interpreted as being a way to avoid the cap.

I want to assure the Senator from West Virginia that this is an amendment which has been drafted by people who, I think, are fairly astute in terms of the procedures we have followed in the past and in terms of how we would like to see postcloture procedure develop for the future.

This has a new concept, and it means a Senator, after he is recognized, controls the floor. No matter what kind of a motion, rollcall or anything else, he is entitled to that floor until he says, "Mr. President, I yield the floor."

During that time, everything that takes place in the Senate, with two exceptions, is charged against the time that he has. As a Senator, he has an hour, and he could have up to 10 hours if nine others, or however many it takes, would yield to him up to 10 hours. He could have, in effect, the control of the day. The only two exceptions would be, one, the vote on final passage of the measure itself, not an amendment but final passage, and the other is the objecting of a Senator to the removal of the rollcall.

Under this concept, a Senator who seeks to offer a series of amendments, once he is recognized, could be assured he could go through his amendments and the rollcalls required on those amendments, or any quorum calls he puts in place or yields for. He controls the time for that period, and if he wants to put in a quorum call it comes out of the time he has. If he wants to have a rollcall vote—and I will say I believe this would help one of the problems with rollcalls—I think this amendment would motivate Senators toward not having so many rollcalls in the postcloture period, because that 15 or 20 minutes will come out of the time the Senator has. I believe we will have a lot more voice votes if this procedure is followed.

Moreover, there is a philosophical difference I want to try to articulate. That is that the amendment of the Senator from West Virginia changes the existing procedure in that, while it continues the provision of rule XXII that says each Senator is entitled to an hour, that entire time can be denied if others use up the time. There is a 100-hour cap under the approach of the Senator from West Virginia, and some of the time that is used by the Senate is not charged against the person who has the floor, but that time actually comes out of some other Senator's time, and he would have no way to protect himself.

Actually, God rest his soul, I believe the late Senator from Alabama would be delighted to see the Senator from West Virginia's approach, because I am certain the Senator from Alabama could show us how to use 100 hours and charge that time completely to the Senate, and never let anybody else have a chance to speak. He was very, very competent in interpreting the rules, and he could, in effect, deny everybody else the chance to have 1 hour by virtue of having the time clock run on 100 hours. I really believe there may be some embryo Jim Allens around here, and I am looking at one (Mr. HELMS) that is not even an embryo any more. I am convinced there are people here who could use the Senator from West Virginia's approach of the cap. Again referring to the fact that existing rules entitle every Senator to an hour, those rules could be used in such a way that he could never get that hour, because those 100 hours would run.

Mr. ROBERT C. BYRD. Wait a minute; does the Senator know about the amendments that I have offered to my own resolution?

Mr. STEVENS. Yes, I think so.

Mr. ROBERT C. BYRD. Well, then his statement is not accurate.

Mr. STEVENS. The Senator still says we have a 100-hour cap, does he not?

Mr. ROBERT C. BYRD. We have a 100-hour cap.

Mr. STEVENS. And he also says we are entitled to 1 hour.

Mr. ROBERT C. BYRD. If we use it.

Mr. STEVENS. If we use it, but under the Senator's approach, if I be recognized, if I put in a quorum call, that time would not count against my hour any more, but it would count against the 100-hour cap.

Mr. ROBERT C. BYRD. Good.

Mr. STEVENS. So that would count against somebody else's time.

Mr. ROBERT C. BYRD. The Senator is exactly right.

Mr. STEVENS. So I could use the time of other Senators.

Mr. ROBERT C. BYRD. How?

Mr. STEVENS. By just using up the time under a quorum call.

Mr. ROBERT C. BYRD. You cannot do it under my amendment.

Mr. STEVENS. When I put in a quorum call, it no longer counts against my time.

Mr. ROBERT C. BYRD. We have a precedent, though, that you cannot ask for a second quorum until business has been transacted.

Mr. STEVENS. That is simple. To transact business, you just call up another amendment.

Mr. ROBERT C. BYRD. To call up an amendment does not constitute transacting business.

Mr. STEVENS. We had that precedent when Senator Allen was here, as I recall.

Mr. ROBERT C. BYRD. We are going to arrange under my amendment, my proposal, to not allow any Senator to call up and dispose of more than two amendments without another Senator's having the right to be called on.

Also, every Senator, under my proposal, would be allowed at least 10 minutes, even after the 100-hours' cap had gone by, if he had not been recognized before. If he had stood on his feet and not yielded any time, he could have up to 10 minutes. So we have provided against that contingency.

Mr. STEVENS. Will the Senator let me finish this? Why do we not make the Senate a group of responsible people and give everybody a bank account? I have a bank account of 60 minutes, and I can have up to 600 minutes.

Mr. ROBERT C. BYRD. Because that is exactly what we have now.

Mr. STEVENS. No, no, wait a minute. You have to let me finish, though.

Mr. ROBERT C. BYRD. We have an hour now. All right.

Mr. STEVENS. Under the procedure we have suggested, again, from the time I am recognized, nothing else can take place in the Senate unless I yield the time. Once I am recognized, I have an hour, or up to 10 hours, and I control anything that happens here until I notify the Chair that I yield the floor. In other words, I cut off the clock against the running of my time, the time that stands charged against me.

Mr. ROBERT C. BYRD. If a Senator stands up and offers an amendment, he loses the floor, right?

Mr. STEVENS. No, we are changing the rule.

Mr. ROBERT C. BYRD. Oh, no.

Mr. STEVENS. Until you say, "Mr. President, I yield the floor," anything that goes on in here is charged against the person who is recognized, but mind you, no one else can do anything.

Mr. ROBERT C. BYRD. Do not point your finger at me it might be misunderstood.

May I say this. Let us say you offer an amendment. Under your proposition, when you offer an amendment you do not yield the floor?

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. All right. The clerk reads the amendment; it has not been printed 24 hours, and I demand he read it.

Mr. STEVENS. It is chargeable against my time.

Mr. ROBERT C. BYRD. Chargeable to you, all right. After he reads it, I suggest the absence of a quorum.

Mr. STEVENS. No, I offer the amendment.

Mr. ROBERT C. BYRD. But you are going to hold the floor?

Mr. STEVENS. I am going to hold the floor until I yield it.

Mr. ROBERT C. BYRD. All right. He reads the amendment, and I say, "Mr. President, a point of order; that amendment is not in order." Now who has the floor?

Mr. STEVENS. You ask me if I yield for that purpose. I say, "No, you can raise the point of order on your time after I finish." Before the amendment can come to a vote, I would have to yield the floor.

Mr. ROBERT C. BYRD. So I will not be allowed to make a point of order against the amendment?

Mr. STEVENS. Until I have used whatever time I want to use, and I yield the floor.

Mr. ROBERT C. BYRD. Let us say the majority leader wants to move to recess.

Mr. STEVENS. You would have to wait until I yield the floor.

Mr. ROBERT C. BYRD. He would have to wait until you yield the floor?

Mr. STEVENS. That would be the case today, because you cannot interrupt another Senator in order to recess the Senate.

Mr. ROBERT C. BYRD. Let us say you put in a quorum.

Mr. STEVENS. I put in a quorum; that is, again, for the purpose of my working out something in connection with my amendment. That would be attributed to me.

Mr. ROBERT C. BYRD. All right. Let us say we have a quorum call, and a quorum is not present. I say, "Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays."

Mr. STEVENS. Right.

Mr. ROBERT C. BYRD. We get the yeas and nays, and that takes 20 minutes, and no quorum.

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. Then I say, "Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays." That is a rollcall vote, and again a quorum is not present.

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. Then I say, "Mr. President, I move that the Sergeant at Arms be instructed to arrest absent Senators, and I ask for the yeas and nays." We have another 20-minute rollcall vote, and what happens to your 60 minutes?

Mr. STEVENS. Mr. President. the answer to the question of the Senator from West Virginia is that as long as I proceed on the quorum call and it is for the purpose of working out my legislative position, the time is running against me. Anything that happens there is going to run against me. From the time that the Senator from West Virginia would start a dilatory tactic, it would be chargeable against him.

I do not think he can get into it, under my approach.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. In a moment. The time is chargeable against me until I yield the floor. Any time that ensues is charged against me, and I would be a stupid Senator if I asked for a quorum call knowing that I was going to get into one of these proceedings of having the Sergeant at Arms to be compelled to have absent Senators attend the floor.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. The Senator is looking at dilatory tactics of the past to judge the tactics of the future.

Mr. ROBERT C. BYRD. All the Senator is asking about is if the Senator will yield to me at the moment. Will the Senator actually say with a straight face and a benign smile that if he puts in a quorum call and a quorum does not show up that it would be to request the attendance of absent Senators, if there were no quorum? Under the Constitution, no business can be conducted without the presence of a quorum.

Mr. STEVENS. It would be a dilatory tactic.

Mr. ROBERT C. BYRD. Would that be a dilatory tactic?

Mr. STEVENS. It would be dilatory if the Senator seeks that and I ask that the call be dispensed with. From that time on the time would be charged against him.

Mr. ROBERT C. BYRD. Let us say that the Senator asks that the call be dispensed with, and I object to it. So the time would be charged against me. But the quorum call would have to go forward and no quorum appeared. Then my friend from North Carolina (Mr. HELMS), feeling that there ought to be a quorum, would say, "Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays."

Would that be a dilatory tactic, with no quorum here?

Mr. STEVENS. It would be if I asked that the proceedings under the quorum call be dispensed with under this approach.

Mr. ROBERT C. BYRD. Of course not. The Senator from North Carolina is entitled to have a quorum here. He looks around and sees three Senators. He should object. And when he objects and that quorum call becomes live, then no business can be transacted until a quorum is established. Does the Senator mean to tell me that he is wanting a rule that will allow all that time to come out of the time of the poor little Senator from Alaska; his 1 hour?

Mr. STEVENS. I would hope the Senator would not want us to be entombed in the mistakes of the past. We are trying to provide aspects by which the future will be more promising so far as the procedures of this august body is concerned. It seems to me this is the way to do it. Again, we are saying each Senator is entitled to so much time, 1 hour. He has to be recognized in order to consume any time.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. If he does not want to be recognized ever, he just stands up and says, "Mr. President, I yield back my time." If I did that, there would be a 99-hour cap. If 90 Senators did that, there would be a 10-hour cap. As a matter of fact, last year, if 98 Senators had done it, there would have been a 2-hour cap.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. That filibuster would have been over very fast.

The problem is that if you are going to have the concept by which 100 hours can be reduced, it seems to me that you also have to have some control for an individual Senator to be certain that once he is recognized he can pursue his rights to the utmost. We are saying once a Senator is recognized, he is entitled to hold the floor, notwithstanding anything that occurs, until he has finished his discussion on the matter before us. Admittedly, once I have finished my discussion on my amendment, if I offer an amendment, in order that it could come to a vote I would have to yield the floor. At that time, any other Senator would be entitled to use any portion of his time in connection with anything before the Senate in the postcloture procedure.

Mr. ROBERT C. BYRD. Will the Senator yield at that point?

Mr STEVENS. Yes.

Mr. ROBERT C. BYRD. But no other Senator seeks recognition. The time for the rollcall vote then will be charged against the Senator from Alaska.

Mr. STEVENS. That is right, the person who offered the amendment. That time would then be chargeable against him.

Mr. ROBERT C. BYRD. Is he going to yield to allow a motion to reconsider?

Mr. STEVENS. Any time is charged.

Mr. ROBERT C. BYRD. In other words, no Senator would be allowed even to move to reconsider unless the Senator from Alaska yielded.

Mr. STEVENS. No, the matter having come to a vote, the procedures of the Senate would allow the motion to reconsider.

Mr. ROBERT C. BYRD. But the Senator's amendment says he will be charged with all time until he yields the floor.

Mr. STEVENS. That is correct. Any time.

Mr. ROBERT C. BYRD. Suppose he refuses to yield to the Senator from North Carolina who wishes to move to reconsider.

Mr. STEVENS. The Senator from North Carolina has a right under the rules to move to reconsider.

Mr. ROBERT C. BYRD. But the Senator is going to change those rights.

Mr. STEVENS. I am only going to change the chargeability of the time in the exercise of those rights. If he wishes to reconsider my amendment, he can move to reconsider it. Incidentally, the motion to reconsider would be chargeable against him and anything he might say on that would be charged against him.

Mr. ROBERT C. BYRD. Let us see what the Senator says. "The Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor." Suppose he does not yield the floor.

Mr. STEVENS. I have yielded the floor in order for the amendment to come to a vote. It could never come to a vote until I yield the floor.

Mr. ROBERT C. BYRD. The same could be said about a quorum call.

Mr. STEVENS. No.

Mr. ROBERT C. BYRD. Once the Senator puts in a quorum call, he loses the floor, under the present rules. But the Senator is going to change that. He is going to change it, I say to my good friend from New York. The Senator from Alaska is going to change it so that he can put in the quorum call once he gets recognized and be charged with the time for the quorum call, because he is not going to be considered as having yielded the floor. But suppose he himself tries to call off that quorum and the Senator from North Carolina objects.

Mr. STEVENS. The Senator would have to go back and read the verbiage that I presented in this amendment. It says:

> A Senator shall be charged for the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests, except the time consumed in one quorum call immediately prior to the vote on final passage.

Mr. McCLURE. Will the Senator yield?

Mr. ROBERT C. BYRD. Is the Senator yielding?

Mr. STEVENS. If it is to give a further explanation of the work product of our committee in response to the Senator from West Virginia, I hope he permits me to do that. I do yield.

Mr. McCLURE. I just want to point out the language on the second page of the amendment. It says, on that precise circumstance:

> If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member.

Mr. ROBERT C. BYRD. He can get the floor to object. If he objects——

Mr. McCLURE. The time is charged against him.

Mr. ROBERT C. BYRD. But this Senator has never yielded the floor.

Mr. McCLURE. This would be one circumstance under which the time then would not be charged against this Member but the one who objected simply by reason of the action of the rule the way it is written.

Mr. ROBERT C. BYRD. So, Mr. President, this proves my point. There is no such thing as a cap under the substitute offered by the distinguished Senator from Alaska, no cap, because any time over and above the time that the Senator from North Carolina had remaining would be charged to nobody.

Mr. McCLURE. Will the Senator yield on that point?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. The Senator would have to have time.

Mr. ROBERT C. BYRD. He would have to have 10 minutes. But if he only had 9½ minutes——

Mr. McCLURE. That is what the Senator from Alaska said nearly an hour and a half ago, that in that event it might go over the cap. If somebody had 10 minutes remaining but not enough to complete the quorum call, it might, in that limited circumstance, go over the cap.

Mr. ROBERT C. BYRD. Yes; also, if a Senator gets recognized, calls up an amendment and sits down, who is charged with the time?

Mr. STEVENS. I might say to the Senator that it says specifically from the time that he is recognized until he yields the floor it is chargeable to him, as are any rollcall votes and quorum calls he requests. Before that amendment of mine comes to a vote I have to request a vote on it.

Mr. ROBERT C. BYRD. But will the Senator answer my question?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. He stands on his feet and says, "Mr. President, I call up amendment No. 123," and he sits down. Who is charged with what happens thereafter?

Mr. STEVENS. He is. You are.

Mr. ROBERT C. BYRD. Does the Senator mean to tell me if I sit down after having called up my amendment that I am going to be charged with the time that the Senator from North Carolina takes in debating that amendment?

Mr. STEVENS. After you yield the floor on the matter.

Mr. ROBERT C. BYRD. All right, Mr. President, I call up amendment 123; I yield the floor.

Mr. STEVENS. All right, then your time has been very quickly——

Mr. ROBERT C. BYRD. Less than 10 seconds.

Mr. STEVENS. Right.

Mr. ROBERT C. BYRD. And the debate on that amendment might take 1 hour, 2 hours, 15 minutes, but the rollcall vote on that amendment will require 15 minutes, at least.

Mr. STEVENS. And who will it be chargeable to? To the Senator.

Mr. ROBERT C. BYRD. Under the Senator's very unreasonable proposal in this regard, he is going to charge that to me. Well, that is all right, I can call up four——

Mr. STEVENS. In between, whoever is debating, or talking, asking for quorum calls, whoever makes the request, will be charged with the time if they request it.

If you have yielded the floor, you stand up, call up an amendment, this amendment 1234, sit down, if anyone wants to talk on it, you say you have yielded, if anyone wants to talk on an amendment, it is chargeable to him. If no one wants to talk, you move adoption of the amendment and the rollcall starts again, chargeable against you.

Mr. ROBERT C. BYRD. Mr. President, does the disintinguished Senator from Alaska really want, does he really want to invoke a very punitive rule on the poor little Senator from West Virginia and say, "You can only call up four amendments, a maximum of four amendments, after cloture is invoked?"

Because, we see that this is the way it would work under his proposal.

I would stand on my feet and say, "Mr. President, I call up amendment XYZ, I yield the floor," get back down in my chair, but eventually there will be a rollcall vote and I will be charged with it, 15 minutes. All right, I only have 45 minutes left.

Later I call up another amendment and I sit down. That rollcall vote, when it occurs, will be charged against me. I only have 30 minutes left.

I stand up later, call up my third amendment, sit down, the rollcall vote, when it occurs, I have 15 minutes left.

I stand up my final and last time, I have 15 other good amendments pending, but all I can do is call up one, because that rollcall vote will be charged against me. My hour is gone. I have been able to call up four amendments.

He is going to limit me to four amendments after cloture is invoked.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I hope the Senator realizes what he has done to me under his amendment. Under his version of Senate Resolution 61, there is a 100-hour cap on the Senate. But the Senator from West Virginia could stand up, call up that amendment 1234, sit down. He is entitled to 1 hour. He has used 10 seconds. But the Senate has used 20 minutes and he has used my time.

I come along and I will stand and there is no time left, because the 100 hours has run.

Mr. ROBERT C. BYRD. Oh, no, Mr. President, it would not have run.

After I called up two amendments and I sought to call up the third, the Chair would say, "I'm sorry," to the Senator from West Virginia, "Does any other Senator wish to call up an amendment?" Then Senator STEVENS arises to his feet and in stentorian tones says, "Mr. President, I call up my amendment. Now, Senator BYRD, you just sit still."

He can have his chance then.

Mr. STEVENS. Oh, no, under the Senator's resolution. I would have 10 minutes to talk. I am guaranteed 10 minutes to talk. I am not guaranteed any time to debate or to offer an amendment.

Mr. ROBERT C. BYRD. The Senator is confusing the two amendments. What he is talking about in his amendment now, which, being a timid Senator, who is very shy about seeking his rights under the Senate rules, would have sat in that chair 99 hours and 59 minutes, and without seeking recognition, and then he timidly and with great temerity rises and addresses the chair. Then he would be allowed 10 minutes in which to speak.

But most Senators are not quite that hesitant and that reluctant to seek recognition during 100 hours. Think of it, 100 hours.

May I say in all sincerity, if we are really going to get at this postcloture situation, in my judgment, there has to be a cap.

Mr. JAVITS. Will the Senator yield on the cap?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. I think the Senator has, in his own way, just shown the invalidity of his cap, and for this reason. If we have a cap of 100 hours and lose the floor whenever we ask for a rollcall vote, or ask for a quorum call, then we never give every Member an hour. It is doubtful even they would have 10 minutes left for every Member except for the guarantee, because if most any Member sat down, a quorum could be called, a rollcall could be called, and that eats up the time of somebody in this Chamber.

I think that is very worrisome and very puzzling. The Senator has pointed that out himself. It is charged against the cap. That cap can be chewed up awfully fast and many Members denied the privilege of offering amendments.

Now, if I may ask the Senator from West Virginia——

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. The difficulty, as I see it, and I am not engaging in a dialectic exercise, this has been very worrisome to me.

I have probably voted for as many cloture votes as anybody here, and I have engaged in more efforts to break filibusters than anybody here, and I have suffered through postcloture filibusters, also, just like all the rest of us.

But I am very worried about the two philosophical concepts. Frankly, I do not think we have the answer, and I wish to explain why.

Under the Senator's concept, the hours could be chewed up by quorum calls, and because those procedures are not interfered with, those quorum calls and amendments and rollcalls are not charged against anybody except the 100-hour cap, because, as I say, the minute a Member asks for them, or it is granted, he sits down. He does not have the floor. It is not charged against him.

As we all know, rollcalls do not take 15 minutes. Members indulge 20, 25, and maybe more minutes. That leaves mighty little room for many Members who will be left stranded with 10 minutes which means they will have no opportunity to bring up any amendment.

The difficulty with that is that we are, of course, dealing here with half what we started to deal with, I might say to the Senator.

When we began, we thought we would work out a procedure which would assure the amendment and refining of the measure before we came to cloture. That is what we anticipated.

This is really unanticipated. We are dealing only with a postcloture procedure, and, having been through the mill here, we know cloture can come awfully fast and awfully drastically.

I do not think it is what we want as Senators to give the whole power to 60 Members to summarily bring these debates to a close, even though there may not have been an adequate opportunity to offer amendments. If there was, I would not argue about this, but there is not.

Now, there is nothing. We are just going to have a postcloture procedure.

If I may continue a minute, and I do not wish to intrude, but take Senator Stevens' proposition which gives each Member the hour. It was my understanding, and I do not necessarily fully agree with the explanation he made, that having brought up an amendment, it is implicit that we are entitled to a voice vote or division, because that only takes your own request. That time is charged to you, according to his amendment. The voice vote or the division takes minutes that is charged to us.

If somebody asks for a rollcall, that time, as I understood his amendment as drawn, is charged to the man who asks for the rollcall.

So there is a limitation. A Member uses up his own time if he asks for the rollcall.

The Senator has pointed out some deficiencies in that.

The fact is that his 100-hour cap can be somewhat exceeded, but not a great deal.

The Senator said 900 hours. After all, he does have a 100-hour cap and with only these, each quorum amount which might be thrown in, really cannot be figured.

So his problem is, how do we keep to that 100-hour cap?

I do not know that I will vote with or against him. But, personally, I think that is a better proposition, frankly, than yours, because under your proposition, you do have a very strict 100-hour cap. But everybody and his grandfather can use that up and deprive some Senators, maybe a great many of them, of the right to make amendments, and on your two-amendment business, you have 59 Democratic Senators. If every Democratic Senator made two amendments, that is 100 hours or more.

So we are somewhere, not really having a meeting of the minds in order to be fair and, at the same time, try to limit the situation which we are dealing with.

I am not pretending now it is possible to go back to the precloture proposition.

I think we are over that hurdle, and I think it is pretty clear that we cannot agree on that in the time we have.

However, it seems to me that somewhere between the assurance to an individual Member that he can bring up some amendments, even if it does somewhat exceed the cap, as contrasted with the fact that the whole hundred hours can be used up and deprive many Members of bringing up any amendments—so far, that is to be preferred.

I am asking the question, and the Senator is thoroughly versed in what he wishes to do, and perhaps he can explain it to us.

Mr. ROBERT C. BYRD. Mr. President, will the Senator state the question again?

Mr. JAVITS. My question is this:

Under the 100-hour cap and the fact that the Senator from West Virginia leaves unimpaired the rule that a Member loses the floor the minute he brings up an amendment, the minute he asks for a quorum call, the minute he asks for a rollcall, why cannot Members use up time in those proceedings, which cost them nothing in time, so that you chew 40 or 50 hours, and it deprives a vast number of Members of 10 minutes?

There is no assurance, on a hotly contested bill, that cloture will not come so fast or that people will not filibuster during the precloture period, during which there are no guarantees, so that, for practical purposes, many Members can be shut off from bringing up any amendments to the measure on which cloture has been invoked.

Mr. ROBERT C. BYRD. The Senator asks a theoretical question. It could happen, I suppose.

Remember, No. 1, that there are going to be 2 days before cloture is invoked. If cloture is invoked the first time around, 2 days have gone by. There have been, say, two 8-hour days, and that is 16 hours in which Senators could have called up amendments. Cloture is not invoked on that occasion, though cloture could occur the next day.

So there is some time before cloture is invoked for Senators to be recognized and to call up amendments.

Second, in my proposal is a provision that allows for the extension of time beyond the 100 hours. So that if, indeed, we get into a situation in which additional time is needed—and, after all, we operate in this body largely on the basis of comity and courtesy and consideration for one another, as well as understanding. I cannot envision there ever coming a time when Senators are going to use up all the cap and a Senator is going to be denied the opportunity to obtain recognition in order to call up an amendment. So we can enlarge the cap.

We also have precedents against dilatory quorum calls. Unless business has been transacted following the establishment of a quorum, no quorum call can be required. So the existing rule—that portion of it which would not be changed—plus the precedents we have set, plus the provisions of the resolution I have offered—I say to my friend from New York that because of those things, every Senator certainly would be guaranteed an opportunity to call up legitimate amendments.

Moreover, the Senator says that 59 Senators on the Democratic side might call up amendments. As a usual thing, it is the Members who oppose the measure who call up the amendments. It is not the Senators who invoke cloture. As a general rule, it is 1 Senator, or 2 or 3 or 4 or 5 or 8 or 10 or 15 or 20 who oppose cloture, who will call up the amendments.

So, if we are going to talk about a hypothetical situation, I do not think we should give away the fact that custom in the past and practice and experience all indicate that the amendments are not going to be called up by the Members who want to shut off debate.

I do not know that I have answered the Senator's question—perhaps in part, perhaps not.

Mr. JAVITS. If the Senator will yield one moment further, as to the first 16 hours the Senator mentioned, Strom Thurmond made a speech for 32 hours.

Mr. ROBERT C. BYRD. Thirty-two?

Mr. JAVITS. I think so. He stood right there, and his first wife sat in the balcony, overlooking his performance; and I think Wayne Morse broke that record and made a speech for 36 hours.

It does not take many Senators to chew up 36 hours, and that is the basic effect of what we are trying to do.

Considering the postcloture period, considering how tough it is to get cloture around here, I also can consider how tough it will be to get the time extended.

As to all this comity, it does not work for cloture votes, to begin with. I doubt that it is going to work for the increase of time; but it could work for the decrease of time, effectively, and that would aggravate the problem I mentioned of cutting off not 20 but 50 or 60 Members of the Senate.

Finally, Mr. President, I was in the House for 8 years, and that combined motion for the previous question, which went boom—just like a guillotine—was something which made the House a very different body from the Senate of the United States.

I have no real patience with those who say we are the greatest deliberative body in the world, so let us have no cloture at all. We have to do the business, and we have to do the people's business.

But when you get down to whether the Stevens proposition is going to add 10 hours, 12 hours, or 15 hours because of quorum calls, and whether the proposition of the Senator from West Virginia is going to deprive 30 or 40 Members of the right to make any amendment at all, with no guarantee of a precloture proceeding, I regret to say that I must choose the Stevens proposition.

Mr. ROBERT C. BYRD. I am sorry to hear the Senator say that. I do not believe that, he being a reasonable man, he is going to say that my resolution deprives 20, 30, or 40 Members of calling up their amendments. There is nothing in it that would indicate such, because once a Senator calls up two amendments, he cannot be recognized again until every other Senator has had a similar opportunity to call up two amendments.

It is likely that Senators, under these constraints, are going to call up the two amendments they think are the most important of their amendments. If they have 1,600 amendments at the desk, they are going to call up the two that they think are the most meritorious and have the best chance of being adopted.

(Mr. BAUCUS assumed the chair).

Mr. JAVITS. Mr. President, will the Senator yield to me for a correction?

Mr. ROBERT C. BYRD. I was going to say that the Senator had better correct that, lest Strom Thurmond comes to the floor——

Mr. JAVITS. Strom Thurmond spoke for 24 hours and 18 minutes, and he broke Wayne Morse's record, which was 22 hours. Either is enough to take care of the 16 hours the Senator spoke of.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. SARBANES. Mr. President, the proposal of the Senator from West Virginia, as I understand it, was meant to address itself to a problem which the Senator from New York, himself, raised in some of the sessions we had.

It is my understanding that the proposal of the Senator from West Virginia of a 100-hour cap was really addressed to a problem which the Senator from New York raised with respect to the 1-hour allocation per individual, which is to say that it limits a Senator, at the maximum, to four amendments, with rollcalls, and that is assuming no debate time whatsoever.

As a practical matter, what the proposal of the Senator from West Virginia permits is with respect to a Member who is very interested in the legislation and has a number of amendments he wishes to present. It is highly likely, as a practical matter, that he is going to get the opportunity to present those amendments and get to a vote on them. It is guaranteed that he cannot do that to the exclusion of others who may want to present amendments; because after two amendments, they are going to be able to come in with their amendments and claim preferential recognition in order to offer their amendments.

However, if you get a Member or a couple of Members who have a keen interest in the matter, and they are the ones who really want to keep pressing the amendments, and there are not other Members who wish to do that, then their opportunity is going to be much greater, under the proposal offered by the Senator from West Virginia, than it is under the proposal we are now considering; because under that proposal, those Members are going to be held to the 1 hour they have been allocated, unless we get this yielding of time. That has not been discussed much here on the floor in considering this matter, but I must say to the Senator that I find great problems with that.

I say, with all respect to the Senator from Alaska, that, given the comity and cooperation around here, I think it means, in effect, that any Member who wants 10 hours is going to get 10 hours; because I believe Members are going to yield their hour to him if they do not intend to use it, even if they are on the other side of the issue.

The Member is going to come to them and is going to say: "Yes, you voted for cloture and, yes, I understand that you are going to vote against the legislation in the end; but won't you please give me your hour, because I need it in order to debate a little further? I need it to offer some amendments," and so forth.

So that yielding is going to take place. One is going to be very hard put, as a matter of fact, as a Member of the Senate not to respond to a request from a colleague, even if he is on the opposite side of the issue, who comes to you and says, "Well, you know, we have a limit here; won't you give me your hour in order to debate?" So the likelihood is, for those who seriously want to present a number of amendments, their opportunity is going to be heightened under the proposal of the Senator from West Virginia rather than this proposal if we stick to the 1-hour limitation on the Member.

Mr. GOLDWATER. Mr. President, if the Senator will yield for a correction just to further make the record straight, I wish to question him on the longevity of debates. I sat in the chair most of the 22 hours when Senator Morse made his speech which is the record, because some time preceding the establishment of the record the Senator from South Carolina obviously had to leave the Chamber, and I asked if he would yield to me and he did for sufficient time for him to visit another Chamber. So Senator Morse still holds the record.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. SARBANES. I yield.

Mr. STEVENS. That is a distinguished record.

I might say to the Senator from Maryland the problem is the other side as far as I am concerned in this Senate Resolution 61, and realizing the impact of what he just said I would hope he would take a look at it again. In the first place, under Senate Resolution 61, a Senator may yield his time to the majority or minority leader, not to the Senators who would be involved in the filibuster. Those Senators who were involved in filibustering of the gas bill would not have had 1 hour yielded to them in the postcloture period to call up any of the amendments they had at the desk.

We are in the situation that, under Senate Resolution 61, 60 Members can cut the time down to 20 hours but theoretically each 100 Members has 1 hour. What it means is by the vote of 60 Members the time can be reduced to 20 hours and 20 Senators have automatically lost their hour, or 40 Senators already lost their hour, but what I am saying is if the Senator really wants to reduce it down to 20 hours it ought to take 80 Senators to say "Let me give up my hour."

The answer to the Senator from Maryland is if a Senator does not want to be besieged by his colleague to ask him to yield his time, he has a simple mechanism under our approach: stand up and say: "Mr. President, I yield back my hour."

Mr. ROBERT C. BYRD addressed the Chair.

Mr. STEVENS. Wait 1 second. If I can answer the Senator from Maryland, I hope. Under our mechanism the time could be reduced to 40 hours by 60 Senators. It could be reduced to 20 hours by 80 Senators. A Senator does not have to yield any of his time to anyone. He can give it back and tell the Senate that the Senate is going to be finished with its business an hour sooner.

Mr. SARBANES. As a practical matter—let us look at its as a practical matter—I may not want to yield back my hour until we get toward the end, because I do not know whether I am going to need to use it or not as the procedure evolves. On the other hand, let us assume I am holding on to my hour, and I am on the other side of the Senators who are delaying this thing. I really want to go to a conclusion. Ordinarily, I do not want to give up my hour. I may get something involving my own State, the same analogy that the Senator from Alaska used earlier in the day, when all of a sudden having whatever time I have becomes very important to me. Along comes one of the filibusterers and he says, "You know, you have some time, and I really need to make a presentation here. Would you give me a half hour of your time?"

By and large, I think Members are going to yield their time in that instance. So allowing that it is almost going to guarantee that a Member is going to be able to get 10 hours of time, or something close to it, and makes it very difficult for Members to deny that request as a matter of comity amongst Members of the Senate.

Mr. President, I think if you really stop and think about it, you would not deny that that is likely to be the situation that will prevail here in the body.

Mr. STEVENS. Again, I say to my good friend, turn that coin over. Can he imagine 60 Senators having voted cloture who are going to be unwilling once they see what is going to happen with all the desk lined with amendments of Senators who are dissidents who want to again continue the process of alarming the country as to what is going on? And they have that right in my opinion. Can the Senator see those 60 Senators who vote cloture being unwilling to reduce after 10 hours the total time to 20 thereby denying the others their chance to have any opportunity to continue the process of trying to change the legislation that is before the Senate?

The majority leader's Senate Resolution 61 again not only goes to the concept of the Senate as a whole having time allocated of 100 hours, but it changes the rule that I am entitled to 1 hour. It still says I am entitled to 1 hour even with the reduction provision here in Senate Resolution 61, whereby the same 60 could cut the time down to a total of 20 hours after the expiration of 10. I am theoretically entitled to 1 hour but that will not be the case.

Again, let us go back to my Alaska lands measure and take a look at that necessity for yielding time.

Mr. SARBANES. Mr. President, will the Senator yield at that point?

Mr. STEVENS. I yield.

Mr. SARBANES. I wish to separate out what I think are two or three entirely separate analytical problems. I understand the point the Senator is raising about the ability of an extraordinary majority, and I underscore that it is extraordinary. The Senate needs 60 Members to reduce the time down to what it would amount to as a minimum of 30 hours, because we cannot make the motion until 10 hours have gone.

Mr. STEVENS. I stand corrected. I was corrected again on that. The Senator is correct. It is after 20 hours, 10 additional hours, so it is a total of 30.

Mr. SARBANES. The minimum. The rock minimum is 30 hours.

I can understand the Senator then

coming on saying he does not think that is enough time as compared with 100 and either he wants to stay with a full 100 or something greater than 30. But that is a different point and the Senator can deal with that point with an amendment addressed to that question only from the proposition that he has come in with in terms of this proposed—I guess it is not a substitute—lengthy amendment that is here which goes well beyond that in terms of the matters it seeks to address itself to.

First of all, it permits the yielding of up to an additional 9 hours to any one Senator.

And the point I simply make with respect to that, to repeat what I said a little earlier, is it seems to me Members are going to be hard put not to give some other time to someone who asks for it even if they are on the other side. Members will be reluctant to yield back all their time, because they will not know what is coming along later on and will not want to be, as they were, in a totally exposed position and, therefore, will tend to respond to those requests from a colleague, even though he is on the other side on the issue, because the appeal will be made in terms: "I know you have voted for cloture. I know you are going to vote against me on the issue. But will you give me a half-hour of your time so I can further develop this issue?"

So in that sense, I think allowing that kind of yielding, especially directly to those who wish to carry on the debate, is in fact going to bring it about.

The other point I was seeking to make was one that again is separate analytically from this question of whether the three-fifths can reduce down below 100 hours. It was the response to Senator JAVITS that if a Senator has an hour he can use that up on a couple of amendments. This other procedure that is in the proposal of the Senator from West Virginia does mean that if there are a handful of interested Members who want to propose amendments and the rest of the body is indifferent to offering or proposing amendments that handful of Members is going to get a much better opportunity, as a practical matter, to propose their amendments and have them considered and have them voted on under the proposal of the Senator from West Virginia than they will be under the approach of the Senator from Alaska.

Mr. STEVENS. Mr. President, if the Senator will let me respond to that——

Mr. ROBERT C. BYRD. Mr. President——

Mr. STEVENS. I believe the Senator has the floor. Will he permit me to respond to that?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Let me say again I have to go to specific issues in order for you to see my problem. Under the approach of the Senator from West Virginia of 1 hour, under the existing rule, with not being charged with all the dilatory things that can take place, I can actually use more than 20 hours of the Senate's time in 1 hour. Believe me, I am sure the Senator realizes that, I am sure he realizes that as far as the chargeability, particularly if I can get recognized.

But one of the problems I have about the Senator from West Virginia's version of Senate Resolution 61 now is the problem of recognition for dissidents.

With due respect to my good friend from West Virginia, it looks like a West Virginia train coming out of the mountains a little bit if you say 60 people can say we are going to terminate the debate and 60 people can cut down the 100 hours to 30 hours, and that you can yield time but you can only yield it to the majority and minority leaders. That means now coming from a far-distant State as I do, having this issue looming high on our horizon—with a very low silhouette here—but it is very large and it is going to take some time, I am very concerned about the Senator's proposal.

We are only going to be two people involved in that debate, and we are going to have a lot of amendments, and I think the Senate is going to get tired of that debate in time, and whatever rule we are talking about has a direct application to the subject matter, at least from my point of view, and how do I, as a Senator from one State, with a bill that affects only one State, with 98 other Senators wanting to get on with the business that affects their States or the Nation as a whole, how do I look at the change in these rules and say, "You know, you have assisted the desire to assure that the postcloture procedure is reasonable and fair, but you have just gutted yourself"?

There is no other way to look at this proposal, Senate Resolution 61, other than to say that it would probably be that on an issue that affected only one or maybe two States, the Senate would quickly determine to not only vote cloture but to limit the time to 30 hours, and in that time limit the people who are directly affected would have less opportunity to protect their interests than under the existing rules, because under Senate Resolution 61, while I am entitled to an hour, it can be eliminated by the 60 votes.

While I am entitled to an hour—and if I can get recognized I can use more than I could under our proposal, more full time. The Senator from West Virginia, I am sure, will agree that when Jim Allen used a lot of time on just several motions—as a matter of fact, I was amazed that he had used so little time when the whole postcloture procedure was over. I think he still had as much time, almost, as any other Senator, and yet he had been the mover of most of the motions and parliamentary tactics that consumed the time.

Now, that could still go on because we are not changing the rules at all. The only thing is there is a cap over that procedure. We are saying if this rule is adopted that the time will come when the postcloture time will run out. Meanwhile the rest of us who have legitimate substantive issues to raise would not be able to raise them because the cap would have expired, and the only way to get an extension of time would be to get those three-fifths of the Senators who voted cloture, voted to limit time, to give us additional time.

I do not think you can foresee that happening. I say to my good friend all I am saying is that we are looking to protect individual Senators' rights while, at the same time, agreeing to a 100-hour cap.

My good friend from West Virginia is looking to assure, in my opinion, that the 100-hour cap is sacrosanct and, at the same time, not amend existing rules other than rule XXII.

Under those circumstances, without amending other rules, and with assuring us we still have 100 hours, the approach is doomed to failure.

I really think that if you analyze it deeply enough you will see it means we are not going to vote cloture at all once this procedure is adopted and followed just once. The Senate will be so mad that it will never vote for cloture again.

If you remember after the last procedure, and I assisted and worked with the Senator from West Virginia and the Vice President and others in trying to devise a method to legitimately and honorably end that almost endless procedure. Even the way it happened there were more people disturbed about the fact that the procedure was used than were disturbed about the postcloture filibuster itself. I think the Senator from West Virginia would realize that at the time we both had people coming to us and saying, "OK, it happened this time, but don't ever let it happen again."

I believe really that this will happen here under the Senate Resolution 61 procedure. You are going to see 60 people vote cloture, and once they vote cloture, they are going to be inclined to cut it down to 30 hours, and once we cut it down to 30 hours, it is going to be practically a leadership proposition to terminate debate without regard to an individual Senator's rights or without regard to the individual Senator's responsibilities to his State and his constituents. I really think Senate Resolution 61 is going the wrong way. That is why we have had difficulty in getting a time agreement, if you really want to know, because there is no way we can see as a minority—and we are just 1 off of 60, just 1 member of the minority joins the majority today, and one would be assured that debate would be terminated, and that debate would be limited to 30 hours. There is never even a minority member in that chair any more. It would mean that only majority people would be recognized. It would mean that the rules would make us impotent as far as protecting our States is concerned.

Now, I can tell you that there are times when the minority is not a partisan minority, as you well know. It is a philosophical minority. It was on the gas bill. That was a bipartisan minority, and they were exercising their rights.

I think we ought to protect their right to protest, their right to be dissidents, but to assure an orderly procedure to bring the matter to a final resolution.

That means that we bend over backward to give the individual Senators their rights. The resolution of the Senator from West Virginia, again respectfully, bends over backward to give the Senate rights and to give the leadership rights.

Mr. SARBANES. Mr. President, will the Senator yield at that point?

Mr. STEVENS. The majority leader has the floor.

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Is the concern of the Senator from Alaska because his amendment does not accept the approach of the Senator from West Virginia, and then to argue that the 30 hours is not the right figure, and there ought to be some other figure? The Senator from Alaska's amendment goes beyond that. That is what you are focusing on and talking about it, and I can understand that point, and I think it is one we ought to address if that is conceived of as too low.

But not only do you focus on that point—in other words, you did not come in with an amendment which said, "Well, we think the approach of the cap and all that that involves is the right idea to go about this in order to deal with the postcloture filibuster, but we just think you have allowed too low a cap by a majority that is, even though extraordinary, not extraordinary enough," or whatever those arguments are, "and that is the part we want to change."

You have come in with a different approach altogether, an approach which allows the 100-hour cap, in effect, to be violated, and leaves open then the opportunity really to other means to develop a postcloture filibuster.

I was listening to the other debate and, of course, there are all kinds of problems here because you can get a three- or four-way progression in here. You may offer the amendment and not ask for a vote.

Mr. STEVENS. That is right.

Mr. SARBANES. Someone else may ask for a vote and someone else may ask for the yeas and nays and on and on it may go; the question of who allocates the time, who has the floor, and who is given the floor in order to make those motions under your proposal.

Mr. STEVENS. I hope the Senator will be fair about that. I hope he will be fair about that because the amendment specifically says that you are chargeable with the time on quorum calls or rollcalls that you request, and if you request a rollcall on my amendment, you are going to be charged with that time.

But again we are trying to remember we are 100 equal Senators and we ought to have equal rights to access as far as legislation is concerned.

The postcloture procedure should not deny me that equality. Yes, Senate Resolution 61, through the vote of 60 Members, could deny me that right because by the time I got recognized the 30 hours would be exhausted, and the Presiding Officer would say, "The time has expired and it is time for a vote."

No matter what is pending, who is recognized or anything else, under Senate Resolution 61, 100 hours is the cap, and the Senate determines it is going to vote at the end of 100 hours.

We approached it from the point of view of let us try to achieve the majority leader's objective of assuring the Senate that after the expiration of 100 hours we would vote but, at the same time, leave to each Senator the right to protect himself. If we are to reduce the time from 100 hours it would be done by each Senator yielding his time or so much of it as he wanted to, and the Senate would be on notice.

Incidentally, this is not something that is new. We did that in the first years I was here. Once cloture was voted, we would yield back our hour, so that everybody would be on notice that we were not going to use it. It was a tactic at that time; I do not know why we have gotten out of that habit, but we did it in the late 1960's and the early 1970's. We did that.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. STEVENS. If I may do so without yielding the floor at this point.

Mr. SARBANES. Would you yield back your time in a postcloture situation?

Mr. STEVENS. I have.

Mr. SARBANES. Would you do it in the future, do you think?

Mr. STEVENS. Under Senate Resolution 61 I would not.

Mr. SARBANES. Would you under your proposal?

Mr. STEVENS. Yes.

Mr. SARBANES. Suppose we had the proposal you put in earlier in the day, to allow amendments in the second degree to amendments that were pending at the desk at the time cloture was voted, so that some Member could get up here in the Chamber and propose an amendment in the second degree to a pending amendment of which you were aware, but you had absolutely no awareness that this second degree amendment would come in. Would you yield back your time and place yourself in the position of not being able even to speak or respond to that second degree amendment?

Mr. STEVENS. The Senator asked me would I. He did not say when I would, but I would only do it when I was certain that there would be no amendments that would be germane that would affect my State.

That is a very simple thing to determine. Take the Consumer Product Safety Commission. All of a sudden, on that proposal, we had some anti-gun amendments that came just sneaking around the corner at us. We did not anticipate them at all, but they were up there at the desk.

We would have to have a little bit of a crystal ball, but the answer is yes, I would under circumstances that I was assured I would not be compelled to use it.

Normally, we would yield the time to a Senator we agreed with. Under normal circumstances, there is someone here, either on my side or on your side, whose position I agree with. I would yield him the time, knowing full well that if I had to make a contribution he would let me have some of it back.

But I believe the Senate, in this regard, has to decide that each Senator has the same rights after cloture that he has before cloture, equal rights. If we are to preserve that concept, I say Senate Resolution 61 has to be amended in some way. I have deep respect for my friend from West Virginia. I know what he is trying to do; I am trying to do the same thing.

I think all this procedure of live quorum calls, motions to compel the attendance of absent Senators, and so on, is a complete waste of time and makes us look like a complete bunch of fools. But the real substance of an issue has to be addressed, and we have to have our right to do that. I do not see, with due respect, how Senate Resolution 61 is going to protect me, or assure me that I can protect my State and the people of my State as I should, that I can get recognized, make the motions, and offer the amendments under any circumstances to protect my State.

Under our approach I can be assured of that. I might have to decide which of the amendments are the most important, but I am assured that I will get recognized, and I am assured that I will have time. I really hope my good friend from West Virginia will change this concept of the cap from the Senate having 100 hours to each Senator having 1 hour. If we can just cross that bridge philosophically, then I think we can get together before we are through here today or tomorrow, and have a resolution that will be overwhelmingly supported on both sides.

Mr. ROBERT C. BYRD. Mr. President, when the Senate gets away from the concept of a cap, I do not think it will have any remedy for the present ill that afflicts the Senate once cloture is invoked; and I think, with all respect to the distinguished Senator from Alaska, that his resolution would open up opportunities for prolonging the debate even beyond, in some aspects, what can be done at the present time.

He indicates that Senators can yield back their time. I do not believe that. I believe that one objection will keep a Senator from yielding back his time, because under the present cloture rule time can be yielded only by unanimous consent, and the reason why Senators have been able to yield back their time is because nobody has objected.

A Senator is not allotted an hour; he has an hour if he demands it. He does not have to use it. He only has an hour if he asks for it. If he does not ask for it, the Chair puts the question on the measure, and the ball game is over.

So this thing of standing and yielding back your time can be done without objection, but if there is objection, under the present rule no time can be yielded except by unanimous consent. He cannot yield it back to the Chair, because he has no time to yield back. He only has time if he demands recognition and demands time. Then he is yielded up to 1 hour.

Let us take the Senator's proposal. He says that 80 or 90 Senators yield back their time—by unanimous consent. All right; let us say that 90 are permitted, by unanimous consent to yield back their time. That would leave 10 Senators with an hour each.

Now, if each Senator is going to be charged with the quorum calls that he asks for, and not one of the 90 can ask for a quorum call because, by unanimous consent, those 90 have yielded back their time, the poor Senator here is stuck with only 10 hours remaining and 10 Senators claiming those 10 hours, and he wants a quorum.

What is going to happen? He is going to have that quorum charged against him. And if he asks for a yea-or-nay vote, he is going to have that time charged against him. And after getting the yeas and nays, he is entitled to another quorum call, because that constitutes the transaction of business, and there are only three Senators on the floor and he wants a quorum to hear what he has to say before they vote. Or he asks for the yeas and nays, and the request is not seconded by a fifth, so he puts in a quorum call, and that quorum call is charged against him under the proposal by the distinguished Senator from Alaska, although he would allow Senators to yield back their time, that is not in accordance with the present rule, and he would allow Senators to yield time to other Senators, and that is not in accordance with the present rule; it has to be done by unanimous consent.

Then it would end up with those 10 Senators, perhaps, conceivably having 10 minutes or 15 minutes, because any quorum calls that are requested, they are the only persons who can do it, because they are the only persons who have time. They are the only persons who can. The other Senators could not make a point of order, they could not appeal the rulings of the Chair, they could not ask for the yeas and nays on a matter. They could not, once they had yielded their time back, get it back then, except by unanimous consent.

The Senator does not make any provision for that. The Senator exhausts all his time under his present procedure, and then, once having yielded back the time to make a point of order, he does not have any time; he is helpless. So 90 Senators have been rendered helpless because, under the new rule the distinguished Senator from Alaska would have us accept, the Senators, ipso facto, who have by unanimous consent yielded back their time, might as well leave the floor, because they cannot make points of order, they cannot ask for quorum calls, they cannot offer amendments, and they cannot make motions, because they do not have any time.

So, Mr. President, I find the following faults with the amendment by the Senator from Alaska, in summation: No. 1, it does away with the cap. There is no cap. The word cap is not included in the conceptual lexicon with respect to this amendment. There is no cap. That is the problem now under postcloture, there is no cap. There is no cloture motion that can be offered to the postcloture filibuster. So there is no cap.

The distinguished Senator would allow Senators to yield time without unanimous consent. My resolution would allow Senators to yield the majority leader, the minority leader, the two ranking managers, and, to the extent that any one of those four and/or each of those four could have only up to a total of 2 hours scheduled to him, making a total of 3 hours under his control. The majority and minority leaders and the two managers, I should think, if experience will be the lamp unto our feet, are going to be fair in their yielding of that time.

Under the Senator's proposal, nine Senators could yield up to 9 hours to an obstructive Senator, if they have 10 hours. As I say, he could offer any number of amendments and simply sit down, and he has then yielded the floor. The Senator from Alaska says that time will be charged against him for whatever ensues thereafter, until he yields the floor. Whether he likes it or not, he is going to be charged with that time after he is recognized. He cannot ask for a rollcall vote without it being charged against him. He cannot ask for a quorum call without it being charged against him. But he can have some of the other Senators ask for the rollcall votes. He can easily stretch that 10 hours, I imagine, into 100 hours.

Any Senator who wishes to use the rules under this proposal could stretch 10 hours into 100 hours by simply getting other Senators to ask for quorum calls, other Senators to move to reconsider, other Senators to move to table, other Senators to make points of order, other Senators to move to table the points of order or to appeal the points of order. It just opens up a Pandora's box.

Those who wish to obstruct would have a field day.

It is true that my proposal is going to eliminate the ability of one or two Senators, or a half dozen Senators, to kill a bill by stalling. That is what we are really talking about.

I think someone indicated a few days ago that the greatest number of Senators who had requested time after cloture was invoked was less than 30 on any measure on which cloture has been invoked in the past.

This proposal of mine would not bring on all of the ills which have been conjured up by these very genius managers here, but I can see a lot of loopholes in the Senator's proposal.

He is going to change the rules so that a Senator who suggests the absence of a quorum does not yield the floor. The Senator who moves a motion does not yield the floor. The Senator who makes the point of order does not yield the floor. All these are going to be rules changes, mind you. The Senator who offers an amendment does not yield the floor. That is a rules change.

He is going to allow Senators to yield their time to other Senators without seeking unanimous consent. It would be theoretically possible for the 36 Senators on the other side of the aisle to yield their time to four Senators, and the one Senator who was managing the bill would have 1 hour of his own. What fun could those four Senators have in postcloture.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I am certain everyone can pick up the point that we have a controversial proposal and I am sure the Senator in time will make a motion to table it. But I am still worried about the rights of the individual Senators. I would like to explore with the Senator from West Virginia some concept that would roll into Senate Resolution 61 a time agreement for an individual Senator. When we enter into a unanimous-consent agreement today the clock starts running and anything that happens is chargeable against that time.

All we are seeking is a time agreement in a postcloture procedure whereby each Senator is entitled to a 1-hour concept under a time agreement in the usual form.

The difficulty that we have with the proposal of the Senator from West Virginia is that at present there is no way an individual Senator can demand his entitlement of up to 1 hour.

Under the existing rule, it says that no Senator is entitled to speak for more than 1 hour. The Senator is correct, it does not say he is entitled absolutely to the 1 hour, but it says he cannot speak for more than 1 hour.

There is no time cap involved, though, in that concept. As we know, the procedural motions, rollcalls, and everything else lead into a process whereby that theoretical 100 hours could be extended out to almost no limit.

We want to see a limit, but we also want to see an individual Senator protected in the concept that is embodied in the existing rule XXII which says, if you read it the other way, that you are entitled to 1 hour.

Mr. ROBERT C. BYRD. The Senator does not protect the individual Senators if he is going to charge that poor Senator with the time required on the quorum call, to which he is entitled under the Constitution. He wants a quorum call to get the Members in here to hear his argument before they vote on his amendment. Yet the Senator from Alaska is going to deprive that Senator of his right to ask for a quorum call.

Mr. STEVENS. Will the Senator yield again?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. If I entered into a time agreement with the Senator from West Virginia right now on the first bill to come up and we said it was 2 hours on the bill and 1 hour on one amendment, and no other amendments would be in order, the time to be equally divided, the Senator from West Virginia would have 3 hours and when that time expired we would come to a vote. Why cannot we devise an amendment to rule XXII which would say in effect, the same thing, that every Member is entitled to a time agreement of 1 hour?

If the Senator is disturbed by the total amounts of 10 hours, let us reduce it. We can reduce it to 6.

Mr. ROBERT C. BYRD. We do not have time agreements entitling every Member to a certain amount of time.

Mr. STEVENS. I understand that, we do not. But we are seeking that. We are seeking a rule that assures everyone who demands it—he or she still have to ask for it—that there is a time agreement waiting there if they want to trigger it, that they can get the time. It assures them that if cloture is voted they will have an opportunity in any event—and I mean in any event—to be recognized for a portion of the postcloture procedure.

Let me ask the Senator a question: Can the Senator look every Senator in the eye and say if we vote Senate Resolution 61 that under every possible contingency every Member of the Senate would be entitled to recognition, would receive recognition, and could use up to 1 hour?

Mr. ROBERT C. BYRD. Of course not. I have not said he could use it up.

Mr. STEVENS. That is the existing rule.

Mr. ROBERT C. BYRD. I have not said that.

Mr. STEVENS. But the existing rule gives us that right.

Mr. ROBERT C. BYRD. But the existing rule has been so abused it does not exist.

Mr. STEVENS. Some people have abused it, but the majority leader has not, and that is the problem.

Mr. ROBERT C. BYRD. The Senator talks about a time agreement. A time agreement can be objected to by only one Senator.

Mr. STEVENS. I understand that. But let us build into the postcloture procedure a concept of an entitlement, a right of a Senator to a specific allocation of time that cannot be taken away from him, but anything he does is chargeable against that time, and that is what we are working for.

Mr. ROBERT C. BYRD. That is the point I am making. A Senator has used all of his time, or under the proposal by the distinguished Senator from Alaska he has yielded the time back to the Chair, he has no time left. He has deprived himself of the right to suggest the absence of a quorum. He has no time. He cannot ask for the yeas and nays on a rollcall vote. He has no time. He has to get someone else to ask for the yeas and nays.

So the Senator talks about the rights of Senators. With all due respect, I feel that his proposal would deprive Senators of their rights.

Mr. SARBANES. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Could I have the attention of the Senator from Alaska, because I think we are trying to work through to something?

It is a difficult situation. Let me make this hypothetical.

Ninety-five Members of the Senate are of one persuasion and only five are of other persuasion. Now, if the 95 do not respond to the request that they yield time, or anything of that sort, the minority of 5 under the Senator's proposal is limited to 5 hours.

Is that correct?

Mr. STEVENS. That is right.

Mr. SARBANES. Under the proposal of the leader they would be limited to 30 hours at a minimum. Is that true?

Mr. STEVENS. The existing rule says that no Senator is entitled to more than 1 hour. That is not changed. One hour of debate——

Mr. SARBANES. That is 1 hour of debate time. That is not an hour that counts a rollcall or an amendment or any other procedural matter. So they have the opportunity with 1 hour of debate time to call up a number of amendments, a whole host, and easily, easily, use the 30 hours minimum that is now provided as Senate Resolution 61 is written.

Is that not correct?

Mr. STEVENS. That, technically, is correct, if we assume they get recognized and assume the time has not been reduced, they could use the 100 hours, he could use the——

Mr. SARBANES. And if the time had been reduced, they would get a minimum of 30, where, under the Senator's proposal, the most they could get is, leaving aside the yielding question for the moment, the most they could get would be 5 hours. That is most minority——

Mr. STEVENS. That is why we put in the yielding provision, of course.

Many times, I have seen the situation where they had this group which has support, but the other people are unwilling to participate in the debate.

The difficulty is, Who is leading the charge? I think that Senate Resolution 61 presumes that only those people who are in the position of leadership, who are the floor managers of the bill, are entitled to time.

The person who is offering an amendment to a bill, who is opposing the managers of the bill, opposing the leaders, has no entitlement at all.

Now, I find myself in the strange position of arguing for the rights of the people, and I cannot remember a time, really, when I have not been out of sympathy with those people who were conducting something like the gas filibuster, postcloture filibuster. But, again, I had great admiration for their determination to protect their point of view.

Now, we have to write a rule that protects their rights; but, even further than that, protects the rights of Senators in situations such as we are going to be in when the Alaska lands bill comes out.

Mr. SARBANES. Let us take the Alaska lands bill. We are trying to find something here that is reasonable.

I submit to the Senator from Alaska that his opportunity on the Alaska lands bill to offer a series of amendments to that legislation, if that is what he chose to do because of his particular keen interest in that legislation and his knowledge of the problem, that his opportunity to try and shape that legislation in the postcloture situation would be greater under Senate Resolution 61 than under the proposal which the Senator is now offering, because he could put up his amendment, explain it, take a few minutes in the course of debate, that uses up his hour under Senate Resolution 61, then get a vote on it. It does not come out of his hour, so he has an opportunity to go through a sequence of amendments with respect to his Alaska lands bill without having that counted as directly against his time, as would be the case under the proposal that he has now put before us.

Mr. ROBERT C. BYRD. The Senator from Maryland is correct.

The Senator from Alaska gives each Senator an hour, a very magnanimous gesture, and turns right around and charges that Senator with every quorum call, every rollcall vote, until he "yields the floor."

So he gives it and he takes it away.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Does the Senator from West Virginia yield the floor?

Mr. ROBERT C. BYRD. I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. Is the Senator from West Virginia yielding the floor completely?

Mr. ROBERT C. BYRD. I yield the floor.

The PRESIDING OFFICER. I thank the Senator.

The Senator from Idaho.

Mr. McCLURE. Mr. President, I assumed when the Senator from West Virginia took his chair that he had yielded the floor. The solicitude of the Chair is commendable, but I think hardly necessary. The Senator from West Virginia is very capable of protecting his own rights, and he usually does so without the necessity for that solicitude on the part of the Chair.

I only make that as a minor footnote to the commentary of the day.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator.

Mr. ROBERT C. BYRD. As the Senator knows, the Chair is not supposed to speak quite at length. So in deference to the Chair, may I say that I am delighted to see a new Member of this Senate, the Senator from Montana who is presiding over this Senate, with the degree of skill and efficiency and fairness that are so rare as a day in June. I venture that the day will come when the Senator from Montana who now presides over this Senate would be just as fair in protecting the rights of the distinguished Senator from Idaho who now out of fairness to me has yielded to me in order that I might say something on behalf of this.

Mr. McCLURE. Mr. President, I appreciate the comments of the Senator from West Virginia, his usual genial self.

I was only commenting that there are some Members of the Senate who from time to time are constrained to observe that the equality that is extended under every rule does not necessarily extend to all 100 Senators. But the burdens and responsibilities of the majority leader sometimes lead to a more tender solicitude of the majority leader's concerns than that of the other 99. Perhaps that may be as it should be.

I just wanted to put a little footnote in there that, indeed, it was observed here today.

I meant no criticism of the occupant of the chair at all. I am glad to know that a new Member of the Senate is that much concerned about the Senator from West Virginia, but I did want to observe that I never before noticed the necessity to protect the Senator from West Virginia because he is so skillful in protecting himself that that really is not necessary.

But I did want to make a couple of brief comments about the concerns that have been raised both by the Senator from West Virginia and the Senator from Maryland about the pending amendment offered by the Senator from Alaska.

A real problem, it seems to me, comes down to this: If we are going to insist upon the rigidity of the cap of 100 hours, then there have to be some offsetting guarantees of individual rights within the 100 hours.

What the Senator from West Virginia is suggesting is that we must have the rigidity of the 100 hours without any protections. The Senator from Maryland said to the Senator from Alaska: "You can offer a whole series of amendments under Senate Resolution 61 as written." As a matter of fact, you cannot. You can offer two, and then you are done, unless no one else wants recognition at that point. If, as a matter of fact, no one else wants recognition at that point, you may be recognized in order to offer further amendments, but not if someone else wants to offer amendments at that point.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. SARBANES. I am trying to think about some hypothetical situations and am trying to address the problem. I think no one is insensitive to the need to protect the rights of a minority, both in the precloture and in the postcloture periods.

When we say "minority," I think it is fair to say that in most of these instances we are talking about a philosophical minority and not a party minority. It has been my experience, at least since I have been here, that in all these instances, without exception, it has been a majority that has encompassed both sides of the aisle and a minority that has encompassed both sides of the aisle.

Mr. McCLURE. I say to the Senator from Maryland that in the only two instances in which there has been what might have been called a filibuster by amendment, they were by Members of the majority party, then and now.

The first debate that came up under the 100-hour cap, as has been observed before, was met by such a tactic by Senator Ervin, who was then a Member of this body. The second and last time for a filibuster by amendment was by Senators Abourezk and METZENBAUM, on the natural gas bill. Remember, those are the only two times there has been any so-called filibuster by amendment.

Mr. SARBANES. Let us take the hypothetical——

Mr. McCLURE. Let me observe, before yielding further, that there have been only two times in the entire history of the postcloture filibuster, since the 100-hour cap was invoked, in which there was the seriatium calling up of amendments, with the minimum time being used and then the maximum time being used in some other manner. That has been done two times, the first time by Senator Ervin, when he called up amendments in the very first debate under the 100-hour cap; and the only other time was when the majority leader, the distinguished Senator from West Virginia, called up amendments in seriatim in order to get them ruled out of order. Those are the only two occasions on which that hypothetical possibility has occurred. Although we hear a great many references to the abuses of that practice, it has occurred only twice, as a matter of fact.

I yield to the Senator for a question.

(Mr. HEFLIN assumed the chair.)

Mr. SARBANES. Let me address the last point briefly and go back to the hypothetical with which I want the Senator to deal.

I do not think it is an altogether accurate painting of where we are to look back and say that we have had a postcloture filibuster by amendments in just a few instances. If that procedure is to be allowed to continue under the rules, then I think there are a great many Members of this body who, when a particular substantive issue is involved in which it could work to their advantage, will feel much freer than they have felt in the past to invoke that technique.

In other words, what I am saying to the Senator is that if we do not address it here in an effective way, it is my prediction that the use of that technique will increase greatly. In fact, Members to some extent would almost have a responsibility to use that technique, if it were sanctioned under the rules and available to them, if it were not addressed here. If some Members are going to use it effectively, it almost becomes beholden upon all Members.

Mr. McCLURE. I agree that it might invite its use further, and that is why we have been bending our best efforts to try to find a way that will set a more fair rule to protect the rights of all Members.

However, we have to recognize that every time we try to make one portion of the rule more rigid in its application and less flexible, less subject to the needs of all Members, there comes then an automatic response, first, of demanding some protections in that rule so that it will not be utilized to wipe their rights away. Second, in the past, it always had led to attempts, usually successful attempts, to find some other way to use the rules indirectly to accomplish what the rules will not now permit directly.

Mr. SARBANES. I think that is a very perceptive observation on the part of the Senator and one to which we should be very sensitive as we address this problem.

The reason why I do not think it is so simple is this: Take the Alaska lands bill, about which the Senator from Alaska spoke. Suppose that comes forward, and let us assume that perhaps only two Senators, the two from that State, have a particular keen interest in the matter and are anxious to propose amendments, and so forth.

Mr. McCLURE. Make that assumption for the sake of the argument, not because I think it is valid, but because I think it will make the point.

Mr. SARBANES. In any event, under his approach, which is the 1-hour guarantee, those two Senators can use up their 2 hours very quickly.

Mr. McCLURE. Or they could, if they wished, spread that 2 hours over a great variety of different amendments.

Mr. SARBANES. But every time an amendment comes up and they call for a rollcall, that time is going to come out of the time on their amendment.

Mr. McCLURE. They do not have to call for a rollcall. They can ask for a voice vote or a division.

Mr. SARBANES. I assume that that time will be charged against them.

Mr. McCLURE. The voice vote and the division would be, if that is all that is required.

Mr. SARBANES. You would not even need the majority. If they are fighting a minority position and the other side can bring in sufficient Senators to carry the voice vote or the division vote, they either will lose their amendment or will have to go to a rollcall vote.

Mr. McCLURE. That is correct.

Mr. SARBANES. In order to be able to get everyone here to enable them to carry their amendment.

Mr. McCLURE. That is correct.

Mr. SARBANES. Let us assume they are fighting the committee and that the committee gets its people here, along with some of their friends. It is well short of a quorum of the Senate, but it is enough, in the debate context, to carry either a voice vote or a division vote.

On the other hand, perhaps on a rollcall vote, they could prevail on at least some of those amendments. So they are going to be forced at that time, if they go to a rollcall vote in order to try to prevail, to have it come out of their time.

Mr. McCLURE. That is a very hard judgment they would have to make at that time, as to how to use their time.

Mr. SARBANES. They are doing it within a 2-hour limit, leaving aside the yielding question. Under that approach, they are doing it within a 2-hour period—everything comes out of it.

Mr. McCLURE. That is correct.

Mr. SARBANES. Under Senate Resolution 61 in its present form, the minimum is 30 hours; and if these two Senators want to propose a series of amendments, since the voting time on the amendments, under Senate Resolution 61, would not come out of the 1 hour they have been guaranteed for debate time under the rule, they would be in a position to try to shape the legislation with perhaps a series of amendments, getting their rollcall votes on them, being in the position of protecting the interests of their State, doing it within the overall cap. In effect, under that hypothetical situation, they really would get more time to assert their position than under the proposal that has been made.

Mr. McCLURE. The Senator is presuming that the remainder of the Senate desires to let them have that time.

Mr. SARBANES. Yes; I am making the assumption here that the only people really interested in amending the legislation are the two Senators from that State, who perceive what has come from the committee as being disadvantageous to their State, and therefore they are seeking to change it in order to defend State interests.

Mr. McCLURE. Let us assume that

there are within the body one or two or a half-dozen people supporting the committee position and resisting the adoption of the amendments; that they desire that the amendments not be adopted; that, therefore, the best way to assure that they not be adopted is to make sure that they never get voted on.

First of all, the two Senators from Alaska, in that instance, would have the opportunity under Senate Resolution 61 to offer their two amendments and, if the other could then get recognition in that sequence, he could then offer his two amendments, and then they are out of business. If there is anyone else who wants to offer an amendment, under Senate Resolution 61, all of the remainder of the time could be consumed utterly before they were ever again entitled to recognition to offer an amendment.

Mr. SARBANES. That is right. Senators would have to go around to see. In other words, if every other Member of the Senate came in to offer an amendment, they would not get a chance then or may not get a chance, depending on how long it took, to come back and offer more than the two.

Mr. McCLURE. That is correct.

Mr. SARBANES. But with an hour, they do not get a chance to offer much more than the two anyhow if they get rollcall votes on them. So that is not much of a difference and the likelihood of what we have just described happening under Senate Resolution 61 is quite minimal. The real likelihood is what we are going to have is a few people in this instance because of the particular State interest, in other instances because of their particular focus on the issue who are anxious to try to amend the legislation, the postcloture period in a significant way.

Mr. McCLURE. I will indicate that in this particular issue I know of other Members who have just as strong a feeling about the Alaskan lands question on the opposite side of the issue as do the two Members from Alaska. And I do not think one can at all suggest that all the rest of the Members are going to sit by quietly so that these two Senators can have their opportunity to amend the bill their way with no interference at all from the Senators who do not want it amended at all.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. McCLURE. Let me, if I may, respond to the other portion which I think is important.

Mr. SARBANES. Let me say on that point.

Mr. McCLURE. Go ahead.

Mr. SARBANES. I am not suggesting that, and all I am saying is that in thinking about it we have to perceive the two Senators with their 2 hours under one proposal and those same two Senators within the 100-hour total cap period, or if it is brought down to a minimum 30-hour total cap period, and then make some judgment under that arrangement how much of that time would they really be able to use in terms of proposing their amendments in a situation in which they can get rollcall votes that would not be charged against them on time; whereas, under the alternate proposal that has now been put forward that time would be charged against them.

Mr. McCLURE. Let me say to the Senator, however, that he is trying to make an assumption of Senate Resolution 61 with no changes as against the amendment offered by the Senator from Alaska with some changes because the amendment as offered by the Senator from Alaska allows the assignability of time.

Let us take that other hypothetical of the two Senators from Alaska carrying the time and under this proposal they would be allowed to be assigned up to 9 additional hours by other Members, and the two Senators from Alaska would then have 20 hours to offer a series of perfecting amendments which is certainly a superior opportunity to offer a series of amendments than that which is guaranteed to them under Senate Resolution 61. So I think if one looks at the totality of Senate Resolution 61 and of the totality of that which is offered by the Senator from Alaska the opportunities for Senators who desire to seek some substantive serious amendment in the pending legislation are better guaranteed under the amendment than they are under Senate Resolution 61. To separate out of that, to take away from that the right to yield time, certainly we change the nature of the amendment just as if we take away some of the rights that are guaranteed under Senate Resolution 61. We can make the rights of an individual Member or two Members look very different under Senate Resolution 61.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I yield.

Mr. SARBANES. I understand the Senator was in the group that helped to formulate the proposal that was offered today by the Senator from Alaska, if I am correct.

Mr. McCLURE. The Senator is correct.

Mr. SARBANES. Once a person gains the floor under the Senator's proposal, could he then hold the floor until he has used all of his time?

Mr. McCLURE. Not necessarily. He could use as much time as he desired until he yielded the floor, but once there was a final disposition of the matter which was then pending I suspect——

Mr. SARBANES. Is it within his control if he does not choose to yield back once he gains the floor to hold it until he has used up all his time?

Mr. McCLURE. I think that once the matter that was then pending was finally disposed of the Chair would then have to recognize some Member of the body. But that gets back to the question that we have been debating here for the last hour and a half, or so, raised by the Senator from West Virginia in regard to whether or not a Senator yields the floor at the time there is a procedural motion with respect to the pending amendment. I think it lies somewhere between those two extremes.

Mr. SARBANES. It is the Senator's position that a Senator does not yield, is that correct? Otherwise there is no way to run the clock against him.

Mr. McCLURE. A Senator does not yield the floor so far as the accountability of time is concerned on the matter which is then pending, but once that matter which is then pending is disposed of it would simply be a matter of recognizing someone to offer another pending matter. So I do not think it automatically follows that if a Member has his 10 hours that he can hold the floor for 10 hours to the exclusion of every other Senator or a whole series of things, but he certainly has the opportunity to do so in a way which Senate Resolution 61 would not permit him.

I was a little intrigued earlier in the argument against the amendment by the Senator from West Virginia when he said by the extrapolation of some mathematics it might be possible to offer as many as 3,600 amendments, and he found that reason to object to the amendment of the Senator from Alaska.

Several minutes later he was arguing against the Senator from Alaska because it would limit him to four amendments at the same time that Senate Resolution 61 offered by the Senator from West Virginia would limit them to two amendments.

It seems to me that we should really try to determine what it is we are trying to do. If we are going to have a rigid cap, which the Senator from West Virginia says is most essential, if I judge his discussion here today and and the discussion we have had at various times in the past on this subject, that is the one thing about which the Senator from West Virginia feels most strongly. If we are going to have a rigid cap, then it seems to me we have to find a way by which we can guarantee to an individual Member of this body that he has some rights that he can exercise at some time during that period of time.

The Senator from Alaska has suggested a means by which that can be done even though it might have the very, very slight theoretical potential for some kind of very modest extension of the 100-hour period. That is far more theoretical in its possibility than is the theoretical possibility that the 100 hours could be used up.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, it seems to me this discussion convinces me that we are going to have to find some way to modify my amendment to meet some of the objections raised by the Senator from West Virginia and the Senator from Maryland.

Let me make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. I had unanimous consent that it would be in order to bring the amendment up. Do I need unanimous consent now to have it withdrawn?

The PRESIDING OFFICER. The Senator is correct. Unanimous consent is required.

Mr. STEVENS. Maybe we could, under that circumstance, get agreement to vote tomorrow morning on this amendment and allow it to be set aside until a time certain tomorrow and then allow the Senator from New York, who wants to raise his amendment dealing with preferential recognition on points of order in the postcloture period, to raise his amendment this afternoon.

I do not know what the desires of the majority leader might be in that regard, but I think we are going to have to try to work something out and see if there might still be a possibility of a consensus we could reach with regard to the concept of an individual Senator having a right to time in a postcloture period. So I think we need overnight to think about that before bringing this to a vote.

It is my understanding we would be in agreement to bring this to a vote at 10 o'clock tomorrow morning.

Mr. SARBANES. Mr. President, if the Senator from Alaska will yield, before I enter into such an agreement obviously we should hear from the majority leader as to whether he wishes to schedule that at 10 a.m. Perhaps we should call a quorum, and then I will ascertain that.

Mr. STEVENS. Since it takes unanimous consent to have the amendment be in order, and I already have that, I would like to have it remain so under those circumstances, but I would like to be able to get an agreement that we could call up another amendment and have the vote on this one tomorrow. I recognize we will have to consult with the majority leader about that, but that is my feeling now that we should see if we can work on this overnight and get to the question of these other amendments tonight, if possible.

Mr. SARBANES. I understand the majority leader will be here shortly, and I suggest that either the Senator continue his discussion if he chooses to do so on this amendment or that there be a quorum call and temporarily await his arrival.

Mr. STEVENS. Mr. President, let me ask is it in order to modify my amendment now without unanimous consent?

The PRESIDING OFFICER. It would require unanimous consent to modify.

Mr. STEVENS. At the suggestion of the Parliamentarian, Mr. President, I ask unanimous consent that it be modified so that it read: "On page 2, line 6, after the word 'begins.'" It is a technical amendment modification and I ask unanimous consent that such modification be made now.

I will tomorrow morning ask for further modification of the amendment before it comes to a vote.

Mr. SARBANES. Reserving the right to object to this modification, could we find out what it is exactly? I am sorry, I was not listening.

Mr. STEVENS. It is a suggestion made by the Parliamentarian to correct a technical defect. I asked unanimous consent that that modification be made at this time. Tomorrow I will make further modifications.

Mr. ROBERT C. BYRD. What is the Parliamentarian's suggestion?

Mr. STEVENS. This amendment makes certain that the text of the amendment shows precisely where the striking commences on page 2 through page 3. It says, "On page 2, line 6, after the word 'begins' strike everything through page 3," and et cetera.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, the amendment is so modified.

Did the Senator from Maryland reserve the right to object?

Mr. SARBANES. No.

Mr. STEVENS. At this time, if I might say to my good friend from West Virginia, we are working on a modification to try to meet some of the objections raised by the Senator from West Virginia and the Senator from Maryland. I hope we will have an agreement to put this amendment aside until tomorrow, and to then vote at a time certain, that we could have a vote on it at a time certain, and to permit the Senator from New York or the Senator from Idaho to proceed with other amendments which they have at this time.

Mr. ROBERT C. BYRD. What would the Senator suggest?

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I think if we could arrange to have a vote on this in the morning at 10 o'clock, provided the majority leader intends to convene in time to accommodate that, that we probably could obtain that consent. I am not certain again but I would hope we could.

Before the majority leader responds, if he would yield further, might I inquire, it is now well into the afternoon, and might I inquire if the majority leader does intend, in fact, to come in fairly early tomorrow?

Mr. ROBERT C. BYRD. I would like to come in at 10 o'clock, may I say to the distinguished minority leader and, if possible, if we could get a time agreement today, I would like to finish the action on this measure tomorrow at a given time, in which event I would expect to go over until Monday.

Mr. BAKER. I do, too. I am sure the majority leader will confirm that he and I had conversations in the course of today looking into the possibility that we might arrange a time certain to dispose of this so-called postcloture part of this controversy and, frankly, I had hoped we would have a number of votes, rollcall votes. I see a number—I do not see them now, but during the course of the day I have seen a number—of our Members here directly as a result of my suggestion that they be here with the possibility of a rollcall vote, and hoping we could break the ice and get on with this matter. But it appears less likely that we will have a rollcall, and I understand the majority leader thinks we ought to stack any rollcalls that would be asked for until later, until tomorrow.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. I do not have the floor.

Mr. McCLURE. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. Because it also deals with putting it aside and when it would be called up tomorrow.

Do I understand that we will not have the opportunity today to get votes on amendments which could be offered?

Mr. ROBERT C. BYRD. We could have voice votes or division votes or put rollcall votes over until tomorrow.

Mr. McCLURE. Is it the intention of the majority leader that we not have any rollcall votes on this matter this afternoon?

Mr. ROBERT C. BYRD. Personally I would like to have had votes, but it is now 4:30 and a good many Members have gone home because of the weather, and I would rather not have rollcall votes this afternoon.

Mr. McCLURE. Mr. President, will the Senator yield further?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. I have no disposition to delay the solution of this, as the Senator knows. I am as anxious as anybody in this body to get this pinned down and get it behind us. It has already consumed far more time than the Senator from Idaho would have debated one single subject, but because of the weather we did not meet on Monday or Tuesday, and we have not had the opportunity to have any rollcall votes on Wednesday. I think we are beginning to get into a very difficult time constraint, at least the possibility of it. I do not think there are endless numbers of amendments, but there are some, and some variations upon it, that various Members might wish to offer.

Mr. BAKER. Mr. President, if the majority leader would yield to me in that respect for just a moment——

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I have some Members on this side, who, frankly, are not so interested in being here for the final vote on passage as they are in certain amendments that have to be disposed of before they would feel free to return to their States or keep other commitments.

So it appears now that until we can get some of these amendments out of the way—not many but a few—it is going to be very difficult for me to be able to try to arrange with the majority leader for a time certain to dispose of the postcloture part of this resolution.

I think at this point it might be well to take one bite out of the pie and see if we can arrange a time in the morning shortly after we convene to dispose of this amendment, and then after that to see where we are and how we might proceed with an arrangement to dispose of the postcloture part of this matter, either later in the day on Thursday or, if necessary, on Friday, and I know the majority leader had given some thought to going over, say, from Thursday to Monday as a possibility. But in all candor it might be necessary for me to ask for a session on Friday to accommodate some of the requirements I alluded to.

Now I think we can agree to come in in the morning and have a time to vote on this amendment, and I would suggest, if the majority leader considers 10 o'clock as a time for convening, that we consider 10:30 for a vote.

Mr. President, if the majority leader will yield, I have a very tight time problem with one Member on this side. I wonder if the majority leader would consider coming in, say, at 9:45 and permitting a vote on this amendment, then at 10 o'clock.

Mr. ROBERT C. BYRD. Yes; that would be agreeable.

Now, it is understood that we are talking about this amendment, the amendment by Mr. STEVENS.

Mr. STEVENS. Mr. President, if the majority leader will yield, I would ask unanimous consent that I have an opportunity to seek to modify the amendment just prior to the vote, but not substantially. For instance, I am going to delete the last paragraph, which is redundant to a provision already in Senate Resolution 61, and I would hope we could reduce that time that would be transferred, up to 10 hours. We have 10 hours, and we are trying to find ways to reduce that to 6. We are looking for greater accommodation areas in this same basic format of the amendment. I would like to have an opportunity for some minor changes in the amendment before the vote takes place tomorrow morning.

Mr. ROBERT C. BYRD. The Senator understands it would require unanimous consent to get those modifications.

Mr. STEVENS. I do understand that. I hope that will be no problem, but I understand.

Mr. ROBERT C. BYRD. I do not want to interpose objections if the modifications are such as I feel we can accept.

Mr. STEVENS. I may try to make them this afternoon, if we have the opportunity.

Mr. ROBERT C. BYRD. I just wanted to be sure that we all understood that in agreeing to vote on this proposed amendment tomorrow, or in relation to the amendment, having a vote at 10 o'clock, any modifications would have to be by unanimous consent, because otherwise those of us who agree to a vote on this proposal at 10 o'clock tomorrow could be buying a pig in a poke, not knowing what the modifications would be. So we are protected by the fact that it would require unanimous consent for such modifications to be made.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, two things occur to me. First, I would hope that the convening hour of the Senate would be arranged so that there was 15 minutes on this measure before we proceeded to a vote; and second, it is my understanding that one Member on this side requests that the vote occur on the amendment, and not on a motion to table.

Mr. ROBERT C. BYRD. Of course, I note a number of staff people nodding their heads in reference to that.

Mr. BAKER. The person I have reference to is here representing the State of Idaho. I will not further identify him, except to say that he stated he would prefer that, I believe on behalf of another Member.

Mr. ROBERT C. BYRD. The Senator asks that I give up my normal right to move to table?

Mr. BAKER. On behalf of Mr. HATFIELD, who does want an up or down vote on it.

Mr. ROBERT C. BYRD. Let us agree to the motion to vote on it at 10 o'clock, and let me think about it in the meanwhile. I might very well agree to an up or down vote.

Mr. McCLURE. If we might, then, reserve the right to make a motion on that subject at least eliminating the other 98 or 97 Senators from that proposition, I think that compromise might very well be agreeable.

Mr. BAKER. I do not understand. Will the Senator repeat that?

Mr. McCLURE. That there will be an up or down vote unless the majority leader exercises the right to offer a different motion with respect to the amendment.

Mr. BAKER. That sounds better than nothing, I suppose.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE AT 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10 o'clock a.m. tomorrow a vote occur in relation to the pending amendment by Mr. STEVENS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Does the Senator want to get the yeas and nays now, in case we vote up or down? It might be difficult to get them in the morning.

Mr. STEVENS. Yes, that is agreeable.

Mr. ROBERT C. BYRD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Is it the majority leader's intention, then, to make any provision for the preliminary proceedings of the Senate, such as morning business, special orders, or anything that might consume any part of that 15 minutes?

Mr. ROBERT C. BYRD. I have two requests for recognition in the morning, and each wants 15 minutes.

SPECIAL ORDERS FOR TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that following the prayer tomorrow, the Senator from Missouri (Mr. EAGLETON) be recognized for 7 minutes, and that he be followed by the Senator from Wisconsin (Mr. PROXMIRE) for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, we have another request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. EAGLETON, Mr. PROXMIRE, and the Senator from South Dakota (Mr. PRESSLER) each be recognized for not to exceed 5 minutes after the prayer and the approval of the Journal tomorrow.

Mr. BAKER. Mr. President, reserving the right to object, the problem I have in this respect is that Senator HATFIELD, who is the ranking minority member of the Rules Committee, simply has to have a vote on this amendment by 10 o'clock, otherwise we would have to rearrange the whole schedule; and I would hope we could have 15 minutes prior to the vote for debate. I wonder if we could move the convening time back.

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW, WITH SPECIAL ORDERS AND DEBATE TO FOLLOW, AND A VOTE AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. tomorrow, which would give each of them 15 minutes.

You want 15 minutes for debate on this?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. Does the Senator suppose each of these Senators would want 15 minutes? I take it Senator EAGLETON would. Senator PROXMIRE may or may not. Could we take a chance on 10 minutes for each of the Senators, and allow 15 minutes for debate on this amendment?

Mr. BAKER. I will if you will.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate, when it completes its business today, stand in recess until the hour of 9:15 a.m. tomorrow; that after the prayer and the recognition of the majority leader to deal with the Journal, Mr. EAGLETON, Mr. PROXMIRE, and Mr. PRESSLER each be recognized for not to exceed 10 minutes; that there then follow 15 minutes of debate on the amendment by Mr. STEVENS, to be equally divided between the Senator from Alaska (Mr. STEVENS) and the junior Senator from West Virginia (Mr. ROBERT C. BYRD), and that a vote then occur in relation to the Stevens amendment; but that in any event the vote in relation to the amendment by Mr. STEVENS occur no later than 10 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that if any Senator wishes to call up an amendment to the resolution at this time, it be in order to set aside the pending amendment by Mr. STEVENS and let such Senator call up such amendment.

Mr. STEVENS. Mr. President, reserving the right to object, and I hope my good friends will not object, I would like to make the request for two modifications of that amendment, and send those modifications to the desk, prior to setting it aside, if that meets the majority leader's desire. I would like to see the amendment changed to provide that no Senator be yielded more than 5 additional hours, and ask that the last paragraph be deleted. If the Senator will withhold his unanimous-consent request, I ask unanimous consent that the amendment be so modified at this time.

Mr. ROBERT C. BYRD. Mr. President, I object to the modification at this time. I may not object tomorrow morning.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I reserve—I withdraw that objection. I certainly have no objection to the latter part, because that part of the amendment would be redundant to the language in my own resolution.

Mr. STEVENS. I thank the majority leader. I renew the motion to modify the amendment in that manner, and I send a copy to the desk and ask that it be so done.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. The Senator is referring to——

Mr. STEVENS. To delete the last paragraph of the amendment as modified. I send it to the desk. I will renew my motion to change the word "10" to "6" in the morning.

Mr. ROBERT C. BYRD. So the Senator at the moment is merely asking for the second half which, in reality, is duplicative of the language in the resolution?

Mr. STEVENS. That is correct.

Mr. ROBERT C. BYRD. I have no objection to that portion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified further, follows:

On page 1, line 6, following the word "invoked," insert the words: "which time is the aggregate of the one hour of time to which each Member is entitled".

On page 2, line 6, after the word "begins." strike everything through page 3, line 18 and insert in lieu thereof the following:

The last paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the first sentence and inserting in lieu thereof the following:

"After cloture has been invoked, no Senator shall be entitled to use more than one hour on the measure, motion, or other matter pending before the Senate, the amendments thereto, and motions affecting the same, except as hereinafter provided.

"A Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests except the time consumed in one quorum call immediately prior to a vote on final passage. A Senator may yield any of his remaining time to another Senator or may yield it back to the Presiding Officer, in which case the hours of consideration shall be reduced by the time so yielded back, and it shall be the duty of the Presiding Officer to keep the time of each Senator. No Senator may be yielded more than nine additional hours. If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member. If the objecting Senator does not have at least ten minutes remaining, he may not object to dispensing with the further proceedings under the quorum call. If the time required to call a quorum exceeds the balance of the objecting Senator's time, such time shall not be charged against the one hundred hours.

Mr. STEVENS. May I inquire, Mr. President, as the amendment is printed and put on the desks tomorrow, it will be in the modified form?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Senator.

Mr. ROBERT C. BYRD. I ask unanimous consent that the resolution placed on the desks tomorrow show the changes which have been made today by virtue of amendments, with language that has been deleted shown in stricken-through type and language which may have been added shown in italics, and that the clerk may be authorized to make technical and clerical corrections.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. May I inquire—reserving the right to object, I am sorry—will that be considered original text for the purpose of any further amendment?

Mr. ROBERT C. BYRD. I have not yet agreed to that request, but, as I say, I may very well do that.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Alaska will be laid aside.

UP AMENDMENT NO. 18

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina, Mr. HELMS, proposes an unprinted amendment No. 18.

On page 1, after line 3, insert the following:

"Between the invoking of cloture and the vote on final passage of the measure, motion, or other matter subject to cloture, consideration of such measure, motion, or matter shall be limited to not more than 8 hours per calendar day."

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I shall not consume time by discussing this amendment at length. It speaks for itself.

As I mentioned to my good friend, the distinguished majority leader in one of our conferences in connection with this resolution, I believe the Senate would be well served to limit the time devoted to an issue on which cloture has been invoked to 8 hours per calendar day. A prime reason is the impact upon the health of Members, particularly the most conscientious ones. I mentioned to several of my colleagues during the course of last session that I was concerned about the severe strain on our late dear friend Jim Allen, the distinguished Senator from Alabama, during many debates in this Chamber. He was only one of four of our colleagues who are no longer with the living.

Moreover, there is the question of the younger Members of the Senate who have families and young children, and who so seldom have an opportunity to spend an evening with their families. I believe all in all that if the Senate would agree to devote no more than 8 hours in any given day to the consideration of a matter on which cloture has been invoked, comity in the Senate would be increased, more participation would result on the part of Senators, and, in general, it would be a wholesome development.

I know the argument on the other side, that this proposal, to some degree, may appear to be tying the hands of the majority leader—which is certainly not the intent of the amendment. But I think it is an entirely reasonable request, and I do hope that the Senate will approve of it.

I am not going to spend any more time in discussing the amendment because, as I said at the outset, it does speak for itself. I gather it has considerable appeal. Needless to say, I hope it has sufficient appeal to be approved tomorrow.

I do not think we have enough Senators present to obtain a sufficient second, but I would advise the Chair that I do want a rollcall vote on this amendment tomorrow.

I yield the floor.

Mr. SARBANES. Mr. President, I wish to briefly speak against this amendment. Indeed, I will only make two or three observations.

First of all, the Senate on many days spends well in excess of 8 hours considering legislation pending before this body in a precloture time. In other words, it is necessary in handling legislation to take more than 8 hours in one day in order to work at it, and that is legislation on which 60 Senators have not yet invoked cloture. Is the Senator's amendment directed to that period only, to postcloture?

Mr. HELMS. Yes. Obviously, because all that is before the Senate in Senate Resolution 61 concerns postcloture. My amendment specifically limits itself to the period "between the invoking of cloture and the vote on final passage."

Mr. SARBANES. So the Senator would limit any consideration of a measure in a postcloture period to 8 hours per day?

Mr. HELMS. Except by unanimous consent, I would say to the Senator. The proposed amendment, I say to my friend from Maryland, contemplates that there may be a need for time on other legislative matters. So I am not calling for an 8-hour day. I am saying just an 8-hour limitation per day on the matter on which cloture has been voted.

Mr. SARBANES. The matter, of course, may be a matter on which we need to move to a resolution. Do I understand the Senator's amendment? The point made is that even in a precloture period 60 Members have not voted to cut off debate. Any measure we are considering involves an amendment process after cloture has been invoked.

In order to invoke cloture we require 60 Members, three-fifths of all those duly sworn as Members of the Senate. So we are in a period when 60 Members of the Senate have said, "Well, now, we think we ought to start limiting the time and move toward a decision."

Even in the precloture period with respect to a great deal of the legislation it is necessary to spend more than 8 hours a day in considering a matter.

In one sense it is contradictory, almost, to use an 8-hour limit in postcloture when we have an unlimited period in precloture. It really would make more sense logically, though even then there would be difficulties connected with it, to have an 8-hour limit before cloture rather than after. There is more of an argument for an extended time after cloture, because three-fifths of the Senators have voted to move ahead on the measure.

Second, 8 hours a day with a 100-hour cap is 12½ days of consideration once cloture has been voted.

Now, cloture is difficult to come by, as our experiences here have shown. To have frozen in the absolute requirement, precluding unanimous consent, I would say to the Senator, that is tantamount to the absolute requirement that we would run then for 12½ days after cloture has been invoked.

That is almost 3 weeks of the Senate's time. I think it is unreasonable. I think that the majority leader has to have flexibility in the scheduling of legislation, and that there is, really, a strong argument that once cloture has been invoked, that the Senate really ought to spend very long days, indeed, on the matter pending before us.

In any event, whether that should or should not be done is a matter that can be worked out at the particular time with respect to the specific legislation and certainly ought not be frozen into place now by the rigid requirement that postcloture no more than 8 hours per day could be spent on the measure, which would guarantee 12½ days of consideration.

Mr. HELMS. Would the Senator prefer 6 hours?

Mr. SARBANES. The Senator would prefer no absolute requirement written into the rule.

The Senator does not regard that as the sensible way to go about this matter.

Mr. HELMS. Would the Senator feel just as strongly about 10 hours?

Mr. SARBANES. The longer we make the hours, the less strongly I would feel, and if we reached 24 hours I would not have any further negative feeling with respect to the matter because we, in effect, would have precluded any sort of arbitrary rule.

Mr. HELMS. I will say this to my friend from Maryland. I believe that this whole issue is born of something less than necessity.

If we look at the statistics, Mr. President, on extended debate in the Senate, on filibusters, we will see readily that, relatively speaking, there have been few major problems.

We know, of course about the Metzenbaum-Abourezk filibuster, and there have been some references to the parliamentary skill of my dear late friend Jim Allen.

But, on balance, if Senators are fair about it, and if they look at the record, they see that the alleged need for changes in rule XXII is just a contrived frustration.

Now, one day last week there were a few of us on this floor late in the afternoon, the distinguished Senator from Maine (Mr. MUSKIE), the distinguished Senator from New York (Mr. MOYNIHAN), the distinguished majority leader, and I think that was all, save for the Presiding Officer who, if memory serves me, was the junior Senator from Michigan (Mr. LEVIN).

But I advanced the observation, Mr. President, that we got in trouble in the Senate along about 1970 when the Senate began to tamper with the rules. Prior to that time, there was comity in this Senate that took care of the situation. When cloture was voted, there was no problem to secure a fairly hasty resolution of the issue.

As I believe I stated that afternoon on the Senate floor, I may be the senior Member of this Senate in one respect, certainly among those present today, in terms of having been here in the early 1950's, not as a Senator, but as administrative assistant to two successive Senators from North Carolina, one of whom died in office, and I saw two or three filibusters. I saw the great Dick Russell of Georgia, and others, fight as hard as they could; but when cloture was voted, comity in the Senate provided that there was a vote.

But at that time there was a constitutional two-thirds requirement before debate was shut off.

Then some of the wiser Members of the Senate, in their judgment, began to tamper with that rule. They reduced the constitutional two-thirds to two-thirds of those present and voting. Then a further reduction was made to three-fifths, a constitutional three-fifths, which is the rule now in existence.

I think, Mr. President, that if anybody took the time to plot it out, it could readily be shown that the more tampering that was done to the cloture requirement, the more diminution occurred in comity and cooperation in the Senate. So, maybe we ought to go back to the constitutional two-thirds. This Senator would favor it.

I fully and sincerely believe that if it were not that we sometimes witness the appearance of a slight majority apparently having the desire to railroad things through, that comity would be restored to a degree that would amaze a lot of Senators.

Sure, there is sometimes suspicion. Sure, there is a tendency not to cooperate. There is a tendency to read into various actions by the leadership motivations which I am sure do not exist.

But I say, Mr. President, to the Chair and to my colleagues, that the more we tamper with the right of the minority—and that is what we are talking about in this matter—the more we tamper with the right of the minority in the Senate, the more we risk reaping the whirlwind.

I am in favor of no change; no change in the rules with respect to filibusters. I say that in the face of the fact that, speaking as one Senator, I really do not care what happens postcloture, because I have always felt that the ball game was over at that point and that I had had my say and that we ought to go ahead and vote.

So, I have no burning obsession about this postcloture business, except what I fear to be a certain pretense that holiness and virtue reside on one side and the black hat boys on the other.

What is at stake every time we tamper with these rules, Mr. President, is the right of the minority, and the minority takes various forms. The Senator from Maryland may well be in a minority one of these days and he may well say, "Gee whiz, why did I ever vote to make it easier to put an end"——

Mr. SARBANES. Will the Senator yield?

Mr. HELMS. I will in a minute, if the Senator will forbear—"to make it easier to shut off debate."

So what we confront here, Mr. President, is not an exercise in who best knows the ropes, or who is the best parliamentarian on this floor, or even who has the most votes.

What we confront here is the very real question of how much farther shall we go in diminishing the rights of the minority.

I do not mean the Republican minority. I do not mean the conservative minority. I mean the minority on whatever issue, at whatever time.

I say, Mr. President, the minority could well shift to the other side.

I have heard several Senators say that they rue the day—rue the day—that they voted to reduce the cloture requirement to a constitutional three-fifths, and well they should. It ought to be two-thirds again.

As I said at the outset, I fully believe that the diminishment of comity and the watering down of cooperation began at the time that this Senate began to tamper with the rules, and that is the reason this is such an important issue to me.

Now, as for the proposed 8-hour day on matters where cloture has been invoked, if any Senator wants to change that to 9 hours, or 10 hours, or whatever, that suits the Senator from North Carolina, fine. But I think there ought to be a very careful limitation placed on how far we go in reducing the participation in these debates.

It is now exactly 5 o'clock, and I count in the Chamber seven Senators, including the distinguished Presiding Officer.

In the old days, Mr. President, this Chamber was virtually filled when there was an issue of this sort. But now, in terms of what we have developed in changing the rules, tampering with the rights of the minority, the Senators are not here. They are in their offices or they are at home. They know there will be no votes. There was a calculated effort made here today—successfully, I might add—to make sure that there were no votes because certain Senators were out of town.

We had 2 days of snow in the city of Washington, and some Senators could not get in. So here we are, in almost a spectacle of rushing this thing through——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. In just a moment.

Of rushing this thing through in 2 days' time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to his bosom friend?

Mr. HELMS. The Senator is not pointing his finger at me, is he?

Mr. ROBERT C. BYRD. No. I merely flourished my hand.

Mr. HELMS. I yield.

(Mr. LEVIN assumed the chair.)

Mr. ROBERT C. BYRD. The Senator bemoans the fact that we are here today talking about a vote tomorrow. What about the days preceding the legislative holiday? What about the days that have ensued since January 15?

Mr. HELMS. I agree with the Senator.

Mr. ROBERT C. BYRD. We have had ample time to debate this matter. I stood on the floor, I believe, on Friday——

Mr. HELMS. I stood with the Senator.

Mr. ROBERT C. BYRD. The Senator was here. That is why I marvel at this. I thought his memory slipped temporarily, because he was here with me on that Friday. He was here with me the day before, on Thursday, when the only Senator who called up an amendment was the junior Senator from West Virginia.

The Senator was going to prove a point, because he foresaw the day when the Senator from West Virginia would say what I have just said—he would be able to stand and face down the Senator from West Virginia, at high noon, in the shootout.

The Senator is correct; he did offer some amendments. But here were the Senator from North Carolina and I—we had the floor to ourselves.

Mr. HELMS. Exactly. And the Senator from North Carolina did indeed offer some amendments.

Mr. ROBERT C. BYRD. For 2 days. The Senator from Maryland was here; the Senator from Montana was here; the Senator from Virginia was here. There were other Senators. The Senator from Idaho was here, and other Senators were here. But there was no action except voice votes.

So I hope the Senator will not leave the record with the impression that here is the majority leader today, Wednesday, February 21, pressing for a vote, pressing for a vote in 2 days, when we have had all this time prior to the legislative holiday to have called up amendments and to have had votes on them.

I have pleaded with Senators. My knees are still sore from my kneeling on this carpet, and my trousers are threadbare from my kneeling here, pleading with Senators to call up amendments. Only one Senator, only one valiant Senator, responded to the call, and that was the Senator from North Carolina.

Mr. HELMS. The Senator is absolutely correct.

Mr. ROBERT C. BYRD. By the way, while the Senator is yielding, will he yield further?

Mr. HELMS. I yield to my good friend.

Mr. ROBERT C. BYRD. The Senator said a moment ago—and I have heard this before—that we are seeing these postcloture filibusters because we changed the rules; that is when we began to see all these postcloture filibusters happen, because we tampered with the rules. Well, I have a little memory about that, myself. It is my amendment that is now in the rulebook which provides for 60 Members invoking cloture.

Does the Senator not recall that that amendment was adopted by the Senate, because of the increasing number of filibusters, the spate of filibusters, that came along? They were on antitrust bills, on extending the voting rights law. You name it; we had a filibuster for it. Back in those days, if a Member wanted to filibuster something he did not like, he filibustered it. That is what brought on the rules change.

So one can say, which came first, the chicken or the egg? You take your pick.

I recall that the rules change came about because the Senate was getting its belly full of these filibusters happening over every little old bill that came along. Any Senator who wanted a filibuster could have it his way—no charge, just have a filibuster. The Senate got tired of it. So we started to amend that rule in 1977.

A few days went by, and Senator LONG stood right back there, where Senator HARRY F. BYRD, JR., sits now, and he said, "Why don't we think in terms of making it a three-fifths vote?"

So some of us went back in the cloakroom, and we came out with that amendment.

So I must say, with all respect to my friend, who has yielded to me most courteously, that the present rule grew out of the abuse of the rule that preceded that change. Senators may say, if they wish, that we are having these postcloture filibusters, because of the tampering with the rules. The Senate does not tamper with its rules lightly. I have been here 20 years; I was in the other body 6 years. The Senate does not tamper with its rules lightly. It tampered with the rules, because it was trying to remedy an ill that had become an affliction, and it is about to tamper with them again today, because we have seen this abuse of the rules.

I hope the Senator will pardon my interruption, but I thought that at least that should be said, so that Senators who read the RECORD can make their choice as to whether it is the chicken or the egg.

Mr. HELMS. I appreciate the Senator's comments. He is, as always, most gracious, and frank in stating his thoughts. I was delighted to hear his response, even though the Senator from North Carolina cannot agree with it.

I want him to know that I meant no criticism of him personally in stating some of the facts.

The arithmetic of this cloture business is that in the first half of the century of the cloture rule—52 years to be exact—cloture was voted 45 times. Since 1970, when the Senate really began to tamper, and I use the word advisedly, tamper with the rules, it has been voted 95 times. Now, that is the arithmetic of it, and the arithmetic speaks for itself.

As for my own participation in extended debates, I think the distinguished majority leader will acknowledge that I have worked with him on countless occasions to reduce the time consumed by the Senate in consideration of various measures on which cloture had been voted.

As a matter of fact, with the exception of the so-called Metzenbaum-Abourezk filibuster, we really have not had a severe problem for the simple reason that Senators do not participate, as a rule, in postcloture filibusters.

I recall a number of times when Jim Allen and I patrolled this floor, Mr. President, looking for Senators who would consume or who would use a part or all of their hour.

But the truth of the matter is that in most cases, with the exception of the extreme case to which I referred, the postcloture consumption of time has been minimal. I do no want the record to indicate that otherwise may be the case.

So we are dealing with a straw man to a great extent with the exception of that extreme case which has come to be known in the Senate as the Metzenbaum-Abourezk episode.

I firmly believe, Mr. President, that it would be the course of wisdom for Senators to support the 8-hour limitation with the understanding that the majority leader is in no way shackled about calling up other business on either side of the 8 hours.

It would not mean an 8-hour day for Senators. I am perfectly prepared to work 12, 14, 16 hours a day. I have done it before and I am perfectly willing to do it again. But I do think that the ability to concentrate on an issue for more than 8 hours becomes questionable, and that is the purpose of this amendment.

I am going to urge its adoption, and, as I indicated earlier, Mr. President, tomorrow I want the yeas and nays on the question.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HELMS. I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

ORDER TO HOLD BILL AT THE DESK—H.R. 1902

Mr. LEVIN. Mr. President, I ask unanimous consent that H.R. 1902, the Carson City silver dollar bill, be held at the desk, pending further disposition.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

REPRINTING OF THE REPORT ENTITLED "CHINA" (S. DOC. 96-4)

Mr. LEVIN. Mr. President, on behalf of Senator MUSKIE I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Has this

request been cleared with the leadership on both sides?

Mr. LEVIN. Yes it has been.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 77

Resolved, That there be printed an additional eight hundred copies of Senate Document 96-4, entitled "China".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I am constrained to ask, has there been any indication of the cost of that reprinting?

The PRESIDING OFFICER. Does the distinguished Senator from Michigan care to respond?

The Chair will state that the resolution provides for the printing of an additional 800 copies.

Mr. LEVIN. There has been no report on the cost, Mr. President.

Mr. STEVENS. Eight hundred copies?

The PRESIDING OFFICER. Eight hundred copies.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 1902. An act to amend the Bank Holding Company Act Amendments of 1970.

The message also announced that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker has appointed Mr. BOLLING, Mr. REUSS, Mr. MOORHEAD of Pennsylvania, Mr. HAMILTON, Mr. LONG of Louisiana, Mr. MITCHELL of Maryland, Mr. BROWN of Ohio, Mrs. HECKLER, Mr. ROUSSELOT, and Mr. WYLIE as members of the Joint Economic Committee on the part of the House.

The message further announced that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker has appointed Mr. BONIOR of Michigan and Mr. BUCHANAN as members of the board of directors of Gallaudet College on the part of the House.

The message also announced that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker has appointed Mr. MURPHY of New York, Mr. HOWARD, Mr. FISH, and Mr. GREEN as members of the Franklin Delano Roosevelt Memorial Commission on the part of the House.

At 4:43 p.m., a message from the House of Representatives announced that, pursuant to the provisions of section 170(a)(3)(B), Public Law 95-599, the Speaker has appointed Mr. ROE, Mr. ALEXANDER, Mr. BLANCHARD, Mr. GLICKMAN, Mr. SEBELIUS, and Mr. REGULA as members of the National Alcohol Fuels Commission on the part of the House.

H.R. 1902 HELD AT DESK

By unanimous consent, the following bill was read by title and ordered held at the desk:

H.R. 1902. An act to amend the Bank Holding Company Act Amendments of 1970.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-517. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Understanding of Wetland Benefits Will Help Water Bank and Other Federal Programs Achieve Wetland Preservation Objectives," February 8, 1979; to the Committee on Agriculture, Nutrition, and Forestry.

EC-518. A communication from the Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, a violation of Section 3679 of the Revised Statutes, as amended, for the appropriation: Migration and Refugee Assistance, State, 1978, 1981143; to the Committee on Appropriations.

EC-519. A communication from the Deputy Secretary of Defense, reporting, pursuant to law, on annual compensation of officers or employees of a Federal Contract Research Center (FCRC) in excess of $45,000 from federal funds; to the Committee on Armed Services.

EC-520. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, the Base Structure Annex to the Defense Manpower Requirements Report for FY 1980; to the Committee on Armed Services.

EC-521. A secret communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, 52 Acquisition Reports (SARs) and the SAR Summary Tables for the quarter ending December 31, 1978; to the Committee on Armed Services.

EC-522. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues of the air-, sea-, and ground-launched cruise missiles program; to the Committee on Armed Services.

EC-523. A communication from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, a Final Environmental Impact Statement (EIS) for the Disposal of Surplus Federal Military Properties in Rhode Island: Quonset Point Naval Air Station, Davisville Construction Battalion Center and Newport Naval Base; to the Committee on Armed Services.

EC-524. A confidential communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's General Support Rocket System program; to the Committee on Armed Services.

EC-525. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, an Annual Report of the Reserve Forces Policy Board (RFPB); to the Committee on Armed Services.

EC-526. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on major issues concerning the advanced intercontinental ballistic missile weapon system; to the Committee on Armed Services.

EC-527. A communication from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the Defense Manpower Requirements Report for FY 1980; to the Committee on Armed Services.

EC-528. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues of TRIDENT and SSN-688 submarine construction programs; to the Committee on Armed Services.

EC-529. A communication from the Associate Director, Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report on experimental, developmental and research contracts of $50,000 or more, by company, covering the period July 1, 1978, through December 31, 1978; to the Committee on Armed Services.

EC-530. A communication from the Assistant Attorney General, Civil Rights Division, transmitting, pursuant to law, a report of the Attorney General on the administration of the Equal Credit Opportunity Act for calendar year 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-531. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on Housing Displacement; to the Committee on Banking, Housing, and Urban Affairs.

EC-532. A confidential communication from the Secretary of Commerce, transmitting, pursuant to law, the first annual report on the results of the review of export control country policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-533. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1980, 1981, and 1982; to the Committee on Commerce, Science, and Transportation.

EC-534. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, the Commission's decision to extend the time period for acting on an appeal pending before the Commission in Finance Docket No. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick Dumaine and Dumaines; to the Committee on Commerce, Science, and Transportation.

EC-535. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting a draft of proposed legislation to discontinue or amend certain reporting requirements of law; to the Committee on Commerce, Science and Transportation.

EC-536. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act (Public Law 86-777), for fiscal year 1978; to the Committee on Energy and Natural Resources.

EC-537. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-538. A communication from the Under Secretary, Department of Energy, transmitting, pursuant to law, the Second Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities (CPP); to the Committee on Energy and Natural Resources.

EC-539. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Chicago, Illinois, Everett McKinley Dirksen Federal Building, in the amount of $6,219,000; to the Committee on Environment and Public Works.

EC-540. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, an amendment to the approved prospectus for the New Haven, Connecticut, Post Office and Courthouse, in the amount of $4,670,000; to the Committee on Environment and Public Works.

EC-541. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Post Office and Courthouse, 5th Avenue and 9th Street, Huntington, West Virginia, in the amount of $3,623,000; to the Committee on Environment and Public Works.

EC-542. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Scranton, Pennsylvania, U. S. Post Office and Courthouse, in the amount of $1,802,000; to the Committee on Environment and Public Works.

EC-543. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Washington, D.C. Interstate Commerce Commission, Customs, and Connecting Wing, in the amount of $8,370,000; to the Committee on Environment and Public Works.

EC-544. A communication from the Staff Director, Science Advisory Board, United States Environmental Protection Agency, transmitting, pursuant to law, a report on the evaluation of the health effects research in the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-545. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Research Outlook 1979"; to the Committee on Environment and Public Works.

EC-546. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the review of 15 National Forest primitive areas; to the Committee on Environment and Public Works.

EC-547. A communication from the Director, Congressional Budget Office, U.S. Congress, transmitting, pursuant to law, a report entitled "Guidelines for A Study of Highway Cost Allocation," February 1979; to the Committee on Environment and Public Works.

EC-548. A communication from the President of the United States, transmitting, pursuant to law, a report setting forth his decision to provide import relief on wood and plastic clothespins in the form of a price-bracketed quota; to the Committee on Finance.

EC-549. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of June 18, 1934, regarding the submission by the Foreign-Trade Zones Board of annual reports to Congress; to the Committee on Finance.

EC-550. A communication from the Secretary of the Treasury, reporting, pursuant to law, on actions taken, upon his instructions, by the U.S. Executive Director of the International Monetary Fund, to present to the Fund's Executive Board a comprehensive set of proposals on the compensation of Fund employees; to the Committee on Foreign Relations.

EC-551. A secret communication from the Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the administration's fiscal year 1980 Arms Control Impact Statements; to the Committee on Foreign Relations.

EC-552. A communication from the Administrator, Agency for International Development, Department of State, reporting, pursuant to law, on steps taken to review proposals for an African Development Foundation (ADF); to the Committee on Foreign Relations.

EC-553. A communication from the Chairman, Development Coordination Committee, transmitting, pursuant to law, a foreign assistance report, combining a number of previous reporting requirements; to the Committee on Foreign Relations.

EC-554. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within 60 days after the execution thereof; to the Committee on Foreign Relations.

EC-555. A communication from the Inspector General, Department of Health, Education, and Welfare, transmitting, pursuant to law, a quarterly report covering the activities of the Office of Inspector General for the period October 1 to December 31, 1978; to the Committee on Governmental Affairs.

EC-556. A communication from the Special Counsel, Office of the Special Counsel, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-557. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on various matters affecting the readiness of conventional U.S. Air Forces in Europe and the status of some of the initiatives they are taking in response to improvements in the offensive capabilities of Soviet and Warsaw Pact Air Forces; to the Committee on Governmental Affairs.

EC-558. A communication from the Executive Director, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the twentieth annual report of the Commission; to the Committee on Governmental Affairs.

EC-559. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish the position of Deputy Secretary of Health, Education, and Welfare; to the Committee on Governmental Affairs.

EC-560. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report of the Department of the Air Force proposals for two new systems of records; to the Committee on Governmental Affairs.

EC-561. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide survivor benefits to certain dependent children; to the Committee on Governmental Affairs.

EC-562. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Food Salvage Industry Should Be Prevented From Selling Unfit and Misbranded Food to the Public," February 14, 1979; to the Committee on Human Resources.

EC-563. A communication from the Director, Agency for Volunteer Service, ACTION, transmitting a draft of proposed legislation to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such act to facilitate the improvement of programs carried out thereunder, to authorize urban volunteer programs, and for other purposes; to the Committee on Human Resources.

EC-564. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Federal Program To Strengthen Developing Institutions of Higher Education Lacks Direction," February 13, 1979; to the Committee on Human Resources.

EC-565. A communication from the Chairman and members, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Desegregation of Nation's Public Schools: A Status Report"; to the Committee on the Judiciary.

EC-566. A communication from the Public Information Officer, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during calendar year 1978; to the Committee on the Judiciary.

EC-567. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders in the cases of certain aliens who have been found admissible to the United States under the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-568. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders suspending deportation, as well as a list of persons involved; to the Committee on the Judiciary.

EC-569. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of conditional entry activities as required by Section 203(f) of the Immigration and Nationality Act for the period covering June 1, 1978 through December 31, 1978; to the Committee on the Judiciary.

EC-570. A communication from the Public Printer, United States Government Printing Office, transmitting, pursuant to law, the annual report of the Public Printer for fiscal year 1978; to the Committee on Rules and Administration.

EC-571. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals for February 1979; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Finance, the Committee on Governmental Affairs, the Committee on Human Resources, the Committee on the Judiciary, and the Select Committee on Small Business, jointly, pursuant to order of January 30, 1975.

EC-572. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for national security programs for fiscal year 1980 and fiscal year 1981, and for other purposes; to the Committee on Armed Services and the Committee on Energy and Natural Resources, jointly, by unanimous consent.

Mr. LEVIN. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary of the Department of Energy, relative to authorizing appropriations for the Department of Energy's national security programs for fiscal years 1980-81, be referred jointly to the committees on Armed Services, and Energy and Natural Resources.

The PRESIDING OFFICER. Has this request been cleared with the chairmen involved?

Mr. LEVIN. Yes, it has been.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC-573. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

Mr. LEVIN. Mr. President, I ask unanimous consent that a communication transmitted by the Director of the Office of Management and Budget, relative to the development of a national retirement income policy by the President's Commission on Pension Policy, be referred jointly to the committees on Finance and Human Resources.

The PRESIDING OFFICER. Has this request been cleared with the majority and minority leaders?

Mr. LEVIN. Yes; it has been.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 75. An original resolution authorizing additional expenditures by the Committee on Foreign Relations for inquiries and investigations (Rept. No. 96-6). Referred to the Committee on Rules and Administration.

By Mr. BAYH, from the Select Committee on Intelligence, without amendment:

S. Res. 76. An original resolution authorizing expenditures by the Select Committee on Intelligence. Referred to the Committee on Rules and Administration.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, TRAVEL AUTHORIZED BY SENATOR HOWARD W. CANNON, TRAVEL DATES: FROM JAN. 27 TO DEC. 31, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Koch, Christopher L.: England	Pounds	307.29	600.00					307.29	600.00
	U.S. dollars				680.00				680.00
Subtotal			600.00		680.00				1,280.00
Gehrig, James J.:									
Yugoslavia	Dinar	11,059.00	590.44	19,188.89	1,024.50	2,988.50	159.56	33,236.39	1,774.50
France	Franc	1,257.00	293.00	292.40	68.05	5.60	1.30	1,555.00	362.35
Germany	Mark	201.00	108.06	72.50	38.98	5.50	2.96	279.00	150.00
Subtotal			991.50		1,131.53		163.82		2,286.85
Total			1,591.50		1,811.53		163.82		3,566.85

Feb. 5, 1979.

HOWARD W. CANNON, Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON ARMED SERVICES, TRAVEL AUTHORIZED BY SENATOR JOHN C. STENNIS, CHAIRMAN. TRAVEL DATES: FROM NOV. 12 TO DEC. 10, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Culver: France	Franc	1,513	356.00					1,513	356.00
	Appropriated funds				1,449.00				1,449.00
Sam Nunn: France	Franc	1,958	445.00					1,958	445.00
	Appropriated funds				449.00				449.00
Jeff Record: France	Franc	1,958	445.00					1,958	445.00
	Appropriated funds				449.00				449.00
George F. Travers: Germany	Deutsche mark	1,204.35	665.82					1,204.35	665.82
	Appropriated funds		107.87		770.88				878.75
Total			2,019.69		3,117.88				5,137.57

Jan. 3, 1979.

JOHN C. STENNIS, Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, TRAVEL AUTHORIZED BY SENATOR WARREN G. MAGNUSON, TRAVEL DATES: FROM JAN. 15 TO JAN. 24, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Perles Steven R.: Japan	Yen	161,534	675.00					161,534	675.00
	U.S. dollars				1,365.00				1,365.00
Total			675.00		1,365.00				2,040.00

Feb. 5, 1979.

WARREN MAGNUSON.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, HENRY BELLMON, U.S. SENATE, TRAVEL AUTHORIZED BY HON. HOWARD BAKER, MINORITY LEADER OF THE SENATE, TRAVEL DATES: FROM NOV. 19, TO NOV. 21, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S currency [1]
Hungary	Forints			12,047.72	644.01			12,047.72	644.01
Switzerland	Swiss franc	552.60	327.00					552.60	327.00
Germany	German marks			18.00	9.46				
				143.40	75.38			161.40	84.84
Total									1,055.85

RECAPITULATION

Foreign currency (U.S. dollar equivalent) (total) $1,055.85

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Dec. 21, 1978.

HENRY BELLMON.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE JOINT COMMITTEE ON PRINTING, TRAVEL AUTHORIZED BY SENATOR CLAIBORNE PELL, CHAIRMAN, TRAVEL DATES: FROM OCT. 22, TO NOV. 6, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Denver Dickerson: Germany (4 days)			79.00						316.00
Denver Dickerson: Italy (3 days)			75.00		152.25	Car rental	331.71		708.96
Denver Dickerson: Spain (3 days)			75.00		117.41				342.41
Denver Dickerson: London (4 days)			90.00		266.00				626.00
Total			319.00		535.66		331.71		2,193.37

Jan. 29, 1979.

CLAIBORNE PELL,
Chairman, Joint Committee on Printing.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, ROBERT C. BYRD, VISIT TO THE MIDDLE EAST, NOV. 25 TO DEC. 11, 1978—EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Jeanine J. Drysdale:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	121.570	173.81					121.570	173.81
Israel	I. pounds	2,916.76	155.31					2,916.76	155.31
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	207.00	53.08					207.00	53.08
Turkey	T. lira	3,290.00	131.60					3,290.00	131.60
England	Pounds	85.85	169.97					85.85	169.97
Robert C. Byrd:									
Morocco	Dirham	200.59	50.15					200.59	50.15
Egypt	E. pounds	115.000	164.29					115.000	164.29
Israel	I. pounds	2,875.50	153.11					2,875.50	153.11
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	192.50	49.36					192.50	49.36
Turkey	T. Lira	2,125.00	85.00					2,125.00	85.00
England	Pounds	85.85	169.97					85.85	169.97
Walter J. Stewart:									
Morocco	Dirham	117.50	29.38					117.50	29.38
Egypt	E. pounds	126.500	180.71					126.500	180.71
Israel	I. pounds	3,575.50	190.39					3,575.50	190.39
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	192.50	49.36					192.50	49.36
Turkey	T. lira	4,115.00	164.60					4,115.00	164.60
England	Pounds	85.85	169.97					85.85	169.97
Barbara Videnieks:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	45.420	64.89					45.420	64.89
Israel	I. pounds	4,225.50	225.00					4,225.50	225.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	292.50	75.00					292.50	75.00
Turkey	T. lira	1,500.00	60.00					1,500.00	60.00
England	Pounds	85.85	169.97					85.85	169.97
Hoyt H. Purvis:									
Morocco	Dirham	172.79	43.20					172.79	43.20
Egypt	E. pounds	157.500	225.00					157.500	225.00
Israel	I. pounds	2,565.50	136.61					2.565.50	136.61
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	182.50	46.79					182.50	46.79
Turkey	T. lira	2,036.00	81.44					2,036.00	81.44
England	Pounds	73.52	145.57					73.52	145.57
J. Michael Willard:									
Morocco	Dirham	120.00	30.00					120.00	30.00
Egypt	E. pounds	136.600	195.14					136.600	195.14
Israel	I. pounds	2,986.21	159.01					2,986.21	159.01
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	174.00	44.61					174.00	44.61
Turkey	T. lira	2,035.00	81.40					2,035.00	81.40
England	Pounds	75.02	148.54					75.02	148.54

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, ROBERT C. BYRD, VISIT TO THE MIDDLE EAST, NOV. 25 TO DEC. 11, 1978—EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978—Continued

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Mary Jane Checchi:									
Morocco	Dirham	117.00	29.25					117.00	29.95
Egypt	E. pounds	157.500	225.00					157.500	225.00
Israel	I. pounds	3,215.51	171.22					3,215.51	171.22
Jordan	Dinars	15.800	52.67					15.800	52.67
Syria	S. pounds	182.50	46.79					182.50	46.79
Turkey	T. lira	2,725.00	109.00					2,725.00	109.00
England	Pounds	79.65	157.52					79.65	157.52
Gina G. Sangster:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	134.113	191.59					134.113	191.59
Israel	I. pounds	2,347.50	125.00					2,347.50	125.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	184.00	47.18					184.00	47.18
Turkey	T. lira	1,960.00	78.40					1,960.00	78.40
England	Pounds	77.35	153.14					77.35	153.14
Freeman H. Cary:									
Morocco	Dirham	300.00	75.00					300.00	75.00
Egypt	E. pounds	115.300	164.71					115.300	164.71
Israel	I. pounds	4,225.50	225.00					4,225.50	225.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	117.50	45.51					117.50	45.51
Turkey	T. lira	3,005.00	120.20					3,005.00	120.20
Saudi Arabia	Saudi riyals	17.25	5.16					17.25	5.16
England	Pounds	80.85	160.07					80.85	160.07
Total			6,950.39						6,950.39

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent) (total)	$6,950.39

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: Delegation traveled also to Iran and Saudi Arabia. In Iran no per diem funds were received by any member of the delegation. In Saudi Arabia all per diem funds were returned in full except where indicated in the breakout above.

ROBERT C. BYRD, Chairman.

Jan. 8, 1979.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and the second time by unanimous consent, and referred as indicated:

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 436. A bill to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. EAGLETON:

S. 437. A bill to delay the date certain child support requirements became effective in the case of certain States; to the Committee on Finance.

By Mr. HELMS:

S. 438. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 439. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. WILLIAMS, and Mr. HATCH):

S. 440. A bill to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act of 1970; to the Committee on Human Resources.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. HATCH, Mr. MCCLURE, Mr. STEWART, Mr. COCHRAN, and Mr. YOUNG):

S. 441. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat and meat products, to apply quantitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Finance.

By Mr. EAGLETON:

S. 442. A bill for the relief of Isaac N. Hulver of Kansas City, Missouri; to the Committee on the Judiciary.

By Mr. STEVENSON (for himself and Mr. PERCY):

S. 443. A bill to amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the federal judicial districts in the State of Illinois, and for other purposes; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 444. A bill for the relief of the Jewish Employment Vocational Service, Saint Louis, Missouri; to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. ROBERT C. BYRD):

S. 445. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anti-competitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Governmental Affairs.

By Mr. RANDOLPH:

S.J. Res. 39. A joint resolution to provide for the designation of the second full calendar week in March of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 436. A bill to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority; to the Committee on Environment and Public Works.

TENNESSEE VALLEY AUTHORITY

● Mr. BAKER. Mr. President, I send to the desk for introduction and appropriate referral a bill, forwarded from the administration, which will increase the authority of the Tennessee Valley Authority to incur debt in the financing of its power operations over the next 5 years.

Since 1959, the power program of TVA has been totally self-funding. Its debt obligations are neither obligations of the Federal Government nor are they guaranteed by it. However, in order to maintain periodic oversight of the progress and operation of the TVA power program, Congress has imposed a ceiling on the amount of debt which TVA may incur. Traditionally, the ceiling has been raised periodically at approximately 5-year intervals. The original ceiling was set at $750 million in the 1959 TVA Self Financing Act and has been increased in 1966 to $1.75 billion, in 1970 to $5 billion, in 1975 to $15 billion.

The President's recommendations is for an increase now to $30 billion. I attach at the end of these remarks, a copy of the transmittal letter explaining in detail the need for this measure.

I am happy to have the cosponsorship of the chairman of the Senate Environment and Public Works Committee in the introduction of this bill. He has been a powerful force over the past several years in shaping the TVA power program, the largest coal consumer in the United States. His influence has led to a more flexible attitude in planning for future capacity. The current funding request is based upon future needs for capacity planned around both coal and nuclear power. The addition will also be used for capital improvements to keep TVA's coal-fired units in service and to provide environmental control systems to assure that their continued use is environmentally sound.

I intend to use the committee hearing process to explore the plans and analysis of demand that the current board of directors have undertaken in justification of this request. While the continued economic growth of the Valley must be assured, it must be planned so as to minimize the inflation of basic costs, such as, energy for cooking, lighting, and home heating. This additional authority must be used to enhance the efficiency of TVA, encourage conservation, and lead to the lowest practicable rates.

I ask unanimous consent that the transmittal letter accompanying the administration's bill and a brief explanation of the request be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Tennessee Valley Authority,
Knoxville, Tenn., February 16, 1979.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: I am pleased to transmit to Congress proposed legislation to amend the Tennessee Valley Atuhority Act of 1933 by raising the ceiling on TVA's authority to issue revenue bonds to finance its electric power program.

In 1959 Congress amended the TVA Act by adding Section 15d, which authorized TVA to borrow up to $750 million and made the TVA power program financially self-supporting. Power program costs, capital and operating, are now paid for from power system revenues and borrowings secured solely by those revenues. Bonds issued under Section 15d are not financial obligations of or guaranteed by the United States.

Since 1959 the dollar ceiling on TVA's bond authority has been increased roughly once every five years—to $1.75 billion in 1966, to $5 billion in 1970, and to $15 billion in 1975. These increases were necessary to keep pace with the demand for more electric power generation in the Tennessee Valley region and the rising cost of new generating plants. The increase to $30 billion in the proposed legislation would maintain that 5-year historical pattern of funding.

The proposed legislation would amend Section 15d of the TVA Act to increase the ceiling on TVA's indebtedness from $15 to $30 billion. This increase is necessary to fully fund TVA's existing construction program of generating units which include the Sequoyah, Watts Bar, Bellefonte, Hartsville, Phipps Bend, and Yellow Creek Nuclear Plants; the obligations incurred for cost-effective investment in conservation facilities to reduce the need for additional generating facilities, transmission facilities, nuclear fuel investments, pollution control equipment; and other additions and improvements to the TVA power system. It would also provide the necessary resources to make fully funded commitments through 1985 for an additional 7,200 megawatts of generating facilities now anticipated to be needed to meet the electric energy requirements of the Tennessee Valley through 1995.

TVA has recently completed its forecasts of electric energy needs for the Valley to the year 2000, based on anticipated growth in the economy and an increasing emphasis on energy conservation. We have also estimated the cost of investments necessary to meet these loads in the face of continuing inflation. Obviously there is a fair amount of uncertainty with respect to future rates of growth and our estimates, therefore, reflect a range of differing assumptions. The $15 billion will provide TVA with the borrowing authority to meet its utility responsibility to the electric energy consumers in the power service area on the basis of healthy economic growth modified by aggressive conservation measures. TVA is simply seeking the authority to meet the projected increased demands for electric energy as such demands materialize. TVA will use the new authority only as carefully determined estimates of load growth justify such investments.

The importance of this amendment cannot be underestimated. Without this authority TVA cannot discharge its utility responsibility, and economic progress in the 7-state Tennessee Valley region would be seriously impeded. The ability of TVA to raise sufficient capital for its self-supporting and self-financing electric power system is the principal factor in the economic and social well-being of this region.

TVA can meet the growing demands for electric power only if it has the authority to finance expansion to meet those demands. The homeowners and businesses dependent on TVA for power are entitled to build homes and expand their industrial plants with confidence that electricity will be available. The same is true for homeowners and businesses in other areas of the country who, in power emergencies, are often directly affected by the power supply situation on the TVA system with which their own systems are interconnected.

I, therefore, respectfully urge Congress to give favorable consideration to this proposed legislation.

The Office of Management and Budget advises that as herein described it has no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

S. David Freeman,
Chairman.

INCREASE IN TVA'S AUTHORITY TO BORROW

BACKGROUND

Since 1959 under the self-financing authority of the TVA Act, the Public Works Committees and the Congress have increased the dollar ceilings on TVA's borrowing roughly once every five years—to $1.75 billion in 1966, to $5 billion in 1970, and to $15 billion in 1975. The president's budget proposes legislation authorizing an increase in TVA's authority to borrow from $15 billion to $30 billion. The increase will require the amendment of Section 15d(a) of the TVA Act. The increase is needed to cover the cost of the generating plants currently under construction and to finance the construction of additional power system facilities that will need to be started over the next five years. Failure to obtain a borrowing authority increase would result in the deferral of decisions to start construction on new generating facilities and in fiscal year 1981 the curtailment of construction activities on plants now underway.

RELATIONSHIP OF TVA BORROWING AUTHORITY TO BUDGET AUTHORITY

TVA power program borrowings and outlays do not affect the Federal budget in the usual sense. The obligations represented by TVA bond issues do not result in the outlay of any government funds, and TVA borrowings are not guaranteed or in any way secured by the Federal Government. Interest and bond principal must be paid out of the proceeds of the power program.

TVA Act Section 15d(b) states:

"Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by the United States. Proceeds realized by the Corporation from issuance of such bonds and from power operations and the expenditures of such proceeds shall not be subject to apportionment under the provisions of Revised Statutes 3679, as amended (31 U.S.C. 665)."

Although TVA's borrowing authority is not budget authority in the conventional sense, such authority effectively serves as "no year budget authority" for the power program. New authority is entered in the *Budget of the United States* as a lump sum in the year it is enacted and is diminished over time as obligations are made against this authority.

As TVA makes contractual commitments for the construction of new plants and facilities and other capital investments, obligations, net of reinvested earnings, are made against the authority to borrow balance as if it were conventional budget authority. Proceeds from borrowing and the sale of electricity cover disbursements as contractual commitments are liquidated. Because of the long-term nature of many of these commitments a significant lag in the timing of the initial obligation and ultimate disbursement occurs. For example, at the end of fiscal year 1980 the cumulative impact of the capital investment program on the borrowing authority balance (obligations against borrowing authority) is estimated to be $14.139 billion while outstanding borrowings will be about $10.775 billion. The unobligated balance or remaining "budget authority" will be $0.861 billion. *This unobligated balance will be exhausted in 1981, making it necessary to increase the borrowing limitation before that time.*

Outlays as reported in the budget approximate borrowings and do not flow immediately or automatically from the issuance of new borrowing authority. Because of the self-financing nature of the TVA power program, such outlays do not contribute to the deficit of the United States.

RATIONALE FOR THE BORROWING AUTHORITY INCREASE

The additional $15 billion increase will finance the completion of the existing construction program of generating units; obligations incurred to carry out TVA's conservation programs, transmission facilities, nuclear fuel investments, pollution control equipment; and other additions and improvements to the TVA power system. It will also provide the financing needed for new generating plants that may be started between now and 1985.

The need for generating facilities beyond those now existing or under construction was determined by comparing the projected energy requirements of the region to the energy which can be produced by these facilities. Even with the anticipated effectiveness of TVA's conservation efforts in reducing peak demands including contemplated rate and load management actions, additional capacity will be required to meet system generating requirements in the early 1990's. The projected requirements are based upon a study of an array of load growth forecasts and alternative means of meeting load requirement. The $15 billion increase requirement is based on relatively conservative assumptions that provide a degree of flexibility for the power program.

Based on these assumptions Exhibit 1 shows how the current construction program might be augmented with additional generating facilities designed to meet the region's energy requirements through 1995. For cost estimating purposes, some 8,400 megawatts of conventional central station generating capacity has been assumed for installation by 1995.

The energy provided by these plants could, alternatively, be supplied by a variety of power supply technologies, including cogenerating or fluidized-bed combustion plants, where these options prove to be economical. The type of capacity would be determined late in the planning process. No retirement of existing facilities was considered in determining the need for new facilities even though 40 of TVA's 63 coal-fired units will have been in operation in excess of 40 years by 1995.●

By Mr. EAGLETON:

S. 437. A bill to delay the date certain child support requirements became effective in the case of certain States; to the Committee on Finance.

● Mr. EAGLETON. Mr. President, my colleagues will recall that in 1975 Congress enacted the Child Support Enforcement program (Public Law 93-647), which was primarily supported by Senators LONG, TALMADGE, and NUNN. The purpose of this program is to establish a cooperative mechanism for the State and Federal Government to enforce support obligation owed by absent parents to their children by locating absent parents, establishing paternity when necessary and obtaining child support. This, the sponsors told us, will result in savings to the taxpayers, because the Federal and State Governments would ultimately be required to pay out less in Aid to Dependent Children benefits.

At the time of the debate on this legislation, many so-called experts predicted that the program would be a failure. These experts suggested that one of the main reasons absentee fathers do not make their payments is because they are penniless, and that to try to collect from them would be like trying to squeeze blood from a rock.

The program is now 3½ years old and in those 3½ years, the record has shown us that the experts were wrong, and that Senators LONG, TALMADGE, and NUNN were right. Health, Education, and Welfare Secretary Califano has termed the program "a success," and projects that we will collect during the fourth quarter of fiscal year 1979 at a rate of over $2 billion a year. In fiscal year 1978 child support collections by State and local governments increased to $1,050 million at a cost to Government of about $300 million—in other words, more than $3 were recovered for every $1 spent. This is truly an outstanding program.

In my own State of Missouri, the child support enforcement program got off to a slow start, but now it is functioning with much success. I will return to our initial problems in a moment, but first I would like to tell my colleagues a little about the record of this program in Missouri thus far.

The program went into full operation in my State on July 1, 1977. There now are seven child support field offices in Missouri, and the statewide staff numbers 155 persons. Missouri has approximately 70,000 ADC families; we already have received more than 112,000 child support program assignments and referrals from ADC staff and after just four quarters of operation in Missouri the program has more than 86,000 open cases. Since the beginning of the program we have collected approximately $4.6 million in delinquent payments. Furthermore, after only four quarters of operation, for every $1 the State of Missouri spent on this program, we received approximately $2.67 in return. This remarkable record is bound to improve even more as the State gains in experience.

Missouri has a problem with this program, however. It is a historical problem which could end up costing my State about $5 million because we did not initiate the child support program until July 1977.

The story goes back to 1976. At that time, in his message to the State legislature in January of 1976, former Governor Bond described enactment of State enabling legislation for this program as one of his top priorities. Leaders of both the State house of representatives and the State senate echoed the Governor's sentiment on this, and it looked like the bill would win quick approval in Jefferson City. However, the bill ran afoul of parliamentary maneuvering. Two State senators—realizing that passage of the bill was crucial—decided to turn the child support legislation into a "Christmas tree bill," to use one of Senator RUSSELL LONG's favorite expressions. These two legislators encumbered the bill with so many nongermane amendments that the bill became unacceptable to the House-Senate conference. When the State house deleted the nongermane amendments and sent the bill back to the senate on the last day of the legislative session, the two State senators filibustered the bill to death.

Needless to say, our State division of family services officials were shocked by this unexpected turn of events. The division already had prepared the policy manual and the statewide staffing and organizational plan for the program, and all was ready for implementation in April of 1976. However, with the authorizing legislation dead, and with the legislature out of session until 1977, there was absolutely nothing the division could do to bring Missouri into compliance and actually get the program underway. Division officials could only spend the rest of 1976 laying ground work with prosecutors all across the State, so that the child support program could be fully implemented as soon as the necessary State legislation was enacted in the 1977 legislative session.

In January of 1977 the Legislature returned to Jefferson City and Gov. Joseph F. Teasdale repeated Governor Bond's call for speedy enactment of the child support enforcement program. Again, the leadership of each house of the general assembly included this legislation on its "must" list. This time, fortunately, agreement was reached with the two filibustering Senators of 1976, and the bill was enacted into law with an effective date of July 1, 1977.

Administrative machinery for the program had been ready to go for a year, and thus it took very little time for the Division of Family Services to get our Child Support Enforcement program operating at full speed. In fact, start up was so rapid and trouble free that by the end of the first quarter of operation, cooperative agreements had been signed with all 114 counties and the City of St. Louis. Missouri may have been late in getting this program off the ground, but once the wheels began to turn progress was very rapid. In fact, Missouri accomplished more during its first quarter of operation than some States have accomplished to this day.

The problem Missouri faces does not arise out of our operation of the program, but rather out of our delay in getting the program started. As my colleagues know, the Department of HEW must audit each State's Child Support Enforcement program for the period January 1977, through September 1977. If a State's program is found to have been deficient during this period, HEW is required to assess a 5-percent penalty against ADC Federal payments to the State. In Missouri's case such a penalty would amount to about $5 million. At this time the Federal officials have completed their audit of Missouri but have not issued their final report. However, since Missouri's enabling legislation did not allow our program to go into effect until July of 1977 it is unlikely that Missouri can successfully complete the audit.

Mr. President, the legislation I am introducing today is identical to legislation which passed the Senate last year as an amendment to H.R. 12232. Unfortunately, this legislation died because during the last minute rush in the 95th Congress a House-Senate conference committee failed to meet. Simply stated, my legislation would exempt Missouri from the requirement of a January 1977 through September 1977 audit. As I have explained today colleagues, Missouri now has in operation one of the best child support enforcement programs in the country, and I think this is the result Congress wanted when we passed the title 4(d) legislation.

In my judgment it would be unfair to penalize the people of my State for the actions of two State senators in 1976, and I think such an action would be inconsistent with the spirit of Federal/State cooperation which motivates this program.

Mr. President, since this legislation did pass the Senate during the 95th Congress, I am hopeful that the Senate Finance Committee and the Senate will see fit to act on my legislation expeditiously during the 96th Congress.●

By Mr. HELMS:

S. 438. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

THE RIGHT OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS CAN BE RESTORED BY CONGRESS

● Mr. HELMS. Mr. President, earlier this morning as we joined in prayer, as we do each day the Senate is in session, the thought came to mind that while we begin our day's work by asking God's blessing on our efforts, the Supreme Court has effectively denied this right and privilege to millions of schoolchildren across this Nation.

Mr. President, one would think that if the legislators of this country are entitled to ask for divine blessing upon their work, then so are schoolchildren. However, the Court has ruled to the contrary and in so doing has overturned more than 200 years of American custom. Indeed, the Supreme Court has ruled that schoolchildren may not read the prayer of the House or Senate Chaplain as printed in the Congressional Record as a beginning to their school day.

Mr. President, the interpretation of the first amendment used by the Supreme Court to strike down this practice of the American people, distorted the intent and language of the amendment. The Justices of the Court held that a voluntary prayer constituted a violation of the "establishment of religion" clause of the first amendment. The Court's interpretation of the first amendment indicated not only an animosity toward the effect of religion in the public life of our Nation, but also a misunderstanding of its historical role.

This week, the Senate once again assembled to listen to George Washington's Farewell Address. Washington brought the unique experiences of his service as first President of the United States, as commander of the continental forces during the War of Independence and as president of the convention which wrote and presented the Constitution to the States for ratification. He rejected the narrow opinion that religion must be excluded from the public life of the Nation. In his final counsel to the Nation, Washington warned that—

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, Washington's view has, indeed, been the mainstream of the legal and social attitude of the American people and the drafters of the Constitution in regard to the religious rights preserved in the Bill of Rights. Prof. Edward Corwin, one of our most distinguished constitutional scholars, rejected any interpretation of the first amendment which would force upon Government institutions a formal agnosticism. Professor Corwin writes:

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase.

THE SUPREME COURT DECISIONS

Nearly 200 years after the drafting of the Constitution, the Supreme Court for the first time ruled that prayer and Bible reading in public schools encouraged by the State constitutes an establishment of religion in violation of the first amendment. At the time of these decisions, 26 States permitted Bible reading in the public schools and 13 authorized the saying of the Lord's Prayer.

The first amendment provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In *Engel* v. *Vitale*, 370 U.S. 421 (1962), the Court prohibited a requirement of the New York State Board of Regents that each class begin the school day with the following prayer:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.

In *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), the Court struck down a Pennsylvania statute requiring the reading of at least 10 verses from the Holy Bible without comment and the saying of the Lord's Prayer at the beginning of each school day. In a companion case, the Court invalidated a Maryland requirement concerning the reading of a chapter of the Holy Bible and/or saying the Lord's Prayer.

In each case, the Court ruled that voluntary school programs including Bible reading or prayer violate the establishment clause of the first amendment. In Engel, Justice Black wrote:

> The constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government. (370 U.S. at 425)

In Schempp, Justice Clark concluded that the Bible reading programs:

> Are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion. (374 U.S. 203)

In both rulings the Court went beyond the language of the establishment clause to construct an interpretation of it which would overturn the longstanding State practices. In Engel, Justice Black asserted:

> Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion . . . The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate. (370 U.S. 431-32)

Justice Clark argued in Schempp that the Court had previously "rejected unequivocally the contention that the establishment clause forbids only governmental preference of one religion over another." (374 U.S. 216) He maintained that the establishment clause must be considered together with the free exercise clause, and that they impose on Government a "wholesome neutrality" toward religion. In Justice Clark's view, the first amendment prohibits Government from any action favoring one religious sect over all others, or religion in general over nonreligion.

Justice Clark formulated a new standard by which to measure legislative action regarding the first amendment:

> The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition or religion the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the structures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. (374 U.S. at 222)

The Court maintained that even though the prayer and Bible reading activities were voluntary, this did not prevent them from violating the establishment clause. In Engel, the Court held that—

> The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. (370 U.S. 421)

COURT'S INTERPRETATION—SHEER INVENTION

Thus the Supreme Court reached a position which earlier the highest court of New York State had concluded "is so contrary to history as to be impossible of acceptance." Constitutional scholars also took issue with the Court's new interpretation. For example, Prof. Charles Rice of Notre Dame Law School found that the Court interpreted "the establishment clause in abstract and oversimplified terms, doing violence thereby to the history and informed logic of the first amendment" and Erwin Griswold, dean of Harvard University Law School, viewed the Court's holding as "sheer invention."

The Court reached its holdings in Engel and Schempp by way of a myopic and narrow view of the history of the Constitution. Only by a thorough distortion of the work of the authors of the Constitution is it possible to arrive at the sweeping condemnation of America's spiritual heritage presented in the Court's opinions.

Professor Rice, writing in the South Carolina Law Review, explains:

> It has been incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of the Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions and those nontheistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as no substantial partiality was shown toward any particular theistic sect or combination of sects.

Justice Joseph Story, who served on the Supreme Court from 1811 to 1845 and who was a contemporary of the framers of the Constitution, maintained that at the time of the drafting of the first amendment:

> The general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions and to make it a matter of state policy to hold all in utter indifference, would

> have created universal disapprobation, if not universal indignation.

COURT IGNORED HISTORY

The first amendment provides that Congress shall make no law respecting an establishment of religion. Those assembled at the Constitutional Convention did not arbitrarily choose the phrase "an establishment of religion." There was much history behind the term. Not only did England and Scotland have an established church, but five of the States which later adopted the first amendment had established churches as well.

In the Engel and Schempp opinions, the Court ruled that the phrase "establishment of religion" really meant not just the creation of a national church, but any Government action dealing or touching religion. To cite Justice Clark's new test outlined in Schempp, the "primary effect" of any governmental act must not "advance religion."

Yet, it is just this view of what the first amendment should provide that the authors of the amendment specifically rejected. During the Constitutional Convention the delegation from New Hampshire proposed that the first amendment should read:

> Congress shall make no laws touching religion . . .

Needless to say, that language was rejected.

An elementary rule of statutory construction provides that when a legislative assembly rejects language which has a broad application and substitutes in lieu of it language with a specific, narrow application, that the legislative intent is to exclude the broad application. Had the proposal that Congress make no law "touching religion" been accepted, it would undoubtedly have prevented Congress from doing much more than establishing a national religion. If applied to the States, it undoubtedly would have prohibited the type of prayer at issue in the Engel and Schempp cases. However, it is equally clear that this broad language was rejected and that Congress viewed the official encouragement of voluntary prayer, even on the national level, as to be contrary to the first amendment's establishment provision.

On September 24, 1789, the first Congress passed a resolution requesting that the President "recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness." Congress passed this resolution calling for a national day of prayer on the same day on which it adopted the first amendment to the Constitution. Nine days later President Washington issued the Thanksgiving proclamation. Could any action more clearly indicate the intent of the authors of the first amendment regarding its establishment clause and Government-encouraged public prayer? The framers of the Bill of Rights clearly rejected the doctrine imposed upon the Nation in their name nearly 200 years later when the Supreme Court demanded that "in the relationship between man and religion, the State is firmly committed to a position of neutrality."

A threshold issue presented in the Engel and Schempp cases was whether the establishment clause of the first amendment could be applied to the action of State governments through the 14th amendment. The Court rejected an historical analysis of the meaning of the 14th amendment and relied on unsupported assertions. Wrote Justice Clark:

> First, this Court has decisively settled (that the establishment clause) has been made wholly applicable to the States by the Fourteenth Amendment.

For proof, he cited an opinion of Justice Roberts in Cantwell against Connecticut. The difficulty here is that the Cantwell case does not deal with the establishment clause and, therefore, does not settle anything at all. Thus the fundamental issue before the Court was disposed of by hypothesis.

Here again, an open historical inquiry would lead to a result far different than that of the Court's. The framers of the 14th amendment themselves did not intend nor did they believe that the amendment would prohibit the States from encouraging prayer in public schools. How else can one understand the serious attempt by some in Congress only 7 years after the ratification of the 14th amendment to amend the Constitution once again to prohibit the State establishment of religion? If the 14th amendment was intended to do this, why would those who had just adopted it propose to do it again?

The answer is that the 14th amendment did not apply the establishment clause of the first amendment to the States. Only a distortion of both amendments and their history permit such an application.

In part, the 14th amendment provides that no State "shall deprive any person of life, liberty, or property, without due process of law." Before its decisions in the Engel and Schempp cases, the Court had applied other aspects of the Bill of Rights to the States through the 14th amendment by asserting that the word "liberty" as used in the amendment included all the liberties included in the Bill of Rights. Hence the liberties annunciated in the Bill of Rights could be protected from encroachment by the States.

But as Prof. Edward Corwin has explained, the establishment clause is not like the liberties outlined in the first nine amendments such as the right to bear arms. Rather it is like the 10th amendment which distinguishes the proper constitutional powers of the national and State governments under our Federal system.

The framers of the first amendment rejected the proposal by the delegations of Virginia and North Carolina that "no particular religious sect or society ought to be favored or established, by law, in preference to others," because this language would have allowed Congress to disestablish the established churches of five States. The Congress then rejected Madison's proposal that the first amendment not apply to Congress at all, but that it prohibit only the States from violating "the equal rights of conscience."

The authors of the first amendment sought to protect religious liberty by providing that "Congress shall make no law * * *prohibiting the free exercise" of religion. However, regarding the purpose of the establishment clause, the legislative history is clear that the framers sought to prohibit Congress from establishing a national church or interfering with the individual State's policy regarding religion. As Justice Story later wrote:

> The whole power over the subject of religion is left (by the amendment) exclusively to the State governments to be acted upon according to their own sense of Justice and the State constitutions.

The authors of the first amendment sought a division of power in which the States would retain their ability to establish or disestablish a religion, while Congress had no power in this area. There simply is no liberty contained in the establishment clause to be "incorporated" through the 14th amendment and applied to the States. To interpret both amendments in such a way as to construe such an application would amount to prohibiting a State from establishing a national religion or from interfering with its own arrangements regarding religion.

CONGRESS CAN RESTORE THE RIGHT TO SCHOOL PRAYER

Mr. President, Congress need not yield to any Justice of the Supreme Court in its respect for the words of the first amendment or for the principles or history behind them. Neither must Congress yield its responsibility under the Constitution to insure that the freedoms protected by the first amendment are not undermined by actions of other institutions. There is no more pressing duty facing Congress than to restore the true spirit of the first amendment.

In anticipation of judicial usurpations of power, the framers of our Constitution wisely gave Congress the authority, by a simple majority of both Houses, to check the Supreme Court by means of regulation of its appellate jurisdiction. Section 2 of article III states in clear and unequivocal language that the appellate jurisdiction of the Court is subject to "such exceptions, and under such regulations as the Congress shall make."

Today, I am introducing legislation to implement the prerogative of Congress. It states simply that the Federal courts and the Supreme Court shall not have jurisdiction to enter any judgment, decree, or order denying or restricting, as unconstitutional, voluntary prayer in any public school. Implicit in this bill is the understanding that the American citizen will have recourse to a judicial settlement of his rights, but this settlement will be made in the State courts of this Nation and not in the Federal courts. This is where our religious freedoms were always safeguarded for 173 years until they were nationalized by the Supreme Court.

The limited and specific objective of this bill, then, is to restore to the American people the fundamental right of voluntary prayer in the public schools. I stress the word voluntary. No individual should be forced to participate in a religious exercise that is contrary to his religious convictions, and the bill recognizes this important freedom. At the same time, the bill seeks to promote the free exercise by allowing those who wish to recite prayers—and they are the vast majority of our citizens—to do so, with or without the blessings of the Government.

I think the conclusion is inescapable that in the Engel decision the Supreme Court in effect gave preference to the dissenters and at the same time violated the establishment clause of the first amendment by establishing a religion—the religion of secularism.

Public school children are a captive audience. They are compelled to attend school. Their right to the free exercise of religion should not be suspended while they are in attendance. The language of the first amendment assumes that this basic freedom should be in force at all times and in all places.

Mr. President, I ask unanimous consent that my legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations

"(a) Notwithstanding the provision of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, or any part thereof, or arising out of any Act interpreting, applying, or enforcing a State statute, ordinance, rule, or regulation, which relates to voluntary prayers in public schools and public buildings.".

(b) The section analysis at the beginning of chapter 81 of such title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

Sec. 2. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1364. Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of such title 28 is amended by adding at the end thereof the following new item:

"1364. Limitations on jurisdiction.".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on the date of the enactment of this Act, except that such amendments shall not apply with respect to any case which, on such date of enactment, was pending in any court of the United States.●

By Mr. RIEGLE:

S. 439. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

ANTOINETTE SLOVIK

● Mr. RIEGLE. Mr. President, today I am introducing a bill to correct an egregious wrong that happened 34 years ago last month. Many of us are familiar with the story of Pvt. Eddie Slovik, the only man executed by the United States for desertion since the Civil War. Over 20,000 desertions occurred in the European theater in World War II, some of these resulted in general courts-martial and convictions, 49 were sentenced to death, but only one was shot: Eddie Slovik.

His widow is still alive, though her physical condition and spiritual strength appear to be waning. Recently, Mrs. Slovik was admitted to a hospital suffering from a multitude of ailments; not the least being frustration and defeat.

Mrs. Slovik has been living as a virtual pauper for all these years, and has been fostering the hope that some relief would be forthcoming from the Government. She has filed appeals and taken the required bureaucratic steps to obtain the life insurance benefits from a Government policy in her husband's name. None of these efforts has been successful.

The circumstances surrounding the desertion, trial and execution of Eddie Slovik are by no means clear. His Army counsel has suggested that Eddie Slovik's due process was denied. These questions may never be resolved, but one fact remains; a lonely woman has suffered for many years and has but one remaining hope.

The legislation that I introduce would mandate the payment of those life insurance benefits with accrued interest to Mrs. Slovik. Congressman RANGEL has introduced a similar measure in the House and, last year, President Carter indicated his support for such measures. I believe that compassion and justice should guide using the consideration of this legislation. This is a chance to alleviate some of the suffering and indignity that Mrs. Slovik has undergone, and I urge the adoption of this bill.●

By Mr. RIEGLE (for himself, Mr. WILLIAMS, and Mr. HATCH):

S. 440. A bill to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; to the Committee on Human Resources.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1979

● Mr. RIEGLE. Mr. President, today I am introducing, together with Mr. WILLIAMS and Mr. HATCH, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979. This bill, which renews and revises the authorizations for the National Institute of Alcohol Abuse and Alcoholism, will be the subject of hearings by the Subcommittee on Alcoholism and Drug Abuse of the Committee on Human Resources on the 22d and 26th of this month.

I am particularly pleased that this bill represents a bipartisan effort supported by Senators from both sides of the aisle who are known for their commitment to the prevention and treatment of alcoholism. I am honored to be jointed in introducing this bill by Mr. WILLIAMS, the chairman of the Human Resources Committee, whose longstanding interest and activities in this field are reflected in his membership on the Alcoholism and Drug Abuse Subcommittee and by Mr. HATCH, ranking minority member of the subcommittee noted for his concern for the problems faced by families dealing with alcoholism. I look forward to working with all the members of the subcommittee, the full Human Resources Committee, and other interested Members of the Senate through the hearing and markup process.

Mr. President, as the new chairman of the Subcommittee on Alcoholism and Drug Abuse, I feel very strongly that we are at a crucial point in terms of Federal involvement in the prevention and treatment of alcoholism and alcohol abuse. The Federal Government has been actively concerned with alcohol abuse for less than a decade. During this period, we have begun to coordinate Government efforts on Federal, State, and local levels in the treatment of this devastating disease. We have initiated research into the causes and effects of alcoholism. We have focused attention on the magnitude of alcohol abuse in this country—estimated at a cost to the Nation of more than $42.75 billion in 1975—and we have begun to sensitize more and more health care providers, employers, and citizens across the country to the very great need for understanding, assistance, and respect for individuals and families stricken with alcoholism.

Yet, despite these promising beginnings, the Federal role in the battle against alcoholism and alcohol abuse has not been firmly established. This year, for example, we confront suggestions that Federal assistance to States for dealing with alcoholism and alcohol abuse be diminished and diluted. Such a move could be disastrous for the more than 10 million Americans directly affected by alcoholism, as well as for many of the 40 million others indirectly affected.

Mr. President, like the other Members of this body, I am determined to work diligently for more efficient, cost-effective Government programs. In the area of alcoholism, such programs can be encouraged. Studies evaluating federally funded alcoholism service programs have generally found benefits outweighing costs by factors ranging from 2 to 1 to 5 to 1. I might add that many of these benefits accrue directly to the Federal Government in the form of reduced health and social service expenditures. Accordingly I believe it is essential to expand and improve the accountability of Federal grants to States and to individual projects in order to reduce the tremendous losses our economy suffers due to alcohol abuse.

The amendments I am introducing today to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are also designed to shift Federal emphasis on programs that will help prevent the spread of this disease. Prevention and education programs are emphasized throughout the bill, including a provision requiring that at least 8 percent of funds apropriated for projects grants and contracts be awarded to prevention projects. In addition, research efforts that may result in improved and increased ability to prevent alcoholism are expanded.

The bill also focuses Federal efforts on the needs of members of groups at risk of alcoholism, including youth, women, the aged, and families of alcoholics. Furthermore, it directs NIAAA to develop model occupational programs for prevention and treatment of alcohol abuse that can be adapted for use on a cost-effective basis in different types of business and governmental entities, including small businesses. These model programs will be able to enlist both employers and employee associations in projects that hold tremendous potential for assisting alcoholic workers and their families.

Other new initiatives include a restructuring of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism into a policy-level Interdepartmental Committee with White House participation; expansion of the prohibition on discrimination against alcoholics in health care to include other Federal social services; and expanded authority for NIAAA to offer tehnical assistance to States for coordinating data collection, program management, and similar activities between alcohol and drug abuse programs.

Finally, the bill includes a proposal for a new program of small Federal grants to States willing to conduct demonstration projects or implement, through their insurance regulatory process, procedures designed to bring treatment of alcoholism within the mainstream of public and private health insurance systems. This new program, which utilizes the funding authorization already in place for project grants and contracts, would build on existing trends toward financing alcoholism treatment through third-party health financing systems, which should be the ultimate goal for providing adequate care to all alcoholics and alcohol abusers.

I would like to point out, Mr. President, that the bill as introduced does not set specific authorization levels. These levels will be added by the subcommittee following our hearings, during which I anticipate that the administration and witnesses involved in all aspects of the alcoholism field will present their funding recommendations.

Mr. President, I ask that the section-by-section analysis and text of the bill be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE—REFERENCE TO ACT

SECTION. 1. (a) This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a Section or other provision, the reference shall be considered to be made to a section or other provision of the Comprehensive Alcohol Abuse and Alcoholism Prevention, and Rehabilitation Act of 1970.

SEC. 2. (a) Section 2 (a) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8) and amending it to read as follows:

"(8) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services and with the cooperation of law enforcement agencies, employers, employee associations, and associations of concerned individuals."; and

(3) by inserting after paragraph (6) the following paragraph:

"(7) alcohol abuse and alcoholism, together with abuse of other legal and illegal drugs, present a need for preventing and informational programs designed to reach the general population and members of particularly vulnerable groups such as youth and families of alcohol abusers and alcoholics; and".

(b) Section 2 (b) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and abuse of other legal and illegal drugs;

"(4) the development and encouragement of effective occupational prevention and treatment programs within government and in cooperation with the private sector; and".

SEC. 3. (a) Section 101 (b) is amended by inserting "after consultation with the Executive Director of the Domestic Council" after "Secretary".

(b) Section 101 (c) is amended by adding at the end thereof the following new sentence: "The Director, if authorized by the National Advisory Council on Alcohol Abuse and Alcoholism, may obtain (in accordance with section 3109 of title 5 of the United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than 100 experts or consultants who have scientific or professional qualifications."

SEC. 4. Section 102 is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (3);

(2) by striking "; and" after paragraph (4) and substitute a period; and

(3) by striking out all that follows the "." inserted by the preceding paragraph. Paragraph (5) and all that matter following such paragraph.

Sec. 5 (a) Section 103 (a) is amended to read as follows:

"(a) The President shall establish an Interdepartmental Committee on Federal Activities for Alcohol Abuse and Alcoholism (hereinafter in this section referred to as the 'Committee'). The Committee shall (1) evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcoholism and alcohol abuse and provide for the communication and exchange of information necessary to increase and maintain the coordination and effectiveness of such programs and activities, (2) seek to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws, and (3) monitor, in cooperation with the Institute, the establishment and operation of occupational alcoholism and alcohol abuse prevention and treatment programs among Federal contractors.".

(b) Section 103 (b) is amended to read as follows:

"(b) The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism (hereinafter referred to as the 'Director'), shall serve as Chairman of the Committee, the membership of which shall include (1) representation with policy level authority and appropriate scientific, medical, or technical expertise from the Department of Transportation, the Department of Justice, the Department of Defense, the Department of Treasury, the Veterans' Administration, and such other Federal departments, agencies, and offices as the President determines administer programs directly affecting alcoholism and alcohol abuse, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Executive Director of the Domestic Council shall serve as an ex officio member. The Committee shall meet at the call of the Chairman, but not less often than four times a year.".

(c) Section 103 (e) is amended by striking out "Secretary" and substituting "President, acting through the Secretary or otherwise,".

(d) Section 103 is further amended by adding at the end thereof the following new subsection:

"(f) The President shall submit to the Congress every two years, at the end of said calendar year, beginning with the first submission no later than the end of calendar year 1980, a report on the extent to which Federal programs and departments are concerned and dealing effectively with the problems of alcohol abuse and alcoholism, and on the prevalence of occupational alcoholism and alcohol abuse prevention and treatment programs among Federal contractors. Such report shall be prepared by the Committee and under the general supervision of the Chairman.

(e) The Interagency Committee on Federal activities for Alcohol Abuse and Alcoholism is hereby dissolved.

SEC. 6. Such Act is amended by inserting following section 103 the following new section:

"INTRADEPARTMENTAL COMMITTEE

"Sec. 104. The Secretary shall establish an Intradepartmental Committee on Departmental Activities on Alcohol Abuse and Alcoholism (hereinafter in this section referred to as the 'Intradepartmental Committee'). The Intradepartmental Committee shall (1) evaluate the adequacy and technical soundness of all Departmental policies, programs, and activities which relate to alcoholism and alcohol abuse and provide for the coordination and exchange of information necessary to increase and maintain the coordination and effectiveness of such policies, programs, and activities, and (2) seek to coordinate efforts undertaken to deal with alcoholism and alcohol abuse in carrying out the provisions of law administered by the Department. The Director, acting on behalf of the Secretary, shall serve as Chairman of the Intradepartmental Committee, the membership of which shall include representation with policy level authority and appropriate scientific, medical, and technical expertise from the Office of Civil Rights, Office of the General Counsel, Office of Assistant Secretary for Management and Budget, Office of Assistant Secretary for Personnel Administration, Office of Assistant Secretary for Planning and Evaluation, Office of Human Development, Office of Education, Health Care Financing Administration, Social Security Administration, Public Health

Service and its appropriate component agencies, and such other offices as the Secretary determines administer responsibilities directly affecting the Department's response to alcoholism and alcohol abuse problems. The Intradepartmental Committee shall meet at the call of the Chairman, but not less often than four times a year. The Secretary, acting through the Director or otherwise, shall make available to the Intradepartmental Committee such staff, information, and other assistance as it may require to carry out its activities effectively.".

SEC. 7. (a) Section 201 (a) is amended—

(1) by striking out "Civil Service Commission" and substituting "Office of Personnel Management";

(2) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code, as amended by the Civil Service Reform Act of 1978" following "other Federal agencies and departments"; and

(3) by inserting "and their families" after "Federal civilian employees".

(b) Section 201 (b) is amended to read as follows:

"(b) (1) The Secretary, acting through the Institute, shall be responsible for fostering and encouraging similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

"(2) Consistent with such responsibility, the Secretary, acting through the Institute, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities, taking into account the number of employees, geographical location, proximity to other concerns and entities, and availabality of existing services from public agencies and private organizations. With respect to small business concerns, the Secretary, acting through the Institute, shall consult with the Small Business Administrator in the development of model programs affecting such concerns.

"(3) With respect to business concerns and governmental entities which employ individuals represented by labor organizations, such model programs shall be designed to operate through the collective bargaining process.

"(4) The Secretary, acting through the Institute, shall disseminate information and materials relative to such model programs to single State agencies designated pursuant to section 303 of this Act, and shall provide technical assistance to such agencies as requested.".

SEC. 8. Section 301 is amended—

(1) by striking out "and" following "September 30, 1978,"; and

(2) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982," after "September 30, 1979,".

SEC. 9. Section 302 of such Act is amended by adding at the end thereof the following new subsection:

"(e) On the request of any State, the Secretary shall make available technical assistance for the purposes of developing and improving systems for data collection; program management, acountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance to Federal requirements of hospitals and other facilities; and implementing the provisions of the Uniform Alcoholism and Intoxification Treatment Act through model education and training packages for personnel at State and community levels. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Drug Abuse Office and Treatment Act of 1972, as amended. The fair market value of such technical assistance shall be deducted from such State's allotment under section 302 of this Act and from such State's allotment under section 1176 of title 21, United States Code, in such apportionment as the Secretary may prescribe. The amount by which such State's payment under section 301 of this Act is reduced pursuant to this subsection shall be available for payment of the costs of providing such technical assistance, but shall for purposes of determining the allotment under section 302 (a), be deemed to have been paid to the State.".

SEC. 10. (a) Section 203 (a) is amended—

(1) by inserting "women, youth, families of alcoholics and alcohol abusers," after "minority and poverty groups," in paragraph (3);

(2) by inserting after subparagraph (4) (B) the following new subparagraph:

"(C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to subparagraph (A) is coordinated with and not duplicative of the drug abuse and dependence survey conducted pursuant to section 1176 of title 21, United States Code;";

(3) by inserting ", with State and local drug abuse planning agencies," after "alcoholism and alcohol abuse planning agencies," after "alcoholism and alcohol abuse planning agencies" in paragraph (12);

(4) by striking out "and" at the end of paragraph (15);

(5) by redesignating paragraph (16) as paragraph (17); and

(6) by inserting following paragraph (15) the following new paragraph:

"(16) provide assurance that the State agency—

"(A) will foster and encourage the development of alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section 201 (b) of this Act; and

"(C) will furnish technical assistance as requested to such business concerns and governmental entities; and".

(b) Section 303 (b) is amended by inserting at the end thereof the following new sentence "To the extent feasible, the Secretary shall assist States in coordinating data collection required by this Act with that required by section 1176 of title 21, United States Code.".

(c) Section 303 (c) of such Act is amended by inserting "and an evaluation of the extent to which other State programs and political subdivisions throughout the State are concerned and dealing effectively with the problems related to alcohol abuse and alcoholism" after "implementation of its State plan".

SEC. 11. Section 310 (a) is amended by striking out "1979" and inserting in lieu thereof "1982".

SEC. 12. (a) Section 311 (a) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as (2), (3), (4), and (5), respectively;

(2) by inserting before the newly designated paragraph (2) the following new paragraph:

"(1) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects in occupational and educational settings and on modified community living and work-care arrangements such as halfway houses, recovery homes, and supervised home care,";

(3) by striking out "conduct demonstration and evaluation projects, including projects designed to develop" and substituting "support projects of a demonstrable value in developing" in the newly designated paragraph (2); and

(4) by inserting after "and alcohol abusers, families of alcoholics and alcohol abusers" after "female alcoholics" in the newly designated paragraph (3).

(b) Section 311(b) is amended by inserting "(in the case of prevention and treatment services)" preceding "to insure care of good quality".

(c) Section 311(c)(4) is amended to read as follows:

"(4) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of alcohol abuse and alcoholism and their consequences among women and youth.".

SEC. 14. (a) Section 312 is amended—

(1) by striking out "and" following "September 30, 1979,"; and

(2) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982, not less than 8 percent of which shall be devoted to programs intended wholly or in part to prevent the occurrence, recurrence, or spread of alcoholism or alcohol abuse," after "September 30, 1979".

SEC. 14. (a) Section 312 is amended—

(1) by redesignating such section as section 313;

(2) by striking out "sections 310 and 311" and inserting in place thereof, "sections 310, 311, and 312";

(3) by striking out "and" following "September 30, 1979,"; and

(4) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982, not less than 8 percent of which shall be devoted to programs intended wholly or in part to prevent the occurrence, recurrence, or spread of alcoholism or alcohol abuse.".

(b) Such Act is further amended by inserting the following new section following section 311:

"Sec. 312. (a) To assist States which are taking steps through their insurance regulatory systems to treat alcoholism and alcohol abuse equivalently with other chronic health conditions, the Secretary, acting through the Institute, shall, during the period beginning October 1, 1979, and ending September 30, 1982, make grants to such States for demonstration and implementation of programs designed to achieve such equivalence. A grant under this section to any State may be made for such costs (as determined in accordance with regulations promulgated by the Secretary) as may be incurred by such State, political subdivisions thereof, medical facilities, or public or private organizations involved in such demonstration or implementation.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve an application of a State unless he determines the following:

"(1) The State, through its insurance regulatory system, is committed to eventual coverage of alcoholism and alcohol abuse equivalently with other chronic health conditions under all comprehensive public and private health insurance systems operating within the State.

"(2) Each public or private health insurance plan provided by the State or any political subdivision thereof to its own employees has set forth a plan for coverage of alcoholism and alcohol abuse equivalently with other chronic health conditions.

"(3) The State proposes to conduct a demonstration project or to implement a requirement through its insurance regulatory process that will constitute significant progress towards its goal of coverage of alcoholism and alcohol abuse equivalently with other chromic health conditions.

"(c) The amount of any grant under this section to any State for any fiscal year may not exceed the sum of $150,000 and an amount equal to 20 percent of the allotment of such State for such fiscal year under section 302 of this Act. Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary."

SEC. 15. Such Act is further amended by inserting after section 321 the following new section:

"SEC. 322. (a) Alcoholic abusers and alcoholics who are suffering from personal, emotional, or social conditions shall not be discriminated against in admission or care. solely because of their alcohol abuse or alcoholism, by any private or public social service, mental health, intermediate care, rehabilitation, or other service-related facility which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) The Secretary shall issue regulations not later than 12 months after the enactment of this section for the enforcement of the policy of subsection (a) with respect to the admission and care of alcohol abusers and alcoholics in facilities covered by this section. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a facility which receives support of any kind from any program administered by the Secretary and subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for a hearing, all on part of any support of any kind received by such facility from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which a facility covered by subsection (a) receives support of any kind, with respect to the suspension or revocation of Federal support for such facility found to violate such subsection.".

SEC. 16. (a) Section 217(a) of the Public Health Service Act is amended, in the fourth sentence thereof, by inserting "Appointed members may serve after the expiration of their terms until their successors have taken office." at the end of clause (3).

(b) Section 217(d) of the Public Health Service Act is amended by inserting "and to evaluate the results of such projects or programs," preceding "and (2) to collect information".

SEC. 17. (a) Section 501(a)(1) is amended to read as follows:

"(1) the social, behavioral, and biomedical etiology of,".

(b) Section 501(b) is amended—

(1) in paragraph (3), by inserting ", with particular emphasis on understanding the relationship between alcohol abuse and domestic violence, the effects of alcohol use during pregnancy, and the relationship between the abuse of alcohol and other drugs" before the ";";

(2) in paragraph (5)—

(A) by inserting ", to the extent practicable to further the purposes of this Act," following "promote";

(B) by inserting "the National Institute of Drug Abuse and by" following "similar programs conducted by"; and

(C) by inserting "departments," preceding "agencies";

(3) in paragraph (6), by striking out "biomedical and behavioral" and substituting "biomedical, behavioral, epidemiological, and social"; and

(4) in paragraph (8), by inserting "and other scientific research" following "statistical".

SEC. 18. Section 502 is amended—

(1) by striking out "and" following "treatment,"; and

(2) by inserting ", and evaluation" following "prevention".

SEC. 19. Section 503 is amended—

(1) by striking out "and" following "September 30, 1978"; and

(2) by inserting ", and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982," following "September 30, 1979".

SEC. 20. (a) Section 504(a) is amended—

(1) by striking out "alcohol problems" and inserting in lieu thereof "biomedical, behavioral, and social issues related to alcoholism and alcohol abuse";

(2) by inserting "or constortium of entities" following "entity";

(3) in subparagraph (1) (B), by striking out "laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature," and inserting in place thereof "facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan proposed to be conducted under this section;";

(4) in subparagraph (1) (D), by striking out "and" at the end thereof;

(5) in subparagraph (1) (E), by striking out "medical and osteopathic students and physicians;" and inserting in lieu thereof "medical, nursing, social work, osteopathic, and other specialized graduate students;"; and

(6) by inserting following subparagraph (1) (E) the following:

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, or social service fields as the Secretary may require; and

"(G) the Secretary finds that designating such Center will not dilute funds available for existing Centers in such a manner as to hamper their ability to carry out the provisions of the research plans submitted under subsection (a) (2);".

(b) Section 504(b) is amended—

(1) in the first sentence thereof, by inserting "or contracts" after "grants";

(2) in the second sentence thereof, by inserting "or contract" after "grant"; and

(3) in the third sentence thereof by inserting "or contract" after "grant".

(c) Section 504(c) is amended by striking out the "." at the end thereof and substituting ", and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982.".

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title.

Sec. 2. Findings and Purpose.

Amends section 2 to emphasize need of cooperation with employers, employee associations, and other groups; to highlight prevention programs aimed at the general population and vulnerable groups including youth and families of alcoholics; and to emphasize both prevention and occupational programs as primary concerns.

Sec. 3. NIAAA.

In light of the proposed role of the NIAAA Director in acting for the Secretary in chairing the Interdepartmental Committee established under Sec. 5 of these amendments, calls for Secretary to consult with Executive Director of Domestic Council in appointing Director; clarifies NIAAA authority to hire scientists and other professionals as consultants, if approved by NIAAA Advisory Council.

Sec. 4. Reports by the Secretary.

Deletes requirement of report by Interagency Committee abolished under Sec. 5 of these amendments.

Sec. 5 Interdepartmental Committee.

Replaces Interagency Committee with Interdepartmental Committee on Federal Activities for Alcohol Abuse and Alcoholism, chaired by the Secretary acting through the NIAAA Director; requires policy level representation of appropriate Departments on such Committee; makes Executive Director of Domestic Council an ex officio member; and requires biennial report on Federal activities and the prevalence of occupational programs among Federal contractors.

Sec. 6. Intradepartmental Committee.

To enable Director to coordinate HEW activities at a lower level than through the Interdepartmental Committee; establishes Intradepartmental Committee within HEW.

Sec. 7. Federal Civilian Employees.

Reconciles Act with Civil Service Reform Act by recognizing Office of Personnel Management and requiring compliance with statutory collective bargaining procedures; makes families of Federal employees eligible for services. Instructs Secretary to develop model occupational programs.

Sec. 8. Authorization for Formula Grants.

Authorizes (pending hearings) such sums as may be necessary for the next three years.

Sec. 9. Technical Assistance.

Authorizes provision of technical assistance to States, emphasizing coordination of data collection; program management and evaluation; certification, accreditation, or licensing; and related areas where NIAAA and NIDA activities may be parallel.

Sec. 10. State Plans.

Emphasizes women, youth, families of alcoholics along with minority and poverty groups on State advisory councils; requires coordination with NIDA drug abuse and dependence survey and planning; and requires evaluation by States of effectiveness of other State programs and political subdivisions in dealing with alcohol-related problems. Requires States to encourage and assist occupational programs.

Sec. 11. Uniform Act Grants.

Extends authorization for special grants to implement Uniform Alcoholism and Intoxication Treatment Act.

Sec. 12. Project Grants and Contracts.

Gives priority to demonstration and evaluation projects concerned with prevention and early intervention in occupational and educational settings and to modified community living and work-care arrangements; authorizes continued support of effective projects; adds emphasis on families of alcoholics along with ethnic minorities, native Americans, youth and women.

Sec. 13. Insurance Incentive Grants.

Establishes new grant program for demonstration and implementation of insurance regulations to treat alcoholism and alcohol abuse equivalently with other chronic health conditions.

Sec. 14. Authorization for Project Grants.

Authorizes (pending hearings) such sums as may be necessary for next three years; requires that at least 8 per cent of appropriations be devoted to prevention activities.

Sec. 15. Service-related Facilities.

Prohibits discrimination, solely because of alcohol abuse and alcoholism, by social service, mental health, intermediate care, rehabilitation, or other service-related facilities supported wholly or in part by Federal funds.

Sec. 16. NIAAA Advisory Council.

Authorizes appointed members to serve until their replacements take office; instructs Council to evaluate results of projects.

Sec. 17. Encouragement of Research.

Includes social consequences of alcohol abuse as subject of research; emphasizes relationship with domestic violence, effects of alcohol use during pregnancy, and relationship with abuse of other drugs; emphasizes coordination with NIDA programs.

Sec. 18. Peer Review.

Includes evaluation in peer review process.

Sec. 19. Research Authorizations.

Authorizes (pending hearings) such sums as may be necessary for next three years.

Sec. 20. National Alcohol Research Centers.

Specifies research on biomedical, behavioral, and social issues; authorizes designation of consortia as Centers; requires laboratory, reference and data analysis facilities suited to research plan; requires capacity to provide both graduate medical, nursing, social work, and osteopathic education and continuing education for practicing professionals in legal, medical, or social service (in addition to undergraduate programs); restricts Secretary in designating new Centers unless they will not dilute progress under research plans of existing Centers; authorizes grants as well as contracts; and authorizes (pending hearings) such sums as may be necessary for next three years.

Report Language will cover a number of additional issues, including coordination of NIAAA activities with funds available from other sources (including community education, CETA, ACTION, and similar authorizations); relationship of States to administration of continuing project grants; congressional intent regarding purposes of National Centers; role of Executive Director of Domestic Council in assisting Interdepartmental Committee; compliance with employment protections under the Rehabilitation Act and its coordination with NIAAA; etc.●

By Mr. DOLE (for himself, Mrs. Kassebaum, Mr. Hatch, Mr. McClure, Mr. Stewart, Mr. Cochran, and Mr. Young):

S. 441. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat and meat products, to apply quantitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Finance.

MEAT IMPORT ACT OF 1979

● Mr. DOLE. Mr. President, in the closing days of the last session of Congress, a Beef Import Act was passed by an overwhelming margin in the House of Representatives and with corresponding support here in the Senate. Senators Bentsen, Curtis, Bartlett, and many others, including this Senator, spent countless hours working on beef import legislation, and we were convinced that the bill which finally passed Congress was a piece of legislation that would serve both the consumer and producer in a rational and economically effective manner. Unfortunately, the President vetoed the legislation. In so doing, he took a rather dogmatic approach to the bill—trying to protect his own authority rather than the interests of the millions of people in this country involved in beef production and consumption.

History has dictated the need for a revision of the current Meat Import Act—enacted in 1964. We have learned since that date that without a countercyclical formula on which import levels are based, our cattle producers, related industries, and consumers suffer from irregular supplies and fluctuating prices. In fact, even the President admits that the countercyclical formula is necessary.

The bill I am introducing today is simply a reaffirmation of what we in the Congress recognized last session. It incorporates the same formula which will permit more beef imports—about 1.7 billion pounds more to be exact—to enter our country over the next 10 years than if the current law is maintained. It will dampen the drastic price fluctuations that have such a crippling impact on producers and consumers. The formula, in effect, will promote a balance between supply and demand, taking into account the role imports must play in supplying the domestic market.

In his memorandum justifying the veto of the last session's bill, the President really raised two arguments—both of which had nothing to do with U.S. consumers or producers. First, he disapproved the bill because it did not provide a big enough guarantee to foreign interests for access to our market. It should be pointed out to the President that in the past, there has been no guarantee of minimum access, that any guarantee is pure and simple charity on our part. I also think that this minimum access argument was an attempt to disguise the real reason for the veto.

The real reason for the President's veto was that Congress was attempting to restrict the authority it had originally bestowed upon him in 1964. The restriction of that authority would not be detrimental to anyone interested in beef prices. The restriction would simply require that in order to step outside the import quota formula, it will have to be done for economic, rather than political, reasons.

The bill I am introducing attempts to find a compromise that will mollify the President's need for authority and yet still recognizes the basic economic interests of producers and consumers. I am proposing that the President may suspend or increase quotas only in times of a national emergency or when, for two consecutive calendar quarters, the ratio of cattle prices to beef and veal prices is greater than or equal to 1.10. The President could take action based on this ratio for up to two calendar quarters and then would have to fulfill strict criteria in order to renew his action. He would also have to give 30-day notice to allow public comment before he acts.

The result of this formula will be less restrictive than the approach adopted in last year's legislation. It will, however, be tight enough that the president could not act under market conditions such as those that existed in the summer of 1978. At that time, the President had acted to increase beef import quotas by 200 million pounds. His action had been motivated by a number of political factors. It was not taken on sound economic reasoning nor with recognition of how the action would prejudice the cattle industry which was just beginning to climb out of 4 years worth of financial disaster. My formula would protect the industry from such untimely and ill-advised actions.

I think it is time that we put the beef situation in its proper perspective. We are fooling ourselves if we think that we can continue to obtain quality beef products at prices we experienced a few years ago. Those prices were rockbottom because the cattle-producing sector was at rockbottom. When prices are low, the majority of people in the country are pleased because they can buy more beef. But, low prices also mean that U.S. producers suffer to the point of going out of business. We witnessed a definite erosion of our cattle-producing sector during the low point of the last cattle cycle. Unless the situation changes and prices are balanced to benefit both consumers and producers, the erosion of the sector will continue in the next inevitable low point of the cattle cycle. Let this happen too many times and the consumers will be complaining about the high cost of imported beef—because that will be the basic source of supply.

I have withheld introducing or cosponsoring any meat import legislation until I could judge what the balance was between the positions of the administration and the cattle industry. It is fairly clear what the administration wants. It also is fairly clear, now, that the cattle ranchers do want to pursue meat import legislation in this session of Congress. They will be supporting the concepts of the vetoed bill but will be willing to rethink the extent to which the President's authority should be limited. My bill attempts to establish a compromise position from which we can work.

It is clear that some legislation correcting the current provisions in the law is necessary; Congress and even the President agree on that point. The bill I am placing before you will establish an equilibrium in our market that must be attained if we are to protect a vital sector of our agricultural economy. Without a new meat import program, we can only look forward to another 10 years of huge price swings, ranchers going out of business, and consumers suffering the consequences.●

By Mr. EAGLETON:

S. 442. A bill for the relief of Isaac N. Hulver of Kansas City, Mo.; to the Committee on the Judiciary.

ISAAC N. HULVER

● Mr. EAGLETON. Mr. President, I am reintroducing a private claims bill for the relief of a wounded World War II veteran. Mr. Isaac "Ike" N. Hulver of Kansas City, Mo. Last year I introduced this identical legislation late in the session and unfortunately, the Judiciary Committee was not able to act on this matter prior to the end of the session.

In 1976, the U.S. district court in Kansas City awarded Mr. Hulver $202,298.12 in damages because of negligent medical treatment he received from a doctor at a Veterans' Administration hospital. Because of this negligence, Mr. Hulver can no longer work, he can barely walk. Even though the U.S. circuit court of appeals in St. Louis was silent on the issue of negligence it reversed a district court's ruling in favor of Mr. Hulver because of a legal technicality. Recently, the U.S. Supreme Court has announced it will not review this case.

Mr. President, following my remarks I will include in the RECORD a summary of Mr. Hulver's situation as reported by the Kansas City Star. I will also include an editorial that appeared in the April 10, 1978, issue of the Kansas City Star, regarding this same matter. After reading these two articles I think my colleagues will agree that Mr. Hulver has suffered immeasurably because of negligence on the part of the doctor at the Veterans' Administration hospital. The ultimate responsibility for this malpractice must be borne by the Federal Government. Therefore, I am proposing that Mr. Hulver receive payment from general revenues in the amount he was awarded in damages by the district court judge. In my years in the Senate I have never before introduced a private claims bill, but, in this unique situation, action of this type is justified.

Mr. President, I ask unanimous consent that the articles to which I have referred be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Kansas City Star]

SAD END TO EX-GI'S "OVERSIGHT"

(By Harry Jones, Jr.)

The U.S. Supreme Court already has written an unhappy ending to this story—unhappy, anyway, for Isaac "Ike" Hulver, who is 65.

He was Private Hulver, a 33-year-old draftee, the morning of Dec. 1, 1944, the day this story began.

Ike had felt himself lucky when he awoke that morning. It had been the first night's sleep in several that he had spent under a roof. The roof was on a barn, true, and Ike was outside Saarbrucken, Germany, fighting World War II at the time. But a roof is a roof and Ike appreciated that one.

It was cold outside and foggy. A road lay ahead. Ike's lieutenant ordered him and another GI to advance to it and scout the area. Germans were nearby but they did not know how near.

The two soldiers advanced to the road, saw nothing threatening in view and signaled to the lieutenant that the rest of his squad could advance.

Ike had signaled by raising his M-1 rifle over his head with both hands, then had relaxed and lit a cigarette.

Suddenly he saw movement from behind a railroad embankment. It was a German soldier. He fired twice at the soldier and, although an expert marksman, missed both times. The German retaliated with a long burst from his machine gun.

One bullet caught Ike's buddy between the eyes and he fell forward, dead. Five other bullets hit Ike—one in the right knee, three in the abdomen, one in the chest, puncturing a lung.

Ike managed to crawl back to his outfit but 45 minutes later, as he was lying on his back, an 88-millimeter shell burst in a tree above him and riddled his body wth shell fragments.

That was the end of World War II for Ike Hulver, who now lives at 2808 N.E. 45th. He spent the next seven months in military hospitals where he underwent 15 operations. In July 1945 he was discharged with a 100 per cent disability rating.

A year later that was reduced to 70 per cent disability and a little later was raised to 80 per cent. It has remained at that level since. He now receives a government check of $410 a month.

Ike worked as a monotype operator for The Star from 1953 until 1971. The job required him to do a great deal of lifting all day—35-pound, hot metal "pigs" and 25-pound galleys made from the "pigs," between 200 and 300 of them each day.

It had taken Ike three years to learn how to walk. His right leg, because of one bullet wound, would bend in either direction at the knee instead of just back. Until he learned to walk, he found himself falling frequently whenever the leg bent in the wrong direction.

After consulting with his private physician, he went to the Veteran Hospital here in 1968 complaining of pain and numbness in his right hip and leg. It was determined that he needed a bilateral aortoiliac endarterectomy—removal of mineral deposits in the artery leading to his right leg to improve his circulation.

As Ike related it in an interview at his home earlier this week—and as he testified in federal court in 1976—when told by the surgeon at the VA hospital that X-rays had shown a small mineral deposit in the artery leading to his left leg, he specifically told the doctor not to touch his left leg—this was the leg he had favored since the war and he wanted nothing done to it.

He said the surgeon was from Argentina and spoke poor English. He thought the doctor understood him, however, he said.

After undergoing surgery Oct. 17, 1968, he awoke the next day to find his left leg numb. His right leg, however, was improved.

As described in a ruling by the 8th U.S. Circuit Court of Appeals in St. Louis: "As a result of the operation, plaintiff's (Ike's) left leg, which had previously caused him no pain or trouble, was disabled by a clot that formed in the left branch of the arterial tree in the weeks following the operation. In addition, his sexual function was seriously impaired."

He returned to the hospital in December 1968 for corrective surgery by the same surgeon. The surgeon's attempt to remove the clot, however, was unsuccessful.

He underwent surgery a third time on March 10, 1969, this time by a different surgeon, who inserted a plastic tube for part of the artery in a bypass operation.

Friends familiar with his leg problems began urging him to sue the government over the October operation. Finally, in late 1970, he went to see William Pickett, a lawyer. Pickett investigated the case and filed notice of a lawsuit in Feb. 18, 1971—two years and four months after the first operation. one year and 11 months after the third operation.

Ike quit his job at The Star. His legs could not stand the strain.

Pending trial, he continued to go to hospitals for more operations. He underwent two at the North Kansas City Memorial Hospital in 1973 and two more at the Mayo Clinic in Rochester, Minn., in 1974 and 1975.

He was out of work. He could no longer pursue his two favorite hobbies—hunting and flying. He was sexually impotent (a nerve had been cut accidentally in the October 1968 operation). And he could barely walk.

The case went to trial before Judge William H. Becker in the U.S. District Court here in 1976. It lasted three days.

The judge ruled in his favor and awarded him $202,298 in damages.

The judge found that Ike had proved negligence in the October 1968 operation when the surgeon elected to perform work on Ike's left leg after having been told not to and in the post-operative care provided him by the VA Hospital staff.

But there was another issue before the court and it was this that led to the unhappy ending provided Monday by the Supreme Court.

The statute of limitation on this type of case is two years—in other words, Ike was required by law to file his lawsuit within two years of the time he "discovered, or in the exercise of reasonable diligence should have discovered" that he had been the victim of malpractice.

Judge Becker ruled that Ike "proved by a preponderance of the evidence that he did not discover the alleged acts of malpractice which he contends caused his sexual impairment and the impairment of the functions of his left lower extremity until after Feb. 18, 1969."

Ike had maintained he did not become aware of the actual cause of his problems with his left leg and his sexual capacity until *after* undergoing the third operation, at which time the new surgeon explained to him what had gone wrong in the first operation.

The Justice Department decided to appeal Judge Becker's ruling. It based its appeal on the statute of limitations issue solely, not arguing the negligence ruling.

The Eighth U.S. Circuit Court of Appeals in St. Louis overruled Judge Becker in October of last year. The appeals court said that while it supported the finding of negligence in the first operation, Ike should have known he had been the victim of malpractice shortly after the first operation and well before the third operation.

In other words, it ruled, Ike had filed his lawsuit a few months too late.

Pickett appealed that decision to the U.S. Supreme Court. The Supreme Court announced Monday it had decided not to hear the appeal.

[From the Kansas Cty Star, Apr. 10, 1978]

WHEN JUSTICE IS ERODED

The first reaction to the Isaac "Ike" Hulver case is a burst of emotion. How can this 65-year-old war-scarred veteran, the victim of gross medical malpractice, be turned away by the courts in his attempt to recover damages for his permanent impairments from surgery? Even on reflection it is a fair and appropriate question—one that unfortunately raises doubts about the capability of our system to deliver justice in a compassionate and equitable way.

A ruling by a federal appellate court prevented Hulver from receiving the $202,298 that he was awarded by a federal district jurist here. From the lay person's view, the appeals decision appears to hand on a technicality. Namely that the statute of limitations expired shortly before the case was filed. This was a reversal of the district court judge who had listened to witnesses and made a determination that the case had indeed been filed before the deadline.

The U.S. Supreme Court has refused to consider the case, which leaves standing the ruling against Hulver. That means the damages, unless there is further legal action or an administrative ruling in the executive branch of the government, will not be paid by the federal government.

It is difficult to say where the fault in this case lies. But we are troubled deeply by the results. The ultimate responsibility for this malpractice, which occurred in a Veterans Administration hospital, must be borne by the federal government. The case was defended by federal attorneys in the line of their duty. They did not contest the ruling on negligence in their appeal; that action was based on the law that prohibits legal action being taken after a prescribed time has elapsed. Had the Justice Department not appealed the district court decision that favored Hulver, he would have received the settlement.

We submit that justice, irrespective of the narrow interpretation of the law, has suffered in this instance. It may stand as a good legal exercise. It does not stand the test of equity under the law. Perhaps this injustice can be remedied by the Veterans Administration, further litigation or by a special appropriation by Congress. But something needs to be done—and fast.●

By Mr. PERCY (for himself and Mr. ROBERT C. BYRD):

S. 445. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anti-competitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Governmental Affairs.

REGULATORY REFORM ACT OF 1979

Mr. PERCY. Mr. President, I am very pleased to introduce today, along with the distinguished majority leader, Senator ROBERT BYRD, the Regulatory Reform Act of 1979.

Senator BYRD and I have worked together on this legislation since we introduced the first version in December, 1975. The bill went through a careful hearing process in 1977, and we were very pleased when a modified version of it was accepted by the Senate last fall as an amendment to S. 2, the Sunset Act.

During the evolution of the legislation, the Governmental Affairs Committee has been conducting what Chairman ABE RIBICOFF described as "the most comprehensive study of the Federal regulatory agencies ever undertaken by the Congress." The study, which has produced six volumes on various aspects of Federal regulation, was authorized by Senate Resolution 71 in 1975. Several deficiencies in the regulatory process were examined, and, in volume II, the committee recommended that:

> In order to enhance systematic Congressional review of regulatory agencies, Congress should require that all regulatory agencies be made subject to a periodic reauthorization process. In-depth scrutiny of the agencies should be assured by requiring a thorough review of an agency's activity before it may be reauthorized. Under a "sunset" device, agencies with similar functions should be reviewed in the same years.

We were to find that the Governmental Affairs Committee was not alone in its endorsement of sunset for regulatory agencies. During our 1977 hearings on the Regulatory Reform Act, a wide range of groups, individuals, and businesses endorsed the bill. I am attaching a list of supporters of the bill at the end of my statement, including such prominent groups as Common Cause, the American Bar Association, and the Business Roundtable.

Mr. President, during the hearings 2 years ago, several witnesses testified in support of the concept of sunset for regulatory agencies but expressed concern that it should be limited to a pilot program in the first years. I intend to explore this suggestion further in the coming months. As presently drafted, our bill would subject 32 agencies to a sunset review over an 8-year period. This is far from a complete listing of all Federal regulatory bodies. However, we will solicit the views of a wide range of interests on both the number of agencies covered and on specific additions or deletions which might be desirable.

NEED FOR REFORM

Regulatory reform has garnered much attention in the recent years as Americans have begun to realize the impact regulation has on the economy. The actual cost of regulation is difficult to ascertain. There is, of course, the estimated $5 billion we will spend in 1979 to fund the agencies themselves. This is not, however, the cost which alarms so many students of our economy. Rather, it is the cost to the economy of complying with the many regulations issued by these agencies. Estimates vary considerably, but according to Commerce Secretary Kreps, the cost of compliance by private industry is between $60 and $130 billion each year.

The following chart, excerpted from a Library of Congress study of regulatory costs, suggests where some of the greatest burden lies.

Annual cost of Federal regulation, by area—1976

[In millions of dollars]

Area	Administrative cost	Compliance cost	Total
Consumer safety and health	1,516	5,094	6,610
Job safety and working conditions	483	4,015	4,498
Energy and environment	612	7,760	8,372
Financial regulation	104	1,118	1,222
Industry specific	474	26,322	26,796
Paperwork	(1)	18,000	18,000
Total	3,189	62,309	65,498

(1) Included in other categories.

SOURCE.—DeFina, Robert. Public and Private Expenditures for Federal Regulation of Business. (Working Paper No. 22.) St. Louis, Washington University Center for the Study of American Business, 1977. p. 3.

These additional costs place enormous pressure on the domestic economy. Barry Bosworth, Director of the Council on Wage and Price Stability, noted last summer that the cost of regulation could be responsible for as much as three-quarters of a percentage point in the rate of inflation.

At the heart of inflation is our declining productivity growth rate. Between 1955 and 1965, when inflation was a mere 1.5 percent a year, labor productivity grew at over 3 percent annually. Since 1965, however, our productivity growth has slowed to less than 2 percent a year while inflation grew steadily to a peak of 11 percent in 1974.

Regulation is certainly not the sole reason for this decline, but it has had a significant impact as resources have been shifted from investment in plant and equipment to meeting government rules and regulations. Edward Denison of the Brookings Institution estimated that in 1975 the effect of private expenditures for environmental safety and health regulations and for crime prevention had cut our productivity growth by 20 to 25 percent. In addition, the regulatory burden has contributed to the shift of industry's research and development activity away from basic research and new product development, which has significantly impaired our capacity to innovate.

Regulation can also choke off competition and prevent new firms and ideas from entering the marketplace. The Interstate Commerce Commission's rules alone are estimated to cost $4 to $6 billion a year. The best example of how less regulation can benefit consumers and business alike is airline deregulation. Air fares have tumbled since the CAB began to get out of the way. At the same time, profitability of air carriers—large and small alike—has risen dramatically.

Mr. President, I am also greatly concerned about the impact of our current regulatory environment on Americans' perception of their government. I sense from my constituents and the businessmen I speak with that the Federal Government is not seen so much as a friend as it is an adversary. Regulation has often removed decisionmaking from the private sector and increasingly placed it in the hands of regulators who are immune from the ballot box and the marketplace. This is consistent with neither our democratic heritage nor our economic traditions.

APPROACH TO REFORM

It is clear that Congress can and must take steps to reduce the various costs of regulation. Substantial savings can be realized through administrative improvements in the regulatory process. The Governmental Affairs Committee's Study on Federal Regulation identified several administrative problems which contribute greatly to the overall costs of regulation such as delay, needlessly complex proceedings, and unqualified personnel. President Carter has begun to address these problems by establishing the Regulatory Council and requiring several new procedures through Executive order. Senator RIBICOFF and I have recently introduced legislation (S. 262) which will further improve the regulatory machinery in several respects.

Yet we must go beyond administrative reforms to a more fundamental review of the underlying purposes of regulation in order to determine whether we need regulation in a certain field, to what extent, and how it might best be structured. In some cases, such as the airline industry, actual deregulation is the answer. In others, the American people need and expect various forms of protection and our task is to determine whether that need is being met at the least cost.

S. 262 will make an important contribution to this process by requiring agencies to analyze the costs and benefits of major new regulations, review existing regulations, and increase opportunities for public comment. However, these procedures can only do part of the job since the regulators themselves will always be susceptible to the very human tendency to defend past mistakes and justify pet projects. What is needed to complement this process is a more objective, systematic analysis which can best be performed by Congress.

REGULATORY REFORM ACT OF 1979

The legislation we are introducing today provides such a mechanism for structured congressional oversight of Federal regulation. The bill focuses primarily on a zero-based analysis of regulation along sectoral lines. This will permit a comprehensive examination of the purpose, effectiveness, and efficiency of regulation in each major functional area. In addition, the bill calls for a review of the cumulative impact of regulation on particular industry groupings. Action-forcing provisions are included to insure congressional action in this important area.

Specifically, the Regulatory Reform Act requires the President to submit a reform plan to Congress every 2 years for an 8-year period according to the following schedule: 97th Congress (1981–82) energy, the environment, housing, occupational safety and health; 98th Congress (1983–84) transportation and communications; 99th Congress (1985–86) banking and finance, international trade, Government procurement; 100th Congress (1987–88) food, consumer health and safety; economic trade practices and labor management relations. Along with each plan, the President will report on specific industry impacts and recommend steps to improve regulatory performance.

The General Accounting Office and the Congressional Budget Office will submit reports to Congress at the same time that the President submits his plan. This should provide more thorough study and a wider perspective, and will make Congress less dependent on administration ideas. The GAO and CBO reports with assess the affected agencies with respect to:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas, the impact of such changes on agency effectiveness, and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

ACTION-INDUCING MEASURES

Both Congress and the Executive demonstrate a history of reluctance to take action in certain highly sensitive areas even where such action is clearly warranted. Regulatory reform is an unfortunate example. Rather than merely providing for a meaningless reform agenda, this legislation incorporates certain action-forcing measures. They are provisions requiring that:

The President must submit a reform plan to Congress by April 30 of the first year of each 2-year cycle.

The relevant committees must report a reform bill to the floor of each House by May 1 of the second year of each cycle.

If no comprehensive reform plan has been enacted by August 1 of the second year, the affected agencies lose their authority to issue any new rules except those essential for preserving public health and safety—a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by October 1 of the second year, enforcement of the existing rules of the affected agencies would be suspended, except those essential for preserving the public health and safety—again, a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by December 31 of the second year, each affected agency which has not been the subject of comprehensive reform would be terminated, unless other appropriate provision is affirmatively enacted by the Congress providing for the continuation of such agency.

The last "sunset" proposal will insure that neither the President nor Congress will duck consideration of reform. Altogether these provisions afford an incentive for affected agencies and regulated industries to cooperate in the process of reform. Due to institutional inertia or a misguided desire to preserve the status quo, certain agencies and affected industries have not been helpful in past reform efforts. Some have consistently resisted reform of any sort. Thus, the last two provisions eliminate the advantage an agency or regulated industry might otherwise expect to experience in working to kill reform legislation. If no legislation passes, agency rules—other than those essential to insuring public health and safety—would no longer have effect, and regulated industries would suddenly face unregulated competition.

Following the initial 8-year agenda from 1981 to 1988, Congress will have another 8 years to monitor the regulatory process before the comprehensive review cycle begins anew in 1997. In this way Congress will have the opportunity to review the results of its action prior to considering additional reform measures.

The American people want a responsive Government that helps them work efficiently and productively. Our present regulatory system too often does just the opposite. I believe Congress can help restore the public's faith in government and invigorate the economy by providing a disciplined agenda for reforming Federal regulation. Such reform is long overdue. Let us not pass up the opportunity.

Mr. President, I ask unanimous consent to have printed in the RECORD, the list of those who have endorsed the Regulatory Reform Act, a brief summary of the legislation and the text of the bill itself.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Reform Act of 1979".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that Government regulation can at times be more of a burden than a benefit to American consumers, American businesses, and to the American economy as a whole.

(1) Regulatory policies have fueled inflation through approval of rules and regulations not commensurate with the public interest, frequently without due consideration of the relative costs and benefits involved in such decisions, or without due consideration of the competitive impact of such decisions.

(2) Some regulatory policies harm both industry and consumers by denying businesses the chance to compete and, thereby, depriving consumers of the lower prices and diversity of services that greater competition would present.

(3) Too often, regulatory agencies have squandered their limited resources by focusing on trivial aspects of regulation while neglecting critical economic issues. By failing to set clear priorities or to articulate cogent policies, certain agencies have fostered a pattern of bureaucratic stagnation and waste, and consequent public frustration and confusion.

(4) The outmoded and inefficient case-by-case adjudicatory approach of most regulatory agencies has burdened business with excessive paperwork and unreasonable delays, impaired the ability of many industries to adapt to changing market conditions and beneficial new technology, and contributed to price rises, inefficiencies, and misallocations of resources.

(5) By consistently failing to take consumer and small business interests adequately into account and by arbitrarily limiting the operation of the free enterprise system, regulatory agencies have poorly served the public interest often in disregard of their congressional mandates.

(b) It is the purpose of this Act to require over a period of eight years the President to submit at least once in each Congress, and to require the Congress to act upon, a plan designed to prevent unnecessary or harmful regulation because such regulation has led to inflationary consumer prices, a reduction of competition in providing of important goods and services, and other economic inefficiencies which distort and disrupt the operation of a free enterprise system without correspondingly benefiting the health, safety, or economic welfare of the Nation.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "agency" has the same meaning as provided in section 552(e) of title 5, United States Code; and

(2) "rule" has the same meaning as provided in section 551(4) of title 5, United States Code, and includes any rulemaking, adjudication, agency proceedings, or agency action, as defined in paragraphs (5), (7), (12), and (13), respectively, of section 551 of title 5, United States Code.

AGENCY REORGANIZATION PLANS

SEC. 4. (a) Not later than the last day of April in each of the years referred to in paragraphs (1) through (5) of this subsection, the President shall submit a plan containing the information required to be included under subsection (c) with respect to the following areas:

(1) Regulation of energy, the environment, housing, and occupational health and safety by the Federal Government, by the last day of April 1981, for the following agencies:

(A) Environmental Protection Administration;

(B) Energy Regulatory Administration;

(C) Federal Energy Regulatory Commission;

(D) Nuclear Regulatory Commission;

(E) the relevant regulatory functions of the Department of the Interior;

(F) Federal Housing Administration, Department of Housing and Urban Development; and

(G) Occupational Safety and Health Administration, Department of Labor.

(2) Regulation of transportation and communications by the Federal Government, by the last day of April 1983, for the following agencies:

(A) Civil Aeronautics Board;

(B) Interstate Commerce Commission;

(C) Federal Maritime Commission;

(D) Department of Transportation; and

(E) Federal Communications Commission.

(3) Regulation of banking and finance, international trade, and Government procurement by the Federal Government, by the last day of April 1985, for the following agencies:

(A) Office of the Comptroller of the Currency, Department of Treasury;

(B) Federal Deposit Insurance Corporation;

(C) Federal Home Loan Bank Board;

(D) Board of Governors of the Federal Reserve System;

(E) National Credit Union Administration;

(F) Federal Savings and Loan Insurance Corporation;

(G) International Trade Commission;

(H) Commodity Futures Trading Commission;

(I) Securities and Exchange Commission;

(J) Farm Credit Administration; and

(K) General Services Administration.

(4) Regulation of food, consumer health and safety, economic trade practices, and labor-management concerns by the Federal Government, by the last day of April 1987, for the following agencies:

(A) Consumer Product Safety Commission;

(B) Federal Aviation Administration, Department of Transportation;

(C) Federal Trade Commission;

(D) Food and Drug Administration, Department of Health, Education, and Welfare;

(E) the relevant regulatory functions of the Department of Agriculture;

(F) National Highway Traffic Safety Administration, Department of Transportation;

(G) National Labor Relations Board;

(H) Federal Mediation Board; and

(I) Equal Employment Opportunity Commission.

(b) Each plan submitted under subsection (a) shall include provisions relating to such other agencies as the President elects to include, or the Speaker of the House of Representatives and the President pro tempore of the Senate may require. Notice of any additional agency to be included in such plan shall be sent to the President not later than the last day of September of the year immediately preceding the year in which such plan is required to be submitted.

(c) A plan submitted by the President pursuant to subsection (a) shall contain the following information with respect to agencies which are included in any such plan pursuant to paragraph (1) through (5) of subsection (a)—

(1) recommendations for the transfer, consolidation, modification, or elimination of functions;

(2) recommendations for organizational, structural, and procedural reforms;

(3) recommendations for the merger, modification, establishment, or abolition of Federal regulations or agencies;

(4) recommendations for eliminating or phasing out outdated, overlapping, or conflicting regulatory jurisdictions or requirements of general applicability;

(5) recommendations for eliminating agency delays; and

(6) recommendations for increasing economic competition.

(d) Along with each plan submitted by the President pursuant to subsection (a), the President shall report on the cumulative impact of all Government regulatory activity reviewed, up to that date, on specific industry groupings. The report shall include recommendations to insure that the cumulative impact of Government regulation is in the Nation's best interests. Wherever practicable, in the formulation of each plan, the President shall give explicit consideration to the particular impact of Government regulatory activity on the following relevant industry groupings.

(1) transportation and agriculture industries;

(2) mining, heavy manufacturing, and public utilities industries;

(3) construction and light manufacturing industries; and

(4) communications, finance, insurance, real estate, trade, and service industries.

(e) If by the first day of May in each of the years 1981, 1983, 1985 and 1987 the President—

(1) has failed to submit the appropriate plan as required by paragraphs (1) through (5) of subsection (a); or

(2) has submitted a plan which fails to provide such information as is required by subsection (c) of this section, the committees of Congress having primary legislative jurisdiction or oversight responsibilities with respect to any such areas, together with the Committee on Government Operations of the House or the Committee on Governmental Affairs of the Senate, shall prepare such plan(s) which shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year. Such plan(s) shall be jointly reported if agreement between and among such committees can be made with respect to such plan(s) but otherwise shall be separately reported.

LEGISLATIVE AGENCY REVIEW

SEC. 5. The Comptroller General of the United States and the Director of the Congressional Budget Office shall submit, contemporaneously with the submission of the plans required under section 4, a report assessing each of the agencies included in the plan submitted by the President with respect to the following:

(1) the purposes for which each agency was established;

(2) any significant changes which have occurred in the areas regulated by each such agency, the impact of such changes on the effectiveness of such department or agency, and the continued appropriateness of its original purposes;

(3) the net impact of the agency and the degree to which it has accomplished its purposes;

(4) the cost-effectiveness and efficiency of the operations of each such department or agency; and

(5) practical and more efficient alternative approaches to achieving presently demonstrated regulatory needs.

CONGRESSIONAL REVIEW

SEC. 6. (a) The President shall submit each plan required under section 4 to the Congress and separately transmit such plan to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(b) Each plan submitted under subsection (a) shall be referred jointly—

(1) to the Committee on Government Operations of the House of Representatives and the appropriate committee or committees of the House of Representatives having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan; and

(2) to the Committee on Government Operations of the Senate and the appropriate committee or committees of the Senate having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan.

(c) The committees to which a plan is referred under this section shall review such plan and report a bill approving or disapproving such plan in whole or in part, with such amendments as are deemed appropriate. Such reports shall be joint reports if agreement between or among such committees can be made with respect to any such plan(s), but otherwise shall be separate reports. The reported bill shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year.

(d) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by August 1 of the year following the year in which a comprehensive plan has been submitted by the President then all departments and agencies affected thereby shall have no authority to issue or promulgate any new rules or regulations except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation would render such regulation null and void.

(e) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by October 1 of the year following the year in which a comprehensive plan has been submitted by the President, then all departments and agencies affected thereby shall have no authority to enforce any rule or regulation except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation, would render such regulation null and void.

(f) Within nine months after the date of enactment of this Act, the President shall, upon comprehensive review of the anticipated application and effect of this section, transmit to the Congress a detailed listing of the agency rules of general and specific applicability the enforcement of which would be suspended by the application of subsection (e).

TERMINATION OF AGENCIES

SEC. 7. (a) In the event that no comprehensive regulatory reform legislation has been enacted with respect to a designated area described in section 4(a), every agency described in each plan submitted under this Act shall be terminated after the last day of December in the calendar year next following the calendar year in which such plan is required to be submitted, unless other appropriate provision is enacted by the Congress providing for the continuation of such agency.

(b) Under the circumstances described in subsection (a), all rules or regulations of the affected agencies essential for preserving public health and safety shall remain intact and shall continue to be enforced by a designated office created for that purpose within the Department of Justice, which has funding and staff sufficient to insure effective enforcement, until such time as other appropriate provision is enacted by the Congress.

CONTINUING REVIEW

SEC. 8. The agency reorganization plans submitted pursuant to section 4 shall be submitted in the same order and for the same or succeeding departments or agencies ten years after the date of submission of the last original plan and on every succeeding tenth anniversary of the submission of the last of each such plan in each eight-year cycle, unless otherwise provided by law.

Support for the Regulatory Reform Act of 1979

The legislation has gained the endorsement of the U.S. Chamber of Commerce, National Association of Manufacturers, Business Roundtable, American Bar Association, American Medical Association, National Grange, Common Cause, Prudential Insurance Company of America, Kaiser Aluminum, Coca-Cola, DuPont, Monsanto, Pepsico, The Continental Group, Inc., and Southern Pacific Company. The legislation also has been endorsed by academicians from the University of Chicago Graduate School of Business, Harvard University, Harvard Law School, UCLA Graduate School of Management, University of Rochester Graduate School of Management, Trinity College and California State Polytechnic University, Pomona.

Principal Provisions of the Regulatory Reform Act of 1979

Government regulation has all too often become a burden to consumers, workers, American business and to the economy as a whole. Indiscriminate regulation has fueled inflation, stifled competition, and produced mountains of paperwork and red tape. Agency functions tend to overlap. Individual regulations are frequently made without due consideration of the relative costs and benefits involved. Any case-by-case handling of matters, in the absence of broad guidelines, produces unreasonable delays and fragmented and incoherent policy, often focusing on trivia while neglecting priorities. Clearly, some regulatory agencies have poorly served the public interest in disregard of Congressional mandates.

To counter this, the Regulatory Reform Act of 1979 sets forth a discipline for action, to apply both to Congress and the President. Over a period of eight years, from 1981 through 1988, the President would submit to the Congress by April 30 of each year, comprehensive plans for reforming regulation in four specific areas of the economy, namely:

97th Congress (1981–82), energy the environment, housing, occupational health and safety.

98th Congress (1983–84), transportation and communications.

99th Congress (1985–86), banking and finance, international trade, and government procurement.

100th Congress (1987–88), food, consumer health and safety, economic trade practices and labor-management relations.

Each plan would include recommendations for increasing competition, and for procedural, functional, administrative and structural reforms. The plans would be referred to the relevant oversight committees of the Senate and the House and to the Senate Governmental Affairs Committee and the House Government Operations Committee.

To ensure that the impact of regulatory activity is in the Nation's best interest, the President will include in his plan a report on the cumulative impact of Federal regulation on the following industry groupings:

transportation and agriculture industries;

mining, heavy manufacturing, and public utilities;

construction and light manufacturing industries;

communication, finance, insurance, real estate, trade and service industries.

To provide a wider perspective on these problems, the General Accounting Office and the Congressional Office of the Budget will simultaneously submit comprehensive reports to Congress concerning:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas; the impact of such changes on the agency's effectiveness; and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

If the President does not submit a plan by May 1 of the first year, the relevant Congressional committees would write and report their own plan(s) in the form of a bill, to become the pending business of both Houses not later than May 1 of the second year.

Should Congress fail to approve comprehensive regulatory reform legislation in the designated area by August 1 of the second year, the affected agencies will lose their authority to make *new* rules (except those essential for preserving public health and safety).

Should Congress fail to pass comprehensive reform legislation by October 1 of the second year, enforcement of *existing* rules of the affected agencies will be suspended (except those essential for preserving public health and safety).

Should Congress fail to enact comprehensive reform legislation by December 31 of the second year, a "sunset" provision comes into play, terminating each affected agency for which Congress has not enacted reform. Responsibility for enforcing health and safety rules would pass to the Justice Department.

After an eight-year respite following the original review period (1981–88), Congress would begin the reform process again (in 1997), and continue such cycle thereafter, examining agencies in the same order unless the order is changed by law.

This timetable would not delay reform efforts already underway, or which may arise in the interim, until the designated year for that particular facet of regulation. Thus, it does not mean that transportation reform must wait until 1983, or consumer safety reform until 1987. Rather, it ensures that if no comprehensive reform has been accomplished by these dates, then the discipline imposed by the bill would come into play. If Congress wants to act sooner, all the better.

By Mr. RANDOLPH:

S.J. Res. 39. A joint resolution to provide for the designation of the second full calendar week in March of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. RANDOLPH. Mr. President, today I am introducing a joint resolution to designate the second full week in March of each year as "National Employ the Older Worker Week."

The resolution should be helpful as an educational tool in informing the public of the many advantages of hiring middle-aged and older persons. Additionally, such a campaign can make our Nation aware of the various attributes and meaningful capabilities of citizens 40 and above. They are now having extreme difficulty in obtaining employment because of the age barrier in spite of their vast reservoir of expertise, experience and knowledge.

For the past two decades, the American Legion, through its economic commission and employment committee, has designated a specific week during each year to make the public aware of the advantages of hiring the older worker, especially older veterans. At the beginning the Legion selected the first full week in May as "Employ the Older Worker Week." In 1973, the American Legion changed the observance of this week to the second full week in March. The principal reason for this change was to avoid any possible interference with youth employment promotional programs which are conducted during the month of May.

I join here in representing a State with one of the highest percentages of older citizens, and I have spent much of my career working with the problems of older Americans. My membership on the Labor and Human Resources Committee and the Subcommittee on Aging calls for me to devote much time in the Senate as we work to improve the working and living conditions of our older citizens.

Mr. President, at this point I ask to have printed in the RECORD the American Legion Resolution No. 533, adopted during the 60th Annual National Convention, August 22–24, 1978, New Orleans, La.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SIXTIETH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, AUGUST 22–24, 1978, NEW ORLEANS, LA.

Resolution No. 533.
Committee: Economic.
Subject: Designate the second full week in March as "National Employ the Older Worker Week."

Whereas, The American Legion for a number of years has concerned itself with the difficulty encountered by the older worker, who in many cases is forty-five years or younger, inasmuch as many of this group are veterans; and

Whereas, The practice of discrimination in employment because of age for otherwise qualified persons is not only illegal, but is contrary to the American principles of liberty and equality of opportunity for all citizens; and

Whereas, The American Legion since 1959 has promoted annually a successful program to focus public attention on the advantages of employing older people, especially veterans, under which the second full week in March is designated as "Employ the Older Worker Week," and citations are presented annually to employers who do not discriminate against older workers; and

Whereas, Department participation and interest of the Legion, employers, and the public in the program has increased each year for the past two decades and it has been recognized throughout the Nation and by the United States Congress as a meaningful and significant program to combat age discrimination in employment; now therefore be it

Resolved, By The American Legion in National Convention assembled in New Orleans, Louisiana, August 22, 23, 24, 1978, that The American Legion petition the Congress of the United States to adopt a Joint Resolution requesting the President of the United States to issue a Proclamation (1) designating the second full week in March of each year as "National Employ the Older Worker Week;" and (2) calling upon employer and employee organizations, other organizations concerned with employment, and the citizens of the United States in general to observe such a week with appropriate ceremonies, activities, and programs designed to bring about the elimination of discrimination in employment because of age.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HELMS, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution.

S. 25

At the request of Mr. BAYH, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 25, to designate the birthday of Dr. Martin Luther King, Jr., as a national holiday.

S. 55

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 55, the Meat Import Act of 1979.

S. 265

At the request of Mr. DOMENICI, the Senator from Texas (Mr. TOWER), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. GOLDWATER), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. WALLOP), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from New Mexico (Mr. SCHMITT), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 265, the Equal Access to Justice Act.

S. 333

At the request of Mr. RIBICOFF, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 333, the Omnibus Antiterrorism Act of 1979.

S. 390

At the request of Mr. METZENBAUM, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 390, the Antitrust Procedural Improvements Act of 1979.

S. 414

At the request of Mr. BAYH, the Senator from New York (Mr. MOYNIHAN), and the Senator from Hawaii (Mr. INOUYE), were added as cosponsors of S. 414, the University and Small Business Patent Procedures Act.

S. 423

At the request of Mr. KENNEDY, the Senator from Kansas (Mr. DOLE) was added as a cosponsor to S. 423, the Dispute Resolution Act of 1979.

SENATE JOINT RESOLUTION 4

At the request of Mr. LUGAR, the Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. SCHMITT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 4, proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues.

SENATE RESOLUTION 50

At the request of Mr. KENNEDY, the Senator from Texas (Mr. BENTSEN) and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of Senate Resolution 50, a resolution disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries.

SENATE RESOLUTION 74—SUBMISSION OF A RESOLUTION CONCERNING TERRORISM IN RHODESIA

Mr. HARRY F. BYRD, JR., submitted the following resolution, which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 74

Resolved, that the Senate condemns and deplores the senseless murder of fifty-nine civilian air-passengers killed by terrorists near Kariba, Rhodesia, on February 12, 1979, and expresses its sincere regret and sorrow to the families of each victim.

SEC. 2. The Secretary of the Senate is directed to deliver this resolution to the President within twelve hours of its adoption and to request on behalf of the Senate that a copy thereof be transmitted by the President to the Government of Rhodesia in Salisbury.

SENATE RESOLUTION 75—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 75

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1979, through February 29, 1980, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,371,700 of which amount not to exceed $105,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 76—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BAYH, from the Select Committee on Intelligence, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 76

Resolved, That the Select Committee on Intelligence, in carrying out the duties and functions prescribed by Senate Resolution 400, Ninety-fourth Congress, agreed to May 19, 1976, as amended, is authorized from March 1, 1979, through February 29, 1980, to make expenditures from the contingent fund of the Senate not to exceed $1,890,000, of which amount not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Reorganization Act of 1946, as amended).

SEC. 2. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE—SENATE RESOLUTION 61

AMENDMENT NO. 60

(Ordered to be printed.)

Mr. STEVENS (for himself and Mr. HATFIELD) proposed an amendment to Senate Resolution 61, a resolution amending rule XXII of the Standing Rules of the Senate.

AMENDMENT NO. 61

(Ordered to be printed.)

Mr. HELMS proposed an amendment to Senate Resolution 61, supra.

AMENDMENTS NOS. 62 THROUGH 65

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted four amendments intended to be proposed by him to Senate Resolution 61, supra.

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing and Urban Affairs is about to begin hearings on issues related to Federal Reserve membership and the ability of the Federal Reserve to effectively implement monetary policy. These issues are important to the well-being of the Nation because the Federal Reserve is the Nation's central bank and must be in a strong position to effectively implement monetary policy if we are going to eliminate our persistent and dangerous inflationary problem. Monetary policy along with fiscal policy are the most important economic tools that we have to reduce inflation. The problem is that because of the current structure of the Federal Reserve not all depository institutions fall under the Fed's direct control of the reserves held against deposits. Since 1970 the percentage of total bank deposits covered by Federal Reserve requirements has declined from 80 percent to about 70 percent as banks have given up their membership in the Federal Reserve System. Unfortunately, the trend has accelerated in the past several years and more and more banks are leaving the Fed.

The committee is very aware of the concerns of both the Federal Reserve and the administration with regard to the attrition of membership and the adverse impact it could have on monetary control and our efforts to curb inflation, sustain economic growth and maintain the value of the dollar. The committee has expressed similar concerns and has made a commitment to give high priority to finding a permanent solution to this problem. Hearings were held last fall on this subject and we are about to give our full attention to it again.

On Monday, February 26, 1979, Chairman G. William Miller of the Board of Governors of the Federal Reserve System will appear before the committee to present their views on the issues and to comment on pending legislative proposals. The hearing will be held in room 5302 of the Dirksen Senate Office Building and will begin at 10 a.m.

The committee will continue its hearings later in March and will hear at that time from the Treasury Department, the financial regulatory agencies, representatives of the banking and financial industry, and others.

Additional information about the committee's hearings can be obtained by contacting Steven M. Roberts, chief economist for the committee, at 224–7391.

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY

● Mr. METZENBAUM. Mr. President, the Senate Judiciary Subcommittee on Antitrust and Monopoly will hold 2 days of hearings on S. 390, the Antitrust Procedural Improvements Act of 1979. The first hearing was held on February 19, 1979. On February 26, 1979, the second hearing will take place in room 2228 of the Dirksen Senate Office Building. The hearing will begin at 9 a.m.●

SUBCOMMITTEE ON INTERNATIONAL FINANCE

● Mr. STEVENSON. Mr. President, the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs, which I chair, will hold hearings on April 4 and 5 on the implications of the proposed multilateral trade agreements (the Tokyo Round) for U.S. exports. The hearings will begin each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building.

The International Finance Subcommittee held extensive hearings last year as part of its study of U.S. export policy and economic competitiveness, and will release shortly a report containing findings and recommendations based on the study. The subcommittee has jurisdiction over export promotion, export controls, and export financing as well as exchange rates and the international monetary system generally.

The subcommittee intends to review the proposed tariff reductions and nontariff codes in order to determine what effect implementation of the draft agreements would have on U.S. exports and export policy. Particular attention will be paid to the draft code on export subsidies and countervailing duties, and to legislation to strengthen U.S. export performance to take advantage of trade possibilities opened by the agreements.

Persons wishing to submit testimony to the subcommittee or desiring additional information on the hearings should contact Robert W. Russell, counsel to the International Finance Subcommittee, at 224–0819.●

SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE

● Mr. RIEGLE. Mr. President, on behalf of the Subcommittee on Alcoholism and Drug Abuse, I wish to announce hearings on renewal authorization legislation for the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA) on the following dates:

On February 22, 1979, in 1224 Dirksen Senate Office Building and February 26, 1979, in 4232 Dirksen Senate Office Building from 9 a.m. to 12 noon, the subcommittee will hear testimony on the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979, which I am introducing today.

On March 2, 1979, in 4232 Dirksen Senate Office Building, the subcommittee will hear testimony regarding the Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979.

This hearing will also be from 9 a.m. to 12 noon.

The subcommittee would be pleased to accept written statements from individuals or organizations who wish to comment on this legislation for the record. Typewritten statements should be submitted no later than 15 days following the hearings to the Subcommittee on Alcoholism and Drug Abuse, 119 D Street, NW., Washington, D.C. 20510.●

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate today, February 21, and on Thursday, February 22, to consider the committee funding resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE GREAT IMBALANCING ACT

● Mr. GOLDWATER. Mr. President, throughout our history, the root foundation of our success in the field of foreign relations has been a proper balance between American commitments and American power. Today, we are seeing an alteration of this concept and the imbalance is placing this Nation in a position of peril. One of the finest expositions of this problem was published recently in Air Force magazine. That editorial, written by Editor John L. Frisbee, states that the course of U.S. foreign/defense policy is on a declining road due to the administration's misreading of Soviet goals or to plain self-deception.

I ask that this editorial entitled "The Great Imbalancing Act" be printed in the RECORD.

The editorial follows:

THE GREAT IMBALANCING ACT

(By John L. Frisbee, editor)

Thirty-five years ago, Walter Lippmann wrote that "in foreign relations . . . a policy has been formed only when commitments and power have been brought into balance." Those words, as true today as they were then, provide a basis for assessing where US foreign/defense policy stands and where it is going.

US commitments are less broad than they were a few years ago, but still extensive. They must be assayed on at least three levels. The first is the constant commitment to deter attack on the US itself by the only nation capable of launching such an attack—the USSR. The second relates to those areas where US and Soviet interests may clash, but where the US can expect little or no assistance from its stronger allies. The Middle East and Africa are two such areas.

The third level involves alliances headed by the US, conceived to protect allies from direct aggression and US interests from the effects of aggression. NATO is the prime example, followed by our bilateral treaties in the Pacific.

Putting the first level aside, the US commitment at the other levels is to maintain the status quo so far as domination by another power is concerned. but to a lesser—and lessening—degree relative to internal change. Advancement of human rights, while a worthy and still frequently articulated goal, has given a great deal of ground to the exigencies of economic and political life.

At all three levels, US power is falling behind commitments that we can ill afford to further reduce.

In contrast, the Soviet Union's commitment is to expansion of its direct control or hegemony on a global scale. Whether the impetus behind that commitment is ideological or nationalistic is important only to the extent that ideology helps or hinders expansion.

For the past decade, the US has attempted to balance commitments and power at a relatively low level of defense spending by seeking to persuade the USSR to reduce its base of power—its armed forces. Soviet policy, on the other hand, has sought with considerable success to balance commitments and military power by expanding the latter at the maximum rate allowed by Soviet resources. The two policies are diametrically opposed, with little if any middle ground on which to construct any sort of compromise

In the long term it may make little difference whether the Kremlin in fact agrees to a nuclear, intercontinental compromise at strategic parity (an unlikely prospect) so long as the Russians remain willing to continue their much greater investment in conventional forces, and so long as the USSR is seen by the non-Communist world as historically, hence currently, willing to spend lives at an exorbitant rate in order to reach its objectives.

The roots of the imbalance between US commitments and power do not lie in the Carter Administration. But the imbalance, which the previous Administration recognized and had set out to correct, has been exacerbated by three hallmarks of the Carter regime: consistent inconsistency, delay, and the frequent espousal of mutually exclusive goals.

A prime example of inconsistency is the President's pledge to the other NATO, heads of state that the US will increase defense spending by three percent in real terms if their countries will equal that growth. It now seems almost certain that this commitment will be hedged, on the pragmatic grounds that the US economy has suffered serious setbacks. This calls to mind Peter Viereck's comment that "pragmatism is unpragmatic; it won't work." It also brings to mind the fact that Soviet defense spending has grown by at least four percent a year for the past decade.

The foremost example of delay is the Administration's repeated postponement of a decision on production of the MX intercontinental ballistic missile. And from a gallery of mutually exclusive goals—both foreign and domestic—one could pick Mr. Carter's avowed aim of regenerating public confidence in the openness and integrity of US foreign policy formulation while concealing such adverse events as the stationing of MIG-23s in Cuba and Soviet encoding of their ICBM test transmissions in violation of SALT I understandings.

There is a subtle danger in the Carter Administration's handling of foreign relations: namely that the gap between commitments and power—in the final analysis, military power—will widen at a rate too slow to create public alarm until the US has reached a point where recovery may be impossible.

In our view, the course of US foreign/defense policy is on a declining road due to the Administration's misreading of Soviet goals, or to plain self-deception. The ultimate destination of that road is disaster. And the only way to avoid disaster is to take an uphill path that will close the gap between commitments and the military power needed to back them.●

OPEN DOORS: EMPTY HANDS

● **Mr. STEVENSON.** Mr. President, now that Teng has returned to China we should ask what we learned from his visit. Meg Greenfield sums it up in a recent column in the Washington Post: Teng provided none of the assurances the United States sought, but gave free advice no one needed on dealing with the Russians.

Teng's interest in buying U.S. goods and technology accompanies an apparent desire to exacerbate United States-Soviet Union tensions. It took the United States 30 years to recognize the People's Republic of China. I hope it will not take another 30 years to understand the China we now recognize.

Mr. President. I ask that Meg Greenfield's article be printed in the RECORD.

The article follows:

TENG'S VISIT: TOO MANY POLAR BEARS

(By Meg Greenfield)

By about Wednesday of China week it occurred to me that perhaps the nation had finally had one spectacular too many. Sitting there in an East Room illuminated by that now familiar blend of glaring TV lights and sparkling chandeliers, we watched Carter and Teng transmute ordinary pens into instant collectors' items by the mere act of signing agreements; there was Marine Band music; there was the constant stream of reminders that we were in the presence of something exotic, momentous, historic. There was all this—and yet there was also a sense, as there had been all week long, that something was "off" about the proceedings, not quite plausible, not quite right. It undermined the gush and gaiety of the ceremonies as well as the solemnity of the official pronouncements. What was it? What was wrong?

At the simplest level it may just have been a matter of anticlimax. Earlier excitements had made this one seem mild. For the fact is that like it or not, the truly breathtaking moment in the restoration of Sino-American relations was that famous televised landing of Richard Nixon's plane in Peking seven years ago. Teng in Washington, as theater goes, was not Nixon in Peking or Sadat in Jerusalem or even, for that matter Khrushchev in the U.S.A. And so far as wildly improbable, not to say surrealistic, Washington scenes go, there was virtually nothing Teng could have done—short of singing a duet with Brezhnev on the Kennedy Center stage—that would have touched the Begin-Sadat extravaganza of a few months back.

So chalk up part of the "offness"—the disappointment—to pre-visit hype of the event itself and to the inevitable jadedness of the audience to which the show was playing. But there was more, beginning, surely, with the way Deputy Prime Minister Teng seemed to have programmed his own computer: I thought of one of those missiles that can't be recalled or redirected once fired, but which must simply follow its preplanned trajectory. No matter what his interlocutors began with, they invariably seemed to end up with hegemony and more polar bears. He was really very impolitic, pushing his line and plying his wares in ways that verged on an affront to hospitality.

But, at least in public, he wasn't answered back; the whole thing just went forward on the American side as a kind of political love-in. Teng was no Nikita Krushchev, to be sure, hollering and threatening with stagy peasant roughness. But he did seem publicly to control events and to be beyond the reach of dialogue. And since none of this was publicly acknowledged by the American side, I think the effect was finally to make those of us who were mere spectators uneasy, suspicious that this show of rollicking amity was forced and that there were some fairly ugly realities lurking just underneath.

A Republican senator who was among those who met with Teng marveled to me about how unbending and unyielding the Chinese leader had been on the main questions. It was all very genteel, he said, but it all came down to the same thing: no. No to requests that he give some assurances against moving military on Taiwan; no to requests that he consider ending atmospheric nuclear tests; no to requests that he agree not to start something with the Vietnamese. And beyond all that there was the general, all-purpose no to requests that he cool it with the let's-you-and-him-fight anti-Soviet rhetoric. Teng may have tamed and modified some of his language on this point, but not really so you would notice.

In an interesting way, therefore, his message, as delivered to Americans, was a strange amalgam of directives that don't quite work together: Teng, roughly speaking, would have the United States be very tough and agressive and unyielding with the Soviet Union on questions of their interventions in third countries—and just the opposite with the Chinese on similar questions. Leave us alone on Taiwan and Vietnam . . . get cracking against the Russians on Afghanistan and the Horn of Africa. It is a measure of the incoherence of our own domestic politics at the moment that this curious message did not seem so much to offend or even bemuse our politicians as to attract them. Each seemed eager to pick up some single element of the Teng position—whichever appealed—and to use it to his advantage, while ignoring the rest.

And that brings us to what was certainly a main source and symptom of the oddity of the visit, especially in its five-day Washington phase. I am referring to the fact that within the American political and business worlds everyone seemed to be exploiting some single aspect of the Chinese visit for his own end—to prove a point, or further a policy or make a buck. It was a kind of festival of main-chancing.

Since the Chinese were so clearly out to "use" us, I can see no particular reason why Americans should not have responded in kind. And God knows I am beyond being surprised by the sight of that implacably anti-communist business community of ours rushing to make a deal with those equally avid anti-capitalists in Peking. That is the way it always turns out, and it is probably both good for our side and good for international stability. But I think there *was* something unseemingly and disquieting in the way some politicians and administration figures mirrored the businessman's single-minded pursuit of given particular goodies, affecting an oblivious indifference to questions that can stir them to great speechifying and anguished concern—elsewhere.

Such as, for example, good old human rights. The anti-Russian, anti-SALT right in Washington makes a very tony, high-minded big deal of these questions where Russian trespasses are concerned. But in their eagerness to exploit the Chinese anti-Sovietism, they seem to care little for the victims of Chinese internal repression or for the victims of Teng's loathsome client, the Cambodian butcher Pol Pot, or for the Taiwanese in whose behalf they seem willing to accept the flimsiest assurances that nothing bloody will probably happen.

That's what I mean by unseemly, and the effect was heightened for me by observing this part of the anti-Soviet anti-arms-control right being joined in the jovial, all-embracing celebrations by the good old liberal left, or parts of it, anyway. Which parts? For one, a lot of people who seem to think that they can only vindicate their (admirable) stand in favor of recognizing China long before it was even safe to do so, let alone fashionable, by professing the Chinese to be true and beautiful in all things. For another, those liberals who have never been particularly troubled by the high price of social and economic progress in totalitarian states.

I couldn't help wondering as the Teng show left Washington last week how much had actually been accomplished and learned from it and how much had got lost in the grabbing for narrow advantage and political self-justification. Maybe I am too hard on the spectacle. I only know it wasn't very edifying.●

ALLEN TATE, A GREAT AMERICAN

● **Mr. BAKER.** Mr. President, I would like to pay tribute to a great American man of letters, Allen Tate, who died February 9 at the age of 79 in Nashville, Tenn. Mr. Tate was a novelist, biographer, essayist, editor, teacher, and critic in addition to writing poetry, but he achieved perhaps his greatest renown as a poet. As a member of a writers' group at Vanderbilt University in the 1920's known as the Fugitives and as editor of the Sewanee Review, he was closely associated with my State, but his fine mind and Southern sensibility were recognized far beyond its borders. I ask that obituaries published in the Washington Post and the New York Times be printed in the RECORD to mark the loss of this distinguished American.

The articles follow:

ALLEN TATE, POET, CRITIC AND TEACHER, IS DEAD AT 79

Allen Tate, a poet and critic and one of the more distinguished figures in contemporary American literature, died yesterday. He was 79 years old.

Biographer, novelist, editor, teacher and critic, Allen Tate will most probably be remembered as a poet—a poet, to use the words of Dudley Fitts, of "aristocratic integrity." His poetry—weighed, balanced, declamatory—reflected the formal and classic virtues he defended in his criticism.

He was also one of the foremost spokesmen for the Southern tradition, not only in literature, but in values and politics.

Mr. Tate's poetry was considered "difficult" by some. It was often filled with references to Latin and Greek classics, and his tone was more intellectual than lyric. But at its best, as in his most famous poem, "Ode to the Confederate Dead," he fused his intellectuality with the Southern sensibility into a powerful philosophic statement.

MUCH SEEMED CONTRADICTORY

On the surface, much in his life seemed to be contradictory. He was a Southerner who spent much of the prime of his life in the North, a Protestant who became a Catholic, a polemicist who mellowed into a philosopher. But beneath the surface there was unity. In a book about Mr. Tate's work, Ferman Bishop described the writer as "consistently Classical, Christian and Southern in his outlook."

That outlook was molded largely by his background. John Orley Allen Tate was born Nov. 19, 1899, at Winchester, Ky., in Clark County, the heart of bluegrass country.

While still an undergraduate at Vanderbilt University, he became a member of a group called the Fugitives, who guided and influenced the Southern literary renaissance that flowed in the next decades.

The Fugitives included such other soon-to-be-famous writes as John Crowe Ransom and Robert Penn Warren and put out a magazine, The Fugitive, in which Mr. Tate's first poems appeared. They showed the influence of T. S. Eliot, whose poetry and criticism were to be a major source of inspiration to Mr. Tate throughout his career.

FLING AS BUSINESSMAN

After graduating from Vanderbilt in 1922, Mr. Tate had one brief fling as a businessman before devoting himself to letters. "My brother gave me a job in his coal office," he later recalled. "In one day I lost the company $700 by shipping some coal to Duluth that should have gone to Cleveland, and my business career was over."

Soon afterward, he came to New York, where he began his editing career on the magazine Telling Tales. Later, he was to become Southern editor of Hound and Horn, an advisory editor of The Kenyon Review and, most importantly, editor of The Sewanee Review.

While living in Paris on a Guggenheim Fellowship in 1928 and 1929, Mr. Tate published his first book: "Mr. Pope and Other Poems." It was followed by two biographies that were the result of his abiding interest in the Southern heritage: "Stonewall Jackson—The Good Soldier," and "Jefferson Davis: His Rise and Fall."

His only novel, "The Fathers," also drew on the Confederacy for its inspiration. The story of aristocrats in Virginia at the time of the Civil War, it pleased some reviewers, but puzzled others who thought it lacked the vivacity of more popularly written Civil War novels. Later critics were more sympathetic; Arthur Mizener, writing in 1947, called it "one of the most remarkable novels of our time."

A SENSE OF THE PAST

His sense of the past, of the antebellum South, led him to ally himself with the Agrarians, a group of Southerners who severely criticized the excesses of modern industrial life. In a book of essays, "I'll Take My Stand: The South and the Agrarian Tradition" and "Who Owns America?" Mr. Tate argued that by opting for industrialism, American society had invested in science and machines, an option he felt led to the decay of intellectual thought.

In his essays, he leaned increasingly to a consideration of such as Dante, Donne, Emily Dickinson and Eliot, as opposed to the poets of the Romantic school. He refused to go along with those critics who insisted that literature had to be viewed within its historic and social context. In "Tension in Poetry," one of his most ambitious works, he developed the theory that tension, the essential element in poetry, derived from the balance between connotative and denotative qualities of language.

Some of his most sensitive criticism was written about the poetry of his friend Hart Crane. "Out of the desperate conditions of his private life," Mr. Tate wrote, Crane created "the great poetic achievement of his generation".

In his own poetry, Mr. Tate continued to employ man's relationship to his past as a major theme. "Ode to the Confederate Dead," "The Mediterranean" and others considered to be his best works all focused on the past. One of his most unusual essays was "Narcissus as Narcissus," in which he examined his own "Ode to the Confederate Dead."

Mr. Tate's literary reputation, like that of the New Criticism, was at its highest in the 1940's and 50's. After that, it declined somewhat, with one reviewer, Helen Vendler, declaring in 1969 that "while Tate was trying * * * to counter what he considered a cult of rationalistic positivism, he became the high-priest of an arcane sect, an anti-cult."

SOUGHT RELEASE OF POUND

In the 1950's two of his actions drew public attention. Born a Protestant, he converted to Roman Catholicism in 1950, and his first book of essays published after the conversion, "The Forlorn Demon" (1953), was infused with Catholic and Thomist doctrine.

He was also among the literary figures who campaigned for the release of Ezra Pound, who had been committed to a mental institution after broadcasting for the Axis in World War II. The aging Pound was eventually freed.

Throughout his writing career, Mr. Tate worked as a teacher, lecturer and radio commentator. He taught at Southwestern College in Memphis, the University of North Carolina Women's College, New York University, the University of Rome and the University of Chicago.

From 1939 to 1942 he was poet in residence at Princeton, and he was a professor at the University of Minnesota from 1961 until his retirement in 1968.

A WITTY PUBLIC SPEAKER

Fair-haired and blue-eyed, with a high bulging forehead that gave him a scholarly appearance, he was a witty public speaker much sought after on the lecture circuit.

In the 1940's he became a regular member of the Sunday night radio show "Invitation to Learning." Each week he would discuss the classics with Mark Van Doren and Huntington Cairns; their discussions were later published in a book named after the program.

Mr. Tate received many literary honors, including the Bollingen Prize in poetry in 1956, the Brandeis University Medal Award for Poetry in 1961 and a $5,000 award from the Academy of American Poets in 1963. He served as president of the National Institute of Arts and Letters in 1968. His 75th birthday, in November 1974, was celebrated at a memorable occasion attended by literary persons from all over the United States and the Britsh Isles.

He was married three times. His first wife was Caroline Gordon, the novelist, whom he married in 1924. She was the mother of his only daughter, Nancy Meriwether (Mrs. Percy H. Woods Jr.). His second wife was Isabella Stewart Gardner, whom he married in 1959. Both marriages ended in divorce.

SON KILLED IN ACCIDENT

In 1966, Mr. Tate married Helen Heiny. Twin sons were born to the couple in 1967, but one of them died in an accident in infancy.

The poet Robert Lowell, a friend, described the accident in graphic detail in a poem, "For Michael Tate":

gagging on your plastic telephone,
while the one night sitter drew water for your bath,
unable to hear your groans . . .

In a companion poem, "Letter From Allen Tate," Mr. Lowell quoted some of Mr. Tate's reactions: "As you must guess, We're too jittery to travel after Michael's death."

The poem concluded, however, on a note of admiration:

How sweet your life in retirement! What better than loving
a young wife and boy; without curses writing,
"I shall not live long enough to 'see him through' "

Mr. Tate reportedly was so upset by the poems that he broke with Mr. Lowell over them. Mrs. Tate bore him another son in 1969.

Among Mr. Tate's books of poetry were "Mr. Pope and Other Poems" (1928), "The Mediterranean and Other Poems" (1936), "The Winter Sea" (1944) and "Poems" (1960). His critical works included "Reactionary Essays on Poetry and Ideas" (1936), "Reason in Madness" (1941), "The Man of Letters in the Modern World" (1955), and "Essays of Four Decades" (1969). His "Collected Poems" was issued by Farrar Straus & Giroux in 1977.

ALLEN TATE, POET, CRITIC, DIES AT 79

(By Eve Zibart)

Allen Tate, 79, the southern literary renaissance's great man of letters, died early yesterday, 10 days after being admitted to Vanderbilt Hospital in Nashville, Tenn. He had been bedridden with emphysema for several years.

Although a dyed-in-the-wool southerner, Mr. Tate became the most cosmopolitan of American critics and was one of the first to espouse the modernism of T. S. Eliot and William Faulkner. He won numerous literary awards—five major prizes in the past two years—but popular success eluded him and he became, instead, the "poet's poet."

Allen John Orley Tate was born in Kentucky and spent most of his childhood and youth in Nashville and the District of Columbia area.

An alumnus of Georgetown Prep, Mr. Tate graduated magna cum laude from Vanderbilt University in 1922. At Vanderbilt, he helped found a literary magazine called The Fugitive, through which he and his colleagues, including Robert Penn Warren, Cleanth Brooks, John Crowe Ransom and Merrill Moore, explored the intellectual and socioeconomic traditions of the South. This later grew into the "agrarian movement" that prefigured the southern renaissance.

"As a young man, as a college student, Allen single-handedly invented for himself what you would call the modern poetic style before he'd ever read Eliot or Crane," Warren recalled recently. "He was a brilliant mind . . . I was constantly amazed by him."

In his late 20s, Mr. Tate and his wife, novelist Caroline Gordon, moved to Greenwich Village in New York, and lived off his acerbic and witty freelance criticism. What was to become his best known poem, "Ode to the Confederate Dead," was first published in 1927.

The poet based the physical description of the "Ode" on the Confederate cemetery in Richmond, which he saw as a child:

Row after row with strict impunity
The headstones yield their names to the element,
The wind whirrs without recollection;
In the riven troughs the splayed leaves
Pile up, of nature the casual sacrament
To the seasonal eternity of death;
Then driven by the fierce scrutiny
Of heaven to their election in the vast breath,
They sough the rumour of mortality.
Autumn is desolation in the plot
Of a thousand acres where these memories grow
From the inexhaustible bodies that are not
Dead, but feed the grass row after rich row.
Think of the autumns that have come and gone!

In 1928 he and Gordon simultaneously were awarded Guggenheim fellowships.

Subletting Ford Maddox Ford's Paris apartment, Mr. Tate and his wife entered the expatriate circle presided over by Gertrude Stein. He thought F. Scott Fitzgerald the most attractive of the group, but spent more time with Ernest Hemingway. "We were pretty friendly," he recalled in a recent interview, "but I think if I'd been writing prose, he wouldn't have had me around."

Returning to the United States in 1930, Mr. Tate embarked upon the writers' standard academic circuit, teaching, lecturing and publishing. By 1939 he had become head of the creative writing program at Princeton University.

He was a legend among young, aspiring writers. Then Princeton student William Meredith, who now holds the poetry chair at the Library of Congress, remembers the "authority of his criticism." The young Robert Lowell, in a fit of hero worship, pitched a pup tent in Mr. Tate's yard for several weeks, relishing the propinquity.

In 1942, Mr. Tate was named to the chair of poetry at the Library of Congress. His Victorian house across the Anacostia River turned into a literary menage. Novelist Brainard Cheney and his wife, Frances, former president of the American Library Association, shared the rent, Katherine Anne Porter lived in the basement, Meredith slept on the porch, and John Peale Bishop stayed in the guest room.

Mr. Tate was at the height of his reputation in the 1940s, transforming the Sewanee Review into one of the leading literary magazines in the country. He was considered the perfect dinner companion—witty, perhaps a little acidic, and immaculately dressed—addicted to classical music and charades, a chain-smoker and a passionate fan of ice cream. He had an unshakeable composure and a southern gallantry that women found extremely attractive.

Mr. Tate and his wife, who shared a "profound psychic and spiritual relationship," according to Cheney, were divorced, remarried and divorced.

In 1959, Mr. Tate married Boston socialite and author Isabella Stewart Gardner, but the marriage quickly disintegrated, and in 1966 he married a former student, Helen Heinz, who survives. They lived in Sewanee, Tenn., moving back to Nashville two years ago.

Mr. Tate had written relatively little in the past several years, being almost blind as well as bedridden. He worked intermittently on his memoirs. In 1977 his "Collected Poems: 1919–1976" was awarded the Lenore Marshall Prize by Saturday Review.

Mr. Tate is also survived by a daughter, Nancy Wood, of Mexico, and two sons, John Allen and Benjamin Bogen Tate, of Nashville.●

NATION HONORS THOMAS EDISON

● Mr. RIBICOFF. Mr. President, 100 years ago, in a laboratory in Menlo Park, N.J., Thomas Alva Edison developed the first economically practical incandescent lamp and electrical system to power it. Edison's engineering breakthrough was the start of the electric lighting industry. To commemorate this historic development, the beginning of a Centennial of Light, the Thomas Alva Edison Foundation of Southfield, Mich., is sponsoring educational programs throughout the Nation. Information about these programs may be obtained from the Centennial of Light Information Center, P.O. Box 1310, Greenwich, Conn. 06830. The toll free telephone number is 800–243–8561.

Edison is being honored at the National Inventors Hall of Fame at the U.S. Patent and Trademark Office in Arlington, Va. A permanent exhibit was opened to the public this past February 11. Edison was born February 11, 1847. Each February 11 is observed as National Inventors Day by the National Council of Patent Law Associations. This year's commemoration has taken on a special significance now as part of the Centennial of Light observance.

The Centennial of Light observance is to honor the memory of Thomas Edison, whose scientific and technological achievements changed the face of the Earth and human history. With the support of American businesses and industries, the centennial programs are striving to upgrade scientific education and develop an environment conducive to more research and development and a resulting economic growth.

Along with the development of the incandescent lamp and electric system, Edison also invented the phonograph in 1877 and the motion picture camera in 1891. Other inventions Thomas Edison is credited with are the electrical vote recorder (1868), the stock ticker (1869), telegraph improvements, paraffin paper, carbon telephone transmitter, microphone (1872–76), electric railway (1880), portland cement processes (1900–09), alkaline storage battery (1909–10), disc phonograph (1910–14), and the talking motion picture. In his lifetime, Edison received more patents than any other person—1,093. In 1882, his most prolific year, he was issued two patents a week.

Edison was also the first to use the team approach to solving scientific and technological problems. His "invention factory" in Menlo Park, N.J., was the first of its kind, a well-equipped and ably staffed laboratory dedicated solely to testing, improving and inventing useful products. This was the forerunner of the modern industrial research laboratory. In a very real sense, this may have been Edison's most important innovation since it established the method by which even today's industrial, academic, and governmental research teams engage in technical studies.

The Nation will always be in the debt of Thomas Edison, for his work and vision helped to make the United States achieve preeminence in technical competence. It is of particular importance today that we recognize the genius, discipline, and courage of an inventor and innovator like Edison because we very much need people of his caliber.

I wish to commend the people who compose the International Committee of the Centennial of Light. It is through efforts such as this one that we may rekindle an Edison-like enthusiasm for discovery of ways to improve the quality of life throughout the world. I am pleased to note that two companies based in Connecticut are represented on the International Committee, Reginald H. Jones, chairman and chief executive officer. General Electric Co., Fairfield, Conn., and Merle W. Kremer, president, GTE Sylvania, Inc., Stamford, Conn. Along with the participation of Mr. Jones and Mr. Kremer on a national scale, in Connecticut Northeast Utilities and United Illuminating have both begun public education programs in connection with the Edison observance. General Electric, GTE Sylvania, Northeast Utilities, United Illuminating, and other businesses taking part in the Centennial of Light are embarked, on a very useful endeavor. Projects such as the Centennial of Light help to insure continued American preeminence in technology.●

WATCHING THE TENG SHOW

● Mr. GOLDWATER. Mr. President, broadcast coverage of the recent visit to the United States of Chinese Vice Premier Teng Hsiao-p'ing by the Public Broadcasting Service failed entirely to address the vital issues raised by the Carter administration's abandonment of Taiwan. Instead, the American public was presented with a superficial image of a Communist dictator. This is the same Public Broadcasting Service which will benefit from the almost billion dollars in Federal funds authorized for public broadcasting in the 95th Congress.

Frankly, I am dismayed and disappointed at the willingness of some in public broadcasting to become tools of the Carter administration on such an important foreign policy matter. But, of course, this is not the first time that PBS has sought to improve the Carter administration's image. Not many months ago, I expressed the gravest concerns about the White House's use of public broadcasting to cover the Vladimir Horowitz concert.

The President's media adviser at the time, Barry Jagoda, who was also involved in policy decisions affecting public broadcasting, reportedly advocated public broadcasting's coverage of the event as a good way of promoting the Carter cultural philosophy.

Barry Jogoda is no longer the President's media adviser. However, the lesson of the Jogoda-Horowitz affair has already been forgotten by PBS. Tom Shales' article in the February 11, 1979 issue of the Washington Post, "Watching the Teng Show" should serve as an effective reminder. As I read the article it seemed to me that PBS more appropriately stood for the Peking Broadcasting Service, rather than the Public Broadcasting Service. Many of the local public broadcasting stations, including those in my home State of Arizona, must have been greatly concerned about the coverage of this event.

I am sure my colleagues will agree that PBS should strive to promote a higher degree of journalistic excellence in reporting future national and international events.

Mr. President, I ask that Mr. Shales' article be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 11, 1979]

WATCHING THE TENG SHOW

(By Tom Shales)

We were bored. We were lonely. We lusted for a new superstar, and the media, especially television, were ready to supply one. Teng went the strings of our hearts.

Now that the vice premier of China has gone home, it can't hurt to wonder if what we saw of Teng Hsiao-ping's visit to America on American television was reportage or the sale of a bill of goods. Network coverage of the visit—wags have dubbed it "The Teng Show"—seemed delicately deferential for the most part and unquestioning in a way that must have pleased the White House far too much.

More disturbing, in a subtler but perhaps more insidious way, was the treatment given Teng by federally funded public television on "America Entertains Vice Chairman Teng," a live special from the Kennedy Center that gave new meaning to the cliche "all smiles." Host Dick Cavett was all smiles, Jimmy Carter was of course all smiles, and public television was smiling itself into a dither.

George Stevens Jr., who produced the after-dinner entertainment, is certainly not to be faulted for the way he rushed together a presentable, warm and winningly eclectic smorgasbord of Americana—although highlights like the Joffrey Ballet and the Harlem Globetrotters were somewhat mitigated by the bumbling giggles of John Denver and the near-surgical heart-tugging of the cloyish Shirley MacLaine. But the production had both decorum and spirit, and this is certainly rare at a Kennedy Center gala, where things usually start on a level of stiff nightmarishness and get worse.

Public television's handling of the event, however, leaned toward obsequious reverence; public TV became a tool in the Carter Administration's campaign to put Teng, and normalization, over with the American people (the tool apparently needs sharpening, because a recent poll showed Americans divided over the president's decision to embrace China and foresake Taiwan).

It is true that an oil company coughed up the $500,000 to put the program on television, but there are still federal funds involved in any national public TV transmission. When we add that fact to the public-relations nature of the event, to the way public TV handled it, and to the political interests it served, the whole project takes on a distressingly propagandistic tinge.

It suggests that public television risks becoming, on such occasions of official ceremony, State Television, or Political Television, or, in this case, the People's Republic of Television. It might be healthier for the nation if the White House and public television were at each other's throats—as in Nixon days of yore—rather than have them bosom buddies scratching each other's backs.

At the opening of the broadcast, Cavett, ill-suited for such a role, narrated to fill time a taped replay of Teng's first day in the United States. Carter's repeated goofs in identifying the vice premier by title ("Mr. Prime Minister, Mr. Prime, Mr. Vice Premier . . .") were edited out of the tape and so were the appearances made by two pro-Taiwan demonstrators on the White House lawn. Nor was there any mention of the larger and noisier demonstrations that occurred on the other side of the White House and in Lafayette Park.

Instead, Cavett dismissed such events in a manner reminiscent of Marie Antoinette: "one or two inevitable hecklers were escorted away" was his only suggestion that discord had dared to intrude on nirvana. Was this because he didn't want to offend the vice premier, who could not possibly have been watching, or because he didn't want to upset the White House, which currently looks favorably on increased funding for public TV and might not look favorably on the exposure of a single wrinkle in the day's scenario?

As television, except for the lengthy translations of wordy introductions, this was not at all a bad show. Director Don Mischer caught a few privileged shots, like one of Carter escorting his guests into the presidential box of the Opera House, another of Teng, preparing to speak from the stage, removing a little piece of crumpled paper from his pocket and unfolding it as he had done earlier in the day. On it was his speech.

But then Cavett, whose eagerness to please bordered on *idee fixe*, committed his supremo blooper of the evening, identifying for the home audience a shot of "the distinguished Robert O. Anderson," president of the Atlantic Richfield Co. which had funded the broadcast. Considering the number of other dignitaries Cavett had failed to identify (including Kennedy Center Chairman Roger L. Stevens), this was an especially unfortunate mistake.

When it came to bowing and scraping before Teng and his allegedly charismatic presence, however, the commercial networks weren't exactly caught napping. Frank Reynolds ended an ABC News broadcast with a gush of flowery futurology about the wonderful new era beginning; it sounded not only premature, but also an expression less of Reynolds' awe at the grandeur of events at hand than of his desire to give TV viewers a cheerful little earful, no matter how windfilled and fanciful.

Over on the NBC Nightly News, Teng was bid farewell with a montage of happy images from the trip, while—though NBC News refused to credit the source—the Kennedy Center orchestra heard on the PBS broadcast played repeated chipper choruses of Rodgers and Hammerstein's "Getting to Know You." Again, discouraging words, or images, were verboten; none of the week's demonstrations or foul-ups were shown, nor did we see the fall, at a Houston Rodeo, of a horse whose rider carried the American flag.

It was at times as if television had decided to accept without debate precisely the symbolism that the White House wanted all the activities to have.

The American networks went out of their ways to assist the Chinese television personnel traveling with Teng. Much manpower and equipment was loaned for free. But Burton Benjamin, director of news for CBS News, said this week that the effort was not an attempt to curry favor with an eye toward future Chinese-network relations but rather reciprocity for help the Chinese gave American television when presidents Nixon and Ford visited China.

"No matter how hard we insisted, they charged us virtually nothing," Benjamin said. "So we offered to reciprocate. We supplied them a camera crew and producers. They paid for travel and living expenses and for satellite and transmission costs, by far the largest nut of the deal."

Benjamin said the CBS donation to the Chinese amounted to about $39,000.

He denied that "we gave this guy a free ride" and pointed to a piece done by correspondent Bernard Kalb on the CBS Monday Morning News telecast after Teng went home. Kalb expressed what many TV viewers may have been thinking—that there was a considerable disparity between the cuddly charming man that the correspondents kept describing and the actual figure of Teng we saw on the screen.

"Teng Hsiao-ping really is a feisty, tough, essentially ruthless political figure on the Chinese Communist scene," said Kalb. "And apparently, in some sort of hunger on the part of the media to establish an extraordinary personality, he has been endowed with attributes that I have not yet found."

Kalb didn't say it, but the thought has to arise: How much were the networks and public television used by the White House to communicate a point of view through the availability of staged events so terribly adorable that no news director would ever consider throwing them onto the cutting room floor?

"I don't think that people were really listening precisely to what Teng Hsiao-ping was saying," said Kalb. "It was a 'spectacular' that we were watching this week, but what we in fact were seeing was simply the packaging, the public packaging, for strategic self-interest."●

NATIONAL PARK SYSTEM

● Mr. JACKSON. Mr. President, section 8 of Public Law 94-458 directs the Secretary of the Interior to make several submissions to the Congress at the beginning of each fiscal year.

First, the Secretary is to transmit a listing, in generally descending order of importance or merit, of not less than 12 areas which appear to be of national significance and which may have potential for inclusion in the National Park System.

The law also requires a list of all National Natural Landmarks and all nationally significant areas on the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of damage or threats.

On February 1, the Department transmitted this information to the Congress. Also on February 1, I received a letter from Assistant Secretary Herbst providing additional information, not required by the statute, regarding these section 8 areas.

Mr. President, I ask that the letter of

transmittal from the Department of the Interior pursuant to section 8, as well as Mr. Herbst's letter to me regarding these areas, be printed in the Record.

The material follows:

U.S. Department of the Interior,
Washington, D.C., February 1, 1979.
Hon. Walter F. Mondale,
President of the United States Senate,
Washington, D.C.

Dear Mr. President: It is my pleasure to transmit to the Congress the annual report encompassing the National Park Service new area studies, and the list of those areas included in the Registry of Natural Landmarks and areas of national significance included in the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources. This report, prepared in compliance with Section 8 of Public Law 91–383, as amended by Section 2 of the General Authorities Act (P.L. 94–458) provides the Department of the Interior an excellent opportunity to institute a methodical approach for identifying potential new areas and monitoring the welfare of National Natural and Historic Landmarks.

The law requires that at the beginning of each fiscal year, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Such listing may be comprised of any areas heretofore submitted under terms of the law, and which at the time of listing are not included in the National Park System. In compliance with this provision, I am submitting ten studies. We had earlier planned to submit seventeen studies, but in the final days of the last Congress, seven of our study areas were added to the National Park System. In view of the length of time required to study an area for its feasibility/suitability as a park and our lack of a backlog of additional completed studies, we cannot submit the full twelve studies required. Of the ten studies submitted, seven are resubmissions of those in last year's report (November, 1977). Two of the new studies were completed under the requirement of P.L. 94–518, approved October 18, 1976.

In my judgment, these studies cover resources having potential for inclusion in the National Park System. Any recommendation to actually include these areas in the National Park System would, of course, be made only after a thorough study of all the potential land uses of the area. The list of areas presented, therefore, does not constitute a legislative proposal. The Administration's further views on these areas will be presented in an additional letter which you will receive shortly.

Recommendations embodied in six of the studies were accomplished by the enactment of the "National Parks and Recreation Act of 1978," which occurred during the review within the Administration of this annual report. One study area, the San Antonia Missions area, became a unit of the National Park Service by the enactment of S. 1829. In light of the enactment of these two pieces of legislation, we would question the necessity of printing these seven studies as required by section 8.

I have not included in this submission proposed additions to the National Park System for which the Administration has recommended the enactment of legislation. For example, these include the Alaskan proposals for the National Park System, and the addition to the Mississippi River. These areas are nationally significant and the Administration strongly supports legislation for them. However, I have chosen not to duplicate in this list the information contained in our legislative reports on those proposals.

The law also requires a list of all National Natural Landmarks and all nationally significant areas of the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of damage or threats. Separate lists of Natural and Historic Landmarks so damaged or threatened are enclosed.

Of the 44 Natural Landmarks reported as damaged or threatened last year, 14 have been deleted from the list because they are no longer considered to be endangered. As a result of the current review, an additional 25 landmarks have been included in the report for a total of 55. 41 are either entirely or partially in public ownership; Federal agencies administer, either wholly or in part, 31. The major threats to Natural Landmarks are posed by mining activities, commercial development, and water related projects.

There were 101 areas of national significance listed in the National Register of Historic Places which were reported as endangered in 1977. 40 of these are listed again in this year's report; 61 are not. For several, such as the Fox Theater in Atlanta and the John Adams and John Quincy Adams Birthplaces in Quincy, Massachusetts, resolutions to the imminent threat have been developed. For others, a year of monitoring and subsequent reevaluation of the anticipated threat or damage have caused those resources to be deleted from the report. Unlike Natural Landmarks, most of the Historic Landmarks reported this year are in private ownership. Few are directly affected by Federal projects. The primary threat to these nationally significant cultural resources is economic, either due to lack of funds for preservation and maintenance or due to commercial development pressures.

The Department of the Interior is the major, but not the sole, component in a nationwide conservation and preservation network which comprises Federal, State, and municipal agencies and the private sector. This network, however, is highly dependent upon the active participation of all its components in order to ensure the conservation of our natural and cultural resources. As expressed in my letter of transmittal last year, it is essential that the non-Federal participants continue to receive technical and financial support in their efforts. Some of this support is provided directly by the Department through the Land and Water Conservation Fund, and indirectly through the provisions of Section 2124 of the Tax Reform Act of 1976.

This past year, by Secretarial Order, I have transferred the responsibilities for the Historic and Natural Landmark Programs from the National Park Service to the Heritage Conservation and Recreation Service. The Heritage Conservation and Recreation Service will recommend to me additional natural areas and historic places to be given landmark status, monitor the welfare and integrity of all such areas and historic places, and provide information and technical and non-technical assistance to landowners of threatened resources to increase their awareness of the values of those resources. The Heritage Conservation and Recreation Service will also disseminate information on both landmark programs to State and local governments and encourage all levels of government to protect the areas by using a full array of protection and preservation techniques. With the rapid increase of land values and inflation, we must utilize every means available to ensure protection and wise stewardship of those resources.

Through section 8, the Congress has given the Department an expanded opportunity to provide more consistent direction for the growth of the National Park System and the protection of our Nation's natural and cultural heritage.

We appreciate the opportunity to provide this information.

Sincerely,

Bob Herbst,
Assistant Secretary.

U.S. Department of the Interior,
Washington, D.C.

In Reply Refer To: L58(170)

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In accordance with the authority of Section 8, of P.L. 94–548, we are submitting to you under separate cover the list of ten areas which may have potential for inclusion in the National Park System. The purpose of this letter is to inform your Committee of the Administration's further views as to whether or not these areas should be added to the System. These views depend not only upon professional evaluation of the resource encompassed by the study area, but also upon such factors as cost, management alternatives, immediacy of the threat to the resource, etc. Each of the ten study areas submitted have been placed into one of three categories:

1. areas which the Administration and the Department can support for inclusion in the System,
2. areas for which additional information must be obtained for consideration prior to a decision on whether or not to add the areas to the System,
3. areas which the Administration and the Department cannot support for inclusion in the National Park System.

The Department of the Interior is presently prepared to support the enactment of legislation to add to the System the following two areas, subject, of course, to the review and consideration of the specific legislative proposals: the City of Rocks National Monument in Cassia County, Idaho; and the Hopeton Earthworks Historic Site in Ross County, Ohio. With regard to these areas the Department will prepare and soon submit draft legislation.

With regard to six of the areas, the Department of the Interior is not yet prepared to recommend either for or against addition to the System. Although the resources of each of these areas appear to be of National Park System quality, we currently lack much of the information necessary to make a policy choice as to the disposition of each area. We recommend that congressional consideration of any of these areas await development of this information. The following is a brief description of the additional work which should be done regarding each of these study areas.

Olmsted Home and Office in Brookline, Massachusetts—We believe that some degree of Federal involvement in the preservation of the site and the collection of Olmsted's work would be appropriate. However, the statement made in the study notwithstanding, there may be some viable possibilities for non-Federal acquisition or management of the site or collection. In the near future we hope to settle on an appropriate Federal role at the site, and we expect that a legislative proposal can be ready within a couple of months.

Prairie Park in Kansas and Oklahoma—This study area will require additional work on boundaries and management concepts prior to any decision on whether or not to support addition of a prairie park to the System. We foresee being able to make this decision around mid-year of 1979.

Channel Islands in California—This study area is in the final stages of the review process, with updated land status information and costs data to be available shortly. Although acquisition cost data is currently not available, there is a likelihood that the cost will be high. We cannot yet recommend whether or not to add the area to the System.

Valle Grande in New Mexico; Potomac River in Maryland, Virginia, and West Virginia; and the Great Basin in Nevada—For these areas we are updating basic resource data and exploring various boundary configurations and management concepts, be they local, State, or Federal. We do not expect recommendations on the Potomac River or the Great Basin to be made until after 1979, while the work on Valle Grande may be completed somewhat earlier.

Finally, there are two areas which we have studied thoroughly but which we cannot recommend for inclusion in the National Park System. The Mount Mitchell area of North Carolina is a significant natural area which contains some of the highest peaks in the Eastern United States.

However, the area is being adequately managed at present and there is strong local opposition to designating the area as a unit of the National Park System. The situation is similar at the Hagerman Fossil Beds Site in Idaho. The Bureau of Land Management, the present manager of the area, has produced a formal plan to protect the resource and the strong local support necessary for effective National Park Service management of the area does not exist.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Bob Herbst,
Assistant Secretary.●

SIXTY-FIRST ANNIVERSARY OF THE ESTABLISHMENT OF THE MODERN REPUBLIC OF LITHUANIA

● Mr. WEICKER. Mr. President, subjugation of human rights has been the existing condition in many of the Eastern European nations for almost 35 years. Lithuania, a nation of 3 million people, is one such affected nation. Our attention to this matter is of particular importance now, as this week marks the 61st anniversary of the establishment of the modern republic of Lithuania.

The American people share a deep commitment to the ideals of freedom and equality. Because of this heritage, basic U.S. foreign policy considerations are, and always have been built upon a strong commitment to the rights and self-determination of all nations around the globe. We remain committed to the basic values of human life and continue to support and defend these ideals around the world. Our efforts in this area must continue unabated.

Mr. President, we are all aware of the great injustices which have been inflicted upon the peoples of Eastern Europe at the hands of the Soviet Union, with which we are currently engaged in a range of diplomatic negotiations. It is apparent that the Soviets have disregarded previously signed and enacted unilateral accords and treaties in this area. Obviously this is a crucial point for the United States to consider when approaching subjects such as détente, economic cooperation and strategic arms negotiations.

Mr. President, if the protection of human rights is to be an effective premise of U.S. foreign policy, it is imperative that we be aware of existing violations and put that knowledge into action. We in Congress must renew our efforts to attempt to deal with these blatant human rights violations. The oppressed peoples of the world must not be overlooked in the political interaction of the major superpowers. It is our duty and special responsibility as the leader of the free world to speak up and assist, whenever possible, those nations which suffer under the yoke of oppression.●

JOHNNY LONDOFF—HUMANITARIAN

● Mr. EAGLETON. Every day, Mr. President, our newspapers are filled with stories of men and women of noteworthy achievement. Almost always, those who have achieved great things have benefited greatly from their own achievements. Self-interest is a pervasive and powerful motivator.

Only occasionally are we privileged to read who has achieved not only greatly, but also selflessly. Such a man is my friend and fellow Missourian, Johnny Londoff of St. Louis.

By trade, Johnny Londoff is an automobile dealer, and I might add that he is one of the most successful auto dealers in our State. He rose to the top of his profession on the strength of his great ability as a salesman. That same ability also has served him and his community well in his avocation, as an organizer and fund raiser for many charitable enterprises. Among these charities, Johnny Londoff is known as a "soft touch." When a charity puts the touch on Johnny Londoff, though, they do not come away with $5 or $10. They come away with hundreds, thousands, even millions, all thanks to the energy, dedication, and good-heartedness of this man.

Recently, Mr. President, the St. Louis Globe-Democrat honored Johnny Londoff as St. Louis' "Humanitarian of the Year." It was a richly deserved honor, and I ask that the Globe-Democrat article describing the good works of this distinguished Missourian be printed in the Record.

The article follows:

[From the St. Louis Globe Democrat, Jan. 16, 1979]

Johnny Londoff Wins Humanities Award

(By Mary Kimbrugh)

He could sell a jar of peanut butter to Jimmy Carter and a case of beer to Billy, wheedle a Christmas turkey and a smile out of Scrooge or trade a second-hand Edsel to Henry Ford for a 1979 Lincoln Continental and pocket the change.

As a matter of record, Johnny Londoff did sell Edsels once, not to Henry Ford but to eight fellow St. Louisans and all in the space of one weekend. It may have been the supersalesman's greatest coup.

That was in 1957. John H. Londoff, the promising young North St. Louis automobile dealer, had been given the entire North Side as his exclusive territory. When the other three St. Louis Edsel dealers folded, he had the whole town to himself.

He still lost money. Every week. But it was probably the last time.

Since then, the son of a Macedonian immigrant, trim, 5 feet 10 inches tall, his dark hair and eyes reflecting his middle European heritage, has been a Chevrolet dealer. In 1960, he moved his agency to Dunn Road in Florissant and today the little boy who worked in his dad's lounges and bowling alleys and delivered heavy cases of beer in the neighborhood for a 10-cent tip, is a well-to-do business executive. He is a civic and community leader, member of industry and agency boards, a happy husband and father and, even though he ladles out credit to others, a one-man charity blitz.

He's David Harum in a three-button suit, a born salesman with a silver tongue who long ago learned to turn gab into gold, and keeps two telephones on his desk to make sure he doesn't miss any calls. When that call is about one of his favorite charities, he's a self-admitted conman. His friends warn that when Londoff is collecting funds for one of his causes, keep your hands in your pockets and your checkbook out of sight or you haven't got a prayer.

But he also dips deep into his own.

This past June, the 200th scholarship was presented through the Johnny Londoff Chevorlet College Scholarship Program, which he established 16 years ago and personally finances.

As chief barker (president) of the St. Louis Variety Club, he has raised on his own more than $1 million of the $4 million contributed through the club's annual telethon, "The Crusade for Forgotten Children," and allocated to local children's charities. He gives the bulk of his time from October to February to the cause and holds the all-time record for the sale of $100 tickets to the Dinner with the Stars that precedes the telethon.

For his volunteer work, he has been named Man of the Year by the St. Louis Variety Club and in 1977 was awarded an International Presidential Citation by Variety Clubs International during their 50th annual convention in Monte Carlo.

He sponsors 14 Khoury League teams and has been North County chairman for Friends of Scouting. He sponsored an Invitational LPGA Golf Tournament at Glen Echo Country Club as a fundraiser for six agencies serving mentally retarded children.

He is president of the board of Holy Trinity Church in Madison, Ill., first and oldest Bulgarian Eastern Orthodox parish in America. It is a post his father, the late Harry Londoff, also held.

But exclusive franchises are for cars, not for charity. In addition to his own church activity, he is a member of the board of directors of Dismas House, a committee member of the City of Hope and Bonds for Israel, on the board of directors of the Child Center of Our Lady of Grace, and has raised funds for the Department of Special Education for the Archdiocese of St. Louis.

Add them all together and you come up with a new title for the big-hearted businessman.

Humanitarian.

Johnny Londoff, executive, community leader and activist for good causes, is the recipient of The Globe-Democrat's 20th Annual Humanities Award.

Presented to "that citizen whose entire life truly reflects the universal aspiration of mankind toward the Fatherhood of God and the brotherhood of man," the 1978 award recognizes Londoff as "special friend to special children, untiring champion of the handicapped, beacon of hope for the forgotten and unfortunate."

The award will be given, along with a $1,000 check from The Globe-Democrat, at a ceremony at 11 a.m. Monday, Jan. 29, at the Breckinridge Pavillion Hotel.

With the honoree that day will be the people closest to him: his mother, Mrs. Harry Londoff; his wife, Sylvia; his daughters and son, Laura, Linda, Jackie and John Jr.; and his sister and brother, Harriet and Harry Jr. He'll remember his dad and wish he were there to share the moment and tell him when to stop talking. And when he remembers, he just may choke up.

At 54, Johnny is as sophisticated as a cummerbund and as old-fashioned as a bathrobe. He has never left the North Side, where he was born, although he has moved west of the old neighborhood. Shortly after his marriage he built a handsome, though not palatial, house just a few doors from his mother's home and he stops by to see her and Harriet every day before he goes home for dinner.

When his father died in 1968, Johnny wrote in a special tribute:

"In Macedonian, there is a word 'dobrow chovek' which means 'good man.' This word, either in his native tongue or in English was used to describe Harry Londoff all his life . . . a good man who didn't understand a word of English. He knew only one thing, hard work. . . . His first 'business' was a candy counter with Uncle Mike in an area at Jefferson and Franklin. . . . My dad had unlimited faith in the future of St. Louis and invested his hard-earned savings in real estate. But as he moved from his hole-in-the-wall candy counter to the ice cream factory to progressively larger ventures, including two bowling alleys, a theater, a succession of cocktail lounges and several automobile agencies, his work habits were the same. He spent long hours at his place of business and was never too good for any job no matter how menial."

This, then, was Johnny Londoff's inheritance: faith in the future of St. Louis, business brains and hard work.

Johnny's dad had wanted him to go to Harvard and become a lawyer, but Harry Londoff had introduced him to the business world and it was in his blood.

Even so, a graduate of Beaumont High School and Western Military Academy, he continued his education, amassing nearly three years of credits at Washington University and in studies for two West Point appointments before he chose automobiles over the army.

At Washington U., he was a member of Sigma Nu fraternity, and he and Sylvia returned to the campus to be married in Graham Chapel.

His career had begun just after World War II. Back from service with the Marines, he was so eager to get into the automobile business that his dad gave him a financial boost.

In 1947, with $30,000 capital from the senior Londoff and more spunk than know-how, he and his sister opened a Kaiser-Frazier agency at 4718 Natural Bridge Ave.

Harriet is now active in her own businesses but his brother, Harry Jr., works with him some and Laura, 24, and Linda, 22, both graduates of Southern Methodist University, are full-time employees. John Jr., who at 8 was his hard-working, pinch-hitting "porter" during a nine-month-long labor dispute, works there during vacations and probably will be the next generation Johnny Londoff, St. Louis automobile dealer. The youngest of the clan, 18-year-old Jackie, attends school in St. Louis.

Sylvia, the slim, attractive daughter of Londoff family friends, who shared the Londoffs' European heritage, worked at the agency for a brief time after their marriage more than 25 years ago. Her career, they agree with a laugh at the memory, was terminated by mutual consent and the imminent arrival of Laura.

"She would watch me leave at 7 in the morning and I wouldn't get home from work until 10 or 11 at night. She complained about not being with me so I told her to come down and work. She answered the phone and made out the bank deposits.

"One day a banker called and said 'John your checks are bouncing all over town.'

"I told him he was crazy, that we had a sizable amount of money in the company account. He said, 'John, you haven't got a dime.'

"We started checking and found that Sylvia had been depositing everything simply to John Londoff. I had $106,000 in my personal account."

Just at that time, Sylvia became pregnant and both agreed it was time for her to stop working. Since then, the auburn-haired Sylvia, as outgoing and amiable as her husband, has been a mother and homemaker.

Their romance was, if anything, unusual. Their parents thought they would make a perfect pair. John and Sylvia weren't so sure.

"We didn't like each other at first, when we were kids," says Johnny.

"Everyone called him 'Pretty Boy,'" adds Sylvia.

"I remember the first time we went dancing, he told me, 'You sure have big feet,' I walked right off the floor and left him."

At first, Sylvia was convinced he was not only a 'pretty boy' but also a confirmed playboy.

"He could go out only on Saturday nights because he worked the rest of the time and we would stay on the east side dancing and having drinks until 3 or 4 in the morning."

But once they fell in love and decided to marry, Johnny's image as a breezy, blithe playboy changed, and Sylvia learned that, if anything, he's a workaholic. Today, he neither drinks nor smokes. He quit both, along with coffee, cold turkey.

But, despite his long hours at the office and in his volunteer work, there's always time for the family.

With his children, Johnny can be as stern as a Victorian father, as generous as a doting uncle and as sentimental as a bunch of violets. Laura and Linda sophisticated and popular girls, live at home by choice, and usually the whole family vacations together.

When each of his older daughters reached her 18th birthday, while she was away at school, he wrote a letter so sentimental that everyone, including Johnny and his secretary who typed it, cried.

"You have brought us great love, tenderness, warmth and happiness and a few headaches. But a jubilation and joy I pray the good Lord give you someday as a parent."

But, with the affection, there was also some "plain fatherly advice."

"Start off on the right foot," he wrote, "keep your cool, run slow, pray for your dad, continue to work and study industriously and try to make us more proud of you than we are (if that is possible). Drive carefully. Accept your freedom in an adult manner. Be discriminating in choosing your friends. Pray for your dad! Just strive to do your best honey, and as you often heard me say to our loveable Jackie, 'Be a lady'—which I know you are and will always be. I am so very proud to have you as my daughter!"

He also has been known to ask their boyfriends so many questions that some of them have disappeared forever.

Nightly, in a long-standing ritual, Johnny goes from room to room, kneels and prays over each of his children.

"Once," remembers Linda, "he prayed over Jackie so long that she told him to hurry up and pray faster so she could get some sleep."

Linda laughs. So does her dad. In the Londoff household, they can dish it out and they can take it.

He and his family have made special gifts to St. Mary's School for Special Children, whose director, Msgr. Elmer H. Berhmann, received the 1977 Humanities Award. But Londoff's public charity is not limited to one agency or institution. He wants to help all children.

That's why, one day in his office, he got the idea of his scholarship program.

"It was really no big deal. I had had a pretty fair year in 1962 and so I called the principal of McCluer High School right across the street and offered to give $1,000 for some student to go on to college.

"He came to see me a few days later and asked if I would make that four scholarships of $250 each for the Junior College which was just then starting. He said that would give four young people a foot in the door and, if they were the right kind, they'd find a way of staying there."

It was supposed to be a one-shot deal, but Johnny just couldn't give it up. The program was expanded and today, the recipients attend schools throughout the country.

"I can't tell you the letters I have received. You would think I had given them $250,000 instead of $250—and incidentally, that has now gone up to $300. Sometimes a child will feel that he was bypassed and cheated because he never had an opportunity. But if you give him that opportunity and he finds he isn't college material at least he will know it instead of thinking all his life he could have made it with the right opportunity, and condemning parents or society or whatever."

Londoff has nothing to do with the selection. He is told what school the recipient will attend and sends the money directly there.

Often, years later, he has run into one of the winners who has told him how much the assistance meant in his life. Many are now St. Louis business people and some have gone on to become doctors or lawyers.

But Johnny is also an impulse giver, points out one associate. If his heart is touched, his billfold will be, too.

"Once he heard of a family which needed help at Thanksgiving. He pulled out $75 and sent two of us over to the supermarket to buy food."

He admits he could be taken in by a sad story. But that doesn't hold him back.

"I really feel," he said, "no one is going to ask for help who doesn't need it."

One day Londoff received a letter that was destined to change the lives of many more thousands in need of help. It was form Joe Simpkins, chairman of Tiffany Industries Inc., recipient of the 1972 Globe-Democrat Humanities Award and at that time chief barker of the Variety Club. The letter was an invitation to join.

"I accepted," says Londoff. "It probably was the best thing I ever did."

It meant that the supersalesman would give young people not only a foot in the door but a second chance at a good life.

He does much of it over the telephone and the luncheon table.

Londoff makes more calls than a houseful of teen-agers or the town gossip just back from the beauty shop. Put him up in front of a public meeting and he's as jittery as a 12-year-old on his first formal date. But hand him a telephone and he becomes the sweetheart of Ma Bell and a one-man benevolent boilerroom.

On his paper-laden desk is a yellow pad, methodically filled with names of individuals and corporations and suggested pledges. They're checked off as they promise to give —and Johnny isn't about to hang up until he hears the magic word.

He usually hears it, too.

"Most people want to help. If I could sell cars like I can sell tables and ads for the program, I'd have so much money of my own that I wouldn't have to go after pledges. I could just buy out the whole Khorassan Room and give it away."

As it is, he personally sells at least half the tables that are bought for that special extravaganza.

When the Chase-Park Plaza, for 24 hours of show time and charity, it transformed into the Palace on the Mississippi, the self-confessed ham with the heart of a hoofer is a stagedoor Johnny, as gleeful as a Broadway investor reading first-night rave reviews.

He not only signs up pledges. He signs up the stars. And his favorites of all who have appeared on the show are Monty Hall and Carol Lawrence.

"They are a special breed," he says.

Their household is a blend of discipline and easy-going cameraderie. Londoff religiously does his 75 push-ups every day and rides three miles on his stationary bicycle to keep his weight at 155. He's a meticuluous dresser, with so many suits that he may wear one of them only four times a season, and he can't stand to see anything out of place.

But he's a martinet with a marshmallow heart and his love for his family, says one good friend, is like a pebble dropped into the water.

"It just keeps on going out and out and encircling more people."

Still, when he's mad, he can turn into a bulldog. That's what happened in his church a year or so ago when a schism developed and a priest was threatened with ouster.

Johnny didn't like the odds.

"He couldn't defend himself," he says.

Londoff even went to court to help get a permanent injunction.

Now that the matter has been settled legally, Londoff is like a Macedonian Henry Kissinger, a diplomat helping to heal the painful wounds.

Come to think of it, the supersalesman of cars and charity probably could sell Kissinger an airline ticket—and give the money to one of his causes.●

SEVEN LEAN YEARS

● Mr. GOLDWATER. Mr. President, President Carter and the leaders of his administration would like the world to believe that the conclusion of a SALT II agreement and its subsequent ratification by the U.S. Senate would be a cause for rejoicing, that it would greatly enhance the prospects of peace in the world and contribute greatly to a reduction in the international arms race.

A recent article in the Economist magazine claims that there is no cause for rejoicing. It explains: "For a mixture of reasons, ranging from the nuclear weakness Mr. Jimmy Carter inherited on becoming President 2 years ago to his own failure to bargain adamantly enough since then, the SALT II treaty . . . which is designed to last until the end of 1985 could be the beginning of seven singularly dangerous years."

Mr. President, I ask that this editorial entitled "Seven Lean Years" be printed in the Record.

The article follows:

[From the Economist, Dec. 30, 1978]

Seven Lean Years

An eve-of-Christmas near-agreement between Russia and America about nuclear weapons, with the last details almost certain to be wrapped up in the new year, might seem occasion for rejoicing. It is not. For a mixture of reasons, ranging from the nuclear weakness Mr. Jimmy Carter inherited on becoming president two years ago to his own failure to bargain adamantly enough since then, the Salt-2 treaty which Mr. Cyrus Vance and Mr. Andrei Gromyko carried to the verge of completion in Geneva on December 23rd, and which is designed to last until the end of 1985, could be the beginning of seven singularly dangerous years.

THE ROCKS AHEAD

The relatively minor problem the Salt-2 negotiators have been quibbling about all through 1978—the treaty was originally supposed to be ready by the time Salt-1 ended in October, 1977—seem to be coming out rather more in Russia's favour than America's (see the box overleaf). But none of these affects the core of the Salt-2 agreement. The disturbing basic shape of that agreement was settled in the first wavering year of the Carter administration. It points to three large future problems.

1. On the surface, the proposed new treaty is neatly balanced; but it conceals, just under the surface, a large imbalance in Russia's favour. The supposed superiority of the Salt-2 agreement—compared with the first Salt deal in 1972, which merely froze the Soviet lead in missile numbers at the time—is that it lays down exactly equal permitted totals for each side; 2,250 nuclear launching vehicles of all kinds, of which 1,320 can carry Mirv multiple warheads or cruise missiles, and so on down through the various sub-sections.

But in fact, whereas the current Soviet missile-building programme will have no difficulty in filling most of the permitted totals, the existing American armoury and present American building plans mean that by 1985 the United States will be behind Russia both in the overall total and in some of the most important sub-categories. (The most striking example is "modern large" missiles, where the Russians will be allowed to keep their 308 huge 10-warhead SS–18s but the Americans will have none at all.) Anyway, this deceptive equality in simple numbers also conceals a growing Russian advantage in other aspects of nuclear power. This second-level Soviet advantage is a result of the fact that the Russians are building several land-based missiles bigger than anything the Americans possess, which can carry a much larger explosive load. By 1985, the Russians could have a lead of more than 3 to 1 in the total number of megatons that can be dropped on the other side, and 7 to 1 in megatons carried in land-based missiles; in consequence, a lead of 3 to 2 in their ability to destroy protected targets, such as missile silos; and a lead of more than 2 to 1 in their ability to destroy unprotected targets, such as cities.

Even if these figures were not militarily important (and they are: see point three), they would have unpleasant political consequences. The allies of the United States have got into the habit of measuring its ability to protect them against Russia by totting up the units of American nuclear power. That is the "nuclear umbrella". If that power is seen to be getting smaller than Russia's, one spoke of the umbrella after another, public opinion in these allies will grow more nervous about the value of American protection; and nervousness could crack the alliance.

2. The most dangerous place for such mistrust to grow is western Europe. The second major criticism of Salt-2 is that it has managed to increase Europeans' doubts about America most of all.

The planned treaty, while setting limits on the number of missiles Russia can aim at America, says nothing about the growing number of missiles it points at western Europe, especially the powerful new SS–20; and the only reference to Russia's Backfire bomber will apparently be some sort of Soviet "assurance" (outside the treaty itself) that this Europe-busting nuclear-bombing aircraft will not be used to bust America too. This hardly encourages the Europeans. They are not reassured by the fact that the American-designed cruise missile, which could be one way of equaling things may be denied to them under the Salt–2 clause which says that neither side may do anything to "circumvent" the treaty. The Americans say this should not prevent them providing the Europeans with the knowhow, and maybe some of the parts, to make the cruise missile; but Russia says flatly it will prevent just that.

The Europeans also find it worrying that the kinds of cruise missiles most useful to them—the ones launched from ships or from the ground—will be limited to a feeble 375-mile range by the protocol which will regulate a few particularly tricky problems during the first two or three years of the general treaty. They suspect that when those two or three years are over Russia will try to bully Mr Carter or his successor into prolonging the protocol, and with it the range restriction, and they are not confident of Mr Carter's ability to defy Russia. All in all, Mr Carter may discover at the Guadeloupe summit next Friday that the Europeans are not comforted by the suggestion that "your problems will be dealt with in Salt-3"—after 1985.

3. But the biggest problem with Salt-2, the wobbly cornerstone which makes the whole structure tremble, is that it may leave the United States itself vulnerable to a surprise Russian attack.

By the early 1980s, the growing number of increasingly accurate warheads Russia can pack into its huge missiles will put it in a position of being able to destroy virtually all of America's land-based missiles in a single half-hour cataclysm, while still keeping quite a lot of its own missiles in reserve, ready for a second blow. (By comparison, the Americans could probably knock out only about two thirds of Russia's land-based missiles in a similar first strike of their own.) If that Russian first strike did happen, an American counter-attack against the Soviet missile system would have to depend mainly on the aircraft-carried cruise missiles permitted under Salt-2, which would take 10 hours to trundle towards their targets—and even then would destroy not much more than half of the Soviet launching silos.

This is not "parity". It is often said, quite correctly, that even with these advantages the Russians would probably not press the button for the unimaginable ghastliness of a nuclear exchange. This misses the point of nuclear mathematics. The point is that the Russians would not have to. If they know that even a theoretical exchange of Soviet first strike and American counter-strike would leave them with more surviving missiles, which would then hold America's cities hostage, they would know that the American president would know it too; and that he would be paralysed by his knowledge as the grisly game of bluff and counter-bluff moved closer to button-pressing point. This is the political reality behind the apparently abstract calculations of who-would-have-more-missiles-left.

HOW IT WENT WRONG

It is by no means entirely Mr Carter's fault that Salt-2 is now carrying the west towards these three rocks. The first Salt agreement, in 1972, set limits on the number of missiles the Russians could build but not—the heart of the present trouble—on the size of those missiles. In the years after 1972, while the Russians were testing and then deploying their new giants, the Americans were so mesmerised by Vietnam and Watergate that they failed to spot the danger and start an adequate new missile-building programme of their own. Mr Carter went into Salt-2 with this inherited weakness. Nevertheless, he could have made things better—or less bad—if he had stuck to his original demand of March last year that the Russians should halve the number of their very biggest SS–18 missiles. Instead, the Russians shook their heads and he backed down.

SALT TILTED, EVERYTHING TILTED

The nuclear balance, or imbalance, is the starting-point of every international political calculation. But there are other factors at work, too, which could tip the balance even more steeply against the west.

There is the competition in non-nuclear military power, where Russia is also trying to establish its claim to be primus inter pares. In central Europe the Russians are already ahead of the Nato allies in several of the main things by which non-nuclear strength is measured, and the 3%-a-year increase in Nato defence spending which was meant to restore the balance is now threatened by Mr. Carter's desire to cut the next American budget. Even if Nato's 3% is saved, it may be at the cost of cutting the "non-Nato" part of the American defence budget (if such a distinction is in fact possible), which would make America weaker in the world outside Europe. But the loss of the old American nuclear superiority makes it even more necessary for the west to match the Russians in non-nuclear forces anywhere, if it is not to find itself faced down in one local confrontation after another.

There is also the matter of what can only be called political-military will. The Russians have, among their allies, a Cuba willing to keep 40,000 or more troops in Africa and south-west Asia, a Vietnam content to have put its army across the Cambodian border, an East Germany lavish with "advisers" in foreign parts; and in Russia itself, a public opinion that is no obstacle to the generous distribution of Soviet military aid between Kabul and Luanda. The lone example of Mr. Giscard d'Estaing's France apart, can the Americans find among their allies—or in themselves—even a fraction of the countervailing political-military will that may be needed in the next seven years?

It is not possible to stop the Soviet Union from expanding its military power: guns, after all, are the one thing the Soviet economy is good at. It is estimated to prevent that Soviet expansion proceeding to the point where it controls the commanding heights, nuclear or non-nuclear. There are still things that can be done to avoid that. The American senate may insist, as the price of its ratification of Salt-2, on an acceleration of the new mobile missile the treaty allows America to build, and other measures to shorten that dangerous period of American first-strike vulnerability. The 3% increase in general Nato defence spending may be rescued, and its benefits not confined to Europe. But unless something is done to block the trend, the coming years are going to be the roughest the west has yet faced against Russia.●

APPOINTMENTS TO THE NATIONAL ALCOHOL FUELS COMMISSION

● Mr. BAYH. Mr. President, I am pleased to announce that on January 31, the congressional members of the National Alcohol Fuels Commission, which I chair, were appointed.

My bill S. 2400 establishing this Commission was incorporated into the Surface Transportation Assistance Act in the closing days of the last Congress. The Commission will have 19 members—12 from the Congress and seven public members, representing the fields of industry, labor, agriculture, small business, and consumer affairs, who will be appointed by the President shortly.

Mr. President, I am extremely optimistic about the potential of alcohol fuels in this country. They represent a way to use domestic renewable resources, such as agricultural products and even urban wastes, to lessen our dependence on fossil fuels and on foreign suppliers. Gasohol—a 90-percent gasoline/10-percent alcohol blend—is a prime example of how alcohol fuels can be used to stretch our present energy supplies. Gasohol is being used successfully in automobiles without modifications to the engine, and is being sold in more and more locations throughout the country.

I would like to emphasize, Mr. President, that the National Alcohol Fuels Commission does not represent another layer of bureaucracy which would only serve to hamper the development of this resource. Instead, the panel will make a year-long study of alcohol fuels, their potential end-uses, and ways in which the Federal Government can assist the private sector in their development. After this study is completed, the Commission will end.

Mr. President, I am hopeful that we will soon be able to get the Commission underway, and I am looking forward to working with those of my distinguished colleagues who have been appointed to serve. In accordance with the language of Public Law 95-599, two members each have been appointed from the Senate Committees on Appropriations, Agriculture, and Energy, and two each from the House Committees on Appropriations, Science and Technology, and Agriculture. The Senate members, appointed by the President pro tem, are: Myself and the Senator from Oklahoma (Mr. Bellmon) from Appropriations; the Senators from South Dakota (Mr. McGovern) and Kansas (Mr. Dole) from Agriculture; the Senators from Idaho (Mr. Church) and Oregon (Mr. Hatfield) from Energy. The House members, appointed by the Speaker, are: Congressmen Robert Roe from New Jersey (who will be vice chairman) and James Blanchard from Michigan, from Science and Technology; Congressmen Bill Alexander from Arkansas and Robert Michel from Illinois, from Appropriations; and Congressmen Daniel Glickman from Kansas and Thomas Hagedorn from Minnesota, from Agriculture.●

SECTION 504, REHABILITATION ACT, AND THE NATIONAL ENDOWMENT FOR THE ARTS

● Mr. JAVITS. Mr. President, section 504 of the Rehabilitation Act of 1973 is recognized throughout our Nation as landmark legislation which affirmed the Federal Government's commitment to equal opportunity for the handicapped. After considerable discussion over regulation, section 504, which states "No otherwise qualified handicaped individual in the United States * * * shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," is beginning to be implemented in Federal agencies and federally supported programs.

The National Endowment for the Arts has worked diligently to insure that the arts are accessible to handicapped individuals throughout America. Livingston Biddle, Chairman of the Arts Endowment, has written me outlining the efforts made by the endowment to assist arts organizations in providing the handicapped equal opportunity for participation in the arts. I commend his letter to my colleagues and ask that it be printed in the Record.

The letter follows:

January 17, 1979.

Hon. Jacob K. Javits,
U.S. Senate, Washington, D.C.

Dear Senator Javits: I want to take this opportunity to report to you on the National Endowment for the Arts' progress concerning nondiscrimination of the handicapped and the promuglation of new regulations to implement Section 504 of the 1973 Rehabilitation Act.

Since the passage of the 1973 legislation, the National Council on the Arts has passed two resolutions urging arts organizations to include the handicapped in their programs. Since 1974, the Endowment has had the National Arts and Handicapped Information Service provide information and conduct research on arts programs for the handicapped. Materials from the Service have been widely distributed throughout the country to individuals and organizations representing the arts and the disabled. Copies of the Service's recent materials are enclosed for your information.

In 1976, the Endowment created the new position of Coordinator of Special Constituencies with primary responsibilities for advocacy with arts organizations to encourage them to develop ways of including the handicapped, older adult and institutionalized populations in their programs. As well as initiating an advocacy program, the Coordinator has been able to provide information and direct technical assistance to many Endowment grantees seeking to serve special constituencies.

Early in 1978, the Endowment convened a task force composed of Endowment panel members and handicapped individuals to review our proposed regulations and to suggest ways the Endowment could be of most assistance to its grantees during the compliance period. In June, the proposed regulations were mailed to 8,000 arts organizations for comment. This was done to alert them to their new responsibilities for nondiscrimination of the handicapped, as well as to permit them ample opportunity to respond to the draft regulations. The Endowment's final regulations will reflect their comments.

Recognizing that the 504 issue is primarily one of communicating grantee's responsibilities and how they can comply,. the Endowment has initiated a technical assistance program which was endorsed by the National Council on the Arts at its December meeting. The elements of this technical assistance are:

1. Printed technical assistance brochures will be mailed to Endowment grantees and arts organizations one month prior to the issuance of the Endowment's final 504 regulations. One brochure will be directed to visual arts organizations, the other brochure will be directed to performing arts organizations. These materials will contain practical information on how to plan for and implement compliance, visual illustrations of solutions to common architectural and program barriers, and other pertinent resource information.

2. Training seminars will be conducted by the Endowment for a) Endowment Regional Representatives; b) State Arts Agency Directors and staff; and c) art service organization directors and staff.

These seminars will be held in January and February 1979.

3. Slide shows for each of the major art discipline areas will be prepared for use by arts organizations. These slide shows will be accompanied by a tape cassette and will visually illustrate compliance planning and implementation.

4. The Endowment will make every effort to make presentations to all the annual meetings of art service organizations to communicate the substance of the regulations and how to comply.

5. The Endowment will be prepared to give telephone ("hot line") assistance to individual inquiries.

6. Materials from the National Arts and Handicapped Information Service such as information on "Technical Assistance" and "Funding Sources" will be updated. In fact, the "Technical Assistance" materials have already been updated and are available. The "Funding Sources" materials will be updated shortly.

In addition, the National Council on the Arts has set aside $200,000 to encourage arts organizations to research and implement new ways of making their programs accessible to physically, sensory and mentally impaired individuals. The first grant to be awarded for an Accessible Arts Model Project is to the Buffalo Philharmonic Orchestra to experiment with ways of amplifying its music to accommodate hearing impaired audiences. The purpose of these demonstration projects is to experiment with new ways of making existing Endowment supported programs available to the handicapped. The findings can, in turn, be shared with other grantees. I believe the results of these Accessible Arts Model Projects not only will be very exciting, but will also have direct application to other fields, such as education.

I trust this information is useful to you. If you have any questions concerning the Endowment's initiatives for ensuring that the arts are accessible to the handicapped, please do not hesitate to contact me.

Sincerely,

LIVINGSTON L. BIDDLE, Jr.,
Chairman.●

ROBERT G. VIEHMAN: A SPECIAL KIND OF VOLUNTEER

● Mr. EAGLETON. Mr. President, we read and hear so much these days about the so-called "me generation," it is refreshing to hear about those Americans who are dedicated to helping others. One such person is Robert G. Viehman, of St. Louis, Mo., who—along with his wife and 12-year-old son—spent 9 weeks last year in Thailand helping the Bank of Agriculture and Agricultural Cooperatives of Bangkok streamline some of its credit and accounting procedures.

The Viehmans traveled to Thailand as part of a program sponsored by the Volunteer Development Corps, a private, nonprofit organization established in 1970 to provide short-term technical help to cooperatives in the developing countries. Mr. Viehman was selected, because of his expertise in the field of farm credit. Mr. Viehman is the coauthor of the widely used accounting manual now in use throughout the nationwide farm credit system.

While in Thailand, Mr. Viehman introduced several new systems to the 58 branch banks of the Bank for Agriculture and Agricultural Cooperatives of Bangkok. Among these were a shortwave radio system which permits quicker and more efficient communications between the branches, and an electronic data processing system which greatly improved the efficiency of the collection of statistical data within the bank.

Mr. President, I know that the Viehman family found this a rewarding and fulfilling experience and that they made many fine friends during the 9 weeks they spent in Thailand. I know, too, that the bank officials in Bangkok are grateful for the invaluable assistance Mr. Viehman provided them. I think it is a tribute to the Viehman family that they were willing to take on this volunteer project and give so generously of their time and energies. The world is a better place for people like the Viehmans, who are so willing to reach out to others.

Mr. President, Mr. Viehman prepared two detailed reports of his accomplishments in Thailand, and I ask that they be printed in the RECORD.

The material follows:

OCTOBER 9, 1978.

DEAR MR. CHAMLONG: Since my arrival in Thailand four weeks ago, I have been privileged to visit 2 branch banks and 2 district field offices. With the able assistance of Sompop and Prim, I have observed the operation and conversed at great length with management and staff of these offices. I have learned much. Here at headquarters I have held lengthy conferences with department heads of Planning, Budgeting, Working System Development, Accounting and their Staff personnel and also EDP personnel.

The following abbreviated outline of topics is set forth, in my opinion, in the order of importance and expediency on which I will further expound in our conversation today:

A. BRANCH BANKS

1. Improve service to farmer patron. Do required recording and posting work after all farmers have departed the bank for the day.

2. Improve and develop the member relations between farmer and branch and district field office.

3. Develop a "work team" operation which will permit the branch bank to meet unusually heavy activity; e.g., when a very large number of farmers are requesting advances of funds on their loans, the extra help can be shifted from their regular routine duties to assist in processing the farmers through expeditiously.

4. Consolidate receipt records wherever possible; e.g., combine the interest receipt with loan payment receipt, etc.

5. Adopt a numerical control number on the daily activity records; i.e., deposits, withdrawals, loan advances and repayments.

6. Improve the security in the cashier's department by having constructed a cage or screening around the cashier's desk area.

7. In branches with exceptionally large number of patron loans, the use of a bookkeeping posting machine(s) could handle all the daily activities of both the banking and loan departments.

8. Report only the daily changes that occur in the trial balance accounts. The headquarters bank could update preparing new daily trial balance from these changes.

9. If short wave radio is adopted, the recording on cassette tape would be made only on the trial balance accounts that have had activity that day.

10. If a branch bank has more farmers than it can process through before noon on the average day, consideration should be given to establishing a sub-branch bank.

11. A team composed of manager, assistant manager, credit manager and chief accountant collaborate to ascertain their branch bank's reserve for bad debts, using the new reserve for bad debts form but not using the headquarters suggested percentages.

B. AUDIT OF FIELD BRANCHES

1. The role of auditor and/or credit reviewer be broadened in scope to encompass:

(a) Personnel evaluation.

(b) Security evaluation.

(c) Adequacy of branch's accounting system.

(d) Work flow and processing evaluation.

(e) Effectiveness of new innovations recommended or adopted by the branch bank.

(f) Credit quality.

(g) Adequacy of the branch's "reserve for bad debts" estimations.

2. Recommend that both the auditor and the credit reviewer assign a "scoring rate" to each of the branch banks and each of the branch bank's district field offices both as to accounting and/or credit.

C. BAAC HEADQUARTER BANK

1. Radio communications center be established to receive from and to transmit to the branch banks daily:

(a) Accounting date.

(b) Bank balances information.

(c) Any and all other necessary types of communication.

2. A Uniform chart of accounts be adopted by headquarter bank and all the branch banks. The uniform chart of accounts be assigned numerical identification numbers (account numbers) which can readily be adaptable to hand posted record keeping, machine accounting or EDP.

3. The daily short wave radio transmissions received from the branch banks on the daily accounting activities be recorded on cassette tape as well as posted on ledger sheet by the receiving operator. The cassette tape and hand posted record can be passed to accounting department for an update of the branch's trial balance accounts.

4. A pilot program be adopted in conjunction with the university wherein a program for EDP is tested for the compiling of trial balance account information.

5. Headquarter bank compile and evaluate the 58 branch banks' "reserve for bad debts" calculations to produce a consolidated report. This would be a once a year project. The adjustment—plus or minus—would be amortized over 12 months.

6. A top management study team composed of a selected representative from each of the four major departments would evaluate the confidential auditor/credit examiner report and condense said report for top management's evaluation. They will also recommend any new innovations in use by the audited branch which, in their opinion, should and/or could be adopted at all branches. Their recommendation, if approved and endorsed by top management, would become an order that would be carried out by the "regional training teams", who will see that the branches in their regions are trained and the change put into practice.

Respectfully submitted,

BOB VIEHMAN.

OCTOBER 27, 1978.

MR. CHAMLONG: As my last working day at the Bank of Agriculture and Agriculture Cooperatives, October 31, draws near, I would like to discuss with you the many new programs from the October 9th outline that are presently in process of implementation by your fine, capable staff.

For discussion purposes, the topics or programs in process are, for reference, indexed to conform with my outline of October 9.

BRANCH BANKS

Item No. 3: Develop a "work team" operation which will permit the branch bank to meet unusually heavy activity. E.g., when a very large number of farmers are requesting advances (or making payments) of funds on their loans, the extra help can be shifted from their regular routine duties to assist in processing the farmers through expeditiously.

(a) The concept of a "work team" has been fully developed and written up with flow charts and operating procedures by Mr. Sompop Panprapakorn of the Working Systems Development Division. Mr. Sompop's report now awaits upper management's review and concurrence before implementation. Present plans are that within the week personnel from the BAAC will go to Chieng Mai; and, with the branch bank management's assistance, the "team" will be trained. This team will be utilized in the daily ongoing operation of that branch bank. It is also anticipated that the "work team" concept will be presented and thoroughly explained to all the chief accountants during their meeting at Chieng Mai. A copy of the work flow chart and operating procedures can be given to each chief accountant; and they, as a group, can witness the "work team" in action. The chief accountants, having seen the "team" in action, will be able to envision a like team at work in their own branch banks.

(b) In all probability, there are many work areas in both the BAAC and branch banks where a sporadic, unusually heavy work activity occurs and temporary additional help can be effectively utilized. The "work team" can be a satisfactory solution to this type of problem.

(c) Most clerical employees who are engaged in routine work will usually welcome a temporary change in their regular work routine. Also, being proficient in an additional area of the bank's operation makes the individual a more valued employee.

Item No. 8: Report only the daily changes that occur in the trial balance accounts. The headquarters bank could update and prepare a new daily trial balance from these changes.

(a) The operational procedures and new trial balance forms are presently being compiled by Mr. Sunan Sakulkarn, Mrs. Ngaokae and their staff. The new procedures will be thoroughly explained to the operational staffs of both the branch bank and BAAC. When they are familiar with both the operation and the routine, the change will be put into effect.

(b) The information in Item No. 8 (a) will be demonstrated at the Chieng Mai chief accountants meeting. The procedures and operating instructions, together with the new accounting forms, will be given to each chief accountant at this meeting.

(c) With the adaptation of the new accounting forms and the simplification in preparing these forms, together with a reduction in the number of items reported to the BAAC, a savings in time for the accounting department at the branch bank should be effected.

Item No. 9: If short wave radio is adopted, the recording on cassette tape would be made by the BAAC on the trial balance accounts of the branch banks that have had activity that day.

(a) Preparations are presently being made by the BAAC to demonstrate, at the chief accountants meeting in Chieng Mai, an actual transmission of accounting data from the branch bank to the BAAC accounting department using the high frequency solid state broad band radio.

(b) Future considerations should be given to the use of a cassette recording and transmission device; i.e., a small dictating machine that could be used to record the daily trial balance changes in data and replayed aloud into the radio when transmitting daily to the BAAC accounting department.

This cassette, so recorded, could be kept for short period (possibly two weeks) as a proof of transmission to the BAAC. Later this tape could be reused again and again. Daily the branch bank's accounting department could use the cassette to record information as soon as they have completed their daily trial balance work; and it would be ready, awaiting the assigned time to transmit to the BAAC accounting department.

(c) Further use of the radio receiver/transmitter would be for communications of a general type between management personnel of the branch bank to the BAAC and/or other branch banks in the system. There are certain modifications to the radio/transmitter that can be added where a conversation between two people can be a "private conversation".

The useful life of the radio equipment is conservatively estimated to be 15 years. The cost of the radio equipment should be fully recovered in 6 to 7 years by the savings realized in long distance telephone and telegraph charges.

(d) A future consideration in the use of radio receiver/transmitter would be the installation of a similar device, of a less powerful type, in the district field offices and subbranch banks.

(e) If at some future time management desires to have all the credit activity occurring that day transmitted and recorded in the BAAC's EDP computer, the use of a cassette tape recording of said data could be transmitted from the branch bank to the BAAC and re-recorded on their cassette recorder for entry into the EDP computer for updating of individual borrower's loan accounts.

BAAC HEADQUARTER BANK

Item No. 1: Radio communication center be established to receive from and to transmit to the branch banks daily:

a. Accounting data.

b. Bank balances information.

c. Any and all other necessary types of communication.

(a) Assuming that the "pilot program" with the Chieng Mai branch bank proves successful, the BAAC's departmental management staff will collaborate in preparing a report for top management's evaluation recommending establishing a "Communication Center". Their report will contain recommendations in the number and kind of radio receiver/transmitters that would be in use at headquarters. Also, in detail, the uses that can be made of said equipment and how the bank's staff will operate this equipment.

(b) The transmission of accounting data from the branch banks to BAAC, reporting only the daily changes that have occurred in the trial balance accounts, will be recorded by the operator at headquarters bank on new trial balance forms as the transmission is being received. Also, this same transmission will be recorded on a cassette tape which will be used as a further check in the accuracy of the clerk's hand recorded data. This tape will be kept for a reasonable period for proof of the prepared form, then reused again. Daily data just received from the branch bank will be processed through the BAAC's accounting department, where the new updated trial balance will be prepared on the new forms (presently being developed) and dispatched to management personnel. A machine copy of the daily changes in the branch banks' trial balance accounts will be sent to the EDP key punch department where IBM cards will be made and sent to the computer for an updating of the accounting data and records.

(c) The branch banks will report to the BAAC their bank balance information. Said information, upon being received, will be promptly given to the appropriate management personnel.

(d) The operation of the "Communication Center", a service to all management in the BAAC system, should, in my opinion, not be the direct responsibility of any one department, but should be in the "general services" activity.

(e) The "Communication Center" will make arrangements for the personal radio calls of management staff at BAAC to the management staff of the branch banks, and also transfer of personal radio calls from the management staff of the branch banks to the management staff at BAAC. All of the conversations in the personal calls will not be overheard by the radio operators or other radios.

(f) If management should, at some future time, desire to have all the credit information on the individual borrowers' accounts kept on the computer and updated daily, this could be easily accomplished through the use of your "computer center". Ref. Item #9 (e).

(g) For future considerations, there are presently on the market many devices that can be utilized with your radio receiver/transmitter. These devices can give further capabilities to this equipment; e.g., the equipment can be in use 24 hours a day. It can receive data, on tape, automatically from branch banks which could be transmitting automatically during the night information that had been pre-recorded on cassette tape.

Item No. 2: A uniform chart of accounts to be adopted by headquarter bank and all the branch banks. The uniform chart of accounts be assigned numerical identification numbers (account numbers) which can readily be adaptable to hand posted record keeping, machine accounting or EDP.

(a) The assigning of account numbers to the general ledger accounts and their related subsidiary accounts has been accomplished by Mr. Sunan Sakulkarn, Mrs. Ngaokae Sapitakm and the able assistance of their staff member, Miss Premchitra Khadee.

The assigning of identification numbers to the general ledger accounts of the BAAC's and branch banks' accounts will enable all of the system's accounting records to be recorded in identically the same manner whether the records are on a hand posted system, a machine accounting system or an EDP computerized system.

(b) The management of the accounting departments will have a report prepared for the chief accountants meeting in Chieng Mai, which gives full explanation to account numbering system and how it is to be used in their branch banks. An explanation will be given as to "why" the BAAC has adopted the account number method of identifying the general ledger accounts. Explanation will also be given to why certain accounting forms have been slightly modified, together with a demonstration of the proper use of these new forms.

Item No. 4: A "pilot program" be adopted in conjunction with the university wherein a program for EDP is tested for the compiling of trial balance account information.

(a) Since our conference of October 9, BAAC employees, Mrs. Somnung Fongsarun, Miss Premchitra Khadee and I have conferred with Miss Natchavee Kunaporn, a systems analyst at Chulalongkorn University, to ascertain the capabilities and the availability of the university's computer to accept the BAAC's entire chart of accounts together with the chart of accounts of all the 58 or more branch banks, and the daily update of each account which has an activity. Also to prepare, if requested, a consolidated (all branches) trial balance.

We were told that this could be accomplished for a very nominal costs; and also that the program had already been compiled and tested by Mrs. Somnung Fongsarun.

(b) We further explored future uses that the BAAC may choose to make of the computer; e.g., could the university's computer accept, store and update information on over a million individual borrowers' loan accounts. We were assured that with the capacity of their IBM #370 computer this would pose no problem.

(c) At the conclusion of our conference at the university we asked that with the entire accounting chart of accounts and their updated daily changes, could the computer be programmed to compile accumulation of data on each account so that meaningful management reports could be prepared on a monthly and yearly basis. We were advised that the computer could be so programmed. We further asked if programs of a similar nature could be made from the million individual loan accounts where computerized. Again, the answer was in the affirmative.

(d) A week after our conference at the university, a conference here at BAAC was conducted by a representative from the university's computer department to familiarize the BAAC's staff in the accounting and planning departments with the process and capabilities of the computer.

(e) At the present time, Mrs. Fongsarun is working on a program for the payroll department wherein certain statistical information can be compiled.

(f) It would be my personal recommendation that should the BAAC decide to embark upon any EDP program the EDP program be made a tool of the planning department to gather statistical data for reports to be used in planning, forecasting and budgeting. In conclusion, I would like to make the following recommendations:

1. When a pilot test program proves successful that it be put into operation for the entire BAAC system as quickly as possible.
2. If management should decide to embark upon an extensive EDP program, beyond the chart of accounts for the trial balance records, they contact the Washington offices of VDC, ACDI or AID to make arrangements for a BAAC management staff member to visit, say for 2 weeks, with a district Farm Credit Bank (hopefully St. Louis) to observe the computer programs in operation and to understand the capabilities of the computer.
3. When the numbered general ledger accounts have been put into effect and are operating satisfactorily, consideration should be given to compiling a complete accounting manual wherein each of the general ledger accounts in use is fully described. I have left with the accounting department a copy of my bank's old accounting manual, and have written to my superior to mail a copy of the new Farm Credit Banks accounting manual to BAAC. These manuals can be used as guides when preparing a BAAC accounting manual.

The 52 days that we have spent in Thailand will always remain in our memories as some of our most pleasant days on earth. We have come to love Thailand, its wonderful people and customs.

I do so regret that I cannot be here to witness the many new programs that the BAAC management and its capable staff will be putting into effect in the foreseeable future.

Respectfully submitted,

BOB VIEHMAN.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, on February 16, 1918, the Lithuanian people declared themselves free of the domination of czarist Russia, ending centuries of tyranny and persecution. Today, 61 years later, this event is being celebrated by Lithuanians throughout the world.

The people of Lithuania, however, are once again laboring under the yoke of Russian tyranny. While giving lipservice to the concept of human rights, the Soviet Union has failed to follow the principles set forth in the Helsinki Agreements. Instead, it has repeatedly violated the individual rights of Lithuanian citizens, and at the same time has denied the rights of the Baltic peoples to self-determination.

While there are many outstanding examples of those who have stood up to this oppressive Soviet rule, I would like to single out two Lithuanians for their exceptional bravery.

Viktoras Petkus, who has dedicated his life to the struggle for Lithuanian self-determination, has been once again sent to jail. His crime?—Mr. Petkus was part of a committee attempting to monitor Soviet compliance with the Helsinki Agreements. Mr. Petkus now languishes in the same jail as fellow political prisoner Anatoly Shcharansky.

BALYS GAYAUSKAS

Balys Gayauskas, who has already spent 25 years in jail for his activities in support of a free Lithuania, was arrested and sentenced to 10 years in jail, followed by 5 years of exile. While in prison, Mr. Gayauskas has given further evidence of his tremendous courage by joining the Helsinki Monitoring Group.

LITHUANIA'S STRUGGLE CONTINUES

With brave citizens such as Mr. Petkus and Mr. Gayauskas leading the way, the Lithuanian people continue to struggle for liberation from Soviet tyranny. In December a committee was formed to defend the rights of Catholic believers, and the publication of underground literature continues to flourish in Lithuania.

CALL TO THE UNITED STATES

We in the United States would be remiss if we did not do what we can to aid the people of Lithuania in their quest for freedom. In order for the underground press in Lithuania to remain effective we must insure that they have access to information from Radio Free Europe, Radio Liberty, and Voice of America.

HOPE FOR THE FUTURE

I remain convinced that with the courage and determination of the Lithuanian people their freedom is inevitable. A pursuit as vigorous and unyielding as their quest for self-determination and religious and political freedom cannot be thwarted, for the power of freedom is irresistible.●

OMB REPORTS ON COMPUTERS, TELECOMMUNICATIONS

● Mr. RIBICOFF. Mr. President, the Office of Management and Budget, which sets policy and fiscal priorities for computer operations in Federal programs, issued a summary of resources in the President's fiscal year 1980 budget for general purpose data processing and telecommunications. I ask that the summary be printed in the RECORD.

The summary follows:

RESOURCES FOR DATA PROCESSING AND TELECOMMUNICATIONS IN THE FY 80 BUDGET

This document provides a summary of resources included in the President's FY 1980 Budget for general purpose data processing and telecommunications.

This summary is being issued in order to identify the extent to which the Executive Branch of the United States Government is taking advantage of the opportunities afforded by data processing and communications technology to provide better services to the American public, expand the capacity and productivity of the Federal workforce without increasing its size, improve the management of Federal agencies and programs, reduce fraud and waste in Federal programs and reduce the cost of government.

The figures presented in Table 1 are preliminary estimates of the resources devoted to general purpose data processing and telecommunications. Some minor adjustments in these figures can be expected as agencies continue to reflect the effects of program budget decisions. A more complete analysis of data processing and telecommunication resources included in the budget and trends in the distribution of these resources will be published in March 1979.

GENERAL PURPOSE DATA PROCESSING RESOURCES

Obligations for general purpose data processing activities of executive agencies are expected to increase $651.4 million (15.8%) from FY 1978 to FY 1979 and $492.4 million (10.3%) from FY 1979 to FY 1980.

The 15.8% and 10.3% growth rates for general purpose data processing activities exceed the 9.4% and 7.7% growth rates for the Federal Budget during these same years.

During the two year period covering FY 1979 and FY 1980 the largest absolute growth in these activities is expected in:

Department of Defense, $666.7 million (34.4%).

Department of HEW, $99.0 million (23.0%).

Department of Energy, $74.6 million (26.9%).

Department of the Treasury, $65.3 million (12.5%).

In addition, significant relative growth is also expected in:

Department of State, 69.4% ($8.6 million).

Department of HUD, 54.3% ($10.2 million).

Department of Transportation, 41.9% ($29.1 million).

General purpose data processing resources included in these figures are defined in Section 43.2 of OMB Circular No. A–11. While they include most of the resources for general purpose data processing activities of Federal executive agencies, they do not include Federal data processing activities funded by Federal grants, classified systems or computers which are an integral part of weapons, space or similar systems.

GENERAL PURPOSE RESOURCES TELECOMMUNICATIONS

The figures for general purpose telecommunications provided in Table 1 represent a first step toward identifying all Federal executive agency expenditures for telecommunications.

The estimates compiled this year do not include resources for telecommunications activities related to certain command and control applications, tactical operations, intelligence operations, radar or navigation systems, operations outside the U.S. and certain other special applications. A more complete definition of resources included in this summary can be found in Section 43.3 of OMB Circular No. A–11.

This year's experience will be used as a basis for refining and expanding telecommunications resource reporting during the next year.

EFFECTIVE USE OF TECHNOLOGY

Table 1 identifies the magnitude of Executive Branch resources devoted to general purpose data processing and telecommunications. A separate document entitled "Federal Government Use of Data Processing and Telecommunications" has been prepared which provides specific examples of the benefits expected from the effective use of technology. Federal agencies are using these resources to:

Determine eligibility for benefit programs in a more cost effective and efficient manner.

Identify and reduce fraud in Federal benefit programs.

Save lives by speeding up emergency rescue operations in time of disaster.

Advance scientific knowledge.

Reduce energy consumption.

ACQUISITION PLANS

A compilation of Federal executive agency plans for major acquisitions of general purpose computer and telecommunication systems, facilities and related services during FY 1979 through FY 1984 will be published before the end of January 1979.

TABLE 1.—PRELIMINARY ESTIMATES OF DATA PROCESSING AND TELECOMMUNICATION RESOURCES IN THE FISCAL YEAR 1980 BUDGET

[In millions of dollars; fiscal years]

	General purpose data processing			General purpose telecommunications		
	1978	1979 (estimate)	1980 (estimate)	1978	1979 (estimate)	1980 (estimate)
Department of Agriculture	94.3	111.5	118.3	36.1	41.1	48.0
Department of Commerce	107.7	125.8	140.4	24.9	30.0	40.1
Department of Defense	1,936.0	2,278.6	2,602.7	474.4	495.5	503.2
Department of Energy	277.0	306.9	351.6	56.3	71.2	79.0
Department of HEW	430.0	492.2	529.0	162.7	188.4	207.7
Department of HUD	18.8	23.8	29.0	12.5	16.4	17.6
Department of the Interior	52.0	63.1	67.9	23.8	26.3	31.3
Department of Justice	39.9	47.2	50.1	44.8	52.9	50.6
Department of Labor	44.9	56.6	59.5	2.5	2.3	2.8
Department of State	12.4	18.6	12.0	5.3	6.3	7.1
Department of Transportation	69.4	85.5	98.5	29.6	30.4	34.3
Department of the Treasury	520.9	557.8	586.2	73.3	73.3	84.5
Environmental Protection Agency	35.2	38.5	40.9	9.2	9.8	10.6
General Services Administration	60.7	53.5	55.2	11.1	14.2	14.0
National Aeronautics and Space Administration	184.9	202.7	210.2	24.9	27.2	27.8
Veterans' Administration	80.5	113.4	74.9	62.9	83.0	74.9
Corps of Engineers	29.1	39.3	40.6	7.6	8.4	8.8
National Science Foundation	14.2	17.4	17.9	.1	.2	.2
Office of Personnel Management	12.5	11.9	12.0	4.6	4.7	3.9
Other agencies	95.9	123.4	154.2	16.5	20.5	21.9
Total	4,116.3	4,767.7	5,260.1	1,082.6	1,201.8	1,268.3

●

TRIBUTE TO THADDEUS KOSCIUSZKO

● Mr. DOMENICI. Mr. President, on February 12, our Nation observed the birthday of Abraham Lincoln. The stature of President Lincoln and his contributions to our country are as giant as a mountain and their shadow covers our entire land. But these shadows, by their magnitude, often obscure other great and noble figures.

February 12, Mr. President, is also a day of observance for the deeds of Thaddeus Kosciuszko. A Polish soldier and statesman, he entered the American Continental Army as a volunteer. He distinguished himself in the battles of New York and Yorktown and out of respect for his heroic contribution to the American Revolution, Congress, by special act, bestowed on him the rights and privileges of American citizenship and the rank of brigadier general.

His dedication and sacrifice in helping to found this great Nation should never be forgotten. Let us here in the Congress, and in the Nation, reflect and remember his deeds, his ancestry, and the role they have played in our Nation's birth.●

NOTED HISTORIAN ARTHUR BESTOR AGREES PRESIDENT CARTER USURPS LEGISLATIVE POWER BY BREAKING TAIWAN TREATY

● Mr. GOLDWATER. Mr. President, I am delighted to report that I have just received a letter from Prof. Arthur Bestor, one of the country's preeminent historians, who writes that he is "in complete agreement" with the position taken in my lawsuit against President Carter.

In referring to the President's attempted abrogation of the defense treaty with Taiwan without first obtaining legislative approval, Professor Bestor says:

> I am happy that you are raising the constitutional issue in so forthright and effective a way. The termination of the Mutual Defense Treaty by the President without obtaining the advice and consent of the Senate—indeed, in flagrant disregard of the "sense of the Congress" clause in the International Security Assistance Act of 1978 (which comes close to being what the Constitution describes as the "advice" of the Senate)—represents a usurpation of power of the most dangerous sort. Like you, I believe this precedent, unless counteracted and repudiated, would permit a President to cancel any commitment whatever of ours—to Britain or France, to NATO, to Israel—even, ironically, to the People's Republic of China, should we make a purportedly binding treaty with them.

Mr. President, none could put it more clearly or succinctly. I am especially impressed with the clear-cut conclusions of Professor Bestor since he is one of a handful of academicians who have reached the pinnacle of their profession. His article entitled, "The Separation of Powers in the Domain of Foreign Affairs," in the Seaton Hall Law Review in 1974, is widely recognized as a landmark work on the original intent of the Framers based on an exhaustive review of contemporary 18th century material.

It might be mentioned that Who's Who in America notes Professor Bestor is a Democrat and Contemporary Author states that he was on a state board of directors of the American Civil Liberties Union. I give this information only to refute any false assumptions that Professor Bestor's conclusions might have been colored by his political philosophy.

Mr. President, in support of his conclusion that President Carter has usurped legislative power, Professor Bestor has generously prepared an historical note which discusses the issues fully. The paper is an important new contribution to literature on the subject of treaties and I ask that it be printed in the RECORD.

The material follows:

LOCATION OF THE CONSTITUTIONAL POWER TO ABROGATE OR TERMINATE A TREATY: THE ORIGINAL INTENT OF THE CONSTITUTION HISTORICALLY EXAMINED

(By Arthur Bestor)

The Constitution of the United States provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur."[1] It likewise decrees that "[t]his Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."[2]

On the 2nd of December 1954 the United States signed a Mutual Defense Treaty with the Republic of China (that is, with the government which claimed to be the legal sovereign of the whole of China but which in fact governed only the island of Taiwan and certain adjacent islands). On the 9th of February 1955 the Senate adopted by a vote of 65 yeas against 6 nays (with 25 Senators not voting) a resolution in customary form reading: "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of . . . the Mutual Defense Treaty between the United States . . . and the Republic of China, signed at Washington on December 2, 1954."[3] On the 3rd of March 1955 ratifications were exchanged at Taipei and the treaty immediately entered into force. On the 1st of April 1955 the President proclaimed the treaty as part of the law of the land.

The first paragraph of the fifth article of the treaty declared: "Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." The tenth and final article read as follows: "This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party."[4]

The International Security Assistance Act of 1978, which became law with the President's signature on the 26th of September 1978, referred to the twenty-four years of faithful performance by the Republic of China of its obligations under the treaty, and went on to make the following declaration: "It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954."[5]

Somewhat less than twelve weeks later, on the 15th of December 1978, President Jimmy Carter read to the nation a joint communiqué announcing the establishment of diplomatic relations between the United States and the People's Republic of China (often referred to as "mainland" China), recognizing the latter as "the sole legal Government of China," and announcing that the United States "acknowledges the Chinese position that there is but one China and Taiwan is part of China."[6] A simultaneous official statement was more specific: "On . . . January 1, 1979, the United States . . . will notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the United States and the Republic of China is being terminated in accordance with the provisions of the Treaty."[7]

The President had not received, nor did he request, the formal advice and consent of the Senate to the termination of the Mutual Defense Treaty of 1954 with the Republic of China. Moreover, he had not received, nor did he request, a joint resolution by both houses of Congress authorizing or approving such termination. The constitutionality of the President's action has been challenged in the courts in a suit filed on the 22nd of Decem-

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ber 1958 by Senator Barry Goldwater and other members of the legislative branch.

The present paper will address the constitutional issues historically. An attempt will be made to ascertain, as precisely as direct and indirect evidence permits, the views of the framers of the Constitution and their contemporaries regarding the location within the constitutional system of a power to abrogate or terminate treaties previously made by the President by and with the advice and consent of two-thirds of the Senate. A particular aim will be to determine whether the procedure followed in terminating the above-mentioned Mutual Defense Treaty is consistent with the framers' intentions respecting the making of crucial decisions in the realm of foreign affairs.

Constitutional questions alone will be discussed herein. No judgment will be expressed on the wisdom of the original Mutual Defense Treaty, on the diplomatic or political justification for terminating it, on the necessity of bowing to the wishes of the People's Republic of China in the matter in order to achieve normalization, or on the danger of forfeiting the confidence of other of our allies in the reliability of American commitments to their defense.

ACTUAL PROVISIONS OF THE WRITTEN CONSTITUTION

The power to abrogate or terminate a treaty that has been completed and put into effect did not figure in the discussions of the Federal Constitutional Convention of 1787 or in the state ratifying conventions that followed. This can hardly be considered remarkable in view of the fact that the framers neither discussed nor provided for other comparable procedures—notably the repeal of a statute once enacted. The principal concern of the members of these conventions was the proper allocation of the various *positive* powers of government. The commonsense view—which the framers apparently took for granted save when they specified an exception—is that the power to rescind an action normally belongs to the same authority that is empowered to take the action in the first place. The framers recognized, however, that this principle could not be applied without qualification to all situations.[8]

Speaking generally, three important areas exist wherein it may become constitutionally important to determine who possesses the power to negate or reverse or rescind a particular exercise of some power granted in positive terms only in the Constitution. The first such area comprises alterations in the Constitution itself, including the elimination of existing provisions. The second is the repeal or abrogation of one of the two other sorts of measures that make up the supreme law of the land, namely federal statutes and treates. The third is the removal from office of an elected or appointed official. In the first and third of these areas, the Constitution makes specific provision (in certain cases but not in all) for the repeal of a measure or the dismissal of an official by an authority different from the one that was responsible for the original enactment or appointment.

These various exceptions to the commonsense rule that links together the power of enactment and the power of repeal must be examined carefully if one is to reach a valid conclusion about the intent of the framers. In particular the instances in which the Constitution empowers a body with more inclusive authority to annul the action of one possessing lesser scope, must be carefully distinguished from those other instances (if any) in which the joint action of two authorities is made reversible by only one of the two.

ALTERATION OF THE CONSTITUTION ITSELF

Future changes in the Constitution were provided for in Article V, which prescribed in detail several procedures for amending the instrument. Recognizing that amendments might be used to subtract from as well as to add to the document, the framers introduced one permanent restriction on this negative use of the amending process. No state, without its consent, was to "be deprived of its equal suffrage in the Senate."[9] With this exception (plus a temporary one relating to the importation of slaves[10]), the Constitution tacitly indicated that the repeal of one of its provisions was to be accomplished in prescisely the same way as the addition to it of a new provision.

The framers, however, left completely unsettled the gravest of all the possible questions involving constitutional change. Article VII prescribed the method by which the Constitution was to be established. Could the Union be dissolved by applying the procedure in reverse? And if so, could one state, or a minority of all the states, accomplish this? Or would three fourths of the states have to approve, as with amendments? Or was the Union to be perpetual, as it had been described as being in the antecedent Articles of Confederation, now superseded by the "more perfect Union" of the Constitution?[11] These were the constitutional questions posed by secession in 1860–61, and settled—definitively, it is thought—by arms and blood.

The framers also left unsettled a relatively minor question in the same area of constitutional alteration. Can a state which has voted to ratify a proposed constitutional amendment rescind its favorable vote while the amendment is still pending? This question, unanswered by the framers, may have to receive a definitive answer in connection with the pending Equal Rights Amendment.

REPEAL OF STATUTES

So far as the repeal of a statute is concerned, there seems never to have been the slightest doubt that the Constitution (although silent on the point) requires action of precisely the same kind, by precisely the same authorities, for either the enactment or the repeal of a law. In other words, an Act of Congress can be repealed only by another Act of Congress. No authority to repeal is vested in the President alone, or in the two houses of Congress apart from him (except through the special procedure involved in overriding a presidential veto), or in one of the houses singly. It is appropriate to say that this principle has been firmly embedded in both English and American constitutionalism since, at the very latest, the so-called Glorious Revolution of 1688/9. The English Bill of Rights of 1689 declared illegal "the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament." With suitable alteration of terms, this was carried over into the very first American bill of rights, prefixed to the Virginia Constitution of 1776, which condemned "all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people." Other state constitutions followed suit, and in 1788 and 1789 two ratifying conventions urged the inclusion of a similar article in the new federal Constitution.[12] The proposal did not survive the subsequent winnowing process, presumably because the principle seemed too obvious to need reiteration. In any case, if long-established tradition forbade so much as the suspension of laws without full legislative permission, then a fortiori it forbade the repeal of laws by executive authority alone.

There is another point to consider, however. In the United States a duly enacted law can be voided by a body completely different from the one that enacted it. The Supreme Court can do so. The theory here is that the court is faced with a conflict of laws (namely, a conflict between the statute and the higher laws of the Constitution), and that it is enforcing the latter instead of the former not because the court itself is superior in authority to the legislature, but because the constitutional provision emanates from an authority which is superior to the legislature, namely the people of the United States, who have spoken through the conventions that ratified the original document or subsequently amended it.[13]

Nothing whatever in the situations examined thus far suggests that the framers of the American Constitution intended to give the President power to undo by his own unaided authority something that had been done (and had been required to be done) only in concurrence with at least some part of the legislature. Only when an authority of higher or broader scope entered the picture could any enactment (of the types thus far discussed) be voided without the consent of all the authorities that had concurred in its making.

Unless clear evidence to the contrary can be offered, it is reasonable to suppose that the framers intended the same principle to apply to the abrogation of a treaty as to the repeal of a statute, both being parts of the supreme law of the land by constitutional definition. The principal argument to the effect that an exception was intended in the case of treaties is based upon an analogy drawn from a widely different constitutional area. The validity of this analogy must next be examined.

REMOVAL FROM OFFICE

The election or appointment of an individual to office bears little resemblance to either the ratification of a treaty or the enactment of a law. Each process, however, is capable of being reversed: officials can be dismissed, treaties abrogated, and statutes repealed. Though the Constitution says nothing about the procedure for repealing a statute or abrogating a treaty, it does say something about procedures (in the plural) for removal from office. These procedures, it must be pointed out, differ markedly according to the nature of the office held.

Members of the federal judiciary are nominated by the President and appointed by and with the advice and consent of the Senate (a simple majority being sufficient). The judges are, however, guaranteed tenure during good behavior, which means that they cannot be removed by those who jointly appointed them. The only method provided by the Constitution is impeachment, commencing with charges brought by the House of Representatives and concluding with trial by the Senate, the latter's members being "on oath or affirmation" and a two-thirds majority being required for conviction.[14] The President, though crucially involved in the appointing process, is completely excluded from the impeachment proceedings.

So far as elected officials are concerned, the framers of the federal Constitution never contemplated giving the electorate a power of recall, such as several states have provided in twentieth-century amendments to their constitutions. The power to remove is thereby separated, in this instance as in the other, from the power to appoint. Instead, the Constitution grants each of the houses of Congress the power to judge and punish its own members and, by two-thirds vote, to expel them.[15] The electorate (who chose the member in the first place) has only the power to deny him another term.

Only two members of the executive branch are elected, the President and the Vice-President, and neither is removable by the electors who chose him or by the wider electorate who chose the electors. As with judges, the only procedure for removal is impeachment.

With respect to the dismissal or removal of appointed officers of the federal government, the Constitution is completely silent, except that impeachment is possible for any of them, and except that military afficers can be made dischargeable by court martial if Congress exercises its power "[t]o make Rules

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Footnotes at end of article.

for the Government and Regulation of the land and the naval Forces."[16]

Aside from military officers, four different types of appointed officials are mentioned in the appointing clause of the Constitution, namely (i) "Ambassadors, other public Ministers and Consuls"; (ii) "Judges of the Supreme Court"; (iii) "other Officers of the United States"; and (iv) "inferior officers," whose appointments Congress is permitted to vest "in the President alone, in the Courts of Law, or in the Heads of Departments."[17] Except for the last group, all are to be appointed in accordance with the same procedure, nomination by the President and approval by a majority of the Senate. Obviously, however, it is impossible to suppose that the procedure for dismissal was intended to be the same in all cases. Judges were to be removed only by impeachment; if this were required in the case of all officials, then the latter would in effect enjoy life tenure. This was pointed out in the great debate on the removal power that took place in 1789 in the First Congress. James Madison was most emphatic in repudiating the idea that the Constitution was designed to "establish every officer of the Government on the firm tenure of good behavior." He continued: "If the constitution means this . . ., we must submit; but I should lament it as a fatal error interwoven in the system, and one that would ultimately prove its destruction."[18]

The lumping together of appointed officials of such disparate kinds as judges and subordinate executive officers was the result of a compromise reached in the closing days of the federal Convention of 1787. On the 6th of August, ten weeks and a half after the beginning of deliberations and only six weeks before adjournment, a so-called Committee of Detail reported the first formal draft of a full-fledged constitution, bringing together and elaborating ideas that had previously taken the form only of resolutions. In this draft two classes of appointed officials—namely, ambassadors and judges—were singled out, and their appointment vested in the Senate, with no participation by the President. On the other hand, the President alone, with no reference to either house of Congress, was empowered to "appoint officers in all cases not otherwise provided for by this Constitution."[19] The logical conclusion from this document is that the President was expected to control his subordinates by wielding the power to dismiss those whom he alone had appointed, but that he would not have any such power over judges (who could only be removed by impeachment) or over ambassadors, who were to be diplomatic representatives of the Senate, a body which possessed (at this stage of the Convention's proceedings) the exclusive power to make treaties.

The arrangement proposed by the Committee of Detail was not accepted as it stood by the Convention. After discussion the provisions in question were sent back to committee, and on the 4th of September a compromise was reported. It was adopted on the 7th, ten days before the Convention ended. The new provision still distinguished from one another (in words at least) the three previously-mentioned classes of officers: ambassadors, judges, and "all other Officers." But it provided the same appointing procedure for all, thereby giving the Senate a veto over officials appointed in the executive branch, and admitting the President to a share in the process of appointing ambassadors and judges by requiring nominations to come from him.[20]

The First Congress, as has already been noted, was obliged to deal with the question of removal, the Constitution having failed to provide an explicit answer save in the case of judges. The question came up in connection with a bill establishing a Department of Foreign Affairs, later renamed the Department of State. The principal debate was in the House of Representatives, where, on the 19th of May 1789, James Madison introduced a resolution proposing the establishment of a Department of Foreign Affairs, headed by a Secretary, "who shall be appointed by the President, by and with the advice and consent of the Senate; and to be removable by the President."[21] Objection was immediately made to the concluding phrase, and the argument against removal by the president alone was succinctly stated by Madison's fellow Virginian, Theodorick Bland:

"He thought it consistent with the nature of things, that the power which appointed should remove; and would not object to a declaration in the resolution . . . that the President shall remove from office, by and with the advice and consent of the Senate. He agreed that the removal by impeachment was a supplementary aid favorable to the people; but he was clearly of opinion, that the same power that appointed had, or ought to have, the power of removal."[22]

Madison defended his resolution as follows:

"I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects, to superintend their conduct, so as to check their excesses."[23]

At the end of the day the House voted "by a considerable majority, in favor of declaring the power of removal to be in the President."[24]

This did not end the matter, for the vote was in Committee of the Whole and by its own terms simply expressed "the opinion of this committee." The bill that was drafted in consequence was subjected to five full days of debate between the 16th and the 22nd of June 1789.[25] Speeches on both sides reiterated the arguments outlined in May, and need not be traced in detail here. In the end a compromise was reached by striking from the bill the explicit provision making the Secretary "removable by the President," but inserting a provision recognizing such a power by indirection.[26] According to the measure finally adopted (by a vote of 29 to 22), the chief clerk (described as an "inferior officer") was to take charge of the department "whenever the . . . principal officer shall be removed from office by the President of the United States, or in any other case of vacancy."[27] The compromise meant that those who considered removal by the president alone to be unconstitutional were left free to contest any dismissal that might occur.

On the whole, therefore, the act of the 27th of July 1789 creating the Department of Foreign Affairs embodied Madison's interpretation of the Constitution as set forth on the 19th of May. In the meantime, however, on the 29th of June, Madison himself had proposed limiting the scope and applicability of the principle he had originally stated. The occasion was a bill to establish a Treasury Department, one of whose officers would be a Comptroller. The latter's duties, Madison argued, "are not purely of an executive nature." The officer would have the responsibility of "deciding upon the lawfulness and justice of the claims and accounts subsisting between the United States and particular citizens." This, continued Madison, "partakes strongly of the judicial character, and there may be strong reasons why an officer of this kind should not hold his office at the pleasure of the executive branch of the Government."[28] In the face of objections that he was "setting afloat the question which had already been carried," Madison withdrew his proposal.[29] Though the presidential power of removal continued to be challenged over the years,[30] it was only in 1935 in the Humphrey case that the Supreme Court upheld the challenge in any substantial way. The dismissed official, William E. Humphrey, had been a member of a quasi-legislative, quasi-judicial regulatory commission (the Federal Trade Commission), and the Court held that the commissioners were intended by Congress "to act in discharge of their duties independently of executive control," and were accordingly given fixed terms and made removable only "for cause."[31]

Madison's interpretation of the Constitution can thus be said to have been sustained. *The president can remove on his own authority an officer in the executive branch who has been appointed with the consent of the Senate, but this power* (according to the Supreme Court in the Humphrey case) *is "confined to purely executive officers."*[32] In other cases (so Madison had said apropos of the Comptroller), it is necessary "to consider the nature of [the] office."[33] To phrase the idea more comprehensively, it is necessary to consider the nature of the governmental activity involved.

This last consideration has an important bearing on the validity of the analogy that is sometimes drawn between the president's power to remove officials appointed by and with the advice and consent of a majority of the Senate, and an alleged power of his to abrogate treaties made by and with the advice and consent of two-thirds of the Senate. It is well to revert to the precise reason given by Madison for inferring from the Constitution a strictly limited presidential power of removal. On the 17th of June 1789, in the course of the House debate, he spoke as follows:

"I agree that if nothing more was said in the constitution than that the President, by and with the advice and consent of the Senate, should appoint to office, there would be great force in saying that the power of removal resulted by a natural implication from the power of appointing. . . . But there is another part of the constitution which inclines, in my judgment, to favor the construction I put upon it; the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer when once appointed is not to depend upon the President for his official existence, but upon a distinct body, (for where there are two negatives required, either can prevent the removal,) I confess I do not see how the President can take care that the laws be faithfully executed."[34]

There is a close analogy between the power to abrogate a treaty and the power to repeal a statute. It is difficult to imagine a genuine analogy between either of these powers and the power to dismiss an incompetent or corrupt official. The president's ability to take care that the laws be faithfully executed may well be said to depend on his possession of the latter power. But a power to change the law (whether established by statute or treaty) is something utterly different—a contradiction rather than a corollary of the responsibility for seeing to its faithful execution.

Indeed, if the analogy is to be appealed to at all, it is more convincing when applied the other way round, as an argument against a presidential removal power. It was so used by Roger Sherman of Connecticut in the debate in the First Congress:

"I consider it an established principle, that the power which appoints can also remove, unless there are express exceptions made. Now the power which appoints the judges cannot displace them, because there is a constitutional restriction in their favor. . . . It is a general principle in law, as well as reason, that there shall be the same authority to remove as to establish. It is so in legislation, where the several branches whose con-

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Footnotes at end of article.

currence is necessary to pass a law, must concur in repealing it. Just so, I take it, to be in cases of appointment; and the President alone may remove when he alone appoints, as in the case of inferior offices to be established by law."[35]

Roger Sherman's argument did not prevail; the power to dismiss a purely executive officer was carefully distinguished from the power to repeal a law. This merely underlines the fact that the presidential removal power which the First Congress implicitly sanctioned was an exception to what was otherwise accepted as a general rule. To argue that it established a general rule of opposite character is to subvert logic itself. In interpreting the so-called "decision of 1789," one must also remember that the President's carefully circumscribed removal power does not derive directly from an explicit clause of the Constitution. It is simply an inference from that document, and an inference that a substantial and articulate minority in the First Congress considered unsound.[36]

Furthermore, the procedures for making treaties and for making appointments were by no means put on the same level by the clause that happened to deal with both. In the first place, two-thirds of the Senate must give advice and consent to a treaty, whereas a simple majority is sufficient to approve an appointment. In the second place, the president is given the exclusive power to make nominations to office, whereas in treaty-making the Constitution does not set him apart in this special way from those who advise and share responsibility with him. On both these counts, accordingly, the President's constitutional role, as compared with that of the Senate, is proportionately far less where treaties are in question than where appointments are involved.

FOOTNOTES

[1] U.S. Constitution, art. 2, sec. 2, cl. 2.

[2] *Ibid.*, art. 6, cl. 2.

[3] Senate, *Executive Journal*, vol. 97, part 1, pp. 136–137.

[4] Department of State, *United States Treaties and Other International Agreements*, vol. 6, part 1, 1955, pp. 433–438.

[5] Public Law 95–384, sec. 26(b); 92 Statutes at Large 730, at 746.

[6] *Weekly Compilation of Presidential Documents*, vol. 14, no. 50 (18 Dec. 1978), pp. 2264–2266, at 2264.

[7] *Ibid.*, p. 2266.

[8] Cf. the remark by Representative James Jackson (Georgia) in the First Congress: "He agreed with . . . the general principle, that the body who appointed ought to have the power of removal, as the body which enacts laws can repeal them; but if the power is deposited in any particular department by the constitution, it is out of the power of the House to alter it." *Annals of Congress*, 1st Cong., 1st Sess., column 389 (19 May 1789). NOTE. This compilation of debates in the first seventeen and a half congresses (1789–1824) is customarily cited (as above) by what is actually the wording on its half-title, *Annals of Congress*. Its regular title-page reads: *The Debates and Proceedings in the Congress of the United States*. And, to compound the confusion, the running-head on individual pages is *History of Congress*. The work was compiled from newspaper and other reports (the only contemporaneously published record of the early debates) and was issued in 42 volumes between 1834 and 1856. There were apparently different printings, varying slightly in pagination, which explains why there are discrepancies between citations in different historical works. The copy of vol. I utilized here is dated 1834; it ends at column 1322 in the middle of a sentence dealing with the debate of 18 Feb. 1790; and a 30-page index then follows.

[9] U.S. Constitution, art. 5, final proviso.

[10] *Ibid.*, next to last proviso.

[11] Cf. Lincoln's remark in his First Inaugural, 4 March 1961: "It is safe to assert that no government proper, ever had a provision in its organic law for its own termination." Abraham Lincoln, *Collected Works*, ed. Roy P. Basler, vol. IV (New Brunswick, 1953), pp. 262–271, at 264.

[12] Texts in Edward Dumbauld, *The Bill of Rights* (Norman, Okla., 1957), pp. 167, 171, 183, 199. The English Bill of Rights also declared illegal the royal claim to a power of "dispensing" with laws, but American draftsmen obviously felt that "suspending" covered everything.

[13] Classic statements are those of Alexander Hamilton in *The Federalist*, No. 78 (1788) [see the ed. of Clinton Rossiter (N.Y. 1961), pp. 464–472, esp. 466–469]; and Chief Justice John Marshall in Marbury *v.* Madison, 1 Cranch [5 U.S.] 137 (1803), at 176–180.

[14] U.S. Constitution, art. 1, secs. 2 and 3; art. 3, sec. 1.

[15] *Ibid.*, art. 1, sec. 5, cl. 2.

[16] *Ibid.*, art. 1, sec. 8, cl. 14 and 16.

[17] *Ibid.*, art. 2, sec. 2, cl. 2.

[18] *Annals of Congress*, 1st Cong., 1st Sess., col. 387 (19 May 1789).

[19] Report of the Committee of Detail, 6 Aug. 1787, art. 9, sec. 1, and art. 10, sec. 2; in Max Farrand, ed., *Records of the Federal Convention of 1787* (4 vols., New Haven, 1911–37), II, 183, 185.

[20] Report of the Committee of Eleven (Brearley, ch.), 4 Sept. 1787, in Farrand, II, 495; Journal, 7 Sept., *ibid.*, 533–534.

[21] *Annals of Congress*, 1st Cong., 1st Sess., col. 385 (19 May 1789).

[22] *Ibid.*, col. 389.

[23] *Ibid.*, col. 387.

[24] *Ibid.*, col. 399. The debate was in committee of the whole, and no roll-call was recorded.

[25] *Ibid.*, cols. 474–608 (16–19 and 22 June 1789).

[26] House of Representatives, Journal, vol. i (reprinted Washington, 1826), pp. 50–52 (22 June 1822). The House first voted, 30 to 18, to add the ambivalent phrase "whenever the said principal officer shall be removed from office by the President, . . . or in any other case of vacancy"; then voted, 31 to 19, to strike out the positive phrase "to be removable from office by the President." The meaning that both sides put upon the new language is made clear in the debate, *Annals of Congress*, 1st Cong., 1st Sess., cols. 598–599, (19 June), 600–608 (22 June).

[27] Act of 27 July 1789, chap. 4, sec. 2; 1 Statutes at Large 28, at 29. The bill passed the House on 24 June; the Senate on 20 July. *Annals of Congress*, 1st Cong., 1st Sess., cols. 51, 614.

[28] *Annals of Congress*, 1st Cong., 1st Sess., cols. 635–636 (29 June 1789)

[29] *Ibid.*, cols. 638–639.

[30] For example in the Post Office Act of 12 July 1836, chap. 179, sec. 6; 12 Statutes at Large 78, at 80, which provided that postmasters in the top three classes "shall be appointed and may be removed by the President by and with the advice and consent of the Senate." The Supreme Court held the provision unconstitutional in Myers *v.* U.S., 272 U.S. 52 (1926).

[31] Humphrey's Executor *v.* U.S., 295 U.S. 602, at 629 (1935).

[32] *Ibid.*, at 632.

[33] *Annals of Congress*, 1st Cong., *1st Sess.*, col. 635 (29 June 1789).

[34] *Ibid.*, col. 516 (17 June 1789). Theodore succinctly in the subsequent debate on the Treasury Department: "He . . . conceived that a majority of the House had decided that all officers concerned in executive business should depend upon the will of the President for their continuance in office; and with good reason, for they were the eyes and arms of the principal Magistrate, the instruments of execution." *Ibid.*, col. 637 (29 June 1789).

[35] *Ibid*, cols. 510–511 (17 June 1789). In a speech the next day Sherman challenged the other side to "produce an authority from law or history which proves, that where two branches are interested in the appointment, one of them has the power of removal." And he asked scornfully whether anyone believed that in matters of legislation, where "the concurrence of both branches is necessary to pass a law, a less authority can repeal it." *Ibid.*, col. 559 (18 June).

[36] U.S. Constitution, art. 2, sec. 2, cl. 2: "He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, *provided two thirds of the Senators present concur;* and he shall *nominate*, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, . . . [etc.]." (Emphasis supplied.) ●

GOVERNMENT USES OF NEW TECHNOLOGY

● Mr. RIBICOFF. Mr. President, a report on how Government is making new uses of computer and telecommunications technology has been written by the Office of Management and Budget. I ask that the report be printed in the Record.

The report follows:

Federal Government Use of Data Processing and Telecommunications

INTRODUCTION

The Federal Government is the world's largest user of computers and telecommunications. Innovative use of this technology by Federal agencies has provided substantial benefit to the American taxpayer by:

Providing more, better and faster services to the public.

Expanding the capability and productivity of the Federal workforce without increasing its size.

Improving the management of Federal agencies and their programs.

Reducing fraud and waste in Federal programs.

Reducing the cost of government programs.

The purpose of this document is to:

Recognize those departments and agencies who have contributed to a more effective and efficient government through innovative use of technology.

Stimulate the transfer of ideas and applications of technology.

Requests for further information on any particular application of technology included in this document should be directed to the agency that developed the application.

We welcome suggestions on other effective applications of technology which should be included in future revisions of this document.

OBTAINING SOCIAL SECURITY BENEFITS

By using a telecommunications system called SSADARS, the Social Security Administration has significantly reduced the waiting period for beneficiaries to receive their first check. Until recently, a potential beneficiary frequently had to make at least two trips to the local Social Security Administration Office before receiving a check. After going to the office to apply for benefits, the individual had to return after his or her records arrived from the central office in Baltimore. Days and sometimes weeks elapsed between interviews as a result of delays in the mails and the manual processing of records. Essential information is now usually available the first time the individual comes to the local office. In addition to providing faster and better service to the public, this system will save $25 million between FY 1980 and FY 1984 as a result of labor cost avoidance.

REDUCTION OF FRAUD AND WASTE

Agencies are reducing fraud and waste in Government programs through the conduct of computer matching programs conducted in a manner consistent with OMB guidelines to minimize unnecessary Government intrusion into the privacy of individuals.

Improper welfare payments have been identified by the Department of Health, Education and Welfare through computer matching of welfare recipient records and Federal employee records. "Project Match" which resulted in $330,000 savings in improper expenditure of Federal welfare funds during the last quarter of FY 1978 is expected to result in $11 million per year reductions in improper Federal, State and local government welfare payments beginning in FY 1979.

The Veterans Administration has developed an automated system to aid in the recovery of benefit overpayments. The Centralized Accounts Receivable System records such overpayments, determines delinquent accounts and automatically produces the forms, letters and reports required to refer such accounts to the Department of Justice for collection. Use of this system during calendar year 1978 assisted in the recovery of $42 million of overpayments.

The Department of Health, Education and Welfare, through a computer match called "Operation Cross Check," has identified 16,700 Federal employees or former Federal employees who have defaulted on payment of student loans amounting to a total of more than $16 million. Since September 1978 some 3,200 have either paid in full or begun systematic repayment of their loans. Collection action is continuing on the remaining accounts.

The Department of Health, Education and Welfare has used computers to identify improper Medicaid payments to doctors and druggists. "Project Integrity," which was established to screen the appropriateness of 250,000 medical payments made during 1976, identified questionable charges by 2,500 doctors and druggists. Administrative and legal actions are being taken to recover improper payments amounting to millions of dollars. These actions resulted in 27 indictments during FY 1978. Over 100 additional cases have been referred for possible prosecution and administrative action is being taken on 750 other cases. In FY 1979, the program will be expanded to include an analysis of payments to dentists and clinical laboratories.

WATER SUPPLY PREDICTION FOR WESTERN FARMERS

The Soil Conservation Service of the Department of Agriculture has established a system to predict spring and summer water runoff in States west of the Mississippi River to help farmers decide which crops to plant. The system, consisting of unmanned sensors to measure snowfall and related data, utilization of "meteor burst" telemetry and computers, will be operational on a limited scale (230 out of an eventual 460 stations) during the winter of 1978/1979. When fully operational by FY 1980, the system will be operated by the Government at an annual cost of $1.6 million and is expected to save farmers from $4.4 to $4.6 million annually.

DELIVERY OF VETERANS BENEFITS

Implementation of the TARGET system by the Veterans Administration will allow faster more responsive provision of benefits to Veterans while enabling the VA to reduce staffing requirements in their regional offices by 2,100 work years over the next 12 years.

CANCER RESEARCH

The National Center for Toxicological Research is expecting to improve the quality and accuracy of cancer research and significantly reduce research costs by the installation of a network of terminals and minicomputers in FY 1979. This system will be used to assist in studies of the biological effects of toxic substances on animals to determine their potential impact on people. Cumulative net savings of $930,000 during FY 1980 through FY 1984 are expected as a result of reduced labor and equipment rental costs. After FY 1984, when the $7.5 million cost of the system is fully amortized, savings of $1.8 million per year are expected.

INCOME TAX PROCESSING

Internal Revenue Service costs for depositing tax payments and posting taxpayer credits will be significantly reduced by a new computer system which combines two previously separate processes. The new system is expected to result in a savings of 150 staff years ($1.7 million) in FY 1979 and 292 staff years ($3.4 million) in FY 1980 and subsequent years.

TRANSPORTATION REGULATION

The Interstate Commerce Commission has used technology to enhance effectiveness of the transportation regulation process and provide faster delivery of services to the public. During a recent twelve month period, average processing time for handling a regulatory action was reduced by 15%, despite a 41% increase in new case openings. Use of on-line computer systems will result in an estimated cost saving of $400,000 in FY 80 and a saving of 30 persons.

AUTOMATION OF BUSINESS REPORTS

The Securities and Exchange Commission is reducing costs for processing reports on stock offerings, financial reports, and other business reports. This system will result in estimated annual savings of $50,000 in FY 79, $125,000 in FY 80, and $353,000 per year, thereafter, as a result of reducing staff requirements by 35 clerical personnel.

EMPLOYER REPORTS ON WORKER EARNINGS

The Social Security Administration costs for processing employer reports on worker earnings and tax payments will be significantly reduced beginning January 1979 as a result of the development and installation of new optical scanning devices. Installation of the new devices and the elimination of quarterly reports are expected to save $8.8 million in salaries (635 work years) and work related costs during the calendar year 1979. Similar or larger savings are expected in subsequent years.

AUTOMATED BANKING

The Export-Import Bank has recently developed a new computer system to improve internal bank operations. The new system permitted the bank to absorb a 31 percent increase in workload during FY 78 without increasing staff and at the same time realize an estimated net annual savings of $150,000. The savings which are expected to continue at the same or higher levels in future years are as a result of faster deposit of funds in the U.S. Treasury and the reassignment of 8 to 10 employees to other duties.

ELECTRONIC FUNDS TRANSFER

The use of electronic funds transfer by the Department of the Treasury has resulted in significant interest savings. These savings result from faster processing of government receipts from the sale of gold, foreign military sales, and similar transactions. These savings totalled $18 million in FY 77, $26 million in FY 78 and are expected to save $60 million in FY 79 and at least $350 million from FY 80–FY 84.

WEAPONS PROCUREMENT CONTROL

The Department of Energy weapons production plant at Kansas City operated by Bendix Corporation has developed a Computer Aided Material Procurement System (CAMPS) which is used to control inventories, procurement, and maintain financial records for non-nuclear materials and other components used in producing nuclear weapons. The system was developed at a cost of $700,000 which will be fully amortized by FY 79 and will result in reduced operating costs of over $300,000 per year thereafter as a result of approximately 15 fewer people required to perform these functions.

ENERGY CONSERVATION

A computer model developed by the Federal Aviation Administration is saving fuel for America's airlines. The aircraft flow control model can be used to schedule landings and departures during bad weather in order to minimize fuel consumption. This is accomplished by delaying aircraft at the point of departure consistent with the rate at which aircraft can be accommodated at the arriving airport. During one 21½ hour period at O'Hare Airport in Chicago, use of this model resulted in fuel cost savings of over $640,000.

LOCATING MISSING AIRCRAFT

The Federal Aviation Administration has developed a computer program which has reduced the average time to find a missing aircraft from 174 hours to 36 hours. Since the first 48 hours after a crash are the most critical, this has immeasurable benefits in terms of human lives. Another benefit of this program is that, since 1975, the number of search incidents has increased 12.5%, but the total hours flown on search missions has decreased 32%—resulting in large savings in equipment depreciation and fuel costs.

SEARCH AND RESCUE AT SEA

Two computer models developed by the Coast Guard have reduced the time needed to locate missing ships. The use of computer models has reduced the time required to develop search plans from approximately one hour to a few minutes and absorb a 50% increase in search and rescue cases since 1972. Without these models, the Coast Guard would have needed 65 more people to respond to the increasing number of distress incidents.

OVERSEAS TRAVEL

The State Department is developing a system to use computers to issue passports which will result in more rapid processing of passports and reduce costs. Current estimates indicate that when the new system is fully implemented, in 1985, direct labor requirements will be reduced 40% and direct costs will be reduced by over 30%, a direct cost savings of approximately $2.5 million a year.

SPACE PROGRAM

Technology is critical to the success of the U.S. space program. To assure efficient use of this technology, NASA utilizes the Computer Software Management Center (COS MIC) at the University of Georgia to reduce duplication in the development of software and make maximum use of existing software. In FY 78, this program saved $6.35 million, and this savings is expected to continue or increase on an annual basis.●

TRIBUTE TO LITHUANIAN INDEPENDENCE

● **Mr. DOMENICI.** Mr. President, Lithuania has a tradition of independence which can be traced back to the 11th century. To Lithuanian-Americans, February 16 is a day commemorating the proclamation of independence in 1918 and also a day of vigilance remembering the forcible incorporation by the Soviet Union.

While other of my colleagues in the Senate will certainly offer tribute to Lithuanian-Americans on this day, I wish to reflect on a somber thought.

The United States has never recognized Soviet domination of Lithuania. The most explicit reminder of this policy is the recognition of Free Lithuania as a member of the diplomatic community. The legation offices are located at 2622 16th Street. Dr. Stasys A. Bachis, Chargé d'Affaires, has represented the free government here in Washington for decades. His quiet, diligent dedication to this arduous task is to be praised. Yet this symbol of hope of freedom from Lithuanians may soon be gone.

Dr. Bachis is grown old with the burden of his task. Lesser men would have long ago transferred the task to a younger shoulder. But in this case there is no one else to do the job.

By diplomatic laws, a diplomat must be a citizen of the country he represents and be appointed by that sovereign nation. Because of the Soviet domination, there is no remaining source of diplomats to replace Dr. Bachis.

What will happen to Dr. Bachis and the legation building? Funds held in trust by this country for maintenance of the residence and to pay for official expenses will soon expire. The Soviet diplomatic community gleefully awaits this day.

As the cunning fox who preys on the defenseless rabbit, so too the Soviets wait, for time is on their side.

When this day comes the statement of nonrecognition will become more rhetoric and soon thereafter will be forgotten.

To Lithuanian-Americans I say this must not happen. February 16th is the day to remember the past and rededicate to the future. Thank you, Dr. Bachis, for your example as a diplomat, and long may you serve. To the Lithuanian-American community the task of preserving his work is in your hands.●

LITHUANIA'S INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, more than 700 years ago, the Lithuanian people united in a single nation whose boundaries, at the peak of its expansion, extended nearly to Moscow in the east and to the Black Sea in the south. The vicissitudes of her subsequent history included periods of domination by Russia and by Poland, but the flame of independence was never quenched in the hearts of the Lithuanian patriot. During some of the heightened episodes of foreign hegemony, many of these people emigrated to the United States and, during the late 19th and early 20th centuries, played a significant role in the growth of this country.

Although no citizens have been more loyal and devoted to their new country, the Lithuanians have never forgotten the proud traditions and culture of their ancestors. I served for several years as president of Detroit City Council which annually sponsored summer-long ethnic festivals. The participation of Lithuanian Americans has always been one of the most colorful and enlightening events.

On February 16, Lithuanians throughout the world observed the 61st anniversary of the Declaration of Independence of Lithuania when, in 1918, it announced the beginning of its most recent period of national autonomy. Lithuania flourished in her economy, polity, and culture for 20 years between two world wars until, overwhelmed by the sheer numbers, first by the Russian Army, then the invading Germans, and finally the Russians, she was made a Soviet republic.

However, resistance to Russian domination has never ceased, and the centuries-old spirit of independence still lives in the hearts of the indomitable Lithuanian patriots.

Mr. President, I am proud to salute the Lithuanian people for their achievements and for their example to the rest of the free world.●

MORMONS: TRIUMPH IN THIS WORLD

● Mr. HELMS. Mr. President, it has been said that every major question in history is a religious question. This observation has to do less with any particular church or theology than it does to the basic spirit within us all. Whether or not it is recognized, this spirit is the innate recognition of a God and a universal order.

For many Americans, religion is only a casual incident hardly affecting the day's routine. But for a growing number of Americans' religion has grown from a cavalier practice to that which is at the center of their lives.

Recently, the distinguished columnist, George F. Will, wrote a column celebrating one large group of Americans who are imbued with this spirit, the members of the Church of Latter-day Saints. As a Baptist, I commend to every American this column written by an Episcopalian about the Mormon Church and I ask unanimous consent that it be reprinted in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 21, 1979]

Mormons: Triumph in This World

(By George F. Will)

Provo, Utah.—An administrator of a private elementary school in Washington recently explained the school. "We have desks," she said, "and doors." Her listeners, parents aware of today's educational doctrines, understood perfectly. The school favors "structure" rather than "open classrooms."

I am agnostic about the desks-and-doors doctrine, but I admire schools that know their own minds. One such is Brigham Young University. Like its namesake, and like the state it adorns, BYU is pleased to be a bit different.

BYU is, broadly speaking, a desks-and-doors school. The honor code mandates "graciousness" and the dress and grooming "standards" say that beards and "bushy sideburns are "not acceptable," moustaches are "not encouraged," women's hemlines are to be of "modest length," and jeans are not acceptable women's wear for classes.

Who, you indignantly ask, do BYU's administrators think they are? The point is that they know exactly who they are and what they are about. Mormons are short on identity crises, and long on certitude. Where but among Utah's Mormons can you hear President James Buchanan denounced? That may seem like denouncing rye bread—an inherently disproportionate investment of passion—but Buchanan sent the army to break the Mormons to the saddle of federal authority. The government was slow to believe that Mormons could be a community within the national community without being a community against the national community.

"Utah," writes Daniel Boorstin, "remains even now a living monument to the scope that the West offered to the genius of the organizer." Utah's organizer was Brigham Young, who led the Mormons west.

"Rejected in one place after another," Boorstin writes, "their westward movement was a staccato series of enforced group transplantations, each more remarkable than the last as a feat of organization. . . . For the long march across Iowa, the Mormons built roads and bridges, and even planted crops to be harvested by those who came after them the next season."

Mormons make up the most singular great church to come into existence in the United States, and it is quintessentially American. It is about doing things, triumphing in this world, turning faith into works. There are no Mormon monasteries; it is hard to imagine Mormons given over to the purely contemplative life. Today, these "American Zionists" are conservative in distrusting dependence on a welfare state, but they practice the ethics of common provision through a remarkable church welfare program.

They were and, to an extent astonishing in this homogenizing nation, still are as distinctive as the first Americans, the Puritans. They, like the Mormons, considered themselves "visible saints" with a divinely ordained "errand into the wilderness." Mormons do utterly lack the Puritans' gloominess and could, perhaps, be improved by just a touch of it.

It is against the laws of nature to be as upbeat as Mormons can be over a 7 a.m. eye-opening cup of hot chocolate. But, then, one of Utah's charms for people like me (people so straight that they would not recognize marijuana if a bale of it fell on them) is that in Utah they often can feel conspicuously, thrillingly improper by just drinking coffee.

Recently, Barbara Walters interviewed Donny and Marie Osmond, the Henry Fords of show business. (They mass produce entertainment, each product indistinguishable from all the others.) Donny and Marie are Mormons who, supported by their extended family, live in Utah, and avoid the contaminations of entertainment capitals.

The interview turned, as Walters' interviews occasionally do, to the subject of sex. Would they, Walters asked, consider premarital sex? No, said he. No, said she. Not "No, except . . ." Or "No, unless . . ." Just: No. Walters waited for the qualifying clauses sought them; then surrendered to astonishment.

Walters has a veteran journalist's worldliness and could cover the general resurrection with an air of having seen it before. But she seemed never to have seen the likes of the Osmonds.

The Mormon sensibility sometimes makes Utah appear to others like an enclave surrounded on four sides by reality. Certainly a different reality is just an hour flight away, in Denver, where a nightclub advertises: "The Newest Entertainment Rage—Mud Wrestling: Beautiful Girls Fighting Topless in a Pit of Real Mud."

Some people evidently think it matters that the mud is "real." And those people probably think Mormons are peculiar.●

SUPPORT FOR CABINET DEPARTMENT OF EDUCATION

● Mr. RIBICOFF. Mr. President, on February 6, 7, and 8, the Governmental Affairs Committee held hearings on S. 210, legislation to establish a separate Cabinet Department of Education. The committee heard from 25 witnesses who discussed the importance of protecting State, local, and private control of education, the importance of insuring equal educational opportunity, the relationship between the new Department and higher education and nonpublic education and the transfer of the vocational rehabilitation programs.

The recent editorial comment by Carl Rowan in the Washington Star discusses the importance of this measure. I ask that this article be printed in the RECORD.

The article follows:

[From the Washington Star, Feb. 19, 1979]

EDUCATION NEEDS ITS OWN DEPARTMENT

(By Carl T. Rowan)

We Americans like to boast that we are "the best educated society on earth." We indulge in this rather harmless falsehood by way of paying tribute to education as the basis for a young nation's rapid rise to world pre-eminence.

But even as we boast of what learning has done for America, most of us are acutely aware of the shortcomings and failures of our system: the 21 million American adults who can't read or write well enough to cope; the army of dropouts and pushouts who swell the tragic ranks of the teen-age unemployed; the college graduates taking jobs as teachers who can't pass a test designed for 13-year-olds; the lingering warfare over racial segregation and discrimination at both the public school and college levels; the financial squeeze on many private colleges.

These problems have all grown more acute during the 55 years that Americans have been debating and studying the concept of a federal Department of Education. Unless blind opposition to change overwhelms logic, we ought to get approval of a cabinet-level Education Department out of the 96th Congress.

The Senate, prodded by President Carter and almost 100 major educational and other organizations, approved such a department last September. The bill won approval, 27 to 15, in the House Committee on Government Operations and then got crushed in the October rush to adjournment of the 95th Congress.

The House will be hard to bring to reason in this Congress, but the odds are that a majority of lawmakers now senses that there is urgent need to remove education from its semi-burial ground in the mammoth Department of Health, Education and Welfare.

The subordinate role of the "E" in HEW is only part of the problem. Federal education programs are spread out among more than 40 government agencies. In HEW alone, some programs are under the jurisdiction of the commissioner of education while others are overseen by the assistant secretary for education. Most programs are run by lower level bureaucrats who see the president only on TV.

That is why President Carter told a Pennsylvania town meeting that "less than 2 per cent of my time, or 1 per cent, is spent on education."

When our education system affects 60 million Americans so directly and deeply, and is so vital to the nation's well-being, it is time we gave it cabinet-level status, with direct access to the president and all the other advantages that go with cabinet-level rank.

A single Department of Education probably will be more effective in enforcing such things as policies forbidding racial discrimination, or the short-shrifting of the handicapped.

A cabinet-level Department of Education will never be a panacea for all our education woes, but it will be a vast improvement over the wasteful jumble that we now tolerate. The 96th Congress ought to move speedily to lift education to the high priority that it deserves.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

● Mr. SCHWEIKER. Mr. President, February 16, 1979, marks the 61st anniversary of the reestablishment of Lithuanian independence and the 728th anniversary of the founding of the Lithuanian state. In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history.

In 1918, Lithuania achieved independence after 123 years of oppression by Russian czars. Nearly 40 years have passed since Lithuania was denied its right to self-determination by the Soviet Union's invasion, occupation, and annexation of the Baltic states during World War II. Although the U.S. Government has never recognized the Soviet occupation of the Baltic states of Latvia, Lithuania, and Estonia, the denial of human rights and the Soviet policy of forced assimilation have not generated the outspoken official protest they warrant.

The horrors of the Stalin era have been replaced with subtler, though no less invidious, means of repression. Although the hopes of many Eastern Europeans were raised when the Soviet Union signed the Helsinki Final Act in 1975, and again when human rights were brought before a world audience at Belgrade in 1977–78, first-hand accounts by Soviet prisoners of conscience and reports in the Western press indicate that the repressive practices have not abated. In Lithuania, the Soviets continue to arrest, imprison, exile, or harass increasing numbers of Lithuanian dissidents for alleged "crimes against the State."

In commemorating these Lithuanian anniversaries, the United States should rededicate itself to the tireless promotion of human rights in every world council so as to keep alive the aspirations of Lithuanians and all other persecuted peoples who desire the unfettered opportunity to exercise these rights.●

ETHICS IN GOVERNMENT

● Mr. RIBICOFF. Mr. President, concern has recently been expressed about the effect of a provision in the Ethics in Government Act, which was adopted last year. Specifically much of the concern has focused on the "aiding and assisting in representing" provision, which applies to certain conduct after high-ranking officials leave office.

These as well as the other provisions of the Ethics Act were carefully considered in Congress. They had the full support of the President and the Department of Justice.

However, I believe that regulations should be issued promptly by the administration in order to provide guidance and information to those who will be affected by the act. In order to assist the new Office of Government Ethics in its responsibility to issue such regulations, a memorandum was prepared by the chairmen and ranking members of the House-Senate conference on that legislation. The memorandum sets forth the legislative intent of that provision.

Thus interpreted, I believe the provision is both necessary and reasonable.

Mr. President, I ask that the covering letter and the memorandum, authored by Senator PERCY, Congressman DANIELSON, Congressman MOORHEAD of California, and myself, be printed in the RECORD.

The material follows:

U.S. SENATE,
February 16, 1979.

BERNHARDT K. WRUBLE,
Director Office of Government Ethics, Office of Personnel Management, Washington, D.C.

DEAR DIRECTOR WRUBLE: Recently there has been some misunderstanding regarding the scope of one of the provisions of the Ethics in Government Act, adopted by Congress last October. We believe clear and concise guidance by the Office of Government Ethics is essential.

As you know, the Ethics Act does not in any way prohibit forms of employment, or prevent a Federal employee from taking any position with any firm or organization which he chooses when he leaves the government. The major thrust of last year's "revolving door" provisions was to restrict contact by high-ranking officials with their former agencies for a period of one year after leaving the government.

One additional limitation was added by the Ethics Act. The additional limitation bars former high-ranking Federal officials from aiding or assisting in representing on specific matters involving their former agency.

It is this additional provision which seems to have created some misunderstanding. Both the transcript and the report of the House-Senate conference demonstrate that this provision applies only to subsequent representational activities, and applies only to those matters in which a former high-ranking official had been personally and substantially involved. The provision was addressed solely to the problem of "switching sides" on specific cases or matters after an employee leaves the government. The intent was to foreclose active, specific involvement in representation on the part of certain former government officials. It is not in any way designed to restrict involvement in general matters which may have fallen under an employee's official responsibility while he was in government service.

In connection with your responsibility to recommend regulations or guidelines under the Ethics Act, we are enclosing a memorandum which we hope will be helpful on the background and scope of this provision.

We stand ready to be of whatever assistance we can in connection with your efforts.

Sincerely,

GEORGE E. DANIELSON.
CARLOS J. MOORHEAD.
ABE RIBICOFF.
CHARLES H. PERCY.

MEMORANDUM ON THE "AIDING AND ASSISTING IN REPRESENTING" PROVISION OF 18 U.S.C. 207(b)

Title 18, section 207(b), as amended by the Ethics in Government Act, contains two distinct restrictions on post government employment of Federal employees, based upon the degree of personal knowledge and association a former employee had with a particular matter during government service.

Section 207(b)(i) is essentially a restatement of existing law. This provision applies to *all* former Executive Branch officers and employees. It provides that, for a period of two years, an employee may not knowingly act as agent or attorney on a particular matter which was pending under his "official responsibility" during his final year with the government. As amended last year, the length of the prohibition is extended from one to two years.

In contrast, 207(b) (ii) applies *only* to high-ranking former Executive Branch officers, such as Presidential appointees, and others designated by the Office of Government Ethics as having major decision-making authority. This is the "aiding and assisting in representing"[1] provision. It provides that, for a period of two years, such high-ranking officials may not knowingly represent, or aid, counsel, advise, consult, or assist in representing any other person on a particular matter, in which the former official was "personally and substantially involved" while in office. 207)b) (ii) was added by last year's legislation.

Both 207(b) (i) and (ii) have important limitations. Both include only "particular matters involving specific parties" that were pending before the official while in government service. Therefore, rule-making, formulation of general policies or standards, other similar administrative matters and legislative activities—none of which typically involve specific parties in specific cases—are *not* included in the prohibition. In addition, both 207(b) (i) and (ii) require that the proscribed conduct must occur in connection with a "formal or informal appearance" before a court or agency.

Questions have arisen concerning the scope of the 207(b) provisions. Some have asked whether the "aiding and assisting in representing" provision may not be limited just to those matters in which the former official was personally and substantially under official responsibility. Questions have also arisen about the meaning of the term "representing."

However, we believe that both the policy and legislative history of the provision demonstrate that "aiding and assisting in representing" is restricted only to matters in which the former high-ranking official was "personally and substantially involved" while in office. They also demonstrate that representational activities are limited to those where the former official is directly involved in a formal or informal appearance before an agency or court.

"PERSONAL AND SUBSTANTIAL" INVOLVEMENT

The original Senate version of the Ethics Act, S. 555, contained a provision which imposed a lifetime ban on matters in which a former official had extensive involvement while in office. The Senate report on S. 555 stated, "The more intimate and extensive the involvement of the official, the greater the restriction is on the official's later involvement on those matters * * * on behalf of private clients." Thus S. 555, as passed by the Senate, provided a subsequent consultation restriction which was part of 207(a), a lifetime ban which solely concerned particular matters in which there had been "personal and substantial" involvement.

In conference, the Senate agreed to accept the House language on "aiding and assisting in representing." Thus what had been a lifetime ban in the Senate bill was reduced to a two-year ban, as proposed in the House-passed measure. That language, which was only slightly modified in conference, was recommended by the Administration.

The House-Senate Statement of Managers on the legislation demonstrates that the two parts of 207(b) apply to different matters: 207(b) (i) applies only to matters under "official responsibility," and 207(b) (ii) applies only to matters where there had been "personal and substantial" involvement. The Statement of Managers, in explaining the "aiding and assisting in representing" provision, states:

"It is the intention of the conference that this provision will prohibit a former officer or employee from subsequent consultation on a matter, *in which he was personally and substantially involved while in office*, even though he is not representing a party in that matter."

The transcript of the House-Senate Conference proceedings further supports that construction. During the conference, the "aiding and assisting in representing" provision was repeatedly linked to "personal and substantial" matters.[2]

Therefore, the legislative history indicates that the "aiding and assisting in representing" applies only to those particular matters in which the former official had "personal and substantial" involvement while in office. Thus "switching sides" on specific cases is restricted. Also that conclusion is supported on policy grounds. Matters more remotely under "official responsibility" would not involve such specialized knowledge and thus would not justify this type of restriction.

REPRESENTATIONAL ACTIVITIES

As previously mentioned, the House-Senate Conference on this legislation agreed to accept the House language on "aiding and assisting in representing." The Senate bill had provided in 207(a) that officials would not "aid, assist or represent" parties in certain matters. The Senate language thus suggested a distinction between aiding and assisting, as compared with representing.

The House language made no such distinction. Indeed, the language proposed by the House and adopted by the conference established a definite relationship between aiding and assisting, and representation. The relevant language of 207(b) (ii) as enacted is: "represents or aids, counsels, advises, consults, or assists in representing." The legislative history indicated that the words "in representing" were intended to qualify the language, "aids, counsels, advises, consults, or assists."

In its report on H.R. 1, the House Judiciary Committee stated that, "This revision [of 18 U.S.C. 207] makes it clear that subsections (a) and (b) prohibit *representational* activity . . ." In discussing this specific provision, the House report indicated that high-ranking officials would be "barred from aiding and assisting *in the representation* of any other person in any such matter before a government agency." According to that report, the conduct prohibited under the "aiding and assisting in representing" provision must occur in connection with some representational activities.

The transcript of the House-Senate conference proceedings fully supports the conclusion that aiding and assistance was linked to representation. Indeed, during the conference Congressman Stratton specifically objected to the "aids, assists or represents" approach that was contained in the Senate version:

"The guts of this [207(b) (ii)] would seem to me to be in representing some person, as an attorney or in some other way. But if an individual who had been in the government goes to work for IT&T let's say, and some other individual in the company is going to appear before . . . a regulatory agency and he writes a statement for him or prepares a graph or tells him what a particular chemical reaction would be under certain circumstances, without even leaving the IT&T office, he would be banned from doing this.

"*That is not what we want to accomplish* . . . So it would seem to me that if we make this simple change, knowingly represents, or aids or assists in representing any other person. *We are concerned about the aiding and assisting as it relates to the representation.*"

The following exchange that took place between Congressman Stratton and Senator Ribicoff further clarified the point:

"Senator Ribicoff. I want to know what your intentions are. Is it your intention that if a man works [in] the Antitrust Division on X case, that if he leaves and goes to work with Y law firm, he can then go and work with Y law firm on the X case when he is on the other side. You don't want that, do you?

"Mr. Stratton. Then he would be aiding or assisting in the representation which is what we specifically prevent.

"Senator Ribicoff. . . . What we are talking about is being involved on the other side of the case when he knew what was in the government's case.

"Mr. Stratton. That is exactly it. So he is either representing or he is aiding or assisting in the representing."

"So the thing that each one of these paragraphs is trying to prevent is a representation, either as an agent or an attorney for.

"In this case, we would properly ban those who are aiding or assisting in that representation. That is the way it was drawn up. That is the way we understood it."

That interpretation was later accepted by the conference.[3]

In conclusion, 207(b) (ii) proscribes, for a period of two years, only aiding and assisting in connection with representation, which concerns a formal or informal appearance before a court or agency. Absent the element of representation, the provision has no application to consultation following Federal service, even in a matter in which the former official was personally and substantially involved.

One final point: It should also be noted that 207(b) (i) and (ii)—as with 207 (a) and (c)—do not apply to "communications solely for the purpose of furnishing scientific or technological information." (See 18 U.S.C. 207(f).) Congressman Stratton, the author of that exception, indicated that its purpose was to ensure a free flow of technical information between government and the scientific community. As the Congressman stated during floor debate, scientists should not be "prohibited from furnishing information to their former agencies which could assist research and development programs."

Thus the "aiding and assisting in representing" provision of 207(b) (ii) applies only if all of the following conditions are met:

1. The former high-ranking official must have been "personally and substantially" involved in that matter during government service;
2. It must be a particular matter involving specific parties;
3. The "aiding and assisting in representing" must occur in connection with representation, which directly concerns a formal or informal appearance before an agency or court; and
4. The assistance or consultation must be something more than furnishing scientific or technological information, which is expressly excepted by 207(f).

EXAMPLES

A few examples may be helpful in understanding how these provisions will work.

Some situations where 207(b) (ii) applies:

a. A high-ranking Justice Department lawyer personally works on an antitrust case against ABC Company. After leaving the Department, he discusses legal strategy with lawyers representing ABC Company on that same antitrust case. Such consultation in the same case would be prohibited.

b. A high-ranking Defense Department official participated personally and substantially in an award of a government contract to XYZ Company for fighter planes. After leaving the Department, the former official goes to work for XYZ Company. Subsequently, the contractor desires to renegotiate prices on the fighter plane contract with the Defense Department. The former official could not assist the lawyers for the contractor in obtaining DOD approval of that revision.

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[1] The actual language of the provision reads: "aids, counsels, advises, consults, or assists in representing . . ." Hereafter in this memorandum, it will be referred to as the "aiding and assisting in representing" provision.

[2] See Stenographic Transcript, "House-Senate Conference on S. 555," October 5, 1978, pp. 133–34.

[3] *Ibid.*, p. 138.

Some situations where 207(b)(ii) would *not* apply:

a. A high-ranking Justice Department lawyer personally works on an antitrust case against ABC Company, which is represented by Y law firm. After leaving the Department, he goes to work with Y law firm, and represents DEF, Inc. in an antitrust case. Such representation would not be barred. Nor would he be prohibited from representing, or assisting the lawyers who represent, ABC Company in a separate antitrust case. The 207(b)(ii) restriction does not apply, because the "aiding and assisting" does not occur in connection with the same case.

b. A high-ranking official of the Department of Health, Education and Welfare leaves the government to take a university position. Thereafter the former official has broad responsibility for various HEW contracts which the university holds. He also advises lawyers, who represent the university, in contract matters which are pending before HEW. Those same matters were under the former officer's official responsibility while he was in government service. The 207(b)(ii) restriction does not apply because the "aiding and assisting in representing" does not concern matters in which the former official was personally and substantially involved while in office.

c. A high-ranking scientist with the Food and Drug Administration was personally and substantially involved in a licensing proceeding on a specific drug. After leaving the FDA, he is employed by the manufacturer of that drug. There he engages in research, indicating that the drug is safe and effective, which his employer later provides to FDA. The restriction does not apply because the former official is furnishing scientific information to the government. (See 18 U.S.C. 207(f).)

d. A former General Counsel of the Federal Communications Commission leaves the agency to join a law school faculty. In one of his courses, he discusses a specific licensing case in which he was personally and substantially involved while at the FCC. The restriction does not apply because the conduct does not occur in connection with any representational activities.●

THREATS TO AMERICAN SECURITY IN THE WESTERN PACIFIC AND INDIAN OCEAN

Mr. HARRY F. BYRD, JR. Mr. President, yesterday the Senate Committee on Armed Services held hearings on developments in the strategic balance in the Western Pacific and Indian Ocean region. The chief witness appearing before the committee was Adm. Maurice F. Weisner, U.S. Navy, who, as commander-in-chief, Pacific, heads all U.S. military forces in the Pacific area.

The testimony presented to the committee was extremely interesting and informative in several areas about which there is limited public knowledge.

First, contrary to many public announcements by members of the executive branch, Admiral Weisner, in response to a question I asked, stated his firm military judgment that the military and naval forces of Mainland China are at the present time fully capable of successfully attacking Taiwan. In fact, the admiral testified that Mainland China has the existing ability "to bring Taiwan to her knees." He added that he did not feel that the Republic of China has such intentions, however.

Now, Mr. President, I am concerned that the American public is inadequately informed with regard to the military capability of Mainland China and that the public may be misled as a result of statements made by the administration that Mainland China does not have such military capability to successfully attack Taiwan. I am hopeful that Admiral Weisner's informed military testimony provided to the Committee on Armed Services will set the record straight.

Second, Admiral Weisner reported to the committee that Mainland China is "working on a full range ICBM that will give them the capability to strike targets as far away as the continental United States."

I believe the American public is entitled to know when Mainland China will have the ability to attack the United States with nuclear weapons. The American public should be alerted to this ongoing work in Mainland China to develop an intercontinental ballistic missile. As Admiral Weisner pointed out in his statement, Mainland China already has the ability to hit European Russia with a limited range ICBM so certainly the American people are entitled to ask why efforts are being made to develop this new intercontinental missile capable of reaching North America.

Americans should be informed also that Mainland China has approximately 3.5 million ground troops organized in over 200 combat divisions; a 500,000-man air force with over 5,000 fighter aircraft; and the third largest Navy in the world (350,000 personnel) with more than 1,200 ships of all types, including at least 80 attack submarines. These facts Admiral Weisner provided to the committee, and he gave the further information that Mainland China is developing ballistic missile submarines.

Great care should be exercised in the coming months to guarantee that, in the Carter administration's rush to supply technology to Mainland China, no technology is supplied to Peking which would assist in these ongoing Chinese efforts to develop submarine launched ballistic missiles or ICBM's capable of hitting American cities. Let us not make the possibly fatal mistake of arming a potential adversary with advanced weapon technology dangerous to our own security.

Now, third, Mr. President, Admiral Weisner expressed grave concern over the ability of the U.S. Navy to protect the vital sea route from the Persian Gulf around the African Cape of Good Hope to Western Europe and to the United States. He pointed out that this route is used in transporting a major portion of Persian Gulf petroleum to the West.

He highlighted the danger of the growing Soviet military presence in the Horn of Africa and noted the potential threat posed to the Mozambique Channel by the pro-Soviet governments in power in Madagascar and Mozambique.

Finally, in response to a question by me, he stated his military opinion that a U.S. naval base in South Africa would be "very valuable."

Mr. President, the Senate should take account of this important testimony and should seek to assure that U.S. interests are not jeopardized by misinformation about the military capabilities of other nations, or by lack of sufficient naval strength to keep open the critical sea lanes of the world.

PROGRESS FOR PROJECT HOPE

Mr. PERCY. Mr. President, a recent edition of Newsweek magazine featured an "Update" article on Project Hope which I would like to share with my colleagues.

As some may recall, Project Hope last year celebrated the 20th anniversary of its founding. In that period of time, Hope has established a record for efficient, effective, self-help health teaching programs in developing areas of the world. A nonprofit, people-to-people organization, Hope today continues to help solve health problems on four continents.

The Newsweek article describes briefly the organization's newest undertaking, the Project Hope Health Sciences Education and Research Center in Millwood, Va. The center has been made possible by the generosity of major benefactors and is evidence of the public support Hope continues to generate.

Mr. President, I ask unanimous consent that the Newsweek article of January 15, together with a pamphlet, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEW HOPE

The S.S. Hope, a floating medical center that became a symbol of U.S. aid to underdeveloped nations made its last voyage in 1974. But Project Hope, the private charitable organization that ran the ship, continues as a land-based operation and aims now to become a think tank in the public-health field.

A former World War II Navy hospital ship, the 15,000-ton S.S. Hope traveled more than 250,000 miles after being refitted for peacetime work in 1960, and its volunteer staff performed some 19,000 major operations, immunized roughly 3 million people and trained more than 7,000 doctors and nurses. But by 1974, the great white Hope was, as one volunteer puts it, "an old, leaky, squeaky rustbucket which only God held together," and it was auctioned to a dismantling company for $379,000.

"The ship had such great emotional appeal for everyone that I predicted donations would drop off dramatically when we did away with it," says Project Hope founder and president, William B. Walsh. "Some people did stop giving, but then there were others who started—people who had steadfastly refused to give to the ship because they thought it was just a gimmick." Last year, Project Hope, based in Washington, received $6 to $7 million in private donations and another $2 million in government grants.

Finding Jobs: The money is used for a variety of public-health works in thirteen countries in Africa and Central and South America, as well as in the U.S. Stateside projects include training the entire staff of an Indian-operated hospital on Arizona's 16 million-acre Navajo reservation and developing special health-career programs for Mexican Americans in Laredo and El Paso, Texas. In Laredo, says a spokesman, all of the first

200 trainees found jobs as nurses or medical technicians—freeing them from dependence on welfare.

The organization's main project at the moment is setting up the Project Hope Health Sciences Education and Research Center. Located on a 193-acre estate in Virginia, the center is designed to be, in Walsh's words, a "health-care think tank, the Dumbarton Oaks of the health field." Project Hope spent $1.1 million for the property—which includes a twenty-room mansion known as Carter Hall, formal boxwood gardens, tennis courts and a swimming pool—and expects to spend $3 million on renovations and construction.

The center will open in April, and plans are to have at least ten scholars-in-residence who will hold conferences and seminars. Possible topics: the relationship between patient satisfaction and the quality of care, the high cost of medical equipment, and the pros and cons of government-sponsored national health care. Walsh, 58, also hopes his experts will look into the American system of medical education, which he feels stresses sciences such as chemistry and physics at the expense of what he calls "humanism."

The new center, says Walsh, "will be a much better environment in which to work than Washington. When you put people in a think-tank atmosphere, what comes out is thought that translates into action. I think it's one of the most exciting things we've ever done."

Project HOPE

BACKGROUND

Project HOPE began in 1958; the S.S. HOPE, the world's first peacetime hospital ship, sailed on her maiden voyage in 1960. That trip was to Indonesia, and South Vietnam, and missions followed to Peru, Ecuador, Guinea, Nicaragua, Colombia, Ceylon, Tunisia, the West Indies, and Natal and Maceio, Brazil. These missions averaged ten months. Upon the request of a host country, HOPE selected a cadre of medical personnel to remain when the ship departed after a mission. Teams of up to 20 physicians, dentists, nurses, and allied health personnel follow up on teaching programs instituted during the original mission. Today such programs continue in Peru, Tunisia, the Caribbean, and Natal and Maceio, Brazil, and new programs were developed for Colombia, Egypt, Barbados, Guatemala, and Poland.

Project HOPE departed from its ship-oriented programs in 1969 and began employing the teaching techniques learned abroad in existing facilities in the American Southwest, in the Mexican-American community of Laredo, Texas, and at Ganado, Arizona, on the Navajo Indian reservation. A new domestic program in El Paso, Texas, opened in mid-1974.

In April 1974, the decision was made to retire the S.S. HOPE. Operating from a ship limited the Project to countries which possessed adequate harbors and docking facilities, and HOPE found it essential to respond to the repeated invitations of landlocked nations equally in need of HOPE teaching and training programs.

ACCOMPLISHMENTS

Since 1960, more than 2,500 North American medical personnel have served with the Project, and HOPE has trained over 9,000 physicians, dentists, nurses, and allied health personnel. HOPE has also pioneered new concepts in the use of allied and basic health personnel; helped establish new schools of nursing, dentistry, and physical therapy; assisted in the development of existing teaching institutions; worked in hospitals to teach and implement improved methods of patient care; and helped expand public health efforts. In the process over 191,000 were treated, more than 18,750 major operations conducted, and over three million benefited from the services involved. This work has been documented in three books: A Ship Called HOPE; Yanqui, Come Back! and HOPE in the East. Each was written by William B. Walsh, M.D., HOPE's founder and President, and was published by E. P. Dutton & Co. Also available is Words of HOPE, a history of HOPE's first 12 years.

FINANCING

Ten million dollars are needed annually to sustain the operation of Project HOPE's ongoing programs both in the United States and abroad. The Project depends primarily on private resources and receives tax-deductible contributions from thousands of individuals and groups, including support from organized labor, business, and industry. Project HOPE has received grants from the Agency for International Development to cover a limited part of the costs of HOPE's international programs.

ORGANIZATION

William B. Walsh, M.D., is founder, President and Medical Director of Project HOPE. International Headquarters are in Washington, D.C. Field offices, volunteer chapters and committees are located in major cities throughout the United States. The Foundation is incorporated under the District of Columbia code. It enjoys tax-exempt status with the Internal Revenue Service of the U.S. Government.

CONTRIBUTIONS

Americans can help HOPE give to millions around the globe by donating their talents and financial contributions. Queries and donations may be sent to local HOPE offices or to: Project HOPE, Washington, D.C. 20007.

ROGER STEVENS—A GREAT "NATIONAL ASSET"

Mr. PERCY. Mr. President, with the opening of another theater at the Kennedy Center, it is an appropriate time to reflect upon the importance of the Kennedy Center to those of us in Washington and the Nation as a whole. Since its opening in 1971, 12 million spectators have filled its auditoriums and another 20 million visitors have taken the Center's free guided tours. Millions more have enjoyed televised broadcasts from the Kennedy Center in their homes. With an average attendance level of 82 percent, the Kennedy Center can be termed an unqualified success. Producer David Merrick has hailed the Center as the "most successful cultural facility in the world;" Mikhail Baryshnikov, perhaps the world's most highly acclaimed dancer, has said that "the Kennedy Center has given ballet new life;" and others have credited the Kennedy Center with raising Washington from the "cultural Sahara."

Indeed, Washington is now not only the political capital, but a cultural capital as well, of our Nation. A great measure of the credit for this new role for Washington should go to the Kennedy Center and Roger Stevens. As the unsalaried Chairman of the Board for the Kennedy Center, it is Roger Stevens who has been responsible for the stature that the Kennedy Center has attained. Involved in its planning from the early 1960's, Roger Stevens has guided the Kennedy Center from the conceptual stages, through construction, into its first years of operation and now into an era of expansion with the addition of the Terrace Theater, a magnificent gift from the people of Japan. The theater will be the cornerstone of a new complex that will enable the Kennedy Center to greatly expand its activities in the realm of cultural education and public service. New talents and new works will have the opportunity to be exhibited here in one of the world's finest cultural facilities. Through Roger Stevens' envisioned expansion of activities in this area, the Kennedy Center will truly earn the title of our Nation's cultural center.

Roger Stevens, whom the Smithsonian recently termed as a "national asset," is a gifted individual who has been able to combine the support of the Government, artistic community, and business to create this venerable institution, the Kennedy Center. An excellent portrait of Mr. Stevens was recently given in two articles by David Richards in the Washington Star and I believe that we can benefit from this insight into one of the most dedicated and extraordinarily talented man I have ever been privileged to know.

Mr. President, I ask unanimous consent that these articles appearing in the February 5 and 6, 1979, editions of the Washington Star be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Man Who Reshaped the Cultural Map

(By David Richards)

(First of two articles)

Like most superachievers, Roger Stevens enjoys reminiscing about the scruffiness of the past, if only to emphasize the distance he has traveled since then.

He culls an illustration out of the Depression—a time, he would have you believe, when he slept on park benches, jumped freight trains and even landed in jail on occasion for talking irreverently, if not drunkenly, to assorted officers of the law.

"I've always thought that I had a first-rate negative personality," he says with a hint of chuckle.

"I remember going into a bar with this friend of mine, who was pretty outspoken," Stevens says. "He liked to spout the revolutionary language of the left and he could really get a lot of people upset. Before long, he was having a loud argument with this guy at the bar. I was so scared, I wasn't saying anything, just sitting there. Well, when it appeared that things were really going to get nasty, the guy at the bar stopped, looked at me and then turned back to my pal and asked, 'Who's your terrible friend?'"

Stevens smiles. "I've always felt that was a good example of my ability to get along."

In many ways the anecdote presents a mirror image of the man today—a man who instills foreboding in others often by saying nothing at all; a man whose most demonstrable skill over the years has been his ability to forge business and political alliances of a complexity that would be the envy of a Chinese puzzle maker, a man who can indulge in a kind of shambling modesty, knowing full well that at this stage of his life the facts will prevail.

Roger Stevens—magnate, gambler, impresario, wheeler-dealer, monument builder—is the chairman of the board of trustees of the Kennedy Center for the Performing Arts. Even his most vehement detractors—those who call him a "cold fish" or a "tight-fisted Puritan"—admit that the Center would not be there, were it not for his vision and sheer doggedness.

More than any single person, Stevens is responsible for reshaping the cultural map of Washington, transforming a Southern backwater into a major artistic crossroads, second only to New York. In the dark days before the Kennedy Center, the world's principal arts companies avoided Washington altogether, since playing here meant playing either cavernous Constitution Hall or cramped Lisner Auditorium, neither especially attractive or well-equipped.

With its three major halls, the Center offers the latest in stage technology, near-flawless acoustics and, no small drawing card, backstage creature comforts that border on the princely. It also offers a large, cosmopolitan audience and the very real promise that the president may come calling, an event that automatically generates free nationwide publicity. As a result, the Center can and does attract some of the finest artistic talent—from La Scala to the Berlin Philharmonic, from the Grand Kabuki of Japan to the latest Broadway show.

Because Washington is the seat of influence and appropriations, Stevens' impact has been national. As early as 1964, he was arguing the case for a national cultural center before Congress (which was sometimes dubious), big business (uninterested) and the arts establishment (suspicious). That he eventually reconciled all three groups and got the Center built prompts one friend to say that Stevens could forge an alliance "among a snake, a mongoose and Eve."

Everything about the Center—from its proposed site to its rapidly escalating cost—was matter for contention. "Roger was like a dog with a bone," says a long-time Washingtonian. "He just wouldn't let go. I don't know anyone who could have carried through the way he did." The emotionally-charged opening of the Center in 1971 was as much a tribute to Stevens' negotiating skills, as it was to Kennedy's memory.

Some critics may carp about the edifice, its location, its prices and its fare. In some artistic circles, Stevens continues to be viewed as "a very successful businessman, who has no point of view in the theater, will never have a point of view and is probably incapable of having a point of view," as one observer puts it.

No matter. Stevens has success on his side. Audiences want in. (Attendance at the Center runs at an astonishingly high 82 percent of capacity). Producers, including those who snipe behind his back, want in. Even President Carter has taken to visiting the place with flattering regularity. "Whatever anyone says, the Center works," beams Stevens, always the pragmatist.

At first glance, or even second, he appears to be an utterly improbable figure to head the country's only national cultural center. If he were to act in plays, instead of produce them, he would have been type cast long ago as the absent-minded professor, preferably on a midwestern campus. Tall, bald, and still ingenuously blue-eyed at 68, he plods through the world with a look of preoccupation on his face that suggests more than a passing kinship with one of Aesop's turtles.

Oblivious to fashion, he dresses as if out of an old clothes hamper. Summers, he has been spotted in Hawaiian shirts, rivaling in violence those of the tourists who throng the Center. After he had a heart attack several years ago, his doctor counseled him to keep his head warm. Stevens immediately took to wearing a bright red knit cap, with a pompom on top. During his morning walks through Georgetown, his one regular concession to exercise, he looks startlingly like the world's oldest kid.

Often Stevens will pass friends without so much as a nod, a slight that most of them now attribute to the fact that he is invariably pondering four or five problems at the same time. ("I've never purposefully ignored a good-looking woman in my life," he jokes.) He has an admittedly rotten memory for names and faces. When Arthur Miller's "The Archbishop's Ceiling" was playing in the Eisenhower, Stevens referred to it regularly as "The Archbishop's Cathedral." Recently, he boasted that "Every Good Boy Deserves Favour" was one of the crowning achievements of the Kennedy Center, and then characteristically couldn't remember which Previn wrote the music—Andre or Dory.

Several Center staff members refer to him as "The Great Stoneface" or "The Mumbler." Indeed, so marked is his habit of talking into his chin, or one of his thin, drab ties, that some observers construe it as a conscious tactic. In the buzz of half-articulated words, Stevens slips through the net. He knows exactly what he is doing and how he's doing it, even if he gives the impression that he has just reeled out of a game of Blind Man's Buff.

"I'm supposed to be very intuitive about people, which is why I can put so many deals together," he says. "I guess I know when to push and when not to push, when to listen and when to talk. I've certainly never had any lack of confidence in my ability to make a deal. But that's really the best of it. For the rest, well, I'm not very bright. I'm a bad businessman. I have no desire to make money. I have enough and all I've seen is trouble if you have more. I get bored buying and selling and saving a dollar here and there. I am really much more of a bohemian by nature."

Not many people would describe Stevens as a man of bohemia. Instead, most find him an enigma, although what they perceive as his aloof, diffident facade is prompted as much by his natural shyness as by anything else.

"Someone once compared him to an ancient Roman," says Stevens' wife, Christine. "I think there's an element of that. In other words, stoicism is a large part of Roger's character. He actively refrains from whining and he can't abide complainers. He's a very persistent man. During the height of the Depression, Roger was working on the assembly line of the Ford Motor Company. His job was to take a gear off a belt and hold it up to a rotating wire brush to remove the burrs. This was the time of the famous speed-ups and before long the brush had rubbed his hands raw. But he was supporting his whole family then and was determined to hold onto the job. Two weeks later, he was fired in a general lay-off. He's often said the experience had a great deal to do with his changing from a Republican to a Democrat."

Playwright Arthur Kopit, who was a student at Harvard when he was first befriended by Stevens, tells this story: "Years ago, I was in New York to go to the theater and I dropped by to see Roger in his office one afternoon. He drank then and as we were going out of the building, he remembered that he had just bought a restaurant called Rubens. 'Let's go see what it's like,' he said. Once there, he announced, 'The only drinker is a prohibition drinker,' which I took to be fighting words.

"Three double-martinis later, we pushed through the revolving door somehow, weaved out onto the street and tried to hail a taxi. There were none in sight and Roger was growing visibly impatient. Finally, he turned to me and said, 'That's the trouble with Philadelphia. You can never get a taxi when you need one.' "

Richmond Crinkley, who was Stevens' assistant for three years before recently becoming the executive director of the Vivian Beaumont Theater in New York, also associates Stevens with motion. "One day, we were walking down 45th St. on our way to Sardi's when this fire truck came careening down the street. The sirens were wailing and it was weaving in and out the traffic at top speed. Roger stopped dead in his tracks and said, "Look at that thing go, will you!" I mean, he was full of admiration.

"I really think activity is an absolute necessity for Roger. The most interesting and fruitful times I spent with him were not the times he was in his office or in a theater, but the times he was in a taxi or an airplane or walking down the street, going somewhere. Getting from A to B is really what Roger is all about."

"Roger's a mixture of two things," says Robert Whitehead, Stevens' partner in commercial producing for the past 25 years. "There's a very civilized quality that comes from a conservative upbringing. He has a deep respect for beauty and art and a strong sense of social responsibility. Along with that is this old time American gambler. Most of us feel nerve-wracked when the money dwindles. But Roger just sees money as a means to an end. He has no fear of it. In fact, he's even got a sense of humor about it that is rather marvelous. His attitude is, 'Don't worry. There's plenty lying around.' If you're an old frontier gambler, the theater is a great place to be, because it's one helluva gamble."

Stevens' gambling streak surfaced early. As a teenager, he kept himself in pocket money by taking on his friends at bridge, poker and blackjack, and winning. The aesthetic concerns didn't develop until he had dropped out of school and was discovering that the world could be a bleak place.

His life isn't so much a rags-to-riches saga, as it is a riches-to-rags-to-riches story. The son of a well-to-do real estate broker, Roger Stevens was born in Detroit in 1910 and seemed destined for the traditional Ivy League grooming. He muddled his way through Choate preparatory school and had been accepted for admission to Harvard University when the gathering Depression wiped out his father's fortune.

Instead Stevens went to the University of Michigan at Ann Arbor where the family lived. He lasted a year and quit at age 19. For the next five years, he knocked around Michigan, collecting some of the Depression stories he likes to drop into the conversation. Eventually, he found work as a real-estate broker during the day, and as a gas station attendant at night. Selling real-estate brought him nothing for the first six months; pumping gas brought him $12 a week. ("Even then," says Christine, "Roger was so preoccupied that he often forgot to put the cap back on the customer's gas tank.")

During this period, Stevens discovered books, a passion which has not deserted him and which prompts him to observe, "If I were a bit younger, I think I'd buy a publishing house. More interesting than theater. Books last." (He is a director of Farrar, Strauss & Giroux, and from 1970–75 was chairman of the advisory committee for the National Books Awards.)

He read voraciously, sometimes as many as five classics a week, discovering in the process Joyce and Proust (his favorite novelists) and Pirandello (his favorite playwright). To this day, Stevens continues to read as much as his schedule will allow. "I'll bet," he said, taking time from a recent lunch at the Sans Souci to gaze at the crowd of rich and powerful diners, "that I've read more books of all kinds in the last six months than anyone else in this room."

Stevens denies that reading has been a compensation for the university education he never had. "I just liked to read then and I like to read now," he says. Still, he lets it slip that "Eisenhower used to tell everybody to address me as Dr. Stevens. He assumed I had at least a Ph.D."

As the Depression began to abate, Stevens revealed the business acumen that would make him one of the two most powerful real estate men in the country in the mid-1950s. Trading in undervalued apartment houses and hotels, he had acquired by 1937 a nest egg of $50,000, a yearly income of $25,000 and a wife, the former Christine Gesell.

"My father was always saying when he had money how he was going to take me on trips and do this and that. And he never did," Stevens recalls. "So after Christine and I got married, we spent $10,000 for a six-month tour around the world. The world has never been the same since."

It was only after World War II that Stevens became a double threat, however—first as a real estate tycoon, then as a Broadway producer. The producer launched a variety of hits—and misses. The tycoon bought and sold hotels and office buildings and developed commercial centers, as if the whole country were his private Monopoly board. In 1951, he headed a syndicate that acquired the Empire State Building for $51.1 million, then the highest price ever paid for a building. "I developed something of a reputation as the greatest deal-closer in the country," Stevens boasts now.

Stevens' reputation as a producer developed somewhat slower than that as a real estate tycoon—although eventually he would have as many as 10 shows a season on Broadway. ("That's more than Merrick ever had," he can't help noting.) His first production was hardly a sure bet: Shakespeare's "Twelfth Night," as staged by the Ann Arbor Drama Festival. Stevens took it to New York in 1949, had the satisfaction of getting an encouraging notice from Brooks Atkinson, and then promptly lost $45,000 on the six-week run. "I didn't know that if you're going to do a revival, you have to have a big name in it," Stevens explains. He has since made the observation an iron-clad principle at the Kennedy Center.

He hit paydirt the following year with a musical version of "Peter Pan," starring Boris Karloff and Jean Arthur, with music by Leonard Bernstein, who would figure both prominently in Stevens' theatrical career ("West Side Story," "Mass") and not so prominently ("1600 Pennsylvania Avenue").

"Everything we did was wrong," Stevens recalls. "We opened in the spring and there was no air-conditioning. Our break-even point was 80 percent of our gross. The thing is, it was a helluva good show. Incidentally, it had the first integrated chorus line on Broadway. People told me it got much more applause on opening night than 'South Pacific.' You hear that kind of applause five or six times in a life. I can tell you it's quite a thrill."

For the next two decades, Stevens would pursue that thrill with a vengeance—as financial advisor to the prestigious Playwrights' Company, which, he says, gave him his theatrical education; as a board member of ANTA; and as one of the founding members (with Robert Whitehead and Robert Dowling) of the Producers' Theater. Although he has never been one to cut his partners out of a production, Stevens is also not one to put off a production if his partners demur. Hence, his multiple alliances. Today, he continues to produce independently of the Kennedy Center, both by himself and in conjunction with Whitehead. "Roger isn't happy, unless he's got five projects going all at once," remarks a friend.

Stevens is proud of his producing record during the 1950s and early 1960s and sometimes will imply that no one else contributed anything of worth during that time. He does have a list of distinguished, if not always profitable, shows. Among them: "The Fourposter," "Ondine," "The Golden Apple," "The Confidential Clerk," "Tiger at the Gates," "Separate Tables," "Bus Stop," "Waltz of the Toreadors," "Under Milkwood," "The Visit," "The Best Man," "Oh, Dad, Poor Dad," and "A Man for All Seasons."

"Of course, when you're producing as many shows as Roger did back then," says a rival producer, "you're bound to have a number of hits. It's the law of averages. But don't forget the other side: that Roger has had more flops in the theater than just about anyone else, living or dead." Lest one be overly mesmerized by the quality of his productions, Stevens is also the gentleman who brought Broadway "Under the Yum Yum Tree," "Everybody Loves Opal" and "A Hole in the Head."

As if theater and real-estate were not sufficiently time-consuming, Stevens, with his reputation as a crack money-raiser, found himself drifting into the world of politics. A political liberal, he was especially intrigued by Adlai Stevenson and for the campaign of 1956, Stevens served as chairman of the Democratic Finance Committee. "I went into politics out of curiosity," he says flatly. "I wanted to see how the inside worked . . . I found out."

Actually, Stevens was acquiring the kind of first-hand experience that would prove invaluable to him as the head of the Kennedy Center. A skilled real estate man, a successful Broadway producer and an adroit political fund-raiser—he had all the bases covered. When President Kennedy went looking for a general trouble-shooter for a proposed national cultural center, Stevens was the natural man for the job.

"I sometimes look back on the 1950s," says Stevens, "and wonder how the hell I did it all. I was making real estate deals in almost every city in the country, producing at least five plays each year on Broadway and raising money for the Democratic party. Well, I always said I could have done two out of three well, but not all three."

Stevens, whom the English press once called The Skyscraper King, would give up real estate, move to Washington, and take on what many believe was the biggest challenge of his career.

THE MAN WHO RESHAPED THE CULTURAL MAP

(By David Richards)

[Second of two articles]

"In the theater world, Roger Stevens is the great father figure," says a young New York producer. "When people are sitting around, trying to figure out how to get a play on and they have come to the end of their wits, someone is bound to ask, 'Does anyone know Roger Stevens?' "

As chairman of the board of the Kennedy Center for the Performing Arts Stevens is obviously in a position to extend a helping hand. Not only does he determine the fare for the Center's theaters—the Eisenhower, the Opera House and the just-opened Terrace Theater—but for the past four years he also has programmed the venerable National Theater, downtown. Until the Warner Theater reopened last December, a Broadway production had to meet with Stevens' approval or it just didn't play here.

And playing the Center does offer definite advantages. More than any other performing arts facility in the country, it seems to have a built-in constituency. Attendance averages 82 percent; four- to six-week runs are par for the course; and actors, who can be impossible in Philly, tend to be curiously cooperative once they get to the Center, focal point for many of the city"s social and political rituals.

Stevens' power extends far beyond the building he was instrumental in getting erected, however. Through Kennedy Center Productions, Inc., the Center's non-profit investing arm, he can and does provide financial help to pre-Broadway shows that run into trouble here. (He sunk $100,000 into "Pippin," which paid off handsomely, and $125,000 into "Annie," which has turned into the most successful Broadway musical since "A Chorus Line.") Sometimes, the mere expression of interest by the Kennedy Center can be a determining factor in a show getting financed.

"Washington was always a decent two-week stand," says Philip Langner, president of the Theater Guild. "Roger and the Kennedy Center have turned it into the most desirable tryout city in the country. It's electric and alive. Every producer I know wants to start his play there."

Frequently, there is a logjam, as a result. When the Theater Guild acquired the rights to Alan Ayckbourn's "Absurd Person Singular," Langner wanted a Washington break-in. "We started asking Roger for a booking in November, 1973. He said it was an interesting play, but he held off for months. It wasn't until July 1974 that he agreed to give us a date for September of that year, and then it was only after we told him that we had signed Richard Kiley and Geraldine Page. He has so many people trying to get into the Center that he can afford to be very choosey."

Despite lots of similar examples, Stevens bristles at the notion that he exercises any more power than your average 68-year-old self-made millionaire. "One of the very reasons I wanted to get out of the business world was that I didn't like determining the fates of other people," he says, a sudden flush of pique lending color to his face, which is usually a wintry gray. "At the time I purchased the Empire State Building, I had as many as 25,000 people working for me. I didn't want to have to worry about their damn lives, about whether or not this guy's wife was sick with TB or that guy was overdrawn at the bank. So I got out. I always liked to put together a deal for the sake of a deal, absurd as that may sound. But the daily operation of business—the buying, the selling, the chiseling—I found it . . . boring. I'm always reading about this great power I have. Nonsense!"

If a producer wants to bring a play to Washington and Stevens doesn't like it? "He can take it to Boston, instead," Stevens snaps. Subject closed. The mere reference to the Center as a booking house, in fact, is guaranteed to goad Stevens into a rare, but imposing, exhibition of displeasure.

"There is no doubt that Roger is the right producer in the right theater at the right time. God knows how, but he is largely in tune with the Kennedy Center audience," says one observer, who, when prodded, characterizes that audience as conservative, middle-aged, well-to-do and less concerned with theater, perhaps, than with promenading up and down the Grand Foyer at intermission. That, of course, is an exaggeration. Stevens will invest considerable time and energy in a "Semmelweiss" or a "Wings," plays not exactly tailored for mass consumption. By the same token, he has given Washington two productions of Noel Coward's fluffy "Present Laughter," and seems to have a high tolerance for the mustier forms of the theater plays like "The Jockey Club Stakes," "The Headhunters," "Do You Turn Somersaults?," "First Monday in October," "The Last of Mrs. Cheney" and "Gracious Living."

Stevens' critics—although not as blunt as Stanley Kauffmann, who described the Center as "a big, bad kitchen" and Stevens as "the dullard chef cooking up masses of flat grub for Washington"—still tend to be dismayed by his professional tastes, which are quixotic when they are not reactionary. Stevens doesn't put on a "season" of plays, they say, which would imply intriguing connections between the various works. He simply puts on one play after another. Finding the guiding intelligence behind them is not easy.

Stevens himself has neither the inclination nor the patience to discuss his "artistic direction" of the Center. For one thing, he dislikes the term itself. "This reminds me of a conversation between Lennie Bernstein and Alvin Ailey before 'Mass' opened," he says. "Lennie is a great intellectual, and he was asking Alvin how he choreographed. 'I don't know,' Alvin said. 'I just get those people up there on the stage and I tell them to move this way and then that way.' And Lennie said, 'Yes, but the theory behind it. You must have a theory.' And Alvin said, 'Not really. All I do is get them up there and move them around so they look pretty.'

"Well, it was one of the greatest conversations I ever heard in my life. Really very funny. I certainly wouldn't want to equate myself with either of those men. They're both geniuses. My point is: That's the way

I work. I don't have any deep theories. I just mix up the plays and put them up there. I try to find the best playwrights I can, and I try to do different kinds of plays because I think Washington demands a varied diet, and basically . . . well . . . that's it."

Those who know him well say he can be prudish. He did not want a touring production of "Equus" to play the Eisenhower (it went to the National, instead), leaving some of his staff members to speculate whether it was the nudity, the language or the vaguely homosexual undertones of the work that disturbed him. And yet Stevens subsidized the young and unknown Harold Pinter, in return for which Pinter now automatically offers Stevens the first American rights to his works. If Stevens objects to such ambiguous and sexually unsettling Pinter plays as "The Homecoming," "Old Times" and "No Man's Land," he's certainly not letting on.

As a rule, he shies away from contemporary playwrighting that suggests there may be a deep flaw in mankind or rot in the system. Having pulled himself up by the bootstraps, Stevens has no patience with whiners. Yet his favorite playwright is Pirandello, whose notions of the relativity of truth and human personality constitute a cornerstone of the modern theater. He also relishes Duerrenmatt ("The Visit," "The Physicist"), whose view of humanity is black and bitter.

"Roger's tastes are stuck back in the 1950s when he was a big Broadway producer," says a rival, who insists on remaining nameless. "His loyalities lie with the performers and playwrights he worked with back then. Deborah Kerr was wonderful in 'Tea and Sympathy,' but 'The Last of Mrs. Cheney'? Come on! Poor Samuel Taylor hasn't written a decent play since 'The Pleasure of His Company,' but Roger keeps putting them on anyway. And I really think the only reason he got involved in that awful 'Odyssey' was because 'The Golden Apple' won all those awards for him in the 50s." (Both musicals were based on Homeric legend.)

This, too, however, may be only partially true. Says Richmond Crinkley, once Stevens' assistant and now executive director of the Vivian Beaumont Theater in New York: "Roger is tremendously accessible. He will talk to anyone or read anyone's script. Usually, you have to give him two, because he loses one. But he's one of the least remote producers I know."

Always on the lookout for new playwrights, Stevens seems genuinely distressed that the species is not as plentiful as it was in the 1950s, when he was financial advisor to the Playwrights' Theater. He often accompanies his wife Christine, an ardent defender of the rights of animals, to wildlife conferences around the world, using the occasion to do a little scouting himself. On a recent trip to Australia, he picked up "Players." In East Berlin, he checked out the Berliner Ensemble. He regularly shops in London and faithfully gives American productions to the plays of Tom Stoppard ("Travesties," "Jumpers," "Dirty Linen" and "Every Good Boy Deserves Favour").

According to Robert Whitehead, who has been Stevens' Broadway partner for 25 years, "Theater is really totally different for us. I tend to do only two or three plays a year, but I believe in them deeply. They're almost an extension of something I feel about life and I take a personal responsibility toward them.

"I don't think Roger necessarily sees plays as an expression of some part of himself. For one thing, he does too many. He'll be working on four or five projects at the same time. If one doesn't pay off he figures another will. I think he truly enjoys the gamble, the roll of the dice.

"I was sick over the reception 'A Texas Trilogy' got in New York. I'd lived with that one intimately and I bled profusely when it closed. Roger was more objective. His attitude was, 'Let's get on to something else.' He's not interested in wasting time on postmortems or recriminations. It's one of his best qualities." (Stevens' comment: "I just don't bleed in public.")

Stevens does have a predilection for stars and recognizes that their drawing power is crucial to his cause—filled houses. "Sometimes Roger will find a particular play more appealing than it might otherwise be, because it has a prominent star connected with it," Whitehead admits. The Kennedy Center has housed its share of star vehicles, some more rickety than others, chiefly to show off the talents of such performers as Mary Martin, Ingrid Bergman, Pearl Bailey, Elizabeth Ashley, Jason Robards, Henry Fonda, Alexis Smith, Yul Brynner or Wilfrid Hyde-White. "It seems to me that performers are just as important as writers," says Stevens. "Is there anything worse than a bad Shakespearean production or better than a good one?"

Whether this makes for a national center is open to question. Joseph Papp, producer of the New York Shakespeare Festival, doesn't think so. "You'd have to have black, Puerto Rican, Mexican and Indian representation to call it a national cultural center," he says. "That's not the case. Nor does the Center represent what's happening with young writers across the country. Here it is, located in the capital, a city that deals with life and death issues, but it doesn't reflect that at all. It is what it is—one of those institutions of a certain size that cater largely to the conservative appetites of a white, middle-class audience and confirm its views of life. Could it be something more? I don't know. A certain conservatism is implicit in those big institutions—especially one associated indirectly with the government, as the Center is. Those large houses have to be filled. And middleground wares are what fill them.

"Of course, it's very easy to pick on the Center. It does serve a function and it stimulates theatergoing in the most general sense. I don't think you should downplay that at all. Stevens is an honorable man. He's keeping that place alive, and I know how hard that is."

Stevens' intimates find him charming and scrupulously loyal. However, Stevens himself recognizes that "for most people, my charm has always been my ability to raise money. Well, that doesn't bother me."

He possesses a resolve of iron and a sturdily oldfashioned belief that if you take on a job, you see it to the end. It was President Kennedy who summoned Stevens, then one of the country's most successful real-estate magnates to Washington and charged him not only with formulating plans and policy for a national cultural center, but also raising the money for it. It was slow going. After Kennedy's assassination, President Johnson affirmed his commitment to the Center, which would become a memorial to the slain president. (He also named Stevens as the head of the National Council on the Arts, which was to stimulate the country's arts groups with what now seems a risible $10 million yearly budget.)

Stevens receives no pay as chairman of the board and until recently picked up the considerable travel and entertainment expenses that his position entails. He professes a complete disinterest in money. Since "my daughter doesn't care about a big inheritance," he claims he has been living off his capital for the past 20 years. What money he does still earn comes mostly from investments in Seattle, where he has approximately 40 percent of the downtown office buildings on a long-term lease.

He frequently works 60-hour weeks, and although he hobnobs with ambassadors and politicians, all eager to bask to the reflected glory of the Center, he remains a creature of minimal social graces. At two successive luncheon interviews, he managed to spill something down his front. "Give me a plain colored tie and I'll do it every time," he railed overlooking the fact that all the ties he wears are plain-colored.

Not too long ago, as Stevens was leaving his office at the Center, his secretary handed him a piece of paper. As is customary, it had his evening schedule written on it. "Okay," said Stevens, reading it. "I've got dinner at the White House." Then with a perfectly straight face, "What else do I have on?" This kind of unintentional blitheness can make him enormously likeable.

At an age in life, when most men of his achievements have begun to look upon themselves as park monuments, Stevens is unconcerned with the past. "The past is dead and gone and there isn't a damn thing you can do about it," he says. "Anyway, I guess I've always been too busy to think much about the success or the failure of my actions. I'd prefer to think about what I want to do, not what I've done."

What he wants to do for the Center is solve, once and for all, the nagging bond issue. The cost of building the Center eventually ran to $73 million, of which $20.4 million was in the form of Treasury bonds, used to finance the underground parking garage. The interest on those bonds, some $2.2 million, comes due this year and the Center is not in a position to pay. Stevens is willing to settle on the principle at the rate of $1 million a year, but would like to see the interest dropped. The proposal will require some vigorous lobbying.

He would like to form a theater company with the best students from the American College Theater Festival, who would use the Terrace Theater as home base and tour the country. "That'll take some money, too" he says. He envisions a summer resident opera company for the Terrace Theater, as well.

He would like to see the day when every play at the Center is a new play.

Then this least probable of showmen adds, "I think I'd also like to have a few more hits before I roll over and fold up."

And somehow you sense that's what he really wants most of all.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

SENATE RESOLUTION 61—PROPOSED AMENDMENT OF THE STANDING RULES OF THE SENATE

TIME LIMITATION AGREEMENT—ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. STEVENS tomorrow, there be a 10-minute limitation for debate on the amendment by Mr. HELMS; that time to be equally divided between Mr. HELMS and the junior Senator from West Virginia; and that a vote then occur in relation to the Helms amendment.

Mr. STEVENS. Reserving the right to

object, and I shall not object, it is my understanding that the majority leader is reserving his option on that to make a motion to table. It would be our hope, of course, that would not occur.

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. But I want to make sure there is that understanding.

It is my understanding this is Senator HELMS' desire to have that type of time agreement on his amendment.

It is the amendment that deals with page 1, line 3, I might add, and to considering the measure not more than 8 hours per calendar day. That is the amendment we are talking about, No. 18.

Mr. ROBERT C. BYRD. That is true.

What it would do, it would guarantee, if Senators were so disposed, there could be a minimum of 12½ days of debate on a measure after cloture is invoked on it.

Of course, at the close of a session, an adjournment sine die at the end of a Congress, it could mean the death of a piece of legislation on which the Congress might have spent months or even years of energy.

So, just merely by providing that no more than a certain amount of hours could be spent in any one day on a measure, it automatically stretches out the time for debate after cloture.

Mr. STEVENS. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I might state that I will have an amendment tomorrow—in the event my amendment is not adopted, I hope it will be adopted, but if it is not—to remove from S. Res. 61 the provisions that would permit the decrease in time, and I would be happy to discuss with the majority leader tomorrow the limitation of time on that so we could vote on that rather promptly.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Is there objection to the pending request?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I will be delighted to discuss the matter with the distinguished Senator. I am sure other Senators will want to enter into that discussion.

I want to express appreciation to the Senator from Maryland (Mr. SARBANES) for his very active participation in the discussion today and his assistance.

Mr. President, may I express the hope in closing that the Senate can complete its action on Senate Resolution 61 tomorrow, and if it does that it would be my plan then to go over until Monday.

RECESS TO 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 5:54 p.m., the Senate recessed until tomorrow, Thursday, February 22, 1979, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21, 1979:

FEDERAL ELECTION COMMISSION

John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission for a term expiring April 30, 1983.

Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission for a term expiring April 30, 1983.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, February 21, 1979*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Almighty God, as citizens of a restless world, only too aware of the pressures of change and conflict, give us the sensitivity to hear your still, small voice even in the midst of the clamor of competing events.

Give us, we pray, from the depths of our being, a moment of calm, that Your word of strength and power will give us the confidence to trust in Your love, to believe in Your name, and to act for the benefit of humankind. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

THE MARCH 1 REDUCTION IN FOOD STAMPS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the day of crisis for poor seniors and disabled citizens is rapidly approaching. On March 1 the new food stamp regulations will take effect. Let me illustrate for a moment the impact on a couple, a husband and wife.

The husband is 84 years old and blind. The wife is 77. They have total income of $380 a month. Rent and utilities take $195 a month of this. Under the present program, Mr. Speaker, they do receive $50 a month in food stamps. Starting on March 1 the $50 a month is reduced to $15.

Mr. Speaker, I once again urge my colleagues to look at the "Dear Colleague" letter they have received outlining the bill that can change this, and to contact my office and give their support to the seniors and disabled they represent.

I yield back the remainder of my time.

☐ 1505

INCREASE INTEREST RATE CEILING ON SAVINGS BONDS TO 7 PERCENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, when the House considers the Public Debt Limitation, H.R. 1894, I hope the rule will make it in order for me to offer the following amendment:

> Page 2, line 15, strike out "6½ per centum" and insert in lieu thereof "7 per centum".

This amendment would permit the Treasury to increase the interest payment on series E bonds to 7 percent. The bill would limit the increase in E bond interest to 6½ percent.

One out of every three Americans hold E bonds. More than 16 million Americans buy $8 billion in E bonds each year. As of January 1979, $80 billion in E savings bonds were outstanding.

Over the past 7 months, redemptions have consistently exceeded sales. A record was hit in January 1979 when redemptions exceeded sales by $533 million. If redemptions continue at this rate, it could cause a tremendous upheaval in handling the Federal debt.

E bonds are the average citizens participation in the national debt. It is simply unfair to deny a reasonable rate of return commensurate with the cost of all other forms of public borrowing.

☐ 1510

JUST WHAT IS INFLATION?

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the other day I questioned whether a false definition of inflation might not have hobbled this House in its attempts to bring this greatest of social evils under control.

The memorable Government ads of a few years ago told us that inflation is caused by greedy business, by pushy labor unions, by piggy consumers. Come to think of it, that is pretty much what Mr. Bosworth and his hardy band of price and wage controllers at the Council on Wage and Price Stability are still telling us.

But what are the facts?

Inflation ravaged our Nation in the late 1700's, under our predecessors, the

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Continental Congress, and gave birth to the saying, "Not Worth a Continental."

During the Civil War, greenbacks flooded the North, and Confederate paper money the South, and prices in terms of both zoomed.

In the past 10 years, we have seen prices double—with some prices going up much more than that.

Just exactly what is this inflation everybody is against, but nobody seems to know how to fight? For the sake of our Nation I hope we as a Congress discover the exact nature of inflation.

VIOLATIONS OF HUMAN RIGHTS IN IRAN

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS of Indiana. Recent events in Iran have caused many to question just what is our foreign policy.

The President has spoken a great deal about human rights, and we are all concerned about human rights. He has struck down some of our friends around the world because they have violated what at least he judged to be human rights. Now eight generals who have been murdered by the Khomeini government, murdered because they made the mistake of being allied with the wrong political faction in that country. Now we have our own Marine who has been kidnaped from a hospital. It is strange that the President has been so silent on both these issues.

I think the President should be consistent. If human rights is an issue with our friends—and they should be—then they also should be addressed to the new found friends the President has made in Iran.

Mr. Speaker, I think the President has been negligent in not addressing this very serious problem.

DESIGNATING MEMBERSHIP ON A STANDING COMMITTEE

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 127) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 127

Resolution designating membership on a standing committee of the House

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

Committee on the District of Columbia: A Toby Moffett, Connecticut and William H. Gray III, Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1515

APPOINTMENT AS ADDITIONAL MEMBERS TO SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (e) and (g), of rule X, and without objection, the Chair appoints as additional members to the Select Committee on Aging the following members on the part of the House: The gentleman from California (Mr. Waxman); the gentleman from Oklahoma (Mr. Synar); the gentleman from Pennsylvania (Mr. Atkinson); and the gentleman from Pennsylvania (Mr. Marks) to rank after the gentleman from New Jersey (Mr. Rinaldo); and without objection, the Chair reappoints the following members to rank after the gentleman from New York (Mr. Green); the gentleman from Kansas (Mr. Whittaker); the gentleman from California (Mr. Shumway); the gentleman from Kentucky (Mr. Hopkins); the gentlewoman from Maine (Mrs. Snowe); and the gentleman from California (Mr. Lungren).

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL ALCOHOL FUELS COMMISSION

The SPEAKER. Pursuant to the provisions of section 170(a)(3)(B) Public Law 95–599, the Chair appoints as members of the National Alcohol Fuels Commission the following members on the part of the House:

Mr. Roe, of New Jersey, vice chairman;
Mr. Alexander, of Arkansas;
Mr. Blanchard, of Michigan;
Mr. Glickman, of Kansas;
Mr. Sebelius, of Kansas; and
Mr. Regula, of Ohio.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5(b)(1) of rule I, the Chair announces that he will postpone further proceedings today on each question of agreeing to resolutions on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

All such rollcall votes, if postponed, will be taken on Monday, February 26, 1979.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 35) to provide for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 35

Resolved, That, effective January 3, 1979, the expenses of the investigations and studies to be conducted pursuant to House rule XI, by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $425,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)) of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)) and not to exceed $10,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purposes.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of the investigations and studies to be conducted pursuant to House rule XI, by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $400,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)) of committee staff personnel

performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)) and not to exceed $10,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a (j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purposes.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Veterans' affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, in a few moments the House will begin consideration of 10 resolutions providing funds for studies and investigations to be conducted by various committees of the House.

These resolutions have been reported by the Committee on House Administration and its Subcommittee on Accounts, which I have the honor of chairing in this Congress.

Because I have this responsibility for the first time, I want to say just a word about the approach the Accounts Subcommittee has taken in reviewing these funding resolutions.

Before I do so, Mr. Speaker, I do want to pay tribute to my colleagues on the subcommittee—Mr. MINISH, Mr. DAVIS, Mr. ROSE, Mr. BURTON, Mr. PEYSER, Mr. RATCHFORD, Mr. FAZIO, and Mr. NEDZI on the majority side and Mr. DEVINE, Mr. CLEVELAND, Mr. BADHAM, Mr. LEWIS, and Mr. CAMPBELL on the minority side, I am most grateful to these Members for their dedication.

I also want to express my appreciation to the gentleman from New Jersey, Mr. THOMPSON, the chairman of the full committee who, as a former chairman of the Accounts Subcommittee, has been of invaluable assistance to the subcommittee.

Mr. Speaker, reviewing committee expense resolutions is a serious responsibility, requiring that we exercise great care, for the public mood—but even more, our public office—means that we must make certain that the American taxpayer's dollar is wisely spent.

We must help the House of Representatives set an example for the rest of Government for the times do not permit wasteful or unnecessary spending—and I believe that the funding resolutions before us today represent the commitment of the Committee on House Administration to this principle.

These resolutions reduced the levels of authorizations for the 10 committees involved by nearly $1.5 million—10 percent—from the amounts requested and reduce the levels of authorizations by $347,000—3 percent—compared with last year.

This is a record of which we are proud but at the same time I think we must be mindful of the old caveat not to be penny wise and pound foolish. For what good does it do us unduly to restrict the oversight functions of Congress if by so doing wasteful spending by the Executive is allowed to go unchecked?

Now I am aware the many observers of Congress, including some who should know better, berate the growth of congressional staff and budgets.

But we must remember that as Congress is a branch of Government equal to the Executive under our constitutional separation of powers system, Congress must have adequate resources to insure that the laws we pass are administered in the way we intended—without waste, mismanagement, or excessive regulation.

This is a formidable task with an executive branch budget approaching $500 billion and civilian employment of nearly 2.8 million people but to do otherwise is to abrogate our duty as Members of Congress.

I do not anticipate that the 96th Congress will be writing many sweeping, major new statutes. But I do expect that this Congress will be exercising more oversight than ever before. For since the Federal dollar must be stretched further than ever before in the next 2 years. Congress must be vigilant that it is used as effectively as possible.

Therefore, Mr. Speaker, the Subcommittee on Accounts will continue to exercise its twin responsibilities of eliminating any wasteful and unnecessary congressional spending over which we have authority and of insuring that Congress has the resources to oversee the proper implementation of the programs we have authorized.

□ 1520

Mr. Speaker, I would yield for debate only to the distinguished ranking minority member of the Subcommittee on Accounts, my colleague from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding. I would like to point out to the Members here on the floor that this is the first of a series of 10 or 11 funding resolutions which are ordinary housekeeping matters that require a vote by the membership in order to be approved. They come up under the privileged resolution posture, under which unless recognized for purposes of amendment, Members are recognized for purposes of debate only. Therefore, amendments will not be in order unless the chairman of the Accounts Subcommittee recognizes for a purpose other than debate only.

I would say, Mr. Speaker, that the gentleman from Indiana, having just become the chairman of the Accounts Subcommittee, recognizes that we on the Accounts Subcommittee and we on the House Administration Committee cannot and do not act as rubber stamps for the requests of the chairmen or the ranking minority members standing committees. We find it necessary to go into these requests in depth, and take such action as we think is appropriate.

We have always maintained a posture that if we cut to a point where the committee feels that it cannot live with it, they always have the opportunity to come back to the Accounts Subcommittee and House Administration Committee at a later time and perhaps justify additional funds. We have made substantial cuts in some of the requests; we have made minor cuts or token cuts in some of them, but I would say that relative to House Resolution 35, having to do with the Veterans' Administration, we cut $25,000. We think the action appropriate, equitable, and support the resolution.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Ohio for his gracious remarks.

I yield to the gentleman from Ohio (Mr. ASHBROOK) for debate only.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding to me. I would raise several questions—not questions that relate to the work of this fine committee and its effort to be very tightfisted with a dollar, but rather with the procedures that are involved here.

I have read the first three resolutions, and as nearly as I can tell—I would ask my friend and colleague, the gentleman from Indiana, to respond—as near as I can tell, the only changes made in the resolution before us relate to dollar amounts. Is that correct?

Mr. BRADEMAS. The gentleman is correct, and I would say further to the gentleman that that has been the traditional way in which these kinds of resolutions are handled.

Mr. ASHBROOK. Well, that is the exact point I want to raise, if my colleague would further yield. I kind of hate to see my colleague, the gentleman from Indiana, deviate from tradition. As I understand it, we will have a vote before us which will be for the adoption of a committee amendment in the nature of a substitute, which means that the Members get no vote whatsoever on this. In the past, we could at least offer a motion to recommit, and I think the gentleman knows that for the past 3 years I have done so on the Judiciary Committee resolution.

I would ask the gentleman if the practical effect of what he is doing is not to preclude any Member, including this Member, the opportunity of making any change or giving instructions to a committee.

Mr. BRADEMAS. The gentleman is always free to offer a motion to recommit a resolution.

Mr. ASHBROOK. I thought that is what he would answer. I am rather distressed to see him start his long and successful tenure as the chairman of the Accounts Subcommittee by following a routine here which, in effect, gags the Members from encouraging the House to work its will; not to cast any aspersions on the House Administration Committee, because I think everybody knows of my respect for the chairman and ranking minority member and all the members of the committee.

☐ 1525

But I merely want to make the point that I think it should be noted that the use of the rules—and the gentleman is using the rules and I have no objection to that, I would use the rules also—the use of the rules to make impossible a vote is something we ought to at least question, and I am one of those who is very sorry to see my friend so use the rules.

Mr. BRADEMAS. I appreciate the remarks of my valued friend and colleague. I would only say to the gentleman from Ohio that the gentleman from Indiana is very conservative and likes to follow the established pattern of doing things.

Mr. Speaker, I yield for such time as he may consume, for debate only, to my valued friend the distinguished chairman of the Committee on House Administration, Mr. Thompson.

Mr. THOMPSON. Mr. Speaker, I thank my friend the gentleman from Indiana, and by the limitation on me he is indeed exhibiting his conservatism and his following the regular order.

I would like to commend the gentleman for the work which he has done, and all of the members of the subcommittee, particularly the chairman. There are a number of new members. The distinguished gentleman, my friend from Ohio (Mr. Devine), has been on the committee a great many years and has expressed very clearly what the rules of the game are with respect to these. They have been very carefully looked at.

With respect to one which will come a little later relating to the interests of my great and good friend the gentleman from Ohio (Mr. Ashbrook) as the new ranking member of the Committee on Education and Labor, I am very much aware of the depth and the length of the discussions had between the gentleman from Ohio (Mr. Ashbrook) and the chairman of the committee, the gentleman from Kentucky (Mr. Perkins), before the presentation of the budget and with, I am sure, the Members of the minority party.

What I am saying I suppose translates to this: Essentially any disagreements or debates take place at the negotiation stage between the chairmen and the ranking Members, all of whom appear before the Subcommittee on Accounts, and each of whom has an opportunity to express himself or herself with respect to the amounts agreed upon, and in every instance that I know of in the years of experience that I have had, I believe that I was the first Accounts Subcommittee chairman to insist upon it, we have had the presence of the minority in each and every instance as well as funding for the minority. That is a tradition which I hope will not be broken in our time.

Once again briefly I would like to thank the new chairman of the Subcommittee on Accounts, my great and valued friend the gentleman from Indiana (Mr. Brademas), and the members of his subcommittee.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from New Jersey for his gracious comments.

I yield to my colleague, the gentleman from Indiana (Mr. Benjamin), the new chairman of the Subcommittee on Legislative Appropriations of the Committee on Appropriations, for debate only.

Mr. BENJAMIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the distinguished gentleman, John Brademas of Indiana, chairman of the Accounts Subcommittee of the Committee on House Administration, for his leadership and fiscal restraint in bringing 10 funding resolutions to the floor, House Resolutions 35, 45, 60, 85, 87, 88, 91, 92 96, and 98. The amounts recommended by these funding resolutions, which supply the necessary resources for the standing committees to carry out the investigative duties and special studies, and which fund the special and select committees of the House, total $13,913,000, compared with the requests received from the committees of $15,386,000. This represents a reduction of $1,473,000, or almost 10 percent, under the amounts requested. Furthermore, the amounts reported are $347,000 or 3 percent, under the amounts authorized by this House last year in its 1978 funding resolutions for these 10 committees.

Mr. Speaker, this is the gentleman's first year as chairman of the Accounts Subcommittee and it is obvious that he is mastering his new job quickly. I know he shares my feelings that the Congress needs to maintain a very strong independent posture from the executive and judicial branches of Government and one way of insuring that independence is to support the committees of Congress in providing them with sufficient resources within which to get their work done. However, at the same time, we must set an example to the President and to the Nation that we mean to scrutinize our resource needs very closely and to make reductions whenever possible.

That is exactly what the gentleman has done, as has his Subcommittee on Accounts, and the full Committee on House Administration. There will be several more committee funding resolutions brought before this House in the next several weeks and I am confident that this pattern will continue.

I support these resolutions and urge their adoption.

☐ 1530

Mr. BRADEMAS. Mr. Speaker, I thank my friend, the gentleman from Indiana (Mr. Benjamin), for his very fine comments.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Texas, for purposes of debate only.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I oppose all the committee funding resolutions, for they appropriate far too many tax dollars to an already bloated bureaucracy.

From 1946 to 1978, appropriations for the House alone have increased $269 million, an increase of almost 2,100 percent in 32 years. Had the population of the United States kept pace, it would now be well over two billion people. At the same time as the appropriations were being increased at this astronomical rate, the committee staffs were growing from 181 in 1947 to 2,014 in 1977.

All this money and all these people have not been idle. That is not my complaint. I object to these resolutions, not because we are funding a bureaucracy that does nothing, but precisely the opposite. With these resolutions we are funding a bureaucracy that, more than any other single bureaucracy, with the possible exception of the Internal Revenue Service, is working hard and long to destroy what remains of our free society. The committee staffs are the unelected legislators of our country. Their skills have been necessary and are necessary in passing the type of legislation that has placed the heavy hand of Government on every portion of our lives. It is inconceivable that this Congress could have enacted the far-reaching legislation it has in the past few years if it had not been for the guidance and skill of the committee staffs.

Every dollar we slice from these resolutions will have a multiplier effect: It will result in several more dollars not being spent further on down the road. Every dollar we add to the committee budgets will also have a multiplier effect: It will result in several more dollars being spent further on the road. These are very high powered dollars we are spending here today. If this Congress is serious about reducing bureaucracy, cutting waste, balancing the budget, and reforming regulations, then let it begin at home by slashing funds from these resolutions. I propose an immediate 25 percent cutback this year. The results will be untold millions—perhaps billions—saved as a result of that action. Our failure to enact National Health Insurance because we do not have sufficient staff to perform the necessary background work all alone save the American taxpayers tens of billions of dollars. Multiply that result by the number of proposals now before Congress to increase spending by creating new programs and inflating old ones, and the savings we can effect here today become stupendous. If this Congress is serious—if its Members meant all their campaign promises to cut Government down to size—then we must put our own house in order first. Bloated bureaucracy is bloated bureaucracy no matter where it may be found. Let economy in Government begin here, for if it does not, then I fear that it will never begin.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I will be glad to yield to the gentleman from Illinois, the minority whip.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

In view of the comments of the gentleman from Indiana (Mr. BENJAMIN), who serves as chairman of the Legislative Subcommittee of the Committee on Appropriations—and this will be the first term I will serve on that subcommittee—I must say that I was rather disturbed when we heard the request from the Congressional Research Service of the Library of Congress for additional people. Their need for an increase in staff is predicated upon the number of requests which committee staffs are making to the Library for additional in-depth reports.

One just cannot get around the feeling that the more people we put on the staffs of committees, the more this results in a pyramiding effect that even stretches over to the Library of Congress in the form of requests for additional reports. To meet these additional requests for reports the Library has stated that they will need additional staff.

Admittedly, these requests are supposed to come from the chairmen or from the members of the committees themselves, but I get the distinct impression that unless we start putting a cap on the proliferation of staff around here, we will just continue to get this pyramiding effect for staff increases all up and down the line. This has become a vicious cycle. The ever-growing staff now is requiring an ever-increasing support staff to assist them.

Mr. Speaker, this is very difficult to justify. I think my chairman would corroborate what I have said and that he has had that same kind of concern as I have.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Illinois (Mr. MICHEL) for his contribution.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentlewoman from New Jersey, for purposes of debate only.

Mrs. FENWICK. Mr. Speaker, I thank the gentleman for yielding.

I am sorry that I am not sounding a more laudatory note; but, Mr. Speaker, every single one of these funding amounts has gone up from what was expended last year, every single one of these committee funding amounts, and substantially. I do not know how it can be justified.

If I read these amounts correctly, the funding expenditure, for example, last year for the Committee on House Administration was $599,200; and now the amount for the Committee on House Administration is going to go up to $845,000, an increase of nearly $250,000.

Mr. BRADEMAS. Mr. Speaker, I may say to the gentlewoman from New Jersey (Mrs. FENWICK) that we reduced in the subcommittee the requests of every one of these committees which appeared before us. I may also say—and here I refer to what my colleague, the gentleman from New Jersey (Mr. THOMPSON), the chairman of the committee, observed, as I think it is not irrelevant to the gentlewoman's observation—that in the case of every committee, the chairman of the committee was supported in his budget request by the ranking minority member of the committee. In some cases, I must confess to the gentlewoman from New Jersey, I was rather astonished to hear that support voiced by some of the ranking minority members on the other side.

Mrs. FENWICK. Mr. Speaker, if the gentleman will yield further, appetite grows by what it feeds on. These enormous expenditures for staff have increased year after year, and the appetite is obviously growing, and the requests will grow.

I just wonder whether we should not somewhere put a stop to this practice.

□ 1535

We are costing the taxpayers of this country a billion dollars a year, and if it goes on, it is going to be one billion, three, and one billion and a half.

Mr. BRADEMAS. I may say to the gentlewoman from New Jersey it was in that spirit that the Subcommittee on Accounts of the full Committee on House Administration reduced the budget requests of all the committees, despite the militant protestations of and support by every single ranking minority member of the full committee. I hope that if the gentlewoman will do some missionary work on her side, I assure her that the gentleman from Indiana will do what he can to work some salvation on this side.

Mrs. FENWICK. If the gentleman will yield further, the noble efforts of those who resist these appetites will be commended.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

In response to the gentlewoman from New Jersey (Mrs. FENWICK), I would like to comment that the Committee on Public Works received $2 million last year. They voluntarily cut their request by 5 percent.

Mr. BRADEMAS. The gentleman is correct.

Mr. SNYDER. The gentleman's committee cut another $30,000, so our request was less than last year, and the gentleman's request in the resolution is less than last year.

Mr. BRADEMAS. I thank the gentleman for his observations.

I may say that our subcommittee was very pleased to see some of the budget requests such as the one brought in by the gentleman from California (Mr. JOHNSON), the chairman of the Committee on Public Works, and said so.

Mr. SNYDER. If the gentleman will yield, with the concurrence of the minority.

Mr. BRADEMAS. That is correct.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON SMALL BUSINESS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration I call up a privileged resolution (H. Res. 45) to provide funds for the further expenses of the investigations and studies of the Committee on Small Business, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 45

Resolved, That for the further expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $1,053,513 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $752,650 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a (i)); but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. Brademas) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 45 provides $752,650 for investigations and studies to be conducted by the Committee on Small Business.

Mr. Speaker, the amount approved by the Committee on House Administration is the same as this committee received last year and is $349,000 less than the committee requested.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Iowa, the distinguished Chairman of the Committee on Small Business.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

I just wanted to ask a question with regard to the ground rules. As I understood—I will ask the gentleman from Ohio (Mr. Devine) if he agrees with this—if we find that this is not adequate in this off-election year when we have increased activities, we are not expected to be held to one-twelfth of the appropriation here, and it is expected that we would come back in and justify further funding.

Mr. BRADEMAS. I would say to the gentleman from Iowa that with respect to every committee that requested funds from our subcommittee of the Committee on House Administration, if any committee does not feel that the funds provided it are adequate, that committee is certainly welcome to return to our subcommittee and make its request and make its case for such funds as it believes necessary to complete its work.

Mr. SMITH of Iowa. I thank the gentleman.

□ 1540

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from Texas (Mr. Collins) for purposes of debate only.

Mr. COLLINS of Texas. Mr. Speaker, if I could ask a question; as I understand it, what we are doing today is providing additional funds for these committees, in addition to the staff that is already furnished by the permanent standing committees; is that right?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. Mr. Speaker, if the gentleman will yield further, on this particular Small Business Committee, this is a new committee that just got started a few years ago. In the first year they had 27 employees on the permanent committee. Now they are already up to 43 members. Why do they need additional staff, or why do they need 43 when they were getting by with 27? They have increased the size of their staff by 50 percent.

Mr. BRADEMAS. Well, if the gentleman from Texas will allow me to respond, it was precisely because our subcommittee did not feel that this particular committee was adequately utilizing the statutory positions allotted to it, that our subcommittee did not agree to the full request made by this committee. So it was in the spirit of the gentleman's question that our subcommittee and the full committee reduced the amount of money requested by this committee.

Mr. COLLINS of Texas. Well, a further question, if I may? They are up to 43 from the permanent standing committee staff. Just how many people will they have on the staff in addition with the funds of this bill that we are adding to the committee itself?

Mr. BRADEMAS. I can only say to the gentleman from Texas that the Committee on Small Business requested $1.1 million, of which approximately $950,000 was earmarked for salaries for 41 employees.

Under clause 6, rule X of the Rules of the House, each standing committee is entitled to 30 staff positions, the salary to be determined by the chairman.

As of January 1, this committee was utilizing only 10 of these 30 positions. The Committee on House Administration felt this committee should use these 30 positions before seeking additional funds in the funding resolution.

Mr. COLLINS of Texas. So what the gentleman from Indiana is saying is that, in addition to the 43, we are providing 30 more?

Mr. BRADEMAS. Mr. Speaker, I would be glad to yield to the gentleman from Iowa (Mr. Smith) on that point.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out, first of all, that under the rules of the House each subcommittee chairman and the ranking member are entitled to counsel. That is 12, with the minimum number of subcommittees. Of course, they have to have a secretary in order to utilize the services of counsel adequately; so now we are up to 24; so to a large extent, the extent to which the full amount of personnel is used depends on the subcommittee counsel and the ranking member. In an election year, quite properely, I think both the majority and the minority of the subcommittee did not use to the full extent the amount that they were entitled to. Because it is an election year, they did not need people in the last 3 months and many of them left the positions vacant; so to a great extent, they depend on the subcommittee chairman and the ranking committee members; so that is 24 right there.

The SPEAKER. The question is on the committee amendment. The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON ARMED SERVICES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 60) to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 60

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $692,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $25,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration, in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $677,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $25,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, House Resolution 60 provides $677,000 for the expenses for investigations and studies to be conducted by the Committee on Armed Services. The amount approved by the Committee on House Administration is $25,000 less than the committee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1545

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 85) to provide for the expenses of the investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, and ask for its immediate consideration.

PARLIAMENTARY INQUIRY

Mr. TREEN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana (Mr. TREEN) will state his parliamentary inquiry.

Mr. TREEN. Mr. Speaker, will the Chair indicate when these votes that are being postponed will take place?

The SPEAKER. The Chair will inform the gentleman that they will take place on Monday next.

Mr. TREEN. On Monday next. I thank the Speaker.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That effective January 3, 1979 the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed, $2,504,600 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed, $2,444,600 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. Brademas) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Mr. Speaker, I am delighted to yield to the gentleman from California (Mr. John L. Burton), a distinguished and hard-working member of the subcommittee, for purposes of debate only.

Mr. JOHN L. BURTON. Mr. Speaker, I just want to propound an inquiry. Maybe some Member would know exactly what the cost will be to the taxpayers for these many rollcalls on procedural resolutions. Maybe some Member knows what those costs are going to be.

Everybody on the other side of the aisle seems so concerned about waste in Government, but they do not want to have the congressional committees investigate waste in Government to provide a savings to the taxpayers. They want to take up the time of this body and bring about more costs of printing, et cetera. I wonder if any Member here does have the cost of these rollcall votes to the taxpayers of the United States.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. JOHN L. BURTON. Mr. Speaker, I do not have the time. I would be happy to yield if the gentleman from Indiana would yield time to me.

Mr. BRADEMAS. Mr. Speaker, I would be glad to yield to the gentleman from California (Mr. Badham) for purposes of debate only.

Mr. BADHAM. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. JOHN L. BURTON. Mr. Speaker, if I had the time I would yield to the gentleman right off.

Mr. BADHAM. Mr. Speaker, may I suggest to my distinguished friend and colleague, the gentleman from California (Mr. John L. Burton), that perhaps what he is suggesting is that we do not have a House of Representatives at all, and that perhaps our Government should be run by unanimous consent. I think President Johnson found that that was not a true way to run a government. I think that President Carter is also finding that is perhaps not too good a way to run a government either.

Mr. JOHN L. BURTON. Mr. Speaker, if the gentleman will yield further, all I asked was a question as to how much these rollcalls would cost, and I do not know why anybody would get uptight today about finding out what it would cost the taxpayers to have these rollcall votes.

Mr. BRADEMAS. Mr. Speaker, I may say to both my friends, the gentleman from California (Mr. Badham) and the gentleman from California (Mr. John L. Burton), that the gentleman from Indiana does not have the answer to that question, but whatever it is, it is too much.

Mr. Speaker, I will yield to the gentleman from California (Mr. Dannemeyer) for purposes of debate only.

Mr. DANNEMEYER. Mr. Speaker, in response to the observation as to the cost to the taxpayers of these rollcalls that some of us think are appropriate, let me say it would appear that whatever the cost is, that cost would be substantially less than the increase in what it cost the taxpayers to maintain the Congress of the United States over the last decade.

Ten years ago this Congress cost the people of this Nation $44.7 million. Last year that had gone up to $167.7 million. In the same decade, during that period of time, the staff has expanded from 4,489 to 13,276.

So it appears to me that the cost to the taxpayers of a rollcall to record how we vote on whether we are going to keep this spiral going pales to insignificance in terms of the increased cost to the taxpayers over the last decade to run this Congress and this House of Representatives.

Mr. BRADEMAS. Mr. Speaker, I may say that I am always interested in hearing contributions from the gentleman from California (Mr. Dannemeyer), but I would have to confess a good deal of skepticism about those figures that are flying around.

Mr. Speaker, I will yield finally to the gentleman from California (Mr. John L. Burton).

□ 1550

Mr. JOHN L. BURTON. Mr. Speaker, I am just shocked to think that any Member of this body would say any waste of the taxpayers' money pales to insignificance.

I happen to know for a fact that during the time we were in the State legislature the cost of that body went up, despite our efforts to keep a tight rein on it.

Mr. Speaker, I just say that a penny saved is a penny earned.

Mr. BRADEMAS. Mr. Speaker, I hope that all Members of this body will give careful attention to the eloquent observation just made by my friend, the gentleman from California (Mr. John L. Burton).

Mr. Speaker, does the distinguished gentleman from Texas (Mr. Collins) wish me to yield for debate only?

Mr. COLLINS of Texas. For debate only.

Mr. BRADEMAS. Mr. Speaker, for that purpose I yield to the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I want to refer again back to this subject as to just how far we have grown in size and cost of committee staff.

I took 1977, which was the last year I had figures, to see what the total number of members of staff was on the standing committees, and I found at that time that Congress had 517, and the average salary at that time was $31,840. That means that on our standing committees we have excellent people, well qualified, well paid, and they are doing a good job.

And then I reviewed this Committee on Banking, Finance and Urban Affairs—and we are talking about the Committee on Banking, Finance and Urban Affairs right now, are we not? We are on the Committee on Banking, Finance and Urban Affairs?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. The Committee on Banking, Finance and Urban Affairs, 10 years ago, had 47 members in addition on its subcommittee staff.

Ten years ago this committee was spending $475,000. Today the committee's recommendation is $2,444,000. They have gone in spending from $475,000 to $2,444,000, and we still just have one Federal Reserve System.

Mr. BRADEMAS. Mr. Speaker, if I may say to the gentleman from Texas, I appreciate his observation. I just wish to make two points before yielding to the gentleman from Wisconsin (Mr. Reuss), the chairman of the committee.

Mr. Speaker, the gentleman from Texas ought to address himself more appropriately, it seems to me, to the ranking minority member of that committee, the Committee on Banking, Finance and Urban Affairs, who came in and fully supported the request of the committee for this budget. And, second, the country has, to some extent, grown in the last 10 years.

Mr. Speaker, I yield for the purpose of debate only to the distinguished gentleman from Wisconsin (Mr. Reuss), the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. REUSS. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Texas (Mr. Collins) for raising what on the surface appears to be a valid point. It is true that 10 years ago the Committee on Banking and Currency, as it was called, had 30 less positions than it does today. I can explain this. Those 30 positions that it has today result from the fact that 10 years ago the minority had nothing, null, zilch, no positions. Now those 30 positions have been given to the minority, and it ill-behooves the recipients of this bounty to complain about 30 slots that they have been given.

Mr. BRADEMAS. Mr. Speaker, I think the point made by the gentleman from Wisconsin is well taken. There were many members on the majority side, as my friend, the gentleman from Texas (Mr. Collins), knows, who were not enthusiastic about making available all of those staff positions for the minority.

Does the gentleman from Texas seriously propose that we begin to reduce positions made available to the minority in order to effect the savings of which he so eloquently speaks?

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. THOMPSON), who is the father of the minority staffing proposal.

Mr. THOMPSON. I thank the gentleman for yielding.

Mr. Speaker, it is a matter, of course, of choice among the members of the minority as to whether or not they want the one-third of the staff which we very carefully allocated to them.

In the event that our distinguished friend, the gentleman from Texas (Mr. COLLINS), were to answer in the affirmative; namely, that he would like to see the minority not have that one-third, I would resist that. I think that they need it. I think that they use it well. I think the employees are productive.

We are dealing with a $3 trillion economy, and Members up here asking such absurd things, or making such absurd statements, as to say that we are in a never-ending upward spiral, that we have a billion dollar Congress. Maybe it ought to be a $2 billion Congress, to operate a little bit more efficiently. We go over these things with exquisite care. I might suggest to the gentleman from Texas, and to anyone else, that they reduce the number of requests for such things, all of which costs money, and all of which, in our judgment, after we review them, are necessary.

☐ 1555

Mr. BRADEMAS. No one is more fair than the gentleman from New Jersey (Mr. THOMPSON). I would like to observe, I may say—and this may not be the time to get into it—but this figure that is thrown around so easily of a billion dollar Congress is a figure that ought to be very carefully analyzed because, as I recall, that particular figure included the Botanical Gardens which, attractive as they are, make no great contribution to our work as legislators here. It also includes certain other institutions of the Government such as the Government Printing Office, which is, of course, helpful to us but is helpful to all of the rest of the Government of the United States and to the private sector as well.

I might observe as well that the Smithsonian Institution, which is a mighty empire, and of which the chairman of our committee, Mr. THOMPSON, now is a Regent and perhaps can address himself to that huge figure, is also included in the legislative budget. It does seem to me that we ought to look at the figures with somewhat greater care than we have been doing.

Mr. Speaker, I would be pleased to yield to my friend from Arizona, the distinguished minority leader (Mr. RHODES) for debate only.

Mr. RHODES. Mr. Speaker, I thank my friend for yielding. First, I want to say that what the gentleman from Wisconsin said about the previous state of the minority was absolutely true. There were very few minority staff positions in any of the committees, and I would also like to pay tribute to my friend from New Jersey, the chairman of the House Administration Committee, because he has seen for years, as we of the minority have, the justice of providing minority staff.

But, I would not like the record to indicate that the reason that the staffs of the Congress have become swollen is because of the better treatment that the minority has been accorded at the hands of the gentleman from New Jersey and the gentleman from Indiana and others on their side. As a matter of fact, I think that the gentleman from Indiana will agree with me that the total numbers involved as far as bodies are concerned, staff members of the committees, is about 10 percent minority and 90 percent majority. I am not really complaining about this. In fact, I do not know of any committee right now on which the members of the minority do not feel that they are being relatively well treated. Maybe we still remember the dark days before the gentleman from New Jersey cast the light of justice on the situation in the Congress, but nevertheless I just do not think it would be wise or fair for anybody to believe that the minority is the reason why we have seen a rather amazing increase in the staffs, both in bodies and funds.

Mr. BRADEMAS. I always appreciate the contribution of the gentleman from Arizona, the distinguished minority leader, even though I may not always agree with him.

Mr. Speaker, I am very pleased to yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, I did not mean, I might say to my distinguished friend from Arizona, the minority leader, to imply that the sole cause or anything like the sole cause of the overall increase over the years is attributable to the mere fact of minority staffing. What I meant to emphasize is what I honestly believe, as a former minority leader who got absolutely nothing in a State legislature, the need that the minority has in order to be responsible, or in some cases even irresponsible, in the exercise of its legislative responsibility.

They cannot do that without staff. Obviously, a large portion is attributable to increased staff, the majority's increased staff as well, but on the very pragmatic as-needed basis. So, I think we are all responsible.

Now, it might look just splendid for the RECORD to rollcall everything we have here, not to recognize the fact of the absolute limitation which the distinguished chairman of the subcommittee has put on these committees and the reductions. In the final analysis, the work has to be done. You need the people to do it; we need the people to do it. We are both responsible, and let us just vote it that way.

Mr. BRADEMAS. Mr. Speaker, for a final observation only, I will yield to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. I want to add this about your chairman, the gentleman from New Jersey (Mr. THOMPSON). Mr. THOMPSON has always been as fair as any man on the floor and also in committee. But I want to tell the Members of some experiences I have had, where there was no equity.

I was on a subcommittee last year with 32 members; 2 members were given to the minority and 30 taken by the majority, which is roughly 15 to 1. The minority has worked for a ruling here that all subcommittees would be one-third, but not in our committee; they would not agree to that. This one-third is usually a matter of when you find a chairman and committee who want to do it. It is not a matter of overall procedures in our committees.

Let us cut the size of the majority committee staff. A smaller staff would be more efficient.

Mr. BRADEMAS. I may say to my friend, the gentleman from Texas, that I have even heard complaints from Members on our side that some chairmen have been excessively generous with the minority in the way in which they have staffed their committees.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman from Texas for his comment, but may I say this: In every single instance where it has been brought to the attention of the Committee on House Administration that a chairman or a ranking Member has treated anyone unfairly as to his staff, we have seen to it that that situation is rectified. If the gentleman from New York (Mr. WYDLER) were on the floor, he would agree with this, as would a number of other ranking minority Members. We have actually withheld money. In one instance, on the Committee on Merchant Marine and Fisheries, we held them up for a full quarter until they agreed—this was some years ago, not under the incumbent chairman—until they agreed to staff the minority. We did the same thing with the Committee on Veterans' Affairs a few years ago and the same thing with the Committee on Banking and Currency and the same thing with the Science and Technology Committee in the past, and we would do it again. So we require not only that our Members be treated fairly but that the minority be treated fairly. At any time if the minority has a complaint, come to us and we will rectify it.

Mr. BRADEMAS. Mr. Speaker, House Resolution 85 provides $2,444,600 for investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the amount approved by the Committee on House Administration is $169,000 less than this committee received last year and is $60,000 less than the committee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5, rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON HOUSE ADMINISTRATION

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 87) to provide for the expenses of investigations and studies to be conducted by the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 87

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $860,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on House Administration shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the resolving clause and insert in lieu thereof:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $845,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on House Administration shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. Brademas) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 87 provides $845,000 for investigations and studies to be conducted by the Committee on House Administration.

Mr. Speaker, the amount approved by the Committee on House Administration is the same as this committee received last year and is $15,000 less than the committee requested.

Mr. Speaker, I yield to the gentleman from Texas (Mr. Collins) for debate only.

Mr. COLLINS of Texas. Mr. Speaker, I appreciate the gentleman from Indiana yielding.

I have some figures that show this committee had 9 employees 10 years ago and has 268 today. Where did they get 268? How have they grown so fast?

Mr. BRADEMAS. I do not know where the figure the gentleman from Texas has came from. I do not want to be held responsible for the figures the gentleman from Texas has adduced.

Mr. COLLINS of Texas. This report was prepared by the Committee on House Administration in 1978. It is entitled "Studies Dealing With Budgetary, Staffing and Administrative Activities of the House of Representatives."

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, did the gentleman from Indiana say "adduced" on the floor or did he say "seduced" on the floor?

□ 1605

I have been on the committee for 24 years. Based upon that experience, that figure could not possibly be right with respect to the nine employees.

Is the gentleman aware of the existence of the House Information Systems, for instance?

Mr. COLLINS of Texas. If the gentleman will yield further, this report was by his committee, the Committee on House Administration, in November of 1978. I am using that committee's figures.

Mr. THOMPSON. We had nine employees?

Mr. COLLINS of Texas. That is what it says.

I think that was in the days when the gentleman from Texas, Mr. Burleson, was chairman. The gentleman from Texas was very frugal with his money.

Mr. THOMPSON. I certainly do not want to argue that point. We had more than nine employees. At that time we had about four staff members.

How many does the gentleman from Texas have now?

Mr. COLLINS of Texas. At that time the committee had 30 staff members.

Mr. THOMPSON. I mean in the gentleman's individual office. How many employees does the gentleman have now?

Mr. COLLINS of Texas. We have 18.

Mr. THOMPSON. You have 18. Does the gentleman know how many he would have had in Mr. Burleson's day?

Mr. COLLINS of Texas. No.

Mr. THOMPSON. Does the gentleman use his 18 employees, I might ask him?

Mr. COLLINS of Texas. I use the 18, yes; 9 in my district.

Mr. THOMPSON. And the gentleman needs them?

Mr. COLLINS of Texas. I think we do need them.

Mr. THOMPSON. I am all for the gentleman. However, if he wants to save some money, why does he not fire nine of them?

Mr. BRADEMAS. If I may interrupt, Mr. Speaker, I think I ought to advise the gentleman from Texas (Mr. Collins) that I believe the figures to which he refers include the employees of the House Information System, which serves all of the House of Representatives, its Members, and its committees.

Mr. COLLINS of Texas. That may be the reason for the large expansion in size of staff.

Mr. BRADEMAS. And further, that about 200 of the employees to whom he refers are employees of that system.

Mr. COLLINS of Texas. Therefore, about 51 are on the staff and the other 200 are in the House Information System; is that correct?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Ohio, for purposes of debate only.

Mr. DEVINE. Mr. Speaker, in order to clarify the record, I think the gentleman from Indiana (Mr. BRADEMAS) is correct and that that figure does include the House Information System.

I think more accurate figures for the Committee on House Administration would be that there are a total of 58 employees in House Administration, 3 of whom, by the way, are minority employees, so we are talking about 5 percent for the minority and a figure of 14.6 percent of the employees.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Ohio (Mr. DEVINE).

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON WAYS AND MEANS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 88) to provide for the expenses of investigations and studies to be conducted by the Committee on Ways and Means, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That, effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $2,890,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceding sentences on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $2,000,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceding sentence on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 88 provides $2 million for investigations and studies to be conducted by the Committee on Ways and Means.

Mr. Speaker, the amount approved by the House Administration Committee is $115,000 less than this committee received last year and is $890,000 less than the committee requested.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, I want to add this about the Committee on Ways and Means. When I looked to see how big their staff was 10 years ago, I found it was 22; and this year they are requesting a staff of 92, based on last year's staff analysis.

My objection is not based on economy particularly. It is also based on the fact that we are creating too much government. Government begins with these large staffs of committees; and they, in order to perpetuate themselves and keep themselves busy, are constantly generating more and more and more legislation.

☐ 1610

When we go back home, everyone will tell us they think we have got too many committees in session and we have got too much Government. The best way to cut down on Government is to reduce committee staff. Let us just take the Committee on Ways and Means to start with and have a smaller size of committee staff. Therefore, the committee cannot generate as many laws and they cannot introduce as much new legislation. If we do reduce this back from a 92-member staff to about a 22-member staff, we would have a better balanced Government, and we would certainly have fewer tax bills coming on the floor.

Mr. BRADEMAS. I appreciate the observation of the gentleman from Texas. I might say that I do not really agree with his political theory because government, at least in the United States, begins not with a congressional committee staff but with the Constitution of the United States.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

I want to point out that the volume of business that still remains within the Committee on Ways and Means is so great that, as one member of that committee, I find myself very short of information, which is very essential to come to a very important judgment. For example, next week we are going to take up the debt ceiling, and I have been feeling that we ought to increase the interest rate to the holders of E bonds. The best information I had was that $128 million of these bonds are bought and sold every year. That is the information I got out of the Treasury. I found out that it is $8 billion that are purchased every year by individuals in America.

I feel, frankly, that if we are going to come to this floor with legislation that relates to the economy and to the recovery of the country, we need staff to help us get information that is vital to our decisions. In the past we did it with a great deal less, but I was part of that system, too, and I want to point out that some of the problems of today are the direct proximate result of our failure to have adequate staffing to produce facts and information in the days when we were making those critical decisions, which help compound the problems of today.

We need work done; we need effort; we need talent. We need talent to compete with the people that we have to deal with in that committee. If anyone would come to the meetings of the committee, he would see that almost the lowest person who represents the private sector is paid five times as much as the staff people that we have to produce the work for the committee. We need some talent, and that does not come free.

I want to urge the committee to remember this fact, and I certainly hope that the committee will stand by the request in some measure made by the chairman.

Mr. BRADEMAS. I thank the gentleman very much for his constructive contribution.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended. The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 91) to provide for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 91

Resolved, That (effective January 3, 1979) the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, acting as a whole or by subcommittee, not to exceed $1,900,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i); and

(3) for specialized training, pursuant to section 202(j) of such Act as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $30,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Public Works and Transportation shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, acting as a whole or by subcommittee, not to exceed $1,879,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $30,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a (j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Public Works and Transportation shall furnish the Commitee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. Brademas) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 91 provides $1,870,000 for investigations and studies to be conducted by the Committee on Public Works and Transportation.

Mr. Speaker, the amount approved by the House Administration Committee is $130,000 less than this committee received last year and is $30,000 less than the Committee requested, as the gentleman from Kentucky (Mr. Snyder) and I observed in earlier colloquy.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1615

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON EDUCATION AND LABOR

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 92) to provide for the expenses of investigations and studies to be conducted by the Committee on Education and Labor, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $2,290,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $180,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $2,250,000 including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $175,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 92 provides $2,250,000 for investigations and studies to be conducted by the Committee on Education and Labor.

Mr. Speaker, the amount approved by the Committee on House Administration is $40,000 less than the committee requested.

Mr. Speaker, I yield to the gentleman from Texas (Mr. COLLINS) for purposes of debate only.

Mr. COLLINS of Texas. Mr. Speaker, I appreciate the gentleman from Indiana yielding. We have been talking about the subject of how increased committee budgets provide better staff and better opportunity to legislate. I want to call the gentleman's attention to the record of the Committee on Education and Labor. Ten years ago in 1968 they were spending $554,000. Today they are spending $2,250,000. In other words, staff committee expense is up four and a half times as much. During that period all the achievement tests in America show that education in America has been going down, down, down, from 1968 to 1978; should we continue to give them more and more legislation from Washington? It looks like there is a correlation. The more laws we give them from the Federal Government for education, the poorer the students do in learning.

As a step forward, could we not reduce the size of this committee or reduce the scope of our education bills that we send out from the Congress?

Mr. BRADEMAS. Mr. Speaker, I might say to the gentleman from Texas, I am surprised at this rather novel theory of the way education is financed in the United States. I think it is fair to say that approximately 7 percent of the cost of elementary and secondary public education in the United States comes from the Federal Government. If we were to adopt the correlation that is implicit in the observation of the gentleman from Texas, eliminating all Federal funds for elementary and secondary schools would result in an immediate increase in the achievement scores of all the schoolchildren in America. That may be the attitude of the gentleman from Texas toward this relationship, but it is not one, in all candor, that the gentleman from Indiana finds he can take seriously.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield further?

Mr. BRADEMAS. Of course.

Mr. COLLINS of Texas. Mr. Speaker, I would say to the gentleman from Indiana, whenever and wherever the Federal Government spends money, the same day they write guidelines to go with it.

Mr. BRADEMAS. They write what?

Mr. COLLINS of Texas. Guidelines; the HEW gives school boards guidelines on how to run their school systems. If all America could be rid of those HEW school guidelines, it might be only 7 percent of the money, but about 100 percent of the backward ideas have been originated with this Federal involvement in guidelines.

Mr. BRADEMAS. I am always grateful for the observations of the gentleman from Texas on this or any other issue to come before the House of Representatives.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of the rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 96) to provide for the expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 96

Resolved, That for the further expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence, acting as a whole or by subcommittee, not to exceed $952,401.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chariman of such committee, and approved by the Committee on House Administration. Not to exceed $10,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the House Permanent Select Committee on Intelligence shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence, acting as a whole or by subcommittee, not to exceed $927,401.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $10,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the House Permanent Select Committee on Intelligence shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 96 provides $927,401.99 for investigations and studies to be conducted by the Permanent Select Committee on Intelligence.

Mr. Speaker, the amount approved by the Committee on House Administration is $40,000 less than this committee received last year and is $25,000 less than the comittee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1620

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON FOREIGN AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 98) to provide for the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs.

The Clerk read the resolution, as follows:

H. RES. 98

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs, acting as a whole or by the subcommittee, not to exceed $1,769,676.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to

the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

> Committee amendment: Strike all after the resolving clause and insert:
>
> That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs, acting as a whole or by the subcommittee, not to exceed $1,745,779.90, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.
>
> SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.
>
> SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.
>
> SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 98 provides $1,745,779.90 for investigations and studies to be conducted by the Committee on Foreign Affairs.

Mr. Speaker, the amount approved by the House Administration Committee is the same as this committee received last year and is $24,000 less than the committee requested.

Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make a further announcement that all rollcall votes on the resolutions just considered will take place on Monday next.

WHAT IS THE FOREIGN POLICY OF THE UNITED STATES?

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, during the last week, a series of momentous world events has given rise to new questions about this Nation's role in international affairs. And, indeed, I think it is time for us to ask: What is the foreign policy of the United States?

In his address yesterday at Georgia Tech, the President termed our foreign policy as one of "noninvolvement" except when our "vital interests" are threatened or challenged.

But a policy of "noninvolvement" must not be allowed to become a policy of nonexistence—of silence or muted responses and confused reactions to world events. It must not be allowed to become a policy of nonleadership.

The danger of the last few days, it seems to me, is not that the United States has become weak or that the President acted foolishly in refusing to get involved in the hysteria of other nations; the danger is that the United States, in order to remain noninvolved, will fail to speak out with resolve and courage when principles we believe are challenged, when rights we hold basic are ignored, or when actions of a nation, no matter how internal or regional, are so horrendous as to defy all international standards of peace or justice.

Four more generals in Iran have been summarily executed by Khomeini's revolutionary committee in Iran. A number of others await a similar fate. Surely, such executions, regardless of the individuals involved, cannot be justified absent the barest elements of due process. Such excesses must be denounced clearly and unequivocably wherever they occur.

Yesterday, a U.S. marine, wounded while defending the U.S. Embassy in Tehran, was abducted by Khomeini forces from his hospital bed. Nothing must be allowed to happen to this American soldier, and we ought to say as much now—regardless of oil, regardless of Middle East politics, this abuse of power is clear.

As the President himself declared on December 6, 1978, on the 30th anniversary of the Universal Declaration of Human Rights:

> Of all human rights, the most basic is to be free of arbitrary violence—whether that violence comes from governments, from terrorists, from criminals, or from self-appointed messiahs operating under the cover of politics or religion.

Whatever our broader policy may be labeled, we must not forget that the soul of our foreign policy—our leadership role in the world—is based on our commitment to speak out clearly and strongly when fundamental rights are violated. Without that commitment, we simply have no foreign policy.

NEWLY PROPOSED IRS REGULATIONS FOR TAX EXEMPT PRIVATE SCHOOLS

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, the recently proposed Internal Revenue Service (IRS) guidelines to determine the continuation of tax exempt status for private institutions which may have racially discriminatory policies and practices have met with more than mixed emotions. At the outset, the implications, intentions, and consequences of these guidelines, which were published in the Federal Register on August 22, 1978, were questioned and adamantly opposed by many private and church schools. In writing to IRS Commissioner Jerome Kurtz, numerous groups charged the establishment with, among other things, imposing mechanical quotas on private schools; failing to properly consult private institutions with respect to assessing the impacts of the proposed regulations; and, attempting to destroy church schools.

I never questioned the legitimacy of the aforementioned concerns. In fact, in letters to several of my constituents, I informed them that the IRS would modify the proposed rule to recognize the fact that orthodox religious schools may have a difficult time recruiting minority students, and the fact that this would be taken into account was not what I opposed.

What I do oppose and will continue to fight against is the sanctioning of racial discrimination through the Tax Code. Thus, I have joined with others to express my opposition to the recently revised IRS guidelines in this area—but, I am sure, for quite different reasons.

It is no secret that a substantial number of private institutions attended exclusively by white students were established in the South in response to public school desegregation. In fact, the U.S. Commission on Civil Rights has reported that many private, segregated institutions (established to circumvent public school desegregation) are well facilitated through various forms of State assistance (for example, tuition grants, provision for textbooks, transfer of public school property to private schools). While I am aware that a substantial number of private schools do not necessarily fit into either of the aforementioned categories, I am particularly concerned that those who are presently tax exempt should be thoroughly investigated, with the use of explicit and concrete guidelines, to examine any potential discriminatory policies.

Unlike many others, my opposition to

the IRS proposed guidelines is not based on any belief that these rules threaten the foundation of private education in this country. I think that goes without saying. I do not believe that the guidelines would impose such a threat any more than they would impose the use of strict racial quotas within private institutions. However, I do not believe that the newly proposed guidelines are strong enough to clearly illustrate any real intentions to eliminate the tax exempt status of private schools who have discriminatory policies and practices.

It appears that on the one hand, the IRS has recognized the need for more intense investigations into the discriminatory practices which may exist within private schools that enjoy tax exempt status. But, on the other hand, the IRS is planning to utilize such weak criteria during its investigations, evaluation, and final determining processes, that it may defeat what was thought to be its original intent. This intent—to remove tax exemption from schools which discriminate by race—can only be lost in the use of guidelines which are just too flexible and vague.

I would like to submit a copy of the letter which I recently sent to IRS Commissioner Jerome Kurtz expressing my concern in this matter. The text of this letter follows:

House of Representatives,
Washington, D.C., February 16, 1979.

Mr. Jerome Kurtz,
Commissioner, Internal Revenue Service,
Washington, D.C.

Dear Commissioner Kurtz: This writing expresses my opposition to the revised Internal Revenue Service (IRS) guidelines which would afford tax exempt status to private schools without a critical assessment of possible racially discriminatory policies.

On several occasions, the Supreme Court has ruled that the existence of private, tax exempt schools whose practices and policies are racially discriminatory is contrary to public policy. The recent revision of the IRS rules eviscerates this concept along with others advanced in its initial proposal. The sanctioning of racial discrimination through the tax code is at variance with Constitutional precepts. A refusal to asknowledge and eliminate discrimination by continuing to offer private, segregated institutions the luxuries afforded through tax exempt status flies in the face of justice and equality.

The U.S. Commission on Civil Rights has reported that many private, segregated institutions (established to circumvent public school desegregation) are well facilitated through various forms of State assistance (e.g., tuition grants, provision for textbooks, transfer of public school property to private schools). While I am aware that a substantial number of private schools do not necessarily fit into either of the aforementioned categories, I am particularly concerned that those who are presently tax exempt should be investigated with regard to potential discriminatory policies.

I understand that you share my concern for investigations in this area. It is hoped that a strengthening—not a weakening—of your proposed guidelines would be in order so that a true reflection of your intentions becomes evident.

Thank you for your attention and cooperation in this matter.

Sincerely,

Parren J. Mitchell,
Member of Congress.

THE QUESTION OF FBI MORALE

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. DEVINE. Mr. Speaker, during these days when certain elements in our Nation are doing everything they can to destroy our intelligence agencies, it seems altogether proper to offer an article written by W. Donald Stewart, a former long-time FBI agent, relative to morale in the FBI.

The article follows:

January 26, 1979.

The Question of FBI Morale

How is the morale in the FBI today?

I can't speak to the morale in the FBI today because I left the Bureau in August 1965 when the morale was quite high. I can safely say that the morale can't be at an all-time high with the battering the Bureau has taken publicly in the last few years.

I liken the FBI agent's status today to that of the old tough western marshal who was hired to clean up a town which had gone completely lawless. His instructions by the town fathers were "to do whatever was necessary to restore law and order." "We will support you," they said. The "Town-taming Marshal" did just that. In short, he used what we call today "excessive force" but he got the job done—the church bells rang loud and clear and the town fathers got religion again, but slowly they questioned each other about the need for the once hero marshal now looked upon as the town "eyesore." They began to restrict his authority and to turn their backs on minor violence, because those involved spent a lot of money in town and, in a short time, decided that the marshal was the villian and he must go.

If you substitute the words "FBI agent" for "town marshal" above, change the costumes, the time period, and call the town fathers liberal politicians, one finds the once revered FBI agent underwent the same treatment. For example, in the 1930's, powerful gangster mobs were running rampant in this country, banks were being robbed by John Dillinger, Pretty Boy Floyd, Ma Barker and her sons, "Machine Gun" Kelley, Alvin Karpis, and many others. Kidnapping and Extortion became prosperous crimes. Local and State Police were unable to handle the matters as the criminals ran from State to State. The Congress called the FBI to the rescue and quickly passed laws making the above crimes "Federal" crimes and gave the FBI Agents authority to carry and use firearms. "Do whatever has to be done" was, in so many words, the direction given to Mr. J. Edgar Hoover, the man who built and headed the FBI from 1924 until his death in May 1972, and during that period made every FBI Agent proud to be called a "G-Man." The cleaning up of notorious gangsters by the FBI is now folklore history. However, shortly after their eradication the country found itself faced with a new menace called "Communism" and a little later by still another and greater menace—the emergence of the World War II spies. All during this time the public and Congressional cheerleaders could be heard to chant "Go get em FBI; go get em FBI" and "Do whatever has to be done." After WW II, the FBI pursued the general rise in crimes such as bank robberies, kidnapping, extortion, truck hijacking, Communism; Soviet Espionage, and draft dodgers and deserters associated with the Korean War. Through our development of informants and highly sophisticated techniques and, even more important, damn hard investigative work coupled with long non-paying hours of work, the FBI brought the Atomic Bomb Spies—the Rosenbergs—to justice along with officials of the Communist Party of the U.S.A. and several U.S. citizens spying for the Soviet Government. I'd be remiss if I didn't mention that FBI agents throughout the country identified and infiltrated Hate Groups, Terrorist Groups, and Anti-U.S. Groups and brought those violators to justice as well as several others for Civil Rights violations.

I guess like the old tough town marshal you can't get too good at your job. As in the case of the old town marshal, when Mr. Hoover's FBI brought the nation's problems of national security and criminal violence under control, the town fathers—now the liberal politicians—began to get their religion back. Subsequently and slowly they raised questions about FBI informants, sophisticated techniques and hinted that the rights of criminals and suspected spies were possibly being violated by FBI wiretaps. Their grumblings grew louder from 1963 to date and the former loud chant of "Go get em FBI; go get em FBI" and "Do whatever you have to do" started to fade out. Again, as the old town marshal experienced, the political liberals now sang hymns of "Curb the FBI; curb the FBI." "Do we need wiretapping?" and "Should the FBI be involved in Domestic Intelligence?"

J. Edgar Hoover did a remarkable job in keeping the FBI ship on course but on May 2, 1972, when he died, the anti-FBI liberal politicans began to emerge from the woodwork and the FBI began to see the likes of the House Intelligence Committee, with its "Judas" Congressman Michael Harrington who betrayed the CIA's trust and exposed its activities in Chile. Yes sir, open season had been declared on the CIA and the FBI. The June 17, 1972 Watergate burglary and subsequent Nixon party cover-up and scandal dealt the Bureau a severe blow and invited more liberal criticism. Why not? It was considered great political rhetoric. Senator Frank Church's Senate Select Intelligence Committee had its heyday demanding to know why the FBI and other intelligence agencies did the unspeakable things of opening mail going to and from Russia, eavesdropping on overseas communications to Russia and Soviet bloc countries, and why the FBI had the audacity to illegally break-in to the homes of relatives and close associates of the highly violent "Weathermen."

Their thinking was that it was terrible the FBI should take any action to thwart the Weathermen from another attempt to blow-up a part of the U.S. Capitol. They cried justice must be done and to this end the 1972 group of FBI officials approving the break-ins were sought out for prosecution—namely, L. Patrick Gray, then Acting Director; W. Mark Felt, then Associate Director; and Edward S. Miller, then Assistant Director for Domestic Intelligence.

As I reflected about the old town marshal, I said to myself, "You're right marshal! I guess it's time for the FBI to get out of town as we, too, have been made to believe that we are an "eyesore." The liberal politicians, one by one, were jumping on the chase wagon. As each one did, I could hear Mr. J. Edgar Hoover utter from his perch in heaven: "Et tu Senator; Et tu Congressman."

Added to the list of spoilers were some members of the Department of Justice. However, that was to be expected as the marshal didn't get along with the town council so why shouldn't the FBI agent believe that certain Justice Department officials wouldn't harbor a vengeance? This was because of their jealousy of the headlines the FBI grabbed over the years; the dynamic leadership of Mr. Hoover; and the esprit de corps of all the FBI agents. Looking back, there were few headlines for Justice Department attorneys and certainly there was a lack of dynamic leadership from their Attorney General. None in my time really had any great interest in the job other than to use it as a springboard to the U.S. Supreme Court. Most assuredly, neither John Mitchell nor Richard Kleindienst brought the Department any credit. And, finally, what about their esprit de corps? From all the in-fighting and leaks that come from within the Justice Department, one could hardly say there was great comradeship there. But then at long last came the opportunity to "stick-it-to-the-FBI" through the fanatic pursuit of indictments against Gray, Felt, and Miller, then there was the subsequent arraignment in the U.S. District Court in Washington, D.C. just about one-half a mile from where the Weathermen admittedly blew up part of the U.S. Capitol. But to add further insult to injury, the Justice Department arranged to have Gray, Felt, and Miller "mugged" (photographed and fingerprinted) like common criminals. Yet, the Justice Department didn't think it necessary to "mug" John Mitchell, Richard Kleindienst, or the Watergate Seven Conspirators after they were arraigned. Justice Department lawyers might be heard to say that their tenacious pursuit of Gray, Felt, and Miller was because it was their job responsibility, but I have cited numerous cases before where they were not so obsessed with job responsibility. No, the break-in prosecutions were a further effort to discredit the FBI.

The original question was how is the FBI morale today? I can only speak for myself and my contemporaries, most of whom are now retired, when I say that we have come to be like the old town marshal who became the "eyesore" when the town fathers—now the liberal politicians—got religion again. However, from my present day contact with FBI personnel, I will venture to say that under the direction of FBI Director William Webster that the FBI morale is now on the upswing. Hopefully, one day in the not-too-distant future the young agents will enjoy the honor of after introducing themselves "at the door of a citizen's home, having their hand shook, being promptly invited inside, hastily offered a cup of coffee, and then enthusiastically being asked 'How can I help you?'" That often happened to myself and many of my contemporaries in our days on the street. And, believe me, our morale was always sky-high.

In closing, let me observe that in the near future, this country in its continuing state of permissiveness will once again find the citizens and the liberal politicians clamoring for the FBI to clean up crime and become more aggressive in counterintelligence. Most likely, when that happens the same cries from a panicky public and Congress will be "Go get em FBI; go get em, FBI" and "Do whatever you have to do." But today's FBI agents are not likely to be as stupidly patriotic as myself and my contemporaries. The new-breed, in order to later avoid becoming a target for Justice Department prosecutors, will demand that their orders be spelled out in detail by our esteemed Capitol Hill lawmakers.

Well, Marshal, like you I'm tired. So I'll just sit back, wait, and hope for the best.

ADDENDUM

W. Donald Stewart served as an FBI Agent from July 1951 until August 1965, the last nine years as Espionage Supervisor at FBI Headquarters; from August 1965 until December 1972, he served as Chief of the Investigations Division, Office of the Secretary of Defense; and finally as Inspector General for the Defense Investigative Service from December 1972 until his retirement June 30, 1975. Since that time he founded Stewart Security Services, a consulting and investigation firm.●

FAILURE BY ADMINISTRATION TO COPE WITH IRANIAN CRISIS

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the kidnaping of a wounded Marine from a Tehran hospital was another humiliation inflicted on a United States perceived as a paper tiger through the Carter administration's incredible lack of decisiveness, leadership, foresight, and grasp of world history.

This blatant nose-tweaking, in itself, might be considered only a minor episode in the flow of events that have turned the Middle East upside down, especially in light of the Marine's release today following the intervention of the U.S. Ambassador.

Unfortunately, the kidnaping of Sgt. Kenneth Kraus, of Upper Gwynedd Township, in my congressional district, was undoubtedly conceived and executed for the exact purpose it served—to embarrass the United States and reveal its helplessness for all to see.

"Gunboat diplomacy" may be consigned to the pages of history, but the Carter administration has gone to the other extreme. "Abject compliance" might well be the slogan of a President who prattles about a "New Foundation" while he erodes the foundations we established to aid our friends and protect ourselves from our enemies in a world where reality is the watchword and wishes the delusion.

Mr. Carter contends that the United States cannot control actions in the internal affairs of other nations. Perhaps not. But we can—to a greater or lesser degree depending on a given situation—control the consequences of certain events.

Selling billions of dollars worth of ultramodern weaponry to the Shah and placing our complete trust in him was not only foolhardy, but flys in the face of the real world. If Mr. Carter—as the Washington Post printed—grew angry when he was told that the Shah might be toppled a few days before the Revolutionaries won power, then it is little wonder that the United States is seen as a paper tiger.

Commonsense and a smattering of historical presence would have warned Mr. Carter to prepare for and be ready for the worst case possible in Iran. Not only did he fail in what I consider this elemental exercise of Presidential wisdom and foresight, but he failed to come to terms realistically with the consequences. Thus, he failed even to attempt to control the consequences.

What has happened to the United States in the victory of the Ayatollah Ruholloh Khomeini?

The jeopardy in which Carter policies placed Marines and Embassy personnel in Tehran was such that he failed to provide the troops necessary to defend the Embassy, just as he failed to alert Turkey to the fact that he wanted more Marines stationed there temporarily for transfer to Iran.

The Carter administration abandoned sophisticated E–14 jet fighters to the Ayatollah's supporters and Marxist revolutionaries who joined in the overthrow of the Shah with possible disastrous consequences to the United States and our only steadfast ally in the Middle East, Israel.

The Carter administration failed to conceive and carry out a realistic plan for evacuating American nationals and military advisers, leaving many of them to the vagaries of armed revolutionaries roaming the streets.

The Carter administration perfunctorily abandoned key bases—bases that apparently were at the heart of tender solicitude for the Shah as evidenced by our sale of vital military equipment to him.

The Iran situation was still evolving when Mr. Carter went to Mexico, took a verbal beating from the Mexican President, and further embarrassed the American people with a Milquetoast rebuttal that included an uncalled for "bathroom joke."

At this time, it is too early to assess the damage done to the United States and to our allies, both by the Iranian Revolution and the Carter administration's inept handling of everything associated with it.

One thing, we know, for sure. The Soviet Union has enhanced its own power and is stronger than we could have imagined a year ago in the Middle East. Afghanistan is in the sphere of Soviet influence with our Ambassador, Adolph Dubs, in his grave under mysterious circumstances which invite suspicions of Soviet collusion or knowledge.

Unbelievably, Mr. Carter continues to discuss SALT II as if this treaty has no relation to any other events taking place in the world today. He denies "linkage." Whether or not you believe in linkage, the facts are clear: no one event can be considered entirely separate of another. There is, in fact, linkage even if Mr. Carter denies. It is just another delusion of a President who would not know reality if he stumbled over it on the Main Street in Plains, Ga.

I believe it is more than a post-Vietnam mentality that afflicts Mr. Carter. There are many lessons to be learned from the Vietnam war—a war which I and many others opposed. But those of us who see the world in real terms know that one of these lessons is that the United States must have the will and capacity to act when its vital interests are involved.

Mr. Carter has chosen a course more dangerous than if he stood his ground when the United States is challenged on key issues. Vacillation, weakness, confusion, lack of will—these are just a few of the ingredients that eventually will lead to the military confrontation Mr. Carter wants so desperately to avoid.

If we are to retain our position as a positive force in the world—for our own safety and the sake of our allies—then Mr. Carter must recognize reality and cope with it.

□ 1625

BUDGET COLLAPSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

● **Mr. CONABLE.** Mr. Speaker, the Wall Street Journal of February 16 carried an editorial entitled "Budget Collapse" which provides an interesting commentary on the state of our budget process. I submit it to my colleagues as representing a thoughtful viewpoint at the outset of this year's critical budget deliberations. As one who does not view the drive for a constitutional amendment requiring a balanced budget with confidence, I hope my colleagues will acknowledge the necessity of using our potentially valuable congressional budget process to better effect this year than ever before.

The editorial follows:

Budget Collapse

We see that Senate Budget Committee Chairman Muskie came out swinging this week against the proposed constitutional amendment to balance the federal budget. Not only did he threaten the states that the budget would be balanced by cutting their revenue-sharing, he said the proposal was an "ill-considered contrivance," a "quick fix" that would "handcuff" the government.

If Senator Muskie wants to understand why so many states are trying to find a "quick fix" for the deficit problem, he ought to look back over his own much-heralded budget process. The original idea, you may remember, was that unintended deficits resulted because spending decisions were made piece-by-piece, with no overview of the budget's economic impact. So the Budget Act provided a mechanism for setting a spending ceiling and revenue floor before any action on appropriations or taxes. Many people hoped that this would help balance the budget.

In fact, however, the combined deficits for the three years immediately following the Budget Act turned out to be three times the size of the deficit for the three years prior to the new process. This is remarkable when you consider that the deficits for 1971–73 were, at that time, the largest in our peacetime history and the source of much of the concern that led to the 1974 Budget Act.

Performance is worsening rather than improving. Comparing five years each side of the Budget Act shows more than a four-fold increase in the size of the deficit. Why has Congress's budget control process turned out to be worse than no control at all?

The reason is that the budget committees have defined budget control in terms of Keynesian fiscal policy rather than budget balance. The Congressional Budget Office provides alternative "low growth" and "high growth" budgets: the first with small deficits and high unemployment, the latter with large deficits and fast inflation. The committee then picks a middle course as a deficit "appropriate in light of the economy's need for stimulation," which happens to provide the spending totals the big spenders want.

This convenient outcome probably results because the fix is in to begin with. At least in theory, Keynesian fiscal policy is not supposed to justify deficits at every stage of the business cycle, but that is how it has turned out in practice. Deficits are justified in bad times to fight recession. They are justified in periods of recovery in order to keep the recovery going. And they are justified in good times in order to fight off the recession that is predicted to be around the corner.

House Republicans, who caught on early to the game that still escapes the Senate Budget Committee minority, have been the only threat to the big spenders' control over the purse strings. They have consistently embarrassed the spenders by pointing out that tax rate reductions are a cheaper way than spending increases of providing any deficits deemed necessary to stimulate the economy.

As we noted last month, the spenders in the House have already moved to eliminate this threat to their monopoly by changing the rules to outlaw budget amendments that would cut totals without specifying precisely where. In other words, they have outlawed the whole original idea of the budget process—that totals should be set independently of specific spending pressures.

Given this record, it should be no surprise that, for example, conservative Democrats in the House have given up all hope that the congressional budget process can be used to balance the budget. This week 43 Democrats introduced a Joint Resolution to amend the U.S. Constitution to establish a balanced budget as the norm for managing the federal government's fiscal affairs. Rep. Richard White, chairman of the Democratic Research Organization, says that he and 42 of his colleagues have reached the conclusion that a constitutional amendment is the only effective remedy.

There are of course problems with the constitutional amendment route; it would be far better if it didn't take handcuffs to keep the hands of Senator Muskie and his colleagues off the taxpayer's purse. But we can understand the urge for desperate measures when procedures sold in the name of fiscal responsibility are perverted into engines of spending and deficits.●

A NATIONAL SUPER SCHOOL BOARD NOT NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Goldwater) is recognized for 5 minutes.

● **Mr. GOLDWATER.** Mr. Speaker, on the 8th of this month the Carter administration resubmitted its proposal to create a Cabinet-level Department of Education. The House, in its wisdom, killed this idea in the last session of Congress, and I think we would be wise to do so again.

We hear a lot of talk these days about scaling down the Federal bureaucracy. It was preached by Jimmy Carter when he campaigned for the Presidency, and rhetorically, at least, this belief has been the theme of his administration.

Why then this proposal to enlarge the bureaucracy, to create more positions on the Federal payroll, to spend more tax dollars? Could it be that the endorsement of the Nation's largest teachers' union, the National Education Association, with a membership of nearly 2 million school personnel, is at stake, just as it was in the 1976 election?

Political considerations aside, there is a fundamental principle involved here which we should recognize. A number of us in this body were quite vocal a few months ago in pointing out the importance of local autonomy in the administration of our education policy. Have we lost sight of our commitment to sound teaching in the classroom, to an emphasis on the basic skills? How can an oversized bureaucratic institution here in Washington effectively manage the activities of a schoolhouse which, in the case of my district, is 3,000 miles away?

Should we not be concentrating our attention on making the existing system more efficient? I have heard the promises of Vice President Mondale and Budget Director McIntyre that the centralized control of 150 education programs will actually entail less money and fewer public jobs in the long run. But I have also learned in my 10 years as a Congressman that such projections are seldom, if ever, realized. There is no need to reshuffle the deck of bureaucratic cards, especially at a cost of $10 million. All we would be doing is establishing a jumbo, national super school board, and that, Mr. Speaker, is something we do not need.●

ADMINISTRATIVE PROCEDURES REFORM ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. Edwards) is recognized for 15 minutes.

● **Mr. EDWARDS of Oklahoma.** Mr. Speaker, last year I introduced H.R. 12333, the Administrative Procedures Reform Act of 1978. The purpose of that bill was to provide increased procedural safeguards for persons who must come before Federal agencies in adversary proceedings. Many individuals and national organizations, such as the American Federation of Small Business and National Associated Businessmen, Inc., have endorsed the bill.

Today, I am again introducing the Administrative Procedures Reform Act. Administrative law is the fastest growing body of law in the United States today. Yet, the constitutional protections available to all Americans in our civil and criminal courts all too often fall victim in administrative proceedings to "expediency" or one bureaucrat's interpretation of procedures that are in the "public interest," and in so doing disregard constitutional guarantees. The American people acutely feel that they are helpless before those powers we have delegated to executive branch agencies. This bill, and the procedural safeguards in it, are badly needed, and I urge my colleagues to review this bill and support my effort to guarantee constitutional protections to all persons affected by Federal agencies.

A copy of the bill and a summary of its provisions follows:

H.R. 2299

A bill to amend title 5, United States Code, to improve and reform the administrative procedures of Federal agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) This Act may be cited as the "Administrative Procedure Reform Act of 1979".

(b) Whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

Sec. 2. Paragraph (2) of section 552(a) is amended by—

(1) striking out "and" at the end of subparagraph (B);

(2) inserting "and" at the end of subparagraph (C); and

(3) inserting after subparagraph (C), as amended by paragraph (2) of this section, the following new matter:

"(D) detailed descriptions of agency standards and principles which govern discretionary decisions;".

Sec. 3. Subsection (b) of section 553 is amended by striking out the third sentence and inserting in lieu thereof the following: "Except when notice or hearing is required by statute, this subsection does not apply to rules of agency organization, procedure, or practice.".

Sec. 4. Subsection (c) of section 553 is amended by striking out "with or without opportunity for" in the first sentence and inserting in lieu thereof ", and through".

Sec. 5. Subsection (d) of section 553 is amended to read as follows:

"(d) The required publication or service of a substantive rule shall be made not less than 90 days before its effective date, except in the case of a substantive rule which grants or recognizes an exemption or relieves a restriction.".

Sec. 6. Paragraph (1) of section 554(c) is amended by striking out "when time, the nature of the proceeding, and the public interest permit" and inserting in lieu thereof "when the nature of the proceeding permits".

Sec. 7. Paragraph (1) of section 554(d) is amended by inserting after "party" the following: ", or the agency or a member of the body comprising the agency".

Sec. 8. Section 555(c) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "A witness, party, or other person compelled to submit data or evidence is entitled—

"(1) to retain a copy or transcript of such data or evidence; and

"(2) on payment of lawfully prescribed costs, to procure a copy or transcript of such data or evidence and any data or evidence submitted by any other such witness, party, or person.".

Sec. 9. Section 555 is amended by adding at the end thereof the following new subsection:

"(f) No officer or employee of an agency may enter any property for purposes of inspection, search, or seizure, except upon authority of a search warrant issued by a court of competent jurisdiction. The search warrant shall—

"(1) issue only in the case of a probable cause to believe that a rule or order of the agency has been violated; and

"(2) specify the place involved, the nature of the inspection, search, or seizure to be conducted, and the time at which the inspection, search, or seizure is to be conducted.".

Sec. 10. Paragraph (3) of section 556(c) is amended by inserting after "relevant evidence" the following: "in accordance with the Federal Rules of Evidence".

Sec. 11. Subsection (b) of section 557 is amended by striking out everything after "first recommended a decision" in the last sentence and inserting in lieu thereof a period.

Sec. 12. Subsection (c) of section 557 is amended by—

(1) inserting after "part of the record" in the third sentence ", shall be consistent with prior decisions of the agency unless otherwise provided by law,";

(2) striking out the period at the end of the third sentence and inserting in lieu thereof "; and "; and

(3) adding at the end thereof the following new matter:

"(C) certification of complete review of all pertinent material including any transcript of testimony.".

Sec. 13. Subsection (b) of section 558 is amended by adding at the end thereof the following new sentence: "An agency may impose a sanction on a person only if such person has been given—

"(1) notice in writing of the factual and legal basis for the sanction; and

"(2) a period of at least 30 days (beginning on the date on which notice is given) to correct the violation on which the sanction is based.". This subsection shall not apply when there is an imminent threat to public health or safety."

Sec. 14. Section 558 is amended by adding at the end thereof the following new subsection:

"(d) Any person charged with violation of an agency rule or order shall have an opportunity to confront and cross-examine any adverse witness and to examine and rebut all evidence considered by the agency in connection with the charge involved.".

Sec. 15. (a) Title 5 of the United States Code is amended by inserting immediately after chapter 5 the following new chapter:

Chapter 6—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"601. Definitions.
"602. Resolution of disapproval.
"603. Effect on statutory time limits.
"604. Computation of calendar days of continuous session of Congress.
"605. Procedure for consideration of resolutions.
"606. Effect on judicial review.

"§ 601. Definitions.

"The definitions set forth in section 551 of this title shall apply to this chapter except that—

"(1) those functions excluded from the definition of the term 'agency' by paragraph (1)(H) of such section are included in such definition for purposes of this chapter;

"(2) the term 'rule' shall not include—

"(A) rules of agency organization, practice, and procedure,

"(B) rules relating to agency management and personnel, or

"(C) rules granting or recognizing an exception or relieving a restriction; and

"(3) the term 'promulgate' means filing with the Office of the Federal Register for publication.

"§ 602. Resolution of disapproval

"(a)(1) Simultaneously with promulgation or repromulgation of any rule, the agency shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), rules shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule promulgated by dealing with the matter of   , which rule was transmitted to Congress on   .', the first blank being filled with the name of the agency issuing the rule, the second blank being filled with the title of the rule and such further description as may be necessary to identify it, and third being filled with the date of transmittal of the rule to Congress; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(b)(1) An agency may not promulgate a new rule identical to one disapproved pursuant to this section unless a statute is adopted affecting the agency's powers with respect to the subject matter of the rule.

"(2) If an agency proposes a new rule dealing with the same subject matter as a disapproved rule, the agency shall comply with the procedures required for the issuance of a new rule, except that if less than 12 months have passed since the date of such disapproval, such procedures may be limited to changes in the rule.

"§ 603. Effect on statutory time limits

"If a resolution of Congress disapproves a rule which was being promulgated subject to a statutory time limit for rulemaking, the adoption of the resolution shall not relieve the agency of its responsibility for adopting a rule, but any statutory time limit shall apply to such renewed rulemaking only from the date on which the resolution was adopted.

"§ 604. Computation of calendar days of continuous session of Congress

"For the purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session.

"§ 605. Procedure for consideration of resolutions

"(a) The provisions of this section are enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 602 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b)(1) Resolutions of disapproval of a rule shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or of the House of Representatives to the standing committee having oversight and legislative responsibility with respect to the promulgating agency in accordance with the rules of the respective House; and such resolutions shall not be referred to any other committee.

"(2) If a committee to which is referred a resolution which has not been adopted by the other House of Congress does not report out such resolution within 45 calendar days of continuous session of Congress after referral, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(3) If a committee to which is referred a resolution which has been adopted by the other House of Congress does not report out such resolution within 15 calendar days of continuous session of Congress after referral, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(4) Such motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(3) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to or motion to recommit, the resolution is not in order and it is not in order to move to reconsider the vote by which the resolution is agreed or disagreed to.

"§ 606. Effect on judicial review

"Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

(b) The table of chapters for part I of title 5 is amended by inserting immediately after

"5—Administrative Procedure--------- 501"

the following:

"6—Congressional Review of Agency
Rule Making------------------ 601".

(c) The provisions of chapter 6 of title 5, United States Code, shall, for the duration of the period during which such chapter is in effect (as provided in section 18 of this Act), supersede any other provisions of law governing procedures for congressional review of agency rules to the extent such other provisions are inconsistent with such chapter.

(d) This section shall become effective at the beginning of the second session of the Ninety-fifth Congress and shall cease to be effective at the adjournment sine die of the Ninety-seventh Congress, unless otherwise provided by Act of Congress.

SEC. 16. Section 704 is amended by striking out the first two sentences and inserting in lieu thereof the following: "Any party adversely affected by an agency action has a right to submit that action to judicial review. Administrative remedies need not be exhausted prior to judicial review, and no court shall refuse to exercise jurisdiction over a case on the ground that an agency with concurrent jurisdiction has not exercised such jurisdiction.".

SEC. 17. Section 706 is amended by—

(1) inserting after the first sentence the following new sentence: "The reviewing court may conduct a trial de novo."; and

(2) striking out "substantial evidence" in paragraph (2)(E) and inserting in lieu thereof "the preponderance of the evidence".

ADMINISTRATIVE PROCEDURE REFORM ACT—SECTION-BY-SECTION SUMMARY

PUBLIC INFORMATION

Sec. 2: Increases the amount of information an agency must make available to the public in the area of discretionary decisions by requiring an agency publish detailed descriptions of agency standards and principles which govern discretionary decisions.

RULEMAKING

Sec. 3: Requires Federal agencies publish in the Federal Register all interpretive rules and general statements of policy adopted by said agency, and removes the agency's option to adopt rules without publication in the Federal Register.

Sec. 4: Requires agencies to provide an opportunity for oral arguments in favor of or in opposition to proposed rule making.

Sec. 5: Provide that substantative rules be published in the Federal Register at least 90 days before their effective date, except for rules which grant or recognize an exemption or relieve a restriction.

ADJUDICATIONS

Sec. 6: Remove an agency's option to remove a party's opportunity to submit facts and arguments in adjudicatory proceedings in the interest of "time" or "the public interest".

Sec. 7: Clarifies the law to insure that a hearing examiner who takes evidence may not consult with an agency or any other member of the agency prior to rendering a recommendation or decision.

ANCILLARY MATTERS

Sec. 8: Entitles a witness, party, or other person compelled to submit data or evidence to procure a copy of any data or evidence submitted by any other witness, party, or person.

Sec. 9: Requires that no officer or employee of an agency may enter any property for purposes of inspection, search, or seizure, except upon authority of a search warrant issued by a court of competent jurisdiction.

HEARINGS

Sec. 10: Require all Federal agencies adopt the Federal Rules of Evidence to assure uniformity in procedure and admissibility of evidence in administrative hearings.

INITIAL DECISIONS

Sec. 11: Removes the option of an agency to make a decision without first receiving a recommendation from the person who presided at the hearing and heard testimony.

Sec. 12: Applies the doctrine of *stare decisis* to agencies by requiring all agency decisions be consistent with prior decisions unless otherwise provided by law.

IMPOSITION OF SANCTIONS

Sec. 13: Permits an agency to impose a sanction on a person only if that person has been given notice in writing of the factual and legal basis for the sanction and a period of at least 30 days from receipt of that notice to correct the violation on which the sanction is based. This notice period shall not apply where there is an imminent threat to public health or safety.

Sec. 14: Require any person charged with violating an agency rule or order shall have an opportunity to confront and cross-examine any adverse witness and examine and rebut all evidence considered by an agency in connection with the charge involved.

CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

Sec. 15: Requires all agencies, at the time of promulgation of any rule, to deliver a copy of the rule to the Senate and the House of Representatives. The rules shall not become effective if a concurrent disapproval resolution is passed by both Houses of Congress within 90 days, or, if within 60 days, one House of Congress adopts a disapproval resolution and such resolution is not disapproved by the other House within 30 days. If, at the end of 90 days neither House of Congress has adopted a disapproval resolution, the rule may go into effect immediately.

ACTIONS REVIEWABLE

Sec. 16: Require that administrative remedies need not be exhausted prior to judicial review, and no court shall refuse to exercise jurisdiction over a case on the ground that an agency with concurrent jurisdiction has not exercised such jurisdiction.

SCOPE OF REVIEW

Sec. 17: Permits a court conducting a review of an agency action to hold a new trial on all points raised during the agency action, and require a reviewing court set aside any agency decision unsupported by the preponderance of the evidence.●

CONGRESSMAN ANNUNZIO URGES HALT TO DEFAMATION OF ETHNIC GROUPS BY MASS MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, House Concurrent Resolution 4, a bill I introduced on the first day of this new 96th Congress, would put the U.S. Congress on record in opposition to films and television or radio broadcasts which defame, stereotype, demean, or degrade ethnic, racial, or religious groups.

As the author of this legislation, I was pleased to read TV-radio critic Gary Deeb's column in the February 8 Chicago Tribune, "Italian Image Again Takes It on the Chin." Gary Deeb goes right to the heart of the matter when he refers in his column to "the cultural devastation that is being systematically wreaked on their (Italian) heritage by the TV power brokers."

According to Deeb, the current run of Italian-oriented TV programs are depicting Italian Americans as "symbols of brute ignorance," and to make matters worse, "the networks refuse to paint any of their Italian characters as genteel, humane individuals who are devoted to their families." Gary Deeb points out that vicious, negative stereotypes are perfectly acceptable to the networks, but positive ones simply do not get enough laughts. He goes on to say:

> Let's face it. Since its inception, television frequently has specialized in dividing the many ethnic, racial, religious, and social political groups that comprise America. Rather than celebrating the differences among us and exploring the reason for that diversity, TV mocks those differences and exploits the multiplicity that is our greatest strength.

Gary Deeb has spoken out eloquently and forthrightly on a subject that has been largely ignored heretofore by those connected with the radio and TV industry. I am heartened by Mr. Deeb's column because it is a giant first step toward helping to focus attention on a problem that has confronted ethnics in this country for too long.

As an American and the son of Italian immigrants, I am only too well acquainted with the innuendos, the sick jokes, and the countless other vicious, contemptible, and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is a tragic commentary upon our times that those ethnic groups and minorities which have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of a democratic society—should be made to suffer most acutely by motion pictures, television programs, radio broadcasts, and periodicals which demean their identity.

Stereotypes as presented on television can be particularly influential to the young child. To a great degree, we become what we see, whether in life or in the media. Thus, the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by being told what they should be like, but by observing what people with whom they can identify are actually like or portrayed as being.

When the media allows and encourages aspersion to be cast upon groups, portraying them as "superstitious" Catholics, "dumb pollacks," or part of the "yellow peril," or as "welfare blacks," or as "Italian criminals," or the "Jewish loanshark," then social harmony becomes a political concern. Groups that have thus been maligned cannot help but question the worth of their allegiance to a political system which seems to affirm attacks upon them.

These ethnic slurs, then, become the special concern of Congress for they strike at the heart of a healthy and wholesome political system. My resolution (H. Con. Res. 4) recognizes that the vitality of our political institutions and our values is dependent on harmonious relations among various ethnic groups. Only if mutual respect is accorded these groups can our democracy grow stronger and more dynamic.

I commend Gary Deeb for courageously focusing attention on an issue which has been almost completely disregarded by those individuals who control the mass media. By persisting to ridicule and stereotype our minority groups, the mass media has been derelict in its responsibility to help create a society in which people are proud of their country, their institutions, and their heritage.

Supporters of my resolution do not want Government censorship; they want the leaders in the media industry to exercise a social conscience in human relationships just as they want industries to exercise a social conscience in matters of employment, pollution abatement, and pricing policies.

In the past when private industries defaulted in their social responsibilities, they were subjected to governmental regulation. My resolution calls for an evaluation and an accounting by the media industry a year after congressional passage to determine the adequacy of the code of ethics or the guidelines which they develop and apply under the legislation.

Mr. Speaker, I urge the support of all of my colleagues for House Concurrent Resolution 4.

The full text of Gary Deeb's column follows:

Italian Image Again Takes It on the Chin

Those Italian-American organizations that are so busy defending Peter Schivarelli, the embattled head of Chicago's hysterical Snow Command, ought to direct their attention toward the *real* bogeymen that are harming the image of Italian-Americans. I'm talking about the recent flurry of stupid television programs that depict Italian people, particularly teen-agers, as a collection of single-syllable, gum-chewing idiots.

Instead of pretending that the Mafia is a creature of Mario Puzo's imagination, and that the only bad Italian is the one who thinks ricotta is the same as cottage cheese, the Italian-American antidefamation groups should open their eyes to the cultural devastation that's being systematically wrecked on their heritage by the TV power brokers.

Every time you flick on the TV these days, there's a young Italian guy or girl behaving like a moron, grinning like a dope, or uttering disjointed sentences in a Sylvester Stallone accent.

On "Happy Days," the Fonz, alias Arthur J. Fonzarelli, snaps his fingers and grunts: "Ay-y-y!" On Laverne & Shirley," Laverne DeFazio tries to cover up her overbite and her lack of upbringing by acting loud and aggressive. A new show called "Makin' It" features weak-spined Billy Manucci, who can't choose between studying and disco dancing, and older brother Tony Manucci, who postures like a jackass on the dance floor.

Then there's "Flatbush," an upcoming CBS comedy series about five crude youths from an Italian neighborhood in Brooklyn. The show is so bad that the CBS bosses have yet to summon up enough courage to preview it on a closed-circuit feed to their affiliates.

And don't forget "Welcome Back, Kotter," where Vinnie Barbarino, in the person of John Travolta, provides an Italian version of Stepin Fetchit.

Indeed, just as TV's black comedy programs have caused irreparable harm to the image of black people in this country, so do these Italian-oriented programs play a cruel joke on the reality of Italian-American family life.

Furthermore, because so many recent movie "heroes" have been blue-collar Italian types—such as Tony Manero in "Saturday Night Fever" and Rocky Balboa in "Rocky"—the latest trend in TV's copycat sweepstakes is to build a show around a working-class Italian kid. Naturally, the kid always has spaghetti for brains and struts around like a rookie pimp. The networks call it "ethnic flavor."

Please understand. This isn't a demand that the networks begin portraying all Italian-American characters as altar boys and models of nobility. Non-Italians don't have a monopoly on evil and corrupt behavior. There are plenty of Italian creeps out there.

In fact, one of the most absurd ethnic protests in recent years was the 1972 outcry by some Italian-American groups that "The Godfather" should be banned from theaters because it depicts Italians in a nasty light. A similar stupidity occurred in 1977 when many of the same people tried to prevent NBC from telecasting Francis Ford Coppola's "Godfather Saga."

The "Godfather" movies were among the finest American motion pictures of all time. They were filmed with taste, intelligence, wit, and bone-rattling horror. They also related more truth about the inner workings of the Mafia and the United States crime syndicate than all the previous popular literature combined.

But the current spate of Italian-oriented TV programs falls into a completely different arena.

To begin with, the very proliferation of these programs is socially dangerous. When the big networks start using Italian-American customs and physical characteristics as consistent symbols of brute ignorance and caveman sexuality, then they're only a half-step away from actually declaring: "Hey, look at these stupid greaseballs, will ya?"

In addition to that constant vicious stereotype, the networks refuse to paint any of their Italian characters as genteel, humane individuals who are devoted to their families and absolutely infatuated with the Work Ethnic. In other words, negative stereotypes are great; but positive ones aren't funny enough.

Thus, we're glutted with the Fonzies, Lavernes, Barbarinos, the Manucci brothers, and a bunch of other thickheaded poseurs. These dirtbags represent Italian-American life about as much as the Frankenstein monster represents Bavarians.

Let's face it. Since its inception, television frequently has specialized in dividing the many ethnic, racial, religious, and sociopolitical groups that comprise America. Rather than celebrating the differences among us and exploring the reasons for that diversity, TV mocks those differences and exploits the multiplicity that is our greatest strength.

TV deals in cardboard, one-dimensional characters. Such surface creations make it easy to grind out a cheapjack weekly series such as "Welcome Back, Kotter" or "What's Happening."

As previously mentioned, virtually all blacks on weekly TV are lamebrained jugheads who would bring a smile to the lips of George Wallace; for more than a decade, the average Southerner on TV was depicted as a rustic yahoo who keeps tripping over his boots; and until recently, every woman on TV was either a long-suffering housewife or a big-breasted hussy.

So now it's the Italians' turn to take it in the neck. That's democracy, TV-style.●

LEGISLATION TO PROVIDE FOR UPGRADING OF IMPORTED MEAT INSPECTION AND LABELING PROCEDURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Bedell) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, I am today introducing legislation which would provide for the upgrading of imported meat inspection and labeling procedures. Its language is in large part a merger of two measures I sponsored and cosponsored in the last Congress, the incorporation and refinement of which I believe has produced a bill that serves both producer and consumer interests.

In recent months we have heard considerable discussion about the potential problems for our society resulting from meat imports. There seems to be general agreement that this issue affects both producers and consumers. However, what is often overlooked is the fact that their interests are not necessarily incompatible.

In my view, producers have a right to full confidence in the promise their Government made in the 1964 Meat Import Act that foreign countries would not be allowed to dump their livestock products in American markets and to assurance that foreign meat is held accountable to the same standard of wholesomeness as its American counterpart. And consumers have a right to full information about the nature of the food products they wish to purchase at the grocery store or at a restaurant, and to assurance that such products have met strict inspection standards. These are not mutually exclusive propositions, and the Meat Labeling and Inspection Act of 1979 recognizes this fact.

I believe that the imported meat issue should be addressed in several ways.

What is needed is a combination of strict inspection standards for imported meat and meat products, effective labeling of such items, and international agreements governing the international exchange of food products. My proposal addresses the inspection and labeling aspects of this equation.

The bill can be separated into three main components. First, it would inform the consumer at the supermarket or grocery store level as to whether the meat or meat food product he is buying contains imported meat. Second, it would upgrade the inspection requirements for imported meat so that the American consumer is assured that the product he is buying has met strict qualitative standards for wholesomeness. And third, it would direct eating establishments that serve imported meat to advise their customers of this fact.

The need for this legislation is clear. The amount of meat that is imported into the United States every year is substantial—somewhere around 8 percent of U.S. domestic production. Generally, these imports are absorbed into the marketplace with little fanfare and lose their identity quickly, especially since the imports are almost always mixed with higher quality U.S. beef in hamburger or other meat products.

I believe that the American people are entitled to know all the essential facts about the product they buy, whether they be an automobile, a television, or a cut of meat. However, current labeling requirements for imported meat and meat food products are simply not adequate, where such requirements even exist.

Much of the meat imported into the United States arrives in frozen blocks. Current law and regulations do not require that these blocks of meat be labeled according to country of origin. And further, no such labeling is required at each stage of the processing chain.

The fact of the matter is that existing labeling practices are of no practical value to the American consumer. When he purchases meat in a grocery store or at a public eating establishment, he has no way of ascertaining whether that product was produced in the United States or abroad. My proposal would provide the American consumer with that information, and it would also assure him that imported meat has met the same standards of wholesomeness that are imposed on American food products.

This measure does not make unreasonable demands. For instance, the bill recognizes that meat marketers may have difficulty in keeping track of the exact proportion of imported meat in the product as it makes it way through the processing chain, as well as identifying the country of origin in all cases. Thus, leeway is given to allow the labeling to reflect several options: "imported," "imported in part," "may contain imported meat," or marked to show the country of origin. Similarly, eating establishment operators are given the option of either posting the notice in "a conspicuous place" or printing the information on the menu. Finally, the American taxpayer is not required to shoulder the burden of the stiffened inspection requirements; the bill that I am introducing would require that the exporter pay such expenses.

Mr. Speaker, I want to emphasize the fact that these labeling and inspection proposals are designed to complement, and not contravene the multilateral trade agreements which have been so painstakingly negotiated by Special Trade Representative Strauss and which will soon be presented to Congress. The importance of trade liberalization to the agricultural sector is undeniable, and I in no way wish to undercut the progress that has been made to this end.

It is my firm belief that the legislation I am proposing today is compatible with trade liberalization: there must be "fair" trade if there is to be "free" trade. Furthermore, the consumer does not benefit from trade if the products that are traded are unsafe, detrimental to his health, or are otherwise inferior in quality. He deserves to be as fully informed as possible about the product in question. This is especially true when talking about meat. I urge that my colleagues join me in calling for the consideration and enactment of the Meat Labeling and Inspection Act of 1979.●

LEGISLATION TO INCREASE COMPENSATION PAYMENTS FOR SERVICE-CONNECTED DISABLED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, on the first day of this Congress, I introduced H.R. 47 for myself and for the Honorable RAY ROBERTS of Texas, the chairman of the Committee on Veterans' Affairs, and for the distinguished ranking minority member, the Honorable JOHN PAUL HAMMERSCHMIDT. That bill would increase by 7 percent all compensation payments for service-connected disabled veterans and dependency and indemnity compensation (DIC) payments for the surviving spouses and children of veterans who have died of service-connected causes.

At that time, I told you the 7-percent level of increase was dictated by two factors. These were the early estimate of the probable rate of increase to be expected in the Consumer Price Index by October 1, the suggested effective date of the bill, and the President's inflation guideline of 7 percent.

I told you as well, that should the proposed rate of increase prove inadequate, a more realistic proposal would be forthcoming to assure that those veterans who have suffered disability because of their service to their country and the survivors of those who died because of such service would not be unfairly disadvantaged by inflation's subtle thievery.

We now have such evidence. The President, with his budget, suggested that the veteran's service-connected benefit level be increased by 7.8 percent. This week, we received an analysis of the President's budgetary proposal for fiscal year 1980 prepared by the Congressional Budget Office. That analysis cites the President's 7.8-percent proposed increase in rates of disability compensation and DIC which he estimated would cost $498 million for 1980. The analysis continues, however, to explain that an 8.3-percent increase would be required in this program to cover the inflation anticipated during fiscal year 1979. A rate increase in that magnitude is expected by the Congressional Budget Office to cost approximately $577 million in budget authority for 1980.

Today, I am introducing another bill to provide an increase of approximately 8.3 percent. I am joined not only by the able chairman of the full committee, Mr. ROBERTS, and the distinguished ranking minority member, Mr. HAMMERSCHMIDT, but by most of the members of the full committee.

You may be sure that the committee will closely watch this situation and will address itself at an early date to action designed to protect our most deserving veterans and their survivors.●

NIAGARA FALLS' LOVE CANAL: A CONTINUING TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, Niagara Falls, N.Y., is the site of what is perhaps the Nation's most famous tourist attraction. Yet that city also contains the Nation's most notorious abandoned landfill site, the Love Canal, where hazardous and toxic wastes which had lain dormant for a quarter of a century are now causing substantial threats to public health in the area of the canal. On February 8 the Health Commissioner of New York announced that medical studies in the neighborhood showed that families with pregnant women and with children under 2 years of age should be temporarily relocated until construction work to contain the chemical wastes was completed. This is the second time in less than 6 months that an announcement of this kind has had to be made in the Love Canal neighborhood.

The continuing tragedy at the Love Canal required a redoubling of effort on the part of all levels of government to assist the families affected by this crisis and to work to remedy such situations and prevent them from occurring in the future. In anticipation of the decisions announced on Thursday, February 8, I contacted, on February 6 and 7, Federal officials from the Federal Disaster Assistance Administration (FDAA) and the Environmental Protection Agency (EPA) to the White House, and also renewed my request to the separate subcommittees of the House of Representatives for congressional hearings early this year on the larger subject of toxic wastes control.

In speaking on Tuesday, February 6, with William Wilcox, head of the FDAA, I specifically requested the following:

FDAA agreement to reimburse the State of New York for any costs associated with the temporary relocation of additional families from the so-called wet areas;

FDAA agreement, in light of these new developments, to reconsider its initial decision, now being appealed by the State, not to assist in the construction of remedial measures in the upper two-thirds of the Love Canal; and

FDAA agreement to consider providing assistance for construction activities, if any, that might be needed in the "wet areas."

In my judgment, FDAA's position with respect to the Love Canal is not justified by reason but is, instead, based on an arbitrary limitation that has been placed on Federal participation in dealing with this emergency by the Office of Management and Budget (OMB).

Even though disagreeing with them, one can understand the reluctance of the Federal Government to reimburse the costs of the permanent relocation program undertaken by the State for 97th and 99th Streets last fall for the following reasons: First, Federal disaster funds have never before been used to pay for lost homes, even in flood, fire, tornado or other disasters where homes are completely lost; second, State officials, at the time the Federal emergency declaration was made, stated that they never anticipated Federal reimbursement for this aspect of the problem; and third, none of the homes themselves were "taken" (that is, removed or demolished) for construction purposes.

But the decision with respect to the upper two-thirds of the canal is arbitrary and ought to be reversed. Even if you remove the approximately $12 million that was involved in the permanent relocation, the Federal commitment to date (combining FDAA assistance and $4 million appropriated to the Environmental Protection Agency (EPA) last year) will only come to about 50 percent of the total costs identified to date. This is not enough for this kind of emergency.

On August 30 of 1978, only 3 weeks after the emergency was declared, the EPA wrote to the FDAA with regard to the construction program. That letter noted that a conference of EPA and State officials resulted in a consensus that:

> In order to protect property and public health from the migrating plume of chemical contaminants, and to provide for the safety of the residents, a drainage system must be dug around the entire perimeter of the site (*not just* the southern portion) . . ." (emphasis in original)

I had pushed EPA to write this letter to the FDAA at that time, specifically on the above point, and have repeatedly cited it to Mr. Wilcox and others at the FDAA prior to the January 19 rejection of the State's request for FDAA assistance for the upper two-thirds; and I raised it again in early February with both Mr. Wilcox and with Jack Watson, Assistant to the President for Intergovernmental Affairs in the White House.

The developments of February 8 make reconsideration of this issue even more imperative. I've asked Wilcox and Watson to take them into account in reviewing the situation, and I will continue to do so.

Mr. Wilcox has stated that it would be proper, under the existing emergency declaration, for the State to request FDAA consideration of funding new temporary relocation for affected families; and, he expressed sympathy toward any future State request for reimbursement of such temporary relocation costs from FDAA. He has not been so sanguine however, on the other points raised.

I also contacted EPA officials on February 6 and on Thursday, February 8 met in my Washington office with Eckhardt C. Beck, Regional Administrator of EPA's Region II office in New York; Charles Warren, Director of Legislative Affairs in EPA's headquarters; and other EPA officials. We agreed to coordinate our efforts and to work with the FDAA, OMB, and the White House for a greater Federal role. We also discussed existing law and its inadequacy, concurring that major improvements are needed, in order to provide an effective Federal response to situations of this kind.

EPA advised me that the legislation I have introduced—the Toxic Tort Act and the Hazardous Waste Control Act—provide precisely the thrust that is needed to help in these situations. The Toxic Tort Act basically calls for immediate Federal action to assist and help compensate victims of exposure of hazardous substances; while the Hazardous Waste Control Act would create a new Federal program to identify abandoned waste sites and make them safe. EPA is working on similar legislation now; we will be meeting shortly to further refine the needed changes in Federal law. We hope to have a mutually agreeable package by the end of February.

In the interim, I have contacted each Member of the House of Representatives urging them to join in sponsoring my bills, and I will do so again not only in light of the new developments at the Love Canal but also because similar situations exist in many areas of the country—Kentucky, Tennessee, New Jersey, Michigan, and others. (Incidentally, although all these other hazardous sites exist, the Love Canal site is the only one where the FDAA has declared an emergency, refusing to do so elsewhere, and it is also the only site where we have been able to get substantial EPA financial assistance, thanks to the $4 million demonstration grant we added to EPA's appropriation in Congress last year.)

Additionally, when congressional committees were being organized late in January and early this month, I wrote three new subcommittee chairmen on the day they were chosen, asking them to hold early hearings on the toxic wastes problem and on legislative solutions to it. These were: James Florio, Democrat of New Jersey, Subcommittee on Transportation and Commerce, which has jurisdiction over hazardous wastes; Bob Eckhardt, Democrat of Texas, Subcommittee on Oversight and Investigations of the Commerce Committee, which has shown considerable interest in the hazardous waste problem in the past; and Anthony Moffett, Democrat of Connecticut, Subcommittee on Environment, Energy and Natural Resources of the Government Operations Committee, which has general oversight jurisdiction over toxic substances and the Federal Government's role with respect to them.

In light of the February developments, I am again contacting each of these subcommittees and each and every Member of Congress renewing my request for immediate hearings, pointing out the even greater need for rapid congressional action on this matter. And I will further intensify my efforts to get OMB to lift its arbitrary limit on Federal financial participation in meeting the Love Canal emergency both now and in the future.●

AMENDMENTS TO THE INTERSTATE LAND SALES FULL DISCLOSURE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Minish) is recognized for 5 minutes.

● Mr. MINISH. Mr. Speaker, last week I introduced legislation which is designed to provide substantial new protection for consumers who purchase land from interstate developers.

This legislation, if enacted, will extensively change the Interstate Land Sales Full Disclosure Act and will go a long way toward cleaning up numerous sales abuses in the industry which sells undeveloped land.

In 1978, the House Banking Oversight Subcommittee, of which I am chairman, did an extensive investigation of sales and development practices in the interstate land sales industry. We held 3 days of hearings in April of 1978 and heard testimony from more than 30 witnesses representing Federal and State Governments, industry, public interest groups and consumers. It is clear to me after our investigation that the present Interstate Land Sales Full Disclosure Act, enacted originally in 1968, does not adequately protect land purchasers. Our subcommittee's investigation uncovered evidence of misrepresentation, abuses and fraud on the part of some land developers. Many developers sell lots at a rapid rate regardless of whether the consumer will receive fair value for his money. Thousands of land purchasers are lured by fast-talking salesmen into unfair, long-term installment contracts. Many purchasers are convinced that they are making a good investment and only later find that their lots were sold at greatly inflated prices, are completely unsuitable as home sites and have little or no resale value.

Although several Federal and State agencies have tried to clean up the land sales industry, severe problems remain. Literally millions of consumers continue to be defrauded or disappointed by land developers every year. Unfortunately, developers tend to prey on those who are least able to protect themselves. People who are elderly or unsophisticated constitute prime markets for land schemes.

I have included at the end of this statement a section-by-section summary of the major provisions of this bill. However, I would like to mention a few of the items which I consider most important.

This bill attempts to eliminate the use of the installment contract method of financing lot purchases. Under the traditional installment contract, the purchaser agrees to pay for his lot over a period of years, usually 7 to 10, through monthly installments. There is no transfer of title to the purchaser until he has completed payments and, in many cases, purchasers who finish paying discover that the developer is unable to deliver clear title. Most installment contracts contain a "liquidated damages" clause which provides that in the case of default by the purchaser, all money paid by the purchaser is retained by the developer. Thus, the purchaser builds no equity proportional to his payments as he would under a traditional mortgage method of financing. In some cases, purchasers have paid over 90 percent of what they owe and then have been left with nothing when they cannot continue to pay.

Another problem which results from the installment contract method of financing is that developers often sell the installment contracts to third parties. The purchaser then owes his payment to the third party, but, because of the holder in due course laws, the purchaser cannot force the third party to fulfill any of the obligations of the developer. In addition to all these problems, because the purchaser does not get title until he has completed payments, he may not be able to use the property for 7 to 10 years after he signs the contract of sale. In short, consumers who buy under installment contracts are all around losers.

This legislation would prevent this abuse by insuring that developers who extend credit for the purchase of their own lots, do so under contracts that contain the protections of the more traditional mortgage or deed—deed of trust arrangements. This would insure far more protection to the consumer.

A second provision of this bill requires that developers who promise to provide basic services, such as, water, sewage disposal and electricity, must establish escrow accounts which insure completion of these services. During our investigation, we found that developers often promise all kinds of improvements as part of their sales pitch. In many cases, those developers are financially unable to keep their promises and, thus, force lot buyers to spend money which they never anticipated having to spend. A number of States already have escrow requirements, which have provided increased consumer protection without imposing excessive economic burdens on developers. We feel that escrow accounts, to insure basic services, should be a national requirement.

The third major reform which this bill provides is our "parens patriae" section. We found that many people who have civil causes of action under the present Interstate Land Sales Act are unable to bring suit because individual suits are too expensive and it is to difficult to bring class actions in Federal court. Our parens patriae section allows the attorney general of a State to bring civil actions against developers on behalf of citizens of his State who have purchased land. This provision does not create any new rights but simply makes it easier for consumers to enforce rights which they already have.

Other reforms in this bill include the elimination of the present statutory bankruptcy exemption, a 30-day absolute right of rescission for lot purchasers, a provision which allows purchasers to sue for specific performance of promises made by developers, extension of the statutes of limitations on civil suits under the Land Sales Act and new administrative remedies for the Office of Interstate Land Sales Registration.

I believe that this bill would give the people who buy land at least a fair chance of getting a good deal for their money. This is not too much to ask for our constituents. I urge my colleagues to support this legislation.●

FEDERAL PROTECTIVE SERVICE ACT OF 1979

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MITCHELL of Maryland. Mr. Speaker, as is well known, the Federal Protective Service is the security arm of the General Services Administration's Public Buildings Services. It is charged with the primary responsibility of protecting Federal property and persons under the jurisdiction of the General Services Administration.

Created in 1972 by GSA, the requirements for the Federal Protective Service positions are very similar to those of police officers. The FPS provides security in approximately 10,000 Federal Government buildings throughout the United States, to include national defense installations; the Pentagon; the Central Intelligence Agency; the Nuclear Regulatory Commission; and the Department of Justice. Still further, the Federal Protective Service is responsible for the protection of the President; Vice President; Senators and Members of Congress; and, U.S. district and appellate court judges. In addition, all foreign dignitaries, including Blair House visitors, who visit Federal facilities, are accorded protection by the Federal Protective Service. While their assigned duties are numerous, let me just finally add that further responsibilities include the assisting of other Federal enforcement agencies (for example, the Federal Bureau of Investigation), by instructing and directing visitors to Federal buildings; providing emergency first aid as necessary; and assisting in controlling and fighting fires.

Oddly enough, the aforementioned responsibilities, which are assumed by our Federal protective officers, are not matched by sufficient financial remuneration and/or benefits. It should be noted that police force benefits, including administrative leave for injuries incurred while on duty, a retirement program and protection against assault are all provided for in the United States Code. However, the Federal Protective Service is not included in the provisions of these titles.

The 1972 GSA memo which created the Federal Protective Service by stating explicitly, among other things that—

> New positions are being established called Federal protective officers which involve greater responsibilities than the present positions of guard * * * The requirements for these new positions are similar to those of police officers.

However, this explicit memo failed to address the pertinent issue of increased benefits for these officers, and thus, while the training programs has been greatly improved, the positive changes in the pay scale, retirement, and sick leave benefits have been minimal.

The measure which I am introducing today, the Federal Protective Service Act of 1979, is an attempt to rectify the aforementioned injustices. This bill basically provides that: First, Federal protective officers be considered "law enforcement" officers; second, their grades, salaries, and fringe benefits be comparable to those in the Executive Protective Service; and, third, they be covered under the standard or existing statutory benefits for early retirement, protection against assaults and survivors benefits for death in the line of duty.

The enactment of this legislation, the text of which is attached, will hopefully eliminate the gross inequities which have been borne by our Federal protective officers as they have continually sought parity with like organizations (for example, the Capitol Police; the Park Police; and, the Executive Protective Service).●

THE NEED FOR A CONSTITUTIONAL CONVENTION TO MANDATE A FEDERALLY BALANCED BUDGET

● Mr. VOLKMER. Mr. Speaker, in recent weeks there has been much discussion about the calling of a Constitutional Convention to mandate a federally balanced budget. There is some question as to the procedures that must be followed to call a Convention.

I believe that we are all aware that 27 States have passed resolutions that are considered applications for a Constitutional Convention. Many of those passed before 1979 were noticed in the CONGRESSIONAL RECORD, some were not.

For example, Nevada's resolution was not sent since it was vetoed by the Governor. This does not effect the resolution's validity—but due to Nevada law it cannot be sent.

It is not necessary that the resolutions be noted anywhere as there is no procedure to apply to the situation. The fact the resolution passed the State legislatures is enough.

Since a majority of the resolutions have been noted in the CONGRESSIONAL RECORD, I would like to have those not noted appear in extra material to the special order. I am submitting copies of the resolutions from the States of Alabama, Maryland, Nebraska, Nevada, New Mexico, North Dakota, Oregon, and Pennsylvania.

I will deliver the certified copies to the Committee on the Judiciary for their use in the hearings that Chairman Rodino has announced.

I might add that these resolutions and the research in this particular matter has been assembled by the National Taxpayers Union, a local, nonpartisan association interested in this matter.

Thank you, Mr. Speaker.

I include the following material:

ALABAMA

(House Joint Resolution: Petitioning the Congress of the United States to convene a constitutional convention for the purpose of proposing an amendment to the Constitution requiring that Federal spending not exceed estimated Federal revenues.)

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (⅔) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (¾) of the several states, or by conventions in three-fourths (¾) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be it further resolved, That, alternatively the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Further resolved, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

Further resolved, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., and to each member of the Alabama Congressional Delegation.

MARYLAND

(Resolution No. 77: A Senate Joint Resolution concerning Budget of the United States for the purpose of requesting appropriate action by the Congress, on its own action by consent of two-thirds of both Houses or on the application of the legislatures of two-thirds of the several states, to propose an amendment to the Federal Constitution to require that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year, with certain exceptions.)

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

As reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of 15.6 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special services to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year: and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific *and exclusive* purpose of proposing such an amendment to the Federal Constitution, to be a new article XXVII; and be it further

Resolved, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year." and, be it further

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beall, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington, D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the State of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other State in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

NEBRASKA

(Legislative Resolution 106.)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, therefore, be it resolved by the members of the Eighty-Fourth Legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislature of each of the several states, and the Secretary of State for the State of Nebraska.

NEVADA

(Senate Joint Resolution: Requesting the Congress of the United States to call a constitutional convention for the purpose of amending the United States Constitution to limit federal appropriations for any fiscal year to federal revenues estimated for that year, except during national emergencies.)

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues; and

Whereas, Payment of the increased interest on this ever-expanding debt imposes a tremendous burden on the taxpayers of this country; and

Whereas, Continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low incomes; and

Whereas, Constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, Limiting federal expenditures in each fiscal year to revenues available in that year, except during national emergencies, will result in greater selectivity of federal programs for the benefit of the public; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of both the legislative and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing; and

Whereas, Under article V of the Constitution of the United States, the Congress is required to call a convention for proposing amendments to the federal Constitution on the application of the legislatures of two-thirds of the several states; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That, pursuant to article V of the Constitution of the United States, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution which would require that, in the absence of a national emergency, the total of the appropriations made by the Congress for each fiscal year may not exceed the total of the estimated federal revenues for that year; and be it further

Resolved, That the legislature of the State of Nevada proposes that the legislatures of each of the several states apply to the Congress to call a constitutional convention for the exclusive purpose stated in this resolution; and be it further

Resolved, That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications, but if Congress proposes an amendment to the Constitution similar to that contained in this resolution before January 1, 1981, this application for a convention of the several states shall no longer be of any force; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

NEW MEXICO

(A joint resolution for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.)

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United Sates call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and

Be it further resolved that copies of this resolution be sent by the secretary of state to the members of New Mexico's delegation to the congress of the United States; and

Be it further resolved that the secretary of state of this state is directed to send copies of this joint resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the clerk of the United States house of representatives, Washington, D.C. and the secretary of the United States Senate, Washington, D.C.

NORTH DAKOTA

(Senate Concurrent Resolution No. 4018: A concurrent resolution of the North Dakota Legislature calling for an amendment to the U.S. Constitution proposing to the several states the requirement of a balanced U.S. cash budget for each session of Congress except in time of war or national emergency.)

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purpose as provided by Article V of the Constitution, the proposed Article providing as follows:

ARTICLE —

Section 1. The president shall submit, at the beginning of each new Congress, an annual budget for the ensuing fiscal year setting forth in detail the total proposed expenditures and the total estimated revenue of the Federal Government from sources other than borrowing. The president may set new revenue estimates from time to time. Expenditures for each two-year period shall not exceed the estimated revenue except in time of war or a national emergency declared by the Congress. The provisions of this Article shall not apply to the refinancing of the national debt; and

Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the legislatures of the several states.

OREGON

(Senate Joint Memorial 2)

To the Honorable Members of the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-ninth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the level of federal expenditures demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas inflation is being fought almost exclusively by monetary policy while fiscal policy could and should be employed; and

Whereas the State of Oregon by its Constitution and its laws in adopting a budget must show a balanced relation between the total proposed spending and the total anticipated revenues or provide for paying the deficiency; and

Whereas it is just and proper that the United States of America in its obligation to provide leadership for all of the states of the union should pursue the same policy; and

Whereas a balanced budget would lessen the economic burdens on its citizens; and

Whereas a balanced budget would lessen the need for increased state and local taxes; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

(2) That this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislature of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Memorial before January 1, 1979, this petition for a constitutional convention shall no longer be of any force or effect.

(3) That this body propose that the legislative body of each of the several states comprising the United States apply to the Congress of the United States requiring the Congress to call a constitutional convention for proposing an appropriate amendment to the Federal Constitution or requesting the enactment of such an amendment to be submitted to the states for ratification.

(4) That a copy of this memorial shall be transmitted to the President of the United States; to each member of the Oregon Congressional Delegation; to the presiding officers of the Senate and House of Representatives of the United States of America; to each Governor of each state in the United States of America; and to the presiding officer of each legislative body in the United States of America.

PENNSYLVANIA

(Resolution No. 236: Urging the Congress of the United States to call a Constitutional Convention to propose an amendment to the Constitution to balance the public debt.)

Whereas, Requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the Legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe some such action vital; therefore be it

Resolved. (The Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the General Assembly of the Commonwealth of Pennsylvania requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That, alternatively, the General Assembly of the Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved, That copies of this resolution be sent to the members of the Congress from Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send copies of this joint resolution to the Secretary of State and presiding officers of both Houses of the legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C.●

RULES OF THE COMMITTEE ON THE BUDGET OF THE 96TH CONGRESS

(Mr. GIAIMO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIAIMO. Mr. Speaker, pursuant to the provisions of rule XI, 2(a) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules adopted on January 24, 1979, by the Committee on the Budget for the 96th Congress:

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET

(Adopted January 24, 1979, 96th Congress, 1st session) U.S. House of Representatives

MEETINGS

1. Regular Meetings.*

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

2. Additional and Special meetings.

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

3. Open Business Meetings.

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*Written rule required by House Rules.

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

4. Quorums.

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

5. Recognition.

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

6. Consideration of Business.

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

7. Rollcall Votes.

A rollcall of the members may be had upon the request of at least 20% of those present.

8. Proxies.*

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto: except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day the proxy is signed. Proxies may not be counted for a quorum.

HEARINGS

9. Announcement of Hearings.

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least one week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

10. Open Hearings.

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

11. Quorums.*

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

12. Time for Questioning Witnesses.

Committee members shall have not to exceed five minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

For the purposes of House Rule XI. 2.(g) (2) The Task Forces of the Committee are considered to be Subcommittees.

13. Subpoenas and Oaths.

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

14. Witnesses' Statements.

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

15. Committee Prints.

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

16. Broadcasting of Meetings and Hearings.

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, a majority of the Committee may decide at any time to exclude radio, television, and still camera equipment from the Committee room.

STAFF

17. Committee Staff.

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in clause 6(c) of Rule XI of the House of Representatives; *provided*, that no member shall appoint more than one person pursuant to these provisions; *provided further*, that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint three professional and two clerical staff, recommended by the minority members, who shall provide staff assistance to the minority members.

18. Staff Supervision.

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

19. Preparation and Maintenance of Committee Records.

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

20. Access to Committee Records.

The Chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by member to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be limited to members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

APPLICABILITY OF HOUSE RULES

21. Applicability of House Rules.

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

22. Appointment of Conferees.

Majority party members recommended to

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*Written rule required by House Rules.

the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. Corman (at the request of Mr. Wright), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gaydos, and to revise and extend his remarks and include extraneous matter, for 60 minutes on Monday, February 26, 1979.

Mr. Benjamin (at the request of Mr. Gaydos), and to revise and extend his remarks and include extraneous matter, for 60 minutes on Monday, February 26, 1979.

(The following Members (at the request of Mr. Paul) to revise and extend their remarks and include extraneous material:)

Mr. Conable, for 5 minutes, today.

Mr. Goldwater, for 5 minutes, today.

Mr. Edwards of Oklahoma, for 15 minutes, today.

Mr. Collins of Texas, for 20 minutes, today.

(The following Members (at the request of Mr. Ratchford) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Bedell, for 5 minutes, today.

Mr. Drinan, for 10 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. LaFalce, for 5 minutes, today.

Mr. Minish, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Giaimo, in 12 instances, and to include extraneous matter.

Mr. Michel, and to include extraneous matter, in two instances.

Mr. Volkmer, and to include extraneous matter, not withstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,158.

Mr. Collins of Texas.

(The following Members (at the request of Mr. Paul) and to include extraneous matter:)

Mr. Michel in two instances.

Mr. Rinaldo.

Mr. Wydler in two instances.

Mr. Bafalis.

Mr. Rudd in two instances.

Mr. Bob Wilson.

Mr. Treen.

Mr. Paul in three instances.

Mr. Marlenee in two instances.

Mr. Green.

Mr. Horton.

(The following Members (at the request of Mr. Ratchford) and to include extraneous matter:)

Mr. Anderson of California in three instances.

Mr. Gonzalez in three instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Ms. Holtzman in 10 instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in 10 instances.

Mr. Brodhead.

Mr. Murphy of New York in five instances.

Mr. Waxman in three instances.

Mr. Lundine.

Mr. Vento.

Mr. Rodino.

Mr. Williams of Montana.

Mr. Gray.

Mr. Wolff.

Mr. Hamilton.

Mr. Stark in two instances.

Mr. Edwards of California in two instances.

Mr. Kastenmeier.

Mr. Solarz.

Mr. Conyers.

Mr. Long of Louisiana.

Mr. Simon.

Mr. McDonald in 10 instances.

Mr. Scheuer in two instances.

Mr. Wright.

Mr. Jenkins.

Mr. Fountain.

Mr. Ambro in two instances.

Mr. Bennett.

Mr. Udall.

Mr. Vanik.

ADJOURNMENT

Mr. RATCHFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, February 22, 1979, at 11 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. House Concurrent Resolution 3. Concurrent resolution expressing the sense of the Congress that "Our American Merchant Marine March" as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine; with amendment (Rept. No. 96–13). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. Report pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 96–14). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

658. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification have been made of the lands in the Panoche Water District and Westlands Water District, Central Valley Project, California, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

659. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Refugee Assistance," "Grants to States for Social Child Welfare Services," and "Grants to States for Medicaid" for fiscal year 1979 have been reapportioned on a basis which indicates the necessity for supplemental estimates of appropriation, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

660. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to repeal section 5153(c) of title 10, United States Code; to the Committee on Armed Services.

661. A letter from the Acting Director, Defense Security Assistance Agency transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to the Federal Republic of Germany (transmittal No. 79–8), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

662. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting the Defense Manpower Requirements Report for fiscal year 1980, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

663. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Israel for permission to transfer certain U.S.-origin military equipment to the Government of the Federal Republic of Germany, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

664. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

665. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of September 30, 1978, pursuant to section 613(c) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

666. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to the Federal Republic of Germany (transmittal No. 79–8), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

667. A letter from the Inspector General, Department of Health, Education, and Welfare, transmitting the seventh quarterly report of his Office, covering the period October 1 through December 31, 1978, pursuant to section 204(b) of Public Law 94–505; to the Committee on Government Operations.

668. A letter from the Assistant Executive Secretary, Federal Deposit Insurance Corporation, transmitting notice of proposed changes in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

669. A letter from the Chairman, Federal Election Commission, transmitting proposed

regulations governing the Presidential Primary Matching Payment Account, pursuant to section 315(c) of the Federal Election Campaign Act of 1971, as amended (H. Doc. No. 96–57); to the Committee on House Administration and ordered to be printed.

670. A letter from the Secretary of Commerce, transmitting an interim report on the planning and construction of facilities for the 1980 Winter Olympic Games, covering fiscal year 1978, pursuant to section 5 of Public Law 94–427; to the Committee on Interstate and Foreign Commerce.

671. A letter from the Secretary of Energy, transmitting the annual report on the Strategic Petroleum Reserve, pursuant to section 165 of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

672. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting volume I of the second annual report of the administration, covering their activities during calendar year 1978, pursuant to section 57(a)(2) of the Federal Energy Administration Act of 1974, as amended; to the Committee on Interstate and Foreign Commerce.

673. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 64th annual report covering fiscal year 1978, pursuant to section 6(f) of the act of September 26, 1914; to the Committee on Interstate and Foreign Commerce.

674. A letter from the president, National Railroad Passenger Corporation, transmitting the Corporation's annual report for fiscal year 1978, pursuant to sections 308 and 805 of the Rail Passenger Service Act; to the Committee on Inerstate and Foreign Commerce.

675. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ended December 31, 1978, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

676. A letter from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting a draft of proposed legislation to amend the Tennessee Valley Authority Act of 1933 by raising the ceiling on TVA's authority to issue revenue bonds to finance its electric power program; to the Committee on Public Works and Transportation.

677. A letter from the Secretary of Commerce, transmitting a report on master planning for fire prevention and control, pursuant to section 10(b) of Public Law 93–498; to the Committee on Science and Technology.

678. A letter from the Staff Director, Science Advisory Board, U.S. Environmental Protection Agency, transmitting a report on the Board's evaluation of health effects research in the Environmental Protection Agency, pursuant to section 8(d) of Public Law 95–155; to the Committee on Science and Technology.

679. A letter from the Administrator of Veterans' Affairs, transmitting a followup report on the 1977 study of the relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders; to the Committee on Veterans' Affairs.

680. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the study of proposals to eliminate dependency as a factor in entitlement to social security spouse's benefits and to eliminate sex discrimination under the social security program, pursuant to section 341 of Public Law 95–216; to the Committee on Ways and Means.

681. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for national security programs for fiscal year 1980 and fiscal year 1981, and for other purposes, pursuant to section 660 of Public Law 95–91 and section 208 of Public Law 95–509; jointly, to the Committees on Armed Services, Foreign Affairs, Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

682. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish the position of Deputy Secretary of Health, Education, and Welfare; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, Post Office and Civil Service, and Ways and Means.

683. A letter from the Comptroller General of the United States, transmitting a report on the Defense Department's Precision Location Strike System (PSAD–79–37, February 16, 1979); jointly, to the Committees on Government Operations and Armed Services.

684. A letter from the Comptroller General of the United States, transmitting a report on the readiness of U.S. Air Forces in Europe (LCD–78–430A, February 16, 1979); jointly, to the Committees on Government Operations, Armed Services, and Foreign Affairs.

685. A letter from the Comptroller General of the United States, transmitting a report on the Nuclear Regulatory Commission's use of civil penalties in enforcing its regulations governing the construction and operation of commercial nuclear facilities and the possession, use, and disposal of nuclear materials (EMD–79–9, February 16, 1979); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Interstate and Foreign Commerce.

686. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve the protections afforded the public against risks associated with the transportation of hazardous commodities by pipeline; jointly, to the Committees on Interstate and Foreign Commerce, and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2261. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 2262. A bill to establish a congressional award program for the purpose of recognizing excellence and leadership among young people; to the Committee on Education and Labor.

H.R. 2263. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both amplitude modulated (AM) and frequency modulated (FM) broadcasts; to the Committee on Interstate and Foreign Commerce.

H.R. 2264. A bill to amend the Flammable Fabrics Act to prohibit the manufacture for sale in commerce of articles of interior furnishing intended for use in any public facility unless such articles conform with requirements established by the Consumer Product Safety Commission designed to make such articles fire resistant; to the Committee on Interstate and Foreign Commerce.

H.R. 2265. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend various provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes; to the Committee on the Judiciary.

H.R. 2266. A bill to establish a grant program for the acquisition of medical equipment and supplies for the treatment of aircraft accident burn victims; to the Committee on Public Works and Transportation.

H.R. 2267. A bill to amend title 38 of the United States Code in order to provide outpatient dental services and treatment to any veteran who has a service-connected disability rated at 60 percent or more; to the Committee on Veterans' Affairs.

H.R. 2268. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committeee on Ways and Means.

H.R. 2269. A bill to amend the Internal Revenue Code of 1954 to partially exclude interest from savings from the gross income of certain taxpayers; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Rangel, Mr. Mikva, Mr. Ford of Tennessee, Mr. Brodhead, Mr. Bafalis, Mr. Akaka, Mr. Anderson of California, Mr. Bingham, Mr. Bonior of Michigan, Mr. Carr, Mrs. Collins of Illinois, Mr. Conte, Mr. Dellums, Mr. Dixon, Mr. Drinan, Mr. Fascell, Mrs. Fenwick, Ms. Ferraro, Mr. Forsythe, Mr. Glickman, Mr. Gudger, Mr. Guyer, Mr. Hughes, Mr. Johnson of California, Mr. LaFalce, Mr. Long of Louisiana, Mr. McCormack, Mr. Marlenee, Ms. Mikulski, Mr. Miller of California, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Patterson, Mr. Pepper, Mr. Price, Mr. Pritchard, Mr. Richmond, Mr. Rinaldo, Mr. Rodino, Mr. Roybal, Mr. Scheuer, Mrs. Spellman, Mr. Stokes, Mr. Van Deerlin, Mr. Vento, Mr. Weiss, Mr. Wolff, Mr. Wolpe, and Mr. Zeferetti):

H.R. 2270. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 2271. A bill to amend the Social Security Act to require automatic sprinkler systems in all nursing facilities and intermediate care facilities certified for participation in the medicare or medicaid program, and to provide for direct low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BEDELL:

H.R. 2272. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products to be labeled "imported" at all stages of distribution until delivery to the final consumer; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products be borne by the exporters of such articles; to require certain eating establishments, which serve imported meat, to inform customers of this fact; and for other purposes; to the Committee on Agriculture.

By Mr. BRODHEAD (for himself, Mr. Akaka, Mr. Bingham, Mr. Blanchard, Mr. Bonior of Michigan, Mr. Conyers, Mr. Corrada, Mr. Davis of Michigan, Mr. Diggs, Mr. Ford of Michigan, Mr. Forsythe, Mr. Kildee, Mr. Markey, Mr. Patten, Mr. Pursell, Mr. Rodino, Mr. Scheuer, Mr. Traxler, and Mr. Wolpe):

H.R. 2273. A bill to provide for reimbursement to States experiencing high rates of insured unemployment; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 2274. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 2275. A bill to amend title 38, United States Code, to provide comprehensive mental health, psychosocial readjustment services, counseling, and other services necessary or appropriate for the effective treatment, rehabilitation, or readjustment of veterans and their dependents who are experiencing pschosocial readjustment problems resulting from military service or readjustment from military service; to the Committee on Veterans' affairs.

By Mr. FUQUA (by request):

H.R. 2276. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. FUQUA (for himself, Mr. HARKIN, Mr. LLOYD, Mr. WALGREN, Mr. GLICKMAN, Mr. VOLKMER, Mr. GOLDWATER, Mr. DORNAN, and Mr. WINN):

H.R. 2277. A bill to authorize research, development, and demonstration projects relating to aviation, and for other purposes; to the Committee on Science and Technology.

By Mr. KEMP:

H.R. 2278. A bill to amend the Railroad Retirement Act of 1974 to eliminate the reduction of railroad retirement annuities by amounts payable as social security benefits in cases of persons who had current connections with the railroad industry, had at least 5 years of service, and had attained the age of 65 as of the effective date of such act; to the Committee on Interstate and Foreign Commerce.

H.R. 2279. A bill to promote safety and health in skiing and other outdoor winter recreational activities; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 2280. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for tuition expenses for the higher education of themselves, their spouses, or their dependents; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland:

H.R. 2281. A bill to amend the Federal Reserve Act to extend the authority of the Federal Reserve banks to buy and sell certain obligations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself, Mr. ROBERTS, Mr. HAMMERSCHMIDT, Mr. WOLFF, Mr. BRINKLEY, Mr. MOTTL, Mr. HEFNER, Mr. EDGAR, Mr. APPLEGATE, Mr. GRAMM, Mr. SHELBY, Mr. COELHO, Mrs. HECKLER, Mr. WYLIE, Mr. ABDNOR, Mr. HANSEN, Mr. SAWYER, Mr. GRISHAM, and Mr. LEE):

H.R. 2282. A bill to amend title 38, United States Code, to provide a cost-of-living increase in the rates of disability compensation for disabled veterans and in the rates of dependency and indemnity compensation for survivors of disabled veterans; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 2283. A bill to amend the Council on Wage and Price Stability Act to extend the authority granted by such act to September 30, 1981, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOTTL:

H.R. 2284. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of certain retirement benefits received by individuals to the extent that such benefits do not exceed the maximum social security benefits payable to any individual; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 2285. A bill to provide for an alternative amortization period for pollution control facilities; to the Committee on Ways and Means.

H.R. 2286. A bill to amend title IV of the Social Security Act to provide needed reforms in the program of aid to families with dependent children with emphasis upon improving the administration of such program; to the Committee on Ways and Means.

By Mr. NOWAK:

H.R. 2287. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of the portion of certain charges which is allocable to the construction and maintenance of waste treatment works; to the Committee on Ways and Means.

By Mr. PURSELL:

H.R. 2288. A bill to establish a National Energy Trust Fund, and to provide for the use of such Fund by the Secretary of Energy in conducting and supporting research, development, and demonstrations designed to develop alternative energy sources; to the Committee on Science and Technology.

By Mrs. SPELLMAN (for herself, Mr. SOLARZ, and Mr. ROSENTHAL):

H.R. 2289. A bill to provide that legislation appropriating funds for payment of pay to Federal employees shall be enacted separately from other legislation; to the Committee on Rules.

By Mr. TRAXLER:

H.R. 2290. A bill to amend title 38, United States Code, to provide that a member of a Reserve component of the Armed Forces shall not be denied certain employment because of membership in such Reserve component; to the Committee on Veterans' Affairs.

By Mr. WYDLER:

H.R. 2291. A bill to extend for 4 fiscal years the authorization of appropriations for the State and Local Fiscal Assistance Act of 1972; to the Committee on Government Operations.

By Mr. CHARLES H. WILSON of California:

H.R. 2292. A bill to amend title 38 of the United States Code to require that veterans receiving hospital, nursing home, or outpatient medical care from the Veterans' Administration for nonservice connected disabilities be charged for such care to the extent that they have health insurance or similar contracts or rights with respect to such care, or have entitlement to private medical care under workers' compensation or automobile accident reparation statutes of any State, for other purposes; to the Committee on Veterans' Affairs.

By Mr. ADDABBO:

H.R. 2293. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 2294. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that employers shall be subject to the act without regard to the number of individuals they employ and to provide that all employees who are at least 40 years of age shall be protected by the act; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself and Mr. TREEN):

H.R. 2295. A bill to authorize appropriations for the Coast Guard for fiscal year 1980; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL:

H.R. 2296. A bill for the relief of certain hospitals and health-care facilities; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 2297. A bill to continue until the close of June 30, 1982, the existing suspension of duties on synthetic rutile; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 2298. A bill to prohibit aerial spraying using chemicals containing TCDD (dioxin) in the national forests; to the Committee on Agriculture.

By Mr. EDWARDS of Oklahoma:

H.R. 2299. A bill to amend title 5, United States Code, to improve and reform the administrative procedures of Federal agencies, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. JACOBS:

H.R. 2300. A bill to amend title II of the Social Security Act to require actual dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record (and thereby reducing the benefits of his or her natural children) if they are being supported by their natural parent; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. RAILSBACK, and Mr. O'BRIEN):

H.R. 2301. A bill to amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the Federal judicial district in the State of Illinois; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 2302. A bill to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress; to the Committee on the Judiciary.

By Mr. LEDERER:

H.R. 2303. A bill to provide mandatory social security coverage for Members of Congress, for the President and Vice President, and for Federal judges; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 2304. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. MIKVA:

H.R. 2305. A bill to correct inequities in the termination and renewal of franchises, to protect franchises from unfair practices, to protect franchisors and franchisees from actions inconsistent with the successful operation of franchises, to provide consumers with the benefits which result from a competitive and open-market economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL of Maryland:

H.R. 2306. A bill to amend the Federal Reserve Act respecting the positions of Chairman and Vice Chairman of the Federal Reserve Board; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2307. A bill to amend the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings be released to the general public 3 years after the date of the meeting to which they relate; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2308. A bill to provide for the establishment of the Federal Protective Service for the protection of property under the jurisdiction of the General Services Administration, to provide for the pay and training of the members of such service, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NOWAK:

H.R. 2309. A bill to amend the Federal Water Pollution Control Act to provide grants for the costs of operation and maintenance of waste treatment works; to the Committee on Public Works and Transportation.

By Mr. PAUL:

H.R. 2310. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Eduaction and Labor.

H.R. 2311. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 2312. A bill to terminate the Internal Revenue Service's informer program; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 2313. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMON (for himself and Mr. Jeffords):

H.R. 2314. A bill to amend the Employment Act of 1946 to require the submission of a balanced budget, and for other purposes; to the Committee on Government Operations.

By Mr. SOLARZ:

H.R. 2315. A bill to amend title 38, United States Code, to repeal the 10-year citizenship requirement for eligibility for veterans' health care benefits for lawful permanent residents of the United States who were members of the Armed Forces of Czechoslovakia or Poland during World War I or World War II and to extend such benefits to lawful permanent residents of the United States who were members of the Armed Forces of Russia, the Union of Soviet Socialist Republic, Estonia, Latvia, or Lithuania during either such war; to the Committee on Veterans' Affairs.

By Mr. ADDABBO:

H.J. Res. 215. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Prevention Day; to the Committee on Post Office and Civil Service.

H.J. Res. 216. Joint resolution authorizing the President to proclaim the second Sunday in October of each year as National Grandparent's Day; to the Committee on Post Office and Civil Service.

H.J. Res. 217. Joint resolution to authorize and request the President to issue a proclamation designating November 30, 1979, as "National Postal Workers' Recognition Day"; to the Committee on Post Office and Civil Service.

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress that the President should convene immediately a meeting of the heads of all appropriate Federal departments and agencies for the purpose of taking such steps as may be necessary to prevent Arab discrimination against American business enterprises which have Jewish individuals serving in positions of major responsibility or which do business with Israel; to the Committee on Foreign Affairs.

By Mr. BREAUX (for himself, Mr. Murphy of New York, Mr. McCloskey, Mr. Forsythe, and Mr. Pritchard):

H. Con Res. 53. Concurrent resolution to endorse the efforts of the U.S. delegation to the Law of the Sea Conference with respect to marine scientific research; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. Edwards of California, Mr. Brown of California, Mr. Dellums, Mr. Williams of Montana, Mr. Jeffords, Mr. Ottinger, and Mr. Gore):

H. Con. Res. 54. Concurrent resolution designating "Appropriate Technology Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H. Res. 128. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Aging; to the Committee on House Administration.

By Mr. ROSE:

H. Res. 129. Resolution providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX:

H.R. 2316. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Widow Maker* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H.R. 2317. A bill for the relief of Cooley Berry; to the Committee on the Judiciary.

H.R. 2318. A bill for the relief of Casimir Jan Kray; to the Committee on the Judiciary.

H.R. 2319. A bill for the relief of Elena Schwarze-Chamier; to the Committee on the Judiciary.

H.R. 2320. A bill for the relief of George E. Miller; to the Committee on the Judiciary.

By Mr. HOLLENBECK:

H.R. 2321. A bill for the relief of Mrs. Tsin-Sing Yao Tang; to the Committee on the Judiciary.

H.R. 2322. A bill for the relief of Mr. Jack George Makari; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 2323. A bill for the relief of Isabelita Clima Portilla; to the Committee on the Judiciary.

H.R. 2324. A bill for the relief of Virgilio Cabeza and Marissa Cabeza; to the Committee on the Judiciary.

H.R. 2325. A bill for the relief of Lehi L. Pitchforth, Jr.; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2326. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 2327. A bill for the relief of Dominic Mattiello; to the Committee on the Judiciary.

H.R. 2328. A bill for the relief of Laszio Revesz; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

32. By the SPEAKER: Memorial of the Legislature of the State of Georgia, relative to regulation of the insurance industry; to the Committee on the Judiciary.

33. Also, memorial of the Legislature of the State of Mississippi, requesting that Congress call a convention for the sole purpose of proposing an amendment to the Constitution of the United States relative to human life; to the Committee on the Judiciary.

34. Also, memorial of the Legislature of the State of Nevada, relative to public retirement systems; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. Dornan, Mr. Flood, Mr. Florio, Mr. Luken, Ms. Mikulski, Mr. Myers of Pennsylvania, and Mr. Scheuer.

H.R. 33: Mr. Anderson of California, Mr. Buchanan, Mr. Corrada, Mr. Donnelly, Mr. Flood, Mr. Florio, Mr. Jenrette, Mr. Kildee, Mr. Mathis, Ms. Mikulski, Mr. Murphy of Pennsylvania, Mr. Myers of Pennsylvania, Mr. Oberstar, Mr. Ottinger, Mr. Patterson, Mr. Perkins, Mr. Rose, Mrs. Schroeder, and Mr. Won Pat.

H.R. 154: Mr. Conte, Mr. Price, Mr. Murphy of Illinois, Mr. Jenkins, Mr. Lederer, Mr. Johnson of Colorado, Mr. Winn, Mr. Hansen, Mr. Nichols, Mr. Mathis, Mr. Simon, Mr. Young of Florida, and Mr. Chappell.

H.R. 566: Mr. Beilenson, Mr. Clay, Mr. Edwards of California, Mr. Garcia, Mr. Lehman, Mr. McCloskey, Mr. Mitchell of Maryland, Mr. Murphy of Illinois, Mr. Ottinger, Mr. Richmond, Mr. Rosenthal, Mr. Rostenkowski, Mr. Seiberling, Mr. Stewart, Mr. Waxman, and Mr. Weiss.

H.R. 654: Mr. Campbell, and Mr. Snyder.

H.R. 968: Mr. Akaka, Mr. Anderson of California, Mr. AuCoin, Mrs. Bouquard, Mr. D'Amours, Mr. Dornan, Mr. Drinan, Mr. Ertel, Mr. Gilman, Mr. Hughes, Mr. Kastenmeier, Mr. Kildee, Mr. LaFalce, Mr. Levitas, Mr. Lundine, Mr. Murphy of Pennsylvania, Mr. Panetta, Mr. Patterson, Mr. Stokes, Mr. Studds, Mr. Udall, Mr. Wolff, Mr. Wolpe, and Mr. Young of Missouri.

H.R. 1150: Mr. Murphy of Pennsylvania, Mr. English, Mr. Bevill, Mr. Collins of Texas, Mr. Evans of Georgia, Mr. Sensenbrenner, Mr. Hillis, Mr. Davis of South Carolina, Mr. Ichord, Mr. Leach of Louisiana, Mr. Buchanan, Mr. Broyhill, Mr. Lott, Mr. O'Brien, Mr. Nichols, Mr. Barnard, Mr. Flippo, Mr. White, Mr. Hance, Mr. Stump, Mr. Hall of Texas, Mr. Gudger, Mr. Hubbard, Mr. Breaux, Mr. Huckaby, Mrs. Bouquard, Mr. Roberts, Mr. Ginn, Mr. Hefner, Mr. Dan Daniel, Mr. Stenholm, Mr. Mathis, Mr. Jones of Tennessee, Mr. Jenkins, Mr. de la Garza, Mr. Wyatt, Mr. Charles Wilson of Texas, Mr. Hightower, Mr. Volkmer, Mr. Patten, Mr. Montgomery, Mr. Myers of Indiana, Mr. Akaka, Mr. Holland, Mr. Rostenkowski, Mr. Findley, Mr. Lee, Mr. Synar Mr. Winn, Mr. Fuqua, Mr. Dannemeyer, Mr. Madigan, Mr. Goodling, Mr. Duncan of Tennessee, Mr. Horton, Mr. Young of Missouri, Mr. Fountain, Mr. Taylor, Mr. Hyde, Mr. Gramm, Mr. McCormack, Mr. Archer, Mr. Miller of Ohio, Mr. Pickle, Mr. Mollohan, Mr. Rahall, Mr. Shuster, Mr. Lent, Mr. Hagedorn, Mr. Long of Louisiana, Mr. Bennett, Mr. Tauke, Mr. Kindness, Mr. Kazen, Mr. Scheuer, Mr. Applegate, Mr. Alexander, Mr. Price, Mr. Treen, Mr. Railsback, Mr. Daniel B. Crane, Mr. Harsha, Mr. McDonald, Mr. Corcoran, Mr. Steed, Mr. Robinson, Mr. Campbell, Mr. Brinkley, Mr. Boner of Tennessee, Mr. Bowen, Mr. Gingrich, Mr. Marlenee, Mr. Annunzio, and Mr. Neal.

H.R. 1495: Mr. Benjamin, Mrs. Bouquard, Mr. Broyhill, Mr. Cleveland, Mr. Coelho, Mr. Coleman, Mr. Dannemeyer, Mr. Davis of Michigan, Mr. Derwinski, Mr. Dornan, Mr. Edgar, Mr. Fazio, Mr. Fithian, Mr. Gore, Mr. Green, Mr. Guyer, Mr. Hagedorn, Mr. Hefner, Mr. Hollenbeck, Mr. Huckaby, Mr. Jones of Tennessee, Mr. Kindness, Mr. Lagomarsino, Mr. Lederer, Mr. Lott, Mr. McCloskey, Mr. McKinney, Mr. Matsui, Mr. Mollohan, Mr. Mottl, Mr. Pashayan, Mr. Pepper, Mr. Roe, Mr. Sebelius, Mr. Sensenbrenner, Mr. Skelton, Mr. Solomon, Mr. Trible, Mr.

WAMPLER, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, and Mr. WOLFF.

H.R. 1603: Mr. CORCORAN, Mr. IRELAND, Mr. SHUSTER, Mr. PATTEN, Mr. HINSON, Mr. WINN, Mr. MONTGOMERY, Mr. HANLEY, Mr. DANIEL B. CRANE, Mr. EMERY, Mr. MADIGAN, and Mr. TREEN.

H.R. 1986: Mrs. HOLT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

55. By the SPEAKER: Petition of the board of supervisors, Sussex County, Va., relative to economic problems of farmers; to the Committee on Agriculture.

56. Also, petition of the Detroit Lithuanian Orgnaizations Center, Dearborn, Mich., relative to Soviet occupation of the Baltic States; to the Committee on Foreign Affairs.

57. Also, petition of the Education and Public Works Committee of the House of Representatives of South Carolina, relative to creation of a Department of Education; to the Committee on Government Operations.

58. Also, petition of the Miami Beach Tourist Development Authority, Miami Beach, Fla., relative to fuel allocations for automotive tourism travel; to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1894

By Mr. VANIK:

Page 2, line 15, strike out "6½ per centum" and insert in lieu thereof "7 per centum".

EXTENSIONS OF REMARKS

IMPROVING THE BEOG PROGRAM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. DRINAN. Mr. Speaker, on January 15, 1979, I introduced H.R. 272 which removes home value from consideration in determining a student's eligibility for a basic educational opportunity grant. At the present time the program groups a home with assets such as savings, stocks, bonds, and other investments in determining what a family can be expected to contribute toward the cost of higher education. Basic grants are the prime source of Federal financial assistance for higher education.

BEOG is an entitlement program. In order to be fair, eligibility for this program must relate to the total financial strength of the family. Obviously a family's economic position is enhanced by the possession of certain assets. However, to be truly fair, the program should make a distinction between assets which are a potential source of supplementary income as savings, stocks, and bonds, and a home, which is not a source of immediate additional income to a family.

A home is a nonliquid asset. It is a necessity intended for shelter and comfort. If converted to cash to meet educational expenses, the family still has the often increased expense incurred by refinancing or the choice of finding new housing. Over recent years housing costs have escalated dramatically. According to the Census Bureau a home that cost $32,000 in 1972 cost $52,000 5 years later in 1977.

Prices have shot up in neighborhoods across the Nation, but to homeowners this escalation has not meant a source of additional income. They are not living in better homes than what they purchased and have had little, if any, control over the appreciation of their homes. Also, just as value has increased so too has the cost of maintenance, utilities, property taxes, and insurance.

The parents who saved and bought their homes 10 to 20 years ago should not be penalized now when their children are looking for help in meeting higher education costs. Owning your own home is supposed to be the American dream and Federal policies have encouraged home ownership with considerable success. In 1940 fewer than half of American families owned their own homes; now, nearly two-thirds do.

For many middle-income families who have realized that dream, the home is their major asset. Yet, because of its appreciation over the years it can serve to disqualify their children from participation in the basic grant program. One of my constituents poignantly expressed in a letter to me what this dichotomy means. He said:

> When I was younger and working it was possible for us to purchase a home at a price we could afford to pay. Now, we could never even think of purchasing a home in this town. We have managed to hold on to our home, difficult as this is, but now I feel I must in good conscience protest what I feel is a first rate fraud in which our federal government has participated.
>
> Why does our government tell us that there are funds to help students with their college education, when, in fact, there is nothing more than words? For three years, even when I was ill, my wife tried to get help for our son. On our income we could not pay the costs of a college education for him, even in schools that were not in the high-cost category. Last Spring we tried again. The Iowa City Group (BEOG) said we were not eligible. We had equity in a house. Never mind our pension, social security, low level income; we were not eligible because we had struggled for years to keep our home.

The basic educational opportunity grant program was a major part of the Higher Education Amendments of 1972. It represented the first step in a Federal higher education assistance policy aimed at encouraging equality of opportunity. Awards would be made directly to the student based on need.

In the pamphlet which HEW sends out on how eligibility is determined for the BEOG program, it is stated on page 1 that—

> Since the entitlement nature of the Basic Grant Program requires all students be treated in a consistent manner on a National basis, a formula has been developed by the Office of Education and approved by Congress which is applied to all students in the same way.

The formula provides that once total family assets are determined (home, savings, stocks, bonds, et cetera) an asset reserve is subtracted from the total. For the 1978–79 school year the asset set-off or reserve was $17,000 and it will rise to $25,000 in the upcoming school year. Of the sum remaining once the reserve is subtracted, the parents are expected to be able to contribute 5 percent toward educational costs.

For example, if the market value of a home was $50,000 and the family seeking a BEOG for the 1978–79 school year, had $10,000 remaining on their mortgage, their equity in the home is $40,000. If this is their only asset, the asset reserve of $17,000 would be subtracted from that sum leaving a total of $23,000, 5 percent of which or $1,150 is the amount the family could be expected to contribute toward their child's education. It should be kept in mind that "expected family contribution" is not an out-of-pocket requirement. In other words the family in the above example does not have to spend $1,150 toward tuition costs in order to be eligible for a BEOG. The "expected family contribution" is used in determining the "student's eligibility index" on which eligibility for the program is based.

There will be a significant variation in the amount parents are expected to contribute toward tuition costs, because of the difference in fair market home values from State to State and within States. Thus two families with similar financial profiles could live in almost identical homes in two different neighborhoods and one family might be eligible for a BEOG whereas the other would not.

Regional disparities in home value are not taken into account in the formula which determines the "Expected Family Contribution." As a result the inclusion of home value in determining eligibility can serve to hinder the objective of the BEOG program "to treat all students in a consistent manner on a national basis." Although appreciation of home value is a national phenomena, wide disparity in home value exists. In a survey of 32 metropolitan areas, the Library of Congress found a range of from minus 5.6 to 38.1 percent in the increase in costs of existing housing between 1977 and October 1978. Why should a family be penalized simply by where they live?

An additional problem is that HEW simply asks the applicant to state the fair market value of their home. Although it might be suggested that the homeowner check with a local realtor, they are not asked to provide any verification of the sum designated "fair market value" of the home. This serves to encourage subterfuge. Whereas some families will give a realtor's appraisal, others will simply provide a figure which might understate the market value. If the program is going to be fair it should not encourage applicants to manipulate the method of determining need to their own advantage.

Some might argue that by removing home value from consideration we will be opening the program to wealthy families. It should be remembered that even without home value families are subject to the substantial test of financial strength which includes consideration of income, savings, stocks, bonds, investments, and business interest. It is unlikely that removal of home value would lead to abuse of the program.

The Carnegie Council on Policy Studies when studying Federal aid to higher education in 1975 and making their recommendations specifically called for the elimination of home value in determining eligibility for the basic grant program.

There is a precedent for such a change in the law. In 1976 Congress removed home value from consideration in determining eligibility for the supplemental security income (SSI) program. SSI is also an entitlement program. Congress recognized that a home is not a liquid asset and should not be used in determining need for purposes of SSI.

Congress will be reauthorizing the Higher Education Act this year. Just last year we expanded the BEOG program by providing for a more adequate level of funding and thus insuring the participation of more middle-income families. We are bringing the program closer to its original objectives of offering educational access in a uniform and fair manner. Removing home value will serve to further that goal.●

COLMAN McCARTHY ADDS LIGHT TO ABORTION QUESTION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SIMON. Mr. Speaker, one of the most sensitive writers on the American scene today is Colman McCarthy and his recent column on the abortion question makes more sense than 99 percent of what I read and hear on the abortion question these days.

This column appeared in the Washington Post of February 14, appropriately Valentine's Day.

For citizens who are genuinely concerned about the abortion problem, I hope they read Colman McCarthy's column carefully:

ABORTION: TEMPERS AND DIALOGUE

(By Colman McCarthy)

Talk of murder so befouled the air that the pollution index soared. From the steps of the U.S. Capitol three weeks ago, 60,000 citizens opposed to the Supreme Court ruling on legalized abortions heard their leaders denounce "the baby killers."

A few blocks away, supporters of the ruling exhaled their fury: An amendment to the Constitution that would overturn the law would mean that "all abortions would be considered premeditated murder." That rap, they fumed, was what "the anti-abortion fanatics" would like to hang on women who terminate a pregnancy.

So passed another day of friendly Washington politics. Each side stuck it to the other, but good. Since then, tempers have cooled. Today and tomorrow, several pro- and anti-abortion groups are scheduled to risk each other's presence and meet in Washington "to establish a dialogue." Discussions are always better than diatribes, but if the meetings are to be successful, a loftier goal than just a new exchange of ideas is needed. It shouldn't be too much to ask that each side increase its sensitivity to the humane ideal that is consistently overlooked in the abortion debate: The offering of help to women who are pregnant and who desperately need financial, legal and emotional support in deciding what to do next.

Politically or intellectually, it is strainless to be either pro-life or pro-choice. Code words aside, respectable arguments can be made either way. But what about personal involvement? How many on either side have opened up their homes to the most vulnerable people in this debate: women who are young, unmarried or poor and who might want to keep their babies but will go to an abortion clinic as the grisly last resort if no options are available?

Many of the great national debates come down to that: Who is willing to pay up personally to ease the anguish of strangers? It has been well-enough documented that society, through the Supreme Court, has reached out to women who choose abortion. But this negative solution evokes only institutional care, not personal care.

At the moment, it appears that the most humanized and fruitful help to stranded pregnant women is coming from Birthright, a network of 360 centers in the United States that is staffed with an average of 25 volunteers at each location.

These are the people who have passed beyond the wild rhetoric about "baby killers." They skip the speeches, because women who seek help from Birthright don't want ideology, much less moralizing. Most have been victimized: some by a demeaning sexual relationship, some by an impoverished family life, and others by their own immaturity. Nearly all choose the positive solution of carrying out the pregnancy.

The crucial service of Birthright comes from the families connected with each center that provides shelter for young women who have no place to stay during their pregnancy. According to Denise Cocciolone, the national director of Birthright, which has headquarters in Woodbury, N.J., a family environment can be the difference between hope and despair in the mind of a young woman who is alone and pregnant.

"Both parties benefit," says Cocciolone. "A girl may be seeing for the first time a family where the members have a genuine love for each other. And for the first time the family gets to use some of its resources for caring."

I can testify, in a small way, about the latter. A while ago, when my home had a spare bedroom and the mayhem generated by the McCarthy children threatened neither the EPA noise standards nor the eardrums of guests, a pregnant teen-ager lived with us.

For myself, the ensuing friendship rendered useless the slogan that "society should do something for these people," because, at least this once, I was society and "these people" became one person across the dining-room table. The prospective mother was a remarkable woman once I came to know some of her thoughts and goals. Her baby was given up for adoption, and life has gone on smoothly.

The right-to-life movement has its political side, but it is beyond me to figure out the politics of crying out "baby killer!" on the steps of the U.S. Capitol. It is mystifying, also, to understand why the movement is letting itself become linked with the likes of Sen. Jesse Helms (R-N.C.) or Rep. Robert Bauman (R-Md.). The record of this closed-minded pair on housing for the poor, ending racism or sexism, better schools or a cleaner environment is dismal. Those are pro-life issues, too.

As for the political activity of pro-abortion groups, it isn't enough to lament the deaths of poor women who die in the illegal back-alley clinics without also attacking the bleak conditions that persist in many of the legal operations. An exposé last year by The Chicago Sun-Times documented the immense profiteering and callousness found in parts of this new "health" industry.

Groups for or against abortions would enhance themselves if they came off the barricades for a moment and joined in a common effort to enlarge the number of families with homes to share with pregnant women in their time of aloneness. They need fewer marches and speeches, and more caring.●

MRS. M. KAREL SPAK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WAXMAN. Mr. Speaker, one of the more pleasurable aspects of being a Member of the Congress is to have the privilege of recording the contributions of compassionate and generous citizens of our country. Mr. M. Karel Spak is such a person, whose long years of devotion to the elimination of a crippling and often fatal disease will be celebrated by the Myasthenia Gravis Foundation at its first founders award dinner in her honor on March 10, 1979.

Mrs. Spak's mother was a victim of this still mysterious disease, and Mathilda Karel Spak has worked unstintingly ever since to help support the research which ultimately will discover its cause and cure. Mrs. Spak's enthusiastic spirit and unflagging activity have helped to keep alive the California Chapter of Myasthenia Gravis Foundation. Her personal contact with victims of MG revives their spirits; she sees that free medication is supplied to those who cannot afford to purchase it; she donates office work so that overhead costs can be kept to a minimum; she plans fundraisers so that medical researchers can be kept supplied with needed money. In short, Mathilda Karel Spak is one of that unsung corps of people our country cannot do without—a committed volunteer.

In the 1940's in Chicago, Mrs. Spak founded the American Camp and Hospital Service, devoted to contact with veterans through parties, greeting cards, and holiday remembrances. The service was extended to New York, and both groups are still strong and healthy. She has been treasurer and is now on the Board of Directors of the Los Angeles Council of National Voluntary Health Agencies; and is secretary and life member of the Long Beach Sponsor Club of City of Hope. Last year she received the prestigious certificate of merit from the Human Relations Commission of the city of Los Angeles. Karel was a charter member of the California Chapter of the Myasthenia Gravis Foundation when it was formed 25 years ago, and has served as its president, as well as being a board member of the national foundation.

It is fitting that Mathilda Karel Spak should be honored by the Myasthenia Gravis Foundation at this year's first founders award dinner. I invite the Members to join me in recognizing this occasion and Mrs. Spak's tremendous contributions.●

DR. WINSCHE NAMED DEPUTY DIRECTOR OF BROOKHAVEN NATIONAL LABORATORY

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. AMBRO. Mr. Speaker, Long Islanders, particularly those of us involved with the scientific and technical communities, take great pride in the work being done at the Brookhaven National Laboratory on Long Island, one of the most progressive and innovative research facilities in this country's network of national laboratories.

It is therefore with great pride that I bring to the attention of this Chamber the recent appointment of Dr. Warren Winsche as deputy director of the Brookhaven Laboratory.

Dr. Winsche joins lab director Dr. George Vineyard at the helm of one of the most highly respected research laboratories in the world. Brookhaven, you may recall, is the site where the Isabelle project is underway, thanks in large part to the full support and cooperation of the Congress and in particular the House of Representatives which has approved funding of this most exciting high-energy physics research program.

Dr. Winsche has been associated with Brookhaven since 1946 when the lab was pioneering in nuclear research and technologies. He is the former chairman of the lab's nuclear engineering department and at the time of his appointment as deputy director he was the associate director for energy. Under his leadership a broad base of energy-related programs has been developed at Brookhaven, including energy systems analysis, energy storage development, reactor safety, nuclear materials safeguards, atmospheric sciences, coastal oceanography, and energy materials development.

As deputy director, Dr. Winsche will assist Director Vineyard in all phases of the general administration of the lab and assume the duties and responsibilities of the director in Dr. Vineyard's absences.

In addition to his new responsibilities, Dr. Winsche will continue to be in charge of all applied science and energy technology programs at Brookhaven, including the work of the nuclear energy department and the department of energy and environment.

Dr. Winsche combines the very best of scientific and technical expertise with keen administrative abilities and as such his most deserved appointment as deputy director should serve as a model for all national laboratories in the Nation.●

THE COST OF MILITARY CONSCRIPTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. KASTENMEIER. Mr. Speaker, proponents of the military draft frequently cite their concern about the costs associated with maintaining an All-Volunteer Armed Force as one of the reasons for abandoning it. In their haste to impose military conscription upon the youth of our Nation, they tend to forget that the military draft is an expensive proposal. There is a hidden tax forced upon draftees that is equivalent to the difference between the military pay of the conscript and his earning power as a civilian.

Prof. Milton Friedman has described this hidden tax in the following manner:

> The real cost of conscripting a soldier who would not voluntarily serve on present terms is not his pay and the cost of his keep. It is the amount for which he would be willing to serve. He is paying the difference. This is the extra cost to him that must be added to the cost borne by the rest of us. Compare, for example, the cost to the star professional football player and to an unemployed worker. Both might have the same attitudes toward the army and like-or-dislike-a military career equally. Just because the one has so much better alternatives than the other, it would take a much higher sum to attract him. When he is forced to serve, we are in effect imposing on him a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives.

Another distinguished economist, Prof. John Kenneth Galbraith, said that the military draft is—

> A device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayers, who benefit by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for.

Mr. Speaker, I would like to call to the attention of my colleagues a recent column in the February 13, 1979, Washington Post by Peter J. Ognibene. The subject of Mr. Ognibene's article is the cost of the draft:

DRAFTING PEOPLE OR DOLLARS?

(By Peter J. Ognibene)

There are two ways to raise an army. The nation can draft its young into service, or it can use another form of conscription—taxation—to pay for a volunteer force.

Throughout most of our history, we have chosen the latter, more democratic approach. Nevertheless, sentiment and support for the draft appear to be rising on Capitol Hill.

Conscription has a long, if inglorious, history. The British Navy impressed 10,000 native-born Americans between 1793 and 1811, an outrage that led to the War of 1812. Throughout the 19th and well into the 20th century, immigrants by the millions sought the safety of these shores to keep their sons from being dragooned into the perenially warring armies of Europe. Until the Cold War, Americans regarded the draft as a last resort that could be justified only when the nation was in imminent peril.

The draft was abolished in 1973. To make the armed forces more attractive employers, Congress authorized higher pay, reenlistment bonuses and other incentives. Although the volunteer force does not work perfectly—what in government does?—it has performed far better than its critics prophesied.

In spite of predictions to the contrary, the quality of military recruits has improved since the draft ended. All prospective enlistees are assigned to one of five "mental categories" on the basis of aptitude tests. The law prohibits recruitment of the bottom 10 percent (Category V) but permits each service to draw up to 18 percent of its recruits from Category IV, which encompasses the 10th through 30th percentile. Over the past five years, the services have drawn only 7.4 percent of their recruits from Category IV.

The Army, which many thought would be unable to remain beneath the 18 percent ceiling, has confounded the pessimists. Only 11 percent of the Army's recruits have come from Category IV over the past five years.

More than a fourth of the Army is black; critics find that a cause for concern. The demise of the draft, however, appears to have had less to do with the rise of black enlistments than the skyrocketing unemployment rate of black teen-age males. Relatively few young blacks have been able to find good jobs in the domestic economy.

This is not so much an Army "problem" as it is a reflection on the trades, businesses and professions of America. With these routes of upward mobility closed to many blacks, they have been turning in greater numbers to an institution that has long welcomed them. In the Army, many of them will gain additional education, useful job skills and a rewarding career.

When "equal opportunity" becomes a reality in the civilian economy, black representation in the Army will probably decline to a level close to their proportion of the population. To revive the draft now would only serve to limit the number of blacks who would be allowed to volunteer for the Army.

It costs more to recruit volunteers than it does to induct reluctant civilians, but the actual savings are small by Pentagon standards.

Rep. Les Aspin (D-Wis.), a member of the House Armed Services Committee, calculates that "the cost of the all-volunteer raise in 1977 came to $1.7 billion." That accounted for about a sixth of the boost in military pay; the lion's share (five-sixths) went to more senior military personnel.

If there were a new draft, the Department of Defense estimates it would save about $500 million in recruitment costs—about $2 for every man, woman and child in America. The only way to save more money would be to slash military pay for all ranks, and Congress shows no inclination to take such a step.

In response to a congressional query, Secretary of Defense Harold Brown said recently that any new legislation to register young men for the draft should also be extended to include young women. As a matter of equity, it would be hard to argue against a unisex draft. American voters, however, might not take too kindly to the prospect of having their daughters as well as sons shipped off involuntarily to boot camp.

Few members of Congress are advocating that conscription be immediately revived; their present objective is the registration of 18-year-old males. With such a system in place, however, it would be a short step to actual inductions.

With some two million men and women currently in uniform, it is difficult to imagine the nation suddenly in need of millions more. Moreover, in this age of computers, registration would be much less a problem than the training and equipping of a massive influx of recruits. So, one could hardly plead logistical necessity in behalf of a so-called standby draft.

The real issue, of course, is money. The draft is a serious deprivation of liberty that can only be justified when the service of some must be conscripted to preserve the freedom of all. With the United States at peace, the case for a new draft rests primarily on how we will pay for our peacetime armed forces. The choice, in fact, is quite simple. We can draft dollars, or we can draft people.●

AMBASSADOR ADOLPH "SPIKE" DUBS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WOLFF. Mr. Speaker, it is with profound sorrow that I rise this morning to offer a few words in memory of my friend, Ambassador Adolph "Spike" Dubs, who was killed recently in Afghanistan.

His shocking and brutal death has deprived this country of a man of enormous talents and a far-reaching vision. Words alone cannot represent adequately my disgust for the way in which he died.

Throughout his life and career, Spike served this country well. His contributions were remarkable, his death deplorable. I am proud to have been a friend and colleague of his.

But his death is also symbolic—for when the lives of our most dedicated and courageous citizens can be snuffed out so easily, then I say it is time to respond. This is not just an isolated incident of terrorism; it is part of a widespread pattern of terrorist activity that threatens the very foundations of civilized society.

There is a dark spirit haunting the world today. When any person thinks he or she can achieve some perverted goal by brutality, intimidation, and violence, then no one is safe. When any group sinks to such depths then we all lose a part of our humanity.

The time has come to recognize the problem and to combat it with all of our resources at our command. Some of us in Congress have been warning the Nation of this apocalypse for some time. I call upon this House, and this Nation now to redouble our efforts to combat the insidious activities of these cowardly terrorist groups.

The loss of Spike Dubs is appalling to say the least. But the loss of any one else because we fail to act would be inexcusable. How many more people must suffer and die?

Mr. Speaker, let this tragic death be a catalyst for action against terrorism and all of the hideous things which it represents. I pledge my efforts in this fight. I call upon my colleagues to see to it that Ambassador Dubs did not die in vain.●

FORT WORTH: OUR CITY OF COLORFUL YESTERDAYS AND BRIGHT TOMORROWS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WRIGHT. Mr. Speaker, on the banks of the Trinity River in Texas, a city rises out of the open prairie. It is Fort Worth, where the West begins. It is the capital and queen city of west Texas, a 120,000 square mile domain.

Down the canyon of West Seventh Street the wind whistles off the plain at 45 miles an hour between tall buildings that stab at the sky, pointing the flight-path of Fort Worth's future. It is a friendly, big, garrulous, open-hearted town. Here, in this last year of the 1970's, live 415,000 people.

All of this began 130 years ago. In 1849, the U.S. Army founded here on the untamed prairie a calvary fort. Its mission was to protect the increasing wagonloads of settlers from the ravages of savage Kiowa and Commanche tribes which roamed the area.

Seven years later, four events, of importance then only to a handful of determined settlers, transformed the temporary settlement which had grown up around the Army fort into a full-fledged civilian community.

In 1856, the first general school was created. The first industry was launched. A post office was established. And in that fateful year, by dint of undaunted determination and more resourcefulness than scruple, Fort Worth became the county seat.

The future was pregnant with promise. Fort Worth's hour of destiny had not yet struck, but the wheels of history had been set in motion.

Only 6 years earlier, the U.S. Army had funded here on the untamed prairie a fort, charged with the mission of protecting the increasing wagonloads of settlers from the ravages of the savage Indian tribes which roamed the area.

In 1853, with the thin edge of settlement pushing westward, the fort had been abandoned and in its place had sprung up a tough-rooted little civilian settlement on a bluff overlooking the Trinity Valley and the southward tilt of the rolling plain.

Other communities, to be sure, had clawed a tenuous foothold in this new frontier. Others opened schools and post offices, hopefully started infant industries, became county seats.

But there was, even then, something about the spirit of this frontier village which marked it for permanency. It was like a hardy little prairie flower, determined not to wither on its vine under the scorching southwestern sun.

Wagon trains of settlers were rolling westward, looking for a place to get a new start and stake the family future. Some 30 miles to the east lay Dallas, already established, like a roadblock across the trail.

When the wagons rumbled through on the westward track, Dallas men would stop them with lurid tales of danger to the west. "The Indians will surely scalp you if you venture to Fort Worth," they warned. Here, perhaps, began Fort Worth's vaunted early reputation as a wild and woolly place.

Here, too, began an intense rivalry which raged for more than 100 years. Picking up the challenge, the Fort Worth settlement sent riders to intercept the wagons east of Dallas and escort them to Fort Worth along a trail that bypassed the neighboring village.

And here, also, was born a tradition of resourcefulness in building a city. Fort Worth had no doctor. When Julian Field, a leading community figure, became ill, it was necessary to send to Dallas for young Dr. Carroll Peak. The townspeople immediately set upon him with bandishments. They would not hear of his leaving. He and his wife were put up in an abandoned barracks, and he stayed in Fort Worth.

Unwilling to trust the schooling of the children to the erratic comings and goings of wandering tutors, the infant community in 1856 called an election, chose a school board, imported two regular teachers, and erected a crude school building.

The first industry, appropriately enough, was milling. Julian Field, R. S. Mauk, and David Man built a gristmill to make flour from the wheat brought in from neighboring farms.

The nearest post office was Dallas. Dr. Peak hired a horseman to ride over semiweekly and bring back all missives addressed to Fort Worth's residents, and for this service he charged a dime a letter. In 1856, President Franklin Pierce recognized the new community carved out of the frontier by appointing Julian Field as the postmaster, and Fort Worth built its own post office.

The dauntless tradition then aborning was most dramatically portrayed, however, in the circumstances surrounding the removal of the county seat to Fort Worth from Birdville, then a separate village some 5 miles to the east.

A delegation went to Austin, buttonholed lawmakers, finally prevailing upon the legislature to call an election in which Tarrant County's settlers could choose between the two villages for their seat of justice.

The competition was keen, if not entirely clean. As an added lure to voters, Birdville leaders cached a big barrel of whisky in an oak grove at the edge of town. Fort Worth merchants, with less propriety but not to be outdone, stationed huge barrels of free whisky on the public square. Adding insult to injury, an overzealous group of Fort Worthers stealthily made their way into Birdville's grove and siphoned away their neighbor's liquor, leaving the adversary dispirited in more ways than one.

Riders went out from both cities in all directions to round up voters. It was afterward contended that the total vote far outnumbered the aggregate male population of the county, but a precise census was virtually impossible. Sam Woody, of Decatur, told in later years of having brought in 14 men from Wise County to vote for Fort Worth that day in 1856. When all ballots were in, Fort

Worth had carried the election by seven votes.

That night a torchlight procession gleefully made its way to Birdville and physically removed the courthouse effects, then and there conveying them to their new and permanent home.

This same instant resourcefulness and unashamed partisanship have characterized every step of Fort Worth's ascent up the ladder to eminence.

Two decades later, the Civil War-disrupted Texas economy was pulled out of the doldrums by the cattle drives which took bawling herds of rangy longhorns up the long, dusty trail to Abilene, Kans. It was in this era that Fort Worth, still a drowsy hamlet of but a few hundred people, seized upon opportunity and became the base of supply for West Texas stockmen.

Adjusting its pace to the trail-driving age, the town provided a welcome release for the pent-up energies and appetites of the cowhands after long, dull months on the range. It was a noisy, lusty, brawling place, but nobody cared. The cowboy was king; and this was Cowtown.

The open sesame for any aspiring township of the day was a railroad, and Fort Worth set out to have one. In the 1870's B. B. Paddock, editor of the Fort Worth Democrat, displayed the town's unrestrained ambition when he published a drawing that he called the Tarantula Map. Its center was a heavy blob denoting Fort Worth, while lines, like the hairy legs of the huge Southwestern spider, reached out in nine directions to represent the nine railroads which the editor prophesied would one day serve the town. Although rival towns scoffed, his prediction eventually came to pass.

With enthusiasm, Forth Worth leaders set out to promote their first railroad. An agreement was struck whereby the Texas & Pacific would be given large land grants from the State of Texas and 320 acres at Fort Worth, donated by such local enthusiast as Van Zandt and Dagget, upon the condition the road reached Fort Worth by January 1, 1874. Work was begun, and the town danced with excitement over the prospects.

Catastrophe loomed when the powerful northern financial house of Jay Cook & Co. went broke. Risk capital froze in panic throughout the Nation, and the twin rails were halted in the middle of nowhere, several miles east of town.

Not to be denied, Fort Worthers determined they would have the road completed, if they had to build it themselves, foot by painful foot. They organized the Tarrant County Construction Co., subscribing its stock with cash, materials, labor, supplies—whatever they had. A bargain was driven with the T. & P., whereby the local company agreed to prepare the roadbed, the railroad to lay the track.

In a dramatic night-and-day race against time, with townswomen bringing food and coffee to the perspiring workmen and section crews resorting to the most unorthodox improvisations, the tracks were laid and an old wood-burning engine puffed into town to beat the second deadline set by the State legislature.

A churning cauldron of activity then erupted upon the prairie. Oliver Knight in his excellent work, Fort Worth, Outpost Upon the Trinity, from which most of this information was derived, has said that this was "by all odds the greatest day in the history of Fort Worth," pointing out that within a few weeks after the first train rolled into town 59 new businesses had opened, and that within 4 years there were no less than 460.

Now joined to the east by railroads, the rapidly growing city attracted a web of stagecoach lines, becoming in 1878 tne eastern terminal for the world's longest stage route which stretched for 1,500 aching miles to the California border at Fort Yuma, Ariz.

The Fort Worth story is one of vision, and of a community's ability to adopt to changing circumstances. While money flowed into town on the wings of transportation and cattle drives, Fort Worth was not content to soak up this boon with the impassivity of a sponge. Why not capitalize permanently upon these two advantages?

On Fort Worth's old North Side, where all the accoutrements of the early West are still much in evidence, a group of farsighted leaders founded the Texas Dressed Beef & Packing Co. A stockyard and slaughtering pens were built. Meat was dressed and shipped under refrigeration to the eastern markets, and the plant paid ranchmen 50 cents a head above the prevailing Kansas City price.

The taproot was driven deeper into the bruised soil upon the Trinity's banks. Fort Worth had industry.

It was then, near the turn of the century, that an air of real permanence began to settle upon the ebullient cowtown. Other industries slowly took hold. Municipal improvements came in a wave—a dependable water system, sanitary sewers, street paving and a modern fire department. Law and order took firmer grasp, churches thrived and women's clubs burst upon the scene.

The boisterous, roughneck town was growing up. Like a self-conscious overgrown farm youngster in the city, the seam-splitting prairie colossus developed a newfound interest in higher education.

The Methodists in 1881 founded Polytechnic College on the present Texas Wesleyan site, then some 4 miles southeast of Fort Worth.

The Christian church in 1889 took over Add-Ran Institute, begun in Fort Worth as early as 1869 but moved by its founders to Thorp Springs to avoid "the alluring vices of the city." The church transplanted the institution for a time in Waco, then brought it home to Fort Worth in 1910 as Texas Christian University.

In that same year, the Baptists opened Southwestern Baptist Theological Seminary which has flourished ever since.

But even with the stabilizing influences of culture, the spontaneity of fierce community pride continued. With the new century came the automobile, and Fort Worth took up the craze.

In their penchant for new horizons, the town's civil leaders foresaw that highways would one day be the new arteries of commerce. The State adopted a constitutional amendment in 1904 permitting counties to issue road bonds, and with characteristic vision Tarrant County became the very first in the entire Southwest to approve road and bridges bonds for $1,600,000.

As it had become the capital of the cattle industry, Fort Worth in the 1920's again grasped the elusive figure of opportunity and gambled on oil. With the throbbing exhilaration of west Texas boomtowns, Fort Worth girded itself as the gateway and supply base for the oil kingdom.

Just bring out something new, and it will find a home in Fort Worth. In 1921, Harold Hough held the torch of vision which had lighted the wilderness for Cowtown's early planners when he pioneered radio with WBAP. It was the State's first radio station. Twenty-seven years later, Fort Worth had the first television station in Texas.

Aviation evoked immediate enthusiasm in Fort Worth. The first daredevils to schedule a barnstorming tour through this part of the country made the mistake—or perhaps it was not a mistake for them, as it turned out—of booking an exhibition in Dallas but none in Fort Worth. This would not do. Amon Carter raised a public subscription and paid the four-man troupe $5,000 to demonstrate their talents in Fort Worth.

Fort Worth became an early aviation center at the outset of World War I. The Canadian Government established three flying fields near the city—Hicks, Everman, and Benbrook—where pilots were trained for the Royal Canadian Flying Corps.

In recent years, Fort Worth has carved itself a permanent niche in the history of aviation. During World War II, its Convair plant performed the impossible in production of our B-24 Liberator bombers. And in 1949 a new epoch in world history may even have come into being with the very first nonstop flight around the earth, originating and ending at Fort Worth's Carswell Air Force Base.

Today Carswell continues to make important contributions to the Nation's defense and the Fort Worth economy and citizenry. With just one exception, more Air Force personnel have chosen the Fort Worth area as a retirement home than any other spot in America.

And with our highly skilled work force we make a major contribution to America's military readiness. No other metropolitan area in the country performs more prime defense contracts than Fort Worth.

General Dynamics employs about 11,500 people and its contract to build 1,896 F-16 aircraft is the largest ever awarded. Bell Helicopter, which employs about 11,000 workers, is the leader in its field, and Vought Corp. continues to make the highly effective A-7 fighter-bomber.

These defense contracts have spawned more than 100 new businesses in our area in the past few years.

In civilian aviation, we now share with Dallas one of the world's greatest airports. Larger than Manhattan Island, the new Dallas-Fort Worth Airport is the third busiest in the Nation in air-carrier operations.

And that splendid facility has helped us win back an old and important friend, American Airlines.

In 1927, a fledgling operation called Texas Air Transport began flying out of Meacham Field here. That little outfit became the Nation's second largest carrier and moved off to the big city—New York.

But American has announced that it is coming home to Fort Worth, moving its corporate headquarters, with at least 1,300 jobs, here. Like so many others, American's executives are recognizing the tremendous advantages of this cosmopolitan Cowtown.

Most of the cows are gone now, the stockyards reduced and packing houses closed. For a while that hurt us. But now we are developing the old North Side, using the cattle exchange, pens and barns to preserve intact its authentic western atmosphere.

Fort Worth prides itself on the deep feelings it has for its past. Whether it is preserving the original log cabin settlement or saving the relics of its cowtown days, Fort Worth knows where it came from.

And the downtown area, which felt the same pressures that squeezed so many American cities, is going to demonstrate how that sad process can be reversed. We have got a new Convention Center, the Water Gardens, the Tandy Towers, the Fort Worth National Bank building, and the Lanham Federal Building up and we are not stopping there.

There are plans for one new downtown hotel and the renovation of two others. The regional headquarters of the Department of Housing and Urban Development will move into another remodeled building.

Those who do not live in Fort Worth ought to come visit. And those of us who do are lucky.

Today, the city's skyline glistens in the bright Texas sunlight. The classic old courthouse overlooks the Trinity in the same spot where the Army dragoons built their fort 130 years ago. But in the city's heart pulsates the rhythm of chance, of growth, of still untamed ambition.

Fort Worth dreams new dreams and believes in a better tomorrow.●

AFRO-AMERICAN HISTORY FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RODINO. Mr. Speaker, as we join in celebrating the meaning of Afro-American history during this special month, I would like to call attention to a very special event taking place in New Jersey's 10th District. The Student Government Association and the student activities office of Essex County College in Newark are responsible for the Third Annual African-American History Festival held this week.

Mr Speaker, the festival offers films, lectures, artistic performances, workshops, and other activities to recognize the tremendous value of one of the richest cultures blended into our American way of life. Public acknowledgment of the achievements of African Americans is very important to our evaluation of America's ethnic diversity, and this weeklong festival in our community is proving to be a great success.

The theme for this year's festival, "International Brotherhood," rightly emphasizes the efforts of American blacks to promote peace and social justice in our own community and around the world. The festival honors Ambassador Andrew Young for his commitment to peace, justice, and truth in the international community. His courage and determination have helped to raise the consciousness of the American people to further the cause of brotherhood at home and in other lands. I commend the festival on their fine choice of honoree and I congratulate my friend Andy Young.

Mr. Speaker, I hope that millions of Americans will share in the meaning of Afro-American history month just as members of the Essex County community participate in this weeklong festival to hail the many contributions of Americans of African descent.●

A TRIBUTE TO PHIL PORTNOY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RINALDO. Mr. Speaker, the contributions of private citizens to the common good is a fundamental characteristic of our society. It is an expression of charity, decency, and compassion of fellow citizens for one another.

Any organization of private citizens that hopes to carry out programs to serve the common good needs leaders in the community. Leaders like Phil Portnoy of Union, N.J., a man of remarkable energy and unquenchable good will toward his fellow citizens.

Over the years, Phil Portnoy has come to the aid of men, women, and children whose tragedies were too small for larger, organized community fund drives. They were the forgotten people, yet their ordeals and pain were nevertheless real. Now, however, the families of Theresa Gargalowicz, Doreen Delaney, Eileen Sipermann, and Michael LoConte have been able to muster the resources they need in their battles against disease and catastrophe.

Many years ago, Ralph Waldo Emerson wrote about the law of compensation. For those with courage and determination, a personal tragedy in life, such as the loss of a limb, could serve as the inspiration to do more than might otherwise be possible. Their lives became productive, important, and courageous.

Mr. Speaker, it may be due to the fact that Phil Portnoy overcame his own handicap that he exhibits such an exemplary commitment to helping others overcome their own adversities.

As a result of his accomplishments, he is justifiably being honored tonight by Union Lodge 1782, B'nai B'rith, as its Citizen of the Year.

It culminates a period of service that extends over many years. Phil Portnoy has been a founder of Temple Israel in Union and the Pop Warner Midget Football League. He has coached and served on the board of the Teener League, and he is president of the Union Board of Education.

I am pleased to take this opportunity to join my many friends and constituents in honoring the hard work and dedication of a fine individual, Phil Portnoy.●

POLITICAL FREEDOM FOR POSTAL EMPLOYEES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. CLAY. Mr. Speaker, I have today introduced the Postal Service Employees' Political Activities Act of 1979.

This bill updates and modifies the Hatch Act for postal employees. It permits them the right to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the merit system or the administration of the functions of the U.S. Postal Service which is a semi-independent agency of the Government.

The Hatch Act was precipitously enacted in 1939 with no public hearings and limited debate. It was an overreaction by the Congress to abuses, not of voluntary political activity, but to coercion and kickbacks by employees and recipients in the Federal relief programs. Postal employees, because at that time, they worked for an agency which was totally within the confines and jurisdiction of the Federal Government were included along with all Federal employees under the Hatch Act.

Today there is little justification for Federal employees' rights of full voluntary political participation to be impeded or restricted but there is no basis whatsoever for postal employees to be included under the antiquated and repressive restriction of the 40-year-old Hatch Act. In 1970, the Congress passed the Postal Reorganization Act thereby making the U.S. Postal Service a quasi-independent agency. Postal employees today are treated differently than Federal civilian employees who work for the Government. The most predominant feature is the fact that postal employees come under an entirely different labor management program which more closely resembles that of the private sector than it does the Federal Government's system.

The postal service system is a quasi-autonomous public corporation. Some may have problems with that fact but, be that as it may, postal employees are in a different category from Federal employees. The postal worker's role, as an employee of a semi-independent agency, and the role of a Federal civilian employee, as an employee of the Government, make these two groups separate and distinct. Unfortunately, the issue of full political participation for postal and Federal employees has been confused, notwithstanding their different status, so that they are treated as one and the same.

My introduction of two separate Hatch Act reform bills—one for postal employees and another for Federal employees—should not be construed as any diminution of my commitment to the right of full political participation by both of these employee groups. I intend to push for speedy enactment of both bills.

This is similar to H.R. 10, the Federal Employees' Political Activities Act of 1977, which passed the House overwhelmingly on June 7, 1977. The bill differentiates between voluntary and involuntary political activities. It protects the public interest while providing postal employees with greater freedom to participate in the political process.

In the 94th Congress both the House and Senate passed Hatch Act reform legislation, but President Ford vetoed the bill. The House passed the bill in the 95th Congress, but it was not passed by the Senate, even though the legislation had the full backing of President Carter. In his recent State of the Union message, the President has once again announced his full support for reform of the Hatch Act.

In summary, this provides the following:

States that postal employees are encouraged to exercise their right of voluntary political participation.

Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting political contributions in Government rooms or buildings.

Prohibits, with certain limited exceptions, political activity while on official duty, in Federal buildings, or in uniform.

Prohibits the extortion of money for political purposes from employees.

Requires that employees who seek elective office do so on their own time, and that employees shall, upon request, be granted accrued annual leave or leave without pay to seek elective office.

Designates the Special Counsel of the Merit Systems Protection Board (MSPB) as the enforcing authority and the MSPB as the adjudicatory authority; provides for judicial review of adverse decisions; and, limits investigations of prohibited activities to 90 days.

Subjects violators of law to removal, suspension, or lesser penalties at the discretion of the MSPB; requires a minimum of 30 days suspension without pay for any employee found guilty of violating the prohibition against use of official authority or influence for political purposes.

Requires the U.S. Postal Service to report annually to the Congress on its implementation of this act.●

CRAZY JOE MACAIG

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WILLIAMS of Montana. Mr. Speaker, for those of you here in Washington who are put off some by the hardships of continual below freezing temperatures and 2-foot snowfalls, let me tell you about Joe Macaig. Joe is a constituent of mine from Anaconda, Mont. He calls himself Crazy Joe. Folks at home do not argue. On December 29 of last year, Crazy Joe set a new world's record for ice dipping.

This 22-year-old railroad employee donned his swimming trunks and when the temperature around Anaconda reached 23° below zero, he took a 46-second dip in an ice cold creek. By the way, it is known as Warm Springs Creek, but there is nothing warm about it—not at 23° below.

Crazy Joe has submitted his report to the Guinness Book of World Records, and we are now awaiting official confirmation. That will not be the first time that Joe has made the book: A few years ago he established a new world record by swimming down the Yellowstone River—292 miles down the Yellowstone River.●

STATES SHOULD PASS ERA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. EDWARDS of California. Mr. Speaker, I want to share with my colleagues an editorial that aired on radio station KNBR 68 in San Francisco, Calif. The editorial, by Bill Dwyer, vice president and general manager of KNBR, voices my own hope that the equal rights amendment will soon be made a part of the Constitution.

However, the statement also makes an important point. States that support the ERA need not wait for the necessary 38 States to ratify the amendment to guarantee equal rights for women and men in their State. States can add equal rights amendments to their State constitutions. Fourteen States have already done so. I would encourage that California Legislature and the legislatures of other States that support equal rights to move in this direction.

The editorial follows:

EDITORIAL OPINION FROM BILL DWYER, VICE PRESIDENT AND GENERAL MANAGER OF KNBR 68

One of the best things that could happen in 1979 would be the approval of the equal rights amendment to the U.S. Constitution. Right now, the outlook is not too bright. In just 52 well-chosen words, this amendment prohibits discrimination against women and authorizes congress to pass laws to make it effective. The campaign for adoption has been going on for almost seven years but supporters still have no guarantee of success. So far, 35 states have ratified the E.R.A., but it won't be part of the U.S. Constitution unless three more states say yes.

However, there's an encouraging development. Fourteen states have gone ahead on their own to put equal rights amendments in their state constitutions. And the U.S. Civil Rights Commission says these amendments have been effective, especially in opening up new employment opportunities to women. There's no reason why states that want the benefits of equal rights for women should have to wait. Because of that, we urge the legislature of California and all other states that have approved the E.R.A. to act now to put equal rights into their own state constitutions.●

SINGLAUB: CARTER'S BROKEN PROMISES THREATEN ANOTHER PERIOD OF IMPERIAL PRESIDENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, the article that follows these remarks is No. 2 in a series by retired Maj. Gen. John K. Singlaub, which appeared in the Atlanta Journal on February 5, 1979 (the first appeared on page 2662 of the CONGRESSIONAL RECORD for February 15, 1979. In this item, General Singlaub discusses how President Carter not only scorned the U.S. Senate as well as our ally Taiwan in taking this step. He draws a parallel between President Carter's action and suggested a return of the days of secret Kissinger diplomacy. He further mentions an important point that I have made on previous occasions, that is, that we do not need Chinese oil. There is all the oil we can possibly use in Mexico and why the Carter administration does not face up to this fact is one of the mysteries of the century. Chinese oil has a high paraffin content and would be extremely difficult for our refineries to deal with. The Japanese have found this out to their sorrow. The General further points out that at the rate we are throwing away friends and allies, who can possibly have any faith left in treaties with the United States? And this is indeed the largest question to arise out of the whole issue. The column follows:

SINGLAUB: CARTER'S BROKEN PROMISES THREATEN ANOTHER PERIOD OF IMPERIAL PRESIDENCY

(By John K. Singlaub)

(NOTE.—Maj. Gen. John K. Singlaub, a veteran of three wars and an articulate student of military history, was forced to retire from the Army last summer because he disagrees with military decisions being made in Washington by the Carter administration. In retirement, he is still speaking out. Here is the second of a three-part series in which he examines the recent "rearrangement" of U.S. policies in the Far East, especially as they affect Red China and Taiwan.)

During his campaign, candidate Jimmy Carter promised to consult Congress on foreign policy as well as on domestic matters. He also promised to put an end to secret diplomacy a la Henry Kissinger.

However, when he recognized the People's Republic of China (PRC) and abrogated our treaties with Taiwan, he broke both of these promises. I am confident that some will justify this as necessary to provide political flexibility, or an ability to exploit sudden political changes. I feel, however, that there should be no confusion about what the breaking of these promises involves.

Not consulting Congress on this important foreign policy change is especially significant due to the fact that the Senate last October, in a 94–0 vote, called for consultation before abrogation of the treaties with Taiwan.

It has been written that the handling of the agreement took special care not to make the Chinese communists lose face, but what about the Senate's face, not to mention other American and Taiwanese faces? The president's treatment of Senate minority leader Howard Baker was less than flattering. He met with President Carter in the early afternoon of the same day that the rearrangement of diplomatic relations was announced, but he was not informed of it. Is this an indication of Carter's appreciation of the support that Sen. Baker gave many of President Carter's foreign policy initiatives—some at heavy cost to his standing within his own party and state?

The manner in which these arrangements were reached clearly represents a usurpation of power by the president which may cause the assertiveness of the last Congress to be replaced by a new imperial period of the presidency in foreign affairs.

The selling of the rearrangement was also a rather unnecessary, even tasteless, show of force, with a selective and deceptive use of facts and possible developments which I have stated earlier. This is also clearly reflected in an article from the *Wall Street Journal:* "All day top officials received a stream of journalists and touted the political and economic benefits of full relations with China."

No mention was made of any possible burdens or negative aspects of the new arrangement. As a part of the sales pitch, it has been stated that China has more than 100 billion barrels of oil reserves. This is a very interesting argument indeed. I do not understand how we can be so certain about how much oil China has, when the same administration spokesmen claim that we have no idea how much oil Mexico has.

Mexico is an open society and shares our borders, whereas China is a closed society to which even our intelligence organizations have little access. It is difficult enough to estimate the reserves in a field where all the information and tests are available. Could it be that it would not be expedient or politically wise to release information about Mexican oil reserves at a time when the President wants to force his energy bill through Congress? This selective release of facts and information by the administration seems indicative of the efforts being made to place only a favorable light on this question.

There can be little doubt that the recognition of the PRC and the withdrawal of recognition and the abrogation of the Mutual Defense Treaty with the Republic of China (Taiwan) represented a major victory in Peking. It is fairly easy to understand most of the reasons why the Chinese communists want to be recognized.

It is less easy to understand why President Carter felt so compelled to recognize Peking that he accepted terms of recognition previously rejected by his predecessors. It is clear that the agreement in its present form could have been concluded by either Nixon for Ford, but they apparently had a different view of the "realities" mentioned by President Carter. For them, the realities were complex, and they were aware that such a move would mean not only the cancellation of a defense treaty with friends, but at the same time the establishment of relations with our former friends' adversaries.

The betrayal would not stop there. We would then also recognize these adversaries as the sole legal government of China. This is a reversal of 180 degrees—with a new twist of not even accepting our former friends' legal right to exist! For President Carter, these considerations must have been too complex and were, therefore, simplified.

The old principles of international law, such as treaties are to be honored, *pacta sunt servanda*, were scrapped and in their place the illusion of sole legal government was created. There is nothing in international law or traditional practice that indicates that the PRC has any legitimate claim to the islands of Taiwan and the Pescadores.

Even the PRC cannot be overly impressed by this betrayal of an old friend. With its broader perspective on history, it is bound to make some reflections along the lines of "Today Taiwan was sold out, tomorrow maybe we'll be the ones." This action has proven for all the world that the U.S. is an unreliable ally and friend; or, as a former Undersecretary of State George Ball said a year ago: "We would gain little from pushing Taiwan overboard. What would we lose? Our self-respect for one thing. We would be acting out of character in pursuing the sordid diplomacy of the 18th century, when the reversal of alliances was standard procedure."

So why did we do it? To enhance world peace? This sounds frighteningly similar to Neville Chamberlain's remark in 1938: "Peace in our time," while waving the worthless Munich agreement.

Perhaps the most important question unanswered by the administration's announcement is: What would the U.S. do if the PRC attempted to reunify Taiwan with China, either by force or through blackmail? Would we simply sit back and insist that this was an internal matter for the Chinese to resolve themselves? Certainly this is the answer suggested by our statement that there is only one China. Why did we not insist on assurances for the security of Taiwan?

Statements from officials claiming that we got this agreement on our terms seem to suggest that we did not even seek any guarantee for the territorial integrity of our former friends. Can this possibly be true? Was the president in such a hurry or did he believe that this agreement was of such importance that he did not even dare raise the question? If this is the case, then the American people have the right to be shocked—at least until there has been adequate, substantial proof to the contrary.

The American public has been told that China cannot invade Taiwan today. What about tomorrow? After all, increased production and military capabilities are what the PRC's modernization program is all about. Then we are told that Red China would value its trade relations too much to risk having them cut off in case of a reunification attempt by force.

If this were so certain, it would reveal that the PRC values trade more than reunification. Why did the U.S. not give them trade privileges and recognition and still keep the treaties with Taiwan? The PRC surely would have been content if they truly do value trade more than reunification.

Another complex problem is the possibility that Taiwan will feel compelled now to develop its own nuclear weapons. This would increase nuclear proliferation and perhaps the danger of war—instead of "reducing the danger for international military conflict" as the president claims is his goal. This issue is not a relevant problem, we are told, since Taiwan has signed the nuclear non-proliferation treaty and the U.S. has control over uranium supplies.

The nuclear issue will remain irrelevant only as long as Taiwan proves to be a more reliable treaty partner than we are ourselves, and as long as they do not engage in alliance swapping a la Carter—in which case they would turn to the U.S.S.R. for uranium.

We have lost our right to argue on moral terms—such as keeping a treaty or relying on old friends—so we can only resort to the use of power. Which country is next on the sellout list? South Korea? We have heard that the growing capabilities of the North Koreans are not a threat any longer, since we have the China card. Are we to believe that a poor nation such as North Korea uses its scarce resources for the sheer pleasure of having an enormous army? This is bordering on stupidity. May we really assume that there is no rationale behind the North Korean buildup—that they simply keep increasing their armed forces out of habit?

What about a potential sell out of Europe in the coming SALT II agreements? These probably will not include either the backfire bomber or the SS-20 nuclear missile—small threats to the U.S. but potentially deadly for Europe. Again we appear to be willing to forsake our friends for another agreement with our enemies. No wonder rumors emerge internationally that prominent West German leaders are looking into other security arrangements besides NATO. ●

COMMONSENSE ON MR. TENG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MICHEL. Mr. Speaker, from time to time I come across old-fashioned commonsense from a liberal Democrat. I know that a liberal Democrat with commonsense sounds like a contradiction in terms, but these things do happen, Mr. Speaker, and we cannot ignore them.

A great deal of the time I find this commonsense in the writings of John Roche. Mr. Roche, a professor, was once a top aide to Lyndon Johnson and the head of Americans for Democratic Action. Given such an impoverished political background we could expect to find Mr. Roche spouting the same old cliches of the Great Society. Well, Mr. Roche is not above praising the Great Society, but, oddly enough, on other issues he is quite sound.

He recently showed this in a newspaper column published in the Washington Star. The subject was the visit of Chinese Vice Premier Teng Hsiao-ping to the United States. Mr. Roche reminds us that despite the euphoria surrounding the visit, Teng is a "brilliant, dedicated old gangster" and that he was the designated hit-man during one of China's bloodiest purges. Teng would like nothing better than to see the Soviet Union and the United States go to war while he watched from the sidelines.

At this time I would like to insert in the RECORD, "The De Facto Warden," by John P. Roche, Washington Star, February 14, 1979:

THE DE FACTO WARDEN

(By John P. Roche)

"You Americans," a Polish friend sadly observed some years ago, "think history starts anew every morning." His particular complaint was that Eastern Poland, his ancestral homeland, had been casually handed to the Soviet Union at the end of World War II and his family shipped off with nothing but the clothes on their backs to land formerly German. He could not in any case return to his new "home": he was a veteran of the Polish army that fought with us in Italy, "a reactionary fascist" in the lexicon of the Polish communist regime.

The frenzy over the visit of Chinese Vice Premier Teng Hsiao-ping, which stopped just short of strewing palms in his path, reminded me of this somber insight. One might have thought Teng was a long-persecuted advocate of human rights, a Messiah come to redeem Chinese communism of its totalitarian character. In fact, he was the chief organizer of one of the greatest purges in history, the "Rectification Campaign" of 1957-58.

It began with roses—quite literally. On

June 18, 1957, Mao's "Hundred Flowers" speech, made in February, was released to the people. In it the chairman admitted that perhaps the liquidation of 800,000 alleged counter-revolutionaries (a gross underestimate according to knowledgeable Sinologists who put the count in millions) had been a bit severe. To summarize a four hour speech, he went on to call for open debate within a framework of "centralized guidance" and coined the slogan "Let a Hundred Flowers Blossom and Let a Hundred Schools of Thought Contend."

The obviously unanticipated response was seismic. A million flowers bloomed including one notable cactus-blossom: a professor at Peking University stated baldly in the *People's Daily* that "to kill communists and overthrow you cannot be called unpatriotic, because you communists are no longer of service to the people. Even if the Communsit Party is destroyed, China will not perish."

Four days later Chou En lai, shadowed by Teng, his chief capo, decided to close the playground: he told all non-communist Chinese they would be "enemies of the people" if they criticized the government. This took over 95 per cent of the population out of play at one swoop. Shortly thereafter students were told critics of the regime would be subjected to severe penalties, "rightists" were discovered spreading "fantastic anti-Socialistic views," and the elite hit the panic button.

Chou En-lai, an urbane, cynical survivor whom Mao never purged because he was useful and quite prepared to be No. 2, seldom handled dirty jobs in person. What was called for in 1957–58 was not a minor league operation but a purge of millions. Chou called for his faithful hit man, Teng, who threw himself into liquidating rightists with the same bouyant zeal to which we have recently been exposed. God alone knows how many million intellectuals, teachers, small entrepreneurs, and other "anti-social" elements went to the wall. Ironically, survivors have just been "rehabilitated" by the same man who sent them down! He smiled his charming smile and said, in effect, "I cannot tell a lie: Mao did it."

To say this is not to argue President Carter should have him arrested for trial in Nuremburg, or that the United States should not recognize the Chinese Peoples Republic. It is to call for a realistic assessment, not a love affair. Teng has been running around the United States trying to gin up a war with the USSR. I share his view of Moscow as I do Moscow's of him, but no matter how sincerely I despise Soviet totalitarianism I'm not going on a Chinese sponsored polar bear hunt. If he and the Soviets want to fight it out, let's watch on television.

In short, anyone who thinks we are playing a "Chinese card" against this brilliant, dedicated old gangster suffers from the sin of innocence. No matter how nice Teng and Cho Lin were to Shirley MacLaine, Jimmy and Rosalynn, Fritz and Joan, and the other starry-eyed members of the White House cast, the vice premier is still the de facto warden of the world's largest concentration camp and thus an implacable enemy of the fundamental values of our society.●

THE PRESIDENT'S BUDGET AND PROGRAMS FOR THE POOR

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GIAIMO. Mr. Speaker, OMB Director McIntyre has stated that the President's fiscal year 1980 budget increases spending on programs for the poor by $4.5 billion. Because of the interest expressed by many of my colleagues about this statement, I am taking this opportunity to insert in the RECORD a table prepared by OMB detailing the increase.

The table is self-explanatory, but I believe several points would help put it in perspective.

First, when compared to estimated 1979 outlays, the increase in outlays it identifies as for the poor is marginally above the inflation rate.

Second, a significant portion of the increase results from higher caseloads or the fact that programs are indexed or price increases are automatically reimbursed (medicaid, veterans pensions, supplemental security income, food stamps, WIC, and child nutrition).

Third, a portion of the increase results from changes in the law initiated by Congress last year (earned income tax credit, veterans pensions).

Fourth, there is room for disagreement as to whether some of the programs in the OMB list, such as urban development action grants and community development block grants, are truly programs for the poor. On the other hand, some programs that deliver substantial benefits to the poor were excluded from the list. Examples of such programs are community and migrant health centers, Indian health services, and veterans' medical programs.

Developing such a list is difficult because programs typically do not benefit the poor or nonpoor exclusive. Many programs for the poor—including AFDC, supplemental security income, food stamps, child nutrition, and veterans pensions—also deliver some benefits to persons who are above the official Federal poverty level. Conversely, many programs not created specifically for the poor, such as social security and medicare, play an important antipoverty role. Determining how much of each program's benefits flow to the poor requires more data than are readily available for some programs.

The table follows:

FEDERAL PROGRAMS FOR THE POOR[1]

[Outlays in billions of dollars]

	1978 actual	Estimate	
		1979	1980
CETA	9.5	10.3	9.6
Education[2]	2.9	3.3	3.8
Urban development action grants			.2
Community development block grants	2.5	2.9	3.3
Rural housing program	.5	.2	.4
Community services	.6	.6	.5
Work incentive	.4	.4	.4
Women, infants, and children (WIC)	.4	.5	.7
Community service employment, older Americans	.1	.2	.2
Earned income tax credit (EITC)	.9	.8	1.5
Veterans pensions	3.2	3.7	4.2
Supplementary security income	5.9	5.6	6.3
Assistance payments (AFDC and other)	6.6	6.7	6.7
Food stamps and donations	5.5	6.4	6.9
Medicaid	10.7	11.8	12.5
Grants to States for social and child welfare services	2.8	3.0	3.0
Child nutrition	2.8	3.0	3.0
Subsidized housing	3.7	4.4	5.3
Total	59.0	63.8	78.5

[1] These programs do not include tax expenditures such as targeted jobs tax credit and work incentive credit which result in revenue losses of $640,000,000 in 1980.

[2] Includes title I—ESEA; Head Start; and special higher education programs for the disadvantaged.

Source: Office of Management and Budget. ●

INCOMPETENCE AT THE IRS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, last week the Internal Revenue Service issued a revised revenue procedure on private schools, updating the revenue procedure first printed in the Federal Register on August 22, 1978. Hearings were held yesterday, February 20, by the Subcommittee on Oversight of the Committee on Ways and Means. I prepared a statement for those hearings, and I include the text of that statement in the RECORD as an extension of my remarks:

STATEMENT OF DR. RON PAUL

Mr. Chairman, I appreciate the opportunity to submit a statement to your Committee on the matter of the Proposed Revenue Procedure concerning private schools recently revised by the Internal Revenue Service.

When any government agency threatens the existence of private, voluntary agencies I am concerned. I am especially concerned, however, when the private organizations being threatened by the government are private and church-related schools. The education of children is an extremely important function, and it is my firm belief that of all functions it should be one of the least regulated and controlled by a Governmental bureaucracy such as the Internal Revenue Service. Children are all different; each child is unique. The persons who know the child best are his parents, and they are, and will always remain, the best guardians of his wellbeing. Unfortunately, many people no longer believe that, preferring to surrender children to the beneficient state and denying parents any role in the major decisions that affect the education of their children. Some of these people, it appears, work at the Internal Revenue Service, for that agency has proposed a regulation that would, in effect, close down private schools that parents have judged best for their children. These schools would be closed, not because they have violated a law, but because they do not conform to a pattern—a changing and ambiguous pattern—conceived in the mind of a nameless bureaucrat. That, Mr. Chairman, is precisely the kind of government our Constitution was written to prevent.

The presumptuousness and audacity of the Internal Revenue Service in issuing regulations that threaten private schools is surpassed, however, by the Service's incompetence. I do not make the charge lightly, Mr. Chairman, and I hope that it is not taken lightly. Let me state my reasons.

On February 13, 1979, the Internal Revenue Service published its revised Revenue Procedure in the Federal Register. That procedure, as published in the official version, is logically incoherent. Let me explain.

We are initially told on page 9451 that—

"This document contains a revised proposed revenue procedure which sets forth guidelines the Internal Revenue Service will apply in determining whether certain private schools have racially discriminatory policies as to students and therefore are not qualified for tax exemption under the Internal Revenue Code."

On the next page, page 9452, the Internal Revenue Service states:

"If a school engages in any acts or practices that are racially nondiscriminatory as to students, the school is not entitled to tax exemption even though it may otherwise comply with the provisions of Revenue Procedure 75-50 or this Revenue Procedure."

One has two options at this point. First, one can conclude that the IRS is hopelessly confused and has promulgated blatant contradictions, or, second, one might conclude that no private school, discriminatory or nondiscriminatory, is entitled to tax exemption. Which option is the correct choice will become obvious as we examine the other passages in question.

The second passage is also on page 9452:

"This Revenue Procedure sets forth guidelines to identify certain private elementary and secondary schools that are racially nondiscriminatory, even though they claim to have a racially nondiscriminatory policy as to students."

Mr. Chairman, I humbly submit that that statement is nonsense. However, for the skeptics, I call your attention to another statement on page 9452:

"A school 'adjudicated to be discriminatory' means any school found to be racially nondiscriminatory as to students by a final decision of a federal or state court of competent jurisdiction; . . ."

The honest reader is now compelled to admit that this statement is gibberish, illogical nonsense. There is, moreover, another example of the incompetence of the IRS:

"If a particular school which is part of a system of commonly supervised schools would be treated as not having significant minority student enrollment under the foregoing provisions, it may nevertheless be considered to have a significantly minority student enrollment if all the following conditions are met: . . .

"(3) There is no evidence that the school system operates on a racially nondiscriminatory basis, such as through the operation of a dual school system based on race."

Mr. Chairman, I believe that these four statements are evidence of gross incompetence in the agency charged with collecting federal taxes. If the errors are not simply typographical—and it is difficult to believe that such errors could be made repeatedly and still be typographical—then we are witnessing a phenomenon that has occurred infrequently in human history: the confusion of language resulting from the confusion of thought. George Orwell analyzed the phenomenon at length in his novel "1984" and in his nonfiction works. It appears that the Internal Revenue Service, attempting to square the circle by imposing non-quota goals on private schools, has become explicitly incoherent and now writes of nondiscriminatory discrimination and discriminatory nondiscrimination. Orwell coined the term Newspeak for such liguistic and logical nonsense, and Newspeak is what appeared in the Federal Register on February 13.

There is, of course, the possibility that these are simply clerical errors, not logical blunders. If so, then we can only conclude that an agency that can make errors of this magnitude is not only unfit to regulate private schools, but also incompetent to administer the tax laws. Some years ago a toy company was driven out of business because the Consumer Product Safety Commission made a clerical error (or so it claimed) and listed a toy manufactured by that company as dangerous and banned. No agency should have enough power to cause such damage through a clerical error. Now the IRS is presuming that it can exercise a power not granted to it by the Congress—power that used in error might result in the closing of private schools that have not violated any law or even any regulation issued by the IRS. Like the toy company, the schools will become helpless victims of entrenched and arrogant incompetence.

There are, of course, many other issues that ought to be raised, and I am confident that others will call this Committee's attention to them. I would, however, like to suggest one further consideration: Taxes are for the purpose of raising revenue needed to sustain legitimate, constitutional functions of government. They ought not be used—and this Congress nor any of the agencies it has created has the authority to use taxes—as a weapon to compel citizens and organizations to conform to sociological models favored by federal politicians and bureaucrats. It seems that this Congress and the agencies it has created have forgotten this elementary principle of taxation. The result has been, and will continue to be, an erosion of respect for this Congress in the minds of the people, and, what is worse, an erosion of respect for law generally. The people cannot be blamed for this result; the blame must rest right here in Washington. Revenue procedures such as that proposed by the Internal Revenue Service concerning private schools are illegitimate, unlawful, and deserving of the disrespect they receive. This Congress and the bureaucracy it has created seem to be deluded on the nature and extent of their power, believing that they can do whatever they wish. They cannot. If the IRS stubbornly refuses to admit that it has exceeded its authority, it will, I fear, learn its lesson the same way its spiritual ancestor, George III did. I fervently hope that this Congress and its agencies recognize that fact and change their plans before such a prospect becomes a reality.

Thank you, Mr. Chairman, for this opportunity to present my case.●

DON'T TINKER WITH SOCIAL SECURITY BENEFITS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SCHEUER. Mr. Speaker, the success of social security has always rested on the foundation of public confidence in the Government's determination to fulfill its commitments under the system.

In her recent letter to the editor, which appeared in the New York Times of February 9, Elizabeth Wickenden persuasively argues against "tinkering" with promised benefits as a means of freeing funds for other Federal purposes.

I find her letter particularly illuminating and I commend it to my colleagues attention:

SOCIAL SECURITY: DON'T "TINKER" WITH BENEFITS

To the Editor:

The Times has been a staunch and knowledgeable defender of Social Security throughout the system's long and highly successful history. The two indispensable ingredients of that success have been stability of institutional arrangements and confidence on the part of the public that the Government will fulfill its commitments under the system.

These have depended, in turn, on long-range planning to maintain the delicate balance between contributions paid in by future beneficiaries and benefits paid out, as promised, to the currently retired, the disabled and those deprived by death of the family breadwinner.

It is therefore disappointing to find The Times, in its editorial of Feb. 1, treating Social Security benefits as if they were just another element in the current Federal budget. President Carter himself has modified his original recommendation to this effort by requesting (in his Supplemental State of the Union Message of Jan. 25) the two already existing statutory bodies on Social Security to consider his recommendations as part of their overall examination of this complex system.

No one is objecting to a considered review of the system with respect to benefits, financing and demographic factors. What is objectionable is to tinker with promised benefits in a given fiscal budget as a means of freeing funds for other Federal purposes.

Social Security in the United States is a self-contained, self-financing system and should be so treated. The best way to assure his original recommendation to this effect by Senator Church: to create an independent Social Security board to administer the program and to separate its financing entirely from the consolidated Federal budget.

As a postscript, I must, as an advocate for children, protest The Times's characterization of the "heart of Social Security" as "basic income and medical care for the old and disabled." Not only are five million children currently receiving monthly Social Security benefits but the life insurance protection of the system has major immediate value to the younger working families now paying Social Security taxes.

ELIZABETH WICKENDEN.

NEW YORK, *February 2, 1979.*

(The writer is a consultant on social policy.) ●

BAN DIOXIN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. EDWARDS of California. Mr. Speaker, I am today introducing legislation to prohibit the aerial spraying of the chemical 2,4,5-T and other chemicals containing dioxin in our national forests.

The chemical 2,4,5-T has been used in the United States in the spraying of our forest, range, and agricultural lands for some 30 years. It is used to kill forest underbrush, control weeds, and clear brush. In recent years there has been growing concern about the health hazards posed by the use of this substance. The chemical 2,4,5-T contains as an unavoidable contaminant a substance known as TCDD (tetra-chloro-dibenzo-dioxin) or dioxin, one of the most toxic substances known. It is the presence of this dioxin which is the source of this concern.

My own alarm over the use of this chemical has been increasing over the last year. I first became involved in this issue through my work on the House Veterans' Affairs Committee. As my colleagues know, the committee has been looking into allegations of serious health difficulties being encountered by Vietnam veterans as a result of their exposure while in Vietnam to a defoliant known as Agent Orange. Agent Orange contains 2,4,5-T, and thus the dioxin contaminant.

Many Vietnam veterans have come forth to file claims for compensation for such health problems as numbness in limbs, weight loss, fatigue, chloracne, psychological problems, cancer, and birth defects in children they parent. The veterans have alleged that these ailments are the result of their exposure to Agent Orange.

The Veterans' Administration is in the process of studying this situation with a hope to determine whether or not a direct correlation can be made between exposure to Agent Orange and these illnesses. Our committee plans to continue to follow this matter closely. We want to make sure the VA gets to the bottom of these allegations and that the many claims filed by Vietnam veterans are handled appropriately.

In studying the problems associated with Agent Orange, I was distressed to learn that 2,4,5-T was also being used here in the United States. While the concentrations of TCDD or dioxin present in the 2,4,5-T used domestically are admittedly much less than in the compound used in Vietnam, serious questions still remain about its safety.

Concerned scientists have been studying the situation. Scientific research has shown that TCDD causes birth defects, miscarriages, leukemia, lung, liver or other cancerous tumors in laboratory animals. Environmental groups have called for a ban on 2,4,5-T and other chemicals containing dioxin. They cite evidence of pregnant women living near spray sites suffering an abnormally high percentage of miscarriages. They point out the many cases of deformity to animals, many of whom die shortly after spraying takes place. They are concerned about deformities in plant life as well.

These facts and the growing controversy over the use of this chemical led the Environmental Protection Agency to begin a review of 2,4,5-T in April of 1978. The EPA, in announcing its Rebuttable Presumption Against Registration (RPAR), acknowledged the research which has been conducted showing serious problems associated with exposure to 2,4,5-T. Unfortunately, the EPA chose not to exercise its authority to suspend the use of the chemical while its review is underway.

As a result, the chemical is still in use. The EPA is not expected to issue its recommendation on the future use of 2,4,5-T until April of this year. The Agency's recommendation must then be reviewed by the Agriculture Department and a scientific advisory group before a final decision can be rendered. Once made, this final decision can be appealed—and probably would be, whatever the outcome—and a hearing would have to be held before an EPA administrative law judge. After his recommendation is made, the EPA Administrator issues the Agency's final order. The ruling at this point still could be challenged in the courts. In the course of this lengthy process, the chemical's continued use is permissible.

It simply makes no sense at all for one agency of the Federal Government to be using a chemical which is being reviewed by another Federal body for possible harmful effects to human and animal life. It is for this reason I have introduced my legislation calling for a ban on the spraying of 2,4,5–T or other chemicals containing dioxin in our national forests.

My bill does not address the use of this substance by the private sector. While I personally feel there is sufficient evidence to ban this substance from the market entirely, I recognize the need for the EPA to follow its review procedure through before this can be accomplished. However, I see no reason why the U.S. Forest Service or the Department of Agriculture should continue using 2,4,5-T so long as these many troubling questions about its safety remain unanswered.

I would welcome the support of my colleagues in cosponsoring this measure with me.●

WHERE IS THE ADMINISTRATION'S BACKBONE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MICHEL. Mr. Speaker, the Wall Street Journal has published an editorial which, in my view, deserves the attention of every American.

I refer to "Symbols of Irresolution" published February 15, 1979. It deals with the lack of backbone and will on the part of the Carter administration in foreign affairs.

At this time I wish to insert this important editorial in the RECORD, in the hope that the hard truths it contains will become known by every Member of this Congress:

SYMBOLS OF IRRESOLUTION

So Mr. Carter lost an embassy. Oh, perhaps you shouldn't fault him. After all, he had another 69 marines on alert in the Azores, only 4,000 miles away.

And while the American embassy in Iran was being overrun, the American ambassador in Afghanistan was being assassinated by Moslems demanding that the Afghan regime release imprisoned mullahs.

The Marines were stuck in the Azores because Turkey would not accept them; it has become too dangerous to take risks on behalf of the United States. And while Afghanistan is the Soviets' newest puppet, rebels there do not kidnap Russians; it is much safer to pick on Americans.

None of this should be particularly surprising. It might be called the vindication of the domino theory. In the world of geopolitics, if you lose in one place you will be tested in another. If you lose successively you will be tested in more and more ways. If you start not even to put up a fight, everyone will start to bully you. Any normal kid in a schoolyard learns this; we keep wondering where the members of this administration grew up.

To be fair, of course, the erosion of American power and standing in the world started long before the Carter administration. In our view, it started in the Kennedy administration, with the colossal blunder of sanctioning a coup in Vietnam against Ngo Dinh Diem. This sealed a heavy American commitment to the place, and within a month Lyndon Johnson, who had opposed the coup, was the President dealing with its aftermath.

Many subsequent mistakes were also made in Vietnam, of course, but as strategic analyst Albert Wohlstetter has remarked, the worst thing about the war was bound to be the lessons we drew from it. So in its wake, public discussion centered on the arrogance of American power, the irrelevance of military force, and so on. These attitudes in the public and the Congress served to hamstring the Nixon-Kissinger-Ford approach to foreign policy.

The great tragedy of the current administration is that just as the public and Congress started to regain their sense of proportion on these matters, Mr. Carter stuffed the key second and third levels of the State Department, National Security Council and even the Pentagon with people upon whom the wrong lessons had been indelibly stamped. So now that the public is ready to do something to strengthen the American posture in the world—indeed forcing the administration to do more against its own instincts—we have policymakers adept at designing symbols of irresolution.

In the midst of the Iranian crisis, the administration starts the aircraft carrier Constitution out of Subic Bay and heads it toward the Persian Gulf, where it might have come in handy yesterday. But it changes its mind, and leaves the carrier circling aimlessly off the straits of Malacca. To firm up the Saudis in the wake of the shah's collapse, it sends a flight of F–15s, but announces that they are unarmed. It plays the "China card" and gets nervous when the Russians are upset. For that matter, we learn that it does not even bother to ask Peking to renounce the use of force against Taiwan; you can rest assured the strategic arms treaty with the Soviet Union has been negotiated the same way.

We are paying the price for this kind of policy, and are simply lucky that the episode at the Tehran embassy did not turn out even bloodier than the episode in Kabul. Unless the administration starts to show some backbone somewhere, the ultimate price is likely to be far higher than either.●

CONGRESSIONAL ETHICS AND THE KOREAN SCANDAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

○ Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for February 21, 1979, into the CONGRESSIONAL RECORD:

CONGRESSIONAL ETHICS AND THE KOREAN SCANDAL

From early 1977 to late 1978 the House Committee on Standards of Official Conduct (the Ethics Committee) investigated charges and found evidence that the government of the Republic of Korea tried to influence Congressmen by giving them large amounts of money. The Koreans adopted at least three plans of influence-buying apparently because they feared that the United States was preparing to withdraw its economic and military support of Korea.

The Committee found that Tongsun Park, a Korean-American businessman, proposed the first plan to Korean government. The plan required American rice dealers to name Mr. Park as their agent in rice sales to Korea. In return, he gave a portion of his commissions to House members in order to influence them. The investigation of Mr. Park's activities is essentially complete. The reprimands given to three Congressmen late last year were the results.

The second plan involved Hancho Kim, another Korean-American businessman. The Korean Central Intelligence Agency gave Mr. Kim $600,000 to be used to influence House members and others. The evidence shows, however, that he did not pay off Congressmen but instead used the money for his own benefit. Mr. Kim was tried and convicted for conspiracy and perjury.

The third and most serious plan was put into effect by officials at the Korean Embassy in Washington, D.C. There is evidence that four to seven identifiable members of Congress received payments of thousands of dollars from the former Korean Ambassador, Kim Dong Jo. Unfortunately, the investigation of the Ambassador's activities remains incomplete for two reasons. First, information concerning the payments is detailed and convincing, but it is highly sensitive and its release would compromise secret sources and methods of American intelligence. Furthermore, such information might not stand up as the main evidence in an adjudication. Second, the Korean government refused to disclose key evidence in its possession, and the Ambassador himself proved to be an uncooperative and unreliable witness. At the present time I see no way that disciplinary action can proceed against these members of Congress.

The incompleteness of the investigation troubles me deeply, but so too does the attitude of many House members toward the whole ethics issue. The Committee has had to pursue its mandate in a general atmosphere of misunderstanding in the House itself. For example, the House voted to reduce one Congressman's punishment from censure to reprimand in spite of a finding that the Congressman had lied to the Committee under oath. Also, the House leadership has had difficulty convincing House members to serve on the Committee in the 96th Congress. As a result of my long and frustrating experience on the Committee, I am making some recommendations which, if accepted, should lead to better enforcement of the new Code of Conduct.

1. Some House members think that the Code should be enforced by an outside group rather than by the Committee. Although an outside group may eventually be necessary, for the time being I believe that everything possible should be done to ensure that Congressmen accept the responsibility they have under current procedures. Since House integrity is the ultimate reason for the Code, the turning over of ethics cases to outsiders would be self-defeating: it would show that the House did not have enough integrity to judge the conduct of its members fairly and honestly. Besides, sitting Congressmen are better equipped than anyone else to understand the full implications of the ethics issue. They know the House very well because they work in it every day.

2. I favor a resolution to require every House member and employee to disclose any evidence of a violation of the Code. The resolution would make investigators of all House members and employees so that the Committee would not be forced to work on its own, as it was in the investigation of Korean influence-buying. A rule requiring that every House member and employee be involved in enforcement of the Code has its problems, but self-discipline is an inherently difficult task. It should not be left to twelve Committee members to carry out a task that the House as a whole does not support.

3. I also favor more meaningful penalties for violations of the Code. No matter how good the new Code is, and no matter how much House members and employees assist in disclosing evidence of violations, the Code has little value if violators do not face serious consequences. The traditional penalties of reprimand, censure, and expulsion all have their defects. Reprimand and censure are largely symbolic, and expulsion is too drastic in most instances. In my view, emphasis should be put on penalties that restrict official powers. A House member unconcerned with a reprimand might think again before doing something that could result in the loss of a committee or subcommittee chairmanship, an important committee assignment, or seniority. More to the point, a restriction on official powers is fitting punishment. Those who cast discredit on the House should not be permitted to exercise far-reaching official powers.●

RECORD HIGH BLACK UNEMPLOYMENT

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GRAY. Mr. Speaker, the Wall Street Journal is to be commended for its news report of February 1, 1979, focusing on the continued serious unemployment among black youth.

As the Journal points out, black youth are in the center of literally a depression in the midst of America's prosperity.

The jobless rate for black teenagers now stands at nearly 40 percent, by even conservative estimates. The actual figure is likely to be much higher, since official Government figures include other minority teenagers, whose employment levels are generally higher than the black community's.

What this all points to, Mr. Speaker, is the need to intensify the focus of our jobs programs on inner-city youth, where the largest numbers of black teenagers are found.

I offer the Wall Street Journal article for the Record in order to share with my colleagues an overview of the problems confronting our black teenage unemployed—and our Nation:

Through Good Times and Bad, Joblessness Among Young Blacks Keeps Right on Rising

(By Alfred L. Malabre, Jr.)

Amid America's prosperity, a depression is in progress.

General business activity is at a record level. The economy spawns more jobs than ever before. Yet, consider the message carried in the adjoining chart:

The rate of joblessness among black teenagers, climbing with little interruption through a quarter of a century, now is close to four in 10. It's far higher than the country's overall unemployment rate—of one in four—at the pit of the Great Depression of the 1930's. The table traces, by population group, the unemployment story since 1954.

[In percentage]

	1954	*1978*
Black teen-agers	16.5	36.3
White teen-agers	12.1	13.9
All blacks	9.9	11.9
Black adult females	8.5	10.6
Black adult males	9.9	8.6
White adult females	5.1	5.2
All whites	5.0	5.2
White adult males	4.4	3.7

Joblessness among black teen-agers has soared, but unemployment among white teen-agers, as well as among blacks generally, has risen only moderately since 1954. Jobless levels actually are *down* in two categories—black adult males and white adult males.

Black teen-age unemployment last year, though very slightly under the 1977 level, was precisely as high as in 1975, when the last recession hit bottom, and about four percentage points higher than in 1974, a year of deepening recession. Since 1974, the rate for white teen-agers has inched down. Since 1975, the jobless rate for every other group in the table has fallen. The rate for black men has dropped from 11.7 percent to 8.6 percent.

Official estimates of black teen-age unemployment, moreover, may seriously understate the situation. The published figures overwhelmingly represent black teen-agers but also encompass other nonwhites whose jobless levels tend to be lower. In addition, it's widely agreed that so-called hidden unemployment—joblessness not picked up in surveys—is particularly prevalent among black youths.

The unemployment rate for black teen-agers is "really 50 percent" or more, maintains Vernon E. Jordan Jr., president of the National Urban League, a social-services group serving mainly low-income blacks. Whatever the true rate for black youths, Mr. Jordan sees their predicament as a major reason that "black America today verges on the brink of a disaster."

Why have young blacks, through times of economic growth as well as in recessions, fared so badly in the labor market?

Analysts who monitor the broad, national picture offer various explanations. Governmental jobs programs don't focus enough on inner-city neighborhoods where black teen-agers predominate. New jobs keep emerging farther from inner-city areas. Increases in the minimum wage particularly hurt young blacks seeking work. Other factors range from inadequate educational facilities to job-interview difficulties.

Interviews with black teen-agers as well as employers and social workers dealing directly with them, were recently conducted in Florida's Dade County. They tend to corroborate the generalizations. An effort was made to canvass the same black, low-income neighborhoods covered in a report on teen-age joblessness that appeared in this paper on Feb. 9, 1977.

Unemployment among young blacks has long been a major problem in Dade County. The 1977 survey found that some 40% of youths in the neighborhoods visited were looking unsuccessfully for work. No comparable head count was taken now, but the interviews do suggest that 42% would likely be too low a figure today.

A TALE OF TWO CENTERS

Dissatisfaction with jobs programs is apparent in the remarks of Odessa Hill, a black who heads a team of eight social workers at an "action center" aimed at finding work for jobless teen-agers in a poverty-ridden neighborhood just north of Miami. Her staff will probably have to be reduced in coming months, she complains, because government funds for her center were recently trimmed. Funds for another such center in a somewhat more prosperous neighborhood, she notes, were recently increased.

George D. Sarol, director of the second center, attributes the increase in support—from $106,000 yearly to $136,000—to "our good record at finding jobs for the young people who come here." The center trains teen-agers in draftsmanship. A recent graduate of the five-month course now earns $5.50 an hour in the design department of Burger King Corp. in Miami. About three dozen youths apply for the 14 openings that come up at the start of each course, Mr. Sarol says. Selection is on the basis of aptitude tests.

These young people, however, are mainly white and generally are from homes where at least one parent holds a full-time job. In contrast, every youth interviewed at Miss Hill's center recently was black and frequently from a home on welfare. Reasonably typical is Reggie Bernard, who reports that he has been "looking for a year and a half" without success. The high-school dropout says that there are "just no jobs around" for him.

A worsening problem for many Dade County teen-agers is the inaccessibility of new jobs. "We get calls about job openings where the position would take hours for the kids to reach and get home," says Miss Hill. One youth willing to spend some three hours daily getting to and from his job is Andre Delaney. The 18-year-old black lives in northwestern Miami and works—five hours a night, at $3.50 an hour—in a large hotel south of the city. During the day, he is enrolled at a high school near his home.

A MAXIMUM PROBLEM

The minimum wage presents difficulties. As it has risen—from $2.30 an hour in 1976 to $2.90 now—some jobs once open to young Dade County blacks have either dried up or been grabbed by older, more capable persons deciding to enter the labor force.

Among these interviewed in February 1977 was John Manley, owner of a restaurant in a poor, black district in southern Miami. At that time, he employed three teen-agers, at about the hourly minimum of $2.30. He warned, however, that at least "two would have to go" if the minimum were raised appreciably. A return visit finds no teen-agers now employed there. Ola M. Lester, Mr. Manley's mother-in-law, helps him in the kitchen and her sister works at the counter. "We work for free," Mrs. Lester says. "John couldn't afford to keep the kids on any longer."

Rich Robinson, a personnel director at Miami-based Burger King, reports that the age of people going to work for the fast-food chain has been rising, along with the minimum wage. The average age of employes in the chain's restaurants has climbed, he estimates, from "about 17 years a couple of years ago to close to 20 now." To offset increasing wage rates, he adds, "we're combining some jobs, such as having cashiers also handle soft drinks."

Some teen-agers in Dade County, it should be added, report that they would be willing to work for substantially less than the minimum wage, if they could only land a job. Gwen Williams, a 16-year-old black, says: "I would work for $2 an hour just to get some experience." She is looking for a clerical job but says that "the chances seem very slim in this area." She says that she can type close to 40 words a minute.

Poor-quality education is often mentioned as a factor in the county's teen-age job problem. Reggie Bernard says the high school he quit "wasn't worth finishing." Bobby Valentin, 16, says that his teachers "are so bad I fall asleep all the time." Classes now average about 35 students per teacher, he says, up from a ratio of 25-to-one last year. Then, he recalls, "'school was more interesting." So far this year, he reports, 69 youths in his age group have dropped out of his school. Drug use among the students, he adds, is widespread.

A special problem faces black teen-agers in Dade County. The area also has a large population of Cuban youths who speak Spanish as well as English. "The first question they ask you in a job interview," says Eric Lowery, a black 17-year-old, "is: Are you billingual?" Eric's job—working weekends as a cook's helper in a restaurant—fortunately doesn't require a knowledge of Spanish. The high school he attends offers a Spanish course, he says, but few blacks take it.

Many young blacks seem at a disadvantage during job interviews. "The schools don't teach these kids how to handle themselves and give a good appearance when they're trying to get a job," say Cornell Hills, a black law student at the University of Miami who also does social work for Dade County. The problem is indicated in a remark of Rich Robinson of Burger King: "We look for the all-American boy look when we interview a teen-ager for a job."

Reggie Bernard wouldn't pass muster. He wears a wool cap, indoors as well as out, and under it his hair hangs down in long, braided locks.●

THE 27TH ANNUAL NATIONAL PRAYER BREAKFAST

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

Mr. SCHULZE. Mr. Speaker, over 3,000 guests, including representative citizens from all 50 States and more than 100 other countries of the world, gathered at the Washington Hilton Hotel in Washington, D.C., on January 18, 1979, for the 27th national prayer breakfast.

This annual event, which is sponsored by the Senate and House prayer breakfast groups, marks a time for us to gather in a spirit of fellowship to reaffirm our mutual dependence on God. It is a public opportunity to demonstrate that we are a nation founded on spiritual principles and that our strength derives from our adherence to God.

Mr. Speaker, I think many can benefit from the words of the several speakers at the national prayer breakfast, as did those of us who were in attendance.

Accordingly, I ask unanimous consent that the program and transcript of the breakfast be printed in the RECORD, and I commend these remarks, and the spirit in which they were delivered, to all.

There being no objection, the program and transcript were ordered to be printed in the RECORD, as follows:

THE 27TH ANNUAL NATIONAL PRAYER BREAKFAST PROGRAM

Grace: The Honorable Jack Brinkley, U.S. House of Representatives.

Opening Song: "Father, Lead Me Day by Day," Valley Forge Military Academy and Junior College Glee Club.

Presiding: The Honorable Richard T. Schulze, National Prayer Breakfast Committee.

Opening Prayer: Dr. Billy Graham.

Introduction of Head Table and Statement: The Honorable Richard T. Schulze, U.S. House of Representatives.

Old Testament Reading: The Honorable Juanita M. Kreps, Secretary of Commerce.

New Testament Reading: The Honorable Cecil D. Andrus, Secretary of the Interior.

Prayer for National Leaders: The Honorable Mark O. Hatfield, United States Senate.

Solo: "I Come to the Garden Alone," "He'll Understand and Say Well Done," Dr. Thomas H. Tipton.

Message: The Most Reverend Fulton J. Sheen, Archbishop of Newport.

The President of the United States.

Closing Prayer: The Honorable Harry A. Blackmun, Associate Justice, U.S. Supreme Court.

Closing Song: "The Battle Hymn of the Republic," Valley Forge Military Academy and Junior College Glee Club.

TRANSCRIPT OF PROGRAMS

GRACE: THE HONORABLE JACK BRINKLEY

Dear Father, may this time be a time of thanksgiving for your love and tender mercy towards us, in that while we were yet sinners Christ died for us, and that by the blood of the Lamb we have been redeemed and are joint heirs with Him. May we love each other with tenderness, as Thou hast commanded us to do, and may this nourishing food before us let us run and not grow weary in Thy good service. Teach us to number our days with rejoicing toward that day when we will run no more and will enter that lonely river separating time from eternity, and may ours be the true faith that Christ has risen and will pilot us safely to that distant shore to rest forevermore in the precious arms of Jesus. Amen.

Ladies and Gentlemen, the President of the United States and Mrs. Carter.

PRESIDING: THE HONORABLE RICHARD T. SCHULZE

Good morning and welcome to the 27th annual National Prayer Breakfast. I am Congressman Dick Schulze of Pennsylvania, and I'd like to take this opportunity to express our gratitude to the Glee Club of the Valley Forge Military Academy and Junior College in Wayne, Pennsylvania, under the direction of Captain Charles King, for honoring us with their presence and their inspiring music. They will now favor us with a selection entitled, "Father Lead Me Day by Day."

STATEMENT OF PURPOSE: THE HONORABLE LAWTON CHILES

The Sixty-Third Psalm starts off, "Oh God, Thou art my God; early will I seek Thee: my soul thirsteth for Thee, my flesh longeth for Thee in a dry and thirsty land where no water is; To see Thy power and Thy Glory as I have seen Thee in the sanctuary. Because Thy loving kindness is better than life, my lips shall praise Thee. Thus will I bless Thee while I live: I will lift up my hands in Thy name."

We're also told that David, when he was escorting the ark into Jerusalem, got out in the street and he danced, and he shouted because of the joy that he had. I hope you kind of feel like dancing this morning, because I think we're here, gathered from all over the world, almost every country represented. And in addition to all of us that are gathered here there are literally thousands at home praying for this meeting, and we come expectant to watch the work of the Lord, to have His Spirit begin to move across the land and to heal the land. And I think each one of us is here expecting a blessing. I know that I am. And I think we just wait to see how the Spirit is going to move, how we're going to be taught, how each one of us is going to receive that message. And I think that's the wonderful thing of this day; that we're here and that so many at home are praying for us, and we now wait to see how the Lord will move.

Mr. Schulze: Before I introduce Dr. Graham for our opening prayer, I just want to say a few brief words. As many of you know, he is one of the staunchest supporters of the National Prayer Breakfast, having been the speaker at the first Prayer Breakfast, held in 1953, as well as the fifteen following after that. He and Bishop Sheen are very close and deep personal friends. And Dr. Graham, I am going to ask you this morning if you will include in your prayer, or say a special prayer for the son of our Secretary of Labor, Ray Marshall. Ray's son is undergoing surgery and treatment for a very serious bout with cancer, and I would ask that you would include him. Ladies and gentlemen, Dr. Billy Graham.

OPENING PRAYER: DR. BILLY GRAHAM

President Carter, Mrs. Carter, Bishop Fulton Sheen, Congressman Schulze. Shall we all bow in prayer. Our Father and our God, we humbly thank Thee for this unique occasion. We've come here not to recount achievements of the past or to plan for the future but simply to seek Your face and to pray. In Your presence we see ourselves as we truly are, men and women who are subject to the frailties of human nature and who need Your forgiveness. Give us a knowledge of Thy truth and confidence in Thy mercy. We need our vision renewed, our faith restored, and the desire to love and to serve rekindled. We come to you, our Father, because our problems are clearly beyond us. The weapons of war are greater than ever before. The possibilities of conflict are numerous. The social problems of our time are with us as they've been since the dawn of history. Our vaunted technology has not solved the basic problems of human greed and pride and selfishness. Nor has it solved the problems of loneliness, sorrow and suffering. Nor has it solved man's greatest enemy—death. We need Thy life, we need Thy compassion, we need Thy strength.

And our Father, on this day we pray especially for President Jimmy Carter. We thank Thee for his personal faith in God. Give him strength, courage and wisdom. Give wisdom to those who bring counsel to him and to those who serve at every level of government. Make us to remember that to whom much is given, of them much shall be required. And if this applies to us all as individuals as well as a nation, grant that the strong, driving wind of the Holy Spirit may sweep across the land and may help our youth regain their dreams and our old men their visions. Bring us back to the rock from whence we were hewn, back to those values that materialism cannot give and cannot take away. Grant us again the determination to seek justice, to love mercy, and to walk humbly with Thee, our God.

And in these surroundings and amidst the bounty of this food, help us to remember the lonely, the oppressed and the hungry. May we sense the presence of Him who is the Way, the Truth, and the Life. May this prayer breakfast become a commitment service for all of us. May we rededicate ourselves to the God of our fathers. And on this day, our personal prayer to Thee is "Bless Chris Marshall," whose father, Secretary Marshall, could not be here because of his illness. We pray, if it be Thy will, to touch him and to heal him and touch his family, and may Thy grace be sufficient for all of them. We pray these things in the name of our Lord and Saviour, Jesus Christ. Amen.

WELCOME: MR. SCHULZE

I feel when I say "Good Morning" to you I should say "Good Morning" to the tip of the iceberg. Because although we are over 3,000 strong here this morning with representatives from all fifty states and more than one hundred countries, we who are here this morning merely represent the millions of others who meet regularly for spiritual fellowship through Jesus Christ. I would like to thank President and Mrs. Carter for their presence, continuing the tradition of Presidential participation, and tell you that there are thousands of others around the world and on ships at sea participating through the Armed Services Radio Network. I'd like also to say a word of gratitude for the committee that did all of this work to put this together and everyone who had a hand in this morning. Our heartfelt thanks to all.

This National Prayer Breakfast demonstrates in strong and certain terms that we as a nation need God's help, guidance, and strength if we are to retain our position of influence in the world. The purpose of the Prayer Breakfast is to give to our nation that spiritual strength which is available to those who will but ask for it, to renew and strengthen those bonds of brotherhood with the faithful across our country and around the world and to give us the opportunity to ask God's guidance as well as express our gratitude for that which He has given us. Throughout the twenty-seven year history of this event in our nation's capital, the effort has been to influence men and women around this world of ours to recognize and participate in fellowship and love through Jesus Christ.

As many of you know, this National Prayer Breakfast was initiated by the Senate and House prayer breakfast groups, and as the presiding officer of the House prayer breakfast, I'd like just to take a minute and tell you something about our meetings. We meet weekly while Congress is in session, the Senate on Wednesday and the House on Thursday mornings at 8:00. Both groups meet in the Capitol. We begin with breakfast, enjoying the fellowship of our colleagues during the meal, often discussing mutual problems, the problems which are somewhat unique to our chosen field; the problems of how to be a good husband or wife, father or mother, under the pressures of travel, devotion to duty and demands or needs of constituents. And although we may not always find solutions, we at least feel much better knowing that others share our difficulties. Then, after an opening prayer, one of our members shares with the group his thoughts and feelings. And I must tell you that for a gathering of supposedly tough politicians, these presentations are often very candid and very, very moving. But through these candid presentations and the discussions which follow, a mortar of understanding and fellowship forms a common bond which could be solidified in no other way. With politics aside, we draw strength and vitality from God and each other, even though in a short time, we may engage in verbal battle on the floor of those chambers above our heads at that time. A member then closes with prayer and we go our various ways. My personal involvement in the House prayer breakfast, I can say without equivocation, has been one of the most meaningful experiences of my life. And on behalf of the many members of the Senate and House prayer breakfasts, I again welcome you here this morning.

THE OLD TESTAMENT READING:

SECRETARY OF COMMERCE OF THE UNITED STATES OF AMERICA, THE HONORABLE JUANITA M. KREPS

Mr. President, Mrs. Carter, ladies and gentlemen. In choosing from the Old Testament, one is always drawn to the Psalms. There we find an elegance of expression that is seldom matched in the Scriptures or elsewhere. There we find a simple reassurance that becomes ever more critical as our lives become more complex. And there we find the ringing of joy that affirms our faith in what it is we are about. For the leaders of a great nation, most particularly for the President, that ring of you is vital. For it is with such joy that he must send to the people of his nation our common message of hope and faith and, by God's will, our strength. And so to Psalm 95:

"Oh come, let us sing unto the Lord, let us make a joyful noise to the rock of our salvation. Let us come before His presence with thanksgiving, and make a joyful noise unto Him with psalms. For the Lord is a great God, and a great King above all gods. In his hand are the deep places of the earth: the strength of the hills is His also. The sea is His, and He made it: and His hands formed the dry land. O come, let us worship and bow down: let us kneel before the Lord our maker. For He is our God; and we are the people of His pasture, and the sheep of His hand."

And from Psalm 100:

"Make a joyful noise unto the Lord, all ye lands. Serve the Lord with gladness: come before His presence with singing. Know ye that the Lord He is God: it is He that hath made us, and not we ourselves; we are His people, and the sheep of His pasture. Enter into His gates with thanksgiving, and into His courts with praise: be thankful unto Him, and bless His name. For the Lord is good; His mercy is everlasting; and His truth endureth to all generations."

THE NEW TESTAMENT READING:

SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, THE HONORABLE CECIL D. ANDRUS

Thank you, Mr. President, Mrs. Carter, distinguished guests all. Chosen from the New Testament this morning to share with you from St. John, Chapter 15, commencing with Verse 7. This choice was determined after thinking about the mutual love that Christ always had for His friends, and in hopes that this love and these words will be understood throughout the world and bring together men and women from all countries in peace:

"If ye abide in Me, and My words abide in you, ye shall ask what ye will, and it shall be done unto you. Herein is My Father glorified, that ye bear much fruit; so shall ye be My disciples. As the Father hath loved me, so have I loved you: continue ye in My Love. If ye keep My commandments, ye shall abide in My love; even as I have kept My Father's commendments, and abide in His love. These things have I spoken unto you, that My joy might remain in you, and that your joy might be full. This is My commandment, That ye love one another, as I have loved you. Greater love hath no man than this, that a man lay down his life for his friends. Ye are My friends, if ye do whatsoever I command you. Henceforth I call you not servants; for the servant knoweth not what his lord doeth: but I have called you friends; for all things that I have heard of my Father I have made known unto you. Ye have not chosen Me, but I have chosen you and ordained you, that ye should go and bring forth fruit, and that your fruit should remain: that whatsoever you shall ask of the Father in My Name, He may give it you. These things I command you, that ye love one another."

THE PRAYER FOR NATIONAL LEADERSHIP:

SENIOR SENATOR OF OREGON, THE HONORABLE MARK O. HATFIELD

Mr. President, ladies and gentlemen. I wonder if you would all join me, and as a symbol of our unity and our oneness here this morning, if you would join hands around the table, we will have a time of silence for each to offer his own prayer for the leadership of this and all countries. I shall offer a prayer on our behalf, and then if you would all join me at the end with reciting the Lord's Prayer.

Holy, holy, holy, Lord God Almighty, who made of one blood all the peoples of the earth. We gather as leaders, men and women of power, prestige, and title, yet each only a sinner, redeemed by your love in Jesus Christ. We confess our corporate sin and our personal sin. Forgive us for being fascinated with instruments and forces of destruction that would open the gates of hell. Enable us, oh God, to gain mastery over the technology and the knowledge that we have, to sustain life, not to destroy life, to feed the hungry, to relieve pain and sickness, to eliminate illiteracy and poverty, to establish justice, and to bring the good news of redemption to those who are in darkness.

We thank you, God our Creator, for the land, water, and all your resources. Forgive us for the throwaway ethic and for worshipping at the shrines of convenience and disposability. Free us from being possessed by our possessions, and teach us the meaning of faithful stewardship. Forgive us of our arrogance, our hearts' desire to manipulate, dominate and command, to prove leadership. Help us to catch the vision of our Lord as He took the towel and the basin of water and washed the feet of His followers, thus demonstrating the greatest example of leadership, the servant leader. So enliven each of us to affirm our love for You through our love for each other.

We continue to pray for the peacemakers

of the world, for Your servant, Jimmy Carter, his advisers, and his family. The burdens mount, the pressures grow almost beyond endurance. How often we need to offer a word of encouragement or restrain from unnecessary critical comment, which would help lighten his load. We pray for the Congress, the courts, the state and local leaders. Inspire all who serve, and give peace in our time by Your sovereign power and mercy through Jesus Christ, our Lord, who taught us to pray:

"Our Father, who art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil: for Thine is the kingdom, and the power, and the glory, for ever. Amen."

Message: The Most Reverend Bishop Fulton J. Sheen, Archbishop from Newport, Rhode Island

Mr. President, Mrs. Carter and fellow sinners. In a speech which the President gave, in the Baptist Church, in Plains, Georgia, he quoted St. Paul to the effect that we are all sinners. So, Mr. President, we include you in this title. I will tell you why I have addressed you that way. But I want to preface it. First of all, by thanking God for our rights and liberties. Secondly, by acknowledging to God our duties and responsibilities. And then, will come the fact that we are sinners.

First of all, thanking God for rights and liberties. Where do we get the right of assembly? Whence comes my right of free speech? From Congress? In the courts? If our rights came from them, they could take them away. Our founding fathers had to face that problem. They looked across the waters, where it was said that the majortiy gave rights. They rejected that on the ground that the majority is the custodian of minority rights. They found the answer and they set it down in the second paragraph of the Declaration of Independence, that it is self-evident that all men are created equal, and that the Creator has endowed man with certain inalienable rights, among which are the right to life, liberty and the pursuit of happiness. The Creator has given us those rights. Therefore they are inalienable. If we wish to keep our forest, we must keep our trees. If we wish to keep the pendulum swinging, we must make it dependent upon a clock. If we wish to keep our perfume, we must keep our flowers, and if we wish to keep our rights, we must also keep our God. That is why our Declaration of Independence is fundamentally a declaration of dependence on God. That's why we have rights and liberties.

We constantly hear about rights and liberties. But, how about duties? Why are there not leagues organized in defense of duties and responsibilities? There is no such thing as a right without a duty. Rights and duties are correlative, like the two sides of a saucer. It is popularly said for example, today, "Well, I've got to be me. I have to develop my own identity." How do we know our identity? By boundaries, by limits. How do I know the boundaries of the identity of the District of Columbia? By its limits. How do I know my responsibilities, my duties? By limits. By my God, my neighbor, my government, my fellowman. This is how we come to a sense of our duties and our responsibilities. And I wonder if it would not be a good idea to put up a statue on the West Coast. On the East Coast, we have the lady of liberty holding out the torch of rights and liberties. Why not put on the West Coast a statue to duty and responsibility, in which that light is thrust outward to neighbor, in which the hand is open to feed the poor, and in which we will acknowledge as a nation that no one has a right unless he has a duty to God, to country and to neighbor.

Our founding fathers recognized duties, the very ones who gave us rights, and a very deep sense of responsibility. There were 56 signers of the Declaration of Independence. What happened to them? What duties did they acknowledge? Nine died in the Revolutionary War. Five were captured by the British and died under torture. Twelve had their homes ransacked and burned to the ground. Dr. Witherspoon's home and college library were burned. Thomas Keen was compelled to move five times in five months to escape capture. He settled at last in a log cabin on the Susquehanna. Thomas Nelson, Jr., when his home was occupied by General Cornwallis, urged Washington to open fire and destroy his home. He died in poverty. Seventeen of the signers lost everything they had. The 56 pledged, "Our lives, our honor, and liberty." Many of them lost their lives, all of them their liberty for the moment, but not one of them lost his honor.

Now we come to the fact that we are sinners. We Americans do not like to hear about sin. We Catholics believe in the Immaculate Conception of the Blessed Virgin Mary. We used to be the only ones who did; now all Americans believe that they are immaculately conceived. There is no sin, we just make mistakes. We were fed on Grade B milk, had insufficient playgrounds, or our mother loved us too much, or our father loved us too little. So a distinguished psychiatrist, Carl Menninger, has written a book, "Whatever Happened to Sin?" He said the rabbis and ministers and priests stopped talking about it. Jurists picked it up and it became a crime, and they dropped it. The psychiatrists picked it up, and then it became a complex.

Now, we have personal and we have social, national sins. Muslims have their month of penance. Jews, Yom Kippur. Should we not have some reparation? Did not Lincoln mention it? Lincoln was the only President of the United States, in any public address who ever mentioned the word sin. Think of it! The only one, in his address of March the 30, 1863:

"Whereas it is the duty of nations as well as of men to own their dependence upon the overruling power of God, to confess their national sins and transgressions in humble sorrow, yet with a renewed hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth announced in Holy Scripture, and proven by all history, that those nations alone are blessed whose God is the Lord. Inasmuch as we know that by His Divine Law, nations, like individuals, are subjected to punishments and chastisements in this world, may we not justly fear that the awful calamity of civil war, which now desolates our land, may be a punishment inflicted upon us for our presumptuous sins to the needful end of our national reformation as a whole people. . . . It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness."

First of all, our own personal sins: pride, covetousness, lust, anger, envy, gluttony and slothe. So that when we look at a Crucifix, that's our autobiography. The life of each and every one of us has been written. In those pierced hands I can see my own hands grasping for things. The other hand dug with steel for my sinister moves, and the open side for all false loves. Flesh hanging from Him like purple rags for all the sins of lust. And for these personal sins gathered in this breakfast, we beg God's pardon and forgiveness.

And for our national sins, whatever they be, for example for not sufficiently helping the other nations of the world: being sufficiently dedicated to life and then, being so much concerned with the nuclear armaments. At the close of the last century, two of the greatest scientists of the times, Claude Bernard and Louis Boutroux called on one of the French writers and publishers, Goncourt, and they said to him, "We have just begun to list the alphabet of destruction, and in the next generation, we shall finish it." Goncourt said, "And when that day comes, I think God will come down from heaven like a night watchman, rattling his keys, and he will say, 'Gentlemen, it's closing time,' and we'll have to start all over again." May the Lord forgive us all of our sins.

"Oh God of earth and alter,
Bow down and hear our cry,
Our earthly rulers falter,
Our people drift and die.
The walls of gold entomb us,
And swords of scorn divide,
Take not Thy Thunder from us,
But take away our pride!
From all that terror teaches
From lies of tongue and pen,
From all the easy speeches
That comfort cruel men,
From sale and profanation,
Of Honor and the sword,
From sleep and from damnation,
Deliver us, Good Lord."

—G. K. Chesterton.

The President of the United States, The Honorable Jimmy Carter

The President. Fairly early in my Naval career we moved from Hawaii back to this country, about the time of the advent of television. We had doubts about its value because the reports said that it was going to destroy the moral fabric of our nation. But one of the delights of my life, one of the greatest contributions of this technological miracle, was a presentation by Bishop Fulton Sheen on his regularly scheduled program of the religious interrelationships in his own life and how they related to a modern world. And I'm deeply grateful to him for being willing to come this morning to share with us the dynamism and the strength and the sensitivity and commitment of his own life again with us. Thank you very much, Bishop Sheen. It even boosts my spirits when he refers to me as a fellow sinner.

I listened with great care to him this morning as he talked about the liberty, the love, the duties, responsibilities, the constraints that bind us as believers in God, and that offer us a guide to the future. Last year was a year of turmoil. I noticed one public opinion poll that asked news reporters and American citizens what were the three most interesting news events of the year. All three had some religious connotation. One was a story of great tragedy, almost disgrace for the world of believers where hundreds of people, simple people, searching for an elusive element of truth at Jonestown, perished because of misguided leadership. That was the top story of the year. Another story in this last year demonstrated a great change in leadership as a Cardinal from Poland, outside Rome, behind the Iron Curtain, became the leader of a great Christian faith. And a third most important story to the people of our country was the Camp David discussions between myself, President Sadat, and Prime Minister Begin. We stayed there thirteen days, and the first day we agreed almost as an outpouring of mutual commitment and concern that we would pray within Camp David, and that we would call on the entire world to join us in a common prayer for peace. And we called upon the very same Congressional and other leaders who put this breakfast together to coordinate that effort. For several days that was the only thing on which we did agree. And we made great progress because of those prayers. But peace is still elusive and I hope that out of this breakfast can come a reconfirmation that all of you will continue to use your influence to revitalize that prayer for peace in the Middle East and throughout the world.

I would guess that one of the great new stories of 1979 will be the impact around the Persian Gulf in the Middle East of religious fervor and a searching for some compatibility between a modern, rapidly changing technological world on the one hand and an inclination on the part of devout religious leaders to cling to stability and security predicated on past social and personal habits. So, as you can well see, in various ways, even in a modern world, one we consider to be highly secular, the great events that move the people here and in other nations are intimately related to religion. Our nation requires by law that the church and the state must be separated. The church cannot dominate our government; our government cannot dominate nor influence religion. But there is no way for a human being to separate in one's own heart and mind those inevitable correlations: responsibilities of a secular life, even in government, on the one hand, responsibilities to God on the other. They combine to form what a person is, what a person thinks, what a person hopes to be. And in international events, no matter how we try to order or separate religious trends, changes, hungers, thirsts, there is no way to sever that from public events. In Africa, South America, Indonesia, many other nations where a crisis has not reached the tornado stage, those undercurrents of religious people searching for compatibility with a modern world, a changing world, are intense, and are of profound significance to everyone in this room. Our own nation is not impervious to this circumstance. We have suffered severely in the past, because we who are Christians, others who are deeply religious in our own nation, have not been willing to accommodate those who have been deprived, who have and do suffer as they struggle for a better life. We tend to say this could only happen in the past. Today, certainly it's not a factor in our lives.

I grew up in a region of the country which has in the past and still sees quite often, too often, the Christian churches as a last bastion for racial segregation and even discrimination. This past Sunday I went down to Ebenezer Baptist Church in Atlanta. I participated in a program commemorating the fiftieth birthday of Martin Luther King, Jr. Speakers there, Dr. Benjamin Mays, Daddy King and others, pointed out the progress that has been made, but the emphasis was on the progress yet to be made. One of the elements that I noticed was the absolute truth that tends to come forward much more vividly in a quiet prayer. I was honored at the meeting, but when Mr. Benjamin Mays got up to give his prayer I sat back with the anticipation that somehow in his prayer he would complement me and help my image with the audience there, the congregation. As we bowed in prayer, he talked about all the troubles in our country, the poor, deprived, discrimination, and the culmination of his prayer was, that at least our President has done a little something about some of these problems. And he thanked God for that little something.

Truth is a mandatory element of a sound basis for a religious life. But sometimes we cannot accept the truth. I was intrigued by Bishop Sheen's reference to the Immaculate Conception complex of Americans. It is difficult for us as Americans to think that we might be sinful, that we might be in some ways inferior, that we might have some element of our life not yet realized. That we might have standards that have been prescribed for us which we have not met. And there's a natural human inclination to lower those standards to accomodate the very low achievements of our own life.

We must guard against the abuse of our own religious faith. We've seen broad changes in history. In the first few centuries after Christ's life and death on this earth, it was a crime to be a Christian. I've been reading Barbara Tuckman's delightful history of the 14th century era. And during those days it was a crime not to be a Christian. And the horrors of the Inquisition, the equasion of a Christian commitment with a willingness to be a constant dedicated warrior, a complete dependence on combat and bloodshed, and the abuses within the Christian church, are vividly expressed. And I'm sure at that time there was a rationalization among devout religious believers that what we look on now with abhorrence and sometimes so remotely with amusement, was the true teaching of Christ. And we must avoid a distortion or rationalization because of materialistic inclinations in our own hearts, of our own religious faith and its beliefs. When any religion impacts adversely on those whom Christ described as the "least of these," it can have no firm foundation in God's sight.

The last point I want to make is the dramatic sense of how our religion pertains to a modern era. Shortly before Christmas, we had Alec McCowen, a great British actor, come to the White House. And he stood there on a bare stage, and he quoted for memory the Book of Mark; I think about sixteen thousand verses, two and a half hours. He didn't use a modern translation; he used the King James Version. And there was a sense among those two or three hundred people that here came someone directly from the presence of Christ, and told almost like a newspaper in the most vivid, moving terms about the life of the Son of God. There was nothing stale about it. There was nothing ancient about it. There was nothing removed about it, from the existence of those assembled in that room. If you get a chance, I hope you'll hear him give that recitation.

Almost everyone in this room is a leader. People have exhibited faith and trust in us. Not only to carry out the mundane duties of a sometimes confused government responsibility, but also to carry out the responsibilities much broader than that. To set an example. To search more fervently for the truth. Sometimes we lose our confidence. One of the great problems with the modern church is its timidity about self-assertion. We're sometimes fearful not to project ourselves as believers in God into a controversial issue, because we are fearful that we might fail. We might be rebuffed. So it's much more easy for us, in the confines of our church or our synagogue, to sit back and say, "I'll enjoy those around me whom I know, who trust me, with whom I share limitations, and ignore limitations," than it is to project a deep belief in love, compassion, understanding, service, humility into a broad influence among others.

It's difficult to be bold and gentle at the same time. Peace and gentleness and humility are perhaps the most difficult characteristics of a human being. In Paul's Second Letter to the Corinthians he said, "Since we have hope, we are very bold." And I hope that we believers in God have not lost our hope and will continue to be bold. And later on in the same chapter of II Corinthians, he says, "Where the Spirit of the Lord is, there is freedom." Where the Spirit of the Lord is, there is freedom. There's no incompatibility between gentleness and boldness. There's no incompatibility between the constraints and the shackles on our lives by standards prescribed by God on the one hand, and the ultimate freedom that can come when the Spirit of the Lord is present.

Mr. SCHULZE. Thank you Mr. President. I believe that I can assure you that we will join in your admonition to continue to pray for peace in the world.

THE CLOSING PRAYER: ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, THE HONORABLE HARRY A. BLACKMUN

Mr. President, Mrs. Carter, Archbishop Sheen, Dr. Graham, and friends. At this very breakfast one year ago, Max Cleland, the administrator of veteran's affairs, ended his moving and intimate devotional message with a prayer attributed to a Confederate soldier and delivered to Mr. Cleland by a POW out of Viet Nam. Those lines, in my mind, merit rereading as we approach the close of this meeting. This was it:

"I asked God for strength that I might achieve; I was given weakness that I might learn humbly to obey. I asked for health that I might do greater things; I was given infirmity that I might do better things. I asked for riches that I might be happy; I was given poverty that I might be wise. I asked for power that I might have the praise of men; I was given weakness that I might feel the need of God. I asked for all things that I might enjoy life; I was given life that I might enjoy all things. I got nothing that I asked for, but everything I had hoped for. Almost despite myself, my unspoken prayers were answered."

And in that spirit let us turn to our closing devotion.

We stand before Thee, oh God, on this day and in the capital city of this nation, only a few days after our celebration of the festival of Christmas and only a few weeks before the beginning of the period that we call Lent, between the two seasons in Christian reckoning that are the Alpha and the Omega. But also in between now, we stand at the threshold of a new governmental and national year. May it be that our recollections and our convictions about the Spirit of Christmas will not evaporate, but will linger and permeate our dealings and responsibilities one with another. And as we embark upon our duties and our deliberations of the year we are mindful of the words of Moses to Israel:

"For this law I enjoin on you today is not beyond your strength. The word is very near to you. It is in your heart for your observance. See, today I set before you life and prosperity, or death and disaster. If you obey the commandments of your God that I enjoin on you today, if you love your God and follow His ways, if you keep His commandments, His laws, His customs, your God will bless you. But if your heart strays, if you refuse to listen, if you let yourself be drawn into worshipping other gods and serving them, I tell you today you will most certainly perish. So I set before you life or death; the blessing or the curse. Choose life so that you and your descendants may live."

Help us to remember those words.

And may we also be mindful of the mandate from the apostle:

"Let love be genuine and hate what is evil and hold fast to what is good. Rejoice in your hope. Be patient in tribulation. Be constant in prayer. Rejoice with those who rejoice. Weep with those who weep. Live in harmony with one another. Repay no one evil with evil, but take thought for what is noble in the sight of all. If possible, so far as it depends upon you, live peaceably with all."

Help us to remember those words. And finally, may we so far as our country is concerned, be mindful of the words of one who, in this city some thirty years ago, prayed fervently and earnestly in this fashion:

"Our Father, we pray for this land. We need thy help in this time. May we begin to see that all true Americanism begins in being faithful to Thee, that it can have no other foundation, as it has no other roots. To Thy glory was this republic established, for the advantage of the Christian faith did the founding fathers give their life's heritage passed down to us. We would pray that all over this land there may be a return to the faith of those men and women who trusted in God as they faced the perils and the dangers of the frontier, raising a standard of faith to which men have been willing to repair down through the years. Thou didst bless their efforts. Thou didst bless America. Thou hast made her great. Would Thou also make her good. Guide us in all this, so that as the year goes on and the days pass, we may know and feel and cry aloud in realization, 'Oh, the depth of the riches and wisdom and knowledge of God! How unsearchable are His judgements, and how inscrutable are His ways.' "

The Closing Song: "The Battle Hymn of the Republic"—The Valley Forge Military Academy and Junior College Glee Club.●

DIVIDEND REINVESTMENT: KEY TO AN UNTAPPED RESERVOIR OF NEW CAPITAL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

○ Mr. PICKLE. Mr. Speaker, early this session I introduced H.R. 654, a bill relating to tax treatment of qualified dividend reinvestment plans. This bill, which would defer the tax on dividends that are reinvested in a qualified reinvestment plan now has 22 cosponsors. I would like to insert in the RECORD an article by John D. deButts, former chairman of the board, American Telephone & Telegraph Co. on "Dividend Reinvestment: Key to an Untapped Reservoir of New Capital." In this article the author states that the future of dividend reinvestment would seem more assured if current tax disincentives to investment—high capital gains taxes and immediate taxation of dividends even when automatically reinvested—were removed. This article was chapter 18 of Capital and Job Formation, Our Nation's 3d Century Challenge edited by Charles D. Kuehner.

The article follows:

CHAPTER 18—DIVIDEND REINVESTMENT: KEY TO AN UNTAPPED RESERVOIR OF NEW CAPITAL

(By John D. deButts) *

What is most surprising about dividend reinvestment is that it was so long in coming to the corporate world. Long a fixture of the mutual fund industry, where dividend reinvestment proved a convenient and inexpensive way for participants to buy additional shares, it was the late 1960s before American corporations first sensed the potential of automatic dividend reinvestment. Even then, that potential was seen for the most part in terms of offering a gesture of goodwill toward shareowners who found it costly and troublesome to make small stock purchases in the capital markets.

More recently, however, a combination of factors—a more bearish stock market, capital shortages, and an increasing appetite for scarce equity capital on the part of corporations—has led an increasing number of American businesses to adopt this vehicle for attracting new capital and encouraging long-term investment in American business. In short, what first appeared to be only a convenience for small shareholders is now seen by some companies as the key to an untapped reservoir of new capital.

In the years ahead, dividend reinvestment will surely play a larger role in the formation of capital than it has in the past, generating even larger amounts of new equity to help create jobs and spur economic growth, while offering investors of every economic level a greater share of American enterprise.

An estimated 800 businesses now offer their shareholders the opportunity to have dividends reinvested for the purchase of additional shares. Chart 1, which depicts the growth of corporate dividend plans over the last ten years, illustrates this upsurge in corporate interest. Some of the plans permit only the reinvestment of dividends; others offer shareowners the option of buying additional shares with cash as well as reinvested dividends. Still others permit the purchase of shares without service fees or brokerage commissions.

[Charts not reproducible in RECORD.]

Among U.S. corporations offering dividend reinvestment are some of the nation's biggest and most prestigious. Of the 30 corporations whose stock activity is tracked by the Dow Jones industrial average, all but 4 offer their stockholders some form of dividend reinvestment plan. Overall, it is estimated that in 1976 some 1.5 million investors then enrolled in reinvestment plans made stock purchases amounting to more than $1 billion.

THE FIRST REINVESTMENT PLAN

The potential of a large market of shareowners who would be interested in having their dividends reinvested was first perceived by Citibank, which in 1968 approached a number of widely owned, capital-intensive businesses with the proposal that it establish and administer for the companies an investment program modeled on the mutual fund reinvestment concept. The first business to accept the proposal was Allegheny Power System, a holding company for electrical utility firms, which inaugurated the first corporate dividend reinvestment plan in September of that year.[1]

American Telephone and Telegraph Company was not far behind, announcing a similar plan in April 1969 for its then more than 3 million owners of common shares. Under the bank-administered plan, AT&T shareowners were invited to reinvest their quarterly dividends to buy additional shares of AT&T common stock on the open market at prevailing prices. For that service, they were charged a flat 75-cent service fee and a proportionate share of whatever brokerage commissions the bank had to pay on bulk purchases of the stock in the marketplace. Some 130,500 shareowners signed up for the service.[2]

Enrollment in AT&T's Dividend Reinvestment Stock Purchase Plan rose slowly until 1972, when the company negotiated a lower service fee with the bank. Later that year, the plan was again modified to enable shareowners to add cash payments of up to $1,500 a quarter to their reinvested dividends. By the year-end over 220,000 shareowners had signed up for the plan.

TYPES OF REINVESTMENT PLANS

At the start, dividend reinvestment plans offered only existing shares of stock bought on the open market by brokers for the banks and others that served as agents for sponsors of the plans. Beginning late in 1972, a second type of reinvestment plan was inaugurated by the Long Island Lighting Company. Under this type of plan, in which newly issued shares of stock were offered, the stock was sold directly to the shareowner by the corporation.

The Long Island Company plan prompted other companies to follow suit. AT&T moved in that direction in 1973, taking over administration of its plan from the bank that had been acting as trustee. At the same time, the company introduced a number of new features for its plan: shareowners could henceforth buy new shares and make cash payments of up to $3,000 a quarter. In addition, they could invest income from other Bell System securities as cash payments.

For AT&T shareowners, the revised plan meant the end of service fees and brokers' commissions for stock purchased through the plan; from then on, every dollar invested would buy stock. For the company, which because of difficult financial markets, had been relying principally on debt issues of one kind or another to meet its capital requirements, the plan was a move that strengthened the equity side of the capital structure.

Further improvements in the plan followed in 1975, with the introduction of a 5 percent discount on shares purchased with reinvested dividends, and in 1976, with new features that permitted shareowners to buy shares each month with cash and to reinvest less than all of their dividends. These steps made AT&T's plan even more convenient and attractive to many shareowners. And for the first time, AT&T had provided a substantial incentive for institutional investors to enroll.

With these changes, enrollment and investment rose to new levels. By the end of 1976, enrollment, as shown in Chart 2, had increased to 650,000—almost one out of every four shareowners. Equity investment through the plan, as shown in Chart 3, rose to $432 million in 1976, and $265 million was invested in the first six months of 1977.

Experience has shown that individual participants include people who, because of the costs and effort involved in making purchases in the regular market, might not otherwise invest further in stocks at all. Furthermore, by adding to the supply of shares already in the hands of the public, this ownership eventually leads to new business for brokers when those shares are ultimately resold. Thus, reinvestment plans provide investors with an easy way to buy more stock while leading to new business for brokers when the shares are sold again.

COMMON FEATURES OF REINVESTMENT PLANS

Although the features of all reinvestment plans are more or less standard, it is important to distinguish between the plans that offer new shares and those that offer existing shares. The latter are by far the more numerous. Indeed, among the hundreds of businesses that sponsor dividend reinvestment plans, less than 5 percent—perhaps 35 firms—use their plans to raise equity capital through the sale of new shares of stock, and most of those that do are capital-intensive utility companies.

Of 100 businesses surveyed in 1976, nearly eight out of ten identified the improvement of shareholder relations as a primary objective of their plans.[3] Other objectives, as noted in Table 1, were identified as: stabilizing the stockholder base, supporting the market price of the company's stock, and reducing the administrative costs of mailing dividend checks and stock certificates. These are valid business reasons for inaugurating dividend reinvestment plans. For the most part, capital formation has not been used as a major consideration.

TABLE 1.—*Survey of 100 companies sponsoring reinvestment programs*

Objectives of programs:	*Number of mentions*
Improving shareholder relationships	79
Stabilizing the stockholder base	26
Increasing market support for shares	20
Raising equity capital	12
Reducing costs	6

Source: The Conference Board.

Aside from the obvious differences between new and existing share plans, these features are more or less common among the current corporate investment plans:

1. Reinvestment of all dividends to purchase full and fractional shares.
2. Investment of cash payments on an average of $1,000 a month.

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*Chairman of the Board, American Telephone and Telegraph Company.

Footnotes at end of article.

3. A combination of the first two options—investment of dividends and cash payments.

4. Preparation of cumulative stock ownership and tax records for participants.[4]

Also standard among many companies offering new shares is the absence of service fees or commissions on stock transactions. Among a few, a discount on stock purchased with reinvested dividends is an appealing feature to institutional and individual investors, despite the tax treatment applied to the discount.[5] The tax treatment—taxing the discount as ordinary income rather than as a capital gain—is an example of the lack of incentive to equity investment inherent in the nation's present tax laws.

In AT&T's case, the discount and savings on brokerage commissions make investment in additional shares of our common stock especially appealing to large insurance companies, banks, and brokers owning AT&T stock in their own or beneficial owners' names. In 1976, following the start of the 5 percent discount on shares bought with reinvested stock, almost 20 percent of the $432 million raised through the AT&T plan was supplied by institutions which were able to save upward of 6 percent on their stock purchases—the discount plus savings on a broker's commission.

Discount or not, savings on the purchase of stock have always been a primary attraction of reinvestment plans. Small shareowners, for example, can save as much as 40 percent of a broker's commission if they buy already issued shares through a reinvestment plan rather than individually through a broker.[6] But savings are not the only attraction: shareowners can also buy fractional shares that produce dividends, just as do full shares; their stock and tax records are produced automatically; and investment is largely automatic, meaning that stock purchases are made regularly and conveniently without further action by the shareowner.

Even so, the latest estimates of stockholder participation indicate that investor interest in reinvestment plans varies widely. As mentioned earlier, not quite one in four shareowners participates in AT&T's plan, for example. In 1976 participation in 93 of the companies that sponsor reinvestment plans ranged from 1.4 percent to 19.5 percent of the stockholders eligible to enroll,[7] as shown in Chart 4. And of 22 million owners of stock in companies offering reinvestment plans, only an estimated 1.5 million are now enrolled, as shown in Chart 5.

At the same time, participation is on the rise.[8] A recent survey of businesses with reinvestment plans suggests that those with higher participation are the more vigorous in soliciting new—and periodically resoliciting current—shareowners. In addition, the popularity of dividend reinvestment and the widening publicity given the plans have in themselves encouraged greater interest in enrollment.

DIVIDEND REINVESTMENT AND CAPITAL FORMATION

Some analysts are convinced that dividend reinvestment will play an increasingly greater role in capital formation in the years ahead, particularly among companies seeking to reduce the proportion of debt in their capital structure. At AT&T, dividend reinvestment currently provides an important and growing part of the company's total external financing. If U.S. businesses could motivate stockholders to reinvest as much as a third of their dividends, it is estimated that stockholders alone could generate as much as $10 billion a year in new equity capital.[9] This level of investment is not unrealistic, considering that 60 percent of all mutual fund dividends—some $950 million of $1.6 billion in 1976—are reinvested in additional mutual fund shares.[10]

This is not to suggest that dividend reinvestment could—or should—be the primary solution to the nation's capital formation problems: It is, however, a step in the right direction because it appeals to the small investor to enlarge his or her stake in American enterprise. And it permits small shareowners to do so automatically and regularly in whatever amounts they choose, and at relatively low cost, especially in those plans which have reduced or eliminated service fees and commissions. In this way, whether they invest in new or existing shares, shareowners make a contribution to capital formation. The important thing is that dividend dollars are being used to make equity investments—that **is** being saved rather than being spent.

THE FUTURE OF CORPORATE DIVIDEND REINVESTMENT

The recent increase of interest in reinvestment plans has led to sanguine growth estimates for this type of investment program.[11] This much is clear: the number of participants and the number of plans continue to grow; and among companies offering new shares, equity investment is on the rise. In the case of AT&T's plan, for example, investment and enrollment have never once declined in any of the eight years that the plan has been in operation. Since 1969, there has been a 14-fold rise in shareowner investment in the plan and a 4-fold rise in enrollment.

Encouraging as these signs are, however, a survey of companies sponsoring reinvestment plans suggests that the growth potential is not unlimited. Some businesses fear high administrative costs and low participation. Still others express a more philosophic concern: they are convinced that investment in stock without regard to market price is fundamentally unwise. There is also the matter of investors' desire to diversify.

The prospects for plans that sell new shares appear to be brighter, if only because individuals—the backbone of most reinvestment programs—can purchase stock through them free of service fees or commissions. The extension of such plans, however, hinges upon the return of large numbers of small shareowners to the market.

Crucial to the extension of reinvestment plans, of course, is the profit performance of business. Basic to the success of any reinvestment plan is the underlying demand for a company's stock. This demand rests in turn upon corporate earnings levels that are comparable to those of other companies with which the corporation must compete for equity investment in the capital markets. Without rates of return—and the prospect of continuing earnings improvement—comparable to those of rival investment choices, no plan, however convenient, can expect to attract continuing investment interest.

TAX POLICY BARRIERS TO REINVESTMENT

The future of dividend reinvestment would seem more assured if current tax disincentives to investment—high capital gains taxes and immediate taxation of dividends even when automatically reinvested—were removed. Of all the barriers to the extension of these plans, none is more formidable than the fact that, although they provide no cash flow to the shareowners, automatically reinvested dividends are immediately taxable as personal income. As one utility executive said recently, "Unless there are tax incentives to participate in dividend investment programs, we do not foresee such programs becoming significant factors in the capital markets." Others in a nationwide survey concurred in the view that the answer to further expansion is a change in tax policies that apply to reinvested dividends and dividend income.[12]

Under current tax laws, a stockholder who reinvests dividends must report them as ordinary income—subject, of course, to the individual $100 dividend exclusion. However, for dividends that are reinvested automatically, the shareowners receive no cash flow with which to pay those taxes. Because such tax treatment tends to discourage participation in reinvestment plans—and more important, because it discourages capital investment—the leaders of some of the nation's largest corporations have testified before the tax-writing committees of Congress in support of deferring the taxation of reinvested dividends until the stock purchased is sold.[13] Such a deferral would, of course, match the payment of taxes with the actual receipt of the cash income on which the tax is based.

There is even a good deal of logic for going farther and treating reinvested dividends in the same way as retained earnings are treated for tax purposes. Doing so would reduce the cost basis for the stock held as dividends were automatically reinvested, and would apply capital gains taxes at the time the stock was sold. In effect, this method would provide the same treatment for earnings reinvested at the discretion of the individual shareowner as is now applied to earnings reinvested at the discretion of corporate management. Such a policy would be a powerful incentive both for increasing participation in dividend reinvestment plans and for increasing capital formation itself.

The primary objection to deferring the taxation of reinvested dividends is the prospect of lost federal tax revenues, but the following factors suggest that the actual losses might not be as large as is generally expected:

First, a high percentage of common stock is held by tax-exempt institutions and trusts.

Second, almost a third of all dividends are currently tax-free as a result of the current dividend exclusion.

Third, the terms of any dividend reinvestment credit or exclusion might be drawn to limit tax revenue losses to an economically and politically acceptable level.[14]

And fourth, the economic stimulus to jobs and capital formation of such a step would probably offset any losses in tax revenues.

CONCLUSION

The nation's need for new equity capital has never been greater than it is today. Indeed, it is the prime requisite for increasing job opportunities in the United States. And it is essential to the maintenance of our nation's world economic leadership in its third century.

Already dividend reinvestment plans have proven to be an effective and popular means of stimulating the efficient formation of new equity capital for the U.S. economy. It is an idea whose time is "now." In the years ahead, dividend reinvestment programs will, I believe, become a major part of this country's equity growth processes.

FOOTNOTES

[1] Patrick J. Davey, *Dividend Reinvestment Program* (New York: The Conference Board, 1976), report no. 699, p. 1.

[2] "Dividend Reinvestment: A Growing Source of New Capital," *Bell Telephone Magazine*, November-December 1974, p. 8.

[3] Davey, *Dividend Reinvestment*, p. 6.

[4] Mark J. Appelman, *The Corporate Shareholder*, August 15, 1974, pp. 1–4.

[5] "Companies Make It Easier to Reinvest Dividends" (New York: Standard & Poor's Corporation, 1976).

[6] Appelman, *Corporate Shareholder*, p. 1.

[7] Davey, *Dividend Reinvestment*, p. 10.

[8] Ibid., p. 12.

[9] Charles D. Kuehner, "Capital Formation—A New Approach via Dividend Reinvestment," speech given to the National Investment Relations Institute, May 20, 1975.

[10] News release, Investment Company Institute, Washington, D.C., April 1, 1977.

[11] Davey, *Dividend Reinvestment*, pp. 43–47.

[12] Ibid., pp. 13–16.

[13] Robert N. Flint, AT&T vice president and comptroller, statement submitted to the Ways and Means Committee, U.S. House of Representatives, July 23, 1975.

[14] Eugene M. Lerner, "On Utility Financing," *Public Utilities Fortnightly*, May 8, 1975, p. 30.●

THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MURPHY of New York. Mr. Speaker, last week I introduced a bill, along with a number of other members of the Committee on Merchant Marine and Fisheries, which represents the last stage of a 20-year effort to resolve the status of the 375 million acres under Federal stewardship in Alaska. This bill, the Alaska National Interest Lands Conservation Act, proposes to do what no other single land conservation measure has ever done—establish over 100 million acres of new national wildlife refuges, national parks, national forests, and wild and scenic rivers. It is easy to see why this bill has been called the land and wildlife conservation vote of the century. The magnitude of the Alaska issue rivals that of any other land issue ever faced by this country. The natural resources at stake in the Alaska question certainly rival those at stake in President Theodore Roosevelt's decision to establish the National Forest System in 1907. The size and diversity of the land at issue dwarfs the congressional creation of Yellowstone National Park in 1872.

Alaska covers 375 million acres—nearly a fifth of the size of the Continental United States. And yet, 20 years after its introduction into the Union, Alaska remains largely unpopulated. The State has a population of 400,000; most of which are located in the three urban centers of the State. The remainder of the State remains largely the way it was when we purchased it from the Russians.

In a very real sense, Alaska is our last frontier. It is the last part of the United States to remain largely untouched by the imprint of modern man. All of this is changing however. The admission of the State into the Union in 1959 and the discovery of oil in 1969 has started the State down the inevitable and, I believe, beneficial road toward development.

We cannot stop the development of Alaska, nor do I believe that we should. What we can do, however, is insure that as Alaska does grow and develop, a portion of the State's priceless resources are retained for the benefit and enjoyment of future generations of Americans.

It is no accident that the Alaska issue has captured the minds and hearts of Americans throughout the country whether they have ever visited Alaska or not. Alaska contains unique natural resources such as the large caribou herds of the Arctic Circle. But, Alaska contains so much more. A significant percentage of the migratory waterfowl found within the Continental United States originates from feeding and nesting grounds in Alaska. The State is in fact the focal point for the birds of three continents—the terminus of migrations which start in Argentina, Tasmania, South China, Cape Horn, Hudson Bay, and Siberia. It is not unusual for some of these species to travel 10,000 miles before coming to rest in Alaska.

Alaskan wildlife, of course, is not limited to the migratory birds. The same land and water that supports millions of birds also provides habitat for a broad spectrum of mammals from the lemming to the moose. Alaskan waters support several species of whales and other marine mammals.

In some cases, the fish and wildlife have a commercial as well as an esthetic and recreational significance. Alaskan waters support a priceless fishery which provides protein for the people of the United States and the world. For example, 16 percent of the world's red salmon population migrates through the waters of one Alaskan bay. This fishery, once subject to excessive exploitation is now regulated under the terms of the 200-Mile Act to provide optimal benefits to all Americans.

Impressive as the wildlife resources may be, they are but one of many that this country must insure are wisely conserved. The State of Alaska is suspected to contain a veritable storehouse of minerals. We know about the oil, of course. Prudhoe Bay contains the largest oil field in the country, and yet it is only one of a dozen or more suspected, though yet undiscovered, major oilfields in Alaska.

Alaska is also suspected to contain potentially significant desposits of hardrock minerals. These resources remain largely undeveloped and even unexplored. The Federal-State Land Use Planning Commission suggests that Alaska contains 18 important minerals of national interest. These include: Copper, antimony, silver, gold, lead, nickel, borites, platinum, chromium, tin, tungsten, flourine, asbestos, molybdenum, mercury, iron and titanium. With the exception of gold and borite, all of these minerals appear in the 1976 study by the Office of Technology Assessment or the stockpile goals list of the Federal Preparedness Agency.

The challenge to the Congress in the Alaska issue is to balance the need to develop the mineral and other natural resources of the State against the obligation to conserve both the renewable and nonrenewable resources of the State for the use and enjoyment of future generations.

Alaska is an enormous State. It can easily accommodate both development and conservation. We can have it both ways, but it will take planning, intelligence, and an excessive amount of foresight. This bill attempts to assist us in that regard.

The 96th Congress will be the second time that the Congress of the United States has faced this important issue. Last Congress, the Committees on Marchant Marine and Fisheries and Interior and Insular Affairs labored for 2 full years to develop a balanced, reasonable, and intelligent bill to send to the House of Representatives.

My committee, which has the jurisdiction over the designation of wildlife refuges as well as all other components of the bill impacting on the management of fish and wildlife, held hearings in both Washington and Alaska. We heard from virtually every individual or group seeking to contribute their thoughts to this landmark legislation.

The House agreed with the work of these two committees and passed the bill overwhelmingly on May 19, by a vote of 277 to 31. Unfortunately, as often happens in the legislative process, the Senate did not take up the House bill until last summer. As a result, they were unable to complete consideration of this important measure prior to adjournment.

Although we must begin anew this Congress, I believe that we have amassed enough information to move this legislation rapidly forward in the first session of the 96th Congress. The Committee on Merchant Marine and Fisheries, for its part, intends to put the Alaska issue at the top of its legislative agenda.

ADMINISTRATIVE ACTIONS

Although Congress failed to settle the Alaska lands issue last Congress, Secretary Andrus and President Carter have moved boldly, under independent authorities to protect the irreplaceable resources of the State. On November 16, 1978, Secretary Andrus exercised his authorities under section 204(e) of the Federal Land Policy and Management Act to withdraw for 3 years all lands in Alaska (110 million acres) which have been under consideration for inclusion in the national conservation systems. The Secretary's action encompassed the composite boundaries of all the various (d) (2) proposals, including the administration's recommendations, the House-passed bill and the bill reported by the Senate Energy Committee. The Secretary's action does not reduce the need for legislation in the 96th Congress. All it did was insure that these lands will be fully protected from State selections or development while Congress debates the ultimate disposition of these areas.

On December 1, 1978, President Carter added to the secretarial withdrawal by designating 17 national monuments in Alaska—comprising 56 million acres. These monument designations included parts of all 13 of the proposed national parks, 2 of the 17 proposed national wildlife refuges, and 2 of the 7 proposed national forest wilderness areas. In sharp contrast to the secretarial withdrawals, the monument designations will be permanent unless modified by Congress. The areas designated by the President generally parallel those identified in the House-passed bill, although there are some important differences in the boundaries of the various units and the administrative provisions governing the management of these units.

At any rate, the President's action does not and should not preclude congressional consideration of the Alaska issue. First of all, the President has only gone part way toward resolving the land status of the State of Alaska and protecting the natural resources of the State for all Americans. The President only designated monuments in 2 of the 17 areas proposed as wildlife refuges by the House-passed bill. All of these areas were subject to rigid scrutiny in the Committee on Merchant Marine and Fisheries and were determined to be worthy additions to the National Wildlife Refuge System.

Second, the President failed to address many of the issues in the (d)(2) debate including transportation, wilderness, subsistence, and mineral development. It will be necessary for the Congress to resolve many of these issues.

Third, as the legislative branch of the United States, the Congress is ultimately responsible for the disposition of these lands. It is only appropriate that we complete the work started last Congress and continued by the Secretary and the President.●

THE ECLIPSE CAPITOL OF THE WORLD

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MARLENEE. Mr. Speaker, this Monday at 8:18 a.m. the Sun will cease shining on Lewistown, Mont. There have been many explanations advanced for this event. Some have suggested that the harsh winter being experienced by those in my State has forced the Sun to flee while others theorize that the sunset legislation introduced in Congress has had even greater results than we ever expected. Still others who idolize our Secretary of Energy have advanced the notion that the Sun is not going to shine because the Secretary has not ordered it to.

The real reason is the eclipse of the Sun and communities in Montana will be in the path of the total solar eclipse on February 26. I would like to share with my colleagues an excerpt of an article that appeared in the Wednesday, February 21, edition of the Wall Street Journal on this subject:

> Most eclipse-goers seek out the exact center of the track, because totality lasts longer there than on the edge, and Lewistown is smack in the center. It is modestly calling itself "the eclipse capital of the world."
>
> "Lewistown is really going all out on this," said Katy Shaw, president of the chamber of commerce. Though just 8,500 people live there, Mrs. Shaw says up to 10,000 visitors are expected, and the townsfolk "are opening up their homes." Special committees have planned torchlight parades for next Saturday and Sunday, and there will be dogsled races, sleigh rides, and square dancing. School will be let out on Monday morning, the "eclipse holiday." A schedule of events is all laid out in an official souvenir program.
>
> Hotel bookings are heavy in Great Falls, Montana, which is in the shadow track but not quite on the central line. Through local merchants, the chamber of commerce is giving away free dollar-sized tickets to the eclipse (sponsor: "Celestial Bodies"), which later will be used in a raffle for prizes. The main purpose of the tickets, the chamber says, is to get wide distribution of a warning on the reverse side against looking at the eclipse with the naked eye.

Lewistown will truly be the "eclipse capital of the world" come this Monday and "as the Sun sets in the West" I wish that I could be present with them to join in on their celebrations.●

TRICKLE DOWN?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. STARK. Mr. Speaker, I would like to draw the attention of my colleagues to an article which appeared in the Wall Street Journal on Tuesday February 13, 1979, which reports on what the California business community is doing with their proposition 13 income.

The article notes that in many cases there is a difference between what some businesses said they would do with their share of the $2.9 billion in property tax cuts that went to owners of commercial and industrial property, and what has actually happened.

I commend this article to those of my colleagues who believe that every tax break for business eventually "trickles down" to the people who are paying for that tax expenditure. I shudder to think how much the American people are going to end up paying for the capital gains cuts agreed to by this House last year and how much they will actually benefit.

The article follows:

BUSINESS BONANZAS COMPANIES' BIG SAVING FROM PROPOSITION 13 IS SLOW TO REACH PUBLIC

(By Stephen J. Sansweet)

When California voters approved Proposition 13 last June, they cut about $6.4 billion from property tax collections.

Only about $2.3 billion of that total went to homeowners. Landlords got a $1.2 billion break. But the largest cut, $2.9 billion, went to the owners of commercial and industrial property in the state.

These businesses, Gov. Jerry Brown asserted at that time, had a "moral obligation" to invest their $2.9 billion tax saving strictly in California to create more jobs and a "buoyant economy." And former Gov. Ronald Reagan urged businessmen to share their tax reductions through lower prices and lower rents. In fact, some business backers had assured voters that they would indeed be generous with the savings.

But now, two months after the first half of the reduced property tax bill was due, it is clear that the savings granted to business have been slower in trickling down to the average citizen than politicians had hoped or some businessmen had promised. The situation has caused a flurry of complaints from consumer groups and politicians.

BENEFITS FOR ECONOMY

While many executives say that by reinvesting the savings in their own companies, the entire California economy will benefit. critics claim that much of the money is being used to increase corporate profits. "Greed is epidemic," one social activist charges.

Most businessmen appear to be hunkering down, hoping that the fuss will be relatively brief. Some worry that adverse publicity could help revive last year's short-lived legislative attempt to restore industry's property taxes about to the levels before Proposition 13.

The cut in property taxes has, of course, given some relief to homeowners, and the local governments and school districts that lost revenue haven't fared too badly, mainly because the state bailed them out with $5 billion of surplus revenues for fiscal 1979. The severest cutbacks in personnel and programs have come in some libraries, parks and recreational services.

Howard Jarvis, co-author of Proposition 13, says that one of his intents in drafting the initiative was to give business a tax break. "But I think they're obligated to pass along their lower costs to the consumer in the form of lower prices," he says.

INITIAL GENEROSITY

After Proposition 13's passage, some companies sounded magnanimous. Crocker National Bank took out full-page newspaper ads pledging to use its $2.8 million saving (or almost $1.5 million after federal income taxes) to make loans for job-creating purposes. A spokesman now concedes, "We obviously don't know that the money goes directly for that, although we feel and hope that most of it does."

Safeway Stores Inc. has publicly stated that it will pass its savings along to consumers, but a spokeswoman for the large supermarket chain cautions, "You can't say we've done it yet, and I can't give you any idea of the size of the cuts."

Some companies say that to the extent that Proposition 13 savings cut costs, they will be able to keep prices from rising more than they otherwise would have. Danny's Inc. says its $1 million of savings will go to that end, "although menu prices last year rose more than any other year." An official of Walt Disney Productions says that while most of its $1.5 million in savings will be reinvested for such things as new films and attractions at the company's theme parks, "We hope we won't have to raise ticket prices as fast."

Businessmen's ambivalence about what to do with Proposition 13 savings is indicated by two meetings held under the auspices of the United Way of Los Angeles County. At the first, held shortly after the measure passed, those in attendance generally went along with an urgent request from area schools and agreed to give part or all of their property tax savings as gifts to make up a looming shortage of funds. But at the second meeting 30 days later, sentiment had changed. "There was a feeling that the need wasn't as great and that the major impact on schools wouldn't be for a few years, so we felt we ought to go slow and see what develops," one businessman in attendance says.

BUSINESS BENEFITS

Many companies say that by reinvesting Proposition 13 savings in their own companies, they will create more jobs and keep the state's economy vigorous. For example, Southern Pacific Co., California's largest private landowner, will have a total tax saving of around $20 million, of which about $14 million is attributable to railroad operations. "The best use of that money as far as we're concerned is to invest it in new freight cars and locomotives," a spokesman says. However, he can't say what the railroad would have spent on rolling stock if it hadn't gotten the tax savings.

One conspicuous group of companies has returned its savings directly to the public, but only after arm-twisting by the California Public Utilities Commission. The state's energy, telephone and water companies are passing on to consumers a total of $264.4 million either through a credit on bills or a lesser rate increase than ordinarily would have been granted. But much of the savings go to large industrial and commercial customers because they generally use more power than homeowners. In the case of Southern California Edison Co.'s 46.7 million reduction, the average residential customer's bill has been cut just about 22 cents a month, or less than 1%.

Lockheed Corp. says most of its $10 million tax saving will be passed back to the federal government under cost-reimbursable contracts, but a net gain of $2 million will be used for such things as capital expenditures and research and development. A spokesman for Teledyne Inc. says, "We have revenue and we have income, and whatever we have left after taxes we handle like we usually do." He declined to say how much Teledyne's tax saving had increased profit.

"It's clear that the most productive and proper way for us to use any tax savings is in the mainstream of our banking operations," says Arthur V. Toupin, vice chairman of Bank of America, which had aftertax savings of about $7.2 million. This boosted earnings per share by about seven cents. However, because the "problems and dislocations arising from Proposition 13 will be increasingly felt for possibly three more years," the bank has committed itself to raising its charitable contributions over that period to a level at least $10 million greater than if it were to maintain 1978's $4 million level of giving, he adds.

Some businesses, in fact, are giving away their total savings—at least this year. United California Bank, a unit of Western Bancorporation, contributed all of its $1 million after-tax saving, half to United Way and the rest to establish no-interest emergency loan funds for students at California's 24 independent colleges.

Wells Fargo & Co. gave away all of its $1.2 million after-tax savings in equal amounts to public-television stations for in-class TV instructional programs, to a foundation that makes high-risk loans for rehabilitating housing in deteriorating neighborhoods and to the United Way for "emergency funds" to meet Proposition 13 cutbacks. The money is in addition to the bank's normal charitable contribution of about $1.3 million.

SOME LARGE CONTRIBUTORS

Six large industrial companies, all but one in the San Francicso Bay area, say they are considering or have donated much if not all of their savings to charitable, civic or educational endeavors. Kaiser Aluminum & Chemical Corp., for example, has committed $150,000 of its $1 million after-tax saving to a rehabilitation project in downtown Oakland and says more such grants will be made.

"There are a lot of things we want to do in California, and since that's where the windfall came, that's where we're going to use it," says Thomas E. Drohan, president of Forestmost-McKesson Inc. The company saved $600,000, and Mr. Drohan says he will recommend to directors that they place the full amount into the Foremost-McKesson Foundation, which supports health, education and culture programs.

Philip M. Hawley, president of Carter Hawley Hale Stores, thinks such contributions might be a mistake. "What if two competing businesses receive identical Proposition 13 savings?" he asks. "One decides to give it all to charity while the other decides to price more tightly. After six months, the first company finds it's losing market share, so it has to lower its own prices. In a sense, that's giving away Proposition 13 savings twice."

Savings and loan associations are pursuing a more indirect course. Three large holding companies (Financial Federal Inc.. First Charter Financial Corp. and Great Western Financial Corp.) say their savings, ranging from $230,000 to $300,000, will go into making more mortgage loans.

OIL AND GAS BENEFICIARIES

Oil and gas companies are among the largest beneficiaries of Proposition 13. Standard Oil Co. of California had its bill reduced by $47 million, Getty Oil Co. by $12.3 million, Atlantic Richfield Co., $10 million, Exxon Corps., $60 million and Occidental Petroleum Corp., $2.7 million.

Standard Oil's Walter K. Morris, vice president for public affairs, says he objects to people telling corporations what to do with their savings. "It's like someone telling me I have to give all of my person property-tax savings to the Red Cross." The executive adds that under federal regulations governing allowable gasoline prices, about half the company's property-tax saving has gone into reducing gas prices by about 0.2 cent a gallon. He denies a published report that the company has set aside $250,000 to assist United Way agencies that have sustained cutbacks. "It may eventually reach that amount, but it isn't the easiest thing to find these organizations."

"It's misleading just to look at last year's bill and the current one," says Sidney R. Petersen, Getty president. "Our taxes more than doubled between 1974 and 1977, and all we've gotten is relief from the tax ripoff." He notes that many localities have increased business fees and license costs to offset their drop in revenue. "The largest beneficiary in all this is the federal government, which gets about half of everyone's tax savings."

SOME RELUCTANCE TO TALK

But many businessmen simply try to duck the savings issue. The Los Angeles County Board of Supervisors and several other governmental agencies have asked California's top businesses what they intend to do with their tax savings. They have gotten few responses.

In a telephone survey, The Wall Street Journal asked 43 of the largest companies headquartered or doing buiness in California the size of their tax savings and what they intend to do with the money.

One company, H. F. Ahmanson & Co., declined to answer any questions. Of the others, about one-third declined to specify the amount of their tax savings.

"We sincerely believe that it's wrong to make public the so-called savings figure," Carl E. Hartnack, chairman of Security Pacific Corp., says at first. "In the emotional and political environment of Proposition 13," he says, "there's a good possibility that isolating these numbers could produce misleading conclusions."

After he learns that other major banks supplied the information, however, Mr. Hartnack relents and supplies an after-federal-tax figure for its saving: $2.9 million. He adds, "This money will flow into capital, which in turn permits us to take care of increased loan demand, thus producing sound economic growth that benefits all Californians."

CONFIDENTIAL DATA?

Carnation Co., Fairchild Camera & Instrument Corp., Safeway Stores Inc. and Union Oil Co. of California all say they consider property-tax data proprietary or confidential information. While assessments and therefore property taxes are listed on public documents, the records are available only on a county-by-county basis and are often carried under the names of many corporate subsidiaries. Thus, it's almost impossible to figure out with any accuracy the total tax bill of a large company with statewide operations.

A number of concerns that won't give figures say their savings are insignificant. They include Crown Zellerbach Corp., Litton Industries Inc., Memorex Corp. and MCA Inc. But a check of tax records in Los Angeles County, where MCA has its 420-acre Universal Studios complex, shows that the company has saved at least $1.6 million in property taxes this year, before federal tax considerations.

Officials of both Carter Hawley Hale Stores and Texaco Inc. say they just don't know how big their savings are although property-tax bills went out last November. However a report prepared for Los Angeles County estimates that Texaco saved $6.8 million in the county alone. Teledyne says its tax-cut figure "isn't readily available," Wickes Corp. says the matter is "too complex," and Potlatch Corp. says this "isn't an opportune time" to divulge the data.

TOM HAYDEN'S VIEW

To social activist Tom Hayden, the corporate reluctance to discuss Proposition 13 isn't surprising. Mr. Hayden, best know for his past antiwar activities, now heads the California Campaign for Economic Democracy, which seeks more government regulation of big business and revamping of corporate priorities. "Many chief executives I've spoken to have made a judgment that—as one put it—the hoopla will be over soon," he says.

However, Mr. Hayden believes the pressure on business will increase. "In the next two to three years," he warns, "the state surplus that bailed out local government will run out and we'll be faced with either massive layoffs and cuts in services, a doubling of the personal income tax or a repeal of that part of Proposition 13 that resulted in a windfall for big business. It's shortsighted of businessmen to think the issue will disappear."

Perhaps the issue won't disappear, but the talk of savings might. Most businesses that made charitable or other contributions stress that these are one-time grants. "I think that after this year," says Norman Barker, Jr., chairman of United California Bank, "it will be business as usual."●

STATEMENT OF THE HONORABLE AL ULLMAN, CHAIRMAN, COMMITTEE ON WAYS AND MEANS, WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 1147, TO EXTEND TEMPORARILY THE AUTHORITY OF THE SECRETARY OF THE TREASURY TO WAIVE THE IMPOSITION OF COUNTERVAILING DUTIES

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ULLMAN. Mr. Speaker, on February 21, 1979, the Committee on Ways and Means ordered favorably reported to the House H.R. 1147 with amendment. The bill would extend until September 30, 1979, the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for consideration of H.R. 1147 on the floor of the House. The Committee on Ways and Means specifically instructed me to request the Committee on Rules to grant a closed rule which would provide:

First. Committee amendments, which would not be subject to amendment;

Second. Two hours of general debate, to be equally divided;

Third. Waiving all necessary points of order; and

Fourth. One motion to recommit with or without instructions.

I anticipate that H.R. 1147 will be officially reported to the House and the committee report filed tomorrow, February 22, 1979. It is our intention to request a hearing before the Committee on Rules as expeditiously as possible.●

PHILIP FINKELSTEIN—LONG BEACH SHIPYARD'S LAST PLANK OWNER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ANDERSON of California. Mr. Speaker, February 24, 1979, will mark a special day for the Long Beach Naval Shipyard. On that day the friends and colleagues of its chief engineer, Mr. Philip Finkelstein, will honor him for his long years of service at the naval shipyard. This will truly be a landmark occasion, as Mr. Finkelstein is the last person to retire from the shipyard who can claim to have been with the shipyard on the day it was established 36 years ago. Those familiar with naval jargon know this gives him the distinction of being the last "plank owner."

It must be, that being with an organization since its inception instills a special sense of dedication and loyalty which inspires outstanding performance, because Mr. Finkelstein's tenure with the shipyard has been one that demonstrated those qualities. The people who work for the shipyard, and those associated with it, have witnessed and gained benefit from the work of this man. And, of course, it must also be noted that the people of this entire Nation have similarly gained from his years of service. His contributions toward the building, modification, and repair of Navy ships has helped guarantee the maintenance of a strong and effective naval fleet for our national defense. Today, I would like to share with you a brief history of Mr. Finkelstein's career in the Federal service.

Mr. Finkelstein's education and early career illustrate an extensive preparation for his later high level work with the Long Beach Naval Shipyard. His formal educational training culminated with the award of a master of science degree in mechanical engineering from New York's Syracuse University. He started his career in the Navy civil service as an assistant engineer draftsman with the New York Naval Yard and held engineering, draftsman, and architect positions in Washington, D.C., Philadelphia, and Mississippi before his arrival in Long Beach.

In 1943, Mr. Finkelstein was one of 350 employees who established what is now known as the Long Beach Naval Shipyard. Here at Long Beach, he advanced in grade from naval architect P-4 to chief design engineer, GS-15, and made the most notable contributions of his 40-year career in Federal service.

As chief design engineer, he supervised the modification of a steam plant on the U.S.S. *Barbey* which resulted in the advancement of the propeller analysis techniques. This made possible propeller design improvements to other ships of other classes. The first two west coast installations of the rubber window sonar dome were also accomplished during his tenure as head of the design division.

Also during this period, the Long Beach Naval Shipyard gained national prominence by leading all naval shipyards in the utilization of computer science to assist in ship design. The design division also surpassed all other naval shipyards in the development and installation of the numerically controlled tools program.

These and other accomplishments have won him many honors. Among these are the Meritorious Civilian Service Award which he received twice in 1946, the Superior Accomplishment Award which he won in 1955 and again in 1958, and the Federal Employees Distinguished Public Service Award in 1977. Just recently, he was nominated for the Harold E. Saunders Award for Contributions to Naval Engineering.

A most admirable characteristic is his generosity in sharing his engineering talents when they are needed in special civic endeavors. He has provided design guidance for the construction of the model of the U.S.S. *Long Beach* which is used in parades and festivals throughout the local area. To reduce damage done by oil spills off the California coast, Mr. Finkelstein helped design scoops, oil booms, and skimmers.

He also devotes some of his spare time to teaching and developing education courses at local colleges and job training centers.

Mr. Speaker, a career in the Federal service can be a truly rewarding experience. This is especially true for those who work in the armed services, be it in uniform or by participation in the civilian work force. These people can claim a share in the effort which constantly maintains the strong national defense which is so vital to us all. Mr. Philip Finkelstein's career in the civilian Federal service definitely qualifies him as a major contributor to our security.

My wife, Lee, joins me in paying tribute to this man as he completes an outstanding career. We extend to him, his wife, Verna, and their two children, Dan and Ann, a wish for many years of happiness in the future.●

EXTEND GENERAL REVENUE SHARING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WYDLER. Mr. Speaker, today I am introducing legislation to extend the general revenue sharing program to State and local governments for another 4 years.

Since its enactment in 1972, over $55 billion has been returned to the States and localities for their use. The present program will expire on September 30, 1979. Consequently, the 96th Congress must decide on a continuation of this assistance. I firmly believe that the Congress should continue the program.

I realize that many of my colleagues have reservations about continuance of general revenue sharing. The continued deficit in the Federal budget and the increasing dependence of the States and localities on Federal Government for assistance troubles me also. However, after we examine the issues and listen to all the arguments, I believe that one single point stands out from the rest and that is that decisions affecting local communities are best made at home, not in Washington, D.C. In my 18 years in the Congress, I have seen many a worthwhile idea and objective passed into law, only to see the promise of such programs swallowed up and redirected by an unthinking and unrealistic bureaucracy. Too often we fail to acknowledge the fact that all knowledge does not originate in Washington, D.C. Too often we fail to recognize that many decisions are more properly and easily made at the local level.

That is why I am today calling upon my colleagues to give early and close attention to the reenactment of general revenue sharing. Prompt consideration of this measure will allow State and local governments time to prepare budgets and programs with a minimum of disruption at the local level. Early consideration of this measure is the only responsible way to proceed.●

ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. MIKVA. Mr. Speaker, I am privileged to join my colleagues in the observation and commemoration of the 61st anniversary of Lithuanian Independence Day. February 16 is a day to remember the tragedy of Lithuania's lost independence, and to reaffirm our recognition of Lithuania's right to exist as a free and independent nation.

Lithuania has had no distinct national boundaries since 1940 when it was annexed by the Soviet Union. Its people, however, continue to be a viable, independent, and free-thinking nation whose nationalistic spirit has not been extinguished.

The Lithuanian people have continued to maintain their own culture, language, history, and desire for liberty. As the world's leading democracy, the United States has an obligation to encourage all people to exercise their right to live in a free self-governing nation.

It is only fitting that we lend our moral support to people struggling for the basic freedoms we ourselves attained 202 years ago. Too often, Americans take for granted freedoms which many other countries do not possess. We are blessed to live in a country that values and protects the basic human rights of its citizens.

Today, I join my colleagues in expressing support for Lithuanians trying to achieve the same protection for themselves.●

TROTSKYISM AND TERRORISM: IRELAND AND IRAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, the Socialist Workers Party (SWP), the U.S. section of the Fourth International which coordinates revolutionary and terrorist activities of Trotskyite Communist parties and is actively supporting a wide range of terrorist revolutionary groups in Europe, the Middle East, and Latin America, has successfully recruited Iranians living in this country to the Trotskyite variety of Marxism-Leninism, has organized them into a Communist party recognized by the Fourth International as its Iranian section, and has sent them back into Iran to join in the revolutionary strife.

The involvement of the Fourth International Communists in international terrorist activities is nothing new. My colleagues may recall that in August and September 1976, I provided a series of detailed reports on the extensive involvement of the Fourth International in terrorism in Argentina, Bolivia, Chile, Peru, France, Britain and Ireland, Spain, Portugal, Greece, and the Middle East. More recently, the Japanese Trotskyites have participated in the rioting and arson at the Narita airport.

The Fourth International's involvement in terrorism in Northern Ireland is expanding as Trotskyites recruit among the terrorists of the Irish Republican Army (IRA) and its support networks. The Irish section of the Fourth International, the Movement for a Socialist Republic (MSR) is in the process of a merger with the People's Democracy, whose members have been convicted recently of such offenses as possession of illegal arms and ammunition, and have been sentenced to long prison terms.

These Fourth International parties have been assiduously courting another Trotskyite-oriented revolutionary organization, the Irish Republican Socialist Party (IRSP), which has a terrorist "military arm" called the Irish National Liberation Army. The Irish and British Fourth International parties have extensive contacts with both the Official and Provisional wings of the IRA. A number of IRSP members have been killed both in shootouts with British security forces and intramural killings by rival terrorist gangs: to these and to IRSP members apprehended and charged with terrorist crimes, the Fourth International parties have offered their "broadest support."

Just as the International Marxist Group (IMG), the British section of the Fourth International, played the leading role in the formation of the Irish section, the U.S. Socialist Workers Party has been the organizer and guiding influence in the formation of the Sattar League, now called the Hezeb Karegaran Socialiste—Socialist Workers Party—in tribute to its mentor.

It should be noted that as a result of a lawsuit brought by the SWP against the FBI and other Federal agencies, the Federal Bureau of Investigation has been barried from examining the activities of the SWP. The lawsuit has resulted in the SWP obtaining extensive discovery into the Government's investigatory files, but this has been insufficient for the leaders of the Fourth International who have asked the SWP to "internationalize" the lawsuit by seeking FBI, CIA and other agency files on the Fourth International and its members as well. That information was obtained from the Internal Information Bulletin, a confidential "members only" publication of the Fourth International published in English as a "fraternal service" by the SWP. Because of the SWP lawsuit, the FBI are forbidden to obtain copies via informants in the SWP and become aware of these activities on behalf of the Fourth International.

As for the formation of the Iranian Trotskyite party, the details of its activities and recent implantation in Iran have been provided in the Information Digest, a newsletter that provides detailed information on terrorist and revolutionary movements in the United States that is published by John Rees.

The article follows:

SWP SPAWNS TEHERAN TROTSKYISTS

Thanks to its American section, the Socialist Workers Party (SWP), the Trotskyist communists of the Brussels-based Fourth International (FI) now have an overt cadre operating in violence-torn Iran.

On January 22, 1979, more than a dozen Iranian Trotskyists from the leadership of the Sattar League, accompanied by SWP National Committee member Cindy Jacquith, flew into Teheran to hold a press conference announcing that the Sattar League was now the *Hezeb Karegaran Socialiste* (*HKS*) [Socialist Workers Party], the Iranian FI section. The HKS unveiled a political platform praising the Communist *"workers and peasants government"* set up in Azerbaijan, Iran's northern province, by the USSR which had militarily occupied the area during World War II, and supporting the clandestine work of the Tudeh (Communist) party in Iran in collaboration with the Mossadeq government overthrown by the Shah in 1953.

The HKS calls for establishment of a "constituent assembly" of representatives of "the organizations of the workers, peasants, white-collar workers, soldiers, university students, and high-school students." It is noted that the Trotskyists call for "equal rights for all religions;" a full women's liberation platform including state-run child-care centers, abortion and contraception; and that it includes no provision for any involvement in government of the Shi'ite Moslem clergy. All these points are bound to bring the HKS into conflict with the supporters of Ayatolla Ruholla Khomeini's planned "Islamic republic."

Those participating in the HKS founding press conference included Reza Baraheni, honorary chairman of the SWP's front for the support of Iranian revolutionaries, the Committee for Artistic and Intellectual Freedom in Iran (CAIFI); Babak Zahraie, a member of both the SWP and its youth arm, the Young Socialist Alliance (YSA), who played a leading role in using CAIFI to recruit Iranians into Trotskyism and the Sattar League; Nemat Jazayeri, CAIFI's former executive secretary; Parvin Najafi, active with CAIFI and a writer for Intercontinental Press/Inprecor, the weekly English language magazine of the FI produced by the SWP in New York City as one of its services to the FI; Javad Sadeeg, who fled Iran in 1953; Hooshang Sepehri, who said that four of his brothers had been killed fighting the Shah's government; and Zeyot Obrohimi, an instructor at Teheran University.

The Sattar League and the HKS are the outgrowth of "colonizing work" among Iranian revolutionaries and dissidents living in the U.S. by leaders of the SWP who also are leaders of the FI. In brief, the recruitment of the HKS commenced in the late 1960s and early 1970s when the campus YSA chapters were used to support and co-sponsor demonstrations by the Iranian Students Association (ISA) and recruit ISA members. However, in 1973, the ISA expelled its Trotskyist members in a bitter faction fight that continues with ISA contingents frequently assaulting Iranian Trotskyists and accusing them of being "agents of the Shah and SAVAK."

In 1972, the SWP formed a defense committee to fight deportation of Babak Zahraie, an SWP and YSA member active in the Seattle ISA. With marriage to a U.S. SWP and YSA member preventing the deportation, and with the split in ISA, the SWP transformed the Zahraie defense committee into the Committee for Artistic and Intellectual Freedom in Iran (CAIFI), a front controlled by the SWP which took as its first campaign securing the release of Reza Baraheni. On his arrival in the U.S. after release from a brief detention, Baraheni became CAIFI's honorary chairman and most active speaker. CAIFI, under the leadership of Baraheni, Zahraie and other Iranian and U.S. Trotskyists, continued its recruitment among Iranian students, which resulted in formation of the Sattar League as the Iranian section of the FI with two voting delegates in the FI leadership who never deviated from the positions of the SWP-led Leninist-Trotskyist Faction (LTF).

The HKS issued a tribute to long-time SWP and FI leader Joseph Hansen, who used the alias "Pepe" in the FI, praising his "central role in educating our leadership and developing our party" during their "years in exile." According to the HKS, Hansen, who died on January 18, 1979, advised them on everything from "theoretical questions to the questions of day-to-day party building." Said the HKS, "Comrade Hansen taught us to concentrate on the problems of our own country, to be Iranian Trotskyists."

Hansen, of course, was only one of the SWP leaders who also serve in the FI leadership. Among the services provided to the development of the Sattar League by the SWP was production of a monthly newsletter, Payam Daneshjoo [Students Correspondence], which first appeared in 1973 following the expulsion of Trotskyists by the ISA. In November 1978, the publication which had grown to a 60-page magazine became a weekly using the format of Intercontinental Press/Inprecor, and using GPO Box 1266, Brooklyn, New York 11201, to reflect the "new stage" of revolution in Iran and serve "as a step toward a unified newspaper that will seek the collaboration of all Iranian revolutionary socialists." As Bahman Moradi noted in Intercontinental Press, "the editors of Payam are organized around the banner of the Fourth International, the world party of socialist revolution." He neglected to note that the chief editor of the publication is Babak Zahraie, long-time CAIFI field secretary and Sattar leader.

Through CAIFI, U.S. and Iranian Trotskyists have had some success in attracting broader support from the left for its causes. It will be recalled that a CAIFI press conference in Washington, DC, on 9/13/78 featuring Zahraie and Baraheni had as additional participants Representatives Tom Harkin [D-IA] and Fortney Stark [D-CA], and former U.S. Attorney General Ramsey Clark.

How successful the U.S.-trained Trotskyist communists will be in Iran remains to be seen.●

ENERGY ISSUES DISCUSSED BEFORE THE AMERICAN NUCLEAR SOCIETY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WYDLER. Mr. Speaker, recently my colleague, Barry M. Goldwater, Jr., spoke before the Washington, D.C., section of the American Nuclear Society. His speech touched current energy issues. Mr. Goldwater put alternative energy sources such as geothermal and solar in realistic perspective. He also discussed the major nuclear issues in the coming Congress both from a regulatory standpoint and in technology development. We all know that Clinch River Breeder project and nuclear licensing will be at the forefront of issues in the 96th Congress. Mr. Goldwater, like many of us, is impatient with the administration on nuclear waste management and has introduced a bill to remove this obstacle to nuclear power deployment.

I recommend the speech as a snapshot of the nuclear issues which must be dealt with in this session:

Nuclear Policy and Issues in the 96th Congress

(By Congressman Barry M. Goldwater, Jr.)

Thank you, Mr. Chairman, for that very kind introduction and good evening, ladies and gentlemen. It's a pleasure for me to appear before this dinner meeting of the Washington section of the American Nuclear Society, and especially to follow in the footsteps of your most recent speaker, Miss Kitty Schirmer of the Domestic Policy Council. I hope you will give me as warm a reception as you gave her last month.

Although the topic of my talk is to be nuclear policy and issues in the 96th Congress, I think I can best set the stage for discussing nuclear matters by putting them in context with other energy sources. As some of you know, in the last Congress I was the Ranking Minority Member on the House Science Committee's Subcommittee that dealt with solar energy and geothermal energy, I would like to say a few words about those energy sources, as they are often presented as alternatives to the continued development of nuclear power. Let's take geothermal energy first.

Geothermal energy is very important in my home state of California, as we have some of the Nation's major geothermal resource areas in our backyard. The Geysers field in Northern California provides about one-half the electricity needs of the city of San Francisco, and does so at a cost cheaper than that from any other available energy source. In the Southern part of our state, we have the Imperial Valley, with a resource potential of several thousand megawatts. We've made some important strides in geothermal energy development in the last few years, with the cost of well drilling having come down by a moderate amount thanks, in part, to the research and development program we have established within the Department of Energy. We've also seen increased private interest in the construction of geothermal plants, with a 10MW totally private financed plant about to come on line in the next few months, and a 50MW demonstration plant project now in the formative stages as a cooperative venture between the Department of Energy and a New Mexico utility.

However, despite this promise, geothermal energy, like all other energy technologies, is not without its problems. We have been bringing geothermal energy plants on stream Nation-wide at the rate of only about 25–50 megawatts per year. That's a fairly significant rate when you consider that geothermal is a relatively new technology, but it is small, of course, when compared to the size of a large nuclear or coal-fired power plant at 1,000 megawatts each. Also, several problems stand in the way of accelerating geothermal development, such as objections to the gases released, uncertainty over reservoir life-time, leasing delays, and possible need for additional government development incentives. All these factors combine to leave some question as to what the ultimate contribution of geothermal energy will be. The resource base does seem to be there, but it is now clear that we are *not* going to have the 3 or 4 thousand megawatts on line by 1985 that had been predicted only a year or two ago. The statement by Governor Brown that nuclear power is not needed in California as geothermal energy can meet most of the state's future energy requirements is, in my opinion, not supported by fact, and totally irresponsible. Nor is it agreed to by almost all knowledgeable observers. Nevertheless, geothermal energy is a real resource, is providing some electricity now, and also is being used for direct heat applications. We need to continue the resource development and demonstration programs currently underway, but must not forget that any new energy technology takes a long time to break into a market place. Hopefully, the tax incentives provided under the National Energy Act, such as investment tax credits, and deductions for intangible drilling expenses and depletion allowances, all of which I supported, will help accelerate geothermal energy's entry into the market.

Solar energy receives much more attention than geothermal energy and is currently the energy source in vogue. The solar R&D budget is up to about $600 million in fiscal 1980, and when you count tax incentives and activities in departments other than the Department of Energy, you find that the Federal solar effort is up around the $800 million level, and still growing. Earlier in this decade solar funding was almost nonexistent.

Solar energy, as you all know, is actually a number of different technologies—photovoltaics, wind power, ocean thermal energy conversion, power towers, heating and cooling, and biomass, each with their own prospects and problems. The real questions are what contribution will solar energy as a whole make to our future energy requirements, when will this be obtained, and at what cost? Projections of solar's contribution by the year 200 range from 5% to 25%. While I naturally hope that the result is towards the higher end of this range, we have to be realistic. Solar has a long way to go. One must not forget, for example, that if we were to convert 20% of all the residences in the United States to solar heating and cooling, this would be equivalent to saving about 1 million barrels of oil per day, or 6% of the daily oil requirements. This 20% conversion would involve about 15 million residences, which at about $10,000 per residence would cost $150 billion. Are we ready for that?

Also, it would take about 500 of the largest sized windmills being developed today to provide the same energy capacity as one large coal or nuclear fired power plant. These windmills would require a land area of over 100 square miles.

Another solar technology, photovoltaics, is very promising, but it would take 25,000 times our present photovoltaic production capacity of about 750 peak kilowatts per year to produce electricity equivalent to that from 200,000 barrels of oil per day. That would be only about 1 percent of our current oil requirements. The present cost of photovoltaic devices, also, is so high as to presently rule this technology out for all but the most limited applications.

I could say similar things about the other solar options such as power towers, OTEC, or biomass. I don't want to be overly negative, as I feel we should be developing these solar options, but the point is that we have a very long way to go, and experience tells us that developing a new technology is not an easy or rapid task. The public must not be misled into believing that the sun is an energy cure-all.

Nevertheless, we do see signs of that happening, in a manner reminiscent of the "too cheap to meter" earlier promises about nuclear energy. Just this past weekend, it was reported that 115 Members of the Solar Caucus in Congress wrote the President requesting additional funding for solar energy, and new initiatives in line with the "technically achievable" proposal of the Domestic Policy Review of the solar energy. I suspect that new funding will be held down due to the Congress' and the Administration's current mood of fiscal restraint, but some "grandstanding" or White House announcement of new solar goals cannot be ruled out.

Now that I've reviewed where we stand on solar energy and geothermal energy, and some of their problems, let me say a few words about what we have accomplished in the last Congress in the overall alternative energy field. I can point with some pride to the following:

a. passage of the Automotive Propulsion Research and Development Act of 1977, expanding and accelerating research and development on more efficient automotive propulsion engines;

b. modification of the Geothermal Energy Research, Development and Demonstration Act of 1974, facilitating use of the geothermal loan guarantee program;

c. establishment of a financial support program for converting municipal wastes into energy;

d. authorization of loan guarantees for biomass demonstration facilities;

e. establishment of a program for greater utilization of our low-head hydroelectric resources;

f. modification of the Electric and Hybrid Research, Development and Demonstration Act of 1976, so as to better phase the electric vehicle demonstration program in with technology development;

g. House passage of the Solar Power Satellite Research Development and Demonstration Act, which would accelerate a determination of feasibility for this potential energy source; and

h. passage into law of the Solar Photovoltaic Energy Research, Development and Demonstration Act of 1978, which established a more centralized, goal oriented program for this very promising technology.

This last bill was the only major piece of energy R&D legislation that was passed by the 95th Congress.

In addition to these activities, Congress in its last session successfully shaped the course of ongoing research, development and demonstration programs in other aspects of solar energy, geothermal energy, and energy conservation through selective changes to the funding levels proposed by the Administration, and has partly corrected the lack of emphasis we found on a broad front of energy production activities.

So much for the previous Congress. Lets take a look at what's ahead for the new one. First of all, on my own Committee, Science and Technology, we've had a major change, both in the jurisdiction of our energy subcommittees and in their Chairmen. As many of you probably know by now, Don Fuqua of Florida has assumed the Chairmanship of the Full Committee, taking over for Tiger Teague of Texas, who retired. Jack

Wydler of New York remains as Ranking Minority Member. Mike McCormack of Washington has become the Chairman of our new Energy Research and Production Subcommittee, which has jurisdiction over all fision and fusion programs, that is, all nuclear activities under the auspices of the Science and Technology Committee. I don't think I need to tell you where Mike stands on nuclear issues. In addition to the Chairman, however, there is quite a variety of Democrats on this Subcommittee, ranging from those who look favorably upon the nuclear option and those who do not. Other Democrats in addition to Mike McCormack are Bob Roe of New Jersey, Marilyn Lloyd Bouquard of Tennessee, and Dick Ottinger of New York. We have a total of 11 Democrats on that Subcommittee. On the Minority side Jack Wydler of New York has been selected as Ranking Minority Member. This, of course, is the Subcommittee that will consider the Clinch River Breeder Reactor issue in the 96th Congress, and I know its going to be a busy year.

As to our Senate counterpart, namely the Energy Research and Development Subcommittee of the Senate Energy Committee, Frank Church of Idaho remains the Chairman, and Senator James McClure, also of Idaho, now becomes Ranking Minority Member, replacing Senator Hatfield. While I think you are all familiar with the favorable position of both Senators Church and McClure on the breeder situation, you should recognize that the Committee as a whole is less conservative than last year. Among the new Democrats appointed to this Subcommittee are Senators Tsongas and Bradley.

As far as jurisdiction over the Nuclear Regulatory Commission is concerned, in the House that still resides with the Interior Committee, which is chaired by Congressman Udall. In the Senate, NRC jurisdiction remains with the Nuclear Regulatory Subcommittee of the Committee on Environment and Public Works. This Subcommittee is under Gary Hart of Colorado and has a new Ranking Minority Member, Senator Simpson of Wyoming. Along with Senator Simpson on the Minority side of that Subcommittee are Senators Domenici and Baker. Senator Simpson replaces Senator McClure, who, while remaining on the Energy Committee in the Senate, also moves to the Appropriations Committee.

By now you are all aware that nuclear jurisdiction has shifted substantially from what it was several years ago, when it resided with the Joint Committee on Atomic Energy. In the House, the Science and Technology Committee now has jurisdiction over civilian nuclear power research and development, but several other Committees have part or feel they have part of that turf. Both the Interior and Commerce Committees, for example, are quite interested in the subject of radioactive waste disposal, and Interior has already held hearings on that subject this year. The Armed Services Committee is concerned about the disposal of those radioactive wastes generated in military programs. The International Relations Committee monitors nuclear exports and nonproliferation matters, and the Appropriations Committee is concerned with funding for all of the Federal Government's nuclear activities. The Government Operations Committee is concerned about how the various Federal agencies organize their nuclear responsibilities. I hope I didn't leave anybody out.

In the Senate, again several Committees are involved in nuclear matters, primarily Environment and Public Works, the Energy Committee and Government Affairs. What we have in both Houses of Congress is a classic situation where an issue has generated broad public interest and controversy, but the Congress has not adequately defined the jurisdictional boundaries as to how this subject should be handled. I wish I could say that the matter will soon be resolved, but in the House, unless the Speaker, the Rules Committee or a Committee on Committees steps in, I do not anticipate a quick or easy resolution of this matter.

One factor that has made the whole situation somewhat difficult and confused has been the late passage, indeed this year the lack of passage, of an authorization bill for the Department of Energy. The House passed one, but the Senate did not. As a result, it has been the Appropriations Committees that have provided the funds and the direction for the nuclear programs.

As many of you know, the usual role of the Appropriations Committees is to decide the actual funding levels for energy programs, after following the policy directions set by the authorizing committees. However, because the appropriations committees have moved ahead of authorizations in energy legislation in recent years, they sometimes take an independent course in areas where their members have strong views. The recent situation with fiscal year 1979 funding for the Clinch River Breeder, for example, while probably one that this audience would not oppose, is a case in point.

It is probably too soon to say whether this year will prove different. I know the authorizing committees are aware of the weakening of their roles, and will do what they can to arrest this shift in authority. However, at this time it is questionable that we will see a fiscal year 1979 authorization bill become law, as the Senate Energy Committee appears inclined to skip that over and wage the Clinch River battle on the 1980 bill. As a first step, however, a fiscal year 1979 bill has been introduced jointly in the House by the Science, Commerce and Interior Committees. Just what priority and action this bill will receive remains to be seen.

As to the nuclear issues that will come up this session, the list is a long one, and I suspect very familiar to most of you. Another one laying over from the previous year is the licensing bill. We don't know yet whether the Administration will resubmit this bill, the purpose of which is to cut the present 12 year lead time for building a new nuclear plant in half. At the moment, bills are being prepared by both the Administration and the Nuclear Regulatory Commission, the latter at the request of the House Interior Committee. The situation is uncertain as the Administration has not decided whether it wants to send its own bill up or not. Experience shows that when a situation gets this murky, little gets done. I have serious doubts that we will see a licensing bill enacted into law.

One area where, unfortunately, I think we will see some interest if not legislative action is in the Price Anderson Act. As you know, the Nuclear Regulatory Commission's repudiation of some of the conclusions of the Rassmusen Report have opened the door, in the minds of some people, to reexamination of the link between the Rassmusen Report and the Price Anderson Act. If consideration of this insurance program is reopened, as it might be, the most likely result would be a retention of the Price Anderson system itself, but removal of the limits on liability. When one considers that some of the other provisions of the Act are meritorious only when connected to a limit on liability, the prospect of reopening the Price Anderson matter is not encouraging.

It is somewhat encouraging, however, to see that the Administration has finally recognized the seriousness of the spent fuel problem and that a bill will soon be sent up to provide away-from-reactor storage capacity. On the other hand, I am concerned by the reported statement of a DOE official that the fees for storing spent fuel will be structured so as to give utilities an "overwhelming" financial incentive to store their spent fuel at reactor sites. I hope this bill helps more than it hinders. I also hope that those opposed to the nuclear option will act responsibly towards this legislation, as the forced shutdown of any nuclear plants, should it come to that, due to lack of fuel storage space would not be in anybody's best interests.

This whole problem could be solved, of course, by recognition of the need for reprocessing. I believe we will see that recognition in the final results of the International Nuclear Fuel Cycle Evaluation, to be completed next year, but whether the current Administration will accept these results is anybody's guess.

The major nuclear issue this year, as last year and the year before, will be the Clinch River Breeder Reactor. I don't think any of us have been convinced by the Administration's arguments concerning the lack of need for this plant, despite the fact that they talk about obsolescence, high cost, reduced energy demand, possible availability of alternative fuel cycles, and other smoke screen issues. Their concern is and always has been that of proliferation. Those of you who were at the last meeting of this section and heard Kitty Schirner speak can draw your own conclusions about the validity of the Administration's concern over proliferation. I, for one, think it is a misplaced concern and that the Nation will suffer if we deny ourselves breeder technology. We already see other countries moving ahead of us in breeder development, and we will soon be relegated to second class status among the nuclear power nations.

The Clinch River debate has been at somewhat of a standstill over the last few months with Capitol Hill attention focused partly on the McClure compromise. The President's budget for fiscal year 1980 contains no funds for Clinch River, and it is still his intention that the project be terminated. There is some confusion over the meaning of the word discontinue as used in the compromise, but I understand that Secretary Schlesinger has recently said that the Administration will still go along with a discontinuation of the project, as opposel to its absolute termination. For the moment, we see a breeder base program at around the $500 million level, which is sufficient to maintain at least part of our technical capability, but far short of the effort needed if we're really serious about developing the breeder.

I believe we have to be serious about breeder development. Nothing has changed in the last year or two that provides any further support for the Administration's arguments. This Nation needs the breeder program and it needs a plant, a real plant, as the focal point of that program. As is the situation with nuclear waste management, we must not go back and restudy our options. The time to build a plant is now. We already have fabricated a number of Clinch River components, and it would be an irresponsible waste of taxpayer's money not to get the maximum benefit from the work that has been put into that plant.

The ball is now in Congress's court, and despite the fact that we have an inflation-minded Congress that fully intends to maintain a tight budget, we need to do something to keep the Clinch River project going. Authorization hearings start this week with mark-up sessions likely to be held toward the end of this month or in early March. As an industry, you need to maintain the same presence and vigorous support of this project that you have displayed over the last two years.

Saving the best for last, I would now like to talk about the subject of nuclear waste management. We had hoped to see the final Interagency Review Group report completed by the President's deadline of February 1st, but it looks as if it will now be delayed for at least a month. In the absence of Administration action on this subject, I introduced yesterday the Nuclear Waste Management Research, Development and Demonstration Act of 1979. This bill provides for the construction of a permanent Federal repository for nuclear wastes and spent nuclear fuel assemblies generated in the operation of civilian nuclear power plants. It requires the Secretary of Energy to construct a repository to be in operation no later than September 30, 1988.

The bill will help us avoid the frightening prospect of an energy shortage, which a nuclear slowdown would surely entail. While the problems surrounding the construction and operation of nuclear waste facilities are substantial, recent evidence leads me to conclude that the technology has reached the stage where we should proceed with a demonstration facility. This bill directs the Secretary of Energy to construct and operate a permanent repository for the disposal of nuclear wastes and the storage of spent fuel assemblies, and its key element is that it sets a strict timetable for the completion of this job, recognizing the urgency of the problem. Site selection is to be based on the many studies conducted *to date* on nuclear waste disposal, as well as on specific site evaluations yet to be completed. The demonstration facility must become operational, as I have indicated, by September 30, 1988.

The issue of nuclear wastes is of considerable importance to the Nation and is a problem which has been neglected for too long a period of time. We have already been forced to limit construction of the new nuclear plants in some areas of the country due to the public's perception of the nuclear waste problem. We must act now to insure that this situation gets better, not worse.

My motivation for introducing this bill was in part the realization that we have studied the subject of nuclear wastes and studied it again. As I stated in a letter to the Secretary of Energy on this matter last year, I cannot help but note that we have seen a seemingly unending series of studies, reviews and evaluation of this subject within the last several years, each ending with several laudible recommendations or goals that somehow get sidetracked before they are achieved. Endless paper studies do not seem to me to be the solution to the nuclear waste disposal problem. What we need instead is to est establish a research, development and demonstration program that will get this job done, and to my mind that includes construction and operation of a repository in a timely manner. The bill does exactly that, and for this reason, it is imperative that we act on this legislation during this sesison of Congress.

When I was out at Hanford this past summer, it was impressed upon me that during World War II, we built our first plutonium production reactors in a period of about 13 months, but now I find that we cannot dig a hole in the ground to handle the waste from those reactors for 13 years. That is an intolerable situation, and my bill proposes to correct it. In addition to mandating the construction of a repository, the bill requires this facility to go through a licensing process and designates both the Department of Energy and the Nuclear Regulatory Commission as joint lead agencies for preparing the necessary environmental impact statements. The bill also provides for a meaningful State role in commenting on the construction and operation of the repository and encourages public participation in the project. Finally, the bill establishes a nuclear waste advisory committee and extends the licensing authority of the Nuclear Regulatory Commission to cover spent fuel assemblies and transuranic elements.

One thing the bill does not do is establish a new Federal agency to regulate nuclear wastes. We don't need a new agency, as some of my colleagues in the Congress have suggested. We have the necessary mechanisms in place. What we really need is the initiative to get on with the job and get it done.

The bill also does not provide a legislative veto for the States. I don't believe this is necessary, as there are ample mechanisms under the bill for the many industrial, scientific and environmental organizations interested in this project and the public at large to provide their views for consideration during the siting, design, and construction of the repository. States and other parties must play a significant role in the formulation of any effective nuclear waste disposal program. My legislation formally recognizes the role of the states and give them an opportunity to comment on and influence any action taken by the Secretary under this bill. It specifically provides for state input at early stages of the decision-making process for the facility, thereby protecting the rights of the states involved while providing for the construction and operation of a facility that is in the Nation's best interests.

Strong congressional action must be taken in the 96th Congress to focus on the need for a permanent, operational nuclear waste facility. The Congress must recognize that the principal national issue of concern with nuclear energy is waste disposal. I believe that this legislation provides the tools to allow us to adequately address this concern, and I therefore will be pressing for its enactment.

I could go on further but I think that by now you've got the message. Nuclear power faces problems, but other energy technologies do as well. In fact, if there is one thing we have learned from nuclear power it is the difficulty of bringing any new energy source from the laboratory, through several development and demonstration stages, and into the marketplace. There is no reason to believe that the road will be easier for solar or geothermal energy, or for any other energy source.

The government's role must be one of encouragement, moral support, and funding of needed research, development and demonstration activities that the private sector alone will not accomplish. We see this approach being employed for the politically popular energy sources, but only the tnird item applies to nuclear power these days. It would be extremely beneficial, and cost very little, if the Administration would come out with a statement of support for the nuclear option. If they were to do so, a number of the current uncertainties facing the industry would disappear, and it may not be beyond the bounds of reason, somebody, to see the solar lobby and a "nuclear caucus" working in Congress for a common goal—a narrowing of the energy supply-demand gap, and a reduction in oil imports. Thank you!●

HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WELCOMES COMMENTS ON A NEW RULE ENACTED BY THE HOUSE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BENNETT. Mr. Speaker, on January 15, 1979, the House of Representatives added a new clause to the Code of Official Conduct, clause 11 of rule XLIII, which provides as follows:

> A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization to use the words "Congress of the United States", "House of Representatives", or "official business", or any combination of words thereof, on any letterhead or envelope.

This clause took effect upon adoption. The primary purpose of clause 11 is to prohibit a private organization from using a facsimile of congressional stationery for a direct mail fundraising appeal. However, the Committee on Standards of Official Conduct has received a number of inquiries concerning the application of this rule to other factual situations.

The Committee on Standards of Official Conduct will soon be issuing a formal advisory opinion interpreting clause 11. The committee would welcome comments from Members on the general interpretation of this clause. Any Member wishing to submit written views to the committee should do so as soon as possible.●

CONSERVING ENERGY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SCHEUER. Mr. Speaker, as this body is well aware, a great deal of time and effort has been devoted in Congress to seek ways to assist the American people in understanding the need to conserve energy and ways in which this critical task can effectively be accomplished.

Not enough is now being done to conserve energy which is particularly tragic as the international situation becomes more unstable.

I have been following the development of a model Conference on Community Housing and Energy Conservation, which is being cosponsored by the Department of Housing and Urban Development and Council of Jewish Federations in association with the Department of Energy and dozens of religious groups of all faiths and neighborhood organizations. This conference is the only one I am aware of which has actually sought to teach leaders of community groups how to help ordinary citizens conserve energy.

I want to congratulate Father Geno Baroni, assistant secretary for Neighborhoods, Voluntary Associations and Consumer Protection, and his office staff which labored hard and long to assist the Council of Jewish Federations which designed the conference program under the direction of William Rice, a consultant on energy conservation.

What is most interesting about this innovative grassroots endeavor is the very diverse number of community-based groups that actually took advantage of this unique opportunity, spent all of George Washington's Birthday holiday, from 8:30 in the morning until well into the evening. That so many people were willing to take this time indicated to me clearly the high level of interest existing among ordinary citizens to learn how to conserve energy.

The Department of Housing and Urban Development and the Department of Energy and other relevant Federal agencies would do well to increase their community-level contacts to replicate efforts like the one created by the Council of Jewish Federations.●

WESTERN NEW YORK NUCLEAR FUEL SERVICE CENTER, WEST VALLEY, N.Y.

HON. STANLEY N. LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. LUNDINE. Mr. Speaker, the only commercial nuclear reprocessing plant ever to have operated in the United States is located in my congressional district at West Valley, N.Y. The facility began operations in 1966 on a 3,350-acre site near Ashford, N.Y., following the granting of a license by the Nuclear Regulatory Commission to the State of New York and Nuclear Fuel Services, Inc., as colicensees to operate the plant. Plant operation has been closed since 1972 and will never reopen. Located on the site are a nuclear reprocessing plant, nearly 600,000 gallons of high-level liquid nuclear waste, and 2 solid nuclear waste burial grounds.

This was a federally encouraged commercial venture, with the Federal Government actually having provided most of the spent fuel rods for processing at the site over the 6-year operation of the plant. The Department of Energy will soon complete a 1-year study regarding future disposition of the site in response to a congressional mandate under Public Law 95–238. Their final report will be submitted to the Congress for review and further action on February 25.

Since coming to Congress, I have studied this complex issue carefully. Its resolution must be a top legislative priority of this Congress. It is essential that we demonstrate an ability to safely dispose of nuclear wastes in this country and a resolution of the problems at the West Valley site must be an integral part of this process.

I recently undertook a public opinion survey of the residents of the West Valley Central School District in my congressional district. The survey was undertaken to assess public attitudes about the Western New York Nuclear Service Center from residents within the community most directly affected by the 1972 plant closing and decisions regarding the future of the facility.

The survey was analyzed by a public opinion research consultant. Following is a summary of the results of this analysis. I have available in my office files a more detailed statistical breakdown and analysis. I would like to acknowledge the assistance of Mr. Charles Couture, president of the West Valley Chamber of Commerce, and Mr. Robert Niver, principal of the West Valley Central School, in encouraging citizen participation in the survey:

The Survey

The questionnaire was mailed to all 543 households in the West Valley Central School District. The district is comprised of 430 households in the town of Ashford and 113 households in the surrounding community. No attempt was made to randomly sample households in the School District because of the small size of the community.

The questionnaire provided space for responses from two members of each household. Questionnaires were returned by 175 persons from 108 separate households between January 4 and January 22, 1979, providing a household return rate of 20%.

Survey research experience indicates that responses from a mailed questionnaire are not necessarily an accurate reflection of the make-up of the population. Individuals who return mailed questionnaires tend to have higher incomes and are more highly educated, more politically attentive, and more highly motivated on the subject matter of the questionnaire than the population as a whole.

For this reason, readers of this report should be aware that the analysis is based solely on the opinions of individuals who returned the questionnaire. Because respondents were not randomly selected, their opinions are not necessarily an accurate reflection of the opinions of all citizens residing in the West Valley Central School District. Although we cannot assess the accuracy with which the profile of respondents reflects the demography of the area, we can conclude that the results of the survey accurately represent the opinions of those residents who cared enough about the problem to register their attitudes with their representative in Congress.

A profile of respondents who returned the questionnaire is presented in the Appendix. The profile presents the answers to the demographic variables included in the questionnaire.

GENERAL ATTITUDES ABOUT THE DEVELOPMENT OF NUCLEAR ENERGY

Three questions were included in the survey to determine general attitudes about the future development of nuclear energy. Total sample results of these questions are provided below:

"The Congress should approve legislation to speed up licensing of nuclear power plants in the U.S."

Agree	32
Disagree	56
Not Sure	12

"The federal government should spend more money on the further development of solar energy than on the development of nuclear energy."

Agree	63
Disagree	26
Not Sure	11

"Nuclear energy can significantly decrease U.S. reliance on foreign energy sources."

Agree	47
Disagree	33
Not Sure	20

ATTITUDES ABOUT OPERATIONS AT THE WEST VALLEY SITE

Two questions were included in the survey to determine public attitudes about the closing of the West Valley site, and the roles of Nuclear Fuel Services and the Nuclear Regulatory Commission in the closing, as follows:

"Nuclear Fuel Services has lived up to its contractual agreements."

Agree	37
Disagree	34
Not Sure	29

"The Nuclear Regulatory Commission has acted properly in upgrading its criteria for nuclear operations in the West Valley area."

Agree	39
Disagree	42
Not Sure	19

At the time this survey was taken, respondents to the questionnaire who have an opinion on these issues are almost evenly divided in their attitudes on the performance of both NFS and NRC.

By only a three percent margin (37% to 34%), respondents agree that Nuclear Fuel Services kept it contractual agreements for operation of the plant. There is, however, a significant level of indecision on this issue. Twenty-nine percent of the respondents have no opinion on this question. This is the highest level of indecision on any question included in the survey, and probably indicates an absence of public awareness of the specific legal relationships between New York State, Nuclear Fuel Services, and the Nuclear Regulatory Commission at the West Valley site.

Respondents are also almost evenly split in their evaluations of the Nuclear Regulatory Commision's performance. By a three percent margin (42% to 39%), respondents disagree that the NRC acted properly in upgrading its criteria for operation of the site. Nineteen percent of the respondents are undecided on the issue.

Differences in attitudes toward the NRC's actions are particularly interesting in terms of employees of NFS and their families. By a 48 to 34 percent margin respondents who have a family member employed by NFS agree that the NRC acted properly in upgrading the standards. Respondents with no family employment by NFS have different attitudes. By a similar margin (47% to 53%) they disagree that the NRC acted properly in its West Valley rulings.

RESPONDENT CONCERNS ABOUT FIVE ASPECTS OF THE WEST VALLEY SITE

Respondents were asked to rank order five aspects of problem areas connected with the West Valley site in terms of their degree of concern about each aspect. Respondents were asked to rank the problem areas from one to five, with one indicating the aspect about which they are most concerned, and five indicating the problem area of least concern. The problem areas and the average ranking assigned to each of them are as follows:

Respondent concerns:	*Average ranking*
Technical ability to deal with the existing (nuclear) wastes on site	2.5
Impact on health and safety of workers and population	1.7
Revenue to replace lost taxes from current NFS facilities	2.8
Who will ultimately own and manage the site	3.8
Stimulation of jobs for the local economy	3.9

Respondents to the questionnaire are most concerned about health and safety, followed by the technical ability to deal with existing wastes, revenue to replace taxes lost as a result of the plant closing, the ultimate ownership and management of the site, and jobs for the local community.

The ranking actually assigned by respondents to each of those areas are presented below:

	Rank of concern				
	Most concern				Least concern
	1	2	3	4	5
Health and safety	62	20	8	7	3
Existing wastes	21	42	16	13	8
Lost taxes	15	22	35	19	9
Ownership of site	3	5	25	34	33
Local employment	8	8	13	25	46

ATTITUDES ABOUT FUTURE DISPOSITION OF THE WEST VALLEY SITE

Respondents were asked which of the following three options they would prefer for the future disposition of the West Valley site: (1) increased nuclear activity on the site, (2) a gradual phase-out of current activity on the site, or (3) return of the site to non-nuclear use as soon as technically possible. Total sample results of this question are provided below:

Increased nuclear activity on the site	26
Gradual phase-out of current activity on the site	17
Return of the site to non-nuclear use as soon as technically possible	52
Not Sure	5

Respondents were also asked who they feel should make the ultimate decision regarding the future disposition of the West Valley site, with the following result:

New York State	13
Nuclear Fuel Services	3
Nuclear Regulatory Commission	9
Congress	15
Department of Energy	5
All of the above	51
Not Sure	4

A majority of respondents feel that a collaboration of the various entities noted above should determine the future disposition of the NFS site. Respondents cite Congress and New York State more frequently than other single entities as their choice for making the ultimate decision about the future disposition of the site.

Only nine percent of the respondents feel the NRC alone should determine the future of the West Valley site, and only three percent feel that NFS alone should make that decision.

ATTITUDES ABOUT ALTERNATIVE FUTURES OF THE SITE

Respondents were asked to indicate their preference for alternative future conditions at the West Valley site 20 years from today by rank ordering four hypothetical descriptions of possible activity on the site from most advantageous (1) to least advantageous (4). The hypothetical description and the average ranking assigned to each option are presented below:

	Average ranking
1. "The site has been completely decontaminated and decommissioned. Alternate land use is unrestricted."	1.9
2. "Nuclear activity continues on the site. High-level liquid wastes have been solidified and shipped to a federal repository . . . Burial grounds remain closed to additional waste . . . Spent fuel capability has not been expanded."	2.1
3. "There is a high degree of nuclear activity on the site. The plant is being used as part of a nuclear research and development program. Spent fuel storage capacity has been expanded, and the burial grounds have been reopened for receipt of low-level nuclear wastes. High-level waste has been solidified."	2.8
4. "The site remains as it is today except for modifications required by the Nuclear Regulatory Commission. High-level waste remains in liquid form, the plant without substantial modifications, and the waste burial grounds intact."	3.5

Respondents feel the first option—complete decontamination of the site—is the most advantageous, while the fourth option—allowing the site to remain essentially as it is today—is the least advantageous.

The actual rankings assigned by respondents to each option are presented below:

	Most advantageous			Least advantageous
Option:	1	2	3	4
1	56	13	15	16
2	27	52	6	15
3	19	13	35	33
4	1	12	26	61

Fifty-six percent of the respondents to the questionnaire rank option 1—complete decontamination of the site—as the most advantageous option for the future of the site. Sixteen percent of the respondents feel this option is the least advantageous, indicating the level of strong pro-nuclear attitude among respondents as a whole.

Sixty-one percent of the respondents feel option 4—maintaining the site essentially as it is today—is the least advantageous option, while only one percent of the respondents feel this is the most advantageous option. These results indicate that a solid majority of respondents oppose the continuation of current activities on the site.

SUMMARY AND CONCLUSIONS

A majority of respondents to the questionnaire express attitudes which could be termed anti-nuclear development. A majority of the respondents (56%) do not feel that the licensing of nuclear power plants in the U.S. should be speeded up. By a larger margin (63%), respondents think the federal government should spend more money on the development of solar energy than on the development of nuclear energy.

On specific aspects of the Western New York Nuclear Service Center, respondent attitudes are similarly straightforward. The aspect of the problems connected with the West Valley site with which respondents are most concerned is the health and safety of workers and the residents of the community. Sixty-two percent of the respondents rank that issue as the one on which they are most concerned. In addition, they are more concerned about the technical ability to deal with existing wastes at the site than they are with any of the economic concerns included in the questionnaire.

Given options on future disposition of the site, a majority of the respondents (52%) choose a return of the site to non-nuclear use as soon as it is technically possible. When asked to rank alternatives for the site twenty years from now, 56 percent also choose complete decontamination and decommissioning of the site as most advantageous.

In terms of future decision-making on the disposition of the site, a majority of respondents feel a coalition of several entities should make the decisions. They see roles in the decision-making for Congress, the State of New York and the Nuclear Regulatory Commission, and lesser roles for the Department of Energy and Nuclear Fuel Services, Inc.

The only question included in the survey on which a clear majority of respondents does not exist is on the performance of Nuclear Fuel Services and the Nuclear Regulatory Commission in the closing of the West Valley site.

Some generalizations can also be made about the demographic profiles of the above attitudes. There is generally a split in attitudes along age, length of residence and sex lines. Younger respondents, shorter-term residents and females are more likely to hold the views outlined above than are older respondents, long-term residents and males. It should be pointed out, however, that significant proportions of each of the latter groups of respondents hold views similar to, and help comprise, the majority opinions cited above.

Familiarity with the operations of the West Valley site do tend to influence attitudes in the survey. Respondents who have visited the site and respondents with family-member employment by NFS are less likely to hold the majority views outlined above, with one interesting difference—they tend to agree that the Nuclear Regulatory Commission acted properly in upgrading criteria for operation of the site in greater proportions than do other respondents in the survey.

PROFILE OF RESPONDENTS

LENGTH OF RESIDENCE

0–2 years	4.
2–5 years	9.
5–10 years	13.
Over 10 years	34.
All of life	40.

AGE

20–30	21.
30–40	32.
40–60	28.
Over 60	18.

OCCUPATION

Farmer	6.
Businessperson	15.
Housewife	29.
Laborer	11.
Science Professional	7.
Other	32.

SEX

Male	56.
Female	44.
Females under 40	26.

EVER VISITED SITE

Yes	56.
No	44.

FAMILY MEMBER EMPLOYED BY NFS

Yes	33.
No	60.●

A NEW VISION OF OLDER AMERICANS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WAXMAN. Mr. Speaker, the legislative record of the 95th Congress reflects a recognition of the importance of older Americans to the life of this country. In the past 2 years, Congress has become aware that older Americans represent a potent political force which cannot be ignored.

This force has dramatically changed both public and congressional perceptions of older Americans. In addition to insuring the passage of needed health and support service programs, older Americans have rewritten the definition of aging and individual competence. No longer are the elderly viewed solely as individuals in need of support services. Increasingly they are viewed as contributors to society who demand their right to pursue their lives as they choose.

In the past, Congress has tended to view the older American as someone needing money and services. Legislation has generally embraced income supports, health benefits and a variety of social programs. Indeed, many seniors have greatly benefited from these varied initiatives. However, while remaining supportive of these service-oriented programs, the 95th Congress has departed from this traditional framework in a dramatic way.

For the first time, the Congress now views older people not only as needy, but also as having potential for continued productivity and usefulness. Two laws stand out as hallmarks breaking new ground for seniors. These bills view older people as contributors rightfully demanding both equality of opportunity and the provision of relevant support services.

These laws significantly broaden work opportunities for people in their later years and assure them that they may continue to work for as long as they can do the job. This right—to be productive—has in the past been severely limited by the barrier of age.

The Age Discrimination in Employment Act Amendments of 1978 are a revolutionary departure from traditional employment practices. The law redefines the concept of a working life and stands to have a major impact on employment practices for people of all ages. The amendments abolish forced retirement in the Federal sector and raise the mandatory retirement age in the private sector from 65 to 70. The legislation recognizes that many people are living longer, more active lives and do not wish to be arbitrarily forced into statutory idleness. The law views retirement as a right and not an obligation.

Further, the legislation is a first step toward acknowledging the increasing strain the retired population is placing on the social security system. It is a little known fact that the fastest growing age group in this country embraces people over 75. By the year 2000, it will embrace those over 65. Clearly the demography of our population is changing. Increasingly the taxpayer is being called upon to finance payments to many people who desire to work and do not wish to retire. Such social policy makes neither economic nor moral sense; abolishing mandatory retirement is a beginning toward realining proper priorities.

A second significant provision, which parallels this view of older people as productive workers, is contained in the recently passed Comprehensive Employment and Training Act Amendments of 1978. The act now requires the Secretary of Labor to sponsor programs to meet the unique employment needs of unemployed persons over age 55. Although much attention in employment policy is properly focused on the needs of younger unemployed Americans, thousands of individuals over 55 are unemployed and actively seeking jobs. An employment policy which favors one age group at the expense of another is both shortsighted and cruel. Both groups deserve support.

Traditionally, CETA programs have been regarded as youth programs and have generally ignored the needs of older workers. In fact, last December the U.S. Commission on Civil Rights confirmed this imbalance by charging CETA programs with age discrimination against older workers seeking employment.

This new section of CETA corrects a major deficiency in the Nation's principal employment and training program. It is an important beginning toward altering past CETA biases and integrating older people into positions of productive employment.

Despite these advances, a clear challenge remains for the 96th Congress. While we must continue to support programs for those in need, we must also respond to the older American's increasing desire for self-support, self-sufficiency, and independent living. Our society must offer each citizen the opportunity to make his or her contribution regardless of age.

In the coming years, Congress will be faced with the prospect of an increasingly aging population with fewer younger workers to staff the economy and fund the social security and pension systems. In addition to steps already taken, a radical shift in national manpower policy is in order. Just as increased attention is now being focused on the employment needs of younger workers, the future health of our economy requires that greater steps be taken to provide older workers the opportunity to pursue new careers under imaginative schedules and working arrangements.

The full consequences of the 95th Congress actions in changing employment patterns are as yet unclear. However, it is certain that society will no longer easily accept age as a standard for judging competence.●

LETTER OF THE MONTH

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MARLENEE. Mr. Speaker, sometimes the response to a letter is so inappropriate that it is worth sharing. That is why I wanted to show my colleagues the Carter administration's reply to both a Montana and a Colorado agency's letter that called for the removal of an administration official.

In letters to President Carter, the Montana and Colorado Boards of Crime Control asked that he remove John Rector, Administrator of the Office of Juvenile Justice and Delinquency Prevention.

They charged that Rector arbitrarily diverted funds from programs, infringed upon State's rights, and ignored the Western States.

The White House's response?

Thank you for your recent message to President Carter.

Your comments have been noted and the President appreciates your interest in sharing your views. He finds it helpful to have the benefit of the thinking of as many fellow citizens as possible.

Regrettably, however, in view of the great variety and number of concerns which are brought to our attention each day, it is impossible for us to undertake to comment on them individually. We hope you will understand.

With best wishes,
Sincerely,

Landon Kite,
Staff Assistant.

Well, Montanans did not "understand." Asking for a resignation is serious and this was no exception.

However, the seriousness in which the administration took the Montana and Colorado proposal is best gaged by the staff assistant assigned the responses, Landon Kite. According to an article in the Sunday supplement Parade magazine, January 28, 1979, Landon Kite handles "birthday, wedding, graduation and condolence messages."

In Montana, and I am sure Colorado, we do not think that resolutions passed by our crime control board fall into Mr. Kite's areas of specialty.

I think it is time the administration considers crime control in a different light.●

NICARAGUA—VICTIM OF VENDETTA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HANSEN. Mr. Speaker, the behavior of the United States with regard to our old friend, Nicaragua, is shameful, indeed.

Bullying, intimidation, and coercion have become the tools of an immature foreign policy and an inept State Department.

We behave like the spoiled child who takes a tantrum and hogs his toys whenever we can not impose our will on others. This is especially sad when many of the conditions we demand of our friends are not even possible or desirable in the United States.

The reduction of U.S. assistance programs and cutback of American officials and personnel in Nicaragua may seem like a penalty to the disoriented masterminds of our current foreign policy, but it must have been a breath of fresh air for President Somoza and his people when those pushy gringos left.

The trouble with Nicaragua, Taiwan, Rhodesia, and many other devoted friends of the United States is that they remain loyal and anti-Communist in a day when it is stylish to play the kangaroo version of Russian roulette called "jump in bed with a Red, Fred."

Following please find my news release upon returning from Nicaragua and Panama and a letter to House Banking Committee Chairman Henry Reuss regarding the financial atrocities being committed by our State Department:

Hansen Charges U.S. Policy Encourages Bloodshed in Nicaragua

Washington, D.C., January 9, 1979.—"This Administration might well have blood on its hands if Wednesday's threatened violence occurs in Nicaragua," warned Congressman George Hansen (R–Idaho) in Washington today.

Hansen, a Senior Member of the House Banking Committee, returned Sunday night from a weekend conference with President Aristides Royo of Panama and Anastasio Somoza of Nicaragua and other key U.S. and Latin officials regarding American foreign policy problems.

The Idaho lawmaker reported, "My investigations and observations reveal shockingly exaggerated and grossly distorted picture of the situation in Central America, particularly in reference to Nicaragua."

"The criminal threats of the Sandanista revolutionaries coupled with our gullible and paranoid State Department have given me and most other people a picture that is very unfair and harmful to the interests of the people of that Nation.

"I was led to believe by the State Department and some elements of the media that Nicaragua is a land of suppression and violence under the heels of a dictator who owns everything, but I found it to be a peaceful and pastoral private enterprise nation.

"Advertising and articles in the U.S. press have too often viciously portrayed a mild-mannered U.S. educated president as a bloody tyrant with grossly distorted comparisons to 'King Herod' and 'Idi Amin'.

"Fear is placed in the hearts of would-be travelers to Nicaragua by distorted reports of violence in the press and by an incompetent State Department which failed to cope with Jonestown and now continues to make the same mistakes with Nicaragua by encouraging revolutionary and criminal activities in the name of human rights.

"Intimidation is the name of the game of our foreign policy in Nicaragua which sees us applying political pressure through denial of bank loans and military assistance programs to overthrow the government in Nicaragua which is being violently assaulted, while continuing such aid to neighboring countries who provide sanctuary to the terrorists."

"And Nicaragua is not the only base of Sandanista operations, the Castro-backed revolutionaries are a composition of communists, yankee-haters and disgruntled local citizens in the various countries of their operations. A vivid illustration of this is an article by Hugo Spadafora in the December 28, 1978 Panama City *Critica* which stated, 'On the day that the U.S. Senate was voting on the ratification of the Torrijos-Carter treaty a group of 20 experienced young guerrillas belonging to the Sandinist National Liberation Front (FSLN) was in Panama prepared to go into battle alongside a large and properly organized and trained Panamanian contingent, ready to initiate an armed struggle in the Canal Zone on that very day in the event the treaty was rejected.'

"The false climate created has placed the people of Nicaragua under needless assault, jeopardizing their markets, their jobs and their very lives. Great mischief is being done by misguided activists who are so blinded by their idealistic hate of an imperfect political system that they give encouragement to an even more imperfect revolutionary effort with the unconscionable violence and oppression it promises.

"I am today calling on the Administration and U.S. State Department for an immediate end to our bullying of Nicaragua—and a denunciation of any support of violent acts the revolutionaries may be planning for Wednesday, or be prepared to take responsibilities for having the blood of the people of this small friendly nation on their hands."

FEBRUARY 14, 1979.

Hon. HENRY S. REUSS,
Chairman of the Committee on Banking, Finance and Urban Affairs.

DEAR MR. CHAIRMAN: Herewith please find a report on my recent visit to the nations of Panama and Nicaragua. At the invitation of President Aristides Royo, I traveled to the Republic of Panama on January 5, 1979, and met at length with Sr. Royo and Vice President Ricardo de la Espriella, as well as officials of the United States government, Military Command and the Panama Canal Company.

You may be aware that the Panama Canal Company last October requested of Congressman John McFall, Chairman of the Appropriations Subcommittee on Transportation, approval to expend funds to prepare for the implementation of the Panama Canal Treaty. This clearance was denied pursuant to House legislative history and the Brooke Amendment to the treaty which specifically prohibits any such actions before March 1, 1979. I found that this prohibition has been observed by the Canal Company.

Similar permission was sought of Congressman Gunn McKay, Chairman of the Appropriations Subcommittee on military construction, by the Department of Defense. This request was also denied. However, the Department has gone ahead anyway with a "military alignment" program in defiance of Congress and in apparent violation of law in release of unauthorized funds and illegal contracting procedure.

Further, I found that the Federal Aviation Administration this month has turned over air control facilities and other assets amounting to some $5 million to Panamanian authorities effective in October without authorization of implementation legislation by Congress. I have also discovered that the World Bank made a loan to the Republican of Panama to build their modern airport when there was a general policy against such loans to the nations of Central and South America.

Of further significance, I found that commercial bank loans to Panama for hundreds of millions of dollars, which were known to be in difficulty before conclusion of the Treaty, have now been rolled over and extended for as long as ten years. I feel constrained to point out that during Treaty consideration last year I was strongly questioning whether the proposed treaty primarily constituted a "bail-out" for large commercial bank loans to the Republic of Panama and whether, if that were so, the Treaty might be reflecting too strongly the narrow interest of the banks involved—a matter all too obvious with Marine-Midland Bank officials Sol Linowitz acting as primary negotiator for the United States.

I remember being told by big banks involved that their loans were certainly not in trouble, that their status had nothing to do with the Canal or the Treaty, that the loans would not impact on any banks, and that the entire subject had nothing in it worthy of oversight hearings. But isn't it interesting to see that the banks are sufficiently reassured to extend their loans from practically a call basis to ten-year terms and that such reassurance coincided with the Treaty, which in short has operated to collateralize the canal in the Wall Street pawn shops.

What all of this comes to, Mr. Chairman, is confirmation of my contention that the proposed Treaty and the financial realities in the Republic of Panama could not conceivably be dealt with separately. While it is not the business of the House of Representatives to ratify treaties, it is certainly our place to monitor and, if necessary, publicize the dealings of United States banks and international financial agencies of which the United States is a member when these dealings may stray from secure and appropriate financial operations.

I have argued that it is wrong for financial special interest groups to outweigh the just political interests of the citizens of the United States. Likewise, it is wrong for partisan political interests to dictate international financial affairs. My recent investigations confirm that the respective domains of finance and politics have not been preserved, and the interests of the United States have been subordinated to narrow financial concerns.

Upon concluding my stay in Panama, I visited the Republic of Nicaragua at the express invitation of President Anastasio Somoza. I met with him and other Nicaraguan officials including Dr. Roberto Incer, who is head of the Central Bank of Nicaragua.

Contrary to widespread reports, the country is calm and there is little danger to travelers. It was most disturbing to discover that our State Department has been engaging in a campaign of deliberate and systematic deception to portray the government of Nicaragua as well as the whole country being at the point of collapse, a fact which can be confirmed by Merchant Marine and Fisheries Committee Chairman John Murphy and Appropriations Committee member Charles Wilson of Texas, both of whom have made recent visits to Nicaragua. Of most interest to you, Mr. Chairman, I found that this campaign extended to political interference in the work of the International Monetary Fund.

You are no doubt aware that the IMF has a specific prohibition in its first Article against political criteria being used in deciding whether a member country should be able to use its borrowing privileges. Early in 1978, Nicaragua had started consultation with the IMF for a stand-by agreement. The IMF demanded, as preconditions to any drawing, a number of steps including, among other things, increased taxes, decreased spending by government, liberation of interest rates, and the like. These steps were accordingly duly adopted by the Nicaraguan Congress.

Without going into great detail here, I shall simply point out that the staff and Managing Director of the IMF, informed that the government of Nicaragua had complied with the preconditions, advised Nicaragua to make a request for use of financing from the Fund. This request was properly submitted, was recommended for adoption by the staff and Managing Director, and was scheduled for action at the meeting of the Board of Directors on September 15, 1978.

The evening before that meeting, Nicaragua was informed that the United States would take the unprecedented step of asking for deferral of the request on political grounds. This was done. Officials of the Nicaraguan government and Central Bank discussed the situation thoroughly with the staff of the Fund, representatives of the U.S. Treasury, and European representatives to the IMF at the annual meeting of the IMF in Washington late in September. In consequence, Nicaragua was promised that when the matter next came up at a meeting of the Directors, it would be dealt with on its merits. The IMF staff took the opportunity to revise and update its consideration of the matter and again made a favorable recommendation.

The request was then placed on the agenda for the meeting of November 1, 1978. In the last week of October, Nicaragua was informed by all members of the Board that a decision would be taken on the merits of the request.

Late on October 30, Nicaragua was told that the United States would again ask for a deferral of the request. At the same time, the government of Nicaragua was told by other members of the Fund that the U.S. State Department had addressed through diplomatic channels a request to other governments to support the deferral.

The President of Nicaragua and the head of the Central Bank told me that our Ambassador informed them that the State Department's request was based on a desire to put pressure on the government of Nicaragua in reference to the "mediation" then going on through an O.A.S. commission—clearly a political consideration alone. I understand that the State Department unfortunately made this political criterion evident in its request addressed to other governments.

There is strong evidence to suggest that the United States has breached the Articles of the International Monetary Fund and thus set a most unfortunate precedent, a precedent I might add, which has apparently caused considerable concern among those persons of other nations who witnessed this shocking behavior. Upon returning to the United States, I immediately made private inquiries to try to establish whether there was truth to the Nicaraguan allegations.

I regret to report, Mr. Chairman, that the facts are indeed true as alleged. I invite you, if you have doubts about it, to make your own inquiries to, for example, Mr. Sam Cross, our representative on the Board of Directors of the IMF, or perhaps Mr. Henry Owens of the Department of State. It is Mr. Owens, by the way, who seems to have confirmed the State Department's role by asking one of our colleagues—not a Member of this Committee—to assure the government of Nicaragua that the request, if renewed, will not only be decided on its merits according to the Articles of the IMF, but will be favorably decided. State clearly doesn't know enough not to put the second foot in it.

The Nicaraguan situation vis-a-vis the IMF seems to show a simple continuation of the inability of the State Department to get its priorities straight, and set those priorities in accordance with law and the legitimate interests of the United States.

The relations of the United States with the IMF are within the sole jurisdiction of this Committee. It would seem most appropriate that we hold hearings to fully deal with this erratic financial situation or, at the least, that every Member of the Committee should address a letter to Secretary Blumenthal, Secretary Vance, and Mr. Cross, asking for a full explanation of their conduct, and stressing our insistence that U.S. representatives to the Fund abide by the Articles of the IMF.

I note also, Mr. Chairman, that the Treasury Department will be coming to us with a request to authorize participation in a further "quota increase" in the IMF later this year. In light of the evidence now available, it would seem necessary that we be able to assure our colleagues in the House that such authorization will not be exceeded, and that in the future representatives to the IMF will abide strictly by the articles which govern disposition of United States tax monies committed to the Fund.

In this regard, I would hope that oversight hearings, previously suggested, would be held by the relevant subcommittee on this specific topic and the principals in the affair be asked to testify on the subject. These persons again are Secretary Blumenthal, Secretary Vance, Mr. Sam Cross and Mr. Henry Owens. It would be of particular interest to explore the division of responsibility on Board votes and decisions and, in particular, just what part the State Department thinks it has in dictating such votes.

In summary, Mr. Chairman, my trip on behalf of the Committee brings confirmation of the view that the State Department has, in a most inept and improper manner, comingled financial and political considerations in IMF, World Bank and Treaty Considerations to the point of scandal and embarrassment. This has now spilled into our Committee's jurisdiction in a way which cannot and should not be ignored. Surely our firm committment to prevention of citizen exploitation by special financial interests and the political independence of entities such as the IMF must be maintained. Unfortunately, such a committment was reiterated by Secretary Blumenthal at the meetings in September even while the State Department was manuevering to violate it which surely requires our forceful protest of this illicit bungling in dealing with the request of the government of Nicaragua.

I ask you, in view of what has been discovered by my investigations, to lead vigorous action by the Committee to prevent future recurrences of this unfortunate situation.

Thank you, Mr. Chairman, for making it possible for me to undertake this investigation on behalf of the Committee. I look forward to hearing from you soon on the subjects outlined and stand ready to provide additional information as you may require.

Sincerely,

GEORGE HANSEN,
Member of Congress.●

KHOMEINI LINES UP WITH THE PLO TERRORISTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, on Saturday, February 17, as 1,000 Americans assembled at Teheran's airport to await evacuation to safety from the revolutionary violence and mob rule that has gripped Iran, the first foreign guest arrived for meetings with the leader of the Islamic revolutionary forces, Ayatollah Ruhollah Khomeini. That very first guest of the Khomeini regime was Yasir Arafat, head of the terrorist Palestine Liberation Organization (PLO).

During December and January, Khomeini openly alined his revolutionary forces with the PLO and other terrorist so-called liberation movements. Now with the visit of Arafat to Teheran, the specter of Khomeini-controlled Iran, which may come to rival even Col. Muammar Qaddafi's Libya in extremism, engaging in support of a "jihad" against Egypt as well as Israel is now within the borders of possibility.

It will be recalled that for several years the PLO—both the Al Fatah-led majority and the "rejectionists" faction—has been providing terrorist training to Iranian revolutionaries representing a variety of political tendencies including the National Front's Islamic fundamentalist sectors and its Islamic Marxist terrorists of the Organization of Mujaheddin of the People of Iran (OMPI) through the descendants of the Tudeh party Communists in the Marxist-Leninist Organization of Iranian People's Fedayee Guerrillas (OIPFG). The Iranian revolutionaries were trained in PLO camps in Lebanon, Libya, Iraq, the People Democratic Republic of Yemen (Aden); and more recently in Cuba.

Yasir Arafat, whose strategies in the world political arena come from Moscow, began cultivating extreme sectors of the Islamic religious community last fall. In November 1978, Arafat met with the top officials of the Islamic World League. Arafat joined with the league's leaders and with the President of Pakistan, Mohammad Ziaul Haq, who had accompanied him to the league's offices, in calling for, as reported by the Saudi Riyadh radio, "all Moslems throughout the world to join in holy jihad to liberate Palestine * * *." Arafat said "that the Zionists pose a threat not only to the Palestinian people, but also to the entire Islamic world," and that the existence of Israel was—

> a major plot directed against the entire Islamic world. "Hence," he said, "I call upon you and all Moslems to join in holy jihad to liberate this holy land."

Arafat's new tactic of "playing the Islamic card" has been part of an effort by the PLO and radical Soviet-alined states like Libya and the PDRY to export the unhappiness of Saudi Arabia and Jordan to the Egyptian-Israeli peace talks and bring them into full support for the PLO despite the fact that those governments are as much a target for overthrow by the PLO and its Communist Arab allies as is Israel.

As for Khomeini's relations with the PLO, 2 months ago Arafat sent a letter and emissaries to see the Iranian Shi'ite leader at his headquarters in the suburbs of Paris expressing his "full support" for Khomeini's movement and offering "all possible assistance" in the struggle to overthrow the Iranian Government. Khomeini's reported response was a statement of his "backing and support for the Palestinian revolution in all fields."

Khomeini is the most prominent of the radical Iranian Shi'ite clergy, but it is supported by other Iranian ayatollahs. One of these, Ayatollah Montazari, who has been a leading member of the National Front, the party of the former pro-Soviet Prime Minister Mossadegh who was deposed by the Shah in 1953. Ayatollah Montazari, who is a close aide to Khomeini, gave an interview to the Libyan Jamahiriyah News Agency (JANA) on January 8. JANA said:

> In answer to a question about the stand of the National Front towards the Palestinian cause, Ayatollah Montazari reaffirmed the support of the Front for the Palestinian revolution as well as that of the Iranian people. He also stressed the National Front's support for all Moslems in the Philippines and for liberation movements not only in Africa but all over the world.

The Libyan regime has been backing the Moro National Liberation Front in the southern Philippines which has a tactical alliance with the Maoist Communist terrorists of the New People's Army. Libya has also been funneling support to the Soviet-controlled terrorist movements in southern Africa; and it is certainly "diplomatic" of the Ayatollah Montazari to compliment Libya's favorite terrorist "liberation movements." The JANA report of the interview continued:

> (Montazari) described Zionism as a fascist racist movement and voiced his opposition to usurpation of land, to those who make peace with Zionism, and to the enemies of Islam.

In other words, Montazari attacked Egypt for trying to obtain a peace agreement with Israel. It should be noted that the phrase "the enemies of Islam" is applied by the Shi'ite ayatollahs to the Baha'i sect, a 19th century outgrowth of Shi'ite Islam and the mystical Sufi philosophy. The Baha'i emphasis on education for both sexes has resulted in a large proportion of the members of this small sect attaining prominence. Envy of Baha'i members influence and opposition by Islamic extremists of Baha'i toleration for non-Islamic religions makes them a particular target of the Khomeini forces.

The similarities of the PLO's revolutionary efforts with the Khomeini forces in Iran were emphasized by PLO chief Arafat in a Damascus speech on January 8 marking the PLO's 15th anniversary. In a speech at the Al Yarmuk camp, Arafat pointed out that the Khomeini supporters "raised the slogan of 'a revolution, revolution until victory'

* * * (which) is the slogan raised by the Palestinian revolution."

As for collaboration between the Khomeini forces and the Communists and Marxist terrorist organizations, the recent reports from correspondents in Teheran show that the street fighting in Teheran and other cities was led by the OIPFG and OMPI. And as for the political collaboration between the Marxists and Islamic revolutionaries, the Teheran correspondent for the Paris newspaper, Le Figaro, Thierry Desjardins, had a report in January on maneuverings in Teheran of National Front leaders Karim Sanjabi and Ayatollah Talebani, the Shi'ite leader of Teheran. According to Desjardins:

> After a lot of fine words, this religious leader surprised me. When I asked, "What are your relations with the Communists?" the holy man replied, "On the philosophical level no agreement is possible between us and the atheist Marxists, but on the political and social level we agree with them."

Additional aspects of the alliance between the Palestine Liberation Organization and Khomeini have been explored in an article published in the February 12, 1979, edition of the Daily Telegraph (London), by Robert Moss.

The article follows:

[Excerpt]

UK JOURNALIST NOTES PLO LINKS TO KHOMEYNI MOVEMENT

(By Robert Moss)

While the mostly Sunni Arab world is divided on how to deal with Iran's Shi'ite leader, the Ayatollah Khomeyni, the major Palestinian groups seem to have no doubt that his assumption of power in Tehran would be a powerful boost for their ambitions.

Western intelligence sources say that there was an exchange of letters between Khomeyni and the Palestine Liberation Organisation (PLO) leader Yasir 'Arafat before the ayatollah left France. Khomeyni has pledged to give the PLO an office in Tehran and to provide full Iranian backing for an independent Palestinian state if he succeeds in establishing his "Islamic republic."

This is obviously in keeping with Khomeyni's vehement anti-Zionism. Cooperation between some of his aides—notably Dr. Ibrahim Yazdi—and the main Palestinian movements appears to go rather deeper.

Nayif Hawatimah, the Marxist chief of the Democratic Popular Front for the Liberation of Palestine (DPFLP), which enjoys considerable Soviet backing, has maintained close ties with the ayatollah's entourage. Together with Muhsi Ibrahim, the leader of the Lebanese Communist Action Organization, Hawatimah is said to have played an important part in pulling Khomeyni's Shi'ite movement and the communist Tudeh Party more closely together.

Mainly thanks to Hawatimah, the more radical elements in the PLO have long-standing associations with Tudeh Party leaders. During Iran's upheavals a number of Tudah Party publications have actually been produced on PLO printing presses in Beirut.

SUPPORT FROM AL-QADHDAFI

The most intriguing aspects of this emerging Khomeyni-PLO axis are: (A) its military potential; and (B) the Palestinians' ability to help raise cash for Iran's leftists. Libya's Colonel al-Qadhdafi who, although a Sunnite, backs Khomeyni as a standard-bearer in the Islamic revival—is reported to have set aside a budget to enable Palestinian groups to provide guerrilla training for Iranians in Lebanon and some of the gulf emirates.

At the same time, Palestinian organisations (including the DPFLP) are said to have been mobilised to collect money in Khomeyni's name from the large Shi'ite communities of migrant workers on the Arab side of the Persian Gulf.

Such developments are not regarded with much relish by other Arab states in the region. Even the Iraqis, although close to Moscow are nervous about the psychological effect of the Shi'ite revolt in Iran, since the Ba'thist regime in Baghdad represents Sunni domination over a Shi'ite majority.

Meanwhile, Western observers report a marked increase in the number of Russians in Iran—from the KGB and the International Department (ID) of the Central Committee of the Communist Party of the Soviet Union—in the past two months. Boris Ponomarev, chief of the influential ID, has been entrusted with overall responsibility for liaison between Moscow and Iran's Tudeh Party.●

THE "VOICE OF THE PEOPLE"—ROBERT CODY BROWN—IS STILL

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BAFALIS. Mr. Speaker, earlier this month, Lee County, Fla., and indeed the entire State of Florida lost a strong voice, that of Robert Cody Brown, a journalist of note, an historian, a politician, a soldier, and a great American.

Born in 1894, Robert Cody Brown watched this world move from the horse-and-buggy era to man's landing on the Moon. A soldier in World War I, then a newspaperman in Chicago and New York, Robert Cody Brown moved to Fort Myers in 1939 after retiring as assistant publisher of the New York Journal. And he quickly became the conscience of the community.

A tribute follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 21, 1979.

To the Family and Friends of Robert Cody Brown:

Only rarely in an entire lifetime are we blessed to have in our midst a man of the stature, character and integrity of Robert Cody Brown.

In his 84 years Bob Brown had not only witnessed but participated in the making of much history. He learned from each experience and each encounter throughout his life and, with wisdom, candor, and wit, shared his vast knowledge and philosophy with us like a teacher or father.

To me—and to the members of my staff who also came to know and love him—Bob Brown was more than just a friend. He had become my counselor, my confidant, my political conscience. However, Bob was not selfish or parochial in sharing his wisdom and foresightedness. National figures from all walks of life sought him out for counsel and advice.

A dedicated and outspoken patriot, Bob Brown's love of his country was unbounded though sometimes concealed by his doomsday predictions if governments and elected officials didn't take his advice and straighten out. In truth, his only real motivation was to insure that this great nation was left to his survivors in better shape than he found it.

Let this time of mourning also be a time of thanksgiving—for each of us should be deeply grateful for having known and enjoyed this great American.

L. A. "SKIP" BAFALIS,
Member of Congress. ●

WHICH HALF UNDERSTANDS FACTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

Mr. COLLINS of Texas. Mr. Speaker, the other day the Gallup poll said half the people were in favor of wage and price controls to end inflation. Obviously, the other half have studied history and know that price controls have never worked in peace times. Controls make things worse, because when pressure removes them, the prices skyrocket.

People with limited education will say they want no limit on wages; just limit prices. If everyone in the plant gets a salary boost, how can the business continue to operate, unless it raises prices.

Where are the half of the people who do not understand the facts:

Inflation is primarily caused by Congress overspending. We spend more than our income. Then when the government prints money or increases unfunded Federal bank reserves, this results in the value of the dollar falling.

Balanced budget in Congress would be the answer to inflation. Price control will only make a bad problem worse.

Ralph K. Bennett had an excellent analysis in January's Readers Digest of "What Really Causes Inflation." Bennett talks in facts and answers myths that have been suggested as an easy answer.

Let me quote from Bennett on wage and price controls. Readers Digest tells it as it is.

> Wage and price controls will "cure" inflation. This popular delusion feeds on the first myth. "Price controls have been imposed repeatedly for more than 2,000 years," notes Nobel Prize-winning economist Milton Friedman. "They have always failed." Roman emperor Diocletian used capital punishment in a futile effort to enforce controls in A.D. 301. Thousands died, and the economy was nearly wrecked.
>
> In 1775, the Continental Congress sought to finance our infant government's debt by authorizing the issue of an almost worthless paper money. A disastrous inflation followed. The Pennsylvania legislature sought to stem it with price controls. Many farmers and businessmen refused to sell at the controlled prices. Shortages developed. The army wintering at Valley Forge in 1777–78 could not get badly needed supplies. The army's misery, wrote John Adams, was due largely to "that improvident Act for limiting prices . . . [which] if not repealed will ruin the state and introduce a civil war."
>
> Historical experiences like these underscore the well-known deficiencies of wage and price controls. Such controls * * *
>
> *Create shortages.* Many businesses cannot or will not produce at the artificially set prices.
>
> *Result in a lowering of quality.* Former "standard" features on a product become costly extras.

Are consistently circumvented. Black markets spring up.

Require a large and expensive bureaucracy to administer them. During World War II—our longest flirtation with controls—the Office of Price Administration (OPA) employed 65,000 bureaucrats who directed an additional 325,000 "price-control volunteers."

But, worst of all, while controls may create an illusion of being effective, they only temporarily hold down wages and prices, while the tremendous pressure of inflation continues to build up. Once the controls are lifted, the market spurts to find its natural level, and a more pronounced and damaging inflation is usually the result.

This country's most recent attempt at controls—the Nixon Administration's "Phase I, II, III and IV" program begun in August 1971—built up pressure for one of the worst inflationary explosions in U.S. history. The rate of growth of consumer prices had been in decline at the time the controls were instituted. This was the result of a cutback in money supply in the waning days of the Johnson Administration. But during the period of controls the Consumer Price Index began a steep climb, reaching almost 13 percent by mid-1974. The disaster was compounded by a harrowing confluence of events—a worldwide crop failure and the Arab oil embargo. Some people still entertain the idea that these factors caused the inflation of 1973–74. The fact is that the Nixon controls were a facade behind which government spending increased sharply.

Why then do governments return to wage and price controls, frequently with popular support? (A recent Gallup poll showed about half the respondents in favor of some form of controls.) The outcry for controls, contends Friedman, "is based on neither experience nor analysis but simply on the for 'God's sake let's do something' syndrome." Howeven, controls are not the answer when they are imposed by a government that at the same time goes deeper into debt while printing more money to pay the bills.

LITHUANIAN ANNIVERSARY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. FLORIO. Mr. Speaker, February 16, 1979, marked the 61st anniversary of the reestablishment of the independent state of Lithuania.

On this date, in the year 1918, the resurgence of an independent Lithuanian people was realized. What a remarkable feat this was. Since its first historical recognition as a nation in the year 1009, much of the history of Lithuania has been dominated by the conquests and seizure of control of the nation by foreign powers.

Russian domination began in 1795 and continued until 1915. During Russia's long occupation, attempts were made to replace Lithuanian language and culture with Russian. But the Lithuanian people, strong in their faith in their God and their nation, refused to accept the dismantling of their national ways and traditions.

While Lithuanian faith remained inpenetrable, their nation was ravaged in the destruction of the First World War. But the close of the conflict found Lithuania in a most favorable political position. Negotiations with the German state resulted in the birth of a sovereign, wholly independent state of Lithuania, with its centrally formed government based on strong democratic principles. February 16, 1918, Lithuania Independence Day, will forever be celebrated by Lithuanians and freedom-loving peoples throughout the world.

The following years found Lithuania accepted as a sovereign state in the League of Nations, and a permanent constitution was adopted which accorded a republican form of government and preserved the freedoms of speech, assembly, and religious expression.

And, finally, before the eyes of the world, Russia in 1920 signed a peace treaty with Lithuania, recognizing it as an independent nation and dissolving forever any rights of sovereignty over it.

A free and independent Lithuania flourished. Land reform programs allowed a vast number of Lithuanians to own and farm the countryside. Industrial enterprises increased a thousandfold and educational opportunities were expanded.

World War II quickly dissipated the momentum of progress the nation was on. Once again Lithuania was engulfed by invading armies. Soviet occupation prevailed and in 1940 Lithuania was illegally declared a constituent Republic of the U.S.S.R. by the Supreme Soviet in Moscow.

The protests of the Lithuania people were strong. It is estimated that more than 30,000 freedom-fighting Lithuanians were deported to Siberia, and many more thousands were executed. Finally the close of the war found Lithuania firmly behind the Iron Curtain.

News from Lithuania is now censured as controlling bureaucracies from Moscow now dictate that nation's course. In their struggle for self-determination, the Lithuanian people have been joined by the desires of other non-Russian nationals for self-independence from Moscow's controlling policies. This newfound "union" has strengthened the fight for basic freedom and rights in the U.S.S.R.

Soviet dissident trials this past year brought to the world's attention the hypocrisy that exists under Soviet "justice" for those who would dare contradict state policy. Sadly those who suffer most severely from this travesty are the national non-Russian dissidents, Lithuanians, Estonians, Latvians, Georgians, and others. Their "crimes" of conscience are more quickly brought to review and sentence more harshly handed out.

While the Soviet State apparently has no intention of giving up efforts to strip from each Lithuanian his pride in his culture and national heritage, Lithuanian fortitude remains stronger today than ever before. While Lithuania does not exist today as a politically sovereign nation, the freedom-loving traditions of its people continue. We who have freedom have the responsibility to assist those whose human, political, and national rights are oppressed. I would like to urge my colleagues to join with me in this continuous effort.●

LEARN TO EARN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BOB WILSON. Mr. Speaker, at a time when America's leadership seems to have lost the confidence of our citizens, it is interesting to note the observations of our unofficial House of Representatives philosopher, Joe Machugh. His latest essay, entitled "Learn To Earn—Confidence That Endures" deserves the attention of opinion makers everywhere.

It is remarkable that this essay, which emphasizes the need of earning confidence, was written in October 1978, before the current wave of no confidence was so apparent.

I include Machugh's essay as a part of my remarks:

LEARN TO EARN—CONFIDENCE THAT ENDURES

Few realists would challenge validity of the concept that—restoration of confidence in the United States, its government and its people—is our current top priority! The word is of Latin derivation, meaning trust and respect; and is intangible like the word personality. Both readily are recognized; but, for each there is no central ingredient. Rather it is a compendium of specifics that make up personality and inspire confidence. The analogy recalls a cleavage of view on governmental restraint during World War II. The National Administration urged a piecemeal approach whereas that perennial Presidential Advisor, Bernard M. Baruch consistently advocated overall control.

Precisely how is confidence established among individuals, groups or nations? Early in this Writer's career a loan was needed but collateral was not available. Bank offered a "character loan" insisting on repayment by monthly installments. Confidence prompted the loan and repayment confirmed respect. Achievements (significant jobs—well done) fire the fuels of confidence. They constitute firm foundation for respect. Confidence never is born full-grown nor is it won instantaneously. It takes time (perhaps much time) and testing for its consummation. Foundation and tests are building-blocks for "the house of confidence" proceeding under aegis of that implicit law of gradualness. Who ever saw evening shadows lengthen, springtime buds sprout on tree-branches or watched piquant, human adolescence in actual process of development?

Shortly after World War Two, the media reported Baruch as saying: "America was so strong militarily, industrially and psychologically—as to be able to repel attack by any single enemy or from any conceivable combination of hostile opponents." What hardy soul today would venture a similar assertion? So, what was basis for the original assertion? America had been preponderant supplyer of men, money and material throughout that War—which ended abruptly with American atomic bombing of Hiroshima and Nagasaki! The Manhattan Project-development of the A-Bomb was a superb achievement in secrecy. Reconstruction aid for war-torn Europe under the Marshall Plan was unprecedented. Finally, with exclusive atomic monopoly, United States offered unilatterally (though never accepted) to give a proposed International Authority all secrets and administration for that powerful weapon. Such foursome of dynamic leadership—is the figurative diet on which confidence both feeds and thrives.

That earlier confidence can be revived but probably only by stages of transition, coupled with a truly spiritual approach—using talents bestowed on a select few qualified to lead a march of progress in ultimate best interest of the human species. Its acid test: Will formidable challenges be resisted and will confidence endure? Spectaculars, like their sparked euphoria, often substantially subside. In Arthurian legendry the sword-Excalibur, magically fixed in stone to be withdrawn by rightful King of England; and only Arthur did so. When mortally wounded, Arthur ordered Sir Bevidere to cast it in the lake—from whose water an arm clothed in white samite appeared to receive it.

Holy Writ says humility is the touchstone for lasting success, implying avid desire to place one's own interest at the bottom and those of others at the summit. There is an infallible guideline to success, achievement and happiness. Since durability is the evaluant of confidence—could any admonition be more salutary for the welfare of all mankind than this trenchant and cogent counsel: Learn to Earn the pearl of Great Price—Confidence that Endures.

JOSEPH V. MCHUGH.●

REFORM OF THE NCAA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. VENTO. Mr. Speaker, during the 95th Congress I had the opportunity to participate in the hearings of the Interstate and Foreign Commerce Subcommittee on Oversight and Investigations regarding the National Collegiate Athletic Association's investigation, enforcement, and penalty policies.

Initiated by a request from 67 of my colleagues and myself to subcommittee Chairman John Moss, the purpose of these hearings was to investigate the widespread allegations on NCAA abuses in its investigative and enforcement processes.

In the style that so well characterizes the operations of the Oversight Subcommittee, the review of the NCAA was conducted in a conscientious, thorough, and unbiased manner. Even before the hearings on this issue had begun, members of the subcommittee and their staff had examined thousands of documents and had interviewed hundreds of individuals. I would like to commend my colleagues, particularly former Chairman Moss, and the staff for their dedication and hard work on this issue. The hundreds of hours spent in preparation were rewarded by an excellent series of hearings and the development of a solid foundation of documentation upon which the subcommittee based its report's findings and recommendations. I strongly urge my colleagues to review this report on the NCAA for the authority of that organization is wide ranging and affects hundreds of thousands of American student-athletes.

The hearings and subsequent subcommittee report clearly have demonstrated that the policies and practices of the NCAA are basically unfair and that an organization that is, at least in part, designed to protect the student athlete has, through its practices, ignored the rights and needs of the athlete. The NCAA is the classic example of a bureaucracy run amok—a bureaucracy composed of rules and regs whose purposes are to perpetuate the organization and to strangle the membership in a never ending deluge of Orwellian redtape; a bureaucracy ruled by the letter of the law rather than the spirit of the law; a bureaucracy that callously casts aside the rights of the individual in the name of the greater good.

The findings of the subcommittee uncovered a wide area of problems within the NCAA ranging from that organization's lack of cooperation with member institutions during investigations to rules that are vague, confusing, unenforceable, and do not distinguish between serious and minor misconduct. Each of these findings contribute to the overall picture of NCAA abuses.

By bringing to light these practices, the subcommittee has independently substantiated the numerous complaints leveled against the NCAA and has provided the opportunity for initiating a public debate by the member institutions and others of NCAA policies, practices, and needed reforms. The subcommittee offers a focal point for this discussion by recommending a series of reforms for the NCAA. These recommendations are not intended to hamper the proper functions of that organization. Indeed, by adopting these proposals, the NCAA will be able to dispel the aura of unfairness that currently permeates its investigations and will thereby enhance cooperation with member institutions and improve its investigative function.

The subcommittee presented its findings to the NCAA national convention in a sincere effort to establish a forum to discuss NCAA practices and the needed reforms. It is my hope that the NCAA and its member institutions will utilize this report as a vehicle to initiate their own review of the organization and will make an honest effort to eliminate NCAA abuses. I am heartened to see that some of our recommendations have been adopted. However, many more basic reforms are still required. While Congress is, in effect, throwing the ball back to the member institutions to move forward with reforms, we will continue to monitor the activities of the NCAA. The current arrogant disregard of that organization toward the rights of the individual is offensive to the American concepts of justice and fairness. This practice cannot continue. If the NCAA continues to trample upon the rights of the individuals, Congress must and will act to correct that situation. For now, the onus is on the NCAA and its membership. I am confident that they will move quickly to remedy any and all abuses.

In order to further the discussion of NCAA reforms, I would like to present today and tomorrow an excellent commentary on this issue for my colleagues' attention. In a letter to Chairman Moss, two individuals closely involved with the NCAA investigation of the University of Minnesota detailed many of the problems that they encountered from the NCAA and their recommended reforms. At the time of the investigation, John Nichols was the assistant to the supervisor of the university's investigation of the NCAA allegations, Dr. Stanley Kegler. In this position, Mr. Nichols observed first hand the practices of the NCAA and experienced the frustrations that resulted in dealing with that organization. Joseph Dixon is a lawyer who was hired by the University of Minnesota to conduct an independent investigation of the allegations. This investigation went far beyond the parameters of the NCAA allegations and uncovered additional charges that were presented to the NCAA by the university. In fact, Messrs. Nichols and Dixon were involved in an investigation that the NCAA testified was a model of cooperation. I want to thank Messrs. Nichols and Dixon for their excellent analysis of the NCAA abuses and their suggested reforms. Throughout the entire investigation of the NCAA, they have been most helpful and their recommendations were carefully considered by the subcommittee in the preparation of the committee report. It should be noted that neither is now associated with the University of Minnesota. Their actions stem not from a desire to embarass the NCAA nor to exonerate the university. They acted in a sincere desire to see the adoption of the reforms needed to improve intercollegiate athletics and the organization that oversees it.

The material follows:

WASHINGTON, D.C.,
August 8, 1978.

JOSEPH T. DIXON, Jr., Esq.
Title Insurance Building,
Minneapolis, Minn.

DEAR MR. DIXON: I would like to express my most sincere appreciation to you and Mr. Nichols for your letter of July 18, 1978, transmitting your recommendations for reform of the enforcement procedures of the National Collegiate Athletic Association. Additionally, you have the Subcommittee's thanks for your efforts in assisting the Subcommittee's staff with the preparation and conduct of the hearings which we have held to date.

It is obvious from your letter that both of you have spent considerable time in analysis of this area and have great dedication in seeing that substantial change take place within the NCAA. You may be assured that at the time of the Committee's consideration of our recommendations in this area, those you have offered will receive the most thorough consideration.

Thank you once again for your concern and your consideration.

Sincerely,

JOHN E. MOSS,
Chairman, Subcommittee on Oversight and Investigations.

JULY 18, 1978.

Hon. JOHN MOSS,
Chairman, Oversight and Investigation Subcommittee, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN MOSS: Your staff has encouraged us to write with our recommendations for reform of the enforcement procedures of the National Collegiate Athletic Association which is now under investigation by your subcommittee, and we welcome that opportunity.

For a period of about two years, we were retained by a major state university to conduct its internal investigation of serious violations of NCAA rules and to represent the university in its complex and controversial dispute with the association. During that period, we interviewed scores of principals involved in the violations, produced thousands of pages of written reports regarding the investigation, represented the university in numerous hearings before NCAA committees, and in the process, developed a detailed familiarity with the procedures of the NCAA, in specific, and the state of intercollegiate athletics in the nation, in general.

It is important to note that neither of us are currently employed by that university, thus, we are in the rather rare situation of having inside understanding of the NCAA enforcement procedures yet having no direct allegiance to any of the parties represented at the congressional hearings. Further, we have no vested interest in the outcome of your hearings other than to see the adoption of basic reforms needed to improve intercollegiate athletics.

During the course of our work it became clear that violations of NCAA rules were committed not only by the university we represented, but by universities throughout the nation. Not just minor violations of petty association rules but flagrant infractions alien to any reasonable person's concept of amateur athletics. It was exactly for this reason that the NCAA was originally empowered to establish standards of conduct in intercollegiate athletics, investigate violations and punish the wrongdoers.

However, in recent years, the NCAA like many large bureaucracies, has become entangled in its own procedures and authority and seems to have lost sight of its primary mission. We observed the NCAA consistently employ methods and procedures directly contrary to our—and we believe most other people's—fundamental concepts of fairness. We saw procedures used which seemed diametrically opposed to the openness and equality needed in a fact finding process aimed at fair treatment and correct decisions.

Despite its ills, the NCAA still serves a necessary function of policing intercollegiate athletics. Without the association, the professionalism and corruption surrounding amateur sports would undoubtedly increase. But reforms are needed to ensure that the means it uses to enforce this end are honorable and fundamentally fair; that the institutions and individuals involved are fairly treated and that correct determinations are reached. It is with this goal that we offer our suggestions for internal reform of the NCAA enforcement procedures in the hopes that they might be useful in the continuing dialogue before your subcommittee.

I. Recognition of Differing Interest Between the Institution and the Individual:

Present NCAA infractions procedures dictate that universities are responsible for the investigation and defense of not only institutional wrongdoing but also allegations against all individuals related to the universities, i.e. student-athletes, coaches, staff and representatives of athletic interests. The NCAA allows an infraction hearing only for the university, and all other individuals affected by the outcome of those hearings must funnel their defense through the university. And the penalties meted out by the NCAA are directed only at the university with the implication that the university, in turn, must levy appropriate penalties against the individuals found guilty in the investigation. In the case of student-athletes, the university must declare the rules violators ineligible to compete for the remainder of their college careers. The university may then appeal on behalf of the student-athlete to have a portion of the eligibility restored.

Such a system fails to recognize that the best interests of the institution and the individual athlete can, and often do, differ. For example, a university might adopt a certain defense tactic that might be best for the overall athletic program but at the same time might not be the most vigorous defense of allegations regarding an individual athlete. And the individual athlete would have no direct recourse to the NCAA decisionmakers. Therefore, to protect the sometimes divergent interests of both the accused university and the individuals affected by the outcome of the NCAA infractions hearings, the following reforms are proposed:

(1) All those charged with violations of NCAA rules or who are affected by the outcome of the hearings should be allowed direct access to the hearings. The individual student-athlete should have equal standing before the NCAA in all matters such as right to counsel, evidence, appeals, etc. Conversely, the NCAA should deal with student-athletes directly with respect to findings, penalties and declaration of ineligibility. If the Infractions Committee decision is to be determinative, which it probably should, then it should make the declaration of ineligibility. This would prevent the conflict situations in which a university responds for the individual athlete maintaining his innocence, but then, based on findings of NCAA hearings, being forced to declare the athlete ineligible from competition.

(2) The NCAA should clearly segregate institutional violations from individual punishment. In the event that individual athletes have neither committed violations of NCAA rules nor are members of a team found in violation of rules, they should not be prevented from competing in post season events or otherwise punished because their university has been round guilty of wrongdoing. In sum, individual athletes not involved in wrongdoing should not be held accountable for institutional actions over which they had no control. The NCAA has sufficient means to punish institutions, especially the power of the purse string, without withholding innocent athletes from competition. Indeed, it is ironic that the NCAA, a body formed to encourage uncorrupted amateur competition among young athletes, is occasionally responsible for preventing it.

II. Increased Openness in Enforcement Process:

As a basic principle, we believe that administrative corruption and abuse of power breed under conditions of secrecy. Yet all of the NCAA's hearings are conducted behind closed doors and the use of its investigative materials are severely restricted even for those whose athletic careers or good names will be substantially affected by the outcome of the investigation. Even if secret hearings and closed association files could provide for fair treatment for those accused of violations, these conditions would still be undesirable. The result of the NCAA's secrecy is a declining credibility of its enforcement process and thus minimizes its power to effectively deal with actual cases of wrongdoing.

The NCAA argues that it does not wish to release investigative information because it would make it too easy for institutions to avoid punishment for their violations. Although it is true that releasing investigative materials to the accused parties might result in fewer "convictions" in marginal cases, there are so many flagrant violations committed in intercollegiate athletics that, regardless of any concession given to the accused, the NCAA would have more airtight cases than it could possibly handle with many times its current staff.

The following specific reforms for making the NCAA enforcement process more open and accessible, in our opinion, would be fairer to the accused parties while not substantially reducing the effectiveness of the enforcement staff—and perhaps, in the long run, improve their credibility and their commensurate ability to keep the lid on corruption in amateur sports:

(1) There should be a period of discovery prior to all infraction Committee hearings in which all documentary evidence, staff memos, tapes, transcripts and the like should be made available to those substantially affected by the outcome of the hearings—including institutions, student-athletes, and perhaps even representatives of athletic interests. Further, they should be allowed to transcribe those hearings or the NCAA's tapes of those hearings.

(2) If an individual charged with violation of NCAA rules, especially a student-athlete, requests a public hearing of those allegations requests a public hearing of those allegations, the NCAA should be prohibited from conducting closed door hearings.

(3) The NCAA enforcement staff should be prohibited from using testimony from witnesses who will not also consent to be interviewed by representatives of the party accused of NCAA violation. Currently, all student-athletes, coaches and institutional officers (this group constitutes the majority of witnesses used in most infractions cases) must submit to interviews by the NCAA enforcement staff. However, they are not obligated to discuss the allegations with representatives of the accused. Thus, there arises instances in which the NCAA staff presents damaging testimony without the defense having an opportunity to test the veracity of the testimony.

(4) The NCAA manual, including the constitution, by-laws and rules, should be rewritten in a direct, clear and understandable manner. These rules should be easily understandable by the institutions and individuals who are expected to abide by them. As matters currently stand the NCAA rules are a hodgepodge of its constitution, by-laws, rules and opinions most of which are found in the NCAA manual, but some of which can be found only by a weekly reading of the NCAA News. Further, the rules as written are inconsistent, unclear and misleading. For example, NCAA rules currently make it clear that "regular or periodic use of an automobile without (or at a reduced) charge" is a forbidden extra benefit which may not be provided a student-athlete. However, the Committee on Infractions and staff interpret the more general extra benefits rules to prohibit any use of an automobile, even on a single occasion. If that is to be the case, the rule should be written to expressly forbid "any" use of an automobile, not merely the "regular or periodic use." While this is admittedly a minor point, it does serve to demonstrate the difficulty in attempting to follow the rules as written. Further, various interpretations of the NCAA constitution and by-laws made by the Council, and binding upon the membership, often fail to find their way into print in the NCAA manual. In the case of one student-athlete, the NCAA enforced an interpretation of rules first made four years prior to the conduct there involved, but not included in the NCAA manual until nearly a year after the conduct.

The current failure of the NCAA to provide clear and understandable direction with respect to the obligations of institutions and student-athletes serves to heighten the secrecy of the NCAA and its enforcement process. Unless the rules are known and understood by all participants, there can be no equality or fairness for the participants.

(5) Further, and in addition to a rewritten rulebook, the NCAA should make accessible all past decisions, interpretations, penalties, etc. so that those accused of violations have a clear idea as to how previous such cases have been dealt with. Currently a smattering of this material is published in the NCAA News and distributed in a helter-skelter manner. All such findings should be regularly collected, indexed, published and distributed among the membership as a standardized reference of infractions policy.

Some NCAA policies are so vague or confusing that even members of the Committee on Infractions are occasionally unclear on certain nuances and have to ask the staff for its position. Further, the staff's answers to questions concerning meanings, definitions and interpretations of the rules is all too frequently "well, we have always . . ." But yet, the institution or its investigator have no way of determining how the NCAA staff construed a particular rule, especially since many of the answers run contrary to established principles of construction.

Even an entirely open enforcement process is not fair if the accused institutions and individuals don't have equal access to the precedents in policy and equal understanding of the complexities of the application of that policy.

(6) The NCAA constitution and rules should be amended to specifically preclude their use in stifling public discussion of NCAA enforcement policy and practices. In the past, the NCAA staff have charged with violation of the sportsmanship clause [NCAA constitution 3-6-(a)] those who dared to publicly criticize (whether justly or unjustly) the NCAA policies and procedures. Open and unrestricted debate of important issues is basic in American society and tends to improve the quality of governance by public institutions and private associations alike. In the case we are most familiar with, the NCAA charged university administrators with violations of the NCAA rules for criticizing in the press certain aspects of the NCAA's investigation of the university despite the fact that some of the university's points were eventually adopted as reforms of NCAA rules. Thus, as a matter of policy, the NCAA should not only avoid discouraging public and internal criticism of the association by its member but should take steps to encourage discussion of controversial issues affecting the organization.●

FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. FOUNTAIN. Mr. Speaker, on January 31, I introduced H.R. 1664, the Federal Constitutional Convention Procedures Act. The purpose of this legislation is to provide procedures for calling Constitutional Conventions for proposing amendments to the Constitution, on application of two-thirds of the State legislatures, pursuant to article V of the Constitution.

We are faced with the real possibility that in the very near future 34 States will have petitioned the Congress to call a convention for the purpose of proposing a balanced budget amendment to the Constitution.

Yet the Nation is completely unprepared for such an eventuality, because the Congress has never taken action to spell out in detail the terms of the Convention alternative set forth in article V.

H.R. 1664 provides an authoritative basis for resolving many of the sensitive questions posed in connection with the article V Convention provision—all of which are matters of fundamental constitutional concern. My bill would establish the basic ground rules for a Convention, thereby reducing the chances of chaos and constitutional crisis which might well ensue from a runaway convention.

For example, the legislation would achieve this objective by specifying the details of the application process, including an application's effective period and the question of rescissions; by spelling out the congressional role once the requisite number of applications has been received, including determining the validity of applications and issuing a convention call; by providing for the selection of delegates to the Convention, the selection of officers and other routine business, the Convention's scope of deliberations, its duration, and the limits to be placed on the subject matter of any proposed amendments it might adopt; and by prescribing congressional responsibilities after a proposed amendment has been approved by the convention.

This legislation reflects the constructive efforts of the distinguished former senior Senator from North Carolina, Sam J. Ervin, Jr., who guided it to passage by the Senate in 1971 (S. 215 of the 92d Congress) and, in identical form, again in 1973 (S. 1272 of the 93d Congress).

In fact, H.R. 1664 technically differs from the Ervin legislation in only two respects. Sections 2 and 3(b) have been slightly altered so as to make clear that the Congress would have the power to determine the validity not only of applications transmitted to the Congress after the enactment of the bill but also of applications transmitted before enactment. The Ervin version would appear to be applicable only to resolutions submitted after enactment.

Mr. Speaker, I might also point out that section 10(a) of H.R. 1664 provides that a convention may propose amendments by a two-thirds vote of the total number of delegates. When the Senate passed S. 215 in 1971, much debate, and a floor vote, occurred on the question of whether it should take a two-thirds majority, or only a simple majority, to propose an amendment—Senator Ervin adhered to the latter point of view although the Senate adopted the two-thirds standard. While I am not unalterably wedded to the two-thirds figure, I do at this time believe it to be preferable since a two-thirds majority in each House is required under article V for the Congress itself to propose an amendment directly—an integral part of our system of checks and balances with regard to the amendatory process.

While I personally prefer the Congress proposing an amendment to balance the budget rather than a convention doing so, and have sponsored separate legislation to that effect, I want to emphasize that the primary purpose of H.R. 1664 is to put into statutory form the processes governing a convention should a congressional call become mandatory under article V. This bill's purpose is wholly procedural, though basic questions of powers and prerogatives are obviously involved. And, with respect to those questions, I believe that a sensible and salutary balance is struck in this legislation between the interests of the States and those of the Congress—all with a view toward preserving constitutional integrity.

The framers of the Constitution unquestionably intended the convention method of proposing amendments to be an attainable means of constitutional change. Moreover, the Congress has the obligation to legislate on this subject now, without the sort of emergency fever pitch which might well be prevailing later, and try to prevent ahead of time the procedural quagmire which could transform a convention into a constitutional nightmare.

Mr. Speaker, the Advisory Commission on Intergovernmental Relations, on which I am privileged to represent the House, urged in 1971 the enactment of legislation of this type. Two years later, a special study committee of the American Bar Association also reached the conclusion that such legislation is needed to remove unintended obstacles in the way of legitimate use of the convention approach to amending the Constitution.

For these reasons, I believe that early action on this legislation is crucial. Further delay could well place the Nation in a regrettable situation—perhaps even this year. I, therefore, urge the Judiciary Committee to give serious and timely consideration to this pressing matter so that the Congress might satisfy a long-neglected constitutional responsibility.●

EIGHTY-NINE COSPONSORS TO ANDERSON CRIME-CONTROL BILL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ANDERSON of California. Mr. Speaker, I want to call our colleagues' attention to a bill I have introduced, H.R. 1495, imposing a mandatory minimum 5-year prison sentence on those convicted of committing Federal felonies with a gun.

During the 95th Congress, a similar proposal attracted 108 cosponsors. With the additional Members whose names are being added to H.R. 1495 today, we already have 89 cosignatories this year, just 1 month into the 96th Congress.

COSPONSORS OF H.R. 1495—MANDATORY SENTENCING

Anderson, Glenn; Andrews, Mark; AuCoin, Les; Barnard, Doug; Benjamin, Adam; Blanchard, James; Bonior, David; Bouquard, Marilyn Lloyd; Brown, Clarence; Broyhill, James; Buchanan, John; Burgener, Clair; Cleveland, James; Coelho, Tony; Coleman, E. Thomas; Corcoran, Tom; Corrada, Baltasar; Dannemeyer, William.

Davis, Mendel; Davis, Robert; Derwinski, Edward; Dornan, Robert; Downey, Thomas; Duncan, John; Edgar, Robert; English, Glenn; Ertel, Allen; Fazio, Vic; Fithian, Floyd; Fountain, L. H.; Gephardt, Richard; Gibbons, Sam; Glickman, Dan.

Gore, Albert, Jr.; Green, S. William; Guyer, Tennyson; Hagedorn, Tom; Hefner, W. G. (Bill); Heftel, Cecil; Hollenbeck, Harold; Huckaby, Jerry; Ichord, Richard; Jones, Ed; Jones, James; Kindness, Thomas.

Lagomarsino, Robert; Leach, Jim; Lederer, Raymond; Levitas, Elliott; Long, Gillis; Lott, Trent; McCloskey, Paul, Jr.; McHugh, Matthew; McKinney, Stewart; Madigan, Edward; Martin, James; Matsui, Robert; Mazzoli, Romano; Miller, George; Mineta, Norman; Mitchell, Donald.

Moakley, Joe; Mollohan, Robert; Mottl, Ronald; Panetta, Leon; Pashayan, Charles, Jr.; Patterson, Jerry; Pepper, Claude; Rahall, Nick Joe, II; Rangel, Charles; Robinson, J. Kenneth; Roe, Robert; Rose, Charles.

Sebelius, Keith; Sensenbrenner, F. James, Jr.; Simon, Paul; Skelton, Ike; Solomon, Gerald; Spence, Floyd; Staggers, Harley; Trible, Paul, Jr.; Wampler, William; Whitehurst, G. William; Wilson, Charles (Texas); Wilson, Charles H. (California); Wolff, Lester; Won Pat, Antonio Borja; Young, Robert; Zeferetti, Leo.

As you can see, the cosponsors of this bill represent every viewpoint on the political spectrum. They have joined together in this effort because they know that H.R. 1495 is a sound bill, and one that, if enacted, will reduce crime. And, like all of us, they receive letters from their constituents asking that we do something to make the streets of this country secure places to walk, and the homes of this Nation safe places to live.

People want the potential criminal to know that if he uses a gun in the commission of a crime, he will go to jail. They believe, as do I, that this will deter some potential criminals before they act. And those that go ahead and commit a crime, and are convicted, will surely not have the opportunity to repeat their offense for at least 5 years. They will be in prison.

During these past few years that I have been advocating this measure, mail has poured into my office from all parts of the country offering support. And in a districtwide survey I conducted last year in California's 32d District, which I represent, 93 percent of those responding expressed their favor of this approach. Only 3 percent opposed it, and 4 percent were undecided. Of all the questions asked, on many important issues of the day, this one elicited the most uniform response.

And a study conducted in 1977 by an independent national marketing and opinion research firm found that well over 90 percent of all chiefs of police, sheriffs, and rank-and-file police officers believe that mandatory prison sentences for all persons convicted of committing a felony with a firearm would reduce crime. About 80 percent said that it would serve this purpose more effectively than does current law, or would Federal registration, Federal licensing, or a prohibition on private ownership of firearms.

I would stress here that this bill does not restrict a person's ability to own guns. It is not a gun-control bill, but is rather an effective approach to crime control. Those who favor traditional gun-control legislation will be free to work for that, regardless of the status of my bill. And in the meantime, should H.R. 1495 be enacted, it will assure that those convicted of misusing firearms in the commission of a Federal felony will be punished.

Mr. Speaker, I hope that more of our colleagues will join in sponsoring legislation that is directed at the criminal who abuses the gun; the individual who, through his own actions, jeopardizes the rights and lives of honest, law-abiding citizens. H.R. 1495 does just that.●

CONGRESSIONAL IRISH PEACE FORUM GAINS IMPORTANT BACKING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, as I have advised my colleagues on earlier occasions, on February 1, the executive committee of the Ad Hoc Congressional Committee for Irish Affairs voted unanimously to support my recommendation that we sponsor a Congressional Irish Peace Forum later in 1979. As chairman of the ad hoc committee I have been extremely gratified at the many indications of support I have received concerning the forum.

The February 17 edition of the Irish Echo featured as its only editorial an endorsement of the peace forum. In addition, its Dublin correspondent, John Kelly donated his entire column to a discussion about the peace forum, also indicating support. The Irish Echo is the leading Irish American newspaper and its support is most important as they reflect the views of many Irish Americans. I am proud to have their support and hope my colleagues will review the articles and lend their support to this initative whose sole objective is to advance the cause of peace and justice in Ireland.

In the coming week, I expect to announce the official date for the peace forum. I am confident that the type of forum we intend to conduct—where all shades of political thought as well as the Irish and British governments will be invited to serve as a catalyst to peace and restoration of human rights. We enter this undertaking as totally neutral sponsors and will remain so throughout.

The Irish Echo articles follow:

PEACE FORUM CALL

The call by the executive committee of the Ad Hoc Congressional Committee on Irish Affairs for a "peace forum" on Northern Ireland seems to us to be a wise and sensible move during the current impasse.

Bringing together people to talk about their differences is always a laudable aim. When it can be done at a distant place—Washington in this instance—it often leads vying factions to face the facts they cannot face at home.

Urging all parties to participate, Representative Mario Biaggi, chairman of the Irish Affairs Committee said:

"I am proposing that we sponsor a peace forum at which all parties to the dispute in Ireland would be invited for the sole purpose of presenting and listening to peace proposals. I further propose that the forum be conducted as a series to insure that all shades of political thought be heard and made part of the process which leads to a solution—if there is to be a lasting solution. Throughout the forum we would actively encourage the participation of both the London and Dublin Governments whose roles are critical as well."

"I emphasize that the Ad Hoc Committee as the sponsor will remain totally neutral—supporting no solution nor any group but instead providing equal access to the forum by all those who share a role in Ireland's future—a future we want to be of peace. It is also my hope that the forum could play a major role in helping to restore lost human and civil rights in Ireland."

This seems to us a very reasonable outlook and a most realistic one. It is difficult to understand how anyone could oppose it.

ASSESSING THE PEACE FORUM

(By John A. Kelly)

DUBLIN.—The news from Washington that the Ad Hoc Congressional Committee on Irish Affairs is to hold a forum on the North's' problems in the U.S. sometime in the near future is good. That much can be said immediately. Some Irish commentators are already attacking the suggestion on the grounds that Americans are incapable of understanding the complexities of the Irish tangle. Allowing even for the possible truth of such a wide assumption then all that I can say at this stage is, welcome to the club.

Very few seem to "understand" the Northern situation as some self-appointed or media annointed intellectual gurus seem to believe it should be understood.

Perhaps it is even true that Americans like Congressman Mario Biaggi don't have all the answers but they are surely no farther from the horizon than the blundering Roy Mason and the lame-duck Labor administration in London who have managed to offend everybody without pleasing anybody.

As this is written, the Social Democratic and Labor Party leader, Gerry Fitt, has publicly proclaimed that he will refuse to discuss absolutely anything with Roy Mason again. Difficult to blame him when you consider that Mason during a television interview referred to an EEC poll which is reported to show a swing of opinion towards official Unionists and the Alliance Party.

GREENER

This Mason claimed, shows a considerable drift towards "moderation." He went even further. He described the SDLP as having become a little "greener" and implicitly criticized it for favoring a united Ireland. Like others in his party, he seems to be leaning over backwards to prove to Unionists that there will be no change in the status quo while the government rules—and Unionists get more seats at Westminster.

The priority in Britain, of course, is not to "understand" the problem in the North at all. British Premier, Jim Callaghan, has already shown that he understands it only too well, when he is out of office, that is. In a book, then he expressed the opinion clearly that the only real solution for Ireland is reunification.

The British Labor Party will pay any price in Ireland to retain its grip on office. If the Unionists want more seats at Westminster the Government will ensure that they get them. If the Unionists want no new initiative in the North, they will not get it.

BALANCE

And if in the future, the balance of political power remains as indefinite as it now is in Britain, the greater number of Unionist representatives will be avidly courted by whichever party needs them most to stay in power. Quite often they will be wooed even more fervently by the opposition party. Either way it seems as though the Unionists must continue to be pleased. They will remain firmly in the drivers seat which is where they've always believed they rightly belonged.

* * * stand the problems perfectly well. They just don't want to attempt to solve them. They are avoiding any such moves because it does not suit them politically on the domestic front.

In the meantime, they are charitably attempting to ensure that the people of the North are forced to live with what they regard as an "acceptable level of violence" to paraphrase a former British Minister of State. They are also continuing to attempt to hide their misdeeds beneath a formidable cloak of propaganda.

TRIAL

Two British soldiers, members of the SAS have finally been sent for trial for the murder of a 16-year-old youth some considerable time ago. The youth was shot in the back after he excitedly went to investigate an arms dump which had, ironically, been reported to the police by his family.

I have commented on this incident already in the Irish Echo. There is no point in dredging up its tragedy again, except to underline that the British troops reported at the time that the youth had been pointing a rifle at them when they shot him.

The British administration in the North propagated that story and men experienced in the media, men like Peter Jay, the British Premier's son-in-law, and the resident British Ambassador in the United States, did all that they could to ensure that this was the message the media got.

RUC investigations quickly established that the British Army version was a lie. Yet it took months before any prosecutions were brought—and I am prepared to guarantee from afar that the incident received hardly any mention in the American media.

VICIOUS

British propaganda is vicious and lying. It was always so when it was applied to Ireland. Put quite simply, the less any foreigner understands about Ireland, the more the British like it.

And that is why I welcome this forthcoming forum on the North. Anything that can be done to expose the cynical attitude of the British towards the North must be welcomed by all who have the interests of this island at heart.

It is no secret that the organizers of the Washington forum have been meeting with spokesmen for parties, political and paramilitary, on both sides of the divide in the North.

Neither is it any secret that many in the Six Counties are prepared, even eager, to consider the feasibility of establishing an independent state, free of the British Army. It is just as true that the Provisional Republican movement has repeatedly made it clear that it would not favor an independent North and its opposition must be regarded as a major stumbling block to any initiative that might possibly emanate from the forum.

If the leaders of that movement are not now prepared to rethink their position, perhaps they may be less reluctant after the forum is held and other opinions become clearer.●

AMERICANS HOPE FOR LITHUANIAN FREEDOM

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RUDD. Mr. Speaker, this month marks the 61st anniversary of Lithuania's initial and all too short-lived independence.

Hopefully, some day in the not too distant future, Lithuanians everywhere will be able to celebrate this occasion in an atmosphere of freedom in contrast to the oppression which they have courageously endured for the past 39 years under Soviet imperialist domination.

It is my fervent hope, and that of countless other Americans, that the indomitable spirit of freedom is being kept alive in Lithuania, and that the spirits of the people there will remain optimistic about eventual liberation from tyranny.

Lithuanians should know that many Americans in my State of Arizona and throughout this country are vitally concerned about their future. We are especially troubled by the lack of once hoped for improvement in their condition, which followed the signing of the so-called Helsinki Agreement. This agreement was supposed to guarantee basic human rights, but in practice seems to have guaranteed only the continued oppression of East European people by the Soviets.

It has become abundantly clear to those who follow the activities in Lithuania and other nations which have been forcibly annexed by the Soviets that basic human rights are not tolerated, even though rhetorical statements by Soviet officials may indicate otherwise.

Indeed, it is perhaps most disappointing that our President and State Department do not practice their much heralded "human rights" policy with regard to the troubled people in Lithuania. For in actuality, Lithuania is one of the most oppressed countries in the world, and is likely to remain so as long as Soviet troops and Communist dictatorship are imposed on that beleaguered country.

There is no doubt, Mr. Speaker, that Lithuanians long for the day when freedom will triumph, and they will be governed by true principles of freedom and equality. Perhaps some day soon, freedoms of speech, religion, press, assembly, movement, and countless other liberties which we take for granted will be restored to the freedom-loving people in Lithuania.

I would reiterate my hope that somehow the message from the American people will penetrate behind the Iron Curtain. We here in the United States are most concerned about the Lithuanian plight, and urge the continued struggle of all peoples oppressed by the Soviet Union to throw off the shackles of slavery in exchange for freedom.●

ANDREW YOUNG AND THE AYATOLLAH KHOMEINI: A MEETING OF MINDS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

○ Mr. McDONALD. Mr. Speaker, my colleagues will recall that in the 95th Congress nine Members joined with me to introduce a resolution to impeach the U.S. Ambassador to the United Nations, Andrew Young. That resolution unfortunately was not acted upon by the House. As a result we have been treated in the past few weeks to a number of new outlandish pronouncements by Mr. Young which have had to be contradicted by the President.

On January 9, 1979, Ambassador Young told the Interdependent, the newspaper of the United Nations Association, that the terrorist Palestine Liberation Organization (PLO) had "captivated the imagination of the Palestine people" and that the PLO's United Nations observers "are very skilled politicians and very intelligent decent human beings" with whom this country must deal. His statement is, of course, in direct contradiction of official U.S. policy which is to take no action that would encourage terrorism in the world.

Two weeks ago, in the midst of the volatile situation in Iran, Mr. Young chose to interject himself into the situation by stating that the Ayatollah Ruhollah Khomeini, leader of the Islamic revolutionary forces, "would eventually be hailed as 'a saint.' " The New York Times of February 8 further reported on this matter:

> Although he acknowledged that Ayatollah Khomeini had been accused of anti-Christian and anti-Semitic remarks, Mr. Young, who is an ordained minister in the United Church of Christ, predicted that "Khomeini will be somewhat of a saint when we get over the panic."

One must assume that Ambassador Young has made such statements because he has not bothered to acquaint himself with any of the Ayatollah's writings which are available in English translations. As one example, let me quote from Khomeini's collection of lectures on "Islamic Government," in which he told his students the following:

> Christian, Jewish and Baha'i missionary centers are spread in Teheran to deceive people and to lead them away from the teachings and principles of religion. Isn't it a duty to destroy these centers?
>
> Help and rescue Islam because Islam is crying for your help. Save the Moslems from the dangers engulfing them. Here they (Christians and Jews) are killing Islam in the name of religion and in the name of the Prophet. Their missionaries, who are the lackeys of colonialism, have spread throughout the country, have invaded villages, rural areas and subdistricts and have aimed their efforts at children, juveniles, and youths who are the hope of Islam, and have misled them. Rise to help these misled people.

A 1977 collection of positions papers and interviews with Khomeini published in Arabic contained the following question and answer which are certainly significant when considering Khomeini's qualifications for "sainthood:"

> Question. After infiltration of the Zionist fingers into all the vital establishments in the Moslem Iran, what is your eminence's opinion on the must successful means that you advise our Moslem people there to follow in order to cut off all the secret Zionist hands in Iran so that our brothers may be able to offer all their resources to the struggling fighters?
>
> Answer. In the name of God, the merciful and the compassionate:
>
> The most successful means lies in having the Moslem Iranian people try with all their capabilities to sever every dealing with the Zionists residing in Iran and other Zionists, to uproot them spiritually and materially, harass them in all domains and fight them economically in all spheres so that they may sever oil relations with Iran and its people and so that the people may be able to offer all their spiritual and material resources to the free strugglers. These bitter Islamic conditions require every Moslem to exert utmost efforts to liberate our occupied lands and to take venegeance on the occupiers and God is the giver of success. There is no doubt that the Moslem Palestinian people's duty is the duty of every Moslem in every

part of the world. The Moslem should be united against whoever tries to harm and undermine them.

Mr. Young has made untrue, distorted statements because Khomeini is not being merely "accused" of anti-Semitism; the man's own words show he actually is a rabid anti-Semite and also a bigot against Christians and members of the Baha'i faith, which is actually a sect of Islam. Furthermore, our U.N. Ambassador has provided fodder for the Soviet Union's propaganda mills. On February 12, 1979, the Moscow Domestic Service in Russian broadcast the following statement:

> UPI reports from Washington that U.S. Ambassador to the U.N. Andrew Young again provoked President Carter's anger. Commenting on events in Iran, he said that the religious and political leader Khomeini might achieve the popularity of a saint, thereby admitting that Khomeini has enormous prestige among Iranians.
>
> As you know, official Washington supports someone else altogether in Iran, the Shah's appointee, Prime Minister Bakhtiar. Young's frank admission has put U.S. diplomacy in an awkward position.

Last week, Ambassador Young chose to continue making irresponsible statements, this time about the gangs of armed thugs who are now roaming the streets of Iranian cities. An Associated Press report published in the Baltimore Sun on February 13, 1979, stated:

> WASHINGTON.—United Nations Ambassador Andrew Young said yesterday the Iranian revolution was largely brought about by thousands of Iranians who learned the lessons of American democracy as students here, then applied them at home.
>
> Despite the Carter administration's long-standing support for the Iranian monarchy and that nation's constitutional processes, Mr. Young spoke of the emergence of a new order in Iran:
>
> "This is not something that we should necessarily feel threatened by. We should not be afraid when people begin to feel a sense of their own power."
>
> Mr. Young, a former civil rights activist in the South, said he felt a close sense of identification with Iranian demonstrators.
>
> "Whether we like it or not, the change has come from us," he said. "The most powerful force loose in the world is not Communist ideology, the most powerful force loose in the world is the idea that all people are somebody."
>
> He added that upheavals in many countries are an outgrowth of foreign students "having shared in the American experience and then going back to their homes and saying "Why should I, after having had this kind of experience, let somebody else run my country?' "

Ambassador Young must have eschewed the simple task of reading the daily newspapers who have reported how in Chicago, Houston, Los Angeles, and other American cities the Iranian revolutionary students have been applying the principles not of the American system of representative government under law but of mob violence organized by Marxist totalitarians from the Iranian Students Association.

We must ask yet again how much longer President Carter will allow Ambassador Young's irresponsibility to embarrass our country.●

THE PANAMA CANAL TREATY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, last week the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries conducted hearings on two bills implementing the Panama Canal Treaty signed in 1977 and ratified by the Senate in 1978. Since I have had an enduring interest in the Panama Canal, I prepared a statement for those hearings presenting my views on the treaty and the constitutional questions surrounding it. I request that my statement be entered into the RECORD as an extension of my remarks.

STATEMENT BY REPRESENTATIVE RONALD E. PAUL

Mr. Chairman, I thank you for the opportunity to submit a statement during these hearings on implementation of the Panama Canal treaties.

While in Congress in 1976, I introduced H. Res. 1410 for the purpose of expressing the sense of the House of Representatives that:

(1) the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the canal and zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power authority, jurisdiction, territory or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere; and

(2) there be no relinquishment or surrender of any presently vested United States sovereign right, power, or authority or property, tangible or intangible, except by treaty authorized by the Congress and duly ratified by the United States; and

(3) there be no recession to Panama, or other divestiture of any United States-owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in article IV, section 3, clause 2, of the United States Constitution.

Since July of 1976 when that Resolution was introduced, many things have happened. The Resolution was not acted upon by the House. The President, after appointing a negotiator not confirmed by the Senate, signed a treaty with Omar Torrijos, dictator of Panama. The Senate ratified the treaty signed earlier by President Carter, and today we are discussing implementation of that treaty. The difficulty with such a discussion is that the treaty we are proposing to implement is not valid, and there is, in fact and in law, no treaty to implement.

In his testimony before the Subcommittee on Separation of Powers of the Senate Judiciary Committee on November 3, 1977, Professor Raoul Berger of the Harvard Law School made the following comments:

"Although I am in favor of the Panama Canal Treaty, I share your solicitude for the preservation of constitutional boundaries and your concern lest the function committed to Congress be diminished. I have long held the conviction that all agents of the United States, be they Justices, Members of Congress, or the President, must respect these boundaries. No agent of the people may overleap the bounds of delegated power. That is the essence of constitutional government and of our democratic system."

The Constitution explicitly provides in Article IV, Section 3, Clause 2 that Congress, not the Senate alone, or the President alone, or the Senate and the President together, has the sole power to dispose of property of the United States. To discuss implementation of a treaty which is blatantly unconstitutional is to acquiesce in a usurpation of power by the Executive. Professor Berger included in his testimony in 1977 some remarks about the hearings in which he was participating. Those remarks apply equally well to these hearings here today.

"The effect of these hearings ranges beyond the Panama Treaty. The Panama cession will constitute a landmark which, should the State Department prevail, will be cited down the years for 'concurrent jurisdiction" of the President in the disposition of United States property. Acquiescence in such claims spells progressive attrition of Congressional powers; it emboldens the Executive to make ever more extravagant claims. I would remind you that Congressional acquiescence encourages solo Presidential adventures such as plunged us into the Korean and Vietnam wars. Congressional apathy fostered the expansion of executive secrecy. Then as now the State Department invoked flimsy 'precedents,' for example the pursuit of cattle rustlers across the Mexican border to justify Presidential launching of a full-scale war. If Congress slumbers in the face of such claims it may awaken the Samson shorn of his locks."

Professor Berger was quite forceful in expressing his view that no property belonging to the United States in Panama can be transferred to Panama by treaty alone. The Professor did not hesitate to draw the logical conclusion of this idea, that any treaty purporting to transfer United States property, even if ratified by the Senate, is void.

We need not, of course, rely on expert opinion to reach this conclusion. The Constitution is perspicuous. It could not speak more clearly on the issue. The oaths that each Member of Congress has taken to uphold the Constitution requires, that each Member reject any attempt to implement this treaty, unless, of course, the Member wishes to commit perjury and face the consequences of that action. If one wishes to maintain that the Constitutional requirements have been met for the disposition of United States property in Panama, let him present the evidence of any action taken by the House of Representatives in disposing of that property. Until such evidence is presented, discussion of implementation of the treaty signals one more instance of Congressional obsequiousness in the face of Presidential usurpation.●

ASKING MORE AND GIVING LESS

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. TREEN. Mr. Speaker, I believe that Joseph Kraft, the noted political journalist, has put his finger on the basic problem in America today in an essay which appeared in the February 18 edition of the Washington Post entitled "A Weakening of National Fiber."

I was particularly interested in Mr. Kraft's statement that the "combination of asking more and giving less is a sure recipe for trouble." That unhappy American obsession is the root of our economic problems. Until this is recognized and overcome, we are headed for even greater difficulties down the line.

I am inserting Mr. Kraft's article in

the hope that it will help create additional interest in the subject:

A WEAKENING OF NATIONAL FIBER

(By Joseph Kraft)

Once upon a time ago, Washington's birthday denoted the long, drawn-out, uphill struggle for national independence. Lincoln's birthday commemorated an agony of battle for unity and equality.

But what message does Presidents' Day—the amalgam of the two—deliver? To me, anyway, it announces a weakening of national fiber, a decline in the atmosphere of American life.

By itself, the fusion of the two holidays expresses a changed attitude toward work. Two dates traditional to the national heritage have been virtually scrubbed from the calendar to make way for a long weekend—more time off.

Taking it easy has been legitimized by most of the "enlightened" movements developed in the 1960s. The heroes and heroines of the "greening of America"—the hippies and druggies and beatniks of the counterculture—had as their common bond a disdain for productive activity.

Minority groups have joined in that sentiment. Despite the pressing need of their followers for employment, the leaders are constantly condemning "dead-end jobs." Hence the widespread demand for bringing in illegal workers from Mexico and other parts of Latin America to do stoop labor on the farms, work in restaurants and domestic service.

Along with "dead-end jobs" goes the epithet "workaholic." It is a term of abuse dear to middle-class women who use it partly to attract attention from men absorbed in productive enterprises and partly as a ticket of entry to lush jobs. Either way it cuts down the effectiveness of American society.

Inevitably, those views have spilled over into the mainstream of national culture. The Fonz, one of the most popular characters on television, had until recently no visible means of support. In the highly successful film, "The Graduate," suggestions by various well-meaning elders that the main character, a kid fresh out of college, go into business evoked from practically everybody paroxysms of helpless laughter.

More generalized expressions of this negative outlook emerge from the latest figures on productivity—or output per hour. An average growth of about 3 percent for the immediate postwar years slipped to about 2.5 percent in the mid-'60s, and fell below 2 percent in the present decade. The country now faces a productivity disaster. That means growth at a very slow rate for years to come—relatively hard times.

But no commensurate disposition to make sacrifice shows itself. On the contrary, practically everybody—professionals, businessmen, workers and farmers—are asking for more and more and more.

This surge of the acquisitive instinct is not surprising. For no other lead comes from persons in the higher ranges of the government service—persons who ought to pace the way to sacrifice. It is typical that the career naval officer serving—and not very well, by all accounts—as director of central intelligence is a double dipper.

The combination of asking more and giving less is a sure recipe for trouble. It explains not a few of our national difficulties. Inflation springs from that source, and the inability to compete in foreign markets, and the decline of the dollar, and a feeling, among both friendly and hostile countries, that the United States has lost its way, and is a patsy.

Still, in the absence of catastrophe, Americans avert their eyes from the signs of trouble. The energy shortage is dismissed as a company conspiracy. Statistics pointing to more and more inflation get written off as special cases, not likely to repeat themselves. Even when an undoubted crisis like that in Iran supervenes, there develops a national debate about whether the United States has the right to protect its own interests—especially in the Third World.

Which brings me back to Presidents' Day, Inflation, upheaval in Iran and now the Chinese invasion of North Vietnam—all these troubles have deep roots. They are not the fault of Jimmy Carter. But it is his fault—it is indeed the supreme weakness of his administration—that he generates no sense of urgency.

It is no accident that Carter has recently been getting lumps from the Russians, from the Chinese, from the Mexicans and from practically everybody else. He comes on weak, and whatever the merits of this or that policy, it seems beyond dispute that under his stewardship the country is very poorly prepared to meet a challenge as difficult as any we have faced since World War II.●

SALUTE TO HELEN, GA.

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. JENKINS. Mr. Speaker, this month Helen, Ga., is celebrating its 10th anniversary as a No. 1 tourist attraction in north Georgia and, in fact, the entire State. This White County town of less than 300 people has realized its dream of providing employment opportunities for its citizens while offering entertainment and relaxation for vacationers from all over our country and the world.

Through an innovative community spirit, cooperation, and hard work, Helen, out of the remains of an old lumber village, was transformed in 1969 into a small alpine village. The natural beauty of the mountains in which the town is nestled forms a background for the themed exterior design recreating the atmosphere of a small Bavarian community.

The quaintness of the cobblestone streets and old style buildings, the beauty of the flowers and plantings, the relaxed atmosphere with benches for sitting and visiting while the children play in the river which runs right through town—these are the elements that have made Helen a place to visit and love. Beyond the shopfronts one steps into a world of surprises. Here are gift shops from around the world, and craftsmen working in many styles and materials. The eating places are equally varied, from American to Vietnamese.

As seasons of the year come and go, there are many activities that take place in the town. Canoe races, trout fishing contests, bike races, Saint Bernard shows, arts and crafts exhibits, and live summer theater are only some of the events. Golf, tennis, and other sports are available all year long. In the fall, Octoberfest is a feast of music, singing, dancing, and good German food, set in the splendor of our Ninth District mountains ablaze with color.

Whatever the season, Helen is ready to offer an escape from the hurried world, a chance to relax and be entertained, and perhaps an opportunity to become among those who feel that Helen belongs to us, too.

Helen, Ga., is indeed, an amazing success story. I salute its residents on their imagination and dedication to a dream which has become a unique reality of wonder, opportunity, and accomplishment. I wish them continued progress and prosperity; they deserve it and I am confident that they are the kind of people who will continue to achieve it.●

THE GROUNDWORK IS LAID FOR UNITED STATES-MEXICO RELATIONS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BROWN of California. Mr. Speaker, I would like to insert into the RECORD the joint communique issued by the Presidents of Mexico and the United States at the conclusion of the visit of President Carter to Mexico.

I would like to call to the attention of my colleagues the number of issues discussed and the future for negotiation to create a more cooperative and harmonious relationship with Mexico. The border between the United States and Mexico is like no other in the world with the potential for a relationship equally enriching to each neighboring country. I believe we should be working toward this goal and, particularly, Congress should be prepared to adequately oversee the building of this relationship through ongoing discussion and a broad perception of the overall picture. Congress presently has a mechanism for exchange with Mexico, the interparliamentary group, which I would like to see expanded to encompass both interparliamentary and intraparliamentary interaction.

I would also like to call to the attention of my colleagues two agreements reached by the Presidents on the issue of technological exchange. One agreement would facilitate greater research and development between the two nations and the other, in which I am particularly interested, would facilitate arid land management.

Now that the Presidents have met it is important to keep the momentum going. Our history of exchange with Mexico is one of cordial meetings with little substance flowing and no solutions forthcoming. The potential for a bilateral commission and other mechanisms for exchange has never been greater. We cannot let this time pass by.

The material follows:

JOINT COMMUNIQUE ISSUED

MEXICO CITY, February 16—Following are excerpts from the joint communiqué issued today by the United States and Mexico upon conclusion of the visit of President Carter to Mexico:

At the invitation of the President of the United Mexican States Licenciado José López Portillo, the President of the United States of America, Jimmy Carter, made a visit to Mexico from the 14th to the 16th of February, 1979.

Both Presidents held extensive discussions in an atmosphere of sincerity, friendship, and mutual understanding. They reviewed international issues, hemispheric problems and bilateral matters, from the time when President López Portillo made a state visit to Washington, D.C.—the first visit by a foreign head of state to the United States after the inauguration of President Carter.

Both Presidents reviewed the operation of the U.S.-Mexican consultative mechanism, which was established during that visit to review issues facing the two countries within the context of an overall bilateral relationship.

In this regard, they decided to strengthen the mechanism and provide it with more dynamism, cohesion and flexibility for its more effective operation. To this end, they agreed that, in the light of the guidelines spelled out in this joint communiqué, concrete recommendations would be made within a period of four months on ways the mechanism can more effectively solve problems, taking into consideration the close relationship among these problems.

PRINCIPLES OF RELATIONS

They also expressed support for the important work of the Organization of American States and the need to strengthen and modernize this regional organization.

They emphasized that a new international system should be guided by accepted principles of international conduct, particularly the following: non-intervention in the internal affairs of other states; the prohibition of the use of threat or force; respect for the self-determination of peoples; the peaceful solution of conflicts; and the sovereign right of each nation to take full advantage of its natural resources for the economic and social development of its people.

Both Presidents expressed their agreement that peace is more than just the absence of hostilities, peace also includes the elimination of hunger, disease, illiteracy, poverty, ignorance and injustice—tasks in which all countries of the international community share responsibility.

The Presidents examined the development of their economies within a global context. They agreed that major efforts should be made to adjust and improve the international economic system to take into account the interests and concerns of developing countries. They expressed their concern over the worldwide problems of inflation, unemployment, protectionism and monetary and financial difficulties.

They recognized that it is important to assure the adequate transfer of real resources to developing countries and to promote stable economic and social development throughout the world.

ON HUMAN RIGHTS

The Presidents expressed their particular interest in strengthening international organizations engaged in the protection of guarantees of individual rights. They especially commended the work of the Inter-American Commission on Human Rights and urged other nations in the hemisphere to give it their full support.

Both leaders expressed their deep concern over the crisis that continues to affect the people of Nicaragua, violating their most fundamental human rights, reaffirming their decision to continue working through the United Nations and the Organization of American States, in the search for a democratic and fair solution to the conflict.

Upon reviewing trade relations between their countries, both Presidents expressed their satisfaction with the continuous growth of this exchange.

REDUCING TRADE BARRIERS

President López Portillo noted the historic trade deficit of Mexico with the United States, particularly if recent sales of Mexican oil are excluded, making known the convenience of taking all measures necessary to reduce it.

President Carter emphasized the need to reduce trade barriers on a broad basis.

President Carter expressed his strong support for expanding world trade and reducing trade barriers, and expressed his hope that Mexico would play a greater role in the shaping and the management of an improved world-trading system.

The two Presidents agreed that the rapid and satisfactory conclusion of the multilateral trade negotiations will represent an important step toward the improvement of the world's economy, particularly with regard to differential treatment for developing countries.

They also agreed to try to conclude successfully and within the shortest period of time, their bilateral trade negotiations within the framework of the multilateral trade negotiations.

SCIENCE AND TECHNOLOGY

The Presidents also agreed that the future expansion of trade between the two countries will require a continuous liberalization of both countries' trade policies, in accordance with the trade, financial and development needs of each nation. They also committed themselves to renew their efforts to this end and to carry out close consultations on trade and financial matters.

President López Portillo expressed hope that the new rules of international trade would give due consideration to the interests of developing countries, and would not institutionalize the increasing protectionist actions by developed nations.

The Presidents emphasized the importance of cooperation in the field of science and technology as a means for dealing with many economic and social problems. They also agree on the mutual advantages of intensifying this cooperation.

To signal their commitment, the two Presidents took note of the two agreements signed during the visit—on arid lands management and urban planning, and a memorandum of understanding on scientific and technical cooperation, also signed during the visit.

They also discussed plans for the Institute for Technological Cooperation, which they agreed would facilitate cooperative research and development between the two countries.

Both Presidents exchanged views on fishery matters because they considered this a priority interest for both nations, and agreed to carry on discussions in this important field.

ENERGY DISCUSSION

The leaders had a wide-ranging discussion on energy, which included both its bilateral and global aspects. They agreed that it is not possible to separate energy resources from economic development, not only for countries who have them, but for countries that do not have them, and because of this, an economic order should be sensitive to the necessity to provide for the needs of the poor, and investment should be directed so as to encourage their industrialization.

Taking into consideration Mexico's potential as an energy-producing country, President López Portillo reiterated that energy resources must be considered as the patrimony of mankind, so that the production, distribution and consumption of these resources may be made in orderly and rational fashion, and so that all alternative sources of energy be developed, including the financing and transfer of technologies that are accessible to all developing countries .

President Carter expressed interest in this idea and willingness to explore these subjects further.

The two Presidents decided to start immediately the design of plans to collaborate in the field of energy, with a strict observance of their respective national policies, and to initiate or expand, whatever might be the case, trade in hydrocarbon products, electricity and other energy resources.

MIGRANT WORKERS

With regard to the eventual sale of surpluses of Mexican natural gas to the United States, the Presidents discussed the future possibility of such transactions.

The two Presidents agreed to examine jointly the prospects of future sales of crude oil and petroleum products from Mexico to the United States.

The phenomenon of the Mexican migrant workers was discussed within the overall context of social and economic relations between both countries. The two Presidents committed themselves to carry out a close bilateral cooperation in order to find an integral, realistic, and long-term solution which would respect the dignity and the human rights of these workers, and which would also respect the many social, economic and development problems that are involved in this matter.

President López Portillo reiterated that Mexico does not wish to export workers but goods. He added, however, that is necessary to take into consideration that this is a matter of bilateral nature, of long history, that it is stimulated by a real demand, and that, in any event, it deserves respect with regard to its human aspect and required a clear and objective analysis, taking into consideration that restrictive measures in other areas slow down the solution that both countries wish for this problem.

President Carter expressed concern about the problem of unlawful immigration into the United States and its impact on the United States. He took note of the responsibility of the United States Government to enforce the laws respecting immigration and the need to bring to justice those who traffic in undocumented migrants.

DRUG TRAFFIC

The Presidents discussed the status of border relations, reaffirming their goals to promote an adequate flow of goods and people, to fight all kinds of contraband which adversely affect the economies of both countries, and to strengthen cooperation between the authorities of both countries.

They noted with satisfaction the success of current programs in sharply reducing the traffic in dangerous drugs and pledged to continue to strengthen and expand their efforts to suppress the production and trafficking of illicit narcotics.

The Presidents agreed to continue their consultations over a wide range of international political and economic matters, and reaffirmed their intention to maintain close contact and to give their personal and continuous attention to the reinforcement and broadening of the numerous areas of cooperation existing between their nations.

President Carter suggested that both Presidents meet again in the summer to examine the report of the consultative mechanism and to assess progress on the issues discussed in Mexico City. President López Portillo gladly accepted this suggestion.●

NOBEL PRIZE FOR ARCHBISHOP ROMERO

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to join with my colleagues in support of the nomination of Archbishop Oscar Arnulfo Romero y Galdames, the Archbishop of El Salvador, for the Nobel Peace Prize.

Archbishop Romero has been a strong supporter in the fight for a more just, free, and more peaceful society ever since he was appointed as archbishop of this sorely troubled nation early last year. He has been an outspoken critic of the many alleged human rights abuses committed by the Government of El Salvador and has attempted to stand up for the right of his country's peasant workers to organize and protest the widespread economic injustices being practiced in the name of national stability.

It seems to me that the archbishop's efforts to meet the social and very human needs of the members of his congregation, as well as providing their spiritual leadership, have shown him to be worthy of the honor of the Nobel Prize. He has fearlessly refused to be intimidated, at a time when many other religious leaders have died in brutal and seemingly senseless ways.

Our own Nation was founded on the principles of life, liberty, and the pursuit of happiness and our Government and our people have long and often spoken out in support of these rights and freedoms for all people, the world over. Let us join together once again in recognition of this outstanding humanitarian and spokesman for human rights.●

IN SUPPORT OF ARCHBISHOP ROMERO

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. GREEN. Mr. Speaker, as a cosigner along with 22 of my House colleagues of a letter nominating Archbishop Oscar Arnulfo Romero y Galdames of San Salvador for the Nobel Peace Prize, I would like to express to the remainder of my colleagues my support for the archbishop in his role as spokesman for the 3½ million Roman Catholics of El Salvador suffering religious persecution by that country's military government.

Often news of tragic events in distant countries comes to us in the United States in the form of a story about an extraordinary individual whose role in the event symbolizes the bravery and courage of the victims. Archbishop Romero's outspoken criticism of the tyrannical Salvadorian Government at tremendous personal risk has helped to bring to our attention the religious persecution being practiced in El Salvador.

Too often the cries of people all over the world who find themselves the victims of human rights violations go unheard. For every leader willing to take a stand as Archbishop Romero has done there are countless others who are unwilling, unable, or afraid to speak out. Through the encouragement and support we can lend to Archbishop Romero and his followers, we can inspire new hope in those who suffer.

The oppressed and the oppressors everywhere should know that the United States is firm in its commitment to human rights.●

THE GREAT DEPRESSION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, unless we can bring Federal spending and government-caused inflation under control, some sober economists believe that we may be in for a repeat of the Great Depression.

Dr. Hans Sennholz, the distinguished chairman of the economics department at Grove City College in Grove City, Pa., has been an especially eloquent and persistent voice in favor of freedom. His warning of the disaster that may lie ahead unless we mend our free-spending ways, is important for all of us.

[From the Freeman, April 1975]

THE GREAT DEPRESSION

(By Hans F. Sennholz)

Although the Great Depression engulfed the world economy some 40 years ago, it lives on as a nightmare for individuals old enough to remember and as a frightening specter in the text books of our youth. Some 13 million Americans were unemployed, "not wanted" in the production process. One worker out of every four was walking the streets in want and despair. Thousands of banks, hundreds of thousands of businesses, and millions of farmers fell into bankruptcy or ceased operations entirely. Nearly everyone suffered painful losses of wealth and income.

Many Americans are convinced that the Great Depression reflected the breakdown of an old economic order built on unhampered markets, unbridled competition, speculation, property rights, and the profit motive. According to them, the Great Depression proved the inevitability of a new order built on government intervention, political and bureaucratic control, human rights, and government welfare. Such persons, under the influence of Keynes, blame businessmen for precipitating depressions by their selfish refusal to spend enough money to maintain or improve the people's purchasing power. This is why they advocate vast governmental expenditures and deficit spending—resulting in an age of money inflation and credit expansion.

Classical economists learned a different lesson. In their view, the Great Depression consisted of four consecutive depressions rolled into one. The causes of each phase differed, but the consequences were all the same: business stagnation and unemployment.

THE BUSINESS CYCLE

The first phase was a period of boom and bust; like the business cycles that had plagued the American economy in 1819–20, 1839–43, 1857–60, 1873–78, 1893–97, and 1920–21. In each case, government had generated a boom through easy money and credit, which was soon followed by the inevitable bust.

The spectacular crash of 1929 followed five years of reckless credit expansion by the Federal Reserve System under the Coolidge Administration. In 1924, after a sharp decline in business, the Reserve banks suddenly created some $500 million in new credit, which led to a bank credit expansion of over $4 billion in less than one year. While the immediate effects of this new powerful expansion of the nation's money and credit were seemingly beneficial, initiating a new economic boom and effacing the 1924 decline, the ultimate outcome was most disastrous. It was the beginning of a monetary policy that led to the stock market crash in 1929 and the following depression. In fact, the expansion of Federal Reserve credit in 1924 constituted what Benjamin Anderson in his great treatise on recent economic history (*Economics and the Public Welfare*, D. Van Nostrand, 1949) called "the beginning of the New Deal."

The Federal Reserve credit expansion in 1924 also was designed to assist the Bank of England in its professed desire to maintain prewar exchange rates. The strong U.S. dollar and the weak British pound were to be readjusted to prewar conditions through a policy of inflation in the U.S. and deflation in Great Britain.

The Federal Reserve System launched a further burst of inflation in 1927, the result being that total currency outside banks plus demand and time deposits in the United States increased from $44.51 billion at the end of June, 1924, to $55.17 billion in 1929. The volume of farm and urban mortgages expanded from $16.8 billion in 1921 to $27.1 billion in 1929. Similar increases occurred in industrial, financial, and state and local government indebtedness. This expansion of money and credit was accompanied by rapidly rising real estate and stock prices. Prices for industrial securities, according to Standard & Poor's common stock index, rose from 59.4 in June of 1922 to 195.2 in September of 1929. Railroad stock climbed from 189.2 to 446.0, while public utilities rose from 82.0 to 375.1.

A SERIES OF FALSE SIGNALS

The vast money and credit expansion by the Coolidge Administration made 1929 inevitable. Inflation and credit expansion always precipitate business maladjustments and malinvestments that must later be liquidated. The expansion artificially reduces and thus falsifies interest rates, and thereby misguides businessmen in their investment decisions. In the belief that declining rates indicate growing supplies of capital savings, they embark upon new production projects. The creation of money gives rise to an economic boom. It causes prices to rise, especially prices of capital goods used for business expansion. But these prices constitute business costs. They soar until business is no longer profitable, at which time the decline begins. In order to prolong the boom, the monetary authorities may continue to inject new money until finally frightened by the prospects of a run-away inflation. The boom that was built on the quicksand of inflation then comes to a sudden end.

The ensuing recession is a period of repair and readjustment. Prices and costs adjust anew to consumer choices and preferences.

And above all, interest rates readjust to reflect once more the actual supply of and demand for genuine savings. Poor business investments are abandoned or written down. Business costs, especially labor costs, are reduced through greater labor productivity and managerial efficiency, until business can once more be profitably conducted, capital investments earn interest, and the market economy function smoothly again.

After an abortive attempt at stabilization in the first half of 1928, the Federal Reserve System finally abandoned its easy money policy at the beginning of 1929. It sold government securities and thereby halted the bank credit expansion. It raised its discount rate to 6 percent in August, 1929. Time-money rates rose to 8 percent, commercial paper rates to 6 percent, and call rates to the panic figures of 15 percent and 20 percent. The American economy was beginning to readjust. In June, 1929, business activity began to recede. Commodity prices began their retreat in July.

The security market reached its high on September 19 and then, under the pressure of early selling, slowly began to decline. For five more weeks the public nevertheless bought heavily on the way down. More than 100 million shares were traded at the New York Stock Exchange in September. Finally it dawned upon more and more stockholders that the trend had changed. Beginning with October 24, 1929, thousands stampeded to sell their holdings immediately and at any price. Avalanches of selling by the public swamped the ticker tape. Prices broke spectacularly.

LIQUIDATION AND ADJUSTMENT

The stock market break signaled the beginning of a readjustment long overdue. It should have been an orderly liquidation and adjustment followed by a normal revival. After all, the financial structure of business was very strong. Fixed costs were low as business had refunded a good many bond issues and had reduced debts to banks with the proceeds of the sale of stock. In the following months, most business earnings made a reasonable showing. Unemployment in 1930 averaged under 4 million, or 7.8 percent of labor force.

In modern terminology, the American economy of 1930 had fallen into a mild recession. In the absence of any new causes for depression, the following year should have brought recovery as in previous depressions. In 1921-22 the American economy recovered fully in less than a year. What, then, precipitated the absymal collapse after 1929? What prevented the price and cost adjustments and thus led to the second phase of the Great Depression?

DISINTEGRATION OF THE WORLD ECONOMY

The Hoover Administration opposed any readjustment. Under the influence of "the new economics" of government planning, the President urged businessmen not to cut prices and reduce wages, but rather to increase capital outlay, wages, and other spending in order to maintain purchasing power. He embarked upon deficit spending and called upon municipalities to increase their borrowing for more public works. Through the Farm Board which Hoover had organized in the autumn of 1929, the Federal government tried strenuously to uphold the prices of wheat, cotton, and other farm products. The GOP tradition was further invoked to curtail foreign imports.

The Hawley-Smoot Tariff Act of June, 1930, raised American tariffs to unprecedented levels, which practically closed our borders to foreign goods. According to most economic historians, this was the crowning folly of the whole period from 1920 to 1933 and the beginning of the real depression. "Once we raised our tariffs," wrote Benjamin Anderson, "an irresistible movement all over the world to raise tariffs and to erect other trade barriers, including quotas, began. Protectionism ran wild over the world. Markets were cut off. Trade lines were narrowed. Unemployment in the export industries all over the world grew with great rapidity. Farm prices in the United States dropped sharply through the whole of 1930, but the most rapid rate of decline came following the passage of the tariff bill." When President Hoover announced he would sign the bill into law, industrial stocks broke 20 points in one day. The stock market correctly anticipated the depression.

The protectionists have never learned that curtailment of imports inevitably hampers exports. Even if foreign countries do not immediately retaliate for trade restrictions injuring them, their foreign purchases are circumscribed by their ability to sell abroad. This is why the Hawley-Smoot Tariff Act which closed our borders to foreign products also closed foreign markets to our products. American exports fell from $5.5 billion in 1929 to $1.7 billion in 1932. American agriculture customarily had exported over 20 percent of its wheat, 55 per cent of its cotton, 40 percent of its tobacco and lard, and many other products. When international trade and commerce were disrupted. American farming collapsed. In fact, the rapidly growing trade restrictions, including tariffs, quotas, foreign exchange controls, and other devices were generating a world-wide depression.

Agricultural commodity prices, which had been well above the 1926 base before the crisis, dropped to a low of 47 in the summer of 1932. Such prices as $2.50 a hundredweight for hogs, $3.28 for beef cattle, and 32¢ a bushel for wheat, plunged hundreds of thousands of farmers into bankruptcy. Farm mortgages were foreclosed until various states passed moratoria laws, thus shifting the bankruptcy to countless creditors.

RURAL BANKS IN TROUBLE

The main creditors of American farmers were, of course, the rural banks. When agriculture collapsed, the banks closed their doors. Some 2,000 banks, with deposit liabilities of over $1.5 billion, suspended between August, 1931, and February, 1932. Those banks that remained open were forced to curtail their operations sharply. They liquidated customers' loans on securities, contracted real estate loans, pressed for the payment of old loans, and refused to make new ones. Finally, they dumped their most marketable bond holdings on an already depressed market. The panic that had engulfed American agriculture also gripped the banking system and its millions of customers.

The American banking crisis was aggravated by a series of events involving Europe. When the world economy began to disintegrate and economic nationalism ran rampant, European debtor countries were cast in precarious payment situations. Austria and Germany ceased to make foreign payments and froze large English and American credits; when England finally suspended gold payments in September, 1931, the crisis spread to the U.S. The fall in foreign bond values set off a collapse of the general bond market, which hit American banks at their weakest point—their investment portfolios.

DEPRESSION COMPOUNDED

1931 was a tragic year. The whole nation, in fact, the whole world, fell into the cataclysm of despair and depression. American unemployment jumped to more than 8 million and continued to rise. The Hoover Administration, summarily rejecting the thought that it had caused the disaster, labored diligently to place the blame on American businessmen and speculators. President Hoover called together the nation's industrial leaders and pledged them to adopt his program to maintain wage rates and expand construction. He sent a telegram to all the governors, urging cooperative expansion of all public works programs. He expanded Federal public works and granted subsidies to ship construction. And for the benefit of the suffering farmers, a host of Federal agencies embarked upon price stabilization policies that generated ever larger crops and surpluses which in turn depressed product prices even further. Economic conditions went from bad to worse and unemployment in 1932 averaged 12.4 million.

In this dark hour of human want and suffering, the Federal government struck a final blow. The Revenue Act of 1932 doubled the income tax, the sharpest increase in the Federal tax burden in American history. Exemptions were lowered, "earned income credit" was eliminated. Normal tax rates were raised from a range of 1½ to 5 per cent to a range of 4 to 8 per cent, surtax rates from 20 per cent to a maximum of 55 per cent. Corporation tax rates were boosted from 12 per cent to 13¾ and 14½ per cent. Estate taxes were raised. Gift taxes were imposed with rates from ¾ to 33½ per cent. A 1¢ gasoline tax was imposed, a 3 per cent automobile tax, a telegraph and telephone tax, a 2¢ check tax, and many other excise taxes. And finally, postal rates were increased substantially.

When state and local governments faced shrinking revenues, they, too, joined the Federal government in imposing new levies. The rate schedules of existing taxes on income and business were increased and new taxes imposed on business income, property, sales, tobacco, liquor, and other products.

Murray Rothbard, in his authoritative work on *America's Great Depression* (Van Nostrand, 1963), estimates that the fiscal burden of Federal, state, and local governments nearly doubled during the period, rising from 16 per cent of net private product to 29 per cent. This blow, alone, would bring any economy to its knees, and shatters the silly contention that the Great Depression was a consequence of economic freedom.

THE NEW DEAL OF NRA AND AAA

One of the great attributes of the private-property market system is its inherent ability to overcome almost any obstacle. Through price and cost readjustment, managerial efficiency and labor productivity, new savings and investments, the market economy tends to regain its equilibrium and resume its service to consumers. It doubtless would have recovered in short order from the Hoover interventions had there been no further tampering.

However, when President Franklin Delano Roosevelt assumed the Presidency, he, too, fought the economy all the way. In his first 100 days, he swung hard at the profit order. Instead of clearing away the prosperity barriers erected by his predecessor, he built new ones of his own. He struck in every known way at the integrity of the U.S. dollar through quantitative increases and qualitative deterioration. He seized the people's gold holdings and subsequently devalued the dollar by 40 per cent.

With some third of industrial workers unemployed, President Roosevelt embarked upon sweeping industrial reorganization. He persuaded Congress to pass the National Industrial Recovery Act (NIRA), which set up the National Recovery Administration (NRA). Its purpose was to get business to regulate itself, ignoring the antitrust laws and developing fair codes of prices, wages, hours, and working conditions. The President's Reemployment Agreement called for a minimum wage of 40¢ an hour ($12 to $15 a week in smaller communities), a 35-hour work week for industrial workers and 40 hours for white collar workers, and a ban on all youth labor.

This was a naive attempt at "increasing purchasing power" by increasing payrolls. But, the immense increase in business costs through shorter hours and higher wage rates worked naturally as an *antirevival* measure. After, passage of the Act, unemployment rose to nearly 13 million. The South, especially, suffered severely from the minimum wage provisions. The Act forced 500,000 Negroes out of work.

Nor did President Roosevelt ignore the disaster that had befallen American agriculture. He attacked the problem by passage of the Farm Relief and Inflation Act, popularly known as the First Agricultural Adjustment Act. The objective was to raise farm income by cutting the acreages planted or destroying the crops in the field, paying the farmers not to plant anything, and organizing marketing agreements to improve distribution. The program soon covered not only cotton, but also all basic cereal and meat production as well as principal cash crops. The expenses of the program were to be covered by a new "processing tax" levied on an already depressed industry.

NRA codes and AAA processing taxes came in July and August of 1933. Again, economic production which had flurried briefly before the deadlines, sharply turned downward. The Federal Reserve index dropped from 100 in July to 72 in November of 1933.

PUMP-PRIMING MEASURES

When the economic planners saw their plans go wrong, they simply prescribed additional doses of Federal pump priming. In his January 1934 Budget Message, Mr. Roosevelt promised expenditures of $10 billion while revenues were at $3 billion. Yet, the economy failed to revive; the business index rose to 86 in May of 1934, and then turned down again to 71 by September. Furthermore, the spending program caused a panic in the bond market which cast new doubts on American money and banking.

Revenue legislation in 1933 sharply raised income tax rates in the higher brackets and imposed a 5 per cent withholding tax on corporate dividends. Tax rates were raised again in 1934. Federal estate taxes were brought to the highest levels in the world. In 1935, Federal estate and income taxes were raised once more, although the additional revenue yield was insignificant. The rates seemed clearly aimed at the redistribution of wealth.

According to Benjamin Anderson, "the impact of all these multitudinous measures—industrial, agricultural, financial, monetary and other—upon a bewildered industrial and financial community was extraordinarily heavy. We must add the effect of continuing disquieting utterances by the President. He had castigated the bankers in his inaugural speech. He had made a slurring comparison of British and American bankers in a speech in the summer of 1934. . . . That private enterprise could survive and rally in the midst of so great a disorder is an amazing demonstration of the vitality of private enterprise."

Then came relief from unexpected quarters. The "nine old men" of the Supreme Court, by unanimous decision, outlawed NRA in 1935 and AAA in 1936. The Court maintained that the Federal legislative power had been unconstitutionally delegated and states' rights violated.

These two decisions removed some fearful handicaps under which the economy was laboring. NRA, in particular, was a nightmare with continuously changing rules and regulations by a host of government bureaus. Above all, voidance of the act immediately reduced labor costs and raised productivity as it permitted labor markets to adjust. The death of AAA reduced the tax burden of agriculture and halted the shocking destruction of crops. Unemployment began to decline. In 1935 it dropped to 9.5 million, or 18.4 per cent of the labor force, and in 1936 to only 7.6 million, or 14.5 per cent.

A NEW DEAL FOR LABOR

The third phase of the Great Depression was thus drawing to a close. But there was little time to rejoice, for the scene was being set for another collapse in 1937 and a lingering depression that lasted until the day of Pearl Harbor. More than 10 million Americans were unemployed in 1938, and more than 9 million in 1939.

The relief granted by the Supreme Court was merely temporary. The Washington planners could not leave the economy alone; they had to earn the support of organized labor, which was vital for re-election.

The Wagner Act of July 5, 1935, earned the lasting gratitude of labor. This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted the law that already afforded legal immunities and privileges to labor unions. The U. S. thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act, or National Labor Relations Act, was passed in reaction to the Supreme Court's voidance of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law not only obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Following the election of 1936, the labor unions began to make ample use of their new powers. Through threats, boycotts, strikes, seizures of plants, and outright violence committed in legal sanctity, they forced millions of workers into membership. Consequently, labor productivity declined and wages were forced upward. Labor strife and disturbance ran wild. Ugly sitdown strikes idled hundreds of plants. In the ensuing months economic activity began to decline and unemployment again rose above the ten million mark.

But the Wagner Act was not the only source of crisis in 1937. President Roosevelt's shocking attempt at packing the Supreme Court, had it been successful, would have subordinated the Judiciary to the Executive. In the U.S. Congress the President's power was unchallenged. Heavy Democratic majorities in both houses, perplexed and frightened by the Great Depression, blindly followed their leader. But when the President strove to assume control over the Judiciary, the American nation rallied against him, and he lost his first political fight in the halls of Congress.

There was also his attempt at controlling the stock market through an ever-increasing number of regulations and investigations by the Securities and Exchange Commission. "Insider" trading was barred, high and inflexible margin requirements imposed and short selling restricted, mainly to prevent repetition of the 1929 stock market crash. Nevertheless the market fell nearly 50 per cent from August of 1937 to March of 1938. The American economy again underwent dreadful punishment.

OTHER TAXES AND CONTROLS

Yet other factors contributed to this new and fastest slump in U.S. history. The Undistributed Profits Tax of 1936 struck a heavy blow at profits retained for use in business. Not content with destroying the wealth of the rich through confiscatory income and estate taxation, the administration meant to force the distribution of corporate savings as dividends subject to the high income tax rates. Though the top rate finally imposed on undistributed profits was "only" 27 per cent, the new tax succeeded in diverting corporate savings from employment and production to dividend income.

Amidst the new stagnation and unemployment, the President and Congress adopted yet another dangerous piece of New Deal legislation: the Wages and Hours Act or Fair Labor Standards Act of 1938. The law raised the minimum wages and reduced the work week in stages to 44, 42, and 40 hours. It provided for time-and-a-half pay for all work over 40 hours per week and regulated other labor conditions. Again, the Federal government thus reduced labor productivity and increased labor costs—ample grounds for further depression and unemployment.

Throughout this period, the Federal government, through its monetary arm, the Federal Reserve System, endeavored to reinflate the economy. Monetary expansion from 1934 to 1941 reached astonishing proportions. The monetary gold of Europe sought refuge from the gathering clouds of political upheaval, boosting American bank reserves to unaccustomed levels. Reserve balances rose from $2.9 billion in January, 1934, to $14.4 billion in January of 1941. And with this growth of member bank reserves, interest rates declined to fantastically low levels. Commercial paper often yielded less than 1 percent, bankers' acceptances from ⅛ percent to ¼ percent. The Treasury bill fell to ⅒ of 1 percent and Treasury bonds to some 2 percent. Call loans were pegged at 1 percent and prime customers' loans at 1½ percent. The money market was flooded and interest rates could hardly go lower.

DEEP-ROOTED CAUSES

The American economy simply could not recover from these successive onslaughts by first the Republican and then the Democratic Administrations. Individual enterprise, the mainspring of unprecedented income and wealth, didn't have a chance.

The calamity of the Great Depression finally gave way to the holocaust of World War II. When more than 10 million able-bodied men had been drafted into the armed services, unemployment ceased to be an economic problem. And when the purchasing power of the dollar had been cut in half through vast budget deficits and currency inflation, American business managed to adjust to the oppressive costs of the Hoover-Roosevelt Deals. The radical inflation in fact reduced the real costs of labor and thus generated new employment in the postwar period.

Nothing would be more foolish than to single out the men who led us in those baleful years and condemn them for all the evil that befell us. The ultimate roots of the Great Depression were growing in the hearts and minds of the American people. It is true, they abhored the painful symptoms of the great dilemma. But the large majority favored and voted for the very policies that made the disaster inevitable: inflation and credit expansion, protective tariffs, labor laws that raised wages and farm laws that raised prices, ever higher taxes on the rich and distribution of their wealth. The seeds for the Great Depression were sown by scholars and teachers during the 1920's and earlier when social and economic ideologies that were hostile toward our traditional order of private property and individual enterprise conquered our colleges and universities. The professors of earlier years were as guilty as the political leaders of the 1930's.

Social and economic decline is facilitated by moral decay. Surely, the Great Depression would be inconceivable without the growth of covetousness and envy of great personal wealth and income, the mounting desire for public assistance and favors. It would be inconceivable without an ominous decline of individual independence and self-reliance, and above all, the burning desire to be free from man's bondage and to be responsibe to God alone.

Can it happen again? Inexorable economic law ascertains that it must happen again whenever we repeat the dreadful errors that generated the Great Depression.●

NEW HEALTH GRANTS DEEMED IRRESPONSIBLE AND FRAUDULENT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HANSEN. Mr. Speaker, over the past several months, I have received a number of requests from individuals and groups within the State of Idaho asking that I look into grants made by the Department of Health, Education, and Welfare to an Idaho-based nonprofit organization known as SIFMES (Southeast Idaho Family Medical and Educational Services, Inc.). On the basis of these requests, I made several contacts with HEW offices at all levels with little more than token response at best and in many cases, no response at all.

Under these circumstances, I decided to assign a research-oriented staff member to investigate the matter fully and the results of his inquiries into these questionable operations are, indeed, shocking and demand your immediate attention and response. The investigation began in earnest on December 14, 1978, when this staff member was dispatched to region X headquarters in Seattle with a Freedom of Information Act letter requesting all of HEW's files relating to SIFMES operations and grants.

A sizable amount of information was received which included documents which clearly indicated that SIFMES had recently come under considerable HEW review and that the agency had in fact threatened to cut off funds from the organization, because of serious questions of "integrity," managerial incompetence, waste, and possibly fraud. A letter to SIFMES from HEW dated November 30, 1978, listed specific steps that SIFMES had to take in order to avoid having their grant moneys terminated at the end of 1978.

In a telephone conversation on January 16, 1979, my office was informed that SIFMES had still not met the guidelines set by HEW, but that the deadline had been extended in order to allow SIFMES time to draw up a new contract. Then in a letter to my office dated January 26, 1979, HEW claimed that problems identified in the areas of budget, contracts, verification of payment, and clarification of medical services rendered had been rectified by SIFMES and that all areas of concern are now considered acceptable by HEW.

It is obvious that HEW considers this case closed, but let me assure you that it is not. I find that HEW continues to dispense huge sums of the taxpayers' money into health programs which are identified by their own internal memorandums as "vague" and "loaded with unrealistically inflated costs."

A June 19, 1978, memorandum clearly identifies the fact that HEW officials were aware of serious deficiencies which could justify an end to further funding followed by a four-page memorandum dated September 12, 1978, concluding—

> That no further funds (should) be awarded to this grantee until its managerial and financial posture is understood and the previous condition explained thoroughly.

And yet, on August 4, 1978, during the period covered by these memorandums, I find HEW dispensing the largest grant yet ($422,995) with no evidence that questioned conditions had been rectified or properly explained. How do we account to heavily burdened taxpayers of this Nation for such wasteful if not fraudulent handling of funds by HEW?

My investigations have further revealed that SIFMES is not providing the services stipulated in the grant applications. They have apparently deliberately misstated the amounts and types of services provided in order to continue receiving Federal grant moneys. They have misled local officials regarding the nature of their services. They have apparently received moneys for which they cannot give an account. And they have had a deleterious effect on the quality and quantity of medicine in their service area.

Numerous discrepancies have been identified in descriptions submitted to HEW regarding the services SIFMES claims are being provided as compared to these same services as reported by local doctors, health officials, hospitals, and HEW's own internal reports. I have every reason to believe that HEW officials are not only aware of these discrepancies, but are possibly trying to cover them up. Our research has shown that my office was not given the complete HEW file as was requested. As a matter of fact, information vital in proving that there are serious problems in the SIFMES organization was apparently deliberately withheld from me in order to protect the joint interests of HEW staff members and SIFMES. Just last week (February 8, 1979) I again requested that HEW furnish the missing files, but the Seattle office now claims that some of those records have been lost.

Along this same line, I have also learned that one HEW grant specialist, who challenged the integrity of the SIFMES operation, who discovered information seriously questioning whether the grantee was complying with the required conditions of regulations and law, and who found that SIFMES had possibly deliberately inflated cost projections, was taken off of the SIFMES case (and later left HEW) even though other reviews confirmed his findings.

Among the disquieting elements which require immediate explanation and answer are the following:

1. How does HEW justify continuing a grant program in which—

(a) HEW itself questions the integrity of the program or its operators.

(b) HEW cites substantial evidence of administrative incompetence.

(c) There exists substantial overpricing in elements of the grant applicant's operation.

2. When a newspaper in the concerned area of Southeast Idaho began a series of articles raising the issues of competence and effectiveness of SIFMES, HEW quickly glossed the situation over by reporting to the newspaper that the problems are being corrected. However, there is serious questions regarding how one corrects a problem of integrity, one of the concerns spelled out.

3. A substantial part of one of the most recent grants by HEW to SIFMES consisted of approximately $95,000.00 to be used for an adolescent health program. The grant application states that the area schools were to be the base of the program. The application also strongly implies pre-existing agreement by the schools to participate in the adolescent health program. Eleven months later, when my office asked the very schools listed by SIFMES as participants in the program, every single school denied that any consent had been given by the schools as of the time of my inquiry on February 7, 1979.

4. When my office sought the same information from the operator of the proposed program who initiated the meeting, copies of alleged consent letters by two of the schools were offered. The initial offer of corroboration was later withdrawn in circumstances which make it doubtful that the consent ever existed. Why is $95,000 in the possession of this grantee not only without a program for it, but with little chance of the affected schools ever approving such a program.

5. The program in item 4 above was advertised to the community shorn of any controversial aspects. The grant application, however, carries specifics of the more controversial aspects of the program. The question arises whether HEW, or the SIFMES group, or both, are seeking, not so much to serve the people of Southeast Idaho, but to force upon them concepts and values foreign to their own. Is the Department of Health, Education and Welfare embarked on making grants based on the social views of the grantees without reference to competence or integrity, or even for family trust and individual morality?

6. Several of the directors of SIFMES, including its founder, are in the business of medicine as a profit-making venture. Since SIFMES was founded, its founder organized a profit-making medical corporation. SIFMES has contracted virtually all of its medical services with that profit-making medical corporation. The close relationship between SIFMES as a tax exempt organization and a profit-making operation run by SIFMES directors raises serious questions as to possible misuse of exempt status under the Internal Revenue Code.

7. HEW recently granted funds to SIFMES to provide a physician and physician's attendant in the American Falls clinic which is presently operated by SIFMES under a Kellogg grant. The HEW grant was ostensibly made to SIFMES to provide adequate medical care for the community involved. The grant was made at about the same time that the privately funded HSRI clinic in American Falls dismissed a physician because of a lack of need, and a study of statistics will show SIFMES services have not been increasing to cause this reduction.

8. HEW, on September 12, 1978, states that "It is still not clear how many (health) providers are being purchased by this grantee." During the three years of HEW's grant program, it had granted more than $700,000 to SIFMES. However, it does not know at the end of the three year period what its grants purchased. This single example raises important questions of how the taxpayers'

money is being used. In addition to the apparent waste of tax money, does HEW's grant program influence other giving? Are CETA funds also paid to SIFMES at least in part as a result of the assumption that HEW knows what it is doing? In this case, even a private foundation granted a substantial sum, approximately $200,000 in one community alone. Would they have given their money had they known HEW's doubts about the integrity, competency and even truthfulness of the grantee organization?

9. SIFMES has received grants to provide a mental health "linkage" program in spite of the fact that SIFMES has no psychiatrist. The grant was made over the strenuous objections of area psychiatrists.

10. There are several academic PhD's associated with SIFMES. Some sources allege that SIFMES patients see a person who is called a "doctor", but in truth the attending person is a PhD or a paramedic and not a physician.

11. According to HEW reports a large percentage of SIFMES patients are served by mid-level practitioners (PA's or nurses) and do not see physicians.

The overriding questions are:

(A) How funding can be achieved over the objections of key elements concerned or without their knowledge, particularly when controversial and even unacceptable programs are involved. For instance, how is it possible for HEW funds to be dispensed in the face of unanimous rejection by the involved medical society and what is the relationship of the council of governments to this process?

(B) How can funds be granted for a program such as adolescent health care which involves highly controversial aspects (such as birth control, abortion and venereal disease counselling with this so-called adolescent right to exclude parents in such matters), probably not acceptable to the areas proposed for inclusion and with no apparent evidence that necessary authorities in local governments and schools will cooperate?

Three years into the SIFMES program, two facts are evident:

(1) HEW does not know what it should know about its grantee's activities.

(2) SIFMES has not performed in accordance with its own assessments of the deficiencies in the local medical community.

Unfortunately, the SIFMES problem is not an isolated one, it seems to be scandalously common in HEW operations. For instance, I recently learned that yet another HEW grant has been awarded to the Idaho Migrant Council in two other cities in my district. This award was made over the strenuous objections of local and State health officials who considered the grant of nearly $400,000 a duplication of existing medical services.

And there is no question, but that such an uncoordinated and unresponsive operation as here demonstrated by HEW could be subject to even more severe exploitation in those large population centers where far greater funding potential is available.

Given the number of problems evident even from HEW's own evaluation of SIFMES, I have contacted Secretary Joseph Califano and his Inspector General to insist that this agency immediately conduct an investigation into HEW funding of SIFMES and other like programs in Idaho and across the Nation and proceed to identify the full scope of the moneys being dispensed to the grantee(s) concerned. A full and early explanation of HEW's apparent irresponsible, if not fraudulent, handling of Government grants was demanded along with their plans for corrective action and recovery of funds improperly dispensed.

The matter has also been referred to the General Accounting Office and other appropirate offices for their review. I would suggest that other Members of Congress with similar complaints or concerns ask for simultaneous review.●

"SUPPOSE THEY SENT A BILL AND NOBODY PAID?": A RESPONSE TO CONSUMER DEBT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. CONYERS. Mr. Speaker, all kinds of consumer problems are affecting citizens. These range from obtaining adequate home and auto insurance, especially if you happen to live in inner-city neighborhoods, to obtaining mortgage money and paying for the rising costs of energy. Consumer debt is currently estimated at $1 trillion, which includes both installment and mortgage debt (this amounts to 23 cents of the average person's take-home dollar that goes to payment on the debt).

A recent article, "Suppose They Sent a Bill and Nobody Paid?" written by Mark Sufrin that appeared in In These Times (Feb. 7–13, 1979 issue), provides a very cogent view of the growing use of personal bankruptcy as a means for dealing with debt. I recommend the following article to my colleagues:

SUPPOSE THEY SENT A BILL AND NOBODY PAID?

(By Mark Sufrin)

Once upon a time in the U.S., debt was something you were supposed to honor, and bankruptcy was a mark of personal failure and disgrace. "Today," says one lawyer, "things have improved. Personal bankruptcy is something like contracting a venereal disease—socially acceptable but nothing to brag about."

But some of the stigma remains.

"There's nothing worse than what bankruptcy does to your pride," says Henry Roberts of Dallas. "It's not the fact that you can't buy nice things. It's that you're going against the whole moral teachings of the last 200 years."

"It means admitting in public," says Paul Walker of Los Angeles, "that I couldn't handle myself financially—something my All-American upbringing had taught me to have pride in. It also meant abandoning 20 years of a perfect credit record. The choice was agonizing. But in the end, I chose to go bankrupt—and it was the wisest thing I ever did. At first I was in a state of shock. Then I started to live again, with a free slate. For the first time in years I wasn't afraid, and that feeling overcame my guilt."

More and more, debt-ridden Americans are using this legal escape to rip off their creditors. The message is becoming increasingly clear to the public:

Anybody—anyone at all who does not wish to pay his debts—any individual who yearns to start a spanking-clean economic life without owing a dime has only to walk into the nearest federal court and declare himself a personal bankrupt. He doesn't even need a lawyer (though it's advised); just the proper legal forms filled out plus a $50 filing fee (payable in installments) wash all creditors out of his hair and all garnishes from his paycheck. And no one can stop him.

The message, of course, shakes the business-credit establishment. The American consumer public is into credit people for over one trillion dollars (that's a thousand billion dollars) on home mortgages, charge accounts, personal loans, installment credit, etc. And 10 percent of that stupendous sum owed is in nonrecoverable consumer goods and cash loans. In short, the credit people have 100 million bucks working the street and not a leg-breaker on the payroll. Who wouldn't get nervous?

"Bankruptcy is as American as apple pie," says one consumer advocate. "Hell, big business, movie stars, rock musicians, society people, everybody does it all the time, everybody but the poor slob who really needs it.

"Business, banks, and credit card and loan companies try to keep the whole idea of bankruptcy a secret. They put out the propaganda that personal bankruptcy is something to be ashamed of. But they wouldn't hesitate 15 seconds to go bankrupt if it meant making a profit. They grab credit too freely, and they just about say that bankruptcy is good for everyone but the consumer. Besides bad debts losses are tax deductible. The trouble is, information about personal bankruptcy for the average man has been a well-kept secret for too long."

It might be said that behind this silence is the fear that mass use of bankruptcy could wreck the economy of our country. Fortune magazine recently lamented:

"The fact that bankruptcy is getting to have a good name may be bizarre, but it's very much in tune with the times. In an age that holds society responsible for the misfortune of individuals, the personal bankrupt is no longer a failure, but an innocent victim whom the rest of us have an obligation to help. . . . Some people do go broke through no fault of their own, and they deserve help. But if Americans blithely assume that every case of bankruptcy is like that, the nation will find itself—well, bankrupt."

"That's a lot of baloney," says a Chicago lawyer who pleaded to remain anonymous. "People have been brainwashed that it's wrong not to pay their debts no matter what. I want everybody to know that you don't have to. And the U.S. Supreme Court in 1973 backed that up."

"The Bankruptcy Act," said the court "relieves the honest debtor from the weight of oppressive and often unfair indebtedness and permits him to start afresh, free from obligations and responsibilities. It gives the debtor a new chance in life and a clear field for the future, unhampered by the pressure and discouragement of pre-existing debt."

"Who are the personal bankrupts?" says Harold Lavien, a federal bankruptcy judge in Massachusetts. "In my court I've had secretaries making $8,000 to people earning $35,000 or more. They're people who are charge-accounted and loaned and mortgaged to their full earnings and somewhat over. And almost every personal bankruptcy usually has something that touches it off. Something has happened in the bankrupt's life—divorce, death, an accident, extensive hospitalization, loss of a job—you name it."

"The truth is that too often it's people who are innocent victims," says federal bankruptcy judge Emil Goldhaber of Philadelphia. "I'm amazed at how many people wind up in bankruptcy court with no assets and with $10,000 to $15,000 in debt to lending institutions. I sometimes feel that people who come before my court have had credit jammed down their throat—and I don't blame them for going bankrupt."

"I can't punish myself," says bankrupt Jeff Neinrich of Indianapolis, "for debts to Master Charge and organizations like that, which are always running ads saying something like, "Charge your way across the country." That makes it possible for anyone in this country to live beyond their means. Basically, I did wrong. But the credit companies made it all too easy. They make you feel you can have anything you want."

"When you lose your job," says another personal bankrupt, "have a crisis in the family, or just can't keep up, when you owe X thousands of dollars and in the time it takes to mumble some legal mumbo jumbo your debt is suddenly gone, that's a mighty positive thing. It eliminates that despair, that sense you'll never get out from under. The feeling of relief is incredible."

The demand for information on bankruptcy is swelling with the rise in unemployment and the rate of inflation. Federal bankruptcy courts are jammed with their biggest caseloads in history. In the six months ended July 1978, more than 175,000 people filed for personal bankruptcy—an increase of 70,000 over the same period in the previous year. Most officials expect the situation to get much worse.

The credit establishment says that this costs them more than $2 billion a year. But with the $100 billion "working the street," the gross profit is still $18 billion, which makes the loss of $2 billion a tolerable business expense. Also: The rate of consumer borrowing is rising much faster than the rate of bankruptcies. And there are businessmen who, if given the choice between a key to the back door of Fort Knox and the charter to open a loan company, would take the loan charter every time.

If you're in debt over your head, bankruptcy is often the best—sometimes the only—way of getting a new start. Of course, after you do so, you will have to pay cash for everything for a while. Not too long though.

There are several reasons why bankruptcy won't hurt your credit rating in the long run. One is that you can only go bankrupt every seventh year. That figure seems to have originated in the Bible:

"If thou buy a Hebrew servant, six years shall he serve and in the seventh he shall go free." (Exodus 21:2)

"At the end of every seven years thou shalt make a release . . . every creditor that lendeth aught unto his neighbor shall release it, he shall not exact it of his neighbor, or of his brother, for it is the Lord's release." (Deuteronomy 15:2)

So once you file for bankruptcy, your creditors know that you can't escape via that route for another six years. They also know that bankruptcy probably wiped out most of your debts. Some companies have been known to solicit business from recent bankrupts. "I wasn't going to get caught by those vultures again," says one man. "I had to shut myself up in a room with no phones. I had to fight myself to beat off their temptations."

All debts are not wiped out by bankruptcy, however. The main classes of debts that you will still be responsible for even after going bankrupt are:

State and federal taxes (due within the last three years)

Fines and penalties arising out of criminal violations and traffic offenses

Child support

Alimony

Debts arising from willful or malicious acts

Debts incurred by fraud or false pretenses

Secured debts—home mortgages or payments due on your car

The bankruptcy court can also use all your assets to pay debts, except for the property exempted under each state's laws, and these can vary tremendously. Generally, most states will allow you to keep clothing, some cash, the tools of your trade, even basic transportation (like a ten-year-old car).

Any money you get after going bankrupt is exempt. If your Aunt Matilda heard you were in a bad way and laid $100,000 on you the day after you filed, your creditors can't touch it. In addition, the federal government exempts Social Security payments, veterans benefits, and railroad and federal pensions, among others.

A lawyer's fee for a simple bankruptcy may run as high as $350 or more. Too many lawyers recommend bankruptcy because it's the simplest and most lucrative way for them to handle their client's immediate problems, say Jan Slavicek, co-author with Robert Burger of *The Simplest Guide to Personal Bankruptcy*. But many experts feel the lawyers fee is well worth it. A good lawyer provides you with psychological as well as legal security.

A simple bankruptcy involving only a few debts and no complications, however, can be done on your own. In addition to the Slaicek-Burger book, another good one is *Wipe Out Your Debts and Make a Fresh Start*, by Jerome Neyers, who says, "A person continually paying out more than 20 percent of his income for past debts is fighting a losing battle and only prolongs the misery and inevitable financial disaster." Some consumer groups offer do-it-yourself bankruptcy kits for prices ranging from $10 to $50, depending on your financial state.

The aftermath can be an explosion of joy and relief. "It made me feel reborn," says a Chicago woman. "It removed feelings of guilt and anxiety that had crippled me for years."

Before filing for bankruptcy, it's perfectly legal to convert non-exempt assets into exempt assets. For example, you can take cash out of the bank and buy an insurance policy that names a child, wife, or dependent relative as the beneficiary.

Steven Prindle of Miami Beach, who goes into bankruptcy as often as the law allows, says, "People have to be shown that *money has no shame!* You can even make money by going bankrupt. Just before I file, I replace my two old cars with new ones. Now the old cars will be worth something to the creditors, no matter how beat up, because they're paid for. The new cars, however, they won't touch. They'd have to make the payments, and as soon as I drive the car, it's second-hand and drops $500 in value, at least, so they'd be losing money on the deal. Of course, I don't list the chattel mortgages on the cars on the bankruptcy form. I make an exception and keep up those payments. Nobody can touch my new cars.

"Then," he continues, "I do friends a favor. I list them as creditors, that I owe them maybe $5000 or $10,000. That way they have a nice legal income tax deduction, and they owe me a favor. Usually they're people who can help me get my credit back. You have to wait a while, maybe a few months, maybe a year, but it's not too hard. Houses are easy to save if you plan it right. Also, you know that going into bankruptcy doesn't wash out taxes. Owe them as long as you can because then the feds put a lien on everything and that stops your creditors from throwing you into involuntary bankruptcy—hitting you before you hit them."

Asked if many of his strategems aren't illegal and lawyers would refuse to use such tactics, Prindle says: "What the hell do you think they get paid for? To fill out forms? They have classes on sex in school now; maybe soon they'll have the guts to teach the kids about money!"

There is something less traumatic than bankruptcy. It is called Chapter 13 (a heading in the federal bankruptcy law), or the Wage-Earner Plan. Under the plan, a debtor pays his creditors over a period of three years—provided the majority of creditors agree—under court supervision. If the debtor gets behind in his payments, he can still file for outright bankruptcy.

Chapter 13 has some big plusses: you keep your property, your creditors are paid, and your pride and credit reputation take less of a beating. The filing fee is $15.

It also has some drawbacks. The debtor "is subject to the complete control of the court regarding the disposition of his income," notes author Jerome Meyers.

"The lawyers and courts try to talk people into Chapter 13," says Anyce Hutchinson, a consumer adviser in Fresno, Calif. "So you get payments strung out for years. They do everything to protect the creditors because the creditors are the big-business people who give the lawyers all their work. What can a poor bankrupt give them after he goes bankrupt?"

There are many, of course, who withstand the pressure and salivating creditors and work their way back from the brink of bankruptcy.

"If you can do it, fine," says Arnold Howell, a bankrupt. "Your Boy Scout credentials will be unsullied and probably look even brighter than before. But for those of us who couldn't or wouldn't hack it, it's the only way. Credit makes us like sheep, and it's difficult for a person to get over the feeling that he's getting something for nothing. Creditors know it—and thrive on it. Once in a while—for kicks—I fill out one of those credit card applications you see everywhere and drop it in a mailbox. It would be hilarious if someone actually sent me one. I wouldn't know what to do with it. Or would I?"●

THIRTIETH ANNIVERSARY OF THE SENTENCING OF CARDINAL MINDSZENTY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HORTON. Mr. Speaker, a little more than 30 years ago, the Communist regime of Prime Minister Rakosi sentenced Joseph Cardinal Mindszenty to life in prison. Cardinal Mindszenty's only crime was his struggle to preserve the independence and integrity of his church and faith in post-war Hungary. His struggle paralleled those in the political arena that sought to establish a free and Democratic society in Hungary. Both noble causes suffered essentially the same fate—suppression by Hungarian and Soviet Communist forces.

Now, barely more than 30 years since Cardinal Mindszenty's sentencing, and 5 years since his removal by Pope Paul VI as Primate of Hungary, the situation confronting the church in Hungary is the same as it was in 1949. Neither the church nor the people of Hungary are free from the heavy-handed state intrusion in their affairs. In fact, according to Cardinal Mindszenty's statement in February of 1974, the dioceses of Hungary are governed by a church administration created and controlled by the Communist regime.

On this, the 13th anniversary, several Hungarian organizations in the United States, such as the Hungarian Freedom Fighters Federation and the President of the Hungarian Catholic Priests' Association, have issued statements in respect of the memory of Cardinal Mindszenty. At the head of those groups participating in the anniversary commemoration is the Coordinating Committee of Hungarian Organizations in North America, chaired by Jozsef Kovago. He and Executive Secretary Istvan B. Gereben, have prepared a statement which I would like to insert into the CONGRESSIONAL RECORD. I strongly commend it to my colleagues. The text follows:

STATEMENT OF THE COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA ON THE OCCASION OF THE 30TH ANNIVERSARY OF THE SENTENCING OF CARDINAL MINDSZENTY

Thirty years ago, on February 8, 1949, a special court of the Rakosi-led Communist reign of terror delivered a lifelong sentence for Jozsef Cardinal Mindszenty. The Prince Primate of Hungary was arrested on trumped up, false charges. During the long interrogation he endured extraordinary physical and psychological torture. The sentencing of Cardinal Mindszenty concluded the most notorious show trial of the Communist authorities in East-Central Europe.

On the occasion of the 30th anniversary of this act of infamy the Coordinating Committee of Hungarian Organizations in North America—compelled by a sense of duty to preserve the Hungarian past—calls upon all decent citizens of the World to pay tribute to the life, the sacrifice and the memory of Jozsef Cardinal Mindszenty, the Primate, the Hungarian, the Man, who was victorious in his defeat.

The gates of prison were slammed behind the heroic Price Primate thirty years ago. His defense was that he fought for the Church, for his country and for freedom. He became a mere number in the Hungarian Gulag in which tens of thousands of decent Hungarians were detained, tortured, executed, all of whom shared a common commitment to fight against the Russian directed Communist take-over of Hungary. They all were convinced that the forceful push for a Communist dictatorship violated the Agreement of Yalta signed solemnly by the leaders of the Allied Powers, and which declared that after the war the citizens of the European countries would enjoy the right to freely elect the form of government in which they want to live. The Agreement of Yalta also promised the renewed enjoyment of sovereign rights by all nations of Europe.

The ink was still wet on the signed Agreement of Yalta, when in 1945, in the shadow of the occupying Red Army, the Hungarian nation, through free nationwide elections and with an overwhelming majority, decided to establish a western-style, free, multiple party, parliamentary form of government. This unqualified manifestation of the Hungarian people electrified the whole Western World. At the same time, it alarmed the Soviet Union. The Kremlin gave the free hand to its Moscow trained vassals—who controlled the Secret Police—to undermine the budding democratic system of the Hungarian government.

Shortly after the election attacks were waged against the Smallholders' Party, which obtained an absolute majority of the votes. Many thousands of Hungarians who opposed the Communists were tried by mock trials and disappeared in political prisons full with the cries of men tortured to death. In the shadow of Soviet bayonettes, the intimidated nation moved towards the national tragedy from which only the Western World could have saved her.

In February, 1947, Bela Kovacs, the brave, undauntable Secretary-General of the Smallholders' Party was arrested and abducted to the Soviet Union by a Russian commando unit. The members of the Parliament representing the majority party were unnerved by the Communists, those who protested were liquidated by the Moscow controlled Secret Police. The leaders of the Smallholders' Party were forced in exile.

At the end of 1947, the thugs of the Kremlin, who by now felt the smell of success, thought that a new national election would result in the victory of the Communist Party because the nation lost her faith in the weakened Smallholders' Party. But courageous politicians formed new liberal parties which had the trust and support of the people.

In the 1947 election the Hungarian nation, despite the Communist threats, with overwhelming majority again expressed her wish not to live in a Communist system. Unfortunately by now real power was in the hands of the Moscow supported Communists who declared the Sulyok, Pfeiffer, Barankovics led liberal parties illegal.

After the forced fusion of the Social Democratic Party into the Communist Party in 1948 there was only one obstacle left in the way of the Rakosi led reign of terror: a fearless, immaculate and determined man, Jozsef Cardinal Mindszenty.

The Masses celebrated by the Hungarian Prelate were attended by tens of thousands. The nation prayed and asked the Lord to give the ability to the apostolic Prince Primate to stop the Communists. Millions hoped that the thugs of Moscow would not dare to treat the supreme leader of the Hungarian Catholic Church as they treated the politicians. It was strongly assumed that the Western World would not tolerate the mistreatment of the Prince Primate. But the harsh reality was that God was banished from society by Moscow a long time ago. According to the rulers of the Kremlin people should march without God on the tears and blood soaked road of dialectic materialism. During this time in Washington a new policy, the policy of "containment" was established. This policy accepted the fall of East-central Europe in the sphere of Soviet interest.

Thus as the result of the shifting scenery on the stage of history the only role which remained for the heroic Prince Primate of Hungary was the role of suffering. He was arrested on December 26, 1948. His deplorable and unjust sentencing on February 8, 1949 represents a dark nadir of Hungarian history.

On this 30th anniversary, the Coordinating Committee of Hungarian Organizations in North America represents that we, as the community of free men, bow our heads in respect of the memory of the Hungarian Prince Primate, who surely continues to pray for the withdrawal of the Soviet Union from Hungary, for the reestablishment of the sovereignty of his country, for the freedom of his nation.

Let's bear in mind that the true cause of the suffering of the Hungarian nation is Soviet domination over Hungary.●

THE FUTURE OF AN AGING AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, recently the New York Sunday Times ran an interesting article discussing perhaps the most important demographic fact for the present and future—America as a people is growing older.

The article written by Steven Roberts parallels much of what the Subcommittee on Human Services of the House Select Committee on Aging has been researching in its series of hearings on the future of aging. As chairman of the subcommittee I can assure my colleagues that future policy in this Nation will have to be more receptive to a growing elderly population.

My subcommittee in its work has held five hearings on all aspects of the political, social, and economic implication of an aging society with the last hearings conducted in California to assess the impact of proposition 13 on services to the elderly. Presently a report is being written which will not only summarize the main points of the hearings, but will offer a number of policy recommendations for the future.

The distinction between the young old and old old offered by Mr. Roberts is extremely important to understanding the future of aging. While the overall over 65 population is expected to increase dramatically during the balance of this century, the fastest growing group will be the 75 and over group, the so-called frail elderly who will demand a great deal of the future health and social service dollar. Therefore, it is essential that we begin to plan to develop more comprehensive services for this element. In addition we should provide for more realistic service programs for the remaining elderly population so we are not giving what is not needed.

The issues presented in this article are real and deserve very close attention. The House Select Committee on Aging will continue to focus its attention on this important phenomenon and the upcoming report on the future of aging will present additional consideration of this matter.

The article entitled the "Old Become Both Older and Younger" follows:

THE OLD BECOME BOTH OLDER AND YOUNGER

(By Steven V. Roberts)

WASHINGTON.—Just before the Carter budget was published last week, it still contained a surprising proposal. It suggested raising the minimum age for receiving Social Security from 62 to 65. At the last moment the idea was deleted for further study, but the President did propose reductions in Social Security benefits.

The changes reflect a growing debate over how long people should work, when they should retire and how they age. The possible answers to these social questions range widely, but the basic facts of life, and death, are incontrovertible.

Old people are no longer a small, homogeneous group. They can now be divided into the "young old," who are between 65 and 75, and the "old old," who are over 75 and represent one of the faster-growing segments of the entire population.

"In effect, we are adding a whole new generation of living people," said Robert Benedict, the United States Commissioner on Aging. "It's a social achievement, not a deficit."

But as President Carter's budget indicates, this "social achievement" also involves sizable costs. While Americans are living longer, they are retiring earlier. A generation ago there were nine workers for every retired person; today there are six, and in 50 years there will be only three. This shift has caused a phenomenon known as "the graying of the Federal budget." Now, about one-quarter of all Federal expenditures go to the elderly, but in 2030 the share will rise to 40 percent. Who is going to pay the bill?

"Both 'young' and 'old' elderly may increase pressure on public and private sources of income," said Robert J. Samuelson, a writer on economics, in the National Journal, a Washington weekly that analyzes Government affairs. "More and more, the young elderly expect that their retirement income—mainly Social Security and private pensions—will keep them living at their preretirement standard of living. As for the old elderly, they require increasing public support."

When Social Security was adopted, average life expectancy at birth was 63 years, but today it is 69 for men and 77 for women. More importantly, life expectancy at age 65 has jumped sharply, to 18 years for women and 14 for men. For anyone who lives to retirement age, the post-working years are likely to last as long as childhood, if not longer. Some families already contain two generations of elderly persons, a great strain on any budget.

The differences between the young and old elderly are not just chronological. Chronic illnesses, debilitating injuries and loss of sensory perception rise steeply after age 75. Only 12 persons out of 1,000 in the 65-to-74 age group live in nursing homes, but the figure rises to 59 in the 75-to-84 range and to 237 above age 85.

These stages raise important questions of public policy. For example, how old is old? Or put another way, at what age does a person become dependent?

Ironically, while Americans are living longer, they are retiring earlier. More than 50 percent of Social Security recipients begin receiving benefits at age 62, and some private pension schemes allow retirement at 55 or earlier. Many experts agree with Robert M. Ball, a former Social Security commissioner, who called this trend "bad public policy." To these experts, 62 or even 65 is an arbitrary retirement age, based on medical assumptions that are no longer valid. Ways should be found, it is argued, to keep the "young old" in the work force.

One proposal is to raise the retirement age under Social Security, and President Carter's advisers were pushing him to back the idea this year. For political reasons, any change would probably apply only to new workers, so the rules of the game have to be changed now, goes the argument, to affect the budget 50 years from now. But it is sometimes objected that raising the age would hurt the sick and the unskilled, and that workers should be encouraged to put off retirement. One inducement is the legislation adopted last year giving workers a 3 percent bonus in Social Security payments for every year they stay on the job after 65.

Another idea is to end the sharp break between work and leisure, allowing workers to ease gradually into retirement. More flexible work hours, part-time work and second careers could keep senior citizens more productive for longer. Before this can happen, however, employers must rethink their stereotypes about the capacities of older workers. "As long as we continue to see old people as inept," warns Jack Ossofsky, executive director of the National Council of the Aging, "we won't open opportunities for them."

When it comes to social services, senior citizens are still usually considered a single group. But many "young" oldsters need only occasional help—a ride to the store, say, or legal advice about pension rights. There is often no middle ground between a private apartment or a nursing home. But experts say that many elderly could remain independent with group living arrangements or with the expansion of "day-care" services. Even many bedridden patients could be cared for in their own homes, yet medical insurance plans seldom pay for home-based care.

The demographic shift will affect almost every profession. In medicine, for example, more research is needed on the health troubles of the "old old," ranging from senility to hip fractures. Architects need to devise new ways to house the aged, while the legal problems of the elderly represent a growth industry in the law. In politics, the "gray power" lobby is showing considerable muscle.

With more retired workers living longer, public and private pension funds are faced with huge, unfunded liabilities. At the same time, two-thirds of the "old old" are women, many of them widowed and unprotected by their late husbands' pension plans.

The "new generation" of elderly Americans also presents opportunities. For the first time, most people will know thir grandparents, and even their great-grandparents, into adulthood. With the gift of time, and good health, older people now have more of a chance to change jobs, learn new skills, take up new interests. Life—or an important part of it—really begins after 60.●

CONSTITUTIONAL AMENDMENTS TO BALANCE THE FEDERAL BUDGET

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GIAIMO. Mr. Speaker, the 96th Congress is receiving, and will continue to receive, substantial pressure to join the "Balanced-Budget Drive" which is taking place in many States. The immediate objective of this movement is to urge Congress to call a constitutional convention to pass an amendment to require that the Federal budget be balanced. Enough Members have asked my views regarding these proposals to prompt me to share my thoughts with all Members of the House.

Let me first make a distinction between the concept of a balanced Federal budget and a constitutional amendment to require a balanced Federal budget. First, I know of no Congressman who likes budget deficits. We all support the concept of a balanced budget and we are working hard to achieve that goal. Last fall, for example, while we were not as successful as we hoped we would be, Congress passed a budget resolution which contained the lowest deficit in the past 5 years. We are moving in the right direction and in a deliberative manner which takes into account national economic conditions.

But while I support balancing the Federal budget, I am wary of tampering with our Constitution to accomplish that objective. I am very suspicious of what appears to be a "quick-fix" for what are extremely complicated fiscal problems.

Initially, we must remind ourselves that the Federal Government is not a State and does not manage its fiscal and financial affairs like a State. No State budget is an economic policy document. No single State's budget transaction, or for that matter all the States combined, has the same kind of effect on economic trends and conditions as has the Federal budget. No State is responsible for providing for our national defense or aid to State governments.

Aside from the substantial legal questions involved, we need to know a great deal more about the fiscal impact of the constitutional amendments being proposed. We should know what the long-term as well as short-term effects will be before we jump on this bandwagon. We need to remember the important role Federal stimulus programs play when our economy is weak and the delicate relationship between the economy and the Federal budget. Three years ago, the Joint Economic Committee summarized this very well:

> The Federal deficit is the result of economic conditions as well as tax and spending policy. For example, if the rate of inflation is high causing money income to rise, people will be pushed into higher tax brackets and Federal tax receipts will rise. If the economy is depressed so that personal income and profits decline, then Federal tax receipts also decline. If the unemployment rate is high, Federal spending for unemployment compensation and other income support programs will rise. In order to assess the consequences of a deficit, we must consider the state of the economy at the time the deficit occurs.

We need to examine what constitutes the term "balanced-budget" as it is used by the States and as it is used in the various proposed constitutional amendments. Some experts have claimed that if the Federal Government used the same accounting approaches as most States use, the current Federal budget would be close to being balanced rather than showing a deficit of almost $40 billion. The National Governors' Association has been quoted as saying that "although State governments operate on balanced general fund budgets, they may still incur debt by borrowing funds through the bond market and spending the borrowed funds through separate capital budgets." If we are to imitate the States in this way, we need to analyze the impact of establishing a separate capital budget at the Federal level. Will moving major Federal borrowing programs out of the traditional Federal budget result in Congress losing budgetary control of these activities?

Also, shifting activities from one Federal budget to another could inevitably lead to budget gimmickry. Ingenious Federal officials could quickly discover ways to subvert the whole purpose of the amendment. If this occurred, the result could be a mockery of our Constitution.

Finally, we also need to examine the effect of such a constitutional requirement on Federal programs. A constitutional amendment could place the Congress and the President in a fiscal straitjacket. For example, if the economy became weak and Federal revenues were low, necessary Federal stimulus programs might be impossible. If stimulus programs became necessary, severe budgetary reductions would have to be made in other areas of the budget or taxes would have to be raised. Severe budget cuts would undoubtedly have disastrous effects on the financial stability of State and local governments. For example, recently, the Treasury Department reported that Federal aid to State and local governments has increased 50 percent in the period from 1975 to 1978. This support is currently estimated to be about $83 billion and has been one of the fastest growing parts of the Federal budget. The irony is that the improved conditions at the State level—where significant pressure for a constitutional amendment is growing—is due in part to this large increase in Federal support.

These are some of the concerns that lead to my apprehension. We must face the economic reality that the reasons for budget deficits will not disappear by commanding that the Government spend only as much as it receives in revenues. Revenues rise or fall as the economy rises and falls, and a drastic cut in spending when real output is falling would only succeed in driving the economy down into a recession. That bitter lesson was learned nearly 50 years ago.

But while I do not think that the current proposals are good ideas, Congress cannot ignore them. They should receive their day in court. But as we debate these proposals, we should have as much and the best information that we can obtain. I intend to recommend that the House Budget Committee closely examine the approaches currently being proposed to determine their economic and budgetary impacts. I will recommend the committee solicit the views of our country's leading economists and constitutional scholars for their views on this important subject. When available, I intend to share these views with the House.●

ARIZONA STATE HOUSE REAFFIRMS SECOND AMENDMENT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RUDD. Mr. Speaker, I am pleased to bring to the attention of the House a memorial unanimously passed by the Arizona House of Representatives, urging the Congress to oppose any legislation or regulations which would in any way restrict the constitutional right to keep and bear arms.

I have noticed that often in the discussion of gun ownership, attention seems to concentrate on the negative aspects of guns, without a balancing focus on the beneficial results of personal protection and safety which arise from the private ownership of firearms.

I believe that the members of the Arizona House of Representatives have reflected in their memorial many of the positive aspects which result from the second amendment.

CRIME PREVENTION

Probably the most cogent point raised by the legislators is the observation that—

> Crime statistics only cover the use of firearms in crimes, and do not disclose the many instances where the lawful possession or use of firearms for defense have prevented crimes.

Recently, an organization called Handgun Control, Inc., sent to Members of Congress news clippings from our districts purporting to show numerous abuses of firearms in general, and handguns in particular. What this antigun lobby and other gun control groups neglect to point out is that the overwhelming majority of American gunowners are not causing any problems or disturbances by the personal ownership of their firearms.

In my view, it is a total misunderstanding of the facts to assume that gun-related crimes are committed by "typical" gun owners, and that elimination of guns will result in the end or even reduction of crime.

Of course, the peaceful, law abiding majority of gun owners do not make as sensational a story as the comparatively small, but more "interesting" instances of gun abuse. Nonetheless, the statistics clearly reveal that only a very small percentage of the population misuse firearms, despite the heavy publicity which such tragic instances attract.

SELF-DEFENSE

My fellow Arizonans have wisely pointed out:

> The handgun is the most effective weapon for self-defense, and its mere possession frequently is sufficient to repel an invader or attacker.

What we would see should there ever be Federal handgun restrictions would be increases in crime, not the decreases which gun control advocates envision. For gun ownership restrictions would remove the deterrent to criminals, and would not prevent the unlawful from continuing to perpetrate crime against a defenseless citizenry.

The Arizona House noted, quite accurately, I believe, that despite the best-intentioned motives, restriction or elimination of gun ownership "would not prevent the acquisition of weapons by criminals or their misuse by criminals." No one has ever satisfactorily explained to me, Mr. Speaker, why we are to expect that the criminal element in our society would obey Federal gun control legislation when criminals do not now obey other statutes.

ARIZONA'S MANDATORY SENTENCING

I should point out, of course, that Arizona legislators are concerned, as am I, about the misuse of guns. They have adopted a course which I believe to be wise and prudent, and an approach which I believe the Congress should seriously consider.

The State of Arizona requires mandatory sentences for certain crimes in which guns are used. If, as gun control advocates claim, their aim is truly to stop the criminal use of handguns, the Arizona method seems to me the realistic approach to adopt at the national level as well.

Our Nation's laws should punish those who misuse firearms, not adopt a guilt-by-association philosophy which punishes the innocent as well as the guilty.

I might add that Arizona crime statistics indicate a substantial reduction in the incidence of gun-related crimes since the implementation of this law in 1975. I believe the experience in Arizona warrants consideration of the adoption of this approach in Federal statutes.

I do not believe that we need to waste the law enforcement resources of our Nation on the registration, control, or confiscation of firearms, which would likely have counterproductive results, as I have indicated. In my view, this would be a terribly misdirected approach.

NO FEDERAL GUN REGISTRATION

Mr. Speaker, I am pleased to report to the House that the Treasury Department has advised me that no attempt will be made to implement a nationwide Federal firearms registration system, such as was attempted in 1978.

As you know, last year the Bureau of Alcohol, Tobacco, and Firearms attempted such sweeping proposals without consulting or obtaining the approval of Congress. This "back door" approach was an attempt to circumvent the will of the Congress and the American people.

I have been concerned that the Federal bureaucracy might approach another such proposal again this year. I asked Treasury Secretary Michael Blumenthal about his Department's intentions on this matter when he appeared last month before the House Appropriation Committee, of which I am a member. The answer I received from the Treasury Department is as follows:

> There are absolutely no funds in the FY 1980 budget to implement the firearms regulations proposed by BATF in 1978. A final decision on whether to withdraw the regulations or propose a new modified version has not been made. Consistent with Secretary Blumenthal's commitment to Congress last summer, if any new proposal for regulations is made, it will be accompanied by a separate request to Congress for implementation funds. Therefore, there is no intention whatsoever to reprogram any funds to implement such regulations.

I believe, Mr. Speaker, that our Federal law enforcement agencies, including the BATF, should concentrate on the apprehension of those citizens who have abused handgun ownership through illegal and criminal means, in addition to other effective crime control measures. They should not work to disarm the American public.

Mr. Speaker, I include the memorial of the Arizona House of Representatives in the RECORD at this point:

HOUSE MEMORIAL 2001

A memorial urging the President and the Congress of the United States to oppose any further sport or self defense weapons control proposals for Federal legislation or regulation

To the President and the Congress of the United States of America: Your memorialist respectfully represents:

Whereas, defense of one's person against assault by another is a natural right recognized by every generation; and

Whereas, every individual's right to the possession of adequate weapons for his defense or the defense of his home and family is essential to the protection of this natural right; and

Whereas, the Bill of Rights of the Constitution of the United States and Article II, Section 26 of the Constitution of Arizona guarantee to their citizens the right to keep and bear arms; and

Whereas, the handgun is the most effective weapon for self defense, and its mere possession frequently is sufficient to repel an invader or attacker; and

Whereas, crime statistics only cover the use of firearms in crimes, and do not disclose the many instances where the lawful possession or use of firearms for defense have prevented crimes; and

Whereas, handgun control legislation would deny a citizen the right to obtain weapons for self defense, but would not prevent the acquisition of weapons by criminals or their misuse by criminals; and

Whereas, there currently are adequate laws to punish criminals for the misuse of firearms in crimes if properly enforced.

Wherefore your memorialist, the House of Representatives of the State of Arizona pray:

1. That the President and the Congress of the United States take those steps necessary for the proper enforcement and judicial punishment of criminals, rather than enact further legislation or allow rules and regulations by government agencies which would curtail the right of honest citizens to acquire weapons for sport or self defense.

2. That the Secretary of state of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.●

ELDERLY VICTIMS OF CRIME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, Michael Daly, a reporter for the New York Daily News, recently wrote a three-part series of articles dealing with a tragic situation that merits prompt congressional attention. I am referring to the fact that an estimated 100,000 elderly citizens, in New York City alone, have become prisoners in their own homes due to the fear of being victimized by crime.

As New York's ranking member on the House Select Committee on Aging, I intend to do everything possible to insure that this matter receives the high priority that it deserves. I wish to urge my fellow colleagues to join me in initiating and supporting effective measures necessary to correct this problem.

Mr. Speaker, at this time, I would like to extend my wholehearted praise to Mr. Daly for bringing this matter to the public's attention. The following is the final article of this series—the first two of which appeared in the January 31 and February 8 Record, respectively:

Jennie's 120 Days of Hard Time

PRISONER OF FEAR

Police estimate that the fear of being robbed, raped or murdered keeps 100,000 older persons here virtual prisoners in their homes. Newsman Michael Daly spent three days recently with one of those prisoners in her Coney Island apartment. He recorded the events and emotions of Jennie Kelly's 120th day in her "jail" in this diary of fear.

(By Michael Daly)

The Westinghouse alarm clock pounds at the stillness in Jennie Kelly's two rooms like 120th day of her incarceration in her two-room Coney Island apartment.

It is 7:30 a.m.

As the alarm sputters and finally dies out, the 83-year-old widow sits up in the bed and begins her morning calisthenics. Holding her arms straight out in front of her, Jennie cocks her elbows, bringing her hands back to her shoulders. This is the warmup exercise Jennie learned from the girl's basketball coach at Brooklyn's Erasmus Hall High School in 1911, 67 years before the three muggings that left her too afraid to venture beyond her doorstep, more than half a century before anyone could imagine that in a city which bills itself as the most cosmopolitan, elderly people would serve life sentences in their own homes.

As she repeats the exercise, Jennie recites the lines of Milton's "Paradise Lost" she memorized for her senior year's English exam.

"LOSS OF EDEN"

"Of man's first disobedience and the fruit of that forbidden tree whose mortal taste brought death into all the world and all our woe with loss of Eden until one greater man restoreth and regain the blissful seat, sing heavenly muse."

It is 7:15 a.m.

"I don't think the exercise was really a warmup, Jennie tells you as you walk into the room. "I think it was a bust developer. It doesn't do much for my bust, but it gets me going in the morning. If I just sat here and asked myself why I should get out of bed, I would probably just lie here and die. Exercise is a way of getting going without thinking about it."

Holding the collar of her brown robe around her throat, Jennie walks the 14 steps to the bathroom, stopping once to cough, and again to catch her breath. Standing at the sink, she cups a small mound of salt in her left hand. Wetting her right, index finger, she curls back her lips and rubs the salt on her teeth.

HER REAL TEETH

"They're all real," Jennie says after rinsing her mouth. "The teeth."

It is 7:40 a.m.

Repeating the lines from Milton, Jennie starts to make the bed, tucking the sheets and blankets into precise hospital corners.

"My mother was a nurse," Jennie says, "and I've been making a bed the same way for maybe 80 years. As long as I make the bed, I know I'm okay, I know I still have my spirit."

It is 7:58 a.m.

Leading you into the kitchen, Jennie returns to the bedroom and closes the door. Twenty-three minutes later, the door knob rattles.

"NOBODY WOULD HEAR"

"Help me with the door, it's stuck," Jennie says, knocking on the wood with her knuckles.

"I never close it when I'm alone," Jennie says after you force the door open. "It could kill me I could be stuck in there and nobody would hear me and I would die."

Smoothing her hair, Jennie walks into the kitchen. She is wearing a loose-fitting red velveteen dress. From her neck hangs a string of pearls. The edges of her high-heeled patent leather shoes cut into her swollen feet.

"I always dress on Sundays," Jennie says.

It is 8:30 a.m.

Moving to the kitchen window, Jennie takes down the stack of beer cans that serves as her burglar alarm.

"It's hot in here," she says. Spreading her feet bends her knees and presses her palms against the window frame. Her face turns red with the strain as the window cracks, opening an inch. Bending down, Jennie takes a deep breath of the air seeping through the crack.

REPAIRS WALLPAPER

Taking a roll of cellophone tape out of the counter drawer, Jennie inspects a peeling strip of wallpaper behind the steampipe in the corner. As she pressed the tape on the wallpaper, her knuckles brush against the pipe.

"Ouch," Jennie says, shaking her hand, "that's hot." She puts four more strips of tape in the corner, burning her knuckles three times.

"That's done," Jennie says.

It is 9:11 a.m.

As Jennie sits down at the kitchen table, footsteps pound up the stairwell, pass the door of her third-floor apartment, and continue up the next flight of stairs.

"That's Junior," Jennie tells you.

"How do you know?" she is asked.

LIKE A HOSPITAL

"I learned the sound he makes on the stairs and I heard somebody shout to him once when he was running by my door," Jennie says. "He's on his way to the roof. I think he keeps birds, but I'm not sure. His family just moved in three weeks ago, after I stopped going out. He has a sister, I think, maybe two sisters. I can always tell the difference between him and my nephew coming up the stairs."

"Do you look forward to seeing your nephew?" Jennie is asked.

"Not really," she answers. "It's like you're in the hospital and somebody's coming to visit you. Here, you sit here, and I'll pretend I'm the nephew and you'll see what it's like."

Her high heels clicking on the linoleum, she walks to the front door.

"Don't be afraid," she calls. "It's me, the nephew."

Walking up to you, Jennie pats you on the head.

"How are you getting along?" she says, lowering her voice. "How is your health? Here's the groceries. Are you feeling well? That's good. You sure you don't want to move to a home? It's not good for you being locked up in here. Are you feeling well? That's good. Well, I've got to run.

"That's what it's like," Jennie tells you. "Just like the hospital. They don't talk to you about the news or their friends, the things they talk to most people about. All they talk about is your condition. And nothing else."

It is 10:28 a.m.

LIKE POTATOES

Rust coughs out of the pipes when Jennie turns on the kitchen spigot. Waiting for the water to clear, Jennie fills a stainless steel pot and lights a front stove burner. Taking two small potatoes out of the paper bag on top of the refrigerator, Jennie spreads a sheet of newspaper on the table.

"I don't like to eat much more than potatoes," Jennie says as she peels the skins. "Some tuna, but mainly the potatoes. With salt which isn't good for me."

When the water comes to a boil, Jennie stands up and drops the two potatoes into the pot. Careful not to spray water on her dress, she washes her hands.

"I miss the french fries at Nathan's," Jennie says, drying her hands on a towel with "Manhattan Beach Hotel" emblazoned across the middle. "Not so much that, I guess, as going to Nathan's for french fries."

NOT AFRAID OF DYING

"Are you ever tempted to risk it?" Jennie is asked.

"Sometimes," Jennie says, "but then I get afraid. I'm not so much afraid of dying as of how I die. It's hard to explain, the difference is."

"Is it something like missing going to Nathan's for the fries more than just having the fries?" Jennie is asked.

"Something like that. I suppose," says Jennie. "The last time it happened to me, I was knocked to the floor and I thought I was going to be murdered. After all my life I just didn't want to be murdered on the floor. I suppose it's crazy."

It is 11:15 a.m.

"I'M SAVING MYSELF"

Banging the bottom of the shaker with the back of her hand, Jennie coats the potatoes with salt. Grabbing a fork, she breaks off a small piece, blows on it gently, and places it in her mouth.

"I could risk it," Jennie says. "I could go out every day and maybe nothing could happen to me. But things have happened to me and I know they could happen again. I've done what I need to do. Why should I risk it, as you say. I don't even really want visitors. I'm saving myself for the time when it's really time for me to go. Not when somebody wants to murder me."

"What do you mean by saving yourself?" Jennie is asked.

"Like I saved myself for my husband until we were married," Jennie says. "The potatoes are good." ●

A SALUTE TO LYNN SINGER—WOMAN OF THE YEAR

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. AMBRO. Mr. Speaker, on Saturday, February 24, the East Meadow Chamber of Commerce will honor a very great and gracious lady—Lynn Singer—as the Woman of the Year.

Lynn, as all Long Islanders know, is the president of the Long Island Committee for Soviet Jewry. In this position, she has literally devoted the last 8 years of her life to insuring the well-being and the freedom of millions of Soviet Jews held under virtual house arrest by a repressive dictatorship. Making her own considerable financial contribution to the cause she so deeply believes in, Lynn has made countless visits to the Soviet Union to obtain a first-hand view of the situation facing Jews there. Armed with this knowledge and with an unquenchable dedication and unflagging energy, she has made hundreds of trips to Washington: To my office, to the offices of my congressional and Senate colleagues from many States, and to the offices of the State Department. Her mission has been simple and urgent: To acquaint all of us with the brutal treatment—the harrassment, the unjust and lengthy prison sentences—accorded those whose only crime is being Jewish and wanting to join their families in Israel.

Through her efforts, many of us have adopted "Prisoners-of-Conscience", writing to those serving prison sentences for a variety of manufactured charges stemming from their desire for exit visas, and to Soviet Government and penal authorities to assure their well-being—such as it is—while serving their harsh sentences.

She has also put us in contact with many of the "refusnik" families—those who have been refused exit permits, but are subsequently subject to all kinds of harrassment, both physical and emotional, for years to come. She has forged a human chain stretching from this country to the towns and cities of the Soviet Union; a chain of concern and courage that serves as a lifeline of hope to those caught in the web of Soviet tyranny.

In addition to tending the flickering flame of freedom for the "refusniks" and the "Prisoners-of-Conscience," Lynn has, through her untiring efforts, been single-handedly responsible for the successful emigration of scores of Soviet Jews to the free world. She is truly a champion of human rights and a humanitarian in every sense of that word.

Mr. Speaker, I have know Lynn Singer for 4 years, and in that time, I have come to regard her as a confidant and valued adviser on a subject about which I share her passion, and as a dear friend. If ever there was a Woman of this or any Year, there could not be a finer choice than Lynn Singer.●

TRIBUTE TO JUDGE ROBERT J. O'NEAL

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

○ Mr. LONG of Louisiana. Mr. Speaker, this past summer, Judge Robert J. O'Neal, one of the Nation's finest jurists and most dedicated civic leaders, passed away at the age of 90. Judge O'Neal touched the lives of all who knew him in a very special way, and I am certain the deep sense of personal loss felt by his family is shared by his friends and peers in the Shreveport community. I would like to take this opportunity to share with my distinguished colleagues a resolution which was adopted by the Shreveport Bar Association as a tribute to the life and career of this remarkable gentleman. The resolution follows:

IN MEMORIAM: JUDGE ROBERT J. O'NEAL, SEPTEMBER 27, 1887 TO AUGUST 24, 1978

We, the undersigned committee, designated by the President of the Shreveport Bar Association to prepare and submit the resolution to the memory of the late Robert J. O'Neal, Judge of the First Judicial District Court, submit the following:

Robert J. O'Neal was born in Choudrant, Lincoln Parish, Louisiana, on September 27, 1887, the son of Robert D. and Maude Kelly O'Neal. He was educated at Northwestern State University and studied law in the office of a district judge in Vernon Parish. Judge O'Neal was admitted to the Louisiana Bar in 1911.

He served as City Clerk and City Attorney in Leesville and DeRidder, Louisiana. In 1928 he moved to Shreveport and became a member of the law firm of Long, Fields & O'Neal. From 1928 until 1936 he served as Attorney for the Tax Collector of Caddo Parish and was an Assistant State Attorney General, representing the Department of Revenue.

He became District Judge of the First Judicial District Court in 1936 and served in that capacity continuously until his retirement in 1961.

Long ago it was said by Socrates that four things belong to a judge; to hear courteously, to answer wisely, to consider soberly and to decide impartially. All of these belonged to Judge O'Neal.

The dignified manner in which he conducted the court, his sense of honor and integrity in all matters, his high standard of ethics and kindness in his relations with lawyers, litigants and witnesses were also among his outstanding qualities as a judge. The people of Caddo Parish recognized him as an outstanding jurist, and therefore he was continuously re-elected without opposition.

Judge O'Neal was a member of all Masonic bodies from first to seventh degree in York Rite, 32nd degree in Scottish Rite and El Karubah Shrine.

Judge O'Neal's services to his fellow man were not restricted to his judicial functions. He was a leader and an active participant in all work of the Methodist Church, including service on the Board of Trustees of his local churches in DeRidder and Shreveport, lay leader in the Shreveport District and Treasurer of the Louisiana Conference. He also served as Chairman of the Boards of the Salvation Army and the Association for the Blind in Shreveport.

We of the Shreveport Bar who had the privilege of practicing before him shall always remember the consideration and courtesy he showed to counsel, litigants and witnesses in the course of a trial.

Judge Robert J. O'Neal is survived by two daughters, Mrs. Stuart DeLee of Shreveport, Louisiana, and Mrs. M. Miles Snider of Homer, Louisiana.

Now, therefore, be it resolved that we, of the Shreveport Bar Association, do hereby express our deep admiration and respect for the late Judge Robert J. O'Neal, whose ideals and standards of honor and justice are worthy of emulation by every member of the Bench and Bar.

Be it further resolved that we extend to the members of his family our sincere and heartfelt sympathy in his death, and that a copy of this resolution be spread upon the minutes of the First Judicial District Court as a final tribute to his outstanding public service to his community and state.

Be it further resolved that a copy of this Memorial be delivered to the immediate members of his family.

ROBERT ROBERTS, JR.,
CHARLES L. MAYER,
JOHN R. PLEASANT,
Chairman.

(Read and adopted at Memorial Exercises Monday, October 16, 1978.) ●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 22, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To resume hearings on the nutritional information contained on food labels.
322 Russell Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.
4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To resume oversight hearings on present U.S. monetary policies.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nominations of Jesse Hill, Jr., of Georgia, and Joan Fleischmann Tobin, of the District of Columbia, each to be a Member of the Board of Directors of the Communications Satellite Corporation, and Anne P. Jones, of Massachusetts, to be a Member of the Federal Communications Commission.
235 Russell Building

Joint Economic
To receive testimony from Advisor to the President on Inflation Kahn on the state of the U.S. economy.
1202 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hear Secretary Marshall on proposed budget estimates for fiscal year 1980 for the Department of Labor.
S-128, Capitol

1:00 p.m.

Foreign Relations
To receive testimony from Deputy Secretary of State Christopher on proposed FY 1980 authorizations for foreign assistance programs.
4221 Dirksen Building

FEBRUARY 26

9:00 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Gordon Vickery, of Washington, to be Administrator of the U.S. Fire Administration, to be followed by hearings on proposed legislation authorizing funds for programs administered by the Federal Fire Prevention and Control Act (P.L. 93-498).
5110 Dirksen Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To continue hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.
4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings on S. 85, proposed Monetary Policy Improvement Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the objectives that a national policy on tourism should seek to achieve.
235 Russell Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on Executive Office involvement in the development of environmental regulations.
4200 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Japan-U.S. Friendship Commission, and on supplemental appropriations for FY 79 for the International Communications Agency and Renegotiation Board.
S-146, Capitol

2:30 p.m.

Appropriations
Labor-HEW Subcommittee
To hear Secretary Califano on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

FEBRUARY 27

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings to access Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.
235 Russell Building

Human Resources
Child and Human Development Subcommittee
To mark up S. 239, authorizing funds through fiscal year 1981 for ACTION programs, and S. 232, authorizing funds through fiscal year 1981 for information and counseling projects to aid families who experienced sudden infant death syndrome deaths.
4232 Dirksen Building

Judiciary
To hold hearings on the nominations of Phyllis A. Kravitch, of Georgia, to be U.S. Circuit Judge for the Fifth Circuit; John G. Penn, of Maryland, to be U.S. District Judge for the District of Columbia; Abraham D. Sofaer, of New York, to be U.S. District Judge for the Southern District of New York; and Robert E. Kelton, John J. McNaught, David N. Sutherland, and Rya W. Zobel, all of Massachusetts, each to be a U.S. District Judge.
2228 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear its Secretary.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Services Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To mark up S. 108, proposing simplification of the truth-in-lending laws, and on proposed legislation, to extend for two years, through 1981; the Council on Wage-Price Stability.
5302 Dirksen Building

Environment and Public Works
Environment Pollution Subcommittee
To resume hearings on Executive Office involvement in the development of environmental regulations.
4200 Dirksen Building

Finance
To hold hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Rules and Administration
To resume hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, and to consider other committee business.
301 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Center for Disease Control, Department of HEW.
S-128, Capitol

FEBRUARY 28

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

9:30 a.m.

Judiciary
Constitution Subcommittee
To resume hearings on S. 10, authorizing the Department of Justice to initiate suit to enforce constitutional rights to institutionalized persons.
2228 Dirksen Building

10:00 a.m.

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 budget.
6202 Dirksen Building

Commerce, Science, and Transportation
To resume hearings on the objectives that a national policy on tourism should seek to achieve.
457 Russell Building

Energy and Natural Resources
Energy Regulations Subcommittee
To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

2:00 p.m.

Appropriations
Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979 both for the Department of State.

S-146, Capitol

MARCH 1

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To resume oversight hearings to assess Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.

235 Russell Building

Veterans' Affairs

To resume markup of S. 7, to revise and improve certain health care programs of the Veterans' Administration.

412 Russell Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.

1318 Dirksen Building

Appropriations
Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Office of Water Research and Technology.

1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for fiscal year 1979, both for the Department of State.

S-146, Capitol

MARCH 2

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

Human Resources
Alcoholism and Drug Abuse Subcommittee

To hold hearings on proposed legislation to renew programs administered by the Alcohol, Drug Abuse, and Mental Health Administration, HEW.

4232 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

To resume hearings on the objectives that a national policy on tourism should seek to achieve.

5110 Dirksen Building

MARCH 5

Appropriations
Interior Committee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.

1318 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

10:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.

234 Russell Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Judiciary.

S-146 Capitol

MARCH 6

10:00 a.m.

Appropriations
Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.

1224 Dirksen Building

Appropriation
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.

S-128, Capitol

Environment and Public Works

To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.

4200 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1980 from Veterans of Foreign Wars.

318 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Resources Administration, Department of HEW.

S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Justice.

S-146, Capitol

MARCH 7

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.

To hold oversight hearings on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.

235 Russell Building

9:30 a.m.

Human Resources
Child and Human Development Subcommittee

To hold hearings on proposed legislation to coordinate programs designed to prevent domestic violence.

4232 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.

1224 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.

S-146, Capitol

MARCH 8

9:30 a.m.

Veterans' Affairs

To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act.

412 Russell Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Consumer Cooperative Bank, and the National Credit Union Administration.

Room to be announced

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.

S-128, Capitol

Environment and Public Works

To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.

4200 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.

S-146, Capitol

MARCH 9

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Selective Service System, Council on Environmental Quality, and the National Commission on Air Quality.

1318 Dirksen Building

MARCH 12

10:00 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on the carryover basis provisions of the estate tax law.

2227 Dirksen Building

10:30 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.

S-146, Capitol

MARCH 13

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Finance

Health Subcommittee

To hold hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).

2221 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.

S-146, Capitol

2:30 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

MARCH 14

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Finance

Health Subcommittee

To resume hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).

2221 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.

S-146, Capitol

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.

6202 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.

S-146, Capitol

MARCH 16

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the Northeast corridor improvement project.

235 Russell Building

MARCH 19

10:00 a.m.

Energy and Natural Resources

Energy Regulation Subcommittee

To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Finance

Taxation and Debt Management Subcommittee

To resume hearings on the carryover basis provisions of the estate tax law.

2227 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.

MARCH 20

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To mark up S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department, of HEW.
S-128, Capitol

Energy and Natural Resources
Energy Regulation Subcommittee
To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee.
To continue hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.
S-146, Capitol

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board for International Broadcasting.
S-146, Capitol

MARCH 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.
1224 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, proposed Reclamation Reform Act.
3110 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.
S-146, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, the Reclamation Reform Act.
3110 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency, and the Consumer Information Center.
1318 Dirksen Building

MARCH 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

MARCH 27

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the earth's resources and environment.
235 Russell Building

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for FY 1980 from AMVETS, paralyzed Veterans of America, Veterans of World War I, blinded veterans, and Purple Heart.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.
1224 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

MARCH 30

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration, the American Battle Monuments Commission, and the U.S. Army cemeterial expenses.
1318 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 5

9:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation, and the Office of Science and Technology Policy.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational employment.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Emergency Management Administration.
1318 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Treasury.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts, and on proposed legislation extending certain veterans' health benefits programs through FY 1980.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear Congressional Witnesses.
1223 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1318 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93–113).
4232 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for HUD and Independent agencies.
1318 Dirksen Building

MAY 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for HUD and Independent agencies.
1318 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, February 22, 1979*

The House met at 11 a.m.

The Reverend Harold Burlingame, Bliss Baptist Church, Bliss, N.Y., offered the following prayer:

Our Father, as we come into Thy presence this day, prepare our hearts and minds for the business of this session.

Let us not be afraid of the problems that confront us, but rather give Thee thanks that Thou hast matched us with this hour.

May the invisible hand that charted the course of our great Nation lead us to act courageously against all enemy powers.

Raise up among us, we pray, fearless men who exemplify the truth that we are one Nation under God.

Again, we acknowledge Thy presence, as we hear the words of the prophet, "Thou wilt keep him in perfect peace whose mind is stayed on Thee."

In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

CUT IN FOOD STAMPS FOR SENIOR CITIZENS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, next Thursday is March 1, and that is the day that the cuts in the food stamp program begin for the poor senior citizens and disabled citizens of our country. Once again, I want to give an example of the impact of what is going to happen to these people.

I have a gentleman in my district who is 75 years old, and has a rheumatic heart condition. He has a total income of $267 per month. He pays $200 for rent, $25 for utilities, and $20 for phone expenses. He now receives $34 a month in food stamps. Starting March 1, his food stamps are reduced to $10 a month.

Surely, it is not the intent of this body to treat our senior citizens and disabled citizens in this fashion. We are going to be having a hearing next Tuesday for seniors, and people interested in working for them around the country are going to be able to talk and let us know their experience and their anticipation of the problem that will be occurring.

THE LATE HONORABLE JAMES P. RICHARDS

(Mr. HOLLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLAND. Mr. Speaker, it is my sad duty to report to the House this morning the passing of our former colleague and my predecessor representing the Fifth District of South Carolina, the Honorable James P. Richards.

Mr. Richards served this House for 24 years and was chairman of the Foreign Affairs Committee through some of the most difficult times in our Nation's history. I know the Members of the House

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☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

will want to join me in expressing their sorrow to Mrs. Richards and the family concerning this great loss to them, to our Nation, and to our State of South Carolina.

James Prioleau Richards was born in Liberty Hill, Kershaw County, S.C., on August 31, 1894. He attended the county schools and Clemson College, Clemson, S.C. During the First World War he served his country overseas as a private, corporal, sergeant, and second lieutenant in the Trench Mortar Battalion, Headquarters Company, 118th Regiment, 30th Division, 1917–19. Mr. Richards graduated from the University of South Carolina School of Law in 1921, was admitted to the bar the same year and began his law practice in Lancaster, S.C. For 10 years, beginning in 1923, he served as probate judge for Lanscaster County, S.C. In 1933, the people of South Carolina's Fifth Congressional District elected him as their representative in the U.S. Congress. A faithful Democrat, he took the oath to preserve, protect, and defend the Constitution of the United States on March 4, 1933, and served his country continuously through the 73d and 11 succeeding Congresses until his retirement on January 3, 1957.

During his long and devoted service to his country, he became chairman of the House Committee on Foreign Affairs. He served as a delegate to the Japanese Peace Conference and as the U.S. delegate to the United Nations in 1953. From January 1957 until January 1958 he was Special Assistant to President Eisenhower on matters concerning the Middle East. He held the rank of Ambassador.

Perhaps the esteem, admiration, and affection of his colleagues is best reflected in the following quotes from the CONGRESSIONAL RECORD entered at the time of his retirement from the U.S. House of Representatives:

Mr. SMITH of Wisconsin. I think it might be quite appropriate at this time to call attention to the fact that when the final gavel falls on this session it will bring to an end an illustrious career in this House, the exceptional service rendered by the chairman of the Foreign Affairs Committee, Dick Richards, as we know him.

Mr. Speaker, I am sure that later on at the conclusion of this session of Congress tributes will be paid to our distinguished colleague, but it seemed to me appropriate that as we get into the final phases of this, the last bill with which he will have something to do, that we call attention to the fact that he is leaving us. All the members of our committee have a high regard for him. He has so conducted the affairs of his committee that hardly at any time has there been any question of party politics. I think that is a splendid tribute to a great man, a great American, a soldier, a patriot, and a great statesman.

Mr. ADAIR of Indiana. As he has so well pointed out, the gentleman from South Carolina (Mr. Richards) has presided over the House Committee on Foreign Affairs at all times in a friendly, fair and equitable manner. We are all aware of the fact that sometimes when tensions were a little great and feeling ran somewhat high, his gentle humor in many instances relieved the tension and enabled a relaxed committee to reach proper decisions. He shall be missed by this House but his wise counsel and leadership will be long remembered. We wish him many pleasant years in his beloved South Carolina.

Mr. VORYS of Ohio. Mr. Speaker, I confess that I come to the floor of the House at this time with a bit of a lump in my throat as I realize that Chairman Dick Richards is headed for the last roundup as far as this mutual security legislation is concerned. I want to join with the gentleman from Wisconsin in the tribute he has paid and I want to commend the gentleman for bringing this up early in these proceedings today.

Dick Richards is a great American and a good fellow and my very dear friend. I have fought with him toe-to-toe. But wherever he stands in a fight you will find he is a fair fighter, a fast friend and a true American. I join in the tribute the gentleman has paid Dick Richards.

Mr. SMITH of Mississippi. When the history of these difficult years that have followed World War II is written, the contribution Dick Richards has made in the buildup of the strength of the free world, in the maintenance of unity in the United States, in developing this foreign policy that is so difficult a burden to carry legislatively, will rank equally with that of any other Member of either body.

Mrs. KELLY of New York. He is a man of great ability, integrity, and honesty. I feel very badly that the State of South Carolina did not demand that he return to the halls of this Congress. I feel he has added much to our great institutions and that he alone is responsible for carrying us over this very difficult period in our history. However, since he has made this determination to retire, I hope that he, his wife, and family will enjoy health and happiness in the years to come.

Mr. MCCORMACK of Massachusetts. Mr. Speaker, the gentleman from South Carolina (Mr. Richards) is one of the outstanding Americans of this trying period. His service in this House of Representatives has been constructive and of a nature to occupy prominent pages in the history of our country when the history of this period is written, particularly when it can be written in an objective manner removed from the emotionalism of this period. I am sorry that the gentleman is voluntarily retiring from the Congress. He and I have been close personal friends for many years. He has been one of the strong chairmen of the important Committee on Foreign Affairs. Fortunately we have had great chairmen during my 28 years of service here, but none have been greater or stronger or more able than our distinguished friend from South Carolina. We shall all miss him very much, and we wish him every happiness and success for countless years to come. We hope he will come back to the House and visit us frequently in the years that lie ahead.

Mr. ZABLOCKI of Wisconsin. He has served the people of this State and our Nation with exceptional distinction for over two decades. His wise counsel and leadership will be sorely missed in the Halls of Congress. It is the hope of many that in the future our Nation will have the continued benefit of Mr. Richards' wide experience and ability.

Mr. CARNAHAN of Missouri. His wisdom and forethought have given guidance and direction to the work of this great committee; not only to the committee but also to the entire House of Representatives.

Mr. GORDON. During his long tenure, Mr. Richards has consistently won the admiration of Members on both sides of the table with his fairness, his firmness, his innate good sense, his leadership. We shall all miss this wonderful friend and leader.

Mr. FEIGHAN. Only last year at a time when our national affairs were being allowed to drift into the dangerous paths of believing that there was merit to the Communist proposal for peaceful coexistence, the distinguished gentleman from South Carolina stood in the well of this House and delivered a stirring and moving warning on the dangers confronting our Nation as a consequence of the latest shift in tactics of the Kremlin.

Mr. JOHNSON of California. In the House the word "distinguished" is referred to many Members rather loosely. However, in the reference to James P. Richards, the chairman of the House Foreign Affairs Committee, considering the position he occupies and the contributions he has made in the field of foreign affairs, "distinguished" is the only word that properly applies to the gentleman.

Mr. RIVERS of South Carolina. Dick has never sought the plaudits of the crowd or played for the headlines. The major part of his 24 years in the Congress have come during the most critical hours of this country's existence in the world. He has participated actively in her rise to the leader of the world. This participation has been hard on him. He now seeks a more tranquil existence. While his decision to retire greatly affects the prestige of the Delegation of our State, and of our Nation, his wise counsel to the people of his native State during the remaining years of his life will be eagerly sought and generously given.

Mr. RILEY of South Carolina. He is from a distinguished South Carolina family. He is capable, sincere, ruggedly honest and sound in his conclusions. Moreover, he has the courage of his convictions and does not hesitate to fight for those things he believes are for the best interest of the people that he represents. We will miss him in the Congress. We will miss his stabilizing influence and his constructive leadership.

Mr. HAYS of Arkansas. He reminds me of the statement of one of Jefferson's biographers who, noting that he was influenced greatly by one of his professors of Scottish descent, paraphrased the familiar scripture: "Whom the Lord did not predestine by Scotch ancestors he did foreordain by Scotch instructors."

His statemanship reveals qualities of mind and heart that no single generation could produce. Spiritual ties to the past are visible in his career.

Mr. BROWN of Georgia. I do not know of anyone whose absence from this Chamber will be felt more than that of the distinguished gentleman from South Carolina.

Mr. TEAGUE of Texas. As Chairman of the Committee on Foreign Affairs, his ability, integrity, and leadership of this great committee placed him in a position of the highest esteem not only here in the House of Representatives, but throughout the world.

Mr. COLMER of Mississippi. A great statesman, a great soldier, a God-fearing man. I am sure I speak the sentiments of all who have had the privilege of serving here with him when I say: "We wish you Godspeed in retirement."

Mr. SIKES of Florida. Our beloved colleague enjoys the respect and confidence of the House as do few who have served here. This respect and confidence have indeed been well earned. By his service he has built a monument which will long endure.

Mr. JUDD of Minnesota. We know his unvarying fairness; we know his unfailing good humor, and his ability to take a tense and strained situation and relax it by some homely illustration or bit of wisdom from his beloved South Carolina.

Mrs. CHURCH of Illinois. And as long as we remain in the Congress, the world will be a little bit richer because we have learned something of your heritage, of your patience, and let me repeat and note again, of your chivalry. We have learned from Dick Richards what it is to be a leader who never has to use more than kindly patience to take his flock where he knows they should go.

Mr. MCMILLAN of South Carolina. His character is strong as steel and his heart as pure as gold. I don't believe there has ever been a man who has served in the National House of Representatives who has more graciously given his energy and time to his constituents, to the people of his State, to the people of the United States, and to the people of the entire world. Congressman Richards is nationally and internationally known and highly respected by every person privileged with his acquaintance.

Mr. CANFIELD of New Jersey. Mr. Speaker, I think Dick Richards is a standout in the House of Representatives. I recall when I entered the House in the 77th Congress with the distinguished gentleman from South Carolina now in charge of the time and I listened to a most inspiring and most dramatic address made by our colleague, the gentleman from South Carolina. I went home that night and I felt his remarks so keenly that I wrote him a letter telling him among other things, that he was going to be an exemplar of mine in my approach to my assignment in the House of Representatives.

Mr. DORN of South Carolina. Not long ago the Government of Spain conferred upon Dick Richards the Grand Cross of Isabel, a very high honor, Spain recognizing in the gentleman from South Carolina one of the great leaders of the free world today.

Senator MANSFIELD of Montana. I served with Mr. Richards on the Committee on Foreign Affairs, and I can say without qualification that seldom have I worked with a man of such untiring energy, wise statemanship, and sound understanding, a man so constantly devoted to his duties as a representative of the people from his State and the Nation. His years as chairman of the Foreign Affairs Committee have been marked by a wise and sane leadership in a time when there has been and is constant turmoil in our international affairs.

Mr. Speaker, in recalling the many tributes which were paid to my beloved predecessor in Congress, I uncovered the following newspaper article in the New York Times of May 18, 1956:

A QUIET CONGRESSMAN: JAMES PRIOLEAU RICHARDS

WASHINGTON, May 17.—The Pittsburgh Pirates lost a budding prospect for their outfield a few decades back when James Prioleau Richards chose law over baseball.

As a result of that decision, Mr. Richards now is winding up 23 years in Congress in a style that can only make the Republican administration wish he had stayed with baseball.

Today, as chairman of the House Foreign Affairs Committee, Representative Richards was in the vanguard of congressional forces that dealt the President's foreign-aid proposals a severe defeat. President Eisenhower, who was a pretty good pitcher at West Point, might well be wishing tonight that Mr. Richards had accepted that offer from the Pirates.

Mr. Speaker, all the people of South Carolina's Fifth Congressional District feel this day a great sense of loss. Because of his life and his service we take comfort in knowing that the Nation and the world share our grief. Perhaps there is little we can say or do today to comfort or assure Dick Richards' loved ones. I am sure, however, they must feel a great sense of pride in what he did for this and future generations. Because of his untiring service and great life neither we in the Congress nor the people he loved and served so well shall ever forget.

GENERAL LEAVE

Mr. HOLLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the life, character, and public service of the late Honorable James P. Richards.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SOLAR POWER SATELLITE RESEARCH, DEVELOPMENT, AND EVALUATION PROGRAM

(Mr. FLIPPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLIPPO. Mr. Speaker, today, I am introducing a bill that would provide for a solar power satellite research, development, and evaluation program. This legislation will provide for a program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and used to generate electricity for domestic purposes. The program would augment ongoing paper studies with a technology verification program which would attempt to resolve the technical, environmental, and socioeconomic issues regarding the viability of the solar power satellite concept.

We must find a means of harnessing the full potential of the sun as an energy source. The solar power satellite concept provides us with another future alternative energy source which has great promise for being clean, renewable, and cost-efficient.

This bill is similar to the "Solar Power Satellite Research, Development and Demonstration Act of 1979" which passed the House of Representatives during the 2d session of the 95th Congress; however, there is less emphasis on the satellite demonstration in the bill I am introducing today.

The concern of Congress must be not only to resolve the energy crisis, but to insure our route to this solution is as efficient as possible. The solar power satellite program shows the promise to warrant our attention and to bring about the enactment of this legislation.

□ 1105

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. FLIPPO. I am delighted to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I should like to congratulate the gentleman from Alabama upon his reintroduction of this legislation which passed the House last year. I think it is a significant initiative, a forward move, and one on which this Nation's future might well hinge.

Mr. FLIPPO. I thank the gentleman.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 1147, EXTENDING AUTHORITY TO WAIVE COUNTERVAILING DUTIES

Mr. VANIK. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight to file a report, along with any separate or minority views, on the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE UNITED STATES NEEDS A BETTER IDEA

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, last week, there was a 2-day conference of auto industry technical experts and Government transportation officials which discussed the type of auto fuel efficiency we can expect by the turn of the century. The conference concluded that in 20 years we can look for cars averaging about 50 miles per gallon, if we are willing to make an R. & D. effort estimated at about $100 billion.

Frankly, Mr. Speaker, I do not think this is good enough; the United States needs a better idea.

The United States needs to do more, sooner, to develop autos which use fuels other than gasoline and which obtain high miles-per-gallon.

Many foreign autos are already approaching the type of fuel efficiency Detroit says it needs 20 more years to achieve. Perhaps the best thing Detroit ould do would be to import some of the technology being used in their foreign subsidiaries. One good shipload of dies brought to Detroit could increase U.S. fuel efficiency substantially.

The industry will obviously do a lot of complaining about the cost of this R. & D.—but in the period they say they will need $100 billion for improvement of the domestic industry, we will be buying overseas between $800 billion and $1 trillion worth of oil in 1979 values. The Nation's wealth is being hemorrhaged abroad while Detroit and the Department of Transportation talk about 20-year schemes to increase fuel efficiency.

I have long been encouraging Japanese auto companies to establish assembly plants in the United States so as to employ U.S. workers and reduce our trade deficit with Japan. But an even better reason for encouraging such a step would be to give Detroit a lesson in "better ideas": that it is possible today to make small, lightweight, high-quality, and fuel efficient autos in the United States.

YOUTH CAMP SAFETY ACT

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I rise today filled with concern for what the summer of 1979 will hold for our Nation's children. This summer, close to 100 children will die, and thousands more will be seriously injured—not on our highways, not from disease or abuse, but in the very same summer camps which symbolize a healthy and wholesome way of life for America's youth.

These tragedies are far from inevitable, Mr. Speaker. They are the result of the continuing failure of Congress to provide for minimum standards of camp safety, which protect our children from carelessness, mismanagement, and blatant disregard for the welfare of young campers. It is a bitter irony that we enact legislation to protect plants, sealife, wild horses and burros, while refusing to raise our voice on behalf of the millions of boys and girls who attend camp each summer.

The current laws covering youth camps are woefully inadequate. More than 50 percent of all children going to camp, do so in States with no camp safety laws. Even the best States have only limited controls on sanitation and safety, with no laws regulating the caliber of camp personnel, or the kinds of camp activities.

Mr. Speaker, today I am introducing the "Youth Camp Safety Act," on behalf of myself, and Mr. McKINNEY. My sponsorship continues a commitment to youth camp safety in the Connecticut delegation which began more than a decade ago, and was carried on most recently by my distinguished predecessor, Mr. Sarasin. The bipartisan nature of this commitment in Connecticut is appropriate, for there is no room for partisan politics when the safety of our children is at stake. I can only hope that the 96th Congress will follow this example and defend our youth from the carelessness and exploitation to which they are so vulnerable.

LEGISLATIVE PROGRAM

(Mr. CONABLE asked and was given permission to address the House for 1 minute.)

Mr. CONABLE. Mr. Speaker, I asked for this time for the purpose of asking the distinguished majority leader about what the schedule is for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. WRIGHT. In response to the question of the gentleman from New York (Mr. CONABLE), I can advise the following with respect to next week's schedule:

On Monday the House will meet at noon. There are no District bills or suspensions scheduled. However, recorded votes have been scheduled on 10 House committee funding resolutions which were debated yesterday. Those votes will be held on Monday.

On Tuesday the House will meet again at noon. We have one suspension scheduled. That bill, S. 37, pertaining to changes in Public Law 95-630, is due out of the Committee on Banking, Finance and Urban Affairs. As I understand it, that bill contains a technical amendment to the Privacy Act.

On Wednesday, the House will meet at 3 p.m. The temporary debt limit increase, H.R. 1894, will come up under a modified open rule, with 1½ hours of general debate.

Then, on Thursday, we will convene at 11 in the morning and will take up H.R. 1147, Treasury authority to waive countervailing duties, subject to the granting of a rule.

On Friday the House will not be in session for reasons which everyone should certainly be aware of, it being March 2.

Mr. CONABLE. I thank the distinguished majority leader.

I would like to ask a question about the votes to be held on Monday. Is there any chance that those votes will be further postponed? Many of us were surprised at the postponement yesterday.

Mr. WRIGHT. No. In response to the question, there is not any chance that they will be further postponed. Those votes are scheduled for and will be held on Monday next.

Mr. CONABLE. Therefore, all Members are on notice that those votes will be up then.

Will there be clustering of these votes and will the votes be shortened?

Mr. WRIGHT. It is anticipated that the votes will be shortened. They will be clustered. The first vote will be a 15-minute vote, and subsequent votes in that series will be 5-minute votes.

Mr. CONABLE. I ask the distinguished majority leader if those votes will be the first order of business after the 1-minute speeches.

Mr. WRIGHT. Indeed they will be. They may be the only order of business, but they surely will be the first order of business to be taken up on Monday. Members, therefore, should be advised that it is important to be here on Monday if they want to be recorded on those 10 votes.

They should be advised also that it is not necessary to be here on Friday, it being an important day, March 2, as I pointed out earlier.

☐ 1115

Mr. CONABLE. I thank the distinguished majority leader.

Mr. WRIGHT. The gentleman wants to know why March 2 is an important date?

Mr. CONABLE. I am sure the majority leader has his reasons.

Mr. WRIGHT. It is Texas Independence Day, of course.

Mr. CONABLE. Mr. Speaker, I am very grateful for the elucidation that the majority leader has given, and I will not worry about it any longer. I am glad to know that Texas is independent.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business otherwise in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 26, 1979

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5(b)(1) of rule I, the Chair announces that he will postpone further proceedings today on each question of agreeing to the concurrent resolution on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

Such rollcall vote, if postponed, will take place on Monday, February 26, 1979.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MERCHANT MARINE MARCH

Mr. BREAUX. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 3) expressing the sense of the Congress that "Our American Merchant Marine March" as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 3

Whereas the American merchant marine is often justly referred to as the fourth arm of defense for its inestimable contributions to the Nation in the past both in time of peace and in time of war;

Whereas each of the other arms of national defense has its own patriotic march for its use on public occasions in parades and otherwise;

Whereas to date the American merchant marine has had no such suitable march for its use;

Whereas Mr. Earl W. Clark, well-known in the maritime community and The Propeller Club of the United States, has composed a stirring and memorable march for which he has also written inspiring lyrics;

Whereas the author and others have performed the march in public and in private on a number of occasions upon which it has always been enthusiastically received: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, "Our American Merchant Marine March" as written and composed by Earl W. Clark be and it hereby is recognized as the official march of the American merchant marine.

SEC. 2. The Congress calls upon the maritime academies, other maritime organizations, and all those having an interest in the American merchant marine, to take appropriate action in order to insure the widest possible public acceptance and recogition of this music and its patriotic theme.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Amend section 1 by deleting "American" the first time that it appears.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The gentleman from Louisiana (Mr. BREAUX) is recognized for 1 hour.

● Mr. BREAUX. Mr. Speaker, I rise to move that unanimous consent be given House Concurrent Resolution 3, as amended, to express the sense of Congress that "Our Merchant Marine March" be recognized as the official march of the American merchant marine.

The merchant marine, the fourth arm of defense, has in its long and glorious history, never had a march of its own. At official functions and parades, uniformed elements of the merchant marine have had to make do with marching music which was not identifiable as music of the merchant marine.

Earl W. Clark, the author of "Our Merchant Marine March," has given us a march which fills this void. Mr. Clark, well known for his work in advancing the U.S. merchant marine was the first deputy Maritime Administrator, is a leader of the Propeller Club and currently is codirector of the Labor-Management Maritime Committee. It is fitting that the stirring music and lyrics of "Our Merchant Marine March" was given us by so widely respected a figure, in maritime affairs, as Earl W. Clark.

The Merchant Marine and Fisheries Committee met on February 6, 1979, and unanimously reported the resolution, with an amendment. The amendment corrected the title of the march in the resolution to conform with the title of the march as written. The resolution recognizes "Our Merchant Marine March" as the official march of the American merchant marine and calls upon the maritime academies and others having an interest in the merchant marine to give the march the widest possible public exposure.

Mr. Speaker, I think a march for the merchant marine has been too long overdue, and I would urge all my colleagues to join us in passing this resolution.●

The concurrent resolution was agreed to.

The title was amended so as to read: "Expressing the sense of the Congress that 'Our Merchant Marine March' as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine."

A motion to reconsider was laid on the table.

BALANCED BUDGET AND DEBT LIMITATION AMENDMENT

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, unless the Congress is prepared to ignore the will of the American people, we must incorporate new means to insure that fiscal responsibility becomes a reality in the Federal Government. It is no longer enough to promise we will try to do better where debt and inflation are concerned. There have been too many evaporating promises of frugality. There has been too little performance.

I share the view that a wholly inflexible constitutional amendment requiring a balanced budget would leave us helpless to fight either war or depression. I share the fear of many that a constitutional convention called to balance the budget might dangerously exceed its stated purpose.

But I also know that a government scorned by its citizens cannot lead. This Government has traveled far down the road toward universal scorn from the people it is supposed to represent. Regaining the confidence of the American people is a prerequisite to leadership, and leadership, I am afraid, will be tested under the most adverse conditions in the years just ahead.

Our Government and our Congress cannot function effectively so long as the American people are convinced our major ability is the ability to spend them into the poorhouse. No single action would do more to restore faith in this Congress than would a self-imposed limit on spending.

The legislation I introduce today would require balanced Federal budgets and limited real national debt in times of peace and prosperity.

The amendment I proposed differs in several ways from others which have been introduced. It combines maximum flexibility to respond to adverse economic conditions with a tight limit on real national debt and a requirement that new debts incurred in peace-time efforts to combat recession be repaid within 5 years, rather than be pyramided on top of our already burdensome long-term national debt. Specially, my amendment would:

First. Require a balanced budget except during wartime, national emergency or years when growth falls below 3 percent.

Second. Require 5-year payback of debts incurred other than in wartime or time of emergency.

Third. Limit the total national debt to no more than 30 percent of total national income except during wartime or national emergency.

The purpose of these provisions is to permit debt to be incurred during economic slowdowns in the amounts needed to combat the problem, while at the same time requiring that these debts be repaid during the next economic upturn (within 5 years) and keeping these debts within reasonable limits by holding total national debt at no more than 30 percent of total national income (in fiscal year 1979, debt is estimated to be 28.4 percent of GNP).

Whether the specific provisions of my amendment are finally adopted over those in the numerous other amendments which have been proposed this year is of little consequence. How this Congress responds to the people, and to inflation, is of the greatest consequence.

A responsible balanced budget amendment is demanded by the people we represent and by the inflation they despise. I believe this Congress can write a responsible amendment and I hope the legislation I offer today will contribute toward that end.

☐ 1120

HELP FOR THE U.S. FISHING INDUSTRY

The SPEAKER. Under a previous order of the House, the gentleman from Oregon (Mr. AuCOIN) is recognized for 5 minutes.

● Mr. AuCOIN. Mr. Speaker, when the landmark 200-mile fishing jurisdiction law was enacted 2 years ago, Congress and representatives of the U.S. fishing industry hailed it as the end to a long struggle.

In truth, it was only the beginning.

The 200-mile law set forth a promise: A promise of more abundant fish stocks, a promise that American fishermen would no longer fight foreign fishermen for the right to harvest resources off their own coasts, a promise that all Americans would reap the benefits of the living resources within the 200-mile zone.

But that is all the 200-mile law did. Much work remains to be done if the promise of the 200-mile law is to be realized.

Today I am introducing two bills which I believe will take us another step down that road:

The first would establish a fund to provide direct low interest loans to encourage U.S. fishermen and U.S. processors to develop fish species previously taken by foreign nations. It would also modify, and expand to include owners of fisheries facilities, a loan guarantee program currently benefiting U.S. fishermen. Finally, it would provide low interest loans to help the fishing industry overcome economic hardships caused by natural disaster or certain Federal actions.

The second would extend the provisions of the Capital Construction Fund to U.S. fish processors and owners of other fisheries facilities.

Both bills focus on one crucial need of the U.S. fishing industry in the wake of the extended jurisdiction law: the need for money to modernize, to expand, to experiment in order to take full advantage of the 200-mile law.

In my visits with fishermen and processors over the past year certain problems relating to loans and financing seemed to surface time and time again. Among these: hefty down payments required, under current Government loan programs, the absence of long-term financing; the absence of special financing for fisheries facilities altogether; the lack of incentives to begin taking hake and other species previously given over to foreign countries; and the problems created by natural disasters and Government decisions over which fishermen have no control but which, nonetheless, affect them greatly.

These bills will help remove these obstacles by:

Providing low interest direct loans to fishermen and processors willing to pioneer in the taking and processing of underutilized species:

Extending loans periods to 15 years in the case of fishing vessels and 25 years in the case of fisheries facilities;

Making special financing available to fisheries facilities where it has not been available to them before;

Providing low interest loans to help offset economic problems resulting from natural disaster, Federal law or regulations, or Federal court decisions.

These bills are no panacea. Accomplishing the goals of the 200-mile law will still require all of the imagination, perseverance, and just plain hard work for which the American fishing industry is so well known.

These bills will, however, help give our industry the tools it will need to meet this challenge.

The bills follow:

H.R. 2331

A bill to provide incentive loans to the commercial fisheries industry for the development of underutilized fisheries and to authorize the Secretary of Commerce to guarantee certain other loans made by banks to the commercial fisheries industry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Commercial Fisheries Financial Assistance Act of 1979".

Sec. 2. The purposes of this Act are—

(1) to increase the potential of the commercial fisheries industry to harvest, process, and market a greater percentage of the fish, shellfish, and other marine resources sold in this country;

(2) to strengthen the competitive position of the commercial fisheries industry with respect to foreign harvesters and processors, thereby resulting in increased economic stability in the domestic industry and full utilization of the resources within the extended fisheries zone by the domestic fisheries industry;

(3) to make available low-interest loans which are a necessary incentive for developing underutilized fisheries;

(4) to provide increased commercial fisheries opportunities for access to developmental capital; and

(5) to provide financial assistance to the commercial fisheries industry.

Sec. 3. As used in this Act, the term—

(1) "commercial fisheries industry" means all segments of such industry in the United States from harvesting to processing to distribution;

(2) "fishery" means a species or group of species forming a segment of the harvesting sector of the fisheries industry;

(3) "underutilized fishery" means such a species or group of species which are not harvested to their full optimum sustainable yield by the domestic commercial fisheries industry;

(4) "fisheries shoreside facilities" includes, but is not limited to, such new or used facilities as docks, receiving facilities, processing facilities, processing plants, and storage and distribution facilities, together with all necessary equipment;

(5) "processing facilities" means production equipment and facilities (including land) needed to receive the catch of fishing vessels, and prepare, hold, or distribute such catch for market;

(6) "citizen or national of the United States" means any individual who is a citizen or national of the United States or any corporation, partnership, or other entity organized under the laws of any State of the United States or the District of Columbia; however, no such corporation, partnership, or other entity shall be deemed to be a citizen of the United States unless it is a citizen within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802);

(7) "Government's cost of money" means, as determined by the Secretary of the Treasury, the average market yield on outstanding Treasury obligations of comparable maturity;

(8) "short-term" means a period not exceeding thirty-six months;

(9) "economic distress" means short-term economic or resource dislocations caused by natural disaster, Federal law or regulation, Federal court decision, and such other dislocation as determined by the Secretary of Commerce. Such dislocation shall affect a substantial portion of the harvesting or processing sector, or both, of the commercial fisheries industry in any fishery, or affect a substantial portion of such industry within a State or region of a State, as determined by the Secretary of Commerce, in consultation with State and local representatives;

(10) "fishing vessel" means any new or used vessel, boat, ship, or other type of craft, regardless of size, together with all necessary gear and equipment, which is used for, equipped to be used for, or of a type which is normally used for—

(A) commercial fishing; or

(B) aiding or assisting in the performance of any activity relating to commercial fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing of fish; and

(11) "Secretary" means the Secretary of Commerce.

Sec. 3. The Secretary shall promulgate rules and regulations to carry out this Act.

TITLE I—DIRECT INCENTIVE LOANS

Sec. 101. (a) The Secretary shall make long-term, low-interest, incentive loans—

(1) for the construction, rehabilitation, purchase, or operation of new or used fisheries shoreside facilities for underutilized fisheries, and

(2) for the construction, rehabilitation, purchase, or operation of new or used fishing vessels for underutilized fisheries.

(b) Any such loan shall be provided at an interest rate, to be determined by the Secretary in accordance with the purposes of this section ,at a minimum of 3 per centum per annum and a maximum of the Government's cost of money, and with a maturity not exceeding fifteen years for fishing vessels and twenty-five years for fisheries shoreside facilities.

Sec. 102. The Secretary is authorized to make loans at an interest rate which shall be at a minimum of 3 per centum per annum and a maximum of the Government's cost of money for the purpose of providing financial assistance needed to offset economic distress in the commercial fisheries industry. Eligibility for such loans shall be restricted to applicants who can demonstrate profitable operations for a substantial period of time prior to the onset of the conditions. Such loans shall be made on the basis of regulations promulgated by the Secretary which will assure rapid and timely assistance where needed in such industry.

Sec. 103. (a) Before approving any loan under section 101, the Secretary shall determine that the applicant will possess, or for loans to be made under section 102, does possess the ability, experience, resources, and other qualifications necessary to reasonably assure repayment of the loan.

(b) Before approving any loan under section 101 or 102 for the purchase of a new or used fishing vessel which will not replace an existing fishing vessel, the Secretary shall determine that the applicant's contemplated operation of such vessel in a fishery is permitted by fisheries management plans implemented under the Fishery Conservation and Management Act of 1976.

(c) The Secretary shall endeavor to promptly process all applications for loans under sections 101 and 102, and in no event shall the Secretary fail to approve or deny an application within ninety days after receipt of the application.

(d) Loans may be made under this title only to citizens of the United States.

Sec. 104. (a) There shall be established in the Treasury a Commercial Fisheries Financing Fund which shall be used by the Secretary as a fund from which to make loans under this title. Any funds received by the Secretary on or before May 30, 1990, in payment of principal or interest on any loans so made shall be deposited in such Fund and be available for making additional loans under this title. Any funds received in such Fund after May 31, 1990 (at which time such Fund shall cease to exist), shall be paid into the Treasury as miscellaneous receipts.

(b) There is authorized to be appropriated to the Commercial Fisheries Financing Fund, without fiscal year limitation, the sum of $250,000,000 to provide capital for all loans under this Act, and to provide for the expense of administering them.

(c) Notwithstanding any other provision of this title, the authority of the Secretary to make loans under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation acts.

Sec. 105. (a) Section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) is repealed.

(b) Any outstanding loans made under such section 4 shall be handled in accordance with this title and the rules and regulations promulgated by the Secretary under this Act insofar as this title or those rules and regulations are not inconsistent with any loan contract entered into pursuant to such section 4. The fisheries loan fund created by such section shall hereby cease to exist. All assets and liabilities of such fund shall be transferred to and become a part of the Commercial Fisheries Financing Fund established by this title.

TITLE II—LOAN GUARANTEES

Sec. 201. (a) The Secretary is authorized to guarantee and to enter into commitments to guarantee the payment of the interest on, and the unpaid balance of the principal of, any loan made by a bank or other lending institution for—

(1) the construction, expansion, or rehabilitation, including the purchase of used facilities which are to be rehabilitated, of fisheries shoreside facilities; or

(2) the purchase, construction, or rehabilitation of fishing vessels.

(b) Any loan guaranteed under this section—

(1) shall have the borrower approved by the Secretary as responsible and possessing the ability, experience, resources, and other qualifications necessary for the adequate operation and maintenance of the fishing vessel or fisheries shoreside facility which serves as security for the guarantee of the Secretary;

(2) shall be in an aggregate principal amount which does not exceed 90 per centum of the actual cost or depreciated actual cost, as determined by the Secretary, of the vessel

or facility which is used as security for the guarantee of the Secretary;

(3) shall have a maturity date satisfactory to the Secretary but, not to exceed twenty-five years in the case of a loan referred to in subsection (a)(1) or fifteen years in the case of a loan referred to in subsection (a)(2);

(4) shall provide for payments by the borrower satisfactory to the Secretary;

(5) shall bear interest at a rate not to exceed such per centum per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary;

(6) may only be made to a borrower who is a citizen or national of the United States; and

(7) shall be approved by the Secretary only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary shall require considering the objectives of this Act; and the proposed collateral for any such loan shall be of such a nature that, when considered with the integrity, ability, and prospective earnings of the borrower, repayment of the loan will be reasonably assured.

SEC. 202. There is hereby created a Commercial Fisheries Loan Guarantee Fund (hereinafter referred to in this title as the "Fund") which shall be used by the Secretary as a revolving fund for the purpose of carrying out this title. There is authorized to be appropriated to the Fund $1,000,000. Moneys in the Fund shall be deposited in the Treasury of the United States to the credit of the Fund or invested in bonds or other obligations of, or guaranteed as to principal and interest by, the United States.

SEC. 203. (a) In the case of any loan guaranteed by the Secretary under section 201, the Secretary shall not guarantee the principal of such loan in an amount in excess of 90 per centum of the face amount of the loan.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under section 201 with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed loan and the payment in full of the guarantee.

(c) Any guarantee, or commitment to guarantee, made by the Secretary under section 201 shall be conclusive evidence of the eligibility of the loans for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

(d) The aggregate unpaid principal amount of the loans guaranteed under section 201 and outstanding at any one time shall not exceed $250,000,000.

(e) The Secretary shall endeavor to promptly process all loan guarantee applications, and in no event shall the Secretary fail to approve or deny an application within ninety days after the date of receipt of the application.

(f) The Secretary shall charge and collect from the borrower such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, and for the inspection of such properties during construction, expansion, or rehabilitation: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the loan to be guaranteed.

(g) All moneys received by the Secretary under this title shall be deposited in the Fund.

SEC. 204. Loans guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary), liens and releases of liens, payments of taxes, and such other matters as the Secretary may prescribe.

SEC. 205. (a) In the event of a default which has continued for thirty days in any payment by the borrower of principal or interest due under a loan guaranteed under this title, the lender or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of the unpaid principal amount of the loan and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary shall promptly pay to the lender or his agent the unpaid principal amount of the obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the borrower in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) In the event of any payment by the Secretary under subsection (a), the Secretary shall have all rights in any security held by him relating to his guarantee of such loans as are conferred upon him under any security agreement with the borrower. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary shall have the right, in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve.

(c)(1) Any amount required to be paid by the Secretary pursuant to subsection (a) shall be paid in cash. If at any time the moneys in the Fund are not sufficient to pay any amount the Secretary is required to pay, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued hereunder and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under such Act are extended to include any purchases of such notes and obligations. The Secretary of the Treasury at any time may sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Funds borrowed under this section shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary from such Fund.

(2) Notwithstanding any other provision of this subsection, the authority of the Secretary to issue notes or other obligations under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation acts.

(d) In the event of a default under any guaranteed loan or any related agreement, the Secretary shall take such action against the borrower or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the lender and the lender shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the borrower or other parties liable to the Secretary, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary shall receive through the sale of property an amount of cash in excess of any payment made to a lender under subsection (a) and the expenses of collection of such amounts, he shall pay such excess to the borrower.

H.R. 2330

A bill to amend the Merchant Marine Act, 1936, to provide for the establishment of capital construction funds for fisheries facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), is amended to read as follows:

(a) AGREEMENT RULES.—Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1)), or one or more fisheries facilities (as defined in subsection (k)(9)), may enter into an agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the "fund") with respect to any or all of such vessels or facilities. Any agreement entered into under this section shall be for the purpose of providing—

"(1) replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States, or

"(2) replacement, additional, or reconstructed fisheries facilities in the United States,

and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels or facilities or from the sale or marketing of fish or fish products.".

SEC. 2. Subsection (b) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or which is attributable to the operation of the agreement facilities, or from

the sale or marketing of fish or fish products" at the end thereof;

(2) in subparagraph (B) of paragraph (1) by inserting "or facilities" after "vessels"; and

(3) in subparagraph (C) of paragraph (1) and in paragraph (2) by inserting "or facility" after "vessel" each place it appears.

SEC. 3. Subsection (f) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or a fisheries facility," after "vessel," and

(2) in subparagraph (C) by inserting ", a fisheries facility," after "reconstruction of a qualified vessel".

SEC. 4. Subsection (g) of section 607 of such Act is amended—

(1) in paragraphs (2) and (3) by inserting "facility," after "vessel," each place it appears; and

(2) in paragraph (4) by inserting "facilities," after "vessels,".

SEC. 5. Subsection (k) of section 607 of such Act is amended by adding at the end thereof the following new paragraphs:

"(9) The term 'fisheries facility' or 'facility' means a new or used facility in the United States, including but not limited to, docks, equipment, and buildings, for the receiving, preparing, processing, refrigerating, storing, and distributing of fish or fish products.

"(10) The term 'agreement facility' means any fisheries facility which is subject to an agreement entered into under this section.

"(11) The term 'fish' means fin fish, mollusks, crustaceans, and all other forms of marine animal and plant life (other than marine mammals and birds) which have been harvested by a commercial fishing vessel of the United States.

"(12) The term 'fish products' means any article which is produced from or composed of (in whole or in part) any fish.".●

ATTORNEY GENERAL WARNS OF REGULATION DANGER

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, while I have sometimes been a harsh critic of the growing problem of Government regulation and rule by bureaucracy, I doubt that anything I have said to date has made the point quite as impressively as the remarks of Attorney General Griffin Bell at the University of Kansas in January. Given Judge Bell's experience in the judiciary and now as Attorney General in this administration, Americans cannot help but pay careful heed to what he has to say.

When a man like Griffin Bell says that the viability of the Republic is at stake or that we are on the verge of "societal suicide," we need to listen. When our own Government's bureaucracy is compared to an army of occupation "more pervasive and more powerful than all the Union armies of Reconstruction," we need to listen. These are not the words of banquet circuit rhetoric or an anti-Government zealot; these are words carefully chosen by one who carefully chooses his words.

It is no adverse reflection on the incumbent President when I say that the President, indeed, no President, can control the burgeoning bureaucracy. Even aside from the so-called independent rulemaking agencies, which are clearly beyond his control, there is no actual way for a President to control the thousands of rulewriting bureaucrats in his own executive branch departments. In fact, there is even a question now being raised as to whether the President has the legal authority to control his very own appointees in the Federal bureaucracy in writing rules which have the force of law.

Hence, I say again, it falls to the Congress to control the bureaucracy.

I strongly recommend the reading of Judge Bell's speech on the dangers of increasing Government regulatory control over the lives of Americans through an unelected bureaucracy:

NOTES ON THE SITUATION: A CRITIQUE

Benjamin Harvey Hill was a distinguished Georgian who did his best prior to the Civil War to prevent the secession of Georgia from the Union. Having lost, he joined the Confederacy. Following the War and Reconstruction, he became a United States Senator from Georgia, but it was during the Reconstruction that he became prominent by reason of a series of newspaper columns entitled, *Notes on the Situation.*[1] I have appropriated that title for my remarks tonight.

What happened to the South during the Reconstruction is a subject of continuing interest to political scientists as well as to historians. It was a period when one part of our country was under occupation by the armed forces of the nation. It was a period during which the national Congress engaged in a concerted effort to reconstitute the political and economic structure of the conquered territory.

We have no occupation as such today, but the entire nation—not just the South—is presently regulated by a force more pervasive and more powerful than all the Union armies of the Reconstruction. That force is the federal bureaucracy, which by laws and regulations, by orders and printed forms, and by a thousand other unseen methods subjects all of us to some degree of federal scrutiny and control.

It will be my thesis tonight that if the Republic is to remain viable, we must find ways to curb, and then to reduce, this government by bureaucracy. We must return to government by directly accountable public officials—local, state, and federal. The only other alternative, I predict, is to have an increasingly costly and inefficient form of government, wholly removed from democratic control—and I use the lower case "d" in democratic here! When our society is threatened from within and without by such awesome problems as inflation, military aggression, poverty, and world famine, this evergrowing bureaucracy is more than a painful nuisance: it is a prescription for societal suicide.

In elobarting on this thesis, I speak to you from the vantage point of a public official, one who has served in the Federal Judiciary and who now serves in the Executive Branch. My observations are not those of a political scientist or a historian, although I claim to be an amateur in each field.

Obviously, for the next half hour, I will be speaking to you as a concerned citizen schooled in public service and *not* as a spokesman for the Administration. These thoughts are definitely my own—as you will shortly hear!

Let me begin by noting my credentials to criticize the federal bureaucracy. As Attorney General I am in charge of some 55,000 employees within the Justice Department, who are spread over 23 separate component offices, bureaus, and divisions. Our budget, which is small by comparison, will come to about two and one-half billion dollars for fiscal year 1979.

I am not alone in concluding that the unchecked growth of the federal bureaucracy may be a mortal threat to our historic forms of government. New York's Senator Daniel Patrick Moynihan, the eminent scholar and former Ambassador to India, gave a memorable address last March in New York City, in which he spoke of the imperial presidency, the imperial Congress, and even the imperial judiciary.[2] He concluded that the inevitable concomitant of "imperial" government was the spread of bureaucracy from the executive branch to the legislative and the judicial branches as well. If I may quote from that speech: "* * * the long run effect will be to create government by submerged horizontal bureaucracies that link the three branches of government, speaking their own private language, staying in place while their Constitutional masters come and go." [3]

It is in the vein of Senator Moynihan's remarks that I speak to you tonight about our federal government. The restlessness of the American people is now manifesting itself in the notion of calling a Constitutional Convention through an application from two-thirds of the state legislatures.[4] The Founding Fathers gave us this alternative way of amending the Constitution, doubtless foreseeing that the people might some day lose control of the federal government and even of the Congress to the extent that they could not achieve their will.

This state of governmental affairs is worth pondering. Lack of control has a good deal to do with the scourge of inflation, fueled in part by government spending; it has much to do with the present flood of stultifying federal regulations; and it has much to do with citizen frustration, caused by a seeming inability to govern ourselves.

A recent Wall Street Journal editorial made the clearest statement about this phenomenon: "There is a clear sense in this country that government has become highly wasteful of resources and too big and internally contentious to respond to changing circumstances and needs. The time required to get the necessary government clearances and build a single electric power plant in the U.S. is now triple the length of time the U.S. needed to mobilize for and fight World War II." [5] That is a cold and sober observation.

Senator Moynihan has provided us with a short and accurate description of the problem, but few have gone beyond rhetorical attacks on that problem. It has been often said that it is better to light one candle than to curse the darkness. As a lawyer, I put it in different terms in stating that one should not rail at the law. By the same token, we should not rail at the government; rather our approach should be to correct the government.

Therefore I would like to make a few modest suggestions which, hopefully, may assist in turning the tide.

These suggestions are in the nature of refurbishment. They in no way undermine or even disparage our system. They are corrective in nature and are asserted under our duty as citizens to seek to improve the system. It is through such duty that we replenish our democracy under our constitutional system.

As a first step, I would amend the Constitution to provide one six-year term for the President.[6] This is certainly not a new idea, having been originally proposed in Congress in 1826 and reintroduced some 160 times since then. It has been advocated by several Presidents. But it is an idea whose time may have come. This change will enable a President to devote 100 percent of his or her attention to the office. No time would be

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Footnotes at end of article.

spent in seeking reelection. Under the present system, the President serves three years and then must spend a substantial part of the fourth year in running for reelection, assuming a President decides to seek reelection.

Moreover, the current four year term is actually too short to achieve any of the major changes and improvements that a President should accomplish. The funding cycles are so long that it is well into a President's third year before his own program changes take effect. This leaves the bureaucracy in control.

A single six-year term would permit the long-term, steady planning and implementation that our government needs, plus saving that fourth year now lost to campaigning.

Second, I would propose a complete review and reduction of the regulating and litigating authority of the independent federal agencies. The President has the authority now to curb those departments within the Executive Branch of the government, but, to the surprise of most Americans, the independent agencies such as the Federal Trade Commission, the Consumer Products Safety Commission, and the Nuclear Regulatory Commission are all wholly separate and not subject to his control at all. Most have the power to promulgate regulations and rules that affect all of us, and many have the statutory power to litigate in the name of the United States, even when the positions being advocated by them are contrary to those taken by the Department of Justice. And their regulations are legion and growing every day.

Third, I would place a severe restriction on the staffs allocated to the President, the Congress, and even the federal courts. More staff invariably means more time in which to evolve more ideas about how to increase government control over the lives of the American people. But at the same time we make this move, we as citizens must also lower our own expectations about government. In large measure, the size of government has grown because we have all benefited at one time or another from some federal programs. The temptation is overwhelming to ask that the federal government pay for this project or to support that program, because then the average citizen cannot so easily perceive the linkage between the service delivered and the price paid in terms of the incremental federal tax dollars. Local officials and local citizens alike praise the award of federal grants to local communities, but they fail to recognize that such aid builds the federal bureaucracy and furthers the loss of local government control and responsibility.

As a former federal judge and now as Attorney General, in charge of our 3,800 lawyers in the Justice Department, I can personally testify to the growth of the federal judiciary and its increased own role in our lives. Again, this growth stems mostly from the desires of the American people, who now turn to the courts—and especially the federal courts—at the slightest provocation.[7] The caseload in turn fuels the demands for more and more judges and more and more support staff. The citizenry must reaffirm its commitment to other and more informal dispute resolution devices, or it cannot rightly complain when the judiciary, like its sister branches, continues to increase in size in response to cries for more services.

Fourth, I would urge Congress to sharply curtail, if not abolish, the so-called "rule-making" powers of the independent regulatory commissions. To most of you in this audience tonight, the concept of "rule-making" might sound as though it were simply a procedural device, used to set out the rules under which a particular agency might conduct itself. That is far from the way that term is used in Washington! In truth, rule-making is a total substitute for all other forms of government, executive, legislative, and even judicial. Its abuse can stymie and frustrate the government of whole states and the operations of entire industries.

A classic case was presented to me while I was a Circuit Judge on the 5th Circuit.[8] The State of Texas had, pursuant to federal law, produced a state plan to control smog within the limits set down by federal regulations. The Environmental Protection Agency—or EPA, as we call it—disapproved the Texas plan and issued under its rule-making powers its own plan, which incorporated the Texas controls and a host of other more stringent requirements. To our surprise, we found that the EPA had established its standards for Texas largely on a study done for the Los Angeles, California, region, and that that study had been performed 15 years earlier, so as to be totally out of date. Yet, but for our order to the EPA, the citizens of Texas would today still be paying for a set of air quality controls promulgated by a set of faceless bureaucrats in Washington, based on a contracted study from Los Angeles, 15 years out of date. That is rule-making.

Of course, once the rule is made by an agency, all interested parties are given the right to comment. But the point is that rule-making has none of the safeguards of the legislative process and yet also is a non-adversary proceeding.

Fifth, I would urge strong support for President Carter's plans to reduce the volume, complexity, and cost of government regulations generally. As Attorney General, charged with enforcing the nation's laws, I have seen so much burden cast upon our citizens by the host of regulations. Federal regulations currently in force cover about 60,000 printed pages with thousands more in interpretations and guidelines. They are often written in defiance of the English language. Many of these regulations have retarded our real economic growth, by impairing our efforts to improve the productivity of labor and capital. And the paperwork and compliance burden on the smaller American businesses is simply impossible, so that the net result is wholesale disobedience, which then breeds disrespect for the law generally. If large numbers of our people begin to ignore our law, we will lose that cohesive attitude which has so symbolized our country and which has saved our Republic from anarchy and ruin on countless occasions.

For these reasons, the President has ordered the reduction in the number of regulations and a simplification of their reporting requirements.[9] Thus far, the number of reporting hours has been reduced by 85 million hours per year, or about 10 percent—which is equivalent to the work of 50,000 people for one year. He has also required major new regulations to be accompanied by a comprehensive cost-benefit study, so that the social and economic merits can be weighed against the likely costs. That, too, will reduce the number and complexity of regulations. Necessary and proper regulations will be continued but at the least expensive and burdensome level. And this will help in the fight against inflation, because each incremental cost added to a product or service by a new and perhaps unnecessary regulation further erodes the buying power of the American dollar. Such a watch over the cost of new regulations might be termed an "inflation impact statement."

And, sixth, we need to restore confidence and nonpartisan support to some of the fundamental units of the federal government. It is interesting to note that three Cabinet officials were exempted by the President from attending the recent mini-convention of the Democratic Party in Memphis: the Secretary of Defense, the Secretary of State, and the Attorney General. That suggests to me that these officers and their departments have to be seen as non-partisan, charged to work under neutral principles of law and policy. There is no room in our federal system for the vagaries and vicissitudes of partisan politics in the conduct of our national defense or our foreign relations; in like fashion, the laws of our land must be enforced without fear or favor as to party affiliation.

I mention this last fact, not because it relates to my earlier observations about bureaucracy, but because these three arms of the executive branch are the guardians of our freedoms. It is through their independence and professionalism that we American citizens have the liberties—and even license—to debate and discuss how our government is to be run. So in their strength lies the strength of the American people.

I can tell you that we at the Justice Department have tried very hard over the last two years to erase the ugly stains of the Watergate era and to create a truly independent, professional organization. I am proud that from the FBI to the DEA to our litigating divisions, we have accomplished that goal. We operate by and fully in accordance with the law, on a non-partisan basis, as President Carter pledged to do when he took office. That will be the pledge of the Department from now on.

As I said at the beginning of these remarks, I am speaking as an American citizen proud of his country's achievements over two centuries and yet fearful of what lies ahead for his nation. We have come to a crossroad in the history of this land—politically, morally, and philosophically. Each of us must now decide who, if anyone, shall be given this enormous power over our lives.

I have often said that the wisest use of power is not to use it at all. But if such power must be used, use it sparingly. That is the prescription I would write for our federal government today, for the temptation of great power may otherwise be too great to resist. As Abraham Lincoln so aptly put it in 1837, "I believe it is universally understood and acknowledged that all men will ever act correctly, unless they have a motive to do otherwise."[10]

President Carter and I share a common conviction that it is time to return government to the people. We believe that we have no roving commissions to do good, that such an attitude on the part of government constitutes a gross abuse of power. Our Administration is committed to devolving power back to the people of this country, to save the nation from its own ever-growing government.

So, in closing, let me once again refer to Benjamin Harvey Hill, that distinguished Georgian and American, whose statue in the Georgia State House bears this inscription: "Who saves his country saves himself, saves all things and all things saved do bless him. Who lets his country die lets all things die, dies himself ignobly and all things dying curse him." Thank you.

FOOTNOTES

[1] B. H. Hill, *Notes on the Situation,* (Augusta, Ga., 1967).

[2] Senator Daniel Patrick Moynihan, "An Imperial Presidency Leads to an Imperial Congress Leads to an Imperial Judiciary: The Iron Law of Emulation," Herbert H. Lehman Memorial Lecture, March 28, 1978.

[3] *Id.*, p. 17.

[4] U.S. Constitution, Art. V.

[5] *Wall Street Journal,* January 22, 1979, p. 20.

[6] *See* Hearings before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, S.J. Res. 77 (to amend the Constitution by providing a single, six-year term for the President), October 28–29, 1971. *See also* Lyndon B. Johnson, *The Vantage Point,* p. 344 (Holt, Rinehart: New York, 1971).

[7] *See*, e.g., "Why Everybody Is Suing Everybody," *U.S. News and World Report*, December 4, 1978, pp. 50 et seq.

[8] *State of Texas* v. *Environmental Protection Agency*, 499 F2d 289 (5th Cir. 1974), *stay denied*, 421 U.S. 945 (1975).

[9] Executive Order 12044, March 23, 1978.

[10] Abraham Lincoln, Speech in the Illinois Legislature, January 11, 1837.

ESTONIAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on Saturday, February 24, Estonian-Americans all over this Nation will commemorate the 61st anniversary of the Declaration of Independence of the Republic of Estonia, and it is with pride that I join in this commorative event in the House of Representatives.

The intellectual and material renaissance in Estonia during independence, after centuries of medieval czarist rule, was astounding. In only 20 years, the Estonian people, due to the winning of long coveted national freedom, gained the admiration of the world because of their political, cultural, and economic progress.

It is appropriate that we again call the attention of all Americans and peoples of the world to the sad plight of the people of Estonia, a nation occupied by the Soviet Union in 1940 and still held under the cruel domination of Soviet tyranny and brutal Russianization.

Mr. Speaker, the Estonian National Council has issued a statement marking this occasion of Estonian Independence Day, and a copy of that statement follows:

A STATEMENT ON THE OCCASION OF THE SIXTY-FIRST ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

After centuries of foreign rule the independence of Estonia was proclaimed on February 24, 1918.

Immediately thereafter, the German Army occupied the country, a situation which lasted until World War I armistice in November 1918.

Subsequently the Russian Bolshevik Army attacked Estonia with the aim of imposing the Communist system upon the Estonian people. The young Republic was forced to protect itself and to resist the invaders in order to secure and maintain its independence.

The Provisional Government adopted the principle: "No compromise with the Communists". The die had been cast! The Estonian War of Independence started on November 28, 1918 and was concluded successfully on January 3, 1920.

Great Britain, Finland, Sweden and Denmark provided either financial support or volunteer troops to assist the young Republic in fighting off the aggressors. The young Estonian Army, with this aid, and the unstinting support of the population at large, rapidly developed into a fierce fighting force for the independence of its nation. On February 2, 1920 a Peace Treaty was signed between the Republic of Estonia and the Soviet Socialist Republic of Russia by which the latter ". . . agreed to renounce voluntarily forever all rights over Estonian territory and people".

Recently, the Estonians in the free world commemorated the 60th anniversary of the beginning of the successful War of Independence. To the present time it has remained a symbol of self-sacrifice and inspiration for all those who are concerned with the cause of Estonia.

The spirit of this heroic struggle is also a source of inspiration in Soviet occupied Estonia, especially for younger generation, who want to know more about the "real history" of the Estonian people, instead of the falsehoods perpetuated by the Soviet regime.

The deal between Hitler and Stalin of August 23, 1939, known as the Molotov-Ribbentrop Pact, condemned Estonia and her neighbors Latvia and Lithuania to the Soviet sphere of influence. This was the initial event which led to the willful Soviet breach of all solemn treaty obligations with the three Baltic countries and culminated in their forceful annexation in 1940.

The Soviet-imposed rule in Estonia has brought with it untold sufferings—arrests, deportations, executions as well as the so-called nationalization of all private property and the down-grading of social and working conditions. But above all fundamental freedoms have virtually been abolished.

One of the most threatening aspects for the Estonian people is the Russianization process, the aim of which is the destruction of the Estonian nation.

We are hopeful, that President Carter's human rights policy in conjunction with the Helinski CSCE follow-up meetings will serve as an effective weapon for liberalization of the current repressive policies practiced by the Soviet Union in Estonia and in other Baltic States of Latvia and Lithuania.

Of considerable moral support for the Estonian people is also the fact that the United States as well as a great number of other Western countries have not recognized the forcible annexation of Estonia by the Soviet Union.

On this sixty-first anniversary of the Declaration of Independence of Estonia all freedom-loving Estonians once more appeal to world public opinion to support the cause of freedom and justice for the Estonian people.

Mr. Speaker, we in the free world enjoy all the benefits of political and economic liberty, yet how can we fully enjoy our liberties while millions are deprived of the most fundamental human rights? It was because of the continuing oppression in Estonia and the other Baltic States that I introduced House Concurrent Resolution 49, and a copy of that resolution follows:

H. CON. RES. 49

Whereas the United States does not recognize the illegal annexation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania;

Whereas the United States as a member of the United Nations has pledged, in article 55 and 56 of the United Nations Charter, ". . . to take joint and separate action . . ." to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion";

Whereas the House of Representatives Select Committee to Investigate Communist Aggression of the 83rd Congress thoroughly investigated the seizure of the Baltic nations by the Soviet Union and, in its Third Interim Report, concluded, "The evidence is overwhelming and conclusive that Estonia, Latvia and Lithuania were forcibly occupied and illegally annexed by the U.S.S.R.";

Whereas the United States, as a signatory to the Final Act of the Conference on Security and Cooperation in Europe, endorsed Principle VIII, relating to equal rights and self-determination of peoples, which states, ". . . all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development . . ." and, "The participating States . . . also recall the importance of the elimination of any form of violation of this principle."; and

Whereas the House of Representatives in the 94th Congress, by adopting H. Res 864 reaffirmed the United States policy with respect to the Baltic nations (and thereby urged positive actions): Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the President should enter into negotiations with the Soviet Union to secure the withdrawal from Estonia, Latvia, and Lithuania of all military forces and political, administrative, and police personnel not under the auspices of those respective countries;

(2) another purpose of such negotiations should be to secure the release of political prisoners of Estonian, Latvian, and Lithuanian nationality from prisons, labor camps, psychiatric institutions, and other detention centers within the Soviet Union and their return to the countries of Estonia, Latvia, or Lithuania, as the case may be;

(3) the President should instruct the United States delegation to the preparatory meeting of the 1980 Madrid meeting of the Conference on Security and Cooperation in Europe to present as specific agenda items—

(A) the illegal seizure and annexation of Estonia, Latvia, and Lithuania by the Soviet Union, and

(B) the denial by the Soviet Union of self-determination and territorial integrity to Estonia, Latvia, and Lithuania by the Soviet Union; and

(4) the President should make every effort to gain the support and cooperation of all nations in achieving the objectives of the negotiations set forth in paragraphs (1) and (2) and in securing the agenda items set forth in paragraph (3).

Mr. Speaker, I am honored to have a part in the 61st anniversary commemoration of the Declaration of Independence of the Republic of Estonia, and I extend my warmest greetings to those Americans of Estonian descent in Chicago and all over the country who are commemorating this occasion. I join them in their fervent hopes and prayers that the Estonian people will one day be free.●

IN APPRECIATION OF EVELYN MAYHUGH WRIGHT

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, one of the most dedicated staff members ever to work in the Congressional Research Service, Evelyn Mayhugh Wright, will soon be retiring after 35 years in the Federal Government. She began working in the American Law Division of what was then the Legislative Reference Service in 1947 and has served the Congress so exceptionally well that it is only fitting that we take time to recognize her endeavors and achievements.

Associated with the Digest of Public General Bills and Resolutions and the American Law Division during her entire CRS service, Evelyn Wright has performed detailed legal and legislative research with the highest competence and diligence. As testimony to her excellence, her files contain numerous commendations and expressions of appreciation from Members of Congress and their staffs. The consistently high caliber of her work, the knowledge and resourcefulness she has applied to each research assignment, and her unfailing dedication have made her one of the most valuable members of the American Law Division.

While we wish her all the enjoyments of a well-deserved retirement, Evelyn Wright's departure will be a loss to all of us in Congress, as well as to the Library of Congress and the Congressional Research Service.●

RULES OF COMMITTEE ON SCIENCE AND TECHNOLOGY

(Mr. FUQUA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FUQUA. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Science and Technology, adopted in open session on Tuesday, February 13, 1979:

RULES GOVERNING PROCEDURE, COMMITTEE ON SCIENCE AND TECHNOLOGY

GENERAL

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees. The rules of the committee, as applicable, shall be the rules of its subcommittees.

COMMITTEE MEETINGS

Time and place

2. Unless dispensed with by the chairman, the meetings of the committee shall be held on the 1st and 3rd Tuesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the chairman may designate.

3. The chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

*4. The committee shall make public announcement of the date, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

*5. The committee may sit while the House is reading a measure for amendment under the 5-minute rule, provided 10 or more Members on the House floor do not object when special leave for such committee or subcommittee to sit is requested.

Presiding officer

*6. If the chairman of the committee is not present at any meeting of the committee, the ranking Member of the Majority Party on the committee who is present shall preside.

Order of business

*7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the chairman, subject always to an appeal to the committee.

Membership

8. The majority of the Majority Members of the committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize the chairman to negotiate that ratio with the Minority Party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the Majority than the ratio for the full committee. Provided, further, that Majority Party representation on conference committees also shall be no less favorable to the Majority Party than the ratio for the full committee.

Special meetings

9. If three or more Members of the committee desire a special meeting of the committee such Members may file in the offices of the chairman of the committee their written request to the chairman for such meeting. The request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of such filing. If, within three calendar days after the filing of the request, the chairman does not call a special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the committee may file in the offices of the committee a written notice that a special meeting of the committee will be held, specifying a time and place, and the measure or matter to be considered. The committee shall meet at that time. Immediately upon the filing of the notice, the clerk of the committee shall notify all Members of the committee when the meeting will be held and the measure or matter to be considered. Only the measure or matter specified in the notice may be considered at that meeting.

COMMITTEE PROCEDURES

Quorum

*10. One-third of the Members of the committee shall constitute a quorum for all purposes except that a majority must be present in order to: (1) report or table any legislation, measure or matter; (2) close committee meetings or hearings; or (3) authorize the issuance of subpenas.

*11. The number of Members to constitute a quorum for taking testimony and receiving evidence shall not be less than two, one of whom shall be a Member of the Minority.

*12. The committee shall not make any determination by poll on any measure or matter involving its substantive, or non-procedural, legislative or oversight functions.

Proxies

*13. A Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. However, a Member may vote by special proxy. The special proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for quorum purposes.

Witnesses

*14. The committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a summary of his or her argument.

*15. Whenever any hearing is conducted by the committee on any measure or matter, the Minority Members of the committee shall be entitled, upon request to the chairman by a majority of them, before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to the measure or matter at least one day during the hearing.

16. Clause 2(k) of Rule XI of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpena).

Subject Matter

*17. Bills will be taken up for hearing only when called by the chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meeting outlined in Rule 9.

18. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

*19. (a) It shall not be in order for the committee to consider any new or original measure or matter unless:

(1) A written copy of the measure or matter to be considered has been available in the office of each Member of the committee for at least three calendar days, excluding Saturdays, Sundays, and legal holidays;

(2) Written notice of the date, place and subject matter of consideration has been available in the office of each Member of the committee for at least three calendar days in advance of consideration, excluding Saturdays, Sundays and legal holidays; and

(3) A transcript and a record of all motions and votes by each Member present is maintained during the meeting, and is made promptly available upon demand to any Member of the committee.

(b) Notwithstanding the foregoing sections of this rule, consideration of any measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that written notice of the meeting and motion for consideration, and a description of each specific measure or matter to be considered has been delivered to the office of each Member of the committee at least one hour in advance of the meeting.

(c) For purposes of this rule the term "measure or matter" shall include, but not be limited to, bills and resolutions, including reports thereon, other reports, subpeonas, and the disposition of committee resources.

OPEN MEETINGS

*20. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* that no person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by Rule II contained herein, or to any meeting that relates solely to internal budget or personnel matters.

*21. Each hearing conducted by the committee shall be open to the public except when the committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee may by the same procedure vote to close one subsequent day of hearing.

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*Indicates rules applicable to subcommittees.

Requests for rollcall votes

22. A rollcall of the Members may be had at the request of three or more Members.

Committee records

*23. The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendments, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order or proposition, and the names of those Members present but not voting.

5-minute rule during committee procedures

*24. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when he has been recognized by the chairman, except that this time limit may be waived by the chairman or acting chairman. The rule of germaneness will be enforced by the chairman.

Requests for written motions

*25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the chairman shall be reduced to writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and jurisdiction

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(a) *Subcommittee on Space Science and Applications*—Legislation, general and special oversight and all other matters relating to the National Aeronautics and Space Administration (except aeronautical research and development), and national programs of research and development in space exploration, space applications and related matters.

(b) *Subcommittee on Energy Research and Production*—Legislation and other matters relating to research, development and demonstration involving nuclear fission, nuclear fusion, electric energy systems and energy storage, geothermal and hydroelectric energy systems, basic energy sciences, high energy and nuclear physics, and policy and management programs of the Department of Energy.

(c) *Subcommittee on Science, Research and Technology*—Legislation, general and special oversight and other matters relating to the National Science Foundation, the National Bureau of Standards, the Office of Science and Technology Policy and the Office of Technology Assessment; scientific research and development and applications; science policy; scientific resources (including manpower); science education; science information; technology transfer; technology assessment; industrial R&D; standards (weights, measures, etc.); patent policies as they relate to Federal research and development programs; R&D involving governmental health, biomedical, nutritional and handicapped programs; legislation and other matters relating to intergovernmental mechanisms for R&D and international cooperation in science and technology; oversight of high energy and nuclear physics programs of the Department of Energy; and all other nonmilitary R&D not assigned to other subcommittees.

(d) *Subcommittee on Energy Development and Application*—Legislation and other matters relating to research, development and demonstration programs in fossil energy R&D, solar applications, solar technology, advanced energy technology, energy conservation, biomass; and policy and management programs of the Department of Energy.

(e) *Subcommittee on Transportation, Aviation, and Communications*—Legislation and other matters relating to civil aviation research and development (includes that part of the authorization of the National Aeronautics and Space Administration relating to aeronautics, and authorization of the Federal Aviation Administration's research and development program); legislation, including authorization, and other matters relating to transportation energy conservation programs of the Department of Energy; legislation and other matters relating to aviation-weather services; oversight of surface transportation research and development (includes Department of Transportation, Urban Mass Transportation Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, and Coast Guard and the Maritime Administration); oversight of communications research and development (including the Federal Communications Commission).

(f) *Subcommittee on Investigations and Oversight*—Review and study, on a continuing basis, of the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee and the organization and operation of the Federal and private agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress. In addition, the Subcommittee on Investigations and Oversight and the appropriate subcommittee with legislative authority may cooperatively review and study any conditions or circumstances which indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee, and may undertake future research and forecasting on matters within the jurisdiction of the committee. The Subcommittee on Investigations and Oversight shall in no way limit the responsibility of other subcommittees from carrying out their oversight responsibilities, nor shall any investigation be undertaken by the Subcommittee on Investigations and Oversight without (a) consultation with the chairman of the appropriate subcommittee with legislative authority and (b) approval of the chairman of the Committee.

(g) *Subcommittee on Natural Resources and Environment*—Legislation and other matters relating to natural resources, including, but not limited to, materials R&D and national materials policy, water research, and, to the extent appropriate, agriculture R&D; legislation and other matters relating to environmental research and development generally—including, but not limited to, research and development activities of the Environmental Protection Agency, environmental, health, safety, life sciences and biomedical activities of the Department of Energy, operational and research and development activities related to the atmosphere (including meteorology, aeronomy, climate, weather modification) and those ocean R&D activities related to the quality and management of the environment of the National Oceanic and Atmospheric Administration.

Referral of legislation

27. All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full committee, consideration is to be by the full committee.

Ex officio members

28. The chairman and ranking Minority Member shall serve as ex officio Members of of all subcommittees and shall have the right to vote and be counted as part of the quorum on all matters before the subcommittees.

Procedures

29. No subcommittee shall meet for markup or approval when any other subcommittee of the committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. All Members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

32. During any subcommittee proceeding for markup or approval, a roll call vote may be had at the request of one or more Members of that subcommittee.

REPORTS

Substance of legislative reports

33. The report of the committee on a measure which has been approved by the committee shall include (A) the oversight findings and recommendations required pursuant to the last sentence of clause 2(b)(1) of Rule X of the Rules of the House of Representatives separately set out and clearly identified; (B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

34. Each report of the committee on each bill or joint resolution of public character reported shall contain (A) a detailed analytical statement as to whether the enactment of such bill or joint resolution into lay may have an inflationary impact on the national economy, and (B) with respect to each roll call vote on a motion to report such bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or resolution.

Minority and additional views

35. If, at the time of approval of any measure or matter by the committee, any

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*Indicates rules applicable to subcommittees.

member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of Rule D1) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

36. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed. If the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of subcommittee reports

37. Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the chairman.

Timing and filing of committee reports

38. It shall be the duty of the chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

39. In any event, the report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

40. Any committee, subcommittee or staff report published by the committee or a subcommittee shall follow the same procedure for its approval, including the opportunity to submit views, as is followed in the case of a report accompanying a measure or matter which is intended to be filed.

MEDIA COVERAGE

41. The committee may permit, by majority vote, hearings or meetings which are open to the public to be covered in whole or in part by television, radio and still photography—or by any such methods of coverage—in accordance with clause 3 of Rule XI of the Rules of the House of Representatives.

42. The authority contained in Rule 41 shall extend to the standing subcommittees of the committee, subject to the same regulations and procedures.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Davis of Michigan) to revise and extend his remarks and include extraneous matter:)

Mr. Buchanan, for 1 hour, on February 26.

(The following Members (at the request of Mr. Frost) to revise and extend their remarks and include extraneous material:)

Mr. AuCoin, for 5 minutes, today.
Mr. Roberts, for 5 minutes, today.
Mr. Levitas, for 5 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Fascell, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Davis of Michigan) and to include extraneous matter:)

Mr. Gilman in five instances.
Mr. Brown of Ohio.
Mr. Carney.
Mr. Guyer.
Mr. Symms.
Mr. Derwinski.
Mr. Gingrich.

(The following Members (at the request of Mr. Frost) and to include extraneous matter:)

Mr. Vento.
Mr. Waxman.
Mr. Anderson of California in three instances.
Mr. Gonzalez in three instances.
Mr. Moorhead of Pennsylvania.
Mr. Bolling of Missouri.
Mr. Solarz.
Mr. Benjamin.
Mr. Fascell in three instances.
Mr. Fuqua in five instances.
Mr. Howard.
Mr. McDonald in four instances.

ADJOURNMENT

Mr. FROST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes a.m.), under its previous order, the House adjourned until Monday, February 26, 1979, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

687. Under clause 2 of rule XXIV, a letter from the Director of ACTION, transmitting a draft of proposed legislation to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such act to facilitate the improvement of programs carried out thereunder, to authorize urban volunteer programs and for other purposes; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 1147. To extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties; with amendment (Rept. No. 96–15). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 133. Resolution providing for the consideration of H.R. 1894. To provide for a temporary increase in the public debt limit, and for other purposes. (Rept. No. 96–16). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 2329. A bill to implement the International Sugar Agreement between the United States and foreign countries; to protect the welfare of consumers of sugar, and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; and for other purposes; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. AuCOIN:

H.R. 2330. A bill to amend the Merchant Marine Act, 1936, to provide for the establishment of capital construction funds for fisheries facilities; to the Committee on Merchant Marine and Fisheries.

H.R. 2331. A bill to provide incentive loans to the commercial fisheries industry for the development of underutilized fisheries, and to authorize the Secretary of Commerce to guarantee certain other loans made by banks to the commercial fisheries industry; to the Committee on Merchant Marine and Fisheries.

By Mr. COELHO:

H.R. 2332. A bill to amend the eligibility requirements for an emergency loan from the Farmers Home Administration; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 2333. A bill to amend the Internal Revenue Code of 1954 to provide that the use of the zero bracket amount will not reduce the benefits of income averaging; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 2334. A bill to amend the Indochina Migration and Refugee Assistance Act of 1975 to provide a 2-year extension of Federal assistance to Indochina refugees, and to provide Federal assistance beyond 2 years to any Indochinese refugee who is under 18 years of age; to the Committee on the Judiciary.

By Mr. FLIPPO (for himself, Mr. Fuqua, Mr. Wydler, Mr. Roe, Mr. Winn, Mr. McCormack, Mrs. Bouquard, Mr. Young of Missouri, Mr. Hollenbeck, Mr. Dornan, Mr. Lloyd, Mr. Walker, Mr. Forsythe, Mr. Scheuer, Mr. Gore, Mr. Watkins, Mr. Glickman, Mr. Mavroules, and Mr. Nelson):

H.R. 2335. A bill to provide for a research, development, and evaluation program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; to the Committee on Science and Technology.

By Mr. FRENZEL:

H.R. 2336. A bill to implement the International Sugar Agreement, 1977 between the United States and foreign countries, to protect the welfare of consumers of sugar and of those engaged in the domestic sugar industry, and for other purposes; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. FUQUA (for himself, Mr. Winn, Mr. Roe, Mr. Lujan, Mr. Scheuer, Mr. Hollenbeck, Mr. Lloyd, Mr. Dornan, Mrs. Bouquard, Mr. Flippo, Mr. Gore, Mr. Watkins, Mr. Young of Missouri, Mr. White, and Mr. Nelson):

H.R. 2337. A bill to establish a Space Industrialization Corporation to promote, encourage, and assist in the development of new products, processes, and industries using the properties of the space environment; jointly, to the Committees on Banking, Finance and Urban Affairs and Science and Technology.

By Mr. GILMAN:

H.R. 2338. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $800 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

By Mr. GINGRICH:

H.R. 2339. A bill to provide mandatory social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. GLICKMAN:

H.R. 2340. A bill to prohibit political parties from engaging in credit card solicitations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUYER:

H.R. 2341. A bill to amend the Internal Revenue Code of 1954 to provide that trusts established for the payment of product liability claims and related expenses shall be exempt from income tax, and that a deduction shall be allowed for contributions to such trusts, to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2342. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend to certain Federal public safety officers certain benefits now accorded State and local public safety officers; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 2343. A bill to establish a Solar Energy Development Bank to provide long-term low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2344. A bill to extend the Export Administration Act prohibition on the export of Alaskan oil; to the Committee on Foreign Affairs.

H.R. 2345. A bill to require the Federal Trade Commission to monitor the industries which produce supplies from and hold reserves of, energy sources and, under certain circumstances, to take action to prevent noncompetitive market situations from evolving or continuing, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2346. A bill to provide for a Veterans' Administration outpatient clinic in Fairfield County, Conn.; to the Committee on Veterans' Affairs.

H.R. 2347. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit for any individual who performs voluntary service for any organization engaged in the treatment, care, or rehabilitation of the physically handicapped or the mentally ill; to the Committee on Ways and Means.

H.R. 2348. A bill to amend the Congressional Budget Act of 1974 to require that the public debt be paid within a period of 20 years, and that the level of total budget outlays for any fiscal year not exceed the level of Federal revenues for such year, and for other purposes; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

H.R. 2349. A bill to protect the rights of individuals guaranteed by the Constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes; jointly, to the Committees on Education and Labor, the Judiciary, and Post Office and Civil Service.

By Mr. MATHIS:

H.R. 2350. A bill to amend the Clean Air Act to postpone for 1 year the application of certain restrictions to areas which have failed to attain national ambient air quality standards and to delay for 1 year the date required for adoption and submission of State implementation plans applicable to these areas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2351. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a credit for tuition paid for postsecondary education, and to provide that such credit is refundable; to the Committee on Ways and Means.

By Mr. MATHIS (for himself and Mr. Lott):

H.R. 2352. A bill to insure a comprehensive, periodic review of U.S. participation in the World Bank and the International Monetary Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RHODES:

H.R. 2353. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. SHUSTER:

H.R. 2354. A bill to amend the act of August 8, 1972, to authorize the Secretary of the Army to restore certain hazardous dams to a safe condition; to the Committee on Public Works and Transportation.

By Mr. STARK (for himself, Mr. Lee, Mr. Leach of Louisiana, Mr. Mineta, Mr. Downey, Mr. Jeffords, and Mr. McKinney):

H.R. 2355. A bill to amend title XVI of the Social Security Act to provide that an individual who applies for supplemental security income benefits on the basis of disability shall be considered presumptively disabled if he has received social security or supplemental security income benefits as a disabled individual within the preceding 5 years; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 2356. A bill to provide for the use of telecommunication devices by the Senate and the House of Representatives to enable deaf persons and persons with speech impairments to engage in toll-free telephone communications with Members of the Congress; to the Committee on House Administration.

H.R. 2357. A bill to amend the Federal Election Campaign Act of 1971, to provide free radio and television time to candidates for election to Federal office; to the Committee on House Administration.

H.R. 2358. A bill to clarify the circumstances under which territorial provisions in licenses to manufacture, distribute, and sell trademarked soft drink products are lawful under the antitrust laws; to the Committee on the Judiciary.

H.R. 2359. A bill to amend the Internal Revenue Code of 1954 to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

H.R. 2360. A bill to amend the Social Security Act to prohibit public utilities from shutting off the supply of heat, light, or power to private residences without adequate prior notification to, and investigation by the appropriate State welfare agencies; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 2361. A bill to amend the act entitled "An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes", approved August 13, 1954 (25 U.S.C. 564w-2) to provide for Federal reimbursement to such tribe of reasonable litigation expenses incurred by such tribe; to the Committee on Interior and Insular Affairs.

By Mr. DASCHLE:

H.J. Res. 218. Joint resolution proposing an amendment to the Constitution of the United States to limit the expenditure of Government funds for any fiscal year to the projected revenue of the Government for that year, and to limit the outstanding debt of the United States to 30 percent of the projected gross national product; to the Committee on the Judiciary.

By Mr. MATHIS:

H.J. Res. 219. Joint resolution designating February 1980 as "American History Month"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 220. Joint resolution to proclaim March 21, 1980, "National Energy Education Day"; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.J. Res. 221. Joint resolution authorizing the President to proclaim October 14 of each year as "National Jogging Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 222. Joint resolution authorizing the President to designate the 29th day in May of each year as "John Fitzgerald Kennedy Memorial Day"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN:

H. Con. Res. 55. Concurrent resolution urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism and to seek stronger international sanctions against such countries and persons; jointly, to the Committees on Foreign Affairs, Public Works and Transportation, and Ways and Means.

By Mr. STRATTON:

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress with respect to the Baltic States; to the Committee on Foreign Affairs.

By Mr. BOLLING (for himself and Mr. Quillen):

H. Res. 130. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

By Mr. ERTEL:

H. Res. 131. Resolution establishing a Select Committee on Regulatory Affairs and Oversight; to the Committee on Rules.

By Mr. MURPHY of New York:

H. Res. 132. Resolution providing funds for investigations and studies for the Committee on Merchant Marine and Fisheries; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII sponsors were added to public bills and resolutions as follows:

H.R. 398: Mr. Kindness.

H.R. 405: Mr. Lagomarsino.

H.R. 510: Mr. Carr.

H.R. 1050: Mr. Whitley, Mr. Jeffords, Mr. Barnard, Mr. Huckaby, Mr. Trible, and Mr. Jenrette.

H.R. 1509: Mr. Hughes, Mr. Edwards of Oklahoma, Mr. Bedell, and Mr. Stump.

H.J. Res. 110: Mr. Anderson of California, Mr. Beard of Tennessee, Mr. Boland, Mr. Bonior of Michigan, Mr. Brown of Ohio, Mr. Brown of California, Mr. Buchanan, Mrs. Byron, Mr. Coelho, Mr. Conte, Mr. Corcoran, Mr. Dornan, Mr. Evans of Delaware, Mr. Fazio, Mr. Flood, Mr. Florio, Mr. Forsythe, Mr. Frost, Mr. Green, Mrs. Holt, Ms. Holtzman, Mr. Howard, Mr. Hyde, Mr. Kemp, Mr. Kindness, Mr. Lagomarsino, Mr. Lederer, Mr. Long of Maryland, Mr. Luken, Mr. Mineta, Mr. Montgomery, Mr. Murphy of Pennsylvania, Mr. Murphy of New York, Mr. Pepper, Mr. Sabo, Mr. Scheuer, Mr. Waxman, Mr. Weaver, Mr. Whittaker, and Mr. Wirth.

H. Res. 93: Mr. Bennett, Mr. Perkins, Mr. Kindness, Mr. D'Amours, Mrs. Byron, Mr. Young of Florida, Mr. Nolan, Mr. Fuqua, Mr. Jeffords, Mr. Edwards of Oklahoma, Mr. Guyer, Mr. Gore, and Mr. Fowler.

H. Res. 105: Mr. Harkin, Mr. English, and Mr. Bereuter.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

35. By the SPEAKER: Memorial of the Legislature of the State of Florida, requesting that Congress call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced Federal budget and to make certain exceptions with respect thereto; to the Committee on the Judiciary.

36. Also, memorial of the Legislature of the State of North Carolina, requesting that Congress propose, or call a convention for the exclusive purpose of proposing, an amendment to the Constitution of the United States to require a balanced Federal budget in the absence of a national emergency; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

59. By the SPEAKER: Petition of the Second National Indian Conference on Aging, Billings, Mont., relative to funding for construction of Senior Citizens' Centers under title V of the Older Americans Act, the eligibility age for the feeding program under title VII of the act, and minority hiring for Senior Employment Opportunities under title IX of the act; to the Committee on Education and Labor.

60. Also, petition of the Second National Indian Conference on Aging, Billings, Mont., relative to the proposed Indian Social Services Act; to the Committee on Ways and Means.

61. Also, petition of the Second National Indian Conference on Aging, Billings, Mont., relative to the Indian Health Service's request for supplementary funding for the care of elderly Native Americans; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

SENATE—*Thursday, February 22, 1979*

(Legislative day of Monday, January 15, 1979)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by Hon. Bill Bradley, a Senator from the State of New Jersey.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Father of our spirits and comfort of the sorrowing, deal graciously with those who mourn the death of Adolph Dubs and Arthur Kuhl. We give thanks to Thee for their high service to the Nation, for ideals lived out in daily endeavor, and for friendship transcending all time and distance. Show us how to live better, to serve more effectively, and to love more deeply.

Pour out Thy spirit upon all who bear the burdens of government. Keep this Nation resolute and strong, firm in the right, correct in the use of power, and ever imbued with Thy spirit.

As we work this day, keep us ever mindful of the admonitions and the example of our first President.

In the Redeemer's name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 22, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bill Bradley, a Senator from the State of New Jersey, to perform the duties of the Chair.

Warren G. Magnuson,
President pro tempore.

Mr. BRADLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri (Mr. Eagleton) is recognized for not to exceed 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, for whom is the second order?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. Proxmire) is to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that each of the two leaders or their designees have 1 minute each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR SECRETARY OF THE SENATE TO SEND COPY OF PRAYER TO FAMILIES OF AMBASSADOR ADOLPH DUBS AND ARTHUR KUHL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Secretary of the Senate be requested to send a copy of this morning's prayer by the Chaplain to the families of the two deceased members of the Government who were mentioned.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, the vote in relation to the Stevens amendment is to occur at 10 o'clock. That was understood yesterday. I know that Senators have difficulty getting to the Capitol this morning.

I ask unanimous consent that there be a quorum call, the time to be charged equally against the three Senators who have orders. This is a little unfair to them, but I know of no other way to handle the situation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Pressler may begin without prejudice to the other speakers.

Mr. STEVENS. Mr. President, if the Senator will yield, could we determine how much time each speaker should have now?

The ACTING PRESIDENT pro tempore. Each speaker should have 9½ minutes.

Mr. STEVENS. Good.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from South Dakota is recognized.

IRAN

Mr. PRESSLER. Mr. President, among the casualties in the Iranian revolution is Iran's tradition of religious tolerance. I have been deeply disturbed by reports that a number of Iran's religious and ethnic communities may face discrimination, expulsion, and even destruction as a result of Iran's being transformed into an Islamic republic. Our own Nation, which since its inception has stood for religious freedom, has a responsibility to speak out now, to make clear to the Bazargan government that theocratic oppression of so-called infidels is a relic of another age, and cannot be excused in the name of religion or nationalism.

Chief among those communities apparently singled out for mistreatment are Iran's 200,000 to 300,000 Baha'is. Adherents of a peaceful Shi'ite Moslem offshoot more than 125 years old, the Baha'i community has won wide respect for its community endeavors and its role in Iran's economic development. According to sources close to the Khomeini leadership, the Baha'i community may now expect to be treated as schismatics under Moslem law. In this circumstance, the very survival of the community, and its presence in the country, would be dependent upon the whim of the new rulers.

Also endangered by the Islamic takeover are Iran's 110,000 Zoroastrians. They are practitioners of Irans' oldest religion, a sixth century B.C. monotheism which puts a premium on the good works of men. The Zoroastrians, like the Baha'is, have made cultural contributions far beyond their number. And like the Baha'is, the Zoroastrians are regarded as infidels by the new religious government.

Mr. President, I have also been less than reassured by the greetings extended by the Ayatollah Khomeini to Iran's 75,000 Jews. It is true that Islam regards Jews and Christians as people of the book, deserving of protection. But it is also unfortunately true that Islamic governments believe that Jews should be relegated to the position of dhimmis, second-class citizens with special taxes and a host of special restrictions. The anti-Jewish and anti-Israel aspect some of Iranian rioters, as well as the warm greeting extended to the PLO's Yassir Arafat by the Ayatollah, are very disquieting.

I think it is important to note that Israel stands ready at this very moment to take in Iranian Jews who wish to leave the country. I would point out that Israel's continuing policy of welcome to refugees from throughout the world is one more example of the ideals which Israel shares with the United States.

Mr. President, I am also concerned that as the new Iranian Government struggles to assert its authority, a number of Iran's ethnic communities may be oppressed in the name of national unity. The Kurds in the north, an ancient people who have sought independence for nearly 3,000 years, are a likely target. So are the Baluch tribesmen in the southeast, the Qashqais in the southwest, and the Turkomans in the far north.

It is undeniable that American policy toward Iran has been badly mishandled for the last year. The United States has suffered setbacks in its regional position and potential compromises of its military security. Indeed, the eventual costs of the policy and intelligence failures in Iran have yet to be revealed. I have noted with dismay reports that the United States chose not to remove advanced military equipment from Iran so as not to impair future relations with the Khomeini government. I would hope that in the field of human rights and religious freedom, the United States will not stand idly by. Silence in the face of what may be a massive repression of all non-Moslems in Iran would do nothing to enhance our influence in the country, or bolster America's position in the region.

I believe the administration should be aware that, as in times past, the Congress will take an active role in examining human rights abuses, and will not be coerced into silence in the name of diplomatic niceties and on the basis of classified secrets.

Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, how much time was yielded back?

The ACTING PRESIDENT pro tempore. The Senator yielded back 5½ minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that I may have control of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote which is scheduled for 10 o'clock in relation to the amendment by Mr. STEVENS be delayed until 12 o'clock noon today.

Mr. STEVENS. Mr. President, I am constrained to object. The cosponsor of the amendment, Senator HATFIELD, requested that time specifically so that he could vote and then keep a commitment of long standing. So I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there are several Senators on my side of the aisle who are unable to get here as yet. I ask unanimous consent that the vote in relation to the amendment by Mr. STEVENS be delayed until 2 p.m., with the understanding that in the meantime other amendments could be called up and either voice voted or the rollcall votes, if ordered, stacked.

Mr. BAKER. Mr. President, reserving the right to object, and I must object, I am afraid, I will say to the majority leader that as the assistant leader on our side indicated a moment ago, we have a specific and direct request from the ranking Republican member of the Rules Committee in that respect. A unanimous-consent order was entered on that basis. If the Senator will withhold his request, I will be happy to try to reach Senator HATFIELD and see if we can readjust his schedule or reach some accommodation. But at the present moment, we are not at liberty to change that order at all.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request.

Mr. STEVENS. Mr. President, has the time for special orders expired?

The ACTING PRESIDENT pro tempore. The time has expired.

SENATE RESOLUTION 61—PROPOSED AMENDMENT OF STANDING RULES OF THE SENATE

Mr. STEVENS. Mr. President, I discussed last evening with the majority leader my——

The ACTING PRESIDENT pro tempore. Will the Senator withhold for a moment?

Mr. STEVENS. Yes.

AMENDMENT NO. 60

(Formerly UP Amendment No. 15)

The ACTING PRESIDENT pro tempore. The pending business is Senate Resolution 61, as amended. Under the previous order, there will now be 15 minutes for debate on amendment No. 60 by the Senator from Alaska (Mr. STEVENS), to be equally divided and controlled by the Senator from Alaska (Mr. STEVENS) and the Senator from West Virginia (Mr. ROBERT C. BYRD), with the vote in relation thereto to occur not later than 10 a.m. The yeas and nays have been ordered.

Mr. STEVENS. Mr. President, as I discussed with the majority leader last evening, it would be my intention to ask unanimous consent at this time to change the amount of time that could be yielded to another Senator in total, so that the total would be not more than 5 additional hours, and that change would appear on page 2, line 18.

I have discussed this with the majority leader. I understand his situation, but I have been specifically requested to make that request, so I do ask unanimous consent that the word "nine" on page 2, line 18, be changed to "five".

Mr. ROBERT C. BYRD. Mr. President, I am constrained to object, for this reason: Although the distinguished minority whip is requesting that the time to be yielded to any other Senator be cut from 9 hours to 5 hours——

Mr. STEVENS. The total would be 6. You now have 2, and we have 10. We decided to see if we could compromise between the two figures. The total would be 5 hours from yielding, and each Senator has 1 hour under my amendment, so the total would be 6 hours.

Mr. ROBERT C. BYRD. Under the Senator's amendment, a Senator could yield to any other Senator?

Mr. STEVENS. The Senator is correct.

Mr. ROBERT C. BYRD. Under my proposal, Senators could yield only to the two leaders and the managers of the bill.

Mr. STEVENS. That is correct. Under my proposal, a Senator could yield to any Senator notwithstanding his position as manager of the bill or from the point of view of minority or majority leadership.

Mr. ROBERT C. BYRD. I would have to object on both points: First, that any Senator may yield to any other Senator, and second, the yielding of 5 hours. I cannot accept the amendment, because I would thereby be tacitly agreeing to 5 hours yielding. So I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. STEVENS. Mr. President, I might ask the Senator from Idaho, since we have half of the time, roughly 12 minutes, does the Senator seek any of that time?

Mr. McCLURE. Mr. President, will the Senator yield briefly?

Mr. STEVENS. Yes.

Mr. McCLURE. I do not really seek any of that time, except to address an appeal to the Senator from West Virginia in terms that we agreed to address the problem the Senator from West Virginia sought last Friday, to change the form of Senate Resolution 61, in whatever form he wanted to address the issue to the Senate, as he sees it, in whatever form he sees it. The Senator from Alaska has now sought to change his proposal so that it might be laid forward, not as your proposal but as his. It would seem to me that in a spirit of fairness, in trying to allow each side, on whatever argument may come up, to present their case to the body so that the Senate may work its will on these issues, I would hope the Senator from West Virginia might see fit to allow the Senator from Alaska to make that change so that he may present it in the form he wishes to present it.

Mr. ROBERT C. BYRD. The Senator from Idaho, in a spirit of fairness, calls on the Senator from West Virginia to allow the Senator from Alaska to modify his amendment by this change. May I remind the Senator from Idaho that in the spirit of fairness, the Senator from West Virginia yesterday asked unanimous consent that the Senator from Alaska might be allowed to offer his amendment to my resolution, which had already been amended—several times, in fact. I even asked unanimous consent myself, and not only that, but that the amendments of the Senator from Alaska be allowed to come in en bloc.

So I feel that I have been fair, to the extent that I have nothing to apologize for. Therefore, I am constrained to object, and do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCLURE. Will the Senator from Alaska indulge me for a moment further?

Mr. STEVENS. Yes.

Mr. McCLURE. I do not mean to belabor this point, but on last Thursday and Friday, there were a number of things that could have been done by the opponents of the Senator from West Virginia's position had they chosen to do so, respecting these very issues. You have now suggested, I would say to the Senator from West Virginia, that you in fairness waived some things never even raised by this side, or never even asserted by this side. We did not just give you unanimous consent that they be injected; we never asked that they be injected, and never urged that they should be injected.

I perceive that the Senator from West Virginia is not going to change his mind because I think he perceives some advantage to his position in not doing so.

I am not asking him to apologize for not doing so, but certainly I think that the fairness or perceived fairness is not being equally treated on both sides of this issue.

I say that with some sadness because up until this point it has been a very amicable agreement to disagree, and I hope it might stay on that plane throughout the balance of the debate.

Mr. ROBERT C. BYRD. Mr. President, methinks the Senator from Idaho protesteth too much. He invokes the element of fairness now on this. If the Senator from Alaska does not complain, it was the Senator from Alaska's request to which I objected, he complaineth not, and the reason why the Senator from Idaho, I suppose, did not object on last Thursday and Friday was that the amendments I offered were liberalizing my own resolution. I would have been surprised had the opposition objected to any of those amendments.

Mr. STEVENS. Mr. President, one of the reasons I did not pursue the matter further, as the Senator from Idaho will recall, was that I was compelled to keep a long-standing speaking engagement and was not here Thursday and Friday, so I was not part of that situation.

I had discussed the matter with the majority leader and understood he was going to object. As far as I am concerned, his objection means that my amendment should have additional support because there would be four more Senators who could yield me time under it.

Mr. McCLURE. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. McCLURE. The Senator from West Virginia assumes that the reason we did not object was because it moved the position of the Senator from West Virginia more in our direction.

I would say then, that is persuasive reason that he should not object to the request of the Senator from Alaska because it, indeed, moves us more in his direction.

Mr. ROBERT C. BYRD. Well, now, may I say to the distinguished Senator from Idaho, who prides himself on the Rules and being able to write appropriate changes into them, why does he not offer an amendment right at this point seeking exactly what the Senator from Alaska seeks to do?

He does not have to modify the unanimous consent. The Senator from Idaho can offer an amendment to the amendment. It is open to amendment.

I suggest that the Senator from Idaho, in fairness to the Senator from West Virginia, now offer an amendment to the amendment by Mr. STEVENS reducing the number from 9 to 6. He can do that.

Why does he not do it?

Mr. McCLURE. Will the Senator yield to answer the question?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. As the Senator knows from the colloquy that took place yesterday, we have a problem with respect to the ranking minority member of the Rules Committee, the Senator from Oregon (Mr. HATFIELD), who can be here at 10 o'clock for the rollcall, but he cannot be here later.

If, as a matter of fact, I would offer an amendment, as the Senator must know, the Senator from Oregon would be deprived of the opportunity to vote on the amendment offered by the Senator from Alaska, and, under those circumstances, I cannot offer it.

Mr. ROBERT C. BYRD. Oh, in the spirit of fairness, I will give the Senator from Oregon a live pair. Let the Senator from Idaho offer his amendment to that of the Senator from Alaska, cutting the hours from 9 to 5, I will give a pair to the Senator from Oregon on that amendment.

Mr. McCLURE. Will the Senator from Alaska yield briefly on that point?

Mr. STEVENS. Yes.

Mr. McCLURE. It is not the amendment of the Senator from Idaho that is important to the Senator from Oregon. It is the amendment offered by the Senator from Alaska.

Mr. ROBERT C. BYRD. I understand. But I am saying this, if the Senator from Idaho wishes to see the amendment by Mr. STEVENS modified, let the Senator from Idaho offer an amendment to do it.

I have objected to a modification, but I cannot object to amendments being offered.

I will give the Senator from Oregon a pair on that vote.

Mr. STEVENS. Mr. President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 1 minute remaining. The Senator from West Virginia has 4 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I will yield to the Senator from Alaska half of my time in the spirit of fairness. So the Senator from Alaska now has 3 minutes and I have 2 minutes.

Mr. STEVENS. I am happy to have that time because it was a West Virginia clock, I think, that was running. I did not think I was talking that much.

Mr. President, let me take half the time left to again address this amendment to make certain the Members of the Senate understand the difference in philosophy that is involved in this amendment as far as the approach of the Senator from West Virginia and the approach of the ad hoc committee on this side, which I chaired, and that is the reason I introduced this amendment.

Our amendment seeks to preserve the individual rights of Senators to 1 hour after cloture. It seeks to permit the yielding of that time by an individual Senator to another Senator without regard to a position of being manager of the bill, or a position of permanent leadership.

Senate Resolution 61 will provide a cap of 100 hours for the Senate itself, but no guarantee to an individual Senator of any of that time, except it perpetuates the existing rule, by saying that each Senator is entitled to use up to 1 hour. But under the circumstances of the rule, that time would not be available.

Furthermore, it authorizes the yielding of up to 2 hours to the minority or majority leader, or to the manager of the bill, or either side, but does not permit the yielding of time to those people who normally would be involved in the postcloture presentation of amendments; namely, those who would be involved in the filibuster that led to the cloture.

We seek to make certain that as we change our rules we do not get in the position where 60 Members having voted to terminate the debate could also vote to reduce the time.

Senate Resolution 61 will permit the same 60 Senators who voted to terminate the debate, to reduce the time to a total of 30 hours. We believe that that is wrong.

We concur in the spirit of the cloture rule that permits the 60 Members to indicate that debate should come to a close, but in postcloture we believe in the rights of each individual Senator, particularly the minority point of view, and this is not necessarily a partisan minority point of view. I remind the Senate that last year on the gas bill the minority was a partisan minority. But we are talking about the minority point of view, that on any issue they ought to have the assurance that they individually will be able to present their position on the legislation and present amendments as the postcloture period comes to an end.

That this amendment to Senate Resolution 61 would change the approach of Senate Resolution 61 so that there would be a cap of 100 hours made up of each individual Member's 1 hour.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from West Virginia has 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Alaska want more time?

Mr. STEVENS. No.

Mr. ROBERT C. BYRD. Mr. President, let us not lose sight of the purpose of cloture. The purpose of cloture is to bring the debate on the matter or measure before the Senate to a close, and even after cloture has been invoked there is still debate.

Now, we have seen the post-cloture filibuster and if Senators really—if they really—are serious about changing the rules in a way that will deal with this post-cloture filibuster efficiently and effectively, then they should support Senate Resolution 61 and vote to table—which I will move to table—the amendment by the distinguished Senator from Alaska.

My resolution has been amended now to provide that no Senator can call up more than two amendments until all other Senators have had an opportunity for recognition. This will guarantee that each Senator will call up his two most important amendments first. It will guarantee that recognition is spread around, that all Senators have a chance to offer amendments.

I have provided that each Senator, if he cannot get recognition in 100 hours, which is 12½ 8-hour days—if a Senator stands on his feet and cannot get recognition—then, at the end of the 100 hours, he can get up to 10 minutes inclusive, so that he can speak to the people back home and try to persuade the Senate; and a bullet will not appear on his speech in the Record.

I have also provided for the yielding of time to the managers of the bill and the majority leader and the minority leader. So far as I am concerned, I am willing to forget the two leaders and just see that the managers of the bill have a little additional time.

Mr. President, I ask unanimous consent that each side have 2 minutes.

The PRESIDING OFFICER (Mr. DeConcini). Is there objection?

Mr. STEVENS. Reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request, and I move to table the amendment.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. My understanding is that this was to be an up-and-down vote.

Mr. ROBERT C. BYRD. Oh, no.

Mr. STEVENS. Let me quote from what the Senator from West Virginia said.

The PRESIDING OFFICER. It is a vote in relation to the amendment.

Mr. STEVENS. He said:

> Does the Senator want to get the yeas and nays now, in case we vote up or down?

And I did not object on that basis.

The PRESIDING OFFICER. The unanimous-consent agreement is phrased so that there will be a vote in relation to the amendment.

Mr. STEVENS. Very well.

Mr. ROBERT C. BYRD. I merely sought the yeas and nays in the event it might be difficult to get them this morning.

Mr. President, I am willing to carry on the debate a little while in order to help Senators——

The PRESIDING OFFICER. A motion to table is not debatable.

Mr. ROBERT C. BYRD. I am willing to ask unanimous consent that it be debatable.

I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I am willing to proceed with the debate for a little while, in order to help Senators who are trying to get here and who are having difficulty in traffic, in which case I would ask unanimous consent that the debate be prolonged for another 10 minutes.

Mr. President, I moved to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Louisiana (Mr. Johnston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Hawaii (Mr. Matsunaga), and the Senator from South Dakota (Mr. McGovern) are necessarily absent.

I also announce that the Senator from Georgia (Mr. Talmadge) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. Laxalt), the Senator from Oregon (Mr. Packwood), and the Senator from Vermont (Mr. Stafford) are necessarily absent.

The result was announced—yeas 51, nays 38, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

Baucus
Bayh
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Culver
DeConcini
Durkin
Eagleton
Exon
Ford
Glenn
Hart
Heflin
Huddleston
Inouye
Jackson
Leahy
Levin
Long
Magnuson
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Stone
Tsongas
Williams
Zorinsky

NAYS—38

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Heinz
Helms
Humphrey
Javits
Jepsen
Kassebaum
Lugar
Mathias
McClure
Percy
Pressler
Roth
Schmitt
Schweiker
Simpson
Stevens
Thurmond
Tower
Wallop
Warner
Weicker
Young

NOT VOTING—11

Cranston
Gravel
Hollings
Johnston
Kennedy
Laxalt
Matsunaga
McGovern
Packwood
Stafford
Talmadge

So the motion to lay on the table amendment No. 60 was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 61

(Formerly UP Amendment No. 18)

The PRESIDING OFFICER. Under the previous order there will now be a period of 10 minutes for debate on an amendment by the Senator from North Carolina (Mr. HELMS), to be equally divided and controlled by the Senator from North Carolina and the Senator from West Virginia, with a rollcall vote to follow immediately.

The Senator from North Carolina is recognized.

The Senate is not in order. Senators will please be seated and cease conversations. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from North Carolina, Mr. HELMS, proposes amendment No. 61.

On page 1, after line 3, insert the following:

"Between the invoking of cloture and the vote on final passage of the measure, motion, or other matter subject to cloture, consideration of such measure, motion, or matter shall be limited to not more than 8 hours per calendar day."

Mr. HELMS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, when time is reserved it counts equally against both sides, does it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I oppose this amendment. The object of cloture is to bring a matter to a close, to bring the Senate to a decision on a matter or measure on which cloture has been invoked.

The amendment of the distinguished Senator from North Carolina would preclude the Senate from acting on any single day following cloture more than 8 hours on the matter on which cloture has been invoked. Obviously, if the Senate was in a situation in which it was about to adjourn sine die, it was Christmas or thereafter, and I have seen the Senate in session on January 2, then the matter on which the Senate might have worked for months or even years would automatically die.

So I feel that if we are going to continue to seek cloture as a manifestation of the Senate's will to bring to a close the debate and action on a measure or matter on which cloture was invoked, then we ought not straitjacket the Senate and say that it can only debate a matter for 8 hours on a given day and then it must go to something else. Obviously, it would be counterproductive of the action of the Senate in invoking cloture, and I therefore have to oppose it.

Mr. BAKER. Will the Senator from North Carolina yield?

Mr. HELMS. I yield 2 minutes.

Mr. BAKER. Mr. President, I rise in support of this amendment I think it is an eminently practical amendment. I think it moves us in the direction of a regular, predictable, and appropriate ordering of the times and affairs of the Senate.

I disagree with my friend the majority leader. I do not think that a limitation of 8 hours of consideration of a matter after cloture is invoked in any way straitjackets the Senate. I think, instead, that it does something that we ought to do anyway, that makes us provide in advance for the useful commitment of our time and resources. Unless we start running the Senate with some deference and respect to the limitations of physical vigor and mental agility, unless we organize our resources so that we address the issues and that we do not commence a marathon against the clock, we do a disservice to the issues involved. I support the amendment and commend the Senator from North Carolina for offering it.

Mr. HELMS. I thank the distinguished minority leader.

Mr. President, as a Senator who is 57 years old, I do not have the problem a number of younger Senators have, and I do not have the problem that a number of Senators who are my senior may have. It does not matter to me personally how long we stay in session on a given day, but Senators who have been here know that they are seldom ever able to plan to be with their families. They are not able to make any arrangements with any feeling of security.

I personally feel that 8 hours a day on any matter on which cloture has been voted is sufficient, as the minority leader has just said, in terms of the mental and physical ability to consider the matter.

I will say to Senators that it does not matter to the Senator from North Carolina if they want to be in the position of never knowing what they are going to be able to do on a given date when cloture has been voted. Fine, vote with the majority leader and table this amendment. But if the Senators want to have some reasonableness in their lives, they better think twice before they vote to table this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield back the remainder of my time if the majority leader will yield back his.

Mr. ROBERT C. BYRD. I yield back the remainder of my time, and I move to table the amendment.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The PRESIDING OFFICER. Does any other Senator wish to vote?

(Mr. PERCY voted in the negative, as indicated below.)

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—52

Baucus
Bayh
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Culver
DeConcini
Durkin
Eagleton
Exon
Ford
Glenn
Hart
Heflin
Huddleston
Inouye
Jackson
Javits
Johnston
Leahy
Levin
Long
Magnuson
Mathias
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Tsongas
Williams
Zorinsky

NAYS—39

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Lugar
McClure
Morgan
Percy
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stone
Thurmond
Tower
Wallop
Warner
Weicker
Young

NOT VOTING—9

Cranston
Gravel
Hollings
Kennedy
Laxalt
Matsunaga
McGovern
Packwood
Talmadge

So the motion to lay on the table amendment No. 61 was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 19

(Purpose: To prohibit the reduction of the post cloture cap below 100 hours)

Mr. STEVENS. Mr. President, I have an amendment at the desk for myself and the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself and Mr. HARRY F. BYRD, JR., proposes an unprinted amendment numbered 19:

On page 2 line 9 strike the comma and all language thereafter up to the comma after the word "hours" on line 14.

On line 19 strike the words "reduce time and only one motion to".

Mr. STEVENS. Mr. President, the purpose of this amendment would be to delete the power of 60 Members of the Senate to reduce the time down to 30 hours. We have not yet worked out a change that would entitle each Senator to 1 hour, but at least this would preserve the 1 hour in theory for each Senator so that the 100-hour cap, read together with the existing rule, which says:

> Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks.

Would remain the same.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. STEVENS. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to suggest to the Senate that this is the most important of them all, and I hope very much it carries notwithstanding our party consciousness.

I do not believe it is in the interests of the majority to suppress the minority, and I believe the debate of yesterday made it very clear that so much time could be chewed up in quorum calls and rollcalls, to which Members are entitled, and which they should consider as being one of their dearest rights, and not surrender, that I believe it would result in many Senators being deprived of their hour because it would be charged against no one but the 100-hour cap and it would reduce that cap very materially.

So I hope very much, based on the very conclusive—what I consider conclusive—debate of yesterday, that this amendment may carry with bipartisan support.

I thank my colleague for yielding.

Mr. STEVENS. Mr. President, I thank the Senator from New York. I want to point out, as I have in drafting this, that it still would be in the provision of Senate Resolution 61 that the 100 hours could be increased by a vote of 60 Members, the same number that would be required to terminate debate. They could determine that additional time should be allocated on a particular measure, and it would be theoretically possible, although I myself do not think that would happen too often, but it would be theoretically possible, that the time could be increased.

I would like to yield to the cosponsor of this amendment, and I ask unanimous consent that the Senator from North Carolina (Mr. MORGAN) be added as a cosponsor to this amendment, along with the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, it seems to me that this is a proposal that could be beneficial to those who oppose any rules change and, at the same time, not really do violence to the intent of the proposed postcloture rule change.

I think the 100-hour limitation cap should be preserved. The Senate should hesitate before adopting a rule change that would bring down drastically the opportunity for each Member to debate post-cloture. So I think the proposal introduced by the distinguished Senator from Alaska (Mr. STEVENS), by the Senator from North Carolina (Mr. MORGAN), and myself is a reasonable one, and one which I hope, as noted by the Senator from New York (Mr. JAVITS), would have bipartisan support.

On the two previous votes, the Senator from Virginia was not able to vote for the amendment offered by the Senator from Alaska because it occurred to the Senator from Virginia that that proposal was not any real improvement over the resolution now before us.

But I think this Stevens-Byrd-Morgan amendment does greatly improve Senate Resolution 61, and I hope it will be considered in a bipartisan way and receive bipartisan support. It would eliminate from Senate Resolution 61 the opportunity to reduce the 100 hour cap.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. BAUCUS). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, I would like to ask the sponsor of this amendment, the distinguished minority whip, a question. If a Senator uses 55 minutes of his time in debate and then asks for a rollcall which would take 15 minutes, he has used an hour and 10 minutes; is that correct?

Mr. STEVENS. That is correct.

Mr. BUMPERS. What if he also asks for a quorum call at the end of 50 minutes of debate? Is the quorum call automatically called off as soon as 10 minutes elapse?

Mr. STEVENS. No; that was in my other approach in the substitute. This is an amendment to Senate Resolution 61 and it has no reference to chargeability of time.

All I can say is that by leaving in the ability of the Senate to increase the time over the 100 hours, the conscience of the Senate would have to be heard in terms of the circumstances the Senator describes. We are taking out the ability of the Senate to decrease the time, but leaving in the ability of the Senate to increase the time.

I think if we had a situation where Senators still sought to present amendments and the time had run there would be a very persuasive case for the Senate to increase that 100-hour cap. There is no limit on the amount that can be increased. We sought in my other amendment—and it has still not been voted on, the substitute really—to assure each Senator 1 hour and to charge against that Senator the time taken for procedural activities that he requested. If he requested a vote it would be charged to his hour; if he requested a quorum call it would be charged to his hour; if he debated it would be charged to his hour, and he could debate it up to the 1 hour.

We have not pursued that, but what we are trying to do now is by an individual amendment to Senate Resolution 61 raise the issues in the substitute.

Mr. BUMPERS. Does the Senator's present amendment eliminate the section of the resolution that allows the Senate to increase 100-hour cap?

Mr. STEVENS. Our amendment would remove from Senate Resolution 61 the power of the Senate to decrease the time. It would preserve the language of Senate Resolution 61 that will allow the Senate to increase the time above 100 hours. So if the situation occurred, the situation the Senator describes, it would be possible for the Senate to respond to such a claim for equity and to extend the time sufficiently so that the Senators who had not been heard could have time.

But I admit, as I said in my opening statement, it is theoretical and would remain to be seen whether the 60 Members who decide that debate should be brought to a close would, or at least part of them would, join with those who sought additional time to extend that 100-hour cap.

As the Senator from New York indicated, this is to us one of the significant amendments, that the power to decrease the time contained in Senate Resolution 61, which was presented in its amended form, be eliminated because that power to decrease the time, coupled with the time that would be running on quorum calls and voting would not be chargeable against anyone but would be chargeable to the cap, could eliminate the ability of a Senator to seek the time that the rules imply he is entitled to.

They do not say today that each Senator is entitled to 1 hour. The rules say no Senator may use more than 1 hour. We are not changing that provision of the rule. Senate Resolution 61 does not seek to change that provision of the rule, as I understand it, and the majority leader's proposition is that that remains the same, but the 100-hour cap goes in. His approach would have permitted both the increase and the decrease of the cap by a vote of the 60 who brought about the cloture procedure in the first place.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. Let me see if the Senator from Arkansas has completed his questioning.

Mr. McCLURE. Mr. President, will the Senator yield for a response?

Mr. BUMPERS. I would like to ask the majority leader a question. What is the maximum time any one Senator can use under Senate Resolution 61, given the worst case scenario? Let us assume he speaks for 59 minutes and then asks for a quorum call. Now, that quorum call conceivably could go live. It is not going to be charged to that Senator but it is charged to the 100-hour cap; is that correct?

Mr. ROBERT C. BYRD. That is correct.

Mr. BUMPERS. If it takes 2 hours to get a live quorum and no other Senator will have been recognized during that time, only one Senator will have had the floor during that entire time.

Is that correct?

Mr. ROBERT C. BYRD. Under the Senator's scenario, that is correct.

Mr. BUMPERS. If the Senator asks for a quorum call, and, then asks for his, that would take 2 hours and 15 minutes.

Mr. STEVENS. The worst case scenario is 100 hours. I could use the 100 hours——

Mr. BUMPERS. How can one do that? I cannot conceive that happening.

Mr. STEVENS. Just call up an amendment, do not speak, have a rollcall, suggest the absence of a quorum before the rollcall.

I think the Senator from West Virginia

would agree, if the Senator really wants to be heard, that is, we could use 100 hours in an hour.

Mr. ROBERT C. BYRD. No.

Mr. SARBANES. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. SARBANES. We could not work out that scenario, which is, essentially, what we encounter now under the post-cloture procedure, because of the provision that says that no Senator, once he has called up two amendments, will be recognized to call up another amendment until other Senators who wish to call up amendments have been recognized to do so.

If we did not have that provision in here, then we would really be right back with at least the potential of running time completely.

We have got these quorums and rollcalls. We have to calculate that time to the extent we can use it off the two amendment provision, assuming we get recognized immediately to offer the second amendment, which may also not happen.

I mean, the Chair would then, I assume, recognize someone else. But there is that preferential recognition which occurs with respect to those who have not offered amendments, which provides assurance to someone who offers an amendment that he will have an opportunity to get in there.

It is conceivable that if all 100 Members of the Senate want to offer amendments, every single Member of the Senate, and the first people in, the first 40 or the first 50 or the first 60, use a quorum and a rollcall, that we will count down to where the time on the 100-hour cap is running out on the end. But I must say that I think, as a practical matter, that is not only not likely, but is not going to occur.

Mr. STEVENS. It is theoretically possible, if no one sought the floor, for one Senator to use the whole cap.

Mr. SARBANES. But that is an advantage. If the Senator will yield further, that is an advantage of Senate Resolution 61 over the other approach of just giving a Senator an hour period and letting him use it, because under Senate Resolution 61, if we get into a situation where we have five or six Senators who really are concerned about trying to amend the bill—it could well be the Senator from Alaska on the lands bill which is of particular interest to his State—under Senate Resolution 61, if he is the one who desires to offer amendments and no one else is really very interested in doing that, he will have an opportunity, really, to use a lot of the 100 hours because no one else in the Senate wishes to assert his right to offer amendments.

So, in a sense, he gets the chance to use a big chunk of that time if no one else around here wants to use it.

In that respect, in that scenario, it provides a great deal of protection or opportunity for a minority Senator or a small group of minority Senators.

Mr. BUMPERS. Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote occur on the amendment by Mr. STEVENS, Mr. HARRY F. BYRD, JR., and Mr. MORGAN, at 11:30 a.m. today, which precludes a motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, the only reason I objected is that I have been seeking recognition to address the question asked by the Senator from Arkansas. He, apparently, has left the room in spite of the fact that he asked the question. Apparently, he was either satisfied with the answer or did not want the answer.

The Senator from Maryland was correct, of course, in saying that if no one else seeks recognition a Senator can offer as many amendments as he can offer within his 1 hour and can consume as much time as the Senate will allow him to consume until somebody else seeks recognition.

But as we went into that debate yesterday, on precisely the same issue, it is also quite possible that somebody who does not want the measure amended exerts his preferential right to interject some other amendment after the person has offered one, or, certainly, after he has offered two, and that if there are several such Senators that want to preclude the amendment, they can use up the time, and that Senator who is very interested in that bill might very well never have the opportunity to offer more than two amendments no matter how much time he had consumed off 1 hour.

I am not saying that is going to happen, but that is entirely possible under Senate Resolution 61 as it is drafted.

I just do not think there should be any illusions about the rigidity of the cap.

Again, I will reaffirm what I tried to say yesterday, that our real problem is, how do you accommodate the guarantee of rights for each individual Member of the Senate and, at the same time, preserve the inviolability of the 100-hour cap?

Senate Resolution 61 seeks to do it by saying that everybody is entitled to 10 minutes. That takes me back to the days when I served in the other body where, as a matter of fact, we often times got down to the closing debate and were entitled to be recognized for 15 seconds.

That is a great honor and a great privilege, but it really does not do much for one to shape the legislation or even make any arguments on the legislation.

Ten minutes guarantee is a guarantee. But what does it guarantee? It guarantees 10 minutes. It guarantees no more than that. If we used more than our time at any time in the debate, then we would be out at the end.

So there is no way I can see. There will be no possibility, it may, as a practical matter, not exist, and that a Senator with a series of amendments will be limited.

It is quite possible that will not occur, but it is equally possible it will occur. If there is a determined opposition to the bill, a group of Senators who are determined to prevent the amendment of that bill can by their own devices, each offering two amendments, each debating for 50 minutes, each asking for a quorum call, each asking for a rollcall on his amendment, then preclude the opportunity of any one else to get in and offer the amendments, certainly, the one or two Members that have the overriding interest, as the Senator from Alaska has been trying to point out.

Mr. SARBANES. Will the Senator yield?

Mr. McCLURE. I am happy to yield to my friend.

Mr. SARBANES. Because we can obviously sketch out different scenarios.

Under the other approach which was earlier tabled and, thereby, not followed by the Senate, of the hour and the time running, at most, that meant a Member could get, say, three amendments with rollcalls, conceivably four.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. SARBANES. I yield.

Mr. McCLURE. He could be assigned the time by the aggregate of 10 hours, as was in the amendment offered by the Senator from Alaska. He certainly would have the opportunity to offer more than three or four amendments.

Mr. SARBANES. That is a different issue. I think the whole question of being able to yield time to others, as a general practice in the Senate, raises very fundamental questions.

Mr. McCLURE. It certainly does raise very fundamental questions; but I do not think that just because the Senator from Maryland wants to exclude it, it can be said that the proposal does not include it. The proposal does include it; and until it was stricken from the proposal, that was the option presented to the Senate. Whether it is wise or good or bad is a matter of judgment.

Mr. SARBANES. The matter that is before us now, of the 100-hour cap, it seems to me, offers for the keenly interested Senator, in the scenario being sketched by the Senator from Idaho, a situation in which it is highly unlikely that he would have a very extended opportunity to offer his amendments to shape the legislation.

I can understand the concern to which the amendment now before us is directed, because that amendment goes to the provision in Senate Resolution 61 that would allow three-fifths of the Senate, once cloture had been invoked, to go on and reduce the cap downward to the 30 hours; so that then you are making all your calculations against a 30-hour cap, as against a 100-hour cap.

I ask the Senator from Alaska this question: As I understand his amendment, it would knock out the power to reduce the 100-hour cap at all. Is that correct?

Mr. STEVENS. I do not have the time.

Mr. McCLURE. Mr. President, I yield to the Senator from Alaska, in order that he may respond, without losing my right to the floor.

Mr. SARBANES. As I understand the amendment, what it would do to help address this problem of the time under a cap being chewed up by a few people is that it would eliminate the provision that the 100-hour cap would be reduced downward. So once you went into the postcloture period, the 100 hours would be in effect. It would be there to be used, unless no one wanted to use anymore time or unless you got some sort of unanimous-consent agreement. Is that correct?

Mr. STEVENS. That is correct.

However, I say further that the reason I did not delete—and we originally discussed deleting the power to increase time, too—was that the question that the Senator from Arkansas raised was also raised in my mind; and I think the Senate should have the power to extend the time if a situation develops in which some Senators have not been able to present all their amendments and the Senate determines that they are not dilatory, that they are not part of a delay, but that they are issues the Senate should address before the bill comes to a final vote.

I am still of the opinion that some mechanism for having an amendment to an amendment should be available, and we still have our staffs working on the issue. I withdrew that amendment yesterday. I hope we can work out a consensus whereby somehow the amendments themselves must be at the desk long enough so that any Member really interested can look at them and offer an amendment to an amendment prior to the vote on cloture, so that we would have a chance to have an amendment to an amendment. But, still, those would be there, at the desk, prior to the cloture vote.

Mr. SARBANES. I indicated to the Senator from Alaska yesterday an understanding of the concern he expressed with respect to the authority to reduce the 100 hours down to 30 and the problem that might arise in terms of two people then being able, in effect, to consume the 30 hours, to the exclusion of other Members of the Senate. I think he has pointed to a problem, and therefore I appreciate the amendment he has now offered.

Mr. McCLURE. Mr. President, I am glad the Senator from Maryland has indicated his approval of the pending amendment, because I think it does reduce the threat of the shutout of Members that is implicit under Senate Resolution 61.

I should not allow my remarks to be construed outside the context of understanding that the question of germaneness, the question of dilatory tactics, is not affected by this rule and still can be raised at any point within the 100-hour cap, to affect either the people who want to amend or those people who are trying to obstruct the amendment. I do not say that because I think it should be raised casually. I say it because it still is a mechanism that is there, that is unaffected by the rule and still is in effect.

So it became obvious that if the amendments offered by some who wished to obstruct the attempt to offer legitimate, bona fide amendments were obviously dilatory, the Chair would have the capacity to deal with it, if, as a matter of fact, it obviously were the case.

While I am in favor of this amendment, I think the Senator from Arkansas, had he remained here for the debate after he raised the question, should have recognized that indeed it is possible under Senate Resolution 61—perhaps not practically going to happen, but it is possible—that a Member be frozen out of the opportunity to offer the amendment simply because someone else has used up the time under the rules of the Senate, as embodied in Senate Resolution 61.

I yield the floor.

Mr. STEVENS. Mr. President, the Senator from Idaho objected to the prior request of the majority leader. I now have an indication that a vote at noon would be agreeable on our side. Is that agreeable?

Mr. McCLURE. On this amendment? I am ready to vote now.

Mr. STEVENS. There is another Senator, who has gone to an interview and will return at noon. So if the Senator would agree to have a vote at noon——

Mr. ROBERT C. BYRD. We could have a voice vote now.

Mr. STEVENS. We have been asked for a rollcall vote on this.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. McCLURE. I said it quietly, and I would like it to be said on the record: I would like to vote now. I did not object earlier for any other reason than to protect my right to speak.

Mr. ROBERT C. BYRD. If we can get unanimous consent to withdraw the order for the yeas and nays, we can vote now.

Mr. STEVENS. I have had a request for a rollcall vote.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment by Mr. STEVENS occur at 12 noon today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this precludes a motion to table.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, a vote will occur on the amendment, up or down, and I intend to vote for this amendment. I believe it is a reasonable amendment, and the remainder of the resolution remains as it is at this point. Possibly, it can be improved further.

I have no objection to this amendment, because I think that, from a practical standpoint, the problems are going to take care of themselves. Senators who do not want to use their time will not use it, and the time thereby will be reduced automatically. I think that once it is established that there is a cap, and at the end of that time judgment day has arrived, two or three Senators will not exercise themselves in attempting to prolong unduly the debate on the matter, after the Senate has indicated by a cloture vote that it wants to reach a final decision after due time.

I believe this is a reasonable amendment, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the amendment may be set aside so that other amendments may be called up.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 20

(Purpose: To allow transfer of time between Senators in the postcloture period)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 20:

On page 3 delete all the language in lines 6 through 11 and insert in lieu thereof the following:

"Notwithstanding other provisions of this rule a Senator may yield all or part of his one hour to any Senator, but no Senator shall have more than two hours so yielded to him."

The PRESIDING OFFICER. The amendment is out of order. The amendment seeks to amend language which already has been amended.

Mr. STEVENS. Mr. President, I ask the Chair to withhold that. I ask unanimous consent that it be in order to present this amendment. It was the amendment that the majority leader mentioned prior to the vote on the last amendment I presented, and it should be presented separately.

Actually, this goes further than that one. This one indicates that it would be 2 hours. My last amendment would have made it 6 hours.

I wish to ask the majority leader to permit us to have this amendment be in order. It is to language that was admittedly amended, although I might say to the Chair that is a strange ruling because the language that was amended begins at the end of line 11. This language was never amended before, to my knowledge.

The PRESIDING OFFICER. The language that the Senator seeks to amend was added by previous amendment.

Mr. STEVENS. It was my understanding that the language beneath the language which the Senator seeks to amend was deleted by a specific amendment, but I do not recall that that language was amended in the version as it was submitted on the legislative day of February 8, which I understand it was to be the original text. The understanding of February 8 was the original text. We had no such agreement for February 9 language or February 21 language. But that provision was in the first amendment to be presented as a separate part of Senate Resolution 9.

Mr. ROBERT C. BYRD. Mr. President, at no time have I asked that any of the amendment language be considered as original text.

Mr. STEVENS. I misunderstood. I thought the time when the majority leader did pull out Senate Resolution 61 as a portion of Senate Resolution 9 that it became original text.

Mr. ROBERT C. BYRD. No.

Mr. STEVENS. When it was introduced as Senate Resolution 61 it was original text.

Mr. ROBERT C. BYRD. That is true. But I thought that the Senator meant that the amended portions of Senate Resolution 61 had become original text by virtue of unanimous-consent requests. I misunderstood.

Mr. STEVENS. I did not make that motion. I may not have conveyed my request or my understanding. It was my understanding that that provision of lines 6 through 11 was in Senate Resolution 61 when it was originally introduced, that the language beneath that, which commenced on line 11 that was deleted, was also part of the original Senate Resolution 61.

The PRESIDING OFFICER. No. Lines 6 through 14 were added.

Mr. ROBERT C. BYRD. Yes, those were added by amendment, may I say to the Senator from Alaska. That was my amendment.

Mr. STEVENS. It was part of Senate Resolution 9.

Mr. ROBERT C. BYRD. No, I do not believe it was. No. I offered this as an amendment.

Mr. STEVENS. No. I was out of town that day. My understanding is incorrect.

I again renew my request, though, that it be in order. I ask unanimous consent that it be in order to present this amendment, the purpose of which would be to permit a Senator to yield his time to any Senator. Under the provisions of Senate Resolution 61, that yielding can be only to the majority or minority floor managers or the majority or minority leaders. I have taken the position that it should be possible for a Senator to yield to any other Senator and not just to the floor managers or to the leadership because so often in the postcloture procedure it is not the leadership, it is not the managers who seek the time to present the amendments that they have presented, and I really think that we will be taking an unfortunate step if we limit the yielding only to the leadership.

Will the majority leader indicate whether it would be possible to have an agreement that this amendment would be in order notwithstanding the rule? It is possible, of course, to present this amendment in a form that would be in order. All I have to do is to say, "Notwithstanding the provision of lines 6 through 11, any Senator may yield 2 hours up to another Senator." If you want to go through that I will be happy to do it.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I am not going to object to his request to offer the amendment, but I do object to the amendment. So I have no objection to the Senator offering his amendment.

The PRESIDING OFFICER. Without objection, the amendment will be in order.

Mr. ROBERT C. BYRD. Now, Mr. President, I object to the amendment.

Under the present rule, unanimous consent is required to yield time to any other Senator following the invoking of cloture. That has been the rule.

First of all, the object of cloture is to bring the matter eventually to a close and for the Senate to reach a decision up or down. We seem to forget that there are going to be days of debate before cloture is invoked. Even if a cloture motion is offered the instant that a matter is before the Senate, there are going to be 2 days of debate unless the Senate recesses or adjourns in the meantime, and this majority leader is not going to use that way of depriving Senators of an opportunity to debate and to amend a measure before cloture is invoked.

So we have that time in which to debate and in which to amend, and then after cloture is invoked, under the resolution there will be up to 100 hours that can be used by any Senator to debate and to amend the measure or matter on which cloture is invoked.

Under the rule that has been in effect now for 62 years, it has been necessary to obtain unanimous consent to transfer time, and I have seen Senators transfer time especially to managers of bills. It becomes necessary. And I think we should continue that rule that requires unanimous consent to yield time because the object of cloture is not to extend the debate, not to make it possible for Senators to go on and on and on and thwart the will of the constitutional majority of Senators who have indicated by their votes that they want to see the matter brought to a close.

The object of cloture is not to thwart the will of the majority once it has spoken. But the object of the cloture is to bring the matter to a close after due debate, and 100 hours, Mr. President, is provided in the resolution. I think it would be a mistake to allow the rule to be changed so that any Senator may yield all or part of his 1 hour to any Senator with the provision, of course, that no Senator shall have more than 2 hours so yielded to him.

To do that would make invalid the rule that we have followed all these years requiring unanimous-consent to transfer time and it would serve to prolong the consideration of the measure. It make it possible for Senators, whose desire it is only to obstruct, delay, and thwart the will of the three-fifths majority, to extend the time not by 1 hour but by hours, and, of course, it would all come to an end when the 100-hour cap had been reached. That is granted.

That is the saving grace of this resolution. They can chew up 100 hours, but then it is all gone; there is not anything to digest any further. There are no further motions or amendments or debate upon which to masticate, except one or two that are provided for in the resolution itself.

So if we allow time to be yielded without unanimous consent, then it would be possible for 50 Senators to each yield an hour to 50 Senators, and those 50 Senators could have 2 hours each, and could spin out the time needlessly.

Let me ask a rhetorical question. Who on the other side of the aisle would deny a Senator on that side of the aisle who asked to be yielded an hour? Who would deny him? Only a Senator who needed to use the hour himself would deny him, and that would be understood. Otherwise, he would say, "OK, I will yield you my hour." So Senator X yields Senator Y his hour. Then Senator A goes to Senator B and says, "How about yielding me your hour?" Senator B says, "OK, here it is." So Senator A has an extra hour.

Then Senator C goes to Senator D and asks him, "How about yielding me your hour?" Senator D says, "Fine, you can have my hour."

So before it is over with, you have 20 Senators yielding 20 other Senators their hour, and you have 20 Senators with 2 hours each, and that can be extended with certain maneuvers to 10, 15, or even 20 hours, though thank heaven there is an ultimate cap of 100 hours.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Actually, 40 Senators could yield to 20 Senators, giving them each 2 hours plus the hour they already have, so that each Senator would have 3 hours, his own hour and the 2 hours yielded to him by two other Senators.

Mr. ROBERT C. BYRD. Oh, yes.

Mr. SARBANES. Or make it a smaller number, just to dramatize it even more.

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Suppose you have 8 or 10 Members of the Senate who wanted to drag it along throughout the entire period. They could be yielded time by 20 other Senators, 2 hours each. Those 10 Senators would then each have 3 hours, so you get a total of 30 hours.

Mr. ROBERT C. BYRD. Yes, the Senator is correct. I thank him for the correction. I was taking into consideration—I understood that the amendment only allowed a Senator to have 1 additional hour yielded to him. The Senator from Maryland has pointed out that the errors that I have mentioned have been compounded 100 percent. He can have two Senators yielding time to him; then he has a total of 3 hours.

Mr. President, I can understand how the manager of the bill and the ranking minority member ought to have 3 hours each. I am willing to wipe out the amendment I offered the other day to include the majority leader and the minority leader among those to whom as much as 2 hours could be yielded. I am willing to wipe that out; just give him his own hour, and if he does not finish within that hour, it is his bad luck.

But let us not open the gates here and let the flood tide in by letting any Senator yield to any other Senator his hour without unanimous consent, with any Senator allowed to have as much as 2 hours to be yielded to him, thus having control of 3 hours.

Mr. President, I oppose the amendment and I hope the Senate will vote it down; and I shall move to table the amendment at the appropriate time. I do not wish, however, to deny other Senators the right to be heard.

UP AMENDMENT NO. 21

Mr. McCLURE. Mr. President, I have an amendment to the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McClure) proposes an unprinted amendment numbered 21.

Delete the word "two" and insert in lieu thereof the word "five."

Mr. McCLURE. Mr. President, this is to carry out what we had discussed earlier when we were talking about the possibility of a compromise between the 2-hour period and the 10-hour period. It was impossible for me at that time to offer the amendment, which would have offered the compromise of an aggregate of 6 hours. I do not suppose there is any real point in belaboring the issue. I think those few Senators who are here have heard it discussed at length.

Let me add only this much: I think the Senator from Maryland and the Senator from West Virginia are correct when they point to the fact that the aggregation of time in the context of Senate Resolution 61 may aggravate the danger of a few Senators using up all of the 100 hours cap. Therefore, I concur in the wisdom of acceding to the language in the Stevens amendment that out of whatever time Senators could get assigned to them, whatever they used would be charged to them. Quorum calls, rollcalls, or anything else they caused to happen would be used up within their time; and if they had an aggregate of 6 hours, as my amendment would permit, they would then be charged with all of that time, and it could not come out of the cap unless it were charged to their time, with the exception of the possibility of a prolonged time at the end of their time period that would go beyond their time period, involved in the establishment of a quorum or a rollcall vote that could not be completed within their time frame.

That still seems to me to be a superior mechanism, and I hope again, before we get to final passage, we will have an opportunity to revisit that. But if it is not to be revisited, I hope we can aggregate this so that we get away from the temptation for an individual Member to ask for a whole series of amendments, which is the problem in postcloture we are attempting to address, with the sure knowledge that the time consumed in the consideration of that amendment will not be charged to his time.

I hope if this amendment is adopted—and I hope it will be adopted by amendment to the Stevens amendment, and that then the Stevens amendment itself is adopted—that we can then return to the concept that now, having given a Member 6 hours, or 3 hours, as the case may be, the time that he consumes will be charged to him and him alone, and will not come out of the 100-hour cap except with the minor exception I have already referred to, with the assurance that thus the 100-hour cap remains inviolate, and all the rest of the Senators are completely protected.

I think that is a much superior way to guarantee individual rights, and a much superior way to guarantee the inviolability of the 100-hour cap.

Mr. President, I think the issue has been ventilated and cross-ventilated from a number of different sources and a number of different openings. I would hope we can get a yea and nay vote on the adoption of my amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, either of these amendments would allow certain Senators to yield their time without unanimous consent, thus automatically diminishing the time of other Senators who wish to maintain control of as much of their time as they can, and deprive those same other Senators of the right to object to the transfer of the time. So I hope that Senators will carefully consider these amendments.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I am sure the Senator understands, and I believe he has made it clear to the Senate, that the heavy burden falls on whoever it is that is managing the bill.

Mr. ROBERT C. BYRD. Exactly.

Mr. LONG. So that you have one man who is manager of the bill, he is doing the best he can to speak for his committee, and under the existing cloture rule, even though the chairman of the committee, or the manager, as the case may be, understands the measure probably better than anybody else, and presumably may be speaking for the majority here, he has to run and find somebody else who does not understand it as well as he does to debate the issue. Because each Senator has an amendment, they have an hour to present their side of the argument, and from their point of view that one amendment is the most important thing that is going to be voted upon. But from the point of view of the manager of a bill, he has to defend perhaps against 100 amendments. Therefore, he would only be in the position to allot himself about 30 seconds on each amendment when to do justice to the argument he would need more time than that.

It is bad enough that he would have to let the other side have far the better of it, a great deal more time to explain their position, than the one managing the bill for the committee, but to have it where those speaking for an amendment to the bill have what amounts to a 10-to-1 edge on the time to make the argument is not in keeping with the theory that there ought to be equal time on both sides.

To try to move toward that objective, the majority leader has sought to modify the rule so that it does not require unanimous consent to yield some time to the person who is explaining the committee position.

Does not the amendment as it stands, as amended by the majority leader, provide that those on the other side of the aisle have some time to use the same way?

Mr. ROBERT C. BYRD. The ranking manager would have the same amount of time.

Mr. LONG. And we would expect the same customary fairness that we have under the unanimous-consent agreement.

Mr. ROBERT C. BYRD. Yes.

Mr. LONG. So if we assume for the sake of argument that the ranking member might be opposed to the amendment, but at the same time wanting those on his side to have adequate opportunity to support their position, he would probably yield them some of his time to be sure that both sides were adequately heard.

Mr. ROBERT C. BYRD. Yes.

Mr. LONG. Mr. President, it seems to me that it makes a lot better sense to give us enough flexibility that those who have the most knowledge of a subject could present it to the Senate rather than those who have the least knowledge.

Mr. ROBERT C. BYRD. Yes.

Mr. LONG. We can be sure that the man who presents the amendment will ordinarily be the best expert in the Senate on that particular amendment. Those on the other side should be in a position to provide time for whomever might be the best informed on the subject to present the other side of the argument.

Mr. ROBERT C. BYRD. Yes.

I thank the Senator for making that cogent point.

Additionally, he, as the manager of the bill, under my resolution could be yielded 2 additional hours, so he has a total of 3 hours. Under the amendment by Mr. McClure, 20 Senators on that side of the aisle could each yield 1 hour to 10 Senators. Then the manager of the bill would have 10 Senators over there, each with 3 hours, offering amendment after amendment and the manager of the bill has to stand up here and defend. He has 3 hours to defend against 30 hours over there.

I think the manager of the bill ought to have the right to object to the transfer of that time. As we have had it in the past there have been occasions when time was transferred without objection. But when those 20 Senators yield to 10 Senators, each 1 hour, they deprive the other 70 Senators in this body of an equal shot at that remaining time under the cap, and the other 70 Senators cannot even raise a rumor in interposing an objection. The time is being chewed away because Senators over here—or it could be over here—have yielded their time to people who oppose the bill. There are other Senators who just have to sit there and see time yielded away that will eventually come out of their hide under the cap. They cannot interpose an objection.

Mr. LONG. As the Senator understands, I think any of us who are managing a bill on the floor when cloture has been voted seek no more than an opportunity to be heard. It is sort of like the rule on television, where they have to give both sides a chance to be heard. An equal opportunity is all we seek. What the majority leader has sought to do, where time could be yielded both to the manager of the bill and his counterpart on the other side of the aisle, moves us in that direction.

Unfortunately, it seems to me, the amendment now being offered would move us away from that.

Mr. ROBERT C. BYRD. It would.

Mr. SARBANES. Mr. President, I believe the Senator from Louisiana is absolutely correct. Senate Resolution 61 as now before us contains a very limited provision for the yielding of time without unanimous consent. It is, of course, a departure from standard Senate practice. But it is very limited. In other words, the majority leader, the minority leader, and the two managers, the majority and minority managers, can be yielded time, but only 2 hours, no more than 2 hours, for each of them. They can, in turn, yield it out if they choose.

The argument for allowing them to get some extra time is exactly the one that the chairman of the Finance Committee put; namely, when a Senator comes in with an amendment. He is prepared for that amendment. He has 1 hour on that amendment if he chooses to use that entire hour, or he may have two amendments and take a half hour on each. He lays it out, explains, puts up his charts and diagrams, and finishes making his presentation. It falls on the manager of the bill to respond to that. Of course, at the moment he has an hour, since everyone is equal. In responding, maybe the manager takes 10 minutes. Then another Senator comes in with his amendment and takes a half hour or 40 minutes to explain his amendment. Eventually, the chairman has used up all his time. He has to get up on some other amendment and try to give a 30-second or 90-second response, sort of explaining why the Senate should not do it, if he is opposing it, and he really cannot present the case. So this is a limited effort to try to provide some extra time there.

The proposal, that Senators should be able to yield to anyone, and in the instance of the Senator from Alaska they could get 2 more hours and the Senator from Idaho would give 5 more hours, means that individual Senators can collect time.

I am very frank to tell you, Mr. President, if you provide a yielding provision, any Senator, I believe, would be able to get all the time that is available. He will go to another Senator. He will say to him, "You voted for cloture. I did not vote for cloture. You are for the bill and I am against the bill. All I am asking you to do is to give me some of your time. That is a reasonable request. Why don't you just pass me some."

Who is going to deny that?

How many Senators here will deny a colleague that request?

Mr. STEVENS. Will the Senator allow me to answer that question?

Mr. SARBANES. Yes.

Mr. STEVENS. It is a reasonable request. The Senator answered it himself. That is what makes it reasonable. If you go to another Senator and he knows you have a good cause and you need time, he will give it to you. What is wrong with that?

If the Senator will permit me just one statement, take the bill that I know is coming to the floor in terms of the Alaskan situation. It could happen in Louisiana and certainly could happen in Virginia in terms of a dam that I remember. The time will come when we will see bills that affect only one State. The tradition of this body has been there has never been cloture voted against a bill that pertained to only one State, but I think we will see it happen this year.

At that time my colleague and I are going to need some time. We are not going to be the managers of the bill. We are going to be in the situation of trying to have amendments to the amendments of the committee. Where do we get our time beyond 1 hour?

I say to my good friend from Louisiana, what he said is true as manager of a bill. I have been manager of a bill, and we know the circumstance, normally. It is that there are one or two people managing the bill with just 1 hour each and the people who oppose the bill have the advantage. I will agree to that. But we will get to the situation where the bill affects only one State. Take RARE II, for example, which will come up in terms of the wilderness proposals in the national forest, or section 603, the review for wilderness in the public lands. There are only 17 public land States.

The PRESIDING OFFICER. Under the previous order——

Mr. ROBERT C. BYRD. Mr. President, I move to table the amendment by Mr. STEVENS, and the move to table automatically carries with it the amendment by Mr. McCLURE.

Mr. McCLURE. Mr. President, would the Senator from West Virginia withhold that motion to table? I would like the opportunity to respond to a couple of the other comments.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. ROBERT C. BYRD. Could we get a time agreement on it?

Mr. McCLURE. Sure.

Mr. HARRY F. BYRD, JR. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARRY F. BYRD, JR. Is not the order of business to vote on the Stevens-Morgan-Byrd amendment this morning?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Might I inquire of the majority leader is it anticipated that this rollcall on the Stevens-Morgan-Byrd amendment would be a 15-minute rollcall?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. Can we have a period of 15 or 20 minutes after that rollcall?

TIME LIMITATION AGREEMENT OF 20 MINUTES DEBATE

Mr. ROBERT C. BYRD. Very well. Mr. President, I ask unanimous consent that upon disposition of the amendment by Mr. STEVENS, Mr. HARRY F. BYRD, JR., and Mr. MORGAN that there be 20 minutes for debate on the amendment by Mr. STEVENS which can be used also on the amendment by Mr. McCLURE; that the 20 minutes in toto be equally divided in accordance with the usual form and that the vote in relation thereto then occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 12 noon having arrived, the Senate will now vote on unprinted amendment numbered 19 proposed by the Senator from Alaska in which the yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The PRESIDING OFFICER (Mr. PRYOR). Is there any other Senator wishing to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—92

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hatch
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Young
Zorinsky

NAYS—2

Pell
Riegle

NOT VOTING—6

Hart
Hatfield
Hollings
Kennedy
Packwood
Talmadge

So the amendment (UP No. 19) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 20

The PRESIDING OFFICER. The question now recurs on the amendment by the Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the time is 20 minutes, equally divided, and includes the discussion of the amendment offered by the Senator from Idaho (Mr. McCLURE). I defer to the Senator from Idaho, if he wishes the time.

Mr. McCLURE. I thank the Senator from Alaska.

Mr. President, I assume from what transpired just before this last rollcall vote that the majority leader, at the conclusion of this debate, will offer a motion to table the Stevens amendment, and that it then would carry not only the Stevens amendment to the table but also the amendment of the Senator from Idaho to the Stevens amendment.

If that is the case, I think Senators should be aware that if they really want to get an opportunity to vote either upon the assignment of time to the aggregate of 6 hours or the assignment of time to the aggregate of 3 hours under the Stevens amendment, they must vote against the motion to table. That will be their only chance to get the opportunity to vote either on the 6-hour aggregate assignment or the 3-hour aggregate assignment.

It was argued a little earlier that it was somehow unfair to allow a committee chairman or ranking minority member to defend the position of the committee when he only had the same amount of time that another Member of the Senate had, and that because he had that responsibility, he had to have time that was equal to the aggregate of the remainder of the Members. That is the way I took the argument. That would mean, in terms of equal opportunity, that that one Member had to be equal to all the rest of the Senate combined. That seems to me to be patently fallacious.

I do recognize that a committee chairman, the floor manager of the bill, or the ranking minority floor manager of the bill do have unique responsibilities. But it is also quite possible under either the Stevens amendment or the McClure amendment to it to have time assigned to them.

Even under Senate Resolution 61, the minority leader and the majority leader each can have 3 hours, and the floor manager of the bill and the minority manager of the bill can have 3 hours on the bill, but nobody else gets anything extra, unless, as a matter of fact, somebody wants to give it to them.

That is a little like saying that the first amendment right of free speech is going to be granted to you; it is not your right. You have the right to speak, but you have the right to speak only if somebody lets you speak, if one of the people in a position of responsibility should grant you the right to speak. In my judgment, that is not a right; that is a privilege that is subject to being withdrawn.

It would be the same as if it were to be said, with respect to freedom of the press, which is guaranteed by the Constitution, "You can print whatever you want when I give you the right to print whatever you want. Don't worry about it. I'm going to be nice to you. I'm not going to restrict your right to print what you want, but you are going to print what you want only because I say you can print what you want."

That is not a right. It is not equal rights under the Constitution. It is not equal rights in this body, and it does not mean that there are 100 equal Members of the Senate.

You never can do away with the inequality of positions of responsibility. I recognize that. There always are going to be some who are more equal than others. But, for heaven's sake, let us not imbed in the rules what this seeks to do, which says that some, as a matter of rule, have a greater right than others to speak on the floor of the Senate in the postcloture situation.

Let us not get ourselves misled by the idea that the majority leader and the minority leader and the floor manager and the ranking floor manager will take care of you. I do not want to be taken care of. I want to have my right to speak, and I want to have my right to guaranteed under the rule, not granted to me benignly by some other Member, no matter how sweet and lovable he may be.

Mr. President, I reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on Senate Resolution 61, as amended, occur no later than 6 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object—and I shall not object—I just want to record, for the benefit of the majority leader and the minority leader, the fact that I have no objection to that arrangement. I think it does accommodate all Members.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I regret that I have to oppose the pending amendments, but I will simply restate my case.

The object of cloture is not for the purpose of providing a vehicle whereby debate can be extended. The object of cloture is to bring to a close—that is what the word means, a close—the consideration of a matter on which cloture has been invoked by three-fifths of the Members elected and sworn.

Once those three-fifths have manifested their will that the Senate reach a decision in due time, the rule should be so written that 1, 2, 3, 4, 5, or 10 Senators cannot unduly prolong the consideration of that measure on which cloture has been invoked.

As long as we have had the cloture rule, and that goes back 62 years, back to 1917, the administration of Woodrow Wilson, time could only be yielded postcloture by unanimous consent, and the purpose was to bring about the expedition of the business on the matter clotured and bring to a close in a reasonable time that debate and consideration.

That is the purpose of Senate Resolution 61.

We have seen the abuses of the rule to the point that rule XXII really no longer exists insofar as it having any strictures on postcloture filibusters are concerned.

Now, we have two amendments pending that would take us in the opposite direction and would even make it possible for time to be yielded without unanimous consent so that 20 Senators could each yield an hour to 10 Senators, resulting in the control of 3 hours each on the part of 10 Senators and the floor manager of the bill and the ranking manager, stand up here and they have to oppose amendments or speak to them. They have only a maximum of 3 hours each; whereas 10 Senators have a maximum of 30 hours, and do not forget this, that when a Senator is allowed to transfer his time automatically without unanimous consent a Senator who would otherwise object to the transfer of that time is denied that privilege and that right and is thereby caused to see his own time potentially diminished as a result thereof because we only have 100 hours. We have a 100-hour cap and quorums are going to come out of it, rollcall votes are going to come out of it, and if 10 Senators have 3 hours each that they can use the other 70 Senators have had taken from them a certain amount of their time under that cap and they will not be able to raise a finger and will not be able to object.

So, Mr. President, I am in favor of continuing the present rule in that regard. Let Senators transfer their time by unanimous consent. That is fair enough.

I am glad to yield time to Senators. Otherwise, I am going to yield back my time.

Mr. STEVENS. I am prepared with one statement. I do not know whether I understood the majority leader correctly. But it does seem to me that the managers of the bill are one thing, and the majority and minority leader or their designees is another thing. That is how you become a manager. You are the designee of the majority and minority leaders. But it seems to be a little bit redundant to see both echelons of leadership have the ability to have 3 hours and have those four Senators be the only Senators who have more than 1 hour.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a correction?

Mr. STEVENS. I yield.

Mr. ROBERT C. BYRD. The majority leader has never in his 2 years as majority leader and has never in his 6 years as majority whip and has never in his 4 years as secretary of the Democratic Conference designated the managers of a measure. That is automatic. The chairman of the committee or the chairman of the subcommittee is the floor manager. When I bring in my appropriations subcommittee bill on the Department of the Interior no one designates me to handle that bill on the floor. I am the chairman. And the Senator from Alaska is my ranking member and one in whom I take exceedingly great pride, one whom I love, and one for whom I would not want to see any substitution. So no one designates that I manage that bill. No one designates that the Senator from Alaska be the ranking manager. The leadership does not do that. I thank the Senator for allowing me to respond.

Mr. STEVENS. I stand corrected in part. My memory of the unanimous-consent agreement is that it normally says the majority and minority leaders or their designees, but in any event——

Mr. ROBERT C. BYRD. No, it does not say that.

Mr. STEVENS. The problem I have——

Mr. ROBERT C. BYRD. It does not say their designees. That is not this resolution.

Mr. STEVENS. This one does not. That is what I am saying.

I just wonder if it is not redundant by saying majority and minority floor managers and the majority and minority leaders because that does amount to leadership time in the amount of 3 hours for each leader, and there would be four, the floor managers and the designated majority and minority leaders; whereas, each Senator would have but 1 hour.

Mr. ROBERT C. BYRD. Mr. President, I can understand the Senator's observation. It is apparent as to why the manager of a bill needs additional time. It is apparent as to why the ranking manager needs additional time. The majority leader and minority leader need additional time for making other motions, for propounding requests to keep the Senate operating, requests that have nothing to do perhaps with the matter over which cloture has been invoked, and also they will have time to yield to Senators on both sides of the aisle on both sides of the question additional time if perchance the time of such Senator has expired.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. ROBERT C. BYRD. I yield.

Mr. McCLURE. I think that the language of Senate Resolution 61 is subject to either of two interpretations, and I think we should at least make the legislative history clear here. As I read the resolution and as I understand the majority leader, the author of the resolution, a Senator may yield all or a part of his 1 hour to any one of four people, the majority leader, the minority leader, the manager of the bill or the minority ranking manager of the bill.

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. So any Senator in the body can yield all or a part of his time to any one of those four people assuming that they are not identical persons.

Mr. ROBERT C. BYRD. With the caveat that only a maximum of 2 hours can be accepted by any one of those four Senators.

Mr. McCLURE. And the Senator yielding the time, of course, might yield all or a portion of it to any one of the four or a little bit to each of the four or however he might want to so long as that person accepting had not been yielded more than 2 hours in addition to his 1 hour.

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. And so long as the person yielding the time had not yielded more than 1 hour that is his to use or to yield; is that correct?

Mr. ROBERT C. BYRD. Yes. As to the latter, of course, the Senator would have no more than an hour to yield.

Mr. JAVITS. Mr. President, will the Senator yield to me for a question?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I thank the Senator.

I raise the question with the leader.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Alaska has time remaining.

Mr. JAVITS. Mr. President, will the Senator from Alaska yield to me 1 minute?

Mr. STEVENS. I yield whatever time is remaining.

Mr. JAVITS. I raise the question with Senator Robert C. Byrd about what happens if the minority and majority manager are together on a bill or an amendment. May the time then be yielded to the one who is truly leading the opposition? And the second question: May these 2 hours be broken up so, for example, you might yield in such a situation 10 or 15 minutes to a particular Member leading the opposition without yielding the whole 2 hours or whole hour by an individual Member?

Mr. ROBERT C. BYRD. The language, may I say to the distinguished Senator from New York, does not provide for an alternative yielding of time in the event that both majority leader and minority leader or both of the floor managers favor the same position, and I can see that weakness in the language, and I would certainly be amenable.

Mr. SARBANES. Mr. President, will the leader yield on that point?

Mr. ROBERT C. BYRD. I yield.

Mr. SARBANES. I think to help correct that potential weakness is the provision to yield time to the majority and minority leaders who would have an obligation to all of the Members on their respective sides and if the two managers of the bill were alined, I would assume they would compensate for that in terms of their own handling of the time that they receive and, therefore, we have at least some potential balance in that regard.

Mr. JAVITS. It may not be necessary. I was going to ask the Senator this: Are we clear now, that having been yielded the time any of these four Senators may yield to others?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. That is correct.

Mr. ROBERT C. BYRD. There is no problem there.

Mr. JAVITS. No problem? Well, why not think it over a little while, whether it is necessary to write it in?

Mr. ROBERT C. BYRD. Yes. The Senator from Maryland is correct. I do not have any doubt that the majority leader or the floor manager may yield time to others in opposition. But if we have a time agreement, if a Member is in favor of an amendment, then the time in opposition thereto would go to the minority leader or his designee; so that protects the opposition.

Mr. JAVITS. If the record is clear that that is the legislative intent, I may not seek an amendment.

Mr. ROBERT C. BYRD. That is the intent.

Mr. President, reluctantly, although I do so with gusto, I move to lay on the table the amendment by the very distinguished Senator from Alaska (Mr. Stevens), the minority whip, whose heart is as stout as the Irish oak and as pure as the lakes of Killarney; and with that would go the amendment by Mr. McClure. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the role.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I also announce that the Senator from Georgia (Mr. Talmadge) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. Hatfield), the Senator from Maryland (Mr. Mathias), and the Senator from Oregon Mr. Packwood) are necessarily absent.

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—51

Baucus
Bayh
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Culver
Durkin
Eagleton
Exon
Ford
Glenn
Hart
Huddleston
Inouye
Jackson
Johnston
Leahy
Levin
Long
Magnuson
Matsunaga
McGovern
Melcher
Morgan
Moynihan
Muskie
Nelson
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Stone
Tsongas
Williams
Zorinsky

NAYS—43

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Danforth
DeConcini
Dole
Domenici
Durenberger
Garn
Goldwater
Gravel
Hatch
Hayakawa
Heflin
Heinz
Helms
Humphrey
Javits
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Metzenbaum
Nunn
Percy
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Thurmond
Tower
Wallop
Warner
Weicker
Young

NOT VOTING—6

Hatfield
Hollings
Kennedy
Mathias
Packwood
Talmadge

So the motion to lay on the table (UP amendment No. 20) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, before the Senator does that, will he allow me——

Mr. JAVITS. I withhold.

Mr. ROBERT C. BYRD. Will the Senator allow me to offer an amendment?

Mr. JAVITS. I withhold.

UP AMENDMENT NO. 22

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Stevens and myself I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER (Mr. Leahy). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for himself and Mr. STEVENS, proposes an unprinted amendment numbered 22:

At the end of the resolution, add the following:

"The last paragraph of Paragraph 2 of Rule XXII is amended by striking the second sentence and inserting in lieu thereof: "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted one hour prior to the beginning of the cloture vote if an amendment in the second degree."

Mr. ROBERT C. BYRD. Mr. President, in the past, as we have seen from time to time happen, cloture is invoked on a measure or matter. No amendments earlier, before the rule was amended, would be eligible to be called up once cloture was invoked unless they were germane and unless they had been read prior to the cloture vote.

Recently the rule was amended to provide that amendments, once cloture had been invoked, had to be germane and had to be submitted in writing to the desk prior to the announcement of the vote.

The problem which arose and brought about the amendment of that rule lay in the custom in some recent years that just prior to a vote on cloture the majority or minority leader would ask unanimous consent that all amendments at the desk at the time of the cloture vote be considered as having been read. Thus it made all such amendments, if they were germane, qualified under the rule to be called up.

On one occasion such a request was not made. The majority leader, the majority whip, neither of us—Mr. Mansfield nor I—made that request. Consequently, amendments that had not been read at the time cloture was invoked could not qualify, and the then distinguished Senator from Massachusetts, Mr. Brooke, sought to call up an amendment but it had not met the reading requirement, and Senators, many Senators, were astounded that the leadership had not made the customary request. It was not one that was required, but they had not made the customary request that all amendments at the desk at the time of the cloture vote be considered as having been read so as to meet the reading requirements of the rule as then written.

So the rule was changed to provide that amendments in writing at the desk, not printed amendments, but amendments in writing, if they were germane, at the time the vote was announced on cloture, were qualified.

This made it possible for a Senator to walk up to the desk during a cloture vote, turn in 500 amendments, and Senators who might otherwise be disposed to vote for cloture if they had known the content of those amendments at the desk might not have voted for cloture.

Also, and in addition, once those amendments were called up in the first degree no Senator could write an amendment in the second degree because his amendment had not been in writing at the desk at the time the vote was announced on cloture.

Often as discussions with respect to amendments occur it became apparent to most Senators that a second degree amendment should be allowed because the amendment in the first degree would raise a question which might need a remedy but that remedy could not be provided except by an amendment in the second degree. The amendment in the second degree is automatically ruled out because it was not at the desk in writing when the vote on cloture was announced.

No Senator could have foreseen the need for a second degree amendment to a first degree amendment of which he had no knowlege at the time that the cloture vote occurred.

So this amendment I have offered on behalf of the distinguished Republican whip and myself would cure both of these problems. One, it would require that all amendments in the first degree in order to qualify must continue to be germane, of course, and must be at the desk in writing by 1 p.m. on the day following the day on which the cloture motion was entered.

If cloture motion were to be entered on a Thursday, then all amendments in the first degree would have to be at the desk by 1 p.m. on Friday.

That would then give Senators an opportunity to examine the amendments in the first degree and write amendments to those amendments if their amendments to the amendments, to wit, amendments in the second degree, are at the desk at the time the vote on cloture begins, which would in this hypothetical case occur on the next Monday in the event the Senate is not in session on Saturday or on Sunday.

So this gives ample knowledge of what is at the desk in the form of amendments in the first degree.

Nobody is taken by surprise, and it gives ample opportunity for Senators to offer amendments—have at the desk amendments in the second degree to those amendments that were at the desk in the first degree, and thus those second-degree amendments would qualify under the rule, if it is so amended as we propose, once cloture is invoked.

I think it is a good amendment and it is a fair amendment. It is an equitable amendment, and I think it will be conducive to wise legislation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, first let me state to my good friend from New York that I thought this was coming later. I know he intended to offer his amendment following the last vote and I am sorry I misled him.

With regard to the amendment itself, I am grateful to the Senator from West Virginia for joining me and his offering the amendment. This is the matter I have discussed previously and one that worries me a great deal about our ability to protect a State, or a region of the United States, in regard to amendments which are of national concern, mainly because we have in the past been unable to see them prior to their being presented and had no way under the existing cloture rule to present amendments in the second degree.

I think this is a fair compromise to the problem I discussed previously and, as the Senator from West Virginia knows, I withdrew the amendment I offered yesterday in the hopes that we could work out a fair compromise.

So I am delighted to be able to cosponsor it. I have discussed it with other Members on our side of the aisle and I know of no one who has an objection to it.

I would hope we could adopt it by voice vote.

UP AMENDMENT NO. 23

(Modification of UP Amendment No. 22)

Mr. ROBERT C. BYRD. If the Senator will yield, I would seek to modify it to write the words "at least" immediately preceding the words "1 hour," so that the amendment would read as follows, and I think it all adds up to the same thing, but this makes it clearer, makes it perfectly clear that they must be at the desk at least 1 hour ahead.

They can be 2 hours or 3 hours, but at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.

Mr. STEVENS. I have no objection to that amendment.

Is the modification at the desk?

Mr. ROBERT C. BYRD. If the Senator will join me in the modification, we will add those.

Mr. STEVENS. I do.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment is as follows:

At the end of the resolution, add the following:

"The last paragraph of Paragraph 2 of Rule XXII is amended by striking the second sentence and inserting in lieu thereof: "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree."

Mr. SARBANES. Mr. President, I simply want to take a moment to commend the Senator from Alaska for pointing out in the course of this debate what I think was a very reasonable problem and with the majority leader framing his solution to it.

I think this gives everyone an opportunity to know what amendments are pending at the desk before they actually vote on cloture. It also provides for a more orderly amending process in the postcloture period.

Mr. STEVENS. I thank the Senator from Maryland very much.

Mr. President, I ask for a vote on the amendment.

Mr. ROBERT C. BYRD. So do I thank the distinguished Senator from Maryland. What he has said was well stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 23) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 24

(Purpose: To increase the number of amendments allowable under postcloture to three)

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes an unprinted amendment numbered 24:

On page 3, line 3, strike "two" and insert "three."

Mr. JAVITS. Mr. President, the purpose of this amendment is to raise two propositions. One proposition relates to the limitation on recognition of Senators who have already called up two or more amendments. The other proposition I will deal with in a moment.

As to the two or more amendments, I suggested to the majority leader that a little more——

The PRESIDING OFFICER. If the Senator would suspend a moment, the amendment sent by the Senator from New York seeks to amend an amendment already agreed to and would require unanimous consent to be in order.

Mr. ROBERT C. BYRD. Mr. President, the Senator from New York seeks to offer an amendment that would amend language which I have added to the bill by amendment.

I ask unanimous consent that it may be in order for him to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I discussed it with the leader, and I am grateful to him for it being proper to offer it, simply to give Members more amplitude, more elbow room, in connection with their operation on the floor.

One does not know whether two or three is right, but in terms of the liberalizing of the rule, which we certainly have an opportunity to do now, I thought it was in order and I am glad the majority leader agrees.

I will not deter the Senate because I have another amendment which raises much more fundamental issues, which I shall offer in a moment.

But I had intended also to offer an amendment which I would refer to and read so that Members may be informed in this regard. That is, that where the Chair gets to the point where he has to give or deny recognition on this particular amendment, which would now be three instead of two, the Chair will recognize alternately the proponents and opponents of the measure, motion, or other matter which is before the Senate.

Now, I realize better than anybody else two things: One, the problem of making a distinction on political grounds, that is, that the Chair shall recognize alternately Republicans and Democrats. I recognize also the problem of providing that the Chair shall recognize those who may be for or against a given measure or a motion or an amendment. Often, that comes within the context of either support or opposition to the major matter upon which cloture may have been sought.

So, really, it is very much a matter of discretion in the situation which exists before the Senate at the moment.

What worried me was the fact that with the two-amendment limitation, it would be possible for a determined majority to simply abrogate all the time, everybody could have two amendments, and that would again, because of the 100-hour cap theory, shut out some Members who had not used any of their time or had not used much of their time.

As I said, I realize the difficulty of drafting a provision which will cover this situation. So what I have tried to do is to establish it clearly as an element of the legislative history, as this is a housekeeping proposition. It does not take the House and it does not take the President. It is just us, that it is understood between us that the provision, as now designed, that is, with an allowability of three amendments, will also not be used to particularly favor a particular side, but that the Chair in recognition, bearing in mind the situation which is then before the Senate, whether it is the proponents in a given case or the opponents, will give alternate recognition so that he just does not go down the line with one particular side or one particular proposition.

I am reminded, Mr. President, in that regard of what happened here in that famous situation where Senator BYRD, with the best motives in the world and supported by a great majority of the Senate, went right through a list of amendments, and, because he has priority of recognition, did not give the proponents of those amendments, Senator METZENBAUM and Senator Abourezk, an opportunity to be recognized to appeal—in order to appeal, we have to be recognized—and by constantly giving the majority leader his priority of recognition the time went by when an appeal could be taken.

This found great disfavor here in the Senate by me and by many members of the majority, and by others. It is a very dangerous thing.

I know we cannot make laws about everything, but I would hope Senator BYRD or whoever is speaking for him on the floor at the moment would accept it as a proposition, just as I took his a while ago, the proposition that if a minority leader or a majority leader is yielded time, he will see—because that is our way—that the people who need it will get it, in a particular situation where he may be on one side and others may be on another, or the managers of the bill if the time is yielded to them.

I am willing to rely on the same thing here if the understanding is explicit that it is our purpose and intention that, whether it is proponents or opponents in a given situation, they may not be frozen out based upon the invocation of this rule respecting three—now it would be three instead of two amendments.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SARBANES. I would like to address both issues he has raised.

I must say to the Senator that I have some difficulty with increasing the number from two to three, and I will explain to the Senator why.

A number of Members on occasion have reflected a concern as to whether they would get a turn to offer an amendment in the post-cloture period. One of the assurances that was made that they would get the turn was to point out that no other Senator could offer more than two before they had a chance to come in and offer theirs.

Of course, we may have a situation in which many Senators are not interested in offering amendments and someone offers two and there is no one else who wants a turn. He can offer a third, and if there is no one else who wants a turn, he can offer a fourth, and he can go on amending at considerable length, if he or just a few are the ones who are interested. But if you have a lot of interest in offering amendments, then, of course, the two-amendment rule gives a greater assurance of a rotation among the 100 Members of the Senate.

We have now amended the resolution so that the 100-hour cap is a minimum. We have struck out that provision which would have allowed it to be knocked down to 20 hours plus 10, or for a minimum of 30 hours. That has come out altogether. So there is no way postcloture you can have less than a hundred hours, except by unanimous consent of every Member of the Senate.

That 100 hours, then, offers the opportunity for a Member who is very interested in the amendment process to have quite a whack at it. But it seems to me that we should balance that with the two-amendment rule, which is designed to assure the range of Members that they will have a chance to get in. I just raise that point for the Senator for the purpose of discussion.

I agree with the thrust of the second part of the Senator's amendment. I think the way to handle it is to establish some strong legislative history here, because to make it a rule would be very difficult for the Chair to handle, plus the fact that amendments may not fall exactly into either camp. But I believe it is an element of basic fairness, and we could establish the commitment to that approach and the effort to insure that in the recognition process for amending, we alternate in a way that gives any faction or any element an opportunity to bring its amendments before the Senate and to present its case.

However, on the three-amendment rule, we have tried to assure many Members that by the two-amendment rule we could pretty well insure that they would have an opportunity to gain recognition and to offer their amendments, if they had an amendment they wished to present to the Senate. Taking it to three, of course, increases that by 50 percent and complicates that situation.

Mr. JAVITS. Mr. President, the only reason why I introduced the three-amendment proposition—I would not have done it otherwise, because I do not believe it has a prayer without the support of the majority leader. I certainly will not press that particular amendment if the majority leader opposes it or has reservations about it. He is under no commitment, I hasten to add.

As to the recognition factor, I think we have to leave it, but I would like his assurance for the record to that effect—because I may not be here, and I think he will be, for a very long time; that is, that it is understood that in the practice of the Senate, within the situation that faces us, there will be recognition alternately of opponents and proponents on the two-amendment rule.

Mr. ROBERT C. BYRD. Mr. President, there are two problems I find with that. I support the spirit of what the Senator is attempting to do by legislative history here. There are two problems.

If a Senator has not made up his mind and is neither an opponent nor a proponent, but merely wants to get recognized, there is no category for him.

Second, if there are 40 Senators on that side of the aisle who are, let us say, supporters of a proposition, and on this side of the aisle there are 40 who do not know which way they are going to go but the other 19 Senators on this side of the aisle are opposed—let us say it is not 19 but only two Senators on this side of the aisle who are opposed, or only one Senator opposed to the amendment, and everybody else is for it. Does it mean that that Senator who is in opposition is going to be recognized alternately? Does it mean that someone who is in the supportive group is recognized, and he gets recognized again, and somebody else gets recognized, and he gets recognized again? It could work to the detriment of a majority of Senators or almost to the totality of the Senate membership and to the benefit of one or two Senators who happen to be opposed, because they would be assured of recognition alternately, as between themselves and the supporters. I think it would put an unnecessary burden on the Chair.

I hope we would leave it to the discretion of the Chair and the fairness of the Senate; and, as in the past, I would hope to be able to assure the very distinguished Senator from New York (Mr. Javits) that I believe that if we leave it that way, the opposition will have its turn.

Mr. JAVITS. I do not want to leave it to the discretion of the Chair, period. What I am perfectly willing to do is to say, if the Senator will join me, that so long as, in substance, priority is given to those who want to offer amendments, there will be alternate recognition, given whatever situation is before the Chair. That is satisfactory.

Mr. ROBERT C. BYRD. In spirit, I agree with that.

Mr. JAVITS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

UP AMENDMENT NO. 25

(Purpose: A perfecting amendment to amend S. Res. 61)

Mr. JAVITS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes an unprinted amendment numbered 25.

Mr. JAVITS. Mr. President, inasmuch as this amendment is printed and is before the Members, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 7, strike all after the period down through line 20 on page 2 and insert the following:

"The time consumed on a roll call vote on an amendment which is in order to the measure, motion, or other matter on which cloture has been invoked shall not be charged against the hours of consideration. Any Senator may make a point of order that any submitted amendment or amendments; whether pending or not, is violative of the rules, and the Presiding Officer shall then rule upon that point of order. Where such point of order is sustained, the amendment or amendments in question shall not then be considered further. The proponent of an amendment or amendments against which a point of order is made and sustained may take an appeal en bloc, or may choose specific amendments to make subject of the appeal. Whenever a Senator indicates an intention to appeal from a decision of the Presiding Officer, that Senator shall be given preferential recognition for that purpose. Such Member shall have a right to one such appeal (including the roll call vote on such appeal) and the time consumed by such roll call vote shall not be charged against the hours of consideration."

Mr. JAVITS. Mr. President, we had quite a debate here yesterday. As a result of that debate, I felt that we should have one opportunity to vote—win, lose, or draw—on another way to deal with the mutual problem we all have. I emphasize the word "mutual." I proposed this way—which I will now discuss—to the committee we had on this side, and it was included in their particular proposals but did not finally end up in the proposal made by Senator Stevens and Senator McClure which was defeated this morning. I point out that they did not represent, by any means, the entire committee. That was their view, and we honored it, and I happened to vote with them.

However, I felt that before we locked up the way in which the basic and fundamental proposition should be handled, that the way in which we can control post-cloture debate is by an absolute time cap, we should consider another idea.

I suppose, Mr. President, that whatever comes of it is not as important in even a personal sense as the fact that there should have been another concept before the Senate, and the Senate should have considered it and rejected or approved it.

We should not just go whole hog to the 100-hour cap without taking advantage of the discussion and what it developed.

This is the defect in the 100-hour cap, just as I pointed out yesterday there was a defect in the Stevens-McClure proposition, too. The defect is that quorum calls and rollcalls, which can be freely obtained and which generally speaking would average not less than 15 minutes to three-quarters of an hour for a quorum call and for a rollcall the statutory 15 minutes but no one around here is going to demand it cannot be 16 or 18 and they generally take 20 or 25 minutes, can chew up so much of the 100 hours and, mind you, any Member can ask for that. He does not use any of his time.

As Senator Robert C. Byrd pointed out, he took out his watch and he said, "You can call up an amendment, you can ask for a quorum, you can ask for a rollcall in 10 seconds, and to take 10 seconds you would have to speak awfully slow," and he did. He made a very good job of it.

But what happens then is that you touch off a proceeding which could deprive, and if it is a tough bill with a lot of amendments, and so on, many Members of their hour or most of it because there is no provision whatever, except the ability to make a speech for 10 minutes. That is all that is left to you. You cannot make an amendment in 10 minutes and do it any justice, and there may not be time to have a rollcall even if you have your 10 minutes and could snap in an amendment and talk about it in that time because the 100 hours is flat regardless of anything pending. After 100 hours, that is the end of the debate and you vote for the whole proposition.

So Members could be cut off of the fundamental rights which are very dear to Members.

I served in the House of Representatives for 8 years, and I know what it means to be cut off from an amendment and from a debate. How well I remember, and other Members who are here who served in the House of Representatives will remember, that someone would move the previous question, which cut off all debate unless we would agree to take, say, 20 minutes for the rest of the debate.

So what other alternative was there? The majority leader proposed that you knew he had the votes. All you could get was 20 minutes. But then the Speaker would say, "How many Members wish to speak on this?" Or "I have the names noted down of Members who have stood seeking the right to speak." There could be as many as 50; in this body there could be, let us say, 10 or 15. Everyone gets 30 seconds, and hence the pride of the Senate, which is that we really have an opportunity to consider a question without being dilatory, is lost. I am all for the inhibition against being dilatory in postcloture, which is what we are trying to formulate a rule for now.

Therefore, Mr. President, because of that that will not only be a danger, but that will also be a fact of life that Members will be deprived of the precious 1 hour which they have which is a decent allocation of time, and now we cannot yield to them either individually. It only relates to 2 hours which might be available to the leaders or the managers of the bill.

In order to deal, therefore, with that vital question and zeroing in and targeting the issue which has caused us to reconsider these postcloture rules, which has been the abuse of the amendment privilege, I have formulated a plan which is contained in this amendment which I will describe in a moment.

There is one other factor. The 100 hours may not only deprive Members of the opportunity for an amendment or a decent debate; the 100 hours could also deprive Members of rollcalls. That is again a very dearly won privilege of this body.

Again, I served in the House of Representatives where you had to get, as I recall it, 55 Members or thereabouts—20 percent of the House of Representatives, about that—in order to get a rollcall, and they were very tough to get, even on what should have been the subject of a rollcall. And how often simply by nod of a head between the majority and the minority leaders not enough Members, even if they favored the amendment, would stand up to get a rollcall.

Yet that is what we owe in this democratic process to our people.

We should be recorded so that our people may hold us properly accountable that everything be recorded.

So this strict 100-hour cap also would cut off the possibility of a rollcall on what deserves to have a rollcall, and even the 10 minutes does not save that because if there is no time for rollcall even if you get your 10 minutes, you will not get one. And in addition I think it is still unclear whether you could even call up an amendment in that 10-minute period that you have left, but let us assume you can. I am not going to debate that fine point of law now.

What is the plan that I am proposing to the Senate and which I hope my colleagues will be thoughtful on? This is an early time of the year and we are dealing with housekeeping, really, but very important housekeeping because we are trying to close a gaping loophole in our procedures. That is the reason why we are proceeding as we are. And also we will have to either feel that we dealt with the loophole properly or we will live to regret it, and it is we, you and I, who will live to regret it, no matter which side of the aisle we are on, when we have some matter to which we are passionately devoted.

The plan would be this: The plan would be to assure individual Members of the rollcall and not to charge that against the 100 hours so that rollcalls could be a matter of right for individual Senators.

But we still have to deal with a danger of all of these hundreds of amendments which have fouled us up before, and my proposal for dealing with that is again a targeted proposal aimed directly at the proliferation of amendments which may be ruled out of order by the Chair on the grounds that they are dilatory and for many other reasons under the very strong provisions of power given to the Chair under rule XXII.

The danger and difficulty is that as the practice stood, unless you go into the recognition proposition by which Senator ROBERT C. BYRD kind of worked us out of this dilemma before, and that is a very dangerous proposition, you have to deal with the question that each Member is entitled not only to put up an amendment, but he is also entitled to appeal from a ruling of the Chair that that amendment is out of order; therefore, the Chair is not quite so bold about ruling amendments out of order because it is subject to appeal.

So what I have suggested is that there may be a point of order lodged against any amendment pending at the desk whether it is called up or not. In other words, we deal with dangers which face us down the road before we vote as well as dangers which are immediately before us in a pending amendment which may be ruled out of order.

Any Member may challenge any amendment which is pending and get a ruling from the Chair then and there by raising the challenge that that amendment is in or out of order so that the Chair can do what Senator ROBERT C. BYRD sought through the recognition technique, to wit, rule out amendments en bloc.

My amendment gives an assurance to every individual Member that he may have one right of appeal where his amendments are ruled out en bloc. He cannot appeal from the ruling of the Chair on every amendment. When he does appeal, in the first place, of course, if an amendment is ruled out he cannot bring it up before the Senate until there is an appeal on the ruling he proposes to lodge. He may make an appeal from the ruling on all of his amendments. That is, if he has got 20, and 19 are ruled out of order, he may appeal on all 19; he has only 1 opportunity. Or he may select from the 19, 3 he wishes to appeal on. Therefore, when he rises, he will say, "I appeal from the ruling of the Chair on Nos. 3, 8, and 12." Then the Senate will vote on the appeal. If the appeal is rejected, the ruling stands, and all 20 are out of order. If the appeal is sustained, then those 3 are in order, or if he appeals from the ruling on the 20, they are all in order, which is as it should be.

It seems to me, Mr. President, that in that way we retain those precious rights of the Senate, first, to propose amendments regardless of the cap. Remember, as I argued yesterday and I argue again today, we are dealing only with postcloture procedure. We are not dealing with precloture procedure. Hence the idea that there will be plenty of time to propose amendments and have them considered is a fallacy, because we have seen bills here where there were filibusters to prevent amendments from being considered precloture. So, in dealing with that question, be very careful about what you have left to you in the postcloture period. That is all we are dealing with.

So in lieu of the strict 100-hour cap, the 100 hours would remain, but we would make this provision which would allow for amendments by individual Members and votes on those amendments—rollcall votes, again an indispensable privilege of the Senate. Sure, it takes 11 or 12 Senators in order to get you the rollcall, but we always give it. We gave it to METZENBAUM and Abourezk. notwithstanding our deep annoyance with the way in which the work of the Senate was being held up, because we realized the critical importance of this right.

So my proposal would retain these two what I consider to be immemorial rights of Senators, in practical effect, but it would facilitate the work of the Senate by permitting amendments to be ruled out of order en bloc. They do not have to be called up if they are at the desk once cloture is invoked; they may be dealt with by a point of order to the Chair on the part of any Member, including the leaders, then giving only one right of appeal from the ruling of the Chair to that Member, which will raise all issues which he has any right to raise before the Senate.

It seems to me that is a targeting of the remedy to the illness we have, which is the abuse of the amendment privilege, and at the same time would preserve to the Senators their fundamental and indispensable right to have their amendments considered when they are in order, legitimate, not dilatory, and so on, and to have a rollcall vote, which is as much a privilege of the individual Senator as I think he has in any other respect: not only to vote himself, but to have a rollcall on a proposition which he legitimately calls up here in the Senate.

For all those reasons, Mr. President, I hope this amendment may be favorably considered by the Senate.

Mr. SARBANES. Mr. President——

Mr. JAVITS. Mr. President, may I have the yeas and nays before I sit down?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to oppose the amendment of the distinguished Senator from New York.

The problem that I see with it, very simply put, is that it really puts us right back into the postcloture filibuster situation, which is in large part the reason why we are here considering this matter on the floor of the Senate today, and have been here considering this matter since this Congress began on the 15th of January.

As I understand the Senator's proposal—and if I misstate my hypothesis, I hope the Senator will correct me—a Member could, let us say, have 60 amendments at the desk, all of which are germane in terms of their substance, and could proceed to call them up and spend a minute on each, and obtain rollcall votes on each, and the 15 minutes involved in the rollcall would not be charged.

That is 60 amendments. With 15 minutes each for rollcalls. that is 15 hours over and above the 1 hour.

Mr. JAVITS. Mr. President, will the Senator yield for correction?

Mr. SARBANES. Yes.

Mr. JAVITS. There are two corrections to be made in the Senator's hypothesis. First, a Senator could not call up more than two amendments until all other Members have called up two amendments each. That is correction No. 1; keeping the floor for 50 or 60 amendments is out, if we adopt this particular measure, because my amendment does not replace that at all.

Second, it is not just the germaneness test, it is the dilatory test as well, and that is critically important, because where amendments are obviously duplicative and raise the same substantive issue, the Chair has already made its precedent in the energy case of ruling them out of order, and that is why I think that is a critically important point, because it will enable the Chair even more boldly to rule amendments out of order, as that Member can have but one appeal to the Senate.

Mr. SARBANES. Even taking those two comments into account, let us assume you have 5 Members of the Senate, or 10 Members of the Senate, who are interested in pursuing the 60-amendment route, and you move around the room, a Senator offers 2 amendments, no one else wants to offer any, so he can then go forward with his third or fourth, and so on, as long as no one asserts the right, so that it is quite possible for a small group to, in effect, formulate a great number of amendments, have them at the desk, and be in a position to offer them and obtain rollcall votes, and have the rollcall time added on to the 100-hour cap. Under the hypothesis, it would be 15 hours for that 1 Member; so with 10 Members, that is another 150 hours.

As to the ruling of an amendment out of order as being dilatory, I find it difficult to understand the basis upon which that would be done, if the amendment were substantive and germane. All that is required in order to assure that is a little bit of intelligence and ingenuity on the part of a Member in submitting the amendments to the desk.

The amendments that were ruled out of order in the last session, I think, lacked that quality of substance and germaneness. But if a Member knows there is that test, he can evolve amendments that will easily meet it, and then he is in a position, or a few Senators are in a position, by using the amendments and not having the rollcall time counted, of enlarging the 1 hour into an enormous usage of time, and we are right back into the postcloture filibuster situation. We have lost the cap, and it really has become open ended; and we then face the prospect that the invoking of cloture—which, after all, requires an extraordinary majority—means nothing in terms of the Senate then being able to move to a decision.

I do not think that the provisions for the point of order and the appeal from the point of order are going to work very well against a modicum of intelligence in structuring your amendments. I think you are going to be able to argue very clearly, "This is a substantive amendment, it is germane, and therefore a Senator should be able to present it."

I think one is going to be able to argue very clearly this is a substantive amendment, it is germane, and, therefore, one should be able to present it.

If that is the case, the other danger one falls into is that you begin to get rulings from the Chair which are knocking out legitimate amendments. That, in a way, is perhaps an even greater danger, to get the Chair in a push to find them dilatory, ruling out of order amendments which are really legitimate. My guess is that will not happen, that the Chair will bend backward to accord a Member of the opposite feeling the opportunity to present his amendment. Of course, the Member can then go ahead and get the vote. As I indicated, he can take the hour. He does not really need a minute to call up an amendment. He can call it up in less than 10 seconds. He could even speak to it for a minute and have 60 amendments in an hour and 60 rollcalls, each lasting 15 minutes. That is 15 hours. If there is a small group in opposition which is prepared to use this tactic, then we really have blown the cap off completely and we are into an almost virtually unlimited time period with respect to the postcloture situation.

Mr. JAVITS. Mr. President, I refrained from interrupting the Senator again because I thought he would like to have his argument continuous. I must say that I find the argument of that traditional basis which occurs when men look down the road and fall in the abyss at their feet because, Mr. President, one, the point of order may be made against all amendments at the desk which are pending. A Member does not have to wait until they are brought up. If a Member has to sit down after two amendments, others have plenty of time to analyze his amendments in order to make a point of order against him.

But more than that, Mr. President, if the amendment is really substantive and the amendment is really germane, that is all the more reason for passing my amendment, because you are not doing anything about precloture. Therefore, if the opportunity to amend is only postcloture do we really want to adopt a rule which is going to cut off germane, legitimate, and substantive amendments?

I should think that would be anathema to this Chamber. That is what the Senator is arguing, that we should cut them off.

Mr. SARBANES. Will the Senator yield?

Mr. JAVITS. Yes.

Mr. SARBANES. The amendment may appear in form to be substantive and germane. The Chair then has no other recourse in ruling on it than to find it in order, even though the purpose of the Member may in fact be to use a string of amendments with a rollcall attached to them simply for the purpose of continued delay in the postcloture situation.

Mr. JAVITS. I invoke again that ancient rule of a voter when he goes in and votes. I do not care what his motive is, he has voted. It is the same here. If a Member has a legitimate amendment, which is germane and substantive, I think it is anathema to this Senate to divide his motive and cut him off.

Mr. SARBANES. Will the Senator yield?

Mr. JAVITS. Yes.

Mr. SARBANES. Then what the Senator is proposing is a continuation of the postcloture filibuster.

Mr. JAVITS. Not at all.

Mr. SARBANES. If the Senator is intending to do that, that should be made clear and be put before us. But if the Senator concedes that the form of the amendment can be done in such a way that it is germane and substantive and is not going to be ruled out of order by the Chair, that a Member is then in a position over the course of the time to call up a series of those amendments and obtain rollcall votes, with the time for the rollcall not to be charged against the cap, then you have in effect expanded it infinitely.

Mr. JAVITS. What remains of the Senator's argument, to wit, form, and the fact that the Chair must then sustain the validity of the amendment because of its form, falls in the light of experience.

I go back to the Metzenbaum-Abourezk experience. The Chair ruled that those fellows had studied, that they were smart, that they knew they had to qualify their amendments as to germaneness, and they knew they had to qualify them as to dilatoriousness. I will give that as an excellent example of the ability to do what the Senator from Maryland divines Members may do. But when they got down to the grist of their amendments, it was found that they would be ruled out of order by the dozen.

That broke the back of that particular filibuster.

So experience is against what the Senator argues.

Those were very complicated bills. I doubt that we could have a more complicated bill than the energy bill. They could not devise a procedure which would frustrate this design which I have. The fact is that notwithstanding all their devising, amendments went out wholesale, en bloc, and the back of the postcloture filibuster was broken. They could not qualify enough amendments to make a real difference in holding up the Senate, based upon rulings by the Chair that they were either dilatory or lacked germaneness. There was no question about it.

The only thing I could say with respect to germaneness is that it enables amendments which are at the desk to be ruled out en bloc. Members do not have to wait until they are actually called up any more than Senator BYRD waited. They were ruled out on the basis of the fact that they were on the desk and that any Member could call up any amendment, so long as it was qualified and at the desk.

Mr. SARBANES. Will the Senator yield?

Mr. JAVITS. Not yet.

It seems to me that the argument made here by Senator SARBANES and myself, if anything proves the case, because, one, Members can deal with the question wholesale instead of retail and, two, and very importantly, experience bears out what I say, that Members could easily break a postcloture filibuster by this procedure. That is exactly what was done, except that it was done in a way which threatened our liberties and which many of us violently disapproved of. I yield.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I would submit to the Senator from New York that what happened in the energy postcloture filibuster was that new ground was broken with respect to the rulings from the Chair on dilatory amendments. On those amendments the point was made by the majority leader when he sought to rule them out of order. He went through them and he pointed out the fact that they were repetitious. He did exactly the same thing. And he mentioned the other defects which were in them.

Having had that experience, and experience is a great teacher, I submit to the Senator from New York, as I indicated earlier, it does not take much skill, or will not take much skill, to prepare amendments which are not subject to the attack to which those amendments were subject.

That is not a comment on the lack of the skill of those Senators because they were dealing with a situation which had never occurred before, the breaking of new ground with respect to rulings from the Chair.

If the Senator will look at the amendments which were ruled out of order in those cases, I think it is clear that no determined effort was made to evolve amendments that were substantive and germane. I submit there is no Member of this Senate who would have difficulty in preparing a great number of amendments to any bill of any complexity that the Chair would not be able to rule out of order, and that the Member would then be in a position to call up and obtain the 15-minute vote on each of the amendments, thereby blasting off the cap and throwing the Senate right back into the entire postcloture filibuster situation.

Mr. JAVITS. Mr. President, I am prepared to vote, but I want to make one additional point.

Let us remember again that while this is a housekeeping debate it involves, in terms of our being Senators, as much of our fundamental liberties as if we were dealing with the first 10 amendments of the Constitution. This is what we can do and what we cannot do, depending on this rule. We can put the handcuffs on ourselves in this 100-hour cap, which could deprive many of us of a big piece of a precious hour or all of it because they are trying to have a rifle shot to a given difficulty. Or we can make that rifle shot to a given difficulty and save our liberties. That is what is at stake. I felt it my duty to give the Senate that opporutnity. Does anybody else have a better scheme by which those liberties, the liberty to get a rollcall, the liberty to debate a germane and substantive amendment, the liberty to get it done because you are protected after cloture and there is no control before cloture? You can be shut out completely by persistent debate which will bring on cloture and never give you a chance to offer an amendment.

So, in my judgment, whether this remedy is the perfect one or not it is a step along the right road and it protects our liberties, and these are our liberties.

I have a feeling in my heart as I stand here and argue this today that many times in this Chamber men have argued for the liberties of our people. I am arguing for the liberties of the representatives of our people. We were sent here to use our brains. We were sent here to fight when we thought fighting was right for our country and for our country's interests, and for peace in the world. Let us not shackle ourselves in a way in which we will be unable effectively to do that. That is why I propose this amendment, and I hope it is approved.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, I will be brief. I appreciate what the distinguished Senator is attempting to do, but I feel constrained to oppose the amendment for the following reasons:

First, Mr. President, it removes the cap of 100 hours and effectively does so by requiring that any time consumed on a rollcall vote on an amendment shall not be charged against the hours for consideration.

So if the votes occur on 112 amendments or let us say on 100 or 90—let us say votes occur on 90 amendments after cloture is invoked, this would mean that 4—or let us say on 100—25 hours would not be charged against 100 hours. If there were 100 amendments with 15 minutes to the amendment, that is 4 to the hour, and 25 hours would not be charged against 10 hours, so it breaks the cap.

Mr. BOREN assumed the chair.

Mr. ROBERT C. BYRD. Second, it requires the Presiding Officer—"and the Presiding Officer shall then rule upon that point of order." It, therefore, takes away from the Presiding Officer his option to submit a matter to the Senate. He is deprived of the rule; he can no longer submit a matter to the Senate.

Third, it says, "The proponent of an amendment or amendments against which a point of order is made and sustained may take an appeal en bloc, or may choose specific amendments to make subject of the appeal."

The question occurs to one: Can only the proponent appeal from the ruling of the Chair? The amendment specifically says that the proponent of an amendment or amendments against which a point of order is made and sustained may take an appeal.

It also says "The proponent of an amendment or amendments against which a point of order is made and sustained," et cetera, et cetera. How does one get amendments before the Senate? How does one get to call up amendments en bloc before the Senate? One can do it by unanimous consent. But if there is an objection, no motion is in order to call up amendments en bloc.

Mr. JAVITS. Mr. President, will the Senator yield for just a correction? I will make my own argument.

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. What I have tried to provide is you accumulate your rights to appeal, and the points of order can be made to the amendments at the desk en bloc, depending upon the Member who is making the point of order. That is a new rules provision. You can make the point of order against 30 amendments, and that Member ultimately ought to have one appeal on all 30 or any of them he chooses to name in the appeal. That is the way I get around the fact that you cannot call up amendments. You cannot call up amendments but you can make a point of order en bloc.

Mr. ROBERT C. BYRD. Well, I respect the Senator's explanation and viewpoint. But, Mr. President, this would allow points of order to be made against amendments not pending before the Senate, amendments lying at the desk. A point of order could be made against those amendments before they become the property of the Senate, before they are called up, No. 1.

No. 2, it would allow the proponent against whom the point of order is made subsequently to take an appeal. At the present time an appeal must be taken immediately and before other business has intervened.

This would change that rule. The amendment would change that rule, so that the proponent against whom the point of order would lie could, after business has intervened, take an appeal and he could take an appeal en bloc.

Now, the rhetorical question is, or I ask the question of the distinguished Senator from New York, if the proponent is allowed then to take an appeal en bloc, can any other Senator exercise his normal right to request a division and, if so, if he can request a division, if there are 25 amendments out of the 100 which have been ruled out of order and the proponent decides to take an appeal en bloc of 25 amendments, and a Senator decides he wants a division on those votes, would he not be allowed such a division and, if so, there are 25 rollcall votes to which the Senate would have to respond, and none of the time would come out of the 100-hour cap?

Also it takes away—"Whenever a Senator indicates an intention to appeal from a decision of the Presidng Officer, that Senator shall be given preferential recognition for that purpose." Well, is he to be given preferential recognition over any other Senator, a Senator who may be seeking under the rule to get recognition, and the rules say the Chair shall, although the Chair has discretion, recognize the first Senator to seek recognition? That would mean that any other Senator seeking recognition would not be recognized.

It would deny the Chair the discretion he now has and, in addition to that, it would play havoc with the longstanding precedent that was announced, I believe, by Vice President Garner to the effect that the majority leader, if he seeks recognition, he shall be given recognition; and if the majority leader does not seek recognition, the majority whip seeks recognition, he is to be recognized; and if neither of these two seek recognition, then the minority leader shall be given recognition if he seeks recognition; if he does not seek recognition, the minority whip is to be recognized if he seeks recognition.

That would do away with that longstanding precedent and, as I say, would create, I think, a great many problems that would prolong the consideration of the measure unduly and would not indeed bring about the result that the distinguished Senator from New York hopes to achieve and seeks to achieve, and I compliment him on his efforts to bring about this change.

But I am constrained to have to vote against it, and I shall move to table, but I will not do so immediately if the Senator wishes to speak.

Mr. JAVITS. Mr. President, I shall be very brief. I do wish to make a concluding argument. With respect to one mistake of fact, no 25 rollcalls will ever be called for, because the appeal is only divisible as requested by the appellant. That is a change in the rule. Another Member cannot appeal. But that is a way in which to get efficiency here, and that is what we want. So there is only one rollcall possible on that appeal, and the appellant has the right to pick out what he wants to appeal from.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield at that point? I am not clear. The appellant would have the right under the Senator's amendment to appeal en bloc.

Mr. JAVITS. Right, or he could appeal from any number that he wished to other than en bloc.

Mr. ROBERT C. BYRD. But any number could also be en bloc within the en bloc.

Mr. JAVITS. Exactly, but only one rollcall on the appeal, and he would have to take a chance that the Senate would go with him on all of them.

Mr. ROBERT C. BYRD. But the Senator then would deny or the amendment would deny the right of another Senator who may wish to sustain the Chair as to certain of the amendments and who may wish to stand with the author of the amendment on the remaining amendments the right to ask for a division on those amendments en bloc, and thus be able to determine one by one as to whether or not the Chair would be overruled; am I not correct?

Mr. JAVITS. Yes, it would, and that is exactly the point of my present argument.

This amendment is far from perfect, but it is the best that can be devised to preserve our liberties, and let me explain why. It is a real dilemma for you as well as for us.

We are in a condition now where it may be possible for a majority to amend. This is not very well liked by many of our Members. Once we pass this moment by, by voting as we will today or tomorrow on this postcloture proposition, then we will be again in that morass that there can be a filibuster against changing rule XXII, and that filibuster can only be decided, because that is the way the Senate has gone up to now, under the filibuster rule, and not only the filibuster rule, not only 60, but two-thirds. So when we adopt that, we are locked in. We are not only locked in by a rule of majority, but by the rule of two-thirds.

So this is no child's play we are engaging in. This is very serious business. This can be fixed on us like a collar, whether a majority wants it or not. Right now the majority, as represented by the majority leader, does not want it. That is why he is invoking a rule, which is pretty interesting to me who has been fighting for this rule since 1957, to invoke.

So I know what it means and I know how hard it is to undo. That is why I am moving in this way. I feel the Senate ought to vote, and it will, and I do not know how it will vote, but that is the risk we all take, and I am glad the Senator feels warmly toward me for doing it.

We ought to have an option, even if what I propose is imperfect. In the first place, it is amendable. We can tack things onto the rule, if we do adopt what I have proposed, to deal with the priority recognition for leaders. We know I have no intention of annuling that. If I had thought of it, I would have written it in.

But it can be dealt with. The important point is to make the fundamental decision, do we want the cap to be in time or do we want the cap to be in function? That is really what I am trying to do.

The majority leader, more credit to him, has presented it to deal with a difficulty we all face, a cap in time, strict, tough, tight.

I have presented a cap in function, maybe not as strict and tough and tight, but it raises the issue, shall we go the functional route or shall we go the time route.

I have pointed out in the debate yesterday and today the dangers to our liberties as individual Senators of the time route. I believe those dangers are much greater to our liberties than the danger of the imperfections of my particular approach to the function route.

So, to make it clear to Members why, because this is still changeable, as I say, we can tack anything onto the end of this resolution that we want to, I hope that they will vote the principle rather than the details of either Senator Byrd's plan or mine and decide the fundamental issue, shall we go the time cap or shall we go the functional cap, and then I am confident we can work it out.

Mr. MATSUNAGA. Will the Senator from New York yield?

Mr. JAVITS. Of course.

Mr. MATSUNAGA. I can see a problem wherein the 100 hours have expired and there is a demand for a rollcall vote on an amendment which has been offered and 20 percent of the membership insists on a rollcall vote.

Now, under the Senator's proposed amendment, I suppose a rollcall vote could go on despite the expiration of the 100 hours.

Mr. JAVITS. That is correct.

Mr. McCLURE. Will the Senator yield?

Mr. MATSUNAGA. Now, under the amendment as proposed by the majority leader and I pose this question to the majority leader, after the 100 hours have expired and there is a demand for a vote by 20 percent of those present, will the vote then be in order, or would the rollcall vote be out of order?

Mr. ROBERT C. BYRD. Only those amendments, only that amendment or those amendments then pending, when 100 hours expire, it would be one amendment, it could be more amendments than one——

Mr. JAVITS. How can it be more than one?

Mr. ROBERT C. BYRD. It can be amendments to amendments.

Mr. JAVITS. Then they would only be in series. It would be just one rollcall.

Mr. ROBERT C. BYRD. No, no, no. Let me make legislative history. It is possible to line up a number of amendments to the point, I believe, we can have seven amendments pending at one time.

We can have a substitute for the amendment, that is a freebee. We can have a substitute for the substitute. We can have a substitute for the substitute for the substitute. We can have a perfecting amendment to the original substitute, and an amendment thereto. We can have an amendment in the first degree and an amendment in the second degree to the amendment to the language to be stricken, and we have to take those votes in order.

The first vote would come on the amendment in the second degree to the amendment in the first degree to the language to be stricken and then it would come down the line in the reverse order as they were offered.

So, under my resolution, may I say to the distinguished Senator, only that amendment, if there is one amendment, only those amendments which are lined up, as I have tried to indicate, and which can be found on the diagram on page—within the first 60-some pages of the book on procedure—only that vote or those votes would occur prior to the vote on the resolution itself.

There would be a motion to table that would be in order.

Page 59. As I said, within the first 60 pages, so I almost made it.

So that answers the question, I hope. Any amendments that are pending at the time the 100 hours have expired will be voted on.

Mr. MATSUNAGA. Would that be the case, I see no real need for the amendment being offered by the Senator from New York, because it is only when the 100 hours have expired that the Senators concerned enter into the picture.

Mr. JAVITS. That is not true and I will say why. I am going to answer the Senator's question.

That is not true because always the majority leader has conceded the only amendment upon which we can vote, and if we had enough brains to anticipate all the permutations in advance, because these all have to be on the desk when cloture is invoked, so we are not going to have seven.

The only amendment upon which we can vote is the amendment, actually, which has been called up and pending before the Senate or any amendment to it at that time.

Other members who have been shut out, because of the fact that the 100 hours have been chewed up do not get any opportunity at all. They do not propose their amendments.

What I think the Senator is mistaking is the following, a pending amendment means like mine, before the Senate. It does not mean it is on the desk. That is the difference. Other Members may have every desire to call up more important amendments. They are shut out.

That is the principle upon which I hope the Senate will vote.

Mr. McCLURE. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. McCLURE. I am not certain I understand what the Senator from Hawaii is getting at, because the amendment of the Senator from New York has nothing to do with the expiration of the 100 hours. It has to do with how we deal with the question of amendments which have been ruled out of order by the Chair either singly or sequentially or en bloc, and the right of the proponent of those amendments to have a vote in the Senate on an appeal of the ruling of the Chair, and that is within the 100 hours.

Mr. JAVITS. It was.

Mr. MATSUNAGA. If the Senator from New York will yield further, in response to the statement made by the Senator from Idaho, the Senator from Idaho served with me in the House of Representatives. As he knows, in the House of Representatives there is a rule whereby, after the determined hour has expired for debate, a Member may offer, from the floor, amendments which will be voted upon immediately, without any debate.

I think the Senator raised a vital question: What does the pending amendment mean? What do we mean by "pending"? Of course, my interpretation is that it is one which has been offered and——

Mr. JAVITS. Not at all. That is not what the amendment does. It cuts a Senator off even if it is at the desk. Even if it is qualified, even if it is germane, even if it is substantial, the Senator is out.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MATSUNAGA. The Senator from New York has the floor.

Mr. JAVITS. I yield.

Mr. ROBERT C. BYRD. The Senator is right, if the amendment is not called up. But a Senator has at least 2 days, on the motion to invoke cloture, to call up amendments. If that fails, he has at least an additional day. If cloture is invoked, he has 100 hours in which to get recognition to call up his amendments. He will be guaranteed that he can call up at least two amendments, and I am sure he will pick the two that he feels are the most important. So he will have had his chance.

Fifty Senators each are not going to have two amendments they want to offer. I think the greatest number of Senators who have sought recognition after cloture has been invoked has been less than 30.

Theoretically, yes. One can nickel and dime this resolution to death, just shoot it full of theoretical holes. But from a practical standpoint, it does not work.

Mr. JAVITS. Mr. President, one can nickel and dime our liberties to death, and I will state how.

If rollcalls and quorum calls cut the 100 hours and do not count against anybody, many Members will be denied any recognition at all or only part of their recognition; and if there is no precloture control, we know constantly that you filibuster completely.

Until the time cloture is invoked, Members may not even get recognition to offer their amendments; or, if anybody offers one, he can take all the time to debate it until we get cloture. That is what we are getting ourselves into.

What is locked into this rule after today cannot be changed for 2 years—this time, I hope BOB BYRD will help us—when our contention, which is now some 20 years old, will prevail.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McCLURE. Let us not confuse the pending amendment offered by the Senator from New York with the question of whether or not a Senator would be recognized to offer an amendment or to get a vote on an amendment. This amendment deals with the question of amendments which have been ruled out of order and an appeal from that ruling.

As the Senate knows, we have seen at least one instance in which amendments were ruled out of order, with no opportunity by the proponent of that amendment to get recognition, to make a motion for reconsideration, or to seek the vote of the Senate upon whether or not the ruling of the Chair was correct.

The amendment offered by the Senator from New York very wisely seeks to address that question by saying, "All right, the proponent of amendments which have been ruled out of order has one chance to have any one or any several of his amendments that have been so ruled out of order appealed to the vote of the Senate." It is not confused with the ending of the 100 hours of debate or the opportunity to present amendments otherwise, either in precloture or postcloture situations.

Mr. JAVITS. That is true.

I also provide—and that is why I have been arguing the liberties question—that Members having germane and proper amendments can get a rollcall, and I call that a liberty of the Senate, that they cannot be denied their hour, because it is chewed up by others in rollcalls and quorum calls.

Mr. McCLURE. I commend the Senator from New York for what I think is the fundamental issue here, of how you balance between the right of an individual Member of the Senate to have at least some opportunity in that postcloture period, as against the right of the majority to bring that to an end, irrespective of the right of an individual Member of the Senate. I believe the Senator's amendment is a constructive change. I hope it will be adopted.

Mr. ROBERT C. BYRD. Mr. President, if the distinguished Senator from New York, the author of the amendment, does not seek further time, I shall move, and do move, to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KENNEDY) are absent necessarily.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. HAYAKAWA), the Senator from North Carolina (Mr. HELMS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Wyoming (Mr. SIMPSON) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The PRESIDING OFFICER (Mr. BAUCUS). Are there any Senators who have not voted who wish to vote?

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—55

Baucus
Bayh
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Culver
DeConcini
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Heflin
Huddleston
Inouye
Jackson
Johnston
Leahy
Levin
Long
Magnuson
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Tsongas
Williams
Zorinsky

NAYS—37

Armstrong
Baker
Bellmon
Boschwitz
Chafee
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Garn
Goldwater
Hatch
Heinz
Humphrey
Javits
Jepsen
Kassebaum
Laxalt
Lugar
Mathias
McClure
Percy
Pressler
Roth
Schmitt
Schweiker
Stafford
Stevens
Stone
Thurmond
Tower
Wallop
Warner
Weicker
Young

NOT VOTING—8

Hatfield
Hayakawa
Helms
Hollings
Kennedy
Packwood
Simpson
Talmadge

So the motion to lay on the table UP amendment No. 25 was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, if no Senator seeks recognition——

Mr. CHAFEE addressed the Chair.

Mr. ROBERT C. BYRD. I was about to suggest the absence of a quorum. I withdraw that suggestion, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have a couple of questions I would like to address to the majority leader, if I might, in connection with the proposition that we have before us.

Mr. President, as I understand this, it is provided in the rules that nobody can speak more than an hour, but it is also provided—or it is not specifically provided—that rollcalls, quorum calls, et cetera, come out of the cap. I wonder if we might have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHAFEE. So, Mr. President, if a Senator gets the floor after cloture and starts on his way through a series of dilatory motions, quorum calls, et cetera, they could eat away at the 100-hour cap, so that, in effect, it does not work out that every Senator is guaranteed 1 hour. Is that correct? I direct that question to the majority leader.

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. CHAFEE. So that the only protection that a Senator has that he will have his day in court, as it were, his chance to speak out, comes on page 3, where it is stated that notwithstanding any other provision, the Senator who has not used up his time will get 10 minutes to speak only, and not to call up any amendments or quorum calls or such. Am I correct?

Mr. ROBERT C. BYRD. "Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least 10 minutes, is, if he seeks recognition, guaranteed up to 10 minutes, inclusive, to speak only."

Mr. CHAFEE. Mr. President, it seems to me—and I would like to have my fears allayed—that the concern here is that a few people getting the floor early can gobble up the 100-hour cap, so that the others who might be away perchance—let us not have any excuse for those, but those who are unable to get to the floor—will not have a change to speak except the 10-minute suffrance period.

That gives me concern. Is there anything that the majority leader might mention in connection with that problem?

Mr. ROBERT C. BYRD. Yes. I cannot for the life of me, one, envision a practical situation in the course of 100 hours, 12½ 8-hour days, that a Senator is not able to get recognition. That is No. 1.

No. 2, I have provided in the resolution by way of amendment the following: No Senator shall call up more than two amendments until every other Senator—meaning the other 99 Senators—shall have had the opportunity to do likewise.

So if a Senator does not sleep on his rights, if he is on the floor, he will be recognized in due time before the 100 hours are up. Even in a theoretical situation I have my doubts—I almost have my doubts that in theory—50 Senators are each going to have two amendments. It has never worked that way before in the 62 years since the cloture rule was first adopted.

There has never been a time, and I venture to say there will never be a time from now until the crack of doom, when every Senator among the 100 Senators will have two amendments he wishes to call up. But this provision guarantees that the Senator from Rhode Island (Mr. CHAFEE) will be guaranteed an opportunity for recognition to call up two amendments. If the Senator from Maryland, the Senator from Arkansas, the Senator from Montana, the Senator from Ohio, the Senator from Virginia, the Senator from Oklahoma, the Senator from Massachusetts, the Senator from Pennsylvania, or any other Senator——

Mr. CHAFEE. Were to gobble up time.

Mr. ROBERT C. BYRD (continuing). Were to gobble up time by calling up two amendments each, they would not be able to obtain recognition again until the Chair would say, "Does any other Senator seek recognition?"

At that time, the very able Senator from Rhode Island would stand up and say, "Mr. President, I have not had the chance to call up two amendments." He would be recognized.

Third, there is a provision in here now whereby the majority leader, the minority leader, the manager, and the ranking floor manager may each have additional time under their control, if other Senators wish to be merciful, considerate, and magnanimous, and offer up to 2 hours to any one of those four or to all of those four. Those four leaders will yield time, out of fairness. I will make a pledge here now and engrave it on the pages of this CONGRESSIONAL RECORD that if the distinguished Senator from Rhode Island at the end of 100 hours has not been recognized, he may resort to the amendment which I put in, supported by the Senate, that he can be yielded at least 10 minutes, if he has not used any of his time. Beyond that I will engrave it in the RECORD here and now that if I have any time remaining out of the 3 hours under my control, I will yield to the Senator from Rhode Island.

Beyond that, I have provided in this resolution that the Senate, by a three-fifths vote, may extend the time, extend the cap, to more than 100 hours. In an august body of 100 men who believe in justice who would dare say that three-fifths would not rise to the defense of the Senator from Rhode Island and say, "He is entitled. He has been seeking recognition. We have been watching him. He stood up every time that an amendment was disposed of or a Senator sat down. He has sought recognition repeatedly."

Three-fifths of the Senators, I am sure, I am positive, in fairness would give that Senator, just as if the junior Senator from West Virginia had been denied, whatever additional time might be needed for recognition.

I think there are a good number of provisions which have been written in which deal with that hypothetical situation, which not only concerns the Senator from Rhode Island but a good many Senators who have spoken to me before.

Mr. CHAFEE. Mr. President, I appreciate that explanation, but it appears to me that there is the fact that despite all these safeguards, the chance to extend, or the manager, or the ranking member of the committee handling the bill, all of them having the possibility of accumulating time and yielding time, and despite the fact that in the history of the Senate in 62 years not more than 30 Senators have spoken, to our best recollection, despite all that, the majority leader feels it necessary to include a provision that everybody gets 10 minutes in case they have all been cut out.

It seems to me that provision mitigates against the very point that the majority leader is trying to make. He is trying to say that everybody is protected, but recognizing that they might not be protected he throws them all a 10-minute little bit to say their piece, not a chance to amend, not a chance to hold any rollcalls.

It seems to me that that very provision is contradictory to everything the majority leader has said. It confuses me. Why have that in there? Maybe the Senator is trying to placate some group that is disturbed. I do not know.

Mr. ROBERT C. BYRD. No. There are so many Senators who dealt with the theoretical rather than the pragmatic, who kept saying, "But if so and so happens," and "I will be shut out in my time."

People in my State would look through the lengthy record of debate and they would say, "Where do I find anything that my Senator had something to say on this controversial measure?"

So in order that that Senator may be guaranteed in that most hypothetical of hypothetical situations, in that most theoretical of theoretical hypotheses, I have provided that if that person were over at Charles Town Race Track all throughout that debate and he happened to make it in just as the 100-hour curtain was drawn, he could stand up and say:

> Mr. President, I have not used any of my time. I have not yielded any of my time. I do not want to insert something in the RECORD that the people in West Virginia will recognize because of that bullet there as having been just inserted in the RECORD. I am going to stand up here and say my piece. I am entitled to be heard. I am entitled to represent the people of West Virginia. One hundred-hours have passed by and I was unavoidably delayed in getting here.

Do not say anything about being at the Charles Town Race Track:

> I was unavoidably delayed in getting here. Mr. President, am I not entitled to speak for the people of the great State of West Virginia, the State that is almost heaven, whose motto is that mountaineers are always free, or the State of North Carolina, whose motto is to be rather than to seem?

For that reason, Mr. President, I have

provided that a Senator may have 10 minutes.

Mr. CHAFEE. I heard the answer and it was eloquent.

Let me ask the majority leader where do we stand on this now? We are now on the resolution. As I understand, the agreement was that we would vote on or before 6 o'clock tonight.

Mr. ROBERT C. BYRD. Yes, no later than six.

Mr. CHAFEE. No later than six.

What happens next? There are no amendments at the desk, do I understand?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I have another amendment.

The PRESIDING OFFICER. No amendment is pending.

Mr. ROBERT C. BYRD. No amendment is pending.

Mr. CHAFEE. Does the majority leader—is there a time limit on his amendment?

Mr. ROBERT C. BYRD. No, there is not.

Mr. CHAFEE. Will there be?

Mr. ROBERT C. BYRD. I would be willing to enter into one.

Mr. CHAFEE. What I am thinking of is whether there would be time for another amendment should I so desire to offer one and just kind of work out the time. It depends on how much time the Senator takes.

Mr. ROBERT C. BYRD. Well, I will be very glad to delay offering mine for another 30 minutes and allow the Senator from Rhode Island to offer his amendment.

Mr. CHAFEE. That would be more than fair. If I am going to do it, I will do it in the next 10 minutes.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. CHAFEE. I would have a chance to vote on it then?

Mr. ROBERT C. BYRD. Yes, the Senator will have that chance.

Mr. CHAFEE. I thank the Senator.

Mr. ROBERT C. BYRD. In relation to the amendment, yes, he will, before I offer my amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

(Mr. CULVER assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I offer the following amendment.

Mr. President, before I ask unanimous consent to offer an amendment to language that has already been amended, I want to explain what the language would do.

Before the holiday, the language in the resolution was changed to provide that the majority and minority floor managers and the majority and minority leaders could each be the recipients of not more than 2 hours yielded to him from other Senators, or on the part of other Senators.

I have discussed with the distinguished minority leader knocking out the provision that would allow time to be yielded to the majority and minority leaders without unanimous consent, leaving in the provision that would allow Senators to yield up to a total of 2 hours to each of the floor managers.

The floor managers, obviously, need that additional time in which to oppose motions and amendments, but the two leaders have preferential recognition to begin with and I should think that if we cannot make it on the 1 hour, and that will be chipped away a little bit because we have a 100-hour cap, but if we cannot make it with preferential recognition, perhaps we ought not to be in this position.

I think the general persuasion of this would be improved if there was not a feeling that the leaders are being given an unfair advantage over other Senators, who are being asked to give up some of their time.

Quorum calls and roll calls are going to chew into the 100 hours and, by virtue of doing that, are going to also chew into the 1 hour of each Senator.

So I am going to ask unanimous consent that I be permitted to offer an amendment to strike from page 3 of the resolution the words, "or to the majority or minority leader."

Mr. CHAFEE. Mr. President, I do not want to lose my chances to speak. I would just as soon wait until the minority leader speaks and then I would like to make a point or two, if I could.

Mr. BAKER. Mr. President, I would prefer to hear the remarks of the Senator from Rhode Island.

I yield.

Mr. CHAFEE. Mr. President, one of the virtues, as we have discussed here earlier, of letting the leaders have this time is that the leaders may in turn yield such time to other Senators. As the distinguished majority leader pointed out a little earlier, when he and I had a colloquy on this subject, he assured me that should the situation ever arise in which I did not have time, he would yield me time from his time. I thought that was generous, and I was prepared to take him up on the offer. Now he is giving away that privilege, quickly giving away a privilege of his and a privilege of which I was a partial beneficiary.

I am not strong on strong leaders. I am always wary of leaders who have too much power. But I do not think that in 3 hours, they can go rampant.

They are always subject to the votes of their Members. I do not think any leader is going to proceed in a reckless fashion, disregarding the wishes of his Members, and thus, not only is he going to regard their wishes, but also, he will try to take care of them by ladling out to them a little time here and there, should they need it.

So I think it is bad to give up that point. Somebody may need it; and we cannot look to the majority or minority floor managers, because those people are not subject to the votes of their Members. Also, they are wrapped up very intently in the whole subject that is before the Senate, and they want to use every bit they can.

I would like to explain a little further why this time should be given up. As a matter of fact, I was supportive of the efforts by the Senator from Idaho and others who would have given up to 9 hours, a total of 10 hours, not just to the leaders but also to Senators generally.

I do not want to hold up this bandwagon, but a little more explanation would be helpful. Maybe it is not a bandwagon.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. CHAFEE. I am delighted to yield.

Mr. HARRY F. BYRD, JR. I say to the Senator from Rhode Island that I raised the point with the distinguished majority leader, and I did it for this reason: As the proposed legislation now stands, the majority and minority floor managers of legislation could have time yielded to them. Then, as the measure now stands, the majority leader and the minority leader, likewise, could have time yielded to them. All those hours have to come out of the time under the 100-hour cap, which means that all the other Senators have that much less time for themselves.

If the Senator from Rhode Island thinks that the membership as a whole is better off by permitting the majority leader and the minority leader to have the time mentioned in the pending legislation, as well as the majority and minority managers of the floor legislation, that is perfectly satisfactory to me.

It occurs to me that the more the Senate gives to the leadership or to the managers of the legislation, the less time there will be for everybody else. But if there is considerable feeling that the membership as a whole will be better off by permitting additional time to be yielded to these four individuals, I certainly would not make any issue of it. I have some question in my mind as to whether it is advantageous to the Senate to take the proposal in its present form, but I have no strong feeling about it at all.

Since I did raise it with the majority leader, and since the majority leader did rise to act on that, I wanted to state that he did not do it on his own initiative. It was raised by the Senator from Virginia, and I will not make any issue of it at all.

I just want to say to the Senator from Rhode Island that I question whether it is wise, from the point of view of individual Senators, to be putting into the hands of four Senators as much time as would be given under this proposal.

Mr. CHAFEE. Mr. President, I think those points are very well taken. It is not an easy thing to decide.

Of course, they are not taking the time from the body as a whole. They are not granted 3 hours under the bill. The majority leader and the minority leader only have an hour, just as, in theory, everybody else has. The only way they get additional time is if somebody should give it to them. Then they could use that time, it seems to me, in correcting any inequities that may have arisen in the course of debate.

When I spoke with the majority leader and had a little colloquy with him earlier, he used this as an indication of one way—and it applied to the minority leader—to insure fairness in case somebody was caught in a squeeze; that here was a source of time which responsible people, who are subject to the approval of their peers, could give out in order to remove an inequity. That was the argument that was used, and I thought it made some sense.

Mr. HARRY F. BYRD, JR. The argument that the Senator from Rhode Island is making now was very ably made by the Senator from Maryland, in personal conversation with the Senator from Virginia. If both Senators feel that is a better procedure, I certainly will withdraw any objection I have to it.

However, the Senator from Rhode Island understands, of course, that this time would come under the cap, which means, as I see it, that the individual Members of the Senate, other than those four and those they may yield to, would have less time.

Mr. CHAFEE. I appreciate that. This, I understand, would not affect the proponents—the majority and minority floor managers. They are not involved in this. It is just the leaders. Is that correct?

Mr. SARBANES. That is correct.

The rationale for the extra time for the floor managers is somewhat different from the rationale when they have to deal with amendments coming from a whole host of Members and they very quickly use up their hour in responding to amendments.

It is reasonable that they should have the ability to have some extra time yielded to them in order to make their responses.

The rationale for yielding it to the two leaders was somewhat different. It was along the line that the Senator from Rhode Island has outlined. But it is my understanding that the two leaders are really amenable to the will of the Senate with respect to this matter, and they are not asserting or seeking or reaching out to get the extra time and to have it yielded to them.

There are arguments both ways, as we have heard on the floor of the Senate.

Mr. CHAFEE. Mr. President, I can see the points that have been raised by the Senator from Virginia. However, because of the problems that might come up, a possible inequity due to a series of things we cannot anticipate, and the ability of the leaders to parcel out that time to overcome an unsuspected and unforeseen inequity, I think it is a pretty good proposal to let them have that modest amount of time, and therefore I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, at 3:45 p.m. the Senate took a recess for 15 minutes.

The Senate reassembled at 4 p.m., when called to order by the Presiding Officer (Mr. Tsongas).

● Mr. RIBICOFF. I support the efforts of the distinguished majority leader to reform the filibuster rules.

Mr. President, the Senate is a great legislative body. It has enormous responsibilities. We must address very difficult and complex issues. This makes it essential that the rights of every Senator be protected; that there be opportunity for full and open debate. Certainly a procedural device should not be used to prevent any Member of the Senate from speaking on the merits of any issue before this body. Nor, however, should procedural ruses be used to avoid addressing the merits of a particular issue.

In the final analysis the Senate must function in an orderly manner. The Members of the Senate must record their collective judgment on the issues before this body. Each of us must stand up and be counted on the important matters before the Senate. Just as every Senator must have the right and opportunity to discuss the merits of the issue, so every Senator must have the right and the responsibility to vote on that issue.

The Senate today is involved in major domestic and foreign policy decisions. We deal with legislation to improve the operation of our Federal Government. We do not have the luxury of spending hours in unproductive activity.

I have opposed filibusters throughout my Senate career. The filibuster in the U.S. Senate does us no credit. I have voted for cloture in the face of filibusters mounted by liberal Senators and by conservative Senators. The business of the Senate must go on. Dilatory tactics should not allow a few Senators to prevent a vote on a substantive matter even after extensive debate on that matter.

Mr. President, the majority leader's proposals do not in any way affect the rights of a minority to conduct a filibuster. Sixty votes will still be needed to limit debate. The right to debate legislation and to offer amendments to it after cloture has been invoked will still be protected. The majority leader's modest proposals simply seek to limit the number of filibusters that can be conducted on any one piece of legislation.

This is consistent with the original intent of rule 22. The intent of rule 22 was to protect the right of extended debate by requiring more than a majority to invoke cloture. However, invoking cloture constituted a decision to limit debate and to have a final vote on the substantive matter before the Senate within a reasonable period of time. In recent years, however, ingenious postcloture delaying tactics have unjustifiably permitted one or two Senators to waste the time of the Senate even after cloture has been voted.

Senate Resolution 61 is now before the Senate deals only with this postcloture debate. The majority leader has been wise and generous in his proposal. Senate Resolution 61 simply eliminates the ability of a tiny minority to conduct a postcloture filibuster by counting the delaying moves as part of a Senator's debate time. Surely this is both reasonable and fair.

I myself would support efforts to go even further to expedite Senate procedures. I hope that we will have an opportunity during this session to address other improvements suggested by the majority leader in his original resolution (S. Res. 9).

However, the limited resolution on postcloture filibusters before us today is both reasonable and necessary. I hope that it will be approved so that we can get on with the business of the Nation.

Mr. President, two timely and perceptive editorials on this issue have recently appeared in newspapers circulated in my State of Connecticut. The Hartford Courant on February 7, 1979 had a lead editorial entitled "The Debate on Debating." The New York Times on January 30, 1979 had an editorial entitled "One Filibuster Per Issue." I ask that these two editorials be printed in the Record.

The editorials follow:

[From the Hartford Courant, Feb. 7, 1979]

THE DEBATE ON DEBATING

To filibuster a bill to death in the U.S. Senate does have a certain glamor. The image of the thunderous orator, using his wile to talk a law to death, is not without its Hollywood charm.

The patent obstructionism of unlimited debate is softened by a tradition that requires democracy not only to follow majority will, but also to defend the rights of minority opinion.

Thus, the common sense proposals before the Senate to revise the filibuster rules will meet with much resistance.

The art of obstructionism has been finely tuned in the recent past, to the point where a handful of senators can cripple the legislative process, or sabotage legislation with merely the threat of a filibuster. Such a tradition as that is not worthy of any legislative body that strives for rational lawmaking.

Senate Majority Leader Robert Byrd, who himself used the filibuster to great advantage against the nation's civil rights laws, is now proposing modest changes in those rules. His major goal is to end the fairly recent practice of piling filibusters on top of filibusters—all aimed at the same piece of legislation.

A gentleman's agreement had long restrained senators from delaying final action on bills, once a filibuster was broken. Since 1976, a new strategy has emerged, which produces endless amendments and procedural maneuvers designed to prevent final consideration, even after the majority has expressed the wish to proceed.

The Byrd plan is worthwhile. Sixty senators would still be required to end a filibuster, no matter how few were actually available to vote on cloture. But when that point is reached, a final vote could reasonably be expected to occur.

More vigorous reforms of the filibuster tradition have some backing, including one that would allow 60 percent of the senators present to invoke cloture. While we have sympathy for significant changes in the filibuster rules, such progress in the near future is unlikely.

The filibuster ideal pits the relentless majority against the abused minority, but that ideal has little validity in the modern congressional setting.

Sophisticated special interest groups, modern communications systems and education that mark the legislative process today perform much of the leavening function that filibusters are supposed to offer. Few bills emerge spontaneously from the recesses of a majority conclave, to be pushed through Congress, untouched by minority impact.

The major resistance to filibuster is coming from the most conservative members of the Republican and Democratic parties. Yet, it was they who were the victims of the liberal filibuster last year that tied up the Congress for weeks, before the natural gas deregulation compromise finally won approval.

The filibuster remains a fascinating Senate tool, whether used for education or obstruction. But like most extreme options, it should be reserved for true emergencies, and then subject to reasonable constraints.

[From the New York Times, Jan. 30, 1979]

ONE FILIBUSTER PER ISSUE

By voting against a motion to stop a filibuster, 41 of the 100 members of the Senate can block any legislation. That is not necessarily pernicious and we agree with the Senate majority leader, Robert Byrd, that there is a right to filibuster. But we also agree strongly with him that on any one issue, one filibuster is enough. Still, present rules permit multiple filibusters. Even the threat of a filibuster has become a serious problem, making the Senate, in Mr. Byrd's term, "a spectacle." The time has come to do something about it.

Partly because of the parliamentary virtuosity of the late Senator Allen of Alabama, the Senator has been increasingly subject to multiple filibusters. Unless the leader calls up legislation under special circumstances, his very motion to proceed to consideration of the bill is subject to a filibuster. If the filibuster is then voted down through cloture, another filibuster can be undertaken when the bill becomes the pending business. And even when such a filibuster is defeated, there has been an increasing use of "post-cloture" filibusters in which one or a handful of Senators can tie up business for days with dilatory motions, interminable amendments, quorum calls and rollcalls.

Senator Byrd has now offered a resolution to change the rules and ease this "misery." He does not propose, probably wisely, to make filibusters easier to stop. A full 60 votes would still be necessary—but only once. Debate on motions to take up a bill would be limited and filibusters confined to actual consideration of the measure. Post-cloture stalling would be curbed.

Both Republicans and Democrats have named ad hoc committees, ostensibly to consider Senator Byrd's proposal but actually to negotiate both on its terms and on how a vote can be had on a rules change. Conservative members believe that 67 votes are needed to end a filibuster on a motion to change the rules. More liberal members believe a simple majority can vote to change the rules and cut off debate.

It would appear to be in the interest of Republicans and conservative Democrats to avoid a showdown. A loss would create a precedent that would make future rules changes easier and eventually undermine the rights of the minority. A showdown can be avoided by an agreement to limit debate on the Byrd resolution and to vote at an agreed time. There seems to be fairly widespread bipartisan agreement that something should be done to limit post-cloture filibusters, and there seems to be room for reasonable compromise on other elements of the Byrd proposal as well.

But if meaningful rules changes are not soon forthcoming, Senator Byrd reluctantly will have to force the showdown. Then it will be important that 51 Senators, including liberal and moderate Republicans, back him up. Senator Henry Cabot Lodge Sr. was right when he said many decades ago: "To vote without debate is perilous, but to debate and never vote is imbecile." ●

● Mr. BENTSEN. Mr. President, I rise in support of reform of the Senate Rules. I believe that the distinguished majority leader has presented careful and considered proposals, and I am inclined to support them.

In my years in the Senate, I have used and been used by extended debate. I have supported cloture; I have opposed cloture; I have been allied with liberals, conservatives, and groups that defy description.

I believe the human mind can devise rules that protect the legitimate rights of both the majority and minority within the Senate. I believe that Senate Resolution 61 meets the general standards we must set.

We must balance the needs of our Nation, the rights of all Senators, and the interests of both parties. We must seek fair and reasonable rules that will effectively guide our conduct. We live in dangerous times, when political paralysis can threaten our ability to address the most serious issues. We must meet these challenges. We must have rules that enable us to meet them. We must protect the minority, yet preserve the ability of a substantial majority to act.

Mr. President, we must be vigilant in protecting the rights of the minority. I support the concept of extended debate. When used as it was intended, this device can make the Senate a truly deliberative body.

When 60 votes are not obtained for cloture, the debate should continue. If the 60 votes cannot be obtained after repeated attempts, the legislation should fail. This is the right of the minority that must not be destroyed, distorted, or diluted. I will support this right. I oppose any effort to take it away.

We must recognize other rights at stake when the Senate has worked its will, and cloture has been invoked. In this event, the minority has made its stand and exercised its right, and it has lost. At this point that majority that voted to end debate has a right to have the Senate proceed to action. They have a right to work their will, to represent their constituents as they see fit.

We cannot allow this right to be destroyed by a small minority that has tried and failed to extend debate. We cannot permit anyone, conservative or liberal, to corrupt rule 22 and delay the Senate with dilatory tactics. This is not representative government they engage in. This is delay and obstructionism.

I remember the Pearson-Bentsen natural gas legislation. We had obtained the votes for cloture. The majority, the three-fifths majority, had spoken. Yet there were some in the minority who believed that the Senate should give way to their viewpoint, even though they had lost according to the rules. They then distorted the original intent of rule 22, and we spent days and nights in endless delay.

Mr. President, I can understand their deep feelings, and the feelings of all of my colleagues on the great issues that come before the Congress. Honorable people can disagree. We can disagree strongly. Yet there comes a time when the verdict of our colleagues must be accepted, when representative government compels us to compromise, or yield to the views of others.

Mr. President, I want to talk very briefly about a growing phenomena that troubles me. I refer to the growth of narrow or single issue political groupings in our country. The Founding Fathers called it factionalism. They warned us about it.

Increasingly, people say: "Do it my way, or not at all."

They say: "I want to know about your feelings on the one issue that concerns me, and I don't really care about all of those other issues facing the country."

They say: "My personal view must take precedence over the needs of the body politic."

James Madison warned us in Federalist No. 10. He said that a great danger facing the United—repeat, United States, was division from within.

In George Washington's Farewell Address, read eloquently this week by my colleague from Virginia, we were warned of dividing region against region, group against group, person against person. We were instructed that we must value national unity above all else, that we must accept pluralism under our Constitution.

Mr. President, in our country there is a temptation to fight on behalf of a narrow issue, and forget the broad political consent essential to our form of government. I say we may agree with the particular position in question, but we must never forget that we are part of a large nation with many particular viewpoints.

We must remember this in the Senate if we are to lead the country. We must remember that sometimes we will lose, but that always we must respect the ability of our representative system to work its will.

We must not tie the Senate in procedural knots. This does not make us a greater deliberative body. It erodes our ability to decide, after we deliberate. It demonstrates a lack of respect for the views of others. It demonstrates a lack of faith in the process itself. It reduces public respect for the institution of the Senate, and leads us on the dangerous road to political paralysis, factionalism, and ineffectiveness.

Mr. President, the American people want a government to respond to the troubles of our times. They want a government that can act.

Yes, we must protect the rights of the minority.

No, there is no justice in allowing a minority of 10 to paralyze a majority of 90.

There is no fairness in holding the U.S. Government hostage to the views of a few, no matter how sincere they are.

If 40 votes stand firm, and cloture cannot be invoked, then again I say the legislation should fail.

But when the three-fifths majority has spoken, the time for debate should draw to a close.

The precedents of the Senate, the great history of our institution, and the requirements of governing this large and diverse society all tell us that there comes a time when the Senate must be able to act.

In this spirit I will support reform of the Senate rules.

I believe we can protect the rights of our Members, and pursue the unfinished business that faces our country.●

● Mr. MATSUNAGA. Mr. President, I rise in strong support of Senate Resolution 61, as amended, the resolution proposed by the distinguished majority leader, the Senator from West Virginia, to amend rule 22 of the Standing Rules of the Senate.

Mr. President, it is with a sense of urgency that I join the distinguished majority leader in calling upon my colleagues, on both sides of the aisle and at each end of the political spectrum, to give thoughtful, deliberate, and, finally, favorable consideration to the majority leader's proposed rule modifications. In recent Congresses, we all have seen the extent to which one, two, three, or any small group of Senators may thwart the will and the overwhelming majority of the Senate. It has become clear, I believe, that rule 22, the procedure by which three-fifths of the Senators may invoke cloture, is not, as it now stands, an effective means of ending filibuster in the U.S. Senate.

By utilizing the present rules of the Senate to their fullest extent, it is now possible to engage the Senate in several filibusters on any given issue. First, when the majority leader makes a motion to proceed to the consideration of a particular matter, debate on that motion is unlimited. Any single Senator, or small group of Senators, may conduct a filibuster on the motion to proceed. Second, any Senator or small group of Senators may conduct a filibuster during the debate on the bill itself, or substance of the issue, once it is before the Senate. Third, and finally, the present Senate rules allow a Senator, after three-fifths of the Senate has voted to invoke cloture under rule 22, to conduct what is now referred to as a "postcloture filibuster."

Mr. President, many of us are well acquainted with the postcloture filibuster. Two years ago, during our consideration of the natural gas pricing bill, a small number of Senators employed an array of parliamentary tactics to carry on a filibuster against the bill for 2 weeks after cloture was invoked. To delay final action on the bill, the Senators requested numerous rollcall votes and quorum calls, demanded the reading of all amendments in their entirety, and asked for the full reading of the Journal. What made these and several other procedural tactics effective filibustering is that the time consumed did not count against the 1-hour of time allotted to each Senator after cloture had been invoked.

Moreover, under the Senate rules, any Senator who sends to the desk a germane amendment before the announcement of a successful cloture vote is eligible to propose it after cloture is invoked. Consequently, the filibustering Senators offered literally hundreds of germane amendments making changes in funding authorizations, establishing alternate dates for deadlines in the bill, redefining terms, and making various additions and deletions to the bill.

It is well known, Mr. President, that if the majority leadership did not resort to extraordinary procedural measures, the postcloture filibuster could have prevented the Senate—a three-fifths majority of the Senate—from voting up or down on the vitally important piece of energy legislation.

Mr. President, I strongly believe that we in the Senate must no longer tolerate such abuse of the Senate rules. One Senator, two Senators, three Senators, or any small group of Senators, must not have the absolute power to thwart the will not only of the majority, but also of a three-fifths majority of the Senate, which, having voted to invoke cloture, has signified that debate shall come to a close and that the pending matter shall be acted upon by the Senate.

Mr. President, although I do not approve of the postcloture filibuster, I do not fault the Senators who have chosen to utilize the rules of the Senate to extend debate after cloture has been invoked. Every Member of this body certainly has the legitimate right to use them as he so chooses. And so long as the rules remain as they are, I am sure that some Senator or Senators will continue to use them to their fullest extent.

Therefore, Mr. President, it is imperative that we move now to change the rules in a way that will once again allow the majority of the Senate to work its will on a measure. The Senate must be free to conduct the Nation's business, and I believe it is our duty as its Members, duly chosen and sworn, to see that the rules allow it.

I want to emphasize, Mr. President, that I do not advocate any modification of the Senate rules which would restrict or prohibit the legal right of any Senator to engage in a filibuster. On the contrary, I believe that every Senator should continue to have that right. However, I believe that Senators should filibuster on the merits of the particular matter before the Senate, not on the motion to proceed to the consideration of that matter, and not after the Senate, by a three-fifths majority, has voted to limit debate.

Mr. President, I can certainly understand the concern that many of my colleagues have expressed over the reforms proposed by the distinguished majority leader, particularly in terms of their effect on the delicate relationship between the majority and the minority in the Senate. I might add that I am not speaking of the majority or minority necessarily in the sense of a political party. In my judgment, it is vitally important that each and every Senator, of every party affiliation or political philosophy, consider carefully and deliberately the reforms proposed under Senate Resolution 61, for they will change the standing rules of this body and have a dramatic effect on the tone of the Senate's proceedings for many years to come.

During the course of our debate on this resolution, I have not heard a single Senator deny that in any parliamentary body, or in any democratic system for that matter, it is essential that the minority be allowed to speak, to debate, to criticize, and, in short, to participate fully in the legislative process. This concept and others designed to protect the rights and privileges of the minority are among the fundamental principles of our democratic form of government. James Madison, writing in "The Federalist," No. 10, discussed the power of the majority over the minority and the possible abuses of that power that may occur in a democracy, I quote:

> When a majority is included in a faction, the form of popular government . . . enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens . . . It may be concluded that a pure democracy . . . can admit no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by the majority . . . and there is nothing to check the inducements to sacrifice the weaker party. Hence it is such democracies which have ever been the spectacle to turbulence and contention . . .

Indeed, Mr. President, the framers of the Constitution concurred with Madison and went to great lengths to protect the rights of the minority. Under the Constitution, the Federal Government is divided into three separate and independent branches, and an important system of checks and balances is employed among them. The separation of powers doctrine was developed by the framers, in part, to insure that the Federal Government would protect the minority.

Within in the legislative branch, the bicameral nature of the Congress, and the intricacies of the legislative process involving the two Houses and the President, provide even further protection for the minority. Within the Senate itself, there are many built-in safeguards for the minority. Most importantly, the Constitution clearly provides that each State shall have two Senators, regardless of its size, and that no State, without its consent, shall be deprived of its equal sufferage in the Senate. I might also reiterate that any single Senator, or group of Senators in the minority, is, under the Senate rules, entitled to filibuster a matter before the Senate.

At the same time, Mr. President, we must not lose sight of the fact that the concept of rule by the majority, with adequate protection of the minority, was central to the political philosophy of the framers and remains today the very foundation of our representative form of Government. Alexander Hamilton, writing in "The Federalist," No. 22, emphasized the need for voting by majority to prevent national control by a "pertinacious minority," I quote:

> In those emergencies of a nation, in which the . . . weakness or strength of its government . . . is of the greatest importance, there is commonly a necessity for action. The public business must, in some way or other, go forward. If a pertinacious minority can control the opinion of the majority . . . the majority, in order that something may be done, must conform to the views of the minority; and thus the sense of the small number will overrule that of the greater, and give a tone to the national proceedings.

For the purposes of our deliberations, Mr. President, Hamilton's insistence that "the public business must, in some way or other, go forward," is vitally important. When applied to the Senate, his words and ideas firmly support the contention that the Senate must be allowed to work its will and the majority of Senators must prevail.

Writing in The Federalist, No. 58, James Madison emphasized the importance of the principle of majority rule in both Houses of Congress and the need to insure against minority frustration of legislative power. I quote:

> It has been said that more than a majority ought to have been required for a quorum (in house of Congress) for a decision . . . But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice and the public good might require new laws to be passed . . . the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority.

Although James Madison wrote these words almost two centuries ago, we in the Senate find ourselves in a similar situation. Single Senators and small groups of Senators, representing a small minority of the Members of this body, are able to utilize the rules in such a manner as to thwart the will of the majority and even a three-fifths majority of the Senate. Permit me to again quote Madison from "The Federalist," No. 58:

> Were the defensive privilege (more than a majority for a quorum) limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences.

Madison's fear that a minority, which has the power to overrule the majority, might "extort unreasonable indulgences" from the majority, should have a special meaning to us in the Senate today. It has certainly become clear, I believe, that under the present rules of the Senate, which allow a small minority to engage the Senate in filibuster after cloture has been invoked, that a three-fifths majority of Senators may be forced to accede to the wishes of that small minority.

Mr. President, we cannot, in good conscience, permit this situation to continue in the Senate of the United States. We must not permit the rules of this body to be used to prevent the Senate from working its will, particularly after three-fifths of the membership of the Senate has voted to limit debate on a particular issue. The postcloture filibuster is clearly contrary to the concept of majority rule and the intent of the framers of the Constitution.

We have a unique opportunity at the beginning of this new Congress to consider prudently and deliberately the majority leader's proposals to reform the Senate rules. I believe that they are fair reforms which do not go above and beyond the objective of eliminating the threat of and the exercise of the disruptive postcloture filibuster.

I concur fully with the majority leader in that if we permit Government by postcloture filibuster to continue in the Senate, the majority may one day rise up and make greater and more far-reaching changes in the rules of this body than those proposed by the Senator from West Virginia.

Mr. President, we have before us a resolution which will once again restore majority rule to the Senate, and at the same time, protect and defend the integrity of the legislative process and the rights and privileges of the minority, which are guaranteed under the Constitution. Let us pass this resolution expeditiously and return to our principle task of conducting the Nation's business.●

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate recess for 30 minutes.

There being no objection, at 4:43 p.m. the Senate took a recess for 30 minutes.

The Senate reassembled at 5:13 p.m., when called to order by the Presiding Officer (Mr. MOYNIHAN).

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, on February 7, an agreement was entered by unanimous consent to the effect that the Senate would proceed immediately to the consideration as a separate resolution of that part of Senate Resolution 9 beginning on page 4, line 6, and concluding on page 5, line 6, dealing with postcloture procedure only.

Provided further, that no amendment that is not germane to post-cloture procedure shall be received—I am reading from the CONGRESSIONAL RECORD—and provided further, that if the vote on final disposition of the resolution does not occur by 6 o'clock p.m., on Thursday, February 22, 1979, the Senate proceed at that time to consider Senate Resolution 9.

Now, Mr. President, I have in my hand an amendment which would provide that once cloture has been invoked on a motion to proceed, the time for consideration of that motion be limited to not more than 3 hours, to be equally divided between and controlled by the majority and minority leaders, or their designees, who shall insure that the opponents of the motion receive at least half of the time on the motion.

That amendment clearly comes within the letter and spirit of the agreement because it is germaine to postcloture procedure; it deals with postcloture procedure only; it deals with postcloture procedure on a motion to proceed.

Mr. President, let me explain why this amendment occurred to me as being needed.

As I said, it already fits within the letter of the time agreement, but there are some Senators who would not like to see this amendment called up.

Time is short, although I have waited now something like an hour and a half before taking the floor to discuss it.

I showed it to the distinguished minority whip, I suppose 2 hours ago. I have shown it to other Senators on both sides of the aisle, including the distinguished Senator from Maryland (Mr. SARBANES), the distinguished Senator from Louisiana (Mr. LONG), and the distinguished Senator from Georgia (Mr. NUNN), and other Senators, and I feel that I have the votes to carry this amendment.

One of the big problems that I have been confronted with as majority leader has been the problem of taking up measures. Senators will have holds—h-o-l-d-s—on measures, and those holds are recognized and honored for a while. But from time to time, I go to the minority leader and I say, "Mr. Minority Leader, let's take up this bill." The minority leader says to me, "Well, I can't take that bill up because so-and-so is out of town, he has a hold on that bill, I can't agree to take that up until he is back in town."

I say, "OK, then let's go to this bill on the Calendar, why can't we take this one up?" I find no fault in the minority leader or the acting minority leader. I have dealt with him in the same way and he has dealt with me in the same way. I will say, "How about taking this matter up?" He says, "Well, I will have to see. We will have to call Senator so-and-so because he has a hold on that."

So we wait and put in a quorum. We wait 15 or 20 minutes, or 30, and then the leader on the other side comes back and he says, "Well, I'm having difficulty getting so-and-so, he is out on a boat in the middle of a lake," or something, "and we are having trouble reaching him. It will probably be 2 hours before we reach him."

I will say, "OK, let's go to this bill." The leader on the other side will say, "Well, so-and-so has a hold on that; maybe we can get this done. We can check that out. He is back in the cloakroom."

Mr. STEVENS. There was one that was not fishing?

Mr. ROBERT C. BYRD. There was one that was not fishing.

He will talk to his very able assistants, Mr. Hildebrand and Mr. Howard Green. He will say, "Go back and talk to so-and-so and tell him to come back here." They come back with the word: "We have discussed it with Senator so and so, but he is not ready to take it up today. He is ready to take it up one day next week, but not today. So I can't give you unanimous consent as to that."

So where does that leave me?

I will say, "Mr. Minority Whip, I'll move to take it up."

He will say, "Well, go ahead and move. Who cares? Your motion is debatable."

So they can debate that motion to proceed for a day or two until Senator so-and-so gets back from the middle of the lake where he has been fishing, or the top of the mountain where he has been gazing at the Moon. So time has been awasting.

Rather than have the Senate go through 2 or 3 days of needless debate and futile talk, I say, "Well, what are we going to do?" So he scurries around, and he is in the same situation I am in. He is bound by his Members. He is bound to uphold their rights. He is obligated to object if I ask unanimous consent to take up something.

In every instance, the minority leader or the acting minority leader, whichever it may be at the time, does everything he can to help me. But he, too, is bound.

I have seen the time when we have gone out at 1 or 2 o'clock in the afternoon because we have found a piece of a bill that took 25 minutes. We finally did find a bill that we disposed of in 25 minutes. We get to the end of that, and what else can we do? "Let's recess for an hour or two and try to find something else." In that time we have a little old bill that we think we can do in 30 minutes, and we do that one and we go out.

In the meantime, my brethren on this side of the aisle come to me and say, "What are you going to have up tomorrow? What are you going to have up this afternoon?" They will come to me at 1 o'clock in the afternoon and say, "What are you going to have up this afternoon? At 4 o'clock I have to catch a plane."

Many times I have to say, "I don't know; I can't tell you."

They say, "What are you going to have up tomorrow?"

"I can't tell you."

They say, "Well, what kind of majority leader is this? Is this what I voted for, for a majority leader? He can't tell me what we're going to have up at 4 o'clock this afternoon. Boy, if we had Lyndon Johnson back here——"

[Laughter.]

"Or, if we had so-and-so back here."

"Bob Byrd is supposed to know all these things. He is supposed to know the history of the Senate rules from 1789, when they moved to observe—they did not adopt—they just moved to observe 19 rules. He is supposed to know all this business, and he can't tell me. He is the majority leader and he can't tell me what we're going to have up at 4 o'clock. I know how I'll find out whether we're going to have that bill up. I know how I'll find out whether we're going to have any votes tomorrow. I'll put in a call to the Republican cloakroom."

[Laughter.]

So he just calls the Republican cloakroom, God bless them. I applaud them; they are great people; they are the cream of the Earth.

He calls the Republican cloakroom and says, "What are you going to have up tomorrow, the gas bill or the other bill?"

No, they are not going to have up that bill. It is not going to be up.

"Are there going to be any votes tomorrow?"

"No, no votes tomorrow."

He calls my cloakroom, and my cloakroom cannot answer any question from A to Z. Alan Cranston cannot put a thing on his whip notice that he can count on, and I cannot answer any questions. Why? Because my hands and my legs are bound in shackles and in chains, and I have only a stone for a pillow on which to rest my head. That is because my friends on the other side simply say, "You can't take that up because so and so is out there in the middle of the lake. He is boating, and we cannot reach him. There is no telephone on that boat."

So that is the predicament. That is why, Mr. President, I thought I should offer an amendment here that would provide that on a motion to proceed, if cloture is invoked, we then vote up or down on that motion to proceed within 3 hours, which allows 2 days, 1 hour, plus 3 hours for the Senate to vote on the motion to proceed.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I would like to continue my eloquent discourse, and then I will be glad to yield.

I thought that would be the thing to do—offer this amendment; and while I have the votes, I do not have to go the 51-vote route now. We have the momentum; we have done very well today. We are up to a vote now.

I could say then, and the minority leader could say, this would really unlock—I am thinking of him, really. We should think of the other fellow, not of ourselves. I am thinking of the minority leader and the distinguished acting Republican leader.

I will say, "Ted, let's call up this bill."

He will say, "So-and-so has a hold on it."

I will say, "Just call him and tell him I am going to call it up."

He will say, "I'm glad you got that amendment a while back, because I'm going to tell him that if he doesn't let you call that up, you're going to move to take it up. As soon as you move to take it up, you will offer a cloture motion, and then you'll find a way to displace that motion and you'll go to something else. If you can't take that up, you'll offer a cloture motion to that and take up something else. You might move to adjourn for 10 seconds.

"So I'm sorry, Mr. so-and-so, out on that lake. I hear you, while the waters are shimmering and the fishing is good. But Senator Byrd has the bear where the hair is short, as they say down in West Virginia, and he is going to move to take that up. You had better give him a time agreement."

How thankful Senator Stevens would be and how thankful Howard Baker would be if we offered this amendment. No longer could they then be shackled by those holds.

Well, all serious talk aside——

Mr. STEVENS. Mr. President, will the Senator yield before he gets serious?

Mr. ROBERT C. BYRD. If the Senator will permit me to complete my statement, I will yield. I want to yield; I am constrained to yield now.

Inasmuch as Senator Stevens and others have been so cooperative and helpful in working on Senate Resolution 61, I hope that in view of the fact that I have decided perhaps—perhaps—not to offer this amendment, I will not be confronted in the future with the problem of Senators putting on holds, going off and leaving town, discommoding the other Members of the Senate, while they are out of town.

The leadership on both sides of the aisle is prevented from calling up a measure, simply to meet the convenience of a Senator who wants to be out of town for a week, perhaps. The leadership on both sides is, perhaps not tonguetied, but certainly straitjacketed. I do not think it is fair for Senators to put holds on measures and hold their leaders to protecting them while they go off the reservation for a few days and the Senate has to do the best it can. So it is not just I but the leadership on the other side as well that is hamstrung from time to time by the business of honoring holds. If you do not honor them, you can move; but that motion is debatable. So there is not much we can do in that regard.

I hope that in view of the magnanimous gesture on my part of not calling up this amendment at the time when I have the votes, have a time agreement which provides for a vote on the measure at 6 o'clock—so I have it all in my hands. I have the time agreement to vote at 6 o'clock; I have the votes. Let us say all the votes over there are against me. I still have the votes. I can put this amendment over. I can pass that resolution. But I am not going to have any Senator think—well, I am not going to have him say. I do not think any Senator would actually think it. I am not going to have any Senator be able to say, "Well, Senator Byrd had this thing in mind all along. We gave him a time agreement, and he had this pig in a poke. He had this amendment up his sleeve."

I am not going to do that. I am just going to let this golden opportunity pass me by, and it probably will never come again.

I do that in recognition of the cooperation that I have been given. I would hope that the distinguished minority leader and the acting minority leader would help me in the future to insist on cooperation of Senators on our respective sides. Incidentally, I never have any problems on my side of the list. Only one or two Senators on my side put holds on from time to time. That is not quite right. There are a few Senators who put holds on, but I cannot recall an occasion when a Senator has been obstinate in maintaining that hold.

I might send Tom Hart to call him and he might get it turned down. If I go call him myself, as the usual thing the Senator says, "Well, go ahead and let somebody else call up my amendment. I don't want to do it. But if you have to do it, go ahead and call it up."

But in consideration of the fine cooperation that has been shown by especially the acting Republican leader and the Republican leader today and yesterday and heretofore in connection with the pending resolution, I am willing to forego the bird in the hand and perhaps for some time give up two in the bush, but I want to not only be fair I want to appear to be fair, Mr. President, and there is not a Senator on the other side who can honestly in his heart say that this amendment does not come within the spirit and the letter of the agreement. The amendment is necessary, because the rules are abused.

I am going to withhold it. I hope that the same spirit of cooperation that we have experienced in the action on this resolution will permeate the atmosphere of this august Chamber throughout the remainder of this Congress and that when I go to the other side of the aisle and ask for unanimous consent to take up a measure I will be allowed to take it up so that my cloakroom can accurately inform Senators as to what is going to happen and so that I can, also.

I yield to Mr. STEVENS.

Mr. STEVENS. Mr. President, I believe my good friend from West Virginia should be from Alaska. You know we have long-haired bears up there. It is a little hard to get them by the short ones. Perhaps that gives us the experience to deal with a problem such as this.

But I think that the majority leader has made the proper decision. We have been through the process that we have gone through now and in a period of days reached the point where I am prepared to accept Senate Resolution 61, and I will vote for it.

We have, I think, made substantial changes in the precedents of the Senate. There will be a cap on postcloture procedure. However, there is a provision in this resolution that gives every Senator the right to speak at least 10 minutes before that time expires even if the time has expired.

We have provided for the transfer of time to the managers of the bill. I have always advocated that because of the difficulty of being a manager of the bill. I wish that it could be possible to transfer time to another Senator who might be in opposition. But in order to protect against that, the leader will have time that can be transferred to them and they in turn can yield that time, and I presume that time that the leader will have will in fact be used for the opposition to the position taken by the bill managers when it is necessary to be fair.

We also have a provision that will eliminate some of the vexatious points of order that have been raised in the past, because if the bill is reprinted after cloture the amendments which were in order prior to the reprinting will be conformed to the new reprinting. That I think is a fairly easy thing to accomplish and it eliminates the inequity that is involved in reprinting a bill.

We also have another provision that says that no Senator may call up more than two amendments before every other Senator has had a similar opportunity. The legislative history now shows that it is the intent of that concept that there will be recognition between proponents and opponents of a measure so that one side will not be able to burn up all of the time in the postcloture procedure. I assume that that recognizes, also, the fact that it will be necessary to recognize Senators on either side of the aisle as the time is used up in the 100 hours of the postcloture procedure.

We eliminated the possibility of the reduction of the 100 hours down to 30 by a vote of 60 Members. I think that amendment which was accepted make Senate Resolution 61 more in line with the recognition of the rights of the minority on any issue.

We provided that after cloture is invoked reading of the Journal will be dispensed with and the reading of amendments will be dispensed with if they are printed and available for 24 hours at a Member's desk, and that printing does not mean printing from the Government Printing Office, but a reproduction in typewritten form.

We also have now for the first time, since the cloture provision went into effect, adopted an amendment which will permit second-degree germane amendments to a first-degree amendment if those amendments are on the desk at least 1 hour prior to the vote on cloture.

Those are substantial revisions of the cloture procedure, all of which I am prepared to support.

There are some items which I wish were more precise in terms of protection of the rights of the minority, but I call attention to the fact that it is possible to increase the 100-hour cap in the event there are some Members who have substantive business to present to the Senate after cloture and have not been able to do so, because of the time limitations.

All in all, I think this is a good way to start this session of Congress. We have worked hard and long. I think that it would be hard to record really the number of meetings that we have had both on and off the floor since we have convened. And we have made substantial changes in the resolution as it was originally presented. The resolution as it will be voted on in a few moments, as I have indicated, makes many substantial and positive changes in the existing rule XXII.

The decision of the majority leader not to bring in the amendment pertaining to the issue of taking up a measure I think is a good one because, as I pointed out to him, in the last Congress we failed on only two occasions to get a time agreement. It is, I think, important to realize and the majority needs to realize that the unrestrained use of the majority power can lead only to the unrestrained exercise of the rights of the minority and that can eventually lead to just total hiatus in the legislative process.

We are the crucible of democracy as far as this country is concerned, and that crucible needs a good deal of mixing before anything is produced that is of consequence. That is why we are called the greatest debating society on Earth.

I like to believe that we might return to that and really be worthy of that appellation. I do not think we really are yet.

But certainly I would be remiss if I did not, first, thank the majority leader for his compliment to the Members of the Republican cloakroom. They are very accurate. They get their information, of course, from the majority staff who have a crystal ball on really what the majority leader is going to do.

I also think that before we wind up here, we ought to thank those people who have been involved in this whole process: Dr. Riddick, our Parliamentarian Emeritus, who has come back to us to help make certain that we are not abusing the rules too much as we seek to change them; Murray Zweben and Bob Dove and the others; the staff members that we have used on this side of the aisle, Marty Gold, Sheri Marshall, and my assistant, Steve Perles. I think we ought to thank them all for the long hours, and particularly the weekend hours that most people have not even seen, as we have gone through this procedure.

We have an agreement to vote not later than 6. I wonder if I might inquire of the majority leader if it might be possible to start that vote, so that it might be possible for some Senators to make an aircraft.

Mr. STENNIS. Mr. President, will the majority leader yield me 2 minutes?

Mr. STEVENS. I yield the floor.

Mr. ROBERT C. BYRD. Yes.

Mr. STENNIS. Mr. President, I have been concerned about the proposed changes. I have counseled with fellow Members; I have not taken part in the debate. I have been involved in other matters. But my plea was that the Senate must not surrender its distinctive features, the features that make it different—different from just the ordinary, regular run legislative body.

I am delighted to be able to support, now, wholeheartedly, what these gentlemen have worked out on both sides of the aisle through very earnest effort on their part. I think the measure as it now reads will clean up the cloture rule and provide a better cloture rule for minority and majority than we have now. It saves the distinctive features of the Senate, as I have said; it makes matters more workable here.

I like to recall that in the old days, when we did have a lot of filibusters, they ran strictly on the merits. Every speech was relevant. When cloture was voted, if at all, then the opposition tried to be graceful about withdrawing and bowing to the will of the Senate under its rules, and letting the vote come. I think we created good will thereby in the country and in this body—getting ready for the next filibuster, maybe, but it was good policy, and good will came about, as I believe good will will come about here.

I have a word to say about what the majority leader says about holding up his bills while someone goes to make a speech. I am proud of him for having withdrawn his amendment here. I believe that is in the area of self-discipline, and we all have to discipline ourselves, every Member here. We have got to do that, lest we destroy the nature of this body. We have gone too far already in most of our debates. I think each Member should consider that it is his duty not to be holding up the Senate here just for his own convenience, or immediate convenience, or just to make a speech on a matter that he wants to do. I have to make a choice either to stay here or to leave, and as a Senator, that is the only privilege I have, to make that choice not to hold up everything here while I am gone.

Maybe in the caucuses we could discuss this. Maybe we could debate it. Maybe the leaders could urge us to. But let us have some move come from the floor here, of self-discipline, and I believe we can improve our situation.

I thank the majority leader for yielding to me, and I wholeheartedly support his resolution.

Mr. ROBERT C. BYRD. I thank the Senator for his comments and the support he has given the leadership in its effort to bring the resolution to this point. I have only a question or two.

May I make the following inquiry of the Chair?

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator from West Virginia.

Mr. ROBERT C. BYRD. The language beginning on page 1, line 4 of Senate Resolution 61 reads as follows:

> After no more than one hundred hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

Now, Mr. President, in a situation such as this, in which there has been a time gap of 100 hours, and that will have expired the matter will have been voted on, and a motion to reconsider is made, would that motion to reconsider be debatable?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that it would not be.

Mr. ROBERT C. BYRD. I thank the Chair. Now, Mr. President, I ask the Chair this question: Taking the same set of circumstances in which the 100 hours have expired, the measure is voted on up or down, a motion to reconsider is made, and a motion to table is made; the motion to table fails, the motion to reconsider carries, and the Senate is back on the measure. Does not the Senate have to immediately, without debate, without amendments, and without any motions, vote on the motion to reconsider?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. So that the reconsideration of the measure would not open it up to any additional time; all time would have been gone before the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I want to state for the record that that is the understanding of the minority of the proper interpretation of the resolution at this time.

Mr. ROBERT C. BYRD. Mr. President, I, too, want to thank Senators and staffs, and especially want to thank, on my side of the aisle, Senator SARBANES, who has been on the floor at all times during the debate on this matter. I want to thank Senator NELSON, who has carried the ad hoc committee. May I say that Senator SARBANES has been a very able proponent of the resolution, and a very able exponent of its terms, and has very ably defended it against crippling amendments.

I want to thank Senator NELSON for chairing the Ad Hoc Committee on Rules, and for the effort, the work, and the contributions he has made in connection with bringing to the floor the resolution.

Also, I want to thank Senator CRANSTON and Senator NUNN, who were members of that ad hoc committee, and I want to thank Senators MOYNIHAN and HUDDLESTON, and Senator LONG, who was also a member of the ad hoc committee.

I express my appreciation to the acting Republican leader, who is chairman of the ad hoc committee on his side of the aisle. I express my gratitude to the members of that ad hoc committee, and to the Republican leader and all Senators who have made contributions and offered amendments.

Also, a moment ago, in mentioning my own ad hoc committee, I inadvertently omitted the name of Senator MUSKIE. I also wish to express my gratitude to him.

Mr. STEVENS. Will the Senator also permit me to mention Senator HATFIELD, Senator MCCLURE, Senator JAVITS, and Senator CHAFEE, who were members of the ad hoc committee on this side? I think it has been a very worthwhile exercise, and the result is one we should all be willing to support.

Mr. ROBERT C. BYRD. Mr. President, I want to thank the Parliamentarian Emeritus, Dr. Riddick, who is the author of this book on procedure, and also, incidentally, the author of another book on the Congress I used when teaching a course over at American University.

I want to thank Murray Zweben, the Parliamentarian, and his assistant, Robert Dove.

I want to single out one aide who has been especially sagacious and very helpful in connection with this entire matter, Mary Jane Checchi.

Now, Mr. President, as far as I am concerned, we are ready to vote.

Mr. STEVENS. Mr. President, we are also ready to vote.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the adoption of the resolution, as amended.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the resolution, as amended. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. CHILES) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from North Carolina (Mr. HELMS), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from North Carolina (Mr. HELMS). If present and voting, the Senator from Oregon would vote "yea" and the Senator from North Carolina would vote "nay."

The PRESIDING OFFICER. Is there any Member who has not yet voted? Is there any Senator who has not yet voted?

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—78

Baker
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Glenn
Gravel
Hart
Hayakawa
Heinz
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams
Young
Zorinsky

NAYS—16

Armstrong
Dole
Garn
Goldwater
Hatch
Heflin
Humphrey
Jepsen
Laxalt
McClure
Schmitt
Simpson
Thurmond
Tower
Wallop
Warner

NOT VOTING—6

Chiles
Hatfield
Helms
Kennedy
Packwood
Talmadge

So the resolution (S. Res. 61), as amended, was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in conformity with my promise to the distinguished minority leader, I will shortly adjourn for a very brief period so as to put the Senate into the second legislative day.

As the distinguished Senator from Tennessee knows, I can get the remainder of this on the Calendar, but I wonder if he would have objection if I just asked that the remainder of the Senate Resolution 9, excluding the portion we have adopted——

Mr. STENNIS. Mr. President, would the Chair maintain quiet?

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order, and Senators will cease conversations on the floor.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I am going to adjourn, the Senator has my word on that.

SENATE RESOLUTION 9—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remainder of Senate Resolution 9, stripped of the postcloture provisions that have been adopted now, amended, be placed on the calendar, and it can be understood that any motion to invoke cloture—well, first of all, a motion to proceed would be debatable because it is a motion to change the rules and it does not come within the morning hour exclusion. So that would be debatable and would require two-thirds to invoke cloture on that motion to proceed and would also require two-thirds to invoke cloture on the measure itself if it were ever called up.

With that understanding, I ask unanimous consent that the remainder of Senate Resolution 9 go on the General Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Reserving the right to object, and I will not object——

The PRESIDING OFFICER. The Senator from Tennessee reserves the right to object.

Mr. BAKER. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order.

The Senator from Tennessee.

Mr. BAKER. Mr. President, the majority leader, of course, correctly states the situation when he says that without unanimous consent he could very promptly take this matter to the calendar. Therefore, there is simply no purpose in objecting to this request, and I hope there will not be an objection to this request at this time.

I might also say briefly, Mr. President, that I wish to extend my congratulations to the distinguished majority leader for careful, thorough debate of this issue, and I think a good result after these many weeks of consideration.

I would like to pay special tribute to the distinguished Senator from Alaska, the Republican whip, who has performed in an extraordinarily capable way. He has been diligent in his attention to this detail. I think we have come through in such a fine fashion, having come so far from the original problem that confronted the Senate, that we owe a special debt of gratitude to him.

Mr. President, I do not have——

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from New York reserves the right to object.

Mr. JAVITS. Mr. President, if we may have order, I wish to make an observation, too.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York.

Mr. JAVITS. Mr. President, after a considerable amount of soul-searching, I voted "aye" on this matter, and I would like to state to the Senate, especially the majority leader and the minority leader, why.

I do feel that we have enacted a major restraint on our liberties as Senators in respect of the time allotted to each Member and his ability to use it and the fact that the time cap can be chewed up by quorum calls and rollcalls so as to deprive Members of their rights for rollcalls on proper amendments, legitimate amendments, and for quorums if no quorum is here to hear them, and for proposing amendments and the resulting votes.

But, Mr. President, we are faced with an actuality and not a theory. That actuality is that it is an even greater restraint on our liberties if the ability to filibuster postcloture, as the ability to filibuster precloture, can deprive the Senate of the right to vote on a measure, which it could do if these practices should continue. Also, it encourages the kind of steamroller so damaging to Senator's liberties as the ruling out of amendments wholesale we saw in the Senate last year on the energy bills after cloture had been voted.

The majority leader has undertaken certain good faith commitments in respect of this debate. I hope and pray this works out and that all my fears are proven wrong, and I want to give it a chance. We will have another opportunity, if it does not work out, in 2 years to do exactly what he now has put himself on the side of as a proper procedure.

So, Mr. President, just for posterity, it is those reasons which dictated my doing what I did.

Mr. President, I do not wish what I have done to any way prejudice my ability, or that of any other Member who may be here in my place or anybody else's place, to raise this issue of the right of a majority of the Senate to change the rules of the Senate at the time of a new Congress. This is exactly the procedure the majority leader invoked on this very resolution.

I thank my colleagues.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Without objection, it is so ordered. The unanimous-consent request is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate Resolution 61.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be printed in the RECORD today Senate Resolution 61 as amended, as agreed to, and that a step-by-step analysis of Senate Resolution 61, as amended, be printed in the RECORD under my name in the RECORD of Monday, February 26, 1979.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of Senate Resolution 61, as amended, and as agreed to is as follows:

S. RES. 61

Resolved, That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end thereof new paragraphs as follows:

"After no more than one hundred hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The one hundred hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar is reprinted after cloture has been invoked.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Resolved, That the last paragraph of paragraph 2 of rule XXII is amended by striking the second sentence and inserting in lieu thereof: "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree.".

Resolved, That paragraph 1 of rule III of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" before "The" in the first sentence;

(2) by striking "The" in the second sentence and inserting in lieu thereof: "Except as provided in subparagraph (b), the"; and

(3) by adding at the end thereof, the following new subparagraph:

"(b) Whenever the Senate is proceeding under paragraph 2, rule XXII, the reading of the Journal shall be dispensed with, and shall be considered approved to date.".

DEATH OF U.S. AMBASSADOR TO AFGHANISTAN

Mr. PELL. Mr. President, it was exactly 1 week ago yesterday that our Ambassador to Afghanistan, Adolph (Spike) Dubs, was killed as a result of a reckless effort by Afghan authorities to rescue him from kidnapers in a manner contrary to the advice and pleadings of our Embassy. So far there has been no official apology or acceptance of responsibility by the Afghan Government for the tragic death of Ambassador Dubs; nor has the Carter administration done anything except to send a protest note—no more than a slap on the wrist—to register our Government's shock and disapproval over what happened to one of our finest career diplomats.

I would like to express my deepest condolences to the widow of Ambassador Dubs, Mary Ann Dubs, who has been an employee of the Senate for 8 years and is currently editor of the Senate Daily Digest. In fact, she occupies an office next to mine in the Capitol.

In my view, we should take strong action to demonstrate that nations that refuse to take the proper measures to insure the safety of American Ambassadors must expect a prompt and meaningful reaction from us. In this connection, I believe President Carter should take the following actions immediately and am writing him accordingly:

First. Inform the Afghan Government that we will not reappoint an Ambassador until an official apology is extended by the Afghan Government and full responsibility for Ambassador Dubs' death is accepted. The Afghan Government should also be required to provide adequate protection to all official U.S. Government personnel in Afghanistan and to provide assurances that in the future it will be guided by U.S. Government advice in the handling of threats to the lives of its representatives.

Second. Reduce our Embassy personnel by one-half and request the Afghan Embassy in Washington to do the same.

Third. Terminate our $15 million aid program and withdraw all of our AID personnel until further notice.

Fourth. Withdraw all Peace Corps volunteers until further notice.

I am frankly shocked and outraged that the Afghan Government has rejected even our note of protest over the mishandling of the Dubs case and sent only a midlevel Foreign Ministry official to the memorial service held in Kabul, the Afghan capital. Common decency alone would have dictated a higher level of attendance and official expression of regret for what happened.

Because of the gross insensitivity and rudeness of the Afghans, we must act immediately. Time is of the essence, as the longer we wait to demonstrate the depth of our disapproval, the less impact our actions will have. Frankly, I should have thought that options would have been in place for immediate action by the President in this case.

As an avid student of history, I am reminded that almost 250 years ago Great Britain initiated the War of Jenkins Ear when Spain had the temerity to cut off the ear of a British citizen. While I am not advocating dispatching the Marines to Afghanistan, I believe strongly that we must not supinely accept an outrageous action by a third rate power that has already made clear in so many ways that it is no friend of ours.

Furthermore, as a former career Foreign Service officer myself, I am deeply distressed that during the past 11 years five American Ambassadors have lost their lives abroad because of inadequate protection from host governments—John Mein in Guatemala (1968), Cleo Noel in Sudan (1973), Roger Davies in Cyprus (1974), Francis Meloy in Lebanon (1976), and now Adolph Dubs. By comparison, only seven military personnel of general officer rank lost their lives in combat during the entire Vietnam war.

Mr. President, our Government must send a strong message to the Government of Afghanistan and make it clear that we will not tolerate the kind of treatment that led to Ambassador Dubs' death. Now is the time to act.

A NEW AMBASSADOR NEEDED IN IRAN

Mr. EAGLETON. Recent news accounts have indicated that President Carter is considering the appointment of a new American Ambassador to Iran. As the scope of the American intelligence-gathering failure in Iran becomes more clear, so does the need for a new American Ambassador.

The intelligence failure in Iran was unique. Usually, such a failure is the result of misinterpretation of conflicting evidence. In Iran, there was no conflicting evidence. All of the evidence we allowed ourselves to gather pointed to the same conclusion, and all of it was absolutely wrong.

This was the result of a very curious policy followed by a succession of American Presidents, including Nixon, Ford, and Carter. Those administrations decided that we would deliberately close our eyes and ears in Iran, and take our intelligence there exclusively from the Shah and his minions. I know of no other nation on Earth where we have followed such a policy of consciously and intentionally restricting our intelligence gathering to a sole, and very obviously biased, source.

This policy was implemented in Iran by a series of American Ambassadors, including former Ambassador Richard Helms. When a Senate delegation of which I was a member visited Iran in 1976, I expressed to Mr. Helms my desire to ask the Shah some tough questions about American arms in Iran and other subjects. Ambassador Helms cautioned us that we should not ask any questions which might upset the Shah. Apparently, it was not enough that we limit our sources in Iran to just one person, the Shah. We also felt we had to limit our intelligence conversations with that sole source to only those topics he found pleasant to discuss.

The current Ambassador, William H. Sullivan, is the latest practitioner of this "see no evil, hear no evil" style of intelligence gathering. As late as September of last year, he was telling us that "all is well" with the Shah. Ambassador Sullivan thus marked himself either as the victim or as the perpetrator of our blind man's bluff foreign policy toward Iran. In either event, his use to us as Ambassador to the new Khomeini regime is ended.

Khomeini's followers cannot trust Ambassador Sullivan, whom they regard as the "Shah's man." Furthermore, the American people no longer can believe Ambassador Sullivan, whose rosy but baseless reports helped to lead us down the primrose path in Iran. The Ambassador's continued presence in Iran will be an impediment to the development of any working relationship between the United States and the new Iranian regime.

Mr. President, last Sunday's St. Louis Post-Dispatch featured an article by Thomas W. Ottenad which shed a great deal of light on our intelligence problem in Iran. I ask unanimous consent that Mr. Ottenad's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"CRITICAL WEAKNESS" IN U.S. INTELLIGENCE

(By Thomas W. Ottenad)

WASHINGTON.—The revolution in Iran has dealt the United States a jolting aftershock with uneasy implications that stretch from the corner gas station to perhaps the world balance of power.

Most visible was a stunning failure by American officials, who seemed blissfully unaware of what was developing in the Middle East nation, which oil and successive presidents had made so important to this nation's security.

Their oblivion, their deliberate avoidance of anti-shah forces, continued even after the revolutionary movement led by Ayatollah Khomeini had swept to power.

As recently as 10 days ago, a foreign policy expert outside government ranks told the Post-Dispatch, he tried to arrange meetings here for Shahriar Rouhani, a self-described representative of the Moslem religious leader, now acting as a spokesman for Iranian diplomats in Washington.

Despite the American need for almost any kind of contact with the Khomeini forces, two top officials of the State Department refused to see Rouhani, the source said. It would be "risky," they said, to talk to the 29-year-old former doctoral student at Yale.

This long-standing practice of virtually ignoring those who opposed the shah when he was in power is, in the judgment of congressional investigators, "the critical weakness" in American intelligence operations in Iran.

Their inquiry, triggered by complaints about the U.S. performance, led them to conclusions that are disturbing for the future. For while they found serious weaknesses in the intelligence community's operation, they warned that "simplistic charges of 'intelligence failure' do not accurately describe the situation."

In their report three weeks ago the staff of a House Intelligence subcommittee indicated that President Jimmy Carter and his top foreign policy officials must share the blame for the U.S. failure to assess accurately the political whirlwind that was developing in Iran.

"Policymakers must assume responsibility, perhaps to a greater degree than the intelligence community, for the unwritten considerations which restricted both open and clandestine intelligence field collection on the Iranian internal situation," the report stated.

It said that "long-standing attitudes toward the shah" not only inhibited actual collection of intelligence information but also "dampened policymakers' appetite for analysis of the shah's position and deafened policymakers to the warning implicit in available current intelligence."

The report did not mention Carter or his chief foreign policy advisers by name. However it referred pointedly to "users" of intelligence, noting that over the past year considerable intelligence on the developing crisis was "received" at the White House for inclusion in the president's daily reading and was distributed also to other senior officials.

With the benefit of hindsight the shortcomings cited in the congressional study are shocking:

—CIA intelligence reporting on the internal situation in Iran was "minimal" before late 1977 (the first religious riots in the current situation erupted in late 1977 and early 1978). In the two previous years the CIA produced no reports based on contacts with the religious opposition that was to lead the revolt against the Shah.

—No "significant insights" from contacts with opposition elements appeared before last September in the State Department's "Morning Summary," one of the two chief sources of current political intelligence for senior policy officials in Washington.

—Neither it nor the other major source, the CIA's "National Intelligence Daily," emphasized the Iranian situation in the early part of 1978 despite the most severe rioting in a decade.

—"Practically no production (intelligence analyses) addressed the question: Will the shah survive the challenge posed by current disturbances?"

—U.S. policymakers showed little interest in questioning the shah's performance in power although American policy in the Persian Gulf relied heavily on his actions.

—In early 1978 a CIA paper described the growing opposition in Iran as no more than "troublesome."

—In a "prognosis" last Sept. 28 the Defense Intelligence Agency reported that the shah "is expected to remain actively in power over the next 10 years." That was less than four months before the shah went into exile.

—The first major policy gathering of American intelligence officials and policymakers in the evolving crisis was not held until last Oct. 27.

The report concludes that there was "a warning failure," with the attention of top policymakers not being brought forcefully to bear on Iran until October 1978. Even after a review the next month of American policy options, the result was nothing but assurance to the shah by President Carter of support for the monarch's efforts to restore order.

It is not only outside critics like these congressional investigators who fault the American intelligence performance during events leading to the Moslem takeover in Iran. President Carter complained last fall about the quality of intelligence he was receiving. And CIA Director Stansfield Turner now concedes that his agency was caught by surprise by Iran's "truly national revolution."

If, as the administration hopes, the failures of intelligence agents and policymakers are now behind us, the impact of the Iranian upheaval on American foreign policy still lies ahead. And some analysts here already are worried by the first response of the Carter administration.

What concerns them is the same factor that worried former Sen. Fulbright at that secret Senate Foreign Relations Committee hearing 23 years ago: The tendency of the United States to seek security by pouring military aid into strategically placed nations, even those that are small and unstable.

Last Saturday, the day before the Tehran government fell to the forces of Ayatollah Khomeini, Secretary of Defense Harold Brown was in Saudi Arabia at the start of a 10-day Middle East trip to reassure nations there that the U.S. remains a reliable ally even though it failed to keep the shah of Iran in power.

In Riyadh he pledged publicly that the U.S. is ready to go to war to defend Saudi Arabia against an external military threat. He also said the U.S. is willing to sell jet warplanes to North Yemen and Sudan, two of the Saudis' client states.

That promise comes on top of last year's controversial package deal in which Carter decided to sell jet warplanes not only to Israel but to Saudi Arabia and Egypt as well.

"What worries me," remarked R. Adm. Gene R. LaRocque, head of a national security think tank here, "is that we are going in the same damn direction with Saudi Arabia as we did with Iran. In the long run, we helped bring about (the upheaval in Iran) by providing guns ($8 billion worth) to the shah."

Massive military assistance has not worked for either super-power, he asserted. The Soviet Union tried it, only to find itself later "kicked out of" China, Indonesia, Egypt and Somalia, he noted.

The U.S. had similar experiences, he went on, in Vietnam, Ethiopia, Libya and now Iran.

Noting Secretary Brown's assurance to the Saudis, LaRocque suggested, "The president doesn't want to be accused of losing Iran. And if he is, then he wants to be able to say he at least has Saudi Arabia."

He predicted, as Brown's action would appear to suggest, that the Iranian upheaval will lead the U.S. to try to develop a compensating military buildup elsewhere in the Middle East.

He warned, however, that such a move would rest on a "weak reed." He pointed out that states where such action could be taken are, like Egypt, North Yemen and Sudan, largely financed by Saudi Arabia. That might be a "heavy burden," even for the Saudis, he suggested.

The overthrow of the shah in Iran suggests that the same sort of thing could happen in other Middle Eastern countries, observed Carl Marcy, former head of the staff of the Senate Foreign Relations Committee.

"Forces operating in that part of the world," he remarked, "are disintegrative . . . and are becoming very strong. It's a kind of disintegration into factions, which may be catching and cannot be confined to national boundaries . . . There are more powerful forces than the military in that part of the world."

Marcy raised the possibility that this kind of upheaval may be occuring now in Afghanistan. A leftist coup occurred there last April. Adm. LaRocque predicted that Turkey and, in another part of the world, South Korea, might become targets of religious or other revolutionaries.

In the judgment of some, the new uncertainty in Iran may encourage new competition between the United States and the Soviet Union.

The competition already appears under way in Iran. The United States now has extended formal recognition to the regime set up by Ayatollah Khomeini. President Carter has offered cooperation by this country.

At the same time, the Russians appear to be fishing in the troubled waters there. They moved quickly to recognize the new Khomeini-run government. The Kremlin has been energetically promoting the view that Iran is heading onto a revolutionary socialist path similar to that already taken by Angola, Ethiopia and Afghanistan.

The Russians already have been active in Afghanistan. By some accounts Soviet advisers virtually have been running the Asian nation which lies just east of Iran.

Afghanistan already has put a new strain on Soviet-American relations. The U.S. made a spirited and angry protest over the presence of Soviet advisers on Wednesday when U.S. Ambassador Adolph Dubs was killed as Afghan police rushed kidnapers holding him hostage.

Reports from the Middle East indicate that the Islamic revolution in Iran has caused conflicting emotions in the Arab world. There is joy over the tough stand taken against Israel and, to a lesser extent, the U.S. by the new government in Tehran.

But for pro-Western Arabs there is not joy but fear. With the shah toppled from his throne, they are beginning to wonder whether the same fate may befall them.

Outside the Middle East, as well as within it, the fall of the shah is seen as a major defeat for the U.S. Recalling former President Richard M. Nixon's phrase, a Viennese newspaper last week described the Iranian events and the death of Ambassador Dubs as "only the latest of a number of setbecks which threaten to make a 'helpless, pitiable giant' out of the superpower."

While the international effects of the Iranian revolution are somewhat remote, the domestic impact may be felt every time Americans stop at the corner gas station or turn up their thermostat.

With the U.S. depending on Iran for 5 percent of its total oil supplies and with the revolution and its aftermath cutting deeply into production, the future is uncertain. Most forecasts, however, agree that gasoline is likely to be in short supply and prices are going to go up.

The Iranians themselves contradict each other as to what they intend to do. Shahriar Rouhani, the former student who now purports to speak in Washington for Iran's new government, offered a hopeful prognosis this week.

Within 8 to 10 weeks, he said, Iran will be able to resume oil production. And within a few months, he said optimistically, output will be near Iran's usual 6,000,000 barrels a day.

That scenario is far different from one sketched in Tehran last Saturday by one of Khomeini's closest economic advisers. Asserting that the rate at which Iran has been producing oil is unnecessarily high, he proposed reducing it by 60 percent.

A cutback of that amount would cut sharply into Iranian exports, which before the revolution-induced reduction accounted for about 10 percent of the West's oil consumption last year.

And some American officials predict that cutbacks will be made by other oil producers also. Deputy Energy Secretary John F. O'Leary predicted that the uprising against the shah will frighten other nations like Saudi Arabia, Mexico and Kuwait into adopting conservative oil production policies. The result, he added, is that world oil supplies will tighten between 1981 and 1985.

Oil analysts predict that another general increase in world oil prices is likely because of the impact of reduced Iranian exports. Two small producers—Abu Dhabi and Qatar—boosted their prices last week. They raised them 7.2 percent above the increased price put into effect by members of the Organization of Petroleum Exporting Countries (OPEC) on Jan. 1.

In addition, Saudi Arabia recently put a special 5 percent surcharge on additional oil it is producing to compensate for the Iranian shutdown.

In the face of gloomy uncertainty, the Carter administration has attempted to remain moderately hopeful. Both President Carter and Secretary of Energy James R. Schlesinger have maintained, as the president said at his press conference on Monday, that "the situation is not crucial now, it is not a crisis."

They have warned, however, that if Iranian production does not resume soon, it may become necessary to deal with resulting shortages by requiring filling stations to close on Sunday and by other measures.

Despite the administration's optimism, there are some worrisome straws already in the wind. In Illinois, gasoline dealers have been requested by their state association to close on Sundays starting Feb. 25.

In addition, some airlines have curtailed their flight schedules because of a shortage of jet fuel.

At this point, it appears likely that the aftershock of the Iranian revolution will continue to rumble through the United States, perhaps with effects not yet anticipated, for some time to come.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in adjournment for 1 second.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered.

Thereupon, at 6:18:06 p.m. on Thursday, February 22, 1979, the Senate adjourned for 1 second, until 6:18:07 p.m., the same day.

AFTER ADJOURNMENT

THURSDAY, FEBRUARY 22, 1979

The Senate met at 6:18:07 p.m., pursuant to adjournment, and was called to order by Hon. SPARK M. MATSUNAGA, a Senator from the State of Hawaii.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 1-minute period for the transaction of routine morning business with no resolutions coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Reserving the right to object.

The PRESIDING OFFICER. Is there morning business?

The Senator from Virginia.

Mr. ROBERT C. BYRD. The Senator from Virginia will be taken care of.

Mr. HARRY F. BYRD, JR. I thank the Senator.

SENATE JOINT RESOLUTION 3—MUTUAL DEFENSE TREATIES

The PRESIDING OFFICER. The Senate having adjourned, two resolutions having been read for the first time will now be read for the second time.

The second assistant legislative clerk read as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that approval by the Senate of the United States is required to terminate any Mutual Defense Treaty between the United States and another nation.

Mr. HARRY F. BYRD, JR. I object to further consideration.

The PRESIDING OFFICER. Objection having been heard to further proceedings, the measure will now go to the calendar.

SENATE JOINT RESOLUTION 28—DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. The clerk will read the second resolution.

The second assistant legislative clerk read as follows:

> A joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

Mr. BAYH. Mr. President, I object to further consideration.

The PRESIDING OFFICER. Objection having been heard, the matter will go to the calendar.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask that I may be recognized.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I will yield to the distinguished Senator from Washington (Mr. JACKSON), who will make a motion which he is entitled to make under the law with regard to a resolution he has introduced and which he, himself, in conformity with the law, supports.

I yield to the Senator for that purpose. Senators might be on notice that there will be a rollcall vote on that matter before this day ends.

Mr. JACKSON. Within 1 hour.

Mr. ROBERT C. BYRD. Under the law, there is a total of 1 hour allowed for debate. Is it up to 1 hour or 1 hour?

Not to exceed 1 hour, so it could be less.

Mr. DOMENICI. Mr. President, a parliamentary inquiry. Is that hour divided, under the rule?

Mr. ROBERT C. BYRD. Yes.

Mr. DOMENICI. Who will have the time on our side?

The PRESIDING OFFICER. The Senate will be in order.

In response to the parliamentary inquiry, the Chair advises the Senator from New Mexico that the time will be divided equally between the proponents and opponents.

Mr. DOMENICI. Might we ask that the minority leader be designated as the opponent for time on this matter?

Mr. JOHNSTON. Mr. President, I think it would properly come under——

The PRESIDING OFFICER. The Senator from West Virginia has the floor. Will the Senator from West Virginia yield?

Mr. DOMENICI. Will the Senator yield for an inquiry?

Mr. ROBERT C. BYRD. I yield.

Mr. DOMENICI. I am just trying to find out who will have control of the half hour in opposition to the proposal of the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington being the proponent, he will control the time for the proponents.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the minority leader or his designee be in control of the time for the opponents, regardless of what side he is on.

The PRESIDING OFFICER. Is there objection?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Virginia reserves the right to object.

Mr. HARRY F. BYRD, JR. A parliamentary inquiry: Is it not the normal procedure at this point to read the resolutions and motions, under the rules?

Mr. ROBERT C. BYRD. Will the Senator from Virginia repeat his question?

I have not yielded the floor.

The PRESIDING OFFICER. The Senator from Virginia reserved the right to object to a unanimous-consent request made by the Senator from West Virginia.

Mr. ROBERT C. BYRD. And I did not yield the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARRY F. BYRD, JR. My parliamentary inquiry is this: Before going to the matter——

The PRESIDING OFFICER. Does the Senator from West Virginia yield for a parliamentary inquiry?

Mr. ROBERT C. BYRD. Yes, I yield for a parliamentary inquiry.

Mr. HARRY F. BYRD, JR. Before going to the matter to be taken up by the Senator from Washington, is it not the normal procedure to read the resolutions and motions coming over under the rule?

The PRESIDING OFFICER. That would be the case, unless the unanimous-consent request made by the Senator from West Virginia is agreed to.

Mr. HARRY F. BYRD, JR. What unanimous-consent request?

The PRESIDING OFFICER. That we have morning business, without matters coming over under the rule.

Mr. HARRY F. BYRD, JR. No unanimous-consent request to waive that was made by the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that I ask for only 1 minute for morning business. Did I not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Has the 1 minute expired long ago?

The PRESIDING OFFICER. The 1 minute has expired.

Mr. ROBERT C. BYRD. And do I not have the floor?

The PRESIDING OFFICER. The Senator from West Virginia does have the floor.

Mr. ROBERT C. BYRD. Does not that succession of events prevent the matter from coming over under the rule?

The PRESIDING OFFICER. It is supposed to come automatically.

Mr. ROBERT C. BYRD. How can it, under that succession of events?

The PRESIDING OFFICER. After the morning business, if we are still in the morning hour. The Senator from West Virginia, under the circumstances, should not have been rerecognized.

Mr. ROBERT C. BYRD. But the Senator has been recognized.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. ROBERT C. BYRD. The Senator cannot be taken off his feet, can he?

The PRESIDING OFFICER. The Senator cannot be taken off his feet.

Mr. DOMENICI. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. HARRY F. BYRD, JR. Reserving the right to object——

Mr. ROBERT C. BYRD. If Senators will be patient, I do not intend to hold the floor.

May I say that the item that would come over under the rule would be my resolution changing the rule. That would be ahead of the resolution offered by the Senator from Virginia. I do not want my resolution to come over, and I ask that no resolutions come over under the rule today.

Mr. HARRY F. BYRD, JR. I object.

The PRESIDING OFFICER. The Senator is correct. The Journal so shows.

Mr. ROBERT C. BYRD. The Senator has objected. What is the Chair going to do?

The PRESIDING OFFICER. The Journal shows that the request for 1 minute——

Mr. ROBERT C. BYRD. I asked unanimous consent earlier that no resolutions come over under the rule.

The PRESIDING OFFICER. The Senator is correct. The Chair was about to so state. Unanimous consent was granted.

Mr. ROBERT C. BYRD. Right.

The PRESIDING OFFICER. For 1 minute of morning business.

Mr. ROBERT C. BYRD. Right.

The PRESIDING OFFICER. Without measures coming over under the rule.

Mr. ROBERT C. BYRD. Exactly, precisely.

So I must say to the Senator from Virginia, in all kindness, that when I earlier asked that there be no morning business and no resolution come over under the rule, that kept my resolution from coming over and it kept his resolution from coming over, and it was not objected to.

Mr. HARRY F. BYRD, JR. The Senator just asked unanimous consent for his own.

Mr. ROBERT C. BYRD. On my own resolution.

Mr. HARRY F. BYRD, JR. The Senator from West Virginia made a unanimous-consent request a moment ago, to which I objected, that no resolutions or motions come over under the rule.

Mr. ROBERT C. BYRD. Yes; I had a temporary lack of memory. I had forgotten that. I had already made the request at the same time and coupled it with the request that there be only 1 minute for morning business. Suddenly, I remember. It was only a lapse of memory.

Mr. HARRY F. BYRD, JR. The Senator from Virginia shall be more careful when the Senator from West Virginia makes a unanimous-consent request from here on out.

Mr. ROBERT C. BYRD. I am sure the Senator is not angry and that he is going to be my bosom friend in the future, just as he has been in the past.

The PRESIDING OFFICER. The unanimous-consent request pending——

Mr. ROBERT C. BYRD. I withdraw that request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time in opposition be under the control of the distinguished Senator from Louisiana, who is the chairman, I believe, of the subcommittee which has jurisdiction over this matter.

Mr. JOHNSTON. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object—and I will not object—I say to my good friend from Louisiana that I concur that he should have the time in opposition to the Senator from Washington in support of the President on this issue; and I suppose he will recognize some Republicans who intend to support his position in opposition to the Senator from Washington in support of the President. Am I right in that?

Mr. JOHNSTON. As usual, the Senator from New Mexico and I will speak with one great voice.

Mr. DOMENICI. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Washington is recognized.

Mr. DOMENICI. Mr. President, will the Senator yield for a unanimous-consent request as to staff?

Mr. JACKSON. I yield.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Danny Boggs, Dave Swanson, and Chuck Graybans of the Energy Committee have the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 54—TO DISAPPROVE ENERGY ACTION NUMBERED 3

Mr. JACKSON. Mr. President, pursuant to section 551(f)(4) of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), I move to discharge the Committee on Energy and Natural Resources from further consideration of Senate Resolution 54.

Senate Resolution 54 is a resolution to disapprove energy action numbered 3, an executive branch proposal to exempt aviation gasoline and kerosene base jet fuel from mandatory petroleum allocation regulations.

Under the provisions of the Energy Policy and Conservation Act debate on this motion to discharge will be limited to 1 hour, equally divided between those favoring and those opposing the resolution. Furthermore, no amendment to the motion is in order.

On January 31, Energy Actions 3 and 4—the President's proposals to exempt aviation gasoline and kerosene-base jet fuel from mandatory price and allocation regulations—were transmitted to Congress. These proposals are submitted under authority granted to the President by section 12 of the Emergency Petroleum Allocation Act of 1973 and pursuant to procedure for congressional review specified in section 551 of the Energy Policy and Conservation Act. Section 551 provides that an "energy action"—for example, any rule exempting a particular oil or refined petroleum product from price or allocation regulations—becomes effective at the end of a 15-day period beginning the day after transmittal to Congress unless either House passes a resolution of disapproval with respect to such action. The 15-day period ends at midnight, Saturday, February 24.

Aviation gasoline is a petroleum fuel for piston-engined aircraft used primarily by general aviation—business, corporate, and personal travel, sport flying and air taxi, rental and commuter airline consumption. Refiner sales of aviation gasoline for the first half of 1978 amounted to 262 million gallons (or about 34,000 barrels per day). Additional information concerning the market for aviation gasoline is contained in the "Findings and Views Concerning the

Exemption of Aviation Gasoline From the Mandatory Petroleum Allocation and Price Regulations" published by the Department of Energy (DOE/ER–0024).

Kerosene base jet fuel is the fuel employed by the domestic and international airlines. Energy actions 3 and 4 relate primarily to civilian use of jet fuel. Military jet fuels were exempted from mandatory controls in 1976 by the energy action mechanism. Kerosene-based jet fuel demand was 838,000 barrels per day for the first half of 1978—just over 4 percent of U.S. petroleum consumption. "Findings and Views Concerning the Exemption of Kerojet Fuels From the Mandatory Petroleum Allocation and Price Regulations" (DOE/ER–0023) presents the Department's detailed analysis of the case for decontrol of kerojet fuel.

Mr. President, I have moved that the Energy Committee be discharged from further consideration of Senate Resolution 54 so that the Senate will have a more adequate opportunity to consider the potential impact on price and supply of exempting aviation gas and jet fuel from controls.

This week's unusual weather conditions prevented the committee from meeting to consider this issue. Thus, discharging the committee is the only way to get the issue before the Senate before the statutory deadline expires on Saturday.

I had hoped that the administration would withdraw these proposals and resubmit them in order to give us more time to decide on the merits. They did not agree to do so. Thus, I urge the adoption of the motion and approval of the Resolution of Disapproval.

Mr. President, if that is done, I will introduce and seek adoption of a sense of the Senate resolution urging the President to resubmit the deregulation proposals immediately so that the Senate will be able to give them the consideration that they deserve.

Mr. President, I ask unanimous consent that at this point in the Record the proposed resolution be printed.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 54

Resolved, That the Senate does not favor the energy action numbered 3 transmitted to Congress on January 31, 1979.

Mr. JACKSON. Mr. President, I am deeply concerned that the rapidly shifting situation with respect to oil supplies may have made the basis for the decontrol proposals; namely, that there are no present or impending supply shortages outdated before they will go into effect. Disapproval and resubmittal will give all of us an adequate opportunity to get the facts before we act.

Mr. President, that is the heart of this effort.

At this point in time, I have not made a final decision as to what my position will be. I can only point out that the procedural situation is such that it will not be possible for the committee to hold hearings and get the facts and the issues pro and con on the question of decontrol.

We do face currently some shortages that can be serious. These facts were not known at the time this matter was submitted to the Senate and to the House of Representatives.

So, Mr. President, procedurally I would hope that the motion to discharge the committee would be agreed to so that we could take the next step to act on the basic question of decontrol.

Mr. President, I yield 4 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 4 minutes.

Mr. DURKIN. Thank you, Mr. President.

I thank the chairman of the committee.

Mr. President, I agree with the chairman that the situation has changed drastically since the impact statement which was the basis for the administration's proposal was made last summer. It was updated in the past and was called an update in December.

The situation has changed dramatically.

I am concerned today. This very day we have a shortage of home heating oil in New Hampshire. Responsible dealers are calling my office saying there is a shortage of home heating oil.

There is a situation in Maine for the past couple of days that there is a definite shortage of home heating oil.

What I am concerned about is without adequate study, without hearings, without the chance of review, based on the impact analysis that is outdated, there is going to be increased pressure on the cost of gasoline not just in my home State, not just in New England, but all across the country.

We have had a very severe winter. It is not yet over in New England. There is going to be an incentive to continue distilling beyond the middle distilland range. The corporate seller can sell to the corporate buyer knowing full well the price will be paid, and it will aggravate the supply of home heating oil that is critically short today in New Hampshire and Maine and other parts of New England.

We do not know what the impact will be on the cost. Those of us who opposed decontrol of home heating oil were told that the price would not go up. It is 60 cents a gallon and going higher every day in my area of the country.

So we have again the split approach in this administration. We have Mr. Kahn slipping around on banana peels trying to contain inflation, and we have the Secretary of Energy trying to drive up the cost and may well drive up the cost with the middle distilland with this proposal.

I urge my colleagues to agree with the chairman and give us time to thoroughly assess this based on current data because we may well inadvertently drive up the price and reduce supply of critically short home heating oil during this winter and the gasoline problem in the months to come.

I thank the chairman, and I yield back the remainder of my time to the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am sorry we do not have more Senators in the Chamber because this is, I think, a very clear situation.

The distinguished Senator from Washington says that he has not yet made up his mind, that it is a procedural matter. I appreciate his candor in not stating that he is opposed to this because I submit on the facts it is unopposable.

First, let me deal with the procedure involved. Why has the Senate not had hearings? For a very simple reason. Because the matter has been here for 15 days and no hearings have been requested. I am chairman of the subcommittee with jurisdiction over these matters. Sure, we have had bad weather this week, but I have had hearings on Tuesday, on Wednesday, and on Thursday in other committees, but no hearing was requested in this committee.

A hearing was requested in the House of Representatives before Congressman Dingell's subcommitee and a hearing was held in Congressman Dingell's subcommittee. Do you know what? There was no opposition expressed in Congressman Dingell's subcommittee other than by some foreign international air travelers.

No consumer group, no one testified in opposition to this decontrol of jet fuel before Congressman Dingell's subcommittee. Those who testified for it included the Air Transport Association, which includes all scheduled, CAB-certified, interstate air carriers. All associations representing general aviation owners and operators, and all associations representing commuter and the taxi airlines also indicated their approval of decontrol of aviation gasoline.

It is just as simple as that. There was no resolution filed in the House of Representatives to disapprove this decontrol by anyone, not by anyone. They are not going to take any such resolution up in the House of Representatives, and that is after they had hearings.

So, on the procedural matter, Mr. President, I think it is very clear. Now let us go to the substance.

What are the facts on jet fuel decontrol? The facts are these: That we have deregulated the airline industry, and there are drastically shifting patterns, dramatically shifting patterns, of air transportation. Some airports and some carriers that in 1972 did not have heavy traffic now have dramatically heavy traffic. But remember that under the Emergency Petroleum Allocation Act of 1973 the authority for price controls, you have two aspects of control—price control and allocation.

Allocation is based on a 1972 base period. So what we are requiring the airline industry to do is to be ready to fly routes in response to entirely new patterns of demand under fuel allocations based on 1972 patterns of use.

What that means, Mr. President, is that you will have some airlines without jet fuel. It is already happening. At Kennedy Airport just last week there was a

National Airlines flight which had no fuel, and the flight had to be canceled. Let me tell you, that is going to happen with great proliferation if this is not passed.

Mr. President, it sounds very simple to adopt a resolution calling on the administration to resubmit this matter immediately, hold half a day of hearings on Monday, and then we have lost no time, maybe a week, and it sounds like no problem at all.

I asked Mr. Bardin, who is administrator of the Economic Regulatory Administration of the Department of Energy who has the responsibility for this program, about that. Mr. Bardin told me this afternoon that it could take as long as 4½ months to get this matter resubmitted to the Congress. He says, "You would have to have new findings and reviews, with 30 days notice being customary; then you have to submit the findings to the Federal Energy Regulatory Commission, which usually takes 2 weeks. Then the FERC gives notice of hearings, usually 30 days; then the FERC time for decision is a minimum of 30 days, so that would add up to some 4½ months before they resubmit it to Congress. Even if they resubmit it the same day, the Congress then has 15 days to act. All this time, you will have potential shortages of jet fuel."

And for what? Who is objecting? If you can name me one person, I will be surprised. Jim Flug did not appear. Not one single consumer group, other than the distinguished Senator from Ohio, who I guess himself constitutes a consumer group.

The opponents are not opposing decontrol, but only asking for a hearing, and while that is a reasonable request, in view of what Mr. Bardin says it could take up to 4½ months to get it resubmitted to Congress. I would submit that the prudent thing for this body to do is what the House of Representatives is doing: let the matter go through without opposition.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield 5 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, let me first thank my good friend from Louisiana for a very succinct argument. I do not think we have to take all the time that is allotted here this evening, but I want to make it clear from the standpoint of the Republicans on the Energy Committee where we stand on this proposal, and why we did not insist that there be some hearings by the Energy Committee on this matter.

That was because we agreed with the President of the United States, who, through the Secretary, sent up this proposal. We have had this proposal for a number of days. While I have great respect and admiration for our chairman, the Senator from Washington (Mr. Jackson), let me make clear that the blizzard had nothing to do with the time lapsing here, because the blizzard occurred while we were in recess. The rules of the EPCA clearly provide that those days do not count, so we are in the third or fourth day of those 15 days, exclusive of the time when we were not in session. We all had the proposal in our hands, circulated to our staffs by the Department of Energy, under some specific rules where the President had the authority to deregulate under certain findings some or all of the petroleum cycle in America. They sent up this proposal on jet fuel many days ago. Nobody asked for a hearing, and all of a sudden the deregulation is about to occur.

The House subcommittees had a hearing, and agreed that the President is right. We have had a little more fighting in Iran, and so people are a little more concerned about crude oil, but we have all been concerned for a long time.

The Secretary of Energy, speaking for the President, as late as February 21— and most of the problems about the Iranian commitment to the world pool of oil were certainly there by that time— concluded, in a letter directed to our chairman, that even with all that, the President unequivocally recommends that he be granted this authority to deregulate. He indicates:

> We have concluded that supply and distribution problems are likely to be less without aviation fuels controls than with them.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Energy,
Washington, D.C., February 21, 1979.

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We have reviewed our actions to deregulate kerosene-base jet fuel and aviation gasoline in light of the Iranian situation and strongly believe that the continuation of existing controls is unnecessary to achieve the objectives of the Emergency Petroleum Allocation Act (EPAA).

We are concerned that the loss of Iranian production will be prolonged and that supplies of refined products in this Country could become tight. However, we have concluded that supply and distribution problems are likely to be less without aviation fuels controls than with them.

Deregulation of the airlines resulted in an unusually dynamic pattern of demand shifts. The allocation regulations have prevented refiners and distributors from efficiently shifting supplies among consumers and regions to deal with spot shortages and thus have tended to exacerbate them.

Moreover, under the EPAA we could reimpose controls if necessary and appropriate. We are prepared to do so by activating the standby petroleum product regulations adopted last month.

If I can answer any further questions regarding these pending actions, please let me know.

Sincerely,

James R. Schlesinger,
Secretary.

Mr. DOMENICI. I would like to indicate to the Senate, so Senators will know, that Senator Hatfield, who is not here, has consulted with us from the Energy Committee and, as our ranking member on on the full committee, concurs with the President and indicates that he does not support Senator Jackson's effort, which basically would let us challenge the President in his deregulation of this one particular product in a different way than we would otherwise.

We would like to leave it in committee, where it belongs, so that the President will get his way. So we ask Senators to vote no on this resolution of discharging the committee of jurisdiction, so that the Senate will not vote, and leave it in the committee where it was, where the committee obviously tacitly decided not to consider the matter of sending it to the Senate.

Senator McClure, who is here unequivocally supports that position, along with Senator Weicker, Senator Wallop, Senator Bellmon, Senator Stevens, and myself; so, on my side, all of us, including myself, support the President's efforts to begin what we are certain will ultimately have to be done on a far broader spectrum. We support the position of the Senator from Louisiana as to why, and we urge that we get on with voting no, so that it will stay in committee and the President will get his way on this particular effort to begin deregulation.

Did I use my 5 minutes, I might ask the Parliamentarian?

The PRESIDING OFFICER (Mr. Exon). The Senator has used 4½ minutes.

Mr. DOMENICI. I want to spend the last half-minute to congratulate my friend from Ohio, who will now take the floor and, all by himself, represent all the consumers of America. If there are no others, I am sure he will do a more than adequate job, and the Senator from Louisiana and I will attempt in a modest way to rebut his arguments.

Mr. BUMPERS. Mr. President, will the Senator from Washington yield me 5 minutes?

Mr. JACKSON. I yield the Senator from Arkansas 5 minutes.

Mr. BUMPERS. Just to break up the continuity betwen the Senator from New Mexico and the Senator from Ohio.

Mr. President, there are some preliminary facts and preliminary information that my colleagues ought to know about.

First, we asked the Energy Department this afternoon to withdraw this resolution and resubmit it. We made that request for a very simple reason: So that the committee could hold hearings to determine, in the light of the Iranian crisis, whether or not their studies are correct in the light of current events.

That was a very simple request, and it was refused.

Second, everybody in this Chamber ought to know that the Department of Energy request to deregulate jet fuel is based on studies—about 100 pages of them—made in the summer of 1978, then updated in December of 1978, still not fully reflecting the Iranian crisis, in about half a page.

I am not suggesting that disaster is going to befall the country if the President's proposal to deregulate jet fuel is passed and approved by the Senate, or not disapproved, but I am saying it could very well be the tip of the iceberg, and you ought to know tonight, before you vote on this procedural question, what is at stake.

Let me tell you one of the things at stake is the question of what shortages will occur in this country.

First of all, some people say there already is a jet fuel shortage. That has been stated here twice. I have here an article from the Wall Street Journal which says:

> But the Energy Department disagreed. Federal officials, who said the local shortages of jet fuel and resulting disruptions of flight schedules are temporary, attributed the cutbacks to problems at two suppliers, Texaco and Continental Oil Co. The officials said these problems aren't related to the Iranian cutoff.

Mr. President, I ask unanimous consent that the entire article from the Wall Street Journal be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JET-FUEL CUTBACKS PROMPT SOME AIRLINES TO CUT FLIGHTS BUT PINCH ISN'T NATIONWIDE

Some airlines are being pinched by cutbacks in jet fuel supplies, although there isn't a nationwide shortage.

The cutbacks are particularly evident so far at Kennedy Airport in New York City, where Texaco Inc. is the main supplier. But supplies also have been sharply reduced at a number of other airports, and some airlines have had to curtail flights as a result.

Suppliers said the loss of Iranian oil is partly to blame, mainly because it has contributed to the world-wide tightness in availability of the lighter low-sulphur crude oils preferred by refiners for processing into jet fuel, gasoline and other lighter fuels.

But the Energy Department disagreed. Federal officials, who said the local shortages of jet fuel and resulting disruptions of flight schedules are temporary, attributed the cutbacks to problems at two suppliers, Texaco and Continental Oil Co. The officials said these problems aren't related to the Iranian cutoff.

There are some other factors—some suppliers and airlines blamed the Energy Department's pricing regulations on aviation fuels—in the fuel cutbacks. A key factor, observers suggested, is surging demand for jet fuel. Demand increased 12% last month, according to oil industry calculations.

FIRE AND FRIGID WEATHER

A refinery closing because of a fire some months ago has caused a jet-fuel problem in the Denver area. In other regions, cold weather has aggravated the problem because petroleum refiners have had to process more of their crude oil into heating fuels rather than jet fuel. In some areas, frigid weather has delayed deliveries of jet fuel by barge or truck.

Whatever the reasons, some airlines have run into difficulties. National Airlines has canceled three flights from New York to Amsterdam because of a shortage in its supplies, furnished by Texaco, at Kennedy Airport. A spokesman said National may have to cancel more flights but hasn't yet decided to do so.

Donald Lloyd-Jones, senior vice president of American Airlines, said that "this is a long-term problem. There is a world-wide shortage, and I anticipate it will become more severe."

American, which gets its fuel from Texaco, Standard Oil Co. (Ohio) and Conoco, has had shortages in the last week or so in New York, Oklahoma City, Omaha, Tucson, Phoenix, Cleveland, Columbus, Ohio, Chicago, Ontario, Calif., Little Rock, Des Moines, San Juan and Miami, Fla. Suppliers have told American that the airline must cut its fuel loading 5% to 25% at these cities.

CALCULATING OPTIMUM LOADS

American, which hasn't yet had to cancel any flights because of fuel shortages, has been loading its planes with fuel at an earlier stage of the flight, enabling them to complete their journeys through fuel-short areas.

But this is expensive. Because of the high costs of fuel, the airlines have set up banks of computers to calculate the optimum load of fuel for each plane's flight. Adding fuel at an earlier stage means the plane has to haul the fuel around longer, burning up more fuel in the process.

Because of the severe pinch at Kennedy in New York, American has had to resort to an even more expensive tactic. The airline has contracted with Shell Oil Co. for an extra million gallons of fuel per month in San Juan and is bringing the fuel in its planes from San Juan to New York during regular flights. "We're becoming a tanker airline," one executive said.

American Air officials said the Kennedy Airport shortages have been aggravated because a boat carrying fuel has been delayed. The fuel, being delivered by Texaco, is currently due to arrive tomorrow or Friday.

Trans World Airlines, supplied by Texaco, Shell, and Conoco, has had shortages in Denver, Kansas City, Mo., and New York, with New York's the worst. Thus far, TWA hasn't had to cancel any flights, but like American it has had to add more fuel at earlier stages of flights. TWA also is trying to buy more fuel on the so-called spot market. "But so is everybody else, so this is becoming very hard to do," a TWA official said.

TWA nonetheless has been able to purchase some jet fuel on the spot market. It bought 50,000 barrels in Corpus Christi, Texas, but isn't sure yet what the cost will be. It agreed to pay the prevailing spot price when it receives the fuel, starting next week.

Most other airlines reached haven't run into shortages yet. But, a spokesman for Frontier Airlines said, "everybody is becoming more fuel-conscious." Western Airlines reported that it has had to "do some juggling" because of jet-fuel cutbacks by Conoco in Denver and Minneapolis.

Conoco, a major supplier of jet fuel to Denver's Stapleton Airport, said it has been allocating supplies there at 55% of normal requirements for several weeks. That is because the company's Denver refinery is still closed as the result of the fire last October. The refinery has a capacity of 32,500 barrels a day, nearly 9% of Conoco's domestic refining capacity.

The company also is allocating jet fuel at a 70% rate to all other commercial customers, a spokesman said. The cities affected include Tulsa, Oklahoma City, Omaha, Minneapolis and Wichita.

Shell reported that, even though its aviation supply situation is tight, "we have been able to meet customers' demand estimates and aren't curtailing supplies." Shell supplies every major airline in the U.S.

But Texaco, one of the largest U.S. suppliers, has problems. The company cited the overall tightness in world crude oil supplies, a situation "complicated by the disruption of Iranian oil exports and the Department of Energy regulations on aviation fuels."

TEXACO OUTPUT OFF 10 PERCENT

Texaco confirmed that it has asked its airline customers at Kennedy to voluntarily reduce their purchases of aviation jet fuel from it as much as 50%, depending on their operational requirements, for the next few days. A few other U.S. airports are similarly affected but to a lesser degree, the company said.

Texaco has cut output of its U.S. refineries some 10% from the normal level of about one million barrels a day "due primarily to the shortage of crude oil, especially the light grades that are best suited for the manufacture of jet fuels and gasolines," it said. Meanwhile, the company said, it is trying to buy additional jet fuel.

In one case, Texaco said, it purchased a shipment of jet fuel from European sources for more than 65 cents a gallon, plus transportation cost, even though the maximum selling price under U.S. controls is about 20 cents a gallon less. "Some of the factors that have brought about the jet-fuel shortage have been the Energy Department's regulations on aviation fuels," Texaco said.

But, according to the department, Texaco, one of the four biggest suppliers of jet fuel, is suffering from a shortage because last August it decided to stop importing already-refined jet fuel from Trinidad. The New York and Kansas City airports have felt the Texaco pinch in particular, the Energy department said, because they formerly received much of the imported fuel.

W. Dean McClanahan, an Energy Department official who monitors aviation supplies, said Texaco has assured the government that it is shipping a new supply of jet fuel by sea for Kennedy, to arrive within two weeks. After that, it is expected, winter will begin easing, allowing Texaco's domestic refineries to reduce their output of heating oil and turn out more jet fuel instead.

The Kansas City shortage will be harder to cure, the Energy Department said, because that airport can't be resupplied by ship, and pipelines feeding the area are filled with heating oil.

Nonetheless, Mr. McClanahan maintained, the jet fuel problems "are momentary supply shortages." There aren't any indications, he said, of "limitations caused by the Iranian situation that would adversely affect airline operations."

Ironically, Energy Department officials said, there are surpluses of jet fuel in some parts of the nation, especially in the Gulf Coast states. Chicago also has a surplus, they said, because its giant O'Hare International Airport was closed by snow on a number of days this winter.

Mr. BUMPERS. Who gets the benefit of this? It is proposed that the price of jet fuel be deregulated, yet no one thinks that the price of jet fuel will remain at about 40 cents, as it is today. I would remind Senators that, under regulation, the price of jet fuel has gone from 12 cents in 1974 to 40 cents today, almost a 300-percent increase. Where is it going to go from here? Nobody knows. But we can rest assured that it is going to go up. Who is going to pay? The airlines are going to get the fuel because the major oil companies in this country are going to make as much of it as they can. Because it is deregulated, they can make a bigger profit on it.

The airlines are going to buy it, but because they cannot absorb the price increase, they will pass it on to the consumer.

Meanwhile, the refiners in this country are limited on how much jet fuel they can get out of a barrel of oil. They could probably increase the supply of jet fuel only slightly, even if they fully tilted their refiners toward jet fuel.

Where will they get more? They will

get some of it from the oil currently refined into home heating oil, which Mr. DURKIN is concerned about, and they will get the rest out of it from the oil currently refined into gasoline, which the whole country is concerned about. Those are the only two places they can get it.

Consider the supply situation of home heating oil. New England is now facing an impending shortage of home heating oil. Moreover, if the American people do not know it, I would like to announce that they also face an impending shortage of gasoline.

The significance of deregulating jet fuel is that the refiners and the oil companies of this country can shift their production to jet fuel from gasoline and exacerbate that shortage or from home heating oil and exacerbate that shortage.

Who is getting the benefit? Quite simply, the oil companies, who raise the price of jet fuel to the airlines, who will accept it, because they believe that if this is deregulated at least their supplies will be constant and assured.

Well, the truth of the matter is that refiners can only increase the supply of jet fuel a limited amount, and, if the demand for jet fuel continues to increase as it has in the past, the price will go out of sight. Who gets the benefit of these increases? The oil companies. Who pays it? The American people pay it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield an additional 2 minutes to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator.

Mr. President, the pressures on the price of jet fuel will be irresistible and the price of jet fuel will rise inexorably. There is not a soul in this body who has any idea to the contrary. Members know what is going to happen. If they vote against the motion of the Senator from Washington they are saying that the price of jet fuel is going to go up and the American people are going to pay for it. At the same time they are saying that there is going to be less gasoline and less home heating oil. The next thing we know there will be a deregulation proposal from the White House to regulate the price of gasoline and home heating oil.

Finally, Mr. President, the big airlines are going to get supplies, but the little airlines, many of which are struggling to survive, are going to be pushed out of business because they cannot afford it. The big airlines will get their supply and they will continue to run their routes.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BUMPERS. I will be happy to yield.

Mr. JOHNSTON. Is the Senator aware that the commuter airline association, representing all of the small airlines, is supporting the proposal?

Mr. BUMPERS. I am not familiar with that, but that is most unfortunate, because I guarantee those same people—and it will not be the first time it has happened here—will be back a year from now asking for tariffs, subsidies, and other protection. I have seen it happen too many times, and it will happen in this case.

I am telling you, Mr. President, it is inflationary. If the price of jet fuel increases, we will watch airline fares contribute significantly to the Consumer Price Index increase. So when Senators vote for this, just bear all those things in mind. And bear in mind, finally, what are you going to tell your constituents?

The PRESIDING OFFICER. The time of the Senator has once again expired.

Mr. JACKSON. I yield——

Mr. BUMPERS. That is all right. I thank the Senator for his time.

Mr. JACKSON. I yield 6 minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise in support of the motion of the distinguished chairman of the Energy Committee. Through no fault of our own, the Energy Committee simply has not had sufficient time to review the administration's proposal, particularly in view of the new developments which have occurred in recent days and weeks.

We believe that the Senate would be derelict in its responsibility to allow this proposal to become law without the opportunity to conduct fair hearings. We believe that this proposal should be rejected until the Senate has had an opportunity to hold hearings on the subject and, as the chairman has indicated, he intends to introduce and support a resolution asking the President to resubmit this energy action immediately.

In essence, I say to Members of the Senate, he is asking for 15 more days.

The suggestion that the Department of Energy would need something like 4½ months to bring this same proposal back is totally absurd on its face.

I say that that is the same kind of information we get out of the Department of Energy over a period of many months. When we ask them for numbers, when we ask them for facts, when we ask them for figures, we always get the kind of answer that best accommodates their point of view.

I personally believe the administration's proposal to deregulate jet and aviation fuel is both ill-advised and poorly timed. It is poorly timed because of the chaos in the world oil situation today. The deteriorating situation in Iran has intensified in the last months. Early in January the administration hoped that Iran would stabilize and resume production by spring. But today that hope seems to have faded completely. As the Secretary of Energy testified before our committee, in the 2-week period between January 15 and February 1 the situation became more serious.

In his own words, Iran's decline toward chaos has not been arrested. With it, the supply of crude oil internationally and of imports to the United States become more uncertain and more costly. In very simple terms, how can we possibly justify decontrolling an oil product at the same time we are giving serious thought to rationing?

The proposal is ill-advised because it could be terribly inflationary. Right now, the spot market for crude oil is going berserk, with prices reaching $23.50 a barrel. But even more important is the fact that the spot market for jet fuel, which is the product we are talking about today, is also going through the roof. The spot price for jet fuel is 57 cents a gallon, 166 percent of the price of domestically controlled jet fuel.

And yet the Department of Energy in their report recommending this action says:

> Such oil or refined product category is no longer in short supply and exempting such oil or refined product category would not have an adverse impact on the supply of any other oil or refined product, and it would not have an adverse impact upon the price.

That just does not make sense. It is illogical. Such an assertion is absurd in the light of the fact that the imported product is being sold right now for 16 cents per gallon more than domestic jet fuel.

The pressures for big price hikes are there, and, as the distinguished Senator from Arkansas has just stated, the American people will ultimately pay the price. Even if the price went up only 4 cents, an unrealistic low increase, we are talking about charging the American people an additional $600 million and putting those dollars right into the pockets of the oil companies.

It would totally violate the Nation's inflation guidelines. At a time when we should be marshaling all of our energies to fighting inflation, and when the wholesale price index is escalating at a 15.6 percent rate and the food prices are going up at a 21.6 percent rate, I do not understand the logic of a proposal by the administration to decontrol the price of jet fuel.

The fact is we will have an adverse impact upon home heating oil prices, middle distillate. If the price of jet fuel goes up, then there will be more of that sold, less available for heating purposes, and the price of heating oil will go up. So, too, will the price of gasoline.

The fact is the pressure will be to take it away from that portion of a barrel of refined product and take it from the gasoline that is presently available to the American people and put it into the airlines of this country.

The airlines have no great problem about it because they can pass their costs on to the American people. But the average American has nobody to pass it on to. This strikes directly at his pocketbook.

The analysis done by the Department of Energy to justify jet fuel deregulation is based on a world that no longer exists. Rejection of this proposal is absolutely necessary so that we can sit down under less pressured circumstances with all the facts available to determine what the effects will be, the effects on consumers, on the airlines, on businesses which rely on small planes, on the stability of the many jobs that depend on the airline industry and, most importantly, if we think we are going to do something on the floor of the Senate—and this is one of the earliest actions on the floor of the Senate—if we really believe that the Congress of the United States should be indicating its intent to help in the battle against spiraling inflation, this is the place where we ought to start regardless of whether the industry is willing to pay the extra costs.

I believe the American people are not willing to and should not be expected to.

Mr. JOHNSTON. Mr. President, I will be very short and then I think we will shortly be ready to vote.

I just want to make a couple of points. Why is it that no Member of the House put in a resolution of disapproval after the hearings on the matter were held in the House?

It is very simple, Mr. President, because jet fuel and aviation gasoline decontrol is necessary and essential in order to cope with the problems created by airline deregulation. If we do not have it we are in deep trouble with the airlines.

Why is it that the administration did not accede to the request to resubmit the matter? Because, very simply, as Mr. Bardin said this afternoon, it will take 4½ months to do so.

Finally, Mr. President, on this question of what it will do to prices, DOE says it may raise the cost of jet fuel a cent a gallon. If it raised the cost of jet fuel 4 cents a gallon up to the world price, then that would be 0.03 percent of the gross national product, that is, it would add 0.03 percentage point to the Consumer Price Index.

If DOE is right it would add one-fourth of that, or 0.0075, to the CPI, a minimal amount.

Mr. President, to my friends who represent consumers of home heating oil, I say that jet fuel and aviation gasoline decontrol is going to help the situation with home heating oil and not hurt it. Why? Because home heating oil is decontrolled.

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I will yield in just a minute.

Home heating oil has been decontrolled since 1976. If you have to provide one fraction of a barrel, jet fuel, at a cost less than what is a fair price, and the other fraction of the barrel, home heating oil, is decontrolled, where do you think they put the extra cost? They put it on the decontrolled part, on home heating oil.

So to say that by raising the cost of part of the barrel that you are going to raise the cost of home heating oil just simply does not make sense, and the House did not believe it either.

So I will submit to my friend and I will now yield to my friend from New Hampshire for a question.

Mr. DURKIN. The Senator knows that a number of us opposed the decontrol of home heating oil and it lost. At that time the Department of Energy was saying it was going to raise the cost of home heating oil 4 or 5 cents, and the great competitive force in the marketplace, which exists only in eighth grade political science texts, would hold down the price of home heating oil. Home heating oil is over 60 cents a gallon today in New Hampshire, and there is a serious question of whether we will even be able to get it.

With the incentive of distilling beyond the middle distillate range, we have a corporate buyer and a corporate seller and the corporate buyer being able to pass it through in the charge of increased air fares, how in God's name will that not produce an incentive to produce more higher level distillates and shorten and eliminate or reduce the supply available for home heating oil? I would love to have that answer, and so would my constituents.

Mr. JOHNSTON. Mr. President, in answer to the Senator's questions, to quote from "Findings and Views Concerning the Exemption of Kerojet Fuels From the Mandatory Petroleum Allocation and Pricing Regulations" program, page 75, let me read this.

Mr. DURKIN. What was the date of that?

Mr. JOHNSTON. That was dated June 1978.

Mr. DURKIN. The Ayatollah was still in Paris then. [Laughter.]

Mr. JOHNSTON. Statistically updated to December 1978. It says this:

> In a market where the prices of some products are controlled and others are not, if cost increases are not recoverable in controlled products, they tend to be passed to the uncontrolled products. Particularly in view of the fact that middle distillate prices have been decontrolled, a refiner could recover kerojet costs in middle distillate products.

That is only commonsense. So, Mr. President, I think it is very clear.

We have had 15 days, 15 days while the Senate was in session to hear this matter. No request for a hearing has been forthcoming. I think this is one place where the administration is dead right and, Mr. President, we cannot afford to wait for 4½ months for this rule to be resubmitted. Because if we do we will have shortages of jet fuel around this country to the extent that what has happened last week at Kennedy Airport, when they canceled the National Airlines flight, and these shortages will be occurring everywhere across this country.

I hope we will vote down the motion to discharge. I am prepared to yield back the remainder of my time.

Mr. DOMENICI. Mr. President, will the Senator yield to me for a statement?

Mr. JOHNSTON. Yes.

Mr. DOMENICI. Mr. President, I rise in opposition to the motion to discharge the Energy Committee from consideration of the deregulation of certain aviation and jet fuel. I do so for both procedural and substantive reasons.

Senator JACKSON introduced these resolutions of disapproval as a vehicle for action 3 weeks ago, as soon as the administration sent these measures to Congress. There was a general feeling among Senators I spoke to that this was a good measure, and no opposition was expected.

Certainly it would have been open to any Member to ask for hearings on these resolutions, which would probably have been before the subcommittee on which I am the ranking minority member. There were no such requests to my knowledge. It is certainly an end-run to come to the floor today and try to have the Senate resolve the matter with little notice.

More fundamentally, however, the committee should not be discharged because the President's action was right. The President has repeatedly stated his desire to move toward deregulation. He recognizes the distortions and reduction of supply that Government regulations have caused. As long as we regulate in the pattern of the past, we will never be prepared to face the future.

I commend the President for this move and hope that he will continue to move toward deregulation in all the areas where he has the power to do so.

Jet fuel is a particularly appropriate area for deregulation. Aviation is a dynamic industry that is now prospering and increasing service to Americans under the deregulation that has been allowed by the CAB. There is no reason to continue controlling a product when the users want it decontrolled, and when the ultimate beneficiaries, the airline passengers, are certainly better off than the average American. Even the usual simplistic arguments for "protecting consumers" really do not apply here.

The final argument that has been made against the President's action seems to be that we should not move toward decontrol at a time of uncertainty and turmoil caused by the Iranian situation. Now, I have been one of those urging most strongly that the administration should move more strongly with measures to increase production and prudently reduce consumption.

But those should be comprehensive measures that address the total scope of our energy situation.

We already have a situation where some refined products are controlled and some are uncontrolled. This action is simply another step on the correct road, the road toward decontrol. By repudiating the President's action in this case, we will be telling the American people that the Senate wants more control, rather than less. I do not believe that is what the people want, and I know that it will not serve the interests of America.

I will vote to uphold the President's action and vote against discharging the resolution from the committee.

Mr. DOMENICI. Mr. President, may I have 10 seconds to say to my friend from New Hampshire that he took the same position on all of the subjects when the ayatollah was in France as when he was in Iran, so it does not make any difference where he is.

Mr. DURKIN. Mr. President, will the Senator yield? There was a substantial difference in that when the ayatollah was praying in the Paris suburbs there was oil flowing out of Iran. That oil is not coming today.

Mr. DOMENICI. What I was saying is that we will have another ayatollah in 3 or 4 months, and the Senator will have another ayatollah to blame the trouble on when the Senator and Senator METZENBAUM are going to try to get more petroleum products when we reduce the price. You have a new economic theory, which never has held for anything we produced in America, but particularly my good friend from Ohio persists in saying, that if we reduce the price, we are going to produce more of all these products. That is why I think it is so good that we are having this debate here tonight.

Mr. DURKIN. I want to say to my friend from New Mexico that he is one of the few Republican Senators who is not up in New Hampshire, and I invite him to come up.

Mr. DOMENICI. I have enough problems in New Mexico. I am delighted to be the Senator from New Mexico.

Mr. DURKIN. And the people of New Hampshire are watching their paychecks disappear into the oil barrel week after week after week.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I yield to the distinguished junior Senator from Massachusetts (Mr. Tsongas).

Mr. TSONGAS. I thank my chairman.

Mr. President, this is the first of, what I would hope to be many, energy issues that would come before this Senate.

It seems to me that beyond the immediate question there is an opportunity to set a tone as to what the Senate is going to expect from the administration. If the administration had a clear sense of our energy future I think they could come to the Senate and request a kind of benefit of the doubt on the specifics. But I think the administration does not have a clear sense of where it is going and working on it.

Let me give an example of home heating oil. There was a discussion of that but not in the context of what is going to be critical, and that is not this winter but next winter.

I sat through committees and I will attest to enough of a series of briefings to suggest that, given the current depletion of reserves, it is going to be a very serious problem next winter.

On gasoline we have had hearings on rationing, and where we are going and where we might be going. That has not been resolved, and one that I am particularly concerned about, which is the alternative source of energy, there is a domestic policy review option paper before the President now and we do not know where he is going. We have no sense in terms of what the long term will be for renewables.

How can we, as a Senate, demand the administration come forth with a clear, long-term, comprehensive energy policy, which I think is vital for this country's survival over the long term, if we go ahead in a situation like this, case by case, and kind of ad hoc our way through a viable energy policy?

It seems to me, if the administration does not want to come up with this kind of policy, that is their prerogative, but that it is not ours then to concur in that approach.

I have asked my colleagues not only to be specific as to the deregulation, but, rather, to use this particular issue as a way of forcing the administration to give much greater thought as to where we are going in this country relative to our energy future.

Mr. President, I yield back the remainder of my time.

Mr. JACKSON. Mr. President, if there is no one on our side, I am prepared to yield back the remainder of my time.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion to discharge. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida (Mr. Chiles), the Senator from Massachusetts (Mr. Kennedy), the Senator from Maine (Mr. Muskie), the Senator from Mississippi (Mr. Stennis), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from Georgia (Mr. Talmadge) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from North Carolina (Mr. Helms), the Senator from Maryland (Mr. Mathias), the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Stafford), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER. Does any other Senator in the Chamber wish to vote?

The result was announced—yeas 34, nays 53, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—34

Baucus
Bayh
Biden
Bradley
Bumpers
Church
Culver
DeConcini
Durkin
Exon
Ford
Glenn
Hollings
Huddleston
Inouye
Jackson
Javits
Leahy
Levin
Magnuson
Matsunaga
McGovern
Metzenbaum
Moynihan
Nelson
Pell
Proxmire
Pryor
Ribicoff
Riegle
Sarbanes
Sasser
Tsongas
Zorinsky

NAYS—53

Armstrong
Baker
Bellmon
Bentsen
Boren
Boschwitz
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Cochran
Cohen
Cranston
Danforth
Dole
Domenici
Durenberger
Eagleton
Garn
Gravel
Hart
Hatch
Hayakawa
Heflin
Heinz
Humphrey
Jepsen
Johnston
Kassebaum
Laxalt
Long
Lugar
McClure
Melcher
Morgan
Nunn
Percy
Pressler
Randolph
Roth
Schmitt
Schweiker
Simpson
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Wallop
Warner
Weicker

NOT VOTING—13

Chiles
Goldwater
Hatfield
Helms
Kennedy
Mathias
Muskie
Packwood
Stafford
Stennis
Talmadge
Williams
Young

So the motion to discharge was rejected.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR DAILY RECOGNITION OF LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, now that the rules fight has been put aside or put behind us, I ask unanimous consent that the majority and minority leaders may daily, as during the past Congress, have up to 10 minutes each on each calendar day following the prayer and the disposition of the reading of or the approval of the Journal.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, did I understand the request was for the recognition of the majority leader and minority leader daily following the prayer?

Mr. ROBERT C. BYRD. Following the prayer and the disposition of the reading of the Journal or the disposition of the approval of the Journal and that the request obtain throughout the remainder of the 96th Congress.

Mr. McCLURE. Mr. President, further reserving the right to object, and I shall not object, I think that is, if not a courtesy, certainly something that should be accorded the majority and minority leaders. The only reason I take this time is that I really am a little bit gunshy of blanket requests that will be in effect during the entire remainder of the year or the entire remainder of the Congress. But in this instance, I certainly have no objection.

I do not know if anyone here would object to it, but I did want at least to make that notation here at this time.

With that, I withdraw my reservation.

Mr. BAKER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

I agree with the observations of the distinguished Senator from Idaho, but I cannot remember a single case last year where a unanimous-consent request was made of general application for the remainder of the session, and I might say for the record that I would look on such a request with great concern.

But in this case, I think it furthers the orderly proceedings of the Senate, and I thank the Senator from Idaho for withdrawing his reservations.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I shall not object.

Mr. President, I think it is an appropriate procedure, but I wish to associate myself with the remarks made by the Senator from Idaho. I hope Senators will be notified in advance if any unanimous-consent request is going to be made for extended periods of time.

I think that it is only fair that Senators be so notified. I think this is a perfectly appropriate request. I have no objection to it. But I hope that we do not reach the point where unanimous-consent requests are being made covering long or extended periods of time.

I am a little gunshy on unanimous-consent requests at the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am sorry that this business of being gunshy has come up. I have been gunshy since I was a kid and for several good reasons.

But I do not know of any requests that I have made this year or during the past several years that extended throughout the Congress that were not for the benefit of the Members of the body.

The time that is going to be under the control of the minority leader and the majority leader will seldom be used by ourselves, if past experience is any indicator. As the usual thing, we use that time to yield to Senators who have not gotten orders in advance. And I daresay that my friend from Virginia will be the recipient of the time that I will have under my control from time to time, and I imagine that the distinguished Senator from Idaho will be the recipient on that side of the aisle and could be the recipient of my time.

As to other requests I will be very glad to have those stated in the RECORD. They were gotten at the beginning on the first calendar day of the session and on 1 or 2 days succeeding that. For example, it is by unanimous consent that Senators may turn in bills and joint resolutions at the desk with their names on them.

It is by unanimous consent that they may add cosponsors at the desk without having to take the floor and ask unanimous consent from the floor.

It is by unanimous consent that they may turn in at the desk names of aides whom they want on the floor. They do not have to stand up any more and ask unanimous consent for that.

So may I say to my friends the Senator from Idaho and the Senator from Virginia that I am very grateful for their not having objected to this request, but I am sort of unsure of myself. I am very wary of trying to obtain a unanimous-consent request here that I think would create any ill will toward me, and might ultimately lead to someone committing mayhem against the Senator from West Virginia, politically or otherwise. I am very careful not to propound a request that I think would do damage to the Senate, or that would impose on Senators' rights generally.

So I believe that both Senators may be able to rest without any concern about these requests that are made to cover the entire Congress. I understand their concern. I think they are exercising their rights, and I think they should be complimented on guarding the rights of others and the rights of the Senate as well as the rights of themselves. But, Mr. President, both Senators will note that I have stood up on the floor of the Senate with my microphone in my hand, in full view, and made the request here in their presence, and therefore gave everybody an opportunity to object if they wanted to object.

That is all I have to say.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I just want to say that I have always found the Senator from West Virginia to be generous with the time he has had as majority leader. Many times he has yielded me in the morning time that I needed and which he did not need. He has always been very generous, and I prefaced my remarks a moment ago by saying I thought it was an appropriate request that the majority leader made, and that I had no objection to it.

I did express the hope that on substantive matters Senators would be notified in advance, because all of us are not going to be here all the time, of any requests extending over a period of time dealing with substantive matters, though not with routine housekeeping matters. I hope the Senate realizes that.

ROUTINE MORNING BUSINESS

Mr. PROXMIRE addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield to me briefly, since there is nothing pending before the Senate and, therefore, no opportunity for Senators to speak, I ask unanimous consent that there now be a period for the transaction of routine morning business, and that Senators may be permitted to speak up to 5 minutes each therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GENOCIDE CONVENTION AND OUR HUMAN RIGHTS RECORD

Mr. PROXMIRE. Mr. President, as the U.N. Commission on Human Rights is now meeting in its 35th session, I would like to draw our attention to an important issue: Our position on human rights. Our country has an almost unsurpassed record in civil rights. Yet we consider ourselves a world leader in human rights. But are we? What is our record on human rights?

The Senate record on the ratification of U.N. human rights treaties is deplorable—as well as an embarrassment in our foreign policy. We have only ratified the U.N. treaties on slavery, the protocol relating to the status of refugees, and political rights of women. There remain at least 29 human rights conventions—29—the United States has not ratified. The consequence of this inaction is twofold:

First. We have become increasingly isolated from the international community concerned with human rights.

Second. U.N. work on human rights and, indeed, our own foreign policy, has been seriously impaired.

Of the remaining 29 U.N. human rights conventions to be ratified, by far the most significant is the convention on Genocide, the most horrifying of crimes. The inability of the Senate to ratify the Genocide Convention has been a grievous thorn in our side now for 30 years. Is there a sound reason why we should delay any longer the ratification of this essential treaty? No. Can delaying serve any purpose other than to further undermine our total human rights policy? No. The time is long overdue for us to ratify that which protects the most fundamental right of every human being—the Genocide Convention.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further morning business?

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM–40. A petition from a citizen of the United States, asking the Senate to reopen diplomatic relations with the Republic of China (Taiwan), to reaffirm American support of the 1964 Mutual Defense Treaty between Taiwan and the United States, and to continue arms sales to Taiwan; to the Committee on Foreign Relations.

POM–41. A joint memorial adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"HOUSE JOINT MEMORIAL No. 2

"Whereas, the Internal Revenue Service, Department of the Treasury, has announced a proposed revenue procedure relating to private school tax exemptions; and

"Whereas, the proposed revenue procedure will, in effect, establish quotas for minority participation in tax exempt private schools; and

"Whereas, such quotas have been held discriminatory in a recent United States Supreme Court opinion; and

"Whereas, the use of private schools should be encouraged in order to help take the burden from public schools.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we are deeply concerned with such a proposed procedure and strongly urge that the Congress take such immediate action as necessary to prevent such proposed procedure from becoming effective.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM–42. A resolution adopted by the legislature of the State of Kentucky; to the Committee on Finance:

"HOUSE RESOLUTION No. 5

"Whereas, the Congress of the United States has not permanently resolved the issues of the tax home and methods of determining income tax deductions for legislative business expenses as they relate to members of the state legislatures; and

"Whereas, while the Congress is to be commended for the substance of its temporary resolution of these issues in the 1976 Tax Reform Act and 1977 Tax Reduction and Simplification Act, a permanent solution is needed so that state legislators may anticipate their tax liabilities and file their federal income tax returns in a timely manner; and

"Whereas, the Kentucky Constitution and

"Whereas, federal regulation often adds unnecessary confusion and delay; and statutes, like those of many other states, embody the concept of a part-time, citizen legislator who resides and conducts his private business among his constituents and who is periodically called upon to conduct the public's business in legislative sessions and committee meetings in the state capital; and

"Whereas, the aforementioned temporary provisions of federal law have permitted a state legislator to elect to treat his business as a state legislator in a manner compatible with this state constitutional and statutory concept of his role;

"Now, therefore, *Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the United States Congress and, in particular, the members of the Kentucky Congressional delegation are respectfully requested to lend their support to the enactment of a permanent resolution of the tax home and per diem income tax deduction issues, as they relate to state legislators, in a manner similar to that temporarily provided by Section 604 of the Tax Reform Act of 1976, as extended by Section 307 of the Tax Reduction and Simplification Act of 1977, and to that supported by the National Conference of State Legislatures.

"Section 2. That the Legislative Research Commission is requested to monitor the progress of such legislation through cooperation with Kentucky's Congressional delegation and the National Conference of State Legislatures.

"Section 3. That the Clerk of the House of Representatives shall transmit a copy of this Resolution to each member of the Kentucky Congressional delegation, the Speaker of the House of Representatives and President of the Senate of the United States, and to the chairmen of the United States House Committee on Ways and Means and Senate Finance Committee."

POM-43. A resolution adopted by the Legislature of the State of Georgia; to the Committee on the Judiciary:

"HOUSE RESOLUTION 71

"Whereas, in 1945 the McCarran-Ferguson Act (Title 15, United States Code, Sections 1011–1015) was enacted into law; and

"Whereas, in that Act it was stated that "Congress declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest"; and

"Whereas, in the course of such regulation, numerous States have encouraged and required continued improvements in insurance coverages and in the provision of insurance at reasonable rates; and

"Whereas, the States as a whole have continued to review, experiment with, and alter various approaches to regulation in an effort to assure the public of the availability of insurance at a reasonable cost; and

"Whereas, the business of insurance has moved in the direction of a more competitive structure; and

"Whereas, the public benefits from competition in the insurance industry including, at the retail level, the competition of a wide variety of organizations, which are often small businesses; and

"Whereas, federal regulation has often been shown to be no panacea to the nation's problems; and

"Whereas, it is felt by many that the establishment of federal regulation increases the cost of government, increases the cost of products and services to the consumer, and frequently does so without providing offsetting benefits to the public; and

"Whereas, there has been no conclusive finding that the several States cannot continue to regulate the insurance industry; and

"Whereas, there certainly has been no conclusive finding that federal regulation of the insurance industry, by limiting State regulation and permitting the application of the federal anti-trust laws, will have a salutory effect upon the industry or otherwise benefit the public; and

"Whereas, it is often necessary, subject to State regulations, to pool the resources of several insurance companies in order to provide for coordinated actions to provide effective insurance coverage of certain risks and to provide the public with reasonable prices, efficiency in which the services are rendered at reasonable cost, and innovation in which new products and services are made available; and

"Whereas, officials of the federal government have publicly, although unofficially, recommended amending the McCarran-Ferguson Act so as to limit State regulation of the business of insurance.

"Now, therefore, be it resolved by the General Assembly of Georgia that the Congress of the United States is respectfullly requested to examine carefully and scrutinize critically any legislation amending the McCarran-Ferguson Act and to reject any such legislation which is ill-conceived and which would defeat the purpose of providing good insurance at a reasonable cost to the citizens of the United States.

"Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and to each member of the Georgia Delegation to the Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Governmental Affairs, without amendment:

S. Res. 79. An original resolution authorizing additional expenditures by the Committee on Governmental Affairs for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

S. Res. 81. An original resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations. Referred to the Committee on Rules and Administration.

S. Res. 82. An original resolution authorizing additional expenditures by the Committee on Armed Services for routine expenses. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WILLIAMS. Mr. President, as in executive session, from the Committee on Human Resources, I report favorably sundry nominations in the Public Health Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on January 23, 1979, at the end of the Senate proceedings.)

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Rear Adm. Lee Baggett, Jr., to be vice admiral. Also in the Navy, there are 35 for promotion to the grade of rear admiral (list begins with William A. Williams III); Capt. Frances Teresa Shea to be rear admiral and there is a list of eight captains in the Naval Reserve to the grade of rear admiral (list begins with Nelson Otto Heyer). In the Marine Corps and Marine Corps Reserve, there are eight permanent appointments to the grade of major general (list begins with Kenneth L. Robinson). I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. In addition, Mr. President, in the Air Force and Reserve of the Air Force, there are 78 appointments to the grade of colonel and below (list includes one officer to permanent professor of the Air Force Academy) (list begins with Arthur V. Magnuson to be major) and in the Air National Guard there are 96 officers for promotion in the Reserve of the Air Force to the grade of lieutenant colonel (list begins with Maj. Richard N. Allen). In the Navy and Naval Reserve, there are 1,325 for temporary promotion to the grade of commander (list begins with Robert P. Abbate); 2,878 in the Navy and Naval Reserve for appointment to the grade of captain and below (list begins with Barry R. Smith); 1,969 for temporary promotion to the grade of lieutenant commander (list begins with Roy C. Aasen; 45 in the Navy for temporary promotion/appointment to the grade of commander and below (list begins with Melvin D. Beck); and, 2,598 temporary promotions in the Navy to the grade of lieutenant (list begins with Lyle N. Aardahl). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's Desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD on January 31 and February 9, 1979, at the end of the Senate proceedings.)

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, COMMITTEE ON FINANCE, OCT. 1, TO DEC. 31, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Senator Packwood:									
Japan	Yen	20,876	112.00		2,730.00			20,876	2,842.00
China	Yuan	1,463.67	900.00					1,463.67	900.00
Hong Kong	H.K. dollar	723.80	150.00	244.26	50.57			968.06	200.57
Senator Moynihan:									
Switzerland	Franc	749.90	436.00					749.90	436.00
France	Franc	1,174.80	267.00					1,174.80	267.00
England	Pound	259.61	502.86					259.61	502.86
Spain	Pesetas	5,136.99	75.00		1,003.50			5,136.99	1,078.50
Charles R. Johnston, Jr.:									
Switzerland	Franc	495.25	327.00	28	18.42			523.25	345.42
England	Sterling	41	86.00		751.00			41	837.00
F. David Foster:									
Switzerland	Franc	706.75	436.00		748.00			706.75	1,184.00
Robert C. Cassidy, Jr.:									
England	Pound	90.34	177.30		711.00			90.34	888.30
Switzerland	Franc	705.90	436.00					705.90	436.00
William Finan:									
Switzerland	Franc	882.35	545.00		711.00			882.35	1,256.00
France	Franc	1,148.10	267.00					1,148.10	267.00
F. David Foster:									
Switzerland	Franc	972.85	570.00		748.00			972.85	1,318.00
Charles R. Johnston Jr.:									
Switzerland	Franc	1,133.85	665.00		681.00			1,133.85	1,346.00
England	Sterling	41	86.00					41	86.00
Total			6,038.16		8,152.49				14,190.65

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RUSSELL B. LONG,
Chairman.

Feb. 9, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, U.S. SENATE DELEGATION VISIT TO THE SUPREME SOVIET OF THE U.S.S.R., NOV. 9-21, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Abraham Ribicoff:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
Henry Bellmon:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	1,332.75	75.00						
Quentin Burdick:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
Thomas F. Eagleton:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
Richard S. Schweiker:									
England	Pound	90	180.00						
Russia	Ruble	309.03	478.02						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	146.58	37.11						
Adlai Stevenson III:									
England	Pound	90	180.00						
Russia	Ruble	314.28	486.14						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	194.57	49.26						
Sam Nunn:									
England	Pound	63	126.00						
Russia	Ruble	295.32	456.80						
Hungary	Forint	2,113.56	118.94						
Paul Laxalt:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
John Glenn:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
John Durkin:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.00	150.00						
Morocco	Dirham	296.25	75.00						

See footnote at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S SENATE, U.S. SENATE DELEGATION VISIT TO THE SUPREME SOVIET OF THE U.S.S.R., NOV. 9-21, 1978—Continued

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
Dennis DeConcini:									
England	Pound	90	180.00						
Russia	Ruble	339.41	525.00						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	296.25	75.00						
J. S. Kimmitt:									
England	Pound	90	180.00						
Russia	Ruble	283.39	438.35						
Hungary	Forint	2,665.50	150.00						
Morocco	Dirham	146.58	37.11						
Arthur H. House:									
England	Pound	90	180.00						
Russia	Ruble	242.48	375.08						
Hungary	Forint	2,190.68	123.28						
Morocco	Dirham	116.80	29.57						
John P. Hardt:									
England	Pound	82.85	165.70						
Russia	Ruble	231.66	358.33						
Hungary	Forint	2,210.94	124.42						
Morocco	Dirham	116.80	29.57						
Gail S. Martin:									
England	Pound	76.45	152.90						
Russia	Ruble	219.93	340.20						
Hungary	Forint	2,280.42	128.33						
Morocco	Dirham	116.80	29.57						
Catherine Buchanan:									
England	Pound	90	180.00						
Russia	Ruble	218.97	338.71						
Hungary	Forint	2,155.50	121.30						
Morocco	Dirham	116.80	29.57						
David Schaefer:									
England	Pound	87.55	175.10						
Russia	Ruble	225.17	348.30						
Hungary	Forint	2,190.50	123.27						
Morocco	Dirham	116.80	29.57						
Douglas L. Jackson:									
England	Pound	70.80	141.60						
Russia	Ruble	259.24	401.00						
Hungary	Forint	1,070.46	60.24						
Jeffrey Record:									
England	Pound	90	180.00						
Russia	Ruble	301.50	466.35						
Hungary	Forint	2,521	141.86						
Robert Maynes:									
England	Pound	45	90.00						
Russia	Ruble	305.95	473.24						
Hungary	Forint	2,140.75	120.47						
Morocco	Dirham	116.80	29.57						
Roy A. Werner:									
Russia	Ruble	125.74	194.50						
Hungary	Forint	2,662.66	149.84						
Morocco	Dirham	114.27	28.93						
Jacob Javits:									
Russia	Ruble	242.44	375.00						
Hungary	Forint	1,332.75	75.00						
Albert Lakeland:									
Russia	Ruble	198.27	306.68						
Hungary	Forint	1,286.01	72.37						
Delegation expenses:									
England	Pound					1,495.87	2,991.73		
Russia	Ruble					8,486.79	13,127.29		
Hungary	Forint					77,301.10	4,350.09		
Morocco	Dirham					12,949.13	3,278.26		
Total			17,197.15				23,747.37		40,944.52

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 25, 1979.

J. S. KIMMITT,
Secretary of Senate.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
Senator Lawton Chiles:									
Japan	Yen	17,182	75.00	3,436	15.00			20,618	90.00
China (PRC)	Dollar		825.00		[2] 2,897.00				3,722.00
Senator Thomas Eagleton:									
Italy	Lira	197,325	225.00	140,166	161 41				386.41
England	Pound	388.60	750.00	52.51	101.35				851.35
Senator Daniel Inouye:									
Phillippines	Peso	3,314.35	450.00		305.99				755.99
Air transportation from Washington, D.C. to Manila, Phillipines and return					2,497.36				2,497.36

See footnotes at end of table.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1978—Continued

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]
Warren Kane:									
Switzerland	Sw. franc	313.10	181.82					313.10	181.82
Italy	Lira	191,475	225.00	33,000	39.13			224,475	264.13
Egypt	Pound	160	228.57	6	8.57			166	237.14
Sudan	Pound	128,740	258.00					128,740	258.00
Mexico	Peso	6,910.50	305.77					6,910.50	305.77
Richard Collins:									
Egypt	Pound	[3]225.25	321.79	545.37	779.10			770.62	1,100.89
Syria	Pound	211	54.11					211	54.11
Jordan	Dinar	19.79	66.43					19.79	66.43
Israel	Pound	8,356.50	450.00					8,356.50	450.00
Italy	Lira	50,675	61.13					50,675	61.13
William H. Jordan:									
Austria	Schilling	6,429.25	432.50						432.50
Transportation from Washington, D.C., to Vienna. Austria and return					834.52				834.52
Phillipines	Peso	3,771.38	512.07						512.07
Korea	Won	144,000	300.00						300.00
Air transportation from Washington, D.C. to Manila, Phillipines; Seoul, Korea and return					1,469.44				1,469.44
Subtotal			5,722.19		9,108.87				14,831.06
AMENDED REPORT									
Chris E. Clouser:									
England	Pound	388.60	750.00	52.51	101.35			441.11	851.35
James D. Bond:									
Egypt	Pound	[3]280.250	400.35	[3]546.370	779.10			826.620	1,179.45
Syria	Pound	215	55.12					215	55.12
Jordan	Dinar	25.795	86.56					25.795	86.56
Israel	Pound	8,356.50	450.00					8,356.50	450.00
Italy	Lira	62,175	75.00					62,175	75.00
Subtotal			7,539.22		9,989.32				17,528.54
Steven Perles:									
England	Pound	281,88	525 00		821.00			281.88	1,346.00
Total			8,064.22		10,810.32				18,874.54

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Transportation to and from China was by U.S. Air Force aircraft, last shown would be equivalent to commercial rate.

[3] Excess foreign currency.

WARREN G. MAGNUSON,
Chairman, Committee on Appropriations.

Feb. 5, 1979.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and the second time by unanimous consent, and referred as indicated:

By Mr. WILLIAMS (for himself, Mr. JAVITS, Mr. RANDOLPH, Mr. PELL, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. LEAHY, and Mr. RIEGLE):

S. 446. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination against individuals because they are handicapped, and for other purposes; to the Committee on Human Resources.

By Mr. CANNON (by request):

S. 447. A bill to provide authorization of appropriations for the United States Railway Association, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 448. A bill to authorize further appropriations for the Office of Rail Public Counsel; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 449. A bill to amend the Internal Revenue Code of 1954 to provide that the tax exemption of certain charitable organizations and the allowance of a deduction for contributions to such organizations shall not be construed as the provisions of Federal assistance; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. BUMPERS):

S. 450. A bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 451. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institute of Arthritis, Metabolism and Digestive Diseases with respect to diabetes, to revise and extend the authorizations for the National Diabetes Advisory Board, and for other purposes; to the Committee on Human Resources.

By Mr. LAXALT:

S. 452. A bill for the relief of Gisella Maria Johanna Dunfield; to the Committee on the Judiciary.

S. 453. A bill for the relief of Joe L. Frazier of Elko, Nevada; to the Committee on the Judiciary.

By Mr. DOLE:

S. 454. A bill for the relief of Hector O. Fernandez; to the Committee on the Judiciary.

S. 455. A bill for the relief of Leonides T. Fernando; to the Committee on the Judiciary.

By Mr. STAFFORD:

S. 456. A bill to provide loans for the prevention or retarding of streambank erosion which threatens public and private facilities; to the Committee on Environment and Public Works.

S. 457. A bill to authorize the Corps of Engineers to provide technical assistance in streambank erosion control; to the Committee on Environment and Public Works.

S. 458. A bill to amend title XVIII of the Social Security Act for the purpose of including community mental health centers among the entities which may be qualified providers of service, and for other purposes; to the Committee on Finance.

S. 459. A bill to authorize the Corps of Engineers to assist communities in the control of river ice; to the Committee on Environment and Public Works.

S. 460. A bill to encourage bicycling and physical fitness by assuring greater safety for bicycles parked at Federal office buildings; to the Committee on Environment and Public Works.

S. 461. A bill to require that competitions be conducted to enhance the Nation's architecture and determine the design of certain new Federal office buildings; to the Committee on Environment and Public Works.

By Mr. WEICKER:

S. 462. A bill to exempt the price of natural gas imported from Mexico from regulation under any Federal or State law; to the Committee on Energy and Natural Resources.

By Mr. CHURCH (for himself, Mr. LONG, Mr. BENTSEN, Mr. WALLOP, Mr. YOUNG, Mr. JOHNSTON, Mr. STONE, Mr. MATSUNAGA, Mr. INOUYE, Mr. MCGOVERN, Mr. EXON, Mr. BAUCUS, Mr. BURDICK, Mr. MELCHER, and Mr. BOSCHWITZ):

S. 463. A bill to implement the International Sugar Agreement between the United States and foreign countries, to protect the welfare of consumers of sugar and of those engaged in the domestic sugar-producing industry, to promote the export trade of the United States, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 464. A bill to amend the Internal Revenue Code of 1954 to expend the category of targeted groups for whom the new employee credit is available to include displaced homemakers; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 465. A bill to authorize the spouses of certain former members of the armed forces of the United States to use the services and facilities of post exchanges and commissaries; to the Committee on Armed Services.

By Mr. INOUYE:

S. 466. A bill to require that skilled nursing homes furnishing services under the medicare and medicaid programs be adequately equipped with wheelchairs and other appropriate equipment and supplies; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 467. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a non-service-connected disability to any war veteran who has a service-connected disability of 80 per centum or more; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 468. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 469. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

S. 470. A bill to amend title 10 of the United States Code relating to retention in active status of certain officers; to the Committee on Armed Services.

S. 471. A bill to amend title 10, United States Code, to authorize former members of the armed forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the armed forces are permitted to travel on such aircraft; to the Committee on Armed Services.

S. 472. A bill to amend section 1002 of title 38, United States Code, to authorize the burial in a national cemetery of the parents of certain members of the Armed Forces who die in active service; to the Committee on Veterans' Affairs.

S. 473. A bill to amend section 1003 of title 38, United States Code, relating to memorial areas and appropriate memorials to honor the memory of certain deceased members of the Armed Forces whose remains were buried at sea, have not been identified, or were nonrecoverable; to the Committee on Veterans' Affairs.

S. 474. A bill to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affiars to extend, under certain circumstances, the period within which a veteran must complete a program of education under such chapter; to the Committee on Veterans' Affairs.

By Mr. WALLOP (for himself, Mr. GOLDWATER, Mr. LAXALT, and Mr. MCCLURE):

S. 475. A bill to authorize the Secretary of the Interior to construct hydroelectric powerplants at various existing water projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 476. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to prohibit the reduction of disability payments under employer-maintained disability compensation plans whenever certain social security benefit payments are increased; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

By Mr. WILLIAMS:

S.J. Res. 40. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. BURDICK:

S.J. Res. 41. A joint resolution to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS (for himself, Mr. JAVITS, Mr. RANDOLPH, Mr. PELL, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. LEAHY, and Mr. RIEGLE):

S. 446. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination against individuals because they are handicapped, and for other purposes; to the Committee on Human Resources.

EQUAL EMPLOYMENT OPPORTUNITY FOR THE HANDICAPPED ACT OF 1979

● Mr. WILLIAMS. Mr. President, it is an anacronism in our laws that employers in the private sector are not under a general legal prohibition against discriminating irrationally against handicapped workers. Federal law prohibits employment discrimination against the handicapped by Federal agencies, Federal contractors, and Federal grantees; but there is no Federal law guaranteeing the right of our handicapped workers not to be victimized by employment discrimination in private sector employment.

The moral obligation of American employers, to treat handicapped persons fairly on the basis of their ability or inability to work, must be made a legal obligation. This legal obligation will provide important protection for the economic security and human dignity of our handicapped citizens; and it will pay large economic dividends to our society as a whole.

According to the 1970 census, there are approximately 12 million noninstitutionalized persons aged 18 to 64 years who are disabled. At least 7 million of these persons are able to engage in productive employment. The degree to which these handicapped citizens are being denied employment opportunities is shocking and demands legislative action.

Although handicapped persons make up only about 10 or 11 percent of our population between the ages of 18 and 64, handicapped men make up approximately 25 percent of our unemployed males. Disabled men have an unemployment rate twice as high as that of nondisabled men. And only about two-fifths of this group are employed during a typical year, compared with three-fourths of the nondisabled.

Our failure to provide equal employment opportunity to our handicapped citizens, on the basis of their ability to work, burdens our economy by wasting their skills and talents. Our taxpayers are burdened by the necessity of paying extensive income transfers to the disabled who are unemployed. And relatives of handicapped workers who cannot find employment must bear the burden of extra support and medical expenses.

It is also important to observe that employment discrimination against the handicapped has serious implications for other groups who are already protected against employment discrimination by Federal law. Statistics show that when a black American, an older American, or a woman is handicapped, their employment problems not only increase, they increase exponentially. This is particularly significant because the incidence of disability in our society is higher among workers who are in other protected groups. Similarly, workers who are disadvantaged by less than an average amount of formal schooling are also more likely to be physically or mentally handicapped. The compound effect of these employment disadvantages can be devastating to the worker's financial security.

The legislation which I am introducing today will go a long way toward meeting these problems. It gives the force of Federal law to the right of handicapped Americans to be treated fairly in the workplace, by amending title VII of the Civil Rights Act of 1963 to add a prohibition against discrimination on the basis of a person's handicapping condition.

The definition of "handicapping condition" adopted for this purpose is taken from the Rehabilitation Act of 1973, as amended. The term "handicapping condition" means the status of any individual who—first, has a physical or mental impairment which substantially limits one or more of such person's major life activities; second, has a record of such impairment; or third, is regarded as having such an impairment. Such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

For purposes of this definition, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a handicap.

"Major life activities" within the meaning of this definition include, for example, communication, ambulation, self care, socialization, education, vocational training, employment, transportation, and adapting to housing.

The provision, "has a record of such an impairment" means that an individual who has recovered from a physical or mental impairment is protected against employment discrimination on the basis of their past impairment. Cancer victims, for example, regularly find themselves victimized by fears based upon misconceptions and misunderstanding. Even those who have been treated successfully often find themselves discriminated against in employment.

The provision which prohibits discrimination against persons who are "regarded as having such an impairment" protects individuals who are perceived as having a handicap, whether an impairment exists or not, and who experience difficulty in securing, retaining, or advancing in employment because of discriminatory attitudes. Cases brought under the Rehabilitation Act, for example, have included instances of discrimination against persons with isolated episodes of epileptic seizures which have been successfully controlled. One remarkable case involved the denial of a position with the Peace Corps to a person who had a tendon disfunction of the small and ring fingers on the left minor hand. The employee clearly felt that this minor "disability" in no way affected a major life activity, but the potential employer "regarded" the employee "as having such an impairment."

Under this legislation, the exception for bona fide occupational qualifications provided by section 703(e) of title VII, will expressly be made applicable to the rights of handicapped applicants or employees. This means that an employer's business necessity will, under appropriate circumstances, justify limiting the employment opportunities of a person with a handicapping condition.

The effective date of this legislation is to be no sooner than July 1, 1980, or six months after enactment, if that is later. This effective date provision has been chosen to insure that the Equal Employment Opportunity Commission has at least 1 year to absorb its new responsibilities under the Age Discrimination in Employment Act and the Equal Pay Act, before any additional responsibility is given to that Commission.

Mr. President, I suggest that the time has come to give full legal protection to the employment rights of our handicapped citizens. Discrimination against the handicapped is rooted in misconceptions which are as groundless in their origin and as tragic in their consequences as the prejudices which have victimized other minorities and women in our society. Our handicapped citizens want and deserve a fair opportunity to work on the basis of their abilities. This legislation will provide an important part of what will be necessary to insure that they have that opportunity.

Mr. President, I ask unanimous consent that the bill, and a section-by-section analysis be printed into the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Employment Opportunity for the Handicapped Act of 1979".

Sec. 2. Section 701 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following:

"(1) The term 'handicapping condition' means the status of any individual who—

"(A) has a physical or mental impairment which substantially limits one or more of such person's major life activities;

"(B) has a record of such impairment; or

"(C) is regarded as having such an impairment.

Such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.".

Sec. 3. (a) (1) Section 703(a)(1) of the Civil Rights Act of 1964 is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(2) Section 703(a)(2) of such Act is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(b) Section 703(b) of such Act is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(c)(1) Section 703(c)(1) of such Act is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(2) Section 703(c)(2) of such Act is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(d) Section 703(d) of such Act is amended by inserting immediately after the word "sex" a comma and the words "handicapping condition".

(e) Section 703(e)(1) of such Act is amended by inserting immediately after the word "sex" the first time it appears a comma and the words "handicapping condition," and by inserting after the word "sex" the second time it appears a comma and the following: "absence of a particular handicapping condition".

(f) Section 703(h) of such Act is amended by inserting after the word "sex" both times it appears in the first sentence of such subsection a comma and the words "handicapping condition".

(g) Section 703(j) of such Act is amended by inserting after "or group" the following: ", or because such individual or the members of the group have a handicapping condition," and by inserting after "national origin" the second and third time it appears the following: "or having a handicapping condition,".

(h) The section heading of section 703 of such Act is amended to read as follows:

"DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAPPING CONDITION, OR NATIONAL ORIGIN"

Sec. 4. (a) Section 704(b) of the Civil Rights Act of 1964 is amended by inserting after the word "sex" each time it appears in such subsection a comma and the words "handicapping condition".

(b) Section 706(g) of such Act is amended by inserting after the word "sex" a comma and the words "handicapping condition".

Sec. 5. (a) Section 717(a) of the Civil Rights Act of 1964 is amended by inserting after the word "sex" a comma and the words "handicapping condition".

(b) Section 717(c) of such Act is amended by inserting after the word "sex" a comma and the words "handicapping condition".

Sec. 6. The amendments made by this Act shall take effect July 1, 1980, or six months after the date of its enactment, whichever is later.

Section-by-Section Analysis of the Equal Employment Opportunity for the Handicapped Act of 1979

Section 1 is the enacting clause which states that the Act may be cited as the "Equal Employment Opportunity for the Handicapped Act of 1979".

Section 2 adds a new subsection (1) to Section 701 of the Civil Rights Act of 1964, as amended. The new subsection defines the term "handicapping condition" for the purposes of the Act.

Section 3, subsections (a), (b), (c), and (d) amend Section 703, subsections (a), (b), (c), and (d) of the Civil Rights Act which make unlawful certain employment practices by employers, employment agencies, labor organizations, and joint labor-management committees by adding "handicapping condition" as an impermissible basis for discrimination, limitation, segregation, classification, or exclusion as prohibited by those subsections of the Act.

Section 3(e) amends Section 703(e) of the Act to make the provisions of that subsection regarding bona fide occupational qualifications applicable, under appropriate circumstances, in relation to an individual's particular "handicapping condition."

Section 3(f) amends Section 703(h) of the Act to make applicable in the case of an individual with a "handicapping condition" the provisions of that Section which state that it shall not be an unlawful employment practice for an employer to apply a bona fide seniority or merit system, or a piece rate system or other objective basis for pay rate differentials, or to employ appropriately developed and applied ability tests, provided these actions are not designed, intended or used to discriminate on the basis of "handicapping condition."

Section 3(g) amends Section 703(j) of the Act which states that employers, employment agencies, labor organizations, and joint labor-management committees subject to the Act shall not be required to grant preferential treatment to any individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of such handicapping condition in any community, state, section, or other area, or in the available workforce.

Section 3(h) amends the Section heading of Section 703 of the Act to include the term "handicapping condition."

Section 4(a) amends Section 704(b) of the Act to add "handicapping condition" as an impermissible basis for the expression of any preference, limitation, specification, or discrimination, in notices or advertisements related to employment, classification or referral for employment, membership in a labor organization or admission to or employment in an apprenticeship or other training program. The existing exception to this prohibition, with regard to bona fide occupation qualifications for employment, is also made applicable to handicapping conditions.

Section 4(b) amends Section 706(g) of the Act to make it clear that the limitation provided by that subsection, on the authority of a court to require the admission or reinstatement of an individual to a union or the hiring, reinstatement, or promotion of an individual, or payment of back pay to an individual not discriminated against in violation of the Act, also applies in the case of discrimination on account of "handicapping condition."

Section 5(a) amends Section 717(a) of the Act to extend the provisions of the Act to protect employees or applicants for employment by the Federal government against discrimination on the basis of "handicapping condition."

Section 5(b) amends Section 717(c) of the Act to provide that employees of the Federal government may bring suit on the grounds of discrimination based on "handicapping condition" against the head of the department, agency, or unit, as appropriate, under the circumstances described in that subsection.

Section 6 provides that the effective date of the amendments made by this legislation shall be July 1, 1980, or six months after the date of its enactment, whichever is later.●

● Mr. JAVITS. Mr. President, I am pleased to join with the chairman of the

Human Resources Committee, Senator Williams, in introducing the Equal Employment Opportunity for the Handicapped Act of 1979.

In the Civil Rights Act of 1964 this Nation established a new standard of justice and in title VII of the act prohibited discrimination in employment on the basis of race, color, religion, sex, or national origin. Workers were no longer to be treated on the basis of irrelevant characteristics but, instead, on the basis of individual merit. We now know that those individuals suffering physical or mental handicap are also all too often treated by employers on the basis of generalizations about particular disabilities, and not on their individual ability to perform a job. Accordingly, the bill we introduce today, S. 446 amends title VII to prohibit employment discrimination against handicapped workers.

In 1973 the Congress partially addressed the problem of assuring equal employment opportunities for the handicapped when it enacted title V of the Rehabilitation Act. Specifically, section 503 of that act prohibits employment discrimination against handicapped workers by Federal contractors and authorizes the Department of Labor to require such contractors to initiate and implement affirmative action plans. This was a significant step toward the important goal of promoting equal employment opportunity for the handicapped, but falls far short of covering all employment situations.

Coverage of the handicapped under title VII will demonstrate the Federal Government's firm commitment to ending discrimination against the handicapped and utilizes an enforcement mechanism already in place to insure that this goal is met.

During the course of hearings on this bill, it is important that we carefully examine the particular problems of physically and mentally handicapped workers as they relate to discrimination in employment. We will need to be sure that the definition of "handicapped" is sufficiently inclusive and at the same time appropriate for enforcement purposes. The committee will review the artificial barriers to hiring and promoting the handicapped to determine if some affirmative requirements, such as making "reasonable accommodation" to their particular needs is critical to true equality of employment opportunity. Similarly, bona fide occupational qualifications will need careful review in the context of handicapped workers. In addition, there will be an examination of the administrative and enforcement mechanisms of the Department of Labor under the Rehabilitation Act in relation to the Equal Employment Opportunity Commission which enforces title VII, and of what additional resources will be required.

These and other relevant issues must be addressed by the committee in its consideration of this bill to make certain that the proper tools will be in place to give handicapped workers the full protection of the Federal Government in their quest to achieve the right they are too often denied, to wit: an opportunity to pursue the careers of their choice and to earn a decent living without being doubly burdened by their handicap, which they can do nothing about, and by employment discrimination. Our Nation should now be ready to remedy employment discrimination against the handicapped.●

● Mr. LEVIN. Mr. President, the Equal Employment Opportunity for the Handicapped Act of 1979, which today I join in sponsoring, is a long overdue move to prohibit discrimination against the handicapped. This country's 7 million handicapped persons who are able to work should be given a chance to lead productive lives. They, as any of us, deserve to be judged on the basis of their abilities. It is as unfair to discriminate against persons because of a handicap as it is to discriminate against someone because of his or her race, color, religion, sex, or national origin. All of these have been prohibited by title VII of the Civil Rights Act of 1964, and this amendment to the 1964 act merely extends the same protection to the handicapped. It does not stop employers from applying legitimate criteria in hiring. It only prohibits them from setting standards that simply discriminate against the handicapped.

Federal law forbids discrimination against the handicapped by the Federal Government, most Federal contractors and those who have received Federal grants. We need to go further to be sure that this sort of discrimination is not practiced anywhere in this country.

My home State, Michigan, already has the language of this amendment in its civil rights statute. The Congress quickly should do the same.●

By Mr. CANNON (by request):

S. 447. A bill to provide authorization of appropriations for the United States Railway Association, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, I am introducing today by request legislation to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association. The legislation I am proposing would amend section 214(c) of the "3–R" Act by authorizing to the USRA $30,000,000 for fiscal year 1980.

The United States Railway Association was created by Congress to develop and implement a plan for restructuring the bankrupt railroads of the Northeast region. The Nation's largest railroad, the Consolidated Rail Corporation (ConRail) is the result of that restructuring effort. USRA has the responsibility for providing Federal funds to ConRail so that it can continue to rehabilitate and improve the facilities transferred to it by the estates of the bankrupt railroads and for monitoring the need for and use of these funds. The association also has the unique responsibility for representing the Government in the litigation to determine the value of the assets transferred to ConRail. The possible range of this determination is several billions of dollars. It is important, therefore, that the USRA has adequate funding to carry out its important responsibilities efficiently and effectively.

Mr. President, I ask unanimous consent that the text of the bill and letter of transmittal, with accompanying documents, from the United States Railway Association be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

"(c) Association.—For the fiscal year ending September 30, 1980, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $30,000,000. Sums appropriated under this subsection are authorized to remain available until expended.".

United States Railway Association,
Washington, D.C.

Hon. Howard W. Cannon,
Chairman, Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, D.C.

Dear Senator Cannon: The United States Railway Association hereby requests that Section 214(c) of the Regional Rail Reorganization request for fiscal year 1980 of $30 million as indicated in the draft amendment, attached hereto.

The Association requests the opportunity to appear and testify before the Subcommittee on Surface Transportation of the Senate Committee on Commerce, Science and Transportation of the Senate Committee on Commerce, Science and Transportation in support of its fiscal year 1980 request. Our request for an authorization of appropriations totalling $30 million in administrative expenses is explained in the attached justification.

While the Association is requesting an authorization of $30 million for fiscal year 1980, the President's budget includes $23.9 million for fiscal year 1980. The Association is requesting a $30 million authorization to enable it to meet changing circumstances and contingencies during the next fiscal year.

Sincerely,

Donald C. Cole,
President.

Authorizing Legislation for Administrative Expenses

The United States Railway Association was created by Congress to develop and implement a plan for restructuring the bankrupt railroads of the Northeast region of the country into an economically viable system that would meet the rail needs of the region served. As a result of the Association's efforts, the Consolidated Rail Corporation (Conrail) came into being on April 1, 1976 as the nation's largest railroad. The USRA has responsibility for providing funds to Conrail so that it can rehabilitate and improve the facilities transferred to it by the estates of the bankrupt railroads and for monitoring the need for and use of these funds. An authorization of $2.1 billion was enacted early in 1976 to provide for appropriations that would cover the new railroad's losses in its initial years and to provide for rehabilitation and improvement of the railroad's plant and equipment. Because Conrail's efforts to achieve financially self-sustaining operations have not proceeded as originally planned, an additional $1.2 billion was authorized by Congress in October, 1978.

The Association also has the responsibility for representing the Government in the litigation that has been initiated by the estates concerning the value of the assets transferred to Conrail. An additional continuing function is the monitoring of loans to other railroads which qualified for assistance from the Association pursuant to the Regional Rail Reorganization (RRR) Act.

Section 214(c) of the Regional Rail Reorganizing Act provides authority for appropriations to support the Association's administrative expenses. The current authority is for $27.2 million to cover 1979 expenses. It is now necessary to further amend the Act and provide authority for appropriations of $30 million to cover 1980 administrative expenses.

Because of the unprecedented nature of its responsibilities, the Association has had great difficulty in forecasting its budget requirements for administrative expenses. The work of the Association is dictated in large part by the nature and timing of actions by the Special Court which was created to determine the value to be assigned to the conveyed properties. Likewise, with regard to Conrail, USRA must be responsive to many conditions beyond its control which can affect Conrail's profitability, and thus we have been unable to forecast accurately our need for resources with which to monitor Conrail.

On June 23, 1978 the Special Court issued its Second Pretrial Order in the valuation case. The order established a demanding schedule leading toward the initiation of evidentiary proceedings on values for transferred assets assuming the estates had been able to sell their assets for both rail use and non-rail use in the absence of the RRR Act. This schedule required the transferors to submit in writing their entire direct evidence concerning rail-use values prior to the end of calendar year 1978. By January 31, 1979, the Government parties must submit their affirmative defense evidence in writing to the Court.

Our major effort with respect to litigation throughout the remainder of FY 1979 will be concerned with the development of the Government case on selected rail-use issues, preparation of a defense against rail-use valuation put forth by the estates, and conducting depositions of witnesses for rail-use proceedings. It is the Court's intention to conduct the rail-use proceeding by the deposition process, thus eliminating the need for a traditional trial. Rail-use proceedings will start in the Spring of 1979 and will extend well into FY 1980.

This litigation schedule represents a major departure from the schedule we anticipated just one year ago when we requested our 1979 authorization. At that time the Association was preparing for Court hearings and trials on values relating to the sale of the transferred assets as scrap. The action of the Court on June 23rd which was a follow-up on an order issued on April 18th significantly revised our priorities, and forced us to initiate intensive efforts relating to the sale of transferred assets for both rail use and non-rail use. The Court's Third Pretrial Order directed the parties to use the deposition process for discovery and cross-examination of witnesses.

Significant changes have also taken place in the Association's monitoring role. The Association's Report to Congress on Conrail Performance, 1977, noted that the railroad's overall operating and financial performance had fallen behind the goals of the Final System Plan. We stated that there was a high probability that Conrail's Government investment requirements will substantially exceed the additional $1.3 billion suggested by Conrail in their latest five-year business plan. Given these conditions, the Association is examining options that would increase Conrail's prospects for attaining financial self-sufficiency and reduce its need for further Federal funding. The major variables which must be considered are:

(1) Plant size and configuration.

(2) Market structure.

(3) Productivity of equipment and the work force.

Studies of these broad areas have imposed an unanticipated workload on the Association and have substantially increased its need for funds in 1979.

Thus, the revised litigation effort, the increased monitorship of Conrail and efforts to develop alternatives to Conrail's present make-up result in increased fund requirements. These changes have forced the Association to seek a supplemental appropriation of $4.2 million for 1979 which will increase the funds appropriated for administrative expenses from $23 million to $27.2 million. A balance of $1.3 million from prior year appropriations plus $23 million already appropriated and a supplemental appropriation of $4.2 million will provide a total of $28.5 million for current year administrative expenses.

It is reasonable to assume that 1980 will bring a number of developments that we have been unable to forecast. Although our requirements might decrease as a result of these changes, in the past we have consistently underestimated our future requirements. The President's 1980 budget includes an estimate of $23.9 million for USRA administrative expenses. However, we are proposing an authorization for 1980 of $30 million. This authorization will provide the flexibility that is needed to adapt the Association's program to changing circumstances.

It is extremely important that USRA have resources that are adequate to discharging its responsibilities. Lack of adequate funding could have a very serious impact on the Federal budget. The purpose of the Special Court is to determine the compensation that must be paid to the estates of the bankrupt railroads for the properties that were conveyed to Conrail under the RRR Act. Ultimately the Federal Government will be responsible for assuring that the estates receive the amount that is determined by the Special Court to be just and equitable compensation. The ability of the Association to litigate effectively the basic issues of valuation could significantly affect the ultimate determination of the Special Court. The possible range of this determination is several billions of dollars.

Similarly, the work that USRA is doing on Conrail alternatives will have a substantial impact on the cost of achieving adequate and efficient rail service in the Northeast. Our success in developing feasible alternatives will make a substantial contribution toward achieving the goals of the Final System Plan at least cost to the Government.

The Association obligated $22.5 million for administrative expenses in fiscal year 1978. The FY 1979 requirement is estimated to be $28.5 million and $30 million may be needed for FY 1980. The following table summarizes, by major activity, estimated requirements for FY 1978, FY 1979 and FY 1980.

REQUIREMENTS BY PROGRAM

[Dollar amounts in thousands]

	Fiscal year 1978 actual	Fiscal year 1979 estimate	Fiscal year 1980 estimate
Litigation:			
General counsel	$4,420	$4,884	$6,487
Asset valuation	10,346	11,285	12,687
Operations and marketing	28	35	35
Computer support	1,067	1,366	1,276
Other support	2,788	2,510	2,469
Total	18,649	20,080	22,954
Monitoring:			
General counsel	64	96	101
Finance	462	689	573
Operations and marketing	1,162	1,815	1,837
Computer support	354	667	569
Other support	1,035	857	933
Total	3,077	4,124	4,013
Consideration of alternatives:			
General counsel	5	123	125
Finance	63	616	502
Operations and marketing	155	2,121	1,436
Computer support	364	791	380
Other support	182	627	590
Total	769	4,278	3,033
Grand total	22,495	28,482	30,000
Percentages:			
Litigation	83	71	77
Monitoring	14	14	13
Consideration of alternatives	3	15	10
Total	100	100	100

●

By Mr. CANNON (by request):

S. 448. A bill to authorize further appropriations for the Office of Rail Public Counsel; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, today I am introducing, by request, the Rail Public Counsel Authorization Act of 1980 for appropriate reference.

The Office of Rail Public Counsel was established as an independent agency under section 304(a) of the Railroad Revitalization and Regulatory Reform Act of 1976. This agency was created to further, through administrative and judicial proceedings involving rail common carriers, the representation of the public interest in advancing safe and efficient rail transportation. The office has the responsibility to evaluate and present, as a participant in a pertinent proceeding, the views of communities and users of the rail system who would not otherwise be adequately represented.

The legislation amends section 27(6) of the Interstate Commerce Act, to authorize an appropriation not to exceed $1,850,000 for fiscal year 1980. Such a request has been made to meet the budgetary requirements for providing continued presentation of public interest considerations in appropriate rail proceedings.

Mr. President, I ask unanimous consent that the text of the bill and the letter of transmittal from the Office of Rail Public Counsel be printed in the Record.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 27(6) of the Interstate Commerce Act (49 U.S.C. 26b(6)) is amended—

(1) by striking out "and" immediately after "1977,"; and

(2) by inserting immediately before the period at the end thereof the following: ", and not to exceed $1,850,000 for the fiscal year ending September 30, 1980.".

Office of Rail Public Counsel,
Washington, D.C., January 30, 1979.

Hon. Walter F. Mondale,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a proposed bill, "To authorize further appropriations for the Office of Rail Public Counsel."

The Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. No. 94-210) established the Office of Rail Counsel for the purpose of representing before the Interstate Commerce Commission, other federal agencies and the courts the "public interest in safe, efficient, reliable, and economical rail transportation services". An authorization for fiscal year 1980 is necessary for the Office to continue performance of the functions and responsibilities contained in Pub. L. No. 94–210.

The proposed bill would authorize $1,850,000 for fiscal year 1980 and such sums as are necessary for fiscal year 1981.

This Office has been advised by the Office of Management and Budget that enactment of the proposed bill would be in accord with the President's program.

Sincerely,

HOWARD A. HEFFRON,
Director.●

By Mr. DECONCINI (for himself and Mr. BUMPERS):

S. 450. A bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

SUPREME COURT JURISDICTION ACT OF 1979

● Mr. DECONCINI. Mr. President, I am pleased today to introduce the Supreme Court Jurisdiction Act of 1979, a bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes.

If the Supreme Court Jurisdiction Act is enacted into law it will be the culmination of a long and historic process converting the appellate jurisdiction of the Supreme Court from one totally obligatory in nature to one that, with a few minor exceptions, will be almost totally discretionary. In the modern era of burgeoning litigation, when the Court is overwhelmed with caseloads and workloads, the maintenance of any substantial amount of obligatory decision-making is inexcusable and counterproductive. It detracts from the Court's ability to control its own docket and to effectuate its constitutional mission of resolving only those matters that are of truly national significance. That essentially is why Chief Justice Burger, like so many other observers, has repeatedly proposed that "all mandatory jurisdiction of the Supreme Court that can be, should be eliminated by statute."

To understand why the enactment of this bill is so desirable and, indeed, so essential, one must examine the role that obligatory jurisdiction has played in the Supreme Court's execution of its appellate functions. It is a jurisdiction steeped in history, but productive of confusion and mismanagement. History has shown that imposing such mandatory functions on the Supreme Court tends to weaken the Court's capacity both to control its own docket and to confine its labors to the frontiers of national law. And history has further shown that the Court, in an effort to counteract the workload problems of this compulsory jurisdiction, has increasingly disposed of "insubstantial" appeals in summary ways that the bar, the lower courts, and many commentators often find confusing and opaque, if not inconsistent with the nondiscretionary theory underlying the disposition of appeals. Much of the criticism of the Court's treatment of appeals has emanated from some of those on the Court who have participated in the execution of these mandatory functions.

There are six major reasons for abolishing the Supreme Court's obligatory jurisdiction. First, it is unnecessary to the Court's performance of its role in our society.

Second, it impairs the Court's ability to select the right time and the right case for the definitive resolution of recurring issues.

Third, it imposes burdens on the Justices that may hinder the Court in the performance of its function as expositor of the national law.

Fourth, the existence of the obligatory jurisdiction has made it necessary for the Court to hand down summary dispositions that create confusion for lawyers, for lower court judges, and for citizens who must conform their conduct to the requirements of Federal law.

Fifth, the obligatory jurisdiction creates burdens for lawyers seeking Supreme Court review.

Finally, even if the idea of having an obligatory jurisdiction were sound, there is no practical way of describing, in legislation, the kinds of cases that should fall within it.

Congress would do well to eliminate, as proposed in this bill, the last large vestiges of a jurisdiction that has proved unnecessary, burdensome, and controversial. Whatever justification may once have existed for forcing the Court to decide the merits of all cases falling within certain arbitrary classifications, regardless of their importance or lack thereof, has long since disappeared.

The long historic experiment of imposing on the Supreme Court an obligation to resolve appeals taken to it as of right has utterly failed. The modern problems and practices of the Court simply do not permit the luxury of determining the merits of all cases within any designated jurisdictional class. To survive as a viable institution, to control its docket to perform its great mission, the Supreme Court must be given total freedom to select for resolution those few hundred cases—out of the several thousands that are filed each year—that are found truly worthy of review. The Supreme Court Jurisdiction Act will help to achieve that goal by reducing the needless mandatory burdens virtually to the vanishing point.

For all of these reasons, I urge your support of the enactment of this bill which would eliminate substantially all of the Supreme Court's mandatory appellate jurisdiction, leaving the Court with discretionary control of its appellate docket.

This bill was introduced last Congress as S. 3100 and was strongly supported by all nine Justices of the Supreme Court. I ask unanimous consent to insert in the RECORD at this point the bill, a letter I received signed by all nine Justices, and an excerpt from an opinion by Mr. Justice Stevens.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Supreme Court Jurisdiction Act of 1979".

SEC. 2. Section 1252 of title 28, United States Code, is repealed.

SEC. 3. Section 1254 of title 28, United States Code, is amended by deleting subsection (2), by redesignating subsection (3) as subsection (2), and by deleting "appeal;" from the title.

SEC. 4. Section 1257 of title 28, United States Code, is amended to read as follows:

"§ 1257. State courts; certiorari

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or commission held or authority exercised under, the United States.

"For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals.".

SEC. 5. Section 1258 of title 28, United States Code, is amended to read as follows:

"§ 1258. Supreme Court of Puerto Rico; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, treaties, or statutes of, or commission held or authority exercised under, the United States.".

SEC. 6. The analysis at the beginning of chapter 81 of title 28, United States Code, is amended to read as follows:

"Chapter 81.—SUPREME COURT

"Sec.
"1251. Original jurisdiction.
"1252. Repealed.
"1253. Direct appeals from decisions of three-judge courts.
"1254. Court of appeals; certiorari; certified questions.
"1255. Court of Claims; certiorari; certified questions.
"1256. Court of Customs and Patent Appeals; certiorari.
"1257. State courts; certiorari.
"1258. Supreme Court of Puerto Rico; certiorari.".

SEC. 7. Section 314 of the Federal Election Campaign Act of 1971, as added by section 208(a) of the Federal Election Campaign Act Amendments of 1974, as redesignated and amended (2 U.S.C. 437h), is amended:

(a) by deleting subsection (b); and

(b) by redesignating subsection (c) as subsection (b).

SEC. 8. Section 2 of the Act of May 18, 1928 (25 U.S.C. 652) is amended by deleting ", with the right of either party to appeal to the Supreme Court of the United States".

SEC. 9. Subsection (d) of section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652 (d)) is amened by deleting the last sentence.

SEC. 10. This Act shall take effect ninety days after the date of enactment. However, it shall not affect cases then pending in the Supreme Court, nor shall it affect the right to review, or the mode of reviewing, the judgment or decree of a court when the judgment or decree sought to be reviewed was entered prior to the effective date of this Act.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., June 22, 1978.
Re S. 3100.

DEAR SENATOR DECONCINI: In response to your invitation and inquiries, we write to comment on proposed limitations of the Supreme Court's mandatory jurisdiction, specifically those contained in S. 3100. Various Justices have spoken out publicly on the issue on prior occasions, all stating essentially the view that the Court's mandatory jurisdiction should be severely limited or eliminated altogether. Your invitation, however, enables all of us, after discussions within the Court, to express our common view on the matter.

We endorse S. 3100 without reservation and urge the Congress to enact it promptly.

Our reasons are similar to those so ably presented in hearings before the Senate on June 20, 1978, by Solicitor General McCree, Assistant Attorney General Meador, Professor Gressman and others. First, any provision for mandatory jurisdiction by definition permits litigants to bring cases to this Court as of right and without regard to whether those are of any general public importance or concern. Thus, the Court is required to devote time and other finite resources to deciding on the merits cases which do *not*, in Chief Justice Taft's words, "involve principles, the application of which are of wide public importance or governmental interest, and which should be authoritatively declared by the final court." To the extent that we are obligated by statute to devote our energies to these less important cases, we cannot devote our time and attention to the more important issues and cases constantly pressing for resolution in an increasing volume—as witness the current Term now in its closing weeks.

The problem we describe is substantial. We are attaching to this letter an appendix consisting of statistical tables covering the October 1976 Term. As these tables indicate, during the 1976 Term almost half of the cases decided by this Court on the merits were cases brought here as of right under the Court's mandatory jurisdiction. Although presumably the percentage decreased during the 1977 Term because of Congressional action in 1976 severely limiting the jurisdiction of three-judge federal district courts, the burden posed by appeals as of right remained substantial and unduly expended the Court's resources on cases better left to other courts.

Second, the retention of mandatory jurisdiction at a time when the Court's caseload is heavy and growing requires the Court to resort to the generally unsatisfactory device of summary dispositions of appeals. There is no necessary correlation between the difficulty of the legal questions in a case and its public importance. Accordingly, the Court often is required to call for full briefing and oral argument in difficult cases of no general public importance. The Court cannot, however, accord plenary review to all appeals; to have done so during the October 1976 Term, for example, would have required at least 13 additional weeks of oral argument, almost a doubling of the argument calendar—an utterly impossible assignment. As a consequence, the Court must dispose summarily of a substantial portion of cases within its mandatory jurisdiction, often without written opinion. However, because these summary dispositions are decisions on the merits, they are binding on state courts and other federal courts. See *Mandel* v. *Bradley*, 432 U.S. 173 (1977); *Hicks* v. *Miranda*, 422 U.S. 332 (1975). Yet, as we know from experience, our summary dispositions often are uncertain guides to the courts bound to follow them and not infrequently create more confusion than clarity. From this dilemma we perceive only one escape consistent with past Congressional decisions defining the Court's mandatory jurisdiction: Congressional action eliminating that jurisdiction. Accordingly, we endorse S. 3100 and urge its adoption.

Cordially and respectfully,

Warren E. Burger, William J. Brennan, Potter Stewart, Byron R. White, Thurgood Marshall, Harry A. Blackmun, Lewis F. Powell, William H. Rehnquist, and John P. Stevens.

EXCERPT

On June 15, 1978, Mr. Justice Stevens prefaced his announcement of two opinions of the Supreme Court, affirming two decisions of state supreme courts, with the following oral statement on behalf of the Court:

These two cases will be of interest to a limited segment of the Bar that practices in tax law and more narrowly in taxation by the states of various business entities. They both come here by appeal from the highest court of a state, one from the State of Massachusetts and the other from the State of Iowa.

At least one of these cases almost certainly would not have been heard by the Court if the Court had discretion to decide whether or not to hear it. They are both here under our mandatory jurisdiction where the Court must decide on the merits the cases in which a state court has upheld a state statute against a federal constitutional challenge. They are examples, at least one of them, of the kind of cases in which the Court would hope that Congress would consider moving our mandatory jurisdiction.●

By Mr. SCHWEIKER:

S. 451. A bill to amend the Public Health Service Act to revise and extend the programs of the National Institute of Arthritis, Metabolism and Digestive Diseases with respect to diabetes, to revise and extend the authorizations for the National Diabetes Advisory Board, and for other purposes; to the Committee on Human Resources.

DIABETES RESEARCH AND TRAINING AMENDMENTS AND NATIONAL DIABETES ADVISORY BOARD EXTENSION ACT OF 1979

● Mr. SCHWEIKER. Mr. President, today I am pleased to introduce the Diabetes Research and Training Amendments and National Diabetes Advisory Board Extension Act of 1979.

This legislation reaffirms congressional commitment to the fight against diabetes and its many serious complications. It builds upon our past efforts—notably the Diabetes Mellitus Research and Education Act, the National Diabetes Advisory Board Act, and related appropriations Acts—and is designed to insure that our commitment to improved diabetes-related research, training, education, and treatment programs is maintained and upgraded.

Since passage of the Diabetes Mellitus Research and Education Act which I authorized and the subsequent report of the National Commission on Diabetes, there has been a growing realization in Congress and among the American people that diabetes is not an "OK disease," cured by insulin. Increasingly, we have become aware of the fact that our efforts to improve diabetes research, education, and treatment must be intensified. Diabetes is not an "OK disease." It ranks among the leading killers. It afflicts as many as 10 million Americans. It is the leading cause of adult blindness in this country, and its many devastating, sometimes fatal, complications include kidney and heart disease, diabetic neuropathy, and stroke. Disproportionately, it strikes the aged, poor, and black. Insulin is a lifesaving control for insulin insufficiency but not a cure for diabetes, and it does not check the progress of complications. Nor do widely used oral diabetes drugs cure milder forms of the disease; in fact, there is substantial evidence that treatment with these drugs may actually increase the diabetic's risk of dying from heart disease.

The bill I introduce today is designed to maintain and strengthen the Federal Government's efforts to improve prevention, diagnosis, and treatment of diabetes. Clearly the key to better care and, eventually, finding a cure, is research. Our research efforts through the National Institutes of Health have increased three-fold since 1976. The increase has paid off handsomely in promising research breakthroughs for example in the development of photocoagulation treatment for diabetic retinopathy and in support for basic research in recombinant DNA techniques leading to the synthesis of human insulin. The legislation I am submitting extends the Diabetes Research and Training Center program and strengthens the role of the associate director for diabetes within the NIH as the primary Federal official with responsibility for diabetes research and training activities. For too many years, diabetes efforts were split up among several institutes and agencies: What was everybody's responsibility was no one's chief priority. The establishment of an associate director for diabetes has changed that, and my new bill enhances his role.

The National Diabetes Advisory Board has performed a critical function in keeping our diabetes programs on track. The Board brings together responsible Federal agencies, scientists and health professionals, and concerned lay people. Together, they are charged with reviewing and evaluating the progress of diabetes programs, in light of the diabetes plan developed by the National Commission on Diabetes and making recommendations to the executive branch and the Congress. Public efforts and private voluntary agencies are linked, to their mutual benefit. I believe that the vital functions of the Board must be continued and the diabetes plan updated to insure its continuing relevance, as this bill provides.

My bill also acknowledges the increasing importance of diabetes activities at the National Institutes of Health and enhances program visibility by adding "diabetes" to the title of the National Institute of Arthritis, Metabolism, and Digestive Diseases.

Mr. President, I want to make it clear

that this bill does not create a new bureaucracy or call for any large new expenditures of Federal funds. In light of current fiscal restraints, there has been an effort to keep authorizations to a modest level. The National Diabetes Advisory Board is continued through 1985 at the same level as fiscal year 1978. Authorizations for Diabetes Research and Teaching Centers are reduced to $14 million in 1981, gradually rising to the fiscal year 1979 level of $20 million for the fiscal years 1983–85. In addition, as a strong supporter of the "sunset" concept, I have included a specific 5-year sunset for the advisory board.

In many ways, the organization of diabetes programs has become a model for the organization of Federal efforts aimed at combating a chronic, systemic disease that crosses the traditional boundaries of the research institutes and other Federal programs. It is a model that seems to have worked exceptionally well for diabetes, and I will be chairing a hearing of the Subcommittee on Health and Scientific Research of the Senate Human Resources Committee on Monday to examine accomplishments to date and any program changes that are needed to continue our progress in the search for a cure for diabetes and its complications.

In my role as ranking Republican on the subcommittee, and on the full Human Resources Committee, as well as ranking Republican on the Labor-HEW Appropriations Subcommittee, I intend to continue to focus on the need for improved diabetes programs during the 96th Congress. I want to acknowledge the important contributions of dedicated Federal officials like Dr. Frederickson and Dr. Salans of the National Institutes of Health and Dr. Foege and Dr. Flynt of the Center for Disease Control, and the critical work of private sector groups like the Juvenile Diabetes Federation and American Diabetes Association. With the continued support of my colleagues in the Congress, I am confident that our diabetes programs will be sustained and improved.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 451

SHORT TITLE; REFERENCE TO ACT

SEC. 1. (a) This Act may be cited as the "Diabetes Research and Training Amendments and National Diabetes Advisory Board Extension Act of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

(c) Whenever in the amendments made by this Act the title "Director" is used, the reference shall be considered to be made to the Director of the National Institute of Arthritis, Metabolism, Diabetes and Digestive Diseases unless otherwise indicated.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, DIABETES AND DIGESTIVE DISEASES

SEC. 2. (a) Section 434 (a) is amended by inserting "Diabetes," after "Metabolism," each place it occurs.

(b) Section 434 (b) is amended to read as follows:

"(b) (1) There are established within the National Arthritis, Metabolism, Diabetes and Digestive Diseases Advisory Council a subcommittee on diabetes, a subcommittee on arthritis, a subcommittee on digestive diseases, and a subcommittee on kidney diseases. The subcommittee shall be composed of members of the Council who are outstanding in the diagnosis, prevention, and treatment of diabetes, arthritis, digestive diseases, and kidney diseases, respectively. The subcommittees shall review applications made to the Director for grants for research projects relating to the diagnosis, prevention, and treatment of diabetes, arthritis, digestive diseases, and kidney diseases and shall recommend to the full Advisory Council those applications and contracts which they determine will best carry out the purposes of this part. The subcommittees shall also review and evaluate the diabetes, arthritis, digestive diseases, and kidney diseases programs under this part and recommend to the Council such changes in the administration of such programs as they determine are necessary.

"(2) The Advisory Council, taking into account the recommendations of the subcommittees, shall review the applications made to the Director for grants for research projects and recommend to the Director for approval those applications and contracts which the Council determines will best carry out the purposes of this part, and shall recommend to the Director such changes in program administration as it determines are necessary.".

ASSOCIATE DIRECTOR FOR DIABETES

SEC. 3. Section 434(d) is amended to read as follows:

"(d) (1) There is eestablished within the Institute the position of Associate Director for Diabetes, who shall report directly to the Director, except as provided in paragraph (4).

"(2) Acting through the Associate Director for Diabetes, the Director shall—

"(A) carryout programs of support for research and training in the diagnosis, prevention, and treatment of diabetes mellitus and related endocrine and metabolic diseases, and

"(B) establish programs of evaluation, planning, and dissemination of knowledge related to research and training in diabetes mellitus and related endocrine and metabolic diseases.

"(3) The Associate Director for Diabetes shall have primary responsibility for all diabetes mellitus-related activities supported or conducted by the National Institutes of Health, shall serve as an information resource and contact point for public and private agencies with respect to such activities; and shall report and make specific recommendations to the Director of the National Institutes of Health with respect to the functions described in paragraph (4) on a regular basis.

"(4) After consultation with appropriate Federal agencies, the Associate Director for Diabetes shall be responsible for—

"(A) development, through the Diabetes Mellitus Coordinating Committee, of a coordinated plan for the National Institutes of Health with respect to diabetes-related research; training; and data and information collection, analysis, and dissemination;

"(B) development of sound management approaches for diabetes-related activities within the National Institutes of Health;

"(C) collection and evaluation of epidemological data with respect to diabetes;

"(D) identification of research opportunities in Federal diabetes-related activities, including specific recommendations for means to take advantage of such opportunities;

"(E) coordination of information dissemination activities with respect to diabetes; and

"(F) preparation and submission to the Director of the National Institutes of Health of an annual, coordinated budget for all diabetes activities supported by the National Institute of Health, including specific recommendations with respect to fiscal issues relating to such activities.".

DIABETES RESEARCH AND TRAINING CENTERS

SEC. 4. Section 435 is amended by—

(a) redesignating subsection (b) as subsection (c), and inserting the following new subsection (b):

"(b) In connection with training programs conducted in accordance with subsection (a), the Secretary shall provide, from the amounts authorized to be appropriated in subsection (d), not to exceed 10 training stipends through each center in any fiscal year.".

(b) redesignating subsection (c) as subsection (d), striking the word "and" after "1979," in subsection (d), and inserting before the period ", $14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for each of the next three fiscal years.".

NATIONAL DIABETES ADVISORY BOARD

SEC. 5. (a) Section 436A(a) (1) is amended to read as follows:

"(1) The following ex officio members: The Assistant Secretary for Health or his designee, the Director of the National Institutes of Health or his designee, the Director of the National Institute of Arthritis, Metabolism, Diabetes, and Digestive Diseases or his designee, the Director of the National Heart, Lung and Blood Institute or his designee, the Director of the National Eye Institute or his designee, the Director of the National Institute of Child Health and Human Development or his designee, the Director of the Center for Disease Control or his designee, the Administrator of the Health Resources Administration or his designee, the Administrator of the Health Services Administration or his designee, the Associate Director for Diabetes of the National Institutes of Arthritis, Metabolism Diabetes and Digestive Diseases or his designee, and the Chief Medical Director of the Veterans' Administration or his designee.".

(b) Section 436A(e) is amended to read as follows:

"(e) The appointed members of the Board shall be appointed for terms of three years each, except that, of the appointed members serving on the date of enactment of the Diabetes Research and Training Amendments and National Diabetes Advisory Board Extension Act of 1979, six shall be reappointed for terms of two years each.".

(c) Section 436A(f) is amended by—

(1) striking the word "and" at the end of paragraph (1) and inserting ", as amended and updated in accordance with paragraph (2),";

(2) redesignating paragraph (2) as paragraph (3) and inserting the following new paragraph (2):

"(2) amend and make such changes in the Diabetes Plan as the Board determines are necessary to ensure its continuing relevance, and".

(d) Section 436A(k) is amended by striking the "and" after "September 30, 1979," and inserting before the period ", and each of the next five fiscal years.".

(e) Subsection (1) is amended by striking "September 30, 1980," and inserting in lieu thereof "September 30, 1985.".●

By Mr. STAFFORD:

S. 456. A bill to provide loans for the prevention or retarding of streambank erosion which threatens public and private facilities; to the Committee on Environment and Public Works.

STREAMBANK EROSION LOANS

● Mr. STAFFORD. Mr. President, today I am reintroducing legislation similar to a bill that I introduced last year. This bill would establish a program of loans that would be available to any person whose land is undergoing severe streambank erosion.

More can and should be done to meet the accelerating problem of streambank erosion. For that reason, this bill would make available $50 million in interest-free loans to assist individuals and communities in providing more effective erosion control.

Frankly, I cannot state that the dollar authorization figure in this bill necessarily reflects the full national need. Also, there may be a valid need to impose a modest interest charge on such loans. But I believe that a pressing need exists for streambank erosion control. I would hope that hearings can be held on this legislation hearings that will focus attention on the need and benefits from a stepped-up effort to control streambank erosion.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that streambank erosion destroys property, both public and private, creates and aggravates flooding, increases sedimentation in the Nation's rivers, adds to the needs for disaster assistance in many areas, and creates annual financial and environmental losses to the Nation.

(b) The Congress, therefore, determines that it is in the national interest to assist agencies and individuals, both public and private, in lessening, and when possible preventing, the erosion of streambanks, particularly when such erosion threatens, or can be expected to threaten, public and private facilities and structures.

SEC. 2. (a) The Secretary of the Army, acting through the Chief of Engineers (hereinafter referred to as the "Secretary") is authorized to provide loans of up to $10,000 to any public or private group or agency or individual for a period of ten years for the purpose of stabilizing streambanks when erosion of such streambank threatens, or can be expected to threaten, any facility or structure, or produce or seriously aggravate the danger of flooding. Plans for any work to be undertaken with a loan under this section shall be submitted to the Secretary. Approval by the Secretary of such plans shall be a commitment of the Secretary to such loan. Notwithstanding the first sentence of this subsection, any loan to a public agency may be for a period of twenty years and for a sum up to $25,000.

(b) Loans granted under this section shall be free of interest. Repayment shall be required in equal installments.

(c) The sum of $50,000,000 is authorized to be appropriated to the Secretary to carry out this section, and shall remain available until expended.●

By Mr. STAFFORD:

S. 457. A bill to authorize the Corps of Engineers to provide technical assistance in streambank erosion control; to the Committee on Environment and Public Works.

STREAMBANK EROSION TECHNICAL ADVICE

● Mr. STAFFORD. Mr. President, one of the more troublesome water-related problems for many areas of the Nation—certainly in the Northeast—involves streambank erosion, which cuts away at property, undermines homes, and produces severe siltation. At times of heavy rainfall, erosion often uproots trees, which then blocks streams and produces significant flooding.

During the 93d Congress, the Streambank Erosion Control Evaluation and Demonstration Act of 1974 was enacted, authorizing a number of demonstration projects.

The bill I am submitting today would provide a supplement authority, allowing the Army Corps of Engineers to assist local government and individuals in planning to combat serious streambank erosion. This legislation does not provide a penny toward the cost of construction work to retard erosion. But by making the corps' expertise available to local communities and property owners, this bill should enable the public more effectively to help itself.

Mr. President, the Senate adopted legislation similar to this last year as a part of the omnibus water resources legislation, which failed to win House approval. I am hopeful that this approach can again win approval by the Senate, for this form of assistance is needed.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, shall provide technical assitsance in methods to retard streambank erosion to any person or agency requesting such assistance, if the applicant is experiencing, or can be expected to experience, erosion threatening dwellings or loss of property. The Secretary may also provide assistance to an applicant who would be likely to be affected by flooding downstream from property threatened by erosion, provided the owner of such property agrees to allow the applicant to perform erosion retarding work.

SEC. 2. To carry out this act, the sum of $2,000,000 is authorized to be appropriated to the Secretary in each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982.●

By Mr. STAFFORD:

S. 458. A bill to amend title XVIII of the Social Security Act for the purpose of including community mental health centers among the entities which may be qualified providers of service, and for other purposes; to the Committee on Finance.

COMMUNITY MENTAL HEALTH ASSISTANCE ACT OF 1979

● Mr. STAFFORD. Mr. President, it is my pleasure to introduce the Community Mental Health Assistance Act of 1979. This bill will amend title 18 of the Social Security Act to establish provider status under medicare for qualified community mental health centers, to provide coverage of partial hospitalization services for mental health care in lieu of inpatient hospitalization, and to provide for reimbursement of outpatient services provided by a community mental health center.

Medicare coverage of mental health services has been unchanged since 1965 and is extremely limited. The lack of adjustment to Federal, State and local deinstitutionalization efforts and strategies to promote ambulatory mental health services has contributed to the abandoning of many elderly and disabled Americans in need of mental health care. That the emphasis in current law is on institutionalization is borne out by the fact that more than 80 percent of medicare expenditures for mental health is concentrated on institutional inpatient hospital care. This is true even though the trend in the mental health field is toward deinstitutionalization and provision of care in the least restrictive setting.

Originally designed to concentrate Federal funds for active treatment, the current medicare program attempts to avoid refinancing of State institutions and nonmedical services by placing limits on the lifetime use of inpatient services and limiting outpatient mental health coverage to a maximum of $250 annually while requiring a 50 percent copayment by the elderly or disabled recipient, even if that person is poor.

As a result, the medicare system of financing has created numerous disincentives which first, do not allow services meaningful to the patient's choice; second, foster overinstitutionalizing; third, fund mental health services through health agencies and providers more than through specialties for mental health; fourth, promote unnecessary utilization of health care providers (particularly ICF's, nursing homes, and other inpatient facilities) when mental health services are needed.

Mr. President, the bill I am introducing today would first, eliminate economic barriers for the elderly to utilize mental health services; second, offer freer choice to the aged and disabled, who participate in medicare, so that they need not be placed in institutional settings; third, breach the gap in existing law between medicare and the Federal community mental health centers, so that services are more readily available to the elderly, and we do not neglect our original course of sponsoring community mental health care; fourth, provide cost-effective alternatives in services delivery, which insurance companies incorporate but which are not available in medicare; fifth, establish strict controls over the use of medicare funds, so that outpatient mental health services are provided only when stiff utilization review is in effect; sixth, take steps to concentrate medicare reimbursement and financing on the goals and outcomes of services rather than on the professional judgment of providers.

Mr. President, this proposal was developed in consultation with experts in the field and implements two of the most important mental health financing recommendations of the President's Commission on Mental Health, as well as the recommendations of the Rural Health Task Force and the Elderly Mental Health Task Force to the commission.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Community Mental Health Assistance Act of 1979."

Sec. 2. (a) Section 1812(a) of the Social Security Act is amended by striking out "and" in paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and by adding the following two new paragraphs at the end thereof:

"(4) outpatient services provided by a community mental health center for up to 25 visits during a year; and

"(5) partial hospitalization services by a community mental health center for up to 60 visits during a year.".

(b) Section 1812(b) of such Act is amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon, and by adding the following two new paragraphs at the end thereof:

"(4) outpatient services furnished to him by a community mental health center after such services have been furnished to him for a total of 25 visits during a year; and

"(5) partial hospitalization services furnished to him by a community mental health center after such services have been furnished to him for a total of 60 visits during a year.".

(c) Section 1812(c) of such Act is amended by adding the following new sentence at the end thereof: "In determining the 190-day limit with respect to any individual under subsection (b)(3), the Secretary shall include one day for every three partial hospitalization visits to a community mental health center by such individual.".

(d) Section 1812(e) of such Act is amended by inserting "outpatient mental health services and partial hospitalization services furnished by a community mental health center," after "extended care services,".

Sec. 3. (a) Section 1814(a)(2) of the Social Security Act is amended by striking out "or" at the end of subparagraph (D), by inserting "or" after the semicolon at the end of subparagraph (E), and by adding the following new subparagraph after subparagraph (E):

"(F) in the case of outpatient services or partial hospitalization services furnished by a community mental health center, by or under the case management of a physician, such services are or were required for the mental health treatment of an individual, and such treatment can or could reasonably be expected to improve the condition for which such treatment is or was necessary;".

(b) Section 1814(a) of such Act is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and by adding the following two new paragraphs at the end thereof:

"(8) with respect to services furnished by a community mental health center in connection with a partial hospitalization visit, such center shall make available to the Secretary a statement, in writing and signed by the individual or his representative (pursuant to regulations issued by the Secretary) before receiving such services, indicating that the individual understands that three partial hospitalization visits will reduce by one day the number of days of inpatient psychiatric hospital services to which such individual is entitled during his lifetime under this part; and

"(9) with respect to services furnished by an inpatient hospital in connection with inpatient psychiatric care, such hospital makes available to the Secretary a statement, in writing and signed by the individual or his representative (pursuant to regulations issued by the Secretary) before receiving such care, indicating that use of inpatient hospital services will reduce on a daily basis the lifetime inpatient entitlement under this Act, and that the individual understands that.". one day of inpatient psychiatric hospital care will reduce by three the number of partial hospitalization visits to which such individual is entitled during such spell of illness.".

(c) Section 1814(b) of such Act is amended by adding the following new paragraph at the end thereof:

"( ) The amount paid with respect to community mental health center services shall be equal to the costs which are reasonable and related to the cost of providing such services or on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under Section 1861(v)(1)(A).

(d) Section 1814 of such Act is amended by adding the following new subsection at the end thereof:

"(K) Payments for partial hospitalization services by a community mental health center on behalf of an individual which are rendered for visits in excess of 10 visits per year shall be made only after a treatment review committee of a community mental health center has certified prior to the eleventh visit during a year and an external utilization review committee (as defined in section 1861(ee)) has certified prior to the thirty-sixth visit during such year, that such services are necessary and appropriate.".

Sec. 4. Section 1861 of the Social Security Act is amended by adding the following new subsections at the end thereof:

"OUTPATIENT SERVICES BY A COMMUNITY MENTAL HEALTH CENTER

"(bb) The term 'outpatient services by a community mental health center' means the following items and services furnished to an outpatient of a community mental health center by such center in accordance with a treatment plan:

"(1) active diagnostic, therapeutic, or rehabilitative mental health services, including crisis intervention outside the facility and home mental health visits, when provided by a physician or by another qualified mental health professional under the case management of a physician as prescribed by the Secretary;

"(2) such other related services necessary to the mental health of an individual, when provided by a physician or by another qualified mental health professional, under the case management of a physician, which are ordinarily furnished to outpatients in such center; and

(3) drugs and biologicals which cannot be, as determined by the Secretary, self-administered.

"PARTIAL HOSPITALIZATION SERVICES BY A COMMUNITY MENTAL HEALTH CENTER

"(cc) The term 'partial hospitalization services by a community mental health center' includes—

"(1) active, professional treatment (with at least 75 per centum of the time of attendance in active therapies) of a person with acute mental or emotional disabilities, with such treatment being based upon an individualized treatment plan which is regularly updated;

"(2) coordination of related services to assist treatment, and

"(3) demonstrated capacity to respond to crisis and emergencies of persons in treatment on a 24-hour basis, 365 days during a year (including medical emergencies while the person is in attendance at the facility).

"The treatment plan for such services may include, but is not limited to, diagnosis and evaluation (including psychological, physical, and nutritional assessment), formal and informal psychotherapy (individually or in groups or families), chemotherapy, and other modalities designed to improve the condition of the patient.

"The services of this section are limited to persons not requiring 24-hour inpatient care or 24-hour supervision in noninpatient care entities.

"COMMUNITY MENTAL HEALTH CENTER

"(dd) The term 'community mental health center' means a public or private entity which—

"(1) is primarily engaged in providing services for the diagnosis and treatment of emotionally disturbed and mentally ill persons, has a requirement that all mental health care will be under the supervision of one mental health professional, and has appropriate arrangements to insure that all patients requiring medical services are referred to a physician;

"(2) in the case of a center in any State in which State or applicable local law provides for the licensing of community mental health centers, is licensed pursuant to such law;

"(3) has bylaws in effect with respect to its staff;

"(4) meets such staffing requirements as the Secretary finds necessary;

"(5) maintains clinical records on all patients;

"(6) has in effect a utilization review plan pursuant to subsection (ee);

"(7) has in effect an agreement with a hospital pursuant to subsection (ff);

"(8) has appropriate procedures or arrangements in compliance with applicable State and Federal law, for storing, administering, and dispensing drugs and biologicals; and

"(9) meets the definition of—

"(A) a community mental health center in section 201 (a) and (c) of the Community Mental Health Centers Act and the requirements prescribed by regulation thereunder; or

"(B) a community mental health center which meets appropriate Joint Commission on Accreditation of Hospital Standards, and other additional regulations as the Secretary may prescribe.

"UTILIZATION REVIEW PLAN OF A COMMUNITY MENTAL HEALTH CENTER

"(ee) A utilization review plan of a community mental health center shall be considered sufficient if it is applicable to services furnished by the center to individuals entitled to insurance benefits under this title and if it provides—

"(1) for the review, on a sample or other basis, of admissions to the centers, and the professional services (including drugs and biologicals) furnished, (A) with respect to the mental health necessity of the services, and (B) for the purpose of promoting the most efficient use of available health facilities and services; and

"(2) for such review to be made by an external utilization review committee which is established in a manner as may be approved by the Secretary.

"TRANSFER AGREEMENT BETWEEN HOSPITAL AND COMMUNITY MENTAL HEALTH CENTER

"(ff) A hospital and a community mental health center shall be considered to have a transfer agreement in effect if, by reason of a written agreement between them or (in case the two institutions are under common control) by reason of a written undertaking by the person or body which controls them, there is reasonable assurance that—

"(1) transfer of patients will be effected between the hospital and the community mental health center whenever such transfer is medically appropriate as determined by the attending physician; and

"(2) there will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions.

Any community mental health center which does not have such agreement in effect, but which is found by a State agency (of the State in which such facility is situated) with which an agreement under section 1864 is in effect (or, in the case of a State in which no such agency has an agreement under section 1864, by the Secretary) to have attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of patients and the information referred to in paragraph (2), shall be considered to have such an agreement in effect if and for so long as such agency (or the Secretary, as the case may be) finds that to do so is in the public interest and essential to assuming extended care services for persons in the community who are eligible for payments with respect to such services under this title.".

SEC. 5. (a) Section 1861(u) of the Social Security Act is amended by inserting "community mental health center" after "health agency".

(b) Section 1861(w) of such Act is amended by inserting "community mental health center" after "nursing facility".

SEC. 6. (a) Section 1864(a) of such Act is amended—

(1) by inserting "or whether a facility therein is a community mental health center as defined in section 1861(dd)" before the period at the end of the first sentence;

(2) by inserting "a community mental health center," after "rural health clinic," in the second sentence; and

(3) by inserting "community mental health center" after "laboratory," in the fifth sentence.

(b) Section 226(c)(1) of such Act is amended by inserting "and partial hospitalization services and outpatient services furnished by a community mental health center" before "(as such terms" after "part C of Title XVIII)."

(c) Section 7(d)(1) of the Railroad Retirement Act of 1974 is amended by inserting "partial hospitalization services and outpatient services furnished by a community mental health center," after "inpatient hospital services,".

(d) Section 1861(i) of such Act is amended by inserting "or community mental health center" after "nursing facility" each time it appears therein.

(e) Section 1832(a)(2)(B)(i) of such Act is amended by striking out "or" at the end of subclause (I), and by striking out "and" at the end of subclause (II), and inserting in lieu thereof "or", and by adding the following new subclause after subclause (II):

"(III) a physician to a patient in a community mental health center; and".●

By Mr. STAFFORD:

S. 459. A bill to authorize the Corps of Engineers to assist communities in the control of river ice; to the Committee on Environment and Public Works.

ICE FLOODING

● Mr. STAFFORD. Mr. President, a seasonal problem afflicting many areas of our Nation might be termed "ice floods." When a sudden thaw follows a buildup in river ice, flooding is often produced by "ice dams" that accumulate at bridge abutments or other impediments in the river.

Ice flooding and ice damage occurs in many areas every winter. Last winter, there was a threat here in Washington to the bridges across the Potomac River from a buildup of ice. Such dangers from ice are likely to be even more severe with the coming of spring.

The danger of ice buildup can sometimes be handled effectively through the emergency work of the Corps of Engineers. Such a project was accomplished last winter at Montpelier, Vt. But these efforts often come too late, or may involve costly, last-minute activity using explosives.

I believe that, with systematic and coordinated planning, we can develop preventative methods for the control of river ice. I believe that we can and should successfully develop improved ice-breakup techniques, and to provide this information to affected communities. The Army Corps of Engineers is the proper organization to undertake this work.

To assist in that effort, my bill would strengthen the corps' ability to meet the ice-flooding problem. This legislation, I should point out, is nearly identical to legislation passed twice by the Senate last year. Its merits remain strong.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of the Army, acting through the Chief of Engineers, shall undertake a program of research to increase his capability to control river ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood damage or severe streambank erosion.

SEC. 2. The Secretary is further authorized to provide technical assistance to local units of government to implement local plans to control or break up river ice. As part of such authority, the Secretary is authorized to acquire and loan necessary ice-control or ice-breakup equipment to local units of government.

Sec. 3. The sum of $5,000,000 is authorized to be appropriated to the Secretary in each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982, to implement this Act.●

By Mr. STAFFORD:

S. 460. A bill to encourage bicycling and physical fitness by assuring greater safety for bicycles parked at Federal office buildings; to the Committee on Environment and Public Works.

BICYCLE SAFETY

● Mr. STAFFORD. Mr. President, I am today introducing legislation that is designed to assure that safe bicycle parking facilities will be available at Federal office buildings across the Nation. I would hope that the availability of such facilities at Federal buildings would serve as a catalyst to encourage a similar expansion in bicycle parking facilities in the private sector.

A growing number of Americans are now bicycling to their jobs, despite many impediments to such travel. One major inhibition is unsafe traffic conditions. Last year's highway bill should ameliorate that situation. But the lack of safe and convenient parking facilities, and absence of areas where cyclists can change from cycling clothes and wash up at the end of their journey, serves as another factor inhibiting this form of commuting.

The General Services Administration now has a policy, it says, to provide "bicycle racks . . . where there is a demonstrated need." That appears to be a chicken-and-egg situation. Is a "demonstrated need" likely to exist if no racks are in place? Very likely not. The GSA has informed me that bicycle locking facilities are now available at only 438 GSA buildings, a small fraction of the buildings operated by GSA. This bill requires the installation of such facilities to enable the use to develop properly.

To the extent that encouraging cycling enables the public to substitute bicycles for private motor vehicles, we will modestly conserve energy and other resources, reduce traffic congestion, lessen air and noise pollution, increase physical fitness, and decrease the need for more and more parking garages.

To help overcome the lack of adequate bicycle parking facilities, this legislation directs the Administrator of the General Services Administration to provide, within 1 year, at all buildings and installations under his direction, bicycle parking facilities for use by employees and visitors. This would include buildings leased by the Federal Government, when they are under the direction of the GSA Administrator.

In the event the Administrator provides more than a simple rack for bicycle parking—a locker for example—this bill would authorize, but not require, that GSA charge a reasonable fee for the use of the device. The fee would be intended to be proportionate to the fee charged for motor-vehicle parking in connection with that building or installation. For example, if the Administrator charged a $455 a month for auto parking, a reasonable parking fee might be something on the order of $3 a month, if the bicycle locker takes up about one-fifteenth of the space needed for an automobile.

The Administrator should keep in mind the experience of the Environmental Protection Agency, where bicycle lockers are provided employees without charge. In deciding on the number and type of bicycle parking facilities and whether there should be user charges, the Administrator should consult beforehand with interested bicyclists working at the building or installation in question.

The bill would also authorize the Administrator to provide, when suitable, facilities where cyclists and others may shower and change clothes. The Administrator would also be authorized to charge a reasonable fee for the use of such facilities. Again, the Administrator would be expected to consult with interested persons in deciding upon such facilities.

The bill defines "bicycle parking facility" to make it clear that the minimum facility should be more than the standard rack, which is often inadequate for safely locking a bicycle. The Administrator should also alter the present restrictive GSA policy to permit the use of spaces such as courtyards, storage areas, or other areas where bicycle parking could be operated without interfering with normal use of the building. The most desirable facility would be one under guard or attendant; if parking for motor vehicles is provided under the surveillance of a guard or attendant, the GSA would be expected to provide protected bicycle parking for the same building or installation.

Mr. President, I introduced legislation very similar to this bill as S. 3621 in the 95th Congress. It was introduced at the end of the session to obtain comment from interested individuals and groups. Since the date I introduced S. 3621 last year, a new publication called Bicycle Forum, carried an article discussing the issue of bicycle parking. I ask unanimous consent that a letter from GSA, the text of the bill, and the article from Bicycle Forum be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Administrator of the General Services Administration (hereafter referred to as the "Administrator"), within one year of the enactment of this Act, shall provide, at all buildings and installations under his direction, bicycle parking facilities for use by employees and visitors. Wherever the Administrator fulfills the requirement of this Act by use of a system that is more elaborate and costly than the use of a simple metal rack, he is permitted to charge a reasonable fee for the use of such system.

(b) The Administrator is also authorized, within a reasonable period and where feasible, to provide suitable support facilities, including clothing lockers and changing facilities, and to charge a reasonable use fee.

(c) For the purpose of this Act, the term "bicycle parking facility" means a device or an enclosure, located within a building or installation, or conveniently adjacent thereto, that is easily accessible, clearly visible to guards, well-lighted, and so located as to minimize the danger of theft of bicycles. Such a device shall consist of a parking rack, locker, or other device constructed to enable the frame and both wheels of a bicycle to be secured with ease by use of a padlock in a manner that will minimize the risk of theft.

General Services Administration,
Washington, D.C., October 4, 1978.
Hon. Robert T. Stafford,
U.S. Senate,
Washington, D.C.

Dear Senator Stafford: This is in further reply to your letter of August 21, 1978, regarding bicycle racks.

As of September 20, 1978, there were 438 buildings where bicycle locking facilities were provided by the General Services Administration (GSA). Of this number, there are a total of 14,407 parking spaces nationwide of which 4,218 (29 percent) are indoors or otherwise protected from the weather. There are a total of 2,108 spaces (14.6 percent) which we consider to be protected from theft. Each bicyclist is responsible for providing his or her own lock and chain or cable. We are presently experimenting with several makes of secure bicycle locking devices and lockers. During the year 1977, there were 37 bicycle thefts and 703 incidents of vandalism.

Thank you for your interest in this matter. If we can provide any additional information, please let us know.

Sincerely,

Jay Solomon,
Administrator.

THE BICYCLE PARKING LINK

(By John J. Protopappas
and Joseph Anderson)

(If bicycles could be more securely parked, their use would increase as a means of commuting, especially in connection with mass transit)

The availability of secure bicycle storage is a prerequisite to any urban bicycle trip, yet there is a definite, pervasive deficiency in the amount and/or security of bicycle parking facilities throughout urban areas. Both the social, economic and environmental desirability of bicycling and the public's interest in bicycling are apparent. It is a stated policy or goal in many communities that "bicycling should be encouraged". To this end, many improvements to benefit bicycling have been studied and some have been implemented. Many bicycle paths and lanes have been constructed, but little attention has been paid to "incidentals" such as bicycle parking. Bicycle parking is an essential link in the chain of improvements that must be made to serve existing and potential bicycle users.

Why has bicycle parking, relatively easily and inexpensively implemented, fared so poorly in the "chain" of improvements? Most official public attention has focused on bicycle riding. Bicyclists have been competing for road space for years, raising the ires of motorists, precipitating reported accident statistics and expressing a certain amount of dissatisfaction with the inevitable traffic mix. Pressure has been brought from motorists and bicyclists alike for bikeway, education and enforcement programs. Bicycle parking, on the other hand, is a personal problem, one which raises little public sensitivity.

As slight as the public pressure for bicycle parking may be . . . the problem of securing a bicycle from theft is real and is shared by every individual bicyclist. This need can be met by public action and has the potential of being a substantial benefit and encouragement to the bicycling community.

An example of the magnitude of the problem was cited recently in a survey in the City of Baltimore. Based on survey data, 25 percent of the bicyclists had been victims of a bicycle theft and of these, 20 percent had given up bicycling. These facts are indicative of the problem which is commonly known in most American cities. The vulnerability and value of bicycles have made them attractive targets for theft. As the value and demand for bicycles have increased, the total number of bicycle thefts has also gone up.

A well thought-out and effectively executed bicycle parking program which appeals to both the implementors and the users is the answer to reducing bicycle theft and is a positive factor in encouraging bicycle use. In addition to implementing a program to provide adequate, secure bicycle parking, serious attention should be given to a bicycle registration program and user education. There are complimentary elements. Mandatory registration is a logical means for identifying and returning stolen bicycles, for limiting resale potential, for providing a record of the mignitude of bicycle ownership and for discouraging theft from the outset. Education, as an instructive tool as well as a marketing element, should provide information on the building permit approval to include the provision of bicycle storage facilities.

Other policy considerations may be incorporated into codes and regulations to benefit bicycle security. For example, provisions for allowing bicycles on public transit vehicles or in the public areas of buildings and private offices can improve the bicyclists' mobility and/or avoid having to leave the bicycle unattended. The AC Transit and BART systems in San Francisco, the San Diego Transit Corporation and the New Jersey New York PATH system have all instituted forms of bicycle "carry-on" service.

BICYCLE STORAGE FACILITY TYPES AND DESIGN

The facets of design must be considered in providing bicycle parking area:

1) Degree of security and safety from vandalism and theft;

2) Location—convenience of parking relative to destination;

3) Weather protection (sun and rain).

Each factor elicits certain criteria which must be considered in determining what type of parking facility is best for the situation at hand. Bicycle storage needs may be differentiated between long-term parking and short-term or convenience parking. The distinction is similar to that for automobiles. The most important criterion for short-term convenience parking (shopping centers, libraries, post offices, etc.) is for the bicycle storage facility to be located *immediately contiguous* to the building entrance. For long-term/commuter parking (places of employment, apartment buildings, schools, transit stations, etc.) security from theft is the *most* critical consideration.

LOCATION

The closer bike parking is to a bicyclist's destination, the more likely it (and the bicycle) is to be used. "Many bikers, particularly those with more expensive machines, have such a case of theft paranoia (a not unreasonable affectation) that they prefer not to be separated from their bikes at all and would blithely wheel into elevators, dentist's offices, bank lobbies and ice cream parlors if allowed to."[4] Many people make it a practice to ask for space for their bicycle when first accepting a new job so there are no misunderstandings when they arrive at a new office with a 10-speed.

The point-to-point convenience of bicycle travel is undermined when parking is located in the far corner of a parking lot. It is best to locate a parking facility as near a building entrance as possible and (in high visibility areas) within the sight-lines of passersby. The location availability of parking, its proper use and practical theft preventive measures.

In designing a parking program, facilities must be selected to meet the need of bicyclists who are, in many cases, not involved in the decision making process. Three features must be considered: (1) incorporation of bicycle parking policy requirements into parking or zoning ordinances and local building codes, thus tying facilities into the public and private development process; (2) developing design standards to insure proper location, weather protection, equipment integrity and degree of security; and (3) budgeting funds for implementing public bicycle parking facilities. Each program must be

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Footnotes at end of article.

tailored to local needs and resources. Where it may not be possible to successfully budget public funds to construct parking, it may be possible to require private developers to provide adequate facilities in conjunction with new development.

BICYCLE PARKING ORDINANCES AND CODES

In order to insure that there is adequate space allocated for bicycle parking on an ongoing basis, a bicycle parking ordinance may be formulated for incorporation into local zoning regulations. This is much like the typical regulations which require automobile parking spaces based on the square footage of building development.

A number of forward-looking communities have bicycle parking ordinances and a number of others have ordinances under consideration. One of the more notable of these is Palo Alto, California. In this city, developers are required, by Zoning Ordinance, to dedicate 5 percent of the total required parking space to secure bicycle storage facilities. This ordinance not only details what percentage of space must be dedicated to bicycle parking, but it goes on to define what type of storage facility (Class I, II or III) must be provided.[3]

Another jurisdiction, Montgomery County, Maryland, updated off-street parking space requirements in the Zoning Ordinance to incorporate compact car, bicycle, handicap, and motorcycle spaces. The ordinance stipulates that all owners of parking facilities containing more than 40 parking spaces must provide 1 bicycle parking space or locker for each 20 automobile parking spaces. Not more than 20 bicycle parking stalls or lockers are required on any one lot. It further states. . . . "Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. Interior storage and lockers are encouraged. They shall be properly repaired and maintained. Facilities that are used for overnight parking must be protected from the weather when they are part of an enclosed parking facility." Owners of existing parking facilities who take advantage of the space savings of compact car layout must also abide by the requirement for bicycle parking facilities. This ordinance revision reduces the amount of land necessary for parking facilities, making more efficient use of existing space. Other jurisdictions, such as Arlington County, Virginia, have rewritten guidelines for subdivision and yield satisfactory results. A good variety of locking and parking devices currently exists but careful selection is still necessary. Three categories of bicycle parking devices according to degree of security, have been suggested.[5]

Class I: Lockers or controlled access areas where bicycles may be stored, protected from theft, weather, and vandalism.

Class II: Devices which lock the bicycle frame and wheels, secured from theft of the unit. The individual may have to provide a padlock.

Class III: Bicycle racks or fixed objects to which a bicycle may be secured by the individual's own locking device.

Class III or "bicycle racks" are the traditional and currently predominant facility for bicycle parking. It is left to the bicyclists to shoulder the responsibility for protecting their investment by buying and using lock sets. Unfortunately, the value and theft experience of today's bicycle has outmoded this approach.

Independent tests conducted across the country confirm that there are no really secure bike lock hardware systems in this class. Some locks carried by cyclists are better than others, but in a high crime setting, none would last longer than 10 minutes; in fact most will give way to under two minutes according to the *Consumer Report*.[6] Another testing report confirms that no lock will last longer than two minutes.[7] In the words of one lock manufacturer, a bicycle lock will delay a thief momentarily, but ". . . if somebody sees a $150 bicycle and plans to get it, it is his. Basically what you're protecting against is the chance thief or opportunist." Though suitable for short-term convenience parking, long-term parking requires more than a system which provides only a moral deterrent.

Class II bicycle parking devices are designed to secure the bicycle frame and wheels in an upright position, typically by a post and chain construction. Accessory parts of the bicycle, such as the seat, air pump, tool kits, are not protected. Weather protection may be provided by a special structure or by selecting a location under an existing overhang. Different locking mechanisms are available: coin operated, key-operated or the bicyclist's own padlock. The locking mechanism is an important consideration. Key or coin operated equipment costs twice as much initially, requires more maintenance, and necessitates a user charge.

Generally, the padlock systems are most popular. The added costs of the other systems cannot be justified unless it is imperative that revenue be collected or tourists without padlocks are the anticipated users. Transit systems which have utilized the Class II devices include: Marta in Atlanta, Seattle's Transit System, Bart in San Francisco, Path in New York-New Jersey, Patco in Pennsylvania-New Jersey. Many universities have also installed these parking devices.

Table A lists the various manufacturers of secure parking devices, (Class I and II) including products and approximate prices. The prices range from $25 to $250 per parked bicycle. Class II devices have been tested by two independent investigators. The Bicycle and Pedestrian Research Center, Philadelphia and the University of Maryland, College Park, Maryland.

The University of Maryland Planning Department made an in use study of eight of the Class I and II bicycle racks available today.[9] Table B summarizes test results. As these results indicate, no rack is perfect. Each rack has its pros and cons. The use intended, site location, and economics will define which rack will serve a particular situation better than another. The University of Maryland set up the following criteria and then made their choice after testing eight racks over a year's time.

WEATHER PROTECTION

Protecting the bicycle from the elements—sun and rain—is particularly important for long-term/commuter parking. For trips with a shorter parking duration, such as shopping and other personal business, open air parking may be acceptable. These trips are generally more flexible in schedule and may be delayed to a better time or day. It is best, however, under any circumstances, to utilize a location that already provides weather protection, if otherwise suitable. For long-term parking in particular, consideration must be given to protection by awnings, canopies, interior spaces or lockers (where warranted for theft protection).

SECURITY & SAFETY

Protection from theft is the individual's primary concern when leaving the bicycle unattended. Procuring the ultimate security parking device has been the relentless pursuit of many manufacturers. Separate attempts by both BART in San Francisco and Metro in Washington, D.C. to specify custom-made bicycle lockers failed to produce cost-effective equipment.

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The Bicycle and Pedestrian Research Center tested three Class II devices considering security, ease of operation, versatility (to accept locks), and aesthetics. All models were reported superior to traditional bike rack lock set security when subjected to most methods of attack. Three high security locking devices were tested for compatibility with each parking device. Results are summarized on Table C. Economics were not a consideration in the ranking; the top rated Rack III unit costs $10 to $15 more than other units, a small difference relative to the average personal investment in a bicycle.[20]

Class I, bike lockers or storage spaces, are a significant, important step forward in protecting bicycles They afford virtually complete protection from theft, vandalism and weather. There are two approaches: a locker unit similar to baggage storage lockers and controlled storage areas which are attended or accessible only by keys held by a limited number of individuals or responsible attendants.

In urban areas with attended parking garages or lots, areas can be adapted to store bicycles with relative ease, although without mandates or enforced ordinances, garages are reluctant to do so. In Washington, D.C., where some of the private parking garages installed bike racks, the same fees as charged to automobiles were levied against the cyclists. This parking program was not well received by bicyclists. A good example of controlled storage area is found in Union Station, the Amtrak & commuter rail terminal in Washington, D.C. A caged area for bicycle storage is provided inside the station, administered and maintained by the National Park Service. For a small initiation fee, bicyclists obtain a key to the storage area. Most of the bike/rail commuters use the storage for overnight parking, using their bicycles for the work trip end of their commute.

Standard bicycle lockers are currently available from three manufacturers (Table A) ranging in price from about $160 to $250 per bicycle stored. Construction is either steel or aluminum and fiberboard and all units are wedge-shaped, allowing a variety of layout patterns—circular and rectangular (back-to-back). Although little data is available, one source notes that no successful thefts have occurred at either Bart or Southern California Rapid Transit District installations.

Lockers can be coin operated, locked by separate padlock, or a cyclist can be issued a key on a lease basis. The latter system is used in Washington, D.C. and San Francisco where lockers have been installed at several of the new rail transit stations.

The first ten lockers installed at Metro's Silver Spring Station were offered for lease for variable period rates to $70 per year. All lockers were leased for a full year prior to the station's opening day (without the benefit of advertising). Although the $70 per year fee was regarded as high, the public's response indicates a high demand for this type of facility.

Based on an installed cost of $320 per double locker unit, the Metro locker rentals will cover the capital investment in two and one-half years. Since all the lockers were leased for a full year the first day offered, almost half of the capital cost was covered immediately after installation. With demonstrated high demand, 16 more lockers have been ordered for the Silver Spring Station and the District of Columbia has 250 on order to be installed at stations throughout the city.

The Bart system in San Francisco has a relatively long-standing experience with lockers. Bart planners indicate that the initial installation of 60 lockers throughout the system would have been recommended for increase if based on current experiences. It is believed that the initially inadequate supply of bike racks and lockers has been a deterrent to many potential bicycle users. In response to demand, 648 additional lockers are in the process of being installed. At first Bart offered

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Footnotes at end of article.

lockers at 25¢ per day or on a lease basis for $5 per month. Daily coin rental has since been abandoned in favor of a wholly leased system. "Leasing is preferred among regular bike commuters because it guarantees a place in a locker, which are available in limited numbers." As stated earlier, both Bart and Metro also include Class II parking devices in their parking programs which are free of charge and well-utilized.

THE FUTURE

There are many signs that the future looks bright for the bicycle commuter. The Federal government allows federal highway monies and transit capital funds to be spent on bicycle facilities including parking.* Local governments including the traffic engineers, architects, and planners are recognizing the needs of the cyclists. With the proper amount of interest and forethought by these people we can hope to see a continuation of the trend toward installing first class bicycle parking facilities. The first step is establishing the need for parking and making a specific proposal. Bike parking is easy, simple, and inexpensive to implement relative to many other improvements being considered to enhance bicycling. With initiative, care and thought, very high quality parking can be provided to the benefit of user and community alike.

FOOTNOTES

[1] Traffic Engineering, Vol. 47, No. 3, March 1977.

[2] Baltimore County Bikeways Task Force, "Bicycling Parking, a Design Manual", January 1976.

[3] City of Palo Alto, "Zoning Regulations", adopted March 20, 1978. Sections 18.83.040 through 18.83.070.

[4] Skrabek, Darryl, "Bike Law", Bicycling Magazine, March 1975.

[5] Baltimore Bicycling Parking Manual.

[6] "Bike Lock Sets", Consumer Reports, November 1975.

[7] "Most bicycle locks yield to thieves in seconds", The Minneapolis Star, August 5, 1974.

[8] The Minneapolis Star, August 5, 1974.

[9] "UMCP Bicycle Parking—Stage Two", Department of Physical Plant, Office of Plans, Programs and Campus Development, University of Maryland, April 14, 1976.

[10] "Bicycle Parking: Tests of Parking Racks", Bicycle and Pedestrian Transportation Research Center, Philadelphia, Penn. 1976.

[11] Skrabek, Darryl, "Bike Law", Bicycling Magazine, March 1975.

*See Federal Funds for Bicycles, this issue.

TABLE A.—AVAILABLE BICYCLE STORAGE FACILITY TYPES

Name of device and manufacturer (city, State)	Class	Model	Price (each)	Notes
1. Rack III: Rack III, 1714 Stockton St., San Francisco, Calif.	II	Key	$120.00	Used at many locations throughout United States. Each rack holds 1 bicycle.
		Coin-op	120.00	
		Padlock	41.75	
2. Rally Rack: Rally Enterprises, Inc., Box 299, Sonoma, Calif. (minimum order: 6).	II	RR-100	22.00	Each rack holds one bicycle. Used by PATH system (NY-NJ) at Journal Sq. Transportation Center.
	II	RR-200	25.00	Used by WMATA (District of Columbia) at present and future stations.
	II	RR-300	55.00	PATCO (PA-JN) installing 171 RR-300's.
	II	RR-400	160.00	Key-coin operated.
3. Cycle-Sentry: Sentec Industries, P.O. Box 4043, San Francisco, Calif.	II	Galvanized	36.00	Each rack holds 1 bicycle.
		Painted	39.00	
4. Bike Safe: Patterson-Williams, P.O. Box 4040, Santa Clara, Calif.	II	1615-2	100.00	Holds 2 bicycles.
		1615-5	210.00	Holds 5 bicycles.
5. Bala-Byk Lok-Rak: Bala-Byk-Lok-Rak, 691 Parkview Circle, Pacifica, Calif.	II	Padlock	31.50	Installed at University of Maryland.
		Coin-op	65.50	Each rack holds 1 bicycle.
6. Bike Lock Up: Howard Enterprises, 1250 Wilson Way, Stockton, Calif.	II	Standard	31.00	Do.
		Deluxe	35.00	Installed University of Maryland.
7. Park-A-Bike: Park-A-Bike Systems, 180 Coor St., Suite 111, Denver, Colo.	II		25.00–75.00	Holds 1 bicycle. Installed University of Maryland.
8. U-Lok: Sunshine Recreation Co., 22713 Ventura Blvd., Suite A, Woodland, Calif.	II	Security stand/	45.00	Holds 2 bicycles: installed at various colleges, special lock option.
9. Bike Root, Bike Rack: The Bike Root Co., 31½ Mount Vernon St., Charlestown, Mass.	II		28.50	Holds 1 bicycle.
10. Bike Lokr: Bike Lockers, P.O. Box 978, North Highlands, Calif.	I	Padlock	320.00	2 bicycles per locker; installed by BART, EPA, Metro Maryland.
		Coin-op	320.00	
		Key-op		
11. Bike Stable: Bike Stable Co., P.O. Box 1402, South Bend, Ind.	I	do	214.00	Holds 1 bicycle. No units have been sold up to this date.
12. Mac Cycle Vault: BMR Fabrications, P.O. Box 610, Tocca, Ga.	I	Padlock	194.00	1 bicycle per locker.
		Coin-op	250.00	Do.

TABLE B.—UNIVERSITY OF MARYLAND RACK COMPARISON

TRADE NAME, ADVANTAGES, AND DISADVANTAGES

Rally Rack RR-100

ADVANTAGES

Secures rear wheel and frame with a single lock; Rack consists of a single post and has no moving parts; Rack is very easy to use; Rack has aesthetic appeal by virtue of its good design.

DISADVANTAGE

Does not secure the front wheel.

Rally Rack RR-200

ADVANTAGE

Rack has the advantages of the RR-100 with the addition of a cable attached to the post which secures the front wheel.

Rally Rack RR-300

ADVANTAGE

Rack has the advantages of the RR-100 with the addition of a formed steel plate which prevents removal of the front wheel.

DISADVANTAGE

Cost is more than twice that of the Rally Rack RR-200.

Standard Rack

ADVANTAGE

Least expensive of all rack systems.

DISADVANTAGES

Provides the least security of all rack systems, requiring an unusually long chain or cable supplied by the user to secure both wheels and frame of a bike making it vulnerable to bolt or wire cutters; Bikes parked in these racks are easily damaged; Rack design encourages inefficient and cluttered parking arrangement.

Bala Byk-Lok Rak

ADVANTAGES

Secures both wheels and frame with a single lock;

All locking components are constructed of steel.

DISADVANTAGES

Poorly constructed—welds break with normal use;

Not easy to use—requires four steps to secure bike;

Does not provide arrangement flexibility;

Visually clutters the environment—has no aesthetic appeal;

Rusts over time.

Howard Bike Lockup

ADVANTAGE

Secures both wheels and frame with a single lock.

DISADVANTAGES

Disadvantages are identical to those listed for the Bala Byk-Lok Rak.

Park-A-Bike

ADVANTAGES

Secures both wheels and frame with a single lock.

Relatively easy to use.

DISADVANTAGES

Visually clutters the environment—has no aesthetic appeal;

Cable which secures both wheels may be vulnerable to bolt or wire cutters.

Rack III

ADVANTAGES

Secures both wheels and frame with a single lock;

All locking components are constructed of steel.

DISADVANTAGE

Secures bicycles with a pivoting three-pronged device—this moving part may prove troublesome.

UNIVERSITY OF MARYLAND PLANNING DEPARTMENT BICYCLE RACK CRITERIA

The rack must secure both wheels and the bicycle frame.

Securing the bicycle in the rack is to be a simple operation.

The rack is to accommodate a wide range of bicycle types and locking mechanisms.

Securing the bike must be possible with only a user-supplied lock.

Although data is not available on durability, racks should be selected for their apparent quality. Members and joints should be rustproof and designed to minimize or eliminate structural and mechanical failures.

The appearance of the rack is to be "aesthetically pleasing" within the financial and functional parameters.

The rack design is to allow for flexibility in site development.

While racks must be capable of being securely anchored, the ability to relocate them is an option to be considered.

The final University of Maryland report

states that . . . "Research has determined that the Rally Rack Models RR-200 and RR-300 are superior to all other manufacturers in meeting the established criteria."

Table C.—Test results

(Bicycle and Pedestrian Transportation Research Center)

Rack	Rack III	Rally Rack 200	Bala Byk-a-Lok-Rak
Security	second	third	first
Ease of Operation	first	second	third
Versatility	first	third	second
Aesthetic Quality	first	second	third

●

By Mr. STAFFORD:

S. 461. A bill to require that competitions be conducted to enhance the Nation's architecture and determine the design of certain new Federal office buildings; to the Committee on Environment and Public Works.

ARCHITECTURAL EXCELLENCE ACT OF 1979

● Mr. STAFFORD. Mr. President, last year I introduced S. 2402, legislation to require that architectural competition be held in the design of larger buildings of the General Services Administration. I am today reintroducing similar legislation, in the expectation that it can be considered in the context of the GSA reforms that need to be undertaken by the Congress.

The Architectural Excellence Act of 1979 is legislation intended to foster improvements in the architectural design of new Federal office buildings. The United States, in one recent year, spent $140,000,000 in architectural fees on 3,400 projects of the GSA and other agencies. Surely, we can set aside a small portion of that expenditure in a search for greater architectural innovation and excellence.

The architectural critic, Wolf Von Eckhardt, testified to our committee that "practically all the best buildings in the world have been the result of competition." Let me cite just a few of the better known ones: The White House, the U.S. Capitol, the New York Public Library, the State Capitols of Missouri and Washington, the Houses of Parliament in London, the new Coventry Cathedral in England, the Boston City Hall, the Cathedral of St. John the Divine in New York, and the Sydney Opera House in Australia. Many of these buildings are structures for the ages, structures deserving worldwide attention. I do not claim that this bill would necessarily produce such exciting and important buildings. But I do believe it will create a better atmosphere for architectural innovation and excitement.

Federal buildings now built often appear to be cut from molds, with little imagination or recognition of what we hope are the lofty ideals upon which our Government stands. Contrast that with the view early in this century, when one Member of Congress said: "No youth or citizen ever looked upon a Federal building in which the business of his country was being conducted but that he became a better American."

Seven years ago, the Congress added what I believe was the first requirement that GSA assure architectural excellence in its new designs. But testimony before the Committee on Environment and Public Works has shown little impact from that directive. In 1976, the Congress enacted an important new initiative in the area of public buildings policy. This was the Public Buildings Cooperative Use Act (Public Law 94-541). I was pleased to be a sponsor of that law, which encourages the Federal Government to acquire and preserve buildings of historic or cultural importance, converting the space into new Federal offices. Flexibility of this nature should improve our Federal buildings program, making the Federal Government a better neighbor.

We can and we should utilize the Federal building policy as an innovative tool in architectural design for new buildings. Such policy would serve to encourage new, young architects, giving them opportunities they may not otherwise obtain for years.

I recognize that such an approach may not be a popular one among some architects. But it is working elsewhere. The British Government is using competitions wisely. And my approach involves a very limited first step. It would mandate competitions on each Federal building project that is expected to cost $25,000,000 or more. That figure is an arbitrary one, I admit. But it is designed to test the concept, and thus should be a valid starting point.

My bill would set aside between one-half of 1 percent and 1 percent of the cost of the building to be used to run the competition, with the prize limited to a maximum of $250,000. These figures, too, are arbitrary. But I would hope that we will obtain testimony on how a more valid figure can be established, if this one is considered to be inappropriate. The actual architectural fee, of course, would then be negotiated as if the winner were selected as the most qualified applicant, under the normal procedure.

Mr. President, this bill also requires that all the proceedings of the panel of judges be held in public so that the public and local community officials can observe and participate.

I believe that this approach merits the support of the Senate.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Architectural Excellence Act of 1979".

SEC. 2. The Public Buildings Act of 1959, as amended, is amended further by inserting a new section 8 as follows, and renumbering subsequent sections accordingly:

"SEC. 8. (a) (1) Whenever the Administrator is authorized under the terms of this Act to construct a public building at a cost that is estimated to be in excess of $25,000,000, the Administrator shall set aside a sum of not less than one-half of 1 per centum or greater than 1 per centum of the estimated cost of such public building to finance a competition for determining the design of such public building. Such competition should stress innovative designs that will be compatible with the community, conserve energy and materials, encourage public use of and access to the building, and reflect the dignity, enterprise, vigor, and stability of the Government of the United States.

"(2) Notwithstanding paragraph (1) of this subsection, the Administrator may conduct a competition for determining the design of any building which he is authorized to construct: *Provided,* That not greater than 1 per centum of the estimated cost of such project is utilized for such competition.

"(b) The Administrator shall establish the prize to be awarded to the winner of each competition under this section in accordance with the scope of each project, but in no event shall such prize exceed $250,000.

"(c) To determine the most appropriate design under the terms of this section, the Administrator shall appoint a panel of five persons. Such panel shall be composed of an architect who shall not be associated with any entrant in the competition and who shall serve as chairman, a representative of the municipality in which such building will be constructed, a nominee of the National Endowment of the Arts, an architectural educator or critic, and a representative of the Administrator. Meetings of such a panel shall be open to the public, and the decision of such panel shall be final. The winner selected by the panel shall be considered as the 'highest qualified firm' for the purposes of section 904 of the Federal Property and Administrative Services Act of 1949.

"(d) The requirements of this section include any public building, whether owned initially by the United States or to be so owned as part of a long-term financing arrangement, or to any public building constructed specifically for the United States under a lease arrangement.

"(e) For the purposes of this section, the word 'design' includes the general architectural appearance and general engineering of a public building, together with such information as will be reasonably required to provide detailed architectural and engineering plans and specifications for such public building.".●

By Mr. WEICKER:

S. 462. A bill to exempt the price of natural gas imported from Mexico from regulation under any Federal or State law; to the Committee on Energy and Natural Resources.

NATURAL GAS FROM MEXICO

● Mr. WEICKER. Mr. President, I am today introducing a bill that will exempt the price of natural gas imported from Mexico from regulation under any Federal or State law.

The effect of this proposal will be to remove from the executive branch of Government the power to approve or disapprove contracts made by American businesses for the importation of Mexican natural gas.

For too long this administration has failed to develop a coherent national energy policy and has repeatedly flippedflopped with respect to its energy directives and goals.

Instead of providing clarity and direction to the energy problem, it has created confusion and misdirection. Instead of generating confidence in our people and our allies, it has undermined our relations with foreign nations and created distrust and scepticism at home.

This is most particularly true with respect to our southern neighbor, Mexico. After protracted negotiations in 1977, between various companies and the Government of Mexico, Secretary Schlesinger summarily disapproved contracts for the purchase of Mexican natural gas that were the outgrowth of these negotiations. Not only did the Secretary say no to the contracts, he refused to discuss what terms would be acceptable to him.

This arrogance has naturally exacerbated the mistrust, suspicion, and lack of confidence of the Mexican Government in its dealings with the United States.

We must now try to repair the damage. The time has come to treat the Mexicans as we ourselves expect to be treated—with respect and dignity. We must seek cordial and mutually advantageous relationships with Mexico. This cannot occur when we have Government intervention of the abortive sort that characterized Secretary Schlesinger's actions.

The administration has had a unique opportunity to negotiate in good faith with the Government of Mexico. Not only has the administration come away with no gas, it has actually turned this splendid opportunity into a diplomatic disaster.

Now it is time to give American enterprise the opportunity to regain the ground lost by the floundering of the administration.

By allowing American enterprise and the Mexican Government to negotiate in an environment unencumbered by Government regulation, the spirit of mutual respect, confidence and trust will be reborn.

In essence this bill will be the first positive step in many years in fostering a more stable political relationship with Mexico.

In a more tangible way, this legislation will accomplish the following:

First, it will increase the security of future natural gas supplies to the American consumer. Although we have a so-called natural gas glut or "bubble" at this time, in 3 to 4 years according to the Department of Energy (and in even less time by private estimates), the bubble will burst. Then we must look to outside sources to supplement our own domestic production. It would be nice to know that because of stabilized relations, we would be turning to a friend and close neighbor.

Second, this bill will reduce our dependence on OPEC oil which in turn will strengthen our national security. By purchasing Mexican natural gas at cheaper prices than those which American industry would pay for alternative fuels, such as residual oil, American industry will be displacing by that amount of Mexican natural gas purchased, the Btu equivalent amount of OPEC imported oil.

We will be further strengthening our national security because increased Mexican natural gas production will make possible additional Mexican oil for the world market. It is to our advantage, if the need arises, to have a close, uninterrupted friendly source of foreign crude such as that in Mexico. To remain dependent upon the whims and caprice of the politically unstable OPEC nations is folly when viewed in the context of a friendly source to the south.

This administration has failed to provide our Nation with a substantive, hard-hitting energy program. President Carter promised in Bonn to reduce our consumption of oil. Yet, what do we have to show for it but a toothless piece of legislation that we call a national energy policy.

Controls and Government intervention have failed to do the job as witnessed by such events as the natural gas shortages in 1977, and by the problems that exist in the area of oil price controls.

This administration has flatly rejected negotiated contracts for a stable supply of Mexican natural gas. Now all we have is the administration's vague promise to resume "talks" with the Mexicans on this critical issue.

It is time to remove governmental bureaucracy from the energy arena. It is time to permit the American producers and suppliers of energy, who are meeting increasing consumer demand, to operate in an unfettered atmosphere with their Mexican counterparts.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Natural Gas Policy Act of 1978 is amended by inserting at the end thereof the following:

"(d) IMPORTS FROM MEXICO.—The price, including acquisition and transportation, of natural gas imported from Mexico shall not be subject to regulation under this Act, the Natural Gas Act, or any other provision of Federal or State law.●

By Mr. CHURCH (for himself, Mr. LONG, Mr. BENTSEN, Mr. WALLOP, Mr. YOUNG, Mr. JOHNSTON, Mr. STONE, Mr. MATSUNAGA, Mr. INOUYE, Mr. MCGOVERN, Mr. EXON, Mr. BAUCUS, Mr. BURDICK, Mr. MELCHER, and Mr. BOSCHWITZ):

S. 463. A bill to implement the International Sugar Agreement between the United States and foreign countries, to protect the welfare of consumers of sugar and of those engaged in the domestic sugar-producing industry, to promote the export trade of the United States, and for other purposes; to the Committee on Finance.

SUGAR STABILIZATION ACT OF 1979

● Mr. CHURCH. Mr. President, I am joined today by 14 of my colleagues in introducing the Sugar Stabilization Act of 1978. This legislation will provide implementation authority for the proposed International Sugar Agreement (ISA) and establish a complementary domestic sugar program to preserve a viable domestic sweetener industry.

This bill bears some similarities to the Sugar Stabilization Act of 1978, which received the approval of the Senate last fall. However, a conference committee version of that bill was defeated by a few votes in the closing hours of the 95th Congress. Since that time, the domestic sweetener industry has continued to shrivel under the onslaught of "dumped" foreign sugar. At least four more sugar-beet processing plants are scheduled to close next month, one of them in Idaho Falls, Idaho. Beet acreage planting intentions for this year are down over 11 percent. Similar economic woes continue to plague the cane and corn segments of our domestic sweetener industry.

Last year opponents of this bill charged that passage would be inflationary and lead to consumer rip-offs. It is instructive to note that following the defeat of a sugar bill last year, the Hershey Candy Co. announced price increases amounting to 9 percent. The soft drink machines in the Senate were replaced with machines dispensing canned drinks for a 17 percent higher price. Meanwhile, the Treasury Department announced this month that it has determined that sugar from France, Belgium, and West Germany is being sold in the United States at lower prices than its fair value.

The result, Mr. President, of failure to enact the Sugar Stabilization Act last year has been disaster for consumers and our sweetener industry. Large and profitable multinational corporations, which purchase about 75 percent of the sugar used in this country and turn it into cookies, soft drinks, and candy bars, seem to be the only ones unaffected by the failure to enact a workable domestic sugar policy.

The bill I am introducing today is designed to protect American consumers from the wild gyrations of the world sugar market and to provide an opportunity for our domestic sweetener industry to survive. If our domestic industry is allowed to further waste away, our consumers will become increasingly dependent on imported sugar. Roughly half of our domestic consumption of sweeteners is currently imported and adds about $1 billion per year to our foreign trade deficit. The value of the dollar will not be strengthened by adding to that deficit. Moreover, it clearly serves the best interests of our Nation's consumers to avoid becoming dependent on foreign sugar, as we are now dependent on foreign oil and coffee.

The world sugar market historically swings up and down in price. During 1974, the world price for sugar shot up to nearly 70 cents per pound. The impact of that price, however, was substantially moderated in the United States because we could produce much of our own needs at a far lower price. Without a viable domestic industry, our consumers can expect extreme sugar price gyrations in the future, further increases in trade deficits, and rising unemployment and welfare payments to displaced domestic workers. The U.S. sweetener industry employs about 100,000 of our citizens and contributes about $10.5 billion annually to our economy.

Mr. President, I am encouraged by recent developments which indicate that the administration is now ready to respond more favorably this year to resolve this important farm and consumer problem. The Sugar Stabilization Act of 1979 would establish a domestic program providing a target price objective of 17 cents per pound and achieve that price through the marketplace. Fees would be collected on imported sugar and quotas used, if necessary, to reach that target price. This means that funds will flow into the Treasury. Estimates indicate that enactment of this bill could add over $400 million in new revenue during 1979 alone, thus assisting in the general effort to balance the budget.

The administration is now expected to propose a program offering a total price to growers of 16.3 cents per pound. However, half a penny of that price would be in the form of payments from the Treasury to growers. This payment approach would cost taxpayers about $60 million per year and decrease the revenue collected on imports in 1979 by over $100 million.

The endemic instability of the world sugar market prompted over 70 sugar producing and consuming countries to negotiate successfully the International Sugar Agreement (ISA), an attempt to cooperatively bring order to the chaotic world sugar market. The ISA proposes to collect fees to fund reserve stocks of sugar during years when supply is plentiful and release those stocks when supply is short. The overall objective is to stabilize world sugar prices within a "free trade" range of 15 to 19 cents per pound. It should be noted that the proposed target price objective for the domestic program, under the provisions of my bill, matches the midpoint of the ISA free trade range.

While the ISA represents an attempt to stabilize and improve world sugar prices, we cannot ignore the fact that such international commodity agreements have a very poor track record. A reliable, complementary domestic program to back up the ISA is mandatory. With no domestic program to cover the 1979 crop year, it would be reckless and unfair to ask our sugar growers to risk their all on so weak a reed as the ISA.

Mr. President, I ask unanimous consent that the text of the Sugar Stabilization Act of 1979 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sugar Stabilization Act of 1979"

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) The term "person" has the same meaning as is given to such term in section 1 of title 1 of the United States Code.

(2) The term "Secretary" means the Secretary of Agriculture except as otherwise provided herein.

(3) The term "TSUS" means the Tariff Schedules of the United States (19 U.S.C. 1202).

(4) The term "United States", when used in a geographical context, means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

TITLE I—INTERNATIONAL SUGAR AGREEMENT

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) The term "Agreement" means the International Sugar Agreement, 1977, signed at New York City on December 9, 1977.

(2) The term "entry" means the entry or withdrawal from warehouse, for any purpose, in the customs territory of the United States.

(3) The term "sugar" has the same meaning as is given to such term in paragraph (12) of Article 2 of the Agreement.

SEC. 102. IMPLEMENTATION OF AGREEMENT.

On and after the entering into force of the Agreement with respect to the United States, and for such period before January 1, 1983, as the Agreement remains in force, the President may, in order to carry out and enforce the provisions of the Agreement—

(1) regulate the entry of sugar by appropriate means, including but not limited to—

(A) the imposition of limitations on the entry of sugar which is the product of foreign countries, territories, or areas not members of the International Sugar Organization, and

(B) the prohibition of the entry of any shipment or quantity of sugar not accompanied by a valid certificate of contribution or such other documentation as may be required under the Agreement;

(2) require of appropriate persons the keeping of such records, statistics, and other information, and the submission of such reports, relating to the entry, distribution, prices, and consumption of sugar and alternative sweeteners as he may from time to time prescribe; and

(3) take such other action, and issue and enforce such rules or regulations, as he may consider necessary or appropriate in order to implement the rights and obligations of the United States under the Agreement.

SEC. 103. DELEGATION OF POWERS AND DUTIES.

The President may exercise any power or duty conferred on him by this title through such agencies or officers of the United States as he shall designate.

SEC. 104. CRIMINAL OFFENSES.

Any person who—

(1) fails to keep any records, statistics, or other information, or to submit any report, required under section 102;

(2) submits any report under section 102 knowing that the report or any part thereof is false; or

(3) knowingly violates any rule or regulation issued to carry out this title;

is guilty of an offense and upon conviction thereof is punishable by a fine of not more than $1,000.

SEC. 105. REPORT TO CONGRESS.

The President shall submit to Congress, on or before April 1 of each year, beginning in 1980, a report on the operation and effect of the Agreement during the immediately preceding year. The report shall contain, but not be limited to—

(1) information with respect to world and domestic sugar demand, supplies, and prices during the year concerned;

(2) projections with respect to world and domestic sugar demand, supplies and prices; and

(3) a summary of the international and domestic actions taken during the year concerned under the Agreement and under domestic legislation to protect the interests of United States consumers and producers of sugar.

TITLE II—DOMESTIC SUGAR PROGRAM PROVISIONS

SEC. 201. DEFINITIONS.

(a) For purposes of this title—

(1) The phrase "average daily price for raw sugar imports" means the average for the applicable period of the daily domestic spot quotation or price reported by the New York Coffee and Sugar Exchange, C.I.F. duty paid basis, adjusted to exclude any special import duty imposed under this Act, at a United States port of entry north of Cape Hatteras: *Provided*, That if no such daily domestic spot quotation or price is reported for any market day or days in the applicable period, the Secretary shall determine for each such market day for use in calculating such average a daily market price for raw sugar which shall be the daily price (world) quoted by the International Sugar Organization for such market day (or if no such quotation is issued, an equivalent price determined by the Secretary), in United States cents per pound, F.O.B. and stowed Caribbean basis, in bulk, adjusted to a C.I.F. duty paid basis by adding estimated costs of delivery from Caribbean ports to U.S. ports North of Cape Hatteras, including freight, insurance, cost of discharge, financing, weighing and sampling and import duties, excluding any special import duty imposed under this Act.

(2) The term "entered" means entered, or withdrawn from warehouse, for consumption, or exportation pursuant to section 210 from, the customs territory of the United States; and the term "entry" means the entry, or withdrawal from warehouse, for such consumption or exportation.

(3) The term "price objective" means the price set forth in or determined pursuant to section 202(a).

(4) The term "quantitative restriction" means the total quantity of any sugar-containing product produced in all foreign countries, territories, or areas that may be entered, without regard to source, in any sugar supply year or semiannual period thereof.

(5) The term "raw value" has the same meaning as is given to such term in headnote 1 to subpart A of part 10 of schedule 1 of the TSUS.

(6) The term "sugar" means any sugar, sirup, and molasses provided for in terms 155.20 and 155.30 of the TSUS.

(7) The term "raw sugar" means any sugar which is to be further refined or improved in quality.

(8) The term "sugar supply year" means the 12-month period beginning on October 1 of each calendar year with each such year being designated by the year in which the beginning date occurs.

(9) The term "supply year quarter" means any of the 3-month period beginning on October 1, January 1, April 1, or July 1 of any sugar supply year.

(b) For purposes of section 207—

(1) The term "sugars" means any grade or type of saccharine product derived from an agricultural commodity, which contains sucrose, dextrose, or levulose.

(2) The term "direct-consumption sugar" means any sugars which are not to be further refined or improved in quality.

(3) The term "to be further refined or improved in quality" means to be subjected substantially to the process of (1) affination or defecation, (2) clarification, and (3) further purification by absorption or crystallization. The Secretary is authorized to determine whether specific processes to which sugars are subjected are sufficient to meet the requirements of this paragraph and whether sugars of a specific quality are direct-consumption sugar within the meaning of paragraph (2) of this subsection.

SEC. 202. PRICE OBJECTIVES AND AVERAGE DAILY PRICES.

(a) PRICE OBJECTIVES.—(1) The price objectives for sugar supply years beginning after September 30, 1978, are as follows:

(A) The price objective for the 1978 sugar supply year is 17 cents per pound, raw value;

(B) The price objective for the 1979, 1980 and 1981 sugar supply years shall be the price objective for the sugar supply year immediately preceding each such year, adjusted by the Secretary to reflect the percentage change between the average cost of production of sugar from sugar beets and sugar cane for—

(i) the two sugar supply years immediately preceding the sugar supply year for which the adjustment is made, and

(ii) the two sugar supply years immediately preceding the sugar supply year which immediately precedes the sugar supply year for which the adjustment is made.

(2) For purposes of this subsection, the average cost of production for each sugar supply year shall be determined by the Secretary on the basis of the results of the studies made pursuant to section 325 of this Act.

(3) The Secretary shall determine the price objective under this subsection for the 1979 sugar supply year and for each sugar supply year thereafter not later than June 30 of the year in which such sugar supply year begins.

(b) DAILY PRICES.—The Secretary shall (i) ascertain or determine for each market day the quotation or price to be used to calculate the average daily price for raw sugar imports, (ii) make the adjustments therein required by section 201(a)(1), and (iii) publish such quotations or prices as so adjusted, in the Federal Register on such periodic basis as he deems appropriate.

SEC. 203 SECRETARIAL RECOMMENDATIONS REGARDING SPECIAL IMPORT DUTIES.

(a) SPECIAL IMPORT DUTIES.—(1) Not later than 30 days before the beginning of each sugar supply year which commences after September 30, 1979, the Secretary shall—

(A) on the basis of best available information, estimate whether the average daily price for United States raw sugar imports during such sugar supply year will be below the price objective; and

(B) if the estimation under subparagraph (A) is in the affirmative, recommend to the President that he impose such special import duties on the entry of such sugar and, if appropriate, such sugar-containing products as the Secretary determines to be necessary to assure that the average daily price for United States raw sugar imports will result in the price objective for such sugar supply year being achieved.

(2) With respect to the 1978 sugar supply year, the Secretary shall make the estimation described in paragraph (1)(A) and, if applicable, the recommendations described in paragraph (1)(B) not later than 30 days after the date of the enactment of this Act.

(b) REVIEW AND ADJUSTMENTS OF DUTIES.—The Secretary shall review, on a supply year quarter basis, the effect of all special import duties imposed as a result of recommendations made by him under subsection (a). On the basis of such review, the Secretary shall determine and recommend the amount by which the special import duty shall be adjusted so that the special import duty shall equal the amount by which the average daily price for raw sugar imports for the first 20 consecutive market days preceding the 20th day of the month preceding the calendar quarter during which such recommendation shall be applicable is less than the price objective: *Provided*, That whenever the Secretary determines that the average daily price for raw sugar imports for ten consecutive market days within any calendar quarter (1) exceeds the price objective by more than .5 cent, or (2) is less than the price objective by more than .5 cent, the Secretary shall recommend to the President that the duty be decreased or increased, as the case may be, by the amount of such excess or deficit. The Secretary shall promptly certify to the Secretary of the Treasury determinations made under this subsection.

SEC. 204. SECRETARIAL RECOMMENDATIONS REGARDING QUANTITATIVE RESTRICTIONS.

(a) QUANTITATIVE RESTRICTION.—Whenever the Secretary has reason to believe that the special import duties imposed on the entry of any sugar or sugar-containing product on the basis of any recommendation made by him under section 203 are not resulting in the price objective for the sugar supply year being achieved, the Secretary shall recommend to the President that he impose, in addition to such special import duties, such quantitative restrictions on a semiannual supply year basis, on the articles concerned as the Secretary determines to be necessary to achieve such price objective.

(b) REVIEW AND ADJUSTMENTS OF QUANTITATIVE RESTRICTIONS.—The Secretary shall review, on a semiannual supply year basis, the effect of all quantitative restrictions imposed as a result of recommendations made by him under subsection (a). On the basis of such review, the Secretary shall recommend to the President such adjustments with respect to the amount of any such quantitative restriction, or with respect to sugar or sugar-containing products to which any such quantitative restrictions should be extended or removed, as the Secretary determines to be necessary to achieve the price objective for the sugar supply year concerned.

SEC. 205. SUBMISSION AND PUBLICATION OF REPORTS AND RECOMMENDATIONS TO PRESIDENT.

(a) TIMING OF REPORTS.—The Secretary shall submit a report to the President containing the results of each review conducted under sections 203(b) and 204(b), together with such recommendations the Secretary deems appropriate, not later than the 60th day after the beginning of the supply year quarter or semiannual period for which the review is made.

(b) PUBLICATION OF REPORTS AND RECOMMENDATIONS.—Each report and recommendation made by the Secretary to the President under sections 203 and 204 shall be promptly published by the Secretary in the Federal Register.

SEC. 206. IMPOSITION BY PRESIDENT OF SPECIAL IMPORT DUTIES AND QUANTITATIVE RESTRICTIONS.

(a) IN GENERAL.—Upon receiving any recommendation of the Secretary under section 203 or section 204, the President shall promptly proclaim, under the authority of the headnotes to subpart A of part 10 of schedule 1 of the TSUS and subject to subsection (b), such special import duties or quantitative restrictions, as the case may be, with respect to such sugar and sugar-containing products as the President deems necessary to achieve the price objective for the sugar supply year concerned.

(b) GLOBAL RESTRICTION.—A quantitative restriction imposed under subsection (a) shall be administered as a global quantitive restriction imposed in terms of raw value.

(c) SPECIAL PROVISIONS RELATING TO PROCLAMATIONS.—(1) Any proclamation issued by the President on the basis of any recommendation made by the Secretary under section 203 (a) regarding sugar with respect to the 1978 sugar supply year shall apply with respect to articles entered on or after the date of such proclamation.

(2)(A) any special import duty imposed by the President on the basis of any recommendation made by the Secretary under section 203(a) with respect to any sugar supply year after September 30, 1979, shall be proclaimed by the President not less than 5 days before the beginning of the sugar supply year in which such special import duties apply;

(B) any quarterly adjustment made by the President to any special import duty on the basis of any determination made by the Secretary under section 203(b) shall be proclaimed by the President not less than 5 market days before the beginning of the supply year quarter in which such adjustment first takes effect;

(C) any adjustment made by the President within a supply year quarter to any special import duty on the basis of any determination made by the Secretary under the proviso to section 203(b) shall be proclaimed by the President not later than 3 market days after the recommendation by the Secretary to the President thereunder; and

(D) any quantitative restriction imposed by the President on the basis of any recommendation made by the Secretary under section 204(a), and any adjustment made by the President to any quantitative restriction on the basis of any recommendation made by the Secretary under section 204(b), shall be proclaimed by the President not less than 30 days before the beginning of the period for which such quantitative restriction or adjustment, as the case may be, first takes effect.

SEC. 207. PROHIBITION OF IMPORTATION OF DIRECT-CONSUMPTION SUGAR.

(a) Except as provided in subsection (b), no direct-consumption sugar may be entered into the United States.

(b) Notwithstanding any other provision of this Act, if the President determines that a lack of refining capacity within the United States has created an imminent shortage of direct-consumption sugar for consumers in the United States, then he may impose a quantitative restriction permitting the entry of such quantity of direct-consumption sugar as is necessary to meet such imminent shortage. Determinations made under this section shall be made in accordance with section 553 of title 5, United States Code.

(c) The limitation imposed under subsection (a) may not be suspended under section 211 unless the President finds and proclaims that a national economic or other emergency exists with respect to direct-consumption sugar which requires such a suspension.

SEC. 208. PROHIBITED ACTS.

(a) CERTAIN IMPORTS AND EXPORTS.—No person may—

(1) bring or import into the Virgin Islands in any sugar supply year for consumption in such Islands, any sugar in excess of one hundred pounds if such sugar was produced from sugarcane or sugar beets grown outside the United States;

(2) bring or import into the United States any direct-consumption sugar except in accordance with section 207; or

(3) export to any foreign country any sugar entered under any quantitative restriction imposed under section 206.

(b) CIVIL PENALTY.—Any person who knowingly violates, knowingly attempts to violate, or knowingly participates or aids in the violation of subsection (a) shall forfeit to the United States the sum equal to three times the market value at the time of the commission of any such act, of that quantity of sugar involved in the violation, which forfeiture shall be recoverable in a civil suit brought in the name of the United States.

SEC. 209. EXEMPT ARTICLES OF SUGAR.

This title does not apply with respect to any sugar or sugar-containing product—

(1) of any aggregate value not exceeding $25 in any one shipment, if entered as samples for the taking of orders, for the personal use of the importer, or for research;

(2) entered for the production of alcohol, other than any alcohol or resulting byproduct for human food consumption;

(3) entered for the production of yeast or citric acid; or

(4) any sugar entered for the production of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar as a sweetener in human foods consumption.

SEC. 210. CERTAIN EXPORTATIONS OF SUGAR.

Sugar entered under a bond, established under rules promulgated by the Secretary of the Treasury, for the purpose of subsequently exporting an equivalent quantity of sugar as such, or in manufactured articles, shall not be considered to be sugar entering the United States for purposes of section 206. Sugar exported under the provisions of sections 309 and 313 of the Tariff Act of 1930 (19 U.S.C. 1309 and 1313) shall be considered to be sugar entered under this section.

SEC. 211. SUSPENSION OF TITLE.

If the President finds that a national economic or other emergency exists with respect to sugar, the President may by proclamation suspend the operation of this title, and headnote 2(b) to subpart A of part 10 of schedule 1 of the TSUS to the extent that it applies with respect to this title, until such time as the President finds and proclaims that such emergency no longer exists. The Secretary shall make such investigations, and prepare such reports, as the President may require for purposes of carrying out this section.

SEC. 212. REGULATIONS.

The Secretary shall issue rules and regulations as he determines to be necessary or appropriate to carry out his functions and duties under this title. Knowing violation of any rule issued by the Secretary under this section is punishable by a fine of not more than $1,000 for each violation.

SEC. 213. AMENDMENTS TO TSUS.

The headnotes to subpart A of part 10 of schedule 1 of the TSUS are amended—

(1) by amending headnote 1 to read as follows: "1. For the purposes of this subpart—

"(i) the term 'degree', as used in the 'Rates of Duty' columns of this subpart, means sugar degree as determined by polariscopic test;

"(ii) the term 'total sugars' means the sum of the sucrose and reducing or invert sugars contained in any grade or type of sugars, sirups, and molasses; and

"(iii) the term 'raw value' means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

"(A) For sugar described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.08 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

"(B) For sugar described in item 155.30, by multiplying the number of pounds of the total sugars thereof by 1.08.

"(C) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provision.";

(2) by amending headnote 2 by inserting "(a)" immediately after "2", and by adding at the end thereof the following:

"(b) In addition to the authority of the President under section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) to proclaim modifications of the rates of duty and quotas on imports of sugars, sirups, and molasses provided for in items 155.20 and 155.30, the President shall, subject to the conditions and requirements of (a)(1) and for purposes of carrying out, and subject to, Title II of the International Sugar Stabilization Act of 1979, proclaim special import duties on—

"(i) imports of any such sugars, sirups, and molasses, and

"(ii) the content of any such sugars, sirups, and molasses in imported products containing such sugars, sirups, and molasses. Any special import duty proclaimed under this subdivision on the entry of any article shall be in addition to any other duty imposed by law on such entry and may not be made the subject of any preferential concession under any law or international obligation of the United States."; and

(3) by amending headnote 3 by striking out "For purposes of this headnote," and all that follows thereafter.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DEFINITION.

As used in this title the term "sugar" has the same meaning as is given to such term in section 201(6).

SEC. 302. JURISDICTION OF COURTS.

The several district courts of the United States are hereby vested with jurisdiction specially to enforce, and to prevent and restrain any person from violating, the provisions of this Act or of any order or regulation made or issued pursuant thereto. If and when the Attorney General shall so request, it shall be the duty of the several district attorneys of the United States, in their respective districts, to institute proceedings to enforce the remedies and to collect the penalties, fees, and forfeitures provided for in this Act. The remedies provided for in this Act shall be in addition to, and not exclusive of, any of the remedies or penalties existing at law or in equity.

SEC. 303. FURNISHING OF INFORMATION TO SECRETARY.

All persons engaged in the manufacturing, marketing or transportation or industrial use of sugar and other sweeteners, including those not derived from sugar beets or sugarcane, and having information which the Secretary deems necessary to enable him to administer the provisions of this Act, shall, upon the request of the Secretary, furnish him with such information. Any person willfully failing or refusing to furnish such information or willfully furnishing any false information shall upon conviction be subject to a penalty of not more than $2,000 for each such violation. The Secretary is empowered to subpoena witnesses and the production of such records, books, papers and documents which he determines necessary for the administration of this Act. All information required to be furnished to the Secretary under this section shall be kept confidential by all officers and employees of the Department of Agriculture.

SEC. 304. INVESTMENTS BY OFFICIALS PROHIBITED.

No person may, while acting in any official capacity in the administration of this title, invest or speculate in sugar, contracts relating thereto, or the stock of membership interest of any association or corporation engaged in the production or manufacturing of sugar or other sweeteners. Any person violating this section shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than two years, or both.

SEC. 305. SURVEYS AND INVESTIGATIONS.

(a) REQUIRED SURVEYS AND INVESTIGATIONS.—Whenever the Secretary determines such action is necessary to effectuate the purposes of this Act, the Secretary from time to time shall conduct such surveys and investigations as the Secretary deems necessary regarding the manufacturing, marketing, transportation, or industrial use of sugar and other sweeteners. In carrying out the provisions of this subsection, information shall not be made public with respect to the separate operations of any person or company from whom such information has been derived.

(b) OTHER INVESTIGATIONS, SURVEYS, AND RESEARCH.—The Secretary may conduct surveys, investigations, and research relating to the conditions and factors affecting the methods of accomplishing most effectively the purposes of this Act. Notwithstanding any provision of existing law, the Secretary may make available to the public such information as the Secretary deems necessary to carry out the provisions of this Act.

(c) COST OF PRODUCTION STUDIES.—(1) The Secretary is directed to conduct studies on the cost of producing sugarcane, sugar beets, raw sugar, refined sugar, corn sweeteners and other sweetener products as deemed necessary by the Secretary for the administration of this Act.

(2) The Secretary shall determine on a sugar supply year basis the average cost of production of sugarcane, sugar beets, raw sugar, refined sugar and corn sweeteners.

(3) There are hereby authorized to be expended such amounts from the funds of the Commodity Credit Corporation as may be necessary to carry out the authority of this subsection.

(d) Whenever the Secretary determines that such action is necessary to effectuate the purposes of this Act, he is authorized, if first requested by persons constituting or representing a substantial proportion of the persons affected in any one of the five domestic sugar-producing areas, to make for such area surveys and investigations to the extent he deems necessary, including the holding of public hearings, and to make recommendations with respect to (a) the terms and conditions of contracts between the producers and processors of sugar beets and sugarcane in such area (b) the terms and conditions of contracts between laborers and producers of sugar beets and sugarcane in such area. In carrying out the provisions of this section, information shall not be made public with respect to the individual operations of any processor, producer, or laborer.

(e) The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting the methods of accomplishing most effectively the purposes of this Act and for the benefit of agriculture generally in any area. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this Act.

SEC. 306. LOAN AND PURCHASE PRICE SUPPORT PROGRAMS.

(a) EXTENSION OF 1977 AND 1978 PROGRAMS TO 1979, 1980 AND 1981 CROPS.—Effective with respect to the 1979, 1980 and 1981 crops of sugar beets and sugarcane, section 201 of the Agricultural Act of 1949, as amended, is amended by—

(1) striking out in the first sentence "honey, and milk" and inserting in lieu thereof the following: "honey, milk, sugar beets and sugarcane"; and

(2) adding at the end thereof a new subsection (g) as follows:

"(g) The price of the 1979, 1980 and 1981 crops of sugar beets and sugarcane shall be supported through loans or purchases with respect to the processed products thereof at a level not in excess of 65 per centum nor less than 52.5 per centum of the parity price therefor.".

(b) WAIVER OF INTEREST ON 1977 AND 1978 CROPS.—Notwithstanding any other provision of law, the Secretary may waive a portion of the interest at such times and in such amounts as he determines necessary, in order to encourage the repayment of outstanding loans obtained from the Commodity Credit Corporation with respect to sugar produced from the 1977 and 1978 crops of sugar beets and sugarcane; except that such waiver authority shall be exercised in such a manner as not to affect unduly the market prices for sugar.

SEC. 307. TERMINATION OF ACT.

Except for Title I and section 206(a), this Act shall cease to have force and effect as of the close of September 30, 1982.

Mr. JOHNSTON. Mr. President, I am pleased to cosponsor legislation introduced by the senior Senator from Idaho to establish a realistic domestic sugar policy and implement the International Sugar Agreement signed at New York City on December 9, 1977. This legislation, which is very similar to the Church bill which I cosponsored last year, will help stabilize world markets and will enable our domestic sugar industry to survive.

Title II establishes a price objective for the 1978 sugar supply year at 17 cents per pound (raw value), a level to be achieved through a system of import fees and quotas. This price objective is below the production costs of many sugar producers in Louisiana and would establish the price support for sugar at about 65 percent of parity—well below the parity level demanded by producers of other commodities this year. The price objective is also below the parity level received by many other agricultural producers. Milk, for example, is currently supported at 80 percent of parity while peanuts are supported at 67 percent of parity.

My State has a critical interest in this legislation. Sugar has been one of Louisiana's principal agricultural crops since the early 19th century. In 1976, sugarcane production was worth almost $100 million to Louisiana, according to the Department of Agriculture. Over 4,000 farmers in 18 rural Louisiana parishes grow sugarcane and in 1977 28 sugarcane mills processed raw cane. Altogether the sugar industry in Louisiana employed about 25,000 workers in farming and processing operations in 1977. It is not a few large conglomerates who produce sugar in my State and who benefit from our domestic program. Rather, it is a number of small farmers who must have this support to survive.

Some, including unfortunately the Secretary of Agriculture, say these farmers should switch to alternate crops if they are so inefficient that they cannot compete on the world market. This ignores the problem of huge capital investments in sugar production and processing equipment—most of which cannot be used for producing any other crop. It also ignores the fact that many other domestic sugar producers have high costs. For example, Louisiana's costs, according to USDA (U.S. Department of Agriculture) figures, are no higher than those in five other cane and beet producing States (Utah, Colorado, Kansas, Texas, and New Mexico) which produce about one-third of the Nation's beets.

I should emphasize that 17 cents per pound will not guarantee anyone a profit. Current production costs in Louisiana are 17.493 cents per pound on the average, almost a half a cent higher than the support price this legislation mandates. Even at the 17 cents level, then, there will be some attrition. In addition, the 17 cents level is the median of the price range for free trade sugar under the International Sugar Agreement. This range was presumably selected as an appropriate level for world prices and the median point is thus appropriate for the beginning domestic price.

Many objections were heard in the Senate to the sugar program considered last year. Some said that the 17-cents-per-pound objective would be inflationary. However, last year both the Senate Finance Committee and the Congressional Budget Office found that the potential impact of a 17-cents-per-pound price objective on the Consumer Price Index for all commodities would be an average of less than one-tenth of 1 percent over the life of the bill. I should also point out that sugar comprises only a small part of the costs of products containing sugar. Although the price of these products rose almost 48 percent from 1973 to 1978, the price of sugar rose only 6 percent during those same years. Furthermore, although many large industrial sugar users justified price increases in 1974 on the basis of increased sugar prices which rose to 60 cents per pound that year, we have yet to witness any corresponding price decrease by major users even though the price of sugar dropped by more than 50 cents per pound between 1974 and 1977. To put this in perspective, we should remember that a single 2-ounce candy bar today costs more than three times as much as the price a sugar farmer would receive, without import restrictions, for a full pound of sugar.

Moreover, if domestic producers go out of business, we will create just the shortage that made prices rise dramatically in 1974—for we would lose over 6 million tons of sugar annually which are used domestically. We already pay over $1 billion a year for imported sugar—and this could well double. Surely, these adverse trade figures should be of great concern to all American consumers.

Finally, let me say that there is no doubt in my mind that the domestic industry is in trouble. Five sugarcane mills went out of business between 1977 and 1978 and several others have gone under this year. I am sure that my friends from beet-producing States could cite similar statistics of closings in their area.

We could, of course, simply ignore these problems, let unemployment increase, let our imports increase and our balance of trade suffer, and hope that another world shortage does not develop. This, however, is neither responsible nor realistic. By providing the help our producers must have to survive, we can develop a good strategy to insulate consumers from market fluctuations (and hence sudden price increases), save jobs and tax revenues and save the burden which would inevitably be placed on the taxpayer if our producers and workers were forced out of business and had to rely on welfare. Providing help is the sensible choice and I urge the Senate to help us try to save this important source of income and these jobs.

By Mr. INOUYE:

S. 464. A bill to amend the Internal Revenue Code of 1954 to expend the category of targeted groups for whom the new employee credit is available to include displaced homemakers; to the Committee on Finance.

● Mr. INOUYE. Mr. President, today I am introducing legislation to aid a group of people whose contribution to the Nation's economic stability has been overlooked for far too long. I refer to the American homemaker, who traditionally has provided the foundation on which our economy is built. Although she receives no monetary reward for her services, the woman who stays to care for her husband and their children is invaluable to our national labor force. Yet, when she becomes displaced because of the death of a spouse or because of divorce or separation, her past service to her family and her country go unrecognized. Because of her prolonged absence from the labor force, she is at a disadvantage when circumstances force her to compete in the job market with younger, more experienced men and women.

Mr. President, an increasing number of homemakers are displaced in the middle years from their family role and left without any source of financial security. These displaced homemakers are often subject to discrimination in employment because of age, sex, and lack of recent paid work experience. To make matters worse, many of these women are ineligible for social security benefits or welfare assistance and desperately need to find work. I believe we owe a tremendous debt to this Nation's displaced homemakers and this bill would be one step toward repaying that debt.

This bill would give displaced homemakers a boost in their efforts to reenter the work force or to enter it for the first time by offering a tax credit to employers who hire them. It would amend the Internal Revenue Code of 1954 to add displaced homemakers to the list of people already targeted to benefit from this program, such as economically disadvantaged youth, welfare recipients, Vietnam-era veterans from economically disadvantaged families and economically disadvantaged ex-convicts. The current law provides employers with $3,000 credit per trainee for the first year and $1,500 for the second.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 51(d) of the Internal Revenue Code of 1954 (relating to members of targeted groups) is amended—

(1) by striking out "or" at the end of subparagraphs (E) and (F),

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a comma and "or", and

(3) by adding at the end thereof the following new subparagraph:

"(H) a displaced homemaker (as defined in paragraph (7) of section 3 of the Comprehensive Employment and Training Act Amendments of 1978 (29 U.S.C. 802).".

SEC. 2. The amendment made by the first

section of this Act shall apply with respect to amounts paid or incurred after December 31, 1978, in taxable years ending after such date.●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 465. A bill to authorize the spouses of certain former members of the Armed Forces of the United States to use the services and facilities of post exchanges and commissaries; to the Committee on Armed Services.

● Mr. INOUYE. Mr. President, it has come to my attention over the past several years that certain laws regulating benefits for veterans and their dependents have contained weaknesses or omissions that should be corrected. I found this to be especially true in the case of the disabled veteran and his wife or widow, who pays a high personal price in indirect service to her country through caring for her handicapped husband. Government assistance often fails to provide adequate support, primarily because the law is broadly written and the personal lives and conditions of disabled families are specific and individual by nature. Thus, in certain cases where the law should apply, it does not, and for some families of veterans the result of service to their country is economic hardship and bureaucratic confusion.

I am introducing today a measure designed to rectify obvious inequities in the existing law relating to Government benefits for the widows of veterans who had 100 percent service-related disabilities at the time of death.

It is a bill to authorize the widows of certain former members of the Armed Forces of the United States to use the services and facilities of post exchanges and commissaries.

The widow of a serviceman who is 100 percent service-disabled is not entitled to exchange and commissary privileges if her husband died while on active duty. However, if he died after being honorably discharged from the service, she is eligible for these privileges.

This measure will help only a small number of people. But it is these very people who have paid such an extraordinarily high price on behalf of their country and whose lives thereafter have been dictated by their spouses' disabilities.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1041. Post exchange and commissary privileges for spouses of certain former members of the armed forces

"Subject to such rules and regulations as the Secretary concerned may prescribe, the spouse of any former member of the armed forces who is entitled to dependency and indemnity compensation under chapter 13 of title 38 or to death compensation from the Veterans' Administration and the spouse of any former member of the armed forces who, at the time of such former member's death, was totally disabled as the result of one or more service-connected disabilities (as determined by the Veterans' Administration) shall be entitled to use the services and facilities of post exchanges and commissary stores operated under the jurisdiction of any military department.".

SEC. 2. The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end thereof a new item as follows:

"1041. Post exchange and commissary privileges for widows of certain former servicemen.".●

By Mr. INOUYE:

S. 466. A bill to require that skilled nursing homes furnishing services under the medicare and medicaid programs be adequately equipped with wheelchairs and other appropriate equipment and supplies; to the Committee on Finance.

● Mr. INOUYE. Mr. President, today I am reintroducing legislation designed to improve the services provided at our nursing homes. This bill requires that those homes which furnish services under medicare and medicaid programs be adequately equipped with wheelchairs and other appropriate equipment and supplies.

Nursing homes are an essential service to our elderly, who often have no other place to live. Unfortunately, the quality of nursing homes throughout our country varies; many can rightly be depicted as crimes against humanity. There is evidence, in many of these homes, that the physical facilities are totally inadequate.

More specifically, in many nursing homes now receiving medicare and medicaid reimbursements, patients are confined to beds due to a severe lack of wheelchairs and other equipment. Such physical limitation proves to be extremely frustrating and debilitating to the convalescent elderly. However, studies have shown remarkable improvement in nursing home patients when physical mobility and activities are encouraged and supplied.

I urge my fellow colleagues to join with me in alleviating this sorry situation of the elderly, confined members of our society. Although my bill does not allow for beneficial therapy, at least physical mobility, through the availability of wheelchairs and other such equipment, would be improved. We must not forget the needs of our elderly, infirm patients.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(j) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (14),

(2) by inserting "and" at the end of paragraph (15), and

(3) by adding immediately after paragraph (15) the following new paragraph:

"(16) is adequately equipped (as determined under regulations of the Secretary) with wheelchairs and other appropriate equipment and supplies;".

SEC. 2. The amendment made by this Act shall take effect on the first day of the calendar month which begins more than ninety days after the date of enactment of this Act, and the Secretary of Health, Education, and Welfare shall, prior to such date, promulgate and have published in the Federal Register, the regulations which are referred to in section 1861(j)(16) of the Social Security Act (as amended by this Act).●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 467. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for a nonservice-connected disability to any war veteran who has a service-connected disability of 80 percent or more; to the Committee on Veterans' Affairs.

● Mr. INOUYE. Mr. President, I am introducing today legislation which would provide for free outpatient dental care to any war veteran who is 80 percent or more disabled as a result of his military service. Veterans will be eligible for this care even if their dental problems are unrelated to their service injuries.

Legislation passed by the 91st Congress provides free medical and outpatient care for veterans of all wars who were totally and permanently disabled by service-related injuries. This law, Public Law 91–102, was designed to care for the medical needs that would arise during their lives, but would be unrelated to their military wounds. It, however, specifically forbids payment for outpatient dental care. My bill seeks to fill the gap left by Public Law 91–102. I understand that both House and Senate Committees on Veterans Affairs plan to submit legislation including similar benefits to these deserving veterans.

According to one estimate, 175,000 veterans would be eligible for dental care if this bill is passed. Currently, these men get free care only if their problems are directly related to their service disability. But, as the Disabled American Veterans noted when they urged me to introduce this measure, many veterans live on limited, fixed incomes. Dental costs are rising along with everything else in these inflationary times, and an increasing number are being forced to go without proper dental care because they cannot afford it.

Until 1973, blind, paraplegic veterans were eligible for free outpatient dental services. But the regulation permitting that was rescinded in 1973, much to the dismay of the severely disabled veterans who were its beneficiaries. Even now, veterans who attend school or undergo on-the-job training and spend time at a VA hospital are eligible for dental treatment without regard to their degree of disability. But many veterans do not want to, or cannot, be admitted to our overcrowded and understaffed veterans hospitals.

This neglect of men who served their Nation with honor strikes me as nearly criminal. How can we ask young Americans to serve this country when they see how it has ignored the needs of those who fought in past years to keep America free?

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (5) of section 612(b) of title 38, United States Code, is amended to read as follows:

"(5) which is a non-service-connected condition or disability of a veteran of any war who has a service-connected disability rated as 80 per centum or more; or".●

By Mr. INOUYE:

S. 468. A bill to allow an additional income exemption for a taxpayer or his spouse who is deaf or deaf-blind; to the Committee on Finance.

● Mr. INOUYE. Mr. President, today I am reintroducing legislation which will provide an additional tax exemption for a taxpayer or a taxpayer's spouse, who is deaf or deaf-blind. I originally introduced this bill in November 1973, and believe that the implementation of this legislation is long overdue.

In my judgment, the provisions proposed herein are more than just in helping to alleviate the present discrimination faced by deaf individuals. Let us consider the financial burden that many of these people must face in their efforts to lead normal lives. The purchasing of hearing aids, extra costs of automobile insurance, and higher educational expenses are only the most obvious examples. In addition, the fact of the matter is that most deaf people are underemployed with respect to their abilities and education.

Despite the support that members of the deaf community have shown in favor of this legislation, it has never been acted upon by the Senate Committee on Finance. While the Internal Revenue Service provides additional exemptions for blind taxpayers, the sad truth is that Hawaii is the only place in which the same exemptions are made for the deaf.

Further, there is little cause for fear that this will result in a great amount of lost revenue for the U.S. Treasury. There are approximately 450,000 profoundly deaf persons in this country. This number is slightly less than the 470,000 legally blind persons. Of the legally blind, only 179,000 persons claimed the additional exemption in 1976. It is reasonable to assume that approximately the same proportion of the deaf would claim the deduction.

Mr. President, I hope that my colleagues will give early and favorable consideration to this humanitarian measure. I ask unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 151(d) of the Internal Revenue Code of 1954 (relating to additional exemption for blindness of taxpayer or spouse) is amended—

(1) by inserting "or deafness" after "blindness" in the heading;

(2) by striking out "blind" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "blind, deaf, or deaf-blind"; and

(3) by adding at the end thereof the following new paragraphs:

"(4) DEAFNESS DEFINED.—For purposes of this subsection, an individual is deaf only if his average loss in the speech frequencies (500 to 2,000 Hertz) in the better ear is 86 decibels, I.S.O. or worse.

"(5) DEAF-BLIND DEFINED.—For purposes of this subsection, an individual is deaf-blind only if he is both deaf and blind."

(b) The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 469. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

● Mr. INOUYE. Mr. President, regulations currently governing retirement pay for reservists do not provide benefits for those who did not serve on active duty before August 16, 1945, the end of World War II. Although these regulations are designed to insure that only the most deserving reservists are compensated for their sacrifice to our Nation, I believe that they are unnecessarily restrictive in that no benefits are provided to those who came to the aid of our country during the Berlin crisis, the Korean war, the Cuban missile crisis, and the Vietnam war, or who served for an extended period of time following the end of World War II. These men and women have performed services for our country fully as valuable as those rendered by activated reservists who served during World War II.

The legislation I am reintroducing today recognizes the contribution made by these individuals and corrects the current inequity in the law by granting them eligibility for retirement benefits. I urge that my colleagues in the U.S. Senate join me in rewarding these reservists for the service they rendered to the United States in its times of need.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 67 of title 10, United States Code, is amended as follows:

(1) Section 1331(c) is amended to read as follows:

"(c) No person who before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 1332(a)(1) of this title except a regular component, is eligible for retired pay under this chapter unless he performed—

"(1) active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947;

"(2) active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973; or

"(3) at least twenty years of service(computed under section 1332 of this title) after August 15, 1945.". (2) Section 1332(b) is amended by adding the following new clause after clause (7):

"(8) Service before August 16, 1945, if eligibility for retired pay is based on section 1331(c)(3) of this title.".

(3) Section 1333 is amended—

(A) by striking out "For" and inserting in place thereof "(a) Except as provided in subsection (b), for"; and

(B) by adding the following new subsection:

"(b) Service before August 16, 1945, may not be counted under subsection (a), if eligibility for retired pay is based on section 1331(c)(3) of this title.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 470. A bill to amend title 10 of the United States Code relating to retention in active status of certain officers; to the Committee on Armed Services.

● Mr. INOUYE. Mr. President, a situation has been called to my attention which I believe requires congressional action. Under the law presently in force, the Secretary of the Army may retain in an active status any consenting reserve officer in the Medical Corps, the Dental Corps, the Chaplaincy, the Army Nurse Corps, or the Army Medical Specialist Corps, until that officer reaches 60 years of age. Officers not included in the enumerated branches of the Army must retire when they satisfy the mandatory retirement requirements. In my judgment, this provision results in a significant loss of talent and taxpayer dollars. There are many situations in which Reserve officers continue to serve after they fulfill the conditions for mandatory retirement. Even though they want to give of their time and talent, even though thousands of taxpayers' dollars have gone toward training them, and even though the Army itself would like to continue to utilize their services the law forces these officers to retire.

The bill which I am reintroducing today would amend title 10 of the United States Code to allow the Secretary of the Army to retain a consenting Reserve officer in active status, regardless of his branch of service, until he reaches 60 years of age. Enactment of this bill will not result in an increase in the budgetary requirements of the Department of Defense. Therefore, I believe that this measure, which can offer so much at such a small cost, is deserving of the support of the Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3855 of title 10 United States Code, is amended by striking out everything after "reserve officer" down through the period and inserting in lieu thereof "until the date on which such officer becomes sixty years of age.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 471. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft; to the Committee on Armed Services.

● Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on a space available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the military airlift command. My bill would provide the same benefits for 100-percent service-connected disabled veterans.

Surely we owe these heroic men and women who have given so much for our country a debt of gratitude. Of course, we can never repay them for the sacrifice they have made on behalf of all of us but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53, relating to Miscellaneous Right and Benefits, of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1032. Travel privileges on military aircraft for certain former members of the armed forces

"Any former member of the armed forces who is entitled to compensation from the Veterans' Administration for a service-connected disability rated total in degree by the Veterans' Administration is entitled, in the same manner and to the same extent as are retired members of the armed forces, to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.".

SEC. 2. The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end thereof a new item as follows:

"1032. Travel privileges on military aircraft for certain former members of the armed forces.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 472. A bill to amend section 1002 of title 38, United States Code, to authorize the burial in a national cemetery of the parents of certain members of the Armed Forces who die in active service; to the Committee on Veterans' Affairs.

● Mr. INOUYE. Mr. President the United States has established national cemeteries around the world to provide a suitable resting place for those who have defended our Nation in its times of need. Under current regulations spouses and children of these patriotic men and women are permitted to lie beside their loved ones in these hallowed burial grounds. However, it has come to my attention that the existing law does not extend to the case of the parents of an only child who dies in the service of our country. Quite often, the bereaved parents wish to lie at rest near the body of their child. In order to make possible that final wish I am reintroducing legislation to amend that section of the United States Code on veterans' benefits to authorize the burial in a national cemetery of the parents of an only child who dies in active service provided they survive his or her death. I hope that my colleagues will join in honoring these citizens who have made the supreme sacrifice for our Nation by supporting the bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1002 of title 38, United States Code, is amended by redesignating paragraph (6) as paragraph (7) and adding after paragraph (5) a new paragraph (6) as follows:

"(6) The surviving parents of any member of the Armed Forces who was the only child of such parents and whose death occurred under honorable conditions while such member was serving on active duty for a period of more than thirty days.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 473. A bill to amend section 1003 of title 38, United States Code, relating to memorial areas and appropriate memorials to honor the memory of certain deceased members of the Armed Forces whose remains were buried at sea, have not been identified, or were nonrecoverable; to the Committee on Veterans' Affairs.

● Mr. INOUYE. Mr. President, it has recently come to my attention that there are certain veterans who have every right to be honored by burial in a national cemetery, but who are presently ineligible to receive the honor which they deserve. I am referring to those veterans who are eligible to be buried in a national cemetery, but who continue to serve our Nation and humanity even after their deaths, by donating their bodies for use in medical research or training. I believe that the Congress of the United States should act to give them the recognition and honor they deserve, and which by rights is theirs. I believe action also should be taken to memorialize those deceased veterans whose bodies have been cremated and the ashes scattered rather than inurned in a national cemetery. The service to the Nation provided by these veterans gives them the right to be honored, as other veterans are honored, after their deaths. They should not be deprived of this right because of the manner in which their bodies are put to rest.

I am introducing at this time a bill to amend section 1003 of title 38, United States Code, relating to memorial areas and appropriate memorials to honor the memory of certain deceased members of the Armed Forces whose remains were buried at sea, have not been identified or were not recoverable, to include deceased members of the Armed Forces who have donated their remains for use in medical reseach and training and those who have been cremated and their ashes scattered.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1003(a) of title 38, United States Code, is amended by striking out "or have been determined to be nonrecoverable" and inserting in lieu thereof ", have been determined to be nonrecoverable or have been donated for use in medical research or training.".●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 474. A bill to amend chapter 34 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to extend, under certain circumstances, the period within which a veteran must complete a program of education under such chapter; to the Committee on Veterans' Affairs.

● Mr. INOUYE. Mr. President, the men and women who have served our Nation as members of the Armed Forces must be given every opportunity to lead productive lives when they return to their homes. After proudly serving their country, they must never be forced to suffer pain and humiliation that comes from a lack of education or skills. Thus, I am introducing a bill that would extend the delimiting period within which a veteran must complete a program of education when such a veteran can provide a compelling reason for his or her inability to complete a program.

Presently, veterans who are released from active duty after January 31, 1955 are eligible for 10 years after being discharged with the stipulation that this time limit does not go beyond December 31, 1989. An extension of the time limit is provided to veterans who are prevented from beginning or completing their chosen program of education because of a physical or mental disability not the result of their willful misconduct.

The President of the United States last year expressed concern that veterans be afforded adequate time for educational pursuits and supported the extension of the delimiting period beyond 10 years. The debt of gratitude that we owe these men and women will not be paid in full if they cannot continue to hold their heads as high when they return home as they did in their Nation's service.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1662 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"Extension of Delimiting Period

"(c) Notwithstanding the provisions of subsection (a), the Administrator is authorized to extend, for such period as the Administrator deems appropriate, the delimiting period applicable to any veteran when such veteran can demonstrate a compelling reason for such veteran's inability to complete such veteran's educational program within the delimiting period otherwise applicable. The Administrator shall issue regulations specifying the reasons for which extensions under this subsection will be granted.".●

By Mr. WALLOP (for himself, Mr. GOLDWATER, Mr. LAXALT, and Mr. McCLURE):

S. 475. A bill to authorize the Secretary of the Interior to construct hydroelectric powerplants at various existing water projects, and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. WALLOP. Mr. President, every hour of every day energy opportunities are flowing unutilized or underutilized through the dams of America. Energy may be our No. 1 domestic priority for the rest of the century, yet we are failing to make maximum use of even our existing hydroelectric potential. The retrofitting and upgrading of hydroelectric powerplants at existing dams is probably the most environmentally sound, safe, and cost-effective source of energy for the last quarter of the 20th century. The bill which we introduce today constitutes another step toward fully utilizing this existing resource.

Last year, the late Senator Metcalf, together with Senator HANSEN and myself, introduced a similar bill. When Senator Metcalf introduced that bill, S. 2187, he aptly pointed out that over the last few years the energy spotlight has often concentrated on the more exotic suggestions for solutions to the fuel and energy supply problems facing our Nation. Our headlines, and thus our national attention, has emphasized new technology as answers to impending shortage. While these technologies are important, we must not focus upon them to the exclusion of our more traditional, renewal, resources.

This bill will authorize the Secretary of the Interior to install additional generating facilities at two existing Bureau of Reclamation projects where new storage or regulating structures would not be required to produce additional power. The two projects are: The Buffalo Bill Dam powerplant replacement in Wyoming, and the Hoover Dam powerplant modification in Arizona.

Mr. President, the total authorization of $134,700 for construction will average about $330 per kilowatt of installed capacity. This is an excellent deal at today's prices. The equivalent cost per kilowatt hour of installed capacity at nuclear powerplants is $900 and for fossil fuel fired plants between $700 and $750 per kilowatt hour.

What is more, the installation of these facilities has the potential to save the equivalent of 180,000 barrels of oil annually for years to come.

In addition to the two projects authorized for construction under section 3 of the bill, the Secretary of Interior is authorized to investigate the feasibility of additional hydroelectric powerplants at five additional sites. These five sites are drawn from the Department of Interior's "Western Energy Expansion Study" of February 1977 which inventoried the opportunities on existing reclamation projects to develop hydroelectric energy. Many projects with positive costs-benefit ratios were identified by the exhaustive study including 27 opportunities for the addition of conventional plants at existing facilities, 12 all new conventional plants, 6 low-head plants, 10 pump storage units at existing facilities, and 13 all newpump storage facilities. These figures represented only those projects with positive cost-benefit ratios.

The five projects authorized for further investigation represent the most promising of these projects.

Mr. President, I ask unanimous consent that the bill, together with a section-by-section analysis and a brief description of each of the projects be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior acting pursuant to the Federal Reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto) is authorized to construct, operate, and maintain hydroelectric powerplants and appurtenant switchyards on existing reclamation project facilities at locations and in the approximate capacities set forth in section 3 of this Act. In carrying out the purposes of this Act, the Secretary of the Interior is authorized to modify the capacity of the powerplant as determined to be necessary and desirable during postauthorization study and design, and after consultation with the approval by the Secretary of Energy.

SEC. 2. The Secretary of Energy is authorized to construct, operate, and maintain transmission interconnections as required physically to interconnect the hydroelectric powerplants authorized by section 3 of this Act to existing power systems as he determines necessary to accomplish distribution and marketing of power generated pursuant to this Act.

SEC. 3. (a) Buffalo Bill Dam powerplant replacement, Wyoming, consisting of one twenty thousand kilowatt turbine generator unit in replacement of an existing five thousand kilowatt unit.

(b) Hoover Dam Powerplant Modifications, Arizona-Nevada, consisting of replacing existing powerplant units A-8 and A-9 with a single generating unit of three-hundred fifty thousand kilowatts.

SEC. 4. (a) Hydroelectric power generated by facilities constructed pursuant to this Act shall be delivered to the Secretary of Energy for distribution and marketing through existing Federal hydroelectric power marketing systems in accordance with existing law and policy consistent with the provisions of this Act.

(b) The plants authorized by section 3 of this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several systems as follows:

(1) Buffalo Bill Dam powerplant unit shall be marketed through the Western Division, Pick-Sloan Missouri Basin program power system; and

(2) Hoover Dam Powerplant Modifications shall be marketed through the Boulder Canyon Project power system;

SEC. 5. Powerplants authorized by this Act shall be designed, constructed, and operated in such a manner as to not limit, restrict, or alter the release of water from any existing reservoir, impoundment, or canal adverse to the satisfaction of valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 6. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimburseable costs of the facilities authorized by this Act shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the works authorized by each subsection of section 3 is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 7. There is hereby authorized to be appropriated to the Secretary of the Interior for construction of the work authorized by this Act the amounts set forth below on the basis of January 1977 price levels plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein:

(a) Buffalo Bill Dam Powerplant replacement, $17,000,000.

(b) Hoover Dam Powerplant modifications, $117,000,000.

There is also authorized to be appropriated such sums as may be required by the Secretary of Energy to accomplish interconnection of the powerplants authorized to be constructed by this Act; together with such sums as may be required for operation and maintenance of all works authorized herein.

SEC. 8. The Secretary of the Interior is authorized to engage in feasibility investigations of the following potential hydroelectric power projects:

(1) Friant Powerplant Unit, Central Valley Project, California.

(2) Palisades Powerplant Enlargement, Palisades Project, Idaho.

(3) Wiskeytown Powerplant, Central Valley Project, California.

(4) Canyon Ferry Powerplant Additions, Canyon Ferry Unit, Pick-Sloan Missouri Basin Project, Montana.

(5) Yellowtail Afterbay Powerplant, Yellowtail Unit, Pick-Sloan Missouri Basin Project, Montana.

The Secretary is directed to transmit feasibility reports authorized by this section to Congress within 24 months from the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

The bill is comprised of eight sections as follows:

Section 1 is the authorizing section of the act and provides that the Secretary may alter the capacity of the powerplants if it is found to be necessary and desirable during post-authorization design. Such alterations would require consultation with the Secretary of Energy who will be the marketing agent for the power.

Section 2 authorizes the Secretary of Energy to construct, operate and maintain transmission facilities to interconnect the plants constructed under this act with existing power systems.

Section 3 enumerates the hydroelectric powerplants authorized for construction by the act, identifies the project of which they are a part, and establishes the generating capacity to be installed in each instance.

Section 4 provides that power generated by plants authorized by the act will be delivered to the Secretary of Energy who will market the power under existing law and policy governing the system to which the plant is interconnected. The section specifies the system to which each plant will be connected and requires the plants be financially interconnected with those systems.

Section 5 requires that the plants be operated so as not to interfere with existing rights to the use of water.

Section 6 sets forth the formula for establishing the interest rate for return of the costs of the facilities authorized by the act.

Section 7 provides authorization for appropriations for construction, operation and maintenance of the hydroelectric plants and transmission interconnections.

Section 8 authorizes the Secretary of the Interior to investigate the feasibility of hydroelectric and related powerplants at additional sites and directs that the reports be forwarded to Congress within 24 months of the date of the act.

PROJECT AUTHORIZATIONS

Buffalo Bill Dam Powerplant Replacement, Shoshone Project, Wyoming. The project would involve the replacement of an existing 5 megawatt turbine generator with a unit rated at 20 megawatts. Authorized cost: $17,700,000.

Hoover Dam Powerplant Modifications, Boulder Canyon Project, Arizona-Nevada. The project would involve replacement of the existing powerplant units A-8 and A-9 with a single generating unit of 350 megawatts. Authorized cost: $117,000,000.

FEASIBILITY STUDY AUTHORIZATIONS

Friant Powerplant Unit, Central Valley Project, California. The study would investigate the installation of three powerplants with a total installed capacity of 22.7 megawatts. Included would be a 2.7 megawatt powerplant on the San Joaquin River at the outlet to the River from Friant Dam, a 5 megawatt powerplant on the outlet from Friant Dam to the Madera Canal, and a 15 megawatt powerplant on the outlet from Friant Dam to Friant-Kern Canal. One switchyard and six miles of transmission lines would be required. Estimated cost of study: $130,000.

Palisades Powerplant Enlargement, Palisades Project, Idaho. The study would investigate the feasibility of adding an additional 90 megawatt powerplant to the existing 118 megawatt Palisades Powerplant at the outlet on the Snake River. Estimated cost of study: $500,000.

Whiskeytown Powerplant, Central Valley Project, California. The study would investigate the feasibility of installing a 3 megawatt powerplant located below Whiskeytown Dam on Clear Creek.

Canyon Ferry Powerplant Addition, Canyon Ferry Unit, Pick-Sloan Missouri Basin Project, Montana. The study would investigate the feasibility of installing a 90 megawatt powerplant downstream from the existing Canyon Ferry Dam and Powerplant on the east side of the Missouri River. Estimated cost of study: $200,000.

Yellowtail Afterbay Powerplant, Yellowtail Unit, Pick-Sloan Missouri Basin Project, Montana. The study would investigate the feasibility of installing a 11.4 megawatt low-head bulb turbine powerplant in the existing Yellowtail Afterbay Dam located below Yellowtail Dam on the Bighorn River. Estimated cost of study: $150,000.●

By Mr. INOUYE:

S. 476. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to prohibit the reduction of disability payments under employer-maintained disability compensation plans whenever certain social security benefit payments are increased; to the Committee on Human Resources, jointly, by unanimous consent.

● Mr. INOUYE. Mr. President, today I am reintroducing a bill designed to deal with a serious inequity, currently legal, which allows insurance companies to reduce private disability benefits paid to policyholders by the amount of cost of living increases in social security payments.

Congress, in providing periodic cost of living increases in social security payments, intended to allow the income of beneficiaries to keep pace with inflation. That intent is completely subverted when insurance companies can reduce benefit payments by the amount of the cost-of-living increases. By using that practice insurance companies force disabled social security beneficiaries to live on fixed incomes subject to the ravages of inflation, while earning an unfair windfall profit themselves on each increase in social security payments. The disabled, who may well be unable to supplement their income with other employment and who often require ever more expensive medical treatment, can ill afford to have the cost-of-living increases intended for them diverted to subsidize insurance companies.

Therefore, I wish to take some corrective action. My bill will accomplish the reform so urgently needed in this area without disturbing the customary State regulation of the insurance industry. It amends the 1974 Employee Retirement Income Security Act and the 1954 Internal Revenue Code to prohibit the accrual of increased social security benefits toward defraying, reducing, or subrogating the payments owed beneficiaries under private insurance contracts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 206 (b) of the Employee Retirement Income Security Act of 1974 is amended by striking out "pension plan" in paragraph (1) and inserting in lieu thereof "employee welfare benefit plan".

SEC. 2. (a) Section 264 of the Internal Revenue Code of 1954 (relating to certain amounts paid in connection with insurance contracts) is amended by adding at the end thereof the following new subsection:

"(d) Certain Disability Compensation Plans.—Notwithstanding the provisions of sections 162, 212, and 404, no deduction shall be allowed for amounts paid or contributed to or under a disability compensation plan by the employer maintaining that plan if under the plan the benefits payable to an individual receiving benefits under the plan are reduced, or any scheduled increase in such benefits is omitted, on account of any increase in monthly insurance benefits to which such an individual is entitled under title II of the Social Security Act if such increase occurs after such individual begins to receive benefits under such plan. For purposes of this subsection, the term 'disability compensation plan' means a program (including a program of insurance) established by an employer under which employees receive periodic payments or a lump-sum payment in compensation for physical or mental disability resulting from their employment.".

(b) (1) The caption of section 264 of such Code is amended by inserting after "CONTRACTS" the following: "OR UNDER CERTAIN DISABILITY COMPENSATION PLANS".

(2) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 264 and inserting in lieu thereof the following:

"Sec. 264. Certain amounts paid in connection with insurance contracts or under certain disability compensation plans.".

SEC. 3. The amendment made by the first section of this Act applies to plan years beginning after the date of the enactment of this Act. The amendment made by section 2 applies to taxable years beginning after the date of the enactment of this Act.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill introduced by Senator INOUYE dealing with ERISA be referred jointly to the Committee on Finance and the Committee on Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. WILLIAMS:

S.J. Res. 40. A joint resolution to authorize the President to proclaim annually the last Friday of April as "National Arbor Day;" to the Committee on the Judiciary.

NATIONAL ARBOR DAY

● Mr. WILLIAMS. Mr. President, today I am introducing a joint resolution directing the President to proclaim an annual "National Arbor Day" the last Friday of April.

Since ancient times, trees have symbolized life, strength, and renewal. Tree worship and tree planting ceremonies have been part of many cultures in history. The Aztec Indians celebrated the birth of a newborn child with a newly planted tree. Ancient governments planted a tree to mark the accession of a new monarch to the throne.

Arbor Day, however, is a distinctly American tradition. On the barren plains of Nebraska, J. Sterling Morton led a citizen effort to encourage the planting of trees. As President of the Nebraska Board of Agriculture, Morton in 1872 introduced a resolution to designate one day in April as State Arbor Day.

A man of foresight and wisdom, Morton realized the importance of protecting existing trees, as well as cultivating new ones. There were many practical as well as esthetic reasons for planting trees. They provided shade and shelter, prevented erosion, and were a source of fuel and building materials. Morton also recognized the social and educational, moral and even spiritual functions of tree planting.

Unfortunately, as the frontier disappeared and our Nation became increasingly urbanized, interest in Arbor Day waned. The need to plant and maintain trees, however, is greater than ever. For the desolate landscape of the Great Plains has given way to the desolation of asphalt and concrete. The trees which refresh and beautify our cities have increasingly fallen victim to budget cuts, diseases, and environmental stresses. They are often inadequately cared for, and when they die, they are not replaced.

A uniform National Arbor Day would refocus our attention on the manifold benefits of trees, and would renew our commitment to nuturing them. The planting of a tree on National Arbor Day would symbolize the natural heritage we leave to future generations.

As J. Sterling Morton remarked, the public observance of Arbor Day is "destined to become a blessing to posterity as well as to ourselves."

Mr. President, I ask unanimous consent that the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the last Friday of April "National Arbor Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

By Mr. BURDICK:

S.J. Res. 41. A joint resolution to authorized the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

● Mr. BURDICK. Mr. President, I am today introducing a joint resolution that authorizes the President to issue an annual proclamation designating the week in November which includes Thanksgiving Day as National Family Week.

We have celebrated National Family Week for the last 3 years, as well as in 1972. Many States adopted their own resolutions in 1971 as well. In 1976, 1977, and again in 1978, both houses of Congress approved resolutions authorizing this celebration. The legislation I am introducing today would establish National Family Week as an annual event, and, with the consistent support past Congresses have shown, I would hope that a permanent authorization will be considered. If not, however, I hope Congress will not fail to authorize National Family Week 1979.

The purpose of National Family Week is simple: it is a specific time to recognize the importance of the family in American life and the fundamental role is has played in forming the values upon which our Nation is based. Although many may be skeptical about the proliferation of official holidays, I think it is important to remember that National Family Week is neither commercial nor promotional. Its purpose is not to promote sales or festivities. Rather, it is a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of the Nation.

The role of the family has changed dramatically in this century. From the basic economic and social unit of our society in the 1900's, the family today has evolved into a much different and less central role. For many, the family unit is breaking down, and an extended family living under one roof is virtually a thing of the past.

Despite these changes, however, the family unit is still the basic moral and economic unit for most of us. It is still where the values and experiences of one generation are passed on to the next. Because of this, I believe it is imperative that we recognize the importance of the family and do all we can to preserve it.

Last year 38 Senators cosponsored the National Family Week resolution with me, and over half the Members of the House cosponsored a similar measure. I am very hopeful that both Houses will again recognize the value of National Family Week and approve the resolution I am introducing today.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. DOLE, the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 12, a bill to provide for cost-of-living adjustments in individual tax rates and in the amount of personal exemptions.

S. 14

At the request of Mr. CHURCH, the Senator from Idaho (Mr. MCCLURE) and the Senators from Montana (Mr. MELCHER and Mr. BAUCUS) were added as cosponsors of S. 14, a bill to amend and supplement the acreage limitation and residency provisions of the Federal reclamation laws.

S. 55

At the request of Mr. BENTSEN, the Senator from Nevada (Mr. CANNON), the Senator from Indiana (Mr. BAYH), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 55, the Meat Import Act of 1978.

S. 105

At the request of Mr. WALLOP, the Senator from Michigan (Mr. LEVIN), the Senators from New Mexico (Mr. SCHMITT and Mr. DOMENICI), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 105, the Parental Kidnapping Prevention Act of 1979.

S. 123

At the request of Mr. INOUYE, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 123, a bill to amend the Social Security Act to provide for the payment under medicare of services by psychologists.

S. 195

At the request of Mr. BUMPERS, the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mr. CHILES), the Senator from Florida (Mr. STONE), the Senator from Michigan (Mr. RIEGLE), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 195, a bill to extend through October 1, 1979, provisions which expired on October 1, 1978, relating to payment under the Social Security Act for services of physicians rendered in a teaching hospital.

S. 221

At the request of Mr. WALLOP, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 221, a bill to establish a congressional award program for the purpose of recognizing excellence and leadership among young people.

S. 227

At the request of Mr. ROTH, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 227, a bill to improve the operation of the adjustment assistance programs for workers and firms under the Trade Act of 1974.

S. 233

At the request of Mr. CANNON, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 233, a bill to amend the International Travel Act of 1961, to authorize additional appropriations, and for other purposes.

S. 240

At the request of Mr. RIBICOFF, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 240, the Federal Computer Systems Protection Act.

S 244

At the request of Mr. STEVENSON, the Senator from Alabama (Mr. STEWART) was added as a cosponsor of S. 244, the Space Policy Act of 1979.

S. 248

At the request of Mr. DOLE, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 248, a bill to modify criteria regarding self-employment income derived from sale of certain agricultural or horticultural commodities.

S. 261

At the request of Mr. McGovern, the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 261, a bill to amend the Consolidated Farm and Rural Development Act to authorize loans for the construction and improvement of subterminal storage and transportation facilities for certain types of agricultural commodities.

S. 268

At the request of Mr. Durkin, the Senator from New Mexico (Mr. Schmitt) and the Senator from South Dakota (Mr. Pressler) were added as cosponsors of S. 268, the Soft Drink Bottlers' Protection Act of 1979.

S. 270

At the request of Mr. Bumpers, the Senator from Montana (Mr. Melcher), the Senator from North Dakota (Mr. Young), the Senator from Indiana (Mr. Lugar), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 270, a bill to amend the Occupational Safety and Health Act of 1970 to insure equal protection of the laws for small business and to provide that any employer who successfully contests a citation or penalty shall be awarded a reasonable attorney's fee and other reasonable litigation costs.

S. 377

At the request of Mr. Roth, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 377, a bill to establish as an executive department of the Government of the United States a Department of International Trade and Investment.

S. 378

At the request of Mr. Bellmon, the Senator from Rhode Island (Mr. Pell), the Senator from Michigan (Mr. Riegle), the Senator from Arizona (Mr. Goldwater), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 378, a bill to authorize funds for the Robert A. Taft Institute of Government.

S. 380

At the request of Mr. Durkin, the Senator from Idaho (Mr. Church) was added as a cosponsor of S. 380, a bill to amend the Bank Holding Company Act of 1956 to limit the property and casualty and life insurance activities of bank holding companies and their subsidiaries.

S. 395

At the request of Mr. Chiles, the Senator from Montana (Mr. Baucus), the Senator from Kentucky (Mr. Ford), the Senator from New Jersey (Mr. Williams), the Senator from West Virginia (Mr. Randolph), and the Senator from South Dakota (Mr. Pressler) were added as cosponsors of S. 395, the Medicare Supplemental Health Insurance Information Disclosure and Protection Act of 1979.

SENATE JOINT RESOLUTION 16

At the request of Mr. Wallop, the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of Senate Joint Resolution 16, to balance the Federal budget.

SENATE JOINT RESOLUTION 20

At the request of Mr. Zorinsky, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of Senate Joint Resolution 20, to increase the price for milk, wheat, corn, soybeans, and cotton to not less than 90 per centum of the respective parity prices thereof, and for other purposes.

SENATE JOINT RESOLUTION 37

At the request of Mr. Sasser, the Senator from Massachusetts (Mr. Tsongas), the Senator from Michigan (Mr. Levin), the Senator from Pennsylvania (Mr. Heinz), the Senator from Wisconsin (Mr. Nelson), and the Senator from Minnesota (Mr. Durenburger) were added as cosponsors of Senate Joint Resolution 37, authorizing the President to proclaim May 1, 1979, as National Bicycling Day.

AMENDMENT NO. 58

At the request of Mr. Durkin, the Senator from West Virginia (Mr. Randolph), the Senator from Kentucky (Mr. Ford), and the Senator from Montana (Mr. Melcher) were added as cosponsors of Amendment No. 58 intended to be proposed to S. 333, a bill to effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism.

SENATE RESOLUTION 78—SUBMISSION OF A RESOLUTION WITH RESPECT TO THE NEED FOR ENERGY EMERGENCY PREPAREDNESS

Mr. HATFIELD (for himself, Mr. Jackson, Mr. Domenici, Mr. Stevens, Mr. Bellmon, Mr. Wallop, and Mr. Bumpers) submitted the following resolution, which was referred to the Committee on Energy and Natural Resources:

S. Res. 78

Whereas, the United States remains highly dependent on foreign energy, especially petroleum;

Whereas, the interruption of oil exports from Iran may continue for an extended period;

Whereas, the Iranian situation makes the United States and the rest of the world much more vulnerable to any other reduction of oil supplies;

Whereas, continuation of the current situation may lead to shortages of petroleum products, and could lead to the use of the International Energy Agreement to distribute petroleum shortfalls among the IEA nations, resulting in additional obligations for the reduction of United States consumption; and

Whereas, prompt and measured action can reduce the human cost of this supply disruption and reduce the possibility of later panic reactions: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States should immediately initiate measures to increase American energy supplies and reduce demand, and should present plans to the Congress for maintaining this balance of supply and demand in the event of protracted supply problems. Such actions should include, but not be limited to, submission to the Congress of plans for readying the Strategic Petroleum Reserve for withdrawals, enforcing a mandatory conservation program, requiring substitutions of alternative fuels for petroleum, updating the petroleum allocation regulations, and increasing fuels production incentives.

Be it further resolved, that it is the sense of the Senate that the President should submit to Congress a standby gasoline rationing plan which can be implemented in the event that other measures become ineffective during periods of severe shortage.

● Mr. HATFIELD. Mr. President, the Energy and Natural Resources Committee has held three hearings which have dealt with the tightening world oil situation and our preparedness for handling it. The committee has further held two top-secret briefings in order to assess the Iranian problem. Finally, the minority members of this committee requested a briefing at CIA Headquarters in order to explore the effect the Iranian situation may have in the Persian Gulf generally, the outlook for stability in our oil imports from that part of the world, the elements necessary for resumption of Iranian exports and the likely level of these exports, and the American supply options for the immediate future and into the 1980's. I believe we have emerged from these sessions with a commonsense of the likelihood of protracted oil supply problems in this country. And to that view I submit a resolution which calls on the administration to get off its hands.

In recent days we have heard Secretary Schlesinger, Secretary Blumenthal, and Administrator Bardin telling distinctly different stories to the American people about the seriousness of the problem of world oil supplies. It is time the Government spoke with one voice, gave one signal to the citizenry, and prepared itself for dealing with shortages. It is estimated that usable petroleum inventories in the United States—"usable" being that part of the total inventory which may be built up and drawn down, as opposed to the inventory that is an unavoidable part of production and transportation—will be down to 5 days' supply by the end of the first quarter. Spot shortages of certain products in certain areas are an inevitable consequence of such low stocks. Several companies have already begun allocating to their distributors and dealers.

It is my hope that we can make a united call for action through this resolution. It has been more than 4 years since the Arab embargo, and there is no excuse for our present lack of preparedness to meet an oil shortage situation.●

SENATE RESOLUTION 79—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIBICOFF, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. Res. 79

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1979, through February 29, 1980, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,348,100, of which amount not to exceed $46,585 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and acivities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting their particular branch of the Government;

(2) the extent to which criminal or other improper practices of activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States;

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a number; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(7) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legisaltive Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1979, through February 29, 1980, is authorized, in its, his, or their discretion (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to holding hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 80—SUBMISSION OF A RESOLUTION RELATING TO THE FEDERAL BUDGET

Mr. HART submitted the following resolution, which was referred to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977:

S. RES. 80

Whereas, the United States is in a new economic era of increased interest in the magnitude and disposition of Federal spending;

Whereas, the Budget of the United States Government, as presently submitted to the Congress, recommends funding of Federal programs according to their missions and functions, and from this the Congress and the public can judge the amount of resources that are applied to meeting various purposes and objectives of the Government;

Whereas, the Budget contains levels of total spending and levels of income from Federal taxes and presents the anticipated size of the Federal deficit, and by looking only at the Federal deficit and the Budget according to missions and functions, the public may receive an incomplete financial picture.

Whereas, under non-emergency circumstances, the Government should not borrow to pay for current programs or purposes which provide benefits primarily in the year they are made, since it is basically unfair, and financially unwise, to obligate future populations to pay for a previous population's consumption;

Whereas, if at all, the Government should borrow funds only for capital items and investment-type programs or purposes that yield benefits in future years, since a long-term investment made in one year will benefit citizens in future years and it is fair, under these circumstances, to obligate future citizens to pay for some present investments;

Whereas, it is sound financial and customary business practice to borrow funds for capital items and long-term investments;

Whereas, while Federal borrowing for long-term investments is good business practice, a Federal deficit can be inflationary under ordinary economic circumstances and thus should be avoided; and

Whereas, by providing a Budget distinguishing capital and investment spending for current programs or purposes, the President and the Congress will show the American people the degree to which a budget deficit, which may be needed in some circumstances to promote economic growth, is also appropriate from a financial management viewpoint: Now, therefore, be it

Resolved, That it is the sense of the Senate to increase the public's general understanding of the objectives of Federal spending, especially in relation to revenue-raising practices, the Budget submitted by the President for each fiscal year under section 201 of the Budget and Accounting Act, 1921, and the budget reported by the Committee on the Budget pursuant to Section 301 of the Congressional Budget Act of 1974 should prominently and accurately distinguish proposed outlays for capital items and investment-type programs and purposes from proposed outlays for other programs and purposes and should, therefore, divide proposed outlays between those for capital items and investment-type programs or purposes, those for operating or current programs or purposes, and those for other purposes.

Mr. HART. Mr. President, today I am submitting a Senate resolution requiring the President and the Congress to structure the Federal budget in a new way. This resolution requires the President's budget message to Congress to distinguish between Federal spending on long-term investments, and Federal spending on current programs which provide benefits primarily in the year they are made.

Most people do not understand that one of every 5 dollars in the Federal budget goes to long-term capital investments the Government makes. Although most businesses would account for those expenditures separately from current outlays, the Federal Government makes no such distinction.

This resolution is designed to make the Federal Government structure its budget the way a sound business does. It does not directly relate to the current debate over the nature and size of budget deficits. Rather, it will help people understand where their tax dollars are actually going.

First, let me explain the difference between "investment" outlays and "current" outlays.

Current programs provide benefits primarily in the year they are made. They include: payments for retirement, disability, and other income maintenance; social and employment service; subsidies or other payments—to agriculture, business and transportation systems and other institutions—that are not directly used to purchase physical assets; payments for the repair, maintenance, and operation of established physical assets; and regulatory, law enforcement, and other operating costs of the Federal Government.

Investment-type or capital programs are those that yield benefits in future years, through the acquisition of physical assets, financial assets, or through expenditures for less tangible long-term benefits such as education. They include the construction, rehabilitation, or acquisition of physical assets; education, training, and vocational rehabilitation; research and development; international development; and financial investments such as loans.

The Federal Government has never produced a capital budget in which capital or investment-type programs are accounted for separately from current expenditures. However, the President's Office of Management and Budget does provide figures distinguishing two types of spending in a volume entitled "Special Analyses, Budget of the U.S. Government."

I ask that this analysis for fiscal year 1980 be printed at the conclusion of this statement.

(See exhibit 1.)

Mr. HART. The data in this analysis may be surprising. Investment-type outlays account for $115 billion of the total estimated outlays. Of this, $44 billion is for defense purposes, primarily for the acquisition of major equipment.

The remaining $71 billion is spread among other areas, including $24 billion for construction of physical assets such as highways, mass transit, and pollution control facilities; $15 billion for research and development; and $21 billion for education and training; $4 billion for loans; and so on.

Investment in physical assets account for more than half of the capital outlays. Outlays for physical assets such as military equipment and highways are estimated to amount to $64 billion in the 1980 budget. Spending on these physical assets, whether they are owned by the Federal Government or by State, local or private entities, should not be considered in the same category as current outlays. On an accountant's balance sheet, they would be listed as fixed assets of the country. In the Federal budget, they are ordinary expenditures. It is noteworthy that the fiscal year 1980 budget deficit at $29 billion is less than half of the $64 billion in spending for physical investments. Nondefense spending on construction alone totals $24 billion, which almost equals the projected Federal deficit.

We should eliminate the deficit and balance the budget to prevent inflation in times of economic prosperity. But it is obvious that if we organized the budget correctly the Federal deficit question would look very different.

Another type of investment is for education and training. In the past 20 years, economists have been working to measure the financial rewards from investment in education. As we might expect, such investments do, in fact, provide a return, and one which is roughly comparable to the return on investment in physical assets.

Of course, a private firm cannot place a value on the education-capital invested in its workers, because workers cannot be "owned" or sold. But from a public perspective, a more highly educated workforce is desirable because productivity and wages can be increased without causing inflation.

In today's era of budgetary stringency, the American people need a better understanding of what their tax dollars do for them. By restructuring the Federal budget to show the capital expenditures separately from the current ones, the taxpayers will be better informed. In this spirit, I urge my colleagues to support this resolution.

EXHIBIT 1

ANALYSIS—INVESTMENT, OPERATING, AND OTHER BUDGET OUTLAYS

This analysis divides outlays between those of an "investment" or capital nature, and those devoted to "current" or operating purposes. Investment-type programs are those that yield benefits in future years through the acquisition of physical assets, financial assets, or through expenditures for less tangible long-term benefits such as education. They include: the construction, rehabilitation, or acquisition of physical assets; education, training and vocational rehabilitation; research and development; international development; and financial investments such as loans. Current programs provide benefits primarily in the year they are made. They include: payments for retirement, disability, and other income maintenance; social and employment service; subsidies or other payments—to agricultural, businesses and transportation systems and other institutions—that are not directly used to purchase physical assets; payments for the repair, maintenance, and operation of established physical assets; and regulatory, law enforcement, and other operating costs of the Federal Government. Some budgetary transactions, notably the allowance for contingencies, cannot be classified as either investment or current in nature.

This special analysis reflects a number of improvements relative to past years that are designed to make it more useful and more accurate. Proprietary receipts from the public, which are counted as offsets to outlays in the budget, are now included as offsets to those items to which they most nearly apply. This treatment more nearly reflects the net Federal expenditures in various sectors. In addition, employment—but not training—programs are classified as current in nature. This action reflects the fact that these programs provide, on the whole, current benefits to people employed rather than long-term benefits. International development grants and foreign military sales have been shifted to the investment-type category to reflect the long-term benefits of these programs. A new investment-type category has been created encompassing collection of information. Included are general purpose statistics, censuses, and engineering and natural resource surveys. These programs are classified as investment-type since they provide a data base from which long-term benefits are derived.

The Federal Government has never produced a capital budget in the sense of one in which capital or investment-type programs are financed separately from current expenditures. One major reason is that a capital budget could be misleading as a measure of the Government's effect on the demand for economic resources. Another is that such a budget might favor programs with intensive expenditures for physical assets, such as construction, relative to other programs for which future benefits cannot be accurately capitalized, such as education or research. Likewise, physical assets might be favored relative to current operations in any given program, since deficit financing for capital would be easier to justify. A capital budget would also pose formidable accounting problems involving the measurement of depreciation on government property, especially weapons systems.

There are also inevitable classification difficulties, as illustrated in preparing the kind of analysis presented here. This analysis classifies programs in the category where most of the outlays are expected to occur. However, some programs—such as general revenue sharing or payments to individuals—can be utilized for both investment-type or current purposes and the classification of them into one category necessarily results in understating the other. Another difficulty is that current expenses for special assistance to a particular sector can be misleading since they are incomplete measures of Federal aid. For example, the category "aids to agriculture, commerce, and transportation" reflects current benefits such as payments for subsidies and operating expenses to water and air transportation and railroad programs. It does not include subsidies for the construction of private merchant ships, which are investment-type outlays included under "acquisition of major equipment". The Federal Government also assists many sectors through loan guarantees, tax expenditures, off-budget Federal entities, and other ways that are not reflected in the budget, and therefore, are not included in this analysis.

An additional difficulty is that even after the basic classification between investment-type or current programs has been made, several alternative subclassifications are possible. For example, grants for construction of education facilities could logically be considered to be either the acquisition of physical assets or the conduct of education and training. In this analysis, these grants are classified as physical assets. This is in part because complete discussions and tables of the total amount of education outlays are available elsewhere in the budget, which is not true for Federal outlays for physical assets. This principle is also observed in the treatment of the categories "conduct of research and development" and "other investment." It is applied, in addition, to all outlays for financial investments, so that a complete presentation of all Federal outlays for financial and physical assets is available.

Investment-type outlays account for over one-fifth of total estimated outlays in 1980. Of these, nearly two-fifths are for national defense programs, with procurement of major equipment and conduct of research and development being the predominant investment-type defense activities. (In this analysis, defense refers to the national defense function as defined in the budget). The remaining three-fifths are for nondefense purposes, with "construction and rehabilitation of physical assets"—such as highways and mass transit, pollution control facilities, and energy related facilities—being the predominant programs. Outlays for "conduct of education and training"—including student assistance, elementary and secondary education, and veterans readjustment benefits—are the second largest investment-type nondefense category.

Current outlays made up almost four-fifths of total estimated outlays in 1980. National defense programs account for about one-fifth of total current outlays, with nearly half of that amount required for "repair, maintenance, and operation of physical assets". The remainder includes salaries for active military employees and retired pay for military personnel as well as general overhead costs. In the nondefense area, "provision of benefits"—including retirement, disability, health and welfare benefits—accounts for nearly three-quarters of nondefense current outlays and almost one-half of total budget outlays. Nearly 14% of nondefense current outlays—9% of total budget outlays—is for net interest.

A small portion of outlays are not classified as either defense or civil outlays. These include allowances for contingencies.

Four tables are presented in this analysis. Table D-1 presents a summary of Budget outlays, separated by national defense and civil programs. Table D-2 provides detailed backup to entries of Table D-1. An additional view of budget outlays is included in Table D-3, which separates outlays by grants-in-aid, loans, and direct Federal programs. This table makes no distinction between national defense and civil programs. Table D-4 provides detailed backup to Table D-3.

TABLE D-1. SUMMARY OF INVESTMENT, OPERATING, AND OTHER BUDGET OUTLAYS

[In millions of dollars]

	1978 estimate	1979 estimate	1980 estimate
National defense:			
Investment-type programs:			
Construction and rehabilitation of physical assets	2,330	2,283	2,496
Acquisition of major equipment	20,105	22,607	25,915
Conduct of research and development	12,077	13,437	14,790
Other investment-type programs	546	706	831
Subtotal, investment-type programs	35,057	39,034	44,032
Current programs:			
Provision of benefits	9,207	10,324	11,487
Repair, maintenance, and operation of physical assets	34,658	37,121	39,932
Other current programs	26,265	28,024	30,318
Subtotal, current programs	70,129	75,470	81,737
Unclassified			61
Total National defense	105,186	114,503	125,830
Civil:			
Investment-type programs:			
Loans and financial investments	9,501	5,964	3,646
Construction and rehabilitation of physical assets	23,974	24,804	23,941
Acquisition of major equipment	522	640	722
Conduct of research and development	12,434	14,416	15,191
Conduct of education and training	18,399	21,066	21,000
Other investment-type programs	4,868	7,108	6,955
Subtotal, investment-type programs	69,698	73,999	71,456
Current programs:			
Provision of benefits	198,455	218,506	243,629
Social service and employment programs	13,175	13,825	12,922
Aids to agriculture, commerce, and transportation	10,962	12,893	12,894
Repair, maintenance, and operation of physical assets	391	−253	−586
General purpose fiscal assistance	9,877	9,193	9,123
Regulation, control, and law enforcement	5,795	6,211	6,333
Net interest	35,435	42,984	46,082
Other current programs	1,862	1,506	3,385
Subtotal, current programs	275,952	304,865	333,780
Total civil	345,650	378,864	405,236
Unclassified			500
Grand total	450,836	493,368	531,566

Loans and financial investments.—A loan creates a financial asset equal to the outlay. For domestic loans, the Government's asset is matched by the liability of the private sector. Most Federal domestic loans—to both State and local governments and private borrowers—finance the acquisition or improvement of either physical assets or human capital, especially in community and regional development, education, and transportation. Loans to foreign borrowers represent an increase in financial assets held by the United States. Most foreign loans are for economic development programs or the promotion of U.S. exports, including military equipment and farm commodities. Net loan outlays are expected to total $2.5 billion in 1980. However, a significant and growing Federal involvement in loan programs occurs through loan guarantees, where the Federal Government promises to pay a part or all of the principal or interest of a loan that is made by the private sector. Loan guarantees may achieve ends similar to those for direct loans except that there are no outlays except in cases of default. Additional analysis of loan programs is contained in Special Analysis F, "Federal Credit Programs."

Financial investments in international organizations such as the World Bank, are designed to enhance economic and social development in many parts of the world. This is expected, in turn, to be beneficial to U.S. interests in both the present and future. Outlays for financial investments are estimated to be $1.1 billion in 1980.

Physical assets.—Construction and rehabilitation of physical assets, acquisition of major equipment, and establishment of commodity inventories are of a long term nature. Purchases of these assets are treated as investment-type outlays regardless of whether the asset is owned by the Federal Government, or by State, local or private entities. Total outlays for physical assets are estimated at $57.5 billion in 1980; of this amount $29.2 billion is in the national defense function. Most national defense outlays for physical assets are for the procurement of military equipment. A large portion of Federal outlays for nondefense physical assets is in the form of grants-in-aid to State and local governments, especially for construction programs. Highway and mass transit programs, and pollution control construction grants are the largest items in nondefense outlays for physical assets, accounting for $8.4 billion and $3.6 billion respectively, or over two-fifths of estimated nondefense outlays for physical assets in 1980.

Conduct of research and development.—Outlays for research and development provide benefits in the future even though it is difficult to know ahead of time what the benefits will be. Total outlays for the conduct of research and development are estimated at $30 billion in 1980. Most national defense research and development outlays are for weapon system development. In nondefense programs, outlays for health, energy and space account for more than half of nondefense research and development outlays. Additional analysis of research and development programs is contained in Special Analysis L, "Research and Development."

Conduct of education and training.—Outlays classified in this category are designed to add to the stock of human capital by developing a more skilled and productive labor force. These outlays represent direct payments to individuals, scholarships and grants to institutions and other means of financing education and training. As with physical assets, the benefits accrue over a considerable period of time. Outlays are estimated at $21.0 billion in 1980, with education programs (including veterans education benefits) accounting for nearly three-fourths of the total.

Collection of information.—This category includes outlays for collection of information, censuses, topographic or other natural resource surveys and programs that benefit both the present and future by establishing a base of knowledge. Outlays of $1.7 billion are estimated for 1980.

International development.—Foreign assistance for general international economic development is included in this category. These outlays are expected to prove beneficial to U.S. interests by enhancing the economic development of foreign governments. These outlays are estimated to be $1.6 billion in 1980.

Current programs.—Programs that provide benefits in the current year are divided into several major categories. Total current outlays are estimated at $415.5 billion in 1980. Outlays classified as current may be used for investment-type purposes; however, the intent of these outlays is to provide short-term benefits—such as unemployment compensation, retirement and disability payments, and public service employment—rather than providing the means for future benefits.

Outlays for "provision of benefits"—including retirement, disability, and other income support payments, health care and nutrition, and housing subsidies are estimated to be $255.1 billion in 1980; more than three-fifths of current outlays and almost one-half of total budget outlays.

Current outlays for "social service and employment programs" are also estimated at $12.9 billion in 1980, while "aids to agriculture, commerce, and transportation" are also estimated to total $12.9 billion.

Other current outlays are largely for operation of the Federal Government, including: the "repair, maintenance, and operation of physical assets"; regulatory and law enforcement activities, personnel, and other administrative or operating expenses of the Government. Net interest payments are estimated at $46.1 billion in 1980.

Unclassified.—These outlays have not been placed in either the investment or the current category. The allowance for contingencies is not classified because it is for unforeseen circumstances and therefore, it is not know how it will be used.

TABLE D-2.—INVESTMENT, OPERATING, AND OTHER BUDGET OUTLAYS

[In millions of dollars]

	1978 actual	1979 estimate	1980 estimate
National defense investment-type programs:			
Construction and rehabilitation of physical assets:			
Military construction	1,836	1,844	1,906
Family housing	215	92	104
Atomic energy defense activities	274	342	484
Other	5	5	2
Subtotal, Construction and rehabilitation of physical assets	2,330	2,283	2,496
Acquisition of major equipment:			
Procurement	19,976	22,476	25,749
Atomic energy defense activities	129	131	166
Subtotal, Acquisition of major equipment	20,105	22,607	25,915
Conduct of research and development	12,077	13,437	14,790
Other investment-type programs:			
Atomic energy defense activities—other physical assets	540	803	1,025
Other	6	—97	—194
Subtotal, Other investment-type programs	546	706	831
Subtotal, Investment-type programs	35,057	39,034	44,032
National defense current programs:			
Provision of benefits:			
Retired military personnel	9,171	10,281	11,435
Other	35	44	52
Subtotal, provision of benefits	9,207	10,324	11,487
Repair, maintenance, and operation of physical assets:			
Department of Defense, Military	34,656	37,119	39,930
Other	1	2	2
Subtotal, Repair, maintenance and operation of physical assets	34,658	37,121	39,932
Other current programs:			
Military personnel	26,641	27,755	27,974
Allowance for civilian and military pay raises			2,154
Other national defense	—376	270	190
Subtotal, Other current programs	26,265	28,024	30,318
Subtotal, Current programs	70,129	75,470	81,737
Unclassified			61
Total National defense	105,186	114,503	125,830
Civil investment-type programs			
Loans and financial investments:			
Loans to State and local governments:			
Community and regional development	87	12	−80
Other	50	53	146
Subtotal, Loans to State and local governments	137	65	66
Loans to other borrowers:			
International affairs	1,326	1,401	1,705
Community and regional development	2,307	891	176
Agriculture	3,073	814	−632
Transportation	903	1,009	521
Education	429	446	389
Other	447	362	298
Subtotal, Loans to other borrowers	8,486	4,921	2,458
Other financial investments	878	978	1,123
Subtotal, Loans and financial investments	9,501	5,964	3,646
Construction and rehabilitation of physical assets:			
Highways and mass transit	7,200	8,152	8,425
Air transportation	796	854	860
Other transportation	162	146	119

	1978 actual	1979 estimate	1980 estimate
Community development block grants	2, 464	2, 875	3, 272
Local public works	3, 057	2, 051	319
Other community and regional development	1, 321	1, 394	1, 421
Pollution control and abatement	3, 189	3, 103	3, 603
Water resources	2, 134	2, 052	2, 010
Other natural resources and environment	730	869	797
Energy	2, 054	2, 188	1, 943
Other	867	1, 120	1, 173
Subtotal, Construction and rehabilitation of physical assets	23, 974	24, 804	23, 941
Acquisition of major equipment:			
Energy	152	128	150
Transportation	276	362	399
Other	94	151	172
Subtotal, Acquisition of major equipment	522	640	722
Conduct of Research and development	12, 434	14, 416	15, 191
Conduct of education and training:			
Income support programs:			
General education	2, 283	2, 921	3, 195
Veterans benefits	3, 592	2, 978	2, 552
Other	186	294	235
Subtotal, Income support programs	6, 061	6, 193	5, 983
Other education and training programs:			
Elementary, secondary, and vocational education	5, 505	6, 343	6,892
Other education	1, 662	2, 436	2, 332
Training	3, 834	4, 892	4, 679
Health	601	467	464
Other	736	736	650
Subtotal, Other education and training programs	12, 338	14, 873	15, 017
Subtotal, Conduct of education and training	18, 399	21, 066	21, 000
Other investment-type programs:			
Commodity inventories:			
Energy	959	2, 516	2, 039
Agriculture	44	93	7
Subtotal, Commodity inventories	1, 003	2, 609	2, 046
Other physical assets	1, 579	1, 754	1, 565
International development	1, 290	1, 393	1, 597
Collection of information	996	1, 352	1, 747
Subtotal, Other investment-type programs	4, 868	7, 108	6, 955
Subtotal, investment-type programs	69, 698	73, 999	71, 456
Civil current programs:			
Provision of benefits:			
Retirement and survivor benefits:			
Social Security and Railroad Retirement benefits	80, 856	89, 944	101, 424
Civil Service retirement and survivors benefits	9, 307	10, 426	11, 792
Other retirement and survivor benefits	930	1, 071	1, 130
Subtotal, Retirement and survivor benefits	91, 093	101, 441	114, 347
Disability benefits:			
Social security and Railroad Retirement disability benefits	12, 246	13, 617	15, 187
Civil Service disability benefits	2, 058	2, 423	2, 856
Veterans disability benefits	9, 604	10, 681	11, 682
Other disability benefits	248	629	980
Subtotal, Disability benefits	24, 157	27, 351	30, 705
Other provision of benefits:			
Cash payments:			
Medicare	24, 267	28, 117	31, 017
Medicaid	10. 680	11, 751	12, 354
Supplemental security income	5, 283	4, 843	5, 699
Nutrition programs	8, 126	9, 185	9, 793
Unemployment compensation	10, 776	9, 244	11, 291
Assistance payments program	5, 724	5, 728	5, 647
Subsidized housing programs	3, 592	4, 221	5, 105
Other	3, 328	3, 571	4, 289
Subtotal, Cash payments	71, 776	76, 660	85, 195
Direct provision of services:			
Hospital and medical care for veterans	4, 518	5, 098	4, 975
Other veterans benefits	573	673	626
Housing payments and subsidies	−31	93	57
Other	384	464	552
Subtotal, Direct provision of services	5, 443	6, 328	6, 210
Subtotal, Other provision of benefits	77, 219	82, 988	91, 404
Administrative expenses:			
Social Administration	2, 866	3, 099	3, 259
Nutrition programs	527	646	685
Unemployment compensation	993	1, 053	1, 119
Medicare	936	1, 023	1, 053
Other	664	905	1, 056
Subtotal, Administrative expenses	5, 986	6, 726	7, 172
Subtotal, Provision of benefits	198, 455	218, 506	243, 629
Social service and employment programs:			
Human development service	1, 446	1, 434	1, 613
Temporary employment assistance	4, 769	3, 181	2, 571
Other employment	2, 166	3, 641	3, 737
Social services and child welfare services	2, 740	2, 893	2, 945
Other	2, 053	2, 675	2, 055
Subtotal, Social service and employment programs	13, 175	13, 825	12, 922
Aids to agriculture, commerce, and transportation:			
Agriculture	3, 430	4, 340	4, 044
Postal Service	1, 778	1, 803	1, 698
Small business assistance	550	654	624
General aids to commerce	414	584	582
Ground transportation	1, 770	2, 250	2, 297
Air transportation	1, 849	1, 962	2, 022
Water transportation	841	856	909
Other	330	444	717
Subtotal, Aids to agriculture, commerce, and transportation	10, 962	12, 893	12, 894
Repair, maintenance, and operation of physical assets:			
Conservation and land management	680	349	276
Water resources	590	580	612
Recreational resources	425	481	513
Energy	−586	−789	−1, 019
Other	−718	−873	−968
Subtotal, Repair, maintenance and operation of physical assets	391	−253	−586

TABLE D-2.—INVESTMENT, OPERATING, AND OTHER BUDGET OUTLAYS—Continued

[In millions of dollars]

	1978 actual	1979 estimate	1980 estimate
General purpose fiscal assistance:			
General revenue sharing	6,823	6,852	6,853
Other general purpose grants-in-aid	2,010	892	918
Shared revenues	1,044	1,449	1,342
Subtotal, General purpose fiscal assistance	9,877	9,193	9,123
Regulation, control, and law enforcement:			
Regulatory and inspection activities:			
Natural resources and environment	554	725	815
Transportation	604	647	672
Health	553	600	612
Energy	388	475	571
Agriculture	223	277	239
Commerce	−702	−1,229	−1,397
Other	608	665	670
Subtotal, Regulatory and inspection activities	2,226	2,159	2,183
Law enforcement activities:			
Federal law enforcement	1,817	2,034	2,049
Federal litigative and judicial	933	1,178	1,317
Federal correctional activities	256	303	320
Other law enforcement assistance	563	538	464
Subtotal, Law enforcement activities	3,569	4,052	4,150
Subtotal, Regulation, control, law enforcement	5,795	6,211	6,333
Net interest:			
Interest on the public debt	48,695	59,800	65,700
Other interest	−4,729	−7,034	−8,678
Interest received by trust funds (−)	−8,530	−9,782	−10,940
Subtotal, Net interest	35,435	42,984	46,082
Other current programs:			
International security assistance	1,145	1,784	1,789
International affairs	1,422	1,558	1,759
Legislative branch	924	1,020	1,116
Other general government	2,409	2,837	2,804
Other	944	−305	499
Employer share, employee retirement (−)	−4,983	−5,388	−5,482
Allowances for civilian agency pay raises	-------	-------	898
Subtotal, Other current programs	1,862	1,506	3,385
Subtotal, Current programs	275,952	304,865	333,780
Total, civil	345,650	378,864	405,236
Unclassified	-------	-------	500
Grand total	450,836	493,368	531,566

An additional view of Federal outlays is presented in tables D-3 and D-4, in which outlays are separated by grants-in-aid, loans and direct Federal programs.

Grants-in-aid are resources provided by the Federal Government in support of State and local programs of governmental service to the public. Special Analysis H, "Federal Aid to State and Local Governments," discusses grants-in-aid in greater detail. *Loans* are made by the Federal Government to various borrowers to fulfill express program purposes. *Direct Federal programs* are programs carried out directly by the Federal Government.

TABLE D-3—SUMMARY OF BUDGET OUTLAYS FOR GRANTS-IN-AID, LOANS, AND DIRECT FEDERAL PROGRAMS

[In millions of dollars]

	1978 actual	1979 estimate	1980 estimate
Grants-in-aid:			
Investment-type programs:			
Construction and rehabilitation of physical assets	18,043	18,435	17,860
Conduct of education and training	9,508	11,106	11,574
Other investment-type programs	678	668	864
Subtotal, investment-type programs	28,229	30,209	30,298
Current programs:			
Provision of benefits	25,144	27,370	28,759
Social service and employment programs	12,305	12,752	11,829
Aids to agriculture, commerce, and transportation	894	1,096	1,364
General purpose fiscal assistance	9,910	9,228	9,158
Regulation, control, and law enforcement	805	849	828
Other current programs	600	626	702
Subtotal, current programs	49,660	51,920	52,639
Total, Grants-in-aid	77,889	82,129	82,937
Loans:			
To State and local governments	137	65	66
To other borrowers	8,485	4,922	2,456
Total, Loans	8,622	4,986	2,522
Direct Federal programs:			
Investment-type programs:			
Construction and rehabilitation of physical assets	8,260	8,652	8,577
Acquisition of major equipment	20,577	23,220	26,613
Conduct of research and development	24,259	27,586	29,715
Conduct of education and training	8,891	9,961	9,426
Other investment-type programs	5,918	8,419	8,336
Subtotal, investment-type programs	67,904	77,838	82,667
Current programs:			
Provision of benefits	182,517	201,460	226,357
Social service and employment programs	870	1,074	1,093
Aids to agriculture, commerce, and transportation	10,068	11,797	11,530
Repair, maintenance, and operation of physical assets	34,729	36,517	38,875
Regulation, control, and law enforcement	4,990	5,362	5,504
Net interest	35,435	42,984	46,082
Other current programs	27,812	29,221	33,437
Subtotal, current programs	296,421	328,415	362,879
Total, direct Federal programs	364,325	406,252	445,546
Unclassified	-------	-------	561
Grand Total	450,836	493,368	531,566

Grants-in-aid to State and local governments are estimated to be $82.9 billion in 1980. Of this amount, over one-fifth is for construction and rehabilitation of physical assets. Transportation programs account for over half of these grants-in-aid for 1980, largely for highway and mass transit programs. Community and regional development, and construction of pollution control and abatement facilities also account for large shares of grants-in-aid for construction of physical assets. Grants-in-aid for education and training account for nearly 14% of the total.

Grants-in-aid providing current benefits are largely for health care or health services, nutrition, and housing assistance. General revenue sharing and shared revenues provide aid to State and local governments with few limitations or the use of the funds.

Most Federal loans are made for international programs. Other major loan programs provide assistance to agriculture, community and regional development, and transportation.

More than four-fifths of estimated 1980 outlays are for direct Federal programs. These programs are where the Federal Government directly provides benefits, services, and other assistance. The largest share of these programs is for provision of benefits, including retirement and disability payments under Social Security and Civil Service, and military and foreign service retirement. Veterans compensation and pensions and unemployment compensation are also included in this category.

Investment-type programs include military procurement and research and development; construction and rehabilitation of physical assets for natural resources and environment, including water resources and conservation, and land management projects; and research and development programs focused primarily on general science, space and technological programs, energy, and health.

The remaining direct Federal programs include general administrative costs of the Federal Government, net interest, and other defense and nondefense programs.

TABLE D-4. BUDGET OUTLAYS FOR GRANTS-IN-AID, LOANS, AND DIRECT FEDERAL PROGRAMS

[In millions of dollars]

	1978 actual	1979 estimate	1980 estimate
Grants-in-aid			
Investment-type programs:			
Construction and rehabilitation of physical assets:			
Highways and mass transit	7,200	8,151	8,425
Other transportation	660	653	602
Pollution control and abatement	3,187	3,100	3,600
Other natural resources and environment	233	261	213
Community development block grants	2,464	2,875	3,272
Local public works	3,057	2,051	319
Other community and regional development	1,083	1,133	1,249
Other	159	211	179
Subtotal, Construction and rehabilitation of physical assets	18,043	18,435	17,860
Conduct of education and training:			
Employment and training assistance	3,256	3,986	3,952
Elementary and secondary education	2,801	3,017	3,428
Other education	2,853	3,511	3,666
Other	598	592	528
Subtotal, Conduct of education and training	9,508	11,106	11,574
Other investment-type programs	678	668	864
Subtotal, Investment-type programs	28,229	30,209	30,298
Current program:			
Provision of benefits:			
Medicaid	10,680	11,751	12,354
Nutrition programs	2,855	3,138	3,195
Assistance payments	5,724	5,728	5,647
Housing payments and subsidies	2,393	2,834	3,375
Other	1,272	1,497	1,558
Administrative expenses:			
Social Security Administration	890	940	1,054
Nutrition programs	392	487	520
Unemployment compensation	939	996	1,055
Other	*	*	1
Subtotal, administrative expenses	2,221	2,422	2,629
Subtotal, Provision of benefits	25,144	27,370	28,759
Social service and employment programs:			
Employment and training assistance	995	2,284	2,359
Temporary employment assistance	4,769	3,181	2,571
Employment programs	1,006	1,123	1,159
Human development services	1,380	1,361	1,533
Social service and child welfare services	2,740	2,893	2,945
Other	1,414	1,909	1,261
Subtotal, Social service and employment programs	12,305	12,752	11,829
Aids to agriculture, commerce, and transportation:			
Transportation	856	1,037	1,192
Other	38	59	172
Subtotal, Aids to agriculture, commerce, and transportation	894	1,096	1,364
General purpose fiscal assistance:			
General revenue sharing	6,823	6,852	6,863
Other	3,087	2,375	2,295
Subtotal, General purpose fiscal assistance	9,910	9,228	9,158
Regulation, control, and law enforcement:			
Law enforcement	494	486	418
Other	311	363	411
Subtotal, Regulation, control, and law enforcement	805	849	828
Other current programs	600	626	702
Subtotal, current programs	49,660	51,920	52,639
Total, Grants-in-aid	77,889	82,129	82,937
Loans			
To State and local governments:			
Community and regional development	87	12	−80
Other	50	53	146
Subtotal, To State and local governments	137	65	66
To other borrowers:			
International affairs	1,326	1,401	1,705
Community and regional development	2,307	891	176
Agriculture	3,073	814	−632
Transportation	903	1,009	521
Education	429	446	389
Other	446	362	296
Subtotal, To other borrowers	8,485	4,922	2,456
Total, Loans	8,622	4,986	2,522

TABLE D-4. BUDGET OUTLAYS FOR GRANTS-IN-AID, LOANS, AND DIRECT FEDERAL PROGRAMS—Continued

[In millions of dollars]

	1978 actual	1979 estimate	1980 estimate
Direct Federal Programs			
Investment-type programs:			
Construction and rehabilitation of physical assets:			
National defense	2,308	2,268	2,485
Water resource projects	2,032	1,975	1,934
Other natural resources and environment	601	688	663
Energy	2,054	2,188	1,943
Transportation	297	348	377
Veterans hospitals	243	284	318
Health	167	217	212
Other	557	684	646
Subtotal, Construction and rehabilitation of physical assets	8,260	8,652	8,577
Acquisition of major equipment:			
National defense	20,102	22,604	25,913
Energy	152	128	150
Transportation	276	362	399
Other	47	127	150
Subtotal, Acquisition of major equipment	20,577	23,220	26,613
Conduct of research development	24,259	27,586	29,715
Conduct of education and training:			
Assistance to veterans	3,576	2,937	2,496
Higher education	2,941	4,206	4,333
Elementary and secondary education	381	442	449
Employment and training assistance	501	827	668
Health	587	499	493
Other	906	1,050	987
Subtotal, Conduct of education and training	8,891	9,961	9,426
Other investment-type programs:			
Financial investments	878	978	1,123
Commodity inventories	912	2,483	1,808
Other physical assets	1,818	2,289	2,225
International development	1,386	1,403	1,642
Collection of information	925	1,265	1,539
Subtotal, Other investment-type programs	5,918	8,419	8,336
Subtotal, Investment-type programs	67,904	77,838	82,667
Current programs for:			
Provision of benefits:			
Retiremen and survivor benefits	100,299	111,765	125,834
Disability benefits	24,157	27,351	30,705
Medicare	24,267	28,117	31,017
Other health	687	752	793
Unemployment compensation	10,776	9,244	11,291
Nutrition programs	5,271	6,048	6,597
Housing payments and subsidies	1,168	1,480	1,802
Medical care for veterans	4,518	5,098	4,975
Supplemental security income	5,244	4,793	5,649
Earned income tax credit	881	841	1,547
Other	1,483	1,667	1,603
Administrative expenses:			
Social Security Administration	1,976	2,159	2,205
Nutrition programs	135	159	165
Unemployment compensation	54	57	65
Medicare	935	1,023	1,053
Other	664	905	1,055
Subtotal, administrative expenses	3,765	4,304	4,543
Subtotal, Provision of benefits	182,517	201,460	226,357
Social service and employment programs:			
Community and regional development	326	345	359
Other	544	729	734
Subtotal, Social service and employment programs	870	1,074	1,093
Aids to agriculture, commerce, and transportation:			
Agriculture	3,430	4,340	4,044
Postal Service	1,778	1,803	1,698
Small business assistance	550	654	624
Commerce	401	567	553
Ground transportation	915	1,215	1,107
Air transportation	1,849	1,962	2,022
Water transportation	841	856	909
Other	304	400	572
Subtotal, Aids to agriculture, commerce, and transportation	10,068	11,797	11,530
Repair, maintenance, and operation of physical assets:			
National defense	34,656	37,119	39,930
Water resources	590	580	612
Conservation and land management	680	349	276
Other natural resources and environment	−380	−465	−490
Energy	−644	−978	−1,332
Other	−173	−88	−122
Subtotal, Repair, maintenance, and operation of physical assets for	34,729	36,517	38,875
Regulation, control, and law enforcement	4,990	5,362	5,504
Net interest	35,435	42,984	46,082
Other current programs:			
Military personnel	26,641	27,755	27,974
Other national defense	−410	235	155
Other nondefense	1,581	1,231	2,256
Allowance for Department of Defense pay raises			2,154
Allowance for civilian agency pay raises			898
Subtotal, Other current programs	27,812	29,221	33,437
Subtotal, Current programs	296,421	328,415	362,879
Total, Direct Federal programs	364,325	406,252	445,546
Unclassified			561
Grand total	450,836	493,368	531,566 ●

SENATE RESOLUTION 81—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. Res. 81

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Armed Services, or any subcommittee thereof, is authorized from March 1, 1979, through February 29, 1980, in its discretion (1) to make expenditures from the contingent of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $763,900, of which amount not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 82—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. STENNIS, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on Rules and Administration;

S. Res. 82

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-sixth Congress, $100,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

NOTICES OF HEARINGS

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, on February 27 at 9:30 a.m. in room 424 of the Russell Senate Office Building, the Select Committee on Small Business will hold hearings on S. 388, The Small Business Employee Ownership Act. This bill would authorize the Small Business Administration to guarantee loans to employee-owned companies and to employee organizations seeking to purchase their companies when they would otherwise close or relocate.

Persons desiring additional information should contact committee staff at 224-5175.●

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. McGOVERN. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will meet Wednesday, February 21 at 10:00 a.m. to organize for the 96th Congress. Subcommittee assignments will be made and the committee rules will be determined.

The full committee will also consider the nomination of James H. Williams of Florida to be Deputy Secretary of Agriculture. Mr. Williams is a former lieutenant governor of Florida and he has had a lifelong involvement with agriculture.

In addition, the committee's agenda will include S. 292, which reduces the 1980 authorization for appropriations for the supplemental food program, and S. 41 which authorizes the Secretary of Agriculture to relinquish any interest in lands held by the United States in Bell County, Ky., to the Bell County Board of Education.

The meeting will be held in room 322. Anyone wishing to submit testimony on Mr. Williams' nomination should contact Denise Alexander, hearing clerk, at 224-0014.●

COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce for the information of the Senate and the public that the Senate Committee on Energy and Natural Resources will hold a hearing on February 27, 1979, on the current international oil supply situation in light of the continued curtailment of Iranian crude oil production.

The hearing will begin at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

Testimony will be received from the Department of Energy concerning the impacts of the present crude oil supply interruption which are being experienced by other nations, particularly those which are participating members of the international energy program. A prognosis of the anticipated actions to be considered by the Board of Governors of the International Energy Agency at its forthcoming meeting in Paris on March 1 and 2, 1979, will be solicited by the committee.

The committee would be pleased to receive written testimony from those persons or organizations who wish to submit statements for the Record. Statements submitted for inclusion in the Record should be typewritten, not more than 25 double-spaced pages in length and mailed with five copies by March 13, 1979, to George Dowd, counsel, Committee on Energy and Natural Resources, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.●

SUBCOMMITTEE ON ENERGY REGULATIONS

● Mr. JOHNSTON. Mr. President, the Subcommittee on Energy Regulation of the Committee on Energy and Natural Resources is scheduling hearings on the administration's forthcoming proposals for emergency energy conservation and gasoline rationing. These hearings will be held on February 28 and March 19 and 20. Energy conservation contingency and gasoline and diesel fuel rationing plans were originally required by title II of the Energy Policy and Conservation Act (42 U.S.C. 6261). The act requires congressional review of the proposed plans within 60 days after submission and an affirmative vote of each House of Congress to place the plans on standby status (42 U.S.C. 6422). In addition, before a gasoline and diesel fuel rationing plan could actually be implemented each House of Congress would have a right to veto the implementation decision within 15 days.

At a hearing held by the subcomittee on February 5, 1979, David Bardin, Administrator of the Economic Regulatory Administration of the Department of Energy indicated that a gasoline rationing plan and four energy conservation contingency plans (dealing with gasoline service station hours, automobile parking, thermostat settings and advertising lighting) would be submitted on February 26. The proposed rules for these plans appeared in the Federal Register on May 28, 1976 (41 F.R. 21908) and June 28, 1978 (43 F.R. 28134). Assuming the schedule for submission announced by DOE is kept, the hearing scheduled for February 28 will be devoted to the administration's explanation of its plans. The March 19 and 20 dates will be available to receive testimony from other interested persons. These hearings will begin at 10:00 a.m.

Questions about these hearings should be addressed to Benjamin S. Cooper or James T. Bruce of the subcommittee staff at 224-9894.●

SUBCOMMITTEE ON NUTRITION

● Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Nutrition will hold hearings on the fiscal year 1980 Food and Nutrition Service proposed budget. FNS is an agency within the U.S. Department of Agriculture.

The subcommittee will hear the administration's position from Assistant Secretary Carol Foreman on Tuesday, February 27, and public witnesses will be heard Wednesday, February 28. Both hearings will begin at 9 a.m. in room 324.

These hearings have been scheduled to honor a commitment made to the President when he signed the Child Nutrition Act of 1978. At that time, he requested that all future FNS budgets be given a thorough and objective review.

Anyone wishing to testify on February 28 should contact Denise Alexander, hearing clerk, at 224-0014.●

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate today to hold a hearing on the authorization of the Rail Public Counsel and the United States Railway Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate today to hold a hearing on the NASA authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND FEDERAL SERVICES

● Mr. GLENN. Mr. President, I wish to announce hearings by the Governmental Affairs Subcommittee on Energy, Nuclear Proliferation and Federal Services. On February 27 and March 1, the subcommittee will hold oversight hearings on the 1980 census. The hearing on February 27 begins at 9 a.m. in 3302 Dirksen Senate Office Building, and on March 1 the hearing will begin at 10 a.m. in 5110 Dirksen Senate Office Building.

The subcommittee will also hold a hearing on February 28, 1979, at 10 a.m. in 357 Russell Senate Office Building on the price impact of oil shortages and U.S. energy planning.

Finally, the subcommittee will hold hearings on March 6 and 7 on the Federal responsibilities for radiation protection. The hearings on both days will begin at 9:30 a.m. in 3302 Dirksen Senate Office Building.●

ADDITIONAL STATEMENTS

TRAPPED

● Mr. WILLIAMS. Mr. President, I would like to call to the attention of my colleagues a recent New York Times column written by John B. Oakes. Mr. Oakes makes an excellent case for prohibiting the use of the inhumane steel-jaw, leghold trap.

I have introduced a bill to ban this trap throughout the Nation, and was most gratified by Mr. Oakes' cogent article.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 13, 1979]

TRAPPED

(By John B. Oakes)

The men and women who carelessly toss the furry skin of a wild animal across their shoulders—just as their ancestors did in the forests of Northern Europe and Asia several thousand years ago—may not know it, and if they do, surely prefer not to think about it, but with few exceptions what they're really doing is flaunting evidence of many hours or even days of torture suffered by each wild animal whose pelt they wear.

There is no escape from this ugly fact, nor can it be hidden by ridicule of the "do-gooders" who are trying to put a stop to this anachronistic form of cruelty or by the false claim that abolition of the steel leg-hold trap will destroy the fur industry.

For those who prefer facts to emotion on this touchy subject, a look at the facts will show that:

The steel leg-hold trap, as normally used on land throughout the United States and Canada, is a monstrously brutal method of capturing wild animals.

The overwhelming preponderance of wild (as distinct from ranch-raised) animals whose pelts are used in the American fur industry are caught by the steel leg-hold trap although more humane, if more expensive, alternatives are available.

Use of this trap has already been outlawed or restricted in a number of fur-producing countries and in a few American states.

The recent shift in fashion toward "fun" furs has raised the demand (and prices) for pelts of relatively common wild animals, usually taken by this barbaric device.

When the steel trap is sprung on an animal's leg, the traumatic effect has been compared to that of a car door smashing a human finger caught between the hinges. But (unless the trap has been set underwater, in which case the animal fairly quickly drowns) the agony does not end there; it only begins.

The trapped animal will almost certainly thrash wildly about in terror, rage, pain and panic, breaking its teeth on the steel trap or the chain that holds it in place. Occasionally the victim will succeed in gaining freedom, after hours of struggle, by wrenching or biting off its own foot at the point where the steel jaws have already dug into the bone. This is known in the trade as "wring-off" and the animals that thus leave one paw behind them are the lucky ones.

The others—the vast majority of the millions trapped on land each year—are eventually worn out by the struggle and lie inert and exhausted, without food or water, until the trap line is visited, which may easily be two, three or more days later. At that point, the victim at last is put out of its misery, usually by clubbing or strangulation—provided it has not already starved or frozen to death. It has been estimated by Government trappers (and the United States Government is the biggest single trapper of all with its indefensibly wasteful predator-control program) that about 75 percent of the unwanted animals caught in traps set for other species are so badly injured that they have to be destroyed.

More than six and one-half million muskrats and three million raccoon were trapped and killed in the United States in 1976–77; nearly 175,000 coyotes; 21,000 badger, etc. etc.—to a total of more than 16 million wild animals in that year alone, taken by an estimated two million trappers, licensed and unlicensed.

Various substitutes for, or modifications of, the leg-hold trap have been tried but are not in general use in this country, except perhaps for an "instant kill" trap that has its own dangers and defects.

Nearly a dozen countries, including Denmark, Norway, Sweden and the United Kingdom, forbid use of the steel leg-hold trap. So, to a limited degree, do a few American states, including New Jersey, where a battle is going on right now to extend the prohibition to all counties in the state. Senators Harrison A. Williams of New Jersey and Birch Bayh of Indiana have introduced comparable legislation at the Federal level.

The fur industry itself has been enjoying an economic revival in the last few years, sparked in part by the new emphasis on "fun" furs trapped in the wild. The rise and use of wild-animal furs (80 percent of which in the United States are caught in the steel leg-hold trap) accounts for a significant part of what today has become a $700 million business.

That's why it's becoming more urgent than ever that the abominable cruelty of the leg-hold trap and the needless suffering it entails be brought to the attention of otherwise sensitive men and women who through ignorance or indifference don't hesitate to wrap themselves in the skin of an animal that probably died under frightful torture.●

CHINA POLICY

● Mr. HATCH. Mr. President, our Nation is now immersed in a great debate regarding the benefits and faults of the Carter administration's controversial decision to recognize Red China and to withdraw recognition from the Republic of China on Taiwan. It is my view that our Nation can no longer afford the luxury of so cavalier a severance of ties with an ally to which we once bound ourselves with a solemn treaty. Either our word means something solid or it is nothing, like the illusion of the oasis on the desert.

Mr. Anthony Harrigan, the executive vice presdent of the United States Industrial Council, which is headquartered in Nashville, Tenn., recently addressed the question of our China policy and its impact on our economic health. As is so often the case with the Harrigan column, the analysis in this instance is precise and prescient. Briefly, Harrigan contends that American aid in modernizing Red China's economy could lead to the creation of an economic gargantua of frightening proportions to those of us concerned about protecting Americans' jobs here at home.

Mr. Harrigan also addresses the moral aspects of this controversy and concludes that the balance sheet simply comes out in the red. I commend this excellent article to my colleagues and ask that it be printed in the RECORD following these remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

RED CHINA—"ECONOMIC GARGANTUA"

(By Anthony H. Harrigan)

In capitulating to Peking's demands on Taiwan, the Carter administration reduced both America's moral standing and the world's respect for America's ability to deal realistically with global problems.

The Peking regime is desperate for American approval and assistance. It was wholly unnecessary as well as wrong for the president to abandon the free Chinese on Taiwan and strengthen the totalitarian system on the Chinese mainland.

The act of "normalization of relations" (what a distorted phrase that is, as though it were normal international practice to recognize an expansion of tyranny) was only the beginning, however. One can be sure that giant efforts soon will be made to provide financial guarantees for those who want to do business with the Peking regime—guarantees established at the expense of American taxpayers.

Unfortunately, not a few American companies have been pushing hard for trade with the Chinese Communists, though this trade would be contrary to the interest of the United States. These companies ignore the sorry record of "trade" with communist countries. Communist countries always are delighted to engage in trade when free world nations and their private institutions offer credit.

Looking beyond the financial folly of such trade, however, it's important to bear in mind that the transfer of agricultural and industrial know-how to China seriously damages U.S. national interests, no matter how the transfers are financed. A more powerful Communist China will be a threat to the United States.

V. H. Krulak, former president of the Copley Press, set forth the realities of playing the "China card" in the Fall number of the *Strategic Review*. He wrote:

"In practical terms this translates into our doing what the Chinese want us to do: provide them with economic support—foodstuffs and fertilizer; military support—weapons sales and technical advice; industrial technology and education."

Krulak said that with American help, Red China could become an economic colossus. "If we provide China with fertilizer plants, agricultural machinery, computers, machine tools, automated rolling mills, tire factories, ball bearing plants and precision instruments—if we provide her with the means to feed herself, along with the sinews of modern industry, and most particularly if we do it all on credit without great and certain return for ourselves—we will create an economic gargantua whose shadow will fall everywhere, with no palpable benefits to ourselves in return."

If the Chinese Communists propose to pay for goods received from the United States, it almost certainly will be in the form of textile exports. The American market already is flooded with textiles from other Asian countries.

It takes little imagination to comprehend the devastating effect Chinese imports would have on many industries in the United States. The United States already is paying a heavy penalty for providing Japan's industries with advanced equipment and know-how after World War II. The penalty is being paid in lost jobs and earnings. Hundreds of millions of Chinese, working without any limitation on hours or conditions of employment, could produce goods for a fraction of production costs in the United States.

Both economic and strategic factors underline the folly of providing Communist China with modern industrial equipment and know-how. Unfortunately, a large number of influential Americans, beginning with the Carter administration policy planners, are too shortsighted to discern the hurtful long-range effects of U.S.-China trade.●

LIBYA AND IDAHO

● Mr. McGOVERN. Mr. President, William Safire who describes himself as a "registered, rightwinger and unabashed hawk" in his column for the February 15 New York Times has written in praise of the new chairman of the Senate Foreign Relations Committee, Frank Church. Mr. Safire has done a great service in underscoring the dangers involved in attempts by foreign interests to involve themselves directly in the internal politics of this country. In this instance, the country is Libya and the politics are in Idaho. In Mr. Safire's account, real courage has been shown by Senator Church in withstanding such political pressures. Mr. President, I believe this column entitled "Libya and Idaho" should receive the Senate's attention, and I ask that it be printed in the Record.

The column follows:

Libya and Idaho

(By William Safire)

Washington, February 14.—Muammar el-Qaddafi, radical Arab strongman of Libya, has a problem: Nearly five years ago, Libya bought eight C–130 troop-transport jets for $45 million from Lockheed Corporation. But the Nixon Administration, sensing the mischief that could be undertaken if the most pro-terrorist Arab state had a strike force to deliver paratroops, refused to grant an export license.

Today, those eight Libyan-owned C–130's sit mothballed in Marietta, Ga. Since Libya has become the most militant of the Arab "rejectionists," providing support for terrorists and seeking to engineer coups in Yemen, each succeeding Administration has refused to permit delivery of the jets.

A couple of years ago, Colonel Qaddafi set about trying to change American policy. The U.S. President comes from the state of Georgia, and the next chairman of the Senate Foreign Relations Committee, Frank Church, comes from Idaho. Colonel Qaddafi zeroed in on those two states.

The seduction of the President's brother, Billy Carter, to the Libyan cause in Georgia is well known, and is the subject of foreign-agent registration queries by the Justice Department. Not so well known is the Libyan campaign to win the hearts and minds of the voters of Idaho.

Through Ahmed James Araji, an Iraqui-born American professor at the University of Idaho, the Libyans arranged an invitation to visit Idaho to study the possible purchase of farm commodities. The Idaho Farm Bureau, entranced with the possibilities of dealing directly with an oil-rich foreign customer, helped set up appointments with local and state politicos.

Soon, delegations of Idaho farmers and businessmen were being entertained in Libya. Unfortunately, the kind of wheat that is grown in Idaho is not the kind that is eaten in Libya, but about $30 million in wheat deals were reportedly consummated that enabled Idahoans to be middlemen for Midwestern wheat.

Also invited to Libya was Republican Senator James McClure, an intelligent, soft-spoken conservative who is likely to become a far more effective spokesman for Arab causes than the recently retired James Abourezk. Another Idaho politician who met with Colonel Quaddafi was Representative Steven Symms, a Republican who intends to contest in 1980 the Senate seat held by Frank Church. Congressman Symms is frank to say of the Libyans that "the first question they ask everybody is how they're going to get their jets delivered."

Recently, when Billy Carter helped the Libyan emissary, Ahmed el-Shahati, play host at a Washington reception, the only Congressional staffer in view was a man working for Senator McClure; next day, the Libyan envoy lunched with the Idaho Senator.

During that week, Idaho Congressman Symms sought to have an off-the-record luncheon for members of the Agriculture Committee with Mr. Shahati; however, columnist Jack Anderson discovered the invitation that promised "no public exposure" to those who attended, and the attendant publicity cut the attendance.

Of course, the real target of Mr. Qaddafi is Senator Church, who the Libyans think could change Administration policy regarding the C–130 troop transports. The let's-get-friendly-with-the-Libyans message has been delivered by the Farm Bureau and Idaho businessmen, asking for Mr. Church's sponsorship of a "trade office"; Mr. Church replies that his approval is "irrelevant," since any country can open a trade office wherever it wishes.

Reporters Charley Blaine of The Idaho Statesman and Lonnie Rosenwald of The Twin Falls Times-News have been exposing the Libyan attempt to bring pressure to bear on Idaho's representatives in Washington. To my mind, it is an international rather than a local story.

Senator Church has withstood the pressure: "This C–130 sale was canceled by the State Department as contrary to our national security interests. This policy was begun under President Nixon and continued under Presidents Ford and Carter. I support it. Libya is not only hostile toward Israel but also toward Egypt and other moderate Arab governments. I see no reason to sell the Libyans any military equipment, including C–130 military transports."

That's a gutsy statement, especially in view of the way his probable Senate opponent is allowing himself to be used by the Libyans. Representative Symms tells me he, also, now opposes the arms sales, and fails to see how he is being manipulated: "There are no Libyan votes in Idaho." He is closing his eyes to the growing Libyan economic influence.

As a registered right-winger and unabashed hawk, I have often flayed Frank Church—including, ironically, for his unwillingness to use trade as a weapon. But when a dictator uses his money to get businessmen to exert influence on the chairman of Senate Foreign Relations to get the U.S. Government to cave in to arms demands—that is a blatant attempt to subvert American institutions, and conservatives from Washington to Boise should close ranks to resist.●

COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS

● Mr. DOLE. Mr. President, on Thursday of last week, February 15, the Government of the Republic of China announced that it had reached agreement with our own Government on the manner in which it will continue to be represented in the United States. After March 1, the interests of the Republic of China and its citizens will be administered in this country by the "Coordination Council for North American Affairs," which will consist of an office in Washington, and eight branch offices in other major American cities.

Considering the adverse circumstances under which this agreement was negotiated, it seems to me that our friends from the Republic of China have salvaged the most they could from the present situation. Notified only 8 weeks ago that our Government would no longer maintain official relations with their government, the citizens of the Chinese Republic entered into discussions with our State Department officials—clearly in a weak bargaining position—and did their best to "mitigate damage" and to "protect the interests of the country and people," as President Chiang Ching-Kuo has stated.

It seems to this Senator that the final agreement announced on Thursday belies the charade which this administration has sought to foster regarding our future relations with Taiwan—the charade that those relations will be "unofficial" despite the fact that Federal funds sustain the new "American Institute in Taiwan," and that all of our existing government-to-government treaties and accords will remain intact, except for the mutual defense treaty.

The administration has acceded to the fact that our future bilateral relationship with Taiwan will have the "qualities of officiality," and few observers will be misled by evasive diplomatic jargon designed to pacify Peking's leadership.

For, in truth, if the administration insists on calling an "apple" an "orange," despite the fact that it looks, feels, and tastes like an "apple," that does not make it any more an "orange" than an "apple." Those of us who recognized the inevitability of diplomatic relations with Peking, but who object to the shabby way in which the Republic of China has been treated by this administration, respect the manner in which the representation issue has been resolved. Yet, we will have no great difficulty in peering beyond the diplomatic sleight of hand performed by the State Department, and recognizing the realities of our continued relationship with our friends in Taipei.

Mr. President, I submit for the RECORD the text of the UPI news release relating to this action, and the text of the February 15 telegram to the Republic of China embassy concerning the announcement in Taipei.

The material follows:

SINOEMBASY,
Washington, D.C.

Dr. James Soong, Acting Director-General of Government Information Office, made the following announcement on February 15: Quote. In order to continuously safeguard the rights and interests as well as other related mutual benefits of the Peoples Republic of China and the United States of America, the Government of the Republic of China has decided, under the principle of equality and reciprocity, to establish the "Coordination Council for North American Affairs" and appointed Dr. Wei-ping Tsai, Mr. Chi-Ching Chen and Mr. George Y. L. Wu as council members with Dr. Tsai as the chairman of the council.

The council will be set up in Taipei and will have its office in the United States of America in Washington, D.C. with branches in New York, San Francisco, Chicago, Los Angeles, Honolulu, Seattle, Houston, and Atlanta. The council is charged with the responsibilities of handling and coordinating all related matters between the two countries.

All treaties and agreements as well as other executive arrangements in force between the Republic of China and the United States of America on January 1, 1979 will remain in full force. Unquote.

After his announcement, Dr. Soong, in reply to the press inquiry about the nature of the future relations between the Republic of China and the United States, stated that the future relationship between the two countries will have the qualities of officiality.

TAIWAN.

TAIPEI.—Taiwan said today it had agreed with the United States to establish a "coordination council" in nine American cities to replace its diplomatic mission, resolving the most difficult issue between the governments.

Government spokesman James Soong said the Nationalist Chinese mission in Washington will be called "The Coordination Council for North American Affairs" and will have branch offices in eight other cities.

Taiwan and the United States have been negotiating for two months—since President Carter announced his decision to recognize Peking—on the nature of ties between the two allies once diplomatic relations are severed March 1.

The name of Taiwan's mission to the United States and related details had been the major stumbling block to a new arrangement. The remaining details, centering on such topics as arms sales, are considered less troublesome.

Soong said in a statement that the council will be the "counterpart of the 'American Institute in Taiwan,' but the future relationship between the two countries will have the qualities of officiality."

Soong's statement was in direct contrast to statements repeatedly made by U.S. authorities that future Washington-Taipei relations will be on 'unofficial basis.'

Reports from Washington earlier indicated the U.S. Government had agreed not to dispute the Nationalist Chinese claim of officiality but neither will Washington confirm it.

According to previous agreement, the two organizations will take over the handling of trade, culture and other relations, including visas, on March 1 when diplomatic missions of both countries cease functioning in Taipei and Washington.

Soong said the eight branches of the coordination council will be in New York, San Francisco, Chicago, Los Angeles, Honolulu, Seattle, Houston and Atlanta.

Before the United States severed diplomatic relations with Taipei, the Nationalists had 14 consular offices in the United States. But Nationalist Government officials consider the eight branches they will have a 'victory' because they said Washington originally had agreed on only four branches.

The Nationalist Government announcement also said that "all treaties and agreements as well as other executive arrangements in force between the Republic of China (Taiwan) and the United States of America on Jan. 1, 1979, will remain in full force."

Soong conspicuously neglected mention of the Washington-Taipei mutual defense treaty, which the United States had said officially it will terminate at the end of 1979, the two countries earlier agreed that all other 58 treaties and agreements will remain in force despite the lack of official ties.

The announcement said Dr. Tsai Wei-ping, retired vice foreign minister, has been named chairman of the coordination council, Tsai is 67.

Government forces in Taipei said the bulk of the Nationalist Chinese diplomats now in the United States will remain to serve with the supposedly unofficial organization.

President Chiang Ching-kuo issued a message to his 17 million people on Taiwan to explain the decision his government had to make on the new setup.

"In the last two months, we have endured the heavy pain in our hearts in order to negotiate and talk with the United States amidst danger and concern," he said. "We wanted to do all we could to mitigate damage from the tragedy and protect the interest of the country and people."

Chiang also praised as "The Voice of Justice" criticisms voiced in the U.S. Congress of Carter's decision to recognize Peking at the sacrifice of Taiwan.

Washington reports earlier said the United States used several types of pressure—including what some pro-Taiwan sources call an ultimatum—to get the Nationalist Chinese Government to agree to unofficial future relations.

The sources said Taiwan's special envoy Vice Minister H. K. Yang reluctantly agreed to establishment of the unofficial Taiwan organization after the United States applied several forms of pressure.●

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

● Mr. CHILES. Mr. President, in recent years the Senate Committee on Aging has published during the early part of each session of Congress a checklist of itemized deductions for individual taxpayers.

This publication is designed to protect older Americans, as well as younger Americans, from overpaying their Federal income tax.

Hearings conducted by the Committee on Aging have made it abundantly clear that many elderly persons needlessly overpay their taxes each year.

Large numbers are simply unaware of helpful deductions which can save them precious dollars.

Some are overwhelmed by the complexity of the tax law.

Others are confused by the tax forms and instructions.

The Internal Revenue Service has repeatedly emphasized over the years that it wants no individual to pay more income tax than legally due. Each person should be entitled to every deduction, credit, or exemption authorized by law.

The committee's checklist can provide an important safeguard for taxpayers who may not be completely current on recent changes in the Internal Revenue Code. Several important tax relief measures became law late last year, including:

A one-time, up to $100,000, exclusion from capital gains tax for persons 55 or older who sell their homes; and

A 15-percent credit on up to $2,000 in qualifying expenditures for energy conserving devices, such as insulation, weather-stripping, or storm windows.

These provisions can provide significant relief for older Americans, especially the capital gains exclusion.

The checklist though, can be valuable in other ways. Taxpayers, for example, may find it useful in determining whether it would be more advantageous to claim the standard deduction or itemize deductible expenses.

In addition, persons who have already filed a tax return may be helped by this summary—especially those who may have overlooked allowable deductions. These persons can file an amended return and receive a refund for items not initially claimed on their tax return. They may submit form 1040X within 3 years after the original return was due or filed, or 2 years after the tax was paid, whichever is later. In some cases, these persons may even receive interest on the refund.

Finally, the checklist can provide guidance for individuals in planning their personal affairs.

Mr. President, I commend this publication—entitled "Protecting Older Americans Against Overpayment of Income Taxes"—to my colleagues, and ask that it be printed in the RECORD.

The material follows:

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

(A revised checklist of itemized deductions for taxable year 1978)

(Prepared by the staff of the Special Committee On Aging, U.S. Senate; Lawton Chiles, Florida, *Chairman*)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3% of your adjusted gross income (line 31, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1% of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3% limitation):

Abdominal supports (prescribed by a doctor).

Acupuncture services.

Ambulance hire.

Anesthetist.

Arch supports (prescribed by a doctor).

Artificial limbs and teeth.

Back Supports (prescribed by a doctor).

Braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs.

Chiropodist.

Chiropractor.

Christian Science practitioner, authorized.

Convalescent home (for medical treatment only).

Crutches.

Dental services (e.g., cleaning, X-ray, filling teeth).

Dentures.

Dermatologist.

Eyeglasses.

Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed).

Gynecologist.

Hearing aids and batteries.

Home health services.

Hospital expenses.

Insulin treatment.

Invalid chair.

Lab tests.

Lipreading lessons (designed to overcome a handicap).

Neurologist.

Nursing services (for medical care, including nurse's board paid by you).

Occupational therapist.

Ophthalmologist.

Optician.

Optometrist.

Oral surgery.

Osteopath, licensed.

Pediatrician.

Physical examinations.

Physical therapist.

Physician.

Podiatrist.

Psychiatrist.

Psychoanalyst.

Psychologist.

Psychotherapy.

Radium therapy.

Sacroiliac belt (prescribed by a doctor).

Seeing-eye dog and maintenance.

Speech therapist.

Splints.

Supplementary medical insurance (Part B) under Medicare.

Surgeon.

Telephone/teletype special communications equipment for the deaf.

Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.).

Vaccines.

Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs.

Whirlpool baths for medical purposes.

X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

TAXES

Real estate.

State and local gasoline.

General sales.

State and local income.

Personal property.

If sales tax tables are used in arriving at your deduction, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.

Auto loan.

Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money and only if the charging of points is an established business practice in your area. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the separately stated "finance charge" expressed as an annual percentage rate.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, auto accident provided not caused by a willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, you may use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box used to store income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by your employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if used regularly and exclusively for certain business purposes.

Educational expenses that are: (1) required by your employer to maintain your position; or (2) for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—You may claim either a deduction (line 31, Schedule A, Form 1040) or a credit (line 38, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general, or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, you may voluntarily earmark $1 of your taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

Other tax relief measures

Filing status	Required to file a tax return if gross income is at least—
Single (under age 65)	$2,950
Single (age 65 or older)	3,700
Qualifying widow(er) under 65 with dependent child	3,950
Qualifying widow(er) 65 or older with dependent child	4,700
Married couple (both spouses under 65) filing jointly	4,700
Married couple (1 spouse 65 or older) filing jointly	5,450
Married couple (both spouses 65 or older) filing jointly	6,200
Married filing separately	750

Additional Exemption for Age.—Besides the regular $750 exemption, you are allowed an additional exemption of $750 if you are age 65 or older on the last day of the taxable year. If both a husband and wife are 65 or older on the last day of the taxable year, each is entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1979, you will be entitled to the additional $750 exemption because of age for your 1978 Federal income tax return.

"Zero Bracket Amount."—The "zero bracket amount" is a flat amount that depends on your filing status. It is not a separate deduction; instead, the equivalent amount is built into the tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, you will need to make an adjustment if you itemize deductions. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

Tax Tables.—Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you do not have to deduct $750 for each exemption or figure your general tax credit, because these amounts are also built into the tax table for you.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence.—You may exclude from your gross income some or all of your gain from the sale of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale. These requirements, and the amount of gain that may be excluded, differ depending on whether you sold your home before July 27, 1978, or on or after that date. The exclusion is elective, and you may elect to exclude gain only once for sales before July 27, 1978, and only once for sales on or after that date.

If you sold your home before July 27, 1978, and you were age 65 or older before the date of sale, you may elect to exclude the gain attributable to $35,000 of the adjusted sales price if you owned and occupied the residence for 5 of the 8 years ending on the date of sale. If you sold the home after July 26, 1978, and you were age 55 or older before the date of sale, you may elect to exclude $100,000 of gain on the sale if you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years under certain circumstances). Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded.

Additionally, you may elect to defer reporting the gain on the sale of your personal residence if within 18 months before or 18 months after the sale you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence; (2) you were on active duty in the U.S. Armed Forces; or (3) your tax home was abroad. Publication 523 (Tax Information on Selling or Purchasing Your Home) may also be helpful.

Credit for the Elderly.—You may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if you are:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

For more information, see instructions for Schedules R and RP.

Credit for Child and Dependent Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent child under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20 percent credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—If you maintain a household for a child who is under age 19, or is a student, or is a disabled dependent, you may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owned. Generally, if you reported earned income and had adjusted gross income (line 31, Form 1040) of less than $8,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

ENERGY TAX ACT

The Energy Tax Act of 1978 is directed at providing tax incentives for energy conservation measures and for conversion to renewable energy sources.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; caulking or weatherstripping for exterior windows or doors; a furnace replacement burner which reduces the amount of fuel used; a device to make flue openings (for a heating system) more efficient; an electrical or mechanical furnace ignition system which replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter which displays the cost of energy usage.

A maximum credit for renewable energy source property is $2,200. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Energy credits may be claimed by completing Form 5695 and attaching it to your Form 1040. Credit for expenditures made after April 19, 1977, and before January 1, 1979, must be claimed on your 1978 tax return. Do not file an amended 1977 return to claim a credit for expenditure in 1977.

Examples of items which do not qualify for energy credit are the following: carpeting, drapes, wood paneling, exterior siding, heat pump, wood or peat fueled residential equipment, fluorescent replacement lighting system, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695 and IRS Publication 903, Energy Credit for Individuals.●

LITHUANIAN INDEPENDENCE DAY

● Mr. GLENN. Mr. President, recent events overseas have sensitized many Americans to the fragile state of the world and to yearnings for freedoms that we too often take for granted in this country.

Every February 16 Americans of Lithuanian ancestry and their millions of friends celebrate an occasion that reminds us that those freedoms are indeed precious. I am speaking of Lithuanian Independence Day, which notes the creation in 1918 of an independent Lithuania after more than a century of Czarist domination.

Last year it was my very great personal honor to address Cleveland's Lithuanian community on this important occasion. I wish all of my colleagues could have witnessed the outpouring of heartfelt respect for this country shown that afternoon in Cleveland. People who have suffered firsthand from the tyranny of oppression joined their sons and daughters to give thanks, first of all, to the United States, where they have used their abundant talents to carve out positions of respect and importance.

They also were sending a strong message, Mr. President, to those who would choose to ignore the many millions of Eastern Europeans whose ideal of liberty has been eclipsed by Soviet domination since World War II. There will be no forgetting these citizens behind the Iron Curtain, Mr. President, because the people of this country share political, cultural, religious, and social ties with Eastern Europe that no force of arms and no passage of time have been able to eradicate.

I visited the Soviet Union last year and was astounded that Soviet leaders fail to appreciate the seriousness of American concern for the captive nations. Those leaders view nations like Lithuania, Hungary, Poland, Czechoslovakia, and Yugoslavia, as "buffer" states protecting the Soviet Union from European invasion. What the Soviet Union did at the end of World War II, these Russians say, is buy insurance that their country will not be brutalized again from the likes of Napoleon and Hitler.

Almost in the same breath, these high Soviet leaders could not understand why Americans speak about "a Soviet threat."

After hearing this several times at different stops on our visit, I felt I had to confront this rhetoric and I expressed quite specifically why I feel Americans see a Soviet threat to world peace. Very high on my list was the continued Soviet domination of Eastern Europe and the willful neglect of pacts such as Helsinki as they affect these nations' human rights. My message to the Kremlin was as direct as I knew how to be. I told the Russians that as a Senator from Ohio it is my privilege to represent hundreds of thousands of individuals whose families remain behind the Iron Curtain or who fled oppression, despite their love of homeland, for reasons that literally took on life-and-death dimensions.

And I told the Russian leaders that Americans cannot forget what happened, nor will time erode the impact. I and many other Americans attend prayer meetings and rallies where citizens by the thousands gather to remind our entire Nation that, even as we work to correct the social ills of America, our problems here are minor compared with those who in this century knew liberty but who now have oppression as their constant condition.

Lithuania stands as a shining example. Here is a Baltic State that was free more than 20 years and saw dramatic increases in freedom, education, and industry. Then Hitler and Stalin combined to devour this land, and during Stalin's regime more than 200,000 Lithuanians were exiled.

I am proud, Mr. President, that the Government of the United States has never legitimatized this brutality by acknowledging the Soviet action in seizing Lithuania. We continue to maintain diplomatic relations with representatives of the former Government in Washington.

Will Americans forget lands like Lithuania? I do not think so.

The surge of interest in ethnicity is no passing fancy, and anyone who resides in a State like Ohio knows that for a fact. Whether they be young or old, pride of homeland and pride in America dominate the actions of those whose heritage began abroad and who came to America because they knew firsthand what hatred and oppression mean.

The Soviet Union indulges in wistful thinking if its leaders dream that someday the sons and daughters, grandsons and granddaughters of these individuals will forget history—their own history—and say that freedom can never exist in Eastern Europe.●

BUILDINGS REBORN: NEW USES, OLD PLACES

● Mr. STAFFORD. Mr. President, the "Talk of the Town" section in the New Yorker magazine recently carried a most interesting article discussing the reuse or recycling of older buildings. This is precisely the type of activity the Congress sought to encourage when it enacted the Public Buildings Cooperative Use Act of 1976 (Public Law 94–541).

Because of the importance of this law and the evidence that many Federal bureaucrats have shown great disinterest in implementing the directives of the act, I ask that this article be printed in the Record.

The article follows:

New Uses

It was too expensive to tear down the old torpedo factory on the Potomac in Alexandria, Virginia, because the walls were built to stay standing even if one of the torpedoes went off at the wrong time. What could be done with such a place? The building now provides studio space for a couple of hundred painters, printmakers, sculptors, photographers, jewellers, and stained-glass makers, and there's enough room left over for four galleries which display the work of twelve hundred artists a year. Three hundred and fifty thousand people flock to the old eyesore every year now to peer, appraise, poke around, and buy. Was there any point in saving six old Quaker Oats mill buildings and an adjacent small forest of one-hundred-and-two-foot-high grain silos built long ago in Akron, Ohio, by Ferdinand Schumacher, the oatmeal king? What could be done with such a place? Well, if some of the old equipment was sold off, and some other interesting-looking stuff—say, the conveyor-belt gears and the man belts that moved mill hands from one floor to another—was left in place, and if everything was polished and scrubbed, and the old floors were varnished, and you put in some stained-glass windows from some old buildings in town that were going to be torn down anyway, then, just maybe, a few lawyers or small businesses would like to lease space on the top floor, and a housewares store and an ice-cream parlor and a leather worker and a scarf seller and a cookie baker could open up on the ground floor, and a restaurant might set up in the basement, where Quaker Puffed Wheat and Quaker Puffed Rice used to be shot from guns. Done! Quaker Square now houses fifty businesses, including the world's largest model-train layout; four hundred locomotives pulling eleven hundred cars tootle over a mile of track, and there are real, life-size old dining cars on nearby sidings which can be rented for parties or conferences. Three and a half million people come to Quaker Square every year to shop and stroll; and, meanwhile, in nearby down-down Akron ninety per cent of the businesses that had closed their doors a few years ago when word got around that downtowns were a thing of the past have reopened, and an old bank that didn't reopen has become a jazz club. In Las Cruces, New Mexico, an old hotel that was once an adobe fortress, with walls three feet thick to keep out the Apaches, has become a bank. In Jersey City, an old bank has become an apartment house. In Mobile, Alabama, a general hospital has been turned into government offices, while in Brooklyn the old American Machine & Foundry Company buildings, on the waterfront near Bush Terminal, have been turned into the Lutheran Medical Center, a five-hundred-and-thirty-two-bed teaching hospital.

Two weeks ago, Phyllis Lambert, the woman who when she was just out of college persuaded her father to hire Mies van der Rohe to build the Seagram Building, came down to New York from Montreal, her native city, to talk to the chairman of our Landmarks Preservation Commission and the chairman of our Landmarks Conservancy and an official of our Municipal Art Society about getting started on her latest project, the preservation of old Montreal. The mayor of Kansas City called up the director of the Institute of Museum Services in Washington, a federal agency that gives museums money to help defray operating expenses, with a question: he wanted to turn his railroad station into a museum, but should he install an American Indian exhibit or a museum of science and technology? (Lee Kimche, the director, told him that she couldn't presume to say what Kansas City people would like but that museums of science and technology are now the fastest growing and most popular in the country.) And last week four hundred and twenty-five architects, city planners, bureaucrats, bankers, businessmen, newspapermen, builders, developers, curators, artists, and professors, along with a member of Congress and our mayor, gathered at the Museum of the City of New York for a picnic lunch and a day-long symposium called "Buildings Reborn: New Uses, Old Places" to talk about a phenomenon that has ignited interest so quickly around the country that it doesn't yet have a single name—some call it renovation, others rehabilitation, or remodelling, or recycling, or retrofitting, or environmental retrieval, or extended use, or the adaptive reuse of old buildings. As architect talked to banker over cold lemon chicken and ratatouille and apricot mousse, as planner and builder shared giant gingerbread cookies fashioned in the beautiful old shape of the soon to be adaptively reused former Police Headquarters on Centre Street, a common theme of the conversations was that a meeting like this one would have been unimaginable a few years ago, when only a handful of people wanted to save old buildings, when only a gnat's weight of people were thinking not just about saving buildings but about putting them to sensible uses.

Jay Solomon, the head of the General Services Administration, and thus the rental agent of the federal government, which manages some two hundred million square feet of floor space in two thousand federally owned and seven thousand federally leased buildings, told Lew Rudin, the New York builder, that it was now definite that twenty-five million dollars would be included in the G.S.A.'s budget request for 1981 to remodel the Cass Gilbert Beaux-Arts United States Custom House so that federal workers could move back into it. Lew Rudin pinned a golden apple pin on Mr. Solomon's lapel. "Here I am, helping save downtown," Jay Solomon said, "and I'm a man who used to make a living building suburban shopping centers."

"It makes sense to reuse wherever we can," Gerald Turetsky, the G.S.A. regional head, said, and, turning to Barbaralee Diamonstein, the symposium chairperson and the author of the just published book "Buildings Reborn," he added, "Because it takes us from six to ten years to build a new federal building."

"How did you get interested in preservation?" a bearded young mayoral advance man asked Representative John Brademas, of Indiana, the majority whip, a Brasenose College, Oxford, graduate, and the keynote speaker of the day.

"Because it was drummed into me when I was little that there are things that need preserving," said Brademas. "My dad was from Greece and always told me I was an heir of Phidias and Praxiteles. And my mom's dad, a college history teacher and a school superintendent, had a library of five thousand history books in Swayzee, Indiana. In grade school, I read a book about the Mayas, and as a result I almost became an archeologist. When we obliterate the places of our past, we are insensitive to what we were and disdainful of what we still, in part, are."

And a young woman said, "This movement couldn't have happened at a better time. I keep thinking of swords and plowshares. We all know that the energy crisis is going to get worse, so why throw away the energy that went into building these old buildings in the first place? Making do—my grandmother used to talk about that. My boyfriend's an architect, and he says that taking someone else's building and scrunching it around to make it work another way is the most exciting problem in his business. The older architects in his firm don't agree—they still want to build their own buildings. My uncle says that we're in for a rollback of technology—that my grandchildren will ask me, 'What was airconditioning like, Grandma?' My uncle says, 'People always said New York would be nice if they finished building it. I'm going to live to see it finished.' And he says he'll be able to walk down the street without the dread that when he turns the corner some old friend of a building will be gone. But I look at it slightly differently. There's a building near me that has been turned from a sweatshop into studios. It's a handsome enough old building on the outside, and now it's been spruced up with a new coat of paint, and that's fine. But the change is on the inside. They gutted the building completely, and where it was dark and cramped it's light and open and polished and gleaming. Whenever I change something in myself—well, sometimes I get a new coat or a new dress, and people say how nice I look, but they don't necessarily see that inside I've gone on to something else and I'm no longer the person I was." ●

TIME IS RUNNING OUT ON SOUTH AFRICA

● Mr. McGOVERN. Mr. President, in the February 22, 1979, issue of the New York Times, there appeared a column by Tony Lewis entitled "I'm a South African." It deserves the attention of all of my colleagues. I had the opportunity to visit South Africa last December and had extensive meetings with a number of the white government officials as well as many of the black community leaders. The official South African Government policy of apartheid should make every American tremble with indignation. The fact that the Government sanctioned policy dictates that the color of people's skin should subject them to such injustice and degradation is a moral slap in the face to every decent citizen of the world's community. Tony Lewis puts it well—"The daily humiliation is beyond the imagination of a white American—or even a white South African."

Before I left South Africa, I met with a number of representatives from the press and made the following points. There are five essential steps that have to be taken by the South African Government. First, it must upgrade the quality of black education. Second, it must end the degrading passbook system, and repeal the influx control laws. Third, it must end the practices of detention without charge and banning without just cause. Fourth, it must extend the principle of free enterprise to blacks so that they have equal rights to own property and operate businesses as whites do. Fifth, they must extend full and equal political participation to all its citizens.

Time is running out on South Africa. Apartheid will not survive the end of this century. It will either be yielded peacefully by the white power structure, with steps such as these, or it will go out in a sea of blood as slavery did in the United States a century ago.

I ask that Tony Lewis' column be printed in the Record.

The column follows:

I'm a South African

(By Anthony Lewis)

Cape Town.—On the freeway to the airport an exit sign says Langa. Few visitors, and for that matter few residents of Cape Town, ever turn off here. For Langa is a "black township," one of the few places in the Cape where black Africans are officially allowed to live.

Down a dusty road in Langa you come to a brick building with a corrugated metal roof, about 20 feet by 60. Inside, the space is divided by what looks like chain-link fencing, with an aisle down the middle and little cubicles on each side. In each cubicle there are two double-decker beds.

Forty-eight men live in that building. They have a cold-water tap in the back, and a gas ring for cooking. Nearby is a wash-house, with toilets and cold showers. Each man can keep his possessions locked in a small wire cage that helps form the walls of the cubicles.

Why should people live in such a way? The all-male hostel, as it is called, is a commonplace here, an accompaniment of the official racial system.

It is South African Government policy to keep blacks out of the Cape Town area, reserving it for whites and the mixed-race "Cape Coloreds." In fact, economic reality frustrates that aim. Employers, including Government agencies, need black workers, and the blacks need jobs that are only available in "white" cities. But the law makes them sojourners on sufferance.

Black men who have lived and worked in Cape Town for as long as 20 years may not have a legal right to live here. The stamp in their passbooks defines them as contract laborers, theoretically resident in some distant "homeland." That means that they cannot lawfully have a family with them, and they are supposed to live in a hostel.

Langa has some family houses, tiny one-story boxes in rows. But there are nowhere near enough for the black families in the Cape Town area, and in any case many of them cannot get the right permit from the white administrators. The result is widespread illegality: men living lawlessly with their wives and children.

In another building in Langa I met a man named Edmund, a small, chipper character who said he had been in Cape Town for 25 years. His wife, a well-dressed, articulate woman of about 40, showed me where they live: in a cubicle eight feet square, with two beds in it. They use one bed, another couple the second.

The official barriers to normal family living are one reason for squatters' camps, where blacks build their own shacks of tin and cardboard. One of these, Crossroads, has become known around the world.

Studies of the 20,000 Crossroads residents show that in 80 to 90 percent of the households at least one person is employed. Most have worked in Cape Town for many years, and their pay is well above the poverty line. So they live in what outsiders see as pitiful shacks not because they are unable to pay for regular housing but because there is none where they can live with their families.

Langa is less dramatic than Crossroads, and few outsiders see it. (Because it is an official black township, whites are not supposed to enter it without a permit.) But Langa is more characteristic of the way back life is controlled in South Africa.

The point is that no black can live in any urban area of South Africa except on the terms set by the Government: the white Government. Beyond the fundamental interference with family life there is a network of regulations that affect not just the workers of Langa but the most eminent black lawyer or doctor or writer.

I spent an evening with a distinguished professional couple. When they left, they remarked drily that it was late and that the police would probably stop them on the way into their black township. Last time they were made to stand with their hands on the roof of their car, and were searched at gunpoint.

The daily humiliation is beyond the imagination of a white American—or even a white South African. The surprising thing in South Africa is that blacks have borne it so patiently. But the patience is wearing thin. There is a new edge evident in the talk of black people, as I learned when I attempted to question Edmund, the man I met in Langa.

Q. Do you have a right to be here?

A. A right? What rights does any of us have?

Q. Do you carry a passbook?

A. Why should I carry a passport in my own country? I'm a South African, man.

Q. What about permission to live in Langa?

A. Who are you, then? How do I know who you are?

Q. Can't you tell by my accent that I'm American?

A. You can go to America for a few months and have an accent.

Q. Where are you from?

A. I'm a bloody South African, I tell you. ●

MERITS OF MERIT SELECTION

● Mr. HATCH. Mr. President, the concept of merit selection of our Federal judiciary is a noble one, and one that I strongly support. At the same time, however, I recognize that it is not as clearcut a concept as some would have us believe. Merit selection does not mean the same thing to everyone. As was made clear during the first day of hearings by the full Judiciary Committee, merit selection, to some, simply represents a means by which to appoint more representatives of various minority groups to the Federal bench. While I recognize the need to insure some measure of balance and diversity among our Federal judges, I am not entirely sure that this objective ought to be confused with pure merit selection. If there are other values than pure merit selection that should be pursued with respect to the Federal judiciary, they should be made explicit, rather than through a torturous interpretation of merit selection.

A perceptive article on this matter recently appeared in the Wall Street Journal. I ask that it be printed in the RECORD following these remarks.

The article follows:

[From the Wall Street Journal, Jan. 31, 1979]

"MERIT" SYSTEM FOR PICKING JUDGES

(By David Ignatius)

WASHINGTON.—President Carter's effort to replace politics with "merit" in judicial appointments may not be as meritorious an idea as it sounds.

Mr. Carter, in the classic tradition of "good-government" reform, has been urging Senators to use commissions to select candidates for 117 newly created federal district court judgeships. The commissions, it's hoped, will pay more attention to "merit" than do Senators under the existing system of patronage appointments.

Ideally, the merit approach is supposed to work like this: Lawyers seeking judgeships submit their names to statewide screening panels, much as if they were applying to law schools. The commission members review the applications, interview the candidates, make some phone calls, and then, after due deliberation, submit to the President the names of the five most meritorious candidates.

From those names, the President nominates his choices. If any dubious nominees somehow slip through the net, the American Bar Association is expected to blast them during confirmation hearings.

It's a tidy little system, and it has its virtues. Most important, it will probably check the appointment of truly bad judges, like the notorious, now-deceased Judge Willis Ritter of Utah, who is said to have threatened once to jail the operators of a noisy courthouse elevator. Like any bureaucratic system, the merit panels will tend to screen out such eccentric troublesome characters.

But in addition to raising the floor under judicial appointments, the merit approach may also lower the ceiling—and inhibit the appointment of truly outstanding judges. That's because some of the best potential judges may be too modest or too busy to apply to the commissions in the first place and others may be too political or controversial to be selected.

SOME CASE HISTORIES

If you doubt that the merit approach might have such unfortunate effects, consider the case histories of some prominent judges, who were appointed under the old "political" system that Mr. Carter seems to dislike. In the dawning merit era, these judges might never have made it to the bench:

Judge John Minor Wisdom, for example, knows perfectly well why he was named an appeals court judge by President Eisenhower in 1957. At the Republican convention in 1952, he had delivered the Louisiana delegation for Ike. Judge Wisdom's appellate opinions helped usher in a new era of race relations in the South, but they were the product of an eminently political man.

Judge Robert Merhige wouldn't have gotten near a merit commission. Prior to becoming a federal district judge in Richmond in 1967, he was making a good living in private practice, and as he says, "why go looking for a cut in pay." But as president of the Richmond bar and as co-chairman of Virginians for Johnson in the 1964 campaign, he had won the respect of prominent Virginia lawyers, who pressed him to go on the bench. Since then, he has been widely praised for his handling of some 43 school desegregation cases and other complex litigation.

Judge Marvin Frankel isn't sure whether he would have applied to a merit commission. He was teaching law at Columbia in 1965 when Sen. Robert Kennedy inquired whether he would be interested in becoming a judge. Before retiring from the bench last year, Judge Frankel ably handled many complex cases, including the big antitrust suit by Berkey Photo Inc. against Eastman Kodak Co. "Don't put civil-service blinders on," Judge Frankel advises judicial nominating panels. Although he supports the merit approach in principle, Judge Frankel worries that it may deter would-be judges from getting involved in politics.

Attorney General Griffin Bell has supported the President's merit efforts and has been lobbying Senators to create commissions in their states. But Mr. Bell stresses that candidates shouldn't be rejected simply because they have been involved in politics. Mr. Bell ought to know: He was named an appeals court judge in 1961 by President Kennedy after serving as Mr. Kennedy's campaign manager in Georgia in the 1960 election.

Mr. Bell (or "Judge" Bell, as he likes to be called) notes that some of the nation's most distinguished jurists have been political men. They include William Howard Taft, who served as President before he became Chief Justice; Charles Evans Hughes, who ran for President before he was named Chief Justice; and Earl Warren, who was governor of California before he became Chief Justice.

But for all Judge Bell's kind words about political judges, the underlying premise of the merit-commission approach is that politics should be kept out of the judicial nominating process as much as possible. And while that may keep some political hacks off the bench, it's likely to lead to the appointment of some unobjectionable, uninspired attorneys who have a taste for self-promotion.

Senators don't have to use merit commissions, and some have insisted on keeping the power to propose district judges themselves. One such Senator, Adlai Stevenson, maintains that selection by commissions "doesn't guarantee better results." In fact, the Illinois Democrat argues, the process may "produce a high level of mediocrity."

There are more mundane problems with the merit system as it has been structured. The most obvious is that Senators appoint the commissions. Thus, Senators who would make bad nominations can fill commissions with cronies who will also make bad nominations.

What's more, it is likely that Senators will still have considerable power to block judicial nominations in their home states, despite changes in the Senate's "blue slip" veto procedure proposed last week by Sen. Edward Kennedy, the new chairman of the Senate Judiciary Committee. And even the limited changes proposed by Sen. Kennedy have been criticized by some Judiciary Committee members, who want to retain absolute veto power.

Some of the loudest proponents of merit selection see it as a way of appointing more minorities and women to the bench. This is surely a worthy goal, but it's also a political one. The National Women's Political Caucus says it's "very troubled" that only five women have been included in more than 70 nominees sent to the Justice Department so far. "We urge the President to go back to the Senators and insist that they recommend more women and minority candidates," the group says.

Minority politics can introduce some unusual issues in the selection of new judges, as is suggested by the case of Janie Shores, a former law professor and currently an associate justice of the Alabama Supreme Court. Mrs. Shores applied last year to a commission for a federal appeals court slot in Alabama. She wasn't among the five nominees, and her supporters believe that she lost out because women members of the commission doubted her feminist credentials.

Francena Thomas, who is a member of the nominating commission that considered Mrs. Shores's application, says that when she interviews female candidates, she is "intensely interested in the women's perceptions of the women's movement," and in other "philosophical" issues, such as abortion. Mrs. Thomas is director of the office of minority affairs and women's concerns at Florida International University.

The new system, Mrs. Shores observes, "can be just as political as the old system."

MR. ADAMSON'S VIEW

Terrence Adamson, a special assistant to Attorney General Bell, concedes that there may be "potential problems" with some aspects of the commission approach. But he argues that whatever its faults, the new system is "light years away" from the backroom flavor of the old patronage policy. Mr. Adamson expects that commissions will be used to fill at least 75 of the new judgeships created last year by Congress, and all of the 35 new appeals court positions.

It's possible that the merit system will indeed produce some good, apolitical judges who never would have been appointed under the old system. But the most likely result is that, for the most part, the new system will produce safe candidates and few surprises. At least, that's the impression that emerges from a study published last November by Sheldon Goldman, a professor of political science at the University of Massachusetts.

Mr. Goldman analyzed Mr. Carter's nominees for appeals court judgeships, which have all been screened by commissions under an Executive Order signed by Mr. Carter in early 1977. He found that Mr. Carter's appellate nominees have included more Protestants, more graduates of Ivy League colleges, more attorneys from large firms and also more blacks than those of President Ford.

In Mr. Goldman's view, the creation of so many new judgeships at one time gives President Carter this year "a rare opportunity to fundamentally reshape the third branch of government." The bureaucratic details of the nominating process shouldn't obscure what ought to be Mr. Carter's real goal: picking the best judges.●

TRIBUTE TO NELSON ROCKEFELLER

● Mr. BUMPERS. Mr. President, Nelson Rockefeller's death was a great loss to the Nation. His remarkable record of public achievement will be a lasting memorial that will not be equaled by many public figures in our lifetime.

A recent editorial in the New York Times pointed out that—

> Rockefeller stood for enlightened internationalism against recurrent waves of jingoism and for liberal capitalism against a persistent undertow of reaction.

In espousing these principles, he displayed a great deal of courage.

His inherited wealth would have made it easy for him to shrink from public service, but he enthusiastically accepted difficult assignments for the good of the Nation. An example of this was his unselfish leadership following the Watergate crisis. His presence in the administration added stability and confidence to the institution of the Presidency.

I join my colleagues in extending my deepest sympathy to his family.

Mr. President, I ask that the text of

the January 28 editorial from the New York Times be printed in the RECORD.

The editorial follows:

THE ROCKEFELLER GIFT

Nelson Rockefeller was born, of course, to every conceivable advantage and made the most of it through years of political and personal trial. For those so blessed with wealth and influence, he set an extraordinary standard of concern and effort in the service of the country, New York State and his family, always promoting the nation's economic and military strength and fostering public as well as private support for the arts, education, science and health. He stood for enlightened internationalism against recurrent waves of jingoism and for liberal capitalism against a persistent undertow of reaction.

In time, this farsighted man well understood that events were conspiring to make him choose between principle and the Presidency for which he pined. He tried periodically to play the hard-hearted scourge of criminals and other easy targets, but he lacked the hypocrisy he would have needed to pay his party's price for nomination. For a critical decade, he was the Republicans' real alternative to Richard Nxion and he went down defiantly, serene in his choice of values.

More than monuments and museums, therefore, mark Nelson Rockefeller's passage in our politics. With remarkable good cheer he gave himself, and not merely his money, to the demands of public life and ambition. Repeatedly, he subjected his views and deeds, including his most private financial and family affairs, to the rough judgment of the voters. Because he bore the name Rockefeller, this made him a truly historic figure in the pageant of American democracy.●

THE REGULATORY REFORM ACT OF 1979—S. 445

● Mr. TOWER. Mr. President, I am pleased to join the distinguished Senator from Illinois (Mr. PERCY) as a cosponsor of the Regulatory Reform Act of 1979 to provide for a more effective mechanism for congressional oversight of regulatory agencies.

The bill provides that over a period of 8 years, the President would submit to Congress comprehensive plans for reforming regulation in specified areas. If the President fails to submit a plan in a timely fashion, then the appropriate committee would report its own plan. Should Congress fail to pass comprehensive reform legislation according to schedule, the affected agencies would lose their authority to make new regulations and finally go out of existence. An important and innovative aspect of this legislation is the "sunset" feature, which would force Congress to take affirmative action to maintain the existence of an agency. This provision would assure that both the President and Congress face up to their responsibility to review the need for the continuation or improvement of a regulatory program.

The crux of the problem is that there has been a rapid growth in Federal programs which escape any systematic and thorough congressional oversight. Too often, the programs and agencies are created with permanent authorizations. Seldom are there termination dates attached to a program. Even where there are annual authorization requirements, the review practically never results in the elimination of an agency or a program.

Mr. President, I urge that this body give careful attention to this new and innovative approach to congressional oversight. ●

LITHUANIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, Lithuanian Independence Day, February 16, passed last week while the Senate was not in session. I have made it a practice in the past to mark that occasion with a statement on this floor. My message is no less relevant this week than it would have been if delivered earlier.

Lithuania today is a colony in a vast Russian empire. She saw a period of freedom, and economic and industrial expansion between this century's world wars. During that time, she was given the Russians' "sacred word of honor," in a peace treaty and nonaggression pact, that they would respect her neutrality and independence.

Free Lithuania's economic and political achievements were impressive. The four Baltic countries, Lithuania, Latvia, Estonia, and Finland, were so active in world commerce that by 1938, their combined volume of trade was significantly greater than that of the Soviet Union, a country with 18 times as many people. Living standards were far higher in Lithuania, and remain better today.

Politically, the country greatly liberalized its system of government. Political parties representing diverse interests were given representation in the cabinet.

In June 1940, Soviet soldiers marched in, forced a coalition government to resign, and installed a regime of their own choosing.

The Soviet Union was the only great power to make territorial gains during World War II. While our European allies were freeing hundreds of millions of colonial subjects around the globe, the Russians were busy consolidating their gains and slapping their new satellites rigidly into line.

Americans have never recognized Soviet Russia's annexation of Lithuania. Our policy was best stated by Sumner Welles on July 23, 1940.

Mr. Welles said:

> The policy of this government is universally known. The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force.

Nor can we watch without protest when powerful states intervene in the domestic affairs of their less powerful neighbors, he added:

> The United States will continue to stand by these principles because of the conviction of the American people that, unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law, in other words the basis of modern civilization itself, cannot be preserved.

Journalist Robert Kaiser reported in his book "Russia: The People and the Power" that there have been unconfirmed but credible reports of riots in recent years in Soviet cities:

> Some of the most violent occurred in Lithuania, where local nationalists protested against Soviet rule and Russian domination.

Let us not forget, on this 61st anniversary of modern Lithuania, our commitment to these peoples' freedom.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LUGAR. Mr. President, each year on July 4, all Americans pause to celebrate our Nation's independence and to give thanks for two centuries of freedom. Every February, many of our fellow Americans commemorate another declaration of independence, that of their homeland Lithuania.

The people of Lithuania declared their independence from the Russian Czar on February 16, 1918, and established a democratic government free from foreign domination. But independence was not to last. In 1940, the Soviet Union occupied Lithuania, and a generation has come of age without ever knowing a free Lithuania. As Lithuanians gather all over the world to celebrate their heritage, they have a special message for all of us who have grown accustomed to the precious blessing of freedom.

Decades of russification have failed to break the spirit of the Baltic peoples, and their brothers and sisters in America have been unflagging in their efforts to maintain a national identity and to keep hope alive. The United States has refused to recognize the Soviet Union's occupation of the Baltic nations: Estonia, Latvia, and Lithuania. Our Nation must follow the example of Lithuanian Americans, remaining steadfast in refusing to condone this blatant violation of human rights.

I salute the determination and tenacity of the Lithuanian nation, and I call upon Americans to join in celebrating their independent spirit, as they pursue the dream of making that independence once again a political reality.●

ASSISTANCE FOR SMALL AND DISADVANTAGED BUSINESSES

● Mr. NELSON. Mr. President, the Senate Select Committee on Small Business is continuing to explore ways to increase assistance for small and disadvantaged businesses. Last year, the committee reported, and the Congress approved several significant recommendations to improve the Federal Government's ability to deliver effective and efficient service to the small business community at the least cost. Unfortunately, that legislation was vetoed. The committee is again reviewing those proposals.

In this regard, the Economic Development Subcommittee of the U.S. Conference of Mayors, under the excellent leadership of the mayor of the city of St. Paul, Mayor George Latimer, approved a policy issue to be presented to the parent Community Development, Housing and Economic Development Committee's annual meeting in June. I ask that the subcommittee's policy issue be printed in the RECORD.

The material follows:

ASSISTANCE FOR SMALL AND DISADVANTAGED BUSINESSES

The Conference of Mayors strongly supports the development of small and minority businesses, particularly in disadvantaged areas. Small businesses are labor intensive and account for the majority of central city employment. The USCM has already adopted policy in support of the SBA and a minority business program. The Administration, in its plans for a White House Conference on Small Business and through the new law broadening federal procurement from and assistance to disadvantaged businesses has already begun to show increased interest in this area.

The mayors urge the President and the Congress to continue and expand programs available throughout the federal government for assisting small and disadvantaged businessmen and women. In HUD, SBA, the Department of Commerce and elsewhere, a wide array of services exist, including loans, loan guarantees, management and technical assistance to small and disadvantaged businesses. These programs should be perpetuated and should be directed to areas so that they complement local development strategies and they should be closely linked to other local economic and business development policies and programs.

The federal government should expand its efforts to coordinate the various kinds of assistance available to small and disadvantaged businesses. SBA, HUD and EDA are already working to bring together their small and disadvantaged business assistance in cities on a demonstration basis, and this kind of coordination should be expanded to include other agencies, other cities and other kinds of assistance such as procurement by governments at all levels. Furthermore, the Conference urges the Administration to recognize and support current local efforts to coordinate federal, state and local policies and programs for small and disadvantaged business development.

The subcommittee recommends that the support of the USCM be made known to the various agencies and to the Congress through a policy to be developed and presented at the Annual Meeting in June 1979.●

COLAUTTI AGAINST FRANKLIN

● **Mr. HATCH.** Mr. President, in the infamous case of *Roe* v. *Wade*, 410 U.S. 113 (1973), the U.S. Supreme Court, in limiting the authority of the States to regulate the performance of abortions, recognized nevertheless that at the point of "viability" the State interest in protecting the unborn fetus became sufficiently compelling to permit it to proscribe abortions "except when necessary to preserve the life or health of the mother." The term "viability" was defined a that stage at which a fetus was "potentially able to live outside the mother's womb, albeit with artificial aid."

In response to this, the State of Pennsylvania approved a statute reguiring individuals performing abortions to make determinations "based on his experience, judgement, or professional competence" of the viability of the fetus. If the determination is made that the fetus "is viable" or "if there is sufficient reason to believe that the fetus may be viable," then the abortionist is required to exercise that degree of care that would have been necessary had the fetus been intended to have been born alive.

On January 9 of this year, the Supreme Court, in its wisdom, struck down this statute as "void for vagueness." It seems that the burden of having to determine viability is an "ambiguous" one, imposing potential criminal liability upon an abortionist under circumstances where such a decision is "impossible to make with any certainty." A dissent to this remarkable decision was issued by Justices White and Rehnquist, and by Chief Justice Berger. They note that the decision

> withdraws from the States a substantial measure of the power to protect fetal life that was reserved to them [in *Roe* v. *Wade*].

That the distinction carved out by the Pennsylvania statute bètween life, and the absence of life, has become a "vague" and "ambiguous" distinction is a measure of just how far the Supreme Court has read into the Constitution principles and values at odds with the majority of Americans. While the distinction may be too subtle for a majority of the Court, I am confident that it is one with which the average abortionist can reasonably conform.

The entire Supreme Court decision, *Colautti* v. *Franklin* (No. 77-891), follows. The majority opinion is a compelling argument why, more urgently than ever, a human life amendment is needed in our Constitution.

I ask that it be printed in the RECORD following these remarks.

The material follows:

Supreme Court of the United States

Syllabus

COLAUTTI, SECRETARY OF WELFARE OF PENNSYLVANIA, ET AL. V. FRANKLIN ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

No. 77-891. Argued October 3, 1978—Decided January 9, 1979

Section 5(a) of the Pennsylvania Abortion Control Act requires every person who performs an abortion to make a determination, "based on his experience, judgment or professional competence," that the fetus is not viable. If such person determines that the fetus "is viable," or "if there is sufficient reason to believe that the fetus may be viable," then he must exercise the same care to preserve the fetus' life and health as would be required in the case of a fetus intended to be born alive, and must use the abortion technique providing the best opportunity for the fetus to be aborted alive, so long as a different technique is not necessary to preserve the mother's life or health. The Act, in § 5(d), also imposes a penal sanction for a violation of § 5(a). Appellees brought suit claiming, *inter alia*, that § 5(a) is unconstitutionally vague, and a three-judge District Court upheld their claim. *Held:*

1. The viability determination requirement of § 5(a) is void for vagueness. Pp. 11–17.

(a) Though apparently the determination of whether the fetus "is viable" is to rest upon the basis of the attending physician's "experience, judgment or professional competence," it is ambiguous whether that subjective language applies to the second condition that activates the duty of the fetus, *viz.*, "sufficient reason to believe that the fetus may be viable." Pp. 11–12.

(b) The intended distinction between "is viable" and "may be viable" is elusive. Apparently those phrases refer to distinct conditions, one of which indeterminately differs from the definition of viability set forth in *Roe* v. *Wade*, 410 U.S. 113, and *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52. Pp. 12–14.

(c) The vagueness of the viability determination requirement is compounded by the fact that § 5 (d) subjects the physician to potential criminal liability without regard to fault. Because of the absence of a scienter requirement in the provision directing the physician to determine whether the fetus is or may be viable, the Act is little more than "a trap for those who act in good faith," *United States* v. *Ragen*, 314 U. S. 513, 524, and the perils of strict criminal liability are particularly acute here because of the uncertainty of the viability determination itself. Pp. 14–17.

2. The standard-of-care provision is likewise impermissibly vague. It is uncertain whether the statute permits the physician to consider his duty to the patient to be paramount to his duty to the fetus, or whether it requires the physician to make a "trade-off" between the patient's health and increased chances of fetal survival. Where conflicting duties of such magnitude are involved, there must be greater statutory precision before a physician may be subjected to possible criminal sanctions. Pp. 17–21. —— F. Supp. ——, affirmed.

BLACKMUN, J., delivered the opinion of the Court, in which BRENNAN, STEWART, MARSHALL, POWELL, and STEVENS, JJ., joined. WHITE, J., filed a dissenting opinion, in which BURGER, C. J., and REHNQUIST, J., joined.

[Supreme Court of the United States
No. 77-891]

ALDO COLAUTTI, SECRETARY OF WELFARE OF PENNSYLVANIA, ET AL., PETITIONERS, v. JOHN FRANKLIN, ET AL.

(On Appeal from the United States District Court for the Eastern District of Pennsylvania [January 9, 1979]

Mr. JUSTICE BLACKMUN delivered the opinion of the Court.

At issue here is the constitutionality of subsection (a) of § 5[1] of the Pennsylvania Abortion Control Act, Act. No. 209 of 1974, Pa. Stat. Ann., Tit. 35, § 6605 (a) (Purdon). This statute subjects a physician who performs an abortion to potential criminal liability if he fails to utilize a statutorily prescribed technique when the fetus "is viable" or when there is "sufficient reason to believe that the fetus may be viable." A three-judge Federal District Court[2] declared § 5(a) unconstitutionally vague and overbroad and enjoined its enforcement. App. 239a–244a. Pursuant to 28 U.S.C. § 1253, we noted probable jurisdiction. 435 U.S. 913 (1978).

I

The Abortion Control Act was passed by the Pennsylvania Legislature, over the governor's veto, in the year following this Court's decision in *Roe* v. *Wade*, 410 U.S. 113 (1973), and *Doe* v. *Bolton*, 410 U.S. 179 (1973). It was a comprehensive statute.

Section 1 gave the Act its title. Section 2 defined, among other terms, "informed consent" and "viable." The latter was specified to mean "the capability of a fetus to live outside the mother's womb albeit with artificial aid." See *Roe* v. *Wade*, 410 U.S., at 160.

Section 3 (a) proscribed the performance of an abortion "upon any person in the absence of informed consent thereto by such person." Section 3(b) (i) prohibited the performance of an abortion in the absence of the written consent of the woman's spouse, provided that the spouse could be located and notified, and the abortion was not certified by a licensed physician "to be necessary in order to preserve the life or health of the mother." Section 3(b) (ii), applicable if the woman was unmarried and under the age of 18, forbade the performance of an abortion in the absence of the written consent of "one parent or person in loco parentis" of the woman, unless the abortion was certified by a licensed physician "as necessary in order to preserve the life of the mother." Section 3(e) provided that whoever performed an abortion without such consent was guilty of a misdemeanor of the first degree.

Section 4 provided that whoever, intentionally and willfully, took the life of a premature infant aborted alive, was guilty of murder of the second degree. Section 5(a), set forth in n. 1, *supra*, provided that if the

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Footnotes at end of article.

fetus was determined to be viable, or if there was sufficient reason to believe that the fetus may be viable, the person performing the abortion was required to exercise the same care to preserve the life and health of the fetus as would be required in the case of a fetus intended to be born alive, and was required to adopt the abortion technique providing the best opportunity for the fetus to be aborted alive, so long as a different technique was not necessary in order to preserve the life or health of the mother. Section 5(d), also set forth in n. 1, imposed a penal sanction for a violation of § 5 (a).

Section 6 specified abortion controls. It prohibited abortion during the stage of pregnancy subsequent to viability, except where necessary, in the judgment of a licensed physician, to preserve the life or health of the mother. No abortion was to be performed except by a licensed physician and in an approved facility. It required that appropriate records be kept, and that quarterly reports be filed with the Commonwealth's Department of Health. And it prohibited solicitation or advertising with respect to abortions. A violation of § 6 was a misdemeanor of the first or third degrees, as specified.

Section 7 prohibited the use of public funds for an abortion in the absence of a certificate of a physician stating that the abortion was necessary in order to preserve the life or health of the mother. Finally, § 8 authorized the Department of Health to make rules and regulations with respect to performance of abortions and the facilities in which abortions were performed. See Pa. Stat. Ann., Tit. 35, §§ 6601–6608 (Purdon 1977).

Prior to the Act's effective date, October 10, 1974, the present suit was filed in the United States District Court for the Eastern District of Pennsylvania challenging, on federal constitutional grounds, nearly all of the Act's provisions.[3] The three-judge court on October 10 issued a preliminary injunction restraining the enforcement of a number of those provisions.[4] Each side sought a class-action determination; the plaintiffs', but not the defendants', motion to this effect was granted.[5]

The case went to trial in January 1975. The court received extensive testimony from expert witnesses on all aspects of abortion procedures. The resulting judgment declared the Act to be severable, upheld certain of its provisions, and held other provisions unconstitutional. *Planned Parenthood Assn.* v. ***Fitzpatrick***, 401 F. Supp. 554 (ED Pa. 1975.[6] The court sustained the definition of "informed consent" in § 2; the facility approval requirement and certain of the reporting requirements of § 6; § 8's authorization of rules and regulations; and, by a divided vote, the informed consent requirement of § 3(a). It overturned § 3(b)(1)'s spousal consent requirement, and, again by a divided vote, § 3 (b)(ii)'s parental consent requirement; § 6's reporting requirements relating to spousal and parental consent; § 6's prohibition of advertising; and § 7's restriction on abortion funding. The definition of 'viable" in § 2 was declared void for vagueness and, because of the incorporation of this definition, § 6's proscription of abortions after viability, except to preserve the life or health of the woman, was struck down. Finally, in part because of the incorporation of the definition of "viable," and in part because of the perceived overbreadth of the phrase "may be viable," the court invalidated the viability determination and standard of care provisions of § 5(a), 401 F. Supp. at 594.

Both sides appealed to this Court. While the appeals were pending, the Court decided *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 425 U.S. 748 (1976); *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976); and *Singleton* v. *Wulff*, 428 U.S. 106 (1976). *Virginia State Board* shed light on the prohibition of advertising for abortion services. *Planned Parenthood* had direct bearing on the patient spousal, and parental consent issues and was instructive on the definition of viability issue. ***Singleton*** concerned the issue of standing to challenge abortion regulations. Accordingly, that portion of the three-judge court's judgment which was the subject of the plaintiff's appeal was summarily affirmed. No. 75–772, 428 U.S. 901 (1976). And that portion of the judgment which was the subject of the defendants' appeal was vacated and remanded for further consideration in the light of *Planned Parenthood, Singleton,* and *Virginia State Board*. No. 75–709, 428 U.S. 901 (1976).

On remand, the parties entered into a stipulation which disposed of all issues except the constitutionality of §§ 5(a) and 7. Relying on this Court's supervening decisions in *Beal* v. *Doe*, 432 U.S. 438 (1977), and *Maher* v. *Roe*, 432 U.S. 464 (1977), the District Court found, contrary to its original view, see 401 F. Supp., at 594, that § 7 did not violate either Tit. XIX of the Social Security Act, as added, 79 Stat. 343, and amended, 42 U.S.C. § 1396 *et seq.*, or the Equal Protection Clause of the Fourteenth Amendment. App. 241(a). The Court, however, declared: "After reconsideration of section 5(a) in light of the most recent Supreme Court decisions, we adhere to our original view and decision that section 5(a) is unconstitutional." App. 240a–241a. Since the plaintiffs-appellees have not appealed from the ruling with respect to § 7, the only issue remaining in this protracted litigation is the validity of § 5(a).

II

Three cases in the sensitive and earnestly contested abortion area provide essential background for the present controversy.

In *Roe* v. *Wade*, 410 U.S. 113 (1973), this Court concluded that there is a right of privacy, implicit in the liberty secured by the Fourteenth Amendment, that "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." *Id.*, at 153. This right, we said, although fundamental, is not absolute or unqualified, and must be considered against important state interests in the health of the pregnant woman and in the potential life of the fetus. "These interests are separate and distinct. Each grows in substantiality as the woman approaches term and, at a point during pregnancy, each becomes 'compelling.'" *Id.*, at 162–163. For both logical and biological reasons, we indicated that the State's interest in the potential life of the fetus reaches the compelling point at the stage of viability. Hence, prior to viability, the State may not seek to further this interest by directly restricting a woman's decision whether or not to terminate her pregnancy.[7] But after viability, the State, if it chooses, may regulate or even prohibit abortion except where necessary, in appropriate medical judgment, to preserve the life or health of the pregnant woman. *Id.*, at 163–164.

We did not undertake in *Roe* to examine the various factors that may enter into the determination of viability. We simply observed that, in the medical and scientific communities, a fetus is considered viable if it is "potentially able to live outside the mother's womb, albeit with artificial aid." *Id.*, at 160. We added that there must be a potentiality of "meaningful life," *id.*, at 163, not merely momentary survival. And we noted that viability "is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks." *Id.*, at 160. We thus left the point flexible for anticipated advancements in medical skill.

Roe stressed repeatedly the central role of the physician both in consulting with the woman about whether or not to have an abortion, and in determing how any abortion was to be carried out. We indicated that up to the points where important state interests provide compelling justifications for intervention, "the abortion decision in all its aspects is inherently, and primarily, a medical decision," *id.*, at 166, and we added that if this privilege were abused, "the usual remedies, judicial and intra-professional, are available." *Ibid.*

Roe's companion case, *Doe* v. *Bolton*, 410 U.S. 179 (1973), underscored the importance of affording the physicial adequate discretion in the exericse of his medical judgment. After the Court there reiterated that "a pregnant woman does not have an absolute constitutional right to an abortion on her demand," *ib.*, at 189, the Court discussed, in a vagueness attack context, the Georgia statute's requirement that a physician's decision to perform an abortion must rest upon "his best clinical judgment." The Court found it critical that that judgment "may be exericsed in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient." *Id.*, at 192.

The third case, *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976), stressed similar themes. There a Missouri statute that defined viability was challenged on the ground that it conflicted with the discussion of viability in *Roe* and that it was, in reality, an attempt to advance the point of viability to an earlier stage in gestation. The Court rejected that argument, repeated the *Roe* definition of viability, 428 U.S., at 63, and observed again that viability is "a matter of medical judgment, skill, and technical ability, and we preserved [in *Roe*] the flexibility of the term." *Id.*, at 64. The Court also rejected a contention that "a specified number of weeks in pregnancy must be fixed by statute as the point of viability." *Id.*, at 65. It said:

"In any event, we agree with the District Court that it is not the proper function of the legislature or the courts to place viability, which essentially is a medical concept, at a specific point in the gestation period. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the responsible attending physician." *Id.*, at 64.

In these three cases, then, this Court has stressed viability, has declared its determination to be a matter for medical judgment, and has recognized that differing legal consequences ensue upon the near and far sides of that point in the human gestation period. We reaffirm these principles. Viability is reached when, in the judgment of the attending physician on the particular facts of the case before him, there is a reasonable likelihood of the fetus' sustained survival outside the womb, with or without artificial support. Because this point may differ with each pregnancy, neither the legislature nor the courts may proclaim one of the elements entering into the ascertainment of viability—be it weeks of gestation or fetal weight or any other single factor—as the determinant of when the State has a compelling interest in the life or health of the fetus. Viability is the critical point. And we have recognized no attempt to stretch the point of viability one way or the other.

With these principles in mind, we turn to the issues presented by the instant controversy.

III

The attack mounted by the plaintiffs-appellees upon § 5(a) centers on both the viability determination requirement and the stated standard of care. The former provision, requiring the physician to observe the care standard when he determines that the fetus is viable, or when "there is sufficient reason to believe that the fetus may be viable," is asserted to be unconstitutionally vague because it fails to inform the physi-

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cian when his duty to the fetus arises, and because it does not make the physician's good-faith determination of viability conclusive. This provision is also said to be unconstitutionally overbroad, because it carves out a new time period prior to the stage of viability, and could have a restrictive effect on a couple who wants to abort a fetus determined by genetic testing to be defective.[8] The standard of care, and in particular the requirement that the physician employ the abortion technique "which would provide the best opportunity for the fetus to be aborted alive so long as a different technique would not be necessary in order to preserve the life or health of the mother," is said to be void for vagueness and to be unconstitutionally restrictive in failing to afford the physician sufficient professional discretion in determining which abortion technique is appropriate.

The defendants-appellants, in opposition, assert that the Pennsylvania statute is concerned only with post-viability abortions and with prescribing a standard of care for those abortions. They assert that the terminology "may be viable" correctly describes the statistical probability of fetal survival associated with viability; that the viability determination requirement is otherwise sufficiently definite to be interpreted by the medical community; and that it is for the legislature, not the judiciary, to determine whether a viable but genetically defective fetus has a right to life. They contend that the standard of care preserves the flexibility required for sound medical practice, and that it simply requires that when a physician has a choice of procedures of equal risk to the woman, he must select the procedure least likely to be fatal to the fetus.

IV

We agree with plaintiffs-appellees that the viability determination requirement of § 5(a) is ambiguous, and that its uncertainty is aggravated by the absence of a scienter requirement with respect to the finding of viability. Because we conclude that this portion of the statute is void for vagueness, we find it unnecessary to consider appellees' alternative arguments based on the alleged overbreadth of § 5(a).

A

It is settled that, as a matter of due process, a criminal statute that "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute," *United States* v. *Harriss*, 347 U.S. 612, 617 (1954), or is so indefinite that "it encourages arbitrary and erratic arrests and convictions," *Papachristou* v. *City of Jacksonville*, 405 U.S. 156, 162 (1972), is void for vagueness. See generally *Grayned* v. *City of Rockford*, 408 U.S. 104, 108–109 (1972). This appears to be especially true where the uncertainty induced by the statute threatens to inhibit the exercise of constitutionally protected rights. *Id.*, at 109; *Smith* v. *Goguen*, 415 U.S. 566, 573 (1974); *Keyishian* v. *Board of Regents*, 385 U.S. 589, 603–604 (1967).

Section 5(a) requires every person who performs or induces an abortion to make a determination, "based on his experience, judgment or professional competence," that the fetus is not viable. If such person determines that the fetus is viable, or if "there is sufficient reason to believe that the fetus may be viable," then he must adhere to the prescribed standard of care. See n. 1, *supra*. This requirement contains a double ambiguity. First, it is unclear whether the statute imports a purely subjective standard, or whether it imposes a mixed subjective and objective standard. Second, it is uncertain whether the phrase "may be viable" simply refers to viability, as that term has been defined in *Roe* and in *Planned Parenthood*, or whether it refers to an undefined penumbral or "gray" area prior to the stage of viability.

The statute requires the physician to conform to the prescribed standard of care if one of two conditions is satisfied: if he determines that the fetus "is viable," or "if there is sufficient reason to believe that the fetus may be viable." Apparently, the determination of whether the fetus "is viable" is to be based on the attending physician's "experience, judgment or professional competence," a subjective point of reference. But it is unclear whether the same phrase applies to the second triggering condition, that is, to "sufficient reason to believe that the fetus may be viable." In other words, it is ambiguous whether there must be "sufficient reason" from the perspective of the judgment, skill, and training of the attending physician, or "sufficient reason" from the perspective of a cross-section of the medical community or a panel of experts. The latter, obviously, portends not an inconsequential hazard for the typical private practitioner who may not have the skills and technology that are readily available at a teaching hospital or large medical center.

The intended distinction between the phrases "is viable" and "may be viable" is even more elusive. Appellants argue that no difference is intended, and that the use of the "may be viable" words "simply incorporates the acknowledged medical fact that a fetus is 'viable' if it has that statistical 'chance' of survival recognized by the medical community." Brief for Appellants 28. The statute, however, does not support the contention that "may be viable" is synonymous with, or merely intended to explicate the meaning of, "viable."[9]

Section 5(a) requires the physician to observe the prescribed standard of care if he determines "that the fetus is viable or if there is sufficient reason to believe that the fetus may be viable" (emphasis supplied). The syntax clearly implies that there are two distinct conditions under which the physician must conform to the standard care. Appellants' argument that "may be viable" is synonymous with "viable" would make either the first or the second condition redundant or largely superfluous, in violation of the elementary canon of construction that a statute should be interpreted so as not to render one part inoperative. See *United States* v. *Menasche*, 343 U.S. 528, 538–539 (1955).

Furthermore, the suggestion that "may be viable" is an explication of the meaning of "viable" flies in the face of the fact that the the statute, in § 2, already defines "viable." This, presumably, was intended to be the exclusive definition of "viable" throughout the Act.[10] In this respect, it is significant that § 6 (b) of the Act speaks only of the limited availability of abortion during the stage of a pregnancy "subsequent to viability." The concept of viability is just as important in § 6(b) as it is in § 5(a). Yet in § 6(b) the legislature found it unnecessary to explain that a "viable" fetus includes one that "may be viable."

Since we must reject appellants' theory that "may be viable" means "viable," a second serious ambiguity appears in the statute. On the one hand, as appellees urge and as the District Court found, see 401 F. Supp., at 572, it may be that "may be viable" carves out a new time period during pregnancy when there is a remote possibility of fetal survival outside the womb, but the fetus has not yet attained the reasonable likelihood of survival that physicians associate with viability. On the other hand, although appellants do not argue this, it may be that "may be viable" refers to viability as physicians understand it, and "viable" refers to some undetermined stage later in pregnancy. We need not resolve this question. The crucial point is that "viable" and "may be viable" apparently refer to distinct conditions, and that one of these conditions differs in some indeterminate way from the definition of viability as set forth in *Roe* and in *Planned Parenthood*.[11]

Because of the double ambiguity in the viability determination requirement, this portion of the Pennsylvania statute is readily distinguishable from the requirement that an abortion must be "necessary for the preservation of the mother's life or health," upheld against a vagueness challenge in *United States* v. *Vuitch*, 402 U.S. 62, 69–72 (1971), and the requirement that a physician determine, on the basis of his "best clinical judgment," that an abortion is "necessary," upheld against a vagueness attack in *Doe* v. *Bolton*, 410 U.S., at 191–192. The contested provisions in those cases had been interpreted to allow the physician to make his determination in the light of all attendant circumstances—psychological and emotional as well as physical—that might be relevant to the well-being of the patient. The present statute does not afford broad discretion to the physician. Instead, it conditions potential criminal liability on confusing and ambiguous criteria. It therefore presents serious problems of notice, discriminatory application, and chilling effect on the exercise of constitutional rights.

B

The vagueness of the viability determination requirement of § 5 (a) is compounded by the fact that the Act subjects the physician to potential criminal liability without regard to fault. Under § 5 (d), see n. 1, *supra*, a physician who fails to abide by the standard of care when there is sufficient reason to believe that the fetus "may be viable" is subject "to such civil or criminal liability as would pertain to him had the fetus been a child who was intended to be born and not aborted." To be sure, the Pennsylvania law of criminal homicide, made applicable to the physician by § 5 (d), conditions guilt upon a finding of scienter. See Pa. Stat. Ann., Tit. 18, §§ 2501–2504 (Purdon). The required mental state, however, is that of "intentionally, knowingly, recklessly or negligently caus[ing] the death of another human being." Id., § 2501. Thus, the Pennsylvania law of criminal homicide requires scienter with respect to whether the physician's actions will result in the death of the fetus. But neither the Pennsylvania law of criminal homicide, nor the Abortion Control Act, requires that the physician be culpable in failing to find sufficient reason to believe that the fetus may be viable.[12]

This Court has long recognized that the constitutionality of a vague statutory standard is closely related to whether that standard incorporates a requirement of *mens rea*. See, for example, *United States* v. *United States Gypsum Co.*, — *U.S.* —, — (1978); *Papachristou* v. *City of Jacksonville*, 405 U.S., at 163; *Boyce Motor Lines* v. *United States*, 342, 337, 342 (1952).[13] Because of the absence of a scienter requirement in the provision directing the physician to determine whether the fetus is or may be viable, the statute is little more than "a trap for those who act in good faith." *United States* v. *Ragen*, 314 U.S. 513, 524 (1942).

The perils of strict criminal liability are particularly acute here because of the uncertainty of the viability determination itself. As the record in this case indicates, a physician determines whether or not a fetus is viable after considering a number of variables: the gestational age of the fetus, derived from the reported menstrual history of the woman; fetal weight, based on an inexact estimate of the size and condition of the uterus; the woman's general health and nutrition; the quality of the available medical facilities; and other factors.[14] Because of the number and the imprecision of these variables, the probability of any particular fetus' obtaining meaningful life outside the womb can be determined only with difficulty. Moreover, the record indicates that even if agreement may be reached on the probability of survival, different physicians equate viability with different probabilities

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Footnotes at end of article.

of survival, and some physicians refuse to equate viability with any numerical probability at all.[15] In the face of these uncertainties, it is not unlikely that experts will disagree over whether a particular fetus in the second trimester has advanced to the stage of viability. The prospect of such disagreement, in conjunction with a statute imposing strict civil and criminal liability for an erroneous determination of viability, could have a profound chilling effect on the willingness of physicians to perform abortions near the point of viability in the manner indicated by their best medical judgment.

Because we hold that the viability determination provision of § 5(a) is void on its face, we need not now decide whether, under a properly drafted statute, a finding of bad faith or some other type of scienter would be required before a physician could be held criminally responsible for an erroneous determination of viability. We reaffirm, however, that "the determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the responsible attending physician." *Planned Parenthood of Missouri* v. *Danforth*, 428 U.S., at 64. State regulation that impinges upon this determination, if it is to be constitutional, must allow the attending physician "the room he needs to make his best medical judgment." *Doe* v. *Bolton*, 410 U.S., at 192.

V

We also conclude that the standard of care provision of § 5(a) is impermissibly vague.[16] The standard of care, when it applies, requires the physician to "exercise that degree of professional skill, care and diligence to preserve the life and health of the fetus which such person would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted and the abortion technique employed shall be that which would provide the best opportunity for the fetus to be aborted alive so long as a different technique would not be necessary in order to preserve the life or health of the mother."

Plaintiffs-appellees focus their attack on the second part of the standard, requiring the physician to employ the abortion technique offering the greatest possiblity of fetal survival, provided some other technique would not be necessary in order to preserve the life or health of the mother.[17]

The District Court took extensive testimony from various physicians about their understanding of this requirement. That testimony is illuminating. When asked what method of abortion they would prefer to use in the second trimester in the absence of § 5(a), the plaintiffs' experts said that they thought saline amnio-infusion was the method of choice.[18] This was described as a method involving removal of amniotic fluid and injection of a saline or other solution into the amniotc sac. See *Planned Parenthood of Missouri* v. *Danforth*, 428 U.S., at 75–79. All physicians agreed, however, that saline amnio-infusion nearly always is fatal to the fetus,[19] and it was commonly assumed that this method would be prohibited by the statute.

When the plaintiffs' and defendants' physician-experts respectively were asked what would be the method of choice under § 5(a), opinions differed widely. Preferences ranged from no abortion, to prostaglandin infusion, to hysterotomy, to oxytosin induction.[20] Each method, it was generally conceded, involved disadvantages from the perspective of the woman. Hysterotomy, a type of Caesarean section procedure, generally was considered to have the highest incidence of fetal survival of any of the abortifacients. Hysterotomy, however, is associated with the risks attendant upon any operative procedure involving anesthesia and incision of tissue.[21] And all physicians agreed that future children born to a woman having a hysterotomy would have to be delivered by Caesarean section because of the likelihood of rupture of the scar.[22]

Few of the testifying physicians had had any direct experience with prostaglandins, described as drugs that stimulate uterine contractibility, inducing premature expulsion of the fetus. See *Planned Parenthood of Missouri* v. *Danforth*, 428 U.S., at 77–78. It was generally agreed that the incidence of fetal survival with prostaglandins would be significantly greater than with saline amnio-infusion.[23] Several physicians testified, however, that prostaglandins have undesirable side effects, such as nausea, vomiting, headache, and diarrhea, and indicated that they are unsafe with patients having a history of asthma, glaucoma, hypertension, cardiovascular disease, or epilepsy.[24] See *Wynn* v. *Scott*, 449 F. Supp. 1302, 1326 (ND Ill. 1978). One physician recommended oxytosin induction. He doubted, however, whether the procedure would be fully effective in all cases, and he indicated that the procedure was prolonged and expensive.[25]

The parties acknowledge that there is disagreement among medical authorities about the relative merits and the safety of different abortion procedures that may be used during the second trimester. See Brief for Appellants 24. The appellants submit, however, that the only legally relevant considerations are that alternatives exist among abortifacients, "and that the physician, mindful of the state's interest in protecting viable life, must make a competent and good faith medical judgment on the feasibility of protecting the fetus' chance of survival in a manner consistent with the life and health of the pregnant woman." *Id.*, at 25. We read § 5(a), however, to be much more problematical.

The statute does not clearly specify, as appellants imply, that the woman's life and health must always prevail over the fetus' life and health when they conflict. The woman's life and health are not mentioned in the first part of the stated standard of care, which sets forth the general duty to the viable fetus; they are mentioned only in the second part which deals with the choice of abortion procedures. Moreover, the second part of the standard directs the physician to employ the abortion technique best suited to fetal survival "so long as a different technique would not be *necessary* in order to preserve the life or health of the mother" (emphasis supplied). In this context, the word "necessary" suggests that a particular technique must be indispensable to the woman's life or health—not merely desirable—before it may be adopted. And "the life or health of the mother," as used in § 5(a), has not been construed by the courts of the Commonwealth, nor does it necessarily imply, that all factors relevant to the welfare of the woman may be taken into account by the physician in making his decision. Cf. *United States* v. *Vuitch*, 402 U.S., at 71–72; *Doe* v. *Bolton*, 410 U.S., at 191.

Consequently, it is uncertain whether the statute permits the physician to consider his duty to the patient to be paramount to his duty to the fetus or whether it requires the physician to make a "trade-off" between the woman's health and additional percentage points of fetal survival. Serious ethical and constitutional difficulties, that we do not address, lurk behind this ambiguity. We hold only that where conflicting duties of this magnitude are involved, the State, at the least, must proceed with greater precision before it may subject a physician to possible criminal sanctions.

Appellants' further suggestion that § 5 (a) requires only that the physician make a good-faith selection of the proper abortion procedure finds no support in either the language or an authoritative interpretation of the statute.[26] Certainly, there is nothing to suggest a *mens rea* requirement with respect to a decision whether a particular abortion method is necessary in order to preserve the life or health of the woman. The choice of an appropriate abortion technique, as the record in this case so amply demonstrates, is a complex medical judgment about which experts can—and do—disagree. The lack of any scienter requirement exacerbates the uncertainty of the statute. We conclude that the standard of care provision, like the viability determination requirement, is void for vagueness.

The judgment of the District Court is affirmed.

It is so ordered.

FOOTNOTES

[1] Section 5 reads in pertinent part:

"(a) Every person who performs or induces an abortion shall prior thereto have made a determination based on his experience, judgment or professional competence that the fetus is not viable, and if the determination is that the fetus is viable or if there is sufficient reason to believe that the fetus may be viable, shall exercise that degree of professional skill, care and diligence to preserve the life and health of the fetus which such person would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted and the abortion technique employed shall be that which would provide the best opportunity for the fetus to be aborted alive so long as a different technique would not be necessary in order to preserve the life or health of the mother.

* * * * *

"(d) Any person who fails to make the determination provided for in subsection (a) of this section, or who fails to exercise the degree of professional skill, care and diligence or to provide the abortion technique as provided for in subsection (a) of this section . . . shall be subject to such civil or criminal liability as would pertain to him had the fetus been a child who was intended to be born and not aborted."

[2] The three-judge court was designated in September 1974 pursuant to 28 U.S.C. § 2281 (1970 ed.). This statute was repealed by Pub. L. 94–381, § 1, 90 Stat. 1119, but the repeal did not apply to any action commenced on or before August 12, 1976. *Id.*, § 7.

[3] The plaintiffs named in the complaint, as amended, were Planned Parenthood Association of Southeastern Pennsylvania, Inc., a nonprofit corporation; appellee John Franklin, M.D., a licensed and board-certified obstetrician and gynecologist and medical director of Planned Parenthood; Concern for Health Options: Information, Care and Education, Inc. (CHOICE), a nonprofit corporation; and Clergy Consultation Service of Northeastern Pennsylvania, a voluntary organization. Later, appellee Obstetrical Society of Philadelphia intervened as a party plaintiff. Named as original defendants were J. Emmett Fitzpatrick, Jr., District Attorney of Philadelphia County, and Helene Wohlgemuth, the then Secretary of Welfare of the Commonwealth of Pennsylvania. Subsequently, the Commonwealth's Attorney General and the Commonwealth itself intervened as parties defendant.

The District Court, in a ruling not under challenge here, eventually dismissed Planned Parenthood, CHOICE, and Clergy Consultation as plaintiffs. *Planned Parenthood Assn.* v. *Fitzpatrick*, 401 F. Supp. 554, 562, 593–594 (ED Pa. 1975).

The present posture of the case, as a consequence, is a suit between Dr. Franklin and the Obstetrical Society, as plaintiffs-appellees, and Aldo Colautti, the present Secretary of Welfare, the Attorney General, the Commonwealth, and the District Attorney, as defendants-appellants.

We agree with the District Court's ruling in the cited 1975 opinion, 401 F. Supp., at 561–562, 594, that under *Doe* v. *Bolton*, 410

U.S. 179, 188 (1973), the plaintiff physicians have standing to challenge § 5(a), and that their claims present a justiciable controversy. See *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52, 62 (1976).

[4] The court preliminarily enjoined the enforcement of the spousal and parental consent requirements, § 3(b); the penal provisions of § 3(e); the requirements of §§ 5 (a) and (d); the restriction on abortions subsequent to viability, § 6(b); the facility approval requirement, § 6(c); the reporting provisions, § 6(d); most of the penal provisions of § 6(i); the restrictions on funding of abortions, § 7; and the definitions of "viable" and "informed consent" in § 2. Rec. Doc. No. 16; see *Planned Parenthood Assn.* v. *Fitzpatrick*, 401 F. Supp., at 559.

[5] The court ruled that "the present action is determined to be a class action on behalf of the class of Pennsylvania physicians who perform abortions and/or counsel their female patients with regard to family planning and pregnancy including the option of abortion, and the sub-class of members of the Obstetrical Society of Philadelphia who practice in Pennsylvania." Rec. Doc. No. 57.

[6] See also *Doe* v. *Zimmerman*, 405 F. Supp. 534 (MD Pa. 1975).

[7] In *Maher* v. *Roe*, 432 U. S. 464, 471–477 (1977), the Court ruled that a State may withhold funding to indigent women even though such withholding influences the abortion decision prior to viability. The Court, however, reaffirmed that a State during this period may not impose direct obstacles—such as criminal penalties—to further its interest in the potential life of the fetus.

[8] The plaintiffs-appellees introduced evidence that modern medical technology makes it possible to detect whether a fetus is afflicted with such disorders as Tax-Sachs disease and Down's syndrome (mongolism). Such testing, however, often cannot be completed until after 18–20 weeks' gestation. App. 53a–56a (testimony of Hope Punnett, Ph. D.).

[9] Appellants do not argue that federal court abstention is required on this issue, nor is it appropriate, given the extent of the vagueness that afflicts § 5 (a), for this Court to abstain *sua sponte*. See *Bellotti* v. *Baird*, 428 U. S. 132, 143 n. 10 (1976).

[10] The statute says that viable "means," not "includes," the capability of a fetus "to live outside the mother's womb albeit it with artificial aid." As a rule, "[a] definition which declares what a term 'means' . . . excludes any meaning that is not stated." 2A C. Sands, Statutes and Statutory Construction, § 47.07 (Supp. 1978).

[11] Since our ruling today is confined to the conclusion that the viability determination requirement of § 5(a) is impermissibly vague, there is no merit in the dissenting opinion's suggestion, *post*, at 6, that the Court has "tacitly disowned" the definition of viability as set forth in *Roe* and *Planned Parenthood*. On the contrary, as noted above, *ante*, at 9, we *reaffirm* what was said in those decisions about this critical concept.

[12] Section 5(a) does provide that the determination of viability is to be based on the physician's "experience, judgment or professional competence." A subjective standard keyed to the physician's individual skill and abilities, however, is different from a requirement that the physician be culpable or blameworthy for his performance under such a standard. Moreover, as noted above, it is ambiguous whether this subjective language applies to the second condition that activates the duty to the fetus, namely, "sufficient reason to believe that the fetus may be viable."

[13] "[T]he requirement of a specific intent to do a prohibited act may avoid those consequences to the accused which may otherwise render a vague or indefinite statute invalid. . . . The requirement that the act must be willful or purposeful may not render certain, for all purposes, a statutory definition of the crime which is in some respects uncertain. But it does relieve the statute of the objection that it punishes without warning an offense of which the accused was unaware." *Screws* v. *United States*, 325 U.S. 91, 101–102 (1945) (plurality opinion).

[14] See App. 5a–6a, 10a, 17a (testimony of Louis Gerstley, III, M.D.); App. 77a–78a, 81a (testimony of Thomas W. Hilgers, M.D.); App. 93a–101a, 109a, 112a (testimony of William J. Keenan, M.D.).

[15] See App. 8a (testimony of Dr. Gerstley) (viability means 5% chance of survival, "certainly at least two to three percent"); App. 104a (testimony of Dr. Keenan) (10% chance of survival would be viable); App. 144a (deposition of John Franklin, M.D.) (viability means "ten percent or better" probability of survival); App. 132a (testimony of Arturo Hervada, M.D.) (it is misleading to be obsessed with a particular percentage figure).

[16] The dissenting opinion questions whether the alleged vagueness of the standard of care is properly before us, since it is said that this issue was not reached by the District Court. That court, however, declared § 5(a) unconstitutional in its entirety, including both the viability determination requirement and the standard of care. App. 243a. Appellees, as the prevailing parties, may of course assert any ground in support of that judgment, "whether or not that ground was relied upon or even considered by the trial court." *Dandridge* v. *Williams*, 397 U.S. 471, 475 n. 6 (1970).

[17] In *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52, 81–84 (1976), the Court struck down a provision similar to the first part of the standard of care of § 5 (a), on the ground that it applied at all stages of gestation and not just to the period subsequent to viability. Except to the extent that § 5(a) is also alleged to apply prior to the point of viability, a contention we do not reach, see p. 11, *ante*, appellees do not challenge the standard of care on overbreadth grounds.

[18] App. 11a (testimony of Dr. Gerstley); App. 28a (testimony of Dr. Franklin).

[19] See, *e.g.*, App. 28a (testimony of Dr. Franklin) App. 36a (testimony of Fred Mecklenburg, M.D.).

[20] There was testimony that dilation and curettage and dilation and suction, two of the more common methods of abortion in the first trimester, normally are not used in the second trimester. App. 39a–40a (testimony of Dr. Mecklenburg).

[21] App. 23a (testimony of Dr. Franklin); App. 43a (testimony of Dr. Mecklenburg); App. 73a (testimony of Dr. Hilgers).

[22] See, *e.g.*, App. 13a (testimony of Dr. Gerstley); App. 28a (testimony of Dr. Franklin).

[23] See, *e.g.*, App. 11a–12a (testimony of Dr. Gerstley); App. 28a (testimony of Dr. Franklin).

[24] See App. 11a (testimony of Dr. Gerstley); App. 37a–38a (testimony of Dr. Mecklenburg); App. 72a (testimony of Dr. Hilgers).

[25] App. 12a (testimony of Dr. Gerstley).

[26] Appellants, again, do not argue or suggest that we should abstain from passing on this issue. See n. 9, *supra*.

[Supreme Court of the United States, No. 77–891]

Aldo Colautti, Secretary of Welfare of Pennsylvania, et al., Petitioners, *v.* John Franklin et al.

On Appeal from the United States District Court for the Eastern District of Pennsylvania. [January 9, 1979]

Mr. Justice White, with whom The Chief Justice and Mr. Justice Rehnquist join, dissenting.

Because the Court now withdraws from the States a substantial measure of the power to protect fetal life that was reserved to them in *Roe* v. *Wade*, 410 U. S. 113 (1973), and reaffirmed in *Planned Parenthood of Missouri* v. *Danforth*, 428 U. S. 52 (1976), I file this dissent.

I

In *Roe* v. *Wade*, the Court defined the term "viability" to signify the stage at which a fetus is "potentially able to live outside the mother's womb, albeit with artificial aid." This is the point at which the State's interest in protecting fetal life becomes sufficiently strong to permit it to "go so far as to proscribe abortion during that period, except when it is necessary to preserve the life or health of the mother." *Id.*, at 163–164.

The Court obviously crafted its definition of viability with some care, and it chose to define that term not as that stage of development at which the fetus actually *is* able or actually *has* the ability to survive outside the mother's womb, with or without artificial aid, but as that point at which the fetus is *potentially* able to survive. In the ordinary usage of these words, being *able* and being *potentially able* do not mean the same thing. Potential ability is not actual ability. It is ability "[e]xisting in possibility, not in actuality." Webster's New International Dictionary (2d ed. 1958). The Court's definition of viability in *Roe* v. *Wade* reaches an earlier point in the development of the fetus than that stage at which a doctor could say with assurance that the fetus *would* survive outside the womb.

It was against this background that the Pennsylvania statute at issue here was adopted and the District Court's judgment was entered. Insofar as *Roe* v. *Wade* was concerned, Pennsylvania could have defined viability in the language of that case—"potentially able to live outside the mother's womb"—and could have forbidden all abortions after this stage of any pregnancy. The Pennsylvania Act, however, did not go so far. It forbade entirely only those abortions where the fetus had attained viability as defined in § 2 of the Act, that is, where the fetus had "the *capability* to live outside, the mother's womb albeit with artificial aid." Pa. Stat. Ann., Tit. 35, § 6602 (Purdon) (emphasis added). But the State, understanding that it also had the power under *Roe* v. *Wade* to regulate where the fetus was only "potentially able" to exist outside the womb, also sought to regulate, but not forbid, abortions where there is sufficient reason to believe that the fetus "may be viable"; this language was reasonably believed by the State to be equivalent to what the Court meant in 1973 by the term "potentially able to live outside the mother's womb." Under § 5(a), abortionists must not only determine whether the fetus is viable but also whether there is sufficient reason to believe that the fetus may be viable. If either condition exists, the method of abortion is regulated and a standard of care imposed. Under § 5(d), breach of these regulations exposes the abortionist to the civil and criminal penalties that would be applicable if a live birth rather than an abortion had been intended.

In the original opinion and judgment of the three-judge court, *Planned Parenthood Assn.* v. *Fitzpatrick*, 401 F. Supp. 554 (ED Pa. 1975), § 5(a) was invalidated on two grounds: first, because it required a determination of viability and because that term, as defined in § 2, was held to be unenforceably vague; and second, because the section required a determination of when a fetus may be viable, it was thought to regulate a period of time prior to viability and was therefore considered to be invalid under this Court's cases. The District Court was not disturbed by the fact that its opinion declared the term "viability" as used in this Court's opinion in *Roe* v. *Wade* to be hopelessly vague since it understood that opinion also to have given specific content to that term and to have held that a State could not consider any fetus to be viable prior to the 24th week of pregnancy. This was concrete guidance to the States, and because the "may be viable" provision of § 5(a) "tend[ed] to carve out a . . . period of time of potential viability [which might cover a period of] 20 to 26 weeks gestation." 401 F. Supp., at 572, the State was unlawfully regulating the second trimester. Because it sought to enforce § 5(a), § 5(d) was also invalidated. Section 6(b), which forbade all abortions after viability, also fell to the challenge of vagueness.

The District Court's judgment was pending on appeal here when *Planned Parenthood of Missouri* v. *Danforth, supra,* was argued and decided. There, the state Act defined viability as "that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems." *Id.*, at 63. This definition was attacked as impermissibly expanding the *Roe* v. *Wade* definition of viability; the "mere possibility of momentary survival." it was argued, was not the proper standard under the Court's cases. *Ibid.* It was also argued in this Court that the "may be" language of the Missouri statute was vulnerable for the same reasons that the "may be" provision of the Pennsylvania statute had been invalidated by the District Court in the case now before us. Brief for Appellants 65–66, quoting *Planned Parenthood Assn.* v. *Fitzpatrick*, 401 F. Supp., at 571–572. This Court, however, rejected these arguments and sustained the Missouri definition as consistent with *Roe*, "even when read in conjunction with" another section of the Act that proscribed all abortions not necessary to preserve the life or health of the mother "unless the attending physician first certifies with reasonable medical certainty that the fetus is not viable," that is, that it has not reached that stage at which it may exist indefinitely outside the mother's womb. 428 U.S., at 63–64. The Court noted that one of the appellant doctors "had no particular difficulty with the statutory definition" and added that the Missouri definition might well be considered more favorable to the complainants than the *Roe* definition since the "point when life can be 'continued indefinitely outside the womb's may well occur later in a pregnancy than the point where the fetus is 'potentially able to live outside the mother's womb.' " *Id.*, at 64. The Court went on to make clear that it was not the proper function of the legislature or of the courts to place viability at a specific point in the gestation period. The "flexibility of the term," which was essentially a medical concept, was to be preserved. *Ibid.* The Court plainly reaffirmed what it had held in *Roe* v. *Wade:* viability refers not only to that stage of development when the fetus actually has the capability of existing outside the womb but also to that stage when the fetus *may have* the ability to do so. The Court also reaffirmed that at any time after viability, as so understood, the State has the power to prohibit abortions except when necessary to preserve the life or health of the mother.

In the light of *Danforth*, several aspects of the District Court's judgment in the *Fitzpatrick* case were highly questionable, and that judgment was accordingly vacated and remanded to the District Court for reconsideration. A drastically modified judgment eventuated. The term "viability" could not be deemed vague in itself, and hence the definition of that term in § 2 and the proscription of § 6(b) against post-viability abortions were sustained. The District Court, however, in a conclusory opinion adhered to its prior view that § (a) was unconstitutional, as was § 5(d) insofar as it related to § 5 (a).

Affirmance of the District Court's judgment is untenable. The District Court originally thought § 5(a) was vague because the term "viability" was itself vague. The Court scotched that notion in *Danforth*, and the District Court then sustained the Pennsylvania definition of viability. In doing so, it necessarily nullified the major reason for its prior invalidation of § 5(a), which was that it incorporated the supposedly vague standard of § 2. But the District Court has also said that the "may be viable" standard was invalid as an impermissible effort to regulate a period of "potential" viability. This was the sole remaining articulated ground for invalidating § 5(a). But this is the very ground that was urged and rejected in *Danforth*, where this Court sustained the Missouri provision defining viability as the stage at which the fetus "may" have the ability to survive outside the womb and reaffirmed the flexible concept of viability announced in *Roe*.

In affirming the District Court, the Court does not in so many words agree with the District Court but argues that it is too difficult to know whether the Pennsylvania Act simply intended, as the State urges, to go no further than *Roe* permitted in protecting a fetus that is potentially able to survive or whether it intended to carve out a protected period prior to viability as defined in *Roe*. The District Court, although otherwise seriously in error, had no such trouble with the Act. It understood the "may be viable" provision as an attempt to protect a period of potential life, precisely the kind of interest that *Roe* protected but which the District Court erroneously thought the State was not entitled to protect.[1] *Danforth*, as I have said, reaffirmed *Roe* in this respect. Only those with unalterable determination to invalidate the Pennsylvania Act can draw any measurable difference insofar as vagueness is concerned between "viability" defined as the ability to survive and "viability" defined as that stage at which the fetus may have the ability to survive. It seems to me that, in affirming, the Court is tacitly disowning the "may be" standard of the Missouri law as well as the "potential ability" component of viability as that concept was described in *Roe*. This is a further constitutionally unwarranted intrusion upon the police powers of the States.

Apparently uneasy with its work, the Court has searched for and seized upon two additional reasons to support affirmance, neither of which was relied upon by the District Court. The Court first notes that under § 5 (d), failure to make the determinations required by § 5(a), or otherwise to comply with its provisions, subjects the abortionist to criminal prosecution under those laws that "would pertain to him had the fetus been a child who was intended to be born and not aborted." Although concededly the Pennsylvania law of criminal homicide conditions guilt upon a finding that the defendant intentionally, knowingly, recklessly, or negligently caused the death of another human being, the Court nevertheless goes on to declare that the abortionist could be successfully prosecuted for criminal homicide without any such fault or omission in determining whether or not the fetus is viable or may be viable. This alleged lack of a scienter requirement, the Court says, fortifies its holding that § 5(a) is void for vagueness.

This seems to me an incredible construction of the Pennsylvania statutes. The District Court suggested nothing of the sort, and appellees focus entirely on § 5(a), ignoring the homicide statutes. The latter not only define the specified degrees of scienter that are required for the various homicides, but also provide that ignorance or mistake as to a matter of fact, for which there is a reasonable explanation, is a defense to a homicide charge if it negatives the mental state necessary for conviction. Pa. Stat. Ann., Tit. 18, § 304 (Purdon). Given this background, I do not see how it can be seriously argued that a doctor who makes a good-faith mistake about whether a fetus is or is not viable could be successfully prosecuted for criminal homicide. This is the State's submission in this Court; the court below did not address the matter; and at the very least this is something the Court should not decide without hearing from the Pennsylvania courts.

Secondly, the Court proceeds to find the standard of care provision in § 5(a) to be impermissibly vague, particularly because of an asserted lack of a *mens rea* requirement. I am unable to agree. In the first place, the District Court found fault with § 5(a) only because of its viability and may be viable provisions. It neither considered nor invalidated the standard of care provision. Furthermore, the complaint did not expressly attack § 5(a) on this ground, and plaintiffs' request for findings and conclusions challenged the section only on the grounds of the overbreadth and vagueness of the viability and the may be viable provisions. There was no request to invalidate the standard of care provision. Also, the plaintiffs' post-trial brief dealt with the matter in only the most tangential way. Appellees took no cross-appeal; and although they argue the matter in their brief on the merits in this Court. I question whether they are entitled to have still another provision of the Pennsylvania Act declared unconstitutional in this Court in the first instance, thereby and to that extent expanding the relief they obtained in the court below.[2] *United States* v. *New York Telephone Co.*, 434 U.S. 159, 166 n. 9 (1977).

In any event, I cannot join the Court in its determined attack on the Pennsylvania statute. As in the case with a mistaken viability determination under § 5(a), there is no basis for asserting the lack of a scienter requirement in a prosecution for violating the standard of care provision. I agree with the State that there is not the remotest chance that any abortionist will be prosecuted in the basis of a good-faith mistake regarding whether to abort, and if he does, with respect to which abortion technique is to be used. If there is substantial doubt about this, the Court should not complain of a lack of an authoritative State construction, as it does, but direct abstention and permit the state courts to address the issues in the light of the Pennsylvania homicide laws with which those courts are so much more familiar than are we or any other federal court.

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[1] The District Court observed:

"*Roe* makes it abundantly clear that the compelling point at which a state in the interest of fetal life may regulate, or even prohibit, abortion is not before the 24th week of gestation of the fetus, at which point the Supreme Court recognized the fetus then presumably *has the capability* of meaningful life outside the mother's womb. Consequently, *Roe* recognized only two periods concerning fetuses. The period prior to viability, when the state may not regulate in the interest of fetal life, and the period after viability, when it may prohibit altogether or regulate as it sees fit. The 'may be viable' provision of Section 5(a) tends to carve out a third period of time of *potential* viability." *Planned Parenthood Assn.* v. *Fitzpatrick*, 401 F. Supp. 554, 572 (ED Pa. 1975) (emphasis added).

Thus, the court interpreted the term "viability" more restrictively than *Roe*, read in its entirety, permitted but coextensively with the definition in § 2. Based on its misapprehension of *Roe*, the court condemned § 5(a) essentially for reaching the period when the fetus has the *potential* "capability of meaningful life outside the mother's womb." *Ibid.*

[2] Unquestionably, rehabilitating § 5(a) to satisfy this Court's opinion will be a far more extensive and more difficult task than that which the State faced under the District Court's ruling.

Although it seems to me that the Court has considerably narrowed the scope of the power to forbid and regulate abortions that the States could reasonably have expected to enjoy under *Roe* and *Danforth,* the Court has not yet invalidated a statute simply requiring abortionists to determine whether a fetus is viable and forbidding the abortion of a viable fetus except where necessary to save the life or health of the mother. Nor has it yet ruled that the abortionist's determination of viability under such a standard must be final and is immune to civil or criminal attack. Section 2 and § 6(b) of the Pennsylvania law, for example, remain undisturbed by the District Court's judgment or by the judgment of this Court.

What the Court has done is to issue a warning to the States in the name of vagueness, that they should not attempt to forbid or regulate abortions when there is a chance for the survival of the fetus, but it is not sufficiently large that the abortionist considers the fetus to be viable. This edict has no constitutional warrant, and I cannot join it.●

LITHUANIAN INDEPENDENCE DAY

◉ Mr. WILLIAMS. Mr. President, for Americans of Lithuanian descent, February 16 is a very significant day. It was on this day in 1918 that the elected representatives of the Lithuanian people proclaimed an independent Lithuanian state based on democratic principles.

Independence did not become an immediate reality, however. As soon as German troops evacuated Lithuania, the Red army entered the nation and installed a Communist government. Later, the Red army was driven out by the Polish Army and Lithuanian fighting units. In 1920 Russia signed a peace treaty with Lithuania, recognizing it as an independent nation and pledging itself to renounce forever all claims of sovereignty. During the ensuing period independent Lithuania embarked on an unprecedented and unsurpassed era of political liberty, economic prosperity, and cultural achievement.

Sadly, this did not last. When the outbreak of World War II seemed imminent, Lithuania attempted to maintain a policy of absolute neutrality. Within a short time, however, Lithuania's sovereignty was repeatedly violated by a series of onslaughts by Nazi and Soviet occupying forces. As the war drew to a close, Lithuania returned not to independence but to Soviet domination.

Since then, Lithuanians have been denied even the most elemental of human and civil rights, and have suffered severe assaults on their national identity and cultural heritage. The Lithuanian people have bravely refused to accept this oppression and have kept alive their determination to reclaim control over their own lives.

On the anniversary of their declaration of independence, it is appropriate that all Americans join those of Lithuanian heritage to salute the free spirit of a proud and courageous people, and to share their aspiration for national self-determination.●

THE NEW CHALLENGES OF UNITED STATES-LATIN AMERICA DEVELOPMENT COOPERATION IN THE 1980'S: A CALL TO ACTION

◉ Mr. JAVITS. Mr. President, the United States' relationship with Latin America has taken on increased significance in recent times as our economies have become more and more interrelated. This is best illustrated by the fact that Latin America is today our third largest market and purchases almost $20 billion of U.S. goods and services every year. Although Latin America continues to experience dynamic rates of economic development, the continent still faces many problems stemming from the severe poverty of much of its population.

What part can our bilateral assistance program play in Latin America's development process? I call to the attention of my colleagues an excellent speech by Abelardo L. Valdez, Agency for International Development Assistant Administrator for Latin America and the Caribbean, which provides us with insight into this important question. In his address, entitled "The New Challenges of U.S.-Latin American Development Cooperation in the 1980's: A Call to Action," Mr. Valdez discusses the problems of middle-income countries in Latin America and the need to channel private capital into areas most in need of accelerated development. He believes, as do I, that concerted action and cooperation are the essential building blocks of a strong relationship between the United States and Latin America.

I have a long-standing commitment to involving the private sector in the economic progress of developing countries. This commitment, in addition to my interest in Latin America, led to the establishment in 1964 of ADELA (Atlantic Community Development Group for Latin America). ADELA is a consortium of the leading private sector industrial and financial enterprises of the world—40 percent United States and 60 percent foreign. ADELA's objective is to stimulate economic development in Latin America by participation in equity investment in developmental private enterprise projects and by making available technical assistance. ADELA has proven to be a highly successful way of bringing private industry with targeted investment capital into developing countries.

I recommend highly this speech to my colleagues and ask that it be printed in the RECORD. I also ask that a recent editorial from the Journal of Commerce that quotes Mr. Valdez's statement and agrees with Mr. Valdez's conclusion that our policy of withholding economic assistance to middle-income developing countries should be reexamined be printed in the RECORD.

The material follows:

THE NEW CHALLENGES OF UNITED STATES-LATIN AMERICAN DEVELOPMENT COOPERATION IN THE 1980'S: A CALL TO ACTION

Over the last year and one half, I have been talking to people all over the Nation about our common potential and challenge in the economic future of this hemisphere. Everywhere the response has been thoughtful and supportive.

But I feel a singular pleasure and honor and encouragement to be with you today. For someone in quest of a dynamic, informed constituency for development cooperation in Latin America, coming here to the Council of the Americas is, in a sense, coming home.

In the more than thirteen years since its founding, this organization has been devoted to the cause of progressive economic collaboration between the United States and its Latin neighbors. You have been an invaluable forum for fresh and creative ideas, a meeting house for thinkers, officials and elected leaders from throughout the hemisphere. And, most important I think, a force for public education and political enlightenment—a calm, steady voice speaking out across boundaries and cultures and ideologies for the deeper human understanding that is the heart of international relations.

Your recent nationwide effort in support of the Panama Canal Treaty was a remarkable display of private citizen statesmanship to match President Carter's. The people of this country, of Panama, of the entire region, are in your debt for that campaign on behalf of policy sense and international sensibility.

In large measure because of your past contribution, the nations of this hemisphere have never been bound together more closely—or more hopefully—in a common economic destiny.

The United States is now the principal market for Latin America. And Latin America, registering unprecedented growth rates, is today our third largest market. The Continent is purchasing from the U.S. almost $20 billion every year, more than we sell to the rest of the developing world altogether and nearly as much as we export to the European Economic Community.

Our exports to Latin America have more than tripled over the last decade, an ever-expanding market at a time when 1 in 8 manufacturing jobs and 1 in every 3 acres of U.S. farmland depend on exports, when sales to the developing world mean a million jobs, and when our economy is buffeted by trade deficits and uncertainties in other regions.

In the last ten years, U.S. imports from the Region have grown from $5.0 billion to more than $20.0 billion providing us with many of the most vital resources that the U.S. must import—oil, bauxite, copper, tin and iron ore to name just a few.

Some 82% of U.S. direct foreign investment in the developing world is now in Latin America, totaling $28 billion and earning $4 billion a year. And, of course, the over 200 member firms of this Council represent some 86% of that investment. As the private sector has replaced government as the source of eight-tenths of all our financial flows to Latin America (an exact reversal of the 1960s), international business has long since, and for the future, become a major force in the development of this Hemisphere.

By the year 2000, Latin America and the Caribbean could be our leading foreign market and the home of some of the most extensive and profitable investments of U.S. business anywhere in the world.

Moreover, many economists now recognize in developing regions like Latin America the potentially crucial "engines or growth" for the developed world as well. As development brings to life new purchasing power in Latin America and the Caribbean, prosperity and jobs come to Miami and Houston and New York as well as Rio or Bogota or Mexico City. Much as the planned recovery of Europe and Japan under the Marshall Plan, the sustained, balanced, mutual growth of all of the Americas could help stem throughout the region the twin curses of the 1970s, high inflation and lingering unemployment.

Add to these economic ties the political and human reality that the United States now has the fourth largest Spanish-speaking population in the Hemisphere. Sixteen million U.S. citizens of Hispanic origin are about to become our single largest minority—and for all its diversity, an extraordinary and growing constituency of interest and interrelationship for continuing our vital partnership with Latin America.

Quietly—without fanfare and with hard work on all sides—the economic welfare of this hemisphere has become truly indivisible. The future brims with new prospects for shared growth, for shared prosperity, and for the shared strength and stability that come to neighbors who realize and act on their interdependence.

Many of you in this audience have helped shape that progress and promise. Just as surely, your sheer financial power—your momentous role as the predominant U.S. economic presence in Latin America—will have a major part in shaping the future.

And not only for Colombia and Chile, but also for California and Connecticut. For Houston as well as Mexico City. What happens to any nation, to any trade and investment in this Hemisphere, happens in a real sense to all of us.

We cannot choose *whether* to have a common fate with Latin America and the Caribbean. That choice has been taken by the economic history we have already made.

In a very real sense, our great border with Latin America and the Caribbean unites its two sides more than it divides them. It links us in a seamless web of economic, political and people-to-people relationships. A web that holds both sides in shared destiny, and an ever-deepening stake in what happens on either side of the border.

In many ways, of course, our common border bonds us most closely with Mexico. As Mexican President, Jose Lopez Portillo, said in a visit to the White House last February, "To be neighbors means to share everything—the good things and the bad things, too." And while we do indeed have common problems of migration, trade, energy, environment, and economic development—the possibilities in U.S.-Mexican relations have never been broader—or brighter.

Most important, there is a fresh sense in both Washington and Mexico City of how much these two nations mean to one another. That sense brought President Lopez Portillo to the White House as the first chief of state to be invited by President Carter in the new Administration. And it surrounds the President's trip to Mexico last month, a trip which expresses President Carter's abiding commitment to make the U.S. and Mexico not only good neighbors, but also good friends.

Yet, the common stake, the common opportunity, the common future do not stop at Mexico's southern boundary. There may have been a time when words like "interdependence" were political rhetoric. But no more.

On the eve of the 1980s, the issue is not whether—but what kind of future we will make together, what sort of 21st century Hemisphere, for all our endeavor, we will bequeath to our children, our country, our businesses.

I am here today—quite honestly—because that issue is in grave doubt. And because there can be no doubt where you should stand in the challenge ahead.

Because, despite our achievements, we have often been blind to how much neglected, unfinished development still exists throughout the Americas. Because in the economic development of Latin America we stand poised between hope and genuine hazard—with awesome choices that will no longer wait.

And because great organizations like the Council must see the crisis clearly, and act decisively. You can no more wait for the obscure but perhaps fatal undoing of our mutual economic interests than you could wait to be counted on the Panama Canal Treaty.

For the harsh truth is that all our hard-won progress and promise in Latin America is under attack. Quietly—perhaps almost without notice—we have come to what I believe to be a historic turning point in our relations. No headlines scream at us. No international disaster seems visible. But the threat is in many ways no less deadly.

On one front it is the savage assault of a festering and tragic poverty:

Nations apparently well off face development problems scarcely reflected in their beguiling statistics, and behind the skyscrapers and model farms of the region are some of the most squalid urban slums, some of the most grindingly impoverished rural areas, in the world.

Some 160 million people, half of the Continent's population, live on incomes of less than $250 a year.

Last year, one in every five Latin Americans received less than $100 a year and languished in desperate want.

Unemployment and underemployment in many countries climbs to between 20% and 50%, joblessness horribly worse than at the depths of the Great Depression.

Chronic malnutrition, inadequate health care, and a lack of relevant education or vocational training plague the entire region.

And by the year 2000, when Latin America's still swelling population has passed 600 million, when more than 300 million people may be desperately poor, when jobs and food and clinics and schools are all the more scarce, when cities are overwhelmed and the countryside so largely stagnant, will *that* . . . all that . . . be the monument to our efforts?

Yet I must tell you too what many of you already know or sense. That not only have the great capital-intensive investments of the last 20 years left half a Continent in poverty and despair, but also that Latin America is being blighted, and her development progress ransomed, by the very pains of growth itself.

Polluted aid chokes the great cities of the Americas from Mexico City to Rio.

As growing cities press on old sanitation systems, waste poisons Latin America's majestic rivers and lakes, while other pollution consumes once lovely beaches and the economic livelihood they provided.

From the shores of the Caribbean to the heights of the Andes, forests are stripped and precious soil eroded for lack of conservation.

Incredibly, but relentlessly, deforestation in the Panama Canal basin now threatens the ultimate survival of the Canal as a reliable international waterway. For all your work on the Canal Treaty, for all President Carter's foresight and diplomacy, our best efforts are in danger not from some foreign foe or local unrest, but from an unhealed, untreated massive wound—deforestation, that never entered the headlines or the debate.

Likewise, Latin America largely lacks the complementary development of science and technology to sustain its growth, the home-grown capacity to generate new knowledge or adapt foreign technologies to deal with the vast vestiges of poverty or the newer global problems bearing down on its societies. Problems not only of environmental destruction and failing conservation, but also the more familiar crises of energy and inflation.

At a moment when many Latin nations are poised precariously on the high wire of economic growth, they are being buffeted by costly, uncertain energy supplies and the ever higher cost of global living.

And left unattended, unrecognized, these newer structural challenges are no less insidious, no less a drain on development or the portent of a bleak, barren future, than the Continent's widespread rural and urban poverty. Without environmental planning and protection, the misery of Latin America's cities and countryside only deepen. Without adequate conservation, agricultural development can lead to permanent scars. Without indigenous science and appropriate technology, growth soon encounters its own needless barriers . . . and development whose purpose was the vitality and independence of a Continent soon leaves its people all the more dependent on the untender mercies of foreign energy and worldwide inflation.

Already, as many of you have seen, the economic advance of Latin America has begun ominously to slow. In recent years, growth rates in countries throughout the Continent averaged only some 60% of their level in the early 1970s. Many countries are groping for new models of development that can more effectively deal with fundamental problems of poverty, unemployment and income distribution.

Yet precisely at this moment of quiet but deadly serious crisis, precisely when Latin America needs more than ever a sense of cooperation from her Hemispheric neighbor in meeting this onslaught against our common future and progress . . . at this moment there has been a second assault on development. It has come, as it were, from the rear. And it has hurt.

I'm talking about the force of a new mythology . . . the assumption lately so widespread in official and private circles that the work of development is somehow done in Latin America. The awkward watchword of that myth, as many of you have heard, is "middle-income".

I think it was George Bernard Shaw who once observed that a hyphen was one of this century's concessions to barbarism. I wonder if he foresaw the havoc wrought in the name of "Middle-income."

Because many Latin and Caribbean nations register abstract per capita incomes relatively higher and populations relatively lower than the very poorest countries of Asia or Africa, they are deemed ineligible for added U.S. development cooperation. Because all but 3 Latin American nations now record per capita incomes over $550 a year—compared to $9,500 in the United States—they are termed "middle-income" and shunted aside in the apportioning of limited technical and economic cooperation funds.

As if a term could capture the anguish of people, 160 million people, without jobs or enough food for their children, or decent homes, or schools. As if a term could erase what a Latin poet once said of such poverty—"an evil tooth that has bitten the heart of man."

But no one has exposed the mythology more tellingly, I think, than President Lopez-Portillo of Mexico, whose nation is such a vivid example of the remaining challenges of economic and social development, and of the neglect of those problems in the "middle-income" mentality.

Mexico, of course, has made remarkable economic progress. It has a flourishing middle class, its statistics are often models for economic growth, it is a classic example of a "middle-income" country.

Yet its economic growth is also haunted by an underlying urban and rural poverty, its cities and countryside confront new environmental dangers, it is besieged by inflation, by new needs in science and technology, by its own progress and rising expectations.

And it sees the current system of international cooperation unresponsive to its needs . . . because it is "middle-income."

So President Lopez-Portillo told an interviewer this autumn:

"I would call it the zero hour. We still do not have sufficient resources we still do not have sufficient plans. We have great accumulated needs and expectations. And the modern world is not made for these kinds of countries . . . it is not made for middle countries that do not fit in . . ."

And what he said of Mexico is so largely true of many other nations in Latin America.

"Poor Mexico", goes the familiar political saying, "So distant from God, so close to the United States". The time has come to make our closeness to Mexico and the rest of Latin America and the Caribbean the blessing it can be for the Hemisphere. To take the curse of indifference, neglect and excess pride off our relations.

For I am convinced that if more balanced development does not forge ahead as it can in Mexico, and other Latin and Caribbean countries, if the benefits of that development cannot be more equitably shared, the resulting unrest and suffering could someday make the United States rue its location with equal feelings.

The "middle-income" term that is used to classify the developing countries of our Hemisphere is a cruel facade . . . a lifeless term behind which half the people of a Continent live in awful poverty and there are spreading blights on what progress we have made.

And to neglect the reality behind the facade, to pretend it does not exist, to wish it away with terms, is very much to hazard our own future.

I think many of you in this distinguished audience know that the other side of our vast opportunity, the other dimension of our interdependence, is that the waves of development failure in Latin America will soon come rolling toward the North.

Economies mired in root poverty cannot long be expanding markets for trade and investment.

Nations overwhelmed by natural resources crises, energy shortages, and lack of scientific and technological resources cannot long be healthy partners or an "engine of growth" for anyone.

And our neighbors in this Hemisphere cannot long be stable, secure, good neighbors with their societies torn by want and scarred by progress.

At stake in the sustained, balanced development of Latin America is what has always been at stake. Our prosperity as well as theirs. Our stability as well as theirs. Our security as well as theirs.

We are already feeling, of course, the first stirrings of that wave of migrating poverty, just as Latin economies are feeling the declining pace of growth. Those stirrings are in the millions of undocumented Latin and Caribbean workers who flee to the U.S. as refugees from a hopelessness that only development can defeat.

We will not solve that problem by police or barbed wire, some grotesque "tortilla curtain."

No, we have to deal with that tragic migration as only neighbors can and must—by recognizing that we must do everything we can to cooperate with Mexico and the rest of Latin America and the Caribbean to make real the promise of bread and freedom we joined in long ago.

And that is why I am glad to have "come home" to the Council today. Because we have great possibilities, and great risk. And because no other single group in the United States should understand more clearly than you in this audience what is at stake.

And, not least, because I need your help, the people of the Hemisphere—the North and South—need your voice and energy and compassion as never before, to make the year 2000 far brighter than the dark, dangerous picture I have drawn here today.

First, I want to tell you what I am trying to do inside government, and give you my personal views of an opportunity—and, I suspect, a battle—we are about to enter inside the policy-making process.

During the past year there has been increasing concern that the United States is losing its means of relating bilaterally to the major development problems of our closest neighbors. As a result, in the last session of the Congress, The House International Relations Committee requested A.I.D. to report to the Committee by February 1, 1979, on the future of U.S. Development assistance programs toward the middle income countries, particularly in reference to Latin America. Its report states the following:

"Concern has been growing . . . that U.S. bilateral development assistance is being reduced or terminated to countries classified as middle income at a time when these countries still have a great need for external assistance to support their economic development efforts. The Committee calls on A.I.D. to review its development objectives toward middle income countries, particularly in Latin America, and the resources which the United States is willing to devote to their development. The development of these countries is in the direct interest of the United States."

In my view, this Report should be a headline matter. It will help shape the future of U.S. development cooperation in Latin America and the Caribbean throughout the 1980s. And, to be frank, it is not now certain what recommendations will be provided to the Congress. I urge the Council to take a special interest in this Report and to make your views known.

Some of the critical issues that are being examined in this Report—and that will be considered by the Congress in the upcoming session—are the following:

—First, should the U.S. Government *continue* to reduce its bilateral economic and technical cooperation program in Latin America because of the so called "middle income" status of most of our developing neighbors? In other words, should we continue a bilateral policy of "benign neglect" of Latin American development?

During the past ten years, U.S. bilateral development cooperation in the Western Hemisphere has declined from over $600 million in the 1960s to just over $200 million today. But this reduction is not the full story. Soon repayments by Latin and Caribbean countries on older A.I.D. loans will almost equal new U.S. economic assistance in the Hemisphere. If the current declining trends are continued, the U.S. bilateral A.I.D. program may even begin draining resources out of the region in the 1980s. In other words, we are nearing the point when the Latins, as a whole, will be financing the entire U.S. bilateral economic assistance program. In my personal view, this is an unacceptable position for the richest country in the Hemisphere.

Another important issue being considered is whether the U.S. should continue to ignore the development needs of the largest Latin American countries—nations with the largest poverty problems in the Hemisphere. One half of the Region's poor—almost 80 million people, live in three middle income developing countries—Brazil, Colombia, and Mexico. Yet the U.S. Government currently has no bilateral cooperation programs with these countries for addressing poverty problems or for dealing with newer global concerns like food production, energy conservation, environmental protection, and science and technology development.

And finally, what role, if any, should U.S. bilateral development cooperation play in the middle income countries? Some will argue that trade, private investment and capital flows from the international financial institutions and private sources are providing the necessary resource transfers for the Region. Why is a bilateral program necessary?

U.S. bilateral economic and technical cooperation in Latin America is not currently designed as a resource transfer program. Its primary role is to transfer ideas and technical knowledge, to build indigenous capacity in Latin and Caribbean countries to analyze and deal with poverty and newer global problems. A.I.D.'s small loan projects—integrating research, training, technical assistance, institution-building, management systems and modest capital inputs—matched by local contributions, create the "absorptive capacity" so that host countries can better deal with their own critical development problems. The bilateral program—with some degree of concessionality—provides the "seed capital" and incentives for pioneering new development approaches and adapting new technologies that often cannot be done with other funding sources. In my personal view, such a program—adequately funded—is one of the indispensable instruments for managing our growing Hemispheric interdependence.

What I am striving to achieve in A.I.D. is nothing more nor less than a creative new mechanism for U.S. development cooperation. We seek neither the large capital transfers of the 1960s, nor the simple technical assistance programs of the post-war era. We will need neither billions of public dollars to do the job that free trade and investment can do, nor a legion of foreign experts doing the job in the field that Latin Americans, if only given the chance, can do for themselves. What is necessary instead is a careful blend of modest development loans and technical cooperation that can enable Latin America to foster the institutions, to nurture the human resources and to support the necessary policies to deal with widespread poverty and the newer global problems that I have been discussing.

The U.S. Government can no longer be—nor should it be—the main supplier of large capital transfers for the Continent. That essential role belongs to the natural flow of trade among neighbors, to international banks and to other instruments. Bilateral development cooperation, channeled into building the policy and institutional and human resource base to cope with neglected problems—coordinated with the large and growing flow of investments—this otherwise modest transfer of money and technology can have an impact far beyond its apparent size.

For only a relatively small investment, we can cooperate with Latin America in creating the necessary programs and delivery systems for dealing with rural and urban poverty, build new environmental protection and conservation agencies, establish the means for adopting alternative energy sources, and improve local scientific and technological resources. These are the vital new arteries of development, where so few now exist. We can, only if we will, help the Continent establish the institutional systems—the indispensable conduits—through which the international capital of the future will reach Latin America's most urgent needs. And, most important, we can meet these new challenges by giving Latin America not a hand-out—not some paternalistic welfare program—not some new dependence, but instead the capacity to recognize and to remedy for itself its own development problems.

For these reasons, I wanted to share with you my personal views on this special A.I.D. Report that will help chart our future development policy toward Latin America and the Caribbean. This is a policy issue that requires debate both within the public and private sectors. If we in the public sector are to dispel the mythology of the middle income myopia, we will need *your* experience and *your* stature. We need *your* voices to put right our development priorities and to give Latin America the place its importance to us merits.

And, please, never underestimate the power, as the Chinese say, of a foolish idea with so many fathers. The middle-income misconception, the heedlessness and sometimes bias against Latin America can be deep. Nor are we talking only about some abstract, insider's debate over definitions or public relations.

Beyond this seemingly obscure discussion over a concept is a world of life-and-death, with real, flesh-and-blood human beings. In the year 2000 this Hemisphere may not remember the term or the debate at all. But everyone in it will be living with the consequences.

While we are waging that intellectual and political fight to make our case, we will also be doing all we can to augment what resources we do have. As I indicated, AID funds for Latin America have been steadily falling, and it will be a tough task to increase the slightly more than $200 million we now have available—though, again, we are going to give it all we've got.

We are also exploring possible new approaches—one of which would entail the reuse, or recycling, of repayment on past AID loans to Latin America. Repayments to the Treasury on those loans now run nearly $200 million a year, making, ironically, for almost no net transfer of U.S. funds to the Region at this critical juncture in history. But if we could somehow reuse those payments for priority development needs in poverty sectors and in new environmental, conservation and energy projects, we could virtually double our assistance. That, along with other ideas, we are examining for every possible means of dealing with poverty and other global problems in Latin America and the Caribbean.

But even if AID resources could be substantially increased—even though our lending programs on concessional terms are essential if many nations are to undertake long-range projects in urban and rural poverty or in preserving the environmental and natural resource base which will have to sustain future generations—we will also need the support and financial resources of the private sector.

For along with your financial power—and profit—goes a serious responsibility. Like past bilateral and multilateral AID programs before you, far too little of your investments have been channeled into that submerged half of Latin America, into projects that directly benefit the rural and urban poor.

We in the Latin America and Caribbean Bureau of AID are working on a new mechanism for channeling private capital into areas most in need of accelerated development. We are seeking to devise the means for a new collaborative arrangement between government and business to meet the tasks of unfinished development in Latin America. Private capital has a decisive contribution to make in the crisis I've been describing.

With your resources and our technical expertise and concessional loans * * * with Congressional approval of needed guarantees * * * with the cooperation of Latin nations who recognize the new challenges * * * we can begin to act.

I hope we can discuss the idea of that new mechanism here. We need your advice and your creativity * * * as well as your voice in Washington, and your investment in a more secure future.

And if we don't begin in this room, if not we who know Latin America, who have responsibilities in government and business for the larger welfare of this Hemisphere, who will?

So, again, I ask your help.

To rededicate this nation to its fellow nations, and to its own future, in this Hemisphere * * *

History will judge us sternly, I know, if this constituency, above all, does not join the challenge and the battle, here and in Latin America.

Thank you.

[From The Journal of Commerce and Commercial, Feb. 16, 1979]

MIDDLE INCOME MYOPIA

The middle class is viewed as a symbol of strength and stability. Every nation has its poor, and not a few countries—even those with little else—some rich people. But few countries are fortunate enough to enjoy a large and widely dispersed middle class. Where this does occur, it is evidence of something more, and affirmation of the homely virtues; belief in hard work, education, saving and investment, political diversity and national purpose.

In the world community of nations unfortunately, we tend to view the middle income countries—those midway in the scale between rich and poor as measured by per capita income—much as we view the middle class. Largely because of their own strengths and determination, we assume, they have moved beyond the place where they would benefit from the active help of rich countries like our own.

This is reflected in the Carter administration's budget for the fiscal year beginning next Oct. 1. In its proposals for development assistance, it emphasizes loan guarantees for the multilateral development banks—the World Bank group, the Asian, African and InterAmerican Development Banks. Guarantees are far cheaper than actual budget outlays. And in the relatively small outlays for bilateral assistance, the budget gives greatest weight to the poorest countries, mainly in Africa and southern Asia. The middle income countries are ignored.

The geography of the rich and poor is worth a moment's consideration. The World Bank has produced a new atlas that tells the story graphically. The rich countries, those with per capita national incomes of $5,000 and over, are clustered in North America, Western Europe, Japan and Australasia. Those not so rich but still quite well off, with per capita incomes of $2,000 to $4,999, span the northern reaches of Asia from Siberia into Eastern Europe and the Middle East.

The poor countries, those with per capita incomes of less than $200, and those only a bit better off, from $200 to $499, cut a wide swath across central Africa into India, China and the East Indies. The middle income countries, with per capita incomes of $500 to $1,999, are found in southernmost Africa, along or close to the shores of the Mediterranean and, importantly, in Latin America. Almost all of Latin America, including Mexico, falls into this category.

Classifications of this kind give rise to what Abelardo Valdez, the man in charge of Latin American programs for the U.S. Agency for International Development, terms a new mythology, "the assumption that the work of development is somehow done in Latin America." In a talk to the Council of the Americas, he explained:

"Some 160 million people, half of the continent's population, live on incomes of less than $250 a year. Last year, one in every five Latin Americans received less than $100 a year and languished in desperate want. Unemployment and under-employment in many countries climbs to between 20 and 50 percent, joblessness horribly worse than at the depths of the Great Depression. Chronic malnutrition, inadequate health care and a lack of relevant education or vocational training plague the entire region."

The House International Relations Committee, in the last session of Congress, asked Mr. Valdez' agency to report to the committee this year on the future of U.S. development assistance to the middle income countries, particularly those of Latin America. One of the issues being examined is whether this country should continue to trim its economic and technical aid because of the middle income status of most of the Latin American countries.

During the past 10 years, U.S. bilateral development assistance in the Western Hemisphere has dropped to $200 million a year from over $600 million in the 1960s. But this is not the full story. Soon repayments by Latin and Caribbean countries on old loans will almost equal U.S. aid. Indeed, if current trends continue, Latins may soon be financing the entire U.S. bilateral economic assistance program. In Mr. Valdez' view, this is an unacceptable role for the largest country in the hemisphere.

Another matter of concern is whether the United States should continue to ignore the development needs of the largest Latin American nations; Brazil, Colombia and Mexico. One-half of the region's poor, almost 80 million people, live in these three lands alone. Yet, the United States has no bilateral aid programs for dealing with poverty in these lands or with such newer concerns as energy conservation, environmental protection and the development of science and technology, including a modern agriculture.

Finally, there is the question: Why any bilateral aid at all? Why not help simply from the international financial institutions and the private sector? Mr. Valdez responds that the primary role of bilateral aid is not to transfer resources but ideas and technical knowledge:

"AID's small loan projects—integrating research, training, technical assistance, institution-building, management systems and modest capital inputs—matched by local contributions, create the absorptive capacity so that host countries can better deal with their own critical development programs."

The seed capital, in other words, to help Latin Americans do a better job for themselves.

Such matters are especially relevant in view of President Carter's visit this week to Mexico. The Mexican president, Jose Lopez Portillo, told an interviewer last fall that although his country still did not have sufficient resources or sufficient plans, it had accumulated great needs and expectations. "The modern world," he added, "is not made for these kinds of countries, middle income countries that do not fit in."

It is in this country's direct interest, politically as well as economically, to demonstrate that the middle income countries do fit into the modern world and that we stand ready to help.●

RULES OF THE SELECT COMMITTEE ON SMALL BUSINESS

● **Mr. NELSON.** Mr. President, section 133B of the Legislative Reorganization Act of 1946, as amended, requires each committee of the Senate to adopt rules governing the procedure of such committee, and to publish these rules in the Congressional Record.

On February 8, 1979, the select committee met in executive session, and with a quorum present, unanimously adopted rules of procedure for the 96th Congress. I submit for the Record the text of the Rules:

STANDING RULES OF THE SENATE SMALL BUSINESS COMMITTEE

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its subcommittees. The Rules of the Committee shall be the Rules of any subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) Meetings may be called by the Chairman as he deems necessary, on three days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b) (1) Nine members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) Six members of the Committee shall constitute a quorum for the transaction of routine business, provided that one minority member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments.

(3) In hearings, whether in public or closed session, a quorum for the taking of testimony, including sworn testimony, shall consist of one Member of the Committee or subcommittee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) The Chairman and Ranking Minority Member shall serve as ex officio members of all subcommittees on which they do not serve as members.

3. HEARINGS

(a) (1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. The Chairman of any subcommittee may, after approval of the Chairman, initiate a hearing of the subcommittee on his authority or at the request of any member of the subcommittee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee or any subcommittee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b) (1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Any Member of the Committee may attend any meeting or hearing held by any subcommittee and question witnesses testifying before any subcommittee.

(3) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(4) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 24 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. Subcommittees shall not have the right to authorize or issue subpoenas. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.●

GASOLINE TAX DEDUCTION

● Mr. HATCH. Mr. President, I am pleased to join with the distinguished Senator from North Carolina (Mr. HELMS) in cosponsoring S. 79, a bill to restore the itemized deduction for State and local nonbusiness gasoline and motor fuel taxes. This deduction was deleted from the Tax Code by the Revenue Act of 1978 which was enacted into law during the final hours of the 95th Congress last October. I believe that Congress should restore the deduction for the following reasons:

First. The absence of this deduction will be felt most severely by middle-income taxpayers.

Second. Its elimination will help undermine the incentive for taxpayers to make use of itemized deductions.

Third. Its reenactment will not have a substantial effect on energy consumption.

Fourth. It was deleted without adequate deliberation by Congress.

Beginning this year, individuals who itemize will no longer be allowed to deduct State and local excise taxes imposed on gasoline, diesel, and other motor fuels, which are not used for business purposes. If Congress fails to restore this deduction, the middle-income taxpayer will bear the greatest burden in additional taxes. According to U.S. Treasury Department figures, over 70 percent of the revenue raised from the repeal of this deduction will come from taxpayers making less than $30,000 a year. In 1983 alone, the elimination of this deduction will, according to the Treasury, take an additional $2.2 billion from the pockets of the American taxpayer who must also face spiraling fuel prices. At a time when the Government is promising tax relief, it is using a "backdoor approach" to impose another new tax on a large segment of American society. Can the Senate permit such an increase during a period when taxpayers are saying "no" to more taxes? I do not believe so.

Mr. President, the repeal of this deduction is part of a much larger scenario of tax reform, a scenario that represents a changing attitude within the Treasury Department regarding tax legislation. The administration's decision to end the gasoline tax deduction is a disguised attack on the class of itemized deductions. By eliminating a deduction every year, the value of itemized deductions to all taxpayers will be gradually eroded.

Contrary to popular belief, those who benefit most from itemizing are not just a few "fat cats." According to the Treasury Department's own figures, taxpayers with an income under $25,000 accounted for over 65 percent of the itemized returns in 1975. These are middle-income people who work hard for their take-home pay.

It is my opinion that Congress should view itemized deductions as a class when making revisions in tax law. As each deduction is eliminated, fewer taxpayers are provided the incentive to itemize. I suggest that Congress avoid this piecemeal approach and consider the total effect that is created by the repeal of itemized deductions. We should not allow the Treasury to sneak tax reform past in such a manner.

Unfortunately, tax reformers have tricked both Houses of Congress into dealing with deductions by following an item-by-item approach. When it comes time to change the Tax Code, all attention is focused on the merits of one narrow issue. Last year it happened to be the gasoline tax. Will the itemized deduction for State income taxes be next? Followed by elimination of the itemized deduction for interest on home mortgages?

Mr. President, if we continue to chop down trees one by one, the forest will soon be gone. Do we want that? I believe we need more information before we go any further. We need to look at the broader picture. American taxpayers deserve that much. In fact, they demand it.

Concern about the conservation of energy and the reduction of oil imports has been the primary argument supporting the deletion of the gasoline deduction. In my opinion, Mr. President, the elimination of this deduction will have little effect in assisting our Nation achieve its energy goals. Instead, it will create an unfair tax burden for many taxpayers in Western and rural States. People who live in these areas must drive greater distances. Should we penalize them when they must drive their family automobiles to seek medical care or travel into town to purchase groceries or farm supplies? And what about commuters? Will the elimination of the gasoline deduction suddenly force them to flee to mass transit? I think not. We promise our constituents a tax cut and then turn right around and pull out a meaningful deduction. We disguise our actions by claiming that it will somehow help cure our energy crisis. If this measure is designed to save fuel, how can Congress allow business to maintain its fuel deductions? Or will business be next?

Mr. President, when the elimination of this deduction was considered by the Finance Committee last fall, it was added to the tax bill during the final hours of markup. When the tax bill reached the floor of the Senate, an amendment to restore the deduction was ruled "out of order," because it would have lowered projected revenues below the legal limit set by the budget resolution. The Senate, as a whole, was not allowed to vote on the measure. Because of this parliamentary technicality, the Finance Committee's supposed "recommendation" became law without adequate review by the Senate. Congress must act as soon as possible in this session to give this issue a full hearing.

I hope that my colleagues will understand the seriousness of this matter and join in supporting S. 79.●

NOMINATION OF MAX L. FRIEDERSDORF FOR COMMISSIONER OF THE FEDERAL ELECTION COMMISSION

● Mr. TOWER. Mr. President, I am pleased that on Wednesday of this week this body confirmed the nomination of Max L. Friedersdorf as a member of the Federal Election Commission.

Mr. Friedersdorf is currently the staff director of the Senate Republican Policy Committee. Before assuming that post in 1977, he served as assistant to the President for legislative affairs and was on the White House congressional relations staff for approximately 6 years, since April 1, 1971. From 1961 to 1970, Mr. Friedersdorf was administrative assistant to Representative Richard L. Roudebush of Indiana. He started his career as a newspaper reporter and city editor for the Franklin Evening Star in Franklin, Ind., and later reported for the Louisville Times and the Chicago Daily News.

Mr. Friedersdorf's employment by the Senate, the White House, and the House of Representatives uniquely qualifies him to serve on the Federal Election Commission. In these positions, he has grown to appreciate the time-honored traditions of these institutions. In addition, he has had the opportunity to observe firsthand the election of Members of Congress as well as Presidents.

Mr. Friedersdorf's early career as a newspaper reporter covering elections has given him an appreciation of the public interest in the integrity of the electoral process.

Mr. President, my association with Mr. Friedersdorf extends to the early seventies. During this period, I have come to know him as a man of great personal and intellectual integrity. He will serve the American people well as a member of the Federal Election Commission.●

S. 388—SMALL BUSINESS EMPLOYEE OWNERSHIP ACT

● Mr. HATCH. Mr. President, I am pleased to join with my colleague from Alabama, Senator STEWART, in cosponsoring the Small Business Employee Ownership Act. This bill will fill a current void in small business ownership, opening new potential for free enterprise involvement by formerly precluded employees, without the appropriation of new funds, the need for more bureaucrats, or the creation of more agencies. It provides for Small Business Administration (SBA) extension of funds to viable, but previously excluded groups.

Direct employee ownership of business has been unknown until this decade, and has usually arisen when a company would otherwise close, relocate or be sold to a third party. Studies concur that companies wholly or partly owned by their employees are 50 percent more profitable than comparable conventional firms. There is also a direct correlation between profitability and extent of employee ownership. Most importantly, employee ownership results in significant increases in productivity and worker satisfaction.

The present alternatives to employee ownership are plant closings, unemployment, and subsequent governmental welfare and unemployment costs, lost jobs, and the attendant emotional trauma of recovering employment.

This bill provides for the extension of SBA funds normally available under the 7(a) business loan program and 8(e) procurement assistance program to be made available to employee owned companies, companies with employee stock ownership plans (ESOP's) and employee stock ownership trusts (ESOT's), and employee organizations seeking to purchase their businesses. Under current SBA regulations, ESOT's are ineligible for assistance, and employee organizations must meet inappropriate criteria of eligibility.

This bill requires a feasibility study insuring the viability of business success after employee takeover, that all employees have the opportunity to participate without discrimination by salary level, and that ownership is consumated within a reasonable time.

Mr. President, this program could save millions of dollars in Government supported unemployment programs. It unlocks the potential of a latent free enterprise incentive that may not otherwise be fostered, but for the chance to participate in one's own business. Studies prove that the concept works, and this bill will provide the booster to propel employee hopes into reality.

Mr. President, I know of no community that could not benefit from the pride of ownership this bill will promote.●

GOVERNMENT REGULATION

● Mr. HEINZ. Mr. President, in this day of proposition 13 fever, the people of this great Nation are sending their elected representatives a very strong message. That message is: Get the Government off our backs. They are fed up with too much Government, too high taxes, and too much regulation.

Today the Federal Government regulates virtually everything from the food we eat, to the houses we live in, to the places we work. There is no doubt, Mr. President, that many of these regulations are necessary. But when we observe such actions as the Tris debacle, or the saccharin controversy, or other similar regulatory actions, we all begin to ask ourselves is it worth it?

That is the question; and through such initiatives as proposition 13, the people are telling us the answer in a resounding "no." The people are telling us that all this insidious Government intervention in our lives is not worth the cost in taxes, in inflation, in unemployment.

The effects of Government on our lives are, therefore, becoming quite clear. The Congress and the Federal regulatory agencies have to become more sensitive to the ultimate costs of regulation and to balance these costs against expected benefits.

This is the subject of an article that recently appeared in the Washington Post. Peter H. Schuck's article "On the Chicken Little School of Regulation" effectively argues the case for cost/benefit analysis as a tool of Government regulation. I commend this article to my colleagues and ask that it be printed in the RECORD.

The article follows:

ON THE CHICKEN LITTLE SCHOOL OF REGULATION

(By Peter H. Schuck)

Like Mark Green, I have had nightmares about regulation. But mine are different. In his, you will recall, big business and its minions gang up on Congress to defeat a regulation to end polio. In one of mine, a government agency mandates that children's sleepwear be flame-retardant only to learn—many millions of dollars and perhaps many cancers later—that the chemical that the agency knew would be used to comply was carcinogenic and the sleepwear could not be used.

In another, a government agency mandates that each new vehicle be armed with a costly system that prevents ignition until seat belts are fastened, only to find that consumers are disarming the systems in frustration. In another, a new government agency is created to increase the security of pensions, only to learn that its efforts have succeeded in discouraging the creation of pension plans and in helping to drive many small ones out of business.

In each of my nightmares, the regulatory scheme is preceded by analyses by academic economists, consulting firms, business organizations and the Council on Wage and Price Stability, all warning that the regulations will be costly, inequitable and produce fewer benefits than expected. Each, however, is implemented on a groundswell of righteous indignation fueled by congressional investigations, media exposes and Ralph Nader denunciations of cowardly politicians, passive bureaucrats and greedy corporations locked in unholy alliance against the public interest. And just before I awaken, as the predictions of the economists come true, proponents of the regulations propose not that they be repealed but that the economists be killed.

The difference between Green's nightmare and mine, of course, is that while his is fanciful, as he admits, mine all actually occurred. (In fairness, he does not recommend death for economists, only that nobody listen to them—which to them amounts to much the same thing.)

FALSE CHOICES

Green properly points out that some particular regulatory schemes have been effective, that cost-benefit analysis is still a rudimentary decision-making tool, that opponents of particular regulations often abuse it, that costs are often easier to measure than benefits, and that many of society's most cherished values are not well suited to this sort of analysis.

If his ambitions had been limited to these points, his article would merit applause rather than rebuttal. In fact, however, he has set himself a larger task: to build a case for regulation in general.

Like a lawyer representing a defendant already convicted many times in the same court for the same offense, he attempts to discredit some of the witnesses for the prosecution, hoping that the presumption of innocence alone will be enough to get his client off.

In our political-economic system, however, government regulation in general should not enjoy a presumption of innocence or effectiveness, however justified a particular regulatory program may be. Indeed, this is a lesson which Green and Ralph Nader, in their numerous documentations of regulatory failure, have been at pains to teach us.

From reading Green's article, one would think that regulatory policy is shaped, indeed dominated, by persons who believe that all regulation is bad. Yet the fact is that virtually all participants in these debates—and certainly all those who are taken seriously—agree that regulation is appropriate under conditions of significant market failure (such as public utility monopolies or environmental pollution) or inadequate legal remedies to prevent significant harm (such as occupational health).

Nevertheless, the questions remain: How should government regulate? What are the likely benefits and costs of regulations? Can the regulations be enforced? Green suggests throughout that those who are critical of the way in which these questions have been asked and answered in the past are "trying to make citizens hate their government" or are seeking to "abolish" regulation. This inference is as logical as concluding that one who criticizes a proposed merger between two giant corporations is therefore hostile to the free enterprise system, a conclusion that Green would surely resist.

Closely related to the straw man that Green creates is the false choice that he poses: "The choice is between the president as a cost-benefit econometrician or as a tribune for the victims of marketplace abuse." Or, as Green characterizes the issue elsewhere: "Should health and safety regulation be sacrificed to the anti-inflation campaign?"

This reflects a view of the world as one of blacks and whites, either-ors, and goals which do not conflict. Neither the president nor any other policy maker, however, can afford the luxury of seeing the world in that utterly distorted way, but must find some acceptable balance between health goals, anti-inflationary goals, employment goals, capital formation goals and other goals, each of which conflict to some degree. To suggest that such an accommodation is a betrayal of trust, rather than constituting the essence of leadership, is truly to "make citizens hate their government."

FLAWED BUT NECESSARY

In his discussion of cost-benefit analysis, Green begins with two fundamentally sound premises: Cost-benefit studies are usually flawed, often seriously, and they are often used by political actors for political ends. Much like a rookie cop who encounters sin on his new beat, however, Green finds this reality profoundly disturbing and draws the conclusion that cost-benefit analysis is essentially a sham, designed to serve predetermined, corporate, anti-regulatory ends.

In truth, however, analysis is an effort to engage in rational decision-making, an effort that will always fall short to some extent. Green's critique confuses a process with the products of that process. It is rather like opposing democracy because it permitted Watergate to occur, or opposing sex because it sometimes leads to prostitution, venereal disease and unwanted babies.

If cost-benefit analysis is at best imperfect, which it is, what is the alternative? Green provides confusing signals on this question: He says that "obviously" officials devising regulations should do what sounds suspiciously like cost-benefit analysis (he calls it "impact review"). Yet the entire thrust of his article is that such analysis is pernicious.

In any event, let me offer a few modest suggestions. First, cost-benefit analysis, as a way of addressing complex problems, is inescapable. Although we do not often call it that, we all use it, with varying degrees of sophistication and rigor: The driver trying to decide how fast to drive and what route to take; the worker puzzling about whether to change jobs; the student figuring out whether to go to work or to graduate school; the Congress agonizing over whether to spend more money on jobs programs; the regulator trying to set safety standards, and lobbying groups like Public Citizen deciding on which bills to focus their limited resources. In short, we are stuck with cost-benefit analysis, and the only questions are how well it is done (analysis, after all, is not costless) and how honestly and openly its inevitable limitations are acknowledged.

Second, even when the analysis cannot help us to evaluate regulatory objectives, it can often help us identify the most cost-effective alternative for attaining a given objective (for example, reducing pollution through effluent charges rather than emissions standards).

Third, it is simply not true that the biases in benefit-cost analysis work only in an anti-regulation direction. Proponents of regulation routinely predict large benefits while downplaying costs in an effort to persuade others, and those predictions often turn out to be exaggerated. In short, numbers games are played by all sides—and, to judge by the outpouring of regulations in recent years, the deck can hardly be said to have been stacked against those of Green's persuasion.

Finally, his attack on the notion that "business-dominated cost-benefit studies should control regulatory decisions" is mere wrestling with phantoms. The political process constitutes an important safeguard against the inevitable shoddy and distorted analyses, a safeguard which Green ignores. Regulatory policy is made in an intensely competitive environment in which adversaries have every incentive—and many forums—to pinpoint and publicize the limitations and imperfections of any particular piece of analysis. His own article is replete with examples of this adversary process successfully at work.

Decision makers in the real world do not make decisions primarily on the basis of cost-benefit analyses (although they may haul them out as protective coloration once the decision is made), the limits of such analyses are too well-known to them—thought not always to the general public—to permit them to be decisive except in a few extreme cases on which almost everybody would agree, anyhow.

QUALIFIED BENEFITS

Most students of regulation, including those often critical of its particular manifestations, agree that regulation often yields important social benefits. Since Green catalogues them at great length, I can limit myself to pointing out some of the deficiencies in his analysis of benefits.

Regulation does often encourage innovation, as Green points out, but only in a restricted sense of the word. To be sure, a firm can be expected to find the least costly way of meeting a given regulatory standard, but that is innovation only in the sense that a driver presented by a detour sign from taking his accustomed route is engaged in innovation when he takes a different road. The regulation may well elicit a fresh response, but that does not tell us whether the standard itself, the detour, was the best road to have taken.

Moreover, many regulations actually prohibit innovation by prescribing a specific manner in which a standard must be met. In fact, most studies of the subject have concluded that regulation usually inhibits innovation or channels it into frivolous areas (such as the color of airplane fuselages).

Regulation, as Green's example indicates, both creates jobs and destroys jobs; in fact, it usually does both simultaneously. But the jobs which regulation "creates" in one sector (say, manufacture of pollution control equipment) will probably occur at the expense of jobs which existed (or, absent regulation, would have existed) in other sectors (say, in the regulated industry itself or in industries to which the capital used to produce the pollution control equipment would otherwise have flowed). And even a regulation that produces a net gain in jobs is undesirable unless it is the least expensive way to achieve the regulatory objective (a question, by the way, that cost-benefit analysis can help to answer).

Green asserts that regulation often has a beneficial redistributive effect, postulating a regulation that shifts costs "from hard-pressed workers to relatively well-off stockholders." If the world were that simple—if redistributive effects were so easily identified and socioeconomic groups were so easily categorized—social policy making would be almost as easy as Green seems to think it is. In fact, however, a regulation often benefits certain "hard-pressed workers" at the expense of other workers (now even more hard-pressed because unemployed) and equally hard-pressed consumers and small business people.

By the same token, the "relatively well-off stockholder" often turns out to be that same hard-pressed worker; indeed, he and his co-workers now own through their pension plans close to half of the stock in American corporations (according to Peter Drucker), and the percentage is steadily growing. Again, the point is not that regulation does not sometimes have redistributive effects of which Green and I might approve, but only that these effects are very difficult to predict and probably occur (when they do) as much by accident as by regulatory design. If we really wish to redistribute income, there are far better ways to do it than through regulation.

CHICKEN LITTLE REGULATION

Finally, there can be little doubt that some regulations do enhance health and safety.

In each case, however, the important questions will be: How much health and safety? For whom? At what cost? To whom? Could the money be more effectively spent in other ways? These difficult questions do not vanish just because Green invokes grisly images of children disfigured by fire and workers suffering from cancer, nor is our effort to answer them aided by reminding us that human life is priceless. Society measures the value of life many times every day, either explicitly (as when a jury must award damages or a person purchases life insurance) or implicitly (as when Congress, regulators or citizens make tradeoffs between safety goals and other goals, as in our refusal to set 30-mile-an-hour speed limit on interstate highways). The logical implication of Green's life-is-priceless litany is that we should spend the entire federal budget on health and safety, yet no one—least of all, the public—seems to think that makes sense.

Green properly warns us against what he calls "the Chicken Little School of Economic Analysis." An equal, if not greater, danger, however, is the Chicken Little School of Regulation, founded on the principle that one need only consult one's ethical precepts in order to know when and how to regulate in areas of complex human and institutional interaction, and that those who believe otherwise lack ethical precepts, are dupes (witting or unwitting) of business propaganda, or both. His article is a primer for this school. Fortunately, the administration and the public appear increasingly disposed to reject its false teaching.●

THE MEAT IMPORT ACT OF 1979—S. 441

● Mr. HATCH. Mr. President, I feel an imperative need to join with my colleague from Kansas, Senator DOLE, in cosponsoring the Meat Import Act of 1979.

The current law, the Meat Import Act of 1964, provides for a procyclical formula which restricts meat imports as domestic production declines, which results in aggravated production cycles and inflated meat prices, and thus promotes results which both consumers and cattlemen agree are diametrically opposed to the reactions the meat market should produce. During those periods of restricted import quotas the President has utilized his quota suspension authority in a reactionary manner. His decisions to allow massive increases of beef imports to satisfy consumer demands has been at the expense of the western cattleman, thus engaging in obvious misuse of authority to appease short term political pressures at the expense of long-range solutions. It is time that these indiscretions halt, and that the meat production cycle is legitimately solved.

The Meat Import Act of 1979, which I am cosponsoring, provides for a countercyclical formula which upwardly adjusts meat import quotas when domestic production slackens and, conversely, tightens quotas with increased domestic production. This measure also greatly restricts the President's ability to permit increased imports, and requires him to give a 30-day notice when circumstances allow a suspension or increase in import quotas.

Mr. President, cattle and milk production represent the two largest cash receipt commodities in Utah. Together they represent nearly half of Utah's agricultural commodities. To allow the continued Presidential and statutory aggravation of a problem beyond the control of the western ranchers is unacceptable. Under this bill the effects from the domestic meat cycle will abate without unjustified Presidential interference, and the always escalating roller coaster consumer price of meats will stabilize.

Mr. President, we have long needed a statutory basis for stabilizing cycles in the domestic market in a consistent, effective and rapid manner. Mr. President, this measure will realize that goal.●

WANTED: PARENT PARTICIPATION

● Mr. JAVITS. Mr. President, when Congress last year enacted the Elementary and Secondary Education Amendments of 1978 (P.L. 95–561), it provided in a new section 206 of the Elementary and Secondary Education Act for encouragement of activities to enlist the assistance of parents, working with the schools, to improve the skills of children in reading, mathematics and oral and written communications. This is important because a child's learning hours are not—and should not be—restricted to that part of the day spent in a schoolroom.

In its inaugural issue, the New Brooklyn Quarterly carries an interesting article, "Wanted: Parent Participation," by Lawrence Jackel, president of Litton Educational Publishing and chairman of the School Division of the Association of American Publishers and a Brooklynite, born and bred, Mr. Jackel's article merits reading.

I ask that it be printed in the RECORD following these remarks.

The article follows:

WANTED: PARENT PARTICIPATION

(By Lawrence Jackel)

Experience and research indicate that where parents are involved with their children and their education, educational performance improves. But too often parents just leave their children to the schools and hope for the best.

As more parents realize they can't take a hands off approach to the schools, they find they can make a real difference in the quality of their children's education. In many Brooklyn communities concerned parents are beginning to understand that the education of their children is not limited to the classroom and that literacy begins at home.

TV OR NOT TV: THAT IS THE QUESTION

Many of the habits a child carries with him through life are developed early, in the home, and are conditioned by parental example.

A pre-school tot, for example, who is placed in front of "the tube" for hours at a time may never learn the joy of reading. For many parents unwilling to give the child the time or attention required to instill the love of books, television often becomes a surrogate parent to which the child turns as a source of diversion and entertainment. And in too many homes, children have never seen Mom or Dad read a book. If a daughter learns a love of books and reading from her parents, she'll remain a reader for the rest of her life.

Introduce your children to the marvelous children's classics. You'll find the pleasure of sharing ideas in an intimate atmosphere of mutual discovery.

The nightly bedtime story was a wonderful tradition that many of us have lost. You might try turning off the television and reading aloud to your children. You'll both be richer for it.

Another bond which can be established between you and your child is helping with his homework. No, you shouldn't actually do the work for your son, but a sensitive parent can provide the personal and loving guidance that the busy teacher may not be able to provide in a hectic classroom.

THE SCHOOL VISIT: MORE THAN A FORMALITY

Periodic visits to the school are helpful, but they should be more than a perfunctory two minute conference, coffee, and a "We'll see you next year."

Concerned parents should start asking questions about the school's educational goals and priorities. Take a look at the instructional materials your child is using. Are they current or out of date? Do they reflect the latest knowledge and information? Have sexual and racial stereotypes been eliminated?

In a world where social, economic, political and scientific change takes place almost daily, textbooks may be outdated four or five years after they are published. You don't want your child's knowledge to be out of date before she's out of school. And just as nothing is duller than yesterday's news, nothing is less apt to motivate and inspire students than information and illustrations that are out of touch with the world as they see it.

Does your child's school provide a budget for the multi-media systems that help students learn? A full range of films, filmstrips, tapes, and other learning aids should be available, and up to date, to stimulate and motivate each child to discover the wonderful world of ideas.

TEACHER TRAINING: ARE YOUR SCHOOLS UP TO DATE?

Ask about the extent of in-service training programs in your schools. In-service programs expand and upgrade teacher skills to keep them current with new information and new teaching techniques. They should be an important part of your local school system; often they are not.

WORKING WITH THE SCHOOL: HELP WANTED

Many parents are taking an active role in education through volunteer work as professionals and teachers' helpers. The work is personally rewarding. It provides important insights into the educational process. Regardless of professional skills and time availability, there are important jobs where the volunteer parent can help. Volunteer work allows the teacher to devote more time to classroom instruction. It also provides a vital contact point between parents and schools bridging the gap between home and classroom.

Contact the PTA for volunteer work. If your school is not utilizing the time of volunteers, the PTA can often help to establish a program.

AS A TAX PAYER: SPEAK UP

Parents represent conceivably the largest single lobby in the nation. And yet by and large they constitute a silent majority. While political activism has spread to virtually every other area of American life, the voice of concerned parents has remained muted. Parents must insist that the future of their children receive the same attention that is routinely bestowed by politicians upon highway and defense legislation. They can force reluctant legislators to provide quality schools and quality educational materials. They have but to speak out and make their feelings known to their school boards, their state boards of education and their elected officials.●

THE BALANCED BUDGET PETITIONS: IN DEFENSE OF THE STATE LEGISLATURES

● **Mr. LUGAR.** Mr. President, the opening salvos have now been fired in the frantic struggle by the vested interests encamped in this city to head off the demands of the American people for a stable dollar through a more balanced Federal budget.

It is apparent that a major stratagem in the obstructionists' campaign will be the attempt to intimidate the State legislatures, and through them the American people, with twin doomsday threats of punitive action and constitutional chaos.

Since the State legislative petitions for a Constitutional convention are the source of Congress nervous tension, it was probably inevitable that many Congressmen would lash out at the legislators who are voting such petitions. Blaming the victim is a natural reaction of a guilty party, but it is not a helpful contribution to solving our collective inflationary dilemma.

In a recent speech before the National Press Club, the distinguished senior Senator from Maine (EDMUND MUSKIE) warned State legislators against intruding on Congress special brand of business as usual. I was not privileged to be present in Washington that day. I was meeting with constituents in Indiana, where, unlike Washington, prudent fiscal practices are neither a recent discovery nor a danger to the resident political establishment. Americans and the State legislators who represent them do not take kindly to threats. One is reminded of the dire predictions to which the citizens of California were subjected prior to the passage of proposition 13, when bureaucrats and their elected allies issued daily warnings that police forces would be dismantled, schools closed, and vital services of all kinds severely curtailed. The people of California were too determined to be deterred by these tactics, and I wish to encourage the national constituency for fiscal reform to be similarly resolute.

There are a number of excellent reasons why Americans should not be frightened away from the policies to which commonsense, and the disastrous economic effects of a decade of deficits, clearly lead them. In the first place, thoughtful observers will see in this sabre-rattling a large measure of bluff. Those Congressmen whose first choice for budget cuts is aid to States are probably in the minority. With plain evidence of gross waste in the Federal Government employment all around us, it would be totally irresponsible to take a disproportionate share of funds from the hides of the States. And the States and localities are not without friends and defenders in this body and in the House.

Moreover, the States are not, as their detractors allege, attempting to have all things their own way. They are willing to participate to a fair degree in the restraint which will be required. The majority of State and local governmental officials with whom I communicate would gladly forgo large amounts of Federal largesse in exchange for an end to the inflation which is their No. 1 problem, year after year. Certainly very few tears would be shed among the Nation's Governors over cuts in the 500 categorical grant programs through which the Federal Government attempts to override and undercut State decisionmaking.

Some situations are even more clear. My own State of Indiana, penalized in various Federal funding formulas for its geography, its prosperity, and sometimes (as in the case of interstate highway construction) its efficiency, continues to rank last in the Nation in Federal funds received per tax dollar paid. If there is a State in the country with relatively little to lose from a revamped Federal spending policy, it is Indiana. But the general principle applies nationally that the States and the families of this country stand to gain far more from a stable dollar than they stand to lose from a reduction of what is loosely termed Federal "assistance."

Even if Congress acted out its vindictive fantasies and attempted to punish the rebellious State governments, the results would not be unthinkable. Very little of the revenue transferred from Federal to State government was originally requested by the States. In large measure the money involved represents schemes devised at the Federal level, in which the States have been either lured or coerced into participating. Reductions in such programs might cause discomfort to the grantsmen and administrators who spring up and flourish around such projects, but would create fewer problems for average citizens whose lives and plans are disrupted daily by the effects of Congress improvidence.

The second threat brandished against constitutional anti-inflation measures has to do with the potential of a new Constitutional Convention. We are threatened with the spectre of a runaway assembly of zealots, intent on rewriting the Bill of Rights. Such alarums are irresponsible, but instructive. They reveal the elitist, antidemocratic attitudes which lie at the heart of modern liberalism. In the first place, it demeans the character of the American people to assume that they would select an assortment of one-issue fanatics to represent them at this most important and solemn of meetings. Second, this argument ignores the fact that any proposal originating at a new convention would have to run the gauntlet of 38 State ratifications in order to become part of the Constitution. It requires an especially contemptuous view of the State legislatures of America to fear the results of such a process, and I suggest that the hysteria over the convention prospect is greatly overstated.

In the main, the State legislators of the country came carefully and even reluctantly to their convention calls. The vast majority of the balanced budget petitions passed in State legislatures so far express a preference for congressional action as opposed to another convention, reserving the convention call as a last resort. That is the responsible way for the Nation to proceed. Congress should act, thoughtfully but promptly. But if it refuses, the idea of a Constitutional Convention to effect the people's will ought not frighten those Americans who have confidence in the innate commonsense of our people and in our federal system.

Annually, with great ceremony and pomposity, Congress convenes hearings on dozens of relatively unimportant proposals. But, despite demonstrations of overwhelming popular support for the idea, the Senate Judiciary Committee has never met to consider proposals for requiring a balanced Federal budget in normal times. No sincere observer of Washington believes that any serious attention would ever have been paid to this movement, even now, had not the State petition drive gathered momentum. In this context, the calls of the intimidation lobby for "patience," their charges of "haste," and "panic" are especially hollow. If anything, the American people and their legislators should be commended for their remarkable forbearance. They have suffered more than a decade of mindless, indefensible overspending; of deficits during economic expansions, which Lord Keynes himself would have roundly repudiated; of deficits which no known economic theory can rationalize.

The State legislators demanding a balanced Federal budget are not acting selfishly. They are not acting in undue haste. They are not oblivious to the difficulties, the subtleties, and the need for flexibility associated with reforming the Federal spending process. They are prepared to work with the Congress in shaping a constructive, practical change in our national charter which will reestablish a balanced budget as the normal assignment of Federal budget-makers.

These legislators deserve our thanks, not disparagement and blame-shifting by those whose extravagance gave birth to the inflation crisis and the balanced budget movement.●

ARTHUR M. KUHL

● **Mr. SASSER.** Mr. President, we were all terribly saddened to learn of the sudden death of our friend, Arthur Kuhl, who was Assistant Secretary of the Senate.

Art's dedication to public service could not have been better exemplified than the effort he made to walk to work in Monday's blizzard.

I had the special privilege of working with this unique gentleman in my capacity as chairman of the Subcommittee on the Legislative Branch of the Appropriations Committee. He was always thorough and complete in his work and was a credit to all of the dedicated employees who serve us in the Senate.

I know my colleagues join me when I say that Art will be missed by all of us. His absence will surely be felt as the Senate continues its work this session.●

TAX DEDUCTIONS FOR BUSINESS MEALS

● **Mr. INOUYE.** Mr. President, the 95th Congress very wisely rejected efforts to curtail tax deductions for business meals. A recent study which I would like to bring to the attention of the Members supports the wisdom of the 95th Congress.

Proponents of the proposal in the 95th Congress put forth a research paper done by the Congressional Research Service which concluded that the unemployment impact of the total food and beverage industry would be nil.

As far as I have been able to determine, neither the administration nor other supporters of the provision came forward with any other statistics or studies to support their claims that there would be little or no adverse impact on industry employees.

Most recently, we have been told that it is a national disgrace to cut back on the federally funded school lunch program in the name of budget austerity, while permitting business meals to be tax deductible.

Mr. President, I yield to no one in my commitment to the health and welfare of our children. To a nation, its children are its most precious resource and hope for the future. But there is absolutely no connection in fact or logic between tax deductions for business meals, and a cutback in Federal funds for our school lunch program. Each program is separate, and must succeed or fail on its individual merits. This is the kind of inflammatory rhetoric which would have us believe that every business meal consists of three martinis. It serves no useful purpose, in my judgment, and only obscures the real issues.

It is not my purpose today to debate the merits of the administration's budget proposals as it relates to the school lunch program. That is for another time.

I would however briefly like to review the statistics which show how adversely employment in the food and beverage industry will be affected if tax deductions for business meals are eliminated or curtailed. Specifically I would like to mention a new study prepared within the Bureau of Labor Statistics, but which is not attributable to the Bureau. This study concludes that the impact on unemployment would even be more severe than earlier estimates of the Hotel and Restaurant Employees and Bartenders International Union, AFL–CIO, the one-half million member union whose members would be the ones most affected.

When the study done by the Congressional Research Service concluded that there would be no adverse impact on employment in the food and beverage industry, it presented a distorted picture which only obfuscated matters.

The CRS study was able to reach the conclusion it did because it included projections for employment in the "fast food" segment of the industry—the McDonalds, the Burger Kings, et cetera, even though this is not the segment which serves the men and women who transact legitimate business at conventions, meetings, or lunches and dinners.

Unemployment would occur in other retail segments of the industry and the wholesalers that support it.

The Hotel and Restaurant Employees and Bartenders International Union, AFL–CIO, estimated that 135,000 of its members would lose their jobs. The most recent study done within the Bureau of Labor Statistics to which I have referred indicates that their figures may be too conservative by a substantial margin. It estimates that there could be a loss of about 200,000 jobs in the retail segment of the industry, and 19,781 in the wholesale segment of the industry. About a quarter of a million jobs. At the conclusion of my statement I ask to print in the RECORD a paper which describes that study entitled "The Employment Effects of the Proposed Change in the Tax Deductibility of the Three Martini Lunch."

Mr. President, should tax deductions for business meals be curtailed, the law will not be depriving many business men and women of three martinis. In view of the statistics and studies we have, there is a very strong probability a quarter of a million people will be deprived of a livelihood, however. And who are the vast majority of these men and women?

In the restaurant industry, for example, 2.8 million or 68 percent of the employees in food service occupations are women, accounting for 7.6 percent of total employed women. And 565,000 or 13.8 percent of the employees are black or other minority groups.

The study follows:

THE EMPLOYMENT EFFECTS OF THE PROPOSED CHANGE IN THE TAX DEDUCTIBILITY OF THE "THREE MARTINI LUNCH"

(By Steven D. Braithwait)

[NOTE.—I would like to thank Bob Sylvester, Office of Economic Growth, BLS for computational assistance with the BLS input-output model.]

This paper presents estimates of the primary direct employment effects by industry and occupation of the proposed changes in the tax deductibility of business meals.

The Administration proposal (see[2]) would limit the deductibility of business meals to one-half their value. In this study, the estimated effects of the proposal are obtained through the combined use of a large-scale consumer demand model which can be used to simulate the effect on consumer expenditures (and thus final demand) of a change in price of one or more commodities in the model, and the BLS input-output and employment-output models which relate employment to final demand. The tax change is treated as an effective increase in the price of the commodity business meals which is represented by two of the commodities in the demand model. The effect of the price increase is traced through the demand model in the form of changes in consumption, and then through the input-output and employment-output models to obtain the effect on employment.

The procedure for obtaining the employment effects thus involves a sequence of operations using several different models to relate changes in consumer expenditures to changes in employment by industry and occupation. The elements in the last part of the sequence are standard fixed-coefficient models which relate final demand to employment by industry and by occupation. These are described in detail in an appendix. The first part of the sequence—the demand model and the method of simulating the effect of the price change is described below. Finally, the results of the analysis are presented.

THE DEMAND FOR BUSINESS MEALS

Business meals can be tax deductible in two different ways. First, an individual may be on an expense account, in which case he pays nothing for the meal, while the business deducts the cost of the meal from its before-tax earnings as a cost of doing business. Alternatively, individuals may under certain circumstances deduct the cost of a meal as a business expense on their individual income tax returns. No information is available about how businesses allocate funds for their employees' expense accounts, or how they would react to the proposed tax change. However, a model of consumer behavior is available which includes meals and alcoholic beverages consumed away from home as commodities, and business meals can be considered a subset of these commodities. In the present analysis the entire response to the proposed tax change is considered in terms of individual consumers facing higher prices for certain commodities which they consume.

In evaluating this approach it should be realized that one probable reaction of businesses to the proposed tax change would be to impose stricter controls on employee expense accounts. Employees would find their budget for business meals reduced, which would leave them in a situation quite similar to that of individuals deducting their own business meals, who face tighter budget constraints due to the higher priced meals.

The change in demand estimated here is derived through a process involving several steps. At each step assumptions are made about the applicability of the data actually used to those individuals who would be affected by the proposed tax change. The most recent information from the BLS input-output and employment models is for 1976. Thus, the employment effects are estimated for that year. The data used in the demand model, however, end in 1973. It is assumed that the demand elasticities obtained for 1973 would hold in 1976 as well.

The target group for the present study is those individuals who claim deductions for business meals, and the commodity of interest is business meals. Data is available on aggregate consumption of purchased meals and alcoholic beverage, and estimates are available on the amount of business meals expenditures.

A first step in the analysis is a determination of the size of the effective price increase which would result from the proposed tax change. It is assumed that those individuals most likely to claim business deductions would be in the upper fifth of the income distribution, which for 1973 was above $20,000. At that level of income (using the standard deduction), the marginal tax rate was .29, which means the proposal to reduce tax deductibility of business meals creates an effective price increase of approximately 20 percent. That is, the actual cost of a fully deductible $10 meal is $7.10 for an individual facing a marginal rate of .29. If only half the meal is deductible the cost rises to $8.55, an increase of $1.45, or 20 percent. To investigate the sensitivity of the results to the amount of price increase we also examine the case which corresponds to a marginal tax rate of .44, implying an effective price increase of 40 percent.

The next step in the analysis is a simulation run of the consumer demand model using the new prices. The demand model which was used is a large-scale consumer demand model, of the "complete systems" type, having separate equations for 53 commodities and commodity groupings. In form, it is a multi-level linear expenditure system. The model specifies the demand for each commodity as a function of its own price, the prices of all other commodities, and total expenditure. The characteristics of the model and method of estimation are described in [1]. National Accounts data on 53 Personal Consumption Expenditure (PCE) categories were used in the estimation. The expenditure categories most closely related to business meals are "Food in purchased meals and beverages" and "Alcohol in purchased meals and beverages." The prices for those "commodities" were assumed to increase by the appropriate amount (that is, by 20 percent or 40 percent, as specified in the preceding paragraph). The results of the simulation of the demand model are presented in Table 1.

For the present analysis, the changes in demand being simulated apply only to a portion of the total demand for Purchased meals and beverages, corresponding to business meals expenditures. Estimates from two alternative sources of expenditures on business meals are used in this study.

In computing the PCE sector of the National Accounts, (which includes the data used to estimate the demand model), the Bureau of Economic Analysis (BEA) includes only those expenditures that it considers personal consumption. Business meals are considered expenditures by businesses rather than individuals. Thus, in calculating the Purchased meals and beverages component of PCE, the BEA excludes that portion of the sales of eating and drinking places that it considers business meals. BEA's estimate of expenditures on business meals is allocated within the National Accounts to a dummy industry called Business Travel and Entertainment (BTE). However, since the BLS input-output and employment-output models are driven by final demand (which includes PCE), and the consumer demand model uses PCE, it is convenient to assume that the business meals commodity may be represented adequately by a portion of the PCE category, Purchased meals and beverages.[2] This category differs from business meals only in the type of purchaser of the commodity.

The BEA allocates approximately 74 percent of the total sales of eating and drinking places to the Purchased meals and beverages component of PCE. Nearly all the remainder is classified as business meals. Thus, using the BEA estimate of business meals expenditures, the changes in demand presented in Table 1 are applicable to about a fourth of the total sales of eating and drinking places. However, not all of those sales are represented as final demand because of the classification of business meals as transfers between businesses. To simulate the effect of the change in demand for business meals using the PCE final demand categories, Alcohol and Food in Purchased meals and beverages, the percentage changes in Table 1 (indicating the price-induced change in demand), are applied to a portion of the final demand categories equivalent to the amount of estimated expenditures on business meals.[3]

Two alternative estimates on business meals are used. One is the BEA estimate. The other is derived from an IRS survey of travel and entertainment deductions. The value for the final demand component, Purchased meals and beverages is $39.9 billion in 1973. The BEA estimate for business meals in the same year is $12.85 billion.[4] Alternatively, a 1969 IRS survey, adjusted to 1977 levels, estimated a total of $14.864 billion for business travel and entertainment deductions. The IRS also estimated that 25 percent of that amount was for entertainment, and that 90 percent of entertainment was accounted for by business meals. The resulting amount for business meals was $3.344 billion.[5] This figure was adjusted to a 1973 level of $2.411 billion, using the CPI component for restaurant meals. Table 2 presents the results obtained by applying the changes in demand in Table 1 to the portion of the final demand categories represented by the above estimates of business meals expenditures, following the method described in the previous paragraph. The entires in Table 2 represent the percentage changes in the final demand which are used to simulate the effect of the price increase of business meals.

The percentage changes in Table 2 were applied to the 1976 values of the appropriate commodities in the personal consumption sector of final demand in the BLS input-output model.[6] The input-output model first transforms the changes in final demand for *commodities* into changes in final demand by *industry*. Finally, BLS estimates of output per employee are used to calculate the employment effects in each industry of the changes in output.

RESULTS OF THE SIMULATION

The industry employment effects are presented in Table 3 for the two industries with the largest change in employment—Wholesale Trade (SIC 50) and Retail Trade (SIC 52–59). Unfortunately, in the BLS 162-industry model these two industries are not further disaggregated. In particular, the Eating and Drinking Places industry (SIC 58) which is of primary interest here is included in the Retail Trade Industry. However, due to the nature of the affected final demand commodities—purchased meals and beverages, and alcohol—it is not unreasonable to assume that nearly all of the change in employment in the Retail Trade industry is concentrated in the Eating and Drinking Places industry. Under that assumption the employment effects indicated in Table 3—21,917 to 114,898 for the 20 percent price increase, and 38,683 to 199,087 for the 40 percent increase, depending on the estimate of business meals expenditures, represent between .6 percent and 5.5 percent of the 3.6 million employees in the Eating and Drinking Places industry in 1976. Clearly, the results depend crucially on the estimate of business meals expenditures.

The employment reduction in Wholesale Trade is an indirect effect of the reduction in demand for business meals. It is presumably caused by decreases in the output of businesses supplying goods and services to the affected businesses in the Retail Trade industry. The location of the effect within the Wholesale Trade industry is less obvious than that for Retail Trade, but likely to lie mostly in the Food and Related Products (SIC 504) and Alcoholic Beverages (SIC 5095) industries.

The analysis may be carried one step further, to the occupational employment effects, by using the BLS industry-occupational matrix which gives the percent employment by occupation within each industry. Again assuming that the entire Retail Trade effect is in the Eating and Drinking Places industry, the employment effects in the major occupations in that industry are presented in Table 4. Thus, for example, with a 40 percent price increase and the IRS estimate for business meals, the estimated reduction in Food Service Workers is 32,532.

TABLE 1.—*Change in demand resulting from price increases*

Commodity	Price increase 20%	Price increase 40%
Food in purchased meals	−17.2%	−29.8%
Alcohol in purchased meals	−13.3%	−23.1%

TABLE 2.—*Percentage changes in final demand commodities used to simulate decrease in business meals expenditures*

	Price increase			
	IRS estimate of business meals		BEA estimate of business meals	
Commodity	20%	40%	20%	40%
Food in purchased meals	1.1%	1.9%	5.5%	9.6%
Alcohol in purchased meals	.9%	1.5%	4.3%	7.4%

TABLE 3.—*Employment effects by industry*

	Price increase			
	IRS estimate of business meals		BEA estimate of business meals	
Industry	20%	40%	20%	40%
Wholesale trade	2,490	4,636	11,438	19,871
Retail trade	21,917	38,683	114,898	199,087

SUMMARY

The magnitudes of the employment effects estimated here (ranging from .6 to 5.5 percent of employment in the Eating and Drinking Places industry) depend crucially on the assumed amount of expenditures on business meals. Two different estimates of business meals expenditures were used, one from an IRS study of business deductions, the other from BEA's National Accounts calculations. In addition, the results depend on a set of assumptions relating business meals expenditures to personal consumption expenditures on restaurant meals. All business meals expenditures are treated as expenditures by individual consumers facing a budget constrained by the effective higher price of business meals.

The simulation of the consumer demand model is an attempt to approximate the behavior of high income households toward consumption of business meals. However, the parameters of the model were originally estimated using aggregate per capita consumption data, which included the commodities purchased meals and alcoholic beverages. Thus, the demand model relates to a kind of "average" consumer behavior, and for a number of reasons businessmen may have different behavior than other consumers (though the model was adjusted so that the estimates correspond to those of high income consumers). This would be true of almost any demand estimates that could be produced with available data, however.

The data and the analysis in this study are at a highly aggregate level. Thus, is it not possible to determine all the distributional effects of the proposed tax change. One important factor which cannot be measured here is the extent to which businessmen would substitute less expensive meals for more expensive ones. They could do so by purchasing less expensive meals in the same restaurants to which they are accustomed or by frequenting less expensive restaurants. In either case, the substitution is from more labor-intensive to less labor-intensive meals (e.g., serving ice cream rather than a crepe for dessert requires less labor). It is not possible to account for this type of substitution with the aggregate data used here. It is clear that the employment effects would likely not be uniform across establishments in the restaurant industry—the expensive, large-city establishments would undoubtedly feel the most impact.

Finally, it should be emphasized that this study is a partial analysis. It is designed to investigate the employment effects on a particular industry, not the economy as a whole. In fact, the particular tax proposal analyzed here is only part of a larger tax program whose overall effect on employment has been estimated elsewhere (see [2]).

Footnotes at end of article.

TABLE 4.—*Employment effects by occupation*

Occupation	Price increase			
	IRS estimate of business meals		BEA estimate of business meals	
	20%	40%	20%	40%
Retail Trade Industry:				
Restaurant, cafe, bar mgrs	3,485	6,151	18,269	31,655
Food service workers	18,432	32,532	96,629	167,432
Bartenders	1,490	2,630	7,813	13,538
Cooks	4,559	8,046	23,899	41,410
Waiters	7,671	13,539	40,214	69,680

NOTE.—These figures are obtained under the assumption that the entire employment effect in Retail Trade Industry is concentrated in the Eating and Drinking Places Industry.

FOOTNOTES

[1] The model was first simulated using actual 1973 prices, but with total expenditure 50 percent higher than the actual level in an attempt to approximate the behavior of higher income households. The model was run again using the higher prices for Purchased meals and Alcoholic beverages in purchased meals. The figures in Table 1 represent the change in demand for those two commodities between the two runs.

[2] In the demand model the 'Purchased meals and beverages' commodity was divided into 'Food in purchased meals and beverages' and 'Alcohol in purchased meals and beverages'.

[3] For example, consider the case of the final demand category Purchased meals and beverages, with a value of $750, and the commodity Business meals, with a value of $250. A 20 percent decrease in demand would be simulated as follows. The 20 percent decrease is applied to the value of business meals, yielding a $50 decrease. That amount is applied to the final demand category, yielding a decrease in final demand of 6⅔ percent (50/750). Equivalently, the final demand category is reduced by 20 percent of the ratio of business meals to the final demand category, Purchased meals and beverages (i.e., 20 percent of 250/750, or 6⅔ percent).

[4] The BEA estimate was computed by applying the ratio of Business meals to Purchased meals and beverages from the 1967 input-output tables (the values were obtained from BEA worksheets by George Swisko at BEA) to the 1973 value of Purchased meals and beverages.

[5] The IRS estimates were obtained from Eric Toder, "Employment Effects of Limiting Deductions for Entertainment, "memo, January 1978.

[6] The two commodities used were Food in purchased meals and beverages, and Alcohol. The commodity Alcohol in purchased meals and beverages used in the demand model comprises about 40 percent of the commodity Alcohol. The percentage changes in demand were adjusted accordingly.

REFERENCES

[1] Braithwait, Steven D., "An Empirical Comparison of Alternative Multi-Level Demand Systems for the U.S.," BLS Working Paper 74, 1977.

[2] The President's 1978 Tax Program: Detailed Descriptions and Supporting Analyses of the Proposals, U.S. Department of the Treasury, January 1978.

APPENDIX

The relationship between employment and final demand

Following the usual input-output notation, the vector of final demands by industry, F, may be written as (1) $F=(I-A)X$, where the elements of the matrix (I–A) are input-output coefficients, and X is the vector of output by industry. In addition, final demand by industry may be related to final demand for commodities (including personal consumption expenditures) by (2) $F=RG$, where G is a vector of final demands by commodities, and the elements, r_{ij}, of R represent the output the i^{th} industry created by a dollar of final demand of the j^{th} commodity.

The relationship between output and employment is established by the labor requirements matrix, L, such that (3) $1=LX$ where 1 is the vector of employment by industry, and the elements of L represent the employment in each industry necessary to produce a dollar of output in each other industry. Finally, employment by occupation, e, is determined by an industry-occupational employment matrix, E. That is (4) $e=E1$, where e is a vector of employment by occupation.

Thus, the sequence of operations in the present analysis is as follows:

Given a vector of final demands by commodity, G, equation (2) is used to obtain the corresponding vector of industry final demand. Total output is then obtained by transforming (1) to obtain $X=(I-A)^{-1}F$.

Employment by industry and occupation are found by applying (3) and then (4).

The input-output matrix, (I–A), and the matrix R, often referred to as the "bridge table," are updated by the BLS from data issued by the Commerce Department. The labor requirements matrix, L, is developed by BLS from industry productivity studies. The industry-occupational matrix, E, is compiled by BLS from various sources, including Census and BLS surveys.●

COSTS OF RAIL ABANDONMENT

● Mr. PRESSLER. Mr. President, in preparing for regulatory reform of the freight rail industry, Congress is undertaking a long-overdue study of our deteriorating railroads.

Increased competition and loss of traffic to trucks, barges, and pipelines, meager profits and increasing railroad bankruptcies, deteriorated track and equipment shortages which further reduce levels of service, and labor and inflationary pressures all operate against the specter of enormous Government subsidies for a system that is not otherwise viable. In working to avert that drastic nonsolution, we must be aware that there can be no panacea to solve the complex problems of the ailing rail industry.

Deregulation proposals target such areas as rate regulation, track swap and joint use agreements and abandonment. The thrust of all proposals embodies a cut-cost/raise-profit goal paring down excess trackage and eliminating unprofitable operations that drain resources.

A regional look at the problem shows varying degrees of impact of such alternatives. In the case of coal and electric utility industries and of other "captive shippers"—especially where area highway systems may not support an immediate influx of traffic from the railroad—many complex factors are introduced into the equation. Current Midwest rail problems provide a most acute illustration of these complexities.

The Chicago, Milwaukee, St. Paul & Pacific Railroad Co. operates an extensive rail network of about 10,000 miles of track in numerous Midwestern and Western States. Under bankruptcy reorganization plans, massive rail abandonments are being proposed to reduce the railroad's network to its most viable area of operation.

My State of South Dakota stands to suffer the heaviest losses in economic and social stability under this scenario. Not only will agricultural activity be enormously impaired, opportunity will be lost for industrial growth and new investment in the State.

These difficulties provide a striking illustration of the problems raised by the abandonment issue. Questions concerning the "captive shipper" and continued service to rural communities will be paramount to our consideration of the costs of abandonment. Any treatment of the problem of the deteriorating railroad industry will have to deal adequately with our responsibility in these areas while encompassing the needs of the entire industry.

In focusing attention on these difficult issues, I want to share an editorial by Merle E. Lofgren in the McLaughlin Messenger of South Dakota.

In his editorial, "Costs of Abandonment," Mr. Lofgren outlines some of the gravest difficulties posed to the rural dweller.

I hope that this message will alert my colleagues to the issues that confront the Senate in its consideration of freight rail regulatory reform.

I ask that the editorial be printed in the RECORD.

The editorial follows:

COSTS OF ABANDONMENT

Somebody observed a long time ago if there were no railroads they would have to be invented. In a country as big as the United States with the huge distances between producers and consumers it is hard to imagine getting along without railroads. Produce from the fields of the midwest have to move to the consumers on the east and west coast. Machinery and other products from the industrial centers on the east and west coasts and the Great Lakes have to move to the midwest and across the continent.

It is hard to believe the Milwaukee railroad going through South Dakota is being considered for abandonment. With the main line gone the branch lines will be useless.

This country faces a fuel shortage. Rail transportation, despite deteriorating tracks and equipment, is still 4.2 times as effective fuel-wise as compared to trucks and 5.4 times as effective dollar wise, according to the National Science Foundation.

The Business Research Bureau at Vermillion conducted a study of the economic impact if all railroads in South Dakota were abandoned.

Highways would have to be upgraded for the increased truck traffic. The BRB study shows that would cost $300 million to initially upgrade the highways to carry the increased load and at current prices over a 40-year period it would cost a billion dollars more for maintenance.

The loss to farmers selling grain would be between 23 and 30 million dollars, extra cost of fertilizer for farmers, more than a million dollars, additional cost of farm machinery $500,000 and cost of miscellaneous commodities such as cement would be increased $45 million.●

HARRY KLEINMAN ABLY LED DEMOCRATS OF WEST HARTFORD FOR 17 YEARS

● **Mr. RIBICOFF.** Mr. President, our politics are based on participation by men and women at the local level who work long hours on behalf of the parties, candidates, and issues they believe in. The political system could not succeed without such men and women. They come from all walks of life, from all races, colors, and creeds, in all ages. The traits they share are dedication and generosity. Every elected official owes a debt of gratitude to these men and women.

Such a local political leader is Harry H. Kleinman, who is retiring this month as Democratic Party town chairman of West Hartford, Conn. A close friend of mine for many years, Harry Kleinman has been West Hartford chairman for 17 years. During that time he led Democratic Party activities effectively and successfully. An energetic, colorful, tireless, and dedicated Democrat, Harry Kleinman can look back upon a career as town chairman that saw the fortunes of the West Hartford Democratic Party progress markedly. He took the job when there were not many claimants; indeed, in West Hartford there were not many Democrats. Today, as Harry Kleinman retires as town chairman, he can take great pride in the fact that the party prospered during his stewardship.

Harry Kleinman did a fine job as democratic leader in West Hartford. Our party is better because of him—and the political system he participated in is enhanced. Town chairman or not, Harry Kleinman will continue to be a leader of his party. His counsel will always be sought, his judgment valued.

Mr. President, I ask that an article about Harry Kleinman's retirement, from the West Hartford News of February 8, 1979 be printed in the Record.

The article follows:

Kleinman: A Responsibility Felt

(By Wick Sloane)

Harry H. Kleinman has been town Democratic Party chairman for 17 years. He surprised everyone this week with his announcement that he's retiring Feb. 20.

The additional surprise is that anyone would ever use the word "retiring" to describe the voluble, articulate, peripatetic, partisan party leader.

He's been chairman for so long that most people think he's a professional politician, but he only stepped into the political party dimension of government after six years as an alderman in Hartford, six years as a member of the Metropolitan District Commission, and six years as a deputy judge and judge in the old town court. This, he feels, gives him experience in the legislative, the administrative, and the judical branches of government.

These activities are only his avocations. Professionally, he's an attorney in the firm Kleinman, Steinberg and Lapuk.

The first duty of an attorney, he said interviewed at his Pratt Street office this week, is to insure that your client's interests are protected.

"That motif—if I may use that word—is the underlying concern of all my activities," he said. "That and tell your client the truth, even if he doesn't like to hear it."

In his years as town chairman he has been known as a straight talker who would let a Democratic Board of Education or Town Council member know about a vote which did not satisfy him, although in the end, he would always support whatever action office holders took.

His clients, he feels in the broad sense of the word, are the general public.

"I feel that we owe a responsibility to the community, state, local, and national to help in molding our society," he answered when asked why he became involved in politics.

"That's the preamble," he added with a twinkle in his eye.

"Government impinges or has its effect upon every person who lives in our country from the day they are born. Every birth has to be registered," he continued, "and every death recorded."

"Government does not operate in a vacuum," he said, explaining that political parties provide continuity to the governmental system by presenting candidates who "will be responsive to the desires and the needs of the times and of the people."

In his discussions, Kleinman, who went on to Yale Law School from Harvard, draws his examples from history, which he studied while he was an undergraduate, and which he still reads extensively.

Political parties have been around throughout the history of the United States with the exception of the time when George Washington was president, he said. The first political party was the Democratic-Republican party, the forefather of the present Democratic party, which Thomas Jefferson founded.

"Actually, the Republicans picked up the name which was cast off by the Democrats," he said, with his benevolent smile.

West Hartford was a Republican town when Kleinman first became involved in its politics in the early fifties. He said he was asked to be Democratic chairman in 1962.

"In those days people weren't looking for the job," he said.

Being a Democrat was not respectable, he added.

"It was socially unfashionable, and economically unwise and politically stupid. No person connected with a corporation who sought advancement, appointment or promotion was identified by registration or action with the Democratic party," he said.

Nonetheless he lead registration drives—the town now has more registered Democrats than Republicans—and eventually the party elected a mayor (Harold Keith) in 1955 although the 13,427 Republicans then out-numbered the Democrats by three to one.

While the Democratic Party was once a minority, it now represents "the entire spectrum of our heterogeneous society," Kleinman believes.

In his 17-year span as chairman, Kleinman has seen two more Democrats elected mayor, the late John Huntington in 1967 and Catherine C. Reynolds in 1973. There have been other victories on state and national levels, but he has shared in several defeats which point to the town's reputation as a "swing" political community in recent years.

Kleiman walks in quick short steps which match the energy and staccato delivery of his talking style. A short man, he leans forward when he stands and looks up at taller people over the tops of his glasses, often shaking a finger or placing a hand on the shoulder of a friend.

The fervor Kleinman brings to his politics he brings to other community efforts. He and his wife, the former Ruth Nestor, were one of seven couples which founded Beth El Temple, 2626 Albany Ave. about to celebrate its twenty-fifth anniversary. He is devoted to Israel. Of his role in the 1948 Arab-Israeli war, he will only say, "I helped to make sure that Israel was not defenseless."

His retirement from the party chair, he said does not mean he is retiring from public life to do nothing. "I hope to continue to speak up now and then," he said.

A native of Hartford, Kleinman and his wife live at 12 Pilgrim Rd. Both their sons are attorneys. Daniel, who lives in Farmington, works in his father's firm, and William who lives at 112 Hyde Rd., is an assistant state attorney general.●

ITEMIZED TAX DEDUCTIONS FOR OLDER AMERICANS

● **Mr. INOUYE.** Mr. President, this is the time of year in which our Nation's citizens, old and young, are usually preparing their individual income tax returns. Each year the Senate Special Committee on Aging, with the cooperation of the Internal Revenue Service, provides a valuable service to our citizens by publishing a list of itemized deductions for individual taxpayers.

Many recent changes in our Nation's tax laws, including some made by the 1978 Revenue Act, may be confusing, particularly to our elderly citizens. Many of our senior citizens actually overpay their Federal taxes because they are unaware of the many tax-saving deductions in the laws.

One newly adopted tax measure, for example, allows taxpayers 55 or over to exclude up to $100,000 in profit from the sale of their homes.

This and many other tax deductions are described in the checklist. While this is not intended to be an all-inclusive listing, it does provide a handy guide to help insure that taxpayers claim all the deductions, credits, and exemptions to which they are legitimately entitled.

In this time of economic difficulty, especially for elderly citizens living on fixed incomes, our taxpayers in Hawaii and elsewhere deserve every assistance we can provide to them. I ask to have the Senate Special Committee on Aging's publication printed in the Record.

The material follows:

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

(A Revised Checklist of Itemized Deductions for Use in Taxable Year 1978)

(An information paper prepared by the staff of the Special Committee on Aging, U.S. Senate)

Checklist of itemized deductions for Schedule A (form 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of your adjusted gross income (line 31, form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation):

Abdominal supports (prescribed by a doctor).

Acupuncture services.

Ambulance hire.

Anesthetist.

Arch supports (prescribed by a doctor).

Artificial limbs and teeth.

Back supports (prescribed by a doctor).

Braces.

Capital expenditures for medical purposes (e.g. elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs.

Chiropodist.

Chiropractor.

Christian Science practitioner, authorized.

Convalescent home (for medical treatment only).

Crutches.

Dental services (e.g., cleaning, X-ray, filling teeth).

Dentures.

Dermatologist.

Eyeglasses.

Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed).

Gynecologist.

Hearing aids and batteries.

Home health services.

Hospital expenses.

Insulin treatment.

Invalid chair.

Lab tests.

Lipreading lessons (designed to overcome a handicap).

Neurologist.

Nursing services (for medical care, including nurse's board paid by you).

Occupational therapist.

Ophthalmologist.

Optician.

Optometrist.

Oral surgery.

Osteopath, licensed.

Pediatrician.

Physical examinations.

Physical therapist.

Physician.

Podiatrist.

Psychiatrist.

Psychoanalyst.

Phychologist.

Psychotherapy.

Radium therapy.

Sacroiliac belt (prescribed by a doctor).

Seeing-eye dog and maintenance.

Speech therapist.

Splints.

Supplementary medical insurance (Part B) under Medicare.

Surgeon.

Telephone/teletype special communications equipment for the deaf.

Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.)

Vaccines.

Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs.

Whirlpool baths for medical purposes.

X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

3

TAXES

Real estate.

State and local gasoline.

General sales.

State and local income.

Personal property.

If sales tax tables are used in arriving at your deduction, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.

Auto loan.

Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money and only if the charging of points is an established business practice in your area. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the separately stated "finance charge" expressed as an annual percentage rate.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, you may use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box used to store income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by your employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if used regularly and exclusively for certain business purposes.

Educational expenses that are: (1) required by your employer to maintain your position; or (2) for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—You may claim either a deduction (line 31, Schedule A, Form 1040) or a credit (line 38, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general, or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, you may voluntarily earmark $1 of your taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,950
Single (age 65 or older)	3,700
Qualifying widow(er) under 65 with dependent child	3,950
Qualifying widow(er) 65 or older with dependent child	4,700
Married couple (both spouses under 65) filing jointly	4,700
Married couple (1 spouse 65 or older) filing jointly	5,450
Married couple (both spouses 65 or older) filing jointly	6,200
Married filing separately	750

Additional Exemption for Age.—Besides the regular $750 exemption, you are allowed an additional exemption of $750 if you are age 65 or older on the last day of the taxable year. If both a husband and wife are 65 or older on the last day of the taxable year, each is entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1979, you will be entitled to the additional $750 exemption because of age for your 1978 Federal income tax return.

"Zero Bracket Amount."—The "zero bracket amount" is a flat amount that depends on your filing status. It is not a separate deduction; instead, the equivalent amount is built into the tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, you will need to make an adjustment if you itemize deductions. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

Tax Tables.—Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you do not have to deduct $750 for each exemption or figure your general tax credit, because these amounts are also built into the tax table for you.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.
2. Any one of those who individually contribute more than 10 percent of the mutual dependent's support, *but only one of them,* may claim the dependency deduction.
3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence.—You may exclude from your gross income some or all of your gain from the sale of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale. These requirements, and the amount of gain that may be excluded, differ depending on whether you sold your home before July 27, 1978, or on or after that date. The exclusion is elective, and you may elect to exclude gain only once for sales before July 27, 1978, and only once for sales on or after that date.

If you sold your home before July 27, 1978, and you were age 65 or older before the date of sale, you may elect to exclude the gain attributable to $35,000 of the adjusted sales price if you owned and occupied the residence for 5 of the 8 years ending on the date of sale. If you sold the home after July 26, 1978, and you were age 55 or older before the date of sale, you may elect to exclude $100,000 of gain on the sale if you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years under certain circumstances). Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded.

Additionally, you may elect to defer reporting the gain on the sale of your personal residence if within 18 months before or 18 months after the sale you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence; (2) you were on active duty in the U.S. Armed Forces; or (3) your tax home was abroad. Publication 523 (Tax Information on Selling or Purchasing Your Home) may also be helpful.

Credit for the Elderly.—You may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if you are:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

For more information, see instructions for Schedules R and RP.

Credit for Child and Dependent Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent child under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—If you maintain a household for a child who is under age 19, or is a student, or is a disabled dependent, you may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 31, Form 1040) of less than $8,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

ENERGY TAX ACT

The Energy Tax Act of 1978 is directed at providing tax incentives for energy conservation measures and for conversion to renewable energy sources.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; caulking or weatherstripping for exterior windows or doors; a furnace replacement burner which reduces the amount of fuel used; a device to make flue openings (for a heating system) more efficient; an electrical or mechanical furnace ignition system which replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter which displays the cost of energy usage.

A maximum credit for renewable energy source property is $2,200. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Energy credits may be claimed by completing Form 5695 and attaching it to your Form 1040. Credit for expenditures made after April 19, 1977, and before January 1, 1979, must be claimed on your 1978 tax return. Do not file an amended 1977 return to claim a credit for expenditure in 1977.

Examples of items which do not qualify for energy credit are the following: carpeting, drapes, wood paneling, exterior siding, heat pump, wood or peat fueled residential equipment, fluorescent replacement lighting system, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium. and greenhouses.

For further information, consult the instructions for Form 5695 and IRS Publication 903, Energy Credits for Individuals.●

SENATOR CHAFEE ANALYZES THE HART BUILDING: "THE SENATE'S SHAMELESS TAJ MAHAL"

● Mr. DOMENICI. Mr. President, the current issue of the Reader's Digest magazine contains a very informative article by our colleague from Rhode Island (Mr. CHAFEE) discussing the costly Hart Senate Office Building. As a cosponsor and strong supporter of Senator CHAFEE's effort last year to halt work on the Hart Building, I ask that the excellent article be printed in the RECORD.

The article follows:

The Senate's Shameless Taj Mahal

(By Senator John Chafee)

Last August, the House of Representatives stunned its colleagues on the other side of Capitol Hill by voting overwhelmingly to cut off additional funds for a palatial new Senate Office Building on Constitution Avenue. In doing so, House members repudiated the hallowed gentleman's agreement that neither house will interfere with the other's affairs.

Six months later, however, the girdered skeleton of this third Senate Office Building—named for the late Sen. Philip Hart—continues to expand. Ignoring the House mandate, the Senate decided to continue work into 1979. Now, with the election over and House members safe from voters wrath for nearly two years, Senate proponents of this Taj Mahal on the Potomac are confident that they can prevail upon their colleagues to quietly appropriate construction funds.

Make no mistake: if the House caves in to Senate pressure and reverses itself, the result will be the most outrageously bloated project in federal history, a gold-plated nine-story showplace crammed with luxurious amenities nobody needs and which taxpayers can ill afford. From the original appropriation of $47.9 million, construction estimates have already risen to more than $122 million. If cost overruns continue, the final price will be well over $200 million.

The imposing new building will contain more than 1.1 million square feet (compared with 700,000 for the Russell Senate Office Building and 660,000 for the Dirksen Senate Office Building). About 70 percent of that area will be office space—with sprawling two-story-high offices for 50 senators and one-story offices for their staffs. The building's designers have left plenty of room for unproductive, high-priced frills:

Office paneling, costing a cool $1.5 million; marble building facing with a $3-million price tag.

An eight-story central atrium with a five-story Alexander Calder sculpture.

A $350,000 gymnasium. (This will give the Senate three gyms—one of which appears to be used by only four or five senators.)

A $600,000 rooftop restaurant seating 100, that boosts the number of senatorial dining-room seats to 350—or 3½ seats per senator.

Such gold-plating, unnecessary even in prosperous times and totally out of place in a period of economic squeeze, cannot be justified. At $111 a square foot, construction costs of the Hart Building are double those of commercial buildings in downtown Washington. But a spokesman for Architect of the Capitol George M. White, who oversees the project, has a ready explanation: "We are building monuments to democracy."

Last March, Sen. William Proxmire (D., Wis.) gave the Senate his monthly Golden Fleece Award, asserting that the Hart Building "would make a Persian prince green with envy." A month later, I introduced a Senate resolution calling for a halt to the project. This had an immediate effect—but not the one I intended! Almost overnight, steel beams shot skyward from what had been a gaping hole for nearly a year.

My resolution was bottled up in the Rules Committee and never considered. In early August, when the Senate took up a supplemental appropriations bill containing additional millions for the Hart Building, I led the fight for an amendment to halt the work, tear down the girder framework and rescind all unspent funds. Others joined in. Sen. Jesse Helms (R., N.C.) urged his colleagues to do something about inflation—instead of just talking about it. Sen. Jack Danforth (R., Mo.) asked: "How can we convince the American people that we are doing something other than squandering on our own luxury the money they have earned by the sweat of their brow?" His question went unanswered. The Senate rejected my amendment, 45–29.

Fortunately, when taxpayers read about the Senate's action they bombarded Capitol Hill with letters demanding a stop to this outrageous project. And when the House took up the bill on August 15, Rep. Steve Symms (R., Idaho) introduced an amendment cutting off further building funds. No one really expected the rider to pass but, when the members voted, they turned thumbs down on the building by a stunning 245 to 153.

Senate reaction was stormy. Outraged solons threatened to cut off funds for pet House projects in retaliation. But tempers cooled when the Senate was able to round up enough money left over from previous appropriations to continue construction into the new year.

Early this session, the House will be asked to provide an additional appropriation for the Hart Building. Reams of detailed arguments will be trotted out. Let's examine two of them:

The Hart Building will relieve overcrowding. I am a firm believer in Parkinson's Law—that work expands to fill the time available. I also believe in Chafee's Law—that staff expands to fill the space available. Twenty-five years ago, one office building adequately met the needs of 96 senators. Since then, while adding only four senators, we have put up a second Senate office building and acquired a half-dozen hotels, apartment and office buildings to accommodate staff. In the past five years alone, we have increased available space 46 percent.

Has this alleviated "overcrowding"? Not at all. The Senate more than offset that increase with a boost of 50 percent in the number of its employes, who now total a remarkable 6500.

When the Hart Building is completed, that will be it. Actually, once that structure is finished, the contractors will move across the street for extensive renovations on the Russell and Dirksen buildings, creating magnificent new office suites. (With half the senators given 16-foot ceilings, how can we possibly deny the same amenity to the other half?) And once those renovations, possibly costing tens of millions of dollars, are completed, the Architect of the Capitol has a master plan that pinpoints sites and gives estimated square footage for six more House office buildings and four more Senate office buildings that may be built in the future.

In the final analysis, the basic obligation of Congress is to the taxpayer, not to its creature comforts. There are only two basic issues here: cost and need. The Hart Senate Office Building has already cost too much—and we clearly don't need it. If Congress really intends to curb inflation, it can start by calling a halt to this gold-plated palace.●

CONNECTICUT RIVER DIVERSION OPPOSED

● Mr. **RIBICOFF**. Mr. President, from time to time we learn of another proposal to divert water from the Connecticut River by the Boston Metropolitan District Commission.

I can understand the need to locate viable sources for Boston's water supply. However, the diversion of water from the Connecticut River would have a serious economic and environmental impact on many communities in Connecticut and Massachusetts. Particularly distressing is the fact that diversion is apparently being given priority consideration over the repair of the water distribution system in Boston, a source of considerable waste.

Mr. President, the diversion of Connecticut River water would reduce the river's flow during certain seasons, thereby preventing the natural cleansing process necessary to sustain its fragile ecosystem. Furthermore, a decrease in the river's flow will lead to additional settlement of suspended solids which will result in further despoilation along the banks and bottom. Such a condition creates the potential for additional flooding.

Yesterday a very timely editorial opposing diversion of the Connecticut River appeared in the Hartford Courant. I commend this article to my colleagues' attention and ask that it be printed in the Record.

The article follows:

No Diversion of the River

One of New England's greatest natural assets is an abundant water supply. In addition to its household uses, water has for many years attracted industries and businesses to the Northeast.

New England must manage, conserve and use this resource efficiently. Connecticut's officials have opposed the planned diversion of the Connecticut River by the Boston Metropolitan District Commission. The commission wants an annual average of 72 million gallons per day to replenish its reservoirs.

Opponents claim that Connecticut cannot afford the water loss, because of environmental and economic considerations. They say the water diversion is unnecessary and that Congress should take action to stop it.

Officials in Boston have acknowledged that their water system loses almost the same amount of water per day that they want to divert from the Connecticut River. This loss is the result of leakages in old distribution pipes.

Rather than face the cost of repairing the water system—estimated at $100 million—the Boston commission, along with the U.S. Army Corps of Engineers, favor the water diversion, which could be as expensive as fixing the city's pipes.

The conservationists' approach makes sense. They want the water drawn into Boston's system to be used more efficiently. They also recommend that Congress provide some financial aid, including grants or loans, to help rehabilitate public water systems, particularly those in older cities, which have water loss problems.

Before diversion schemes are seriously considered, it makes good sense to improve the distribution system. Leakage not only results in waste but it creates water contamination.

To merely increase the supply of water is to add to the volume of waste.●

SRI LANKA

● Mr. **INOUYE**. Mr. President, February 4, 1979, marked the first year in office of His Excellency J. R. Jayewardene, the First Executive President of Sri Lanka, and the 31st year of Sri Lanka's independence from the British Crown. Over the past year, Sri Lanka has successfully carried out a policy of modernization and international development. Particularly noteworthy was the country's adoption last September 7 of a new constitution which, among other things, provides for the direct election of the President and the Parliament. The constitution also devotes an entire chapter to the subject of human rights and includes all 30 clauses of the United

Nations' Universal Declaration of Human Rights.

Demographically, Sri Lanka's people are a blend of various ethnic, religious, and linguistic backgrounds. The vast majority speak Sinhala and nearly all of the remainder speak Tamil. Interestingly enough, in an effort to unify the country, the constitution designates both languages as "national languages." Both are used in schools, government, business, and the courts.

In foreign affairs, Sri Lanka has adopted a policy of nonalinement, but this is not the same thing as noninvolvement. Quite to the contrary, the Government has advocated arms control and has sought to maintain the Indian Ocean as a "zone of peace."

In the economic sphere, Sri Lanka's drive toward modernization has over the past year been accompanied by liberalization of its foreign trade policies and domestic regulations. I am told that both the World Bank and the International Monetary Fund have expressed great satisfaction over Sri Lanka's economic progress.

The people and Government of Sri Lanka are to be commended for the advances they have made toward democratic government, a more modern economy, and increased concern with international affairs.●

IMPEDIMENTS TO INTERNATIONAL TRADE EXPANSION

● Mr. **STEVENSON**. Mr. President, I call to the attention of my colleagues a paper entitled "Impediments to International Trade Expansion" prepared by the International Trade Club of Chicago. The International Trade Club has been very active in defining the issues surrounding U.S. export policy and making paper prepared by the ITC entitled "Observations and Recommendations on a U.S. Government Policy in Support of Exports" is also available from that office. Both papers contain a wealth of suggestions and findings which will be of great assistance to the Congress as we prepare to address trade issues this year.

I ask that the position paper be printed in the RECORD.

The material follows:

IMPEDIMENTS TO INTERNATIONAL TRADE EXPANSION

In a special position paper released on September 21, 1978, the International Trade Club of Chicago (ITC) offered initial recommendations on a viable program for export expansion, entitled "Observations and Recommendations on a U.S. Government Policy in Support of Exports." In this paper, the ITC urged key U.S. Cabinet members and Congressional legislators to adopt a "positive export policy" to enable the United States to compete in world markets. The International Trade Club of Chicago also emphasized the need to educate and increase public awareness of the critical role exports play in improving our standard of living. This is a second position paper which supplements the first and deals with impediments to international trade expansion.

Indeed, current international realities, such as the declining dollar, new monetary alignments, a continuing need to import oil, and our interdependence with other nations able to offer lower cost products for U.S. consumption, no longer permit Americans to be indifferent to the need to expand our exports if we are to maintain our standards of living.

Exports and related activities now provide more than eight million jobs in the United States, one third of U.S. corporate profits, and about 7 percent of our gross national product. An incremental increase in our exports of between one and two percent of total GNP would have, during the last few years, given us a balanced trade position rather than the deficits we have registered.

Although exports never have been more important, U.S. companies have lacked parity in the market place and have been steadily losing market shares to foreign competitors—backed and directly supported by their respective governments. Twenty years ago, U.S. companies held about 28 percent of the world market for manufactured exports—excluding exports to the United States. By 1968, our share had been reduced to 24 percent, and last year, we barely maintained 20 percent of this important world market.

Emphasis now has been placed on the reestablishment of the President's Export Council and the Inter Agency Committee on Export Expansion as an important step in promoting exports. Unfortunately, the plain facts are that the regulatory burdens and controls imposed by the U.S. government itself impedes such an expansion. And, these are not only the "finger prints" of past administrations, they continue to occur—consider, as an example, the new regulation which denies Export-Import Bank credits to any domestic company not in compliance with the Administration's 7 per cent price guideline.

This paper examines some of the impediments to expanded trade and offers the International Trade Club's recommendations to overcome them.

I. THE FEDERAL REGULATORY BURDEN

Federal regulation of business has become a major constraint on both domestic and foreign activity. While the underlying social and environmental objectives of government regulation are widely shared, the profusion of minute and often contradictory specifications for compliance has not only hindered attainment of these social goals, it has diluted and jeopardized the increased investment, productivity improvement, and inflation control required to keep the United States competitive internationally. In the process, creeping red tape and burdensome paperwork imposed by the Federal bureaucracy have also reduced business's incentive to develop, produce, and market internationally competitive products—therein also losing the capacity to create new jobs based on the associated export potential.

The costs of this regulatory burden are alarmingly large, and unfortunately still growing. Administrative expenses of regulatory agencies alone will reach almost $5 billion in fiscal 1979. Adding a conservatively estimated $95 billion in costs business must incur just to comply with Federal regulations brings the total bill to a minimum of $100 billion.

Government mandated regulations in just three fields—environment, safety, and health—now divert some $10 billion annually from productive business investment. According to recent studies, this diversion of already low investment outlays is costing the U.S. economy .5 percentage points of yearly GNP growth and fully one fourth of the potential annual increase in productivity.

The implications of these trends are grave since the United States already ranks behind Japan, France, the Netherlands, Belgium, and Germany in annual productivity increases, and in real GNP growth. While the U.S. can be proud to be the world's leader in safety, health, environmental, and related standards, the added cost of this compliance, when factored into the price of finished products, weakens the competitiveness of U.S. products in the U.S. marketplace against imports from countries having lower cost or no compliance standard.

The regulatory burden is harming our international price performance, innovative capacity, and customer responsiveness of today, as well as our longer-term ability to meet increasingly stiff foreign competition. Uncertainties about the scope and severity of new regulations, as well as the penalties for noncompliance, further compound the confusion and difficulty with which both established exporters and potential entrants must grapple in seeking to expand foreign sales.

To reduce these impediments to increased trade, the United States must examine, reform, and simplify its regulatory process. Specifically, the International Trade Club recommends:

1. All regulatory bodies should be required to prepare economic impact statements, with provision for public comment, before issuing new regulations. Any new regulatory standards should be limited to those instances in which the agency can demonstrate that the benefits clearly exceed the costs imposed. If costs exceed benefits, the Executive Branch should be authorized and expected to modify or eliminate the regulation.

2. There is a need to change the focus of our regulatory policies. New regulations should be limited to stating the specific goals and objectives sought and provide appropriate market-related incentives or penalties, allowing the private sector greater input to devise the most effective way of reaching agreed goals.

3. The implementation of a meaningful process to review, revise, or repeal on a continuing basis complex, ineffective, or outmoded rules and requirements. In fact, the system should provide for greater incentives and credit for those regulatory groups that achieve this objective rather than a continuation of unwarranted bureaucratic expenses.

II. A U.S. DEPARTMENT OF INTERNATIONAL TRADE AND INVESTMENT

The U.S. is the only major industrialized country without a cabinet-level department for foreign trade and investment; the only nation where vital international economic agencies, each with competing domestic concerns and a special set of interests to protect. While other countries successfully promote exports through a cooperative and coordinated industry-government effort, the U.S. has handicapped its export potential by creating an atmosphere of business-government confrontation. We need a single Cabinet officer charged with marshalling this country's fantastic resources, supporting the export efforts of its firms, and countering, where appropriate, the promotional efforts of our aggressive competitors. The scattered segments of the U.S. bureaucracy now charged with export activities must be replaced by a single U.S. Department of International Trade and Investment with a mandate to promote international trade aggressively.

III. U.S. EXPORT AND TRANSACTION CONTROLS

The U.S. government through the Export Administration Act prohibits the flow of certain product and technical information to Eastern Europe, China, and the U.S.S.R., and exercises more stringent control over exports to North Korea, Vietnam, Cambodia, and Cuba. Exports to South Africa, Namibia, and Southern Rhodesia are restricted as well.

Commerce department regulations on these trade restrictions and related Treasury regulations are bewilderingly complex. Greater attention should be placed on separating political considerations from commercial factors so that U.S. business does not become the primary victim of U.S. foreign policy. In a number of instances, the application of these regulations has resulted in the loss of business by U.S. companies to Western European and Japanese companies having similar products.

The International Trade Club recommends:

1. The Export Administration Regulations and the Foreign Assets Control Regulations, together with the legislation underlying them, should be thoroughly reviewed and simplified. A new unified regulatory scheme covering both subjects should be placed under the supervision of a single government department.

2. The restrictions on sales to North Korea, Vietnam, Cambodia, and Cuba should be reviewed with a view toward placing them under the same criteria as those of the Eastern European countries.

3. As to exports of products or technical information to any country, the regulations should provide that a license will be issued in all cases where it can be demonstrated that the proposed transaction is available, and likely to be supplied, on reasonably competitive terms from a non-U.S. source.

4. The 1972 Trade Agreement with the Soviet Union should be approved, most-favored-nation treatment extended, and expanded credits made available. The Jackson-Vanik amendment should be repealed.

IV. ANTI-BOYCOTT LEGISLATION

The Ribicoff Amendment to the 1976 Tax Reform Act was passed by Congress only as an interim measure until the anti-boycott provisions of the Export Administration Act could be amended.

There is confusion among U.S. exporters on the mechanics of operating under the existing anti-boycott legislation and there is a prevailing view that this legislation is not only failing to achieve its intended objectives, but in fact is acting as a substantial deterrent to U.S. exports and other forms of business in the Middle East.

Many U.S. firms are passing up opportunities to bid on projects in the Middle East or are losing orders because they are prohibited under the legislation from furnishing information even though it would have no effect on their business conduct. Many of our smaller exporters have concluded that they cannot afford the costs involved in following the intricacies of the anti-boycott regulations and have therefore made a decision to avoid doing business of any kind with Middle Eastern countries.

The International Trade Club is concerned with these effects of the Export Administration Act and recommends one of the following changes:

1. Now that the anti-boycott provisions of the Export Administration Act have been amended, interim legislation of the Ribicoff Amendment, and the Treasury Regulations issued to enforce it, should be repealed.

2. Alternatively, the Ribicoff Amendment should be amended so as to make it in all respects consistent with the regulations issued by the Commerce department under the Export Administration Act.

V. FOREIGN CORRUPT PRACTICES ACT OF 1977

The Foreign Corrupt Practices Act limits the ability of American enterprises to give gifts or payments to foreign political officials, even where these may be customary as part of the normal course of business and is used by foreign competition as a factor in securing business which might otherwise accrue to a U.S. exporter. The Act in fact imposes a standard and penalty which exceed those imposed on companies operating within the United States.

The Act prescribes stiff *criminal* penalties for violators, but in many instances does not clearly define what constitutes a violation. The Act imposes expensive, unrealistic requirements for internal reporting and accounting systems which apply to foreign branches and subsidiaries of American companies—increasing operating costs and posing difficult problems of parent company control.

The International Trade Club recommends:

1. The Act should be amended to provide American business with greater flexibility in dealing with our competition in foreign markets. These amendments should clarify the exceptions to the Act.

2. The Justice Department, in conjunction with the SEC, should issue regulations to draw a clearer line concerning prohibited conduct under the Act so that American business can in confidence undertake certain transactions with assurance that they will not at some later time be subjected to criminal penalties or public harassment.

VI. U.S. AGRICULTURAL EXPORTS

Sale of agricultural products overseas has been a growing and important component of our balance of trade and last year contributed $24-25 billion in exports. This can increase as more finished products are sold rather than only raw materials. The 12 Midwestern states were the source of 60 percent of these exports (fully 24 percent were produced in the states of Illinois, Iowa, and Indiana alone).

Major Midwestern ports, such as Chicago and Detroit, are currently inadequate to handle the volumes and types of commodities sold for export.

In order to further expand the agricultural export sector and increase the dollars volume sold overseas, the International Trade Club recommends:

1. Assistance in development of improved port and transportation facilities in the Midwest, especially the Great Lakes, and Mississippi River system for handling a greater volume of bulk feed grain and meat commodities for shipment to export markets.

2. Restraint by the Federal Government in disrupting the worldwide free market pricing process by imposing Presidential controls on export agricultural commodities or in manipulating quotas on meat imports. Such restrictions and interference seriously undermine U.S. credibility, invariably result in market dislocation—often of a permanent nature, induce foreign customers to switch to alternate suppliers and discourage farmers from achieving maximum performance. In the final analysis such interference has an impact on our balance of trade.

3. Placing greater emphasis in GATT negotiations and in our bilateral dealings with Japan and the European community on a linkage between agricultural and industrial trade policies so that U.S. food products enjoy the same freedom of market access as foreign industrial products in the U.S.

VII. EXPORT INSURANCE

U.S. exporters need competitive export insurance and protection against the risks of foreign trade and investment.

The Foreign Credit Insurance Association (FCIA) is an organization of some 50 of the nation's leading capital stock and mutual property insurance companies. It was organized in 1961 to enable U.S. exporters to compete on more favorable terms with exporters in other countries and thus support and contribute effectively to the expansion of U.S. exports. The Association offers insurance coverage for stipulated commercial credit risks, and, under contract, serves as the agent for political risk insurance offered exclusively by the Export-Import Bank of the United States. Thus FCIA is supposed to offer the exporter a full range of export credit protection.

FCIA appears to be poorly organized as too much of the decision making authority remains centralized at the main office rather than being decentralized at the branch level. The FCIA needs to be more responsive to its customers in a timely manner and the ITC offers the following recommendations:

1. The main office should undertake greater decentralization of decision making authority. Sub-committees should be created to relieve the senior committee of decisions on all but the largest transactions.

2. Branch office underwriting authority should be increased for short term as well as medium term credit decisions.

3. Where credit decisions exceed branch authority, case write-ups from the branch should be submitted directly for a timely decision.

4. A review of premiums collected and losses paid out by FCIA should be made to determine if it should offer less expensive insurance premiums.

VIII. OCEAN MARINE INSURANCE

Ocean Marine Insurance traditionally has been available to exporters to protect goods in shipment to final destinations abroad. The benefit to an exporter, in brief, is complete satisfaction that insurance coverages are tailored to shipper needs and offer financial protection in case of loss. Many developing nations now have adopted restrictive measures which require local, national currency insurance for all imports (with the exception of AID shipments), with an associated loss in premium income to the U.S.

To date more than 32 countries have enacted such legislation and it is probable that more countries will follow. Importers of U.S. goods are penalized if local, national currency insurance coverage is not obtained. However, the United States does not place a similar requirement on insurance coverage for imports into the U.S. Consequently, the U.S. is losing insurance premium dollars (estimated at several billions of dollars) which could help reduce the current account deficit.

The U.S. Department of Commerce should investigate this loss of premium insurance dollars and either propose legislation to Congress or through negotiations with individual countries seek remedies to redress the present inequity on insurance coverages.

IX. ENVIRONMENTAL ASSESSMENT FOR EXPORTERS

The White House Council on Environmental Quality (CEQ) has submitted draft regulations to governmental agencies which, if adopted, would require agency assessment of the environmental effects of "major federal actions" within foreign countries. If implemented, these provisions would extend the reach of the National Environment Policy Act (NEPA) beyond the U.S. and its Trust Territories by requiring environmental impact statements in association with Department of Defense activities abroad and Foreign Military sales, as well as export financing by the Export Import Bank and export licensing by the Departments of Commerce and State and the Nuclear Regulatory Commission.

Requiring environmental assessments for federally-supported activities *abroad* is an unsound and unjustifiable imposition of the United State's particular ecological policies and objectives: Such a policy stance could have severe adverse consequences for U.S. export sales and diplomatic relations. Preparation and review of impact statements would increase costs significantly and prolong the already lengthy licensing process, further deter small and medium size exporters, and decrease U.S. firms' ability to compete with their foreign counterparts. Moreover, since such a policy in all likelihood would simply induce customers abroad to switch from U.S. to foreign suppliers, the net result would not be increased protection of the environment in foreign countries, but rather lost U.S. export sales.

In view of the differences inside and outside the government concerning the intent of Congress in enacting the NEPA and the potential adverse effect on exports, ITC recommends that Congress be asked to amend the Act to make clear that it does *not* require assessment of environmental impacts in foreign countries.

X. PROTECTIONISM

Increasing protectionism is a threat to living standards around the world. Unless checked, higher tariffs, import quotas, and other restrictive measures could frustrate greater international economic cooperation and trigger a destructive spiral of retaliation and counter-retaliation.

Clearly, we can raise our standard of living by producing more, and we can do this best by exporting more of the products and services we do best while importing those products which others can produce more efficiently. Such a free and fair trade system, based on comparative advantage, has been the engine of global growth and development, bringing major benefits to industrialized and emerging nations as well.

Protectionism will inevitably tend to push prices up in industrial countries and thwart economic progress in developing nations. The International Trade Club believes that the ultimate interest of the United States is in a progressive, fair, and equitable trade policy, that assures this nation's access to foreign markets on the same terms as these countries have to ours.

The ITC urges the U.S. government to pursue an outward looking and fair trade policy during the Multinational Trade Negotiations now taking place in Geneva. If the United States, as the world's largest economy, does not press for reduced tariff and nontariff barriers and freer international trade, there is no other nation to assume this leadership.●

AFGHANISTAN

● Mr. HATCH. Mr. President, in this morning's Washington Post I read a story which reports the administration is now ready to make "deep cuts in aid to Afghanistan." According to the story the United States will cut by one-half the total of $14.8 million we gave Afghanistan last year. Prior to the unfortunate death of Ambassador Dubs it seems the administration was planning to ask for "about $2 million" more.

Mr. President, last year during the debate over foreign aid I let it be known that I intended to offer an amendment to strike the $550,000 for military education and training. I planned to do this to show the Afghanis that the United States would not tolerate the type of action taking place within Afghanistan. I speak of course of the coup that overthrew Mr. Daoud, many think because he planned to ask the nonalined nations conference to expel Cuba. The new government quickly established close ties between Kubul and Moscow. They in reality became a Soviet client state.

At this time members of the State Department approached myself and members of my staff to ask us not to offer the amendment. One of the gentlemen, I cannot remember his name, had just returned from Kabul and assured me that we had equal access to Afghanistan officials. We needed to continue our aid to assure this access. Well we now know of the access we really have. The Soviet advisers positioned those troops storming the hotel Ambassador Dubs was in and Soviet advisers gave the signal to fire. Last year I deferred to the administration in order to let them work their policy. I now know what type of policy they pursue. I think it is time that the United States take a stand. We have lost an Ambassador and had an Embassy in Tehran involved by leftist rioters. Even there the arm of the Soviet Union was evident. We can no longer afford to stand by and be the world's patsies. When the foreign aid bill comes up this year, I will move to strike all funds for Afghanistan.●

NATURAL RESOURCES REORGANIZATION

● Mr. HOLLINGS. Mr. President, I would like to bring to the attention of the Senate an editorial which appeared in the Los Angeles Times yesterday concerning the natural resources reorganization. As I understand it, the President is presently considering whether or not to send up to Congress a proposal which would transfer the National Oceanic and Atmospheric Administration from the Department of Commerce to the Department of Interior. This proposal is being based on what is surely some of the weakest substantive work I have seen recently.

The editorial points this out, and I would hope that the President could be made aware of this. I have tried to tell him this myself; at the request of the Director of the Office of Management and Budget, I reviewed the proposal and wrote a letter in response stating this same fact.

What this natural resources reorganization proposal does is move boxes around based on one of the most spurious fallacies found in the field of good public administration—combing functions and programs merely because they all fall into the same loose category. In this case, the category is entitled "natural resources."

Based on this kind of thinking carried to its logical extreme, we could have a Department of Planet Earth, just because some of these elements have some kind of direct or indirect effect on one another. The acronym for this entity would be DOPE, which is a pretty accurate term for the whole idea.

The document upon which this proposal is based, which was reviewed by the Los Angeles Times writer, is one of the worst analytical jobs I have seen. The case is not made for such wholesale transfers and costly disruptions that would occur. And worse yet, some of the most important and fundamental principles of public administration which have produced agencies in the past have been ignored.

Why, for example, was the former Atomic Energy Commission dismantled to form the Energy Research and Development Administration and the Nuclear Regulatory Commission? Why was the Civil Aeronautics Board created? And why was it necessary to create the Environmental Protection Agency? If the framers of this reorganization proposal understood the answer to these questions, the proposal to transfer NOAA to the Department of Interior, land-based agency with missions which conflict with those of NOAA, would not have surfaced.

This point is well made in the editorial by the reference to the need for a dynamic tension between agencies with conflicting missions. Otherwise, this can produce centralized decisionmaking of the kind that submerges decisions from the public view and from proper public participation, the fundamental principle upon which our democratic process turns.

Another point which concerns me deeply about this proposal is that not only does it contain factual errors in suggesting the policy areas which would be streamlined by the transfer, it does not even consider the other agencies where the continuing development and implementation of ocean policy could benefit from some recombinations. For example, where was their consideration given to the various responsibilities of the Department of Transportation, Corps of Engineers, Environmental Protection Agency, or the Department of State, to cite four. This proposal is so shortsighted that it does no favors for the field of ocean policy.

This is not to say that two or three programmatic changes could not benefit both the Department of the Interior and NOAA—specifically I am thinking of the split responsibilities in marine mammal protection, endangered species, and anadromous fish. But these can be resolved without encountering the overkill of transferring an entire agency to remedy a minor problem. The cure being proposed is the kind that kills the patient along with the disease.

Some time ago, a man from Georgia who occupied the position of Director of the Office of Management and Budget for a time made a famous statement—at least it is attributed to him. It turns out to be a rather profound statement of public administration—"If it ain't broke, don't fix it." Bert Lance really hit on something when he said that. This seems to be, as I understand it, the reasoning behind the omission of any of the other agencies with ocean authorities. However, when it came to NOAA, a double standard was applied. NOAA has been working just fine where it is.

That is not to say that it is everything that I or Senator MAGNUSON have envisioned for it as the lead civilian ocean agency, or even what the Stratton Commission recommended, but it works. And if there are some problems, they can be solved in several ways more relevant than the proposal being kicked around downtown at the present moment. If some meaningful consultation could occur with the Congress on this point, instead of having to deal with preconceived notions, perhaps we could all make some progress together.

The last point that disturbs me about all this is also referenced in the editorial. We are faced with some truly serious economic, budgetary, energy, and foreign relations problems right now. It is going to require the cooperation of both the executive branch and the Congress to deal with these in a positive way. These are the present crises and they will be continuing in the near future. On the other hand, there are no major crises in the world of natural resources that suggest the wrong-headed transfers being proposed. It appears to be reorganization for the sake of appearances, instead of for solid substantive and policy reasons.

President Carter has accomplished more through reorganization than any other recent President. Through his efforts with the civil service system, in energy, in emergency preparedness, and other areas, some truly important and necessary changes have been brought about that are in the best interests of this Nation. Now it is time to grapple with the serious economic problems which beset the country. A natural resources reorganization that is not well conceived, that will only do damage to the area of ocean policy which it claims to enhance, can only cause confusion, bad feelings, wasted motion, and distraction from the real issues we must face together.

I ask that the Los Angeles Times editorial be printed in the RECORD.

Thank you, Mr. President.

The editorial follows:

[From the Los Angeles Times, Feb. 8, 1979]

MOVING DAY: WHERE TO—AND WHY?

One promise that President Carter emphasized during his 1976 campaign was to reorganize the federal government to make it work better.

Since taking office, he has remodeled the civil-service system, a good job long overdue, and created the Department of Energy, which still may work better someday than its many predecessors.

Now a staff of management analysts, a sort of mergerers' row that has been surveying the rest of the government since mid-1977, is about to make public its plans for further improvement.

The staff has identified four general areas of federal activity in which it should be possible to, as the litany goes, streamline the delivery of services, avoid duplication, eliminate fragmentation and banish confusion, just by moving some people and furniture around. The areas are commerce and trade, revenue sharing, food and nutrition and—the one that is closest to Carter's desk—natural resources.

We have looked over a recent draft of the natural-resources proposal, and we hope that the President will analyze the document more carefully than the staff seems to have analyzed the problems that is intended to solve.

The philosophical base of the plan is a discovery that the earth, air, rivers and lakes and the sea are as one on our planet and must therefore be treated by an all-encompassing federal agency of a size equal to these natural resources.

Even on paper, the magnitude of managing resources on that scale seems to have given the analysts pause, suggesting a consolidation of programs ranging from the merchant marine to air-quality protection to grazing rights and harbor dredging. Rather than walk away from their 18-month study empty-handed, the analysts have settled for a merger of the Department of the Interior and the National Oceanic and Atmospheric Administration (NOAA).

Nothing in the staff papers supports a need for such a merger. The problems that the staff says must be solved generally are problems involving fresh-water resources and other activities that could be handled by shaking up Interior itself. The most serious jurisdictional dispute that the staff found involves ocean mining, a conflict that could be settled with an executive order telling one agency or the other to lay off.

While the gains in management efficiency that would occur with such a merger seem illusory, the risk of a loss of a very effective mechanism for protecting the ocean environment seems quite real.

At present, NOAA provides funds and sets minimum standards for coastal-zone management plans administered by states. It also performs research and coordination for regional fishery programs designed to stop the kind of overfishing that threatens to wipe out some fishing grounds altogether. The Interior Department coordinates oil exploration and production on the outer continental shelf, leasing offshore lands and enforcing safety regulations.

Fishing, coastal conservation and oil production are not always compatible, and there is, and should be, a healthy tension between NOAA and Interior over where oil can and cannot be produced, and under what conditions.

Combining the two agencies would mean repeating a mistake made many times in the past by the federal government when it has placed the responsibility for both promoting and regulating an activity under the same roof. In the past, that structure generally has resulted in promotion and production at whatever cost. Given the relatively small ocean program and the large offshore-oil program, that almost surely would happen in this case; at least it is a chance that Carter does not have to take.

The President has enough issues pending before Congress—a tight budget, SALT and energy, to name a few—without adding a proposal that appears to have less to do with necessity than with carrying out a promise to reorganize.●

RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENSON. Mr. President, the Select Committee on Ethics, at a meeting held on February 8, 1979, adopted the procedural rules for the committee. In accordance with the requirement to publish the rules of each Senate committee in the CONGRESSIONAL RECORD not later than March 1 of each year, I ask that the rules be printed in the RECORD.

The rules are as follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

RULE 1. GENERAL PROCEDURES

(a) *Officers:* The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) *Procedural Rules:* The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, as amended, as well as other resolutions and laws set forth in Part I. Supplementary procedural rules are stated herein. These rules shall be published in the CONGRESSIONAL RECORD not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) *Meetings:*

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman, provided at least 48 hours notice is furnished to all members; if all members agree, a special meeting may be held on less than 48 hours notice.

(3) If any member of the Committee desires that a special meeting of the Committee be called, he may file in the office of the Committee his written request to the Chairman or Vice Chairman for that special meeting.

Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until 48 hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) *Quorum:*

(1) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business; however no investigation of conduct of a Member or officer of the Senate and no report, resolution, or recommendation relating thereto may be made unless approved by the affirmative recorded vote of not less than four members of the Committee.

(2) Notwithstanding the provisions of section (1) above, one member of the Committee may constitute a quorum for receiving sworn testimony, and the Committee may authorize the receiving of such testimony by a hearing examiner in accordance with its regulations and procedural rules.

(e) *Order of Business:* Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject always to reversal by a vote by majority of the Committee.

(f) *Hearings Announcements:* The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record; however, if the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) *Open and Closed Committee Meetings:* Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 7(b) to (d) of Rule XXV of the Standing Rules of the Senate (see Appendix A to these Rules). Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) *Record of Testimony and Committee Action:* An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness if he so requests. (*See* Rule 6 below on Procedures for Conducting Hearings.)

(i) *Secrecy of Executive Testimony and Action and of Complaint Proceedings:*

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under S. Res. 338, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) *Release of Reports to Public:* No information pertaining to or copies of any Committee report, study, or other document which purports to express the views, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group, whether governmental or private, without the authorization of the Committee; however, whenever the Chairman or Vice Chairman is authorized to make any determination, then it may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (*See* Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) *Ineligibility or Disqualification of Members and Staff:*

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 12 of Rule XLV of the Standing Rules of the Senate (see Appendix B to these Rules);

(C) The conduct of any employee of any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subsection (1) of this Rule, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman conclude from this report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman; if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continue to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session; any contested questions concerning a member's eligibility shall be decided by majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself in his discretion from participating in a Committee proceeding in other circumstances not listed in (1) above.

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another Member in accordance with section (5), below.

(5) Whenever a member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substatnial Committee proceeding, another Member of the Senate who is of the same party and in the same category in terms of years of service in the Senate (see Section 2, S. Res. 338, as amended) shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that, in the judgment of the staff director or outside counsel, relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member.

At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) *Recorded Votes:* Any member may require a recorded vote on any matter.

(m) *Proxies; Recording Votes of Absent Members:*

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In such cases an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than those listed in (1) above, the Committee may order that the record be held open for the vote of absentees or record proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) *Approval of Blind Trust and Foreign Travel Requests Between Sessions and During Extended Recesses:*

"During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond 14 days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule 42, and to approve or disapprove foreign travel requests which require immediate resolution." (Congressional Record, October 17, 1977, p. 33877.)

(o) *Committee Use of Services or Employees of Other Agencies and Departments:*

With the prior consent of the department or agency involved, the Committee may (a) utilize the services, information, or facilities of any such department or agency of the Government, and (b) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) *Sworn Complaints:* Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) *Form and Content of Complaints:* A complaint filed under Rule 2(a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and positions or title of the Member(s), officer(s), or employee(s) of the Senate who is (are) specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule or regulation alleged to have been violated;

(4) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(A) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(B) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) *Processing of Sworn Complaints:*

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with subsection (b) above.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with these requirements, the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may re-submit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3 below.

(3) Sworn complaints against Members, officers, or employees of the Senate that are

determined by the Committee to be in substantial compliance shall be transmitted to the respondent within 5 days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) *Unsworn Allegation or Information:* Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have:

(1) Violated the Senate Code of Official Conduct,

(2) Violated a law,

(3) Violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate, or

(4) Engaged in improper conduct which may reflect upon the Senate.

Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) *Sources of Unsworn Allegations or Information:* The information to be reported to the Committee under Rule 3(a). above, may be obtained from a variety of sources, including but not limited to the following:

(1) Sworn complaints that do not satisfy all of the requirements of Rule 2, above.

(2) Anonymous or informal complaints, whether or not satisfying the requirements of Rule 2 above.

(3) Information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings.

(4) Information reported by the news media.

(5) Information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) *Preliminary Inquiry:* When information is presented to the Committee pursuant to Rule 3(a) above, it shall immediately be transmitted to the Chairman and the Vice-Chairman, for one of the following actions.

(i) The Chairman and Vice Chairman, acting jointly, may conduct, or may direct the Committee staff to conduct, a preliminary inquiry;

(ii) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (*See* Rule 3(d), below.)

(1) A preliminary inquiry may include any inquiries or interviews that the Chairman and the Vice Chairman deem necessary or appropriate. In particular, the preliminary inquiry may, in the discretion of the Chairman and Vice-Chairman, seek independent credible evidence that tends to corroborate the information received; it may also, in the discretion of the Chairman and Vice Chairman, include discussions or correspondence with the complainant, if any, and the respondent, if any.

(2) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (*See* section (d), below.)

(3) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (*See* section (d), below.)

(4) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman; however, this time may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman, have made the determination required by Rule 3(c)(2), (3), above.

(d) *Determination Whether to Conduct an Initial Review:* When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when:

(A) There is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) There is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within 30 days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within 30 days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted, either (i) because there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (ii) because the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3; if he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(A) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(B) This notice shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, he may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f) below. The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) *Basis for Initial Review:* The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, above, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) *Scope of Initial Review:*

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) The initial review may include any inquiries or interviews that the Committee deems appropriate to obtain the evidence upon which to make this determination, including the taking of sworn statements and the use of subpoenas.

(c) *Opportunity for Response:* An initial review may, in the discretion of the Committee, include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee, provided that such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) *Status Reports:* The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee; the reports shall be confidential.

(e) *Final Report:* When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee of findings and recommendations.

(f) *Committee Action:* As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. This explanation may be as detailed as the Committee desires, but it is not required

to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical or otherwise of a *de minimis* nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a *de minimis* nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) That the violation, if proved, would be sufficiently serious to warrant imposition of one of the above-listed severe disciplinary actions; or

(B) That the violation, if proven, is less serious, but was not resolved pursuant to the procedure in subsection (3) above.

In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5, below.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) *Definition of Investigation*: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four Members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) *Scope of Investigation*: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7 below, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) *Notice to Respondent:* The Committee shall give written notice to any known respondent who is the subject of an investigation; the notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. This notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) *Right to a Hearing:* The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 6 below.)

(e) *Progress Reports to Committee:* The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) *Report of Investigation:*

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6 below, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. It shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. However, no recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) *Right to a Hearing:* The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e) above.)

(b) *Non-public Hearings:* The Committee may at any time during a public hearing determine in accordance with paragraph 7(b) of Rule XXV of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. (*See* Appendix A to these Rules.) If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) *Adjudicatory Hearings:* The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in Rule 6(j) below shall apply.

(d) *Subpoena Power:* The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7 below.)

(e) *Notice of Hearings:* The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f) above.

(f) *Presiding Officer:* The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) *Witnesses:*

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may by majority vote rule that no Member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least 2 working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) *Right To Testify:* Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may:

(1) Request to appear personally before the Committee to testify in his or her own behalf; or,

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained.

Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) *Conduct of Witnesses and Other Attendees:* The presiding officer may punish any breaches of order and decorum by censure and exclusion from the hearings, and the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) *Adjudicatory Hearing Procedures:*

(1) Notice of Hearings: A copy of the public announcement of an adjudicatory hearing, required by Rule 6(e) above, shall be furnished to all witnesses at the time that they are subpoenaed or otherwise summoned to testify, together with a copy of these rules.

(2) Preparation for Adjudicatory Hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any. At the discretion of the Committee, the information and documents to be exchanged under subsections (A) and (B) shall be subject to an appropriate agreement limiting access and disclosure.

(i) A list of proposed witnesses to be called at the hearing.

(ii) Copies of all documents expected to be introduced as exhibits at the hearing.

(iii) A brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in subsections (i), (ii) and (iii) above to the Committee.

(C) If a respondent refuses to provide the information and documents described above to the Committee (see Rule 6(j) (2) (A) (B) above), or if a respondent or other individual violates an agreement limiting access and disclosure (see Rule 6(j) (2) (A) above), the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of Witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to Counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to Cross-Examine and Call Witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her own behalf. Such application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least 1 working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be propounded to that witness. Such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within 24 hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of Evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of Evidence shall not be applied strictly, but the presiding officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) Supplementary Hearing Procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public. (For rules relating to broadcasting and news coverage of committee proceedings, see Rule 10, below.)

(k) *Transcripts*:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. A member of the Committee, a Committee staff member, or outside counsel, or a witness may examine a copy of the transcript of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five (5) working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, transcripts shall be printed as soon as is practicable after receipt of the corrected versions. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS

(a) *Procedure*: Subpoenas may be issued either:

(1) By majority vote of the Committee, or

(2) By the Chairman and Vice Chairman, acting jointly. All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of these Rules of the Committee and a brief statement of the purpose of the initial review, investigation, or other proceeding.

(b) *Subpoena Power:* Pursuant to federal law, 2 U.S.C. 190(b), the Committee is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate as it deems advisable. The Committee is similarly authorized to require by subpoena or otherwise the attendance of such witnesses or the production of such correspondence, books, papers, documents, or other articles as it deems advisable.

(c) *Withdrawal of Subpoena:* The Committee may, by majority vote, withdraw any subpoena issued by it or issued by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoenas issued by them.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS

(a) *Violations of Law:* When the Committee reasonably believes that a violation of law may have occurred, it shall by majority vote of the full Committee, report such violation to the proper state and federal authorities.

(b) *Perjury:* Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) *Legislative Recommendations:* The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including, but not limited to the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may in its discretion make legislative recommendations as a result of its findings in an initial review, an investigation, or other proceeding.

(d) *Applicable Rules and Standards of Conduct:*

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) *Procedures for Handling Committee Sensitive Materials:*

(1) Committee Sensitive information or material is that information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee, shall establish such procedures as in their judgment may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be set down in writing and shall be given to each Committee staff member.

(b) *Procedures for Handling Classified Materials:*

(1) Classified information or material is that information or material which is specifically designated as such under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee, shall establish such procedures as in their judgment may be necessary to prevent the unauthorized disclosure of classified information in the possession of

the Committee or its staff. Procedures for handling such information shall be set down in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only those Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman acting jointly, shall have access to classified information in the Committee's possession.

(c) *Procedures for Handling Committee Sensitive and Classified Documents:*

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession; however, the staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than those which are matter of public record, shall request access in writing. The Committee shall decide by majority vote whether to make the documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) *Non-disclosure policy and agreement:*

(1) No member of the Select Committee on Ethics, its staff, or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics, to any person not a member of the Select Committee on Ethics or its staff, except an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, except as auhorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still protography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(d) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(e) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(f) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(g) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) *When Advisory Opinions are Rendered:*

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) *Form of Request:* A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) *Opportunity for Comment:*

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion:

(A) Which requires an interpretation on a significant question of first impression that will impact more than a few individuals; or

(B) When the Committee, in its discretion, determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within 10 days.

(3) All relevant comments received on a timely basis will be considered.

(d) *Issuance of an Advisory Opinion:*

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. However, if (a) the Chairman and Vice Chairman cannot agree, or (b) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw or elaborate on any advisory opinion.

(e) *Reliance on Advisory Opinions:*

(1) Any advisory opinion rendered by the Committee under S. Res. 338, as amended, and these Rules may be relied upon by:

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of S. Res. 338, as amended, and of these Rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) *Basis for Interpretative Rulings:* S. Res. 338, as amended, authorizes the Committee in its discretion to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) *Request for Ruling:* A request for such a ruling must be directed in writing to the Chairman or the Vice Chairman of the Committee.

(c) *Adoption of Ruling:*

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless:

(A) They cannot agree, or

(B) It requires an interpretation of a significant question of first impression, or

(C) Either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) above shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) *Publication of Rulings:* The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which, in the Committee's discretion, may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw or elaborate on interpretative rulings.

(e) *Reliance on Rulings:* Where an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) *Rulings by Committee Staff:* The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) *Authority to Receive Complaints:* The Committee is directed by Section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in Rule 13(b) below.

(b) *Disposition of Complaints:*

(1) The Committee may in its discretion dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution the complainant, if any, shall be notified of the disposition in writing.

(c) *Advisory Opinions and Interpretative Rulings:* Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) *Authority for Waivers:* The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Paragraph 2(c) of Rule XLII relating to annual reporting of gifts received aggregating $100 or more;

(2) Paragraph 1 of Rule XLIII relating to acceptance of gifts; or

(3) Paragraph 5 of Rule XLIX relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) *Requests for Waivers:* A request for a waiver under paragraph (a) above must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule 45 of the Standing Rules of the Senate) should be included with the waiver request.

(c) *Ruling:* The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) *Availability of Waiver Determinations:* A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLIX(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLIX(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) *Committee Policy:*

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(1) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public without Committee approval any Committee Sensitive or Classified information, documents or other material obtained during the course of his or her employment with the Committee.

(b) *Appointment of Staff:*

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation or other proceeding; such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation or other proceeding which, in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) *Dismissal of Staff:* A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) *Staff Works for Committee as a Whole:* All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) *Notice of Summons to Testify:* Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) *Adoption of Changes in Supplementary Rules:* The Rules of the Committee, other than those established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended or suspended at any time; *Provided, however,* that not less than a majority of the entire membership so determine at a meeting called with due notice, and that prior written notice of the proposed change has been provided each member of the Committee.

(b) *Publication:* Any amendments adopted to the Rules of the Committee shall be published in the Congressional Record not later than thirty days after adoption.●

APPOINTMENT OF SPECIAL PROSECUTORS

● Mr. RIBICOFF. Mr. President, title VI of the Ethics in Government Act of 1978, Public Law 95–521, establishes a standby mechanism for the court appointment of a temporary special prosecutor in cases involving specified high-ranking officials of the executive branch and the political party of the incumbent President. In practically every recent administration, controversy has erupted over the handling of such cases. These controversies arose because cases requiring the investigation or prosecution of a person close to the President present an unavoidable, constitutional conflict of interest for the Department of Justice. In recognition of this reality, with the full support of the Attorney General and the Department of Justice, the legislation establishes a procedure for considering the need for a special prosecutor and the timely appointment of a special prosecutor in appropriate cases involving a narrow range of high-ranking officials.

I believe this legislation will help us avoid future crises in the administration of justice and increase public confidence in the ability of our system of justice to handle these most difficult cases.

Gary Katzmann, a student at the Yale Law School, has written a thoughtful analysis of significant issues pertaining to the special prosecutor legislation. The note states clearly the urgent constitutional justification for court appointment of special prosecutors empowered to investigate and bring indictments against executive officials while functioning independently of the Executive.

I commend Mr. Katzmann for his lucid analysis of this important subject, and I ask that the following summary of his article be printed in the RECORD.

THE PROPOSED COURT-APPOINTED SPECIAL PROSECUTOR: IN QUEST OF A CONSTITUTIONAL JUSTIFICATION

The Note defends the constitutionality of court-appointed special prosecutors, and establishes that the validity of an indictment is not dependent on the concurrence of the executive branch.

The Note begins by setting out the urgent constitutional principle which requires that the executive should not escape the reach of the law. It then provides a compelling constituional justification for court-appointment of special prosecutors empowered to investigate and bring indictments against executive officials while functioning independently of the executive.

Because the prosecutor has traditionally been considered a part of the executive branch, the constitutionality of court appointment of a special prosecutor who would be independent of the executive is a separation-of-powers question. The Note derives a constitutional justification for court appointment by focusing on the grand jury's function as an independent body that can respond to executive wrongdoing and by recognizing the prosecutor's duties in aid of the grand jury's investigative function. In bare outline, the Note demonstrates that since the grand jury is an arm of the court, court appointment of the special prosecutor is merely in keeping with the judiciary's manifold powers to protect the integrity of the grand jury. The Note also indicates that history and state practice support court appointment.

The Note observes that the grand jury indictment is crucial because it exposes alleged corruption to public pressure and subjects misconduct to the reach of legal process. The special prosecutor legislation, by providing that the special prosecutor may frame and sign indictments, recognizes that the effectiveness of the grand jury can be promoted only if it is free to bring indictments without the consent of the executive.

A major challenge to the special prosecutor scheme is the contention that an indictment is valid only if signed by an executive official. Since the special prosecutor is neither appointed by nor answerable to the executive, it is argued, an indictment signed by the special prosecutor cannot be valid. The crucial decision supporting this argument is the 1965 case of *United States* v. *Cox*, which effectively holds that an indictment can be valid only if signed by an executive official. The Note establishes that *Cox* should no longer be followed because it is inconsistent with precedent, legislative history, and sound public policy.●

SPECIAL ORDERS AND ORDER FOR EXECUTIVE SESSION ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday after the recognition of the two leaders under the standing order, the Senator from Virginia (Mr. WARNER) be recognized for not to exceed 15 minutes, and that at the conclusion of that 15 minutes I be recognized for not to exceed 15 minutes, just so that I may yield my time to Senators if so needed; and that upon the conclusion of that 15 minutes I be recognized to move that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President of the United States, the President pro tempore of the Senate, and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions during the recess of the Senate over until Monday at noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES DURING THE RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that messages from the House of Representatives and/or the President of the United States during the recess over until Monday at noon may be received and appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRICE AND INCOME PROTECTION FOR AGRICULTURAL PRODUCERS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Arkansas (Mr. PRYOR) I ask unanimous consent that the text of S. 369, a bill introduced on February 7 by Senators BUMPERS and PRYOR, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer and Agricultural Protection Act of 1979".

FINDINGS

SEC. 2. Congress finds that—

(1) agricultural production in the United States is the foundation of many industries and generates extensive domestic and foreign commerce;

(2) a strong, vigorous agriculture is essential to the welfare of the United States;

(3) the agricultural producers of the United States are the most efficient and productive farmers in the world and that status must be continued;

(4) at the present time the agricultural producers of the United States are faced with major economic problems; they are deeply in debt, receive prices for their commodities which do not recover the cost of producing such commodities, and are without any means of escaping agricultural cycles of overproduction which drive the level of return on their agricultural investment below subsistence levels;

(5) direct and immediate economic relief is required to prevent irreversible changes in the character of the agricultural producers in this Nation because many farm operations are being forced into bankruptcy and the owners of many other such operations are abandoning agricultural production for other means of earning a livelihood;

(6) current agricultural policies will not provide the infusion of money and market stability necessary to reverse the disastrous economic plight of agricultural producers;

(7) producers of certain agricultural commodities have been seriously injured by extensive imports of such commodities;

(8) strong and consistent export policies which have benefited agricultural producers of the United States in the past by providing markets for the Nation should be instituted; and

(9) agricultural producers should and must have a voice in the policies of the United States which directly impact on their livelihood.

PURPOSES

SEC. 3. The purposes of this Act are—

(1) to provide to agricultural producers an equitable price for their agricultural commodities calculated on the basis of the comprehensive cost of producing such commodities, without regard to whether such commodities are sold for consumption in the United States or for export;

(2) to provide for a national reserve of certain agricultural commodities;

(3) to provide effective representation of agricultural producers in the formulation of the policies of the United States which affect agriculture;

(4) to regulate the import and export policies of the United States to insure that domestic agricultural producers receive a price for their commodities based upon their comprehensive costs of producing such commodities;

(5) to curtail or eliminate from the domestic agricultural economy the transfer of unfavorable economic conditions from one agricultural commodity to another; and

(6) to provide price stability in domestic and foreign markets for agricultural commodities which will result in equitable prices to producers for such commodities and at the same time reflect the comprehensive cost of producing such commodities.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Agriculture.

(2) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the territories and possessions of the United States.

(3) the term "specified commodity" means wheat, corn, grain sorghum, barley, oats, rice, soybeans, cotton, and sugar.

(4) the term "producer" means the original producer of any specific commodity, whether produced for himself or produced under contract or agreement for another, and includes any individual partnership, firm, joint-stock company, corporation, association, trust, or estate engaged in the pro-

duction of one or more agricultural commodities.

(5) the term "Department" means the United States Department of Agriculture.

NATIONAL BOARD OF AGRICULTURE GOVERNORS

SEC. 5. (a) There is hereby established a board to be known as the National Board of Agricultural Governors (hereinafter in this Act referred to as the "Board").

(b) The Board shall be composed of twenty-one members appointed by the President as provided in subsection (c). The terms of the members first taking office shall expire (as designated by the President at the time of appointment) seven at the end of one year, seven at the end of two years, and seven at the end of three years. Thereafter the term of office for all members shall be three years, except that the term of any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of his predecessor.

(c)(1) One member shall be appointed by the President from each of the twelve Farm Credit Districts of the United States to represent the interests of producers of agricultural commodities. The appointment in the case of each such district shall be made from among nominees submitted to the President from such district as provided in subsection (d).

(2) Three members shall be appointed by the President from among nominees submitted by the Secretary as provided in subsection (e).

(3) Two members shall be appointed from among persons nominated by consumer organizations.

(4) Two members shall be appointed from among persons nominated by organized labor.

(5) Two members shall be appointed from among persons nominated by business organizations.

(d) Nominees for appointment to the Board from the Farm Credit Districts of the United States shall be selected as follows:

(1) Each county committee (established under section 8(b) of the Soil Conservation and Domestic Allotment Act) of each State within each Farm Credit District shall select three nominees from among its members and designated alternate members. The members and designated alternate members shall have equal voting right for such purpose.

(2) The producers of specified commodities in each county shall elect one of the nominees referred to in paragraph (1) to represent such county in a State Convention called for the purpose of selecting a nominee from the State concerned for appointment to the Board.

(3) Each such State convention shall select a nominee for appointment to the Board from the Farm Credit District in which the State concerned is located. One of the nominees from each of the Farm Credit Districts shall be appointed to the Board by the President. Each such State convention shall establish its own procedures for selecting its nominee.

(e) The Secretary shall nominate for appointment to the Board by the President six persons to represent the interests of specified commodities not adequately represented by persons appointed under subsection (c)(1). In selecting nominees for appointment to the Board, the Secretary shall not favor any particular geographic area or region of the United States.

(f) In designating the terms of office of the first members appointed to the Board, the President shall insure that the terms of not more than one-third of the members appointed under subsection (c)(1) will expire in any one year and that the terms of the two members appointed under each of the paragraphs (3), (4), and (5) of subsection (c) will expire in different years.

(g) Appointments made from nominations submitted under paragraphs (3), (4), and (5) shall be made on a bipartisan basis.

(h) No person shall be eligible for appointment to the Board from any Farm Credit District or by action of the Secretary under subsection (e) of this section unless such person is actively participating in farming or ranch operations and derives at least two-thirds of his income from such operations.

(i) The President shall designate one of the members appointed under subsection (c)(1) as Chairman of the Board.

(j) A member of the Board may be removed by the President only for neglect of duty or malfeasance in office.

(k) A member of the Board may continue to serve on the Board after the expiration of his term of office until such time as his successor has been appointed.

(l) No person may be appointed to the Board for more than one three-year term.

(m) A quorum for the transaction of the business of the Board shall be fifteen members and all actions of the Board shall be determined by a majority vote of the members present.

(n) Any vacancy on the Board shall not affect its powers to function but shall be filed in the same manner as the original appointment was made.

(o) The Board shall have an official seal which shall be judicially noticed.

DUTIES OF THE BOARD

SEC. 6(a) The duties of the Board shall be—

(1) to establish and revise on an annual basis a comprehensive cost of production price for each specified commodity;

(2) to establish cost of production price levels for specified commodity loans made or guaranteed under this Act;

(3) to advise the President, the Secretary, and the Special Representative for Trade Negotiations on international trade agreement negotiations which pertain to agricultural commodities and on matters and policies affecting the importation of agricultural commodities;

(4) to seek and develop export markets for agricultural commodities produced in the United States;

(5) to allocate among producers on a fair and equitable basis production or marketing adjustments established for any specified commodity; and

(6) to perform such other functions as may be necessary to carry out the policies and purposes of this Act.

(b) The Board shall hold public hearings prior to establishing a cost of production price for any specified commodity and prior to allocating production or marketing adjustments among producers whenever such adjustments are established for any specified commodity.

(c) The Board shall consult with and advise the Secretary regarding the improvement and implementation of the agricultural policies and programs of the United States. The Board shall, from time to time, submit to the Secretary such recommendations as the Board deems appropriate regarding the long-range production and marketing of each specified commodity.

DUTIES OF THE CHAIRMAN; ACTING CHAIRMAN

SEC. 7. (a) The Chairman of the Board shall be responsible on behalf of the Board for the executive and administrative operation of the Board, including the functions of the Board with respect to—

(1) the organization and supervision of personnel employed by the Board, except that each member of the Board may select and supervise personnel for his personal staff;

(2) the distribution of work and responsibilities among personnel and among administrative units of the Board;

(3) the expenditure of and accounting for funds appropriated for Board functions, and

(4) the recruitment and hire of such employees, experts, advisors, clerical assistants, and other categories of personnel as the Board, in its sole discretion, deems necessary to carry out effectively and efficiently its duties and functions under this Act.

(b) The Chairman of the Board may from time to time designate any other member of the Board as Acting Chairman to act in the place and stead of the Chairman in the absence of the Chairman. The Chairman (or the Acting Chairman) shall preside at all sessions of the Board.

INDEPENDENCE OF BOARD MEMBERS AND PERSONNEL

SEC. 8. In the performance of their functions under this Act, the members and other personnel of the Board shall not be responsible or subject to the supervision or control of any officer, employee, or agent of the Department.

AUTHORITY OF THE BOARD TO ESTABLISH RULES

SEC. 9. The Board is authorized to establish such procedural and administrative rules as are necessary to carry out its duties and functions under this Act.

BUDGET FOR BOARD ACTIVITIES

SEC. 10. The Board shall prepare and submit an annual budget to the President for transmission to the Congress and such budget shall be separate from the annual budget of the Department. The Board shall not be dependent in any way upon funds of the Department to carry out its duties and functions under this Act.

SPECIAL POWERS OF THE BOARD

SEC. 11. In carrying out its duties and functions under this Act, the Board shall have power to hold hearings, administer oaths, examine witnesses, and receive evidence at any place in the United States.

COST OF PRODUCTION PRICES

SEC. 12. (a) The Board shall establish and announce a comprehensive cost of production price for each specified commodity prior to the beginning of each marketing year for such commodity. Such cost of production prices as established shall reflect cost principles and accounting procedures utilized by business management in industry and trade. In determining the cost of production for any such commodity the Board shall include as components of such price—

(1) variable costs; including a cost for hired labor at equivalent industry wage levels;

(2) machinery ownership costs, including current replacement costs of farm machinery and equipment;

(3) general farm overhead costs attributable to the production of such commodity;

(4) a value for the management services contributed by the producer of such commodity;

(5) a value for land utilized in the production of such commodity, such value to reflect the value of farmland as valued for estate tax valuation purposes under section 2032A of the Internal Revenue Code of 1954 rather than reflecting values based on the current market value of real property used for agricultural purposes; and

(6) such other factors as, in the Board's discretion, should be included to accurately reflect the cost of producing such commodity.

(b) The Board shall conduct public hearings prior to the beginning of each marketing year for each specified commodity to give producers and other interested parties an opportunity to be heard on matters relating to the cost of production price to be established for such commodities for such marketing year.

(c) The cost of production price for any specified commodity shall be established at a level which will provide incentive toward maximum efficiency in the production of such commodity and not at a level which will encompass those producers who are inefficient in the production of such commodity.

(d) The Board shall promptly notify the Secretary in writing whenever it establishes or revises a cost of production price for any specified commodity for any marketing year and shall provide for the publication of such information in the Federal Register. The Board shall also provide for such public announcements of such information as it deems necessary to make such information generally known to the producers concerned.

(e) The Secretary shall designate by regulation a marketing year for each specified commodity.

GUARANTEE OF LOANS: AMOUNT OF LOANS: TERMS

SEC. 13. (a) The Secretary shall guarantee in any year the full amount of commodity loans made by commercial lending institutions to producers of nonperishable specified commodities (as determined by the Board). The amount of any such loan (loan level) in the case of any producer shall be an amount not in excess of an amount determined by multiplying the quantity of such commodity on which such producer is eligible for a loan under this Act by the cost of production price established by the Board for such commodity for the year concerned.

(b) The term of such loan shall be for such period as may be agreed upon by the lender and the producer-borrower but in no case for a period longer than thirty-six months.

(c) No loan may be guaranteed under this Act unless the rate of interest thereon is no greater than the rate of interest on comparable loans made by commercial lending institutions in the same area for the same purpose without the benefit of federal guarantees.

DIRECT LOAN AUTHORITY

SEC. 14. (a) The Secretary is also authorized to make loans to producers of nonperishable specified commodities (as determined by the Board) on their crops through the facilities of the Commodity Credit Corporation Loans made under authority of this section shall be made at a level not less than that prescribed in section 13(a). Loans made by the Secretary under authority of this subsection on any specified commodity shall be made at the same rate of interest at which loans guaranteed under this Act are made on the same commodity. The Secretary shall use the guarantee loan program whenever practicable in providing an initial loan to any producer on any specified commodity.

(b) Producers shall be entitled, upon application to the Secretary, to obtain a loan from the Secretary as provided in subsection (a) on the commodities owned by such producers in an amount not less than that described in section 13. Loans made under this subsection shall be for an unspecified period of time. Notwithstanding the foregoing, no loan may be made by the Secretary on any specified commodity of such producer unless such producer has satisfied any prior loan made on such commodities which was guaranteed by the Secretary or unless the proceeds of the loan made by the Secretary are to be used to satisfy such prior loan.

NONRECOURSE NATURE OF LOANS; ADJUSTMENTS FOR GRADE AND OTHER FACTORS; COMPLIANCE REQUIREMENTS

SEC. 15. (a) Loans guaranteed by the Secretary under section 13 and loans made under section 14 shall be guaranteed and made without recourse against the producer-borrowers and no security other than the commodity on which such loans are made shall be required.

(b) The Board may adjust the loan level for any specified commodity on the basis of the grade, type, staple, or quality of such commodity.

(c) No producer shall be eligible for a loan or guarantee under this Act on any specified commodity unless such producer complies with the other requirements of this Act.

MANDATORY RELEASE PRICE

SEC. 16. (a) The Board shall establish for each specified commodity mandatory release prices at which a percentage (specified by the Board) of the quantity of that commodity under loan (made or guaranteed under this Act) must be released for sale in domestic or export markets. Mandatory release prices shall be a condition of any loan made or guaranteed under this Act.

(b) Mandatory release prices shall be established for each specified commodity prior to the start of the marketing year for such commodity and shall remain in effect for that marketing year.

(c) Mandatory release prices in the case of any specified commodity shall be established by the Board as a percentage above one hundred per centum of the cost of production price for that commodity plus storage charges and interest charges applicable to prevailing loans for that commodity.

AUTHORITY TO CALL LOANS

SEC. 17. The Secretary is authorized to call any loan made under this Act and secured by commodities comprising part of the National Commodity Reserve, if the Secretary determines that the domestic or foreign market for the commodity for which such loan was made is unstable because insufficient quantities of that commodity are being offered for sale, except that the Secretary may only call loans on such commodity at any time that the market price for such commodity is at or above the mandatory release price established by the Board for such commodity. The Secretary shall call the oldest outstanding loans first and proceed chronologically to the newest loan outstanding; except that at no time shall the Secretary call any loans on any specified commodity if the calling of such loans will cause the price of such commodity to drop below the cost of production price currently in effect under this Act for such commodity.

PROHIBITION AGAINST RENEWAL OR EXTENSION OF CERTAIN LOANS

SEC. 18. No new loan may be made or guaranteed under this Act with respect to any quantity of any specified commodity owned by any producer and no existing loan may be renewed or extended on any quantity of such commodity owned by any producer if such quantity of such commodity has been ordered released from loan pursuant to section 17 or the loan on such quantity of such commodity has been called pursuant to section 18.

NATIONAL COMMODITY RESERVE

SEC. 19. (a) The Secretary, in consultation with the Board shall establish and maintain each year a national reserve for each of the following commodities: wheat, corn, grain sorghum, barley, oats, rye, rice, soybeans, cotton, sugar, and any commodity which may be stored from marketing year to marketing year made subject to the provisions of this Act by producer referendum conducted under section 23(a). The total quantity of all such commodities placed in reserve under this section shall be known as the "National Commodity Reserve".

(b) The purpose of the National Commodity Reserve shall be—

(1) to provide quantities of certain commodities sufficient to maintain adequate supplies of such commodities in time of war and national emergency during periods of shortages occurring as the result of natural disaster, and to meet foreign demand for such commodities; and

(2) to provide a mechanism by which the producers of such commodities may be protected from depressed prices caused by periodic overproduction and excessive marketing of such commodities.

(c) The Secretary, in consultation with the Board, shall designate the national reserve for each commodity set forth in subsection (a) prior to the marketing year for such commodity.

(d) Loans secured by any quantity of commodities designated as part of the National Commodity Reserve may only be made through the facilities and services of the Commodity Credit Corporation.

(e) The Secretary shall accept applications from producers to designate quantities of commodities as part of the National Commodity Reserve, and shall designate such quantities to enter the National Commodity Reserve based on the date of application, with quantities contained in applications arriving first entering the National Commodity Reserve until the quantity designated as the reserve for each commodity shall be met. Application shall be for a term of thirty-six months.

(f) Any quantity of commodities designated as part of the National Commodity Reserve may only be removed from reserve by action of the Secretary as provided in section 17. Commodities may be removed from the National Commodity Reserve by the owner of such commodities if the owner makes application to the Secretary to remove such commodities. The Secretary is authorized to establish conditions upon the release of commodities from reserve by such applications as may be necessary to maintain a National Commodity Reserve sufficient for the purposes of this Act.

STORAGE; PAYMENT OF STORAGE COSTS; INTEREST PAYMENTS

SEC. 20. (a) Producers may, if they so elect, store on the farm any quantity of a specified commodity produced by them which has been designated as a part of the National Commodity Reserve.

(b) The Secretary shall pay the storage costs for commodities stored as a part of the National Commodity Reserve, whether stored on the farm or in commercial facilities, but only to the extent that such costs do not exceed prevailing commerical rates.

(c) Whenever a portion of the total quantity of any commodity of any producer is placed in the National Commodity Reserve, the interest on that amount of the loan (made or guaranteed) attributable to such portion shall be paid by the Secretary.

RESPONSIBILITY FOR LOSS OR DESTRUCTION RESERVE COMMODITY STOCKS; ROTATION

SEC. 21. (a) The owner of any specified commodity, a quantity of which has been designated by the Secretary for the National Commodity Reserve, shall be responsible for the proper storage and care of such commodity. In the event that any such quantity of a specified commodity for which any producer is responsible is lost or destroyed by reason of the negligence or misconduct of such producer, such producer shall pay to the Secretary an amount equal to the amount of the loan (made or guaranteed under this Act) secured by the quantity of such commodity lost or destroyed, plus any storage and interest charges which may have been paid by the Secretary in connection with such quantity of such commodity lost or destroyed.

(b) Under such regulations as the Secretary shall prescribe, stocks of specified commodities designated as a part of the National Commodity Reserve may be rotated by producers to prevent spoilage and deterioration of such commodities and may be moved from one place of storage to another.

PRODUCTION MANAGEMENT

SEC. 22. (a) Each producer of a specified commodity shall report in writing to the Secretary, through the appropriate office of the Agricultural Stabilization and Conservation Service, the quantity of such commodity such producer plans to produce in the next production year. Such report shall be filed at such time in advance of the production year for such commodity as the Secretary determines will provide adequate time for allocating individual production adjustments for such commodity in the event production adjustments with respect to such commodity are determined necessary. Copies of production reports filed under this section shall be furnished to the Board by the Secretary in such manner as the Board may request.

(b) The Secretary shall evaluate the domestic stocks of specified commodities prior to the start of the marketing year for that commodity. If the Secretary, in consultation with the Board, determines on the basis of the information obtained under subsection (a) that the domestic stocks of any specified commodity, including quantities designated for the National Commodity Reserve, will exceed domestic and foreign demand for such commodity in the next marketing year, the Secretary shall determine and announce a production adjustment for the next production year for such commodity. The production adjustment for any commodity shall be apportioned among the producers of such commodity by the Board and the reduction in production shall be equally applied to all producers.

(c) Each producer required to reduce production of any specified commodity as the result of a production adjustment shall remove from production of such commodity average production quality land (in the case of a soil produced commodity) and such land shall be contiguous or in fieldsized pieces.

(d) No crop may be harvested from land removed from production under this section and such land may not be used for grazing purposes. In the event that any producer subject to a production adjustment produces a crop or grazes livestock on land removed from production by such adjustment, such producer shall be subject to a civil penalty as follows:

(1) If the crop produced on land removed from production adjustment is a crop of a specified commodity, the producer shall be liable to the United States for an amount equal to the cost of production price for the commodity produced on such land multiplied by the normal yield for such land, and the entire crop of the specified commodity produced by such producer, including the crop of such commodity produced by such producer on land removed from production under a production adjustment, shall be subject to a lien in favor of the United States.

(2) If the crop produced on land removed from production under a production adjustment is a crop of an agricultural commodity not subject to this Act, the producer shall be liable to the United States for an amount equal to the cost of production price for the specified commodity which constitutes the producer's largest crop in the crop year concerned multiplied by the normal yield of such specified commodity for the land on which the commodity (not subject to this Act) was produced, and the entire crop of such specified commodity produced by such producer shall be subject to a lien in favor of the United States.

(3) If the land removed from production in any marketing year by a production adjustment is used by a producer for grazing purposes, then such producer shall be ineligible for the loans and loan guarantees established by this Act for that marketing year.

(e) The Secretary shall authorize by regulation the use of marketing cards and any other procedure which, in his discretion, may be necessary to enforce produce compliance with the production adjustments established by this section.

(f) Production adjustments established in any year for any specified commodity shall apply to all producers of such commodity whether or not such producers apply for and received loans or guarantees under this Act.

(g) Any quantity of a specified commodity produced for human consumption on the farm on which produced shall be exempt from the provisions of this Act. Acreage used for research purposes and seed stock shall also be exempt from the provisions of this title, subject to regulations issued by the Secretary.

(h) No payments shall be made by the Secretary for any land removed from the production of any specified commodity as the result of a production adjustment made under this section.

(i) The Secretary is hereby authorized to issue such regulations as may be necessary to require that acreage removed from production under this Act shall be devoted to soil conserving uses.

REFERENDUMS

SEC. 23. (a) If 15 per centum or more of the producers of any agricultural commodity, other than a specified commodity, petition the Board in writing for a referendum of the producers of such commodity on the question of whether or not such commodity should be a specified commodity for the purposes of this Act, the Board shall, within sixty days after validating the petition, conduct a referendum by secret ballot of such producers. If a majority of the producers of such commodity voting in such referendum vote in favor of making the provisions of this Act applicable to such commodity, then, on and after the date on which the results of such referendum are determined, such commodity shall, for the purposes of this Act, be considered a specified commodity.

(b) If 15 per centum or more of the producers of any specified commodity petition the Board in writing for a referendum to determine whether the producers of such commodity wish to terminate the program provided for under this Act with respect to such commodity, the Board shall, within sixty days after validating the petition, conduct a referendum by secret ballot of the producers of such commodity. If a majority of the producers of such commodity voting in such referendum vote to terminate the program provided for in this Act with respect to such commodity, then, within a period of ninety days after the results of such referendum are determined, such commodity shall no longer be considered as specified commodity for purposes of this Act; but nothing in this paragraph shall be construed to prevent the subsequent application of the provisions of this Act to such commodity pursuant to the procedures provided for in paragraph (a).

NOTICE TO CONGRESS OF PROPOSED ACTION

SEC. 24. (a) The Board shall notify the Congress in writing of any cost of production price proposed to be established by the Board under this Act. No such proposed section shall become effective unless (1) thirty days of continuous session of the Congress have expired following the date on which notice of such proposed action is received by the Congress, and (2) neither House of Congress had adopted, within such thirty-day period, a resolution disapproving such proposed action.

(b) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such thirty-day period.

PARTICIPATION BY SECRETARY IN PUBLIC HEARINGS CONDUCTED BY THE BOARD

SEC. 25. The Secretary may participate in any public hearings held by the Board but shall comply with the rules of procedure established by the Board for the conduct of such hearings. The participation of the Secretary in any hearing conducted by the Board shall not affect the obligation of the Board to assure procedural fairness to all interested parties.

IMPORT AND EXPORT OF AGRICULTURAL COMMODITIES

SEC. 26. No quantity of any specified commodity may be imported into the United States in any year at a price less than the domestic cost of production for such commodity as established by the cost of production price for such commodity for such year, adjusted by appropriate transportation and handling costs.

AUTHORITY TO IMPOSE CUSTOM DUTIES

SEC. 27. The Board is authorized to impose upon specified commodities imported into the United States such custom duties as may be necessary to maintain the price of such imported commodities at levels established under this Act for the same kinds of commodities produced in the United States. Moneys collected on imported commodities as the result of action under this section shall be utilized by the Secretary in his discretion to make specified commodities produced in the United States competitive in foreign markets.

MINIMUM PURCHASE PRICE FOR COMMODITIES PURCHASED BY GOVERNMENT FOR EXPORT

SEC. 28. No specified commodity produced in the United States may be purchased in any year by the Secretary or any department or agency of the government for use in carrying out any food assistance program in any foreign country at any price less than a price equal to the cost of production of such commodity as established by the cost of production price for such commodity for such year.

INSPECTION STANDARDS

SEC. 29. All quality inspection requirements applicable by law, Executive order, or regulation to domestically produced agricultural commodities shall be applicable to imported agricultural commodities of the same type as a condition of the entry of such imported commodities in the United States.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 30. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of this Act.

JURISDICTION OF DISTRICT COURTS OF THE UNITED STATES

SEC. 31. Notwithstanding the amount in controversy, the district courts of the United States shall have exclusive original jurisdiction of all cases or controversy arising under this Act, or under rules, regulations, or orders issued exclusively thereunder.

APPLICABILITY OF OTHER LAWS

SEC. 32. Any provision of law in effect on the day before the date of enactment of this Act which is applicable to any agricultural commodity to which this Act is also applicable, to the extent inconsistent with the provisions of this Act, as determined by the Secretary in consultation with the Board, shall be null and void on and after the date of enactment of this Act.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 33. Section 5315 of title 5, United States Code, is amended by adding at the end thereof a new paragraph as follows:

"(122) Members, National Board of Agricultural Governors.".

RULES AND REGULATIONS

SEC. 34. The Secretary is authorized to promulgate such rules and regulations as may be necessary to carry out the requirements and policies of this Act.

SEPARABILITY CLAUSE

SEC. 35. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Mr. ROBERT C. BYRD. Mr. President, does any other Senator seek recognition at this time?

The PRESIDING OFFICER. Does any Senator seek recognition? Evidently not.

ORDER FOR RECESS UNTIL MONDAY, FEBRUARY 26, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, on Monday, the Senate will take up the nomination of Leonard Woodcock. It being in order to move to go into executive session and that motion not being debatable, and Mr. Woodcock being the first nominee, as a matter of fact as of now is the only nominee on the calendar, once in executive session the Senate will automatically be on the nomination of Mr. Woodcock so the motion to proceed is not debatable and the nomination itself is debatable. I think all Senators are entitled to know that the Senate will be on that nomination on Monday.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, I thank the majority leader for giving us this advanced notice.

As he knows, I believe we have a hold on this nomination on the Executive Calendar. I have made an effort at this point to reach the Senator on behalf of whom this hold has been noted. He is out of town at the moment. I will reach him in the course of the next few hours, I trust, but in any event I join in the majority leader's appraisal of the situation. Under these circumstances and with the Executive Calendar and for that matter the General Orders Calendar being free of any other item, the rules themselves would provide in the ordinary course of events for the procedure that the majority leader outlines.

I, therefore, put all of my colleagues on this side of the aisle on notice that it is the leadership's understanding that there is nothing that can be done to further enhance the quality of the hold that has been entered on the Executive Calendar and they should be on notice that this nomination then, it would appear, would be before the Senate on Monday.

Mr. ROBERT C. BYRD. Mr. President, it was my intention to move today to proceed to executive session so that the Senate would be on the nomination of Mr. Woodcock and then go out and go over until Monday. But out of consideration of the minority leader and, in turn, out of consideration for the Senator who has a hold on that nomination and for whom I have very high regard, I at the minority leader's request decided not to make that motion today. I will make it on Monday so that if a rollcall vote is desired on the motion to go into executive session, that Senator will be present to vote and can ask for the yeas and nays if he wishes.

Does the distinguished minority leader wish me to yield further?

Mr. BAKER. No.

Mr. President, I thank the distinguished majority leader. That is the point I wish to clarify.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader.

RECESS UNTIL 12 NOON MONDAY

Mr. ROBERT C. BYRD. Mr. President,

The roses red upon my neighbor's vine
Are owned by him, but they are also mine.
His was the cost, and his the labor, too,
But mine as well as his the joy, their loveliness to view.

They bloom for me and are for me as fair
As for the man who gives them all his care.
Thus I am rich, because a good man grew
A rose-clad vine for all his neighbors view.

I know from this that others plant for me,
And what they own, my joy may also be,
So why be selfish, when so much that's fine
Is grown for me, upon my neighbor's vine.

My Virginia neighbor's vine, Mr. HARRY FLOOD BYRD, JR., and my Idaho neighbor's vine, Mr. JAMES L. MCCLURE.

(Applause.)

The PRESIDING OFFICER. The Senate will be in order.

Mr. HARRY F. BYRD, JR. Mr. President, how I wish I had the eloquence of the Senator from West Virginia, so that I might adequately reply to him.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 o'clock meridian on Monday next.

The motion was agreed to, and at 7:49 p.m. the Senate recessed until Monday, February 26, 1979, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

HAMILTON FISH, SR., ON ISRAEL'S NEED FOR SECURITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. GILMAN. Mr. Speaker, in all of the debate about the Middle East in the House and elsewhere, there are fewer voices more experienced than that of the Honorable Hamilton Fish, Sr., a very distinguished former Member of the House.

Mr. Fish, who now resides in my congressional district and who served for nearly 25 years on the House Foreign Affairs Committee, was the author of the "American Balfour Declaration," and was a leading advocate for the establishment of a Jewish homeland in Israel.

Two items authored by Mr. Fish have recently come to my attention—a letter to the editor of the New York Times and a poem entitled "Anthem to Israel's Freedom Fighters."

In his letter, Mr. Fish makes the point that no country can fully appreciate the security concerns of another, and that, consequently, no country should try to dictate the terms of an agreement between two other countries.

I would like to share Mr. Fish's letter and poem with my colleagues, who I am sure will find it to be of interest, and therefore ask that it be inserted in the RECORD at this point:

HAMILTON FISH

Letter to the Editor of the New York Times:

The heading of a recent editorial in the N.Y. Times, entitled "A Tortured View of Israel's Conduct" was both timely and constructive.

Why should the Carter Administration, in the midst of trying to arrange for the renewal of negotiations between Israel and Egypt go out of its way to openly denounce Israel's mistreatment of Palestinians whom they suspected of treason to the State of Israel? The Times apparently believes that this tragic mismanagement of our foreign relations was merely the result of clumsy public relations. That certainly is a charitable way of looking at it.

The previous and obviously slanted attitude of the Carter Administration towards Egypt, respecting the surrender of the West Bank to the PLO and its Arab adherents, can only embitter and antagonize Prime Minister Begin and those in authority in Israel. The Carter Administration had wisely arranged for the previous joint meeting between Begin and Sadat and it was very effective.

The United States has no right to try in advance, to dictate the conditions and terms of the proposed final treaty. That is a matter of consideration and concessions by both Egypt and Israel. Beyond acting as a go-between and friendly counselors, the United States should refrain from insisting

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

that Israel give up the West Bank to the PLO. Everyone knows that the PLO terrorists, supported and armed by Moscow would immediately be an armed threat to the very survival of Jerusalem and Israel.

Prime Minister Begin has offered to take the Arab refugees around the West Bank of the Jordan River and give them the fullest individual liberties, rights and ownership and practically everything except the right to bear arms and to control foreign policies. This has been done successfully with 500,000 Arabs in Israel for the last 30 years.

Such Arab nations as Iraq, Syria, Jordan and Saudi Arabia are unwilling to permit these PLO, with their Arab following, to locate in their extensive dominions, but now insist there should be a separate PLO state in the heart of Israel.

HAMILTON FISH.

ANTHEM TO ISRAEL'S FREEDOM FIGHTERS

(By Hamilton Fish)

The Jews are an ancient and honorable race,
They gave monotheism to all religions to embrace.
For two thousand years, they've survived brutal persecutions,
On faith in God and freedom—their great traditions.
Until they rewon control of Israel, their ancient State,
Helped by Providence and their freedom fighters to create,
With courage unsurpassed they regained Israel from Dan to Beersheba.
They will not yield them to any foreign pressure from the United States or Soviet Russia.
No matter what Carter or Vance may say,
Israel will be Israel forever.
From the old walls of Jerusalem to the Jordan River,
The cry of faith in God and freedom will never lessen, never.
Even many of the Semitic Arabs will not greatly differ.●

FEDERAL CRIPPLE?

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. FUQUA. Mr. Speaker, recently the Lake City Reporter of Lake City, Fla., presented an editorial entitled "Federal Cripple" which is an excellent editorial.

It strikes a chord that needs to sound out loud across this land. I commend this editorial to you, my colleagues in the Congress, and its message to the people of this great land.

The editorial follows:

FEDERAL CRIPPLE?

Dangers of depending upon the whims and caprices of the federal government for such as grants can be seen in the current situation involving the proposed industrial park here. Although a final answer has not been received, it now appears Columbia County's application for a grant which involves a $300,000 package deal for the park development has been rejected.

This brings to mind several thoughts concerning federal grants in general. First of all, the real danger is that a community—any community—comes to depend upon the federal dollar to the extent that it makes it a crutch and loses its own ability insofar as initiative and drive.

Secondly, at the present time there is no system insofar as allocating grants; nothing which assures an equitable amount will be distributed throughout the country. Thus some areas have received millions of dollars in grants while others—which includes us—have obtained only pennies by comparison. In too many cases, political influence is a deciding factor—and don't let anyone tell you differently.

But are we saying our community shouldn't apply for any federal grants? Not at all. We should remember that the so-called federal dollar is really our money taken from us in the first place. Yes, we could wish that it would remain here—instead of being slashed by administrative costs before it is returned, if at all—but it doesn't work that way. And we would be foolish not to seek every bit of "our" money.

We are saying, however, that in terms of the badly needed community projects, we should make every effort to handle them ourselves if federal-state grants are not available. And the industrial park would fit into this category. It's obviously badly needed if we are to be really competitive in seeking new industry. If our current application is denied as it now appears, then other ways should be found to develop the park.

In summing it up, we should use the federal dollar when available, but we shouldn't let dependence upon it cripple us.●

UNIVERSAL COVERAGE—ANDERSON SUBMITS WORKERS VIEWPOINT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. ANDERSON of California. Mr. Speaker, much has been said recently regarding the possibility of bringing Federal civil servants under the social security system, somehow merging their pension funds with the social security trust funds. In 1977, we passed legislation mandating a study group to look into this issue. We do not really know whether a "universal coverage" system can be implemented in a fair, effective manner.

One of the groups checking into this question is the Social Security Universal Coverage Study Group. Mr. L. Mike Olsen presented testimony to the group when it held hearings in San Francisco on February 8. Mr. Olsen is vice president of the Federal Area International Federation of Professional and Technical Engineers, stationed out of the Long Beach Naval Shipyard, and an extremely knowledgeable individual on matters of concern to Federal employees. Mr. Speaker, I think all our colleagues should have the benefit of Mr. Olsen's testimony which I am submitting today for their consideration.

The testimony follows:

STATEMENT OF L. MIKE OLSEN

Mr. Chairman, I am Mike Olsen, vice president, Federal Area of the International Federation of Professional and Technical Engineers AFL–CIO & CLC with some 20 local unions operating in various installations in the federal government. I deeply appreciate the willingness of this commission to hear the views of my organization and to keep us informed of the progress of your work.

We are deeply concerned over the prospect of losing the benefits of the civil service retirement system. We therefore strongly oppose any legislation which would dilute our present benefits or which would combine our retirement system with social security.

There is no evidence to suggest that integration of the federal worker into social security program would be of any long range benefit to the social security program, the federal employee, or the American taxpayer. In fact, after careful evaluation of the facts, we must conclude that even the short term advantages of such a merger are minimal when compared to the far more serious implications of such policy on the fiscal integrity of the federal retirement system and the social security program.

First of all, social security was never intended to be a retirement system. It is, in fact, an income maintenance system intended to be a base for retirement upon which to build savings, investments and other sources of retirement income. The pension formula is related to long term earnings which have had an annual maximum as cutoff. The system was not designed to be a complete replacement of earnings at retirement. It was not meant to provide enough supplementary income to sustain a standard of living the retiree had established while working. However, since its enactment in 1935, Congress has legislated burdensome new benefits such as medicare, aid to dependent children, etc., which have shifted its basic intent to a welfare program. This shift has largely come about without proper funding. The system is in financial trouble. Federal employees want no part in this apparent bankrupt program.

On the other hand, federal employees and retirees are participating in one of the more effective, responsible retirement system in the world. The civil service retirement system is a staff retirement system providing annuities based on a formula relationship to earnings based on an employee's three-year period of highest earnings. It is a bought and paid for in advance earned annuity, based on levels of past earnings and years of service. It is a solvent retirement system. It generally represents the entire income of the civil service retiree. To arbitrarily dismantle this system in favor of one—based on the proven uncertainty of social security—seems to have no particular logic except that of political expediency and stop-gap financing.

The two systems were created for two different purposes. The Civil Service retirement system was created to provide a full retirement income based on salary and years of service, while the social security system was created as an income assistance program. Therefore, because they are two different programs, created for different purposes, they are not interchangeable—one is not a substitute for the other.

While we recognize that there are gaps in coverage in both, we feel that such discrepancies can be effectively eliminated by legislative action within the framework of each.

Mr. Chairman, the Civil Service Retirement System is and has been a primary employment tool used to attract and retain high caliber personnel. Through the years, this benefit provided the pillar of Federal employment when other benefits were recognized as subpar, and today the same is true. In view of the comparability pay limitation, 50% employee subsidizing of health care benefits and a life insurance policy which has, by today's standards, been recognized to be inadequate, the Federal Government has been able to attract and retain quality personnel solely on the basis of the retirement plan. Abolishing this plan would inspire a mass exodus from civil service and induce many Government workers into early retirement. We need positive incentives for people to serve—not demoralizing programs to drive them out.

Employee contributions to the Civil Service Retirement System has and is substantially higher than employee contributions required under Social Security. Today Federal employees are contributing 7% of gross income. There is no maximum cutoff like that in Social Security. The Federal retirement fund is in excess of $50 billion. But if the Federal retirement system is abolished, what will become of this huge fund? Will it be lost to Social Security? Will it be used as "bailout" money to rescue a system headed for bankruptcy? This fund belongs to those who have contributed to it, and they must be the recipients.

Abolishing the Federal Retirement System will have a significant impact on Federal, State and local income tax systems. Federal annuities are subject to full taxation, while social security income is tax free at all levels of Government. Both incomes are cost-indexed. For example, in 1977, the Federal Retirement System paid out $9.6 billion in benefits. Of this amount, it is estimated that $7 billion was taxable. In that same year, Social Security cash benefits totaled nearly $84.3 billion, of which $71.2 billion were old age retirement benefits—and all of it tax-free. Very few studies of the Federal Retirement System and private sector plans take into account this enormous benefit accorded to Social Security recipients. However, the fact remains, that this savings is just as real as cash benefits. Further, I know of no reports which have considered this loss of revenue as a cost of the Social Security program.

In addition, it should be noted that Social Security contributions by the employers are deductible. Both the gross wages of the employee, which include the employee's share of FICA tax, and the employer's share of FICA are included in the employer's cost of doing business. Both are included in the total labor cost and, if the employer is a taxable entity, are deductible for Federal income tax purposes. Again, this provision provides for additional cost to Social Security not addressed in overall cost of the system. And, while on the subject of cost, the proponents of combining the systems sight the Congressional budget office report which stated that if Federal employees were covered by Social Security, the Government would save $3.1 billion the first year. I strongly challenge the statistical data used to arrive at this figure, however, I'm confident that the proponents will lobby Congress with this single concept. Nonetheless, there are serious fiscal questions, which, Mr. Chairman, I would hope your commission would find answers to. Specifically, who manages the Federal Retirement Fund? Why is the fund drawing only 6.7 percent interest? Thomas A. Tinsley, then director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission stated before the committee on Post Office and Civil Service in February 1977, "—If you increase your interest rate, your investment income, by even 1 percent, it's fantastic the effect that has on reducing your unfunded liability."

The point being that the present system is sound and with proper management the unfunded liability could be substantially reduced, thereby reducing the cost to the taxpayer. I would hope that your commission will probe these questions.

There remains still another major factor which must be strongly considered. On good faith, federal employees entered government employment with a written retirement contract. They agreed to pay higher contributions with the understanding that at the end of their employment years, they would receive an annuity which would compensate them when neither the pay nor the other benefits were as favorable as in the private sector. This contract must be honored. This is their employment right. Yet, President Carter, who lectures the world about human rights, is supporting the proposal to abolish the federal retirement system. We again are the pawn used for political gain.

Lastly, I must state with caustic optimism that if the trend of suppression towards federal employees continues, you will recognize, as has historically been the case with suppressed workers, a bonding together and overt actions never before witnessed in this country. War clouds are gathering. The system will be shaken to its foundation. I trust that the leaders of this nation will take the necessary steps towards heading off this apparent explosive situation by improving the federal retirement system, and not abolishing it. This is not to intimidate their judgement but rather to inform them. We, as federal employees, have felt the heel of suppression far too long and will not sit idly by and allow it to continue. After all, we wish to continue to serve this country, but demand that which has been promised to us. Abolishing our retirement system will only exacerbate an already crisis situation.●

PROPERTY TAX REFORM IN NEW YORK

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. CARNEY. Mr. Speaker, I would like to call attention to the annual report to the Suffolk County Legislature delivered by Suffolk County Executive John V. N. Klein.

The report identifies and addresses the most urgent priority of this great county of the State of New York—property tax reform. Mr. Klein also makes some observations concerning a "Taxpayer's Bill of Rights" which I feel will prove of interest to legislators and taxpayers throughout this Nation. The text of his remarks follow below:

Presiding Officer and Members of the Suffolk County Legislature

Suffolk County Center, Riverhead, N.Y.

Dear Presiding Officer and Members of the County Legislature: Pursuant to the provisions of the Suffolk County Charter, I deliver herewith to you and to the people of our County my eighth Annual Report.

Today we enter the last year of the decade of the 1970's and the challenges which face all of us are distinctly different than those at the beginning of this decade. This Annual Report identifies and addresses our most urgent priority.

I have assembled herein the components of the most compelling case for property tax reform of any area within this nation. Attached, as an Appendix, are a commentary and series of charts which confirm facts of which we have all been painfully aware as well as new data which in combination demand action. They represent a clear description and definition of the property tax burden as it exists in our region, the causes of that property tax burden and its impact upon the people of this County.

TAXPAYERS' BILL OF RIGHTS

The people of Suffolk County delivered to all governmental officials a clear and forceful message last November in the adoption of Proposition I in Suffolk providing for amendment to the County Charter through initiative and referendum. They want and need their property taxes reduced.

I place before you today the "Taxpayers' Bill of Rights." It is a first initiative which deals forcefully and directly with our County's highest priority—the property tax. I call upon you to adopt this Charter Law and place it before the voters of Suffolk County as the County's most important Charter amendment.

The Taxpayers' Bill of Rights constitutes a declaration by and directive from the people of this County to their governmental representatives:

1. To reduce the total property tax burden in Suffolk County from its current level of approximately 4 percent of full value to 1 percent of full value over a five-year period;
2. To reduce the County general property tax levy by 25 percent as against the 1979 tax rate for County general purposes over a five-year period at 5 percent per annum, a mandate which can only be overridden by an extraordinary vote of the County Legislature;
3. To cap at the 1979 level the property tax burden for police district purposes, a mandate which can only be overridden by an extraordinary vote of the County Legislature;

The Charter amendments provide that it is the sense of the people of Suffolk County that when the relationship of property taxes for the value of property exceeds a given level those taxes become confiscatory and a negative influence on the value of that property, both of which results are totally unacceptable. Clearly, an amendment to the Suffolk County Charter adopted by the people of this County cannot, by law, be binding upon taxing authorities other than the County, such as school districts, towns, villages and others, nor upon the State Legislature. However, it can be a compelling mandate from the people of this County to their elected officials at all levels as to the size, cost and fiscal impact of government services upon the property tax.

With full justification the people of Suffolk no longer accept the protestations of local officials about mandated costs imposed by federal and state governments. They demand leadership in attacking head-on the lack of relationships among all levels of government which results in confiscatory property tax burdens. With the Taxpayers' Bill of Rights we have the opportunity to seize the initiative and provide that leadership. A strong voter mandate can provide to us at the local level the vehicle to demand and achieve a restructuring of federal, state and local policies to lift that oppressive tax burden from the property owner.

One percent of value maximum

The Charter Law provides, and the voters will be asked to approve, the same limitation for Suffolk as has been imposed in the State of California—that is, a maximum property tax of 1 percent of full value. Obviously, the tax burden in Suffolk County, for all purposes, far exceeds 1 percent of full value and is as high in some areas as 5 and 6 percent. A reduction to 1 percent could not be achieved in an immediate time frame without enormous fiscal dislocations and social convulsions. If it is the will of the people, however, it can and must be achieved by their governmental representatives at all levels. Accordingly, the Law sets the goal of 1 percent and calls upon the governmental structures to achieve that goal within a five-year time span.

Changing the budget adoption process

The Charter amendments significantly change the rules by which the executive and legislative branches of County government operate in the budget preparation and adoption process. The Charter currently provides that the budget may be adopted by a simple majority of the Legislature, that the County Executive may veto modifications to the executive budget and that the Legislature may override such vetos by a two-thirds vote.

Reducing the general fund

The proposed Charter amendments:

1. Mandate a reduction in the County general property tax rate of 25 percent over five years at the rate of 5 percent per year;
2. Prohibit the County Executive from submitting to the County Legislature a budget

for the general fund in violation of the above mandate unless it is delivered fifteen days in advance of the normal deadline of September 25 and unless the County Executive holds a formal public hearing on notice on such budget in advance of its delivery to the County Legislature;

3. Reduces the County Executive's permitted time within which to exercise budget vetoes from fifteen to seven days;

4. Prohibits the County Legislature from amending a tentative budget so as to violate the above mandate except by a vote of 80 percent of the full membership of the County Legislature (fifteen members) and requires that an override of an executive veto of such vote may only be achieved by a vote of 80 percent of the members of the County Legislature plus one (sixteen members).

Capping police costs

The Charter amendments constitute a declaration by the people of Suffolk County that they wish the cost of police protection as it affects the property tax to be kept at 1979 levels. It mandates a retention of property tax levies for police services in the police district at the 1979 tax rate. It further amends the powers of the County Executive and the County Legislature with respect to violation of this mandate as to the police district fund in the same manner as relates to the County general fund, above.

Target budgeting

Obviously, the Taxpayers' Bill of Rights cannot be implemented without significant change and a drastic alteration in the nature and level of services provided to the people of the County through their local governmental taxing authorities. I have already announced that I intend to implement a 5 percent reduction in the general fund tax rate of 1980. To that end, and for the first time since the County Charter took effect in 1960, I will institute "target budgeting." In lieu of the normal requests that are forwarded in the spring inviting the department heads to identify the budget funds desired for the succeeding fiscal year, I will notify each department head of the sum of money which I will allocate to them for the fiscal year 1980 and require them to structure a departmental operation within those allocated funds. The aggregate of those departmental allocations will reflect a sum which will generate the necessary 5 percent reduction in the property tax levy for County general purposes.

Federal and State cutbacks

The ability to reduce property taxes by 5 percent in 1980 will depend in large measure upon the prudence exercised in dealing with expenditures in 1979. The uncertainties of the continuance of levels of federal and state support to be reflected in the forthcoming federal and state budgets require an even greater measure of expenditure control than that which has been in place for the past several years. Within a matter of days after the delivery of this Annual Report, the Governor of this state will release the details of the state's proposed 1979–1980 fiscal year budget. By now, even the most casual observer of the state scene must be aware of the fact that it will not bode well for local governments as the state compensates for the manipulations which produced the 1978–1979 election year state budget and tax reduction.

On December 14, I attended a special White House briefing with respect to the federal fiscal year 1979–1980 budget. That presentation left no doubt that local governments face severe cutbacks in federal assistance commencing in October of 1979.

Budget allotment system

So as not to be caught unaware and placed in a deficit position by federal and state aid cutbacks during calendar year 1979 and so as to provide an even greater measure of expenditure control of County government, I shall institute early in 1979 a modified budgetary allotment system pursuant to the authority granted to me in the County Charter.

The 1980 budget

As I have pointed out earlier, the implications of the implementation of the three-point "Taxpayers' Bill of Rights" are complex and serious. For example, achieving a 25 percent reduction in the general fund property tax rate over a five-year period will require the elimination of virtually every optional service performed by the County government since approximately three-quarters of general fund expenditures reflect state and federal mandates. In the absence, therefore, of changes in federal and state policy with respect to those mandates, inflation will continue to increase their costs as we attempt to achieve a reduction in the property tax levy. Indeed, a reduction of 25 percent in the County general fund tax levy over a five-year period, in light of inflation in mandated programs, will require a direct and calculated challenge to state and federal law by the County government by refusing to appropriate sufficient funds to finance all of such mandated activities. These are but a few examples of the implications of implementing any or all of the provisions of the Taxpayers' Bill of Rights.

All of the components of the Taxpayers' Bill of Rights, if approved, will have a direct impact upon the 1980 budget preparation process of Suffolk County. That process commences with the submission by departments of proposed budgets by June 1, followed by executive hearings during the summer months and the delivery of the Tentative Budget by the Executive no later than September 25. The expression of the people on the Taxpayers' Bill of Rights can directly shape the 1980 budget process. The 1980 Budget should reflect the expressions of the people of Suffolk County as to their County taxes. For that reason, a special referendum on the Taxpayers' Bill of Rights should be held in early June. The County Attorney advises me that state law does not now permit a special election on this type of Charter amendment but only allows its submission at a general election. By election day in November of this year, however, the fiscal policy of the County will have been set and the expressions of the people cannot then be reflected in budget policy until 1981. Accordingly, I propose to seek state legislation immediately which would authorize a special referendum on the Taxpayers' Bill of Rights in Suffolk in early June, 1979, so that the results of that referendum can shape the 1980 County Budget. I invite the County Legislature to join me in that effort. Actually, it is possible for this County Legislature to adopt the Taxpayers' Bill of Rights subject to permissive referendum rather than through direct referendum. I urge direct referendum, however, so as to provide to the people of Suffolk County a vehicle to express themselves on this issue to *all* officials who impact the property tax.

Public hearings

If the County Legislature moves swiftly with respect to the adoption of the Charter amendments containing the Taxpayers' Bill of Rights, there will be a period of more than four months within which extensive public hearings can be held throughout the County in anticipation of a June referendum so as to provide for a full disclosure of the implications and impact of implementation of the Charter amendment to be acted upon in June. I have discussed this issue with the Chairman of the Suffolk County Charter Revision Commission and urged that the public hearings to be conducted in connection with the Taxpayers' Bill of Rights be conducted under the auspices of the Charter Revision Commission as an urgent and first priority of Charter amendment.

THE ANNUAL REPORT—ADDITIONAL COMPONENTS

Within the context of the Annual Report to the County Legislature and to the people, I have developed positions on a number of additional urgent priorities of County governmental concern which relate to county-state-federal relationships, legislative priorities, economic development, energy and other issues. No issue, however, occupies the urgency and priority of that property tax reform. For that reason, I have deliberately limited the subject treated in this report at the organizational meeting of the County Legislature to the Taxpayers' Bill of Rights. At subsequent meetings of this legislative body, I will deliver the balance of the Annual Report which has been prepared on the issues outlined above and others.

CONCLUSION

As in the past, I conclude this Annual Report with a commitment to you and to the people of our County of a spirit of cooperation in addressing the issues set forth in this Annual Report and the other concerns which will demand our attention during 1979. A strong and effective cooperative relationship between the executive and legislative branches set in the context of the principle of balance of powers is our obligation to the people who have placed in our hands this public trust.

JOHN V. N. KLEIN,
Suffolk County Executive.

JANUARY 2, 1979.●

MAX AND MIRIAM CUKIER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. WAXMAN. Mr. Speaker, on January 23, 1979, Max and Miriam Cukier received the coveted Sword of Haganah Award of the State of Israel in recognition of a lifetime of dedication and concern for their fellow man.

Their experiences early in life as survivors of Hitler's concentration camps and as fighter partisans in the Russian underground during World War II instilled in them a sense of caring for all human beings. They came to the United States where they found the peace and security they dreamed about. Settling first in Houston, and then in Los Angeles, they raised two children, Riva and Benny. They established a growing business and became productive members of their community. Always mindful of the plight of others, their community activities include membership in the King Solomon Lodge of B'nai B'rith, the American Congress of Polish Jews, the City of Hope, the Guardians of the Jewish Home for the Aged, the Hillel Hebrew Academy, the Rambam Torah Institute, Beth Jacob Congregation, The Guardians of Courage of the Chaim Sheba Hospital in Beersheba, Israel, the American Friends of the Hebrew University, and they are long time supporters of Israel bonds.

I ask the Members to join me in congratulating Miriam and Max Cukier on their award and to wish them many more years of a rich and meaningful life.●

NATIONAL HONOR CONFERRED ON ONE OF OUR COLLEAGUES

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. NOWAK. Mr. Speaker, I am sure Members of the House will be delighted to learn of an outstanding honor recently conferred on one of our colleagues, Representative John G. Fary in Buffalo, N.Y.

Congressman Fary, who represents the Fifth Congressional District of Illinois, received the 1978 National Am-Pol Eagle Citizen of the Year Award. He was nominated as a result of a nationwide survey of Polish-American citizens conducted by the Am-Pol Eagle, a weekly newspaper in Buffalo.

Among previous recipients of this coveted award were His Excellency John Cardinal Krol of Philadelphia; the Most Reverend Alfred Abramowicz, auxiliary bishop of Chicago; Senator Edmund Muskie; the Honorable Zbigniew Brzezinski, National Security Adviser to the President; and the Honorable Aloysius A. Mazewski, president of the Polish National Alliance and Polish Congress.

Congressman Fary was selected, by an overwhelming majority of the voters, from a field of 500 prominent persons suggested for this honor, because of his constant crusade against anti-Polish materials.

Representative Fary was commended particularly for his remarks delivered last summer in the House in which he expressed the shame he felt for the moral and intellectual degradation depicted in the film "The End."

Representative Fary stated the film was an "unpardonable insult to the Polish people, and indirectly, an insult to the American National Anthem and all peoples of ethnic heritage of the world."

In his acceptance speech in Buffalo read by an aide, because illness prevented Representative Fary from attending, Congressman Fary pledged that the Am-Pol Eagle Award will serve as an inspiration to triple his efforts to insure a rightful, respectful, and dignified image for Polish Americans, and to better acquaint this generation of the numerous contributions the men and women of Polish-American ancestry have made to our Nation, beginning at the Jamestown Colony of Virginia through the Revolutionary War period, and through succeeding generations.

Mr. Speaker, this is not exclusively a Polish-American issue. Always—but especially now—goodwill and accord are needed among all Americans and world citizens of whatever racial background or religious persuasion. It is one of the triumphs of our national life and democracy that so many diverse peoples have made "E. Pluribus Unum" more than a slogan.

For the Record, I would like to submit the following articles which appeared in the Am-Pol Eagle, the Buffalo Courier-Express, and the Buffalo Evening News on the awards ceremony:

[From the Am-Pol Eagle, Feb. 1, 1979]

Overflow Crowd at Reception Honoring Citizens of Year

Over 300 persons packed Polish Union Hall this Sunday to attend a Champagne Cocktail Party honoring the 21 Am-Pol Eagle 1978 Citizens of the Year. Each of the recipients was presented an official citation marking their selection by Matthew W. Pelczynski, Editor and Publisher of the Am-Pol Eagle and offered their words of thanks and appreciation to the audience and the entire community.

Al Desecki, who represented the hospitalized Congressman John Fary who was selected National Citizen of the Year, delivered a ringing address to the audience from Congressman Fary, which exhorted all of Polonia to fight anti-ethnic slanders, "with actions not words."

In his remarks, Congressman Fary pointed to his concern for the future generations of Polonia and all ethnic minorities as the major reason for his crusade against anti-Polish materials being sold and circulated in the media.

Congressman Fary called on all Polonians to become involved in the life of their community and most important of all—to excel in community activities, so that everyone can see first-hand the achievements of Polonia.

The Illinois Congressman closed by noting that he reintroduced House Concurrent Resolution 714, co-sponsored by Buffalo Congressman Henry Nowak, which would result in Federal hearings about methods to curtail the distribution of defamatory motion pictures and radio programs.

City Editor Bob Pacholski and Associate Editor Dave Franczyk introduced the award recipients and Daniel Kij, President of the Polish Union of America, acted as Master of Ceremonies for the awards program.

County Executive Edward Rutkowski presented Congressman Fary with an official gift from the County of Erie and re-echoed the Congressman's call for pride and active involvement by Polonia in the mainstream of American life.

[From the Buffalo Evening News, Jan. 29, 1979]

Polish-Americans Urged To Be Exemplary Citizens

(By Dennis Hollins)

Outstanding Polish citizens must become involved in all phases of human endeavors in order to provide continuing examples for all citizens, a predominantly Polish audience was told Sunday during the 14th annual Am-Pol Eagle Citizens of the Year Award presentations.

Though the national Citizen of the Year award winner, Rep. John G. Fary, D-Chicago, was unable to attend because of illness, about 300 people gathered in the Polish Union of America, 761 Fillmore Ave. heard his administrative aide urge the group to be proud of its Polish heritage.

Speaking for Rep. Fary, Alfred Desecki told the audience that designating outstanding members of the Polish community for public honors helped obtain "greater understanding of the quality of the Polish-American contribution to the American society and culture."

He said such affairs also helped counter the "atrocious anti-Polish comments that pose as humor, but in reality slander a great segment of American society."

Mr. Desecki said a particularly "vicious insult to the Polish national anthem" in the film "The End," was one of the more glaring examples of the "unfortunate anti-Polish trend of stories."

Rep. Fary, along with other national Polish leaders, was instrumental in having the film's producers edit out the offending remark, Mr. Desecki said.

Mr. Desecki also praised the efforts of another award winner, County Legislator Richard A. Slisz, for his efforts in combating anti-Polish material in Western New York.

He said it was important for all members of Polonia to speak out against such ethnic slurs so Polish children and grandchildren would be proud and not ashamed of their background.

"We must impress upon our fellow Americans that Polish-Americans are as much distressed and resentful of such slanders as Hispanics, blacks, Jews and other ethnic groups would be if they were the target," Mr. Desecki said.

County executive Rutkowski also presented Mr. Desecki with a sketch of an 1832 Buffalo harbor scene for Rep. Fary.

The county executive praised the "undauntable spirit" of the Polish people and reminded the audience that in teaching children about their heritage, the great Polish figures from the past should not be forgotten.

Daniel J. Kij, president of the Polish Union of America joined with Matthew W. Pelczynski, publisher of the Am-Pol Eagle, in presenting the award certificates to the 20 local winners.

The names of the award winners in a variety of fields have been published previously in the pages of The Buffalo Evening News.

[From the Buffalo Courier-Express, Jan. 29, 1979]

Twenty-One Cited for Contributions to United States-Polish Community

The Am-Pol Eagle Citizen of the Year Awards Program was cited on Sunday as "an important contribution" in the effort to show Polish-American contributions to American culture.

The praise came from Rep. John H. Fary, D-Illinois, who was named by the Am-Pol as National Citizen of the Year.

Fary was cited for his crusade against anti-Polish material and slurs in the media against Polish-Americans.

The Chicago congressman was unable to attend Sunday's award presentations held at the Polish Union of America Building, 761 Fillmore Ave., but was represented by his administrative assistant, Alfred C. Desecki.

READ FARY'S STATEMENT

Desecki read a statement prepared by Fary for the occasion.

"This is an honor that I will forever treasure," the congressmen's statement read.

"More importantly, however, this award will serve as a source of inspiration to me as I continue my efforts to work to ensure a rightful, respectful and dignified image for Polish-Americans and for the vast contributions we have made, and continue to make, to the strength and success of this great nation of ours.

"An event such as the one we are celebrating here today makes an important contribution to the effort to obtain greater understanding of the quality of the Polish-American contribution to American society and culture.

"The excellent coverage that was afforded the Am-Pol Eagle Citizen of the Year Awards by your local media also helps put Polonia into proper perspective."

In his statement, Fary also praised Rep. Henry J. Nowak, D-Buffalo, as one who "reflects the best qualities of the Polish-American community."

HONOREES LISTED

Fary was one of 21 persons honored by the Am-Pol Eagle, a weekly newspaper serving the Polish-American community. Other honorees were:

Community—Rich Kellman, news anchorman for WGR-TV.

Art—Benedict T. Rozek, president of the Polish Arts Club of Buffalo.

Business—Stanley Hajduk, president of Heidie Tuxedos, Buffalo.

Culture—Mrs. Edward Posluszny, past president of the Permanent Chair of Polish Culture at Canisius College.

Education—Dr. Joseph Gizinski, superintendent of schools of the Cheektowaga-Sloan United Free School District.

Fraternal—Victor A. Drajem, Jr., of Buffalo, national director of the Polish Roman Catholic Union of America.

COUNTY ATTORNEY CITED

Government—Thaddeus J. Szymanski, county attorney for Erie County.

Heritage—Rev. Stanley Dawidziak, pastor of St. Florian's Church.

Humanitarian—Mrs. Vincent Szczesniak, president of the 1500 Broadway Erie County Human Services Center Women's Guild.

Labor—Richard Slisz, Erie County legislator and minority leader.

JUDGE HONORED

Law—Edward V. Mazur, Erie County Family Court Judge.

Media—Eugene M. Krzyzynski, special assignment editor of the Buffalo Evening News.

Medicine—Dr. Joseph S. Matala a fellow in the American College of Obstetrics and Gynecology.

Music—Art. Kubera, owner of the Art Kubera Music Store, Buffalo.

Organizations—Edward Sieracki, Democratic committeeman and commander of Casimir Pulaski Post 1897, VFW.

Politics—Stanley Stachoroski, chairman of the Seventh Democratic zone.

Religion—The Rev. Lucian Krolikowski, OFM Conv., of Athol Springs, assistant secretary of the Father Justin Rosary Hour.

Science—Dr. Michael S. Hudecki.

Sports—Frank Podsiadio, athletic coach at St. Mary's School for the Deaf.

Joseph Kroczynski was honored for his service to Polish-American youth.

Mrs. Posiuszny and Dr. Gizinski were also unable to attend Sunday's affair.

The honorees were presented citations.●

ESTONIAN INDEPENDENCE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. HOWARD. Mr. Speaker, Saturday marks the 61st anniversary of the Declaration of Independence of the Republic of Estonia.

At this time I take great pride in joining my constituents of the Third District of New Jersey, my colleagues, and all freedom loving people in commemorating this important historic occasion.

In the early stages of World War II, Hitler and Stalin brought an abrupt and tragic halt to the freedom of Estonia and her neighbors, Latvia and Lithuania. Under the terms of their agreement, the Soviet Union used its military might to forcibly occupy and subdue these free and independent nations.

In failing to restore precious freedom to the former sovereign nation of Estonia and her neighbors, the Soviets have made a mockery of the inherent right of all people to be free and independent.

It is up to the United States to serve as an example to all freedom loving people and nations in encouraging and supporting the Estonian people in their stalwart efforts to regain liberty, dignity, and independence in their imprisoned homeland.●

THE 61ST ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. DERWINSKI. Mr. Speaker, on February 24, Americans of Estonian descent will celebrate the 61st anniversary of the establishment of the independent Republic of Estonia. Unfortunately, those who live in Estonia do not have the same opportunity.

After centuries of foreign rule, the independence of Estonia was proclaimed on February 24, 1918. However, by 1940, the forces of the Soviet Union, during their westward expansion in the early stages of World War II, seized this small Baltic nation.

As is common in Soviet-dominated nations, the people of Estonia are bound by Soviet control, and above all the fundamental freedoms enjoyed by its citizens under their own constitution have virtually been abolished. The Soviet-imposed rule in Estonia has brought with it untold sufferings—arrests, deportations, executions, as well as so-called nationalization of all private property and the downgrading of social and working conditions.

However, the history of terrorism and the continued suppression of their culture and self-expression have not dampened the innate desire of the brave Estonian people for national independence and for the restoration of their human rights and personal freedoms.

Many Estonians have managed to flee from the Communist terror in their homeland and are now living in various parts of the free world. They are deeply concerned about the future of their ancestral homeland and continue to speak out on behalf of the people of Estonia.

I believe it is especially important for the United States to continue its full and uncompromising support for the basic concept of the sovereign rights of a people to the free and independent choice of the form of government under which they wish to live. This is of considerable moral support for the Estonian people that the United States as well as a great number of other Western countries have not recognized the forcible annexation of Estonia by the Soviet Union.

The Soviets have continued to ignore their promise to fulfill the human rights provision of the Final Act of the European Conference of Cooperation and Security, signed in Helsinki in August 1975. This portion of the accord gave official international recognition to the rights of individuals within Soviet-ruled countries.

Therefore, if the Communists continue the suppression of human rights, it is imperative that the democratic countries of the world assert their opposition to this form of political tyranny and reinforce Estonians and others held captive by Soviet domination. I call upon my colleagues to join me in the commemoration of the Republic of Estonia and in reaffirming our support of true independence for those denied their basic liberties.

In closing, I wish to add my prayers to those of the Estonian-Americans who have contributed much to the development of our country while remembering their homeland and who hope to see their relatives and friends liberated from the brutal repression of the present Soviet rule.

On this commemoration of the 61st anniversary of the Declaration of Independence of Estonia, we join in expressing our determination to see that the aspirations of the Estonian people for national independence and cultural freedom once more be restored.●

PRODUCT LIABILITY AND PROFESSIONAL DESIGN LIABILITY INSURANCE TAX EQUITY ACT OF 1979

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. GUYER. Mr. Speaker, today I have introduced legislation entitled the "Product Liability and Professional Design Liability Insurance Tax Equity Act of 1979." I would like to point out to my colleagues that in this bill product and professional liability problems are given equal consideration due to their nearly identical characteristics and their equally devastating impact on companies and professional firms, respectively.

I am sure that each and every Member of Congress has heard many times from their constituents regarding the problems of skyrocketing product or professional insurance rates. Because of these skyrocketing rates, those who cannot obtain or afford product or profesisonal liability coverage are forced to turn increasingly to self-insurance. Others are assuming policies with high deductibles and then self-insuring for the deductibles, which often runs into hundreds of thousands of dollars.

The tax code now imposes an undue burden on those who self-insure. Funds paid into a self-insurance reserve fund are not now eligible for deduction as a business expense, even though comparable payments for commercial insurance premiums are deductible.

The Product Liability and Professional Design Liability Tax Equity Act establishes a legal mechanism to be known as a product and professional liability trust. Funds paid into such trusts would be deductible as a business expense, and would then be tax exempt so long as they remain in trust. Money could be withdrawn for the following purposes only:

First. Administrative costs to the trust;

Second. Legal or investigative costs relevant to a liability claim; and

Third. Settlement of a claim.

Funds withdrawn for any other purpose would be treated as taxable income.

There are innumerable examples of the severe problems being experienced by companies and professional firms, no matter what their size. However, there is one segment of the professional community whose problems clearly illustrate the crucial short-term problems of firm survival, as well as the resultant long-term problems for this Nation as a whole.

The architect-engineer design professional is of whom I speak. The design professional is basically a highly technical person, who has been trained through education and practical experience to develop innovative ideas that will provide a better end product for the client. However, the increasing threat of litigation has served as a damper on this inherent characteristic of the design professional. The professional must, through necessity, be conservative and use tried and proven materials, equipment, or processes in order to reduce liability exposure should the specified materials, equipment, or processes fail to provide the end product anticipated by the client. It is only when this threat of litigation is removed that the design professional will be willing to move forward with new and innovative planning and design. Until that time, the public will not be able to benefit from the end product of modern technology.

Getting down to the specific situation, architects and engineers must personally stand behind their losses and are not shielded by the limited liability of the corporate form. The importance of these uninsured first costs of liability paid by the designer over and above the premium is highlighted by two factual circumstances.

First, the vast majority of claims against A-E's are relatively small property damage claims. From 1960 to 1976, 95.1 percent of the claims for which statistics are available did not exceed the deductible limits of policy coverage by more than $25,000. The average claim exceeded the deductible by $16,751 in 1976, but the average deductible amount is now between $15,000 and $20,000. This indicates that the design professionals are currently satisfying a substantial portion of the costs of liability out-of-pocket, even with insurance.

Second, the frequency of claims is increasing at the rate of 20 percent per year, so that now 29.6 percent of insured architectural and engineering firms in a recent survey were sued in 1976. We simply live in a society that is increasingly prone to litigation. In this context, it should be pointed out that liability coverage for A-E's is written on a "claims-made" basis. This means the insurance does not cover claims brought after a policy lapses, but based on acts or admission committed during the term of the policy. Thus, A-E's must maintain insurance, even after retirement or dissolution, for at least the length of the State's statute of limitations, if there is one.

There are many more examples that can be cited, but the major point that I must emphasize to my colleagues is that this is a very severe problem affecting the very survival of many companies and firms in this country. Congress must not ignore this problem any longer, and I strongly urge my colleagues to support this legislation.●

YOUTH LOOKS AT THE CONSTITUTION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. GILMAN. Mr. Speaker, on February 4 I had the great honor and privilege to participate in the American Legion high school oratorical contest for New York's 9th District.

Three high school students from the Hudson Valley set forth their feelings about the Constitution—how it has influenced this great Nation during our first 200 years—how it remains a strong foundation as we look toward the 21st century.

It was difficult for the judges to choose one winner since all three speeches were top flight. After much discussion, John Marshall of Sleepy Hollow High School received top honors; second place went to Matthew Damon of Montgomery, a senior at Valley Central High School; and third place went to a Rockland County resident, Beth Friscino, of Spring Valley High School.

At this point in the RECORD, Mr. Speaker, in order to share their thoughts with my colleagues, I insert the texts of the addresses delivered by these three fine youngsters at the competition:

THE FRAMING FATHERS

(By John Marshall)

The Framing Fathers—that small group of men whose efforts produced the Constitution of the United States—are still vital and significant to us today. The problems facing our country today are so numerous and complex that they seem overwhelming. Some even say that the sun is setting for the United States as a great nation. The works of the Framing Fathers is still a shining example of what men can accomplish against great odds if they are willing to work together and place the interests of the country ahead of self-interests.

To understand their achievement, we must recall conditions as they were in 1787. There was no nation, only thirteen separate states bound together by what the Articles of Confederation called "a firm league of friendship." There was no national currency. There was no chief executive. There was a congress but it did not have the power to collect taxes, defend the country, or to pass laws that anyone had to obey. Each state retained its "sovereignty, freedom, and independence." Thoughtful men began to realize that such a government was really no government.

The Confederation could not even solve the numerous problems of trade and commerce that were beginning to arise between the states. In 1786 Congress asked the states to send delegates to a meeting to be held the following year to consider these problems and to revise the Articles of Confederation. And so, in May 1787, the Framing Fathers gathered in Philadelphia to begin their work.

Seventy-four delegates were appointed. Only fifty-five attended representing twelve states. Rhode Island refused to take part in the convention. It was a group of young men. Even with eighty-one year old Benjamin Franklin present, the average age of the delegates was only forty-three. Among those who did attend were some of the most notable men in America, such as: James Wilson, at forty-five one of the ablest lawyers in the country, a tall spare Pennsylvanian whose cold, cutting, logic was to win him the affection of few but the respect of all; the brilliant Gouverneur Morris, another Pennsylvanian whose 173 speeches brought the convention zest, wit and wisdom too, when he reminded them that they were "representatives of the whole human race;" Roger Sherman of Connecticut, at sixty-six, one of the older men of the convention, tall, awkward, almost uncouth, he proved to be a man of great practical wisdom; Alexander Hamilton, then only thirty years old, perhaps most responsible for the calling of a Constitutional Convention. As early as 1780 he began his campaign by writing letters, publishing newspaper articles, and delivering speeches.

James Madison has been called "The Father of the Constitution." Only thirty-six years old, he came to the convention with more knowledge of governments and constitutions than any other delegate. He had written to Thomas Jefferson, who was in France, for information on the subject. Jefferson sent books, not ten or twenty, but hundreds. When Madison arrived in Philadelphia, eleven days early, he had written an essay discussing the strong points and the weak points of almost every form of government that had ever existed. Had it not been for Madison, little would be known today about the convention itself. He made notes daily with painstaking care and attention to accuracy, although he was not the official secretary. He somehow found time to make 161 speeches. Madison believed in a strong central government. So did George Washington.

The George Washington at Philadelphia was not the aged, white haired gentleman we see today on our dollar bill, but a vigorous fifty-five year old Washington, the single most important man in the country. "First in war, first in peace, first in the hearts of his countrymen." Washington was the unifying force of the Constitutional Convention. His very presence kept the proceedings going and influenced delegates.

There was general agreement that the first president would be George Washington. The knowledge that the power of the executive position would be in the hands of a man who was trusted, respected, and even revered in every state made a national government acceptable to many who otherwise would have opposed it. And there were those who were opposed to such a system.

Only recently the states had waged a war to win their independence from the strong rule of a British government. Some believed that a national government might become as oppressive as the British had been. But others felt that a loose confederation of thirteen states simply could not survive in a world dominated by the large European powers. And these powers were not in far away Europe. They were in Canada, Florida, Mexico and the Louisiana Territory.

This group of men believed the destiny of the American people was to be united in one great nation—a nation that would eventually extend from the Atlantic to the Pacific; a nation with a government strong enough to protect its own independence and the individual rights of every citizen. These men had the vision to see that the American people united in one nation could achieve a greatness that would forever be denied thirteen separate states.

The Framing Fathers were not saints. They were politicians, each representing a state and each having special interests. But they were politicians in the finest sense of the word. And their actions in Philadelphia was democracy working at its best.

When the convention began, few people believed a system of government could be created to satisfy the many conflicting viewpoints in the country: large states versus small states, the industrial North against the agricultural South, the populated East versus the sparsely settled West. "Nothing short of a miracle," said George Washington, could bring these states together. But call it what you will, the delegates put aside their own self-interests and worked for the good of the country. They cooperated and compromised and produced a document they entitled, "The Constitution of the United States of America." It was a new kind of government—a supreme national power that was directly responsible to the people.

During the convention, on the back of the presiding officer's chair, there was a painting of the sun. On the last day, Benjamin Franklin remarked to a fellow delegate that he had observed that painting for weeks, but had been unable to tell whether it was that of a setting sun or a rising sun. As he saw the delegates signing the completed Constitution, he said, "I now have the happiness to know it is a rising sun."

And to those who would say the sun is setting for the United States, I say, "Let us remember the Framing Fathers, their day, their deed, their dedication." If we, as a people, can infuse our government with the same spirit and dedication of those men of long ago, then our country will face not a setting sun, but a sun that is rising on a brighter day for the United States of America.

OUR CONSTITUTION: PROTECTOR OF FREEDOM

(By Matt Damon)

We are here to talk about our Constitution, the United States Constitution. It is long, complex, intricate, and it serves many purposes. To explain even one facet of it, and do it justice, it would take more time and ability than most of us have. We speak of it in a general sense, and still it is very complex. Our Constitution is designed to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, as stated in its preamble, and does everything from enumerating the various branches of government, to setting up the federal income tax, to giving every eligible citizen the right to vote, to establishing and repealing Prohibition. Perhaps the most important facet of the Constitution is the fact that it zealously protects our individual freedoms. In other words, everybody receives the same protection that the law provides.

This point seems obvious. Of course every citizen receives equal protection under the law. Still, sometimes it seems that certain groups should not get all the protection they receive. I have heard people say, "Why do we allow the Communist Party to exist in America? After all, they are opposed to our system of government." When the controversy arose several months ago about whether the Nazi Party should be allowed to hold a parade they intended, many people thought it was ridiculous for us to allow an organization like that to demonstrate. It is questionable as to whether the two political organizations mentioned above wish to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, or secure the blessings of liberty, so why should they enjoy the protections of the Constitution of the nation to whose political philosophy they are in opposition?

The question of Constitutional protection being useful to criminals is not novel. The police have to be very careful when they arrest someone, for violation of that persons constitutional rights gives that person his freedom, regardless of guilt or innocence. I'm sure we've all heard of cases where an admitted felon was freed because of some violation of his rights. We wonder, "Is that right?"

The question also arises as to whether newspapers and magazines should be allowed to print half-truths, and slightly less than slanderous articles, things that can ruin someone unjustly. From an objective position, we say that that is a ridiculous question, for you can't muzzle the press. Freedom of the press has been argued from the days of John Peter Zenger to the days of Myron Farber. When you are a person whose career has been ruined or whose life has been disrupted by something such as this, censorship is not the farthest thought.

The question raised here is, "Should everyone get equal protection under the law, even when that person is destructive toward our society or government?" The answer is yes, every citizen, no matter who or what that citizen is, should receive the full protection that our Constitution gives. Here's why! Of the more than one-hundred fifty nations of the world, only thirty-five of them are considered to have a democratic system of government. The Constitution of our country, which is the leading democratic nation of the world, insures the protection of the rights of all citizens, for such protection is necessary to insure the propagation of our free and democratic society. Once the rights of any citizen, any group, any organization, are taken away or even limited, the breakdown of our democracy begins. In a country where individual rights aren't guaranteed to all, they are guaranteed to none.

Our Constitution, among other things, makes sure that our citizens aren't imprisoned without cause, held for an unreasonable length of time, or give unfair trials and sentences. It protects our homes and property from unlawful search and seizure, and protects us from invasion of our privacy. This protection can result in a criminal being released, even when guilty, yet this is no reason for their protection being taken away. In a totalitarian state, these rights aren't guaranteed. Thus results the atrocities about which we read, the numerous violations of human rights, the purges, the mock trials, and the unreasonable punishments which take place in certain countries. The point is, when the basic human rights are taken from anyone, what then guarantees these rights to anyone else?

We cannot abrogate the right of existence of the Communist Party, or the Nazi Party, simply because the political philosophy and ideology is in opposition to ours. We cannot censor the press, we cannot limit the protections given to criminals. It would be disastrous, causing the breakdown of our democracy. If the Nazi Party is not allowed to parade, then what guarantees the American Legion its right to march on Memorial Day, Fourth of July, Veteran's Day, and others? If the Communist Party is denied its right to existence, what guarantees the Republican and Democratic parties their right to exist? If the rights of an obvious criminal are taken away, what guarantees these rights to you and me? Obviously, the answer is nothing. When the rights aren't guaranteed, then democracy breaks down. The writers of our Constitution realized that these rights must be guaranteed, which is why they put these things into the Constitution. That is why our democracy has existed so long, because of its firm foundations. One of the strongest parts of our foundation is the Constitution. Our Constitution is the protector of our freedom! ! ! !

THE CONSTITUTION AND ASSURANCE OF FREEDOM

(By Beth Friscino)

"The State of Nature has a law of Nature to govern it, which obliges everyone, and Reason, which is that Law, teaches all Mankind, that being all equal and independent, no one ought to harm one another in his Life, Health, Liberty, or possessions. And, being furnished with like Faculties, sharing all in one community of Nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one anothers users. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the Law of Nature be observed, which willeth the Peace and Preservation of all Mankind."

These words, written by John Locke in his Two Treaties of Government, in 1678, still ring true today. We see them in our Bill of Rights. The Bill of Rights provides us, as Americans, with many freedoms, freedoms that we often take for granted.

One of the freedoms afforded us by the Constitution is that of free expression or, specifically, freedom of speech and of the press. Americans are permitted to speak out on whatever is on their minds. Every day, our newspapers print editorials where citizens may freely express themselves with regard to the issues of the day, even if this expression is highly critical of our government. This is one of the things that makes our Constitution so extraordinary.

Another right provided for us by the Constitution is the right to freedom of worship. All religions are recognized, and no one is persecuted for his beliefs. This is one of the principles our forefathers founded our nation on, and they are even more vital to us today.

A very important freedom furnished for us by our Bill of Rights is the right to a fair trial by a jury of our peers. This means that no matter the crime, the accused is tried by an impartial judge and jury. This is important: Imagine, if you will, being accused of a crime. When you walk into the courtroom, you feel, for one reason or another, that all of the jurors are prejudiced against you. Perhaps this is unfounded paranoia, but our Constitution prevents even this. All jurors must be questioned and approved before they can assume their positions. This assures a fair trial for all.

Another privilege granted to us by the Constitution is that no cruel or unusual punishments shall be inflicted. This means that torture shall not be imposed on anyone accused of a crime. This is one of the things that Americans are very proud of, as we should be, because not all nations are as fortunate. In many other countries, torture and other cruel punishments prevail.

The Constitution grants equal rights to all. This includes members of minority groups. These beliefs are not only supported by our Constitution, but in our courts as well. Decisions such as Brown vs. the Board of Education, which is, of course, based on Constitutional interpretation, have supported this feeling of human rights for all. This is one of the basic beliefs our Constitution was built upon.

Our Constitution has, through the years, demonstrated an ability to further assure freedom through its adaptability. Not only is this seen in our Bill of Rights, but it is seen in our later amendments as well.

At one time, slavery was an accepted practice in the United States. However, as the wrongs of this issue became apparent, our

Constitution was amended to outlaw this practice. Our Thirteenth Amendment abolishes slavery in all forms, while our Fifteenth Amendment grants suffrage for the black man.

Our Constitution also granted suffrage for women. The Nineteenth Amendment, ratified in 1920, accomplished this. Still, the issue of women's rights continues, with women demanding the same rights that other disadvantaged groups have achieved. The proposed Twenty-sixth Amendment, or Equal Rights Amendment, if and when ratified, will offer the desired relief.

The Constitution grants the people of America the right to privacy. No one may search a persons home without proper authorization. The Constitution grants us the right to bear arms against our enemies, and prohibits soldiers from being unnecessarily quartered in our homes. Even though these two rights are currently unnecessary, since we are not at war at the present time, it is a comfort to know that our Constitution is still there, protecting our rights.

But the Constitution is more than just a policeman for our rights. The Constitution was established to insure that the people of America had a say in the government. This is the first function of our Constitution, and it is one that it still performs today! Under the Constitution, we are assured of a say in who runs our government and what they do while they are running it. We elect our representatives to speak for us. We have control over the government. If we do not like what is happening, we show our disapproval by not re-electing those people. This is the greatest gift of our Constitution—that we, the people of the United States of America have control over our own lives. It is a marvelous thing to behold!

We as Americans are fortunate to have such a wonderful document as the Constitution to aid us and help us govern ourselves. Sometimes, however, we take it for granted. There are many places in the world where the people do not have control over their own lives. As we know through recent reports one such place is Iran.

In the troubled nation, the people do not elect their government. Their aristocratic leader, the Shah, inherited the throne. The governmental system is a monarchy, with the people having little or no say in the government. Iran has a constitution, but their leader has exploited his divine right and has oppressed the people of his country. The basic freedoms we hold so dear are but dreams for many Iranians.

This repressive monarchy has given rise to one of the most violent bloody revolutions in recent history.

Deprivation of basic human rights exists elsewhere on the globe. In South Africa, apartheid creates a system of virtual slavery for the black man. He has no say in the government, nor freedom of speech. The black majority does not even have any privacy. Their homes are subject to search and seizure at any time.

The problem of human rights most certainly extends to the Communist countries, also. In the Soviet Union, authors are continually being exiled for saying what they believe is the truth about their country and the world they live in. Things are very similar in Communist China. There, the people have very few basic rights. They are controlled by the government from birth until death. The Communist newspapers and wall posters are strictly censored so that the people only read what the government wants them to. This control is very apparent in China. The people follow exactly what the government says. They believe in whatever the government tells them to. Their total and almost mindless devotion to the government is rather frightening. The people appear to be robots completely controlled by the government.

The Constitution is more than a set of faded laws and rules on tattered parchment. For nearly two hundred years, it has helped a growing nation of diversified people govern themselves. We are a blessed people to have it. Yet, the nations described earlier do not have these same rights which we take for granted. Therefore, do we, as the people of this great nation, have the responsibility to see that these people get the freedoms they so desperately want? I say, not only do we have the responsibility, we have a moral obligation. What better way to fulfill our obligation than to morally and peacefully help those who do not have these rights get them? Our government, unfortunately, has been showing some support for these tyranical governments. But we, as the American people, who control our government and our lives, can use these powers to help those less fortunate than we. Our Constitution has worked wonderfully for us for nearly two hundred years. Perhaps it is time to see if it will help others. Remember, we were once an oppressed people. Now we are a world power. It's time to use our influence as well as our moral and Constitutional beliefs for the betterment of all mankind.●

ACTION SHOULD BE DISBANDED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. BONKER. Mr. Speaker, the continuing controversy surrounding the tenure of Sam Brown and his colleagues in ACTION is rooted in problems which go much deeper than the nature of their personalities. There is an inherent malaise within Peace Corps as well as the other agencies which comprise ACTION, which is caused by a mistaken conception that highly disparate organizations can be combined simply because they involve volunteerism in one form or another. Experience has shown that this arrangement simply has not worked.

Why persist therefore in perpetuating a bad situation? With the emphasis it has placed on reorganizing the Federal bureaucracy, why has the administration neglected the glaring foolishness underlying ACTION's existence? Instead of tinkering with new and highly dubious policy directions for programs like the Peace Corps and VISTA, the American people deserve a plan for revitalizing these agencies by setting them free of ACTION's stranglehold.

The crisis in ACTION will continue until the inevitable need for reorganization is accomplished.

I submit two recent statements in the Washington Star and the Economist be reprinted at this time as persistent examples of how ACTION's existence is doing a disservice to the programs it presently controls.

The statements follow:

Peace Corps—Battle Stations

Remember the Peace Corps? It sent idealistic young Americans to the developing countries to dig wells, build houses and teach children. In its heyday of personal commitment it had 16,000 volunteers in 46 countries. But with the Vietnam war, young people had causes to fight at home.

Now it is a shadow of its former self, 6,000 volunteers spread thinly over 65 countries. And it is being torn apart by internal quarrels over the direction in which it should be moving. President Nixon placed the Peace Corps alongside various domestic service groups, such as Vista, under the umbrella agency Action, robbing the corps of some of its identity. When Mr Carter, whose mother was once a Peace Corps volunteer in India, became president, a new lease of life seemed at hand. He appointed a lively radical, Mr. Sam Brown, to head Action. Mr Brown led the Vietnam moratorium march on Washington in 1969 and before that worked for Senator Eugene McCarthy's presidential campaign.

But with the Peace Corps he has had nothing but trouble. He could not find anyone with a well-known name to head an institution which apparently has seen its best days. Instead, he settled for Mrs. Carolyn Payton, a 54-year-old black psychologist who had run the Caribbean section of the Peace Corps in the late 1960s and whose aim was to improve, not to alter, the corps.

Some of Mr. Brown's ideas are sensible and are still supported by President Carter. They include withdrawing the Peace Corps from countries that are doing well, such as South Korea, and sending the volunteers to places such as Bangladesh, which are desperately poor. He wants the volunteers to concentrate on basic needs such as health and nutrition, instead of teaching English, helpful only to a small elite. He also hopes to vary the two-year term of service so that professionals and poor young blacks could afford to volunteer.

Some of his ideas, however, are a bit bizarre. He has suggested helping poor countries to set up their own volunteer projects, and using these volunteers in American urban slums. More dangerously, he has favoured using the Peace Corps to mend relations with radical third world countries that the United States does not recognize, such as Vietnam.

Mrs. Payton disagreed with most of these ideas, which she said would mean stripping Latin America and Asia of volunteers and sending them to Africa. She dug in her heels. The result was that she was forced to resign and a number of other officials have resigned—or were fired—with her. A sorry way to treat capable and committed public servants, said Congressman Don Bonker, who heads the international relations subcommittee that oversees the Peace Corps.

This is not the only volley sent across Mr. Brown's bows. Staff investigators for the house appropriations subcommittee that has first say on his budget reported that Action was guilty of deplorable administration of the money that had been given it, and that its volunteers had engaged in forbidden political activity. One likely consequence is that the Peace Corps may be taken away from Action and either made independent or joined with the foreign aid agency in a new department. Action itself could be abolished, as the house investigators recommended.

Activists in ACTION

The controversy over Sam Brown's leadership of ACTION, the acronym that shelters the Peace Corps and its domestic incarnation, VISTA, is a classic duel of attitudes toward social problems. It's confrontation versus cooperation, guerrilla theater as opposed to working within the system, and Sam Brown, yesteryear's anti-war leader is just where he was when Vietnam was the issue; on the barricades.

Recent Congressional scrutiny of ACTION's policies and practices, plus public uproar over the firing of Peace Corps director Carolyn Payton, have brought out the change in the agency's style and objectives since President Carter's appointee took over from Michael Balzano two years ago. The pattern that emerges is one of centralizing and politicizing ACTION's operations. That Sam Brown should have to fire a black woman before he could reshape the Peace Corps to his liking is just one more of the ironies.

Carolyn Payton is a middle-aged psychologist whose outlook goes back to the original conception of the Peace Corps as a kind of latter-day secular substitute for the 19th century missionaries who built schools and hospitals in primitive parts of the world. Emphasis on health, literacy and improving food production.

Not only is the Brown orientation toward socio-political change rather than on such mundane tasks as teaching people to read and farm better; it is toward concentrating on geopolitically sensitive areas. Under Sam Brown, there has been a shift in standards making it possible to phase out Peace Corps work in such areas as Latin America and South Korea and to put more money and more agents into Africa.

The same stress on militant, adversary politics as the answer to poverty-related hardships pervades ACTION's actions at home as well as abroad. Where the Balzano administration of VISTA organized local volunteers under local leadership to promote home rehabilitation, day care and services to the mentally ill and aged, its successor concentrates on the kind of community organization that gave the Lyndon Johnson poverty program a bad name.

Much of this has been outside the spirit of the law authorizing the ACTION program, some of it outside the letter as well. Union organizing, lobbying for Naderesque public interest groups and rounding up the vote for favored candidates in primary elections is not what the congressional sponsors of VISTA had in mind as appropriate work for government-subsidized volunteers.

Not that either VISTA's original backers or its leadership under the previous administration insisted on projects and people guaranteed not to make waves. But the aim when Michael Balzano was in charge was harmony and coopertaion rather than conflict. The use of local volunteers under local direction was part of it—no unnecessary carpet-bagger provocations when a VISTA person was trying to improve municipal services for the elderly in a small southern city, for example.

The effect of Sam Brown's centralization has been to turn the program over to young people—mostly middle-class whites—with a penchant for crowd manipulation and to send them to communities not their own. A shoot-out atmosphere has been further encouraged by specific training. Among ACTION's outlays under Mr. Brown was more than $400,000 for training at the Midwest Academy, a Saul Alinsky-style school for movers and shakers with a street-fighting philosophy of civic betterment.

That the Brown remolding of ACTION should have been implemented by a long list of dubious practices having to do with money—gross overpaying of people whose credentials could not meet Civil Service standards and "back door" financing of staff trips to China and Cuba, for example—makes the whole situation more unsavory. Sam Brown's stewardship of ACTION does not seem to be doing much for the poor, here or in any other country. By the time the stories stop coming out, he may not have done much for President Carter either.●

DR. IRVING BENVENISTE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. WAXMAN. Mr. Speaker, it is a special privilege for me to call to the attention of the Members, Dr. Irving Benveniste, the recipient of the 30th Anniversary Peace Award of the State of Israel. Dr. Benveniste was honored at the inaugural salute to the Sephardic community on behalf of State of Israel bonds January 20, 1979.

Dr. Benveniste arrived in the United States from the Island of Rhodes as a young boy along with so many others who left their homelands early in this century to strive for a better life. Hardship in his youth did not deter him from pursuing his goal. A graduate of USC with an M.D. degree, he has spent 45 years in the service of his fellow man. His professional competence as a healer was enhanced by his compassion and understanding of human problems. Dr. Benveniste never forgot his origins and could identify with the struggles and aspirations of the generations of hopeful immigrants who came after him.

A true pillar of his community, he has given generously of himself in all areas. He was chairman of the Sephardic Division of the United Jewish Welfare Fund and the interfaith program of the Ladera Heights community; he is honorary president of the Cuban Jewish Refugees Committee. He served as president and Israel Bond Chairman of the Sephardic Hebrew Center of Los Angeles and received a man of the year award in 1972; Dr. Benveniste is a charter member of the Ambassador's Society of Trustees of Israel Bonds.

As the culmination of his lifelong devotion to the traditions of Sephardism and his pride in his heritage, combined with his sensitivity to the needs of underprivileged children, he recently established a major scholarship fund in Jerusalem for needy Sephardic children.

I ask the Members to join with me and his wife, Jeanette, in honoring Dr. Benveniste not only for his own achievements but for the inspiration he has given others to follow his example of charity, dignity, and devotion.●

TIME TO TAKE A LOOK AT THE DELANEY CLAUSE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. BROWN of Ohio. Mr. Speaker, in light of the May 1979 expiration of the saccharin ban moratorium and the controversy over nitrites in pork, it has become clear that the 96th Congress will be taking a close look at the 1958 Delaney clause of the Food, Drug, and Cosmetic Act, which prohibits the use of any food additive that has been shown to cause cancer in man or animals. The inflexibility of the Delaney clause, combined with the increased capability of the scientific community to detect minute degrees of carcinogencity has led a great number of Americans to the conclusion that a more reasoned approach to the problem is now necessary.

This is not an issue to be dealt with lightly. I urge all of my colleagues to give careful study to the matter, and to further the debate I offer this reprint of an article which appears in the February 26, 1979, issue of Fortune magazine, by Mr. Tom Alexander:

TIME FOR A CEASE-FIRE IN THE FOOD-SAFETY WARS

(By Tom Alexander)

The date March 9, 1977, may be remembered as the high-water mark of consumerist activism in the United States. On that day the Food and Drug Administration announced its intention to ban saccharin from the U.S. food supply, a goal toward which several militant "public interest" groups had lobbied for years. Citing experiments in which very large doses of saccharin had been fed to rats for long periods, the agency declared that the artificial sweetener must be regarded as a potential cause of cancer in humans. In a subsequent proposed ruling in the *Federal Register*, the FDA's new commissioner, Donald Kennedy, said that he was empowered by the Federal Food, Drug, and Cosmetic Act to remove most products containing saccharin from the market—diet drinks, lipsticks, prescription drugs, and much else besides.

The citizenry, which is often fonder of its frivolities than its necessarities, regarded this announcement as the point where the U.S. government finally stepped over the bounds into tyranny. Polls revealed that overwhelming majorities—whether saccharin-users or not—were opposed to such a ban. Adding to the uproar came protests from some professional groups—dentists, dieticians, diabetes specialists—who insisted that the conjectural harm in a substance sanctioned by seventy years of use was probably outweighed by its benefits in curbing tooth decay, obesity, and blood-sugar problems.

Tapping this fermenting resentment and confusion, the Calorie Control Council—a lobbying and research organization supported by the manufacturers of artificially sweetened products—took out full-page ads urging citizens to write their Congressmen in protest. Congressmen say that the resulting deluge of mail was second only to the torrent that followed the President's "Saturday night massacre" at the height of the Watergate turmoil.

THE PIGSTICKER

The uproar had hardly begun to simmer down when another of President Carter's appointees, Assistant Secretary of Agriculture Carol Tucker Foreman—herself a past executive director of the Consumer Federation of America—announced her conclusion that the U.S. must curb the use of sodium nitrite, a key chemical used in curing meats. By last fall, in fact, both Foreman and Kennedy were saying that nitrite, now thought to be a carcinogen, must be "phased out" altogether—which would probably amount to phasing out ham, bacon, sausages, and canned luncheon meats, at least as they look and taste at present. These announcements drew the predictable political pressures from the $12.5-billion cured-meat industry and all the assorted interests involved in the care and feeding of pigs. They also drew a lot of protests from people who like bacon the way it is. And they brought expostulations from health professionals to the effect that in tinkering with nitrite the government was flirting with the prospect of triggering epidemics of food poisoning or botulism.

Probably the most useful result of the saccharin and nitrite flaps was that it became politically impossible for Congress and the bureaucracy to escape the long-overdue modernization of the illogical patchwork of food-safety statutes that have accumulated since early in the century. At first, to be sure, Congress temporized: it got assurances from USDA and FDA that they would not do anything hasty on nitrites, and it imposed an eighteen-month moratorium while the prestigious National Academy of Sciences re-evaluated the risks and benefits of saccharin.

Last November, the National Academy handed the buck right back to Congress: it concluded that saccharin was indeed a weak carcinogen, at least in rats. By the criteria generally employed, the sweetener must therefore be regarded as a potential, though probably feeble, human carcinogen as well. The academy gingerly skirted the question of saccharin's benefits by saying that there wasn't really much in the way of conclusive scientific evidence one way or another. The scientists did point out something that was by then pretty obvious: a lot of people perceive saccharin to be a benefit. Now Congress faces the expiration of its saccharin moratorium this May, and so is finally beginning to tackle the underlying illogic in the entire array of laws that govern the subject of food safety in the U.S.

The Food and Drugs Act of 1906 and its companion statutes, by cleaning up unsanitary practices in the food industry and eliminating poisonous adulterants and preservatives, probably contributed more to improvements in general health than any set of federal laws. By the middle of the present century, the once-widespread epidemics of botulism and other severe food-borne diseases were becoming rare enough to be medical curiosities. Congress grew willing to tackle more subtle threats in the food supply.

DELANEY TO THE RESCUE

Chief among these threats was cancer, which had captured attention with the discovery that some products derived from coal tar, including several food-coloring agents, were carcinogenic. The trouble then, as now, was that scientific understanding of cancer was at about the same level as knowledge of infectious disease before the discovery of germs. No one knew how carcinogens did their dirty work, whether there was such a thing as a "safe dose," as is the case with all other toxic substances, or even how to ascertain which substances were *human* carcinogens. But it was generally assumed that carcinogens must be comparatively rare, otherwise there would be few people left in the world to worry about them.

After debating the matter of how to regulate in the face of such ignorance for the best part of the Fifties, Congress relieved itself of the dilemma in 1958 with a measure that was introduced on the floor of the House by Congressman James Delaney of New York. Delaney retired last year after thirty-two years of srevice, but the Delaney Clause lives on. An amendment to the Food, Drug, and Cosmetic Act, it simply prohibited the use of any additive that had been shown to cause cancer in man or animals. The word "additive" was defined to include not only substances deliberately added, but also any substance used in growing, processing, or packaging food that might become a contaminant.

Though currently much in the limelight, the Delaney Clause has actually had little direct part in shooting down the various chemicals shown in the gallery above. In announcing his intention to ban saccharin, for instance, Commissioner Kennedy went out of his way to cite, not Delaney, but the general provisions in the food laws that food be "safe." Nevertheless, the "zero-risk" attitude implicit in the clause is pervasively interpreted by regulators and courts as the will of Congress with respect to all food hazards.

By the Seventies, however, toxicologists began to find that if they were assiduous or ingenious enough, they could produce animal cancers with all kinds of substances. Of 206 chemicals recently tested by the National Cancer Institute, 110 were designated as carcinogens while another ten fell into the category of "questionable" or "suspicious." As one expert observes, "The Delaney Clause takes on the character of an open-ended invitation to experimentalists to outlaw essentially innocuous substances by finding the conditions that render them harmful." So far, the experimentalists have managed to create tumors with natural hormones such as estrogen, vital trace minerals such as selenium, nutrients such as vitamin D, and hundreds of other food substances from eggs to ice water.

A CARCINOGEN IN EVERY TIN CAN

These developments coincided with the "analytical revolution," the invention of instruments capable of detecting traces of substances at the level of one part in a billion. Now scientists are well on their way to finding a part in a trillion. The result is that almost everything anyone eats can be shown to contain carcinogens. If, for instance, a tin can is soldered, and if the solder contains lead, and if lead is a carcinogen in test animals, and if detectable traces of it migrate into the contents of the can—all of which is indisputably the case—why, then, the FDA can be accused of being less than diligent if it doesn't outlaw tin cans.

What has been missing is some honest estimate of how grave the risk to the public really is. It is generally conceded that diet plays a role in the formation of cancer—one piece of evidence being the fact that the incidence of various kinds of cancer differs greatly from one country to another and that the children of emigrants show the pattern of the adopted country after they change their diets. But the role of diet and food additives is exaggerated in the public mind, according to Sanford Miller, director of the FDA's Bureau of Foods. He also points out the incidence of the disease in the U.S. has declined steadily "for all forms of cancer that are not obviously related to cigarette smoking."

SEX MAKES A DIFFERENCE

Admittedly, the danger of a specific substance in the diet is exceedingly difficult to assess. Take the baffling evidence about saccharin, for example.Surveys of diabetics, who are usually heavy saccharin users, have revealed no pattern of excessive cancer rates. But a recent Canadian study of 632 people who had bladder cancer seemed to show that males who used saccharin were 60 percent more likely to get the disease than those who did not use saccharin. On the other hand, female saccharin-users seemed to be somewhat less likely to be so afflicted. Similarly, in laboratory experiments, when rats were fed the "maximum tolerable" dose of saccharin—the equivalent for humans of about 1,200 cans of diet soda per day—a larger-than-expected number of the male rats—but not of females—got bladder cancer. In other words, if the tests are to be believed, saccharin could be described as harmful to males and benign in females.

In extrapolating animal results to human populations, regulators are in the habit of making what they call "conservative" assumptions. In this context, conservative means that they are careful not to underestimate the risk. To begin with, they simply ignore a problem of great concern to toxicologists—that the test doses used on animals are so massive that they may simply be overwhelming the natural defenses animals apparently have against many carcinogenic substances. Then the regulators generally use a form of extrapolation which assumes, in effect, that if a substance making up 10 percent of the animals' diet produces cancer in 10 percent of the animals, 1 percent of the same substance in human diets would produce cancers in 1 percent of the humans. In reality, such relationships are rarely found in tests of real chemical carcinogens, and no other animal responds to carcinogens precisely as humans do.

In the saccharin case, the assertion was commonly made that if saccharin were not banned it would result in 1,200 additional cancer deaths in the U.S. per year. The actual assumptions were that every citizen would have to consume a can of diet beverage every day throughout his life, and the actual range of risk was estimated at from zero to 1,200 deaths, with the low end of the range seeming more probable.

While assuming the worst is the prudent practice in, say, the design of bridges, it is not much help in trying to weigh one risk against another. If saccharin is banned, how safe will its replacements be? Some animal tests show that sugar is a carcinogen too. One recent FDA study concluded, in fact, that replacing saccharin with sugar poses a far greater cancer hazard than saccharin does.

THOSE IRREPLACEABLE NITRITES

Despite the headlines that the saccharin incident generated, the nitrite case points up even more troublesome risk trade-offs. The concern over nitrites began to emerge in the early Sixties with the discovery that they can combine with the widely prevalent amine compounds to form a class of substances, nitrosamines, some of which are potent carcinogens. Subsequently, experimenters found some nitrosamines in smoked fish and cured meats—especially in fried bacon.

Both the government and the meat industry got alarmed, and a lot of research went into looking for nitrite substitutes that would give cured meats the familiar taste and color, prevent spoilage, and inhibit the bacteria that produce deadly botulism toxins. Salt-cured bacon, sold as "nitrite-free," came into vogue, but the best evidence is that in the old days the anti-botulism action in salt-cured products depended on nitrite-forming impurities. No real substitutes for nitrites have been found, though some substances, such as vitamin C and potassium sorbate, were shown to increase nitrite's effectiveness. So, last May, the USDA established a timetable for reducing the amount of nitrites used in curing bacon. It also called for reducing nitrosamines to undetectable levels. But, so far, nitrosamines are still being found in many samples of fried bacon.

In any case, shortly after the USDA had spelled out its new standards, it received the disquieting results of some lengthy animal experiments that had been carried out at M.I.T. These indicated that nitrite itself had to be regarded as a potential carcinogen, even in the absence of nitrosamines.

Some 12.5 percent of a large number of rats that were fed high doses of nitrite contracted lymphatic cancer, as compare with about 8 percent of a group of control rats not so fed. Strictly interpreted, therefore, the Delaney Clause, the general safety provisions of the Food, Drug, and Cosmetic Act, or even the anti-adulteration provisions in the Meat Inspection Act, would all seem to call for a ban on nitrites. And by last fall, the USDA's Foreman and the FDA's Kennedy were jointly announcing their intention of phasing nitrites out.

So far as anyone can now tell, this would mean great changes in cured-meat products, if not the end of them. As the FDA has pointed out: "Without nitrite, bacon is salt pork, frankfurters are bratwurst, and ham is salty, warmed-over roast pork."

WILL THEY DARE TO BAN BEER?

The ultimate irony in all this concern is that cured meats are the source of only about 2 percent of the nitrites in the average person's body. Nitrites (or nitrates, from which nitrites are ultimately formed) also occur naturally in vegetables and fruits, while normal human saliva contains a greater proportion than cured meats. And now comes evidence from Germany that those indisputable carcinogens, nitrosamines, are also to be found in beer. One ponders with wonder the melee that would ensue if the government ever attempted to ban beer.

What's been happening, in short, is that an array of statutes originally designed to curb the dangerous actions of food producers have, on the basis of dubious science and logic, been imperceptibly transformed into a system of curbs upon consumers. On this theory, if the public, against the advice of a wise and paternal government, insists upon drinking diet sodas and eating bacon, then sodas and bacon will simply have to be placed out of reach.

These controversies, however, have emboldened Congress to reexamine the direction the laws are taking. Last year, James Martin, a Republican Congressman from North Carolina and a former professor of chemistry at Davidson College, lined up 201 co-sponsors for a bill that would have required the FDA to consider benefits as well as risks before invoking the Delaney Clause. The FDA isn't eager to take on that kind of responsibility, since benefits can be even more difficult to judge than risks, and weighing risks against benefits can come down to comparing apples and oranges. But Congress doesn't want to make these judgments on a case-by-case basis either. Martin, who is deferred to in the House as the expert on this subject, has evidently concluded that a more fundamental revision of the food laws will be required. One thing he is sure of is that the climate has changed. "Before March, 1977," he says, "one risk that no mere politician, including me, could take was to be accused of favoring 'a little bit of cancer.' "

ADVICE FROM A VETERAN OF BOTH SIDES

Given the many interest groups that will have to be heard from and the complexity of the subject, a new law may take a couple of years to write, and in the meantime Congress will probably extend the moratorium on the saccharin ban. For the more basic task of drafting new legislation, it may get help from a thoroughgoing study of the food laws soon to be published by the National Academy of Sciences. No doubt it will also take note of the recent important work of Peter Barton Hutt. A veteran of both sides of the food wars, Hutt was chief counsel of the FDA from 1971 to 1975. Since then, he has returned to the Washington law firm of Covington & Burling, where he has represented many of the food companies. Last October's issue of the *Food, Drug and Cosmetic Law Journal* was devoted to three articles by Hutt, developing an approach to the food statutes that amounts to codified common sense.

Hutt argues that regulatory agencies should attempt to distinguish the differing degrees of real hazard in *all* food, not just additives. This would involve estimates of the relative potency of toxic substances, the amount present, and the number of people exposed. On the basis of these studies, food products would be divided into three categories of risk—high, medium, and low. A high-risk substance that can't be improved would have to be banned. Foods that pose a moderate risk to human health would have to be labeled—not with one-sentence scare statements of the sort currently carried on both cigarette packages and diet sodas, but with full and accurate information about the nature and magnitude of the risk involved. Low-risk foods—those in which the hazards are comparable with ones people routinely accept in their day-to-day lives—would not have to carry warning labels. Even in the latter case, however, regulators might require food manufacturers to reduce the risk when this can be done without any significant cost.

The economic stakes are obviously gigantic in the debate that has now begun. But the matter at issue transcends economics. Footless attempts to outlaw all of life's hazards have raised important issues of individual freedom. The U.S. has always been a pluralistic society in which it has been expected that a convincing and overwhelming case must be made before government infringes upon the beliefs, practices, and preferences of any sizable segment of the population. The food-safety laws, models of effectiveness in their time, have long since been converted into a meat-ax of antique legalities, the weapon of groups with special aversions to risk, or special political objectives. By dint of energy, organization, and political prowess, these groups have proved themselves capable of imposing their preferences upon those who do not share these views or aims. At last, however, that unlikely substance, saccharin, has sweetened the prospects for a return to pluralistic principles.●

A TRIBUTE TO NELSON A. ROCKEFELLER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1979

● Mr. GINGRICH. Mr. Speaker, in tribute to former Vice President Nelson A. Rockefeller, I submit for the RECORD the personal recollections and comments of my friend and fellow Georgian, Kay Magenheimer, a New York State retiree who has lived in my home town of Carrollton since 1975.

Mrs. Magenheimer's comments were printed in the Saturday Carroll County Georgian, my home town newspaper.

The article follows:

POET MAGENHEIMER RECALLS ROCKEFELLER

"He was my BIG boss for 15 of the 25 years I spent as a civil servant of the State of New York," commented Kay Magenheimer when she learned of the death of Nelson A. Rockefeller, former long-time Governor of her home state of New York, and former Vice President of the United States.

"Once," the poet continued, "I was within inches of his magnetic smile. His smile was different from Jimmy Carter's. It did not have that 'down home' quality. It was a teasing smile, as if he were flirting.

"Both in 1960 and 1971, I was appointed to a regional committee in connection with the New York State Conference on the Aging. During the latter year, he addressed a large meeting of these state committees in New York City while his opponents picketed noisily in the street. One of them managed to get into the auditorium and heckled Rockefeller during his speech. He was about to be thrown out when Mr. Rockefeller interrupted his speech and good-humoredly invited the man to the platform. There, he promised the heckler a chance to make a speech if he would sit quietly next to him while he finished his own. When Rockefeller concluded, he turned to the agitated man and invited him to the podium. Just as the man had taken his place, all the lights in the hall went out! When the lights came on again, Rockefeller was nowhere to be seen: he obviously had better use for his time.

"Governor Rockefeller—he'll always be 'Governor' to me—had a tremendous impact on New York state. He transformed the lives of New York state employes by lifting their standard of living with excellent raises on top of their increments, and in their health and pension benefits. He put them under the Social Security system.

"He also will be remembered for his unflagging interest in and important contributions to the State Educational System. He initiated the University System of the State of New York. Educational facilities were greatly enhanced and the enormous University at Stony Brook was built; and staffed by experts in their academic fields from all over the world. The Nuclear Research Center arose at Brookhaven. I worked on the annual budget for my State agency and was familiar with Rockefeller's budgets for all the years he was governor. I could go on and on about roads and bridges, dams for electric power, magnificent recreational areas, the Adirondack Wilderness program, etc.; about his programs for the poor who were treated better in New York State than in any state in the Union—to the ultimate dismay of New York City to which they flocked.

"One of his greatest projects, which some critics characterized as 'a monument by himself to Rockefeller', was the building of the state campus on the outskirts of the capital city of Albany. Here he collected, in a striking panorama of buildings, all the headquarter-offices of the state's agencies. Here, too, arose the buildings of the University at Albany. I have seen this architectural wonder. It is definitely a tourist attraction. Besides, it freed for transformation the downtown area of Albany where businesses finally had room to expand. He also transformed the executive mansion which I remember as being distressingly dark and dismal when Eleanor and Franklin Roosevelt lived there.

"Nelson A. Rockefeller had charisma. He had a mischievous right eyebrow. He could charm the ears off a rabbit!

"But, most importantly: Here was an enormously wealthy man who had personal contacts all over the world, who could have and was willing to use them for the good of our country. He was, above all, a patriot. He was a man of vision. Unfortunately, too many of our people saw only his wealth, were envious of it, and gave him little credit for good intentions. We were the losers when we denied him the Presidency.

"He was on top of the world. He certainly did not need to subject himself to the will and the whim of the people. But he did; and he devoted the best years of his life, his tremendous energy, to the good of New York State and, before and after, to the good of his country. He was a wise leader in every sense of the word and he knew the value of every moment of life. He squandered neither his time nor his money.

"At the end, he was found dead at his desk in his study in his home in New York City, at quarter past ten on the night of Jan. 26. He was doing what he liked best: selecting objects of art, from his valuable collection, for reproduction so that we, who cannot afford the originals, could share his joy in the beautiful paintings and sculptures he spent a lifetime collecting. He was a generous man, having helped many an individual of talent. Henry Kissinger, one of our greatest Secretaries of State, shared in Rockefeller's generosity.

"Rockefeller was also involved in little things with little people. I remember a treasured letter I had from him which I gave to a friend as a birthday present. I had written him about the wonderful work this aging friend of mine was doing for the senior citizens of the South Shore of Long Island, N.Y. I did not expect a reply. But one I got, with his personal signature. His letter extolled my friend for her contribution to society. Soon after I received it, we had a birthday party for her. It was held in her garden, a place of beauty, I've since learned, that only Southerners could design. Imagine her surprise and the surprise of her guests when I read Governor Rockefeller's letter and then presented it to her!

"As you may have guessed, my friend was a southerner. Who else would have had that warm concern about her neighbors, about senior citizens? She was Mildred Weldon, now deceased, who was the daughter and sister of the Doctors Weldon of Birmingham, Ala., who were celebrated as a medical team for more than a half century in that city. Mildred had her own celebrity status with her own talk-show on the Birmingham radio before she came north to become CBS designer of TV sets in New York City. Incidentally, it was at her Long Island home that I had my first taste of Southern cooking. I found it kind of sweet. You can understand this when I tell you my favorite dish is the German sauerbraten.

"I shall never forget Governor Rockefeller nor the great things he accomplished for New York and his services to his country. These things I remember well; but what I treasure most about him was his beautiful gesture toward my friend, Mildred.

"I wish folks here and all over the country had understood his dream for our country. We might have been saved many problems. No doubt about that! He lost the presidential nomination to Nixon, remember?

"He had everything. He could have lived a life of leisure, of uselessness. He chose, instead, to work—not for himself but for others.

"And this is how the Angel of Death found him."

(Kay Magenheimer is a New York State retiree, who has made her home in Greenwood Estates in Carrollton since 1975. She is widely known here as a poet and as the author of Born Again, her inaugural gift to President Jimmy Carter. She is a member of Our Lady of Perpetual Help Catholic Church where she teaches the Bible.

(She is listed in the International Who's Who in Poetry and in Who's Who of American Women. Her prize-winning book Love's Stigmata is available at the West Georgia College Library. Her poem "My Angel Shall Go Before You" and her comments about Tanner Memorial Hospital will appear in next week's CARROLL COUNTY GEORGIAN.) ●

STATEMENT OF CONGRESSMAN STEPHEN SOLARZ ON ENERGY CONSERVATION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. SOLARZ. Mr. Speaker, it has come to my attention that the Department of Housing and Urban Development and the Council of Jewish Federations, in cooperation with a number of neighborhood groups of all major faiths, have conducted a most useful model Conference on Community Housing and Energy Conservation.

This conference was conducted at the Jewish Community Center of Greater Washington in Rockville, Md., for over 200 participants from the Washington metropolitan area with observers from all over the country.

During this conference participants were taught the latest techniques in energy conservation, including demonstrations of various specific ways in which houses and community buildings can cut back on energy consumption. There was a complete description of all available Federal resources which assist individuals and groups to conserve energy. In addition, a model library was displayed, consisting of the best available Federal publications which can be replicated by any group in the country.

I want to congratulate Assistant Secretary Geno Baroni and his Office of Neighborhoods at the Department of Housing and Urban Development and the Council of Jewish Federations for this very innovative community-based effort to help teach energy conservation. It is my fervent hope that this effort will be replicated throughout the country since I believe such efforts are so crucial given the uncertainty we as a nation are now facing in regard to our available energy supply as the international situation becomes more clouded.

The following is a copy of the complete schedule of the energy conference as it was conducted last week:

COMMUNITY HOUSING AND ENERGY CONSERVATION CONFERENCE, MONDAY, FEBRUARY 19, 1979

GENERAL SCHEDULE

9:00 a.m.–9:30 a.m. Registration (through the day).

9:30 a.m.–10:00 a.m. Convening General Session.

Speakers

Father Geno C. Baroni, Assistant Secretary for Neighborhoods, Voluntary Organizations and Consumer Protection, Department of Housing and Urban Development.

Mr. Terry Chisholm, Manager, Washington, D.C. Area Office, Department of Housing and Urban Development.

10:00 a.m.–1:00 p.m. Workshop (see below).

12:30 p.m.–2:00 p.m. Lunch.

1:30 p.m.–4:30 p.m. Workshop (see below).

4:30 p.m.–5:00 p.m. Afternoon General Session.

Speaker

Richard C. D. Fleming, Deputy Assistant Secretary, Neighborhoods, Voluntary Organizations and Consumer Protection, Department of Housing and Urban Development.

5:00 p.m.–6:00 p.m. Social Hour.

5:30 p.m.–7:00 p.m. Dinner break.

7:00 p.m.–7:30 p.m. Conference Reconvenes.

7:30 p.m.–8:30 p.m. Sample Workshop—Community Institutions as a Conservation Model.

8:30 p.m.–9:30 p.m. Closing General Session.

Dr. Barry Commoner, Director, Center for the Biology of Natural Systems, Washington University, St. Louis, and Chairman, Executive Committee, Scientists' Institute for Public Information.

Speaker

All Day. Demonstrations, exhibits, displays on conservation.

WORKSHOP SCHEDULE

Morning (10:00 a.m.–1:00 p.m.):

(1) Energy Conservation in the Home:

A. Weatherization and Buying an Energy Efficient Home: Home Buyers Guide; In the Bank . . . Up the Chimney; Audits; Pay back concepts; Heat pumps; Weatherstripping and Caulking; Glazing; Furnace maintenance, etc.

B. Home Insulation: Materials and application techniques.

C. Financing Home Insulation and Weatherization: Title I home improvement loans; Energy tax credit; mortgage refinancing; Residential Conservation Service.

Please note: Workshops will cover major subtopics (i.e., A, B, C) in the order listed. Each subtopic will be discussed for about one hour, with short breaks at the hour.

(2) Weatherization by Community Groups for Low-Income Households:

A. Program Planning and Development: Organization; Department of Energy and Community Services Administration funds for materials; Department of Labor funds for installation personnel.

B. Integration with Other Programs: HUD Community Development Block Grants and Section 312 rehabilitation loans; Action; Administration on Aging.

C. Examples of Community Projects.

(3) Consumer Protection:

A. False Advertising: Product and Appliance labeling; gasoline octane ratings; enforcement procedures.

B. Insulation Hazards: Cellulose manufacturing standards and proper installation; enforcement procedures.

C. Choosing a Contractor.

Afternoon (1:30 p.m. 4:30 p.m.):

(4) Conservation in HUD Programs:

A. Conservation in HUD-Assisted Housing: Public housing weatherization; Section 8 rental assistance; Section 203 (b) and (k) home mortgage insurance.

B. Rehabilitation Programs: Community Development Block Grants; Section 312 rehabilitation loans; Urban homesteading; Section 241 rehabilitation loans.

C. Community Projects.

(5) Community Energy Projects:

A. Energy Education and Outreach: Energy Extension Service; Community Services Administration crisis intervention; Community Services Administration and Department of Energy weatherization assistance.

B. Appropriate Technology: Alternative energy; Department of Energy small grants; National Center for Appropriate Technology; Appropriate community technology fair.

C. Examples of Community Projects.

(6) Solar Heating and Cooling:

A. Demonstration Programs: Department of Housing and Urban Development residential program; Deparment of Energy commercial program.

B. Applications: Active and passive systems; community groups' use of solar energy.

C. Market Development and Training: Education and training; SUEDE, SOLCOST: SOLAR INDEX; consumer protection.

Morning, Afternoon, and Evening:*

(7) Community Institutions as a Conservation Model:

A. Energy Audit of Community Buildings: Alternative energy systems for institutions.

B. Financing of Energy Conservation.

C. Conservation Ethic and Community programs.

It is planned that the Community Institutions as a Conservation Model workshop be conducted in the morning, afternoon, and, in abbreviated form in the evening (7:30–8:30 p.m.).

Workshop panel members

Federal, State and Local Officials: They will address government programs and available resources.

Community Leaders: They will discuss energy conservation projects undertaken in their localities.

EXHIBITS AND DEMONSTRATIONS

Throughout the day, the Conference will feature exhibits and demonstrations on conservation and solar energy. These will include actual "hands on" applications of specific conservation techniques, including caulking, weatherstripping, and insulation. ●

ENDANGERED SPECIES

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. SYMMS. Mr. Speaker, for the past few years a number of superecologists and no-growth people have been attempting to turn back the clock and return this Nation to the days of the horse and buggy. These misguided individuals are often sincere in their beliefs, but apparently lack knowledge of the real world. One area in which the no-growth mentality is lacking concerns the important issue of the "endangered species." This issue has caused a number of vitally needed projects to be foresaken because the no-growthers have shown that some "endangered species" is possibly threatened by economic growth.

Mr. William Tucker recently wrote an important article in Harpers magazine that was reprinted in the Conservative Digest of February 1979. Mr. Tucker lays to rest the contention that the snail darter is more important than homo sapiens. This article also counters much of the no-growth argument surrounding the term "species" and its use in the Endangered Species Act of 1973.

Mr. Speaker, at this time I would like to insert the article by Mr. William Tucker in the RECORD. I highly recommend this article to my colleagues attention:

Endangered Species: The Snail Darter, or Mankind?

(By William Tucker)

The latest environmental crisis turns upon the protection of endangered species from the onslaught of human economic aspirations. Once again, institutions like the Sierra Club and the Worldwatch Institute have rushed to the fore, telling us we must all change our "life styles," think small, live beautifully, and try to hang on desperately to what we have without rocking the ecological lifeboat.

"Noah's Ark is sinking," the environmentalists tell us. We are chopping away at the evolutionary tree where we sit precariously perched among the top branches. Our human activity is about to destroy the genetic diversity of the creation, leaving us stranded at the tip of a slender, catastrophe-prone stalk of ecological singularity.

The only salvation is to call a halt to any further development in order to conduct endless studies of its potentially devastating effects. Naturally, this solution is more attractive to those people who are satisfied with what they already have than to those who hope to move up a few more rungs on the economic ladder.

Does the scenario of "ecocatastrophe" bear any resemblance to biological reality? I think not, and I think when the terms of the argument are clearly understood, it will seem almost absurd that Congress, the bureaucracy, and the Supreme Court have been duped into trying to pass and enforce a law like the 1973 Endangered Species Act that makes it almost impossible for a farmer to drive his tractor across a field without threatening some "eco-catastrophe."

NAMING THE CREATURES

What does the term "species" actually mean? The system of biological classification, set up originally by the eighteenth-century Swedish naturalist Linnaeus, divides all living things into seven major categories: kingdom, phylum, class, order, family, genus and species. Human beings, for example, belong to the kingdom of animals, phylum of chordates, class of mammals, order of primates, family of hominids, genus homo, and species *Homo sapiens*.

The passion of naturalists and taxonomists for finer and finer distinctions has further embellished the system, however, so that each major category now includes "sub-," "super-," and "infra-" groups as well. Thus, the classifications below the species level now read as follows: species, subspecies (race), variety and population.

The Endangered Species Act of 1973, despite its title, actually protects groups of plants and animals right down to the level of "populations"—a biological term that simply refers to a group of animals or plants that happen to live in a particular location, and could refer to just two animals.

When a person thinks of "species," such animals as deer, bears, elephants, skunks and sharks are likely to come to mind. In fact, these animals are grouped either at the genus or family levels.

Elephants are a family of animals with two genera and two species. Bears are a family with about eight species. There are 40 species of deer, 12 of which in North America are called "elk." An oriole is a genus with 15 species and a crow a genus with 36 species. There are about 10 species of skunks, a dozen species of weasels, 150 species of squirrels, 850 species of bats, and 350 species of sharks. The giraffe is an animal that comes closest to the commonsense notion of "species." It is a single genus with a single species.

THOUSANDS OF SPECIES

The numbers stay fairly manageable when we stick to mammals and birds, which most taxonomists agree have been rather thoroughly described and classified. But with fish, the number of species begins to multiply beyond commonsense proportions, and when the invertebrates are counted—particularly insects—the numbers become understandable only in powers of 10.

It is estimated, for example, that there are about 10,000 described species of fresh-water fish, with perhaps another 5,000 that have not yet been identified. Within the invertebrate phyla, no estimates of the number of species not yet described have been attempted, but at present biologists have identified about 5,300 corals, 4,800 sponges, 2,000 oysters, 50,000 mites and spiders, and 10,000 nematodes (microscopic worms that sometimes infest crops).

Among insects, about 360 species of dragonflies have been observed, 1,100 species of butterflies in North America alone, and about 16,000 species of flies. It is not uncommon for a single insect specialist to have identified more than 1,000 new species in his career, and the number of new species described each year by all naturalists is about 10,000.

The odds are thus in favor of people who disapprove of dams and other public works projects for reasons of politics or self-interest, and who can enlist the scientific skills of like-minded naturalists to block such projects.

For example, "endangered species" of snails and clams are threatening the construction of dams in the Tennessee Valley, endangered insects are blocking water projects in Colorado, and an endangered species of butterfly is obstructing an airport expansion in Los Angeles. In fact, engineers could probably save themselves the trouble of beginning such projects right now by acknowledging that anywhere naturalists look they are likely to discover some unique plant or animal that will be entitled to the protection of federal law.

Just how easily these small populations of plants and animals can be put to political use can be illustrated by the case of the snail darter, which the U.S. Supreme Court recently ruled must be protected at the cost of scrapping the nearly completed $3 million Tellico Dam across the Little Tennessee River. The snail darter was discovered by David Etnier, an outstanding icthyologist (fish specialist) at the University of Tennessee, who makes no secret that he does not like the Tennessee Valley Authority's proposed dam.

"Most of these big dams are turkeys," Dr. Etnier told me in a telephone interview last October. "They're a big waste of the taxpayers' money. They're big pork-barrel projects that don't do anybody any good. I just generally have an aversion to projects that would alter our few remaining big free-flowing rivers."

Dr. Etnier had been a key witness for the Environmental Defense Fund, a Washington-based environmental group that worked with Tennessee landowners who were fighting condemnation of their property and succeeded in delaying the project over a year from 1972–1973. Soon after the Endangered Species Act of 1973 said that all new projects must give way to endangered animal and plant populations, Dr. Etnier set out to find just such a small population in the Little Tennessee River.

"We went down to the lower 20 miles of the river with masks and snorkels, and on my very first dive I saw something unusual curled up on the bottom," Dr. Etnier told me. "I expected it to move away, but it stayed right there. When I brought it to the surface and had a look, I knew I had something that no human being had ever seen before."

SEEK AND YE SHALL FIND

The fish turned out to be a member of the subgenus Imostoma, which includes five species of darters, two of which have been described by Dr. Etnier. The entire genus belongs to the perch family, of which there are eight genera and more than 150 species. Within the three genera that include the darters, there are more than 100 species, 65 of which live in the Tennessee River Valley Basin. There is little to distinguish them, and only trained ichthyologists who specialize in darters can tell them apart.

Is there any way that the concern over endangered species can be redefined in some more rational manner, so that the legitimate worries about our impact on the natural environment can be reconciled with a reasonable amount of social and economic progress, without giving way to the spectacle of hordes of environmental activists finding "endangered species" of worms, snails, and insects under every rock and tree? I think there is.

First, the compass of the current law should not extend beyond the species level for reptiles, mammals and birds. (The 1977 amendment to the law limited its reach to "subspecies" for invertebrates, but left it at "population" for vertebrates.) Because these species do not breed rapidly, they have developed relatively few varieties, and the genetic resources they represent should not be lost.

Second, for all other orders of plants and animals, the "survival" cutoff could be placed at the genus level. Many plants and animals are genera with a single species—i.e., they have few close relatives and should be protected. But invertebrates, in particular, are so abundant and prolific that they hardly seem to need protection at the species level.

But still, the environmentalists tell us, we are setting ourselves up for "ecocatastrophe" because any degradation of the genetic base makes the ecosystem more fragile. Diversity equals stability, is the way this argument is usually phrased.

It is one of the real embarrassments of the environmental effort that this "ecological commandment" widely stated in the popular literature is completely unproven and in many cases is demonstrably false. If a mature forest is temporarily cleared, for example, a wide variety of organisms will rapidly compete for succession, but will gradually give way again to a less diversified but far more stable collection of "climax" species. Diversity does not always equal stability, and the formula only seems to hold true in the most extreme cases.

Ultimately, the case for protecting every plant and animal population and species is argued in terms of religious guilt. Do we want to be the first people in history to consciously and deliberately eliminate a species?

I hope it is clear that this question does not appeal to a rational assessment of the evolutionary consequences, but to emotion and doubt. What the question in fact asks is: Should we kill any living creature?

One answer is, of course, that we sometimes have to. The evolutionary cathedral could not have come into existence if some creatures had not been destroyed by others, and if all the species that ever evolved had survived until now, there wouldn't be room on the planet to support them all.

Extinction has been the common fate of nearly all the species that have evolved on earth. We ourselves are a part of nature, and it is impossible for us to live without changing it to some degree.

If we are to adopt the attitude of Indian holy men and live in fear of putting our feet down because we might crush some living creature, we should at least be aware that such unadaptability frequently occurs in nature. It is nearly always a highly unsuccessful evolutionary strategy.●

TRIBUTE TO DONALD R. DUNKER

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mrs. SPELLMAN. Mr. Speaker, baseball's colorful ex-manager, Leo Durocher, is forever being quoted saying "nice guys finish last" but I, for one, have rarely found that to be true. On the contrary, it has been my experience that true and meaningful success follows most often and easily to those blessed with compassion, concern, and commitment.

I rise today to pay tribute to one such individual who, I believe, conclusively disapproves Mr. Durocher's theory. That individual, Mr. Speaker, is Mr. Donald R. Dunker, who recently retired after a long and distinguished career with the Department of Public Works and Transportation in my own Prince Georges County, Md.

I had the pleasure of working closely with Don for many years and know him to be a truly "nice guy" who not only finishes "first" in my book but in the book of virtually everyone who knows him. Don Dunker is a blend of pleasantness and professionalism—he has been an exceptional public servant, whose first and foremost concern was the well-being of the citizens he served.

Born in Baltimore, Don Dunker capped his 27-year career with the Prince Georges public works department by serving as department director from 1974 to last month. Before that, he filled a variety of department posts, including materials engineer, design engineer and office engineer, and was deputy department administrator for 11 years, serving with John Marburger, effectively and loyally.

A registered professional engineer, he was graduated from the University of Maryland in 1948 with a bachelor's degree in civil engineering. He was honored by his peers when he was named president of the Maryland Association of Engineers.

Throughout his career, Don's likable personality and soft-spoken approach, which enhanced his effectiveness, earned him the reputation of being a bureaucrat with a heart. No problem was too small and no assignment too big for him to tackle with enthusiasm and personal commitment.

Tomorrow, Mr. Speaker, many of Don's closest friends will gather to wish him well in a retirement expected to be filled with happy days of tennis and sailing upon the Severn. I regret deeply that congressional duties, which will take me out of the State, will keep me from joining in what undoubtedly will be a memorable gathering.

I do want to take this opportunity, however, to wish Don Dunker and his wife, Doris, the best in all their future undertakings. I know my colleagues will want to join me in expressing sincere thanks to this exemplary public servant for his many fine achievements and his years of dedicated service to my community. If the months and years ahead can return to this truly "nice guy" as much as he has given the people of Prince Georges County, his will be a full and rewarding retirement indeed.●

NEW RELATIONSHIPS WITH CHINA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from December 27, 1978, into the CONGRESSIONAL RECORD:

NEW RELATIONSHIPS WITH CHINA

President Carter's announcement that the United States and China would establish diplomatic relations on January 1, 1979 is an historic development. In explaining the move President Carter said simply "We are recognizing simple reality." That may be, but the decision to normalize relations between the world's most powerful and the world's most populous country will have repercussions across the world. The move ends three decades of hostility between Washington and Peking, culminates a process that began nearly seven years ago with President Nixon's dramatic trip to China, and climaxes a series of extraordinary developments inside China.

In a single stroke the United States terminated diplomatic relations with Taiwan and the mutual defense treaty between the two countries. In four months the United States will withdraw its 750 remaining military personnel from Taiwan. Teng Hsia-ping, the powerful Deputy Prime Minister, will visit the United States in January, the first such visit by a high level Chinese official since the Communists took power in the mainland in 1949.

The sudden decision to normalize relations can only be explained by the rush of events in China in recent months. After more than a decade of near isolation the Chinese leadership has become more aggressive in their pursuit of closer relationships and alliances. They apparently feel a need for closer ties with the United States at a time of increased Soviet efforts to beef up forces on their border, and the Soviet supported Vietnamese assault on China's ally, Cambodia. China apparently also felt it needed American technology and resources to meet its goal of full industrialization by the 21st Century.

The move has obvious advantages to the United States. Normalization will bring expanded economic, technological and cultural links with China, contributing to the well-being of the United States and enhancing stability in Asia. Because of the Chinese rivalry with the Soviet Union, closer relationships with China can strengthen the American hand against Moscow and give the United States greater diplomatic flexibility around the world. The President's decision balances relations with China and the Soviet Union, the two giants of world communism. The hope is that it will lead to a fundamental realignment of global politics, moving the present system, which is dominated by the two military giants (the United States and the USSR), toward an international order composed of several major powers, including China.

The major question remaining is whether the well-being of the people of Taiwan will be jeopardized by the move. The President did indicate that the U.S. would continue to give Taiwan access to arms of a defensive character on a restrained basis. President Carter insists that the interests of Taiwan have been adequately protected. Apparently the decision to establish diplomatic relations with Peking was made with the expectation, but no commitment, that China would refrain from military force to unite Taiwan with the mainland. Although apparently stunned by the sudden decision, Taiwan has been preparing for an eventual cut-off of diplomatic relations with the United States since President Nixon's trip. Taiwanese officials have acknowledged that they anticipate no Chinese attempt to invade the island by force in the near future since Peking is ill equipped to do so. U.S. trade and economic contacts are expected to continue. A key concession by the Chinese was their willingness to permit the United States to keep its economic interests in Taiwan. Most knowledgeable observers expect President Carter's decision to have little effect on Taiwan's booming economy. More than 50 nations have broken relations with Taiwan since 1971, yet Taiwan trade has continued to soar and its economy to prosper. Peking's willingness to ignore future U.S. arms sales to Taiwan apparently brought the break-through in the negotiations. President Carter apparently believes that Peking is serious enough about its desire for strengthened economic and political ties with the United States that it will not deal with Taiwan in a way that would jeopardize those expanded ties.

In taking the country into a new era, the President has made a political calculation that the American people are ready for the move. American public opinion polls have supported broadening ties with Peking by large margins, although by equally lopsided margins they have favored retaining ties with Taiwan. A major political storm may blow up over the surprise decision, even though President Carter's action was endorsed by former President Ford and former Secretary of State Kissinger.

Although the Soviet Union regards the normalization of relations between the United States and China as "legitimate", it will watch the development of the relationship closely and uneasily. The United States has gone to great lengths to assert that full diplomatic relations with China should be seen as normal and routine, and not aimed at Moscow or done to increase leverage on the Soviet Union. Most of the European and Asian nations view the normalization of relations between the United States and China as an inevitable historical development, and, by some of them, as a cause for enthusiastic cheering.●

TRIBUTE TO HENRY L. McHARGUE

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. BENJAMIN. Mr. Speaker, the residents of Indiana mourn the loss of one of its finest citizens and outstanding educators, Henry L. McHargue, who passed away on February 2.

It would be impossible to exaggerate the importance of Henry L. McHargue's contributions to education and Americanism, not only in the State of Indiana, but throughout this Nation where his countless students, in all walks of life, continue to amplify and inculcate his teachings and human qualities, in successive generations.

Henry was born October 5, 1897, in Jackson County, Ind., the son of the late John K. and Rachel Goss McHargue. At the time of his death he was owner of the farm on which he was born—a property which has been in the McHargue family for over 100 years.

A graduate of Vallonia High School, he received his A.B. degree from Indiana University in 1925 and his M.A. from this same institution in 1932. He was a member of Phi Beta Kappa and Phi Delta Kappa, both honorary fraternities.

A social studies teacher for 41 years, Henry spent 36 of these years in outstanding service to Horace Mann High School in Gary, retiring in 1965 as the head of its Social Science Department.

He was active in teacher organizations throughout his teaching career and into his retirement years, holding life memberships in both the Indiana State Teachers Association and the National Education Association.

Henry was president of the Gary Classroom Teachers Association from 1934 to 1936 and 1943 to 1946 and in 1961 served as president of the Indiana Classroom Teachers Association. He also served as president of the Indiana State Teachers Association and as a registered lobbyist for that organization for many years.

At the time of his death, Henry was serving a 6-year term on the board of directors of the National Retired Teachers Association—a position to which he was elected only last summer at the organization's national convention in Kansas City, Mo. For the past 6 years, he had served on the national legislative committee of the combined National Retired Teachers Association and the American Association of Retired Persons. He was also a member of the advisory committee of the Indiana State Commission on Aging and the Aged and an active member of the Indiana Retired Teachers Association.

In addition to his extensive work in the field of education, Henry was an active worker in the Christian (Disciples of Christ) Church. He was past president of the board of the Central Christian Church in Gary and served as deacon, elder and chairman of the board in the Central Christian Church in Seymour until his death.

Henry McHargue is survived by his widow, the former Elizabeth Parker of Medora, Ind., to whom he was married for 50 years, his son, John Parker McHargue, of Dallas, Tex., and three grandchildren.

Elizabeth was a Gary teacher for 21 years and also retired in 1965. John is married to the granddaughter of former House Appropriations Committee chairman Thomas L. Blanton who served in the Congress from 1917 to 1936 and was affectionately known as the "Watchdog of the Treasury."

I join with the citizens of this Nation which Henry L. McHargue served so well for so long to extend my deepest sympathies to his family. His outstanding dedication and service to education, excellence and professionalism will survive and influence generations of Americans.●

THE VOICE OF DEMOCRACY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. GILMAN. Mr. Speaker, the Veterans of Foreign Wars have sponsored the Voice of Democracy essay contest for more than three decades in conjunction with the National and State Associations of Broadcasters and the National Association of Secondary School Principals.

The Voice of Democracy provides an opportunity for high school sophomores, juniors, and seniors to express their thoughts on the benefits this Nation affords them. At the same time, the students are asked to show how they can become involved in shaping America's policies. Last year more than 250,000 students participated.

This year's VFW competition is in full swing. The essays expounding the virtues of America have already been judged at the school, community, and State levels. Jason DeMille of Burn Hills High School (Schenectady) is this year's State winner. The next step is for the State representatives to come to Washington for the finals. The national winner receives a $10,000 scholarship, with total awards at $22,500 for the top five contenders. The State victors, who come to Washington by courtesy of the National VFW, are given the opportunity to meet their elected representatives as well as enjoy a 5-day tour of America's Capital City.

As in the past, New York State's finals were broadcast over WNBC–TV in New York City. That station's general manager, Vice President Robert T. Howard, has been awarded the VFW Commendation Medal in recognition of the significant role that NBC plays in this oratorical contest by fostering the continuation of this vital program, and by aiding the students to participate in the communications field.

I know many of my colleagues in the House and Senate join with me in congratulating all those VFW officers and members who have worked so hard to develop and continue this essay contest. It is hoped that this year's competition is as successful as those in the past and we all look forward to greeting the State winners in Washington in the near future.

At this point in the RECORD, Mr. Chairman, I would like to insert the remarks delivered by New York State's champion, Jason DeMille. I would also like to note that the two runners-up are Richard Davis of Herkimer Central High School and Alisa Melanie Seminara of St. Joseph Hill Academy in Staten Island:

CARING FOR AMERICA

(By Jason DeMille)

"The world has set its face hopefully on our Democracy and, oh, my fellow citizens, each one of you carries on your shoulders the burden of doing well for the sake of your own country and of seeing that the nation does well for the sake of mankind." Theodore Roosevelt knew the destiny of America was to be the abode of liberty, and the only way to insure that destiny was through responsive and responsible citizens. God gave us patriots who, like Roosevelt, inspired courageous men to follow their leadership. Together they forged a nation conceived in liberty with freedom for all. That freedom is why I care about America!

Caring for America is more than supporting the Constitution, voting in elections, and paying taxes. Too often we equate Americanism with the number of cars, or televisions, or the growth in the Dow Jones Average. To care about America is to be fully committed to her cause. This commitment is the basis on which Americanism should be measured; that is, by the integrity of her citizens, their voluntary service and high personal principles, and by their loyalty. I can show I care about America by supporting and defending her high ideals, by educating myself sufficiently to know how to fulfill my responsibilities, and by keeping well informed so I can express a valid opinion. I must commit myself to my country's ideals so I will be ready and willing to defend her in times of national distress. whether the foe be inflation or an aggressive nation. I will be part of the solution—not the problem! The words I can, I will, I did are motivating forces in my life for apathy and indifference will not be a part of me as they have no place in an American.

As an American I am morally obligated to be an honest, forthright citizen: that means being honest with my fellow man, honest in payment of taxes, honest in obeying, honoring, and sustaining the law, and honest with myself. I owe it to my country to be chaste, virtuous, benevolent, and patient with those around me. Of paramount importance is the virtue of being kind and considerate to all men, and especially to my family, for strong families are the backbone of a strong nation. I can truly serve America by using my time wisely, not just in pursuit of gain or pleasure for myself, but to help others—for service to others is service to America. I can show I care about America by living my life so well that men will be better for having known me, for every man owes it to his country to leave it better than he found it. I will, therefore, commit myself to serving my God and my country because a commitment to serve is the highest expression of caring.

"Nothing is more certainly written in the book of fate than that this people shall be free." How much is my liberty worth? How much is any man's liberty worth? I care about America because everything that I do or will do is a result of liberty. Without liberty I could do nothing. Liberty is truly a pearl of great price. I care about America because I know with assurity that her government is the best on this earth and because of this no other nation has ever enjoyed the growth and prosperity which has blessed America. This wealth is evidenced from the beneficence of our free institutions and free enterprise. The thing which has made America great is what her citizens have done with their freedom of choice. Thanks to my Creator and concerned forefathers, I am able to live my life in freedom.

Freedom is real and must continue! I will preserve our freedoms by carrying my share of the burden because the American ideal is worth fighting for. Americanism is not extinct—nor are the principles of liberty on which it is built. America still remains the world's home and hope of freedom. I love America for she is my own—my native land. God bless America and may God bless Americans! ●

AMBASSADOR ADOLPH DUBS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. BOLLING. Mr. Speaker, it was not my privilege to know the late U.S. Ambassador to Afghanistan, Adolph Dubs. And that is a matter of regret to me. Ambassador Dubs had to be a remarkable man and a superb representative of our country, otherwise it is not likely that a person who had worked as his subordinate would have written the remarkable "Memories of a slain diplomat" as did the political counselor at the U.S. Embassy in Paris, France, Warren Zimmermann. The article appeared in the Washington Star of Monday, February 19, and I commend it to my colleagues. The loss of Ambassador Dubs is a loss shared with his family not only by President Carter and Secretary of State Vance but also by every citizen of the United States.

The article follows:

[From the Washington Star, Feb. 19, 1979]

MEMORIES OF A SLAIN DIPLOMAT

(By Warren Zimmermann)

(U.S. Ambassador Adolph Dubs was killed Wednesday in a shootout between police and the terrorists who had abducted him in Kabul, Afghanistan. The author of this article is now political counselor at the U.S. Embassy in Paris.)

Spike Dubs spent his career in the Foreign Service thinking of himself as an ordinary person—a guy of average intelligence who had to make up for it by working long hours. But if you ask anybody who ever worked for Spike—I was one, in our embassies in Belgrade and Moscow—they will tell you that he was not at all ordinary.

Consider the year—1973–74—that Spike, as charge d'affaires, ran our embassy in Moscow—the most important U.S. embassy in the world. The problems he faced defy comprehension. They included:

Defending the U.S. position on vital issues of European security with Soviet negotiators, who are as tough as they come.

Toting up the balance of advantages in a bilateral relationship which in a short year or two had moved from stagnation to the most dynamic relationship we had ever had with the Soviet Union.

Guiding, encouraging and warning the hundreds of Americans, who were pouring into Moscow, as if onto the moon, as a result of those new relations.

Letting the Soviets know what he—and his government—thought of their expulsion of Alexander Solzhenitsyn.

Telling Washington that the Soviets were bluffing when they threatened to put troops into the Middle East following the Yom Kippur war.

Mapping U.S. strategy for dealing with the KGB guards outside our embassy as they forcibly tried to keep Jewish dissidents from getting in to talk to us.

Keeping a large embassy functioning and happy under the most adverse conditions imaginable in the heart of one of the most efficient dictatorships on earth.

In the face of all that, doing everything he could to move our relations with the Soviets from confrontational to cooperative—a mission which all of us, and Spike above all, were convinced was vital to the national interest.

Spike's qualities were as American as his nickname, and he carried them around the world with him. They came out of the Midwest where he was born and brought up. Industry, Judgment. A grass-roots sense of priorities. A certain sentimentality, even squareness. Above all, an extraordinary gentleness with people.

I never could see why Spike didn't think of himself as smart. It's true he wasn't much of a writer, and he fought an interminable war of attrition with foreign languages. But he had an instinctive coolness in crisis situations; a sensitivity to the nuances of diplomacy; an old-fashioned belief that his duty was to support the positions of the U.S. government, whatever he thought of them privately; and a talent for defending American interests with tenacity and effect. He was a natural leader and a superb manager, with a masterful flair for organization, for detail, and for the fitness of things.

Spike liked people, and people trusted Spike, even the Russians. He was an ideal man to have in Moscow during a period of detente. It was simply a part of his character to believe that accommodation was always possible. Not that he couldn't be tough—just that if there was a way to advance the American interest without confrontation, Spike would find it.

He was unfailingly compassionate. Once in Belgrade a contact of Spike's, a consultant to Tito's Communist Party Central Committee, suffered a tragedy—his wife was killed in an auto accident. The man went into an emotional tailspin. Spike quietly set about getting him a year's research fellowship at an American university to take his mind off his grief. It was no mean achievement, but Spike worked it out. I'm not sure Spike even bothered to tell the man that he'd been the reason for this piece of good fortune.

Spike was a born teacher. I have no doubt that, had he chosen teaching instead of diplomacy, he would have made a success of it. He loved the company of young people and he readily identified with their feelings.

I suspect that one of the reasons he never felt comfortable with our Vietnam policy was that it was opposed by so many young. He applied the teacher's craft to his subordinates—giving us the freedom to make mistakes but making sure we learned from them.

In a bureaucratic organization, loyalty—like hot air—tends to rise. What was extraordinary about Spike was his downward loyalty—his loyalty to those of us who worked for him. He gave us the courage and the confidence to reach beyond our grasp, to stretch, to dare.

Though Spike may be dead—ironically at the hands of killers he would have tried mightily to understand—the gentle force of his character and of his example is locked deep inside us. There it will remain for keeps—a thing of the spirit, intangible yet vivifying—far beyond the range of any assassin's bullets. ●

FREEDOM FOR SOVIET JEWS—A VITAL ISSUE II

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. UDALL. Mr. Speaker, I would like to once again bring to the attention of the Members of Congress the plight of Soviet Jewry and the struggles of that people to emigrate. This year is one where, with our persistent help, and through contact with the Soviets via SALT talks and the Olympics, I feel that real progress can be made, and that the numbers allowed to leave will reflect our positive effort and our pledge for human rights.

A specific Soviet Jewish family that I have been working for carries a sad history. I began to help the Fradkins (Daniel and Sarah Fradkin and their two children; Shoose Revoluts No. 45, Flat 140, Leningrad R.S.F.R., U.S.S.R.) last year, and on May 3d I inserted in the CONGRESSIONAL RECORD a background report of this family, which has been trying to emigrate since 1972. Even with Soviet radification of the Helskini Accords of 1975, which were designed to facilitate freer emigration in a positive humanitarian spirit so that persons can be reunited with members of their families, the Fradkins are still unable to leave. The Fradkins case is one of 200–300 in which the people are classified as hard-core refusniks.

Basically, Soviet denial for the Fradkins emigration stems from Daniel Fradkin's access to "secret" documents in 1963. Both his record since then and the fact that he was only working on fringe mathematical problems in these secret reports have not been taken in consideration. Mr. Fradkin is now threatened with a "Soviet agitation and propaganda activity" arrest for teaching Hebrew, owning a Hebrew Bible, Hebrew grammar books, and for writing letters to Soviet officials pressing for his rights under the Soviet constitution and international accords.

I have recently written letters to Soviet officials urging for action on the Fradkins. As of today, however, the contacts I have made are less than rewarding. Mr. Fradkin knows of our support and he thanks us for the struggle, because as he writes, "it is impossible, in fact, to struggle here . . . it is completed only by prison."

I wish I could report something good or even something of a change in this case. However, the Fradkins must live day to day without a glimmer of hope for the future. These Jewish activists, many of them depressed after years of seemingly fruitless struggle to leave, are apprehensive that their fate will be lost. Gratified as one may be that more refusniks are coming out (approximately 3,700 in January) it would be an error to become engrossed in the emigration "numbers game" and fail to press vigorously for other objectives. We must insist the principal of emigration for all who seek to go, as part of their fundamental right to freedom of movement and family reunion.

In addition to the work we can do on specific cases, thousands of Soviet Jews need our support for fair treatment concerning the upcoming Olympics of 1980. It is expected that the U.S.S.R. will try to exploit the Olympics to present a distorted portrait of Soviet life, even though the Olympics are intended to be "apolitical." More tangible are the fears that emigration will be cut back, Jews confined, harassed or jailed to prevent communications with visitors, and that Americans, including journalists, might have their movements restricted. The National Conference of Soviet Jewry have highlighted some safeguards that I feel are needed:

First. There should be unhampered participation of all athletes, coaches, trainers, Jewish and non-Jewish, from all nations, including former Soviet Jews who may be on the Israeli Olympic Team.

Second. There should be nondiscriminatory distribution of tickets to Soviet citizens, including Jews, and no harassment in their attendance of the games.

Third. There should be freedom for journalists to pursue their stories, cover breaking news, meet Soviet Jews and other Soviet citizens without the plug being pulled on TV transmissions.

Fourth. There should not be harassment of Soviet Jews such as detention or house arrests undertaken before, during or after the Olympics.

Fifth. The Olympic spirit of fair play and mutual respect for all athletes and nations should be adhered to by the host country and its citizens. Let us maintain the Olympic games spirit of international brotherhood and good sportsmanship.

I see persistence and hard work as keys to the Soviet Jewry problem. No matter how dark and tragic the picture may seem about their situation, our endeavors can only brighten their future.●

JAMIE VAN TRUMP

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask the Chamber to join me in paying tribute to a truly outstanding citizen of the Pittsburgh community, James D. Van Trump.

"Jamie," as he is universally known, has been recovering in Pittsburgh after being struck by a car. Jamie leads an active life in the city as a writer, teacher, critic, historian, and preservationist.

Jamie is a man whose devotion to historical architecture has helped preserve some of the city's most noteworthy buildings. He was responsible for the restoration of buildings in Pittsburgh's Mexican War streets, Manchester, and the southside.

Jamie has made Pittsburghers aware of our city's architectural heritage in many ways. He has had a weekly television program and radio program, contributed to several magazines, written books, and given lectures pertaining to Pittsburgh's historical richness.

In 1964, Jamie aided in the funding of the Pittsburgh History & Landmarks Foundation. During the formation of the P.H. & L.F. Jamie said, "There may be only a few buildings of major historical value in Pittsburgh today, but what the city has it should identify and preserve."

I ask the House of Representatives to join me in an expression of appreciation for Jamie's outstanding contributions to the perservation of Pittsburgh's architectural heritage and our sincere wishes for a speedy and complete recovery.

JAMIE VAN TRUMP: PITTSBURGH LANDMARK

(By Alvin Rosensweet)

On Election Day, Nov. 7, James D. Van Trump voted, then walked up Bellefield Avenue toward Carnegie Library in Oakland. Crossing Forbes Avenue, he was struck by a car, his pelvis and right leg were broken, and for two months he has been confined to Presbyterian-University Hospital.

If 1978, then, ended on a sour note for "Jamie," as he is universally known, 1979 may well start on an upbeat. An architectural historian whose devotion to the past has helped preserve some of the city's most noteworthy buildings, "Jamie" has been named a Post-Gazette Outstanding Citizen.

His friend Gladys Schmitt, the late novelist, first dubbed him "Jamie," and he has for several years evoked instant recognition by his appearance, his white mutton chop whiskers flying in the wind. But since he has been confined to a hospital bed, "Jamie's" appearance has changed somewhat, his white hirsute adornment giving him a Shavian appearance not unlike that of the late playwright, George Bernard Shaw.

One of Van Trump's most notable achievements, perhaps, was his part in founding, in 1964, the Pittsburgh History & Landmarks Foundation. His monograph about Liverpool Street houses on the Northside was instrumental in the beginnings of the PH&LF.

Oddly, although "Jamie," 70, is an architectural historian, he is neither an architect nor a historian. But, as he puts it, "I was always fond of libraries and museums and I have always been a connoisseur of views."

" 'Jamie' has made Pittsburgh aware of its rich architectural heritage, not only the buildings of the past which have disappeared but those Georgian, Victorian, and Edwardian structures that have survived," says Charles Covert Arensberg, a prominent city lawyer who was president of PH&LF from its inception until 1974 when he became chairman.

"He made people aware of their surroundings and thus they became aware of bad surroundings. His writings to a great degree sparked the restoration or rehabilitation of the Mexican War Streets, Manchester, and the Southside. Largely because of 'Jamie' you can no longer destroy communities and try to replace them with something foreign to the people who live there. This is the great lesson that urban development people have learned."

"Jamie" has made Pittsburghers aware of their historical architectural heritage in many ways—through his weekly television program, a WQED radio program, Carnegie Magazine, Charette, which is the official publication of the Pennsylvania Society of Architects, through books, lectures, walking tours and his column, "Jamie's Journal," in Pittsburgher magazine. In those columns he occasionally drifts into personal observations as:

"I am, I say proudly, an East Ender, a native of East Liberty . . . I, who have developed a fine taste in eccentricity."

He wrote about the time he was sitting on the veranda of the Bedford Springs Hotel when "a woman, struck by my mid-19th century appearance, asked me who I was. 'The ghost of President Buchanan,' I said solemnly."

"Jamie" has described Pittsburgh as "a handsome-ugly city, intensely masculine in tone, a purely male city."

He, in turn, has been described as a master of prose, a free spirit who enjoys puncturing pomposity. Although photographs as late as 1964 show him cleanshaven, wearing a tie and jacket rather than the turtleneck and gold cross and chain he now affects, he says he spends so much time in the past he thought he might as well look like something from a past century.

A graduate of the University of Pittsburgh, where he earned a masters degree in art history, he taught that subject at both Pitt and Carnegie-Mellon University. He was a bibliographer at the Hunt Botanical Library, edited Charette, and is director of research and vice president of the PH&LF. He has even acted—with the Iron Clad Agreement in the old Northside Post Office Library and Museum.

He was made an honorary associate of the Philadelphia Chapter of the American Institute of Architects for "having distinguished himself as a writer, teacher, critic, historian and preservationist."

When the PH&LF was formed 14 years ago, "Jamie" made a statement that still holds true.

"There may be only a few buildings of major historical value in Pittsburgh today, but what the city has it should identify and preserve," he said.

That was his hallmark before he made that comment and he has made this city more aware of that truth in the intervening years.●

TRIBUTE TO FORMER SPEAKER JOHN W. McCORMACK

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. SHANNON. Mr. Speaker, on December 25, 1978, the Boston Globe printed an article written by Mr. David Farrell, paying tribute to retired U.S. Speaker of the House John W. McCormack. The article gives an insight into the history and sensitivities of the former Speaker that I would like to share with my colleagues.

AN EXAMPLE FOR OTHERS TO FOLLOW

(By David Farrell)

Every time you get an opportunity to hear or talk with retired U.S. House Speaker John W. McCormack, you are aware that it may be the last time.

For a man who turned 87 last Thursday, McCormack is in apparent good health. He's very thin and looks his advanced age. He moves about more slowly now and there are some hearing problems. But other than these to-be-expected failings, his mind continues in clear focus.

But you think about the inevitable passing of the former speaker because he continues to be a shining example of how the Savior born nearly 2,000 years ago would have leaders perform.

This came through again last week when State Veterans Service Commissioner Charles N. Collatos had his annual Christmas party at Anthony's Pier 4 Restaurant.

There were politicians of all ages, all levels of power in attendance. And some—freshman Rep. Ed Markey of Malden and incoming Rep. James Shannon of Lawrence—probably were hearing McCormack for the first time. Others, like Speaker Thomas P. O'Neill, Jr., who have heard the former speaker many times, always marvel at McCormack's optimism about the future of the United States.

"When I look across this room and see young men like Jim Shannon, Ed Markey and Nick Mavroules, I know our future is in good hands," McCormack said. "And so is our system of government which enables an immigrant like Anthony Athanas to become such an outstanding restauranteur." McCormack reserved his ultimate tribute for his protegé, Speaker O'Neill, and recalled the latter's early days in Washington a quarter century ago.

But it was O'Neill who moved the gathering when he recounted some of the other qualities which have made John McCormack a great man. The Speaker talked about the remarkable half-century love affair between McCormack and his late wife Harriet.

He spoke of the widely-known practice of McCormack dining with Harriet every night, regardless of the affairs of state. And he touched on the former speaker's not-so-well known practice of visiting Harriet's grave every day of the week.

The unique relationship between them was etched firmly on this reporter's mind a decade or so ago when the old Herald-Traveler Corp., for which I worked in a different capacity at the time, suddenly was faced with the very real prospect of losing its Channel 5 television station license.

McCormack was home for the holidays at his Columbia Road, Dorchester, home and it was imperative that an immediate reading on the critical situation be ascertained. But Harriet McCormack was ill and confined to the residence near Edward Everett Square. And the Speaker, at her side as usual, wasn't about to allow any intrusion or distraction to upset his concern for her. As a friend of his, I was torn by mixed feelings of frustration and admiration.

At last week's Christmas luncheon, Speaker O'Neill amused the former Speaker with his repertoire of humorous stories told in the usual classy O'Neill style. There were some new ones as well as the time resistant Uncle Dinny gags heard many times.

Tip related how much Red Sox slugger Carl Yastrzemski had wanted to be part of the Presidential group O'Neill headed in Rome for the installation of Polish Cardinal Wojtyla as Pope John Paul II last fall. Because of a couple of mixups, Yaz never made the trip, O'Neill said.

But after he returned to the U.S. and met the Sox star for a golfing date, Yaz eagerly asked O'Neill about the new Pope. "What did he say to you?" he inquired.

"Well, first he whispered in one ear and then he whispered in my other ear," O'Neill responded. "What did he say, what did he say?" Yaz pressed.

"He wanted to know what happened to you in the last of the ninth against the Yankees!" O'Neill said. "Did he really?" Yaz asked in a brief moment of credulity.

McCormack, who would rather play poker than attend a baseball game, almost broke up with laughter.

O'Neill went on to tell some of his Uncle Dinny specials and explained how these stories go over so well in the South. "I've got a whole new audience below the Mason-Dixon line and the Baptists really enjoy our Irish humor."

But it was obvious that O'Neill's captive audience at Pier 4—especially the venerable old man who launched Tip on the road to the speakership—loved every minute of his fast-moving wit and was pleased that another joyous Christmas season had arrived and John W. McCormack was still with us.●

NATIONAL HEALTH INSURANCE FOR SENIOR CITIZENS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. BONKER. Mr. Speaker, debate over National Health Insurance will undoubtedly continue into the 96th session, as it has for the past several decades, but it is unlikely such a bill will pass the Congress. While the debate has intensified in recent years, the fact remains we are no closer to enactment now than in 1960, when President Kennedy first offered universal health insurance. Yet the need is more acute, particularly for senior citizens who often are reduced to poverty before qualifying for full health care.

Two leading Democrats are at odds on one of the great issues of this decade: How to provide adequate health care for all Americans at a time when hospital and health care costs are rising to intolerable levels across the country. Senator EDWARD KENNEDY will lead the effort in the 96th Congress for national health insurance with a plan to provide comprehensive health care to all Americans. The President feels a program of this scope is too costly and will offer a limited program emphasizing hospital cost containment and protection against catastrophic illness.

The Carter administration wants to see a national health care program phased in gradually as economic conditions permit, with major emphasis on controlling hospital costs first. Senator KENNEDY, for his part, argues that all Americans have a right to full and high quality health care. He fears the President's plan will end up as conditional promises that will never be fully realized. So he is proceeding with legislation that will provide not only adequate health care, presumably bringing runaway health costs under control, but he is not specific about getting the money to pay for it.

While this is certain to be a controversial issue in the House of Representatives, especially among Democrats, it should not be. Full (comprehensive) health care for everyone is and should be a laudable goal for our Nation. But the hard facts cannot be denied. First, there is the cost. When Senator KENNEDY briefed the younger Members last year, I asked him just how much additional money a universal health care program would cost the Government. After factoring in existing employee-employer payments, medicare, and other Government programs, there would be a cost add-on of $60 to $80 billion—that is, above this year's projected budget deficit of $30 billion. At a time of skyrocketing inflation and excessive budget deficits, few are willing to support expenditures of that magnitude. Another fact: most people are presently covered through existing health insurance programs where they work. At least one labor union has backed off supporting national health care because their coverage now is so good they fear reduced benefits under national health care.

CATASTROPHIC ILLNESS

One solid argument for national health insurance is the need to bring quality medical care within pocketbook reach of most Americans. No one who is familiar with individual cases can doubt the trauma of a catastrophic illness, and the enormous costs of such an illness are nearly impossible to protect against. Today, three-fourths of those under 65 are covered under a major medical plan, but many of these plans contain limits on maximum benefits per episode of illness or per lifetime. These plans prove inadequate for victims of long-term illness or serious accidents. Aside from the terrible suffering, many individuals and families also face the loss of lifetime savings in an attempt to meet the devastating financial effects of those illnesses.

MEDICARE

If workers have adequate health protection and medicaid takes care of the indigent, who is left without protection? There are several gaps, the most obvious being our senior citizens. In 1964, the Congress passed the medicare program in recognition of the fact that older people are sick three times as often and three times as long, and generally pay three times as much for their health care than the young. From the beginning, medicare was punctured with compromises to make it more palatable for congressional action. It was to be financed by taxes paid by both employers and employees with minimal supplements from the Federal Government and the elderly themselves.

What was originally a pledge of full health protection turned out to be limited care and, at the same time, an attempt by the Government to revolutionize the health delivery system in this country. Many older people were led to believe that medicare would pay for at least 80 percent of their health care costs but actually since the outset, the program's original goals in terms of coverage have not been met. In 1966, its first year, the average health care bill for individuals over 65 was $445, of which medicare paid only $204, or 46 percent of the bill. But more discouraging, in 1977, the average health care bill for those over 65 was $1,738, of which medicare paid $773, or 38 percent.

GAPS IN PRIVATE INSURANCE

Coupled with these grim facts is the recent investigation and report by the Select Committee on Aging into the inadequacy of supplemental health insurance plans sold to the elderly to offset their medical costs. Of the approximately 23 million Americans over 65, 15 million pay an average of $200 a year for private "medigap" insurance to supplement their health care coverage under medicare. Because medicare offers only limited coverage, senior citizens are forced to obtain such supplemental insurance to gain full protection, but many private carriers merely duplicate medicare benefits, thus leaving gaps in coverage. Such plans often do not pay for critical health care services such as preexisting conditions, nursing home care, and prescription drugs. Often the elderly must purchase two or three supplemental plans in a desperate effort to gain total coverage. But severe gaps remain.

It seems to me we have a rare opportunity to achieve two objectives with one program: National health insurance for senior citizens. Such a program would provide total health protection to one segment of the population that is most in need and at the same time be a true model for national health insurance with minimal additional costs to the Federal Government. And it would provide a badly needed compromise to the Carter-Kennedy debate on the subject of health care.

Debate over national health insurance will be intense this year, but the elderly cannot afford to wait until Congress gets around to enacting a universal program. Therefore, I will introduce and actively work for a bill to give senior citizens full health care protection.●

REFORM OF THE NCAA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. VENTO. Mr. Speaker, yesterday for the information of my colleagues, I inserted into the RECORD part of an analysis and recommended reforms for the National Collegiate Athletic Association. Today I would like to insert the additional comments of Mr. Nichols and Mr. Dixon on this subject. I hope that my colleagues will pay close attention to the reform of the NCAA and the effects of that organization on so many students.

ADDITIONAL COMMENTS

III. EVENHANDED TREATMENT OF ACCUSED PARTIES

A. Cooperative and speedy investigations

One of the major problems, from an institutional standpoint, in dealing with the NCAA's enforcement practices is that there is neither a "statute of limitations" nor a requirement that the NCAA speedily investigate the possible violations of which it has knowledge. Further, there is no mechanism by which the NCAA passes on to member institutions information which it has received concerning potential or alleged violations. Rather, it appears to be the practice of the NCAA to keep a file on each member institution into which it "dumps" all information which it receives from any source concerning potential violations of NCAA rules at those institutions. This information may come by way of newspaper article, anonymous letter or telephone contact or communications from identified sources. When, and if, the NCAA determines to investigate an institution it then goes back through its files and pulls out all of the materials it has collected over a period of years.

The combination of these practices results in a number of evils and presents unnecessary problems to member institutions. First, as is apparent, there is no cooperative spirit of enforcement, short of a full blown investigation by the NCAA (which for other reasons is sadly lacking in any "cooperative spirit"). The failure to provide information concerning alleged violations to member institutions makes it possible for those violations to continue indefinitely, or, what is worse, permits small violations to grow unchecked into patterns of major violations without responsible authorities at the member institution—i.e., the administration—ever learning of the existence of information tending to show that there are possible problems at the institution concerning the enforcement of the NCAA rules.

Further, this stockpiling of information by the NCAA leads to the typical practice of including a massive array of alleged violations in the NCAA Official Letters of Inquiry. The allegations include big matters, little matters, new matters, and very old matters, and the school is asked to investigate each of these thoroughly at one time. In the case we are most familiar with, some of the alleged violations went back as far as six years and included information which had been in the files of the NCAA for more than four years. Yet, the institution was never advised of the existence of any of this information, nor of the NCAA's concern with it.

It seems to us that these various related problems could be substantially alleviated by the implementation of three enforcement guidelines which would place no undue burden or hardships upon the NCAA. These rules or guidelines governing the NCAA enforcement procedures would be as follows:

(1) Upon the receipt by the NCAA of any information which tends to indicate possible violations of NCAA rules at a member institution, the NCAA would be required to log the receipt of that information, and would have three months in which to consider whether or not to investigate the information formally. If at the end of the three month period, the NCAA had not initiated formal investigatory procedures, the NCAA would be required to send the information to the member institution for its consideration and possible action.

(2) After sending the information to the member institution, the NCAA would have only two years in which it could formally investigate any violation suggested by that information. In other words, if the NCAA had not initiated an investigation within two years after sending information to a member institution concerning that information, it would thereafter be precluded from doing so.

(3) The Infractions Committee would be prohibited from including in any Official Letter of Inquiry any allegations of wrongdoing based on conduct occurring more than four years prior to the date of the Official Letter of Inquiry.

We believe that these proposals would significantly assist the overall goal of administering and operating college athletics within the rules and regulations established by the NCAA while at the same time insuring that the member institutions are fairly treated in the event of a formal enforcement procedure. First, sending on information to the member institutions in those cases where the NCAA does not promptly investigate the allegation provides a member institution a real opportunity to attempt to assist the NCAA in the enforcement program by making its own inquiries and taking its own corrective action where the NCAA does not deem it appropriate or possible to take formal action with respect to the member institution. Unless, one is willing to assume that all institutions will incur and promote, or at least cover-up, violations of NCAA rules, this proposal has the potential to add each member institution as a guardian, caretaker and "enforcer" of the rules established by the member institutions as embodied in the NCAA manual.

At the same time, the member institution would be protected from the expense, burden and weight of investigating allegations either more than four years old, or known to the institution and the NCAA for more than two years. While it is difficult at times to make the enforcement procedures as speedy and timely as might be desired by both the NCAA and member institutions, there can be no justification for inquiring into information which is stale by reason of its being more than four years old, or so insignificant as to go without investigation by the NCAA for more than two years.

This proposal would help focus the entire enforcement procedure on the more significant and timely matters of concern, while at the same time providing member institutions a mechanism by which they might learn of possible violations and take appropriate action to insure that they do not result in a formal, full-blown enforcement procedure.

Secondarily, these procedures would have the further salutary affect of requiring the NCAA to constantly empty its enforcement files of old, stale and apparently unimportant information. Doing so could help alleviate the problem of selective enforcement and the debilitating affects of the member institution's almost certain knowledge that its file at the NCAA must certainly contain some information, no matter how current or how old, which could lead to an enforcement proceeding against it if it does not follow the NCAA "company line" in regard to other matters. While these proposals do not obviously remove all of the problems associated with a selective enforcement, requiring the NCAA to act more promptly, share more of its information and forego investigations into old, untimely information will make it more difficult for the enforcement staff to merely pick up an old file and begin an investigation against a member institution selected on whatever criteria may be used.

Further, as is obvious from a review of the NCAA manual, every member institution is in likely violation of some NCAA rule or regulation at some time or other. This knowledge, coupled with the expense and hardships connected with formal enforcement proceedings, operate as a strong deterrent to member institutions challenging the NCAA staff in any area and thus tends to make the NCAA more a creature of its staff than of its member institutions. Reasonably limiting the discretion of the NCAA staff would make it easier for member institutions to speak out and to take actions with respect to the NCAA without an unreasonable fear of retaliation. At the same time, the practices would in no way restrict the reasonably prompt investigation, determination and punishment of NCAA rules.

B. Improved hearing and decision making

We believe that substantial improvements in the operation of the enforcement procedures could be achieved by a change in the procedures by which the Infractions Committee conduct its hearings, and by a change in the authority for determining the imposition of eligibility penalties upon student-athletes. Currently, the institutional hearings, which govern not only the institutions but also all of the individuals involved in the various allegations, are conducted before the five member Committee on Infractions at a location usually far distant from the institution. Time restraints are such, at least in investigations considering substantial numbers of alleged violations, that it is difficult if not impossible to fully discuss the eivdence concerning each of the violations. Further, the holding of the hearing at locations removed from the institution makes it difficult, even if it were possible, to have live witnesses before the hearing body. Further, this distance obviously increases the expense to the member institution for presenting its case.

Secondly, the group which hears the "evidence" and makes the determination as to whether there is a violation of NCAA rule—

namely the Committee on Infractions—is not the body which determines the penalties or punishment to be imposed on the student-athletes in violation of the NCAA rules. Under current NCAA procedures it is an institutional responsibility to declare a student-athlete permanently ineligible for any violation of NCAA rules. However, because the NCAA requires that the institution follow any factual determination of the Committee on Infractions, the Committee on Infractions actually makes the determination upon which the automatic loss of all eligibility turns. Thereafter, the Subcommittee on Eligibility makes a determination of what, if any, of the student-athletes' eligibility is to be restored, supposedly taking into account all of the various litigating circumstances including the nature of the offense, knowledge by the student athlete of the violation etc.

While the NCAA obviously has an interest in seeing uniform punishment imposed for violations of its rules, the current system makes little if any sense. First, given the NCAA's view of the governing effect of the Committee on Infractions determination of violations, it makes no sense for the institution to be involved in imposing any loss of eligibility on its student athletes where the Committee on Infractions has already acted. Secondly, it makes even less sense for the institution and the student-athlete to present all of the relevant information to the Committee on Infractions at a substantial cost of time and money, and then to have the same information presented to the Subcommittee on Eligibility for determination as to what the final penalty will be.

Lastly, the requirement that the initial penalty, no matter what the severity or nature of the infraction, be total loss of eligibility unduly intimidates both the institution and the student-athlete and makes it difficult to deal forthrightly and honestly with minor violations. While recognizing that sound judgment on the part of Subcommittee on Eligibility might cure this unnecessary fear of total loss of eligibility, we believe that the problems would be better dealt with in a more direct system. It appears to us that the NCAA enforcement procedures could be simplified yet improved by an implementation of the following procedural changes:

(1) Hearings would be conducted by a hearing examiner for the Committee on Infractions at the affected institution. The hearing examiner could be either a single member of the Committee on Infractions or perhaps better yet, an outside person hired for that purpose. Following the hearing, the hearings examiner would prepare findings of fact and recommended penalties. These finding of fact and recommended penalties would then be transmitted for final consideration by the entire Committee on Infractions at which time both the member institution, the affected individuals, and the NCAA enforcement staff would have an opportunity to present argument as to the correctness or appropriateness of the determinations made by the hearings examiner. In our view, it would be appropriate that determinations of the factual findings of hearing examiner be given greater weight by the Committee on Infractions than the examiners conclusions as to violations or appropriate penalties. Allowing the Committee on Infractions to retain greater discretion with respect to conclusions that violations were committed and as to the appropriate penalties to be imposed would make it easier to insure a uniform interpretation of NCAA rules and a more uniform pattern of punishment for violations.

(2) The hearing examiner would make recommendations as to the appropriate punishment for violations by student-athletes and those recommendations would be reviewable, de novo, by the Committee on Infractions. Allowing both the hearing examiner and the Committee on Infractions to make the determination as to penalties which involve the possible loss of eligibility by a student-athlete within the context of the entire institutional scene and after having heard and reviewed all of the evidence seemed preferable method of handling this issue. Further, this determination would not leave the student-athlete in the position of incurring an initial penalty of automatic loss of all eligibility since both the hearing examiner and the Committee on Infractions would have the discretion to recommend or impose any appropriate penalty, including loss of part or all of a student athlete's eligibility or some other appropriate remedial action for a particular violation.

We believe that the first proposal would make it easier for the institution and affected individuals to present all relevant information and to expend the necessary time in developing all facts. An independent hearing examiner actually on site at the institution should have the necessary time and energies to devote to the allegations involved in the official letter of inquiry.

If nothing else, the use of a single person to hear all the evidence should result in more detailed attention to each case and allow the examiner to remain more independent of the enforcement staff. It is our experience that the Infractions Committee members (unpaid volunteers with fulltime teaching responsibilities at their colleges and universities), because of the huge caseload and the thousands of pages of evidence involved in each case, simply cannot absorb the briefs of the institutions being investigated. The result is that the Committee must heavily rely on the enforcement staff (in effect the prosecutors of the case) to assist them in making a determination. By dividing the caseload by one-fifth, this problem should be substantially alleviated.

Secondarily, in line with some of our other proposals, the conducting of the hearing at the institution would facilitate the use of live witnesses, at least in those situations where there is important conflict in the evidence involving the rights of a student-athlete or active institutional employee.

C. Fair evidentiary rules

Another failure in the NCAA enforcement practices is the lack of any specific, fair or uniform evidentiary rules at the infractions hearing. While the institution may present documentary evidence, live testimony, deposition, affidavit or written statements in support of its position, all of which material is required to be available to the enforcement staff and the Infractions Committee members at least two weeks prior to the hearing, the enforcement staff rarely, if ever, presents any information apart from their own oral assertion of the facts. Not only is there not an opportunity to cross-examine crucial testimony, there is not even a basis upon which any independent evaluation can be made as to its likely credibility since the enforcement staff orally presents only their conclusion as to the facts or testimony of a particular allegation or individual. Further, the practice puts the institution in the position of arguing the credibility of the enforcement staff rather than any particular individual or documentation.

At the same time, we have attempted to keep in mind that these are administrative, and not necessarily formal judicial, hearings. The time and effort involved in requiring live testimony with respect to every single fact can probably not be justified. On the other hand, fairness requires that there will be some equality in evidentiary rules and that there be some reasonable basis upon which to determine important and contested facts.

We believe that these evidentiary shortcomings in the current NCAA enforcement practices could be greatly improved by implementation of the following requirements:

(1) Allowing the institution prior access to the materials upon which the staff will base its case.

This will give the institution a reasonable basis upon which to test those assertions which it believes inaccurate. The staff currently has such an opportunity since the institution is required to present all of its materials in advance of the hearing. Further, the staff uses this opportunity to bolster its own case of what it believes to be the truth. There is no reason the institution or the affected individuals should not have a similar opportunity.

(2) The staff should be required to present to the Infractions Committee the evidence it intends to rely on in substantially the same form as is required of the institution.

Whether this be signed statements, memoranda of interview, deposition or affidavits is of secondary importance. What is important is that the committee on infractions and the institution have access to the entire information relied upon by staff in making its oral presentation so that an independent judgment as to credibility and accuracy can be made. Further, the determination would then be made on the basis of the credibility of the witnesses and not on the credibility of the staff.

(3) When important and where feasible, the hearings should utilize live witnesses subject to cross-examination, or deposition testimony subject to cross-examination.

Elemental notions of due process embodied in even relatively minor administrative matters include the right to confront the accuser. Currently, NCAA practices not only do not provide the right to confront the accuser, they do not even provide the opportunity for the institution or affected individual to do so. Since all affected institution staff and student-athletes are permitted, and sometimes required, to be at the infractions hearing where they are subject to questioning and cross-examination by the enforcement staff and the committee members, it seems only reasonable that the accused institution and affected individuals should have the same opportunity.

While it is difficult to create evidentiary rules which would be mandatory in all situations, it is clear that a number of improvements in the presentation of evidence can be made at the NCAA hearings without any undue or unreasonable burden upon the enforcement program. We believe that the proposals made above would allow the NCAA decison makers a substantially improved basis upon which to make determinations as to facts and at the same time would afford institutions and affected individuals a meaningful opportunity to present their "case" to the decision maker. Once again, the current NCAA practices of secrecy tend to make current enforcement program a one-sided affair in which there is no real equality or fairness to the institution or affected individuals.

These recommendations for the reform of NCAA enforcement procedures are not intended to be all encompassing. Many other reforms proposed by witnesses before your subcommittee or now being considered by your staff also have substantial merit. Some of our recommendations, after closer analysis and expanded discussion, might prove to be flawed. It is also obvious that no rules legislated to improve the enforcement process can adequately replace the exercise of sound judgment. Nonetheless, we hope that by offering our analysis based on long experience with the NCAA that we might further the public discussion currently carried out by your subcommittee and ultimately contribute to the goal of uncorrupted amateur competition for collegiate athletes. Thank you for this opportunity to voice our views.

Sincerely,

JOSEPH T. DIXON, JR.,
Attorney at Law.
JOHN S. NICHOLS,
Assistant Professor, Pennsylvania State University.●

NEWS ARTICLES REGARDING HEW GRANTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. HANSEN. Mr. Speaker, I hereby submit for the RECORD news articles regarding HEW grant activity in my district. This is to support action taken to secure answers and necessary corrective steps through HEW, GAO and other appropriate authorities. The news articles follow:

[From the Power County (Idaho) Press, Apr. 20, 1978]

COUNTY SUPPORTS NON-SUPPORTIVE CLINIC

(By Michael H. O'Donnell)

Power County taxpayers are helping pay one medical clinic to compete against another tax-supported clinic and hospital.

Tax supported rent and renovations payments have helped bring physicians into American Falls for a total of about 30 hours a week and have not stimulated the local hospital economy.

The Power County Hospital has a two-year agreement to pay the Southeast Idaho Family Medical and Educational Services (SIFMES), American Falls Medical Center rent and utilities costs of $225 per month. A $3,227 county warrant paid for building renovation of the clinic in June 1977.

During that same period of time, the county has paid to support the operation of the hospital and the Power County Clinic. All the revenue made at the county-supported clinic is returned to the county to defray the cost of a two-year contract with Health Systems Research Institute (HSRI), a Salt Lake City firm.

"When the HSRI clinic became established in American Falls, we changed from a supportive clinic for the hospital to a competitive one," Dr. Samuel Romeo, founder of the SIFMES organization, said.

American Falls Medical Center has placed 22 patients in the county hospital since it began operation more than a year ago. The SIFMES operation has logged approximately 5,000 patient visits during that same time period.

Most of the in-patient care needed by SIFMES clinic patients is obtained in Pocatello hospitals, according to SIFMES administrator Lionel Oberlin. The SIFMES head office in Pocatello said they did not have accurate figures on the number of American Falls patients admitted to hospitals in Pocatello.

SIFMES did offer to staff the hospital emergency room with a physician's assistant, but the hospital refused on the grounds of an existing by-law. The law requires a physician to live within 10 miles of the hospital before obtaining hospital privileges.

"Our physician assistants provide exquisite care," Romeo said.

Romeo said the SIFMES corporation utilizes the "modern hospital concept" of admitting less patients for in-patient care. He said the clinics in the organization admit about two percent of all patients sent to hospitals for care. The American Falls Medical Center would have referred about 100 patients to Pocatello hospitals last year if Romeo's estimate is correct.

Ward Alexander was vice-chairman of the hospital board during the time the county hospital made support agreements with SIFMES. "They indicated they would get someone over here," Alexander said.

"They are not performing the service needed in American Falls," the former board member said. He added he thought the SIFMES group was concerned about the hospital operation, but they are apparently not concerned.

Romeo said it was true that SIFMES indicated they would place a resident physician in American Falls. "We've spent many hundreds of dollars trying," he said. He said the SIFMES clinic was not taking new business away from the county hospital.

"Almost 10 percent of my private practice in Pocatello was American Falls patients before the SIFMES clinic opened," Romeo said.

Romeo said he began negotiations with grant institutions in 1976 prior to the time the county signed a contract with HSRL. Before the grants became available, the American Falls medical situation changed, according to Romeo.

The American Falls SIFMES clinic did receive a $141,000 grant from the Kellogg Foundation as administered by the Hospital Research and Education Trust, Chicago. More than 400 programs applied for the grants and less than 20 were recipients, according to a Hospital Research and Education Trust spokesman.

The SIFMES clinic in American Falls received $94,000 of the grant in 1977. The clinic was also awarded half of a $78,000 grant from HEW for migrant health care last year. Romeo said some of the migrant funds have been utilized yet.

Despite the fact the county pays the rent and funded renovation of the clinic and the operation received a Kellogg grant, Romeo said it is operating "way in the hole."

SIFMES office staff said the average patient visit brings $14 into the clinic and the collection rate last year was 65 percent. These figures indicate that the clinic generated $45,500 in patient revenue in the past 12 months.

The clinic received $31,000 of the remaining Kellogg grant the first of this year.

Total income for the clinic was about $170,500 during the first 12 months of its operation. The most expensive operating cost for the clinic is physician services, according to SIFMES administrator Lionel Oberlin.

Operating expenses other than physicians services include equipment valued at $12,000 according to a list given to the Power County assessor by Oberlin. Supplies cost the clinic about $2,500 a month, according to SIFMES, for a total of $30,000.

Two of the American Falls clinic employees are CETA funded, but SIFMES paid the wages for the office manager and part of last year for a registered nurse, according to Romeo.

The clinic is open from 8 a.m. to 5 p.m., Monday through Friday. SIFMES has a contract with the Family Medical Center. Pocatello, for physician services at the clinic. Dr. Romeo is a profit-sharing partner in the Family Medical Center.

Four different Pocatello doctors, Dr. Lou Williams, Dr. Jack Summers, Dr. Dennis Minister and Dr. Michael Baker rotate visits to the American Falls clinic each week. During an average week none of the doctors spends more than 12 hours working in American Falls.

The contract with Family Medical Center also includes a full-time physician's assistant, Dennis Royston, who works at the SIFMES clinic four days a week from 8 a.m. to 5 p.m.

The cost of the physician services contracts with Family Medical Center was not specified by Oberlin but the SIFMES administrator did say the average cost would be about $50,000 for a full time physician per year.

Romeo said the American Falls clinic has a contract for one and one-half physicians plus a physician's assistant. Although doctors are only in the clinic about 30 hours a week, Romeo said they are on call 24 hours a day. The extra one-half doctor charged on the contract is for compensation of this call time, according to Romeo.

Total contract cost for a year's physician services at the SIFMES clinic would be approximately $90,000, according to SIFMES figures.

The doctors working in the American Falls clinic spend most of their work week in the Family Medical Center practice in Pocatello.

"We do believe that the key to our success in American Falls is a resident physician," Romeo said. He added the SIFMES clinic does provide an option for patients who do not want to use the Power County Hospital.

"Our clinic sends patients to the hospital they request," SIFMES administrator Oberlin said. He said the American Falls community "does not want to acknowledge" the fact the past doctor shortage established a habit of obtaining medical services in Pocatello.

[From the Power County (Idaho) Press, Apr. 20, 1978]

PRIVATE CLINIC HOLDS PUBLIC-FUNDED PHYSICIAN CONTRACTS

(By Mildred H. O'Donnell)

A publicly supported corporation is apparently pumping business into a profit-making medical clinic.

The non-profit SIFMES corporation shares building space, doctor services and board members with the Family Medical Center, a profit-making private practice in Pocatello.

Although the SIFMES four-clinic group has received about $700,00 in grants and government support, it is operating "in the red," according to administrator Lionel Oberlin.

The American Falls clinic is just one of four clinics in the corporation. The largest operating expense for the clinics is the payment for physicians services, according to Oberlin. The Family Medical Center Pocatello, holds most of the contract with SIFMES for their service.

Southeast Idaho Family Medical and Educational Services, Inc. (SIFMES) filed their articles of Incorporation with the Bannock County courthouse in December, 1975. Dr. Samuel J. Romoto is listed as an original board member of the non-profit organization and he is currently secretary-treasurer of the SIFMES corporation.

Romoto is also listed as one of two profit shareholders in the Family Medical Center, a profit making corporation that filed its articels of incorporation with Bannock County in August, 1976. Dr. Michael Baker is the other profit shareholder listed in the document and he is also a member of the board of directors for SIFMES.

Administrator for the Family Medical Center, Don Walker is also a former SIFMES board member. The vice-president of the SIFMES board, David Hilderbandt, is a psychologist at the Family Medical Center.

SIFMES has a state no-profit corporation license and has obtained non-taxable status with the Internal Revenue Service IRS. The purpose of the corporation as listed in the articles of incorporation are "scientific and educational . . . to organize and provide medical services and medical eduaction services, but not to carry on a business, trade or profession for profit."

The IRS code states, that exempt organizations such as SIFMES may not conduct business as a tax exempt organization if any part of the net earnings benefit any private shareholder or individual.

The SIFMES organization has clinics in American Falls, Lava Hot Springs, McCammon and Soda Springs. The Lava clinic was started in October, 1976; American Falls, March, 1977; McCammon, September, 1977; and Soda Springs, October 1977. There are a total of 13 members of the SIFMES board of directors.

The organization has been successful in obtaining a number of federal and private grants as well as local government support for the clinic operations.

The federal government's Health in Underserved Rural Areas (HURA program has awarded SIFMES $400,000 for use over a two year period in 1977–78. A public service grant for migrant health care from Health, Education and Welfare (HEW) awarded the corporation $78,000 in 1977. Another public service grant of $33,000 has been awarded SIFMES for a "mental health package program" this year.

The organization also obtained a private grant through the Hospital Research and Education Trust from the Kellog Foundation of Battle Creek, Michigan. The $141,000 two-year grant was earmarked for the American Falls clinic.

In addition to grant programs, SIFMES has received the financial backing of Bancock, Power, and Cariboe Counties.

Bancock County started paying $300 a month in January to help pay rent in connection with SIFMES participation in the Pocatello "free clinic". The free clinic is held after regular business hours, in the Family Medical Center.

Power County Hospital has paid a monthly $225 rent for the American Falls clinic since it opened. The county paid $3,227 for renovation of the clinic's office area last year.

Cariboe County paid SIFMES $10,000 last year to defray the cost of purchasing a trailer for the clinic's operation in Soda Springs. The clinic trailer is parked on the county hospital grounds.

The SIFMES clinic in Lava Hot Springs is located in the City's community building and the organization does not pay rent for that office space.

The owner of the Lava ambulance service, Darin Wellard contracts service with SIFMES. He is also the office manager for the SIFMES clinic in Lava and a member of the board of directors.

Eight of the employees working for SIFMES were paid wages through the federal Comprehensive Employment Training Act (CETA). The CETA program is administered through the state department of employment and the program provided SIFMES with $53,141 in wages beginning last year.

The CETA VI funds came from a special projects program and the SIFMES project was approved by a seven county advisory board, according to the Southeast Idaho Council on Governments. The supervisor in charge of CETA eligibility at the Pocatello office of the state department of employment is Idaho Perce. She is also a member of the SIFMES board of directors.

The supplies, equipment and professional services necessary to run the clinics are expensive, according to SIFMES secretary, Jean Joe. Joe and Oberlin agreed the most expensive investment involved with the clinics was for physician services.

SIFMES has contracted some time from specialists in the medical field, but most of the physician service contracts have been made with the Family Medical Center, according to Oberlin.

The SIFMES corporation has several different contracts with the Family Medical Center and Oberlin said the cost of the contracts reflects benefits, insurance, and travel, as well as the time spent by physicians from the Medical Center. When asked if the contracts with the Medical Centers included a margin of profit, Oberlin said he didn't know that information.

"We are getting more services than we are paying for in the entire SIFMES organization," he said. "We feel we are getting a heck of a bargain," Oberlin added.

Family Medical Center administrator and SIFMES board member, Dan Walker said the Pocatello practice was providing medical services for SIFMES at "near cost."

"It's not a matter of exclusiveness, it is a matter of a necessity," Dr. Romeo said about SIFMES contracts with the Family Medical Center. He said SIFMES would contract with anyone willing to offer the services.

Eight doctors work in the SIFMES clinics one doctor splits his week between Lava Hot Springs and McCammon. Another works full time in the Soda Springs clinic. All other physicians spend some time in the SIFMES clinics and most of their work week in the Family Medical Center, Pocatello.

None of the doctors from the Family Medi-physicians spend some time in the SIFMES reside in the community where the clinic is located.

As SIFMES has grown, so has the Family Medical Center. In 1976 there were two physicians working in the Family Medical Center and currently there are eight, according to clinic administrator Walker S.

Administrative headquarters for SIFMES are located in the Family Medical Center building in Pocatello.

SIFMES made its application for tax exempt status in 1976. The IRS application form requires statement about the proposed operation of the organization. The SIFMES organization said it would provide a number of educational and medical services, according to the application.

Proposed SIFMES educational services included providing vocational training for EMT's, clerkship in family medicine for junior and senior medical students, clerkship residency in family medicine and a three-year residency in family medicines, according to an IRS spokesman.

The SIFMES organization has not yet employed any junior or senior medical students or provided training for EMT's. Some of the physicians working in SIFMES clinics are working on their board certifications in family medicine, according to Oberlin.

The clinics do apparently provide medical services for patients at a "normal" fee as proposed on the IRS application. Patient services are charged on a "sliding fee" schedule and the average cost per patient visit in the American Falls clinic is $14.

Patient billing are currently far below the cost of operations, according to Oberlin. He said the SIFMES clinics will be operating "in the red" until patient generated revenue matches costs. He said this was the long-range goal of the SIFMES corporation.

"Our long-range goal is to be self-sufficient," Oberlin said. He added this did not necessarily mean the clinics would eventually be profit-making, but rather non-government supported.

Oberlin said grant moneys that have been awarded and not used are kept in a SIFMES account and public funds are separate from private funds.

Future SIFMES projects include a mobile clinic which will be used in Power and Bannock counties to provide health care for migrant workers staying in migrant camps. The mobile clinic is currently being equipped according to Oberlin.

[From the Power County (Idaho) Press, June 1, 1978]

ARTICLE ON SIFMES HAS GROSS INACCURACIES

To the Editor:

Last month, the Power County Press published an article by Mr. Michael O'Donnell that cannot go unanswered. About ¼ of page 1, and nearly all of the back page were devoted to a demeaning article about the American Falls Medical Center, and the Southeast Idaho Family Medical & Educational Services, Inc. Mr. O'Donnell's article was replete with over-simplifications, outright errors of fact, inexcusable errors of omission, and obviously intentionally misleading implications. It is a great disappointment to see the Power County Press, which has in the past demonstrated fairness in judgment and accuracy in reporting, lend its name to such gross inaccuracies. The article has done a severe injustice to an organization that has, in fact, devoted a great deal of its resources to trying to improve health care provisions in Power County.

The points made by Mr. O'Donnell may be generally divided into three categories: errors in fact, errors in omission, and misleading implications. Let us review each in turn.

Error in fact: The article states that the SIFMES organization has "not stimulated the local hospital economy". Demonstrably untrue, as indicated in Ms. * * * follow-up letter to the Press published on April 26, 1978. The truth is that the SIFMES Clinic has been giving the hospital laboratory and X-ray work totaling up to $1500 every month. (Does it need to be pointed out that SIFMES could easily do that laboratory work itself, or have it taken to Pocatello?

Error in fact: The article states that the Pocatello "Free Clinic" is held after regular business hours in the Family Medical Center in Pocatello. In fact, the free clinic has never had any organizational relationship to the SIFMES operation whatsoever. There are no financial connections, the clinic is not held in The Family Medical or SIFMES facility (they have their own building provided by the City of Pocatello), and they have existed long before SIFMES was even thought of. SIFMES does provide some gratis assistance in the form of physician time whenever possible because the free clinic operates on a shoestring.

Error in fact: The article states that SIFMES has not yet provided training for medical personnel as was intended. The fact is that SIFMES has worked consistently with the Washington, Alaska, Montana and Idaho (WAMI) Medical Program, and has provided training for both medical students and family practice residents. That training has taken place in a number of clinical facilities, including American Falls, and continues today. In addition, SIFMES has donated physician time to the development of an Emergency Medical Technicians (EMT) Training Program in Pocatello, and it is largely with SIFMES assistance that the current availability of EMT trained personnel in Lava Hot Springs is a reality.

Error in fact: The article states that because the American Falls Clinic has "logged approximately 5,000 visits", and because Dr. Romeo is quoted as saying we admit about 2% of all patients seen to the hospital, therefore we have "referred about 100 patients to Pocatello hospitals last year. . . ." It is true that we had about 5,000 patient encounters last year. This is not 5,000 patients, however. A little judgment would suggest that had we seen 5,000 individual patients we would have seen every man, woman and child in American Falls. The 2% hospital admissions figure applies to patients seen, not encounters. The correct figures are made like 1,000 to 1,200 patients, two percent of which would be 20 to 25 hospital admissions.

Error of omissions: The article takes glee in finding that the Lava Hot Springs Clinic resides in the Lava Community Center without paying any rent. Perhaps Mr. O'Donnell could also have mentioned that SIFMES spent over $10,000 renovating a dusty basement for its use and that should we ever move from that building those renovations will belong to the Village of Lava Hot Springs.

Misleading implications: The article piously proclaims that all the revenue made at the county supported clinic (HSRI) is returned to the county to defray the cost (of services)", implying that the HSRI clinic makes money for the county. The fact is quite the reverse: the county is subsidizing the HSMI clinic by guaranteeing its income at a level of $30,000 per month.

Misleading implication: The article reveals that "a publicly supported corporation is apparently pumping business into a profit-making medical clinic". We would suggest that Mr. O'Donnell read the Federal Rule and Regulations regarding the awarding of Health Underserved Rural Areas (HURA) Grant Funds. The fact is that the Public Health Service is intelligent enough to realize that the only practical way in provide continuing health care is to contract with a profit-marketing corporation. It is, in fact, a requirement that such a relationship exist. Terms like "pumping money into" clearly implies that something improper is happening. The fact is that the relationship is duplicated by every such program across the country. (Should we mention that HSRI is the same type of organization that we are? Should we mention that the American system of business suggests that making a profit is not improper? Should we mention that it is about time the government used cost effective means of providing services by contracting with profit making corporations.

Misleading implications: The suggestion is made that paying a physician $50,000/year is improper or exorbitant, and that The Family Medical Center is therefore making too much profit on the contractual relationship. We would refer O'Donnell to the Department of Labor, which will inform him that the average physician in the United States makes $65,000 per year. The fact is, as I stated to Mr. O'Donnell on the phone, the physician services contracted from Family Medical Center are a bargain.

Misleading implications: The article takes great pains to point out that Family Medical Center and SIFMES have their offices in the same building. Would Mr. O'Donnell rather have the two organizations rent separate buildings at twice the cost? The fact that the two organizations work closely together makes constant communication desirable. If good communications can be combined with increased cost efficiency, why not? Mr. O'Donnell is simply trying ridiculously hard to build some kind of case for subterfuge that doesn't exist.

We would like to suggest to the editor that Mr. O'Donnell's employment at the Power County Press be severely brought to question. Any reporter that feels free to take such liberty with the facts, and to so blatantly mix personal editorializing with the reporting art, must have his professionalism questioned. Mr. O'Donnell did do us the courtesy of a phone call (in which he demonstrated his ignorance by not knowing the difference between "intern" (student) and "internist" (highly specialized physician), but he turned down our invitation to visit with our administrative staff. We would extend that invitation to any in the American Falls community who would like to know anything about the SIFMES organization. We are proud of what we have accomplished in Power County. Though we have certainly not met all our goals, we have done our best and have significantly increased health care services in the region.

Contrary to the article's suggestions, we do not view the RSRI clinic as the enemy, but rather as another sincere effort to extend health care services. We are all in the same business of increasing the quality of life in Power County and Southeast Idaho. We appreciate all the help we can get.

Sincerely,

LIONEL E. OBERLIN,
Project Director,
SIFMES.●

DOCUMENTS REGARDING HEW GRANTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 22, 1979

● Mr. HANSEN. Mr. Speaker, I hereby submit for the RECORD documents regarding HEW grant activity in my district. This is to support action taken to secure answers and necessary corrective steps through HEW, GAO, and other appropriate authorities. The documents follow:

SEPTEMBER 12, 1978.

To: Henry G. Hampton, Grants Management Specialist.

Subject: Review of Application 510 510005 03 0. Southeast Idaho Family Medical and Educational Services.

To: Chairman, Review Committee.

INTRODUCTION

These comments pertain to the evaluation of the applicant's response to their conditional award of funds. The funds are planned for use in the following areas: Lava/McCannon; Caribou; and American Falls.

These sites constitute five actual sites and the award included funds for incorporation of a migrant, adolescent and community mental health project. The grantee referred to as SIFMES is in their third year of support and the project is characterized by its contractual arrangement with the Family Medical Center of Pocatello for provider and support services.

FUNDING SUPPORT REQUESTED

Previously, the applicant requested and was awarded, conditionally, $442,995 of PHS funds, which was supposed to be conmbined with $359,058 for a operating budget of $802,053.

Funds and sources

Lava Facility Rent	$6, 500	
Dist. Health Employees	6, 720	
Title XIX	69, 168	
Fees for Svs	276, 670	
Migrant Supplemental		$86, 804
Com. Mental Health		28, 953
Adolescent Supplemental		93, 912
Continuation Grant Funds		233, 330
	359, 058	442, 999

FINANCIAL MANAGEMENT CAPABILITY

It appears that the applicant's financial management ability has been compromised for some reason which is not clear. The recent conditions imposed on the Notice of Grant Award were due to an unclear and vague application which failed to clearly organize and project utilization and reimbursement. It also failed to develop the concept of operation for the multi-site project and seemed to convey a total lack of control. A review of applications from budget year 01 and 02 tend to verify these indicators. Further, a recent application for expansion in the American Falls Service area requested funds for that area when funds totalling approximately $100,000 have been provided by this grant.

The applicant has demonstrated a reluctance to clearly state the cost of various components of the contractual agreement for provider services which engulf a measurable amount of the operating budget which hampers the grantee's ability to become self sufficient. This aspect of the various applications has made it difficult to provide technical service which could assist their overall progress. It is still not clear how many providers are being purchased by this grantee.

Presently, no audit findings are available to further evaluate the financial management and managerial competency of this applicant; but, from the recently received BORR reports, it appears that the grantee is inflating projections of revenue. BORR data on revenue experience does not support the 1978–1979 projected revenue, possibly due to under reporting of 1977–78 experience.

COST ANALYSIS

Other

The applicant has listed certain contracted services totalling $29,123, which should be entered as contractual services. Medical and office supplies for Lava/McCannon and Caribou total almost $50,000 and is considered *excessive.*

Patient care

Contractual services total $414,290 but should be $443,413 if these services in the "Other" category are entered appropriately. These contractual services include providers, administrative support and laboratory costs. The projected laboratory costs appear excessive and the Coordinator of Education and Outreach Services position questionable. Provider services appear on the spread sheet as costing $356,633, but insufficient data was provided to ascertain exactly what is being purchased, as required by special conditions of the $3 year conditional award.

Personnel services

The cost of this category totals $183,065 with the supplemental projects and would be reduced to approximately $124,000 without them. Generally, the costs associated with this project are high and this could affect the grantee's ability to become self sufficient.

CONFORMANCE WITH GOVERNING LAWS, REGULATIONS AND POLICIES

The grant award specified certain requirements/conditions which this follow-up application and accompanying documents were to address:

1. This application failed to reallocate funds currently budgeted for on-call relief and resident call provider time; it disguised the issue.

2. . . . reduce funds budgeted for medical supplies.

Medical office supplies

L/Mc: From $37,200 to $19,200.
Soda: From $21,524 to $31,524.

The applicant reduced slightly the costs of medical supplies but the estimates are based on approximately 8,000 encounters of *each* site which is totally unrealistic because the last budget period produced only about 8,500 encounters from all five sites.

3. . . . appropriately increases revenue projections for Lava-McCannon.

This was *not done.* It appears that the projection was decreased slightly.

4. . . . distinguish, by site, between costs related directly to self sufficiency and costs related to non-reimbursable services.

This was *not done.*

5. Proposed contract for provider services on a cost reimbursement basis with clear projected costs and method of payment.

The contract and the budget presentation *fail* to clearly identify costs; it is *not* on a cost reimbursement basis; it *does not* clearly identify what (how many providers) is being purchased and is a continuance of the reluctance to explain the concept of operation and how funds, especially contracted services, are being used.

OTHER SIGNIFICANT FACTORS

The applicant would not be able to continue this project if funds were withdrawn and is demonstrating an inability to wisely administer those funds granted to them. The recently received BORR pertaining to the 1977–78 budget period clearly identifies a low encounter rate. The total charges for services are low and makes it impossible to comprehend how the applicant makes the projections that it does and the limited use of providers raises the question of "what is being done with the funds?" Clearly, the 02 budget period reports fail to yield total provider usage equal to the funds provided for that purpose. It appears that the applicant is over zealous in their requests for funds and reluctant to explain what the project is really doing. The grantee's reluctance to comply with the specifics of the grant conditions raises doubts concerning their integrity.

SUMMARY

The applicant has presented an application which is loaded with unrealistically inflated costs. The vague method or presentation and failure to adequately clarify the special conditions of this conditional award are significant and require definite and decisive action. It is suggested that a copy of the current audit be secured immediately so that prudent corrective measures can be considered. It is also suggested that no further funds be awarded to this grantee until its managerial and financial posture is understood and the previous conditions explained thoroughly.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
November 30, 1978.

Our Reference: 10 D 510006 03. Health Underserved Rural Area/Migrant Health.

Mr. JACK PERRY,
Chairman, Southeast Idaho Family Medical and Educational Services, Inc. (SIFMES). Pocatello, Idaho.

DEAR MR. PERRY: The SIFMES correspondence directed to Patricia Walker and to Dr. Sherman Cox dated October 31, 1978, has resulted in an extensive review of both the proposed contract documents and the proposal to extend complete clinical services into American Falls, using the HURA grant, rather than the Kellogg Foundation, as the source of support.

This letter will address both issues. First, the proposal to extend HURA-funded clinical services into the American Falls clinic is considered to be consistent with my letter to you of August 4, 1978. Final action on the American Falls HURA expansion cannot occur before issues relating to the SIFMES–FHC contract are resolved.

With regard to the two proposed contracts, a number of serious difficulties presented themselves during our review. As was made clear in earlier correspondence, a fixed-price contract is not acceptable to the Regional Office because this is a sole-source negotiated procurement for which previous actual cost data is not available. The proposed cost-reimbursement contract is acceptable as a contractual form but cannot be approved. The following comments may be of use to SIFMES in renegotiating the contract; it is hoped by the Regional Office that the renegotiation will be successful. If not, the grant will be suspended.

1. *Statement of Work:* it is unclear from the statement of work just how many hours of physician/nurse practitioner time will be provided under the contract. Since Dr. Romeo is proposed as the point of decision regarding practitioner scheduling, the contract must be strengthened to specify, in advance, the hours of clinical service to be provided by FWC. To state that the clinics will be open 8–12 and 1–5 does not validate the presence of either a doctor or a nurse practitioner during those hours as the contract is presently worded. Since physician/practitioner time is proposed at very generous FTE levels, it is incumbent upon SIFMES to assure that it receives the time proposed by FMC. The contract document must be explicit on this point. As presented, a FMC practitioner (NP or MD) works four days a week, often less than eight hours per day, or a maximum of 32 hours per week on SIFMES-related care, provided in a clinical setting. SIFMES should assure itself that it receives the benefit of full-time coverage. Again, the contract must be explicit.

2. *The FTE Concept* presented in the contract is not clear. It appears that the 2.0 FTE proposed for Soda Springs does not represent two full-time physicians in the clinic at all times (as inferred from Exhibit A, paragraph 3), since one of these providers is planned to serve Lava Hot Springs two days per week. This item must be clarified to the satisfaction of SIFMES and the Regional Office. The discussion in Exhibit A is not adequate. The following weaknesses were noted: 1) Paragraph A states that clinic hours will be eight hours Monday through Friday and then goes on to state that hours may be varied "as may be necessary to meet the medical needs of patients". Nowhere does this item state clearly that if hours are changed to less than eight per day that a corresponding decrease in reimbursement will be an outcome. This is a requirement. 2) The discussion of full time equivalent in paragraph B does not supply the required assurance that all physicians employed by FMC are engaged in clinical practice only four days per week. If the FMC physicians are normally engaged in hospital practice during the fifth day of the week as part of their ordinary salaried compensation, this time may not be allowed as a cost to the grant. For your information, the guidance provided for National Health Service Corps physicians is used by BCHS in determining full-time physician status. This guidance is found on page 11 of the *NHSC Policy Manual*, dated October 1978, and states, in part,

"All NHSC professionals will schedule a minimum of ten (10) patient-sessions in the office per week. A patient-session is a block of time for scheduled patients which will range from a minimum of three and one-half hours where a large hospital patient load is usual (not the case with FMC/SIFMES relationship), to four hours where hospitalized patients are not an integral part of the practice. This scheduled patient time does not include time needed for hospital rounds although home visits may be considered part of the scheduled patient sessions."

Except for emergency situations, the NHSC professional is responsible for being in the office and available to patients during these scheduled hours. . . . This policy covers office hours which are only one component of total professional involvement and is not meant to suggest that professional patient care time should be limited to scheduled patient care.

Since the resources of the NHSC *locum tenens* is not available to FMC, the costs of vacations and educational relief is considered to be allowable. The four-day work week, however, causes the Regional Office grave problems. This issue is central to a productive outcome of contract negotiations, and the Regional Office expects SIFMES to insure the application of Federal policy to these negotations.

3. *Payment.*—An inconsistency appears in the discussion of payment in the proposed contract. In Part I, FMC Responsibilities, D., FMC is to provide a monthly statement to SIFMES describing the services provided and expenses incurred for the preceding month. In Part IV, Method and Time of Payment, payment is described as equal payments of $30,000, to be reconciled twice a year. If the statement referred to in Part I describes actual costs, the payment should reflect reimbursement for such costs, and should not, then, result in equal payments through the life of the contract, since costs will have monthly variations, no matter how slight. This is not to say that the initial payment should not be an advance for a one-month period. There must, however, be a provision for reconciling the advance with actual expense on a monthly basis, since this process is the only manner in which costs can be monitored in a timely manner to assure budget compliance and to prevent cost overruns. The reporting format should be attached to the contract document, and should include individual salary information on a monthly basis. It is not necessary to state the name of the provider(s) being claimed, but costs claimed must not exceed the actual salary paid to the individual, plus related fringe benefits for the days/hours claimed. The supporting FMC documents should provide a clear audit trail, by name and salary rate, supporting the elements claimed on the invoice.

4. *Costs.*—The costs, as presented, are in insufficient detail to determine the basis and appropriateness of costs proposed. Further, while the proposed contract provide for minimum payment of $355,000 and maximum payment of $416,000, the supporting cost information (Exhibit B), when adjusted for the actual numbers of providers included in the statement of work, totals $470,590. The following schedule presents the completed document for purposes of analysis:

Description of cost	Extension	Amount
Full time equivalent physician (1) at $77,457	4	$309,828
Administrative expense		21,804
Travel (excluded from document submitted)		4,000
Overhead		61,773
Transcription		9,185
Physician assistant (1)	2	41,500
Dr. Berg		22,500
Total		470,590

The present award for year 03 includes $496,766 in the cost category "patient care", including $356,633 of both Federal and earned income for support of FMC, the balance being services contracted elsewhere. The approved budget also includes $20,049 for other services contracted through FMC, including Dr. Berg at 75% time. Thus, the total approved support to date for FMC is approximately $376,800, some $94,000 less than the amount actually requested in the proposed contract. This leaves SIFMES with a severe budgeting problem.

The administrative cost of $21,804 cannot be supported without a verified means of positive timekeeping which will validate charges at this level. A presentation of undefined percentages of time is not acceptable.

The amount of $4,000 for travel was obtained through a telephone conversation, since the figure had been omitted through oversight. Again, this amount for mileage reimbursement does not define the circumstances of approved travel. The detail is essential, or no basis for cost audit can be established.

The $61,773 for "overhead", as presented, is not acceptable. On what basis are these costs being charged to the contract? Home office rent is an ongoing cost to FMC, with or without the contract, and no cost assumptions have been presented to support the cost. The item for recruitment is not defined. If the contract is to pay for provider recruitment, the person recruited must be working under the contract. The contract should not be used as a means for FMC to recruit providers which will be working generally in the practice. The only insurance allowable under this contract is the provider malpractice insurance, since other insurance is covered under fringe benefits. This contract is essentially a personal service instrument, since SIFMES is not committed to providing ordinary costs of the FMC practice except for those costs which can be clearly identified as related to the SIFMES activity. The same objection is made to the other elements comprising the "overhead" line item.

The medical transcription services are considered to be acceptable, based on previous records of effort.

The costs for physician assistant are not presented in the same detail as those for physicians. The statement of work indicates that PAs will be present five days per week, and that they also work a four-day week. Is there to be fifth day coverage for PAs, or is the statement of work incorrect?

The Anthropologist.—The Regional Office has not designated SIFMES as a HURA research site. The collection of data to provide information leading to improved patient care is understood to be a useful, productive and allowable exercise, but the intent of this grant is not research-oriented, nor are research costs going beyond the planning/evaluation function considered to be allowable. Throughout the grant application and the proposed contract, Dr. Berg, an anthropologist, is described as performing "research and outreach" functions. The functions of community development, outreach and translation presently performed by Dr. Berg are allowable. However, his professional training as an anthropologist is incidental to his grant-related employment, and reference to the profession of anthropology should be deleted. Please describe his job functions, rather than his professional qualifications, in reference to his position. The compensation for this position will be evaluated by the Regional Office on the basis of actual proposed duties and comparable rates of pay in your area.

5. *Method and Time Payment.*—The Regional Office concerns relating to the presentation of actual cost data has already been addressed. This section of the contract also includes a clause regarding late payment charges. This clause is not acceptable.

A number of major problems have been discussed in these review comments. To summarize the major issues, we have identified them as: 1) the need for a cost reimbursement contract; 2) the requirement that all payments, except for the initial advance, be made upon the basis of an invoice of actual costs presented monthly; 3) the requirement that actual costs be fully documented for purposes of monitoring and audit; 4) the unacceptability of the "full time equivalent" provider concept in the absence of an acceptable definition of "full-time employment"; 5) the requirement for a fully justified budget which is reflected in the body of the contract as the maximum allowable cost; and, 6) the acceptability, as presented, of FMC "overhead" costs. The draft contract is thus considered to be seriously defective, and must be revised as specified above. If the required changes have not been accomplished by December 31, 1978, the grant will be suspended.

Sincerely,

David N. Hanson,
Director, Division of Health Services Delivery, PHS, Region X.

Power County Hospital,
American Falls, Idaho,
December 29, 1978.

To: Congressman George Hansen

Here are the statistics you were seeking regarding physican activity in our hospital for 1977–78. I trust it will be of value to you in your investigation.

Admissions

	SIFMES	HSRI[1]
1977	27	643
1978	9	701

Lab visits

	SIFMES	HSRI[1]
1977	546	3, 154
1978	440	3, 681

X-ray visits

	SIFMES	HSRI[1]
1977	261	1, 685
1978	300	2, 171

[1] Private clinic (notation added).

If you have any questions regarding this data please feel free to contact me. I might explain that data for 1977 is for the months March through December. 1978 data is through December 28.

Yours very truly,

Gary Obenauer, *Administrator.*●

SENATE—*Monday, February 26, 1979*

(Legislative day of Thursday, February 22, 1979)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. Dale Bumpers, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, giver of life and liberty, give us also wisdom and courage for the living of these days. Work Thy will in and through the leaders of this Nation. When the next step is not clear may we wait patiently in tune with Thy Spirit and with faith in the ultimate fulfillment of Thy purpose for mankind. Store our minds with Thy truth and our hearts with Thy love that we may be calm in a crisis, strong under stress, triumphant in the storm, and ever guided by the light which never fails.

We pray in His name who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The second assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., February 26, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Dale Bumpers, a Senator from the State of Arkansas, to perform the duties of the Chair.

Warren G. Magnuson,
President pro tempore.

Mr. BUMPERS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I know of no requests for time. I yield back my time.

Mr. STEVENS. Mr. President, will the Senator withhold that? Can he yield that time to me for Senator Mathias?

Mr. ROBERT C. BYRD. Mr. President, I will have an order later just before I move that we go into executive session. I will yield to the Senator at that time.

Mr. STEVENS. Mr. President, I yield a portion of the time, 3 or 4 minutes, to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

THE CARTER ADMINISTRATION AND FREEDOM OF INFORMATION

Mr. GOLDWATER. Mr. President, today I want the Senate to know of an action taken by the Carter administration last Friday which I consider to have been misleading and inspired by political motives. In my judgment, it was an attempt to indicate that although there were many and frequent contacts between Government officials in the Nixon administration and the Corporation for Public Broadcasting, the Public Broadcasting Service, and National Public Radio Board members, nominees, and officers, there have been no such contacts under the Carter administration. The implication is that the same kind of contacts between these parties under the Nixon and Carter administrations are somehow different, with Nixon contact improper and the Carter contact nonexistent or somehow more defensible.

Now, Mr. President, since the expansion of the Federal role in public broadcasting in 1967, I have been of the opinion that each administration has tried to improperly use public broadcasting for its own benefit. I do not condone this and find it disturbing that all too often many in public broadcasting are willing tools for such political manipulations. As a result, last year during deliberations on public broadcasting authorization legislation and the nomination of Henry Geller to be Assistant Secretary of Commerce for Communications and Information, the Communications Subcommittee requested the appearance of Barry Jagoda, at that time Special Assistant to the President for Media Affairs. The purpose of our request was to provide the subcommittee and the American people an explanation of widespread press reports on the influence of Mr. Jagoda and other Carter administration officials on public broadcasting programs, legislation and on officers and directors of PBS, CPB, and other public broadcasting entities.

Mr. Jagoda steadfastly refused to appear although he did visit me personally and disclaimed any substantive role in public broadcasting matters. Subsequently, during hearings on public broadcasting authorization legislation, we obtained information for the record that substantiated our fears that the Carter White House had numerous improper contacts and influences over programs and officials of PBS and station WETA. At that time, the subcommittee requested Henry Geller to provide all written and oral contacts of Carter administration staff members including Barry Jagoda, Frank Lloyd, Richard Neustadt, Robert Sachs, and Simon Lazarus with public broadcasting. We also requested the same information from CPB. Mr. Geller gave an inadequate response to the subcommittee on May 18, 1978, providing obviously incomplete information.

I later pursued this request and was told it was under consideration by the President's counsel. To this day, the subcommittee has received no reply to our request.

More than 6 months later, the Carnegie Commission on the Future of Public Broadcasting requested similar information regarding all White House contacts with public broadcasting beginning in 1969. White House and staff members of the National Telecommunications and Information Administration have labored mightily and expeditiously to disclose some 7,000 pages of materials in response to the Carnegie Commission request. These materials begin in 1968 and end, strangely enough, in August 1974 before President Ford's Administration. The index to these documents alone takes 68 pages.

Not a word is forthcoming on any contact of any Carter administration people with public broadcasting. To believe that this lopsided presentation is accidental would be naive. It is my understanding that one or more of the Carter officials whose contacts were the subject of the subcommittee's repeated demands for information, have, in fact, participated in compiling the Nixon era documents for release. In other words, "freedom of information" and the Carter administration's "open government" ends with disclosure of potentially damaging information about the supposedly improper contacts of the Nixon administration. At the very least, the Carter administration's disclosure is biased and unfair; at the worst, it smacks of a coverup.

Therefore, I am today repeating and enlarging my demand for disclosure by the Carter administration of each and every written and oral contact between Carter administration officials and the following persons: Directors or director nominees and officers of the Corporation for Public Broadcasting; directors, officers, and employees of the Public Broadcasting Service, National Public Radio, Greater Washington Educational Telecommunications Inc. (WETA), Educational Broadcasting Corp. (WNET), Community Television of Southern California (KCET), Chicago Educational Television Association (WTTW), and the WGBH Educational Foundation (WGBH).

I am asking for the same information regarding Carter administration appointees' contacts with the members and staff of the Carnegie Commission for the Future of Public Broadcasting and with trustees, officers, employees, and consultants of the Ford Foundation.

The Carter administration has been in office only 2 years, and I would imagine that there are less than 8,000 pages of such material and that the Carter staff compiling this material will move as promptly to furnish this information to the Senate and the people of the United States as it did to furnish the supposed goldmine of "Nixon naughties" to the Carnegie Commission.

THE QUESTION OF A CONSTITUTIONAL CONVENTION

Mr. GOLDWATER. Mr. President, there has been a great deal of interest expressed amongst many of the 50 States of our Union, including my own, unfortunately, that there should be held a constitutional convention on the matter of controlling Federal spending.

Mr. President, I think that a constitutional amendment, properly and intelligently drawn, either by the States or in concert with the Congress, would be a proper way to approach this and submit the amendment to the people of the United States for their adoption or rejection. But I think it would be very foolhardy, it would be a tragic mistake, to hold a constitutional convention for this one purpose.

I say it would be foolhardy and dangerous because if we hold a constitutional convention, every group in this country—majority, minority, middle-of-the-road, left, right, up, down—is going to get its two bits in and we are going to wind up with a Constitution that will be so far different from the one we have lived under for 200 years that I doubt that the Republic could continue.

Mr. President, even though my State has approved a constitutional convention, I wanted my voice as a Senator from that State and as a Member of this body to be registered as totally opposed to any constitutional convention, but in favor, if we can properly do so, of an amendment that will direct the Congress relative to the fiscal irresponsibility we have been engaged in for too long. I thank my friend from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Arizona. I think his statement is very important on this issue which seems to be perplexing so many people in public life, the question of whether there should be a constitutional convention.

THE PROFESSIONAL THEATER IN ALASKA

Mr. STEVENS. Mr. President, I come from an area of the United States 4,500 miles from Washington, D.C. This distance, however, has not prevented Alaska's ability to influence the arts throughout the United States. Due to our remoteness, the arts play a vital role in entertaining and educating the people.

Professional theater first appeared in Alaska in early 1977, and has since grown remarkably in size and scope. I am proud of the imaginative advancements Alaskans have made in the arts. On Sunday, February 25, 1979, the Washington Post recognized the significance of theater in Alaska in an article which I am pleased to place in the RECORD for my colleagues to review.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"TERRA NOVA"—STAGING A RACE IN ALASKA

(By Richard L. Coe)

ANCHORAGE.—When two productions of a new play from Yale University, titled in Latin, open the same night in California and Alaska, you know that the American theatrical revolution is here. New York has evinced interest, but Anchorage and Los Angeles have "Terra Nova."

The play is by 26-year-old Ted Tally, a drama of a "new land" in vivid, poetic images about Robert Scott's 1911 failure to beat Roald Amundsen to the South Pole.

This is a story about two heroic men, their dreams and realities, and is one of several new plays by young writers who look outward and upward and not, as playwrights have been doing since "Look Back in Anger," inward and downward.

Tally's script had a workshop production at Yale School of Drama, which he was attending in the spring of '77. That summer it had a staged reading during the National Playwrights Conference at Connecticut's O'Neill Center. That fall came a professional production at Yale Repertory Theater, and word got around. Mark Taper Forum's director Gordon Davidson put in a production bid, as did the Alaska Repertory Theater's producer, Paul V. Brown, and director Robert J. Farley.

The inevitable risks taken were well advised, for Tally's play is one of the finest American dramas in far too long. Complex in design, impressive for its research, "Terra Nova" is gripping because it explores not the ignobility of man but his aspirations.

Tally begins with Scott's final moments, after he had made those last notations in the subsequently discovered journal of a fatal expedition. There are flashbacks to a dinner in his honor by the Royal Geographical Society and a bitterly humorous flash forward to an imagined reunion dinner which never could take place years later.

There is provocative placement of England's Edwardian years when order and confidence still reigned but when imaginative minds could foresee the chaos of the future.

That chaos included a shift of values, indeed a denigration of them, which Tally expresses in a discussion between Scott and his wife, Kathleen. Scott declares:

"Honor and daring and sacred duty are not empty words. I despise to see them mocked by those who would scarcely be safe and warm in their homes were it not for men who believed in them and believed enough to offer their lives. Those words are our glory."

Kathleen responds: "Then perhaps one day, they, the mockers, shall topple as well."

It was perceptive of then 24-year-old Tally to voice this warning which a generation of playwrights, to say nothing of others, have scorned in condemnation of the Protestant ethic that to live one must work at it.

There is sardonic humor in the piece. Tally uses Amundsen as a sensitive commentator visible only to the audience and Scott, but not to Scott's five companions. The exchanges of the two explorers serve to show their common understandings and basic questionings.

And there is a distinct, womanly voice in Kathleen when explorer Scott recalls their first conversation. Having observed her at a dinner in his honor the night before, Scott calls on the maiden lady, a sculptor, in her studio the next morning. Kathleen, who took keen note of him but scorned his lionization, faces up to him:

"With or without marriage, I am determined that you will be the father of my child," a testy reminder that independent women have been independent since Eve. Whether this quote is true from the actual Mrs. Scott, I know not but it serves Tally's statement.

The Alaska Rep's production is in every way a fine one, with Scott acted by Philip Pleasants, a widely experienced leading actor of American regional theaters. He has a deep, finely tuned voice and achieves the man's herioc figure. Director Farley's cast further includes Marshall Bordon, as Amundsen, Joe Meek, Miller Lide, James Secrest and Eric Uhler, as Scott's companions, and Jean Smart as Kathleen, a role she plays with a dignity as an Edwardian lady whose independence, through that declaration, is thereby given a more dramatic turn.

Jamie Greenleaf, Alaska's designer, has visioned the South Pole settings in a tone of blue which, as Alaskans point out, is an accurate statement about the frozen north. Flying over the oil world's lonely North Slope or trudging in the ski areas, one notes the blue which so often dominates the white of snow blanketing the rugged terrain from craggy mountains to the flat Arctic crust.

Using a thrust stage, the Mark Taper's Los Angeles production has predictable advantages. Playwright Tally was in Los Angeles for rehearsals, during which he cut 30 minutes, in a very small snippets, from this three-hour script, an author's right Farley properly did not presume for Alaska's proscenium stage.

White carpeting across and backing the entire Forum thrust allows facile use of scenic projections, and the Taper's technical strengths are obvious. The younger writers evidently are thinking in terms of the thrust stage.

At the Taper I found Laura Esterman's Bohemian accent for Kathleen (barefooted at her first appearance) unnecessary, but both Donald Moffat's Scott and James Cromwell's Amundsen are impressive indeed.

Comparing the two, one might say that the Taper's production is chic, that the Anchorage one is meaty but that both are stirring.

It was early March '77 when I first came to Anchorage, attracted by the opening of professional theater in our most remote state. Hawaii, after all, is a paradise with quick, easy and cheap direct flights from four coastal cities and has no professional theater, though an innovative university one.

That the city of Anchorage, the state itself and the federal endowment are aware enough to back theater as a force in this vast area reflect just how far our American theater has come in a generation.

In its first season, the Alaska Rep began with "Scanino" "Private Lives" and "Clarence Darrow," the one-character David Rintels play (and it is a play), which Pleasants subsequently acted in Fairbanks, population 30,000, for four performances.

Dennis Rosa's "Sherlock Holmes" began the second season, followed by "The Fourposter," Tennessee Williams' "Eccentricities of a Nightingale" and "Diamond Studs," the saloon musical so grievously misplaced on Ford's Washington stage. It took two expensive planes to cart "The Fourposter" to Fairbanks and "Diamond Studs" was such an Anchorage hit that it will be revived this summer for the tourist trade.

"The Taming of the Shrew," Alaska's first Shakespeare, "Slow Dance on the Killing Ground" and Broadway's current "Deathtrap" will complete the current Alaska season in April. For Christmas '78 there was a three-week, sold-out revival of the second year's "A Christmas Carol," which looks fair to become an Anchorage Yule tradition.

Clearly, ART is a success with its audiences. Its first year's total budget was a bit over $300,000. This extended season the budget will be hitting $1.2 million, with 60 percent coming in from the box office.

"What has pleased us the most," says producing director Brown, "is the vote our audiences made at the end of last season. They asked for more demanding, heavier fare than the light pieces of our first two years. Doesn't that show something about the audiences we play to? It convinces me we made the right decision at the start."

Now 33, Brown is a New Yorker who, after his Army service, came to Alaska eight years ago and, as those pioneers of the '70s seem to do, fell in love with the place. He worked on Kay Fanning's Anchorage Daily News and, taking an interest in the arts, urged the state arts council in 1975 to consider the feasibility of starting a professional acting company. It commissioned Brown to investigate potentials and costs.

Brown did the job so impressively that the council appointed him to get going on what became the Alaska Repertory Theater. There was particular help from New York's FEDAPT—The Foundation for Expansion and Development of American Professional Theater—and Actor Equity.

The first season there were 21,500 paid admissions, by the end of the second, 75,000. That growth came in a state of 400,000, half of whom live in Anchorage.

Announcing his plans during the Bicentennial celebrations, Brown declared in July '76 that, "No regional theater will make it if the staff is selected on the grounds of where you live rather than what you can do."

To some who had been presenting plays on a purely amateur level, those were words to resent. Were there not enough passable actors in the state to avoid the high travel costs of bringing up people from "The Lower 48"?

Brown chose 30-year-old Farley, a stage and TV director with impressive Los Angeles credits, as artistic director in August '76. Both made the strongest insistence for professionalism.

They were heartily backed by Alaska Arts Council chairman Jean Mackin of Fairbanks and the council's executive director, Roy H. Helms, who has just moved to Washington, D.C., to become director of the National Assembly of State Arts Agencies. But all saw the invaluable contributions volunteer organizations such as "Curtain Raisers" could make to construction, advertising, fundraising, ushering and clerical work.

ART's board of directors reflects the community's vital role. Its president is Australia-born Pamela Towill, wife of a British oil executive. In its format of revolving officers, Towill will be followed come summer by Frank Danner, a financial expert whose interests take him frequently to "The Lower 48." In line is the trail-blazing Jean Mackin, who had a hand in planning the Tyrone Guthrie Theater foundation of Minneapolis. Besides publisher Fanning, once of Chicago, the board also includes Clark Gruening, son of the late Alaska governor and senator. These are sophisticated people aware of the responsibilities of privilege.

Brown's basic recommendation for professionalism appears to have been crucial for, although only groups of one, two or three have reached but a few of the countless small settlements scattered over the enormous area, Alaskans seem highly aware of their theater via radio and statewide TV.

Since my first visit, Robert B. Atwood's supportive, powerful Alaska Times has created a weekend section on the arts and the smaller News now has its own every Saturday.

As has happened in other regional theaters, its leaders have impressed the community by buying homes and settling in.

This sense of belonging has been vital to all the professional theaters I've visited around the nation; not being part of the community often has been fatal.

Nowhere has this been so vital as here. Visitors are encouraged to spend money but not to hole in. Those who do determine to stay and have contributions to make are accepted as fellow pioneers in this most spectacularly rugged of all American states

There is less money in Alaska than two years ago, when pipeline work was phasing out. A ski-slope pizza of average size will cost you $12.

But those who have come to stay share a sense of adventurous pride striking to the outsider. The staggering beauty of the state, its crisp, dry air vitalize awareness of life's wonders and beauties, quickening the state's Council on the Arts.

This summer's visitors will have a taste of Alaska's theatrical professionalism with the revived "Diamond Studs," though it's a pity they will have missed the serious, compelling "Terra Nova." Its success here marks a further step up for America's most adventurous professional regional theater.

DEPARTMENT OF NATURAL RESOURCES

Mr. STEVENS. Mr. President, last Thursday Senator Hollings of South Carolina called attention to an editorial which appeared in the L.A. Times. I join now with my colleague as I, too, am concerned about this Department of Natural Resources proposal. There are basic principles of public administration that should be considered in any effort to organize the Federal Government. Many of those principles appear to have been overlooked in the PRP's Natural Resources proposal, which is notably lacking in the kind of substantive research needed to justify moves such as those recommended. The effort to move the National Oceanic and Atmospheric Administration into either a DNR or the Department of Interior I find particularly disturbing. The Congress has worked for 10 years since the Stratton Commission report to build in NOAA a Federal focus for ocean policy. I would not like to see those efforts wasted or diffused by a poorly thought out proposal. Furthermore, the Congress has carried practically all the initiative in developing ocean policy over the last decade, and we have not even been consulted in a meaningful manner on this reorganization.

I commend Senator Hollings for his strong stand on this matter and join him in recommending this editorial to the attention of my colleagues.

Mr. President, I ask unanimous consent that the time allocated to the Senator from Virginia (Mr. Warner) in a special order this morning be reassigned to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum and ask that the time be charged to the leadership time on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, may I inquire how much time remains?

The ACTING PRESIDENT pro tempore. There are 3 minutes of the leadership time remaining, plus the 15 minutes of Senator WARNER that the minority whip reserved for himself.

Mr. STEVENS. Mr. President, I now yield all that time to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I thank my distinguished colleague from Alaska.

LEONARD WOODCOCK

Mr. MATHIAS. Mr. President, I have the greatest personal respect for Leonard Woodcock, our Ambassador-designate to the People's Republic of China. Indeed, I intend to support his confirmation strongly. But, at a later date.

I believe that were the U.S. Senate to approve this nomination now, it would send out another wrong signal to a very troubled region. I intend, therefore, to ask for a rollcall vote on the majority leader's motion to take up the nomination of Leonard Woodcock as Ambassador to the People's Republic of China.

Mr. ROBERT C. BYRD. Will the Senator yield just for a correction?

The motion will be to go into executive session, to take up the nomination.

Mr. MATHIAS. Well, that is exactly what I intend to ask the vote on.

Mr. ROBERT C. BYRD. Yes.

Mr MATHIAS. But I thank the majority leader for making that abundantly clear.

At this very moment, the People's Republic of China is engaged in the massive use of arms and violence against its neighbor Vietnam. No one in this Chamber, and certainly not I would defend the actions of the Hanoi regime. But neither can we condone by word or deed the Chinese use of force in recent days.

Last week I objected strongly to the administration sending Secretary of the Treasury Blumenthal to Peking. I am aware that, since arriving in Peking, Secretary Blumenthal has been talking tough. I know that he has warned the Chinese leaders that public opinion would turn against "the transgressors."

But there are times when it is better to express our views with actions rather than words. President Carter should have canceled the Blumenthal mission because it is sending out the wrong signals.

I would like to just revise the record.

We normalized relations with the PRC before concluding a SALT agreement with the Soviet Union. That, Mr. President, was a signal. We permitted Vice Premier Teng to use the United States as a platform to attack the U.S.S.R. That was a signal. We signed a joint press release with the PRC employing the buzz word "hegemony." That was a signal. We neglected to nail Teng down regarding his intentions toward Taiwan and Vietnam. That was a signal. Now, while China is in the process of invading Vietnam, we are sending another signal—that signal is our Secretary of the Treasury. Beauty is in the eye of the beholder and danger is in the apprehension of the fearful.

Thus the significance of these signals depends on the perceptions of the receiver. The PRC may feel that it can do virtually anything and not risk our criticism. More dangerously, the Chinese may feel that they can rely on us for more help than we are willing to give.

One can only imagine the signals Moscow is receiving. What can they think of a country that permits their greatest enemy to use its capital as a broadcasting studio for his attacks on them? Can they believe that Teng did not have our green light for his attack on Vietnam?

There is a particular irony to the fact that it is Secretary Blumenthal who should be taking a trip to China at this troubled time. Once before a trip of Secretary Blumenthal's was used to send a signal to the Kremlin. Last December the Secretary of the Treasury was unexpectedly instructed to stop in Rumania on his way back from his trip to the Soviet Union. As we all know, relations between the Soviet Union and Rumania are strained, at best, and Secretary Blumenthal's detour into Rumania was construed as a signal then by the Soviet leaders. This being so, there can be no question that Secretary Blumenthal's Peking visit is being construed in the Kremlin as another signal.

The administration may feel constrained in its actions. It has a large political stake in the smooth flow of the normalization process. But, Mr. President, the Senate should feel no similar constraint. We should tell the Chinese clearly and forcefully that they cannot make war and expect our new relationship to prosper. The best way to get that message across at this point is to defer our consideration of the Woodcock nomination until a more propitious time. I will move that we do so.

I would hope that we would do so and at that time I would hope to support the nomination strongly, but not today.

Mr. HELMS. Will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. HELMS. Mr. President, I commend the Senator from Maryland. He is exactly right. He has mentioned the sending of signals. Now, I send a signal to my friend from Maryland. He has taken a very statesmanlike position on this matter, and when the Woodcock nomination was reported out of the Foreign Relations Committee, as a member of that committee I told Mr. Woodcock that I could not and would not vote to report his nomination unless and until the Senate had acted upon the Taiwan matter because that, too, is a signal.

Whatever we do, or fail to do, though, I think it is a wrong time to consider the nomination of Mr. Woodcock.

I have nothing against him personally, but I thoroughly agree with the Senator and I commend him on his statement.

Mr. MATHIAS. I thank the Senator.

Mr. STEVENS. Will the Senator yield?

Mr. MATHIAS. I am happy to.

Mr. STEVENS. I, too, commend the Senator from Maryland for raising the question of the signals that are being sent to Russia.

Mr. MATHIAS. If I could interrupt my friends, they are signals not only going to the Soviet Union, but they are going to the People's Republic of China.

I do not think we want to mislead either one of them.

Mr. HELMS. Exactly.

Mr. STEVENS. It is when they perceive our reactions. But, more than that, I am still concerned about that new relationship. I think it is the wrong policy at the wrong time, instituted for the wrong reason, and it is going to lead to a great deal of trouble for this country in the future.

It is most unfortunate, I think, that the United States has seen fit to try to determine the timetable for the evolution of the new relationship between the mainland Chinese and those in Taiwan and, even more important, the overseas Chinese people.

The new status that Mr. Woodcock would have pursuant to this nomination is more symbolic than anyone realizes.

I do intend to make a statement later, but I have nothing but high regard for Mr. Woodcock. I know of his leadership in the public sector in the past. But I intend to vote against his nomination for the reason that I want to protest the policy of the administration in dealing not only with China, but in terms of their unfortunate unwillingness to deal with Russia in the manner that is required at this very delicate time.

Mr. GOLDWATER. Will the Senator yield?

Mr. MATHIAS. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I intend to vote for Mr. Woodcock, if that is the choice of the President of the United States. As much as I disagree with the President, I think he has a right to pick his ambassadors.

However, I am in favor of what the Senator from Maryland is suggesting, not just for the reasons he has expressed, but for another one that probably my colleagues do not know about, nor do the American people.

Thursday is March 1. This is the day that the United States and the Communist Government of China is supposed to exchange ambassadors and establish embassies. However, before the Taiwanese left this country, the deeds to all their property in this country including the former Chinese Embassy beame the property of a private U.S. organization known as Friends of Free China. These are bona fide, legal deeds. There is no question of it.

Some question has been raised by the State Department as to whether these properties are legally now the property of Taiwan or the property of those who own the deeds or the property of Red

China, because the land was bought before the action taken back in the 1940's which separated the two Chinas.

I suggest that we withhold any vote on this nomination until after March 1, because we have told the State Department that if the Red Chinese try to move into this property, there is going to be another lawsuit. As usual, we have not heard from the State Department. We are waiting today to hear from it. But I do not think we should approve of an ambassador while there is any question about whether or not the country to which he is going to be ambassador has a place in this town that they can call their embassy, or whatever you want to call it.

I would support efforts, therefore, to withhold the vote, although, at the proper time, I shall vote for this gentleman.

Mr. MATHIAS. I thank the Senator from Arizona. I agree with him.

I think Leonard Woodcock is a splendid American, and his experience in Peking makes him an admirable choice. But we are raising here questions of policy that have nothing to do with Mr. Woodcock's personal qualifications. We are looking at the national policy of the United States of America, a policy in which the Senate has a coordinate role. If we are to exercise the responsibilities that are entrusted to us by the Constitution, this is the time to stand up and do it.

Mr. GOLDWATER. I agree with the Senator, and I thank him.

The ACTING PRESIDENT pro tempore. Does the Senator yield back the remainder of his time?

Mr. STEVENS. Mr. President, I yield back the remainder of the time, if the Senator has not used it all.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, inasmuch as the debate has sort of opened before the motion to proceed to executive session, I should like to say a few words in response to some of the things that have been said, and I say these very respectfully.

The choice of Leonard Woodcock to serve as the first U.S. Ambassador to the People's Republic of China following our normalization of relations—a continuing process which began with Mr. Nixon and continued under Mr. Ford—is wise and appropriate.

Here is a man who is particularly well suited for this important diplomatic responsibility. He already has served as the chief of the U.S. liaison office in Peking. He is experienced in dealing with the Chinese, and he has established a good working relationship with that country's leaders. He became the U.S. representative to Peking as of July 1977 and already has the personal rank of Ambassador.

So he brings to this position important experience in the diplomatic area as well as a background as one of our Nation's top labor leaders, having served as president of the United Auto Workers from 1970 to 1977. He served as the chairman of the Presidential Special Commission to Hanoi in the spring of 1977, looking into the question of Americans missing in action in Vietnam.

So the facts are that he is well qualified to serve as our Ambassador to the People's Republic and that we are proceeding with the normalization of our relations with Peking.

Mr. MATHIAS. Mr. President, will the Senator yield long enough for me to say "amen" to everything he has said up to this time?

Mr. ROBERT C. BYRD. Of course, I yield.

Mr. MATHIAS. Amen, Mr. President, amen.

Mr. ROBERT C. BYRD. I hope that will become a swelling chorus.

[Laughter.]

Mr. MATHIAS. Up to this time.

Mr. ROBERT C. BYRD. I hope we make the rafters ring.

A great many important issues need to be discussed with the Chinese as we enter this new relationship. Particularly at this time of heightened international tension, I think it is vital that we have our representative in Peking in place and acting with full and official authority.

Matters relating to our future relationship with Taiwan have been discussed fully, have been considered fully by the Committee on Foreign Relations. Proposed legislation on this subject will be before the Senate in the near future. Senators may discuss that proposed legislation; they will want to. I want to listen to the discussion, and I want to participate in it.

That is an issue which is entirely separate from the confirmation of the nomination of Mr. Woodcock. I see no justification for holding Mr. Woodcock's nomination hostage in the meantime.

Mr. President, there is another point that I think should not be overlooked, and that is that the delay of the Woodcock nomination at this time could give undue comfort to the Soviet Union. We have just been hearing about sending signals to the Soviet Union. If the Soviets want to interpret what I say as a signal, let them have it as a signal. Let the Soviets hear a signal, for whatever it is worth, coming from the hill country of West Virginia.

Delay of the nomination would give undue comfort to the Soviet Union. The Soviets know that normalization with the People's Republic is a reality, but I would imagine that they would not be at all unhappy to see an obstacle in the way of normalization with the People's Republic. They would not be unhappy to see it delayed. They would not be unhappy to see dissension in the Senate or in the United States over the Woodcock nomination or over the normalization process.

Mr. President, it all boils down to this, in my judgment: I do not think we should go out of our way to offend the Soviet Union or any other country, but I think we are entirely too sensitive about Russian concern with every little word we say. I think we have a tendency to measure every word just a little too much, fearing how the Soviets might react to this word or the choice of that word or some other word, or to the sending of Mr. Blumenthal to China, which is entirely unrelated to the attack by the Chinese on Vietnam.

The event that set off that action was the invasion of Cambodia by Vietnam, with the support, if not the sponsorship, of the Soviet Union. The Soviets have airlifted supplies to the Vietnamese, so they do not come into court with clean hands.

It is an old maxim in equity that one should come into court with clean hands. Well, let the Soviets get a signal. They have not had clean hands. They are supporting the Vietnamese. I would hope they would urge the Vietnamese to get out of Cambodia, as we are urging both sides to call off their invasions. We are playing an even-handed role. We are being entirely neutral, in that we have cautioned the Chinese; we have expressed our opposition to their invasion of Vietnam; and, at the same time, we are calling for Vietnam to get out of Cambodia.

So let us not to tiptoeing around, trembling for fear that every little word is going to create a reaction in Moscow, with such concern about the signals that Moscow is receiving.

I say again that we are entirely too sensitive—entirely too sensitive—about Russian concern. What we should be concerned with is the interests of the United States. What is in the interests of the United States of America and in the interests of our NATO allies?

I say again, let us not go out of our way to offend the Soviets; but let us state, forthrightly and clearly what our interests are. We should make it clear that, although U.S. power is finite, we know what our vital interests are and what we are going to do to protect them. Let us be concerned about the signals that the people of the United States are getting.

Are they getting signals that we are overly timid in pressing for the interests of the United States because of concern for what the leaders in the Kremlin might think?

Let us make our judgments based on what is in the interests of the United States and not on the basis of how the Soviets might react.

Secretary Blumenthal's visit is not related to the invasion of Vietnam by the Chinese.

The Soviets invaded Czechoslovakia in 1968. Is our memory so short?

We certainly want to continue our good relations with the Soviet Union. We want to cooperate with them wherever possible. But I think we have embarked on the right course in attempting to bring about normalization of our relations with a country the population of which is one-fourth of the population of the globe, and in doing so we can, I think, act in the interests of the United States.

I have said all I need to say.

So, Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Texas (Mr. BENTSEN) my remaining time.

Mr. BENTSEN. I thank the distinguished Senator from West Virginia.

I certainly applaud his remarks and am in full concurrence with them, Mr.

President, and the fact is it is time this country shows a little self-interest and it is not so timid and concerned that we may not be garlanding with flowers all the other countries.

We had a fellow named John Pastore make that speech time and time again. He said:

> What the State Department needs is not just an Asiatic desk or a Pacific desk, but it needs an American desk.

I think there is something to that. We should take that position more in this day and time.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business not to exceed 10 minutes and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas (Mr. BUMPERS) is recognized.

DECONTROL

Mr. BUMPERS. Mr. President, tomorrow I wish to speak out in a slightly different vein about the move of this administration to decontrolling petroleum products. We have already decontrolled home heating oil. Everyone knows what happened to that. If you have not, read the front page of the Washington Post this morning.

Last Friday we refused to disapprove the President's proposal to deregulate jet fuel.

I tell Senators now the same thing will happen to jet fuel that happened to home heating oil.

Now the administration is moving toward deregulating gasoline, and I am going to ask the leader for time tomorrow to speak on all of those things because I think it is going to be an outrageous breach of trust with the American people because the American people are not going to get anything in exchange for all this deregulation of petroleum. And the oil companies are going to increase the 82-percent average increase in profits they had for the last quarter of last year.

THE REGULATORS

Mr. BUMPERS. Mr. President, down to something more mundane. My inclination is just simply to submit this for the RECORD, but it is too good, and I wish to share it with colleagues like my good friend from North Carolina, Mr. HELMS, and my friend from Alaska, Mr. STEVENS.

This is an item that goes right to the heart of how the regulators in this country are running amuck. But this is a sort of a satire to which I will invite my colleagues' attention.

This is a man going into the bank to borrow money and the loan officer says, "Good morning."

And before he can say anything else, the loan applicant says:

> Good morning. I'm here to apply for a loan, the purpose of which I chose not to divulge. You do not have the right to remain silent, anything you say or can do will be held against you in a court of law under the Truth in Lending Act, the Fair Credit Reporting Act, the Fair Credit Billing Act, the Real Estate Settlement Procedures Act, the Equal Credit Opportunity Act, the Civil Rights Act, and the State and Local Commissions thereof. Also, the Consumer Protection Act, the Privacy Act, the Federal Trade Commission Holder in Due Course Regulation, the proposed Unfair and Deceptive Credit Practices Regulation or under one or more of the regulations issued by the Departments of the Treasury, Housing and Urban Development, Health, Education and Welfare, Defense, Labor, Army, Navy, Federal Reserve Board, Internal Revenue Service, Security and Exchange Commission, Social Security Administration and the Office of Economic Opportunity.
>
> You have the right to talk to a lawyer and have him present while you are being questioned about my loan application, but it is doubtful that he can protect you from all of the above-mentioned regulations and regulatory agencies. For your information, buddy, you don't mind me calling you buddy, do you, you cannot use established credit criteria such as my ability to repay, collateral, stability of employment, personal habits, alcoholism for instance, past credit experience, or general credit ratings to approve or deny my application. You must use the criteria developed by Congress and the above agencies in their infinite wisdom. If your credit scoring system rejects me, you must reveal the weights given to each item on my application, especially the lack of a savings account. I have a dollar in my pocket to open such an account which will allow your computer to score me high on it. When I become delinquent, you cannot discuss this with me unless I bring it up first, and, remember, I am still holding the Federal Bankruptcy Act and its proposed amendments in reserve.

Mr. President, I have never been one who, in this body, took the traditional knee-jerk objection to regulations. Some are good and some are bad. I certainly have never been accused of being the best friend the bankers have in the U.S. Senate, but I believe this typifies what is happening in the regulatory process in this country, and it goes far afield from what my grandfather who loaned a little money in his day, used to say. He used to say, "There is more in the man than there is in the land."

I thank the Chair.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and this can be changed later—that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SPECIAL ORDERS FOR TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow or the next day that the Senate is in session, if it is not tomorrow, that after the two leaders have been recognized under the standing order that Mr. BUMPERS be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore (Mr. BUMPERS). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I am prepared to move to go into executive session, but before I do that there is still a little morning business time, I believe, and I yield to the Senator from Idaho (Mr. CHURCH).

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

IN MEMORY OF ARTHUR M. KUHL

Mr. CHURCH. Mr. President, upon returning from the Lincoln day recess and digging our way out of the great snow of 1979, we were all saddened to learn of the sudden passing of Mr. Arthur M. Kuhl—a trusted official of this body, a trusted aide to Senators, and a trusted friend to all of us. To say that he will be deeply missed is to say the obvious.

Art Kuhl began his service to the Senate in 1949 at the age of 25 as a member of the Capitol Hill Police force. Just prior to that, he had served his country by wearing another uniform and fighting with the U.S. Army in the Pacific Theater during the Second World War. While working on the Capitol Hill Police force, Art also attended George Washington University where he earned his law degree. With his diploma in hand, Art went into private practice for a brief period, but returned to Capitol Hill in the early fifties working for the then Senate Committee on Labor and Public Welfare. In 1958, he joined the staff of the Foreign Relations Committee and 7 years later was appointed the committee's chief clerk. After serving 20 years with the committee, Art was selected to be the Assistant Secretary of the Senate.

Needless to say, Mr. President, Arthur Mathias Kuhl was a "Senate man." He had great respect for and devotion to this institution. Indeed, his last act clearly evidenced that respect and devotion. On that Monday morning, when most others had decided to stay home and keep warm, Art Kuhl felt duty-bound to get to the Senate. And so he tried. That measure of loyalty and devotion is unfortunately all too rare these days. But then Art Kuhl was a rare individual. He put dedication to duty far above personal consideration and willfully accepted the sacrifices demanded by public service.

One of the things I will always remember fondly about Art was that during his service as the committee's chief clerk he had placed under the glass on the top of his desk an inscription which read: "Let not ambition mock their useful toil." I dare say that if any man ever honored those words, taken from Thomas Gray's immortal "Elegy Written in a Country Churchyard," Art Kuhl did.

Mr. President, as we all come to know sooner or later in life, "No man is an island," and in his own modest and unassuming way, Art knew this too. We can all be glad that he found his home here in the Senate. By doing so, he touched all of us and made our lives richer.

Mr. ROBERT C. BYRD. Mr. President, is there any time remaining in morning business?

The ACTING PRESIDENT pro tempore. One minute.

EXECUTIVE SESSION—NOMINATION OF LEONARD WOODCOCK

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from North Carolina held up a vote on the nomination of Mr. Woodcock. The nomination has been on the calendar since February 9, and, as I explained to the distinguished minority leader on Thursday, I feel it is imperative that we proceed with the nomination. Therefore, I will make a motion shortly to proceed to executive session, and there will be yeas and nays requested on that question by Mr. MATHIAS and by Mr. HELMS, and then when we get into executive session the Senate will automatically be on the nomination of Mr. Woodcock.

I have discussed with the distinguished Senator from North Carolina the debate thereon. I understand there will be some debate. Senators will certainly have a right to express their viewpoints. I hope it will not be drawn out overly long, but we will talk about that as we go on and see what turns out.

Mr. President, I move that the Senate go into executive session to consider the nomination of Mr. Woodcock.

Mr. MATHIAS. On that motion, Mr. President, I ask for the yeas and nays.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired, and morning business is closed.

The Senator from West Virginia is recognized to make his motion.

Mr. ROBERT C. BYRD. I can make the motion even during morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MATHIAS. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Kentucky (Mr. FORD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. WALLOP), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

The PRESIDING OFFICER (Mr. BRADLEY). Are there any Senators in the Chamber who have not voted, who wish to do so?

The result was announced—yeas 56, nays 29, as follows:

[Rollcall Vote No. 8 Ex.]

YEAS—56

Baucus
Bayh
Bellmon
Bentsen
Boren
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
Culver
DeConcini
Durkin
Eagleton
Exon
Glenn
Gravel
Hart
Heflin
Hollings
Huddleston
Inouye
Jackson
Kennedy
Leahy
Levin
Long
Magnuson
Matsunaga
McGovern
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stevenson
Stewart
Stone
Tsongas
Williams
Zorinsky

NAYS—29

Boschwitz
Cochran
Cohen
Danforth
Dole
Domenici
Garn
Goldwater
Hayakawa
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
Mathias
McClure
Pressler
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Thurmond
Tower
Warner
Young

NOT VOTING—15

Armstrong
Baker
Biden
Durenberger
Ford
Hatch
Hatfield
Javits
Johnston
Morgan
Pell
Ribicoff
Talmadge
Wallop
Weicker

So the motion was agreed to.

The PRESIDING OFFICER. The Senate is now in executive session. The clerk will state the first item on the Executive Calendar.

NOMINATION OF LEONARD WOODCOCK

The second assistant legislative clerk read the nomination of Leonard Woodcock, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Mr. CHURCH. We have before us today the nomination of one of this Nation's most distinguished citizens to the critical post of U.S. Ambassador to the People's Republic of China. Leonard Woodcock is well known to most of us here today, and has many close friends in this great institution.

Born in Providence, R.I., in 1911, Mr. Woodcock received his education in England and Detroit's Wayne State University. As a machine assembler in Detroit during the depression, he applied his many talents to working with his colleagues to help build one of America's great labor unions. On the basis of his intellectual, organizational, and leadership ability, he rose from the rank and file to become regional director, international vice president, and from 1970 to 1977, president of the United Automobile Workers of America.

During his work as an official of the UAW and as its president, Leonard Woodcock gained a reputation as a skillful negotiator and a strong leader of organized labor—judgments I am sure are shared by the leaders of the automobile industry. He is also an extraordinarily public-spirited person with a keen interest in promoting the welfare of all Americans. The breadth of his interests and the depth of his commitment to the common good are demonstrated by his many civic activities. He has played an active role in such important organizations as the National Committee Against Discrimination in Housing, the National Urban Coalition, the Leadership Conference on Civil Rights, the Council on Foreign Relations, the Trilateral Commission, the President's Labor Management Committee, and the President's Committee on Employment of the Handicapped People who served with him in any of these groups or in other contexts have come to know him as a man of enormous compassion who believes strongly in the betterment of the lives of all Americans and all mankind.

Soon after taking office, President Carter asked Mr. Woodcock to undertake the sensitive task of traveling to Hanoi to establish contact with the Vietnamese Government and to convey the President's deep interest in moving ahead on the issue of Americans missing in action. He succeeded in obtaining the remains of a number of American soldiers. His talks also laid the basis for a series of discussions with the Vietnamese on a number of outstanding bilateral issues.

The choice seemed a natural one when President Carter chose Mr. Woodcock for the critical post of the chief of the U.S. Liaison Office in Peking. It was clear to us then that a man of extensive negotiating experience, great intelligence, and unquestioned integrity was dispatched on one of America's most demanding diplomatic assignments.

During the past 20 months, Ambassador Woodcock has amply fulfilled the great trust the President and the Senate of the United States placed in him. In addition to his known ability as a tough negotiator, he quickly acquired a keen understanding of the Chinese scene and the complex relationship between our two countries. His assessments of the local situation and advice on the best ways to promote American interests have proved invaluable to our Government's foreign policy goals in Asia and the Pacific.

When the President decided the time had come to test the possibility of normalizing our relations with one-quarter of mankind, he entrusted a key role in the delicate discussions to his seasoned negotiator in Peking. Ambassador Woodcock not only carried out his instructions faithfully; his advice and counsel to the President during the course of the negotiations were critical in making the difficult judgments that were required. In dealing with the Chinese he brought to bear his experience and the hard-headed approach learned over a lifetime at the labor-management bargaining table. His success in carrying out the President's mandate is there for history to record.

To be an effective diplomat, an ambassador must not only carry out the instructions of his President, but he must also gain the respect of the people with whom he is negotiating. On all these accounts he has met that challenge with great success. The Chinese appreciate his professional direct approach, and have clearly developed an appreciation of him as an outstanding representative befiting the great Nation he represents.

It is entirely appropriate, therefore, that President Carter has nominated Leonard Woodcock to be the first ambassador of the United States to the People's Republic of China. The United States has "normalized" relations with China, but no one should think normal relations will be trouble-free. Chinese and American interests and policies will differ on some matters and concide on others, and it is important that we have an ambassador in China who understands these critical differences. A full awareness of the problems as well as the potential of the Chinese-American relations is essentian if the new links between our two countries are to work to our benefit and contribute to a more stable Asia. There could be no better choice to carry out this mission of vital importance to the American people than Leonard Woodcock.

Mr. President, I hope the Senate will give the Woodcock nomination a strong vote of confidence.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. PERCY. Mr. President, Senator HELMS made it clear from the outset of the discussion of this matter in the Foreign Relations Committee that he had nothing at all against Leonard Woodcock as Ambassador. He did feel very strongly, however, and I respect his right to make that decision, that the nomination should go forward simultaneous with consideration of the omnibus Taiwan legislation.

I can understand his reasoning on it and, as I have said, I respect him for it.

I have come to a different conclusion because I feel it is in the national interest to have a full Ambassador in Peking now at these particularly perilous and delicate times.

For us to have anything less would be not to provide the best we can and to provide it at a time that is extraordinarily crucial for us.

The President has felt high-level communications important enough to have a personal message carried by a distinguished member of his Cabinet, Secretary Blumenthal, to the Government of the People's Republic of China.

But this is no substitute for having our own ambassador, who has been engaged in this process of normalization from the outset and who, himself, will have the responsibility to carry forward with the relationships between the United States and the People's Republic of China.

We are all aware of the potentially dangerous character of events in recent days in Vietnam. The United States has communicated its views regarding this tense situation to the U.S.S.R., China, and Vietnam. It is very important that we have a representative in Peking as soon as possible, to communicate those views to the Government at the highest levels, and on a continuing daily basis, because there is a changed series of events unfolding every single day.

Leonard Woodcock has the best possible access, having negotiated normalization of relations with the People's Republic of China with Vice Premier Teng Hsiao-ping and Foreign Minister Huàng Hua. He is a man respected by the Chinese leadership, whose words will be understood by them. In these difficult times it would be risky for the United States to be represented at anything but the ambassadorial level on a continuing basis.

In the United States-People's Republic of China joint communique of December 15, 1978, the United States and China greed to establish embassies and exchange Ambassadors by March 1. Because of delays in getting this nomination to the floor, we will be unable to have an ambassador in Peking by March 1, inasmuch as the last plane that could have seen that the Ambassador Designate was in Peking left Chicago about 15 minutes ago. So that we cannot have our Ambassador in Peking as the People's Republic of China will have their Ambassador here on March 1 to present his credentials to the President. Because of delays, we cannot do that.

It would be a valuable symbol of the Senate's support for establishment of relations with China for us to confirm Ambassador Woodcock's nomination by March 1, even if he cannot be in Peking by that date.

Some have argued that the Senate should not confirm Ambassador Woodcock's nomination until the Taiwan legislation is passed. There is, and should be, in my own judgment, no real linkage between the two. Delay of Ambassador Woodcock's nomination will not affect our relations with Taiwan, or our consideration of the Taiwan legislation, in any positive way. The Foreign Relations Committee has completed markup of the Taiwan bill, which assured in a comprehensive way the continuation of our vital economic, commercial, cultural, and other relations with Taiwan. Those Senators who feel there are inadequacies in that legislation would be best advised to focus their attention on it when it comes to the floor, not on the unrelated question of Ambassador Woodcock's confirmation.

As I have already said, I fully understand but do not agree with the desire of my distinguished colleague (Mr. HELMS) to link the two together.

The Senator from Illinois, as my distinguished colleague knows, has some concerns about the legislation. I would suggest changes in only a few words, not many, but they would clarify our meaning at least in the judgment of the Senator from Illinois; and we will discuss that during the full debate that we will have on the omnibus legislation, involving the U.S. relationship with the people of Taiwan. The Senator from Illinois is quite content to take that up at an appropriate time and would feel quite comfortable about having the nomination go forward.

I again come back to the fact that I come to this conclusion because, in the judgment of the Senator from Illinois, it is in the interests of the United States to have our representative, a full-fledged ambassador, in Peking at this particular time.

Who would know what might be accomplished by him, as knowledgeable as he is, as highly respected as he is, to reflect the deep concern that this Government has as to where the People's Republic of China invasion into Vietnam might lead and what effect this would have upon our relationships with the People's Republic of China?

I do not intend to get into a discussion of the implications of the offensive action right now, but this Senator would feel far more comfortable knowing that the interests of the United States were being advanced by an accredited ambassador in Peking, with the full rights and privileges of that office.

So I fully support the comments that have been made by the floor manager of the pending nomination. The Senator from Illinois will do everything he can to protect every right that our distinguished colleague and highly respected member of the Foreign Relations Committee, Senator HELMS, has in this matter because he takes an opposite view.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from Illinois, with whom I enjoy serving on the Foreign Relations Committee. I am perfectly content for him to manage the time on this side, because he is a fair man, and I know that all views in this matter will be ventilated thoroughly before the vote is taken.

The point is, Mr. President, that the Senate is meeting this afternoon in executive session to consider the nomination of Mr. Leonard Woodcock as Ambassador to the People's Republic of China. It is significant that we are meeting in executive session. I think we should reflect for just a moment upon the reason.

It is not merely that we are discussing a nomination sent to us by the Chief Executive. The fact is that the Senate, as a body, is participating in the executive power. We are not merely a legislative body. According to the Constitution, we also share the executive function to the degree that we must constitutionally give our advice and consent to treaties and to nominations of Ambassadors.

I think that if one reads the Federalist Papers, one quickly comes to the conclusion that the Founding Fathers had a rather larger concept of the Senate than we sometimes choose to exercise today, particularly with regards to foreign affairs. The Senate was conceived of as a sort of Cabinet of advisors, representing the whole Nation and the interest of the Nation as a whole, yet responsible to the States themselves. This is in contrast to the present concept of the Cabinet as a group of super civil servants, responsible directly to the President and not to anyone else.

It is also in contrast to the concept that the Senate is supposed to rubber stamp all nominations with perfunctory approval. The concept of advise and consent is a broad one, that extends to more than the issue of the personal qualifications of the nominee. The approval of a nomination ought to be the last step in a continuing dialog with the President on significant aspects of foreign policy. It is not my intention to assert that the Senate ought to be making foreign policy; that is obviously the prerogative of the President under the Constitution. But I do think that it would be wise for the President to take advantage of the constitutional principle of advise and consent to seek the broadest possible support for his foreign policies. It would be to the President's own advantage to take counsel with the Senate, and especially to take counsel with the broadest possible range of opinion in the Senate. That would enable him to speak with a stronger voice, indeed, with a united voice, so that he would be able to deal more effectively with foreign leaders.

Indeed, the President has unnecessarily crippled himself in his foreign policy by adopting what amounts to an adversary role against Congress. He seems to perceive Congress as the roadblock to the protection of American interests abroad. I regret to say that he has gone out of his way to minimize his contact with Congress, and with the Senate, often using questionable interpretations of the Constitution to avoid Senate debate or consultation. By so doing, he focuses upon problems from a narrow perspective, often limiting the input of advice to that from specialists with special interests. It is not surprising that his policies do not have broad popular support; they have to be "sold" to the American people by high-priced media campaigns that leave behind cynicism and disillusionment among the American people. In Congress, it leads to long and bitter debates, of the sort which was necessary on Panama, and which conceivably could come with SALT II.

Mr. President, I think that many of my colleagues are aware that I do not always agree with the opinions of the Washington Post. But this morning's editorial discussion of the President's problems in establishing credibility on Taiwan contains some wise comments. For example, the Post said:

> But Mr. Carter can fairly be charged with indifference to Congress, and this is no small thing. It is not merely that he wounded certain sensibilities on Capitol Hill by inadequate consultation during the runup to normalization in December. That could be excused by the need to keep the talks with Peking on track. The more serious flaw was not to realize that normalization and its reverse side, the establishment of a new pattern for Taiwan, could only be enhanced if there were seen to reflect an informed congressional imprimatur as well as a presidential one. It is a question of credibility—of Peking and Taiwan alike understanding that the United States means to keep its word. Any change as large as normalization is bound to raise the question, and the assertion of congressional concern strengthens the administration's own.

Mr. President, the Post editorial concludes with this admonition:

> Mr. Carter might have done better if he had understood and accepted earlier the extra weight that informed congressional cooperation could add to the own chosen China policy.

Mr. President, what does this mean? Does it mean, as some administration spokesmen have suggested, that one Senator or a group of Senators have a veto over the President's policy? No one could say such a thing if he were familiar with the traditions and the comity of the Senate. The Senate represents a wide spectrum of opinion, and I do not know of any part of that spectrum which has a monopoly on wisdom. Nor does the administration have a monopoly on wisdom as so clearly has been shown in a number of judgments and decisions made by this administration over a period of a couple of years.

But be that as it may, I think that in the past 3 weeks we have had a good example of Senate procedure at work in the Foreign Relations Committee.

I am a new member of that committee. As such, I commend the distinguished chairman for his hard work and his courtesy to all members of the committee and all viewpoints as we were discussing China policy. The bill that the committee reported, a bill to which the present nominee, Mr. Woodcock, contributed by his testimony, is one that is substantially different from what the administration proposed and one that I think will be approved by this body—doubtless with even more improvements as other Senators begin to study it. Perhaps the distinguished chairman contributed more than anyone else, particularly in the improvement of the security provisions which, while they may yet have some imperfections, and I think they do, are far better than when the Foreign Relations Committee began consideration of the legislation.

So, Mr. President, I just simply do not think that it could be said that the Senate is hostile to the President or that the Senate is standing pat on its prerogatives in a negative fashion. The point is that the work of the Senate is part of the creative process by which the President should make foreign policy, the State Department notwithstanding. The President, therefore, is doing himself a disservice by treating Congress and the American people as adversaries to be neutralized or to be circumvented.

There are some people in the foreign policy establishment who are uncomfortable with the notion that the views of the American people should be taken into consideration.

But more and more, we are finding that foreign policy is no longer the province of exotic specialists. For the American people, foreign policy is as close as the nearest gas pump; and sometimes the specialists are just too close to the details, too anxious to achieve the success of implementing a theory, to see what the American people always see; namely, that duty, honor, and patriotism are still key ingredients of a workable foreign policy.

And that is what has troubled the Senator from North Carolina from the beginning of this sequence of events when the President came on television, almost without any warning at all, and announced that he was normalizing relations with the People's Republic of China and, in the view of this Senator from North Carolina, selling our long-term, trusted ally and friend, Taiwan, down the river.

Mr. President, the Senator from North Carolina is here expressing no more than what the Senate itself has expressed on many occasions, most notably, of course, when it passed the Dole-Stone amendment last year.

The distinguished occupant of the chair was not a Member of the Senate at that time, but I inform him that the Senate voted 94 to nothing for consultations on abrogation of the mutual defense treaty.

It is perfectly clear that there were no consultations on this matter in the meaning which "consultation" has as a term of art.

Moreover, the action which was taken, namely the one-sided decision by the President of the United States to abrogate the treaty on 1 year's notice, is certainly of questionable legal validity and, as is well known, is the subject of a lawsuit by the distinguished senior Senator from Arizona and a number of our colleagues, including the present Senator.

Thus, not only is the substance of the President's action dubious but the method by which he went about it is even more so.

What could the President have learned if he had adopted the course of proper consultation?

For one thing he could have learned that a consensus is present for extending recognition to Peking, but that a consensus is lacking for withdrawing recognition of the sovereignty of Taipei.

The central issue is whether the people on Taiwan can be effectively defended if we withdraw recognition of the sovereignty of the Republic of China. The truth is that we have no basis in international law for providing defense to Taiwan once we withdraw recognition of Taiwan's sovereignty.

Mr. MATHIAS. Mr. President, will the Senator yield at that point?

Mr. HELMS. I yield.

Mr. MATHIAS. The Senator just mentioned that the Senate voted unanimously to request the President to consult. I believe in the other body, the House of Representatives, there was a similar unanimous vote.

Mr. HELMS. That is correct.

Mr. MATHIAS. Every single Member of the House of Representatives as well as every single Member of the Senate requested the President to consult.

Mr. HELMS. That is correct.

Mr. MATHIAS. Was the Senator from North Carolina consulted?

Mr. HELMS. Not at all.

Mr. MATHIAS. Was the Senator from Illinois consulted?

Mr. PERCY. The Senator from Illinois has made it eminently clear to his own colleagues, and to the public at large, and to the President that at no time was the Senator from Illinois consulted on this matter.

Mr. MATHIAS. Was the Senator from Ohio consulted?

Mr. GLENN. The Senator from Ohio

was not consulted in a way in which he thought he should have been.

The administration said they considered the many conversations they had with us over the last year to be consultation, but I do not think we could run a roster of the whole Senate and find one Senator who feels he was adequately consulted after the language that we had in the Military Assistance Act of last year.

Mr. PERCY. Mr. President, if the Senator will yield for a question of my distinguished colleague, was not the Senator from Ohio in a meeting with the President and did he not raise that very issue that night a few hours before the President took to the television and radio to announce his decision and ask whether the President considered this consultation, and the Senator from Ohio said he did not consider it consultation?

Mr. GLENN. The Senator from Illinois is correct.

Mr. HELMS. Mr. President, providing I do not lose my right to the floor, I am delighted to yield to my friend.

Mr. GLENN. The Senator is correct.

I expressed that to the Senate.

I might add this: I think this is not what we are here today to debate as to how all this occurred but as to whether Leonard Woodcock will be confirmed as ambassador.

I think there will be adequate time to debate as to whether we were consulted adequately in the past and what type consultation we will feel is commensurate with our desires in the future.

So I hope that we could not make this the issue today as to whether we were consulted or not.

We do have a war going on out in that part of the world. We have commerce and we have trade problems that we wish to take care of. It is important that we do have an ambassador in place, an ambassador who is very, very familiar with all of the proper people to consult and has probably more influence in Peking than any other single American right now.

I hope we can get on this afternoon to raising the question of his qualifications, if there are any questions about them, and having him in place out there, which is certainly in the best interests of this country, on March 1 when they have a similar person established in Washington.

Mr. HELMS. Mr. President, I appreciate the comment of the Senator from Ohio. For a while it may have appeared as if I were a pipe organ which was being orchestrated, but I appreciate the spontaneous comments of my friends from Maryland, Illinois, and Ohio.

I notice that my good friend from Ohio says that we have a war going on out there. I want to correct him. We do not have a war going on out there; they have got a war going on out there, not the United States.

Mr. GLENN. The world has a war going on. That is what I referred to. It is not our war. I am talking in the sense that the world has a war existing on this planet now that could expand, and I am concerned about it very much.

Mr. HELMS. That is right. I am concerned about it, too, and that is part and parcel of the whole thing we are talking about today, including the nomination of Mr. Woodcock, which, I think, is untimely, to say the least, in terms of its being considered by the Senate on this date.

But, as I was saying, the truth is we have no basis in international law for providing defense to Taiwan once we withdraw recognition of Taiwan's sovereignty. We have only the right of brute force, Mr. President, and our conviction that freedom should be defended no matter what the legality of the action.

We are a Nation that has tried to move toward the rule of law in international affairs. But if we accept the President's policy at face value we are putting ourselves in a position where we would be in a legal no-man's-land at best, and condemned as an aggressor by Peking's many supporters around the world.

But someone may ask, was not the withdrawal of recognition from Taipei the nonnegotiable element of Peking's position? In other words, was it not true that there would have been no normalization without it?

Well, the answer to that question is problematical. In the first place, we ought to ask ourselves whether we can pay the price which includes the "reunification" of our friends and allies on Taiwan under Communist sovereignty. Is this new relationship with mainland China, Communist China, really worth that much? Second, how do we know there is no other formula that Peking would accept if we do not try?

Now, as to Ambassador Woodcock and the questions of how well this gentleman will represent us and how essential it is to have him on the ground in Peking tomorrow morning, if possible—let us study the issue a little bit. What did we find out in the testimony of Ambassador Woodcock? We found out that the United States did not even try to find such a formula on the nonuse of force against Taiwan. If President Carter had merely consulted the U.S. Senate on that one point, this Senator has no doubt whatsoever that Senators of every political persuasion would have insisted that he try to work out something that would be beneficial to Taiwan.

Instead, when the distinguished chairman of the Committee on Foreign Relations (Mr. CHURCH) asked Ambassador Woodcock whether an attempt was made to get a pledge on the nonuse of force by Mainland China against Taiwan, which was the essential point of sovereignty, the Ambassador, Mr. Woodcock, replied, and I quote him:

> It had been the American position that we were seeking a guarantee of the nonuse of force in the settlement of the Taiwan question. I personally came to the conclusion—and I am now speaking in personal terms—that to insist upon that would be to run into a roadblock because it was, in essence, the negotiation of sovereignty. It isn't a question of how we look upon the situation. The Chinese in Peking and the Chinese in Taipei both insisted that there was one China. It was a question of trying to negotiate directly a guarantee of the nonuse of force by a sovereign government against what in the mind of that government was its own province.
>
> So, central to our negotiations beginning in the period of July, 1978, was our insistance and our expectancy that it would be settled on a peaceful basis, but recognizing the roadblock of the sovereignty issue, which would have led the negotiations nowhere.

Bear in mind, Mr. President, I am quoting Mr. Woodcock on his testimony, and I continue:

> I think in a very practical sense, I myself am convinced that we have the best possible assurance in that regard, and I think the statements particularly of Vice Premier Teng Hsiao-ping, beginning in late November of 1978, reiterated forcefully to the Nunn senatorial delegation, of which Senator Glenn was a member, in early January, 1979, that we are getting the most positive response from the Chinese government in this regard.

Then the distinguished chairman of the committee, Mr. CHURCH, asked this question:

> At any time during the negotiations over the period that you were in Peking, was the matter of an express commitment by Peking against the use of force in settling the Taiwan question posed?

Ambassador Woodcock said: "Not by me, sir. No."

Now, Mr. President, that is why the Senator from North Carolina put a hold on Mr. Woodcock's nomination. That is why the Senator from North Carolina intended to insist that this matter be fully explored and discussed, because this admission by Mr. Woodcock in itself is one of the reasons why I voted against him in the Committee on Foreign Relations.

I realize fully that policies Mr. Woodcock was following were dictated from the White House and from the State Department, and I intend to discuss them in greater detail at a later time. But there was little evidence that Mr. Woodcock himself intervened on that question.

Although he said his advice was taken on a number of occasions, he said it was his personal opinion that the sovereignty of Taiwan was nonnegotiable. In other words, in order to achieve negotiation with the Communist government in Peking, he would have to give up any long-term commitment to the people on Taiwan. A short-term commitment, perhaps, he said, but not a long-term commitment. Instead he expected, "settlement" of the Taiwan question by peaceful means. It is fair to say that the United States does not object to unification as long as military force is not used.

So, Mr. President, the key question, therefore, is whether we can prevent the use of military force against the people on Taiwan.

All we get from the administration are so-called pragmatic answers:

> China does not have the military capability to invade yet. . . We can detect any buildup by the PRC in time to prevent it. . . An invasion would anger the United States and Japan and the PRC would not take a chance of offending us. . .

And so forth. Those are the answers we have been getting in the Committee on Foreign Relations and elsewhere from spokesmen for the administration.

But the point is this, Mr. President: None of these answers gets down to the key question of how we defend Taiwan now that we have sold out on Taiwan's sovereignty. How do we defend Taiwan?

How do we even send arms to Taiwan under international law if we deny the legal sovereignty of the governing authority on Taiwan? That is the question nobody has answered to the satisfaction of the Senator from North Carolina in committee, on television, in press releases, in news conferences by the President or anywhere else. And, in the name of all that is holy, the people of Taiwan at a very minimum deserve an answer to those questions.

That is the reason why the defense sections of the Taiwan bill were so important, and that is why, Mr. President, this Senator feels we ought to have handled the Taiwan legislation before we got to the Woodcock nomination. In the view of the Senator from North Carolina it is not enough that the United States shall maintain the capacity to protect Taiwan from the use of force.

It is not enough that the United States will provide arms to Taiwan. What the Senator from North Carolina, and I presume some of the other Senators, would like to know is whether the United States will in fact act, and to what extent and under what theory of international law we will act, if we do.

Thus, before we dignify our new relationship with Peking by confirming the nomination of a new Ambassador to the People's Republic of China, this Senator feels that the U.S. Senate ought to know the answer to these questions, and we do not know the answer to these questions. It seems to this Senator that it is premature to be confirming an Ambassador when the basic question about the security of the people on Taiwan remains unanswered.

Moreover, since the main issue is the stability of the People's Republic of China's military designs against Taiwan, the Senate has a right to withhold action while we are witnessing the People's Republic of China's extraordinary invasion of Vietnam, an invasion said to extend 25 miles within the borders of Vietnam, and to include the bombing of Soviet material in Haiphong Harbor. The issue with Vietnam began in a border dispute, and the People's Republic of China says only that it wishes to "punish" Vietnam—a concept which, to my knowledge, does not exist within the law of nations. But if the People's Republic of China is willing to go to war over a border dispute, how much more willingly would they go to war over what they regard as a province of their own territory—a view which the United States has tacitly accepted?

Mr. PERCY. Mr. President, will the Senator from North Carolina yield for a question?

Mr. HELMS. Yes.

Mr. PERCY. Before we get diverted from the essential point raised by the distinguished Senator from North Carolina as to whether or not we adequately did everything within our power to protect the interests of Taiwan and the people of Taiwan, I should like to indicate once again that the Senator from Illinois feels that adequate measures were not taken.

I do not blame the distinguished nominee, Leonard Woodcock, because he was acting under instructions and did not have bargaining leeway beyond the instructions that he had from the Department of State. He could not initiate new points in the negotiating sessions with the People's Republic of China. The question was never put to him, "If left free to bargain and negotiate on behalf of the United States, would you have recommended this point be advanced?"

So we do not know his answer to that, and I can only presume he was confined, in his negotiations, to the instructions he received from the State Department.

We, therefore, have a responsibility, just as we had to amend the Panama Canal Treaty, when there was an obvious oversight in protecting the interests of the United States. The Senator from Illinois took the position that he would not support that treaty unless we did actually amend the language. In this case, the Senate has seen fit, through the Church-Javits amendment, to change the phraseology to indicate that it would be a matter of grave concern to the United States if other than peaceful means were used to resolve the Taiwan issue.

I did not feel that was strong enough. I had come to the conclusion that it was vital to the security interests of the United States of America itself that there be a peaceful resolution, and that if force were used, there would be a challenge to the security interests of the United States. The Senator from Illinois deeply appreciates the vote cast by the distinguished Senator from North Carolina in favor of that amendment, even though we received only four votes and it did not prevail. It will be fully discussed, perhaps with amendments to be offered by the distinguished Senator from North Carolina.

My point, and the question that I put, is this: If we do intend to fully discuss this entire issue, is it not more appropriate that that discusion take place while we are considering the omnibus legislation? Would we not want to have Ambassador Leonard Woodcock in place in Peking, because of his intimate knowledge about the strength of feeling that we have in Congress about this issue? We should not write agreements that will leave too open to differing interpretation how strongly we feel, and, therefore, we want to precisely lay out language that can be understood.

Would it not be in our interest, when some of us feel so strongly about this matter, to have in Peking one of the most skilled negotiators and most tough-minded bargainers in American labor-management history to interpret to the People's Republic of China the intention and the meaning of our statements rather than a chargé d'affaires who is not looked upon as a full diplomat, and who is not fully accredited to the People's Republic of China?

I would feel that the case of the Senator from North Carolina, the Senator from Illinois, and others who feel this way would be advanced more appropriately if Ambassador Woodcock were in place. I address the question to the Senator, is there not some logic in that, and could the Senator explain more fully why there is this necessity for linkage on an appointment and a nomination about which the Senator from North Carolina has made it eminently clear he does not quarrel? In fact, there is not a single voice, to this Senator's knowledge, raised in the entire U.S. Senate against the qualifications of this man.

Mr. HELMS. Let me say to the Senator——

Mr. PERCY. The question is, What advantage do we gain by delaying the process of confirmation?

Mr. HELMS. The Senator asks several questions. Let me answer the Senator's first question, and then try to answer some of the others as well.

You have said it is your conviction, and I know you believe it, that Leonard Woodcock is one of the most skilled negotiators in American labor-management history. I am quoting from the record of the hearings on the Ambassador:

> Senator PERCY. As one of the most skilled negotiators in American history in labor relations and highly successful through the years, how much leeway, Mr. Ambassador, were you given to negotiate? Were you always following instructions, or did you have a certain amount of input and could you have a certain amount of input as to what we would ask as a quid pro quo for the step being taken that obviously the People's Republic of China wanted to take, that is, normalize relationships?
>
> Ambassador WOODCOCK. Obviously, with regard to each session I was under instructions and closely coordinated.

Well, we assumed that. Then he went on to say:

> But I had full input in reporting the results of each session and the opportunity to indicate what response we thought should be made.

That is what he said, and not a mumbling word was ever said about using force against Taiwan. Indeed, as I quoted him earlier, it was his personal conviction that the question of the nonuse of force against Taiwan would be a bar to successful negotiations. And here he says that he had "full input" into his instructions.

Mr. PERCY. The Senator from Illinois well remembers that dialog, and what I recall is that we did not put the next question—and the Senator from Illinois does not remember any Senator putting that next question—"What input did you have and did you give to the State Department?" Is my memory faulty on that? Did we press him on that, as I think we should have, as to what he thinks a practical position should have been?

As the Senator from Illinois understood it, the instructions were confining, and the parameters within which he was to negotiate were limited, and the use of force was not a particular point that the Ambassador was given leeway to press forward on; and he could not, on his own initiative, obviously, press that forward unless he was instructed to.

I do not recall Ambassador Woodcock ever being questioned as to whether he had pressed this particular point with the State Department itself, and what instructions and answer he had received.

(Mr. HEFLIN assumed the chair.)

Mr. HELMS. He extrapolated further in his response to the Senator's question. He said:

> Quite a few of the suggestions that we made from Peking were incorporated into what finally came back as my instructions. So I feel that given the handicap of distance and the method of communication I was given full opportunity to suggest and to counsel with regard to what finally did come out.

I will say to my friend from Illinois, and he knows he is my friend, what Mr. Woodcock said in my office. I cannot give the Senator a verbatim transcript of our hour-long discussion, but it was a very pleasant meeting. Clearly, in this Senator's understanding, there was the fact that Mr. Woodcock believed and feared that the deal would be off with Red China if any insistence was made on the question of use of force. So there is not any question in this Senator's mind about Ambassador Woodcock's unwillingness to broach that subject with the Communist regime in Peking.

That is the problem I have with him. That is why I do not share the Senator's concern that we have him on the ground over there on March 1. As a matter of fact, the symbolism of our going ahead with business as usual with Red China in the face of this incursion, if we want to call it that, into Vietnam, seems to me to run the risk of saying implicitly to friend and foe alike around the world that, "It is business as usual and we really are not concerned no matter what we said."

It is sort of like humpty-dumpty sitting on a wall.

That is what bothers me about it. I think the symbolism of going ahead and rushing to get this man confirmed and getting him on the ground over there may rise to haunt us.

I was very much interested in the comments of the distinguished Senator from Maryland earlier today on that question. I do not fully agree with Senator MATHIAS, but in large measure I do. I thought he very eloquently stated his position. But I do not see any advantage for the United States in rushing this nomination to approval and rushing Mr. Woodcock to Peking when, as a matter of fact, the American people, being, as always, wiser than many of their leaders in Washington, D.C., understand that we are embracing a regime that, by the Senate's own words, has slaughtered 64 million of its own people.

This is the sort of thing that troubles me.

If the Senator will forbear and let me finish my brief statement, I will yield for a further question.

Mr. GLENN. Will the Senator yield for a question?

Mr. HELMS. Yes.

Mr. GLENN. I would question the use of the word "embracing." Our Government is recognizing the government of a quarter of the whole human race. That does not mean that we approve of the action of that government any more than any other nation we recognize. What it is is a recognition of the fact that they are, in fact, the government that is in charge. I think the American people sometimes have gone along too much with this idea that recognition implies approval. It does not. The British, in particular, and most other nations around the world, rush to recognize new nations when they can establish positively what that government is and that it is in fact in charge of the territory and the people involved.

Our people tend to think that diplomatic recognition, just of that fact, of control, somehow indicates approval.

So I would question the use of the word "embrace" which the Senator from North Carolina used, because I do not think that is indicated in the relationship at all.

Mr. HELMS. We capitulated to Peking's conditions relative to Taiwan, did we not? Was this not "embracing" more than we ought?

Mr. GLENN. I think there was capitulation on both sides. They had originally been completely against any arms sale. They gave up on that. They said we could have the year's moratorium continuing since they were in the pipeline, so long as we did not contract for new deliveries in that time period. If there was a capitulation, I think there was a mutually worked-out arrangement where they gave some and we gave some. That is the nature of negotiations.

Mr. HELMS. I know the Senator speaks from the depth of sincerity. I always dislike it when I do not agree with him. He knows my affection for him.

Let me say something about this embracing. My mind wanders back to a few weeks ago when Vice Premier Teng came to Washington. I saw a lot of embracing going on then. Here was a representative of a regime that has the worst human rights record in the history of the world, I suppose. What did we do? We treated him as a matinee idol. I shall never forget the luncheon sponsored by our Foreign Relations Committee. I saw the spectacle of Senators rushing up to get this man's autograph just like he were a film star.

So I think maybe the word embrace could be in order but I will not haggle with the Senator about it.

Mr. President, let me conclude by saying that to confirm Mr. Woodcock at the present time, in the light of People's Republic of China action in the Sino-Vietnamese war, would be, in the minds of many, a matter of the Senate putting an implicit stamp of approval on the Chinese invasion. Senators will protest that they do not approve of this invasion and they will do so sincerely. But the question is, Does the Senate really approve of any action that even runs the risk of exacerbating the People's Republic of China quarrel with the Soviet Union? Or, more succinctly, are we heading to war in Asia?

I heard a Senator on television the other night say that there was a fair possibility, and I think I am quoting him, that we could get militarily involved in that conflict over there.

Well, there is no fair possibility of that as far as this Senator is concerned. There have been some filibusters in this Chamber, Mr. President, but as long as I can drag myself to this floor, there will be the longest filibuster that I have made against the proposition that we should go to war in Asia.

Mr. President, Mr. Carter asserted that we could go to war to protect Taiwan. Now I want him to say when. I want him to say under what conditions. I want him to say what, in his mind, would justify such a war. I would like him to say how we can go to war to protect Taiwan when we do not recognize Taiwan's sovereignty. Finally, I would like for the President of the United States to level with the American people and tell us whether that war is starting right now.

To send an ambassador to Peking at this moment seems to this Senator to be the height of folly, and one that deserves full debate on the part of the U.S. Senate. We must face the inevitable question: Is there no extreme to which the United States will not go to pursue this policy? I say again, if the President had consulted with the Senate, these questions, or many of them, would have been raised. My judgment is that answers would have been found without putting the Senate under such an artificial deadline with respect to this nomination, which amounts to putting a legislative gun to the head of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the eloquent and very able Senator from North Carolina has made his position very clear. He has stated also that he would decline to go to war in Asia, I believe he said——

Mr. HELMS. No. I was referring to that Vietnam matter. That is what the Senator on television was talking about and that is what this Senator was talking about, Vietnam versus China. Let them have at it, but leave the American people out of it.

Mr. GLENN. What Senator is it we are talking about?

Mr. HELMS. I understand the Senator in question feels a clip was taken out of the television film. I will not get into that. I will let him settle that.

Mr. GLENN. The Senator is not talking about me?

Mr. HELMS. No, sir, in no way.

Mr. GLENN. In partial response, as the Senator knows I was very critical that we did not get better security guarantees for Taiwan. Nevertheless, when we specified that the President of the United States must define when we would go to war, under what conditions we would go to war, under what conditions we would justify such action, and is that war starting now, I think the Senator raises questions that are impossible for anyone to answer.

I might pose the same questions to the Senator from North Carolina. When would he go to war in defense of Taiwan? What conditions would he go to war under for Taiwan? What justification would he use? What provocation would there have to be?

I do not think those are questions that can be answered in an abstract context years or decades, perhaps, in advance of when they might have to be made.

I have been concerned that we in the Senate specify that we expect there to be peaceful resolution of that situation and that that be very clearly stated, because I think other nations around the world sometimes do not appreciate the uniqueness of our form of government where we do share these powers with the President and where he is not omnipotent in foreign policy.

I am as critical as anyone in this Chamber, including the Senator from North Carolina, that we were not adequately consulted.

I think that is something we have to take up at a different time. I would hate to see it become the main issue or point of debate here while the confirmation of our new Ambassador languishes.

But could the distinguished Senator from North Carolina answer those questions?

When would he go to war? What conditions of justification would he use? And would he state to us as specifically as he has asked the President of the United States to state them?

Mr. HELMS. I will say to the Senator what I said in my address, and I hope I was fairly clear, that these are questions that, given the proper consultation, could have been discussed.

Now, the Senator is absolutely right. He and I would sit down and discuss these matters.

The point I make is that now, after the fact, how does the President deal with those questions which he ought to have dealt with before he made this judgment, made this decision, and took that action?

Mr. GLENN. The point I make is that I do not think these questions can be answered with the definitive and clear definition that the Senator is asking in advance of knowing what the situation was.

For instance, let us set up a couple of scenarios. Was there provocation? Was there a Taiwanese airplane that strayed across and dropped something, or was in airspace it was not supposed to be in, or was there retaliation, or a lost airplane from the mainland that did something Taiwan resented?

There are a thousand different scenarios we could set up with regard to a situation that would have to be judged in the context of that situation and the tensions and what was the intent of the parent governments of those military forces, before we could possibly know whether we would be willing to do as the President has said we reserve the right to do, put our carriers in the Strait of Taiwan to prevent an attack or even go to war.

But to try to pin down in advance what that type situation might be and what our response would be and whether we would respond with economic sanctions or military action, to pin that all down in advance before we recognize an Ambassador to Peking, it seems to me is asking the impossible of the President or of any Member of the Senate.

Mr. HELMS. Will the Senator yield?

Mr. GLENN. Certainly.

Mr. HELMS. The Senator is making my case for me because my point is that none of these things, not one of these things, was discussed in a consultative manner with any Member of Congress, and, I might add, in contradiction of the request of every Member of the House and Senate who voted on this precise question.

Now, I say to the Senator that I cannot answer the question of how many angels can dance on the head of a pin. But I say that the President could have avoided a lot of difficulty if he had just not treated the Congress of the United States as an adversary and had consulted.

Now, he has these questions which I raised. Prior to this time, or prior to his decision with respect to Red China, he could have worked something out with this Congress because, as I said earlier today, I think that virtually there is unanimity that there could have been recognition of the People's Republic of China without any dissent by the Congress at all.

Mr. GLENN. Let me make this point with regard to the points the Senator raises, I do not think prior consultation would have solved that, either.

I was unhappy there was not more adequate prior consultation. But to think if we had prior consultation we could have stated very specifically, to answer the Senator's own questions, when we would have gone to war, specifically under what conditions we would have gone to war, how we would have justified going to war in defense of Taiwan, those are not the things that were the type of questions, it seems to me, that consultation would have provided any illumination on.

Mr. HELMS. I think they would.

Mr. GLENN. I wanted answers when I talked to the Secretary of State, the head of the East Asian desk, and other people over the past year. I had hoped we would have consultation along the way with the major objective of trying to work out our trade and economic problems, as well as all these 60 executive agreements we have with Taiwan.

We would have been able to get some thinking going, so that once recognition occurred we would be prepared to move immediately to implement that recognition and realize whatever good is going to flow from it; to us, to the People's Republic of China, to Taiwan. Given prior discussion and consultation, the implications of recognition would be more generally understood by the American people, by this body, and by the House of Representatives, so that the People's Republic of China and our administration would have reasonably well defined channels in which to move.

We did not have the benefit of this. I wanted prior consultation; not a specific definition, such as if one shot is fired it means all-out war, or if one torpedo boat happens to do something, we go to war.

I think those kinds of detailed and specific definitions would have been just as impossible to attain with prior consultation as they are to define as the Senator asks the President to do now.

I think the consultation, which I had hoped for, would have solved some of the problems and questions we now face, such as where the loans will come from for the modernizations China wants and expects. Will there be such loans? If not, are they to supply all of their cash, finance all of their international commerce? How will they finance that commerce? Development of their coal and their nonferrous metals?

We could have considered some of these issues in advance rather than scurrying around after the fact implementing the policy. That would have smoothed the transition to this new relationship, making it a working and good relationship.

I personally think we could not have worked out a precise definition of when we would or would not become involved in the Straits of Taiwan. It would have been as impossible during prior consultation as it is now, after recognition.

I had hope we will have a time period for debate on this question, as the Senator has indicated he wants, when we consider the omnibus legislation with regard to Taiwan.

I do not think we will be able to settle this now yet I think it is important to have an ambassador in place there on March 1.

I hope the Senator will see fit to let us discuss this only briefly here on the floor today so that we may get on with a vote and have that ambassador in place at this important time.

Mr. HELMS. As far as this Senator is concerned, I have said most of what I wanted to say.

I say in response to my dear friend from Ohio—and I am saying this again—that the problem is raised by the vague status of Taiwan. Is it a nation, or is it legally part of the PRC? Can we defend it under such circumstances? This is what we could have avoided by consultation.

I agree with the Senator from Ohio that we cannot make a rabbit stew at this time; because in order to make a rabbit stew at this time, we first would have to catch a rabbit, and the rabbit is gone. He left on December 15.

How do we defend Taiwan if we do not recognize Taiwan's sovereignty? This is the kind of thing about which I am speaking.

Of course, I did not say, nor did I imply, that we could anticipate everything that is going to happen in the next 10 years. But it is the framework for those decisions that is at issue.

I thank the Senator for his comments. I say to him, to the distinguished majority leader, and to the distinguished chairman of the committee that there is no intent on my part to prolong this matter, but I do think that all Senators should be able to have their say.

I yield the floor.

Mr. HAYAKAWA. Mr. President, I support my distinguished colleague from North Carolina, Senator HELMS, in his objection to the confirmation of the nomination of Leonard Woodcock as Ambassador to China at this time. I have nothing but good feelings toward Mr. Woodcock. He has been a distinguished labor leader, dedicated to his job, dedicated to the improvement of the lot of the American working man. There is nothing I criticize in Mr. Woodcock's record. However, I should like to see the nomination of this confirmation considered in the context of the present situation.

The People's Republic of China has made great assumptions about the mutual recognition of the United States and China which was announced on December 16. China seems to have assumed that we are an ally of theirs against

Russia. Vice Premier Teng made no bones about it. He used the public platform which we provided in the United States to denounce the Soviet Union in vehement terms, within the United States; and we did not raise our voice to protest or even to argue with him, or even to say it was an inappropriate thing to do while he was a guest in our country.

To take advantage of what they have regarded as implicit approval of everything they do, China has attacked Vietnam. We have made a feeble protest, saying, in effect, "Naughty, naughty," and that is about all we have done about it. We are pretending that this disruption of international order which the People's Republic of China has committed does not exist. We are intent on doing business as usual, trying to get an ambassador to Peking by March 1.

However, the situation today is extraordinarily different from what it was on December 16, when the mutual recognition of China and the United States was announced. At that time, China was at peace with the world. It was engaged in no aggressive military action against a neighboring country. So, at the same time as I was distressed at the way we were treating Taiwan, I was prepared to accept—and still am prepared to accept—the recognition of the People's Republic of China.

However, we have done nothing to give recognition to the fact that China at the present time is a disturber of the world order. As I have said, it is attacking a neighboring nation, without what has been proved to be adequate provocation. It is as if we are determined to regard the situation as of March 1—or as of today, February 26—as identical with the situation in mid-December, and it is not.

Secretary Blumenthal has gone to China for negotiations with the People's Republic. He left after the hostilities against Vietnam were begun—again, an instance of continuing to do business as usual, as though China were not disturbing the international order by an active war against a neighboring nation.

We are proceeding with the confirmation of the nomination of an ambassador to China, rushing headlong into it, trying to get it done by March 1, as if these events had not taken place and as if China had not exposed itself as an aggressor nation, willing to use force against those of whom it disapproves across any of its borders.

I am perfectly prepared to vote later on, when China has withdrawn its aggression against Vietnam, for the confirmation of the nomination of Leonard Woodcock as Ambassador to Peking. I am perfectly willing to have an ambassador to Peking. But it seems to me that it would be great error on the part of the United States to act as if China were doing nothing that is a threat to the international order, that is a threat to world peace. China is threatening world peace at this moment with its troops in Vietnam. Are we going to close our eyes to it and say, "Go on with business as usual"?

This, Mr. President, I protest. I think it is not a fitting way for the United States to behave, particularly with our oft-stated concern not only with human rights but also with international order. We are discussing treating with honor a real disturber of that international order right now. This, Mr. President, I protest.

I intend, therefore, to vote against the nomination of Mr. Woodcock at this time, with all apologies to Mr. Woodcock, who is an estimable gentleman and who, with his background, should have this honor. Nevertheless, I say it is inappropriate at this time.

Mr. CHURCH. Mr. President, I have listened to parts of this debate, and I must say that the arguments that have been made to delay the Senate action on the nomination of Mr. Woodcock leave me somewhat puzzled.

When the President, exercising his own constitutional authority as the Chief Executive of this country, recognized the People's Republic of China as the government of that country, the United States had need of an ambassador in Peking. All the President did was to normalize our relations with the Peking Government and to treat the Chinese on the same basis as we do with 150 other foreign states. The President's action did not create an alliance with China. Recognition of China did not officially approve of that government nor its policies. All the President did was to say that, even though we were the last of the major powers to acknowledge that the Peking Government was in effective control of China and exercised jurisdiction over a billion people, the time finally had come to set aside the illusion which had misguided American policy in Asia for 30 years; namely, that the Government of China was situated on the island of Formosa.

Now, it has just been argued that somehow China's misbehavior since December 16 should prompt the Senate to postpone its consideration of this nomination.

Mr. President, I do not follow the logic of the argument. Let us assume that we disapprove of the Chinese move into Vietnam. Then in order to express our disapproval, it is all the better to have an ambassador in Peking. Let us assume that we understand the gamble that China is taking, one that could lead to a widening war, or possibly a direct conflagration with the Soviet Union. All the better that we should have an ambassador in Peking to express our concern.

In sum, whatever the nature of the American interest in the activities of the Government of China, it is simply better to have an Ambassador there to press those interests upon People's Republic in Peking.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. CHURCH. If one accepts the premises that have been advanced here, I suggest, Mr. President, that one cannot logically be lead to the conclusion that the Senate should postpone its action in confirming the nomination of a man that everyone has conceded to be exceedingly capable in representing the current American interests in Peking.

Yes, I am happy to yield to the distinguished Senator from Wisconsin.

Mr. NELSON. As I had listened to some of the debate and public statements of Members of Congress and others who are criticizing China's misbehavior in Vietnam and suggesting that we should not send an Ambassador, is the logic not rather compelling that when the United States went to Vietnam—and it does not border us; it borders China—is it not logical, then, that the European countries and all the rest of the world should have withdrawn their ambassadors to the United States for our misbehavior in Vietnam?

I have heard none of those hawks who led us into that debacle suggesting that our behavior was so bad in Vietnam that all of the ambassadors from other countries should have been withdrawn.

Now I was one of those, as was the Senator from Idaho, who opposed the intervention in Vietnam and criticized it and voted against appropriations for it for years. I thought it was a tragic mistake. But if it is misbehavior for China to move into a border war with Vietnam how would one define what it was we did when we were 10,000 miles away and intervened in the internal affairs of Vietnam?

Mr. CHURCH. I think the Senator makes a very valid point.

Besides, as I have said earlier, the recognition of Peking does not connote our approval of Peking any more than the fact that the many-year presence of an American Ambassador in Moscow connotes our approval of the Soviet Government.

We are simply recognizing that our own national interest is better served by having direct dealings with a government that exercises jurisdiction over one-fourth of the human race than to go on pretending that that government does not exist.

So I thank the Senator for his contribution to this debate.

I would hope that China would listen to our counsel in connection with Vietnam. In no uncertain ways, we learned our lessons there as the French did before us; the Chinese might profit from advice that we could give.

But it will be difficult, indeed, to bring that advice to bear without an American ambassador in Peking.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. CHURCH. Yes; I am happy to yield to my able fellow member of the committee, the Senator from Illinois.

Mr. PERCY. The point has been made on the floor that by somehow sending an ambassador at this time to Peking the United States would condone the Chinese invasion of Vietnam. The United States opposes that action as well as the Vietnamese invasion of Cambodia and has said so clearly and unmistakably by the executive branch of the Government and by many, many Members of Congress.

Does the Senator know of any country that has withdrawn its ambassador, because they have opposed this? The United Nations has discussed it at some considerable length, but no nation has withdrawn its ambassador. In fact, they have used their ambassadors, who have then direct access to, direct contact with, and the full status that can be offered by full diplomatic recognition, to protest this action and to express their deep concern. Is that not true?

Mr. CHURCH. The Senator is absolutely correct. And just as other nations have refrained from withdrawing their ambassadors from Peking in order that they may retain a maximum influence in that capital, so the United States ought not to refrain from ratifying this nomination and sending our own Ambassador to Peking at the earliest possible time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from West Virginia.

ORDER FOR VOTE TO OCCUR NOT LATER THAN 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I have discussed this request with the distinguished acting Republican leader, Mr. Stevens, and it has been discussed with Mr. Percy, Mr. Church, and others. I ask unanimous consent that the vote occur on the nomination of Mr. Woodcock at no later than 5 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, if we are going to add to this the control of time, I do not object. We are going to have controlled time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate between now and the vote be equally controlled by Mr. Church and Mr. Helms.

Mr. STEVENS. That is correct.

The PRESIDING OFFICER. The Senator from Iowa has been trying to get the floor for a good while and I had indicated to him that I would recognize him next.

Mr. STEVENS. Mr. President, his time will be yielded from the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this is not to say because of the present occupant of the Chair, but lest we get into the practice of going to the Chair and signing a list for recognition, I want to go on record right now, as I have gone on record before, that I will not stand still for that procedure. The rules say that the Senator who first requests recognition shall be recognized by the Chair, and in recent years we have fallen into a very bad practice by having Senators on both sides of the aisle go to the Chair and sign their names on the list and the Chair feels obligated to call on those Senators. I do not want the Chair to be put in that position.

For that reason, I hope the acting Republican leader will join me in this that we not recognize a list in the Senate.

The late Senator Russell of Georgia was very much opposed to this approach, and it was being practiced back in those days, and he vented his opposition to it. So I hope, as we have new Members on both sides of the aisle, they will not feel that a list is the right way to proceed in getting recognition.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Will the assistant Republican leader join me in that?

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. PERCY. The Senator from Illinois concurs in that in general debate and discussion.

The question would be whether the majority leader's opinion applies to situations when we are under control of time and have a bill such as a tax bill, where there are many amendments to be offered, and we are trying to have an orderly procedure so that everyone does not have to stay on the floor at all times. It has been rather common practice during such periods that there is a list and when you are on the list you know just about when your amendment will be coming up because you reserved a certain amount of time. Or is it better to do that under a unanimous-consent request as we have frequently done?

Mr. ROBERT C. BYRD. That is the way we should do it, by unanimous-consent request. We have done it frequently, and everybody knows where they stand, but they do it by virtue of the Senate.

Again I want to say I have not taken the occasion to say this because the very distinguished Judge Heflin is in the Chair. He is going to honor his commitments to a Senator who has asked to be recognized next.

The occasion for my saying this would be because we have had this question of lists in the past and it has created problems, and there is no justification for lists in the rules of the Senate.

So I say, with all apology to the present occupant of the Chair, there is nothing intended. I am just repeating what I have said heretofore, that lists should not be supported by either side of the aisle, and all Members ought to be alerted to that.

Mr. PERCY. One further question with respect to our conversation this afternoon on this matter. At the time the majority leader asked for the floor to make a unanimous-consent request, the Senator from Illinois was in the midst of a colloquy with the floor manager of the nomination. Would it be all right on the floor manager's time to finish that dialog, which could be done in 3 minutes or so, immediately preceding or after our conversation? The Senator from Illinois could then be relieved and release the floor to the Senator from North Carolina, who is speaking for the other side.

Mr. HELMS. I will say to the Senator that there is no question about time.

Mr. GLENN. We have plenty of time between now and 5 o'clock.

Mr. STEVENS. Mr. President, will the Senator yield? Was the unanimous-consent request dividing the time approved?

The PRESIDING OFFICER. Yes, it was.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader, the acting Republican leader (Mr. Stevens) I thank Mr. Percy, Mr. Glenn, Mr. Helms, and all others who have assisted in getting the debate underway.

Mr. PERCY. Mr. President, I once again would like to express my deep appreciation to our distinguished colleague from North Carolina who did see a need to have linkage, but who, having made his point, has now permitted the Senate to go right ahead.

I think we all feel much better knowing that Ambassador Woodcock, if confirmed today, as we fully expect, will be able to proceed and to be in Peking to represent the U.S. interests, including the very strong representations the Senator from North Carolina, I presume, intends to make during the course of the discussion on the agreements that will be brought up on the floor of the Senate.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. PERCY. I would be happy to yield.

Mr. GLENN. I would share in those views completely, and I join in those remarks, and for one other reason, too, I might add, that has not come up here today. We should not forget that March 1 is the date that is also extremely important on Taiwan, not for security reasons exactly but because without approval of the Taiwan portion of this whole thing, of this omnibus legislation, we go into sort of a limbo situation with regard to Taiwan on that date of March 1.

So I hope we can dispose of this rapidly today and get on as soon as possible with determining exactly the final form of that omnibus legislation or we will be doing a great disservice and causing great consternation and causing great problems potential for the people on Taiwan if we do not have an omnibus piece of legislation enacted.

I know that is of great interest, of tremendous interest, to the distinguished Senator from North Carolina. I hope we can move very rapidly on this today and also on that Taiwan omnibus legislation because we are really leaving the people there in limbo on the 60 executive agreements and treaties we have that cover the trade, the commerce, the $7 billion worth of trade we did with Taiwan last year, which will all be left in limbo unless we get something out there and in place by March 1. So that is a very important factor, I think, that has not come up yet today.

Mr. PERCY. Mr. President, that leads quite logically to the next question which would be of considerable interest to the Senator from Illinois and the Senator from North Carolina. If we can have a confirmed Ambassador in place in Peking at the earliest possible time, would this not enable us then to go ahead and negotiate the agreement on textiles and carry on the negotiations on claims with respect to assets with the

People's Republic of China? These are matters of considerable interest because we have deep concern in the textile industry, on the side of both labor and management, that we have a carefully balanced situation, taking into account the adverse repercussion on employment in this country if trade relationships were established in such a way that we would have a disorderly and disruptive level of trade.

So negotiations on textiles and negotiations on claims with respect to assets are negotiations that should proceed. If we were to slow down the nominating process it is possible that there could be a slowdown by the People's Republic of China on those essential negotiations.

The question the Senator puts to the floor manager of the nomination is whether or not it would not be well for us to continue not only to make our agreements, put them in final form with respect to the security interests of Taiwan, but also to finish the negotiations on the textile industry and on the claims with respect to assets so that we can protect American interests, American workers, and American industry in this country?

Mr. CHURCH. I agree completely with the Senator. No matter how one approaches this subject, whether from the standpoint of bringing certain political influence to bear in Peking, advancing our commercial or trading interests, or settling our longstanding claims against the Government of China for the confiscation of American-owned property at the time of the Communist takeover, whatever the American interest, it is obviously best served by the speedy confirmation of this nomination.

Now, Mr. President, if Senators were here on the floor contending that the nominee is unqualified to represent the United States in Peking, then this would be quite a different matter. We would have to debate it out at length, and come to some determination. But, as the Senator from Illinois knows, no one has contested the qualifications of Leonard Woodcock to be our Ambassador to Peking. Even those who say we should delay action on his nomination, have gone out of their way to express praise for Leonard Woodcock as a man, peculiarly equipped to discharge his responsibilities as our Ambassador to the People's Republic of China.

So there is no reason to delay this nomination. Obviously, every American interest will be served by getting him to Peking as quickly as we can, and I have yet to hear a persuasive argument that any American interest will be advanced by delaying Senate action on this nomination.

Mr. PERCY. Mr. President, I concur with the distinguished chairman of the Foreign Relations Committee, and for that reason, I think, in its infinite wisdom the Senate has decided to confirm this nomination, vote it up or down, one way or the other, before 5 p.m. today.

One further matter that Ambassador Woodcock could carry out to protect American interests as our Ambassador in Peking, would be to settle as soon as possible the outstanding consular issues that can be resolved, and to establish more normal trade relationships.

In addition to trade relationships, we will have cultural exchanges and we will have educational exchanges, and it is desirable to have Ambassador Woodcock in Peking at the earliest possible time to oversee these exchanges.

We all recognize that diplomatic recognition does not mean that we approve of or are supportive of the actions of governments with which we have diplomatic relations. It merely establishes the fact that we have recognized the government in power, that we will deal with that government.

I, for one, welcome the opportunity that we have now in establishing relations with the PRC, taking into account that the interests of the people on Taiwan should be protected. There is no question in the judgment of the Senator from Illinois that the Government of the People's Republic of China is well aware now of the strength of our convictions in this regard, following the visit here of Vice Premier Teng Hsiao-ping. He has personally been advised by several Senators, the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and other Members of the House and the House leadership, how strongly Congress feels about this issue. They should well understand our intention and desire to incorporate adequate protective language in the agreements that will be before us, and to do so in such a way that it does not in any way interfere with the working relationship, which we hope will be a close one, with the Government of the People's Republic of China.

Finally, with respect to the qualifications of Leonard Woodcock, the Senator from Illinois has participated in the Senate Foreign Relations Committee hearings. At no time were any questions raised that would in any way indicate that Leonard Woodcock was not superbly qualified to be the Ambassador for the United States in Peking.

I ask unanimous consent to have printed in the Record an article published in the Washington Post of December 17, 1978, entitled "Envoy Woodcock Learned Diplomacy in Labor Battles."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Dec. 17, 1978]

Envoy Woodcock Learned Diplomacy in Labor Battles

Leonard Woodcock, likely to become the first U.S. ambassador to communist China, learned the art of diplomacy and statesmanship while fighting labor battles for 39 years.

A former president of the United Auto Workers and now head of the U.S. liaison office in Peking, Woodcock is said to be President Carter's top candidate for the ambassador's post.

The two countries will exchange ambassadors March 1.

Woodcock would be the first U.S. ambassador to the mainland since Mao Tse-Tung's communist forces took control in 1949.

The former labor leader was offered the post of ambassador to Taiwan by President Kennedy in the early 1960s, but refused.

Woodcock is described as professorial, quiet, unassuming—far from the image of a labor boss. But he also can be determined.

He led the UAW in 1970 in what was then the costliest strike in U.S. labor history, a successful 67-day walkout against General Motors that left his union heavily in debt.

The son of a labor organizer, Woodcock, 67, studied accounting in college, but quit during the Depression to take a clerical job. When the firm folded he was jobless for a year before becoming a machine assembler in Detroit.

There he joined a local union that later became part of the UAW. In 1938 he took his first union job, as education director of a Congress of Industrial Organizations council.

He caught the eye of Walter Reuther, UAW head for 24 years, who made him an administrative assistant at headquarters in 1946. A year later Woodcock became a member of the UAW executive board.

At the time of Reuther's death in 1970, Woodcock was vice president in charge of the General Motors division.

When he became president Woodcock inherited a $13 million debt and faced contract negotiations with GM.

Undaunted, he said the settlement would set the tone for the industry and ordered a strike that cost $160 million, lasted 67 days and left the union $50 million in debt. But in the end, GM gave in to key union demands.

After the strike, Woodcock rebuilt the treasury, brought the UAW through the recession of 1974–75 and won innovative contract provisions that other unions lacked.

In 1977 Woodcock headed a delegation seeking information about Americans missing in Indochina. Carter named him envoy to Peking when he retired from the UAW.

Mr. PERCY. Mr. President, I am pleased to yield the floor now, so that our distinguished colleague from Iowa (Mr. Jepsen) who has patiently waited to have the floor, may seek recognition in his own right at this time.

The PRESIDING OFFICER (Mr. Exon). The Senator from Iowa.

Mr. JEPSEN. Mr. President, our distinguished majority leader said in the morning session that we must be concerned with what is in the best interests of the United States. That has been reiterated time and time again in the Senate today, by every Senator who has addressed himself to the issue, and in this I am sure we all agree.

I also agree that we should have normalized relations with the People's Republic of China. But I hasten to point out that the Chinese on the mainland were the main beneficiaries of this action. Oh, yes, we benefited, too, but we could have had everything we now have without abandoning the people of Taiwan.

On October 6, 1976, while debating with President Ford, candidate Carter said:

> I would certainly pursue the normalization of relationships with the People's Republic of China, but I would never let that pursuit stand in the way of the preservation of the independence and the freedom of the people of Taiwan.

In that same debate, he said: "We have lost," accusing President Ford of this—

> We have lost in our foreign policy the character of the American people. We have ignored and excluded the American people and the Congress from participation in shaping our foreign policy.

But shortly after December 15, when Walter Cronkite asked President Carter why he had arrived at his decision in secrecy and exclusion, without the participation of the American people and the Congress, he replied:

> But, Walter, my experience in negotiating sensitive, complicated agreements with foreign leaders is that negotiation through the news media, with wide divergencies of views expressed by different leaders in our country, is not conducive to success.

And he went on to say:

> I don't have any doubts that if I made of this a public issue, it would have complicated the issue unnecessarily.

In other words, he preferred exclusion of the people and the Members of Congress from any participation in what he was doing.

If we here in the Senate do not insist on reaffirming our commitment to Taiwan, what is to prevent other dissolutions of other treaties, up to and including the NATO partnership? Bear in mind, the issue is not whether we should not have greater friendship with the people on the mainland of China, because we should. Nor is it one of attempting to wrest from the office of the Presidency the prerogatives that are his. The issue is our policy toward Taiwan, and whether to keep our pledged word and meet our responsibilities.

It is this that disturbs Americans and our friends abroad. Have we become totally unreliable and capricious? Have we become so lacking in common decency and morality that we can, in an instant, by a single stroke of a pen, put 17 million people over the side?

The history of our country calls for morality, not expediency, in international relations. We must demand a detailed program of specific guarantees, in clear and unmistakable language, guarantees to our friends and allies on Taiwan. Only then and thus can we restore the trust and confidence of the world in an America which, once again, conducts itself in accordance with its own high ideals, and only thus can we regain our own self-respect.

I commend the Senate Foreign Relations Committee for working on this. I suggest—and this has not been brought up in this debate and discussion—that it is imperative that the work of the Senate Foreign Relations Committee be confirmed and approved by the Senate, in order that our Ambassador will be able to effectively carry out his duties and his responsibilteies as Ambassador. Our Ambassador must not be placed in the embarrassing position of having to respond to Teng Hsiao-ping or any representative of the People's Republic of China, or any representative of Taiwan by having to say, "I don't know; Congress has not decided yet, and I'm not sure if they are going to completely agree with the President when they do."

We should not put our Ambassador in that situation. He can continue as liason—for a few weeks longer—he has been one for nearly 2 years. So I say let us establish our guidelines, confirm them in the Congress, and then ask our Government to speak for all of us, and say to the 900 million people, not just the Government on the Chinese mainland:

> We seek friendship and commerce and other mutually acceptable goals with you. We hope the bonds of common interest will grow. We will continue to hope that your system of government will evolve so as to provide you with the means of making political choices with regard to determining your own destiny.
>
> We wish to live in peace with you. We shall not intervene in your affairs and please do not intervene in ours. We can help you modernize and update your economy and we will do so, consistent with our own national security objectives. But when it comes to 17 million people on Taiwan, we emphatically state so long as they wish to retain their independence in the world, so long as they declare their unwillingness to either be liberated by you or unilaterally reunited with you, then so long will they also have the specific and clear support of the United States of America.

Once this is done, I would be very pleased to vote for the confirmation of Mr. Woodcock's nomination as Ambassador to the People's Republic of China.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Mr. President, unfortunately, the minority leadership is not able to be in the Chamber because of other duties. If the Chair will permit, I would like to take the opportunity of speaking on behalf of the minority leadership.

I believe this is the maiden speech on the floor of my distinguished colleague from the State of Iowa (Mr. JEPSEN). His statement was forceful, logical, eloquent, and well delivered. I want to welcome Senator JEPSEN to our midst and to our team, and to the continuing dialog with the Democrats across the aisle.

On top of all this, it is a very happy coincidence that I happen to agree with almost all that Senator JEPSEN has said. May I extend my welcome to the Senator and thank him for his remarks. I thank the Chair.

Mr. CHURCH. Mr. President, speaking for the Democrats, I want to extend my compliments to the distinguished Senator on his maiden address. Even though I do not share his perception of this matter, I nevertheless commend him for the address he has given and recognize it to be a sincere statement of his views.

The PRESIDING OFFICER. Who yields time? Do Senators yield back their time?

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Michigan such time as he may require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Thank you, Mr. President.

Mr. President, I rise to speak on behalf of Mr. Leonard Woodcock whose nomination to be Ambassador to the Republic of China is now before the Senate. I will be brief because there are few who do not believe that Mr. Woodcock is qualified to serve as Ambassador. His service as our envoy to the People's Republic has clearly given him a level of experience which could hardly be matched.

Before his direct experience in the People's Republic, his life was devoted to the peaceful resolution of conflict. The violence of labor relations in this country is not such distant history that we cannot all appreciate the value of a peaceful collective bargaining process. It is to the smooth working of that process that Mr. Woodcock has devoted his working life.

Let me digress for a moment for a personal note. During my tenure on the Detroit City Council and in the years before that as a politically active person in my home State, I had the opportunity to see Leonard Woodcock lead the United Auto Workers. I saw Leonard Woodcock's compassion and his skill applied to the betterment of my home city of Detroit, my home State of Michigan and to making this country a more humane and decent place to live. Leonard Woodcock embodies the principled compassion that we are seeking to establish as the basis for our foreign policy.

But it is not only the nomination of Leonard Woodcock that is made the issue here, but also, apparently, the nomination of any Ambassador to the People's Republic of China.

We should have an Ambassador to the People's Republic because we should recognize the People's Republic. The People's Republic is the effective government of more than 95 percent of the Chinese population. To fail to recognize the People's Republic is to fail to open up the traditional channels for peaceful resolution of conflicts between the governments of our two nations. Few would want to cut off this Nation from peaceful intercourse with the government of one-quarter of this planet's population. To do so is to place our head in the sand and cling to a China policy that has no basis in reality.

I realize that the price of recognizing the People's Republic was withdrawal of recognition of the Republic of China on Taiwan, which has for so long maintained that it was the legitimate government of all China. In doing so, we announced the termination of the Mutual Defense Treaty pursuant to the terms of article X of that treaty. (Although it is clear that we acted in accordance with the treaty, I believe that the President would have been wiser to emphasize that vital fact in his televised announcement of the decision.) Nor does it make sense any longer to try to follow or impose a two-China policy. Neither mainland China nor Taiwan accepts a two-China policy. Both governments want all or nothing. To try to have a two-China policy would mean a no-China policy. Since we must choose between the two governments, the commonsense reality speaks clearly—recognize the People's Republic, it is clearly the government of the land mass (and its population) which has been known as China.

There are questions that remain about our long-term relationship to the people of Taiwan and their leaders. But those are not questions for today, but the debate over the Taiwan legislation that will be before this body shortly.

Those questions are not answered by denying confirmation of Leonard Woodcock's nomination. The failure to confirm Leonard Woodcock would serve no positive purpose. It would merely represent a "no China policy" and would reflect a naivete not becoming to us as the most powerful nation on earth and not in keeping with the reality of mainland China's existence.

Thank you, Mr. President.

Mr. MATHIAS. Will the Senator yield me 1 minute?

Mr. HAYAKAWA. I am happy to do so.

Mr. MATHIAS. Mr. President, earlier today I spoke of the danger of sending out the wrong signals to the Soviet Union and to the People's Republic of China. I am concerned that we might, by sending out the wrong signals, give some impression of a tilt which I do not believe anyone in responsible office in the United States wishes to do, because I do not think we intend that any tilt should appear. We have been very clear that we want to maintain an impartial position.

But when I raised that question, the distinguished majority leader responded that he did not think we should worry too much about the signals that we send to the Kremlin. He said we need not be too concerned about how Soviet leaders react to our actions. He suggested that perhaps we were oversolicitous of Soviet sensitivities.

The limits on debate during the morning hour did not permit me to expand my views on this subject as I would have liked.

The issues involved are of such critical importance that they should not be left unexamined. For that reason, I would like to place in the RECORD a copy of a speech I made on February 22 dealing precisely with how preceptions in foreign affairs have a dangerous way of becoming fact.

I ask unanimous consent, Mr. President, that my talk entitled "Foreign Policy in the Shadows," given at the 16th North American Model United Nations, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FOREIGN POLICY IN THE SHADOWS

In April 1945, as World War II neared an end, delegates from 50 countries met in San Francisco to found the United Nations Organization and to dedicate themselves to peace through international cooperation.

Four months later, in August 1945, atomic bombs dropped on Hiroshima and Nagasaki effectively ended World War II by unleashing destructive forces of a magnitude beyond the comprehension of most human minds.

The best hopes and the worst fears of humanity are contained in those two events. The history of our world is written in their shadow.

Today, despite all efforts of the United Nations Disarmament Commission and despite the clear desire of all the peoples of the world, the danger of nuclear holocaust still casts deep shadows on our planet. We must take care how we walk in those shadows. The times are perilous.

The unique distinction I can claim as a Member of Congress is that I am the only Senator or Representative to have actually seen nuclear war firsthand. In September 1945, I visited both Nagasaki and Hiroshima. Having also seen Tokyo and Berlin, I understand the difference between conventional and nuclear war. Statistics can only hint at that difference because it is not simply incremental. It is profound and inconceivable. The very fact that we cannot conceive of the nature of the nuclear force we seek to contain makes its containment all the more urgent.

My knowledge of the cataclysmic character of nuclear war greatly increases the concern I feel whenever stability gives way to instability in our international relations and whenever calm gives way to confusion in our foreign policy. Today, I am more alarmed about the United States' position in world affairs than I have been at any time since the Vietnam War.

In his State of the Union message, President Carter spoke of the dangers of substituting myths for common sense in seeking solutions to our problems. It was a timely warning as recent events, particularly in Iran, have proved. But, unfortunately, President Carter ignored his own good advice and propagated a myth himself.

"Tonight," the President said, "there is every sign that the state of our union is sound."

There were, in fact, too many signs pointing to the opposite conclusion. And in the month since then such signs have multiplied.

The disintegration of Iran as a stable element in a volatile area is a drastic blow to our national security. It destabilizes the Persian Gulf and jeopardizes the energy lifeline of the industrialized nations of the world. But even before Iran erupted into chaos, our foreign policy was in disarray.

On the heels of the President's glowing appraisal of the State of the Union, this anguished howl of protest arrived in my office:

How can anyone say the state of the union is in good shape when inflation is nine percent; when the dollar is worth 40 percent of the 1971 value; when Russia expands her power all over the globe, especially in Africa and the Middle East; when the situation in Iran was mishandled in about the worst way possible; when the President revokes his statements from the day before to do likewise the day thereafter; when former Prime Minister MacMillan of Great Britain states that President Carter is "the weakest President the United States has had in his lifetime"; when German Chancellor Schmidt gave an interview to "Der Spiegel" referring to the ineptness of the President, etc.

That final exasperated "et cetera" covers a multitude of sins. The most notable one in my book is the President's failure to give any consistent direction to American foreign policy or to project any coherent vision of what international atmosphere he seeks to create in this nuclear age.

Instead we see evidence of a continuing schizophrenia in his administration's approach to foreign policy. Last year when the first hints of this schizophrenia surfaced in one of the President's speeches, I jokingly called it an "antiphonal chorus between hawk and dove," But that was last year. Today the schism in our foreign policy hierarchy is nothing to joke about.

We are in very serious trouble when an act of foreign policy, as momentous as the normalization of relations with the People's Republic of China, is credited to a presidential adviser "whose readiness to challenge the Kremlin can take on a gratuitous edge." (*Washington Post* editorial, "Two Washington Triangles," February 12, 1979.) In such matters the perception becomes the fact.

I personally favored eventual normalization of relations with the People's Republic of China. I favored this course, however, not because it was anti-Soviet but because realism demands that we recognize a government which represents one of every four human beings on the face of the earth.

The way normalization has been handled, however, and the side effects of normalization, convince me that the President is paying too high a price for the anarchy he tolerates within his foreign policy establishment. The China experience holds a lesson for peanut farmers that any dairy farmer knows: when you milk in two pails, you usually end up with two empty pails.

President Carter normalized relations with China on virtually the same terms that two previous presidents had refused. He simply picked the apple off the tree where it had been hanging since 1972, when President Nixon and Chou En-lai signed the Shanghai Accord.

I must say I wonder just why the President found the apple as appealing as he did when he did, but I discount suggestions that he made the China move simply to mask his failure to bring in an Egyptian-Israeli peace treaty on December 17, as advertised.

The President has said that the final decision to normalize relations with China was made by a "tiny group" within the administration. Vice President Mondale had the courtesy to call me about the impending decision two hours before it was announced. But many leading members of Congress were never notified at all.

I fault the President for not consulting with the Congress on this, particularly in view of an amendment to the International Security Assistance Act of 1978 which specified that there should be prior consultations between Congress and the Executive Branch on any proposed policy changes affecting the continuation in force of the U.S. defense treaty with Taiwan. This amendment incidentally passed without a single dissenting vote.

I fault the President for not getting some sort of assurances from the People's Republic of China about not using force to regain Taiwan. I was shocked when it finally came out that neither the President nor his advisers had even asked the Chinese for such assurances.

And finally, I fault the President for not consulting with key allies, such as Japan, and for not advising other keenly interested nations, such as the Soviet Union, that the announcement was in the offing. The Soviets are extremely sensitive on the subject of China. It would have cost us nothing to allay their fears about our intentions regarding normalization. It is the kind of small courtesy that eases an uneasy relationship.

In view of the Soviet Union's near paranoia about China, I was surprised when President Carter described Secretary Brezhnev's letter about normalization as "positive in tone." Later, of course, it came out that Brezhnev's response had actually been quite negative. And the Soviet response became more negative with every anti-Soviet taunt Chinese Vice Premier Teng Hsiao-ping let fly from American soil.

Mr. Teng warmed up for his triumphal tour of America by giving an interview to *Time* magazine. Among other anti-Soviet observations, Mr. Teng said that:

The first characteristic of the Soviet Union is that it always adopts the attitude of bullying the soft and fearing the strong. The second characteristic is that it will go in and grab at every opportunity.

Mr. Teng wound up calling the Soviet Union the "true hot bed of war" and advising that:

If we really want to place curbs on the polar bear the only realistic thing for us is to unite.

In the United States, Mr. Teng continued passing out advice. During a whirlwind visit to the National Gallery, he called the Soviets "warmongers" and said that anybody working for detente with Russia is an ostrich with his head in the sand.

When I met Mr. Teng during his visit, I told him, "You ought not to be over here stirring up trouble with the polar bears." Mr. Teng ignored my advice but I though his interpreter would have a heart attack.

Later a friend told me he thought I'd been too outspoken. But I just don't see any point in the Vice Premier of China coming all that distance if he's not going to learn something about what Americans think.

Meanwhile the Administration fell all over itself to honor Teng and capped the performance by signing a joint statement opposing any nation seeking world "hegemony", which Moscow and Washington both know is Peking's buzz-word for the Soviet Union.

We're told that some in President Carter's circle of foreign affairs advisers relished Mr. Teng's anti-Soviet broadsides. I would remind them that less than five years ago, the same Vice Premier Teng had very little good to say of us either. He told the United Nations General Assembly on April 10, 1974 that:

> The two superpowers, the United States and the Soviet Union, are vainly seeking world hegemony . . . The two superpowers are the biggest international exploiters and oppressors of today. They are the source of new world war. They both posseses large numbers of nuclear weapons. They carry on a keenly contested arms race, station massive forces abroad and set up military bases everywhere, threatening the independence and security of all nations. They both keep subjecting other countries to their control, subversion, interference or aggression. They both exploit other countries economically, plundering their wealth and grabbing their resources. (*New China News Agency*)

I would also remind those who played the China card with such glee that Chairman Mao, according to Vice Premier Teng, originated the policy of normalization. Chairman Mao also taught his comrades to identify their number one enemy and unite everyone else against him. And, in his dealings with Chiang Kai-shek, Chairman Mao showed his comrades that they can change their number one enemy overnight.

Establishing diplomatic relations with China promotes stability by normalizing an abnormal situation. But stimulating sinomania in this country, especially a sinomania with anti-Soviet overtones, is a dangerous game that can only lead to greater instability.

Foreign relations are not a card game. They are a deadly serious business. The world is not peopled with mythical dragons and eagles and polar bears, but with human beings who yearn for peace and security and the necessities of life. We must seek to compose our differences with both China and the Soviet Union and we must recognize that the world will be better served by whatever relaxation of tensions and cooperation can be achieved between these powers than by playing them off one against the other.

As far as our own relationship with the Soviet Union is concerned, we must recognize that we are dealing with a Soviet Union far more capable militarily than it has been in the past; we are dealing with a Soviet Union that has demonstrated a dangerous propensity of late to project its power far beyond its own shores to fish in troubled waters, and we are dealing with a Soviet Union that is a nuclear superpower.

The Carter Administration has failed totally to provide a coherent response to the challenges and possibilities inherent in our relationship with the Soviet Union. It has sent out conflicting signals to the Soviet leadership for the past two years ranging all the way from the President's statement that he wants a "better friendship" with the Soviet Union to National Security Council Adviser Brzezinski's Great Wall of China challenge: "Last one up gets to fight the Soviets in Ethiopia."

I was in the Soviet Union in December and, in reviewing the impressions of that trip, one thing stands out clearly: Soviet officials are totally confused by the cacophony of sounds reaching them from Foggy Bottom and Pennsylvania Avenue—(both ends of it I should add in fairness to the Administration.)

This is a very dangerous situation. It leaves the door open to Soviet miscalculations. It invites adventurism.

Some in the Administration maintain that the dichotomy in its approach to U.S.-Soviet relations reflects a split in the American people's attitudes. They argue that the President, in order to reflect the views of the American people, must perpetuate this dichotomy and encourage both factions in the argument to press their conflicting points of view.

I say this is hogwash. The President must resolve the differences that impede the formation of strategic policies to govern U.S.-Soviet relations. He must galvanize a national consensus on strategic objectives and he must lead the American people toward the achievement of strategic goals.

Recently, there has been some criticism of the Republican Party for disavowing the concept of a bipartisan foreign policy. To those critics I would point out that bipartisanship is a two way street. Arthur Vandenberg had his Harry Truman. And President Carter can't have it both ways. He can't expect Republicans to come to heel when he whistles, if he doesn't bother to consider their views on issues of such obvious interest to them as normalization.

But, more important even than this, you cannot expect, nor should you want, to have bipartisan support for a policy that is not only bad but dangerous.

The Administration is reported to be confident that a new SALT agreement will be signed this spring and sent to the Senate for ratification this summer. I have heard that song before so I am not holding my breath until the treaty gets to Capital Hill.

But I am absolutely sure of one thing—when the Administration sends up a SALT treaty for ratification, it must also be prepared to present and debate a strategic view of Soviet-American relations with the sweep of at least a decade. To do that successfully, it will have to deal with the schizophrenia that emasculates it now.

As for ratifying a SALT treaty itself, I am much tougher than my colleagues who say they won't sign a treaty unless the Soviets agree to pull in their horns in Africa and elsewhere around the world. When they make that kind of linkage, I have to assume they're trying to make a judgment about Soviet intentions—that they believe if the Soviets will behave in Angola, or Ethiopia, or Iran, or the Persian Gulf, or Afghanistan, then that will be evidence the Soviet leaders have turned the corner and intend to be a positive force in world affairs.

Whereas, I believe that the only basis for SALT is if it is unquestionably to the advantage of the United States under any and all conditions. I want a SALT treaty to stand of its own weight and not depend on anything else to buttress it. It must be totally independent of all other forces. I want it to be an agreement that will be judged to have been in the best interests of the United States even if, God forbid, war should break out between the United States and the Soviet Union.

I believe that achieving that kind of SALT agreement transcends in importance any other aspect of the U.S.-Soviet relationship. I am not alone in this view. The most famous of all Soviet dissidents, Physicist Andrei Sakharov, who knows better than all of us whereof he speaks, says:

> The problem of lessening the danger of annihilating humanity in a nuclear war carries an absolute priority over all other considerations.

Today is George Washington's birthday, as you know. In honor of the occasion, I would like to end this talk by reading you a passage from George Washington's Farewell Address. It contains advice the Administration would do well to heed as it develops a strategic foreign policy. George Washington warns his fellow citizens that:

> The nation which indulges toward another with habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Washington places this sound warning within a larger context that could serve us as the cornerstone for the strategic foreign policy we so badly need. He advised his fellow citizens to "observe good faith and justice toward all nations; (to) cultivate peace and harmony with all."

The times we live in are too dangerous to do otherwise. The shadows around us are lengthening.

Mr. MATHIAS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Will the Senator yield me about 5 minutes?

Mr. HAYAKAWA. I would be delighted to do so.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I visited the Republic of China on Taiwan several weeks ago. In that respect, as one who has most recently visited that nation, I want to say that I found the people in the Republic of China to be the most warm-hearted and admirable people. They are more American than Americans themselves in many aspects. They are industrious and self-reliant. They have accepted no foreign aid from this country since 1966. They have a thriving economy, a thriving free enterprise economy. Everywhere you look there is industry and business. It is a very prosperous country, and the people are proud of what they have achieved.

Beyond that, they are a very kind people. They are people who are polite to the extreme, exquisitely polite.

I remember one morning, Mr. President, standing on the ninth floor balcony outside my hotel room in the Grand Hotel, overlooking the capital city of Taipei. It was morning. The city was coming to life.

I looked down to the ground and about a block away from the hotel was a courtyard, evidently some kind of school, and there were youngsters playing basketball in that courtyard.

I mentioned a moment ago that they are almost as American over there as we are. They play basketball; they play baseball; and, in fact, they regularly win the world championships, beating even our own teams.

I looked down there and saw these children playing basketball, an American sport. From that distance, they could have been American children for all we could tell. They were dressed like American children. I thought to myself, what will be the future of these youngsters? Will they be free in 15 or 20 years when they are adults?

I could not help thinking to myself that there, but for the grace of God, go our children—there, but for the grace of God.

I wonder how much longer we can depend upon God's grace while we are following these stupid and cowardly foreign policies.

We are abandoning these wonderful, fine people. Sure, by polite degrees, yes, but we are abandoning them, nevertheless. We are feeding our friends to the crocodiles, and I am one American who is ashamed of it.

I am not opposed to having realistic relations with the People's Republic of China. I am not opposed to that. I am not opposed to eventually confirming an ambassador. But until such time as the administration begins to treat our friends at least as well as it treats our adversaries, I am going to withhold my support for these measures.

President Carter says we may not have government-to-government relations between our two countries—I am speaking of the United States and the Republic of China. He says we may not. I say, why not?

Prior to January 1, we had in Peking a liaison office which was in all respects except name an embassy. Why can we not reverse that today, Mr. President? Why can we not have a liaison office conducting government-to-government relations in Taiwan just as we had in the Communist capital of Peking?

I cannot answer that question. I hope someone here can.

How can we do less here for our own friends?

So I am going to vote today, when it comes to that, against the confirmation of Mr. Woodcock, and I am going to vote against every People's Republic of China initiative of President Carter's until such time as he begins to listen to the people of this county, and until such time as he begins to accord some respect to this body.

I see no reason we cannot have government-to-government relations. It is time we had a sensible, moral foreign policy in this country. I am one who will hold out for that until that day comes.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the acting minority leader.

Mr. HAYAKAWA. Will the Senator from North Carolina yield me a minute or two to congratulate the Senator from New Hampshire on his maiden speech, I believe, on the floor?

Mr. HELMS. Yes.

Mr. HAYAKAWA. Mr. President, it is a real pleasure to hear Senator HUMPHREY and his eloquent account of his adventures when he visited Taiwan earlier this year.

I think he was quite right in saying he was the first of us to do so since the recognition of People's Republic of China was announced by the President on December 16.

Senator HUMPHREY has made a moving and eloquent statement of his warm empathy for the free people of the Republic of China.

I, too, have been to the Republic of China and felt that there exists the air of freedom such as we enjoy in the United States.

I am very grateful to the Senator from New Hampshire for his eloquent statement of his views. It is a pleasure to welcome him as a fellow Republican to our team and to welcome him to the Senate on the occasion of his maiden speech, which was, as I say, eloquent and moving and extraordinarily persuasive.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

I, too, want to compliment the distinguished Senator from New Hampshire and the distinguished Senator from Iowa (Mr. JEPSEN) on what I understand to be their maiden speeches in this Chamber.

I welcome them to this body. I want them to know I deeply appreciate the contributions they have already made. I look forward to further contributions on behalf of liberty and justice in this country. I am very proud of both people.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, the United States of America is not proposing to feed the people of Taiwan to the crocodiles, nor even to the dragons, for that matter.

The Senate Foreign Relations Committee took into full account the continuing responsibility that the United States may have toward the people of Taiwan on account of our long alliance with them.

The bill establishes a new basis for continuing our relations with Taiwan in the future. The bill was unanimously approved by the committee. In section 114(a) of the bill, the committee adopted a strong statement of American policy which, in my judgment, gives the people on Taiwan greater assurance of the peaceful future than the previous relationship that we had with them under the terms of the mutual security treaty.

Section 114(a) of the bill that the committee will recommend to the Senate reads as follows:

> SEC. 114. (a) It is the policy of the United States—
>
> (1) to maintain extensive, close, and friendly relations with the people on Taiwan;
>
> (2) to make clear that the United States' decision to establish diplomatic relations with the People's Republic of China rests on the expectation that any resolution of the Taiwan issue will be by peaceful means;
>
> (3) to consider any effort to resolve the Taiwan issue by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States; and
>
> (4) to provide the people on Taiwan with arms of a defensive character.
>
> (b) In order to achieve the objectives of this section—
>
> (1) the United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or social or economic system of the people on Taiwan;
>
> (2) the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character;
>
> (3) the President is directed to inform the Congress promptly of any threat to the security of Taiwan and any danger to the interests of the United States arising therefrom; and
>
> (4) the United States will act to meet any danger described in paragraph (3) of this subsection in accordance with constitutional processes and procedures established by law.

Mr. President, I feel that the unanimous vote we secured in the committee is, in itself, testimony as to the concern the committee felt about the future of the people of Taiwan. The strong, clear statement of American policy contained in this measure will place Peking on notice that if that Government wishes to derive the benefits it expects will flow from this new relationship with the United States, there must be continuing peace between mainland China and the people on Taiwan.

Whatever the argument may be concerning the wording in this resolution, it is appropriate to take place at the time the resolution comes before the Senate. It seems to me inappropriate, in any case, to raise the question of the intentions of the People's Republic of China vis-a-vis people of Taiwan during a debate on whether or not Leonard Woodcock is qualified to serve as the American Ambassador to Peking. Which, after all, is the question that is now beforce the Senate.

I have no further remarks to make. It is my understanding that the Senate is prepared to proceed to a vote on this nomination. I hope we can do so at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, during my questioning of Mr. Woodcock in the Foreign Relations Committee hearings, I was struck by his apparent lack of interest in the grave human rights problems in the People's Republic of China.

I must confess that I hope that Mr. Woodcock will show somewhat more concern and curiosity in this regard when he arrives in Peking as the confirmed and sworn-in Ambassador from the United States to the People's Republic.

In that connection, I ask unanimous consent to have printed in the RECORD appropriate excerpts from that testimony before the Foreign Relations Committee, together with a study entitled "Human Rights in the People's Republic of China," which was prepared by the Institute on American Relations. A copy of this document is now on the desk of each

Senator. I commend it highly to Ambassador Woodcock and to my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY

Senator HELMS. Mr. Woodcock, you have had a very prominent and successful career in organized labor for some 30 years or more, I believe.

Ambassador WOODCOCK. It's longer than I care to remember, Senator—30 or more.

Senator HELMS. Now you have been in the People's Republic of China for the past 18 months. Are there any free labor unions in Red China?

Ambassador WOODCOCK. No, sir.

Up until the Cultural Revolution in the mid-1960's, 1966, they had a trade union federation, called the All China Trade Union Federation, modeled on the Soviet model, which was essentially a welfare association and not in the American or the Western sense a free trade union that bargained over wages and working conditions. During the Cultural Revolution that practically got wiped out because they got involved in the political turmoil.

In the fall of 1978, it was re-established and at the congress that they held in October, there was discussion that they would be given greater powers, including taking up problems created in the industrial establishments. But that still is in an evolutionary state.

So in our sense, no. They don't have anything comparable.

Senator HELMS. Do you have any feeling about that?

Ambassador WOODCOCK. Do I ever think about that?

Senator HELMS. Do you have any feeling about the fact that there is no free labor organization in China?

Ambassador WOODCOCK. Well, it fits in with the entire system and obviously I have some feeling about that. It is not our system and I would be more comfortable with our system. But I learned long ago to live with reality.

Senator HELMS. Dr. Richard Walker appeared before this Committee a day or two ago. He was commenting on forced labor camps in the PRC. Do you know anything about that?

Ambassador WOODCOCK. There have been those allegations. We have no real knowledge about it. But I would think it is very possible that they do exist.

Senator HELMS. Well, it was reported to President Carter in 1977 that there were forced labor camps in the so-called People's Republic, and with 7 million people in them.

Ambassador WOODCOCK. That number would surprise me.

HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA

The redoubtable Huang Hua, former Ambassador to Canada and former Ambassador to the United Nations and now Foreign Minister for the People's Republic of China, must have weighed his words well. Speaking only ten months after Mao's death, and only two weeks after Teng Hsiao-ping has been restored to all his posts for the third time, Huang was making the 42,000 character, five-and-a-half hour speech which would soon be poured over by millions of cadres and bureaucrats anxious to know how they were expected to act and think. They were particularly anxious not to fall into that "very small group" of Chinese citizens who are shown no mercy.

For the truth is that the only people in China who are denied fundamental human rights are those who attempt to exercise such rights. Those who voluntarily acquiesce in the surrender of every attribute of life normally called "human" seldom suffer, unless they get caught up by accident in the tides of violence or hatred unleashed by the system that Mao Tse-tung built and ran for 40 years. No one is exempt from the practical wisdom proclaimed by Huang—not Huang himself, not Teng, not even Mao.

The term "very small group" is itself relative to the enormous size of the Chinese population (850 million). When we think of national tragedies, we think of, perhaps the dead in the U.S. Civil War (1 million); the World War II dead in Poland (6 million); or the Jewish Holocaust (6 million). In China, however, the system that shows no mercy to those who ask for human rights also leaves few traces. However, independent scholars have produced careful estimates; the numbers range to upwards of 65 million dead through liquidation, with 50 million dead from starvation by miscalculation.

In 1971, the distinguished Sinologist, Richard L. Walker, through a survey of the literature and through his own sources produced a range of between 34 and 64 million dead (see box) as the cost of constructing a Communist society in China. These estimates do not include the victims of the more recent anti-Confucius and anti-Gang-of-Four campaigns.

FORCED LABOR CAMPS

Nor does the toll of murders alone recount the cost. Over the period of 30 years since the founding of the PRC, millions have been herded into forced labor camps. In 1955, an official United Nations report stated that there were 25 million in regular labor camps and 12.5 million in "corrective" labor camps. In 1956 the well-known scholar, Karl Wittfogel, estimated that one out of every forty people in Communist China was a slave laborer, in an article in the journal, *Problems in Communism*, published by the U.S. Department of State. In June, 1978, Peking freed 110,000 who had been detained since the "anti-rights" campaign of 1957. Such glimpses of the Chinese Gulag suggest that little has changed.

The essence of Communist Chinese society is conformity based upon terror. In the moulding of "socialist man" everything that makes him human is rigorously purned away. The history of the People's Republic is the continuing story of organized campaigns to isolate, identify, and destroy those who resist the Party's dictates in any way, or those who fail to anticipate and adopt the behavior expected of them. Nor does "resistance" necessarily mean active dissent; often it means having a "bad background"; that is, having been exposed to parents who had an attachment to the old society or to the ancient culture.

MASS MOBILIZATION CAMPAIGNS

One has only to list the major mass mobilization campaigns to understand that terror is the essential element of control:

1949–51—Liquidation of counter-revolutionaries and agrarian reform (local mass trials of landlords, "rich peasants," and petty officials).

1951–53—The "three-anti's" campaign and the "five-anti's" campaign (liquidation of shopkeepers, businessmen, financiers, and industrialists).

1953–57—Forced collectivization of peasant holdings which had been established 1949–51 (with liquidation of those who resisted).

1955—Liquidation of "hidden counter-revolutionaries."

1957—The "let 100 flowers bloom" campaign to encourage expression of criticism and dissent.

1958–59—The "anti-rightist" campaign to liquidate those who revealed their true thinking in 1957.

1958–59 — The "Great Leap Forward," which, according to the Hong Kong expert, L. La Dany, resulted in the deaths by starvation of 50 million peasants.

1960–64—Initiation of "sending youths to the countryside" (40 million sent) for permanent settlement among the peasants.

1965–69—The Cultural Revolution.

1968–69—Second phase of "sending youths to the countryside" to end the Cultural Revolution (25 million sent, including some 12 million who had escaped back to the cities).

1973–75—The "anti-Lin Piao" and "anti-Confucius" campaigns (after Lin's six assasination plots against Mao).

1976–78—The "anti-Gang of Four" campaign.

The repeated purges and relocations have introduced permanent instability into all levels of Communist Chinese society. Not even Mao himself was exempt. During the Cultural Revolution, Mao was forced to flee from Peking to Shanghai, power base of the Gang of Four, from November 1965 until August 1966. The Chinese News Agency, Hsinhua, said that seven cities were controlled by opponents of the Cultural Revolution. By August Mao had consolidated his power enough to call a Plenary Meeting of the Central Committee in Peking and unleash the Red Guards.

On September 11, 1971, a small plane bearing nine passengers crashed in Mongolia. The most important passenger was Lin Piao, Defense Minister, and Vice Supreme Commander of the Red Army, and expected to have been the successor of Mao. It was Lin who devised "The Little Red Book," of Mao's thoughts, and wrote the introduction. Yet the Chinese officially reported that Lin had organized several plots to overthrow Mao, even as he wrapped himself in the mantle of Mao's thought. The last one was aborted when he was betrayed by one of his co-plotters, and he left hurriedly in a plane lacking radio and navigation equipment. As a result of the Lin Piao plot, 34,000 members of the Red Army were court-martialed, and many executed. These events took place two months to the day after Secretary of State Henry Kissinger's first secret meeting with Chou En-lai in Peking.

PURGES OF TENG

Teng Hsiao-ping is now credited with being the strongest man in Peking, even though he is No. 2 in the official hierarchy (No. 3 by some reckonings). Teng joined the Party in 1924 in Paris as a student, and became the leader of the Paris unit when his friend Chou En-lai returned to China. Soon Teng himself was back in China too, and became closely associated with various commanders of the Red Army as a political commissar (will the West ever know how many purges he directed?). Ultimately, he ended up on the Central Committee, where his relations with Mao were diffident.

Teng was exactly what Mao had in mind when he ordered the Cultural Revolution. The Cultural Revolution was kicked off by Chou on May Day, 1966; by January, 1967, Chou turned the whole thrust of the Cultural Revolution against two prime targets: Head of State, Liu Shao-chi and his old comrade Teng. In April, Mao stacked the Politboro and got enough votes to condemn Liu as a revisionist; by November he was expelled from the Party and in late 1974 he was reported dead.

Teng was not expelled, but rather stripped of his posts. He was forced to sign a long document attesting to his crimes and the need to reform himself by the study of the thought of Mao and of Lin Piao. But in 1973, after years of obscurity, he suddenly surfaced at a banquet for Prince Sihanouk of Cambodia. He was re-elected to the Central Commitee, and by 1974 he came to the UN to make the first major Chinese speech on foreign policy, developing for the first time in public Mao's doctrine of "the three worlds." Teng was rehabilitated through the efforts of Chou, who had condemned him in 1966. Teng became, in effect, the deputy for Chou, who by then realized he was dying of liver cancer.

In January, 1975, Teng was elected vice chairman of the Central Committee, first vice premier of the State Council, vice chairman of the central military commission of the Party, and general chief of staff of the Red Army. It was an unusual consolidation of party, administrative, and military power. When President Ford visited Peking in December, 1975, most of his discussions were with Teng, described by the *Washington Post* as "perhaps the most powerful man in the People's Republic of China," and by the *New York Times* as "the man running things in China."

Casualties of Communism in China

	Range of estimates	
1. First Civil War (1927–36)	250,000	[1] 500,000
2. Fighting during Sino-Japanese War (1937–45)	50,000	[2] 50,000
3. Second Civil War (1945–49)	1,250,000	[1] 1,250,000
4. Land reform prior to "Liberation"	500,000	[3] 1,000,000
5. Political Liquidation Campaigns (1949–58)	[4] 15,000,000	[5] 30,000,000
6. Korean war	[1] 500,000	[6] 1,234,000
7. The "Great Leap Forward" and the Communes	1,000,000	[7] 2,000,000
8. Struggles with minority nationalities, including Tibet	500,000	[8] 1,000,000
9. The "Great Proletarian Cultural Revolution" and its aftermath	15,000,000	[10] 25,000,000
10. Deaths in forced labor camps and frontier development	250,000	[9] 500,000
Total	34,300,000	63,784,000

RISE OF HUA

One month later, Chou died. Two months later, Hua Kuo-feng was named "acting Premier" at the personal directive of Mao. Three days later anti-Teng posters appeared at Peking University, the first of a campaign which kept up through March. On April 5, 100,000 Chinese people rioted in Tienamen Square when soldiers broke up memorial ceremonies for Chou, and anti-Mao slogans appeared for the first time ever in public. One hundred civilians were gunned down on the spot, and thousands were arrested throughout the city over the next few days. On April 7, the Politboro met and passed two resolutions: One confirming Hua as First Deputy Chairman of the Central Committee and Premier, the other dismissing Teng from all his posts. Exactly four months to the day after "the most powerful man in China" had met with President Ford, Teng was no longer running things.

Teng was lucky. Liu Shao-chi and Lin Piao were dead, but he was stigmatized as "an unrepentant capitalist roader." He left Peking and was protected by his powerful friends among the army commanders. Mao dismissed Teng because he feared that Teng would not carry on his political line; perhaps Mao feared a "de-Stalinization" campaign after his death. Yet he could not pass the power directly to his wife, Chiang Ching, leader of the Gang of Four. He chose Hua as the intermediary, a provincial party official who had gained favor directly through the intervention of Chiang Ching, and, as head of the State Security apparatus, held the key to terror. Hua would be the agent for Chiang Ching.

Mao finally died on September 9, 1975. Hua was duly named Chairman, having produced a document in Mao's handwriting that stated, "with you in charge, I am at ease." Yet less than a month later Hua, in what can be fairly described as an act of treachery, arrested the Gang of Four in a pre-emptive strike to consolidate his power. Hua's coup was carried out in an uneasy alliance with the sinister Wang Tung-hsing (chief of Mao's 50,000-man bodyguard) and with the military men supporting Teng, the aging Marshall Yeh Chien-ying acting as intermediary. Hua's strength lies with the party cadres of the Cultural Revolution. Of the more than 36 million members of the Communist Party, more than half were initiated after the start of the Cultural Revolution, and seven million since the Gang of Four came into power after 1974. Teng's power lies with the military cadres that he has known since the Long March, and who have not forgotten Mao's axiom that power comes out of the barrel of a gun. Teng was restored to all his posts in July, 1977.

Does this unsteady combination represent a triumph for "moderation" and a gradual restoration of human rights in China? The answer is self-evident in the fact that the coalition immediately turned to the only method of governing that the People's Republic has ever known—a mass mobilization campaign, this time against the Gang of Four. Once again the opposition is isolated, identified, and destroyed. In the past two years, people have been executed for defacing posters of Hua and Mao, and for passing out pamphlets contrary to the line. Even the big-character poster campaign, staged for visiting U.S. newsmen so as to set the mood in the White House for capitulation has been turned off as suddenly as it began. No one knows yet how many victims the latest campaigns have claimed.

CONTINUING INSURRECTION

Surface impressions of China fail to reveal the seething terror that lies just out of sight. Just as gullible American newsmen were impressed by the gaity and smooth organization of Jonestown, Guyana, so too the zombie smiles, the unfailing politeness, and the seemingly spontaneous satisfaction expressed by model Chinese workers have impressed visitors. Yet there must be few countries that can match the People's Republic's continuous history of insurrection, or the ruthless and bloody determination with which such insurrections are repressed. Indeed, as the Communist accession to power recedes further and further into the distance, the desperate urge to revolt grows stronger, not weaker. Men, driven by terror and the futility of existence, at last rise up against any odds. Thirty years after the founding of the PRC, the demographics suggest that the overwhelming proportion of Chinese have never known anything else than a Maoist society. Yet they reject it. In a land where armed revolt is a state secret which it is death to reveal, we do not know of all of the uprisings which occur. But many documented cases cannot be hidden.

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[1] John S. Aird, "Population Growth" in Eckstein and Galenson, eds., *Economic Trends in Communist China* (Chicago: Aldine, 1968), p. 265. There are wide ranging figures regarding the "Long March" (1934–1935). Hugo Portisch, *Red China Today* (Chicago: Quadrangle, 1966), p. 131 offers the usual estimate of 100,000.

[2] This figure would include, for example, the New Fourth Army incident of January 1941 and numerous minor skirmishes during the war. See Peter S. H. Tang and Joan M. Malcney, *Communist China: The Domestic Scene, 1949–67* (South Orange: Seton Hall, 1967), pp. 60–69.

[3] One official statement lists half a million "feudal bullies" eliminated in the north by June 1949; this would not include Manchuria or other areas under Communist control. The figure of one million is probably closer given the intensity of the early part of the "land reform" in this early period. Cf. *Problems of Communism* No. 2, 1952, p. 2.

[4] This figure, drawn from a Department of State estimate is given in several places: Franz H. Michael and George E. Taylor, *The Far East in the Modern World* (New York: Holt, 1956) p. 457 use the figure for the first four years of Communist rule. George M. Beckmann, *The Modernization of China and Japan* (New York: Harper and Row, 1962), p. 520 cites the same figure from a later government estimate. As noted above, the Soviets give a figure of 25+ million for the period 1949 to 1965.

[5] New York *Times*, June 2, 1959.

[6] The larger figure is the official U.N. command estimate of Chinese Communist casualties. Aird prefers a more modest assessment of U.N. performance against the Chinese "People's Volunteers." The Chinese Nationalists guess 1,540,000.

[7] On some of the background for the range of estimates, based on discussions in Hong Kong and subsequent studies, see two special supplements which the author did for the *New Leader:* "Letters from the Communes," June 15, 1959 and "Hunger in China," May 30, 1960. Valentin Chu, in another *New Leader* supplement entitled "The Famine Makers," June 11, 1962 places the deaths of peasants owing to the "leap" at a minimum of one million.

[8] The figures on Tibet are also uncertain, but the International Commission of Jurists found clear evidence of genocide. Stanley Ghosh, *Embers in Cathy* (New York, Doubleday, 1961), p. 190, notes that the number of people immediately killed in the revolt of 1959 was 65,000 according to reliable sources. Troubles with other minority groupings have also led to casualty figures. See, for example, the interview by Hugo Portisch with the former Sinkiang "Culture Minister" in the *Vienna Kurier* of May 8, 1967. The Uighur leader, probably with very little urging from his Soviet hosts, discussed Chinese policies which had resulted in the deaths of thousands of Uighurs. He cited, for example, the case of the village of Kutcha, where he claimed that 10,000 people died in 1959 alone, all Uighurs.

[9] These figures are surely conservative estimates. As noted in the text more than 50,000 are reported to have perished in Wuchow, Kwangsi alone. On May 30, 1967, Radio Moscow (obviously not the most reliable of sources) estimated that more than 100,000 had already been executed in the course of the Cultural Revolution. These figures would also include the casualties of the *hsia-fang* or "rustication" movement which sent Red Guards to the countryside and frontiers when the army started to put the lid on the Cultural Revolution and bring it to a halt. They also include the wave of public executions which were part of the move to restore order and started in 1969 and continued through 1970. James Yeh, writing in the *Mainichi Daily News* in Tokyo on September 4, 1969, reported on the executions in some detail and also quoted the official Peking figure that by that time more than 25 million young people had been sent to the countryside.

[10] Robert Conquest in *The Great Terror* (New York: Macmillan, 1968), p. 533, estimates an annual casualty rate of 10 percent in Soviet slave labor camps. It can be doubted whether conditions in China are any more humane—stories heard from former inmates in Hong Kong can be hair-raising indeed. Granting a 10 percent annual death rate in Chinese Communist Labor Reform Camps over 20 years of their former existence, the figures given are obviously conservative.

1950: The invasion of Tibet; the isolation of the Dalai Lama; the murder of uncounted political and religious leaders; the suppression of the lamaseries and forced collectivization of agriculture. (The campaign reaches a climax in 1955 with the flight of the Dalai Lama.)

1967: The Cultural Revolution at its height. Thousands purged in villages, government posts, armed forces. Virtual civil war as army units opposed to the cultural revolution seize power. On January 18, Hsinhua, the official news agency, reports that seven major cities are controlled by opponents of the Cultural Revolution: Shanghai, Tientsin, Shengang (Mudken), Kwangchow (Canton), Wuhan, Sian, Chengtu, Chungking. In February, troops are called out to put down major revolt throughout Shansi province.

In 1970: In February, Tibet rises in armed conflict after 20 years of oppression. Revolt is put down ruthlessly by October, with thousands of arrests. Chinese settlers are moved into Tibet to take over territory, displacing native peoples.

1972: Unrest among the Uigurs and Kazakhs in Chinese Turkestan, created by the introduction of Roman alphabet, replacing the native script based upon the holy script of the Koran.

1974: Fears of "war lord" rebellion causes Mao to shuffle commands of eight of the 11 regional commanders. In June, violence breaks out in Kiangsi, and 200 are killed by troops restoring order.

1975: In May disturbances begin in Hangchow. By July, troops have to be sent to put down rebellion by force.

1976: 100,000 Chinese riot in Tienamen Square in the heart of Peking, attacking Mao's thought. Troops fire into crowd, killing 100, wounding hundreds more. Thousands arrested on the spot and over the next few days. Smaller demonstrations occur in other major cities. In November, troops have to be sent into Fukien; the local military district deputy commander "dies a martyr at his post." In December, Wuhan seethes with unrest. In Hopei province, Paoting, a major rail center, is the scene of prolonged disturbances that sabotage rail traffic. Mass public trials convict and execute ringleaders. Hong Kong sources report that there is unrest in 12 administrative regions.

1977: Rail interruptions continue, apparently as part of an over-all plan of sabotage. In January, the military take over the Chengchow Railroad Bureau to restore service under martial law. Chengchow, capital of Honan province, is at the center of China's north-south and east-west routes. Claimed steel production decreases 16 percent over 1975. In February, Koumintang sources in Taipei assert that there are over 183 anti-Red groups operating in the mainland, with some networks numbering in the thousands, disrupting transportation, agitating among the public to raid government granaries, and raiding military depots for arms. In July, another Fukien military district deputy commander "dies a martyr at his post," the second in less than a year.

(Part II.—On April 6, 1976, when the party central held a "tip-off meeting" for arresting the Gang of Four, it was hoped that the movement of exposing and criticizing the Gang of Four would be carried out without bloodshed, without firing a shot and without the deaths of people. But the situation has changed incessantly. In one and a half years, the People's Liberation Army suffered glorious casualties of 7,000 men, 1,120,000 persons were arrested and 140,000 persons who resisted arrest took to their heels. Some chose the course of death by continuing to make enemies with the people and even chose to become bandits by engaging in such nasty activities as looting.

During the ten years of the Gang of Four rampancy, 2,380,000 cadres and technicians suffered the buffeting of different degrees, of whom the cases of nearly 800,000 persons have been processed only recently. More than 17,000 cadres were liberated in Shanghai. In the whole state, at least 300,000 cadres have problems waiting for solution. At least another two years (1980) are needed to solve thoroughly all the problems of the cadres and the masses of the people left by the Great Cultural Revolution.—Yeh Chien-yin, Vice Chairman of the Chinese Communist Party, April 1978.)

Such incidents, culled from the free western press, filter through from travelers, refugees, and intelligence sources. Sometimes even the official Chinese press takes note of them, particularly after the successful repression of the unrest—a warning, no doubt, to others who might be considering revolt. Given the primitive state of technology in China, the authorities do not yet possess the organization or the means to completely suppress news of all events, and to prevent such uprisings. The evidence suggests, however, that such events are underreported, rather than exaggerated.

What causes the Chinese to break out of their lives of quiet desperation even when the penalties are so severe? The answer must be sought in the very nature of the system itself, which contradicts most of the noblest aspirations of human nature. Western intellectuals are accustomed to think of human rights within the narrow horizon that dominates the intellectuals' world, namely, intellectual and political freedom. But the vast majority of people, even in the West, happily live their lives outside of such specialized concerns. When only a third of Americans vote in presidential elections (and how many of those vote upon the basis of reasoned analysis?), it immediately becomes evident that other priorities absorb their attention and energies. Most people are content if left alone to pursue their own interests. The rights of free speech and political organization are important to them only if those rights are abridged. Free discourse, debate, and democratic principles are not ends in themselves, but are devices to protect and enhance human rights that are far more fundamental and far more universally practiced.

BASIS OF HUMAN RIGHTS

Any analysis of the human rights situation in China, therefore, must go far deeper than the superficial indices usually used in examining human rights in Western countries. In the West, we start from a base of assumptions about human nature and freedom that does not exist under the present regime in China. The usual indices—freedom of speech, freedom of political dissent, freedom from arbitrary arrest and torture, freedom from summary trial and execution—simply do not relate to life in Communist Chinese society. The fact that such freedoms do not exist, or exist in miniscule amounts, has no meaning. Can it be truly said that freedom of speech is improving in China when powerful figures in the regime dictate that certain criticisms of Mao be affixed to a wall in Peking for 10 days? How many of China's 850 million people will get to see that wall? How many of the 35 million party members?

If such rights exist, or are improving, then the only reason for optimism would be to hope that the very nature of the system itself would be changing. Yet the essence of the Chinese system is control of the human being; even the very "freedoms" exhibited to Western newsmen are part of the control methodology. The contribution of Mao Tse-tung to history was a system of social organization in which the slate of the individual citizen is wiped clean, and every thought and aspiration is dictated by the State. Mao's contribution was to put into practical operation the theorists who believe that human nature can be changed. Millions had to be killed and millions brainwashed to prove his theory. An entire culture and an ancient civilization had to be destroyed. Millions of workers and peasants survive only as numbed creatures, exhausted through constant physical labor and kept a few days away from the beginning of starvation.

Yet, despite the human costs, the Chinese people remain the same underneath. Trained through terror, uncertainty, and the system of social control to give the proper answers to visiting newsmen no matter what they really think themselves, they continually break out in revolt when ever given the chance. The highly visible purges, treacheries, and counter purges that characterize the handful to top officials known to the West are only a reflection of the turmoil that exists on the basic level of Communist Chinese society. Indeed, the system is tolerable from day to day only because it breaks down so often. Widespread corruption, petty graft, social unrest, military mutiny, and geographic isolation all combine to provide fortuitous, although usually temporary, escapes from the system for many.

It will be useful to examine in detail some aspects of everyday life in China that affect fundamental human rights.

(Part III.—To over ninety percent of the populace, our country grants maximum democratic rights. For all this, there are still some comrades who live in perfect bliss but are not aware of it. They hold muddled ideas, parrot what others say, and even unconsciously echo the views of the class enemy by saying things inimical to socialism. This certainly involves the ideological problem. Be careful: a gaffe, if not corrected in time, will grow into a serious error. . . .

A problem has arisen: Is the Helsinki Declaration to be fulfilled or not? It is a declaration on human rights signed by both Eastern and Western countries, including the backbone countries of the First World and the Second World. We have always maintained that it is hypocritical and totally worthless. Can people in the countries under the dictatorship of the bourgeoise really be vested with human rights? On the other hand, is it really necessary for the countries under the dictatorship of the proletariat to give human rights to a few saboteurs and counterrevolutionaries?

Lenin pointed out: All countries tend to use brute force, the only distinction being whether this brute force is used against the exploiters or the exploited. We have never denied that we are practicing dictatorship against people like the "Gang of Four," landlords, the rich, counterrevolutionaries, bad elements and rightists who account for 3–5 percent of the population, and those bad people who have destroyed peace and order in society. They are required to behave themselves and are not allowed to talk and act as they please. Our credo is: Leniency toward the enemy is tantamount to cruelty to the people, and only by resolutely oppressing a handful of class enemies can the broad masses of people be protected.—Huang Hua, PRC Foreign Minister, July 20, 1977.

If we take Huang Hua's statement to the high party cadres seriously, he admits that China practices "the dictatorship of the proletariat" against five to ten percent of the Chinese people. In concrete terms, this means between 45 and 90 million people, a range that is equivalent to one-quarter to one-half of the population of the United States. These are the "handful of class enemies" who are "resolutely oppressed" by the Chinese Communist system.

How are these millions "resolutely oppressed?" The ultimate sanction, of course, is execution or starvation; we have reviewed the careful estimates of the dead given by scholars in the first section. But now attention must be given to the living dead, the millions who fall into the five classes mentioned by Huang Hua: the landlords, rich peasants, counterrevolutionaries, bad elements, and rightists. These categories are not casual rhetoric rendered by quaint pidgin English; they are spectific categories laid down by party directive. Any Chinese person who is assigned to one of these categories by party officials is immediately subject to severe constraints, ranging from labor camps (from which there is no return), to education-through-labor camps (designed to being about ideological reform), to "free workers" at the labor camps (ex-prisoners who are not allowed to return home), to "objects of surveillance" in their commune or neighborhood.

A person does not necessarily become an object of dictatorship in China as a result of his own deeds; his "class status" is even more important. Thus a "landlord" is not, as the term implies to Westerners, a man who controlled thousands of acres in a district, perhaps in absentee fashion; rather, a landlord is anyone who ever rented property. A widow who rented a room in her house in Canton, for example, is a landlord; moreover, her sons and daughters are landlords, even if they have been born since the collectivization of property.

Similarly, a "rich peasant" is any peasant who might have owned as little as two or three acres; and his sons and daughters; and perhaps their sons and daughters. If such a rich peasant had ever hired someone to work beside him in the fields to harvest the crop; or if his father had done so, there is no way to expiate the crime.

A "counterrevolutionary" might be a genuine counterrevolutionary, who is caught working with agents of the Nationalist government on Taiwan. On the other hand, he might be a "capitalist roader" who tried to sell a pig on the black market, or smuggle goods from Hong Kong. He might also be someone who advocated material incentives for workers and peasants, contrary to the prevailing line. Teng Hsiao-ping himself fell in this category for a time, until his military friends "reversed the verdict."

A "bad element" or a "corrupted element" is a genuine criminal—a rapist, thief, murderer, embezzler, extortionist—of the sort which abounds in every human society. The myth that China is free of crime hardly bears examination. The penalties, however, are draconian and swift, with little regard for legal amenities, which both tends to cut the incidence of crime and to sweep the apparatus of criminal justice out of sight.

A "rightist" is a political prisoner, who deviates from the party line, criticises the regime, backs the wrong party faction, engages in religious or philosophical activities, or the like.

To repeat then, there are 45 to 90 million people in these categories who, to use Huang Hua's phrase, "are not allowed to talk and act as they please." Indeed, they are not even allowed to think as they please, for one of the chief aims of the process of the dictatorship of the proletariat is to eliminate "bad thoughts." Those who come from the wrong class are especially susceptible to bad thoughts, as they remember the good old days. Parents of the wrong class are inclined to inculcate bad thoughts in their children, along with their mother's milk. Therefore people with a "bad background" are severely discriminated against. They are assigned the most menial jobs, and they are paid less for their labor. They are excluded from medical benefits, and very few of their children are allowed higher education. They are held under close surveillance as unreliable elements, so that the slightest word or action which might tend to impress authorities as reinforcing their bad background could get them in real trouble. The system of surveillance, as will be explained below, is indeed sufficient to keep them from acting and talking as they please.

THE CHINESE CONCENTRATION CAMPS

The estimates of those in work camps generally hovers at 25 million for work camps plain and simple and 16 million additional at reform-through-labor camps, although no definitive figures are available. In both types of camps, the regimen is similar: Backbreaking labor, under primitive conditions, on a ration just short of starvation. Although no visitors are ever allowed to see the camps, and no complete information is available, there is plenty of evidence from former inmates released through the vagaries of international politics to build the case. In fact, the evidence suggests that the prison camps are an integral part of the Chinese economy, producing food, commodities, and small consumer goods without which the economy would collapse.

The concept of "reform-through-labor," which puzzles Western observers, is central to the Chinese Communist system of people control. The systems and techniques used in the reform-through-labor camps are the identical techniques used on the populace at large in a more diffused way. Thus any discussion of human rights in China must examine the labor camps to find out how the other 90 percent of the people live. In the labor camps, the techniques are highly concentrated to take care of the 10 percent that Huang Hua says must be resolutely oppressed; but the other 90 percent are kept in line only because of the constant terror that they, too, might fall in that abyss.

Of the many accounts that exist of the Chinese prison camps, the best is *Prisoner by Mao* by Jean Pasqualini (Bao Kuo-wang). Pasqualini, who deservedly has been called the Chinese Solyhenitsyn, was the son of a Corsican father and a Chinese mother. But Pasqualini shows that the Chinese have taken the Soviet Gulag one step further. The Gulag is only a course of punishment, with the inmates constantly teetering on the edge of death. The Chinese camp is all that, and more. It is an attempt to reconstitute the inmates' ideological thinking, so that they will never again want to oppose the Communist state.

Once again, a Westerner cannot understand how such a thing is possible. How could a man subjected to the inhuman conditions of a prison camp ever grow to love his jailer? Pasqualini shows that it is not only possible, but possible without exotic drugs, without sadistic torture, and without esoteric mind control devices. The Chinese have too many millions and too few resources to resort to such methods. Their brainwashing techniques are based upon a minimum of complications. Indeed, the fundamental technique is to reduce a man's options methodically, stripping life to its very essentials. When all the options have been eliminated except one, the subject eagerly chooses that one remaining option voluntarily.

The specific techniques are not entirely unknown in the West, but they have been forgotten since the experiences of the Korean War. Pasqualini shows how they work on persons of Chinese culture. If an individual is considered a redeemable bad element, he is brought in for interrogation, a process that in this case lasted 18 months. The impression in the West is that the "confession" produced in such interrogation is a false document which the victim is forced to sign. Not so, says Pasqualini; the confession is merely a detailed account of all the activities in a person's life. But he is made to realize, first of all, that nothing can be withheld; and secondly that the activities he thought were innocent all his life were in reality crimes against the people. When he signs the confession voluntarily, he joyfully goes to the work camp.

No force is used, only the oft-reiterated statement that the State is being lenient in not killing the prisoner immediately. The prisoner is in a cell with 20 men, undergoing daily self-examination and mutual criticism sessions. All aspects of privacy are totally eliminated, and food is reduced to the very minimum for survival. Prisoners are soon taught that unless they come up with the proper criticisms of the others, and the proper formulation of their own crimes, that they have no hope of further leniency.

ISOLATION THROUGH COLLECTIVIZATION

Thus the prisoner is isolated through collectivization. No part of his past or his present can be hidden. Every action, every word is scrutinized by his surveillance group; any externalization of "bad thoughts" is immediately set upon. He can make no decision except what is forced upon him by circumstance. Physically, he has no reserve because of hunger; mentally, he has no reserve because of constant criticism from without, psychologically, he has no place to hide.

When he finally goes from interrogation to the work camp, he has the added burden of constant exhaustion. The rations are graduated according to the fulfillment of certain work quotas. Only through the expenditure of supreme work effort can a subsistence ration be attained. The environmental conditions are brutal and harsh. The prisoner's only consideration is getting through half a day, and then the full day. His range of concerns is virtually eliminated. If, after ten or twenty years he has learned to behave himself, he may find that the State is lenient, and will release him to continue the same work at the same camp as a "free worker."

What is difficult for the West to understand is the total lack of choice, the complete inability to maintain private thoughts or plans without retribution. For us the inner man is sacred and not to be violated; for the Chinese system, the inner man is either effaced, or he remains an object of dictatorship for ever. Thus work itself becomes an education.

CHINA A VAST PRISON CAMP

The exact same priciples are applied to the organization of Communist Chinese society as a whole. When China is referred to as a vast prison camp, some may think that the expression is used metaphorically. But, in point of fact, Maoism is the perfect exemplar of totalitarianism. An authoritarian country is one where force is applied to prevent the exercise of political rights. But a totalitarian country is one where force is applied to make the exercise of all rights political. In an authoritarian country, most citizens can usually pursue their normal interests and activities, so long as they avoid political or ideological controversies. But in a totalitarian country, all citizens must conduct their daily lives and activities on the basis of correct ideological principles. They have no other choice.

Just as, in the Chinese labor camps, the range of physical and mental choice is limited, so too the lives of the Chinese are restricted by the regime. The difference is in degree, not in kind. A Chinese citizen is required to live where the state dictates, and to work where he or she is assigned. Once the citizen is registered in the assigned locality, he comes under the surveillance of the neighborhood committee in the city or the production team captain in the country. His food ration is just enough to support one person for a month, and the amount is calculated according to nine categories of work effort. Nor can he obtain food from another locality, not even for a visit, without special authorizations and approvals. During and after work he continues ideological training and criticism. His level of pay depends upon a correct ideological attitude, as determined in open meetings by his co-workers. Each one of his co-workers knows that their own correct ideological attitudes will be judged in part by what they say about him.

CHINA 80 PERCENT RURAL

The task that lies before China in the modernization of agriculture is staggering when one considers that 80 percent of the population lives in rural villages. This means that at least 680 million people are dependent upon the soil directly for sustenance. Moreover, the peasants are also the chief source of income for the national government. It has been estimated that 70 percent of China's light industry, 60 percent of its foreign trade, 80 percent of its domestic merchandise, and 50 percent of its total financial income depends upon agriculture.

An illusion has been created that Chinese peasants pay no taxes. Yet the State demands such a high percentage of both production and labor that a much greater proportion of the peasant's output is exploited by the State than in the West where high taxes are the norm.

The basic unit of Chinese agriculture is the production team. It is the team that owns the land, does the farm work, accumulates funds for public purposes, purchases and allocates grain, and pays the taxes. The job of the production team is to fulfill the plan laid down by the commune. In short, the production team is the fundamental laboring, accounting, and allocating unit.

The production teams are organized into production brigades, which coordinate the work of the teams. The brigades in turn are responsible to the commune, which makes plans and gives orders. Neither the brigade nor the commune does productive work, nor is the commune a budgetary unit of the State. It is, in effect, a local bureaucracy supported entirely by the productive labor of the peasants under its control. The commune, however, is also responsible for exacting the levies demanded by the State, whether in the form of money or of labor.

Communes are responsible for all public improvments, each in its own territory. Railroads, for example, are built exactly in the manner in which roads were built in pre-Revolutionary France: by the corvee, or forced labor. Roads and dams are also built the same way, with the local authorities being responsible for providing both materials and manpower. Such methods are both slow and inefficient. Most railroads in China are single tracked, and many large cities have no direct links with each other. As for roads, in 1971 the *People's Daily* reported with price that 70 percent of the communes would be reached by motor vehicles. Conversely, 30 percent could not. Nor did the *People's Daily* specify what kind of motor vehicles were used for a criterion. The typical rural vehicles are large tractors and enormous, high-wheeled trucks used for hauling both grain and people.

The exactions upon the peasants are so great that in June 1978 the *People's Daily* published strong criticisms of prevalent practices, which included:

Commandeering of manpower, funds, and materials without compensation for non-productive construction, such as office buildings for the communes.

Bureaucratic extravagance, wining and dining, embezzlement and graft.

Too many non-productive personnel.

Local authorities diverting funds to other purposes, for example, the appropriation of educational and medical funds for general spending.

Individual cadres who were allowed to run up debts to the production teams for the purchase of bicycles and radios without being pressed for repayment.

Overuse of the production teams' manpower and equipment for construction of capital projects, such as dams and irrigation productions.

Excessive price and poor quality of farm supplies manufactured by the communes.

According to the *People's Daily*, 42.6 percent of the commune members' income went to commandeered labor. In general, 40 percent of the profits of the commune go to the peasants. Therefore, if 42.6 percent of the peasants' income was expropriated by forced labor, they retained only 23 percent of the fruit of their efforts.

To make ends meet, the peasants formerly were allowed to keep small plots for private production of fruits, vegetables, bamboo, and in some cases, pigs. These products were sold to the State marketing system, the owners being allowed to retain only a small amount for family use. During the Cultural Revolution, such "capitalist roader" practices were forbidden. Thousands of private fruit trees were cut down, and wild plants, such as red pepper, mat rush, tobacco, and taro were uprooted to prevent gathering. Before it was forbidden, such sideline production accounted for almost 40 percent of the agricultural output, although it took place on land that was only a fraction of the collectively worked land.

Now, out of necessity, Hua Kuo-feng and Teng Hsiao-ping have ordered the sideline production plots restored. The small plots are not owned by individuals, but are allocated, often with a production plan. Peasants are presently allowed to keep 50 percent of the pork that they raise, instead of 40 percent as in the past. Under the slogan "to each according to his work," the rigid egalitarianism of the Gang of Four is being cut back. The village markets, which had been ruthlessly extirpated by provincial militia troops, are being restored. Nevertheless, sideline production can only be engaged in after work quotas in the production team, and forced labor for the commune have been fulfilled.

RURAL WAGES AND RATIONING

The peasant's time, therefore, is tied down very closely to his production unfit. But even if he had the time to indulge in private pursuits, his freedom of movement would still be greatly restricted by the unavailability of cash, and by the strict allocation of food and fundamental material needs. It takes both cash and ration coupons to purchase food, cotton and textile goods, and "industrial products" (toothpaste, soap, pans, plastic utensil, watches, bicycles, etc.).

Mao is supposed to have said, "I become frightened whenever I think of everyone becoming rich." The legacy of Mao is that such an outcome in China is extremely remote. As already noted, the production team is the fundamental unit of allocation. Whether the team makes a profit or loss depends upon the efforts of its members. Each member is awarded production points according to the agreement of his fellow members. In theory, each should get an equal number of points for an equal day's work. On sick days, the member gets only half the number of points. Since the Communist revolution "liberated" Chinese women to go out and work in the fields, women are expected to perform heavy manual labor. But the general lack of modern medical treatment for female disorders, and the relentless toil in the fields have resulted in complaints in the *People's Daily* that up to 50 percent of the female workpower is incapacitated at any given time, making it more difficult to fulfill the quotas set by the commune. But it also means that women generally earn less than men, even when equal points are awarded for equal work.

At the end of the year, the production team settles its accounts, and its profit distributed according to the workpoints earned, after deductions for the contributions exacted by the commune. The per capita income in a typical production team ranges between $30 and $50 per year, which is low even for China. If the team produces grain (rice in the South, wheat in the north), about one third of the grain is distributed according to work points, with additional grain purchaseable under the ration system. Such grain is the basic staple of the diet.

Ration tickets are not distributed to individuals, but to registered households. Thus any individual finds that all of the daily necessities of life are available only if he is registered in a controlled household. He is allowed to change the registration of his household only if he is assigned to work in a new locality. Similarly, if the State wishes to move an individual to a new locality, it merely withdraws his household registration and institutes it in the new locality. Thus when millions of "educated" youths were sent to settle permanently in the countryside, into situations alien to their training, temperament, and physical capability, the State merely had to change their registration and they were cut off from food supplies in their old homes.

Thus the Chinese Communist State has two important restrictions on the mobility of its citizens: The right to a grain ration, and the registration of households. The right to a grain ration, which is the staple of the Chinese diet, is handled through grain shops. If a person if traveling, he must exchange his ration coupons, good only at that particular station, for special tickets which are valid at restaurants and food shops in other localities. Every bowl of rice, every bowl of noodles must be paid for not only with ration tickets, but with money as well. Even a cup of hot water (a basic refreshing beverage for those who can't afford tea and who will never taste Coca-Cola) requires a ration ticket, because hot water requires scarce fuel.

To change household registration requires not only the permission of the local security authorities (police, or the neighborhood committee, or production team leader), but also the permission of the authorities in the new locality. New authorities resist transfers unless assured of addition-grain supplies, since every new mouth to feed means that much less for those who were living there first. To effect a transfer, a citizen must get permission not only from the security authorities in both localities, but also from the grain ration authorities. As it is, the full ration decreed by authorities seldom is available to citizens.

What is true of grain, is also true of edible oil, essential to the work cooking procedures of Chinese food. Staples and non-staple foods are handled under different ration systems. Cottons and textiles, whether in the form of cloth or made-up articles, are also tightly rationed. The clothing ration coupons are subdivided into smaller units, suitable for the purchase (along with the requisite money) of items such as socks and handkerchiefs. The basic necessities of life, such as soap, toothpaste, toothbrushes, are lumped into yet another ration category with manufactured goods such as kitchen utensils, and luxury items, including wristwatches and bicycles. A bicycle is a purchase equivalent to the purchase in the West of a large screen color TV, and takes 120 times as many ration coupons as a bar of soap.

Chinese Communist rationing is not merely an attempt to allocate scarcity equitably; it holds every citizen on a short leash. Every month each person receives, through his or her registered household, only enough coupons for food to get through that month, perhaps with a slight surplus. The surplus is never enough to feed another person in the family. Moreover, the food allocated is dependent upon the occupation and age of the household-member, with heavy laborers getting more, office workers and children getting less. All in all, there are nine categories which regulate quantity. Moreover, the quantity in seasonal occupations varies; a farmer during planting and harvesting gets a bigger ration than he does during the winter months.

The Chinese system is aimed at planned production, planned marketing, and planned consumption. Each production team is required to produce, market, and consume fixed amounts of grain. In the forced labor camps, inmates are deliberately underfed to maintain them in a state of dependency and discipline. Those outside the prison camps receive a larger ration, one generally considered sufficient (except in times of natural catastrophe). But the system differs only in quantity and quality; it differs not at all as a system of control. It restricts mobility of action, and leaves no margin for independent activity. A person who breaks ranks will find himself, in a matter of days, without any means to sustain himself. When he is caught, he knows he could soon find himself on his way to the camps.

THE CHINESE WAGE SYSTEM

Visitors to China most often are confined to urban areas, where they observe factory workers and bureaucrats on the streets. All too often, they form their impressions upon such observations. Yet only 20 percent of the Chinese live in urban areas. The income and level of general culture of the urban dwellers is considerably higher than that found in the country areas. Yet even the vast majority of the urban workers are barely surviving on the wages they earn.

At the end of 1977, the Chinese authorities, in response to the overwhelming necessity of the urban workers, raised the wage scales for the second time in twenty years.

In 1958, Teng Hsiao-ping stated to a workers' conference: "The wage system we implement is a low-wage system, aiming to feed five people with the food that can be shared by only three." This means a system that maximizes employment by keeping wages abnormally low. During the disruption caused by the Cultural Revolution, and the consequent decline in the productivity, many, if not most, workers simply could not feed their families. Accordingly, in 1971, the first adjustment was made in wages in twenty years.

The most recent increase in 1977 affected some 46 percent of the urban workers, including factory hands, teachers, and bureaucrats. It gave an increase of 15 percent to 20 percent to workers who had been on the job for more than seven years, maintain ideological purity and high productivity, and earn less than U.S. $52.20 per month. About another 20 percent of the workers fail to come up even to those criteria. Thus about two-thirds of the Chinese workers are earning below a living wage even for the low living standards of China.

But even those statistics do not tell the whole story, for the distribution of worker's incomes is overwhelmingly skewed toward the lower end. A starting salary is about U.S. $10.60 and two thirds of the workers earn less than U.S. $27.40 per month. Studies of the cost of living in Peking indicate that it costs about $16.50 per person per month for food, shelter, and basic necessities. Thus it can be seen that even if a man and his wife are both earning, it is difficult to support two children.

FAMILY LIFE IN CHINA

Down through history, the family was the basic structural unit of Chinese society—not the nuclear family as we know it, not even the extended family as so often described, but the family that reaches back to embrace the known past as well as forwards to the unknown future. The concept of the veneration of ancestors was matched by reverence for the living elders, and supported by mutual self-help among the members of the larger family unit. This powerful social institution was the object of a special campaign of expiration by the builders of socialism.

Three decades of Communism have failed to eradicate the Chinese family, particularly in the rural areas. But insofar as it has survived, it has had to withstand determined attack. Forced collectivization replaced the family with the production team as the economic unit. In the old days, when a son married, he brought his wife to the ancestral home, where she helped run the household under the direction of the mother-in-law. This provided a life as varied and satisfying as is possible within the range of experience of human nature.

Communist authorities have attempted to stamp out this practice, reducing households to mere economic relationships. Women were liberated to work in the fields or factories. In urban areas, husband and wife are often separated to work in different assignments, often hundreds of miles apart. In such cases the husband or wife may be able to come home only once or twice a year. If a husband is sent to a forced labor camp, the wife is often left jobless to fend for herself and the children. Ironically, many children were induced to denounce their parents to the authorities, in direct violation of Chinese concepts of filial piety.

Nor are marital rights and privacy respected by the State. In an attempt to cut the birth rate, the legal age to marry was raised to the late twenties, a move reinforced by the low pay of apprentice and young workers. The traditional Chinese reticence on matters involving sex was roughly akin to traditional practices in the West. But now even contraception is a matter of community involvement. Birth quotas are assigned to production teams and mass meetings are held to determine which women will be allowed to fulfill the quota. Indeed, public charts have been posted in village squares, listing each woman of child-bearing age, the method of contraception in use, the dates of her periodic cycle, and whether she has been assigned to fulfill the quota. Those who violate the plan are compelled to have an abortion, or face the wrath of would-be mothers waiting for their slot for childbearing.

But perhaps the greatest tragedy of the Chinese family was the forced exile of millions of so-called "educated youth" to the countryside. In an attempt to solve the unemployment problem and to slow the growth of the cities, some 52 million middle school and college level youths had been sent up to the mountains, down to the countryside, or to the border areas to help in "socialist construction."

These youths, both men and women, were temperamentally unsuited for life in remote rural settings. Many were physically incapable of performing assigned laboring tasks. Moreover, they looked forward only to a future of permanent exile from their families and friends. Their education was to be totally wasted in a life lived among ignorant peasants, planting, hauling manure, and bringing in the harvest.

The peasants, too, resented the newcomers in their midst. Most could not pay their way in terms of production, and were a drag on the slender resources of the distant communes. China is 60 percent illiterate. The peasants did not take kindly to the citified ways, the educated airs, and the strange accents and dialects of the youths. The youths complained that many were paid the equivalent of only U.S. $.25 a day, and nothing at all during slack season. The girls were particularly defenseless; a major problem was thousands of cases of rape and even forced marriages.

For millions of parents back in the cities, the "sending down" movement was the destruction of all their hopes and dreams, the foreclosure of the future of the family, and the utter ruin of their children's lives. The government urged the parents to adopt such heroic measures as sending copies of Mao's works, Lenin's works, and Stalin's works to boost the morale of their rusticated progency. After 15 years of this senseless social destruction, the sending down movement has just recently been halted and declared a failure.

THE END OF CULTURE

The Chinese culture is at least 6,000 years old. It has not only the oldest traditions and the oldest artifacts of a living culture, but also one of the most highly developed moral and aesthetic systems. Within this system, the Chinese were on familiar terms with the great religions of the world: Buddhism, Confucianism, Taoism, Islam, and Christianity. Before the Communist revolution, the largest group, numbering in the hundreds of millions, were the Buddhists. Confucianists looked upon the great moral teachings of the Master as an ethical code, which for many took the place of, or supplemented religious practices. Similarly, Taoists, finding inspiration in the teachings of Lao-tze and in the worship of local and national deities, were equally at home with the mentality of the larger religions. The followers of Islam, principally in the northwest, numbered some 10 to 40 million. Christianity, the smallest in numbers, nevertheless had a great impact in preparing China's leaders for modernization.

These great religious and ethical movements dominated and shaped the art, architecture, music, and literature of China. Together they humanized the culture, bringing it to one of the highest expressions of mankind's aspirations. Today, Maoism has been at pains to sweep all of these away, to be replaced by proletarian rigor. The Communist Chinese Constitutions have always guaranteed freedom of religion; but they have also guaranteed freedom of atheism, and atheism is the official State teaching. Nowhere is there any guarantee of the practice of religion.

The fact is that anyone who is observed in the practice of a religious rite is subject to suspicion, surveillance, loss of promotions or perhaps even of a livelihood, or worse. The pendulum has swung up and down; but at any time it is dangerous to have any association with religious practices.

The distinguished Belgian art historian, Simon Leys, has described in his book, *Chinese Shadows*, how not only the practice of religion, but also the practice of art has been forcibly suppressed. The thousands of temples, monasteries, mosques, and churches have all been closed down, except for a mere handful open only to foreign visitors. It is not simply the destruction of the Cultural Revolution that wiped out the art treasures of centuries; it is also the calculated policy of the regime, which has turned medieval temples into warehouses and military depots, and, in a 12-year project, obliterated the historic walls and gates of Peking, leaving empty spaces behind.

The right to maintain and enhance one's historic culture is a very important human right, one that is linked inevitably to the right to practice and propagate one's religious beliefs. The elimination of such rights is the elimination of a very essential part of what makes up human nature, reducing mankind to a one-dimensional being devoid of true humanity.

THE END OF LAW

It is not surprising that the totalitarian deprivation of human rights in China is accompanied by the deprivation of legal rights. The tendency in the West is to think of human rights entirely in terms of a deficiency in law. But human rights are much more fundamental; law is the mirror of a society. It is not surprising that the total absence of human rights in China is accompanied by the total absence of law.

In recent months, there has been a stirring on the mainland, calling for a return to the rule of law. This only emphasizes that no laws of significance have been passed since the beginning of the Cultural Revolution, and that no code of laws exists at all. There is not even a law journal to discuss problems in law. The National People's Congress, which is supposed to enact laws, held no meetings at all from 1965 until 1975. Under the 1948 Constitution, it is supposed to meet once a year.

But in any case, the National People's Congress, a rubber-stamp organization when it does meet, is totally subservient to the Communist Party. Similarly, there is no such thing as an independent judiciary. When trials are held, the emphasis is upon confession, not upon the weighing of evidence. Indeed, it has been said that the trial itself is not a decisive event in the criminal process.

What counts is neither law itself, nor even the constitution. What counts is the directive of the Party. Party directives, as interpreted by the local party official, are the basis for sentencing. It is the complete politicization of justice, where any prisoner becomes a political prisoner, according to the dictates of the Party line.

CONCLUSION

Life in mainland China for the average citizen is life reduced to the narrowest possible scope of action. The decisions which, in a free society, are made by the individual, are, in the Maoist society, made by the State. The individual is kept under tight control by the restraints upon his basic life decisions.

In so doing, the Chinese Communist society eliminates the basic dynamism that is necessary for its proposed "modernization" program. Unless the human spirit is released to think, plan, and act for its own aims and purposes, the basic creativity of man is shackled. No matter how much technology or financing is poured into such a society, the results will always be far less than if the society were free. The first and foremost principle of "modernization" for Communist China would be the restoration of basic human rights. But of course, if basic human rights were restored, China would no longer be Communist.

Mr. HELMS. Mr. President, if I understand correctly that no Senators wish to discuss this matter at this time, I am prepared to yield back my time.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HELMS. I yield such time as the distinguished Senator from Alaska may require.

Mr. STEVENS. Mr. President, I want to emphasize again that while I shall vote against the confirmation of this nomination, nothing in my vote should be taken to indicate any dissatisfaction with or lack of respect for the qualifications of the nominee.

I believe that the timing of the administration's actions in recognizing China was deplorable. I feel that the commitment that was made by the President last year when he signed the legislation committing the administration to consult with Congress was not fulfilled. It is my feeling that the history of the relationships between the Chinese people of the world—not just those on the mainland but those on Taiwan and the overseas Chinese as well—will demonstrate that the action taken by the administration in this regard, of asserting the new relationships with China on the mainland, was precipitate. We should not have taken that action without first having reassured the Chinese on Taiwan as to what their total relationship with the United States would be.

I would feel differently about voting on this nomination, for example, if we already had considered the Taiwan resolution and had adopted the amendment that was offered by the distinguished Senator from Illinois. But since we have not done so, I take the position that to confirm the nomination of Mr. Woodcock would be, to rubber stamp the action of the administration that, as I said, was taken in a precipitate manner; and I do not feel that my vote should be to condone that action.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. HELMS. I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I assure the assistant minority leader that the Senator from Illinois will have a full discussion on the floor of the Senate and will have printed the amendment that was rejected by the Foreign Relations Committee. I believe that such a discussion will be valuable. Although amendments may be offered which could disrupt the relationship we wish to establish with the People's Republic of China and Taiwan, the judgment of the Senator from Illinois is that the change in two words in the omnibus legislation would not alter the relationship but would make much more definitive and much clearer the security interests that the United States feels if other than peaceful means were used to settle the Taiwan issue. So we will have a full discussion of that.

Mr. President, the distinguished Senator from New York (Mr. JAVITS) is in California on necessary business. He will not return until tomorrow. He did not leave any indication that he wanted the vote withheld until he returned.

So I presume it is his intention and interest, as the ranking Republican on the Foreign Relations Committee, to have the Senate proceed with this vote as we can now.

But I know from talking with him that he feels very strongly as to the qualifications of Leonard Woodcock. I know he wishes the Senator from Illinois to express his own appreciation to colleagues in the Senate who had felt, like Senator HELMS, that the nomination should be held up until such time as the omnibus legislation has been adopted; but as the ranking minority member of the Senate Foreign Relations Committee, I know he wishes to express appreciation to his colleagues for allowing this vote to proceed immediately.

I know that even though there have been some indications that votes will be cast in the negative on this nomination, the Senator from Illinois has not heard one single Senator say that those negative votes are in any way to reflect on Leonard Woodcock, his capacity, or his capability.

So I think he really will go to Peking. Even though there will be some negative votes, apparently they will be cast not against the person but against the idea of the administration moving ahead with this speed. That should not in any way undercut or weaken or indicate any lack of confidence in him, because the confidence of the Senate has been reaffirmed time and time again. It is a confidence that the Senator from Illinois shares because of his intimate acquaintance with Leonard Woodcock for the past decade or more and the very, very distinguished record that he has achieved, and the respect and the esteem in which he is held not only by the labor leadership of this country but also by many members of industry with whom he has dealt.

He is a man of great honor, a man of tremendous integrity, a man who loves his country, a man who is a tough and able bargainer but who also recognizes that no agreement is a good agreement unless it takes into account the points of view of both sides. No agreement is a long-term, lasting agreement if any side is unfairly taken advantage of.

His knowledge of that and his skill in that particular field I think is a most appropriate asset as we open up, now, a whole new era of friendship, peace, and understanding between the people of China and the people of the United States of America.

The PRESIDING OFFICER. Does the Senator from Alaska seek recognition?

Mr. STEVENS. Mr. President, will the Senator yield me a couple minutes?

Mr. HELMS. I yield to my friend from Alaska such time as he may require, Mr. President.

● Mr. MUSKIE. Mr. President, I would like to speak in favor of Senate confirmation of Leonard Woodcock as U.S. Ambassador to the People's Republic of China.

Leonard Woodcock and I have been good friends for many years. We worked together on the development of the Clean Air Act of 1970 when he was president of the United Auto Workers. While we at times disagreed on a number of the issues involved at the time, I quickly learned to respect his commitment to protecting and promoting the interests of the workers he represented. On balance, many of our views have been similar. I have the highest respect for his ability and judgment.

In his capacity as Chief of the U.S. Liaison Office in Peking since 1977, Mr. Woodcock has built an impressive record. He has developed an excellent rapport with the government officials of the People's Republic of China. As we embark upon formal relations with the PRC, it is crucial that the United States have a representative who has earned the respect and credibility of the Chinese Government officials. Leonard Woodcock is that person.

Many feel that Ambassador Woodcock's confirmation should be held up until the Senate has voted on the legislation assuring the continuation of United States-Taiwan relations on an informal basis. I disagree strongly. We are talking about two distinct issues. One is recognition of the People's Republic of China. The other is what to do about our future relations with Taiwan. The President has a right to select Ambassadors to those governments we recognize, and the Senate has a constitutional responsibility to advise and consent with respect to those nominations. Tying these two issues together would be seeking to block the President in the exercise of his constitutional duty. If the Senate takes issue with Mr. Woodcock's qualifications, that is another matter. But I think many of my colleagues would join me in agreeing that Mr. Woodcock is most qualified for this ambassadorship.

The Senate is also well aware that we are working within a tight schedule, since on March 1, the United States and the People's Republic of China have agreed to exchange diplomatic missions by this date. I urge that the Senate confirm Mr. Woodcock's nomination without further delay.●

Mr. STEVENS. Mr. President, it was my feeling that this debate would go on longer in view of the controversy concerning the President's Taiwan policy. It is my understanding that we will explore that policy in depth at the time the Taiwan resolution is before the Senate, and I hope that we will have opportunity to explore that in full.

It is my further feeling with regard to this action that the statements made by the distinguished Senator from Arizona, Mr. Goldwater, should not be overlooked; they pertain to the status of Chinese Nationalist Government property in the District of Columbia and elsewhere throughout the United States.

It is my understanding that the State Department has not yet responded to the Senator from Arizona and other Americans to whom that property was deeded to protect the interests of the foreign nationals that were involved. I am hopeful that if we proceed to confirm this nomination, which I assume we will do, the administration will not fail to respond on the question concerning that property. At the very least, it is my hope that the total relationships involved in the Taiwan resolution will be explored before any final action is taken by the administration with regard to that property.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

Mr. CHURCH. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is, Will the Senate advise and consent to the nomination of Leonard Woodcock, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. Biden), the Senator from Kentucky (Mr. Ford), the Senator from Rhode Island (Mr. Pell), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I also announce that the Senator from Georgia (Mr. Talmadge) is absent because of illness.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) and the Senator from Rhode Island (Mr. Pell) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Hatch), the Senator from New York (Mr. Javits), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. Javits) would vote "yea."

The PRESIDING OFFICER (Mr. Nunn). Have all Senators voted?

The result was announced—yeas 82, nays 9, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—82

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Glenn
Goldwater
Gravel
Hart
Hatfield
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stewart
Stone
Thurmond
Tsongas
Wallop
Warner
Young
Zorinsky

NAYS—9

Garn
Hayakawa
Helms
Humphrey
Mathias
McClure
Schmitt
Stevens
Tower

NOT VOTING—9

Baker
Biden
Ford
Hatch
Javits
Pell
Talmadge
Weicker
Williams

So the nomination was confirmed.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At this point there was a discussion as to the legislative program, which is printed in today's Record immediately prior to the recess.)

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Therefore, Mr. President, I ask unanimous consent that the Senate go back into executive session for not to exceed 2 minutes to consider the nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

(The nominations considered and confirmed en bloc are printed at the conclusion of today's Senate proceedings.)

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nominations, en bloc, were confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF AGRICULTURE AND COMMODITY CREDIT CORPORATION

Mr. ROBERT C. BYRD. Mr. President, I have one nomination that has been reported today by Mr. Stone from the Committee on Agriculture, Nutrition and Forestry, the nominee being Mr. James H. Williams, of Florida, to be Deputy Secretary of Agriculture.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. If there is no objection, this nominee could be confirmed today.

Mr. STEVENS. I am informed that is the desire. There is an agreement from the distinguished Senator from North Carolina (Mr. Helms) that we proceed at this time.

Mr. ROBERT C. BYRD. Then, Mr. President, I ask unanimous consent the Senate proceed to the consideration of the nomination of Mr. James H. Williams, as mentioned.

The PRESIDING OFFICER. The nomination will be stated.

Mr. ROBERT C. BYRD. Mr. President, the nominee is to be confirmed in two capacities. I ask unanimous consent that the Senate proceed to consider the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of James H. Williams, of Florida, to be Deputy Secretary of Agriculture; and James H. Williams, of Florida, to be a member of the Board of Directors of the Commodity Credit Corporation.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the votes by which the nominations were confirmed en bloc.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President of the United States be immediately notified of the confirmation of all the nominees.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. There is a parliamentary inquiry. We have confirmed all of the nominations on the Executive Calendar to date?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of routine morning business for not to exceed 30 minutes, with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER TO VITIATE SENATE SESSION TOMORROW, AND ORDER FOR RECESS TO 11 A.M. ON THURSDAY, MARCH 1, 1979

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that the order for the Senate session tomorrow be vitiated and that when the Senate completes its business today it stand in recess until the hour of 11 o'clock on Thursday morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER TO REPRINT S. 359

Mr. STEVENSON. Mr. President, I ask unanimous consent that S. 359 be reprinted with the following correction:

> On page 5, after the comma in line 2, strike the word "one" and insert in lieu thereof the following: "two shall serve for terms of two years and two"

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTHER OF THE YEAR

Mr. LEAHY. Mr. President, during these complicated times for the American family, when the pace of change in America places new strains on home life, the status of "motherhood" sometimes loses its aura. Not that people are anti-motherhood, it is just that we sometimes lose sight of the qualities and joys of being a mother.

We need examples, role models. Today I would like to say a word of commendation for a friend in Vermont who combines the best qualities of a successful mother and outstanding businesswoman. Mary Hurd of Springfield, Vt., was named Vermont's 1979 Mother of the Year.

I have known the Hurd family for years, especially through their involvement with the printing business, my father's trade in Vermont. Besides raising five fine children, Mary Hurd established the first offset printing plant in southern Vermont.

My fellow Vermonters made a fine choice when they picked Mrs. Hurd for this honor, and I wish her well at the national conference this May in New York.

I ask unanimous consent to have printed in the RECORD an article from a Vermont newspaper.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPRINGFIELD PRINTER MOTHER OF THE YEAR

SPRINGFIELD.—Mary Hurd of Springfield has been named Vermont's 1979 Mother of the Year.

Georgina Bottamini of Barre, search chairman of the Vermont Mothers Committee, termed Hurd "an outstanding example" of a successful mother, homemaker and businesswoman.

Hurd will be honored at ceremonies in the spring at which time she will be presented the Governor's proclamation and the special citation of the American Mothers Committee.

In May, Hurd will represent the state and vie for the national title of 1979 Mother of the Year at the American Mothers Conference at the Waldorf-Astoria Hotel in New York City.

Hurd is the mother of four sons and one daughter. All four sons received senatorial appointments to the United States Merchant Marine Academy.

Hurd established the first offset printing plant in southern Vermont and it has developed into a successful and growing business. Her husband, Edmund, is a partner in the business.

Hurd's activities include service on the state board for controlling billboards on Vermont's highways and service as a Springfield Hospital trustee and United Way director.

A founder and first president of the Springfield Quota Club, Hurd helped to organize Quota Clubs in Brattleboro and Claremont, N.H. Club members work in fields of service to the hard-of-hearing and speech handicapped, senior citizens programs, crusades against crime, youth programs and many others.

She has held offices in the Springfield American Field Service program and has served as a director of the Springfield Chamber of Commerce. She was a corporator of the Springfield Hospital.

In addition to other civic contributions, Hurd has been active for over 40 years in many areas of the Catholic Daughters of America. At age 25 she was believed to be the youngest regent in the United States. She has also served the National Council of Catholic Women for many years, both at local and state levels.

AMENDMENTS TO BANK HOLDING COMPANY ACT AMENDMENTS OF 1970

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 1902, the Carson City silver dollar measure. I ask that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER laid before the Senate H.R. 1902, an act to amend the Bank Holding Company Act Amendments of 1970, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PROXMIRE. Mr. President, legislation identical to this proposal was passed by both the House and the Senate last year, only to be vetoed by the President because of a controversial, nongermane amendment added during the final hours of the 95th Congress.

Mr. President, H.R. 1902 amends section 205(a) of Public Law 91-607, the Bank Holding Company Act Amendments of 1970, which authorized the public sale of approximately 3 million rare silver dollars by the General Services Administration under procedures established by the Joint Commission on the Coinage. Since 1970, approximately 2 million coins have been sold with receipts of $55.3 million. These receipts are deposited into the general fund of the Treasury and help reduce the national debt.

H.R. 1902 is part of the 1979 legislative program of the General Services Administration. GSA has advised that the guidelines set down by the joint commission are no longer an effective method of marketing the remaining coin inventory of approximately 1 million coins. Under the legislation before us today, the General Services Administration will be able to dispose of the coins without the restrictions set by the Commission. For example, the coins will be sold at predetermined prices and there will be no limit on the number of coins that an individual purchaser may buy. In addition, the legislation will allow the GSA to sell the coins to Federal organizations such as the Smithsonian and to State and local museums for public display. If enacted, it would bring an estimated $24 million into the U.S. Treasury.

I urge my colleagues to vote for H.R. 1902.

Mr. President, Senator GARN, who is the ranking Republican member of the Banking Committee, joins in supporting this measure.

● Mr. GARN. Mr. President, I join my colleague, Mr. PROXMIRE, in urging the passage of H.R. 1902. Now that the nongermane amendment which was added to this legislation during the waning hours of the 95th Congress has been deleted, I see no reason why this legislation should not receive prompt action.

These coins represent the last of the U.S. Government's holdings of 90 percent silver dollars. They were produced during a 13-year period prior to World War I in the Carson City, Nev. Mint. When the demands for silver to support our war effort in 1917 and 1918 resulted in massive coin melts, it was assumed that all of the Carson City silver dollars had been melted down to meet those demands. However, in 1964, long after silver had ceased to be an integral part of our coinage system, a General Accounting Office audit uncovered nearly 3 million uncirculated Carson City silver dollars.

Mr. President, receipts to the general fund of the Treasury have already totaled $55.3 million. That is reason enough to dispose of the remaining coins in the Treasury inventory. In my opinion, the legislation before us today provides an excellent vehicle for that disposal. While it provides the General Services Administration with flexibility in the sales process, it insures that those sales will be fair and equitable.

As the ranking member of the Banking Committee, I join my distinguished chairman in urging passage of H.R. 1902.●

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time, and passed.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

A FEW THOUGHTS ABOUT IRAN

Mr. PROXMIRE. Mr. President, reviewing a political crisis from the vantage point of hindsight poses certain temptations and pitfalls. It is a temptation to chart out what should have been and lay the blame on those in power who did not foresee correctly or analyze astutely. The order of events, the pattern or sequence of critical moves becomes clear with time, while often remaining cloudy during the actual period in question.

During a crisis, information is at a premium. It comes in piecemeal. It has not been analyzed. Events appear interrelated which on reflection are coincidental. There are gaps, sometimes critical gaps, in the flow of information. Imperfection and hesitation all too often are the hallmarks of human nature under stress.

What then should we have expected from our policymakers with regard to the Iranian revolution? It would be unfair to expect a grasp of the subtle or to prophesy the unusual. It is unrealistic to demand the anticipation of the unexpected or to manage events normally beyond control of a distant nation.

These aside, what we can expect is more in the nature of a list of negatives. There should have been no indifference to the full range of political outcomes; there should have been at least rudimentary planning for unlikely events; there should have been a willingness to step beyond bureaucratic or policy constraints to anticipate threats to our Nation's well being; there should have been a suspicion that concrete answers were illusory. We should have kept our eyes open and our ears on alert.

Mr. President, even by this conservative standard of negatives, there has been a U.S. policy failure in Iran. There is proof of what I say.

ADMINISTRATION POLICY TOWARD IRAN PRE-REVOLUTIONARY PERIOD

My interest in Iran has been longstanding. It would be difficult to count the number of speeches I have given on the senseless policy of arming Iran with sophisticated U.S. weaponry beyond its national security needs. Furthermore, in the course of the background investigation for the confirmation of G. William Miller, I began to consider what would happen in the absence or death of the Shah.

During March of 1978, I wrote letters to Secretary Vance and CIA Director Turner asking a series of questions about future events in Iran, should the Shah die. To the question "Who are the likely contenders for power if the Shah died suddenly?" came the following answer:

> The monarchy has been an enduring institution in Iran—over 2,500 years—and we believe the vast majority of Iranians favor continuation of this form of government. . . . We cannot predict whether the currently small radical terrorist groups will attempt to exploit the occasion of a changeover to seize power. Their success in any such effort would appear very doubtful. Other political opposition leaders could very well exert their efforts to reduce the power of the monarchy—but not to end it.

As for the question, "Does the present pervasive control exercised by the Shah over all aspects of Iranian public life and expression make it likely that there will be among politically active and aware Iranians a powerful urge to release repressed actions and feelings and a strong reaction against continuing his system of rule?"

The answer was basically that liberalization was continuing to involve more and more people in the affairs of the government, thus facilitating a "larger consensus."

Perhaps the most disturbing of all, however, was the information that our intelligence community was not collecting information on critical internal developments in Iran. Therefore, I again wrote Admiral Turner urging that more attention be paid to making sure information on Iran was extensive, current, and detailed. His reply shed no additional light on the matter.

Mr. President, I ask unanimous consent that all the correspondence mentioned be printed in the Record, along with an article from Fortune magazine. It should be noted that individual names have been deleted from these letters.

There being no objection, the material was ordered to be printed in the Record, as follows:

March 14, 1978.

Hon. Cyrus Vance,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: My service with this and other committees has made me increasingly aware of the influence of Iran on the American economy, and on defense planning and foreign policy. Recent hearings have now reminded me sharply that the government of Iran is a one-man regime, thoroughly controlled and directed by the Shah.

I am therefore interested in what would happen if the Shah should die or be killed suddenly. Experts outside the government have given me their views on this subject and I request your assessment of it as well. Please include in your reply responses to these questions:

(1) The loyalty of government and military officials in Iran appears to be directly and personally to the Shah, rather than to a system of government or to each other: How much of this loyalty might be transferred to a successor regime, such as the regency by the Queen provided in the present formal succession arrangements?

(2) The Shah's present ruling methods appear to perpetuate and exploit constant rivalry among his subordinates. Can they be expected to offer unified support to a successor regime or is a long period of squabbling and disorganization likely?

(3) Who are the likely contenders for power if the Shah dies suddenly? The military has been a stabilizing force during transition periods in some other developing countries. For reasons of culture and history, the Iranian military apparently has a relatively low status and Iranians prefer other national models of modernization and efficiency. Is it therefore likely that, in addition to struggles by and among military officers for power and influence in the course of succession, there will also be further destabilizing contests between civilian elite groups and military officers?

(4) Does the present pervasive control exercised by the Shah over all aspects of Iranian public life and expression make it likely that there will be among politically active and aware Iranians a powerful urge to release repressed actions and feelings, and a strong reaction against continuing his system of rule?

(5) Is our commitment to the Shah so complete that we would have to start over again from scratch with any of the most likely successor regimes? Are such regimes likely to have strong anti-American feelings? Have we current contingency planning for the Shah's sudden death and its most likely political and economic consequences for us.

I realize that an examination of the consequences of the Shah's retirement or lingering death could also be important and interesting. However, I prefer now to concentrate entirely on the situation which would be likely to follow his sudden death from accident, disease, or assassination, since this would be most likely to produce the most severe crisis and present us with the most difficult decisions.

Best wishes.

Sincerely,

William Proxmire,
U.S. Senator.

Department of State,
Washington, D.C., March 30, 1978.

Hon. William Proxmire,
U.S Senate,
Washington, D.C.

Dear Senator Proxmire: Secretary Vance has requested me to reply to your letter of March 14 containing a number of questions about Iran. The issues you have raised are indeed important and receive careful and continuing examination in the Department. The following paragraphs are numbered according to the numeration in your letter.

1. The establishment of the Regency Council and designation of the Empress as Regent in the event of the Shah's death before the oldest son reaches maturity has, to the best of our knowledge, wide support throughout Iran. The military has strongly supported the present Shah, as it did the Shah's father, and we expect that this support would be extended to the Empress in her role of continuing the monarchical order. Iranian nationalism is a strong motivating force on the Iranian military and will be a major factor in the military's backing for the transition to the legitimate successor.

2. Within the Iranian political structure there are rivalries for power and influence, such as exist in any political system. Iranian political leaders are not now "unified" with respect to formulation or execution of particular policies and we would not expect complete homogeneity at the time of transition. However, these differences are likely to be within normal and manageable bounds, particularly as institutions supporting the present form of government increase in strength and acceptance.

3. The monarchy has been an enduring institution in Iran—over 2500 years—and we believe the vast majority of Iranians favor continuation of this form of government. There is no generally recognized rival to the Crown Prince for the succession. However, a difference of views exists on how much power the monarch should have. The Iranian military has been loyal, as I noted in paragraph

1 above, and we do not foresee at this time seriously destabilizing contests between civilian and military elites. They would share an interest in a smooth transition and a continuation of economic and military modernization.

We cannot predict whether the currently small radical terrorist groups will attempt to exploit the occasion of a changeover to seize power. Their success in any such effort would appear very doubtful. Other political opposition leaders could very well exert their efforts to reduce the power of the monarchy—but not to end it.

4. Over the last 16 months or so a political liberalization has been taking place in Iran and many groups and individuals are speaking out frankly and openly against various policies and practices of the government. Complaints range from the extent of the Shah's power to the functioning of the judiciary and to the prices of goods and housing. The Shah stated publicly in the aftermath of the Tabriz riot that the liberalization will continue. This policy is encouraging, as it involves more and more people in the affairs of the government and facilitates a larger consensus.

5. Although our relations with the Shah have been very close for three decades, American officials deal with a broad range of official and private Iranians, and we foresee no particular difficulty in working closely with a successor government. We believe that the length and strength of the Iran-U.S. friendship, as well as the factors which underlie it, make it likely that a mutually beneficial relationship will continue under any likely future Iranian leadership.

If you believe that it would be useful to you, I would be pleased to ask one or two of our Iranian specialists at the Department to call on you at your convenience to go into greater depth on these matters.

Sincerely,
DOUGLAS J. BENNET, JR.,
Assistant Secretary
for Congressional Relations.

MARCH 9, 1978.

Admiral STANSFIELD TURNER,
Director of Central Intelligence, Central Intelligence Agency, Washington, D.C.

DEAR ADMIRAL TURNER: My service with this and other committees has made me increasingly aware of the influence of Iran on the American economy, and on defense planning and foreign policy. Our recent discussion reminded me sharply that the government of Iran is a one-man regime, thoroughly controlled and directed by the Shah.

I am therefore interested in what would happen if the Shah should die or be killed suddenly. Experts outside the government have given me their views on this subject and I request your assessment of it as well. Please include in your reply responses to these questions:

(1) The loyalty of government and military officials in Iran appears to be directly and personally to the Shah, rather than to a system of government or to each other: How much of this loyalty might be transferred to a successor regime, such as the regency by the Queen provided in the present formal succession arrangements?

(2) The Shah's present ruling methods appear to perpetuate and exploit constant rivalry among his subordinates. Can they be expected to offer unified support to a successor regime or is a long period of squabbling and disorganization likely?

(3) Who are the likely contenders for power if the Shah dies suddenly? The military has been a stabilizing force during transition periods in some other developing countries. For reasons of culture and history, the Iranian military apparently has a relatively low status and Iranians prefer other national models of modernization and efficiency. Is it therefore likely that, in addition to struggles by and among military officers for power and influence in the course of succession, there will also be further destabilizing contests between civilian elite groups and military officers?

(4) Does the present pervasive control exercised by the Shah over all aspects of Iranian public life and expression make it likely that there will be among politically active and aware Iranians a powerful urge to release repressed actions and feelings, and a strong reaction against continuing his system of rule?

I realize that an examination of the consequences of the Shah's retirement or lingering death could also be important and interesting. However, I prefer now to concentrate entirely on the situation which would be likely to follow his sudden death from accident, disease, or assassination, since this would be most likely to produce the most severe crisis and present us with the most difficult decisions.

Best wishes.
Sincerely,
WILLIAM PROXMIRE,
U.S. Senator.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 28, 1978.

Admiral STANSFIELD TURNER,
Director of Central Intelligence,
Central Intelligence Agency,
Washington, D.C.

DEAR ADMIRAL TURNER: This follows up my letter of March 15 on the questioning of Iran's future after the Shah's death. Your analyst (deleted) briefed my staff and answered the questions in my letter—no further reply to those is necessary now.

(Deleted) told us that he is preparing an intelligence memorandum on precisely this subject. I was disturbed to hear that there is no current assessment or contingency planning on this very important issue and that the CIA's attention to internal affairs in Iran is limited. I believe that the 2–3 year period following the Shah's death may well be dangerous to our military and intelligence capabilities, and—of particular interest and concern to me—to the international economy and the stability of the dollar.

I urge you to ensure that the CIA's information on Iran is extensive, current, and detailed. Please make a copy of (deleted) assessment available to me as soon as it is a completed CIA product ready for circulation for the comment of other agencies.

Best wishes.
Sincerely,
WILLIAM PROXMIRE,
U.S. Senator.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., Apr. 15, 1978.

Hon. WILLIAM PROXMIRE,
Committee on Appropriations,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of March 28 concerning (deleted) briefing of your staff on Iran's future after the Shah's death. I believe I can clarify the matter of your comment about our limited attention to this problem area.

Let me assure you that analysts like (deleted) devote a great deal of time and attention to the internal affairs of Iran. (Deleted), for example, has worked on this area for twenty-five years. Our review of this area is continuous and detailed.

From time to time, as circumstances warrant, we prepare an assessment of the situation. That is what (deleted) is currently preparing and will be pleased to make it available to you when it is fully coordinated and completed.

Your concern about contingency planning is a policy matter and I suggest you might want to take it up with the State Department.

I appreciate your interest in this vital area of the world.

Yours sincerely,
STANSFIELD TURNER,
Director.

IRAN

Even the elaborate spectacle of Chinese Vice Premier Teng Hsiao-p'ing's recent tour of the U.S. could provide only a fleeting diversion from the gravest foreign-policy setback the U.S. has suffered since the Carter Administration took office. Indeed, no sooner had the honored guest returned to Asia than he himself was publicly criticizing his Washington hosts for their lack of resolution in handling the crisis in Iran. However indelicate this may have seemed, Teng had a point. For the fall of a pro-Western regime, and the seizure of power by an Islamic government of uncertain orientation—and even more uncertain stability—have placed in peril U.S. interests that are intrinsically more vital than those that sent Americans to fight and die in Indochina.

There are, in fact, some critical connecting threads—not instantly obvious, but politically serious—between these seemingly remote historical happenings. In the first place, a measure of the hesitation and anxiety of American policymakers, as they confronted the crisis in Iran, can be ascribed to the haunting memory of the presumptions and misjudgments underlying the Vietnam tragedy. In the second place, the opening of diplomatic relations with Communist China could hardly fail to bring back another bleak memory—the bitter and futile debate over "Who lost China?" that raged through U.S. politics two and three decades ago. The remembrance should temper the polemics—and elevate the purposes—of all debate today over the latest great misadventure of U.S. diplomacy.

Perhaps the only incontestable fact in such a debate is the high cost of the failure in Iran. In the words of Energy Secretary James Schlesinger, the curtailment of oil supplies from Iran looms as "prospectively more serious" to the U.S. than the Middle East oil embargo of 1973–74. But as the Secretary himself earlier noted, the geopolitical consequences of the upheaval in Iran—sharing a 1,250-mile border with the Soviet Union and feeling the pressure of Soviet encroachment in other nearby nations—"undoubtedly exceed in importance" even the impact on American and Western energy needs. So National Security Adviser Zbigniew Brzezinski cannot be charged with hyperbole in picturing an "arc of crisis" throughout the strategic area.

The causes of the Iranian debacle are obviously less simple to state. They cannot be grasped without appreciating the whole environment of U.S. policy controlling our relations with the Shah over the last decade. The quantum leap in the American commitment to the Iranian monarch was triggered directly by Britain's decision, announced in 1968, to withdraw its forces from "east of Suez." Before then, Washington's relations with the Shah had been friendly, but discreetly at arm's length. Though the CIA had helped to return him to the throne after his brief flight abroad in 1953 during his confrontation with Mohammed Mossadegh, the U.S. government remained sensitive to the dangers inherent in the autocratic style of the Shah's forced modernization drive, and used its moderating influence accordingly. The reserve started to break down toward the end of the Johnson Administration, largely as a result of the personal impression the Shah made on the President. Overriding Pentagon and State Department objections, Lyndon Johnson agreed to step up arms shipments to Iran—as a show of appreciation for the Shah's willingness to send a medical team to Vietnam.

In 1969 Henry Kissinger, soon after moving into the White House as Richard Nixon's National Security Adviser, ordered a policy study of how the vacuum left by the British withdrawal from the Persian Gulf should be filled. Rejecting a direct American role, Nixon opted for "regional cooperation," based on the twin pillars of Iran and Saudi Arabia. At this stage, the internal stability of the Shah's regime was taken for granted. "The whole assumption was that the Shah was well entrenched and that there was no foreseeable threat to that stability," recalls one of those actively taking part in the creation of the policy. "I feel that I was equally as guilty, and that Mr. Kissinger and the previous Administrations were equally as guilty and oblilous as the Carter people." To date, such candid contrition is not shared by all the architects of the policy.

The few warnings that were sounded went ignored. In March, 1969, the National Security Council endorsed a "Presidential Review Memorandum on Arms Sales" to so-called "forward-defense" countries, including Iran. Prepared almost a year earlier in the Johnson Administration by the Pentagon's Office of International Security Affairs (ISA), the paper raised caveats about Iran's internal stability. But its cautions were soon forgotten. So, too, were subsequent ISA objections that the arms sales to Iran were getting out of hand. As one senior official who followed this process remembers, "The revealing thing was that the warnings did not come from the Iran experts in the bureaucracy, and were consistently rejected by them."

Nixon and Kissinger put their new policy before the Shah during a crucial meeting in May, 1972. Returning from a Moscow summit and still aglow from their earlier visit to Peking, they stopped in Tehran to install the Shah as their regional proponent of the "Nixon Doctrine." A shrewd trader, the Shah laid down his conditions. Along with CIA support to help the Kurds fight their rebellion in neighboring Iraq, he most of all wanted a U.S. promise to sell him whatever military hardware he asked for, and to supply as many as 50,000 technicians, military or civilian, to take care of training and maintenance. Nixon agreed.

In July, 1972, a Kissinger memorandum instructed the bureaucracy accordingly. Removing the last restraints, this open-ended commitment to the Shah was preceded by no serious effort to examine the sociopolitical underpinnings on which any "structure of peace" must stand or fall. Swiftly thereafter, U.S. military sales to Iran soared. From a relatively modest level of $113 million in fiscal year 1970, they had climbed to $2.1 billion by 1973. How his military ambitions affected the Shah's demand for higher oil prices is a matter for conjecture. What is clear is that the quadrupling of oil revenues gave him the means to pursue these ambitions to the hilt.

The rationale for these vast shipments of sophisticated weaponry—some $12 billion in orders were in the pipeline when the Shah was overthrown—was the hollow argument that they would contribute to regional stability. When the crisis in Iran came, the Shah's regime had an overabundance of supersonic fighters, including seventy-eight of the advanced F–14's—but ran short of tear gas. Far from stabilizing the situation, the arms became a major source of popular unrest, arousing bitter resentment against the wasteful diversion of the country's economic resources, the corruption rampant throughout the Iranian procurement program, and the culturally jarring invasion of thousands of foreign personnel and their dependents. It is a historical irony that by enabling the Shah to pursue his grandiose ambition of surpassing West Germany by the year 2000, the oil bonanza sowed the seeds of his own destruction.

But at the time, the Shah's spending was even seen to be one more reason for Washington to support him. For every $1 the U.S. spent on Iranian oil, the Shah was spending $2 in the U.S. The procurement side of the Defense Department, as well as the arms makers, was delighted that military sales to Iran provided the means to stretch out production runs. At a time when America's trade balance was dipping deeper into the red, the surplus of trade with Iran seemed like a godsend. Meanwhile, the Shah kept endearing himself to Washington in little ways—such as by letting Iran participate in the International Control Commission in Vietnam in 1974.

Other warnings came—and went unheeded. The original Nixon-Kissinger decision to take the lid off arms sales to Iran took cheer from the presumed influence this would give to the U.S. But a Senate Foreign Relations Committee staff report noted correctly in July, 1976, that the policy was in fact giving the Shah "a curious kind of 'reverse influence' on the U.S." The U.S. commitment to him had acquired a momentum that made it ever more difficult to control, much less reverse.

In this atmosphere, the message filtered quickly through the bureaucracy that devil's advocates were not wanted. "Until recently, you couldn't give away intelligence on Iran," a CIA analyst testified last January. The Administration worried that critical reporting might jeopardize congressional support for the military-sales program. Despite evidence that the program was "out of control," Senate Foreign Relations Committee investigators charged in July, 1976, that "senior State Department officials appear not to have been prepared to tolerate open debate on . . . unrestricted arms sales to Iran."

The problems of political reporting were compounded in Tehran. The U.S. Embassy there was handicapped by a chronic shortage of officers who spoke Farsi. At the same time, U.S. diplomats became increasingly worried that any contacts with opposition sources were being reported back to the Shah through the ubiquitous secret police, SAVAK. Rather than risk imperial displeasure, one ambassador warned an enterprising political officer to be "more discreet." On another occasion, the same ambassador felt that he had to mask his own worries by inviting a visitor to ask the Shah whether Iran's arms purchases were not perhaps more than the system could bear.

The American Embassy was not alone in its record of unrealism. The U.S. press generally conveyed no audible alarms over dangers ahead. The community of American businessmen and their dependents in Iran swelled to more than 40,000. But their home offices were apparently no better informed, and no more prescient, than the State Department.

The best communications evidently belonged to the Shah himself. He could always outflank both the U.S. Embassy in Tehran and the State Department through his trusted and adroit ambassador in Washington, his onetime son-in-law, Ardeshir Zahedi. Zahedi, whose departure now threatens social Washington with its worst caviar crisis in recent memory, was a master at using his direct line to his friend Henry Kissinger. Till the bitter end, he was equally adept at getting his message directly to Brzezinski.

The use of the American "back channel" of the CIA to keep informed on what was happening in the opposition was sparse and ineffective. This pattern did not change even when former CIA Director Richard Helms served in Tehran as ambassador from 1973 to 1976. Helms concentrated on cultivating the Shah, and left the station to its own devices. Indeed, Iranian internal developments were never seen as the Tehran station's principal concern. Even the new station chief assigned this year was not picked because of his Iranian expertise; like most of his staff, he does not speak Farsi. Besides the Kurdish problem, the station's main mission was to monitor Soviet activities, both in Iran and in the Soviet Union. The invaluable electronic surveillance installations along the Soviet border increased inhibitions about offending the host country. Consequently, the CIA obtained most of its material on the opposition from SAVAK. Reflecting the Shah's own preoccupation with leftwingers, SAVAK concentrated on student activists—even extending its activities to the U.S., with Washington's tacit permission—but it ignored the more important alliance between the disgruntled bazaar merchants and the mullahs. According to the staff report of the House Intellience Committee of January 24, "No CIA intelligence reporting based on sources within the religious opposition occurred during a two-year period ending in November, 1977."

Although more aggressive embassy and CIA reporting resumed in the second half of 1977, it was not until last September that significant insights on the political opposition first reached the desks of key policymakers in the State Department's "Morning Summary." With respect to the CIA, the investigators of the House Intelligence Committee found that "there was absolutely no reporting on the internal situation based on sources within the opposition party during the first quarter of 1978." Despite the prophetic-sounding title of "Iran After the Shah," a twenty-three-page Intelligence Assessment published in August, 1978, flatly stated in its preface that "Iran is not in a revolutionary, or even in a 'pre-revolutionary' situation."

One can therefore sympathize with the frustration that drove the President to dash off his now famous "Cy, Zbig, and Stan" note on November 11. Addressing himself to his Secretary of State, his National Security Adviser and his director of Central Intelligence, Admiral Stansfield Turner, Carter complained that something was obviously wrong about "the quality of our political intelligence." By the date of this lament, unfortunately, the time had already passed when the U.S. could have exerted its influence to persuade the Shah to turn himself into a truly constitutional monarch and to co-opt important elements of the opposition.

And yet—would better intelligence have changed U.S. policy? It seems doubtful. As a classified staff report of the House Intelligence Committee commented in August, 1978, "History provides ample illustration to suggest the futility of warning if decisionmakers are unwilling to accept a warning or are unprepared to deal with the terms in which the warning comes."

Such a lesson was confirmed by the experience of Professor James Bill of the University of Texas, one of a handful of academic experts who had correctly analyzed the explosive pressures rising underneath the Shah's regime. Invited to attend a seminar of State Department Iranian experts in March, 1978, he presented a paper entitled "Monarchy in Collapse." As Bill recalled later, "The State Department people were very receptive, but I did not see my views reflected in any changes in policy." Warnings like these did not move the policymakers. Even the assistant secretary for Near Eastern Affairs had relatively little time to spend on Iran, being engrossed in the diplomacy leading to Camp David. Weeks after the seminar, a presumably "receptive" official still objected vehemently when a colleague was bold enough to qualify a description of the Shah's regime as "one of the most stable" with the weasel word "perhaps." (It reminded me of *One Flew Over the Cuckoo's Nest*," recalls a witness to the exchange. "Unless you've been in an insane asylum yourself, you just don't know what it's really like.") One top-level Administration official put his finger on the crux of the problem: "Our so-called intelligence failure was of the worst kind you can get: the reporting was imbibing the presuppositions of the policy."

There is no evidence that the Carter Administration made any serious effort to take a fresh look at these presuppositions. Like Kissinger before him, Brzezinski saw the Shah as what he termed the Administration's regional influential." In the course of Jimmy Carter's two personal meetings with the Shah during his first year in office—first in Washington in November, 1977, and six weeks later in Tehran—the President restated this reliance in the most effusive terms. "Iran, because of the great leadership of the Shah, is an island of stability in one of the more troubled areas of the world," the President intoned in his New Year's Eve toast to his hosts. "This is a great tribute to you, Your Majesty, and to the respect and the admiration and the love which your people give you." A week later, a wave of angry Islamic demonstrators, shouting their hatred of the Shah, started to sweep over the "island of stability." But another nine months passed before the President first took public notice that the Shah was in trouble.

While the basic policy toward Iran remained unchanged, however, its execution became complicated by two other lofty policy goals of the Carter Administration. The lesser of them was Carter's commitment, strongly backed by Cyrus Vance, to put a ceiling on American arms sales abroad. The difficulty was "solved" by a mix of artful figure-juggling and the exercise of the presidential prerogative to invoke "special circumstances." When it appeared that the planned sale of frigates to Iran would crack the ceiling, for example, it was left for the West Germans to build the hulls. When it came to the $1.2-billion sale of seven Boeing 707 "Airborne Warning and Control System Aircraft"—each loaded with over $100 million worth of the most exotic electronic gear—the President simply made an exception.

More consequential were the problems caused by the Administration's human-rights policy. Its defenders dismiss the notion that pronouncements from Washington were needed to open the Iranians' eyes to the repressiveness of the Shah's regime. The human-rights policy certainly did not cause the pressures that eventually overpowered the Shah, and the efforts to magnify its importance amount to exercises in self-justification by those who had ignored these pressures in earlier years. Nevertheless, the human-rights policy did have a confusing effect in both Washington and Tehran.

On the Washington end, according to one State Department insider, "The human-rights people muddied the policy debate by giving a goody-goody quality to the argument that the U.S. should actively push the Shah toward constitutional reforms in order to pacify at least some of his opposition. This made it that much easier for the 'realists' to dismiss the argument when such an approach, just conceivably, might still have worked." At the same time, the State Department did not feel that it could, in good conscience, exempt the Shah from the human-rights policy altogether. "We had a lot of discussions with the Shah about liberalization," insists a top-level State Department official. "Whether on his own initiative or under our influence, the Shah did say in the summer that he was prepared to take risks." According to the same source, he was also made aware that any bloody put-down of popular revolt "would not have been well received in the U.S."

A revealing insight into how the Khomeini camp perceived the human-rights policy comes from Princeton University Professor Richard Falk, a human-rights activist who, with former Attorney General Ramsey Clark, traveled to Iran and Paris in January at the invitation of Islamic opposition groups. Citing remarks by Mehdi Bazargan—Khomeini's senior political adviser and later his choice for the premiership—Falk reports that the proclamation of Carter's human-rights policy did embolden the religious opposition. "It was quite a surprise to me," admits Falk. "I had thought that this was right-wing propaganda, used for domestic politics in this country. But Bazargan confirmed it. They took appearance for reality."

The impact on the Shah's actions reflected the worst of both possible worlds. Apparently persuaded that this was necessary to keep Washington's support, the Shah made concessions—like some easing of press censorship and the release of prisoners—which were just enough to convince his enemies that he was losing his grip, but never enough to satisfy them. When he got advice from some of his hard-line advisers to crack down hard, he was inhibited by the fear that the U.S. would not stand for a bloodbath. Precisely this, in fact, was the message that came across on September 10, two days after "bloody Friday," when President Carter interrupted his Camp David peacemaking efforts to telephone the Shah to express his regret over the loss of life and his hope that the movement toward political liberalization would continue.

Even this telephone call, however, did not yet signify that the Administration had fully awakened to the magnitude of the crisis. ("I doubt they *ever* really did," laments one member of the Carter team.) With Carter basking in the glories of Camp David, Brzezinski pressing toward full normalization of relations with Peking, and Vance laboring on SALT and the Middle East, the job of keeping on top of the rapidly deteriorating situation in Iran fell to fourth-level people, all dedicated and able, but badly in need of the active support of their principals to give their views clout and coherence. Country director Henry Precht at the State Department, his Pentagon counterpart Robert Murray, and U.S. Navy Captain Gary Sick at the National Security Council were four bosses removed from the President.

Yet it was during these crucial weeks of September and early October that time ran out for the Shah. Had he departed in September—so U.S. Ambassador William Sullivan has suggested to recent visitors—he still might have been able to leave behind the framework of a constitutional monarchy. But sources in Washington contend that this judgment was not reflected in the embassy's reporting at the time. And the fact that Sullivan felt it safe to be away on vacation for much of August hardly suggests that he sensed the urgency of the crisis.

Thus, it appears that by the time the first top-level machinery was set up to deal with the crisis, the hour for decision had already passed. Not till November 2 did the first meeting of the Special Coordinating Committee take place, chaired by Brzezinski and composed of Vance, Defense Secretary Harold Brown, and CIA Director Stansfield Turner. Energy Secretary Schlesinger was brought into the group in December. Operating immediately under it and meeting more frequently—but starting only November 21—was a working group of deputies chaired by Brzezinski's No. 2, David Aaron. Late in December, a third interagency group was set up under the chairmanship of David Newsom, Under Secretary of State for Political Affairs, to deal with such everyday operational problems as the safety of Americans, the security of sensitive military equipment, the closing of the banks, and the collapse of oil production.

* * * * *

In the last analysis, what most matters is the vision of American leadership that the President brought to this, his first great crisis. His notion turned out to be a very limited one. Reduced to its essentials, it was to leave the crisis to the Shah to handle. With military intervention rejected as pointless from the outset by everyone, the only real options were whether to lay down to the Shah the conditions for American support, or whether to promise him American support for whatever he himself deemed necessary.

From the start, the President chose the second option. The shadow of Vietnam showed through the explanation of one White House source: "We thought the Shah had been around for a long time and knew the country better than we did. We'd just been through the lessons of Vietnam, not just the fall of Thieu but the overthrow of Diem. People have long memories in this Administration, and there was a certain genuine modesty about our capacity to know what was the right political move to make in a situation like Iran."

The immediate difficulty in all this was that the Shah, whom the President and other American officials had known as a self-confident, imperious man of decision, had retreated into a state of ever-deepening depression that left him broding and indecisive. Having progressively cut himself off from reality by his own autocratic style, his world of gaudy visions quickly collapsed. From September onward, and with increasing frequency, the same Shah who would have bristled at foreigners trying to tell him how to run his country was fretfully calling in U.S. Ambassador William Sullivan and his British colleague, Sir Anthony Parsons, to solicit their advice. But Sullivan's instructions were to refrain carefully from prescribing courses of action and to venture only occasional caveats if one of the Shah's ideas sounded too far off the mark. "We didn't want him to cross that line," stressed one White House official.

The issue of whether the U.S. should lead or follow the Shah was once again put to the President in early December. This time the question was posed by New York investment banker and former Under Secretary of State George Ball. The initial suggestion to call in Ball had come from his erstwhile protégé, Secretary of the Treasury W. Michael Blumenthal. The only Cabinet member to visit Iran during the crisis, Blumenthal had been struck by the transformation of the Shah when he saw him on his swing of oil-producing states in November. Both Brzezinski and Vance agreed that it was a good idea to bring in an experienced man who knew the area for a fresh review of the facts. "We felt very uneasy about our data base," explained one White House official—a Washingtonian way of admitting that the Administration felt at sea.

Though he warned that it was already very late in the day, Ball acepted the week-long assignment. According to sources familiar with his secret recommendations, he concluded that the only way in which the Shah might still salvage something was to turn himself into a constitutional monarch and to leave the appointment of a civilian government to a representative "Council of Notables." Ball personally presented his conclusions to the President in the afternoon of December 13. In an hour-long discussion, with only Brzezinski attending, the President stuck to his policy of detachment, i.e., it was simply not right to tell the Shah how to deal with a crisis in his own country.

Although there is very little likelihood that at so late a stage Ball's recommendations would have changed history, what is significant are the grounds on which the proposals were rejected. In effect, the President's rationale left the vital interests of the U.S. and its allies in the hands of a politically bankrupt ruler who had lost his grip and seemed desperate for the U.S. to exercise leadership. To the Shah's plaintive plea, "Mr. President, it's your world!", Carter's answer seemed to be, "Shahanshah, but it's your country!"

As the crisis fast evolved from a problem of disaster prevention to one of disaster containment, however, this pristine posture proved ever more difficult to hold. In the conduct of a great power, the old lesson was once again driven home—that not to decide is to decide. During a breakfast with White House correspondents on December 7, the President answered a question about the Shah's chances of survival with the candid sigh, "I don't know, I hope so. This is something in the hands of the people of Iran." This confession only precipitated a frantic White House effort to deny any intent to insinuate that the U.S. was putting distance between itself and the Shah. Not long thereafter, Carter infuriated the Khomeini movement by an implicit slap at the Ayatullah's incendiary statements from Paris, and the President lavished blessings on the short-lived regime of Bakhtiar as soon as he was appointed. In the face of the Iranian wave of xenophobia and anti-Americanism, moreover, the well-publicized supply of 200,000 barrels of fuel for the military inevitably was seen as another partisan American gesture. So also was the dispatch of U.S.A.F. General Robert Huyser, the deputy commander of American forces in Europe. But at least Huyser did succeed in dissuading the military from reacting to the Shah's departure with an ill-considered coup, which would almost certainly have resulted in the breakup of the forces and the eruption of civil war.

All this while, the Administration's signals to the region and to the U.S.S.R. continued to be confused and plagued by clumsiness and bad luck. The order to the aircraft carrier *Constellation* to sail from Subic Bay in the Philippines on December 30 quickly turned into a public-relations nightmare. Intended as a gesture of warning to the Russians and of reassurance to the Saudis, the action came to look like one more sign of American faintheartedness when it became known that instead of proceeding into the Indian Ocean, the carrier had dropped anchor off Singapore. Later, Administration sources rather limply explained that the carrier was never intended to proceed beyond Singapore, only to get closer to the crisis area in case of need. Another flagshowing exercise—the dispatch of a dozen U.S.A.F. F–15 fighters to Saudi Arabia in January, first requested by the Saudis in December—turned out no less dismally when it became known that Spain had refused permission for a refueling stop and that the planes had been sent unarmed.

Both of these not very grand, all too halting gestures might be seen as all to fitting symbols of a policy of almost chronic irresolution. The overall orchestration of policy from Washington was bound to revive doubts about the President's talents for decisive leadership. And yet the roots of the American failure run deeper than tactical lapses, deeper into the past.

Only a fair-minded and patient tracing of these roots can produce an inquiry of any serious use to the future. It cannot be said too often that such an exercise in self-examination by the U.S. must not traffic in the emotional and divisive recrimination over "Who lost China?" so poisonous to the politics of the 1940's and 1950's. The recent history of U.S. policies toward Iran is not a tale conspicuous for wise prophets, long ignored, now entitled to raise their voices and point their fingers. Rather, the responsibility for failure seems widely enough shared to encourage some general sense of humility. The grave exaggeration of the personal power of the Shah to govern Iran was a misjudment embraced with equal confidence by both Republican and Democratic Administrations. And the voices of doubt or dissent were no more audible in the halls of Congress than in the councils of the White House.

A debate weighing constructive political questions, rather than brandishing ad hominem accusations, probably must start with renewed awareness that other nations are not, after all, ours to "lose." If there is one lesson Americans should have learned from the Vietnam tragedy, it is that we do not *possess* the ability to decree the course of events in ancient countries deeply affected by their own histories, cultures, and religions. If the role of Buddhism in Southeast Asia often seemed politically confounding, the role of Islam in Iran has proved even more remarkable and baffling to U.S. policymakers.

There are other tough and challenging questions that the failure in Iran poses for architects of future diplomacy. There is the difficulty of accurately gauging the political and social impact of swift technological change upon such a society. There is the problem of "intelligence" in the broadest sense—the observant measuring of the play of political forces within a nation that is not a completely conventional totalitarian state, but rather a toughly, often brutally policed society that yet hesitantly tolerates some sporadic shows of political dissent and press freedom. On such a scene, the emissaries of both the Department of State and the CIA can maintain continuous and informative contact with the political opposition only at a certain risk—the risk of any contact being construed as active sympathy or encouragement. Yet there would appear to be even greater risk in relying on the assurances based on an autocratic regime's own self-assurance. And even in Iran it is not impossible that a more independent U.S. perception of the country's political instability might have helped the Shah himself to be spared the full cost of his own self-delusion.

There finally arises the question critical to the global balance of power: if the U.S. cannot simply proclaim its pure political abstinence from the turmoil of such an arena, how *should* it make its concerned *presence* effectively known and felt? In 1968, the Soviet Union dealt with a popular threat to its stake in Czechoslovakia in its own way. But this is a way wholly incompatible with the U.S.'s declared values and principles. What are the legitimate and effective ways for the U.S. to safeguard vital interests in countries threatened by such social pressures and political disorders? Can these ways be reconciled with any understood code of conduct restraining any major power from merely exploiting and manipulating countries in ferment? And without some such agreed constraint, can detente prove workable?

These are some lasting questions posed by the unhappy events in Iran. They thrust far beyond the dilemmas of the immediate present or the frontiers of that country. And if we can grasp some realistic answers to them, we may somewhere else save what we could not guard there.

Mr. PROXMIRE. Mr. President, is it too soon to draw conclusions from events in Iran? Perhaps not. A few observations are relevant and not subject to post-crisis overreaction. First, arms did not buy us political or economic security. In fact, they may have placed this country in a position where they compromised billions of advanced developments of vital importance to our own defenses. Second, while full knowledge of facts during a crisis does not automatically make for sound decisions, the absence of them makes any reaction essentially a random choice. The vacillating on what regime to support in Iran is a classic case of policy by guesswork. Third, policy should not blind commonsense. Collecting intelligence information on internal events in Iran should not have been held hostage to the fears that any intrusion would be diplomatically unacceptable.

It is too late to apply these solutions to Iran. But it is not too late to be considering what could happen in Brazil, Argentina, Chile, Morroco, Indonesia, or Pakistan. To what degree are we denying ourselves the capability to make correct decisions during a crisis in any one of these countries? Will enhanced arms sales to Saudi Arabia insure U.S. national interests there anymore than they did in Iran? What substitutes are there for arms sales as a dominant instrument of U.S. foreign policy?

It is more important to avoid a future miscalculation than to argue over past mistakes. But it is difficult to feel confident that we will.

IS FEDERAL SPENDING ACTUALLY DAMAGING EDUCATION AND THE AMERICAN FAMILY?

Mr. PROXMIRE. Mr. President, two of the most devastating findings supporting reduction of Federal spending were contained in a little item that appeared in Fortune magazine, the current issue, dated March 12, 1979.

Fortune reported that a mathematician has figured a series of correlations. And here is the way it works: 1.0 would signify a perfect correlation, −1.0 would signify a perfect negative correlation, and plain 0 would signify no correlation whatsoever.

With that in mind consider what the mathematician found. He found in correlating Federal spending on education between 1968 and 1976 and the average verbal scores on the scholastic achievement test to be −0.95.

Mr. President, that is about as close to a perfect negative correlation as you will ever come upon in this complex human world of ours. It suggests that the more Federal money we pour into education, the dumber our students become.

Now I know there are lots of extenuating circumstances, lots of alibis, lots of excuses. But this simple little fact, that the more money we have poured into these educational programs the worse the results, simply overwhelms all the lame explanations.

This simple correlation tells us there is plenty wrong with our present program of Federal aid for education, a conclusion richly documented by the Rand study of a few months ago, and it tells us we should not pour in more money, but ruthlessly eliminate every education program that cannot be clearly justified by results.

FEDERAL SPENDING AND DIVORCE

A second interesting correlation between Federal spending on social services between 1970 and 1977 and the annual divorce rate in the United States shows another fascinating correlation, this one a near perfect positive correlation of 0.9.

Here is another devastating little figure, and it suggests that the colossal increase in Federal spending may be contributing to the breakup of American families.

ERIC AND BETH HEIDEN—SPEED SKATERS

Mr. PROXMIRE. Mr. President, for years many Americans bemoaned the fact that we did very poorly in some events in the Olympics. In one of them, speed skating, we were considered to be way behind everyone else.

In the last couple of years, strange things have happened. A young man from Madison, Wis., has become the world premier speed skater by a tremendous margin. He not only breaks records almost every day he skates, but he wins by tremendous margins.

What makes this situation most unusual is that this young man's sister is now the premier woman skater in the world and she also, of course, is from Madison, Wis. And her coach is from Madison, Wis.

I am very proud to call attention to this fact, and a lead article in Sports Illustrated which has just come out on the remarkable Heidens and their superlative record.

In this country, we have great reverence for athletes. We admire them and respect them. Of course, they do contribute greatly to our life.

But somehow we overlooked speed skaters.

This man, Eric Heiden, is a great hero in Norway where his name has been on the front pages of the papers for weeks during their competitions and all over Europe he is feted as one of the great athletes of our time.

I do wish to call the attention of Congress, and I hope a little more of the country, to the remarkable record of these two marvelous athletes who I am proud to say come from my State of Wisconsin.

Mr. President, I ask unanimous consent that the article concerning the Heidens in Sports Illustrated magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HEIDENS

The odds are stacked fairly heavily against one family's producing two world champions, especially two that reign simultaneously, like speed skaters Eric and Beth Heiden. Not that there is much surface resemblance.

Eric, 20, a pre-med student at the University of Wisconsin, slouches when he stands, perhaps reflecting years of crouching in a skating stance. Beth, 19, a sophomore majoring in civil engineering at Wisconsin, wouldn't dream of slouching. At 5′ 2″, a foot short of brother Eric, she needs every inch she can rally. Eric's eyes are brown and his hair is dark and wavy. Beth's eyes are green and her dark blonde hair hangs straight, topping a 99-pound frame tiresomely referred to as pint-sized.

Eric's cheeks, while not gaunt, are definitely hollow—he once stuffed them with 52 dried prunes, 26 to a side. Beth's cheeks are right out of Disney's Chip 'n' Dale. Off the ice, he is soft-spoken and gentlemanly; she is a bubbly sprite, full of the devil. But they are far more akin than these differences would indicate. Inside, they burn to win.

On Feb. 4, at The Hague, Beth took the world all-round title, winning all four events at distances from 500 to 3,000 meters. On Feb. 11 in Oslo, Eric swept to the world overall title for the third straight year, winning all four men's events—500, 1,000, 5,000 and 10,000—as well as setting a world record for total points. And then, since speed skating tends to repeat itself, they both turned up in Inzell, West Germany, last weekend for the world sprint championships.

Eric had won the men's sprint title the last two years. In 1978 Beth won the world junior all-round and finished second in the women's sprints at Lake Placid to Lubov Sadchikova of the Soviet Union. In Inzell Beth handled Sadchikova with no problem. Unfortunately, however, she had to contend with one of her own teammates. Leah Poulos Mueller, the silver medalist in the 1976 Innsbruck Olympics, came out of an 18-month layoff to win the world sprint title for the second time.

The championships are spread over two days, with a 500- and a 1,000-meter race each day. Mueller won both 500s and finished fourth and fifth in the 1,000s. She had been training in Inzell for six weeks with her husband and teammate, Peter Mueller. A sprint specialist, she had not competed in the women's world meet at The Hague. "I was wondering how good Beth was," Mueller said afterward. "I expected to beat her in the 500. I'm a technique skater and she's more of a strength skater. But it's the unknown you're afraid of."

As it turned out, strength skater Beth won both 1,000s, lowering her personal best by half a second on Sunday with a 1:25.61. Added to a seventh and fifth in the 500s, the result produced a silver medal.

But Beth was already the all-round champion, and anything won at the sprints was so much frosting. She had been saying all week that she would be thrilled just to get a medal, protesting that she was not a sprinter and had no business being the favorite, world champion or not. Besides, there was Eric to carry on the family honor and all that. Which, sure as hometown Madison is the capital of Wisconsin, he did.

Eric Heiden simply does not lose any more in world competition, regardless of distance, as he proved at Inzell by annihilating the field in both the 500 and 1,000. On Saturday, he tied his own world record in the 1,000 with a 1:14.99, despite stumbling and having to steady himself with his left hand to keep from falling. His 1,000 on Sunday, which was raced in a driving snowstorm, was .08 of a second slower; his winning times in the 500 were 38.17 and 38.23.

The races at Inzell produced Eric's eighth world title in eight tries in the last three years—two juniors, three seniors and three sprints. He has become the Secretariat of speed skating, winning his races by unheard-of margins. When Heiden was at the world meet in Oslo, where speed skating is a mania, he appeared on the front pages every day. He was hustled about like a rock star, and had to sneak out through hotel garages to avoid his admirers. U.S. Ambassador Louis Lerner hopped on the bandwagon by appointing Heiden honorary sports ambassador to Norway.

Despite all the hoopla and pressure, Eric took the 500, 1,500 and 5,000. Then, having locked up his third straight all-round title, he went all out in the 10,000 and lopped seven seconds off the stadium record, skating the grueling 6¼ miles in 14:43.11 to finish a whopping 15.64 seconds ahead of the second-place racer. In a scoring system where a difference of one point is something of a rout, Heiden finished 4.8 points up on Jan-Egil Storholt of Norway. A total of 4.2 points separated second from 15th place. Eric is that far ahead of the rest of the world.

Heiden's fellow competitors are the first to admit it. In Inzell, after Eric tied his 1,000 world record, Peter Mueller could only laugh. Mueller, who won the gold medal at the distance in the 1976 Olympics, finished fourth at Inzell. "There's no one here he has to worry about," Mueller said. "Everybody else goes for second and third and so on. But I'd like to get closer than three seconds. Maybe a second and a half, or so."

The European skaters are no less awed, cheerfully raising Eric's hand after every race and posing admiringly for pictures with him. In fact, there is only one group that does not seem to consider Eric's success well-deserved. "The European skaters aren't as concerned about me as their coaches are," Eric says. "If *they* don't have a winning season, they get fired." And the person all these countries would like to hire to replace them is the Heiden family coach, Dianne Holum, the only woman coach of world-class speed skaters. Holum was a great skater in her own right, winning silver and bronze medals in the 1968 Olympics and a gold and a silver in 1972. That was the year she moved from Northbrook, Ill. to Madison, where Beth and Eric Heiden were members of the local speed-skating club.

Holum put the Heidens on a training program which she devised. It stressed dry-land training of all varieties—bicycling, weight lifting and a series of exercises meant to imitate proper skating technique—including the dread duckwalk. "They trained hard and made a big jump the first year," Holum says. "But that second year when they didn't make that big jump again, they had to learn patience. That was the big thing. A lot of the kids quit, but Beth and Eric stayed with it, even when they couldn't see the improvement."

A technique the Heidens use that is unique to the U.S. team is "special turn training." One day at their University of Wisconsin training facilities, Holum discovered the miracle of surgical tubing. She tied one end of a length of tubing around Eric's waist, then, holding the other end, she leaned back herself. Now Eric, while duckwalking in a skater's stance, could lean out as though negotiating an imaginary turn.

"It's hard to imitate turning on dry land, but a turn is half the race," Holum says. "That's where Eric is so good. Because of centrifugal force, you can build up speed on the turns that you can't on the straightaways. We do a lot of speed change work, too. You have to be able to work into the wind and relax when it's at your back. That's how Beth won in Holland, where it was awfully windy."

Beth is the sort of girl to which cliches like "bright as a button" and "sharp as a tack" gravitate. But if she is all puppy on the outside, tucked away somewhere inside is a tiger. "Other people may be built better," says Holum, "and may be stronger, too. But Beth is more efficient. And she is a fighter. She feels that she has to make up for her size. She never understood her potential before. I'd tell her she could do a 4:40 in the 3,000, and she'd argue, 'No way I can do that.' But after she won the 500 at the world meet she decided, 'Hey, I want to win this thing.' It all had to come from within her."

Many of the top women sprinters had skipped the world championships because they do not excel at the longer races. So it was that Beth shocked both the field and herself by winning the 500 in 44.49 and the 1,500 in 2:13.79 on the first day at The Hague. with her superior conditioning, she found the strong wind an advantage. "I would have been happy to be in the top three," she said later, "but Dianne thought I could win it all. And then I heard from somebody that Eric also thought I could win. That meant a lot to me."

"I guess I was afraid to find my potential," she said. "I'll still argue if Dianne gives me a time to shoot for that I don't think I can make. But she's usually right."

Despite skating her best 500 of the year, Beth was trailing two East Germans Christa Rothenburger and Sylvia Albrecht, by substantial margins going into the final 1,000 at Inzell on Sunday. Although Mueller was too far ahead to catch, Holum asked Beth to go for a 1:25, a full second under her previous best for the distance. And in the snowstorm, to boot. This is what Holum figured it would take to catch—and hold off—the East Germans.

"Before the race, I didn't think I could do it," Beth said later. "I had to beat one of the East Germans by 1.1 seconds and the other one by .6 of a second. Going into the last turn, I was telling myself, 'Go hard, go hard!' " She was clocked in 1:25.61.

But the East Germans still had a chance to beat her, and they were ahead of the pace until the final 100 meters, then both fell short. "That final 100 is so important," said Holum. "That's where an all-rounder like Beth has the advantage over the sprint specialist."

Eric has finished competing for the year, but Beth, because she is 19, will defend her junior world title next week in Grenoble. Both Heidens will take six weeks off this spring, then resume training in April for the Olympics. If February of 1980 is as extraordinary a month for the Heidens as was February of 1979, they'll be loaded down with gold.

MORE SUPPORT FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a week ago I received word from Congressman Gerry Studds of a resolution he has introduced in the House urging the Senate to immediately ratify the Genocide Convention.

Mr. President, I could not be more delighted by such a proposal. It is high time that we in the Senate be made to realize both the wide range of support enjoyed by the Genocide Convention and the implicit message we send to the rest of the world by our continual refusal to act on this treaty. Mr. Studds is to be thoroughly commended for his initiative in proposing this resolution.

Mr. President, as Mr. Studds so clearly and succinctly presents his case in his "Dear Colleague" letter, I ask unanimous consent that the text of his letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

House of Representatives,
Washington, D.C., February 16, 1979.

Dear Colleague: You may have noticed that from time to time the U.S. Senate is incapable of acting on important issues. One such issue is the proposed ratification of the U.N. Convention on Genocide, a pact which was first sent to the Senate 30 years ago, and which has now been ratified by 84 other countries.

Drafted with the active assistance of U.S. diplomats, the Genocide Convention was designed at first to be—and it still remains—an expression of international determination that the Nazi holocaust would never be repeated. In 1948, it was approved in the U.N. General Assembly by a vote of 55–0 and signed by U.S. negotiators two days later. The following summer, it was delivered to the Senate by President Truman where it has been pining away ever since.

Four times the Convention has been approved by the Senate Foreign Relations Committee, most recently dying for lack of a successful cloture vote in 1974. Failure to ratify this convention, according to Deputy Secretary of State Warren Christopher, "remains a great puzzlement and concern to other nations, including our closest friends and allies . . . It most certainly is not in our best interests to stand aloof while the democratic principles we have long championed are proclaimed and applied by others."

Ratification of the Convention has been halted by a small but vocal minority which has raised misguided questions about the constitutionality of the Convention. Their objections have been universally discredited, and ratification has now won the support of the American Bar Association and the ACLU, in addition to the NAACP, B'nai B'rith, AFL-CIO, and the past seven Presidents of the United States.

The crime of genocide, whether practiced against Jews, Biafrans, Cambodians, or other ethnic or religious groups is perhaps the most heinous of which mankind is capable, and it is a crime which has not always been wholly remote from the minds of our own national leaders. Witness, for example, the remarks of the great Senator and Secretary of State Henry Clay, "It is impossible to civilize Indians. It is not in their nature. They are essentially inferior to the Anglo-Saxon race . . . and their disappearance from the human family will be no great loss to the world."

I have introduced a Resolution expressing the view of the House of Representatives that the Convention for the Prevention of Genocide should be ratified as quickly as possible. Under the Constitution, we cannot force the Senate to act, but we can at least express our strong support for those Senators—particularly Senators Proxmire and Javits—who have been fighting this struggle for decades.

I invite you to cosponsor this Resolution and, should you decide to do so, to contact either me or Bill Woodward of my staff (x-5311) as soon as possible.

Sincerely,

Gerry E. Studds.

RETIREMENT OF OLIVER J. DOMPIERRE

Mr. STEVENS. Mr. President, we shall not be in session Wednesday and that will be the last day of service to the Senate by Oliver J. Dompierre, whom we all know as Dom. He will have completed over 48 years of service to the U.S. Senate on that day.

It has been my privilege to work with him and to have known him for many years, and I take the occasion to wish him well.

He has not only served the Senate for over 48 years, he has been married now 49 years.

He saw service in the Navy, and I am certain that his distinguished career in the Senate is something that my good friend, the Senator from Maryland, who has the honor to claim Dom as a constituent, would like to comment upon.

For myself and for the minority leadership, let me wish our good friend the best of luck in the future. We know we will see him often. I hope to see him when we get a chance to go to the beach in Delaware, where I know he will be hanging out.

It is a sad thing to see him go, but, on the other hand, it is a happy thing to know he has got such a good family and a tremendous partner to go on to live the balance of his life with, which I hope will be a very long one.

I yield to my good friend from Maryland.

Mr. MATHIAS. I thank the Senator from Alaska.

I merely want to associate myself with his comments and the good wishes that he extends to Mr. and Mrs. Dompierre.

I guess he is the closest thing to a Senator. The fact, as the Senator from Alaska has pointed out, that he served in the Senate 48 years and has been married 49 years means that Mrs. Dompierre has led a very difficult life for all but 1 year of their marriage, and I hope that the period which is beginning on Wednesday will be a period of great happiness for both of them, in which they will have time to enjoy each other's company and to enjoy the company of their family.

I have a particular interest in their family. Mr. and Mrs. Dompierre have two daughters, one of whom, Mrs. Nottingham, has been a member of my staff for a number of years.

We share a number of things in common; among them the fact that we both served in the U.S. Navy during World War II, and I think that really demonstrates the consistent sense of patriotism and dedication that Mr. Dompierre has brought to this job over the years.

The very desk from which I am speaking at this moment is a desk which was at one time used by a great Member, one of the giants, who served in this body, Arthur Vandenberg, and it is appropriate that I should speak from this desk because Dom served with Senator Vandenberg as well as with Senator Ferguson.

He has been floor assistant to the Senate minority leaders, men such as Senator Knowland and Senator Dirksen, so he has had an integral part in the work of the Senate for almost half a century.

He has known what was happening before it happened, and in some cases I suspect he made it happen.

It is the kind of staff career which is absolutely essential to the smooth and efficient functioning of the U.S. Senate. Without people of this level of competence and this depth of experience, the U.S. Senate could not be the institution that it is today.

I think we all join with the Senator from Alaska in saying good luck to Dom, to his wife Randy, and many, many happy years ahead.

Mr. STEVENS. Mr. President, I thank the Senator from Maryland. As I said, I am sure all Members on this side wish Dom and his family well.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Alaska yield?

Mr. STEVENS. I would be happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I want to add my comments, so ably expressed by the acting Republican leader and Mr. Mathias, with respect to Oliver Dompierre.

I have during my now going on 21 years of service in the Senate found Mr. Dompierre to be always a very cooperative, thoughtful, considerate, courteous individual who has put the interests of the Senate above all, who has worked well with all Members on both sides, and who has rendered a distinct service to the Senate and to its Membership over the years, and his years of service go back well beyond my years of service to the Senate or for that matter to the Congress, to both Houses of Congress.

He has served over 48 years in the U.S. Senate, and that is a period of time that would cover the services of men like Senators Vandenberg and Ferguson. Mr. Dompierre was floor assistant to Senate minority leader Knowland, Senate minority leader Dirksen, so he has rendered effective assistance to leaders over a long period of time, to Senators over that same long period of time; and, as I say, to the Senate itself, which is larger than all of its components.

I regret to see Mr. Dompierre leave the service of the Senate. There comes a time when every person has to say "This is enough." In his judgment I suppose he feels that the time has come.

Mr. STEVENS. The way he looks today he must have come right out of grade school or before he went to grade school. He could not possibly have been an employee for 48 to 49 years. He actually was here when the Republicans were in the majority, I would remind the majority leader. Senator Knowland was the majority leader and Mr. Dompierre was with him, so he has had a distinguished career, and I thank my good friend from West Virginia for joining in thanking Mr. Dompierre for the service to the Senate as a whole.

Mr. ROBERT C. BYRD. I want to express to Dom my compliments and my gratitude, which I have already done, but I also want to express to Mr. Dompierre my good wishes for the future.

I hope he will let us see him from time to time when he comes back to the Senate Chamber to visit with his many friends who number not only those on his side of the aisle but those on my side of the aisle who would want to welcome him back from time to time. We will not forget him. We will all remember the benefits the Senate has derived from his ability and his dedication.

Mr. STEVENS. I thank the Senator.

SENATE RESOLUTION 61—POST-CLOTURE PROCEDURES UNDER RULE XXII

Mr. ROBERT C. BYRD. Mr. President, on Thursday last—February 22, 1979, the Senate agreed to Senate Resolution 61 by a rollcall vote of 78 to 16. This resolution represents the first changes made in postcloture procedures—as set forth in rule XXII—in 20 years.

Senate Resolution 61, as amended and agreed to, will, in my opinion, prove to be a fair and workable procedure. Several very constructive amendments were offered on the floor to the resolution which I first introduced. The resolution represents the best efforts of many Senators on both sides of the aisle to find an orderly, yet equitable, means of bringing debate to a close following cloture. It provides for a 100-hour "cap" on debate after cloture is invoked, and also provides mechanisms for protecting the rights of Senators to be heard and to offer amendments.

Mr. President, I submit for the RECORD a section-by-section analysis of Senate Resolution 61, together with a copy of the resolution as passed.

SECTION-BY-SECTION ANALYSIS OF S. RES. 61

1. Paragraph 1 amends paragraph 2 of Rule XXII to provide for a fixed time limitation of no more than 100 hours after cloture has been invoked. At the expiration of 100 hours, the Senate would proceed, without further debate, to vote on the final disposition of the pending matter or measure. No amendments or motions not then pending would be in order except: a motion to table; a motion to reconsider; motions required to establish a quorum immediately before the final vote.

The 100 hours may be increased on motion by an affirmative vote by three-fifths of the Senators duly chosen and sworn.

If the 100 hours is increased, the additional time agreed upon will be equally divided between and controlled by the Majority and Minority Leaders, or their designees.

No more than one motion to extend the time can be made in one calendar day.

Motions to increase the time are not debatable.

See also paragraph 5 of the Resolution, which provides a 10-minute guarantee, even after the expiration of 100 hours, for Senators who have not yet had an opportunity to speak.

2. Paragraph 2 provides that, if a measure or matter is reprinted after cloture has been invoked, amendments which were in order before the reprinting will continue to be in order and may be conformed as to lineation and pagination if the amendment's sponsor so requests. Conforming changes will be limited to lineation and pagination.

3. Paragraph 3 provides that no Senator shall call up more than two amendments until every other Senator has had the opportunity to call up two amendments. Under this paragraph, if one Senator has called up two amendments, the Chair will recognize any other Senator for the purpose of calling up amendment. The Chair will recognize Senators who have not called up as many as two amendments, and wish to do so, before giving recognition once again to Senators who have called up at least two amendments.

4. Paragraph 4 provides that a Senator may yield all or part of his or her one hour to the following four Senators: the Majority or Minority Leaders; the majority or minority floor managers of the measure, motion, or matter on which cloture has been invoked. None of these four specified Senators may have more than two hours yielded to him or her. Thus, each of these four Senators can have up to a total of three hours under his or her control, and each in turn may yield time from his or her three hours to other Senators. The purpose of this section is to provide greater time flexibility.

5. Paragraph 5 guarantees that any Senator who, when the "cap" has expired, has not had an opportunity to speak will be recognized (for the sole purpose of speaking) for up to ten minutes inclusive. For example, a Senator who has used or yielded three minutes will be recognized to speak for not to exceed an additional seven minutes. A Senator who obtains recognition under this paragraph may use the time only for speaking—not for calling up amendments or making motions or points of order.

6. Paragraph 6 provides that, after cloture has been invoked, the reading of an amendment shall be dispensed with if the amendment has been identified and has been available in printed form at the desks of Members for at least twenty-four hours. ("Printed form" includes typed or Zeroxed.)

7. Paragraph 7 provides that, for a first degree amendment to be in order after cloture is invoked, it must be submitted in writing to the Journal Clerk by 1 o'clock post meridian on the day following the filing of the cloture motion; for a second degree amendment to be in order after cloture has been invoked, it must be submitted in writing to the Journal Clerk at least one hour prior to the beginning of the cloture vote.

8. Paragraph 8 provides that, after cloture has been invoked, and until the measure or matter clotured has been finally disposed of, the reading of the Journal shall be dispensed with and considered approved to date.

Note: The Chair, in response to parliamentary inquiries made on February 22, stated that: (1) a motion to reconsider after a measure or matter had been finally disposed of following cloture, would not be debatable; and (2) a measure or matter, after being acted on, if reconsidered, would no longer be debatable following cloture.

S. RES. 61

Resolved, That paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end thereof new paragraphs as follows:

"After no more than one hundred hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The one hundred hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Resolved, That the last paragraph of paragraph 2 of rule XXII is amended by striking the second sentence and inserting in lieu thereof: "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree.".

Resolved, That paragraph 1 of rule III of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" before "The" in the first sentence;

(2) by striking "The" in the second sentence and inserting in lieu thereof: "Except as provided in subparagraph (b), the"; and

(3) by adding at the end thereof, the following new subparagraph:

"(b) Whenever the Senate is proceeding under paragraph 2, rule XXII, the reading of the Journal shall be dispensed with, and shall be considered approved to date.".

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under authority of the order of the Senate of February 22, 1979, the Secretary of the Senate, on February 23, 1979, received messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received on February 23, 1979, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:20 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following concurrent resolution in which it requests the concurrence of the Senate:

H. Con. Res. 3. A concurrent resolution expressing the sense of the Congress that "Our Merchant Marine March" as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read by title and referred as indicated:

H. Con. Res. 3. A concurrent resolution expressing the sense of the Congress that "Our Merchant Marine March" as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine; to the Committee on Commerce, Science, and Transportation.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC–574. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Forest Service, fiscal year 1978; to the Committee on Agriculture, Nutrition, and Forestry.

EC–575. A communication from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting pursuant to law, that the appropriations to the Department of Health, Education, and Welfare for "Refugee Assistance," "Grants to States for Social Child Welfare Services," and "Grants to States for Medicaid" for the fiscal year 1979 have been reapportioned on a basis which indicates the necessity for supplemental estimates of appropriations; to the Committee on Appropriations.

EC–576. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues on the Precision Location Strike System which will require attention; to the Committee on Armed Services.

EC–577. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, on the major issues concerning the Navy's Surveillance Towed Array Sensor program; to the Committee on Armed Services.

EC–578. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's Roland Missile program; to the Committee on Armed Services.

EC–579. A confidential communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's Cooperhead and the Navy's 5-Inch and 8-Inch Guided Projectile programs; to the Committee on Armed Services.

EC–580. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's Advanced Attack Helicopter and Hellfire Missile programs; to the Committee on Armed Services.

EC–581. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "High Cost of Military Attribution Can Be Reduced," February 16, 1979; to the Committee on Armed Services.

EC–582. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to repeal section 5153(c) of title 10, United States Code; to the Committee on Armed Services.

EC–583. A communication from the Acting Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Army's proposed Letter of Offer to the Federal Republic of Germany for Defense Articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC–584. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Navy's torpedo development and improvement programs; to the Committee on Armed Services.

EC–585. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on funds obligated in the chemical warfare and biological defense research programs during FY 1978; to the Committee on Armed Services.

EC–586. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Master Planning for Fire Prevention and Control; to the Committee on Commerce, Science, and Transportation.

EC–587. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Drinking-Driver Problem—What Can Be Done About It?" February 21, 1979; to the Committee on Commerce, Science, and Transportation.

EC–588. A communication from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the National Railroad Passenger Corporation for Fiscal Year 1978; to the Committee on Commerce, Science, and Transportation.

EC–589. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the sixty-fourth annual report of the FTC covering its accomplishments during the fiscal year ended September 30, 1978; to the Committee on Commerce, Science, and Transportation.

EC–590. A communication from the Secretary of the Interior, transmitting, pursuant to law, the biennial report (Progress Report No. 9, dated January 1979) on continuing studies of the quality of water of the Colorado River Basin; to the Committee on Energy and Natural Resources.

EC–591. A communication from the Secretary of the Interior, reporting pursuant to law, on activities carried on by the Geological Survey during the reporting period January 1 through December 31, 1978; to the Committee on Energy and Natural Resources.

EC–592. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, Volume I of the second annual report to Congress of the Energy Information Administration; to the Committee on Energy and Natural Resources.

EC–593. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Higher Penalties Could Deter Violations of Nuclear Regulations," February 16, 1979; to the Committee on Environment and Public Works.

EC–594. A communication from the Chairman, Tennessee Valley Authority, transmitting a draft of proposed legislation to amend the Tennessee Valley Authority Act of 1933 by raising the ceiling on TVA's authority to issue revenue bonds to finance its electric power program; to the Committee on Environment and Public Works.

EC–595. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to carry out the obligations of the United States under the International Coffee Agreement, 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes; to the Committee on Finance.

EC–596. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Social Security and the Changing Roles of Men and Women"; to the Committee on Finance.

EC–597. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days of the execution thereof; to the Committee on Foreign Relations.

EC–598. A communication from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, reports prepared by the International Bank for Reconstruction and Development (IBRD) and reports by the Inter-American Development Bank (IDB); to the Committee on Foreign Relations.

EC–599. A communication from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the twentieth annual report of the commission; to the Committee on Governmental Affairs.

EC–600. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Observations on Office of Management and Budget Circular A-109—Major System Acquisitions by the Department of Defense," February 20, 1979; to the Committee on Governmental Affairs.

EC–601. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "1978 Annual Report of the Comptroller General of the United States"; to the Committee on Governmental Affairs.

EC–602. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Readiness of U.S. Air Forces in Europe—Selected Aspects and Issues," February 16, 1979; to the Committee on Governmental Affairs.

EC–603. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on a personal record system; to the committee on Governmental Affairs.

EC–604. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a proposed new record system; to the Committee on Governmental Affairs.

EC–605. A communication from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act of 1974 with respect to the computation of certain annuity amounts; to the Committee on Human Resources.

EC–606. A communication from the Director, National Science Foundation, transmitting a draft of proposed legislation of authorization for fiscal years 1980 and 1981 for the National Science Foundation; to the Committee on Human Resources.

EC–607. A communication from the U.S. Commissioner of Education, transmitting, pursuant to law, a report entitled "Progress Toward a Free Appropriate Public Education," January 1979; to the Committee on Human Resources.

EC–608. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on a survey of Athletic Injuries and Deaths in Secondary Schools and Colleges; to the Committee on Human Resources.

EC–609. A communication from the Acting Staff Director, United States Commission on Civil Rights, transmitting a draft of proposed legislation to amend section 106 of the Civil Rights Act of 1964 (42 U.S.C. 1975e) to raise the limitation on appropriations for the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

EC–610. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend Public Law 85–445 to authorize and request the President to proclaim annually the seven-day period beginning June 1 as "National Safe Boating Week"; to the Committee on the Judiciary.

EC–611. A communication from the Executive Director, Centre for the Independence of Judges and Lawyers of the United States, reporting, for the information of the Senate, on the nomination of Norman W. Black, Magistrate, Houston Division to the Position of United States; to the Committee on the Judiciary.

EC–612. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, proposed regulations pertaining to the administration of the Presidential Primary Matching Payment Accounting Act; to the Committee on Rules and Administration.

EC–613. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report on monetary policy, February 20, 1979; to the Committee on Banking, Housing, and Urban Affairs and the Committee on Human Resources, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication transmitted by the Chairman of the Board of Governors of the Federal Reserve System, relative to monetary policy, be referred jointly to the Committee on Banking, Housing, and Urban Affairs and the Committee on Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which have referred as indicated:

POM–44. A resolution adopted by the National Indian Conference on Aging, Albuquerque, New Mexico, concerning amendments to the Older Americans Act; to the Committee on Human Resources.

POM–45. A resolution adopted by the National Indian Conference on Aging, Albuquerque, New Mexico, concerning wording of a regulation under Title IX of the Older Americans Act; to the Committee on Human Resources.

POM–46. A resolution adopted by the National Indian Conference on Aging, Albuquerque, New Mexico, concerning supplemenal funding for the care of elderly Native Americans; to the Select Committee on Indian Affairs.

POM–47. A resolution adopted by the National Indian Conference on Aging, Albuquerque, New Mexico, urging passage of proposed Indian Social Services Act of 1978; to the Select Committee on Indian Affairs.

POM–48. A joint memorial adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"Senate Joint Memorial No. 102

"Whereas, the Senate and the House of Representatives of the State of Idaho support energy conservation whenever sound and economically possible; and

"Whereas, the President of the United States has requested everyone to join in an attempt to make our country energy-independent; and

"Whereas, the people of Idaho support the full development of all safe, nonpolluting forms of electrical energy; and

"Whereas, the use of nuclear power could be integrated into the electrical power system as a source of future energy for Idaho; and

"Whereas, the federal government has adopted stringent nuclear safety regulations; and

"Whereas, construction of nuclear plants and the provision of adequate energy provides jobs for citizens during and after construction of the plants.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we most respectfully urge the President of the United States and the Congress of the United States to act now to put an end to all administrative delays in order to provide for the earliest possible granting of necessary licensing and construction permits for nuclear power plants.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of Congress. and to the Senators and Representatives representing this State in the Congress of the United States."

POM–49. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on the Judiciary:

"House Concurrent Resolution No. 3

"Whereas, all human life is entitled to the protection of laws which may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; and

"Whereas, the actions of legislative and judicial bodies in this nation have placed human life in jeopardy by reason of age, biological development or other reasons; and

"Whereas, the United States Supreme Court has nullified the laws of various states, including Mississippi, concerning abortion and has interpreted the United States Constitution in a way which permits the destruction of unborn human life; and

"Whereas, the United States Constitution provides that, on the application of the legislatures of two-thirds (⅔) of the several states, the Congress shall call a convention for the purpose of proposing an amendment or amendments to the United States Constitution, which amendment or amendments when so proposed by such a convention must be ratified by the legislatures of, or conventions in, three-fourths (¾) of the states to become valid:

"Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That the Congress of the United States is hereby requested to call a convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to the United States Constitution, which amendment shall be substantially as follows:

"Article —

" 'Section 1. With respect to the right to life, the word "person" as used in this article and in the Fifth and Fourteenth Articles of Amendments to the Constitution of the United States applies to all human beings irrespective of age, health, function or condition of dependency, including their unborn offspring at every stage of their biological development.

" 'Section 2. No unborn person shall be deprived of life by any person; provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother or to terminate pregnancy caused by rape.

" 'Section 3. Congress and the several states shall have concurrent powers to enforce this amendment by appropriate legislation.'

"Be it further resolved, That the Congress of the United States is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes and become a part of the Constitution of the United States when ratified by the legislatures of three-fourths (¾) of the several states.

"Be it further resolved, That the Legisture of the State of Mississippi does hereby urge and request the legislative bodies of the several states to apply to the Congress of the United States to call a convention for the sole purpose of proposing this amendment to the Constitution of the United States.

"Be it further resolved, That a copy of this Resolution shall be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives; to each member of the delegation of the State of Mississippi in the Congress of the United States; and to the presiding officers of each house of the legislative bodies of the several states of the Union."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations:

George M. Seignious II, of South Carolina, to be Director of the U.S. Arms Control and Disarmament Agency.

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STONE, from the Committee on Agriculture, Nutrition, and Forestry:

James H. Williams, of Florida, to be Deputy Secretary of Agriculture.

James H. Williams, of Florida, to be a member of the Board of Directors of the Commodity Credit Corporation.

(The above nominations from the Committee on Agriculture, Nutrition, and Forestry were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ORDER FOR EXTENSION OF TIME TO FILE A REPORT

Mr. CHILES. Mr. President, I ask unanimous consent to move from February 28, 1979, to March 31, 1979, the date by which the report of the Senate Special Committee on Aging, "Developments in Aging, 1978," shall be submitted.

I am making this request in order to allow all our members to review the full text of the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 359

Mr. STEVENSON. Mr. President, I ask unanimous consent that S. 359 be star printed with the following correction:

On page 5, after the comma in line 2, strike the word "one" and insert in lieu thereof the following:

"two shall serve for terms of two years and two".

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN (for himself, Mr. Stevens, Mr. Bumpers, Mr. Stewart, Mr. Long, and Mr. Boren):

S. 477. A bill to provide price incentives for production of crude oil from tertiary recovery projects; to the Committee on Energy and Natural Resources.

By Mr. JAVITS:

S. 478. A bill to amend title IV of the Social Security Act to provide for periodic case review of children placed in foster care and to allow Federal financial participation for an AFDC child in foster care after such a review has been made of such child; to the Committee on Finance.

By Mr. SCHMITT:

S. 479. A bill to authorize the Secretary of the Interior to compensate certain bona fide purchases of subleases from the Sangre de Cristo Development Corporation; to the Committee on Energy and Natural Resources.

By Mr. RANDOLPH (for himself and Mr. Gravel) (by request):

S. 480. A bill amending the Water Resources Planning Act to authorize appropriations for fiscal years 1980 and 1981; to the Committee on Environment and Public Works.

By Mr. HART:

S. 481. A bill to authorize the Administrator of General Services to transfer surplus real property to the United States Olympic Committee; to the Committee on Governmental Affairs.

By Mr. HELMS:

S. 482. A bill for the relief of Chatchai "Rick" Chatranon; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 483. A bill for the relief of Basile Christopoulos and Maria Christopoulos, husband and wife, and George Christopoulos, their son; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself and Mr. Levin):

S. 484. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. Laxalt):

S. 485. A bill to amend the Internal Revenue Code of 1954 to provide that the occupational tax on wagering shall not apply in any State in which wagering is permitted by law; to the Committee on Finance.

By Mr. McGOVERN:

S. 486. A bill to amend Public Law 91-118, the act of November 18, 1969 (83 Stat. 194), providing for a Great Plains conservation program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON (for himself, Mr. Stewart, and Mr. Packwood):

S. 487. A bill to amend the Internal Revenue Code of 1954 to provide a credit for investment in original issue stock of small businesses; to the Committee on Finance.

By Mr. MATHIAS:

S. 488. A bill for the relief of Bedros and Makrouhie Bastijian, husband and wife; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. Packwood, Mr. Chiles, Mr. Leahy, Mr. Bellmon, Mr. Baker, Mr. Eagleton, Mr. Chafee, Mr. Percy, Mr. Church, Mr. Heinz, Mr. Riegle, Mr. Thurmond, Mr. Burdick, Mr. Cohen, Mrs. Kassebaum, and Mr. Schmitt):

S. 489. A bill to amend title XVIII of the Social Security Act to eliminate certain restrictions and limitations imposed for the receipt of home health services and to make more accessible home health services to those in need, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. Schmitt, Mr. DeConcini, and Mr. Goldwater):

S. 490. A bill to protect archaeological resources owned by the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 491. A bill for the relief of Gert Richard Haber; to the Committee on the Judiciary.

S. 492. A bill for the relief of Samuel Cube Fernando; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Jackson, Mr. Church, Mr. Long, Mr. Bumpers, Mr. Ford, Mr. Inouye, Mr. Melcher, Mr. Weicker, and Mr. Wallop):

S. 493. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto, and for other purposes; to the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations; if and when reported, jointly to the Committee on Finance to consider title V only, and Committee on Environment and Public Works for not to exceed 60 calendar days; and that such latter committees be required to file separate reports.

By Mr. STAFFORD (for himself, Mr. Randolph, Mr. Chafee, and Mr. Moynihan):

S. 494. A bill to amend certain provisions of the Public Buildings Act of 1959, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. Tsongas, and Mr. Chafee):

S. 495. A bill to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JACKSON (by request):

S. 496. A bill to increase the appropriations ceiling for Title I of the Colorado River Basin Salinity Control Act (the Act of June 24, 1974; 88 Stat. 266), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, Mr. Kennedy, Mr. Williams, Mr. Randolph, and Mr. Javits):

S. 497. A bill to extend the authorizations of appropriations relating to emergency medical services systems under title XII and section 789 of the Public Health Service Act; to the Committee on Human Resources.

By Mr. STAFFORD:

S. 498. A bill to authorize the Army Corps of Engineers to provide certain technical assistance to local communities; to the Committee on Environment and Public Works.

By Mr. STEVENSON:

S. 499. A bill to establish the Foundation for International Scientific and Technological Cooperation, to provide for the management of the Foundation, and for other purposes; to the Committee on Governmental Affairs.

By Mr. RANDOLPH:

S. 500. A bill to provide for the protection of the public health (including consumer patients) from unnecessary exposure to radiation; to the Committee on Human Resources.

By Mr. STEWART (for himself and Mr. Heflin):

S. 501. A bill to authorize the Secretary of the Army to convey additional real property of the United States to the Alabama Space Science Exhibit Commission for use as a permanent site for the Alabama space science exhibit; to the Committee on Armed Services.

By Mr. CULVER:

S. 502. A bill to modify the Davenport, Iowa local flood protection project; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself, Mr. Stevens, Mr. Bumpers, Mr. Stewart, Mr. Long, and Mr. Boren):

S. 477. A bill to provide price incentives for production of crude oil from tertiary recovery projects; to the Committee on Energy and Natural Resources.

TERTIARY RECOVERY INCENTIVES ACT OF 1979

Mr. BENTSEN. Mr. President, according to Energy Secretary Schlesinger, the loss of Iranian production could result in energy shortages more serious and more protracted than those experienced during the 1973 Arab oil embargo. How could this be? How could the loss of only 5 percent of our domestic supply cause soaring fuel prices, economic dislocations, long lines at the service station and talk of gasoline rationing? If what Dr. Schlesinger says is true, then we have indeed let ourselves slip into a serious state of affairs.

Clearly if there was one lesson to be learned in 1973, it was to never again permit ourselves to be found in a state of dependency on unreliable foreign sources of energy. Since then, we have had nearly 6 years to regain control of our national destiny—6 years to break the bonds that hold us captive to a small band of oil exporting nations.

What have we accomplished in those precious 6 years since the Arab oil embargo? Overall domestic oil production has decreased by 500,000 barrels per day, even though Alaska's Prudhoe Bay has since been brought on line. Coal production has changed little, the construction of nuclear plants has been virtually arrested, and no significant progress has been made in the development of alternative energy sources such as solar, coal shale and synthetic gas. Although the rate increases in petroleum consumption has moderated somewhat, we have done little to curb our voracious appetite for all forms of energy. Instead of reducing our reliance on OPEC oil, we have fallen even deeper into the pit of energy dependence, increasing our consumption of foreign oil by more than double the 1973 amounts.

It seems almost inconceivable that a nation of such industrial and political might could permit its economic and social well-being to become subject to the whims of distant and sometimes unfriendly foreign states. Hopefully this most recent reminder of our vulnerable condition, the crisis in Iran, will spur Congress and the administration into action. Dramatic measures are called for—we can delay no longer.

Today I am introducing legislation which will significantly boost domestic production by providing the incentives needed to encourage the development and use of tertiary oil recovery techniques. I believe this legislation is one of several steps which we must take immediately if we are to free ourselves from OPEC domination.

Mr. President, using conventional primary and secondary oil recovery techniques we are able to recover only one-third of a reservoir's original oil in place. The remainder of the reservoir's oil is left in the ground, beyond the reach of these conventional recovery methods. It is this remaining two-thirds of our national petroleum reserves, almost 300 billion barrels, that is the target of a new generation of oil production methods known as tertiary recovery techniques.

According to Department of Energy testimony before the Senate Energy Committee, from 25 to 40 billion additional barrels of oil may be recovered using tertiary methods. Put another way, with tertiary recovery it may be possible to more than double our current proven reserves of 30 billion barrels. Given the proper incentives, by 1990 we could increase our domestic oil production by more than 2 million barrels of oil per day—four times the amount we were importing from Iran before the loss of production in that country.

But despite the enormous potential of these new techniques, less than 3 percent of our domestic oil is presently being produced using tertiary recovery. This is because in comparison to conventional oil recovery practices, tertiary projects are exceptionally risky ventures—they require long leadtimes and massive capital expenditures, and the results are far less predictable. Under the current system of price controls on domestic production, these promising projects simply are not economically feasible.

The legislation I offer today will establish the incentives needed to get tertiary recovery projects off the ground. It accomplishes this simply by removing price controls from oil produced from certified tertiary projects. For a project to be certified, three findings must be made: First, that a bona fide teritary process is being used; second, that the project is designed and operated in a manner consistent with sound engineering practices; and third, that the project should result in an increase in the ultimate recovery of crude oil from the reservoir. The oil released from price controls is only that which is produced from the area affected by the tertiary process, and it is not decontrolled until the injection on tertiary materials actually begins. Once a project is certified, decontrol can be revoked upon a finding of fraud or lack of due diligence in the implementation of the process.

The legislation I am introducing should not be necessary. The Department of Energy could act today to exempt tertiary oil from Federal price controls. Instead, they continue to stand by their existing regulations which have proven to be singularly ineffective in stimulating greater tertiary production. That is the reason that less than 3 percent of our present domestic production comes from tertiary projects.

Given the perilous nature of our current supply situation, Congress simply cannot wait any longer for the Department of Energy to take the lead on tertiary recovery. We must act on our own, and we must act immediately. Most tertiary projects require long leadtimes and major expenditures several years before production is actually affected. We have already wasted too much time in getting these projects underway. I urge my colleagues to join with me in taking this essential step toward maximizing our domestic energy production. Failure to do so would be to play further into the hands of the OPEC cartel.

I urge all of my colleagues to take a look at this piece of legislation and ask that you cosponsor it and support it.

Mr. STEVENS. Mr. President, I think that the bill the Senator from Texas introduces—and I hope he will put my name on it as a cosponsor, as I am a member of the Energy Committee—again is probably one of the most significant pieces of legislation that we have before us now.

This does not involve money for exploration or development or environmental problems of any kind. It involves a commitment to full recovery of the oil we have already discovered, and I can think of nothing that we could do that would be more important.

Mr. BENTSEN. I thank the Senator.

Mr. BUMPERS. Mr. President, I wish to say that I will happily cosponsor the bill of the Senator from Texas to deregulate oil recovered by the tertiary method.

The Senator may recall that Senator Bartlett of Oklahoma and I handled an amendment similar to that 2 years ago and got it passed here, and as the Senator recalls it was removed in conference with the House of Representatives.

In any event, it is a very worthwhile bill, and I am happy to support it.

By Mr. JAVITS:

S. 478. A bill to amend title IV of the Social Security Act to provide for periodic case review of children placed in foster care and to allow Federal financial participation for an AFDC child in foster care after such a review has been made of such child; to the Committee on Finance.

AFDC FOSTER CARE

● Mr. JAVITS. Mr. President, today I am introducing a bill to amend title IV of the Social Security Act to provide for case reviews every 6 months of children in foster care and to allow Federal financial participation for all AFDC children in foster care after such a review has been made. Congressmen DOWNEY and RANGEL are introducing the identical bill in the House.

Children come into foster care as a result of either a court proceeding relieving the parent of custody or a voluntary placement by the parent. In the latter case, a parent might surrender the child because of impending hospitalization or from fear that the child might be abused if he or she were to stay in the home. Federal reimbursement and requirements apply only to AFDC eligible children who are placed as a result of court determination that the child must be removed from home.

Recent congressional and other studies point out that although foster care is designed as a temporary measure, the average length of stay for a child is more than 3 years. Worse, many studies show that despite the requirement that each child for whom Federal reimbursement is provided be reviewed periodically, all too often no effort has been made to review either the family situation or the placement setting of the child after initial removal from the home. Or, if a review is made, too often it is merely a paper one. And, the review provisions do not apply to AFDC children voluntarily placed without court determination. It is hard to imagine that appropriate counseling services could have been provided to the family and child in such instances.

Congressional investigation into this problem indicates that in cases where a State has instituted a more meaningful review of care and has provided necessary services, a child's stay in foster care has been considerably shortened. Federal policy should therefore be amended to mirror these successes. It would save lives. And it would save money, for in most States, foster care costs are considerably greater than AFDC grants for the child. This is especially true in institutions.

The bill I am introducing today would require States, as a condition of receiving Federal reimbursement after September 30, 1981, to develop an individualized case plan for each child in foster care and to review this plan every 6 months. Such review would determine the extent of progress made toward mitigating the causes necessitating placement, would project a likely date for return to the natural home, and would modify the case plan when appropriate.

The 6-month reviews must be made by an experienced and objective person not directly involved in the provision of services to the child and may be made by a court, if the State desires. At least 2 weeks prior to the review the parent and child must be notified of the agency's recommendations and given the opportunity to appear with representation at the review.

Under this bill, the State would receive Federal reimbursement for any child that has had such a review or one similar or more comprehensive than that prescribed by the bill. This would thus give strong incentive to States for tracking, reviewing, and providing services for all AFDC children now in foster care, even those placed voluntarily by their parents without court determination.

I believe in the need for comprehensive reform of the child welfare/adoption/foster care programs. The House passed such a bill last year, which Congressman BRODHEAD has reintroduced this year as H.R. 1291. I understand that the administration will also be introducing a comprehensive bill. But the bills to date have not included in the review process children already in the system that did not have a judicial determination at placement. Since the House will be acting on foster care legislation first and since the first budget resolution is presently under consideration, I am introducing this limited bill to bring this important principle into the discussions on the foster care issue.

Under this proposal, society will move yet one step closer to achieving a caring system for the unfortunate children of this land who have not been blessed with the kind of homelife we would all hope for our own children. I urge my colleagues on the Finance Committee to consider this legislation favorably.●

By Mr. HART:

S. 481. A bill to authorize the Administrator of General Services to transfer surplus real property to the U.S. Olmypic Committee; to the Committee on Governmental Affairs.

OLYMPIC TRAINING CENTER LEGISLATION

● Mr. HART. Mr. President, last year during the Senate's consideration of the Amateur Sports Act, I was the principal cosponsor of an amendment which would make the U.S. Olympic Committee an eligible recipient for excess Federal facilities to be used as regional training centers in preparing U.S. athletes for the Olmypics. Although the amendment was adopted by the Senate, it was not agreed to by the House-Senate conference committee. The legislation I am introducing today has the same objective and is nearly identical to the amendment I have described. Like last year's proposal, this legislation provides that the property would revert to the U.S. Government when it is no longer used for Olympic training purposes.

To conduct a successful training program, the U.S. Olympic Committee must have a small number of training facilities carefully situated throughout the United States. Under current Federal property disposal procedures, excess Federal property can be reused by a variety of Federal, State, and local public agencies without cost for such purposes as recreation, education, conservation, and historic preservation. Since the Olympic Committee is not a public agency, it is ineligible to receive surplus Federal property unless this situation is corrected through the legislation I am introducing today.

Mr. President, this legislation would merely make the Olympic Committee eligible, as though it were a public agency, to receive and use surplus Federal property. This would not grant any priority preference to the Olmypic Committee in the redistribution of excess Federal property. There is no further cost to the taxpayer involved.

The Olympic Training Center at the former ENT Air Force Base in Colorado Springs highlights the need for this amendment. Nearly 2 years ago, the city of Colorado Springs arranged an equal value trade for 11 acres of land at the Air Force base. As a consequence of the requirement in law that the land exchange be at no cost to either party, there exists a small parcel of the excess land at the Air Force base, consisting of approximately 5.6 acres, that was not transferred to Colorado Springs, and remains excess to the needs of the Air Force. This parcel is, however, needed by the U.S. Olympic Committee as part of its overall training facility. My legislation would readily solve this problem by making the U.S. Olympic Committee eligible to receive and use surplus Federal property. I hope Congress will act expeditiously on this bill.●

By Mr. CANNON (for himself and Mr. LAXALT):

S. 485. A bill to amend the Internal Revenue Code of 1954 to provide that the occupational tax on wagering shall not apply in any State in which wagering is permitted by law; to the Committee on Finance.

Mr. CANNON. Mr. President, today I am introducing an amendment to the Internal Revenue Code of 1954, along with my colleague, Senator PAUL LAXALT, the intent of which is to provide that the 2-percent excise tax on wagers and the occupational tax on wagering shall not apply in any State in which wagering is permitted by law.

Several years ago, two key U.S. Supreme Court decisions had the effect of disallowing the prosecutorial function of the then 10-percent excise tax on wagers.

Subsequently, in the first session of the 94th Congress, I introduced an amendment to eliminate the excise tax for legal gaming operations. The Senate and House conferees, however, decided to reduce the tax to 2 percent and increase the occupational tax in section 4411 of the code from $50 to $500.

Thus, we have a situation of gaming establishments who make a good-faith effort to comply with the code losing customers to illegal operations which simply ignore tax consequences. This is compounded by the $500 occupational tax, which can only be interpreted as a penalty on wage earners who are anxious to work, since most employers require employees to pay this tax. As an aside, the Treasury Department admits the revenues from the taxes are extremely minor.

The Commission on the Review of the National Policy Toward Gambling, in its final report to Congress in 1976, determined these two taxes interfere with the ability of a legal gambling industry to compete with its illegal counterpart, and that such taxes, if they are to exist at all, are more appropriately levied by State governments.

In Nevada, gaming is our largest industry. It is a highly regulated and licensed industry. Nevada is the only State affected by the current law. This measure would bring our situation in line with the current Federal gaming policy, which is to reserve the taxing authority and benefits for the States. Although at the same time, adequate jurisdiction for oversight responsibilities by the appropriate Government agencies, including the Federal Government, remains intact.

Mr. President, we ask that this bill be appropriately referred and we are hopeful the Senate will take rapid and favorable action on this attempt to make the code more equitable and at the same time eliminate another heavy occupational burden facing many working men and women.

By Mr. McGOVERN:

S. 486. A bill to amend Public Law 91-118, the act of November 18, 1969 (83 Stat. 194), providing for a Great Plains conservation program; to the Committee on Agriculture, Nutrition, and Forestry.

GREAT PLAINS CONSERVATION PROGRAM

● Mr. McGOVERN. Mr. President, I am today introducing legislation to extend time limits now set by law for the contracting of conservation programs through the original Great Plains Act and for lifting the funding restrictions that are based on the original 1981 limit. Also, the bill I submit today elimates the restriction concerning program funding going only into designated dryland counties within the 10 Great Plains States. My bill allows for the contracting to be done in all parts of the States as the need arises.

This same bill, as amended by the Senate Committee on Agriculture, Nutrition, and Forestry, was favorably reported during the last session of Congress. The Senate approved the Great Plains conservation program amendments, but the House did not finish consideration. I would hope, through early action by both houses, we can see final approval for allowing the conservation programs to continue unthreatened by the 1981 cutoff date now in the law.

The immediate need for considering the extension of this legislation is found in the purpose of the program itself. Designed to promote greater agricultural stability through the cost sharing of conservation practices, the original supporters hoped for 16 million acres of the Great Plains to be treated under special conservation efforts. Reports that I cited during previous consideration showed that, based on past performance, only 8.3 million acres will be under treatment or contract by the program's expiration date of 1981. The fault appears not to be with the law, but with the lack of an effective method of seeking participants and then developing those individual conservation plans for their lands. The success of the program as it has been completed so far should be a sound justification for extending it further. The fact that participation has not spread to all—in many cases the most needy—farmers and ranchers should not reflect failure at all, but rather a slower implementation than was expected.

A great many factors have contributed to the projections that the original number of acres will not be treated. In some cases, droughts of such a severe nature caused delay in contract plans, which leaves us with the conclusion that treatment must be allowed beyond 1981 in order to prevent as much damage as possible when another dry cycle hits some part of the country. As a GAO report has pointed out, all three of the major conservation programs (Great Plains, Soil Conservation and Agriculture Conservation) suffer because, even with overlapping common objectives, the investigators found they were unused.

Nature has now supplied us with one overriding common objective—the saving of Great Plains topsoil, which means saving crops, grasslands, rangeland, wildlife, and most important of all, the livelihood of its people. We cannot forget the terrible frustration of the 1975–76 drought in the Plains States. My own State of South Dakota suffered greatly during those years, and we know now that over two-thirds of the country received numerous disaster loans and loans to augment water supplies. It seems unconscionable to pour hundreds of thousands of dollars into disaster payments when preventive measures under the Great Plains conservation program could reduce that amount by a significant percentage.

There is no mystery surrounding the importance of soil conservation—every area of the country, from the South, after exhaustive cotton plantings, to the Northwest, from unregulated timber cutting, has been afflicted—but the Great Plains with its unique weather hazards, undeveloped water policies, and press for greater production of cash crops strains the resiliency of the land to a dangerous point. The actual damage is assessed in the GAO report this way:

> Soil scientists estimate that annual soil losses must be limited to no more than 5 tons an acre in deep soils and one ton an acre in shallow soils to maintain soil fertility and productivity over time. According to Department of Agriculture technicians, about 84 percent of the 283 farms (studied) were losing over 5 tons an acre on cropland for which calculations were made. In addition, soil erosion was creating water and air pollution and highway maintenance problems.

It is important to support emergency drought-related measures, but just as status. The original Great Plains congrams already in existence that can hold the situation below the emergency status. The original Great Plains conservation program provides for soil and conservation service technical assistance and cost-sharing payments to landowners, for 3- to 10-year periods, in the 10 Great Plains States. The initial emphasis was, and still should be, aimed at erosion that is so serious as to need planned, individual assistance in protecting it from complete deterioration and uselessness. The Federal cost share for each conservation practice cannot exceed 80 percent, and total contracts covering a series of conservation practices are limited to $25,000.

This contract program was amended in 1969 to allow landowners or operators to include plans for enhancing fish, wildlife, and recreation resources; and reduce agricultural pollution in other plans. This addition was needed but, unfortunately, did not push the program forward with significant results. Subsequent to this last congressional action, SCS revised its funding priorities to promote treatment in areas having major wind and water erosion and moisture conservation problems. These areas sharply increased after the drought, so the high priority acreage now far outreaches the ability of the program to do any catching up by 1981. And, if action is terminated on this program while we are still far short of the goal, the devastation resulting from the next drought will be partially self-inflicted.

Therefore, in response to current and future conservation requirements, I submit this bill to amend the Great Plains conservation program but removing the termination date of December 31, 1981, for entering into contracts; deleting the maximum program limitation of $300,000,000 and the $25,000,000 annual maximum limitation; and removing the "dryland counties" limitation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1 of P.L. 91–118 (83 Stat. 194) is amended to read as follows:

"(1) the Secretary is authorized within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into with respect to farms, ranches, and other lands in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources, (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

"In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract;"

Sec. 2. Section 3 of P.L. 91–118 (83 Stat. 194) is amended to read as follows:

"(7) there is hereby authorized to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out this subsection. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act."●

By Mr. NELSON (for himself, Mr. STEWART, and Mr. PACKWOOD):

S. 487. A bill to amend the Internal Revenue Code of 1954 to provide a credit for investment in original issue stock of small businesses; to the Committee on Finance.

SMALL BUSINESS INVESTMENT ACT OF 1979

● Mr. NELSON. Mr. President, today I am introducing "The Small Business Investment Act of 1979." This proposal will provide the necessary incentive to encourage individual investment in America's small- and medium-sized businesses. Under the proposal, an individual would be given an investment tax credit equal to 10 percent of the first $10,000 and 5 percent of the next $40,000 invested in qualifying new stock issues during the taxable year. The total investment credit cannot exceed $3,000 on an individual return and $6,000 for a joint return. An individual would be required to hold his stock investment for a minimum of 1 year. Otherwise, the investment credit would be recaptured. The credit would be available only for investment in new issues of common or preferred stock of $25 million or less offered by a corporation with a net equity of less than $25 million.

The problem of capital scarcity and its significance to the business community and this country is well documented. For example, the New York Stock Exchange estimates that the United States will require $4.5 trillion of new capital if we are to continue to support a real annual growth rate of 3.6 percent during the next decade. Although $3.9 trillion could be generated from personal savings and retained earnings, a $600 billion capital shortage would remain. The Exchange estimates that of this $600 billion shortfall, $250 billion will have to come from new equity investment, with an essential part of that being provided by individual investors.

In light of these projections, our securities industry today is facing one of the most serious problems in its history. America's individual investors are withdrawing from the marketplace. This has a direct impact upon the ability of small- and medium-sized companies to raise desperately needed capital. Arthur Levitt, Jr., chairman of the American Stock Exchange, discussed "the flight" of the individual investor from the securities market in his testimony before the Senate Finance Committee on June 20, 1978:

> (T)he participation of the average American citizen in equity investments in American enterprises has over the years been an essential factor in the relative harmony of various groups within our economic system.
>
> Since 1970 we have seen a drastic downturn in individual shareownership. By 1975, the United States shareholder populations had dropped . . . more than 18 percent, and the shareholder percentage of the entire population was down to 11.8 percent, or scarcely one in eight. The percentage of shareholders with total investment of under $10,000 fell from 62 percent to less than 50 percent; those with total investments of under $5,000 fell from 41 percent to less than one-third.
>
> Equally disturbing are the findings of a recent survey that there will be relatively few new American stockholders in the immediate future. Of those who are former owners of stock, only 8 percent indicated that they might again become shareholders; and of those who had never owned stock only 2 percent thought they might acquire stock this year. Also, the fact that the average age of American shareholders increased from 48 to 53 between 1970 and 1975 demonstrates that America's young adults are not continuing in the tradition of citizen ownership and that the shareholder population can be expected to continue to decline unless effective measures are taken to make equity investment more attractive.

The dimensions of the capital formation problem were further elucidated by Secretary Blumenthal in a speech to the Bond Club of New York last year. The Secretary noted that public offering of equity securities by industrial firms had fallen from a yearly average of $7.4 billion in the period from 1968 through 1972 to only $2.6 billion from 1973 to the present.

With the decline of equity investment, debt financing has now become a major source of capital. According to Mr. Levitt:

> With the decline of equity investment, debt financing has now become the major source of capital. In 1977, the amount of debt financing was 10 times as large as equity financing, in contrast to less than 5 times as much in 1972. The debt-to-equity ratio of American business, particularly smaller companies, has become uncomfortably high—the average debt-equity ratio for American manufacturing companies rose to nearly 40 percent in 1977. This increase in debt makes these conditions, and more dependent on banks and other lenders.
>
> Consequently, it tends to place the emphasis on caution at the expense of corporate initiative and innovation. Furthermore, a high debt-equity ratio makes corporate shares more volatile and speculative. These results are not healthy either for our society or economy.

A disturbing side effect of the reduced participation of American investors in the equity of small- and medium-sized American businesses has been the takeover at bargain prices of the most attractive of these businesses by foreign interests. There were 78 foreign takeovers in 1975, which increased to 102 in 1976, 125 in 1977, and approximately 280 in 1978. This represents a 246 percent increase in foreign acquisitions in only 4 years. We should certainly encourage foreign investments in the United States, but it is not in our best interest to allow our innovation and technology to fall under foreign control. The significance of foreign takeovers is that independent small businesses, unable to attract domestic equity capital, are being forced to seek foreign investors.

It is the small business sector of our economy which has the greatest potential for introducing new technology and innovation to our economic base. However, it is also the area of greatest risk for the investor. If investors are to be persuaded to take those investment risks, they must also be persuaded that the rewards will make their risks worthwhile. Unfortunately, over the past decade investors have diverted much of their money to safer investments which yield smaller returns. The net effect has been a greater economic concentration in the largest 1,000 companies. A drastic reduction in the number of new businesses results. According to Theodore Levitt of the Harvard Business School, more than 300 high-technology companies were founded in the United States in 1968, while in 1976 that number had dropped to zero.

If the national interest is to be served and the economy is to remain strong, the equity market must be attractive enough to encourage new investment as well as new investors. The individual investor is increasingly being replaced by institutional investors, who traditionally have been less willing to invest in small businesses. According to a survey conducted by the NYSE in 1975, stock held by individuals now accounts for only 52.7 percent of market value, down sharply from 64.1 percent in 1970. Institutional investment, however, climbed from 34 percent to 45 percent. Tantamount in importance is the current investment climate of the American public. American investors, shaken by spiraling inflation and fearing more to come, are deeply cautious in managing their money. The primary goals of today's investors are defensive, these concerns are underscored by a reluctance to take risks. Based on a nationwide survey of public attitudes toward investing, the NYSE reports that 35 percent of financial decisionmakers are willing to take only the "barest minimum" risk; 35 percent express willingness to take no more than small risk; 27 percent say moderate risks are acceptable; and only 3 percent are willing to take substantial risks. Among those investors who say they are unlikely to enter the market in the near future, the principal deterrent is the perception of the market as "too risky". The ramifications of this trend are significant to the small business community as well as the economy as a whole. The prevailing attitude of riskless investment, as documented by the NYSE survey, encourages investment in nonproductive real estate speculation and large blue-chip companies.

To attract the individual investor to invest in America's small- and medium-sized businesses, I propose the Small Business Investment Act of 1979. The small- to medium-sized company holds the key to potential growth, employment, and productivity for the United States.●

By Mr. DOMENICI (for himself, Mr. PACKWOOD, Mr. CHILES, Mr. LEAHY, Mr. BELLMON, Mr. BAKER, Mr. EAGLETON, Mr. CHAFEE, Mr. PERCY, Mr. CHURCH, Mr. HEINZ, Mr. RIEGLE, Mr. THURMOND, Mr. BURDICK, Mr. COHEN, Mrs. KASSEBAUM, and Mr. SCHMITT):

S. 489. A bill to amend title XVIII of the Social Security Act to eliminate certain restrictions and limitations imposed for the receipt of home health services and to make more accessible home health services to those in need, and for other purposes; to the Committee on Finance.

MEDICARE HOME HEALTH AMENDMENTS OF 1979

● Mr. DOMENICI. Mr. President, I am introducing today, with Mr. PACKWOOD, a bill to amend title XVIII of the Social Security Act to eliminate certain restrictions and limitations imposed on the receipt of home health services, to expand the definition of "home health services" and to make home health services more accessible to those in need.

I am also pleased that Senator CHILES, chairman of the Senate Special Committee on Aging, and Senators LEAHY, BELLMON, BAKER, EAGLETON, CHAFEE, PERCY, CHURCH, HEINZ, RIEGLE, THURMOND, BURDICK, COHEN, KASSEBAUM, and SCHMITT have joined us in cosponsoring this legislation.

Home health care services can do a great deal to meet the health care needs of our country. Home health care must be an integral part of a complete health delivery system, and can provide a viable alternative to inappropriate and unnecessary institutionalization.

Mr. President, with an inflation rate currently running at 10.4 percent and rising, it is time we give serious consideration to methods to help reduce unnecessary health spending. Home health care is such an approach.

In the United States today there are over 22 million Americans who are over age 65. Recent population predictions indicate that between 1975 and the year 2000 we can expect:

The age group 65 to 74 to increase by 22.8 percent; the age group 75 to 84 to increase by 56.9 percent; the age group 85 and over to increase by 91.1 percent; and the overall population 65 and over will increase to 31.8 million persons by the year 2000.

With an increase in the size of the elderly population there will also be an increase in the rate of utilization of health services, since there is a sharp increase in the prevalence of chronic diseases and physical impairment associated with advancing age. Subsequently, the range of health-related problems currently experienced by the older population is expected to widen and diversify with the increasing numbers of older persons in the population.

Research indicates that the elderly are more likely than younger persons to suffer from the disabling effects of multiple chronic and acute health conditions. As the number of older Americans with severe chronic conditions increases, the availability of medical services must also increase. As a result, there is and will continue to be a growing need to develop and implement effective health care delivery systems which will maximize an individual's independence and enable them to remain in their own homes. Thus, there is an unquestioned need to increase the effectiveness and availability of home health care under the medicare program.

Mr. President, home health care can be a cost-effective approach. It can work to minimize unnecessary hospitalization and premature institutionalization. I am a strong advocate of reducing health care costs, and I truly believe there is a need for expanded home health care services as one means of accomplishing this objective. Such an approach also involves the family and various information community support mechanisms. Home health care brings together both medical and nonmedical services in a noninstitutional setting, and is thus a more humane way to provide care.

In this time of rapidly increasing health care costs, it is important to strengthen alternative forms of providing health care; with particular emphasis on attempts to minimize unnecessary hospitalization and control rising hospital costs. Home health care is a mechanism which will allow patients to be discharged earlier from a hospital. A patient might be able to recover from a serious illness without extended hospitalization if expanded home health services are made available. Further, it has been shown that home health care can be cost effective.

Recent data obtained from Michigan, Illinois, and Louisiana demonstrate that the average cost per patient per month for home health care is less than the average cost per patient per month for nursing home care. This coincides with a December 1977 GAO report on home health which stated that—

> Until older people become greatly or extremely impaired, the cost of nursing home care exceeds the cost of home care.

Furthermore, preliminary findings from a Monroe County, N.Y., long-term-care study indicate that the public costs of home health care for medicaid clients are one-half the comparable institutional rates. In addition, Secretary Califano has stated that as many as 100,000 of the 700,000 people in the Nation's acute care hospitals do not need to be there and could be better cared for at home. He stated that the extra cost amounted to approximately $2.6 billion a year. This is one example where funds could be better used to pay for the costs of home health care.

The bill I am introducing today with Senators PACKWOOD, CHILES, LEAHY, BELLMON, BAKER, EAGLETON, CHAFEE, PERCY, CHURCH, HEINZ, RIEGLE, THURMOND, BURDICK, COHEN, KASSEBAUM, and SCHMITT expands home health services under medicare through the following provisions:

ELIMINATION OF 3-DAY PRIOR HOSPITALIZATION REQUIREMENT

Under current law, in order to receive home health benefits under part A, beneficiaries must be hospitalized for at least 3 consecutive days. By eliminating this requirement, the more than 1 million beneficiaries who have only part A coverage will be saved the additional expense and anguish of having to be hospitalized prior to becoming eligible for home health services.

UNLIMITED HOME HEALTH VISITS UNDER PARTS A AND B

Under current law, part A beneficiaries are eligible for 100 home health visits per benefit period during the year following at least 3 consecutive days in a hospital and 100 visits per calendar year under part B. By eliminating this provision, we are making home health services more accessible and meaningful. Through the expanded availability of these services we are also able to utilize home health care as a catastrophic concept; that is, to provide home health care to maintain an individual who is seriously ill in his or her own home.

OCCUPATIONAL THERAPY

Under current law, a home health recipient must first be in need of a primary service, such as skilled nursing care, before being allowed to obtain occupational therapy services. Under my bill, occupational therapy would be established as a primary service, not a secondary service as it is currently considered.

Occupational therapy assists a patient in reacquiring the use of parts of his or her body or in resuming daily activities. For example, a person who has suffered a stroke needs to learn how to use those parts of his body that were affected, in coordination with those parts that were not. Occupational therapy will help make a patient independent by "inhibiting further deformity, and reducing the need for rehospitalization, corrective surgery, and premature institutionalization."

PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS

In 1978, the Congress passed landmark legislation establishing the Rural Health Clinics Services Act," section 1861(aa) of medicare. This was important legislation because it set a precedent for the development and expansion of preventative health services in rural areas. Consequently, physician assistants and nurse practitioners are now permitted to provide certain medical services, as permitted by their individual States. Because there are a limited number of physicians in rural areas, we are amending current law to allow physician assistants and nurse practitioners who are under the general supervision of a physician, to establish a plan of care for a home health patient living in a rural area. This is another important provision in our attempt to make home health services more available in underserved rural areas.

REGIONAL INTERMEDIARIES

As most of my colleagues know, there is a great variation in the administrative and reimbursement practices among the various intermediaries with respect to home health providers. I have had a number of discussions with individual home health agencies over their continuing problems with the intermediaries. In addition, my great concern over fraudulent activities that occur in the field of home health care, such as overbilling and double billing, has led me to conclude that regional intermediaries for home health agencies can be a very effective approach for combating fraud and abuse. Too often home health care is viewed as a minor portion of an intermediary's work.

As a result, the intermediary's effectiveness in this rapidly growing area has been limited. Further, by designating intermediaries specifically for home health care, we can develop the expertise needed to control fraud and abuse in this expanding new field. Further, regional intermediaries will perform such activities as, first, monitoring home health agency costs in each region; second, prepare and publish annual cost comparison tables in each region, giving the name, address, and type of each such agency, and these tables will be available to each individual upon request; and third, monitor such standards that are developed by the Secretary as defined in section 1861(o)(7).

TRAINING FOR HOME HEALTH AIDES

Because of the need to insure the quality of home health services, this bill requires that home health aides will have to complete a training program which has been approved by the Secretary. Currently there are home health agencies which contract for home health aide services. As a result, it is difficult to control the quality of the service, as well as effectively assess the aides' training, knowledge and experience in the field. By requiring that all home aides complete a training course approved by the Secretary, we are furthering our efforts to provide quality services.

DEMONSTRATION PROJECTS FOR UTILIZATION REVIEW

Utilization review is currently in law for hospitals and skilled nursing facilities, and the concept has been working. Before expanding utilization review to apply to home health agencies we felt it was necessary to test the concept first. We have designed the focus of the utilization review committee for home health agencies to: first, focus on the quality and efficacy of home health care; second, monitor the continued need for such services; third, determine if the services are being provided in accordance with the patient's plan of care; fourth, determine if such services are appropriately used; and fifth, determine that a reassessment of the patient's need is periodically done and appropriate revisions are made to the plan of care.

In addition, we have said that the concept of utilization review can be tested, through a single agency or multiagency utilization review committee structure. The committee must be composed of professional personnel from the agencies, and at least three professional personnel, including at least one physician and one representative from the community served, who have a working knowledge of home health care and who are not employees of the home health agency and have no financial interest in the home health agencies.

DUTIES OF THE SECRETARY

Because of the changes we are making in current law, specifically with reference to providing unlimited home health visits and the overall cost of home health care, we are requiring that the Secretary:

First. Monitor the costs of home health services and report to the Congress within 30 days if he determines that the cost of home health services is increasing at a rate greater than the rate of increase in the medical care services component of the Consumer Price Index. This report would include any recommendations for action, including recommendations for legislative action, which the Secretary considers necessary or appropriate;

Second. Report to the Congress 3 years after the date of the enactment of this act on the frequency of use of home health services by individuals who are eligible. This report would include an analysis of the increase, if any, in the number of home health visits resulting in the removal of the 100-visit limit and any recommendations with respect to a numerical limitation on such visits;

Third. Develop standards for the training of home health aides, and uniform standards for data collection to insure appropriate evaluation of care;

Fourth. Establish a uniform reporting system for billing a home health patient on a bimonthly basis which would specify the types of service(s) provided, the time of day and the date it was provided, by whom it was provided, and the length of the visit; and

Fifth. Establish "reasonable cost guidelines" for specific line item costs, such as transportation, administrative salaries, fiscal services, legal services, public relations, et cetera.

This section is extremely important because it not only requires the Secretary to monitor costs of home health care and the frequency of use of home health services, but we have added two other important components to help minimize fraudulent activities. The bimonthly uniform reporting system, with the requirements we have built in, allows the patient to doublecheck the agency to make sure that the services they are being billed for were actually provided.

Through the establishment of reasonable cost guidelines for specific line item costs, home health agencies will be required to further "break out" their costs for the specific areas, such as those listed above.

Mr. President, I truly believe that the Medicare Home Health Amendments of 1979 pull together in one bill changes and additions which will make home health services more effective and available to older Americans.

I am hopeful that the Finance Committee will give prompt and favorable consideration to this legislation and that all of my colleagues will join in support and passage of this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medicare Home Health Amendments of 1979".

SEC. 2. (a) Section 1811 of the Social Security Act is amended by inserting "and home health services" immediately after "hospital and related post-hospital services".

(b) Section 1812(a)(3) of such Act is amended to read as follows:

"(3) home health services.".

(c) Section 1812(d) of such Act is repealed.

(d) Section 1812(e) of such Act is amended—

(1) by striking out "(b), (c), and (d)" and by inserting in lieu thereof "(b) and(c)"; and

(2) by striking out "post-hospital extended care services, and post-hospital home health services" and inserting in lieu thereof "and post-hospital extended care services".

(e) Section 1814(a)(2)(D) of such Act is amended to read as follows:

"(D) in the case of home health services, (i) such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861 (m)(7)) and needed skilled nursing care on an intermittent basis, or physical, occupational, or speech therapy; (ii) a plan for the furnishing of such services has been established and is periodically reviewed by a physician or, in the case of home health services provided in a rural area described in clause (i) of the second sentence of section 1861(aa)(2) by a physician's assistant or nurse practitioner (as defined in section 1861(aa)(3)) who is under the general supervision of a physician and is certified as being competent to establish and review such a plan (as determined pursuant to regulations of the Secretary); and (iii) such services are or were furnished while the individual is or was under the care of a physician; or".

(f)(1) Section 1814(i)(1) of such Act is amended by striking out "posthospital".

(2) Section 1814(i)(2) of such is amended—

(A) by striking out "that individuals have conditions designated in regulations as provided in this subsection" and inserting in lieu thereof "with respect to the condition of conditions by reason of which the individual is required to have home health services"; and

(B) by inserting after "physician" each place it appears therein, "or physician's assistant or nurse practitioner (as defined in section 1861 (aa)(3)) certified under subsection (a)(2)(D)".

(3) The heading of section 1814(i) of such Act is amended by striking out "posthospital".

(g) Section 1832(a)(2)(A) of such Act is amended by striking out "for up to 100 visits during a calendar year".

(h) Section 1834 of such Act is repealed.

(i) Section 1835(a)(2)(A) of such Act is amended to read as follows:

"(A) in the case of home health services, (i) such services are or were required because the individual is or was confined to his home (except when receiving items and services referred to in section 1861(m)(7)) and needed skilled nursing care on an intermittent basis, or physical occupational, or speech therapy; (ii) a plan for the furnishing of such services has been established and is periodically reviewed by a physician or, in the case of home health services provided in a rural area described in clause (i) of the second sentence of section 1861(aa)(2), by a physician's assistant or nurse practitioner (as defined in section 1861(aa)(3)) who is under the general supervision of a physician and is certified as being competent to establish and review such plan (as determined pursuant to regulations of the Secretary); and (iii) such services are or were furnished while the individual is or was under the care of a physician;".

(j) Section 1861(m) of such Act is amended—

(1) in the matter preceding paragraph (1), by insering "or, in the case of home health services provided in a rural area described in clause (i) of the second sentence of subsection (aa)(2), by a physician's assistant, or nurse practitioner (as defined in subsection (aa)(3)) who is under the general supervision of a physician and is certified as being competent to establish and review such a plan (as determined pursuant to regulations of the Secretary)" immediately after "reviewed by a physician";

(2) by inserting "who has successfully completed a training program which is in

conformity with applicable standards developed by the Secretary under section 1861 (o)(6))" before the semicolon at the end of paragraph (4); and

(3) by adding at the end thereof the following new sentence: "In establishing the plan required by this subsection the physician (or physician's assistant or nurse practitioner) shall include a program of patient education aimed at achieving (to the maximum extent feasible) independence for the individual from the need for care provided by other persons.".

(k)(1) Section 1861(n) of such Act is repealed.

(2) Section 1861(e) of such Act is amended by striking out "subsections (i) and (n) of this section" each place it appears and inserting in lieu thereof in each instance "subsection (i) of this section".

(1) Section 1861(o) of such Act is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by inserting before the semicolon at the end of paragraph (6) the following: ", which shall include standards developed by the Secretary with respect to health, safety, and the quality and appropriateness of services, including (A) training of home health aides, and (B) uniform standards for data collection to ensure appropriate evaluation of care"; and

(3) by adding after paragraph (6) the following new paragraphs:

"(7) submits on a bi-monthly basis, in accordance with uniform standards to be established by the Secretary, a bill to each individual receiving home health services from such agency which lists all services provided to such individual during that two-week period, the day on which each service was provided, the charge for each service, and the name and title of the individual who provided each service; and

"(8) meets such additional requirements as the Secretary may find necessary for the effective and efficient operation of the programs established under this title.".

(m)(1) Section 1816(e) of such Act is amended—

(A) by inserting "(subject to the provisions of paragraph (4))" after "the Secretary may" in paragraph (2); and

(B) by adding the following new paragraph at the end thereof:

"(4) Notwithstanding subsections (a) and (d) and paragraphs (1), (2), and (3) of this subsection, the Secretary shall designate regional agencies or organizations which have entered into an agreement with him under this section to perform functions under such agreement with respect to home health agencies (as defined in section 1861(o)) in the region (except those home health agencies which choose to have payments made to them directly by the Secretary). Such agencies or organizations shall perform activities such as monitoring home health agency costs in each region, preparing and publishing annual cost comparison tables for such agencies in each region, and monitoring the standards that are developed by the Secretary under section 1861(o)(6).".

(2) Section 1842(f) of such Act is amended—

(A) by inserting "(but subject to paragraph (3))" after "other persons" in paragraph (1);

(B) by inserting "(but subject to paragraph (3))" after "providers of services only" in paragraph (2);

(C) by striking out "and" at the end of paragraph (1);

(D) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(E) by adding at the end thereof the following new paragraph:

"(3) with respect to home health agencies, only a regional agency or organization designated by the Secretary under section 1816 (e)(4).".

(n) Section 226(c)(1) of such Act is amended—

(1) by striking out "and post-hospital home health services" and inserting in lieu thereof "and home health services"; and

(2) by striking out "or post-hospital home health services" in clause (B).

(o) Section 7(d)(1) of the Railroad Retirement Act of 1974 is amended by striking out "posthospital home health services" and inserting in lieu thereof "home health services".

SEC. 3. (a) The Secretary of Health, Education, and Welfare shall establish, in accordance with the provisions of section 1861(v)(1)(A) of the Social Security Act, guidelines for the direct and indirect incurred costs of providers of home health services, within 120 days after the date of the enactment of this Act, and such guidelines shall be the basis for determining reasonable cost for home health services as provided in such section 1861(v)(1)(A). The guidelines shall apply to specific line item costs which constitute home health services.

(b) The Secretary of Health, Education, and Welfare shall monitor the costs of home health services and shall report to the Congress within thirty days if he determines for any period that the cost of home health services is increasing at a rate greater than the rate of increase in the medical care services component of the Consumer Price Index (as determined by the Department of Labor). Such report shall include any recommendations for action, including recommendations for legislative action, which the Secretary considers necessary or appropriate.

(c) The Secretary of Health, Education, and Welfare shall issue an interim report to the Congress eighteen months after the date of the enactment of this Act, and shall issue a final report to the Congress three years after the date of the enactment of this Act, on the frequency of use of home health services by individuals eligible for benefits under part A, or enrolled under part B, of title XVIII of the Social Security Act. The report shall include an analysis of the increase (if any) in the number of home health visits resulting from the removal of the one hundred visit limit (under this Act), and any recommendations with respect to a numerical limitation on such visits.

SEC. 4. (a) The amendments made by section 2 shall, except as provided in subsection (b), apply with respect to items and services furnished on or after the first day of the first month which begins more than one hundred twenty days after the date of the enactment of this Act.

(b) The standards required to be developed by the Secretary of Health, Education, and Welfare by the amendment made by section 2(l)(2) shall be developed within one year after the date of the enactment of this Act.

SEC. 5. (a) The Secretary of Health, Education, and Welfare shall establish demonstration projects to test, over a two-year period, the effectiveness of agency or multiagency utilization review committees in ensuring the medical necessity, cost efficiency, and appropriate use of home health services.

(b) Such committees shall be composed of professional personnel from the home health agency or from that agency and other home health agencies which share the same utilization review committee with such agency and at least three professional personnel who are not employees of any such agency and have no financial interest in any such agency. The professional personnel who are not employees of any such agency must have a working knowledge of home health care services. Further, the three or more professional personnel who are not agency staff, but are part of the utilization review committee, must include at least one physician and one representative from the community.

(c) The utilization review committee shall be responsible for assuring the efficient use, medical necessity and appropriate utilization of home health services. Such committee shall (1) focus on the quality and efficacy of home health services; (2) monitor the continued need for home health services; (3) determine if the services are being provided in accordance with the patient's plan of care; (4) determine if such services are appropriately used; and (5) determine that a periodic reassessment is made of the patient's needs, with appropriate revisions in the plan of care.

(d) The demonstration projects shall be established in such areas so as to include variations in population density, geographical areas, types of agencies, and types of facilities which house such agencies.

(e) The Secretary shall report to Congress within six months after the completion of the demonstration projects with respect to the effectiveness of the projects and any proposals he may have for legislative action.●

● Mr. PACKWOOD. Mr. President, Senator Domenici and I, joined by Senators Chiles, Leahy, Bellmon, Baker, Eagleton, Chafee, Percy, Church, Heinz, Riegle, Thurmond, Burdick, Cohen, Kassebaum, and Schmitt are introducing the Packwood-Domenici Medicare Home Health Amendments of 1979. We need a rational and compassionate policy to protect our senior citizens from the astronomical costs of health care. Inflation, which victimizes all of us, is especially cruel to the elderly. Their savings are eaten away by extended hospital stays and expensive nursing home care.

This bill will liberalize home health eligibility requirements and provide the elderly with alternatives to costly institutions. The first change will reform medicare laws that now require expensive hospitalization before the individual is eligible for home health care. Two additional liberalizations eliminate restrictive limits on home health care beneficiaries.

In addition to expending eligibility, the bill recognizes the need for adequate consumer information to the elderly on the costs and availability of home health services. Finally, the bill establishes effective mechanisms to monitor and control the costs of home health care.

Specifically, the Packwood-Domenici bill broadens current eligibility for home health care by eliminating the 3-day prior hospitalization requirement under part A, medicare hospitalization insurance, by adding occupational therapy as a primary condition in determining eligibility for home health care, and by eliminating the limitation on visits under both parts A and B of medicare insurance.

By eliminating the 3-day prior hospitalization requirement, 1.1 million beneficiaries, who have only part A of medicare, will have increased access to home health benefits. At the present time, beneficaries with only hospital insurance under medicare are not eligible to receive home health care unless they have been hospitalized for a 3-day period.

The bill also adds occupational therapy as a skilled service in determining eligibility for home health services. Under current law, in order to receive home health services, an individual must be confined to his home, be under the care of a physician, and need either skilled nursing care, speech therapy, or physical therapy. The proposed liberalization would add occupational therapy as a fourth criterion. Occupational therapy, like the other services mentioned above, is a skilled service that teaches an individual self-care in coping with a disabling injury.

The third liberalization provides an unlimited number of home health visits. Currently, individuals are eligible for 100 home health visits per benefit period under parts A and B. In order to prevent excessive utilization of home health visits, as a result of this change, the Secretary of HEW is required to report to the Congress within 3 years regarding increases in the number of home health visits.

Currently, patients must receive care in costly institutions simply because of restrictive eligibility rules that prevent the elderly from receiving skilled nursing care, or occupational, physical or speech therapy in their homes. The proposed liberalizations in this bill can shorter hospital stays for the elderly, help reduce medicare costs for hospital stays, and allow the elderly to receive care in their own homes.

In an effort to cut costs and provide much needed consumer information, this bill instructs the Secretary to designate a single intermediary agency per region. At the present time, regions are served by several intermediaries which can result in double billing by home health agencies. Designation of one intermediary avoids this.

One function of the intermediary will be to provide elderly consumers with necessary home health consumer information. The intermediary would provide the home health consumer with information about home health agencies operating in a region, their address and list all services provided by that agency and the cost of each service. This table will be a useful tool in helping seniors determine which agency best suits the individual's personal needs at the lowest cost.

The regional intermediary is also required to monitor the costs of home health care in a region. If the Secretary of HEW determines that costs of home health care are increasing at a rate greater than the rate of increase of the Consumer Price Health Index, then he is to report this increase to Congress along with recommendations for remedial action.

A third function of the regional intermediary is to monitor standards developed by the Secretary regarding training of home health aides and proper evaluation of quality of care. This legislation requires the development of standards for training courses for home health aides by the Secretary of HEW. The regional intermediary is responsible for monitoring the application of these standards.

The bill also allows a registered physician's assistant or a certified nurse practitioner under the general supervision of a physician to develop a home health care plan that is designed to provide services based on the specific needs of the patient. This provision could increase access to home health care for individuals in rural areas where physicians serve large areas and the ratio of doctors to patients is unfavorable.

The bill provides for demonstration projects for home health utilization review programs. The purpose of utilization review procedures is to provide a mechanism for determining if the physician's plan and the delivery of home health services are meeting the needs of the patient. Participants on the utilization review boards will include personnel of the home health agency. In addition, there will be at least three professional personnel (one of whom must be a physician), who are not associated with or have any financial interest in the home health agency.

Although utilization review boards have not been applied to home health agencies, these procedures have worked effectively in law since being applied to hospitals and skilled nursing facilities. These demonstration projects will test the effectiveness of review boards in monitoring the patient's continued need for services, in determining the quality of health care being provided and in providing a mechanism for periodically reviewing the patient's needs.

Recent instances of fraud in the health care area have victimized the elderly. There are two important provisions contained in this legislation that will help to reduce fraud in the home health area. One provision requires the Secretary to establish a uniform reporting system for billing purposes. The system would require a bimonthly billing that would delineate the type of service rendered, including the date, time and length of visit. The second provision instructs the Secretary to set up reporting guidelines for specific line item costs. Under this provision, home health agencies would be required to disclose information regarding charges for items such as transportation, administration salaries, and legal services.

Finally, the Secretary is instructed to file an interim report after 18 months and a final report in 3 years after enactment of the legislation on the frequency of use of home health services. The report would include an analysis of overutilization of home health care as a result of program liberalizations.

All of the changes outlined above will help to insure that our Nation's senior citizens, who do not require full-time skilled care, will have better access to home health services.

The program liberalizations embodied in this legislation will help to make the delivery of home health services more responsive to the needs of the unattended, chronically ill seniors. The accompanying cost control mechanisms will help insure that program liberalizations meet the needs of the elderly, and do not create opportunities for fraud or waste in home health care. The elderly need and deserve their independence and dignity. It is time we provided a no-nonsense solution to the services they need, and at a cost this Nation can afford.●

Mr. LEAHY. Mr. President, I am extremely pleased to join my colleagues, Senators DOMENICI, PACKWOOD, and CHILES, in introducing amendments to title XVIII of the Social Security Act.

This legislation will increase home health benefits for the elderly under medicare. It also includes provisions to assure a more efficient and economical administration of home health benefits under the medicare program.

First, the bill would remove the current requirement under medicare that recipients of home health care be hospitalized for 3 consecutive days prior to receiving in-home health services. The current requirement has resulted in the unnecessary, inappropriate, and costly hospitalization of many elderly people. The present requirement can create a ping-pong effect where a patient goes to a hospital for 3 days to be eligible for home health, and then returns to the hospital after having exhausted the allowable number of home health benefits. The removal of the 3-day prior hospitalization requirement is especially important in view of our need to contain, wherever and whenever possible, hospital costs. Its removal would benefit an estimated 1.1 million people.

Second, this legislation would increase the number of home health visits allowable under medicare parts A and B (hospital and medical insurance). Medicare beneficiaries are presently limited to 100 visits under each part.

This benefit improvement will not be costly. Approximately 2 percent of medicare beneficiaries exhaust the total number of allowable visits. Yet removing the visit limitation may result in keeping this small percentage of individuals who are in need of additional care out of more costly institutions.

Throughout the development of the medicare legislation in 1965, it was clear that the inclusion of home health benefits was intended to control the costs of hospital and nursing home care. Based on its philosophy that home health care should be "an alternative to costly institutional care," the Senate Finance Committee at that time recommended that the number of allowable visits should be 175 and not 100. The Senate Finance Committee had the wisdom and foresight to acknowledge the need for expanded home health services some 14 years ago. Yet, its recommendations have unfortunately still not been implemented.

This legislation would remove the present medicare requirement that a recipient of home health services also require either skilled nursing or physical therapy or speech pathology in order to obtain the services of an occupational therapist in the home. This current restriction is unfair and unrealistic. When an elderly arthritic homemaker is only in need of occupational therapy in the home, it is senseless to forbid her these services because she is not in need of a host of other services.

Occupational therapy has been described as the art and science of increasing the independence and productivity of people who have incurred physical, psychological, and developmental disabilities. Occupational therapists work primarily with patients who have been impaired by heart attacks, strokes, diabetes, arthritis, physical trauma, spinal cord injuries, or emotional illness. The Health Insurance Association of America has stated that:

> Occupational therapy is a professional health care service, which when properly used, can be instrumental in decreasing hospital confinement, disability, and the ultimate cost of health care.

This legislation would also make several major administrative improvements in the home health care program. Most notably, it further recognizes the significant role that nurse practitioners and physician assistants play in the delivery of health care in rural areas. This bill would allow nurse practitioners and physician assistants, under the general supervision of a physician, to establish a plan of care for home health patients living in rural areas.

The Rural Health Clinic Services Act, which Senator Dick Clark and I sponsored in the 95th Congress, has already accomplished a great deal toward alleviating the problem of health delivery in rural areas. This act permits the reimbursement of services rendered by physician assistants and nurse practitioners in clinics in rural, medically underserved areas.

As Senators know, while rural America contains almost one-third of this Nation's population, it is served by only 12 percent of the country's physicians. The provision of this home health legislation is especially significant in this light and in view of the fact that it has been estimated that over 50 percent of the rural elderly suffer from continued poor health; 87 percent of the rural elderly suffer from some form of chronic illness and 36 percent of these people are compelled to restrict their activities.

The bill also requires that home health aides complete a training program in order to improve the uniformity of services throughout the country and to upgrade the status of these aides.

In addition, it addresses the present inequity in administrative and reimbursement practices by requiring the Secretary of the Department of Health, Education, and Welfare to designate regional intermediaries specifically for home health care.

The Secretary, under this legislation, is further required to establish a uniform reporting system for the billing of home health patients on a bimonthly basis. The Secretary would also be required to establish large scale demonstration projects for utilization review of home health agencies in order to insure the quality and efficacy of home health care.

Mr. President, the Federal Government has too long been biased toward institutionalization of the elderly in its laws, its regulations, in the funding of its programs. Our very well intentioned medicaid and medicare programs have only served to encourage the displacement of older citizens from their homes to nursing homes or hospitals.

A dismal 3 percent of the budgets of five Federal programs for the elderly goes for home health care. This, despite the fact that a 1977 General Accounting Office report found that:

> Until older people become greatly or extremely impaired, the cost of nursing home care exceeds the cost of home care.

This same study estimates that approximately 25 percent of the nursing home population could be cared for on less intensive levels if adequate home care were available.

Reasonable, responsible expansion of home health care can only serve to hasten the cost effective use of our financial resources in meeting the health care needs of the Nation's elderly. Not only is this responsible in a fiscal sense, but it is absolutely imperative when we consider that there have been no increases or improvements in general medicare benefits for the aged and disabled since 1972.

While this legislation is not perfect in that even more expansion of home care would be desirable, I feel that it is a major beginning toward reversing the institutional bias which prevents the medicare program from meeting the health needs of older Americans.

The old cliche, "There's no place like home," must bear some truth. Why else would institutions cling to the word in order to mollify the more unappealing aspects of institutional living. There are "homes" for the aged, nursing "homes," convalescent "homes." But our country, our culture strongly believes in the family life, the homelife, the concept of personal freedom and personal independence. While there will always be people who require full-time care in an institution, those capable of remaining in their own homes should have the freedom, the right to choose where they shall be cared for.

This legislation reaffirms that belief and I am hopeful that it will be passed by the Senate in the near future in order to insure a more productive and independent future for an important part of this Nation's population—the elderly.

By Mr. DOMENICI (for himself, Mr. Schmitt, Mr. DeConcini, and Mr. Goldwater):

S. 490. A bill to protect archeological resources owned by the United States, and for other purposes; to the Committee on Energy and Natural Resources.

ARCHEOLOGICAL RESOURCES PROTECTION ACT OF 1979

● Mr. DOMENICI. Mr. President, I rise today to introduce legislation which will provide improved protection for important archeological sites on public lands. I am joined by my distinguished colleagues from New Mexico (Mr. Schmitt), and Arizona (Mr. DeConcini and Mr. Goldwater). I am pleased that Congressman Udall has introduced a companion measure in the House of Representatives.

Mr. President, this bill provides improved protection for archeological resources and sites on Federal lands. Theft of valuable artifacts from public lands in the Southwest has become a very serious problem and the present law does not give land managers adequate authority to prevent this from happening. Virtually, thousands of dollars worth of prehistoric Indian artifacts have been taken from public lands in New Mexico. Put simply, they are irreplaceable. The men and women who crafted these artifacts are long gone. The age that shaped their creativity is long past.

The bill provides that no archeological resources may be disturbed or removed from public lands without first receiving a permit from the Secretary of the agency whose lands are involved. It also requires that the archeological resources removed must be preserved for a satisfactory period of time in a museum or university.

The legislation imposes penalties for those convicted of removing or damaging archeological resources on public lands without a permit.

Mr. President, I ask unanimous consent that an article which appeared in the Santa Fe New Mexican be printed in the Record following my remarks. The article describes the problems we are having in the Southwest and points to the need for this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 490

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as the "Archaeological Resources Protection Act of 1979".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.
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Sec. 9. Confidentiality.
Sec. 10. Regulations.
Sec. 11. Savings provisions; mining; rock collection.
Sec. 12. Report.

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) archaeological resources on land owned or controlled by the United States are an available and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness; and

(3) existing Federal laws are inadequate to prevent the loss and destruction of these archaeological resources resulting from uncontrolled excavations and pillage.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the preservation of archaeological resources on all lands owned or controlled by the United States.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "archaeological resource" means any material remains of past human life or activities which are at least 50 years of age and which are of archaeological interest, as determined under regulations promul-

gated by the Secretary of the Interior. Such term includes but is not limited to: pottery, bottles, weapons, weapon projectiles, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, non-fossilized and fossilized paleontological specimens when found in an archaeological context, and carbonized or non-carbonized human and faunal feces. The Secretary shall promulgate regulations under this paragraph only after consultation with other Federal land managers and with representatives of concerned State agencies.

(2) The term "Secretary" means the Secretary of the Interior, except that with respect to any land owned or controlled by the United States the primary management authority for which is vested in the Secretary of any other Department or the head of any other agency or instrumentality of the United States, such term means the Secretary of such other Department or the head of such other agency or instrumentality, as the case may be.

(3) The term "Indian lands" means all lands within the exterior boundaries of any Federal Indian reservation and all lands held in trust for or supervised by an Indian tribe.

(4) The term "person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the United States or of any State or political subdivision thereof.

EXCAVATION AND REMOVAL FROM FEDERAL LAND

SEC. 4. (a) Any person may apply to the Secretary for a permit to excavate or remove any archaeological resource located on land owned or controlled by the United States or to carry out both such activities.

(b) A permit may be issued pursuant to an application under subsection (a) permitting excavation or removal of any archaeological resource, or permitting both excavation and removal of any such resource, if the Secretary to whom such application is made determines, under regulations promulgated by the Secretary of the Interior, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge, and

(3) where appropriate, the resources involved and copies of archaeological records and data associated with the excavation of such resources will be preserved for a satisfactory period of time by a suitable university, museum, or other scientific or educational institution.

Such permit shall contain such terms and conditions as the Secretary concerned deems necessary (under regulations promulgated by the Secretary of the Interior) to carry out the purposes of this Act, to insure compliance with other applicable provisions of law, and to protect other resources involved. The Secretary of the Interior shall promulgate regulations under this subsection only after consultation with—

(1) other departments and agencies of the United States having primary responsibility for the management of land owned or controlled by the United States, and

(2) representatives of concerned State agencies.

(c) The Secretary to whom an application is made under subsection (a) may refuse to issue a permit under this section to any applicant—

(1) against whom a civil penalty has been assessed under section 6(a) or

(2) who has been convicted of a violation under section 6(b) or under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433).

Any permit issued under this section may be suspended by the Secretary for not more than one year upon his determination that the permittee has violated the prohibition contained in section 5. Any such permit may be revoked by such Secretary upon assessment of a civil penalty under section 6(a) against the permittee or upon the permittee's conviction of a violation under section 6(b).

(d) No permit or other permission shall be required, under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433) for any activity for which a permit is issued under this section.

PROHIBITED ACTS

SEC. 5. (a) No person may excavate or remove any archaeological resource located on land owned or controlled by the United States unless such activity is pursuant to a permit issued under section 4. No person may damage or otherwise injure any such resource, except to the extent necessary in connection with excavation or removal pursuant to such a permit.

(b) No person may sell, purchase, exchange, transport, receive, possess, or offer to sell, purchase, or exchange any archaeological resource removed from land owned or controlled by the United States in violation of—

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, possess, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, received, or possessed in violation of any provision, rule, regulation, or permit in effect under State or local law.

(d) (1) The prohibitions contained in subsections (a) and (b) (1) shall take effect on the date of the enactment of this Act with respect to any excavation or removal carried out after such date.

(2) The prohibitions contained in subsections (b) (2) and (c) shall take effect on the date of the enactment of this Act with respect to any archaeological resource removed, sold, purchased, exchanged, transported, received, or possessed in violation of any other provision, rule, regulation, or permit in effect under any State or other Federal law before, on, or after the date of the enactment of this Act.

PENALTIES

SEC. 6. (a) (1) Any person who violates any prohibition contained in section 5 or who violates any prohibition contained in a regulation or permit issued under this Act may be assessed a civil penalty by the Secretary concerned. Such penalty may be assessed after notice and opportunity for a hearing in accordance with section 554 of title 5 of the United States Code. Any such civil penalty may be remitted or mitigated by the Secretary.

(2) The amount of such penalty shall be determined under guidelines promulgated by the Secretary of the Interior, taking into account—

(A) the value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource (and the archaeological site) involved.

Such guidelines shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty shall be double the amount which would have been assessed if such violation were the first violation by such person.

(3) Any person aggrieved by an order assessing a civil penalty under paragraph (1) may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such a person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (2), or

(B) after a court in an action brought under paragraph (2) has entered a final judgment upholding the assessment of a civil penalty,

the Attorney General may bring an action to recover the amount assessed in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(b) Any person who knowingly violates any prohibition contained in section 5 shall, upon conviction, be fined not more than $20,000 or imprisoned not more than 2 years, or both.

(c) Any individual, partnership, corporation, association, or other legal entity, or any group of individuals associated in fact (although not a legal entity) who knowingly commits two more violations of any prohibition contained in section 5 shall, upon conviction, be fined not more than $100,000 or imprisoned not more than 5 years, or both.

REWARDS; FORFEITURE

SEC. 7. (a) Upon the recomendation of the Secretary concerned, the Secretary of the Treasury is authorized to pay an amount equal to one-half of a civil penalty or fine paid under section 6, but not to exceed $2,500, to any person who furnishes information which leads to the finding of civil violation or the conviction of criminal violation with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided equally among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources excavated, removed, sold, purchased, or exchanged, offered for sale or purchase or exchange, transported, or received in violation of section 5 and all vehicles and equipment used in connection with such violation shall be subject to forfeiture to the United States upon—

(1) conviction of such violation under section 6(b),

(2) assessment of a civil penalty under section 6(a) with respect to such violation, or

(3) a determination by any court that such archaeological resources or other objects were involved in such violation.

INDIAN LANDS

SEC. 8. (a) The Secretary is directed to study and report to Congress concerning the regulation of excavation and removal of archaeological resources from Indian lands which will achieve the purpose of this Act and recognize the special jurisdictional status of these lands. In carrying out this study the Secretary shall consult with Indian tribes. The study report shall include proposed legislation designed to allow Indian tribes to elect to assume full regulatory authority over the administration and enforcement of regulation of such excavation and removal.

(b) The study report required by subsection (a) together with drafts of proposed legislation and the view of each Indian tribe which would be affected shall be submitted to the Congress as soon as possible but not later than June 1, 1980.

(c) After the date of the enactment of this Act, all excavation and removal of archaeological resources from Indian lands shall be subject to this Act.

(d) With respect to permits issued under this Act with respect to Indian lands, the Secretary, shall include and enforce terms and conditions in addition to those required by this Act as may be requested by the Indian tribe.

(e) The Secretary shall provide for adequate participation by the various Indian tribes affected in the study authorized in this section and may make available to the tribes such sums as may be necessary for this purpose.

(f) The Secretary shall analyze and make recommendations regarding the jurisdictional status of Indian Lands outside the exterior boundaries of Indian reservations. Nothing in this Act shall change the existing jurisdictional status of Indian Lands.

CONFIDENTIALITY

SEC. 9. Information concerning the location of any archaeological resource for the excavation or removal of which a permit or other permission is required under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Secretary concerned determines that such disclosure would—

(1) further the purposes of this Act, and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

REGULATIONS

SEC. 10. (a) The Secretary of the Interior, after consultation with any other Secretary having primary authority for the management of any lands owned or controlled by the United States, shall promulgate such rules and regulations as may be appropriate to carry out the purposes of this Act.

(b) Each Secretary having primary management authority over any land owned or controlled by the United States shall promulgate such rules and regulations, consistent with the rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this Act.

SAVINGS PROVISIONS; MINING; ROCK COLLECTION

SEC. 11. (a) Nothing in this Act shall be construed to repeal, modify, or otherwise interfere with the application of the mining or mineral leasing laws of the United States.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock or mineral which is not an archaeological resource, as determined under regulations promulgated by the Secretary of the Interior under section 3(1).

REPORT

SEC. 12. The Secretary of the Interior shall annually, submit a report to the Congress respecting the activities carried out by him under this Act.

Law Protecting Ruins Ruled Unconstitutional

ALBUQUERQUE.—A federal law protecting historic or prehistoric ruins and monuments from excavation was declared unconstitutional by a U.S. magistrate.

The action Monday came in the trial of a man charged with excavating pottery pieces at a 900-year-old Zuni ruin. Archeological experts testified the pottery pieces dated back to 1100 A.D.

Peter Gallagher, a parttime magistrate who was filling in for Magistrate Robert McCoy, dismissed the misdemeanor charges against 25-year-old Harvard medical student Scott Merritt Camazine after the defendant's attorney challenged the U.S. Antiquities Act as being vague.

The statute states excavating, injuring or destroying any historic or prehistoric ruin or monument or any "object of antiquity" on government lands is illegal.

Defense attorney Jay Hertz of Albuquerque challenged the law, saying reasonable persons might not be able to ascertain what a prehistoric ruin or object of antiquity is.

Prosecutor Robert Collins said the U.S. attorney's office would "continue to prosecute antiquities violations with vigor, wherever they occur, despite Gallagher's ruling."

He also warned that to declare the law unconstitutional "would expose all national forests and national parks and their ruins and monuments to wanton and irreversible destitution at the hands of souvenir and commercial pottery hunters."

Arrests of three men in June of this year in the Gila National Forest on similar charges resulted in convictions and they were sentenced by U.S. Magistrate John Darden to social work for a period of time. The defense raised the question of the constitutionality of the federal law at that time but Darden upheld the act.

A similar case also is on record in Arizona. It resulted in a conviction but the defendant appealed to the Ninth Circuit Court of Appeals, which ruled the act unconstitutional.●

By Mr. MATSUNAGA (for himself, Mr. Jackson, Mr. Church, Mr. Long, Mr. Bumpers, Mr. Ford, Mr. Inouye, Mr. Melcher, Mr. Weicker, and Mr. Wallop):

S. 493. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto, and for other purposes; to the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations; if and when reported, jointly to the Committee on Finance to consider title V only, and Committee on Environment and Public Works for not to exceed 60 calendar days; and that such latter committees be required to file separate reports.

DEEP SEABED MINERAL RESOURCES ACT

Mr. MATSUNAGA. Mr. President, I am introducing today, along with Senators Jackson, Church, Long, Bumpers, Ford, Melcher, and Weicker, as cosponsors, the Deep Seabed Mineral Resources Act. This bill is the product of 6 years of work by the Committee on Energy and Natural Resources. It includes many provisions developed by the other Senate committees which have considered predecessor bills; including the Committees on Commerce, Science, and Transportation; Foreign Relations; and Finance.

Mr. President, the recovery of ferromanganese nodules from the deep seabed offers an important new source of cobalt, nickel, copper, and manganese. While estimates of the amount of these potato-sized nodules lying on the bottom of the world's oceans vary, they run into the trillions of tons. The potential is enough to have impelled a number of American firms to expend many millions of dollars to develop the technology for lifting nodules to the surface of the ocean and for refining the ore either on land or at sea.

For more than a decade, the exploration for and development of technology on nodule mining have gone forward, with several countries including the United States, Great Britain, France, West Germany, Japan, Canada, and the Soviet Union having an interest in deep seabed mining. American firms enjoy a lead position in this field but are hesitant to proceed to commercial exploitation without some guarantee of security for their projected large investments of $300 to $500 million for each mine site.

The United States is heavily dependent on the metals contained in manganese nodules, primarily nickel, copper, manganese, and cobalt. There is no domestic mine production of cobalt, almost none of manganese, and very little of nickel. While the United States is a major copper producer, in 1977 nearly 20 percent of the copper consumed in the United States was imported. The reliability of foreign sources and the possibility of cartel action are subjects of grave concern.

Mr. President, the possibility that the vast resources of the deep seabed could become available to the United States through the operations of U.S. nationals while at the same time respecting the rights of all nations under the United Nations resolution declaring the deep seabed to be the "common heritage of all mankind" is a matter of serious legislative concern. Since 1971, bills have been introduced in the Congress to provide some form of investment guarantee and regulation of deep seabed mining activities.

Until 1977, the executive branch repeatedly recommended against any further legislative action for fear of prejudicing the outcome of discussions in the United Nations concerning the third Law of the Sea Conference, and Congress has been cooperative.

The most recent bill, S. 2053, was reported favorably by all three committees to which it was referred. It was also supported by the Carter administration. A companion bill passed the House of Representatives. Unfortunately, there was insufficient time remaining in the 95th Congress to allow consideration on the Senate floor.

Mr. President, I believe that the Senate should and will pass this legislation in 1979. Ambassador Elliot Richardson, who heads the U.S. delegation to the Law of the Sea Conference, has informed me that the administration believes:

> It is important both from the domestic and international perspective to have deep seabed mining legislation enacted as soon as possible.

I ask unanimous consent that the text of the Ambassador's January 3 letter to me be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
January 3, 1979.

Hon. SPARK M. MATSUNAGA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATSUNAGA: Following up our recent telephone conversation I wanted to put on paper some further thoughts regarding the deep seabed mining legislation.

As you know, the Administration and I believe it is important both from the domestic and international perspective to have deep seabed mining legislation enacted as soon as possible and I am therefore very pleased that you have agreed to introduce a mining bill early in the 96th Congress. I am also pleased that you share my view that the goal of early passage will be furthered if this bill contains the language on several key issues agreed to between the Administration and concerned Congressmen and Senators near the end of the 95th Congress.

You may rest assured that I will do everything I can to assist in resolving any problems that may arise and I look forward to working closely with you in your effort to have this important piece of legislation enacted at the earliest possible time. Although I will be out of the country a great deal in the next few months in preparation for the Eighth Session of the Law of the Sea Conference, Robert Blumberg of my staff stands ready to assist you in any way possible.

With warm regard,

Sincerely,

ELLIOT L. RICHARDSON.

Mr. MATSUNAGA. Mr. President, the Deep Seabed Minerals Act will enable the U.S. mining industry to develop an important new source of the raw materials our Nation needs. This development will provide new jobs at sea and on land for our workers in the maritime and metals industries. It will help reduce our dependence on foreign, and in some cases, unreliable sources of supply. It will help reduce our balance-of-payments deficit. Finally, I believe it will help stimulate a law of the sea treaty which will protect the interests of our people, and the people of other nations—developed and undeveloped—around the world.

Mr. President, the principal Senate sponsor of the previous versions of this legislation was our former colleague, the late Senator Lee Metcalf. During our all too brief service together on the Energy and Natural Resources Committee, Senator Metcalf convinced me of the wisdom of the bill's basic objectives and principles. I am proud to carry on the important work which he started. When the Deep Seabed Minerals Act becomes law, it shall stand as a living memorial to Lee Metcalf and all Americans shall be indebted to him.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Senator WEICKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR WEICKER

I am pleased today to join my colleagues in introducing the Deep Seabed Mineral Resources Act. Last year I introduced my own deep seabed mining bill because I was concerned about the future of our oceans and their resources. I feared that failure by the United States Congress to act responsibly could jeopardize not only our domestic ocean interests, but also our international ocean interests as they are negotiated through the Law of the Sea Conference.

From a domestic standpoint it is important to realize that the minerals found in deep seabed manganese nodules, copper, cobalt, nickel and manganese, play a significant role in the defense and economy of the United States. With the exception of copper, the United States has no land based deposits of these minerals and must rely on supplies imported from a variety of other nations. Such a major reliance on foreign suppliers is economically unsound from standpoints of both national security and balance of payments. Although we have no critical strategic need for these minerals at the present time, all projections for the future indicate that our demand will be increasing. Continued complacency about this situation is dangerous, especially when an alternate supply of these minerals is available and has yet to be fully evaluated.

Any exploitation of deep seabed minerals will require many years of planning and development. We must begin now to develop the technology that will be needed 20 years in the future instead of waiting to react to the crisis that may develop.

From the environmental perspective we must realize that we have only just begun to study the environmental effects of deep seabed mining. We do not yet know the consequences that may result from mining activities, especially in the long-term. Without proper environmental assessment and regulation of the industry, development of deep seabed mining is likely to take place with little regard for its environmental impacts.

United States' industry has demonstrated that it is anxious and determined to move ahead with the exploratory phases of deep seabed mining. They have already expended considerable effort and money over the past eight years and are likely to continue their development activities with or without legislation.

Now is the time to pass legislation to assure the orderly development of this new industry as well as to assure protection of the environment in which it will be taking place.

From an international standpoint, the situation is much more complex. Most manganese nodules lie scattered over the floors of the deep seabeds of the world, beyond the limits of jurisdiction of any nation. Under existing international law these minerals can be recovered as a freedom of the high seas. International ocean law is rapidly changing, however, as a result of the continuing efforts of over 150 nations to draft a new legal regime for the oceans through the United Nations Law of the Sea Conference. This Conference, currently in its seventh session, is attempting to draft a comprehensive treaty on international ocean law covering navigational rights, resource allocation, scientific research, environmental protection and mechanisms for settlement of ocean disputes.

There is no country that will benefit more than the United States in the long run if a good treaty agreement can be reached. It is, therefore, in our own best interests to pursue such a treaty with sincerity. Although there are many issues at stake, most have been successfully resolved. The system of deep seabed resource allocation and exploitation, however, has grown to be the key issue and has thus far defied resolution. As with so many United Nations conferences involving negotiations between developed and developing countries, the deep seabed issue has become bogged down by North-South disputes based upon ideological rather than practical considerations.

Some developing nations have become convinced that the only way they can equitably share in the proceeds of the common heritage of mankind is by insuring that all deep seabed mining takes place only under the control of an international authority dominated by their own interests. The United States, on the other hand, believes that it is essential for United States' security and industrial interests that a system of exploitation be designed to accommodate the access to deep seabed minerals by all nations. This access must be assured and not subject to the discretion of other nations or an unfriendly international body.

For many years it was felt that any unilateral action by the United States with respect to deep seabed mining would jeopardize our chances of reaching an overall Law of the Sea agreement. It was believed that any action to encourage deep seabed mining on our part might alienate the developing nations by making it appear to them that we were making a half-hearted attempt to negotiate an equitable distribution of seabed resources while at the same time raping the common heritage of mankind. The negotiating climate has gradually changed over the past year, however, so that we now believe it is important for the United States to pass the right kind of legislation in order to increase bargaining leverage at the Conference.

The right kind of legislation should indicate that until a new regime is agreed to under a Law of the Sea Treaty, the United States is indeed serious about proceeding with deep seabed mining as a present high seas freedom under existing international law. At the same time, however, the legislation must be clearly understood to be transitional, meant only to regulate United States citizens.

The Deep Seabed Minerals Act meets most of the domestic and international concerns I expressed when I introduced my own bill last year. It incorporates many of the environmental protection measures and internationalistic provisions from my bill as well as the innovative ideas and thoughtful recommendations of many of my colleagues. I am particularly pleased that the bill includes the mechanisms to set aside areas of the deep seabed as reference zones in which no mining can take place.

These zones would be used as control areas for future comparative research.

We have come a long way from the special interest deep seabed mining bills that first appeared many years ago. The bill before us today represents a well thoughtout balance between the complex domestic and international issues involved. It is a piece of legislation that has been carefully considered by the Congress, the Administration and the industry.

I still believe, however, that the jurisdiction for deep seabed mining lies with the Secretary of Commerce rather than with Interior. The Secretary of Commerce with its National Oceanic and Atmospheric Administration has ocean expertise and is, therefore, most qualified to administer deep seabed mining.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the Deep Seabed Mineral Resources Act, S. 493, be jointly referred to the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations and after the bill has been reported by such committees, that it be jointly re-referred to the Committee on Finance for the purpose of consideration of title V only, and the Committee on Environment and Public Works, for a period not to exceed 60 calendar days, and that each of such latter committees be required to file separate reports, and if both such committees shall not have reported the bill within 60 days, that they be discharged from further consideration and the bill be placed on the Calendar.

Mr. STEVENS. Mr. President, reserving the right to object——

Mr. MATSUNAGA. I say to the Senator from Alaska this has been cleared with the minority as well as with the majority.

Mr. STEVENS. The time limit did not apply to the committees of first reference—Energy, Commerce, and Foreign Relations—did it?

Mr. MATSUNAGA. No; only to the latter two committees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

By Mr. STAFFORD (for himself, Mr. RANDOLPH, Mr. CHAFEE, and Mr. MOYNIHAN):

S. 494. A bill to amend certain provisions of the Public Buildings Act of 1959, and for other purposes; to the Committee on Environment and Public Works.

PUBLIC BUILDINGS AMENDMENTS OF 1979

Mr. STAFFORD. Mr. President, I am today introducing a bill for myself, for Mr. RANDOLPH, Mr. CHAFEE, and Mr. MOYNIHAN, to amend the Public Buildings Act of 1959 and the Public Buildings Act of 1949. Similar measures were introduced by me last October, near the close of the 95th Congress. At that time I introduced eight bills—S. 3570 through S. 3577. Today I am introducing essentially the same measures in one package bill.

Mr. President, while serving on the Committee on Environment and Public Works as the ranking Republican member, I have become increasingly concerned and convinced that the committee should carefully examine the Public Building Acts—over which it has legislative jurisdiction—and conduct thorough oversight of the public buildings service of the General Services Administration. Recent disclosures of monetary waste, gross mismanagement, and corruption strongly reinforce my conviction.

The recent disclosures of corruption and management failures within the GSA exceed the levels directly responsible to the Committee on Environment and Public Works. I applaud the work of the Subcommitee on Spending Practices chaired by Senator LAWTON CHILES.

But the disclosures illustrate the need to assure safeguards, proper procedures, and competent management in the very important field of building construction, leasing, alteration, and repair—where the Committee on Environment and Public Works must assume initial approval responsibility for projects exceeding $500,000 in cost.

The committee should carefully review not only the Nation's buildings policy, but specifically GSA management procedures and controls over building construction, leasing, alteration and repair. I believe and expect the committee will pursue its concerns in these areas.

I hope this bill will serve only as a beginning of this process, and perhaps as a focal point for further discussion or a point of departure for full oversight of the agency's program.

As I have said on previous occasions, there has not been, so far as I have observed, a coherent Federal policy on buildings. The policies that do exist appear to be in a state of continual change, if not increasing disarray and advanced deterioration. It is painfully clear that a policy must be developed, adopted, logically defined, and clearly enunciated. Furthermore, to protect its integrity, safeguards must be provided to assure that the chosen policy and program is then carried out and firmly adhered to.

Mr. President, I am delighted that Senator RANDOLPH, the chairman of the Committee on Environment and Public Works, has joined with me in this initiative. I am delighted also that Senator MOYNIHAN and Senator CHAFEE, who are charged with responsibility to oversee the committee's important buildings and grounds business, have also joined by cosponsoring the bill.

One provision of the bill I am introducing would in effect reinstate the so-called "purchase contract" method of financing new buildings. It would provide an alternative method of financing and could alleviate the ever-increasing leasing requirements.

Three measures would amend section 7 of the Public Buildings Act of 1959 in order to strengthen congressional control over GSA's activities in the acquisition and the alteration and repair of Government-owned buildings and the alterations of privately owned buildings leased by the Government. At present, no committee authorization is needed to alter privately owned space leased by the Government or to exchange Government-owned property for private property.

Another measure would add a new section to the Public Buildings Act in order to establish criteria by which the Administrator shall be guided for the construction, acquisition, assignment, reassignment, and utilization of office buildings and space under his jurisdiction. At present, the act does not provide any such guidelines or criteria.

One provision would direct GSA to file with the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation two studies which are now being undertaken annually by GSA but which are not sent to these committees. This measure would expand the committee's knowledge when acting upon GSA business.

Another provision would amend the Public Buildings Act of 1949, whereby the Administrator has authority to name and rename buildings, even when they have already been named by an act of the Congress.

Finally, one measure would provide additional congressional control over cost overruns. The present act allows GSA to increase expenditures 10 percent over the authorized figure. The bill would retain this provision, and it would prohibit GSA from decreasing the scope of a construction project by more than 10 percent, without returning to the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Amendments of 1979".

ADMINISTRATIVE CRITERIA

SEC. 2. Section 2 of the Public Buildings Act of 1959 (40 U.S.C. 601) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following:

"(b) The Administrator shall consider the following criteria for the acquisition, assignment, reassignment, and utilization of office building and space under his jurisdiction:

"(1) Primary consideration shall be given to the economical provision of space needs and the efficient performance of the missions and programs of the executive agencies.

"(2) Maximum use shall be made of existing permanent buildings owned by the Government which are adequate or economically adaptable to the space needs of executive agencies.

"(3) Consideration shall be given the use of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 612a).

"(4) Suitable privately owned space shall be leased only when satisfactory Government-owned space is not available or cannot be economically acquired, and then only at rental charges which are consistent with prevailing rates in the community for comparable facilities, except that the provisions of this clause do not supersede the provisions of section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a).

"(c) After the criteria specified in subsection (b) are met, the Administrator shall give maximum consideration to meeting space needs in a manner that will encourage the development and redevelopment of cities, conserve existing urban resources, and improve the social, economic, environmental, and cultural conditions of communities.".

COMMITTEE APPROVAL OF CERTAIN ACTIONS

SEC. 3. Section 7 (a) of the Public Buildings Act of 1959 (40 U.S.C. 606 (a)) is amended to read as follows:

"SEC. 7. (a) (1) (A) Except as provided in section 4 of this Act, no appropriation made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 shall be obligated if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

"(B) Except as provided in subsection (d), no appropriation made to lease any space for use for public purposes at an average annual rental in excess of $500,000 shall be obligated if such lease has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

"(C) If, in the case of any building under lease for use as a public building, the total cumulative cost of all alterations to such building over the term of the lease for such building equals or exceeds $500,000, no appropriation may be obligated to make any additional alteration to such building if any such additional alteration has not been approved by resolutions adopted by the Committe on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

"(D) Notwithstanding any other provision of law, no exchange of property authorized under this Act shall be carried out whenever the currently total independently appraised value of the property exchanged exceeds $500,000 unless the exchange has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

"(2) For the purpose of securing consideration for the approval of construction, alterations, purchases, acquisitions, leases, or exchanges under subparagraphs (A) through (D) of paragraph (1), the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

"(A) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act, or in the case of an exchange of property under this Act, a brief description of all properties involved in the exchange;

"(B) the location of the building or the space to be leased or, in the case of an exchange of property, the location of all properties involved in the exchange, and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased, or of an exchange of property;

"(C) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility, or the space to be leased, or the property received by the United States in an exchange of property, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(D) with respect to any project for the construction, alternation, purchase, acquisition, or exchange of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(E) a statement of rents and other housing costs currently being paid by the Government for Federal agenices to be housed in the building to be constructed, altered, purchased, acquired, in the space to be leased, or in the property received by the United States in an exchange of property.".

EXCESS CONSTRUCTION COSTS

Sec. 4. Section 7(b) of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended to read as follows:

"(b)(1) When the cost of a project exceeds the estimated maximum cost set forth in a prospectus approved under this section, the Administrator is authorized to either (A) increase expenditures by an amount equal to the percentage increase in the cost of the project, or (B) decrease the number of gross square feet to be constructed in the project. In no event shall the total increase in expenditures authorized by clause (A) of this paragraph exceed 10 percent of the estimated maximum cost of the project. In no event shall the total decrease in square feet authorized under clause (B) of this paragraph exceed more than 10 percent of the gross square feet stated in the approved prospectus.

"(2) If the Administrator determines that the cost of a project exceeds the estimated maximum cost set forth in a prospectus approved under this section to such an extent that action under paragraph (1) is not sufficient to meet such excess costs, the Administrator shall report to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives concerning the project. Such report shall include recommendations by the Administrator as to appropriate action to enable the continuance of the project. The Administrator may not take any action to continue the project, other than the action authorized by paragraph (1), unless such action has been authorized by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

LONG RANGE PLANS

Sec. 5. Section 11 of the Public Buildings Act of 1959 (40 U.S.C. 610) is amended by—

(1) redesignating subsection (b) as subsection (d); and

(2) inserting the following new subsections immediately after subsection (a):

"(b) The Administrator annually shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives long-range plans and programs for the acquisition, modernization, and use of space.

"(c) The Administrator annually shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report showing the inventory of real property owned by and leased to the United States.".

FINANCING

Sec. 6. (a) The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 19. (a) The Administrator is authorized to issue obligations to the Secretary of the Treasury, to the extent authorized in annual appropriations Acts, in order to obtain funds necessary to finance the acquisition or construction of any public building when he determines the best interest of the United States will be served. The Secretary of the Treasury is authorized to purchase such obligations, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include such purchases. The repayment of loans made under this section shall be for terms up to thirty years and on such conditions as may be prescribed by the Secretary of the Treasury. In prescribing such terms and conditions, the Secretary of the Treasury shall take into account the useful life of the facility for which funds are to be borrowed and shall not require that repayment begin until the facility is ready for occupancy. Such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities.

"(b) An obligation may be issued under subsection (a) to acquire or construct a public building, only if such acquisition or construction has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, respectively, pursuant to section 7 of this Act.

"(c) The payment of principal and interest on such obligation issued under subsection (a) shall be payable from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949. There are authorized to be appropriated from the fund such amounts as may be necessary to carry out the purposes of this section.".

(b) Section 210(f)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(2)) is amended by inserting immediately after "activities" a comma and the following: "and for payments in connection with the financing of the acquisition and construction of public buildings as authorized by section 19 of the Public Buildings Act of 1959".

NAMING OF BUILDINGS

Sec. 7. Section 410 of the Public Buildings Act of 1949 (40 U.S.C. 298d) is amended to read as follows:

"Sec. 410. (a) The Administrator of General Services is authorized to name or designate any building under the custody and control of the General Services Administration which has not been specifically named or designated by statute.

"(b) Notwithstanding any other provision of law, in naming or designating any building under subsection (a), the Administrator of General Services may not use the name of any individual, living or dead, in the name or designation of any such building.".

By Mr. KENNEDY (for himself, Mr. TSONGAS, and Mr. CHAFEE):

S. 495. A bill to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and for other purposes; to the Committee on Energy and Natural Resources.

FREDERICK LAW OLMSTED NATIONAL HISTORIC SITE

● Mr. KENNEDY. Mr. President, I am introducing legislation, along with Senator TSONGAS and Senator CHAFEE, to establish the Frederick Law Olmsted National Historic Site in Brookline, Mass. Congressman ROBERT DRINAN is today introducing companion legislation in the House of Representatives.

When I first introduced this legislation in 1973, we were celebrating the 150th anniversary of Olmsted's birth. During that year, we saw a renewed interest in the extraordinary achievements of the "Father of Landscape Architecture" and a renewed enthusiasm for preserving the record of his work for all future generations of Americans. In 1976, Congress mandated that the Department of the Interior prepare a feasibility study of the Olmsted Home and Office as a unit of the National Park System. This study has just been transmitted to Congress, and its conclusions fully support Federal action to preserve and protect the Olmsted estate and archival collection. The study concludes that—

> If a careful analysis of the site and collection is not done and decisions rendered as to the need for protection and preservation, a potential exists that the site and collection will be lost forever.

Mr. President, this would be a loss for all Americans. For Frederick Law Olmsted, more than anyone else, was responsible for bringing public green space into our urban centers. His work is recognized and appreciated every day by millions of Americans. It is difficult for us to imagine a New York City without a Central Park or to think of Boston without the Emerald Necklace sweeping along the Charles River through the Fenway, across Jamaica Pond to Franklin Park. Every day, my colleagues in the House and Senate have an opportunity to walk through the Capitol Grounds which Olmsted designed and created. And while we most often take this simple beauty for granted, all of us at different moments are struck by the quiet, peaceful charm, and grace of these Grounds.

Before his death in 1903, Olmsted had created 17 major urban parks, planned entire cities like Riverside, Ill., and designed scores of college campuses from coast to coast. His work contributed to the founding of the National Park System. He was instrumental in preserving Niagara Falls, and the conservation of Yosemite Park is largely the result of his dedication as the chairman of the first Yosemite Park Commission in 1865.

Clearly though, Olmsted's greatest contribution was to our cities. So many of his contemporaries simply assumed that urban residents would have to travel far to enjoy the natural beauty that contributes so much to our quality of life. But Olmsted's genius sparked new concepts in urban planning. Architect, conservationist, engineer, sociologist, he had a wide grasp of social issues and a different vision of life in America's cities. He knew the human need for interaction with nature, and he sensed that a city could only grow and mature if it balanced beauty and development, peace and activity, tranquility, and commercial bustle.

Olmsted predicted that "the further progress of civilization depends mainly upon the influences by which men's minds and characters will be affected while living in large towns." This vision has prevailed. Because of it, urban planning now encourages beautiful landscape as well as buildings. Cities like Boston, New York, Chicago, Milwaukee, Detroit, Buffalo, and Louisville have all benefited by the implementation of Olmsted's plans. And just last year, Congress enacted a major urban parks bill, assuring that Olmsted's vision will continue to prevail.

The Frederick Law Olmsted home and office in Brookline, Mass., has been designated a national historic landmark in recognition of Olmsted's outstanding contribution to the history of this Nation. Through the years, however, it has become clear that further assistance from the Department of the Interior is necessary if the site is to be preserved.

This legislation authorizes the Secretary of the Interior to undertake the preservation and maintenance of Olmsted's home which also served as his office. The bill will assure that thousands of drawings, prints, photographs, and documents will be protected from damage, destruction, or loss. The Secretary would be authorized to enter into cooperative agreements with universities and organizations to make certain that these materials are made available for study. Further amendments may be considered by the Energy and Natural Resources Committee to assure that the numerous individuals and organizations which have expertise in this field are consulted in preparing plans for the proper preservation of Olmsted's home and archival collection.

Mr. President, we have the opportunity with this legislation not only to protect and preserve the heritage of Olmsted's work by preserving his home and papers, but also to renew the commitment of Olmsted to a better quality of life for urban residents. Olmsted envisioned a "sense of enlarged freedom" for those who would enjoy the parklands set among the concrete and pavement of our cities, and it is to renew this same vision that I introduce this bill today.●

● Mr. CHAFEE. Mr. President, I am pleased to cosponsor this bill which would designate the Frederick Law Olmsted house in Brookline, Mass., a national historic site.

Frederick Law Olmsted was the most famous American landscape architect in the 19th century. Each day, millions of Americans from coast to coast experience and enjoy his work. As architect in chief of the winning proposal to design Central Park in New York City, Olmsted began a busy and productive career. Among his works are the Emerald Necklace in Boston, Prospect, Morningside, and Riverside Parks in New York City, Fairmount Park in Philadelphia, and Belle Isle Park in Detroit. The Capitol Grounds, right outside this Chamber, are also Olmsted's creation.

Olmsted played one of the leading roles in bringing the rural beauty and color of open spaces to the heart of our urban centers. Using native shrubs and flowers, Olmsted insured that residents of countless cities would not have to travel long distances to enjoy the beauty and tranquillity of a park. He keenly recognized the need for city dwellers to have open space; for gray concrete and red brick to be punctuated with green grass and trees.

Olmsted's work was not confined to city parks. The landscaped portions of Yosemite and Yellowstone National Parks, as well as Niagara Falls were designed by this man and his firm.

Olmsted's career touched many professions, As a journalist, he wrote the classic study of slavery and the plantation system entitled, "The Cotton Kingdom: A Traveler's Observation of Cotton and Slavery in The American Slave States." During the Civil War, he lent his services as head of the Sanitary Commission and made other contributions to army medical administration and public health. Clearly, Olmsted was dedicated to the preservation of his fellow man as well as the natural environment.

The Frederick Law Olmsted house in Brookline, Mass., served as Olmsted's house and office from 1895 through 1903. when he died. While his professional and personal papers have been donated to the Library of Congress, his major drawings, photographs and work materials are stored in his Brookline house. This collection includes 150,000 drawings, 63,000 prints and photographs dating back to 1860. This extraordinary assemblage is still used as a reference by States and municipalities that wish to rehabilitate their landscapes. In addition, Olmsted's papers are an important source of information about the history of environmental design.

At the present time, the Olmsted house is designated a national historic landmark. While this designation recognizes Olmsted's contribution to American history, it does not allow the National Park Service to take the steps necessary to preserve Olmsted's papers and drawings. By designating this site a national historic site, the Park Service will acquire and maintain the land and buildings. The value of his work will be preserved through time and be readily available to scholars, planners, students, and the public.

Each one of us who has enjoyed strolling through the Capitol Grounds or taken a walk through a national or urban park owes a great deal to the vision and artistry of Frederick Law Olmsted. By designating his home a national historic site we will not only be paying tribute to his life but also insuring that future generations may learn from his wisdom and insight.●

By. Mr. JACKSON (by request):

S. 496. A bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the act of June 24, 1974; 88 Stat. 266), and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. JACKSON. Mr. President, by request, I send to the desk for appropriate reference a bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (the act of June 24, 1974; 88 Stat. 266) and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication and a section by section analysis which accompanied the proposal from the Acting Assistant Secretary of the Interior by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 30, 1979.

Hon. WALTER F. MONDALE,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To increase the appropriation ceiling for Title I of the Colorado River Basin Salinity Control Act (88 Stat. 266), and for other purposes."

We recommend that the bill be introduced and enacted.

The bill would amend Title I of the Colorado River Salinity Control Act for the principal purpose of increasing the appropriation ceiling for that Title I, but for other significant purposes as well. Section 8 would be amended to increase the authorized ceiling to $333,382,000 (based on July 1977 prices). The current authorized ceiling is $155,500,000, which, if indexed to provide for inflation, allows a current authorized ceiling of $219,831,000, based on July 1977 prices. Changes in the authorized project plan would amount to an additional $113,551,000. (A specific breakdown of indexed cost increases and changes is provided on the attached Table 1).

The increases would apply to purposes authorized in Section 101, 102 and 103 of the Act and would provide an additional $10,093,000 (for a total of $10,539,000) for fish and wildlife facilities, and mitigation of fish and wildlife habitat losses, in California and Arizona. A new Section 110 is proposed to authorize specific fish and wildlife mitigation actions. Proposed amendments would also authorize use of electrical power and energy from Navajo Generation Station.

Title I of the Colorado River Basin Salinity Control Act (Public Law 93-320) authorized the construction of facilities necessary to meet the terms of the 1973 salinity agreement with Mexico including a desalting plant near Yuma, Arizona, protective and regulatory pumping measures, and measures to recover water lost in meeting the terms of the salinity agreement prior to completion of the desalting plant.

As planning and initial construction progressed on the Title I measures, it became apparent that the original cost estimates, which were hastily drawn up in an effort to promptly give effect to the 1973 agreement with Mexico, were not adequate to cover the costs of the project. It was also found that several design changes had to be made to construct a desalting plant adequate to treat the drainage water used by the plant. In addition, several items were omitted from the authorization due to time constraints and the nature of the negotiations.

Although some fish and wildlife mitigation measures were included in the funds authorized in the original legislation, it is important to strengthen and clarify mitigation authorities for the project. Some construction activities already undertaken (particularly the completed bypass drain) are affecting fish and wildlife habitat, and a more adequate mitigation authority is needed as soon as possible to prevent the possibility of irreversible damage to that habitat.

Briefly, the specific amendments proposed are as follows (a fuller discussion is provided in the attached section-by-section analysis and report on costs):

1. Section 101(b)(2) would be amended to add authority to use electrical power and energy from the Navajo Generating Station in excess of Central Arizona Project requirements, and to purchase supplemental power and energy as required.

2. Section 101(c) would be amended to add Colorado River water used in fish and wildlife mitigation measures to the total project replacement requirement.

3. Section 103(a) would be amended to add authority to enter into contracts for delivery of water, pumped pursuant to the existing protective pumping authority, for irrigation and M&I use on a reimbursable basis, in amounts consistent with the agreement with Mexico.

4. A new section 106 would assure adequate authority to manage lands acquired under Title I and would apply any revenues received to the General Fund of the Treasury.

5. Section 108 (section 109 under our amendments) would be amended to increase the appropriation ceiling to a total of $333,382,000 (July 1977 prices).

6. Section 110 would be added to authorize specific fish and wildlife mitigation measures and make the costs nonreimbursable; and

7. Section 111 would be added to define terms.

Protests and lawsuits delayed the award of contracts for the membranes of the Yuma Desalting Plant and also delayed the date for award of the prime construction contract. However, we hope to award the prime contract in FY 1980 which would commit expenditures that would exceed the present authorized appropriation ceiling and would necessitate the additional authority provided by this bill. For this and other reasons discussed previously, we submit for your consideration the enclosed legislation to amend the Colorado River Salinity Control Act.

The Office of Management and Budget has advised that this legislative proposal is consistent with the program of the President.

Sincerely,

DANIEL P. BEARD,
Acting Secretary.

Enclosures.

[Colorado River Basin Salinity Control Project Title I Division]

REPORT ON COSTS IN EXCESS OF AUTHORIZED APPROPRIATION CEILING AND REQUIRED LEGISLATIVE AMENDMENT

SUMMARY

The Colorado River Basin Salinity Control Act (Public Law 93-320) was signed into law on June 24, 1974. This Act authorized the Secretary of the Interior to construct, operate, and maintain certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico. Works constructed under Title I of the Act will allow the United States to comply with its obligations under the agreement with Mexico of August 30, 1973, concluded pursuant to the Treaty of February 3, 1944. Since authorization several areas of concern have arisen which will require additional Congressional action to fully implement measures authorized under Title I of this Act.

COST IN EXCESS OF AUTHORIZED APPROPRIATION CEILING

A total of $155,500,000 was authorized under Section 108 of Public Law 93-320 for construction of works under Title I. Cost indexing of this authorization amounts to $64,331,000 which provides a computed appropriation ceiling of $219,831,000 based on July 1977 prices. A proposed addition to the project and other changes amounting to $113,551,000 have increased the total estimated construction cost to $333,382,000 based on July 1977 prices. A tabulation of the increased cost by project feature is shown on Table 1 as follows:

TABLE 1.—COLORADO RIVER BASIN SALINITY CONTROL PROJECT, TITLE 1 DIVISION: SUMMARY OF INCREASED COST

[In thousands]

Item	Authorized amount Public Law 93-320[1]	Cost indexing[2]	Subtotal authorized ceiling[3]	Other changes[4]	Total estimated cost[5]
ORIGINAL AUTHORIZED MEASURES					
Desalting plant facilities[6]	62,080	33,316	95,396	[7] 83,004	178,400
Bypass drain:					
United States section	6,135	2 935	9,070	—2,030	[8] 7,040
Mexico section	9,235	5,156	14,391	2,169	[9] 16,560
MODE siphon	3,100	1,559	4,659	—1,674	[8] 2,985
Irrigation efficiency improvement program[10]	2,000	408	2,408	1,177	3,585
Wellton-Mohawk acreage reduction and/or onfarm system improvement	10,500	4,724	15,224	[11] 7,343	22,567
Painted Rock Reservoir/Gila River measures	5,000	1,763	6,763		6,763
Brine Stream replacement source studies	2,000	440	2,440		2,440
Coachella Canal replacement	20,400	10,930	31,330	[12] 12,310	43,640
Fish and wildlife facilities (California)[13]	300	146	446	3,133	3,579
Land acquisition—Imperial East Mesa	750	122	872	[14] 1,673	2,545
Protective and regulatory pumping well fields	17,600	8,709	26,309	[15] —144	26,165
Land acquisition—Yuma Mesa	16,400	[16] —5,877	10,523	0	10,523
Subtotal, authorized measures	155,500	64,331	219,831	106,961	326,792
OTHER SCHEDULED ITEMS NOT SPECIFICALLY AUTHORIZED					
Fish and wildlife facilities (Arizona)[17]				6,960	6,960
Nodreimbursable GI cost—Coachella Canal Inv.[18]				164	164
Net property and other transfers (consolidated expenditures and credits)[19]				—534	—534
Revised total estimated cost[20]	155,500	64,331	219,831	113,551	333,382

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[1] Estimate based on April 1973 prices.

[2] Reflects cost indexing on April 1973 estimates only.

[3] Reflects current authorized appropriation ceiling based on July 1977 prices.

[4] Modifications to authorized project plan.

[5] Reflects current total estimated cost of the title I division based on July 1977 prices.

[6] Includes cost of testing and research and development at the Yuma desalting test facility.

[7] Further analysis of the estimate in the September 1973 special report shows that contingencies and overhead expenses were inadequate. The current estimate includes an additional $22,000,000 for these items. The remainder is for design changes and additions to the pretreatment system, incoming power system, and in the desalting plant.

[8] Estimated cost less than indexed ceiling due to favorable prices received under construction contracts and expedited construction schedules.

[9] The original estimate was prepared by the United States without the benefit of data from Mexico. The current estimate is based on data received from Mexico in December 1977.

[10] Includes irrigation management services, Technical Field Committee activities technical assistance by SCS, and research and demonstration by ARS.

[11] The Technical Field Committee found the original unit cost of land to be in error. Estimate increased to reflect more realistic unit cost and provide for clearing of citrus lands for environmental consideraions.

[12] Increased to provide for construction of new siphons in lieu of using existing siphons as originally envisioned.

[13] Public Law 93-320 included $300,000 for mitigation of losses attributed to the Coachella Canal replacement. Revised estimate based on selected mitigation measures.

[14] Increase reflects revised land costs in excess of original estimates prior to appraisal.

[15] Estimate reduced to reflect design change. Conveyance system changed from total pipeline to a combination of pipeline-open channel.

[16] The decrease reflects land appraisals which were lower than originally estimated.

[17] Public Law 93-320 did not include mitigation measures for the desalting complex unit or the protective and regulatory pumping unit. Estimates are based on selected mitigation features.

[18] General investigation costs for replacement of the 1st 49 mi. of the Coachella Canal. This cost is subtracted as part of the "Net Property and Other Transfers."

[19] Includes costs to the project which require no outlay of Federal funds.

[20] Totals shown indicate total indexing of the authorized ceiling and other changes to the project total estimated cost made since authorization.

The additional appropriation ceiling necessary to complete the Title I features as authorized under Public Law 93–320 (July 1977 prices) is:

	Project cost estimate
Total construction estimate	$333, 382, 000
Computed authorized appropriation ceiling	219, 831, 000
Total additional appropriation ceiling required	113, 551, 000

The following is a summary explanation of increases in the total estimated cost:

A. Desalting plant facilities

Desalting Plant Facilities include intake works, pretreatment facilities, desalting process, sludge disposal, discharge facilities, incoming power, and other features necessary to desalt 96 Mgal/d of Wellton-Mohawk drainage water. A total of $62,080,000 was included in the authorization for construction of the Yuma Desalting Plant Facilities, and the operation and testing at the Yuma Desalting Test Facility. Cost indexing of this amount is $33,316,000 for an authorized ceiling of $95,396,000 (July 1977 prices). Design and other changes have further increased the total estimated construction costs. These changes include: 1) $23,025,000 for addition of a recalcining system, energy recovery system, and an automated supervisory computer control system; 2) $33,879,000 for a partial lime-softening pretreatment in lieu of the simple coagulation system originally envisioned, more extensive site foundation treatment, enlargement of the desalting building and addition of other buildings, relocation of incoming power facilities, and additional plant site right-of-way; 3) $22,000,000 to provide for standard Reclamation contingency and overhead expenses as the original preliminary design and cost estimate did not adequately provide for this allowance; and 4) $4,100,000 at the Yuma Desalting Test Facility for an additional operations contract, revised testing programs on ongoing contracts, and enlargement of facilities to provide additional feedwater. These changes amount to $83,004,000 which brings the total estimated construction cost to $178,400,000 based on July 1977 prices.

B. Other facilities associated with the Yuma Desalting Plant

Other associated facilities include: 1) construction of a bypass drain from Morelos Dam to Santa Clara Slough near the Gulf of California, 2) implementation of measures for the Wellton–Mohawk Irrigation Efficiency Improvement Program, 3) Wellton–Mohawk Acreage Reduction, 4) Painted Rock Reservoir Land Acquisition and Operation Schedule Modifications, 5) construction of the Main Outlet Drain Extension Siphon, and 6) reject brine stream replacement studies. A total of $37,970,000 was included in the authorization for construction or implementation of these facilities. Cost indexing of this amount is $16,985,000 for an authorized ceiling of $54,955,000 (July 1977 prices). Other changes have further increased the total estimated cost of these facilities. These increases include $2,169,000 required by Mexico for construction of the bypass drain from the southerly International Boundary to Santa Clara Slough, and $8,520,000 for the Wellton-Mohawk Irrigation Efficiency Improvement Program and Acreage Reduction program to accomplish the level of irrigation efficiency recommended by the Technical Field Committee and to reflect more realistic land values unavailable at the time the original estimate was prepared. The increase was partially offset by a decrease of $3,704,000 as the result of low bids received and expedited construction schedules for construction of the United States portion of the bypass drain and the MODE Siphon. These changes amount to $6,985,000 which brings the total estimated cost to $61,940,000 based on July 1977 prices.

C. Replacement of the first 49 miles of the Coachella Canal

The cost of lining the first 49 miles of the Coachella Canal includes the canal lining or replacement, acquisition of lands on the Imperial East Mesa, and mitigation of fish and wildlife losses. A total of $21,450,000 was included in the authorization to construct a concrete-lined replacement for the first 49 miles of the canal. Cost indexing of this amount is $11,198,000 for an authorized ceiling of $32,648,000 (July 1977 prices). Other changes have increased the total estimated construction cost. These changes include $12,310,000 for construction of new siphons for the canal replacement in lieu of using existing siphons as originally envisioned and refinement of April 1973 estimated quantities, $1,673,000 due to land appraisals in excess of that originally etimated, and $3,133,000 for additional fish and wildlife mitigation measures in California recommended by the Ad Hoc Committee. These changes amount to $17,116,000 which brings the total estimated construction cost to $49,764,000, based on July 1977 prices.

D. Protective and regulatory pumping

The Protective and Regulatory Pumping includes construction of a well field and acquisition of approximately 23,500 acres of land near the Arizona-Sonora boundary. A total of $34,000,000 was included in the authorization for construction of the well field and acquisition of land. Cost indexing of this amount is $8,709,000, however, lower land appraisals than originally estimated resulted in a cost reduction of $5,877,000. Therefore, the authorized ceiling amounts to $36,832,000 (July 1977 prices). A revised plan to construct all wells along the land boundary in lieu of along both the land and limitrophe boundaries and to construct a combination pipeline-open channel conveyance system in lieu of total pipeline results in a construction cost decrease of $144,000, which brings the total estimated cost to $36,688,000, based on July 1977 prices.

E. Other scheduled items not included in original estimate

1. Fish and Wildlife facilities (Arizona).—

Public Law 93–320 did not include costs for mitigation of fish and wildlife losses associated with the Desalting Complex or Protective and Regulatory Pumping, both in Arizona. A total of six measures have now been selected to mitigate these losses. The total estimated cost for these measures is $6,960,000, based on July 1977 prices.

It is recommended that these costs be included in the proposed amendment to increase the authorized appropriation ceiling to ensure compliance with Section 106 of the Act and the Fish and Wildlife Coordination Act of 1958 (Public Law 85–624).

2. Nonreimbursable GI costs, Coachella Canal investigations.—

Pursuant to Public Law 92–149, investigation costs amounting to $164,000 associated with replacing the first 49 miles of the Coachella Canal were included in the total estimated cost of the project. Although this will be a cost to the project, no further Federal appropriations will be required.

F. Proposed changes to Public Law 93–320 not requiring appropriations

Several other changes are proposed to Public Law 93–320 to fully implement measures authorized under Title I of the Act. The following is a brief explanation of each proposed change:

1. Electric power source for the Yuma Desalting Plant and protective and regulatory pumping wells.—

The Secretary should be authorized to utilize power and energy from the Navajo Generating Station which is excess to the requirements of the Central Arizona Project. Power requirements of Title I should be assigned first priority for surplus United States entitlement in excess of CAP requirements. The Secretary should also be authorized to purchase supplemental power and energy needed to meet Title I power requirements in the event surplus United States entitlement is not available. It should be emphasized that revenues credited to the Lower Colorado River Basin Development Fund will not be diminished as a result of this use of power and energy available from the Navajo Generating Station.

2. Delivery of protective and regulatory pumping water to organizations within the United States.—

Public Law 93–320 presently authorizes the Secretary to furnish water to organizations within the United States. The anticipated effects of drawdown within the 5-mile zone may require execution of such contracts for delivery of irrigation and municipal and industrial water. The terms and conditions of the contracts should require the water users to reimburse the United States in an amount to include components for construction costs, OM&R, and interest.

3. Amendment to consolidate section by section appropriation.—

Section 108 of the Act authorized separate specific amounts to be appropriated for construction and accomplishment of measures included in Sections 101 and 102, and to accomplish the purposes of Section 103. It is recommended that Section 108 be amended to provide that the revised total estimated cost including fish and wildlife mitigation and additions to the Project be authorized in one amount for utilization on all features of Title I.

SECTION-BY-SECTION ANALYSIS

ANALYSIS OF PROPOSED LEGISLATION TO AMEND THE COLORADO RIVER BASIN SALINITY CONTROL ACT (PUBLIC LAW 93–320)

Section 101(b)(2) is amended to authorize the Secretary of the Interior to use electrical power and energy available from the United States participation in the Navajo Generating Station or from the power and energy system into which it may be integrated or replacement thereof and which is excess to the pumping requirements of the Central Arizona Project and to purchase supplemental power and energy as required for supplying the power requirements of the desalting plant and the protective pumping wells. The existing legislation makes no provision for this power and energy requirement and studies show that the most viable source of power and energy is from the Navajo Generating Station. It is provided that revenue credited to the Lower Colorado River Basin Development Fund will not be diminished as a result of the use of power and energy available from the Navajo Generating Station. It is also provided that this power and energy source be made secondary to the needs of the Central Arizona Project. When Navajo power is not available, the Secretary is authorized to purchase supplemental power as required to keep the Central Arizona Project whole.

The final sentence was deleted because it added nothing to the nonreimbursable status of the project which is more clearly stated in Section 101(1).

Section 101(c) is amended to include Colorado River waters used for fish and wildlife mitigation in the replacement obligations the Federal Government assumes for operation of the Title I features. As this is a water loss which would not be experienced without Title I activity, this provision is consistent with the intent of this section of the existing legislation.

Section 103(a) of the Act is amended to permit the Secretary to enter into contracts for purposes of furnishing irrigation and municipal and industrial water supply from the protective pumping well field. This appears to be a reasonable use of water and would be limited to assure compliance with the terms of Minute No. 242 of the IBWC, U.S. and Mexico, calling for approximately 140,000 acre-feet annually to be delivered to Mexico. The proposed pumping quantity would be enough to meet the District's need and the sale would provide some cost recovery to the United States. The municipal and industrial uses are included in case the pumping lowers the water table and water delivery to other water users by the United States would become necessary.

It is proposed that water user organizations would pay the United States for water delivery according to standard repayment principles of reclamation law. Other principles of reclamation law would also apply.

Section 106 is added to clarify disposition of revenue and to provide authority for Reclamation management of lands acquired under the Salinity Act.

Over 30,000 acres have been purchased under authority of the salinity control legislation. With exception of lands purchased for irrigable acreage retirement on the Imperial East Mesa, the acquired lands will remain under Reclamation's jurisdiction. Section 102 (c) of the Act, provides that as to those lands on the Imperial East Mesa the ". . . Secretary shall return such lands to the public domain." The Act is silent on managing other acquired lands and does not establish authority for Reclamation to administer the lands or set out the method of depositing funds that may be derived from leasing or ultimate disposal of properties.

Section 108 of the Act (changed to Sec. 109) is amended to consolidate the present separate authorizations for Sections 101, 102, and 103 into one authorized ceiling for accomplishment of all the objectives of Title I, including a proposed new Section 110 to authorize fish and wildlife mitigation. The new ceiling also allows for the increases due to design changes, additional fish and wildlife mitigation, increased contingency funds, and other purposes. Since the Secretary has entered into a repayment contract with the Coachella Valley County Water District for replacement of the first 49 miles of the Coachella Canal, and that contract recognizes possible fish and wildlife mitigation measures estimated to cost $3,579,000, it seems proper to recognize that in this legislation.

Section 110 is intended to give the Secretary of the Interior authority to determine and provide measures sufficient to mitigate the loss of fish and wildlife habitat caused by the other measures taken under authority of Title I of this Act, as amended. It intends that such determination shall be arrived at through consultation and coordination with the Bureau of Reclamation and Fish and Wildlife Service and the States of Arizona and California. Further, that the agreed upon measures satisfy the requirements of the Fish and Wildlife Coordination Act.

Section 110(a)(1) is self-explanatory.

Section 110(a)(2) is intended to authorize the Secretary to transfer (cede) title to lands, facilities, and equipment to a state, local, or private entity for operation, maintenance, and replacement under conditions satisfactory to him for protection of the Federal investment and future fulfillment of the objectives of this section.

Section 110(a)(3) is intended to authorize the Secretary to construct facilities, acquire equipment, machinery, etc., deemed appropriate by him for fulfillment of the objectives of this section and operate, maintain, and replace such facilities where ownership is retained by the United States, and to exclude operation, maintenance, and replacement of such facilities, including providing funds therefor, for those facilities for which ownership is transferred under authority of Section 109(a)(2).

Section 110(b) is intended to make all costs of measures under this section nonreimbursable. Since the measures are all directly related to the basic purpose of Title I of this Act which is primarily to comply with the United States obligations under the agreement with Mexico of August 30, 1973 (Minute 242 of the International Boundary and Water Commission, United States and Mexico), it seems reasonable that the costs are national in nature and not sufficiently benefiting a specific Reclamation entity to justify making these costs reimbursable.

Section 111 has been added to define terms. Subsection (a) defines the term "Navajo Generating Station" which appears in Section 101 as amended. In order to avoid locking the use of specific power and energy and thereby frustrating any attempt to integrate the Navajo entitlement with other Federal hydroelectric resource, the definition attempts to provide for that possibility as well as for the eventual replacement of the resources.

Subsection (b) includes the provision for definitions included in Title II of the Act of June 24, 1974 (88 Stat. 266), and extends it to Title I.●

By Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. WILLIAMS, Mr. RANDOLPH, and Mr. JAVITS):

S. 497. A bill to extend the authorizations of appropriations relating to emergency medical services systems under title XII and section 789 of the Public Health Service Act; to the Committee on Human Resources.

EMERGENCY MEDICAL SERVICES SYSTEMS AMENDMENTS OF 1979

● Mr. CRANSTON. Mr. President, I am pleased to introduce the proposed "Emergency Medical Services Systems Amendments of 1979," and am gratified to be joined in introducing this legislation by the chairman of the Human Resources Committee (Mr. WILLIAMS), and of its Health and Scientific Research Subcommittee (Mr. KENNEDY), as well as by two fellow committee members with longstanding interest in emergency medical services, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. JAVITS).

Mr. President, the Emergency Medical Services Systems Act of 1973, Public Law 93–154, which I authored in the Senate, was enacted in November 1973, and its appropriations authorizations were extended and its authorities improved in October 1976 by Public Law 94–573. The provisions of these laws constitute title XII and section 789 of the Public Health Service Act.

The legislation we are introducing today would extend the appropriations authorizations in title XII and section 789 of that act for another 3 years. These authorizations provide for grant and contract support for emergency medical services systems, research in emergency medical services, demonstration projects in burn injury programs, and training in emergency medical services.

NEED FOR THE PROGRAM

Mr. President, when I first introduced the Emergency Medical Services Systems Act in 1973, there was growing recognition of the inability of many communities to respond immediately and effectively to a medical emergency. These communities represented a broad range of geographical configurations, of population density, and of economic diversity. Their emergency medical services deficiencies were caused by a multitude of problems. In some cases the cause lay in a shortage of good emergency facilities and equipment. In others, it lay in too many facilities competing with each other for the patient. In some areas, vast geographical distances created special problems. In others, a lack of trained emergency personnel delayed the provision of care that could prevent death and disability.

Our study of the problem at that time convinced us that the solution lay in establishing systems to support emergency medical services in the communities so that these systems could pull together, in a rational manner, the medical resources needed to provide prompt and competent care to an emergency victim.

Mr. President, the numbers of preventable deaths and disabilities resulting from medical emergencies provide grim evidence of the need to improve the provision of emergency medical services. Accidental injury is the leading cause of death among all persons aged 1 to 38 and is the fourth highest cause of all deaths in the United States. Recently, the National Center for Health Statistics reported that, in 1976, 100,000 accidents were the cause of these deaths. Included in this figure were 46,700 deaths from automobile accidents; 14,300 from falls; 7,200 from drowning; 6,200 from fires, burns, and injuries related to fire; 4,400 from poisoning; and 21,200 from all other accidental causes. Although this number is tragically high, it does represent a decrease from the 117,000 deaths from accidents which occurred in 1972—a decrease of almost 15 percent.

I do not think any single factor can be credited with causing this decrease of 17,000 in the numbers of deaths from accidental injury, but it stands to reason that improvements in the quality of emergency care in the community over that span of years must have contributed to this decrease. Those specific areas where fewer lives were lost in 1976 than in 1972 were automobile accidents, poisoning—a major improvement in saving children under age 5 who are victims of accidental poison—and infant mortality which decreased from 18.5 per 1,000 live births in 1972 to 15.1 in 1976. Victims of these circumstances are particularly dependent on good emergency care, which, in turn, is dependent on bringing skilled personnel quickly to the victim, transporting the victim as rapidly and as safely as possible to the level of care needed to treat his or her injuries, and insuring that that level of care is accessible and meets high standards of quality.

PROVISIONS OF THE PRESENT LAW

Title XII of the Public Health Service Act authorizes appropriations for grants to communities to support the planning, establishment, development, or expansion of comprehensive EMS systems. Eligible grantees are States, local units of government, public entities administering a compact or other regional arrangement or consortium, or a public or nonprofit private entity representing the units of government in the region for which a system is proposed.

Such an applicant must submit with its application a proposal indicating how the community it represents will develop a comprehensive EMS system utilizing to the best effect existing health care resources, facilities, and personnel. The proposal must cite gaps in the community's ability to provide services and the steps that will be taken to overcome such deficiencies. Title XII specifies 15 requirements for basic components of a comprehensive EMS system which all applicants must provide assurances of meeting or being able to meet within a specified period of time.

These 15 components were derived from testimony received in both the Senate and House during consideration of the act in the 93d Congress and represent the basic requirements for a comprehensive EMS system. These basic components include, among other requirements, such things as well-trained personnel, adequate and centralized communications capability, adequate transportation systems, categorized and nonduplicative facilities, access to specialized medical care units, and assurances that services will be provided without regard to an individual's ability to pay.

In addition to grant support for development of an EMS system, the EMS Act and the 1976 amendments also provide authority for specific project grant and contract support for research and training programs in emergency medical services or techniques and in burn injuries.

EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT

Mr. President, I would like to remind my colleagues that, when this legislation was first enacted, the intent was clearly expressed that the Federal support provided each community would be a maximum of five grants.

With those grants, the communities were to progress through the several stages of development of a comprehensive emergency medical services system. At the conclusion of those five grants, the community would be expected to maintain the EMS system at the level it had achieved with the Federal assistance.

Mr. President, after 5 years of experience under the Emergency Medical Services Systems Act, 282 of the 304 State-designated emergency medical services regional systems have received support. With completion of the current grant awards which were in June of 1978, 29 regions will have achieved total independence from Federal-grant support. Another 169 regions will be in some phase of operation development, and 84 are planned or being planned, leaving 22 regions which have not yet received support. A year ago HEW estimated that all of these systems would have reached their optimum potential in 6 years or by the end of fiscal year 1985.

The 3-year extension we are introducing today would provide the basis during the next 3 fiscal years for an additional 53 regions to complete the 5-year cycles, and an additional 60 regions to move forward in their development.

Mr. President, as I have suggested, at the end of the 3-year period of support authorized by the legislation we are introducing today, it would probably take only an additional 3 years for the remaining regions to complete their progress through the various stages of development. However, I have limited this bill to 3 years because I believe it is necessary for Congress to review the implementation and administration of grant programs periodically so that any needed improvements or modifications in the statutory authorities can be made.

In the next 3 years, I intend to exercise a close watch over HEW's administration of the emergency medical services systems program to insure that the EMS regions throughout the country are given adequate support to progress toward their maximum potential and are, as the law requires, moving toward independence from Federal financial support.

In fact, Senator KENNEDY and I have already asked the General Accounting Office to review the administration and implementation of provisions we enacted in the 94th Congress requiring communities to take steps toward achieving that self-sufficiency. We have requested the GAO to report back to us with recommendations on how these requirements can be administered more effectively if it is found that improvements are necessary. Thus, 3 years from now, I fully expect to be introducing legislation to authorize appropriations for the concluding 3 years of this program.

Today, in addition to limiting the appropriations authorizations to 3 years, I am limiting the level authorized to the level of current appropriations plus a modest increase each year to permit program support to remain relatively constant, taking into account inflation.

The present authorization of appropriations for fiscal year 1979 is $70 million. I am suggesting that the authorization of appropriations for fiscal year 1980 be reduced by $30 million—back to $40 million—with $43 million and $46 million authorized in fiscal years 1981 and 1982, respectively. It is my understanding that continuation of support in these increments for the subsequent and final 3 years of the program would be adequate to meet projected commitments.

I believe that this reduced level of funding will be sufficient to permit emergency medical services systems to grow at a rate which will recognize their potential to progress through the various development stages, and to provide for necessary support of those systems as they become able to utilize it to best advantage.

RESEARCH IN EMERGENCY MEDICAL SERVICES

Mr. President, the second appropriations authorization in title XII provides for grant support for research under section 1205 in emergency medical techniques, methods, devices, and delivery. Among the useful research projects completed under this authority are studies on the provision of emergency medical services during disaster situations, patient medical record-linking between emergency departments and other providers in the medical care system, the use of specially-trained assistants guided by protocols to improve handling of pediatric emergency telephone calls to an emergency room, and the advantages and problems of using public safety personnel in providing emergency medical services.

In addition, I understand that major advances are being made toward developing accurate means of measuring the effectiveness of emergency medical services systems in reducing deaths and disabilities resulting from emergencies.

Mr. President, when the EMS legislation renewed in 1976, the authority for research grants was amended to specify that, in awarding research grants or contracts, special consideration would be given to emergency medical services research in rural areas, emphasizing the identification and utilization of techniques and methods to improve the provision of emergency medical services in rural areas. It is my understanding that considerable research has indeed been conducted which would have direct relevance to providing emergency medical services in rural areas, and I know that my colleagues will be interested in hearing from HEW on the impact of this research in rural areas when the administration testifies before the Subcommittee on Health and Scientific Research.

Although $5 million has been authorized to be appropriated each year for research since the Emergency Medical Services Systems Act was first enacted, this year we are introducing legislation to authorize a level of appropriations slightly above the present amount that has actually been appropriated. In fiscal year 1979, $3 million was appropriated for research in emergency medical services, and the bill we are introducing today would authorize the appropriation of $3.2 million, $3.5 million, and $3.9 million for fiscal years 1980, 1981, and 1982, respectively.

BURN INJURY PROGRAM

The burn injury program, Mr. President, was added in the 94th Congress by Public Law 94–573. That law added a new part B to title XII to authorize grants for the establishment, operation, and improvement of programs to demonstrate the treatment and rehabilitation of burn victims, and to conduct research and provide training in the treatment and rehabilitation of burn victims.

In developing that law, we became convinced that there is a need to improve the provision of burn care; national understanding of the magnitude of the burn problem; utilization of current resources; the support and location of treatment programs; specialized training for physicians, nurses, and ancillary professional and paramedical personnel; and programs for rehabilitation; as well as to establish evaluation methodologies on a regular basis which can provide epidemiological data on burn incidence, permit the tracking of patients through the most appropriate levels of care to determine immediate and long-term treatment and rehabilitation outcomes, and provide comparative cost data for systems of burn care. The new authority gave us the means to pursue these concerns.

Mr. President, in September 1977, HEW initiated work in six areas to implement this program. These six areas are the six New England States, the Finger Lakes and central New York region, the State of Virginia, the State of Alabama (except Mobile), northern Texas, and San Diego and Imperial Counties, Calif. These sites, during the next 3 years, will collect census data for all burn patients requiring hospital care. Data will be collected in each of five data-gathering areas: the emergency department, the outpatient department (including rehabilitation treatment), general hospitals without specialized burn care, hospitals with specialized burn treatment facilities, and the morgue.

Patients admitted to the hospital will be tracked for a maximum of 18 months with periodic collection of data. The population included in the six sites is estimated at 28 million.

The data collected will be used to estimate the incidence of burn injuries, where burn patients go for care, how many severe burns are treated in specialized burn treatment facilities, and other topics which will provide a description and understanding of the Nation's current burn treatment system.

Economic data will be collected to describe the spectrum of costs, charges, and reimbursements associated with burn care.

Each project area is also involved in one or more applied research tasks of national interest. These tasks range from the development of a burn severity index to the development of a burn nurse training curriculum.

Mr. President, I am pleased that the activities of this program have been coordinated with the National Institute of General Medical Sciences, the National Center for Health Statistics, the National Center for Health Services Research, the Health Care Financing Administration, the Consumer Product Safety Commission, and the National Fire Prevention and Control Administration.

In fiscal year 1979, $10 million was authorized to be appropriated for the burn injury program; $3 million was appropriated.

The legislation we are introducing today would authorize the appropriation of $3 million for each of the next 3 fiscal years for the burn injury program—the same level as has been appropriated annually for the 3 years of the program. Early indications from the studies under way indicate that there is a considerable need for training health care personnel in the treatment of burn patients as well as in teaching them how to develop relationships between burn centers and related community health or rehabilitation providers. I intend to look carefully at the feasibility of utilizing this authority for support of such training efforts.

TRAINING IN EMERGENCY MEDICAL SERVICES

Mr. President, the fourth appropriations authorization in the emergency medical services systems amendments we are introducing today would extend the authorizations—contained in section 789 of the Public Health Service Act, as added by the 1973 EMS Systems Act—for training programs in emergency medical services. This authorization has been $10 million each year since 1973, and the amount appropriated each year has been $6 million. The legislation we are introducing today would retain the authorization level at $10 million for the next 3 years, while we consider the best way to provide for training support in the burn field.

Under this program, 7 residency programs have been established for emergency physicians, and 77 residents are currently being trained. In addition, over 3,300 physicians are receiving continuing medical education in such diverse subject areas as medical management of an EMS system; training in poisoning and overdose; and interdisciplinary training programs with emergency medical residents, paramedics, mobile intensive care nurses, physicians, and EMS instructors.

In addition, with support under section 789, almost 12,000 nurses are currently being trained in emergency care, and over 13,000 emergency medical technicians and paramedics are currently being trained.

In previous years, a total of 4,334 physicians, 10,510 nurses, 34,635 paramedics and emergency medical technicians, and 7,825 people in other categories have been trained in some aspect of emergency medical services under this authority.

It is estimated that there is still a need for over 9,000 emergency medicine physicians, over 20,000 EMS nurses, 30,000 emergency paramedics, and over 100,000 emergency medical technicians in the United States. The training programs supported by section 789 grants can help us fill that need.

Mr. President, I am pleased to report that over 90 percent of these training programs are awarded in areas receiving support for the establishment or expansion of an emergency medical services system. This is in full accord with the provision in the law requiring that priority in the awarding of training grants be given to those regions with EMS systems supported under title XII of the Public Health Service Act. As these systems are established throughout the Nation, more of these trained personnel can be effectively used in the lifesaving work to which they are dedicated. The authority for training such individuals has enabled many communities to provide good emergency medical services utilizing a well-trained team of physician, nurse, paramedic, and technician. I believe this authority should be extended through fiscal year 1982 to help develop the personnel needed to improve, expand, maintain, or initiate the 304 emergency medical services systems which the Nation requires.

CONCLUSION

Mr. President, in my view, our experience over the past 5 years under the authorities first enacted in the Emergency Medical Services Systems Act of 1973 fully supports the extension we propose at this time. In the communities where systems have been developed, there has been a measurable improvement in the provision of health care and in the coordination of many resources that previously operated independently.

As more and more EMS systems become operational, I believe that the grim statistics on deaths and disabilities resulting from accidents and sudden illnesses will be reduced still further, and that we will begin to see substantial advances made in terms of lives saved and disabilities averted due to prompt and competent medical intervention in emergency situations. The human resource gain and the dollars and productive lives saved fully justify the modest investment already made and which we are calling for to be continued in developing emergency medical services systems throughout the Nation. With extension of the title XII and section 789 authorities for 3 more years. I hope that we will be able to make major progress toward nationwide coverage.

Mr. President, I ask unanimous consent that the text of S. 497 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Medical Services Systems Amendments of 1979".

PLANNING, INITIAL OPERATION, AND IMPROVEMENT

SEC. 2. (a) Section 1207(a)(1) of the Public Health Service Act (42 U.S.C. 300d–6(a)(1)) is amended by—

(1) striking out "and" after "1977",

(2) striking out the semicolon after "1978" and inserting in lieu thereof a comma,

(3) striking out "and for the purpose of making grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated" the second time it appears, and

(4) inserting before the period at the end thereof a comma and "$40,000,000 for the fiscal year ending September 30, 1980, $43,000,000 for the fiscal year ending September 30, 1981, and $46,000,000 for the fiscal year ending September 30, 1982".

(b) Paragraph (5)(B) of subsection (a) of section 1207 of such Act is amended by striking out "two" and inserting in lieu thereof "five".

RESEARCH

SEC. 3. Section 1207(b) of the Public Health Service Act (42 U.S.C. 300d–6(b)) is amended by inserting before the period at the end thereof a semicolon and "and $3,200,000 for the fiscal year ending September 30, 1980, $3,500,000 for the fiscal year ending September 30, 1981, and $3,800,000 for the fiscal year ending September 30, 1982".

BURN INJURIES

SEC. 4. Section 1221(c) of the Public Health Service Act (42 U.S.C. 300d–21(c)) is amended by—

(1) striking out "and" after "1978", and

(2) inserting before the period at the end thereof a comma and "$3,000,000 for the fiscal year ending September 30, 1980, and for each of the next two fiscal years".

TRAINING

SEC. 5. Section 789(g)(1) of the Public Health Service Act (42 U.S.C. 295g–9(g)(1)) is amended by striking out "five" and inserting in lieu thereof "eight".●

● Mr. KENNEDY. Mr. President, I am pleased to join my distinguished colleague, Senator CRANSTON, as a cosponsor of the Emergency Medical Services Systems Amendments of 1979.

This program first began in 1973 when the Emergency Medical Services Systems Act became law (Public Law 93–154). As chairman of the Subcommittee on Health and Scientific Research I have seen this program grow and provide needed technical support to communities around this country. While recognizing the uniqueness of each community the EMS program has made great progress in regionalizing programs and having communities work in concert with each other.

There are at present 304 EMS regions in the country. During fiscal year 1978 over $36 million were awarded to recipients in 43 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

The bill introduced today by Senator CRANSTON makes no substantive changes and continues the authorization of the program through fiscal year 1982. This bill also continues the national burn injuries program through fiscal year 1982. The burn program was initiated in 1976 under Public Law 94–573.

The Subcommittee on Health and Scientific Research will be holding a hearing on this bill Wednesday of this week. I urge my colleagues to join in cosponsoring this legislation that has an important impact in almost every State.●

By Mr. STAFFORD:

S. 498. A bill to authorize the Army Corps of Engineers to provide certain technical assistance to local communities; to the Committee on Environment and Public Works.

HYDRO RETROFIT

Mr. STAFFORD. Mr. President, last year I sponsored, and the Senate approved, legislation that would authorize the Army Corps of Engineers to assist local communities in constructing new hydroelectric facilities at existing dams, old industrial sites, millraces, and similar facilities.

While that legislation was passed by the Senate in several forms, it was never approved by the House of Representatives. I am, today, reintroducing that legislation, as the need for it remains strong.

Mr. President, many areas of the Nation, particularly in the Northeast, have the opportunity to develop significant and reliable power at low costs, using old damsites. While the Department of Energy and the corps are working together at a program to retrofit larger dams owned by the corps and others, I believe we also need to examine and develop the potential at similar sites as well.

This bill does not provide funds for any actual construction work. But it would enable the corps to help small communities with technical assistance in the design of retrofit projects.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of local public officials, survey the potential and methods for rehabilitating former industrial sites, millraces, and similar types of facilities already constructed for use in developing hydroelectric facilities. The Secretary, shall, upon request, provide technical assistance to local public agencies and electric cooperatives in designing projects to rehabilitate sites that are surveyed, or qualified for survey, under this Act.

(b) There is authorized to be appropriated to implement this Act $5,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982.

By Mr. STEVENSON:

S. 499. A bill to establish the Foundation for International Scientific and Technological Cooperation, to provide for the management of the Foundation, and for other purposes; to the Committee on Governmental Affairs.

FOUNDATION FOR INTERNATIONAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION ACT

Mr. STEVENSON. Mr. President, I introduce on behalf of myself and Senator CANNON a bill to establish the Foundation for International Scientific and Technological Cooperation. This legislation will create an independent Federal agency to:

First, support research into the conditions of developing countries,

Second, promote the application of scientific and technological knowledge to the social and economic advancement of those countries,

Third, help developing countries strengthen their scientific and technological infrastructures, their ability to generate and adapt scientific knowledge, and their capacity for technological innovation, and

Fourth, provide information for the benefit of all countries on the technical resources and requirements of an interdependent world.

The importance of applying science and technology to development has long been recognized, but an adequate understanding of technology transfer and use in development strategies eludes us. Three decades ago U.S. technical assistance programs centered on large-scale capital flows and direct industrialization of the poorer countries; over the past decade "New Directions" and "appropriate" or "light capital" technologies have become the vogue. Of $1.8 billion authorized for international development assistance last year, over $500 million can be identified as part of a general application of science and technology for development.

This aid has often been ineffective in the past, as its beneficiaries are frequently unable to assimilate technologies produced for the different environmental, social, and cultural conditions of the developed world. Processes, techniques, and institutions are not readily transferable from one country or culture to another without unforeseen and sometimes undesirable consequences.

In recent years science and technology have become core issues in the dialog between North and South. This August 150 countries will convene in Austria for a United Nations Conference on Science and Technology for Development. That much needs to be done is clear. At present, less than 4 percent of all scientific research is carried out in the developing countries. It is also estimated that less than 1 percent of all research is concerned with the problems and conditions of the poorest 1 billion of the world's population.

These statistics reflect the limited scientific and technical capabilities of the developing countries—their lack of resources, facilities, personnel, and experience to perform research directed toward their own needs. Assistance from the United States and other developed countries can help build these capabilities, enabling developing countries to orient their own scientific research priorities.

Equally important is the emphasis on engineering and technical skills. Increasingly, the concern of the LDC's is not so much the "transfer of technology" but the strengthening of their own critical "capacity to innovate." The ability to adapt and modify technologies developed elsewhere has been a key feature of every successful industrial nation; we need look no further than our own country's history.

The Foundation for International Scientific and Technological Cooperation is a response to these challenges. It will complement, not duplicate, our existing foreign assistance programs. The Foundation will have the flexibility to work with a wide range of countries—the more advanced developing nations as well as the poorest of the poor." It will explore research valuable to the United States, as well as developing countries. It will discard paternalism in favor of a recognition that the interests of the developing countries and this country must be advanced simultaneously. The activities of the Foundation will constitute a long-term development strategy to serve our concern with the "basic human needs" of the world's people. Ultimately, the Foundation will help less developed countries make greater contributions to the world economy.

Some in this country regard such a progression as threatening. They fear our inability to compete with the lower-priced manufactures of the newly industrialized developing countries. They are concerned that we are "giving away" our technological knowledge and eroding the basis of our economic well-being. They cry for protection—both to halt cheap imports and prevent "technology" exports.

This response is not new, and it is as ill-advised as ever. It conjures up a mistaken view of science and technology as stagnant pools of knowledge, rather than dynamic processes of discovery and advancement. New facts, improved data and continuing research and development cause technology and products to change constantly. They create new industries, increase productivity, and spur the growth of employment and the economy. And in an age where two-thirds of all research and development is conducted outside the United States, we stand to lose as much as anyone from restrictions on the international flow of technology.

Our economic future is not jeopardized by helping the less developed countries adapt well-understood technologies. Nor is it jeopardized by LDC production of steel and textiles, as we move into the industries of the future. It is jeopardized only by a refusal on our part to move forward—by failing to support research and development and enhancing our capacity for innovation.

A new institution concerned with the resource scarcities of an interdependent world and the economic development of the poorer countries is not the stuff of charity. It exhibits, instead, a realistic approach to the facts of world economic interdependence and widespread political instability. Developing countries today purchase more of the United States manufactured goods than do Europe, Japan, and the East bloc combined. These countries also represent our fastest growing export markets. It is no idle flight of fantasy to project the growth of markets for our agricultural products which will accompany the development and expansion of purchasing power in these countries—reservoirs of almost three-quarters of the world's population.

These objectives intertwine with the scientific gains the activities of the Foundation will afford the United States. Research of a truly global character holds vast, and virtually unexplored, promise. A commitment to the establishment of the Foundation for International Scientific and Technological Cooperation need not be made with an eye toward the Vienna Conference. It should be made with the conviction that these directions advance the inseparable long-term interests of the United States and the world.

The act would strengthen the scientific and technological institutions for development in both the United States and developing countries. Collaborative R. & D. programs would be conducted whenever feasible in the developing country or region. Projects would be selected by international experts to address areas of fundamental importance, and emphasis would be placed on matters of common interest to the United States and the developing countries. Cooperative international information centers and compatible information systems would be created. Funding would be allowed for cost sharing or reimbursement wherever possible, particularly in the more economically advanced developing countries.

Specifically the Foundation would be empowered to:

Enlist the aid of scientists and engineers for researching and applying science and technology to developing country conditions;

Assist the lesser developed countries to build up indigenous research capabilities, innovative skills and institutions to solve their own problems;

Encourage the exchange of scientific data and information in diverse areas such as agriculture, energy, natural resource sensing, communications, nutrition and medicine;

Foster cooperation research and development on matters of mutual interest and benefit;

Establish educational programs for scientists, engineers, and technicians here and abroad directed toward developing country conditions;

Encourage the participation of the private sector in scientific research, development and education for developing countries, and

Encourage coordination of science and technology activities for development with the interests of the various Federal agencies and departments in international science and technology.

The Foundation would be governed by a nine-member Board of Directors and an Executive Director appointed by the President, by and with the consent of the Senate. The Board will consist of public officials and private citizens with interest and experience in international affairs and development. Non-U.S. citizens may be included on the Board. The Executive Director will implement the policies and programs as determined by the Board of Directors. A council of international experts would also be created to advise the Board. To support the Foundation and its programs, $25 million is authorized for fiscal year 1980, $50 million for fiscal year 1981, and $75 million for fiscal years 1982, 1983, and 1984.

The administration will soon propose legislation to create a similar organization, the Institute for Technological Cooperation. I look forward to cooperation with Members of the Senate, the administration, and others regarding the differences between my proposal and theirs.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Foundation for International Scientific and Technological Cooperation Act".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) science, engineering, and technology research and development in the fields of oceanography, atmospherics, meteorology, metrology, and others, would be benefited by more international cooperation;

(2) the scientific, engineering, and technological capabilities of the United States, wisely applied and directed, can assist in anticipating and resolving difficulties of national and international concern and in reinforcing the Nation's interstate and international commerce;

(3) the policy established in the National Science and Technology Policy, Organization and Priorities Act of 1976 which declares that science and technology should be conducted so as to "serve domestic needs while promoting foreign policy objectives" requires further implementation;

(4) the strengthening of the scientific and technological infrastructure of the developing countries of the world by the United States constitutes an effective way to establish stronger and more positive relationships between those countries and the United States to the benefit of both; and

(5) international cooperation in research and development directed toward problems of international interest can provide important benefits for the United States.

SEC. 3. ESTABLISHMENT.

There is hereby created as an independent agency of the United States of America a body corporate to be known as the Foundation for International Scientific and Technological Cooperation (hereinafter referred to as the "Foundation"). The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this Act.

SEC. 4. PURPOSES.

The purposes of the Foundation are to—

(1) initiate and support research into conditions of particular relevance to the developing countries, to be conducted where feasible in developing countries;

(2) plan and support research and development into the applications of scientific, engineering, and social knowledge for the material, social and cultural advancement of those countries, to be performed whenever feasible in developing countries;

(3) assist developing countries to strengthen their scientific and technological capabilities and institutions; and

(4) provide information concerning the scientific, engineering, and technological resources and needs of the United States and developing countries for their respective use.

SEC. 5. FUNCTIONS.

In carrying out its purposes under this Act, the Foundation shall—

(1) enlist natural and social scientists and engineers of the United States and other countries;

(2) assist developing countries to reinforce their research capabilities, technical skills, and related scientific and technological institutions required for their development;

(3) encourage the exchange of scientific and technological information between the United States and developing countries;

(4) foster cooperation in research and development between developed and developing countries on matters of mutual interest;

(5) support educational programs for scientists, engineers, and technicians in developing countries and the United States;

(6) encourage participation by the private sector in scientific research, development, and education to benefit developing countries; and

(7) coordinate its activities with agencies of the United States Government, the United Nations, and other international organizations and entities promoting social, cultural, and economic development of developing countries.

SEC. 6. POWERS.

Subject to the provisions of the Government Cooperation Control Act (31 U.S.C. 846 et seq.) to carry out its purposes under this Act, the Foundation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) with the approval of the Board of Directors established pursuant to section 7 of this Act—

(A) may make grants and loans to any individual, corporation, or other entity, wherever situated, or to any government or governmental agency, foreign or domestic;

(B) may make and perform contracts and other agreements with any individual, corporation, or other entity however designated and wherever situated, or with any governmental agency, foreign or domestic;

(C) may prescribe, amend, and repeal such rules and regulations as may be necessary for the conduct of the business of the Foundation; and

(D) may accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in furtherance of the purposes of this Act;

(3) may initiate and support research, technical development, and demonstration projects;

(4) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(5) may adopt, alter, and use a seal, which shall be judicially noticed;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(7) may, as necessary for the transaction of the business of the Foundation, employ and fix the compensation of its employees;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property real, personal, or mixed, or any interest therein wherever situated;

(9) may establish, maintain, and operate information and data facilities for activities relevant to the purpose of this Act;

(10) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government; and

(11) shall have such other powers as may be necessary and incidental to carrying out its powers and duties under this Act.

SEC. 7. MANAGEMENT.

(a)(1) The management of the foundation shall be vested in a Board of Directors (hereinafter referred to as the "Board"), to be composed of nine members appointed by the President, by and with the advice and consent of the Senate, as follows:

(A) five members who shall, at the time of their appointment, not be employees of the United States Government; and

(B) four members who shall be appointed from among appropriate officers or employees of agencies of the United States Government.

The President shall designate one of the members appointed under this subsection who is a United States citizen to serve as Chairman of the Board. The President shall also designate one of the members appointed under this subsection to serve as Vice Chairman of the Board.

(2) Members of the Board shall be appointed for terms of 5 years, except that, of any members first appointed and as designated by the President at the time of their appointment (except the Chairman and Vice Chairman), three shall be appointed for terms of 1 year, and three shall be appointed for terms of 3 years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his term of office, any member may continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(b) Each member of the Board not employed by the Federal Government shall receive compensation equivalent to the daily rate in effect for level II of the Executive Schedule under section 5313 of title 5, United States Code, for each day that such individual is engaged in the actual performance of the activities of the Foundation. Each such member shall be entitled to travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, incurred by him in the performance of his functions under this Act.

(c) A two-thirds majority of the Board shall constitute a quorum for the purpose of conducting the business of the Board.

(d) The Board may appoint such committees for carrying out the work of the Foundation as it determines to be in the best interests of the Foundation. Each such committee shall consist of not less than three members of the Board. The Board may delegate any part of the management of the business of the Foundation to such committees, except that such committees may not approve or disapprove grants or loans in excess of $500,000.

(e)(1) The President shall appoint an Executive Director of the Foundation (hereinafter referred to as the "Director"), who shall be the chief executive officer of the Foundation and shall have supervision over and direction of the work and staff of the Foundation. The Director shall serve as an ex officio member of the Board. Such Director shall receive compensation at the rate equivalent to that for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) Experts and consultants, or organizations thereof, may be employed by the Board as authorized by section 3109 of title 5, United States Code.

(f)(1) The Board shall establish a Council to be composed of such number, not to exceed 25, of individuals as may be selected by the Board from among individuals who are knowledgeable about science and technology and international affairs. No member of the Board shall also be a member of the Council.

(2) The Board shall consult the Council concerning the objectives and activities of the Foundation at least once each year.

(3) Each member of the Council not employed by the Federal Government shall receive compensation equivalent to the daily rate in effect for grade 18 of the General Schedule under section 5332 of title 5, United States Code, for each day that such individual is engaged in the activities of the Foundation. Each such member shall be entitled to travel expenses, including per diem in lieu of subsistence in accordance with section 5703 of title 5, United States Code, incurred by him in the performance of his functions under this subsection.

(g) Upon request of the Board, the head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Board under this Act. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

SEC. 8. REPORTS.

Upon request of the Director of the Office of Science and Technology Policy, for purposes of preparing the report required by section 209 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6618), or when the Board deems necessary, the Board shall prepare and transmit to the Office of Science and Technology Policy a report on the activities of the Foundation for the preceding year. Within 2 years after the date of enactment of this Act and every 2 years thereafter, the Board shall prepare and transmit to the Congress a report on its activities during the preceding 2 years.

SEC. 9. GOVERNMENT CORPORATION CONTROL ACT.

Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by inserting "Foundation for International Scientific and Technological Cooperation;" before "and Pension Benefit Guaranty Corporation." at the end thereof.

SEC. 10. AMENDMENTS.

Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(24) Executive Director, Foundation for International Scientific and Technological Cooperation.".

SEC. 11. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act not to exceed $25,000,000 for fiscal year 1980, $50,000,000 for fiscal year 1981, and $75,000,000 for the fiscal years 1982, 1983, and 1984. Such sums shall remain available until expended.

By Mr. CULVER:

S. 502. A bill to modify the Davenport, Iowa, local flood protection project; to the Committee on Environment and Public Works.

PROTECTION OF NAHANT MARSH

● Mr. CULVER. Mr. President, today I am introducing legislation which authorizes $314,000 for the acquisition and enhancement of Nahant Marsh as part of any work by the U.S. Army Corps of Engineers on the proposed Davenport, Iowa, flood control project.

Davenport is one of the four cities comprising a major metropolitan area known as the Quad Cities. While its location along the Mississippi River has played a large role in its economic success, Davenport has suffered major flood damage when the Mississippi overflowed its banks on numerous occasions. One devastating flood in 1965 caused over $4 million in damage.

In the aftermath of the 1965 disaster, Congress authorized a flood control plan for Davenport in 1970 comprised of a series of levees and floodwalls to protect the downtown area. The project is also designed to protect the sewage treatment plant, which is important to the health and well-being of the community.

After the completion of the initial design studies, I became concerned that the flood protection project would have an adverse impact on the environmental and ecological values of Nahant Marsh, one of the outstanding natural resources of the Quad Cities area. It is an outstanding example of a meadow wetland, which is developed over decades, and provides a unique habitat for many varieties of wildlife.

In addition to its inherent ecological values, Nahant Marsh also provides tremendous environmental opportunities for the citizens of the Quad Cities. It is one of the few remaining wildlife areas in this urban setting and functions as a "living laboratory" for the many schoolchildren, nature and conservation groups, and individual citizens who visit and enjoy it each year.

Mr. President, Nahant Marsh is a fragile ecosystem which would be permanently harmed if specific steps are not taken to protect it. The flood protection project would stimulate private economic development in the floodplain area, and subsequent dredge and fill activities would dry up the marsh.

I believe it is essential that we must assure that no action be taken which would destroy this unique environmental resource. The Corps of Engineers has recommended that Nahant Marsh and other nearby lands be acquired and that certain enhancement measures be taken to preserve the marsh. These measures include controlling the water elevation of this wetland area during the dry season and the deposit of silt during runoff.

This proposal to acquire and protect Nahant Marsh constitutes a post-authorization change which must be approved by Congress. I introduced an amendment authorizing this change during Senate consideration of the Inland Navigation Development Act last year. The Senate approved this amendment, but no final action was taken by the House of Representatives before adjournment. The Corps of Engineers' North Central Division Headquarters is currently evaluating the final design proposal for the Davenport project, and language authorizing the protection of Nahant Marsh should be approved by Congress this year.

The $314,000 authorized in this bill represents the Federal cost-share to acquire and protect Nahant Marsh. The city of Davenport would acquire the land and would then be either reimbursed by the Corps or have its share of the costs of the Davenport flood control project reduced proportionately.

Mr. President, we have the opportunity to demonstrate that natural resources and urban communities can exist together. This legislation assures that any work undertaken as part of a flood protection plan for Davenport will do no violence to this unique environmental area. Nahant Marsh plays a valuable role in the Mississippi River ecological system and provides hours of enjoyment for the people of the Quad Cities.●

ADDITIONAL COSPONSORS

S. 55

At the request of Mr. BENTSEN, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 55, the Meat Import Act of 1979.

S. 76

At the request of Mr. STONE, the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. THURMOND), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Indiana (Mr. LUGAR), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 76, to amend title XVIII of the Social Security Act to authorize payment under medicare for certain services performed by chiropractors.

S. 114

At the request of Mr. DECONCINI, the Senator from California (Mr. HAYAKAWA) was added as a cosponsor of S. 114, a bill to establish rational criteria for the imposition of death.

S. 192

At the request of Mr. BOREN, his name was added as cosponsor of S. 192, to amend the Internal Revenue Code of 1954 to equalize the tax treatment of domestic and foreign investors.

S. 194

At the request of Mr. MCGOVERN, the Senator from Nebraska (Mr. ZORINSKY), the Senator from Michigan (Mr. RIEGLE), the Senator from Wisconsin (Mr. NELSON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 194, the Agricultural Foreign Investment Control Act of 1979.

S. 208

At the request of Mr. BOREN, his name was added as a cosponsor of S. 208, to amend the Internal Revenue Code of 1954 to subject foreign investors to the capital gains tax on gain from the sale of real property situated in the United States.

S. 263

At the request of Mr. BENTSEN, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 263, a bill to amend the State and Local Fiscal Assistance Act of 1972.

S. 265

At the request of Mr. DOMENICI, the Senator from Alaska (Mr. STEVENS), the Senator from Oklahoma (Mr. BOREN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 265, the Equal Access to Justice Act.

S. 336

At the request of Mr. MATHIAS, the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of S. 336, a bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return may be taxed at the same rate as an unmarried individual.

S. 392

At the request of Mr. COHEN, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 392, a bill to provide that polling and registration places for elections for Federal office be accessible to physically handicapped and elderly individuals, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. KENNEDY, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Resolution 50, a resolution disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries.

SENATE RESOLUTION 71

At the request of Mr. MCGOVERN, the Senator from Arkansas (Mr. PRYOR), the Senator from North Dakota (Mr. BURDICK), the Senator from Alabama (Mr. HEFLIN), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Resolution 71, calling for a strong and independent Department of Agriculture.

AMENDMENTS SUBMITTED FOR PRINTING

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—SENATE JOINT RESOLUTION 1

AMENDMENT NO. 66

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI submitted an amendment intended to be proposed by him to Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

STRATEGIC AND CRITICAL MATERIALS STOCK PILING REVISION ACT OF 1979—S. 290

AMENDMENTS NOS. 67 THROUGH 69

(Ordered to be printed and referred to the Committee on Armed Services.)

Mr. PROXMIRE submitted three amendments intended to be proposed by him to S. 290, the Strategic and Critical Materials Stock Piling Revision Act of 1979.

Mr. PROXMIRE. Mr. President, I am today submitting three amendments to S. 290, the Strategic and Critical Materials Stock Piling Revision Act of 1979, which was referred to the Armed Services Committee. These amendments address several shortcomings in the current law which are not corrected by S. 290.

My first amendment would reduce the enormous cost of the stockpile by approximately $6 billion. Currently, 80 percent of the stockpile is intended for civilian rather than military consumption. My amendment would limit stockpile coverage to military and essential civilian needs only. This reduced coverage would still guarantee a strong defense industrial base in the event of a major conventional war but at less than half the cost of the current policy.

My second amendment would, on the one hand, limit the President's authority to release stockpile materials by permitting such release only during a declared war or national emergency and, on the other hand, authorize the President to dispose of excess materials in limited amounts without further congressional authorization. The first half of this amendment would restrict the President's ability to manipulate the stockpile for economic purposes. The national defense stockpile is clearly not intended for economic purposes; although Presidents have used it for these purposes in the past.

The second half of this amendment would increase the President's authority to dispose of excess materials. The stockpile currently includes billions of dollars worth of excess materials, only a small portion of which has been authorized for disposal. By authorizing limited disposals of additional materials, this amendment would speed the reduction of this excess and greatly reduce stockpile financing costs.

My third amendment highlights these financing costs by requiring annual interest payments from the stockpiling agency to the Treasury based on the current market value of materials in the stockpile. A similar provision already applies to materials held in the Defense Production Act inventory. This amendment would affect internal Government accounting only and would have no impact on taxes or the budget deficit.

Mr. President, I ask unanimous consent that the three amendments with the accompanying explanations be printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 67

On page 2, line 11, delete "industrial,".

On page 14, line 2, delete "industrial,".

On page 15, after line 3, add:

"(3) The term 'essential civilian needs' means non-military needs which have a direct relationship to the military effort or which are basic to the well-being of the civilian population and which cannot be provided through substitution without a significant loss of utility."

Explanation: S. 290 defines "strategic and critical materials" to include "materials that (A) would be needed to supply the military, *industrial*, and essential civilian needs of the United States during a national emergency . . ." Amendment No. 1 would delete "industrial" from this definition. In effect this would eliminate the "butter" from the current "guns and butter" stockpile policy. The provision for non-essential goods and services *adds $6.3 billion* to the cost of the stockpile. It is felt that our national security is well-served by a stockpile which is limited to military and essential civilian needs. (The definition of "essential civilian needs" is consistent with its current usage by the Federal Preparedness Agency.)

Amendment No. 68

On pages 9 and 10 delete the entire text of subsection 7(a) and insert:

"Sec. 7(a). Except as otherwise provided in this Act, materials acquired under this Act may be released for use, sale, or other disposition only on the order of the President or any officer or employee of the United States designated by the President to issue orders of release under this section—

"(1) In time of war declared by the Congress or during a national emergency proclaimed by the Congress or the President, if the President or his designee determines the release of such materials is required for purposes of the national defense; or

"(2) If (A) such materials are determined excess to stockpile requirements, (B) Congress has been notified 90 days in advance, and (C) the amount of any given material to be disposed of in any given month does not exceed the lesser or either (1) five percent of the stockpile excess of that material or (2) one percent of the average annual domestic consumption of that material computed over the previous three years.

Explanation: Subsection 7(a)(1) would reduce the potential abuse of the stockpile by the President by limiting the use of the stockpile to times of declared war and national emergency. Subsection 7(a)(2) would permit more rapid and dependable disposals of excess materials in cases where special interests have prevented timely disposal authorizations by Congress.

Amendment No. 69

On page 6, line 20, strike the period after "stockpile" and insert "and payment of interest under subsection 5(d)".

On page 6, after line 23, insert:

"(d) Interest shall accrue on the current market value of the materials in the National Defense Stockpile comencing with the fiscal year beginning October 1, 1978. At the close of each fiscal year there shall be deposited into the Treasury as miscellaneous receipts, from any amounts appropriated under subsection 5(c), an amount which the Secretary of the Treasury determines necessary to provide for the payment of any interest accrued and unpaid under this section. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding marketable obligations of the United States with one year remaining to maturity."

Explanation: A similar provison currently applies to materials held in the Defense Production Act Inventory. It costs the Federal Government money to finance existing stockpiles, and these costs should be fully reflected in the appropriate agency budget. By reflecting the full costs of maintaining the inventory—not only maintenance and disposal but also financing costs—this provision would emphasize the need for the prompt disposal of surplus materials. This amendment would affect internal government accounting only and would have no impact on taxes or the budget deficit.

NOTICE OF HEARINGS

COMMITTEE ON HUMAN RESOURCES

• Mr. WILLIAMS. Mr. President, on behalf of the Committee on Human Resources, I wish to announce hearings on S. 420, the National Workers' Compensation Standards Act of 1979, which will be held on Tuesday and Wednesday, March 27 and 28, and on Monday and Tuesday, April 2 and 3, 1979. The hearings will commence on each day at 9:30 a.m. and will be held in room 4232 of the Dirksen Senate Office Building.

Those individuals who wish to testify at these hearings, or who wish additional information should contact Mike Goldberg or Darryl Anderson of the committee staff in room G–237, Dirksen Senate Office Building, Washington, D.C., 20510, telephone (202) 224–3674.•

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

• Mr. CHILES. Mr. President, I would like to announce that the Subcommittee on Federal Spending Practices and Open Government will be holding 2 days of "sunset" hearings on the Office of Federal Procurement Policy. The purpose of this hearing will be to determine if reauthorization legislation should be introduced. The hearings will be on Friday, March 2 and March 9, 1979, at 10 a.m., in room 3302, Dirksen Senate Office Building.•

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

• Mr. CHILES. Mr. President, I would like to announce that the Subcommittee on Federal Spending Practices and Open Government will be holding 1 day of hearings on S. 5, the Federal Acquisition Reform Act. This legislation is to provide policies, methods, and criteria for the acquisition of property and services by executive agencies. The hearing will be on Tuesday, March 13, 1979, at 10 a.m., in room 3302 of the Dirksen Senate Office Building. This hearing replaces the one which was scheduled for Monday, February 19, 1979, and was canceled due to the inclement weather.•

ADDITIONAL STATEMENTS

CREDIBILITY ON TAIWAN

• Mr. CRANSTON. Mr. President, I would like to share with any of my colleagues who may have overlooked it a very perceptive editorial which appeared in the Washington Post this morning on the actions of the Senate Foreign Relations Committee and its distinguished chairman, Senator Frank Church, of Idaho, in remedying the administration's failure to consider adequately the concerns of the Congress on the People's Republic of China-Taiwan issue. The editorial writer in the Post rightly credits Senator Church with clearing the way for a full Senate expression on this issue.

I ask that the Washington Post editorial appearing in the February 26, 1979, paper be printed in the Record:

The editorial follows:

Credibility on Taiwan

For undertaking to normalize relations with China, Jimmy Carter said he expected "massive applause throughout the nation." What he is getting from the Congress is something less resounding but more valuable: language expressing the American concern for Taiwan in terms more meaningful than his own. The chosen vehicle is the administration's bill setting up the necessary new framework for future dealings with Taiwan. That bill said nothing about security, but the Senate Foreign Relations Committee added language that does and the House Foreign Affairs Committee is doing the same.

Now, Mr. Carter cannot fairly be charged with utter indifference to Taiwan. He did not "abandon" the island; he merely terminated a defense treaty under its provisions. He pledged continued fidelity to Taiwan's well-being and has moved to make specific arrangements—arms sales, a new unofficial framework for continuing old official ties—to make good on that pledge. Peking lacks the physical means and, its leadership contends, the political intent to do Taiwan harm, and even if those conditions changed, the United States would remain in a position to take action, with or without a defense treaty. A good case can be made that normalization offers a better ultimate guarantee for Taiwan than would the perpetuation of ties established in another era.

But Mr. Carter can fairly be charged with indifference to Congress, and this is no small thing. It is not merely that he wounded certain sensibilities on Capitol Hill by inadequate consultation during the runup to normalization in December. That could be excused by the need to keep the talks with Peking on track. The more serious flaw was not to realize that normalization and its reverse side, the establishment of a new pattern for Taiwan, could only be *enhanced* if they were seen to reflect an informed congressional imprimatur as well as a presidential one. It is a question of credibility—of Peking and Taiwan alike understanding that the United States means to keep its word. Any change as large as normalization is bound to raise the question, and the assertion of congressional concern strengthens the administration's own.

Frank Church, in his first substantive test as chairman of the Senate Foreign Relations Committee, brought off Taiwan security language that did two things. This language, adopted unanimously, will surely be more impressive to Peking for reflecting a broad congressional consensus and not a narrow or partisan majority. Moreover, the language protects well the essential feature of normalization with Peking—not to maintain a backdoor recognition of Taipei, as some would-be spoilers of normalization had wanted to do. That is why the administration, which started out by saying that no additional congressional handiwork was necessary, now finds that the Senate committee's product is acceptable after all. The House is, as we say, heading in the same direction.

Mr. Carter might have done better if he had understood and accepted earlier the extra weight that informed congressional cooperation could add to his own chosen China policy. It would have saved him some slight political embarassment. But the way seems clear now for a truly national expression of policy on this important question.●

FORMER UNDER SECRETARY OF STATE EUGENE ROSTOW CRITICIZES PRESIDENT CARTER'S UNILATERAL ABROGATION OF TAIWAN DEFENSE TREATY AS UNCONSTITUTIONAL

● Mr. GOLDWATER. Mr. President, I have just received a very important letter from Prof. Eugene Rostow at Yale Law School. Professor Rostow, who was a longtime dean of the Yale Law School and was Under Secretary of State from 1966 to 1969, is deeply concerned because of President Carter's derecognition of the Republic of China and especially because of the President's attempt to break the defense treaty with Taiwan.

In Professor Rostow's words:

> This action is profoundly wrong—wrong morally; wrong politically, wrong constitutionally; and wrong from the point of view of our security.

As Professor Rostow points out:

> The thought that the President can alone terminate a security treaty, and is willing to do so, has shocked and frightened those responsible for the fate of nations from Tokyo and the NATO capitals to Jerusalem, Cairo, and Canberra.

But Professor Rostow does not criticize President Carter's action only on the grounds of unwise policy and national security. He also states unequivocally that it is unconstitutional.

He writes:

> It cannot be constitutional to allow the President to abrogate treaties by a stroke of his pen. . . . Such a doctrine would make nonsense and indeed establish an Imperial Presidency.

Mr. President, these are strong words coming from a distinguished legal scholar and former high official of the executive branch. They are words which should be given close attention as we proceed to take up the nomination of Ambassador Woodcock and legislation concerning the nature of our country's future relations with the people and government of Taiwan.

Mr. President, the full text of Professor Rostow's statement is contained in a note he has prepared for publication in the Yale Alumni magazine. I submit the paper for the RECORD.

The paper follows:

NOTE FOR YALE ALUMNI MAGAZINE

No one should object, and surely I do not object to calling our Liaison Office in Peking and the Chinese Liaison office in Washington "Embassies." Full, free, and active diplomatic relations between countries are useful and important, and should always be encouraged. But President Carter has coupled the full recognition of mainland China with an undertaking to terminate our security treaty with Taiwan, and to end our diplomatic relationship with that small, peaceful, and friendly state. This action is profoundly wrong—wrong morally; wrong politically; wrong constitutionally; and wrong from the point of view of our security.

Our rapprochement with Communist China developed eight years ago in response to the common interest of China and the United States in containing the Soviet Union's drive for overwhelming world power. China turned to us in 1971 for protection against the Soviet threat to its dependence, symbolized by the growth of Soviet forces in Siberia from 4 to 45 divisions, and the continuing Soviet thrust for dominion in Southern and South-Eastern Asia. That common interest remains the fundamental basis for the relationship between China and the United States, as the Shanghai Communique attests. China wants us to pursue an active, forward foreign policy, supported by adequate conventional and nuclear deterrent force, and carried out in collaboration with Japan, Western Europe, China, and other friendly nations. The goal of that policy should be to prevent Soviet hegemony in world politics, and to restore a stable world order based on general respect for the rule of the U.N. Charter regarding aggression. China also wants our help in modernizing its economy and its armed forces. What China is proposing is exactly what we should be doing in our own national interest, provided China accepts our views as to the nature of the world order which should be the lodestar of our policy—a conception we should never stop trying to persuade the Soviet Union to accept.

For us to terminate the American security treaty with Taiwan does not advance the common interest of China, the United States and our allies in stability and peace. On the contrary, it creates doubt and uncertainty throughout the world about the credibility of our security commitments, the only cement of the world political system. The thought that the President can alone terminate a security treaty, and is willing to do so, has shocked and frightened those responsible for the fate of nations from Tokyo and the NATO capitals to Jerusalem, Cairo, and Canberra. Such action is against the national interest of China itself, which has been protected by the United States since 1972.

It cannot be constitutional to allow the President to abrogate treaties by a stroke of his pen. Can the President alone nullify our solemn national commitment to NATO? If this were constitutionally permitted, why require an extradordinary majority of the Senate to advise and consent to the ratification of treaties in the first place? The Constitution makes treaties, like statutes, "the supreme law of the land." The President's duty is to see that treaties and statutes are "faithfully executed." He has no power to repeal them. Such a doctrine would make nonsense of the separation of powers, and indeed establish an Imperial Presidency.

It is my hope that a strong Joint Resolution of the Congress will repair the damage President Carter has inflicted on our national interests and the stability of world politics by this ill-considered action.

—EUGENE V. ROSTOW.●

LEGISLATION EXEMPTING DEEP STRIPPER WELLS FROM FEDERAL PRICE CONTROLS

● Mr. BOREN. Mr. President, today, I have joined as a cosponsor of S. 316 and S. 477 by Senator BENTSEN.

S. 316 provides for price incentives for production of crude oil from deep stripper wells by exempting these properties from Federal price controls. Differences in operating conditions are provided for by varying the average production ceilings for eligibility according to depth of the well drilled. It also would provide that injection wells be counted in any computations of a property's average annual production per well.

S. 477 provides for price incentives for the production of crude oil recovered through tertiary recovery methods. This piece of legislation would also exempt qualifying properties from Federal price controls.

The single most troublesome problem faced by oil producers is the extreme difficulty of finding capital investors willing to assume the risks of petroleum exploration and development at the prospective costs indicated by recent experiences considering the uncertainty and economic instability which persists. Drilling shortfalls which are occurring due to such capital shortages assure a continued decline in domestic production, and an increased reliance on unreliable foreign sources. It is estimated that just to meet anticipated demand domestically, and this does not include capital to reduce import dependence, it will cost the U.S. energy industry $235 billion for exploration and development of petroleum.

In addition, there is growing evidence that expenditures for exploration and development may have peaked in response to prices and may decline if additional price incentives are not forthcoming. The current drilling expansion began in the first quarter of 1976, and between that period and the end of the third quarter of 1978, moderate declines were reported only once in 3 successive weeks. But the rig count, which has traditionally been an indicator of energy investment, declined in 7 of the last 8 weeks of 1978, and the total rigs working during this period dropped from 2,385 to 2,263.

Since shortly before the beginning of the Arab embargo, domestic crude oil reserves have fallen by 30 percent, imports of crude and products have nearly doubled and we are importing three times more petroleum from OPEC countries than in 1973. At the same time domestic production has been falling, there has been a moderate incease in domestic petroleum demand. In fact, domestic production declined over 9 percent during that period. Costs of such dependence totaled over $40 billion last year. The continual and increasing export of almost one-half trillion dollars a year is resulting in an enormous impact on the dollar. And, even more frightening is what those nations holding our dollars can do with such power.

I think another point which has not been made concerning our growing dependence on foreign oil since the so-called embargo is from whom the importer oil is coming. Our sources of imported oil are rapidly shifting from secure Western Hemisphere countries—Canada and Venezuela—to the Middle East and Africa. Our largest individual supplier of crude oil since last November has Saudi Arabia, and the Arab countries as a bloc provide 45 percent of our imports—up from 22 percent prior to the embargo which they imposed on us. Another 35 percent of our imports are controlled by non-Arab States such as Nigeria who have their own complaints regarding the United States. Our crude oil supplies from insecure political sources are growing as well as our overall dependence on foreign sources for oil. And we have just recently seen, and are continuing to see, the impact of dependence on unreliable foreign sources such as Iran. With the growing unrest in the Middle East it is not sheer speculation to assume that other foreign suppliers of American energy may also be caught up in like political unrest.

Oil imports are expected to cost the United States over $45 billion this last year. That is about $425 for every American family. The cost of imports of foreign oil by 1985 is expected to be over $100 billion. That is about $1,325 for every American family. Unless we take the painful, but necessary, steps to reduce demand and increase domestic production, we will require at least 24 million barrels of oil per day by 1985 and 60 to 70 percent of that will have to be imported.

Mr. President, we must take immediate measures toward regaining our energy independence, and, it is my belief that by passing these two pieces of legislation we will be taking an important first step in doing so.

As I am sure you are aware, only one-third of the petroleum contained in a petroleum reservoir can be extracted by primary and secondary conventional enhanced recovery operations. This will leave unrecovered nearly 300 billion barrels of oil in currently identified reservoirs. Accordingly, each 1 percent improvement in the recovery factor will add some 3 billion barrels to U.S. proven reserves. At present these total about 36.8 billion barrels. Increased production as a result of S. 477 is estimated at 500,000 to 1,000,000 barrels per day by 1985. This would add between 11 and 29 billion barrels of oil to existing domestic reserves.

S. 316 would be similar to the rules governing stripper wells which more than 4 years of experience have shown effective in extending the productive lives of thousands of wells and are workable and manageable from the standpoint of both Government and producers. Before the stripper well exemption from controls, over 63,000 stripper wells were abandoned as uneconomical to produce. Yet, following this exemption, only 51,000 wells were abandoned. In 1977 a 20-year low was reached when only 9,000 stripper wells were abandoned. Thus, there is every reason to believe that similar higher prices for deep stripper wells would have a similar effect on these wells.

In addition to extending the lives of thousands of marginal wells (over 15 percent of domestic production) the increased cash flow generated by increased prices would stimulate the extensive use of well workover and enhanced oil techniques and additional drilling on existing properties as well as increased exploration and development of new properties.

I think it is important for us to set goals for increasing our energy independence. The Independent Petroleum Association of America has projected in order for us to cut back our imports to 25 percent from the present 47.2 percent, it would require an increase of 2,500 oil wells per year. In 1978, there were 18,912 new oil wells drilled. To cut back imports by 1985, the U.S. domestic producers would have to be drilling a total of 40,000 new wells per year, and producing domestically 15,490,000 barrels daily. This would require us to import only 5,490,000 barrels daily, or 26.2 percent of U.S. oil demand. I think it is important to note that just to offset the normal decline rate of U.S. production we would need to complete more than 22,000 new oil wells per year. Prospects for such expansion of drilling are bleak unless we provide some economic relief to as many properties as possible. With the sense of certainty provided by these pieces of legislation, producers would have an incentive to invest in additional drilling which they might not do otherwise.

It is essential that we develop our existing domestic reserves to the fullest. Increased production under these legislative initiatives would very shortly nullify the effect of the total loss of Iranian oil to the United States. Just the passage of S. 316 alone would increase daily domestic production by 1985 by 700,000 barrels daily.

The shortfall of oil to the United States due to strife in Iran is about 500,000 barrels in the United States. It is expected that by 1990 just with the passage of these two bills we would increase our daily domestic production by 2 to 2½ million barrels daily. It is time that the United States takes steps toward becoming energy self-sufficient again. The uncertain political situation of our foreign oil suppliers mandates that we do so.●

THE 143D ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN BALTIMORE, MD.

● **Mr. MATHIAS.** Mr. President, so many unhappy events dominate the news, that I thought the Senate would be interested in hearing of a happy event with profound significance for the future of community life in America. This occasion for celebration was the 143d anniversary of the First Baptist Church located at 525 North Caroline Street in Baltimore, Md. I was privileged to be present and to participate. The positive spirit of the occasion was reflected in the message of the pastor, Rev. Leroy Fitts, the sermon of Rev. Willard L. Clayton, the history of the church and the proclamation of the mayor of Baltimore.

I submit for the RECORD a history of the First Colored People's Baptist Church of Baltimore, a message from the pastor, the history of the church building, a biographical sketch of Rev. Willard L. Clayton, and the proclamation by Mayor Schaefer of Baltimore designating First Baptist Week.

The material follows:

HISTORY OF THE FIRST COLORED PEOPLE'S BAPTIST CHURCH OF BALTIMORE

Many years ago, the power of God began to move in the midst of an era, when a Baptist Church for Colored People appeared to be an impossible dream. For countless years they struggled with the hope that some day, laws and customs would change and their dream would become a reality. Because they put God first in their effort, the inevitable happened. William Crane, a white servant of God, persuaded Moses Clayton to come to Baltimore to begin a mission for the Black Community.

Clayton, an ex-slave of Norfolk, Virginia, was a man who had faith in God, himself, and the task that was before him. He believed his course was set, and nothing diverted his effort. His first mission began in 1834, in the parlor of his Mullikin Street home when he organized a Sunday school.

In 1835, Clayton was ordained. On February 20, 1836, with ten followers, organized the First Colored People's Baptist Church in the State of Maryland. God, knowing their need for a place to worship, touched the heart of a Mr. Sterling, who gave them a school building near Belair Market, rent free. On February 7, 1837, a charter was granted, and in March 1841, the church was admitted to the Maryland Baptist Union Association. Soon thereafter, the church began to build a small edifice on Lewis Street.

In 1849, Reverend Clayton resigned, and Reverend John Carey was called. As fate would have it, the Lewis Street edifice was sold for debt. In 1852, internal difficulties divided the membership. Reverend Carey and a nucleus of members from the division formed the Union Baptist Church of Baltimore. This action led the church to recall Reverend Clayton who remained until his death in 1861.

From 1861–1865, a succession of ministers served. They were Reverends John Whye, Thomas Rheams and J. Underdue.

In 1865, Reverend Lewis Hicks became pastor. With the help of Reverend Berg, Reverend Hicks was able to build a church at Thomsen and Young Streets. He resigned in 1869.

In 1872, Reverend J. C. Allen was called. Progress continued. In 1875, the lot at Caroline and McElderry Streets—the present site—was purchased. By 1880, the new building was ready to be occupied. With much joy, the congregation moved into the edifice the last Sunday in January 1881. This was an occasion to be remembered, for this was the first building for worship, to be built and occupied by Colored Baptist.

During Reverend Allen's administration, Reverend P. Carter Neal was his assistant. Reverend Neal became pastor after the death of Reverend Allen in 1904. During his Pastorate, the church was remodeled twice and the Relief Association was organized. Reverend Neal passed away March 27, 1920, leaving the church free of debt and cash in the bank.

Following the death of Reverend Neal, Reverend A. J. Green was called. Under his leadership the deed for the church was redeemed. Again, in 1928, internal upheavals divided the membership. Reverend Green and a nucleus of the division established the Grace Memorial Baptist Church.

Because the church was built on a firm foundation, it weathered the storm as it had done years before. It continued to prosper. Reverend William H. Young was called. His leadership was fruitful. Extensive renovations were made on the building, and the following auxiliaries were organized: the Boosters Club, the Pastors Aid, and the Baptist Training Union. Reverend Young resigned in 1934.

From 1936–1939, Reverend Matthew T. Waters served and from October 1, 1939–1942, Reverend Andrew D. Nance served. Under their leadership progress was gradual.

In 1943, Reverend Vernion T. Williams was called. During his tenure, the concurrent debt was liquidated, the organ, chimes and a second parsonage were purchased, and the first Educational Building of its kind among Baptists in the East Baltimore Community was built. It was dedicated in November 1961. Reverend William passed away February 25, 1962.

In December, 1962, Reverend Gus Roman was called. Under his leadership, the Board of Christian Education was adopted. He resigned in January 1967.

In 1968, Reverend Walter L. Parish, was

called. During his administration, a church bus was purchased and the office and main sanctuary were renovated. He resigned August 1970.

In August 1970, Reverend Baxter L. Matthews was called to serve as interim pastor. Under his leadership, the debt for the Educational Building was liquidated. On Sunday October 3, 1971, the Educational Building was re-dedicated as the Vernion T. Williams Educational Building. His interim pastorate ended when the church called a minister.

In June 1972, Reverend Leroy Fitts was called. He is a dedicated leader who strongly emphasizes the need for perpetual Christian education, stewardship, church family involvement in social ills of the community, and involvement of the youth in the total church program.

His deep concern for the building, led to complete renovation of the lower chapel, installation of a baptismal pool, a furnace and air conditioning for the main stanctuary.

In this historical occasion, we pause to pay tribute to the pioneers in whose hearts God chose to plant the seed which took root and gave birth to the First Baptist Church.

Because the pioneers of First Baptist and those who followed, were steadfast in the work of the Lord, their sustaining faith led to victory.

Let us pray constantly, keep the faith, and continue to labor for fruits, through Jesus Christ, Our Lord and Savior.

A Message From the Pastor

My dear Brothers and Sisters, I am delighted to greet you on this significant occasion in the history of our Church, and community. We are here to hallow this place because it symbolizes the struggles of a people, in the light of and sometimes over and against their unique experiences, to be faithful to God, brotherly to all men and good citizens of America. Yes, this place should be remembered and cherished in the community!

However, the officers, members and friends of First Baptist Church must accept the lessons from the past as we press forward for the prize of a higher and ultimate purpose in the economy of God. Our Church is challenged to discover where God is specifically active in the world and to get involved with Him in the movements to redeem all men. Hence, our Church stands anxious and ready to join hands with the wider City, State, National and World communities for the realization of God's purpose for us.

I am especially grateful to my immediate Church family, for you, with God's Spirit, are the power that sustains and nurtures this historic Church. Your love and commitment are true and very dear to me.

God bless America, the nations on the earth and whatever life there might be in the Cosmos.

Fraternally yours,
Rev. Leroy Fitts,
Pastor.

History of the Church Building

In 1876 the edifice was designed by J. A. and W. T. Wilson, Architects. It was built by H. C. Smyser and Edward B. White. Its architecture is of the Victorian Period of the Greek Revival. It is a very modified form of Doric architecture with limitations of a pragmatic nature. The masonry of the facade and north elevation is excellently rendered. The cost of the lot and building was $16,500.00. In 1880–1885 this represented the total yearly earnings of 380 skilled workers of that period.

Biographical Sketch of Our Guest Speaker

(By Rev. Willard L. Clayton)

Our speaker is a direct descendent of the Reverend Moses Clayton, the founder of First Baptist Church.

Reverend Willard L. Clayton, son of the late James Milton and Cora L. Clayton, was born in Westmoreland County, Virginia. As a teenager, he went to Boston, Mass., where he worked his way through eleven years of schooling in preparation for the ministry.

In 1925, he was called to the pastorate of the Union Baptist Church, Malden, Mass., now Emmanuel Baptist. He served as the first black vice president of the Boston East Association, and the first black moderator.

In 1945, Reverend Clayton was called to the pastorate of the Macedonia Baptist Church where he is presently serving. During both Pastorates, he had the honor of being elected to City, District and State as well as National organizations.

From 1958 until 1962, he served as President of the United Baptist Missionary Convention of Maryland. One of the many accomplishments during his administration, of which he is proud, is the re-establishment of a president's term to four years in office. During his Mission Work, he served as Minister and Lecturer in the Bahama Islands and Santiago, Chile, South America.

In 1958, Virginia Seminary, at Lynchburg, conferred on him, the honorary degree of Doctor of Divinity.

Proclamation

Whereas, the first colored Peoples Baptist Church was founded 143 years ago by Moses Clayton an ex-slave; and

Whereas, surviving some periods of divisiveness, and profiting from a procession of strong leaders, the First Colored Peoples Baptist Church emerged as a viable spiritual force within the Black Community; and

Whereas, the structure that currently houses the First Baptist Church, late Victorian with renaissance detailing, was built on a lot at the corner of Carolina and McElderry Streets that was acquired in 1875; and

Whereas, as a historic landmark the First Baptist Church joins a remarkable collection of buildings of diverse style and function

Now, I, William Donald Schaefer, Mayor of the city of Baltimore, do hereby proclaim February 25–March 4, 1979 as First Baptist Church Week in Baltimore, and do urge all citizens to take note of this important event.●

LET'S CURTAIL THIS FAST GROWING "BUSINESS"

● Mr. CRANSTON. Mr. President, one of my friends and constitutents, Joe Pinola, chairman of the Western Bancorporation, recently discussed before a Los Angeles Town Hall audience a subject which has been very much on everyone's minds at present: the state of our economy and the role of Government regulation in causing—or at least affecting—the current inflationary spiral. While Joe's speech does not necessarily reflect all of my own views on this extremely complex issue, I believe he presents a point of view which is widely shared in our business community.

I believe that my colleagues here in the Senate will agree with me that Joe's speech is one deserving of our more thoughtful consideration. I request that Joe Pinola's address before Town Hall in Los Angeles on December 12, 1978, be printed in its entirety in the Record.

The address follows:

Let's Curtail This Fast Growing "Business"

Judging by the public opinion polls, the coverage in our daily news media and just general topics of conversation, the Number One public issue for most Americans these days is *The Economy*. They are uneasy over the prospects of recession. They are concerned about the falling dollar, and most of all, they are outraged by our spiraling inflation.

All these concern me, too. Not just as a banker, but as the head of a family and as a citizen concerned about the future success of our country. It's impossible, in the next few minutes, to comment meaningfully on all the broad aspects of our economic condition. And so, I would like to focus on just one segment—government regulation.

Some of you may have just lifted your eyebrow and said to yourself, "Government regulation has little to do with The Economy." Let me assure you right now that it has a great deal to do with it. While the two are not usually connected in the public mind, there is not only a direct relationship between government regulation in general, but inflation in particular. In fact, government regulation is one of the major and fundamental causes of our inflationary spiral.

That's because government regulation is, itself, spiraling. And, I believe it just may be out of control.

Let's look at some chilling facts:

The Federal Government has 100,000 employees staffing 41 regulatory agencies. They earn $3-billion every year from the taxpayers. And, their agency expenditures have doubled in the past five years.

The private sector each year has to fill out over 4,400 different Federal forms.

General Motors spends more than $1-billion per year—equal to one-third of its net profits—to comply with government regulations.

Dow Chemical spends almost $200-million to comply with Federal regulations.

The head of a major grocery chain in Southern California said in a recent newspaper interview that one of the reasons for the increasing costs of food was the fact that grocers here had to file reports or deal with 123 Federal, State or local government agencies.

Economists at the Chase Bank have computed that the cost of regulation in 1977 amounted to $100-billion. That figure is conservative compared to government's own Office of Management and Budget which estimated that, for 1976, regulation cost the public about $130-billion. That was the equivalent of more than 8 percent of the Gross National Product that year.

I read recently that Senator Patrick Leahy, of Vermont, assembled in his offices, two bookcases—one contains copies of all the laws passed by Congress since the late 1700's. The other contains all the Federal rules promulgated by agencies in the past 18 months. The bookcases are exactly the same size!!

An equally impressive example of the regulatory explosion is the Federal Register. The 1977 Federal Register contains 64,000 pages of new rules and regulations, compared to only 2,400 pages when the Register began publishing just 30 years ago.

Recently a fellow banker showed me an 80-page booklet entitled, "Reports to Government and Regulatory Authorities." It was prepared by a major U.S. bank, and the 80 pages were required to list no more than the title of the report, and the agency requiring it, and a brief statement of the purpose of the report and the frequency of the filing. 80-pages of that, mind you!

It is a sobering experience, indeed, to leaf through this report and reflect on what proportion of the information represents a genuine need and what is merely an aimless and arbitrary diversion of vast amounts of otherwise productive time into a very expensive government vacuum.

I like the comment of David Rockefeller in a recent talk when he said, "When I look at the cost of the regulation today, I'm grateful we're not getting all the government we pay for."

When I look at the volume of regulation, I fear that David may be wrong.

It is difficult for me to think of any major industry that has been the object of as much regulatory legislation during the past dozen years as has our banking industry. Since 1966 Congress has enacted 15 major measures, all of which impose regulatory obligations on banks:

The Financial Institutions Supervisory Act.

The Bank Merger Act Amendments.

The Savings and Loan Holding Company Act.

The Truth in Lending Act.

The Fair Credit Reporting Act.

The Bank Protection Act.

The Bank Holding Company Act Amendments of 1970.

The Equal Credit Opportunity Act.

The Interest Rate Control Act.

The Consumer Leasing Act.

The Home Mortgage Disclosure Act.

The Real Estate Settlement Procedures Act.

The Federal Trade Commission Improvements Act.

The Fair Credit Billing Act.

The International Banking Act.

And in somewhat recent days, we looked at a relatively undistinguished banker from a small town in Georgia conduct some equally undistinguished banking transactions. Because of his high visibility, we now have the Financial Institutions Regulatory Act of 1978. I guess we should look with some favor on the Congress as the bill originally was to have been called the Safe Banking Act. Of course it gives regulators greater enforcement powers, and it deals as well with such matters as interlocking management relationships, changes in control of banks, use of correspondent accounts and conflicts of interest.

Regulatory activity is certainly not confined to the Federal level. In California last year, some 6,400 bills were considered by the State Legislature. Of that number, 900 were bank-related. Just five years ago, that figure was a mere 100. A nine-fold increase.

Now I hope that you will forgive me for confining so much of my remarks so far to the field of banking. Needless to say, we feel some discrimination as to regulation—that is obvious, but that is our particular problem—rather I wish to address the broad subject and what it is doing to our people, our industry, our country.

Certainly at this point you do not need further discussion of the inflationary impact of regulation. If five or six or seven or eight percent of GNP is absorbed by regulation alone, just think of what that does *to* productivity and *for* inflation.

And so for the moment, let's go beyond the subject of inflation and to an even more insidious—if that be possible—aspect of our ever growing regulatory climate. I want to emphasize that the very character and nature of the regulation is changing.

Regulation now is more *prescriptive* rather than *proscriptive*. More and more, the regulators are saying "Thou Shall" rather than "Thou shalt not." This seems to me very much related to social and political goals as opposed to the economic goals of the past. The "old style" type of regulation told us what *not* to do. A penalty would be paid for violations, but the *new* regulation tells us what *to do* and *how to do it*. Classic examples are EPA, ERISA and OSHA.

The government could have regulated safety by saying: for every plant accident you get fined "X" dollars, leaving it up to the private decision-maker to figure out the most cost effective way to avoid accidents. Or, the government could specify *how* to avoid accidents. Obviously the government chose the latter route; Fire extinguishers will be thirty-five inches off the ground; toilet seats will be horseshoe shaped and not round; ladders will have rungs twelve inches apart—and so on. But one must look much deeper, much beyond the thousands and thousands of "Thou Shalls"—to the very nature of the "Thou Shalt" itself. This type of regulation tells us what to do—and that suggests to me a loss of freedom—a loss of freedom of choice and decision—of the way to do business—and of business itself.

If that does not give you a sufficient concern, then just look at the subject of corporate goverance. The SEC recently proposed labelling corporate directors as being "insiders" or "outsiders." The SEC definition was such that few would qualify as "outsiders." By implication, this proposal impugns the independent integrity of corporate directors.

Such a hue and cry was raised over this proposal that the SEC and Chairman Harold Williams backed down.

But there is still strong sentiment on the part of many in government to specify just how a corporate board of directors should be composed. It is significant to note that the SEC *now* has taken sides in a social and political controversy over whether corporations should remain essentially private property, dedicated to economic purposes; or whether corporations should be transformed by government edict into public property—dedicated to social ends.

This is a critical issue. One that affects the very fabric of our society. And it certainly is an issue that should not be left in the hands of a small group of regulators to decide.

I have now reached the depth of my concern for regulation. I am concerned that the tide of regulation seems unstemmable. I am concerned that its cost are unaccountable and clearly out of hand and that these costs will all too soon bring our country to its knees. I am concerned that we are swiftly and surely being told "how to" run our businesses and that the government is moving into the very core of our structure to see that its social and political goals are being met. . . . That's a lot of concern. . . .

Now, lest some of you think that we have reached the end of the line, I wish to offer some hope, some light. It is found in the word "deregulation." It's a popular word in Washington these days—and for obvious reasons. It promises something for everyone. The consumer believes it holds the prospect for lower prices. For the regulated industry, there is the prospect of a lessening of the burden of compliance with government edicts.

It is, unfortunately, improbable to expect that the banking industry will become a candidate for deregulation. We deal with other people's money. . . . And even though the thrift industries and the credit unions and many others do much the same thing, we seem to sit on the other side of the aisle at this point in time. But so do the airlines and look at what has happened there. And so at least the possibility of deregulation exists for all of us. And there is much heart to be taken there.

There is heart and hope to be taken from my talk to you today. My talk is one of hundreds going on throughout the country at this time. Businessmen and even some in government clearly see what is happening and are looking for avenues of correction.

I believe that the crux of the problem is the state of ignorance in which government operates when it comes to regulating our economy and our society. I don't mean intellectual ignorance. Rather, I mean that by what they do they are precluded from finding out what they have done.

There is no movement in government to my knowledge that requires responsibility for the impact of the regulation imposed. There is no cost benefit estimate or analysis required of any regulation. There is no study required of any sort of interrelated regulation. There is no effort made of any kind to know how many and what regulations affect a given industry and whether that industry can or cannot pass on the costs of the regulation on a competitive basis. In other words, it is just plain fashionable to regulate—regardless of consequences—and politicians have been known to do that which is fashionable.

Perhaps I am especially conscious of the behavioral problems of certain legislators. One who once represented me is currently serving Federal sentence. Still another who represented me some years ago is now under Federal indictment. A group of additional Congressmen have either been indicted or found guilty of wrongful acts in very recent days. Notwithstanding these misdeeds, I do not lobby for a Safe Congressman Act because the vast majority of Federal and State Legislators obviously are good, honest American citizens. . . . . .

Yet, it took the wrongful acts of but one banker to generate the Safe Banking Act. . . . . . This, despite the fact that the vast majority of bankers are good, honest American citizens. This legislative mania, and that is what it seems to boil out to be, must somehow be brought under control. There is no better way to erode confidence in the law than to provide too much of it.

Notwithstanding the position I have presented to this point in time, I want you all to understand that I do not speak with bitter tongue. I do sincerely believe that banks are currently receiving unfair treatment by the Congress. But I also sincerely believe that there is much banks could and should have done—and still can do—to improve their position. As a consequence of Watergate and all that word implies, we continue a painful penetrating examination of our conduct—as a nation and as individuals—and as business people. And business has indeed made its share of mistakes.

Perhaps had we not been quite so slick in our pension planning in years past, we might not have had to put up with ERISA.

And had we applied ethical principles to our way of doing business just a few short years ago, we might not, for example, be concerned today with OSHA. We in business and industry were caught worrying about false economy. If we had been pioneering the highest safety standards—as an investment in employee well being—in morale and productivity—there just might not be an OSHA today.

And how about Affirmative Action. . . . What kept us from learning on our own that women—and blacks—and Chicanos are made in God's image just like the rest of us—and that they are entitled to an equal share in jobs and equal pay for equal work.

But the fault does not lie in our camp alone. If our nation is to fail, the failure must be attributed to the faulty strategy of idealists who have too many illusions as they face the realists who have too little conscience. There must be middle ground.

What I seek then, on one side, is a slowing down of the legislative process. There are those among you who lobby for a four or six-year term for members of the House. Perhaps we would do better with bi-annual meetings of the House and the Senate. Give us all a legislative rest—or at least a respite. But, it must meet every year and so it must make laws—But if it must make laws, them how about a law which would require every agency to publish cost/benefit findings of all proposed regulation and make those findings subject to individual review and public scrutiny.

And how about some form of sunset legislation which would require review and reauthorization by the Congress of Federal regulatory agencies or function. It would include cost of the agency and cost of its regulation and again a cost/benefit analysis.

It must require more than a perfunctory review. Congress likes to give things to people but not tell them what they cost. Cost-benefit must be a requirement.

And what I seek on the other side is a fresh look at ethics and morality and impeccable performance accordingly from you in business and industry. Let's not make the mistakes that lead to legislation and regulation. Let's show the way and see that our activities and those of our associates are truly exemplary. It will take every bit of that if we are to be given the hearing that I believe we deserve.

And lastly, let us not simply placate the hostile and the adversary. Our apparent willingness to make unwise changes in order to be accepted has not led to peace and popularity. Generally it is seen as a sign of weakness and only earns the contempt of those less understanding of corporations and capitalism.

Business leaders will have to decide whether they are willing to let the corporate system slide further and perhaps ultimately expire. The slide has gone pretty far already. It can justifiably be argued that there is still time. That is my hope and my prayer.●

THE LEGISLATIVE VETO AND EXECUTIVE LAWMAKING

● Mr. SCHMITT. Mr. President, it is encouraging to see the attention regulatory reform is receiving from the press, the public, Congress and the administration. The realization that our regulatory policies are imposing an excessive and often unnecessary cost on the public has been slow to dawn but now seems, with a few exceptions, universally recognized.

It is extremely important at this juncture that we carefully define the problem confronting the Congress, because if we are to develop the appropriate solution, it is essential to know precisely what we are attempting to accomplish.

The problem as I see it is this:

With the broad delegation of authority to the executive and independent agencies that has occurred over the past several decades, administrative rulemaking has become a key force in our economy. Much of this delegation has been useful, and, in fact, it may be essential if the Congress is to address itself to the various technical matters that require attention in a complex society. In general, it has been more efficient to allow those agencies with experience and expertise in specific fields to develop regulations in the areas for which they are responsible. Clearly, congressional committees have neither the time, the manpower, nor the inclination to take on this duty in its entirety.

This procedure of broad delegation of authority with periodic congressional oversight of agency actions worked fairly well until recent years. The size and scope of regulatory activity was within reasonable bounds and the Congress maintained a tenuous sort of grip on the process as a whole. But in the last decade, the regulatory activities of the Federal departments and independent agencies seems to have reached what we might call a critical mass. At this point, the number of regulations being promulgated each year is not only astronomical but is increasing at a rapid rate from year to year.

This poses difficulties for the public which must comply with those rules and regulations and for the Congress which is, theoretically at least, responsible for their existence. The Constitution clearly vests the Congress with the authority to create law. Article I, section 1 states, "All legislative powers herein granted shall be vested in a Congress of the United States * * * " But the delegation of this authority to Federal departments and independent agencies, results in a situation where the public must comply with regulations written by Federal employees who never face the voters. While elected representatives are indirectly responsible for the quality or quantity of regulation, it is clear that the connection has become so strained that it can be said to have nearly ceased to exist in many instances.

Rulemaking now takes place in a quasi-judicial, quasi-legislative never-never land that has become increasingly immune to both Presidential and congressional authority. To his credit, the President recognized this problem and sought to establish a Regulatory Council which would have provided the executive department with a mechanism with real teeth in it to shape, define and occasionally overturn proposed rules. However, the President allowed himself to be pressured into accepting a compromise which effectively deprives the President of any authority to overturn rules. In fact, he has created a Council in which the regulators are expected to regulate themselves. The President will not even be represented on the Council.

The need for congressional action at this point becomes even more pressing, for not only do the some regulators proclaim their total independence of the Congress, they now suggest that they are totally immune to Presidential control. Apparently, in some cases, they wish to become a law unto themselves; responsible only to their self-proclaimed vision of the public interest, but avoiding direct accountability to the people. The Congress cannot allow this to happen. It must be made unmistakenly clear that the rulemaking activities of the executive branch are subordinate to the authority of the Congress.

Several bills have been introduced in the Congress aimed at regulatory reform. Many contain useful proposals that touch on part of the problem. Unfortunately, most of them fail to recognize the real source of our difficulty: the absence of the only tool with which the Congress can exercize its authority over the rulemaking process. I am referring to the legislative veto.

THE LEGISLATIVE VETO

The legislative veto, in the form of a simple resolution of disapproval, is the sole means whereby the Congress can quickly and with precision overturn a rule and return it to the promulgating body for reconsideration. This procedure does not require the Congress to review every rule. In fact, experience with nearly 300 statutes containing legislative review or disapproval procedures demonstrates that it is a tool that is rarely used.

State legislatures with veto authority over rules and regulations have found that it is seldom necessary to exercise that authority. Its primary value is as a deterrent device to insure that agencies will not stray beyond the bounds of legislative intent when promulgating rules.

This is not the time to catalog the abuses of regulatory authority that have occurred in recent years. Any Senator who reads his mail is familiar with examples and knows that frequently the only recourse available is to write a letter to the agency head, which may or may not have any effect, and which may or may not be answered. The Congress as an institution is much in need of a systematic procedure to deal with unnecessary or irresponsible regulations. The legislative veto fulfills this need.

CONSTITUTIONALITY

Several objections have been raised to providing Congress with the use of this power. The most frequent is the claim that the legislative veto is unconstitutional. It is clear, however, that if it were unconstitutional, we would surely know it by now; since 1932, Congress has enacted over 295 provisions of law with legislative review or veto powers. On those occasions where the veto has been challenged in court, it has not been ruled unconstitutional.

In *Atkins* v. *United States*, 556 F. 2d 1028 (Ct. Cl. 1977), 140 Federal judges challenged the constitutionality of the congressional veto provision contained in the Federal Salary Act, 2 U.S.C. 351 et seq. Under that provision, all or part of the Presidential recommendations to Congress regarding executive, legislative and judicial branch rates of pay become effective automatically within a specified time unless:

> . . . neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations . . .

The Senate exercised its prerogative under section 359(1)(B) and passed a disapproving resolution. The judges argued that one-House veto was unconstitutional because it violated: first, article I, section 1, which vests the legislative authority of the United States in Congress as a body and not in one House alone; second, article I, section 7, which reserves to the President the power to veto every order, resolution, or vote to which the concurrence of both Houses is necessary; and third, the principle of separation of powers and article II, section 1, which vests all executive power in the President.

The Court of Claims rejected each of these contentions. The principle of bicameralism is not violated, it ruled, because rejecting Presidential recommendation to increase or decrease salaries is a form of legislative activity which does not require the affirmative concurrence of both Houses since the effect of such action is not to make law but rather to preserve the status quo. Similarly, there is not usurpation of the Presidential veto power since the Chief Executive had his opportunity to veto the creation of the mechanism in the first instance; and, in any event, the concurrence of both

Houses is not constitutionally necessary where only Presidential recommendations are involved.

Finally, the court held that the doctrine of separation of powers was not being infringed. It noted that the Constitution nowhere dictates a strict compartmentalization of powers between branches. What the Constitution seeks to avoid is the accumulation of too much of all powers in one branch. It further noted that paysetting is basically a legislative power. The court concluded on a function has been conditionally delegated to the executive. Such delegation does not irrevocably commit authority to the executive because in exercising the function the executive merely acts as an agent of the Congress. The legislature retains the right of supervision or oversight. The particular legislative veto in question does not seek to enforce any law or appoint any agents to enforce the law and thus does not call upon the legislature to administer the laws. It is, therefore, a device used in aid of legislation on a matter historically within the legislative power. The court concluded on a practical note, emphasizing that the legislative veto is an appropriate response to the changing circumstances of modern government:

> We end this part III of the opinion by reiterating that the one-House veto present in the Salary Act is a device authorized by article I, section 1, coupled with the necessary and proper clause, and that it contravenes neither the broad principle of the separation of powers nor any specific provision of the Constitution. In particular, we note that the necessary and proper clause, which has sanctioned the massive delegation of legislative functions over the past century, provides a firm grounding for this legislative veto. Congress plainly felt the need for this veto device, instead of relying solely on the power to override presidential recommendations by a full-fledged statute. In McCulloch's phrases, Congress exercised "its best judgment" in the selection of this measure and sought to "accommodate its legislation to circumstances." In the world of reality, the mechanism, as we have underscored, was a fair substitute for full bicameral concurrence, did not materially invade the Executive's own sphere, and took due account of the limited presidential participation. It was a permissible accommodation of competing interests, reflecting both on appropriate check by Congress upon the Executive and some check by the Executive upon the action which could be taken by one House alone. To borrow the Supreme Court's language, some 50 years ago, in upholding congressional delegation, this particular one-House veto seems to us to pass the test of "common sense and the inherent necessities of the governmental coordination." *Hampton & Co.* v. *United States*, supra, 276 U.S. at 406.

The recent Supreme Court decision in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), provided an opportunity for the Court to address the legislative veto.

While the full Court did not decide the case on the basis of the legislative veto, Justice White in his separate opinion expressed the attitude in dicta that it is constitutional:

> I am also of the view that the otherwise valid regulatory power of a properly created independent agency is not rendered constitutionally infirm, as violative of the President's veto power, by a statutory provision subjecting agency regulations to disapproval by either House of Congress. For a bill to become law, it must pass both Houses and be signed by the President or be pased over his veto. Also, "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary . . ." is likewise subject to the veto power. (U.S. Constitution, Art. I, § 7, cl. 3). Under § 438(c) the FEC's regulations are subject to disapproval but for a regulation to become effective, neither House need approve it, pass it, or take any action at all with respect to it. The regulation becomes effective by non-action. This no more invades that President's power than does a regulation not required to be laid before Congress. Congressional influence over the substantive content of agency regulation may be enhanced, but I would not view the power of either House to disapprove as equivalent to legislation or to an order, resolution or vote requiring the concurrence of both Houses. *Buckley*, 284, 285.

Mr. President, the legislative veto provides the Congress with a valuable tool for exercising its constitutional responsibility as the lawmaking branch of the Federal Government. As I noted previously, the Congress has already acted to provide for the disapproval of a wide variety of executive branch action. The time has come for the Congress to enact legislation that will extend this principle to cover not all executive action, but that action of a legislative character which through delegation the Congress has come close to surrendering to a growing, unelected fourth branch of Government. I submit for the RECORD a congressional research study which lists the existing statutes enacted by the Congress between 1932 and 1972 which contain legislative review and veto mechanisms.

The material follows:

CONGRESSIONAL REVIEW ACTS LISTED CHRONOLOGICALLY 1932–1975

PUBLIC LAWS

Legislative Appropriations for Fiscal Year 1933 (P.L. 72–212).

Appropriations for Treasury and Post Office for Fiscal Year 1934 (P.L. 72–428).

Charges for Irrigation on Indian Reservation Projects, 1936 (P.L. 74–742).

Reorganization Act of 1939 (P.L. 76–19).

Neutrality Act of 1939 (54 Stat. Ch. 2, P. Res. 54).

Alien Registration Act of 1940 (P.L. 76–670).

Act to Promote Defense of the United States (P.L. 77–11).

Emergency Price Control Act (P.L. 77–421).

Emergency Price Control Act Amendment (P.L. 77–729).

War Labor Disputes Act (P.L. 78–89).

Navy Public Works Construction Authorization, 1944 (P.L. 78–289).

Naval Petroleum Reserve Amendment (P.L. 78–343).

Federal-Aid Highway Act of 1944 (P.L. 78–520).

Reorganization Act of 1945 (P.L. 79–263).

Federal Airport Act of 1946 (P.L. 79–377).

Strategic Materials Stockpiling Act Amendments, 1946 (P.L. 79–520).

Disposal of Surplus Vessels and other Naval Property, 1946 (P.L. 79–649).

Assistance to Greece and Turkey, 1947 (P.L. 80–[illegible]5).

Displaced Persons Act of 1948 (P.L. 81–774).

Immigration Act Amendment of 1948 (P.L. 81–864).

Long-Range Proving Ground for Guided Missiles, 1949 (P.L. 81–60).

Reorganization Act of 1949 (P.L. 81–109).

Government Printing and Binding Amendment, 1949 (P.L. 81–156).

Return of Rehabilitation Costs of Reclamation Projects, 1949 (P.L. 81–335).

Federal Civil Defense Act of 1950 (P.L. 81–920).

Universal Military Training and Service Act (P.L. 82–51).

Military and Naval Construction Authorization, 1951 (P.L. 82–155).

Immigration and Nationality Act of 1952 (P.L. 82–414).

Military and Naval Construction Authorization Act of 1952 (P.L. 82–534).

Supplementary Appropriations Act for Fiscal Year 1953 (P.L. 82–547).

Reorganization Act Amendment, 1953 (P.L. 83–3).

Interior Department Appropriations for Fiscal Year 1954 (P.L. 83–172).

Disposal of Government-Owned Rubber-Producing Facilities 1953 (P.L. 83–205).

Public Building Purchase Contract Act of 1954 (P.L. 83–519).

Watershed Protection and Flood Prevention Act, 1954 (P.L. 83–566).

Atomic Energy Act of 1954 (P.L. 83–703).

Internal Revenue Code of 1954 (P.L. 83–591).

Reorganization Act Amendment, 1955 (P.L. 84–16).

Department of Defense Appropriation Act For Fiscal Year 1956 (P.L. 84–157).

Federal-Aid Highway Act of 1956 (P.L. 84–627).

Authorizing Interchange of Agriculture and Defense Lands, 1956 (P.L. 84–804).

Small Reclamation Projects Act, 1956 (P.L. 84–984).

Watershed Protection and Flood Prevention Act Amendment, 1956 (P.L. 84–1018).

Contracts for Plans Affecting Exploration, Development and Use of Naval Petroleum Reserves (P.L. 84–1028).

Disposition of Naval Petroleum Reserves, 1956 (P.L. 84–1028).

Small Reclamation Projects Act Amendment, 1957 (P.L. 85–47).

Atomic Energy Act Amendment, 1957 (P.L. 85–79).

Reorganization Act Amendment, 1957 (P.L. 85–286).

Immigration and Nationality Act Amendments (P.L. 85–316).

Atomic Energy Act Amendment, 1958 (P.L. 85–479).

National Aeronautics and Space Act of 1958 (P.L. 85–568).

Defense Reorganization Act of 1958 (P.L. 85–599).

Atomic Energy Act Amendment, 1958 (P. L. 85–681).

Trade Agreements Extension Act of 1958 (P.L. 85–686).

Military Code Amendments, 1958 (P.L. 85–861).

National Aeronautics and Space Administration Authorizations for Fiscal Year 1959 (P.L. 86–12).

National Aeronautics and Space Administration Authorization for Fiscal Year 1960 (P.L. 86–45).

Public Buildings Act of 1959 (P.L. 86–249).

National Aeronautics and Space Administration Authorization for Fiscal Year 1961 (P.L. 86–481).

Military Construction Authorization Act, 1960 (P.L. 86–500).

Reorganization Act Amendment, 1961 (P.L. 87–18).

National Aeronautics and Space Administration Authorization for Fiscal Year 1962 (P.L. 87–98).

Foreign Assistance Act of 1961 (P.L. 87–195).

Mutual Education and Cultural Exchange Act of 1961 (P.L. 87–256).

Government-Owned Utilities Used for Bureau of Indian Affairs, 1961 (P.L. 87–279).

Restoration to Indian Tribes of Unclaimed Payments, 1961 (P.L. 87–283).

Arms Control and Disarmament Act, 1961 (P.L. 87–297).

Department of Interior Appropriations for Fiscal Year 1963 (P.L. 87–578).

National Aeronautics and Space Administration Authorization for Fiscal Year 1963 (P.L. 87–584).

Surveys of Watershed Areas for Flood Prevention, 1962 (P.L. 87–639).

Independent Agencies Appropriations for Fiscal Year 1963 (P.L. 87–741).

Trade Expansion Act of 1962 (P.L. 87–794).

Naval Petroleum and Oil Shale Reserves, 1962 (P.L. 87–796).

Foreign Aid Appropriations for Fiscal Year 1963 (P.L. 87–872).

National Aeronautics and Space Administration Authorization for Fiscal Year 1964 (P.L. 88–113).

Independent Agencies Appropriations for Fiscal Year 1964 (P.L. 88–215).

Civil Rights Act of 1964 (P.L. 88–352).

Reorganization Act Amendment, 1964 (P.L. 88–351).

National Aeronautics and Space Administration Authorization for Fiscal Year 1965 (P.L. 88–369).

Water Resources Research Act of 1964 (P.L. 88–379).

Atomic Energy Act Amendments, 1964 (P.L. 88–489).

Independent Agencies Appropriations for Fiscal Year 1965 (P.L. 88–507).

Agricultural Trade Development and Assistance Act Amendments, 1964 (P.L. 88–638).

Reorganization Act Amendment, 1965 (P.L. 89–43).

National Aeronautics and Space Administration Authorization for Fiscal Year 1966 (P.L. 89–53).

Independent Agencies Appropriations for Fiscal Year 1966 (P.L. 89–128).

Authorizing Construction, Repair and Preservation of Certain Public Works, 1965 (P.L. 89–298).

Watershed Protection and Flood Prevention Act Amendment, 1965 (P.L. 89–337).

Water Resources Research Act Amendments, 1966 (P.L. 89–404).

National Aeornautics and Space Administration Authorization for Fiscal Year 1967 (P.L. 89–528).

Title 5, United States Code, "Government Organization and Employees" (P.L. 89–554).

Independent Agencies Appropriations for Fiscal Year 1967 (P.L. 89–555).

Interior Department Research Contracts, 1966 (P.L. 89–672).

Postmaster General Extension of Leasing Authority, 1967 (P.L. 90–15).

National Aeronautics and Space Administration Authorization for Fiscal Year 1968 (P.L. 90–67).

Independent Agencies Appropriations for Fiscal Year 1968 (P.L. 90–121).

Postal Revenue and Federal Salary Act of 1967 (P.L. 90–206).

Treasury and Post Office Appropriations for Fiscal Year 1969 (P.L. 90–350).

National Aeronautics and Space Administration Authorization for Fiscal Year 1969 (P.L. 90–373).

The Wild and Scenic Rivers Act, 1968 (P.L. 90–542).

Independent Agencies Appropriations for Fiscal Year 1969 (P.L. 90–550).

Reorganization Act Extension Amendment (P.L. 91–5).

Treasury and Post Office Appropriations for Fiscal Year 1970 (P.L. 91–74).

National Aeronautics and Space Administration Authorization for Fiscal Year 1970 (P.L. 91–119).

Authorization of Appropriations for Armed Forces, 1970 (P.L. 91–121).

Independent Agencies Appropriations for Fiscal Year 1970 (P.L. 91–126).

Military Construction Authorization, 1970 (P.L. 91–142).

Foreign Assistance Appropriations Act, 1970 (P.L. 91–194).

Public Health Cigarette Smoking Act, 1970 (P.L. 91–222).

Elementary and Secondary Education Assistance Program Extension (P.L. 91–230).

National Traffic and Motor Vehicle Safety Act Amendments (P.L. 91–265).

National Aeronautics and Space Administration Authorization for Fiscal Year 1971 (P.L. 91–303).

Defense Production Act of 1950 Amendment (P.L. 91–379).

Treasury and Post Office Appropriations for Fiscal Year 1971 (P.L. 91–442).

Armed Forces Authorization, 1971 (P.L. 91–441).

Military Construction Authorization, 1971 (P.L. 91–511).

Independent Offices and Department of Housing and Urban Development Appropriations for Fiscal Year 1971 (P.L. 91–556).

River and Harbor and Flood Control Acts, 1970 (P.L. 91–611).

Federal Pay Comparability Act of 1970 (P.L. 91–656).

Treasury Postal Service, Executive, and Independent Office Appropriations for Fiscal Year 1972 (P.L. 92–49).

National Aeronautics and Space Administration Authorization for Fiscal Year 1972 (P.L. 92–68).

National Science Foundation Authorization, 1972 (P.L. 92–86).

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THE SENATE FILIBUSTER: ESSENTIAL SHIELD OR PARLIAMENTARY FOSSIL?

● Mr. KENNEDY. Mr. President, as the Senate proceeds with its consideration of legislation to amend Senate Rule XXII concerning limitations on filibusters, it is useful to review the origin and history of this powerful instrument in the arsenal of parliamentary warfare.

Recently, I had the opportunity to read an interesting article that examines the history of the Senate filibuster and offers some insights on the use of this legislative tactic. The article, entitled "The Senate Filibuster: Essential Shield or Parliamentary Fossil?" is by Mr. Lou Gerber of the Communications Workers of America. The article is excerpted and updated from a similar piece on this subject which appeared in the June 1978 issue of the CWA News.

"Extended debate" has been employed in the Senate since 1841. It has been used to paralyze the will of the majority on a wide range of significant issues, such as rechartering the Second Bank of the United States under Andrew Jackson, the armed ships bill under Woodrow Wilson and the landmark Civil Rights Acts of recent years.

A delicate balance exists between majority rule and minority rights in a democratic society. But in recent years, many of us feel that the balance has tilted too far toward permitting a single individual or a determined clique to bring the legislative process to a complete halt through the use of ingenious delaying tactics. Our majority leader, Senator BYRD, has done an excellent job over the past few weeks in achieving significant reforms in post-cloture situations, where the delaying tactics have become the most objectionable. As we continue to debate these issues, I am hopeful that we shall be able to achieve reforms as well in other aspects of the filibuster rule.

Mr. President, I believe that Members of the Senate will appreciate the chance to read Mr. Gerber's excellent article, and I ask that it may be printed in the RECORD.

The article follows:

THE SENATE FILIBUSTER: ESSENTIAL SHIELD OR PARLIAMENTARY FOSSIL?

(By Lou Gerber)

During the 1978 debate on the Labor Reform Bill, millions of Americans became reacquainted with one of the most formidable weapons in the art of legislative warfare, the Senate filibuster.

The use of the filibuster as an instrument of legislative obstruction has arisen repeatedly in recent American history, leaving its imprint on a wide variety of proposed legislation. The targets of "extended debate" have ranged from minor bills providing governmental compensation to aggrieved parties to major measures aimed at preparing the United States for war, legislation to assure civil rights for minorities and a proposal to repeal Section 14(b) of the Taft-Hartley Act.

WHAT FILIBUSTER MEANT ORIGINALLY

The term "filibuster" is an English derivative of a Dutch word, vrijbuiter, meaning freebooters (marauders). It refers to individual American adventurers who in the mid-19th century fomented insurrections against Latin American governments. The Dutch word became part of the Spanish language as filibustero.

Its first use in Congressional debate appears to have occurred in 1853, curiously, during a House debate on the U.S. Military Academy (West Point) and American military adventurers in Cuba. After Representative Abraham W. Venable of South Carolina had denounced the adventurers, Representative A. G. Brown of Mississippi accused Representative Venable of "filibustering" (engaging in insurrection) against the United States.

NO HOUSE FILIBUSTER

The use of the Congressional filibuster is confined to the Senate. The House outlawed the practice of "extended debate" by adopting between 1798 and 1880 four rules curtailing unlimited legislative discussions. These rules prohibited a House Member from speaking more than once during general debate on a measure (1798), restricted Representatives to one hour of speeches on the floor (1841), permitted Members to talk for only five minutes on amendments to a pending bill (1847), and applied the rule of germaneness to remarks on pending legislation (1880).

EARLY FILIBUSTERS

By contrast to the House, the Senate has maintained a long-cherished tradition of unlimited debate, making the upper chamber of Congress a natural target for extended discussion of issues.

The first full-fledged filibuster in the Senate took place between March 4 and 11, 1841, when a die-hard band of dissident Democrats refused to allow the Whig Party to appoint the officials printers of legislative material, a perquisite traditionally allowed the majority party in Congress. The Democrats were still chafing at the election the previous November of William Henry Harrison, the Whig candidate who had succeeded Democrat Andrew Jackson in the White House. After resisting the prerogative of patronage in the choice of printers, which the Whigs felt they had earned, the Democrats finally yielded and let the "spoils system" prevail.

The rivalry between the Whigs and the Democrats was sharpened three months later when the Senate confronted its first filibuster on a major national issue. Led by Senator Henry Clay of Kentucky, the Whigs sought to pass a bill rechartering the Second Bank of the United States. Andrew Jackson had opposed such legislation, but with the Whigs in control of the White House and the Congress, the bill appeared to have an excellent prospect of becoming law.

A clique of Southern Democrats, however, continued unremittingly to debate the rechartering legislation without permitting it to come to a vote. Finally, on July 28, 1841, the rechartering bill was passed. Ironically, President Harrison had died earlier in the year, and his running mate on the "Tippecanoe and Tyler too" ticket, John Tyler, had serious reservations about the bank rechartering measure. He agonized and then vetoed the bill, an action which resulted in his being hung in effigy the next night in Washington by an angry mob of Whigs.

Five years later, the filibuster was used for the first time on an issue involving slavery. Opponents of slavery had attached the Wilmot Proviso, named after Representative David Wilmot of Pennsylvania, to a bill authorizing an appropriation of $2 million to pay for the possible annexation of territory from Mexico. The Wilmot Proviso stipulated that slavery should not be practiced in any territory that the United States might acquire from Mexico. The Senate opponents of the Wilmot Proviso talked the bill to death during the waning days of the 29th Congress, thereby inaugurating what has become a common use of the filibuster weapon, as a device for killing controversial legislation during the final days of a Congress.

FAMOUS FILIBUSTERS

The filibuster achieved prominence as an obstructionist device in the late 19th and early 20th centuries when conservative Senators used it with consummate skill to block a host of progressive bills.

Between 1890 and 1891, the Senate became the arena for one of the most controversial filibuster battles in American legislative history. Republican Senators proposed and brought to the floor a national elections bill that would have authorized federal officials to supervise Southern elections so as to ensure that qualified black voters would have an equal opportunity to participate in the electoral process.

The bill was backed by Republicans as they hoped it would improve their election prospects in the South, a bastion of post-Civil War Democratic strength. Democratic opponents quickly labeled the federal elections proposal the "force" bill and began a group filibuster against the legislation.

During the debate on the measure, opponents of the filibuster made one of the first attempts to have the Senate adopt a cloture rule calling for the termination of debate. The cloture rule which the Republican opponents of the filibuster offered called for shutting off debate if a majority of Senators assented to such a move.

When the cloture effort failed, the Senate was held in session for consecutive days and nights in an effort to exhaust the filibusterers. This, however, also did not succeed in bringing the debate to a halt. After 33 days of continuous discussion, the bill was dropped. This "extended debate" on a voting rights issue, however, served as a precursor of the civil rights filibusters that were to occur in the Senate in the 20th century.

Another successful filibuster occurred in 1893 on a bill aimed at repealing the national silver repurchasing law. This legislation was talked to death by a team of opponents during 46 days of "extended debate," including 13 round-the-clock sessions. Senator Henry Cabot Lodge (R-Mass.) expressed the outrage felt by many Americans over this outcome when he said: "To vote without debate is perilous, but to debate and never to vote is imbecile."

WILSON'S FILIBUSTER PROBLEMS

Probably no President in American history encountered more difficulties in dealing with the Senate than did Woodrow Wilson. Not only did the Senate refuse to ratify the Versailles Treaty, the post-World War I document which Wilson himself played a major role in formulating, but the Senate also conducted two famous filibusters against him.

In 1915, with World War I raging in Europe, President Wilson sought to have the government purchase merchant ships for use in an emergency. Private shipping interests, however, opposed the move as they believed the government might then enter the commercial water transport business and force them to lower the price of their services.

Republican opponents of the bill mounted a massive effort to block the legislation. During the filibuster that followed, Senator Reed Smoot (R-Utah), who later was to gain fame as the co-author of the protectionist Smoot-Hawley tariff, established a record for legislative soliloquy when he spoke for 11 hours and 35 minutes against the bill without a break and, remarkably, without deviating from the subject of the legislation. After more than a month of legislative obstruction, the measure was dropped, a stinging defeat for President Wilson.

ADOPTION OF CLOTURE RULE

Finally, in 1917, the Senate took action to curtail its own tradition of unlimited debate, but only after a climactic filibuster. In early 1917, President Wilson asked the Congress to empower him to arm American merchant vessels so as to protect them against possible dangers at sea. This request followed Germany's announcement that it would engage in unrestricted submarine warfare.

President Wilson's Armed Ships Bill was brought before the Senate on March 2, 1917, the day prior to the scheduled adjournment. On the previous day, the government had released what has come to be known as the Zimmermann telegram, a message promising German help to Mexico in regaining land the United States had taken from Mexico in 1848, if America's southern neighbor would make an alliance with Germany following the expected American entry into the war against Germany.

When the message was released, it created a national uproar. Yet even with the threat of war with Germany looming larger, President Wilson could not get his Armed Ships Bill through the Senate. Opponents of the bill contended that its passage could lead the United States into war.

The bill's chances for passage were slim anyhow, because Republicans, hoping to embarrass the Administration before the end of the session, had already used the filibuster on numerous occasions during the last month of that Congress. On one such occasion, they demanded 33 consecutive roll calls, each of which took up at least 10 minutes.

As the First Session of the 65th Congress drew near its end, with still no chance for Senators to vote on the Armed Ships Bill, 75 Senators signed a petition announcing that, if given an opportunity, they would vote for the Administration's measure. But on March 4 the session expired without a vote on President Wilson's "emergency" legislation.

A furious Wilson retaliated by issuing a statement to the public which said: "The Senate is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men have rendered the great Government of the United States helpless and contemptible."

An outraged public joined Wilson in calling for filibuster reform. The President convened a special session of the Senate on March 5, 1917, to write a cloture rule. In three days, the Senate, by a vote of 76–3, agreed for the first time in its 128-year history to allow for limiting debate if a two-thirds majority would agree to terminate discussion of a bill.

Under the new rule, Rule 22, a vote to end debate would be taken two days after a petition is filed to cut off debate, if the cloture petition were signed by 16 Senators. The cloture rule also specified that debate would be limited to one hour for each Senator on the bill itself and on all amendments and motions affecting the piece of legislation. Moreover, no new amendments to the bill under consideration could be offered after cloture was invoked, except by unanimous consent.

Two years later, in 1919, the Senate invoked cloture when it succeeded in stopping a filibuster against the Versailles Treaty by a 78–16 vote. Although the treaty was not ratified, the principle of cloture as an effective deterrent to "extended debate" was applied for the first time.

CIVIL RIGHTS FILIBUSTERS

After World War I, the filibuster became a favorite technique of Southern Senators to block the enactment of proposed civil rights legislation. For example, federal anti-lynching bills were talked to death in 1935 and 1938 when the Senate fell far short of mustering the required two-thirds majority to shut off debate. Not only did filibuster opponents fail to get the required two-thirds but in both instances a majority of Senators sided against the cloture effort, 37–51 and 42–46.

Eleven years later, in 1957, a comprehensive Civil Rights Bill stimulated what is still the record for the longest filibuster in the annals of Congress. Rising to oppose the civil rights measure, Senator Strom Thurmond, then a Democrat from South Carolina, spoke for 24 hours and 18 minutes on August 28 and 29. As far as this observer can determine, however, the individual forensic marathon in an American legislative body is 29 hours, established by Texas State Senator E. G. Sentor in 1908.

Not a single major civil rights bill passed the Congress until 1964. During that year, President Lyndon B. Johnson, former Senate Majority Leader, sent Congress a new Civil Rights Bill. The bill was filibustered by Southern Senators for 83 days, an all-time record. On June 10, 1964, with the entire Senate present, the filibuster was broken, 71–29. This marked the first time cloture had been invoked for stopping a Southern-organized civil rights filibuster in the Senate.

Later, two other major civil rights filibusters were stopped. The clotures occurred in 1965, when the filibuster against the Voting Rights Act was broken, and in 1968, when a 34-day filibuster against an open housing bill was terminated.

14(b) REPEAL

Prior to last year's unsuccessful effort to terminate the filibuster against the Labor Reform Bill (which involved a record-tying six efforts to obtain cloture), the last major filibuster against a labor bill occurred in October 1965 when Senator Everett M. Dirksen (R-Ill.), the Republican Minority Leader of the Senate, led an effort to block legislation that would repeal Section 14(b) of the Taft-Hartley Act.

Earlier that year, on July 28, the House had passed this legislation, H.R. 77, sponsored by Representative Frank Thompson (D-N.J.), by a 221–203 roll-call vote.

On October 4, 1965, Senate Majority Leader Mike Mansfield (D-Mont.) offered a motion to make H.R. 77 the pending business in the Senate. Under Senate procedure, this is usually a pro forma matter. In this case, however, Senator Dirksen announced that he and a band of followers would engage in extended debate against the motion to consider the legislation. If that filibuster were to be broken, Senator Dirksen then planned to filibuster H.R. 77 itself.

On October 4, the Senate began consideration of the motion to take up the bill. Senator Dirksen fired the opening gun of the filibuster by announcing that he had more than 3,000 newspaper editorials opposed to repeal of state "right to work" laws. The Minority Leader informed his colleagues: "If the Lord is willing, if my energy remains intact, I may be compelled to read all 3,000 and more of the editorials into the [Congressional] Record."

The Dirksen-led filibuster lasted eight days, including one Saturday evening (October 9) session. On October 11, Senator Mansfield sought to invoke cloture, but the effort fell far short of the required two-thirds majority, 45–47. The next day, Senator Mansfield announced that the leadership was abandoning its effort to pass the 14(b) repeal legislation, and the filibuster ended, dooming labor's best chance to end right-to-work laws in America.

LIBERAL FILIBUSTERS

In recent years, liberals, who have been the chief opponents of the filibuster weapon, have themselves adopted the filibuster tactic to obstruct legislation they found obnoxious. For example, in 1953, Senator Wayne Morse (D-Ore.) spoke for 22 hours against an oil tidelands bill, thereby eclipsing Senator Reed Smoot's earlier record for longevity of sustained speech on an individual issue.

Similarly, in 1970, Senator William Proxmire (D-Wis.) led a coalition of liberals and moderates in talking to death a bill that would have funded development of the supersonic transport plane. A year later liberals again held the floor against the Lockheed aircraft loan.

Liberals also engaged in extended debate against President Nixon's nomination of William Rehnquist to the Supreme Court as well as against a bill funding various weapons programs. Moreover, in 1972, the civil rights filibuster of an earlier era came full circle as liberals sought to block an antibusing bill with a filibuster.

In the last several years, at least eight filibusters have been conducted by liberals against what they viewed as restrictive legislation. More than any recent development, the liberals' recent use of the filibuster has signified recognition of the use of the parliamentary device as a common legislative tactic, rather than an instrument employed solely by followers of a rightist political persuasion.

RECENT RULES REVISIONS

During the last 20 years, two revisions of Rule 22 adopted in 1917 have strengthened the hand of those who seek to terminate debate.

In 1959, the Senate agreed to permit cloture to occur on procedural questions as well as on bills under consideration. A series of rulings and precedents between 1917 and 1939 had rendered the 1917 two-thirds rule virtually useless because it did not apply to motions to consider (debate) legislation. The 1959 modification helped stop filibusters from hiding behind a screen of parliamentary maneuvers.

As the 93rd Congress began in 1975, the Senate agreed to the most significant parliamentary alteration in the filibuster rule since the two-thirds rule was adopted at President Wilson's behest 58 years earlier.

When the Senate proceeded to consider adoption of its rules for the new Congress, Senators Walter F. Mondale (D-Minn.) and James Pearson (R-Kans.) offered an amendment to Rule 22 permitting three-filfths (60 Senators of the membership of the Senate to end a filibuster, except that the old two-thirds rule would apply to efforts to end debate on a rules changes proposal.

Since its adoption four years ago, the 60-Senator requirement for cloture has proven to be an easier obstacle to hurdle than the old two-thirds requirement. The empirical evidence for this statement can be seen in the fact that between 1917, when the two-thirds requirement was adopted, and 1975, when the cloture hurdle was lowered to three-fifths, cloture was attained only 24 times out of 103 attempts, 23 per cent of the time.

Between the adoption of the three-fifths rule in 1975 and the beginning of Senate consideration of the Labor Reform Bill in 1978, 14 out of 28 efforts at cloture were successful, an average of 50 per cent.

CONCLUSION

A delicate balance exists between majority rule and minority rights in a democratic society.

The American system of government reflects this balance, exhibiting both the virtue of majority rule and also concern for the protection of the rights of the minority.

Yet it is clear that in many cases throughout our nation's history the filibuster has been used to paralyze the will of the majority of the Senate. In its most basic form, the filibuster allows a single individual or a determined clique to bring the legislative process to a complete halt. This being so, the filibuster can be used as a "bargaining chip" to force compromises that many members would oppose, but not enough to shut off a filibuster.

But is it fair to conclude that "extended debate" is simply a demagogic device rather than a democratic safeguard? Such a conclusion is not warranted by the full historical sweep of Senate debates. Rather, the ideal of protecting minority viewpoints against the dominant political perspective seems to require the preservation of this technique of legislative delay.

Nevertheless, although the filibuster should be preserved in the interest of minority rights, the Senate would do well to consider adopting a mechanism to allow for a modification of the current system in obtaining cloture. For example, after a specified number of days of unlimited debate by opponents of a bill, the cloture hurdle might be lowered to three-fifths of those Senators present and voting (rather than three-fifths of the whole Senate), or perhaps, even, a simple majority after a longer specified period. It would be useful for the Senate to conduct an experiment with such a system for one Congress and then appoint a special subcommittee of the Senate Committee on Rules and Administration to study whether the system is worthy of adoption.

In the meantime, it appears that the filibuster will remain an integral part of the American legislative process. It is a parliamentary tool available to liberals and conservatives who wish to dramatize issues in the only forum of our national government that provides for thorough analysis and unhurried consideration of proposed public laws.●

EDWARD STRUCKUS, SUPERINTENDENT OF THE PARKS AND RECREATION DEPARTMENT OF WORCESTER, MASS.

● Mr. TSONGAS. Mr. President, I wish to bring to the attention of my colleagues a resolution issued by the State of Massachusetts' House of Representatives commending the achievements of Edward Struckus, superintendent of the Parks and Recreation Department of the city of Worcester. The resolution praises Mr. Struckus' superior achievements in the development of programs for the mentally retarded, the development of recreational facilities in the Worcester area, and for his talents at writing block grants for Federal funds. In fact, Mr. Struckus received the highest award from the professional organization, the National Recreation and Parks Association, the "Special Achievement Award" for his outstanding contributions in the field of parks and recreational development. Worcester, and indeed Massachusetts, are lucky to have such an outstanding citizen who has dedicated himself for the past 25 years to bettering the lives of many Massachusetts citizens.

I bring this to the attention of my colleagues to that other Members of the Senate may recognize his outstanding contributions to the people of Massachusetts and other States who may participate in programs developed by Mr. Struckus.

I submit the commendation for the Record:

Resolutions Congratulating Edward J. Struckus, Superintendent of the Parks and Recreation Department of the City of Worcester, on Receiving the "Special Achievement Award" of the American Parks and Recreation Society

Whereas, Edward J. Struckus is Superintendent of the Parks and Recreation Department of the City of Worcester; and

Whereas, Mr. Struckus has been instrumental in developing programs involving and to the great benefit of the mentally retarded; and

Whereas, He has coordinated athletic activities for boys and girls who are eligible to participate in the United States Youth Games, has organized the Masters Swim Club and Scuba Diving Club, and has been most adept at writing Block Grants for Federal Funds, the receipt of which have greatly benefitted his department and the people of his city; and

Whereas, At the National Convention of the Parks and Recreation Society held in Miami, Florida in October of 1978, Edward J. Struckus was the first recipient of the Society's "Special Achievement Award", a new category for excellence in the parks and recreation field and the highest honor that a professional in the field can receive; and

Whereas, This is the fourth time in the past two years that the Worcester Parks and Recreation Department has been recognized nationally for its outstanding accomplishments; therefore be it

Resolved, That the Massachusetts House of Representatives extends its sincere congratulations to Edward J. Struckus on receiving the "Special Achievement Award" of the National Parks and Recreation Society and commends him and the Worcester Parks and Recreation Department for their superior achievements in the field of parks and recreation; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to Edward J. Struckus, Superintendent of the Parks and Recreation Department of the City of Worcester.●

GOOD NEWS ABOUT CETA

● Mr. WILLIAMS. Mr. President, we are all too familiar with reports of fraud and mismanagement within the Comprehensive Employment Training Act (CETA) program and Congress has responded with appropriate measures to tighten administrative procedures under the legislation.

It is indeed reassuring that many CETA programs are operating efficiently and doing a good job for those who need assistance. A perfect example is located in Bergen County, N.J.: the Fair Lawn Adult School. The school's fine work is described in an article from the Bergen County (N.J.) Record and I ask that it be printed in the Record.

The article follows:

At Adult Schools, Experience Pays

(By Peter Cary)

Harry Bernstein, 79, had lived a quiet life since he retired in 1970. In the mornings, he read the papers over coffee at home in Fair Lawn and worked word puzzles. Afternoons he puttered around the house and painted by the number.

But six months ago the routine changed. He returned to high school, something he hadn't done since 1916.

Marilyn Field, a 43-year-old Franklin Lakes mother of six, has been nearly deaf since she was 9. She attended schools for the deaf in Texas and in Baton Rouge, La., where she attained a 10th-grade education, but she wanted to teach the deaf.

She, too, is back in high school.

MOTIVATED STUDENTS

The two have little in common, and their reasons for going back to high school certainly differ. But what the two share, say counselors at the Fair Lawn Adult High School, is motivation.

Bernstein said that when he ends up "in front of the pearly gates someday and they ask me what I did, I want to be able to show them a high school diploma." Mrs. Field says she needs a diploma to enter college.

Nine months ago, they could have only earned equivalency certificates, which are of lesser value to students and some colleges than the standard certificate. But in March the Fair Lawn school opened, and in June one started in Ridgefield. Now there are about 90 Bergen County adults working toward certificates that are indistinguishable from the regular high school diploma.

Both schools are funded by the federal Comprehensive Employment Training Act (CETA) and supported by their boards of education. The Fair Lawn school is open to all who live or work in Bergen County; the Ridgefield school concentrates on its local area but would even take Passaic County residents. No such program has begun in Passaic County.

What makes it possible for these adults to get actual high school diplomas is a 4-year-old state law that allows school districts to set up adult high schools. Such schools can give credit for work and living experiences, and counsel students on the academic work they require for graduation.

Bernstein, for instance, was allowed 80 credits for his high school work in Jersey City and another 10 for his Navy experience. He was given credit for his 45 years with the Horn and Hardart Co., the New York automat, where he worked his way up from laborer to assistant general manager of food production.

Bernstein had accrued more than the 120 credits needed for a diploma, but he still needed to take American History I and II which is taught at the school's building on Smith Avenue in Fair Lawn. He finished the courses last month and will receive his diploma in May.

"I've already got my cap and gown ordered," Bernstein said with a smile. He said receiving the diploma will be the "third nicest thing that ever happened" to him, next to getting married and having children.

Counselors at the school say other students also are highly motivated.

"One woman who is a self-taught seamstress made a wedding dress from scratch," said counselor Joan Klein. "That's better than just standing around in a home ec class."

SPREADING THE WORD

The best thing about the school, said Bernstein, is that it allows credit for the experiences that adults have been through.

He hopes to accompany the school's counselors who spread the word of their programs to the 40 percent of the people in Bergen County older than 25 who have no high school degree.

"I could go out with the brokers (counselors) and tell people what I did," he said. "They'll think, 'Hey, I was a foreman, I was a superintendent, I can do that too.' "●

NOMINATION OF LEONARD WOODCOCK AS AMBASSADOR TO THE PEOPLE'S REPUBLIC OF CHINA

● Mr. CRANSTON. Mr. President, I strongly support Leonard Woodcock to be Ambassador to the People's Republic of China.

I have known Leonard Woodcock for many years as president of the United Automobile Workers of America. This contact was renewed when I chaired the 16 Congressional Delegation to the People's Republic of China in January of 1978, and met with Leonard Woodcock in his capacity as Chief of the U.S. Liaison Office with the rank of Ambassador. In the delegation's discussions with Ambassador Woodcock, I was impressed with his deep knowledge of China. He demonstrated himself to be a hard-working, astute student of China and United States-China relations. I firmly believe the United States has been well represented in Peking by Leonard Woodcock.

Ambassador Woodcock played a major and crucial role in bringing about U.S. diplomatic recognition of the People's Republic of China. It is good policy and good sense that Leonard Woodcock be confirmed expeditiously and unanimously as the first official United States Ambassador to the People's Republic of China and continue representing the United States as we enter a new era of relations with China.●

IN SUPPORT OF AMBASSADOR WOODCOCK

● Mr. KENNEDY. Mr. President, I strongly support the nomination of Leonard Woodcock as our first Ambassador to the People's Republic of China.

We have all known Mr. Woodcock as a statesman of the American Labor Movement. He was a superb leader and negotiator for the United Auto Workers, and it comes as no surprise that he has displayed the same impressive talents and performance as our Nation's representative in Peking.

Leonard Woodcock deserves our recognition and our gratitude for his major contribution to the normalization of relations between China and the United States. His dedicated efforts have made it possible for us to look forward, with realism and with confidence, to normal and improving relations with the nearly 1 billion people on the Chinese mainland, at the same time as we behave with responsibility toward the 17 million people on Taiwan.

There is no better qualified American to act as our representative to China today than Leonard Woodcock. I urge my colleagues to confirm his nomination overwhelmingly and without delay.●

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. McGOVERN. Mr. President, pursuant to the requirement of section 133B of the Legislative Reorganization Act of 1946, as amended, I submit herewith, and ask that they be printed in the Record, the Rules of the Committee on Agriculture, Nutrition, and Forestry, as adopted by the Committee on February 26, 1979.

Rules of the Committee on Agriculture, Nutrition, and Forestry

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.[1]

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

4. Six members shall constitute a quorum for the purpose of transacting committee business: *Provided,* That for the purpose of receiving sworn testimony, a quorum of the committee and each subcommittee thereof shall consist of one member.[1] ●

SALT AND U.S. NATIONAL SECURITY

● Mr. CRANSTON. Mr. President, one of the most important national security issues we will address this year will be the second strategic arms limitation agreement. The membership of the Senate, like the public generally, has a special duty to educate itself on this subject so that when a SALT treaty is signed and submitted for ratification, the Senate's judgment will be an informed one.

Our colleague, the senior Senator from Iowa (Mr. Culver) has devoted much of his long service in Congress to national security policy—first in the House on the Foreign Affairs Committee and in the Senate on the Armed Services Committee—where he chairs the Research and Development Subcommittee. Due to his extensive knowledge of nuclear weapons policy, I recommend to my colleagues Senator Culver's recent article on the relationship of SALT to U.S. military posture.

I ask that this article, published recently by the Georgetown University's Center for Strategic and International Studies journal, the Washington Quarterly, be printed in the Record.

The article follows:

A Strategic Symposium: SALT and U.S. Defense Policy

(By John Culver)

"This is the basic issue in SALT II: whether to accept a fair, balanced, equitable and verifiable agreement imposing limits on both sides, or to seek unilateral advantages by an unrestrained weapons competition in an atmosphere of much greater suspicion and hostility."

Despite our many differences and disagreements, the United States and the Soviet Union share a common interest in avoiding nuclear war. This mutual concern has spawned a series of agreements over the past 15 years, from the partial test ban to the nonproliferation treaty, to SALT I, and now to SALT II.

These accomplishments have not prevented U.S. and Soviet political conflicts and rivalries; nor have they halted rapid advances in nuclear armaments by both sides. But sobered by the realization that nuclear war would be suicidal for the aggressor as well as devastating to the victim, the superpowers have competed with some restraint.

It is difficult to imagine what the world might be like today if we had not adopted those arms control measures. Weapons tests would have contaminated the atmosphere with frequent doses of deadly radioactive fallout. Perhaps a score of nations would have built nuclear weapons, instead of the present half dozen, thus compounding the danger of nuclear war. We would likely be straining our budget in a rush to increase both our offensive missile forces and our defensive antiballistic missile capabilities, with consequent neglect for conventional forces such as in NATO and for domestic problems which undermine the strength, viability, and therefore security of our country. Haunted by the fear of a surprise attack and suspicious of every Soviet action, we would likely adopt a siege mentality and place a dangerous hair trigger on our nuclear arsenal.

Instead, we deal with the Soviet Union with strength and confidence, but also with mutual recognition of the imperative of caution. We have built a record of useful cooperation to reduce the danger of war, and we have verified Soviet compliance with the arms limitation agreements we have signed.

Now we have an agreement that replaces the unequal numerical limits of SALT I, codifies the Vladivostok understanding on equal aggregates, and offers the prospect of genuine reductions and qualitative restraints. Since the Soviet Union already exceeds the overall limit which SALT II would impose, it will have to reduce its arsenal by up to 300 missiles. This reduction of perhaps 10 percent in Soviet strategic systems not only marks the first significant cutback in deployed forces but also enhances our security by removing weapons now presumably targeted on the United States.

Within these limits, the United States can still modernize each component of our triad of strategic forces (missiles, submarines, and bombers) and can conduct research into ways to counter possible future threats to our security. The U.S.S.R. can also improve its forces, subject to agreed constraints which keep them far short of their technical capability.

SALT II, with its mutual restrictions and mutual advantages, is much more likely to be durable than a hypothetical "better agreement," loaded with one-sided advantages. Although we believe that we can verify Soviet adherence to this agreement and the risks of detection and abrogation would be a strong, ever-present deterrent to violations, it is also important to remember that a mutually beneficial agreement gives fewer incentives to cheat than would an unbalanced one.

Since we have reached this agreement only after a careful process extending over three administrations and with a delicate balancing of permissions and prohibitions, rejection would necessarily imply more than a preference for minor changes, and would be viewed abroad as repudiation of the whole process of cooperation on strategic arms limitations. In the absence of an agreement which channels weapons development and narrows the spectrum of threats against which we have to prepare, both sides would be compelled to launch a massive new arms race into dangerous and unchartered territory.

While we could no doubt maintain our position of equivalence and deterrence in a renewed arms competition, the costs would be high and there would be no guarantee that our security would be better. Most probably, the grim alternative to SALT would be instability and greater insecurity. American officials have estimated that in the absence of SALT II's limits, the U.S.S.R. would likely build several hundred more strategic missiles and add several thousand warheads to its forces. The potential for conflict and the risks of unimaginable death and destruction would be multiplied.

VERIFIABLE AGREEMENT OR UNILATERAL ADVANTAGES?

This is the basic issue in SALT II: whether to accept a fair, balanced, equitable, and verifiable agreement imposing limits on both sides, or to seek unilateral advantages by an unrestrained weapons competition in an atmosphere of much greater suspicion and hostility. I think the choice is clear. I would rather restrain the Russian war machine and force real reductions through a tightly written treaty than bet billions of dollars on thousands of new weapons with the frail hope that they would never be used.

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[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see section 133(d) of the Legislative Reorganization Act of 1946, supra.

Despite the major accomplishments and advantages in the new agreement, SALT does not solve all our military problems, nor does it free us from tough strategic choices.

One frequently cited problem is the theoretical vulnerability of our Minuteman ICBMs as Soviet missiles accuracy approaches our own. This threat is real only if one assumes Soviet mastery of command and control, guidances, reliability, atmospheric and blast effects, and Soviet calculation that U.S. missiles would not be launched on attack warning—and also Soviet willingness to tolerate the assured and devastating retaliation (of between 4,600 and 8,000 nuclear warheads) by our surviving forces. Even at the time of SALT in 1972, some administration officials acknowledged this potential problem and expressed doubt that any subsequent agreement would solve it. It is ironic that our current apprehensions about ICBM survivability were caused not by an arms control agreement but rather by the lack of one, since we were unable to halt the development of multiple warhead missiles by both sides.

As we decide just how to cope with this situation, SALT II permits a wide range of possible actions, including mobile missiles. Whether we choose such an alternative, however, depends on policy issues quite separate and distinct from SALT. The new agreement does provide the time and the strategic environment for a calm and deliberate decision.

As a member of the Senate Armed Services Committee, I am dismayed at the amount of misinformation now circulating regarding our military power. Aroused by a drumbeat of scare stories, large segments of public opinion have come to believe that we are weak, that we have fallen behind the Soviet Union. While those fears are unjustified and fundamentally in error, their widespread acceptance undermines our genuine strength.

In fact, we are still second to none in military power. We are protected against nuclear attack by the sure knowledge that we can inflict unacceptable damage and devastation even after suffering a first strike on our forces. We have a vigorous research and development effort to preserve our technological advantages and to hedge against future threats.

While we are understandably concerned about the steady growth in Soviet military spending and the excessive number of new weapons they seem to be developing, the truth is that we all along have acted to preserve the strategic balance, both by SALT and by our own weapons programs.

We have maintained a nearly 2:1 lead in nuclear warheads. We have deployed about twice as many MIRVed ICBMs in this decade as the U.S.S.R. has. Most of our submarine-launched ballistic missiles (SLBMs) are multiple independently targetable reentry vehicles (MIRVed), while the Russians have just begun to acquire this multiple-warhead capability. We have also modernized our strategic forces in recent years in many ways: greater yield and accuracy of ICBMs, the much-improved Trident submarine and missile, and the revolutionary technology of cruise missiles aboard our fully capable bombers. In short, we have not been standing still.

These actions give us equivalence and sufficiency for deterrence, but not superiority. In an age of nuclear overkill and against a determined and capable adversary like the Soviet Union, we cannot regain the unquestioned military superiority we once enjoyed. We should not lose heart from our condition of mutual deterrence, however, or from the balance of terror which makes nuclear war unwinnable. For while we maintain awesome and invincible military power, the resulting balance means that we shall be principally engaged in competition with the Soviet Union in the areas of our special strengths—our economy and technology, our democratic principles, and our many alliances.

We must avoid overloading SALT with too many of our hopes—or fears. SALT is no substitute for other diplomacy or for wise decisions on defense policy and programs. But by capping the arms race and by beginning to slow the pace of weapons technology, it gives us time and confidence to resolve these other issues. The SALT II agreement is an important step toward a safer world, and a step back from a no-win arms race.●

CAPITAL GAINS TAXES FOR FOREIGN INVESTORS

● Mr. BOREN. Mr. President, I am today joining as a cosponsor of two bills which would require foreign investors to pay capital gains tax when selling or exchanging property. Presently, foreign investors are exempt from paying such taxes. The two bills I am cosponsoring are S. 192 by Senator BUMPERS of Arkansas, and S. 208 by Senator WALLOP of Wyoming.

These bills would mean fairer treatment for U.S. investors by equalizing tax laws which presently favor foreign investors. Investors from other countries certainly should not be treated better under our tax laws than are our American investors.

Any American who sells property is taxed on the gain he receives upon the sale. In comparison, foreign investors who reside outside the United States for at least 6 months of each year, are totally exempt and thus receive distinct advantages.

Further compounding this unfair situation is the fact that a tremendous amount of foreign purchases of property is being conducted in our country at present.

The fact is that there is no way to accurately determine exactly how much property in our country is owned or being purchased by foreign investors. The Senate Agriculture Committee recently released a report on foreign ownership of agricultural lands which showed that from January 1, 1977, through June 30, 1978, over 825,000 acres of farmland alone was purchased by foreigners. The study included a survey of each county in the United States. Most of these transactions took place in States within the Sun Belt area.

There is no justification in continuing to allow foreigners to have such an unfair tax advantages over domestic investors.

It is not fair for Oklahomans and Americans to bear the tax burdens they presently bear when many foreign individuals operating in several States are not paying capital gains taxes, particularly during this period when the value of the American dollar abroad is depressed and, as a result, more foreign investment is taking place.●

NACD SAYS "NO" TO NATURAL RESOURCES REORGANIZATION

● Mr. McGOVERN. Mr. President, recently the old and respected National Association of Conservation Districts met in Washington, and through their strict democratic process approved a number of important resolutions dealing with soil and water conservation.

Among these was a resolution pertaining to a proposal by the Office of Management and Budget to rename the Department of the Interior as a Department of Natural Resources. Transferred to this new Department would be the Forest Service and large elements of the Soil Conservation Service, among other things.

NACD's resolution is well considered and is intelligent in its approach to this proposal. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

NATIONAL RESOLUTION NO. 14—NATURAL RESOURCES REORGANIZATION

The President's Reorganization Project has proposed to the President the creation of a Department of Natural Resources that would include the transfer of the Forest Service and portions of the Soil Conservation Service from USDA to the new Department. During the past year, conservation districts, state soil conservation agencies, and NACD have furnished comment to the President's staff, urging that they not proceed with such a proposal for several reasons, among which are:

1. Conservation districts, state soil conservation agencies, Land Grant Universities, and other units of state and local government have closely established working relationships with existing USDA agencies that should not be disrupted by organizational shifting at the national level.

2. USDA programs have demonstrated success because of their highly decentralized pattern of administration—one designed to be flexible enough to respond to the myriad of natural resource conditions, on both public and private lands, that make up our vast Nation.

3. A close study of the cost savings predicted by the President's staff reveals that most of them simply do not exist. The staff predicts large savings from severe cuts in Extension Service and Soil Conservation Service assistance to private land users. These programs, although not planned for inclusion in a new DNR, were listed as programs that would be cut in order to save money.

4. There were no estimates of the new costs associated with any major reorganization. Shifting and moving of offices, replacing all signs, stationery, etc., and disruption of work flow due to morale problems were not mentioned.

5. There were no studies of how the programs actually worked on the land. Staff research focused on national control of programs. Such "federalization" of natural resource programs affecting private land users would not be in the best interests of either the people or resources of the nation.

Because of these factors, NACD urges the President not to proceed with the proposal to create a new Department of Natural Resources. Instead, he should move to stabilize the reorganization question. Two years of uncertainty have cost the Nation more in unsettled programs, low employee morale, and wasted staff effort than could be regained under any reorganization scheme. Such uncertainty must be put to an immediate end.

Should the President decide to propose the creation of the Department of Natural Resources. NACD will urge the Congress to reject any plans that would move the Forest Service and any part of the Soil Conservation Service to the detriment of a continuing strong natural resource program in the Department of Agriculture.

Adopted.●

DOE RESPONDS TO QUESTIONS FROM SENATOR KENNEDY ON ALASKAN PIPELINE

● Mr. KENNEDY. Mr. President, on January 23, Secretary of Energy Schlesinger appeared before the Joint Economic Committee to discuss, among other issues, natural gas supplies from Mexico, Canada, and Alaska. At that time I asked the Secretary to respond to 15 questions about the Alaskan gas pipeline and six questions regarding production of heavy oil in Venezuela. Because of the importance of these questions, I promised to make the answers available to the public and the press as soon as they were received.

The answers have now been received. Particularly those answers related to the pipeline are forthright, factual, and useful to the Congress and I want to express my thanks for the Department's response.

Circumstances have changed substantially since the Congress approved the gas pipeline. Huge reserves in Mexico and Canada have been brought to public light; "glut" has developed in the natural gas market; substantial reserves within the lower 48 States now appear to be within reach, contrary to expectations and representations during the natural gas debate last year. Instead of all-private financing as originally promised, the Department of Energy and the Northwest pipeline appear to be preparing the Congress for Federal guarantees for the project. In this light it is all the more important that the Congress reexamine the pipeline question. In this spirit I ask that the questions and the answers submitted by Assistant Secretary Alvin Alm be printed in the Record.

The material follows:

Questions and Answers

Q. Has Northwest Pipeline filed a detailed project costs statement with FERC? If not, on what basis has DOE made its estimate of the costs involved?

A. The Department has based its cost estimates for the Alaska pipeline upon the record in the proceeding before the Federal Power Commission and upon detailed information filed by the applicants during the President's consideration of the project pursuant to the Alaska Natural Gas Transportation System Act. The FPC record contains several thousand pages of detailed exhibits and testimony concerning the costs of pipeline construction. Consideration of that record and other filed data formed the basis for the cost overrun projections for the Alcan and El Paso systems that are contained in the President's Decision and Report to Congress on the Alaska Natural Gas Transportation System, September 1977. The overall cost overrun projection for the Alaska Highway project (then Alcan) was approximately 30 percent above the applicant's filed costs. That projection was based upon a separate analysis of each major segment of project.

The January 1979, Department of Energy Analysis also presented two additional cost overrun cases for illustrative purposes. Those cases represent projected costs approximately 60 percent and 90 percent above the applicant's original filed costs.

Q. Do the costs included in your calculations include all costs of gathering facilities? All new developmental wells?

A. The consumer costs section of the paper contains an illustrative field price for the gas of $2.25 in 1979 dollars. That amount is more than sufficient to cover all incremental costs of natural gas sales from the Prudhoe Bay field. In fact, the FERC on February 2, 1979 issued a tentative order that would require the producers to absorb all costs of producing and processing the gas to pipeline quality within the base price of $1.69 (1979 dollars) plus severance taxes, a total of approximately $1.86.

The national economic benefit calculations also takes account of the incremental costs of gas sales compared with continued oil production. Large quantities of natural gas currently are being produced in association with the oil production. That gas is being partially processed, compressed to several thousand pounds per square inch, and reinjected into the formation. The gas-oil ratio will increase over time and additional gas handling and reinjection facilities will be needed even if gas is not sold. When sales of gas are commenced, the reinjection process will be reversed.

The incremental cost of gas production is very small in relation to the value of the gas. The January 1979, Department of Energy analysis uses the incremental cost estimates contained in the Van Poolen study of production options for the Prudhoe Bay field.

Q. Does it include the complete cost of that portion of the line necessary to deliver the gas to Dwight, Illinois, or only the price to the border? What is the estimated cost of this U.S. pipeline?

A. The cost estimates include the complete cost of the Northern Border pipeline system which will deliver the gas to Dwight, Illinois, and the cost of the Western leg portion of the line which will deliver gas into California. In the cost overrun case from the President's Decision and Report to Congress, the projected cost (including AFUDC) of the Northern Border system was approximately $1.2 billion (1979 dollars). The projected cost of the Western leg, which consists of looping existing pipeline systems, was approximately $750 million (1979 dollars).

Q. It is not clear in the transportation costs allocation for 2003 how the costs you estimate affect financing. Are these the costs now being presented to investors and how does the market view these returns?

A. The transportation costs for each year of the project reflect constant assumptions regarding the cost of equity and debt for the project. The equity returns are based upon the variable rate of return proposals currently before the FERC and the Canadian National Energy Board. The proposed allowed returns for the construction period range between 10 percent and 19.7 percent in the U.S. and 14.5 percent and 23.8 percent in Canada, depending upon the geographical location of the construction, and extent of cost overruns. The current proposed rates of returns for the operational phase are 13 percent for the U.S. and 14.5 percent for Canada.

In the United States, the actual rates of return for the equity investors will be much higher than the stated regulatory return. The Internal Revenue Code prohibits the FERC from taking account of the investment tax credit in setting the rates for the pipeline. The regulatory rate of return, therefore, does not take account of the value of the investment tax credit.

The FERC and the NEB have not made final determinations regarding the operation of the variable rate of return or the tariff. Also, no gas sales contracts have yet been signed. Therefore, it is not clear at this time how the market will view the equity returns.

The debt financing of the pipeline will be at the market rates prevailing at the time of financing. The cost estimates are based upon a debt cost of 10 percent; whether this is too high or too low cannot be determined at this time.

Q. Are these returns on investment consistent with the historic cost of operating pipelines? Are they consistent with rates of return and the rate base which pipelines have enjoyed in the United States?

A. The rates of return compare very favorably with the historic cost of operating pipelines. The pre-operational rates of return are considerably higher than the average allowed rates of return on equity for U.S. pipelines to reflect the additional risks associated with the pre-completion phase of the project. The proposed rate of return for the operational phase is near the average for U.S. pipelines because the risks of the project once construction is completed are not appreciably higher than for other pipeline projects.

The concept of a rate base determined by original cost less depreciation is consistent with U.S. Federal practice that has prevailed since the 1930's. It also is consistent with long-standing Canadian regulatory practice.

Q. You cite a transportation cost in the year 2003 ranging from $.68 to $.84. What value are you assuming for the pipeline at that point: salvage value, zero value, replacement value, current value, etc.?

A. The projected transportation costs for the year 2003 are based upon the depreciated rate base for that year. In the 30 percent cost overrun case, the 2003 rate base for all segments of the project is $0.9 billion (1979 dollars). For the 90 percent cost overrun case, it is $1.4 billion (1979 dollars).

Q. Do these figures assume inflation in operating costs of the pipeline and, if so, at what rate?

A. The estimated operating and maintenance expenses for the pipeline are assumed to remain constant in real terms, i.e., increase with inflation. The long run inflation rate assumed in the cost of service model is 5 percent.

Q. Footnote No. 1 on page 4 indicates that project field costs of $2.25 are "used for illustrative purposes only." While recognizing that a final determination cannot be made at this time, the Committee would appreciate the details of what is included in this price. Precisely what severance taxes and what allowances for conditioning? Are these *all* the costs that should be included in "field costs?"

A. The mid-1979 wellhead ceiling price for the Alaska gas under the Natural Gas Policy Act of 1978 would be approximately $1.69. The Alaska severance tax varies with the rate of production, but averages approximately 10 percent. The total wellhead price would be $1.86.

The allowance for conditioning costs within the $2.25 thus would be $.39. That amount alone would be sufficient to cover more than 50 percent of the current estimates of all incremental gas production costs in the field. The FERC, of course, on February 2, 1979 issued a proposed order that would provide no separate allowance to the producers for conditioning costs.

Q. Please provide the Committee with the calculations by which you arrived at the price of distillate oil. Figures provided to the Committee from other sources are lower than your figures; thus, we would like to know how you arrived at the product price from the crude price used in your calculations.

A. The DOE integrated energy model projects that by 1985, the wholesale distillate prices in the New York area, including cargoes delivered to New York Harbor, will increase to more than $3.50 per million btu in 1979 dollars, assuming no real world oil price increases beyond the currently scheduled 1979 OPEC increases.

Current prices in New York Harbor for domestic distillate oil are more than $3.00 per million btu ($.41 to $.42 per gallon). These prices do not reflect subsequent OPEC increases but do reflect the substantial domestic subsidy of crude oil of approximately $1.50 per barrel, or $.25 per mmbtu. Spot distillate cargo prices have recently been reported as high as $3.25 to $3.30 per mmbtu ($.44–.46 per gallon).

The 1977 Memorandum of Intentions between PEMEX and the U.S. pipeline companies regarding the purchase of Mexican gas refers to the "average of high" prices in New York Harbor. Therefore, in representing New York Harbor prices, at approximately $3.50 in 1979 dollars in the low world oil price, the DOE analysis is conservative on the low side.

As the DOE analysis paper notes, the 1984 distillate equivalent price includes also an allowance for differential transportation costs. The Alaska pipeline cost includes delivery to major markets in California and the Midwest. Imported natural gas at border points, particularly on the Southern U.S. border is much more remote from the marginal natural gas markets. Therefore, to equate the two gas sources, a transportation cost of approximately $.20 per mmbtu is assumed for the distillate equivalent prices. The $.20 would cover incremental and operating expenses and additional capital costs for facilities to transport incremental gas supplies to the exising U.S. pipeline systems.

Q. Please give the Committee the assumptions made about costs to be borne by Canada in arriving at the United States cost. Include where appropriate the allocation of procurement expenses by both Canada and the United States.

A. The consumer cost in the U.S. for costs incurred on Canada will be determined by whether, and the extent to which, Canadian gas flows through the pipeline. If Canadian gas flows, the Agreement on Principles between the United States and Canada contains a complex cost allocation formula that allocates to the United States a portion of the costs of a Canadian lateral pipeline between Dawson and Whitehorse in the Yukon Territory. The amount of the U.S. share of costs of that lateral pipeline will be determined in relation to the extent of cost overruns on the main pipeline. Once in the main pipeline, Canadian gas would participate in the costs on a zoned, mcf-per-mile basis. The costs estimates in the DOE analysis are based upon an assumption that 1.2 bcfd of Canadian gas from the McKenzie Delta will flow in the main pipeline system. Further details regarding the cost allocation system and its relationship to U.S. costs are set forth in the President's Decision and Report to Congress on the Alaska Natural Gas Pipeline System, September 1977, pp. 163–174.

If the Canadian gas never flows in the mainline system, there would be no sharing of mainline costs by Canada, but the tariff for U.S. consumers would be slightly lower than that set forth in the January 1979 DOE analysis due to lower capital costs and higher fuel efficiency.

From a national economic perspective, the Canadian tariff payments by U.S. consumers are treated as a real resource cost to the U.S. in their full amount in the year when incurred.

Q. Please indicate whether reinjection costs for natural gas in the North Slope were offset against project costs.

A. Reinjection costs were not offset against project costs. However, as noted in the answer to Question No. 2, many of the existing reinjection facilities will be used to produce, gather, treat, and compress the gas that is sold. These existing facilities of course are not treated as incremental real resource costs in the national economic benefit analysis.

Q. If a contract with Mexico were executed for $2.60 and escalated at 7 percent, and if Mexico exported the maximum projected as available according to the Congressional Research Service study (e.g., 1.5 tcf in 1988), is it the judgment of the Department that the Alaskan Gas Pipeline would still be necessary and economically feasible on the basis as in your paper?

A. If the Mexican gas were priced at $2.60 (1979 dollars), and the price escalated at 7 percent per annum (assumed to be equal to the rate of inflation), it would be a very attractive supplemental source of gas supply. Imported pipeline gas at that price would be less costly than incremental LNG supplies and the overall cost would be slightly less than the Alaska North Slope gas for comparable volumes.

If an assured supply of 1.5 tcf per year of Mexican gas was available for 10–15 years at a fixed price and escalation factor and if currently projected U.S. supply and demand for gas are accurate, it is probable that construction of the Alaska pipeline could be deferred for a few years. However, the future of energy prices and availability, and the validity of projection models is sufficiently uncertain that the U.S. should, at this time, proceed with the project that will develop the certain energy resource on the Alaska North Slope. The potential for additional imports of reasonably priced natural gas from Canada or Mexico or the potential of future domestic supplies are not adequate substitutes for development of a long-term existing domestic energy supply such as the Alaska North Slope natural gas.

Q. Has the United States government made any attempt to insure through understandings with the Canadian government that any excess Canadian gas is sold through the lower portion of the Alaskan gas pipeline, rather than sold through conventional pipeline sales?

A. There have been ongoing discussions between Secretary Schlesinger and Deputy Prime Minister McEchan and other Canadian officials regarding the relationship between possible increased exports of Canadian gas and the Alaska Highway Pipeline project. The discussions have explored methods by which any increased Canadian supplies might be used to facilitate the financing and construction of the Alaska Highway project. The discussions are continuing at this time.

Q. You have given us the costs to consumers of the Alaska gas pipeline but you have not given us the costs to the taxpayers. Please indicate the expected cost to the treasury through the anticipated use of the investment tax credit, accelerated depreciation and drilling and production incentives for gas producers, using the same assumptions as in your paper.

A. The national economic benefit calculation recognizes income taxes as a cost in two respects. First, a 10 percent real discount rate is used, which is equivalent to a before-tax rate. Thus, to the extent that income taxes represent a surrogate for real resource costs, they are taken account of initially in the calculation of net benefits. The full capital costs of the project are treated as a resource cost. There is no deduction for the investment tax credit or other benefits.

Second, to present a conservative alternative case, the net present value of actual income taxes that will be paid by the pipeline company are deducted from the benefits to arrive at the comparative national economic benefits set forth the DOE Analysis. For example, in the 90 percent cost overrun case with low world oil prices, the $5 billion advantage of the Alaska project over distillate-priced imported gas is net of approximately the $950 million present value ($3.6 billion aggregate undiscounted value) of actual income taxes that will be paid by the project.

No further explicit recognition of income taxes or income tax benefits need be made from a national perspective. If the Alaska project does not increase the aggregate level of investment in the national economy, it is not likely to increase to any significant degree the aggregate level of income taxes, tax credits, or deductions. The oil and gas producing industry under current tax laws has the ability to write off investment somewhat more quickly than industry generally, e.g., through intangible drilling costs deductions and expensing of dry holes.[1] But, the vast majority of investments that give rise to such accelerated write-off already have been made at the Prudhoe Bay field. The incremental investment for gas production is predominately capital investment that is subject to normal income tax treatment. Therefore, it is not believed that the construction of the pipeline project would generate significant incremental accelerated tax write-offs or credits that differ materially from those that would pertain to alternative capital investments.

To the extent that the Alaska project does give rise to a higher level of capital expenditures than otherwise would prevail in the economy, there would be incremental tax deductions or credits, but they would be more than offset by the incremental tax revenues that would be generated by the capital investment.

In regard to the actual tax consequences of the project, there are two principal components—the investment tax credit and accelerated depreciation. The investment tax credit would be 10 percent of something over 90 percent of the direct capital costs of the project. For the pipeline, the investment tax credit would be approximately $500 million in the 30 percent cost overrun case and $750 million in the 90 percent cost overrun case. The conditioning plant would generate an investment tax credit of approximately $150 to $175 million.

The project would also generate to accelerated depreciation. The gross amount of taxes paid over the life of the project would not vary between straight line depreciation and accelerated depreciation. However, the present value of the tax payments would be less with accelerated depreciation. Under the FERC regulations, the present value advantage or benefit is not retained by the company, it is flowed through to the gas consumers. From the perspective of the government, however, the accelerated depreciation compared with straight line depreciation would reduce the present value of the pipeline project's tax revenues by approximately $250 million in the 30 percent cost overrun case[2] and $375 million in the 90 percent cost overrun case. Accelerated depreciation for the gas conditioning plant would have a similar effect to the extent of approximately $75 million.

VENEZUELA

Q. Have you explored the question of Venezuelan heavy oil?

A. DOE maintains close consultations with the Venezuelans to seek solutions to a wide range of energy problems. As you know, Deputy Secretary O'Leary has just returned from a visit to Caracas, where he discussed Venezuelan plans for heavy oil development and possible R&D cooperation in enhanced oil recovery techniques with Venezuelan officials as part of an overall cooperative energy program.

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[1] There is a theoretical possibility that a trivial amount of ANS gas would qualify for a depletion allowance. An independent producer could receive a 15 percent depletion allowance up to 6 mmcfd of gas or oil equivalent, which would be allocated over all domestic production of that producer. IRC Section 613A.

[2] PV of Sum of Years Digits of Depreciation − PV of Straight Line Depreciation × 0.46 × Cost of Depreciable Asset, assuming 18-year life for tax purposes and 8 percent cost of long term debt to U.S. Government.

Q. What are your estimates of recoverable heavy oil reserves in Venezuela?

A. Estimates of heavy oil in place range from 750 billion to 3 trillion barrels. The bulk of the Orinoco Belt crude is less than 10° API, is very viscous, and has a high sulfur (4+ percent) and metal (vanadium and nickel) content. These characteristics present a variety of producing, transporting, and processing problems. Estimates of recovery rates range from 5 percent to 25 percent.

Q. What are your estimates of production costs?

A. Estimates of production costs range from $7–11.50 a barrel, divided about equally between production and upgrading costs. These estimates include a 15 percent rate of return on investment but no taxes or royalties. Because of the high metal and sulfur content, large capital investments in processing installations and protection against damage to equipment and pipes are required. In view of the complex engineering problems and uncertainties inherent in new technologies, these cost estimates should be considered speculative.

Q. Why is this oil not being produced? What is the Department's policy toward its development being accelerated?

A. The physical and technical characteristics of Venezuelan heavy oil are substantially different from those associated with conventional crude oils and involve a wide range of new engineering problems and uncertain ultimate producing costs. Venezuela still has significant undeveloped resources of light, conventional crudes. The GOV has expressed interest in developing its heavy oil but must make a series of decision involving technological approaches, investment mechanisms, and the other difficult questions associated with the development of new energy resources. In making these decisions the GOV will have to make difficult political decisions on the balance between indigenous resource development and foreign technological assistance. DOE and Venezuelan officials are consulting to determine areas where cooperative programs might be of mutual interest.

Q. Has the Department explored opportunities for channeling capital into this effort through the regional banks?

A. DOE believes the international financial institutions can make a major contribution to international energy development. We support the recent World Bank decision to increase its lending for oil exploration and development. The energy lending policies of the regional banks, in particular, the Inter-American Development Bank, should be reviewed to determine the appropriate role of energy lending, and, in particular, the optimal balance between lending for energy and for basic human needs. The Department is currently consulting informally with staff of the Inter-American Development Bank on a proposal for expanding the IDB's commercial and political guaranty and insurance authority for Latin American mineral and energy projects.

Q. What about opportunities for increasing oil production in other Latin American countries like Guatemala, Argentina, Brazil and Peru? Does the Department have a policy that would enhance production in Latin America as a whole and wouldn't this have benefits in terms of the security of our imported oil supplies?

A. DOE considers that diversifying sources of U.S. oil imports, particularly from Latin America, could significantly enhance our energy security. DOE supports existing programs of expanded World Bank lending and OPIC provision of political risk insurance for oil exploration and development. We expect oil exploration and production in Latin America to increase between now and 1985. DOE is establishing a Foreign Energy Supply Assessment Program (FESAP) which will make in-depth geological and technical assessments of hydrocarbon resources in several countries, including Latin America. We expect these assessments will contribute to our understanding of the prospects and lead times for bringing on new supplies. Expansion of productive capacity in Latin America could:

Increase aggregate world oil and gas supplies as early as 1985, thereby limiting both the demand on existing suppliers and the probability and magnitude of oil price increases.

Further U.S. security interests (including nuclear non-proliferation objectives) by enhancing the political, economic, and energy position of other oil-importing countries.

Reduce the need for the U.S. to importune its existing suppliers to extend production beyond the levels these countries consider optimal.

Extend the period available for improving and installing the alternate technologies that will become increasingly important over the long run.

Improve the security of U.S. supply.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that four such notifications were received on February 16, 1979 and ask that they be printed in the RECORD.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1979.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Near Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,
WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1979.
In reply to: I–179/79ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Near Eastern country for major defense equipment tentatively estimated to cost in excess of $7 billion.

Sincerely,
WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1979.
In reply refer to: I–180/79ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Near Eastern country for major defense equipment tentatively estimated to cost in excess of $7 billion.

Sincerely,
WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1979.
In reply refer to: I–11527/78ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Near Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,
WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4 PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. STEVENSON. Mr. President, it is required by paragraph 4 of rule 43 that I place in the CONGRESSIONAL RECORD this notice if a Member, officer or employee of the Senate proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Senator JOHN TOWER to participate in a program sponsored by a foreign educational organization, the Wehrkunde Foundation of the Federal Republic of Germany.

It has been determined that Senator TOWER's participation in this program, at the expense of the foundation, is in the interests of the Senate and the United States.●

PROGRAM

Mr. STEVENS. Mr. President, may I inquire, Mr. President, from the distinguished majority leader what the plan is now for the legislative agenda for the remainder of the week?

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished acting Republican leader. May I, in responding to the distinguished Senator, ask the distinguished Senator from Idaho (Mr. CHURCH) when the nomination of Mr. Seignious will be ready for consideration?

Mr. CHURCH. Mr. President, the nomination was filed today. It should appear on the Calendar tomorrow and is then avaliable for the Senate to take up at any time.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished Senator from Idaho further, before I respond to the Senator from Alaska, what is the date on which the Taiwan enabling legislation will be reported?

Mr. CHURCH. Mr. President, in response to the question of the distinguished majority leader, the committee report should be ready sometime tomorrow, late tomorrow afternoon. I am hopeful that we can file it then, if the Senate is in session.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO FILE REPORT ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, it is my intention that the Senate will not be in session tomorrow. I ask unanimous consent that the Committee on Foreign Relations may file its report on the Taiwan enabling legislation tomorrow.

Mr. STEVENS. We have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, now I shall answer the distinguished Senator from Alaska, the acting Republican leader.

The report on the Taiwan enabling legislation being filed tomorrow will not be printed and available to Senators until Wednesday.

I do not think there is any question but that a Senator will ask for the observance of the 3-day rule—I hope not. But in that event, it would be Wednesday, Thursday, Friday—3 days—and we would not be able to proceed on the legislation until Saturday. It is not my intention to come in Saturday; so the Senate would begin its consideration, hopefully, of that subject by Monday.

I would hope we could go to the consideration of the legislation without any delay. In other words, I would hope we would have no problem with the motion to proceed, and whatever debate is to ensue, let it ensue on the legislation once it is up so we can all see what we are talking about.

Calendar days do count in the running of the 3-day rule with the exception of Saturdays, Sundays, and legal holidays. So Wednesday would count, even though we were not in session Wednesday.

The Seignious nomination will not be ready Wednesday because there is a hold on it, but I shall proceed with the Seignious nomination on Thursday.

Mr. STEVENS. That will be the order of business on Thursday, then; we will be in session on Thursday and not on Tuesday or Wednesday?

Mr. ROBERT C. BYRD. That is correct.

By going over until Thursday, the Senate committees would be given an opportunity to work on legislation.

AUTHORIZATION FOR CERTAIN ACTION DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 11 a.m. on Thursday, the Vice President of the United States, the President pro tempore of the Senate, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions, and that the Secretary of the Senate be authorized to receive messages from the House of Representatives and/or the President of the United States, and that they be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDERS FOR THURSDAY; ORDER FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday, after the two leaders or their designees have been recognized under the standing order, Mr. JAVITS be recognized for not to exceed 15 minutes, that Mr. CHILES be recognized for not to exceed 15 minutes, that I have 15 minutes that I may use for any Senator on either side of the aisle, and that there be a brief period for the transaction of routine morning business, not to exceed 15 minutes, with Senators permitted to speak therein up to 5 minutes each.

The PRESIDING OFFICER. Does the Senator from West Virginia desire that this order not prejudice the previous order with regard to Senator BUMPERS?

Mr. ROBERT C. BYRD. I am glad the Chair called that order to my attention. That was an inadvertence on my part.

After Mr. BUMPERS, Mr. JAVITS, then Mr. CHILES, then the Senator from West Virginia, and then morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that among those special orders on Thursday there be added a special order for Mr. TALMADGE of 15 minutes, and a special order for Mr. LEVIN for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday my name be added to the list of those Senators who will be recognized for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M., THURSDAY, MARCH 1, 1979

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m., Thursday, March 1, 1979.

The motion was agreed to; and at 4:41 p.m., the Senate recessed until Thursday, March 1, 1979, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1979:

IN THE NAVY

Vice Adm. William R. St. George, U.S. Navy, (age 54) for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

IN THE NAVY

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps, as indicated, pursuant to title 10, United States Code, sections 5772 and 5791, subject to qualification therfor as provided by law:

MEDICAL CORPS

To be rear admiral

Clinton Hershey Lowery

SUPPLY CORPS

Duncan Philip McGillivary
Richard Earl Curtis

CHAPLAIN CORPS

Ross Henry Trower

CIVILIAN ENGINEER CORPS

James Theodore Taylor

DENTAL CORPS

James Duncan Enoch

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general under the provisions of title 10, U.S. Code, sections 5769 and 5780:

Richard M. Cooke
Mannon A. Johnson, Jr.
James J. McMonagle
Jerome T. Hagen
Richard T. Trundy
Clyde D. Dean
Americo A. Sardo
Frank E. Petersen, Jr.
Dennis J. Murphy

IN THE NAVY

The following-named (Naval Reserved Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Adrienne M. Baker
*Dewey F. Deeds
*Gregory B. Duck
*Richard W. Durham
*Steven J. Farsaci
*David W. Fergus
Mary S. Freeman
*Calvin C. Hicks
*John M. Landon II
*Lee T. Shrader
*Myron J. Thiessen
*James R. Walter
*Ellen A. Wardrop
Margaret L. White

The following-named Navy Enlisted Scientific Education Program candidates to be permanent Ensigns in the line or staff corps of the U.S. Navy, subject to the qualifications therefore as provided by law:

Kenneth F. Abasolo
Michael J. Alfonso
John M. Anderson
*Jurgen J. Arnold
Robert T. Baker
*Gregg A. Balzer
Dale A. Beard
David K. Bell
*Stephen C. Benigni
Jeffrey P. Bennett
David J. Berry
Ralph M. Berry
*Michael J. Bevins
Robert T. Biskine
Linda S. Bowlby
*David B. Bowman
Harold D. Boyd
Joe D. Brannan
Mark A. Brown
*Randal E. Brown
Arland D. Buchanan
*William T. Butler
*Fred D. Carozzo
Michael R. Casteel
Michael A. Chase
Thomas E. Clark
Larry R. Cooper
Edgar J. Cortes
Steven A. Creech
Terrance L. Crowley
William R. Deihs
Jeffrey Crutchfield
*Maria J. Delsignore
*Patrick S. Dipaola
Harry M. Dorman
Stephen E. Ellefson
*Dale C. Farnsworth
Michael L. Ferguson
Michael P. Ferguson
David C. Fritsch
*Michael W. Gainok
Dennis K. Gonyier
Bruce M .Gray
Len E. Gray
*Alvin E. Grimmig
James E. Hamilton
William E. Hardine
Thomas E. Heterich
Bruce A. Hoselton
Kevin L. Hostbjor
John A. Hunt
*Kent P. Irwin
Steven C. Joachim
*Scott L. Jones
Kevin M. Kelly
Guy S. Kemp
*Donald Kirkley
Peter Koenie
Richard A. Larsen
*Thomas Latiolais
David A. Lawrence
*James J. Lewandowski
*William K. Lunn
Michael T. Lybarger
Thomas R. McCool
James T. McDaniel
*Allen D. McDonald
*Jeffrey B. McDonnell
William S. McGee
Stephen M. McManus
David W. McShane
Gary A. Mercer
*James A. Mette
Benjamin K. Miller
*David L. Minnich
Douglas A. Minnig
Kenneth C. Mitchell
*Joseph R. Montgomery
*Carter D. Moore
*Bruce V. Muir
*Richard D. Nowell
*Jack W. Ogg
Edward C. Ohlson
Edward D. Olsen
John W. Patterson
Donald J. Piela
*Barbara S. Purtell
*Roy A. Reinhold
*Mark C. Rhoads
*Michael L. Roy
Michelle E. Rychak
George A. Seaver
Grant T. Shawcroft
Paul K. Shellenberger
James E. Smit
Terry D. Sprosty
Walter Starkley
Henry S. Steinfeld
Walter R. Strebeck
John S. Szabat
Charles M. Taberski
Richard M. Takasugi
Donald E. Taylor
*Thomas J. Valentine
James D. Wender
*Christopher C. Whitehead
James R. Wilhite
Michael D. Williams
Steven M. Williams
*Thomas M. Wolter
Harry M. Wright
*Robert A. Young
Ronald W. Zaperback

The following-named (U.S. Navy officer (ret.)) to be reappointed from the temporary disability retired list as a permanent captain in the Nurse Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Capt Eva M. Gagnon, NC, USN (ret.)

The following-named (U.S. Navy officer (ret.)) to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the line of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Lcdr Jerry E. Henderson, USN (ret.).

The following-named (U.S. Navy officer (ret.)) to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the U.S. Navy, for limited duty, in the classification indicated, subject to the qualifications therefor as provided by law:

*Lcdr James L. Mullen, SC, USN (ret.) Supply Corps.

The following-named (Ex-U.S. Navy officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Calvin T. Jewell
*Robert S. Kollen
*Sidney R. Sewell
*David L. Wishart

The following-named (Ex-U.S. Naval Reserve officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*William G. Bruce

*James W. Murphree

* John B. Noll

The following-named (U.S. Army Reserve officer) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Thomas L. Weatherly

The following-named (Ex-U.S. Air Force officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Earl H. Cramer

*Thomas P. Lowry

The following-named (civilian college graduate) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Theodore R. Bledsoe

The following-named (Ex-U.S. Naval Reserve officer (ret.)) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Donald E. Fisher

The following-named (U.S. Naval Reserve officer) to be appointed a temporary commander in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Lcdr James C. Yeargin, DC, USNR

Executive nominations received by the Senate February 23, 1979, under authority of the order of the Senate of February 22, 1979:

THE JUDICIARY

Mary Lou Robinson, of Texas, to be U.S. district judge for the northern district of Texas, vice a new position created by Public Law 95–486, approved October 20, 1978.

Norman W. Black, of Texas, to be U.S. district judge for the southern district of Texas, vice a new position created by Public Law 95–486, approved October 20, 1978.

IN THE ARMY

The following-named officer as a permanent professor of the U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

To be professor of electrical engineering

Reinhart, Stanley E., Jr., [redacted].

The following-named officer for reappointment in the active list of the Regular Army of the United States, from the Temporary Disability Retired List, under the provisions of title 10, United States Code, section 1211:

To be major, Regular Army and major, Army of the United States

Beam, Ida M., [redacted].

The following-named officers for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3284 through 3294:

To be lieutenant colonel

Miyazawa, Kunio, [redacted].

To be major

Moon, Michael R., [redacted].
Surti, Nergesh R., [redacted].

To be captain

Anderson, Bruce C., [redacted].
Anderson, Paul J., Jr., [redacted].
Baker, John C., 012–36–3340.
Bon, David K. [redacted].
Bond, Robert D. [redacted].
Caldwell, William J., [redacted].
Cochard, Charlotte, [redacted].
Cochard, Gary C., [redacted].
Cook, Carolyn J., [redacted].
Cooke, Paulette A., [redacted].
Crayer, Steven E., [redacted].
Cromar, Robert J., [redacted].
Culwell, William P., [redacted].
Galloway, Archibald II, [redacted].
Gerot, Edwin L., [redacted].
Grevencamp, Theodore R., [redacted].
Hix, Alan D., Jr., [redacted].
Holmes, Arthur L., Jr., [redacted].
Houlihan, Daniel P., [redacted].
Hutchinson, Stephen M., [redacted].
Jenkins, Pamela R. C., [redacted].
Kahlert, Thomas A., [redacted].
Kindred, Samuel L., [redacted].
Koetz, Kenneth A., [redacted].
Link, Glenn J., [redacted].
Lorkowski, Judith A., [redacted].
Martinkus, Nancy K., [redacted].
McBride, Ronald H., [redacted].
McGill, Brian F., [redacted].
Millard, Barbara J., [redacted].
Neuendorf, Marcia L., [redacted].
Owen, David V., [redacted].
Rogalski, Robert W., [redacted].
Shackelford, John S., [redacted].
Smyser, James O., [redacted].
Stephenson, Stephen R., [redacted].
Thorpe, Janice, A., [redacted].
Turpin, Johnny G., [redacted].
Wilson, Margaret M., [redacted].

To be first lieutenant

Altenburg, John D., Jr., [redacted].
Bolesh, David, T., [redacted].
Bornhorst, David A., [redacted].
Booker, Harold S., [redacted].
Brown, Diane L., [redacted].
Brown, Janet R., [redacted].
Faul, Timothy K., [redacted].
Hennessey David L., [redacted].
Klein, Lawrence R., [redacted].
Kurowski, Raymond A., II, [redacted].
Loiselle, Richard P. [redacted].
Mascaskill, Debra L., [redacted].
Odegaard, Vickie R., [redacted].
Pabst, Terry L., [redacted].
Reynolds, Judith A., [redacted].
Rose, Marie J., [redacted].
Rudd, Jimmie G., [redacted].
Scarbrough, Lydia H., [redacted].
Stafford, Wesley W., [redacted].
Stiles, James L., [redacted].
Sullivan, Harold H., [redacted].
Wonzy, Terree L. S., [redacted].

IN THE ARMY

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2107, 3284, 3286, 3287, 3288, and 3290:

Adair, Henry H., Jr., [redacted].
Adams, James C., [redacted].
Adams, Paul M., [redacted].
Adams, Samuel, [redacted].
Ader, James E. [redacted].
Adkins, Betty S. [redacted].
Akers, Andrew A., [redacted].
Alberda, Brent L., [redacted].
Aldrich, Bruce A. [redacted].
Alecxih, Jane L., [redacted].
Alford, Kenneth L., [redacted].
Alftin, Leann, [redacted]

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*Appointment sent out Ad Interim (during the recess of the Senate). Senate recessed on 25 August 1978–6 September 1978.

Allen, Lewis, Jr., [redacted].
Alspach, William A., [redacted].
Ames, Lawrence J., [redacted].
Andersen, Linda J., [redacted].
Anderson, Benjamin, [redacted].
Andrews, Jeffrey R., [redacted].
Anspach, Paul D., [redacted].
Antley, Billy W., Jr., [redacted].
Antochy, George, [redacted].
Arday, David R., [redacted].
Arnold, Kenneth W., [redacted].
Arntson, Kathleen M., [redacted].
Arroyonieves, Jose, [redacted].
Arthur, John E. V., [redacted].
Atkinson, Mark C., [redacted].
Atterbury, Janet E., [redacted].
Austermehle, Robert, [redacted].
Bachar, Jay B., [redacted].
Bailey, Robert D., [redacted].
Bair, Roger I., III, [redacted].
Baker, James A., [redacted].
Baker, John A., [redacted].
Baker, Kathryn A., [redacted].
Baldock, Wynn P., [redacted].
Baldy, Brian R., [redacted].
Ball, Gary L., [redacted].
Ballard, Erica E. V., [redacted].
Bankston, Daniel L., [redacted].
Barger, Gregory K., [redacted].
Barker, Brent A., [redacted].
Barker, James A., [redacted].
Barr, Frederick N., [redacted].
Barr, Thomas J., Jr., [redacted].
Barrow, Robert F., [redacted].
Barth, Perry E., [redacted].
Barton, Douglas A., [redacted].
Bartosik, Richard, [redacted].
Barttelbort, Larry, [redacted].
Barz, Larry E., [redacted].
Bate, Jonathan E., [redacted].
Bates, Donald J., [redacted].
Bates, Robert L., [redacted].
Baughman, Daniel M., [redacted].
Beaulieu, Michael D., [redacted].
Beaver, Diane E., [redacted].
Beck, Terence A., [redacted].
Becnel, Wade B., [redacted].
Bell, Calvin, [redacted].
Bellini, Mark A., [redacted].
Belstra, Randall, [redacted].
Bendrick, Anne M., [redacted].
Benham, Steven A., [redacted].
Bennett, Roger H., [redacted].
Bennett, Thomas B., [redacted].
Berberick, Raymond, [redacted].
Bergh, Charles V., [redacted].
Bergmooser, Larry M., [redacted].
Bergner, Kevin J., [redacted].
Berrios, Clemente, [redacted].
Bettis, Barry K., [redacted].
Beyer, Renae M., [redacted].
Biberstein, Billy J., [redacted].
Bierwirth, Roy C., [redacted].
Bigay, Michael M., [redacted].
Bigelow, Donovan R., [redacted].
Bingner, Allison K., [redacted].
Bishop, Allen B., [redacted].
Bishop, Harold J., Jr., [redacted].
Bissonnette, James, [redacted].
Bistrica, Michael E., [redacted].
Black, John C., [redacted].
Black, John F., [redacted].
Black, Kenneth B., [redacted].
Blakely, Frank, [redacted].
Blakely, Terry A., [redacted].
Blanchette, Michael, [redacted].
Blankenship, Gary A., [redacted].
Blaska, Steven J. E., [redacted].
Bliss, Gary L., [redacted].
Block, Gregory O., [redacted].
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Bowman, Michael, [redacted].
Boyer, Charles R., [redacted].
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Bradshaw, Jody L., [redacted].
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Bronson, Lisa, [redacted].
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Brothers, William, [redacted].
Broughton, Tim R., [redacted].
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Brown, William R., [redacted].
Bruce, William F., Jr., [redacted].
Bruckart, James, [redacted].
Brumfield, Calvin D., [redacted].
Brunetto, Marcia E., [redacted].
Brush, Linae S., [redacted].
Bryant, Jackie J., [redacted].
Bucher, Frederick W., [redacted].
Budrus, Lynn F., [redacted].
Bungum, David D., [redacted].
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Byrd, Lennerd, [redacted].
Byrnes, Ronald B., Jr., [redacted].
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Colonna, John O., II, [redacted].
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Cook, Horis R., [redacted].
Cooper, Bruce J., [redacted].
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Delottinville, Jan, [redacted].
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Demery, Christopher, [redacted].
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Detrani, Richard L., [redacted].
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Joiner, Leonard W. [redacted]
Jones, Anita [redacted]
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Jones, Rickey A. [redacted]
Jones, Steven P [redacted]
Jones, Warren C., [redacted]
Jordan, Benjamin W., [redacted]
Jordan, Ira H [redacted]
Juliano, Paul F., [redacted]
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Knox, John D., [redacted].
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Legg, Fred V., III, [redacted].
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Miller, Shirley L., [redacted].
Miller, Wiliam J. A., [redacted].
Mills, Ainsworth B., [redacted].
Mills, Eules A., Jr., [redacted].
Mills, Ricky W., [redacted].
Milther, Kristopher, [redacted].
Mitchell, Johnny F., [redacted].
Miyajima, Jon K. K., [redacted].
Moen, Paul D., [redacted].
Mogan, Steven H., [redacted].
Molkenbuhr, Nancy L., [redacted].
Monaghan, Craig T., [redacted].
Moneymaker, Thomas, [redacted].
Monroe, Daniel R., [redacted].
Montgomery, Stephen, [redacted].
Moore, James D., [redacted].
Moore, Marina I., [redacted].
Moore, Michael J., [redacted].
Morales, Leopoldo R., [redacted].
Moran, Jerry L., [redacted].
Morehouse, David A., [redacted].
Morgan Kevin C., [redacted].
Morgan, Robert P., [redacted].
Morris, Dean C., [redacted].
Morrison, Daniel, [redacted].
Moseng, Randy L., [redacted].
Mott, Sharon K., [redacted].
Moughon, James C., [redacted].
Moynihan, Francix W., [redacted].
Mrsny, Reid K., [redacted].
Muije, Jacques R., [redacted].
Mulkey, Dawn J., [redacted].
Mullins, Garrett R., [redacted].
Mundie, Thomas G., [redacted].
Murphy, Kevin J. A., [redacted].
Murphy, Mary Anne, [redacted].
Mussell, Cindy K., [redacted].
Myers, Edwin L., [redacted].
Myers, Leander W., [redacted].
Myler, Craig A., [redacted].
Neal, Anthony D., [redacted].
Nichols, Gary L., [redacted].
Neely, Gerald T., [redacted].
Neeley, David R., [redacted].
Nagel, James N., [redacted].
Nelson, Quentin R., [redacted].
Newman, Arlene A., [redacted].
Newman, Gary N. M. N., [redacted].
Newman, Thomas J., [redacted].
Newton, Daniel G., [redacted].
Nickerson, Thomas E., [redacted].
Niemann, Thomas A., [redacted].
Nolan, Stephen J., [redacted].
Norris, Robert L., Jr., [redacted].
Nystrom, Bradley J., [redacted].
Obermeyer, Lee W., [redacted].
Oberholtzer, John E., [redacted].
Odom, William O., [redacted].
O'Donnell, John J., [redacted].
Oliver, Randall D., [redacted].
Olson, Donald C., [redacted].
Olson, Gerald A., [redacted].
O'Malley, Donald M., [redacted].
Omeara, Victoria A., [redacted].
Orgeron, Herman, [redacted].
Ornelas, Robert E., [redacted].
Orris, Andrew J., [redacted].
Ortloff, Dan L., [redacted].
Osinski, Sonia L., [redacted].
Overmyer, Cynthia R., [redacted].
Overton, Robert O., [redacted].
Ozolins, Janis G., Jr., [redacted].
Padgett, Stanley, [redacted].
Page, Stephen J., [redacted].
Pallotta, Ralph G., [redacted].
Palmatier, Joni L., [redacted].
Palmer, Robert L., [redacted].
Pankey, Stephen, [redacted].
Parish, Stephen L., [redacted].
Parker, Don, [redacted].
Parkinson, Thomas J., [redacted].
Parnell, Michael A., [redacted].
Parry, Rebecca A., [redacted].
Patenaude, Anne M., [redacted].

Patten, Daniel F., [redacted].
Patterson, David L., [redacted].
Patterson, Kevin F., [redacted].
Patton, Peter M., [redacted].
Patton, Scott E., [redacted].
Paulding, Linda K., [redacted].
Payne, James D., [redacted].
Payne, Joel T., [redacted].
Pearsall, David F., [redacted].
Pearson, Mark A. [redacted].
Pearson, James T., [redacted].
Pechek, Louise M., [redacted].
Perrin, Mark W., [redacted].
Perry, Steven R., [redacted].
Perry, Ralph, [redacted].
Pesce, Edward L., [redacted].
Peterson, Paul M., [redacted].
Phelps, John F., [redacted].
Phillips, Don A., [redacted].
Phillips, Jeffrey E., [redacted].
Pike, James F., [redacted].
Pilker, Earl G., [redacted].
Pilker, Eric H., [redacted].
Peltz, Karlynn V., [redacted].
Pippin, Patricia E., [redacted].
Pittard, William G., [redacted].
Placek, Steven, [redacted].
Plummer, Julia O., [redacted].
Poet, Steve M., [redacted].
Polczynski, Kennith, [redacted].
Poltrock, John J., [redacted].
Pontius, Ronald W., [redacted].
Poorman, Scot W., [redacted].
Poplawski, Douglas, [redacted].
Porter, Newton P., [redacted].
Powell, Baron M., [redacted].
Powell, John A., [redacted].
Powell, John M., [redacted].
Powell, Steven L., [redacted].
Powers, Donald L., [redacted].
Prescott, William, [redacted].
Price, Joe R., Jr., [redacted].
Pritchard, Thomas G. [redacted].
Propkopyk, William N., [redacted].
Prukop, Andrew J., [redacted].
Ptaszynski, Daniel, [redacted].
Purkis, Claude E., [redacted].
Purnsley, Julius F., [redacted].
Putz, Jeffery L., [redacted].
Pyles, William D., [redacted].
Quackenbush, Frank, [redacted].
Quinn, Timothy J., [redacted].
Radentz, William J., [redacted].
Raifsnider, Melanie, [redacted].
Ramirez, Joe E., Jr. [redacted].
Ranieri, Gerard J., [redacted].
Raper, Anthony M., [redacted].
Rarig, Jeffrey A., [redacted].
Redman, Douglas L., [redacted].
Reed, John A. [redacted].
Reichenthaler, Wayn, [redacted].
Reichert, William J., [redacted].
Reim, Frederick O., [redacted].
Reinebold, James L., [redacted].
Reinig, Karl D., [redacted].
Rennard, Thomas G., [redacted].
Revis, Howard, [redacted].
Reyes, Darryl J., [redacted].
Reynolds, Eric G., [redacted].
Ricarte, Eduardo J., [redacted].
Rich, Deborah, [redacted].
Richeson, Joseph S., [redacted].
Richey, Victor O., Jr., [redacted].
Ridge, Deborah S. [redacted].
Rieger, William J., [redacted].
Rife, Rickey L., [redacted].
Rhine, Gregory J., [redacted].
Riley, Robert L., [redacted].
Rivera, Lourdes N. [redacted].
Robbins, Samuel T., [redacted].
Robbins, William W., [redacted].
Robinson, James M., [redacted].
Robinson, William G., [redacted].
Robredo, Pedro, [redacted].
Rocha, Bobby M., [redacted].
Rockett, Carl, [redacted].
Rodehorst, Ronald R., [redacted].
Rodriguez, Jesus M., [redacted].
Role, Robert L., [redacted].
Rolfes, Robert J., [redacted].
Rooney, Brian D., [redacted].
Rougeux, Joseph P., [redacted].
Roush, Robert C. [redacted].
Rovero, John L., [redacted].
Rozanski, Thomas A., [redacted].
Rungee, James L., Jr., [redacted].
Russell, Kenneth E. [redacted].
Russo, John A., [redacted].
Rutledge, Roy W., [redacted].
Rutten, David J., [redacted].
Ruzzo, Loreto J., [redacted].
Ryan, Mark D., [redacted].
Ryan, William J., [redacted].
Saderup, Kevin D., [redacted].
Salesky, Mark E., [redacted].
Salisbury, Fred A., [redacted].
Samolyk, Brian E., [redacted].
Samson, Bryan R., [redacted].
Sands, Clifton A., Jr., [redacted].
Sanford, Richard B. [redacted].
Sartain, Mitchell C., [redacted].
Savage, Michael J., [redacted].
Scheibmeir, Monica, [redacted].
Schindler, Daniel S., [redacted].
Schirm, Steven L., [redacted].
Schlacks, Daniel J. [redacted].
Schmidt, Rodney H. C., [redacted].
Schmidt, Terry A., [redacted].
Schneider, Mark D., [redacted].
Schoemer, Steven G., [redacted].
Schumacker, Douglas, [redacted].
Schwartz, Frank J., [redacted].
Scott, Arthur C., [redacted].
Scott, Douglas R., [redacted].
Scovanner, Thomas W., [redacted].
Scruggs, Jeffrey R., [redacted].
Scruggs, Samuel, [redacted].
Seaman, Walter J., II, [redacted].
Searles, Sean P., [redacted].
Seay, Clay R., [redacted].
Semmens, Steven P., [redacted].
Sennewald, Julia K., [redacted].
Shaver, John W. III, [redacted].
Shaw, Van J., [redacted].
Sheaffer, Alan W., [redacted].
Shelton, Albert J. [redacted].
Sheridan, David J., [redacted].
Shirley, Jason D., [redacted].
Shoemaker, Robert M., [redacted].
Sidwell, Michael L., [redacted].
Sigmund, Michael A., [redacted].
Simms, Barbara M., [redacted].
Simms, Mark P., [redacted].
Simon, Richard V., [redacted].
Simpson, Eric C., [redacted].
Simpson, John A. Jr., [redacted].
Sims, Stanley L., [redacted].
Singer, Richard B., [redacted].
Singleton, James D., [redacted].
Sisk, James E., [redacted].
Sisson, Mark T., [redacted].
Skelton, Jo A., [redacted].
Sloan, Jimmy R., [redacted].
Small, James E., [redacted].
Smith, Alan D. [redacted].
Smith, Charles F. [redacted].
Smith, Johnny L., [redacted].
Smith, Joseph M., [redacted].
Smith, Mark H., [redacted].
Smith, Mark W., [redacted].
Smith, Michael A., [redacted].
Smith, Pamela S., [redacted].
Smith, Robert A., [redacted].
Smith, Sean P., [redacted].
Smith, Stephen B., [redacted].
Smith, Timothy C., [redacted].
Smith, Todd R., [redacted].
Snow, Alan H., [redacted].
Sowersby, Ralph R., [redacted].
Spinelli, Victoria, [redacted].
Spink, Dean O., [redacted].
Stacy, Robert A., [redacted].
Stafford, Daniel H. [redacted].
Stanley Gregory D., [redacted].
Staton, Harold B., [redacted].
Steen, Robert W. [redacted].
Steve, Rufus Jr., [redacted].
Stevenson, William, [redacted].
Stewart, Meredith A., [redacted].
Stiver, Jeffry K., [redacted].
Stocker, Andrew W., [redacted].
Stoll, Koburn C. [redacted].
Stone, Todd A. [redacted].
Stout, Michael E., [redacted].
Straw, Andrew K. [redacted].
Strickland, David A., [redacted].
Stromswold, Susan R., [redacted].
Strong, Janet E. [redacted].
Stuart, Gregory L. [redacted].
Studniewski, Gary R., [redacted].
Stultz, Vernon D. [redacted].
Stuy, John W. [redacted].
Sugrue, Jeffrey C., [redacted].
Summers, David C., [redacted].
Sunderlin, Terry C., [redacted].
Swann, Steven W. [redacted].
Swanson, Sidney J., [redacted].
Sweet, Harvey S. Jr., [redacted].
Szalay, Martin J., [redacted].
Taggart, George M., [redacted].
Talbot, John C. [redacted].
Talley, James H. Jr., [redacted].
Tankersley, Will H., [redacted].
Tarpley, Michael D., [redacted].
Tate, Clyde J., II, [redacted].
Tatsch, Daniel L., [redacted].
Tavares, Michael J., [redacted].
Taylor, Edward D., [redacted].
Taylor, Willie Jr., [redacted].
Teague, George E., [redacted].
Teetsel, Robert D. [redacted].
Terenzio, Peter B., [redacted].
Terry, Michael J., [redacted].
Terry, Sherman I., [redacted].
Thein, Scott E. [redacted].
Thoma, Karl C., [redacted].
Thomas, Douglas L., [redacted].
Thomas, Jack L., [redacted].
Thompson, Brenda F., [redacted].
Thompson, Landon C., [redacted].
Thompson, Robert J., [redacted].
Thomson, Margaret A., [redacted].
Thoresen, David, [redacted].
Thorne, Raymond W., [redacted].
Thornton, Lauren E., [redacted].
Thurlow, Richard M., [redacted].
Tillison, Alan L., [redacted].
Timmes, Edward A., Jr., [redacted].
Tolley, Steven H., [redacted].
Toomey, Timothy, [redacted].
Torrance, Andrew W., [redacted].
Torrence, Gerald, [redacted].
Townsend, Marshall, [redacted].
Tremblay, David C., [redacted].
Trippet, Bruce W., [redacted].
Troller, Kevin G., [redacted].
Truxon, Fentress L., [redacted].
Tubbs, Shaune E., [redacted].
Tucker, Christopher, [redacted].
Tucker, Jeffrey G., [redacted].
Tullis, Mark A., [redacted].
Turco, Michael L., [redacted].
Tuttle, Beverly J., [redacted].
Tweten, Ross W., [redacted].
Twigg, Theodore W., [redacted].
Vandyke, John E., [redacted].
Vandyke, Lewis L., [redacted].
Varljen, Peter J., [redacted].
Veal, Cyrus J., [redacted].
Veal, Richard L. [redacted].
Vega, Carlos E., [redacted].
Vernon, Richard A., [redacted].
Vickers, Suzanne L., [redacted].
Vogeley, Thomas A., [redacted].
Vogt, William C., [redacted].
Vonkampen, Terry J., [redacted].
Vose, John R., [redacted].
Wagner, Stephen G., [redacted].
Wakefield, Mark J., [redacted].
Walker, Joseph W., Jr., [redacted].
Walker, Lloyd W., [redacted].
Waller, Henry H., III, [redacted].
Walters, Richard K., [redacted].
Ward, Frances D., [redacted].
Warden, Martha L., [redacted].
Warford, James M., [redacted].
Warne, Thomas R., [redacted].
Warren, Lester A., [redacted].
Warren, Scott E., [redacted].
Warton, Dale V., [redacted].
Watkins, Tracy G., [redacted].
Wayland, Joseph F., [redacted].

Webb, Mark R., [redacted].
Webster, Ronald W., [redacted].
Weers, Gary A., [redacted].
Weiderhold, Michael, [redacted].
Weinberg, Charles C., [redacted].
Weinert, Michael, [redacted].
Welch, Paul G., [redacted].
Welden, James L., [redacted].
Wemhoff, David A., [redacted].
Wendel, Kevin R., [redacted].
Wentling, Barbara M., [redacted].
Wertz, Michael M., [redacted].
West, Terry A., [redacted].
Westbrook, Anton A., [redacted].
Wexler, Larry A., [redacted].
Whitcomb, James P., [redacted].
White, Marshall P., [redacted].
White, Sandra E., [redacted].
White, Steven P., [redacted].
Whitehead, Gary W., [redacted].
Whitehurst, Richard, [redacted].
Whitlatch, Kevin C., [redacted].
Wiggle, Francis A., [redacted].
Wilbanks, William F., [redacted].
Wilhelm, Christa, [redacted].
Wilkinson, William, [redacted].
Wilky, Lloyd R., [redacted].
Williams. Aylwyn P., [redacted].
Williams, Byron L., [redacted].
Williams, Clarence, [redacted].
Williams, Daniel L., [redacted].
Williams, Dexter N., [redacted].
Williams, Frederick, [redacted].
Williams, Mark O., [redacted].
Williams, Marvin W., [redacted].
Williamson, Mark A., [redacted].
Wilson, Carl R., [redacted].
Wilson, Charles A., [redacted].
Wilson, Gregory E., [redacted].
Wilson, William D., [redacted].
Winkler, Kenneth H., [redacted].
Winter, Matthew E., [redacted].
Wise, Michael D., [redacted].
Withers, James M., [redacted].
Woerner, Frederick, [redacted].
Woerner, Timothy E., [redacted].
Wojtowich, Adam R., [redacted].
Wolf, Joseph M., [redacted].
Wolfe, Stanley A., [redacted].
Woodlee, Clinton R., [redacted].
Woodley, Thomas W., [redacted].
Woods, Donald M., [redacted].
Yarbrough, James C., [redacted].
Yatsko, Charles D., [redacted].
Yeager, William J., [redacted].
Young, Randall L., [redacted].
Zech, Russell A., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3284, 3286, 3288 and 3290:

Abernathy, Robert B., [redacted].
Acquaro, Thomas J., [redacted].
Alexander, Charles, [redacted].
Allen, Charles E., [redacted].
Allor, Peter G., [redacted].
Alonso, Edwin, [redacted].
Alter, Karen S., [redacted].
Alvarez, Charles, [redacted].
Anderson, Cathleen, [redacted].
Anderson, Donnie, [redacted].
Anderson, Joetta L., [redacted].
Anderson, Nicholas, [redacted].
Anderson, Phillip A., [redacted].
Anderson, Rodney O., [redacted].
Anthony, Mary M., [redacted].
Arcuri, Michael R., [redacted].
Arelland, Jake I., [redacted].
Armstrong, Karen M., [redacted].
Baggett, Jill M., [redacted].
Bailey, Kenneth S., [redacted].
Baker, Eugene W., [redacted].
Ballinger, William F., [redacted].
Barbosa, Carlos E., [redacted].
Barnes, George S., [redacted].
Barnum, Frederick O., [redacted].
Barr, John C., [redacted].
Barrass, John J., [redacted].
Barrett, Martha J., [redacted].
Basham, Charles E., [redacted].
Bashore, William M., [redacted].
Bass, Edwin D., Jr., [redacted].
Battalio, Michael S., [redacted].
Bauch, Thomas A., [redacted].
Baughman, Jeffery A., [redacted].
Beacham, Gregory A., [redacted].
Bean, Catherine L., [redacted].
Beardsley, Anne L., [redacted].
Beasley, Willie K., [redacted].
Becerra, Ruben, [redacted].
Beck, Gill P., [redacted].
Beckley, Michelle A., [redacted].
Beebe, Ronald J., [redacted].
Beeman, James F., [redacted].
Bell, Anthony B., [redacted].
Bell, Dallas F., [redacted].
Bell, James A., [redacted].
Benson, John W., [redacted].
Berg, Robert A., [redacted].
Berkeypile, Paul K., [redacted].
Bingham, Bradford A., [redacted].
Bishop, James R., [redacted].
Bishop, John E., Jr., [redacted].
Blacher, Maurice P., [redacted].
Black, Jack M., [redacted].
Blackwell, David H., [redacted].
Blaesing, Darla R., [redacted].
Blakely, Freddie N., [redacted].
Blakeman, Keith E., [redacted].
Boeglen, Kenneth L., [redacted].
Boggs, Edward W., [redacted].
Bolich, Susan A., [redacted].
Bolt, David C., [redacted].
Bond, Judith A., [redacted].
Bonn, John E., [redacted].
Boushell, Jeffrey C., [redacted].
Bradford, Darryl A., [redacted].
Bradley, William F., [redacted].
Brady, James J., [redacted].
Brady, Kerry M., [redacted].
Brandenburg, Robert, [redacted].
Bratcher, Linda K., [redacted].
Brennan, Richard R., [redacted].
Brocato, Anthony M., [redacted].
Brokaw, Nina L., [redacted].
Brooks, Clementine, [redacted].
Brown, Inez, [redacted].
Brown, Patricia A., [redacted].
Brown, Richard C., [redacted].
Brown, Richard E., [redacted].
Brown, Thomas A., [redacted].
Bruens, Stephen W., [redacted].
Buchner, Michael S., [redacted].
Buckley, Douglas S., [redacted].
Burckel, Joseph W., [redacted].
Burgemeister, Daniel, [redacted].
Burkett, William B., [redacted].
Burkey, John C., [redacted].
Burnham, William, [redacted].
Burns, John R., [redacted].
Burton, Roy A., [redacted].
Butler, Joseph C., [redacted].
Byrd, John N., [redacted].
Cabanatan, Valerian, [redacted].
Callaway, Charles T., [redacted].
Cameron, Logan E., [redacted].
Campbell, David H., [redacted].
Campbell, Kathlyn, [redacted].
Canniff, Craig L., [redacted].
Cannon, Debra A., [redacted].
Caraballo, Ervin L., [redacted].
Carrico, Terry L., [redacted].
Carroll, Donna K., [redacted].
Cardenas, Ricardo, [redacted].
Cardenas, Juan P., [redacted].
Carey, Philip J., [redacted].
Carpenter, Antonio, [redacted].
Carpenter, William, [redacted].
Cartagena, Ruth N., [redacted].
Carter, Frederick L., [redacted].
Casey, William P., [redacted].
Cassels, Kent L., [redacted].
Cataldi, Stephen M., [redacted].
Cataldo, Thomas G., [redacted].
Chatterton, Diann, [redacted].
Chilli, Frank L., [redacted].
Chin, Edward S., [redacted].
Churchill, John L., [redacted].
Cigainero, Sandra M., [redacted].
Clifton, Elizabeth, [redacted].
Coates, Pamela J., [redacted].
Coburn, Sheryl A., [redacted].
Colavita, Mauro A., [redacted].
Cole, Jearome T., [redacted].
Colleton, Charles A., [redacted].
Combs, Michael V., [redacted].
Conrad, Jeffrey W., [redacted].
Cook, Tierney P., [redacted].
Cooley, Charles J., [redacted].
Cooper, Ronald, [redacted].
Corley, Michael A., [redacted].
Cornwell, John I., [redacted].
Cothran, John R., Jr., [redacted].
Cotton, Edmund W., [redacted].
Courtney, Glenn H., [redacted].
Cox, James A., Jr., [redacted].
Crawford, Nancy S., [redacted].
Crawford, Ronald, [redacted].
Cross, Jesse R., [redacted].
Cross, Michael C. A., [redacted].
Crossley, Richard, [redacted].
Crowell, David D., [redacted].
Culbertson, David L., [redacted].
Cullen, Michael, [redacted].
Cullings, Harry, [redacted].
Culp Jeffery B., [redacted].
Cunningham, Michael, [redacted].
Curlee, Jay, [redacted].
Curtis, Francis, [redacted].
Cynewski, Sylvia I., [redacted].
Dailey, Denise F., [redacted].
Daley, Daniel G., [redacted].
Daly, John K., [redacted].
Daniel, Larry, [redacted].
Daniels, Lee E., [redacted].
Darding, Robert R., [redacted].
Darnley, Thomas D., [redacted].
David, Kenneth M., [redacted].
Davie, Bruce F., [redacted].
Davies, William W., [redacted].
Davis, Diana L., [redacted].
Davis, Gregory C., [redacted].
Davis, Keith L., [redacted].
Davis, Kevin A., [redacted].
Davis, Norman A., [redacted].
Davis, Ronald J., [redacted].
Davis, Walter L., [redacted].
Davidson, Scott C., [redacted].
Dawley, Maryanne T., [redacted].
Day, Karen K., [redacted].
Day, Todd N., [redacted].
Dean, Andrew K., [redacted].
Deitrick, David R., [redacted].
Della Pia, Susan R., [redacted].
De Leon, Roberto, [redacted].
Delzell, Gail E., [redacted].
Dennis, Dale J., [redacted].
Dennis, Eric E., [redacted].
Depp, Gail E., [redacted].
Deskis, Anthony J., [redacted].
Devries, Louis K., [redacted].
Diaz, Maria, [redacted].
Dicicco, Kathryn R., [redacted].
Dickens, William E., [redacted].
Distler, Tim A., [redacted].
Dollar, Charles H., [redacted].
Dooley, Michael T., [redacted].
Drakeford, Vivian D., [redacted].
Dreier, Thomas M., [redacted].
Driskill, Terry R., [redacted].
Droege, James J., [redacted].
Durfee, Mark N., [redacted].
Durr, Peter P., [redacted].
Dutton, Michael G., [redacted].
Dwight, Pamelia A., [redacted].
Dyer, Marilee, [redacted].
Eastman, Michael C., [redacted].
Edwards, Charles, [redacted].
Edwards, Frank M., [redacted].
Edwards, Glenn C., [redacted].
Edwards, Herman A., [redacted].
Ehrmantraut, Scott, [redacted].
Eichhorn, Adrian A., [redacted].
Eldridge, Charles R., [redacted].
Eller, Gary D., [redacted].
Ellis, Bryan W., [redacted].
Ellis, Margaret T., [redacted].
Embrey, Wallace E., [redacted].
English, Charlie T., [redacted].
Eschenbacher, Steve, [redacted].

Evans, Thomas R., [redacted]
Federspiel, Nichola, [redacted]
Fernander, Robert B., [redacted]
Ferola, Louis F., [redacted]
Ferrell, Carl B. II, [redacted]
Ferrell, Donald M., [redacted]
Feuling, Allan J., [redacted]
Flanagan, Nora V., [redacted]
Fleming, Pierce D., [redacted]
Fletcher, Douglas B., [redacted]
Foley, Daniel F., [redacted]
Fontaness, Andrew B., [redacted]
Fortune, Dwight W., [redacted]
Foster, Gerald K., [redacted]
Fouquier, Mark A., [redacted]
Frazier, Gary E., [redacted]
Frederick, Daniel A., [redacted]
Freels, Alta M., [redacted]
Fritch, Michael D., [redacted]
Fryer, Lee J., [redacted]
Fullam, Mary E., [redacted]
Fuller, Micheal W., [redacted]
Gagaza, Absalon Y., [redacted]
Gale, Matthew J., [redacted]
Gambaccini, Beth H., [redacted]
Garcia, Dary Isabel, [redacted]
Garza, James D., [redacted]
Gavora, William M., [redacted]
Gehrke, Irmgard I., [redacted]
Gendron, Glenn A., [redacted]
Genteline, Carl D., [redacted]
Gerben, Phyllis, [redacted]
Gerlach, Celeste S., [redacted]
Gervais, Frederick, [redacted]
Giddens, Cecil D., Jr., [redacted]
Gilmore, Louis E., Jr., [redacted]
Givens, Phillip G., [redacted]
Glover, Douglas, [redacted]
Gold, Allan J. [redacted]
Gonzalez, Antonio S., [redacted]
Gonzalez, Juan A., [redacted]
Gonzales, Paul S., [redacted]
Gordon, Mark A., [redacted]
Gore, George O., [redacted]
Gorkes, Edward D., [redacted]
Gosden, George L., [redacted]
Graham, Tony K., [redacted]
Grass, Paula E., [redacted]
Greene, Robert L., [redacted]
Grell, Ronald A., [redacted]
Griffin, Greer [redacted]
Griffith, Jimmie L., [redacted]
Guenther, Patricia, [redacted]
Guerry, Charles J. [redacted]
Gustaitis, Peter J., [redacted]
Gwaltney, George R., [redacted]
Habib, David A., [redacted]
Hackney, Michael S., [redacted]
Hadden, Gail B., [redacted]
Hailey, Raymond A., [redacted]
Hale, David D., Jr., [redacted]
Hale, James W., [redacted]
Hallock, James A., [redacted]
Halvorsen, Roberta, [redacted]
Hanayik, Robert A., [redacted]
Hamilton, Brian M., [redacted]
Hamilton, John P., [redacted]
Hamilton, Stuart B., [redacted]
Hammond, Tony, [redacted]
Hanify, Douglas J., [redacted]
Hankins, James F., [redacted]
Hanley, John C. [redacted]
Hanna, Gayle A., [redacted]
Hanna, Kathryn S., [redacted]
Hanson, Helene T., [redacted]
Harden, Christopher, [redacted]
Harrell, Brinkley A., [redacted]
Harrison, Elmo C., [redacted]
Hathaway, John R., [redacted]
Haveles, Paul A., [redacted]
Hayes, Deborah L., [redacted]
Haynes, Forest D., [redacted]
Heater, Ronald L. [redacted]
Heaton, Brenda K. [redacted]
Heine, Kurt M., [redacted]
Heiney, Paul L., [redacted]
Heins, David A., [redacted]
Helms, Marcus L., [redacted]
Hendrickson, Mark R., [redacted]
Hennigan, John R., [redacted]

Henson, John C., II, [redacted]
Hernandez, Ralph, [redacted]
Herndon, Jeffrey S., [redacted]
Hicks, Guy M., [redacted]
Hicks, Jerry M., [redacted]
Hicks, Kelly J., [redacted]
Hiller, Russell D., [redacted]
Hink, Daniel B., [redacted]
Hlavac, Judith M., [redacted]
Hobbs, Eli, Jr., [redacted]
Hoff, Michael J., [redacted]
Holmes, Carole J., [redacted]
Holmes, Keith H. [redacted]
Horton, Henry H., Jr., [redacted]
Horton, Gregory, [redacted]
Hough, Robert D., [redacted]
Howard, John C., [redacted]
Huggar, Antonio S., [redacted]
Huggins, James L., Jr., [redacted]
Hunt, Anthony A., [redacted]
Huss, Vicky C., [redacted]
Hyde, Donald B., [redacted]
Ingram, Atlas J., [redacted]
Irby, Robert J., [redacted]
Istas, David L., [redacted]
Jackson, Howard C., [redacted]
Jackson, Pamela D., [redacted]
Jacobson, Scot A., [redacted]
Jagoe, Marcellus H., [redacted]
Janis, Diane M., [redacted]
Janning, Donald J., [redacted]
Jenkins, Roy T. [redacted]
Jennings, Diana, [redacted]
Jennings, Donald P., [redacted]
Jessie, Frank, Jr., [redacted]
Jimison, Michael W., [redacted]
Johns, Jeffrey F., [redacted]
Johnson, Bradley N., [redacted]
Johnson, Charles A., [redacted]
Johnson, Charles R., [redacted]
Johnson, David H., [redacted]
Johnson, George R., [redacted]
Johnson, Gerri K., [redacted]
Johnson, Jerome, [redacted]
Johnson, Peter C., [redacted]
Johnson, Rodney E., [redacted]
Johnson, Thomas B., [redacted]
Johnson, Thomas C., [redacted]
Johnson, William R., [redacted]
Jones, Denise E., [redacted]
Jones, Jon M., [redacted]
Jones, Laurence M., [redacted]
Jones, Richard P., [redacted]
Jones, Robert E. [redacted]
Jones, Steve L., [redacted]
Jordan, Willie C., [redacted]
Jorde, Lee C., [redacted]
Jorgensen, David L., [redacted]
Josephson, Sally E., [redacted]
Jozwiak, Mark D., [redacted]
Juhl, Larry P. [redacted]
Kapaku, William L., [redacted]
Kappler, Robert L., [redacted]
Kelley, John M., [redacted]
Kelly, Mattie M., [redacted]
Kem, Jackie D., [redacted]
Kennedy, Joseph S., [redacted]
Kennedy, Robert K., [redacted]
Kerins, Matthew J., [redacted]
Kile, Marlys M., [redacted]
King, Frederick L., [redacted]
King, Melvin, [redacted]
King, Wayne [redacted]
Kirkland, John D., [redacted]
Kisiel, Daniel A., [redacted]
Klaiber, Kathy A., [redacted]
Knight, William L., [redacted]
Koone, Richard D., [redacted]
Krcelic, Robert L., [redacted]
Kreilein, Michael P., [redacted]
Kreyer, Mark W., [redacted]
Kryjak, Mary A., [redacted]
Kurek, Kathleen F., [redacted]
Laine, Howard D., [redacted]
Lane, Jack H. [redacted]
Lang, Duncan M., [redacted]
Lang, Jeanne M., [redacted]
Lassan, Josef R., III, [redacted]
Latsha, Kirk L., [redacted]
Laufenburg, James F., [redacted]

Lavery, Gary J., [redacted]
Lawing, Timothy S., [redacted]
Lawrence, Paul R., [redacted]
Lawton, Sara F., [redacted]
Leavenworth, Benjam, [redacted]
Lebleu, Dwain J., [redacted]
Ledford, Frank C., [redacted]
Lee, Bobby J., [redacted]
Lee, Charlotte, [redacted]
Lee, Wing D. [redacted]
Leipold, David T., [redacted]
Leonard, John R., [redacted]
Leppert, James D. [redacted]
Lever, Herbert, Jr., [redacted]
Lewis, Marchanda S., [redacted]
Liles, Vicki J., [redacted]
Linden, Charles L., Jr., [redacted]
Lindsey, Donald L., [redacted]
Liptak, Thomas J., [redacted]
Livisay, Victor W., [redacted]
Loftin, Michael T. [redacted]
Lombardi, Robert P., [redacted]
Longhany, Gary A. [redacted]
Lopez, Juan M., [redacted]
Lord, John T., [redacted]
Loudermilk, Timothy, [redacted]
Lubbers, John W. [redacted]
Lukavec, Eric R., [redacted]
Lukoskie, Stephen G., [redacted]
Lyman, Kenneth L., [redacted]
MacDougall, Richard, [redacted]
MacIntire, Jeffrey, [redacted]
MacPherson, John A., [redacted]
Marcieski, Pollyann, [redacted]
Maddox, Kenneth A., [redacted]
Magnon, Charlene M., [redacted]
Magruder, Katherine, [redacted]
Maldonado, Eli, [redacted]
Maliszewski, Jane F., [redacted]
Maloney, Timothy J., [redacted]
Manoso, Elipidio, [redacted]
Manson, Johnny H., [redacted]
Mantooth, Michael W., [redacted]
Marben, Edward J., [redacted]
Markwell, Renee S., [redacted]
Marquez, Joe F., [redacted]
Martian, Robert J., [redacted]
Martin, Leslie G., [redacted]
Martinez, Elizabeth, [redacted]
Martinez, Sol M., [redacted]
Mason, Bradley J., [redacted]
Matarese, David A., [redacted]
Mathis, Patricia A., [redacted]
Matteo, Vincent P., [redacted]
Maxey, Shaun M., [redacted]
Mayer, Christina M., [redacted]
McCabe, Thomas E., [redacted]
McClam, James W., Jr., [redacted]
McCrorey, Bradley J., [redacted]
McCunniff, Donald A., [redacted]
McGuire, Colleen L., [redacted]
McGuire, Mary Jo D., [redacted]
McKee, Christopher, [redacted]
McKenney, Mary L., [redacted]
McMillan, Milton M., [redacted]
McMillen, Kenneth M., [redacted]
McQuade, James P., [redacted]
McReynolds, Israel, [redacted]
McVea, Curtis G., [redacted]
McVeigh, Joseph W., [redacted]
McVey, Ralph M., [redacted]
Medina, Thomas L., [redacted]
Medved, Richard M., [redacted]
Mengert, Richard J., [redacted]
Merritt, William H., [redacted]
Messenheimer, Janic, [redacted]
Michalson, Pamela A., [redacted]
Mikel, Robert A., [redacted]
Miller, Gordon B., Jr., [redacted]
Miranda, Jose L., [redacted]
Mock, Robert K. [redacted]
Moeller, Benjamin L., [redacted]
Moffett, Vaughn, [redacted]
Moon, Mildred M., [redacted]
Moore, Sandra K., [redacted]
Morgan, John A., [redacted]
Morgan, John W., III, [redacted]
Moritz, Lee E., Jr., [redacted]
Motika, Stephen M., [redacted]
Mountcastle, Debra, [redacted]
Mroczkiewicz, Pet J., [redacted]

Mulkey, Timothy D., [redacted].
Murch, Randall S., [redacted].
Murdock, Michael G., [redacted].
Murphy, Caron M., [redacted].
Murren, Walter D., [redacted].
Nagy, Paul E., [redacted].
Nelson, Dean T., [redacted].
Nemchik, Thomas M., [redacted].
Nicpon, Geralyn U., [redacted].
Nipp, John M., [redacted].
Nisbet, Robert J., [redacted].
Nissen, James H., [redacted].
Nissen, Kenneth E., [redacted].
Nixon, Norma J., [redacted].
Nolte, Carl R., [redacted].
Noonan, Kevin S., [redacted].
Nordahl, James F., [redacted].
Novak, Stephen M., [redacted].
Novitske, Steven A., [redacted].
Noya, Debra A., [redacted].
Oaks, Thomas W., [redacted].
Odo, Zenith H., [redacted].
Ogata, Reginald K., [redacted].
Ogata, Reichel, [redacted].
Oliva, Jack A., [redacted].
Olson, Kenneth M., [redacted].
Ondarza, Roseanne, [redacted].
Owens, Phillip B., [redacted].
Pagan, Hector E., [redacted].
Page, Kenneth L., [redacted].
Palmer, Eddie C., [redacted].
Palmer, Roben A., [redacted].
Parisee, Lisa M., [redacted].
Parker, Jay M., [redacted].
Parker, Wilbur A., [redacted].
Pate, David S., [redacted].
Patterson, Jon R., [redacted].
Patton, Terry L., [redacted].
Pauchey, Lillian C., [redacted].
Payne, Foster P., II, [redacted].
Payne, Richard M., [redacted].
Pearson, Allan R., [redacted].
Peele, Loren D., [redacted].
Peinhardt, Kenneth, [redacted].
Perkins, Alvin A., [redacted].
Perkins, Clinton, [redacted].
Perry, Robert M., [redacted].
Peyronnin, Edgar U., [redacted].
Pim, Tracy J., [redacted].
Polakowski, Lucas N., [redacted].
Pollard, James E., [redacted].
Poltorak, Gerald J., [redacted].
Port, Bernice J., [redacted].
Porter, Michael B., [redacted].
Porter, Samuel A. S., [redacted].
Post, Gregory A., [redacted].
Powers, Jerry M., [redacted].
Prescott, Christian, [redacted].
Prescott, Glen T., [redacted].
Prescott, Theodore, [redacted].
Pritchard, David L., [redacted].
Pugh, Larry D., [redacted].
Pugh, Robert N., Jr., [redacted].
Pruitt, Victoria A., [redacted].
Quay, Michael H., [redacted].
Quesada, Jon A., [redacted].
Raburn, Karen L., [redacted].
Radcliffe, Robert W., [redacted].
Ragin, Andrew P., [redacted].
Ragler, Horace Jr., [redacted].
Railey, Steven C., [redacted].
Rainey, Timothy A., [redacted].
Rayburn, Raegan K., [redacted].
Reaves, Eugene W., IV, [redacted].
Reece, Vickley L., [redacted].
Reed, Craig E., [redacted].
Reed, Dwight D., [redacted].
Reinker, Leonard E., [redacted].
Repp, Samuel J., [redacted].
Reves, Dane K., [redacted].
Rex, Stephen A., [redacted].
Rickard, James H., [redacted].
Ricks, Alfonso, [redacted].
Riegel, Linda I., [redacted].
Rieken, Ruth L., [redacted].
Rieman, Anne L., [redacted].
Rivera, Lionel R., [redacted].
Robb, William J., III, [redacted].
Roberts, Arthur R., [redacted].
Roberts, Mark T., [redacted].
Roberts, Thomas, [redacted].
Roberts, Thomas P., [redacted].
Robinson, Ernest A., [redacted].
Robinson, Thomas J., [redacted].
Robles, David, [redacted].
Roddin, Michael I., [redacted].
Rohal, Roberta S., [redacted].
Romaka, David R., [redacted].
Rondou, Robert E., [redacted].
Rook, Kathleen A., [redacted].
Roose, Franklin D., [redacted].
Rose, Judy D., [redacted].
Rosengard, Mark D., [redacted].
Ross, Maurice W., Jr., [redacted].
Rosser, Henri M., [redacted].
Rottero, John D., [redacted].
Rozycki, Mark L., [redacted].
Rozyskie, Elwin A., [redacted].
Rueth, John E., [redacted].
Rush, Robert C., Jr., [redacted].
Russo, Andrea A., [redacted].
Rustin, Linda A., [redacted].
Rutledge, David A., [redacted].
Ryan, Michael D., [redacted].
Sanders, James L., [redacted].
Sanders, Phillip G., [redacted].
Sannwaldt, Edward J., [redacted].
Santos, Benjamin B., [redacted].
Santos, Daniel A., [redacted].
Scalf, Stanley T., [redacted].
Schaum, Vicky A., [redacted].
Scheels, Scott M., [redacted].
Schmidt, Jeffrey A., [redacted].
Schmith, Stephen G., [redacted].
Schoenecker, Donna, [redacted].
Scott, Brian X., [redacted].
Scott, Ronald K., [redacted].
Scruggs, Robert F., [redacted].
Seastrunk, Charles, [redacted].
Seger, Edward P., [redacted].
Serafin, Sandra, [redacted].
Shaner, Jeffrey A., [redacted].
Shapiro, Stuart M., [redacted].
Shaver, Mary C., [redacted].
Shaw, Charles D., [redacted].
Sherburne, Douglas, [redacted].
Sherrill, Geoffrey, [redacted].
Sherwood, Scott W., [redacted].
Short, Robert A., [redacted].
Shriver, Edwin, [redacted].
Siberz, Suzanne L., [redacted].
Shirts, Ralph D., [redacted].
Sifers, Steven C., [redacted].
Singleton, David R., [redacted].
Slaton, Gregory M., [redacted].
Slone, Gordon R., [redacted].
Smartt, James E., [redacted].
Smith, Betty E., [redacted].
Smith, Gwendolyn K., [redacted].
Smith, James R., [redacted].
Smith, Jerry W., [redacted].
Smith, Johnny, [redacted].
Snapp, Jakie W., Jr., [redacted].
Snead, Edward W., [redacted].
Solari, Carlos C., [redacted].
Sparrow, Mark D., [redacted].
Spight, Michael, [redacted].
Staub, William C., [redacted].
Steffen, Kenneth W., [redacted].
Stein, Benjamin R., [redacted].
Stevenson, Nathaniel, [redacted].
Stone, Gerald R., [redacted].
Stoneman, Diane M., [redacted].
Stovall, Robert D., [redacted].
Stover, Gregory, [redacted].
Strain, Bruce W., [redacted].
Strauss, Anda L., [redacted].
Sullivan, John J., [redacted].
Sumter, Robert, [redacted].
Suslowics, Eugene, [redacted].
Sutton, Ronald L., [redacted].
Swansiger, David C., [redacted].
Swanson, John R., [redacted].
Swarts, Richard E., [redacted].
Swartz, Leslie N., [redacted].
Tabacchi, Paula G., [redacted].
Tam, Yat, [redacted].
Tanaka, Alison E., [redacted].
Tappan, Walter C., [redacted].
Tate, Reginald S., [redacted].
Tate, Barton M., [redacted].
Taylor, Charles W., [redacted].
Taylor, Larry F., [redacted].
Taylor, Thomas H., [redacted].
Teller, David C., [redacted].
Thevenet, Howard S., [redacted].
Thomas, Arthur L., [redacted].
Thomas, Randal J., [redacted].
Thompson, Barry C., [redacted].
Thompson, Dennis H., [redacted].
Thompson, Terrenc N., [redacted].
Thompson, Thomas D., [redacted].
Tilton, Christopher, [redacted].
Todd, Jeffrey K., [redacted].
Tollie, Brian S., [redacted].
Toney, Robert A., [redacted].
Torres, Hector R., [redacted].
Tousignant, Maria M., [redacted].
Tracy, John W., [redacted].
Trego, Julie M., [redacted].
Tribble, Timothy R., [redacted].
Trivette, Michael R., [redacted].
Trollinger, Lance D., [redacted].
Tropea, Richard B., [redacted].
Tucker, Horace S., Jr., [redacted].
Tumminelli, Mark A., [redacted].
Turcotte, Jonathan, [redacted].
Turrentine, Margaret, [redacted].
Upton, John T., [redacted].
Valdez, Max J., [redacted].
Vanoosbree, Alfred, [redacted].
Vazquez, Jose L., [redacted].
Veal, Alford, Jr., [redacted].
Veith, George J., [redacted].
Villarreal, Donald, [redacted].
Vordermark, Jeffrey, [redacted].
Votsmier, Terrie J., [redacted].
Wagner, Stanley M., [redacted].
Walker, Daniel C., [redacted].
Wallace, Lee R., [redacted].
Walmer, Joyce L., [redacted].
Walsh, Patrick E., [redacted].
Ward, George A., Jr., [redacted].
Ward, Marion M., [redacted].
Wardlaw, David E., [redacted].
Warren, Marc L., [redacted].
Warren, Mark D., [redacted].
Washabau, Gerald M., [redacted].
Washington, George, [redacted].
Watts, Dennis C., [redacted].
Weimar, Janis A., [redacted].
Weiser, Douglas L., [redacted].
Weeks, Robert A., [redacted].
West, Glenn P., [redacted].
Westberg, Dennis A., [redacted].
Wettig, Keith S., [redacted].
Whalen, Patrick J., [redacted].
White J. D., [redacted].
Whitehead, Ray A., [redacted].
Wiley, Carl D., [redacted].
Wilhelm, Gerd P., [redacted].
Williamitis, Gregory, [redacted].
Williams, Alvin L., [redacted].
Willis, Paul L., [redacted].
Wilson, Cynthia J., [redacted].
Wilson, Matthew H., [redacted].
Wofford, Gary, [redacted].
Wolf, Wayne L., [redacted].
Wolfe, Richard R., [redacted].
Woodliff, Lee R., [redacted].
Woods, Edwin P., III, [redacted].
Woods, Robert H., Jr., [redacted].
Wootlin, Robert J., [redacted].
Wren, Lawrence E., [redacted].
Wright, Harold R., [redacted].
Wright, Jeffrey S., [redacted].
Yancey, Meleah, [redacted].
Youman, Freddie L., [redacted].
Young, Thomas W., [redacted].
Zandy, Thomas S., [redacted].
Zaretski, Mark E., [redacted].
Zaslavsky, Mark S., [redacted].
Zavattari, Bradford, [redacted].
Zeller, Walter G., [redacted].
Zimmerman, Patricia, [redacted].
Zobrak, Michele, [redacted].
Zolik, Damian J., [redacted].

In the Navy

The following-named lieutenants (junior grade) of the U.S. Navy for temporary and permanent promotion to the grade of lieutenant in the staff corps, pursuant to title

10, United States Code, section 5773 and 5791, subject to qualification therefor as provided by law:

SUPPLY CORPS

Appelquist, James S.*
Apple, Chris I.*
Baivier, Andrew P.*
Bancroft, Robert H.
Barnes, William A.*
Barnet, John A., III
Barrera, Isidro B.*
Baumgarten, John A.
Beal, Maurice L.
Beck, Robert K., III
Benson, Craig M.
Bicket, William E. Jr.
Bland, Paul M.
Blass, Jeffrey D.
Blecharczyk, Ted M.
Boyd, Richard A.
Boyll, Mark S.
Bradford, Wiley L., III
Breckner, Anthony J.
Brown, Gregory A.*
Brown, Willie A.
Budd, William V.
Burbach, Donald E.
Burns, James C.*
Buselt, Edward J.
Buzzard, Lewis C.
Cade, Adolphe C., IV
Campbell, William A.
Canigiani, Glenn
Carpenter, Robert W.
Carr, Stephen M.
Caughman, Clarence E., Jr.
Cogswell, Peter R.
Cohe, Shaw H.
Cole, John H.
Cooper, Ronald A.*
Corbett, John C.*
Cording, William H., Jr.
Cowley, Robert E., III*
Craigie, James R.
Cronin, Richard R.
Crossman, Oliver A.
Culp, William N., III
Culvyhouse, Fred S.
Davis, Donald L.
Day, James W., Jr.
Dedes, Robert P.
Defilippo, Jerry S.
Devine, Arthur W.
Dieterle, Robert S.
Dixon, Jeffery A.*
Dove, John L., III
Dovie, Anthony M.
Driscoll, Charles C.*
Elliott, Patrick A.
English, Raymond P.
Ettus, Douglas E.
Evans, Peter M.
Faircloth, John B.
Fargo, Keith B.*
Faulk, Robert L.
Ferrant, Thomas H. B
Finney, Thomas G.*
Flanagan, Mark D.
Floyd, Walter Jr.
Foster, Philip D.
Freihofer, James T.
Funck, Steven S.*
Geilenfeldt, Gary G.
Gerdes, James E.*
Gillespie, David W.
Gilmore, Lance D.
Gilson, Robert L.*
Goldberg, Robert J.
Graham, John M.*
Gray, Richard D.
Gruenhagen, Gregory G.
Guess, Harry S., Jr.
Guion, Stephen W.*
Hall, Terry A.
Hall, Thomas F.
Haren, Joseph L.
Harmer, Frank T.
Harp, Timothy J.
Harris, Leslie A.
Haskins, James H.
Hastings, Robert T.
Hayes, Paul M., Jr.
Hedges, Michael W.
Hendrickson, Robert C. III*
Herrmann, Frank A., Jr.
Hess, Donald W.*
Hill, Edward H.
Hirschy, John A.
Hoffman, Louis W.
Hogan, Timothy M.
Hoglund, Michael P.
Hoops, John R.
Horres, Edward J.
Huff, Kurt R.
Isham Brian S.
Ivey, James A.
Jacks, Curtis D.
Jackson, John D.
Johanson, Raymond R.
Johnson, Gary C.
Johnson, Michael D.*
Jones, Michael A.
Josef, Michael D.
Jung, Stephen G.
Kasper, Michael J.
Kearney, Robert K.
Kent, Rock E.
Kierner, Frederick A. III
Kirch, Kenneth W.
Kitchin, Dennis D.
Knaggs, Christopher D.
Knight, Cedric L.
Koupash, Douglas J.
Krill, Rockne E.
Labarre, Allan K.
Lahtinen, Larry A.*
Landgrover, Edward W.*
Lane, Franky
Lauro, Frank J.
Lawrence, Steven K.
Leeson, Robert S.*
Lewis, James L.
Liftman, Michael J.
Litchford, Larry J.
Lobasz, Miroslaw T.
Lovejoy, Michael A.
Lyons John J. III
Mack, James E., Jr.
Mackenzie, Robert B.
Maddocks, David R.
Maguire, William J.*
Manno, Francis A.
Marshall, James F.
Masser, Thomas L.*
Mathieu, Ronald C.
Matthews, Danny G.
Mattingley, Mark W.
McDavid, Harry F.
McGavin, Phillip H.
McKenzie, Steven W.
McLean, Robert M
McPadden, Russell P.
Messinger, John C.
Mikulka, Robert M.
Mitchell, Aubrey F., III
Mixson, Frank L.
Monday, James A., III
Montgomery, William B.
Moran, James G.
Morgan, Everett M.*
Morris, Stephen H.*
Morrisset, Richard A.
Moslow, Gene S.
Mundell, Robert J.
Manney, Robert G
Neff, Christopher K
Nostrant, Keith R
Nowel, John E.*
Nowlan, Michael J.
O'Connor, Vincent T.*
Oday, Patrick M.
Odekerken, Joseph H.*
Ohms. Bruce G.
Oxford, Russell D.
Painter, Dewey E.
Paskey, Walter J., Jr.
Piasecki, Thomas A.*
Pike, Thomas H.
Pillmore, Eric M
Pond, James N.
Preston, Leonard H., Jr.
Price, Andrew T
Price, Stephen R., Jr.
Proctor, John S.
Pulley, Alvin B.
Rach, Daniel E.
Rausch, David L.
Register, Wayne H.
Reilly, Robert W.
Reitz, Richard D
Reynolds, James M.
Richardson, Billy J.
Riggins, Finis G., Jr.
Rizzo, Thomas A.*
Roesner, Michael S.
Rohrscheib, James V.
Runyan, John C.
Russell, William M.
Ruud, Steven A.*
Sargent, William J.
Caperotta, Ralph M.
Schuberg, Richard L.
Segredo, John M.
Seitz, Gary L.
Shafer, Dennis W.
Sinclair, Charles E.
Sligh, Albert B., Jr.
Smith, David M.
Smith, Donald F., Jr.
Smith, Stephen E.
Spaid, George F.
Sperry, Charles K.*
Steinacker, Steven
Stensland, John N.
Stephens, Thomas L.*
Stroupe, John B.*
Sutton, Bobby L., Jr.
Taylor, Timothy J.
Telescan, Gary K.
Terry, Stephen T.*
Theel, William C.
Thompson, Carlton L.
Thornbury, Joseph S.
Tiller, Michael H.
Tison, Donald C.
Tomlin, Henry B., III*
Tooke, Terry L.*
Torpey, James M.
Trayer, Donald A.
Treziok, Walter C.
Turner, Tramble T.
Uhlendorff, William E.
Vadala, Lawrence E.*
Varvel, Michael P.
Vasta, Alfio J.
Volkmar, John A.
Wallace Brian P.
Ward, Carl E.
Warren, William H., III
Waterman, William M.
Watson, Joe D., Jr.
Weeder, Courtland C.
Wentz, Roger A.
Westlake, Edward L.*
Whitehead, Vincent S.
Wight, Terry E.
Williams, John A., Jr.*
Williams, Michael G.
Winstead, William G.*
Wiruth, Alvin L.
Wismer, William C.
Wulff, Robert A.
Zajdel, Daniel J.
Zimmerman, Robert G.

CIVIL ENGINEER CORPS

Ault, Douglas K.
Bertsche, Arnold E.*
Brubaker, Thomas E.
Campbell, Craig M.
Carver, Gary F.*
Dove, Stephen M.
Duba, Stephen C.
Eckhart, Andrew J.
Evans, Rodney A.
Fortner, Kenneth G.
Fowler, Brad J.
Haan, Keith R.
Haines, George F. III
Jencks, Randall C.
Kaye, Donald D.
Knudson, Daniel F., Jr.*
Kuenzi, Keith L.*
Liedke, Thomas R., Jr.
Loose, Michael K.
Ludwig, Kurt J.*
Mason, Jerry L.
McAfee, Richard J.
McConnell, James A., Jr.
McFarland, Roger L.
Mehula, Joseph A. II
Menno, Stephen R.
Oberlin, William L.
O'Connor, John V., Jr.
O'Connor, Michael H.
Rudolph, Thomas C. III
Saunders, Mark H.
Schwind, Herbert L., Jr.
Sheffield, James W.*
Sjodin, Kenneth V.
Titus, George H.*
Tower, Steven E.
Vanwyk, Teunis W. III
Wurst, James P.

JUDGE ADVOCATE GENERAL'S CORPS

Croner, George W.
Lord, Michael W.
Shepherd, David S.
Thompson, Helen B.

MEDICAL SERVICE CORPS

Armstrong, Curtis G., Jr.
Bacon, Neil D.
Barone, Barbara A.
Blanchette, Richard A.
Bosshard, Nancy L.*
Cain, Russell L.
Cawley, Michael
Chapman, Jack D., II
Chumley, Paul A.
Clark, Everett N.
Cline, Clarence R.
Cribb, Danny W.
Drinkwater, James W.
Driscoll, Millard J.
Dudley, Charles T.*
Fish, Stanley L.
George. Charles L.
Gollogly, James F.
Hetsko, John A.
Hodges, Napoleon
Jones. Austin F., II
Little, William L.
Mallea, Richard L.
Mapes, Toby L.*
Maskulak, George M.
McCoy, Thomas R.
Nielsen, Richard P.
Oxford, Lawrence L.
Paulson, Larry G.
Pierce, Roderick J.
Plisco, Tommy L.*
Pulcrano, Anthony R.
Quesenberry, Emmett W.
Rey, Walter A., Jr.
Riddle, Thomas E.
Silva, William A.
Simpkins, Harvey L.
Smith, Albert J.
Sorgen, Steven P.
Stanley, Bettie J.
Stringfield, Walter L.
Swafford, James J., Jr.
Tamburello, Michael T.
Taylor, John P.
Teague, Michael E.
Thibodeau, Ronald E.
Vanzee, Stephen P.
Walsh, Richard J.*
Williams, Arthur D., Jr.
Williams, Peter N.*
Winstanley, James L.
Wocher, John C.
Woodward, Charles R., Jr.
Wyatt, Edward P.

NURSE CORPS

Anderson, Steven E.
Arguello, Manuel D.
Beecher, Barton B.*
Berry, Paul G.
Booth, Lloyd*
Chong, Clarence K. K.
Dow, David J.
Evans, Charles D.*
Gullison, Edwin H., Jr.*
Herzog, Todd W.*
Imber, Julie A.
Kacmarsky, Richard J.
Knappenberger, Margaret A.
Landry, Karen E.
LeBlanc, Joseph C., Jr.
Lelacheur, Murray P.
Leshnover, Bennett C.
Makdad, Rebecca E.*
Mangler, David C.*
McNeil, Thomas J.
Meyer, Mary M.*
Negri, Melinda G.*
Pennington, Gaither F. II
Pierce, Carol J.*
Reichelt, Rudolf R.
Rusnak, Diane L.*
Scherer, Elaine M.
Selak, Dorothy E.*
Shirk, Thomas R.*
Stanfield, Louis G.
Suroviec, Kathryn T.*
Terrell, Karin M.
Uldrich, Edward III
Vontersch, Nancy J.

The following-named women lieutenants (junior grade) of the U.S. Navy for permanent promotion to the grade of lieutenant in the staff corps, pursuant to title 10, United States Code, section 5773 and 5791, subject to qualification therefor as provided by law:

SUPPLY CORPS

Ballard, Susan W.*
Benson, Nanette E.*
Caldwell, Gigette P.
Conway, Barbara A.
Huntress, Diana E.*
Reilly, Beverly D.
Stanton, Marjorie J.*
Vargo, Jeanne K.

CIVIL ENGINEER CORPS

Meyer, Belinda A.

IN THE MARINE CORPS

The following-named male officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel under the provisions of title 10, U.S. Code, section 5780:

Bernard V. Burchette
Donald E. Davis
John J. Hainsworth
Donald G. Finchthorn
Bobby L. Harbison
Ellis R. Harvey, Jr.
Francis G. Hershley
James E. Lancaster

The following-named women officers of the Marine Corps for permanent appointment to the grade of major under the provisions of title 10, U.S. Code, section 5771:

Teryl L. Backus
Shirley L. Bowen
Vanda K. Bresnan
Mary K. Chetkovich
Sharon F. Daugherty
Rosalia A. Muza

The following-named male officers of the Marine Corps for temporary appointment to the grade of major under the provisions of title 10, U.S. Code, section 5769:

Larry G. Adkins
Burt E. Alexander
Steve N. Allen
Charles R. Allison III
Gay C. Allord
Gordon E. Anderson
Joseph T. Anderson
David A. Andriacco
Daniel B. Ardoin
Michael J. Arent
Willard P. Armes
Charles R. Armstrong
Rufus A. Artmann, Jr.
Michael L. Aslaksen
Grey C. Axtell
Peter T. Bahry, Jr.
James E. Bailey
Harold L. Baker
John T. Balha
George W. Ball
Robert W. Banta, Jr.
Richard E. Barber
Dale E. Barnes
Harry K. Barnes

*Ad Interim. Recess 16 October 1978 through 15 January 1979.

Michael J. Barnes
William H. Barnetson, Jr.
Peter T. Baron
Charles J. Barone
Odis L. Barrett
William W. Baumann
David C. Beard
Donald A. Beaufait
Donald B. Beaver
Jennings B. Beavers II
Joseph A. Bekeris III
James H. Benson
James R. Benson
Gerald L. Berry
Dennis M. Bevis
Kenneth C. Bickley
Archie J. Biggers
Wayman R. Bishop, III
John P. Bland
Steven R. Bland
Frederick M. Bobbitt
John A. Boivin
Charles F. Bolden, Jr.
Reed T. Bolick
Michael W. Bolish
Andrew H. Boquet
Paul J. Bourdon
Joseph M. Boyle
Frank L. Brewer
Christopher W. Brindle
Melvin J. Brinkley
William W. Broadaway
Michael V. Brock
Matthew E. Broderick
David Brown
Kenneth J. Brown
Paul E. Brown
Richard A. Brown
Robert R. Buckley
Dennis M. Buckovetz
James D. Burke
Christopher P. Butler
Bruce B. Byrum
Robert E. Cahill
Rodney L. Campbell
John W. Capito
Roland E. Carey, Jr.
John C. Cargill
Reid O. Carlock
Daniel M. Carradice
Thomas P. Carras
Thomas R. Carstens
Ronald B. Carter
Roy L. Carter
Mark H. Caspersen
Lee A. Cerovac
Richard W. Chambliss
John B. Champeau
Andrew L. Charlson
John P. Chase
Robert A. Cheever
Kenneth L. Christy, Jr.
Dennis E. Clancey
John E. Clancy
James L. Clark, Jr.
William A. Clark III
Larry G. Clarke
George S. Coker
William R. Collins
Leonard J. Comaratta
Paul R. Conner
George S. Converse
Donald C. Cook
Gerald J. Cooper
Charles H. Cox, Jr.
John W. Cox
Larry A. Craig
Wallace R. Creel, Jr.
Daniel D. Critchfield
Steven M. Crittenden
Charles D. Cross
Jerald L. Cross
Michael J. Crow
Wayne T. Crowder
Clarence S. Crowe
Anthony H. Cucina, Jr.
Michael J. Cummings
Waldo B. Cummings, Jr.
William C. Curtis
Louis H. Dailey
John F. Dalton
John H. Daly III
George B. Davis
James H. Davis
Michael P. Davis
Thomas C. Dean
Samuel C. Decoteau
Victor D. Deitz
Joseph Dellacorte
Samuel T. Delong Jr.
James D. Delp
Albert A. Desantis, Jr.
Charles A. Dittmar, Jr.
James M. Dixon
Walter L. Domina
William I. Donaldson, Jr.
Thomas P. Donnelly, Jr.
Robert M. Dowd
Hilary B. Downey II
Orvis R. Doyle
Edward J. Doyne, Jr.
Charles E. Drumm, Jr.
Brendan Duff
Richard H. Duff, Jr.
Donald L. Dugan
Clarence T. Dunstan
John F. Dupont
Phillip P. Egoscue
Harvey W. Emery, Jr.
Gerard J. Endres, Jr.
Carl H. Ertwine
Richard S. Everhart
Richard G. Ewars
Leo A. Falasco
Michael O. Fallon
Paul C. Farmer
Ronald R. Faucher
Peter O. Fay
David E. Feigel
Michael V. Fell
John R. Fenton
Orlando Fernandez
Thomas P. Finnerty
Marvin H. Floom, Jr.
Howard C. Florence
Brian D. Ford
Walter G. Ford
James D. Fortune
John T. Foster, Jr.
Thomas W. Foster
Frederick T. Fowler
Charles R. Fox
Edgar Franklin, Jr.
John F. Fraser, Jr.
Kenneth R. Frederickson
Thomas N. Fremin
Joseph D. Friel
Warren T. Frommelt, Jr.
James J. Frydrychowicz
James A. Fulks
James M. Galbraith
Charles H. Gallina
William N. Gamble
Jon A. Gangloff
Milton J. Ganier
David A. Garcia
Royce C. Garrison
Richard H. Gayer
Lyle D. Gearhart
Henry C. Geren, II
James C. Gilmore
Richard E. Glantz
Eugene L. Gobeli
William G. Gooding
Joel L. Goza
William J. Graham
Laurens B. Grandy, Jr.
Richard H. Green
William W. Green
Wallace C. Gregson, Jr.
Alfred Grieshaber, Jr.
Frank W. Griffin
John J. Gruehl
James M. Guerin
William H. Hackett, Jr.
Michael W. Hagee
Robert M. Hagerty
Earl B. Hailston
Thomas B. Hamilton, Jr.
James H. Haney
Norman F. Hanner
Paul E. Hanover III
Robert P. Hansen
Robert W. Hansen
Willis H. Hansen
Stephan A. Hanvey
Thomas G. Harkins
William Harley
Ronald C. Harrington
Randall R. Harris
Jerry B. Hatfield
Daniel J. Healy
Matthew J. Hack
John B. Heffernan
Lloyd M. Hekhuis
William D. Helling
Hal W. Henderson
Michael M. Henderson
John F. Hendry
William C. Henning
Robert W. Hensley
Ralph E. Henson
John C. Hering
Theodore N. Herman
Richard D. Hickox
Thomas H. Hicks
Edward A. Highers
Marlin D. Hilton
Robert E. Hilton
Michael G. Hire
James W. Hodges
Richard C. Hoffman
Robert J. Holihan, Jr.
Ronnie Holloway
John J. Holly
Charles W. Holmes
John W. Hooper
William J. Horne
Danny G. Horton
Edward F. Houff
Jerome J. Hudak
James G. Hulsey, Jr.
Joseph L. Hutton, Jr.
David H. Ingram
Robert F. Itnyre
Peter G. Jacobs
Roger A. Jacobs
Richard L. Jaehne
Donald W. James
John A. Janega
Barry E. Jankiewicz
Richard J. Jenkins
Harry Jensen, Jr.
Charles C. Johnson
Gerald E. Johnson
Maxwell O. Johnson
Robert D. Jones
Robert C. Jonson
Larry J. Jordan
Jimmy L. Justice
Ronald L. Kaba
Lawrence A. Kassin
Richard H. Kayser
James Keane
Lawrence G. Kelley
Philip C Kellogg
John R. Kelly
Lawrence H. Kener
Edward R. Kenney
Charles W. Kershaw II
Ernest M. Kimoto
Willis J. King, Jr.
Samuel V. Kirk
Stephen E. Kirwan
Richard A. Klehm
Jack W. Klimp
John P. Kline, Jr.
Bruce B. Knutson, Jr.
Frank L. Kocevar
John H. Korneder
Walter J. Kowalewski
Peter L. Kranker
Jon J. Kratz
Dietrick Lamade III
Russell E. Laney
William P. Lanza
Robert G. Larson
Charles F. Laughinghouse
Arthur K. Law
George D. Leaming
Frederick E. Leek II
David S. Legas
John P. Leonard III
Ralph Lippe
Robert W List
Clifford B. Lockett, Jr.
Charles M. Lohman
Frederick M. Lorenz
Earle S. Lott III
Thomas E. Loughlin
Charles L. Lowder
Bernard F. Luby, Jr.
Bruce C. Lyon
David B. MacFarlane
John M. Mack
Robert I MacPherson
Kendall A. Madaras
Robert W. Magnuson
James D. Majchrzak
Michael T. Mallick
George M. Malone, Jr.
Thomas O Malzahn
James A. Marapoti
Richard J. Marien
Jeffrey A. Marlin
Roger D. Marlow
John P. Martin
Sebastian V Massimini
Robert P. Mauskapf
Warren D. Maxon
Craig L. Mayer
William R. Mayne
Noris L. McCall
David J. McCarty
Michael R. McCarty
Merrill C. McClure
Terry J. McCormack
William P. McElyea
Charles R. McGill
John C. McKay
Robert F McKiernan
Sidney E. McLaughlin
Linwood H. McNeill
Kenneth E. McNutt, Jr.
Paul N. Meier
Stephen N. Melgaard
James M. Messer
Robert F Meyers
Charles S. Mill, Jr.
Charles A. Millard
Thomas S. Miller
Barry C. Milo
Roger D. Milton
Jimmy Miranda
Joseph A. Mitchell, Jr.
Thomas E. Mitchell, Jr.
Earl M. Miyamoto
Christopher R. Mohr
Thomas J. Molon
Charles E. Moore
David D. Moore
William W. Moore, Jr.
Bernard P. Mordret A.
Jon W. Morrow
Michael C. Morschauser
Anthony W Motto
John C. Muir
Gerald D. Mullinix
John T. Murray
Robert S. Murray
Terrence P. Murray
Clifford O. Myers, III
Stefan Mytczynsky
Paul G. Nauth
William L. Neely
Robert R. Nelson
Monty K. Nereim
Gary A. Neumann
John N. Newman
Edwin R. Newsom
Dominic Nicolosi, Jr.
Thomas E. Noel
Harvey R. Norton
Michael A. Nyalko
William L. Nyland
George A. O'Connell
Patrick P. Oates
Bryan D. O'Connor
Malcolm L. Ogilvie, Jr.
William B. Oldfield, Jr.
John J. O'Leary
Willie J. Oler
John R. Oliphant
Jan B. Olson
John F. O'Neil, Jr.
Stephen J. Oren
Glenn P. Orgeron
Thomas M. Orth
James M. Osborne
Patrick G. Owen
Anthony M. Palermo
Steven S. Palmer
William M. Palmer, Jr.
Edward R. Palmquist, Jr.
Thomas A. Pantke
John E. Parker, II
Joseph F. Parker
Robert D. Parker
Thomas L. Parrish, Jr.
Gregory W. Parsons
Larry F. Parsons
Michael L. Patrow
Daniel P. Pender
John A. Penne
William C. Peoples
Lawrence E. Pergerson
George N. Perrault, III
John D. Perry
Donald N. Persky
Anthony J. Pesavento
Gary D. Peterson
Harry W. Peterson, III
Linn B. Peterson
Leslie B. Petty
Samuel F. Pfeiffer, Jr.
Chester R. Pino
Peter T. Pitterle
Robert C. Plunkett
Eugene L. Polderdyke
Simon Poliakow
Robert C. Polopek
Paul B. Pratt, Jr.
Gary A. Prentice
Rick W. Prevost
Kenneth D. Pricer
Richard T. Primrose
Phillip E. Prince
Theodore M. Printy
Donald R. Proctor
Bernard J. Prosser
Lloyd H. Prosser
Billy J. Pruett
Robert L. Pruett, Jr.
Richard L. Pugh
Theodore L. Quinter
Burton C. Quist
Gary D. Rainey
James B. Ramsden
Anthony Raniszewski, Jr.
James W. Rattigan
James S. Rayburn
John E. Ready
Thomas F. Reath
Bruce J. Reed
Charles E. Reeves
Joseph D. Reich
Charles T. Reilly, Jr.
Robert P. Reiten
Carl L. Remmel
Victor F. Reston
John E. Rice
Ronald G. Richard
Larry M. Ricker
Daryl D. Riersgard
Jesse W. Rigby
Ernest S. Riggins
William W. Riggs
James P. Rigoulot
Charles S. Rinehart
Marlen C. Robb, Jr.
Collin C. Roberts
John H. Robertus
Joe D. Robinson
Wade A. Robinson, Jr.
Sands A. Robnick
Earl C. Rodenberg
Oswald J. Rodmaker, Jr.
Humberto W. Rodriguez
Michael P. Rohlfs
Jeffrey T. Ronald
Lester D. Roth, Jr.
Harry G. Rudge
William R. Rupp
Gilbert A. Rusterholtz
David L. Saddler
Tibor R. Saddler
Robin L. Savio
Charles E. Schaffer
Larry S. Schmidt
William H. Schopfel III
John W. Schwab, Jr.
William F. Scott
William R. Seagraves
Keith T. Sefton
James P. Sexton
Eric D. Shaffer
Darrel W. Sheets
Richard N. Shuck
Ralph E. Sinke G.
Clyde E. Smith, Jr.
Gilbert E. Smith
Lawrence W. Smith III
Terrance L. Smith
William A. Smith
Robert L. Snelson
Dennis L. Snook
Ricky E. Somerall
William E. Southerland
Curtis B. Southwick
Elmer R. Spears, Jr.
Charles R. Stanford
William W. Steele
Eric N. Steinbaugh
Peter R. Stenner
Ronald E. Stephens
Charles E. Stewart D.
Kent R. Stone
Michael W. Stortz
William H. Stubblefield
William J. Sublette
Tom E. Sulick, Jr.
Fredric J. Swango
James B. Swartzenberg
Anthony L. Sweers
Thomas W. Swihart
Thomas M. Talty
Cecil V. Taylor
Milton J. Teixeira
Dan. M. Tennent
James P. Terry
Steven J. Testrake
Allan G. Thaut
Thomas H. Timberlake, Jr.
John R. Todd
David F. Tomsky
Tompson R. Toyama T.
Byron M. Trapnell
James N. Treadwell
Drake F. Trumpe

William T. Tucker
George C. Tullos
Thomas A. Turner, Jr.
Thomas D. Turner
William A. Tweed
Robert R. Tyler
Edwin R. Valdez
Dyrick H. Vandusen
Rondall L. Vanhoutan
Earnest A. Vanhuss
Kenneth E. Ventris
Alexander C. Verduci
James L. Volkmar
Henry J. Vonkelsch III
Edward J. Wages
Frank N. Waldrop
Edwin C. Walke
Robert W. Waller
Raymond L. Walters, Jr.
Roger P. Waniata
Richard K. Ward
Myron Wasiuta
David L. Weber
Richard M. Wenzell, Jr.
Randall L. West
Newell J. Weston
William A. Wheeler
Charles E. White
James L. Whitlow
John F. Whittle
Patrick D. Wilder
Benjamin L. Williams
Frederick C. Williams, Jr.
James M. Williams
John R. Williams
Richard D. Williamson
Thomas W. Williams
Robert F. Wilman
Brooks C. Wilson
James W. Wilson II
Paul E. Wilson
Roger E. Wilson
Robert L. Windham
Jack W. Winternheimer
Jackson L. Witter
James D. Wojtasek
Walter J. Wood
Walter W. Wooten
Eugene O. Wright II
John D. Wright
Roger A. Wrolstad
Wayne W. Wynkoop
William R. Wyser III
Frank A. Yahner III
Joseph C. Yannessa
Robert A. Yaskovic
Billy L. Young
Edward R. Zaptin
Michael V. Ziehmn
David W. Zimmerman
Jeffrey M. Zimmerman
Jeffrey L. Zorn

The following-named women officers of the Marine Corps for permanent appointment to the grade of captain under the provisions of title 10, U.S. Code, Section 5771:

Nancy P. Anderson
Patricia A. Byrne
Arlene A. Lomax
Mary L. Orozco
Kathleen J. Potthoff
Karen E. Riecks
Ann M. Summerlin
Leslie J. Tomlinson
Vicky L. Whitehill
Janice L. Wiley

The following-named male officers of the Marine Corps for temporary appointment to the grade of captain under the provisions of title 10, U.S. Code, Section 5769:

Alton L. Absher, Jr.
Charles W. Adair
Michael J. Adams
Robert P. Adelhelm
Thomas M. Adkins
Stephen P. Agrati
Rodolfo F. Aguilar, Jr.
Michael C. Albano
Patrick L. Alderson
Louis J. Alfieri
Charles H. Allen
Myron E. Allen
Paul C. Allen
Daniel L. Amoroso
James L. Anderes
Lawrence J. Anderson
Rodney W. Anderson
Steve J. Anderson
Wesley M. Anderson
James C. Aplin
Jamees R. Appleby
Albert J. Aquilina
Gregory J. Arabie
Christopher C. Arenas
Elwood M. Armstrong, Jr.
Clifford Arnold
Charles W. Arnold
Malcolm Arnot
Joseph T. Arton
Steve L. Ash
Paul T. Ashe
Joseph E. Ashton
Henry Attanasio
Sidney E. Atwater
Berwick P. Babin
Jesus M. Baez
William C. Baker, Jr.
Carlos M. Baldwin
Peter J. Baldwin
Douglas D. Ballard
Daniel E. Barber
Thomas D. Barker
William C. Barnebee
James F. Barnes
Charles R. Barnette
Thomas N. Barnhouse
Charles M. Barrett
James A. Barrett
James R. Barrett
Michael E. Barrington
Robert L. Barry
Terrence G. Barth
Robert S. Barton
Ralph T. Bates
James M. Beal
William F. Beal
Charles H. Beale III
Doyle H. Beam
Jesse L. Beamon, Jr.
Joseph F. Beard
Timothy P. Beard
Donald F. Beck
Michael D. Becker
Michael C. Beegle
Billy C. Bell
Gordon M. Bell, Jr.
Randy B. Bell
Howard W. Benjamin
Charles P. Bennett
Dellas R. Bennett
William A. Bennett, Jr.
William H. Bennett, Jr.
Jon C. Benrud
William J. Berger
Robert W. Bishop
George A. Biszak
Mark A. Blahnik
John E. Blair
David J. Bland
Cleve R. Blouch
Joseph E. Bockhold, Jr.
Ernest M. Boling III
James A. Bollengier
James E. Bond
Edward J. Bonkoski
Michael D. Boone
Donald J. Borje
Grant E. Bowden
Charles J. Bowser
Alan R. Bradshaw
Gaylen F. Brady
John M. Brady
Ronald W. Brann
Jeffrey D. Bray
Jerry P. Breen III
Mark E. Brennan
Randy W. Brickell
Kenneth L. Bridgeman
Jason A. Britt
Marlin A. Bromley
Gordon A. Broussard
Kenneth W. Broussard
Gregory D. Brown
George L. Brown
John R. Brown
Lemuel F. Brown
Rodney K. Brown
Stephen S. Brown
John C. Bruno, Jr.
David P. Brunstad
John J. Brusca
John C. Buckingham, Jr.
Ricky G. Budd
Lyle R. Buerkens
Charles S. Burchinal
Roberto A. Burciaga
Carl L. Burney, Jr.
Ronald K. Burns
Donald R. Butcher
Alfred L. Butler III
John G. Butler
Mathew A. Butler
Richard W. Caldwell
Raymond Cannata
Richard A. Canty, Jr.
Michael G. Capoot
Patrick L. Carey
Lawrence J. Carino
Stephen A. Carnes
James P. Carothers
Albert W. Carpenter
Robert T. Carrese
Carlton W. Carter
Morrison G. Carter, Jr.
Daniel T. Caruso
Herman W. Carver, Jr.
James W. Casford
Daniel C. Cassell
Claude C. Castaing, Jr.
William D. Catto
Jesse P. Cavasoz
Thomas S. Ceci
Vincent Cerqua
Howard D. Chamberlain
Ronald R. Chambers
Lynn M. Champagne
Grady B. Chaney II
William D. Chapman
Donald D. Chappell
Wendell H. Chastain
Rocky J. Chavez
Cary R. Cheston
Leroy Chevis
Steven K. Chorak
Frank Chukes, Jr.
Michael A. Cicere
George A. Clark, Jr.
Billy J. Clarkson
Donald A. Cleary
Richard A. Clute
Joseph D. Coco
Steele C. Coddington, Jr.
John T. Coggin
James L. Cole
Jeffrey U. Cole
Bruce D. Coleman
Ronald S. Coleman
Francis X. Collins
Wayne C. Collins
Kenneth J. Conatser
Joseph M. Condon
Mark E. Condra
William D. Conklin
Joel R. Connolly
Daniel A. Conway
Timothy C. Conway
Michael W. Cook
William H. Cook, Jr.
Charles E. Cooke
Brian M. Cooker
Donald K. Cooper
Michael L. Cooper
James E. Cork
Christian B. Cowdrey
Charles A. Cox, Jr.
Leon Craig Jr.
Frank Crilley
Joseph A. Crookston
Francis F Croucher
Thomas D. Crowley
Richard L. Culver, Jr.
William T. Cumbie
Glenn K. Cunningham
Wilbur L. Cunningham
Terrence J. Cuny
Charles K. Curcio
John P. Cushing, Jr.
Daniel D. Cushman
George C. Cutchall
Ronald J. Czosnyka
Conrad G. Dahl
Roger W. Daigger
Maurice Daniel
David T. Darrah
Richard W. Davenport
Frank W. Davey
William J. Davin
Bryan M. Davis, Jr.
Carl N. Davis
Ira S. Davis
Jack G. Davis
James W. Davis, Jr.
Mark S. Davis
Daniel R. Dearman
Robert J. Debellis
Donald S. Debragga
David A. Debruyne
Donald F. Deline
John P. Demarco
Russell E. Dennman III
Richard E. Deslauriers
Robert P. Destefanis
Homer D. Detrich
Albert J. Diehl III
Robert F. Dietrich III
Thomas M. Digregorio
Robert K. Dobson, Jr.
Paul E. Dohring
Thomas W. Dolman
Robert P. Donohoo
Brian C. Dorris
Bruce M. Douchette
Richard F. Douglas
Alwyn Dowell
Edwin R. Downum, Jr.
Eric M. Doyle
Carmen Dragotta
Stephen M. Dreher
Charles W. Driest
Daniel A. Driscoll, Jr.
Bruce E. Duderstadt
Ronald T. Dudley
Leslie F. Duer
Gary P. Duffy
Robert J. Duhon
James M. Dunham
Kenneth D. Dunn
Richard C. Dunn
Richard M. Dunnigan
Donald A. Duprez
Jerome M. Duran
Guy Durand
Donnie R. Durbin
Francis S. Durtche
Timothy A. Dusenbury
William H. Dykes
Daniel M. Dykstra
Gary J. Eady
Roger A. Earley
Howard B. Eddins III
Richard S. Edmundson
James L. Edwards, Jr.
Kelly R. Edwards
Paul S. Edwards
Stephen B. Edwards
Ronald D. Eggleston
Dana E. Eilertson
Michael A. Einsidler
Joel P. Eissinger
Thomas F. Elek
John M. Ellsworth
Carl J. Ericson, Jr.
Jimmie E. Ervin
Howard F. Eslick
Jose T. Espinosa
John J. Esrey
James E. Etter, Jr.
James P. Etter
Ronald E. Evans
Frank R. Eversole IV
Charles R. Fairchild
Peter T. Fairclough
William C. Farley
Lee H. Farmer
John H. Feily
George P. Fenton
Fletcher W. Ferguson, Jr.
William P. Ferrel
Robert R. Ferris
Jeffrey A. Finley
George M. Finnerty
Robert B. Finney
Kermit E. Fitzmaurice
Larry W. Fivecoat
Donald E. Fleming, Jr.
Joe Flores, Jr.
Robert W. Foltyn
Henry Fontela
Robert T. Forte
Barry R. Foster
Willis R. Foster
Woodrow G. Franklin
Fritz G. Franz
William B. Fraser
Paul O. Freeberg
Walter H. Freed
Marc E. Freitas
Robert E. Fugate
Foster L. Fuselier
Joey R. Gallegos
Robert D. Galloway
John M. Garner
Richard S. Garretson
William B. Garrett
Walter E. Gaskin, Sr.
Danny W. Gaston
William T. Gates
Richard C. Gehrlein
Paul A. Gelinas
Jerry G. Gelling
John W. Georges
William S. Gerichten II
Kerry K. Gershaneck
Ralph J. Getty
Alfonso N. Giglia
John P. Giguere
Norman C. Gillette III
Clarence R. Gilman, Jr.
David L. Gilmer
Melvin O. Gipson
Gary G. Gisolo
Richard D. Gloger
Kenneth J. Glueck, Jr.
Henry T. Gobar
Johnie Gombo
Hector Gomez
John E. Goodner
Michael R. Gorbell
Michael B. Graddy
Steven E. Graebner
Stephen K. Graham
Thomas K. Graham
David B. Grand
Robert J. Graus
William W. Graves, Jr.
Randy L. Green
William F. Green
Ronald G. Greene
Kenneth E. Gregory
Laurence W. Griggs
Barney G. Grimes III
James T. Grimshaw
Stanley L. Grossman
David A. Groves
Hubert A. Grummer
Norman R. Guenther
Christopher J. Gunther
Charles E. Guthrie, Jr.
Robert E. Hacker, Jr.
Karl L. Haithcock
Gerald M. Hale
James H. Hales, Jr.
Patrick K. Halton
Richard D. Hamilton
Theodore J. Hammond
Eric G. Hansen
Edwin L. Hansen
Michael P. Hardwick
Mark S. Hardy
Phillips B. Hardy
John D. Harris
Frank C. Hart III
James A. Hart V
Richard E. Hartley
Mark Hartzell
Kevin F. Hauser
Dale A. Hawker
Douglas M. Haycock
Daniel P. Hayes
Robert L. Hayes III
George J. Hayn, Jr.
Robert L. Haynes
George C. Hays, Jr.
Phillip R. Hearlson
James R. Hedges
Scott A. Hegland
Alan P. Heim
Dennis R. Heinle
Robert E. Heinz
William E. Heinzman II
Timothy J. Heitkemper
William W. Hendry II
Doyle W. Hensley II
Patrick H. Herd
Craig B. Herold
Gordon Hickey
Joseph F. Hickey, Jr.
Ralph W. Hickman
Michael K. Hicks
John W. Hiett
Howard H. Hill
Jeffrey J. Hill
Robert W. Hillery
Stanley E. Hitchcock
Chris D. Hobbs
Richard A. Hobbs, Jr.
Ernest Hodge
Nicholas J. Hoffer
Carl W. Hoffman, Jr.
Thomas W. Hoffman
John J. Hogan III
John P. Hogan
Ronald T. Hogan
Danny L. Hogg
Ides L. Holdridge, Jr.
Trenton F. Holland
Carlos R. Hollifield
Richard L. Holmes
Gary R. Holmquist
Robin Hood
William D. Hook
Mont K. Hoover

Don E. Horn
William P. Horrobin
Rick L. Horvath
Michael T. Hoscheid
Larry D. Hosler
Michael D. Howard
Marion O. Howton
Jack L. Hughes
Leon D. Hughes
Martin L. Hunter
David W. Hurley
Joseph P. Hylan
Gerald A. Hyndman
Richard J. Ingold
Robert R. Irvine
Edward A. Isajewicz, Jr.
Daniel Iverson, III
Kenneth D. Jackson
David L. Jacobson
Benjamin W. Jeffrey
Jurden J. Jelken
Robert E. Jerabek
David W. Johns
Dale K. Johnson
Dennis M. Johnson
James M. Johnson
Larry A. Johnson
Mark K. Johnson
Raymond K. Johnson
Randall L. Johnson
Timothy A. Johnson
William D. Johnson
Ernest S. Jones
Octavis E. Jones
Ronald L. Jones
Carl M. Jozaitis
Kenneth J. Jungwirth
Roland L. Juvenal
Helmut J. Kalman
Jeffrey H. Kammerer
Thomas G. Kane
Donald J. Kappel
James C. Keffer
David J. Keirstead
Patrick J. Kelly
Rodney O. Kelly
Thomas R. Kelly
Roy H. Kemble, III
William P. Keogh
Stephen C. Kepher
Michael J. Kerrigan
Jerome Keyes
John O. Keyes
David L. Kiffer
James A. Kilbourn
Michael L. Kildare
Eugene Kimbler
David A. King
Frederick T. King
Gregory S. King
William A. King
James M. Kinnaman
David B. Kirkwood
David M. Kirkwood
Frederick M. Kist
Paul J. Klepper, II
David F. Klingenhofer
Jack R. Knight
Michael J. Knowles
Glenn F. Koch
Kent D. Koebke
Joseph C. Koen
Larry D. Koenig
Richard W. Kokko
Peter D. Kopf
John G. Koran, Jr.
Charles W. Kossick, Jr.
Jeffrey N. Kramer
James R. Kramer
Michael J. Kramer
James J. Kratsas
Michael R. Kupar
Richard W. Lachowicz
Joseph E. Laforest
Michael W. Lamb
Bevill F. Lambert, Jr.
Richard K. Lane
Jimmy D. Langley
Jack D. Lape, Jr.
John F. Larkin
Leif R. Larsen
Albert L. Larson
Lawrence L. Larson
Robert D. Larson
Thomas C. Latsko
Dennis L. Leahy
Clay D. Leath
James M. Leavis
Willie Lee, Jr.
Robert J. Leiston
Scott E. Leitch
Charles A. Lemay
Dyer T. Lennox
Edward J Lesnowicz, Jr.
Gary C. Leupold
Garry W. Lewis
Larry F. Lewis
Fredrick W. Ley
John M. Lilienthal
Thomas L. Linder
Eugene W. Lindley
Thomas C. Linn
Stuart A. Livensparger
Henry C. Loeffler, Jr.
Dennis M. Loftis
Larry D. Logsdon
Eugene A. Lohman II
Robert L. Longtain
Stanley W. Longworth
Paul H. Lord
Michael J. Lores
Gary W. Luck
Daniel E. Lund
Charler A. Lundy
Michael E. Lundy
Robert E. Lupton
Robert G. Lyell
Coleman R. Lyons, Jr.
James V. Maccarone
Gilbert A. Macklin
Daniel J. Macsay
Ronnie R. Madrid
Richard Maestas
Kelly J. Mahoney
Gregory N. Maisel
David R. Maltby
William T. Maroney III
Samuel T. Marsh
William T. Marsh
Samuel A. Marshall II
Joseph O. Marthiljohn I
Albert J. Martin
Darrell F. Martin
Kevin L. Martin
Richard J. Martin, Jr.
Joseph A. Masser
Gary A. Mattes
Alex R. Mattheus
Jack L. Mattson
Billy P. Mauldin
Edmund B. Mayer, Jr.
A. J. McAnelly
Dennis P. McCarthy
Michael E. McCarthy
Thomas G. McCarthy
James D. McCarty
Joseph J. McCloskey
James E. McCormick, Jr.
Michael E. McCormick
William J. McCormick
Danny J. McDaniel
Joseph A. McDonald
Thomas J. McElrath
John T. McGaughey, Jr.
Charles E. McGinnis
John D. McGuire
Patrick J. McKay
Paul S. McKee
Glenn E. McKeever
Michael E. McKenzie
Steven E. McKinley
Joseph J. McMenamin
James M. McNeal
Timothy W. McReynolds
Mark S. McTague
John H. McTier
Robert J. Meckel
Richard L. Meeker
Thomas J. Menendez
Jesse M. Merriett III
Charles W. Michalk
Edwin D. Miller
John H. Miller, Jr.
Melvin L. Miller
Roy C. Miller, Jr.
Scott D. Miller
Warren D. Miller
Mark A. Milligan
Timothy P. Minihan
Thomas E. Minor
Alfia Mirabella, Jr.
Jose L. Miraya
John Moisuk, Jr.
Kenneth E. Moix
Mark D. Montgomery
Robert D. Montgomery
Mark E. Mooney
Gerald B. Moore
Robert E. Moorehead
Donavan D. Moorman
Andrew H. Moreton
Beverly W. Morgan, Jr.
Charles W. Morris
William L. Morris
Frederick M. Morrone
John C. Muerdler, Jr.
Charles A. Mulligan
Patrick J. Mullin
Harry M. Murdock
Brian T. Murphy
Daniel J. Murphy
Gary E. Murphy
Cornelius W. Murray
Steven M. Mutzig
Paul J. Nagy
Larry F. Naifeh
Marcus N. Nall
Karl B. Nebbia
Edward A. Nelson
Victory P. Neshyba, Jr.
Thomas L. Newcomb
Garry P. Newell
Lester K. Newell
George W. Nickerson III
Richard E. Nicolai, Jr.
Thomas E. Nicoll
Freddie R. Nielsen
William J. Niemasik
Raymond A. Nikula
Michael J. Nolan
Bruce H. Norton
Bruce E. Nowak
William J. O'Connell
Dennis P. O'Geary
Thomas M. O'Leary
Dennis M Ovens
Robert J. Padilla
William J. Painter, Jr.
Robert E. Parcell
Harry P. Parmer
Robert S. Patterson
Tommy L. Patton
Alan R. Pavsner
John M. Paxton, Jr.
Thomas A. Peabody
Thomas G. Peeler
John J. Pellicone
Alan C. Pendleton
William M. Pennick
Robert Peno
Benjamin M. Penvos II
Edward Y. Perales
Ronald V. Pereira
Edward F. Pesik, Jr.
William R. Pesnell
Darwin D. Peterson
Harriesclichy Peterson
Mark A. Peterson
Paul W. Pfohl
Anthony F. Phelps
Matthew H. Phillippe
Steven J. Piccirilli
John P. Pickett II
Mark A. Pillar
Cleve B. Pillifant
Alan J. Pingree
Jerreld D. Pippin
Jonas Pomales
Terrance M. Portman
Mark L. Potocki
Earl W. Powers
James S. Powers
Danny R. Praytor
Paul J. Prevost
John R. Priddy
Joseph S. Prizy, Jr.
Paul R. Puckett
Dale H. Pugh
Michael J. Quinlan
Carl E. Quinn, Jr.
Joseph G. Radzikowski
Gerald G. Raedel
Joel T. Raley
Lee F. Ralston
William M. Ramsey
Timothy N. Ranville
Douglas C. Rape
Steven W. Rawson
Richard K. Reager
John Recine
Earl E. Reddix III
Scott P. Reichert
Rodney J. Reynolds
Howard E. Rice, Jr.
Michael L. Rice
Arthur H. Richardson, Jr.
Thomas A. Richards
William E. Richardson
James D Riemer.
Michael H Rising
Ervin Rivers
Jay W. Roach
Leonard D. Robert
Samuel E. Roberts
Blake J. Robertson
Michael E. Robicheaux
Charles Robinson
Jasper P. Rogers, Jr.
Juan J. Roman
Charles R. Romero
James T. Ronaghan, Jr.
Clifton B. Rook
Ronald P. Rook
Quentin R. Roos.
Charles W. Rose, Jr.
George D. Ross
Richard C. Roten
Anthony P. Rothfork
Christopher Rowan
David T. Rowe
Robert O. Rowland
Paul D. Roy
James L. Rucks
Ira S. Russell, III
Karl R. Russell
Merrill L. Russell, Jr.
Louis F. Russo
John E. Ryan
Glen R. Sachtleben
Richard J. Salsman
Eric H. Sampson
Mark S. Sams
Peter J. Samsel
James Santana
Michael E. Satran
Paul M. Sauer
Stephen L. Sayko
Donald L. Scanlon, Jr.
Russell O. Scherck
James W. Schindler
James E. Schleining, Jr.
Ross A. Schmidt
Richard F. Schmidt, Jr.
Steven J. Schneider
Herbert M. Schrader, Jr.
Patrick D. Schrunk
Darrel G. Schueler
Donald Schwartz, Jr.
Peter J. Scialabba
Frank M. Scott
Calvin L. Scovel, III
Thomas E. Seal
William R. Seale
Reginald M. Sealey
David J. Sebastian
Ray L. Seckinger, Jr.
John W. Sergeant
James S. Sfayer
Jimmie R. Shafer
Garland L. Sharpless, Jr.
John P. Sharples
Stanley D. Sheats
Robert L. Sheldon
Charles K. Sherry, Jr.
Frederick L. Sherwood
Stephen D. Shigley
Trent W. Shirey
James L. Shirk
Steven V. Shook
Francis R. Short
Richard J. Shows
Philip F. Shutler II
Daniel L. Sickinger
Philip S. Silano
Luciano S. Silva
Mark A. Silver
Ricky L. Simmons
Preston E. Simms
Charles C. Simpson
Chester L. Simpson
George T. Simpson IV
Larry R. Sims
Gary A. Sloan
Charlie F. Smith
Duane A. Smith
Floyd R. Smith, Jr.
Gilbert M. Smith
Harry D. Smith
Kenneth E. Smith
Lyle W. Smith
Malcolm W. Smith, Jr.
Robert L. Smith
Spencer H. Smith
William L. Smith
Francis M. Snow
Fred D. Soetekouw
George C. Solley
James M. Sorley
Richard L. Souder
Hubert E. Sowell, Jr.
Harry C. Spies
Richard J. Stacy
Ryan E. Stafford
Paul R. Stahl
Carl D. Stanton
Konrad E. Stapler
Gordon B. Staples
Ricky L. Starks
James M. Stata
Marc A. Steele
Douglas E. Stender
Bradley A. Stephan
Richard D. Stephens
Robert L. Stephens, Jr.
Gerald W. Stearnal
Craig P. Stevison
Frank M. Stewart
Jeb E. Stewart B.
Paul D. Stinnett
Scott C. Stith
Richard Stockburger
James R. Stoller
Jacob F. Stone, Jr.
Richard E. St. Pierre
Herbert Strauss
Gobel N. Strickland
Joseph E. Strickland
Robert D. Stride
Joseph L. Styons
Jerry W. Sullivan
Robert J. Sullivan
Deryl L. Sweeney
John F. Sweet
James S. Swift
Daniel W. Swindell
John R. Sykes
Fabio Taglieri
William D. Talbott, Jr.
Richard K. Tankersley
Timothy J. Tanner
Larry D. Tarbet
Floyd E. Taylor
Forrest J. Taylor
John A. Taylor
John G. Taylor
Lewis R. Taylor
Dennis A. Tedder
Charles L. Teel, Jr.
Winfield J. Tench, Jr.
Arlan D. Tenkley
Teodoro R. Tenorio
Timmy J. Terrebonne
Robert A. Tessman
Bruce A. Thake
Duane D. Thiessen
James E. Thigpen
Gerald M. Thomas
Richard H. Thomas, Jr.
John H. Thompson
James W. Thompson
Robert H. Thorne
Gary D. Hrash
Robert Tiberg
Earl W. Timpe, Jr.
Paul R. Tippy
Leonard E. Todd, Jr.
Michael A. Toepfer
Edward R. Tokarz
Hunter G. Tolbert II
Steven J. Tomisek
Charles T. Tonkens
Alexander M. Torrance
Philip D. Tracy
George J. Trautman, III
Mitchell T. Triplett
Thomas J. Trudeau
John A. Turley
Jerry W. Turley
John R. Turner
Ronald H. Underdahl
Richard A. Urquhart
Charles M. Urtnowski
Thomas Uselding
Thomas M. Vanderhoof
Duane Vanfleet, Jr.
Lawrence R. Vanloan
Larry O. Vanmeter
Thomas G. Vaughn
Lagrant D. Velde
Terry L. Vermillion
William D. Vickers
Jose R. Villarta
Mark D. Vogt
James P. Voss
Joel M. Wade
Stephen E. Wagaman
John P. Wagemann
Lawrence E. Waggoner
Donald J. Wagner
Donald L. Wagner
Eugene E. Waldron, Jr.
Garry W. Walker
Joseph C. Walker
Martin W. Walker II
William C. Walker, Jr.
Walter J. Wallace
John F. Walsh, Jr.
John J. Walsh, Jr.
John T. Walsh
Robert J. Walters
Andrew L. Ward
Michael J. Warren
Michael G. Waters
Stephen P. Watson
George M. Weathersbee
Allan R. Weber
Ross L. Webster
Robert J. Weimann II
Donald L. Weiss
Eric W. Weiss
Walter F. Welch

Lawrence E. Welker
Buford G. Wells
Dean E. Wells
Robert M. Welter
Richard P. Wesseling
John R. Westbrook
David P. Westridge
Carl D. Westfall
William M. Wetherell
Clifton R. Weyeneth
Ralph L. Wheaton
James C. Wheeler, Jr.
Fred E. White
Gerald L. White
Walter L. Whitesides
Bruce A. Whomsley
Donald E. Wiggins
Edward G. Williams
Harry T. Williams
Willie J. Williams
Earnest W. Williamson
Raymond E. Willis
David F. Wills
Leonard D. Wilson
Robert E. Wilson, Jr.
Michael A. Windsor
Joseph J. Winer
Gary M. Winter
William E. Winter
Frederick B. Witesman II
Ronald L. Withrow
Richard L. Wolf
James Wong
Lee W. Wood
William E. Wood, Jr.
Dillard D. Woodson, Jr.
Robert O. Work
David L. Wright
William G. Wright
Kenneth D. Wrinkle
Gregory W. Wulf
David G. Yarrington
William M. Yates
Billie Young
Julius L. Young, Jr.
Richard H. Zales
Royce D. Zant II
Richard Zee
Anthony J. Zell
Richard C. Zilmer
Steven M. Zimmeck
Francis E. Zink. Jr.
Bernard W. Ziobro, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 26, 1979:

DEPARTMENT OF STATE

Leonard Woodcock, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

DEPARTMENT OF AGRICULTURE

James H. Williams, of Florida, to be Deputy Secretary of Agriculture.

COMMODITY CREDIT CORPORATION

James H. Williams, of Florida, to be a member of the board of directors of the Commodity Credit Corporation.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for temporary promotion to the grade of rear admiral, in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, sections 5910 and 5912:

LINE

Nelson Otto Heyer
Robert Louis Zralek
William Henry Langenberg
Clarence Arthur Edward Johnson, Jr.

MEDICAL CORPS

Henry Turner Edmondson, Jr.

SUPPLY CORPS

Alexander Jackson, III.

CIVIL ENGINEER CORPS

Roy "L" Dunlap.

DENTAL CORPS

Charles Frederick Schreier, Jr.

The following-named officer, having been designated for commands and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Lee Baggett, Jr., U.S. Navy.

The following-named captain in the Nurse Corps of the Navy for appointment as the Director of the Navy Nurse Corps for a term of 4 years pursuant to title 10, United States Code, section 5140(a), and for temporary promotion to the grade of rear admiral pursuant to section 5767(c).

To be rear admiral

Capt. Frances Teresa Shea, Nurse Corps, U.S. Navy.

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

To be rear admiral

William A. Williams III
John L. Butts
William E. Ramsey
Paul T. Gillcrist
John D. Beecher
Lawrence Layman
Paul J. Mulloy
Charles B. Hunter
Albert A. Gallotta, Jr.
Austin B. Scott, Jr.
Lee E. Levenson
Paul W. Dillingham, Jr.
David L. Harlow
Jerry O. Tuttle
James R. Hogg
James W. Austin
Robert R. Fountain, Jr.
Charles R. Larson
James E. Elfelt
James K. Nunneley
David G. Ramsey
Raymond N. Winkel
Glen W. Lenox
Charles F. Horne III
Richard C. Avrit
Kleber S. Masterson, Jr.
William A. Cockerell, Jr.
Henry C. Mustin
Stephen J. Hostettler
George A. Aitcheson, Jr.
Byron B. Newell, Jr.
Ralph G. Bird
Richard C. Berry
Thomas F. Brown III
Edward A. Wilkinson, Jr.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general under the provisions of title 10, U.S. Code, sections 5769 and 5780:

Kenneth L. Robinson
Robert E. Haebel
Lawrence F. Sullivan
Francis X. Quinn
William H. Fitch
Alfred M. Gray, Jr.
Leo J. Leblanc, Jr.

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of major general under the provisions of title 10, U.S. Code, sections 5769 and 5780:

Keith A. Smith.

PUBLIC HEALTH SERVICE

Public Health Service nominations beginning N. Burton Attico, to be medical director, and ending James J. Vucich, to be senior assistant health services officer, which nominations were received by the Senate on January 22, 1979, and appeared in the Congressional Record on January 23, 1979.

Public Health Service nominations beginning Francis Caprio to be senior surgeon, and ending Francis P. Wagner, Jr. to be assistant health services officer, which nominations were received by the Senate on January 22, 1979, and appeared in the Congressional Record on January 23, 1979.

IN THE AIR FORCE

Air Force nominations beginning Arthur W. Magnuson, to be major, and ending Joseph Monroe, to be permanent professor, U.S. Air Force Academy, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 1979.

Air Force nominations beginning Richard N. Allen, to be lieutenant colonel, and ending Stanley Stewart, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 1979.

IN THE NAVY

Navy nominations beginning Robert P. Abbate, to be commander, and ending Louise C. Wilmot, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 1979.

Navy nominations beginning Roy V. Aasen, to be lieutenant commander, and ending Margaret M. Zielinski, to be lieutenant commander, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 1979.

Navy nominaitons beginning Lyle N. Aardahl, to be lieutenant, and ending Christine A. Zebrowski, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 1979.

Navy nominations beginning Barry R. Smith, to be ensign, and ending Kenneth A. Schroeder, Jr., to be commander, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 1979.

Navy nominations beginning Melvin D. Beck, to be commander, and ending Carl D. Raney, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 1979.

HOUSE OF REPRESENTATIVES—*Monday, February 26, 1979*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Almighty God, giver of all good grace, bless our coming together this day. May Your spirit enlighten us to a better understanding of the needs of all Your people.

Sensitive as we should be to immediate concerns, may we still see beyond the moment to anticipate the spirit and direction of the future.

Grant us always the vision as we look ahead to the opportunities of tomorrow, even as you grant us strength to face the demands of each new day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

A TRIBUTE TO THE LATE MINNIE BILANDIC, MOTHER OF CHICAGO'S MAYOR

(Mr. ROSTENKOWSKI asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, this weekend a fine woman passed away. That she was the mother of the mayor of Chicago is only one noteworthy aspect of her life—a life which reflects the strength and character of that generation of immigrants which made our city, and our country, what it is today.

Minnie Bilandic came to our country in 1921 from the Dalmation Coast of Croatia. Like so many of her generation, she sought a better life and the promise of prosperity that the America of the 1920's held out to peoples of the world. Soon after her arrival, Minnie, who had settled in the now-famous Bridgeport section of Chicago, and had found work as a seamstress, met and married Matthew Bilandic, a construction worker. These two Croation immigrants, as fate would have it, traveled half-way around the world to meet one another for the first time in this "new world" setting. Hard work, honesty, and commitment to their family epitomized their years together. Three sons and a daughter were raised in the warmth of the family home on South Union Street.

The devotion paid to her by her children is itself the best testimony of the love and respect in which she was held by those who knew her best. An intensely private woman, she was little known by the city that in 1977 overwhelmingly elected her eldest son mayor to fulfill the remaining years of the term of his friend and mentor, Mayor Daley. Although always choosing to remain far from the public eye, Minnie Bilandic nonetheless took great pride in the growth and accomplishments of her four children. The rise of her eldest child to become mayor of her adopted city was an accomplishment of which she was justly and immensely proud.

On behalf of the entire Chicago delegation I wish to express my sincere condolences to her family, Mayor Michael Bilandic and his wife Heather, her other sons Steve and Nick, and her daughter Eleanore in their time of intense personal loss.

☐ 1205

FOOD STAMP PROGRAM

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, as I have for the past few weeks, I want to give another example today of an elderly person who is going to be suffering under the food stamp changes that will take place on March 1.

I am speaking of a 68-year-old woman, who is a cardiac patient, who receives a total income of $279 under social security and an $18 veterans' pension, for a total of $297 a month.

She pays $195 in rent, $25 in utilities, and $10 for her phone bill. Presently she receives $34 in food stamps. On the first of March, this will drop to $10 a month.

Mr. Speaker, I am holding a hearing tomorrow, in room 2257 in the Rayburn Building, at 10 o'clock, where we will have representatives of the senior organizations from around the United States in to tell us first hand what is happening. I welcome any Members who would like to join us in those hearings, and I know that they will be productive.

AIRLINE DEREGULATION ACT OF 1978

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is becoming more and more evident that the Airline Deregulation Act of 1978 is going to result in sad experiences for those of us who represent medium- and small-size communities.

Delta Air Lines has given my home town of Meridian, Miss., notice that they will cease service within 90 days. Delta indicates they are moving their personnel and equipment to larger markets even though it means Meridian will lose service to points West.

Delta Air Lines started out years ago as a crop-dusting outfit in Monroe, La. Meridian was one of their first passenger stops long before Delta had authority to serve New York, Boston, Chicago, or Washington.

Evidently Delta has forgotten their old friends—the towns which provided them the revenue to expand in later years. I want to warn my colleagues who represent small communities and have airline service: Don't be surprised when Delta and other airlines under the Airline Deregulation Act of 1978 pull out of your home town.

CUTTING COSTS AND LIVING WITHIN OUR MEANS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I rise to express my very strong concern over the excessive costs in the funding resolutions for House committees. This body will vote on these resolutions today, and I urge my colleagues to oppose them.

I urge my colleagues to oppose the resolutions because I do not believe the amount of money being requested for these committees is in line with what ought to be our highest priority: Namely, cutting costs and living within our means.

Mr. Speaker, the people of the Lehigh Valley in Pennsylvania are aware the cost of Government has risen to extraordinary levels. The citizens of the Lehigh Valley have told me time and time again that Congress must curb its appetite to spend, spend, and then spend some more. If there is one message I have received from my constituents it is that we had better bring the cost of Government back to Earth before it is too late.

It seems to me that the best place to start doing that is right here in Congress, in this Chamber.

I am not suggesting, Mr. Speaker, that we should make cuts in such a way as to make it impossible for Congress to do its job and to serve the people who elected us. But, when I look at the amount of taxpayers' money being asked for in these budget resolutions, I do not see much of the belt-tightening Washington has been talking about.

The fact is that, in a Congress which already costs over $1 billion to operate, this particular bill we are asking the American people to pay, for House committees, is higher than it should be.

I realize that we cannot control inflation by cutting costs in just one area of Government alone. We have to do it in the bureaucracy as well as here on Capitol Hill. But, Mr. Speaker, if we do not start putting our money where our mouth is here and now, at the start of this 96th Congress, then I do not see how we can expect the American people to believe us when we talk about reducing inflation.

Mr. Speaker, these are my first remarks on the floor of the House of Representatives since I took office a short while ago. I think that shows how seriously I consider this matter of controlling the cost of Congress to be.

We in Congress are supposed to be leaders. We are supposed to be setting a good example. Passing a more sensible budget for our own committees would be a good place to start the belt-tightening that we have to do if we are ever to control inflation and earn the respect of the American people. So, I urge my colleagues to join me opposing these resolutions. Thank you, Mr. Speaker.

GOVERNMENT COMPETITION WITH SMALL BUSINESSES PROTESTED

(Mr. GRISHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRISHAM. Mr. Speaker, I would like to comment on an article I read in a local newspaper over the weekend stating that the Subcommittee on Services of the House Administration Committee has decided to get into the liquor business and compete with our local merchants.

On behalf of the independent and small businesses dealing with liquor in the District of Columbia, I protest. On behalf of all small businesses in the United States of America, as the backbone of our country, I protest the Government once again competing with private enterprise.

☐ 1215

ANOTHER WHOPPING INCREASE IN PUBLIC DEBT CEILING IN PROSPECT

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, on

Wednesday of this week, the Democrat administration and the Democrat big spenders in the House, will ask this body to approve still another whopping increase in the public debt ceiling. This time by $38 billion which would raise the ceiling from its current level of $798 billion to $836 billion. How long will this flim-flam of the American taxpayer continue? How long will the Democrat big spenders continue to spend this country deeper and deeper into the red? How long will the Democrat big spenders continue to turn a callous, deaf ear to the call from the American people to put an end to this traditional and reckless Democrat policy of spend and borrow and borrow and spend? Last Thursday, the Republican Policy Committee went on record unanimously as opposing this increase to bail out the Democrat big spenders. I challenge the thoughtful Democrats in this Chamber to join with Republicans on Wednesday and vote down H.R. 1894.

BETTER EDUCATION

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, in yesterday's Washington Post I found an enlightening report from UPI. They were quoting a story out of Dallas that said blacks did better in the segregated schools than they did in the integrated schools.

The real question is not whether they are segregated or integrated but whether youngsters are able to go to school in their own neighborhood. What America needs is less tension and more friendship. The country needs more love and deeper understanding of God.

Last week, I heard an interesting educational authority discuss how to improve youngsters learning. He discussed the trend over the past 15 years where educational achievement has gone down every year. We all know that it was the past 15 years where the Federal Government has increased its involvement in setting up guidelines for local school boards.

The key point he brought out was the fact that Federal guidelines concentrate more and more on student mix. He said the emphasis should be on the learning level, so the teachers could help those who needed to concentrate on basics. The part of the class that were slow readers should be put in the same section. They should devote more time on reading and these sections of classes would concentrate very strongly on reading skills. They might also find that these sections were behind in math and they could spend more time on this math basic also. In modern education with Federal guidelines, there is too much concentration on the mix of the class and two things happen. The students that need more emphasis on basic skills are not given adequate time for educational training. The students with more advanced knowledge have the pace of the class slowed down to take care of the slower students.

For the advanced students it is similar to an old ship convoy during the days of the war. The convoy moved just as fast as the slowest ship, because they all stayed together.

Let us look at the educational achievement.

Below I quote the lead section of the UPI story in the Washington Post:

> DALLAS, February 24.—Black elementary students in segregated schools showed significantly higher academic achievements than black children in integrated schools, according to a two-year study conducted by the Dallas Independent School District.
>
> The study, dated August 1978, was not released until after the Supreme Court announced earlier this week that it would hear arguments in the long-standing DISD desegregation case.
>
> District officials claimed pure coincidence in the timing of the release of the report and the Supreme Court announcement.
>
> The study involved almost 2,000 students, and said that even after adjustments were made for a variety of possible statistical errors students in the virtually all black East Oak Cliff area outpaced black students in integrated intermediate schools desegregated in 1976 under a federal court order.

THE PANAMA CANAL ISSUE IS ALIVE AND UNWELL

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, I would like to report to my colleagues that the Panama Canal issue is alive and unwell.

After 3 days of hearings in the Isthmus of Panama over the weekend, the subcommittee of which I have the honor to be the ranking member has discovered, first of all, that the express treaty terms are meaningless to the Panamanian Government. Based on statements made to us by Panamanian officials they are now claiming retroactive tax jurisdiction over all corporations and, by implication, all persons within the Panama Canal Zone; that all movable property now located at any point in the area which they will acquire on October 1 is to go to them and not to be moved out. That amounts to hundreds of millions of dollars worth of property.

They are also claiming that the tolls must be raised to whatever extent necessary to pay their fees despite the fact that the treaty says a large part of such payments are contingent on the canal operating at a profit.

Mr. Speaker, these statements were made to us by the official representatives of the Panamanian Government, including Ambassador Gabriel Lewis, who heads their Panama Canal Authority, as well as in discussions with their President, Aristides Royo.

Mr. Speaker, I think the House should look closely at the actions of our subcommittee and realize the need to write implementing legislation which will make the treaty absolutely clear and retain congressional control. Or, perhaps we should simply repeal them.

AN OPPORTUNITY TO CUT DOWN THE SIZE AND COST OF GOVERNMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, some of us were inclined on Wednesday, February 21, to request a rollcall vote be taken on the spending resolutions for financing the activities of certain House committees for this next year. An analysis of these proposed budgets was the main reason we were inclined to request a rollcall vote be taken and thought it might be helpful to share this analysis with you.

The committees, the House resolutions, the spending for last year and the recommended budget for next year are as follows:

House resolution number—committee	Spent 1978	Committee recommendation 1979	Percentage increase
H. Res. 35—Veterans Affairs	$273, 246	$400, 000. 00	31
H. Res. 45—Small Business	646, 787	752, 650. 00	14
H. Res. 60—Armed Services	464, 831	677, 000. 00	31
H. Res. 85—Banking, Finance and Urban Affairs	2, 260, 187	2, 444, 600. 00	7
H. Res. 87—House Administration	599, 177	845, 000. 00	29
H. Res. 88—Ways and Means	1, 768, 826	2, 000, 000. 00	11
H. Res. 91—Public Works and Transportation	1, 632, 831	1, 870, 000. 00	12
H. Res. 92—Education and Labor	1, 771, 261	2, 250, 000. 00	21
H. Res. 96—Permanent Select Committee Intelligence	756, 873	927, 401. 99	18
H. Res. 98—Foreign Affairs	1, 481, 427	1, 745, 779. 00	15

The House staff budget for 1968 was $44,700,000.00 In 1978 it was $167,700,000.00. Ten years ago there were 4,489 personal and committee staff members in Congress. This number rose to 13,276 in 1978.

Enclosed is a copy of a portion of an official publication of the House designated "Table III House Committee Staff Totals." The amount of staff in 1978 was penciled in based on the latest information available. It is obvious that a staff explosion has taken place in the House, at least since 1974, if not before. At this point to seriously talk about authorizing a spending resolution for a committee which reflects a growth in spending over last year of up to 31% raises very serious and profound questions.

The people of this country have been asked by the President to limit their pay increases to 7%. If the Congress approves these spending resolutions for the committees of the House, we are a long ways from setting an example for the people of this country.

Very truly yours,

WILLIAM E. DANNEMEYER,
Member of Congress.

TABLE 3.—HOUSE COMMITTEE STAFF TOTALS, 1947-77 (COMBINED STATUTORY AND INVESTIGATIVE STAFF)

[X—Not a standing committee for year in question]

	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
Agriculture	13	14	18	16	14	15	16	17	18	17	20	22	48	58	56	64
Appropriations	55	53	65	59	67	70	75	71	61	75	75	85	98	118	125	129
Armed Services	15	17	20	27	30	31	34	37	33	33	29	30	38	39	48	50
Banking	36	42	35	41	49	47	47	50	49	48	51	59	85	112	107	121
Budget	X	X	X	X	X	X	X	X	X	X	X	X	67	65	76	81
District of Columbia	10	11	10	10	16	18	14	15	15	20	34	37	43	54	38	40
Education and Labor	44	42	57	81	56	71	74	77	82	94	95	108	114	129	102	111
Government Operations	53	54	61	55	61	55	58	60	57	55	58	64	68	73	80	82
House Administration[1]	3	4	6	8	8	9	23	25	31	70	122	163	217	248	268	
Interior	10	10	13	14	14	14	14	14	19	26	38	31	57	58	64	73
Internal Security	52	55	57	52	51	48	49	51	55	51	42	42	27	X	X	
International Relations	16	17	17	17	18	20	20	21	32	35	36	41	54	64	93	105
Interstate and Foreign Commerce	29	37	31	32	36	32	39	42	46	44	56	58	112	138	130	1.5
Judiciary	48	46	37	34	30	27	35	35	39	39	44	172	69	84	84	88
Merchant Marine and Fisheries	9	9	9	10	19	19	22	21	23	27	22	22	28	34	62	72
Post Office and Civil Service	10	10	32	35	34	37	45	46	44	48	44	43	61	64	61	63
Public Works	55	54	39	36	37	35	36	40	47	54	64	72	88	101	88	82
Rules	4	4	3	5	5	6	6	7	6	6	7	9	18	26	24	28
Science and Technology	16	20	20	21	23	24	28	26	25	26	27	29	47	53	77	82
Small Business	X	X	X	X	X	X	X	X	X	X	X	X	27	31	39	43
Standards of Official Conduct	X	X	X	X	X	5	5	5	5	6	5	6	5	14	31	35
Veterans' Affairs	15	17	18	22	17	16	19	18	19	18	18	18	26	31	31	39
Ways and Means	22	23	23	19	23	22	22	24	23	28	31	32	63	86	92	92
Total, standing committees	515	539	571	594	608	621	681	702	729	817	918	1,143	1,460	1,680	1,776	-------
Total, select committees	18	49	26	22	26	20	48	70	47	61	68	35	31	54	238	-------
Total, all committees	533	586	597	616	634	641	729	772	776	878	986	1,178	1,491	1,734	2,014	-------

[1] For 1972 to present, figure includes employees of House Information Systems, the House of Representative's central computer facility and its predecessor organizations.

Sources: Committee staff employment lists from Congressional Record for years 1947-70; for succeeding Years, Report of the Clerk of the House. Figures show employment as of June 30 of each year, except for 1977 for which the reporting date was Sept. 30.

☐ 1220

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 23, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:15 p.m. on Friday, February 23, 1979, and said to contain a message from the President wherein he transmits a report of the Director of the International Communication Agency on Plans for Expansion of the International Exchange-of-Persons Program.

With kind regards, I am,

Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

REPORT OF DIRECTOR OF INTERNATIONAL COMMUNICATIONS AGENCY ON PLANS FOR EXPANSION OF THE INTERNATIONAL EXCHANGE-OF-PERSON PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

In response to Section 203 of the Foreign Relations Authorization Act (P.L. 95-426), I take this opportunity to inform you of the Administration's current plans to increase exchange-of-persons activities administered by the International Communications Agency (USICA). A significant expansion of financial support for these activities is contained in the FY 1980 budget submission for USICA. The Administration's review of the USICA-administered cultural and educational programs has also produced an agenda of important questions to be addressed in the year ahead. I enclose a detailed report on these matters provided to me by the Director of USICA.

As I stated in my message transmitting Reorganization Plan No. 2 of 1977: "Only by knowing and understanding each other's experiences can we find common ground on which we can examine and resolve our differences . . . As the world becomes more and more interdependent, such mutual understanding becomes increasingly vital." Because direct personal contact is such an effective and lasting form of communication, exchange-of-persons activities are fundamental to the achievement of these objectives.

Unfortunately, the vital long-term role played by these programs in our international affairs is too often obscured by more visible, more immediate, but frequently less fundamental matters. The recent administrative reorganization which established USICA affords an excellent opportunity to reexamine this important dimension of our international relations.

The reassessment is complex and difficult, but nonetheless essential to the development of a sound program. Because some critical data will require more time to collect, our reassessment will require a good deal of work beyond that already accomplished. However, some preliminary conclusions are reflected, already, in USICA's plans for FY 1979, its proposed budget for FY 1980, and planning levels for subsequent years.

Including domestic and overseas staff costs, the USICA FY 1979 budget for exchange programs is approximately $75 million. The FY 1979 allocation represents a program increase of $4,350,000 over FY 1978. Over sixty percent of the increase is allocated to already established programs with particular emphasis on projects involving African and Middle Eastern Countries. Initiatives being financed from increased funds include new projects with the People's Republic of China, the Hubert H. Humphrey Fellowship program, and additional counseling services for foreign students seeking admission to, or already attending, U.S. universities.

For FY 1980, an additional $4,450,000 is being proposed for the first full year of the Humphrey Fellowship program; an increase of $800,000 is being requested to extend and improve student counseling services; and an additional $350,000 is planned for exchanges with China.

For the period FY 1981-83, annual program increases of $5 million are currently being projected. The plan, thus, calls for a total increase in exchange programs of approximately $25 million over the period FY 1979-83. For this same period, further increases of over $30 million are projected to cover overseas costs increases.

This plan will, of course, be reevaluated on an annual basis. Final budget proposals and areas of priority emphasis will be subject to our continuing assessment of these programs, as well as to international developments and the Administration's over-all budgetary goals.

Finally, I should like to emphasize the Administration's readiness to work with the Congress on strengthening these programs. We need your counsel; we welcome your advice; we look forward to your support.

JIMMY CARTER.

THE WHITE HOUSE, *February 23, 1979.*

SIXTY-FIRST ANNIVERSARY OF PROCLAMATION OF INDEPENDENCE OF REPUBLIC OF ESTONIA

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, this past Saturday marked the 61st anniversary of the proclamation of independence of the Republic of Estonia. After centuries of foreign rule, Estonia was declared an independent country on February 24, 1918. A republican form of government was established, and soon afterward a constitution, modeled on those of Switzerland, France, and the United States, was adopted. In 1920 Soviet Russia signed a treaty of peace with the fledgling republic, renouncing all claims to Estonian territory. Estonia enjoyed freedom and independence for a scant 21 years, however. In 1939, violating the terms of their original agreement, the Soviet Union forcefully annexed Estonia, and by 1940 set up a puppet government there.

For the past 40 years Estonia has suffered arbitrary arrests, deportations, and executions. The people are oppressed and their human rights are violated. What is not subject to foreign domination, however, and what has emerged unscathed by the years of Soviet rule, is the freedom-loving spirit of the Estonian people. Like the men and women of the other captive Baltic States, Latvia and Lithuania, the people of Estonia and Estonians throughout the world continue to persevere, to struggle for the basic human rights to which they are entitled. On this occasion we in the United States reaffirm our commitment to the Estonian people, and to the rights promised them in the Helsinki accords, signed by our country and by the Soviet Union.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 23, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 2:15 p.m. on Friday, February 23, 1979, and said to contain a message from the President wherein he transmits a report on Preliminary Proposals on Initial Fuel Assurances.

With kind regards, I am,

Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

REPORT ON PRELIMINARY PROPOSALS ON INITIAL FUEL ASSURANCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

Pursuant to Section 104(b) of the Nuclear Nonproliferation Act of 1978, enclosed is a report on Preliminary Proposals on Initial Fuel Assurances.

As indicated in the Report, we are continuing our assessment of alternative fuel assurances schemes and will inform you of any proposals as these assessments are concluded. The current alternatives envision uranium stockpiles with size ranges between 2 million and 10 million separative work units. Present estimates of the costs for these program alternatives, based on the current market value of the uranium fuel and the enrichment services, are approximately a half billion to more than 2 billion dollars.

JIMMY CARTER.

THE WHITE HOUSE, *February 23, 1979.*

☐ 1225

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 5, rule I, the Chair will now put the question on the adoption of each resolution, on which further proceedings were postponed on February 21, 1979, in the order in which that resolution was considered.

Votes will be taken in the following order on which the yeas and nays were ordered: House Resolution 35; House Resolution 45; House Resolution 60; House Resolution 85; House Resolution 87; House Resolution 88; House Resolution 91; House Resolution 92; House Resolution 96; and House Resolution 98.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 35, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 35, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 100, not voting 65, as follows:

[Roll No. 4]

YEAS—267

Abdnor
Addabbo
Akaka
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Aspin
Bailey
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Buchanan
Burgener
Burton, Phillip
Byron
Carr
Carter
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conte
Corman
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
Deckard
Dellums
Derrick
Derwinski
Devine
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harris
Harsha
Heckler
Hefner
Hightower
Hillis
Holland
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Lujan
Lundine
McCloskey
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Patterson
Pease
Perkins
Peyser
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Taylor
Thompson
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Weaver
Weiss
White
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NAYS—100

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bauman
Bereuter
Bethune
Broomfield
Brown, Ohio
Broyhill
Butler
Campbell
Carney
Cavanaugh
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Dornan
Erdahl
Erlenborn
Evans, Del.
Fenwick
Findley
Fish
Frenzel
Gingrich
Glickman
Goodling
Gradison
Green
Grisham
Hagedorn
Hansen
Hinson
Holt
Hopkins
Jacobs
Jeffries
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Loeffler
Luken
Lungren
McClory
McDonald
Marlenee
Marriott
Martin
Miller, Ohio
Moorhead, Calif.
Mottl
Panetta
Pashayan
Paul
Pritchard
Quayle
Railsback
Regula
Rhodes
Ritter
Robinson

Roth
Rousselot
Rudd
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Snowe
Solomon
Stangeland
Stockman
Symms
Tauke
Thomas
Treen
Vander Jagt
Walker
Whitehurst
Whittaker
Wydler

NOT VOTING—65

Albosta
Anderson, Calif.
Anderson, Ill.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Boland
Bonker
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Early
Emery
Evans, Ind.
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Mavroules
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pickle
Pursell
Roberts
Smith, Nebr.
St Germain
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1240

Mr. HORTON changed his vote from "nay" to "yea."

Mr. CAVANAUGH changed his vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1245

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5(b)(3) of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional resolutions.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON SMALL BUSINESS

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 45, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 45, as amended, on which the yeas and nays are ordered.

The question was taken by electronic device; and there were—yeas 266, nays 94, not voting 72, as follows:

[Roll No. 5]

YEAS—266

Abdnor
Addabbo
Akaka
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Aspin
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conte
Corman
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Devine
Diggs
Dixon
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Grassley
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harris
Harsha
Heckler
Hefner
Hightower
Holland
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Luken
Lundine
McCloskey
McDade
McHugh
McKay
Maguire
Markey
Marks
Marriott
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Preyer
Price
Quayle
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thompson
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—94

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bailey
Bauman
Bereuter
Bethune
Broomfield
Burgener
Carney
Cavanaugh
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Derwinski
Edwards, Okla.
Erdahl
Erlenborn
Evans, Del.
Fenwick
Findley
Fish
Frenzel
Gingrich
Glickman
Goodling
Gradison
Green
Grisham
Hansen
Hillis
Hinson
Holt
Hopkins
Jeffries
Kelly
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Loeffler
Lujan
Lungren
McClory
McDonald
Madigan
Marlenee
Martin
Miller, Ohio
Mitchell, N.Y.
Moffett
Moorhead, Calif.
Mottl
Myers, Ind.
Pashayan
Paul
Pritchard
Quillen
Regula
Rhodes
Ritter
Roth
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Snowe
Solomon
Stangeland
Stockman
Symms
Thomas
Treen
Walker
Whittaker
Wydler
Young, Alaska
Young, Fla.

NOT VOTING—72

Albosta
Anderson, Calif.
Anderson, Ill.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Boland
Bonker
Broyhill
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Philip
de la Garza
Deckard
Dickinson
Dicks
Dingell
Dodd
Donnelly
Early
Emery
Evans, Ind.
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Gray
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
Kemp
Kogovsek
McCormack
McEwen
McKinney
Mavroules
Michel
Myers, Pa.
O'Brien
Oakar
Obey
Patten
Pepper
Pickle
Pursell
Roberts
Rose
Smith, Nev.
St Germain
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1250

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON ARMED SERVICES

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 60, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 60, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 103, not voting 73, as follows:

[Roll No. 6]

YEAS—256

Abdnor
Addabbo
Akaka
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Aspin
Badham
Bailey
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Buchanan
Burton, Phillip
Byron
Carr
Carter
Chisholm
Clausen
Clay
Collins, Ill.
Conte
Corman
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
Dellums
Derwinski
Devine
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Calif.
Edwards, Okla.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hammerschmidt
Hance
Harris
Harsha
Heckler
Hefner
Hightower

Hillis
Hinson
Holland
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kogovsek
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Levitas
Lewis
Livingston
Lloyd
Long, La.
Lott
Lowry
Lundine
McCloskey
McDade
McDonald
McHugh
McKay
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Patterson
Pease
Perkins
Peyser
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Seiberling
Shannon
Shelby
Simon
Skelton
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Taylor
Thompson
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Walgren
Wampler
Watkins
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—103

Andrews, N. Dak.
Applegate
Archer
Bafalis
Bauman
Bereuter
Bethune
Brown, Ohio
Burgener
Butler
Campbell
Carney
Cavanaugh
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Dannemeyer
Deckard
Dornan
Edgar
Edwards, Ala.
Erdahl
Erlenborn
Evans, Del.
Fish
Fithian
Fowler
Frenzel
Gingrich
Glickman
Goodling
Gradison
Grassley
Green
Grisham
Hagedorn
Hamilton
Hansen
Holt
Hopkins
Horton
Jacobs
Jeffries
Jenkins
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Loeffler
Lujan
Luken
Lungren
McClory
Marlenee
Marriott
Martin
Miller, Ohio
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Panetta
Pashayan
Paul
Pritchard
Quayle
Railsback
Regula
Rhodes
Ritter
Roth
Rousselot
Schulze
Sebelius
Sensenbrenner
Sharp
Shumway
Shuster
Snowe
Solomon
Stangeland
Stockman
Symms
Tauke
Volkmer
Walker
Weaver
Whittaker
Wydler
Young, Alaska
Young, Fla.

NOT VOTING—73

Albosta
Anderson, Calif.
Anderson, Ill.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Boland
Bolling
Bonker
Broyhill
Burlison
Burton, John
Chappell
Cleveland
Coelho
Conyers
Cotter
Crane, Phillip
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Fenwick
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
Long, Md.
McCormack
McEwen
McKinney
Madigan
Mavroules
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pickle
Pursell
Roberts
Slack
Smith, Nebr.
St Germain
Thomas
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

□ 1255

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 85, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 85, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 249, nays 121, not voting 62, as follows:

[Roll No. 7]

YEAS—249

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Aspin
Bailey
Barnard
Barnes
Beard, Tenn.
Bedell
Benjamin
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Broyhill
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carr
Cavanaugh
Cheney
Chisholm
Clay
Coelho
Collins, Ill.
Corman
D'Amours
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Derwinski
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
English
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hamilton
Hance
Harris
Heckler
Hefner
Hightower
Hinson
Holland
Horton
Howard
Hubbard
Hutto
Hyde
Ireland
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
Kostmayer
LaFalce
Leach, La.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McClory
McCloskey
McDade
McHugh
McKay
Markey
Marks
Marriott
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Preyer
Price
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Shumway
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Tauke
Thompson
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—121

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bauman
Beard, R.I.
Bennett
Bethune
Broomfield
Brown, Ohio
Burgener
Carney
Carter
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Devine
Dornan
Early
Edwards, Ala.
Edwards, Okla.
Erdahl
Erlenborn
Fenwick
Findley
Fish
Forsythe
Fowler
Frenzel
Gingrich
Goodling
Gradison
Green
Grisham
Hagedorn
Hall, Tex.
Hammerschmidt
Hansen
Harsha
Hillis
Holt
Hopkins
Huckaby
Hughes
Ichord
Jacobs
Jeffries
Jones, N.C.
Kelly
Kemp
Kildee
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Livingston
Loeffler
Lott
Lujan
Lungren
McDonald
Maguire
Marlenee
Martin
Mavroules
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.
Pashayan
Paul
Pritchard
Quayle
Quillen
Regula
Rhodes
Ritter
Robinson
Roth
Rousselot
Rudd
Runnels
Schroeder
Schulze
Sebelius
Sensenbrenner
Shuster
Snowe
Snyder
Solomon
Spence
Stangeland
Stockman
Stump
Symms
Taylor
Thomas
Treen
Walgren
Whitehurst
Whittaker
Young, Alaska
Young, Fla.

NOT VOTING—62

Albosta
Anderson, Calif.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Boland
Bonker
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Madigan
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pickle
Pursell
Roberts
Smith, Nebr.
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

□ 1305

Mr. CONTE and Mr. FOWLER changed their vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1310

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 87, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 87, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 119, not voting 60, as follows:

[Roll No. 8]

YEAS—253

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Aspin
Bailey
Barnard
Barnes
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Buchanan
Burton, Phillip
Byron
Carr
Carter
Chisholm
Clausen
Clay
Coelho
Collins, Ill.
Conte
Corman
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Derwinski
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hamilton
Hammerschmidt
Hance
Harris
Harsha
Heckler
Hefner
Hightower
Holland
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Leach, La.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCloskey
McDade
McHugh
McKay
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Runnels
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Taylor
Thompson
Udall
Van Deerlin
Vanik
Vento
Volkmer
Wampler
Weaver
Weiss
White
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Yates
Yatron
Young, Alaska
Zablocki
Zeferetti

NAYS—119

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bauman
Beard, R.I.
Bereuter
Bethune
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Campbell
Carney
Cavanaugh
Cheney
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Devine
Dornan
Early
Edgar
Edwards, Okla.
Erdahl
Erlenborn
Evans, Del.
Fenwick
Fish
Frenzel
Glickman
Goodling
Gradison
Green
Grisham
Hagedorn
Hall, Tex.
Hansen
Hillis
Hinson
Holt
Hopkins
Hubbard
Jeffries
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
Madigan
Marlenee
Marriott
Martin
Mavroules
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.
Pashayan
Paul
Pritchard
Quayle
Regula
Ritter
Robinson
Roth
Rousselot
Rudd
Satterfield
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Snowe
Solomon
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Thomas
Treen
Vander Jagt
Walgren
Walker
Watkins
Whitehurst
Whittaker
Winn
Wylie
Young, Fla.

NOT VOTING—60

Albosta
Anderson, Calif.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Bonker
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Flood
Foley
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pursell
Roberts
Smith, Nebr.
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1315

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON WAYS AND MEANS

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 88, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 88, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 242, nays 122, not voting 68, as follows:

[Roll No. 9]

YEAS—242

Abdnor
Addabbo
Akaka
Alexander
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Aspin
Bailey
Barnard
Barnes
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Broyhill
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chisholm
Clay
Collins, Ill.
Corman
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Derwinski
Devine
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
English
Ertel
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Harris
Hefner
Hightower
Holland
Horton
Howard
Huckaby
Hutto
Hyde
Ireland
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, Md.
Lowry
Luken
Lundine
McDade
McHugh
McKay
Madigan
Markey
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Reuss
Richmond
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Slack
Smith, Iowa
Snyder
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Van Deerlin
Vanik
Vento
Volkmer

Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—122

Ambro
Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Brown, Calif.
Brown, Ohio
Burgener
Carney
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Dannemeyer
Davis, Mich.
Deckard
Dornan
Early
Edwards, Ala.
Edwards, Okla.
Erdahl
Erlenborn
Evans, Del.
Fenwick
Findley
Fish
Fowler
Frenzel
Gingrich
Glickman
Goodling
Gradison
Grassley
Green
Grisham
Hagedorn
Hammerschmidt
Hansen
Harsha
Heckler
Hillis
Hinson
Holt
Hopkins
Hubbard
Hughes
Jacobs
Jeffries
Jenkins
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Loeffler
Lott
Lujan
Lungren
McClory
McDonald
Marriott
Martin
Mavroules
Miller, Ohio
Mitchell, N.Y.
Moorhead, Calif.
Mottl
Pashayan
Paul
Pickle
Pritchard
Quayle
Railsback
Regula
Rhodes
Rinaldo
Ritter
Roth
Rousselot
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Skelton
Snowe
Solomon
Spence
Stangeland
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Vander Jagt
Walgren
Walker
Whittaker
Wydler
Young, Alaska
Young, Fla.

NOT VOTING—68

Albosta
Anderson, Calif.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Bonker
Burlison
Burton, John
Chappell
Cleveland
Coelho
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ga.
Evans, Ind.
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Ichord
Jeffords
Long, La.
McCloskey
McCormack
McEwen
McKinney
Maguire
Marks
Marlenee
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pursell
Roberts
Smith, Nebr.
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wirth
Young, Mo.

☐ 1320

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1325

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 91, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 91, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 98, not voting 67, as follows:

[Roll No. 10]

YEAS—267

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Aspin
Bailey
Barnard
Barnes
Beard, Tenn.
Bedell
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chisholm
Clausen
Clay
Clinger
Collins, Ill.
Corman
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Devine
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harsha
Heckler
Hefner
Hightower
Holland
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Lagomarsino
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lott
Lowry
Luken
Lundine
McClory
McCloskey
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Railsback
Ratchford
Reuss
Richmond
Rinaldo
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Shuster
Simon
Slack
Smith, Iowa
Snyder
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Synar
Taylor
Thompson
Udall
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Zablocki
Zeferetti

NAYS—98

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Bauman
Beard, R.I.
Bereuter
Bethune
Broomfield
Burgener
Carney
Cheney
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Dornan
Early
Erdahl
Erlenborn
Evans, Del.
Fish
Forsythe
Frenzel
Gingrich
Glickman
Goodling
Gradison
Green
Grisham
Hagedorn
Hansen
Hillis
Hinson
Holt
Hopkins
Hubbard
Jacobs
Jeffries
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Latta
Leach, Iowa
Lee
Loeffler
Lujan
Lungren
McDonald
Marlenee
Marriott
Martin
Miller, Ohio
Mitchell, N.Y.
Moorhead, Calif.
Mottl
Pashayan
Paul
Pritchard
Quayle
Quillen
Regula
Rhodes
Ritter
Roth
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Skelton
Snowe
Solomon
Spence
Stangeland
Stockman
Symms
Tauke
Thomas
Treen
Vento
Walker
Whittaker
Wydler
Young, Alaska
Young, Fla.

NOT VOTING—67

Albosta
Anderson, Calif.
Anthony
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Bonker
Burlison
Burton, John
Chappell
Cleveland
Coelho
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Fenwick
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Harris
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Michel
Mineta
Murphy, N.Y.
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pursell
Rangel
Roberts
Rodino
Smith, Nebr.
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1330

So the resolution, as amended, was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON EDUCATION AND LABOR

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 92, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 92, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 201, nays 171, not voting 60, as follows:

[Roll No. 11]

YEAS—201

Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Aspin
Bailey
Beard, R.I.
Bedell
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Buchanan
Burton, Phillip
Byron
Carr
Carter
Chisholm
Clay
Coelho
Collins, Ill.
Corman
D'Amours
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Diggs
Dixon
Dougherty
Downey
Drinan
Eckhardt
Edgar
Edwards, Calif.
English
Erlenborn
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Frost
Fuqua
Gaydos
Gilman
Ginn
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hance
Harris
Hightower
Hinson
Holland
Howard
Hubbard
Huckaby
Hutto
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Lederer
Lehman
Leland
Lloyd
Long, Md.
Lowry
Lundine
McCloskey
McHugh
McKay
Markey
Marks
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Sawyer
Scheuer
Seiberling
Shannon
Shelby
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Van Deerlin
Vanik
Vento
Wampler
Watkins
Waxman
Weiss
White
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Yates
Yatron
Zablocki
Zeferetti

NAYS—171

Abdnor
Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Broomfield
Brown, Ohio
Broyhill
Burgener
Butler
Campbell
Carney
Cavanaugh
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Derwinski
Devine
Dornan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Erdahl
Ertel
Evans, Del.
Fenwick
Findley
Fish
Forsythe
Fountain
Fowler
Frenzel
Gephardt
Gibbons
Gingrich
Glickman
Goodling
Gradison
Green
Grisham
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hansen
Harsha
Heckler
Hefner
Hillis
Holt
Hopkins
Horton
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Colo.
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Luken
Lungren
Martin
Mavroules
McClory
McDade
McDonald
Madigan
Maguire
Marlenee
Marriott
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Panetta
Pashayan
Paul
Pritchard
Quayle
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Rudd
Runnels
Santini
Satterfield
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shumway
Shuster
Skelton
Slack
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Vander Jagt
Volkmer
Walgren
Walker
Weaver
Whitehurst
Whittaker
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—60

Albosta
Anderson, Calif.
Ashbrook
Ashley
Atkinson
AuCoin
Baldus
Barnes
Beilenson
Bonker
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Phillip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Flood
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
Leach, La.
Long, La.
McCormack
McEwen
McKinney
Michel
Myers, Pa.
O'Brien
Oakar
Patten
Pepper
Pursell
Roberts
Smith, Nebr.
Traxler
Trible
Ullman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

□ 1335

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 96, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 96, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 101, not voting 59, as follows:

[Roll No. 12]

YEAS—272

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Ashbrook
Aspin
Badham
Bailey
Barnard
Barnes
Beard, Tenn.
Bedell
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burton, Phillip
Butler
Byron
Campbell
Carr
Carter
Cavanaugh
Chisholm
Clay
Collins, Ill.
Conte
Corman
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, S.C.
Dellums
Derwinski
Devine
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
English
Erlenborn
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Gonzalez
Gore
Grassley
Gray
Gudger
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Harris
Heckler
Hefner
Hightower
Hillis
Holland
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kogovsek
LaFalce
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McClory
McCloskey
McDade
McDonald
McHugh
McKay
Madigan
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Railsback
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Rudd
Russo
Sabo
Satterfield
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stanton
Stark
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Treen
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
Whitehurst
Whitley
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wylie
Yates
Yatron
Young, Fla.
Zablocki
Zeferetti

NAYS—101

Andrews, N. Dak.
Applegate
Archer
Bafalis
Bauman
Beard, R.I.
Bennett
Bereuter
Bethune
Bonior
Burgener
Carney
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Courter
Crane, Daniel
Dannemeyer
Davis, Mich.
Deckard
Dornan
Edwards, Okla.
Erdahl
Evans, Del.
Fenwick
Fish
Forsythe
Frenzel
Glickman
Goodling
Gradison
Green
Grisham
Hagedorn
Hansen
Harsha
Hinson
Holt
Hopkins
Jeffries
Jones, Okla.
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Loeffler
Lott
Lujan
Lungren
Marlenee
Marriott
Martin
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.

Panetta
Pashayan
Paul
Pritchard
Quayle
Quillen
Regula
Rhodes
Ritter
Roth
Runnels
Santini
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Snowe
Solomon
Stangeland
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Vander Jagt
Walker
White
Whittaker
Wilson, C. H.
Wydler
Young, Alaska

NOT VOTING—59

Albosta
Anderson, Calif.
Ashley
Atkinson
AuCoin
Baldus
Beilenson
Bonker
Burlison
Burton, John
Chappell
Cleveland
Coelho
Conyers
Cotter
Crane, Philip
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Flood
Ford, Mich.
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Michel
Myers, Pa.
O'Brien
Patten
Pepper
Pursell
Roberts
Smith, Nebr.
Traxler
Trible
Ullman
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1340

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER. The unfinished business is the question of agreeing to the resolution, House Resolution 98, as amended.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution, House Resolution 98, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 135, not voting 58, as follows:

[Roll No. 13]

YEAS—239

Abdnor
Addabbo
Akaka
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Annunzio
Anthony
Ashbrook
Aspin
Bailey
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burton, Phillip
Byron
Carr
Carter
Cavanaugh
Chisholm
Clay
Coelho
Collins, Ill.
Corman
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
Dellums
Derrick
Derwinski
Diggs
Dixon
Dougherty
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
English
Erlenborn
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frost
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Gore
Gray
Gudger
Hall, Ohio
Hamilton
Harris
Hefner
Hightower
Holland
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kogovsek
LaFalce
Leach, La.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCloskey
McHugh
McKay
Madigan
Maguire
Markey
Marks
Mathis
Matsui
Mattox
Mazzoli
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Railsback
Ratchford
Reuss
Richmond
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Russo
Sabo
Satterfield
Sawyer
Scheuer
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Staggers
Stanton
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Wampler
Weaver
Weiss
Whitehurst
Whitley
Whitten
Wilson, Tex.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Yates
Yatron
Zablocki
Zeferetti

NAYS—135

Andrews, N. Dak.
Applegate
Archer
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Burgener
Butler
Campbell
Carney
Cheney
Clausen
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Daniel, R. W.
Dannemeyer
Davis, Mich.
Deckard
Devine
Dornan
Duncan, Tenn.
Early
Edwards, Ala.
Erdahl
Evans, Del.
Fenwick
Fish
Forsythe
Frenzel
Gephardt
Gingrich
Glickman
Goodling
Gradison
Grassley
Green
Grisham
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Harsha
Heckler
Hillis
Hinson
Holt
Hopkins
Hubbard
Ichord
Jacobs
Jeffries
Jenkins
Kelly
Kemp
Kildee
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Loeffler
Lott
Lujan
Lungren
McClory
McDade
McDonald
Marlenee
Marriott
Martin
Mavroules
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.
Pashayan
Paul
Pritchard
Quayle
Quillen
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Runnels
Santini
Schroeder
Schulze
Sebelius
Sensenbrenner
Shumway
Shuster
Slack
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Vander Jagt
Walker
Watkins
White
Whittaker
Wilson, C. H.
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—58

Albosta
Anderson, Calif.
Ashley
Atkinson
AuCoin
Baldus
Bonker
Burlison
Burton, John
Chappell
Cleveland
Conyers
Cotter
Crane, Philip
de la Garza
Dickinson
Dicks
Dingell
Dodd
Donnelly
Emery
Evans, Ind.
Flood
Garcia
Giaimo
Goldwater
Gramm
Guarini
Guyer
Hanley
Hansen
Harkin
Hawkins
Heftel
Hollenbeck
Holtzman
Jeffords
McCormack
McEwen
McKinney
Michel
Myers, Pa.
O'Brien
Patten
Pepper
Pursell
Rangel
Roberts
Smith, Nebr.
Stack
Traxler
Trible
Ullman
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob
Young, Mo.

☐ 1350

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO STRIKE NAME FROM LIST OF COSPONSORS OF H.R. 1520

(Mr. WAMPLER asked and was given permission to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, I ask unanimous consent that my name be stricken from the list of cosponsors of H.R. 1520.

H.R. 1520 was introduced in the House of Representatives on January 25, 1979. Apparently, a clerical error was made at that time which resulted in my name being added to the list of cosponsors instead of the name of the gentleman from Guam. Because of the similarity of pronunciation of our names it is understandable that such an error could be made, and I am pleased that passage of House Resolution 86 in the 95th Congress amended the Rules of the House of Representatives to provide the means for correction of such errors.

A PROPOSED AMENDMENT TO THE U.S. CONSTITUTION TO BALANCE THE FEDERAL BUDGET

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITE. Mr. Speaker, about 10 days ago, on February 15, I, both as the Representative of the 16th Congressional District of Texas and as the chairman of the Democratic Research Organization, along with 44 cosponsoring Members of the House and DRO, introduced House Joint Resolution 213, a proposed constitutional amendment to make a balanced Federal budget the norm in the management of the Nation's fiscal affairs. We joined in this effort for two significant reasons. First, we are convinced that passage of this amendment would have a salutary effect on the Nation's economic well-being. And, second, as elected representatives of the American people, all Members of the House must recognize—as the 45 cosponsors do—that the American people are strongly in support of such an effort. Therefore, I have written letters to all my colleagues in the House urging them to join with us in cosponsoring this resolution. It will be necessary to mount a unified effort behind a single balanced budget concept with as many cosponsors as possible if we are to expect fruitful legislative action in harmony with public sentiment.

Let me address the second reason we undertook this effort at this time first. Simply stated, while DRO has been studying this problem since 1975, we are introducing this amendment at this time because the time is right. As we now clearly recognize, the American public is convinced that adoption of an amendment to balance the Federal budget is a major step on the road to solving the Nation's economic problems. This is becoming ever more apparent. About a month ago, between January 23 and January 26, according to the New York Times, the Times and CBS conducted a poll which dealt with this question. The Times reports that "the proposed budget-balancing amendment has a remarkable uniform level of support across the country and demographically." Specifically, the poll shows that:

> Seventy-two percent of the Republicans interviewed favored the idea, and so did 74 percent of the Democrats. Among those interviewed who described themselves as liberals, 77 percent favored the idea, and so did 78 percent of those who said they were conservatives. Over all, 73 percent of those interviewed said they approved of the proposed amendment and 16 percent disapproved.

This overwhelming public sentiment in favor of an amendment to balance the budget was reaffirmed in a poll taken by the Associated Press and NBC about 3 weeks ago, on February 5 and 6. This poll showed that 70 percent of the American public favors a balanced budget amendment. Moreover, 71 percent of the interviewees responded that wiping out waste would balance the budget. In other words, the public believes that it would not be necessary to cut programs in order to balance the budget if the waste would only be eliminated. I suspect there is a good deal of truth in this.

But whether this view is correct or not, as representatives of the American people, our response to this overwhelming sentiment should be clear. We should adopt a constitutional amendment to make a balanced Federal budget the norm and submit it to the States for their approval.

This obligation on our part is reinforced by the recognition that adoption of this amendment would have a salutary effect on the Nation's economy. For 17 of the past 18 years the United States has run budget deficits at the Federal level. It is our opinion that this kind of fiscal irresponsibility must be curbed. We have no alternative but to reinforce the budgetary process by making balanced Federal budgets the norm. As I noted in an earlier statement on this matter, we are joined in this assessment by the former chairman of the Federal Reserve Board, Arthur Burns. In a recent interview with Public Opinion magazine Dr. Burns had this comment. Again, I quote Dr. Burns:

> I think we need to introduce some firm discipline into the management of fiscal affairs. Simple majority government had led us into the position in which we now find ourselves—with deficits persisting year in and year out, with inflation itself accelerating in this country at a time when the rate of inflation is diminishing in most other parts of the world. The legislating of deficits by simply majority rule has led to a depreciation of the dollar in foreign exchange as well as in domestic markets. It has led to great uncertainties about the future of free enterprise in our country. It has led also to a lowering of our national prestige.
>
> Whether the rule should be a two-thirds majority in order to run a deficit, or a 60 percent majority, I don't much care. But in view of the experience that we have gone through, something more than a bare majority is needed to regain responsibility in financial and economic management.

The cosponsors of this amendment have tried to do just that—provide for the restoration of responsibility in financial and economic management, while at the same time providing flexibility so that the Federal Government does not find itself in an untenable position. Our amendment provides exceptions to the balanced budget norm in two cases: first, specifically for a congressionally declared state of war; and, second, for any other reason when determined by a two-thirds affirmative vote in both Houses of Congress. Critics of the balanced budget proposal have argued that an amendment without exceptions would provide a fiscal straitjacket, and that attempts to specifically define national emergencies would be too difficult. We agree. We make no attempt to define specific exceptions, but rather provide a procedure for a general exception whenever a two-thirds affirmative vote enacts a discretionary budget deficit. (The disposition of unanticipated budget deficits is also provided for.) The limitations in this amendment are strictly procedural and are self-enforcing. They allow Congress to legislate as it wishes, provided the votes are there.

But, as we noted, we think these procedural limitations would be salutary. Many of us are convinced that it is absolutely essential that the Nation's fiscal affairs be set in order. And for whatever reasons—they seem to have to do with the coalescing of localized, particular political demands—both the executive branch and the Congress have been unable to get a grip on the continuing problems of budgetary deficits. Therefore, we believe that these pressures will be less intense if the Congress has a built-in incentive to assure that spending decisions are made within the context of available revenues unless there is a substantial need—shown by receiving the affirmative approval of two-thirds of both Houses—to depart from the norm.

To this end, I am pleased to advise that in a February 7 press release the chairman of the House Judiciary Committee announced that the committee will hold hearings on the budget balancing amendments. The chairman said he "will not be rushed" and that the hearings must be "thorough . . . deliberate . . . and comprehensive." We agree, but we also think that the chairman must schedule hearings at an early date because the House must not fall too far behind the public on this issue.

Mr. Speaker, the following is House Joint Resolution 213:

H.J. RES. 213

Joint Resolution proposing an amendment to the Constitution of the United States to provide that the level of total outlays of the United States for any fiscal year shall not exceed the level of total receipts of the United States for such fiscal year and for the disposition of unanticipated deficits.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years of the date of the final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except as provided in section 2, the level of total outlays of the United States for any fiscal year shall not exceed the level of total receipts of the United States for such year to the end that the level of the national debt in the hands of the public is not increased.

"SEC. 2. The provisions of sections 1 and 3 shall not apply to any fiscal year—

"(1) if, at any time during such fiscal year, the United States is in a state of war declared by the Congress, or

"(2) if, with respect to such fiscal year, the Senate and the House of Representatives determine, by an affirmative vote of two-thirds of the Members present and voting of each House, to suspend the application of such section of this article.

"SEC. 3. Except as provided in section 4, the amount of any unanticipated deficit in any fiscal year shall, upon its determination, be considered an expenditure of the United States for the first fiscal year following the fiscal year in which such amount is determined to exist. If the amount of such deficit exceeds 2 per centum of the level of total expenditures of the United States for such first following fiscal year, the Congress shall provide for a corresponding increase in the level of total receipts of the United States for such first following fiscal year.

"SEC. 4. The Congress may, in any fiscal year—

"(1) by an affirmative vote of a majority of the Members present and voting of each House, apportion the amount of any unanticipated deficit, upon determination of its existence, or any part thereof, for such fiscal year as an expenditure of the United States over one or more of the four fiscal years following the fiscal year in which such deficit is determined to exist, or

"(2) by an affirmative vote as prescribed in section 2(2), include such deficit or any part thereof in the debts of the United States.

"SEC. 5. The Congress shall have the power to carry out the terms of this article by appropriate legislation.

"SEC. 6. This article shall take effect on the first fiscal year which begins more than three fiscal years after the date of ratification of this article.".

Mr. Speaker, I wish to include the following explanation:

AN EXPLANATION OF HOUSE JOINT RESOLUTION 213, A PROPOSED AMENDMENT TO THE U.S. CONSTITUTION TO BALANCE THE FEDERAL BUDGET

The purpose of this proposed amendment to the U.S. Constitution is to make a balanced Federal budget the norm. Simply stated, the amendment establishes the deliberate, systematic balancing of outlays with receipts as the appropriate standard in Federal fiscal management.

While the amendment contemplates a balanced budget under most circumstances, it recognizes that conditions may require deliberate, discretionary departures from the norm. In time of war, balanced budgets are neither feasible nor desirable. Thus, during time of war declared by Congress, the balanced budget provisions are not binding. Moreover, even in peacetime, circumstances may justify a deliberate departure from budgetary balance. Therefore, the amendment allows Congress to anticipate and provide for a departure from the balanced budget norm based upon an affirmative two-thirds vote of the Members present and voting in each House of Congress. In other words, budgetary flexibility is provided whenever conditions lead Congress, by a two-thirds affirmative vote in each House, to waive the balanced budget norm for that fiscal year. Rather than providing specific exceptions to the balanced budget norm, the amendment provides this general exception dependent only upon the judgment of a two-thirds vote in both Houses.

Further, it is recognized that, on occasion, realized tax receipts during a year may be less than expected and passive deficits will emerge. The amendment provides several procedures for dealing with such unanticipated deficits. The first alternative is that such unexpected deficits, once determined, be considered an expenditure in the budget for the first year following the determination of a deficit. A second alternative provides that Congress may, by majority vote, apportion all or part of the unexpected deficit in the budget(s) over one or more of the 4 following fiscal years. However, in the event the unexpected or the reapportioned deficit exceeds 2 percent of total expenditures of the budget to which it has been allotted, the amendment requires that Congress provide for a corresponding increase in tax revenues. Alternatively, upon a two-thirds vote of the Members present and voting in each House, the Congress may elect to include such unanticipated deficit, or any portion thereof, in the Federal debt rather than treat it as a budget expenditure in the following fiscal year(s).

The amendment also provides that Congress is specifically empowered to implement the terms of this proposed amendment by enactment or repeal of any legislation or statute deemed appropriate. Lastly, the amendment provides for an orderly transition to a balanced Federal budget by prescribing that it goes into effect 3 full years after ratification.

Thank you, Mr. Speaker.

THE MARK HANNA SOCIETY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, there are so many political action organizations in this country that one might imagine there was not room for yet another. However, an appeal which fell into my hands today has changed my mind. There is indeed room for one more. It is called the Mark Hanna Society.

According to this fundraising letter, "the Republican membership of Congress has become too big and too bloated and too soft" and should be cut back.

The organization proposes, in the name of ideologically pure republicanism, to target 15 incumbent Republicans for defeat in the 1980 elections. Who can argue with that?

The letter also makes the observation that—

> Those who do not live in the past are condemned to repeat it, as evidenced by the experience of the Democratic Party since the days of the New Deal.

How true it is. Refusing to live in the past, the Democratic Party has been saddled with majorities in the Congress for 46 of the last 50 years.

Ideological purity is precisely what my colleagues across the aisle must strive for. The Mark Hanna Society is right. It seems particularly appropriate that Mark Hanna, that paragon of 19th century politics, lend his name to the new society.

It is my understanding that the author of this splendid letter is a member of the staff of my esteemed colleague, the gentleman from Ohio, Mr. KINDNESS. In hiring this bright young fellow, Congressman KINDNESS has performed a service to the public discourse.

The grand old minority party is not often accused of either sublety nor satire. But I think all my colleagues on both sides of the aisle will agree that the Mark Hanna Society letter proves that although the GOP may have experienced grave difficulty in ridding itself of these 15 excess members, it has not entirely lost its capacity for self-examination or its sense of humor. Following is a copy of the letter:

THE MARK HANNA SOCIETY,
Washington, D.C.

"Those who do not live in the past are condemned to repeat it."

DEAR FELLOW AMERICAN: This may be the most important letter you receive this year.

Why a Mark Hanna Society?

During the past few years, the Grand Old Party, the party of Mark Hanna, has demonstrated an alarming insensitivity to the principles which freedom loving Americans hold dear.

Frankly, the party seems obsessed with numbers, pursuing such unworthy and superficial goals as achieving a Republican majority in the Congress in a time when millions of Americans are contemplating the teachings of Burke and Hamilton which are so relevant in the context of today's problems.

What I'm trying to say is very simply this: If there's one thing the American people want from their elected officials today it is perfect adherence to conservative principles.

In the words of one of our most successful adherents, ". . . moderation in the pursuit of justice is no virtue."

The members of the Mark Hanna Society believe that those who do not live in the past are condemned to repeat it, as evidenced by the experience of the Democratic Party since the days of the New Deal.

Some would point to sporadic Democratic victories at the polls as an indication that flexibility produces significant political results; but the "successes" are statistically negligible and ideologically meaningless.

In case there is any doubt as to what the Mark Hanna Society represents, allow me to illustrate by outlining our strategy for the forthcoming congressional elections. There are those who would note that the Republican party is outnumbered nearly two-to-one in the U.S. House Representatives.

But only the discerning will examine just what the Republican membership of Congress really means.

Why? Because the Republican membership of Congress represents a wide range of political thought.

That may sound like a good way to broaden a party's base and elect more Republicans to Congress, but it certainly makes for a lot more work in fashioning ratings. And, more importantly, the American people are confused as to what the Republican party stands for.

For instance, when was the last time you heard the G.O.P. referred to as the "party of Hoover"? When was the last time you heard someone say the Republican party was in favor of child labor? When did you last hear someone call the G.O.P. the party of strikebusters? When was the last time someone called Republicans "wooden soldiers of the status quo"?

The American people are confused as to what the Grand Old Party represents. And that's why the Mark Hanna Society is so important.

Because the members of the Mark Hanna Society believe it should mean something to be a Republican, and in an effort to pump some life back into the G.O.P., we are targeting fifteen incumbent Republican Members of Congress for defeat in the 1980 elections.

The timid and unimaginative among us will insist that more Republicans are needed in Congress, but such a gimlet-eyed view of the electoral process (we at M.H.S. call it "adding machine strategy") has very nearly brought our beloved party to its knees.

My fellow American, these are exciting times. It will take a lot of hard work and money to sandbag fifteen incumbent Republicans. The Republican leadership likes to protect its own, regardless of the broader philosophical implications. But there just isn't room for "moderation in the pursuit of justice," at least not in a Republican party of which we can be proud.

If you believe, as we do, that the Republican membership of Congress has become too big and too bloated and too soft, won't you join us now by becoming a charter member of the Mark Hanna Society.

The members of the Mark Hanna Society have never believed there was any relationship between the value of an ideal and whether it could gain acceptance in the marketplace. But because we need to start now in order to defeat fifteen incumbent Republican Members of Congress, we're resisting our introverted impulses and inviting you to join.

All you need to do is send a check for $100.00, payable to the George Washington University (where our executive director is studying geology in order to gird himself for the battle ahead), along with an affidavit affirming your adherence to the principles of the Mark Hanna Society.

The Mark Hanna Society supports Americanism; and opposes gun laws, flouride, welfare, the Panama Canal Treaties, SALT I, SALT II, Morton's Table Salt (When It Rains, It Pours), clean air, marijuana, airplane glue, illegal aliens, acne, consumerism, the Nineteenth Amendment, free love, gay rights, and the disintegration of the family unit.

What will you receive in exchange for your contribution? A wallet sized membership card bearing a printed reproduction of the signature of an obscure Member of Congress, a flood of mail from the Richard A. Viguerie Company, a color photograph of Ronald Reagan, and the music and words to "Look for the Right Wing Label."

And, of course, the satisfaction of knowing that America is secure so long as her vigilant sons and daughters are rumbling on the right.

Remember, those who do not live in the past are condemned to repeat it.

Won't you take a moment now to invest in our Nation's future? Please drop a check in the mail and become a Charter Member of the Mark Hanna Society.

Yours for a better America,
WILLIAM REID MCKENNEY,
Executive Director.

☐ 1210

ASSAULTS ON INTELLIGENCE AGENCIES HAVE DESTROYED MORALE

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, a high-ranking former U.S. intelligence official has told the Arizona Republic that repeated attacks against our intelligence agencies have destroyed their morale.

The official was quoted as saying that intelligence agents were reluctant to pass on known valuable information about the Reverend Jim Jones and his People's Temple cult, because of recriminations against their colleagues who had loyally performed similar intelligence gathering in the past under instructions from superiors.

Mr. Speaker, this is a most serious situation.

Congress must do its part to help reestablish the morale and effectiveness of our intelligence agencies.

This includes extreme care in the consideration of any legislative actions that might further undermine or weaken the ability of the Central Intelligence Agency or the Federal Bureau of Investigation to perform their intelligence functions in the national interest.

I would like to include the news story by Arizona Republic Latin Affairs Editor Harold Milks at this point in the RECORD:

[From the Arizona Republic, Feb. 25, 1979]

INTELLIGENCE AGENCIES TERMED WARY OF MORE CRITICISM

(By Harold K. Milks)

U.S. intelligence agencies have been so shattered by repeated attacks from both Congress and a hostile public that at times they literally "sit on their hands" rather than supply top officials with vital data they think might provoke fresh criticism.

This evaluation was made here Saturday by a former high-ranking intelligence official currently in the Valley. He said the approach of the whole intelligence community in Washington had changed drastically, and for the worse, because presidential administrations had not only permitted but encouraged potshots at them.

"This development has seriously hampered our government's ability to evaluate and act on such major crises as the Peoples Temple mass murders in Guyana, the revolution in Iran and the current Chinese Communist attacks on Vietnam," said the official, who asked not to be identified because he is still active as a consultant.

Two U.S. officials in Washington, asked to comment on the evaluation, said they found no fault with it. Both confirmed that the situation was a source of growing concern in the nation's capital. They asked that they not be quoted.

"We recognize that there is a hesitancy of many intelligence operatives to volunteer information which may be needed," one said.

"And many intelligence officials, when asked to make an investigation which could be delicate, now ask their superiors for instructions in writing as a personal safeguard."

The retired official accused Congress and other critics of intelligence agencies in Washington of applying what he called "retroactive morality" in their attacks.

"They consider what they charge were illegal actions by government agents not on the basis of conditions existing at the time of those actions, but on the basis of moral values as they exist today—and there is a great difference," he said.

He mentioned congressional and other attacks on the FBI for allegedly investigating the late Rev. Martin Luther King Jr., and said these attacks created a reluctance to supply information on Rev. Jim Jones and his Guyana commune "which was available in various intelligence agencies long before the murder of U.S. Rep. Leo J. Ryan set off the deaths of more than 900 people last November."

"But because of their experience in the King case—where agents were threatened with indictment and imprisonment—they apparently sat on the Jones files rather than make them available to the administration."

This, he added, is the "atmosphere of fear and mistrust" which must be dissipated in Washington if our intelligence community is to recover even part of its former effectiveness."

The former official recalled the dismissal of 370 employees of the CIA covert action division during the height of a public clamor against intelligence agencies.

"Certainly each one of these had at least 20 informants available, which means a loss of nearly 7,500 valuable contacts, most of them abroad, to the agency," he said.

Earlier this week Washington reports told of more than 200 resignations from the CIA over the last month, another sign of the low morale in that organization, he said.

Various Washington sources have claimed the FBI investigated Dr. King on direct orders from the late President Johnson, and that tape recordings of those instructions exist.

"The present location of those tapes is unknown but various transcriptions from them have leaked out," the former official said.

The visiting former official described "the good old times" in Washington when officials representing various agencies concerned with intelligence met at various levels regularly, both to exchange data and to cut through the red tape of bureaucracy and make certain that their superiors were fully informed.

"This practice has been sharply reduced," he added. "Now most intelligence people in Washington are busy obeying the common slogan there—"cover your rear"—a reflection of their concern with unwarranted attacks and criticism."

This source attributed down-grading of the intelligence community—including not only the CIA and FBI but the various other military and non-military intelligence groups in Washington—in part to a power struggle between Congress and the executive branch of government, going back as far as the administrations of Franklin D. Roosevelt.

"Roosevelt and some of the presidents who followed him seized powers which Congress formerly held," he said "Now Congress is fighting to get those powers back. In the process they passed various laws which in effect have emasculated many intelligence operations, operations now vital to the security of the United States.

"Because of the Freedom of Information Act and other similar laws, which open once-secret intelligence files to the public, many operatives and their informants find it impossible to operate without great personal risk."

FBI Director William Webster confirmed some of that former official's comments Friday when he told a television interviewer on ABC's "Good Morning America" that the FBI's operations has been restricted by the potential opening of its files to the public under these laws.

"I think our informants' program is down too far," said Webster, when asked the effects of new laws on his organization.

"I don't blame this situation on the type of regulations we do not yet have," Webster added. I blame it in part on the impact on both our informants and the agents who have to recruit the informants on the availability of our files under the Freedom of Information Act.

"And I hope very much that there will be a review in Congress of the impact of this information act on (our) criminal investigation files."

Webster said he was not complaining about the guidelines set up for his agency in the investigation of suspect organizations—a delicate assignment which brought the FBI substantial criticism in the past.

"We must be able to investigate organizations on the basis of one basic standard—are they engaged in acts of violence or are they planning acts of violence against the United States, against one of its institutions, or against civil rights."

Noting that charges had been made against 58 FBI agents, most of them in connection with the investigation of the Weathermen underground, Webster said he had investigated the charges and exonerated all but two, who were censured.

The FBI chief denied that morale within the FBI is low, saying that overall it is "very good". He praised his agents for their solution of all recent hijackings of aircraft and for controlling acts of terrorism without loss of life.

AGRICULTURE INFLATION PROTECTION ACT OF 1979 INTRODUCED

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, today I introduced, together with the Honorable EDWARD R. MADIGAN, a bill entitled "The

Agriculture Inflation Protection Act of 1979." I indicated to Secretary Bergland when he appeared before the committee on February 7, 1979, that I intended to introduce such a bill.

Mr. Speaker, recent events and statistics show that the farmer is still being on the bottom of the totem pole. The prices farmers pay consistently have outstripped the prices they receive.

True, a great deal has been said about the jump in farm income. The Agriculture Department has reported that 1978 net farm income will be up 40 percent over 1977. Wheat prices, say the Department analysts, increased 25 percent.

Compared to what? Not all farmers produce the same products, nor do all farmers farm under the same conditions. While prices for some products are higher, the index of prices grain farmers received for food grains, such as wheat, was 300 in 1974. The index was 195 in October 1978 (1967 equals 100).

Why did net farm income increase so dramatically in 1978? One reason is that 1977 was the worst year on record since 1972. Since 1974, the index of prices received by farmers increased from 192 to 217 in October 1978. At the same time, prices farmers paid increased from 164 in 1974 to 224 in October. So, while many farmers saw their prices increase faster than prices paid last year, the record shows that in each of the past 4 years, prices paid rose faster than prices received. And, if you look closely at the USDA figures, you will see that the index of prices received by farmers in 1975, 1976, and 1977 was below the 1974 levels.

Is it any wonder farmers are upset? Even if net farm income does reach $28 billion in 1978, that is not saying much. If you expressed that income in 1974 dollars, you would need a 1978 net farm income of about $32 billion just to break even.

In 1977 Congress gave to the administration—at its request—broad powers to set loans, establish target prices, provide for set-asides, divert acreage, et cetera. Largely at the administration's insistence, these powers were aded to in 1978 when Public Law 95–279 expanded on set-aside and target price authority delegated to the Secretary. The Congress was led to believe that providing the Secretary of Agriculture with all the reins of authority would result in greater prosperity for farmers. It has not worked that way as our farmers have testified.

American farmers ask me why they should suffer in a world of protectionism and closed markets such as those in Europe and the Far East. My constituents from the Farm Belt ask me why U.S. domestic policies are dominated by a cheap food policy for consumers at the producer level and why our international diplomacy uses food as a foreign policy tool rather than establishing the Secretary of Agriculture as the aggressive spokesman for farm product export expansion and a farm economy that is internationally competitive and that combats foreign protectionism.

It seems to me that a Government that has asked for and been given the broadest kind of delegated authority to manage production, commodity stocks, loan levels, target prices, countervailing duties, tariffs, et cetera, should be able to give farmers some protection against food grain prices that force them to lose money.

This is not a costly bill. It will cost less for the 1979 crop than that $1.2 billion that the administration says it needs for the expanded food stamp and WIC programs. The costs for the 1980 wheat and corn crops may be somewhat higher, but USDA voluntary increases in wheat and corn loan rates could decrease the amount of deficiency payment costs as we move into that 1980 crop year.

In its budget projections for fiscal year 1980, the administration has projected good weather, high farm prices, and high export demand for 1979 feed grains crops. If the administration is confident of its projections—as I must assume it is—then this reasonable inflation rate increase in target prices contained in this bill should not have any substantial impact on the budget.

Mr. Speaker, now is the time to protect the American farmer against inflation—just as the other segments of the economy. We have already built enough grain elevators and grain bins to hold our excess production. This is not a grain terminal or warehouse storage relief bill. It is designed to give inflation protection to farmers.

President Carter did not ask labor and business to roll back prices and wages. He asked them to limit increases to 7 to 9.5 percent. It seems only fair to give farmers the same treatment. They represent the best qualities of both laborers and businessmen. For that reason, I am introducing the Agriculture Inflation Protection Act today to give farmers a 9.5-percent increase on their wheat and corn target prices for the 1979 crop. The established price for wheat would be $3.72, a price which, incidentally, equals the USDA's average cost of production. The established price for corn would increase to $2.30, still below USDA's cost of production estimate of $2.62. The Secretary of Agriculture would have the discretionary power to adjust the target prices for other feed grains accordingly. In future years, the target price would escalate or fall in accordance with the Consumer Price Index or the index of prices farmers paid, whichever is greater.

Why should farmers receive this sort of protection? Ask the farmer in my district who saw 22 price increases for refined fuels in 1 year. The total increase was 18 percent.

Or, you could ask the country lawyer in my district who prepares roughly 200 farm income tax returns a year for area farmers. His records show that the average net farm income in his area was $15,768 in 1974; $9,918 in 1975; $4,741 in 1976; and $4,783 in 1977.

You might want to read the Kensley, Kans., Mercury to see the reported declines in sales tax revenues as farm income has dried up. The declining High Plains farm economy goes far beyond the farm. It spreads to small towns, to local units of government, to the cities, and on to Washington. People who do not make money do not pay taxes.

Currently, the cost of production formula in existing law does not escalate adequately to compensate for inflation. In fact, the wheat target price would have dropped several cents this year had not the Secretary of Agriculture imposed a set-aside.

If that set-aside is to work, farmers must participate. Last year, only 71 percent of the wheat farmers and 42 percent of the corn farmers participated in the set-aside program. A higher target price, such as is contained in this bill, would have encouraged more farmer participation. This bill would do this.

It also would change the deadline for announcing a feed grain set-aside from November 15 to October 15. This would give farmers more time to prepare for the next year's crop.

Mr. Speaker, now is the time to protect the American farmer against inflation so that he can continue to produce abundant quantities of reasonably priced food. I urge support for this bill I am introducing today.

NADER'S NOSE IN CLEVELAND

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Ralph Nader, the self-appointed expert on everything, has seen fit to interject himself into the dilemma of Cleveland and predictably blame the "robber barons," the banks.

The Wall Street Journal today editorialized this situation in a manner that should be helpful to all who do not shake with fear when Nader speaks.

Mr. Speaker, the editorial follows:

CLEVELAND FANTASIES

Cleveland's referendum tomorrow has revived a national brand of neurosis we thought had nearly petered out. Mayor Dennis Kucinich has found a ready audience for his campaign themes in the op-ed page of the New York Times and the news columns of the Washington Post, and a new champion in Ralph Nader. The theme is a neopopulist dreamworld in which Cleveland's default is a struggle of the "little guy" against the "robber barons."

Mr. Nader has flown to Cleveland, where he has among other things labeled its black city Council President an "Uncle Tom" for differing with the Nader-Kucinich view. The Washington Post's reporter has been on the scene explaining local politics as a question of "people power" versus the "shadow government" of local businessmen. The Times carried a column of the same ilk by one of Mayor Kucinich's Cleveland supporter's.

You would not guess from all of this that the problem is that the Cleveland banks—the "robber barons"—have used their shareholders' and depositors' money to loan the city government $14 million more than it can repay. It has defaulted on this amount in notes, plus another $3 million it owes its employe pension funds.

The reason the government can't repay is that its politicians spent the $14 million passing out more in favors, which are popular at election time, than they have been willing to raise in taxes, which are unpopular at election time. The city is running more than a 20% deficit in this year's general fund. In addition, it discovered that previous administrations had left a hidden deficit of $40 million. The banks refused to lend more money, and the city was unable to pay what it already owed.

In tomorrow's referendum, Cleveland voters will pass on two proposals to solve the impasse. One is a 50% increase in the city income tax, to be used as backing for new loans to roll over the defaulted notes and replenish misallocated bond funds. The other is the sale of Muny Light, a municipal electrical utility serving about 20% of Cleveland. Muny Light has been a particular drain on the city budget; the Chamber of Commerce calculates it has cost $40 million in cumulative subsidies.

Mayor Kucinich, whose political support is centered in the white ethnic wards served by Muny Light's subsidized rates, continues to oppose the sale with all the considerable rhetoric at his command. Muny Light's deteriorating generating plant has been closed down for two years, and its electricity is purchased from the Cleveland Electric Illuminating (CEI), its investor-owned rival. A previous city administration negotiated the sale of Muny Light to CEI, on terms that would have balanced the city budget for at least a while. Mayor Kucinich campaigned against the sale and cancelled it when he took office.

It takes some imagination to transmute these facts into a major neo-populist battle. Messrs. Kucinich and Nader do it by claiming that the banks, particularly Cleveland Trust, refused to roll over the city notes as part of a plot to force the sale of Muny Light. Mr. Nader goes so far as to say, "A major bank in Cleveland was not willing to settle for normal credit-worthiness standards in making a loan to the city." Credit-worthy? The Cleveland budget? In a flash of light we see the true frame of mind behind the advice Mr. Nader has given us these many years.

We wouldn't exonerate the Cleveland business community entirely, however. It should have spoken up long ago to puncture the fantasy world at City Hall. Even now, the lesser banks in town are hiding behind the skirts of Cleveland Trust, dodging responsibility for a decision that was absolutely demanded by their fiduciary duties. We can understand their reluctance to get dragged into the city's low-level politics or give a convenient target to the demagogism of Mayor Kucinich. But they've been left to make unpopular decisions, denying loans first to the school board and then the city, without making an effective public defense.

Still, it's hard to believe that the bizarre and often comic Kucinich administration really reflects the wishes of the average Clevelander. We can see the voters going three ways on tomorrow's referendum: no on the tax increase to avoid stifling the economy, and yes on the Muny Light sale to balance the budget. Or, yes and yes, to be fiscally responsible and because Cleveland's tax rate isn't that high. Or, no and no, to throw the city into the hands of the state, which would probably run it better. The only truly indefensible combination, yes and no, is the one advocated by Mayor Kucinich.

Whatever the outcome, the referendum presents a fascinating spectacle of the lingering appeal of Mayor Kucinich's fantasy. The Mayor lives in his own pleasing dream world, but the rest of us should keep some eye on reality.

GUILTY UNTIL PROVED INNOCENT? IS THIS THE NEW NUCLEAR "DEMOCRACY" IN AMERICA?

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last night there was shown on Public Broadcasting Television a film entitled "Paul Jacobs and the Nuclear Gang," a distorted, misleading, and intemperate attack on the whole field of nuclear activities in the United States—nuclear energy as well as nuclear weaponry. Films such as this make one wonder if America's opinionmaking community is capable of balanced, rational thought on this important subject; or if emotion and nonsense have already taken over when it comes to the important and difficult decisions our country will have to make in the closing years of the 20th century.

As a result of this distorted presentation, paid for by public funds and public contributions over a network created presumably to replace hype and hucksterism with solid facts and sane reasoning, I am constrained to make some modest observations of my own, Mr. Speaker.

Let us begin at the beginning. Let us not forget, Mr. Speaker, that while nuclear weapons ended World War II, they also put an end to any need for American Armed Forces to storm their way ashore on the home islands of Japan.

It was estimated after the war ended that an additional 1 million casualties and 100,000 "excess" deaths—to use a term that the television show employed—in another context—were prevented by the Japanese surrender. Many of those excess deaths would have been inflicted on American servicemen. I know, because I was one of those slated to go in on that invasion, Operation Coronet it was called, if my memory serves me correctly.

By the end of World War II Russia was also well on the way to a nuclear weapon, using national technical competence plus stolen American secrets—stolen by Americans, incidentally. Russia, not the United States, was the first to demonstrate that thermonuclear weapons—fusion weapons—would detonate in the multimegaton range.

Under a U.S. plan proposed in the United Nations in the 1940's—the Baruch plan—all nuclear weapons would have essentially been eliminated. The Soviets said "Nyet" and so the number of nuclear weapons proliferated. The cold war was getting hot. Should President Truman have unilaterally stopped testing and destroyed the U.S. fledgling nuclear weapons stockpile while the Soviets were continuing to test ever higher yield weapons in the atmosphere? The film did not bother to face up to that question.

It is common knowledge that tens of thousands of Americans actively participated as crews in U.S. atmospheric nuclear tests at the Pacific Ocean and continental U.S. test sites. Some hundreds of thousands of others were observers in the years from 1946 to 1958 and 1961 to 1963. No U.S. tests were conducted, however, during the United States-Soviet moratorium of 1958 to 1961.

In 1961 the Russians abrogated that moratorium. They also detonated the largest known nuclear weapon, a "dirty" 58 megaton gravity bomb exploded over Novaya Zemlya, an island in northeast Russian Europe, in the Arctic Ocean between the Barents Sea and the Kara Sea areas. The fallout from that weapon liberally sprinkled a vast area of Russia. But the Soviets must be a hearty lot, for we have never heard of any potential excess cancer deaths being attributed to fallout from any of the hundreds of Soviet atmospheric tests conducted in the forties, fifties, and sixties. Nor have we ever heard that any Soviet Naval personnel or shipyard workers were affected by low-level radiation from nuclear propulsion plants or repair facilities. Nor have we ever heard that any Soviet citizen has been affected by the Soviet commercial nuclear power programs.

Can it perhaps be that we in the United States never hear about cancer or other illness associated with radiation exposure in Russia because there is no association; there is no proof; there is no freedom of the press; or all of the above?

But we do hear an awful lot about the association of illness and radiation in the United States. There are many well-intentioned, antinuclear people, plus many, many lawyers, who are trying to find a close relationship between low level nuclear radiation, fallout from nuclear testing in the 1950's, and cancer. Their hopes for denuclearization, and huge monetary settlements from the Federal Government, certainly must have been whetted last night by that film I have referred to, as sad a piece of trash, facetiously called a documentary as has ever been foisted on the American people, the film "Paul Jacobs and the Nuclear Gang."

An interesting review of this film, written by Bill Curry, appeared in the Washington Post on Saturday, February 24. I believe the Curry piece will probably be about the most fair evaluation we can expect of that kind of vicious propaganda so adored by social activists and other assorted liberals. Jacobs referred to himself as a social activist, which is what Curry also calls him. I would use another characterization—anti whatever the United States has ever done in nuclear activities once the Rosenbergs were executed for giving nuclear data to the Soviets.

To make the point in another way, I cannot recall a single instance when Jacobs castigated the Russians, the People's Republic of China, the French, or the British for also conducting atmospheric testing or possessing nuclear weapons. Nor am I aware of a single polemic uttered by Paul Jacobs against the Communist Chinese who have continued atmospheric nuclear weapons testing since their first test in 1964, a period of 14 years. U.S. atmospheric testing really started in 1946 and continued for a total of 14 years. Our tests were bad news; the Chinese test, one must assume, were OK for Mr. Jacobs. Certainly he was aware that fallout from the Chinese tests was sprinkling the Japanese as well as the United States. Was Mr. Jacobs therefore an apologist for the Communist countries, or was his "national" guilt, because the United States used nuclear weapons against the Japanese, strong enough to make him hate only U.S. nuclear activities? One wonders.

A democracy demands many freedoms, rights, and precepts for those under its mantle. I cite two—freedoms of the press and the right to be considered innocent until found guilty by a jury of one's peers. That we have freedom of the press is obvious. No country that was not a democracy would be likely to permit and even fund a vicious, one-sided diatribe against that country's efforts to preserve its own freedom, to be presented on television, let alone on a television network supported by public funds.

Yet how strange it is that those who most violently cite freedom of the press as an inalienable right are also found among those who most often forget the principle of innocent until proved guilty. The makers of the Jacobs' film take the guilty stand that because Jacobs said it and Jacobs is dead, then it is so. Is our American democracy entering a new phase called "guilty by conjecture" at least wherever nuclear activities are concerned?

Curry writes that a

> growing body of scientific evidence now indicates, after 25 years of governmental denials, that the United States did sustain civilian casualties of this atomic warfare.

Curry said "did sustain." Elmer Jacobson's doctor told Curry that the fallout which is supposed to have "burned" (a very strong word) Elmer Jacobson's face "very probably" caused a subsequent thyroid cancer. Why did the doctor not say, like Curry, it did cause Jacobson's cancer?

I wonder, too, who besides Paul Cooper saw soldiers lighting up like X-rays at the Smoky tests. I am not even sure I know how one "lights up" like an X-ray. Dr. Mancuso—there were at least five shots of him—was fired from the Federal research program which was trying to establish any verifiable link between low level radiation and cancer, because after 14 years he had not published any results. Mancuso's incompetence is well documented in the General Accounting Office report: "Review of the Department of Energy's Controversial Termination of a Research Contract," January 2, 1979, EMD–79–21.

Jacobs is one of hundreds of thousands who die each year from cancer. Did Jacobs as a boy perhaps go to a Thom McAn shoe store on Saturday afternoon to look through the fluoroscope machine screen at the bones in his feet? Since Jacobs had lung cancer, has it been established whether he did or did not smoke? Who else, besides Jacobs, wandered through a "hot spot" in the Nevada desert and developed lung cancer? Did Jacobs or Cooper or all the others ever get dental X-rays from uncalibrated and poorly maintained X-ray machines? Did they ever get radium or cobalt treatments? Is there proof that the supposed fallout victims did not get radiation doses from other sources? None of these questions are treated or even raised in the TV film.

If the fallout from testing is supposedly so deadly, how does one explain the fact that there were so many thousands of survivors at Hiroshima and Nagasaki who were caught in the open in the primary nuclear radiation detonation zone?

Curry calls this vicious antinuclear diatribe a powerful documentary. He writes so well that I am astonished by his misuse of the word documentary. Webster defines documentary as broadly factual or objective. Curry recognized that the Jacobs film was neither factual nor objective. Here is his comment:

> There is, however, a troubling aspect to "Paul Jacobs and the Nuclear Gang." At some point, very subtly, this documentary becomes a wide attack on those seeking to bring nuclear weaponry and energy into our lives. Powerplant protests at Seabrook, N.H., become part of a story on the absurdity of how atomic weapons were tested. Can they be so easily lumped together? It is impossible to render that judgment.

How can America continue as a democracy if we fight for freedom of the press but permit that freedom to be subverted by condemning as guilty without trial, those with whom our media representatives disagree? We live in a world today in which the Soviet Union has assembled a warmaking capability relatively greater than anything known from the beginning of history. There has never been a nuclear confrontation between the United States and the U.S.S.R., and that is because we have tested and maintained a semblance of nuclear equality. But do not count on the blessing lasting if we allow our nuclear strategic forces to decline in either quality or quantity vis-a-vis the Soviets.

For those who did not see the film, I am attaching Mr. Curry's review:

[From the Washington Post, Feb. 24, 1979]

Under a Mushroom Cloud—"Paul Jacobs and the Nuclear Gang"

(By Bill Curry)

They called our school Pleasant Ridge elementary and it sat on a hill in Cincinnati, Ohio, and one day in the 1950s, probably after our mothers quit going there to roll bandages for the Korean War, the workmen came by and put a big yellow thing on the roof.

It was the Civil Defense siren and it was to warn us of the time when the Communists were going to nuke all of us in Pleasant Ridge to smithereens. We practiced for it by going down to the basement where we were to Be Quiet and stand along the whitewashed concrete walls where, we had learned from our CD films, our chances were best. Then the all-clear siren would sound.

And on Sundays we would watch "The Big Picture" on television and the U.S. Army would tell us in no uncertain terms what they were doing to protect us. We saw the film clips of the A-bomb tests going off and blasting buildings off the face of the earth. Just like the bombs would have done to Pleasant Ridge elementary school in Cincinnati, Ohio.

But a growing body of scientific evidence now indicates after 25 years of governmental denials, that the United States did sustain civilian casualties of this atomic warfare.

Their names are etched on the headstones in the little cemeteries in rural Utah, Arizona and Nevada, and they were casualties not of Soviet or other enemy nuclear weapons.

They were, apparently, American casualties cf American bombs.

No one told them to go stand in the basement of their local school, so while the kids walked to school and the ranchers herded their cattle and the women worked in their gardens, the Atomic Energy Commission rained radicactive fallout on them from more than 80 weapons tests from 1951 to 1962 at the Nevada proving grounds.

Then they would drink the milk from their own cows or from local dairies, and nobody knows how much bomb-test radiation they got along with it.

The childhood leukemia rate in Utah jumped after the bomb tests began and fell when they ended. Some of the soldiers on "The Big Picture" who were playing war on the Nevada desert under a bright nuclear neon light also suffered leukemia.

All of this can be said now in 1979 because a growing legion of journalists, scientists, politicians and fallout zone residents have revealed the extent of a quarter-century of death and illness—and the U.S. government's unwillingness to acknowledge or even ascertain the consequences of the testing program.

But it has been said before, 22 years ago when social activist and journalist Paul Jacobs spoke and few listened and nuclear criticisms were said to spring from "scare stories" that were "Communist inspired."

On Sunday night at 8 on Channel 26, Paul Jacobs speaks his last words on the subject in a powerful one-hour documentary that is a wide-ranging and one-sided attack on all things nuclear. They are Paul Jacobs' final words because the reporter had become an unwitting and tragic participant in his story: Paul Jacobs was dying of cancer that he believed he contracted from his exposure to radiation while reporting in the fallout zone in 1957.

And he died before his documentary, "Paul Jacobs and the Nuclear Gang" was completed.

Others in the film have also died since they were interviewed—Helen Reichman, Max Brinkerhoff, Elmer Jackson, Paul Cooper. It is compelling television, these people telling of their exposures to radiation and the illnesses that would strike them dead soon after.

Few scenes have the emotional draw of a dying Paul Jacobs interviewing a dying Paul Cooper, the soldier exposed to radiation at a 1957 test blast called Smoky. Cooper is propped in bed, living on tubes and just about dead.

And it is almost Strangelovian to hear these cancer victims' testimony interspersed with Official Explanations from a Defense Department employe with a German accent saying: "National security demanded what was done . . . the Army did the proper thing."

Meanwhile Paul Cooper talks of soldiers lighting up like X-rays at Smoky.

In fact, much of the strength of this program comes from such editing—we are actually hearing a dialogue between the people and their government with sparse, sometimes too sparse, voice-over narration.

"Paul Jacobs and the Nuclear Gang" is, nevertheless, a highly successful start for the Public Broadcasting System's "Non Fiction Television," a series of 12 programs produced under the Independent Documentary Fund. The fund was established last year with $500,000 in grants from the Ford Foundation and the National Endowment for the arts to finance such programs by independent producers.

Without slighting this program though, it is clear that much of the best and most persuasive footage is that which was produced by the federal government itself. The '50s were, after all, great theater.

Official government footage from the '50s shows the whirlwind destruction of the test blasts—followed by soldiers walking out to ground zero. A narrator reminds us as the troops march out, almost with envy, "the mushroom cloud [is] still hanging in the air."

It doesn't even look like it makes sense.

Then there's the Atomic Energy Commission film clips showing placid scenes of St. George, Utah, the American Hiroshima. A mother feeds her baby, another hangs wash, husbands go to work. It is a recreation of the day in May of 1953 when radioactive fallout from test blast Harry drove residents indoors for hours, covered their cars with fallout that had to be washed off, sent Helen Reichman to bed with radiation sickness and burned Elmer Jackson's face.

(His doctor in Salt Lake City has told me this exposure very probably caused Elmer Jackson's subsequent thyroid cancer.)

And the AEC film continues: "Actually, when the invisible cloud had passed, the total amount of radiation deposited on St. George was far from hazardous. Then, you may ask: 'Why were the people asked to stay indoors?' For a very simple reason. The Atomic Energy Commission doesn't take chances on safety."

It doesn't even sound like it makes sense.

Finally, there is "The Big Picture," reporting to us on soldiers running out there under the mushroom cloud, a sequence so patently poor in its amateur acting that only a frightened nation could believe it. But it raised nuclear weapons to the altar of a religion.

"First of all," a chaplain tells a fellow soldier in a trench "one sees a growing, very bright light, followed by the shock waves and then you hear the sound of the blast. Then you look up and you see the fireball, as it ascends up into the heavens. It contains all of the rich colors of the rainbow . . . it's a wonderful sight to behold."

This footage helped set a national mood against which these atomic test bombs were detonated.

There is, however, a troubling aspect to "Paul Jacobs and the Nuclear Gang." At some point, very subtly, this documentary becomes a wide attack on those seeking to bring nuclear weaponry and energy into our lives. Power plant protests at Seabrook, N.H., become part of a story on the absurdity of how atomic weapons were tested.

Can they be so easily lumped together? It is impossible to render that judgment. But it is impossible to forget that the experts criticized Paul Jacobs 22 years ago. Said he jumped to conclusion, didn't know what he was talking about. They recited their knowledge and credentials, gave us their assurances and crossed their hearts and hope to die that everything was okay.

This is the bead-string that Paul Jacobs sees tying all the little nuclear pearls together. From A-bomb tests to weapons manufacturing to nuclear submarines to atomic power plants, his Nuclear Gang told the nation then—and tells it now—not to worry.

"All the predictions," Jacobs says in the final moments of his documentary and of his life, "have turned out not to be true," whether it be health hazards from fallout or the disposal of nuclear power plant waste.

His unstated question is whether the pressures to develop energy in the 1970s will be as great as the pressures to develop nuclear bombs in the 1950s. Will fear do today what it did then, and will it be 2004 before some bill comes due?

His answer is an implicit yes, but Jacobs does not say it. Rather, those who finished his documentary after his death allow one of those in the so-called Nuclear Gang itself to answer. He is an official of the Rocky Flats nuclear arsenal near Denver where triggers are made for atomic weapons and after he recites a list of atomic outrages he says:

"We look back at those things and say let's not let them happen again. They were done under the contingencies of the time, and, therefore, I'm not sure we can call them mistakes, but things that we would do differently by virtue of more information at this time."

That is the message of "Paul Jacobs and the Nuclear Gang." If it is an excess, it is perhaps because Jacobs the reporter did become Jacobs the participant, with his terminal cancer.

He could be wrong or he could be right.

FIRST STEPS TOWARD PROTECTING THE AMERICAN PEOPLE

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, President Carter has announced that this administration has recognized that civil defense is an element of the strategic balance, and that it can serve to enhance deterrence and stability—in conjunction, of course, with our strategic offensive forces. Mr. Jody Powell said at a press conference last November that while the administration does not see civil defense as a crash program, it would "involve a moderate increase in funds over the next several years to give us a * * * greater capability to protect larger numbers of our population, in the event that deterrence fails."

That was the good news. There is other, more recent news, however, which seems to me to be less good. That is the message contained in the President's budget.

The request for civil defense is for $108.6 million. Now that is a real increase over the current, fiscal year 1979 level of $96.8 million. It is indeed a "real growth" increase of 6 to 7 percent over inflation. And that, I suppose, could also be considered good news, in a year of the utmost fiscal stringency. But let us be very clear that the current fiscal year 1979 budget level—of around 45 cents per capita—is the smallest amount the United States has invested in civil defense since the program began in 1951. So a 6- or 7-percent increase over that token level still amounts to tokenism.

Whatever became of the $145 million program we heard of in the press last December? Is the administration indeed committed to an orderly, deliberate improvement in our civil defense posture, to "enhance deterrence and stability," or has that commitment been aborted?

In this context, it seems to me that the responsibilities of the Congress are quite clear. I believe that this House—as well as our colleagues in the other Chamber—should proceed as follows:

We should carefully consider the arguments for and against civil defense.

We should consider the hazards we may face in the next decade, and the role of civil defense in our Nation's strategic posture.

We should consider the views of the American people.

If we conclude that the President's decision was sound—that our people need and deserve more than a token level of civil defense—we should make it crystal clear to the President and the executive branch that we can no longer make do with token civil defense, and that the $108.6 million request for fiscal year 1980 makes sense only if it is the first small increment of an austere but sensible program.

We should examine carefully the new initiatives contemplated in the proposed civil defense budget for fiscal year 1980, and recommend and support those additional initiatives we believe to be necessary.

I should like to submit, for this body's consideration, my views on the issues I have just outlined.

First, as to the need for civil defense, it seems to me clear beyond the slightest doubt that the United States cannot continue in the 1980's as we have done hitherto—leaving our population virtually naked and unprotected should the unthinkable occur and deterrence fail—by accident, miscalculation, or unintended escalation.

It is certainly true that no nuclear weapon has been detonated in anger since 1945, and we all trust and pray that none ever will be so detonated. But we all know, too, that the strategic environment today and in the future is not what is was in the 1950's, the 1960's, or until recently.

America is no longer the world's paramount nuclear power. We have arrived at an age of strategic parity, or rough equivalence. The Secretary of Defense noted in his annual report to the Congress last month that "* * * the Soviets will have at least the hypothetical capability, in the early to mid-1980's, to destroy a large percentage of our ICBM silos, non-alert bombers, and SSBN's that might be in port. * * *" He added that "* * * it would be unacceptable not to take measures to correct our impending vulnerabilities."

I submit that a present—not "impending"—vulnerability that must also be corrected is that of our population. The time for studies is past. It is now time for action.

It is clear to each of us, and indeed to all of our people, that the world is an uncertain place, and apt to become more uncertain in the 1980's, not less. The potentials for catastrophe in the Middle East need no elaboration. If the Balkans were so rightly regarded as the powder keg of Europe in the years before the catastrophe of the First World War, what can we say of the Middle East today? There was, after all, no vital resource in the Balkans analogous to the petroleum of the Persian Gulf, on which the Western World so critically depends. Yet the ignition at Sarajevo of the Balkan powder keg led to the conflagration which destroyed three great empires and spawned Bolshevism, Fascism, and Nazism and thence the Second World War.

Prof. Samuel Huntington, director of the Harvard Center for International Affairs, and until last summer a member of the National Security Council staff, put the case for civil defense in simple and direct terms in testimony last month to Senator PROXMIRE's Committee on Banking, Housing, and Urban Affairs:

> In Soviet military thinking, the threat to commit suicide does not constitute meaningful deterrence. Effective deterrence has to involve not only the ability to inflict damage on the enemy, but also the ability to limit damage to oneself.
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> By their words and actions, the Soviets have shown that they believe civil defense to be a critical element in deterrence. Given their belief, whether warranted or not, in the efficacy of civil defense, they can only perceive the United States as being weaker for the absence of such a program. Given the importance they attach to damage limitation as a necessary element in a deterrent posture, they cannot assign a high level of credibility to a deterrent policy which does not attempt to limit damage to U.S. society if that policy had to be implemented. A substantial asymmetry in survivability between Soviet and American societies in the event of nuclear war can only encourage the Soviets to question the seriousness of U.S. purpose and hence also encourage them to follow a more adventurous policy.
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> In an age of strategic parity, the greater the vulnerability of American society, the less the credibility of the U.S. strategic forces as a deterrent to Soviet military action in Europe or elsewhere. A civil defense program designed to enhance U.S. survivability strengthens deterrence by reassuring our allies on the continued meaningfulness of the nuclear coupling and conveying to the Soviets the seriousness of our commitment.
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> A meaningful civil defense program could also help to maintain stability, provide additional options, and furnish additional time for negotiation during a major crisis. It could significantly reduce the possibility of the Soviet Union attempting to coerce the United States in such a crisis. In the absence of a population relocation capability, if the Soviets began to evacuate their cities, the United States would be confronted with the alternatives of either launching an attack while the evacuation was in process, thereby initiating nuclear war and the assurance of massive retaliation on vulnerable U.S. population, or allowing ourselves to be placed in a bargaining position vis-a-vis the Soviets in which the more vulnerable U.S. population would be held hostage by Soviet weapons.
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> These considerations led me to the conclusion which I stated at the beginning of these remarks: a program to develop plans and preparations for the evacuation and dispersal of urban population is a necessary and desirable component of U.S. defense posture in the 1980s. The central thrust of our policy has to be the preservation of our security and that of our allies through the prevention of nuclear war. If that policy should fail, however, possession of an evacuation capability would be absolutely essential in a nuclear crisis, a limited nuclear exchange, or an all-out nuclear war. The development of such a capability requires an increase in our average annual civil defense expenditures between now and 1985 from the current level of about $100 million per year to slightly over $200 million per year, a modest insurance premium of roughly one dollar per person per year. Expenditure of this relatively small sum will enhance deterrence, provide additional options and time in a period of crisis and escalation, and, most importantly, in the event war comes save tens of millions of lives.
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> In conclusion, there is perhaps a parallel between an evacuation capability for our cities and lifeboats on an ocean liner. The mere fact that the lifeboats exist will not lead the ship's captain to take additional risks with his ship in bad weather or treacherous seas.
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> Nor will the lifeboats prevent the ship from being totally destroyed by collision with a reef, iceberg, or other vessel. Nor will the lifeboats necesarily insure even the immediate survival of all the people on board.
>
> Nor will they necessarily insure the prolonged survival of those who do successfully abandon the ship in them: the lifeboats themselves may be swamped; supplies may give out before the survivors are rescued; exposure, injury, and exhaustion may take their toll. Nonetheless, the lifeboats do offer the prospect that, in the event the ship sinks, at least some people will survive for some while and that with luck a good number may survive to sail again in another vessel.
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> In any event, no one would want to cross the oceans in a ship without lifeboats. In parallel fashion, simple prudence dictates that the United States should not attempt to cross the uncertain and troubled waters of the 1980s without the capability to evacuate its urban population in the event of catastrophe.

These views by Professor Huntington, in my judgment, do no more than state the obvious. Who could dissent from these propositions, embodying, in my view, only simple prudence?

Some can and do dissent. At the same January 1979 hearings, Mr. Paul Warnke, until lately Director of U.S. Arms Control and Disarmament Agency, stressed that in his opinion, civil defense could make no meaningful contribution to the survival of a nation subjected to nuclear attack.

> Evacuation would be no answer. Subway systems could not take the people outside the environment of burn-out and intense radiation. If significant numbers were to get to rural areas, they would find neither the places to stay nor the means to assure their survival in a countryside strained to support millions more with much less.
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> Against these inescapable facts, it is, I submit, meaningless to speculate about possible discrepancies in relative fatalities. No rational leadership could subject its country to the unexampled devastation that would be punishment for the monstrous crime of initiating a strategic nuclear war. As a practical matter, civil defense can have no actual debilitating impact on the retaliatory capability of either side.
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> There can, in my opinion, be no question of the fact that the Soviet leadership must recognize the futility of the Soviet civil defense effort as a means of protecting Soviet population, industry and infrastructure. The Soviets cannot be judged as so blind and so reckless as to assume that any present or prospective shelter program or any fond hopes of speedy evacuation to safe zones may make it possible for them to utilize strategic nuclear war as a means of achieving political objectives.

Even in the context of these views, Mr. Warnke did allow that:

> As some modest insurance against the dread danger that deterence may fail, some modest program aimed at improving evacuation techniques may be justified. But this should be seen as a means of saving, perhaps, a somewhat greater number of lives and increasing the chance that some government may survive to help alleviate the chaos. But these reasons for continuing to fund something like the present civil defense program should not be distorted into a rationalization for a major expansion of civil defense as a necessary component in the overall strategic balance.

Surely we all hope that Mr. Warnke is right, that Soviet leaders will never be so "blind and so reckless" as to launch a nuclear war. And we would all agree that "some modest" civil defense program is indeed critically needed.

But where I part company with Mr. Warnke is the proposition that we should continue to "fund something like the present civil defense program." The present program is a facade. And indeed, the $108.6 million request for fiscal year 1980 is also a facade unless it is the first small step toward a program of the nature outlined by Professor Huntington, involving an insurance premium of perhaps a dollar per capita per year—not half of that.

In short, we must face up to the fact that we can never have even "modest insurance" for our people unless we are willing to spend something like a dollar per capita for the insurance premium. Whether civil defense is seen as mere insurance or—as the President has said—as an element in the strategic balance, enhancing deterrence, we must be very clear that we shall have neither insurance nor enhanced deterrence at the 40 or 50 cents per capita level. We shall have only rhetoric, and I submit that the American people need and deserve better than that.

Soviet leaders are concerned enough about the possibility of nuclear war, and the need to protect their most basic asset—their people—that they are willing to support a civil defense program which, if duplicated in the United States, would cost some $2 billion annually. How can anyone conclude that an improved but modest U.S. program costing perhaps 10 or 15 percent as much is not justified?

Obviously, the Soviet leaders feel a concern for their people. Should we not spend a fraction of their investment to modestly improve the protection of our own people in the event of the unthinkable occurs?

What, then, are the views of the American people? I submit that they are sound and sensible, and that both the Congress and the executive branch would do well to be guided by these views.

A survey of my constituents in the Fourth Congressional District of Missouri, and a recent national survey conducted for DCPA, are to the same effect: The American people want civil defense and indeed—and I think this is a tragic irony—they believe their Government is making provision for their protection far beyond what is the fact of today.

About 80 percent of the people oppose the idea that we should do away with civil defense. The irony is in this: The average estimate is that we are spending $1 billion annually for civil defense, or 10 times the actual level. And when asked what we should spend, the average response was that we should spend even more—$1.6 billion per year.

It is thus very clear that the American people continue strongly to favor civil defense, and believe we should do even more than they (mistakenly) believe we are now doing. It seems to me that we should all take heed of these views of our people, and give them the most careful consideration. I believe it is imperative that we urge the executive branch that our Nation's civil defenses must be improved to a level which, while not attempting to mirror the Soviet program, would offer some reasonable prospects of survival for the majority of our people. I am sure we would all agree with Mr. Jody Powell, that this should not be a crash program. Rather it should be a low-keyed and orderly but nonetheless serious buildup from the present totally inadequate level.

It seems to me that we can do no less to keep faith with the American people. And we can do no less to comply with the constitutional injunction that the Federal Government shall provide for the common defense, to say nothing of complying with the policy and intent of the Congress, set forth in the Federal Civil Defense Act of 1950, as amended, to "* * * provides a system of civil defense for the protection of life and property in the United States from attack."

Let me now turn to what can be accomplished with the $108.6 million contained in the President's budget for fiscal year 1980. I do not have available the details of the civil defense program proposed for fiscal year 1980, but it is clear that 6 or 7 percent real growth will not allow a great deal more to be done than is being done today, and that is very little. It is my understanding that, in general, fiscal year 1980 would be devoted to getting ready to accelerate crisis evacuation planning and related programs in fiscal year 1981—assuming, of course, that the administration is indeed serious about effecting orderly improvements in civil defense over the next several years, and does not propose quietly to "walk away from" civil defense in fiscal year 1981.

I believe that this approach makes sense in general, but this body may wish to propose certain additions to this general approach.

As the members are aware, last summer I introduced an amendment to the Department of Defense Appropriation Authorization Act for 1979, which directed that DCPA make a study of the feasibility of providing improved protection for people living near the prime targets for nuclear attack represented by our strategic nuclear retaliatory forces. My own district in Missouri contains nearly all of the Whiteman Air Force Base complex of Minuteman silos, and nationwide there are something like 8 or 10 million people who live in the vicinity of intercontinental missile complexes, SAC bomber bases, or ballistic missile submarine ports.

These strategic offensive forces are of course the basis of our nuclear deterrence posture, and thus of the most critical importance to our Nation and indeed the Western World. But at the same time, if deterrence should ever fail, it is obvious that the people living near these installations would be the first to suffer the horrifying destruction of thermonuclear weapons. Indeed, they might be the only ones, if escalation control worked and the conflict was confined to counter-military strikes.

It therefore seemed to me that since the people living near our deterrent military forces stand at special risk, we should investigate what kinds of special protection might be provided for these people—what would be the costs and the payoffs of alternative approaches. The study required by the act is not due to be submitted until the end of next month, and is not yet in final form. However, the DCPA staff have been in touch with my staff, and the general outlines of the study's conclusions are clear.

To provide high-performance protection for these people, if an attack came "out of the blue" or after only a very short crisis, would be expensive. DCPA is refining the cost estimates, but believes the total will approximate $3 billion for the people living near our counterforce military installations. These costs would be incurred for blast shelters, warning devices in homes, schools, and places of work, peacetime training for the people in these "counterforce" areas, and related features of a civil defense system that would offer good protection given only hours or even minutes of warning.

If, on the other hand, one is willing to assume (or gamble) that a severe crisis of several days to a week or more would precede an attack even on our strategic nuclear forces, then effective protection can be had for much lower costs. The basic approach would be to develop plans and all the supporting systems needed for evacuating the people in the counterforce areas during the crisis, and for providing them fallout protection and other support in adjoining lower-risk counties.

This is in fact the approach contemplated by the President's new policy for the population of all U.S. risk areas—the 125 or so million people living in our metropolitan areas, in addition to the 10-million living near the top-priority counterforce installations. The crisis evacuation approach has the prime advantage of modest peacetime cost—though not so modest as $100 million or so per annum.

But there are obvious questions associated with the crisis-evacuation approach: Would there be a crisis of a week or more prior to a nuclear attack, whether limited to our counterforce installations or including our larger cities? Would the President give the people instructions to evacuate, bearing in mind the turmoil and vast expense created by such an unprecedented movement? Would the people comply with the President's instructions once they were issued?

DCPA believes that while none of these questions can be answered with an unqualified "yes," there are good grounds for a judgment that there would most probably be a severe crisis of sufficient length to permit evacuating U.S. risk areas, and that the other questions too can be answered with "most likely yes." In short, civil defense relying primarily on crisis evacuation does not and cannot offer assurance of high performance, but it does offer a good probability of such performance.

What all this suggests to me is that the administration's approach is basically sound—if they do in fact intend to develop such a "modest" civil defense system. But they must make no mistake that "modest" means investment of an average $1 per capita each year (one-eighth of Soviet expenditure)—not half of that.

At the same time, I think it is very clear that crisis evacuation is not and cannot be a panacea. What, for example, would we do if it turned out that the Soviets had constructed many more blast shelters in their cities than the preliminary estimates of our intelligence credit them with? What—to state the unthinkable—if there were a desperate crisis which was resolved, but on terms not favorable to the U.S.? A nuclear superpower, after all, has before now backed down in a crisis: I refer to the U.S.S.R. in 1962. Should such a calamity ever befall this country, I believe it is safe to say that an uproar of protest would be heard from all of our people, from mayors, and from the Governors of our States.

The same reaction would very likely result if we experienced a crisis so severe that evacuation plans were in fact implemented, after which the crisis was resolved short of nuclear war.

It is a safe assumption that "modest" civil defense would go out the window. Our concern would surely be to do as much as possible, in as short a time as possible, to protect our people, and cost would become a distinctly secondary consideration. Would we be ready with more expensive, rapid-buildup civil defense options?

In short, in a dangerous and uncertain world, we should develop civil defense hedges and options—just as we do in the case of our strategic forces. What this all suggests to me is a vigorous program of civil defense research and follow-on development, extending through demonstration and pilot projects.

One obvious area for R. & D. has to do with blast protection. I understand DCPA has engineering estimates of the cost of building special blast shelters, and also of the cost of incorporating blast protection in the basements of new buildings. But they have not built any such shelters—though of course the Swiss, the Finns, the Swedes, and others have. So this suggests to me one important area for civil defense is R. & D.

Another area has to do with what could be done to build civil defense capabilities rapidly in a situation in which time was seen as being more important than money.

A final area is one I believe to be of the greatest importance. It has to do with training and educating our people on the facts of life and of survival in the nuclear age. DCPA's training program and apparatus was reduced to next to nothing several years ago because of declining budgets, and the best they have been able to do lately is to offer a minimal level of training for State and local civil defense staffs, a few conferences for public officials, and a modicum of training for a mere skeleton of a cadre of radiological defense personnel. Essentially nothing is being done in the area of public education, although this was a program of significant size in the 1960's. This was before the decline of civil defense as a result of theories of mutual assured destruction, or of mutual vulnerability—theories which Soviet leaders do not espouse.

The lesson of the Berlin and Cuban crises of the early 1960's is clear: When our people perceive an increased possibility of nuclear war, they quite understandably and sensibly want to know what they could do to protect themselves and their families should the worst occur.

The blunt and unpleasant fact is that should tensions escalate, we are almost totally unprepared to provide the survival information and education our people would demand. Therefore, I believe the fiscal year 1980 civil defense program should be expanded to provide for a start in fiscal year 1980 on rebuilding a training structure that could meet the demands of the American people for survival education should tensions begin to rise.

One suggestion is that if we rebuild a structure that educates high school or junior high school students on civil defense subjects on a year-by-year, peacetime basis, the same cadre of trained school teachers could provide training for adults, as the demand increased in a developing crisis. There may be other options as well—perhaps to establish a cadre of instructors through the American Red Cross, or police and fire departments.

Whatever the best approach, or combination of approaches, I feel strongly that we should get on with it, and that in fiscal year 1980. I therefore commend for consideration by this body—an early start on rebuilding a capability to offer civil defense education for our people should tensions rise.

In conclusion, may I leave these thoughts with you:

Civil defense is a critical national requirement for the 1980's. One may view it as helping to enhance deterrence—as the President has—or as prudent insurance for national survival should the unthinkable occur, or both. Regardless of the rationale, this country can afford no longer to gamble with the survival of scores of millions of our people.

No program at a level of $100 million can provide either insurance or enhanced deterrence. The minimum modest program, relying primarily on crisis evacuation to save millions, will cost an average of something over $200 million annually.

I urge that this House impress upon the administration as strongly as we are able that the $108.6 million contained in the President's budget for fiscal year 1980 is acceptable to this House only if it is the initial, modest (indeed, tiny) increment of a serious effort to develop the modest and austere civil defense protection represented by a program stressing crisis evacuation.

I further urge that this House consider significant additions to the fiscal year 1980 program in the areas I have outlined—in particular a start on rebuilding a structure to provide survival education for our people.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The chairman of the Democratic Freshmen Club requests that the Chair make an announcement.

Democratic Members of the 96th Congress will meet in room H-201 in 15 minutes.

☐ 1355

OIL CUTOFF WOULD RESULT IN GREATEST RECESSION SINCE THE 1930's

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

Mr. WEAVER. Mr. Speaker, in 1973, when our oil was cut off from overseas, we all said: "We must act. We must become energy independent."

And what did we do? We did nothing.

And the result? The greatest recession since the thirties and the forerunner of things to come.

Did we learn from this? Did we act? Did we cut back on our use of energy?

No. Instead, we sharply increased our energy use. Since 1972 our oil use has not decreased but has gone up 20 percent. Imports are up 80 percent. We continue to squander. We live on the edge of a precipice. And any moment a disruption of oil supplies can plunge us into depression. So today, with the instability in the Mideast, this could happen at any time.

Where does our oil go? Forty percent goes to industry; 40 percent goes to transport; 15 percent goes to electricity; and 5 percent goes to feedstocks. So if we have a sudden 20 percent cutback, where would it come from? Out of what? Half would come from our industry and it will close down half our travel.

As far as our national security, our Nation is threatened, and we talk of increasing defense budgets and building more bombs and guns and missiles and planes and tanks and ships. Yet we are in far greater danger of running out of gas before we run out of bombs.

Does the Government not understand this? Can they not see what situation we are in? And if they understand it, why are they not doing something about it?

We are paralyzed. It is pathetic. The times and the people cry out for leadership, for bold moves.

For even if there is no disruption, one thing is sure: Prices will increase. Our dollars will flow overseas in even larger numbers, joining the 600 billion Eurodollars which now hang like a sword of Damocles over our financial stability.

Mr. Speaker, how much longer can we afford to send $50 or $60 billion overseas to pay for oil we squander here. Answer: Not a moment. It is already too late. We are suffering crippling inflation because of excessive use of high price energy, a falling dollar, and huge deficits to pay for all this.

What is the answer?

Develop more energy? Not as we have done. We have been stealing from tomorrow and squandering our assets today.

There are new energy technologies which need to be developed—but they are impeded by our very squandering of oil.

The answer is thrift, discipline. Is it any secret that our society—richest on Earth—is falling apart? Our economy, greatest in history, is disintegrating with inflation, lack of productivity, plain simple sloppiness. We buy things from foreign producers because they are better made.

When do we pull ourselves together?

The first essential step is: Stop squandering, start conserving.

We must use less energy, we must do it rationally or it will be forced on us by devastating inflation and shattering depression. If we cannot curb our excesses the economy will do it for us—it is now doing it for us with cold, brutal force.

And our Government, are they leading us? What is the policy of the Energy Department? Just last week the Department of Energy came forth with a bold policy of conservation. They would prohibit outside gas lights. Yes, sir, but such a drastic step could not be done overnight. No, it would be phased in by 1982.

God help us, 55-mile speed limits and Sunday closings are also small, pathetic steps in the face of the threat confronting us.

There is only one answer to our excessive use of oil, excessive use that clogs our cities with cars, poisons our air with exhaust fumes, jeapordizes our national security by putting us in thrall to foreign nations—making us slaves to our own machines. To free ourselves we must conserve, and conserve as a nation.

We must ration. Rising prices will force less use, but price rationing is harsh and unfair. It also lards the already too powerful oil companies with money to buy up our economy.

Price rationing can be made more equitable by having the Government absorb the price increases by taxation and distributing back the money in such a way as lowering social security taxes.

Or we can go to outright rationing of oil and gas. Oh, that would be terrible, it is said. Let me tell you that if we continue on our present course the terror will be a hundredfold worse.

If we continue our squandering we face financial collapse.

When do we stop this squander of resources? Do we stop when disruption in the mideast forces us into desperation and military moves?

Do we stop when inflation plunges our economy into a depression and is a depression necessary to cure our waste and sloppiness? God grant it is not.

Do we stop when our balance of payments becomes so distorted that a dollar panic unleashes those 600 billion Eurodollars, collapsing world financial markets?

When do we stop? When do we act?

THE MOUNTING PROBLEMS OF THE SPECIALTY STEEL INDUSTRY

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, as chairman of the Congressional Steel Caucus, I rise today on a matter that is of the utmost importance to all the officers and members of the Steel Caucus as well as our constituents and the constituents of every Member of the 96th Congress.

The specialty steel industry and the United Steelworkers of America have jointly filed a petition with the U.S. International Trade Commission requesting a 3-year extension of the existing import limitations on certain specialty steel products.

At a recent specialty steel House luncheon, Mr. H. O. "Mike" Beaver, Jr., chairman of Carpenter Technology Corp., commented that specialty steel products are to be found throughout the United States except in the Rayburn House Office Building and then pointed out that the stainless steel tableware being used at the luncheon was imported from Taiwan. This reminded me that I had made a like observation in 1969 during my first days in Congress when I discovered the stainless steel flatware in the House cafeterias was of foreign origin.

Before the present restraints were ordered by the President in June 1976, there was record unemployment in this critical industry. Indeed, in some months unemployment in specialty steel mills soared as high as 45 percent. Probably the highest of any industry in the country.

Today, the industry is coming back. Employment has improved substantially, attributable to a large degree to the import restraints. Profits have increased, although they still lag behind the average profits for manufacturing industries in the United States. Greater expenditures are being made, or are committed, for capital expansion and for improving technology. In short, once again, we have a viable specialty steel industry in America, where only a few short years ago this industry was threatened with extinction.

Mr. Speaker, I will be joined today by a number of my colleagues in urging that quotas on specialty steel imports be extended for 3 more years. My colleagues are prepared to state the many compelling reasons for our taking this stand. But before we proceed, I would like, for the record, to give a brief history of this important matter.

In July 1975, a score of American specialty steel producers and the United Steelworkers of America filed a petition under section 201 of the Trade Act of 1974, seeking relief from the growing tide of specialty steel imports which threatened the security of 65,000 jobs dependent upon this essential industry. The Commission held hearings in October 1975, and on January 16, 1976, determined that imports were a "substantial cause of injury" to the domestic specialty steel industry. The Commission recommended quotas for a period of 5 years to remedy the injury.

During the spring of 1976, the Ford administration negotiated an orderly marketing agreement (OMA) with Japan and set quantitative limitations on other foreign nations, most notably the European community, which declined to negotiate orderly marketing agreements. On June 14, 1976, quotas on certain specialty steel products—tool steels, stainless strip, sheet, plate, bar and wire rod—were put into effect for a period of 3 years instead of the 5 recommended by the ITC.

On May 24, 1977, President Carter announced plans to review the specialty steel import restraint program. This was less than 1 year following implementation of the strongest form of relief ever recommended by the International Trade Commission and subsequently implemented by the President.

After an extensive investigation, the ITC recommended quotas be retained and in January 1978, President Carter accepted this recommendation and kept the import restraints on specialty steel in place.

Now, the future of the specialty steel industry and the jobs of 65,000 workers is again threatened. It is the considered opinion of many that removal of quotas at this point would be a serious mistake. It would not only be unfair to the industry, which is just beginning to benefit by the quotas, such a move would also be detrimental to our long-term trade policy objectives.

I have had a long interest and involvement in the field of international trade. On December 10, 1973, during the House floor debate on the Trade Reform Act of 1974, I called to the attention of my colleagues that there was no definition of what constituted a nontariff trade barrier in that bill. The absence of such definition meant that Congress had forfeited the right to effectively review administration action. My observation with respect to nontariff barriers was verified by a subsequent GAO report on the lack of ample identification and definition of nontariff trade barriers.

In addition, in January 1975, the U.S. International Trade Commission announced an investigation, including public hearings at 14 cities, instituted at the request of the President on the probable economic effect of proposed tariff concessions to be granted by the United States in international trade negotiations to be conducted under the provisions of the Trade Act of 1974. However, I expressed my concern to the Chairman of the ITC, Catherine Bedell, that no hearings were scheduled for Pittsburgh, Pa., particularly in view of the fact that many of the items under section 6 of the tariff schedules involved tariffs on metals, metal products, machinery, and mechanical equipment, all of which are directly related to the various industries in the Pittsburgh metropolitan area. My request was first rejected. However, a few weeks later, I was informed that the Commission had reconsidered and would conduct hearings in Pittsburgh in the latter part of April. I am certain the hearings provided a meaningful service to the people of the Pittsburgh area and were helpful to the Commission in making its recommendations to the President.

The imposition of quotas did not provide immediate relief for the specialty steel industry and its workers. Imports during 1976 totaled over 167,000 tons, 9 percent higher than 1975 imports and 14 percent higher than the restraint level permitted for the first year of the quotas. As a result, no relief was felt in 1976, and in fact injury continued to occur for at least a year following the ITC decision in January 1976. In late 1977, and throughout 1978, production and employment improved. Individual companies made plans for substantial increases in capital investment and other business projections based on the quotas. It would be unfair and unwise to terminate or modify the import quotas now and jeopardize these growth plans, and the needed jobs they will create. Surely, the "serious injury" found by this Commission in January 1976 has not yet been remedied by only 2 years of limited import relief.

The specialty steel industry spent many months of valuable management and labor time proving its case. The judgment of the ITC that strong relief was required was confirmed by two Presidents. Certainly, time has proven these were eminently correct decisions.

I can assure you, Mr. Speaker, that many Members of Congress are watching this matter carefully and are concerned about what implications it may have for the administration's general trade policy. A decision to terminate or modify these quotas could well stimulate new trade legislation to reduce the current flexibility permitted the President under the existing Trade Act.

Foreign producers have built up large new capacity in production of specialty steels and are anxious to dump those products in the United States. It is obvious that the flood of imports would begin anew if the quotas were ended, thereby undoing the effects of the relatively short period of relief. In short, the specialty steel industry can survive and prosper, but it needs an extension of existing quotas to do so.

Most foreign specialty steel companies are supported by a vast array of government subsidies. Preferential bank loans, tax advantages, subsidies for producing during periods of slack demand, government grants for pollution control expenditures, price setting by government-authorized cartels—these are just a few examples of practices encouraged by foreign governments which allow their companies to operate outside our domestic industrial requirements of profitability and capital formation.

Under such circumstances, production efficiencies have little meaning. This poses a particular problem for the specialty steel industry, and it underlines the necessity for steel sectoral negotiations in multilateral trade negotiations, as directed by the President in conjunction with approval of import relief for this industry. It is essential that we move aggressively to bring some order to the international steel market and seek to end the unfair trade tactics our trading partners are using.

Extension of quotas is also important to our overall trade policy because it will establish a precedent for other industries which may seek relief under the Trade Act. If the U.S. Government is willing to abandon an industry which has so recently proven that import quotas are clearly justified, then what hope is there for other industries in similar positions? The Trade Act was designed to provide needed relief. It should be permitted to work.

Why should the United States terminate these quotas without receiving enforceable commitments in return which will eliminate widespread unfair trade practices in this area. Surely our trade negotiators must recognize the wisdom of retaining this valuable bargaining chip until a quid pro quo is offered.

If we do not stand fast in this matter, the result will be an added impetus to foreign export subsidies and a renewed flood of subsidized imports into this country.

Mr. Speaker, I strongly urge you to recommend to the President that the import quotas on specialty steel be extended in order that the serious injury found in early 1976 by the International Trade Commission does not return to reinfect a recuperating, but not completely healthy, specialty steel industry.

☐ 1415

Mr. Speaker, I now yield to my good friend from my adjacent congressional district, the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I rise only to endorse the feelings of those who have already spoken on this issue of import restraints for specialty steel. The extensions of restraints for specialty steel is vital to our national security. The obvious implications are the needs for a U.S.-based toolmaking and critical military component capacity. The restraints have worked moderately well and should be extended for important domestic reasons also.

Our entire industrial capability, indeed, our economy in general, could not function without the tools and components produced by the specialty steel sector. But more importantly the restraints do not, Mr. Speaker, economically violate the theoretical or practical dictates of the law of either comparative advantage or even violate the principles of a free market economy, and that concerns many.

Therefore, the restraints are a manifestation of the simple need for market justice. Low productivity or protectionist arguments are inapplicable here.

Consequently, in the interest of national security, and with a desire for fairness to American workers and consumers throughout our Nation, we must continue to help this essential and necessary area of American industry obtain protection from unfair trade practices. I most urgently request a concerted effort by all of us in the Congress to extend the restraints and implore the President to move immediately toward the extension of the applicable aforementioned restraints.

Mr. GAYDOS. Mr. Speaker, I wish to thank my colleague, the gentleman from Pennsylvania (Mr. BAILEY), who has been very active with the Congressional Steel Caucus, along with our other colleagues in western Pennsylvania, since the specific problems developed, one of which we addressed ourselves to as a matter of fact this morning. The gentleman's service has been invaluable to the caucus; I am looking forward to continued participation on his part. I know his constituents in his area are also sensitive to the problem and what he is trying to accomplish.

Mr. KOGOVSEK. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Colorado.

Mr. KOGOVSEK. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding, and I would at this time just like to reiterate what the gentleman has said so very eloquently.

I wish I could speak as eloquently on the matter as the gentleman from Pennsylvania has, but let me just indicate for the record that I represent the district which includes Pueblo, Colo., where the largest steel mill west of the Mississippi River is located. I want to offer my personal remarks just very briefly to indicate to the Members this afternoon just exactly how vital it is that we do extend our quotas on special steel imports, at least for another few years, because I have had a chance on a firsthand basis to observe just exactly what happens once we have found what cheap steel, whether it is hard steel or whether it is specialty steel, has done to this country.

☐ 1420

The Colorado Fuel and Iron Corp. employs 8,000 people in Pueblo. The Colorado Fuel and Iron Corp. pays almost 20 percent of the tax base into the county coffers. So anytime we have any kind of a layoff because of lax imports, we have not only affected the steel industry in Pueblo, Colo., but we have, in essence, affected the whole tax base for the 125,000 people in Pueblo, Colo.

I would like to reiterate what the gentleman from Pennslvania has said in regard to some of the EPA and the OSHA regulations that we have to operate under as a steel industry which other countries do not have to. I think, basically, that I would indicate to the President and to the present administration that we do, in fact, extend our quotas on specialty steel imports.

Mr. GAYDOS. I wish to thank the gentleman from Colorado.

Mr. Speaker, let the record show at this point that the members of the Steel Caucus were more than pleasantly surprised and very grateful that the gentleman comes to us with such wealth of knowledge in this very highly technical subject matter. I am very happy to have the gentleman as an active member of the Steel Caucus. I know the caucus is very happy to have him. This is the gentleman's first term, and I am certain that we will have in the person of the gentleman from Colorado (Mr. KOGOVSEK) an active, knowledgeable, and dependable member of this Steel Caucus.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I am pleased to join this discussion on the future of the speciality steel industry. We have here today Members from many States and diversified districts who have come together to speak out on this important issue. To me this discussion is significant in that it indicates an awareness that we must take action to protect our domestic speciality steel industry from the unfair effects of dumping.

On November 30, 1978, the United Steelworkers of America and 21 domestic speciality steel firms jointly filed a petition with the International Trade Commission seeking a 3-year extension of the existing speciality steel quotas which are scheduled to expire on June 13, 1979. Basically, speciality steels are stainless and tool steels. The initial 3-year quotas were imposed in 1976 after the domestic speciality steel industry and steelworkers established that increased imports of these products have been a "substantial" cause of serious injury to the domestic industry and its workers.

To permit the import restraints for speciality steel to expire in June of this year would be a mistake and would not fully accomplish the purposes for which the quotas were initially established. Only now is the domestic industry beginning to recover from the injury caused by the high level of imports. There is no question that conditions in the domestic speciality steel industry have improved during the import restraint period. It is necessary, however, that the import restraints, which the Department of Labor found to be noninflationary, be extended to enable the domestic industry to complete its efforts to adjust to the competitive conditions existing from subsidized and unfairly priced imports.

Failure to grant the requested 3-year extension would jeopardize planned and contemplated capital expenditures which will lead to reduced costs and improved efficiency. My concern in this matter arises for many reasons. The serious national defense implications inherent in relying on overseas suppliers for such critical materials as stainless and special alloy steels are obvious. We all remember the vital role played by the steel industry in providing the sinews of our Nation's security during WW II. This made it possible for the United States to be the "arsenal of democracy."

Likewise, the dislocations which result from unrestrained foreign imports pose grave problems for our country's economy. Finally, I am deeply disturbed over the potential consequences for my district if the International Trade Commission and the President fail to extend the speciality steel quotas. There are in excess of 2,000 employees of Republic Steel alone—the largest producer in the 16th District—directly employed in the making of stainless and other special metals. Hundreds of other jobs are heavily dependent on these steel employees. Also there are several other producers of steel products with large numbers of employees. I do not want to see Government policies followed which could result in the loss of large numbers of these jobs or destroy this local tax base.

Over the past several months Republic Steel Corp. has announced multimillion-dollar plans for modernization and expansion of its steelmaking facilities in Canton and Massillon, Ohio. In addition, several other steel producers in the 16th District have announced expansion plans. A portion of that expenditure affects their speciality steel operations. If our Government permits foreign imports to once more capture large segments of the speciality steel market, Republic's plans and similar plans of other domestic producers will be seriously imperiled. It is not a very farsighted policy which permits an industry so basic and so vital to our national well being to be permanently eroded, in exchange for a questionable short-term benefit resulting from unfairly priced foreign steel being allowed into the country.

For years we have been hearing that imports combat inflation and keep prices down and this is partially true. However, we must also give some of the credit to our productive capacity and continually improved technology which have also played an important role in keeping prices down and providing us with the highest standard of living in the world. If we are to continue to advance technologically, U.S. industry must be assured that there will be a market for the goods produced.

Import quotas on specialty steel did not prove to be highly inflationary as was predicted at the time they were invoked in June 1976. In fact the quotas have proved over time to be anti-inflationary. After the quotas had been on for a year, the staff of the U.S. International Trade Commission reported that prices on several of the high volume specialty steel products manufactured in the United States have actually gone down. In this period of high inflation some specialty steel prices have, of course, gone up, however, those prices have not been increased at the same rate as the rise in Government price indexes.

On October 12, 1978, the Department of Labor issued a report on the price changes of the specialty steel industry which was covered by the import relief program. Mr. Speaker, with your permission I would like to enter into the RECORD the pertinent facts from that report. If the President needs a good reason for extending the import quotas on specialty steel, he will find it in this report, which makes it clear that the restraints have actually worked against inflation.

[Extract]

PRICE BEHAVIOR OF PRODUCTS UNDER IMPORT RELIEF STAFF STUDY

Specialty Steel, which has been under import relief since July 1976, demonstrates the positive response on the part of the industries. In 1976, wholesale prices (as measured by the average unit value of producer shipments) of all stainless steel items fell in average by 4.6 percent. Prices of alloy tool steel rose by 18.3 percent, but this was smaller than the surge in prices (26.8 percent) in 1975. In 1977, the average price increase for all stainless steel items was 3.7 percent, while prices of alloy tool steel rose by only 4.8 percent, down significantly from earlier increases.

In both cases the price increases in 1977 were smaller than during 1974 or the recession year of 1975. These smaller price increases in specialty steel were caused, in part, by the increased investment and new technology adopted by the industry. Investment increased to a record level in 1976 before declining slightly in 1977. Surveys report that expected investment in 1978 will increase by 20 percent over its 1977 level. From 1975 to 1977, the percentage of steel capacity using the more advanced AOD (Argon-Oxygen-Decarburization) process increased from 60 to 90 percent, according to a recent International Trade Commission report.[1] During the period of import relief domestic capacity utilization also increased, thus, providing increased efficiency and lower unit costs.

All of these changes served to increase worker productivity and enhance the industry's competitiveness. Output per man-hour was significantly higher in 1976 and 1977 than it had been in earlier years. (See attached table) These productivity increases of 12 and 14 percent were higher than the increases for the economy as a whole (4 percent) and higher than the increases in the steel industry as a whole (1.5 percent).

Recent data for the first two quarters of 1978 indicate that the pattern is continuing. Total stainless and alloy tool steel shipments increased by 4 percent over the same period in 1977, while output per man-hour increased by 8 percent over 1977.[2] Meanwhile average quarterly prices increased on eight of the products surveyed, decreased on four products, were unchanged for two products and no data were available on the other two products in the sample of sixteen. The price performance was good as the average price increase was only 4.9 percent while the average price decrease was 2.6 percent.

The moderate price rises could also have been caused by any factor which led to a decrease in the demand for the product or an increase in product supply, either domestic or imported. However, other factors which could have caused the moderate price increases were present only for some of the products. Demand slowed for several important categories but only in the fourth quarter of 1977 and has picked up again in 1978. It seems unlikely that it would have slowed the price increase substantially after only one quarter. Only in steel rod has there been a continual decline in apparent consumption. Otherwise, there did not appear to be any unusual change in imports or inventories which could have been responsible for the moderate price increases.

One interesting facet of the performance in specialty steel was that some of the quotas went unfilled during 1977. Although this could have been caused by a decrease in demand (perhaps in steel rod) or a nonbinding import quota, the productivity increases in specialty steel may have been responsible for the import quotas on some of the products going unfilled in 1976 and 1977. The domestic industry expanded and obtained a larger market share without significant increase in price.

Mr. GAYDOS. Mr. Speaker, I would like to comment on one of our more active leaders and officeholders in the Steel Caucus. I am referring to the gentleman from Ohio (Mr. REGULA), who has just concluded his remarks and is presently serving as the vice chairman of the executive committee. I wish to commend the gentleman for the great interest he has shown and for his role in the formation of the Steel Caucus in its infant stage approximately 1½ years ago. I thank the gentleman, on behalf of the Steel Caucus.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Minnesota.

● Mr. OBERSTAR. I thank the gentleman for yielding. Mr. Speaker, the gentleman from Pennsylvania, Mr. GAYDOS, has again raised a critical issue facing the U.S economy, the administration, and the Congress. In the very near future, we will consider a new international trade agreement and the question of whether the Congress and the administration should extend the import quota restrictions on specialty steel.

In 1977 President Carter asked for a review of these quotas and the International Trade Commission determined that termination of existing import quotas would have a serious adverse economic effect on the steel industry. Now, once again, the industry is fighting for survival.

Moreover, we cannot ignore another sad fact: competition from foreign nations is frequently less than fair. I come from a region of this country which has traditionally believed in free trade and which has encouraged and espoused the doctrine of free trade. I still believe free international trade is the best form of trade. I firmly believe in the ability of American industry and American workers to compete in a fair world market.

In this case, however, the competition has not been fair, and meaningful negotiation has been lacking.

Although my district is no longer a steel-producing district, it was at one time a very important steel producer. We continue to have our links with the down-lake steel producers, in that the northeastern area of Minnesota is the world's and the Nation's foremost producer of iron ore.

In fact, we produce almost 70 percent of all the iron ore produced in the United States. We have a vital interest in the success and the prosperity of the steel industry, particularly the specialty steel industry. When the steel mills are not producing, the iron ore mines of northern Minnesota are not going to be producing either.

Having studied at the College of Europe in Bruges, Belgium, I have some personal experience with the competition from abroad. I was there at the time of the formation of the European Common Market and the European Steel Community. I witnessed firsthand as a student how the Europeans worked to protect their own industry, build it, strengthen it with government support; not with the free enterprise policy we espouse in this country, but with strong government backing.

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[1] U.S. International Trade Commission, *Stainless Steel and Alloy Steel Report to the President*, October 1977; No. 838.

[2] For more detail see U.S. International Trade Commission, "Stainless Steel and Alloy Tool Steel: U.S. Production, Shipments, Employment, Man-Hours, and Prices," Second Quarter 1978, Publication No. 903, August 1978.

The time has come now for the U.S. Government to stand behind our free enterprise system, to give it the support it needs to meet foreign competition on its own terms. We can do this with a very sensible and very balanced and fair quota system to assist the industry back to its feet.

Specialty steel is an essential industry that cannot be allowed to weaken under the strain of foreign imports that have grown 835 percent since 1960.

Forced to compete with foreign companies that are actively supported and/or subsidized by their governments and that use predatory pricing practices to acquire market shares, our domestic industry must have the continued benefit of the import restrictions to make the capital investment and perform the research and development necessary to regain a technological edge. Import quotas are absolutely necessary if our steel industry is to become price competitive.

Given the fact Japan itself maintains a virtual embargo on specialty steel imports and the Europeans have agreements limiting Japanese imports to their countries, our import control program is modest and its continuation is warranted.

We cannot overcome, though, the disparities in competition in 1 or 2 years. It is going to take a longer period in order to rebuild this industry.

Mr. Speaker, I am honored to serve on the Executive Committee of the Congressional Steel Caucus with so many of my distinguished colleagues who are taking part in this colloquy today. In the last Congress, we had more than 170 members of the steel caucus and I believe we will have even more in the 96th Congress as more and more Members become aware of the necessity for preserving America's steel industry.

Although many members of the Steel Caucus are from steel producing districts and States, others are not. This reflects the growing awareness of all Member of the Congress, in both the House and Senate, that the health of the steel industry is of crucial importance to all areas of this country and to the Nation as a whole. Similarly, the future of the specialty steel industry is not simply a local economic issue confined to one region or to a few States. It is a truly national problem.

Mr. Speaker, I commend the gentleman from Pennsylvania, Mr. Gaydos, for his leadership of our steel caucus. I know he will continue to provide that strong and forthright and outstanding leadership throughout this 96th Congress.●

Mr. GAYDOS. Mr. Speaker, I thank my colleague from Minnesota for his fine, concise remarks. He is so kind in his observations. I want him to take a message back to Minnesota on behalf of the Steel Caucus:

We thank the people of Minnesota's Eighth District for sending Congressman Oberstar to Congress, because we can depend on him.

Mr. Speaker, I yield now to my colleague from Pennsylvania (Mr. Murphy)

Mr. MURPHY of Pennsylvania. Mr. Speaker, I would like to express my appreciation for being given the time to address remarks on a subject of great importance to the economic and strategic security of our Nation. Many of us are addressing the myriad aspects of the need to extend protective quotas for the specialty steel industry and I do not choose to duplicate those words or efforts but to underline and support the urgency of our recommendations.

I wish to stress areas that may have thus far been given less attention. We have all become especially conscious of the need to arrest the rapid growth of inflation in this country and have been taking serious steps to control its rise. However, in our efforts we must not lose sight of the often subtle factors that have affected inflation, and especially we must not overlook the fact that controlling inflation must not mean failing in our efforts to keep our citizens employed and our domestic industries healthy. Such a failure would only damage our strength and deepen our economic problems.

In considering measures to protect essential domestic industries, critics of those protective measures have often claimed that such protection will inevitably lead to higher domestic prices. Even some of our own Federal agencies cannot accurately predict how protective tariffs will affect prices. In one recent case the International Trade Commission estimated that the cost to the consumer would rise as much as $194 million if protection were extended to domestic footwear. At the same time the Council on Wage and Price Stability predicted an increase in consumer cost of $3.2 billion. When two agencies differ by a factor of almost 16 times the low figure we must turn away from speculation and toward the record to decide what it will cost to protect American jobs and national security in an industry as critical as specialty steel.

The facts gleaned from a variety of sources, clearly point to the unassailable position that the current quotas on foreign specialty steel have allowed our domestic industry to recover lost jobs, improve efficiency, and most importantly, to use the increased efficiency to hold the line on prices keeping them lower than the national average increase and lower than comparable industries increases. During 1974 and 1975 the specialty steel industry had no protection. Employment was down 40 to 45 percent and still prices rose an average of 25.4 and 16.2 percent, respectively. When protective quotas were provided in 1976 and 1977 prices fell almost 5 percent the first year and rose by less than 4 percent the following year. In fact the protection of this vital industry has had an anti-inflationary effect. Stainless sheet and strip steel in the specialty steel industry rose 30.2 percent in 1974 and 8.7 percent in 1975, both unprotected years when foreign producers were dumping their subsidized products on our shores. When quotas were finally imposed, the same products' price dropped by 2.7 percent in 1976 and rose by the same 2.7 percent in 1977, a figure far less than the inflation rate throughout the economy and less than 9.7 percent rise in 1976 and 6.7 percent rise in 1977 of other materials of durable manufacture. Under protective quotas specialty steel actually held its overall prices in line while comparable industries were on the increase.

Stainless steel plate rose 1.1 percent in 1974 and 22.7 percent in 1975, again unprotected from predatory pricing practices of foreign producers. During the years that the quotas were in effect, prices dropped 5.5 percent and rose only 1 percent in 1976 and 1977. Again, significantly less than a 9.7 and 6.7 percent rise in similar industries for the same years, as well as being below the national inflationary average.

Stainless bar and stainless steel rod follows the same pattern with bar increasing 30.7 and 10.2 percent in unprotected years and rising only 6.5 and 7.8 percent in protected years, again holding price increases below other industries. Stainless steel rod rose 26.1 and 13.8 percent in unprotected years and prices fell 5 percent and rose only 1.1 percent in subsequent protected years.

The overall specialty steel industry averages for stainless steel rose 25.4 percent in 1974 and 16.2 percent in 1975 while artificially cheap foreign products were flooding the market. When quotas were imposed to save our own domestic industry from collapse, prices fell 4.6 percent in 1976 and rose only 3.7 percent in 1977. Taking an average of the 2 protected years, specialty steel prices were actually lowered by 1.1 percent while comparable industries rose 16.4 percent over the same 2 years.

The reason that the specialty steel industry has been able to control its prices under protective quotas and, therefore, fight inflation and better serve the consumer is very simple. With an improved and stable market they now have the capital to reinvest in more modern facilities and production techniques. The men and women who work in the industry, over 65,000 American citizens, have improved their productivity by using the new techniques and facilities and are better workers knowing that their jobs are more secure.

In the unprotected years of 1974 and 1975, American workers produced 30.1 tons of stainless steel products per man-hour. Under protection, with reinvestment in newer processes and a more secure feeling toward their livelyhood, they produced 35.4 tons of steel per man-hour, an increase in production efficiency of almost 9 percent.

However, the danger is not over. As we gather here today, foreign producers in England and Finland have started construction and in some cases even begun production in facilities that will produce an average of 45 percent more specialty steel than either country's home market can absorb. The excess steel, produced by government owned or subsidized mills is deliberately designed to be sold in overseas markets and there can be no doubt that the prime target is the United States. We must, therefore, extend our quotas for at least the next 3 years.

We must carefully consider the record of cost and price control that the specialty steel industry has so carefully practiced and the fact that this American industry has actually aided in the fight to control inflation through efficiencies and economies voluntarily imposed.

We must especially keep foremost in our minds that this industry serves all facets of American life. Specialty steels are in the farm equipment and food processing machines that feed us, they are in the hospital equipment that keeps us healthy and prolongs our lives, they are found in the many household appliances that save us time and energy and often entertain us, they are used in the massive powerplants that light and warm our homes, and specialty steel form major components in ships, aircraft, computers, and so many vital instruments in our private lives and military arsenal.

We must not treat specialty steel as just one of many problems that plague us in preserving the strength and integrity of our domestic industry, but recognize its unique contribution to all of the towns and cities of this Nation. While we continue to seek solutions to those other problems it is imperative that we send a message to the President that is clear and understood. A message that calls for continued protection for a vital and responsible industry, without which we shall certainly be poorer and less secure.

☐ 1435

Mr. GAYDOS. Mr. Speaker, I wish to thank my colleague, the gentleman from Pennsylvania (Mr. MURPHY), for his enlightening remarks, particularly for his identification of specialty steel.

Many people, including some Members of this House, are not fully aware of what we are talking about when we talk about specialty steel. We are talking about a special alloy steel that is generally sold by the pound as distinguished from basic carbon steel, which is sold by the ton. The products are different. This is a high labor-intense product.

The specialty steel industry is essential to the production of whatever item one could imagine.

That is why this is such a vitally important subject.

Mr. WALGREN. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Pennsylvania.

Mr. WALGREN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GAYDOS) for yielding.

I think he has put his finger on exactly why the specialty steel industry was most critically hurt by imports in the 1960's and early 1970's, and was the first and, at this point, only industry to have received, in the past, effective help under the Trade Act, as passed by the Congress.

Specialty steels are just the kind of product other countries would like to export to our country because the profits are there. They are labor intensive, and with low transportation costs per dollar of return.

Therefore, the specialty steel industry has come under the gun of imports more than many other industries.

Mr. Speaker, I want to add my voice to the special order here today. I represent a district where there are two major specialty steel producers. Although that may create a special interest on my part, it gives me some firsthand experience with the position of those people who are hurt by the imports in that industry.

For the people of western Pennsylvania, specialty steel means just one thing, and that is jobs. Mr. Speaker, 30,000 steelworkers and their families in western Pennsylvania depend on a healthful American specialty steel industry.

Three years ago the International Trade Commission determined that our specialty steel industry was being injured by unfair foreign competition. At that time a modest and flexible limit was placed by the President on the amount of foreign specialty steel which could enter the United States. Those limited quotas have just begun to work.

When foreign steel literally steals American jobs through unfair competition and unlawful dumping, we have a right to protect ourselves. The livelihood of 65,000 specialty steelworkers in the United States depends on our efforts to fight those illegal trade practices.

There is no question that we are asking this industry to do much. One company in my district has, in the last 2 years, invested $25 million in environmental equipment and controls. When we ask that kind of investment to come out of profits returned from marketing their product, we had better be sure that there is a market for their product.

Mr. Speaker, I feel there is a very basic reason that the steel industry and particularly specialty steels need the protection of the Trade Act. I think it would be fair to say that the effectiveness of the trade laws, in general, rides on our ability to effectively protect the American specialty steel industry.

☐ 1440

Almost no other industry is in the position of being both critical to the national security and our modern economy and, at the same time, being a kind of industry that every other nation on Earth wants to have. Almost every other nation has built a capacity to produce this kind of product for their own national economies and is looking around the world for places to market that capacity to keep their own industry employed.

If we are to have any effective protection from imports for any industry, specialty steels and the steel industry are the first to deserve it. Our ability to keep in place reasonable controls, like the flexible quotas presently protecting this industry, will decide whether or not our whole economy will be opened up wholesale to foreign imports and competition, which inevitably will decimate many industries and undo the balance of local production that is necessary for economic strength.

Mr. GAYDOS. I thank my colleague and neighbor from western Pennsylvania for his astute remarks. I think he did zero in on a very sensitive point.

Back in 1969 we had the voluntary restraint arrangement on steel. It was a negotiated agreement, nonbinding, and it pertained to basic carbon steel as well as specialty steel. We predicted, and I think rightly so, that the steel product mix in the future would change. We would have more specialty steel products coming into the country because they were more highly labor intense, and higher priced. The years following the voluntary restraint agreement (VRA) were the bleakest years for the specialty steel industry. I, for one—was very disappointed that the 1974 Trade Act did not fully address itself to the steel trade problems that were unfolding at that time.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my vice chairman and good friend from the Deep South, the gentleman from Alabama (Mr. BUCHANAN).

☐ 1445

Mr. BUCHANAN. Mr. Speaker, as vice chairman and one of the cofounders of the Congressional Steel Caucus, I am pleased to join my colleagues on both sides of the aisle in the discussion today on the future of an essential American industry—specialty steel.

As the Representative from Birmingham, Ala., I have a deep interest in the future of the steel industry in this country. Yet, I do not believe this to be a selfish interest. Indeed, I believe that even those Members who represent areas where there are no steel mills should have just as active an interest in preserving this industry as those who represent Birmingham, Pittsburgh, Gary, Youngstown, Buffalo—or any of the other great steel producing centers of the United States.

Steel is the most basic of all our industries. Without steel we would have no railroads, no highways, no factories, no skyscrapers, in fact, no industrial society. It is not too much to say that America's great advancement from an agricultural to an industrial society was made possible by steel. If we had not developed our domestic steel industry, we would not have become the industrial leaders of the world—nor could we have developed an adequate means of defense in a world in which our strength is the foundation of peace and stability. The importance of specialty steel to our national security was substantiated by a special subcommittee report of the Senate Armed Services Committee early in the 1970's.

Without steel our Nation could never have achieved the amazing productive capacity we now enjoy, nor could we have provided our citizens with a standard of living which is a marvel for the whole world.

The specialty steel industry, although only a relatively small segment of our overall steel industry, is nonetheless an integral and essential part of that vital whole. Specialty steel products are necessary for drilling oil and transporting natural gas, for modern communications equipment, for coal mining, electric power generation, air, sea, and land transportation, food processing equipment—in short, for the operation of our modern society.

Yet, in spite of all the evidence and knowledge concerning the absolutely vital role specialty steels play in our society, we were on the verge of surrendering this essential industry to imports when President Ford ordered the present import restraint program in June 1976.

Under the pressure of unrestrained imports, specialty steel production in the United States declined from 1,328,000 tons in 1974 to 722,000 tons in 1975. In 1 short year, production was cut in half. Unemployment ran as high as 45 percent in the industry. In some product lines, such as stainless steel wire rod, imports attained a penetration of more than 70 percent of the domestic market.

The import restraints put in place by President Ford and upheld last year by President Carter have brought about a partial recovery of the specialty steel industry. Three years is not enough time, however, to expect a full recovery for a capital and labor intensive industry that suffered such an extensive injury before the import quotas were put into effect.

Last October, the Bureau of International Labor Affairs of the U.S. Department of Labor released a study on price behavior of products under import relief. The report illustrates very clearly the fact that these import restraints do not contribute to higher prices for these products, nor do they fuel inflation.

In 1976, the year in which the specialty steel quotas were implemented, wholesale prices of all stainless steel items fell in average by 4.6 percent. Prices of alloy tool steel rose by 18.3 percent, but this was smaller than the surge in prices (26.8 percent) in 1975. In 1977, the average price increase for all stainless steel items was 3.7 percent, while prices of alloy tool steel rose by only 4.8 percent, down significantly from earlier increases.

Investment increased to a record level in 1976, before declining slightly in levels. Statistics indicate that investment increased significantly in 1978 over the 1977 level. During the period of import relief, domestic capacity utilization also increased with reflecting increased efficiency and lower unit costs.

All of these changes served to increase worker productivity and enhance the industry's competitiveness. Output per man-hour was significantly higher in 1976 and 1977 than it had been in earlier years.

Mr. Speaker, there is no alternative to extending the import restraints for an additional 3 years. The program has worked. Employment is up. Capital expenditures are up. Prices have not risen commensurate with other price indexes. It would be less than wise to abandon a program which has proved so beneficial to this essential American industry, and therefore, to the American people as a whole.

It is my sincere hope that the United States International Trade Commission will recommend to the President the continuation of this import restraint program and that the President will follow this recommendation.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague. I think his remarks demonstrate beyond a doubt, beyond question, his dedication to the steel caucus, which he helped to establish.

Today we of the steel caucus, hope to acquaint our colleagues and the public with the subject of specialty steel as it relates to the economic health and well being of our Nation.

My good friend and former colleague, the gentleman from Pennsylvania, Mr. John Dent, used to say, "It is a boring subject, but so necessary to the economic stability of generations to come."

☐ 1450

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my good friend, a member of the caucus, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I am delighted to rise today with my other colleagues in speaking out on this issue of an extension for specialty steel imports. I have in my district a steel mill that is threatened by imports from Belgium, which is dumping its products in this country. Although dumping is not the issue involved in the specialty steel case, I must point out that the specialty steel industry actually won two dumping cases earlier in the 1970's. However, I am sorry to say that no penalties have been assessed against the foreign companies found guilty of the dumping. It was for this reason that the specialty steel industry and the United Steelworkers of America jointly pursued the escape clause route in the Trade Act of 1974. I for one hope they can hold onto the limited victory they have achieved.

In my own district, it is the Connors Steel Co. plant in Huntington, W. Va., that is threatened. This plant employs nearly 900 workers and unless our Government stops the dumping of steel from Belgium their jobs will be wiped out. This mill produces lightweight carbon steel I-beams for trucks and vans. Connors Steel developed this product with its own technology. A giant Belgium company copied their technology and has now grabbed off Connors largest customers by selling the I-beams here at least 30 percent under their European market price.

Connors Steel is not one of the companies involved in the specialty steel case. However, I think what has happened to this company is a classic example of the kind of unfair practices with which all our steel companies and workers have to contend. Business Week magazine, in its February 12 issue, ran an article about the Connors case and related trade matters and I insert this article in the RECORD, as follows:

WHY CONGRESS MIGHT SQUASH THE TRADE PACT

The trade-liberalization agreements negotiated in Geneva are being threatened by new doubts in Congress, which must ratify the accords, about the commitment of Europe and Japan to genuinely equitable trade relations—and about the Administration's ability to ensure compliance even with the trade rules that are already in effect.

Two controversies involving Belgian steel and Japanese TV sets are complicating prospects for the accords on Capitol Hill. The congressional backlash could be directed mainly at a code—designed to regulate the use of subsidies, countervailing duties, and related antidumping duties—that is part of the Geneva package. Legislators are concerned that the code will not provide enough protection for U.S. industry against unfair trade practices. If Congress rejects that provision, it could shoot down the whole package because the Administration's omnibus bill to ratify the pacts must be voted up or down without amendment.

What worries the powerful legislative steel caucus, made up of 175 congressmen and 40 senators, is a complaint by Connors Steel Co., of Birmingham, Ala., that Cockerill Ougrée, a Belgian government-aided steel producer, is selling specialized lightweight I-beams in the U.S. at 21% to 48% below European prices. Connors Chairman Robert L. Mueller says the dumping cut the company's net profit per ton on that product by 70% last year and may force it to close its Huntington (W. Va.) mill with a loss of 900 jobs.

Representative John H. Buchanan Jr. (R-Ala.), chairman of the steel caucus, questions the good faith of the Belgian government in having supported dumping by Cockerill while participating in negotiations on the subsidy code. "The caucus has tried not to be protectionist," Buchanan says. "But if these agreements seem to threaten an already beleaguered industry, we will be forced to take some kind of action."

ANTIDUMPING DUTIES

Anger on Capitol Hill over alleged dumping of Japanese TV sets, simmering for years because of the Treasury's delay in assessing and collecting antidumping duties on sets imported as long ago as 1971, has also reached a boiling point. Congressmen are particularly irked by recent Treasury suggestions that $400 million worth of potential antidumping duty liabilities on imports totaling $2.5 billion may be scaled down to a small fraction of that figure. "The committee will be very unhappy about any prorated settlement of these claims," says Representatives Charles A. Vanik (D-Ohio), chairman of the trade subcommittee of the House Ways & Means Committee and a key figure in the coming battle over the Geneva accord. "Even proposing such a thing could jeopardize the implementing legislation."

Even if Congress ratifies the Geneva package, it could pass separate antidumping legislation with highly protectionist provisions that would provoke foreign retaliation. This would unravel much of the progress toward freer trade that has been achieved by five years of negotiation in Geneva.

The delay in assessing antidumping duties is partly due to Treasury's discovery of apparently widespread fraud, involving double invoicing and rebates to U.S. importers by Japanese manufacturers to evade dumping charges. Grand jury probes that are currently under way could lead to criminal penalties and to hundreds of millions of dollars in civil penalties as well.

Among companies that could be hit by the antidumping duties are major importers such as Sears, Roebuck & Co. and J. C. Penney Co. The Treasury is currently sifting through masses of information, contained in 700 protests filed by both U.S. importers and Japanese TV makers against an initial $46 million of levies, to determine what adjustments should be made in its initial calculations of Japanese home market prices. "Frankly," says one Customs Service official, "we don't know at this point whether the final bill for antidumping duties will be $400 million or nothing." Vanik, unhappy over such a prospect, is considering legislation to simplify assessment criteria and set a time limit for collections. "I say, collect the duties owed to the U.S. Treasury first, and then let the courts act," Vanik declares.

Customs plans to start collecting by May, at the latest, on TV imports through June, 1973, and clean up the rest of the backlog, possibly by the end of the year. But even if it succeeds in doing so, it will be too late to influence the congressional debate on the Geneva package.

Mr. GAYDOS. Mr. Speaker, I have already asked for general leave to introduce into the RECORD statements by the other Members, and I would like to submit the names of those Members who have presented statements that will appear in the RECORD along with this special order. Those Members are: the gentleman from Pennsylvania (Mr. WALKER); the gentleman from Pennsylvania (Mr. COUGHLIN); the gentleman from Michigan (Mr. DINGELL); the gentleman from West Virginia (Mr. SLACK); the gentleman from Pennsylvania (Mr. FLOOD); the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Kentucky (Mr. PERKINS); the gentleman from New York (Mr. ADDABBO); the gentleman from Kentucky (Mr. NATCHER); the gentleman from New York (Mr. NOWAK), the gentleman from California (Mr. GRISHAM); and the gentleman from Maryland (Mr. LONG).

Mr. LEDERER. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I am happy to yield to my colleague, the gentleman from Philadelphia, Pa. (Mr. LEDERER).

Mr. LEDERER. Mr. Speaker, I rise today, along with many of my colleagues, to urge the President to extend for another 3 years the current quantitative restraints on imports of specialty steel products.

These restraints went into effect in June of 1976. At that time, America's specialty steel industry was suffering greatly at the hands of a huge influx of foreign imports of specialty steel. Much of these imports are supported by large subsidy programs of the foreign nations that are exporting. Because of these subsidies, the foreign imports were flooding the American markets and vastly underselling the American specialty steel products. The specialty steel industry of the United States was being devastated; almost half of the workers in this industry were unemployed.

Although the 3-year import restraint program has been helpful, the industry has achieved only a partial recovery. It must be remembered that these restraints do not forbid imports, but only limits them. The imports that are permitted into the United States have increased annually over the past 3 years and still maintain a healthy share of the market. If we were to allow these import restraints to expire, the American specialty steel market would be deluged with a flood of subsidized foreign imports.

Mr. Speaker, we in the Congress must strive for a "fair" trade policy. The specialty steel industry requires this extension of the import restraints so as to restore itself to a healthy, competitive environment. During the past 3 years, the industry has made great strides. Employment has been increased, research and development have progressed and substantial capital investments have been made to further reduce costs and increase efficiency. I might add that all of this has occurred without it adding to the inflation spiral.

□ 1455

Mr. GAYDOS. Mr. Speaker, I thank my colleague from Pennsylvania for his remarks.

Mr. DAVIS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Michigan.

Mr. DAVIS of Michigan. Mr. Speaker, the subject of "jobs" has been mentioned a number of times today as an important factor in considering the necessity of extending import restraints on tool, specialty and stainless steels. As vital and as sound as all the arguments are to me, jobs are and will remain the foremost factor in determining my position.

Too many pressures are already besetting the American work ethic. We should not add more. We must protect all the jobs we have. Not only do we have to retain all of those we presently have but there is an urgent need for thousands more jobs throughout the United States.

Jobs in the specialty steel industry are among the best jobs in the metals industry. They demand high skill and experience. The American specialty steel worker realizes the importance of his trade.

He knows what is at stake when he turns out a product which will become part of a nuclear power plant or be included in an aerospace project.

He knows what is expected of a piece of steel that must withstand thousands of degrees of heat 1 hour and then function without flaw at 60° below zero 6 or 7 miles in the sky.

The American specialty steel worker knows how standards and specifications are continually rising. He knows that steel he is helping to make today did not exist in his father's day.

However, the American specialty steel worker knows too, that his company is owned by stockholders, not by Government. He knows that the laws of his land require that his company operate completely apart from all other specialty steel companies. He knows that his company must succeed on its own merit, that it cannot rely on special breaks granted by Government in the manner of foreign companies. He knows that American companies cannot merge their sales efforts as foreign steelmakers are permitted to do.

He knows that the selling price of the American specialty steel product is determined by costs—the costs of his labor, and the costs of the raw materials that go into his product. Perhaps he does not understand the reasons that foreign governments give their specialty steel companies many different kinds of incentives so they can penetrate the big American specialty steel market.

Above all, the American steelmaker knows that he wants and needs his job. If import restraints are the only sound and immediate way to protect his job, then the American specialty steel maker expects those restraints. And he is entitled to them, just as American industry is entitled to them.

Mr. Speaker—jobs alone are the only justification we need for extending import restraints. The fact that there are many other justifications beyond the need for jobs only makes the case more compelling.

I want to be able to tell the people I represent, "We in Government saw what had to be done and we did it."

I do not believe I could go back to northern Michigan and tell my constituents, "We considered the fact that there were American jobs on the line but we did not do anything about it because we were told that other things were more important than jobs."

Mr. GAYDOS. I thank the gentleman for his comments and also for his insertion in the RECORD.

Mr. BENJAMIN. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague, the gentleman from Indiana, the executive committee chairman of the Steel Caucus.

Mr. BENJAMIN. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. GAYDOS) for taking this special order, along with the special order taken by the gentleman from Alabama (Mr. BUCHANAN), the vice chairman of the Steel Caucus executive committee, the gentleman from Ohio (Mr. REGULA), and myself, as chairman of the executive committee. I commend the gentleman also for his outstanding interest, not only in the steel industry, but in all of the production facilities and the economy of our Nation.

Mr. Speaker, the International Trade Commission's impending consideration of specialty steel quotas has significant implications not only for specialty steel producers and their employees but for the entire steel industry in this country. It is an industry beset by a sea of troubles. How we, as a Nation, react to this will have ramifications extending beyond any one industry and will affect the whole national economy.

The provisions of the Trade Act of 1974 have, in the case of specialty steel, proven to be effective. This industry is back near full employment and running at close to capacity in many plants. This clearly demonstrates, I believe, the correctness, both of the original ITC recommendation and the Presidential imposition of quotas. The specialty steel industry was primarily a victim of unfair import competition, not inefficiency or lack of productivity.

While the industry is recovering smartly, the gradual recovery process could be seriously undermined if the quotas are prematurely removed this June. The ITC originally recommended a 5-year quota; President Ford modified this by applying a 3-year quota. The ITC recommendations were made with the knowledge that effective planning by business and labor cannot be done on a year-to-year basis. Capital investment, research, and collective bargaining decisions must be made over a longer term. The industry needs a minimum of the full 5 years to allow for full recovery and to avoid the disruptive market effects that would be sure to occur from premature termination of quotas.

Third, and I believe most important, if we do not allow the Trade Act of 1974 to function as contemplated by the Congress, the legitimacy of all trade relief actions will be greatly damaged and increasing pressure will be brought to bear for more stringent legislation. Such legislation could threaten the stability of world trade and financial markets.

The real congressional issue in the specialty steel case is, I believe, maintaining the integrity of Trade Act decisions and remedies and the congressional role therein.

The administration cannot on the one hand tell our business and labor leaders to pursue vigorously all available remedies under the Trade Act and on the other hand thereafter dilute remedies lawfully pursued and justly won at the point when they begin to be effective, and when the congressional power to veto under the Trade Act has expired.

Very simply, specialty steel quotas present a crucial test of whether the Trade Act is to be allowed to work as intended by Congress.

If the International Trade Commission refuses to extend the current restraint system imposing import quotas of most stainless and tool steels, specialty steelmakers would be without any comprehensive protection under U.S. steel trade programs despite unfair international competition.

According to Steel Week, dated February 20, 1979:

> A committee assessing the U.S. Customs Bureau's budgetary needs raised the prospect that Customs may be asked to include specialty steels in the trigger price mechanism (TPM)—from which they were excluded because of the quota protection.
>
> The Office of Special Programs in the Treasury Department is now considering the question of trigger prices for specialty steel items now covered by quota, and would be responsible for preparing trigger prices for these products, Customs officials informed trade subcommittee of the House Ways and Means Committee.
>
> But the Customs officials made it clear that establishing Japanese costs of production for the full range of specialty steel products—and monitoring every entry of such products to guard against unfair pricing—would be an unwelcome, perhaps unbearable, burden.
>
> All the staffing for administering the trigger price program has been obtained by diverting personnel from other Customs activities,' they said. 'If we were to handle specialty steel as a trigger price (item) we would have to add additional staff presently working in other areas. Because of the extreme product complexity, administering this commodity group would be especially difficult.
>
> Last year, administering the trigger price mechanism cost an estimated $1 million and the equivalent of 50 full-time positions. The program has been expanded steadily since its inception, and will probably cost $1.5 million in the coming fiscal year—with 80 people devoted full-time to the task.
>
> The difficulties in establishing trigger prices for specialty steel are inherent in the nature of the product. Most specialty steel products are made on special order to meet exacting specifications. Some of the products are not even available from Japanese mills. And, in the words of one government steel expert, "specialty steels just are not the kind of thing you dump."
>
> Treasury has long resisted the notion of including specialty steels in the trigger price mechanism, although at least one specialty variety not covered by the quota system is included in the TPM. Stainless steel wire was added to the assortment of wire products included belatedly under the program after a court challenge by wiremakers.
>
> At one time, another non-quota specialty line—welded stainless steel pipe and tube—was included in the program as if by accident. Last winter, just a few days after one Treasury pronouncement indicated that the product was not covered by the system, another department statement listed a trigger price covering a narrow range of stainless welded pipe.
>
> Within months, though, Treasury managed to edge the product out of the trigger system. The International Trade Commission found in an unrelated dumping case that there was no injury to the domestic stainless pipe industry from Japanese sales of the product at less than fair value. Arguing that a no-injury determination by the ITC precluded any further anti-dumping actions against stainless pipe producers, Treasury dropped the page on stainless pipe from its price manual.
>
> The department could make a similar argument on specialty steels if the trade commission rejects arguments for further quotas on the grounds that the domestic industry is suffering no injury. Almost certainly, though, such a move by Treasury would sustain the claim that Treasury has served specialty steel poorly for years."

□ 1500

Mr. Speaker, this is discussed in great detail, the dilemma as focused on in the February 20 issue of Steel Week. Within that particular issue it indicates that there is almost no relief whatsoever as we provided for carbon steel under the TPM, as ineffective as that system may be.

Mr. Speaker, I thank the gentleman from Pennsylvania for the opportunity to participate.

Mr. GAYDOS. Mr. Speaker, I thank my colleague and fellow member on the executive committee for his fine statement.

● Mr. LEE. Mr. Speaker, I take this opportunity to urge President Carter to act with reason and foresight and extend present import restraints on specialty steel products.

The specialty steel industry is essential to America's energy, transportation, communication, food processing, mining, and aerospace needs. We as a nation are dependent on the specialty steel industry not only for the maintenance of a strong, viable industrial base, but also for the continuation of sound military preparedness.

The success of the current specialty steel import-restraint program is well documented. Prior to implementation of the restraints unemployment in the U.S. specialty steel industry ran as high as 45 percent. Many plants were forced to close. Even the most efficiently managed companies experienced financial losses. Since 1976, when import restraints were enacted, employment in this industry has increased significantly, along with capital investment, research and technological development and profitability. However, additional time is required in order for the restraints to reach their full effectiveness.

It must not be forgotten that in the world marketplace the American specialty steel industry competes with companies owned or subsidized by foreign governments. Unlike American companies, these foreign specialty steelmakers are not constrained by the demands of profit or capital formation. We must not fail to recognize the economic realities facing our Nation's industries today. Predatory pricing policies, total government subsidization, and the general unfree nature of economies in the world clearly indicate that foreign steel industries are playing by a different set of rules.

Free trade is only meaningful if all participants in the marketplace are playing by the same rules. The evidence is impressive that our foreign specialty steel competitors are playing by different rules. Many of our foreign competitors, particularly the Japanese, are permitted to organize cartels and rationalization schemes not permissable in the United States. Foreign governments undervalue their currencies to make export markets more attractive. Special subsidies are bestowed on foreign companies permitting them to show minimal or no return on capital investment.

If these foreign concerns are again allowed to invade the U.S. marketplace thousands of workers will directly lose their jobs, and countless others will face the resulting economic consequences experienced by communities whose major factories are forced to close. I cite as an example the over 2,000 workers at Crucible Steel Corp. in Solvay, N.Y., who I enjoy the privilege of representing, that could fall under hardship if the specialty steel import-restraints are dissolved.

Mr. Speaker, the U.S. specialty steel industry favors open, fair, and mutually beneficial world trade. Given the same ground rules, undistorted by Government intervention, our Nation's specialty steel industry is totally competitive.

But because a different set of rules does exist, I feel our President must take action to extend the current specialty steel import-restraint program for 3 years, as permitted by U.S. trade laws.

At the same time, Mr. Speaker, we must seek a long-term solution to this problem by revising our trade laws to recognize the problems faced by the specialty steel industry in this country. Thank you.●

● Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues today in calling attention to the danger facing the specialty steel industry of America and its 65,000 workers. Although New Jersey is not a primary steel-producing State, we do have 17 steel company facilities and more than 4,200 people working in those facilities. Two of them are plants operated by the Carpenter Technology Corp., a leading producer of specialty steels. Moreover, the United Steel Workers of America have nearly 30,000 members in New Jersey; these jobs are inextricably linked to the maintenance of a healthy specialty steel industry in this country.

In fact, the jobs of millions of workers in the oil, natural gas, electric power, transportation, and communications industries depend upon a reliable supply of the high technology metals produced by the specialty steel industry of this country.

Before import quotas were placed on specialty steel, this industry was experiencing unemployment as high as 40 to 45 percent and some mills were virtually shut down entirely. In short, the specialty steel industry was already walking through the fire of high unemployment due to imports long before the rest of the steel industry began to feel the heat, as it did last year with the closing of plants in Youngstown, Ohio, and Conshohocken, Pa., plus widespread layoffs in a half-dozen other steel mills.

The specialty steel industry is just beginning to come back after a long period of hardship and thousands of workers are looking to the President to maintain the quotas so they can keep their jobs. I am pleased to join with my colleagues in urging the President to extend the quotas on specialty steel in order to give these people, and the country, the chance to restore this critical industry to full production.●

● Mr. McCLORY. Mr. Speaker, the specialty steel industry in our Nation has been severely damaged by foreign imports—some of which appear to have resulted from foreign subsidies and other governmental practices with which our privately owned steel companies cannot compete.

In many cases, the foreign companies are government owned and capacity production is sponsored and promoted by governmental action—practices which are quite inconsistent with our private enterprise system in which we expect the U.S. steel industry to operate.

The provisions contained in the Trade Act of 1974 appear to be inadequate and antidumping cases which have been filed have not served to stem the unfair foreign competition.

As Representative in Congress of the large United States Steel Corp.—Waukegan works—and of many other companies which provide specialty steel products, I take this occasion to urge the existing retention of import restraints on specialty steel as well as upon steel tools, dies, and stainless steel.

Mr. Speaker, I address these brief remarks in behalf of the management and labor components of the specialty steel industry of our Nation and particularly those interests which are to be found in my 13th Congressional District of Illinois.

I applaud Congressman Joseph Gaydos of Pennsylvania for his leadership in arranging this special order and for the laudable ends which it is intended to serve.●

● Mr. ZABLOCKI. Mr. Speaker, I would like to extend my appreciation and commend our colleague, Representative Joseph Gaydos, for requesting this special order and providing us with the opportunity to highlight the serious problem facing the specialty steel industry.

As you know, specialty steel is a unique industry producing steel used in the manufacture of thousands of commodities. The industry employs 65,000 workers who create products for use in everything from airplanes, to medical equipment, to household appliances.

Mr. Speaker, in 1976 the International Trade Commission found that the domestic specialty steel industry and its workers had been seriously injured by imports. It was estimated that during the 2 previous years the escalation of specialty steel imports caused an unemployment rate of almost 45 percent in communities with specialty steel plants.

Accordingly, after studies and hearings the ITC recommended import limitations to allow the industry to recover economic losses and the President approved restraints for a 3-year period on June 14, 1976.

Mr. Speaker, those restraints will expire this June. While conditions in the domestic industry have improved, there is increasing evidence that this highly capital-intensive industry will not reach full recovery if the import restraints are lifted. The lifting of import limitations is likely to release a new flood of foreign specialty steel in this country thereby reversing recovery already made.

On November 30, 1978, the industry and the United Steelworkers of America (AFL-CIO) filed a petition with the ITC for a 3-year extension of the existing quotas.

Mr. Speaker, I am pleased to add my support to this request and hope that the Commission will favorably recommend the extension. The import quotas have a vital impact on the specialty steel industry, our workers and our national economy.●

● Mr. BOWEN. Mr. Speaker, I agree with Mr. Lloyd McBride, president of the United Steelworkers of America, when he calls for renewal of the specialty steel quotas. We have obligations to our workers and people in general not to allow the premature lapse of the quotas.

Termination of the quotas in June, as presently authorized, would be unwarranted. Full industry recovery, contemplated under the escape clause, has not yet occurred.

Employment levels, while significantly improved, are still below levels achieved in 1974. Unemployment has reached 40 percent during the worst periods of this industry's recession in 1974.

Short-term gains in employment, production, and profit levels could easily be eliminated if the quotas are allowed to lapse in June. Thousands of workers would, once again, be without jobs.

If important restraints are removed we can expect another flood of steel imports from foreign nations. New specialty steel capacity exists in Mexico, Brazil, Korea, Finland, and Great Britain. Virtually all of these sources have developed with considerable assistance from government subsidies.

The International Trade Commission, in its recommendation to the President 4 years ago, concluded that the specialty steel industry required 5 years of relief. Renewal of the quotas for an additional 3 years would add only 1 year to that initial recommendation.

One additional thought—renewing the quotas is not a protectionist action. I favor the freest possible international commerce with only one provision. This trade must be fair trade. It is not fair to our domestic industry, which must turn a profit and build its own capital, that foreign competitors receive special subsidies from their governments. It is not fair to our domestic industry that foreign exporters are able to organize cartels and otherwise rationalize their production. It is less than fair that domestic companies must compete with foreign companies that are owned by foreign governments. The specialty steel quota is one device that helps to assure that the domestic marketplace is characterized by fair trade practices. I hate to think what effect it would have on our domestic companies if these quotas were lifted.

In summary, I think it is in the best interest of our country and domestic industry that the specialty steel quotas be renewed. The consequences of not renewing this quota could be extremely severe.●

● Mr. FITHIAN. Mr. Speaker, I wish to associate myself with concern being expressed today by my able colleagues that the import quotas on specialty steel be continued. As we know, the specialty steel industry is the "high value" sector of the total steel industry in this country. While accounting for only about 1.5 percent of tonnage yearly, specialty steel constitutes about 10 percent of the dollar value of the steel sold in this country.

The industry is presently making good progress along the road to recovery both in terms of sales and employment. This fairly encouraging picture further argues against terminating quotas to the ongoing restraint program since this would catch the industry in the midstream of its recovery. While employment is up in the industry, it is still below the peak year of 1974. It is important to keep in mind in this regard that productivity gains have also been realized in the industry. In fact, stainless steel productivity is much above the 1974 peak year.

Mr. Speaker, clearly, there is little to gain by abandoning the current restraint program when we see tangible progress being made on all fronts for labor and industry. I want to reiterate my own concern about this important issue since it impacts such a vital part of a basic industry.●

● Mr. EVANS of Indiana. Mr. Speaker, I am pleased to add my voice to those of my colleagues in support of the extension of the import restraints on specialty steel.

The International Trade Commission will hold hearings beginning March 6 to review the question of whether the import restraint program should be extended or terminated. It is my hope that the ITC will once again recommend to the President that these quotas be maintained.

Specialty steel is a unique industry absolutely essential to our national defense. In fact, after hearings in 1972, the Senate Armed Services Committee found that specialty steels are essential to fabrication of the major portion of our defense weapons and critical weapons systems.

Specialty steel products are used in nearly every segment of our economy, from aircraft and automobiles to food processing equipment and electronics products. We cannot permit this industry to be driven out of business by subsidized foreign producers.●

● Mr. MILLER of Ohio. Mr. Speaker, I join my colleagues in stressing the urgency of continued import restraints on tool, specialty, and stainless steels. As has been stated already, these metals are absolutely vital to the basic functioning of this Nation. Everything from sophisticated communications equipment to eating utensils depend on specialty steels in one form or the other.

One clear example of this truth lies in the power generation of electricity. We are all aware of the energy crunch America is in today. In the future, if the United States lacks sufficient quantities of these specialty metals that are required in alternators and transformers, for example, we simply cannot generate the volume of electricity we will need. It makes no more sense to depend on imported specialty metals to generate this electricity than it does to rely increasingly of imported energy itself.

My point is that so many basic things begin with a viable specialty steel industry inside the United States. When that industry is impaired in any way by unfair and illegal foreign competition, we make the United States vulnerable in a very dangerous way. Foreign nations will be able to tell us how much we will have, when we can have it, and what we will have to pay for it. That is a frightening prospect, because it poses a direct threat to our national security.

There are situations where we are forced to take a risk, but specialty steel should not be one of them. We are all for free and fair trade as long as our foreign competitors abide by the same rules we do. I am concerned that many of our domestic companies are not competing with foreign companies, but with foreign governments who subsidize their industries and encourage illegal trade practices.

Hopefully the multilateral trade negotiations currently being debated in Geneva will solve many if not all of these long-term problems. However, until then it is crucial that we extend the current import-restraint program now in effect for specialty steel for 3 more years. Then we can get back to the job of finding a permanent solution to illegal and unfair foreign competition.

By extending these restraints, we insure that the American specialty steel industry can continue the considerable progress it has recorded in the 30-odd months the current restraint program has been in effect.

By extending these import-restraint programs now, we give full and fair notice that foreign manufacturers of specialty steels must look elsewhere for markets into which they can dump their products. By extending these restraints, we serve a second notice that America is going to insist on fair trade, if there is to be trade at all. We will be announcing that the time is past when the vast American market will be taken advantage of.

Mr. Speaker, no matter which facet of this specialty steel situation one examines, the conclusion is always the same. These import-restraint controls are urgently needed. They work. Other proposals made in the past have not worked. Too much depends on preserving the strength of the American specialty steel industry.

Therefore, we should get on with the job we all know must be done.●

● Mr. RITTER. Mr. Speaker, I stand in support of the extension of fair trade for the specialty steel industry. I do so for a number of reasons. As we all realize, the specialty steel industry is an industry essential to the maintaining of a strong industrial base, capable of serving the Nation in its critical defense needs. Of all the sectors of the steel industry, specialty steel is among the most critical. Both to the domestic and military sectors. There are no reasonable substitutes. Major advances in new energy technology will be dependent on specialty steels which can best withstand the severe operating conditions of, for example, coal gasification and nuclear fusion. Virtually every segment of the economy depends on specialty steel. Airplanes, automobiles, petroleum, natural gas, electronics, and power generating equipment, all require specialty steel in critical applications. It is too important an industry to be treated carelessly.

In my view, a failure to extend the import restrictions placed on foreign specialty steel unloading in this country would force the industry to compete with subsidized, foreign specialty steel and would be a very harmful blow to a strategic industry.

For those who think of the import restrictions as offering protection to unhealthy industries, let me remind them that the foreign producers who are subject to restraints often operate facilities owned in substantial part by their governments. Specialty steel produced with government ownership, does not have to meet the rigors of the capital market. It is a private-owned American steel producer who must face the disciplines of capital formation and profit, who must compete for capital and invest wisely. It has been during this recent 3-year period of restraint that American producers of specialty steel have been able to experience benefits of wise and prudent investment without having an unrestrained flow of subsidized foreign specialty steel present in the marketplace. American hard work and risk taking has just begun to pay off. An extension of the import restraints would permit the restoration to full health of this important industry. The failure to extend the restraints most surely would erase the advances that have been made in the past 3 years. Without restraints, the domestic producers and their workers will have to face a flood of subsidized imports.

In my view, Mr. Speaker, the removal of the specialty steel import restraints would be a blow to fair trade. I urge each of my colleagues to address the President on this matter and implore each of them to ask the President to extend the legislation for another 3-year period.●

● Mr. MARKS. Mr. Speaker, my constituency, the 24th District of Pennsylvania, lies in the northwestern corner of Pennsylvania, which is liberally sprinkled with manufacturing plants—including several producers of specialty steels. In Youngstown, Ohio, which borders my district, approximately 5,000 jobs recently have been lost to steel plant closings, and more losses are possible.

My constituents have felt the economic shock waves of these events, and we all are keenly aware of how our welfare is tied to the manner in which the steel markets in this part of the Nation are served. This is especially true since most of these plants are less than a 2-hour drive from the Great Lakes ports, where oceangoing vessels deliver imports from overseas steel manufacturers.

Thus, the economic health of the specialty steel industry obviously has a very direct bearing on jobs in my district.

I am concerned that the import restraints, which for the past 2½ years have allowed the specialty steel industry to recover from an inundation of predatorily priced imports, are scheduled to expire on June 13, 1979.

This concern is heightened when I learn from the specialty steel industry and from Lloyd McBride, president of the United Steel Workers of America, that new specialty steel capacity, far in excess of home market demand, now is in existence, or is ready to go into production in the United Kingdom, Korea, Spain, Taiwan, Brazil, Mexico, and Finland.

The implications of this problem, as documented by Mr. McBride and Mr. Richard P. Simmons, chairman of the Specialty Steel Industry Advisory Committee, are crucial for both my district and the Nation as a whole.

Imports of these steels, governed by the import restraints, declined slightly from 167,000 tons in 1976 to 141,000 tons in 1977, and 149,000 (estimated) in 1978. However, those specialty steels that were not covered by import restraints, such as stainless tubing and wire, jumped from 35,000 tons in 1976 to 75,000 tons in 1977, and 89,000 tons (estimated) in 1978.

Unfortunately, the following economic lesson has been occurring frequently in recent years: Once an industry has been destroyed or crippled so that a shortage exists, the victors are then free to demand excessively high prices.

We saw this situation only a few years ago when there was a worldwide steel shortage. In a matter of weeks, imported steels, which were under-pricing the American-made steels by large margins, rapidly jumped to sky-high prices—well above those prices which responsible producers were charging their customers.

I would also like to point out that the specialty steel restraints have not adversely affected the American consumer. On the contrary, since the restraints have been in effect, prices for specialty steel items have risen at a slower rate. A Department of Labor report recently indicated that these smaller price increases were partially the result of the increased investment and new technology adopted by the industry. Thus, I believe that the continuation of these restraints will assist us in our attempts to control inflation.

In another vein, it was only a few years ago when imports were running at high tide, that unemployment in some specialty steel industry communities ran as high as 45 percent. Foreign governments were using their steel industry—including a large portion of specialty steels—to export their unemployment to our shores. This situation must not be allowed to happen again.

Mr. Speaker, since my district is particularly vulnerable to these kinds of tactics, I urge the International Trade Commission to recommend to the President that he extend the import restraints outlined in the Specialty Steel Industry/United Steelworkers petition for another 3 years.

In light of the fact that the ITC originally recommended a 5-year period of restraint, and more recently reaffirmed their belief in such restraints, the petition for another 3 years is only 1 year longer than originally planned.

Furthermore, since the legislative process and international negotiations are such lengthy and tenuous procedures, I submit that this petition is reasonable, and that the objective is most worthy.

I urge the ITC to act favorably on this matter.●

● Mr. ASHBROOK. Mr. Speaker, I am pleased to be able to join my colleagues today in urging the President to maintain the import relief program for the specialty steel industry.

The U.S. specialty steel industry has been hard hit by unfair foreign competition. The result has been large-scale unemployment and a serious weakening of this important producer. In 1976, the International Trade Commission recommended quotas on foreign imports for a period of 5 years. At that time, on the floor of the House, I supported the recommendation of the Commission. President Ford then announced an import agreement with Japan and set quotas with other foreign suppliers. It was most definitely a step in the right direction.

Mr. Speaker, even with the quotas, employment in this industry still remains at depressed levels. Three years has simply not been enough time for the industry to regain a healthy level of employment. The maintenance of this program is extremely important to the American economy. This is an area which revolves around basic American interests—American dollars and American jobs. We can play an important role in this decision and I urge all of the Members of this body to join me in recommending to the President that this essential program be continued.●

● Mr. KINDNESS. Mr. Speaker, I join with my colleagues in urging that the import restraints on specialty steel be extended for a period of 3 years, as provided by the Trade Act of 1974.

This industry and its workers have acted responsibly not to take advantage of the import restraints to unjustifiably raise prices. This is documented in a recent report by the Department of Labor which states that, since specialty steel import restraints were established, the industry has "had smaller price increases than other comparable commodities and smaller price increases since the import relief was granted in previous years."

Strong domestic competition among these privately specialty steel producers, and their efforts to be responsible under the import restraint program, has resulted in an anti-inflationary effect on our marketplace. This is directly contrary to many pessimistic predictions made when the import restraint program was initiated.

We owe it to this industry to continue the period of adjustment which has begun. I urge the International Trade Commission and the President to extend the specialty steel restraint program as provided for under the Trade Act of 1974.●

● Mr. SCHULZE. Mr. Speaker, I would like to add my voice in support of extending the specialty steel import-restraint program for an additional 3 years.

Specialty steels are vital to the needs of our technological economy and we should not allow this industry to suffer as it did during the decade ending in 1975. During this period prior to the initiation of this program there were many plant closings, industry unemployment around 40 percent, and huge financial losses by even the most efficient domestic producers.

If we are to keep our broadly diversified economy running smoothly, then specialty steels are required as an indispensable basic material used by many industries in producing goods and services for the American people.

When the specialty steel industry sought relief under the Trade Act of 1974, the International Trade Commission determined, after extensive investigation, that specialty steel imports caused substantial injury. Failure to extend this program will result, in my judgment, in a renewed effort to flood our markets with foreign imports and cause a further increase in our already record trade deficit.

Specialty steel has demonstrated that it can be both competitive and efficient when not the victim of unfairly priced foreign imports.

To deny extension of this program, we will simply undo all of the benefits achieved and will send a clear signal to our trading partners that we are weak in our resolve to protect American industries or enforce our laws designed to deal with this problem.

Under the current limitation program foreign producers are not excluded from the U.S. market. In fact, they retain access to a significant share of our market and are permitted to increase shipments as the size of the market expands. A 3-year extension will allow this process to go forward and will insure that domestic manufacturers receive the relief justified and granted under the law.●

● Mr. LOEFFLER. Mr. Speaker, the question here is not whether to favor a policy of free trade but whether to insist upon free and fair trade. American domestic industries, heavily saddled with excessive Federal regulation and operating under the competitive disciplines of profit and capital formation, need the cooperation and protection of the Congress and the executive in order to compete successfully with Government-owned or heavily subsidized foreign companies.

Particularly in these troubled times when our foreign energy sources are seriously threatened and our national defense is in dire danger of becoming second rate, we must have a strong specialty steel industry. All American-manufactured aircraft, but especially our high performance military aircraft, depend upon specialty steel for the bearings, turbine components, hydraulic lines, and simliar technologically superior parts which combine to make our aircraft industry the finest in the world. Likewise, the efficient recovery of our domestic oil and gas reserves would not be possible without specialty steel products.

Since the imposition of the import restraints in 1976, the vital U.S. specialty steel industry has proven itself a viable and thriving industry. The limited protection afforded by the Ford administration has allowed this important industry to undertake extensive projects designed to introduce the most recent technological processes, improve worker productivity and increase domestic capacity. Once completed, these projects will allow the specialty steel industry a reasonable chance in competition with foreign exporters. Extension of the current import restraints will permit our domestic specialty steel producers the time and opportunity to complete these projects.

I urge the continuation of these limited restraints.●

● Mr. McEWEN. Mr. Speaker, although I do not have a specialty steel plant in my district, I am pleased to join with my colleagues in urging support for the extension of the current specialty steel import restraint program.

The import restraint program which began in June 1976 has been successful in increasing employment, capital investment, research and development, and profitability in the specialty steel industry. It is an excellent example of how the escape clause provisions of the Trade Act have worked as Congress intended.

However, it is clear that if these restraints are removed, subsidized foreign steelmakers will once again flood our market of specialty steel. New specialty steel capacity is now in place or is being built in many countries. This capacity is far in excess of expected world demand. We have every reason to expect that foreign producers will once again try to export their unemployment to the United States if these restraints are removed.●

● Mr. WILLIAMS of Ohio. Mr. Speaker, I am proud to represent part of Trumbull and all of Mahoning Counties, just 2 among 88 which make up the great State of Ohio. Trumbull and Mahoning Counties' 41,000 square miles are slightly more than 1.1 percent of the total area of the United States, a geographic microcosm, to be sure, but there we have learned an economics lesson so powerful that none in this Chamber can, in good conscience, ignore.

Although there are scores available, we need no other counties than these to prove beyond doubt what happens when an American industry or an American market is laid open to uncontrolled foreign-made products, unfairly and illegally priced.

Our interest here today is in the area of imported tool, specialty, and stainless steels, products made by companies which once flourished in my district.

Many of my colleagues know of the extensive dislocation which has beset Youngstown, Ohio. Some have worked vigorously with the men and women who are now seeking to restore vitality to an industry which is absolutely essential to the basic economy which supports thousands upon thousands of their fellow Americans.

What has happened in Trumbull and Mahoning Counties could well happen again unless rules of good economic sense and truly fair trade continue in effect in our area of interest.

The record will be replete with figures which tell the story of Trumbull and Mahoning Counties. But I ask your indulgence while I encapsulate circumstances which led to economic near-tragedy for an entire area.

When American tax dollars and ingenuity had rebuilt war-ravaged steel capacity and created new capacity where none existed before, foreign governments and the steel companies they either own outright or control began their onslaught against the American steel market. The time was early in the second half of the decade of the fifties.

The onslaught began with steel products that require many manhours to make. Wages paid foreign workers were a third or less of American wages. Foreign companies enjoyed labor costs well below those of American companies. They used this margin to pay freight to America and still offered a lower user cost than any American company could match.

All too often, the final cost to American users was actually well below what the foreign steel maker charged his own domestic customers.

Thousands of dollars and manhours have gone into the attempt to document the many instances of dumping that have occurred over the years. We have enjoyed only minimal success in applying our antidumping laws as a solution to unfair, illegal imports.

But one approach—restraints—has worked, and worked well. For nearly 3 years, restraints helped to hold imports of tool, specialty, and stainless steels to the agreed-upon levels. During that time, American manufacturers of those products have been able to earn modest profits, not excessive profits, as any analysis of steel financial results will attest. Had the tide of imports gone unchecked, those profits would have been eroded. It must be remembered that part of those profits went back into the industry to develop or maintain an efficiency equal to any in the world.

It is apparent that imposition of sensible restraints has helped prevent the tool, specialty, and stainless steel field from experiencing what has occurred in the larger, broader, carbon steel products field. We have not had—where we easily might have had—another Youngstown in cities producing restrained steel products.

Moreover, the American capacity to produce vital steels has not been impaired or rendered obsolescent in other locations as it has in certain of our Youngstown plants. We have kept those specialty plants relatively healthy, and, therefore, they continue to produce the steels we need for our general economy and defense. In those areas, we have not become vulnerable to potential blackmail, or worse, real jeopardy.

If we are not to allow our Nation to become overly or dangerously dependent on foreign sources of vital basic products, the 3-year restraint program should be renewed and extended.

If it is not—and that would be a deplorable decision—then problems will come. Without restraint, it is certain that a crucial industry will lose much of its vigor, men and women employed in that industry will suffer, and the imminent danger of our reliance on other nations to produce what we should be making ourselves will increase to the point of national foolhardiness.

We have learned a bitter lesson in Youngstown. It should not have to be taught again to other American communities.●

● Mr. MITCHELL of New York. Mr. Speaker, I hope you will permit me to confine my comments here today to a single product turned out by a single plant of a single company which just happens to be in the congressional district I am proud to serve.

The plant is that of Special Metals Corp., part of Allegheny Ludlum Industries' Special Metals Group.

More than 1,500 good people work there. The plant specializes in superalloys of specialty steels. Using the induction-furnace method, they make a specialty steel of ultra-high purity. Users of this steel include Pratt & Whitney, General Electric, and other manufacturers of jet aircraft engines.

Metallurgical purity of the highest degree is the prime requirement imposed by this plant's customers. I am told that these standards of purity are constantly being raised and the people at Special Metals Corp. respond.

They respond because they are able to respond and they always have responded.

But the viability of this plant—like the viability of plants of 18 other specialty steel companies—has not been without challenge. Several years ago, in 1974 and 1975, the entire specialty steel industry of the United States was in jeopardy. The American industry was facing an onslaught of foreign-made specialty steels. Operations in American plants fell off to the point where unemployment soared. With only marginal profitability, research and development slowed. New plant construction ceased.

Had this malady worsened, the Special Metals Corp. plant in the 31st District of New York might not be—as it is doing today—responding to the ever-increasing needs of America. After much effort, we got an import-restraint program installed by the International Trade Commission and the President of the United States.

The program installed ran for 3 years, not the 5 which had been recommended. It covered many vital products, but not all vital products. It removed part of the foreign peril facing our American companies and the people they employ, but it did not remove all the peril.

Given even this much protection, our American companies brought people back to work. They resumed their research, and their plant modernization and expansions. Their profits rose, but not anywhere near what unreconstructed free-traders would have predicted. In fact, profit increases have been as modest as price increases in the period since the summer of 1976. Both prices and profits trail averages for other products in other industries. And no one has been able to successfully label either prices or profits in the specialty steel industry excessive or inflationary.

Now—we have come to the point where all the progress these import restraints have wrought can be blasted into small pieces. We have come near the end of the 3-year restraint period. And as of this moment, we do not have vitally needed assurance that we will again do what has to be done, which is extend the period, renew the restraints.

If we fail to do so, then we put a truly key American industry into jeopardy again.

As a Member of Congress, and as a member of a committee concerned with America's defense, I am frightened by the prospects of a mistake as huge as this one would be.

Mr. Speaker—in behalf of the people in the 31st District, in behalf of all Americans in all congressional districts, I solemnly urge that the Congress does what has to be done, and I urge that we do what can be done to bring action by all who have the power and duty to act in this critical matter.●

● Mr. AKAKA. Mr. Speaker, we are joined here today in a discussion of how to preserve a vital American industry—specialty steel. More than the jobs of 65,000 workers depend upon this industry. As other Members have emphasized in this colloquy, specialty steel products are essential to most of our other important industries, including energy, aerospace, food processing, and communications.

If we permit foreign companies to capture our domestic specialty steel markets, which they have already done in several product lines, incidentally, this country will find itself faced with the same problem in obtaining these critical high-technology metals as we now face in obtaining oil. We will be at the mercy of the foreign supplier for these essential products, just as we are now at the mercy of Iran and other countries for our petroleum products.

Mr. Speaker, we cannot afford to let this happen. I join in urging my colleagues to press for an extension of the restraints on specialty steel imports.●

● Mr. LUNDINE. Mr. Speaker, I urge support for an extension of present import quotas on specialty steel imports into the United States. Import restraints, which were placed upon imports in 1976 are due to expire on June 13, 1979, unless extended by the President. A petition has been filed with the International Trade

Commission by the Specialty Steel Industry and the United Steelworkers requesting an extension for an additional 3-year period.

The specialty steel industry is a vital strategic industry essential to the civilian and military needs of the United States. Its products are necessary for oil drilling and refining, power generation, transportation, communications, surgical instruments, food-processing, mining, aerospace systems, and hundreds of military defense applications.

In the past, the United States has been a leader in developing the skill and innovative technology in the specialty steel industry. At the same time, it has been severely impacted by unfair competition from abroad. Foreign specialty steel industries continue to be heavily subsidized by foreign governments to lower their costs. Even in instances where dumping has been found and acknowledged by the Treasury Department, dumping duties have not been assessed on foreign competitors. Free trade must be fair trade—we cannot expect our domestic industry to flourish under a clearly disadvantageous trading situation.

Although conditions in the U.S. specialty steel industry have improved over the last 3 years when import restraints have been in effect, U.S. producers have not had sufficient time to fully recover from the loss of some key specialty steel product lines to foreign competition. Extension of the current import quotas are needed to continue efforts to modernize and improve productivity which our domestic industry needs if it is to remain competitive. Major capital investments are still needed to reduce costs and improve efficiency and profit margins to protect American markets and U.S. jobs

I have been particularly impressed with the efforts made by the specialty steel industry to improve their efficiency and quality of their products over the past 3 years. In my own congressional district, Al Tech Specialty Steel Co. was formed in August of 1976 when employees to avoid shutdown of their plant purchased what had previously been a bar division of Allegheny Ludlum Steel Corp. Specialty steel quotas have been a crucial element over the past 3 years in making this exciting employee ownership venture work. Removing quotas at a time when Al Tech is still building on a promising foundation for continued improvement could unfairly threaten their livelihood.

Extremely important to this debate is the issue of inflationary impacts of past and continued quotas. As we continue to debate international trade policies in future months, it is important to carefully examine cases on their individual merits. Regarding specialty steels, it is important to note that the Department of Labor in a recent report found that the specialty steel industry has had smaller price increases than other comparable commodities and smaller price increases since import relief was granted than in previous years. Evidence suggests that the domestic industry is highly competitive and functioning in the marketplace to keep overall specialty steel prices down to have no significant inflationary impact.

Ultimately, the process of recovery in a capital intensive industry is a long and difficult one, and the specialty industry is no exception. It is clear that the present quotas have enabled this industry to begin to make impressive improvements. We must not allow this progress to be halted by permitting present quotas to expire. When the U.S. International Trade Commission opens its March 6 hearings on the petition to extend quotas for another 3 years, I will give my wholehearted support to this effort and I urge my colleagues to do the same. It is my sincere hope that the ITC will recommend continuance of present quotas, and that the President will approve this action. This vital U.S. industry must not become an unfair victim of foreign imports.●

● Mr. FORD of Michigan. Mr. Speaker, I wish to point out that steelworkers are not the only workers whose jobs depend upon a reliable, assured supply of steel and steel-related products. In the State of Michigan, while almost 25,000 steelworkers are employed in 22 steel-industry facilities, thousands more workers are employed in automotive and related industries that are dependent upon specialty steel.

Because of the volume of specialty steel imports into the United States, which continued for many years, many of these skilled workers were forced to either find other employment or to remain unemployed.

Since the import limitations were imposed, employment in the U.S. specialty steel industry has increased. However, recovery from the flood of foreign specialty steel products into the U.S. market is far from complete. If import restraints are now allowed to expire, the healing process in our domestic specialty steel industry would come to an abrupt halt, and the negative impact on specialty steel and steel-related jobs would be enormous. Expiration could mean the loss of over 65,000 jobs and would jeopardize capital investments and technological advances by the industry during the import restraint period.

Mr. Speaker, to further elaborate on the steel import problem, I place in the Congressional Record an excellent article by United Steelworkers of America President Lloyd McBride that appeared in the last issue of "Viewpoint," the quarterly magazine of the Industrial Union Department, AFL–CIO:

FOREIGN TRADE PROBLEMS RUN DEEP

(By Lloyd McBride)

Whatever doubts there remained in this nation over the need for reform of our trade laws surely suffered a jolt this summer when the Department of Commerce released a startling report. The report showed that oil, once the United States' leading import item, had dropped to third place behind the first-place category of machinery and transport equipment and the new second-ranking category of manufactured goods.

In short, the Commerce Department was informing the American people that the trade problem waters run much deeper than energy, that most popular villian in the balance of trade economic war. In reality, the Commerce Department was telling us in its dry, statistical fashion, we are coming even closer to becoming a nation of workers who, instead of making the world's washing machines, take in its laundry.

According to the Commerce Department figures, covering the first five months of 1978, the United States imported $19.1 billion worth of machinery and transport equipment of all kinds including machine tools, electronic equipment, automobiles, trucks, railroad equipment and ships, mostly from Europe and Japan. That was a 35.6 percent increase over the year-ago period.

In addition, the United States imported $18.2 billion worth of manufactured goods including iron and steel, nonferrous metals, alloys, plastics, instruments, medical equipment, bicycles and other items, again mostly from Japan and Europe. That was a 38.8% increase.

Altogether, the value of those two categories came to $37.3 billion, or 45.9% of all imports—more than double the $15.9 billion that Americans paid for imported oil during the same period.

While this data was certainly not all bad—it reflected, in part, a decline in our oil imports—it underscored a problem that American labor has struggled for years to bring to the attention of our policymakers. It underscored America's continuing decline as an industrial power and the inescapable threat to its industrial workforce.

The numbers are there for everyone to see. In recent years we've lost—conservatively—150,000 jobs in electronics and electronic machinery; 300,000 jobs in textile and apparel; 70,000 jobs in shoes, and 100,000 jobs in primary metals. These are just some of the more obvious industries: the list is virtually endless. And with each job in manufacturing goes 1.5 jobs in related industries. For every 1,000 workers who make television sets, for example, another 292 workers make components, another 85 workers are employed in rubber and plastics, another 124 are logging, wood and furniture workers. None of us stand alone.

Traditionally, two-thirds of this country's exports have been of manufactured goods of almost all descriptions. Today, only aircraft and automotive goods, key consumers of my own industry's output, account for any significant part of the manufactures we export—and even those situations are shaky. Japan, already a major steel producer, now is threatening to use its U.S.-acquired technology to threaten American producers in aerospace, a billion-dollar cornerstone of the nation's economy both in terms of domestic jobs and exportable goods.

While the threats are obvious, the solutions, thanks in large part to political shortsightedness and tortoise-like responsiveness, are less so. Instead of being able to look to the United States Government for a comprehensive trade policy to protect American industry and its workers, individual industries have been forced to mount their own campaigns for redress.

An example is my own industry, steel. While the steel import picture right now holds more promise than at any time since our union first started to call for corrective action seven years ago, it is only because we in the industry launched that campaign that relief may be in sight. As imports swelled and production facilities were shut down, we in the United Steelworkers of America and the American Iron and Steel Institute presented our views to the government on the need for a long-term solution to the steel trade problem. In our joint presentation to Administration officials and the Congress in 1975 we emphasized the need for "sectoral," or special, negotiations at the international level, because we were convinced that the problems facing the steel industry are global in their causes and can be handled only through international discussions.

Our plea was met with much understanding, but no action. As the situation worsened last year I met with President Carter at a special White House summit conference on steel to insist upon a two-fold response to our problem: I urged the President to take quick action to stem the loss of jobs due to unfair imports and, as a second step, I emphasized the need for a long-term solution to the import problem—one that would help preserve markets for U.S. producers while at the same time encouraging them to modernize and expand their facilities.

Eventually, the Administration announced that the Treasury Department would begin listing minimum import prices to prevent dumping of foreign steel at unfairly low prices. This plan has had some positive effect, but even more positive was the understanding reached in international trade negotiations that an international steel committee be formed. This welcome development is a real breakthrough on the steel import problem, holding forth the prospect of developing the international steel agreement that we have been urging as the long-range, multilateral solution to the crisis in our industry. Will it truly work? Only time will tell.

Whatever the success of the steel industry's fight for survival, it has become glaringly obvious that what America needs is not self-defensive struggles by its various industrial segments, but a rational, equitable government international trade policy. American labor must not be forced to pound on the doors of the White House and Congress to protect the livelihoods of American workers from foreign competition.

Labor is not opposed to international trade. The United States always has, and always will, import goods from other lands just as it exports some of its own production. But the system will work only when everyone is playing by the same rules. Trade must be fair, and it is time for our government to take care of its own and pursue a trade policy that serves the interests of our nation above that of others.

We cannot be the world's policeman—we found that out in Viet Nam. Neither can we be the world's consumer. The United States has been more than generous in its policy toward other nations. Under the Marshall Plan following World War II we poured $13 billion into Western Europe—the equivalent of $72 billion in today's economy—to rebuild "shattered industries." We gave Japan nearly $2 billion in economic aid through 1950 to transform it into our major competitor. We don't begrudge this aid, but we say it's time for our government to evidence proper concern for its own people.

Petitions for relief from import injury or unfair imports must not be viewed as discriminatory against non-American workers. Even the Canadian government has taken action against undue imports, and so have European governments and others. South Korea has an embargo on American-made shoes; Japan has stopped the import of certain textiles from the U.S.; 50% of an automobile has to be manufactured in Mexico before a car can be sold there; the Common Market nations of western Europe limit the amount of steel they will import.

We in the labor movement are simply trying to prevent the exploitation of workers through predatory trade practices. That is why we insist that the trade laws be adhered to and that where possible—as in the steel situation—we should seek an international solution to prevent unwarranted layoffs due to imports.

American workers are sophisticated. When Corning Glass padlocked the doors of its Albion, Mich., television picture tube plant a couple of years ago, throwing 1,500 people out of work, those 1,500 smalltown workers—and voters—knew their jobs were victims of trade policies. When the massive Youngstown Sheet & Tube shutdown was announced last year, those thousands of workers knew the reason as well. They knew this man-made disaster was not of their doing, but that of elected officials who failed to watch out for the workers' interests. They are not likely to forget, nor are the millions of other workers in plants and mills across the country who are looking over their shoulders in fear that they may become the next "killed in action" in the international trade war.

These workers—the laid-off and those who fear they may be next—are looking to Washington for help, for assurances that can come only from their elected representatives and governmental action. They will be going to the polls Nov. 7 with the knowledge that within their ballots lies their future. They will be looking to President Carter and the 96th Congress for some guarantees. Neither they nor the nation can afford to be disappointed.●

● Mr. LUKEN. Mr. Speaker, I would like to add my support to those here today who are advocating an extension of present import restraints on specialty steel products.

We have been successful through the use of import restraints over the last 3 years in reviving the specialty steel industry which is essential to our defense and to the health of our economy. We should not curtail this program before the industry has had a chance to recover fully. Such a curtailment would only hurt our present efforts to strengthen the American economy and would penalize the industry for the excellent progress which it has already made.

At this time, I would like to submit for the Record a study of the specialty steel industry entitled, "Profile of the Specialty Steel Industry of the United States," so that all my colleagues in the House will be able to benefit from the information it contains:

Profile of the Specialty Steel Industry of the United States

1. SPECIALTY STEELS DEFINED

America's highly industrialized economy has become critically dependent upon specialty steels, unique materials unknown at our nation's birth in 1776.

"Specialty steels" generally are identified as stainless steels; tool and die steels; high-temperature alloys (superalloys); electrical, magnetic, refractory, electronic, and reactive alloys. They are designed and produced for applications in extreme environments demanding special hardness, toughness, resistance to heat, corrosion or abrasion, or combinations of these characteristics. Because of their high-alloy contents, téchnological properties, and/or the special processing techniques needed to meet close specifications, they are difficult to make and call for greater labor input and personal attention than other steels.

The national requirements for specialty steels may be classified into two groups: activities which are necessary to maintain the civilian economy and a strong industrial base. and those defense needs which bear directly on military preparedness. Many uses of specialty steels in these two areas are interrelated, and often manufactured products containing specialty steels can be used for both civilian and military purposes. Specialty steels are vital to the needs of our civilian economy and our defense operations—which, in turn, are dependent upon the ability of this nation to maintain a strong, viable industrial base.

With respect to the industrial needs of the United States, there are many critical applications for specialty steels for which there is no economic, or readily available, substitute material. To keep the highly mechanized and broadly diversified economy of this country running smoothly, specialty steels are an indispensable basic material used by many industries in producing goods and services for the American people.

For example, the electrical power system of the United States could not function without specialty steels because there is no substitute for these steels in the shafting, buckets, blades, and other parts of the giant turbines—which are the basic power unit of the electrical power system. To prevent the immobilization of part of the nation by a massive power failure such as the East Coast blackout in the fall of 1965, gas turbine engines—which cannot be made without specialty steels—are now being used as standby and auxiliary units. In the nuclear power industry, also, specialty steels are required for certain equipment applications—such as pool liners and tubing for condensation and feedwater exchange processes. For electric power generation, transmission, and distribution, grain-oriented silicon electrical steels are required for the cores of all transformers.

The aircraft industry must have specialty steels and titanium for applications which vary widely from jet engines to aircraft firewalls, exhaust systems, heating units, engine cowlings, and landing gear. Critical applications are found in sensitive electronic instrumentation devices, which are essential to the performance of the aircraft and the identification and regulation of the flow of air traffic. Thus, air travel—which is not only vital to the national defense system but also has become one of our basic forms of public transportation—is dependent upon specialty steels and titanium.

Magnetic and electronic properties of some specialty steels are invaluable in all types of contact switches, and none of these applications is more essential—or more mundane—than the simple telephone switch. Many semiconductor devices, including transistors and integrated circuits, require electronic glass-sealing alloys and nickel-based specialty materials. The uses of the vacuum tube in electronic applications are countless.

Specialty steels are used widely in the food-processing industry, including the dairy industry, because the corrosion-resistance properties and the fabricating characteristics of these steels reduce contamination and facilitate the sanitary handling of foods. There are many uses of specialty steels in this industry for which there is no generally acceptable substitute material. Some applications in meat-packing equipment, dairy-handling equipment, and milking machines require specialty steels by law.

Critical bearing applications, gears, valves and valve stems, gauge parts, pump parts, dies, and cutting tools are essential to industry and science. Specialty steels are essential to all.

At the most fundamental level, specialty steels, such as tool and high-speed steels, become "the tools which make everything else" in America's industrialized economy. Perhaps this is the most pervasive and critical application of specialty steels—for tools are the "magic multipliers" which have enabled the United States to become the most productive nation in the world. Specialty steels are the essential ingredient.

Most of the mass transportation systems presently under construction or under design utilize large quantities of stainless steel because of its strength, durability, and corrosion resistance. Hopper cars that carry fertilizer are being constructed now out of stainless steel because of the improved performance.

A partial list of applications touching our daily lives for which specialty steels are essential includes:

Aircraft.
Appliances.
Communications.

Electronics.
Food processing.
Marine equipment.
Petroleum processing.
Surgical instruments.
Automobiles.
Chemical processing.
Construction.
Home utensils and cutlery.
Mining.
Tools, dies, and fixtures.
Missile cases, nozzles, and motor parts.
Power generation and distribution.
Environmental quality control.

2. ECONOMICS OF SPECIALTY STEELS

Specialty steels obtain their high-performance characteristics from their alloy contents and the meticulous care which must be exerted throughout their production. Among the expensive elements contained in substantial quantities are chromium, cobalt, molybdenum, nickel, silicon, titanium, tungsten, vanadium, and zirconium. Certain stainless steels require the addition of up to 30% chromium and 26% nickel; high-speed tool steels contain as much as 45% of the alloying elements in various combinations; and many of the high-temperature and electronic specialty products contain essentially 100% of these elements.

The chemical compositions of particular specialty steels depend upon their individual uses, and—therefore—many of them are ordered, manufactured, and sold in small quantities—measured in pounds rather than in tons. This, together with their alloy contents, makes them costly and difficult to produce—with relatively low yields (sometimes 60%) from crude to finished product. In short, it requires a great deal of skillful handling and careful supervision to turn out small orders of many compositions—each meeting specifications of chemistry, size, uniformity, and quality.

Compared to ordinary carbon steel, which is produced in large tonnages, specialty steels have a very high labor content. The average man-hour requirement per ton of stainless steel produced ranges from about three-to-seven times greater than that for carbon steel; and, for the tool-steel specialties, the labor output is about 15 times greater. For electronic and high-temperature materials which must meet critical mechanical and physical property requirements involving much testing with sophisticated equipment, labor input can be significantly higher. This labor requirement, their consumption of expensive alloys, and the low yields common to their production are the principal reasons for the high price tags carried by the specialty steels.

Specialty steels are a distinct part of the steel industry—representing about 1.5% of the tonnage and about 9% of the dollar value of total domestic shipments. Prices range from as little as 50c per pound for some of the lower alloyed specialty grades to more than $5 per pound for certain special tool steels and high-temperature alloys and as much as $20 per pound for certain special titanium products. Estimated U.S. consumption of specialty steels is approximately 1,700,000 tons.

3. SPECIAL STEELS AND INTERNATIONAL TRADE

Specialty steels contribute to the negative balance of international trade of the United States in two important areas:

(a) Many of the important elements needed for the production of specialties must be imported since there are either no domestic ores or those which are available in the U.S. cannot be economically obtained in the quality required;

(b) Despite the technological superiority of U.S. specialty-steel producers, foreign steel producers (who are highly subsidized, or outrightly owned, by their governments) have captured a major share of many of the specialty-steel markets in this country.

A. Raw materials

As can be seen from the accompanying chart, imports supplied significant percentages of the total U. S. demand for some of the more important materials used in specialty-steel production. Access to these essential materials is of primary importance to the industry. Of equal importance is the fact that the prices of these imported materials are increasing much more rapidly than are the prices of domestic materials. Some of the price escalation can be attributed to higher rates of inflation in the exporting nations and devaluation of the dollar. In addition, the resource-rich countries have developed a new awareness of the value of their resources and the potential of their use for political advantage and/or economic gain. Economic profiteering by endowed countries will continue to be a major inflationary factor in the cost of specialty steels.

[Chart not reproducible for Record.]

Chromium is a representative example of the effect of this dependence of the United States on imported raw materials. Chromium—which represents the principal alloying element in stainless steel and is used in other specialties to increase hardenability and improve abrasion resistance and carburization—is found in Rhodesia, South Africa, the Soviet Union, Turkey, Brazil, and Yugoslavia. Before 1965, a very large portion of our chrome ore came from Rhodesia. However, with the imposition of sanctions in March of 1977, supplies from that source have been cut off again. The Rhodesian deposits are the largest and richest known to exist in the world. The ratio of chrome to iron is 3.5 to 1, and—in some instances—as high as 4 to 1. The structure of the ore is large and lumpy, and—as such—it produces a highly desirable ferrochrome product, which is about 70% chrome. The specialty-steel industry of the United States believes it is hazardous and undesirable policy for the United States to restrict access to strategic raw materials, such as chrome, which are essential to this nation yet are available only from abroad.

During recent years, a significant portion of the specialty-steel industry has developed and invested in technological innovations which permit the use of lower quality ferrochrome smelted from ore currently available from sources other than Rhodesia. In addition, substantial smelting capacity has been added outside Rhodesia. Thus, the economic reliance upon Rhodesian chrome is less than formerly.

B. Imports

Specialty-steel markets have been, and continue to be, a principal target of imports.

U.S. specialty-steel companies have countered foreign competition by investing heavily in new facilities and by promoting advanced technology—resulting in greatly increased efficiency and productivity. America's specialty-steel producers are the world leaders in technology, advanced equipment, and alloy developments.

In recent years, the ability to match foreign competition with respect to facility investment has become dangerously limited—largely because of the substantial market penetration by imports. This loss of volume in standard-grade products has prevented achievement of the full cost-saving benefits and adequate return on investment promised by the specialty-steel facilities constructed in the past decade.

Moreover, during this period, lacking assurance of a stable future share of the domestic market, and in the face of unregulated and unrestrained foreign imports, American producers and U.S. capital markets were increasingly concerned about making future planned and required investments.

The conditions of fair competition that America has sought but never really gained did not take into account the most important, frequently artificial competitive advantages of foreign steel producers, who were shipping record tonnages of steel into the American market—often at incremental prices below full cost of manufacture.

Politico-economic policies of Western Europe, as a whole, and Japan have been designed to achieve continuous investment; dependability of raw material supply; a maximization of foreign currency earnings for the industry by public subsidy or ownership; trade protection and export incentives; cartelization under public guidance; maintenance of undervalued currencies; and prohibition or effective disincentives, via non-tariff barriers, to hinder significant foreign investment or import penetration of their domestic steel markets by American producers.

Foreign markets in specialty steels are generally strongly cartelized and protected in their home countries. Consequently, they are better armed to "go for the jugular" in one or two product lines in the United States—as their national policies dictate and as the state of the markets here permits.

Specialty-steel exports and all steel exports to the U.S. from these nations, or blocs of nations, have been encouraged as a means of both maintaining employment during slow domestic demand and supporting national policies of full employment; as a source of foreign exchange earnings; and as a device to enable the foreign producers to build installations of efficient scale and size until domestic demand could catch up.

As indicated, a flood of imports severely impacted the specialty steel industry of the United States and—in the decade ending in 1975—plant closings occurred; unemployment as high as 40 percent was experienced; financial losses were felt even by the most efficient companies; R & D was cut back; product lines were eliminated; and structural corporate changes occurred throughout the industry, with entire operations being closed or divested.

During that period, legislation and administrative actions have proved inadequate to guarantee fair, equal competition in the American market. The anti-dumping act, although increasingly used by the specialty-metals industry in recent years, is—at best—a stopgap measure to help slow the most blatant types of predatory pricing. America's countervailing duty law has been a blunt instrument; for, while foreign governments openly funnel billions of subsidy dollars into their industries, the United States Treasury Department has been reluctant to take steps to offset these "bounties or grants".

The Trade Act of 1974 (enacted December 30, 1974) provided new hope, and a means to assure more orderly trade and make it more difficult for foreign steel producers to disrupt U.S. markets. In July, 1975, 19 specialty steel companies and the United Steelworkers of America appealed to the U.S. International Trade Commission for relief under the "escape-clause" provisions of the Trade Act. The ITC, after extensive hearings and investigation, found that specialty steel imports were "a substantial cause of injury", not only in 1975 but also in prior years as well. In March, 1976, following further governmental study, the President recognized the serious injury to this essential American industry and to the jobs of American steelworkers by establishing quotas on certain steel effective June 14, 1976.

The three-year limitation program, the first "escape-clause" action under the new Trade Act, does not exclude foreign producers from the U.S. market. In fact, they retain access to a significant share and are permitted to further increase shipments as the size of the market increases. Foreign producers are not permitted, however, to "export their unemployment" to America during periods of world recession—as in the past. The tonnage level for the first year (June 14, 1976, through June 13, 1977), allowing imports of 147,000 tons, was less than 5% below the near-record imports of 154,000 tons recorded in 1975. Import levels of 151,500 and 155,900 tons were provided for the years beginning June 14, 1977, and June 14, 1978, respectively.

The specialty steel import-restraint program should be continued for three more years to assure the relief justified and granted under the law. Should the quotas be lifted after so short a period, as urged by some foreign interests, it would be a disaster for the United States industry and its workers. Such action surely would frustrate the legislative intent of Congress as reflected in the Trade Act and of the subsequent governmental proceedings and determinations in the case. Moreover, it would be a clear signal to the world that the Trade Act will not be administered any more effectively and forcefully than other U.S. trade laws.

Also, it is important to note that—in announcing important relief for specialty steel in March, 1976—the President directed the Special Representative for Trade Negotiations "to negotiate solutions on a *sectoral basis* to the problems of the cyclical distortions in steel trade while liberalizing the conditions of this trade".

That was a bold and encouraging step, worthy of highest government attention and the strongest efforts to achieve reasonable solutions to the overall problems in steel trade before the expiration of the specialty-steel import-restraint program. The three-year extension would allow sufficient time for such negotiations, which have not yet been scheduled.

On November 30, 1978, the Specialty Steel Industry of the United States and the United Steelworkers of America, AFL/CIO, filed a joint petition with the ITC requesting a three-year extension of the specialty steel import-limitation program under provisions of the Trade Act of 1974.

In pursuing long-term solutions to U.S. trade problems, as in the landmark specialty-steel case, the administration must carefully study the many complex facets of the issues which now exist in international trade. Technologically and cost competitive, the American specialty-steel industry is ready and able to compete with "fair" competition from all quarters. However, "unfair" trade which enables overseas producers to capture American markets either through government subsidization or government ownership is an issue which must be faced by the U.S. government and its citizens. The industry urges special examination of the question: How do American companies compete with foreign companies which, as instruments of national policy, do not have to meet the same disciplines of profit and capital formation? Herein lies the fundamental issue.

4. SPECIALTY STEEL PRODUCERS OF THE UNITED STATES

Employing approximately 65,000 people, the producing facilities of the specialty-steel industry are small in relation to large carbon-steel, fully integrated plants. Annual sales of all are a fraction of the large, carbon-steel producers; and—in many cases—are below $100,000,000. Some are one- or two-product companies. In recent years, a number of companies have diversified or have merged with other companies to enhance their economic stability. They have generally retained, however, their separation from high-production operations since specialty-steel production is, almost by necessity, a custom or batch-type operation. The equipment required is highly specialized and must be versatile enough to take care of small production lots of a wide range of grades, custom-melted for the specific requirements of each customer.

Though relatively small, the specialty-steel companies are well known. They include Allegheny Ludlum Steel Corporation; Al-Tech Specialty Steel Corporation; Braeburn Alloy Steel Division; Carpenter Technology Corporation; Columbia Tool Steel Company; Crucible Materials Group/Colt Industries; Eastern Stainless Steel Company; Jessop Steel Company; Joslyn Stainless Steels; Latrobe Steel Company; McLouth Steel Corporation; Simonds Steel Division; Teledyne Vasco; Universal-Cyclops Specialty Steel Division/Cyclops Corporation; and Washington Steel Corporation. Large carbon-steel companies which have specialty-steel operations include Armco Inc.; Bethlehem Steel Corporation; Jones & Laughlin Steel Corporation; Republic Steel Corporation; and United States Steel Corporation.●

● Mr. BEVILL. Mr. Speaker, I have thought long and hard about the issue of renewing the specialty steel quotas, because I believe in the freest possible trade with our brother and sister nations around the world. It has been my belief that we should carefully scrutinize all contemplated restraints on free trade.

I have concluded that we must renew the specialty steel quotas. Let me explain the considerations that lead me to make this determination. Domestic workers—those who can least afford unemployment because of their limited resources—have suffered the effects of import floods. At the worst moments unemployment in the specialty steel industry has reached a colossal 40 percent of the work force. I cannot sit by while even small numbers of able bodied, motivated people are denied the opportunity to earn an income and support their families. While the quotas have increased employment levels during the past 3 years, we are still not even close to optimum levels. Renewal of the quotas for another 3 years is the only satisfactory way of assuring increased jobs.

Not only do steel workers suffer from excessively high import levels, the country as a whole is injured. The steel industry plays a fundamental role in our economy. When it is depressed other sectors of the economic can become depressed. We can ill afford to have a downward drag on our economy in this time of possible recession. It would be unwise to allow the quotas to expire at this time.●

● Mr. LONG of Maryland. Mr. Speaker, last March the Foreign Operations Appropriations Subcommittee, which I chair, held hearings on a study by my staff which showed that $4.5 billion in U.S. foreign aid for steelmaking had been given in the past 25 years to 46 nations.

This foreign aid, in the form of loans, grants, and guarantees amounts to a subsidy by U.S. taxpayers of foreign steel firms which robs us not only of jobs through imports but of capital drained out of the country. The Solomon Group, which created the current trigger price mechanism for steel, noted that the U.S. steel industry faces a capital shortfall of $1.8 billion per year needed for modernization. Yet one lending agency, the Export-Import Bank, admitted in its own report that although it approved a loan to Mexico for steelmaking at 8 percent interest, private financing for the project at that time would have cost 9 percent. U.S. companies do not get these breaks.

In my hearings, James Collins of the American Iron and Steel Institute agreed:

> Those are subsidized rates (charged by bilateral and multilateral foreign aid institutions) in terms of the ability of our companies to obtain such loans at those interest rates in U.S. capital markets.

But U.S. subsidies are not the only props for less-developed, and even developed, nations' steelmaking. My study observes:

> . . . high fixed costs of plant operation, political pressures . . . and public sector control of steel plants can result in artificially low export prices for steel. . . . The Federal Trade Commission suggests that export sales by developing nations at marginal rather than unit costs of production (and possibly below marginal costs) are encouraged not only by the political and social pressures to keep these "symbols of progress" operating, but *by the ability of the government to interfere with the domestic pricing system to such a degree that it is difficult, if not impossible, to substantiate charges of dumping.* Subterfuge is made easier by the fact that in many developing nations, the governments own between 65 percent and 100 percent of steel plant facilities: [Emphasis added.]

Thus, Mr. Speaker, the U.S. steel industry faces: First, a capital shortfall; second, the export of domestically scarce capital exacerbated by our Government's foreign aid policies; and third, plants operating abroad under subsidy from both the foreign nation and our own U.S. Government.

One especially hard-hit segment of the steel industry has been that known as "specialty steel"—those high-grade steels and alloys vital to our technology and our national defense. Specialty steel production is more labor-intensive than basic steel production. From three to seven times as much employment is provided per ton of most types of specialty steel as for basic steel. The industry produces about 1.5 percent of the steel tonnage of the United States, but 9 percent of the dollar value of our steel output.

The U.S. specialty steel industry developed in a free-market economy in response to market demands. Other nations artificially established or maintained specialty steel production. This is demonstrated by the extent of subsidy devoted even in developed nations to maintaining specialty steel industries—subsidies outlined in a review of steel industries in 27 nations just completed by the Specialty Steel Industry of the United States.

This study, "Foreign Government Subsidization of the Steel Industry With Emphasis on the Specialty Steel Sector," observes:

> Over half the free world's steel production is owned outright by government . . . the greater part of the new iron and steel capacity being installed in the developing nations between now and 1988 will be owned and controlled by governments.
>
> Further, with government . . . ownership or involvement . . . foreign producers rationalize markets and production, form cartels, fix prices, and pursue predatory pricing and dumping in international markets . . .

The table below lists the nations included in the specialty steel report—all of which subsidize their own steel industries. The dollar figure shows the amount of U.S. foreign aid for steelmaking to each nation, based on my study and hearings:

LIST OF FOREIGN GOVERNMENTS SUBSIDIZING THEIR STEEL INDUSTRIES WITH AMOUNTS OF U.S. SUBSIDIES TO THOSE INDUSTRIES

Nations subsidizing their steel industries: [1]	*(Amount of U.S. foreign aid for steelmaking, 1945–77)* [2]
Austria	$33,520,000
Belgium	10,300,000
Brazil	941,170,000
Canada	1,250,000
China (PRC)	0
Denmark	0
Finland	490,000
France	74,610,000
West Germany	12,500,000
Hungary	0
India	205,510,000
Ireland	0
Japan	307,510,000
Kenya	0
South Korea	29,430,000
Luxembourg	0
Mexico	624,530,000
Norway	90,000
Pakistan	600,000
Paraguay	0
Qatar	0
South Africa	77,340,000
Spain	255,230,000
Sweden	60,000
United Kingdom	0
Venezuela	46,850,000

[1] Source: Specialty Steel Industry of the U.S., 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007, January 31, 1979.

[2] Source: United States Subsidy of Foreign Steel Producers, hearing before the Foreign Operations Appropriations Subcommittee, U.S. House of Representatives, Washington, D.C. 20515, March 3, 1978.

Of the top eight recipients of U.S. foreign aid for steelmaking, five nations—Brazil, Mexico, Japan, Spain, and Italy—are identified in the specialty steel industry report as providing subsidies to their domestic steel industries, owning the industries outright, or providing loan or grant aid to domestic producers. Two-thirds of the nations listed above are not only sheltered by their own governments, but were found by my study to receive low-interest U.S. loans for steelmaking.

What is the harm in providing U.S. foreign aid for steelmaking? As I noted, our Nation currently suffers from a scarcity of capital. This scarcity drives up interest rates and makes it economically unfeasible for steel companies in the United States to obtain capital for urgently needed modernization. Steelworkers, laid off by the thousands, must rely on public assistance to support their families—and may, in some areas, leave the skilled steelworking force. U.S. trade deficits continue to mount as steel imports pour in.

It is clear that we do ourselves a disservice by exporting capital at subsidized rates to set up industries which will obtain still more subsidies from their own governments to compete with U.S. firms and workers. We hurt not only ourselves, but these other nations as well—especially the developing nations. My study points out:

> Taxpayer subsidized loans have encouraged developing nations to produce steel although it is to their comparative disadvantage in world trade.
>
> These steel loans have not resulted in improvement in income distribution in recipient nations; on the contrary, in several nations the gap between rich and poor has widened.
>
> Our scarce aid dollars poured into these capital-intensive—steel mills—with extremely high costs per job * * * have therefore been unavailable for labor intensive projects—at $100 to $200 per worker—to help the truly poor, who need food, shelter, and medical assistance far more than they need steel.

During hearings on the study, Mr. Collins of American Iron and Steel Institute, described how a steel mill can drain a developing nation's resources and hurt free-market producers:

> Once their capacity is put in place at a level far in excess of their national or regional market requirements, and because additions to their capacity can be added in cheaper increments . . . the tendency is for (a developing nation) to install (greater) capacity than one needs to satisfy local demand, and then export the rest. Then of course the nation is confronted with a need to operate . . . at a very high level of utilization to justify the economics of running a steel mill of that scale. The only way to do it is to export.

Mr. Jack Sheehan, legislative director of United Steelworkers of America, warned of the special problems presented by government-controlled steel industries:

> The propensity to disrupt (the world steel market) is particularly prevalent where steel facilities are nationalized or under government control . . . It is precisely these government facilities which attract other external governmental aid funds and which during depressed demand periods are able to obtain internal government subsidies so as to continue production.

Mr. Speaker, the specialty steel industry, and the basic steel industry itself, have been victims of just such disruption—victims not of free trade and comparative advantage, but of heavily, and doubly, subsidized exports by foreign government-sponsored steelmakers.

That is why I have urged a redirection of our foreign aid away from capital-wasting technologies and toward low-cost capital saving technologies which meet the real problems of development head on—the problems of food, shelter, medical care.

I am not a protectionist. As an economist, I have always supported free trade. But I know of no law of classical economics which requires that we subsidize our competitors under the guise of free trade.

In fact, free trade requires absence of subsidies—even of subsidies to our own industries, certainly none to our competitors.

It is therefore doubly damning that our own governmental foreign aid policies have interfered with free trade, drained capital urgently needed by our domestic steel industry, and have allowed developing nations to misdirect development capital toward showcase steel mills instead of toward improving the lot of the poor, which should be the real aim of foreign aid.●

● Mr. MURPHY of Illinois. Mr. Speaker, with all due deference to my colleagues from Pittsburgh, the original capital of the American steel industry, I must point out that Chicago is now in that position. More steel capacity is centered in Chicagoland and its environs than anywhere else in the United States. That came about, Mr. Speaker, because Chicago is the hub of an industrial center which contains literally thousands of companies which convert tool, specialty and stainless steels into the myriads of products vital to the Nation's civilian and defense industries. I am confident others will speak to the essentiality of these steels to American life.

I want to use the time allotted to me to discuss jobs—jobs in the plants making these vital steels, and jobs in plants which convert these steels into useful products.

And I want to talk against the backdrop of experience amassed with another import-susceptible product—color television.

Thousands and thousands of American jobs were lost in America because we did not respond quickly enough to the specter of foreign-made television sets—whole sets, chasses, tubes, black-and-white, color tubes—you name it.

It was not until labor and management came together that the flood of foreign-made television receiving equipment was abated somewhat. And the ironic thing about it is that what happened to American televisionmakers first happened to Americans making tool, specialty, and stainless steels.

One difference is that the steelmakers were able over 3 years ago to make the point of the import peril where it had to be made. As permitted by existing trade laws, a program was installed to restrain excessive imports of these important metals. This was after unemployment in American specialty steel plants had climbed to nearly 45 percent.

The restraint program was installed for 3 years. Almost immediately after its start, employment started back toward prior levels. Capital spending for new plants and equipment resumed, and America was assured that its technological leadership in specialty steel production would be preserved. Research and development were intensified as further assurance that we would be able to develop and produce any or all steels we needed, either for our general economy or for our defense apparatus. Profitability of American steelmakers improved, but it did not—as comparisons with other industries will establish—it did not explode or become excessive.

As important as all these facts are, prices of American-made specialty steels have remained well below inflationary levels. In fact, they are well below what they likely would have become, if foreign steelmakers had continued to romp unmolested through the American marketplace, dumping when they chose to, and price-gouging when they chose to, such as in 1974–75.

If you need proof of this, there are data which show that imports of specialty steels covered by restraints have not come close to exceeding 1976 levels. But imports of specialty products not covered by restraints have more than tripled in the past 3 years.

And you don't have to be from the Steel Capital—as I am—to know that 85,000 tons of steel not produced in America have caused Americans to have to look for other ways to make a living.

Foreign nations, Mr. Speaker, use their specialty steel industry as instruments of national policy. I say, Mr. Speaker, we should do precisely the same thing.

By extending import restraints, we would be developing and implementing a national policy which says in clear and forceful language that America, Americans, and American jobs come first.●

● Mr. YATRON. Mr. Speaker, as a businessman in my native Reading before I entered politics, I never forget that the only way to succeed in any business is to be able to compete on the same ground rules which apply to others handling the same or a similar product line.

Such has not been the case in America's specialty steel industry, which only a few years ago was threatened with near extinction because subsidized foreign producers were marketing their products here at bargain basement prices.

There is no way our privately owned specialty steel firms can compete with foreign governments which, as a matter of policy, underwrite operating losses of manufacturing enterprises for the sake of assuring full use of capacity, maximum employment and dollar flow.

That this has been so in the case of the specialty steel industry is of critical concern because these products are indispensable to the national economy.

As far back as 1972, a Senate Armed Services Committee observed:

> It is abundantly clear specialty steels are essential, today more than ever, in the fabrication of the major portion of our defense weapons and critical weapons systems.

More recently, a chairman of a House of Representatives committee concerned with the impact of imports upon the U.S. economy, told a Senate subcommittee:

> In the modern world today, no nation can exist in peacetime or survive in an emergency without specialty steel.

Traditionally, the specialty steel industry in this country has favored open, fair, and mutually beneficial world trade. So the issue is not protectionism versus free trade. Rather, it is a case of having the opportunity to compete on even terms. Specialty steel companies and their steelworkers have repeatedly demonstrated an ability to be fully competitive in markets undistorted by foreign subsidies.

Because such evenhanded competition has not prevailed for most of the past decade, the U.S. specialty steel industry became a disaster area only a few years ago. Plants were closed. Layoffs and permanent loss of jobs increased alarmingly. Research and development which had established America's leadership in manufacture and fabrication of precision, high strength steels, was all but abandoned.

At this point of near-desperation for a critically important industry, the U.S. International Trade Commission held in 1976 that the flood of imports was, indeed, inflicting lethal injury. ITC's recommendation was that import limitations be imposed for five years to give the U.S. specialty steel producers time to recover.

President Ford then negotiated an orderly marketing agreement with Japan, limiting specialty steel imports for 3, rather than 5 years. Refusal of the European nations to negotiate led to quantitative restraints on imports from all other countries, likewise for a 3-year period starting June 14, 1976.

Conditions in the domestic specialty steels industry have since improved greatly, even though foreign shipments have continued to supply a large share of the U.S. market.

But new danger lies immediately ahead. New foreign specialty steel capacity, far exceeding demand, is in being or nearing completion in Finland, Taiwan, the United Kingdom, Korea, Brazil, and Spain.

Without an extension of the current specialty steel import restraint program, we face the imminent prospect of another flood tide of subsidized foreign goods of overwhelming proportions.

Mr. Speaker, I contend it would be a national disservice to terminate this program. More time is needed to permit the specialty steel industry to recover adequately. More time is needed also to achieve long-term solutions to inequities presently prevailing in the world steel trade.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise to support efforts that would permit the specialty steel industry to continue to restore its vigor and vitality. As we all know, the specialty steel industry was impacted particularly hard several years ago by overseas imports. This industry, which is important not only for our domestic economy, but our national defense, is now in the process of recovery. During the period of greatest harm, the unemployment rate at some specialty steel plants ran as high as 40 percent. This is among the reasons why the International Trade Commission found in 1976 that specialty steel imports were "a substantial cause of injury" to our domestic industry and why the President, under authority delegated to him by the Trade Act, ordered that protective quotas be instituted.

Today we are faced with a situation where an industry, badly scarred by a past invasion of imports, is rapidly regaining its commercial health. The issue is whether we should risk a potentially premature ending of such import quotas, thereby jeopardizing the improvements achieved by the industry these past 3 years, or whether we should permit the industry to continue to recover and regain fully its economic vitality and thus be in the best possible situation to compete in the international marketplace once quotas end. For me, the answer is clear; the economic well-being of this vital domestic industry must be safeguarded. The 3 more years that the President is authorized to extend the time the quotas are in effect—which represents the maximum period allowed by law—would insure to the maximum extent feasible that the specialty steel industry would be on the most solid ground possible when once again it actively competes in the world market. It is for this reason that I urge the administration to extend the quotas.●

● Mr. GRISHAM. Mr. Speaker, I am pleased to join with Congressmen GAYDOS and BUCHANAN and my other distinguished colleagues in discussing the problem of the impact of imports on this key American industry, specialty steel.

The Trade Act of 1974 was the product of a long and very difficult effort by the Congress and the specialty steel industry was the very first to receive relief from imports under the escape clause of the act. The limitations the President placed on specialty steel imports in June 1976 were seen as evidence that the Trade Act could work as the Congress intended it to work. If the limitations are removed, it would be a signal to all our industries and labor unions that the act is no longer working.

Removing the limits on specialty steel imports would also threaten the jobs of thousands of American workers. The specialty steel industry employs 65,000 workers nationwide and more than 300 workers in the 33d District of California. These jobs could be jeopardized if import restraints are permitted to expire.

For these reasons, I join with my colleagues today in urging the President to maintain the quotas on specialty steel imports.

I include in the RECORD an article from the February 12 issue of Business Week magazine. In my view, this article accurately reflects the mood of this Congress on trade:

WHY CONGRESS MIGHT SQUASH THE TRADE PACT

The trade-liberalization agreements negotiated in Geneva are being threatened by new doubts in Congress, which must ratify the accords, about the commitment of Europe and Japan to genuinely equitable trade relations—and about the Administration's ability to ensure compliance even with the trade rules that are already in effect.

Two controversies involving Belgian steel and Japanese TV sets are complicating prospects for the accords on Capitol Hill. The congressional backlash could be directed mainly at a code—designed to regulate the use of subsidies, countervailing duties, and related antidumping duties—that is part of the Geneva package. Legislators are concerned that the code will not provide enough protection for U.S. industry against unfair trade practices. If Congress rejects that provision, it could shoot down the whole package because the Administration's omnibus bill to ratify the pacts must be voted up or down without amendment.

What worries the powerful legislative steel caucus, made up of 175 congressmen and 40 senators, is a complaint by Connors Steel Co., of Birmingham, Ala., that Cockerill Ougrée, a Belgian government-aided steel producer, is selling specialized lightweight I beams in the U.S. at 21% to 48% below European prices. Connors Chairman Robert L. Mueller says the dumping cut the company's net profit per ton on that product by 70% last year and may force it to close its Huntington (W. Va.) mill with a loss of 900 jobs.

Representative John H. Buchanan Jr. (R-Ala.), chairman of the steel caucus, questions the good faith of the Belgian government in having supported dumping by Cockerill while participating in negotiations on the subsidy code. "The caucus has tried not to be protectionist," Buchanan says. "But if these agreements seem to threaten an already beleaguered industry, we will be forced to take some kind of action."

"ANTIDUMPING DUTIES"

Anger on Capitol Hill over alleged dumping of Japanese TV sets, simmering for years because of the Treasury's delay in assessing and collecting antidumping duties on sets imported as long ago as 1971, has also reached a boiling point. Congressmen are particularly irked by recent Treasury suggestions that $400 million worth of potential antidumping duty liabilities on imports totaling $2.5 billion may be scaled down to a small fraction of that figure. "The committee will be very unhappy about any prorated settlement of these claims," says Representative Charles A. Vanik (D-Ohio), chairman of the trade subcommittee of the House Ways and Means Committee and a key figure in the coming battle over the Geneva accord. "Even proposing such a thing could jeopardize the implementing legislation."

Even if Congress ratifies the Geneva package, it could pass separate antidumping legislation with highly protectionist provisions that would provoke foreign retaliation. This would unravel much of the progress toward freer trade that has been achieved by five years of negotiation in Geneva.

The delay in assessing antidumping duties is partly due to Treasury's discovery of apparently widespread fraud, involving double invoicing and rebates to U.S. importers by Japanese manufacturers to evade dumping charges. Grand jury probes that are currently under way could lead to criminal penalties and to hundreds of millions of dollars in civil penalties as well.

Among companies that could be hit by the antidumping duties are major importers such as Sears, Roebuck & Co. and J. C. Penney Co. The Treasury is currently sifting through masses of information, contained in 700 protests filed by both U.S. importers and Japanese TV makers against an initial $46 million of levies, to determine what adjustments should be made in its initial calculations of Japanese home market prices. "Frankly," says one Customs Service official, "we don't know at this point whether the final bill for antidumping duties will be $400 million or nothing." Vanik, unhappy over such a prospect, is considering legislation to simplify assessment criteria and set a time limit for collections. "I say, collect the duties owed to the U.S. Treasury first, and then let the courts act," Vanik declares.

Customs plans to start collecting by May, at the latest, on TV imports through June, 1973, and clean up the rest of the backlog, possibly by the end of the year. But even if it succeeds in doing so, it will be too late to influence the congressional debate on the Geneva package.●

● Mr. NOWAK. Mr. Speaker, the summer and fall of 1977 brought a series of announcements on steel plant closings and job cutbacks that dramatically reflected the serious problems confronting this vital domestic industry.

Bethlehem Steel severely curtailed operations at its plants in Lackawanna, N.Y., in my congressional district, and in Johnstown, Pa. There was also a massive steel plant shutdown in Youngstown, Ohio. Within a few weeks, thousands of steelworkers were unemployed.

A variety of reasons were cited for these closings and cutbacks. One common denominator, however, was the increasingly adverse impact of steel imports.

The formation of the Congressional Steel Caucus and the imposition by the administration of the trigger price mechanism (TPM) reflected both the growing awareness of the carbon steel industry's serious problems and the role unfair competition from abroad was having in contributing to those problems.

Today we are alerted to the concerns of another important segment of our domestic steel industry—the specialty steel manufacturers—which was found in 1976 by the International Trade Commission to have been seriously injured by imports.

The ITC had recommended import limitations for 5 years to give the specialty steel industry sufficient time to recover. However, the import quotas were imposed only for a 3-year period, which is set to expire on June 13.

I join my colleagues here today in expressing concern about the potential adverse impact on the domestic specialty steel industry and its 65,000 workers if the present import quotas are permitted to expire this June.

In a capital intensive industry like specialty steel it takes time for the results of such relief to be felt. That is reflected in the ITC's original recommendation that these import limitations be in effect for 5 years.

As a member of the executive committee of the Congressional Steel Caucus, I respectfully would urge the President to maintain the import restraints on specialty steel for 3 more years to allow this essential and unique industry an adequate opportunity for full recovery from the adverse impacts of unfair competition from abroad.

Mr. Speaker, in the absence of a long-term solution to the international trade problems in specialty steel, extension of the import restraints is an appropriate, equitable short-term safeguard.●

● Mr. WALKER. Mr. Speaker, as the elected representative of thousands of Americans whose livelihood depends upon many manufacturing jobs related to the steel industry, I direct your attention particularly to a vital segment—specialty steel products.

Just a few years ago, this essential industry and the employment it provides were in near chaos. Entire companies, and the jobs they make possible, were in dire jeopardy, because State owned or highly subsidized foreign producers were flooding this Nation with specialty steel items against which we could not compete.

Specialty steel products became a truly sick industry, even though its technology, skills, productivity, and output are absolutely vital to the military and domestic welfare of the United States.

A reprieve, in the classic "nick of time," came almost too late when the International Trade Commission found that imports did constitute a "substantial cause of serious injury" to the domestic steel industry and decided that quantitative limitations were required to prevent or remedy the damage.

It was proposed that import limitations on such items as tool steels, stainless, steel sheet, strip, plate, bar, and wire rod, be imposed for 5 years beginning in June 1976. However, the Ford administration modified this to 3 years—a period now rapidly approaching its expiration date.

Even in the relatively brief period in which protection was provided, the specialty steel industry made a dramatic recovery. There were significant increases in employment. Efficiency was improved and operating costs reduced through investments in new plants and equipment. America's traditional leadership in technology was salvaged and enhanced, because of new impetus given to research and development. Yet, prices of specialty steel products advanced less than many other manufactured items despite much higher costs for many of the imported alloying ingredients which go into them.

All of this, in my opinion, demonstrates conclusively that the import restraints are working effectively.

What this also demonstrates is that additional time is needed to make the import limitation program fully effective.

What we face now are new threats poised by foreign producers of specialty steel products whose governments are continuing and expanding policies of assuring full employment by subsidizing this industry in one way or another. Even as our own producers struggle to regain their former health, new foreign capacity, far in excess of demand, is mushrooming overseas.

It is abundantly clear to me and to my constituents that we simply cannot afford to observe this trend and do nothing to curb it.

It is obvious that as a first step the current specialty steel import restraint program should be extended for an additional 3 years, as permitted by U.S. trade laws. It also is apparent that the U.S. trade laws presently before the Congress must be revised and updated, and provisions made for more effective administration and enforcement.

Finally, Mr. Speaker, I urge that this country proceed to initiate and consummate international negotiations aimed at dealing on a sectoral basis with the problems of world trade and the special situations affecting this Nation's steel industry.●

● Mr. COUGHLIN. Mr. Speaker, I join my fellow colleagues today to express my deep concern over the future of the specialty steel industry in the United States.

As a native Pennsylvanian, I have had an ingrained awareness of the steel industry and its importance to not only the Keystone State, but the Nation as well. In fact, having been in the steel manufacturing business and a user of specialty steels, I have had firsthand working experience with the multifaceted specialty steel industry.

While small in comparison to the large integrated producers of carbon steel, specialty steel is nevertheless a commodity without which our Nation could not function nor be militarily secure.

Specialty steel comprises the working parts of aircraft, automobiles, appliances, communications equipment, electronic devices, tools, energy-generating development, and operating machinery and food processing equipment to name a few. These products are, moreover, produced by approximately 19 companies whose 65,000 workers depend upon the mills and shops providing their jobs.

A capital-intensive industry, costly processing and operating equipment are required along with a high level of human skills. Its products often equate to pounds rather than tons, since many are custom-tailored to exacting specifications in small batches. Generally, its products require 7 to 15 times more man-hours per ton than carbon steel items. And, it is interesting to note, while output totals only 1.5 percent of the country's steel tonnage, it amounts to more than 9 percent of the dollar volume of all steel shipments.

Unfortunately, despite its critical position as a mainstay of the United States' progress and security, the specialty steel industry has for years been impacted by massive foreign imports.

As plant layoffs and shutdowns mounted, because of illegally subsidized foreign imports, the International Trade Commission conducted two exhaustive studies of the damage to our domestic industry.

The outcome in June of 1976, was the setting of import limitations on specialty steels of certain types.

With this measure of well-deserved protection, the domestic industry has been steadily convalescing. Employment has increased, capital investments have improved productivity, and dormant research and development programs revitalized.

Even so, the volume of imports continues to deprive U.S. workers of job opportunities. Foreign producers continue to enjoy a sizable share of the American market since the yearly level of imports and annual increases permitted by the restraint program actually assures more jobs to other countries, many of which own or subsidize their own industries.

Today, even the limited protection afforded the American specialty steel industry since mid-1976 is in jeopardy. This is so, because the import limitations, unless extended, will phase out next June.

Once again, a key U.S. industry and its 65,000 employees are in peril.

Mr. Speaker, I believe the record will show that a 3-year period did not provide suffcient time for the full recovery of an exceptionally stricken industry. I submit also that an extension of import limitations will serve not only to insure its comeback, but will allow the much-needed time to achieve a long-term solution to the international trade problems which have chronically plagued the specialty steel industry.

I respectfully urge that we proceed immediately to assure the continuation of the specialty steel import restraints.●

● Mr. DINGELL. Mr. Speaker, there is probably no State in the Union whose industry depends more heavily upon specialty steels than my home State of Michigan.

There are nearly 25,000 steelworkers in Michigan employed in 22 steel industry facilities scattered across the State, and many thousands more Michigan workers in the automotive and related industries whose jobs depend upon plants having a reliable supply of steel, including specialty steel products. In fact, the automotive industry is probably the primary user of these high technology steels—especially stainless steel products.

International trade should remain as free as it has been in recent decades. But that does not mean that we can countenance other countries taking dead aim at our vital industries and knocking off thousands of American jobs by flooding our markets with their products.

Unemployment rates rose as high as 40 to 45 percent in the American steel industry before import restrictions went into effect. Now, just as the industry and its workers are regaining stability, the means of production and vital jobs are threatened once again. If the import quotas on specialty steel are not extended—as they should be—thousands of steelworkers will probably lose their jobs.

Some people will argue that adjustment assistance—additional and extended unemployment compensation—is the only form of relief that workers should claim when their jobs are eliminated by imports. That is tantamount to Marie Antoinette saying that the solution to the problem of hungry people who had no bread was to "let them eat cake." While adjustment insurance does provide short-term financial relief, it does not constitute a sound and long-term solution to the problem at hand. We must assure the protection of our industry. We must maximize the retention of American jobs.

We now have an opportunity to once again provide a sensible foundation for our specialty steel industry. We have an opportunity to create a reasonable economic environment within which our industry can prosper. We can accomplish this by extending the quotas on foreign produced specialty steel. I ask the President to make this most important decision and I hope every other Member of this House will do the same.●

● Mr. SLACK. Mr. Speaker, I am proud to join with my colleagues in exploring an issue that is of increasing concern to this Nation. The flood of imported goods into this country is washing out hundreds of thousands of American jobs and we suffered a trade deficit last year of $34 billion.

Deficits for the United States were unknown only a short decade ago. But deficits began in the past decade and, with one or two exceptions, we have had them almost every year during the 1970's. Our workers' jobs are often eliminated and the arguments that imports hold down inflation appears ridiculous on its face. We see prices skyrocketing on shoes and apparel products, because imports have come to dominate the American market. Imports certainly have not brought lower prices for the consumer.

On some items, we see foreign suppliers increasing their prices tremendously once they capture or come to dominate a segment of our market. Specialty steel is a classic example of this. During the world steel shortage of 1973–74, foreign steelmakers upped their prices on certain specialty steel products as much as 100 percent. Once they force their American competition out of the market, they can charge whatever they wish.

I am happy to note that both labor and industry are in complete agreement on this issue. Lloyd McBride, the president of the United Steelworkers of America, joined with his counterparts in industry in supporting an extension of the quotas in the petition jointly filed by the union and the companies.

Mr. Speaker, I enthusiastically support this petition and ask that we call upon the President to extend the quotas on specialty steel imports.●

● Mr. HALL of Texas. Mr. Speaker, the expiration of the import restraints on certain tool, specialty and stainless steels this coming June 13 after only 2½ years of experience, is of particular interest to me.

The original recommendation of the International Trade Commission—made after a careful and exhaustive study of this industry—was that the import restraint program be implanted for a period of 5 years to provide ample time for the plan to be fully effective and fully measured.

Considering what is at stake here, 5 years was not an excessive time. I say that because in 3 years, we have been able to prove that restraints induced many positive results within the tool, specialty and stainless industries. Yet, 3 years has not been long enough to discourage foreign steelmakers. They looked at the 3-year period as providing them some breathing room while they carried on vast programs of expanding their capacities to manufacture these very steels. In other words, their actions seem to indicate they did not take us too seriously, so they were willing to risk millions of dollars in their belief that America ultimately would get back to its policy of surrendering still another vital market.

America's specialty steel industry is vital to every citizen, from astronaut to submarine crewman, from dairyman to orthopedic surgeon. It would be difficult, indeed, to find one citizen who is not affected by specialty steels in some way or another, each and every day of the year.

I am keenly aware of the importance of these steels to my constituents in the agricultural and industrial First District of northeast Texas.

I submit, Mr. Speaker, that there has not been enough time elapsed for the original intent of the ITC to have been fulfilled. In the interim, what results we do have in are encouraging and certainly, these results argue for carrying this program full term.

On the other hand, allowing the restraints to die a premature death will certainly induce predictable results, all of them bad for America and bad for Americans. With near-certainty, we can predict unemployment in the specialty steel industry. Before current controls, unemployment resulting from imports reached as high as 40 to 45 percent of the 75,000 jobs in the industry.

We can predict, with certainty, that foreign steelmakers and their governments have not built new specialty steelmaking capacity over the past 3 years just so they can admire it. They built this capacity to use it. And unless this Nation continues its deterrence, they will use the capacity in whatever fashion pleases them. They will try to maximize their penetration of the American specialty steel market, because it is the largest market in the world. And specialty steel products, because of their high labor and materials content, bring more dollars than conventional carbon steel products would.

There should not be any mystery here. Given a chance to ship a ton of $600 steel in place of a ton of $400 carbon steel, the foreigner naturally opts for the larger ticket. If it were American practice or policy to exploit markets outside our boundaries, I suppose we would consider doing exactly as these foreign nations have done. Of course, deliberate, predatory trade policies have never been America's objective. We have been too busy giving away much of what we have got, and that is exactly how some of these foreign steel plants were built in the first place.

Mr. Speaker, our international trade treaties give America the right to protect itself against predatory trade. And that is exactly what we should do. And we should continue doing it until our negotiators are able to secure permanent protection for America, Americans, and their industries.●

● Mr. FLOOD. Mr. Speaker, as a senior Member of Congress and as a Pennsylvanian with long familiarity with steel and its closely related industries, such as coal mining, I have a deep understanding of their problems.

Many of the people who depend upon coal and steel for their economic welfare live and work in the area I have long represented. I know their concerns, and I know that one concern is the outlook for America's specialty steel firms, many of them based and operating in Pennsylvania.

The specialty steel business was born in Pennsylvania and adjacent States. It has made possible scientific and technological triumphs surpassing any in the world. The art of alloying and forming metals into shapes, forms, and applications imperative to the performance of most of our essential manufacturing and processing equipment has become the very life blood of our economic progress.

Specialty steelmaking and fabricating is a capital-intensive business. Its equipment is costly. Labor it requires is extremely skilled. But its products truly make the world go around. Without them we would not fly the airlines, traverse the highways, or even have access to environmental improvements and sanitarily clean and wholesome foods we enjoy.

Recognizing that our Nation simply could not function without specialty steels, it is strange to observe that for many years this critical industry has been largely at the mercy of subsidized foreign competitors selling in this market at predatory prices.

Perhaps the significance of this industry's importance is minimized by the fact that is a relatively tiny segment of the total steel business. Most of us think of steel in terms of huge tonnages, routinely reported by producers of basic carbon steel.

In contrast, the specialty steel business produces in "batch lots," measured more in pounds than in tons. It is an industry which works to meet exacting specifications. Such precision labor requires the highest skills scientists, technicians, and workers can combine.

Its products, which we largely take for granted, are all around us. They are doing essential tasks no other materials can equal. Their applications are innumerable, in power generation, oil refining, transportation, communications, national defense, surgical instruments, food processing, mining, metalworking, and a host of other necessities to our way of life.

One must wonder why such an industry, comprised of 19 producing companies and 65,000 workers with uncommon skills, has been, and remains in jeopardy. How could such a vital element in the economy and security of the United States have its very existence threatened?

The answer is quite simple: Unfair foreign competition.

In the past decade, overseas producers have sighted-in on sophisticated specialty steel items as a bonanza in the American market. Recognizing that privately owned American firms must capitalize themselves, meet their own payrolls, and finance their own research and development programs out of earnings, foreign governments have adopted a devastating approach of their own.

To maintain high employment and to use plant capacity which, in many cases, is spanking new in contrast to U.S. facilities, they are operating their specialty ownership or with lavish subsidies, or steel plants under direct government under fully approved cartels.

Their products were thus able to invade the United States at subnormal prices, a predatory technique which brought the American producers to their knees.

Confronted with failing plants, growing unemployment, and a virtual halt to capital expenditures and technological progress, the domestic industry implored the International Trade Commission to hear its plea for relief.

The relief came, in June of 1976. The ITC then found the specialty steel industry had been injured. An import-restraint program, authorized by former President Ford, and later affirmed by President Carter, became effective.

Key industry indices show that since 1976, the industry has increased employment, production, capacity, utilization, capital expenditures, production, and price competition in domestic markets. Prices actually rose less in the specialty steel area than in the case of other materials.

Mr. Speaker, my concern is that all of this catchup and progress could be negated almost overnight. I say this because, unless it is extended, the specialty steel import limitation will expire on June 13.

This is a particularly bitter prospect since we know that foreign producers, who continue to enjoy an ever larger share of this market, have built or are building new capacity which, if unchecked, could wipe out America's steel specialty industry.

We need an extension of the import limitations, not only to permit our own industry to recover, but also to provide time in which to review and overhaul outdated and inadequate trade legislation which has been retarding our economy and contributing to inflation for much too long.●

● Mr. SHUSTER. Mr. Speaker, I believe you are well aware of my abiding interest in seeking to improve this country's mass transportation facilities.

One important thing I learned along the way is that none of this sophisticated equipment, nor its supporting structure, is possible without the resources provided by just a small segment of America's steel industry.

I refer to the specialty steel industry of the United States—65,000 people—without whom we would have no buses, subway cars, autos, railcars, aircraft, or similar mobile equipment of the caliber we possess today.

These companies and their people are the backbone of the world's greatest technology in the production and fabrication of stainless and other alloy steels so essential to our transport systems. The bearings, the wheels, and the countless motive parts which make for mobility would be impossible without their contribution.

Not to be overlooked is that these same materials are indispensable to our national defense weaponry and to production of the vast number of underlying items on which we rely for protection.

Only a few years ago, the specialty steel industry was on the verge of decimation in this country. Unemployment soared to the range of 40 to 45 percent of its work force. Companies which had been in the specialty steel business since its very founding were severely wounded.

What happened in a few short years was that an industry of outstanding excellence and competitive ability was facing a new form of rivalry—not that of privately owned companies—but that of entire foreign governments. State-owned production facilities and others operating on homeland subsidy arrangements had literally invaded the U.S. steel market with underpriced specialty steels of all types.

This was not fair trade of the sort we espouse; this was unfair trade of the most flagrant sort. Foreign governments were exporting their unemployment to America.

Fortunately, the International Trade Commission, acting under section 201 of the Trade Act of 1974, determined after exhaustive hearings that our specialty steel industry was being injured drastically by the actions of foreign governments. An import relief program went into effect in June 1976, and the U.S. specialty steel industry began a slow recovery which continues to this day.

The problem we face today, Mr. Speaker, is that these import limitations are to expire on June 13, 1979. Unless the Congress and the administration take action to extend these import restrictions, a critical U.S. industry and the jobs of thousands of its workers will be in jeopardy.

Admittedly, import limitations are a stopgap measure at best. What is really needed is a long-term solution to the world trade problems; a means to stop the inequities inflicted on U.S. industries by foreign governments.

Today, Mr. Speaker, I ask that there be unanimous support for this measure to extend the specialty steel industry import limitations for an additional 3 years. I ask for this support to promote and maintain a fair and equitable brand of competition in this vital industry, to provide this industry the opportunity to further enhance their growth capabilities and those of our great Nation and to guarantee the jobs of thousands of Americans.●

● Mr. PERKINS. Mr. Speaker, I want to join with my colleagues and express my concern and hope that the President will extend the present import restrictions on specialty steel products. This industry has been severely undermined by imports which are subsidized by other governments. Despite the past efforts by management and labor to cut cost, thousands of people have been laid off, because of unfair competition. If these limitations are allowed to expire this June, thousands of workers will lose their jobs, because of the failure to take action against unfair competition. The free enterprise economy cannot operate when certain members are allowed to use unfair practices and where a product's cost is lowered through foreign government subsidies. This request we are making of the President today is simply a plea for justice for the American worker.

I want to reiterate that I join my colleagues to urge the President to extend the present import restrictions on specialty steel products.●

● Mr. ADDABBO. Mr. Speaker, it is absolutely imperative that the specialty steel quotas, which expire this June after a 3-year life, be renewed. The purpose of these quotas and the escape clause generally is to provide domestic industries with temporary shelter to readjust to the rigors of foreign competition. The quotas have permitted the specialty steel industry to recover substantially from its depressed status 3 years ago. Yet the industry still has a "ways to go" and deserves 3 additional years of help.

What has been accomplished thus far? I think it is fair to say that the following improvements have occurred:

First, employment has increased significantly as a result of moderate import limits on particular specialty steel products. Fewer jobs are being lost to foreign workers.

Second, profits have recovered modestly. Profits are still below the levels other manufacturing industries enjoy. Nevertheless, these modest increases in profits have permitted increased capital spending.

Third, costs have been reduced. This results partly from the fact that volumes of production have increased and partly because of new capital investment designed to reduce costs, improve productivity, and utilize superior technology.

Fourth, the industry has been able to increase its expenditures for research and development during this period.

Fifth, and perhaps most important, the relief program has not been inflationary. In fact, the import restraints themselves may account for the better than average inflationary trend experience in this industry.

So we have come a long way. Yet we still have a distance to go.

I believe that extension of the quotas by 3 years will permit this capital intensive industry to fully recover. Such recovery would be manifested in the following ways:

Profit levels will increase to the levels enjoyed in manufacturing industries that have not been injured by import competition.

Employment will increase more significantly in the next 3 years.

Costs will decrease and the industry will become yet more efficient. The key factor here is allowing for additional capital formation.

Finally, research and development programs will prosper even more than they have in the past years. Our industry will continue to assert its international technological dominance.

These goals are certainly worth attempting to achieve. The cost—extending the quota for 3 more years—is very modest when it is compared to the magnificent results of a healthier industrial and labor sector. Foreign trade is minimally disrupted by these quotas which permit increasing and significant levels of importation.●

● Mr. NATCHER. Mr. Speaker, I am today joining with my colleagues in the House to urge President Carter to extend the present import restraints on specialty steel products.

Specialty steel is an absolutely essential industry in our country. Products of the industry are necessary for oil drilling and refining, power generation, transportation, communications, surgical instruments, food processing, mining, metalworking, aerospace systems, and many, many national defense requirements. The industry plays a vital role in our daily lives.

Prior to the restraints placed on the importation of specialty steel products in June 1976, unemployment in the industry ran as high as 45 percent. Since that time, the industry has had somewhat good years and the restraints have not proved to be inflationary. The U.S. International Trade Commission originally recommended a 5-year limitation on imports but the President cut the period to 3 years. The restraints are scheduled to expire in June 1979 and I sincerely believe that 3 years is not enough time for the industry to make a full recovery.

The fundamental issue is whether or not American companies can compete with foreign companies which, as instruments of national policy, do not have to meet the same disciplines of profit and capital formation.

Mr. Speaker, I urge the President to give this issue his utmost consideration and grant this much-needed extension of the present import restraints.●

● Mr. MURTHA. Mr. Speaker, I join in supporting an extension of the import quotas on specialty steel. This is vitally important to workers I represent in Armstrong and Cambria Counties of Pennsylvania.

In fact, Pennsylvania is more directly affected by imports of specialty steel than any other State. When imports captured up to 70 percent of our home market in some specialty steel products, Pennsylvania—along with Ohio, Indiana, and New York—directly felt the import invasion. Of the 65,000 jobs nationwide that depend on the specialty steel industry of the United States, some 30,000 of them are located in Pennsylvania.

Unemployment in some months during 1975 reached as high as 40 to 50 percent in specialty steel. Some mills were virtually shut down. Others were barely able to preserve production. All the specialty steel facilities were badly hurt, as the ITC concluded after an exhaustive investigation in the fall of 1975 and early winter of 1976. I was pleased to support that 1975 petition for relief filed by the United Steelworkers and the steel companies. It was a landmark case, and its extension is essential.

The areas of Pennsylvania I represent have known firsthand the pain of massive and threatened steel layoffs. To west-central Pennsylvania families, this issue is not an abstraction, but a fact of life. In fact, our area has seen imports rip away jobs in specialty steel, basic steel, textiles, electronics, gloves, shoes, combs, and other industries.

At the base of what we are talking about today are two elements—jobs and economic stability. We must protect the jobs of our workers in the steel industry. These are skilled men and women whose work we need for community and economic stability. Moreover, the last years show us we need to protect our own industries in order to preserve our economy and our ability to maintain vital processes when there are international disruptions.

The specialty steel industry has been a leader in technology and innovation. It is efficient, productive, and innovative. Its workers are the best in the world and their productivity per manhour is unsurpassed.

The only way this industry can be hurt is if we let it happen by allowing cheap, foreign imports to be dumped on U.S. markets. Free trade is a nice goal, but in America today we need fair trade that protects our industries and our jobs. We do not want to eliminate foreign competition, but we want to restrict it so conditions are fair.

The specialty steel industry is the perfect example of an industry that was able to rebuild and regain its competitive edge, because of the import quotas enacted. It proves this system works.

Today, I most strongly urge President Carter to extend the import quotas on specialty steel products for 3 more years. It is essential to our national economy and our working men and women.●

● Mr. APPLEGATE. Mr. Speaker, it is with a great deal of pleasure that I join with my colleagues today in bringing to the attention of this House and the Nation, the plight of this Nation's specialty steel industry.

The problem associated with specialty steel, and for that matter basic steel as well, revolves around importation of the product from foreign producers. The decision of the International Trade Commission went a long way in providing relief to the industry and its 65,000 employees by establishing import restraints as of June 14, 1976, for a 3-year period. Prior to the restraints, unemployment ran as high as 45 percent within the industry. Currently the unemployment rate is at an alltime low.

On March 6, 1979, the International Trade Commission will open hearings on a joint industry-labor petition to extend the restraints. In 1976, the ITC had originally recommended the restraints last 5 years, but then President Ford reduced the time to 3 years, hardly enough time to expect full recovery in such a capital- and labor-intensive industry.

Specialty steel is an absolutely essential industry. Its products are necessary for oil drilling and refining, power generation, transportation, communications, surgical instruments, food processing, mining, metalworking, aerospace systems, and literally hundreds of national defense requirements.

I can well understand a Member of Congress not being interested in a labor problem if he or she has none of the affected industry. However, I cannot believe that there is a congressional district that would not be affected in some way if these restraints are allowed to expire, simply because we all use specialty steel products.

Mr. Speaker, I urge each of my colleagues to become involved in this and to contact the International Trade Commission urging approval of this continued restraints petition.●

● Mr. GOODLING. Mr. Speaker, I am pleased to join my colleagues in supporting the extension of the specialty steel quotas. We have had specialty steel quotas in place for 3 years and during this period the industry has made great advancements. Its capacity has increased, it has been able to employ more workers, its research and development efforts have maintained its technological lead, and profits have begun to increase to levels in other manufacturing sectors. However, these achievements are in great jeopardy if the restraints are relaxed or eliminated. We will be sliding backwards if the quotas are not extended; we would lose what we have achieved. But, if the quotas are extended the industry will have a chance to solidify the gains made in the last 3 years.

Mr. Speaker, it seems to me that the extension of quotas is not simply the best step, but it is the only wise step. These are austere times. We cannot afford, in my view, to expose this industry to the unrestrained flow of subsidized imports entering the United States. The specialty steel industry is critical to many manufacturing activities. In addition, 65,000 workers owe their livelihood to this industry.

The domestic specialty steel industry has been responsible for virtually every major technological innovation in the industry. It is an efficient industry that can compete if the competition is kept on a fair basis. If the trade restraints lapse, more foreign subsidized steel will enter the American market and it is a certainty that the progress we have made will be lost.

I hope each of you will join in asking the President to extend these trade quotas.●

● Mr. JOHNSON of California. Mr. Speaker, I want to thank my colleagues Joe Gaydos and Adam Benjamin for giving us the opportunity to call to the attention of our colleagues the problems which are facing the American steel industry as a result of steel imports. There are some very real problems here, and I feel that action must be taken promptly to assure this Nation of an adequate and healthy steel industry.

At this time, I would like to focus my remarks on the problems resulting from the importation of steel on the west coast. For many years our most serious competition came from Japan. Today, however, our problems result from importation of European steel through Western ports.

We have found a very disturbing 30-percent increase in steel imports to the west coast in 1978 from European and other non-Japanese producers. These steel producers are not natural or historical suppliers to our area and have no comparative advantage.

The current trigger pricing mechanism does not adequately take into account natural transportation factors. Since trigger prices are based on transportation costs from Japan to U.S. ports, European steelmakers are selling steel at west coast ports at prices below what they are selling for in New York.

The Department of the Treasury now has under consideration a proposal to adjust the trigger pricing mechanism to more accurately reflect transportation costs. Under the proposal, the TPM for European steel on the west coast would be the same as in New York. Although actual transportation costs would justify a higher trigger price, the proposed adjustment would alleviate much of the inequity in an administratively simple fashion.

This transportation adjustment is consistent with both basic TPM structure and natural trading patterns. We hope that this useful and simple adjustment can be made to provide immediate relief to west coast steel producers.●

● Ms. MIKULSKI. Mr. Speaker, as secretary-treasurer of the congressional steel caucus, I am pleased to join my distinguished colleagues in urging extension of the quantitative restraints now in place on specialty steel imports.

As Mr. Gaydos, Mr. Buchanan, and others have noted, before the ITC findings that America's specialty steel industry was being seriously injured by imports, there was widespread unemployment in the specialty steel industry. In my own district in Baltimore, for example, we have a specialty steel plant which regularly employed 1,200–1,300 salaried workers. In 1975, before the restraints were imposed, that plant had cut employment in half—to 600; 600 Baltimore steelworkers had lost their jobs.

Today, employment in that plant is back to 1,110. To me, that means that the Trade Act of 1974 is working just as Congress had intended. A vital American industry is recovering its economic stability—and it is important to note that there has not been a sharp rise in stainless steel prices during this time. Yet we are confronted by an argument that we should remove the import quotas, because conditions have been improved in the industry.

That is like saying, "You should eliminate the quantitative restraints, because they are working." That is like saying, "Because Americans are living longer these days we don't have to worry about health care any more."

I want to tell my distinguished colleagues that we cannot afford such logic. In the past 3 years the quantitative restraints upon specialty steel imports have begun to restore the health of a vital American industry and continued the employment of thousands of American workers. I hope that an extension of the restraints will be granted.●

Mr. GAYDOS. Mr. Speaker, I think the summation submitted by Mr. Adam Benjamin needs nothing added to it. He very concisely set forth the purpose of this special order, what we intend to do by it, what it is aimed at and what we hope to accomplish.

Mr. Speaker, on behalf of the steel caucus I want to thank our colleagues for their participation, in this important special order today.

● Mr. COLEMAN. Mr. Speaker, I would like to join my colleagues in the steel caucus in taking this opportunity to speak out on the present state of the domestic specialty steel industry. The importance of the specialty steel industry to the overall economic well-being of the U.S. economy is often overlooked. In a nation as technologically advanced and diversified as our own, technology is the cutting edge of progress. Specialty steel forms the basis for this growth. Therefore, in these days of rising inflation, waning economic growth and increasing trade deficits, the condition of domestic industries such as special steel is of grave importance.

When one looks at the most important industrial sectors in the economy, the critical role played by specialty steel becomes even more evident. Electronics, power generation and transportation, the aircraft industry, space aeronautics, scientific instruments, and military technology are just a few of the many sectors of our economy which are heavily reliant upon domestic specialty steel products. Clearly, it is no exaggeration to say that specialty steel is an essential building block of our economy.

However, today the specialty steel industry is confronted by problems on a variety of fronts. Unquestionably the greatest threat it faces is foreign competition. Foreign producers are penetrating the lucrative U.S. market. In many instances they are being directly supported by their own governments in this endeavor. Subsidies by their home governments have enabled them to establish a substantial hold on the U.S. market. This unfair practice has placed an unnecessary burden on our own vital specialty steel industry. The artificial competitive advantage enjoyed by foreign competitors has grown over the years and today the specialty steel industry needs our help. Imports from abroad have reached flood levels and today we see plant closings and layoffs among our own domestic producers. By and large administrative and legislative actions to remedy these problems have proved inadequate.

Because of this, we must encourage the administration to negotiate in earnest on this issue at the current trade negotiations in Europe. We here in Congress must also be willing to do our part to help assist this vital industry, not through Federal subsidies, but by creating a favorable economic environment in which the forces of free trade, untainted by unfair competition, can be set in motion. I am confident that given such an environment, the U.S. specialty steel industry will be second to none.●

● Mr. GRAY. Mr. Speaker, I am pleased to join with my colleagues today to focus attention on the plight of a modern-day industry which faces a serious economic threat—but whose well-being is critically important to our Nation.

I refer to the American specialty steels industry. Many people have little awareness of this vital cog in our economy, because we tend to think in terms of the industrial goliaths. Yet, none of the giants could operate without the products produced by just 19 specialty steel producers employing 65,000 workers.

From these plants and people come our stainless and tool and die steels. Also our superalloys, which help power our jet planes and steam and nuclear power plants. The list goes on and on, and our highly industrialized economy is totally dependent upon the characteristics of these products with their abilities to function in extreme environments.

Specialty steels are essential to our civilian needs, America's powerful industrial base, and military preparedness.

And, while many Americans may have only a vague impression of the specialty steels, this is not so in the case of a number of foreign governments.

Long ago, they recognized that the United States was consuming these sophisticated metals and products formed from them in ever-increasing quantities. Many of these nations had unemployed metallurgists, machine operators, and others possessing the high skills demanded by the specialty steel crafts.

To put these people to work, these governments built state-owned plants to produce specialty steels. In other cases, they subsidized independent producers. Thus endowed from their national coffers, the foreign producers began to flood the American market with goods priced so low that no privately owned U.S. firm could match them without going into bankruptcy.

The impact here soon manifested itself in plant closings and drastic cutbacks in capital improvements, a drying up of research and development, and the loss of jobs, many of them permanent.

Nearly 3 years ago, on June 14, 1976, the specialty steel industry was saved, in a literal sense, by import restraints on certain types of foreign-produced goods. The relief enabled the U.S. industry to revive, a process which is continuing.

The Department of Labor took note of this revival in a report released last October. Also noted was that productivity in the specialty steel area had improved as much as 12 to 14 percent above increases for the economy as a whole (4 percent) and higher than the steel industry as a whole (1.5 percent).

Despite such favorable factors as improved employment and productivity, better utilization of capacity, greater capital expenditures, increased domestic price competition, and an upturn in technological progress, the steel specialty industry now faces a new crisis.

Unless extended, restraints on imports will expire next June 13. Once again, thousands of American jobs are on the line. Once more, the undermining of this key industry could resume overnight, this time with even greater impetus because foreign specialty steel producers have expanded their capacity and are waiting to exploit it to the fullest.

Mr. Speaker, I firmly believe that this Congress and President Carter cannot and should not let this happen. The import limitation must be extended.●

● Mr. MOLLOHAN. Mr. Speaker, the coal mining and steelmaking industries are vital to the First District of West Virginia. Our people depend heavily on the jobs they provide and anything which threatens their stability is a matter of serious concern to me. It certainly should be a matter of serious concern to every Member of Congress as well.

The concern of this Congress today is focused on just a portion of the domestic steel industry. We are concerned about tool steel, specialty steel and stainless steel. We are attempting to protect this segment of the steel industry from the devastation of the relentless incursion of unfair import competition.

But, may I remind my colleagues that all steel starts out in the manufacturing process the same way. So what affects a highly sophisticated specialty product, reaches back to affect—ultimately—the coal miner, the coal mine trucker, and the riverboat crew.

As important as coal and steel are in the basic economy of my district and my State, these two basic industries are not the only victims of the deepening penetration of the American steel market.

In West Virginia, and in the adjacent States, there are hundreds of small manufacturers who require tool, specialty, and stainless steels as primary raw materials in the products their small plants make.

These small businessmen know what will happen if alien steelmakers acquire larger portions of the American market. They know that once domestic productive capacity is lamed, once foreign steel displaces American-made steel, they lose a little of their power and some of their choice as buyers. And if they do not know this from their own experience in steel, they can see what has happened in the American petroleum market and the camera industry, and to the people who once made American bicycles or shoes.

The wisdom of extending present restraints against an uncontrolled upsurge of foreign specialty steels into the United States is beyond challenge.

The existing 3-year restraint program has produced intended results. It has helped hold down prices. It has enabled American producers of these products to gather capital to pour back into their companies and to insure that American technology will continue to lead the world.

These restraints have been the levee which has kept foreign-made tool, specialty, and stainless steels from flooding our markets.

I, therefore, urgently recommend renewal and extension of present restraints on the importation of tool, specialty, and stainless steels.●

● Mr. NICHOLS. Mr. Speaker, as a Representative of the Third District of Alabama—one of the major steel-producing States, as well as an intensive agriculture area—I am well aware of the importance of nurturing a strong specialty steel industry within our domestic boundaries, not just nurturing it, but letting it grow so that it can keep apace—as it always has—with constant new demands upon it.

Because of this, I am concerned about the possibility that import restraints on certain tool, die, specialty, and stainless steel will be allowed to expire this coming June 13.

I am delighted to be able to participate in the business of this Chamber today. I am most desirous that the outcome of our Nation, its economy, and its extension of restraints for another 3 years, or however long it takes to permanently resolve a base threat to the well-being of our Nation, its economy and its defense structure.

Extending restraints for 3 years would amount to just 1 year in addition to the 5 originally recommended by the International Trade Commission. The original term of 5 years was whittled to 3 by President Ford in 1976 when he signed an orderly marketing agreement with Japan.

I know that most of us in this Chamber—upon just a few moments of reflection—would agree that the products of the specialty steel industry affect just about every person in this Nation on a daily basis. But, as a businessman and agriculturalist, I am especially aware of the importance of these metals.

Many here remember or have heard of problems of spoilage and sickness involved in bringing milk from the farms to consumers in days gone by. But we scarcely hear of such problems today because the milk is not touched by human hands from the time it leaves the cow and travels by sanitary milking machinery, tubing, tank trucks, pasteurizers, bottling machines, and dispensers—all containing large amounts of specialty steels.

These specialty steels play a vital role in the manufacture, delivery, storage and application of fertilizers, which, as you all know, are very corrosive. Thus, specialty steels are essential to food production. The story is the same in food processing.

For obvious reasons then, practically everyone—each for his own reasons—has a vested interest in supporting a strong, viable domestic tool, specialty and stainless steel industry.

But, expiration of import restraints would threaten the lifeblood of this industry.

This specialty industry requires a large amount of capital and costly labor to produce its unique products. It requires up to 15 times as much labor to produce a ton of specialty steel by comparison with a ton of conventional carbon steel.

It demands a broad array of sophisticated equipment to produce these specialty steels. Dimension control must be precise. Metallurgical control must be even more precise. Temperature control must be exotic, because specialty steels are given jobs no other materials could perform.

Considering current problems with inflation and its effect upon capital-formation, as well as the rising costs of labor, raw materials and transportation, it seems downright good sense for this Nation to hang on to all the assets already in place.

There can be no serious argument made against the fact that the American specialty steel industry is such an asset, more than that, it is an indispensable cog in the national machinery. With an impaired specialty steel industry, we simply could not live as well as we do now. We could not begin to defend ourselves as well as we do now.

Mr. Speaker, whether I view import restraints from the standpoint of a businessman, whether I view them as a farmer would, whether I view them as an ordinary American would, or whether I consider them as a Member of Congress should, there is no escaping the single fact that it is fully in the national interest that these specialty steel import restraints be retained and extended.●

● Mr. ALBOSTA. Mr. Speaker, I want to join my colleagues in supporting the extension of import restraints on specialty steel products. There are many reasons why this extension is important.

Today the domestic specialty steel industry is doing well. It has recovered from the effects of a decade of dumping of foreign, Government subsidized specialty steel products—dumping which only stopped 3 years ago when the present restraints were imposed.

Without restraints, dumping will almost certainly occur again. If this should happen, many of our domestic companies simply could not survive. Some would be forced to put out their fires and close their gates, leaving large numbers of workers to join the unemployment lines.

We cannot afford to add to our present unemployment problem by neglecting the obvious steps to prevent it. The extension of import restraints is important because the jobs of 65,000 highly skilled workers are at stake.

We find that foreign governments have no qualms about taking care of their workers. In fact, by means of subsidies to their specialty steel industries, some countries are holding employment at artificially high levels. While they obviously cannot be blamed for doing this, it must not be done at our expense.

Our domestic specialty steel industry does not ask for huge subsidies. It only asks for a fair chance to hold its own in the world market.

The specialty steel industry is vital to our Nation's economy and crucial to our defense. We cannot afford to depend on foreign countries who could raise prices and cut off the supply of products we need, if we offer them no competition because our own companies have been forced to shut down.

If we have learned one thing from the serious inflation we have suffered lately—inflation fed by the constantly rising price of foreign oil and fostered by our dependency on those governments who know that they have us quite literally over the barrel—we have learned the virtue of self-sufficiency and the value of domestic strength—in industry as in energy.

We have every reason to buy time now through the extension of import restrictions on specialty steel. For the sake of our workers, for the sake of our domestic industry, for the sake of the economy, we cannot afford to do less.●

● Ms. OAKAR. Mr. Speaker, I wish to express my support of the U.S. specialty steel's petition to the International Trade Commission for a 3-year extension of import restraints. Together with the United Steelworkers of America, the specialty steel industry has appealed both to the ITC and the President to provide continued protection to a domestic industry of vital strategic importance. We must listen to the voices of those leaders in the steel industry and union who warn us that failure to extend the import restraints will jeopardize thousands of jobs, as well as productivity and profits. The facts of the last few years make their argument all the more persuasive.

Before restraints were imposed in 1976, specialty steel imports had forced the layoff of nearly half the 65,000 workers in the domestic industry. Since 1976, the U.S. specialty steel industry has modestly recovered, in terms of employment, production, and profits. But this recovery cannot continue and progress without extension of the import restraints as originally recommended by the ITC. When we think of how essential this industry in the production of parts and components for many of our commercial and military needs, we must take great care to see that we do not become dependent on imports to meet these basic needs. To illustrate this point, in a similar relief petition by the U.S. metal fastener industry, much of the evidence prompting the ITC to recommend import relief was our growing dependence on imported products critical to our national defense needs. As the President recognized the serious implications of substantial import injury to the metal fastener industry and thus granted import relief, so should the ITC and the President in this case recognize the threat of substantial unemployment, loss of productivity, and injury to our national security interests if specialty steel import restraints are not extended.

I am particularly interested in this case, because in my own district in Cleveland, Ohio, Republic Steel Corp. employs hundreds of workers whose jobs depend directly on specialty steel production. Other highly urbanized and industrialized areas like Cleveland face the real danger of serious economic dislocation from the unemployment caused by subsidized and unchecked imports of products which the domestic industry cannot manufacture and sell on a competitive basis. As part of our fight against unemployment, we must become more aware of the immediate impact of imports on those jobs in specialized industries which manufacture products essential to our national defense interests. I am concerned that we keep such urban and industrialized areas as Cleveland economically stable and progressive and use the legislative remedies available to us to do so, as specified in the escape clause provision of the Trade Act of 1974. We must realize that the competitiveness, productivity, profitability, and employment potential of our industries do suffer in the face of uncontrolled imports.

The U.S. specialty steel industry has achieved a level of technological excellence unequaled anywhere else in the world. While the import restraints have been in place, the specialty steel industry has invested substantial capital to reduce costs of production, improve man-hour productivity, and further refine manufacturing technology. Employment and profits are up. We must protect these improvements in so essential and vital an industry. We should urge, for the sake of maintaining our country's economic health and military security, that the ITC and the President approve the 3-year extension of the import restraints that the specialty steel industry so clearly needs. This action is necessary as long as there is no international agreement which guarantees fair competition in specialty steel trade.●

● Mr. CLINGER. Mr. Speaker, I join with my colleagues in urging the President to extend the current import restraints on specialty steel products.

From recent experience, the Nation is all too familiar with the vulnerability of the domestic economy to foreign imports of crude oil from OPEC countries. Preventing a repetition of history in the specialty steel industry, a vital industrial sector has been protected over the past 3 years from unfair competition from Europe and Japan. We find today that the industry is only beginning to recover from the crippling problems of the past.

An extension of import restraints is the only means of insuring the viability of the specialty steel industry in our country. I know how indispensable specialty steel products are to several industries in my own district such as aircraft manufacturing, dairy farmers, coal mining, and petroleum processing. We must take action now to prevent potentially serious, over-reliance on foreign imports. By protecting our domestic industries from unfair, subsidized competition from abroad, we can help prevent higher inflation, increased unemployment and an unfavorable balance of payments in the future.●

● Mr. NEDZI. Mr. Speaker, I am pleased to join with my colleagues in urging the President to extend the import quotas on specialty steel.

Under the current import restrictions, the domestic specialty steel industry has experienced a partial regeneration. In the absence of an extension, this progress would be thwarted with a damaging impact on American industries and American workers.

Foreign producers are heavily subsidized and often owned by their governments which permits them to undercut the privately owned American specialty steel companies. American companies are thus under a competitive disadvantage and are vulnerable to being driven out of business with the resulting disastrous impact on American jobs.

A faltering domestic specialty steel industry threatens our national security since specialty steel is essential to the production of defense weapons and critical weapon systems. In a crunch and lacking facilities to produce the steel, we could find ourselves dependent upon an unreliable supply from foreign nations.

The request for an extension of the quotas is not raised frivolously. A crippled domestic specialty steel industry has adverse repercussions on our security, our economy, and on our working men and working women.●

● Mrs. HOLT. Mr. Speaker, I join my colleagues in urging that the import quotas be retained on specialty steel.

There are nearly 30,000 steelworkers in my State of Maryland. More and more of their jobs are threatened by unrestrained imports of specialty steel. Before the quotas went into effect last year, the specialty steel industry and its workers were particularly hard hit in my State.

The Armco mill in Baltimore employed 1,200 in 1974. In less than a year, a tremendous surge of specialty steel imports cut the Armco payroll in half and by mid-1975 there were only 600 jobs left in that plant. The quotas have helped bring employment back to the Armco mill and other plants. However, if the restraints are removed, all of the gains of the past 2 years will be wiped out and even more jobs will be in jeopardy.

The Baltimore mill of the Eastern Stainless Steel Division of Eastmet Corp. is similarly affected. And across the country, there are at least 65,000 specialty steel jobs at stake.

Moreover, the whole American steel industry is watching to see what the President does with regard to the limitations on specialty steel imports. If the limitations are lifted, it will be a clear signal to the entire steel industry and its nearly half-million workers that no help can be expected to save them from the rising tide of steel imports.

I ask that a recent news story on this case from the Baltimore Sun be inserted in the RECORD.

JOINT UNION-INDUSTRY PLEA—SPECIALTY STEEL ASKS FOR RENEWED QUOTAS

WASHINGTON.—Specialty steel producers joined with the United Steelworkers union (AFL–CIO) yesterday in calling for a three-year extension of an import-quota system developed under the Ford administration.

The producers, who make stainless steel products, and the union said in a joint press conference that the import restraints, due to expire next June, are still needed to help the industry get back on its feet.

The two petitioned the International Trade Commission to study the matter and formally request President Carter to keep the quotas for three more years.

The ITC must make its recommendation to the President within 90 days.

According to the petition, the foreign-producer share of the United States specialty steel market has declined from 16.7 per cent, before the quotas were introduced in 1976, to 13.2 per cent this year.

At the same time, according to the petition, utilization rates at domestic producers' facilities have increased from 41 per cent to 50.2 per cent for stainless steel plate and from 55 per cent to 75.8 per cent for stainless steel sheet.

Employment at the firms also has increased during the period, from 21,609 before the quotas were instituted to 23,953 this year.

Arguing for continued restraints, Richard P. Simmons, the president of the Allegheny Ludlum Steel Corporation and chairman of an industry committee, said at a press conference:

"While import restraints have been in effect, the industry has used the time well, but the job is not finished. The specialty steel industry was severely impacted by unfair imports for many years. A mere three years is not sufficient time for a capital intensive industry such as ours to recover fully. Thus, a serious threat remains."

He insisted that the restraints "have not proven to be inflationary and, in fact, may well be the major reason why prices have not increased to a greater degree."

The Eastern Stainless Steel Company, of Baltimore, issued a statement yesterday saying that "the quota system is essential in order to prevent subsidized foreign competition and allow for the development of a healthy stainless steel industry."

That company is 1 or 22 firms jointly filing the petition. It said the protection afforded by the quota system has permitted it to invest or schedule about $12 million in capital improvements at its facilities.●

● Mr. BAILEY. Mr. Speaker, the 21st District of Pennsylvania, which I represent, has 2 of the 20 companies which make up the tool, specialty, and stainless steel industry of the United States. These companies represent the backbone of a vital industry, not only to the 21st District, but to the Nation as well.

By specialty steel, we mean stainless steels, tool and die steels, high-temperature alloys and electric, magnetic and electronic alloys which are designed and produced for use in extreme environments because they are resistant to heat and hard to corrode. As a result, specialty steel is difficult to make and requires greater labor input than other steel. It is an essential element to: Aircraft, automobiles, electronics, mining, missile parts, petroleum products, power generators, stainless steel, tools, dies, and the like.

There are some distinctive features to the specialty steel industry. One is that freight costs do not significantly influence distribution. Specialty steel goes where there is a job to be done. For example, you might not ship carbon steel sheet from Latrobe, Pa., to Seattle, Wash. But, you would ship specialty steel to aircraft plants in Seattle or to machine shops in Chicago, to the electric turbine plants in Philadelphia or to the oil drilling rigs in the Gulf of Mexico.

There is no doubt today that the specialty steel industry has become bedrock to almost every other industrial process in America. In fact, it is so basic to everything we do or make that the demand for it does not fluctuate as broadly as it does for conventional steels.

It is the stability of this market that demands protection. I believe that we need a specialty steel imports restraint program. It is vital to job security and the prosperity of an essential industry. While I think domestic competition is healthy, I do favor the import quota program to cut back on subsidized foreign competition.

If the American buyer is forced to rely extensively on foreign suppliers, then he must be willing and able to live with a host of uncertainties in the international environment that can reduce or delay the essential shipment of badly needed materials. In addition, currency fluctuations mean that American firms cannot determine their costs for raw materials. In short, such a situation could be disastrous.

However, thanks to import restraints that are now in effect, we have helped to partially restore the industry's health. This has resulted in significant improvements in employment and has not contributed to an inflationary spiral. Moreover, these restraints have enabled the specialty steel industry to make higher expenditures for research and development and to commit substantial capital investments to further reduce costs and improve productivity. If the restraints are permitted to expire, all this might disappear.

Mr. Speaker, after a serious review of this issue, I firmly believe that the import restraints on specialty steel must be continued. This is in the best interest's of those who work in the industry as well as all of us who depend upon the industry's products that contribute to the economic vitality of this great Nation.●

● Mr. MOTTL. Mr. Speaker, it is with pleasure that I add what emphasis I can to the urgency of the matter at hand. The matter is not a complicated one. A little over 3 years ago, America's specialty steel industry was in a crisis. A goodly number of its employees were out of jobs, because a tidal wave of imported steel—unfairly, even illegally priced—had surged into American markets. The peril was so obvious and real that an important restraint program had to be installed.

The import restraint system, thus far, has been extremely helpful. The import tidal wave ebbed, stability flowed back into the specialty steel industry, workers returned to their jobs, research and development efforts resumed, and modernization and expansion programs went onto the boards. However, the program did not eliminate the underlying problems—it merely shelved them for the time being.

Because the American restraint program was set for a mere 3 years, rather than the recommended 5 years, foreign steelmakers concluded that America would soon be calling for a recess—in time the game would resume. Hence, these foreign specialty steelmakers have been calmly and confidently preparing themselves for the day the restraint program would end. They modernized their plants and their technology so that once again they could successfully dump on us.

Consequently, we need further restraints to protect our own. In my view, we have no other option now than to extend this import restraint program for another 3 years. But, once this is done, we must then turn our thoughts and efforts to developing a permanent solution to this problem so that we never again may have to use this device.●

● Mr. ERTEL. Mr. Speaker, I am pleased to have the opportunity to participate in this colloquy concerning the need to extend the present import restraints on specialty steel products. I would also like to commend my distinguished colleague from Pennsylvania, the Honorable Joseph Gaydos, on the leadership and commitment he has brought to our discussions on this crucial subject.

Mr. Speaker, as most of our colleagues are aware, specialty steels are usually identified as stainless steels; tool and die steels; high-temperature alloys (superalloys); electrical, magnetic, refractory, electronic, and reactive alloys. The importance of specialty steels permeates virtually every aspect of our economy, and they are crucial to our way of life and the maintenance of our national security. Specialty steels are designed and produced for applications in extreme environments demanding special hardness, toughness, resistance to heat, corrosion or abrasion, and combinations of these characteristics. Because of their high alloy contents, technological properties, and/or the special processing techniques needed to meet close specifications, they are difficult to make and call for greater labor input and personal attention than other steels.

The subject immediately before us today concerns a petition which has been jointly filed by the specialty steel industry and the United Steelworkers of America, to the U.S. International Trade Commission requesting a 3-year extension of the existing import limitations on certain specialty steel products. To understand the need for this 3-year extension, it is helpful to remember the circumstances which confronted our domestic industry prior to the adoption of the present import limitations.

The present restrictions were ordered by President Ford in June 1976, following an exhaustive study by the International Trade Commission of the impact of foreign specialty steel imports on our domestic industry. The ITC found that our industry was being seriously adversely affected. Unemployment in this critical industry was at a record level; during some periods the unemployment rate was as high as 45 percent. The problems confronting our domestic industry were not created by our inability to compete on a fair trade basis. Most foreign specialty steel companies are supported by a vast array of government subsidies including: Preferential bank loans, tax advantages, subsidies for producing during periods of slack demand, and price setting by government-authorized cartels. These subsidies allowed the foreign producers to operate outside our domestic industrial requirements of profitability and capital formation. As such, in this case, free trade was not fair trade.

Mr. Speaker, these foreign subsidies continue today and they are likely to do so in the future. Despite this fact, our domestic specialty steel industry is not seeking permanent import limitations. The International Trade Commission originally recommended a 5-year program of import restraint to allow our industry to recover and to make the improvements necessary to compete, even in this unfair market. The Ford administration chose to provide only 3 years of protection to our industry. The time since June 1976, has been used wisely by the domestic specialty steel industry. Today the industry is coming back. Employment has improved significantly. Profits have increased, although they still lag behind the average profits for manufacturing industries in the United States. Greater expenditures are being made, or are committed, for capital expansion and for improving technology. In short, once again, we have a viable specialty steel industry in the United States, where only a few years ago this industry was in difficult straits.

Mr. Speaker, this progress is jeopardized with the expiration of the import restraints. Foreign producers have built up large new capacities in production of specialty steels and are anxious to pour their products upon the American market at artificially low prices. This would reverse the progress that has been made during the short period of import limitations. The specialty steel industry can survive and prosper in this country, but it needs an extension of existing quotas to do so. Therefore, I am urging the administration to allow the specialty steel industry to recover and move forward by extending the import quotas. ●

● Mr. RUSSO. Mr. Speaker, the specialty steel industry was in grave danger of facing economic disaster until the institution of quotas and restraints against foreign dumping of specialty steels in the United States in 1976.

On June 13, 1979 the import limitations will be lifted from the the European and Japanese specialty steel imports, and the domestic specialty steel industry and its workers will be faced with massive layoffs and factory closings. It is essential that the International Trade Commission recommend to the President that the trade restraints and quotas be extended so the domestic specialty steel industry can be given the incentive to again become a self-sustaining industry.

Our economy is critically dependent on specialty steels. Sixty-five thousand skilled workers produce steel products that are vital to the needs of our civilian economy and our defense operations—which in turn are dependent upon the ability of this Nation to maintain a strong, viable industrial base.

The tough metal alloys of specialty steel are the only metals strong enough to withstand high temperatures of electrical or nuclear systems, as well as containing corrosion resistant properties which can be used sanitarily for food processing. It is hard to imagine the continued vitality and growth of specialty steel without the expertise of the 65,000 skilled American workers in this industry.

We should not permit the weakening of our technological superiority in the world by unfair foreign competition. We must see that import limitations are not lifted this June.●

● Mr. SPENCE. Mr. Speaker, I seek to add my name to those supporting the extension of the specialty steel quotas. I hesitate to devote much of our working time to stating my reasons for supporting the extension of these quotas. Suffice it to say that these restrictions attempt not to unfairly protect American industry, but rather to assure that fair trade in specialty steel is possible. The restraints simply provide an opportunity to curb the flow of subsidized imports, many of them coming from countries that sell subsidized steel in order to avoid seeing their workers unemployed as their industries become less competitive.

Rather than review all that has been said so well on this issue, I shall conclude by asking all Members of the House to seriously consider this matter. If serious review is undertaken, I am confident that each of you will want to join me in urging the President to extend these quotas.●

● Mr. LaFALCE. Mr. Speaker, I want to join my distinguished colleagues in support of the domestic specialty steel industry and urge the International Trade Commission to recommend the extension of the current import restraint program. That program which expires in June of this year has been in existence 3 years.

During the past 3 years, the specialty steel industry has been able to increase capital investment and employment opportunities for workers. The industry has also registered significant productivity gains which caused the Department of Labor in its recent study of industries receiving import relief to state that "the productivity increases in specialty steel were greater than the increases in the economy as a whole and greater than the increases in comparable industrial categories." As one who is very concerned about the slippage in productivity growth in this country, I am very encouraged by this salutary development.

The specialty steel industry has made great strides, but its economic recovery is not complete from the disastrous early 1970's. This industry is capital-intensive, and several years are required before its retooling and revitalization will be accomplished. The industry is not requesting permanent protection from imports; it is merely asking for additional time, in order to complete its revitalization program, so that it can compete with its foreign counterparts. In addition, the continuation of the restraint period will give the administration the opportunity to continue international negotiations to resolve the special problems of the specialty steel industry.

The original petition for import relief filed 4 years ago by representatives of the specialty steel industry included chipper knife steel. The import quota relief granted by the President for certain categories of specialty steel products, however, did not include such relief—or any other kind—for chipper knife steel. This particular grade of alloy is known as chipper knife steel, because more than 95 percent is consumed as a raw material in the production of chipper knives. Chipper knives are wood-related industrial knives used in machines that chip wood to make pulp and other wood fiber products.

The Simonds Steel Division of the Guterl Special Steel Corp. is located in Lockport, N.Y., and is the sole significant producer of chipper knife steel in this country. It produces this particular type of steel for its own use and for sale to other consumers in the United States, principally manufacturers of chipper knives. Simonds' competitive position in this market is subject to a substantial threat from subsidized foreign producers.

For that reason, Simonds stands in need of whatever relief can be afforded. In particular, there should be no reductions in the rate of the current duties applicable to chipper knife steel imports. Otherwise, the only major domestic producer of chipper knife steel may be fored to withdraw from this market, which would result in the dislocation of many workers at the Lockport steel mill.

I urge the International Trade Commission to recommend to the White House that an extension of the existing import restraint program be extended for a final 3 years. This short-term relief will help result in a long-term solution to the problems which afflict this key industry.●

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE STEEL CAUCUS AND SPECIALTY STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Buchanan) is recognized for 60 minutes.

Mr. BUCHANAN. Mr. Speaker, the steel caucus has spoken today on the subject of the specialty steel industry because of its importance to our country's economy and national defense. We are also concerned about the steel industry generally, and about American industry and workers in this same regard. It is our purpose, as the chairman has ably stated, to work for equity and fairness in trade and true reciprocity.

GENERAL LEAVE

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter, and that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. Murphy). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Atkinson).

Mr. ATKINSON. Mr. Speaker, I am proud to join all of the Members here today and especially the distinguished chairman of the congressional steel caucus, Joe Gaydos, and the executive board and membership of the caucus, who have done so much in the past to create better opportunities for the specialty steel industry and its thousands of dependent employees.

Specialty steel companies and workers have excelled and led in a wide range of activities important to our national well-being. Specialty steels have meant leadership in new products, like heat- and corrosion-resistant metals; leadership in the search for new energy sources, including applications of specialty steels in both nuclear and electric power generation; leadership in product handling and quality control, since the industry turns out many small orders of diverse compositions; and a high level of leadership in research and development that prompted the International Trade Commission to call the industry "a leader in developing new processes."

As Members of Congress we know how important specialty steel is to our Nation's defense. A subcommittee of the U.S. Senate's Armed Services Committee found, after hearings in 1972, that it is "abundantly clear specialty steels are essential today more than ever, in the fabrication of the major portion of our defense weapons and critical weapons systems."

Today this unique and essential industry is fighting for a fair shake in its own country's marketplace.

As those of us here today know, the limited restraints on specialty steel imports that went into effect in 1976 constituted the first import damage protection, or "escape clause," action under the 1974 Trade Act. And the request for extension of that protection for 3 additional years when the present June 1979 deadline occurs, breaks new ground in the operation of the statute.

In my estimation, Mr. Speaker, specialty steel companies and their employees have amply demonstrated model leadership during this 3-year period—increasing investment and productivity. Furthermore, the industry shows every indication of making more competitive adjustment if additional relief is granted through the new 3-year extension of the provisions.

The 1974 Trade Act required that the President weigh several factors when considering import restrictions. For example, the President must study "the effect of import relief on consumers" in making his decision. During the past 3 years of import restraints, price increases in specialty steels have been moderate and price moderation is likely to continue.

The President must review, "the extent to which the U.S. market is the focal point for exports of such articles." Significant new specialty steel productive capacity is being put in place in more than a half dozen nations, and indications are that exports from those facilities will be directed at the American market.

The President must consider "the economic and social costs which would be incurred by taxpayers, communities, and workers, if import relief were or were not provided."

Unemployment in the specialty steel industry approached 45 percent of the work force in 1974–75 with severe impact on the communities dependent on this industry. A complete lifting of import restrictions will surely push us toward higher unemployment and localized recession once again.

The people of America expect nothing less of their Government than to protect America's jobs and preserve its vital industry—for that is in the best interest of our Nation and the world.

Leadership is the issue, Mr. Speaker. Management and labor, communities, and Congress have shown their leadership in this important effort. Now it is time for the President and his advisers to be leaders in insuring that our trade laws work fairly and justly.

□ 1505

Mr. BUCHANAN. I thank the gentleman for his contribution.

Mr. Speaker, every person who serves in this Congress has at least two basic responsibilities. One is to serve as Representative of his or her congressional district. There are many congressional districts that are vitally affected by this matter. But every one of us has a higher responsibility and that is to serve our country. It is for the sake of the public interest, the national interest that we ask our voices be heard.

FAIRNESS AND THE SOCIAL SECURITY SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Lungren) is recognized for 5 minutes.

● Mr. LUNGREN. Mr. Speaker, the social security system was established in 1935, during the darkest days of the Great Depression, to relieve Americans of some of their worries about economic security when age or infirmity might make normal work and wage earning difficult and sometimes impossible.

Although the social security system was not originally intended to provide the only source of retirement and disability benefits for covered workers, it has become the financial keystone for most retirees.

In many communities of my own district such as Long Beach, Bellflower, Artesia, and Seal Beach-Leisure World; this fact is undeniable. Instead of being mere supplemental income, the ravages of inflation, sickness, and even our society's past misguided notions about our senior citizens' inabilities to perform adequately in the work force have made social security a virtual lifeline for many in their later years. With this in mind, this and future Congresses certainly have a solemn obligation to protect the investment upon which so many have come to rely.

Moreover, in a period when the national median age is increasing, so also is the importance of the social security system. Some 24 million Americans, or nearly 1 in 10 of us, have reached the age of 65 and another 8 to 9 million Americans have reached the age of 60. This means that the number of Americans 65 and older grew from less than 7 percent to about 11 percent of our population in the past 25 years. The Office of Technology Assessment has estimated that almost 20 percent of our population will be over age 65 by the year A.D. 2030.

As startling as these figures may be, it nevertheless remains a fact of life that there will always be more Americans under age 65 than over this milestone. Thus, for most Americans, social security is not only an anticipated benefit but also a current liability. This fact requires an honest and open look at the other side of the social security ledger.

Ninety percent of all working Americans contribute toward the social security system. Contributions withdrawn from their salaries often approach the amount withdrawn for State or Federal income taxes. This concerns working Americans for two reasons. First, the added expenses of social security are a burden that must be borne along with price increases in food, energy, housing, education and health care. Second, Americans are increasingly concerned about studies and predictions suggesting that the social security system will not be able to meet their needs when they need the system.

This crisis of confidence in the system is one of the great challenges facing this Congress and this administration. We who control the system have a responsibility to insure that the system deserves the confidence of those who depend upon it.

Unfortunately, confidence in the system is undercut by the fact that those of us who control it are not a part of it. Members of Congress and their staffs neither contribute to nor depend upon the social security system. While there may have been good reasons for our exclusion from the system in 1935, public concern about the system and its future now mitigates against such an exclusion. Prudence requires, and wisdom dictates that we must share the lot of those whom we serve. For this reason, I have introduced the Social Security Fairness Act of 1979. This proposal requires that all Members of Congress and all employees of the legislative branch join the social security system at the beginning of 1980.

There is no justification for isolating Congress or Congressmen and Congresswomen from the social security system, or from the consequences of our decisions about it. The same can be said of those who serve us as employees of the national legislature. Our self-ordained insulation from the social security is, on balance, no more reasonable than would be a self-exemption from the income tax. Continued exclusion isolates us from the concerns of our constituents and insulates us from the burdens we ask them to bear as participants in the system.

Mr. Speaker, I do not suggest that adding several hundred elected officials and several thousand of their staff to the social security system will restore the actuarial soundness of the system itself. Nor do I suggest that this particular proposal, in its original form, is the only way to bring us into the system. It will take greater sacrifices by millions of Americans to return the system to a stable position. I do believe, however, that citizen confidence in both the system and the Congress will be increased if those of us who are responsible for its direction and performance are a part of the system itself.●

□ 1510

THE ALTERNATIVE BUDGET ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 15 minutes.

● Mr. CONABLE. Mr. Speaker, today I am introducing the Alternative Budget Act of 1979. The idea behind this bill is that even though the President may be unwilling to recommend a balanced budget, he should be required at least to outline to Congress an alternative which shows how this goal could be accomplished. I am pleased to be joining with Senator BOB PACKWOOD who is introducing the companion bill in the Senate.

The Congress and the President already have plenty of authority to balance the Federal Budget. The idea of amending the Constitution to require a balanced budget which is generating so much interest these days would not be necessary if the executive and legislative branches would use the powers they already possess to rein in Government spending. Perhaps that is why people are becoming so angry—because elected Federal officials have not used this existing authority to balance the budget.

The Alternative Budget Act is designed to force these existing powers to be used to balance the budget by focusing the attention of the President, congressional leadership and the public on specific options for checking Federal spending, taxes, and deficits. The bill mandates three requirements:

First, the President would have to submit an alternative balanced budget for any year for which he recommends a budget containing a deficit or requiring an increase in the public debt. Furthermore, he is required to design an alternative budget that balances down—this is, by cutting spending, and not one that balances up—through tax increases.

Second, whenever the budget deficit or increase in public debt for a fiscal year exceeds the amounts approved in the second concurrent resolution on the budget for that fiscal year, the President would have to submit to Congress a plan detailing spending cuts that would keep total deficit spending or public debt increases within the bounds set forth in the budget resolution.

Third, in each budget that the President submits to Congress, he would have to set forth the total amount of increased revenues attributable to inflation or tax increases he proposes. He would also be required to recommend any changes he considers advisable to offset these tax increases.

Nothing is required under this legislation that the President does not already have authority to do. But what we have right now is the incredible situation where both the President and the congressional leadership say they want to balance the budget as soon as possible. However, neither wants the responsibility of calling a halt to the spending that causes budget deficits. And both seem willing to let taxes rise automatically to cover at least part of this increased spending.

Not surprisingly, when neither branch of Government is willing to go first—to set out the agenda or the unpopular spending cuts required to achieve a balanced budget—nothing happens to slow the momentum. Spending just continues to go up. Taxes continue to go up. And the public debt goes up.

President Carter's fiscal 1980 budget of "restraint" is a perfect example of this. It allows taxes to rise to the highest percent of gross national product in 10 years. It contains a level of outlays $38 billion higher than in fiscal 1979. And it produces a public debt increase exactly the same size as in fiscal 1979.

The Alternative Budget Act is designed to break this upward momentum. It would force out into the public spotlight the best estimates of executive branch administrators and budget analysts of the budget cuts necessary to eliminate deficit spending. This information is already developed in the course of the zero-based budgeting process, so it does not involve generating very much new data, but rather simply making public some of the information currently at hand.

The administration would also have to specify the dimensions of the automatic tax increases that have fueled Government spending. In an excellent and perceptive article in the most recent issue of Commonsense, Paul H. O'Neill suggests that curbing "taxation by stealth" might be the positive counterforce to runaway Federal spending. Requiring the President to outline these automatic tax increases, as provided for in this bill, would make it easier for Congress to cut back on both taxes and spending and to reduce the overall dimensions of the Federal budget to a size more in keeping with the public's demands.

The Alternative Budget Act would provide a good beginning toward achievement of the kind of fiscal control people are calling for. The final responsibility, however, for determining our fiscal policy rests with Congress. Unless Congress quickly develops from within some credibility in discharging this responsibility, it may find itself rigidly constrained from without by a constitutional amendment which imposes an inflexible fiscal discipline.

Right now, the American people no longer believe Congress or the President will ever balance the budget. The Alternative Budget Act offers a procedure for focusing decisionmaking so that Congress can regain its credibility in the budget process.

The introduced bill follows:

H.R. —

A bill to amend section 21 of the Second Liberty Bond Act to require the President to submit an alternative balanced budget whenever the regular budget would result in an increase in the public debt limit or a deficit, to require the budget to identify revenue increases attributable to inflation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alternative Budget Act of 1979."

Sec. 2. (a) Section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by inserting "(a)" after "Sec. 21." and by adding at the end thereof the following new subsection:

"(b)(1) Whenever the budget for a fiscal year transmitted by the President to the Congress under section 201 of the Budget and Accounting Act, 1921 (hereinafter referred to as the 'Budget') which, if adopted, would result in an increase, either permanent or temporary, in the limit prescribed by subsection (a), or would result in a deficit, the President shall also transmit an alternative budget providing for a level of outlays which, if adopted, would not result in an increase in such limit or in a deficit. Such alternative budget shall be transmitted at the same time and manner, and shall be in the same form, as the Budget and, except as provided in paragraph (2), shall be in such detail as the President determines necessary to carry out the purposes of this subsection.

"(2) An alternative budget for a fiscal year transmitted under paragraph (1) shall include a clear and understandable explanation of the differences between the Budget and the alternative budget.

Sec. 3. After the House of Representatives and the Senate have agreed to the concurrent resolution on the budget for a fiscal year required under section 310 of the Congressional Budget Act of 1974 (31 U.S.C. 1331), if the President determines that—

(1) the statutory limit on the public debt will have to be increased during such fiscal year to an amount in excess of the amount set forth in such concurrent resolution, or

(2) the amount of deficit for such fiscal year will exceed the amount of deficit set forth as appropriate in such concurrent resolution, or

(3) the amount of total budget outlays for such fiscal year is expected to exceed the amount of total budget outlays set forth as appropriate in such concurrent resolution,

he shall submit to the Congress a plan for reducing outlays during such fiscal year by an amount equal to the greater of the excess determined under paragraph (1) or the excess determined under paragraph (2).

Sec. 4. (a) In the budget transmitted to the Congress under section 201 of the Budget and Acounting Act, 1921, for each fiscal year, the President shall set forth the increases in estimated receipts under the internal revenue laws for such fiscal year over such receipts for the fiscal year in progress which are attributable to—

(1) inflation, and

(2) tax increases first effective during the fiscal year which result from—

(A) provisions of existing law, or

(B) legislation requested by the President.

The President shall indicate the total amount of such increases, and also classify them by income level and family size.

(b) The President shall also recommend any changes in the internal revenue laws which he considers advisable to offset such increases in receipts.

Sec. 5. This Act shall become effective beginning in the fiscal year which begins on October 1, 1980.●

LEW WARREN: OELWEIN NEWSPAPER PUBLISHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Tauke) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, on January 31 of this year Lew Warren retired as editor and publisher of the Oelwein Daily Register. For 37 years Lew served as the Oelwein area as an informed opinion leader and as a reliable and objective reporter of the local, State, national and world scene. Lew brought the news to Oelwein, and he led the discussion of its meaning in the local community.

Throughout those 37 years, Lew was an eloquent spokesman for those who remained wary of the excessive growth of the Federal Government. He repeatedly warned his readers that what is billed as a quick Federal fix often becomes nothing more than a bureaucratic regulatory mess. He remained sensitive to the logical result of greater Federal spending: Uncontrolled inflation and a stifling of American productivity.

Lew Warren's call for local control and economic freedom rings truer today than ever before. If Congress had in the past paid greater heed to the vigilance of men like Lew Warren, our Nation would certainly be better off today.

I would like now to share with my colleagues a brief review of Lew Warren's days in Oelwein. It points out that Lew also gave freely of his time to community service. I ask unanimous consent that an excerpt of the article as it appeared in the January 25, 1979, Oelwein Daily Register appear immediately following my remarks.

The Warrens come to Oelwein from Des Moines Feb. 25, 1942 at which time two-ninths interest was bought from H.V. Hoyer. founder of the newspaper in 1881. Warren had been associated with the Iowa Daily Press Association in the national advertising field. A few months after the Warrens' arrival in Oelwein, he was contacted by telephone while making an advertising call on the late Robert Connor on a cold winter day. It was W.S. Rupe, publisher of the Ames Daily Tribune who said, "Let's buy the Oelwein Daily Register." The sale took place with the Warrens and Rupe forming a partnership having purchased two-ninths interest from the late Ray Lucas estate, two-ninths owned by Warren and the balance from H.V. Hoyer. Later the business was incorporated. Rupe and Warren bought the Register building from the Hoyer estate shortly after Hoyer's death July 11, 1947.

January 1, 1950 Mr. and Mrs. Warren bought the business from Rupe. In May 1953 work was started modernizing the East Charles Street building with a new front constructed in October of that year. Modernization was completed in January 1954.

December, 1955, a fire partially destroyed the Register building and considerable machinery had to be replaced. Temporary linotypes were in operation in the Arnold Lenius warehouse. During that time Warren recalled that no one lost an hour's work and the Register never failed to publish regularly, but the paper was printed for two days after the fire in the Independence Bulletin Journal building. Among the papers that assisted while new equipment was being rounded up were the Strawberry Point Clayton County Press Journal, the Sumner Gazette, the Waverly newspapers, the Waterloo Courier and others.

In 1968–69 following destruction of the Marsh building next door east of the Register, the Register corporation purchased the land and constructed a new addition which today houses the business office, the conference room and other areas. The fire caused the death of "Toby" Tobiason who operated a music store there.

In September 1971 the Register changed from hot to cold type going 100 percent offset and now prints nearly 20 other newspapers, periodicals and other publications.

In 1975 the old bus building on 1st Ave., SE was purchased from Lyon and Lyon. Five new offset press units and two folders have been installed as well as a conveyor from folders to mailing room. The building also houses the firm's large supply of roll newsprint.●

LEGISLATION PROHIBITING ADOPTION OF AIRSPACE REGULATIONS WITHOUT 120-DAY PERIOD FOR PUBLIC COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. Snyder) is recognized for 10 minutes.

● Mr. SNYDER. Mr. Speaker, the time has come to blow the whistle on attempts by the Federal Aviation Administration (FAA) to regimate the aviation community. At a time when we are seeking ways to ease the burden of Federal regulation, we find that FAA is moving in the direction of still more regulation, still more restrictions of dubious merit.

Now, to be sure, in proposing new regulations on use of the navigable airspace, FAA says it is acting to improve aviation safety. Well, I am here to say that FAA does not have a corner on concern about safety. We all—and most of all, those of us who are pilots—favor stringent safety measures—but we insist that safety regulations be sound, that they be justified by facts which are demonstrable, that they be readily understood and accepted by the aviation community as necessary for the benefit of all concerned.

Mr. Speaker, the airspace restrictions proposed by FAA were (and are) essentially a hasty, ill-considered, ill-conceived response to the tragic midair collision which occurred at San Diego in September. If finally adopted, these proposals would forever reserve for the exclusive use of favored categories of aircraft certain large areas of our navigable airspace—an indefensibly discriminatory regulatory action without perceptible safety benefits of any kind. And in all likelihood, they simply would not work! Further, they would not have prevented the San Diego accident had they been in effect at the time! Instead, it now appears that inadequate FAA air traffic control facilities and equipment—including landing aids—as well as suspect FAA air traffic control procedures, were major contributing factors. Whatever the final determination of probable cause—and, of course, this is the sole responsibility of the National Transportation Safety Board (NTSB)—it is abundantly clear that the airspace restrictions proposed by FAA would not have effected the situation one way or the other. In fact, FAA itself—as well as NTSB, Professional Air Traffic Controllers Organization (PATCO), Airline Pilots Association (ALPA), and all of the major general aviation organizations—agree without exception that the FAA airspace proposals would not have prevented the San Diego tragedy.

So what do we do when FAA proposes airspace restrictions which leading voices in the aviation community question? And what do we do when FAA refuses requests from responsible sources in aviation and on this hill to extend the minimal 60-day period for public comments on their proposals—certainly more than reasonable in view of the storm of controversy which has been generated by the FAA plan? Although many will have submitted their comments to FAA by the time the 60-day comment period expires at the end of this month, many more should be afforded the opportunity to do so. FAA says the media have spread news of their proposed program throughout the land—but this is a large country and I am convinced that 60 days for public comments is nowhere near enough time to enable all interested and affected parties to consider such far-reaching proposals.

It seems to me, Mr. Speaker, that FAA has thrown down the gauntlet to members of the aviation community and to those of us in the Congress who are concerned about the legitimate demands of aviation safety. I believe the time has come for us to think in terms of legislating a remedy in the interests of simple equity—as a means of forcing the regulatory agency to restore perspective to its role in the scheme of things, to exercise greater restraint and responsibility.

Therefore, Mr. Speaker, I am introducing legislation today which would prohibit the adoption of any airspace regulation unless a 120-day period for public comments has been provided. In addition, the bill would require the FAA Administrator to explain the purposes for any such proposed regulation to the appropriate congressional committees in open public hearings.

In my view, Mr. Speaker, the enactment of such legislation would go far toward placing FAA on notice that its regulatory proposals must meet a higher standard of responsiveness to legitimate public needs than has been the case heretofore. In addition, the bill is designed to increase public participation in the regulatory process—thereby redressing a serious imbalance in favor of the regulatory agency which has been a matter of fact for far too long. I urge my colleagues to join me and become involved in this worthy effort.●

THE FUTURE IS NOW?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, while reading through the New York Times recently, I was struck by an advertisement for what every consumer yearns for—"the ultimate bank account." At least, this is how one New York savings bank describes its recently established NOW (negotiable order of withdrawal) account, a type of checking account that earns interest. But reading into the fine print, I discovered that this plan was less than ultimate for many customers, because no interest is paid if the account balance falls below $1,000. This is just one of the many types of limitations and penalties placed on negotiable order of withdrawal accounts, which have become widespread in New England, and are now being offered by New York banks and thrift institutions.

Negotiable orders of withdrawal function exactly like checks, offering the consumer the same convenience of accessing funds without having to carry amounts of cash. But unlike with ordinary checking accounts, banks in States where NOW accounts are allowed are permitted to pay up to 5 percent interest on NOW accounts. Financial institutions have hailed this new type of account as a boon to consumers because demand deposits need no longer sit idle, prohibited from earning any interest. But the real beneficiaries of the NOW accounts are the banks which offer them. By offering interest payments, banks are able to draw money away from ordinary savings accounts, which traditionally have remained separate from checking accounts. This carries with it a potential two-pronged danger of weakening thrift institutions, which support the housing industry, and causing consumers to manage their money more carelessly by having their savings easily accessible for spending purposes.

NOW accounts are also serving as a useful vehicle for financial institutions to justify the imposition of sometimes exorbitant service charges and penalties. Banks across the Nation have recently sought to reprice their checking services to become more profitable. They have encountered a degree of resistance, however, from consumers who have grown accustomed to free checking. Understandably so, for complaints about the lack of earnings generated by checking accounts are coming at a time when banks are reporting overall record profiits.

Yet by offering interest on checking plans, banks are better able to justify assessing charges on these accounts. But those fees, for some customers, can more than offset any interest accrued. In New York, financial institutions have established minimum balances which range from $500 to $3,000, and charges from $1 to as high as $5 per month. As well as imposing flat fees some banks and thrifts are assessing a charge for each check which a customer writes. Customers signing up for NOW accounts should make inquiries into how banks calculate minimum balances, for one method can be particularly harmful to consumers. Rather than averaging out the daily balance held over a month, some banks impose charges even if the balance falls below the minimum requirement for just 1 day. Thus, a consumer could hold thousands of dollars in an account, but lost interest or be forced to pay a fee if the account is reduced temporarily.

NOW accounts may benefit wealthy individuals, but their interest earnings are subsidized by those whose account sizes fail to satisfy the growing appetites of the banks. Citibank of New York, in a full page newspaper ad, declares that "we think our customers deserve a lot of easy ways to earn more interest." Some of their customers, that is. The fact that consumers whose balances dip below $2,000 must pay a $5 monthly charge must be written in invisible ink. With the NOW account, Citibank has found its own easy way to charge even more to their moderate income customers.

The debate on extending NOW accounts nationwide has been proceeding for several years and no doubt will continue in the current session of Congress. Throughout these discussions, I have warned that NOW accounts would not produce the great consumer benefits promised by the banks. It is common business sense that if the banks pay out more, they are going to find ways to recover their costs. Not only are consumers affected by minimum balances and service charges—the cost of loans will also rise because of the increased costs to banks created by NOW accounts.

The lure of earning interest can draw many unwary customers into the trap of service charges and foregone interest. Only by carefully assessing their personal financial situation can consumers avoid the danger of buying NOW, and paying later.●

SUGAR BILL INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Nolan) is recognized for 5 minutes.

● Mr. NOLAN. Mr. Chairman, today I am introducing the International Sugar Stabilization Act of 1979. My bill is similar to the measure introduced by Senators Frank Church and Russell Long on February 22, 1979.

Like the Church-Long sugar proposal, my bill establishes a marketplace price objective of 17 cents per pound on the 1978 crop. The price objective will be attained through import fees and, if necessary, import quotas.

My sugar bill differs from the Church-Long measure in two respects. First, a price floor of 65 percent of parity is established for future adjustments of the price objective. Second, payments are prohibited.

I am introducing a sugar bill with the 17-cent price objective because I believe domestic sugar producers cannot survive for less. Sugar beet growers from the Southern Minnesota Beet Sugar Cooperative, located in my district, have informed me that they need the 17 cents per pound in order to stay in the business—and Minnesota is one of the most efficient sugar producing areas in the Nation.

It is obvious that sugar beet producers cannot survive at current price levels. Nationwide, sugar beet producers plan to cut seedlings by 11 percent this year (by 4 percent in Minnesota).

The decreased domestic production is being offset by increased imports. Sugar imports into the United States are expected to total 5 to 5.5 million short tons in 1979, compared with 4.6 million short tons in 1978, a 10 to 20 percent increase at the expense of the domestic sugar industry.

My sugar bill also prohibits payments. The administration's insistence on maintaining the current sugar payment program jeopardizes the chances of passing a sugar bill this year.

The sugar payment program, to mix a metaphor, is a can of worms. In commenting on a General Accounting Office investigation of the sugar payment program, Senator McGOVERN stated that the Inspector General's report described "glaring weaknesses and abuses in trying to assist either growers or consumers by this payment approach." The administration's rationale for a payment program is hard to follow. The President calls for fiscal responsibility, yet he endorses a payment program which needlessly adds to Treasury costs.

Consumers should not begrudge sugar producers a 17-cent market price objective for their sugar—such a low level is barely sufficient for survival. Sugar cannot be obtained any cheaper than 17 cents unless it comes through subsidized imports or through the exploitation of labor. If consumer groups really want to find out why the price of sugar-containing products continues to rise while the price of sugar falls, I urge them to investigate the windfall profits which sugar-using industries are accumulating. Then, they should look at the profit, or lack of profit, among our domestic sugar producers.

WILSON INTRODUCES LEGISLATION TO CONTINUE QUALITY MEDICAL CARE FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

● Mr. CHARLES H. WILSON of California. Mr. Speaker, last May, the House of Representatives overwhelmingly approved an amendment to the first concurrent budget resolution to increase the budget authority and outlays for the Veterans' Administration. This amendment was needed, in part, to continue to provide quality medical and hospital care for our Nation's veterans. This margin of passage indicates the strong commitment of the Congress to continue veterans benefits and services at the present level.

As almost anyone who has been reading the papers in the past few months knows, fiscal restraint is the key word to describe the sentiment prevalent throughout our country. In order to bring the Federal budget into line, certain changes are going to have to occur. However, at the same time, our constituents want benefits and services to remain constant. There is but one road to take in attempting to achieve this seemingly paradoxical goal and that road is to reduce excessive and unnecessary Federal spending. This can be consistent with the above action taken by the House.

What I am today proposing is legislation that would reduce the Veterans' Administration budget while allowing benefits and services to remain constant. Under current law, the Federal Government has no authority to bill private insurance companies for care received in a hospital, nursing home or outpatient facility operated by the Veterans' Adminstration. My bill would permit the reimbursement of medical care and treatment of non-service-connected disabilities from insurance carriers, employers and other non-Federal sources from which the veteran may be entitled to complete or partial reimbursement for such medical expenses. The proposal recognizes that the insurer's obligation to premium-paying veterans is no different from its obligation to insured nonveterans. It does not alter in any manner the priority demand for VA medical care for service connected disabled veterans. It would also mean no additional cost to veterans—any difference between what the insurance carrier would pay and the actual cost would be met by the Government. In addition, if the veteran had no outside medical coverage, then there would be no change in the present statutes regarding free medical care and treatment.

The savings from this type of measure could be significant. The Veterans' Administration estimates that if enacted into law, this bill could save a total of $218,000 in 1980, or a little more than the amount contained in the President's budget for nursing home care for veterans.

In my opinion, this measure is consistent with the commitment of Congress to provide quality medical care for our Nation's veterans and it is consistent with fiscal restraint. I sincerely solicit your support for my proposal and urge its early consideration.●

EXPORT TRADE ARTICLE NO. 2: THE MTN NEARS COMPLETION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, Congress will soon receive from the President a new world trade treaty which has evolved over 5 years of negotiation. The multilateral trade negotiations (MTN) represent the efforts of 98 nations in an attempt to strengthen and modernize the world's commercial trading code for the first time in more than 30 years.

The existing world commercial trade code, the General Agreement on Tariffs and Trade (GATT), was established in 1947. However, the world economy and world trade have grown by leaps and bounds since that time. The MTN agreement will not only ease tariff barriers but will make the existing trading rules "more open, more fair, and less discriminatory."

Hobart Rowen of the Washington Post has written an excellent article dealing with the MTN entitled "New Global Treaty about to Emerge." The article appeared in the February 25, 1979, edition and follows:

NEW GLOBAL TRADE TREATY ABOUT TO EMERGE

(By Hobart Rowen)

After five years of laborious, even painful negotiations, a new world treaty seems ready to emerge provided it can survive the hazing of an increasingly protectionist U.S. Congress.

The treaty has evolved from multilateral trade negotiations known almost everywhere by the initials MTN. Ninety-eight nations have been hammering out the details in Geneva, The MTN also is called the Tokyo Round, because that is where the discussions were set in motion.

As Special Trade Representative Robert S. Strauss said with a degree of pride, a new treaty would be the first strengthening and modernizing of the world's commercial trading code in more than 30 years. The basic thrust is not so much cutting tariffs further (although there would be some reductions) as making the existing set of trading rules more open, more fair and less discriminatory.

A good example of the prospective changes would be abandoning the notorious American Selling Price System (ASP) under which import duties on chemicals, footwear and some other products were based on higher American product prices rather than the lower real prices of the imports.

Dumping AS—a highly controversial issue—would result from adopting a new "customs valuation" code designed to encourage more uniform methods of pricing imports for when calculating duties.

Already American importers of cheap footwear charge that while abandoning the openly protectionist ASP, the U.S. is negating the benefits for consumers by replacing old tariff schedules under ASP with new and much higher ones that benefit domestic manufacturers.

For example, some American importers charge that the practical effect will be a $3 tariff on an Asian-made $1.50 pair of rubber sneakers.

A host of outstanding problems—some of them technical, some of them substantive—must be cleared away. European negotiators are insisting on larger U.S. tariff reductions in some key areas, including textiles. The American team is trying to finesse this demand by cutting back at the same time on textile imports allowed into the U.S. under the Multi-Fiber Agreement (MFA).

One major roadblock appeared to dissolve at the end of last week when the House Ways and Means committee voted to restore the Treasury's authority to waive countervailing duties on imported products. Quick ratification in both houses is expected.

The countervailing penalties are intended to offset the advantage given imports by subsidies paid by foreign governments. The Trade Act of 1974 had provided temporary authority to waive these offsetting duties while the MTN was under way. The expectation was that a whole new and more equitable code relating to subsidies and countervailing duties would be adopted.

A major complaint against the U.S. had been that countervailing duties were applied whether or not the subsidized imports actually harmed U.S. companies. European negotiators argued that unless the waiver—which expired last month—were extended, several hundred million dollars worth of European products would be hit by prohibitive tariffs this year. Since the expiration of the waiver, the Treasury had suspended collection of the penalties temporarily.

But the Europeans insisted on a full waiver as a condition to continuance of the MTN negotiations, and that now seems on track. It is clear, nonetheless, that approval of the waiver depended largely on major administration concessions to the textile industry.

According to insiders, another part of the price of the waiver extension was Carter's reversal last December approving higher tariffs on industrial fasteners. What other deals may have been made to pick up a few votes will be uncovered only as time goes on.

And trade consultant and former U.S. trade official Harold Malmgren said an ad hoc anti-MTN coalition is in the wings. The coalition consists of industry and labor groups ranging from producers of footwear and pipe fittings to multinational corporations in the minerals business. Malmgren cited a "chorus of complaints" over Treasury's soft attitude toward dumping and subsidies, and said such complaints meet with growing sympathy in Congress.

So the MTN battle will be tough, and for high stakes. There is already one major disappointment: failure to reach a new wheat agreement that would have stabilized prices and supplies. Strauss—the main U.S. negotiator—and his counterparts will be arguing down to the wire on all elements of the MTN for the next six to eight weeks, and then Congress will get its chance.

Malmgren guesses it will not be "until the latter half of 1979 that the picture can be fully assessed—and even later before the results come into play in the market."

A tricky element in that Congress by law must vote the trade package up or down. It can't peck away at it with amendments as it does with normal legislation. That means that all of the political muscle work on Capitol Hill is going on now—and has been going on since Jan. 4 when President Carter sent Congress formal notification that he intends to sign the new set of trading rules after 90 working days.

Special interests are prepared to fight hard against any element of the proposed treaty that would reduce existing levels of protection—and their cause has been aided enormously by the highly publicized 1978 U.S. trade deficit of about $35 billion. The spectacular and growing U.S. deficit with Japan—about $12 billion—has created an especially difficult obstacle for Strauss.

Yet, the gray-haired trade ambassador—a politician forced to become a trade expert overnight—is confident that in the end Congress will approve a landmark agreement. "What we have been able to accomplish is far greater than we ever dreamed possible when I first took this job," Strauss said.

An impartial observer, Philip H. Trezise of the Brookings Institution, acknowledged that some important items remain to be negotiated, but gave Strauss "high marks" for his accomplishments. Trezise also warned that the new MTN codes will not be self-executing, but will require a follow-up and commitment "to genuine openness and fairness."

This is the theoretical basis of the new MTN. The six earlier rounds of multilateral trade negotiations dealt mostly with tariff reductions. The design for the Tokyo Round was more ambitious: It would seek not only to lower tariffs a bit more, but to liberalize what are called "nontariff barriers," or NTBs.

The idea was to set out a number of international codes of fair conduct that spell out with some specificity what governments could and could not do in procurement, product standards, customs valuation, subsidies and countervailing (offsetting) duties, commercial counterfeiting and other areas.

The existing world commercial code, the General Agreement on Tariffs and Trade (GATT), was set up in 1947. But the world economy—and world trade—has become infinitely more complex since then. Almost everyone agrees that the GATT needs modernization and an explicit structure to monitor complaints. But the modernization process hadn't been tackled until the Tokyo Round.

The president told Congress on Jan. 4 that special codes or agreements were likely to be concluded in 13 areas. Many experts believe that four of these codes—on subsidies (including countervailing duties), government procurement, standards and the so-called "safe-guard" code are among the most important.

Taken together, these major new rules of conduct would limit excess official intervention that has been the source of the most bitter international trade disputes of the past decade.

Take subsidies. Alan Wolf, Strauss' chief deputy, said that the new code would prohibit outright all subsidies on industrial products and would regulate agricultural subsidies. For example, an agricultural subsidy that would "materially undercut" another country's products would not be allowed. Domestic aids to producers are subject to scrutiny if they have trade effects. And an injury test for countervailing duties is set out that meets a most legitimate complaint foreigners have had about U.S. practices.

"The use of public funds to help underwrite exports is understandably resented by competitors whether they encounter the subsidized products in their domestic markets or in third markets," Trezise observed. "Politically, export subsidies poison the atmosphere."

No one thinks that if the MTN code on subsidies is finally adopted, it will wipe out all distortions. Governments everywhere will be pushed by internal political pressures to help ailing industries, regions or unions. But the new code would take the somewhat ambiguous GATT principles and for the first time lay out some specific rules and definitions of what is acceptable.

Procurement has been an overworked field for government intervention on behalf of domestic companies. The U.S., for example, has had its Buy America preferences (a 6 percent break for any American bidder, 12 percent in certain distressed areas). The new code will put government procurement everywhere—including bidding practices—on the same footing. For the first time, countries must publish their procurement laws and regulations, reflecting the rules embodied in the code.

Wolf said that this will open up $25 billion annually in foreign procurement to competitive bidding by American companies. "They will put that much into the pot, publicizing the bids, and telling the losing bidders why he lost, while we put up $10 billion to $11 billion worth by doing away with the 6 percent preference," Wolf said.

The MTN deal on procurement is not complete. Japan still isn't putting bids on railways and telephone equipment into the pot, and American negotiators in Geneva still are trying to twist Japanese arms. "We would like to see all post and telegraph (procurement) and utilities covered," Wolf said. "Until they are, we're not putting in TVA procurement."

One of the most sophisticated ways in which countries have kept out (or reduced) imports is by setting technical standards that are almost impossible to meet. Thus, a complaint of the U.S. auto industry is that Japan sets up arbitrary inspection standards not really designed, as claimed, to meet social objectives such as pollution control or safety, but simply to keep out American cars.

Wolf says great strides have been made. Japan even has agreed to send customs inspectors to dockside, USA, to provide necessary auto import certification. Another problem was a Japanese ban on generally accepted fungicides, which caused American fruit shipments to rot crossing the Pacific. Europeans used standards similarly to keep out American electrical goods.

The new code establishes uniform international procedures and an appeals mechanism. "We've desperately needed this because governments can have a field day manipulating standards," Wolf said. "Without this code, standards would have been a growth area for non-trade barriers."

Perhaps no area of the MTN discussions has been more delicate than that of safeguards, especially in the context of a weak world economy in which politicians everywhere are pressured to bolster up declining industries. There has been a pattern of protective actions—such as the American "orderly marketing agreements" (OMAs)—designed to give domestic industries at least temporary relief from serious import competition.

GATT Article XIX has a procedure for handling such cases, but it hasn't worked well. Many European countries simply have taken actions that violate the GATT. European restraints on Japanese steel imports helped to flood U.S. markets with Japanese steel. The Trade Act of 1974 therefore directed the president to seek an international "safeguard" procedure in the Tokyo Round that would limit import restraints of this kind, and at least make them subject to international surveillance.

The new code sets up a formal procedure for bilateral and other restrictive import agreements. But the Common Market still is demanding the right to take action selectively (really, against Japan) when it feels domestic industries are inundated with imports.

Among the most important of the many other specific codes or agreements in the present draft of the MTN are:

"Conventions" designed for better coordination on wheat, coarse grains, dairy products and meat. But as indicated earlier, the results for wheat fall far short of what had been the U.S. goal.

A new aircraft code brought up late in the game by the U.S. would eliminate NTBs such as prohibiting landing rights for foreign-made aircraft.

Most countries have products with a recognized brand-name, some of which are easy to copy. The number of GATT and Strauss trade representative office personnel would have to be expanded substantially to handle a workable commercial counterfeiting complaint procedure.

Closely related to technical standards as a form of contrived NTBs, licensing procedures sometimes are used to delay or totally bar imports. The code attempts to spell out acceptable behavior.

Overall, tariff cuts will be about 30 to 35 percent, from average levels currently in the range of 6 to 8 percent. But the averages conceal some high tariffs (for example 22 percent EEC tariffs on heavy trucks, a 24 percent U.S. tariff on wool suits) that will not be reduced much, if at all.

"This could be the last such MTN negotiation for a long while," Wolf said. "We've attacked all of the major nontariff barriers, and if Congress buys the package, then the future will deal with how to improve and broaden what was accomplished at Geneva." ●

THE OLMSTED NATIONAL HISTORIC SITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

Mr. DRINAN. Mr. Speaker, I am today introducing a bill to establish the Frederick Law Olmsted National Historic Site in Brookline, Mass. Identical legislation is being introduced in the Senate today by Senators KENNEDY, TSONGAS, and CHAFEE.

In the last few years the contributions of Frederick Law Olmsted have received widespread attention, and, Olmsted is now recognized as a major figure in the history of the United States.

Olmsted is probably best known for the urban parks that he created, but he also distinguished himself as the Nation's first major conservationist, and as the founder of the disciplines of city and regional planning, and landscape architecture.

When Olmsted first became involved in the creation of Central Park in the mid-19th century, conventional wisdom held that cities were inevitably crowded, ugly, and foul smelling and that one had to travel out of the city to enjoy the pleasures of nature. But Olmsted rejected these notions. He recognized that nature had to be brought into balance with manmade environments, if cities were to remain "livable," and thus he began an unprecedented effort to bring greenery and open spaces into the Nation's urban areas.

Olmsted's first park was Central Park in New York, which was built, as were so many others, on a base of dumps and swampland. Sixteen other major urban parks followed, including Jackson Park in Chicago, Belle Island in Detroit, South Park in Buffalo, Golden Gate Park in San Francisco, Prospect Park in New York, and parks in Milwaukee and Louisville.

In addition to these parks, Olmsted designed much of the grounds of the U.S. Capitol, and he planned the landscaping for the White House, Lincoln Memorial, National Zoo, Rock Creek Park, and a number of other well-known sites in the District of Columbia. Some other significant examples of Olmsted's design include the State capitols of New York and North Carolina, the campuses of the Groton and Lawrenceville schools, and the Biltmore Estate in Asheville, N.C., but such a list is necessarily incomplete, as Olmsted worked on job sites in virtually all of the continental United States.

According to the U.S. Park Service, the Olmsted Associates archival collection, which includes over 150,000 original drawings and plans, 63,000 photographs, and much of Olmsted's original drawing equipment and office furnishings, has "extreme national and international significance." This collection—still housed in Olmsted's original home and office in Brookline—is the largest and one of the most important sources of information regarding the history of environmental design in the United States.

This collection is of tremendous value not only to scholars, but to the many agencies and organizations which utilize Olmsted's documents to restore his projects to their original design. Unfortunately, as the Park Service has noted, "a potential exists that the (Olmsted) site and collection will be lost forever." The current owner, a descendant of Olmsted, who continues to operate Olmsted Associates in its original offices, no longer has the means to maintain the office and collection. Thus the collection, which is rapidly deteriorating due to poor storage conditions, may soon be split up and sold.

In the words of the Washington Post, preventive legislation is needed to "preserve and protect the Olmsted legacy." The legislation which I am introducing today would establish "Fairsted," Olmsted's permanent home and office in Brookline, as a national historic site, and would provide for Government acquisition of the archival collection. Fairsted would be a logical addition to the national park system—a system which already includes over 50 such sites—and this bill would allow the Park Service to maintain the Olmsted papers in much the same way that the Park Service currently administers the papers of Thomas Edison at his home in New Jersey.

Significantly, this approach has been endorsed by the American Society of Landscape Architects, the Society of Architectural Historians, and by William Alex, architectural historian and head of the Olmsted Sesquicentennial Committee. The approach has also been commended by the School of Design of Harvard University, and by the librarian of Columbia University's Avery Architectural Library, which is generally considered the Nation's outstanding library of architecture.

Certainly, there can be no question regarding Olmsted's significance and the need to maintain his papers. Not only did he create the Nation's greatest urban parks, but his "Emerald Necklace" park system, which stretches from the Fens through Jamaica Plain to Franklin Park in Boston, marked the birth of regional planning; Olmsted's master plan for Stanford University remains the model for campus planning; and the Riverside development in Illinois was a very early example of city planning. Olmsted not only excelled in these fields—he created them.

In addition, Olmsted was a pioneer conservationist whose efforts contributed significantly to the establishment of protection for Yosemite and Niagara Falls, and to the creation of the national park system itself.

Mr. Speaker, I think that it is particularly appropriate that the national park system—which Olmsted helped establish—should now be used to protect his work and celebrate his memory. I urge my colleagues to support this legislation, a text of which follows:

H.R. 2374

A bill to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve and interpret for the benefit, inspiration, and education of present and future generations the home and office of Frederick Law Olmsted, the great American landscape architect and designer, is hereby established as the Frederick Law Olmsted National Historic Site.

(b) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the property comprising the former home and office of Frederick Law Olmsted at 39 Warren Street, Brookline, Massachusetts, together with such adjacent lands and interests therein as the Secretary deems necessary, for establishment of the Frederick Law Olmsted National Historic Site. The Secretary may also acquire for the purposes of the site all or any portion of the documents, equipment, drawings and other materials comprising the Olmsted archival collection.

(c) It is the express intent of the Congress that the Secretary should substantially complete the acquisition program authorized by this Act within two years after the date of its enactment.

SEC. 2. The Secretary shall administer the property, including personal property comprising the archival collection, acquired for the purposes of this Act in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PROPOSING A CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE PRESIDENTIAL ELECTORAL SYSTEM TAKE ACCOUNT OF THE NATIONAL POPULAR VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, the end of the 96th Congress will coincide with the next Presidential election in this country. The way things now stand, in that election a decision of major national importance will again be entrusted to the outdated, flawed mechanism of the electoral college. Most importantly, the Nation will again run the serious risk that due to the workings of this system the candidate obtaining the most popular votes might not be selected as President. Every close election in our recent history has raised this specter, and in response each election has been followed by demands for reforms in the system to eliminate this danger. However, it has not yet been possible to reach agreement on any of the specific proposals which have been put forward.

In recent years, debate on this subject has largely focused on proposals for a shift to a direct election system. This concept has much to recommend it, but has not to date been able to overcome deepseated opposition from a variety of sources. A proposed constitutional amendment to this effect did pass the House in 1969, but died when no action was taken by the Senate. A similar fate may well be in store for this proposal in the current session of Congress.

It is probably already too late for the Constitution to be amended in time for the 1980 election. However, we should start now to eliminate the dangers of the present system in time for the 1984 election. In order for the ratification process to be complete by that time, the 96th Congress should submit an appropriate amendment to the States, if possible during the current session.

Fortunately, the possibility of achieving such a result has been greatly advanced by the recent appearance of a significant new reform plan. This plan, developed by a Task Force on Electoral Reform working under the auspices of the 20th Century Fund, is a truly original alternative which I believe should be acceptable both to most of the critics and to most of the defenders of the electoral college system. I believe that this ingenious proposal deserves the most serious consideration by the Congress, and accordingly I am today introducing a constitutional amendment incorporating this plan.

Let me make clear that I am a member of the Board of Trustees of the 20th Century Fund. However, I was not in any way involved in the work of the task force which examined the Presidential election process, nor with its report. The role of the Board of Trustees in such projects is not only to approve funding. We do not select the members of such task forces or pass on their reports. Nor does the fund as such take a position on the recommendations of task forces.

As a Member of Congress, I have been interested in the problem of electoral reform for many years. In 1968 I introduced a proposal, supported by Hale Boggs, to correct one of the major flaws in the electoral system by providing for a runoff election rather than a vote in the House of Representatives in a situation where no Presidential candidate received a majority of electoral votes. My proposal also would have abolished the electoral college as an institution, although the electoral vote system would have been retained.

The 20th Century Fund Task Force's plan goes beyond my earlier proposal in significant ways, and I am pleased to recommend this plan for consideration by this body. The fact that I am a member of the fund's Board of Trustees does not seem to me to present a problem or to inhibit me from introducing this resolution.

The members of the 20th Century Fund Task Force, a diverse and knowledgeable group, were as follows:

Jeane J. Kirkpatrick (co-chairman), American Enterprise Institute for Public Policy Research.

Stephen Hess (co-chairman), the Brookings Institution.

Patrick Caddell, Cambridge Survey Research.

Thomas E. Cronin, Professor of Political Science, University of Delaware.

Heinz Eulau, Professor of Political Science, Stanford University.

Neal R. Peirce, Journalist, the National Journal.

Paul Puryear, Vice Chancellor, University of Massachusetts.

Richard Rovere, Political Reporter, the New Yorker.

Jill Ruckelshaus, Political Activist, Medina, Wash.

Arthur M. Schlesinger, Jr., Schweitzer Professor of the Humanities, City University of New York.

John Sears, Attorney, Baskin and Sears, Washington, D.C.

Jules Witcover, Political Columnist, the Washington Star.

William R. Keech (Rapporteur), Professor of Political Science, University of North Carolina.

Among these are defenders and opponents of the electoral vote system. In fact, the innovative proposal which ultimately emerged from the task force's deliberations grew precisely out of an effort to examine the nature of the differences of view between these two groups and to see if it would be possible to build a bridge between them.

The heart of this proposal is to continue the use of electoral votes; that is, voting by States—but to give substantial weight also to the nationwide popular vote. Under this combined State-national system, an additional block of electoral votes—over and above those allocated on a State-by-State basis—would be awarded to the candidate with the largest popular vote total. The number of electoral votes awarded on this national basis would be 102—2 for each State plus the District of Columbia. It will be noted that this is the same number of electoral votes now given to the States and the District as the equivalent of Senate representation; that is, votes which are now allocated without regard to population. Thus the weighting of the existing electoral college system toward States would be counterbalanced by an identical vote total allocated at the national level. The addition of this national block of votes would not only substantially equalize the influence of each individual voter as compared with the present system, it would also virtually assure that the candidate with the most popular votes would win the Presidency. However, within each State, the "winner take all" principle of the present system, which is seen as preserving the leverage of minority groups within each State, would be retained.

While this proposal would provide for the retention of an electoral vote system, which is the aspect of the present system about which its supporters feel most strongly, the proposal would eliminate both the office of elector and the electoral college itself. These elements of the present system have serious weaknesses including the problem of the so-called "faithless elector" who does not vote for the candidate to whom he or she is pledged. Under the automatic allocation of votes provided for in this proposal, the anachronism of intermediary electors can be dispensed with.

Another major defect in the present electoral system is that if no candidate obtains a majority of the electoral vote, the election is then entrusted to the House of Representatives, voting by States. The political complexion of the State delegations may be—and often is—very different from the electoral vote pattern, so such a system is likely to have grotesque results. The task force proposal attacks this problem in two ways: First, by reason of the nationally determined 102 votes, which would greatly reduce the likelihood that no candidate would receive a majority; and second, by providing that, if this contingency does occur, a runoff election between the two leading candidates would be held within 30 days. In my resolution I have provided that the Congress could by law modify the 30-day period, because I believe that experience might show that 30 days was too short a time to determine whether a runoff was necessary and then to arrange for it, and that in this event Congress should be empowered to provide for a longer time without having to go through the difficult process of again amending the Constitution.

In sum, I believe that this proposal is clearly superior to the present electoral college system:

It virtually assures the victory of the candidate with the most electoral votes;

It substantially enhances equality among voters in the various States;

It provides for a far more democratic contingency procedure in the event no candidate wins a majority of the electoral votes; and

It eliminates the problem of the "faithless elector" and the possibility of post-election deals in the electoral college.

In addition, I believe that this proposal offers advantages over proposals for direct popular elections which could be very important in attracting the support of those who until now have resisted revision of the electoral college system:

The proposal preserves a prominent role for the Federal principle in the Presidential election process, thus safeguarding the interests of particular States and of groups within States; and

It discourages a proliferation of candidates and thus bolsters the two-party system (supporters of a direct election system concede that it would encourage multiple candidacies).

In the 95th Congress, I joined forces with those favoring direct popular elections and introduced a resolution to that effect. I did so because, first, it seemed to me intolerable to continue with the present antiquated and highly dangerous system; second, my own earlier proposal had received scant support; and third, no other viable proposal had been presented. However, I expressed the fear that such an amendment was not likely to be passed by the Senate and ratified by three-quarters of the States. I indicated at that time that, if the amendment again failed of adoption in the 95th Congress, we should consider what less drastic changes might be proposed that would at least eliminate the most obvious shortcomings and dangers of the electoral college system. The experience of the last Congress, in which the direct election proposal again failed even to reach the floor in the Senate, shows my fears to have been justified and demonstrates the advisability of a serious search for alternatives. Fortunately, the timely appearance of the State-National proposal provides just such an alternative, which may well prove not only acceptable to a wider spectrum of opinion but in fact superior in promoting the multiple values of our political system.

The text of my resolution follows:

H.J. Res. 223

Joint resolution proposing an amendment to the Constitution to provide for election of the President and Vice President of the United States by an electoral vote system taking into account the nationwide popular vote

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. The President shall be elected by a majority of all electoral votes for President, and the Vice President shall be elected by a majority of all electoral votes for Vice President.

"Sec. 2. Each State shall have one electoral vote for each Member of the House of Representatives, and one electoral vote for each Senator. The District of Columbia shall have a number of electoral votes equal to the whole number of Senators and Representatives to which it would be entitled if it were a State. These votes shall be automatically allocated by State to the candidates for President and Vice President who receive the most popular votes for each office in each State.

"In addition, there shall be a national pool of electoral votes which shall be equivalent to the number of Senators, including an additional two for the District of Columbia, as if it were a State. These votes shall be automatically allocated to the candidates for President and for Vice President who win the most popular votes across the Nation for each office.

"Sec. 3. In the event that no candidate receives a majority of electoral votes, there shall be a second election between the top two candidates in the national popular vote, to be held within thirty days of the first election (or such greater time as Congress may by law determine). The winner shall be the candidate who receives a majority of electoral votes as specified.

"Sec. 4. Congress shall have the power to implement this article with appropriate legislation.".●

MARKUP SCHEDULED FOR ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Udall) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, I want to announce to the House that tomorrow the Committee on Interior and Insular Affairs will begin to mark up the Alaska National Interest Lands Conservation Act of 1979, H.R. 39.

This bill is widely recognized as the single most important conservation measure before the 96th Congress, but its significance goes far beyond that. It is, in fact, the land and wildlife conservation challenge of our generation.

ONE HUNDRED AND FORTY COSPONSORS FOR H.R. 39

Today, it is a particular pleasure for John Seiberling and me to welcome Representatives Robert Giaimo, James Shannon, and Pat Williams as additional cosponsors of H.R. 39. We now have 140 Members of the House of Representatives as formal cosponsors of H.R. 39. This widely supported, strong version of the Alaska lands bill is based on the excellent bill the House passed last May 19, but it has been refined and strengthened in important ways which have enormous public support.

In the Senate, a nearly identical companion bill, S. 222, has been sponsored by Senator John Durkin, Senator Gaylord Nelson, Senator William Roth, and 15 other Senators. For the information of my colleagues and others who read the Record, here is a complete list of the cosponsors of H.R. 39 and S. 222:

House Cosponsors of H.R. 39 as of February 23

Hon. Daniel K. Akaka (D-Hawaii)
Hon. Bill Alexander (D-Ark.)
Hon. John B. Anderson (R-Ill.)
Hon. Ike F. Andrews (D-N.C.)
Hon. Thomas L. Ashley (D-Ohio)
Hon. Les Aspin (D-Wis.)
Hon. Alvin Baldus (D-Wis.)
Hon. Michael D. Barnes (D-Md.)
Hon. Berkley Bedell (D-Iowa)
Hon. Anthony C. Beilenson (D-Calif.)
Hon. Jonathan B. Bingham (D-N.Y.)
Hon. James J. Blanchard (D-Mich.)
Hon. Edward P. Boland (D-Mass.)
Hon. David E. Bonior (D-Mich.)
Hon. Don Bonker (D-Wash.)
Hon. John Brademas (D-Ind.)
Hon. Jack Brinkley (D-Ga.)
Hon. William M. Brodhead (D-Mich.)
Hon. George E. Brown, Jr. (D-Calif.)
Hon. John L. Burton (D-Calif.)
Hon. Phillip Burton (D-Calif.)
Hon. Beverly B. Byron (D-Md.)
Hon. Bob Carr (D-Mich.)
Hon. John J. Cavanaugh (D-Nebr.)
Hon. Silvio O. Conte (R-Mass.)
Hon. John Conyers, Jr. (D-Mich.)
Hon. James C. Corman (D-Calif.)
Hon. Baltasar Corrada (D-P.R.)
Hon. Lawrence Coughlin (R-Pa.)
Hon. George E. Danielson (D-Calif.)
Hon. Thomas A. Daschle (D-S. Dak.)
Hon. Mendel J. Davis (D-S.C.)
Hon. Ronald V. Dellums (D-Calif.)
Hon. Butler Derrick (D-S.C.)
Hon. Christopher J. Dodd (D-Conn.)
Hon. Thomas J. Downey (D-N.Y.)
Hon. Robert F. Drinan (D-Mass.)
Hon. John J. Duncan (R-Tenn.)
Hon. Robert W. Edgar (D-Pa.)
Hon. Don Edwards (D-Calif.)
Hon. Thomas B. Evans, Jr. (R-Del.)
Hon. Dante B. Fascell (D-Fla.)
Hon. Millicent Fenwick (R-N.J.)
Hon. Paul Findley (R-Ill.)
Hon. Hamilton Fish, Jr. (R-N.Y.)
Hon. Joseph L. Fisher (D-Va.)
Hon. Daniel J. Flood (D-Pa.)
Hon. James J. Florio (D-N.J.)
Hon. Wyche Fowler, Jr. (D-Ga.)
Hon. Robert Garcia (D-N.Y.)
Hon. Richard A. Gephardt (D-Mo.)
Hon. Robert N. Giaimo (D-Conn.)
Hon. Sam Gibbons (D-Fla.)
Hon. Bo Ginn (D-Ga.)
Hon. Dan Glickman (D-Kans.)
Hon. Willis D. Gradison, Jr. (R-Ohio)
Hon. S. William Green (R-N.Y.)
Hon. Lamar Gudger (D-N.C.)
Hon. Tony P. Hall (D-Ohio)
Hon. Tom Harkin (D-Iowa)
Hon. Herbert E. Harris II (D-Va.)
Hon. Augustus F. Hawkins (D-Calif.)
Hon. Harold C. Hollenbeck (R-N.J.)
Hon. Marjorie S. Holt (R-Md.)
Hon. Elizabeth Holtzman (D-N.Y.)
Hon. James J. Howard (D-N.J.)
Hon. William J. Hughes (D-N.J.)
Hon. James M. Jeffords (R-Vt.)
Hon. John W. Jenrette, Jr. (D-S.C.)
Hon. Robert W. Kastenmeier (D-Wis.)
Hon. Dale E. Kildee (D-Mich.)
Hon. Ray Kogovsek (D-Colo.)
Hon. Peter Kostmayer (D-Pa.)
Hon. Jim Leach (R-Iowa)
Hon. William Lehman (D-Fla.)
Hon. Elliott H. Levitas (D-Ga.)
Hon. Clarence D. Long (D-Md.)
Hon. Andrew Maguire (D-N.J.)
Hon. Edward J. Markey (D-Mass.)
Hon. Nicholas Mavroules (D-Mass.)
Hon. Abner J. Mikva (D-Ill.)
Hon. George Miller (D-Calif.)
Hon. Norman Y. Mineta (D-Calif.)
Hon. Joseph G. Minish (D-N.J.)
Hon. Parren J. Mitchell (D-Md.)
Hon. Joe Moakley (D-Mass.)
Hon. Anthony Toby Moffett (D-Conn.)
Hon. William S. Moorhead (D-Pa.)
Hon. Ronald M. Mottl (D-Ohio)
Hon. Stephen L. Neal (D-N.C.)
Hon. Richard Nolan (D-Minn.)
Hon. Richard L. Ottinger (D-N.Y.)
Hon. Leon E. Panetta (D-Calif.)
Hon. Edward J. Patten (D-N.J.)
Hon. Jerry M. Patterson (D-Calif.)
Hon. Donald J. Pease (D-Ohio)
Hon. Claude Pepper (D-Fla.)
Hon. Carl D. Perkins (D-Ky.)
Hon. Richardson Preyer (D-N.C.)
Hon. Melvin Price (D-Ill.)
Hon. James H. Quillen (R-Tenn.)
Hon. Charles B. Rangel (D-N.Y.)
Hon. Henry S. Reuss (D-Wis.)
Hon. Frederick W. Richmond (D-N.Y.)
Hon. Matthew J. Rinaldo (R-N.J.)
Hon. Peter W. Rodino, Jr. (D-N.J.)
Hon. Robert A. Roe (D-N.J.)
Hon. Charles Rose (D-N.C.)
Hon. Benjamin S. Rosenthal (D-N.Y.)
Hon. Edward R. Roybal (D-Calif.)
Hon. Martin Olav Sabo (D-Minn.)
Hon. Harold S. Sawyer (R-Mich.)
Hon. James H. Scheuer (D-N.Y.)
Hon. Patricia Schroeder (D-Colo.)
Hon. John F. Seiberling (D-Ohio)
Hon. James M. Shannon (D-Mass.)

Hon. Philip R. Sharp (D-Ind.)
Hon. Paul Simon (D-Ill.)
Hon. Stephen J. Solarz (D-N.Y.)
Hon. Gladys Noon Spellman (D-Md.)
Hon. Fortney H. Stark (D-Calif.)
Hon. Louis Stokes (D-Ohio)
Hon. Gerry E. Studds (D-Mass.)
Hon. Frank Thompson, Jr. (D-N.J.)
Hon. Bob Traxler (D-Mich.)
Hon. Morris K. Udall (D-Ariz.)
Hon. Lionel Van Deerlin (D-Calif.)
Hon. Charles A. Vanik (D-Ohio)
Hon. Bruce F. Vento (D-Minn.)
Hon. Doug Walgren (D-Pa.)
Hon. Henry A. Waxman (D-Calif.)
Hon. James Weaver (D-Oreg.)
Hon. Ted Weiss (D-N.Y.)
Hon. G. William Whitehurst (R-Va.)
Hon. Pat Williams (D-Mont.)
Hon. Timothy E. Wirth (D-Colo.)
Hon. Lester L. Wolff (D-N.Y.)
Hon. Howard Wolpe (D-Mich.)
Hon. Antonio Borja Won Pat (D-Guam)
Hon. Chalmers P. Wylie (R-Ohio)

SENATE COSPONSORS OF COMPANION BILL, S. 222 AS OF FEBRUARY 23

Hon. John A. Durkin (D-N.H.)
Hon. Gaylord Nelson (D-Wis.)
Hon. William V. Roth, Jr. (R-Del.)
Hon. Ernest F. Hollings (D-S.C.)
Hon. Edward M. Kennedy (D-Mass.)
Hon. Patrick J. Leahy (D-Vt.)
Hon. Carl Levin (D-Mich.)
Hon. Gary Hart (D-Colo.)
Hon. Joseph R. Biden, Jr. (D-Del.)
Hon. George McGovern (D-S. Dak.)
Hon. Howard M. Metzenbaum (D-Ohio)
Hon. Claiborne Pell (D-R.I.)
Hon. William Proxmire (D-Wis.)
Hon. Abraham Ribicoff (D-Conn.)
Hon. Paul E. Tsongas (D-Mass.)
Hon. Max Baucus (D-Mont.)
Hon. Donald Riegle, Jr. (D-Mich.)
Hon. Alan Cranston (D-Calif.)

This outpouring of bipartisan support from East and West, North and South, and from every shade of the political spectrum demonstrates the nationwide enthusiasm for a strong piece of legislation protecting these great federally owned parklands, wildlife refugees, wild and scenic rivers, and wilderness areas in Alaska.

As we begin markup of the Alaska lands bill in full committee, I want to report to the House on several important developments which affect this legislation.

SPORT HUNTING AND H.R. 39 BOUNDARIES

As introduced, H.R. 39 confirms the 17 national monuments which President Carter established on December 1. Thirteen of these areas are managed by the National Park Service, and H.R. 39 proposes to retitle these units as national parks, retaining their presidentially proclaimed boundaries in each case. The effect of this provision is that these lands would be subject to all policies governing national parks—one of which is the prohibition of sport hunting.

Mr. Speaker, we prohibit hunting in our national parks for a good reason, a reason widely supported not only by the general public but by America's conservation and sport hunting organizations. Our national parks are selected, because they are areas of superlative natural values, including important wildlife populations. In these areas the protection of wildlife populations serves a necessary wildlife "sanctuary" function.

However, the impact of designating all of the new Park Service-administered national monuments as national parks would be to keep wildlife-rich lands which are not critical for sanctuary purposes closed to sport hunting, as they now are under monument status. Neither the President nor I supports the arbitrary and unnecessary closure of Federal lands in Alaska to sport hunting. However, there was no other course open to President Carter when he acted deftly to protect our national interest lands in Alaska after the Senate failed to respond to this historic conservation challenge last year.

On the basis of careful evaluation of the particular wildlife species and habitat in each of the 13 Park Service monuments, it is possible to determine those places where sport hunting is desirable and those other places where protection of wildlife in a park sanctuary is of overriding importance. Thus, after the introduction of H.R. 39, I initiated a careful process of review to determine which lands in the park category could be legitimately and wisely shifted to the national preserve category. This is a special category of national park system lands: Preserve units are managed by the National Park Service exactly like a national park, with the single exception that sport hunting is allowed.

ADJUSTING PARK/PRESERVE BOUNDARIES

As the starting point for this analysis, we review the decisions the House had affirmed last year when it passed H.R. 39. We also consulted with the Secretary of the Interior and his professional staff of resource experts. Finally, I called in two key outside organizations to advise me in this important matter: The Alaska Coalition and the National Wildlife Federation.

At my request and working within the framework of the earlier House action and the Interior Secretary's recommendations, leaders of the Alaska Coalition and the National Wildlife Federation met to evaluate which portions of the presidentially proclaimed national monuments should be confirmed and redesignated as national preserves, thus opening them to sport hunting. Experts from the Wildlife Federation, America's largest sportsmen's group, and the various organizations involved in the coalition (such as the National Audubon Society, Sierra Club, National Parks and Conservation Association, the Wilderness Society, and Friends of the Earth, as well as Alaska conservation groups) carefully reviewed each area in question and the circumstances of its wildlife populations and habitats. I am pleased to report to the House that these organizations reached a mutually accepted recommendation which has been presented to me and to the Committee in testimony at our recent hearings.

I have reviewed their recommendations and I will support them. These National Wildlife Federation/Alaska Coalition boundary revisions for sport hunting are of the utmost importance. JOHN SEIBERLING and I will join in offering these alterations of park/preserve boundaries as a sport hunting amendment to H.R. 39 during the committee markup.

NATIONAL WILDLIFE FEDERATION/ALASKA COALITION RECOMMENDATION

In the weeks after introduction of H.R. 39, there were some ill-founded claims that H.R. 39 was a deliberate attempt to "lock up" Alaska from sport hunting. That is an obvious exaggeration and misrepresentation. Our careful consultations leading to proposals to shift some national monument lands to national preserves, instead of national parks, offer a clear demonstration of our willingness to work out such problems constructively.

With the National Wildlife Federation and Alaska Coalition Park/Preserve amendment, H.R. 39 will be a balanced bill as regards sport hunting. Within the remaining acreage of national parks in Alaska, sport hunting will continue to be prohibited to provide sanctuaries essential for the wildlife, as well as for park visitors wishing to observe wildlife in its natural habitat. However, there will be 14 million acres of national preserves which will be available for sport hunting under the appropriate Park Service management regime. Moreover, the 68 million acres of national wildlife refuges and national wildlife monuments proposed in H.R. 39 are not closed to sport hunting, and neither are the national forest wilderness areas and the two national monuments which are managed by the Forest Service.

THE "LOCK-UP" MYTH

In all H.R. 39 adds 111 million acres of Federal lands to the national park system and the national wildlife refuge system, including confirmation of 52 million acres of 1978 national monument units. Of that total 81 million acres, fully 73 percent would be open to sport hunting. Today only 71 of these same 111 million acres are open to sport hunting.

Viewed in the broader perspective of all the lands in Alaska, regardless of ownership—which amounts to 375 million acres—fully 90 percent would be open to sport hunting under H.R. 39, at the discretion of the landowner or managing agency.

Thus, I am pleased to report to the House that we have dealt with and resolved the sport hunting conflict in H.R. 39. We have laid to rest the issue of which national interest lands in Alaska will be open to sport hunting and which will be closed.

OIL AND GAS AND H.R. 39

The second matter I wish to discuss today is the question of oil and gas exploration and development in Alaska. In this period of heightened concern about our oil and gas supplies we must, of course, weigh these impacts of public land legislation carefully. But here, as in the case of sport hunting, the charge of "lock-up" is misrepresentation.

The great majority of onshore acreage in Alaska—235 million acres or 65 percent of the State—is unaffected by this bill, and will be available for oil and gas exploration under the policies or limitations of individual owners or managing agencies. Ninety percent of Alaska's onshore oil and gas prospects in the "high potential" and "favorable" classifications are concentrated outside any of the H.R. 39 conservation system units.

Second, approximately 400 million acres of tidal and submerged lands (including Alaska's federally owned Outer Continental Shelf), which have the greater potential for oil and gas in Alaska, are also unaffected by this legislation.

Even within the conservation system units in H.R. 39, there is not a blanket prohibition of oil and gas exploration and development. Most notably, the Secretary of the Interior may allow oil and gas leasing in the nonwilderness portions of the 68 million acres of national wildlife refuge system units which would be established by the bill.

It is interesting that the main controversy has not focused on the new conservation areas we proposed in this bill, but on a portion of a national wildlife range which already exists: The Arctic National Wildlife Range which President Eisenhower established in 1960.

Last year I accepted an amendment in committee which would have opened the coastal plain within the existing Arctic NWR to an oil and gas exploration program. Subsequently, the Merchant Marine and Fisheries Committee, which has primary jurisdiction over such existing refuges, adopted a different version of the bill, which left this area closed to oil and gas exploration as it has been for two decades. The Merchant Marine Committee took its action for good and sufficient reasons, as explained in its committee report:

> While industrial development on the Arctic coastal plain can be expected to have its most pronounced environmental impact on the Porcupine caribou herd, it would also adversely affect the millions of waterfowl, seabirds and shorebirds that utilize the area as a migration corridor. . . . This area is also the fall staging area for the internationally significant snow geese, which in some years number in the hundreds of thousands. This species is highly sensitive to human presence, noise and aircraft. . . . For such species the designation of wilderness is the soundest type of wildlife management.

The provision leaving the Arctic NWR closed to oil and gas exploration and protecting it as designated wilderness was retained in the "consensus bill" which was worked out between leaders of the two committees and sent to the House floor—later the full House rejected an amendment which included this oil and gas exploration provision.

This year the issue remains the same. As long as there are many other places not only in other States but across much of Alaska which can be explored for oil and gas with reasonable likelihood of success, it would be unwise to proceed first with exploration in the highly sensitive and extraordinarily pristine wilderness of the Arctic National Wildlife Range. Simple logic says we should avoid provoking a conflict between fragile wildlife values and oil and gas exploration activities. At the very least we must follow a logical progression, that is, delaying the land-use conflict by concentrating our explorations elsewhere first.

With regard to the protection of the Arctic National Wildlife Range, I find Deputy Secretary of Energy John F. O'Leary made several statements which reflect my point of view in his recent testimony before the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee:

> I do not think it is fair to say that we are locking up an essential natural treasury here. I think what we are doing is we are exercising the same sort of judgment that we exercised with regard, for example, to the geothermal potential of Yellowstone Park. We can see that geothermal potential every hour on the hour at Old Faithful, but we still say we want that retained as a park. This is one of the balancing decisions that we make all the time. . . .
>
> Now, if we did not have many other opportunities over this next 10 years in Alaska, in other areas of the Outer Continental Shelf, in nuclear power, and in the other technologies that we are developing, then I would say if it were down to the point where our options were all foreclosed, by all means, the choice is darkness and no driving and industry shut-downs versus the wildlife, then carefully controlled drilling in the Wildlife Range . . . but we are not at that choice.

H.R. 39 is the bill that many thousands of Americans support. In this strongest form it is the bill that 140 Members of the House support. In this strong form it is a conservation measure of historic dimensions. As we proceed through committee markup and on to floor action, it is this form of the Alaska National Interest Lands Conservation Act that I believe the Congress should adopt.●

ADDRESS DELIVERED BY PETER W. RODINO, JR., AT NATIONAL GOVERNORS' CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, today, February 26, 1979, the distinguished chairman of the House Committee on the Judiciary, our colleague, the Honorable Peter W. Rodino, Jr., delivered a message at the National Governor's Conference meeting here in Washington, D.C.

Chairman Rodino's message is a most significant one and I draw it to the attention of all Members of the House of Representatives and Senate.

The text of Mr. Rodino's address follows:

Address by Peter W. Rodino, Jr.

Chairman Carroll, Governors, Ladies & Gentlemen:

My presence here, as a speaker, is unusual. The National Governors Conference did not formally invite me to address you today. I asked to come.

I took that unusual step because I wish to discuss with you the gravity of an issue which confronts all of us: The movement in America for a Constitutional Amendment requiring a balanced Federal budget.

As Chairman of the House Committee on the Judiciary, this is of acute concern to me.

However, I am not here now as a committed advocate, to try to rally you to one side or the other.

THE CALL FOR A BALANCED BUDGET

I am here because I know that you as Governors and I as a Congressional Committee Chairman are partners in government. All of us who hold elective office—whether as Governors or Congressmen, Mayors or State Legislators, County Supervisors or City Councilmen—have a special stake in this movement. We read the poll results, we hear the clamor, we sense the immense swell of public sentiment. As public servants, we know that we have a duty to respond.

I have seen this type of climate build up before, on other issues and around other movements. I can say that the climate of the movement for a balanced budget is becoming tense.

Clearly, it is time to act, to provide a forum for full inquiry and deliberation on all aspects of this issue. We are doing just that in the Congress now, moving quickly on the preparations for hearings.

You, other leaders of government and all of our citizens can be certain of this: Congress fully appreciates and respects the extraordinary importance and urgency of this challenge.

I want to assure you that no other question has commanded more attention from me during the past several months, and my dedication to the work required for the hearings will continue during the coming months.

Since most of the proposals and resolutions for a balanced budget call for a Constitutional Amendment, the responsibility for action on them is entrusted to the Judiciary Committees of the Senate and the House of Representatives.

THE NEED FOR A BALANCED RESPONSE

As you may know, I have already announced that the House Judiciary Committee will conduct hearings on this issue. Those hearings will begin soon. I shall urge that they be conducted in a spirit of bi-partisan cooperation. I am determined that the hearings will be complete—that they will be balanced. The ranking Minority Member of the Committee, Representative McClory, shares my view on the need for hearings and for calm deliberation. We will fully examine all the relevant facts, and we will assure that all viewpoints will be heard. The hearings will be fair, and they will be comprehensive.

Our hearings will include testimony from Constitutional Lawyers and Legal scholars, economists and experts in public finance, individuals from other related disciplines and representatives of interested organizations. Already, we have many, many requests from concerned citizens to be a part of this process.

Our purpose will be to offer the Congress and the people the facts and the knowledge necessary for a wise decision. We will seek to transform the babble on the budget-balancing issue into distinct testimony, to move away from polemics and toward insights, to replace simplistic slogans or cumbersome complexities with clear and coherent understanding.

My basic message to you today is the same message I will offer to the Committee and to the country when the hearings begin: What we need now is careful study and deep thought on this issue. We need to ask the reflective responsible questions about the impact of the movement for a Constitutional Amendment—and not lock ourselves into a fixed pro or con position.

APPEARANCES ARE DECEIVING

We are all aware that we are faced with a proposal of enticing apparent simplicity: Balance the Budget.

Those three words fit with precise alliteration into newspaper headlines. They have instant appeal. They make a fine bumper strip. They are words which, if uttered without qualification or question, probably mean public support, votes, reelection and—perhaps for some—election to higher office.

The collective impression of many official responses to the movement has added to the aura of simplicity about this movement.

Presently, the Legislatures of more than twenty-five states have called for a Constitutional Amendment to balance the Federal budget.

Sixty-five resolutions have been introduced to date in the House of Representatives.

Many more public officials, candidates and prospective candidates have joined in the call for a budget-balancing amendment.

However, a deeper look at these responses reveals a lack of uniformity of approach.

Many of the petitions from the States for an amendment to balance the budget have called for a Constitutional Convention to achieve that purpose. Several of the States which have acted have *not* called for a Convention.

The resolutions introduced in Congress vary greatly, with at least a dozen different methods suggested.

The public proposals of our prominent leaders in Washington and in the States differ in fundamental details and definitions.

Complicating the issue further are voices being raised on the other side in firm opposition to a Constitutional Amendment.

Some of them are now labeling the proposals as "political gimmickry."

And a growing number of leaders are suggesting that there is perhaps a very simple way to satisfy such an amendment: Slash or eliminate the Federal funds now going to the States. "That will surely balance the budget," they say.

The danger in all of this—this climate of simplification, urgency and tension—is that we might be tempted to rush pell-mell into a decision without even being aware of the profound consequences.

While we must act and move toward a decision, it must finally be a calm, careful, thoughtful decision based on the facts. The situation now on this issue demands deliberation—the kind of deliberation which will preclude either delay or impulsiveness.

MANY UNANSWERED QUESTIONS

Many fundamental questions must be addressed, and they will be in the coming Congressional hearings.

Beneath the substantive or symbolic proposal for a balanced budget, what do the American people really want? Reduced government spending? Reduced taxes? Reduced inflation? Reduced government services?

Are the people telling us that they are alienated from government, that they think government is too big? Does the purpose of the people on this require the drastic step of amending the Constitution of the United States, or are there alternative actions possible?

Would a Constitutional Amendment requiring a balanced budget work? Would it be enforceable?

How would the suggested major exception to the requirement—"a national emergency"—be defined?

Is it wise to eliminate the discretion of elected representatives on the budget and fiscal matters and replace it with an inflexible rule?

What would be the impact of a budget-balancing Amendment on inflation? On unemployment? On the government's ability to engage fiscal policy to prevent recession?

What would this Amendment do to the capacity of Congress to fulfill its responsibility within our system of representative democracy?

Would an Amendment of this type preserve the strength and integrity of the Constitution, our system of government and our democratic institutions?

And, in my careful study of this issue since last summer, another series of more awesome questions has evolved in my mind.

Could a budget-balancing Amendment cause an unexpected, essential change in the process and function of American government as we have known it up to now?

Could such an Amendment strain the very fabric of our Federal Constitutional System?

And could it lead to a fundamental transformation of the relationship between citizens and government, to a tragic end of the ability of government to respond to the needs of the people?

LET US LOOK BEFORE WE LEAP

Any Amendment to the Constitution should be considered with a mood of caution. In 1848, Abraham Lincoln, speaking about "the general proposition of amending the Constitution," said:

"As a general rule, I think we would much better let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it . . ."

Such caution, I believe, does not preclude the possibility that an Amendment to require a balanced Federal budget might be the correct and wise decision.

But if we do take that step, let us do so only after marshaling all the facts and after a careful consideration of those facts and only after developing a full awareness of the consequences to our country.

If I am able to leave one distinct message with you, I hope that it will be this: Let us look before we leap.

I remarked earlier that I did not come here today as an advocate, but I realize now that I *am* an advocate—an advocate for reason, an advocate for deliberation.

The Founding Fathers of our Nation, the men who wrote the Constitution, were men of reason. They heard the clamor of many strident voices, and they knew they had to act, but they took the time to deliberate carefully.

That took political courage. The fruit of their courage and their deliberation—the Constitution—still feeds and strengthens our Nation today.

Other men of courage have come forward in times of crisis and clamor through our history, not waving banners or shouting slogans, but quietly, calmly and thoroughly deliberating on the divisive issues, before deciding.

I remain an optimist about our political system. I believe that our children will be able to say of us on this issue: They had the courage to ask questions. They had the courage to deliberate.

That, to me, must be the essence of our leadership.

Thank You.●

THE NORTH CAROLINA GENERAL ASSEMBLY'S APPLICATION FOR A CONSTITUTIONAL CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 5 minutes.

● Mr. FOUNTAIN. Mr. Speaker, the General Assembly of North Carolina, on January 29, 1979, ratified a joint resolution applying to the Congress to call a constitutional convention to propose an amendment to require a balanced Federal budget.

On February 22, my home State legislature's resolution was presented to the House as Memorial 36, noted appropriately in the RECORD, and referred to the Judiciary Committee. However, as is the practice of the House, the full text of the resolution was not included in the notice of presentment and referral.

Since the entire matter of a possible constitutional convention is of growing concern to me and many of my colleagues in the Congress, as well as to legal and constitutional scholars and others throughout the country, I ask that the complete text of North Carolina's memorial be printed at this point so that interested persons might have ready access to it.

The resolution follows:

[General Assembly of North Carolina, Session 1979, Ratified Bill Resolution 5]

SENATE JOINT RESOLUTION 1

A joint resolution applying to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to require a balanced Federal budget

Whereas, believing that inflation is the most serious problem facing the people of the United States, and the primary cause of inflation is unchecked federal spending; and

Whereas, the State of North Carolina is required by its Constitution to have a balanced budget, and has long operated on a sound fiscal basis which the federal government would be well-served to emulate; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for the purpose of proposing amendments which shall be valid when ratified by the legislatures of three-fourths of the several states or by conventions in three-fourths thereof;

Whereas, by Resolution 97 of the General Assembly, ratified July 1, 1977, the Congress was requested to submit an amendment to the states to require a balanced federal budget, but the Congress has failed to act; Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the federal budget be balanced each fiscal year within four years after the amendment is ratified by the various states.

SEC. 2. That, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget in the absence of a national emergency.

SEC. 3. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, or until this application is rescinded by the General Assembly of North Carolina; but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this joint resolution before January 1, 1980, this petition for a Constitutional Convention shall no longer be of any effect.

SEC. 4. That this application and request be deemed rescinded in the event that the convention is not limited to the subject matter of this application.

SEC. 5. That since this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the United States Congress be officially noted and duly entered upon their respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

SEC. 6. That copies of this resolution be sent to the Secretaries of State, presiding officers of all state legislatures in the Union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the North Carolina Congressional delegation.

SEC. 7. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of January, 1979.●

SIXTY-FIRST ANNIVERSARY OF INDEPENDENCE OF REPUBLIC OF ESTONIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

● Mr. ADDABBO. Mr. Speaker, February 24 marks the 61st anniversary of the proclamation of the independence of the Republic of Estonia. Previously we have recognized similar anniversaries for other Baltic States. Yet, in spite of our deep concern and moral support for each, none celebrates their great day in freedom. At this time, it is most important that we keep the flame of hope alive and continue to reveal the harsh realities of human and national rights in Soviet-occupied Estonia and other Baltic States.

I am therefore most pleased to share with my colleagues the following statement received from Mr. Juhan Simonson, president of the Estonian American National Council, and hope that each Member will give some profound thought to the pleas contained therein:

A STATEMENT ON THE OCCASION OF THE 61ST ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

After centuries of foreign rule the independence of Estonia was proclaimed on February 24, 1918.

Immediately thereafter, the German Army occupied the country, a situation which lasted until World War I armistice in November 1918.

Subsequently, the Russian Bolshevik Army attacked Estonia with the aim of imposing the Communist system upon the Estonian people. The young Republic was forced to protect itself and to resist the invaders in order to secure and maintain its independence.

The Provisional Government adopted the principle: "No compromise with the Communists". The die had been cast! The Estonian War of Independence started on November 28, 1918 and was concluded successfully on January 3, 1920.

Great Britain, Finland, Sweden and Denmark provided either financial support or volunteer troops to assist the young Republic in fighting off the aggressors. The young Estonian Army, with this aid, and the unstinting support of the population at large, rapidly developed into a fierce fighting force for the independence of its nation. On February 2, 1920 a Peace Treaty was signed between the Republic of Estonia and the Soviet Socialist Republic of Russia by which the latter ". . . agreed to renounce voluntarily forever all rights over Estonian territory and people".

Recently, the Estonians in the free world commemorated the 60th anniversary of the beginning of the successful War of Independence. To the present time it has remained a symbol of self-sacrifice and inspiration for all those who are concerned with the cause of Estonia.

The spirit of this heroic struggle is also a source of inspiration in Soviet occupied Estonia, especially for the younger generation, who want to know more about the "real history" of the Estonian people, instead of the falsehoods perpetuated by the Soviet regime.

The deal between Hitler and Stalin of August 23, 1939, known as the Molotov-Ribbentrop Pact, condemned Estonia and her neighbors Latvia and Lithuania to the Soviet sphere of influence. This was the initial event which led to the willful Soviet breach of all solemn treaty obligations with the three Baltic countries and culminated in their forceful annexation in 1940.

The Soviet-imposed rule in Estonia has brought with it untold sufferings—arrests, deportations, executions as well as the so-called nationalization of all private property and the down-grading of social and working conditions. But above all fundamental freedoms have virtually been abolished.

One of the most threatening aspects for the Estonian people is the Russianization process, the aim of which is the destruction of the Estonian nation.

We are hopeful, that President Carter's human rights policy in conjunction with the Helsinki CSCE follow-up meetings will serve as an effective weapon for liberalizaton of the current repressive policies practiced by the Soviet Union in Estonia and in other Baltic States of Latvia and Lithuania.

Of considerable moral support for the Estonian people is also the fact that the United States as well as a great number of other Western countries have not recognized the forcible annexation of Estonia by the Soviet Union.

On this sixty-first anniversary of the Declaration of Independence of Estonia all freedom-loving Estonians once more appeal to world public opinion to support the cause of freedom and justice for the Estonian people.●

FOUNDATION FOR INTERNATIONAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California, (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, today I am introducing a bill to establish the Foundation for International Scientific and Technological Cooperation. This bill is a companion measure to legislation introduced today by Senator ADLAI STEVENSON. This legislation will create an independent Federal agency to:

First. Support research into the problems and conditions of developing countries;

Second. Promote the application of scientific and technological knowledge for the further advancement of those countries;

Third. Help developing countries strengthen their scientific and technological infrastructures, their ability to generate and adapt scientific knowledge and their capacity for technological innovation; and

Fourth. Provide information for our mutual benefit on the scientific and technological resources and needs of our interdependent world.

The act would strengthen the scientific and technological institutions for development in both the United States and developing countries. Cooperative and collaborative R. & D. programs would be conducted, where appropriate, in the developing country or region. Emphasis would be placed on matters of common interest to the United States and the developing countries. Programs would be collaboratively selected by international experts to address areas of fundamental importance. Cooperative international information centers and compatible information systems would be created. Funding would be allowed for cost-sharing or reimbursement wherever possible, particularly in the more economically advanced developing countries.

The administration has proposed a similar new organization called the Institute for Technological Cooperation. A bill to create such an Institute is expected to be formally introduced shortly. I am quite pleased by the initiative shown by the administration. Both measures share a common philosophical basis and differ primarily in organizational structure to carry out the same or similar actions. It is my intent to use this bill as a focal point for promoting discussion and further debate on the important issues of science and technology in development. I look forward to working closely with the House Committee on Foreign Affairs and my colleagues on the Committee on Science and Technology in considering this bill and related legislation. I also look forward to continuing discussions with the administration and others who are interested in this important global issue.●

THE SOCIAL SECURITY REFINANCING ACT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, today I am introducing the Social Security Refinancing Act, a bill which will substantially ease the burden of social security taxes on middle-income taxpayers while maintaining the financial integrity of the social security system and the commitment to senior citizens.

The primary purpose of the social security amendments adopted in 1977 was to meet the urgent need of keeping the social security system solvent. In responding to that sense of urgency, it has become clear that the bill also resulted in a seriously burdensome payroll tax for middle-income taxpayers and for many businesses. To relieve that burden, we must seek alternatives for financing the social security system.

The Social Security Refinancing Act will accomplish that goal by reducing the payroll tax rate burden to below 1977 levels; making the social security system actuarially sound for the next 75 years; reestablishing a sufficient reserve fund to protect beneficiaries from inflation and recession; and, eliminating the major non-wage-related program from the system.

The Social Security Refinancing Act will remove the hospital insurance trust fund (HI) (also known as the medicare program) from payroll tax financing. This change in financing would insure a payroll tax rate below the 1978 tax rate for the next 31 years.

These substantial tax cuts do not sacrifice actuarial integrity. Before the social security amendments were adopted last year, the old age and survivors trust (OASI) and the disability trust (DI) programs which provide benefits to over 33 million Americans were expected to run out of funds in 1983. Passage of the amendments assured continuation of the program until 2030. The Social Security Refinancing Act, by comparison, puts the system on an actuarially sound basis with a substantial reserve fund until 2051 and provides for a reduction in the tax rates early in the next century. This guarantees all current social security taxpayers that their retirement benefits are secure until the middle of the next century.

The use of a payroll tax solely to fund the old age and survivors trust and the disability trust is consistent with the original purpose of the social security system established in the 1930's. Both programs calculate benefits based upon contributions of payroll taxes. Under the Social Security Refinancing Act, the HI funds would derive its contributions from general revenues. The change is an appropriate one: The supplementary medical insurance trust of medicare currently is funded primarily from general revenues, and payroll tax financing is advisable only where benefits bear a relationship to earnings, as in a private pension plan. Medicare benefits do not bear the same nexus with earnings as retirement benefits. The severity of the medical need determines the benefit not the amount of the employee's contribution.

Under the provisions of the bill, the overall social security tax rate would drop in 1981 to $6 for employees. Under current law, the rate will increase to $6.65. The difference in revenue collections would be made up through contributions from general revenues. The tax rate would remain at $6 until 1987. During this 6-year period, the amount of general revenue flowing to the medicare program would slowly increase. Beginning in 1987, all of medicare would be financed through general revenues, and the employee payroll tax rate would drop to $5.50.

The gradual "phasing-in" of general revenues is carefully structured so that it will not compromise the effort to balance the budget. No general revenues are required until 1981 when the budget hopefully will be in or near balance. Moreover, the bill provides necessary—and noninflationary—tax relief.

For years, general revenues have been resisted as a source of social security funds, because of a generalized fear that access to general revenues would eliminate Congress ability to resist interest groups clamoring for new and increased benefits. That argument is no longer persuasive. The experience of other Western countries has been that the use of general revenues is possible without losing control. Moreover, the Congress now has the Budget Control Act which is a much more visible demonstration of Congress fiscal restraint than the payroll tax.

Perhaps the most important argument for substituting general revenue financing for payroll financing is that it is noninflationary and proemployment. Payroll taxes are a tax on labor making the employment of workers less attractive and the cost of goods and services higher. Neither of these results are in the public interest.

The Social Security Refinancing Act which I am introducing today is a concept, I believe, whose time has come. It is not only consistent with easing the payroll tax burden of middle-income families and employers, but is also consistent with the goal of an improved, stable economy.●

POLITICAL FREEDOM FOR FEDERAL EMPLOYEES

(Mr. CLAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. CLAY. Mr. Speaker, I have today introduced H.R. 2401, the Federal Employees' Political Activities Act of 1979. This bill, which updates and modifies the Hatch Act, is similar to the one I am also introducing today for postal employees. My reason for introducing two separate Hatch Act reform bills—one for postal employees and one for Federal employees—is that postal employees work for a quasiautonomous public corporation. The postal worker's role, as an employee of a semi-independent agency, and the role of a Federal civilian employee, as an employee of the Government, make these two groups separate and distinct. Unfortunately, the issue of full political participation for postal and Federal employees has been confused, notwithstanding their different status, so that they are treated as one and the same. My introduction of two separate bills should not be construed as any diminution of my commitment to the right of full political participation by both of these employee groups. I intend to push for speedy enactment of both bills.

H.R. 2401 permits Federal civilian employees the right to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the merit system or the impartial administration of the functions of Government.

The Hatch Act was precipitously enacted in 1939 with no public hearings and limited debate. It was an overreaction by the Congress to abuses, not of voluntary political activity, but to coercion and kickbacks by employees and recipients in Federal relief programs.

Previous studies by the Congress had revealed not even the suggestion of any wrongdoing in Federal employees participating in political activity voluntarily and on their own time. The Hatch Act, well intended as it was, was enacted in a period during which the Congress was deeply concerned about the growth in the power and influence wielded by then-President Franklin Roosevelt.

But the times and conditions have changed since 1939 and H.R. 2401 has taken notice of these realities. In 1939, Federal programs to provide direct aid to the poor were being expanded, while today they are being contracted. In 1939, only 32 perent of the Federal work force of 950,000 was under the merit system, in contrast to almost 70 percent of the current work force of 2.8 million. Third, the need for skilled personnel has increased to the point where the patronage system no longer flourishes as it did in the 1930's. Finally, the growing strength and influence of the Civil Service Commission (now the Office of Personnel Management and the Merit Systems Protection Board) has led to the institutionalization of the merit system which has further become entrenched with the enactment of the Civil Service Reform Act of 1978. I find it difficult to believe that the authors of the Hatch Act ever intended that 2.8 million Federal employees would be denied the same opportunity to fully participate in the political process that is available to all other citizens of this Nation.

Prohibiting voluntary, off-duty political activity of Government employees is serious business. It flies in the face of the guarantees of the first amendment. When we attempt to prohibit or regulate these activities, we deny free speech and free association. For this body or any other body of Government to do that, there must be a compelling interest in and overwhelming justification.

In modifying the Hatch Act it is important that our value system of merit, impartiality, and integrity be retained. Thus, six principles are the centerpiece of H.R. 2401.

First, that Federal employees ought to be extended all the rights and benefits of citizenship as any other person within the framework of prudence and possibility. Second, those rights and benefits ought to be made known to the recipients. Third, the administration of our laws must be impartial—free from any partisan considerations in the interpretation of those laws. Fourth, equally as important is the appearance of impartiality. The public in general must perceive the administration of laws as impartial. Fifth, the Federal civil service system must not be used as a patronage system to serve the political interests of any political party. And sixth, Government employees must not be subjected to undesirable pressures to participate in political activities, because of fear or coercion.

H.R. 2401 differentiates between voluntary and involuntary political activities. It protects the public interest while providing Federal employees with greater freedom to participate in the political process.

H.R. 2401 is similar to H.R. 10, the Federal Employees' Political Activities Act of 1977, which passed the House overwhelmingly on June 7, 1977. Hatch Act reform legislation was passed by both the House and the Senate in the 94th Congress but President Ford vetoed the bill. In the 95th Congress the House passed the bill but it was not passed by the Senate even though the legislation had the full backing of President Carter. In his recent state of the Union message, the President has once again announced his full support for reform of the Hatch Act.

In summary, H.R. 2401 provides the following:

States that Federal employees are encouraged to exercise their right of voluntary political participation.

Retains under the prohibitions of existing law employees in foreign intelligence positions; law enforcement; auditing; and contracting positions which have been designated "restricted" by the Office of Personnel Management.

Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting of political contributions in Government rooms or buildings.

Prohibits, with certain limited exceptions, political activity while on official duty, in Federal buildings, or in uniform.

Requires that employees who seek elective office do so on their own time, and that employees shall. upon request, be granted accrued annual leave or leave without pay to seek elective office.

Permits State and local employees to seek elective office if they hold federally funded positions.

Designates the special counsel of the Merit Systems Protection Board (MSPB) as the enforcing authority and the MSPB as the adjudicatory authority.

Subjects violators of law to removal, suspension, or lesser penalties at the discretion of the Merit Systems Protection Board; requires a minimum of 30 days suspension without pay for any employee found guilty of violating the prohibition against use of official authority or influence for political purposes.

Requires the Office of Personnel Management (OPM) to report annually to the Congress on the effect of this title on the level of political participation, the merit system, and the improper use of official influence or official authority by Federal employees.

H.R. 2401 adds to and strengthens those meritorious features of the Hatch Act by providing employees and the public with greater protection against any resurgence of the spoils system. It updates those parts of the Hatch Act which are no longer applicable by permitting those voluntary, off-duty political activities which do not conclusively interfere with the impartial administration of effective public service.●

POLITICAL FREEDOM FOR POSTAL EMPLOYEES

(Mr. CLAY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. CLAY. Mr. Speaker, I have today introduced H.R. 2400, the Postal Service Employees' Political Activities Act of 1979.

H.R. 2400 updates and modifies the Hatch Act for postal employees. It permits them the right to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the merit system or the administration of the functions of the U.S. Postal Service which is a semi-independent agency of the Government.

The Hatch Act was precipitously enacted in 1939 with no public hearings and limited debate. It was an overreaction by the Congress to abuses, not of voluntary political activity, but to coercion and kickbacks by employees and recipients in the Federal relief programs. Postal employees, because at that time, they worked for an agency which was totally within the confines and jurisdiction of the Federal Government were included along with all Federal employees under the Hatch Act.

Today there is little justification for Federal employees' rights of full voluntary political participation to be impeded or restricted but there is no basis whatsoever for postal employees to be included under the antiquated and repressive restriction of the 40-year-old Hatch Act. In 1970, the Congress passed the Postal Reorganization Act thereby making the U.S. Postal Service a quasi-independent agency. Postal employees today are treated differently than Federal civilian employees who work for the Government. The most predominant feature is the fact that postal employees come under an entirely different labor management program which more closely resembles that of the private sector than it does the Federal Government's system.

The postal service system is a quasi-autonomous public corporation. Some may have problems with that fact but, be that as it may, postal employees are in a different category from Federal employees. The postal worker's role, as an employee of a semi-independent agency, and the role of a Federal civilian employee, as an employee of the Government, make these two groups separate and distinct. Unfortunately, the issue of full political participation for postal and Federal employees has been confused, notwithstanding their different status, so that they are treated as one and the same.

My introduction of two separate Hatch Act reform bills—one for postal employees and another for Federal employees—should not be construed as any diminution of my commitment to the right of full political participation by both of these employee groups. I intend to push for speedy enactment of both bills.

H.R. 2400 is similar to H.R. 10, the Federal Employees' Political Activities Act of 1977, which passed the House overwhelmingly on June 7, 1977. H.R. 2400 differentiates between voluntary and involuntary political activities. It protects the public interest while providing employees with greater freedom to participate in the political process.

In the 94th Congress both the House and Senate passed Hatch Act reform legislation but President Ford vetoed the bill. The House passed the bill in the 95th Congress, but it was not passed by the Senate even though the legislation had the full backing of President Carter. In his recent state of the Union message, the President has once again announced his full support for reform of the Hatch Act.

In summary, H.R. 2400 provides the following:

States that postal employees are encouraged to exercise their right of voluntary political participation.

Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting political contributions in Government rooms or buildings.

Prohibits, with certain limited exceptions, political activity while on official duty, in Federal buildings, or in uniform.

Requires that employees who seek elective office do so on their own time, and that employees shall, upon request, be granted accrued annual leave or leave without pay to seek elective office.

Designates the special counsel of the Merit Systems Protection Board (MSPB) as the enforcing authority and the MSPB as the adjudicatory authority.

Subjects violators of law to removal, suspension, or lesser penalties at the discretion of the MSPB; requires a minimum of 30 days' suspension without pay for any employee found guilty of violating the prohibition against use of official authority or influence for political purposes.

Requires the U.S. Postal Service to report annually to the Congress on its implementation of this act.●

RULES FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Mr. STAGGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, pursuant to clause 2(a) of rule XI, I submit the rules for the Committee on Interstate and Foreign Commerce of the House of Representatives:

RULES FOR THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE OF THE HOUSE OF REPRESENTATIVES, 96TH CONGRESS

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calenudar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a) (1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2) (A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rule 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the commitee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The results of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee give notice of an intention to file supplemental, minority, or additional views, that member or members shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittee shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an *ad hoc* subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of Subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of said member's choice. A member (other than an *ex officio* member may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be *ex officio* members with voting privileges of each subcommittee of the committee of which they are not assigned members.

Rule 15. *Subcommittee Chairmen.* (a) (1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, it may do so, but in that event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointees shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the budgets approved for such purposes by the subcommittees and incorporated into the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned legislative responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) The chairman of the Subcommittee on Oversight and Investigations, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the subcommittee as may be provided in the budget approved for such purpose in accordance with rule 18 of these rules. Such professional and clerical appointees may be removed and their compensation fixed by the chairman of such committee subject to the approval of the majority members of the subcommittee.

(f) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(g) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the committee after consultation with the ranking minority member of the committee, shall for each session of the Congress prepare a preliminary budget for the committee. Such budget shall include necessary amounts for professional and clerical staff, travel, investigation, and miscellaneous expenses under his direction and supervision. The chairman of each standing subcommittee, after consultation with the members of the subcommittee, shall prepare a preliminary budget which shall include funds for professional and clerical staff, travel, investigation, and miscellaneous expenses and which shall be adequate to fully discharge its responsibilities for legislation and oversight. Thereafter, the chairman of the full committee shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the full committee and for each of the subcommittees. Such budget shall be presented to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photogpraphy will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Audits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the committee.

Rule 21. *Subpenas.* The full committee, or any subcommittee, may authorize and issue a subpena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpenas under such clause during any period for which the House had adjourned for a period in excess of three days. Subpenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. *Travel of Members and Staff.* (a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items numerated in (1), (2), (3), and (4) of paragraph (a).

JUDICIARY COMMITTEE RULES

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, pursuant to rule XI, clause 2(a), I am pleased to insert for publication in the RECORD a copy of the Rules of Procedure for the 96th Congress adopted by the Judiciary Committee on February 8, 1979:

RULES OF PROCEDURE

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturday, Sundays, and legal holidays) before each scheduled Committee or subcommittee meeting, each Member of the Committee or subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee.

(d) Committee and subcommittee meetings for the transaction of business, i.e., meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(e) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any Member, and a copy made available to each Member present.

(f) In all subcommittee proceedings where a vote on a motion to report a bill to the full Committee results in a tie, such bill shall be reported to the full Committee without recommendation.

(g) For purposes of taking any action at a meeting of the full Committee or any subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h) A complete transcript shall be made of any full Committee meeting, or any portion thereof, upon the request of any Member of the Committee made before the close of business of the preceding day, excluding Saturdays, Sundays, and legal holidays.

RULE III. HEARINGS

(a) The Committee or any subcommittee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it on any measure or matter at least 1 week before the commencement of that hearing, unless the Committee or the subcommittee before which said hearing is scheduled, determines that there is good cause to begin such hearing at an earlier date, in which event it shall make public announcement at the earliest possible date.

(b) Committee and subcommittee hearings shall be open to the public except when the Committee or subcommittee, by majority vote, determines otherwise.

(c) For purposes of taking testimony and receiving evidence before any subcommittee, a quorum shall be constituted by the presence of two Members. For purposes of taking testimony and receiving evidence before the full Committee, a quorum shall be constituted by the presence of 10 Members.

(d) In the course of any hearing each Member shall be allowed 5 minutes for the interogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

RULE IV. PROXY VOTING

A vote by any Member of the Committee with respect to any measure or matter being considered in the Committee or in subcommittee may be cast by proxy if the proxy authorization is in writing, asserts that the Member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motion pertaining thereto; except that a Member may authorize a general proxy for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time that the proxy is signed. Proxies may not be counted for a quorum.

RULE V. BROADCASTING

(a) Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the Committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee or Subcommittee, as the case may be, shall be required against his will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of that hearing or meeting, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee on the Radio and Television Correspondent's Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness given evidence or testimony and any Member of the Committee or subcommittee, as the case may be, or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee or subcommittee, as the case may be, is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or subcommitee, as the case may be.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(b) Subcommittees may authorize the broadcasting or photographing of any of their public hearings or meetings without the specific permission of the Committee.

RULE VI. STANDING SUBCOMMITTEES

There shall be the following seven standing subcommittees of the Committee on the Judiciary as follows:

(a) Subcommittee on Immigration, Refugees, and International Law: Immigration and Naturalization, Citizenship, Admission of Refugees, Treaties and International Agreements, Passports, Admiralty and appropriate oversight.

(b) Subcommittee on Administrative Law and Governmental Relations: Administrative Law, Claims against the United States and appropriate oversight.

(c) Subcommittee on Courts, Civil Liberties, and the Administration of Justice: U.S. Attorneys and U.S. Marshals, Courts, Judicial Ethics, Prisons, Paroles, Patents, Trademarks, Copyrights and appropriate oversight.

(d) Subcommittee on Civil and Constitutional Rights: Civil Rights and Liberties, Bankruptcy and appropriate oversight.

(e) Subcommittee on Monopolies and Commercial Law: Antitrust, Judgeships, Economic Regulation generally and appropriate oversight.

(f) Subcommittee on Crime: Prevention of Crime, Problems of Criminal Offenders and appropriate oversight.

(g) Subcommittee on Criminal Justice: Federal Criminal Code, Rules of Criminal Procedure, Rules of Civil Procedure and appropriate oversight.

RULE VII. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

RULE VIII. NON-LEGISLATIVE REPORTS

No report of the Committee or a subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or subcommittee issuing the report shall have been apprised of such report and been given opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays, and local holidays).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McKinney (at the request of Mr. Rhodes), until March 19, on account of illness.

Mr. Traxler (at the request of Mr. Wright), for today on account of weather conditions.

Mr. Pepper (at the request of Mr. Wright), for today, on account of official business.

Mr. Cotter (at the request of Mr. Wright), for today, on account of weather conditions.

Mr. Jeffords (at the request of Mr. Rhodes), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Brown of California (at the request of Mr. Benjamin), for 5 minutes today, and to include extraneous matter.

(The following Members (at the request of Mr. Evans of Delaware), to revise and extend their remarks and include extraneous material:)

Mr. Lungren, for 5 minutes, today.

Mr. Regula, for 1 hour, today.

Mr. Conable, for 15 minutes, today.

Mr. Tauke, for 5 minutes, today.

Mr. Snyder, for 10 minutes, today.

Mr. Davis of Michigan, for 5 minutes, today.

Mr. Lee, for 5 minutes, today.

(The following Members (at the request of Mr. Fazio) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Mr. NOLAN, for 5 minutes, today.

Mr. CHARLES H. WILSON of California, for 5 minutes, today.

Mr. BARNES, for 10 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. DRINAN, for 10 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. FOUNTAIN, for 5 minutes, today.

Mr. ADDABBO, for 5 minutes, today.

Mr. WEAVER, on February 28 and March 1, 5, 6, 7, and 8 for 10 minutes each day.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVANS of Delaware) and to revise and extend their remarks and include extraneous matter:)

Mr. KINDNESS.

Mr. YOUNG of Alaska.

Mr. SYMMS.

Mr. O'BRIEN in 10 instances.

Mr. QUAYLE.

Mr. RITTER in five instances.

Mr. YOUNG of Florida.

Mr. MICHEL.

Mr. JOHNSON of Colorado.

Mr. SHUSTER in two instances.

Mr. GILMAN in five instances.

Mr. SHUMWAY.

Mr. RHODES.

Mr. SEBELIUS.

Mr. MCKINNEY.

Mr. DANIEL B. CRANE.

Mr. BROYHILL.

Mr. GREEN.

Mr. MADIGAN.

Mr. STOCKMAN.

Mr. MCCLORY.

Mr. PAUL.

Mr. BURGENER.

Mr. ANDERSON of Illinois in two instances.

Mrs. HECKLER.

(The following Members (at the request of Mr. FAZIO) and to include extraneous matter:)

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in 10 instances.

Mr. GAYDOS in 10 instances.

Mr. COTTER in two instances.

Mr. MCHUGH.

Mr. D'AMOURS.

Mr. CLAY.

Mr. HEFTEL.

Mr. FORD of Michigan.

Mr. MAZZOLI.

Mr. ASPIN.

Mr. HALL of Ohio.

Ms. FERRARO in five instances.

Mr. MOAKLEY.

Mr. HAMILTON in two instances.

Mr. SHANNON.

Mr. FLORIO.

Mr. BRODHEAD.

Mr. FISHER in five instances.

Mr. MURTHA.

Mr. UDALL in two instances.

Mr. WEISS.

Mr. MOTTL.

Mr. STUDDS.

Mr. EDWARDS of California.

Mr. GLICKMAN.

Mr. STUMP.

Mr. APPLEGATE.

Mr. MAGUIRE.

Mr. BLANCHARD.

Mr. EDGAR.

Mrs. SPELLMAN in three instances.

(The following Members (at the request of Mr. BENJAMIN) and to include extraneous matter:)

Mr. RICHMOND in two instances.

Mr. MATHIS.

Mr. KOSTMAYER in two instances.

Mr. KASTENMEIER.

Mr. RODINO.

ADJOURNMENT

Mr. BENJAMIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 27, 1979, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

688. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years; to the Committee on Agriculture.

689. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1979 and amendments to the request for appropriations for fiscal year 1980 [H. Doc. No. 96–58]; to the Committee on Appropriations and ordered to be printed.

690. A letter from the Deputy Secretary of Defense, transmitting a report on funds obligated in the chemical warfare and biological defense research programs during fiscal year 1978, pursuant to section 409(a) of Public Law 91–121; to the Committee on Armed Services.

691. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on a survey of athletic injuries and deaths in secondary schools and colleges, pursuant to section 826 of Public Law 93–380; to the Committee on Education and Labor.

692. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Affairs.

693. A letter from the Assistant Secretary of State for Administration, transmitting the quarterly report on programing and obligation of international narcotics control funds as of December 31, 1978, pursuant to section 481(b)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

694. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Saudi Arabia for permission to transfer certain U.S.-origin defense equipment to the Government of the Yemen Arab Republic, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

695. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the status of the contingency fund for the first quarter of fiscal year 1979, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

696. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development and a group of controllers' evaluation report by the Inter-American Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

697. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

698. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on specialized and technical services provided to State or local governments by NASA during calendar year 1978, pursuant to section 304 of Public Law 90–577; to the Committee on Government Operations.

699. A letter from the Acting Assistant Secretary of the Interior, transmitting a report on operations during water year 1978, and a projected plan of operation for water year 1979 for the reservoirs in the Colorado River Basin constructed under the authority of the Colorado River Storage Project Act and the Boulder Canyon Project Act, pursuant to section 602(b) of Public Law 90–537; to the Committee on Interior and Insular Affairs.

700. A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed contract with the Colorado State University, Fort Collins, Colo., for a research project entitled "Load Haul Dump Tree Clump Transplanter Attachment," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

701. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend section 201(a)(1) of the Energy Reorganization Act of 1974, as amended; to the Committee on Interior and Insular Affairs.

702. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting reports covering the month of November 1978, on sales of refined petroleum products and sales of retail gasoline, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

703. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend provisions of the Noise Control Act of 1972, as amended, for 2 years; to the Committee on Interstate and Foreign Commerce.

704. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of the Toxic Substances Control Act for 2 years; to the Committee on Interstate and Foreign Commerce.

705. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of title XIV of the Public Health Service Act for 2 years; to the Committee on Interstate and Foreign Commerce.

706. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Resource Conservation and Recovery Act,

as amended, for 2 years; to the Committee on Interstate and Foreign Commerce.

707. A letter from the president, National Railroad Passenger Corporation, transmitting the Corporation's legislative recommendations, pursuant to section 308(b) of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

708. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to amend section 106 of the Civil Rights Act of 1964 (42 U.S.C. 1975e) to raise the limitation on appropriations for the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

709. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years; to the Committee on Merchant Marine and Fisheries.

710. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend Public Law 85-445 to authorize and request the President to proclaim annually the 7-day period beginning June 1 as National Safe Boating Week; to the Committee on Post Office and Civil Service.

711. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend provisions of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works and Transportation.

712. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstrations for fiscal years 1980 and 1981; to the Committee on Science and Technology.

713. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to carry out the obligations of the United States under the International Coffee Agreement 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes; to the Committee on Ways and Means.

714. A letter from the Secretary of Health, Education, and Welfare, transmitting the third annual report on the child support enforcement program, pursuant to section 452(a)(10) of the Social Security Act; to the Committee on Ways and Means.

715. A letter from the Secretary of Agriculture, transmitting the annual evaluation report on the renewable resource program for fiscal year 1978, pursuant to section 8 (c) and (d) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended; jointly, to the Committees on Agriculture, and Interior and Insular Affairs.

716. A letter from the Comptroller General of the United States, transmitting a report on the costs of military attrition (FPCD-79-28, February 16, 1979); jointly, to the Committees on Government Operations, and Armed Services.

717. A letter from the Comptroller General of the United States, transmitting a report on the Defense Department's implementation of the Office of Management and Budget's Circular No. A-109 on major system acquisitions (PSAD-79-9, February 20, 1979); jointly, to the Committees on Government Operations, and Armed Services.

718. A letter from the Comptroller General of the United States, transmitting a report on the Army's Standoff Target Acquisition System (PSAD-79-29, February 26, 1979; jointly, to the Committees on Government Operations, and Armed Services.

719. A letter from the Comptroller General of the United States, transmitting a report on the Navy's wide aperture array sonar program (PSAD-79-32, February 26, 1979); jointly, to the Committees on Government Operations, and Armed Services.

720. A letter from the Comptroller General of the United States, transmitting a report on the affirmative action programs of the Department of Justice (FPCD-78-79, February 23, 1979); jointly, to the Committees on Government Operations, the Judiciary, and Post Office and Civil Service.

721. A letter from the Comptroller General of the United States, transmitting a report on the Department of Transportation's major activities to combat the drinking-driver problem (CED-79-33, February 21, 1979); jointly, to the Committees on Government Operations, and Public Works and Transportation.

722. A letter from the Comptroller General of the United States, transmitting a report on improper charges to the medicare program by hospitals and blood banks for blood and blood products (HRD-78-172, February 26, 1979); jointly, to the Committees on Government Operations, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2362. A bill to amend the Social Security Act to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 2363. A bill to modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Davis of Michigan, Mr. Derwinski, Mr. Devine, Mr. Badham, Mr. Stockman, Mr. Bob Wilson of California, Mr. Won Pat, Mr. Jeffords, Mr. Jenrette, Mr. Lagomarsino, Mr. Lott, Mr. McHugh, Mr. McKinney, Mr. Marlenee, Mr. Mitchell of New York, Mr. Moore, Mr. Mollohan, Mr. Murphy of Pennsylvania, Mr. Pritchard, Mr. Pursell, Mr. Rahall, Mr. Rinaldo, Mr. Runnels, Mr. Edwards of Oklahoma, Mr. Emery, Mr. Erlenborn, Ms. Fenwick, Mr. Findley, Mr. Gibbons, Mr. Hamilton, Mr. Hollenbeck, Mr. Hyde, Mr. Benjamin, Mr. Buchanan, Mr. Carr, Mr. Chappell, Mr. Cleveland, Mr. Conte, and Mr. Scheuer):

H.R. 2364. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest; jointly, to the Committees on Government Operations and Rules.

By Mr. BLANCHARD:

H.R. 2365. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide mandatory social security coverage for all Members of Congress and other employees in the legislative branch, and for all new employees of the United States (and its instrumentalities) outside the legislative branch; to the Committee on Ways and Means.

By Mr. BONER of Tennessee:

H.R. 2366. A bill to amend the Federal Railroad Safety Act of 1970 to authorize a State agency to issue cease-and-desist orders with respect to violations of such act, and to seek enforcement of such orders in the appropriate district court of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL (for himself and Mr. Rinaldo):

H.R. 2367. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in the act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. BYRON (for herself and Mr. Pickle):

H.R. 2368. A bill to prohibit fuel adjustment clauses in electric utility rate schedules; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 2369. A bill to amend title XVIII of the Social Security Act for the purpose of including community mental health centers among the entities which may be qualified providers of service for medicare purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. Mikva, Mr. Brodhead, Mr. Downey, Mr. Guarini, Mr. Conable, Mr. Duncan of Tennessee, Mr. Frenzel, and Mr. Moore):

H.R. 2370. A bill to amend title XVIII of the Social Security Act to provide coverage for services which may be performed by a dentist on the same basis as presently allowed for physicians under the medicare program, and to authorize payment under such program for all inpatient hospital services furnished in connection with dental procedures requiring hospitalization; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PHILIP M. CRANE:

H.R. 2371. A bill to provide that in civil actions where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fee and other reasonable litigation costs; to the Committee on the Judiciary.

By Mr. DANNEMEYER:

H.R. 2372. A bill to amend the Internal Revenue Code to provide renters with a credit against income tax; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 2373. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 2374. A bill to authorize the establishment of the Frederick Law Olmsted National Historic Site in the State of Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN of Tennessee:

H.R. 2375. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony, and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 2376. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incured in higher education; to the Committee on Ways and Means.

H.R. 2377. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of new coal mining equipment ratably over a 12-month period; to the Committee on Ways and Means.

H.R. 2378. A bill to improve congressional oversight of Federal programs and activities by requiring greater specificity in setting program objectives, by requiring continuing information on the extent to which programs are achieving their stated objectives, by requiring periodic review of new authorizations of budget authority and tax expenditures, and for other purposes; jointly, to the Committees on Government Operations and Rules.

H.R. 2379. A bill to require authorizations of new budget authority for Government programs at least every 5 years, to establish a procedure for zero-base review of Government programs every 5 years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

H.R. 2380. A bill to amend title XVIII of the Social Security Act to include as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee (for himself, Mr. Whitehurst, and Mr. Madigan):

H.R. 2381. A bill to amend the Internal Revenue Code of 1954 and for other purposes; to the Committee on Ways and Means.

By Ms. FERRARO:

H.R. 2382. A bill to exempt programs of the Federal National Mortgage Association from State usury laws and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FISHER:

H.R. 2383. A bill to amend title 4 of the United States Code with respect to the authority of States or political subdivisions thereof to impose taxes at civil airports owned by the United States; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 2384. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that sand and gravel mine operators shall not be subject to the requirements of such act; to the Committee on Education and Labor.

By Mr. GINN:

H.R. 2385. A bill to provide parity to farmers and to prevent interruptions in the supply of food to American consumers; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 2386. A bill to amend title 5, United States Code, to include as creditable service under the civil service retirement system periods of service as contract technicians by individuals hired by private authority to perform work under Federal supervision pursuant to a contract between such private authority and the Federal Government, and for other purposes; jointly, to the Committees on Post Office and Civil Service, and Ways and Means.

By Mr. HAGEDORN:

H.R. 2387. A bill relating to the year for including in gross income under the Internal Revenue Code of 1954 the amount of certain loan payments made pursuant to the Agricultural Act of 1949; to the Committee on Ways and Means.

By Mr. HALL of Texas:

H.R. 2388. A bill to amend the Agricultural Adjustment Act to require that the Secretary of Agriculture, in determining the approval or disapproval of producers of the issuance of any marketing order, or any term or condition of any marketing order, determine the approval or disapproval of each producer who is a member of, stockholder in, or under contract with any cooperative association of producers; to the Committee on Agriculture.

H.R. 2389. A bill to amend part D of title IV of the Social Security Act to give consent, on behalf of the United States, to certain additional garnishment proceedings; to the Committee on Ways and Means.

By Mr. HOLLENBECK:

H.R. 2390. A bill to provide for the repatriation of the remains of five unknown members of the U.S. Navy killed and interred in Tripoli in 1804 and for the interment of such remains in Arlington National Cemetery; jointly, to the Committees on Foreign Affairs and Veterans' Affairs.

By Mr. HUGHES:

H.R. 2391. A bill to amend title 18 of the United States Code to impose criminal penalties on certain persons who fire firearms or throw objects at certain railroad trains, engines, motor units, or cars, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

H.R. 2392. A bill to direct the Secretary of Agriculture to conduct a study to determine the probable economic effects of a cessation of Federal assistance which serves to promote tobacco production and the manufacturing and marketing of tobacco products for human consumption; to the Committee on Agriculture.

H.R. 2393. A bill to provide for the distribution in the United States of the International Communication Agency film entitled "Aspen"; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Colorado (for himself, Mr. Cheney, Mr. Hansen, Mr. Sebelius, Mrs. Smith of Nebraska, and Mrs. Symms):

H.R. 2394. A bill to implement the International Sugar Agreement between the United States and foreign countries; to protect the welfare of consumers of sugar and of those engaged in the domestic sugar-producing industry; to promote enterprise and investment in the United States; and for other purposes; jointly, to the Committees on Agriculture, and Ways and Means.

By Mr. LEATH of Texas:

H.R. 2395. A bill to amend the Flood Control Act of 1946 to provide that the conservation storage capacity provided by the Belton Reservoir in Texas shall be available for purposes other than irrigation; to the Committee on Public Works and Transportation.

By Mr. LIVINGSTON:

H.R. 2396. A bill to amend the Water Resources Development Act of 1974, relating to the hurricane-flood protection project on Lake Pontchartrain, La.; to the Committee on Public Works and Transportation.

By Mr. LUJAN:

H.R. 2397. A bill to amend section 154 of title 23, United States Code, to authorize a speed limit of 70 miles an hour in certain States; to the Committee on Public Works and Transportation.

By Mr. MARLENEE:

H.R. 2398. A bill to amend the Clean Air Act to permit a State legislature to contest the redesignation under such act of an area within such State by an Indian tribe, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS:

H.R. 2399. A bill to clarify certain rulemaking procedures of the Federal Aviation Administration; to the Committee on Public Works and Transportation.

By Mr. CLAY:

H.R. 2400. A bill to amend title 39, United States Code, to restore to Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2401. A bill to amend title 5, United States Code, to restore to Federal civilian employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of New York:

H.R. 2402. A bill to amend part A of title IV of the Social Security Act to establish a minimum AFDC benefit amount to be required of all States, and to provide additional Federal matching for States which are presently below such minimum amount to assist them in increasing their AFDC payments to comply with such requirement; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 2403. A bill to amend title XVI of the Social Security Act to provide that interest on bank deposits shall not be considered income for purposes of determining an individual's eligibility for supplemental security income benefits or the amount of such benefits; to the Commitee on Ways and Means.

By Mr. MONTGOMERY (for himself, Mr. Roberts, Mr. Charles Wilson of Texas, Mr. Davis of South Carolina, Mr. Hall of Texas, Mr. Won Pat, Mr. Beard of Tennessee, Mr. Hillis, Mr. Lott, Mr. Hinson, and Mr. Chappell):

H.R. 2404. A bill to amend the Military Selective Service Act to provide for reactivation of registration and classification under such act, and to extend the requirement for such registration to women, to provide authority for induction of not more than 200,000 male individuals each year for training and service in the Individual Ready Reserve of the Army Reserve, to provide for educational assistance for individuals so inducted, and for other purposes; to the Committee on Armed Services.

By Mr. MOTTL:

H.R. 2405. A bill to terminate the existence of certain Federal regulatory agencies after a specified period of time, and for other purposes; to the Commitee on Government Operations.

By Mr. NATCHER:

H.R. 2406. A bill to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes; to the Committee on Armed Services.

H.R. 2407. A bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property; jointly, to the Committees on Government Operations and Armed Services.

By Mr. NOLAN:

H.R. 2408. A bill to implement the International Sugar Agreement between the United States and foreign countries; to protect the welfare of consumers of sugar and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; and for other purposes; jointly, to the Committees on Agriculture and Ways and Means.

H.R. 2409. A bill to provide grants to renovate existing structures for use as youth hostels and to construct four new structures for use as youth hostels in order to further the development of a national system of youth hostels, and increase the opportunity for outdoor recreation and educational travel, and for other purposes; jointly, to the Committees on Banking, Finance, and Urban Affairs, and Interior and Insular Affairs.

By Mr. QUAYLE:

H.R. 2410. A bill to amend the Internal Revenue Code of 1954 to provide a credit for amounts contributed to an individual housing account; to the Committee on Ways and Means.

By Mr. RATCHFORD (for himself and Mr. McKinney):

H.R. 2411. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. RICHMOND:

H.R. 2412. A bill to amend section 18 of the Food Stamp Act of 1977; to the Committee on Agriculture.

By Mr. RODINO:

H.R. 2413. A bill to create a National Institute of Justice; to the Committee on the Judiciary.

By Mr. RODINO (for himself, Mr. Edwards of California and Mr. AuCoin):

H.R. 2414. A bill to amend title 35 of the United States Code; to establish a uniform Federal patent procedure for small businesses and nonprofit organizations; to create a consistent policy and procedure concerning patentability of inventions made with Federal assistance; and for other related purposes; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 2415. A bill to authorize the Secretary of Commerce, acting through the Economic Development Administration to make grants for the repair, restoration, or replacement of vaulted sidewalks; to the Committee on Public Works and Transportation.

By Mr. SEBELIUS (for himself and Mr. Madigan):

H.R. 2416. A bill to amend the Food and Agriculture Act of 1977 relating to increases in the target prices of the 1979 and 1980 crops of wheat and corn under certain circumstances, and for other purposes; to the Committee on Agriculture.

By Mr. SEBELIUS:

H.R. 2417. A bill to amend title II of the Social Security Act so as to modify the criteria respecting certain self-employment income, derived from the sale of certain agricultural or horticultural commodities, for purposes of the social security retirement test; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. Mathis, Mr. Taylor, Mr. Symms, Mr. Abdnor, Mr. Hubbard, Mr. Sebelius, Mr. Stangeland, Mr. Hopkins, Mr. Hagedorn, and Mr. Hillis):

H.R. 2418. A bill to clarify certain rulemaking procedures of the Federal Aviation Administration; to the Committee on Public Works and Transportation.

By Mr. STAGGERS (by request):

H.R. 2419. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the U.S. Railway Association for fiscal year 1980; to the Committee on Interstate and Foreign Commerce.

H.R. 2420. A bill to authorize additional appropriations for the Office of Rail Public Counsel; to the Committee on Interstate and Foreign Commerce.

By Mr. WEISS:

H.R. 2421. A bill to amend title XIX of the Social Security Act to make assistance available under the medicaid program for patients in mental institutions without regard to their age (instead of only for those patients in such institutions who are under 22 or over 65 as at present); to the Committee on Interstate and Foreign Commerce.

H.R. 2422. A bill to amend title XVI of the Social Security Act to eliminate the benefit reduction presently applicable to individuals receiving support and maintenance from families with whom they are living, to continue SSI payments for 3 months when a beneficiary is institutionalized, to provide for the monitoring of the SSI trial work period provisions, and to make it clear that SSI benefits (for up to 3 months) may be paid on the basis of presumptive mental (as well as physical) disability; to the Committee on Ways and Means.

H.R. 2423. A bill to amend title XX of the Social Security Act to increase Federal payments to States for services which will assist in removing people from institutions, including the provision of alternative housing, sheltered employment, and similar services; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 2424. A bill to amend title 39, United States Code, relating to contract authority of the U.S. Postal Service for air transportation of mail; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 2425. A bill to establish the Foundation for International Scientific and Technological Cooperation, to provide for the management of the Foundation, and for other purposes; jointly, to the Committees on Foreign Affairs, and Science and Technology.

By Mr. CARTER:

H.R. 2426. A bill to extend through October 1, 1979, provisions which expired on October 1, 1978, relating to payment under the Social Security Act for services of physicians rendered in a teaching hospital; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DUNCAN of Tennessee:

H.R. 2427. A bill to amend the Animal Welfare Act to prohibit the use of live animals as visual lures in dog racing and training, and for other purposes; to the Committee on Agriculture.

H.R. 2428. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of coal conversion facilities based on a 12-month period, and to establish a price support program for synthetic fuels produced from coal at such facilities; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 2429. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for investments in labor surplus areas, to index personal exemptions and individual tax rates, and to reduce social security taxes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 2430. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that the medicare program shall be financed from general revenues rather than through the imposition of employment and self-employment taxes as at present, with the new method of financing being gradually phased in over a 6-year period, and to adjust the rates of the taxes imposed for purposes of financing the OASI and disability insurance programs in order to assure the future actuarial soundness of those programs; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States to modernize the presidential electoral system; to the Committee on the Judiciary.

By Mr. BOWEN:

H.J. Res. 224. Joint resolution regarding the peace, prosperity, and welfare of the people on Taiwan, and the Pescadores, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. BYRON:

H.J. Res. 225. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in national emergency; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.J. Res. 226. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling attendance in schools other than the one nearest the residence and to insure equal educational opportunities for all students wherever located; to the Committee on the Judiciary.

H.J. Res. 227. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.J. Res. 228. Joint resolution designating July 1, 1979, as "National Free Enterprise Day"; to the Committee on Post Office and Civil Service.

By Mr. MOORE:

H.J. Res. 229. Joint resolution designating May 13, 1979, as "National Free Enterprise Day"; to the Committee on Post Office and Civil Service.

By Mr. BEARD of Tennessee:

H. Con. Res. 57. Concurrent resolution establishing a Joint Select Committee on Defense Readiness and Mobilization Capability; to the Committee on Rules.

By Mr. GILMAN (for himself and Mr. Hanley):

H. Con. Res. 58. Concurrent resolution expressing the sense of Congress that the President should express to the Government of the Soviet Union the disapproval of the American people concerning that Government's systematic nondelivery of international mail addressed to certain persons residing within the Soviet Union and that the United States should bring to the attention of the next Congress of the Universal Postal Union the failure of the Soviet Union to comply with certain articles of the Universal Postal Union; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

By Mr. KEMP:

H. Con. Res. 59. Concurrent resolution urging the Canadian Government to reassess its policy of permitting the commercial killing of newborn harp seals; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Con. Res. 60. Concurrent resolution to provide for the purchase of a certain statue of George Washington and for the placement of such statue on the East Front of the Capitol Building, or in any appropriate location inside such building; to the Committee on House Administration.

By Mr. FUQUA:

H. Res. 134. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Science and Technology; to the Committee on House Administration.

By Mr. GOODLING (for himself, Mr. Wolff, Mr. Yatron, Mr. Diggs, Mr. Solarz, Mr. Hall of Ohio, Mr. Mica, Mr. Guyer, and Mr. Pritchard):

H. Res. 135. Resolution expressing the sense of the House of Representatives with respect to the possible execution of former Prime Minister Bhutto; to the Committee on Foreign Affairs.

By Mr. MURTHA (for himself, Mr. Slack, Mr. Preyer, Mr. Spence, Mr. Hollenbeck, Mr. Livingston, Mr. Thomas, Mr. Sensenbrenner, and Mr. Murphy of Illinois):

H. Res. 136. Resolution amending clause 4(e) of Rule X of the Rules of the House of Representatives to transfer to panels of Members of the House selected by lot the authority of the Committee on Standards of Official Conduct to make findings and recommendations respecting alleged violations by Members, officers, or employees of the House of Representatives of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of Members, officers, and employees of the House; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 137. Resolution to provide funds for the expenses of investigations to be conducted by the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

By Mr. STUDDS (for himself and Mr. Lent):

H. Res. 138. Resolution disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries; to the Committee on Appropriations.

By Mr. UDALL:

H. Res. 139. Resolution to provide funds for the expenses of studies and investigations to be conducted by the Committee on Interior and Insular Affairs; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

37. By the SPEAKER: Memorial of the Legislature of the State of Texas, relative to agricultural policy; to the Committee on Agriculture.

38. Also, Memorial of the Legislature of the Commonwealth of Virginia, relative to payments in lieu of taxes for federally-owned property within local government jurisdictions; to the Committee on Government Operations.

39. Also, Memorial of the Legislature of the State of Idaho, relative to the licensing and construction of nuclear powerplants; to the Committee on Interior and Insular Affairs.

40. Also, Memorial of the Legislature of the Commonwealth of Virginia, relative to medicaid benefits for certain handicapped children; to the Committee on Interstate and Foreign Commerce.

41. Also, Memorial of the Legislature of the State of Illinois, requesting that Congress propose an amendment to the Constitution of the United States to permit a moment of silent prayer in the public schools; to the Committee on the Judiciary.

42. Also, Memorial of the Legislature of the State of Illinois, requesting that Congress propose an amendment to the Constitution of the United States to permit the singing of Christmas carols in public schools; to the Committee on the Judiciary.

43. Also, Memorial of the Legislature of the State of New Mexico, requesting that Congress propose, or call a convention for the purpose of proposing, an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 2431. A bill for the relief of Florence C. Rutan; to the Committee on the Judiciary.

By Mr. BURGENER:

H.R. 2432. A bill for the relief of Ronald Regespi Doliente; to the Committee on the Judiciary.

H.R. 2433. A bill for the relief of Zora Singh Sunga; to the Committee on the Judiciary.

By Mr. CORRADA:

H.R. 2434. A bill for the relief of Vera Zabala Clemente, Roberto Clemente, Jr., Luis Roberto Clemente, and Roberto Enrique Clemente, Luisa Walker Clemente, Maria M. Reyes Vda. Lozano, Angel R. Lozano, Jr., Wanda Ivellize Lozano, Angel Gabriel Lozano Morales, Mayra Lizette Lozano Baez, Antonia Narvaez, Margarita C. Matias, Ana Margarita Matias, Francisco Matias, Jr., Lourdes Margarita Matias, Jose Francisco Matias, Francisco Javier Matias, and Dolores Lugo; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 2435. A bill for the relief of Daniela Wittman; to the Committee on the Judiciary.

By Mr. GINN:

H.R. 2436. A bill for the relief of Frank E. Heidt, Jr., a customhouse broker doing business as Joseph Craig & Co., Savannah, Ga.; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.R. 2437. A bill for the relief of Mrs. Stella Marie Deignan: to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 2438. A bill for the relief of Julio Antonio Morales-Flores; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Roe.

H.R. 21: Ms. Holtzman and Mr. Mitchell of Maryland.

H.R. 39: Mr. Giaimo, Mr. Shannon, and Mr. Williams of Montana.

H.R. 117: Mr. Clinger, Mr. Stangeland, and Mr. Lungren.

H.R. 282: Mr. Addabbo, Mr. Akaka, Mr. Bedell, Mr. Bingham, Mrs. Bouquard, Mr. Brodhead, Mr. Clay, Mr. Corrada, Mr. Edgar, Mr. Edwards of California, Mr. Evans of Delaware, Mr. Heftel, Mr. Hollenbeck, Mr. Horton, Mr. Kastenmeier, Mr. Long of Maryland, Mr. McHugh, Mr. McKinney, Mr. Minish, Mr. Moakley, Mr. Moffett, Mr. Murphy of Pennsylvania, Mr. Murphy of New York, Mr. Ottinger, Mr. Richmond, Mr. Roybal, Mr. St Germain, Mr. Traxler, Mr. Weiss, Mr. Whitehurst, and Mr. Young of Florida.

H.R. 365: Mr. Schulze and Mr. Young of of Alaska.

H.R. 758: Mr. Lott, Mr. Hubbard, Mr. Long of Louisiana, Mr. Kogovsek, Mr. Ginn, Mr. Bedell, Mr. Leach of Louisiana, Mr. Ichord, Mr. Charles Wilson of Texas, Mr. English, Mr. Nolan, and Mrs. Bouquard.

H.R. 806: Mr. Akaka, Mr. Derwinski, Mr. Duncan of Tennessee, Mr. Moakley, Mr. Pepper, Mr. Rodino, and Mr. Waxman.

H.R. 1051: Mr. Pickle and Mr. Gramm.

H.R. 1247: Mr. Young of Alaska, Mr. Watkins, Mr. Andrews of North Dakota, Mr. Coleman, Mr. Guyer, Mr. Bereuter, and Mr. Jenrette.

H.R. 1307: Mr. Emery.

H.R. 1526: Mr. O'Brien, Mr. Madigan, and Mr. Yates.

H.R. 1644: Mr. Murphy of Pennsylvania, Mr. Bowen, Mr. Gilman, Mr. Lott, Mr. Lent, Mr. Findley, and Mr. Leath of Texas.

H.R. 1651: Mr. Pursell, Mr. Pritchard, Mr. Lee, and Mr. Findley.

H.R. 1660: Mr. Jones of Oklahoma.

H.R. 1665: Mr. Patterson.

H.R. 1735: Mr. Waxman.

H.R. 1739: Mr. Gramm.

H.R. 1744: Mr. Addabbo, Mr. Diggs, Mr. Downey, Mr. Drinan, Mr. Edgar, Ms. Ferraro, Mr. Flood, Mr. Jenrette, Mr. Long of Maryland, Mr. Maguire, Mr. Moakley, Mr. Price, Mr. Richmond, Mr. Vento, and Mr. Weiss.

H.R. 1776: Mr. Watkins, Mr. Albosta, Mr. Trible, Mr. Grassley, Mr. Applegate, Mr. Hance, Mr. Murphy of Pennsylvania, Mr. Jones of Tennessee, Mr. Rahall, Mr. Williams of Ohio, Mr. Bennett, Mr. Erdahl, Mr. Won Pat, Mr. Robinson, Mr. Solomon, Mr. Mottl, Mr. Charles H. Wilson of California, Mr. Bowen, Mr. Shumway, Mr. Hall of Texas, Mr. Devine, Mr. Cavanaugh, Ms. Milkulski, Mr. McKinney, Mr. Ireland, Mr. Leach of Louisiana, Mr. Jones of Oklahoma, Mr. Regula, Mr. Stump, Mr. Wolpe, Mr. Rousselot, Mr. Thomas, and Mr. Clausen.

H.R. 1852: Mr. Sensenbrenner and Mr. Ertel.

H.R. 1985: Mr. Bauman.

H.R. 2020: Mr. Downey, Mr. Walgren, Mr. Waxman, Mr. Glickman, Mr. Coelho, Mr. Gilman, and Mr. Leach of Louisiana.

H.J. Res. 2: Mr. Hopkins, Mr. Trible, Mr. Solomon, Mr. Edwards of Oklahoma, Mr. Jacobs, and Mr. Lott.

H.J. Res. 148: Mr. Young of Alaska, Mr. Andrews of North Dakota, Mr. Guyer, Mrs. Smith of Nebraska, Mr. Bereuter, Mr. Jenrette, Mr. McCloskey, Mr. Holland, Mr. Edwards of Oklahoma, Mr. Jeffords, Mr. Spence, Mr. Lujan, Mr. Bennett, Mr. Fuqua, Mr. Johnson of California, Mr. Dickinson, and Mr. Bevill.

H. Con. Res. 22: Mr. Lott, Mr. Sensenbrenner, Mr. Ichord, Mr. Johnson of Colorado, Mr. Conte, Mr. Evans of Georgia, Mr. Nichols, Mr. Lagomarsino, Mr. Glickman, Mr. Robinson, Mr. Solomon, Mr. Hughes, Mr. Stockman, Mr. Price, Mr. Whitley, Mr. Abdnor, Mr. Lundine, Mr. Dan Daniel, Mr. Jenkins, Mr. Chappell, Mr. Weaver, Mr. Cheney, Mr. Fazio, Mr. Gudger, Mr. Ertel, Mr. Symms, Mr. Shumway, Mr. Erdahl, Mr. Ashbrook, Mr. Lewis, Mr. Bonker, Mr. Whittaker, Mr. Bereuter, Mr. Grassley, Mr. Goodling, Mrs. Bouquard, Mr. Jeffries, Mr. Davis of South Carolina, Mrs. Smith of Nebraska, Mr. Hagedorn, Mr. Hansen, Mr. Miller of Ohio, Mr. Young of Alaska, Mr. Sawyer, Mr. Bowen, Mr. Sebelius, Mr. Edwards of Oklahoma, Mr. Stangeland, Mr. Ireland, Mr. Patten, Mr. Jacobs, Mr. Shuster, Mr. Hinson, Mr. Clinger, Mr. Jones of Tennessee, Mr. Montgomery, Mr. Winn, Mr. Skelton, Mr. Collins of Texas, Mr. Archer, and Mr. Coelho.

H. Res. 34: Mr. Dougherty and Mrs. Schroeder.

H. Res. 90: Mr. Lederer, Mr. Benjamin, Mr. Conyers, Mr. Moakley, Ms. Holtzman, Mr. Wolff, Mr. Drinan, Mr. Mottl, Mr. Weaver, Mr. Downey, Mr. Maguire, Mr. Vento, and Mr. Roe.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1520: Mr. Wampler.

PETITIONS, ETC.

Under clause 1 of rule XX, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By the SPEAKER: Petition of the Lithuanian American Council of Boston, Mass., relative to Lithuanian independence; to the Committee on Foreign Affairs.

63. Also. Petition of the Oregon Republican State Central Committee, Portland, relative to Taiwan; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

SOCIAL SECURITY CUTBACKS OPPOSED

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. D'AMOURS. Mr. Speaker, many citizens are quite rightly upset about recent proposals to cut back essential social security benefits. For many citizens the modest benefits they receive represent the difference between being able to maintain their independence and dignity and living in constant fear of the future.

One of the recent proposals would eliminate survivor benefits for college students over the age of 18. The importance of these benefits has been dramatically and convincingly conveyed to me in a letter from one of my constituents which I would like to share with my colleagues:

FEBRUARY 15, 1979.

Congressman NORM D'AMOURS,
Congressional Building,
Washington, D.C.

DEAR CONGRESSMAN D'AMOURS: This letter is to urge you to vote against any bill that will eliminate social security benefits to college age students.

My husband was killed piloting an airplane over a year ago. He is no longer able to insure himself for the education of our two daughters. When social security was extended for college age students in the 1960s he dropped an insurance policy he had for that purpose. He thought social security would be adequate. Well, it really is not but without it neither of the girls will continue their education. They both go or will go to the University system because we are unable to afford private college prices. We are not complaining.

I feel it will be a breach of promise on the part of the Government. President Carter and his aides who say that these students qualify for other grants are mistaken. We have been informed by FAF and BEOG that I should be able to contribute enough to send them to the private colleges. I make $15,000 a year and own my own house, presently valued at $45,000. I am sure you are aware what happened to the insurance policies since my husband was the pilot of the airplane. How in the world will I be able to make a large mortgage payment and still help the girls and still pay the other bills.

I worry that since there are only 110,000 students receiving these benefits, the Senators and Representatives will let it slip by without much dissent. I fear that the American public just does not think about social security until they need it and it is too late. Most of my friends and colleagues do not understand and they are the TEACHERS! So the average person on the street doesn't care or doesn't want to think about it. . . . YET.

As it now stands, my oldest daughter will not be eligible for benefits her senior year. We had her repeat fourth grade nine years ago! She will be too old and as a teacher, I call this downright degrading. We try to convince students there is no stigma in repeating a grade. Seems we are wrong!

Nancy will graduate in June. She is anticipating going to college in the fall. She reads Shakespeare, English Literature, Ann Landers and the comics. She has no idea that her world is in for another catastrophe. I can't tell her. Would you like to? Please don't let this happen to us!●

THE DEBT CEILING FLIM-FLAM

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. SHUSTER. Mr. Speaker, on Wednesday of this week, the Democrat administration and the Democrat big spenders in the House, will ask this body to approve another whopping increase in the public debt ceiling. This time $38 billion which would raise the ceiling from its current level of $798 billion to $836 billion. How long will this flim-flam on the American taxpayer continue?

How long will the Democrat big spenders continue to spend this country into the red? How long will the Democrat big spenders continue to turn a callous, deaf ear to the call from the American people to put an end to this traditional and reckless Democrat policy of spend and borrow, and borrow, and spend? Last Thursday, the Republican policy committee went on record as opposing this increase to bail out the Democrat big spenders. I challenge the thoughtful Democrats in this Chamber to join with Republicans on Wednesday and vote down H.R. 1894.

Without objection, Mr. Speaker, I would like to insert into the RECORD the complete text of the Republican policy committee statement on increasing the public debt.

The statement follows:

H.R. 1894—INCREASING THE PUBLIC DEBT

The Democrat big-spenders are at it again. In order to pay for the federal programs which cost more than the federal government receives in revenues the Democrats are pushing the passage of legislation to increase the public debt ceiling from its current level of $798 billion to $836 billion.

Over the past four decades, the Democrats who have controlled Congress for 42 out of 46 years have spent our country into the red by more than $800 billion. The public debt is a national disgrace. Instead of listening to the call of American taxpayers for a reduction in spending and a balanced federal budget, the Carter Administration and the Democrat Majority want to pass H.R. 1894, to finance through borrowing the federal government's bills coming due over the next seven months.

H.R. 1894 raises the public debt limit by $38 billion through September 30, 1979, authorizes the Department of the Treasury to sell long term securities at interest rates above the statutory ceiling of 4.25 percent, and increases the statutory interest rate ceiling on savings bonds.

This exercise of increasing the public debt is nothing more than a flim-flam of the American taxpayers by the Democrat big-spenders. The Democrats, rather than earnestly trying to balance the budget, continue to vote one deficit budget on top of another deficit budget. Then when the bills come due the Democrat big-spenders demagogue the financial crisis which necessitates increasing the public debt limit and reluctantly vote to increase it. This entire charade becomes an actual fraud on the American people when current Treasury Department estimates show that an additional increse of $60 billion in public debt will be necessary to meet requirements for fiscal 1980 bringing the total national debt ceiling to $896 billion.

The American people are calling for a change in the fiscal policies of the federal government. The public groundswell for a balanced budget indicates that the American taxpayer has had it with deficit spending, inflation and gross mismanagement of tax dollars. The congressional budget process and the public debt limit give the Congress the authority to respond and produce a balanced federal budget. Republican efforts to change the direction of existing fiscal policy have been repeatedly turned back by the Democrat Majority in Congress.

This nation is entering the fifth consecutive year of economic growth. The second longest recovery in the post war history. It's time now to begin balancing the federal budget.

The Republican Policy Committee believes that Republicans, who did not vote for the Democrat initiated wasteful spending, should not vote for the increase in the national debt to bail out the Democrat big-spenders. Let the Democrat Majority who got this country into a financial mess provide the votes to increase the public debt. Let those who have danced to the Democrat big-spenders tune now vote to pay the piper.●

LEAA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MAZZOLI. Mr. Speaker, on September 30 of the year, the authorization for the Law Enforcement Assistance Administration (LEAA) expires.

While LEAA has many critics, it is far from a failure. It has sponsored many successful programs ranging from projects to strengthen traditional law enforcement, such as the career criminals program, to innovative community anticrime programs.

Recently, Jefferson County (Ky.,) Commonwealth Attorney David Armstrong, brought to my attention one particularly successful LEAA program now underway in Jefferson County dealing with white collar crime.

Under this project, an economic crime unit was established and prosecuting as well as preventing economic crimes were given top priority.

With the cooperation and assistance of local police departments, citizens and business community, there has been significant action on economic crime in Jefferson County.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Quoting from Mr. Armstrong's report:

> Criminal court cases handled by the special unit involved the theft of some $1,500,000 from some 700 separate felony crimes. Ninety-one economic criminals were convicted and received prison sentences totalling over 500 years and fines of over $23,000.00.
>
> Approximately $257,000.00 was obtained in restitution for some of the 379 victims of white collar crimes involved in cases successfully handled by the Economic Crime Unit. Some $29,374.00 was voluntarily returned to citizens following the Unit's investigations.

As cosponsor, along with the distinguished chairman of the House Judiciary Committee, PETER RODINO, a measure to reauthorize and streamline LEAA, I hope my House colleagues will bear in mind successful programs, like the one I have described here, when the time comes to vote on LEAA's future.●

ISRAELI GOVERNMENT DOES NOT SYSTEMATICALLY TORTURE ARAB PRISONERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. ASPIN. Mr. Speaker, I wish to speak on recent and widely publicized allegations that the Israeli Government systematically tortures Arab prisoners in the occupied territories on the West Bank. Having completed a thorough investigation of the matter, I can only conclude that no such accusation could reasonably be made.

My conclusion agrees with the conclusions reached by the State Department's international human rights report, the U.S. Embassy in Israel, and the International Committee of the Red Cross. The opinion of the Red Cross is probably the most significant. It is a totally independent organization. Its officials are allowed to visit any prisoner no later than the 14th day after the date of arrest, they can have physicians conduct medical examinations, all with no Israeli officials present.

The Red Cross has visited about 1,000 Arab prisoners and has reported mistreatment in only a very few instances—so few that it could in no way be termed "systematic." Edward M. Mezvinsky, the U.S. delegate to the Human Rights Commission of the United Nations, says that Red Cross authorities told him last July that they have found no evidence of "systematic torture of Arab political prisoners."

Reports of systematic torture are based on two cables sent by the U.S. Consulate's office in Israel. In contrast to the massive and totally independent investigations made by the Red Cross, these consulate cables are based on interviews with only 29 Arabs, many of whom may have had political motivations for saying what they did. In any event, the reports were made so long after the Arabs' imprisonment that no physical evidence could verify their claims.

The more famous of the two consulate cables, the one sent by foreign service officer Alexandra U. Johnson on May 31, reported "the possibility that the use of brutality in the interrogation of Arab political prisoners is a systematic practice, backed up by far-reaching administrative support, and protected by standard methods of suppressing complaints and blocking their investigation."

Mr. Speaker, there are simply no solid facts supporting these assertions.

Nobody, including the official who filed this cable, has ever discovered evidence that Israeli officers are trained in the techniques of torture. Furthermore, we know of several instances in which brutal officers have been dismissed by the Israeli Government. For example, last year the Military Governor of the West Bank was fired for allowing excessive force to be used against Arab prisoners.

I also find it noteworthy that the Israelis do fully cooperate with the International Committee of the Red Cross, something which many governments do not.

The consulate officer based her conclusion of "systematic torture" largely on the finding that the stories of many formerly imprisoned Arabs suggest that similar techniques of torture appeared to have been applied. Even if this were true, I find it flimsy grounds for concluding that the brutality has been "systematic." There are, after all, only so many ways of beating somebody. That two or three people do it fairly similarly does not necessarily indicate a systematic effort.

Certainly, some cases of mistreatment have occurred, just as they occur everywhere in the world, and these instances are regrettable and inexcusable. The key question, however, is whether such practices have been systematic, whether they reflect the policy of the Israel Government. There is simply no convincing evidence that this is the case.●

SIXTY-FIRST ANNIVERSARY OF ESTONIA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. COTTER. Mr. Speaker, February 24 marked the 61st anniversary of the Declaration of Independence of Estonia. I would like to join with my colleagues in commemorating this memorable occasion on behalf of those who are unable to celebrate their own nation's independence.

Estonia has had a history of oppressive rulers, but its people have consistently fought these oppressors. Soon after the proclamation of independence in 1918, Estonia was occupied by the German Army. The World War I armistice ended this period of suppression. However, the Bolshevik army soon attacked the country and was ready to impose the Communist system. The Estonian people fought for their freedom with the help of neighboring countries and they succeeded. However, the people of Estonia are once again under Communist rule because of the Molotov-Ribbentrop Pact of 1939.

Today Estonia remains under Communist rule. The people face repressive policies that rule not only their country but also their private lives. The consequences are drastic, for even the people's fundamental freedoms are at stake. As a Nation that proclaims freedom is for all, we should be supportive of the Estonian people and their cause for freedom. We commemorate the 61st anniversary of the Declaration of Independence of Estonia.●

LOCAL GOVERNMENT TAXING AUTHORITY AT NATIONAL AIRPORT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. FISHER. Mr. Speaker, airports are places of business for airlines, car rental companies, restaurants, newsstands, and many other activities. In most jurisdictions this commercial activity and its customers pay their share of taxes. One would expect that the full range of State and local taxes would be levied at the two commercial airports owned and operated by the Federal Government; however, the taxing authority granted to local governments is different for each of the airports. I am introducing a bill today that would permit Virginia and Arlington County to levy the same taxes at National Airport that Virginia and Fairfax and Loudoun Counties can levy at Dulles International Airport.

The tax status of the two airports varies, because they operate under different Federal legislation. In 1945, Congress and the Virginia General Assembly approved a compact which granted the Federal Government nearly exclusive jurisdiction over National Airport. But unlike other Federal reservations, National Airport is not covered under the Buck Act, which permits State and local governments to tax sales, motor fuels, gross receipts, and the like on Federal property. Congress did give Virginia and Arlington County some taxing power in 1970, primarily to collect State sales tax, for example, but still the power is not as broad as allowed by the Buck Act.

The legislation establishing Dulles International Airport did not include the same restrictions on taxing authority that apply to National. In addition to the taxes permitted under the Buck Act, local jurisdictions in which Dulles is located can and do tax the leasehold interests of the airlines, business licenses, personal property, and business personal property. My bill seeks to grant the same taxing authority over National as was approved by Congress for Dulles.

Of greatest significance is the provision in the bill permitting Arlington County to collect property taxes. Business and personal property and the value of leasehold interests would be subject to this tax. Arlington County loses a significant amount of revenue by being denied the right to levy these taxes. A rough guess, extrapolated from the value of property and leasehold interests at Dulles, is that $200,000 could be collected annually. Since the property at National has never been assessed, no one knows for sure what the tax collections might be.

Arlington County is interested in gaining the authority to levy additional taxes at National Airport for several reasons. The county government incures expenses because of the airport, without any compensating benefits. For example, the costs of the Metro stop at the airport are charged to Arlington County although generally it serves airplane travelers and is not particularly accessible to Arlington residents. The stop involved a onetime expense of over $1 million and the annual operating costs for the stop, which are charged to Arlington, are between $100,000 and $200,000. County roads and State highways leading to the airport receive heavy use from travelers to the airport. Also, any new construction in Arlington County which may affect radar or flight paths has to be coordinated with airport management. These are examples of costs to the county which can be attributed to the presence of National Airport.

Arlington County and its citizens also bear the indirect but very burdensome cost of the air and noise pollution generated by the airport. Any new tax collections resulting from the bill I am introducing will be fair compensation for costs such as these.

Finally, there is no justification for granting different tax status to activities at the two Federal airports which, in this case, are even located in the same State.

This bill will not result in any additional Federal costs at National Airport. As at Dulles International Airport, or any other Federal reservation, taxes would not be imposed on Federal properties or activities but only on those of private interests doing business there.

I hope that this long overdue equalization of the tax treatment of the two airports can be approved quickly.●

A TRIBUTE TO FRANK HOYE

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. SHANNON. Mr. Speaker, it is with great sadness that I must inform my colleagues of the recent death of Francis P. (Frank) Hoye, a close friend of many Members of the House who retired last February as chief Journal clerk of the House of Representatives.

Frank came to Washington from his home city of Lawrence, Mass., in 1949 after serving his country in the Navy, seeing action in the South Pacific and at Iwo Jima. He was appointed assistant Journal clerk by Congressman Thomas Lane of Massachusetts. Frank was warned that his job might not last more than 2 years. He took the job, however, and performed his duties so conscientiously that in 1961 he was named chief Journal clerk, a position he held until his retirement. Frank's ultimate honor was to receive the John W. McCormack Annual Award for employee excellence last May.

I was not fortunate enough to serve in Congress while Frank was the Journal clerk. However, I know from the high esteem that my colleagues held him in and from his achievements and service to the House, that Frank exemplified all the qualities that constitute the ideal of a public servant.

My heartfelt condolences go out to Frank's wife Kathryn and his children, Patrick, Ellen, and John.●

THE YEAR 1979 MARKS THE CENTENNIAL OF INCANDESCENT LIGHT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McCLORY. Mr. Speaker, we are celebrating this year the 100th anniversary of the invention of incandescent light by an individual who, more than any other, is identified with the whole modern concept of "light"—Thomas Alva Edison.

An International Committee for the Centennial of Light has been established on which my constituents, Albert B. Dick III, chairman of A. B. Dick Co., and William Ylvisaker, chairman of Gould Corp., are active committee members.

Mr. Speaker, Thomas Alva Edison was born on February 11, 1847. It was in the 32d year of his life that he invented incandescent light on October 21, 1879. Accordingly, it is in recognition of this great invention and its multiple benefits to all mankind that we are celebrating the Centennial of Light throughout 1979—to be culminated on October 21, 1979.

Mr. Speaker, other members of the International Committee for the Centennial of Light include Raymond C. Firestone, Henry Ford II, Reginald H. Jones, and Charles Luce. The committee is chaired by Robert I. Smith, who is chairman of Public Service Electric & Gas Co., Newark, N.J.

Mr. Speaker, by virtue of earlier action of the Congress and by an Executive order of the President of the United States, National Inventors Day is proclaimed annually on February 11 to coincide with the birth date of Thomas Edison. Since 1979 is the 100th anniversary of the invention of incandescent light, it is my hope that other activities and ceremonies may be arranged this year by the Congress and by the executive branch of our Federal Government so that Thomas Edison's great contributions to science and to humanity may be appropriately recognized.

Mr. Speaker, I am confident that the aims and plans of the International Committee for the Centennial of Light can have beneficial effects upon the people of our Nation and of the world—particularly the young citizens who can find inspiration in the work and deeds of Thomas Edison. In honoring Thomas Edison on his birthday and celebrating the Centennial of Light during this 100th anniversary of Edison's great invention, we are honoring both the memory of Edison and his scientific and technological achievements which have helped move the modern world toward educational, cultural, and social advances undreamed of a century ago.

In addition, the material and spiritual benefits which have ensued from this great invention, culminating in the various electrical and electronic developments which have followed, provide comforts and advances for which all of our citizens should be grateful.

Mr. Speaker, in paying tribute to Thomas Alva Edison on the 100th anniversary of the invention of incandescent light, I wish also to salute the members of the International Committee for the Centennial of Light on their efforts and activities in behalf of this cause. I wish to assure them as one Member of the House of Representatives—and in behalf of many others for whom I speak today—that we commend them on their activities in behalf of this important centennial event.●

SIXTY-FIRST ANNIVERSARY OF MODERN LITHUANIA

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. COTTER. Mr. Speaker, February 16 marks the 61st anniversary of the modern Republic of Lithuania. On behalf of my Lithuanian constituents I would like to join with all Americans in commemorating the anniversary of their nation's Declaration of Independence.

This day of commemoration acknowledges the people of Lithuania who are unable to join with us in celebrating the founding of their nation state. Lithuania, once the largest nation in Europe, has been dominated by oppressive rulers during most of its 728-year history. The Soviet Union is presently dominating the Baltic State with a policy of forced assimilation by forbidding the Lithuanian language. In addition, the peoples' religious and political beliefs are targets of an oppressive policy.

On this anniversary of independence I would like to join with my colleagues in expressing our support to all Lithuanians who have inspired us with their courage and determination in working for a free country. It is our responsibility as a Nation of free people to demonstrate our concern for the oppressed nations of the world and to take an active part in commemorating their independence.●

STATEMENT OF DEINSTITUTIONALIZATION BILLS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. WEISS. Mr. Speaker, I am today introducing three bills which are intended, as a package, to improve living conditions for persons released from mental institutions and for the communities in which they reside.

Former mental patients, thousands of whom have been "deinstitutionalized in recent years under changing Federal and State policies, are often the most vulnerable members of our society. Frequently these individuals are forgotten once they leave institutions and are left to their own inadequate resources. Government at all levels has not provided the comprehensive followup social services which are indispensable for insuring that these former patients can function as independent, productive citizens.

In my own district in New York City, several thousand former patients have been quite literally "dumped" into shoddy single room occupancy (SRO) hotels where they become prey for violent crime and where they are left, alone, to somehow become accepted members of the community.

There is a great deal the Federal Government can do to remedy this shameful situation. The three bills I am introducing address the problem from various perspectives and seek to make better services more readily available to former mental patients.

One bill would amend title XIX of the Social Security Act to provide medicaid assistance to patients in mental institutions regardless of their age. At present, medicaid eligibility is limited to those patients younger than 22 and older than 65. My legislation would enable patients of all ages to receive comprehensive treatment in institutions under the medicaid program.

A second bill I am introducing would amend title XX of the Social Security Act to increase Federal payments to States for services that will assist former patients in their communities. Among the assistance to be provided them under an expanded title XX program would be sheltered employment, alternative housing, counseling, and therapeutic treatment.

The third bill in the package would amend title XVI of the Social Security Act to eliminate the benefit reduction under the supplemental security income (SSI) program that now occurs when an SSI recipient receives some financial support from other persons with whom he or she is residing. The legislation would also continue SSI payments for 3 months after a person is institutionalized so that the individual's home or apartment could be maintained while they are residing in a public facility. The bill also mandates close monitoring of SSI trial work provisions and clarifies the stipulation that SSI benefits may be paid on the basis of presumptive mental disability as well as presumptive physical disability.

Taken as a package, this legislation will do much to improve living conditions for mental patients in institutions and in the communities to which they are released.

We should be moved, not only by compassion for some of the least fortunate of our fellow Americans, but also by fiscal prudence to encourage former patients to become productive, independent members of our society. These bills will bring us closer to this aim:

H.R. —

A bill to amend title XVI of the Social Security Act to eliminate the benefit reduction presently applicable to individuals receiving support and maintenance from families with whom they are living, to continue SSI payments for three-months when a beneficiary is institutionalized, to provide for the monitoring of the SSI trial work period provisions, and to make it clear that SSI benefits (for up to three months) may be paid on the basis of presumptive mental (as well as physical) disability

***Be it enacted** by the Senate and House of Representatives of the United States of America in Congress assembled,*

SUPPORT AND MAINTENANCE IN ANOTHER PERSON'S HOUSEHOLD

SECTION 1. (a) Clause (i) of section 1612 (a)(2)(A) of the Social Security Act is amended to read as follows:

"(i) in the case of any individual (and his eligible spouse, if any) living in another person's household, support and maintenance received in kind from such person shall not be included,".

(b) Clause (iii) of section 1612(a)(2)(A) of such Act is amended by striking out "and the provisions of clause (i) shall not be applicable".

ELIGIBILITY OF INDIVIDUALS IN CERTAIN MEDICAL INSTITUTIONS

SEC. 2. (a) Section 1611(e)(1)(A) of the Social Security Act is amended by striking out "subparagraph (B) and (C)" and inserting in lieu thereof "subparagraphs (B), (C), and (D)".

(b) Section 1611(e)(1) of such Act is further amended by redesignating subparagraph (C) as subparagraph (D), and by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(B) Except as provided in subparagraph (C), in any case where an eligible individual or eligible spouse is in a hospital, extended care facility, nursing home, or intermediate care facility, such individual's benefit for the period ending with the third consecutive month throughout which he is in such hospital, home, or facility shall be determined as though he were continuing to reside outside the institution under the same conditions as before he entered the institution.

"(C) In any case where an eligible individual or eligible spouse, throughout any month, is in a hospital, extended care facility, nursing home, or intermediate care facility, receiving payments (with respect to such individual or spouse) under a State plan approved under title XIX, and such month is either—

"(i) the first month in any period of eligibility under this title based on an application filed in or before such month, or a month in a continuous period of months beginning with such first month, throughout which such individual or spouse is in a hospital, extended care facility, nursing home, or intermediate care facility (whether or not receiving payments with respect to such individual or spouse for each month in such period), or

"(ii) the fourth consecutive month throughout which, or a month in a continuous period beginning with such fourth consecutive month throughout which, such individual or spouse is in a hospital, extended care facility, nursing home, or intermediate care facility (whether or not receiving payments with respect to such individual or spouse for each month in such period),

the benefit for such individual for such month shall be payable—

"(iii) in the case of an individual who does not have an eligible spouse, at a rate not in excess of $300 per year (reduced by the amount of any income of such individual which is not excluded pursuant to section 1612(b));

"(iv) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month, at a rate not in excess of the sum of—

"(I) the rate of $300 per year (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the one who is in such hospital, home, or facility), and

"(II) the applicable rate specified in subsection (b)(1) (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the other); and

"(v) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility throughout such month, at a rate not in excess of $600 per year (reduced by the amount of any income of either spouse which is not excluded pursuant to section 1612(b));

except that for purposes of any provision of law other than this subparagraph, any benefit determined under clause (iv) shall be deemed to be payable at a rate equal to the sum of the rate of $300 per year and the applicable rate specified in subsection (b)(1), reduced by any income of either spouse which is not excluded pursuant to section 1612(b).".

TRIAL WORK PERIODS

SEC. 3. Section 1614(a)(4) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(E) The Secretary shall monitor the operation of this paragraph on a continuing basis with particular emphasis upon the extent to which it is giving disabled indivduals an effective opportunity to overcome their disabilities and return to active participation in the labor force, and shall take such actions as may be appropriate to make it clear to such individuals that, under the provisions of this paragraph, they can return to work and earn substantial amounts without losing their benefits if their earnings are related to the achievement of self-support.".

PAYMENT OF BENEFITS ON BASIS OF PRESUMPTIVE MENTAL DISABILITY

SEC. 4. Section 1631(a)(4)(B) of the Social Security Act is amended by inserting after "presumptively disabled" the following: "(whether by reason of a physical impairment or a mental impairment)".

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall apply with respect to benefits payable for months after the month in which this Act is enacted.

H.R. —

A bill to amend title XX of the Social Security Act to increase Federal payments to States for services which will assist in removing people from institutions, including the provision of alternative housing, sheltered employment, and similar services

***Be it enacted** by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2001(4) of the Social Security Act is amended by inserting after "less intensive care," the following: "and by providing for alternative housing, sheltered employment, and related items,".

SEC. 2. (a) Section 2002(a)(1) of the Social Security Act is amended by inserting after "planning services" in the matter preceding subparagraph (A) the following: ", 90 per centum of the total expenditures during that quarter for the provision of services directed at the goal of preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care and by providing for alternative housing, sheltered employment, and related items,".

(b) Section 2001(a)(1) of such Act is further amended—

(1) by adding "or" after the comma at the end of subparagraph (C);

(2) by striking out subparagraph (D); and

(3) by redesignating subparagraph (E) as subparagraph (D).

SEC. 3. The amendments made by this Act shall apply with respect to quarters beginning after September 30, 1978.

H.R. —

A bill to amend title XIX of the Social Security Act to make assistance available under the medicaid program for patients in mental institutions without regard to their age (instead of only for those patients in such institutions who are under 22 or over 65 as at present)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 1905(a) of the Social Security Act is amended—

(1) by striking out "for individuals 65 years of age or over in an institution for tuberculosis or mental diseases" in paragraph (14) and inserting in lieu thereof "for individuals in an institution for mental diseases (including but not limited to inpatient psychiatric hospital services as defined in subsection (h)) and for individuals 65 years of age or over in an institution for tuberculosis";

(2) by adding "and" after the semicolon at the end of paragraph (15);

(3) by striking out paragraph (16);

(4) by redesignating paragraph (17) as paragraph (16);

(5) by striking out "except as otherwise provided in paragraph (16)" (in the matter following the numbered paragraphs) and inserting in lieu thereof "except as otherwise provided in paragraph (14)"; and

(6) by striking out "or mental diseases" in subdivision (B) (in the matter following the numbered paragraphs).

SEC. 2. (a) Section 1902(a)(10) of the Social Security Act is amended (in the matter which follows subparagraph (C)) by striking out "(4), (14), or (16)" and inserting in lieu thereof "(4) or (14)".

(b) Section 1902(a)(13)(C)(ii)(I) of such Act is amended by striking out "(16)" and inserting in lieu thereof "(15)".

(c) Section 1902(a)(20) of such Act is amended by striking out "65 years of age or older" in the matter preceding subparagraph (A), and in subparagraph (C).

(d) Section 1902(a)(21) of such Act is amended by striking out "65 years of age or older".

(e)(1) Section 1905(c) of such Act is amended by striking out the last sentence.

(2) Section 1905(d) of such Act is repealed.

(f) Section 1905(h)(1) of such Act is amended—

(1) by striking out "paragraph (16) of subsection (a)" in the matter preceding subparagraph (A) and inserting in lieu thereof "paragraph (15) of subsection (a)";

(2) by striking out "for individuals under age 21" in the matter preceding subparagraph (A);

(3) by adding "and" after the semicolon at the end of subparagraph (A);

(4) by striking out "; and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(5) by striking out subparagraph (C).

SEC. 3. The amendments made by this Act shall apply with respect to care and services furnished in months after the month in which this Act is enacted.●

THE CONSTITUTIONAL QUESTIONS RAISED BY LOBBYING DISCLOSURE

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. KINDNESS. Mr. Speaker, on Wednesday, February 28, the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee resumes its consideration of proposed lobbying disclosure legislation. The regulation of lobbying, through required public disclosure, presents the Congress with some serious constitutional problems and policy questions. Lobbying—the right to petition—is protected by the first amendment. Any interference with, or infringement upon, this right must receive extremely close legislative scrutiny.

In an effort to point up the various constitutional and policy issues raised by this subject, I have introduced my own version of a "Regulation of Lobbying Act"—H.R. 2302. It differs considerably from other measures which the subcommittee has before it. It contains a simplified "threshold" to determine whether an organization is a lobbyist or not. It would mean far less burdensome reporting and fewer categories of required information than its counterparts. It contains no constitutionally-questionable requirements that grass roots lobbying efforts or contributors be disclosed. The enforcement provisions are clearer, less onerous and simplified. No criminal penalties would be imposed for the violation of its requirements. The emphasis in enforcement is on the protection of individual rights, conciliation, and the informal settlement of disputes.

For my colleagues' convenience and information, the text of my proposal is as follows:

H.R. 2302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulation of Lobby Act of 1979".

GENERAL DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "affiliate" includes organizations or other groups of persons which are associated with each other through any type of formal relationship, such as through ownership, the election of officers or directors, through franchise agreements, through common funding, or through common adherence to a charter or organizational bylaws.

(2) The term "Comptroller General" means the Comptroller General of the United States.

(3) The term "Congress" means—

(A) any Member of the Senate or the House of Representatives, any Delegate to the House of Representatives, and the Resident Commissioner in the House of Representatives; and

(B) any officer or employee of the Senate or the House of Representatives or any employee of any Member, committee, or officer of the Congress.

(4) The term "expenditure" includes—

(A) a payment, distribution, loan, advance, deposit, or gift of money or anything of value made, disbursed, or furnished, and

(B) a promise, contract, or agreement, whether or not legally enforceable, to make, disburse, or furnish any item referred to in subparagraph (A).

(5) The term "identification" means—

(A) in the case of an individual, the name, occupation, and business address of the individual and the position held in such business; and

(B) in the case of an organization, the name and address of the organization, the principal place of business of the organization, the nature of its business or activities, and the names of the executive officers and the directors of the organization, regardless of whether such officers or directors are paid.

(6) The term "lobbying communication" means an oral or written communication directed to Congress and which is intended to influence the content or disposition of any bill, resolution, treaty, nomination, hearing, report, or investigation, but does not include—

(A) a communication by an individual for a redress of grievances, or to express his opinion;

(B) a communication by an individual with a Senator or a Member of the House of Representatives, or an individual on the personal staff of such Senator or Member, representing the State where the individual resides;

(C) a communication on behalf of an organization with a Senator or Member of the House of Representatives, or an individual on the personal staff of such Senator or Member, representing the State in which such organization has its principal place of business;

(D) a communication which deals only with the existence or status of any issue, or which seeks only to determine the subject matter of an issue;

(E) a communication made at the request of Congress, or submitted for inclusion in a report of a hearing or in the record or public file of a hearing;

(F) a communication by a Senator, Member of the House of Representatives, officer, or employee of the Congress, acting in his official capacity; or

(G) a communication made through a speech or address, through a newspaper, book, periodical, newsletter, or magazine or other written material published for distribution to the general public or to the membership of an organization, or through a radio or television broadcast.

(7) The term "organization" includes any corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, national organization of State or local elected or appointed officials (excluding any national or State political party and any organizational unit thereof, and excluding any association comprised solely of Members of Congress or Congressional employees), groups of organizations, or groups of individuals, which has paid officers, directors, or employees, and with respect to the activities of its Washington representative, a State or unit of local government.

(8) The term "quarterly filing period" means any calendar quarter beginning on January 1, April 1, July 1, or October 1.

(9) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(10) The term "Washington representative" means any agent or employee of a State or of a unit of local government who maintains a business address in the standard metropolitan statistical area which includes the city of Washington, District of Columbia, and whose function includes engaging in the activities described in section 3(a).

(11) The term "direct business relationship" means the relationship between an organization and any Senator, Member of the House of Representatives, officer or employee of the Congress, in which—

(A) such Senator, Member, officer or employee is a partner in such organization;

(B) such Senator, Member, officer or employee is a member of the board of directors or similar governing body of such organization, or is an officer or employee of such organization; or

(C) such organization and such Senator, Member, officer or employee each hold a legal or beneficial interest (excluding stock holdings in publicly traded corporations, policies of insurance, and commercially reasonable leases made in the ordinary course of business) in the same business or joint venture, and the value of each such interest exceeds $1,000.

(12) The term "reasonable suspicion" means specific facts and circumstances, which taken together with rational inference from those facts and circumstances, give rise to a strong possibility that specified activity has occurred, is occurring, or is about to occur.

APPLICABILITY OF ACT

SEC. 3. (a) The provisions of this Act shall apply to any organization which makes an expenditure in excess of $5,000 in any quarterly filing period for the employment of at least one individual, or for the retention of an individual or another organization, to make lobbying communications. Except that the provisons of section 4 and section 6 of this Act shall not apply to an affiliate of a registered organization if such affiliate engages in activities described in this subsection and such activities are reported by the registered organization.

(b) This Act shall not apply to practices or activities regulated by the Federal Election Campaign Act of 1971.

REGISTRATION

SEC. 4. (a) Each organization shall register with the Comptroller General not later than thirty days after engaging in activities described in section 3(a).

(b) The registration shall contain the following, which shall be regarded as material for the purposes of this Act:

(1) An identification of the organization, except that nothing in this paragraph shall be construed to require the disclosure of the identity of the members of an organization.

(2) An identification of any employee, retained person, and retained organization in section 3, and a listing of the major issues upon which the organization expects to lobby in the calendar year.

(c) A registration filed under subsection (a) in any calendar year shall be effective until January 15 of the succeeding calendar year. Each organization required to register under subsection (a) shall file a new registration under such subsection within fifteen days after the expiration of the previous registration, unless such organization notifies the Comptroller General, under subsection (d), with respect to terminating the registration of the organization.

(d) Any registered organization which determines that it will no longer engage in activities described in section 3(a) shall so notify the Comptroller General. Such organization shall submit with such notification either (1) a final report, containing the information specified in section 6(b), concerning any activities described in section 3(a) which the organization has not previously reported or (2) a statement, pursuant to section 6(a)(2), as the case may be. When the Comptroller General receives such notification and report or statement, the registration of such organization shall cease to be effective.

RECORDS

SEC. 5. (a) In accordance with regulations prescribed by the Comptroller General, each organization required to be registered under this Act and each retainee of such organization, shall maintain records relating to the registration and reports required to be filed under this Act. In promulgating regulations, the Comptroller General is authorized to require maintenance of only such records as are essential to enable an organization to comply with the provisions of this Act, and may not by rule or regulation require an organization which is not registered pursuant to this Act to maintain or establish records, other than those records normally maintained by the organization, for the purpose of enabling him to determine whether such organization is required to register.

(b) Any officer, director, employee, or retainee of any organization shall provide to such organization such information as may be necessary to enable such organization to comply with the recordkeeping and reporting requirements of this Act. Any organization which shall rely in good faith on the information provided by any such officer, director, employee, or retainee shall be deemed to have complied with subsection (a) with respect to that information.

(c) The records required by subsection (a) shall be preserved for a period of three years after the close of the quarterly filing period to which such records relate.

REPORTS

SEC. 6. (a)(1) Each oganization which engages in the activities described in section 3(a) during a quarterly filing period shall, not later than thirty days after the last day of such period, file a report concerning such activities with the Comptroller General.

(b) Each report required under subsection (a)(1) shall contain the following, which shall be regarded as material for the purposes of this Act:

(1) An identification of the organization filing such reports, and those employees, retained persons, and retained organizations described in section 3(a).

(2) The approximate amount of the total expenditures which such organization made with respect to lobbying communications. An organization may make such statement based either on that portion of the salary of an individual described in section 3(a) directly attributable to lobbying communications or the total salary paid to such individual.

(3) An itemized listing of each expenditure in excess of $35 made to or for the House of Representatives, officer or employee of the Congress.

(4) A disclosure of those expenditures for any reception, dinner, or other similar event which is paid for, in whole or in part, by the reporting organization and which is held for the benefit of any Senator or Member of the House of Representatives, regardless of the number of persons invited or in attendance, where the total cost of the event exceeds $500.

(5) A listing of the issues concerning which the organization filing such report engaged in activities described in section 3(a) and upon which the organization spent a significant amount of its efforts.

(6) A disclosure of each known direct business relationship between the reporting organization and a Senator, Member of the House of Representatives, officer or employee of the Congress, whom such organization has sought to influence during the quarterly filing period involved.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 7. (a) It shall be the duty of the Comptroller General—

(1) to withhold from public disclosure, upon petition by any individual or organization, any information otherwise required to be disclosed to the public pursuant to this Act, upon a showing that disclosure of the information may reasonably be expected to lead to the harassment of any individual or organization or lead to threats or reprisals against any individual or organization;

(2) except in the cast of information withheld pursuant to paragraph (1), to make copies of registrations and reports filed with him under this Act available for public inspection and copying, commencing as soon as practicable, but no later than the end of the fifth day following the day of receipt, and permit copying of any such registration or report by hand or by copying machine or, at the request of any person, to furnish a copy of any such registration or report upon payment of a fee which shall be limited to reasonable standard charges for the direct cost of a document search and duplication;

(3) to preserve the originals or accurate reproductions of such registrations and reports for a period of not less than three years from the date on which the registration or report is received; and

(4) to prescribe such procedural rules and regulations, and such forms as may be necessary to carry out the provisions of this Act in an effective and efficient manner.

(b) The duties of the Comptroller General described in subsection (a)(4) of this section shall be carried out in conformity with chapter 5 of title 5, United States Code, and any records maintained by the Comptroller General under this Act shall be subject to the provisions of sections 552 and 552a of such chapter.

ENFORCEMENT

SEC. 8(a) It shall be the duty of the Attorney General to investigate alleged violations of any provision of this Act whenever there is a reasonable suspicion that a violation has occurred. The Attorney General shall expressly authorize in writing each such investigation. Any such investigation shall be conducted expeditiously and with due regard for the rights of privacy of the individual or organization involved.

(b) No investigation under this Act shall commence solely on the basis that an organization is engaged in making lobbying communications.

(c) The Attorney General shall notify the subject of an investigation under subsection (a), unless the Attorney General determines that such notice would interfere with the effective enforcement of this Act.

(d) If the Attorney General determines, after any investigation under subsection (a), that there is reason to believe that any individual or organization has engaged in any act or practice which constitutes a civil violation of this Act as described in section 11(a), he shall endeavor to correct such violation by informal methods of conference or conciliation.

(e) If the informal methods described in subsection (d) fail, the Attorney General may institute a civil action, including an action for a permanent or temporary injunction, restraining order, or any other appropriate relief, in the United States district court for the judicial district in which such individual or organization is found, resides, or transacts business.

(f) The United States district courts shall have jurisdiction of actions brought under this Act.

REPORTS BY THE COMPTROLLER GENERAL

SEC. 9. The Comptroller General shall transmit reports to the President of the United States and to each House of the Congress no later than March 31 of each year. Each such report shall contain a detailed statement with respect to the activities of the Comptroller General in carrying out his duties and functions under this Act, together with recommendations for such legislative or other action as the Comptroller General considers appropriate.

CONGRESSIONAL DISAPPROVAL OF RULES OR REGULATIONS

SEC. 10. (a) Upon promulgation of any rule or regulation to carry out the provisions of section 4, 5, or 6 under the authority given him in section 7(a)(4) of this Act, the Comptroller General shall transmit notice of such rule or regulation to the Congress. The Comptroller General may place such rule or regulation in effect as proposed at any time after the expiration of ninety calendar days of continuous session after the date on which such notice is transmitted to the Congress unless, before the expiration of such ninety days, either House of the Congress adopts a resolution disapproving such rule or regulation.

(b) For purposes of this section—

(1) continuity of session of the Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety calendar days referred to in subsection (a).

SANCTIONS

SEC. 11(a). Any individual or organization who with specific intent violates section 4, 5, or 6 of this Act shall be fined not more than $5,000 for each such violation not to exceed $100,000.

(b) Any individual or organization selling or utilizing information contained in any registration or report in violation of section 7(a)(1) of this Act shall be subject to a civil penalty of not more than $100,000.

EFFECT ON OTHER LAWS

SEC. 12. An organization shall not be denied an exemption or have an existing exemption revoked under section 501(a) of the Internal Revenue Code of 1954 as an organization described in section 501(c) of such Code, and shall not be denied status as an organization described in section 170(c)(2), 2055 (a)(2), 2106(a)(2) and 2522 of such code, solely on the basis of information disclosed under this Act.

REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT

SEC. 13. The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.), and that part of the table of contents of the Legislative Reorganization Act of 1946 which pertains to Title III thereof, are repealed.

SEPARABILITY

SEC. 14. If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are authorized to be appropriated to carry out this Act $1,600,000 for the fiscal year beginning on October 1, 1980; $1,600,000 for the fiscal year beginning on October 1, 1981, and, $1,600,000 for the fiscal year beginning on October 1, 1982.

EFFECTIVE DATES

SEC. 16(a). Except as provided in subsection (b), the provisions of this Act shall take effect on October 1, 1980.

(b) Sections 3, 4, 5, 6, 8 and 11, shall take effect on the first day of the first calendar quarter beginning after the date on which the first rules and regulations promulgated to carry out the provisions of sections 4, 5, and 6 take effect, in accordance with sections 7 and 10.●

PRESIDENT URGED TO ADOPT SUBURBAN POLICY

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MOTTL. Mr. Speaker, I insert in today's RECORD a copy of a letter written to President Carter by the House Suburban Caucus.

The caucus is urging the President to adopt a suburban policy to go along with his urban and rural policies. The problems affecting suburban residents, who pay most of the income taxes in this country, are unique and cannot be dealt with by an urban or rural policy.

We recognize that there is a valid need for urban and rural policies, but the 60-member caucus feels there is also a great need for a separate policy to address the problems of suburbia.

The caucus will continue to press for a separate suburban policy to meet the needs of millions of neglected Americans in the suburbs.

The letter follows:

THE SUBURBAN CAUCUS,
February 22, 1979.

Hon. JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As co-chairman of the Congressional Suburban Caucus, we would again like to request a meeting between yourself and representatives from our group. We would further suggest that such a meeting be scheduled as soon as possible in order that we are able to discuss the Administration's legislative program for the 96th Congress as it relates to the domestic issues confronting the nation.

We would also like to reiterate our earlier concern that federal policy-makers consider the impact on suburban areas before your legislative and regulatory proposals are submitted to the Congress. It is our firmly held belief that such consideration has not been adequately given in the past. The beginning of the 96th Congress offers an opportunity for change. We look forward to discussing such important domestic matters as counter-cyclical aid, revenue sharing, housing and community development, and tax matters affecting suburbia with you at an early date.

Sincerely yours,
JOHN W. WYDLER,
RONALD M. MOTTL,
Co-Chairmen.●

FINANCING METRORAIL CONSTRUCTION AND OPERATION

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. FISHER. Mr. Speaker, before the first shovel of earth was turned in 1969 to begin construction of the Metro subway, many people in the Washington region thought the subway would never be built. Ten years later, with 34 stations and 30.8 miles of track open, serving 215,000 passengers a day, many find it unthinkable that the subway should not be completed. The Washington metropolitan region is proud of its accomplishment in getting Metro this far along. Funds for construction of 60 percent of the system are assured. After extensive study, the local governments in the area have reaffirmed their support for the balance of the system. These are important accomplishments but much more remains to be done. New financing arrangements will have to be approved to meet the remaining construction costs which primarily because of the extreme inflation in those costs during recent years, now appear to be more than twice as high as originally estimated. Beyond this, policies have to be established for covering the costs of operating and maintaining the total bus and rail system.

CONSTRUCTION COSTS

The principal task for the short term is to secure financing for the remaining construction. Over $1.2 billion for construction is available for transfers to Metro from discontinued highway projects. This will have to be matched by about $200 million in State and local funds at the new, more favorable matching ratio for the so-called "interstate transfer" money included in the 1978 Surface Transportation Act which increased the Federal share from 80 percent to 85 percent. In addition to the interstate transfers already earmarked, Metro will need about $1.7 million in Federal contributions plus contributions from the governments in the region. Finally, to complete the construction financing, the Federal Government and the local governments will have to agree on how to repay revenue bonds which were sold to finance part of the early stages of Metro construction.

A Metro financing bill (H.R. 1791) of which I am a cosponsor, has been introduced which will authorize the necessary funds. The bill reaffirms the commitment of the Federal Government to a transportation system in the Washington region and to a special role in supporting the system. It authorizes $1.7 billion (80 percent) in Federal funds, to be matched by $425 million (20 percent) of State and local funds. Continuing the involvement of the Federal Government in planning and building Metro which dates back to the 1950's and using the matching fund requirements of other Federal transportation legislation, this bill should provide the resources to finish the job.

The early financing of Metro was accomplished partially through the sale of $1 billion in revenue bonds. The Secretary of Transportation has indicated that the Federal Government would repay two-thirds of the principal and interest on the bonds. The local governments will be responsible for the remaining one-third. The new financing bill will codify the agreement on these bonds and also permit flexibility in the payment schedule. Because the revenue from the bonds was used in the early years of the project when the Federal Government was contributing only two-thirds of the cost the repayment of the bonds can logically be set at that ratio. New capital contributions will have an 80 percent Federal share.

OPERATING COSTS

Consideration of the financing of Metro is incomplete without dealing with future operating costs. No public transit system in the country is able to pay its costs from fare revenue alone. Metro needs a definite policy setting forth what share is to come from riders and what share from Government sources. Metro now collects slightly over 50 percent of its costs through fares, some other cities collect more and some less. To make certain that riders continue to bear a fair share of the costs, whatever they may be in the future, the Metro board should seriously consider adopting a fare policy which sets a percentage of operating costs to be covered by fares. Fares should then be revised periodically to maintain that level, which might fall somewhere in the one-half to three-quarters range.

The remainder of the operating costs not paid by fares must be subsidized by Government. The Federal Government contributes to meeting operating costs of transit systems elsewhere in the country, through funds authorized by the Urban Mass Transportation Act. It should perhaps contribute additional amounts to Metro because it plays a special national role in this region. But the larger share of the operating subsidy will have to continue to come from State and local governments. A fare policy, as suggested earlier, will make it easier for these governments to forecast their financial requirements. The shares from the State and local governments respectively will no doubt be worked out differently in Virginia, Maryland, and the District of Columbia. Local jurisdictions may want to subsidize certain categories of riders such as the elderly, students, and low-income persons.

In Virginia the State should assume some portion of this burden, but the local counties and cities will have to carry most of the load. The local governments should also have a predictable, steady source of revenue to meet their obligation. The ideal solution would be a regionwide tax of some sort, but short of that, each major jurisdiction should be able to impose a special tax, the revenue from which is dedicated to Metro. Such a tax would help assure payment of operating costs and would take pressure off the property tax which already is at a high level and must support many other services. It would also give local governments flexibility and control over their financial affairs. In Virginia, one possible alternative would be for the State legislature to authorize an additional penny on the sales tax in northern Virginia jurisdictions participating in Metro.

CONCLUSION

The Metro system has emerged from a difficult period during which alternatives to the unbuilt segments were studied and new financial plans considered. Metro has survived these stresses; the local governments have reaffirmed their commitment to building the rail system. The result is a somewhat delicate set of agreements, each dependent on the other. The local governments have agreed to certain features of the plan in anticipation of certain actions by the Federal Government. The Federal Government, in turn, is willing to do its part only if the State and local governments take certain actions. For the whole to hold together, all parties must trust each other and move ahead with the steps required of them. The Metro financing bill (H.R. 1792) should be enacted by Congress; the State government, certainly Virginia, should ultimately permit a regional dedicated tax; the local governments should provide for their share of needed funds by sponsoring any bond issues required; and the Metro board should agree on a long-term fare policy. I urge my colleagues in the Congress and throughout the region to forge ahead on these important tasks.●

LITHUANIAN INDEPENDENCE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

Mr. ASHBROOK. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. ANNUNZIO), for yielding. I particularly thank him for taking this time so that we might recognize the aspirations of these fine people.

I think it is fair to say for the RECORD that the problem does not come so much from what the intentions and aspirations of the Lithuanian people are. We know they have a resolve to be free; we know they have an unquenchable thirst for freedom that has never abated.

Maybe some of the problem comes from some of us in this country in not holding out enough hope to those oppressed people that someday they will be free. I know that one of the original concepts of the Catholic Lithuanian Declaration of Independence was that this country would hold out to the oppressed peoples of the world, whoever they might be, the hope that they would ultimately live in a world of freedom, and over the years I think we have worked toward that goal.

However, we no longer talk about oppressions, but we talk about the just aspirations of people. I think maybe we in this country and we as part of this special order should not only hail the Lithuanian people for their spirit but look inwardly to ourselves and see whether or not we do hold the candle and the torch, as it were, as a means of giving them the hope that someday they will be free.

Mr. Speaker, I congratulate my colleagues for taking this time to commemorate the 61st anniversary of the Declaration of Independence of the Lithuanian people on this occasion.

BLOOD BANK OF HAWAII

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HEFTEL. Mr. Speaker, I recently came across an interesting article in a magazine entitled "Ampersand," published by the Alexander and Baldwin Co. of Hawaii, which I am delighted to share with my colleagues. The blood bank of Hawaii serves not only as an example of Hawaii's unique problems, being an island State of at least 4½ hours away from the mainland, but also of community awareness and responsibility. The blood bank is indeed a source of pride among Hawaii's citizens as it has developed, through community support and participation, into a sophisticated organization, comparable to many well-run blood banks in the country.

BLOOD BANK OF HAWAII

It is an ordinary day in Hawaii, mostly pleasant and peaceful, but with some unsettling situations.

There's been a car accident and three people are injured.

Several people are undergoing surgery, some open heart, at Honolulu hospitals.

Two infants struggle for survival.

Cancer patients begin another round of treatments.

And, at least one poor soul has bleeding ulcers.

Keeping a close and experienced eye on all of this—as it has done for nearly 40 years—is the Blood Bank of Hawaii.

For the people involved in these situations—although they don't know each other and hardly are in a position to give it a thought—share something in common.

On this ordinary day in Hawaii, they all need blood to stay alive.

And, they will get it, along with others who need it, thanks to the Blood Bank of Hawaii.

The situations described above, multiplied several times, are common occurrences to the Blood Bank. Providing this needed blood is considered meeting "normal requirements." Hawaii requires approximately 2,500 pints (units) of blood a month, just to cover everyday situations. To meet this requirement, the Blood Bank draws (collects) from volunteer donors some 100 pints of blood a day, six days a week.

The Blood Bank also is geared for emergencies—an eight-car accident, for example, in which victims are in trauma, or some other catastrophe. It must supply the blood for such emergencies while continuing to fulfill the State's normal requirements.

In nearly four decades, using various

methods including public appeal, the Blood Bank has done exactly that. In good times and bad, the organization has not let Hawaii down.

Although the Blood Bank is run as a successful business, it is a nonprofit organization whose only objective is to supply Hawaii with blood 365 days a year.

The Blood Bank collects blood from donors throughout the State, processes the blood in its own laboratory, and then distributes it to hospitals to be used in direct patient transfusions. It operates much like a money bank, except that units of blood are the medium of exchange. As it moves blood about and makes "investments," the Blood Bank protects the public against future needs. In doing so, it performs a vital community service.

For the Islands' civilian population, it is the sole collector of and repository for blood. Tripler Medical Center has a similar operation for the military, and these two organizations cooperate to meet all Hawaii's needs.

COMMUNITY SUPPORT

Since 1973 the Blood Bank has received blood on a volunteer basis, and all units are labeled "collected from volunteer donor."

But long before that when different methods were used to get blood—including paying donors—the Blood Bank had captured public interest. Today it enjoys tremendous community loyalty and support.

Evidence of this is found in the 90,000 people who participate in Blood Bank programs.

The Blood Bank and the community are interdependent. Without support and community participation, the Blood Bank could not exist. Without the Blood Bank, Hawaii would be in a dreadful mess. How could the individual hospitals meet all their blood requirements, much less do this as quickly and efficiently as the Blood Bank? What would happen to this isolated island state without its orderly and daily blood supply close at hand? Imagine the chaos in an emergency.

Says Dr. Julia Frohlich, executive director of the Blood Bank of Hawaii. "The community approach is the key to the success of the Blood Bank of Hawaii. Some people might ask, 'Can't we just fly the blood in when we need it?' Technically we could. But imagine the time lost, and the cost to do this. And, who suffers in the end? The patients needing the blood transfusions, which could be any one of us here in Hawaii."

With community responsibility in mind, she adds: "Why should another community on the mainland supply Hawaii's blood needs, in addition to its own? Why shouldn't Hawaii take care of its own needs? The people of Hawaii apparently believe it is their responsibility for they respond well to the Blood Bank appeals and programs. And, this is the most rewarding aspect of our work—the wonderful relationship we have with the community."

But, good as Hawaii has been, every community needs to be spurred on. The one doing this in Hawaii for many years has been Betsy Mitchell, community relations and donor recruitment director at the Blood Bank.

Known throughout the Islands as the Blood Lady, Mitchell's career and personal commitment is to "make sure all our needs are met every single day without wasting a single drop of blood."

This immensely dedicated woman, the most familiar name in local Blood Bank work, will be examined more closely in an accompanying article. As this is written she is busily seeing to it that enough blood is collected, guided by the philosophy: "Donors are the greatest people who even lived—if only they get involved. You must reach them, get to them, tell them the Blood Bank story."

BLOOD IS UNIQUE

There is no doubt that Hawaii's cooperation is based partly on people's healthy respect for this unique, essential element called blood that has yet to be duplicated and that always is in demand.

For people need blood all the time. A lucky few may live a lifetime without requiring a blood transfusion. But most will need blood at least once in their lives. And there are so many who require blood frequently and in large amounts.

The need for blood transgresses all boundaries for it makes no distinction as to race, color, creed, age, sex, religious preference or economic status.

And blood links all humanity for it is supplied to human beings only by other humans.

Explains Dr. Frohlich: "Blood cannot be synthetically reproduced, nor have we found a substitute for it. Humans cannot use animal blood. And, although other countries have experimented with blood from the dead or dying, in the United States we use blood only from living, healthy people."

Hawaii's people keep their Blood Bank well stocked for various reasons. The motive may be personal and purely selfish—"I might need blood someday." It might be genuine compassion—"A friend of mine needs it," or "I'd like to think I've helped someone." Or the reason might be practical and businesslike: "There has to be an adequate blood supply in the community and it's good sense and good business for me to donate." Whatever the motive—and all are perfectly legitimate—the results are impressive.

In addition, donating blood can save people money. The Blood Bank of Hawaii offers plans (discussed in more detail later) whereby donors do not pay a cent for blood when they or their families need it. Like everything else in health care, blood is expensive, and one of the Blood Bank's major goals is to keep costs down.

As a new year opens, the Blood Bank of Hawaii is ready to enter an exciting new era. For one thing, it awaits important national recognition. For another, it prepares to build and then move into a modern, new facility . . . actually its first real home. And, in still another area, some major changes are being made in its plans which should benefit the people of Hawaii.

REGIONAL CENTER

According to Dr. Frohlich, 25 percent of the blood centers in the United States operate in the same manner as the Blood Bank of Hawaii—as nonprofit, community organizations. Fifty percent are Red Cross centers. The other 25 percent are blood centers in hospitals, and these usually are found in the big cities.

The Blood Bank of Hawaii is momentarily awaiting recognition by the American Blood Commission as a regional blood center. This is prestigious recognition for it means that the Blood Bank is meeting important national goals set by the commission. These goals include insuring an adequate supply of blood in the area it serves, providing the highest quality of blood for patient transfusions, offering access to blood and blood products to all in need regardless of economic status, and doing its work efficiently as it collects, processes, stores and distributes blood.

The Blood Bank has been inspected and licensed since 1960 by the bureau of Biologics of the Food and Drug Administration—some 22 years before such inspection became mandatory in the United States.

The Blood Bank is a member of the American Association of Blood Banks which annually inspects and accredits facilities and a founding member of the Council of Community Blood Centers, a national organization whose members share similar goals and structure.

RESEARCH AND EDUCATION

Perhaps least known about the Blood Bank is its role as a respected scientific organization engaged in important research and education.

Although its primary function is to collect, process and distribute blood for patient transfusions, the Blood Bank also serves as a center for consultation regarding drug testing and the use of blood and its components. Among its facilities is a reference laboratory, in which the Blood Bank does "detective work" on type, matching, antibodies and other aspects of blood study for hospitals throughout the State.

The Blood Bank provides many educational services to medical personnel throughout the State, and participants in research programs in Hawaii and on the mainland. Resources and services of the Blood Bank are available to all patients and physicians throughout Hawaii with whom the organization enjoys a warm and cordial relationship.

HISTORY OF CARING

The Blood Bank of Hawaii was founded in February 1941 with funds from the public health committee of the Honolulu Chamber of Commerce. From December 7, 1941, the day the Japanese bombed Pearl Harbor, until October 1943, the Blood Bank functioned as a wartime agency under the Office of Civilian Defense, Department of the Interior.

It returned to its nonprofit civilian community status on October 26, 1943 when it received a charter from the Territorial treasurer.

One of the Blood Bank's founders was Dr. Forrest J. Pinkerton, an eye, ear, nose and throat specialist, and the father of Betsy Mitchell. The difficulties in getting donors during the pre-war days left its mark on Dr. Pinkerton, a community-minded man. It was he who guided the organization on the path to what it is today. Dr. Pinkerton served as a director of and was active in the Blood Bank until his death in 1974.

Throughout its history, the Blood Bank has offered several plans and used various recruiting tools to insure its blood supply. These included a Group Reserve Plan with blood credits for donors, lifetime individual membership plan, replacement program in which people replaced the blood they used by donating blood or paying a fee and cash membership plan. The Blood Bank also paid donors.

In 1960, the Blood Bank dropped its lifetime membership plan and established an annually renewable Blood Service Donor Plan. The plan offers donors complete coverage for a year and contributes to a more regular and predictable blood supply.

Incidentally, up until the late 1960's, military personnel contributed significantly and regularly to the Blood Bank.

In 1973, the Blood Bank stopped paying donors. Relying solely on volunteer donors, the organization made heavy public appeals, particularly on radio.

LIFESAVERS

A dramatic turn of events on November 13, 1975 led to the establishment of the Lifesavers Club, the Blood Bank's most effective group membership plan to date. That was one of the only two days in the Blood Bank's 38 years of service, that its blood supply did not fully meet community needs.

On that day the blood supply in Hawaii was so low that all elective surgery was cancelled. Again appeals went out for blood through radio, television and newspapers.

It was the day Betsy Mitchell required surgery and needed type A blood, which is fairly common. There was not enough for her. But Hawaii would not let its Blood Lady down, and radio appeals brought in dozens of donors. Mitchell was aware of all of this. As she went into surgery, she vowed to work on a program to make sure this dangerous situation never again would exist in Hawaii.

From that program, which was established with Blood Bank directors Edwin S. N. Wong, John Hensen, John Field and Russell Okara, emerged the highly successful Lifesavers Club based entirely on group participation. Any company can join the Lifesavers Club if 20 percent or more of its employees donate blood. Presently more than 400 companies participate. And the plan is renewable every year.

In Hawaii blood costs $45 a pint. Lifesavers Club members can save this cost for themselves and their families. Those who cannot donate may pay a participation fee of $10—again, providing 20 percent of their company employees participate as donors.

CHANGE IN PLANS

Beginning January 1, all plans and incentives are being dropped except the Lifesavers Club and the Blood Service Donor Plan for the self employed and those who are not Lifesavers. The Blood Bank has found that its other plans and incentives did not noticeably increase the supply of blood, were frequently confusing to the public and not entirely in line with national standards.

The Blood Bank also had divided its blood costs into $15 for the blood itself and $30 for a processing fee. As of January 1, blood will still cost $45 but any reference to a replacement or blood fee will be dropped.

And blood insurance plans for cash also will be dropped.

Explains Dr. Frohlich "What we really excel at is blood—not money. Our membership plans in the past have made us a primary insurer for blood payments. But beginning January 1, as a result of our changes, our membership plans will take a secondary role and the primary insurers will rightfully be the various health plans which provide coverage for blood service anyway. Our plans will provide only those benefits not covered by patients' insurance plans. In this way there is no double coverage, we can help to contain costs in health care, and the community is less confused. We are a blood provider—not an insurance company."

Just as its plans regularly are updated, so the Blood Bank in recent years has undergone changes in structure and approach. Today, it is run as a tight business, similar in makeup to the companies from whom it derives so much support.

The Blood Bank consists of a policy-making board of directors which includes 22 people from the community who give their time and talents on a voluntary basis; an executive director (Dr. Frohlich), who is responsible for the overall management and operation and who also is a member of the board and four departments with a total of 65 employees—administration, donor recruitment, nursing and laboratory.

A self supporting, financially sound organization, the Blood Bank receives no outside funds for its operation, although it does seek public support for its building program.

"We operate with funds generated by the fees charged for blood products," explains Dr. Frohlich. "In other words, we collect money from the sale of our blood products and this income runs the Blood Bank. It pays our salaries and rent and buys our equipment. Incidentally, we use a cooperative inventory approach with the hospitals, and we only charge for the blood that is used."

MANY USES OF BLOOD

Fortunately blood has multiple uses, in whole or part. Blood processing, which is done at the Blood Bank laboratory, consists of separating units of whole blood—with centrifugal machines—into their various parts or components so that more than one person may benefit from a single unit or pint. All blood components are kept and stored in separate plastic bags.

Whole blood is used in cases when large volumes of blood are needed in a hurry, such as for open-heart surgery or accidents. Blood can be broken down into three or four components including red blood cells which is the component most frequently used in transfusions; platelet concentrate for cancer patients undergoing chemotherapy, fresh frozen plasma for coagulation problems; and antihemophilic factor for victims of hemophilia.

Whole blood and its components have varying, but relatively short lifespans. Whole blood and red blood cells must be transfused in 21 days, and platelets in 72 hours. Fresh frozen plasma and antihemophilic factor have a one-year lifespan.

Dr. Frohlich says a new substance which would increase the life of whole blood and red blood cells to 35 days will be available in June 1979. Meanwhile the Blood Bank lab last year got a new cell washer which prepares special units containing only red blood cells. White blood cells, platelets and plasma are completely removed. These washed units of red blood cells are given to patients who may require multiple transfusions over long periods of time.

In view of all of this, it is understandable that while the Blood Bank can't afford to be out of blood, neither can it be oversupplied. A look at the laboratory's refrigerators shows a carefully monitored supply. And, the Blood Bank regularly transfers components not only from its own laboratory, but between hospitals as various needs arise. It also has a supply of rare blood which it distributes to hospitals as needed.

PLANNING IS IMPORTANT

Blood is collected at the donor center on Dillingham Boulevard, and through bloodmobiles which are assigned to different locations on Oahu four days a week. Neighbor Islands also have bloodmobiles and centers for regular, scheduled donations.

The experienced Blood Bank staff knows almost exactly how much blood it can count on from the center and mobiles each day. They also know that 20 percent who show up will not be able to donate for one reason or another, so they count on only 80 percent of the scheduled donors to actually give blood.

It is essential, reminds Mitchell, that companies schedule their employee donors five days in advance for the mobiles. They also should advise the Blood Bank exactly who will be donating. In this way, the Blood Bank can figure what types of blood will come in and schedule their use.

Of necessity, the Blood Bank follows a strict daily routine. Every day as soon as its doors open at 8 a.m., the Blood Bank is advised by all hospitals as to what they have on hand, what is cross-matched (assigned to patients) and what the expected needs are for the day—both planned situations such as surgery and unexpected happenings.

Armed with this information, the Blood Bank checks its refrigerators and then its mobile schedule. It then figures out what can be expected from the donor center. And barring a catastrophe, Hawaii is routinely, but well supplied with blood.

And now the Blood Bank has a bold new plan for emergencies built around volunteer "rescue companies" whose employees can be rounded up in a hurry and from all points in Oahu to donate blood and meet such needs.

NEW HOME

In 1977, when The Queen's Medical Center continued its expansion plans, the building and facilities of the Blook Bank—located there for many years—had to be relocated. The temporary solution was to divide the operation at two sites, with administrative and laboratory functions in the Gold Bond Building on Ala Moana and the donor center on Dillingham Boulevard.

But by 1980, the Blood Bank will have a spacious new home of its own for the first time. Plans are under way to construct a two-story, $900,000 center on 35,000 square feet of leased land adjacent to the donor center on Dillingham. Construction is expected to start in September 1979, but the donor center will continue regular operation.

The new facility will have 13,000 square feet of space and parking for 40 cars. The first floor will be used as a donor center and for supplies and mobile equipment. The second floor will house the laboratory, offices, donor recruitment area, blood inventory equipment, reference lab and two new sections—a blood freezing department (new in Hawaii) and a conference room.

The new building will greatly increase the Blood Bank's efficiency by centralizing all its operations. It will be close to the airport, so that blood can be delivered quickly and easily to Neighbor Islands. In short, it will restore all functions to a full service center—collecting, testing and processing.

Beginning in April 1979, the Blood Bank will appeal to the public for funds to build this new facility. Although it always has asked for blood, the organization has never gone to the community for money before. But, it hopes that the people of Hawaii will want to share in this important new construction.

Although the fund-raising campaign has not yet begun, anyone can start sending donations to the Building Fund, Blood-Bank of Hawaii, Gold Bond Building, Ala Moana.

The Blood Bank of Hawaii has developed into a sophisticated organization that stands tall with others throughout the country. And, it adds a spirit of aloha to efficient business practices. Now, more than ever, the Blood Bank deserves all the support it can get from the community it serves so well.●

ESTONIAN INDEPENDENCE DAY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MOAKLEY. Mr. Speaker, recently we observed the 61st anniversary of the proclamation of the independence by the Republic of Estonia.

The people of Estonia labored long and hard to achieve national identity only to have the Soviet Army march in to impose a Communist government in 1940.

This military occupation of Estonia and in the other Baltic States of Latvia and Lithuania has brought much hardship to these people. There have been arrests, deportations, executions as well as abridgement of all basic human rights.

The plight of nations like Estonia, which are non-Russian yet under Soviet domination, does not often receive attention in the public outcry for human rights. But we in the Congress must no longer neglect the right for all to live independent and free.

At a time when human rights is a cornerstone of our foreign policy, I believe we must have the courage and conviction to speak out against the suppression of Estonian culture and history.

We must make it clear that America stands by her tradition of freedom and strongly supports Estonia and other nations in their quests for freedom.●

AMNESTY INTERNATIONAL'S RESPONSE TO CRITICS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. BONKER. Mr. Speaker, it is difficult for an organization to be active in helping promote respect for basic human rights and not be attacked for having some special ax to grind. One such organization is Amnesty International, which rose to international prominence upon receiving the 1977 Nobel Peace Prize. It is interesting to note that periodically Amnesty is charged with being biased in one way or another; but seldom is it charged that Amnesty is inaccurate.

Recently a piece appeared in the winter 1979 edition of Matchbox (a quarterly publication of the U.S. section of Amnesty International) which responds to concerns about the group's impartiality as well as sets forth the fundamental principles and methods that guide AI's work. The author is Mr. Andrew Blane, who is a member of Amnesty's international executive committee and associate professor of history at CCNY (Lehman College).

I ask that the accompanying excerpt of this article be printed in the RECORD at this time as an articulate explanation of how Amnesty sees its role.

THE INDIVIDUAL IN THE CELL—A REBUTTAL TO "POLITICS AND AMNESTY INTERNATIONAL"

In March 1978 Commentary magazine published an article by Stephen Miller titled "Politics and Amnesty International." Interest in it has apparently been widespread. In the United States it has been entered into the Congressional Record by a U.S. Congressman and reprinted by the Conservative Digest under the heading "Amnesty International—is it Left Wing?" The article has also evoked comment abroad, judging from the queries received by Amnesty International groups in Australia, Great Britain, Canada, the Federal Republic of Germany, Italy, the Netherlands, Sweden and Switzerland. At least one government official has taken active notice: the Ambassador of the South African Embassy in Washington has distributed copies of the article with his replies to correspondence about human rights violations reported in his country. A formal response by Amnesty International is therefore now necessary.

Does the article deserve such widespread attention? Hardly. It is clear the author knows little about Amnesty International. Ninety percent of the general argument is based on a single publication whose contents summarize the work of AI in a single year: 1977. Consequently, the article is at best a book review. It is not, as it purports to be, an analysis of a change in orientation of a movement which in 1977, after sixteen years of existence, had come to embrace 168,000 members and supporters in 107 countries. Nor is the article a good book review. Not one of the arguments put forward can withstand close scrutiny.

"The increasingly indiscriminate attitude AI has been taking toward the question of what constitutes a violation of human rights," he writes, "has resulted . . . in the emergence in its literature of a strange picture of the landscape of injustice." When examined in the light of the expressed limits of AI's literature, this assertion is false and the examples irrelevant. The larger portion of contemporary injustice does not find reflection in Amnesty's literature because it falls outside AI's mandated concerns. Moreover, even within these narrow confines only a part of the world's injustices gets recorded because of an insufficiency of resources to undertake comprehensive research on every country. This limited scope of AI's reports is, in fact, carefully noted in the introductory paragraph to the 1977 annual report. Consequently, to imply that this report in any fashion offers a "picture of the landscape of injustice" is misleading.

To then say on the basis of two paragraphs devoted to Switzerland and one to North Korea that AI's literature offers a strange picture of injustice is nonsense. It is no less ridiculous to contrast the number of prisoners AI reported under adoption in 1977 in the USA and Cuba and to suggest that this too exemplifies the strange picture of the landscape of injustice in AI's literature. The facts belie this notion: 1) The adoption of prisoners is the heart of AI's organization. 2) AI's resources are rarely sufficient to adopt all known political prisoners in a country. 3) AI has a cardinal rule that no prisoner should be adopted for whom this would entail risk. In 1977, AI had no adopted prisoners in Uganda. Does that mean that AI considered Uganda to be a just country? 4) AI has a cardinal rule that no prisoner should be adopted against his or her wishes. Should AI violate these wishes to serve some abstract landscape of injustice drawn by a body-count of adopted prisoners? To put it simply, AI is not organized to paint landscapes of injustice, however tempting that might be, but to free prisoners of conscience, halt torture, stop executions, and it is these concerns that are reflected in its reports.

"AI is stuck with the news it can get, and"—continues the article—"it usually finds it easier to get news from countries that have rightist, authoritarian regimes—not to speak of countries that are democratic—than from countries whose governments are leftist and totalitarian". On the whole this assertion is not troubling, but what is derived from it is. "The consequence is that in AI's latest annual report, the same number of pages (four and a half) is devoted to Singapore as is devoted to China. Four pages are devoted to human rights violations in West Germany, only two to East Germany; three pages to Chile, only two to Cuba; four to South Korea, only two to Cambodia."

This conclusion fails to take into account a number of facts. First, the reports on individual countries which appear in AI's annual report are only part of what AI publishes in any given year. In 1977, individual reports were published on 19 countries. Second, AI may be "stuck with the news it can get", as Mr. Miller puts it, but the organization is by no means passive about this circumstance, ever seeking to enlarge its sources of information. In 1977, for example, no country was given more attention in terms of AI research capacity than China. Third, only rarely does the availability of information affect the length of the country reports in AI's annual report. In 1977, none of the eight countries he cites was so affected. Fourth, Stephen Miller has selected and paired countries on entirely arbitrary grounds. He could have, by another juggling of countries, made a stronger case, or a reverse case, or a wholly different case. With 117 countries to pick from in AI's 1977 annual report, the combinations possible in this "number game"—as well as the ends to which they can be twisted—are many indeed. Fifth, substance rather than length is the fundamental criterion by which to judge AI's literature. If AI's annual report takes two paragraphs to summarize a trial in a country to which it has sent an observer and one paragraph to describe a massacre in another country which it has learned about through intermediaries, by what strange inversion can it be said that two-versus-one paragraphs convey more than the words "trial observation" and "massacre" and that AI is thereby distorting the human rights reality in the two countries? . . .

The great variety of repressive techniques and the impact of these techniques on victims is why Amnestry International sticks strictly to its country-by-country reporting, without presuming to make comparisons. As stated in its 1977 annual report: "In some countries regimes allow para-military groups to kidnap, torture and assassinate political activists; in others prisoners are kept in detention for years without trial. In some police stations torture is carried out with electric shocks; in others with psychological methods. In some prisons the inmates are refused all communication with their families; in others they are starved. There is absolutely no point in trying to judge which measures are categorically 'better' or 'worse' than others. Similarly, it would be a misleading exercise to grade or rank regimes. In the end, what matters is the pain and suffering the individual endures in the police station or in the cell." The individual in the cell—this is the fundamental orientation from which AI seeks to govern all its deeds and actions.

Is there, then, nothing to the charge of "bias" levelled against AI from many quarters of the world? A less facile case could be made using this same ideological prism, i.e., a Left/Right lens. But to be persuasive any critic would have to remain high in the stratosphere looking down at an abstract globe. The moment one moves closer to earth with this lens the image begins to blur and distort. As the regions of the world come into sight, only in Europe and Asia can AI's work be made out dimly through the Left/Right prism, pointing however to opposing conclusions. Nothing has focus in the Americas where there is an overwhelming preponderance of rightist regimes, nor in Africa or the Middle East where Left/Right is hardly the fundamental political reality. If one comes still closer to earth, where the countries of the world come into view, everything gets blurred by the Left/Right lens and any critic is reduced—as Shephen Miller was—to groping for abritrary comparisons. If one comes finally down to earth and touches solid ground, where "the individual in the cell" comes into focus, the Left/Right lens must be cast aside. Amnesty International has no Left/Right lens and such a perspective plays no part in the way AI looks at the world or seeks to act within it.

A more potent charge of "bias" comes from those who, borrowing from economics, use a different ideological prism—i.e., a North/South lens. Criticism from this perspective proceeds much the same way Miller's Commentary article does, first calling into question AI's approach to human rights violations and then accusing AI of exhibiting in its work a political bias. Why does Amnesty International not defend economic and social rights? Why does Amnesty not defend national liberation rights? Why does Amnesty attack only the manifestations of human rights violations and not the exploitive world economic system that is the underlying structural cause of these violations? Examined under these lights, it could be said AI's literature presents "a strange picture of the landscape of injustice" and AI's concerns reveal a serious disproportion. Is not AI's membership mostly in developed countries, and are not AI's actions mostly upon developing countries? Is it not "bias" if AI's reporting on the violations of a chosen few of the whole range of human rights influences governments in developed countries to threaten sanctions on governments in developing countries? Imagine the field day that could be had with "favoritism" if when using the North/South lens a critic were to use statistics in an equally arbitrary manner and compare the number of times AI has testified before US congressional committees on human rights violations in developing countries with the number of times AI has testified before the legislatures of developing countries on violations of human rights in the USA. A foregone conclusion when arguments are couched in these terms would be that AI must have some policy, or at least some conscious set of attitudes, leading to a practice of whispering softly when it comes to the developed countries of the North but shouting vehemently when it comes to the less developed countries of the South.

The use of the North/South lens is, in fact, far more a practice on the international scene today than is the use of the Left/Right lens, and Amnesty International increasingly encounters attacks on this basis. Yet within the field of human rights, as distinguished from economics, the North/South argument fails as completely as does the Left/Right argument. The human rights AI defends are universal rights, internationally recognized as such: the right to freedom of expression, the right not to be tortured, the right to life. Amnesty International does not devalue other rights in making this choice. On the contrary, it sees economic, social, and cultural rights and civil and political rights to be equally indispensable and interdependent. It keeps a limited mandate for only one reason: to get results. Besides, the North/South way of looking like the Left/Right way of looking, is persuasive only so long as the critic remains in the human rights stratosphere gazing down at an abstract globe. The moment one begins to descend towards earth the image of this lens starts to distort and blur. When the regions of the world come into sight, AI's work can be made out through a North/South prism only within the Americas, not with Europe or Africa or Asia or the Middle East. Coming yet closer to earth, where the countries of the world come into view, everything gets blurred together and all comparisons become arbitrary. When solid earth is finally reached, and "the individual in the cell" comes into focus, the North/South lens must similarly be removed. From the perspective of "the individual in the cell", which is the basic focus of AI, the notion of a North/South bias has no meaning and no validity.

Amnesty International has deliberately chosen to defend certain universally recognized human rights. Wherever it finds men and women deprived of these rights, it will do what it can to help them. It is in this sense that AI's worldwide volunteer movement claims to be impartial. In so far as no major region or political ideological bloc is devoid of violating these rights and AI pursues its task within all of these, its work can also be said to be balanced.

Amnesty International is not without error. Adoption group members have been known to write an impolite letter to a head of state, national sections to publish a crass attack on a country, the International Secretariat to issue a press release wherein a fact has been wrong. Yet in the history of the movement the errors have been happily few; moreover when discovered efforts are made to correct them. Nor is Amnesty International without problems. Some have become more pronounced with the receipt of the Nobel Peace Prize. New members have joined whose energies need to be harnessed and who need to be trained in AI work. Expectations of help have dramatically risen in all parts of the world, as has the demand for human rights information by the media, private and public organizations, and governmental and inter-governmental bodies. Pressure has increased inside and outside AI urging it to take up more tasks at the same time that what is done in AI's name must more than ever be meticulous and of the highest standard. New strains as well as new possibilities have arisen with the further internationalization of the movement as its roots grow deeper in all regions of the world. To this picture must be added the tragic truth that the forces of repression in the contemporary world have not stood still. AI today confronts little diminution in old means of repression while new techniques are being introduced. Whether Amnesty International can meet the challenges it faces and continue to be "an enterprise that has brought home to many", as Shephen Miller has put it, remains to be seen. Its task is not made easier when AI is attacked in a carelessly written article by a self-styled supporter which is then published without proper verification by an influential journal and credulously read and quoted in various parts of the world.●

THE 1980 BUDGET: WHERE TO CUT? LEGISLATIVE QUESTIONNAIRE—JANUARY 1979

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. UDALL. Mr. Speaker, last January I mailed 244,000 legislative questionnaires to my constituents in the Second Congressional District of Arizona, which includes parts of Maricopa and Pinal Counties, and all of Cochise, Pima, and Santa Cruz Counties.

In the questionnaire, I asked 10 questions having to do with the Federal budget. Two dealt with a balanced budget and taxes. With the remaining questions, with the exception of the two on social security, I tried to take a slightly different approach this year. Instead of listing broad national categories and asking Arizonans if they favored cuts or increases for spending in those categories, I tried to bring in examples of Federal spending that profoundly affect our State, our counties, our cities, and the whole range of special services, programs, and agencies which serve hundreds of different groups, from farmers and ranchers to teachers, doctors, miners, and all the others.

The results are interesting, and I want to share them with my colleagues. The interest, however, lies not in any surprises, rather it lies in the fact that the questionnaire results dramatically demonstrates the crosscurrents that seem to be dominant in our country today.

Overwhelmingly, southern Arizonans told me they want a balanced budget this year. Personally, I believe that pace to be too fast and that it could cause a recession. But I think that I owe my constituents a good, hard effort to achieve that goal, if that is their wish.

But with the exception of education, and perhaps of veterans' programs, where residents of the Second District believe that some cuts can be made, they asked that spending for defense, health, agriculture, and law enforcement be kept about the same as it has been.

Clearly, Mr. Speaker, the people in our country are frustrated. I believe they feel cheated; they are watching their savings being nibbled to death by inflation as prices continue to spiral upward, and they want relief.

But if we are to move toward more cuts in Federal spending and a balanced budget, there will be some painful decisions. It is not fair to make wholesale exemptions, removing certain departments or agencies from strict budgetary scrutiny. We must look for all of the fat, not just part of it. And that is what I plan to do in the weeks and months ahead.

As part of that effort, I will be holding hearings in my congressional district on the Federal budget and its impact on southern Arizona. A large number of public officials and private citizens have been invited to attend and give testimony. I am looking to see not only which Federal programs have the most support, and why I should vote for them, but from those people who wish to cut the budget, I hope to get specific programs and specific dollar amounts.

There will be two hearings. The first is on Friday, March 9, at the city of Tucson's Council Chambers, 250 West Alameda, from 9 a.m. to 5 p.m. The second hearing will be at the Sierra Vista Community Center, 3020 Tacoma, starting at 10 a.m. on Saturday, March 10. I invite any and all of my constituents who are interested in this most important issue to join me at what should be two very interesting sessions.

The questionnaire and results follow:

THE 1980 BUDGET: WHERE TO CUT?

As the 96th Congress begins its work in this new year, our country faces some big decisions. And I need your help and advice.

Nearly every year, I have sent a questionnaire to the half-million residents of the 2nd Congressional District (parts of Maricopa and Pinal Counties and all of Cochise, Pima and Santa Cruz Counties). This year, the questionnaire has a different format. Let me explain why.

A few weeks ago we had an election and a majority of the voters sent a message to the Congress, which I think reads something like this:

Deadly and persistent inflation threatens our jobs, our savings and the national economy. Living costs have doubled in 10 years. A key cause of inflation is federal deficit spending—spending more money than is collected.

The deficit must be reduced or eliminated. The first place to begin is to cut fraud and waste in good programs, and then eliminate the bad programs.

The voters also are saying that we are a progressive, fair and compassionate country, and that we taxpayers want good schools, police and fire departments, clean parks and adequate Social Security for Americans who have worked hard all their lives, and that handicapped and unfortunate people ought to be helped.

Most Southern Arizonans might agree with these generalities. We all want the most for our money.

But then comes the hard part. Our society is made up of hundreds of occupational, business and professional groups, trade associations, labor unions and you name it. Each group sees things differently. And the same is true of the different regions of our country, and the same goes for our big cities, and our rural people, and so on.

When a member of Congress casts a vote on the floor of the House, he must carry the feelings, frustrations and hopes of *all* these groups and constituents—and the hard part comes because a member of Congress rarely gets to vote on the generalities of an issue.

(It would be nice if the Speaker would say, "All opposed to fraud and waste of federal dollars, vote 'aye'.")

But we must vote on *specifics*—specific dollars for specific programs. When Jimmy Carter calls the Central Arizona Project a wasteful boondoggle, I call it "Arizona's last waterhole and key to the future." When the President said he was determined to fight inflation by cuts in domestic spending, George Meany called it "reneging on a campaign promise" and said Mr. Carter was "embracing economic policies that breed recession and unemployment." And so it goes.

There are conflicts, and they are constant.

Over the term of one Congress, hundreds of big and complicated spending proposals are voted up or down. Most votes are "packages."

Thus, for example, the 1980 $125 billion defense bill may have an objectionable missile project (which may eventually cost $20 billion)—but it also has $10 million for a new runway at Davis-Monthan Air Force Base, and money to build up Ft. Huachuca—both items I strongly favor.

Does the good in that bill outweigh the bad? Do I vote against the bill because of one bad part? And if so, how do I explain myself? Or is it better to vote "for" D-M and Ft. Huachuca, even though I object to the new missile project?

There are other complications. How do I get my colleagues from Florida or New York or Oregon to vote for the CAP, if I oppose, say, their housing or urban development bills, or something critical to *their* constituents?

Suppose I vote against *all* my colleagues' issues—what happens if I can't muster my votes for the CAP? I have jeopardized the very life not only of my congressional district, but of my entire home state.

So, my questionnaire this year tries to put the questions to you the way they are put to me. And I'll warn in advance that you may find yourself saying, "This question is unfair!" And it may be.

But as you read, you may also find yourself saying that you would like to vote "yes"—but with some qualifications, or "maybe," or "it all depends."

And I sympathize with those feelings—because I feel the same thing virtually every day Congress is in session. Except Congressmen can't vote "maybe" or "with qualifications." The voting machine has but two cold buttons: "aye" and "nay."

And here we are. If none of the answers is precisely your position, select the one closest to it. If none is very close, leave the answers blank.

(If you have additional comments, or wish to suggest cuts or increases in areas not listed, please jot them down on a separate sheet and send it along.)

Thanks for your help.

QUESTIONS

1. Balanced Budget. Congress will write a new budget this spring. President Carter will propose that we spend about $535 billion, and is estimating that we'll collect about $505 billion, for a deficit of $30 billion. With regard to the deficit, which is closest to your opinion:

A. It's about right; cutting too fast might throw the country into a recession, 36.2 percent.

B. That's still too much red ink; I'm for a balanced budget *this* year, 61.5 percent.

C. Did not answer, 1.6 percent.

2. Spending. Taxes. If you answered Question No. 1 with "B," and are for a balanced budget this year, should we achieve that goal by:

A. Increasing income taxes for all Americans by 10 percent, 5.5 percent.

B. Cut $30 billion more in federal spending, 64.6 percent.

C. Did not answer, 31.2 percent.

3. Defense. About $125 billion, or nearly a fourth of the entire federal budget, will be earmarked for national defense. President Carter and others argue that the Soviets are increasing their military forces and that we must match this with a 3 percent increase in our spending (above the rate of inflation). Others insist that defense spending is already more than adequate and that we ought to hold the line at last year's level, which was $112 billion. Still others would cut the defense budget further. If you vote for less, you must consider that something at Ft. Huachuca would likely be eliminated. You might end up cutting retiree benefits, or that new runway at Davis-Monthan, or even part of the D-M aircraft storage operation. If you vote for more, than you have to cut somewhere else—in senior citizen programs, schools, hospitals, agriculture. Considering all of this, would you:

A. Increase spending for defense by $13 billion, 35.3 percent.

B. Hold the defense budget at last year's level, 43.7 percent.

C. Make cuts in defense spending, 22.9 percent.

D. Did not answer, 1.3 percent.

4. Social Security. Another big piece of the projected budget will go to Social Security. We must allot money for that program, plus Medicare and disability insurance, out of payroll taxes. The system is in some financial trouble. Last year, we took in $111 billion, but paid out $116 billion. We can't keep that up. Under a 1978 Act of Congress, payroll taxes which finance Social Security increased slightly this month. They will balance this part of the budget until we can decide what to do to make the system financially sound. Do you vote to:

A. Help working people by repealing the current increases and leave the system in a deficit, moving closer to bankruptcy, 4.4 percent.

B. Keep the 1979 increases, but hold off on any future increases until Congress can act to determine if there is a better way to finance the system, 66.8 percent.

C. Balance the Social Security budget by cutting back the payroll tax and financing up to a third of the Social Security fund with general revenue, 22.9 percent.

D. Did not answer, 3.8 percent.

5. Universal Social Security. Social Security now covers about 106 million Americans, most of our work force. But many groups need not belong—federal and state employees, teachers, others. Some argue that the system should be universal (everyone pays, everyone is covered.) Some, on the other side, argue that if they have a retirement program of their own that equals or betters Social Security, they should be left alone. Do you think that:

A. Social Security should cover everyone, 32.1 percent.

B. Groups not covered should be able to stay out of the program if they wish, 65.5 percent.

C. Did not answer, 2.7 percent.

6. Education. A big chunk of next year's federal budget, $12.9 billion, will go to education. This share has grown in recent years. Many people contend that the federal contribution has gone too far and that education should be financed largely by state and local sources. Southern Arizona gets large amounts of money in education assistance, ranging from $5.3 million in impact aid to a combined $45.1 million for the University of Arizona, Pima College and their students. Cutbacks in this category will either increase local property taxes or curtail jobs and opportunities in education. Do you believe that federal support of education is:

A. Too big and ought to be cut, 50.3 percent.

B. About right, 34.3 percent.

C. Too little and ought to be increased, 9.2 percent.

D. Did not answer, 1.4 percent.

7. Veterans' Affairs. A major share of the national budget goes to veterans' affairs. Some say cuts can and should be made here. Veterans and others say there is a need to increase spending for items like hospitalization. Additionally there is a push for a new national cemetery, and World War I veterans want an expensive new pension bill. Veterans in Pima, Santa Cruz and Cochise Counties alone receive some $74.9 million in federal money each year. Should we:

A. Spend more, 9.6 percent.

B. Spend less, 41.5 percent.

C. Spend about the same, 46.7 percent.

D. Did not answer, 2.3 percent.

8. Agriculture. Agriculture is important to all of us. For the last two years, Southern Arizona has been hit with floods, and the overwhelming damage was to crops and farmlands. In 1978, the federal government spent $227.9 million in Arizona on a variety of agriculture-related projects and programs. Some say cuts can be made here, but we could lose items like the $4.1 million available for farm ownership loans. Others believe we should spend more on agriculture and that we owe farmers a decent return for decent work. Would you vote to:

A. Cut agriculture spending in Arizona, 34.1 percent.

B. Increase it, 15.1 percent.

C. Keep it at the current level, 48.2 percent.

D. Did not answer, 2.5 percent.

9. Health. The federal government will spend $63.4 billion this year on health, and there is more and more talk of some form of a national health insurance program. In Tucson, Kino Hospital has had its share of financial difficulties. And the University of Arizona gets millions each year for research on a wide range of disease, including heart, lung and mental illness and cancer research. Should we:

A. Cut health spending, 31.8 percent.

B. Increase it, 22.5 percent.

C. Leave it at about the same level, 44.1 percent.

D. Did not answer, 1.9 percent.

10. Law enforcement. The Justice Department is a big spender. The Department does not break down its budget according to congressional districts, but it's a good bet that a major share of the Arizona allotment of $3.3 million for the Drug Enforcement Administration and $11.6 million for the Immigration and Naturalization Service went to Southern Arizona operations. The FBI had a $6.2 million budget for Arizona last year, and a share of that went to the Tucson field office. Many Southern Arizonans consider these functions vital and argue that we need much more of the same. Others will argue that some of this ought to be cut. Taking both sides into consideration, would you:

A. Cut this spending, 29.2 percent.

B. Increase it, 21.9 percent.

C. Leave it about the same, 46.2 percent.

D. Did not answer, 3.3 percent.●

JOHN LINCOLN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. FLORIO. Mr. Speaker, as I have often done in the past, I would like to take this occasion to pay tribute to an outstanding citizen from my congressional district.

After serving for 15 years as the superintendent of the Highway Department of Gloucester City, N.J., Mr. John Lincoln is retiring. As superintendent, John proved to be an excellent administrator, setting and achieving high standards for his department. In turn, the residents of Gloucester City benefited from the quality service performed by the road department.

His contribution to the city was not limited to his employment but rather he gave willingly of his time by participating in the community government and activities. His admirable career record speaks for itself. He was formerly Gloucester City Council president, tax assessor, president of the Lions Club, and president of the Little League Association, to name a few.

John has set a fine example to all citizens of any community displaying the merits of "getting involved" not for the sake of oneself, but for others as well.

I am certain that Gloucester City residents will attest to John's achievements and I would like to join them in their commendations of this fine man.●

WE DESERVE BETTER AT THE U.N.

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McDONALD. Mr. Speaker, when Representative Andrew Young testified before the Senate Foreign Relations Committee, I was the only Member of Congress to appear and testify against that nomination. Later, I introduced an impeachment resolution after it was quite clear to all that he was not working in the best interests of this country and in fact was hurting American foreign policy. In this effort I was joined by 10 other Members. From time to time, various other voices spoke up in agreement. Still later on July 13 of last year 82 Members of the House agreed with me that a vote on my resolution of impeachment ought to be debated. However, Mr. Young goes on and on with outrageous statements. Recently, another voice was raised—that of Mr. Marvin Stone, editor of U.S. News & World Report, who in a fine editorial of February 26, 1979 informed his readers that America deserves better than Andrew Young and I agree. The editorial follows:

WE DESERVE BETTER AT THE U.N.

(By Marvin Stone)

Andrew Young is at it again. "Only neofascists in this country," he declared recently, "would be willing to support the neofascism of the Smith regime" in Rhodesia.

By these words the U.S. Ambassador to the United Nations hoped to intimidate any members of Congress who might consider voting to permit trade with Rhodesia, now that a black-majority government is in prospect.

The Smith-sponsored surrender of white power is indeed imperfect, more gradual than partisans of immediate turnover would like. It infuriates the two Soviet-backed guerrilla armies, which want to seize control of Rhodesia for themselves. These are the same bandits who, armed with ground-to-air missiles, have shot down two civilian airliners, the latest outrage claiming 59 lives on February 12.

What Smith offers is the only visible alternative to a bloody black-white conflict, to be followed probably by a civil war among blacks. Given the minimum blessing of normal relations with America, the Smith alternative might just succeed. And members of the U.S. Congress have a right to evaluate those chances without the stab of twisted invective.

Young's innuendoes are remarkably like those with which the new and developing nations themselves, in concert with Russia, have belabored the U.S. in the United Nations for many years. Oddly, his latest sally comes at a time when a glimmer of hope can be seen for the American position at the international forum. When Vietnam invaded Cambodia, the United States found itself suddenly in the same camp with the Third World, and the Security Council voted, 13 to 2, to demand removal of the troops. Russia and one satellite, Czechoslovakia, made up the opposition.

Here was a demonstration that the Third World's future does not automatically lie in a monolithic cooperation with the Russian bloc against the United States. If this is a true precedent, it holds high importance in the light of the last decade's misalignment.

Pat Moynihan, now in the Senate, demanded several years ago that someone step in at the U.N. to fight for America's ideals and good name. Tapped for Ambassador, he found the job frustrating but made his presence known. The senator's latest book, *A Dangerous Place*, chronicles the constant verbal aggressions of the anti-U.S. bloc. When there was a report on moves to end colonialism, the U.S. was said to be oppressing Puerto Rico—which in reality is free to choose its own destiny. A conference on feeding hungry peoples? The United States—actually the advocate of giving away its own foodstuffs—was accused of having stolen the world's resources.

Is it too much to hope that our Third World friends will cease such behavior, since they see that their lives do not depend on sandbagging the United States? Habit is distressingly strong, but we should give them every help in breaking it. Such an effort will require a person with special qualities.

This brings us back to Andrew Young. Despite his intolerable misstatements about his own country, or more probably because of them, many of the developing nations consider him an effective Ambassador.

Young never was our idea of the person for the job, nor is he now. He is Carter's choice, so he is there. But the last thing that the majority of Americans want at the United Nations is an Ambasador who feels that the way to woo Third World countries is to denigrate the United States.

What we need—more urgently than ever—is an Ambassador who can carry forward the job of speaking up for America on the floor of the United Nations.

If Andrew Young feels differently, surely there is another place where he can continue his personal crusade, while someone else represents the United States in the United Nations. This country deserves better.●

THE DEBATE ON PUBLIC FINANCING

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MURTHA. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an editorial from the Johnstown Tribune-Democrat of February 12 that summarizes much of my feeling about the proposal for public financing of congressional campaigns:

LET CANDIDATES PAY

When a person chooses to run for the U.S. House of Representatives, he should be prepared to pay his campaign expenses himself—with the help, of course, of those who legally wish to contribute to his electioneering.

Such candidates should not be assisted, as a new bill proposes, partially by public contributions from the $1 checkoff fund provided on the federal tax forms. The bill also would place a limit on total spending for a House campaign—a limit of $150,000.

We have no argument with financing of the presidential campaigns with funds provided by the tax-form checkoff. However, although House candidates go to Washington if they are elected, basically they run on local issues and win on local favor—though they may give passing attention to what the national party line may be. Therefore, let them find their campaign finances in their own backyards, not from backyards all over the country.

If people are concerned that less-than-wealthy candidates have little or no chance of election, then let the emphasis be placed on the spending-limit aspect of the proposal and forget about the checkoff.

However, candidates with limited funds do get elected. Their candidacies can attract adequate contributions. If they can't, perhaps they are not worth electing.●

WORLD BANK PROJECT SLOWS FLOW OF EMIGRANTS TO UNITED STATES

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McHUGH. Mr. Speaker, from time to time allegations are made that there are numerous shortcomings in our foreign assistance programs generally, and in the programs of the World Bank in particular.

In view of this, I believe the Members might be interested in an article which appeared in the New York Times on February 15 which I am including in the RECORD for the benefit of those who may not have seen it.

Entitled "Mexican Rural Programs Slows Flow of Emigrants to U.S.," the article discusses a successful program sponsored by the World Bank that benefits the poor while serving important American interests.

I hope that our colleagues will take the time to read this article if they have not already done so, for I believe that it shows rather dramatically what can be accomplished through our participation in the World Bank and similar organizations.

The article follows:

MEXICAN RURAL PROGRAM SLOWS FLOW OF EMIGRANTS TO U.S.

(By Alan Riding)

IXTLILCO EL GRANDE, MEXICO, Feb. 5.—Sixto Pliego Torres pushed back his sweat-stained straw hat and waved at a small pump house that was pouring water into a narrow irrigation canal. "Last year we were sitting around waiting for the rainy season," he said. "This year we have a fair tomato crop."

Around him six peasants worked silently, crouching as they felt under the leaves for ripe tomatoes, then walking slowly to wooden boxes, careful not to tread on the young corn plants that will keep the nine-member Pliego family in tortillas for the next six months. "Last year all these boys had migrated looking for jobs," Mr. Pliego went on. "This year they can stay home and work."

In the chronically depressed countryside, Ixtlilco el Grande, 70 miles south of Mexico City, is still something of an exception. Nevertheless, it is one of a growing number of villages benefiting from an ambitious Government program aimed at slowing the exodus from the rural sector by creating jobs and improving living conditions in the poorest regions.

With illegal migration to the United States certain to be a main agenda item during President Carter's visit here, the United States Government has been quietly encouraging the program. As evidence of this support, Mr. Carter, on his only trip outside the capital, will fly to this village the day after his arrival in Mexico for a firsthand look at one of the projects.

DOLLARS TO AID THE PROGRAM

Although the Mexicans receive no direct American assistance, the United States backed loans of $230 million from the World Bank and $40 million from the Inter-American Development Bank for the program. The Ambassador to Mexico, Patrick J. Lucey, has visited several projects in recognition of Mexico's efforts to curb the flow north of jobless peasants.

The program is still modest compared with the dimension of the problem—1,000 migrants arriving in Mexico City every day, a million or so crossing into the United States every year in search of work. So far the program benefits only a fifth of the rural population of 25 million. However, it is growing rapidly, and by 1982 should cover most of the countyside.

Known by the acronym PIDER, for the Spanish words meaning Rural Development Public Investment Program, it began almost as an experiment in 1973. Reacting against the wastefulness of vast efforts to improve rural institutions, it turned to the grassroots level, studying the needs and possibilities of individual communities and then carefully coordinating governmental actions in new "microregions."

The principal aim has been to improve the living conditions of the poorest people, according to Dr. Miguel Angel Cuadra, director of the program. "The way we do it is to increase production, to create permanent jobs, to raise personal income, to improve social welfare and to involve the local populations in the development process," he explained. "If the result is to reduce migration, well, that's fine."

The key to the effort's success is that it has avoided becoming yet another bureaucracy. With a small staff of technicians and financial experts, it contracts out work to other governmental departments. In contrast to previous attempts at integrated development, it has strict control over its purse strings and can define its priorities.

"PIDER is really unique," an enthusiastic World Bank official commented. "We think it could be a model for many developing countries. It's also an approach that could be applied in other areas such as urban development because essentially it's just a sleek administrative mechanism."

In defining a microregion, the agency picks communities of fewer than 3,000 inhabitants where per capita annual income is under $.00 but where there appears to be potential for development. "There are villages in the desert that we frankly can't do anything with," Dr. Cuadra conceded. "But we're not just concerned with agricultural development. We're after rural development as a whole."

In practice this may mean stimulating fishing, handicrafts, small mining projects, modest tourist resorts, beekeeping and village factories as well as cultivation of new crops. It also means building feeder roads, providing electricity, drinking water, primary schools and health clinics, and even remodeling village squares and painting houses. In the long run, though, 70 percent of investment is aimed at productive activities.

BUDGET CONTINUES TO INCREASE

Despite a federal austerity program, the budget has grown from $88.3 million in 1973 to $320 million this year, and it is expected to exceed $500 million in 1980. By the end of the year 106 microregions covering 5.5 million people will have received almost $1.3 billion.

The experience of a region in Morelos State, which includes the village of Ixtlilco el Grande, illustrates how small but carefully planned investments can have dramatic impact on a community. With a population of 106,000 today, the microregion has received the equivalent of $12.5 million over five years. For many local people it has meant a transformation of their lives.

In the shaded village plaza, recently remodeled by the Government, the headmaster, Berulo Sánchez Rosas, spoke proudly of the renaissance of Ixtlilco el Grande. "In the past the place was only alive during the rainy season," he said. "Between January and May everyone had to leave to look for work. This year only a few young men have gone."

In this community a handful of $20,000 water pumps made the difference, enabling smallholders—family plots average less than five acres—to plan cash crops of tomatoes, onions and melons as well as corn and beans for their own consumption during the dry winter season. The farmers, in turn, have hired workers who left in previous years.

A MORE HABITABLE COMMUNITY

Employment is the key factor, but Ixtlilco el Grande is also a more habitable village today. It has drinking water, lighting and some paved streets, and all but 30 of the 640 children attend school.

"When I first came here 22 years ago this place was a disaster," Mr. Sánchez recalled. "We still have many needs, but Ixtlilco has been reborn. We've had outside help, and the community has also united to help itself."

In nearby villages a similar story is told. At Telelilla, a primary school is crowded with children whose older brothers and sisters missed out on education. At Tenangoin, in the shadow of a magnificent sugar hacienda that was destroyed during the 1910 revolution, working capital was provided for a 20-member cooperative factory making nut candy for sale in Mexico City.

Not all microregions have been so successful, officials are quick to point out. Some have been slow to take off while others have suffered from bad administration. "Sometimes the priorities are wrong," a field worker explained. "Electrification may come when drinking water is needed, or a road is built to the village before more jobs have been created, so it just means the unemployed can migrate more easily."

It is too early to gauge the impact the projects are having on patterns of migration. On the one hand officials hear of many villages like Ixtlilco el Grande where the exodus has slowed. On the other hand they know that hundreds of thousands of peasants continue to migrate to the cities or cross into the United States every year.

From a social point of view the program is probably the most successful of its kind in Mexican history. "There is almost a missionary zeal about the PIDER people," a World Bank official said. "And, amazingly, they don't seek publicity. They're just getting on with it."●

WAGE AND PRICE CONTROLS

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. STOCKMAN. Mr. Speaker, on February 15, the mandatory aspects of the President's "voluntary" wage and price controls went into effect. On that same day, our colleague, Mr. Brown of Ohio, spoke in Dayton, Ohio, on the subject of the legality of a mandatory wage and price control program. I commend the speech to the attention of my colleagues. I believe it makes a solid contribution to the current debate over the program's legality.

Wage and Price Controls: an Address by Congressman Clarence J. Brown Before the Dayton Chapter of the National Contract Management Association, February 15, 1979

Mandatory wage and price controls have been instituted in the United States four times.

The first was in 1942 under authority of the Emergency Price Control Act of 1942.

The second was in 1951 under authority of the Defense Production Act of 1950.

The third was in 1971 under authority of the Economic Stabilization Act of 1970.

The fourth began today, February 15, 1979, under no authority at all.

President Carter, who announced the latest wage and price control scheme on October 24, 1978, insists on describing his program as "voluntary guidelines."

Yet the Western Pulp and Paper Workers Union, in a suit challenging the legality of the program, said, "To call the sanction of loss of government contracts for failure to comply with wage ceilings a 'voluntary' program is a fiction that could only fool a lawyer."

I am among 13 members of Congress who joined the Paperworkers' suit against the government on Dec. 15, 1978 by filing a "friend of the court" brief contending that President Carter has crossed over the constitutional line dividing executive and legislative authority. Quite simply, in his frantic zeal to regain control over runaway inflation, the President has trod on our turf.

Our brief argues:

The controls are not voluntary, but mandatory, because Federal contracts may not be obtained by companies refusing to "volunteer" to comply.

The President lacks authority to impose mandatory wage and price controls in the Federal Property Act.

The history of congressional action on wage and price controls is that they have been specifically authorized for limited periods of time in emergency situations.

It is not possible to infer that Congress has implicitly authorized the President to impose mandatory controls; in fact, when controls last expired, Congress specifically denied a request that control authority be extended.

Unfortunately, the government was able to sidestep the constitutional question in the Paperworkers' suit by rushing into court with the contention that the companies involved in negotiations with the Paperworkers do not have any government contracts exceeding $5 million—the size it says is required to bring sanctions.

The federal judge then refused to enjoin the government from enforcing its program because the Paperworkers were not affected, but he held the case open to allow the union to return to court if it were to find future government tampering in its contract talks

The President's chief inflation fighter is Alfred Kahn, a talented and dedicated deregulator who became Carter's best appointment when he was named to head the Civil Aeronautics Board. Unfortunately, Kahn will now be remembered as the fellow who failed to resist strongly enough when President Carter asked him to head the disastrously wrongheaded and illegal wage and price control program.

When asked to address the legal question, Kahn properly cites the endorsement he has received from his attorney—the U.S. Justice Department. You can't fault a guy for getting stuck with a lousy lawyer.

Of course, until a federal court directly addresses the issue, the strength of the government's case, as outlined in a December 11 Justice Department memorandum, cannot be conclusively tested. Yet, in addition to the Paperworkers and the congressmen who joined them, there are some pretty powerful legal forces aligned against the Justice Department.

The House Government Operations Committee, on which I serve, looked into the wage and price control program in a subcommittee hearing 10 days ago. We heard testimony that the program is illegal from the American Bar Association and from the U.S. General Accounting Office.

GAO General Counsel Milton J. Socolar explained that, "The regulations require that all solicitations on or after February 15, 1979,"—today—"expected to result in new contracts, orders under existing contracts, or supplemental agreements to existing contracts in excess of $5 million, contain a clause whereby each offeror certifies it is in compliance with wage and price standards issued by the Council on Wage and Price Stability."

Failure to certify means no contract, except in the case of sole-source major weapons contracts, which are likely to receive waivers for national security reasons.

GAO points out that the Council on Wage and Price Stability Act, cited by the government as authority for its program, specifically provides that, "Nothing in this Act . . . authorized the continuation, imposition, or reimposition of any mandatory economic controls with respect to prices, rents, wages, salaries, corporate dividends or any similar transfers . . ."

The Justice Department ignores the 1947 Armed Services Procurement Act and goes beyond it to the 1949 Federal Property and Administrative Services Act for its next citation, noting the apparently broad authority for the president to "prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act . . ."

However, GAO testified, the Act not only does not implicitly confer wage and price restraint authority on the President, but there are "several indications in the statute and its legislative history to the contrary."

For example, debate over Section 201 (a) led the Act's chief House sponsor, Congressman Holifield, to declare in debate that the procurement methods the President could set "could not extend to regulation or control of the reasonableness of contractors' rates," quoting GAO's summary.

The Justice Department memorandum goes so far as to assert that the law does not require that formally advertised contracts go to the lowest bidder. GAO responds: "The statute requires that award be made to the responsible bidder submitting the lowest priced responsive bid, the only exception being where a proper determination is made to reject all bids."

As experts in government contracting, it should be easy for each of you to imagine a scenario in which a bidder with historically lower prices, could find himself in a cost squeeze that would prevent him from meeting the guidelines. Even though his prices remained far lower than the first contractor, he would be prevented from receiving the contract award.

Quite clearly, the intent and the letter of the procurement law would be violated, the taxpayer would be denied the lowest price product or service, and the unfortunate would-be contractor would be penalized for his past efficiencies.

Incidentally, while the Justice Department cites only the Council on Wage and Price Stability Act and the Property Act of 1949, GAO notes that the procurement methods prescribed in the Armed Services Procurement Act, with which you are more directly concerned, "are essentially the same as those in the Property Act, i.e., a general requirement for formal advertising with 'such free and full competition as is consistent with the procurement of the property and services needed.'"

GAO concludes, "We are unaware of any provision in the Armed Services Procurement Act which would authorize the Executive Order 12092 (wage and price control) program, or of any other statute which would provide such authority."

The Justice Department attempts to stretch the President's authority beyond the limits of the Property Act by citing the court approval of executive orders applying affirmative action programs to government procurement. But GAO notes that this is done "in the furtherance of a separate statute prohibiting discrimination and in light of a long history of such executive measures with the knowledge and acquiesence of the Congress."

Wage and price controls are not only not authorized by the laws cited by the Justice Department, but, in fact, are explicitly prohibited by another law, enacted in 1946 as an amendment to the Second War Powers Act: "Nothing in this Act or any other Federal Act shall be construed to authorize the establishment by any officer or agency of the government of maximum prices for any commodity or maximum rents for any housing accommodations."

Justice lamely argues that the section was implicitly repealed when Congress twice subsequently granted temporary wage-price control authority. GAO flatly states: "This is an erroneous interpretation of section 645 b. It does not prohibit the implementation of explicit price stabilization authority; rather, it prohibits the inference of such authority from nonexplicit legislation."

Finally, climbing to the very summit of absurdity, the Justice Department contends that if not implicitly repealed, the statute has become void through nonuse. Oh, come now, Mr. Attorney General, if there were no murders and, hence, no murder trials, for a period of time, would the laws against murder become void through nonuse?

With Griffin Bell and Jimmy Carter off tiptoeing through the tulips in a legal fantasyland, where does that leave the rest of us?

As of today, if you work in contracting for the federal government, you are under order from your chief executive to procure goods and services under a procedure which is clearly illegal. But you do not have the luxury of reaching that conclusion. Only a court can do that.

If you work for a defense contractor or a Fortune 500 company, you have the option of going to court, but chances are your company has already decided to go along. Alfred Kahn has announced that 22 of the top 25 federal contractors and 200 of the Fortune 500 companies have pledged compliance.

Many, no doubt, fear that failure to do so, even if they could win in court, would bring down federal retaliation in a number of other ways. The president effectively neutralized business opposition to the disastrous National Energy Act last fall by threatening to turn loose on dissenters the allegedly independent regulatory agencies.

If you are a member of Congress, you are left playing the waiting game, with your "friend of the court" brief ready to back up any brave contractor who decides to test the president in court.

Meanwhile, the government's case may grow stronger. Congress is considering a requested expansion of the Council on Wage and Price Stability staff to enforce the program and a wage insurance proposal to protect complying labor unions from excessive increases in the cost of living. Approval of either proposal would provide the government with some of the "knowledge and acquiescence of the Congress" which bolsters the use of the procurement procedure for affirmative action.

While the wage insurance proposal appears in some jeopardy, the COWPS expansion is much more likely. Still, neither gets around the direct statutory prohibition of wage and price controls, and I think it is unlikely, at the moment, that the president would request or the Congress would grant direct legal authority.

Beyond the trivial issues of legality and unconstitutionality, what's wrong with wage and price controls?

First, they're a bandaid. They don't cure the disease.

Second, they're counterproductive. They actually contribute to inflation.

By distorting both production and consumption, controls cause shortages, hoarding, waste—and higher prices. In the economy, prices work like nerves in the body, signalling what is needed.

When prices are controlled, the message gets garbled. The system reacts to false signals, and produces one blunder after another. The artificially low prices tend to stimulate demand and set the stage for a price explosion when controls are lifted.

Worst of all, the wage and price controls divert our attention from the base cause of inflation: faulty federal monetary and fiscal policies. It's true that President Carter paid lip service to the need for less government spending and regulation when he announced the wage and price controls, but the immediate plunge of the stock market and the world money markets showed that by then, his credibility on those promises was shot.

Another reason: even while proclaiming his aversion to government regulation, the President was attempting to throw the regulatory net over two major industries—energy and health. His anti-regulation efforts have been restricted to several superficial reorganization plans and a regulatory analysis body made up of the regulators themselves.

Here's one reason why: President Carter said he has cut the deficit by one third since 1976, from $66 billion to $40 billion.

Technically, that's true. But look at the rest of the facts: 1977 was the last Ford Budget, not 1976, and the 1977 deficit was down to $45 billion. President Carter hiked that up to $58 billion in 1978 and pushed for a $60 billion deficit in 1979. It was reduced to $40 billion only because of revenue estimate revisions and the inability of the bureaucracy to spend the money as fast as President Carter wanted to.

Even more serious than the credibility

problem on government regulation and spending was the implication that President Carter was opposed to any tightening of the excessive money creation which was at the heart of the problem.

Finally, on Nov. 1, with the dollar plummeting toward disaster, the President reversed himself and ordered serious measures to bolster the dollar, combined with a Federal Reserve Board promise to tighten up the money supply.

So far, the results are encouraging. There has been a small slowdown in the rate of growth of the monetary base; not a jolting reduction, but enough to make a difference.

If the Fed. Reserve Bd. refuses to cave in to those who are frantic about interest rates (which, in real terms, are actually quite small), we should continue to see a gradual tightening of the money supply, a gradual firming up of the dollar, and a gradual reduction in the rate of inflation.

We must combine this policy of restrained money growth with a fiscal policy much tighter than the $29 billion federal deficit President Carter has proposed. Even that excessive figure is a charade, held down by cuts in programs Carter knows Congress will restore, and by rosy economic predictions which are unlikely to come true.

Then we must attack and reduce the burden of government overregulation, which is costing the American consumer $98 billion a year.

If we do all these things—pursue tight monetary and fiscal policies and reduce government regulation—we can dump the President's illegal wage and price control policy in the Potomac and free up the government procurement process for the purpose for which it was intended—to get the taxpayer the best quality product or service at the least possible cost.●

OIL SPILLS FROM BARGES

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. STUDDS. Mr. Speaker, I would like to call the attention of my colleagues to the increasingly serious problem of oil pollution from tank barges. This past year, we witnessed more than a 400-percent increase over 1977 in the volume of oil spilled by barges into the waterways of the United States. According to recently compiled Coast Guard statistics, last year's pollution volume nearly doubled the amount of oil spilled during the previous record year, 1975.

The area most hard hit was the Gulf of Mexico, where barge spills increased by some 1,300 percent from 573,329 gallons in 1977 to 7,287,685 gallons last year. The Atlantic coast was also severely affected, suffering a tripling in oil spill volume from 674,575 gallons to 2,121,409.

Nationwide, barges accounted for nearly 10 million gallons in oil spills, stemming from 855 separate pollution incidents. These startling statistics underline the need for action to improve tank barge construction and operating safety standards. One alternative is contained in H.R. 1741, a bill which I recently introduced along with 17 cosponsors and which would require:

First. All newly built barges to be equipped with double hulls; and second, beginning on January 1, 1983, that all existing barges 15 years of age or older, be equipped with double hulls.

According to the Coast Guard, the vast majority of the petroleum spilled by barges occurs in incidents involving a rupture in the hull, and a recent study estimates that "approximately 90 percent of the pollution due to hull damage could be eliminated if the entire tank barge fleet converted to the double hull construction standard."

Action in this area is clearly warranted, and it is my hope that 1979 will witness the establishment of barge protection standards at least equivalent to the initiatives which Congress successfully implemented last year for oil tankers.

The following is a statistical analysis provided by the Coast Guard of oil spills from barges for the years 1973–78:

OIL SPILLS FROM BARGES (1973-78)

	1973	1974	1975	1976	1977	1978	Total
Atlantic:							
Number of incidents	173	180	155	205	198	135	1, 046
Oil spilled (gallons)	54, 750	328, 063	128, 100	774, 654	674, 575	1, 028, 255	2, 988, 388
Great Lakes:							
Number of incidents	9	6	18	41	28	10	112
Amount spilled	2, 241	570	1, 050	429, 278	11, 360	283	444, 782
Gulf of Mexico:							
Number of incidents	148	354	409	465	605	450	2, 431
Amount spilled	615, 593	1, 612, 206	357, 116	435, 151	573, 239	559, 285	4, 152, 590
Pacific:							
Number of incidents	57	40	22	60	50	49	278
Amount spilled	1, 772	1, 122	2, 465	5, 498	12, 707	38, 919	62, 483
Inland:							
Number of incidents	278	228	223	217	221	208	1, 375
Amount spilled	575, 505	408, 281	2, 088, 637	265, 347	372, 287	405, 309	4, 115, 266
Total:							
Number of incidents	665	808	827	988	1, 102	852	5, 242
Amount spilled	1, 249, 861	2, 350, 242	2, 577, 368	1, 909, 919	1, 644, 168	2, 032, 051	11, 763, 509

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SPACE PROGRAM DIVIDENDS INCREASING EVERY YEAR

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. FUQUA. Mr. Speaker, The American public is coming to ever greater awareness of the practical applications of our national space program as ably expressed in a recent editorial of Today newspaper in Cocoa, Fla. The editorial clearly defines and enumerates many of the benefits our people are enjoying in their daily living and commercial dealings as a result of our space program. I commend this editorial to my colleagues in the House and ask that they continue to reflect on its excellent points as they consider, later in this session, appropriations for continuing our space program.

The editorial follows:

In a photograph on the front page of Today's Thursday edition the planet Venus floats eerily in space millions of miles from Earth. An accompanying story was prompted by the fact that data from the Pioneer Venus probes had indicated mysterious lightning and chemical fires on the planet.

Some people probably shrugged and dismissed the story as another example of what comes from NASA's exotic space missions. They should be spending some of that money down here, the skeptics might have grumbled over their breakfast coffee.

Unfortunately, the idea that the space program's achievements have impact only on distant planets is a common one. The mysterious-looking space hardware launched toward other planets or into orbits of our own tends to be extremely expensive, and its functions often are difficult to understand by the layman.

They are difficult, that is, until the technology developed by the space program touches our own lives in ways that are very familiar and easily understandable. On Thursday, for instance, Today's lead story involved a major snowstorm that had closed schools and snarled traffic all over the East Coast.

The path of that storm had been tracked by satellites feeding data to the National Weather Service, which uses that information in its forecasts. People therefore were better able to prepare for the massive storm bearing down on them.

Here in Florida we have come to depend upon satellites for tracking hurricanes. Now we can monitor the giant storms for weeks instead of relying upon earlier methods, which gave people in warning areas only a few days or hours to react.

As familiar to us as the threat of hurricanes is the state's multimillion-dollar citrus crop, much of it produced by the groves which carpet Central Florida. Because of data furnished by satellites growers can keep a wary eye on a line of freezing weather as it creeps down the state.

This saves the citrus industry hundreds of thousands of dollars every year because grove heaters, which are very costly to operate, can be left off until almost the last minute.

This trend is being repeated around the globe as satellites act as man's eyes in space, capable of detecting weather fronts, ice fields, dust storms, and even outbreaks of disease among crops.

This improvement in information gathering already has resulted in countless lives being saved, and has prevented the destruction of millions of dollars worth of crops of various kinds.

As the years go by the beneficial spinoffs of the space program will become more and more apparent, even to the most intransigent skeptics. In the meantime, like most noble efforts, it is little understood and an easy target for criticism.●

CAP

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. RICHMOND. Mr. Speaker, today I am introducing a bill to remove the "CAP" imposing a budgetary ceiling on the Food Stamp Act for fiscal 1980 and 1981. Although best estimates are that the CAP for 1979 is at a sufficient level to permit the program to operate unimpeded through September 30 of this year, it is possible that we may have to reexamine the matter if food prices continue to expand at the current rate. Allotments for July 1979 will be based on food prices through March 31 and very well could exceed the projected $200 a month for a family of four if increases of over 1 percent continue through February and March.

As you remember, Congress imposed a limitation on the program on the basis of budget assumptions and projections made in the summer of 1977. At that time, we were unable to predict the terribly devastating increase in food price inflation that would cripple our economy in the past 2 years. In those "good old days" of the summer of 1977, CBO estimated a food price rise of only 12.5 percent from 1976 to 1979. That figure is now expected to reach 26 percent. Likewise, CBO assumed the spread to increase by 16.9 percent by 1980 and 21.8 percent by 1981. Those spreads are now projected at 36.2 percent in 1980 and 46.1 percent in 1981.

If Congress does not remove or raise the CAP, the Secretary of Agriculture will be legally forced to reduce benefits to the very citizens who are hurt most by inflation. According to CBO, if the CAP is not raised by October 1, the poor, the sick and the elderly will have their allotments reduced by almost 20 percent. If the Secretary delays this cut for an additional 6 months, the further losses could total nearly 40 percent.

By removing the CAP, Congress would not be abdicating its responsibility to exercise financial oversight and control over program expenditures. Even without an arbitrary CAP, Congress and its appropriation committees must still approve every dollar spent in the program. The reason the administration and I are proposing a removal of the CAP is to insure that the food stamp program responds directly to actual economic conditions not hypothetical predictions. I urge my colleagues to support me in this endeavor.●

COMPARISON OF SOCIAL SECURITY COVERAGE TO CIVIL SERVICE RETIREMENT PENSIONS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. UDALL. Mr. Speaker, there has been a great deal of misinformation circulated regarding the differences between social security and civil service retirement pensions. As provided for by the 95th Congress, a commission is currently studying the feasibility and desirability of universal coverage. The study will make a report of its findings and recommendations to Congress in December of 1979.

The following article which appeared in the Washington Post does an excellent job of explaining the problem that faces Congress in examining the pros and cons of expanded social security coverage.

The article follows:

CIVIL SERVICE NEST EGG—SOCIAL SECURITY PENSIONS ARE FAR SMALLER

(By Spencer Rich)

Robert and John Smith, identical twin brothers, begin, work in 1949 after finishing college. Each works 30 years, is now 55, and earns about $20,000 at the start of this year. Their salary histories over the years are identical, except that Robert worked for the U.S. government and John for a private business.

If Robert Smith plays his cards right, he can expect to receive $320,000 in combined civil service, Social Security and private pensions over the rest of his lifetime, measured in constant 1979 dollars. Four-fifths of it will come from his civil service pension.

All he has to do is retire from his U.S. job at 55 and start drawing his civil service pension, then go out and get a job in private industry at his old salary until he's 65. His civil service pension will keep coming in; meanwhile, the 10 years of private employment will earn him a Social Security pension and a private pension when he reaches 65, assuming he works in a firm with a private pension plan.

Brother John, who works all his life at the same salary as his twin, but for a private employer, won't be so lucky. In the normal course of things, he, too, will work until he is 65. Then he will get a Social Security pension and a private pension.

But his combined pension benefits for the rest of his life will total only $170,000 measured in constant 1979 dollars.

Calculations for both brothers assume that they live to 79, the life expectancy of a man who has attained age 65.

These startling differences in benefit totals for a hypothetical set of twins, resulting from the fact that one worked part of his life for the federal government, illustrate why there is a growing clamor in this tight-budget era to cut costs of the civil service retirement system.

Some proposals would throw it out and give U.S. employees a Social Security pension plus a supplementary pension typical of those in private industry. A move in this direction failed in the last Congress but the issue is on the agenda again.

The American Federation of Government Employees, American Postal Workers Union and other U.S.-worker unions will battle the changes.

"I don't think we'd deny civil service retirement is a nice deal," Greg Kenefick of the AFGE said in an interview, "but that goes part and parcel to [compensating for] bad working conditions, low status and low pay for federal workers. Just because you see a lot of GS–16s riding around in big cars around here, it doesn't mean their salaries are typical of federal workers all over the country."

Social Security has some benefit advantages over civil service. Civil service has no "wife's benefit." For widows and children of workers who die young, for young disabled workers and their families, for some older widows, Social Security benefits can be higher, because Social Security is designed in part to protect the needy rather than reward long-term employees for years of service.

Social Security benefits aren't taxable, while civil service retirement benefits are. And Social Security beneficiaries receive Medicare at 65, though this is probably offset by the fact that retired federal employees can purchase an excellent health care plan for $52 a month, with the United States putting up $60 a month to help pay premium costs.

Nevertheless, for the most retirees civil service is a far better deal than Social Security, even where the private industry worker's Social Security benefit is supplemented by a private pension, which isn't always the case,

Civil service has three great advantages:

The civil servant can retire at 55 after 30 years of service whereas the Social Security retiree must be 65 (or he can opt for 62 with a reduced benefit).

Civil service benefit levels are far higher, equivalent to what a worker in private industry would get only if he received Social Security plus a good private pension.

The entire civil service pension receives automatic cost-of-living increases twice a year. But a person who receives a Social Security pension plus a private pension normally get regular cost-of-living boosts only on the Social Security part, because 97 percent of private pensions don't include automatic cost-of-living increases. So even if the private industry employe starts with combined Social Security and private pensions equal to his civil service counterpart, he quickly falls behind because inflation erodes the private pension's value.

The civil servant who can retire at 55 (with a pension equal to 56.25 percent of his highest three-year earnings' average) can then go out and find a private job, earning the right to Social Security later and perhaps a private pension as well.

This allows many to pile one benefit on top of another. In fiscal 1980, about 520,000 civil service beneficiaries, of a total of 1.4 million on the rolls, are expected to draw $1.6 billion in Social Security in addition to their civil service pensions. Some aren't well to do, but President Carter has vowed to reduce such "double dipping" if they are.

The higher civil service benefit levels are reflected in these figures: if an individual worked for the United States for 42 years, earning $40,000 a year his last three years, and decided to retire in 1979 at 65, he'd get a civil service pension of $2,667 a month. A private industry worker with an identical employment record would get $503 a month from Social Security—the maximum. Even if he had a wife who was entitled to the "free" additional "wife's benefit," his total would only be $754.

Moreover, a civil servant of 55, retiring after 30 years with an average salary of $20,000 his last three years, would get a pension exceeding $900 a month. This is still higher than the Social Security husband-wife maximum—and it is attainable at 55, not 65.

Government figures show that civil servants going into retirement at 55 in mid-1977 after 30 years of work averaged $953 a month as an initial benefit.

By contrast, private industry workers going on Social Security rolls at ages 62–65 in mid-1978 averaged $277 a month, which would rise to a bit over $400 in cases where the "wife's benefit" was payable.

Suppose the Social Security recipient also receives a private pension? Will his total benefits equal what he could get under civil service with the same salary history? Sometimes.

But a great many private pensions are very low—the average for those who got them was only $185 a month in 1975—and most private industry retirees don't get such pensions. In 1975, only 7 million to 8 million persons were drawing private pensions nation-wide. These figures are probably higher now, but still wouldn't make up the gap in benefits.

The civil servant does make a higher payroll contribution—7 percent of entire salary, versus 6.13 percent on the first $22,900 for a private industry employe subject to the Social Security tax.

But the federal worker gets back the payment very rapidly. All he puts in comes back to him in pension money within 18 months of retirement on the average, according to Thomas Tinsley, deputy assistant director of the U.S. Office of Personnel Management (formerly the Civil Service Commission).

What all this adds up to is a system that is pretty expensive compared with a combined Social Security pension and private benefit.

Pension system costs are usually measured by actuaries by a figure called "normal cost."

The "normal cost" of the civil service retirement system is estimated at 30 to 35 percent of payroll, according to Edwin Hustead, civil service chief actuary. This means that to pay all the benefits eventually accruing to any class of employes, funds equal to 30 to 35 percent of their pay over their working lifetimes in U.S. employment would have to be put aside at given rates of interest, inflation and wage growth.

Under civil service, the employe pays about 7 percentage points of the cost and the government pays the other 21 to 28 percentage points. This means that the government is paying about four-fifths of the total cost.

(Despite this, the fiction persists among many federal workers that "employes pay half.")

By contrast, the "normal" cost of Social Security is 13.8 percent of payroll (excluding Medicare) for all benefits that would be payable over their lifetimes to workers aged 18 to 22 who enter the labor force in 1978. And the typical private pension, according to Lynn Vandercock, an actuary with Wyatt and Co., pension experts, would add another "5 to 6 to 7 percent of pay as a normal cost."

So the civil service "normal cost" is far higher than Social Security plus a typical private pension.

Some federal employee unions challenge these calculations, but they are the ones generally used by the U.S. government, and actuaries say they are valid.

Rick Gelleher of the AFL-CIO public employe department defended early-retirement provisions as a national trend. He said the Auto Workers, Steelworkers and many other unions recently have negotiated contracts with industry calling for retirement at 55—even some for retirement after 30 years regardless of age.

As much as 10 percent of outlays for civil service retirement could be saved if the normal retirement age were changed to 65, as in Social Security, civil service actuary Hustead estimated. (Outlays last year were $9.6 billion.)

He also estimated savings of 15 percent if, instead of receiving cost-of-living increases on their entire civil service pensions, beneficiaries got the automatic increases only on that portion of the pension equivalent to what the benefit would be under Social Security (say 70 percent of the benefit).

Most observers believe the only fair and politically feasible way to change the system is to "grandfather" current U.S. employes into the present civil service retirement system and apply any new rules only to future employes.

Federal employe unions aren't buying this. Kenefick said the attack on costs of the retirement system is merely a "lever to reduce" other federal employe benefits.

Moreover, he said, current employes fear they won't be grandfathered in but will see the rules changed on them in mid-career.

"We're not engaging or trying to engage in a ripoff," he said.

Federal unions are powerful and may win their point. But at a time when social planning experts are already talking of eventually raising the Social Security regular retirement age from 65 to 68 to help cut costs of that system, it seems questionable whether such features of civil service at age 55 normal retirement can be permanently preserved.●

FAA SHOULD LISTEN TO PUBLIC COMMENTS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MATHIS. Mr. Speaker, I join with my esteemed colleague, the gentleman from Kentucky (Mr. SNYDER), in urging support for the bill which he has introduced today and which I am proud to cosponsor. The bill would bring about a greater degree of public participation in developing regulations of the Federal Aviation Administration (FAA) relating to the use of navigable airspace. The airspace regulations proposed recently by FAA appear to be grossly discriminatory toward the private pilot, while doing little or nothing to insure additional safety for commercial aviation. It is, therefore, absolutely essential that the FAA reconsider these proposals on the basis of a complete record of public comments.

The refusal by the FAA to extend the 60-day comment period is entirely unreasonable and unacceptable because this action will preclude many interested and affected parties from submitting their views. Sixty days is an insufficient time to enable the public to evaluate the full ramifications of such complex regulatory proposals. The bill which we have introduced would require a period for public comments of at least 120 days in the case of proposed airspace regulations, as well as mandating formal presentation of the reasons for such proposals to the appropriate House and Senate committees in open public hearings.

Mr. Speaker, I have formed my views on this matter after full consultation with Mr. Henry Pflanz of the polit's lobby and other appropriate aviation interests. This seems to me a reasonable, responsible approach for us to take under the circumstances. We do not attempt to substitute our judgment in the safety area for the expertise of the FAA. We do, however, attempt to insure that the FAA makes its decisions on a full record of public comments and expertise before it makes final regulations that will have the greatest possible effect on all private aviation and particularly the pilot who owns and flies his own aircraft.

The FAA's attitude of "let private aviation take the hindmost" is patently discriminatory, particularly in those areas of the country which are not blessed with an abundance of commercial air transport. Finally, I would like to associate myself fully with the statement on this subject made by my colleague from Kentucky (Mr. SNYDER), whose expertise in this area is well known.

Thank you, Mr. Speaker.●

IN COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. MOTTL. Mr. Speaker, in the spirit of Lithuanian Independence Day, which was officially observed on February 16, I would like to join with the Cleveland chapter of the Lithuanian American Council in commemorating the 61st anniversary of the Declaration of Independence of Lithuania.

As Americans, we take great pride in our independence, our freedom of speech, and our right to worship. But at this time, we should reflect on those who are not as fortunate; the people of Lithuania, Latvia, and Estonia, whose basic rights are being denied them by the Soviets.

I commend these people for their efforts to preserve their national heritage and for their pursuit of independence for their homeland.

Mr. Speaker, I would like to insert the following resolution, adopted by the Cleveland chapter of the Lithuanian American Council, in the RECORD:

RESOLUTION

We, Lithuanian Americans of the Cleveland area, gathered at the parish hall of the Our Lady of Perpetual Help Church in Cleveland, Ohio, on Sunday the 11th day of February, 1979, to observe the sixty-first anniversary of the restoration of independence of Lithuania, have adopted the following resolution:

Whereas, on February 16, 1918, Lithuania, a sovereign state and a kingdom since the 13th century that came to an end in 1975, rose again after a 123 year occupation by its neighbors and in its ancient capital of Vilnius proclaimed itself an independent republic; and

Whereas, on June 15, 1940, the Soviet Union broke all existing treaties with the Republic of Lithuania and forcibly and illegally occupied its territory, which fact had been officially confirmed by the Select Committee on Communist Aggression of the U.S. House of Representatives of the 83rd Congress and condemned by all U.S. Administrations; and

Whereas, while many former African and Asian colonies have become independent, the Soviet Union continues to subjugate, exploit and deny all human rights to the Lithuanian people, which is contrary to the beliefs of the civilized community, and through a program of deportations and colonialization continues to change the ethnic character of the population of Lithuania, thereby committing genocide.

Now, therefore be it resolved, that we again demand that the Soviet Union withdraw its armed forces, colonists and its entire apparatus from Lithuanian soil and permit the Lithuanian people to exercise their sovereign rights; and be it

Further resolved, that we repeatedly express our gratitude to the United States Government for the firm position of non-recognition of Soviet occupation and annexation of Lithuania and request the Administration to direct the attention of world opinion at all international forums on behalf of the restoration of sovereign rights to the Lithuanian and other Baltic peoples, to specifically demand this at the European Security Conference in Madrid in 1980, and by other means to influence the Soviet Union to stop its genocidal practices in Lithuania and to cease all acts of continued occupation; and be it

Finally resolved, that this resolution be forwarded to the President of the United States and copies thereof to the Secretary of State, to both U.S. Senators from Ohio and Members of the House of Representatives from the Cleveland area and to the press.

Resolution proposed by the Cleveland Chapter of the Lithuanian American Council and adopted by this assembly.

K. Algimantas Pautienis, *President.*●

MRS. LUCILLE S. SCHLOSSER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HALL of Ohio. Mr. Speaker, on January 5, 1979, the U.S. Air Force retired its highest ranking woman career Federal civil servant, Mrs. Lucille S. Schlosser, a resident of Kettering, Ohio. At the time of her retirement, which culminated more than 30 years of distinguished service to her country, she was Deputy for Contracting and Manufacturing for the Air Force Acquisition Logistics Division (AFALD), Air Force Logistics Command, at Wright-Patterson Air Force Base, Ohio.

Mrs. Schlosser's career has been marked by initiative, extraordinary ability, community service and true dedication to her profession.

She began her career as a personnel clerk at Wright-Patterson Air Force Base. In 1956 she took a voluntary downgrade of four grades to begin a career in contracting. During the next 22 years with the Aeronautical Systems Division and AFLC at Wright-Patterson, she has served as a contracting officer and branch chief in research and development procurement, missile buyer, contracting policy analyst, principal contracting officer and director of procurement and production for the entire C-5A cargo aircraft system. Despite the heavy responsibilities of this period, she found time to attend and graduate from the Federal Executive Institute and from Sinclair Community College, Dayton, Ohio. Also in 1977 she graduated magna cum laude from the University of Dayton.

Her long and distinguished career has been marked by the highest degree of professionalism, imagination, perseverance, and outstanding performance in both technical and nontechnical functions. Many rewards and recognitions have been repeatedly accorded her for her work and contributions to the Nation and the community of Dayton. She has twice received the Exceptional Civilian Service Award, the highest Air Force award bestowed on civilian personnel. Also, the Society for Personnel Administration and the Dayton Jaycees have each given her their Supervisor of the Year Award.

The leadership demonstrated in her assignments has been an extension of the contributions made throughout her career. Her personal commitment to affirmative action is exemplified by her role in furthering equal employment opportunities for women in the Federal work force. She has been influential as a member of the office of the Federal Procurement Policy's Interagency Specialized Work Group to study the role and status of women in procurement nationwide.

Mrs. Schlosser was a cofounder of the Dayton Chapter, National Contract Management Association where she held local offices as well as that of National Director. In addition, she was selected as a member of the National Board of Advisors for that organization. She was the 1977 chairperson of the Combined Federal Campaign for the greater Dayton area and serves on advisory boards at Sinclair Community College and Wright State University, Dayton, Ohio.

In her last assignment prior to retirement, Mrs. Schlosser was responsible for building an organization from its inception. As a member of the steering committee for the Acquisition Logistics Division, she helped to design and develop the organizational structure and to define its role and mission in the U.S. Air Force. The division was created on July 1, 1976. It serves as an interface between the Air Force Logistics Command and other Air Force commands in increasing operational readiness and lowering operating costs of systems and equipment in the Air Force's inventory. Her duties also included the responsibility for advance procurement planning for future Air Force systems as well as management of and policy for the functional buying activities within the AFALD. A cornerstone of her effort has been the development of innovative business strategies designed to increase readiness and lower operating and support costs for major weapon systems and subsystems. In fulfilling these responsibilities she has had a direct and far-reaching influence on the reduction of total ownership costs of such new Air Force systems such as the F-16, air launched cruise missile, EF-111, and the advanced medium STOL transport.

Mrs. Lucille S. Schlosser's superior technical competence, innovation and outstanding leadership have significantly improved the Department of Defense's contracting and acquisition capabilities. Her distinctive achievements and personal dedication to this Nation and the Air Force reflect highest credit upon herself and the Federal civilian service.●

SINGLAUB: CARTER HAS OWN VIEW OF "REALITY"

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McDONALD. Mr. Speaker, this is No. 3 in a series of articles by Maj. Gen. John K. Singlaub USA, retired, that appeared in the Atlanta Journal for February 6, 1979. (No. 2 appears on page 2943 of the CONGRESSIONAL RECORD of February 21, 1979.) In this last part of the series General Singlaub discusses some of the mysterious twistings and turnings of the Carter foreign policy that have gotten him worldwide attention, but have left our friends and allies confused and dismayed. General Singlaub asks why Carter, for instance, did not once mention human rights in speaking of China, when Red China is known to be the largest human rights violator in the world? General Singlaub also asks the question does "might make right?" In the case of Communist China, she has conducted aggression after aggression since the Communists won the mainland of China in Tibet, Korea, India and Vietnam. The question remains just what standards as a nation do we have left? When will President Carter provide the answers? The article follows:

SINGLAUB: CARTER HAS OWN VIEW OF "REALITY"

(By John K. Singlaub)

The only way we may be able to understand what President Carter is saying about his recognition of Red China is to submerge ourselves into the Orwellian world of *1984* and its doublethink and newspeak.

Consultation of a dictionary for the meaning of words like "reality" or "legal" is of no help when trying to decipher the message that the president delivered on Dec. 15, 1978. "Simple reality," according to Carter, is not just the dictionary definition of the "material or factual existence" of the People's Republic of China. Using that definition, Cuba, North Korea, Cambodia, Uganda, Vietnam and even Taiwan would have to be recognized.

The president has given the term "simple reality" a new, mysterious dimension. It is equally clear that the expression, "sole legal government," does not take into account any law—domestic or international. China has no legal claim to Taiwan whatsoever. So what does "legal" mean now? Carter may think that this is not the way things should have been—but to claim any legal basis for that kind of thinking is indefensible.

Surely he will not involve himself personally in new definitions of borderlines and territories around the world—according to what is "good," "right" or "appropriate." One can be fairly confident that he will not make it his business to reunify other divided countries—East and West Germany or North and South Korea.

It appears clear that the president has been engaged in a redefinition of words. The danger is such an activity is that eventually the words lose their meaning completely.

Looking beyond the official explanation given for recognition of China, the slogan which seems to surface is "might makes right." The argument goes that rearrangement of recognitions and treaties was inevitable. After all, the Chinese are so many, they can consume so much, and they have oil. In this we have some specifics that may give us some clues for understanding the next redefinition of "reality."

If we look at the relationships of population and gross national product between Taiwan and mainland China, we will notice that the ratios are no larger than the similar figures for Israel and the Arab nations or for Norway and the USSR. Does this mean that in the world of the Carter administration's new "realities," we will stop acknowledging Israel's existence or not support Norway if threatened by the Soviet Union?

In this connection, it is quite probable that Billy Carter's candid remark, "There's a hell of a lot more Arabs than Jews," is only a reflection of this thinking. Billy Carter cannot be blamed for this—his brother introduced the principle. Billy has just drawn attention to the principle's further applicability.

Another reality, in the normal definition of the word, is that the human rights condition in China is much worse than in the Soviet Union. Can we expect the president to start writing letters to Chinese activists, accusing their government of gross violations of human rights? After all, he recently stated: "As long as I am president, the government of the U.S. will struggle for the enhancement of human rights. *No force* on earth can separate us from that commitment."

Human rights were not mentioned once in his statement on China, and little has been heard since then. Has the human rights question in China been defined into the realm of nonrealities, along with Taiwan? If President Carter really acts or defines reality according to the slogan "might makes right," we cannot accuse him of inconsistency or a lack of conceptual framework on international affairs. But we shy away from the implications this would have on our allies and friends, as well as on the conduct of foreign affairs.

The president also claims that the China agreement was not made for transient tactical or expedient reasons, although the officials have been explaining the large-scale economic and political benefits ever since the rearrangement of recognitions took place.

We have further been told that the Chinese made concessions, which must mean in the new Carter language no concessions at all. China's willingness to permit U.S. arms sales to Taiwan was the single most important concession as reported by the White House. On the same day, however, Chinese Premier Hua Kuo-feng's statement was, "We can absolutely not agree to the arms shipments" and that "arms sales (are) detrimental to a peaceful settlement of the Taiwan question." It seems to me that one of the two parties to this agreement is lying, and it gives us an indication of the reliability of the newly won relations.

The president also stated that "we have *already* informed our allies and the Congress." Surely some members of Congress would have found a different description for this.

However, if Carter's view is represented by the condescending remark by his national security advisor, Zbigniew Brzezinski—"They were given more than six years' notice."—he may feel he was right to apply the word "already." It was precisely such a shift in China relations under those conditions that had been rejected by previous administrations; so the six years' warning must be one of those Polish jokes used at an extremely inappropriate time.

The president's main foreign and defense policy decisions have been characterized by unilateral concessions—cancelling the B–1 bomber, delaying production of the neutron warhead, withdrawal of troops from Korea, relinquishing the Panama Canal, and recognition of Red China. He does not even seem to bother to ask for compensating concessions—either from the Soviets, the mainland Chinese, the North Koreans, or from Panama. This is definitely conducting bargaining in the Santa Claus spirit.

Why is this done? It is certainly a unique way of administrating foreign affairs. It clearly indicates that the administration is craving attention, in this, at least, they have succeeded beyond all expectations.

European allies from Helmut Schmidt to Giscard d'Estaing have on occasion been at a loss in their attempts to understand our current twists and turns in foreign affairs. We have come into a situation where reaching an agreement is of higher importance than the contents of that agreement. Carter seems to have a checklist of accomplishments, and this latest action—the China rearrangement—is just another item checked off.

All this seems to have been made possible by Carter's dislike of the world as it is. The world needs to be redefined—in 1976 open diplomacy was in, and in 1978 Carter decided open diplomacy was out—because all of his actions as well as his desires have to be fitted harmoniously together. Therefore, following this, human rights, Soviet expansionism, and Taiwan are defined into the realm of non-reality.

Forty years ago, in 1939, the type policy being pursued by Carter was defined as appeasement. I wonder if the president has some reason to believe his policies will be any less disastrous this time around.●

THE MUDDY STREET AND NATIONAL SERVICE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. KASTENMEIER. Mr. Speaker, along with renewed interest by some to restore military conscription, there also is discussion about reviving the concept of universal or national service. I suppose the rationale behind such an idea is that if some young people are forced to serve in the military, then, to be fair, all eligible young people should be required to perform some sort of service to the State. The universal service proposal reminds me of a story I heard at a conference on the draft that was being held at the University of Chicago in 1966. The story was told by Prof. David Bakan who, at that time, was a member of the faculty of the University of Chicago. It reads as follows:

THE MUDDY STREET

One of the streets of Gotham was in bad condition. Each time a wagon would pass it would throw mud at the people on the sidewalk, especially those close to the curb. The wise men of Gotham gathered to deliberate what course of action they should take with respect to it. In the course of their deliberations it was pointed out that it was very unfair that those who were near the curb should be splattered while others were not. The Council of Gotham therefore passed a law requiring all citizens on the street to line up at the curb whenever a wagon was to pass.●

HOW THE CARTER ADMINISTRATION BETRAYED THE SHAH

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McDONALD. Mr. Speaker, the recent overthrow of the government of the Shah of Iran by Soviet-backed revolutionaries is a shattering blow against this country and the free world's goal for stability and progress in the Middle East. Without any question, a major share of the blame for the events in Iran must be carried by the Carter administration which clearly demonstrated its hostility to the Shah and his government, giving the Soviets and their revolutionary clients a clear signal that the United States would not oppose an effort to depose the Shah despite his decades of support for the West.

The clearest reporting of the process by which the Shah was overthrown has been provided by the weekly news magazine, The Review of the News, in an article by its Washington editor, John Rees. The article outlines how the inept policies of the present administration have resulted in the loss of Iran to the free world and a consequent gain for the Soviets in their encirclement of the Middle East.

The article follows:

HOW JIMMY CARTER BETRAYED THE SHAH

(By John Rees)

Iran was for 20 years the keystone of America's strategy in the Middle East and a major factor in the economic stability of the Free World. But, in the two years and two months of the Carter Administration, it has ceased to be an ally and is now immersed in anarchy and chaos for which the U.S. President bears the major responsibility. Not since the fall of the Nationalist Government in China has an American Administration committed so damaging a betrayal of a major ally.

What has happened in Iran threatens the entire world balance of power and the economies of the West, and it has come about only because the Carter Administration allowed itself to be used in a program crafted by the Kremlin to destabilize Iran. In the words of a senior Iranian diplomat in Washington, "President Carter betrayed the Shah and helped create the vacuum that will soon be filled by Soviet-trained agents and religious fanatics who hate America."

The vital importance of Iran to the Free World is the result of a number of factors including:

Its geographic location on the southern border of the U.S.S.R. where it is the eastern gateway to the Middle East;

Its oil fields which are the source of between 70 to 90 percent of the oil imported by the countries of Western Europe, Japan, Israel, South Africa (and Rhodesia); and which were growing in significance as a source for U.S. oil imports.

In terms of the Free World's defense strategy, Iran has long been of critical importance. Iran and Turkey are the Middle Eastern members of the C.E.N.T.O. alliance for regional security. From Iran, highly sophisticated electronic-intelligence listening posts, equipped and manned by the National Security Agency, have monitored military activities in the Soviet Union. These have grown to critical importance since the U.S. decided to take the Greek side after the Cyprus invasion and, in retaliation, Turkey shut down all U.S. bases and electronic posts on her territory and moved so far toward an accommodation with Moscow as to sign a friendship and cooperation agreement with the Soviets.

Even more important, the Shah's well-trained and American-equipped Armed Forces were available to serve as the regional protector of the small, sparsely populated, but oil-rich countries along the Persian Gulf and Arabian peninsula which have been targets for both courtship and subversion by Moscow. Indeed, although there was some tension between Iran and Saudi Arabia (based in part on the fact that they epitomize the two divisions of Islam), the Iranian military had already proved its effectiveness in Oman where at the invitation of Sultan Qabus the Shah's troops wiped out a Marxist terrorist organization and drove its stragglers back to sanctuary in the neighboring People's Democratic Republic of Yemen (P.D.R.Y.).

The P.D.R.Y. has been intimately collaborating with the U.S.S.R. since the British abandoned Aden. Its revolutionary Marxist Government has been on excellent terms with Libya, that other revolutionary socialist Islamic republic, and with the Marxist regimes in Algeria and Iraq. These countries have worked to assist Soviet maneuvers in the Middle East, providing training bases, arms, passports, and other logistical support for terrorist groups ranging from Africa and the Middle East to Europe. The West German Baader Meinhof gang, "Carlos the Jackal," and factions of the Palestine Liberation Organization (P.L.O.) have all had the use of Libyan and P.D.R.Y. facilities. Members of the two chief Iranian terrorist groups, one Marxist-Leninist and the other "Islamic-Marxist," have received training in the P.D.R.Y., Libya, Iraq, and Cuba.

Mere collaboration with the Communists does not make a regime immune from a coup to install a totally controlled gang of Soviet agents. The P.D.R.Y.'s collaborationist Government was overthrown by a Soviet-controlled regime last summer, opening Aden to the Warsaw Pact and Cuban forces as a staging area for operations in Ethiopia. The recent coup in Afghanistan, the attempted coup in Iraq, the civil war in Lebanon, the growing disorders in Turkey, and what is happening in Iran show that an all-out Soviet offensive is underway to capture the entire Middle East for the Communist camp.

With a hostile, anti-Western regime in Iran, the pressure against Saudi Arabia, Jordan, the Arab Gulf countries, and Egypt will increase dangerously.

That this was allowed to happen is from a strategic point of view unthinkable. From a political point of view it is even worse. Under the direction of its able monarch Iran had been transformed in a single generation from a near-feudal agricultural society to an urbanized, burgeoning, industrialized, and modern country with an increasingly Western character. This program of industrialization was carried out under the personal direction of the Shah. His plan was to make Iran a technologically advanced, economically diversified, and self-sustaining nation so that in the next century when the oil ran low Iran would not go into an economic decline and return to the dark ages.

There can be no question that the Shah took his position as a ruling monarch very seriously, shouldering moral and economic responsibility for the emerging Iranian people. Clearly he tried to bring to Iran the best of what Western societies had to offer. And not merely in the material sense. Among the Western concepts and developments he had written into law in Iran were the principles of religious toleration, separation of church and state, and expanded legal and political rights for women. Education was provided for both women and men, and an advisory parliament was set up to which, over the year, additional powers were granted.

These programs were anathema to the fanatical elements of the Shi'ite Moslem clergy who had come to exercise vast power over the peasants because of their enormous land holdings. As in Western Europe during the 13th and 14th Centuries, persons attempting to ensure their salvation had bequeathed land, houses, jewels, and money to the Shi'ite mosques, monasteries, and religious centers. With richness and temporal possessions came temporal authority. But the heart of the Shi'ite clergy's power was control of land in an agricultural society where their economic strength enforced "piety" and obedience to their religious orders. All of the Shah's efforts at industrialization and modernization were therefore viewed as a direct threat to the Shi'ite mullahs—who easily rationalized this as an attempt by the Christian countries to subvert Islam by technology. The resulting hatred of the West led the Shi'ite clergy to collaborate with the Soviet Union and the Communists in Iran.

The Shah particularly cut into the power of the Shi'ite clergy with a land-reform program in which large estates (including those of the Shah and his family) were broken up and given to landless tenants. The compensation paid to both the secular and clerical landowners never made up in their view for loss of the power they once held over their former tenants. Thus the Shah was seen as a man to be destroyed by the West-hating Shi'ite Moslem clergy, their fanatical followers, and the Marxists and Communists organizing among the Iranian intellectuals, students, and industrial workers.

The Soviets realized that by destroying the Shah they might gain unhindered access to their client states of Syria and Iraq; access to the warmwater ports of the Persian Gulf; control of the Strait of Hormuz between the Persian Gulf and the Gulf of Oman, through which move the tankers carrying oil from Saudi Arabia, the United Arab Emirates, and Iran; and, control of Iran's own vast energy resources of oil and natural gas. And, of course, such a coup would also bring benefits to the radical Arab states which have aligned themselves with the Soviet Union—Libya, Syria, Algeria, P.D.R.Y., and Iraq. In addition, a militant anti-Western regime in Iran would immediately cut off oil shipments to Israel and South Africa.

As the Shah moved to control these groups who have perennially plotted revolution against him, and to maintain his long-established friendship with the Free World, Jimmy Carter enterd the White House and global politics underwent a drastic change.

Soon after President Carter took office in January 1977, reports began to circulate of major domestic political concessions being made by the Shah in response to demands by the Carter Administration. In effect, radicals around President Carter were seeking to impose the "anything goes" political system of the United States in the late 1970s on a country that had been partially occupied by the Red Army during World War II; which had to put down a Communist Government in its Azerbaijan province set up by Stalin's minions; which had a long border with the U.S.S.R.; which barely escaped a Communist takeover in the early 1950s; which had no tradition of Western political freedoms; and, which was in the throes of a drastic social and economic transformation from feudalism.

In the name of "human rights" the Carter radicals were out to destroy the most progressive ruler in Iran's history and turn his throne over to a gang of fanatics out of the dark ages as a prelude to Communist takeover.

By linking various demands to the sale to Iran of sophisticated military hardware and the training of Iranian military technicians and pilots, the radical Carter team began a campaign to "destabilize" the Shah's Government. In chronological sequence, the successful betrayal went like this: First, pressure was applied to release from prison many of those who had plotted to overthrow the Shah, including members of terrorist groups. After all, the Carter State Department, Amnesty International, and Moscow Radio all agreed that these were "political" prisoners. Next, pressure was applied to alter the Iranian judicial code so that terrorists and subversives were no longer tried by military courts but in civil jurisdictions. Defendants and their supporters quickly commenced the sort of propaganda activities seen in Western countries when the authorities attempt to prosecute revolutionaries. Third, pressure was applied to institute guarantees of American-style "free assembly," that would allow organization of open meetings calling for the overthrow of the Shah's Government. And, fourth, "opposition tendencies" in the ruling Rastakhiz (Renaissance) party were encouraged by the United States.

The Shah's concessions to U.S. "human rights" pressure in order to obtain vital military equipment were, of course, perceived as weakness not only by his enemies among the Communists and the mullahs, but also among his own supports in the Rastakhiz party. The perception of weakness brought about quick escalation of challenges which the Shah and his Government were unable effectively to check because of increasing "human rights" pressure from President Carter and his team of radicals. By the end of the summer of 1977, university students and followers of the Shi'ite clergy had begun staging street demonstrations on the campuses and in several Iranian cities. These were unchecked and escalated in violence. Some Iranians believe that this opposition to the Shah was actually organized by the Central Intelligence Agency at the order of President Carter. The Iranian magazine *Khandaniha,* for example, carried an article in its issue for December 16, 1978, which said that "Imam Husa Sadr was approached to take up the leadership of a new government, but, because of the vigilance of the Eastern bloc, this plan crumbled and the Imam vanished."

In November 1977, the Shah and his Empress had made a state visit to Washington, D.C. They and all Iranians were given a clear message of the Carter Administration's deep hostility when the Shah was "greeted" by President Carter as some 4,000 Marxist-led Iranian students brandishing clubs and the banners of Iranian terrorist organizations were allowed to mass within a hundred feet of the White House. Wearing masks to conceal their identities, these revolutionaries attacked both American and Iranian residents of this country who had peacefully assembled to welcome the Shah. Many people were injured, but only 15 of the rioters were arrested—and were then quickly released.

The failure to interfere with these violent demonstrations, virtually on the White House lawn, was seen as the clearest of signals that the Carter Administration was willing to see the Shah and his Empress insulted, even directly assaulted by tear-gas, in the streets of the American capital. Obviously Carter was not committed to the survival of the Shah and his pro-American Government. Again quoting from the *Khandaniha:*

"Before that latest trip, the Shah had traveled several times to the U.S.A. without encountering any demonstrations of Iranian students residing in the U.S.A. . . . By contrast, during the Shah's most recent trip such demonstrations (which included Iranians residing in Canada and Europe) were not only permitted, but perhaps even encouraged by CIA officials."

As The Review Of The News reported November 30, 1977, White House media czar Jody Powell had instructed the police "that strict enforcement might make America look like a 'police state.'" In short, the riot against the Shah was a calculated insult designed to reinforce Carter's radical demands. And, while President Carter and his advisors were urging the Shah toward still more radical and revolutionary changes and concessions in the fabric of Iranian society, the Soviet Union was moving every bit as rapidly to mobilize its long-constructed networks of subversion, sabotage, espionage, and terrorism in Iran.

Viewing revolution in the whole region as an interrelated drama, Moscow now held the dress rehearsal. In April 1978, the Free World suffered a major defeat when the leader of the Communist party of Afghanistan, the Khalq or "Masses" party, seized control of Iran's eastern neighbor in a bloody coup and established a Marxist-Moslem dictatorship. Just as Soviet agents long planted among the Shi'ite Moslems of Iran would soon do, the Afghan Communist despot Nur Mohammed Taraki called for a "jihad" (holy war) against those he designated as false Moslems or "Ikhwanu Shayateen." The latter means "brothers of devils" and is a phrase from the Koran applied by the Afghan Reds to all who oppose the transformation of Afghanistan into a Soviet satellite. It became plain that the Communists had been busy devising a Marxist "liberation theology" for the Islam, just as they had done for Christianity and other religions targeted for subversion.

But the capture of Afghanistan provoked no reaction from the Carter Administration and Washington continued to pump dollars to the new Communist regime. This confirmed to the Kremlin that it was in sufficient control of U.S. foreign policy to prevent a response to Soviet aggression in the Middle East, just as it had prevented resistance to Soviet aggression in Africa. A *de facto* U.S. policy of non-intervention against Communist aggression, even to defend the source of oil and natural gas on which the countries of the Trilateral Commission—North America, Western Europe, and Japan—depend for their economic and military strength, made clear to Moscow that it was free to act at will in Iran.

With the Kremlin's puppet Taraki in control of Kabul, a flood of Soviet-trained agents moved across the border into Iran to infiltrate the mosques, the schools, the Shi'ite monasteries, the bazaars, and the oil fields. By November 1978, there were an estimated 500,000 illegal Afghan immigrants in Iran, in most cases virtually indistinguishable from Iranians living in the eastern provinces. The K.G.B., which had taken control of Afghanistan's secret police, set up large training camps for Iranian terrorists.

Of course the subversion of Iran by Communist agents had been going on for some time. Over the past decade a large number of Soviet intelligence officers from both the K.G.B. and the G.R.U. have been caught and expelled from the country by the Iranian security authorities. Reports show that there have been as many as 4,000 Soviet technicians in various jobs in Iran and another 1,000 from other Communist countries in Eastern Europe. How many of these also had K.G.B. or G.R.U. duties in the subversion of Iran we do not know precisely; but it is a matter of record that the K.G.B. has used as "cover" such organizations as the Irano-Soviet Cultural Society, the local offices of the Soviet news agency Novosti, the Soviet trade mission in Teheran, Soviet consulates in large Iranian cities, a Soviet-owned transport company, and the Soviet hospital in Teheran.

With these resources, assisted by indigenous agents and Iranians in high military and administrative positions whom the K.G.B. had either blackmailed or bought, the Soviet Union commenced a sophisticated political-warfare operation against the Shah in late 1977. A new publication of the Iranian Tudeh Communists, called *Navid* (Good News), began to appear weekly in Teheran. A high-quality production in contrast to the sleazy mimeograph tracts put out by the other Leftist and terrorist groups, *Navid* has been able to respond to the swiftly moving political events in Iran, often bringing out special editions on the eve of major strikes and demonstrations. Its pages reflect the line of the clandestine National Voice of Iran (N.V.I.) broadcasts from Baku on the Caspian in calling upon the Iranian military to mutiny against the Government and for general strikes. *Navid* has frequently used forgeries intended to inflame its targets and began carrying fake proclamations by spurious "rank-and-file" Iranian military groups urging desertion and mutiny. It carried phony accounts of mutinies for months before the recent outbreak of dissension in the Iranian Air Force.

This Communist publication has been publishing the Tudeh party's call for formation of an "anti-dictatorial broad front," the same sort of maneuver the Communists are using in Nicaragua, The Philippines, and other countries. In an effort to win over the Shi'ite clergy, the Tudeh Communists have said that the ayatollahs and mullahs must play the "vanguard role" in this movement. In a June 1978 edition of *Navid*, the Communists offered to place all of their very considerable propaganda, political, and technical resources at the service of this front. *Navid* pointed to the "benefits" that have accrued to the fundamentalist Islamic and socialist Government of Libya and to the terrorist "freedom fighters" of the P.L.O. as a result of their cooperation with the Soviet Union, suggesting that similar "benefits" could come to Iranians who joined the ranks of Communist collaborators.

Not surprisingly, all available evidence points to the fact that *Navid* is produced in the Soviet Embassy in Teheran on its modern printing press, and that it is the voice of the K.G.B.'s covert political-action agents when these can be distinguished from the voice of the Tudeh party puppets.

The alliance of "Islamic-Marxists" or "black and red revolutionaries" is not new in Iran. The largest Iranian terrorist organization, the Organization of Mujaheddin of the People of Iran (O.M.P.I.), originated in a 1963 attempt to overthrow the Shah in which Ayatollah Ruhollah Khomeini played a leading role. It has spoken of its members as Islamic-Marxists for the past nine years. Thus this unlikely union is not, as several U.S. commentators have claimed, an "invention of the Shah's propagandists." In fact the 4,000-member O.M.P.I. announced in 1976 that it had "joined the Marxist-Leninist revolution" in Iran and was hailed in welcome by its rival terrorist group, the somewhat smaller Organization of Iranian People's Fedayee Guerrillas.

As violence in Iran continued to increase along with the evidence of Soviet involvement in destabilization and subversion, there was no response by the Carter Administration. In a recently released staff study by the House Select Committee on Intelligence, we find the following statement: "The attention of top policy makers was not brought forcefully on Iran until October 1978." The House Intelligence Committee study contains a wealth of "evidence" to support that statement, but it makes no mention whatever of President Carter's meeting with the Shah in November 1977 when it was already apparent that the Communists had targeted Iran for takeover and the violence had literally spilled onto the steps of the White House.

What, we may ask, does it take to obtain "the attention of top policy makers"? The fact is, alas, that those policy makers were well aware that the Reds were out to destroy the Shah and were trying to help them! The *Washington Post* of February 13, 1979, carries a column which reports that the Shah has told President Sadat of Egypt that C.I.A. set him up on orders of President Carter, and that the Shah had proof of this last spring.

As the Moslem-Marxist alliance gained momentum, a new forbidding figure became central to Iran's tragedy, the 78-year-old Shi'ite religious leader Ruhollah Khomeini, who uses the honorific title "ayatollah" or "reflection of God" reserved for a handful of the most respected Shi'ite mullahs or "masters" of the Koran and Islamic precepts.

This month Khomeini, whose brother had been imprisoned as a member of the Communist party in Iran, returned from 14 years of political exile, all but the last few months in Communist Iraq, having maintained an implacable opposition not merely to the Shah but to the entire Iranian royal family, to the military which supports the Shah, and to the Constitution and the Government. During his exile, Khomeini issued repeated calls for revolution and the violent overthrow of the Shah. Khomeini says his goal is the creation of a revolutionary Islamic republic that will be anti-Western, socialist, and with the ultimate power in the hands of the chief ayatollahs.

In the words of Michael Ledeen, an expert on Iran at Georgetown University in Washington, D.C., there is ample evidence that Ruhollah Khomeini is "a clerical fascist, a violent anti-Semite and an intensely chauvinistic anti-American." This evidence is not taken from any secret intelligence files, but from Khomeini's own writings, lectures, and press interviews. As long ago as December 1968, in *The Middle East* magazine, Khomeini affirmed that the purpose of his Islamic republic would be completely to eliminate all Western influence from Iran. Apparently Communism is not considered a "Western influence" since Khomeini has repeatedly said during the past year that in his Islamic theocracy the Communists will participate as a legitimate political force.

Khomeini's Islamic republic will seek to bring back to Iran the punishments established by Muhammad in the early 7th Century. These include 80 lashes for drinking alcohol; the public stoning of adulterers; cutting off a thief's hand and so on. According to *Newsweek*, one of Khomeini's close aides told their reporter, "you don't cut off the whole hand—just the fingertips." The aide wanted to make clear that this is much more respectful of "human rights" than the Saudi and Libyan practice of hacking off the entire hand at the wrist.

So much for President Carter's effort to destroy the Shah in the name of "human rights." Clearly there is much more involved here.

In December of 1978 the Communist Tudeh party, which had been run from East Berlin by Iranian exile Iraj Eskandari, gave its tentative support to the Islamic revolutionary movement headed by Khomeini. The support was far too tentative for Moscow's liking and it promptly sacked Eskandari. The new boss of Tudeh, one Nureddin Kianuri, immediately issued a statement which read, "The Tudeh Party approves Ayatollah Khomeini's initiative in creating the Islamic revolutionary council. The ayatollah's program coincides with that of the Tudeh Party." The alliance was now a matter of public record.

Which came as no surprise to anyone, although the Carter Administration continued to pretend not to realize that Khomeini's closest adviser, Sadegh Ghothzadeh, alias Asfahani, was well-known to the European intelligence community as a master revolutionary with tight links to the leaders of the French and Italian Communist parties. Asfahani, it develops, also works closely with the Libyan secret service, one of the K.G.B.'s most helpful collaborating agencies in the Middle East.

In order to facilitate the operation of the newly announced Islamic-Marxist alliance, the Tudeh Communists formed a new front party, the Democratic Union of the People of Iran. In their new guise of a Democratic Union, the Communists began calling for the establishment of Shi'ism as the national religion of Iran, and for full support for Khomeini and his revolutionary Islamic republic. In a mere two months, because of the alliance, they were able to sell in Teheran 300,000 copies of the *Communist Manifesto* and are distributing thousands of copies of works by Lenin translated into Persian.

The highly organized, well-funded Communists have considerable influence not only in the Writers Association, the Bar Association, and in the National Association of University Professors, but also in the poor sections of the major cities where "district cells" have been set up to take control of such tasks as local food distribution, traffic control, medical care, and so forth. And, of course, the price of receiving food, medical care, heating oil, or whatever is political cooperation and subservience to the Communist leaders.

As Khomeini's revolution merged with the Marxists, the slogans carried in the street demonstrations shifted. (Many were written in English for the benefit of American television viewers.) At first the slogans were the conventional "Death to the Shah" and "Long live the Islamic Democratic Republic." They were soon changed to "Power to the People" and finally "Long Live the Revolution." Even in mass demonstrations called by Khomeini forces, there were large contingents numbering in the thousands who were chanting these Marxist slogans. A mid-January march called by a coalition of student Marxist and Communist organizations at Teheran University attracted an estimated ten to fifteen thousand participants.

The rising intensity of revolutionary sentiment was not lost on the Soviet Union, which in mid-January directly endorsed Khomeini in *Pravda*, the official newspaper of the Communist Party of the U.S.S.R. The Soviet Communist endorsement for Khomeini and his Islamic revolution came because "they have a long established reputation as opponents of tyranny" and because they appeared to be riding "on the crest of the wave of events."

Two days after the official *Pravda* endorsement, former U.S. Attorney General Ramsey Clark, accompanied by veteran activists from the old Hanoi lobby, held a New York press conference to report on a trip to Iran and a Paris visit with Khomeini and his advisors. Clark expressed his hope that the U.S. would take no action so that Iran "could determine its own fate." He echoed the line of a two-year campaign by U.S. activists associated with the Hanoi and Havana lobby saying we must prevent Iran from "becoming the next Vietnam." What Clark meant to do, of course, was to support the Carter Administration's determination to avoid U.S. or N.A.T.O. intervention in support of Iran's military and let the country fall.

The Clark press conference was also designed to ensure that the U.S. Left would do nothing to slow the advances of the Moscow-approved Khomeini takeover. This became clear when in short order Ramsey Clark began arranging for the principal U.S.-based Khomeini supporters to meet covertly with members of the State Department's Iran Task Force, with Senators and Congressmen, and with Carter's Ambassador to the United Nations, Andrew Young.

Ambassador Young's response was predictable. Here was Khomeini with a 16-year record of fomenting rebellion, subversion, and revolution against an American ally; who was endorsed by the Communists; who was reiterating his detestation of all aspects of the Western world, most particularly his fanatical hatred for all things American. Naturally Ambassador Young praised him, declaring that the Shi'ite leader would "eventually be hailed as a saint."

Others high in the Carter Administration shared Andrew Young's views. When their support for the constitutional Government of Iran was needed, they were privately negotiating with the Ayatollah's supporters in Washington who had been expelled from the Shah's Embassy by Government loyalists. These Iranian subversives, who had penetrated the Embassy staff, were led by Djafar Faghih, a former Minister Counselor. They boasted to this reporter of their contacts with White House National Security Council staffers, mentioning William B. Quandt and Gary Sick, and with the State Department. They spoke gleefully of their expectation of quick obtaining U.S. recognition of the Government appointed by Khomeini, and declared the intent of Khomeini to have Iran's Ambassador to the United States sent home as a war criminal.

Ruhollah Khomeini has seized power in Iran not merely with the support of the Soviet Union and its agents, but with the direct assistance of the Carter Administration. The question now is how long the 78-year-old Khomeini will be allowed to remain as the front man of the Iranian revolution before the Soviet Union moves to replace him with a more malleable puppet. And the fact remains that, had President Carter not betrayed the Shah, the forces of extremism and fanaticism, Communist and Moslem, would not now have Iran by the throat and a loyal ally of the Free World would have been preserved.

We shall soon learn that the chain of events precipitated by the Carter betrayal of the Shah will affect the life of every American. And when the question is asked, Who lost Iran?, the answer will be: Jimmy Carter.●

SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW WILL HOLD HEARINGS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law will hold 2 days of public hearings on Tuesday, February 27, 1979 and Wednesday, March 7, 1979, to consider H.R. 2060 and its companion bill H.R. 2204.

These bills restore effective enforcement of our antitrust laws by once again permitting indirect purchasers and sellers to recover illegal overcharges from antitrust violators.

The hearings will be held in 2141 Rayburn House Office Building and will commence at 9:30 a.m., and continue in the afternoon.

Testimony on these proposals will be received from: John Shenefield, Chief of the Justice Department's Antitrust Division, a panel of State attorneys general, antitrust practitioners, and legal scholars.●

THE CONTINUING INTERRUPTION OF MAIL BY U.S.S.R.: PROPOSING A LEGISLATIVE REMEDY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GILMAN. Mr. Speaker, each year thousands of pieces of registered mail, including private communications, packages, vyzovs (invitations to join family members abroad), and cultural materials are sent to citizens of the Soviet Union from individuals and groups in the United States. In recent times, a significant number of these items have either disappeared or were opened, inspected and/or confiscated by postal officials of the Soviet Union in contravention of the constitution and laws of the U.S.S.R., without proper notification given to mailers or addressees about the interruption of their mail service and reasons therefore as required by international postal covenants to which the Soviet Union is a signatory.

Consequently, a large volume of constituent complaints, primarily from the American Jewish community and other ethnic groups expressing their concern and frustration over the failure of the postal officials of the Soviet Union to insure uninterrupted delivery of U.S. mail to Soviet citizens, has been received in congressional offices.

Following discussions with the U.S. Postal Service, key American Jewish groups, and organizations of academicians and other professionals frequently corresponding with persons in the U.S.S.R., I found that the Soviet Union is clearly engaged in a scheme to systematically interrupt certain classes of U.S. mail addressed to individuals in the Soviet Union. Endeavoring to remedy this situation, I have addressed the problem on several fronts.

In October 1977, I participated in the Belgrade Conference which reviewed the Helsinki Final Act hammered out in 1975 at the Conference on Security and Cooperation in Europe. At that review session, I submitted to our U.S. Delegation a brief documenting the Union of Soviet Socialist Republics' interruption of international postal communication. With the assistance of Ambassador Arthur Goldberg, head of the American delegation to the Belgrade Conference, we presented to the Soviets our findings and obtained an apparent commitment from the head of the Soviet delegation, Ambassador Vorontsov, to pursue these allegations with appropriate Soviet officials.

On November 9, 1977, I submitted a report to the House Post Office and Civil Service Committee detailing the problem of the U.S.S.R.'s interruption of U.S. mail. This report entitled, "Union of Soviet Socialist Republics, Interruption of United States Mail" (Committee Print 95-9), a product of a year's work involving numerous conferences, discussions, foreign travel, and extensive study of this subject, documents a systematic undertaking by the Soviet Union to isolate the Soviet Jewish community in general, and other activists who have risen to prominence through their organized opposition to oppressive measures dictated by the Communist Party in particular, from any contact with or aid from the outside world through the deliberate interruption of the international mail system. Unfortunately, short of a nation's registering a complaint with the alleged violating country, there presently exists no mechanism to enforce prescribed international postal standards.

In my report to Congress, I suggested three recommendations to further heighten public awareness of this problem and to place the United States squarely on record objecting to the Soviet Union's flagrant violations of their international obligations to assure the freedom of communication.

These recommendations urged:

First, that the Committee on Post Office and Civil Service initiate a formal inquiry into the Soviet Union's deliberate interference with the flow of international mail;

Second, that a resolution be introduced urging the President to lodge a formal protest with the U.S.S.R. over its failure to adhere to international postal covenants to which the United States and the Soviet Union are both signatories; and

Third, the U.S. postal representatives at the Universal Postal Union's Congress in Brazil in 1979 be instructed to seek from other UPU member states support for obtaining a Soviet commitment to respect its international obligations in this area.

On April 26, 1978, I initiated action based on these recommendations by introducing legislation, House Concurrent Resolution 579, urging the President and the U.S. Postal Service to pursue the goals outlined in recommendations two and three respectively.

This measure came before the House Committee on Post Office and Civil Service which undertook hearings last May and July in connection with my first recommendation urging the committee to conduct a formal inquiry into this matter. As the legislative schedule of the 95th Congress did not allow us to complete our hearings and action on this resolution, I am today reintroducing this legislation so that our committee can complete its inquiry concerning this issue and bring this resolution before the House for its consideration.

Our hearings last year, before the Subcommittee on Postal Operations, chaired by my distinguished colleague from New York and now chairman of the Committee on Post Office and Civil Service (JAMES HANLEY), not only confirmed our earlier findings, but served to illuminate and underscore with testimony from a number of perspectives, the intensity of the Soviet campaign to systematically compromise the integrity of the international postal service.

Statements from former Soviet "refuseniks" and activists who have recently emigrated provided our committee with vivid descriptions of the blatant manner in which Soviet authorities resorted to nondelivery and/or sabotage and mutilation of letters and packages mailed in conformity with the terms of international postal agreements and, indeed, the laws and constitution of the U.S.S.R. which protects delivery of such items.

Representatives of the United States Postal Service testified that from June 1977 to June 1978, there were 2,522 official inquiries concerning registered mail from this country to the Soviet Union, and that this number of inquiries was a reasonable estimate concerning each of the past 4 or 5 years.

Our hearings also pointed out that the Soviet Union admitted its culpability for nondelivery of those items in a distinctly erratic manner. For example, the Soviets have claimed that a greater number of letters and packages have been delivered than returned receipts for those items would indicate. Moreover, the Soviet Union has refused to provide this country timely information about what items it considers prohibited from delivery to that country, thus giving the Soviets ample leeway to seize and not deliver an item they have deemed prohibited.

Our subcommittee received the assurances of U.S. Postal Service personnel that they are taking adequate steps to ameliorate this problem. Testimony from other witnesses and our panel's own inquiries, however, questioned the credibility of such claims. The distinct impression was left with several of my colleagues and with me that while other avenues of relief existed, the Postal Service was content to rely, for a remedy to this matter, on methods and diplomatic channels that have produced little in the way of increased delivery and accountability by the Soviet Union for such mail.

For these reasons, I now urge my colleagues to support this measure I am introducing, so that the necessary executive and congressional impetus can be applied to resolving this problem brought about by the flagrant violations by the Soviet Union of accepted international mail delivery procedures. The U.S.S.R. must recognize that this Nation will not idly tolerate Soviet contravention of those international agreements it has signed guaranteeing the integrity of mail delivery between our two countries.

Accordingly, Mr. Speaker, in order to share these thoughts with my colleagues, I insert the full text of this resolution at this point in the RECORD:

H. CON. RES.—

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by mailers in the United States who assert that postal items are systematically not being delivered to selected addresses in the Soviet Union;

Whereas the explanations required under international law and given by the Soviet postal administration in regard to the nondelivery of mail to certain addresses have consistently been untimely or insufficient;

Whereas the mail which is not being delivered typically is between family members or persons sharing a religious bond and typically consists of personal correspondence or gifts of articles for personal use;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is an interference by the Soviet Union with internationally recognized human rights guaranteed to all persons by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperataion in Europe;

Whereas the systematic exclusion of certain persons from international mail services also violates the Convention of the Universal Postal Union and the Constitution of the Union of Soviet Socialist Republics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) that the President, through the Department of State, should express to the Government of the Soviet Union the disapproval of the American people—

(A) concerning those postal items which are mailed in the United States and are deliverable in the Soviet Union as addressed but which are systematically not delivered by the Soviet Union to the persons to whom they are addressed; and

(B) concerning violations by the Soviet Union of the articles of the Universal Postal Act of the Conference on Security and Cooperation in Europe; and

(2) that, at the meeting of the Congress of the Universal Postal Union in Brazil in 1979, the representatives of the United States Postal Service should—

(A) bring to the attention of the representatives of the member countries of the Universal Postal Union the Soviet Union's disregard of regulations governing the exchange of mail under the Universal Postal Convention; and

(B) call upon the other member countries for support in encouraging the Soviet Union to respect its international obligations.●

STATEMENT ON ESTONIAN INDEPENDENCE DAY

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GREEN. Mr. Speaker, last weekend, the country and homeland of Estonia marked the 61st anniversary of its declaration of independence.

In the last six decades, Estonia has gone from German to Soviet dominance, to freedom, and back to Soviet rule. The brief periods of freedom the Estonians have had give us an insight into their character and principles. When Estonia was self-governing, their constitution provided clear emphasis on human rights and dignity. The immigrants in their country were accorded numerous guarantees in the Estonian quest for a democracy of social and political liberty.

Perhaps the only thing Estonians have traditionally valued more than human rights has been their own freedom. Over the centuries they have fought valiently invading armies of Germany and Russia. Though they may now be physically controlled by the Soviets, they maintain their brave fight on a personal level againist Russification of their culture. With the support of their people all over the world, the Estonians have managed to preserve a rich sense of culture and tradition.

On paper, the United States still recognizes Estonia as a free country. But the vocal recognition by the American people of support for freedom and justice for Estonians will serve to reassure them that their plight does not go unnoticed, or their courage unadmired.●

CONGRESSIONAL CAMPAIGN FINANCING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker, one of the issues the 96th Congress will be facing is congressional campaign financing. For too long we have allowed undesirable features to abound: excessive campaign spending, dominance of narrow special interests, and lack of attention to small contributors. My colleague, Mr. MIKVA, with which I am proud to cosponsor legislation establishing a system of public financing, has authored an excellent article on this important reform. The article follows:

[From the Chicago Sun Times, Feb. 3, 1979]

NEEDED: PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

(By Abner J. Mikva)

On January 15 the flag was raised high above the Capitol dome and the 96th Congress was sworn in—a comforting reminder to many that democracy is alive and well, and that the people have spoken once again.

But this time, even the inspiring sight of Old Glory could no longer hide the inglorious cost of our congressional election campaigns. The reality of the 1978 campaigns is that the electoral process is alive but not very healthy. It is being stuffed to the gills by special-interest money, while the real nourishment of voter participation is increasingly in short supply.

If the electoral process is not working as it should, then there is little hope that Congress can either. When more and more people perceive that Congress is dominated by wealthy special interests, it is not surprising that more people each year decide not to participate, not to vote. Such a pattern soon becomes a self-fulfilling prophecy.

What is especially alarming is how quickly special-interest political action committees have grown in number—and in the number of dollars they provide to congressional campaigns. Since 1974, the number of PAC's representing corporations, labor unions, trade associations and other groups has nearly quadrupled to almost 2,000. The approximately $30 million PACs gave to influence the outcome of the 1978 congressional races is a 250-per cent increase in just four years.

That's quite an inflation rate—and at least as threatening to the well-being of the country as the inflation of our economy. For what is at stake is the integrity of the electoral process and, therefore, much of government itself. Unless we are prepared to reverse the trend of congressional campaign spending, we will increase the specter of government by auction, the specter of the best government money can buy.

In 1974, Congress passed legislation for partial public financing of presidential campaigns. That action came after one of the most corrupt presidential elections in our history, when campaign contributions were being stashed in safe-deposit boxes, laundered in Mexican banks and hustled around in black bags. The fact that the 1976 presidential election was one of the cleanest in recent memory is, in large measure, because of the public financing reform legislation.

The time has come for similar legislation for congressional elections. Last summer, such legislation was considered in the House. It would have placed a limit on congressional campaign spending. It would have matched contributions of $100 or less with matching funds from the voluntary $1 tax checkoff fund, up to $50,000 per candidate. It included features to enable non-affluent candidates to compete more effectively when facing an opponent of great personal wealth.

In short, the legislation would have stopped the inflation in campaign spending and curbed the growing clout of the special interests. Equally important, the role of small, individual contributors would have been enhanced, since candidates would have had important incentives to broaden their financial base.

The legislation I have described was narrowly defeated by 17 votes last July. A large majority of the more than 50 House members who retired when the session ended voted against it. I am optimistic that among the new members in the 96th Congress, there is sufficient support so that public financing can become a reality for the 1980 elections.

An important first step in that direction was taken recently when the Democratic Caucus overwhelmingly approved my resolution to make partial public financing of House elections a top legislative priority during the first session of the new Congress.

In 1974, my opponent and I had the dubious distinction of setting the record at that time for the cost of a congressional campaign—over $500,000. After only four years, we couldn't have made the top 20 with that amount. And in November's election, we apparently had our first $6-million senator.

As the special-interest PACs become more entrenched, they will become an insurmountable lobby against campaign finance reform. The PACs already have a lot invested; as the head of one of them said about a candidate his group supported last fall, "You hate to lose an investment." So this year may be the last best hope for public financing—and the last best hope for a more open and less tainted election process.●

OUTSTANDING IMPERIAL COUNTY PUBLIC SERVANT STEPS DOWN

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. BURGENER. Mr. Speaker, one of the most dedicated county officials I have ever had the pleasure of working with on matters of mutual concern has recently left his post on the Imperial County Board of Supervisors, and I just want to take this opportunity to salute his outstanding service in behalf of the people of Imperial County. Herman "Red" Sperber has just concluded 8 years as district 1 supervisor on the Imperial County Board, but his mark on public and community service will long be felt.

Red was the driving force in the establishment of the Imperial County mental health program, whose focus is "mainstreaming" the mentally retarded rather than warehousing them in institutions.

He was also one of the principal backers of the new county juvenile hall and obtained county backing of a local renal dialysis unit now operating at Pioneers Memorial Hospital.

Red's foresight and wisdom will be missed on the Imperial County Board, but his strong belief that elected officials should set a limit on the number of terms they serve has been self-observed.

Red Sperber's years of service have been truly exemplary, but those of us who know him doubt seriously that the end of his official duties will mean an end to his civic responsibilities.●

EUROPE'S NEW PARLIAMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an article published in the New York Times on February 18, 1979. The article was written by Mr. Karl Kaiser, director of the research institute of the German Society for Foreign Affairs.

The nine nations of the European communities will hold their first direct elections to the European Parliament this coming June. This event is shaping up to be one of the most important events in the recent history of European integration and is one which warrants the interest and support of all of us in Congress.

The article follows:

EUROPE'S PARLIAMENT

(By Karl Kaiser)

BONN.—Few of those who promoted the idea of direct elections to the European Parliament could foresee the developments set off by such a decision. Long before the 180 million voters cast their votes in June, this decision has already profoundly affected politics in Western Europe and unleashed processes with dynamics of their own. Three areas are particularly noteworthy.

1. The preparations for the elections are changing the substance and structure of national politics in Europe.

European themes have dramatically increased in importance in the party politics of all states of the European Community. Debates on election programs, political strategies and the selection of candidates keep parties busy down to the local level. The subject of Europe, in the past sometimes left to the foreign-policy élites, has become more than ever a part of domestic politics.

In some countries, the powers of the future Parliament are the subject of deep divisions, notably in France where the issue unites (not for the first time) parts of the Gaullists and Communists in a bizarre nationalist alliance. In most countries, if one can believe polls, the election outcome is likely to change the balance of forces among parties and to affect their domestic political structures. It appears that Communists in Italy, and Gaullists and Communists in France, will lose, while Socialists and Social Democrats in France and West Germany are likely to gain.

The elections will create a new, fourth level of political expression beyond local, state and national votes. Though parties will also use the European elections in terms of domestic politics, the process inevitably focuses principally on Europe. For most people, voting will be their first concrete act as European citizens. The community and the idea of European will gain a new legitimacy.

2. The preparation of direct elections is creating new trans-national political links in Europe.

Political parties have formed federations and alliances across national boundaries: democratic socialists, liberals, Christian Democrats and conservatives. They have worked out election programs and are attempting to conduct a trans-national election strategy. The beginnings of a political infrastructure, comparable to a national party system, are being built at the European level.

3. The direct elections are giving European politics a new focus.

When Social Democrats and conservatives in several countries compete for voters in terms of conflicting conceptions of the future Europe, they politicize the integration process. In the raising of issues of unemployment, economic order or foreign policy, the overdue departure from a much too technocratic Europe has begun.

Party élites are beginning to focus their career on Europe. By sending their staunchest opponents of a supranational Europe into the Parliament, Gaullists or the British Labor Party are preparing the ground for major conflicts in the future. But in doing so, the battles on supranationality and basic political issues will be fought within the Parliament, thus inevitably enhancing its standing.

Since Jean Monnet relaunched European integration after the defeat of the European Defense Community in 1954, Europe has not experienced such a feeling of a new departure.

Does this mean that the European Parliament will have more jurisdictions? Not necessarily! Formidable obstacles will stand in the way of a change of jurisdiction, above all the European Community treaty, which can be changed only with the consent of all states.

But 410 personalities with a direct mandate from Europe's population, comprising major figures like the Gaullist leader Jacques Chirac (an opponent of more jurisdictions) or the former West German Chancellor Willy Brandt are joining the Parliament for a serious purpose: to influence politics. The Parliament will, therefore, become a new focus for Europe's political life.

In any case, the question of formal jurisdiction may not be relevant at the beginning. The national parliaments, bogged down in technocratic details, need not be a relevant model. The European Parliament may well find a new and relevant role: It can fill a vacuum by raising and debating the fundamental issues of European politics—for example human rights, social protection, redistribution of regional wealth and Europe's place in the world. Its contribution to European politics would thus be profound.

It is to be hoped that the United States Congress will acknowledge the election as the great event that it is. The first democratic elections to a West European Parliament in the Continent's history provide an opportunity to express the inherent bonds between democracies on both sides of the Atlantic and to establish a working partnership between two parliaments representing the two largest democratic voting populations in the West.●

LITHUANIAN INDEPENDENCE DAY

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. MAGUIRE. Mr. Speaker, last week marked the 61st anniversary of Lithuania's Declaration of Independence. It is a time to recall the important features of Lithuanian society which make Lithuania's independence not only politically but culturally of crucial importance for Lithuanians throughout the world.

Linguists credit Lithuanian, a Baltic tongue quite separate from Slavic, with being the oldest Indo-European language still spoken. Its roots reach back to the origins of the Proto-Indo-European family of languages. The imposition of Russian on the Baltic States has endangered the continued existence of the Lithuanian language.

"Dainos," the ancient Lithuanian folk tale song form is one of the finest representations of the usage of Lithuanian. Since the 1920's, when Lithuania was free, festivals have been organized, with thousands of participants, where the Dainos are performed. But with school participation in Russian language sessions mandatory and with all television programs broadcast in Russian, the life and vitality of the Lithuanian cultural experience is slowly being sapped.

One advantage of détente is that no country formally obscured by the Iron Curtain need go unnoticed by the free nations of the world. For this reason, the cause of Lithuanian independence, promoted so diligently over the last 30 years, can only continue to retain its prominent place on the world's human rights agenda.●

CONGRESS SHOULD RESIST ATTEMPTS TO WEAKEN FINANCIAL PRIVACY LEGISLATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McKINNEY. Mr. Speaker, tomorrow the House will consider under suspension S. 37, which repeals section 1104 (d) of Public Law 95–630, the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

During the 95th Congress the House Banking Committee, and specifically several members of that committee including myself, devoted a great deal of effort to draft a privacy title to the Financial Institutions Regulatory Act. It was our intention at that time, I believe to protect the rights of all parties concerned without imposing an unreasonable burden on either private individuals or the financial industry.

In implementing these provisions, the Federal Reserve System has placed the strictest interpretation on the language of section 1104(d) of that act. Legally this is the correct approach, although commonsense would certainly suggest something more realistic. But since the language of section 1104(d) as it exists and as it is interpreted would create an expensive burden of compliance which would eventually be passed on to individual customers, I can see the need for the House to resolve this matter before the effective date of compliance.

However, I would like to caution my colleagues about any further attempts to chip away at what should be seen as a milestone in our attempt to protect the individual from any unwarranted invasion of personal privacy by the Federal Government.

I have been assured that this is not a substantive amendment to the title as far as personal privacy is concerned. That may be so, but already some suggestions have been made by officials from affected departments that other sections of the privacy title should be changed to correct "deficiencies." I have no doubt that these changes would only weaken the protection that we fought so hard last year to achieve. I hope that this Congress will give a clear signal that title XI, the right to financial privacy, is not open to such attacks.●

THE DRAFT IS A TERRIBLE IDEA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. PAUL. Mr. Speaker, William Greider, editor of the Sunday Washington Post's "Outlook" section, invariably writes a provocative and interesting column.

But this last weekend, his essay also had national importance. I would like to bring it to my colleagues' attention:

THE DRAFT IS A TERRIBLE IDEA

(By William Greider)

Anyone who knows Charles Peters, the editor of The Washington Monthly, will tell you that he is a wise and warm-hearted man.

Why, I wondered, is Peters pushing this vicious idea in the pages of his little magazine? A rotten idea hiding behind a bland title—"national service."

Charlie Peters fears that America has lost its way, that people are too selfish, that young people need inspiration in the patriotic values. His solution is to force *my* children into involuntary servitude for the government.

That seems a disproportionate price for my children to pay. To surrender two or three years of their lives to the control of some bureaucrat, civilian or military, so that Charlie Peters will feel good about America again!

Peters wants young people to see the inside of an Army barracks which, I concede, is an interesting experience but, surely not one required for true citizenship. I did my turn in the peacetime Army and mostly I learned about mindless regimentation. As the "national service" advocates describe it, young people could choose alternative civilian chores. Emptying bedpans in nursing homes. Playing truant officer in the slums. Trimming deadwood in the national forests. Sweeping hallways in government buildings. This is supposed to instill the American character in our decadent youth.

If our youth refuse to go, of course, the government will have to put them in prison. Let's not talk around that point because, without coercion, there is no way to make universal conscription fair. Draft everyone, put the shirkers in jail. That will teach the little bastards some patriotism.

Charlie, I asked, do you have any draft-age children at your house?

Yes, indeed, the warm-hearted editor replied. He has a 15-year-old son named Christian, who is a student at Georgetown Day School.

Charlie, what does your son think of this scheme of yours to bring back the draft?

There followed a heavy pause, in which my friend, the editor, got the point.

"I don't know that he knows that's a view of mine," Peters said softly.

Why don't you ask him, Charlie? Charlie promised that he would.

In Washington, this kind of questioning is considered tasteless, bringing a man's family into the large and important questions of public policy, making nasty personal insinuations. The polite dialogue assumes that all are disinterested. But I think this issue of "national service" calls for a little up-front tastelessness. Better now than later.

Parents of adolescent children, in particular, should ask now some of the hard-edged questions that most parents failed to ask 15 years ago, when patriotic docility was still regarded as a virtue. Some of *their* children wound up dead or in wheelchairs, in jail or in Canada.

The first question is: Why? Why exactly is it necessary to bring back the draft? What does the government have in mind for our children? Do not give us the grand abstractions of Cold War ideology which satisfied most citizens in the past, the academic garble about "global strength" and the "balance of power" and all that. Give us practical reasons, homely reasons that are truly connected to America's real bread-and-butter self-interest. Do not tell us our children are needed to fulfill some geopolitical fantasy concocted at a California think-tank.

I do not think the gathering political support for restoring conscription can withstand that kind of hard questioning. Right now, what I see are the formative outlines of an obscence coalition between the liberal establishment and the right-wing militarists who may overlook their differences in order to sell jointly this terrible idea.

On the right, people like Sen. John Stennis want a military draft restored primarily to fill up the ranks with cheap cannon fodder. The all-volunteer military is too expensive and also too dependent upon poor kids, especially poor black kids who still see attractive opportunity in the armed services. The old stalwarts like Stennis are uncomfortable, depending on those young men and women to fight our next war.

Sen. Stennis is 78 years old and never served in uniform. He was too young for World War I. He was a circuit judge during World War II, a U.S. senator for the Korea and Vietnam wars.

Charlie Peters is not exactly the liberal establishment, but the Ford Foundation is. McGeorge Bundy, in one of his last gifts to America as the foundation's president, is bankrolling a campaign for "national service." A blue-ribbon committee with all the best names on it, even including one youth, has studied the idea and decided that Americans should be "educated" to accept its virtues. Since Bundy was one of those global thinkers whose Cold War strategies in Indochina contributed so much to the disillusionment of young people, it is fitting that he should be promoting the grand solution.

This emerging coalition is obscene because the Ford Foundation wants "national service" in order to achieve what Stennis and his friends have spent their public lives fighting—racial integration. All right-thinking conservatives should read the Ford report ("Youth and the Needs of the Nation," the Potomac Institute). They will see that "national service" is another liberal swing at "forced integration."

On the question of coercion, the Ford report is cleverly drafted. The 13-member committee declares itself in favor of a voluntary version of "national service" because it acknowledges that the American people aren't ready to buy the real thing, a mandatory system. Yet, throughout the 134-page study, the discussion repeatedly returns to the virtues of a mandatory system and how it might work.

For instance, instead of jailing the shirkers, the committee suggests that government benefits—the programs for which all citizens are eligible—could be withheld from any young people who will not serve. "One member," the report said, "has jokingly but provocatively suggested a novel sanction: denying a driver's license to anyone who declines National Service." A good laugh was had by all. Only 4 of the 13 committee members have children young enough to be affected by their brainstorm.

I understand why Charlie Peters wants mandatory "national service," because we have argued about it several times. As a young man, he enlisted in the Army in 1944 and went off to fight fascism. It was a moment of great spirit for America, of great accomplishment, and many liberals of Peters' generation are still, consciously or otherwise, trying to recreate the great crusade of their youth.

But Charlie has another reason that also affects a lot of liberal thinking in Washington. His son attends a private school. Charlie believes in racial integration. He believes in public schools, in bringing Americans of all classes and races together. But he decided, as a father, to take his child out of public school. No one should question the validity of a personal decision, but why should my children lose their freedom because Charlie Peters' values have been disappointed in life?

In cold, practical terms, a system of National Service would accomplish this: It would provide a lot of cheap labor to do the dirty work—both military and domestic. These are necessary jobs that we want done for us but not at full wages. Look around and you see lots of poor people already doing this work although some of them are increasingly unhappy with poverty wages. This is a central contradiction in the prosperous society that flourished after World War II, a contradiction that bothers Charlie Peters as much as anyone else. But his plan to conscript young people to do the dirty work would hide the contradiction rather than confront it.

If America's opinion leaders truly are worried about the decline of idealism among our young, they should consider a system of universal conscription for adults. Imagine the example of McGeorge Bundy, say, taking a year or two off to sweep up in a nursing home. Or Sen. Stennis, if he were only a bit younger, interrupting his political career to stand watch somewhere on freedom's frontier.

I mean to be serious about this: The young people I know have complicated views on America, a sophisticated mixture of old-time idealism and yes, an informed cynicism based on our recent history. They have seen with clear eyes an adult world whose government indulged murder, bribery, lying, pointless war. Since adult behavior teaches the moral values in this country, why punish the children?

The next day, Charlie Peters called me back, pleased with himself. He had a statement from his son, Christian, and he read it to me:

> "I agree that there is too much selfishness in society today and would like to see more volunteering. But I'm against universal service because this country is based on the idea that people should be able to decide for themselves what to do with their lives."

Christian Peters is clearly a young man who understands what America is all about. I hope he can pound some sense into his old man.●

LITHUANIAN INDEPENDENCE DAY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. KOSTMAYER. Mr. Speaker, today I join with my colleagues in the House in commemorating the 61st anniversary of the Declaration of Independence of Lithuania, celebrated on February 16 by Lithuanians throughout the world.

There is much to learn in the long and troubled history of Lithuania. For nearly 800 years, Lithuania has been a land dedicated to the basic principle of human freedom and to the sacred traditions of the Lithuanian faith, language, and culture.

But modern history has brought Lithuania enormous suffering under oppressive regimes in two world wars. Today, Lithuania continues to suffer under the domination of the Soviet Union.

After World War I, the people of Lithuania demanded from their former German oppressors the right to conduct a congress in order to establish a free Lithuania, and on February 16, 1918, they proclaimed an independent Lithuanian state based on democratic principles.

A permanent constitution was adopted in August of 1922. Guarantees of freedom of speech, assembly, and religion formed the principles of the constitution.

But once again, misfortune intervened. Lithuania was one of the first countries to suffer from the aggression of the Nazis and the Soviet Union. In the face of an ultimatum and the threat of war with Germany, the Lithuanians were forced to cede a portion of their country in March of 1939. Soviet interference quickly followed, and in August of 1940, 18 years after the adoption of its own constitution, Lithuania was declared a constituent republic of the Soviet Union.

The Soviet Government has dominated and controlled the lives of the Lithuanian people, as well as other captive nations, for almost four decades. This ugly denial of human dignity shows itself in too many ways. Families are separated, freedom of speech and religion are limited, and those who dare to speak out against oppression in their native land are exiled or imprisoned. These almost daily deprivations serve as a constant reminder to all of us that the freedom we so often take for granted in America is still denied to millions of men and women throughout the world under Communist domination.

America has an obligation to condemn such conduct. Oppression anywhere threatens the rights and freedoms of people everywhere. We must continue to speak out against the denial of basic human rights, for there is no greater danger to our own freedom than for us to stand by while the freedom we cherish is being denied to others.

As we recognize the struggle of the Lithuanian people, we must also look to our own society and reaffirm our commitment to human rights at home, and not just abroad. We must be willing to examine our own society critically. In this way we can serve as an example to the rest of the world of what a truly open society can be. America has always been a symbol of hope and freedom. As we remember the founding principles of our own land, we remind ourselves that these basic human rights and freedoms which are denied to the people of Lithuania are not just American, but universal.

Mr. Speaker, I am genuinely inspired by the courage and resiliency of the Lithuanian people. For despite their continuous suffering, they have maintained a spirit of independence and pride in their national heritage. And so I join with my colleagues in remembering Lithuania, and in giving Lithuanians throughout the world our strong, outspoken support as they rededicate themselves to the struggle for human freedom in their homeland.●

DONALD LeSTAGE, JR.

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mrs. HECKLER. Mr. Speaker, the strength of our Nation is found in those individuals in towns and cities across America who dedicate themselves to their communities. Donald LeStage, Jr., of North Attleboro, Mass., was such an individual—civic-minded, active in his community, and selflessly concerned for others.

Donald LeStage passed away this month, but his active community service will stand as a lasting tribute to this respected and admired gentleman. I take this moment to share with my colleagues an editorial that was printed in the Sun Chronicle of Attleboro, Mass., concerning this exceptional individual:

Donald LeStage, Jr.

Donald LeStage, Jr., will be long remembered for many reasons. His death Sunday at 70 in his native North Attleboro brought sorrow not only to that community that he had served in so many ways, but far beyond it.

He was a prominent figure in the business community as president of LeStage Manufacturing Co., as a past president of the Jewelers Board of Trade, past president of the Boston Jewelers Club, a corporator of the Attleborough Savings Bank, a past director of The Sun Chronicle and an active member of the Manufacturing Jewelers and Silversmiths of America.

The business and industrial activities, extensive though they were, were but one side of this versatile man. He had a special zeal for scouting as evidenced by his having been president of the Annawon Council and by his having been active in scouting since the 1930s, but gave freely of his time and talent to other community activities.

A friend of Mr. LeStage recalled this week that the late civic leader was on hand to help the 1978 United Way campaign in North Attleboro just as he had helped in so many previous campaigns. A North Attleboro native who had known Mr. LeStage for many years said, "I never heard anything bad about him."

He was an unassuming man whose many contributions to North Attleboro were made without flourish and may well have been taken for granted until people began to think back upon them after his death.

Mr. LeStage's father, who came to North Attleboro in 1901 and founded in 1915 the company that bore his name, also served the community in many ways including as a selectman and as a member of the electric light and water commission.

Donald LeStage built well on good foundation. His accomplishments provided a filling memorial to him. His family and friends know better than any others how fine a person he was. We hope the memory of how useful and helpful a life he led will be a consolation to them at this time of loss to them and to the community.●

BOYCOTT OF NESTLE PRODUCTS

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. RICHMOND. Mr. Speaker, during my past 4 years in Congress, I have become increasingly aware of the hunger and malnutrition afflicting millions of people in Third World countries, and the exploitation of these people by multinational food corporations.

The 252-member governing board of the National Council of Churches recently singled out the Nestle Corp. as one of the most flagrant violators through its promotion of infant formula in the vulnerable Third World countries of Africa, South America, and Asia. The council unanimously endorsed a boycott of Nestle products, charging that direct appeals to Nestle to change its sales promotion of infant formula in developing countries have for the most part been futile.

This boycott is designed to protest the pervasive tactics of the Nestle Corp. to shift mothers in these nations from breast feeding to the use of the corporation's infant formula.

Dr. Michael Latham, professor of international nutrition at Cornell University, recently discussed why Americans should boycott Nestle products. His comments, which should be of great interest to all Members of Congress, follow:

Why Americans Should Boycott Nestle Products

(By Michael L. Latham)

(Dr. Latham is professor of international nutrition at Cornell University. The following is excerpted from a presentation to the governing board of the National Council of Churches last November.)

I am a physician, a nutritionist and scientist, and have thoroughly reviewed the medical literature on breast and bottle feeding. I am currently involved in research into the issue, and have for over 20 years been writing about it. My interpretation of the scientific evidence leaves absolutely no doubt in my mind first that bottle feeding is a major cause of morbidity and mortality in developing countries and secondly that the promotion of formulas by corporations such as Nestle has contributed significantly to this most tragic of problems.

I lived for nine years in East Africa working in small hospitals and in large ones, in Tanzania where I directed the Nutrition Unit of the Ministry of Health. I continue to be involved in programs and research projects both in Kenya and in the Philippines. In all of the many developing countries where I have worked, bottle feeding is killing babies. When I see an emaciated, dehydrated, seriously ill baby, and I learn from the mother that he has been bottle fed and that she could have breast fed that baby, I do become emotional. When I find that the mother was persuaded to bottle feed rather than breast feed because of the immoral promotion of infant formula then I do become angry. I wonder how our countries, generous Christian countries, like the United States and Britain and Switzerland can allow this to happen. Yet it is our major food corporations whose directors attend our churches, ones in which we as individuals and institutions invest, and businesses which most of you support with your dollars when you purchase their products.

I have read the Nestle view presented to you, and I have heard their statements, I find that their argument is clever yet largely fallacious. Nestle, like many of the large transnational corporations, can afford millions of dollars to promote their products while appearing to adhere to newly promulgated guidelines, and they can spend huge sums fighting the boycott and producing evidence for you. In contrast, I and other concerned doctors and nutritionists, churchmen and lay workers, get no financial support for our fight to oppose them. All we can do is take a few hours off from our busy schedules to speak out against the actions of the corporations and in favor of our silent constituency, the infants of the poor.

What are the holes in the Nestle argument? Let me deal briefly with three of these.

Nestle states that infant mortality rates have improved in many countries over the last few decades at the same time that bottle feeding has increased. But to conclude from this that bottle feeding has caused, or even contributed to, this decline in infant mortality is statistical nonsense. Clearly, infant mortality rates have dropped because of a host of factors such as improved health care, immunizations, higher standards of living, and so on. Nestle did not show you statistics from, for example, Sweden where breast feeding has dramatically increased and where infant mortality rates are much lower than in the United States.

Nestle says that morbidity data are lacking, and imply that there is not good evidence of an increased disease incidence in bottle fed infants. That is patently untrue. There are dozens of studies, old ones from the first half of this century, and very recent ones, some from Western industrialized countries and others from the Third World that show a much higher disease incidence in bottle fed than in breast fed infants. No scientist or immunologist can deny the fact that human colostrum and breast milk contain substances which confer immunity on the infant and protect him from infections, and that infant formulas do not contain these substances.

Nestle states that "the preponderance of available evidence points to a mother's need, or desire, to work, as the principal reason for the breast feeding decline." Our review of studies from Third World countries and our own work suggests that this is not the case. An analysis of recently published studies from five countries in Asia, Latin

America, Africa and the Caribbean suggests that no more than six percent of mothers in any country said that they gave up breast feeding in order to work.

Inappropriate bottle feeding is a major cause of malnutrition, of diarrhea, and of other diseases in infants in poor communities. The formula is relatively expensive, and so it contributes to worsening poverty. It results in the use by developing countries of scarce foreign exchange to purchase formula. It removes from new mothers a natural method of increasing the spacing of births, and so bottle feeding indirectly contributes to population problems.

Efforts made to influence Nestle to adopt a code of ethics and marketing, that many of us believe are necessary to protect child health, have failed. Because Nestle is a foreign-based company it is not possible for us in the U.S. to force change by using shareholders resolutions and similar efforts which might produce desirable alterations in the practices of U.S. based corporations. Evidence is clear that the Nestle boycott is worrying the company and is beginning to result in policy changes. It is also obvious that Nestle is spending large sums to discredit those supporting the boycott and to try to stop its spread.

A vote by you to support the boycott would provide clear evidence of your solidarity with those deeply concerned for the health of infants in the third world, it would be such a blow to Nestle that it may well tip the balance in favor of their adopting the desirable changes we seek and, finally, it would be a truly Christian act. I am convinced that your vote for this boycott will help to save the lives of innocent victims of bottle feeding in many countries.●

ANDY BIEMILLER RETIRES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. FORD of Michigan. Mr. Speaker, the retirement of Andrew J. Biemiller as legislative director of the AFL-CIO marks the end of an era. He has been the warhorse of the American labor movement's lobbying efforts for nearly two decades—a period that has seen the passage of more progressive legislation than during any comparable period of American history.

But Andy Biemiller has been more than just an ordinary lobbyist. He believed in his causes, and he brought to his legislative efforts a strong personal commitment which influenced and inspired those who have worked with him.

I have had the privilege of working closely with Andy for the past 14 years, and I have seen first hand the dedication and thoroughness which he brought to his efforts.

Andy fought for "people" issues—for jobs, health, education, pensions, and senior citizens' programs. He did not see all his dreams fulfilled, nor all his battles won, but he achieved many of his goals and he has laid a strong foundation for the eventual success of the others.

There is no college degree in lobbying, nor is there a required course of preparation. But Andy Biemiller, in the years before he joined the AFL-CIO, had a career which uniquely prepared him for the job he did so well. Andy served as a union organizer, a newspaper writer and editor, a State legislator in his native Wisconsin, and finally a Congressman for several terms.

The AFL-CIO and the labor movement will be well served in Andy's successor—his capable assistant for many years, Kenneth Young.

As for Andrew Biemiller, I join my colleagues in expressing my congratulations, my thanks, and my admiration to a truly great American who has left his imprint indelibly on our Nation's legislative scoreboard.

I offer him my best wishes for happiness and success in all his future endeavors.●

SUMMER SCREEN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. EDWARDS of California. Mr. Speaker, in this electronic age when television so greatly affects our lives and the lives of our children, it is worthwhile to acknowledge those television stations which concern themselves with more than garnering mass audience rating points and advertising dollars. Those stations which instead dedicate their efforts to providing high quality programing designed specifically to meet the needs of their local communities deserve our praise.

I am proud to have in my district a television station, KTEH, channel 54 in San Jose, which exemplifies the finest that public television has to offer. With funds provided by its license holder, the Santa Clara County Office of Education, KTEH broadcasts a full daytime schedule of instructional programs to schools throughout the South Bay. Presently, over 30 school districts with more than 100,000 students tune in to KTEH for instruction in language, arts, health, science, career, and consumer education.

Last summer, when California's tax-cut initiative resulted in the cancellation of summer school instruction, KTEH showed its concern for the educational needs of the community's children by instituting a daily, 5-hour, instructional schedule called "Summer Screen."

KTEH has also provided extensive coverage of local and State political events and hosted forums on a variety of public issues. As a part of these forums, KTEH has instituted a special telepodium format which enables viewers to call in specific questions to be presented to speakers on the air. This is a tremendous service to a public seeking information needed to make intelligent political and governmental choices.

Lastly, KTEH has shown itself to be strongly committed to the local development and production of programs which explore the South Bay's wealth of history, theater, music, dance, sports, medicine, and high technology. "The Valley That Was" a documentary about the Santa Clara Valley in the 1920's and 1930's was named the best local cultural documentary of 1978 by the Corporation for Public Broadcasting. The station is presently producing a series of programs on the visual and performing arts of San Jose and the station's locally-produced documentary on pollution in the Earth's ozone layer broadcast last August has been selected by PBS for national distribution. I am proud that KTEH, the South Bay's only public television station, has become a nationwide leader in its field.

Now with the help of pledge drives, corporate underwriting, foundation grants, and other funding, KTEH plans to increase its production of top-quality programs and service to the community.

All those involved in KTEH deserve our praise. I would like to take this opportunity to give special recognition to KTEH president, and county superintendent of schools, Dr. Glenn Hoffman, vice presidents, John Satterstrom, and Ann McCallum Freers, as well as station manager, Maynard Orme. Chief engineer, Robert Whalley, development manager, Nadine Burch, executive producer, Peter Baker, and learning services manager, Peter Craske also deserve our special thanks.●

A REMARKABLE DECREASE IN CRIME

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. BRODHEAD. I would like to call to the attention of my colleagues a unique effort at neighborhood crime prevention by the citizens of a fine neighborhood in the 17th District of Michigan. The people of Crary-St. Mary's Community Council in northwest Detroit have joined together to achieve a remarkable decrease in crime. Their efforts were described in a February 12 story by Jack Kresnak in the Detroit Free Press. I believe that programs such as their "Neighborhood Watch" can be the basis for similar programs in cities throughout the Nation. I commend the citizens of the Crary-St. Mary's community council and the Detroit police department:

NEIGHBORHOOD CUTS CRIME BY HALF

(By Jack Kresnak)

It was no accident that 155 blocks of pleasant middle-class brick homes on Detroit's northwest side recorded the largest drop in crime of any neighborhood in the city last year.

But even residents attending a meeting of the Crary-St. Mary's Community Council last week were amazed when Police Chief William L. Hart congratulated them on these statistics.

Robberies down 47.3 percent, burglaries down 48.2 percent and thefts down 35.2 percent.

All of it due, Hart said, to "ordinary people saying they've had enough and standing together to let criminals know they aren't welcome around here."

Last March, the Detroit Police Department to use the Crary-St. Mary neighborhood for a unique effort to organize every block into the Neighborhood Watch program.

As an experiment, four officers trained in crime prevention techniques were sent to work full time with the 13,000 residents of the 1.25-square mile area bounded by Grand River, Southfield, W. McNichols and Greenfield.

The purpose, according to Inspector James Humphrey of the Crime Analysis Section, was to see how an intensive effort to organize blocks into Neighborhood Watch programs would affect the area's crime rate.

The officers, working out of the Victory Lutheran Church on Puritan, went door to door on each block, trying to find residents who would sponsor meetings in their homes and become block security captains.

Officer Peter Wesley recalled the day last spring when he nearly passed up a modest brick home with a "For Sale by Owner" sign in the front yard.

Wesley said he went into the home anyway and talked with the owner, an elderly man resentful of the neighborhood's crime problem, for about half an hour. When he came back later that week, Wesley said the for-sale sign was gone and the man volunteered to be the block captain.

Since then, Officers Walter Woodruff, Nelson Scheuer, George Preston and Wesley have helped organize 98 of the 155 blocks into Neighborhood Watch groups.

Jan Williams, president of the Community Council, said the nine-year-old organization had been established to help ease the friction of black integration of a white neighborhood, but that its meetings had become more gripe sessions because no one knew how to cope with crime.

"People felt a lack of control over what was happening," Mrs. Williams said. "Some people almost began to accept crime as a way of life. They didn't realize that they had a right to exist without crime."

The calm, systematic approach of the crime prevention officers helped the residents realize that they could do something positive to fight neighborhood decay, Mrs. Williams said.

That realization became the catalyst for a change in people's attitudes, she said, noting that fewer homes are for sale and property values have started rising.

Neighbors began to get acquainted and to become concerned for the safety of others, such as the elderly living alone.

A softball league sprang up. An application for $100,000 in neighborhood improvement money was granted. People just became more comfortable with their neighborhood, Mrs. Williams said.

The Crary-St. Mary Community Council not only gained the attention of city hall, it also caught the eye of the Republican Party.

Hart told the meeting that when the GOP convention site selection committee came to Detroit last summer, members wanted to see for themselves the community-police crime prevention program he had told them about.

The committee members were taken by bus to a council meeting being held in the backyard of a woman who was so excited she hung out her rarely used American flag.

Republican committee members were said to have remarked that they had never seen blacks and whites work so well together.

Reported crime throughout Detroit decreased more than 11 percent last year, Hart told his audience, adding he believed the crime prevention program, with citizen cooperation, played a big part in that reduction.

"I think more than anything else, it shows that the people and the police can work together," Hart said. "The Renaissance is not just some buildings downtown."

But, many problems remain.

Mrs. Williams said the organization worried over what to do last summer when a rapist attacked several elderly women.

The group's directors decided to go public, Mrs. Williams said. A police sketch of the suspect and information about his activities were published in the council's newsletter.

Mrs. Williams said the rapist's attacks stopped, although he was not caught.

Residents at the meeting had other complaints for Hart: abandoned cars left unticketed by police, the failure by contractors to live up to their snow removal agreements, juveniles hanging around street corners day and night and kids spray-painting graffitti on garages.

"I've lived in Detroit all my life and I love it," said one elderly woman who said she lived alone and was afraid of youths who had spray-painted her garage.

"I'm getting very discouraged and disgusted and I'm getting to the point where I'm raving," she said, adding that she was so afraid at night that she wore street clothes to bed.

Hart assigned officers at the meeting to investigate complaints. A show of hands indicated citizens felt the curfew for juveniles was not being enforced, so Hart ordered 16th (Grand River) Precinct Commander Charles Sherrill to begin ticketing juveniles caught on the streets late at night.

Mrs. Williams said older persons needed not only a fast response from police but also the security of friendly neighbors to turn to for help.

"A larger community organization offers stability and clout and someone who will help you if you are alone," she said. "We need to maintain a viable hold on the community and to give each other positive reinforcement for what we're doing."

Mrs. Williams said Hart and Humphrey didn't know it but they had "created a monster" because the group intends to demand more and more from the Police Department and other city agencies.

"You'd be surprised how responsive a city official can be when they see their name in our newsletter," she said.

The Crary-St. Mary's project has been so successful that inspector Humphrey said a similar effort is being made in a small corner of the 15th (Conner) Precinct just north of Mack Avenue—an area with the highest crime rate in the city plus the highest percentage of elderly residents.

Humphrey said a $160,000 federal Law Enforcement Assistance Administration grant will provide free door locks and other security devices for hundreds of homes in the two areas.

Only the homes of elderly people which have received a security survey by crime prevention officers will be eligible, Humphrey said. Workers from the city's central maintenance division are to begin installing the devices free of charge this week.

Some of the money will be used to purchase two vans to provide free transportation for senior citizens in the areas. Humphrey said he hopes to get volunteer police reservists to drive the buses.

"I only wish we had enough money for locks to give to seniors in the whole city," Humphrey said.

STATEMENT ON THE INTRODUCTION OF A BILL TO MODIFY CRITERIA RESPECTING CERTAIN SELF-EMPLOYMENT INCOME

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. SEBELIUS. Mr. Speaker, I introduced a bill today which will correct an inequity in the Social Security Amendments of 1977. Under the 1977 act the monthly test for retirement was changed to an annual test. This created a serious problem for farmers selling their crops in the year following their retirement. Farmers in making their usual business plans in November and December found several months later after retiring that their planned retirement was being canceled as a result of the provisions of the 1977 act.

The Senate adopted this legislation last year as an amendment to H.R. 12380, the unemployment compensation amendments. Unfortunately that bill failed to be considered by the conference committee in the crush of last minute business before the Congress adjourned in October 1978. This one-time-only exemption for farmers receiving income from the sale of crops or commodities in the year following their retirement was initially introduced by Senator DOLE and deserves our immediate consideration in remedying this obvious defect in the 1977 Social Security Amendments.●

THE SEVEN POLITICAL SINS OF THE REPUBLICAN PARTY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. YOUNG of Florida. Mr. Speaker, there are few among us who cannot profit from an occasional exercise in self-analysis, a good hard look in the mirror, so to speak, to determine just where our strengths and, more importantly, our weaknesses lie. In a recent address, my good friend and colleague, Congressman BOB MICHEL, made such an analysis, not just of himself, but the Republican Party as a whole. While his words may have been directed to members of his own party, I feel his sound advice and constructive criticisms would be of interest to many of our colleagues and I would like to include the entire text of Congressman MICHEL's address for their attention.

The text of the address follows:

THE SEVEN POLITICAL SINS OF THE REPUBLICAN PARTY

There are always plenty of people eager to tell Republicans what is wrong with the Grand Old Party. Editorial writers do it with gusto. Democrats do it all the time. Some prominent columnists must have lower back pain from all of the grave-digging they do over the fate of my Party. Even some historians are recalling what happened to the Whigs, hinting broadly that we Republicans are headed that way.

As the Republican Whip of the House, I find such criticism is a part of life. There are some things to be learned from criticism and unasked-for advice of others.

But most criticism of my Party and most of the gratuitous advice we receive isn't original or all that useful.

We are told we have to "appeal to a broader base" or perish. So what else is new?

We are told that our posture is too negative. But that observation often comes from supporters of the Democrat Party, which has run successfully against Herbert

Hoover and the depression for forty years and is still running against Nixon and Watergate—surely the most impressive display of political negativism in American history.

The trouble with much of this is that the advice and criticism is based on a misunderstanding of what is truly wrong with our Party. It takes a Republican to really know the political sins of his party.

I have therefore put together a list of what I consider to be the seven major sins of my Party. Not all Republicans are guilty of all of these sins all the time. And, needless to say, I have been guilty of a number of them on more than one occasion.

Here, then, in no particular order of importance are the seven political sins of Republicans as I see them.

The first Republican sin is Terminal Gentility. Most of you know I am one of the growing number of Congressmen who have been mugged here in Washington. As harrowing an experience as it was, I've been the subject of other mugging incidents.

For many years, every time I came to the Floor, and criticized some boondoggle of the Democrats, three or four of them have risen and accused me of everything from well-poisoning to breaking and entering. I have been accused of being against the poor many times by Democrats who enjoy accusing Republicans of being soft on poverty, hard on minorities and in general, calloused insensitive heartless wretches.

Republicans on the other hand, sometimes sound as if we are apologizing for criticizing the programs of Democrats. The Congress has become a place where, too often, the Democrats abuse and the Republicans just muse. I'd love to see the Congress once more become a place of hard-hitting and tough sounding arguments, in which Republicans dish it out as well as we have to take it—outnumbered as we are 2 to 1.

And in order for that to happen, we Republicans are going to have to get up off our Lincoln Day dinner cliches and start fighting for what we believe in. And if we don't know what we believe in, we had better find out.

When that is done, the media are going to have to report the fact that Republicans are acting like a party who cares enough to fight. And, parenthetically, the media has an obligation to portray a good, clean, wholesome fight as something more than just a political scuffle between parties. It's absolutely essential to the legislative process.

Neil MacNeil once wrote it as the "Forge of Democracy".

With only one-third of the membership in the Congress, we have a problem "muscling in" for an equal number of blows on the anvil, but we've got to make up for the muscle deficiency with our voices saying something deserving of coverage by the media.

We have to be more militant at the subcommittee level and at the full committee level, as well as on the Floor of the House. Our ranking Republican members have got to display the kind of fighting leadership I know they are capable of.

It is hard, sometimes, to confront that Democrat steamroller in the House. They have the power. They have the big staff. They have the rules. They have the executive branch.

Notwithstanding the odds, we have got to clearly stake out our position in advance on important key issues and not shy away from confrontation.

In the last several Congresses, we have not thrashed out those key issues "in House" or in closed conference, where everyone is free to speak his or her mind as often as we should. And once we have thrashed them out among ourselves, we have a better appreciation for one another's reasons for feeling as we do about an issue, but, more important, are in a much better position to find a consensus.

The second political sin of Republicans is Galloping Gullibility.

The man who tried to sell the Brooklyn Bridge is probably sorry he never met a Republican. Republicans all too frequently fall for advice that won't do them any good. Whisper in the ear of a Republican that his party should court the vote of left-handed tap dancers, and you can bet that at the next party function, there will be tap dancing on the main table. Obviously, when you have political problems, you are willing to believe almost anyone who promises to give you the secret of success. The trouble with this is that most of the advice is based on theories which sound good, but which, in practice, do not work.

A party does not gain political victory with obvious transparent attempts to "appeal" to one or two, or a hundred special interest groups. A party achieves success when (a) a majority of voters who believe the other guys represent something undesirable, or (b) the party in questions offers hope and credibility.

We Republicans are not going to grow as a party by selling ourselves as something we are not.

Some tell us that Republicans cannot get the black vote. Some tell us that Republicans cannot get the Hispanic vote.

Let me tell you that Republicans can and should get a healthy portion of the vote of any political or social subdivision you care to name—but only if we start acting like a political party with a purpose and not like members of a group therapy session, searching for the right "image" to supposedly "turn on" selected groups.

In the 1978 elections, 47.3% of all those who voted for candidates for the U.S. Senate, the House, or a governorship, voted for Republicans. That's not enough. It's not nearly enough, but it's a far cry from those pre-election polls showing a disparity between the parties of 20 points, or more. If we can get 47.3% in 1978, we can get 53.7% in 1980, by sticking with our traditional Republican positions, Republican issues, and Republican principles. The mood of the country as expressed in the election reflects an affinity for what we have traditionally stood for as a party.

Then, there is the sin of Sloth. It isn't that Republicans are lazier than Democrats, it's just that we don't pounce on opportunities the way the Democrats do. We're just too darned reserved. Every now and then I go down to the House Floor to give what we call a "one-minute" speech on a topic I have found in the morning newspaper. These brief remarks are usually humorous (or at least they are so intended) and usually critical of some aspect of the administration of the Democrat-controlled Congress. I would like to see more Republicans availing themselves of this forum, but actually very few take advantage of this opportunity.

On an even more important issue, even though Republicans were way out front in condemning Carter's energy taxes and his approach to tax reform as contrasted to Kemp-Roth, the Steiger and Archer Amendments, and Conable's alternative to Social Security tax increase, we were never able to exploit the tax rebellion the way it should have been.

Or on the spending issue pre-Proposition 13, and post-Proposition 13.

Credit has to go to the Democrats who quickly regrouped and managed to avoid being outflanked—but that just proves my point. The Democrats are quick to take advantage and quick to see the need to move away from ground they can no longer hold. We Republicans have to develop that skill.

Our fourth sin is Obsession with factionalism. All right, I'll admit it. . . . It seems that if four Republicans get in a room these days, you soon have one calling the other three heretics, one figurng out how to turn the clock back, one other reveling in the number of times he's bolted the party position, and one piously wringing his hands and calling for party unity, while wondering where the nearest exit is. Yes, we have factions, but what political party in all history, in free or totalitarian societies, East or West, has not been faction-ridden?

Years ago, the Democrats solved the problem of factionalism by pretending it didn't exist. They just went on their merry way, marrying up Stevenson with Sparkman, Kennedy with Johnston, and Carter with Mondale, ignoring the shouts and the curses. Most of the time it worked. Eventually the Democrats did, of course, revert to worrying about factions and wound up with George McGovern, the greatest boon to the Republican Party in modern history.

We Republicans ought not dwell on the factionalism problem, but rather point up the important areas where we can all agree.

Media obsession about splintering the Republican Party reached some kind of peak recently when a nationally known columnist, who shall remain nameless, wrote that our Republican Party was about to commit "hara-kiri." The reason this well known pundit thinks Republicans are playing into Jimmy Carter's hands is that we have too many presidential prospects for 1980! Imagine it—we are going to have a large field of Republicans and that supposedly means trouble.

Such things can be believed only by political science majors, prize-winning columnists and other innocents. No party has ever been in trouble because there were too many possible candidates. Parties are much more inclined to get into trouble with only one candidate per faction than they are with a wide variety and range of candidates.

Our fifth sin is Lacklusterism. Some Republican speeches sound as if they were made up of equal parts of Nytol, the Complete Works of Warren Harding, and the Statistical Abstract of 1926. The Democrats are almost always wrong-headed, but they are wrong-headed with a kind of wild exuberance and admirable zanyness as if they truly believed half of the silly things they say. When a Democrat talks about a bill that will give one of his pet special interests a few hundred million of the taxpayers' dollars, he always sounds as if he is leading a crusade and building the Heavenly City at the same time.

But Republicans simply don't get the feel of the thing. For years and years, Republicans have been warning about the danger of inflation.

Somehow we have talked about this basic economic issue, one that is felt at every dinner table, in every paycheck, in every home in the country, as if it were a dull exercise in higher economics. Unless Republicans remember to talk in the language of the people, we may become the only party in history to "dull" itself to death.

Jimmy Carter became President, not by demonstrating any first-hand knowledge of problems, or reciting statistics to impress reporters. He became President because he charmed people with a rhetorical combination of down-home folk-wisdom, and poetic generalizations. In the words of the old song, Jimmy Carter won with "polka-dots and moonbeams."

Now, I am not saying that we Republicans should—if we could—emulate such an approach. We have to realize, however, that in politics, the way we say something can often be as important as what we say. The textbooks don't treat the subject that way, and that is not the way a lot of us want it to be. But that's the way it is.

On those television talk-shows where media pundits think deep thoughts out loud, you often hear them complain about the gimmicks those of us in politics use to get our names and our programs on the front pages. I think of these complaints every time I see a reporter yawn or mumble under his breath when confronted with a few dozen pages of explanatory material on a complicated bill. Let's face it ... How many in the media do the painstaking, tedious work of poring over pages and pages of testimony or background material to research a complex legislative proposal in depth? So, whether any of us like it or not, we Republicans are going to have to match the Democrats in glowing rhetoric and other attention-getting devices.

The sixth sin is fear of negativism.

For all my 22 years in the House, I've been a member of the minority party. When we have had the Presidency, we could join in a positive way to sponsor and affirmatively support legislative proposals of our Administration. The Democrat majority in Congress responded to those proposals with proposals of their own, and were able through sheer weight of numbers to prevail on many occasions.

Without the Presidency, a minority party in the Congress is always up against the wall. We can still propose, but with little likelihood of ultimate success for our legislative proposals.

Since we do have a different approach to some of the key issues, we Republicans have been cast all too frequently as being negative, when in fact we have no other recourse in that kind of situation, but to oppose and fight for our position.

In the last Congress, we have come a long way in establishing ourselves as a credible, worthy opposition party with ideas and proposals of our own.

We have learned how to be selective. When the President was right, we Republicans supported him, as for example on Civil Service Reform, Airline deregulation, and lifting of the Turkish Arms Embargo. He wouldn't have had any one without Republican support.

Where we thought his proposals were bad, we have opposed them outright, or fought hard to modify them.

Yes, we admit to being outright negative on the Carter proposals for new energy taxes, indexing of minimum wages, establishing a new Consumer Protection Agency of government, and a new Department of Education. We also opposed Cargo Preference, Common Situs Picketing, so-called NLRB Reform and National Health Insurance.

We have nothing to be ashamed of in opposing all of these.

And the tax bill became something altogether different with our Republican Amendments.

If we would have had our way on the Budget Resolution, Social Security Amendments, and a Youth differential on minimum wage, G. William Miller and Administration inflation fighters wouldn't have to be floating the suggestions "that the new Congress take another look" at what we wanted to do all along.

In summary, there is nothing wrong in being a naysayer to outlandish spending or ill-conceived legislative proposals. Our Party has no reason to panic just because we have no instant alternative to every Democrat proposal. As Hubert Humphrey used to say, "we have solutions for problems the people haven't even thought about".

Finally, there is the sin of introspection. The very fact that I am making this speech shows how wide-spread this particular sin is among Republicans. We always seem to be contemplating our navels instead of doing our job as best we can. In a sense, this is related to our obsession over factions, but it goes beyond that. We have been conned into believing that if we only brood a bit more or try to get to the very, very bottom of things, all will be well. We tend to become hypnotized by our own image. We've got to stop all this needless soul-searching and get on with the day-to-day struggle of politics. A healthy political party on the move looks outward, not inward.

Admittedly, we could purge ourselves of all these sins and still not achieve the political success we're seeking. But we Republicans owe it to ourselves to do something about our faults. If we don't, we can be certain they will inevitably cause more damage than they already have.

Needless to add, much of what I have said here is based upon my experience as a Republican Congressman. I am certain that others, looking at the party from different perspectives, would choose other criteria for judging politics and attitudes. But I believe my Congressional perspective, narrow as it is, might help shed some light on problems of the party as a whole.

Let me conclude by saying that even if Republicans were able to purge themselves of these sins, the political landscape would look pretty much the same unless this change is accompanied by media coverage.

Republicans, quite frankly, need the media coverage more than Democrats do. When you have control of every subcommittee and full committee of the Congress, every agency, board and commission and every department of the Executive Branch, you are automatically a newsmaker. News follows power, it's as simple as that.●

NATIONAL STUDENT CONGRESS

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. EDGAR. Mr. Speaker, from March 1 to March 4, 1979, a National Student Congress (NSC) will take place at the University of Pennsylvania in Philadelphia. This gathering will be a unique opportunity for students to discuss major public policy issues of critical importance to our Nation and to develop concrete proposals for public action.

Three to five students from over 200 colleges and universities have been invited to the NSC. To achieve their goals, the Congress will divide into 16 separate committees in order to consider each issue in a thorough manner. Each student will select the committees in which he is most interested and then draw up proposals in that area of concern. They will cover topics that include America and the world, physical resources, the economy, human resources, and government.

The NSC will discuss and adopt means of following up on proposals brought before it. Some possible followup plans include establishing a permanent NSC staff in Washington to engage in the lobbying of Congress; establishing an autonomous student political union at each participating school; and making the NSC an annual event, which would allow the students to express their ever-changing views.

I feel strongly that the National Student Congress will be an opportunity for students to involve themselves in intelligent, responsible consideration of the policy questions which will be facing them in their lifetimes.

In many respects, the political, economic, and social leadership of a nation is working with young people in mind. We strive to improve our schools, to broaden our opportunities, to upgrade standards of living and working, and to uplift society. We do these things to a large extent, with the future generations in mind.

For the same reason that we strive to improve the lives of future generations, we must also prepare tomorrow's citizens for the political challenges before them. At this time, when apathy is said to be rampant throughout the Nation, our young people need to understand the importance of the decisionmaking process and how citizens can participate in it. Democracy should be a participatory process and people must learn to speak out in ways which are constructive and tolerant of their fellow man.

We need to insure the capability of today's youth to become tomorrow's leaders. This task has never been an easy one. Its difficulties have been considered by philosophers as far back as Aristotle. While the challenge of preparing today's youth continues, the problems with which the world must cope have become increasingly complex.

Man has industrialized, urbanized, and bureaucratized his world into something radically different from the agrarian society which Thomas Jefferson knew. Man has great capabilities; there are few physical limits to what he can do. He must be responsible with such powers, but that is not easy. The National Student Congress at the University of Pennsylvania will help prepare today's youth for the responsibility of leading tomorrow's world.●

IN DETERMINING ECONOMIC POLICY, THE FEDERAL GOVERNMENT SHOULD LOOK TO OUR MIDSECTION

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GLICKMAN. Mr. Speaker, there are plenty of factors affecting the economic conditions this Nation is facing, and I am convinced they all need to be considered in concert. In some parts of this country, I am glad to say including my own, there is a cooperative spirit that has pulled things together creating a positive and promising economic environment. One of the greatest benefits we can gain from our Federal system is for the Federal Government to learn from successes at the State and local levels. I have a case in point.

Wichita, the largest city in my State of Kansas, has an unemployment rate among the lowest in the Nation, and it is a growth area which should keep things headed the right direction. As we consider economic policies at the national level, I would urge each of my colleagues and those involved in economic policy within the administration to look at the Wichita experience and to learn from it. Time magazine in its current issue has highlighted the strength of the Wichita economy. I recommend the column to you and submit it for inclusion in the Record:

STRENGTH IN THE MIDSECTION

Strength right down the middle is the key to a strong baseball team or military force or national economy. So it might be worthwhile to look at the state of business in the city that by many measures is closest, geographically and spiritually, to the middle of America: Wichita. Rising from the pool-table Kansas wheat fields, surrounded by aerospace plants and enormous grain elevators that ride the prairies like battleships, this community of 262,000 has a problem. There are not enough workers to meet its surging demand.

The number of jobs has risen by more than a third during the 1970s, and unemployment in the past year is down from 4.1% to 2.9%, which is about as low as it can go in America's highly mobile society. (The national average is 5.8%.) Business leaders are eagerly advertising around the country for more skilled workers. If any butcher, baker or engineer wants a job, he or she will have no trouble finding it in this bustling producer of meat, wheat, planes, oil and gas.

Wichita is fortunate because all those businesses are buoyant now. But the community is also typical of many middle-size cities in the rich band between the Mississippi and the Rockies. Tusla, Oklahoma City, Fort Worth, Austin, Omaha and others are quietly booming, with their unemployment down to the 2½%–3½% range.

They are the beneficiaries of economic diversification and the increasing desire of Americans to settle in cities that, as Beech Aircraft President Frank Hedrick puts it, "are small enough to allow individuals to excel and big enough to give them plenty of room to excel."

Hedrick, 68, whose florid face testifies to years spent in the summer sun and winter winds of Wichita, points out that "this certainly isn't the world's fanciest climate, so we must have other advantages." In his view, one echoed by various local business and labor chiefs: "A work ethic still exists in this part of the world. People feel they have to give a day's work for a day's pay." Local people commonly speak of the city's Midwestern "openness." Says Hedrick: "I was in North Palm Beach the other day, and, hell, you have to be a second cousin to Jesus Christ if you want to play at the Seminole Golf Club. But the social as well as the economic strata are open to anybody who wants to work in Wichita."

More than 160 Vietnamese refugees are doing well working in a local meat packing plant (where employment has doubled in the past four years), and some of them are beginning to start their own small enterprises on the side. Wichita's unemployment rate for blacks, 7.7 percent, is much lower than the nation's average. Women are also getting ahead. Olive Beech, who with her late husband founded Beech Aircraft, is now its chairman (not chairperson), and thus ranks as one of the nation's highest female executives. Wichita's Nancy Kassebaum is the U.S. Senate's only woman member, the city's mayor is Connie Peters.

An admirable boosterism pervades the city. A. Dwight Button, chairman of the Fourth National Bank, boasts that he has hired two senior officers away from Houston banks. Iowa-born Richard Upton, who runs the hyperactive Chamber of Commerce, points to Metropolitan Life, NCR and many other big companies that have opened branches in the area. Tom Pierce, Wichita's AFL–CIO chief, notes that despite its right-to-work law, Kansas' average hourly wage is fairly high ($6.11). Says Pierce: "If workers come here and stay for two or three months, you would have a tough time getting them to move out."

Sure there are shortcomings. Housing is scarce. Even the most vocal Wichita cheerleaders admit to a certain provincialism. Bible Belt conservatives have barred the public sale of liquor by the drink. But the city is on a culture kick. In the past decade, Wichita has opened a flying saucer-shaped civic center that dominates downtown, a 12,200-seat coliseum for conventions and cattle shows, one of the nation's better Indian museums, two art museums, a planetarium, a zoo and three new libraries. That hardly makes the community a rival to, say, Chicago. Yet, almost everything is up to date in this Kansas city, and that is a good sign for the nation that surrounds it.●

THE SMALL SAVER'S ACT—INCENTIVES TO SAVE WILL LEAD TO INCREASED PRODUCTIVITY AND DECREASED INFLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GILMAN. Mr. Speaker, many of our Nation's economic problems can be attributed to our Nation's low rate of savings.

For example, productivity is hurt by a shortage of private investment in more efficient machinery and in education. Inflation is fueled when we increase our spending on consumer goods faster than the increases in our economy. Finally, interest rates rise to frightening levels when insufficient funds are available for the construction of homes for our Nation's citizens.

The fact is that Americans save only about 6½ cents of every dollar of their disposable incomes. In contrast, Canadians save 10.3 percent, Britons 14.1 percent, West Germans 15.2 percent, and Frenchmen, 17.3 percent, while the Japanese save an incredible 24.9 percent of their disposable incomes.

One major reason for the low rate of savings in our economy is that we simply have not provided sufficient economic incentives to save. Although tax advantages are available for those investing in the stock market or who have earned capital gains, the dividends earned on deposits in savings banks are fully taxable—from the very first dollar paid out. The sad fact is that when passbook interest rates are barely equivalent to the rate of inflation, the small saver is rarely ahead of the game, and is often at a financial disadvantage after taxes are paid. No wonder he does not save. But incentives for saving can and should be provided.

I have recently introduced H.R. 2338, the Small Savers' Act of 1979, which would go a long way toward renewing the economic incentive to save. This bill provides that the first $800 of dividends earned each year could be excluded by a taxpayer from his gross income. Income from dividends paid by a domestic savings and loan association, bank, credit union, or similar institution would be eligible for the exclusion.

H.R. 2338 was referred to the Committee on Ways and Means, where I hope it will receive quick action. Our Nation's economy cannot stand a continuation of our recent low rate of savings—we must provide the economic incentive of a limited tax break for small savers.

Mr. Speaker, to afford my colleagues an opportunity to review this proposal, I ask that the full text of H.R. 2338 be inserted in the Record at this point:

H.R. 2338

A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $800 of interest on savings in the case of an individual taxpayer

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Savers' Act of 1979".

Sec. 2. (a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"Sec. 124. Interest on Savings.

"(a) Exclusion.—In the case of an individual, gross income does not include amounts received as dividends or interest on deposits or withdrawable accounts in a domestic savings and loan association, bank, credit union, or similar thrift institution.

"(b) Limitation.—The exclusion allowed under subsection (a) shall not exceed $800 for any individual for any taxable year.".

(b) The table of sections for such part III is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"Sec. 124. Interest on Savings.

"Sec. 125. Cross references to other Acts.".

Sec. 3. The amendments made by the first section of this Act shall apply only with respect to taxable years ending after December 31, 1978.●

COMPLAINTS AND COMMENTS REGARDING HEW GRANTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HANSEN. Mr. Speaker, I hereby submit for the Record complaints and comments regarding HEW activity in my district. This is to support action taken to secure answers and necessary corrective steps through HEW, GAO, and other appropriate authorities. The letters follow:

Gentlemen: I am writing you regarding the Southeast Idaho Family Medical and Educational Services, Inc. (SIFMES). In 1975 this organization began its operation in Southeast Idaho with its headquarters in Pocatello and under the leadership of Dr. Sam Romeo of Pocatello. It gave as its primary reason for existence the fact that it was needed to "increase health care services to rural Southeast Idaho" and "to bring primary medical care to previously underserved populations".

The truth of the matter is that such "rural underserved areas" did not exist when

SIFMES came to the area, and they do not exist now. SIFMES has come to some of the communities in the area and established small clinics with their own salaried doctors and administered by unqualified personnel. These clinics were moved into the area without consultation with or approval of private doctors in the area. They were moved into two of the most wealthy and productive counties in Idaho. One is in Soda Springs, and one is in American Falls; both communities have adequate hospitals and private physicians. One clinic is in Lava Hot Springs, which is a rapidly growing resort town and is within easy driving distance of Pocatello. One is in McCammon which is in easy driving distance of Pocatello. The physicians in the clinic in Soda Springs freely admit that their percentage of collections is only 41 percent. Private physicians in the area cannot possibly continue in business at this low collection rate. SIFMES claims that in three years it will be totally independent and will need no subsidization from anyone, including the federal government. This can only come about if it brings the private physicians to financial ruin while SIFMES is still operating under a federal grant.

SIFMES also claims to be actively engaged in operating other plans as follows:

1. Migrant health care.—There is little, if any, indication that there has been activity in this area of medical service by SIFMES even though they received a grant for it. Prior to SIFMES private physicians were giving adequate service in this field on a fee for service basis.

2. Immunization Program.—This service was and still is adequately taken care of by the Public Health service of the State of Idaho.

3. Adolescent Health Care.—This service has been refused by the three School Boards in Caribou County, and quite probably elsewhere.

4. Mental Health.—This has been very adequately managed by private physicians.

It becomes quite obvious that the goal of SIFMES is not a self-righteous attempt to serve the poor, sick and neglected people in medically underserviced areas out in the bushes of Southeast Idaho. They are out for the Almighty Dollar.

Because SIFMES appears to me to be a very serious threat to the established private physicians and the citizens of Southeast Idaho, I request that your office investigate this group and its activities very thoroughly. I recommend that such an investigation should include how, where, and why they were allowed to incorporate. With so many obvious discrepancies in their statements of need for their services and the actual need, is there any need for their existence as a business in Idaho? Why are they classed by I.R.S. as a non-profit organization and allowed to operate tax free?

I will appreciate any action you choose to take in this matter.

Very truly yours,

FEBRUARY 9, 1979.

DEAR CONGRESSMAN HANSEN: I have been especially concerned about the Health, Education and Welfare grant to the Idaho Migrant Council for the establishment of a care facility in the Blackfoot area for migrant workers. This is especially distressing to me, since the first hearing of the grant application resulted in a negative decision on the basis of the testimony offered by the Blackfoot Health Care professionals, which included testimony by physicians, hospital administrators of Bingham Memorial Hospital, and the District Health Department office located in Pocatello. There were many areas in the grant application which were very questionable in accuracy and this was pointed out at that hearing. It was most distressing to us all, when we learned that the grant had been finally and arbitrarily granted at a later date. It is especially distressing since there was no further hearings on the application.

I certainly do not feel that the Blackfoot area is a medically underserved area. There are nine full time practicing physicians located in Blackfoot. In addition, there are daily physician visits by a radiologist group from Idaho Falls. There are regular consultations by a urologist, pathologist, and orthopedic surgeon as needed. In addition, there is a full time emergency room physician, which staffs our emergency room (in house) 24 hours a day from Fridays at 5 p.m. until Sundays at 5 p.m. This 48 hour period represents a full time physician equivalent. In addition, there are two public health service physicians in Fort Hall.

Our hospital has an emergency room which is open 24 hours per day with physician coverage 24 hours per day. The laboratory and x-ray facilities of Bingham Memorial Hospital are likewise covered 24 hours per day. There is a well established and smooth functioning emergency medical transport service system available, which can transport patients from any area in the county to a physician within thirty to forty-five minutes. The roads in our area are good and almost never are closed due to inclement weather. In addition, two population centers at opposite ends of our county (Shelley and Aberdeen) are much closer to medical facilities by virtue of their proximity to Idaho Falls and American Falls where medical service is also available.

In view of the above situation, I see no way that this area can be considered medically underserved. I, therefore, request the assistance of the office of Congressman Hansen in investigating the roll of Federal Health Grants in Eastern Idaho in relation to the medical and health needs, appropriateness of grants expenditures and budget reality within the grant, effect on the quality of the health care delivery system, effect on the dominant private practices system of health care delivery and effect on the stability of the health care system and resultant possible deliterious effects on the quality of care available without federal subsidy.

I would appreciate your attention to this matter.

Sincerely,

FEBRUARY 9, 1979.

DEAR CONGRESSMAN HANSEN: The following is a rough abstract of the significant items of concern established by approximately thirty physicians from Eastern Idaho who met with the common interest of concern of wasteful use of federal dollars of HEW and other federal grants as related to Southeastern Idaho at this time. Physicians present included representatives from American Falls, Blackfoot, Pocatello, Downey, Preston, Soda Springs, Grace, and Montpelier. The general attitude, it was felt by all, represented certainly a majority vote of all the private practicing physicians in Southeast Idaho. Some concerns were the following.

The documented need of much of the grants was of questionable validity. It appeared to many that liberal overestimations were made in some areas of economic interests; the number of health migrant workers estimated was felt to be highly excessive for this area; the health migrant workers in this area are largely illegal aliens, and the question of the status of their availability to the health system in question was unclear. This is particularly true in case of the federal, state, and local governments recently denying hospitalization and treatment for an illegal alien migrant worker who was severely injured in this area during the past year.

The migrant worker grants were cost-conflicting; the grants on Twin Falls and Blackfoot were obtained with insufficient or no hearings and with insufficient data and with no clarification as to how the goals of the grant will be accomplished. There was general concern regarding the evident adverse effect upon the present excellent health system in Eastern Idaho and the adverse effect upon the infusion of large amounts of federal funds as related to individual practitioners who have expressed a desire to settle in some of the smaller communities in Eastern Idaho but have been discouraged to do so and make this their place of living because of the heavy investment of HEW funds in a manner such that the competition between a newly established private practitioner of medicine and someone with heavy federal grants is not economically feasible, even though the patient pays out of pocket the same amount per visit.

The physician's visit per grant as identified by SIFMES was over $50.00 per visit in addition to the patient's charge. If calculated by using HEW funds as the total cost per patient visit, this exceeds $100.00 per patient visit. These are identified as encounters in the grants, not as physician visits. The encounter also includes any contact with the patient in the office with the exception of a telephone call regardless, whether this be by the nurse, the physician, instructions, etc. Each encounter is calculated on the above costs.

It was felt by those who are living in the communities where the SIFMES outreach program is in effect that the number of encounters or physician visits listed in the SIFMES literature should be questioned as being exaggerated. Deep concern was expressed by all parties as to the validity of response to emergency room calls and 24-hour calls by the family practice personnel in the smaller communities. It was felt that they are not doing what the grant said and not doing what the public was told would be done.

The utilization of hospital beds in the small communities by the family practice personnel is extremely minute compared to the utilization by private practitioners. This would lend additional support to the minimal amount of patient management that is being done as compared to private practitioners.

It was felt by many that the dollar figure for physician salaries given in the SIFMES proposal as well as the dollars for malpractice appeared to be inflated, and several stated that conversations with physicians employed by SIFMES in these areas received much less salary than the stated amount in the grant.

It was unanimously felt that the descriptions of the area as to its needs, geography, communication, transportation, and interrelation within the present health system as described by SIFMES was far from valid and exaggerated heavily in favor of obtaining a grant. There was no indication that HEW had made any effort to identify the validity of many of the claims being made by SIFMES. It was felt that the progress reports of SIFMES to HEW were overstated in favor of SIFMES, particularly areas that stated that SIFMES was a cohesive force in the area between many health organizations and health practitioners, whereas indeed the opposite is very dramatically true, and the reputation of SIFMES with health professionals, the state health department and others is very questionable.

Progress reports state that Dr. Romeo was placed in the position of the director of the local health department because of the great trust the health community had upon his capability, where in reality he was unilaterally released by the health department without notice on July 10, 1978, and there is no record that SIFMES had notified HEW of this change of stance.

It was pointed out that three new physicians have been in Bear River recently, and that this general area of Montpelier and Soda Springs no longer fulfills the HURA grant needs. However, these grants are continuing and being added upon. In American Falls, the University of Utah, a nonprofit corporation which has had three private practitioners in the area and had been competing successfully against the federal, state, and county infusion of dollars into SIFMES, has been successful. The practitioners have continued to carry the community's support and are taking care of the majority of the community needs. The records indicate that there were only nine hospital admissions by SIFMES during the past several months and that three of these were at night and indeed admitted by the private practicing physicians because SIFMES personnel were not available. At the present time, the American Falls SIFMES group which is now under a Kellogg grant is being refunded under a HEW grant. During the past few months the three physicians in private practice at American Falls has been reduced to two by increasing pressures of publicly and grant funded physicians who practice without any overhead or economic responsibility on their own and yet charge the patients the same amount per office visit. This is a clear indication of unnecessary expense of federal dollars driving out private sector and leaving an unstable health situation. The same potential situation is existing in Downey and Soda Springs.

Several specific items arose which were discussed about which I am sure you will receive further data. Some of these items specifically are fallacious descriptions of the communication and road system in Eastern Idaho which resulted in grant for renting of two four-wheel vehicles and of grant for obtaining airplane service into certain communities. The description of the medical service and quality of medical care in this area in some of the SIFMES documents is also of very doubtful validity, and there is no indication that HEW made any effort to evaluate the claims of SIFMES prior to establishing grants.

Deep concern was expressed over the interoffice memos of HEW which openly criticized SIFMES's basic integrity and ability to handle the grants and yet within a few short weeks allowed substantial additional grants.

It was felt that the Mental Health grant and the Adolescent Health grant are two grants that should not be given to SIFMES because of a lack of expertise in these areas and because of the absence of need of these grants. Both of these grants utilize personnel who are less qualified than in the private sector, provide organized input of new patients into the family practice arena in a rather direct manner, and at the direct expense of the private sector of medicine, thereby dramatically increasing the cost of medical care for unnecessary services which are paid by the elaborate influx of federal dollars and contributing to instability in the supply of physicians in this area and strongly discouraging individual practitioners, several of whom have expressed a desire to settle in smaller areas in Eastern Idaho.

It was felt that the mechanisms of using HEW through SIFMES as a direct feedline into a new private for-profit clinic with the two profit stockholders being on the Board of Directors of SIFMES was deplorable use of public funds to establish and develop the private clinic with the use of federal dollars. This is felt to be quite typical of the apparent willingness of HEW to provide grants with minimal or no evaluation other than that developed by the applicant. Furthermore, other physicians and health care organizations in the area have not been given an opportunity for input on grant applications and their effect on health care in the area, other than in very limited amounts when this appeared fortuitously through the mechanisms of the Council of Governments.

These are some of the major and minor areas about which you will probably receive further correspondence.

Very truly yours,

Addendum: One of the major items of concern is the continuing deleterious effect of the present federal infusion of dollars upon the present excellent private sector medical system which has developed and which takes care of most of the majority of patients in this area. This system will be further eroded with continued massive infusion of federal dollars and will leave a hiatus of quality of medical care in the community. Evidence of this is already developing in the satellite areas as mentioned above. The benefit of the public and patients should be considered as top priority rather than the continued granting of federal dollars.

FEBRUARY 12, 1979.

DEAR CONGRESSMAN HANSEN: After reviewing the data between Family Practice Unit, SIFMES, and the HEW, it is most appropriate at this time that the assistance of the office of Congressman George Hansen be requested in investigating the role of federal health grants in Eastern Idaho, in relation to medical and health needs, appropriateness of grants, expenditures and budget reality within the grants, the effect on the quality of health care delivery system, the effect on the dominant private practice system of health care delivery, and the effect on the stability of the health care system and resultant possible deleterious effects on the quality of care available without federal subsidy.

Very truly yours,

FEBRUARY 20, 1979.

DEAR CONGRESSMAN HANSEN: I have been greatly concerned for some time with the course of events which have been transpiring in southeastern Idaho medical practice. I feel that I have a better insight on these matters than the average physician now practicing in this locality because I was raised in the Lava Hot Springs area and went to high school there, attended Idaho State University for pre-medical education and have been back practicing in this community since early 1950. I am greatly concerned in what has been happening in the Pocatello, Bannock County, Caribou, Power County areas in recent years. I believe we need your assistance as a U.S. Congressman from this district to investigate the role of Federal Health Grants in this area. Many physicians are becoming increasingly alarmed at the encroachment of federal health care in competition to private health care and delivery by private fee for service physicians. We are actually now being competed with federally funded programs of very questionable merit which have been granted by the Department of Health and Welfare. With this recent acquisition of more information that has come out of the Seattle office of Health and Welfare it is very alarming to see the great waste of federal funds and continuing granting of federal grants that are entirely unnecessary and unneeded. I believe that this unnecessary waste of money has got to be cut off. It is not doing what it was supposed to do and in turn is also not needed. I shall try to show some of the most glaring examples of waste that have been occurring in recent years.

The grants that have been issued for Health, underserved rural areas. Two of the main areas concerned in this area of grants are the communities of American Falls and Soda Springs, Idaho. Both of these medium sized rural communities actually have adequate physicians based in their local areas at the present time and no further federally subsidized medical clinics or groups are actually needed. In American Falls one privately funded physician supplier has had to let a physician go recently because there was not enough need for his services in this community. Soda Springs is adequately staffed with physicians and no further federally subsidized programs are needed. The two federally subsidized physicians who are working in the Soda Springs area have only meager professional backgrounds with only one year of post-graduate education. This is a very meager medical background to go into rural communities and set yourself up as a specialist in all fields of medicine as a great many family practitioners do.

The grants for adolescent health services and mental health linkerage were entirely not warranted and are a total waste of money. These grants were not recommended by the local medical societies of southeastern Idaho or Bear Lake Counties but were granted irregardless of our recommendation to SIFMES and in turn to the Family Medical Center. The hospitals in both American Falls and in Soda Springs have not benefited one single bit from the influx of these federally sponsored programs in their community. Approximately ten to fifteen percent of hospital admissions are coming from the Family Practice Group. They are not using the local hospitals in these communities! It is noted that in the Pocatello Free Clinic which was largely staffed by local physicians years ago that the Family Medical Clinic has been paid to render service to the Pocatello Free Clinic and in turn has largely supplied physicians assistance for this service. These people are not medical doctors or physicians and only can render very basic care. The private physicians have been donating their time to this free clinic but in turn the federally sponsored program is being paid or subsidized in sending second rate medical help to this free clinic. It has also been noted that Dr. Sam Romeo, for a short time, enjoyed the appointment as a Medical Director or Supervisor to the Southeastern Idaho Health Department. This appointment was only shortlived and was either months or at best only a few weeks in duration but to our knowledge has never been deleted from information that the Family Medical Center or SIFMES is putting out information that would indicate that probably Dr. Romeo is still employed by the Southeastern Idaho Health Department. This is entirely an erroneous type of misleading information. It is also noticed and recorded that patient encounters that the SIFMES and Family Medical Center group use for applying for further extension of their grants include any type of patient encounter that might be made such as a walk-in patient, an immunization clinic that is run by the Health Department, telephone calls or anything to pad the score board so to speak.

At the same time as all this is going on in Bannock, Caribou and Power Counties, we are now faced with an Idaho Migrant Council Clinic opening in Blackfoot, Idaho. This is probably another federal medical waste of funds as it has been shown and well documented what occurred in the Caldwell Nampa, Homedale area years ago. In Caldwell we had two competing Migrant Council and Migrant Worker Clinics started in that area which had staffs of five to seven people and for years only saw ten patients a day. This was totally unnecessary in these communities. It was not wanted by the local medical group. These migrant workers are being taken care of in local medical offices. In spite of propaganda by SIFMES and Family Medical Clinic that Migrant Workers are not seen by private physicians for various reasons, this is an absolute, downright untruth. I know this to be a fact because I have been taking care of Migrant Workers for 20 years in this community.

It is very discouraging to see programs of great waste, unwanted and totally unnecessary being funded by agencies of the Federal Government that know nothing of the medical needs of these communities that are being totally directed by newcomers within this community who have very poor knowledge of what really is happening in the outlying areas. I believe we need your help as a well-informed person who has actually lived in this area for most of your life and understand the problems which exist in southeastern Idaho to look into these matters and do everything possible to start turning around this totally unwarranted and horrible waste of federal tax dollars.

Very sincerely yours.●

ADVERSE CIVIL SERVICE RULINGS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GONZALEZ. Mr. Speaker, I am again proposing legislation that would provide civil service retirement credit to particular contractor-furnished technicians who have been unjustly denied their benefits because of adverse Civil Service rulings.

It is important that I take some time to examine the historical factors underlying this legislation. Due to the shortage of technicians in the years following World War II the Federal Government acquired the services of skilled technical personnel through contracts with private companies. While these technicians were paid by the Government, they were recruited by these private contractors. They were known as contract technician service personnel (CTSP) and worked mostly for the Armed Forces. The Government kept up this practice through the 1950's and into the 1960's.

In 1963 the House Post Office and Civil Service questioned the legality of CTSP contracts, and a decision issued by the Comptroller General's office in 1965 held that the contracts were in fact illegal. Thus, making the CTSP job illegal.

The result in this decision was to give CTSP the opportunity to change to Federal service including their jobs. No problems arose in the conversion, the last one taking place in 1967. However, since several of these people have reached retirement age, a problem has developed. They have discovered that the Civil Service Commission refuses to count their service as CTSP in fixing their retirement benefits.

The events leading to their hiring and type of work, together with the contrary and complicating policies of the Federal Government, all lead to the belief that these personnel have been denied their retirement benefits. In addition this denial is inconsistent since precedents have been set in several court cases.

On the human side of the coin, the situation remains that the denial of retirement benefits has had a grave effect on the retirement income of individuals who have spent their entire careers in service to the Federal Government. These people could not carry their private pension plans to the Federal retirement system and they could only accumulate the minimum amount of civil service retirement credit after they made the switch. I feel that these individuals have been placed in an untenable position through no fault of their own and merit their status corrected.

I am proposing a bill that would allow only those under contract before March 4, 1965, to receive additional civil service credit for the years they spent as CTSP. Those wishing to receive this additional benefit would have to pay the amounts they would have paid into the system had they been eligible for Federal retirement annuities in the beginning. Those wanting complete Federal coverage would have to give up their social security benefits for that period of coverage, and the amounts the person paid into the social security system would be transferred to the Federal retirement fund to reduce the contributions that former CTSP would be obligated to do in order to receive their additional credit. Another important provision requires a dollar-for-dollar reduction for any amount CTSP receive from private pension plans based on their CTSP service. This is to make sure that the legislation provides benefits solely to those for whom CTSP service has caused hardship and to prevent anyone from receiving greater retirement benefits than those available to Federal workers.

I am not exactly sure what the cost of my proposal would be but I understand that roughly 2,000 persons are affected; thus making the cost appear small.

Mr. Speaker, the purpose of this legislation is not to open up the doors of the civil service retirement system to those who in any way worked for the Government in the past. Its intention is to right a wrong that has punished a small group of people who have served the Federal Government and the Nation.●

RETIREMENT OF E. GENE FOURNACE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. APPLEGATE. Mr. Speaker, it is a distinct pleasure for me to bring to the attention of my colleagues in the U.S. House of Representatives the celebrated retirement of an outstanding individual and long-time friend, Mr. E. Gene Fournace.

Mr. Fournace, retiring as senior vice-president of the Ohio Power Co., Canton, Ohio, vice president of the Franklin Real Estate Co., New York, N.Y., and vice president of the Ohio Electric Co., has been employed by Ohio Power for nearly 50 years in one capacity or another. He also serves as a director to the American Electric Power Service Corp.

Education in the Canton, Ohio public school, Mr. Fournace went on to receive his B.A. degree at the University of Wisconsin in 1930 and attended the University of Pennsylvania and the Massachusetts Institute of Technology in 1950 and 1961, respectively. He is respected and admired by his associates as an individual who is more familiar with the utility business than anyone.

But Mr. Speaker, this gentleman's dedication does not end with his vocation. Mr. Gene Fournace has dedicated his life to public service groups of all kinds. Since 1932 when he served as president of the Newark, Ohio, Jaycees, Gene has been a most active and concerned citizen. He was the first recipient of the "Outstanding Young Man of the Year Award" by the Newark, Ohio, Jaycees, chairman of the Lima, Ohio, Community Chest campaign, chairman of the Governor's Executive Committee on Ohio Water Resources, a director of the Water Resources Congress, and chairman of the Ohio Public Expenditure Council just to name a few of his positions.

Yes, Mr. Gene Fournace is a rare individual, and this is unfortunate as we could use more people like him in this country. On behalf of Ohio's 18th Congressional District, I wish to thank Gene for his dedication and hope that his retirement brings him happiness and the rest he deserves.●

DRAFTING PEOPLE OR DOLLARS

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. JOHNSON of Colorado. Mr. Speaker, as discussion and debate involving the question of re-instituting the draft continue here in Washington and throughout the Nation, it is important to understand some of the basic issues involved. Peter J. Ognibene, a military and political affairs writer, contributed a column on this subject that appeared in the February 13, 1979 issue of the Washington Post. Mr. Ognibene makes a number of interesting points concerning the volunteer force and why it may be the desired option in a time of peace. I ask that the article be reprinted in the RECORD.

The article follows:

DRAFTING PEOPLE OR DOLLARS?

(By Peter J. Ognibene)

There are two ways to raise an army. The nation can draft its young into service, or it can use another form of conscription—taxation—to pay for a volunteer force.

Throughout most of our history, we have chosen the latter, more democratic approach. Nevertheless, sentiment and support for the draft appear to be rising on Capitol Hill.

Conscription has a long if inglorious, history. The British Navy impressed 10,000 native-born Americans between 1793 and 1811, an outrage that led to the War of 1812. Throughout the 19th and well into the 20th century, immigrants by the millions sought the safety of these shores to keep their sons from being dragooned into the perennially warring armies of Europe. Until the Cold War, Americans regarded the draft as a last resort that could be justified only when the nation was in imminent peril.

The draft was abolished in 1973. To make the armed forces more attractive employers, Congress authorized higher pay, reenlistment bonuses and other incentives. Although the volunteer force does not work perfectly—what in government does?—it has performed far better than its critics prophesied.

In spite of predictions to the contrary, the quality of military recruits has improved since the draft ended. All prospective enlistees are assigned to one of five "mental categories" on the basis of aptitude tests. The law prohibits recruitment of the bottom 10 percent (Category V) but permits each service to draw up to 18 percent of its recruits from Category IV, which encompasses the 10th through 30th percentile. Over the past five years, the services have drawn only 7.4 percent of their recruits from Category IV.

The Army, which many thought would be unable to remain beneath the 18 percent ceiling, has confounded the pessimists. Only 11 percent of the Army's recruits have come from Category IV over the past five years.

More than a fourth of the Army is black; critics find that a cause for concern. The demise of the draft, however, appears to have had less to do with the rise of black enlistments than the skyrocketing unemployment rate of black teen-age males. Relatively few young blacks have been able to find good jobs in the domestic economy.

This is not so much an Army "problem" as it is a reflection on the trades, businesses and professions of America. With these routes of upward mobility closed to many blacks, they have been turning in greater numbers to an institution that has long welcomed them. In the Army, many of them will gain additional education, useful job skills and a rewarding career.

When "equal opportunity" becomes a reality in the civilian economy, black representation in the Army will probably decline to a level close to their proportion of the population. To revive the draft now would only serve to limit the number of blacks who would be allowed to volunteer for the Army.

It costs more to recruit volunteers than it does to induct reluctant civilians, but the actual savings are small by Pentagon standards.

Rep. Les Aspin (D-Wis.), a member of the House Armed Services Committee, calculates that "the cost of the all-volunteer raise in 1977 came to $1.7 billion." That accounted for about a sixth of the boost in military pay; the lion's share (five-sixths) went to more senior military personnel.

If there were a new draft, the Department of Defense estimates it would save about $500 million in recruitment costs—about $2 for every man, woman and child in America. The only way to save more money would be to slash military pay for all ranks, and Congress shows no inclination to take such a step.

In response to a congressional query, Secretary of Defense Harold Brown said recently that any new legislation to register young men for the draft should also be extended to include young women. As a matter of equity, it would be hard to argue against a unisex draft. American voters, however, might not take too kindly to the prospect of having their daughters as well as sons shipped off involuntarily to boot camp.

Few members of Congress are advocating that conscription be immediately revived; their present objective is the registration of 18-year-old males. With such a system in place, however, it would be a short step to actual inductions.

With some two million men and women currently in uniform, it is difficult to imagine the nation suddenly in need of millions more. Moreover, in this age of computers, registration would be much less a problem than the training and equipping of a massive influx of recruits. So, one could hardly plead logistical necessity in behalf of a so-called standby draft.

The real issue, of course, is money. The draft is a serious deprivation of liberty that can only be justified when the service of some must be conscripted to preserve the freedom of all. With the United States at peace, the case for a new draft rests primarily on how we will pay for our peacetime armed forces. The choice, in fact, is quite simple: We can draft dollars, or we can draft people.●

UNITED STATES USE OF BASE FACILITIES IN SPAIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues some correspondence I had with the State Department regarding newspaper reports which indicated that the Government of Spain had denied permission for U.S. F–15 aircraft on their way to Saudi Arabia for display purposes to land in Spain for refueling. Current treaty relations with Spain assure us of certain transit rights.

According to the State Department the Washington Post article of January 30, 1979, and other reports were inaccurate. They indicate that time pressures did not permit the United States to wait for a Spanish decision on the transit question.

A copy of the Washington Post article and my correspondence with the State Department follows:

Use of Bases May Become Thorny Issue for United States, Spain

(By Miguel Acoca)

Madrid, Jan. 29—A bit of diplomatic foot-dragging by Spain during the height of the Iran crisis has signaled that the United States can no longer take for granted stopover rights at Spanish air bases for U.S. warplanes on their way to Middle East trouble spots.

Spain's reluctance to allow U.S. F15s bound for Saudi Arabia to land at Torrejon air base outside Madrid caused an expensive rerouting through Lajes, a base on Portugal's Azores Islands, with midair refueling.

The incident underlined the differences between Spain and the United States that threaten to weaken the 25-year-old military relationship between the two countries.

Spanish policy and attitudes raise serious questions about whether the United States can use the Spanish bases to supply Israel in the event of another Middle East war, for example, or to help Saudi Arabia in the event of trouble in that kingdom so rich in vital petroleum.

Spain actually refused to allow U.S. planes resupplying Israel in 1973 to land at the bases—Spain does not recognize Israel and has cultivated the Arab states. However, U.S. air tankers from Torrejon did fly repeated missions in 1973 refueling planes from the United States airlifting weapons to Israel.

Spain's apparent unhappiness with this situation stems from the fact that Washington and Madrid have conflicting Middle East policies and differences of opinion over whether developments like the current crisis in Iran actually involve the defense of the West.

The irony of the U.S. use of Lajes earlier this month was evident. After the 1974 leftist Portuguese military revolution—which caught the CIA and the Nixon administration by surprise—U.S. officials were convinced that the Azores base could never be used, as it had in 1973, for Middle East conflicts. That conclusion proved wrong.

At the height of Washington's fears that Portugal was coming under communist influence or control, a high U.S. official in Madrid remarked, somewhat optimistically, that Washington did not really need Portugal or Lajes.

"Portugal makes no difference," he said. "We've still got Iran, Spain, and West Germany."

Despite the changes in Portugal, however, Lisbon now permits the U.S. Air Force to use Lajes for vital missions.

Portugal, a member of the North Atlantic Treaty Organization, views events in the Middle East and U.S. interests differently than Madrid. And it now has overcome the exclusion from key NATO committees imposed by former secretary of state Henry Kissinger, who did not trust Portugal's leftist leaders.

The apparent end of Iran's close cooperation with the United States gives Spain a new strategic importance, but the role of Spain and the Spanish bases remain in question.

U.S. officials maintain that under the five-year bases treaty, which expires in 1981, the United States has "unlimited transit rights" for planes headed for third countries. Iran and the shah were the beneficiaries of these rights when the Torrejon base was used as a stopover for planes bearing weapons for the Iranian armed forces. Spain raised no objections at the time.

Exactly what happened regarding transit rights for the F15s is not clear. U.S. officials put in a routine request with the Foreign Office. At first the answer was affirmative.

Then it was announced in Washington that the planes were going to Saudi Arabia for political reasons concerning Iran. Madrid promptly withdrew approval even though the flight involved three friendly governments—the United States, the shah and the Saudi government.

"We didn't want to be taken for granted," explained a Spanish official.

"Perhaps we should have consulted a friend about the mission of the F15s, an American source said. "We used them [the Spanish bases] in 1973, and we should save them for a crucial moment."

The fact remains, however, that the incident over the F15s set a precedent. The American interpretation of "unlimited transit rights" is now an issue that will be raised if there is a new Middle East crisis and when a new bases agreement is negotiated in coming months.

While it is true that Premier Adolfo Suarez faces an electoral campaign in which the U.S. treaty may become an issue, Socialists and Communists agree that the alliance with the United States must be continued so as not to upset the balance of power in Western Europe. They oppose Spain joining NATO, however.

Apart from a different concept of Western defense and conflicting strategic views on the Middle East, Spain feels that it can extend its influence in the Arab world as U.S. standing drops. Spain's "special role" in the Arab world was a foreign policy cornerstone of the late dictator Francisco Franco. It remains the same under the nascent democracy of King Juan Carlos.

Committee on
International Relations,
January 31, 1979.

Hon. Cyrus R. Vance,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: I would like to know if recent press reports are accurate that the Government of Spain refused to allow United States F–15 aircraft bound for Saudi Arabia to land in Spain.

Specifically, I would like to know the following:

Was it reasonable to expect, on the basis of our treaty with Spain, that such flights would be allowed to land?

Are we meant to have unlimited transit rights in Spain?

When did we ask for landing permission and when was permission refused and why was it refused?

When asking for permission, did we tell the Spaniards the mission of the planes?

How far in advance of departure of the aircraft from the United States did we seek Spain's permission?

Do you consider this refusal in any way a violation of the spirit or the letter of agreements or understandings with the Spanish Government?

Was the denial of landing rights related to the fact that the F–15 mission was made public? Or, in other words, do you have reason to believe that the planes could have landed if the mission had been kept out of the press?

I appreciate your consideration of these questions and would like an unclassified reply within two weeks.

With best regards.

Sincerely yours,
Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East.

Department of State,
Washington, D.C.

Hon. Lee H. Hamilton,
House of Representatives.

Dear Mr. Hamilton: I refer to your letter of January 31, 1979, to Secretary Vance in which you requested information on the use of Spanish bases by United States F–15 aircraft during the recent deployment to Saudi Arabia.

Press reports which stated that the Spanish Government refused to allow F–15's bound for Saudi Arabia to land in Spain are inaccurate. In fact, the Spanish did not object to a stopover of the planes in Spain. In view of widespread press coverage of the deployment, the Spanish officials with whom we had initially consulted decided that the matter was of such import that it should be brought to the attention of the top officials of the government.

When we realized that the Spanish were not going to be able to discuss the matter and get back to us in time to meet our self-imposed deadline, we made alternative arrangements through Portugal. Nevertheless, the Government of Spain did advise us before the planes left the U.S. that the Spanish Government had no objection to the planes landing in Spain.

As you may know, several of the F–15's did stop over in Spain during the return flight. In fact, two of the aircraft, which had experienced mechanical trouble, landed in Spain en route to Saudi Arabia.

Following are answers to your specific questions:

It was reasonable to expect, on the basis of our treaty with Spain, that the F–15's would be allowed to land. The Treaty states that Spain grants the United States the right to use the base facilities by way of contribution to the Western defense effort.

The 1976 Treaty does provide for the use of certain air and naval bases by aircraft in transit through Spain enroute to other destinations. It has been our standing practice to consult with the Spanish Government on other than routine missions.

We first consulted with the Spanish Government on the proposed F–15 flights on January 9. Spanish officials told us that same day that they did not foresee any difficulties. However, following the press reports of the planned deployment, the Spanish officials said they wanted to have it considered by higher officials. On the morning of January 12, Defense Minister General Gutierrez-Mellado informed Ambassador Todman that Prime Minister Suarez voiced no objection to the stop over of the F–15s. Although these aircraft were not scheduled to leave the United States until the 13th, we had already decided to send the planes through Portugal in order to permit orderly planning.

When we consulted with the Spanish Government on the 9th we informed it that the deployment of the F–15's would be a demonstration of US political support for Saudi Arabia and United States interest in the Middle East. We also stated that the deployment was for training and demonstration purposes for the Saudi Air Force.

We do not believe that the Spanish action was a violation of the spirit or letter of agreements or understandings with the Spanish Government.

It is possible that the considerable press coverage of the deployment, both in the US and in Spain, caused the Spanish Government to consider the matter at the highest level, thus occasioning the delay that caused us, for operational reasons, to decide on an alternative routing.

Sincerely,
Douglas J. Bennet, Jr.,
Assistant Secretary for Congressional Relations.●

CIVIL DEFENSE—WHY NOT FOR AMERICANS?

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. STUMP. Mr. Speaker, I recently accompanied our distinguished colleague from Georgia, Larry McDonald, and other members of the Armed Services Committee on a tour to inspect civil defense measures in several countries of Western Europe and the Middle East. By comparison to the United States, nearly all the countries visited are making serious commitments to the protection and survival of their civilian population in the event of a war. The Soviet Union is engaged in massive civil defense programs and also is "hardening" its factories and plants which produce military equipment. This is clearly an important factor when considering whether the Soviet Union might risk a first strike against the United States. As John Crown correctly has pointed out in the Atlanta Journal and Constitution:

> It may not be the magnitude and number of missiles which determine the winner of a nuclear holocaust. It may be who can survive. And right now that is not the United States.

Mr. Crown appears to be one of the few commentators in America who has a real grasp of the serious implications of our lack of a civil defense program against nuclear attack, and I recommend that the Members of this Congress give heed to his views.

[From the Atlanta Journal and Constitution, Feb. 3, 1979]

Representative Larry McDonald and Our Civil Defense

(By John Crown)

In any comparison of the relative strengths of the United States and the Soviet Union it is essential that the factor of civil defense be considered.

It is rational that if one nation has the means of protecting a major segment of its population and its industrial base against nuclear attack and that nation's adversary does not have such protection a nuclear holocaust is all too possible.

The United States has made no effort to institute civil defense procedures against nuclear attack. Ergo, we look upon a nuclear holocaust as "unthinkable."

The Soviet Union has made a massive effort to protect its people and its industries against nuclear attack. Ergo, the Soviets never use the expression "unthinkable" when contemplating nuclear war.

This was brought to the fore recently by Representative Larry McDonald of Georgia's 7th Congressional District. Representative McDonald led a delegation from the House Armed Services Committee to take a look at civil defense measures in Europe and the Middle East. What he and his colleagues found emphasizes how apathetic and fatalistic we in the United States appear to be.

In Egypt, Rep. McDonald noted, the bulk of the population lives along either the Nile or the Suez Canal. What civil defense exists is a reminder of past wars. There are sandbags and bricked up windows.

Rep. McDonald and his associates found that Israel has excellent civil defense facilities for conventional wars. And a program is being prepared for coping with nuclear contingencies.

Norway is a member of the NATO alliance and is on the firing line. It has a common border with the Soviet Union. Despite limited resources—in comparison with the United States—Norway takes civil defense seriously.

"Little Norway is putting a significant effort into civil defense," Rep. McDonald told me. "It is using its subway system and is equipping it for adequate shelter. Double steel doors are installed at entrances. The subway system has independent air filters, an independent electrical supply and an independent water purification source. All new homes and new factories must include shelters for the occupants."

But it was Switzerland which really generated amazement and respect. We get the whine from Washington that our partial oil imports weaken the value of the dollar. Well, get this from Larry McDonald.

"Switzerland would really give the United States an inferiority complex," Rep. McDonald commented. "Switzerland has to import every drop of oil, every piece of coal, every ounce of uranium. Yet it has the strongest currency in the world. And from a percentage view it has the best armed forces in the world.

"All Swiss men keep their guns and their ammunition at home. Yet Switzerland has a virtually zero crime rate and a virtually zero homicide rate. And there's a message in that for all those people over here who say ownership of firearms causes crime.

"Eighty percent of all Swiss men are in the military. Ten percent have a disability which limits them to ancillary duties. The remaining 10 percent simply cannot serve and so they pay a special tax in lieu of military duty. The Swiss can mobilize 600,000 men in 48 hours and effect total mobilization in 72 hours.

"All military aircraft are kept in underground hangars in the mountains and there are facilities for full service, even in the event of nuclear war. All new buildings must contain fallout shelters. Every home must keep on hand at least one week's supply of food. The nation maintains a one-year supply of grain. And there are available ammunition depots both above and below ground.

"Swiss Defense Minister Gnagi told us that the only way for a country to be neutral is to be able to back up that neutrality through strength. And the Swiss are doing it."

Understandably, Rep. McDonald and his group did not visit the Soviet Union in connection with civil defense study. But he points to tests which have been made in the United States utilizing Soviet civil defense manuals.

"The Soviet Union is working very thoroughly on civil defense despite Les Aspin (an ultraliberal Democratic congressman) and the CIA trying to tell us that the Soviets have no workable plan," Rep. McDonald said.

He noted that if the Lockheed plant here were to be subjected to Soviet attack it would be transformed "into confetti." But on the West Coast tests have been made following procedures in Soviet civil defense manuals.

"From those tests it has been shown that Soviet plants attacked by us would be back in operation in two weeks," Rep. McDonald remarked.

It may not be the magnitude and number of missiles which determine the winner of a nuclear holocaust. It may be who can survive. And right now that is not the United States.●

COURT WOULD HAVE JURISDICTION OVER LABOR DISPUTES IF ESTABLISHED

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. RHODES. Mr. Speaker, on February 22, I introduced, once again, my bill to establish a U.S. Court of Labor Management Relations that would have jurisdiction over major labor disputes that have a substantial impact on the Nation's economy.

This measure is designed to establish a mechanism for the orderly, rational and equitable resolution of labor disputes where the general public has a significant interest in the outcome.

It is designed to fill a very serious gap that now exists in our ability to deal with prolonged labor disputes, such as last year's coal strike, in a rational manner that takes into account the needs and equities of both labor and management, as well as the impact of a settlement on the consuming public.

We can no longer afford settlements wherein management "caves in" to labor simply to avoid a strike, and passes on the cost to the public in the form of higher prices. Nor can we afford prolonged strikes, that leave plant and equipment idled, and consumers deprived of important goods and services.

The court described in this bill achieves a middle ground between strikes or lockouts, which I consider a form of economic barbarism, and compulsory arbitration, which I believe is too susceptible to charges of capriciousness.

In our Nation, we submit virtually every type of dispute to a court of law for its resolution. So far, we have seemed unwilling to do the same for labor disputes, I fail to understand this, especially in light of recent talk favoring the submission of disputes involving public employees to arbitration. I believe the time has come to give serious attention to this proposal, and I commend it to my colleagues for their consideration.●

PHILIP M. CRANE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. PAUL. Mr. Speaker, one of our most eloquent, hardest working, and brightest colleagues was recently written about in Private Practice magazine.

Since that colleague, the Honorable PHILIP CRANE, may soon be moving to the other end of Pennsylvania Avenue, I would like to bring this article to the attention of the entire House by inserting it in the RECORD:

PHIL CRANE AND THE PRESIDENCY

(By Michael Watterlond)

In the doldrums of last summer, the bad planning and chaos of this almost tropical capital of Washington, D.C., were even more befuddling than usual. Shining slabs of marble loomed surprisingly over a steaming jungle of urban trees and beneath the trees there was the boggling pattern of streets and avenues that inexplicably meandered and bent and lost themselves without logic or reason. Nothing seems simply to go from here to there in this city.

And in this mishmash of tangled pavement it often seems as though every misconceived notion in the country has settled here and taken root in institutionalization. But unfortunately this is a country still young enough to have energetic and ambitious men and women who welcome the chance to weed these notions out.

Even though it is a frustrating and seemingly fruitless job, Congressman Philip Crane of Illinois, chairman of the American Conservative Union and member of the House subcommittee on health, thinks he is the man to do it. Phil Crane wants to be President.

Last summer he made the national announcement that he will seek election to the office of the President. He has been shown on network television kissing his wife, his children, sharing great hopes with the admiring staff of his office. And the media generally concede that even in these early months he has as good a chance to win the Presidency as Governor Carter did when he announced in December 1974.

And now, on these hectic election-year mornings, there are members of the press who perhaps could not have identified Phil Crane only a few months ago, but who now jot down and record his statements on NHI, taxation, campaigns, the future, the direction of conservative philosophy. It is clear to the writers and photographers that they have something special on their hands—a handsome, articulate, intellectual conservative with presidential aspirations who will look you in the eye and smile when he says "revolution!"

Possibly what he means is "rebellion," but nevertheless, Philip Crane has found a national bandwagon, a national movement, and an awaiting audience in these days when taxpayers have stopped shaking their heads in amazement and have started picking up pitchforks, tar pails, and initiative petitions.

Crane's square-jawed, conservative stand on national medical issues has given him a firm basis of argument as regards what the press is calling our "tax revolt."

Crane has made repeated attacks on the faults of the national government in the medical field. He is a great enthusiast of free enterprise and imagination as well as hard work and determination—all things he pretty much dismisses from federal programs.

"Those who advance the idea of crisis in American medical care argue that government intervention is necessary because we have a shortage of doctors," Crane says. "Somehow, they say, government control of medicine will ease this shortage. Unfortunately, most of the participants in this debate accept as a given notion that a doctor shortage exists.

"Since 1965 the number of doctors has increased at a rate three times that of the population, yet much of the discussion about the alleged shortage of doctors has proceeded as if there has been no change in the situation."

Crane has been a champion of privacy in medical records. And a vociferous foe of National Health Insurance.

"The potential for abuse cannot be overlooked," he says of governmental access to medical records. "Unless a greater degree of confidentiality is extended to private medical records, an Ellsberg break-in would no longer be necessary if a government official wanted to examine sensitive psychiatric records for unauthorized reasons. The records would be already available."

He has introduced legislation to limit, in fact prohibit, government access to medical records of any treatment not paid for through federal funds. His position is that such a bill would prove a great relief to patients not receiving federal assistance and would, at the same time, provide some point of consideration for evaluation of federal medical aid through veterans' benefits, Social Security, or Medicare assistance. HEW has lobbied against his bill.

On the subject of National Health Insurance, Crane makes no bones about his opposition:

"There is every reason for Americans to reject the idea of National Health Insurance. If we carefully consider the strengths of our private practice system and the availability of private health insurance tailored to each person's needs and resources, and compare it to the weaknesses of the socialized medical systems of other countries, and then review the failure of our own government programs such as Medicare and Medicaid, that conclusion becomes inevitable "Let us not in the name of 'better health care' set in motion a series of events that will damage medical care, impose heavy new taxes, and demolish more individual liberty."

Crane's position on these medical issues sets him in line with much of the public hue and cry these days about taxes and tax use in general.

Although the Congressman's marketability as a presidential candidate has been touted by Crane enthusiasts from the start (he took the congressional seat Donald Rumsfeld left to join the Nixon Administration in 1969), it cannot be denied that today's voter concern for hardline conservative tax attitudes has made him even more attractive than ever.

"I would not want to be running for anything in this country," Crane says, "on a platform that does not support serious tax reform.

"The point I would like to make is that I, first of all, embrace any and all initiatives designed to get a handle on taxes. I think the protest in California was dramatic, but it was a symptom of more than protest over the levels of real estate taxes. It was a commentary, in fact, on the increasing perception by the public that the government is taking too much of our money and not spending it intelligently.

"I think, in that protest, lies great hope."

Crane has one of the great gifts all politicians ache for, but which so few of them actually possess: he can talk. And think while he is doing it.

In a town where second- and third-term Congressmen have to go through 20 takes for a 30-second television campaign spot, the image of this natural speaker and thinker is a freshening sight. He is a good old-time orator when he wants to be. It is easy to picture him up on the stump denouncing or supporting just about anything credibly—and his gift for speaking is sharply enhanced by that fact when he talks, he may say what you expect him to say, but even if he does, it sounds fresh and original and sincere and not at all like party cant.

After a few minutes in the presence of Philip Crane, it is easy to see that the next couple years of campaigning are going to give the country something to think about.

Already Crane has become a lively topic of conversation among the veteran pundits and observers of Washington's political landscape. In the midst of a conversation about taxes in general, the television roundtable group of Martin Agronsky's guests nearly jump out of their seats when someone mentions that in the summer of 1978 a not-too-well-known Congressman from Illinois has announced his candidacy for a presidential election years away.

Conservative columnist Jack Kilpatrick offers an initial assessment of the situation:

"Here's a fellow," Kilpatrick muses, "who wants to be President. He can talk well. He thinks rather well—in his world. You may not agree with it . . ."

"There are a lot of people," chimes in columnist Carl Rowan with a professional air, "who think Proposition 13, this capital gains business, and so forth, all mean that the country is drifting toward a greater conservatism." Rowan, whose political ideas are about as far from those of Jack Kilpatrick as one can find on this planet, says this as though it were still news.

"Crane apparently believes this and thinks people have moved far enough that he can be elected," Rowan says.

"And *that* possibility," Kilpatrick retorts, "would just break your heart, wouldn't it?"

"Yes!" Rowan affirms. "It would break my heart if Philip Crane were elected."

There is much subsequent shouting and Agronsky steers the conversation off toward questions of morality and unwed test tube mothers.

So the battle has begun.

Crane comes from hearty American roots. His grandfather worked a steel mill in Kentucky and with the upward aspirations of American parents, managed to send the Congressman's father to medical school. And Dr. George Crane, the syndicated columnist-medical adviser, has done well by his own sons: a PhD history professor (Philip); a dentist (Daniel); and a psychiatrist with a law degree (David). And this year all three sons ran for congress; Philip at 47 sought reelection; Daniel, 42, ran for Congress also from Illinois, and David, 40, campaigned in Indiana. Philip got over 80% of the vote; Daniel won too, but David lost a close race.

With two brothers in Congress, there will undoubtedly develop a "Crane Compound" like the "Kennedy Compound." Philip and his wife Arlene live in the stylish and quiet suburb of McLean, Virginia with their eight children—a clan in themselves.

All Crane brothers pretty much express the same conservative concerns. Philip's is perhaps seen most particularly in his dealing with medical issues on the health subcommittee of the House Ways and Means Committee.

For instance, in an interview with *Private Practice* one morning at the National Press Club in Washington, Congressman Crane assesses the effects of government regulation on medical practice and research.

"I think it has a negative and stifling effect on the provision of quality medical care," he says. "I think we can provide abundant evidence of this. Whether it is in the area of development of new drugs or in the area of attempting to allocate the purchase of new, expensive, and absolutely necessary medical equipment and additional hospital beds.

"It is my hope that we might focus attention on how well government is providing quality medical care at a proper cost.

"You can hold down—at least as a percentage of the gross national product—the medical care costs of a nation by government intrusion into the field, but you do so at a considerable cost in terms of the quality of service that is provided the citizens and in the availability of that service.

"I think one should have greater faith in the ability of the marketplace and consumer democracy to allocate scarce resources than in politicians with a limited understanding of the nature of the problem, much less in bureaucrats who may have their own self-interest, not necessarily in promoting quality medical care, but in guaranteeing that they shall continue to enjoy their jobs and their perks and their opportunity to exercise and wield increasing power over our lives."

Speaking of power, how does it feel to be a minority party Congressman without the backup power of a Republican presidential veto?

"It is a frustrating role, but one filled with plenty of opportunity to make political hay," he smiles. "Frustrating in that none of the constructive initiatives introduced by Republicans are inclined to go anywhere. They get referred to committee and languish there eternally. The exception is when, through the amendment process, we can force the majority into a situation where they have to go on record. And occasionally we have our own God-and-Motherhood-and-Apple-Pie proposals that they can't very well vote against—particularly in an election year!

"But political opportunities are greater than when you have a Republican in the White House and a massive Democratic majority control in Congress.

"The reason for that is that Republican Presidents in that situation tend to make compromises to accommodate the majority.

"I remember once when then minority leader Jerry Ford returned from a White House briefing on the Family Assistance Plan, which was presented as a Republican welfare reform program. You may recall that this included the guaranteed income provision.

"I explained to Jerry Ford at the time that that was not a Republican position, it was *Nixon's* position," Crane laughs. "And one must make the distinction and keep it clear."

One easily gets the impression Philip Crane is the sort of man who makes distinctions and keeps them clear. He has the drive and willingness to take conservative positions into the union halls, the farm co-ops, anywhere people will listen to his straightforward interpretations of the country's historic paths into what he sees as a tangled mass of social and commercial over-regulation and government intrusion.

He is the sort of man who would not have designed the knotted mess of streets and avenues that steamed in the Washington summer. He would have laid it out as simply and straightforwardly as any sensible midwestern city. It would be someplace where it would not be impossible to go simply from *here* to *there*.●

ASHBROOK TAKES A LOOK AT TENG HSIAO-PING

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. McDONALD. Mr. Speaker, Human Events of February 10, 1979, reported some very succinct comments by our colleague John Ashbrook, of Ohio, relative to Mr. Teng and just who he is. As Congressman Ashbrook described it Teng's whole background has been one of violence against his own people and subversion of his neighbors. And for those who doubt that Communist China will use force to liberate Taiwan, they have only to look at today's newspapers and the fighting going on in Vietnam. I commend the article to the attention of my colleagues:

Ashbrook Takes a Look At Teng Hsiao-Ping

Rep. John Ashbrook (R.-Ohio), a member of the House Select Committee on Intelligence, launched a full-scale attack against Teng Hsiao-Ping last week, insisting he was active in a number of Maoist campaigns that produced "millions of murders."

During one of the worst of these campaigns, said the Ohioan, Teng played an open public role. This was the "political liquidation" of 1949 to 1958, when some 15 million to 30 million Chinese were killed by Mao's actions. Teng, says Ashbrook, "was an active participant in the slaughter" in his various posts: First Secretary of the South West Bureau of the Communist party, Political Commissar of the South West Military Area, Vice Premier of Red China, Secretary General of the Central Committee of the Communist party, and member of the Politburo.

Ashbrook accused Teng of playing a major role in 1957 in trapping millions of Chinese, and leading them to their deaths. After eight years of "mass murder, Mao advanced the slogan, "let a hundred flowers blossom, . . . let a hundred schools of thought contend." The Chinese people, noted the Ohioan, "took this policy to mean an end to persecution, slave labor camps and executions. They spoke out against the horrors that they had suffered since 1949. But the liberalization was temporary. It was meant to trap the dissidents.

"After some months of free speech and active participation in the political process by the Chinese people, the Communist leaders struck. The arrests and killings resumed. The man chosen by Mao Tse-tung to resume the oppression was Teng-Hsiao-Ping, the man who is being welcomed by our country."

In a speech made to the Central Committee of the Communist party, Teng, the secretary general, announced the new wage of purges, stating: "The spread of Marxism-Leninism and political education must be strengthened, erroneous thinking must be criticized, and poisonous weeds must be rooted out. By permitting the emergence of 'poisonous weeds' we intend to educate the masses through negative examples, to uproot the 'weeds' and use them as fertilizer and to steel the proletariat and the masses in struggle."

According to an expert observer of the Chinese Communist scene, Richard L. G. Deverall, who represented the American

Federation of Labor in Asia for many years, Teng was involved in the illegal narcotics traffic of the Red Chinese regime as well.

While our country welcomes Teng, said Ashbrook, his government organizes insurgency and terrorism against America's friend Thailand. The CIA estimates that there are 9,400 Communist insurgents engaged in military operations against that country. The Red Chinese "maintain the radio facilities for the insurgents and terrorists, called the 'Voice of the People of Thailand.' The Nov. 17, 1978, issue of the Far Eastern Economic Review, one of the most respected publications dealing with Far Eastern matters, pointed out that Teng had publicly refused last year to renounce support for the insurgency group before he visited Thailand. Sources close to Teng's entourage informed the Review, moreover, that the most important leaders of the Maoist insurgency lived in exile in China. Said Ashbrook:

"The political arm of the Thai Communists is called the Committee for Coordinating Patriotic and Democratic Forces (CCPDF). This front was set up in September 1977. It issues a bulletin in the English language every few months. The bulletin called CCPDF News Service is mailed from Laos.

"The Thai insurgents and terrorists received greetings from pro-Red Chinese groups all over the world on the first anniversary of the CCPDF in September 1978. Among the greetings were some from groups in the United States, including the Communist party (Marxist-Lenninist, a group) controlled by Red China which is actively participating in the welcome to Teng."

TENG: UNITED STATES-CHINA PACT WILL SPUR TAIWAN LIBERATION

Teng Hsiao-Ping may be the rage in the United States at the moment, but what his true feelings are toward the U.S.—what he really believes about rapprochment with America—may have been reflected in the speech he gave in Peking July 20, 1977, during the Third Plenum of the 10th Central Committee on the Chinese Party.

The notes, taken by one present at the meeting, were published in May 1978 by the Chinese [Taiwan] Information Service in New York and obviously come from Nationalist Chinese intelligence sources, which are considered quite accurate.

Responding to criticism concerning Red China's growing relations with the United States, Teng stressed that many charge that "we have abandoned the basic stand of international class struggle, and aligned ourselves with the true No. 1 enemy of socialism, namely, U.S. imperialism. . . ."

Being Marxists, Teng countered, "we would never be so stupid as to be incapable of distinguishing friend from foe. Whether it is Nixon, Ford, Carter or any future leader of U.S. imperialism, none of them can climb out of the same merry-go-round. Their purpose is to exploit the split between the Chinese and Soviet Communist parties to bring about the downfall of world socialism as well as to checkmate the Soviet threat to them."

But Teng goes on to say that Red China should instead exploit the United States—not only to counter Soviet "hegemonism" but to obtain Taiwan. "Improvement of China-U.S. relations is an inevitable trend," said Teng. "With the development of this trend, U.S. imperialism would accede to our demands. The normalization of China-U.S. diplomatic relations will naturally be conducive to the resolution of the Taiwan issue."

At present, added Teng, the United States has "something to ask from us, and we hold the complete initiative in dealing with them. From the standpoint of political significance and economic development, we must firmly grasp the existing situation that is favorable to us, and accelerate the implementation of our current foreign policy. This is completely in keeping with the basic interests of our people.

"On the political, economic and diplomatic fronts, we should assume an aggressive posture at all times. But militarily our posture should be defensive. We must defend our national sovereignty and territorial integrity. Taiwan must be liberated, it being only a question of time." Solution of the Taiwan matter is not a simple matter, Teng added, but "eventually it will have to be done through military action." ●

EVALUATION REGARDING HEW GRANTS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HANSEN. Mr. Speaker, I hereby submit for the Record evaluations regarding HEW activity in my district. This is to support action taken to secure answers and necessary corrective steps through HEW, GAO, and other appropriate authorities. The letters follow:

JANUARY 19, 1979.

DEAR MR. HANSEN: Thank you for letting me review the documents about SIFMES. What is the meaning of the term "patient encounters"? What happens to the dollars generated from patient visits? A substantial federal grant, plus fees from patients, makes health care costly. Would it not be better in future policy decisions to have such grants given as loans to initiate practice rather than as outright grants to compete in communities?

Something that has puzzled me is why were the two grants awarded in which the Medical Society input was ignored? If two grants were reviewed in normal process by the Medical Society, why were not all grants involving federal dollars reviewed by the Medical Society? In view of the comments made by the Medical Society, why did not the granting agency request modification of the plan for expenditures or, at least, investigate community need?

Sincerely yours,

JANUARY 23, 1979.

DEAR CONGRESSMAN HANSEN: We have received your letter dated 1-9-79 along with documents concerning the financial and organizational structure of SIFMES, and appreciate your concern in this matter. We apologize for the delay in answering your inquiry but felt there were several points which required some careful scrutiny and these were somewhat time consuming. It is always difficult to criticize the way other people run their business and spend "their" money, (probably more to the point is how they acquired such large sums of federal monies to finance their ventures in the first place) but at any rate we have given careful consideration to the documents which you entrusted to us and feel there are at least a few items which we should comment on. We have attempted to do this in an objective manner since any criticism or input we have attempted in the past has immediately been seized upon by the SIFMES group as pure emotionalism and an attempt by us to protect our "home turf" against intrusion by outside medical care. Isn't it ironic that at this time the mere presence of federally funded physicians in our community prevents us from recruiting quality physicians to join us in delivering health care to our area. It would seem that indeed the physician shortage is rapidly becoming a thing of the past. In fact, we have had at least six inquiries from soon-to-be family physicians who are interested in a rural practice such as ours, but due to the present physician supply in our area and the subsequent unlikely opportunity for a rapidly growing practice they have been discouraged from settling in this area.

The first and most obvious inconsistency in the SIFMES program is their statement that federal subsidies will be required for three years to establish the Soda Springs project in order to become a self sufficient enterprise. If, in fact, this area is so desperately medically deprived and underserved, why would this venture require three years to develop a patient population that would support their clinic financially? Would it not stand to reason that in such an underserved area as they describe ours to be, patients would literally be beating down the door in order to acquire "quality" medical care which according to the SIFMES has not been available to them in the past? Possibly there may be an alternative explanation as to why it requires such a long time to become self supporting. Could it be that it is much simpler to let federal funds finance a business venture to help pay for modern, well equipped medical facilities while establishing a patient population rather than investing one's own energies and finances as the rest of us practicing in the community have done? We feel this is a valid point for consideration. It is further interesting to note in this regard some interesting statistics. One of the selling points SIFMES used most strongly prior to their coming to Soda Springs was the large number of patients leaving the county to seek medical care. In particular and most often mentioned was the number of women going out of the county to deliver babies. The arrival of SIFMES on the scene, therefore, was to result in a large increase in the number of births in our local hospital. Unfortunately this has not proved to be the case. In 1976 (the last full calendar year before SIFMES was in the community) the number of births in Caribou Memorial Hospital was 163. Last year, 1978, the number was 118. Not exactly an overwhelming increase. Checking further with our hospital statistics show that in the year and a half SIFMES has been here the average daily census in the hospital has not changed either. Where are all these medically underserved people?

Another point we are continually hearing is that we must have continuing increase in the number of doctors in order to be able to cope with the boom growth of our area secondary to new industrial development. The simple fact is that Soda Springs is not now and will not be in the foreseeable future, a boom town. Soda Springs census figures further point this out:

	People
1960	2,424
1967	3,456
1970	2,938
1974	3,487

A further demonstration of this stabilized rate of growth in the area is the school enrollment over the past several years. The following figures are for School District #150 (Soda Springs) and represent total enrollment grades 1-12:

	Students
1970	1,250
1974	1,162
1978	1,048

We think these figures certainly demonstrate that we are not faced with an overwhelming increase in population and in fact we may be seeing just the opposite. We believe the economy in our area is stable but certainly is not booming. The present economic status of our country as a whole and also the current battle between the mining industry and the environmentalists both speak against any rapid industrial and population growth in our area.

As we further review the information you sent us concerning the financial report of SIFMES, one glaring inflationary figure is obvious. We refer to the page of the report labeled Exhibit B (page one) which lists the salary allowance for 1¼ FTE physician as $72,691.67. This seems extraordinarily high in itself, but it is not this figure which we question (presumably SIFMES can pay their employees whatever they wish). The figure we wish to question severely is the "In residence call @ $200/15 hrs". What this means is that after office hours they are allowing $13/hr. to a physician to take call for their group. According to the emergency room records of Caribou Memorial Hospital, doctors from SIFMES took care of 385 patients January 1, 1978 to December 31, 1978 in the emergency room. Simple arithmetic figures this to be a cost of $167.48 per patient seen. This is a staggering amount and we think a totally unacceptable spending of tax payers dollars. Surely 385 patients per year, which is just more than one per day, could be handled between the five physicians already in the area exclusive of those employed by SIFMES.

One further figure we would challenge is the malpractice amount of $7,026.58 for 1¼ physicians coverage in Soda Springs. This is exceptionally high considering the type of practice the SIFMES physicans are involved in and also the fact that our malpractice is just over $2,000.00/year each.

We appreciate your interest in this gross misuse of tax payers' dollars. Please be advised that we certainly do not ask for any favors. All we ask for now and all we have ever asked for is *fair play*. In a setting such as ours, it is entirely inappropriate to expect private physicians (who must be self-sustaining from the day that they enter practice rather than living off ill-advised federal grants and tax payers dollars for a period of three years to achieve financial independence) to compete with federally subsidized medicine. Please be further advised that this in no way represents a personal attack on the physicians themselves who are involved with SIFMES. We have no personal quarrel with them and do not in any way accuse them of delivering less than adequate care to the patients they have cared for. The question is a very basic one. That is, in our American system of free enterprise is it appropriate for federally subsidized programs to compete under these circumstances with those who are engaged in the same business but who are not subsidized and must bear their own expenses in order to stay in business and make a living. We do not feel it is fair; we feel it is totally inappropriate to supply SIFMES with continuing federal grant monies to support their private enterprise and we feel that after consideration of this problem you will feel the same way.

Sincerely,

JANUARY 24, 1979.

DEAR MR. HANSEN: Enclosed are comments on the additional data which was forwarded to me regarding the HEW grants in Pocatello during the past year. This letter will assume the posture of comments on the progress reports of 1978, the first being 4/25/78. There is a statement that the Board has provided a forum for planning—this is true but the forum has not been a total community planning, it has been a forum for SIFMES and the Family Medical Center. The report also states that the changes were in Montpelier due to institutional maturity and flexibility of designing organizational responses. It is my understanding that in reality the changes in Montpelier were more due to hard core political and medical pressures because of displeasure of the concept of SIFMES and the Family Practice Group. At the bottom of page 32 there is a statement that the Consortium Board has shown itself to be an invaluable institution in development, coordination, promotion and administration of health care in Eastern Idaho. This is the Board's opinion of itself. I am sure that if the HEW were to survey Eastern Idaho's health professionals they would find a much different attitude regarding this.

Page 33 is also very misleading, inasmuch as it says that there has been mutual planning between a wide variety of health providers and listed is hospital administrators, hospital board members, pharmacists, physicians, paramedics, health and welfare administrators, district health service providers and many others. This statement is inaccurate. There has not been a wide variety of exchange of information in mutual planning and there has not been a willingness to come together to plan, to share and to cooperate as stated in this paragraph. Again this is a statement by SIFMES and if a survey were taken of the individuals and type of institutions listed you would find that there has been very little support to the concept of SIFMES.

On page 34 in discussing Lava Hot Springs there is a statement that Dr. Katz has served the clinic well and there is anticipation that he will continue the role in the foreseeable future. Dr. Katz has discontinued his services with the Family Practice Clinic as have many other physicians who have served one year or less. HEW could find this information out very rapidly by having an onsite inspection to the total community and not just an onsite inspection limited to the Family Practice Group. It is a gross overstatement that the Lava clinical operation must be termed a significant success. This certainly could be challenged. It states that Lava Hot Springs is clearly on the way for financial self-sufficiency by year three. This also could be severely challenged. The addition of a halftime physicians assistant and the basis of the population of the number of individuals that can be served in this area is obviously budgetary overloading.

The Lava HURRHI Clinic is an example of just about everything going right as stated on page 36. This again is a statement of impression of the SIFMES and should not be accepted on face value.

The discussion of the Soda Springs Group must be considered and the basis of the fact that there has been much opposition to the Soda Springs facility in this area although the records do show acceptance by the political authorities but absence of acceptance by the health professionals. A statement is made that the negotiations under way for purchase of a piece of land. Again, is this to be done through public funds as all the rest of the organizations or is this to be done through private funds as the remainder of the health organizations in Eastern Idaho. There is a discussion of the isolation of Soda Springs. Soda Springs has had 24 hour physician coverage for many years and if the concept of SIFMES were less oriented to a closed group practice the additional budget for 24 hour physician coverage would not be necessary. The promises of the proposal preparation period appeared to melt away in the reality of actual project as as stated and this is very true, reflecting the resistance and the lack of acceptance in Soda Springs of the concept of publicly funded medical care.

There is also a comment that the District Health Service and the State Department of Health and Welfare represented on the Consortium Board have provided marvelous cooperation in establishment of the Soda Springs facility. This may be true although the responsibility of the District Health Service and the State Department of Health and Welfare has never been one to establish tax funded programs in competition or in lieu of private practice when the latter has demonstrated its ability to provide excellent care at a much more economical figure. The Soda Springs SIFMES program entered Soda Springs at a time and in such a way that it disallowed Soda Springs obtaining additional private practitioners who would live in Soda Springs.

It is doubtful if the failure of the Montpelier SIFMES proposal can be attributed as a success to SIFMES when in reality it is a success to the ability of a community to handle its needs itself. The Downey operation is marginal. This has been an area which has been handled well by private enterprise at a much less cost than public money and should continue to do so if given the opportunity and if HEW does not step in through SIFMES and negate the possibility of individual operation.

On page 40 note is made that Dr. Romeo was appointed as the Physician Director for the Southeast Idaho District Health Service. Dr. Romeo should be removed from this position immediately inasmuch as judged by his reports he is obviously using this as a stepping stone to frontal State District Health Programs into the Family Practice Clinic instead of serving the entire area through present medical facilities. Dr. Romeo's statement that there has been a significant increase in joint planning, immunization monitoring and programming is in direct violation of the purpose of the Idaho District Health Service inasmuch as this is being coordinated and directed through SIFMES and the Family Practice Clinic. The Pocatello Free Clinic is staffed by physicians in Pocatello who give their time freely and without charge and also two evenings a week the Family Practice Clinic supplies two P.A.'s who are paid for their service. This is not a realistic means for a granting organization. The adolescent health care program has resulted in an absolute closed door of working relationships with area schools, the intention to provide a by-product of recruitment for the Family Practice Group, clinical facilities and patients may or may not have been met. The grant should never have been given inasmuch as the Family Practice Group and SIFMES does not have the type of personnel to handle such a grant. In addition, such a grant is unnecessary and is a fault of the position of grantsmanship applying for types of money that are available rather than applying for needs of this area. The same thing applies to the mental health liaison program with the Southeast Idaho Medical Center. This is obviously an effort to withdraw psychiatric programs from the private psychiatric group in Eastern Idaho and channel it through SIFMES which has less capable psychiatric clinical capabilities—having no psychiatrists on their staff.

There is also a statement that there are plans for expanded dental service in cooperation with the local dentist in Downey. This again falls into the realm of funneling overhead into SIFMES and therefore increasing cost of dental care significantly. The report further states that during the next year particular care is being taken to increase services to adolescents, mental health services, immunization levels of all program participants. First, these efforts are redundant inasmuch as these areas are being handled in this area and before such statements should be accepted a basic evaluation should be made at least by interviewing the health professionals in the area rather than by accepting as fact statement by an organization who's very philosophy of life is to apply and obtain as many grants as possible.

Initial contact has been made with the

State Crippled Childrens Agency for linkage grant by the end of the second program year. This is a State Grant which is functioning well at the present time and the superimposition of linkage money is unnecessary. Not only unnecessary and costly but the SIFMES and Family Practice Group are in no way equipped nor do they have personnel on board to handle this type of program. At the present time this is being handled very effectively through other individuals and the State of Idaho and this is obviously a power bid with federal money to build a private program.

The last statement on page 43 is that their history of cooperation with others is very difficult to support. On Appendix C first quarter report, 1978, another linkage grant is mentioned between Ambulatory Health Care Facilities and Community Health Centers. Once again SIFMES and the Family Practice Group is not the organization in Eastern Idaho to accomplish this—if indeed such is necessaary. It would be informative to find out who are the oncology and pediatric specialists who go to see the rural physicians. To the best of my knowledge I'm unaware of public medical education and service programs being implemented through the CETA aids. On the contrary there is a reasonably effective educational program in Eastern Idaho at this time primarily for professionals which is completely independent of SIFMES.

Additional comment is made of the continuing coordination with the Southeastern Idaho Health Department. The above comments, I believe, are relevant. The same statements are applicable to the HURA Grants specifically for Western Caribou County, Soda Springs, and Grace which is a linkage grant proposal between Community Mental Health Centers and SIFMES service sites and a grant to provide services to adolescents. These again are an attempt to attract federal dollars in an area that is unnecessary and is already handled. The American Falls Center which is funded by Kellogg Foundation Grant is in direct competition with the University of Utah Outreach program. This is a small community and this is an instance of overkill by enthusiasts who desire to obtain federal grants regardless of their need nor community acceptance.

Discussions on Quarterly Report, November through January, 1978. On page 3, SIFMES proposal for diagnosis and care and response to adolescents health initiative states that this will be submitted in the third quarter, will outline health days in eight rural area junior and senior high schools. The type of material presented to the school boards is such that it is very unlikely that the school boards will even accept this type of proposal. It is also self-building to the Family Practice Group for private medicine that the referral services will be provided for adolescents for medical, dental, mental and social services. This again echos the general function of the total concept to use federal money to build a private clinic for profit and through SIFMES as a vehicle. The figures quoted on page 4 are those of the District Health Department in an effort to provide credence to the claim of SIFMES that the District Health Department should favor SIFMES through coordination grants. The tables regarding encounters is difficult to understand because an encounter is not identified. The validity of the figures is questioned and should be certified by actual examination and tabulation of the clinical charts. Comment is made of the uncertainty of funding for Soda Springs. This may be better paraphrased as the inadequate funding to provide federally funded competition for family practice physicians in private practice to other private practice physicians in Soda Springs who do not have federal funding for overhead, equipment and personnel.

One other item deserves comment and that is that there is reasonable question to doubt Mr. Oberlin's background and knowledge to serve as a satisfactory individual for critique of such a professional service.

In summary, the basic problems are those of, 1) the basic concept of declaring Eastern Idaho a disaster area in public health is false; 2) the need of imposing and infusing large amounts of federal funds to maintain and improve quality of care in Eastern Idaho at the expense of the private practice and at the expense of the taxpayers pocketbook is certainly doubtful; 3) there appears to be reason to believe that the grant proposals may be very generous; 4) the reality psychiatric adolescent grant is a figment of imagination, a waste of federal money and a very obvious intent to fortify an individual clinic with federal dollars at the expense of the remaining practitioners in Eastern Idaho. It is surprising that this was granted by HEW even though the Family Practice Clinic is not well qualified in this field particularly inasmuch as there is a satisfactory cadre of psychiatrists and well-trained family practitioners outside of the Family Practice Group. The linkage grants again use federal money to favor a particularly private, for profit clinic and in doing so use state funds which historically do not need this type of linkage grants to function well and is an effort to remove from the present satisfactory method of function and certain stated health functions and channel them into the Family Practice Group. And lastly, the satellite grants have had a negative effect in many areas inasmuch as they have completely discouraged the establishment of physicians who will move into an area and live there at no expense to the taxpayer.

The entire operation is a federally funded program which is based upon fallacious input and by which a private profit group, the Family Practice Clinic, is being established.

Very truly yours,

P.S. The two rented 4 wheel drives are seen in Pocatello all the time. And they apparently are rented for the Soda Springs Highway. 2. A SIFMES member has a private airplane which may be related to budget figures for a private plane.

January 26, 1979.

Dear Representative Hansen: You probably are not aware of the rural health initiative grant made by the Department of Health, Education, and Welfare to the Idaho Migrant Council. In a nut shell, they proposed and made application for a grant to serve the migrant and seasonal farm workers in the Blackfoot area. At the initial grant hearing, approximately six months ago, there were many persons present which offered evidence to refute their claims of need. The grant at that time was turned down on this basis. I note, however, that the grant must have been reworded and what appears to be arbitrarily approved by the bureaucracy in the Seattle area. This approval was done without another public hearing.

I do not believe there is factual evidence to support that there are 2,000 to 3,000 migrant and seasonal farm workers who are medically underserved in Bingham County. I also do not feel that the death rate in Bingham County for newborn infants is any higher than other areas of our state, as they contended.

It is my understanding that the total grant amounted to nearly one-half million dollars, which somehow is to be divided between the Blackfoot area and a grant in Twin Falls. I submit that this is a gross waste of tax payer money! I would also submit that many of the migrant farm workers in this area (in fact the vast majority) are illegal aliens.

I realize there may be nothing that you can do about this, but if there is, your attention would be appreciated.

Sincerely,

P.S.—I might add that my voice is not an isolated voice, but represents the view of all the physicians, the administration of Bingham Memorial Hospital in Blackfoot, and the Southeastern District Health Department, which serves our county.●

THE REGULATORY REFORM ACT OF 1979 INTRODUCTORY REMARKS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing the Regulatory Reform Act of 1979 with a bipartisan group of 36 cosponsors. An identical bill was introduced in the Senate last week by Senators Charles Percy and Robert C. Byrd. Congresswoman Barbara Jordan and I first introduced this bill as H.R. 3100 back on February 3, 1977. An identical measure, S. 600, was introduced in the Senate on the same day by Senators Percy, Byrd, and Ribicoff. This is nearly identical to legislation introduced in the 94th Congress by Senators Percy, Byrd, and Ribicoff, and Ms. Jordan and myself and 62 House cosponsors. Some revisions in the bill have been made as a result of hearings held in the last Congress.

My bill is aimed at reorganizing Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation and to make regulation more effective and responsive to the public interest. It would do this by establishing an 8-year timetable for Presidential submission of and congressional action on four comprehensive regulatory reform plans in each of the next four Congresses. Under the terms of the bill, the President would submit the required plan by May 1 of the first session, and Congress would have to act on that plan or a revised version by May 1 of the second session. If Congress has not enacted a plan by August 1 of the second session, the affected agencies would lose authority to promulgate new rules and regulations; if Congress has not enacted a plan by October 1, the affected agencies would lose their authority to enforce existing rules and regulations; and, if Congress has not enacted a plan by the end of December, the affected agencies would be terminated ("sunset"). The following areas would be covered in each Congress First, energy, environment, housing, and occupational health and safety, 97th Congress; Second, transportation and communications, 98th Congress; Third, banking and finance, international trade, and Government procurement, 99th Congress; and Fourth, food, consumer health and safety, economic trade practices, and labor-management relations, 100th Congress.

Each plan submitted by the President must contain recommendations for the transfer, consolidation, modification, or elimination of functions; organizational, structural and procedural reforms; the merger, modification, establishment or abolition of Federal regulations or agencies; eliminating or phasing out of outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability; eliminating agency delays; and increasing economic competition. The plans would also report on the cumulative impact of all Government regulatory activity covered by that plan on specified industry groupings.

Mr. Speaker, I think the time is long overdue for adoption of this approach given the high priority President Carter has placed on Government reorganization and the elimination of excessive and cost regulations. As recently as his state of the Union message, the President said: "We must begin to scrutinize the overall effect of regulation on our economy." With all due respect, many of us in both Houses of Congress have been scrutinizing the effects for more than 4 years. It is past the time to begin to scrutinize, it is time to enact legislation and get on with eliminating waste and reducing costs.

At this point in the Record, Mr. Speaker, I include a list of our cosponsors and a summary of our bill:

Pursuant to clause 4 of rule XXII of the rules of the House of Representatives, the following sponsors are hereby added to Regulatory Reform Act of 1979.

Mr. Badham, Mr. Benjamin, Mr. Broyhill, Mr. Buchanan, Mr. Chappell, Mr. Cleveland, Mr. Conte, Mr. Davis (Mich.), Mr. Derwinski, Mr. Edwards (Okla.), Mr. Emery, Mr. Erlenborn, Mrs. Fenwick, Mr. Findley, Mr. Gibbons, Mr. Hamilton, Mr. Hollenbeck, Mr. Hyde, Mr. Jeffords, Mr. Jenrette.

Mr. Lott, Mr. McHugh, Mr. McKinney, Mr. Marlenee, Mr. Mollohan, Mr. Moore, Mr. Murphy (Pa.), Mr. Pritchard, Mr. Pursell, Mr. Rahall, Mr. Rinaldo, Mr. Runnels, Mr. Scheuer, Mr. Stockman, Mr. Bob Wilson (Calif.), Mr. Won Pat.

Brief Summary of the Regulatory Reform Act of 1979

(1) Not later than the last day of April in each of the years specified, the President shall submit to the Congress a comprehensive regulatory reform plan for each of the following designated areas (specific agencies affected are enumerated in the bill):

(a) 1981 (97th Congress)—energy, environment, housing and occupational health and safety;

(b) 1983 (98th Congress)—transportation and communications;

(c) 1985 (99th Congress)—banking and finance, international trade, and government procurement; and

(d) 1987 (100th Congress)—food, consumer health and safety, economic trade practices, and labor-management relations.

(2) Each plan submitted by the President shall contain recommendations for:

(a) the transfer, consolidation, modification of functions;

(b) organizational, structural and procedural reforms;

(c) the merger, modification, establishment or abolition of Federal regulations or agencies;

(d) eliminating or phasing out of outdated, overlapping or conflicting regulatory jurisdictions or requirements of general applicability;

(e) eliminating agency delays; and

(f) increasing economic competition.

(3) Each plan submitted by the President shall report on the cumulative impact of all government regulatory activity reviewed on the following specific industry groupings:

(a) transportation and agriculture;

(b) mining, heavy manufacturing, and public utilities;

(c) construction and light manufacturing; and

(d) communications, financing, insurance, real estate, trade and service.

(4) If the President fails to submit the required plans, the appropriate committees of Congress having legislative jurisdiction in the areas covered, together with the House and Senate Government Operations Committees, shall prepare the appropriate plans which shall become the pending business of each House not later than the first day of April of the following year.

(5) The Comptroller General and the Director of the Congressional Budget Office shall submit reports at the same time a plan is submitted detailing the purposes of each agency covered by the plan, any changes in the areas covered by the agency and their impact on the effectiveness of the agency, the net impact of the agency and the degree to which it has accomplished its purposes, its cost-effectiveness and the efficiency of its operations, and practical and more efficient alternative approaches to achieving presently demonstrated regulatory needs.

(6) Each plan submitted by the President shall be submitted to the appropriate legislative and oversight committees of the House and Senate and the Committees on Government Operations which shall report bills approving or disapproving in whole or part the plans, together with such amendments as may be deemed appropriate. Such bills shall become the pending business in each House not later than the first day of May of the following year.

(7) If no plan is approved by August 1 of the following year, the affected departments and agencies shall have no authority to promulgate new rules and regulations except those essential for preserving public health and safety, but subject to congressional veto by concurrent resolution.

(8) If a comprehensive regulatory reform plan is not enacted by October 1st of the following year, then all affected departments and agencies shall lose all authority to enforce any rule or regulation except those essential to preserving public health and safety, again subject to congressional veto.

(9) In the event that no comprehensive regulatory reform plan has been enacted by the last day of December in the following year, all agencies affected by the plan shall be terminated unless appropriate provisions for their continuation are made by enactment of Congress.

(10) The timetable would be repeated beginning in 1997, in the ninth year following completion of the first eight-year timetable. This will ensure continuing review of the regulatory process, with a reasonable interim period to monitor the process before the comprehensive cycle begins anew.●

GEN. THADDEUS KOSCIUSZKO DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. GILMAN. Mr. Speaker, I want to join my colleagues in commemorating and recognizing the contributions of Gen. Thaddeus Kosciuszko to our Nation's heritage.

Insofar as we Americans have always held in high esteem that pioneer spirit which has made our Nation so strong and prosperous, we must also acknowledge the courageous and noble contributions of all those hardy immigrants who left their homeland to come and dedicate their efforts and commitments to a country still in its birth pangs. Thaddeus Kosciuszko was one such individual. Arriving in America during the turbulent year of 1776, he fought with our Revolutionary Army as a colonel of engineers, distinguishing himself in New York and the Carolinas, as well as engineering the fortification of West Point. At the close of the Revolution he received the deepest gratitude of Congress, the privilege of a well-deserved American citizenship and was promoted to the rank of brigadier general.

So it is with renewed spirit of acknowledgment and thanks that we take a special day to honor a gentleman who left behind him a legacy of loyalty, accomplishments, and an example for future generations to follow. Gen. Thaddeus Kosciuszko left America in order to help lead his homeland's struggle for independence, an effort and desire as sincere and devoted as that known of him in the American Revolution. Although his determination to attain liberty for the Polish people fell short of victory and resulted in his untimely death in 1817, General Kosciuszko has become a symbol of an ethnic pride that integrates itself with a blend of other rich and diverse cultures, for the promotion of a more unique and humane society.

As the Representative of that region in New York State (in particularly West Point) where General Kosciuszko served and where he formed lifelong friendships, I am honored to join with the many others taking this time to observe the birthday of both a great leader in the cause of the American war of independence and a brave Polish patriot.●

APPROPRIATIONS FOR THE FTC

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. BROYHILL. Mr. Speaker, along with my colleague from New Jersey (Mr. Rinaldo), I am introducing legislation authorizing appropriations for the Federal Trade Commission. The bill also contains several substantive amendments to the FTC Act which we believe would significantly improve the operations of the Commission. For example, the bill contains a legislative veto provision virtually identical to that which passed the House during the 95th Congress. The FTC has proposed a number of rules on a wide range of topics and the gentleman from New Jersey and I both feel it is important to get this provision in place as soon as possible to guarantee more effective oversight of the Commission's rulemaking activities. The bill would also exempt saving and loan institutions from the jurisdiction of the FTC. Instead, the bill would require the Federal Home Loan Bank Board to issue rules which would apply to savings and loans paralleling those issued by the FTC. This regulatory scheme is the same as that which now applies to banks. Finally, the bill contains provisions designed to enable the Commission to better monitor the impact of its rules. The bill would require, among other things, that the agency consider regulatory and nonregulatory alternatives and analyze the economic impact of its proposed rules, determine that a rule is not in conflict with or duplicative of a rule issued by another agency and review rules 5 years after they have been issued to determine whether the rules continue to be needed and are carrying out the purposes they were designed to carry out at the time they were promulgated.

We believe that enactment of this bill would greatly improve the workings of the FTC.●

CARTER FOREIGN POLICY: SPLENDID OSCILLATION

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. O'BRIEN. Mr. Speaker, George Bush was America's special envoy to the People's Republic of China. He served 2 years as U.S. Ambassador to the United Nations. He was Director of the Central Intelligence Agency. He is a distinguished former Member of Congress.

When George Bush talks about America's position in the world, he speaks from years of frontline experience.

When George Bush talks about SALT II diplomatic relations with mainland China, and the need for a strong intelligence agency, the Congress is well advised to listen.

I commend to the attention of the House a speech by George Bush to the Georgetown University School of Foreign Service, given January 25, 1979:

SPEECH BY GEORGE BUSH TO GEORGETOWN UNIVERSITY SCHOOL OF FOREIGN SERVICE

As we start a new year, I am struck by the volume and amplitude of anxiety felt by Americans.

In travelling about the country, I find that many are losing their confidence in the ability of our leaders—not just in politics but in education, business, and other endeavors—to cope with the problems of our time and to convey a sense of purpose and direction. Vermont Royster, a dean of American journalism, has properly said that our society seems to be afflicted with "free floating anxiety" about the future.

In trying to find what has happened to us, I think one answer that is quite clear is that here at home—in our domestic affairs—the organizing principles of our society have begun to crumble. During the 1930s and 1940s, a general consensus grew up in the Nation that we could solve most of our social and institutional problems through the power of central government. That belief reached its zenith, perhaps, in the 1960s, but as the earthquake of proposition 13 reminded us last summer, the 60s are now over in the United States.

We have come into a new era in which people no longer regard government as efficient, nor even benevolent. It has become too big, too powerful, too wasteful—and I am sure you could add many epithets of your own. Thus, we are in search of new organizing principles here at home.

It is worth reminding ourselves that we are by no means unique in this regard.

The bandwagon against big government is rolling through many other western nations, and where it will stop, no one really knows. This past December, one of the most thoughtful editors of the Economist, Norman MacRae, completed a tour of the United States, Canada, Australia, South Africa and Britain, and in a lengthy report, he wrote that: "Across the English-speaking world, the system of Government is breaking down . . . there is probably going to be a great deal of unpleasantness as the next stage unfolds."

The challenges at home—inflation, unemployment, strengthening family life, and maintaining a sense of social cohesion—are thus much the same for all of us.

Yet, I would argue here this afternoon that in addressing these issues here at home—as we must—that we must pay no less heed to the issues that are facing us abroad, for the threat to our society from across the waters is no less important. Indeed, it appears to be mounting rapidly.

All of us have recognized for some time that the organizing principles of our domestic life were beginning to lose their staying power; but it has only been in the past few months that we have been forcefully taught that the principles of our foreign policy are also wearing thin. As our links with one nation after another are smashed to bits—Afghanistan, South Yemen, Ethiopia, and now, Iran—America can no longer turn a blind eye to what is happening in the world. It is time to sound the alarm.

After World War II, the United States developed a fairly coherent approach to world affairs, one that was supported by members of both political parties. In general, we were successful: We provided an umbrella of security for Europe and Japan to recover from their devastation; our policy encouraged the evolution of the peoples of the Third World away from colonialism and toward independence. As a result America enjoyed several years of relative prosperity and peace.

But now as we prepare for the 80s, we find that our consensus on foreign policy has been shattered. Vietnam split away millions of people, many young, some old, who concluded that America's role in the world should be curtailed. Arnold Toynbee once said that America is like a big dog in a small room: Every time it wags its tail, it knocks over a chair. But many of the anti-Vietnam protesters of the 60s thought it was much worse than that: They believed—and their beliefs were fueled by the revisionists on many of our campuses—that America is an arrogant, reactionary power that is a source of great mischief in the world. In effect, they have become the new isolationists, for they want the United States to ignore international affairs and let the world go its merry way—even if that means the destruction of free institutions and friendly countries.

On the other hand, I believe the great majority of Americans believe that America has a responsible role to play and that, if we withdraw, the world is much more likely to slide toward totalitarianism. It is among this group—and I count myself as one of them—that there is now mounting concern about the trend of recent events beyond our shores.

Out most immediate problem as a nation is that our current foreign policy seems to be one of splendid oscillation. One day, our Government speaks about our responsibility as a world leader in the face of a growing Soviet menace; the next day, our President tells us that we should no longer have "an inordinate fear of communism." One day, our naval fleet is ordered from the Philippines to a position just off Iran; the next day, the signals are changed, and it is told to cut figure eights in the South China sea. One day, we inform our allies that we want their support in order to build a neutron bomb—support that Chancellor Schmidt of Germany then courageously gave us; the next day, we inexplicably announce that we do not intend to build a neutron bomb, at least for the foreseeable future. Thus, our policy has zigged and zagged from being tough one day, to soft and mushy the next.

It is this very indecisiveness, this shilly-shallying that reflects I believe both a lack of consensus within the Government and within the country. Within the Government itself, there appear to be major divisions between those at the highest levels, especially at the National Security Council, and those in second level position, especially in the State Department. The hawks are at NSC; the doves at State; and as they squabble, American tail feathers are being scattered around the world.

Similarly, within the country at large, there is now a lack of consensus about the nature and purpose of American power abroad. There is a distinct sense of drift. We no longer have a clear sense of what we should be doing or what kind of world we are trying to build.

When I was young, and my dad was serving in the United States Senate with Arthur Vandenberg, he always taught me it was very important that politics stop at the water's edge. And for many years it did. But with our foreign policy consensus having been hammered into oblivion on the anvil of Vietnam, times have changed. Now, as we search for a new framework for our foreign policy—just as we search for a new framework in domestic policy—I think all of us should speak our minds, recognizing that the world does not yield to simple answers and that reasonable men can disagree.

I would like to advance a few ideas that I believe are fundamental to U.S. foreign policy in the future.

I always begin with two basic propositions.

First, I think we have to recognize that our greatest adversary in world affairs is still the Soviet Union and that the motivating force in Soviet policy is to achieve dominance in the world. It would be soothing to think that all the Soviets want to cooperate, but for reasons that strike deep into the Russian psyche, I believe that their goal is more ambitious. The evidence seems irrefutable:

Since 1962, the Soviets have poured between 14 and 18 percent of their GNP into their armed forces.

Their total spending on arms is more than 45 percent larger than U.S. military spending, and as you know, more than half of our own defense budget goes into pensions and salaries.

As a result of their dramatic investments, Soviet ground forces now outnumber U.S. ground forces by virtually every criterion.

The Soviets have not only built up overwhelming superiority in conventional forces but they have surpassed us in many areas of strategic armaments, including the SS-17 and the SS-19, both of which are capable of MIRVing.

Accompanying their growth in armaments has been an ambitious civil defense program.

They are also spending millions of dollars on anti-satellite technology and from public sources, we find evidence of frightening new laser research.

Finally, and equally important, we confront Soviet adventurism around the world. Their Cuban mercenaries—40,000 strong—are now planted in at least 24 different countries in Africa: their Vietnam proxies—100,000 strong—have swept aside the government in Cambodia; and the Soviets themselves are daily beaming radio broadcasts into Iran, telling the people there how perfidious the United States has been.

Personally, I do not understand how anyone could review all of the evidence without concluding that the Soviets are probing and testing our will.

And the central challenge they present is not one of overwhelming us with their nuclear weaponry—though that is always a grave possibility—but of slowly, inexorably breaking the links between the United States and its friends abroad.

That is why, in many respects, it does not necessarily serve Soviet intentions to convert Iran into a pro-Soviet state; what will serve their purposes equally well is to destroy Iran's ties to the west, turning it into a non-aligned, perhaps radicalized state with policies paralleling those of a nation like Libya. That is the true nightmare that should haunt the White House today.

The second proposition that I want to advance this afternoon is that in light of this challenge, the overreaching responsibility of the United States in world affairs is to be the leader in preserving man's hope for freedom.

The President said in his State of the Union address this week that we need a "new foundation." In foreign affairs I completely agree. We do need a new foundation.

First, we must show more respect and understanding in the way we treat other nations that are friends and allies who share our commitments.

I deeply believe in the struggle for human rights and I believe that the United States should be the champions of that struggle; but I do not believe that we advance that goal—and certainly, we weaken our alliances and friendships—by publicly kicking around nations like Argentina and Brazil while moving closer to a repressive regime like Cuba. Similarly, I cannot understand what purpose is advanced by continually sanctioning South Africa while remaining virtually silent about the atrocities committed in Cambodia. Let us press forward for human rights, but let us do so in harmony with our other goals.

Second, I am convinced that we must put more backbone into our posture regarding the Soviet Union. We cannot confuse detente with dismissal of our world obligations: We cannot confuse accommodation with appeasement. I do not mean that we must suddenly engage in sabre rattling; negotiations must continue to be a vital part of our relationship; but I do mean that we must be willing to recognize our interests in the world and to stand firm in protecting them. As Winston Churchill said: "We cannot parley unless we arm. We cannot negotiate unless through strength."

In coming weeks, the President is likely to conclude a SALT II agreement with President Brezhnev and the nation will be pitched headlong into vigorous debate over foreign policy. With the terms of the treaty not yet available, it is premature to judge it on the merits. It is not too early, however, to express concern about the way that the President has unilaterally given up so many bargaining chips—the B-1, the neutron bomb, naval modernization, and the rest—without winning anything in return.

It is not too early to insist that in order to be acceptable, the treaty must contain adequate provisions on verification. And certainly, it is not too early to make it clear that a SALT agreement must be voted on within the context of overall Soviet behavior: The United States must not allow a nuclear weapons treaty to serve as protective cover for Soviet adventurism around the world.

Third, I believe it imperative that as a great power, the United States maintain its credibility with both friend and foe alike. Throughout the postwar period, American credibility—joined with American military strength—has been the binding force that has held the free world together. But that credibility has been badly eroded. We must reaffirm a basic principle: When the United States of America speaks, it must be believed; when it makes promises, it must keep them.

Those of you who are familiar with my record in public life know that I have long argued we should establish formal diplomatic relations with the People's Republic of China. I thus welcomed the initial effort of the current administration to move in that direction. But I was startled—and deeply dismayed—by the terms of the final agreement. The United States, incredibly enough, agreed to all three of China's basic demands—abrogation of the defense treaty, removal of our troops, and de-recognition of the Taiwan government—but abandoned the only demand that we had ever made of the Chinese:

To guarantee that the issue of Taiwan would be peacefully resolved. We gave all, and got nothing in return—and in the process, we wrecked our credibility in anxious capitals around the world, stretching from Seoul to Tel Aviv.

Unfortunately, the impression is rapidly taking hold that we have treated the Iranian question in much the same way. No one can be certain whether a government that included the Shah could be maintained, but it is abundantly clear that our on again, off again statements about him did much to hasten his departure. It is also clear, I think, that our hesitancy in responding to Soviet demands stimulated grave doubts in Iran—and frankly, in other nations such as Saudi Arabia—that we would be weak and pusillanimous in dealing with the issue.

Once again, our credibility suffered, and our influence and respect slipped several notches in other capitals. In coming years, nothing can be more important to the success of our foreign policy than to restore our credibility abroad.

A fourth conclusion that I would argue this afternoon is that in order to be a great power, we must have eyes and ears to understand what is going on around us. If the Iranian experience has taught us anything, it is surely the need for a healthy, operational intelligence community.

As one who believed that some reform was needed in our intelligence community and has appreciated many of the steps that have been taken, I would say to you that it is time to stop tearing down the CIA and to give it a new start in life.

Finally, I would urge that if we wish to be a great power in the world, then we must believe once again in our greatness as people. I was struck recently by the article written by the French playwright, Eugene Ionesco, after a stay in the United States. "Americans," he said, "want to feel guilty. They have this need to be guilty . . . (but) that masochism which keeps on haunting Americans is more dangerous than anything mankind has wreaked upon itself for centuries and centuries."

Ionesco recognizes, as should we, that this is a nation that has done as much for the cause of humanity and more for the cause of freedom than any other nation that has ever inhabited this Earth. We are a good people. We are a decent people. And, if we are vigilant, if we have the will, if we have faith in ourselves, and we rediscover our sense of purpose, then we can continue to be the single greatest force for peace that man has ever known.

That is a noble destiny, but it is a destiny that can be ours. In coming days, as a great debate unfolds about American foreign policy, let us make that once against our highest goal.●

HOME FINANCE LEVERAGING ACT OF 1979

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Ms. FERRARO. Mr. Speaker, I have introduced today legislation which, if enacted, will insure that our urban areas can fully utilize a $700 million loan program sponsored by the Federal National Mortgage Association (FNMA).

My legislation, the "Home Finance Leveraging Act of 1979," would exempt programs of FNMA from State usury laws. This would allow States with mortgage ceilings considerably below the market rate to participate in FNMA's urban loan participation program.

Allow me to explain briefly what the urban loan program is and why my State of New York, 17 other States, and Puerto Rico are currently inhibited from full participation in it.

The urban loan participation program began in the winter of 1978 as a $200 million program. On February 5, 1979, $500 million was added to its authority. It works this way. When a mortgage lender in an urban area has invested at least $250,000 in mortgages, he may form them into a pool and sell 60 to 90 percent of that pool to FNMA. FNMA then sells that percentage to private investors at biweekly auctions. The investors bid on the interest yields for the loans. The low bidder buys the loan. FNMA then funnels the money back to the original investor at the interest rate set by auction. The lender is required to reinvest that money in an urban home or business. The purpose of the program is to provide liquidity for mortgages in areas where money has dried up due to tight monetary policy.

New York, for example, is hindered from participating in this program because its usury laws set an interest ceiling at 9.5 percent for State-chartered banks and one point over the Federal discount rate for federally regulated banks (currently the ceiling for these banks is at 10.5 percent). Unfortunately the interest rates at which FNMA participations have been going out is presently around 11.1 percent. Obviously, a bank will not take money from FNMA at 11.1 percent when it can only lend it back at 9.5 or 10.5 percent.

My district, like those of many of my colleagues, is in desperate need of additional mortgage money. I am convinced that homeowners and commercial interests in my area are willing to pay a little extra for this money if it can be made available.

In my view, at a time when we in Congress are trying to cut our deficits—while still working to stimulate the economy—this urban loan program is a fresh approach. I should point out to my colleagues that no taxpayer dollars are expended on this program. Rather, it is a means of leveraging private investment in our urban areas.

Mr. Speaker, I know my colleagues will be interested to know there is legislative precedent for a so-called Federal override of State usury laws. In 1975 Public Law 94-50 included a provision which exempted activities under the Emergency Home Purchase Act of 1974 from State usury laws. Legislation containing this provision was passed in the Senate by a 64-to-256 vote, and in the House by a vote of 321 to 21.

The Home Finance Leveraging Act will make FNMA's urban loan participation program effective in all 50 States. The States which are currently inhibited from utilizing the program contain about 53 percent of this country's urban population. Clearly, we must remove the roadblocks which prevent more than half of the intended beneficiaries of the program from reaping its benefits.

Mr. Speaker, when the President announced his national urban program last year he called for a "new partnership" between the public and private sectors in rebuilding our cities. FNMA's urban loan participation is intended as part of that partnership. The private sector has demonstrated its willingness to participate in the program in areas where it is feasible. Now it is time for the public sector to hold up its end of the partnership by allowing all 50 States and the territories to participate in the program. I urge my colleagues to join me in sponsoring the legislation I have introduced today.

I am inserting in the RECORD background information on FNMA and the urban loan participation program. Also included is a list of the States which have usury laws inhibiting their use of the program.

The information follows:

FNMA AND THE URBAN LOAN PARTICIPATION PROGRAM

WHAT IS THE FEDERAL NATIONAL MORTGAGE ASSOCIATION?

The Federal National Mortgage Association, also known as FNMA or Fannie Mae, is an independent private stockholder-owned corporation the activities of which are sanctioned by the Department of Housing and Urban Development.

With assets of $38 billion, FNMA stock is listed on all major exchanges in the country. It is the nation's largest investor in residential mortgages.

FNMA does not deal directly with homeowners or potential home buyers. Rather, it purchases mortgages from financial institutions which make mortgage loans directly to consumers. Participating institutions include, mortgage banking companies, commercial banks, savings and loan associations, life insurance companies, mutual savings banks, and credit unions.

WHAT IS THE URBAN LOAN PARTICIPATION PROGRAM?

To provide liquidity to lenders who invest in urban loans, FNMA will purchase 60% to 90% of a pool of mortgages on residential properties located in older urban areas. The stipulation is that the funds which FNMA contributes will then be re-invested in an urban area. Therefore for every dollar a participating institution invests in the urban area, FNMA will contribute another 60 to 90 cents. FNMA encourages institutions to participate in the program by reducing the paperwork usually required by the association.

After expressing its intent to "purchase" the loans, FNMA sells them at biweekly auctions. The bids are over the interest yield of the loans. The lowest bidder may purchase the loans. Therefore, only private money is invested in the program. FNMA acts as a conduit between lender and purchaser.

WHY DO STATES WITH USURY LAWS HAVE PROBLEMS PARTICIPATING IN THE URBAN LOAN PROGRAM?

When the biweekly auctions are held by FNMA an interest-rate (or yield) for the loans is set. In recent weeks the accepted yield has been approximately 11.1%. In states which have mortgage rate ceilings below that level, local institutions would have to subsidize the interest paid by the borrower in order to meet the FNMA yield. Obviously, very few banks will participate in the program if they stand to lose money by doing so.

WHICH STATES ARE CURRENTLY INHIBITED FROM PARTICIPATING DUE TO USURY LAWS?

The following states have mortgage rate ceilings which inhibit their participation in this program: Arizona, Arkansas, California, Georgia, Idaho, Illinois, Louisiana, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, (Puerto Rico), South Dakota, Tennessee, Texas, and West Virginia. These seventeen states represent 49% of the United States in population. (Sources: HUD and U.S. Census 1976 estimates).

AGRICULTURE INFLATION PROTECTION ACT OF 1979

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MADIGAN. Mr. Speaker, I am pleased to introduce, along with my colleague from Kansas, Mr. SEBELIUS, legislation that would provide corn and wheat farmers a 9½-percent increase in established target prices over the 1978 target price.

Our bill would guarantee farmers $2.30 per bushel for corn and $3.72 per bushel for wheat in 1979 if they participate in the set-aside programs. These increases in the target prices fall within the President's wage and price guidelines and would not contribute to inflation or raise food costs. The increased target prices would reflect the 9-percent cost of living increase for farmers in 1978. However, they are less than the 11-percent wage increase that farmers had to pay in 1978.

For the 1980 crop year, the bill would index target prices for corn and wheat in accordance with changes in the Consumer Price Index, or the Index of Prices Paid by Farmers, whichever is greater.

Also, the bill includes a proposal that would require the Secretary of Agriculture to announce provisions of the next year's feed grain program by October 15, rather than by November 15.

The Agriculture Inflation Protection Act of 1979, is not intended to guarantee profits to farmers at the expense of taxpayers. Its aim is to guarantee that farmers prices increase with basic cost of living increases.

According to USDA, the cost of production for corn and wheat in 1978 was $2.62 and $3.72 per bushel, respectively. This bill would not bring the target price for corn up to the farmer's cost of production. However, it would narrow the gap between the prices farmers receive for corn and their cost of production.

We hope that by increasing the target price by 9½ percent, more farmers will participate in the corn and wheat set-aside programs, which would help reduce surpluses next year, help strengthen the market price, and thus decrease Government payments to farmers.

The provision to advance the announcement date for the next year's feed grain program from November 15 to October 15, was included so farmers can avoid making last-minute decisions about their next year's crops. Despite promises made by the President last fall that the feed grain program would be announced by mid-October, the announcement was not made until November 11, 4 days before the legal deadline (and 4 days after the election).

This delayed announcement was directly responsible for many feed grain producers deciding not to participate in this year's set-aside program because they had already made production decisions for the spring.

Mr. Speaker, it is our hope that Congress will see fit to enact this bill into law in the next few weeks. Passage of this legislation would help farmers survive the cost-price squeeze they are facing until Congress can revise the Food and Agriculture Act of 1977 which expires in 1981.

I urge my colleagues to support this legislation.●

DEPARTMENT OF EDUCATION: THE ROAD TO TOTAL ILLITERACY?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. MICHEL. Mr. Speaker, a recent Associated Press article quoted two education experts as saying that the United States is "lapsing back into illiteracy." One expert said that if this trend is not stopped we may have to import doctors, engineers, and scientists because American students simply will not be able to read well enough to do the necessary studying for those demanding professions.

These experts appeared before a Senate Human Resources Subcommittee. I have no doubt that the Congress will hear conflicting testimony from big education lobbyists whose vested interest is to keep the educational status quo. One way of keeping things the way they are is to create a Department of Education, which will be controlled by the Federal bureaucrats and the "Big Education" lobbyists who have dominated American education for the past 15 years with results such as this epidemic of illiteracy.

We must act quickly to stop this proposed department which will give immense power to those largely responsible for the deterioration of American education.

At this point I wish to include in the RECORD, "U.S. Lapsing Into Illiteracy, Author Says", from the Chicago Sun Times, February 14, 1979.

[From the Chicago Sun Times, Feb. 14, 1979]

U.S. LAPSING INTO ILLITERACY, AUTHOR SAYS

WASHINGTON.—America is "lapsing back into illiteracy" so fast that it may have to import doctors and scientists by the 1990s, the author of "Why Johnny Can't Read" testified Tuesday.

Rudolf Flesch, whose 1955 best-seller aroused many parents and earned him the enmity of the educational establishment, told the Senate Human Resources subcommittee on education that the United States may be in the position of the Third World in another dozen years.

If the trend isn't halted, he said, college graduate schools will deteriorate so badly by the 1990s that America "will have to import personnel to run the machinery."

"I honestly feel that if there is no change in the method of teaching reading, we will have to import doctors, engineers and scientists from France, Germany and Japan because we won't have enough," Flesch said.

He said that up to half the U.S. population is functionally illiterate. He said reading skill has been falling since 1925, when the current "look-say" method of instruction took hold.

That method, taught in 90 to 95 per cent of public schools, requires children to memorize the formation of words and associate them with pictures, a process Flesch said can take years.

He called for a return to the old "phonics" method, which teaches children how to apply the sounds of the alphabet to unknown words. Flesch said this process can be completed in months.

Also addressing the panel was Paul Copperman, president of the California-based Institute of Reading Development, who said that between 40 and 60 per cent of the June, 1979, high school graduates will not be able to read well enough to handle a clerk's job.

Copperman blamed permissiveness in the classroom, with ethnic studies taught instead of traditional disciplines, and legal and bureaucratic interference from Washington, such as school busing.●

NO NEED FOR A SEPARATE DEPARTMENT OF EDUCATION

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. DANIEL B. CRANE. Mr. Speaker, as a member of the Education and Labor Committee, which will have considerable input into the question of creating a separate U.S. Department of Education, I found the following two editorials most persuasive. The first is from my hometown newspaper, the Danville Commercial-News. The editorial points out the absurdity of the administration naming inflation as public enemy No. 1 and then turning around and creating a new Cabinet-level position with a department consisting of some 16,000 employees.

The second editorial, from the Washington Post, a newspaper not noted for its conservative views, describes the creation of a Department of Education as a "bad idea." The Post further observes that such a department would become nothing more than a "gigantic single-minded lobbying outfit. It will be the NEA writ large." The editorial concludes that the best thing that could happen to this idea of a separate education department is for Congress to bury it.

I commend these editorials to the attention of my colleagues. The articles follow:

[From the Danville (Ill.) Commercial-News, Feb. 4, 1979]

NEW DEPARTMENT NOT THE ANSWER

Sinking scores in college entrance tests and the continued clamor for competency standards are signs that all is not well in classrooms across the country.

These arguments and others will be put forth by Carter administration officials pushing for a separate U.S. Department of Education before Congress, probably later this month.

The foremost consideration should be the cost. The same White House aides who will beat the drums for this government expansion are the ones who helped put together the presidential package naming inflation as the nation's public enemy No. 1.

Part of that package was a pledge to keep government spending down because it is known to be the biggest factor in the inflation spiral.

Setting up a new cabinet-level position with a department planning 16,000 employees and all the overhead that goes with it sounds like a big step away from inflation fighting.

Perhaps a good example of what to expect is the government's newest department—energy.

Energy Secretary James R. Schlesinger now has a deputy secretary, Federal Energy Regulatory Commission chairman, and directors for hearings and appeals, economic opportunity, Economic Regulatory Administration, energy research and international affairs besides an inspector general.

Of course, each of these executives has assistants and all of them must have secretaries. Add the cost of office space, janitorial help and other expenses of government operation and the price tag becomes staggering.

This is for energy and everyone agreed that a rational, consistent federal policy on energy was needed. Energy conservation was once described by President Carter as the moral equivalent of war.

But even if money were no object, there is not the same agreement on the cures for education.

The impulse is to say a federal policy on education is needed. National standards for high school graduation might eventually mean that a high school diploma could be taken at face value.

But development of those standards also must take into account the added expense of upgrading schools in districts with low tax bases. And national standards for what and how much should be taught would soon lead to standards for determining who is qualified to teach it. This would then become a question of who hires teachers.

State, county and local school authorities could not be expected to give up their say-so as long as they represent such an overwhelming percentage of school revenue. The mere establishment of a separate education department at the federal level does not create more money for schools from the federal budget.

There are many questions that must be thoroughly aired and answered before a separate education department will make any sense. Policy, standards and spending breakdowns must be established before the department is created, not afterward.

Even if we could afford more bureaucracy, a new department of education is a serious policy decision and must be considered as such in Congress.

[From the Washington Post, Feb. 11, 1979]

THE EDUCATION DEPARTMENT—AGAIN

Never underestimate the power of a bad idea to generate bad arguments. Vice President Mondale's remarks the other day in favor of the creation of a Cabinet-level Department of Education were an example. The vice president, in a briefing, made the point that the United States "is the only major industrial democracy in the world that does not have a department or a ministry of education," although, to our certain knowledge, this is neither a symptom nor a source of what is wrong with American education. Mr. Mondale, according to the news story, also suggested that education "suffers because its highest official 'is not at that Cabinet table speaking directly to the president.'"

You would hardly judge from any of this that the United States is also the only major industrial democracy (or any sort of country) in the world in which three-quarters of the children graduate from high school, and half of those graduates go on to college. And we also question whether, despite the proponents' assurances, a new federal department would not subtly and unwisely enlarge the federal jurisdiction in the schools. In theory anyway, education remains a primary function of the states and localities, which is surely one reason this country has not had a national ministry of education as part of its political tradition. We think it is a tradition worth holding on to.

It is, of course, true that much of the money for our public schools now comes from general revenues and that there has been a vast increase of federal involvement in public education over the past couple of decades. But both the money and the involvement can be managed by government instrumentalities now available to do so. It is argued by those who favor the new department that it would work pretty much as a harmless conduit of federal funds and coordinator of federal programs, all the while respecting the primacy of the states and localities in school affairs, and that it would do all this much more efficiently than is done under the present slovenly dispensation. Consulting ancient and modern bureaucratic precedent and looking around us at the evidence of our senses, we discover no reason at all to believe this is how things will turn out. They never do. Look at the Labor Department. Look at Commerce. A Department of Education, if such unfortunately is enacted into law, will become a gigantic single-minded lobbying outfit. It will be the NEA writ large.

Anyone who observed last year's congressional proceedings on this subject—the hearings, committee debates and so forth—should understand that what we really have here is a fight over turf: who gets which hunk of jurisdiction over whom and what and how much money. Evidently the administration, in coming back with its Education Department legislation in this Congress, has carved up the turf in a new and politically more persuasive way, so that the proposal is likely to have a smoother time this year. We hope it does not. The purpose of the federal government—as we keep harping when this proposal comes up—should be to fit federal education programs into a system of priorities and values *larger* than the education industry's perspective permits it to see, not to break off those programs into a client- and constituent-run principality of its own.

The best thing that could happen to President Carter's proposal for a department of education, from his point of view and everyone else's, would be for Congress to bury it.●

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. BLANCHARD. Mr. Speaker, Saturday, February 24, marked the 61st anniversary of Estonian independence. Once again we are reminded of the ongoing struggle to bring freedom back to the people of Estonia and the Baltic region.

Estonia, like its Baltic neighbors, Lithuania and Latvia, still suffers from Soviet domination and russification efforts. These are people who seek only to reestablish their own independence, to freely practice their own religion, and to maintain their own cultural heritage. Today, in the face of Soviet adversity, they still display a strong spirit and commitment to these goals.

Those of us who enjoy these freedoms today are the natural allies of the Estonian people. For the Estonians and other people of the captive nations represent some of the strongest advocates for the kind of rights and freedoms that we hold so dear. I hope that all of my colleagues will join with me in taking this opportunity, on the 61st anniversary of Estonian independence, to lend their full support for the cause of freedom and self-determination for the people of Estonia.

I also want to take this opportunity to bring the following statement from the Estonian American National Council to my colleagues' attention. This statement aptly explains the need for our support.

The statement follows:

A Statement on the Occasion of the 61st Anniversary of the Declaration of Independence of the Republic of Estonia

After centuries of foreign rule the independence of Estonia was proclaimed on February 24, 1918.

Immediately thereafter, the German Army occupied the country, a situation which lasted until World War I armistice in November 1918.

Subsequently, the Russian Bolshevik Army attacked Estonia with the aim of imposing the Communist system upon the Estonian people. The young Republic was forced to protect itself and to resist the invaders in order to secure and maintain its independence.

The Provisional Government adopted the principle: "No compromise with the Communists". The die had been cast! The Estonian War of Independence started on November 28, 1918 and was concluded successfully on January 3, 1920.

Great Britain, Finland. Sweden and Denmark provided either financial support or volunteer troops to assist the young Republic in fighting off the aggressors. The young Estonian Army, with this aid, and the unstinting support of the population at large, rapidly developed into a fierce fighting force for the independence of its nation. On February 2, 1920 a Peace Treaty was signed between the Republic of Estonia and the Soviet Socialist Republic of Russia by which the latter ". . . agreed to renounce voluntarily forever all rights over Estonian territory and people".

Recently, the Estonians in the free world commemorated the 60th anniversary of the beginning of the successful War of Independence. To the present time it has remained a symbol of self-sacrifice and inspiration for all those who are concerned with the cause of Estonia.

The spirit of this heroic struggle is also a source of inspiration in Soviet occupied Estonia, especially for younger generation, who want to know more about the "'real history" of the Estonian people, instead of the falsehoods perpetuated by the Soviet regime.

The deal between Hitler and Stalin of August 23, 1939, known as the Molotov-Ribbentrop Pact, condemned Estonia and her neighbors Latvia and Lithuania to the Soviet sphere of influence. This was the initial event which led to the willful Soviet breach of all solemn treaty obligations with the three Baltic countries and culminated in their forceful annexation in 1940.

The Soviet-imposed rule in Estonia has brought with it untold sufferings—arrests, deportations, executions as well as the so-called nationalization of all private property and the down-grading of social and working conditions. But above all fundamental freedoms have virtually been abolished.

One of the most threatening aspects for the Estonian people is the Russianization process, the aim of which is the destruction of the Estonian nation.

We are hopeful, that President Carter's human rights policy in conjunction with the Helsinki CSCE follow-up meetings will serve as an effective weapon for liberalization of the current repressive policies practiced by the Soviet Union in Estonia and in other Baltic States of Latvia and Lithuania.

Of considerable moral support for the Estonian people is also the fact that the United States as well as a great number of other Western countries have not recognized the forcible annexation of Estonia by the Soviet Union.

On this sixty-first anniversary of the Declaration of Independence of Estonia all freedom-loving Estonians once more appeal to world public opinion to support the cause of freedom and justice for the Estonian people.●

THE ADMINISTRATION'S "OPEN" CHINA POLICY

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. QUAYLE. Mr. Speaker, when I think about the China policy which the Carter administration has proposed for this Nation, I cannot help but wonder at the remarkable gap which exists between the morally righteous image the President's public relations specialists like to project, and the reality that lies underneath. Only 2 years ago we were given pledges of an "open administration" which was to be above-board and honest in its dealings with the American people. And only recently the President has reiterated for us his longstanding advocacy of human rights by claiming that human rights is the "soul of our foreign policy."

The hard facts suggest, however, that Mr. Carter's commitment to human rights, like his administration's superficial policy of openness, is only skin-deep. A recent case in point is our Government's expulsion from the United States of a diplomat from Taiwan who committed the unpardonable offense of speaking out on behalf of his country and against Mr. Carter's China posture. I-Cheng Loh, the Minister of Information at the Republic of China's Embassy, wrote two letters to American newspapers—one to the New York Times on January 23 and one to the New York Daily News on December 26—in which he criticized the terms of Mr. Carter's normalization agreement with Peking and presented his country's view of the situation. As a result, pressure was applied on Taipei by the State Department for Loh's immediate recall from the United States. Apparently operating under the threat that if Loh were not recalled he would be forced to leave, the Republic of China complied and Loh was quickly and uncermoniously withdrawn.

I have to wonder why our State Department is so sensitive to criticism. Is their insecurity or fear of the truth so great that they are unwilling to allow the American people to read views contrary to the administration's official line? Is not freedom of speech a "human right" in this country, and is not access to contending points of view the least that we as Americans can expect under an "open administration"?

It is important, Mr. Speaker, that the American people and Members of this Congress be made aware of the abysmal way in which this administration has dealt with our Chinese friends on Taiwan and, indeed, the way in which it has sought to stifle the flow of information which might be critical of its own policies. Accordingly, I am asking that Mr. Loh's article of December 26 be reprinted in the Record, along with the recent report of his recall from the United States. Reading both should be, for anyone, an edifying experience:

Taiwan Recalls Diplomat Who Scored U.S. Policy

(By Dan Morgan)

A New York-based Taiwan official who criticized the Carter administration's China policy in letters to U.S. newspapers was recalled last week after telling friends that the State Department had sought his withdrawal.

The State Department declined to comment on the incident, which involves the sudden departure for Taiwan on Jan. 23 of I-Cheng Loh, a veteran of 15 years' service in the United States and currently director of the China Information Service in New York City.

A spokesman for Taiwan's liaison office in Washington, describing the matter as "delicate," said that Loh had been called back for "consultation." The spokesman added that Loh would get a new assignment and "probably will not come back."

However, Ray S. Cline, director of Washington's Center for Strategic and International Studies and a critic of President Carter's China policy, said:

"The State Department brought pressure to bear leading to 'Gene' Loh's withdrawal on a short deadline."

According to one version, on which the State Department refused to comment, the U.S. government advised Taiwan around Jan. 19 that Loh should be withdrawn from the country within 72 hours or he would be asked to leave on grounds of undiplomatic conduct.

Loh left on the same day that his letter appeared in The New York Times saying that "unless Peking forsakes communism and restores freedom to the people of China, there will be no negotiations with Peking."

On Dec. 26, the New York Daily News published a longer letter in which Loh said that he could "see why the leaders of Israel are nervous about the value of American promises."

Loh's letter went on to urge that friends of Taiwan "write senators and congressmen urging Congress to adopt resolutions guaranteeing that adequate defense supplies will be sold to Taiwan," and describing the American initiatives as "shabby treatment" for the 17 million people of Taiwan.

The Carter administration has been moving ahead with its plan for setting up a private corporation to handle U.S. relations with Taiwan, despite mounting congressional demands for greater security guarantees.

As of Jan. 1, Taiwan's embassy here was downgraded to the status of a liaison office. The Carter administration has been pressing Taiwan authorities to accept its plan for representation through a private corporation as of March 1, the same day that the United States begins full diplomatic relations with the Peoples Republic of China.

Taiwan's reluctance to accept this formula is seen by diplomatic observers as complicating the Carter administration's efforts to get Congress to authorize federal funding of a proposed private U.S. "institute" to handle trade and cultural relations.

Groups opposing President Carter's new China policy have been adding to the pressures on the administration with demonstrations and speeches. Pro-Taiwan organizations demonstrated yesterday against the visit of China's Vice Premier Teng Hsiao-ping. Chinese-language newspapers in the United States have carried advertisements calling on friends of Taiwan to demonstrate, and leading Taiwanese businessmen have placed advertisements in the Washington Post and other newspapers criticizing the Carter policy.

A Justice Department official said yesterday that there is no evidence so far that these activities violate the Foreign Agents Registration Act.

TAIWAN: "WE'LL FIGHT, WE'LL DIE FOR FREEDOM"

(By I-Cheng Loh)

Ever since Friday, Dec. 15, 9:08 p.m., the phones haven't stopped ringing in my home and my office. Hundreds of people called—most of them friends and a few total strangers—to express outrage and support, to offer sympathy and condolences. Everyone asked the same question: How do you feel? What are you going to do? Is there anything I can do to help?

How do I feel? I am very much saddened, of course, not only for my country—the Republic of China on Taiwan—but for the United States, which I have come to love and to regard as my second home.

This is the first time in its 202 years of history that the United States has turned her back on a faithful friend and a loyal ally, not because of what that friend has done, but because a third party—a former adversary directly responsible for the loss of American lives in Korea and in Vietnam—demanded it.

This is the first time, as far as I know, that the United States has abrogated a treaty ratified by the Senate, which has the effect of law, in exchange for a promise that the third party refused to give.

This is the first time that an American commitment, solemnly given and gratefully received, was broken and shattered to pieces, not because America was weak, but because the adversary was erroneously perceived to be too strong.

I must say that I can see why the leaders of Israel are nervous about the value of American promises.

What are we going to do? My answers usually come as a surprise to questioners: Nothing. Or more precisely, we will keep on doing the things that we have always been doing. Nothing less but nothing more.

The Republic of China on Taiwan will never negotiate with the Chinese Communists, be it Teng or Hua or whoever will be in power after the next round of purges and upheavals. We will never "play the Russian card," which some of our friends, driven to exasperation by the cynicism of the recent U.S. move in the power game, urged us to threaten to do.

Our reasons are simple. We must remain true to our beliefs, our moral standards, regardless of what others have done.

Neither will we "go nuclear," even if the technology is there. The only nuclear programs Taiwan will engage in are power-generation plants, which by 1984 will provide almost half of the country's needs for electricity.

We will hold fast to the three principles taught us by the late Dr. Sun Yat-sen, father of the republic on nationalism, democracy and social and economic well-being for our people.

We will build upon our already booming economy with a real gross national product growth of 12 percent in 1978, and a per capita income at $1,300. We will bring Taiwan into the ranks of developed nations, not by the year 2000 but by 1985.

Is there anything you—as Americans—can do to help? Yes, there's plenty every conscientious American can do, now and well into the future.

First and most important, we ask you to help in making sure that Taiwan's security needs are amply met. Our 17 million people have not done anything wrong to deserve this shabby treatment.

Their only "sin" is their determination to remain free.

They deserve your help. Write the White House to tell the President what you think of his recent decision, and to voice your concern that Taiwan—with more people than 113 countries of the United Nations—must not be allowed to fall into Communist hands.

Write your senators and your congressmen, urging Congress to adopt resolutions guaranteeing that adequate defense supplies will be sold to Taiwan, not just in the next few years, but anytime in the future.

Ask your elected representatives to thoroughly debate every facet of the many questions concerning Taiwan's security, not just the black and white question of whether the Communists will attempt to "liberate Taiwan" by force.

It is vital to include in these discussions the gray areas, such as the possibility of naval blockade and economic strangulation through blacklisting and other means.

If, for example, a couple of months or years from now, Iran blows up and embroils the entire Middle East, the Chinese Communist regime could seize that opportunity to announce that as the "sole legal government of China" it is closing the ports of Taiwan to all foreign shipping as it indeed has the legal right to do.

What can the United States do then that does not run contrary to the communique of Dec. 15?

Free China will stand on her own two feet. We will fight and die, if necessary, to preserve our prosperity built on an open society and free enterprise.

If such a time comes, we don't need your men, only your arms. If an adequate supply is promised by Congress for the unlimited future, such a day may never come to pass.●

THE CHINA CARD

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. SHUMWAY. Mr. Speaker, a great deal has already been said about the administration's decision to sever diplomatic ties with Taiwan in favor of those with the People's Republic. And a great deal more needs to be said. Day by day, as administration witnesses present the President's position before our House and Senate Foreign Affairs Committees, the veneer of soundness with which the White House has cloaked its policies becomes more transparent.

The reality is this: The United States has conceded all demands made by the People's Republic of China as its preconditions for normalization, but has failed to receive any firm assurances whatsoever regarding the continued security of Taiwan. Further, the administration is resisting any meaningful attempt by this Congress to unilaterally provide such assurances. We are told that this is "unnecessary." Unnecessary for whom, I might ask. Certainly not for Taiwan, nor for the United States.

In other words, both in its negotiations with Peking and now in its representations to Congress, the administration has failed to adequately articulate and safeguard the interests of the United States or of Taiwan, but has instead let Peking determine American policy. This is a situation which we in the Congress, who share the responsibility for setting the foreign policy of this country, cannot allow to continue. Not if we hope to preserve our own self-respect and that of other foreign nations.

We will have presented Taiwan with a grave threat to its very existence as a free society if we fail in our deliberations here to provide for some form of government-to-government relations, or for some hard and specific assurances to the citizens of Taiwan that America will support them against any direct or indirect threat to either their territory or economy.

A recent commentary which appeared in New Republic forcefully illustrates the errors inherent in Mr. Carter's China policy. I commend it as a lucid analysis of the current situation as we attempt to chart a China policy for this country which is in truth based on both clear-eyed interest and firm moral principle. Accordingly, I insert the contents of the above-mentioned statement at this point in the RECORD:

THE CHINA CARD

The defense of small countries and threatened peoples has never counted much for Jimmy Carter. Already during his campaign for the presidency he signaled the Russians that he would not be a serious obstacle to any mischief they might undertake in Yugoslavia. In what he clearly takes to be a major coup—amidst the chimney ash of the Middle East negotiations, the stalled SALT talks, the shambles of the regime of our pal the Shah, and the transparent failure of Carter's Saudi diplomacy over both oil prices and peace—the administration has now just about told the Chinese government in Peking that Taiwan is theirs for the taking. Of course, we expect that they won't return Taiwan, in Communist Party Chairman Hua Kuo-feng's chilling phrase, to "the embrace of the motherland" too quickly, at least not in the coming 12 months. Moreover, we'd certainly prefer that they not take the prosperous island and its 17 million people by force. But, as we've been hearing from the State Department pulpits, we don't even have private assurances on these matters. So much for the Taiwanese. Let those who count on us be warned.

There is no question that the U.S. and the People's Republic should have diplomatic relations, and good relations too. We should have had them, or tried to, for over a generation. Certainly we should never have maintained the fiction that the semi-retired warlords in forced exile on Formosa constituted the rightful government of China. In one of those painful ironies of history, it was Richard Nixon (doubtless persuaded by Henry Kissinger) who liberated us from our emotional commitment to the notion of one China run by Chiang Kai-shek's Kuomintang and its heirs.

Carter and his supporters seemed to assume that the most recent arrangements would bring the administration nearly unanimous plaudits. But once again they have underestimated the idealism of the American people, and our sense of moral obligation to nations and peoples trying to elude the grasp of tyranny. For, despite the much-heralded thaw in the latest version of the new China, a tyranny is exactly what China still is and is likely to remain. Its people are still in intellectual, political and moral chains, not to mention economic chains, even if the chains are a bit looser for the moment. Confronted by opposition they did not expect (that is, opposition across the political spectrum), White House supporters now rather more defensively trying to depict Carter as an instrument of historical inevitability. Whatever he and Zbigniew Brzezinski have negotiated with Peking follows irresistibly, we've been told, from the Shanghai Communiqué of 1972. But nothing is irresistible, a wise man once said, except that which is not resisted.

The terms of the new Sino-American deal are the terms set down long ago by the Chinese. And why should they have won in bargaining now what they could not win six years ago? Would they have refused our technical assistance or investments if we declined to break our ties with Taiwan? Indeed, if the current regime is so much more flexible and conciliatory than the one chaired by Chairman Mao, why did they insist upon—and why do we accept—the harshest conditions for normalization of relations? Yes, the Chinese did want a symbolic acceptance of their dominion over Taiwan. But that did not mean that we had to provide it. Surely Peking would not for sheerly symbolic reasons sabotage a liaison with the U.S. that is of enormous strategic importance to China. And if they would, what does that say for them as partners or for us as bargainers at the green table?

One suspects, of course, that it is not merely symbolic recognition of the People's Republic's sovereignty over Taiwan that was at stake. This is why the minimal concessions we obtained from Peking seem no more than a fig leaf covering our betrayal, not so much of the government of Taiwan as of its people. Neither a few defensive weapons sold to Taiwan nor continued trade with it will stop the erosion of will for an independent life among the island's population. Skilled diplomacy, with a bit of backbone, should have been able to provide a way to recognize the reality on the mainland without ignoring the reality of a thriving, independent, pro-Western society on Taiwan.

And what have we gotten for changing the reality we choose to ignore? Not much, it appears. It is unlikely that the Soviets will be tamed or tempered by this diplomatic development. Instead we may find them more belligerent rather than less, a situation which President Carter's scandalously deceptive rendering of Leonid Brezhnev's message to him on the subject could not obscure. The China card, once played against Russia, is played for good. It may have made sense as graduate-seminar geopolitics, but it will not work in the real world. Part of the problem is that both Carter and Brzezinski are impatient and impulsive men. They have an idea and they try it. There'll always be other ideas to come. But the larger part of the problem is that they do not know how to bargain. Always seeking an opportunity to demonstrate deftness in negotiations, the president comes out looking, at best, half deft.

In negotiating with the Chinese, for example, we did not try to get them to trade off their very concrete and critical needs against their ideological desires. We did not even try to get them to curb their murderous clients in Phnom Penh. Indeed, one finds at State and among Brzezinski's partisans a barely repressed sympathy for the Cambodians who are, after all, anti-Vietnamese who are, after all, in turn pro-Soviet. The enemy of my enemy is my friend.

In this country, the most exuberant enthusiasts for Carter's card tricks are American corporations. Not chastened by what would have been the sobering experience of post-detente commerce with the Soviets, the American multinationals now see 800 million new customers for everything from Coca Cola to computers: a new market for our entire flotilla of technology and junk. *The Wall Street Journal*, clear-eyed as usual about the illusions that may grip the capitalist class, tried on December 28 to put up some cautionary signs, though they probably won't help. China most likely will not pay us with gold or hard currency, as they will in great measure pay the harder-nosed Japanese. They will pay us with our own credits, deflated dollar after deflated dollar, which will have the side-effect of intensifying the capital crunch at home.

All of this amounts to a pathetic performance for a great power, and yet another blot on the Presidency of its current steward Jimmy Carter.●

WILLIAM AGEE SAYS "WE CAN WAKE THE GIANT"

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. SYMMS. Mr. Speaker, I wish to include in the RECORD a speech delivered by William Agee, chairman, president, and chief executive officer of the Bendix Corp., before the Idaho Forest Industry Council in Boise, Idaho. Mr. Agee is a graduate of Boise State Junior College, the University of Idaho, and Harvard Business School. He also replaced Michael Blumenthal as head of the Bendix Corp. when Blumenthal left the company to become Secretary of the Treasury, and Agee became the youngest chief executive officer of a major U.S. corporation.

Mr. Agee covers some very important points in his speech on what has happened to this country's productivity and what he calls the Federal Government's "War on Innovation" which has been waged through inflation, taxation, economic uncertainty, and regulation. Agee believes, and I agree with him, that our country can and must wake up its economic system and "renew the vision we once had."

The speech follows:

WE CAN WAKE THE GIANT

(Speech by William M. Agee)

Governor Evans, Lt. Governor Batt, disinguished members of the Idaho legislature, fellow adventurers in the forest products industry, ladies and gentlemen.

It's nice to be asked to visit with a few friends from home. I say a few friends knowing that Louise Shadduck could have doubled the size of this audience by inviting all of last year's candidates for governor.

When I was asked to speak at this dinner, I almost refused. I could just hear my colleagues at Bendix begin to chuckle about my well-known affection for this state and this city. I think sometimes I bore them by talking up the merits of Idaho, but they're too polite—or something—to say so out loud. They think of Idaho as insulated from the outside world, not realizing that we all watch the same Walter Cronkite and John Chancellor. And Prime Minister Begin said that negotiating over the Middle East is a lot like dancing in an American discotheque: lots of motion and undulating, but darn little satisfaction.

In any case, it is good to be home, and I've surely got a business reason for the trip. The Bendix Corporation, which does not make washing machines, assuredly is in the forest products business. We changed the name of our forest products company last year from American Forest Products to Bendix Forest Products exactly to underline Bendix's deep, continuing commitment to this great industry.

Beyond the day-to-day worries about what housing starts will be in 1979, I see opportunity. I think the fundamental demographic facts of our time favor a robust forest products industry. I see a less cyclical industry, bolstered by the inalterable demand for housing.

In our industry, as in others, there are many upward pressures on price. Timber is a renewable resource, right enough, but only over time. That contributes to scarcity, as does the absolute demand for lumber that must follow from the post-war baby boom.

Another upward pressure on the price of wood products comes squarely from our social agenda. Over recent years, timber has become scarcer because so many trees have been taken out of the available pool by our national urgency about wilderness. In short, there is an economic cost to the consumer that comes from social accounting and the political response to it.

It seems to me that on balance, Secretary Bergland took a responsible step last month in his recommendations on Rare II. Yes, people in some parts of the country will be uncomfortable with what he proposed, and he may not be right in every detail. But I believe he took a positive step toward moderating the all-or-nothing approach to the wilderness question. He seems to recognize that we must almost always steer the middle course in reconciling the social and economic costs of a piece of legislation.

Part of the strain of being in the forest products business, as I'm sure you know, is convincing the public of what we know to be true. We have said that multiple use is the most productive approach to forest lands. We've said that we make the fullest use of every tree we take, and that we replace each one. We've said that forests are a truly renewable resource. And yet, we can prove ourselves right on all those points and still not convince those for whom the very idea of wilderness is a cherished dream.

Perhaps now, when there is a growing realization that we must strike a balance between social and economic costs, we can add some ideas to our public information programs. According to the data I see, the dream of wilderness exists mostly in the minds of people with the least chance of ever seeing it. These are urban people, notably in the East, and they think of a wilderness bill as a way to put recreation in the bank. They see themselves, or their children, on vacation and at peace in the unspoiled lap of nature. How can they be against that?

The trouble is, that dream does not square with the word "wilderness" as it is used in our political dialogue. Yes, a few can enjoy the wilderness, if they're willing to take it on by boat, on foot, or on horseback. But for the majority, wilderness means no practical access. I think we need to make that point clear. We might go further by pointing out the huge availability of multiple use lands close to their teeming cities. And believe it or not, my friends, that point has great truth in it. Those in Detroit have Michigan's Upper Peninsula. New Yorkers have the Adirondacks, the Poconos, the Catskills. These realities seem to me more persuasive than a faint dream of wilderness locked up in the West.

Telling the truth in the name of lowering people's expectations is a nationwide political theme right now. Regrettably, we have a climate in which inflation is the major fear. We have a time when we seem bent on talking ourselves into a recession. And we have the reality that we are in a period where we will have slower growth in the economy. I happen to think there *will* be growth, but not at the fancy rates we're used to.

What this climate of caution means to me is that Americans are in a mood to listen to some home truths. These truths will be disagreeable in the short run, but our salvation in the fuller course of time. We are in a sobering-up period, if you like, after the hectic, noisy party of the Sixties and early Seventies.

Let me try a quick review of history. After the Second World War, and the Depression that preceded it, our focus was on getting the economy moving full tilt. The war had stopped up demand, and we were ready for an economic surge. Through the Forties, and most of the Fifties, we got it. In that period, there was not much attention paid to the idea of social cost. We thought very little of what we were doing to our country in the name of economic progress.

Then, after a little hitch in the economy in the late Fifties, the economy began to roll again. But this time, social consciousness was on a steep rise. Being rich as a nation, we began to have time for what one commentator has called "higher grumbles." We felt we could do everything, pay for everything, change everything—and in a very short period of time. The Sixties were a national high, and social costs came to count much more than the fundamentals of economics.

Now, we've reached a time to swing the pendulum back. It is, as I said, a time to tell ourselves some home truths.

We should be telling people right now that we must lower our expectations about the Social Security system. We have, as you know, a huge unfunded liability within this system. The word "billions" doesn't begin to describe it. Congress has religiously jacked up the Social Security tax, most recently to the tune of $227 billion over the next ten years.

That doesn't solve the problem. Now, I'm not suggesting for a moment that we break the social security promise to those in retirement or near it. We promised, and we should pay. But for younger people, who will soon be staggering to pay for a huge population of retirees, we must begin to adjust expectations. In short: the younger you are, the less you should expect to receive from Social Security. In substitution, we should encourage such ideas as the I.R.A., or individual retirement account, and the Keogh program to make personal saving for retirement attractive.

Social Security aside, it's time we put a decided tilt toward savings into our national economic thinking. Now is the time to de-emphasize economic theories that look only at the demand side of the economic equation. The chance to do so is there, because the growing public resistance to taxation and bulky government is evident everywhere—California, Michigan, and certainly here, where you are grappling with what the electorate said last fall. Indeed, across the nation, the people have spoken.

I won't say that I embrace every detail of every tax-cut proposal we saw on ballots across the nation last fall. But directionally, the idea of forcing government to sort out its spending programs and assign priorities to them is right. For so long, we have been so brashly sure that we can do everything, without cost or dislocation. In a fundamental sense, that era is gone, and my guess is that the voters have sensed it before their elected leaders have.

Now we have a backlash about spending and taxation, and we'll pay something for that. There will be interruptions of some government programs, and some valuable services may be hurt in the short run. But the gain that will come from concentrating the minds of government officials seems worth it. Voters, it seems to me, are not calling for no government at all. But they do want a calm, truthful exposition of what we need to spend and why. The call is not for callous indifference to social needs, but for intelligent frugality.

On another front, I see the need for an adjustment in our economic way of thinking. Recently, I've been privileged to serve as chairman of an advisory subcommittee on Economic and Trade Policy for the Department of Commerce. With other private-sector advisory committees, we are taking part in a government-wide Domestic Policy Review of innovation in this country. The question we have tried to answer is: what can the federal government do—or stop doing—to increase the rate of innovation and new business starts in America. For the sad fact is, my friends, that the fire in the belly that American entrepreneurs used to have is close to going out. President Carter, give him credit, recognized this, and ordered the highest level study of the problem.

Political leaders seem to like to declare war on things. We've had the war on poverty, and the moral equivalent of war on several other social ills. From what I've learned from our committee's work, I'd like to suggest that there has been another war going on, and that is the War on Innovation. It's an undeclared war, a war that almost no one set out to fight. No politician sold us on an attempt to crush the entrepreneurial spirit in this country. But effectively, that is what we've been doing for a long time. We have done it with inflation. We have done it with taxation. We have done it with economic uncertainty. And we have certainly done it with regulation.

Now I know that the urge to regulate business can arise from decent and thoughtful impulses to make the entire country better. And I know that we need regulation in many cases. And not every regulatory proposal brought up in the last 50 years has been evil in its result. But I have to say to you that our goal should be: balance and balance and balance. And the total regulatory burden on business, large or small, is now out of balance. I don't think I'm far off in saying that the cumulative cost of government regulation is substantially in excess of $100 billion. Now is the time to ask: what are we getting for that huge stack of dollars?

If the quick outline of history I gave a few moments ago is right, we have bounced back and forth, first paying great attention to economic growth at the expense of social considerations, then reversing ourselves. As a country, we have acted as if there could be no reconciliation of economic and social cost. And I ask myself: why not? We legislate too often as if we were choosing badly between good and evil. Our political rhetoric is such that a businessman who counsels caution and moderation gets described as an evil, polluting fat cat. And on the other side, a concerned citizen who worries, say about the safety of the work environment, gets painted as a subversive employee of the Kremlin. We seem to *hunt* for ways to divide ourselves, and when the rhetoric gets hot—when we get so divided that there must be winners and losers—then we all tend to wind up losing.

We so often legislate in a spirit of crisis and division, and when we do, we invariably overkill the problem we are trying to solve. That, I believe, is what has happened in the arena of government regulation. Clean air? Sure, but at reasonable cost. Safe factories? Of course, but there must be a better way to achieve it than filling the plants with paper and inspectors.

We have a great chance, right now, to calm down and collect our thoughts. I'd like to propose a "peace feeler"—or a cease fire, if you like—in the War on Innovation. Why can't we try, by law, a 12 month period in which we agree that there will be no new regulatory laws promulgated. I mean a temporary but total moratorium. Within that law, let's require that every existing regulatory agency publish their cost to benefit analysis. Let them answer this question: "All things considered, what did the public get from this or that regulation, and what did it cost to get it?" And finally, when the regulators produce their cost/benefit findings, let's make those findings subject to independent judicial review.

We just might wind up counting *all* the social costs of the activities of government. The cost of jobs that didn't get created. The cost of the tax burden. The cost in price increases. The increase in the sheer complexity of being an American citizen. And the cruelest cost of all—the cost of inflation. That's the bottom line. What is the social cost of mortgaged futures? What is the social cost to those living on deteriorating, fixed incomes?

It is time, my friends, that we quit tinkering at the margin in our struggle with inflation. That, in essence, is what wage-price guidelines are about. Up until now that is all that our current leadership has done—tinkered at the margin—using "old economic positions." We must encourage savings, reward investment and nurture innovation. The political climate is right to allow it, and so are the ideas themselves. Today, we see a Democratic President having turbulence within his own party because he is trying to reduce inflation by cutting the federal budget. It might seem tempting for a private-sector Republican like myself to sarcastically congratulate him for trying a Republican idea, but this is no time for cheap shots. He is right in what he's doing, even if he finds the prospect disagreeable. My only worry is that he will not feel able to go far enough.

I said before that we seem bent on talking ourselves into a recession. And yet it's ironic that while we hunker down, waiting for the blow, businessmen from all over the world are battering at this country's doors. They want a piece of our economic action. That is more because of our political stability than because of our intrinsic economic health—at the moment. But we have plenty of economic muscle left, and they know it.

Since Americans think we can do anything, we tend to get disappointed when we fall short of excellence. We get down on ourselves. That's too bad, because we haven't lost the thread of this country's economic and social greatness. I think of our economic system as a giant. At the moment, the giant has an inflationary fever, and is sleeping it off after taking too much of the wrong kind of economic medicine. If we can strike the right chemical balance with an infusion of older remedies—savings, investment, productivity, de-regulation and innovation—we can renew the vision we once had. The older economic ideas can serve us again. If we try them, we can wake the giant.

Mr. Speaker, would not a 12-month period without any new rules and regulations be a breath of fresh air to Americans. We might even increase productivity for a change.●

ARMS SALES FOR THE YEMEN ARAB REPUBLIC

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 26, 1979

● Mr. HAMILTON. Mr. Speaker, in the coming weeks, Congress will be considering several proposed arms sales to the Yemen Arab Republic (North Yemen), the Arabian Peninsula's most populous state. This country is presently ruled by a moderate government with close ties to Saudi Arabia, but it has recently experienced a series of assassinations and considerable instability.

These sales, which involve F–5 aircraft, armored personnel carriers and tanks, represent a substantial increase in American weapons sales to the Yemen Arab Republic. The United States has, in recent years, provided nearly $140 million in arms to help modernize the Yemeni Army. These new proposals for arms to North Yemen, however, will amount to roughly $400 million. These sales are to be financed by Saudi Arabia and may entail transfers to Yemen of some of this equipment from Saudi military inventories, presumably so that Yemen can receive the equipment more quickly.

Congress will need to scrutinize these sales carefully. Some Members may view the sales as the result of an impulsive reaction to recent events in the Persian Gulf area. Others may be concerned about our commitments in this region and the absorptive capacity of the recipient. Many questions need to be addressed.

Although the general composition of this arms package to North Yemen has been known to some members of the Committee on Foreign Affairs for some time, these sales proposals are the first to be presented for a country in the Arabian Peninsula following the recent turn of events in Iran.

I hope we are not reacting to these events in Iran merely by increasing arms sales to friends elsewhere in the region. To be sure, our friends in the area are deeply troubled by developments in Iran, Ethiopia, South Yemen, and Afghanistan. They need reassurance of our political support, but, in this process, arms sales should not be the principal instrument on which we rely to express that support. In the coming weeks and months, we will be observing trends and reassessing policy options in the Persian Gulf and Arabian Peninsula. Our reaction should teach us that large arms sales not lead us to quick fixes such as increased arms sales. The Iranian revolution should teach us that large arms sales are not the sole prescription for protecting U.S. interests.

These arms sales also come at a time when the United States, the Yemen Arab Republic and Saudi Arabia are trying to work out a smoother trilateral arms relationship for the Yemen Arab Republic. Problems have existed with regard to deliveries to the Yemen Arab Republic of the equipment intended for the army. Deliveries are made to Saudi military authorities located in North Yemen, following which the actual dispersal of the equipment to the Yemenis themselves is made after some delays. Unfortunately, none of the parties has had much of a working experience with the first arms package for the Yemeni military to determine whether or not this second package can be successfully integrated.

Mr. Speaker, this unique trilateral arrangement and the Yemeni arms sales program were the subject of recent correspondence between the State Department and Chairman Zablocki and myself. This exchange provides important background to a discussion of the proposed new arms sales package for the Yemen Arab Republic. The correspondence with the State Department follows:

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C., February 1, 1979.

Hon. CYRUS VANCE,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We write you concerning the military sales program we have established for the Yemen Arab Republic which is being supported and financed by the Government of Saudi Arabia.

While we support selling reasonable amounts of military equipment to Yemen, we are concerned about administrative, logistic and quasi-political problems which apparently have existed in the trilateral military relationship which has evolved. While a Memorandum of Understanding may not be necessary or changes in the language of LOAs offered, we would expect that before any further proposed sales for the Yemen are submitted to the Congress under provisions of the Arms Export Control Act that firm understandings be obtained and agreed to by all threee parties on how this trilateral arrangement will work in the future. We would want assurances that some type of informal, but periodic and regularized, trilateral discussions of this program at an apropriate and agreed upon level will occur so that past problems do not reoccur and delay and frustrate the implementation of an important program in the Arabian peninsula.

We appreciate your prompt attention to this matter.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on
Europe and the Middle East.
CLEMENT J. ZABLOCKI,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., February 14, 1979.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: Secretary Vance was pleased to receive your letter of February 1 expressing your support for and recognition of the importance of the Yemen military assistance program within the context of our interest in the security of the Arabian Peninsula. He has asked that I respond on his behalf.

I share your concern that this program be administered as effectively and efficiently as possible. While in the past there were problems in the administration of this program, on the basis of discussions with the Governments of Saudi Arabia and of the Yemen Arab Republic, a clear understanding now exists on the essentiality of close cooperation by the three parties involved to see that the program is a success. The Government of Saudi Arabia is particularly concerned and supportive of our efforts to ensure that there is proper and effective management.

Having very much in mind the concerns you expressed we have established within our Embassy in Sana a modestly staffed Office of Military Cooperation which is responsible for the administration and coordination of all aspects of the program. It acts as our primary point of contact with both the Yemen Government, including the Yemen President, and the Saudi military training mission in Sana. Although there is no formal structure, discussions on the implementation of the program take place frequently among representatives of the three parties in Sana. Where necessary, problems are referred to our Embassay in Jidda and the U.S. military training mission in Dhahran for discussion with top Saudi officials.

In addition, the accelerated delivery of the Phase I equipment—Howitzers, LAW, Vulcans, vehicles and recoilless rifles—is proceeding in an orderly manner. The equipment is being disbursed to the Yemen Army while US military mobile training teams assist the Yemenis in learning how to effectively handle and maintain the weapons. Transition pilot training on the four F–5B aircraft already approved for transfer is in progress.

I cannot, of course, guarantee that difficulties will not arise in the future, but the relationships that have developed and been agreed upon over the past six months including the personal involvement of Yemen President Salih and the top leadership of the Saudi Government will allow quick resolution of those problems without detriment to the program. US mobile training teams are accompanying equipment as it is delivered to ensure that the Yemenis can develop the capability to handle it effectively. I am confident that the will exists to see the program through to a successful conclusion.

The informal notifications for direct sale of certain defense articles will be sent to Congress shortly. In addition, pursuant to Section 3 of the Arms Export Control Act, notification of the Administration's intent to consent to transfer of certain defense articles from Saudi Arabia to the Yemen Arab Republic will also be sent to Congress in the near future.

If you or your staff want further background explanation concerning the Yemen program, I will be happy to arrange a briefing by appropriate Department officials.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary
for Congressional Relations.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 27, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 28

9:30 a.m.

Agriculture, Nutrition, and Forestry Nutrition Subcommittee

To continue hearings on proposed authorizations for fiscal year 1980 for the Food and Nutrition Service, Department of Agriculture.

322 Russell Building

Appropriations

Agriculture and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for Fiscal Year 1980 for the Department of Agriculture.

1224 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for Fiscal Year 1979 for NASA, and S. 357, proposed authorizations for Fiscal Year 1980 for NASA.

235 Russell Building

Foreign Relations

To hold hearings on proposed Fiscal Year 1980 authorizations for foreign assistance program.

4221 Dirksen Building

Judiciary

To hold hearings on S. 241, proposed Justice System Improvement Act.

2228 Dirksen Building

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for FY 80 for the defense establishment.

1223 Dirksen Building

Banking, Housing, and Urban Affairs

To hold hearings on S. 332, proposed Consolidated Banking Regulation Act of 1979.

3302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 budget.

6202 Dirksen Building

Commerce, Science, and Transportation

To resume hearings on the objectives that a national policy on tourism should seek to acheive.

457 Russell Building

Energy and Natural Resources

Energy Regulations Subcommittee

To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Environment and Public Works

Regional and Community Development Subcommittee

To hold oversight hearings on the Disaster Relief Act (P.L. 93-288), followed by hearings on proposed authorizations for FY 80 for the Disaster Relief Act.

4200 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To hold hearings on price impact of oil shortages and U.S. energy planning.

357 Russell Building

Joint Economic

To resume hearings on the President's economic report.

1202 Dirksen Building

10:30 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979 both for the Department of State.

S-146, Capitol

3:00 p.m.

Appropriations

Public Works Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Tennessee Valley Authority, Appalachian Regional Development Program, and the Appalachian Regional Commission.

S-126, Capitol Building

MARCH 1

9:30 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To continue hearings on proposed budget estimates for FY 80 for the Department of Agriculture.

1223 Dirksen Building

Commerce, Science and Transportation

To resume oversight hearings to assess Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.

235 Russell Building

Foreign Relations

To continue hearings on proposed FY 1980 authorizations for foreign assistance program.

4221 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Agency for International Development.

1114 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.

1318 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Secretary of Energy.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Finance

To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To continue oversight hearings on the Bureau of Census and to examine the plans and progress of the 1980 decennial census.

5110 Dirksen Building

Human Resources

To review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.

4232 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for fiscal year 1979, both for the Department of State.

S-146, Capitol

3:00 p.m.

Select Committee on Intelligence

To hold an open, followed by a closed, business meeting.

424 Russell Building

MARCH 2

9:00 a.m.

Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation to renew programs administered by the Alcohol, Drug Abuse, and Mental Health Administration, HEW.
4232 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

10:00 a.m.

Commerce, Science, and Transportation
To resume hearings on the objectives that a national policy on tourism should seek to achieve.
5110 Dirksen Building

Environment and Public Works
To hold hearings to review proposed authorizations for FY 1980 for the Environmental Pollution Agency, with a view to making recommendations thereon to the Budget Committee.
4200 Dirksen Building

10:30 a.m.

Banking, Housing, and Urban Affairs
To hold oversight hearings on Federal credit programs.
5302 Dirksen Building

MARCH 5

9:30 a.m.

Environment and Public Works
To hold hearings on proposed reauthorization for the Andromous Fish Conservation Act (P.L. 89-304).
4200 Dirksen Building

10:00 a.m.

Appropriations
Interior Committee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1318 Dirksen Building

Budget
To resume hearings in preparations for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AM TRAK), and on proposed route restructuring of AMTRAK.
234 Russell Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Judiciary.
S-146, Capitol

MARCH 6

9:30 a.m.

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on the Federal responsibilities for radiation protection.
3302 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

11:30 a.m.

Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1980 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Resources Administration, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for FY 79, both for the Department of Justice.
S-146, Capitol

MARCH 7

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

9:30 a.m.

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on the Federal responsibilities for radiation protection.
3302 Dirksen Building

Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To hold closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 8

9:30 a.m.

Veterans' Affairs
To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act, to be followed by markup of S. 7, to revise and improve certain health care programs of the Veterans' Administration.
412 Russell Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Consumer Cooperative Bank, and the National Credit Union Administration.
Room to be announced

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 9

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Selective Service System, Council on Environmental Quality, and the National Commission on Air Quality.
1318 Dirksen Building

2:00 p.m.

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 12

10:00 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.
235 Russell Building

Finance
Taxation and Dept Management Subcommittee
To hold hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for Intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 13

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Commerce, Science, and Transportation
To hold a business meeting on pending calendar business.
235 Russell Building

Finance
Health Subcommittee
To hold hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

2:30 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

MARCH 14

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To estimate hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Finance
Health Subcommittee
To resume hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Department of Commerce.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 15

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 354, proposed supplemental authorizations for FY 1979 for NASA, and S. 357, proposed authorizations for FY 1980 for NASA.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

MARCH 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the Northeast corridor improvement project.
235 Russell Building

MARCH 19

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To resume hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed FY 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 20

9:30 a.m.
Human Resources
Child and Human Development Subcommittee.
To mark up S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department, of HEW.
S-128, Capitol

Energy and Natural Resources
Energy Regulation Subcommittee
To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee.
To continue hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.
S-146, Capitol

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Diirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board for International Broadcasting.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcomimttee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.
1224 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, proposed Reclamation Reform Act.
3110 Dirksen Building

Finance
Health Subcommittee
To mark up proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.
S-146, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, the Reclamation Reform Act.
3110 Dirksen Building

Select on Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1980 for the Environmental Protection Agency, and the Consumer Information Center.
1318 Dirksen Building

Finance
Health Subcommittee
To continue markup on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

MARCH 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

MARCH 27

9:30 a.m.
Human Resources
To hold hearings on S. 420, proposed National Workers' Compensation Standards Act of 1979.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

9:30 a.m.
Human Resources
To continue hearings on S. 420, proposed National Workers' Compensation Standards Act of 1979.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the earth's resources and environment.
235 Russell Building

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for FY 1980 from AMVETS, paralyzed Veterans of America, Veterans of World War I, blinded veterans, and Purple Heart.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.
1224 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

MARCH 30

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration, the American Battle Monuments Commission, and the U.S. Army cemeterial expenses.
1318 Dirksen Building

APRIL 2

9:30 a.m.
Human Resources
To resume hearings on S. 420, proposed National Workers' Compensation Standards Act of 1979.
4232 Dirksen Building

APRIL 3

9:30 a.m.
Human Resources
To continue hearings on S. 420, proposed National Workers' Compensation Standards Act of 1979.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

APRIL 5

9:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation, and the Office of Science and Technology Policy.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational employment.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Emergency Management Administration.
1318 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Treasury.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts, and on proposed legislation extending certain veterans' health benefits programs through FY 1980.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear Congressional Witnesses.
1223 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Office of Surface Mining Reclamation and Enforcement, Office of Water Research and Technology.
1223 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1318 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93-113).
4232 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

MAY 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, February 27, 1979*

The House met at 12 o'clock noon.

Rev. Leonhard Heinmets, pastor, First Estonian Baptist Church, New York, N.Y., offered the following prayer:

In God we trust, let us therefore pray to Him.

Almighty God, the author of the power and authority of all the nations, we praise You for Your grace and loving kindness to this country.

We praise You for the personal and societal freedoms which have developed in this Nation and which we recognize come from You. Lord, we pray that these freedoms may be spread far and wide and prosper throughout all nations. We especially request that my native country, Estonia, will be able to once again live as a country where freedom and self-determination cheer the hearts of the people.

Father, on this day we beseech You to strengthen America as an example and maker of freedom. Guide her along the path of right judgment.

Bless and guide this elected assembly today to make decisions in accordance with Your will, without regard to any other allegiance.

God, in You we do trust and ask You to bless America.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1902. An act to amend the Bank Holding Company Act Amendments of 1970.

☐ **This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.**

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

THE REVEREND LEONHARD HEINMETS

(Mr. WYDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDLER. Mr. Speaker, it is indeed an honor for me today to note that the opening prayer in the House today was offered by the Reverend Leonhard Heinmets, pastor of the First Estonian Baptist Church of New York City.

I am proud to note also that Reverend Heinmets is a constituent of mine, residing in Valley Stream, N.Y.

Reverend Heinmets was born in Saaremaa, Estonia, on November 4, 1924. His father, Eduard, was a farmer and a Baptist pastor.

In August of 1943, during World War II, Reverend Heinmets left his homeland, escaping in a small fishing boat across the Baltic Sea into Sweden. In Sweden he learned the language and culture of the country and took an active part in church work among both the Swedes and Estonians. After some time in Sweden, he met and married Inez Margareta Johanson and they now have six children—three born in Sweden and three born in America. The family emigrated from Sweden to the United States in January of 1956.

Reverend Heinmets was ordained as a minister of the Gospel of the American Baptist Convention on October 8, 1961, and installed as the pastor of the Estonian Baptist Church in January 1964. The First Estonian Baptist Church was founded in 1919 in New York for the purpose of ministering to the Estonian immigrants in New York City. This church belongs to the American Baptist Churches of Metropolitan New York and the American Baptist Churches in the United States.

Reverend Heinmets has also ministered to the Estonian people in many areas of the United States and Canada.

We are all honored by his presence today.

☐ 1205

LISTEN TO OUR SENIOR CITIZENS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I just left a hearing with over 150 senior citizens and representatives of the elderly. I hope that all the Members of the House will be able to look at the transcript of this record as soon as it is available to hear what these people have said.

One of the statements was that the change in the food stamp program passed by the Congress is driving senior citizens and the disabled out of their homes and into institutions.

Let me give an example of two people, a husband and a wife in their seventies whose total income is $380 a month; $195 went for rent, $25 for utilities, and $10 for telephone. They presently receive the grand sum of $62 a month in food stamps. Starting this Thursday it will be cut to $30 a month.

Mr. Speaker, it is my hope that the Congress will act on the food stamp program and act very rapidly.

PERSONAL EXPLANATION

(Mr. ATKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINSON. Mr. Speaker, I regret that due to adverse weather conditions in Ohio yesterday, three United Airlines' flights into Pittsburgh were canceled and I arrived late on the House floor. I was unable to be on the floor and unable to vote on the funding bills yesterday.

Mr. Speaker, had I been in attendance, I would have supported House Resolutions 35, 45, 60, 85, 87, 88, 91, 92, 96, and 98, rollcall votes 4 through 13.

JOHN STEINBECK COMMEMORATIVE STAMP

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, today, in a ceremony in Salinas, Calif., the U.S. Postal Service is issuing a commemorative stamp to honor the late author John Steinbeck.

A recipient of both the Pulitzer Prize and the Nobel Prize for Literature, John Steinbeck is recognized the world over as one of this Nation's greatest authors. During his prolific career as a novelist, playwright, and journalist, Steinbeck made an outstanding contribution to the library of classic American literature.

In his greatest works, he recorded the progress of a nation through times of great hardship and upheaval. But, unlike many others, Steinbeck portrayed these times through the eyes of common people, whose lives were being shaped by changes and events beyond their control.

John Steinbeck had a great love for the plain people in this world. And he had the talent to draw from the faceless masses the vitality and the strength of the individual in a struggle to survive and to maintain basic human dignity.

The fact that this ceremony is being held today in Salinas is a testament to the very special meaning that Steinbeck holds for those of us who have spent our lives in that area, because many of Steinbeck's finest works portrayed the unique history and beauty of his birthplace in Monterey County.

The idea for this stamp was conceived locally, and it has become a reality as the result of a strong community effort.

I am sure that my colleagues will want to join me in honoring one of America's greatest artists, and Monterey County's native son.

☐ 1210

FUNDING FOR VETERANS' AFFAIRS COMMITTEE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, this morning I attended a very interesting hearing of the Committee on Veterans' Affairs. We were host to the Blinded Veterans Association, Ronald L. Miller, Ph. D., national president; Military Order of the Purple Heart, Raymond F. Warren, national commander; Paralyzed Veterans of America, Joseph M. Romagnano, president; and Veterans of World War I of the USA, Floyd E. Henderson, national commander.

After hearing the testimony of these veterans, these representatives of the people who have defended our country, I could not but help lament the fact that yesterday—just yesterday—as we sought to provide funds to operate our Committee on Veterans' Affairs, with no increase; we are to receive the same amount as last year, there were 100 Members of this House who voted to deny that committee the funds it needs to care for those who have cared for our country in time of need. Those who voted against funding the Veterans' Affairs Committee yesterday, would have been filled with remorse today had they been present to learn of the problems of those who have defended our America in her time of need.

THE ENERGY CRISIS REVISITED

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, NBC News recently conducted a nationwide public opinion survey. In the area of energy policy, the survey found, and I quote,

> Only 19 percent give Mr. Carter good or excellent marks on energy matters, the lowest level recorded since we first asked this question shortly after Carter took office two years ago.

On April 29, 1977, the New York Times reported that "the bulk of Americans say they have confidence in the way President Carter is handling the energy situation." Thus, in less than 2 years President Carter has lost the confidence of a majority of the American people precisely in an area he himself has given the highest priority.

The Iranian situation has served only to emphasize the glaring deficiencies of this administration in the crucial field of energy.

Suffice it to say that at the present, it can be said of the Carter energy policy what Winston Churchhill said of the philosophy of his peace-at-any-price countrymen: It is "decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all-powerful to be impotent."

THE DRAFT: REBIRTH OF A DISASTROUS IDEA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, despite the clear prohibition in our Constitution against involuntary servitude, some of our colleagues are urging the reestablishment of the military draft. Others are advocating "national service," that would force young people to serve civilian bureaucrats for 2 or 3 years, if they did not want to be in the military. Both the draft and national service would be backed up by the threat of prison sentences.

We do need a stronger national defense, which could be achieved with a smaller Armed Forces manned by highly trained, volunteer military technicians, paid appropriately high salaries.

We do not need hundreds of thousands of green draftees toting outmoded rifles and bayonets.

The draft is wrong morally, constitutionally, economically, and militarily. National service is an even worse idea. Either would be a major defeat for individual freedom.

PERTAINING TO CHANGES IN PUBLIC LAW 95-630

Mr. ST GERMAIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 37) to repeal a section of Public Law 95-630.

The Clerk read as follows:

S. 37

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1104(d) of Public Law 95-630 is repealed.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Rhode Island (Mr. ST GERMAIN) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the support of my colleagues for the adoption of S. 37 which by repealing section 1104(d) of Public Law 95-630 will eliminate the general summary notice requirement of that landmark act while keeping in place the essential notice requirements of the act at the time actual access to a financial institution customers records is sought by a Federal agency.

Section 1104(d), scheduled to become effective on March 10, 1979, states:

> All financial institutions shall promptly notify all of their customers of their rights under this title. The Board of Governors of the Federal Reserve System shall prepare a statement of customers' rights under this title. Any financial institution that provides its customers a statement of customers' rights prepared by the Board shall be deemed to be in compliance with this subsection.

The notice requirements mandated by 1104(c), 1105(2), 1106(b), 1107(2), 1108 (4), 1109 (b)(3) and (c), and 1112(b) expressly provide customers with relevant information about their rights and prescribe specific requirements of the Government, depending upon method employed for access, designed to insure that the individual at time of access has complete knowledge and the opportunity, where appropriate by court process, to resist.

Section 1104(d), while desirable as a basic summary section of the foregoing, has encountered difficulty as a result of regulatory interpretation that the section requires notice to all past and present customers—active and dormant account holders. This is clearly inconsistent with congressional intent which reflects a commonsense approach by requiring notice to current customers. The committee considered the action by the Senate which adopted S. 37 by voice vote on February 9, and after a full hearing on February 21 concurred with the conclusion of the Senate committee that the costs of insisting upon a general notice, even to all current customers, clearly outweighed the general benefits to be derived from such notice. The problem of a number of duplicative notices, notices to owners of defunct or inactive accounts, normally not the recipient of monthly statements, simply does not justify the expense of a general notice and could conceivably detract from the critical significance of specific notices which will be received by a relatively few at the time of access request.

There have been obviously distorted estimates as to potential costs just as there are those who feel that the protection provided by title XI of Public Law 95-630 is being whittled by the committee's recommendation. Neither position is correct. Those who cry "wolf" by exaggerating the costs without adequate documentation think nothing of deluging us with unsolicited, slick, glossy offers of goods and services making it difficult to find the monthly financial statement in the midst of the "junk" enclosures. To those who express concern over whittling down the individuals' rights, I reiterate that there has been no weakening of the specific protection afforded by the title at the point of greatest concern when access is actually sought.

The action of the committee urged upon the House today is a well-reasoned, commonsense response to a practical situation that in the aggregate actually strengthens the title by removing an irrelevant issue.

☐ 1220

Mr. Speaker, I support S. 37, a bill may consume to the chairman of the full committee, the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Speaker, I thank the gentleman for yielding. I am 100 percent in favor of this legislation. I commend Chairman ST GERMAIN and the ranking minority member, the gentleman from Ohio (Mr. WYLIE), and the members of their subcommittee for their leadership in curing an inadvertent wrong. They have averted a veritable blizzard of paperwork that the Congress never intended. They have done so in timely fashion, and we all stand in their debt. I know this bill will be passed by a tremendous margin.

Mr. Speaker, I support S. 37, a bill which would remove a paperwork burden from all financial institutions. It would repeal a provision of the Right to Financial Privacy Act of 1978 which now requires financial institutions to notify all of their customers of their rights under the act.

The Financial Privacy Act also requires the Government to notify customers in most instances when it seeks their financial records, and provides customers with the opportunity to challenge the Government. S. 37 would have no direct effect on these protections. It merely removes the requirement that all customers be notified of their rights at this time.

S. 37 was approved by the Banking Committee by voice vote on February 22. It passed the Senate on February 9 by voice vote. I urge the House to take similar action and send this measure to the President. Quick action is necessary since the notice requirement will go into effect on March 10 unless this bill is enacted.

Mr. ST GERMAIN. I thank the gentleman.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. CAVANAUGH).

Mr. CAVANAUGH. Mr. Speaker, I do appreciate all your efforts over the past 2 years to insure that our citizens enjoy the reality of the expectation of privacy in their financial affairs. Your leadership in bringing this corrective action before the House today is further evidence of your commitment to the efficient implementation of the new privacy statutes. As chairman of the Financial Institutions Subcommittee you have been a positive and constructive force in crafting these new protections against the unwarranted invasion of individual's privacy by the Federal Government.

Citizens who wish to avail themselves of their rights under the Right to Financial Privacy Act of 1978 should not suffer excessive expense in lodging their objection to a Government authority's obtaining their records from a financial institution. It is clearly the intent of the committee, in consultation with the Administrative Office of the U.S. Courts, that an individual's challenge be filed in court and calendered on the court's miscellaneous docket. This will dispense with the higher filing fees for filing other kinds of actions. The committee regards that any proceedings following from the customer's filing shall be initiated by the Government which has no liability for the payment of filing fees. As our committee report (95-1383) stated:

> The ultimate burden of proof still rests with the Government (p. 35).

In addition, I ask unanimous consent that a recent letter sent to the Director of the Administrative Office of the U.S. Court by our distinguished colleague from New York, Congressman LAFALCE, be included in our RECORD today. The letter addresses the filing fee issue from the point of view of the intention of the Congress. I would also ask unanimous consent for my letter to the General Counsel of the U.S. Courts to be printed in our RECORD today as well.

The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1979.

Mr. WILLIAM E. FOLEY,
Director/Administrative Office of the U.S. Court, Washington, D.C.

DEAR MR. FOLEY: It has come to my attention that a potential problem exists in the administration of the Right of Financial Privacy Act of 1978 at the time a customer files a challenge to government access to his financial records. The final form of this legislation as well as the legislative history indicate that it was the intention of the drafters that the customer challenge process be as simple and easy as possible, so that any individual who wanted to challenge proposed government access would be able to do so. As one of the main drafters of this legislation, I can attest to the fact that this was and is the desire of the Members who worked on this bill.

The problem arises because the law does not specifically state whether a challenge is to be considered a civil or a miscellaneous action in the courts. A motion to quash a summons or a subpoena not a part of another action is presently treated as a miscellaneous proceeding, and the analogy between the two situations is so close that logic dictates the filing of a challenge under PL 95–630 should also be categorized as a miscellaneous action. Also, since it was the intention of the Congress in passing this legislation that the challenge procedures be so simple as to make it possible for any individual to exercise the right to contest government access, it would indeed be incongruous if the Administrative Office of the Courts were to impose a filing fee so large that it would effectively cut off all but the most serious challenges, and would make this process a reality only for the rich. The "chilling effect" which this would have would destroy the fairness which Congress worked so hard to build into this law.

For these reasons, I respectfully urge you to categorize challenges under the Right of Financial Privacy Act of 1978 as miscellaneous actions. I would hope that this could be accomplished through administrative channels.

However, if it cannot, I am prepared to introduce legislation directing that these challenges be miscellaneous actions, so that Congress can be assured that its intent in passing this legislation will be carried out in practice.

Thank you for your interest and attention to this matter. I look forward to your favorable reply.

Sincerely,

John J. LaFalce,
Member of Congress.

February 23, 1979.

Mr. Carl M. Imlay,
General Counsel, Administrative Office of the U.S. Courts, Washington, D.C.

Dear Mr. Imlay: Enclosed is a copy of my statement before the House Banking Committee yesterday during the mark-up of S. 37, which will delete Section 1104(d) of the Right to Financial Privacy Act of 1978. For your purposes, the operative paragraph is indicated and relates to the filing fee issue. The language, which was constructed in consultation with your office, will also be included in the Congressional Record during House consideration of the bill next Tuesday.

I appreciate your cooperation in helping to ensure that citizens will be able to exercise their rights under the new privacy statute for the nominal fee of $1.00. I would appreciate receiving a copy of your letter to the Justice Department clarifying your position as to this matter.

Sincerely,

John J. Cavanaugh,
Member of Congress.

□ 1225

Mr. CAVANAUGH. Mr. Speaker, there has been some confusion regarding the ability of financial institutions and supervisory agencies to report violations of law and to transfer financial records under the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401–3422.

Section 1113(b) of the law exempts supervisory agencies from the notice, challenge and certification procedures of the law. As they always have, supervisory agencies may continue to examine customer records as part of their legitimate supervisory activities without giving individual customers notice or leaving any certificate with the financial institution.

In addition, the act allows financial institutions and supervisory agencies to report suspected violations of law to appropriate law enforcement agencies. The notification referred to in the act includes the ability to report the nature of the suspected violation, the financial institution and account(s) in which the violation was found, the identity of the customer whose account was examined, and such other information as is necessary to allow the law enforcement agency to evaluate the suspected violation and the need to investigate further. The notification provisions of this law do not allow financial institutions or supervisory agencies to transfer financial records or summaries of financial records to any law enforcement agency—either under the postnotice provisions of section 1112(a) or under the nonindividually identifiable exemption in section 1113(a) unless the customer has been given prior notice, the right to challenge, or the agency has received a court order dispensing with those requirements. But the law does recognize that law enforcement agencies need a certain amount of information about the suspected violation to know whether and how to proceed. Once notified of a suspected violation, law enforcement agencies must proceed on their own to acquire the actual financial records pursuant to the provisions of the law.

Mr. ST GERMAIN. Mr. Speaker, may I say to the gentleman from Nebraska he is absolutely correct in his interpretation on both points as to the intent of the committee—the miscellaneous docket issue as well as the issue involving the duty and responsibility of supervisory agencies to report suspected violations of the law not within the jurisdiction of the examining agency to the appropriate law enforcement agency.

As the gentleman has so ably stated there was clearly no intent to in any way impair the agencies in their notification responsibilities of such violations but we very clearly have placed restrictions upon the indiscriminate transfer of the financial records or summaries of those individuals suspected. The language is clear that upon receipt of such notification the appropriate law enforcement agency must proceed pursuant to applicable provisions of law for the acquisition of such records.

May I reiterate what I said at the time this title was under consideration during the 95th Congress. The gentleman is to be commended for his splendid leadership throughout the long extended deliberations of this landmark title. The diligence which the gentleman has displayed, since the enactment of the law during the regulatory process has made it possible for the committee to focus on problems as they have arisen so that the action we recommend today is possible prior to the effective date of the regulations. This is the type of oversight activity that the respective committees of jurisdiction should be doing on a regular basis and I commend the gentleman for continuing efforts.

I would also be remiss if I did not thank the gentleman from New York (Mr. LaFalce) for his assistance throughout the consideration of this title, and particularly up to this very point. His testimony before the subcommittee last week when we considered the legislation was invaluable.

I also thank my colleague from Ohio, the ranking minority member of the subcommittee (Mr. Wylie) as well as all the minority members of the subcommittee who were so cooperative in assisting us to get this corrective legislation to the floor as expeditiously as possible so that we could beat the deadline.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I thank the gentleman in the well very much for his compliment, and I wish to say it has been a very great pleasure for me to work with him on this bill and I express my high regard for his expeditious handling of this bill.

I would like to address a question either to the gentleman from Nebraska (Mr. Cavanaugh) or to the gentleman from New York (Mr. LaFalce) on this question of filing objection to the Government obtaining information under the Privacy Act. There was some mention made about such actions being filed on the miscellaneous docket in the Federal court. I understand the court costs are considerably less if the person does file under the miscellaneous docket.

□ 1230

I think that usually it is desirable if a case is filed that the clerk put it on a miscellaneous docket if that is where the customer wants the case to be filed. We would not at same time want by this colloquy to indicate to anybody that we were precluding an attorney from filing a case on behalf of his client and have it assigned to the regular court docket. It might cost more but at the same time the customer should have the option to choose his docket. He could, it seems to me, get more time in some cases when filed on the regular docket. Also, a case that is filed on the regular docket usually seems to have a higher standing with the court. We are not by our colloquy in any way suggesting that a customer or a lawyer representing a customer under this section would be precluded from his choice under which docket he would want his case filed.

Mr. LaFALCE. If the gentleman will yield, it is my understanding that, based upon the intent of Congress that the right to challenge Government access be easily exercisable, customer challenges to Government access to their records would be filed on the miscellaneous docket of the courts. This also makes sense, since the miscellaneous docket is intended for those filing which do not require any action by the courts, and a customer challenge would initially fall into this category. However, if the Government chose to pursue the matter further by overcoming the customer challenge, then action by the courts would be necessary, and the action would automatically be moved from the miscellaneous docket to the civil docket. So if a customer or his attorney would prefer that the challenge be filed on the civil docket, for whatever reason, it would be placed on the civil docket at such time as the Federal Government would take up the challenge.

Mr. WYLIE. I thank the gentleman very much and have no problem with that explanation.

Mr. ST GERMAIN. Mr. Speaker, I also would be remiss if I did not express my appreciation to the very distinguished ranking minority member of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio (Mr. Stanton) for his assistance and cooperation in this matter.

Mr. LaFALCE. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from New York.

Mr. LaFALCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation we have before us today. In a time when much attention is being given to the cost impact of Government-imposed regulations and requirements, it is vital that we also analyze those regulations for their effectiveness and ability to carry out the intended purpose of Congress.

The purpose of the drafters of the Right to Financial Privacy Act of 1979 was to insure that individuals affected by the new law be notified of their rights, as soon as the law became effective. However, not until after the law was passed did the financial industry come to us with cost estimates for compliance with the section. At that point it became necessary to reevaluate the section and its ability to do what the framers intended. This review led to the realization that the information given to the individual customer would be given at a time when he had little or no use for it, and studies had shown that most people would have received a dozen copies of the same notice which would have been extremely costly and certainly unnecessary.

Further, the time when an individual needs information about his rights under a certain law is when those rights are to be exercised, not 5 years beforehand. The act contains detailed notice provisions required to be sent to the individual when the Government seeks access to his financial records. It is my understanding that the agencies will be sending customers even more information and more detailed instructions on how to proceed than is required by the act. This will give the individual the kind of information he needs at a time when he needs it most.

The financial industry has indicated that the costs of compliance with the section in question would be excessive, some estimates going as high as $1 billion. In view of the minimal benefits to individuals which the preliminary notice would provide, this does not seem to be a valuable, cost-effective requirement, and it should be deleted.

Mr. ST GERMAIN. Mr. Speaker, I yield back the remainder of my time.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the closing days of the 95th Congress we made a monumental mistake by including these simple words in the Right to Financial Privacy Act which was added to the Financial Institutions Regulatory Act. The language says:

> (d) All financial institutions shall promptly notify all of their customers of their rights under this title.

In our defense we were working with a very complicated Financial Institutions Regulatory Act to which was added an Electronic Funds Transfer Act and some 18 or 19 other titles. It is to our credit that when we found out that we had made a mistake, we were able to act expeditiously.

What that one sentence would do, as the gentleman from Rhode Island (Mr. St Germain) has said, would cause all financial institutions to send out notices to all active and inactive account holders of their rights under the Right to Financial Privacy Act; for example, a person might come into town and decide that he wanted to go partying that night, so he deposits some of his money in a bank for safekeeping. Suppose, he becomes involved in an altercation during the evening and is shot in the altercation and dies. His bank account remains in the bank where he put it. The financial institution under this language which I just recited would be required to go to considerable effort to find a way to notify that inactive account holder of his rights if a Government authority wanted to obtain his records. That is a little farfetched. This has nothing to do with estate implications. But, it also provides for a duplication of notice to account holders which is not needed. Under other provisions of the law, if a Government agency seeks information from a customer's account, there is at least a 10-day prior notice required of that Federal agency. This is appropriate oversight legislation, as the gentleman from Rhode Island (Mr. St Germain) has said. It will reduce paperwork; it will reduce Government regulation; it will reduce the cost to the private sector as well as to the Government sector.

It is to the credit of the gentleman from Rhode Island (Mr. St Germain), to the gentleman from Wisconsin, the chairman of the full Committee on Banking, Finance and Urban Affairs (Mr. Reuss), to the gentleman from Ohio, the ranking minority member of the full committee (Mr. Stanton), and to Senator Proxmire, that they acted so expeditiously and promptly. I would say of the gentleman from Illinois (Mr. Annunzio) that he should be mentioned for his encouragement.

□ 1235

I would also pay my own compliments to the gentleman from New York (Mr. LaFalce) and to the gentleman from Nebraska (Mr. Cavanaugh) for their cooperation in bringing this bill to the House floor today for this very much needed legislation.

Section 1104(d) would have required all financial institutions to notify all of their customers active and inactive promptly of their rights under the Right to Financial Privacy Act of 1978.

The cost of sending the notice required under section 1104(d) has been variously estimated at anywhere from several million dollars up to a billion dollars. Whatever the actual cost might have been, it was clear to the Members who worked on this bill that the benefits, if any, would not have justified the cost which would have been imposed upon the private sector. Repeal of this costly provision will leave intact one of the major achievements of the Right to Financial Privacy Act, which was to break the unfortunate habit which Government has developed of constantly imposing paperwork costs upon private industry. Section 1115 provides that, with certain exceptions, the cost of providing financial records to Government authorities shall be borne by the authority which obtains the records. This provision is evidence of the sensitivity of Congress to the problems of Government-created paperwork burden.

During the floor consideration of S. 37, in the other body, Chairman Proxmire of the Senate Banking Committee made an eloquent statement of the need for this bill:

> In the committee's view, these notices are totally unnecessary since the act already requires a Federal agency to provide a person with an extensive disclosure of his rights under the Privacy Act at least 10 days prior to the time his financial records are to be obtained. These notices will adequately inform consumers of their legal rights at the precise time they most need to be informed—that is, when a Federal agency attempts to gain access to their financial records. Since the act already provides for notice of rights at time of access, the committee sees no reasons why financial institutions should be put to the enormous expense of sending out close to one billion notices to all of their customers. At a time when we are seeking to cut down on unnecessary regulation in order to curb inflation we need to be especially sensitive to imposing new requirements on industry. The passage of S. 37 will prevent a senseless cost from being imposed on industry—and a cost that will ultimately be paid by consumers in the form of higher prices and interest rates.
>
> This measure would save those higher costs and higher interest rates and higher prices.

It is to the credit of the persons I have mentioned have come to realize that implementation of section 1104(d) would have entailed huge unintended costs and have acted to repeal the provision in advance of the March 10 deadline.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to my colleague, the gentleman from Ohio (Mr. Stanton).

Mr. STANTON. Mr. Speaker, I rise in support of S. 37.

In the course of a single sentence, the Right to Financial Privacy Act hits financial institutions with an added billion dollars in compliance costs. Needless to say, these added costs will be passed on to the consumer. The misdeeds of the 95th Congress are coming back to haunt us.

Specifically, section 1104(d) of the Right to Financial Privacy Act requires that all financial institutions "promptly notify all their customers of their rights under the title." Unfortunately, the provision has been interpreted to mean notification whether the customer's records are actually sought or not. Worse still, it even applies to closed accounts because many States require accounts to be kept on record years after they have been closed.

After evaluating the impact of the notice requirement, the Consumer Advisory Counsel of the Federal Reserve Board determined that sending hundreds of millions of notices will have a "value remotely commensurate with the expense."

We are operating under a March 10 deadline. If S. 37 does not become law within the next week and a half, we have failed as a committee and we have failed as a Congress to act in the public interest.

With the repeal of section 1104(d), we still safeguard the privacy of the individual because other provisions of the act require a detailed notice when the records of the customer are actually sought.

Mr. WYLIE. Mr. Speaker, I thank the distinguished gentleman for his statement.

I yield to the gentleman from Delaware (Mr. Evans).

Mr. EVANS of Delaware. Mr. Speaker, I thank my distinguished colleague for yielding.

I would like to join in the chorus of praise for the chairman of the Committee on Banking, the members of the committee, the chairman of the subcommittee, the gentleman from Rhode Island (Mr. St Germain); the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. Wylie); and the ranking minority member of the full committee, the gentleman from Ohio (Mr. Stanton).

Mr. Speaker, I am sorry there are not more people here today on the floor of the House and in the Press Gallery, frankly, who can see this Congress, the House of Representatives in this instance, acting in a very reponsible manner. I think this sets the proper tone for the 96th Congress to accept its oversight responsibilities, to be present not only at the launching of a bill, but to monitor the practical impact of the legislation as it moves along.

I rise in support of S. 37 which repeals section 1104(d) of the Right to Financial Privacy Act.

This section of present law is one of the classic cases where Congress has unintentionally socked private industry with unnecessary and overlapping regulations. If allowed to go into effect, this section would add nearly $1 billion to the costs of doing business—costs which would undoubtedly be passed on to the consumer.

Further, consumers would receive no new protection under the section. Instead, they would receive many duplicative pieces of paper which would be meaningless to them. We are already drowning in a sea of paperwork.

Section 1104(d) requires that all financial institutions "promptly notify all of their customers of their rights under this act." Documented estimates indicate that because of this section, some 75,000,000 households will receive an average of 12 separate notices under the act. In major metropolitan areas, some households may receive up to 30 identical notices. In fact, the section was so broadly drafted that notices are even required for closed or dormant accounts.

Mr. Speaker, this is simply regulatory overkill. This section of law is unnecessary and ridiculous. Fortunately, the Banking Committee has been able to isolate this nonsensical section of the law and remove it before it does unnecessary damage to our Nation's economy.

I would hope, however, that this bill will mark the first in a long series of measures which will remove costly and unnecessary Federal requirements that are strangling our Nation's economy.

These costs are passed on to the American consumer who simply cannot afford any more of this so-called protection.

Many in Congress have called for the 96th Congress to focus more attention on its oversight responsibilities.

I strongly support this effort and would hope that this bill will set the tone for the 96th Congress.

The American people are fed up with the kind of waste that this section of the law represents. It is high time for Congress to concentrate more on action and less on rhetoric.

I strongly urge the overwhelming passage of this bill.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for that excellent statement and for his contribution.

● Mr. ROUSSELOT. Mr. Speaker, as a former member of the Banking Committee who participated actively during several Congresses in the consideration of financial privacy legislation, I want to compliment my former colleagues on the committee, especially the distinguished chairman and ranking minority member of the Subcommittee on Financial Institutions (Mr. St Germain and Mr. Wylie) for their diligence in bringing this matter to the House floor in time to prevent irreparable harm.

Section 1104(d) slipped into law at a time when the committee and the Congress were dealing with a 260-odd-page bill which ultimately became the Financial Institutions Regulatory Act. It was in an effort to uncover unintended consequences of the FIRA that I insisted that extensive portions of the bill be read aloud at the markup, but we could not read the entire bill aloud, and it proved to be humanly impossible to catch all of the errors in the bill under the conditions in which we were working at the end of the session.

Sometimes an apparently harmless provision can prove to be extremely burdensome and expensive. It is good to see that when Congress makes a mistake, it can admit it and correct it in a timely fashion. Passage of this bill will prevent the development of what could have been—dare I say it?—another RESPA situation—and I urge my colleagues to support it.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to take this opportunity to commend the distinguished chairman and ranking member of the House Banking, Finance and Urban Affairs Committee for their prompt consideration and action on S. 37, to repeal section 1104(d) of the Financial Institutions Regulatory and Interest Rate Control Act of 1978. If enacted, this bill will certainly prevent a senseless cost from being imposed on the financial community which will ultimately be borne by the consumer.

Scheduled to become effective on March 10, section 1104(d) would require every creditor and financial institution to notify all of their customers of their rights under the Right to Financial Privacy Act, even though that act already provides for issuance of a notice of rights at least 10 days prior to the time a Federal agency attempts to gain access to a person's financial records.

The benefits of this provision are minuscule compared to the estimated cost of $1 billion to send approximately 1 billion notices. If implemented, this provision could reduce bank earnings this year by 3 percent. In fact, many domiciles would receive as many as 30 separate privacy notices from current and previous financial institutions since many individuals have multiple accounts and credit cards. Almost all who receive this unnecessary mailing will discard this information as irrelevant and wasteful.

During the last minute crush of legislative business at the close of the 95th Congress, this burdensome provision was able to slide past without the proper scrutiny that it deserved. At a time when Congress has pledged to curb unnecessary regulation, the passage of S. 37 would be an important step in the right direction. Therefore, I urge my colleagues to lend their full support in order to rectify a blatant error which was included in Public Law 95-630.●

● Mr. WEISS. Mr. Speaker, I oppose enactment of S. 37, the Financial Privacy Act amendments, because of the provision in the legislation repealing the requirement that financial institutions notify their customers of rights established under the original Financial Privacy Act.

I supported the original act in the 95th Congress since it represented a major advance in civil liberties and privacy protection. Under the act, financial institutions such as banks and credit card companies were directed to inform customers of their rights by March 10, 1979.

S. 37, the Privacy Act amendments, eliminates this March 10 deadline and exempts financial corporations from complying with notification procedures.

Those of my colleagues who favor repeal of this key provision argue that it would impose a large financial burden on banks and credit card corporations, that it is duplicative and unnecessary, and that it would increase the volume of paperwork in private industry.

Regarding the financial impact of the

requirement, the chairman of the House Subcommittee on Financial Institutions, Mr. St Germain, pointed out on February 21 that—

> . . . some of these arguments about cost have to be taken with a large grain of salt.

The chairman continued:

> All of us are besieged with monthly mailings from banks and credit card companies, peddling everything from quickie car loans to stereo sets. It is often difficult to find the monthly statement among this blizzard of paperwork created by the financial institutions themselves.

I find the gentleman's reasoning compelling. Testimony presented at the subcommittee's hearings clearly indicated that the cost estimates for compliance with the notification provision are quite exaggerated. Representatives from the American Retail Credit Federation said the cost of compliance would be 80 million, while Citibank issued a report placing the total at $1 billion. A representative of the American Bankers' Association offered an estimate of $100 million. A Governor of the Federal Reserve bank speculated that the cost might be $140 million, conceding that he was "guessing."

Banks and credit card corporations generate their own paperwork and costs through unsolicited mailings and intensive advertising campaigns. Surely it is not asking too much for them to spend a modest amount of money to inform their customers of important rights.

Mr. Speaker, we live in an era that is witnessing the withering away of our right to privacy. The repeal of the provision in the Financial Privacy Act requiring notification of rights will accelerate this process and leave Americans more vulnerable to unwarranted snooping. That is why I have voted to defeat S. 37 and to retain this essential protection.●

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Rhode Island (Mr. St Germain) that the House suspend the rules and pass the Senate bill, S. 37.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 5, answered "present" 3, not voting 62, as follows:

[Roll No. 14]

YEAS—362

Abdnor
Addabbo
Akaka
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conte
Corcoran
Corman
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derwinski
Devine
Dingell
Dixon
Dodd
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Hightower
Hillis
Hinson
Holland
Holt
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McKay
Madigan
Markey
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Roth
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stockman
Stokes
Stratton
Studds
Stump
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Treen
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—5

Burton, Phillip
Kildee
Kostmayer
Maguire
Weiss

ANSWERED "PRESENT"—3

Myers, Ind.
Quillen
Winn

NOT VOTING—62

Albosta
Ambro
Anderson, Ill.
Annunzio
Ashley
AuCoin
Barnes
Beard, Tenn.
Bonker
Burton, John
Chappell
Chisholm
Collins, Ill.
Conable
Conyers
Cotter
Coughlin
Crane, Philip
Deckard
Derrick
Dickinson
Dicks
Diggs
Donnelly
Duncan, Oreg.
Ferraro
Flood
Garcia
Giaimo
Goldwater
Gramm
Guyer
Hall, Ohio
Hawkins
Heftel
Hollenbeck
Holtzman
Hubbard
Jenrette
Kogovsek
Leach, La.
Lederer
McHugh
McKinney
Marks
Mottl
Murphy, Ill.
Pepper
Rostenkowski
Santini
Satterfield
Simon
Smith, Nebr.
Snowe
Stewart
Swift
Trible
Ullman
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.

☐ 1250

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Anderson of Illinois.
Mr. Hawkins with Mr. Bob Wilson.
Mr. Cotter with Mr. McKinney.
Mr. John L. Burton with Mr. Goldwater.
Mr. Barnes with Mr. Dickinson.
Mr. Giaimo with Mr. Beard of Tennessee.
Mrs. Chisholm with Mr. Conable.
Mr. Chappell with Mr. Coughlin.
Ms. Ferraro with Mr. Guyer.
Mr. Murphy of Illinois with Mrs. Smith of Nebraska.
Mr. Rostenkowski with Mr. Trible.
Mr. Jenrette with Mrs. Snowe.
Mr. McHugh with Mr. Hollenbeck.
Mr. Ambro with Mr. Marks.
Mr. Albosta with Mr. Deckard.
Mr. Charles H. Wilson of California with Mr. Philip M. Crane.
Ms. Holtzman with Mr. Flood.
Mr. Santini with Mr. Diggs.
Mr. Pepper with Mr. Conyers.
Mr. Charles Wilson of Texas with Mr. Kogovsek.
Mr. Ullman with Mr. Swift.
Mr. Simon with Mr. Gramm.
Mr. AuCoin with Mr. Garcia.
Mr. Ashley with Mr. Donnelly.
Mr. Dicks with Mr. Duncan of Oregon.
Mrs. Collins of Illinois with Mr. Hall of Ohio.
Mr. Derrick with Mr. Bonker.
Mr. Heftel with Mr. Stewart.
Mr. Lederer with Mr. Leach of Louisiana.
Mr. Hubbard with Mr. Mottl.
Mr. Satterfield with Mr. Williams of Montana.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1255

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matters on the Senate bill (S. 37) just considered.

The SPEAKER pro tempore (Mr. RATCHFORD). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

BUM RAP FOR OSHA?

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, when workplace tragedies occur, too often the responsibility of the Occupational Safety and Health Administration is brought under scrutiny and criticism. Since the passage of the OSHA Act, various spokesmen for business, labor, and the general public have voiced concerns with regard to regulations and enforcement on the part of OSHA officials.

As chairman of the Subcommittee on Health and Safety of the Education and Labor Committee, I have been in contact with Secretary of Labor Ray Marshall and Assistant Secretary for Occupational Safety and Health Dr. Eula Bingham in an effort to clarify many of the misconceptions surrounding OSHA. Since assuming their positions Marshall and Bingham have been diligently pursuing measures designed to upgrade the performance of OSHA. However, notwithstanding the merit of some complaints about OSHA, it appears that OSHA may have received a "bum rap" with respect to the charge that it has not been adequately performing its primary objective of significantly reducing occupationally related fatalities.

It was gratifying to come across an editorial entitled, "Bum Rap for OSHA?" which suggests that, on the contrary, OSHA may deserve a pat on the back for increasing the safety of the American workplace.

Mr. Speaker, at this time I include the editorial by Michael Gorham in the January 19, 1979, issue of the Federal Reserve Bank of San Francisco Weekly Letter to be printed in the RECORD:

BUM RAP FOR OSHA?

Grisly statistic: some 4,760 American workers died at their desks or on the assembly line in 1977. But to put that figure in context roughly 1.8 million Americans died off the job in 1977, which might suggest that the factory or office is actually a much safer place to be than the highways and homes of the nation. Still, one government agency is very concerned about those 4,760 Americans, especially because their deaths represented a 21-percent increase over the previous year.

This agency is the Occupational Safety and Health Administration (generally referred to as OSHA), which was established in mid-1971 to "assure a safe and healthful workplace" for all Americans. Such a charge is no simple matter, and OSHA's efforts to achieve this goal have sometimes antagonized both business people (who complain that OSHA undermines the efficiency of the nation's factories) and labor leaders (who complain that OSHA fails to ensure improved safety and health conditions).

When the Department of Labor report emerged with the 1977 statistics, the media found good copy in the 21-percent rise in fatalities reported for the year. "Big Increase in Work Deaths Mystifies Federal Officials," trumpeted one newspaper. Business Week spoke of the "atmosphere of gloom" that the new report had cast over OSHA.

FATALITIES AND INJURIES

Despite the validity of other complaints about OSHA operations, the agency may have taken a bum rap on that particular charge. To see what has actually happened in the nation's workplaces, we should first look beyond a one year change in the number of fatalities.

While workplace deaths did rise in 1977 by 21 percent, most media reports failed to note that this rise followed an even larger 26-percent decline the year before. Moreover, we should look at a more relevant measure—the number of workplace fatalities as a percentage of the workforce—just as we look at the unemployment rate rather than the number of unemployed. Indeed, this fatality rate was lower in 1977 than in all but one other year of OSHA's existence.

In assessing OSHA's performance, we should remember also that a workplace fatality is a rare occurrence. A much more reliable indicator of the safety and healthfulness of our nation's offices and factories is the work-injury rate, or the number of workplace injuries related to the total number of workers or the total amount of worktime: The large number of work injuries (roughly 1200 times the number of workplace fatalities) makes this a more statistically reliable indicator. Also, since this measure is expressed relative to the size of the work force, it allows us to eliminate the scale effect. It must be noted also that post-1970 data cannot be compared directly with earlier data, since the law that created OSHA liberalized the definition of "work injury," and also established a more comprehensive and mandatory system of data collection. Furthermore, the post-1970 data also include work-related illnesses, but these account for only about 3 percent of the total.

BUSINESS-CYCLE EFFECT

But even more importantly, to assess the performance of OSHA—or any other program for that matter—we must avoid the before-and-after fallacy. The relevant comparison is not between what occurred this year and last year, but between what *did occur* this year with the program and what *would have occurred* this year in the absence of the program. This suggests that if there are other factors systematically influencing the program's target variable, then these factors must be considered.

In the case of work injuries, there is a fairly well established, albeit little known, relationship between the rate at which workers get mangled on the job and the rate of business activity. Studies of the relationship between work injuries and the business cycle have appeared on and off in the economic literature at least since the 1930's, but generally in fairly remote publications.

The logic behind this pro-cyclical pattern in work injuries goes something like the following. During a cyclical downturn in a firm's new orders, the manager is uncertain whether the decline is temporary or will be sustained over a period of time, so he is somewhat reluctant to lay off workers whom he may soon have to rehire. Thus workers get laid off at a slower rate than the rate at which output declines, and there is a consequent slowdown in the general pace of production. But at the slower pace of output there is more time for maintenance and repair of equipment. The result is fewer accidents. In addition, the workers who get laid off are typically the youngest and least experienced group which tends to be the most accident-prone. This shift in composition of the still-working population away from accident-prone individuals also tends to lower the work-injury rate.

During expansions, both these effects work in precisely the opposite direction. Managers are reluctant to rehire workers as rapidly as new orders increase, for fear they may have to turn around and fire them should the increase be only transitory. The result is an increase in pace of production, more pressure on workers and less time for maintenance of machinery. Moreover, new hires are less experienced, and even the skills they do have may be a bit rusty due to extended period out of work. Both of these effects combine to push up the rate at which workers get injured.

MIRROR IMAGE

The work-injury rate is almost a mirror image of the unemployment rate—a reasonable business-cycle proxy—although the statistical relationship between the two series is not always stable (see chart). Roughly speaking, a one-percent (not percentage point) decline in the unemployment rate tends to generate a quarter-percent rise in the work-injury rate, according to our experience over the 1942–70 period. Thus the 9-percent drop in the unemployment rate between 1976 and 1977 (from 7.7 to 7.0 percent) should have led to a 2-to-3 percent rise in the work-injury rate, other things equal. In fact, the work-injury rate in manufacturing actually declined by 0.8 percent and the rate for the whole private sector rose by only 0.8 percent. This suggests that there were almost 1 million fewer workplace injuries in the total private economy in 1977 than would have been expected based upon movements in the business cycle alone. This fact contrasts sharply with the impression left by the "21-percent increase" in workplace deaths headlined by the media.

Indeed, in all but two years of OSHA's existence, the work-injury rate fell by more than would have been predicted by the business-cycle effect. Thus, the work-injury rate in 1977 was roughly 3 percentage points lower than would have been expected from the 1971–77 movement of business activity. This translates into about 2.8 million fewer injuries than we would have expected in the total private economy in 1977 alone. Several factors may have contributed to this improvement, but in absence of evidence to the contrary, OSHA should certainly be able to take some credit for the increasing safety of the American workplace.

What about 1978? We already know that the unemployment rate last year was 14.3 percent below the 1977 figure because of a strong business expansion. This should have caused the work-injury rate to rise by about 3.5 percent if you believe our estimates. The data won't be available until almost year end, but they should show some increase. If the actual injury rate rises by less than 3.5 percent, or if there is an actual decline, OSHA may deserve a pat on the back.—MICHAEL GORHAM.

AMTRAK CUTBACKS QUESTIONED

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I am disturbed about the proposed elimination of the Southern Crescent, offering rail passenger service between New Orleans, Atlanta, and Washington, D.C., and serving Greenville and Spartanburg, S.C., in my district.

My initial reaction to Secretary Adams' announced Amtrak cutbacks was one of understanding: if we are serious about budgetary restraint, and I am, we must be prepared to tighten our own belts. If the Crescent is not an economically feasible line, we will have to live without it. Naturally, I assumed that the Secretary made his decisions in an even-handed manner, basing his proposals on a uniform set of standards. The more I hear about the Amtrak system reductions, however, the more I wonder.

Congressional Quarterly reports that the final recommendations were markedly different from the preliminary proposal of last May, in that the preliminary proposal would have dropped all passenger train service to Nevada, the home State of our colleague, the chairman of the Senate Commerce Committee, and to West Virginia, the home State of our colleague, the chairman of the House Interstate and Foreign Commerce Committee. The January 31 plan, on the other hand, maintains service to West Virginia and Nevada, and even recommends adding a route to Las Vegas, which has not enjoyed regular passenger rail service since 1968.

Now, Mr. Speaker, I am not accusing the Department of Transportation of playing politics. But, given the fact that Secretary Adams indicated in testimony before the House Appropriations Transportation Subcommittee that the Crescent and the Montrealer were the last two trains that "fell out", I am beginning to question seriously if we were treated fairly.

Figures justifying the Amtrak cutback proposal are difficult to obtain. In a January 31 report, Amtrak itself said:

> The question of what specific routes are to be operated will always be subjective regardless of the efforts made to describe and define economic and social criteria.

Amtrak went on to state,

> We believe there is no statistical method whereby an optimal rail network can be established.

Figures for the Crescent are nearly impossible to analyze, since the line was operated by the Southern Railroad under little more than a caretaker status until February 1, when it became a part of the Amtrak system. Amtrak President Alan Boyd recognized the fact that the Crescent was operating under a disadvantage when he discussed Amtrak's intention to improve service by beginning daily operation of the Crescent and said that decision was "prompted by a determination to give the Crescent every possible advantage to attract new customers."

Mr. Speaker, I believe the justification for the Amtrak route cutbacks, and particularly for elimination of the Southern Crescent, are fuzzy at best. I ask my colleagues, Commerce Committee Chairman Staggers and Transportation and Commerce Subcommittee Chairman Florio, to examine the DOT proposal with a fine-tooth comb, and on a line-by-line basis to make sure justifications for proposed line terminations are sound, fair and evenhanded.

I am committed to fiscal restraint, Mr. Speaker, but I believe we must pick and choose where cutbacks will occur based on the national interest. It is well recognized that this country needs an adequate rail system for passenger travel, particularly in view of the insecurity of our fossil fuel supply. Let us, then, be very carefully before we cut rail passenger routes by 43 percent with a concurrent savings of only 11 percent.

REINTRODUCTION OF BILL TO CREATE SENIOR CITIZEN INTERN PROGRAM FOR CONGRESS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, today I am reintroducing my bill which would create an official senior citizen intern program within the House and Senate. I am pleased to be joined by 84 of my colleagues.

This proposal has come about as a result of the increasing need for some legislative action to provide for a formalization of the program which we began 7 years ago.

I would emphasize that this intern program is like no other on Capitol Hill. The participants are active, experienced community leaders who come to Washington armed with grassroots knowledge and insight to gain a better understanding of their Federal Government and of the many Federal programs which serve or affect older Americans. The interns return home to share their experiences and information with local leaders and other seniors who are working together to resolve common problems.

It is especially significant to note that unlike other congressional intern programs which affect only the individual, this program touches our constituencies. It is our communities which benefit through the sharing of information about the workings of government—and, ultimately it is we who benefit through strengthened working relationships with those seniors who are active in our districts.

Among other things the bill provides for compensation and specifies that the House and Senate Aging Committees would have the authority for coordinating future programs. And, in recognition of the great dedication of Claude Pepper, chairman of the House Select Committee on Aging, to the concerns and problems of the elderly throughout the Nation, the bill provides that the program shall be named the Claude Pepper congressional senior citizen intern program.

The 1979 intern program is already set for May 7 through 18 and plans are underway for another successful session. While my office serves as the main coordinator, we will be assisted by Congressman Tony Coelho, Congressman Ralph Regula, and Congresswoman Mary Rose Oakar in the House and Senator William Roth and Senator Lawton Chiles in the Senate.

Over 150 House and Senate Members will be bringing interns from all across the country. While we do not anticipate passage of the legislation in time for us to rely on the framework of the bill for this year's program, we do hope that a concentrated effort will be made to assure the continuation of the commitment we have made to the elderly.

☐ 1215

YOUNG'S CANONIZATION OF KHOMEINI

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, it is fortunate for all of us that we have heard little from Andrew Young lately. Unfortunately, his boss, President Carter, has picked up the slack. The President, however, is not the subject of my remarks today. It seems that Mr. Young, much to the dismay of patriotic Americans, is back in the headlines again.

Certainly we cannot forget his inane observations about the "stabilizing influence" of Cubans in Africa or his anti-American diatribe about political prisoners in the United States. Now, our representative to the United Nations has gone into the canonization business. Who has he proposed be elevated to sainthood? None other than the newly exalted dictator of Iran, Ayatollah Khomeini who is lining them up against the wall as fast as any recent tyrant. Once again, our Ambassador has expressed a thought that never would occur to most of us, that this man is a truly religious man who deserves sainthood.

John P. Roche, in a February 20 column, published in the Washington Star, has discussed this latest outrage at length. Mr. Roche and I rarely agree on domestic economic matters but in this instance, our feelings coincide. Also, Mr. Speaker, Marvin Stone, writing in the February 26 U.S. News and World Report editorial page indicated "We Deserve Better at the U.N."

The Roche article and the Stone column follow:

YOUNG'S CANONIZATION OF KHOMEINI

(By John P. Roche)

If he didn't already have enough problems in the secular world, Andrew Young is now into canonization. The Ayatollah Khomeini, he observed, "will be somewhat of a saint when we get over the panic."

In an ecumenical mood he reflected that "Islam is a vibrant cultural force in today's world and not something that died with the Middle Ages." I know the ambassador is also a reverend, but for the life of me I can't figure out why he can't keep his roles straight. As a teacher of constitutional law, for example, I discuss the Supreme Court's holdings, rather than substituting what I wish it held.

Beginning with George Orwell's premise that "saints are presumed guilty until proved innocent," I would back away fast from elevating the Ayatollah.

There is, after all, a track record that can be inspected and which indicates he is an obscurantist of the first order. Young and others seem to think that if enough people say Khomeini is not an anti-Semite at heart, that he doesn't want to cut the hands off thieves, or wipe out the dissident Bahai sect, the Ayatollah will be mesmerized into being a good guy.

This is another version of the cult of sincerity recently explored here. There is an implicit assumption that bad guys can't be sincere, or be nice to little children and dogs. Incidentally, in that column I accidentally implied that in the 1930s the distinguished Quaker and leader of the American Friends Service Committee, Rufus Jones, was conned by the Nazis. Some pacifists fell into this trap, but not Rufus, who totally rejected violence yet unflinchingly recognized evil and stood against it. I apologize to his memory, and to our shared friends.

Indeed, the Young types could learn a great deal from Rufus Jones and the American Friends Service Committee's role in helping refugees escape Nazi terror. Young and those from his ideological pea-pod refuse to admit that sincerity and evil can go hand in hand, probably because, as moralistic activists, they believe evil should be instantly exterminated.

Yet it is quite possible to say, as I do, that Brezhnev and Teng are sincerely evil, that we should take all prudent steps to check their barbarous activities, but not precipitate a nuclear shootout. Or to say with Rufus Jones that evil must be recognized, all steps taken to mitigate its impact, but that the ultimate Christian witness is non-violence.

I hate parsing sentences, but this kind of analysis is essential to understanding our foreign non-policy. Let's move on to Pope Andrew's recognition of Islam: "Islam is a vibrant cultural force in today's world" could mean either too little or too much. Like most truisms, it is true. But I think there is more to it than mere banality. In 1492, for example, one could have said Christianity was a vibrant cultural force in Spain. It sure was: Jews and Moors were forced to convert to Christianity or face exile or death.

I doubt if even the Moslem Anti-Defamation League would challenge as prejudiced the assertion that Islam historically was a harsh, egalitarian and sanguinary desert faith.

The Prophet Muhammed was God's avenger, not a gentle redeemer. Over the centuries sophistication and urbanity have blunted many of the sharper edges of this fighting faith, but what Young & Co. fail to recognize is that the Ayatollah, like the Pakistani and Libyan mullahs, is sponsoring a counter-reformation against precisely these civilizing tendencies.

The source of Young's information, I suspect, was his experience in the "vibrant" movement of the 1960s where frenetic activity far too often substituted for non-vibrant ratiocination—a deliberately dull word for a dull but essential process, thinking. Ah, to be young again: As Mussolini's anthem "The Giovinezza" put it so well: "Youth, youth, thou lovely thing; Time of springtime's blossoming."

But Andy, you are no longer youthful. You are a senior official of the United States Government sentenced to life in a world that defies verbal manipulation.

I submit the Ayatollah is a sincere, crafty, reactionary whose dream is to return Iran to the Middle Ages, and his version of vibrant Islam would be a disaster for modernity, including the extremely modern notion of human rights.

We Deserve Better at the U.N.

(By Marvin Stone)

Andrew Young is at it again. "Only neofascists in this country," he declared recently, "would be willing to support the neofascism of the Smith regime" in Rhodesia.

By these words the U.S. Ambassador to the United Nations hoped to intimidate any members of Congress who might consider voting to permit trade with Rhodesia, now that a black-majority government is in prospect.

The Smith-sponsored surrender of white power is indeed imperfect, more gradual than partisans of immediate turnover would like. It infuriates the two Soviet-backed guerrilla armies, which want to seize control of Rhodesia for themselves. These are the same bandits who, armed with ground-to-air missiles, have shot down two civilian airliners, the latest outrage claiming 59 lives on February 12.

What Smith offers is the only visible alternative to a bloody black-white conflict, to be followed probably by a civil war among blacks. Given the minimum blessing of normal relations with America, the Smith alternative might just succeed. And members of the U.S. Congress have a right to evaluate those chances without the stab of twisted invective.

Young's innuendoes are remarkably like those with which the new and developing nations themselves, in concert with Russia, have belabored the U.S. in the United Nations for many years. Oddly, his latest sally comes at a time when a glimmer of hope can be seen for the American position at the international forum. When Vietnam invaded Cambodia, the United States found itself suddenly in the same camp with the Third World, and the Security Council voted, 13 to 2, to demand removal of the troops. Russia and one satellite, Czechoslovakia, made up the opposition.

Here was a demonstration that the Third World's future does not automatically lie in a monolithic cooperation with the Russian bloc against the United States. If this is a true precedent, it holds high importance in the light of the last decade's misalignment.

Pat Moynihan, now in the Senate, demanded several years ago that someone step in at the U.N. to fight for America's ideals and good name. Tapped for Ambassador, he found the job frustrating but made his presence known. The senator's latest book, *A Dangerous Place*, chronicles the constant verbal aggressions of the anti-U.S. bloc. When there was a report on moves to end colonialism, the U.S. was said to be oppressing Puerto Rico—which in reality is free to choose its own destiny. A conference on feeding hungry peoples? The United States—actually the advocate of giving away its own foodstuffs—was accused of having stolen the world's resources.

Is it too much to hope that our Third World friends will cease such behavior, since they see that their lives do not depend on sandbagging the United States? Habit is distressingly strong, but we should give them every help in breaking it. Such an effort will require a person with special qualities.

This brings us back to Andrew Young. Despite his intolerable misstatements about his own country, or more probably because of them, many of the developing nations consider him an effective Ambassador.

Young never was our idea of the person for the job, nor is he now. He is Carter's choice, so he is there. But the last thing that the majority of Americans want at the United Nations is an Ambassador who feels that the way to woo Third World countries is to denigrate the United States.

What we need—more urgently than ever—is an Ambassador who can carry forward the job of speaking up for America on the floor of the United Nations.

If Andrew Young feels differently, surely there is another place where he can continue his personal crusade, while someone else represents the United States in the United Nations. This country deserves better.

PERSONAL EXPLANATION

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUARINI. Mr. Speaker, on rollcalls Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and not having voted due to cancellation of air flights and weather conditions at the airports, I ask unanimous consent that my statement appear immediately after each rollcall in the permanent Record after those rollcalls as voting "yeas."

WHY THE DOUBLE STANDARD ON HUMAN RIGHTS FOR IRAN?

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, we have had a full measure of dismaying news from Iran over the past few months. Now, to add to our dismay, comes the information that the new Iranian regime—if you can call it that—has begun to execute military leaders loyal to the Shah. The Iranian military, staunch allies of the United States, displayed remarkable restraint, I believe, during the recent domestic upheavals in their country. The coups d'etat, widely predicted, never materialized.

I call upon the professional liberals and the so-called human rights advocates in the White House and the Department of State to speak out against these travesties. Secret summary trials and secret executions, followed by public display of the corpses, are beneath the human rights standards of all of us. They are not, surely, beneath the notice of our usually quite vocal human rights watchdogs of the administration.

We hear repeated charges of human rights violations in Chile, Argentina, Brazil, Nicaragua, the Philippines, South Korea, and so on—all allies. The administration has even seen fit to lecture Israel on unsubstantiated reports of the denial of human rights in the occupied territories. It is strangely silent, however, on these executions in Iran. Why the double standard?

□ 1300

INTERNATIONAL TERRORISM BILL

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, today I am introducing, along with Congressman Bizz Johnson, chairman of the Public Works Committee, Congressman Harsha, ranking minority member of the committee, and my Public Works and Transportation Committee colleagues, Mr. Levitas, Mr. Mineta, Mrs. Bouquard, Mr. Don Clausen, Mr. Fary, Mr. Snyder, Mr. Young of Missouri, Mr. Solomon, Mr. Rahall, Mr. Applegate, Ms. Ferraro, Mr. Hefner, Mr. Ambro, Mr. Roe, and Mr. Ertel, a bill to combat international terrorism.

The bill will help protect American citizens at home and abroad against the threats of terrorism. It will add to the tools available to our Government to prevent terrorist acts and to bring terrorists to justice. It will also help to encourage international cooperation to combat terrorism.

The bill is based on the terrorism bill which the Public Works Committee reported last year. The new bill also includes amendments developed by subcommittees of the Judiciary and Foreign Affairs Committees, which considered the bill in the last Congress, but did not have time to take final action on it. A similar bill has been introduced in the Senate by Senator RIBICOFF.

The bill requires the President to list states which actively support international terrorism and to impose specified sanctions against states on the list. The bill requires the Secretary of Transportation to assess security measures at foreign airports. If these airports do not meet internationally established standards, the Secretary must give notice to the traveling public, and the Secretary is authorized, with the approval of the Secretary of State, to revoke the operating authority of United States and foreign air carriers which use the foreign airport to serve the United States.

Another important provision of the bill requires the "tagging" of cap-sensitive explosives with a material which can be detected prior to detonation and which would allow identification of the source of the explosive following detonation. These provisions do not apply to black and smokeless powders manufactured for use as propellent powders.

The bill amends the U.S. Criminal Code and the Federal Aviation Act to implement the obligations assumed by the United States as a party to the Montreal Convention against aircraft sabotage.

A more detailed section-by-section analysis of the bill is set forth below.

Mr. Speaker, the sponsors of this bill are circulating a "Dear Colleague" letter inviting other Members to cosponsor this important legislation. I urge my colleagues to join in this important effort to protect against the violence and destruction caused by international terrorism.

The analysis follows:

SECTION-BY-SECTION ANALYSIS—ACT TO COMBAT INTERNATIONAL TERRORISM

SEC. 1. Short Title.

SEC. 2. Definitions. "International terrorism" defined as acts designed to damage, threaten the interests of, or obtain concessions from, a state. The acts must either violate certain international agreements, or result in death, bodily harm, forcible deprivation of liberty, or destruction of property. The latter acts must take place in defined circumstances with respect to the place where the act occurs, and the nationalities of the offender and the person against whom the act is directed. The definition of international terrorism excludes acts by military forces in the course of an armed conflict, and acts by other armed groups against military personnel or objectives. However, the latter exclusion does not apply to attempts to obtain nuclear weapons.

"State of support of international terrorism" is defined to include specified means of aiding and assisting terrorists.

SEC. 3. Report of Acts of International Terrorism. Six months after date of enactment and every six months thereafter, the President shall report to Congress on acts of international terrorism. Acts affecting U.S. citizens or interests shall be reported in 30 days. Report must include information on governments which aided the terrorist, on governments which helped to end the incident positively, and on the U.S. response to the incident. If classified information is involved, a classified report shall be submitted.

SEC. 4. List of States supporting international terrorism. Six months after date of enactment and every six months thereafter, the President shall submit to Congress a list of states demonstrating a pattern of support for acts of international terrorism. The list shall also identify states against which sanctions have been applied under Section 6. The President may delete a state from the list, if he determines that the state no longer demonstrates a pattern of support for international terrorism.

SEC. 5. Presidential Authority to Combat International Terrorist Acts. When a state is listed under Section 4, the President (1) shall not provide assistance under the Foreign Assistance Act of 1961, other than International disaster assistance; and (2) shall not sell any defense articles or service or extend any credit under the Arms Export Control Act. When a state is listed, the President shall review applications for licenses under the Arms Export Control Act and the Export Administration Act, and shall deny any application if he determines that denial would reduce the country's support for international terrorism.

The President may suspend any of the foregoing sanctions if, after consultation with appropriate Committees of Congress, he finds that interests of national security requires such suspension. The President is directed to take appropriate diplomatic measures to support the effectiveness of actions taken under this section. The President is directed to inform Congress of all actions taken under this provision.

SEC. 6. Information on Foreign Airport Security. Requires the Secretary of Transportation to conduct an assessment of the effectiveness of security measures at foreign airports used for air service to the United States. The assessment shall determine whether the airport has effective security measures under standards established by the Convention on International Civil Aviation. If the Secretary finds that an airport does not maintain effective security measures he shall notify the foreign government of his finding and make recommendations to eliminate the deficiencies.

If the deficiencies are not remedied in 180 days, the Secretary shall identify such airport by notice in the Federal Register and at U.S. airports receiving scheduled air carrier service. With approval of the Secretary of State, the Secretary of Transportation may revoke, or impose conditions on the operating authority of any U.S. air carrier or foreign carrier with authority to use a deficient foreign airport to provide air service to the U.S.

SEC. 7. Aviation Security Assistance to Foreign Governments. Authorizes the Secretary of Transportation to provide technical assistance concerning aviation security to foreign governments. The Secretary may require the foreign government to reimburse the United States for all or part of the cost of providing such technical assistance.

SEC. 8. Extension of Existing Security Measures. Amends Section 315(b) of the Federal Aviation Act. Section 315(a) requires the FAA Administrator to establish regulations for the screening of passengers by weapon detection procedures. Section (b) allows the Administrator to exempt from these requirements charter flights by certificated air carriers. The terrorism bill amends the exemption authority, so that charter operations by certificated air carriers may not be exempted from security requirements.

SEC. 9. Explosive Taggants. Requires identification taggants and detection taggants to be added to explosive materials under standards promulgated by the Secretary of the Treasury.

One year after enactment, it is unlawful to manufacture or import explosive materials which do not contain identification taggants.

Two years after enactment, it is unlawful to ship in interstate commerce explosive materials which do not contain identification taggants; to resell explosive materials sold as surplus by the United States Government which do not contain identification taggants; and to manufacture or import explosive materials which do not include detection taggants.

Three years after enactment, it is unlawful to ship explosive materials in interstate or foreign commerce, or to dispose of explosive materials sold as surplus by the Government, if these materials do not contain detection taggants.

The Secretary may extend any of these dates if he determines that taggants are unavailable; or that use of taggants would impair the quality of explosive materials, would be unsafe, or would adversely affect the environment.

The requirements for using taggants do not apply to explosive materials used by the U.S. Government for national defense or security purposes or to black and smokeless powders manufactured for use as propellent powders.

SEC. 10. Aircraft Sabotage. Amends the U.S. Criminal Code on destruction of aircraft or aircraft facilities to implement the Montreal Convention. These amendments change the test for various acts of destruction of aircraft from the present requirement that the act be intended to damage or destroy aircraft, to the Montreal requirement that the act be likely to endanger the safety of aircraft in flight. The bill also adds new offenses covered by Montreal, and establishes U.S. jurisdiction over acts of destruction on foreign registered aircraft operated outside of the United States, if the offender is later found in the United States (or, in some cases, if the aircraft subsequently lands in the U.S. with the offender still aboard).

The bill establishes a new felony of conveying threats, of aircraft destruction, if the offender has an apparent determination and will to carry the threat into execution.

SEC. 11. Aircraft Piracy. The bill revises the provisions in the Federal Aviation Act on threats and false information about hijacking. The bill retains the present felony offense of conveying false information on hijacking, willfully, maliciously, or with reckless disregard for the safety of human life. However, the penalty for knowingly conveying false information concerning a hijacking attempt (without malice, etc.) is changed from a criminal penalty to a civil penalty. The bill establishes a new felony offense of conveying threats of hijacking, with an apparent determination and will to carry the threat into execution.

A new civil penalty is established for boarding or attempting to board an aircraft carrying a concealed, deadly, or dangerous weapon. (The criminal penalty for this offense is also retained.)

The bill establishes a new criminal penalty for placing a loaded firearm aboard an aircraft in baggage or other property not accessible to the passengers in flight.

SEC. 12. International Agreements to Combat Terrorism. Urges the President to seek international agreements to assure more effective cooperation in combatting international terrorism, and to implement existing international agreements.

PERSONAL STATEMENT

(Mr. DODD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DODD. Mr. Speaker, on rollcalls Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, not having voted due to cancellation of air flights and bad weather, I ask unanimous consent that the permanent RECORD indicate how I would have voted had I been present. I would have voted in the affirmative on all of the above-mentioned rollcall votes.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PROGRAM TO REFORM THE FEDERAL CIVIL JUSTICE SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–59)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

Today I am announcing my program to reform the Federal civil justice system. My proposals are intended to increase the efficiency, cut the cost, and maintain the integrity of our Federal courts. I hope that the same spirit of cooperation which led to the 95th Congress' passage of historic civil service reform legislation, which had similar goals for the Executive Branch, will mark Congressional-Administration efforts in reforming the Judicial Branch.

The American system of justice—and the part our Federal courts play in it—has long been the envy of people throughout the world. An impartial and talented judiciary protects the rights of all Americans, ensuring due process guarantees and fair adjudication of disputes. But the courts cannot perform their traditional and essential function if they are required to operate with inadequate resources, saddled with outmoded procedures, and burdened with more business than they can fairly dispose of within a reasonable time. Nor can our citizens avail themselves of their "day in court" if, as is too often true in these days of rising litigation expenses, the price of participation in litigation is beyond their means.

Delay and expense play a part in our civil justice system. We have long recognized that justice delayed is justice denied. For many injured parties, having to wait a year or two to obtain legal relief in the courts is extremely harmful. The benefits of a legal victory are sometimes outweighed by the costs of achieving it. As litigation expenses and the size of court dockets increase, this seems to be happening with increasing frequency. Legal redress should not consume years of time and thousands of dollars.

These problems are not merely the special concern of a particular economic class or racial group, nor are they limited to certain geographic regions; they affect all segments of American society, in all areas of the country.

I am committed to improving access to justice by ensuring that every person involved in a legal controversy has a readily available forum in which that controversy can be resolved speedily, fairly, and at reasonable cost. To achieve this goal, we must do two things. First, we must develop new means for handling disputes that do not necessarily require full court resolution. Second, we must provide the courts with sufficient resources and improved procedures so that they can function fairly and effectively in those cases that must be brought before them.

I know that the Congress shares my concerns and is equally committed to taking effective remedial action. Last year the Congress made an excellent beginning when it created 152 new Federal judgeships and carefully reviewed a number of other legislative proposals designed to improve the administration of justice. But unless we improve the system of justice itself, we may find that the additional judges have been swallowed up by outmoded procedures and by an ever-rising volume of cases. We must take prompt and effective steps to eliminate the remaining obstacles to efficiency in the justice system, and to increase access to Federal courts by those with Federal claims.

Five of the specific measures by which we hope to accomplish these ends have previously been proposed, in whole or part, by my Administration, in the 95th Congress, dealing with arbitration, United States magistrates, the diversity of citizenship jurisdiction of the Federal courts, the Supreme Court's obligatory jurisdiction, and minor dispute resolution. Both before and during the last legislative session, each of these proposals received a great deal of careful Congressional thought and attention. They are introduced again, some with modifications discussed in the last Congress. Each is now ripe for favorable action.

The arbitration proposal would provide an innovative means for resolving speedily, fairly, and at reduced cost certain types of civil cases in which the main dispute is over the amount of money that one person owes to another. This legislation is modeled on court-annexed arbitration plans that have proved successful in several States, including Ohio, Pennsylvania and New York. It would allow Federal district courts to adopt a procedure requiring that tort and contract cases involving less than $100,000 be submitted to arbitration. This approach has been tested since early last year in three Federal courts and the experiences so far have been quite promising. Both litigants and the courts are benefiting from the procedure. Cases going to arbitration are being resolved faster than they otherwise could be and at significantly less expense to the parties. It is time that these benefits were extended to litigants in all Federal trial courts.

The second major element of our comprehensive civil justice program is a bill to enlarge the civil and criminal jurisdiction of Federal magistrates. These judicial officers, who are appointed by the district courts, constitute a potential resource of great value. If magistrates were given broader authority to decide civil cases and to handle less serious criminal matters, as we have proposed, the capacity of the Federal courts would be substantially increased. The result, especially in districts which currently have large case backlogs, would be speedier and less costly dispositions for the litigants.

The third measure that we regard as essential to improving the civil justice system would curtail the exercise of diversity of citizenship jurisdiction in the Federal courts. Too many cases now jamming the dockets in Federal courts involve solely issues of State law that would be more properly and more efficiently disposed of in State courts. The historical basis for permitting these claims to be heard in Federal court—presumed prejudice toward citizens of one State in the courts of another—no longer appears valid. Moving these State law cases to the State courts where they belong would not create an undue burden on any State, but would enable the Federal courts to concentrate on serving the needs of those whose disputes involve questions of Federal law. Under my proposal, diversity jurisdiction would be abolished totally and cases could be brought in Federal court only where Federal law is involved.

The next component of our judicial reform package is a bill that would permit the Supreme Court to exercise greater control over its own docket. By eliminating the Supreme Court's mandatory jurisdiction, except for appeals in three-judge cases, this proposal would do away with the artificial and out-dated distinction between discretionary review and review of right. The change would enable the Court to focus its limited resources on the cases and issues truly deserving of its attention. This, in turn, would permit speedier clarification of the law, to the benefit not only of litigants in the lower courts but also persons wishing to avoid legal controversies.

The last of the proposals carried over from the previous Congress is a bill to improve the means available to the people of the United States for resolving everyday disputes, such as complaints by neighbors, customers, tenants, and family members. Everyday problems, small or large, if left unsettled, can fester and grow. They can lead to breakdowns in otherwise harmonious neighborhood relationships. They can even lead to crime. This legislation, entitled the Dispute Resolution Act, would provide Federal assistance to the States to improve the institutions that deal with these programs. The programs established by this bill would promote improvements in small claims courts and more widespread use of Neighborhood Justice Centers, a new concept that the Department of Justice is presently testing in Los Angeles, Kansas City, and Atlanta. This legislation would enable the Federal and State governments to work in partnership to improve the delivery of justice to all the people of the United States. No additional funding is being sought; existing funds in the Law Enforcement Assistance Administration will be used to finance these programs.

Passage of these five bills would be a major step in eliminating excessive delays, redtape, and exorbitant costs within the civil justice system. These bills have been discussed in the 95th Congress, and I hope that after further careful examination these bills will be enacted during the 96th Congress. These measures are necessary if we are to derive maximum benefit from the newly authorized judgeships. We will work for their enactment.

In addition to these bills, the Attorney General will transmit to Congress additional proposals to improve the courts which have been developed in consultation with congressional leaders in this area. These new measures would solve a variety of problems relating to administration of the Federal judiciary, as well as practice and procedure in the courts in the following ways:

—Create a new intermediate Federal appellate court on the same tier as the existing courts of appeals. The new court, which would be known as the "United States Court of Appeals for the Federal Circuit", would be formed by merging the Court of Claims and the Court of Customs and Patent Appeals into a single appellate tribunal with expanded, nationwide jurisdiction for appeals in patent and trademark cases as well as other matters. This new forum would induce economies from the combination of the two existing courts. Most important, however, it would expand the Federal judicial system's capacity for definitive adjudication of national law and thereby contribute to the uniformity and predictability of legal doctrine in these areas, which have long been marked by inconsistent appellate decisions, encourage industrial innovation, and in the long run reduce patent and trademark litigation. I further note that a similar need exists for uniformity and predictability of the law in the tax area, where conflicting appellate decisions encourage litigation and uncertainty. The Justice and Treasury Departments will work with Congress to develop an appropriate solution.

—Permit more effective means of rulemaking and administration within the Federal judiciary through the implementation of two proposals. One proposal requires each court of appeals to appoint an advisory committee composed of persons outside the court to make recommendations on the rules of practice and operating procedure within that court. These committees should do much to assist the courts in formulating sounder rules. The other proposal would restructure the membership of the circuit judicial councils, the governing administrative bodies in the eleven judicial circuits. The councils will be made smaller and more efficient and will include district judges in their membership for the first time. If enacted, these proposals will help assure that the Federal courts conduct their business so as to serve the public more effectively.

—Allowing equitable interest on claims and judgments. There is a serious backlog in civil litigation. Sometimes years pass between the time of an injury and the granting of a judgment. More years may pass while that judgment is appealed. Current Federal law is ambiguous about whether and under what circumstances interest may be paid for the period prior to judgment, and permits unrealistically low as well as conflicting rates of interest while the decision is under appeal. Yet such interest may be essential in order to truly compensate the plaintiff or to avoid the unjust enrichment of the defendant. For instance, a plaintiff who is unlawfully deprived of the use of $20,000 in 1976 and who does not receive a judgment until 1979, could have obtained $4,500 in those three years by investing the money at 7% compounded interest. If a judgment on appeal is entered at a rate well below the prime interest rate, the losing party may well profit from the appeal. The bill proposes that where a defendant knew of his potential liability, interest be awarded for the pre-judgment period where necessary to compensate the plaintiff for his losses or to avoid the unjust enrichment of the defendant. Post-judgment interest rates would no longer be left to inconsistent State laws, but along with the new pre-judgment interest standard, would be based on a nationally uniform rate. Litigants would be encouraged to settle cases, and not drag them out needlessly causing additional expense.

—Other measures relating to the sound administration of the Federal judiciary are proposals providing more reasonable terms for chief judges, enhanced integrity for appellate panels, and easier transfer for any case inadvertently started in the wrong Federal court to the proper court without loss of litigants' rights and with savings of time and money.

Finally, I urge the Congress to give serious consideration to improving procedures for litigating class actions, especially for those cases where the alleged economic injury is widespread and large in the aggregate, yet small in its impact on each individual. The Justice Department will continue to have my support in working with Congress to devise class action procedures which will develop methods for courts to handle these complex cases more effectively and at less cost to the taxpayers and the parties involved.

The members of the Judiciary Committees of both houses have shown outstanding leadership in developing answers to the problems facing the justice system. It is now time for Congress as a whole to take action so that the American people will benefit from a more effective civil justice system.

JIMMY CARTER.

THE WHITE HOUSE, *February 27, 1977.*

RECORD NUMBERS OF LOGS SOLD OVERSEAS WHEN OUR DOMESTIC MILLS NEED TIMBER BADLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

Mr. WEAVER. Mr. Speaker, at a time when lumber prices are skyrocketing, at a time when log prices from log sales on our national forests are increasing sharply, we continue to sell record numbers of logs overseas when our domestic mills need this timber badly. Though log exports are from private holdings, their price affects prices on Federal timber.

According to a release by the U.S. Forest Service last week, stumpage prices—that is the log or the tree bid for by our own lumber mills—have increased from $323 per 1,000 board feet to $425 per 1,000 board feet in 1 year, an astronomical increase that is squeezing the profit margins of our mills and threatening in the future large layoffs of our own lumber employees and a diminished lumber supply for our domestic consumption. In this release it was mentioned that the rise of the Japanese yen value against the dollar was a strong contributor to the increased stumpage prices.

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The reason is simply this, that the Japanese are now purchasing our logs with yen that is much more valuable against the dollar than it was a year or 2 ago; the logs are the same price to the Japanese as they were a year or 2 years ago, but in dollar amounts they are much higher and our mills must pay in dollar amounts.

Mr. Speaker, I call on and I ask the attention of the House and the Government of the United States to this serious problem. When we face these timber supply problems, why do we continue to export over 3 billion board feet of timber overseas and allow our forests to be depleted and allow our own lumber mills to be squeezed perhaps out of business?

I am often reminded that the big fight today in the timber economy is called wilderness. We have all kinds of people saying that wilderness is the threat to the log supply. Yet in the entire roadless areas of our national forests in the Lower 48 States, 44 million acres produce less timber on an annual cut basis by far than we export now overseas. As a matter of fact, if all 44 million acres of the wilderness areas were put into wilderness, and nobody is even thinking such a thing, as a matter of fact only a small portion of that would be put into wilderness; but if all those areas were put into wilderness, it would amount to probably less than 25 percent of the annualized harvest that is sent overseas.

Mr. Speaker, I ask the attention of the House and the administration to this problem and ask them to put the log export problem in this perspective.

FTC ACTIVISTS OVERSTEP THEIR AUTHORITY, PERVERT CONSTITUTIONAL PRINCIPLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, there is an increasing public perception among voters that the present burden of overlapping, interlocking, unreasonable, and sometimes inconsistent Federal antitrust regulation is stifling the free enterprise system. Moreover, it is adding to the costs that consumers have to pay for goods and services. Too much regulation is counterproductive.

As a member of the Judiciary Committee of the U.S. House of Representatives, I am concerned with the fact that in the field of business combinations and mergers, which often lead to greater efficiency and lower prices because of the economies of scale, the Federal Trade Commission is trying to make bigness "bad," even though there is no injury to competition.

The Carter administration and some of the leaders of the Democratic Party are sponsoring new antitrust legislation which may well go beyond the rule of reason which has been the touchstone of antitrust regulation since the original Sherman Act was passed by Congress in 1890. I hope this will lead to full debate of all aspects of our Federal antitrust policies. My mind is open on the subject. We need a lot more public discussion.

I am particularly concerned with the conflict in interpretation being generated by the Federal Trade Commission in what appears to be an unconstitutional effort by that agency to "legislate" by administrative proceeding and extend its jurisdiction and the interpretation of existing Federal antitrust laws. Congress has given the Federal Trade Commission no such authority.

Section 7 of the Clayton Act embodies a worthwhile public policy and first came into the law in 1917. It provides a sensible standard by which businesses which generate jobs and provide the taxes which support our Government can conduct their affairs. Section 7 provides in effect that a merger, combination, or acquisition is only inconsistent with our Federal antitrust policy if "the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." Over the years the Federal courts have given this policy established by Congress a reasonable interpretation. The U.S. Department of Justice is the Government agency which has primary responsibility for enforcing this law.

However, the Federal Trade Commission is pursuing a policy which stifles legitimate acquisitions by broadening commonly accepted interpretations of such antitrust theories as "potential competition," "line of commerce," and "market concentration" to bring within its jurisdiction and prohibit various business combinations which are perfectly lawful under existing antitrust law because of the mere size of a business. Section 5 of the Federal Trade Commission Act only gives the Commission power to prevent the use of unfair methods of competition, or unfair or deceptive acts or practices in commerce, and no authority to make bigness "bad" per se.

Our Federal courts have made it clear that under our free enterprise system, where competition is encouraged, a successful competitor must not be punished when he wins so long as his business activities and his means of competition have been lawful and not afoul of the antitrust laws. Mere size of a company without evidence of predatory practices aimed at competitors is not unlawful, and should not be.

Primary responsibility for enforcing the law with respect to mergers and other business combinations is vested in the Department of Justice. Congress has not given the Federal Trade Commission any specific authority to intrude into this area. The Commission's jurisdiction is limited to matters involving unfair trade practices. However, the Commission over the years has attempted to extend its jurisdiction in the whole area of business combinations by stretching all of the interpretations. At a time when the dollar is sinking in value as against foreign currency, when our balance-of-trade deficits are sadly out of balance, when American exporters are being barred from foreign markets by not only tariffs but all kinds of devious nontariff barriers, it is time for the Congress to reexamine our antitrust laws to make sure that overzealous Federal bureaucrats are not crippling the free enterprise system by discouraging business combinations which can bring to the consumer lower prices, greater competition, and a greater variety of goods and services without restricting competition or tending to monopoly.

As Congress considers the various proposed changes in our antitrust laws over the next few months, I intend to raise the question of unreasonable antitrust policies being developed by the staff of the Federal Trade Commission. If the law needs to be changed to extend its scope, then that is the exclusive responsibility of Congress under our Federal Constitution, and not the responsibility of the Federal Trade Commission. It is far more in the public interest for the new antitrust theories of the Federal Trade Commission to be debated here in Congress and voted up or down on the merits, rather than to have the staff of the Federal Trade Commission surreptitiously try to "legislate" amendments and extensions of our antitrust laws through the costly and time consuming process of trying to legislate that bigness is "bad" by administrative adjudication.

OVERSIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

● Mr. CLEVELAND. Mr. Speaker, my reason for taking this special order is to explain for the record why I missed voting on the 10 funding resolutions yesterday. Due to the severe icing conditions that prevailed at Logan Airport in Boston, my flight to Washington was delayed by 7 hours.

As a member of the House Administration Committee and the Accounts Subcommittee, I had previously considered these and in my opinion the committee had done a reasonably good job of cutting the funding resolutions which were involved. For this reason, I would have voted affirmatively on the 10 funding resolutions, although admittedly some of our standing committees and select committees are overstaffed.

One encouraging fact which came to light during our hearings on these funding resolutions is particularly noteworthy. At long last the committees are taking their oversight functions more seriously than in years past. The chairman of the Accounts Subcommittee, the gentleman from Indiana, JOHN BRADEMAS, has publicly assured me that we will follow up on the oversight functions of the standing committees and select committees. In other words, the House Administration Committee will join in the oversight parade and this has got to be good news not only for taxpayers, but for all people who want to see our Government work better and work well.●

THE SUGAR STABILIZATION ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. JOHNSON) is recognized for 5 minutes.

● Mr. JOHNSON of Colorado. Mr. Speaker, on at least four occasions in the last 24 months, the President has been advised by his own administration of the unreasonable competition U.S. sugar producers face from unfairly priced imports and the need for effective remedial action, which has not been forthcoming.

Meanwhile, American sugar producers and the industry continue their steady economic erosion. In the last 4 months, five more sugar plants have been closed, including one in my home State of Colorado, and nationally, growers have indicated their intention to decrease this year's plantings by at least 11 percent, thus furthering our dependency on volatile foreign markets.

Last year, the Congress failed to enact sugar legislation. Ironically, the conference report on the Sugar Stabilization Act of 1978 was rejected with the support of sugar producers generally. The reason for the failure of the legislation then was simple—in the predawn hours of our last session, conferees were bullied into acceptance of a conference report written not by themselves but by the White House. Had the House subsequently adopted that conference report, American sugar producers would have been subjected to Government subsidies, which they did not, and still do not, want, while producers of corn and other sweeteners would have been placed at an unfair competitive disadvantage in the sweetener market. Acceptance of the

White House-dictated conference would have also meant a 5-year program which placed a 1-percent annual cap on any increase in the farm price of sugar, while mandating a 7-percent annual increase in one of the costliest components of its production—labor. Under such circumstances, I think it's doubtful the industry would have lasted out the 5-year life of the bill.

It is imperative that an adequate volume of domestic sugar production be maintained. Yesterday, I introduced a bill, H.R. 2394, which is aimed at helping achieve this goal. The legislation is similar to a bill some of us cosponsored early last year with our good friend and colleague, Mr. DE LA GARZA of Texas, and it is also similar to the measure introduced just last week in the Senate by Mr. CHURCH of Idaho.

My bill seeks to assure domestic producers of at least a "break even" price objective in the marketplace, for the 1978 through 1981 crops of sugar beets and sugarcane. This would be accomplished through the imposition of fees and, if necessary, quotas on cheap imported sugar currently being dumped on U.S. markets. The requirement that imported sugar be entered at least at the price objective level will enable domestic producers to obtain roughly the same price for U.S.-grown sugars. Under the bill, there would be no government payments to producers. For the 1978 sugar supply year (which stated October 1, 1978), a price objective of 17 cents per pound raw value for sugar is set. The price objective for the 1979, 1980, and 1981 sugar supply years would be set by the Secretary of Agriculture based on percentage changes in the average cost of production of sugar from sugar beets and sugarcane. The average cost of production for each sugar supply year will be based on the results of cost of production studies the bill instructs the Secretary to perform.

My bill also provides the President with the authority to implement the International Sugar Agreement (ISA), including authority to limit entry of sugar from non-ISA member countries or areas, prohibit the entry of sugar lacking documentation required by the ISA, and require the keeping of relevant records and the making of reports.

If an adequate volume of domestic sugar production is not maintained, processors will not be able to remain in business and should they be forced to close down, the market for all sugar growers will be eliminated. This is what apparently has already happened this year in the State of Washington.

U.S. sugar producers are recognized as the most physically efficient growers of sugar in the world, but they cannot produce the commodity as cheaply as their foreign counterparts because the cost of labor, fuels, fertilizer, and other production inputs is expensive. In addition, American farmers must bear the costly burden of compliance with Federal regulations governing the use of pesticides and other farm chemicals for the protection of the public health and welfare.

The domestic sugar industry contributes over $10 billion to the U.S. economy annually and employs tens of thousands of Americans who earn more than $400 million a year on sugar farms and in sugar processing, milling and refining plants. For every pound of domestic sugar bought, the money remains in this country and benefits our economy. What sense does it make to allow the continued erosion of our domestic sugar industry when the only result can be our total dependence on unreliable foreign supplies, and a worsening of our balance of payments and general economy? ●

LIVING UP TO OUR COMMITMENT TO THE PHILIPPINE SCOUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, today I am introducing legislation to correct a longstanding inequity in our treatment of the survivors of the Philippine Scouts who fought alongside American soldiers during World War II. Although they were a part of the U.S. Army and fought and died along with their American counterparts, they never received the same pay or benefits. This kind of flagrant discrimination was sad reward indeed for their heroic sacrifices. The passage of this legislation would be a clear message to Filipino Americans and people throughout the world that our commitment to justice and equality is not parochial and is basic to our conception of universal human rights.

In the late 1930's, the Philippine Scouts were made a part of the U.S. Army to help defend the South Pacific against totalitarian domination. Gen. Douglas MacArthur described the Scouts as "excellent troops, completely professional, loyal and devoted." They were an elite organization with a high esprit de corps in which membership was considered an honor by Filipinos and the strictest standards were followed in selection.

General Wainwright, who took command of forces on Bataan and Corregidor after General MacArthur moved Army headquarters to Australia, reported that by the beginning of December 1941 the "Philippine Scouts were fit, trained in combat principles and ready to take the field in any emergency."

At the onslaught of the war in the Pacific when the enemy attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became key to the success of our entire South Pacific strategy. It was the continued resistance on Bataan that denied the Japanese an essential base for the projected thrust to the South Pacific. The enemy was forced to retain large army and navy forces in the Philippines, which otherwise could have been employed against Allied shipping of men and materials to Australia and New Caledonia from the United States and the Middle East. Their protracted defense of these islands against incredible odds allowed the United States time to recover from the first blows of the war and begin to send in supplies and reinforcements.

The defenders of Bataan were hopelessly outnumbered and undersupplied. During their entrenchment they endured severe hardships. When they entered Bataan in January they were already in need of new issues of clothing and shoes. General Wainwright reports that most of the soldiers "walked into Bataan barefooted." Disease and starvation were problems dealt with daily. At least 30 percent of the troops had dysentery, and the rest some variety of worm infestation of the bowel. By mid-March at least 75 percent of the command was incapacitated to some extent. But for 4 months they held out, fighting the enemy guerrilla fashion, buying time for an Allied force buildup in Australia.

With all the hardships endured by these soldiers, they never received the comparable benefits they were due. Brig. Gen. W. E. Brougher, commander of the 11th Division on Bataan, pointed out in his prison diary, the moral factor that most disturbed him was "discrimination against Philippine Scouts officers by the U.S. Army Forces in the Far East—in matters of promotion, pay and allowances." For despite their gallant service and tremendous suffering, the Philippine Scouts received only a fraction of the pay and benefits received by their American counterparts. And that discrimination continues today.

It is time to rectify that wrong. The legislation I am introducing is simple and direct. It authorizes pay and benefits for members and survivors of members of the Philippine Scouts at the same rates of basic pay as other members of the U.S. Army of corresponding grades and lengths of service received at that time. It is estimated that the remedial legislation will cost $8 to $9 million. This is a small price to pay in view of the incalculable sacrifices of life and limb made by these brave soldiers. Indeed, it is a small price to pay for hopefully restoring our moral commitment to these soldiers. I urge my colleagues to join in support of this measure which reads as follows:

H.R. 2463

A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army shall pay to each person who served as a Philippine Scout after December 6, 1941, and before December 31, 1946, in a lump sum the difference between the basic pay which he would have received for his military service during that period if the rates of pay of the Philippine Scouts had been the same as the rates of basic pay for other members of the Army of the United States of corresponding grades and length of service, reduced by the basic pay actually received by such person.

(b) In the event a person entitled to payment under subsection (a) is decreased, payment shall be made to the persons, and in the manner, prescribed in section 2771 of title 10, United States Code.

SEC. 2. The retired pay of each former Philippine Scout shall be computed for periods after the effective date of this Act on the basis of the rates of pay prescribed for other members of the Army of the United States of corresponding grades and length of service.

SEC. 3. This Act shall take effect as of the first day of the first calendar month which begins after the date of enactment of this Act.●

EXPORT TRADE ARTICLE NO. 3: GOVERNORS' PRINCIPLES FOR AN EXPORT POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, yesterday I had the pleasure of listening to Gov. George Busbee of Georgia address members of the House Export Task Force and Ways and Means Committee on the "Governors' Principles for an Export Policy."

Governor Busbee is chairman of the National Governors' Association Committee on International Trade and Foreign Relations.

During his remarks Governor Busbee stressed not only the importance of the multilateral trade negotiations, but also the necessity for the United States to develop a coherent export policy. The United States must take steps to eliminate unnecessary barriers and disincentives to trade if we are to truly take advantage of the MTN agreement.

The Governors' Committee on International Trade has drafted a policy statement enumerating eight principles they believe essential for the development of a viable U.S. export policy. These principles along with Governor Busbee's address follow:

REMARKS BY GOV. GEORGE BUSBEE

Mr. Rusk's comments to you have underscored the fact that currently there is not a coherent export policy at the federal level. To some extent, this absence of policy has contributed to our adverse balance of trade and caused the nation's current and potential exporters to doubt the nation's commitments to exports. . . . And to question the wisdom of aggressive pursuit of export markets.

In contrast, other countries, as Dr. Huszagh has pointed out, are actively pursuing coherent export policies which have increased their market share of world exports.

The multinational trade negotiation legislation holds promise for creating a free trade environment that will allow aggressive exporting countries to reach foreign markets with a minimum of artificial barriers. To enjoy the benefits inherent in such a trade agreement, we must have a coherent export policy which parallels those of our competitors, like Germany and Japan.

Barriers to such exports caused by U.S. governmental action which are not essential for the nation's security must be reduced, if not eradicated. Further, efficient promotional programs must be developed which both maximize our competitiveness abroad while minimizing the drain on the federal treasury.

I believe that attempts to reduce these barriers will not meet with success unless we have conviction to undertake deep-rooted reforms. Reforms must eliminate current government insensitivity to export needs and demonstrate to the business community and individual voters that exports are a national necessity. No doubt, many government agencies with vested interests in current systems will seek to retard development of an aggressive export policy . . . including reduction of current government impediments . . . on the grounds such actions might conflict with national security and foreign policy interests. However, as Mr. Rusk has pointed out, a national priority focused on exports is essential for our long-term national security and the strength of our various foreign policies.

Export restrictions may have some legitimacy in terms of the short-term defense and foreign policy interests, but they will, in the long term, be poor tools for preserving such interests, since a weakened economic prowess cannot help but stimulate others to doubt our capacity to pursue our defense and foreign policy objectives.

Dr. Huszagh's presentation illustrates that exports are critical to the economies of many states in terms of revenue, growth and employment, and could become even more important if the disincentives now facing exports in our states are reduced.

I believe special attention must be given to manufacturing involving high technology, since that is where our greatest competitive advantage in foreign markets often exists . . . but this is the same area where the disincentives or barriers to exports tend to be the greatest. These disincentives substantially impair competitiveness by creating delays in the sale process and increasing the costs of our products in foreign markets. For those businesses considering entry in the export market, the vacillations in policies among contending executive branch agenices generate great uncertainty as to the wisdom of making the necessary investment for exports.

The export licensing process under the Export Administration Act symbolizes how current export regulation programs generate disincentives, and how conflicting agency jurisdictions preclude development of coherent policies.

The states have a basic interest in regulatory reform and the development of a coherent national export policy which will make export promotion an essential element of our nation's foreign and defense policies.

We face many obstacles in our drive to become instrumental in increasing U.S. exports abroad, since we now have limited access to the structures causing the impediments.

Our access must be enlarged, and enlarged now. We would be ill-advised to support adoption of a reduction in international trade barriers until we are assured that U.S. government barriers to our own exports are being reduced with equal diligence and speed.

With these imperatives in mind, your Committee on International Trade and Foreign Relations, created last November, made export promotion and the reduction of government disincentives its priority agenda item. We have studied the various impediments as they now exist, have attempted on a preliminary basis to determine their impact on our various state interests, and have identified some areas ripe for immediate reform.

Furthermore, we have explored the feasibility of reform of certain regulatory activities presenting the greatest threat to a vital export policy. On the basis of this work, we have tentatively identified eight basic principles which we feel should guide the future action of governors and the federal government regarding export policy.

Before summarizing these principles, let me emphasize that they were developed with three levels of understanding in mind.

First, states have a broadening set of responsibilities to their people and their commerce which insures citizen well-being. States cannot discharge their responsibilities in the future without a viable role in national policy-making concerning export trade. Thus, reforms must take account of current structures in the federal government which inhibit the states from effectively expressing their requirements and ideas, and otherwise limit substantive interchange between the federal government and the states. This is absolutely necessary if the states are to actively engage in enlightened debate on national issues affecting international trade.

Second, the governors must be instrumental in helping the people to better understand the policy issues facing the country in international trade. This will allow our citizens to express their opinions on MTN and other trade matters to their elected representatives at the federal level, while at the same time engaging in international trade activities in an efficient and effective manner.

Third, to properly formulate state positions on national policy issues and effectively represent those positions at the federal level, we must possess a technical understanding of the processes of the federal government and its capacities for change.

The draft policy statement distributed by our committee for your consideration prior to this meeting enumerates eight principles we believe are essential for the development of a viable export policy which will give U.S. industry parity with foreign competitors in world markets.

First, commerce—including export trade by U.S. citizens—should be impaired on a selective basis only when the benefits of restraint clearly exceed the costs absorbed by both government and the private sector.

Second, laws and regulations affecting export trade must discriminate between fundamental differences in the types of companies, their level of export experience, their size and the destinations for their exports. Such distinctions will maximize the number of companies engaged in exports and will, in the long run, minimize the costs of implementing such regulations fairly and fully.

Third, federal laws and regulations affecting export trade should not be enacted until there are reliable estimates of the consequencies of pursuing a particular objective through diverse regulatory techniques.

Fourth, when two or more agencies are involved in the definition or implementation of laws and regulations affecting exports, the process by which they make decisions affecting exporters should be as efficient as a process involving a single agency decision-making alternative.

Fifth, personnel within administrative agenices charged with implementing export promotion or export regulation programs should be carefully selected to insure that they will perform creatively and effectively in implementing export related goals. Where such personnel standards cannot be insured, administrative agency discretion should be limited.

Sixth, programs and activities involving both national and state government officials must be created and implemented to increase the general public's awareness of the importance of exports to our economic vitality and national security.

Seventh, whenever federal law-making or law implementation activities have a substantial effect on a particular state or region, procedures must be developed to permit such states to represent effectively their interests before federal action is taken.

And eighth, we must develop our laws and implementation policies in ways which preclude foreign entities from using them at a later date to impose further burdens on American export activities, and thus enhance the competitiveness of such foreign entities.

I urge your careful study of the draft export policy prepared by our committee prior to its formal consideration on Tuesday.

This concludes the background session of our seminar, and we now have the pleasure of hearing from representatives of the Administration, Congress and the business community.

Our first speaker, chosen by the President to present a report on the progress made by each cabinet agency in implementing his Export Policy Statement of September 26, 1978, is the distinguished Secretary of Commerce. I had a chance to talk with the Secretary about our common concerns and opportunities in trade and exports while she was in Atlanta recently with Vice Premier Deng Xiaoping. Based on those conversations, I believe she is as committed as we are to simplifying and improving our overall export policy.

May I present to you the Honorable Juanita Kreps, Secretary of Commerce.●

AVIATION SAFETY AND NOISE ABATEMENT ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 5 minutes.

● Mr. JOHNSON of California. Mr. Speaker, we are pleased to introduce the Aviation Safety and Noise Abatement Act of 1979.

The bill is designed to attack the difficult problem of aircraft noise, a problem affecting the viability and growth of the Nation's air transportation system.

The problem of aircraft noise is a national problem.

Over 6 million people are impacted by unacceptable aircraft noise levels and it has been estimated that aircraft noise costs taxpayers around airports some $3.25 billion annually in decreased property values.

The bill I am introducing also provides for increased funding to improve aviation safety and help avert a repeat of last year's tragic midair collision over San Diego.

The bill includes many of the provisions of the noise bill which passed the House last year.

A similar bill has been introduced in the Senate by Senator CANNON.

I look forward to working with my colleagues in the House and the Senate so that we can pass this needed legislation this year.

Title I of the bill provides planning and acquisition funds for airport operators and local communities to implement noise abatement programs.

Title II of the bill establishes increased funding for safety programs for fiscal 1980.

Included in these provisions are increased funding for air navigation facilities and increased funding for reliever airports.

Title III of the bill requires United States and foreign air carriers providing international service to the United States to comply with domestic noise standards, unless the international civil aviation organization reaches an agreement by 1980, adopting standards compatible with present FAA requirements.

This title also allows extension of noise compliance deadlines for air carriers which have made good faith efforts to comply if there is good cause for a failure to comply.

Another waiver provision will encourage the purchase of new technology aircraft which can provide much greater noise reduction than retrofit of existing aircraft.

Mr. Speaker, this legislation deals with aviation problems of great significance. We look forward to working to resolve these problems during the coming year.●

RIGHT TO PRIVACY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, I am today introducing the Omnibus Right to Privacy Act of 1979.

The bill is largely based on the legislative recommendations of the Privacy Protection Study Commission, as outlined in the Commission's July 1977 final report.

I am pleased that Representative BARRY GOLDWATER, Jr., who was a member of the Privacy Commission, has joined with me to sponsor this measure.

I am hopeful that privacy legislation will soon receive a strong endorsement from the White House. The Presidential Task Force on Privacy has been studying the work of the Privacy Commission for the past year and recently forwarded its recommendations to the President. With administration support and cooperation, the 96th Congress should succeed in making great strides to increase and preserve the privacy rights of all Americans.

The last Congress took the first positive steps by enacting the Right to Financial Privacy Act of 1978, as part of Public Law 95–630. Other legislative proposals suggested by the Commission should receive detailed consideration this year.

The Omnibus Right to Privacy Act of 1979 is the same as legislation I introduced in the last Congress, with the exception of the title concerning the confidentiality of medical records. This title has been revised, based in part on hearings held last May before the Subcommittee on Government Information and Individual Rights, which I chair.

The bill covers these areas: First, creation of a Federal Information Practices Board; second, revision of the Privacy Act of 1974; third, limitations on Government access to records about individuals maintained by so-called third party recordkeepers; fourth, confidentiality of social service records; fifth, confidentiality of medical records; sixth, amendments to the Fair Credit Reporting Act dealing with consumer credit, commercial credit, depository institutions, and insurance companies; seventh, amendments to the tax record confidentiality provisions of the Internal Revenue Code; and eighth, revision of the Family Educational Rights and Privacy Act.

The House Government Information and Individual Rights Subcommittee has been examining privacy issues for many years. I invite my colleagues to address any questions concerning the omnibus bill or related privacy matters to the subcommittee.●

PROMOTING CHILDREN'S HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MAGUIRE) is recognized for 5 minutes.

● Mr. MAGUIRE. Mr. Speaker, our children are our most precious resource. The extent to which we as a Congress value and nurture our children's health is a measure of our commitment to the future of this Nation.

I am introducing today, with Congressman WAXMAN, the distinguished new chairman of the Health and Environment Subcommittee, a bill to help us fulfill that commitment and provide for a major improvement in the health care provided to many of our Nation's children. This bill is quite similar to one I introduced during the last session of Congress as well as the child health assurance bill reported out of the Committee on Interstate and Foreign Commerce. Unfortunately, in the crush of business at the end of the session, the Congress was unable to have a final vote on that bill.

However, the Child Health Assurance Act of 1978, with substantial bipartisan support, came out of a growing recognition that many of the children from our poorer families do not have access to even the most basic services for the prevention and treatment of potentially serious health problems. The need for such a program for the prevention of disease and the promotion of health, that provides poor children with a source of comprehensive and ongoing quality health care is even more compelling today.

Congress first recognized this need over 10 years ago when it created the early and periodic screening, diagnosis and treatment program (EPSDT) as part of the medical assistance program for the poor.

However, that program never lived up to the expectations held out for it. The definition of the children to be served was too limited. Inadequate attention was given to coordination with similar programs. Little thought was given to how to best get children involved in health programs theoretically available to them. As a result, even among eligible children, awareness of and participation in the program have been unacceptably low.

Not only has EPSDT had, at best, only moderate success in bringing children in for an initial screening, but the record of actually following up and treating those problems that have been discovered is dismal. It is pointless to simply inform a parent that a child has a high level of lead in his or her blood, or severe dental disease, or a significant vision problem if that child is not given the necessary followup care to correct those problems.

Most importantly, the EPSDT program has failed to provide these children with a continuous source of accessible primary health care. After all, our goal is not simply to have children screened for disease, but to prevent illness and provide for whatever health care needs they may have. For many of these children, the success or failure of this program will make the difference between an active and productive life, or one limited by chronic or disabling illness.

Congress can choose simply to add pieces to a program with a dismal record or to strengthen it at its foundations by developing a child health assurance program that can serve as a model for future comprehensive health programs. My bill, the Child Health Assurance Act of 1979, seeks to strengthen the foundation and remedy the flaws in the existing legislation.

The bill I am introducing establishes a uniform age eligibility limit of 18 years (and 21 years at the State's option) for both children who are covered by and to families with dependent children (AFDC) and for children from intact families who meet federally established income requirements. We should encourage the family to remain a viable institution among our Nation's poor. Children from intact, but poor, families have the same health needs as do children who qualify for AFDC. In addition, a part of the preventative focus of this bill, indigent pregnant women are also made eligible for medicaid services, including pre- and post-natal care.

If prevention is truly our intention, and if meeting the greatest needs of these children is really our purpose, then we must include the dental needs of children. Dental disease is often so virulent in these children that it is physically and mentally debilitatiing. But dental disease is preventable. My bill provides necessary dental for all medicaid children. Moreover, all assessed children are also eligible to receive treatment for mental illness, mental retardation, and developmental disabilities.

Prevention of disease and maintenance of these children's health are the goals. For this to be accomplished all eligible children must be reached out to, properly assessed, engaged in an ongoing system of quality care and provided with early treatment for those problems that are discovered. The bill I am introducing today will allow the Federal Government to take the necessary leadership and provide positive incentives to reach these goals.

In terms of outreach and followup, States will be required to meet minimum standards to be set by the Secretary of Health, Education, and Welfare. Moreover, the bill rewards effective ways of performing this task.

Research has shown that the most effective way to involve poor people, who have traditionaly been outside the health care system, in preventive health programs is through direct, personal contact with other members of their community. My bill encourages the States to use community-based organizations to perform outreach and followup services by providing a 90-percent Federal reimbursement of the costs of these services. An example of a community organization that does this well is the Tri-City Citizens Union for Program in Newark, N.J. The union operates a successful child health program by linking its clinic with a thorough outreach effort. The clinic serves a 12-block neighborhood in a most depressed urban area. But innovative programs such as the Tri-City Union are not reimbursed either under the current EPSDT program of the administration's proposed child health program.

My bill will encourage the early treatment of health problems by providing 90-percent Federal reimbursement for screening, diagnosis, and noninpatient treatment of all conditions discovered in assessed children and an increase of 10 percent in the Federal matching rate for inpatient services; thus providing a substantial incentive for covering children under CHAP while still maintaining a preference for less costly ambulatory services.

In exchange for these funds, the States will be required to coordinate the various programs providing health services to children and to offer contracts, with reasonable terms, to a wide variety of providers—including community health centers, rural health clinics, Head Start agencies, public health departments, and school systems. These contracts must include provisions for the assessment, diagnosis, referral, and treatment of disorders, but also require outreach and followup, mandate overall medical case management and assure availability of ongoing medical care. In addition a State must develop measures to reduce expensive duplication of preventive services by non-CHAP providers who do not have to provide for a full assessment and arrange for treatment and followup.

A program such as the one I propose may involve some higher short-term costs than the present program. But these costs are slight compared to the long-term cost of treating unchecked and chronic disease.

Furthermore, children currently receive only a miniscule amount of support from the Federal Government for their health care: A mere 8.5 cents of the Federal health dollar. While children account for 47 percent of all medicaid recipients, only 17 percent of all medicaid funds were expended for their care. The entire EPSDT program represents 0.3 percent of all public subsidy for health care.

The parallel concepts of the prevention of illness and the promotion of health have received increasing support from Congress, the administration, and the American health care consumer. In the face of dramatically escalating health care costs, these concepts, properly implemented, offer the potential for significant savings of scarce funds.

For children, the prevention of disease and the maintenance of health are the basic tenets of quality health care. They form the basis upon which a child has the opportunity for optimal physical, intellectual, and emotional growth; the foundation for his or her development into a healthy and productive adult. At no other time of life are the rewards of preventive medicine so clear. We must act quickly, but diligently, before we lose more children to crippling, chronic, disabling, but most of all, avoidable conditions.●

● Mr. WAXMAN. Mr. Speaker, I join my respected colleague from New Jersey (Mr. MAGUIRE) in support of legislation to replace the early, periodic, screening, detection, and treatment program, with a more effective approach to health care for children.

The new legislation, the child health assessment program contains the following provisions:

The Child Health Assurance Act of 1979, would amend title XIX of the Social Security Act (which establishes the medicaid program) to make additional children and pregnant women eligible for medicaid coverage; establish a nationwide minimum income standard for coverage of pregnant women and children, increase the proportionate share of the costs of health assessments and outpatient treatment for medicaid children which is paid for by the Federal Government; provide incentives for more successful operation of health assessment and followup programs by the States; assure that all types of eligible health care practitioners and agencies may serve as CHAP providers for medicaid children; and provide for penalties (in the form of reduced matching of administrative costs) for States which do not meet minimum performance standards in their child health assurance programs (CHAP) and bonuses for those that perform exceptionally well; and for other purposes.

I believe the new legislation is vital to the health of American children. This year, 1979, has been declared the international year of the child by the United Nations. The U.N. is challenging member nations to rededicating themselves to fulfilling the unmet needs of children. Congress will have an opportunity to make 1979 the year of the child for the poor of this country. Far too many children are suffering from diseases which can be prevented by modern medicine. Many of those diseases affect not just children's health, but their ability to learn.

As an example of this problem, there were almost 90,000 cases of mumps, rubella, and measles in 1976. Those diseases are completely preventable. No one questions that the quality of health care in the United States is unsurpassed anywhere in the world. Yet this is just a part of the picture. Quality health care is not available to all our children. Children living in poverty do not have adequate access to health care—and the effects are dramatic. Consider the following:

According to the Department of Health, Education, and Welfare:

The infant mortality rate is 53 percent higher in poverty areas than in nonpoverty areas.

Low-income children miss over 50 percent more school days for health reasons than children who are not low income.

Children from low-income families have over 40 percent more hospitalization episodes.

Children from families earning over $10,000 per year are twice as likely to visit a dentist than are children from families with under $5,000 income.

One statistic is so revealing that it merits special focus. The postneonatal death rate (babies 30 days to 1 year old who die) for infants in poverty areas is almost three times as high as the rate in nonpoverty areas.

Congress is aware of those shocking statistics and has made an attempt to rectify this situation. Over 10 years ago, Congress passed a law establishing an early, periodic, screening, detection, and treatment program (EPSDT). The EPSDT program was designed to provide indigent children with regular examinations and early treatment of disease conditions. The theory behind the program was that if children could be screened at regular intervals, the health problems found could be treated at an early stage, thus keeping health care costs down while keeping children healthy. Vision and hearing tests were included so that school performance would not be adversely affected by health problems. Lead screenings, nutritional screenings, and dental examinations were provided to determine if growth and development was normal.

The rationale for such a program was and is sound. The Selective Service rejected over 15 percent of 18-year-olds due to health reasons. Almost two-thirds of the rejections would not have been necessary if the proper care had been available. The EPSDT was a noble act. Unfortunately, the goals of the legislation were never attained.

In no State was the results more disappointing than in my home State. California. The 1976 figures show that only 2.5 percent of eligible children were screened in California. The story gets worse. Many of the children who should be eligible, are not, children living in foster homes, or in institutions, are excluded from coverage. The group excluded is perhaps the most needy group.

I am aware of the sentiment both locally and nationally to reduce Government spending. I believe that this bill has the potential to save money in the long run. This bill is an investment in our future. One example of the savings that can accrue in the future by a small expenditure of money now, is by immunizing our children. The Center for Disease Control estimates that immunizations from 1963–76 prevented 32,300,000 cases of illness, saving 3,000 lives and averting 10,800 cases of mental retardation. The money saved totalled over $436,000,000.

There are other benefits to a program designed to keep children healthy. If by spending a small amount of money for health care we can keep children in school, we will have a more productive society. As a Member of Congress I do not believe the solution to vision and/or hearing problems in school-age children is to allow them to sit in the front row. We must screen these problems out and treat them before learning problems are created.

It is immoral in a society as advanced as ours is, to have poor children with three times as much heart disease as other children. Poor children have seven times as many visual problems and six times as many hearing problems as do other children. Unless something is done, these children stand almost no chance of breaking out of the welfare system to become productive members of society. If we fail to act now. this Nation's greatest natural resource—our children—will be depleted. Our children cannot afford that, and we as a country cannot afford it.

For the above stated reasons, Mr. Speaker, I am asking for your support in seeking cosponsors for this most important bill.●

PERSONAL EXPLANATION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. HANLEY. Mr. Speaker, I regret that I was unable to be present in the House yesterday, February 26, to cast my votes on the various committee funding resolutions.

I remained in Syracuse to attend the funeral of my friend, Bishop David Cunningham, who had served the Roman Catholic Diocese of Syracuse for 50 years.●

CONGRESSIONAL TESTIMONIAL TO EDMUND H. FALLON

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, it is ironic that events and men who have played significant roles in their development often meet in denouement.

On Wednesday, February 7, 1979, one of the great leaders in Northeastern agricultural marketing, Mr. Edmund H. Fallon of Syracuse, died. February 7 was also the day that culminated a series of demonstrations in our Nation's Capital designed to highlight inflation's pervasive effect on America's farmers.

Throughout his life Ed Fallon, a native of northern New York, worked to make the production, distribution, and marketing of farm produce efficient and equitable to farmer and consumer alike. To Ed Fallon the economic facts of life were animated by the Great Depression. Today inflation is the prime problem in arriving at "efficient and equitable" production, distribution, and marketing of the farmer's produce.

It is strangely coincidental that Mr. Fallon's death and the dramatization of a "new" farm problem should occur at one time.

The heart attack that felled 71-year-old Edmund H. Fallon, retired chief executive of Agway, Inc., took away a perceptive and respected farm expert—one whose talents we sorely need today.

Ed Fallon was born and raised on a dairy farm in northern New York State. He attended Clarkson College of Technology, where he received a bachelor of science degree in mechanical engineering. He was a past trustee of Clarkson and had been awarded an honorary degree of doctor of business administration by the college.

Fallon joined Cooperative GLF Exchange, Inc., one of Agway's founding organizations, immediately after graduating in 1931. His first assignment was as manager of a feed and farm supply store in Watertown, N.Y. He was promoted to district manager 3 years later and in 1938 was given the task of developing a petroleum service for GLF patrons.

In 1945, Fallon was placed in charge of the GLF retail distribution system. He was appointed general manager of GLF in 1958, the post he held until the formation of Agway Inc., in 1964, when he became the new organization's first executive vice president and general manager. Fallon was instrumental in the formation of Agway, which was created by the merger of three regional farmer cooperatives in the Northeast.

He remained Agway's chief executive officer until 1969, when, at his recommendation, he was named senior vice president in the interest of developing a successor management team for Agway.

During Fallon's years as the cooperative's chief executive officer, the organization became one of the two largest farmer cooperatives in the United States, with sales well in excess of $500 million a year and a membership of more than 100,000 farmers.

Through his efforts, two important farmer-owned and controlled organizations came into being for marketing fruits and vegetables. He was a catalyst in arranging the purchase by farmers of two major New York food processing companies and the formation of their own cooperative, Pro-Fac Cooperative, Inc. A companion organization, Curtice-Burns, Inc., was formed, with Agway as the majority stockholder, to process and sell the grower's products. Curtice-Burns today is one of the Nation's largest food processors, with facilities across the United States.

In 1965, Fallon was appointed by President Lyndon Johnson to the National Advisory Commission on Food and Fiber. Fallon was chairman of a subcommittee that charted world food production and consumption trends through the end of this century.

As an agricultural leader, he was active in numerous farm and agribusiness groups. He was trustee of the American Institute of Cooperation, a director of the National Council of Farmer Cooperatives and the Foundation for American Agriculture, and a member of the board of governors of the Agricultural Hall of Fame.

He was the recipient of the New York Farm Bureau's "Distinguished Service to Agriculture" award in 1970.

In Syracuse he took an active interest in many community activities, including the work of Hiawatha Council, Boy Scouts of America. He headed fund-raising efforts for the Syracuse Rescue Mission and, at the time of his death, had an active role in the local Heart Fund drive.

Fallon was an avid golfer and had been an outstanding athlete in high school and college. He was voted outstanding athlete in his senior year in high school, where he won letters in football, basketball, and baseball. He had letters in football and baseball for 3 years at Clarkson.

As a personal friend of Ed Fallon, let me say, Mr. Speaker, that our region has lost a fine leader, a fine citizen, an outstanding farm leader. But let me also point out that the legacy he leaves in the form of an "efficient and equitable" farm marketing agency for farmer and consumer deserves the public appreciation of all of us.●

AMENDMENTS TO THE FEDERAL TRADE ACT

(Mr. BROYHILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. BROYHILL. Mr. Speaker, yesterday, February 26, 1979, Mr. Rinaldo and I introduced H.R. 2367 which is designed to amend the Federal Trade Commission Act extending the authorization of appropriations for fiscal years 1980, 1981, and 1982, and to provide for a more efficient rulemaking mechanism at the FTC. I am including a copy of this legislation for the benefit of my colleagues. In addition, I am also including a section-by-section analysis of the bill.

H.R. 2367

A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in the Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Federal Trade Commission Act (15 U.S.C. 58) is amended—

(1) by striking out "and" after "1976;"; and

(2) by striking out "1977. For fiscal years ending after 1977, there may be appropriated to carry out such functions, powers, and duties, only such sums as the Congress may hereafter authorized by law." and inserting in lieu thereof "1977; not to exceed $75,000,000 for the fiscal year ending September 30, 1980; not to exceed $80,000,000 for the fiscal year ending September 30, 1981; and not to exceed $85,000,000 for the fiscal year ending September 30, 1982.".

Sec. 2. (a) Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by inserting after "banks," the following: "savings and loan institutions described in section 18(f)(3),".

(b)(1) Section 6(a) of the Federal Trade Commission Act (15 U.S.C. 46(a)) is amended by inserting after "banks" the following: ", savings and loan institutions described in section 18(f)(3),".

(2) Section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) is amended by inserting after "banks," the following: "savings and loan institutions described in section 18(f)(3),".

(3) The proviso at the end of section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended—

(A) by inserting after "banks" the following: ", savings and loan institutions described in section 18(f)(3),"; and

(B) by inserting ", in business as a savings and loan institution," after "banking".

(c)(1) Section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(A) in the first sentence thereof—

(i) by inserting "or savings and loan institutions described in paragraph (3)" after "banks" each place it appears therein; and

(ii) by inserting "or (3)" after "(2)";

(B) in the second sentence thereof, by inserting after "System" the following: "(with respect to banks) and the Federal Home Loan Bank Board (with respect to savings and loan institutions described in paragraph (3))"; and

(C) in the last sentence thereof—

(i) by inserting "each" before "such Board" the first place it appears therein;

(ii) by striking out "such Board finds that (A)" and inserting in lieu thereof "(A) either such Board finds that";

(iii) by inserting "or savings and loan institutions described in paragraph (3), as the case may be," after "banks" the first place it appears therein;

(iv) by inserting after "or (B)" the following: "the Board of Governors of the Federal Reserve System finds"; and

(v) by striking out "the Board" and inserting in lieu thereof "such Board".

(2) Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended by redesignating paragraphs (3), (4), and (5) thereof as paragraphs (4), (5), and (6), respectively, and by inserting after paragraph (2) thereof the following new paragraph:

"(3) Compliance with regulations prescribed under this subsection shall be enforced under section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) with respect to Federal savings and loan associations, section 407 of the National Housing Act (12 U.S.C. 1730) with respect to insured institutions, and sections 6(i) and 17 of the Federal Home Loan Bank Act (12 U.S.C. 1426 (i), 1437) with respect to savings and loan institutions which are members of a Federal Home Loan Bank, by a division of consumer affairs to be established by the Federal Home Loan Bank Board pursuant to the Federal Home Loan Bank Act.".

Sec. 3. (a) Section 18(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (i), the".

(b) Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding any other provisions of this Act, simultaneously with prescribing any rule under this Act, the Commission shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the rule shall not become effective if—

"(A) within 90 calendar days of continuous session of the Congress after the date the rule is prescribed, both Houses of the Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress disapproves the rule prescribed by the Federal Trade Commission dealing with the matter of ———, which rule was transmitted to the Congress on ———.', the blank spaces therein being appropriate filled; or

"(B) within 60 calendar days of continuous session of the Congress after the date the rule is prescribed, one House of the Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of the Congress after such transmittal.

"(2) If, at the end of 60 calendar days of continuous session of the Congress after the date on which a rule is prescribed, no committee of either House of the Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of the Congress after such rule is prescribed unless disapproved as provided in paragraph (1).

"(3) Congressional inaction on, or rejection of, a resolution of disapproval under this subsection shall not be deemed an expression of approval of the rule involved.

"(4) For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 30, 60, and 90 calendar days of continuous session of the Congress.".

(c) The amendments made in this section shall apply to any rule of the Federal Trade Commission which has not become final on or before March 1, 1979. If any such rule becomes final after such date, but before the date of the enactment of this Act, such rule shall cease to be in effect and shall be subject to the provisions of section 18(i) of the Federal Trade Commission Act, as added by subsection (b).

Sec. 4. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating section 21 as section 27 and by inserting after section 20 the following new sections:

"Sec. 21. The Commission, in connection with carrying out any proposed rulemaking under section 18, shall—

"(1) prepare a statement relating to the need for, and the purposes and applicability of, the proposed rule involved in accordance with section 22;

"(2) prepare a statement containing an analysis of regulatory and nonregulatory alternatives to such proposed rule in accordance with section 22; and

"(3) carry out an economic impact analysis of such proposed rule in accordance with section 23.

"Sec. 22. The Commission shall include in the general notice of proposed rulemaking required in section 553(b) of title 5, United States Code—

"(1) a statement which—

"(A) describes in specific terms the need for the proposed rule involved and the purpose which will be served by such proposed rule;

"(B) indicates the legal basis for the prescription of such proposed rule; and

"(C) specifies the scope and applicability of such proposed rule; and

"(2) a statement which—

"(A) describes each regulatory and nonregulatory alternative which was considered by the Commission in connection with preparation of such proposed rule;

"(B) discusses the reasons for selection of such proposed rule as the most effective means for the achievement of the policy goals and purposes of the Commission, taking into account the costs and benefits associated with each regulatory and nonregulatory alternative considered by the Commission; and

"(C) indicates the manner in which the economic impact analysis prepared by the Commission in accordance with section 23 was taken into account in connection with selecting the proposed rule as the most effective means for the achievement of the policy goals and purposes of the Commission.

"Sec. 23. (a) The Commission, in connection with carrying out any proposed rulemaking under section 18, shall prepare an economic impact analysis of the proposed rule involved. Such analysis shall examine—

"(1) the direct and indirect costs associated with compliance with such proposed rule;

"(2) the potential inflationary or recessionary effects of such proposed rule;

"(3) the direct or indirect effects which such proposed rule may have on employment;

"(4) the effects which such proposed rule may have on competition in businesses and industries affected by such proposed rule, with particular attention to any competitive effects upon small businesses;

"(5) the effects which such proposed rule may have on consumer costs, with particular attention to effects upon economically depressed segments of the national population;

"(6) the impact of such proposed rule on productivity in businesses and industries affected by such proposed rule; and

"(7) the impact of such proposed rule on recordkeeping and reporting requirements, including—

"(A) an estimate of the number of, and a description of the classes of, persons who would be required to maintain records, submit reports, and fulfill other information-gathering requirements under such proposed rule; and

"(B) an estimate of the nature and amount of information which would be required to be contained in such reports, the frequency of such reports, and the costs associated with complying with such recordkeeping, reporting, and other information-gathering requirements.

"(b) The Commission shall take the economic impact analysis prepared in accordance with subsection (a) into account in preparing the statement required in section 22(2).

"(c) Copies of each economic impact analysis prepared by the Commission in accordance with subsection (a) shall be made available by the Commission for public inspection and copying during normal business hours, subject to the payment of a reasonable fee to cover any cost of such copying.

"Sec. 24. (a)(1) Each statement prepared by the Commission under section 22 in connection with a proposed rulemaking, and included in the general notice of proposed rulemaking, shall be included by appropriate reference in the publication of the final rule in the Federal Register.

"(2) If the Commission makes any change or alteration in any statement specified in paragraph (1) before publication of the final rule, then the Commission shall include in such publication a detailed explanation of the nature of, and reasons for, each such change or alteration.

"(b) The Commission shall prepare a statement, which shall be signed by the chairman of the Commission and shall be included in the publication of the final rule involved in the Federal Register, indicating that the chairman of the Commission has reviewed such final rule and that—

"(1) such final rule is stated in clear, readily understandable, and unambiguous language which specifically describes the scope and applicability of such final rule;

"(2) such final rule is not in conflict with any existing rule prescribed by the Commission or by any other Federal agency;

"(3) such final rule shall not be interpreted or otherwise construed in such a manner as would make such rule in conflict with any existing rule prescribed by the Commission or by any other Federal agency; and

"(4)(A) such final rule is not duplicative of any existing rule prescribed by the Commission or any other Federal agency; or

"(B) in any case in which such final rule is duplicative of any such existing rule, there is a need for such duplication.

In any case in which a final rule is duplicative of any existing rule, the statement required in this subsection shall include a description of such duplication, together with an explanation of the need for such duplication.

"Sec. 25. (a) The Commission shall review each rule prescribed by the Commission not later than 5 years after such rule is prescribed (and not later than the end of each 5-year period thereafter) in order to determine whether—

"(1) such rule continues to be necessary, taking into account technological and other developments, any changes in economic and other conditions, and any changes in the policies and priorities of the Commission, which have occurred since such rule was initally prescribed;

"(2) such rule is carrying out the purposes it was designed to carry out at the time it was initially prescribed;

"(3) such rule is in conflict with, or is duplicative of, any existing rule prescribed by the Commission or any other Federal agency;

"(4) the language of such rule should be simplified or clarified; and

"(5) such rule should be amended or repealed.

"(b) The Commission shall, not later than 5 years after the effective date of this section, review each rule prescribed by the Commission which is in effect on such effective date in order to make the determinations specified in subsection (a) with respect to each such rule.

"(c) The Commission, in making the determinations required in subsection (a) and subsection (b) shall take into account—

"(1) the number and nature of complaints, comments, and suggestions received by the Commission with respect to the rule involved; and

"(2) the nature and extent of any burdens imposed by such rule upon persons required to comply with such rule, as compared to the effectiveness of such rule in achieving the purposes for which it was initially prescribed.

"(d) The Commission shall publish each determination required in this section, together with a summary of the reasons for such determination, in the Federal Register.

"Sec. 26. (a) If the Commission fails to comply with any procedural requirement established in section 21 through section 25, then any person may file a petition for judicial review in an appropriate circuit court of the United States not later than 60 days after such failure to comply.

"(b) Upon the filing of a petition under subsection (a), the court shall have jurisdiction to review the action of the Commission, and if the court finds that the Commission has failed to comply with any procedural requirement the court shall have authority to order the Commission to suspend further rulemaking proceedings relating to the rule which is the subject of the petition, or to order the Commission to suspend further enforcement of the rule, until the Commission is in compliance with the procedural requirements established in section 21 through section 25.

"(c) The judgment of the court in any action brought under this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.".

(b) The amendments made in subsection (a) shall apply to proposed rulemakings of the Federal Trade Commission which commence after the date of the enactment of this Act.

I, along with Mr. Rinaldo, introduced H.R. 2367 on Monday, February 26, 1979. The bill contains the following provisions:

Section 1 authorizes appropriations for fiscal years 1980, 1981, and 1982 in the amounts of $75 million, $80 million, and $85 million, respectively.

Section 2 would exempt savings and loan institutions from the Commission's jurisdiction under Section 5 of the Act relating to unfair methods of competition and unfair or deceptive acts and practices, and under Section 6 relating to the FTC's authority to require submittal of information. The provision would also require the Federal Home Loan Bank Board to issue rules which would apply to savings and loans paralleling those issued by the FTC. This regulatory scheme is the same as that which now applies to banks.

Section 3 provides that FTC rules will not go into effect if a concurrent resolution is adopted by both Houses of Congress within 90 days after issuance of a final rule. Alternatively, a rule could be disapproved if either House adopted a resolution within 60 days thereafter. This legislative veto provision is virtually identical to that which the House passed during the 95th Congress.

Section 4 contains requirements designed to enable the Commission to better monitor the impact of its rules. Section 4 would require among other things that the agency, when proposing a rule, prepare a statement spelling out the need for, and purposes and applicability of, the rule. The agency would also be required to consider the regulatory and non-regulatory alternatives and analyze the economic impact of its proposed rules. Section 4 goes on to list elements which the Commission must consider in making the required economic impact analysis.

This provision also requires the Commission to determine that a rule is not in conflict with or duplicative of a rule issued by another agency and to review each rule five years after it has been issued to determine whether the rule continues to be needed and is carrying out the purposes it was designed to carry out at the time it was promulgated. Should the Commission fail to comply with the requirements of Section 4, any person may seek judicial review. Should the court find that the Commission has failed to comply with the requirements of Section 4, it may suspend the rulemaking proceeding, if it is ongoing, or prohibit enforcement of the rule, if it has become final, until the agency does comply.●

PUBLICATION OF RULES OF COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 96TH CONGRESS

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, pursuant to the requirement of rule XI, clause 2(a) of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Merchant Marine and Fisheries for the 96th Congress and ask that they be printed in the Record at this point. These rules were adopted by the committee in open session on February 6, 1979.

Rules of the Committee on Merchant Marine and Fisheries

RULE I. APPLICABILITY OF OTHER RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees. The procedure in the Committee and its Subcommittees shall follow the procedure of the House. Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each Subcommittee of the Committee. Each Subcommittee of the Committee is a part thereof and subject to the authority and direction of the Committee and to its Rules.

RULE II. MEETINGS

(A) The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, Longworth House Office Building, while Congress is in session. However, the regularly scheduled monthly meeting of the Committee may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, in the absence of any business to come before the Committee at such meeting. If the Chairman of the Committee is not present at any meeting of the Committee, the Ranking Member of the Majority Party on the Committee who is present shall preside at that meeting.

(B)(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a Subcommittee, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, That no person other than Members of the Committee and such Congressional staff and such departmental representatives as the Members may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open Committee hearings which are provided for by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony,

(1) may vote to close the hearing for sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) (Rules of the House) or

(2) may vote to close the hearing, as provided in Rule XI, 2(k)(5), (Rules of the House): *Provided, however*, That the Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(C)(1) The Chairman of the Committee may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairman, those Members may file in the offices of the Committee Clerk their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all Members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting. The above procedures shall also apply to Subcommittees, except that the number of Subcommittee Members required to request a special subcommittee meeting shall be two, and a majority of the Members of the Subcommittee must file their written notice for a special subcommittee hearing.

(D) The date, time, place and subject matter of meetings of the Committee shall be announced to all Members of the Committee and the public at least one week before the meeting, unless the Chairman in consultation with the Ranking Minority Member determines that there is good cause to begin the meeting at an earlier date. If such determination is made by the Chairman, the Committee shall make public announcement and provide oral and/or written notice to Committee Members at the earliest possible date. Any announcement under this paragraph shall be promptly published in the Daily Digest.

(E) When a duly called Party or Conference of either Party is scheduled on a date and at a time which directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled and oral and/or written notice to that effect shall be given to all Committee Members and staff by the Clerk of the Committee, and the Chairman shall reschedule the meeting at the earliest practical time.

(F) No Committee of the House (except Appropriations, Budget and Rules) may sit, without special leave, while the House is reading a measure for amendment under the five minute rule.

RULE III. COMMITTEE PROCEDURE

(A) Unless authorized by the Chairman of the Committee, or a Subcommittee, a witness shall not be permitted to testify or present evidence, and such statement or testimony will not be included in the Committee hearing record, unless seventy-five copies thereof have been delivered to the Clerk of the Committee at least twenty-four hours prior to such meeting. To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on matters pending before it. The presentation of testimony by any one witness shall not exceed ten (10) minutes. This will be a synopsis of the prepared testimony which will be presented for the record.

(B) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing. In accordance with Rule XI, clause (2)(j)(2), Rules of the House, each Committee Member may request up to five minutes in the first round of questioning to question a witness until each Member who so desires has had such opportunity. After completing his questioning, the Chairman shall recognize the Ranking Majority and then the Ranking Minority Member, and thereafter in recognizing Members present, he shall recognize two Majority Members and one Minority Member alternating in that order, giving preference to the Members on the basis of their arrival at the hearing. Thereafter, additional time may be extended to a Committee Member at the discretion of the Chairman. Written responses to questions propounded by Members and Committee staff counsel, and other data submitted for the record, shall be submitted in triplicate to the Committee Clerk. One copy of such material shall be retained by the Clerk for printing and the remaining copies furnished to the Chief Counsel for transmittal to the appropriate Subcommittee Counsel and to the Minority Counsel. In recognizing Members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the Members of the Majority. The Chairman may accomplish this by recognizing two Majority Members for each Minority Member recognized.

(C) One-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business, other than reporting a measure or recommendation when a majority quorum is required, but testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(D) No point of order shall lie with respect to any measure reported by any Committee on the ground that hearings on such measure were not conducted in accordance with the provisions of Rule XI, Clause 2(g) (1)–(4), Rules of the House; except that a point of order on that ground may be made by any Member of the Committee which reported the measure if, in the Committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(E) A rollcall vote may be ordered by one-fifth of the Members present. The results of each rollcall vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e)(1), Rules of the House. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition and whether by proxy or in person and the names of those Members present but not voting. With respect to each record vote by the Committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person, and the names of those members present but not voting and the names of those members absent, shall be included in the Committee report.

(F) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing hereon.

(G) The Committee, by majority vote, may permit any of its public hearings or meetings to be televised, broadcast by radio, or photographed subject to the following requirements:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House, relating to the protection of the rights of witnesses.

(3) Not more than six television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(H) A Member may vote by special proxy only on a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. In order to be considered a valid and duly executed proxy, the proxy authorization shall be in writing, shall assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee and shall designate the person who is to execute the proxy authorization. If it is desired to give a proxy for sessions on succeeding days, it must be so stipulated in the proxy, and if not stipulated, it cannot be voted. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted. Points of order as to the validity of proxies must be made at the time the proxies are voted.

RULE IV. SUBCOMMITTEES

(A) There shall be five standing Subcommittees as follows: The Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on the Panama Canal, together with such other special, select or ad hoc committees as the Chairman or a majority of the Committee may establish or determine to be appropriate for the conduct of Committee business. A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of the vacancies on that other Subcommittee. For the 96th Congress, First Session only, and notwithstanding Caucus Rule MV. (B)(b), Members shall be allowed to serve on the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries as a sixth subcommittee assignment. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(B) All legislation and other matters referred to the Committee shall be referred by the Chairman to the Subcommittee of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee, consideration is to be by the Full Committee.

(C) The Chairman and Ranking Minority Member of the Full Committee shall serve as ex-officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member and shall have the right to participate fully including the right to vote on all matters before such Subcommittees, but shall not be counted in establishing the requirements of or in determining a quorum. Any other Member of the Full Committee has the privilege of sitting with any Subcommittee of which he is not a member during its hearings or deliberations and participating therein, but shall not have the authority to vote on any matter, nor be counted present for the purpose of determining a quorum, nor raise points of order, and except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule, unless he is a Member of such Subcommittee.

(D) Subcommittees are authorized to hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee. Available dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to and in accordance with workloads: *Provided, however,* That Subcommittees shall not meet at the same time as the Full Committee without express permission of the Chairman of the Committee. The ratio of Majority Party Members to Minority Party Members on Subcommittees and Conference Committees, including ex officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

RULE V. COMMITTEE REPORTS/PUBLICATIONS

(A) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after such Member has had an opportunity to examine and approve such hearing records. No more than forty-five (45) days after the conclusion of hearings the transcript shall be closed and no further changes made. Closed session transcripts and records shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the office of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session or markup transcripts and records be taken from the Committee offices by anyone.

(B) All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to such distribution.

(C) The permanent records of the Committee shall be available to all Members of the House for examination.

(D)(1) It shall be the duty of the Chairman to report or cause to be reported promply to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the Clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(E)(1) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the Committee Report.

(F) The report of the Committee on an approved measure shall include (1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules separately set out and clearly identified; (2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of that report) has submitted such estimate and comparison to the Committee; and (4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules separately set out and clearly identified whenever such findings and recommendations have been submitted to the Committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the Committee's deliberations on the measure.

(G) Each report of the Committee on each bill or joint resolution of a public character reported by the Committee shall, insofar as possible, contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(H) Within twenty-four (24) hours of time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays and Legal Holidays), other than the Committee on Rules, the Members of the Committee must give notice of intention to file supplemental, minority or additional views. Members shall be entitled to not less than three (3) calendar days (excluding Saturdays, Sundays and Legal Holidays) in which to file such views, in writing and signed by that Member, with the Clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, Minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, Minority, or additional views (and any material submitted under subdivisions (3) and (4) of section F) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a Committee Report unless timely request for the opportunity to file supplemental, Minority, or additional views has been made as provided by this section, or

(ii) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(I) A measure or matter reported by the Committee shall not be considered in the House until the third calendar day, excluding Saturdays, Sundays, and legal holidays, on which the report of the Committee upon that measure or matter has been available to Members of the House. If hearings have been held on any such measure or matter so reported, the Committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(2) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

(J) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any Member of the Committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if the Committee has duly authorized that Member to offer that motion.

RULE VI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A)(1) Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committe's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employes in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(*a*) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(*b*) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than 60 days following the completion of travel with the chairman of the committee for use in complying with the reporting requirements in applicable federal law and shall be open for public inspection.

(2) A substantive report shall be filed with the Chairman within one month of any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(B)(1) All voting members of a Subcommittee shall have adequate notice prior to the date or dates fixed for Subcommittee investigations or hearings at locations other than Washington, D.C.

(2) All travel of Members and staff of the Committee or of a Subcommittee, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice thereof or the actual travel.

RULE VII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) The Committee shall appoint, by majority vote of the Committee, from a list submitted to the Committee by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of Clause 6 of Rule XI of the House Rules.

(B) Each employee on the permanent staff is entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in Section 5316 of Title 5, United States Code, except that two professional staff members shall be entitled to pay at a single per annum gross rate to be fixed by the chairman, which does not exceed the highest rate of basic pay as in effect from time to time of level IV of the Executive Schedule in Section 5215 of Title 5, United States Code.

(C) Subject to the provisions of paragraph G, each Committee staff member, other than a member appointed pursuant to the request of Minority Party Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign. In the case of staff members appointed pursuant to the request of Minority Party Members, the Ranking Minority Member shall exercise general supervision and control, subject to the asignments designated by Minority Party Members in accordance with Clause 6 of Rule XI of the House Rules.

(D) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

(E) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Ranking Minority Member, as appropriate, for duty assignment purposes.

(F) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(1) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(2) The Ranking Minority Party Member of each standing Subcommittee is authorized to apoint one staff person who shall serve at the pleasure of the Ranking Minority Party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed (a) 75 per centum of the maximum established in paragraph (c) of Clause 6 of Rule XI, or (b) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(G) The Subcommittee staff members appointed pursuant to paragraph F are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee as appropriate.

RULE VIII. COMMITTEE BUDGET

(A) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated total amount of funds to be requested under a primary expense resolution submitted in accordance with Clause 5 of Rule XI, for use by the Committee, for such session of the Congress for all anticipated activities and programs of the Committee and of its Subcommittees.

(B) In presenting the budget, the Chairman shall insure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(C) Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(D) Once monthy, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Full Committee. Each report shall show the amount and purpose of each expenditure and the budget to which such expenditure is attributed. This report shall be available upon request to the Committee offices for any Member of the House of Representatives.

RULE IX. POWER TO SIT AND ACT; SUBPOENA POWER; CONTEMPT OF CONGRESS

(A) For the purpose of carrying out any of its functions and duties under this Rule and Rule X of the House of Representatives (including any matters referred to it under Clause 5 of Rule X of the House Rules), the Committee, or any Subcommittee of the Committee, is authorized (subject to subparagraph B(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman of the Committee, or any Member designated by such Chairman, may administer oaths to any witness.

(B) (1) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph A(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present. The power to authorize and issue subpoenas is also delegated to the Chairman of the Committee. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(2) Compliance with any subpoena issued by a Committee or a Subcommittee under subparagraph A(2) may be enforced only as authorized or directed by the House.

RULE X. AMENDMENT OF THE RULES OF THE COMMITTEE

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

PUBLICATION OF THE RULES OF THE COMMITTEE ON APPROPRIATIONS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, presently I shall submit for printing in the Record the rules of the Committee on Appropriations for the 96th Congress as required by rule XI of the House of Representatives.

I wish to note the new section 10 of the committee rules. This is a provision agreed to by the Democratic Caucus of the committee on January 30, 1979, and subsequently by the full committee in its organizational meeting on February 6, 1979. The provision pertains to the Appropriations Subcommittee chairmanship rights of a Member who is Budget Committee chairman.

Subsequent to the committee action on this subject, we consulted with the Democratic Caucus and were advised that there was some question about the propriety of the proposed section 10 of the committee rules.

Of course, under the language of section 10, this provision would not be effective during the 96th Congress and anything done on this subject must be in accordance with provisions of the manual of the Democratic Caucus of the House. The provisions of this section should therefore be interpreted as representing only the sentiment of the majority members of the committee.

In view of the committee action I hereby submit the committee rules for printing in the Record pursuant to clause 2(a)((3) of House rule XI but I felt it appropriate to make this reference to section 10.

U.S. House of Representatives Committee on Appropriations—Committee Rules

(Adopted for the 96th Congress on February 6, 1979)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-fifth Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the Ninety-sixth Congress:

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEE .

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The chairman is authorized to appoint the staff of the committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in clause 6(c) of rule XI of the Rules of the House of Representatives. In addition, he is authorized, in his discretion, to arrange for their specialized training. The chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such selection shall be subject to the approval of a majority of the majority members of the full committee. Such staff member shall be compensated at a rate, determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in clause 6(c) of rule XI of the Rules of the House of Representatives: *Provided*, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate, determined by the subcommittee chairman not to exceed 75 per centum of the maximum established in clause 6(c) of rule XI of the Rules of the House of Representatives or the rate paid the staff member appointed pursuant to subsection (b) of this section: *Provided*, That no member shall appoint more than one person pursuant to these provisions.

(d) The chairman, and the ranking minority member with the approval of the chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in clause 6(c) of rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsection (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives: *Provided*, That no member shall appoint more than one person pursuant to these provisions: *Provided further*, That members designating a staff member under this subsection must specifically certify by letter to the chairman that the employee is needed and will be utilized for committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(D) BUSINESS MEETINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisons of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(E) COMMITTEE RECORDS

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings.—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public: *Provided, however,* That the Committee or its subcommittees may by the same procedure vote to close one subsequent day of hearing.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of his appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary; except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony.—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittes as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of

such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of his intention to file supplemental, minority or additional views, he shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) in which to file such views in writing and signed by him, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee gives notice of his intention to offer supplemental, minority of additional views, he shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of the bill and report on each general appropriation bill shall be made available to each Member of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill and report.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approval as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by him.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman or would be eligible to become chairman of an Appropriations subcommittee under the rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee subject to the approval of the Majority Caucus. But if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House; *Provided,* That this provision shall not be effective during the 96th Congress.

RULES OF THE COMMITTEE ON AGRICULTURE

(Mr. FOLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FOLEY. Mr. Speaker, pursuant to clause 2(a), rule XI, of the rules of the House of Representatives, I am filing herewith a copy of the rules of the Committee on Agriculture for printing in the RECORD. The rules were adopted by a unanimous voice vote, in the presence of a quorum, on February 1, 1979.

The material follows:

RULES OF THE COMMITTEE ON AGRICULTURE—U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

a. *Rules of the U.S. House of Representatives.*—The Rules of the House shall govern the procedure of the Committee so far as applicable, and the rules of the Committee shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day is a motion of high privilege in the Committee. (See Appendix B for the applicable Rules of the U.S. House of Representatives.)

b. *Applicability to Subcommittees.*—The following rules shall apply to meetings, hearings and other activities of Subcommittees, which are part of the Committee and subject to its authority and direction, only when specifically so stated.

II. COMMITTEE OR SUBCOMMITTEE BUSINESS MEETINGS

a. *Regular and Additional Meetings.*—The Committee shall meet on the first Tuesday of each month while the Congress is in session. The Committee shall also meet at the call of the Chairman at such other times as he considers to be necessary, subject to advance notice to all Committee members. Insofar as practicable, an agenda for all regular and additional Committee meetings, setting forth all the measures and matters to be considered, shall be furnished each Committee member prior to the meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. If the Chairman determines that any meeting convened by him need not be held, he shall give all members of the Committee notice to that effect as far in advance of the meeting day as practicable, and no meeting shall be held on such day. See Rule VI–e for provisions which apply to meetings of Subcommittees.

b. *Special Meetings.*—If at least three members of the Committee file a written request in the Committee offices that a special meeting be called by the Chairman to consider a specific measure(s) or matter(s), the Staff Director shall immediately notify the Chairman of the filing of such request. If, within three calendar days after the filing of such request, the Chairman does not call the requested special meeting to be held at a time within seven calendar days after the filing of such request, a majority of the members of the Committee may file in the Committee offices their written notice that a special meeting will be held at a specified date and hour to consider a specified measure(s) or matter(s). If such a notice is filed, the Committee shall meet on that date and hour. Immediately upon the filing of such a notice, the Staff Director shall notify all members of the Committee that such special meeting will be held at the specified date and hour to consider the specified measure(s) or matter(s). Only the measure(s) or matter(s) so specified in the meeting notice as filed by the majority of Committee members and transmitted to all Committee members may be considered at a special meeting.

c. *Vice Chairman.*—The Committee shall, by a majority vote, designate one of its members as Vice Chairman who shall perform such duties as the Chairman may direct in the absence of the Chairman.

d. *Presiding Member.*—If the Chairman is not present at any Committee meeting, the Vice Chairman or, in his absence, the ranking member of the majority party on the Committee who is present shall preside at that meeting. If the Chairman is not present at any Subcommittee meeting, the ranking member of the majority party who is present shall preside at that meeting.

e. *Committee and Subcommittee Meetings Prohibited.*—The Committee or any of its Subcommittees may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

f. *Open Business Meetings.*—Each Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to Committee or Subcommittee hearings or to any meeting that, as announced by the Chairman of the Committee or Subcommittee, relates solely to internal budget or personnel matters.

g. *Records and Rollcalls.*—A complete record of all Committee or Subcommittee action shall be kept in the form of written minutes, including a record of the votes on any question as to which a rollcall is demanded. A rollcall vote shall be ordered upon demand by one-fifth of the members present. The record of such action and the results of the rollcall votes during each session of the Congress shall be made available by the Committee, upon request, for public inspection during regular office hours in the Committee offices and upon telephone request. The information so available on rollcall votes shall include a brief description of the amendment, motion, order or other proposition; the name of each member voting for and each member voting against such amendment, motion, order or other proposition; whether such vote was by proxy or in person; and names of those members present but not voting. A stenographic record of a business meeting of the Committee or Subcommittee may be kept and may thereafter be published if the Chairman of the Committee determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting other than rollcall votes shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee. See Rule IV–f for publication of the minutes of meetings.

h. *Quorums.*—A majority of the members of the Committee or Subcommittee shall constitute a quorum of the Committee or Subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: *Provided,* That the Chairman of the Committee may determine that one-third of the members of the Committee shall constitute a quorum of the Committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting.

i. *Proxy Voting.*—A member may vote by proxy on any matter before the Committee or Subcommittee other than the issuance of a subpoena pursuant to Rule III–b. The proxy authorization shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the Committee or Subcommittee meeting, shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning the vote and shall contain the date and time of day the proxy is signed as well as the date or dates during which it is to be effective. The proxy form required by the Committee or Subcommittee is appended to these rules as Appendix A. In order to be cast in a vote it shall be filed with the Committee or Subcommittee during such vote and must be placed on file with the Staff Director. Proxies shall not be counted toward a quorum.

j. *Location of Persons at Meetings.*—No person other than a Member of Congress or Committee or Subcommittee staff may walk in or be seated at the rostrum area of the Committee or Subcommittee unless the Chairman or a majority of the Committee or Subcommittee determines otherwise.

k. *Consideration of Amendments and Motions.*—A member, upon request may be recognized by the Chairman to address the Committee or Subcommittee at a meeting for not more than five minutes on behalf of an amendment or motion offered by himself or another member, or upon any other matter under consideration, unless he receives unanimous consent to extend the time limit. Every amendment, substitute amendment, amendment to an amendment, or amendment in the nature of a substitute made in Committee or Subcommittee that is substantial as determined by the Chairman shall, upon the demand of any member present, be reduced to writing, and a copy there of shall be made available to all members present: *Provided,* That such amendment shall remain pending before the Committee or Subcommittee and may not be voted upon until the requirements of this section have been met.

l. *Points of Order.*—No point of order, other than a point of order that a quorum is not present, against the hearing or meeting procedures of the Committee or Subcommittee shall be sustained unless it is made in a timely fashion either at the commencement of the hearing or meeting or at the time such occasion for a point of order first occurs.

III. COMMITTEE OR SUBCOMMITTEE HEARINGS

a. *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed or has adjourned, but no Subcommittee shall hold meetings or hearings outside of the House unless permission to do so is granted by the Chairman, or a majority, of the Committee.

b. *Announcement of Hearings.*—The Chairman of the Committee or Subcommittee shall publicly announce the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or Subcommittee determines that there is good cause to begin such hearing at an earlier date, in which case the announcement of the hearing shall be made by the Chairman of the Committee or Subcommittee at the earliest possible date. The Staff Director shall notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement has been made.

c. *Power to Subpoena.*—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee is authorized to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. A subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Committee or by a Subcommittee when authorized by a rollcall vote of the majority of the members of the Committee, a majority being present, except that no proxies may be used to vote on the authorization and issuance of such a subpoena. Authorized subpoenas shall be signed by the Chairman or the Vice Chairman of the Committee or by any other member the Committee may designate. Notice of a meeting to consider a motion to authorize and issue a subpoena shall be given to all members of the full Committee by 5 p.m., of the day preceding the day of such meeting. Compliance with a Committee or Subcommittee issued subpoena may be enforced only as authorized or directed by the House.

d. *Scheduling of Hearings and Witnesses.*—Except as otherwise provided in this paragraph, the scheduling of hearings and witnesses and determination of the time allowed for the presentation of testimony and interrogation shall be at the discretion of the Chairman or a majority of the Committee or Subcommittee. Whenever any hearing is conducted by the Committee or Subcommittee upon any measure or matter, the Committee's or Subcommittee's minority party members shall be entitled, upon request by a majority of them to the Chairman of the Committee or Subcommittee before the completion of the hearing, to call witnesses selected by them to testify with respect to that measure or matter during at least one day of hearing.

e. *Witnesses' Statements in Advance*—Each witness who is to appear before the Committee or Subcommittee shall, insofar as practicable, file with the Staff Director a written statement of the witness' prepared testimony at least two working days in advance of the witness' appearance in order to permit the testimony to be distributed to and reviewed in advance by Committee or Subcommittee members. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee members, staff and the news media. The Committee or Subcommittee staff shall distribute such written statements to all members of the Committee or Subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter.

f. *Testimony of Witnesses.*—The Chairman of the Committee or Subcommittee or any member designated by him may administer an oath to any witness. Each witness who has been subpoenaed, upon the completion of the witness' testimony, may report in person or in writing to the Staff Director and sign appropriate vouchers for travel allowances and attendance fees. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the Chairman of the Committee or Subcommittee in light of the nature of the witness and the length of time available.

g. *Questioning of Witnesses.*—Committee or Subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each member so recognized shall be limited to questioning a witness (or panel of witnesses) for five minutes until such time as each member of the Committee or Subcommittee who so desires has had an opportunity to question the witness (or panel of witnesses) for five minutes, and, thereafter, the Chairman of the Committee or Subcommittee may limit the time of further questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless the Chairman or a majority of the Committee or Subcommittee determines otherwise, no person shall interrogate witnesses other than members and Committee or Subcomimtee staff.

h. *Open Hearings.*—Each hearing conducted by the Committee or Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the Committee or Subcommittee may, by the same procedure, vote to close one subsequent day of hearing. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule III(k) or (2) may vote to close the hearing, as provided in Rule III(k). In any event, no member may be excluded from nonparticipatory attendance at any hearing unless the House shall be majority vote authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by means of the above procedure.

i. *Quorum.*—The quorum for taking testimony and receiving evidence shall be two members of the Committee or Subcommittee.

j. *Record of Hearing.*—An accurate stenographic record shall be kept of all testimony taken at public hearings. Any public witness may, during Committee office hours in the Committee offices and within two weeks of the close of hearings examine the transcript of his or her own testimony and make such grammatical or technical changes as will not substantially alter the nature of testimony given. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction for return to the Committee. The Chairman of the Committee may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action which is the subject of the hearing. The record of a hearing closes ten calendar days after the last oral testimony, unless the Chairman of the Committee or Subcommittee otherwise determines. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record closes. No written statement becomes part of the record and thus publicly available until such time as it has been approved by the Chairman of the Committee or any Committee staff he designates, and the Chairman of the Committee or Subcommittee or his designee may reject any statment in light of its length or its tendency to defame, degrade, or incriminate any person.

k. *Investigative Hearings.*—The Chairman of the Committee or Subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee rules (and the applicable provision of the House Rules set forth in Appendix B) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt. Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(1) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of Rule III(h), if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(2) the Committee or Subcommittee shall proceed to receive such testimony in open session if a majority of the members of the Committee or Subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the Committee or Subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and the Committee shall dispose of requests from such person to subpoena additional witnesses.

Except as provided herein, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee or Subcommittee.

l. *Broadcasting and Photography.*—Television, film making, live radio broadcasting and still photography of all or part of any Committee hearing or meeting shall be permitted only when the Committee by a majority vote agreed or, if the Committee cannot be polled in a timely manner, when approved by the Chairman of the Committee after consultation with the Ranking Minority Member. Except as otherwise determined by the Committee, television, film making, live radio broadcasting and still photography of all or part of any Subcommittee hearing or meeting shall be permitted only when the Subcommittee by a majority vote agrees or, if the Subcommittee cannot be polled in a timely manner, when approved by the Chairman of the Committee or the Chairman of the Subcommittee after consultation with the Ranking Minority Meber of the Committee or Subcommittee. Any broadcasting, electronic recording, film making, and/or still photography of all or part of a hearing or meeting shall be subject to the provisions of House Rule XI-3(f) which appear in Appendix B.

IV. THE REPORTING OF BILLS AND RESOLUTIONS

a. *Filing of Reports.*—The Chairman shall report or cause to be reported promptly to the House any bill or resolution approved by the Committee and shall take or cause to be taken all necessary steps to bring said bill or resolution to a vote. A Committee report on any bill or resolution approved by the Committee shall be filed within seven calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

b. *Content of Reports.*—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) the results of the rollcall vote on the motion to report such bill or rsolution, including the total number of votes cast for and total number of votes cast against said reporting;

(4) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations) or new or increased tax expenditures;

(5) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 403 of the Congressional Budget Act of 1974 and submitted in timely fashion to the Committee;

(6) any oversight findings and recommendations made by the Committee or the Committee on Government Operations or both to the extent such were available during the Committee's deliberations on the bill or resolution;

(7) a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy;

(8) an estimate of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration for each of the five fiscal years following the fiscal year of reporting, whichever period is less, together with a comparison of these estimates with those made and submitted to the Committee by any Government agency;

(9) the changes in existing law (if any) shown in accordance with Rule XIII, clause 3, of the House Rules;

(10) the determination required pursuant to section 5(a) of Public Law 92-463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(11) such other matter as the Chairman of the Committee determines to be useful for public understanding of the intent and effect of the bill or resolution.

c. *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the Staff Director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall:

(1) include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report; and

(2) bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of paragraph (l) (3) of House Rule XI, clause 2) are included as part of the report.

This shall not preclude the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph or the filing by the Committee of any supplemental report upon any bill or resolution which may be required for the correction of any technical error in a previous report made by the Committee upon that bill or resolution.

d. *Availability of Hearings.*—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such bill or resolution by the House.

e. *Committee Prints.*—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

f. *Publication of Minutes.*—The Chairman of the Commmittee, in consultation with the Ranking Minority Member, shall cause to be published as a Committee Print on a periodic basis (and insofar as practicable on a semiannual basis) the minutes of all business meetings and hearings of the Committee and any of its Subcommittees and such minutes shall include a record of the attendance of members, all recorded votes and the action on all amendments and motions relating to legislation.

V. OTHER COMMITTEE ACTIVITIES

a. *Annual Appropriations.*—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

b. *Budget Act Compliance: March 15* (See Appendix C).—The Committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

c. *Budget Act Compliance: Subdivision of Allocations* (See Appendix C).—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolutions, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

d. *Budget Act Compliance: Recommended Changes* (See Appendix C).—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

e. *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall determine the number of conferees he deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be chosen, the names of those members of the Committee who were primarily responsible for the legislation and, to the fullest extent feasible, those members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee members of the majority party as the Chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the Committee. In making recommendations of minority party members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

f. *Committee Records.*—All Committee or Subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman, and such records shall be the property of the House with all members of the House having access thereto. The Staff Director shall promptly notify the Chairman and Ranking Minority Member of any request for access to such records.

VI. SUBCOMMITTEE

a. *Number and Composition.*—There shall be such Subcommittees as specified in clause b of this rule each of which shall be composed of the number of members set forth in such clause, excluding ex officio members. The Chairman may create additional subcommittees of an ad hoc nature as he determines to be appropriate.

b. *Jurisdiction.*—The Subcommittee shall have the following general jurisdiction and number of members:

Commodity subcommittee

Cotton (seven members, five majority and two minority).—Cotton matters generally.

Dairy and Poultry (twelve members, eight majority and four minority).—Dairy, poultry, and bees.

Forests (seven members, five majority and two minority).—Forestry generally.

Livestock and Grains (eighteen members, twelve majority and six minority).—Livestock, wheat, feedgrains generally.

Oilseeds and Rice (seven members, five majority and two minority).—Peanuts, soybeans, oilseeds and rice generally.

Tobacco (seven members, five majority and two minority).—Tobacco generally.

Operational subcommittee

Conservation and Credit (eighteen members, twelve majority and six minority).—Soil and water conservation, small watershed program, commodity futures, agricultural credit generally.

Domestic Marketing, Consumer Relations, and Nutrition (nine members, six majority and three minority).—Marketing orders, domestic marketing, food stamps, nutrition, and consumer programs generally.

Department Investigations, Oversight and Research (ten members, seven majority and three minority).—Foreign agricultural programs (other than Public Law 83–480), agency review and analysis generally, research and pesticides.

Family Farms, Rural Development and Special Studies (twelve members, eight majority and four minority).—Family farming, rural development generally, rural housing and special studies.

c. *Referral of Legislation.*—In the case of any measure or matter not specifically described above, or which includes the jurisdiction of two or more Subcommittees, the Chairman may, unless the Committee by a majority vote decides otherwise, refer such measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts reflecting different subjects and jurisdiction and refer each part to a different Subcommittee, or refer the matter to an ad hoc Subcommittee appointed by him for the specific purpose of considering that matter and reporting to the Committee thereon, or make such other provisions as may be considered appropriate. The Chairman, with the approval of a majority of the Committee, shall have authority to discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred thereto and have such bill, resolution, or other matter considered by the Committee. All legislation and other matters referred to the Committee shall be referred to the Subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the members of the Committee, consideration is to be by the Committee.

d. *Service on Subcommittees.*—The Chairman and the Ranking Minority Member shall serve as ex officio members of all Subcommittees and shall have the right to vote on all matters before such Subcommittees, but shall not be counted for the purpose of establishing a quorum. Any member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any Subcommittee action, nor, except as the Subcommittee Chairman or a majority of the Subcommittee may permit, participate in questioning of witnesses under the five-minute rule, nor raise points of order unless such member is a member of such Subcommittee.

e. *Subcommittee Hearings and Meetings.*—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairmen shall set dates for hearings and meetings of their Subcommittees, after consultation with the Chairman of the Committee and one another, with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings whenever possible. Notice of all such meetings shall be given to the Chairman and the Ranking Minority Member of the Committee by the Staff Director. The provisions of Rule II regarding notice and agenda of Committee meetings and of Rule II–b regarding special meetings shall apply as well to Subcommittee meetings.

f. *Subcommittee Action.*—Any bill, resolution, recommendation or other matter ordered reported to the Committee by a Subcommittee shall be promptly reported by the Subcommittee Chairman or any Subcommittee member authorized to do so by the Subcommittee. Upon receipt of such report, the Staff Director shall promptly advise all members of the Committee of the Subcommittee action. The Committee shall not consider any matters reported by Subcommittees until two calendar days have elapsed from the date of reporting, unless the Chairman or a majority of the Committee determines otherwise.

g. *Subcommittee Investigations.*—Except for the Subcommittee on Department Investigations, Oversight and Research, no investigation shall be initiated by a Subcommittee without the approval of the Chairman of the Committee or a majority of the Committee.

VII. COMMITTEE BUDGET, STAFF, AND TRAVEL

a. *Committee Budget.*—The Chairman shall, for each session of the Congress, prepare a budget providing amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

b. *Committee Staff.*—The staff of the Committee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman. Staff assigned to each Subcommittee shall perform such duties as are authorized by law and shall be under the general supervision and direction of the Chairman of the Committee and the Chairman of the Subcommittee. Committee members seeking assistance from the staff shall make their requests through the Chairman or Ranking Minority Member. The Chairman shall insure that each Subcommittee is adequately funded and staffed to discharge its responsibilities.

c. *Committee Travel.*—Funds authorized for the Committee under clause 5 of House Rule XI are for expenses incurred in the Committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the Committee or its employees in any country where local currencies are available for this purposes; and the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(2) Each member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

VIII. AMENDMENT OF RULES

These rules may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each member of the Committee prior to the meeting date on which such changes are to be discussed and voted upon.

APPENDIX A

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

PROXY

Anticipating that I will be absent on official business or otherwise unable to be present, I hereby designate the Honorable ---------- to cast my votes as hereinafter indicated on the following bill, resolution, or matter:

H.R. ----------------------
S. ----------------------
Other ----------------------------------

The proxy may be used on the following days:

My votes shall be cast in such manner as the proxy holder deems appropriate, subject to the following limitations (specify):

(*Signature*)

------------ --------
(*Date*) (*Time*)

APPENDIX B.—EXCERPTS OF HOUSE RULES PERTAINING TO COMMITTEE FUNCTIONS

RULE X

ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

The Committees and Their Jurisdiction

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

(a) Committee on Agriculture.

(1) Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

(2) Agriculture generally.

(3) Agricultural and industrial chemistry.

(4) Agricultural colleges and experiment stations.

(5) Agricultural economics and research.

(6) Agricultural education extension services.

(7) Agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States).

(8) Animal industry and diseases of animals.

(9) Crop insurance and soil conservation.

(10) Dairy industry.

(11) Entomology and plant quarantine.

(12) Extension of farm credit and farm security.

(13) Forestry in general, and forest reserves other than those created from the public domain.

(14) Human nutrition and home economics.

(15) Inspection of livestock and meat products.

(16) Plant industry, soils, and agricultural engineering.

(17) Rural electrification.

(18) Commodities exchanges.

(19) Rural development.

* * * * *

General Oversight Responsibilities

2. (a) In order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

the various standing committees shall have oversight responsibilities as provided in paragraph (b).

(b)(1) Each standing committee (other than the Committee on Appropriations and the Committee on the Budget) shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such committee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect to thereto), and shall on a continuing basis undertake futures research and forecasting on matters within the jurisdiction of that committee. Each such committee having more than twenty members shall establish an oversight subcommittee, or require its subcommittees, if any, to conduct oversight in the area of their respective jurisdiction, to assist in carrying out its responsibilities under this subparagraph. The establishment of oversight subcommittees shall in no way limit the responsibility of the subcommittees with legislative jurisdiction from carrying out their oversight responsibilities.

* * * * *

(d) Each standing committee of the House shall have the function of reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

* * * * *

Additional Functions of Committees

* * * * *

4. (a)(1)(A) The Committee on Appropriations shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(i) the basic recommendations and budgetary policies of the President in the presentation of the Budget; and

(ii) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(B) In holding hearings pursuant to subdivision (A), the committee shall receive testimony from the Secretary of the Treasury, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committee may desire.

(C) Hearings pursuant to subdivision (A), or any part thereof, shall be held in open session, except when the committee, in open session and with a quorum present, determines by rollcall vote that the testimony to be taken at that hearing on that day may be related to a matter of national security: *Provided, however,* That the committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member, Delegate, and the Resident Commissioner from Puerto Rico.

(D) Hearings pursuant to subdivision (A), or any part thereof, may be held before joint meetings of the committee and the Committee on Appropriations of the Senate in accordance with such procedures as the two committees jointly may determine.

(2) Whenever any bill or resolution which provides new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 is reported by a committee of the House and the amount of new budget authority which will be required for the fiscal year involved if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported as described in clause 4(h) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations with instructions to report it, with the committees' recommendations and (if the committee deems it desirable) with an amendment limiting the total amount of new spending authority provided in the bill or resolution, within 15 calendar days (not counting any day on which the House is not in session) beginning with the day following the day on which it is so referred.

* * * * *

4. (f)(1) Each standing committee of the House shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing program and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII.

(2) Each standing committee of the House shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified to that appropriations therefor would be made annually.

(g) Each standing committee of the House shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(h) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, each standing Committee of the House (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(i) Each standing committee of the House which is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process shall promptly make such determinations and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

* * * * *

RULE XI

RULE OF PROCEDURE FOR COMMITTEES

In General

1. (a)(1) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees.

(2) Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules as far as applicable.

(b) Each committee is authorized at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of expense resolutions as required by clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of a committee shall be paid from the contingent fund of the House.

(d) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending at noon on January 3 of such year.

Committee Rules

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee in open session and with a quorum present, determines by rollcall vote that all or part of the meeting on that day is to be closed to the public;

(2) shall be not inconsistent with the Rules of the House or with those provisions

of law having the force and effect of Rules of the House; and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rules specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the Congress convenes in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meetings will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Ranking majority member to preside in absence of chairman

(d) If the chairman of any standing committee is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member, officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

Proxies

(f) No vote by any Member of any Committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be in writing, shall assert that the Member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of Rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of Rule XI. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Office Conduct, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation which shall be not less than one-third of the Members.

Prohibition against committee meetings during five-minute rule

(i) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this paragraph special leave will be granted unless 10 or more Members object.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing hereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time of each member of the committee who so desires has had an opportunity to question each witness.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statement in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee (except as provided in subdivision (C)) to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(C) Before reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations shall, to the extent practicable and in accordance with section 307 of the Congressional Budget Act of 1974 complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a committee print unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (or the tenth calendar day in the case of a concurrent resolution on the budget), excluding Saturdays, Sundays, and legal holidays on which the report of that committee upon that measure or matter has been available to the Members of the House. Nor shall it be in order to consider any measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business, or any other committee in the case of a privileged resolution), unless copies of such report and the reported measure or matter have been available to the Members for at least three calendar days, excluding Saturdays, Sundays, and legal holidays during which the House is not in session before the beginning of such consideration: *Provided however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), Rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matters referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(B) to require, by subpena or otherwise, the attendance and testimony of such witness and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2) (A) A subpena may be authorized and issued by a committee or subcommitttee under subparagraph (1) (B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under subparagraph (1) (B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpena issued by a committee or subcommittee under subparagraph (1) (B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n) (1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(3) A Member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a Member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

BROADCASTING OF COMMITTEE HEARINGS

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause.

(f) The written rules which may be adopted by a committee under paragraph (e) of this clause shall contain provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k) (5) of this rule, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place them-

selves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

* * * * *

Committee Expenses

5. (a) Whenever any committee, commission or other entity (except the Committee on Appropriations and the Committee on the Budget) is to be granted authorization for the payment, from the contingent fund of the House, of its expenses in any year, other than those expenses to be paid from appropriations provided by statute, such authorization initially shall be procurred by one primary expense resolution for the committee, commission or other entity providing funds for the payment of the expenses of the committee, commission or other entity for that year from the contingent fund of the House. Any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission or other entity as may be appropriate to provide the House with basic estimates with respect to the expenditure generally of the funds to be provided to the committee commission or other entity under the primary expense resolution.

(b) After the date of adoption by the House of any such primary expense resolution for any such committee, commission or other entity for any year, authorization for the payment from the contingent fund of additional expenses of such committee, commission or other entity in that year, other than those expenses to be paid from appropriations provided by statute, may be procured by one or more supplemental expense resolutions for that committee, commission or other entity as necessary. Any such supplemental expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of additional funds to be provided to the committee, commission or other entity under the supplemental expense resolution and the purpose or purposes for which those additional funds are to be used by the committee, commission or other entity; and

(2) state the reason or reasons for the failure to procure the additional funds for the committee, commission or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee, commission or other entity for that year; or

(2) any resolution providing in any Congress, for all of the standing committees of the House, additional office equipment, airmail and special delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from the contingent fund of the House of the expenses of any foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions—

(1) The chairman of each standing subcommittee of a standing committee of the House is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority party member of each standing subcommittee on each standing committee of the House is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) For the purpose of this paragraph, (A) there shall be no more than six standing subcommittees of each standing committee of the House, except for the Committee on Appropriations, and (B) no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairman and ranking minority party members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under clause 6 of Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) No primary expense resolution or additional expense resolution of a committee may provide for the payment or reimbursement of expenses incurred by any member of the committee for travel by the member after the date of the general election of Members in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

Committee Staffs

6. (a) (1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of each standing committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and to the Committee on the Budget.

(b) (1) The clerical staff of each standing committee shall consist of not more than twelve clerks, to be attached to the office of the chairman, to the ranking minority party members, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by subparagraph (2) of this paragraph the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct) so request, four persons may be selected, by majority vote of the minority party members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members, may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenograph work for the minority party members of the committee and for any members of the profession staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and the Committee on the Budget.

(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee, is entitled to pay at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United

States Code, except that two professional staff members of each standing committee shall be entitled to pay at a single per annum gross rate to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule in section 5315 of Title 5, United States Code.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations and the Committee on the Budget may appoint such staff, in addition to the clerk thereof and assistants for the minority, as it determines by majority vote to be necessary, such personnel, other than minority assistants, to possess such qualifications as the committee may prescribe.

(e) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution described in paragraph (a) or (b) of clause 5, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragrapns (a)(2) and (b)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the majority party and a majority of the members of the minority party.

* * * * *

APPENDIX C.—EXCERPTS OF RELEVANT PROVISIONS OF CONGRESSIONAL BUDGET ACT OF 1974

* * * * *

ADOPTION OF FIRST CONCURRENT RESOLUTION

SEC. 301. * * * (c) VIEWS AND ESTIMATES OF OTHER COMMITTEES.—On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Committee on the Budget of the House, each standing committee of the Senate shall submit to the Committee on the Budget of the Senate, and the Joint Economic Committee and Joint Committee on Internal Revenue Taxation shall submit to the Committee on the Budget of both Houses—

(1) its views and estimates with respect to all matters set forth in subsection (a) which relate to matters within the respective jurisdiction or functions of such committee or joint committee; and

(2) except in the case of such joint committees, the estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the jurisdiction of such committee which such committee intends to be effective during the fiscal year beginning on October 1 of such year.

The Joint Economic Committee shall also submit to the Committees on the Budget of both Houses, its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946. Any other committee of the House or Senate may submit to the Committee on the Budget of its House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, its view and estimates with respect to all matters set forth in subsection (a) which relate to matters within its jurisdiction or functions.

* * * * *

MATTERS TO BE INCLUDED IN JOINT STATEMENT OF MANAGERS; REPORTS BY COMMITTEES

SEC. 302. (a) ALLOCATION OF TOTALS.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of total budget outlays and total new budget authority among each committee of the House of Representatives and the Senate which has jurisdiction over bills and resolutions providing such new budget authority.

(b) REPORTS BY COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to—

* * * * *

(2) every other committee of the House and Senate to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made, (A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction, and (B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection.

(c) SUBSEQUENT CONCURRENT RESOLUTIONS.—In the case of a concurrent resolution on the budget referred to in section 304 or 310, the allocation under subsection (a) and the subdivisions under subsection (b) shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

* * * * *

FIRST CONCURRENT RESOLUTION ON THE BUDGET MUST BE ADOPTED BEFORE LEGISLATION PROVIDING NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, OR CHANGES IN REVENUES OR PUBLIC DEBT LIMIT IS CONSIDERED

SEC. 303. (a) IN GENERAL.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution (or amendment thereto) which provides—

(1) new budget authority for a fiscal year;

(2) an increase or decrease in revenues to become effective during a fiscal year;

(3) an increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) new spending authority described in section 401(c)(2)

(C) to become effective during a fiscal year;

until the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301.

(b) EXCEPTIONS.—Subsection (a) does not apply to any bill or resolution—

(1) providing new budget authority which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

(2) increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.

* * * * *

REPORTS, SUMMARIES, AND PROJECTIONS OF CONGRESSIONAL BUDGET ACTIONS

SEC. 308. (a) REPORTS ON LEGISLATION PROVIDING NEW BUDGET AUTHORITY OR TAX EXPENDITURES.—Whenever a committee of either House reports a bill or resolution to its House providing new budget authority (other than continuing appropriations) or new or increased tax expenditures for a fiscal year, the report accompanying that bill or resolution shall contain a statement, prepared after consultation with the Director of the Congressional Budget Office, detailing—

(1) in the case of a bill or resolution providing new budget authority—

(A) how the new budget authority provided in that bill or resolution compares with the new budget authority set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year and the reports submitted under section 302;

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of budget outlays, associated with the budget authority provided in that bill or resolution, in each fiscal year in such period; and

(C) the new budget authority, and budget outlays resulting therefrom, provided by that bill or resolution for financial assistance to State and local governments; and

(2) in the case of a bill or resolution providing new or increased tax expenditures—

(A) how the new or increased tax expenditures provided in that bill or resolution will affect the levels of tax expenditures under existing law as set forth in the report accompanying the first concurrent resolution on the budget for such fiscal year, or, if a report accompanying a subsequently agreed to concurrent resolution for such year sets forth such levels, then as set forth in that report; and

(B) a projection for the period of 5 fiscal years beginning with such fiscal year of the tax expenditures which will result from that bill or resolution in each fiscal year in such period.

No projection shall be required for a fiscal year under paragraph (1)(B) or (2)(B) if the committee determines that a projection for that fiscal year is impracticable and states in its report the reason for such impracticability.

* * * * *

SECOND REQUIRED CONCURRENT RESOLUTION AND RECONCILIATION PROCESS

SEC. 310. * * * (c) RECONCILATION PROGRESS.—If a concurrent resolution is agreed to in accordance with subsection (a) containing directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House a reconciliation bill or reconciliation resolution, or both, containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a reconciliation bill or reconciliation resolution, and submit such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a reconciliation bill or both, carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

* * * * *

BILLS PROVIDING NEW SPENDING AUTHORITY

SEC. 401. (a) LEGISLATION PROVIDING CONTRACT OF BORROWING AUTHORITY.—It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(A) or (B) (or any amendment which provides such new spending authority), unless that bill, resolution, or amendment also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(b) LEGISLATION PROVIDING ENTITLEMENT AUTHORITY.—(1) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which provides new spending authority described in subsection (c)(2)(C) (or any amendment which provides such new spending authority) which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection (c)(2)(C) which is to become effective during a fiscal year and the amount of new budget authority which will be required for such fiscal year if such bill or resolution is enacted as so reported exceeds the appropriate allocation of new budget authority reported under section 302(b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year, such bill or resolution shall then be referred to the Committee on Appropriations of that House with instrutcions to report it, with the committee's recommendations, within 15 calendar days (not counting any day on which that House is not in session) beginning with the day following the day on which it is so referred. If the Committee on Appropriations of either House fails to report a bill or resolution referred to it under this paragraph within such 15-day period, the committee shall automatically be discharged from further consideration of such bill or resolution and such bill or resolution shall be placed on the appropriate calendar.

(3) The Committee on Appropriations of each House shall have jurisdiction to report any bill or resolution referred to it under paragraph (2) with an amendment which limits the total amount of new spending authority provided in such bill or resolution.

(c) DEFINITIONS.—(1) For purposes of this section, the term "new spending authority" means spending authority not provided by law on the effective date of this section, including any increase in or addition to spending authority provided by law on such date.

(2) For purposes of paragraph (1), the term "spending authority" means authority (whether temporary or permanent)—

(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

(B) to incur indebtedness (other than indebtedness incurred under the Second Liberty Bond Act) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts; and

(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

Such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government.

(d) EXCEPTIONS.—(1) Subsections (a) and (b) shall not apply to new spending authority if the budget authority for outlays will result from such new spending authority is derived—

(A) from a trust fund established by the Social Security Act (as in effect on the date of the enactment of this Act); or

(B) from any other trust fund, 90 percent or more of the receipts of which consist or will consist of amounts transferred from the general fund of the Treasury) equivalent to amount of taxes (related to the purposes for which such outlays are or will be made) received in the Treasury under specified provisions of the Internal Revenue Code of 1954.

(2) Subsections (a) and (b) shall not apply to new spending authority which is an amendment to or extension of the State and Local Fiscal Assistance Act of 1972, or a continuation of the program of fiscal assistance to State and local governments provided by that Act, to the extent so provided in the bill or resolution providing such authority.

(3) Subsections (a) and (b) shall not apply to new spending authority to the extent that—

(A) the outlays resulting therefrom are made by an organization which is (i) a mixed-ownership Government corporation (as defined in section 201 of the Government Corporation Control Act), or (ii) a wholly owned Government corporation (as defined in section 101 of such Act) which is specifically exempted by law from compliance with any or all of the provisions of that Act; or

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

* * * * *

REPORTING OF AUTHORIZING LEGISLATION

SEC. 402. (a) REQUIRED REPORTING DATE.—Except as otherwise provided in this section, it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year. * * *

(e) EXCEPTIONS.—(1) Subsection (a) shall not apply with respect to new spending authority described in section 401(c)(2)(C).

(2) Subsection (a) shall not apply with respect to new budget authority authorized in a bill or resolution for any provision of the Social Security Act if such bill or resolution also provides new spending authority described in section 401(c)(2)(C) which, under section 401(d)(1)(A), is excluded from the application of section 401(b).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIAIMO (at the request of Mr. WRIGHT), for this week, on account of illness.

Mr. BARNES (at the request of Mr. WRIGHT), for today, on account of illness.

GENERAL LEAVE

Mr. WYATT. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and include extraneous matter on the subject of the special order taken today by the gentleman from New Jersey (Mr. MAGUIRE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on February 28.

Mr. CLEVELAND, for 5 minutes, today.

Mr. JOHNSON of Colorado, for 5 minutes, today.

Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mr. WYATT) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. JOHNSON of California, for 5 minutes today.

Mr. PREYER, for 5 minutes, today.

Mr. MAGUIRE, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, on March 1.

Mr. DRINAN, for 60 minutes, on March 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAVIS of Michigan) and to include extraneous matter:)

Mr. SAWYER.

Mr. VANDER JAGT.

Mr. YOUNG of Alaska.

Mr. SYMMS in two instances.

Mr. ANDERSON of Illinois.

Mr. PAUL.

Mr. HYDE.

Mr. Hansen in five instances.
Mr. Miller of Ohio in three instances.
Mr. Dornan.
Mr. Ashbrook in two instances.
Mr. Goodling in two instances.
Mr. Lagomarsino.
Mr. Carter.

(The following Members (at the request of Mr. Wyatt) and to include extraneous matter:)

Mr. Hutto.
Mr. Hefner.
Mr. Roberts.
Mr. Anderson of California in three instances.
Mr. Gonzalez in three instances.
Mr. McDonald in 10 instances.
Mr. Wolff.
Mr. Daschle.
Mr. Minish.
Mr. Pepper.
Mr. Rosenthal.
Mr. Waxman.
Mr. Lundine.
Mr. Nolan.
Mr. Panetta in two instances.
Mr. Hughes in five instances.
Mr. Gaydos.
Mr. Jenkins.
Mr. Dellums.
Mr. Drinan.
Mr. Zeferetti.

ADJOURNMENT

Mr. WYATT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.), the House adjourned until tomorrow Wednesday, February 28, 1979, at 3 o'clock p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1978 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

	Date			Per diem[1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Individual Member/staff travel: Carr, Congressman Bob	11/30	12/1	Switzerland	378.45	218.00		[3] 201.00				419.00
Delegation to Far East, Nov. 11-22, 1978											
Badham, Congressman Robert H	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
McDonald, Congressman Larry	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Mollohan, Congressman Robert H	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Nichols, Congressman Bill	11/11	11/13	Taiwan	5,392.50	150.00		[3] 4,801.13				4,951.13
	11/13	11/18	Japan	105,725.00	560.00						560.00
Price, Congressman Melvin	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
White, Congressman Richard C	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Wilson, Congressman Bob	11/11	11/13	Taiwan	5,392.50	150.00		[3] 5,241.57				5,391.57
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Wilson, Congressman Charles H	11/11	11/13	Taiwan	5,392.50	150.00		[3] 4,987.75				5,137.75
	11/13	11/15	Japan	42,290.00	224.00						224.00
	11/15	11/22	Korea	252,000.00	525.00						525.00
Won Pat, Delegate Antonio B	11/11	11/13	Taiwan	5,392.50	150.00		[3] 4,239.66				4,389.66
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Bauser, Edward J	11/11	11/13	Taiwan	4,392.50	122.20		[3] 6,689.34				6,811.54
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Ford, John J	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,689.34				6,839.34
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Tsompanas, Paul L	11/11	11/13	Taiwan	5,392.50	150.00		[3] 6,126.97				6,276.97
	11/13	11/18	Japan	126,870.00	672.00						672.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	36,000.00	75.00						75.00
Scrivner, Peter C	11/11	11/13	Taiwan	5,392.50	150.00		[3] 5,696.18				5,846.18
	11/13	11/15	Philippines		[3] 21.94						21.94
	11/15	11/18	Japan	21,638.00	[4] 132.20						132.20
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
White, Justus P., Jr	11/11	11/13	Taiwan	5,392.50	150.00		[3] 5,886.97				6,036.97
	11/13	11/18	Japan	105,725.00	560.00						560.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	Korea	72,000.00	150.00						150.00
Local expenses for entire group	11/11	11/13	Taiwan			20,163.00	[5] 560.86				560.86
	11/13	11/18	Japan				(6)				
	11/18	11/20	Hong Kong			4,755.00	[5] 992.69				992.69
	11/20	11/22	Korea			141,796.00	[5] 295.08				295.08
Committee total					13,550.34		85,855.24				99,405.58

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation paid by the Department of the Air Force.

[4] Lodged in military facilities while in Okinawa, $20.20 (paid by Air Force) and received 1 day's counterpart funds.

[5] Local transportation for entire group paid by State Department.

[6] Costs furnished by State Department for delegations in Japan during this period were grouped together; could not determine individual local transportation expenses charged to HASC delegation.

MELVIN PRICE, Chairman.

Jan. 31, 1979.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Roger Faxon	11/3	11/20	Great Britain	804.36	1,364.00		1,459.00			804.36	2,823.00
						31.45	63.34			31.45	63.34
Hon. Butler Derrick (White House-sponsored trip).	11/11	11/12	Japan	20,876.00	112.00					20,876.00	112.00
	11/12	11/24	China	1,463.67	900.00					1,463.67	900.00
	11/24	11/25	Hong Kong	723.80	150.00	244.26	50.57			968.06	200.57
Hon. Frank Annunzio	11/19	11/20	Great Britain	45.45	90.00		666.00			45.45	756.00
	11/20	11/27	Italy	441,000	525.00	152,696	201.34			593,696	726.34
	11/27	12/1	Portugal	13,800	300.00					13,800	300.00
Curtis A. Prins	11/18	11/20	Great Britain	90.56	180.00		1,718.70			90.56	1,898.70
	11/20	11/27	Italy	441,000	525.00	152,696	201.34			593,696	726.34
	11/27	12/1	Portugal	13,800	300.00					13,800	300.00
Norman Cornish	12/8	12/11	Brazil	4,583.25	225.00		2,603.10			4,583.25	2,828.10
	12/12	12/16	South Africa	260.37	300.00					260.37	300.00
	12/17	12/21	Brazil	7,638.75	375.00	1,785.00	89.25			9,423.75	464.25
Edwin W. Webber	12/8	12/11	Brazil	4,583.25	225.00		2,603.10			4,583.25	2,828.10
	12/12	12/16	South Africa	260.37	300.00					260.37	300.00
	12/17	12/21	Brazil	7,638.75	375.00	1,785.00	89.25			9,423.75	464.25
Committee total					6,246.00		9,744.99				15,990.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

Jan. 31, 1979.

HENRY S. REUSS, Chairman.

REPORT OF EXPENDITURES FOR FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Herschel F. Clesner	10/30	11/2	Colombia	9,011.25	225.00		567.10				792.10
Hon. Elliott H. Levitas	11/30	12/3	France	1,174.80	267.00		[3] 681.80				948.80
Hon. John W. Jenrette, Jr	11/13	11/22	Germany	1,488.96	792.00		(4)				792.00
Hon. John N. Erlenborn	11/24	12/2	Khartoum, Sudan		(5)		(4)				0
Committee total					1,284.00		1,248.90				2,532.90

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation costs from Lisbon to Paris to D.C.

[4] Provided by U.S. military.

[4] Paid by the African-American Institute.

Jan. 26, 1979.

JACK BROOKS,
Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 27 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Beilenson, A. C	12/11	12/14	Switzerland	485.35	285.00					485.35	285.00
	12/14	12/18	United Kingdom	170.21	340.00					170.21	340.00
	12/18	12/21	France	1,548.60	356.00					1,548.60	356.00
Committee transportation							751.00				751.00
Bonker, D	11/25	12/1	The Sudan	257.48	516.00					257.48	516.00
	12/1	12/2	Spain	4,230	44.24					4,230	44.24
Military transportation							991.16				991.16
Boyer, R	10/6	10/8	United Kingdom	83.79	166.22	40	79.35			123.79	245.57
	10/8	10/15	Austria	6,927.50	504.00		65.73			6,927.50	569.73
	10/15	10/22	Switzerland	1,165.85	763.00	11	7.31			1,176.85	770.31
	10/22	10/25	Italy	183,150	225.00	8,816	11.20			191,966	236.20
Committee total					3,199.45		1,905.75				5,105.21
	10/25	10/29	Israel	5,511	300.00					5,511	300.00
	10/29	10/31	Jordan	43,200	150.00					43,200	150.00
	10/31	11/2	Syria	585	150.00					585	150.00
	11/2	11/5	United Kingdom	134.06	266.28	20	39.73			154.06	306.01
Commercial transportation							2,083.00				2,083.00
Collins, C	11/16	11/22	Germany	953.70	510.00					953.70	510.00
Commercial transportation (1 way)							795.00				795.00
Military transportation (return)							396.09				396.09
Collins C	11/25	12/1	The Sudan	257,480	516.00					257,480	516.00
	12/1	12/2	Spain	5,355	35.08					5,355	35.08
Military transportation							991.16				991.16
de la Garza, E (Kika)	11/14	11/20	France	2,647.75	623.00					2,647.75	623.00
Commercial transportation							1,739.00				1,739.00
Fields, N	10/27	10/28	France	344.45	83.00					344.45	83.00
	10/28	11/04	Niger	15,150	225.00					45,150	225.00
Committee total					2,858.36		6,043.98				8,902.34
	11/04	11/08	Upper Volta	60,000	225.00					60,000	225.00
	11/08	11/16	Mali	242,437.50	562.50					242,437.50	562.50
	11/16	11/19	Senegal	55,490	256,75					55,490	256.75
	11/20	11/24	Netherlands	734.60	361.03					734.60	361.03
Commercial transportation							2,236.00				2,236.00
Finley, M	11/12	11/14	Switzerland		290.50		241.81				532.31
	11/14	11/17	Italy		150.00						150.00
	11/17	11/22	United Kingdom		450.00						450.00
Commercial transportation							776.00				776.00
Fowler, W	11/11	11/12	Japan	20,876	112.00					20,876	112.00
	11/12	11/24	China	1,463.67	800.00					1,463.67	900.00
	11/24	11/25	Hong Kong	723.80	150.00	244.26	50.57			968.06	200.57
Committee total					3,457.78		3,304.37				6,762.12

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 27 AND DEC. 31, 1978—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Galey, M	10/7	10/9	United Kingdom	83.79	166.22					83.79	166.22
	10/9	10/12	Austria	3,463.75	252.00		10.70			3,463.75	262.70
	10/12	10/22	Switzerland	1,665.52	1,090.00					1,665.52	1,090.00
	10/22	10/25	Italy	183,150	225.00					183.150	225.00
	10/25	10/29	Israel	5,511	300.00					5,511	300.00
	10/29	10/31	Jordan	43,200	150.00					43.200	150.00
	10/31	11/2	Syria	585	150.00					585.	150.00
	11/2	11/11	France	2,136	534.00					2,136	534.00
Commercial transportation							2,083.00				2,083.00
Gilman, B A	11/17	11/19	Ireland	282	150.00					282	150.00
Commercial transportation						1,155	614.36			1,155	614.36
	11/28	12/2	Mexico	6,780	300.00					6,780	300.00
Military transportation							366.79				366.79
Goodman M	11/16	11/24	Indonesia	372,000	600.00					372,000	600.00
	11/24	11/26	Thailand	3,021	150.00					3,021	150.00
Committee total					4,067.22		3,074.85				7,142.07
	11/26	11/30	Bangladesh	3,308.31	211.72	420	26.89			3,728.31	238.61
	11/30	12/1	India	616.50	75.00					616.50	75.00
	12/1	12/6	Nepal	2,370	199.16					2,370	199.16
Commercial transportation							2,842.07				2,842.07
Gulick, L	11/25	12/4	Egypt	295,000	421.00		158.00			295,000	579.00
	12/4	12/9	Syria	1,107.50	284.00		20.85			1,107.50	304.85
	12/9	12/11	Jordan	38,620	128.00					38,620	128.00
Commercial transportation							1,653.24				1,653.24
Ingram, G. M	11/14	11/15	Philippines	1,104.75	150.00					1,104.75	150.00
	11/16	11/24	Indonesia	372,000	600.00					372,000	600.00
	11/24	11/25	Thailand	3,021	150.00					3,021	150.00
	11/26	11/30	Bangladesh	3,849.95	231.64	420	26.89			4,269.95	258.53
	11/30	12/1	India	616.50	75.00					616.50	75.00
	12/1	12/6	Nepal	3,556.50	298.87					3,556.50	298.87
	12/7	12/8	France	783.20	178.00					783.20	178.00
Committee total					3,002.39		4,727.94				7,730.33
Commercial transportation							3,139.00				3,139.00
Ireland, A	11/13	11/18	Japan	126,870	672.00					126,870	672.00
Commercial transportation					2,479.41						2,479.41
Majak, R. R	11/21	11/29	Switzerland	1,473.70	872.00					1,473.70	872.00
Commercial transportation							1,515.00				1,515.00
Nelson, S. D	10/27	10/28	France	344.45	83.00					344.45	83.00
	10/28	11/4	Niger	23,376	116.51					23,376	116.51
	11/4	11/8	Upper Volta	53,921	269.60					53,921	269.60
	11/8	11/16	Mali	225,835	523.98					225,835	523.98
	11/16	11/19	Senegal	45,831	212.06					45,831	212.06
Commercial transportation							2,186.00				2,186.00
Committee total					5,228.56		6,840.00				12,068.56
Pitchford, G. E	10/27	10/28	France	344.45	83.00					344.45	83.00
	10/28	11/4	Niger	45,150	225.00					45,150	225.00
	11/4	11/8	Upper Volta	60,000	225.00					60,000	225.00
	11/8	11/16	Mali	196,937	456.93					196,937	456.93
	11/16	11/19	Senegal	55,490	256.75					55,490	256.75
	11/20	11/24	Netherlands	679.60	334.00					679.60	334.00
Commercial transportation							2,236.00				2,236.00
Rosenthal, B. A	10/30	11/2	Colombia	9,011.25	225.00					9,011.25	225.00
Commercial transportation							793.00				793.00
	12/7	12/11	Germany	573	300.00					573	300.00
	12/11	12/13	Italy		150.00	107,939	127.57			107,939	277.57
	12/13	12/17	United Kingdom	170.21	300.00			20,502.50	24.38	20,672.71	324.38
Commercial transportation							713.70				713.70
Committee total					2,555.68		3,870.27		24.38		6,450.33
Ryan, L. J.[3]	11/15	11/18	Guyana	839.34	330.00	5,400	2,121.64			6,239.34	2,451.64
Commercial transportation							277.50				277.50
Schlundt, V. M	10/7	10/9	United Kingdom	83.79	168.00					83.79	168.00
	10/9	10/15	Austria	6,927.50	504.00		65.73			6,927.50	569.73
	10/15	10/22	Switzerland	1,165.85	763.00					1,165.85	763.00
	10/22	10/25	Italy	183.15	225.00					183.15	225.00
	10/25	11/1	Israel	6,894	375.00					6,894	375.00
Commercial transportation							2,083.00				2,083.00
Schollaert, J	11/15	11/20	Guyana	887.34	348.63					887.34	348.63
Commercial transportation							277.50				277.50
Committee total					2,713.63		4,825.37				7,539.00
Solarz, S. J	10/16	10/17	Iran								
	10/18	10/20	Saudi Arabia	240.02	72.71		100.00			240.02	172.71
	10/20	10/24	Egypt	59.75	85.36					59.75	85.36
	10/24	10/27	Syria	877.50	225.00		99.12			877.50	324.12
	10/27	10/28	Lebanon				42.03				42.03
	10/28	10/30	Jordan	54.000	187.50					54.000	187.50
	10/31	11/6	Israel	8,298	450.00					8,298	450.00
Commercial transportation							1,808.00				1,808.00
Committee total					1,020.57		2,059.15				3,069.72
Soriano, R	11/12	11/14	Switzerland	404.80	250.42					404.80	250.42
	11/14	11/18	Italy	75,850	90.41					75.850	90.41
	11/18	11/20	United Kingdom	55.56	106.68					55.56	106.68
	11/20	11/23	France	741.45	170.45					741.45	170.45
	11/23	12/1	Portugal	17,081.20	364.97					17,081.20	364.97
Commercial transportation							922.00				922.00
Strand, G	11/25	12/1	The Sudan	201.480	112.24					201.480	112.24
	12/1	12/2	Spain	5,000	18.98					5,000	18.98
Military transportation							991.16				991.16
Van Dusen, M	11/25	12/4	Egypt	320,000	457.14		158.00			320,000	615.14
	12/4	12/9	Syria	1,062.50	272.44		20.85			1,062.50	293.29
	12/9	12/13	Jordan	68,120	227.82					68,120	227.82
	12/13	12/15	Israel	2,790	150.00		142.00			2,790	292.00
	12/15	12/16	United Kingdom	42.34	75.00					42.34	75.00

See footnotes at end of table.

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial transportation							2,083.00				2,083.00
Committee total					2,296.55		4,317.01				6,613.56
Ward, J.	11/25	12/1	The Sudan	251.73	504.47					251.73	504.47
	12/1	12/2	Spain	1,000	14.00					1,000	14.00
Military transportation							991.16				991.16
Wolff, L. L.	11/28	12/2	Mexico	6,780	300.00					6,780	300.00
Military transportation							366.79				366.79
Committee total					818.47		1,357.95				2,176.42
Grand total for quarter											73,559.70

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Ryan transportation is total cost for a charter plane.

CLEMENT J. ZABLOCKI,
Chairman, Committee on International Relations.

Jan. 31, 1979.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Louis Frey	10/13	10/15	France	1,058.25	249.00						249.00
	10/16	10/18	Sweden	1,072.55	225.00						225.00
	10/19	10/21	Italy	183,375	225.00						225.00
	10/22	10/23	Spain	10,455	150.00						150.00
	10/24	10/26	Portugal	10,077.97	225.00						225.00
	10/27	11/3	England	290.12	602.00						602.00
							2,049.33				2.049.33
Total											3,725.33
Ronald D. Ccleman	10/23	10/27	Portugal	13,437.30	300.00						300.00
	10/27	11/3	England	290.12	602.00						602.00
							1,498.00				1,498.00
Total											2,400.00
Donald W. Dalrymple	11/28	12/1	Peru	54,600	262.50						262.50
	12/1	12/4	Colombia	9,126	225.00						225.00
							834.20				834.20
Total											1,321.70
David S. Abernethy	11/28	12/1	Peru	54,600	262.50						262.50
	12/1	12/4	Colombia	9,126	225.00						225.00
							834.20				834.20
Total											1,321.70
William D. Braun	12/10	12/17	Mexico	13,590	600.00						600.00
							323.00				323.00
Total											923.00
Kathleen Segerson	12/10	12/17	Mexico	13,590	600.00						600.00
							323.00				323.00
Total											923.00
Ronald D. Coleman	12/16	12/23	United Kingdom	296.75	595.00						595.00
							1,487.00				1,487.00
Total											2,082.00
Michael J. Ward	11/3	11/13	England	448.87	900.00						900.00
	11/13	11/19	France	2,269.50	534.00						534.00
	11/19	11/22	Germany	487.05	255.00						255.00
							1,680.70				1,680.70
Total											3,369.70
Hon. Lionel Van Deerlin	11/10	11/12	Taiwan	5,392.50	150.00						150.00
	11/12	11/18	Japan	126,870	672.00						672.00
	11/18	11/20	Hong Kong	717.00	150.00						150.00
	11/20	11/22	South Korea	72,000	150.00						150.00
Military transport.											
Total											1,122.00
Committee total					8,159.00		9,029.43				17,188.43

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Jan. 31, 1979.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

	Date			Per diem[1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency
Hammerschmidt, John Paul	12/6	12/7	England	129.77	225.00		1,459.00			129.77	1,684.00
Committee total					225.00		1,459.00				1,684.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HAROLD T. JOHNSON, Chairman.

Jan. 30, 1979

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 27 AND DEC. 31, 1978

	Date			Per diem[1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Maxwell		11/4	United States				787.50				787.50
	11/5	11/12	Brazil	10,942.40	560.00					10,942.40	560.00
	11/13		United States				787.50				787.50
Wells		11/17	United States		50.00		1,057.50		20.00		1,127.50
	11/19	11/25	India	4,998.00	600.00	482.00	57.86		13.50	5,480.00	671.36
	11/27		United States				1,057.50				1,057.50
Wydler		11/9 and 11/11	United States		130.19		2,913.50		22.00		3,065.69
	11/12	11/18	Japan	146,132	784.00	14,800	79.57			160,932	863.57
	11/18	11/21	Philippines	1,658.25	225.00		45.97			1,658.25	270.97
	11/21		United States				2,902.50				2,902.50
Goldwater, Jr		11/9 and 11/11	United States		121.61		2,860.50				2,982.11
	11/12	11/18	Japan	146,132	784.00	14,800	79.57		45.97	160,932	909.54
	11/18	11/20	Hong Kong	717	150.00					717	150.00
	11/20	1/22	Korea	72,000	150.00					72,000	150.00
	11/22		United States				2,860.50		233.93		3,094.43
Dugan		11/9 and 11/11	United States		102.44		2,860.50				2,962.94
	11/12	11/18	Japan	146,132	784.00	14,800	79.57		45.97	160,932	909.54
	11/18	11/21	Philippines	1,658.25	225.00					1,658.25	225.00
	11/21		United States				2,860.50				2,860.50
Ketcham		11/9 and 11/11	United States		103.44		2,860.50				2,963.94
	11/12	11/18	Japan	146,132	784.00	14,800	79.57		45.97	160,932	909.54
	11/18	11/21	Philippines	1,658.25	225.00					1,658.25	225.00
	11/21		United States				2,860.50				2,860.50
Wilson		11/9 and 11/11	United States		125.64		2,860.50				2,986 14
	11/12	11/18	Japan	146,132	784.00	14,800	79.57		45.97	160,932	909.54
	11/18	11/21	Philippines	1,658.25	225.00					1,658.25	225.00
	11/21		United States				2,860.50				2,860.50
Scheuer		11/11	United States				3,511.72				3,511.72
	11/11	11/12	Japan	20,876	112.00					20,876	112.00
	11/12	11/24	China	121.97	900.00					121.97	900.00
	11/24	11/25	Hongkong	361.90	150.00	244.26	50.57			606.16	200.57
	11/25		United States				3,511.72				3,511.72
Byerly		11/11	United States		50.00		1,100.50		7.00		1,157.50
	11/12	11/19	Japan	146,132	784.00					146,132	784.00
	11/19		United States				1,100.50		0.20		1,110.70
Kramer		11/30	United States				503.50				503.50
	11/30	12/7	Chile	17,730.00	525.00					71,703.00	525.00
	12/8		United States				503.50				503.50
Fuqua		12/5	United States				410.00				410.00
	12/6	12/8	England	86.51	170.00					86.51	170.00
	12/8	12/9	France	391.60	89.00					391.60	89.00
	12/9	12/11	Germany	439.30	230.00					439.30	230.00
	12/11	12/13	Italy	126,750	150.00					126,750	150.00
	12/13		United States				411.00				411.00
Wilson		12/1	United States				455.60		9.86		465.46
	12/2	12/8	England	972.80	335.25	39.00	78.00		241.82	211.80	655.07
	12/8	12/9	France	1,174.80	267.00					1,174.80	267.00
	12/9	12/11	Italy								
	12/11	12/11	Germany	129.88	68.00					129.88	68.00
	12/11	12/15	Italy								
	12/15		United States				455.60		5.95		461.55
Rudd		12/9	United States				244.09				244.09
	12/9	12/15	Mexico	11,891.25	525.00					11,891.25	525.00
	12/15		United States				244.10				244.10
Turner		12/9	United States				239.00				239.00
	12/9	12/15	Mexico	11,891.25	525.00					11,891.25	525.00
	12/15		United States				239.00		18.00		257.00
Committee total					11,793.57		45,950.08		766.14		58,509.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman.

Feb. 1, 1979.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Congressman Glenn English	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,595.11	853	320.00	167.00	729.20	383.79	2,644.31	1,403.89
Congressman Billy Lee Evans	11/13	11/22	Germany	1,158.08	616					1,158.08	616.00
Congressman Benjamin A. Gilman	11/10	11/12	Belgium	5,930.80	202					5,930.80	202.00
	11/12	11/14	Germany	323.51	173					323.51	173.00
	11/16	11/17	Germany	158.95	85					158.95	85.00
	11/19	11/22	Germany	570.35	305					570.35	305.00
Daniel A. Stein	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,595.11	853					1,595.11	853.00
David Pickens	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,595.11	853					1,595.11	853.00
Dr. James McDonald	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,595.11	853					1,595.11	853.00
William G. Lawrence	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,595.11	853					1,595.11	853.00
Elliott A. Brown	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/22	Germany	1,535.27	821					1,535.27	821.00
Andrew D. Duskie	11/10	11/12	Belgium	6,518.00	222					6,518.00	222.00
	11/12	11/16	Germany	794.75	425					794.75	425.00
William G. Lawrence	11/28	12/2	Mexico	6,780.00	300					6,780.00	300.00
Alma E. Bachrach	11/28	12/2	Mexico	6,780.00	300					6,780.00	300.00
Elliott A. Brown	11/28	12/2	Mexico	6,780.00	300					6,780.00	300.00
John W. Peploe	11/28	12/2	Mexico	6,780.00	300					6,780.00	300.00
Committee totals					9,646		167.10		983.79		10,196.89

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

Note: DOD transportation costs chargeable to the Select Committee were: Germany: $5,487.73 (9 personnel); Mexico: $1,027.00 (4 personnel).

LESTER L. WOLFF,
Chairman.

Feb. 1, 1979.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 27 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Phillip Burton	11/19	11/24	United Kingdom	227.27	450					45	
	11/24	11/30	Portugal	20,700	450		714.00			1,164	
Jack Brooks	11/19	11/24	United Kingdom	227.27	450					450	
	11/24	11/30	Portugal	20,700	450		714.00			1,164	
Frank Annunzio	11/27	11/30	Portugal	13,800	300		335.00			635	
Charles Rose	11/19	11/24	United Kingdom	227.27	450					450	
	11/24	11/30	Portugal	20,700	450		714.00			1,164	
Bob Wilson	11/26	11/30	Portugal	10,350	225		525.00			750	
Paul Findley	11/19	11/24	United Kingdom	227.27	450					450	
	11/24	11/30	Portugal	20,700	450		714.00			1,164	
					(ret.) 65						
Wm Whitehurst	11/26	11/30	Escudo	10,350	225		525.00			685	
Bob Eckhardt	11/20	11/24	United Kingdom	181.81	360					360	
	11/24	11/30	Portugal	20,700	450		386.00			836	
Dawson Mathis	11/19	11/24	United Kingdom	227.27	450					450	
	11/24	11/30	Portugal	20,700	450		714.00			1,164	
John Jenrette	11/26	11/30	Portugal	17,250	375		335.00			710	
Rober Garcia	11/21	11/24	United Kingdom	136.36	270					270	
	11/24	11/30	Portugal	20,700	450		1,078.00			1,528	
Elliott Levitas	11/19	11/24	United Kingdom	227.27	450						450.00
	11/24	11/30	Portugal	20,700	450		465.00				915.00
Ed Derwinski	11/26	11/30	Portugal	17,250	375		598.52				973.52
Pete Abbruzzese	11/19	11/24	United Kingdom	227.27	450						450.00
	11/24	11/30	Portugal	20,700	450		714.00				1,164.00
Sharon Matts	11/19	11/24	United Kingdom	227.27	450						450.00
	11/24	11/30	Portugal	20,700	450		714.00				1,164.00
Wanda Yamane	11/19	11/24	United Kingdom	227.27	450						450.00
	11/24	11/30	Portugal	20,700	450		714.00				1,164.00
Delegation Expenses									903.31		
Committee total					11,065		9,959.52		903.31		21,937.8

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

PHILLIP BURTON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DONNALD K. ANDERSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Donnald K. Anderson	11/11	11/13	Republic of China	5,392.50	150					5,392.50	150
	11/13	11/18	Japan	105,725	560					105,725	560
	11/18	11/20	Hong Kong	717	150					717	150
	11/20	11/22	Korea	72,000	150					72,000	150
Committee total					1,010						1,010

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONNALD K. ANDERSON.

Dec. 15, 1978.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOHN E. BARRIERE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 23 AND DEC. 31, 1978

	Date			Per diem[1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John E. Barriere	10/23	11/7	Canada	1,410.58	1,200					1,410.58	1,200
Committee total					1,200						1,200

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Jan. 22, 1979.

JOHN E. BARRIERE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CHRISTINE E. SULLIVAN, U.S. HOUSE OF REPRESENTATIVES EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1978

	Date			Per diem[1]		Transportation		Other purposes		Total	
Name of Member or employee	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Christine E. Sullivan	11/9	11/11	United States		50						150
	11/12	11/18	Japan		100						700
	11/18	11/21	Philippines		75						225
Committee total											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Dec. 18, 1978.

CHRISTINE E. SULLIVAN.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

723. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Saudi Arabia for permission to transfer certain U.S.-origin defense equipment and services to the Government of the Yemen Arab Republic, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

724. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed manufacturing license agreement for the manufacture of certain military equipment in Switzerland (MC-15-79), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

725. A letter from the Director, International Communication Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. International Communication Agency for fiscal years 1980 and 1981; to the Committee on Foreign Affairs.

726. A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

727. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the Office's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

728. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Energy Reorganization Act of 1974, as amended, to provide for the statutory creation of the Office of Inspection and Enforcement of the Nuclear Regulatory Commission; to the Committee on Interior and Insular Affairs.

729. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

730. A letter from the Secretary, Foundation of the Federal Bar Association, transmitting the audit report of the Foundation for the fiscal year ended September 30, 1978, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

731. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to provide for the protection from unauthorized disclosure of safeguards information and for other purposes; jointly, to the Committees on Armed Services, Interior and Insular Affairs, and Interstate and Foreign Commerce.

732. A letter from the Secretary of Labor, transmitting the annual report for calendar year 1977 on the administration of the Employee Retirement Income Security Act of 1974, pursuant to section 513(b) of the act; jointly, to the Committees on Education and Labor, and Ways and Means.

733. A letter from the Comptroller General of the United States, transmitting a report on the U.S. sugar industry (CED-79-21, February 26, 1979); jointly to the Committees on Government Operations, Agriculture, and Ways and Means.

734. A letter from the Secretary of Energy, transmitting drafts of proposed legislation to provide for the timely management of the spent fuel from nuclear reactors, and to provide for the licensing of Department of Energy facilities primarily used for the receipt and storage of commercial spent fuel; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 2439. A bill to rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96-46), transmitted pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. ANDERSON of California:

H.R. 2440. A bill to repeal the prohibition against the expenditure of certain discretionary funds under the Airport and Airway Development Act of 1970; to the Committee on Public Works and Transportation.

By Mr. ANDERSON of California (for himself, Mr. JOHNSON of California, Mr. HARSHA, Mr. ROE, Mr. LEVITAS, Mrs. BOUQUARD, Mr. CLAUSEN, Mr. FARY, Mr. SNYDER, Mr. YOUNG of Missouri, Mr. SOLOMON, Mr. RAHALL, Mr. APPLEGATE, Ms. FERRARO, Mr. BONER of Tennessee, Mr. HEFNER, Mr. MINETA, Mr. AMBRO, and Mr. ERTEL):

H.R. 2441. A bill to amend the Federal Aviation Act of 1958, relating to aircraft piracy, to provide a method for combating terrorism, and for other purposes; jointly, to the Committees on Public Works and Transportation, the Judiciary, and Foreign Affairs.

By Mr. ASHBROOK:

H.R. 2442. A bill to amend the National Labor Relations Act to exclude illegal aliens from coverage under the act; to the Committee on Education and Labor.

By Mr. BIAGGI:

H.R. 2443. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. BROOKS (for himself, Mr. FASCELL, Mr. ST GERMAIN, Mrs. COLLINS of Illinois, Mr. PREYER, Mr. DRINAN, Mr. ENGLISH, Mr. FITHIAN, Mr. MATSUI, Mr. PERKINS, Mr. THOMPSON, Mr. DAVIS of South Carolina, Mr. AKAKA, Mr. BALDUS, Mr. BEDELL, Mr. BLANCHARD, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BONKER, Mr. BOWEN, Mr. BRODHEAD, Mr. BUCHANAN, Mr. CARR, Mr. CAVANAUGH, Mr.

Corcoran, Mr. Corman, Mr. Corrada, Mr. Daschle, Mr. Derrick, Mr. Dixon, Mr. Dodd, Mr. Edgar, Mr. Fazio, Mr. Foley, Mr. Ford of Tennessee, Mr. Ginn, Mr. Gore, Mr. Gudger, Mr. Harris, Mr. Heftel, Mr. Holland, Mr. Jenkins, Mr. Jenrette, Mr. Jones of Tennessee, Mr. Kildee, Mr. Kogovsek, Mr. Lowry, Mr. McCormack, Mr. Markey, Mr. Marriott, Mr. Mikva, Mr. Neal, Mr. Nolan, Mr. Patterson, Mr. Pritchard, Mr. Quillen, Mr. Rahall, Mr. Ratchford, Mr. Rose, Mr. Shannon, Mr. Smith of Iowa, Mrs. Spellman, Mr. Stump, Mr. Swift, Mr. Traxler, Mr. Udall, Mr. Ullman, Mr. Vento, Mr. Weaver, Mr. Whitley, Mr. Wirth, Mr. Wolpe, and Mr. Young of Alaska):

H.R. 2444. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. CARTER:

H.R. 2445. A bill to amend the Social Security Act to encourage philanthropic support for nonprofit hospitals; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 2446. A bill to amend section 21 of the Second Liberty Bond Act to require the President to submit an alternative balanced budget whenever the regular budget would result in an increase in the public debt limit or a deficit, to require the budget to identify revenue increases attributable to inflation, and for other purposes; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. DRINAN (for himself, Mr. Reuss, and Mr. Bedell):

H.R. 2447. A bill to provide additional assistance to small business concerns in acquiring procurement information and contracts from the United States; jointly, to the Committees on Small Business and Government Operations.

By Mr. ERLENBORN (for himself, Mr. Breaux, Mr. Buchanan, Mr. Edwards of Alabama, Mr. Lott, Mr. Rose, and Mr. Treen):

H.R. 2448. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act; to the Committee on Education and Labor.

By Mr. FAZIO:

H.R. 2449. A bill to authorize and direct the Secretary of the Department of Health, Education, and Welfare to convey certain lands to D-Q University in fee simple absolute; to the Committee on Education and Labor.

By Mr. FLORIO:

H.R. 2450. A bill to amend title 4 of the United States Code to restrict the authority of any State or political subdivision to impose any income tax on any compensation paid to any individual who is not a domiciliary or resident of such State or political subdivision; to the Committee on the Judiciary.

H.R. 2451. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include ambulance, first-aid, and rescue squad members as public safety officers eligible to receive certain benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 2452. A bill to amend section 3012 of title 38, United States Code, to extend to 120 days the period between notice of, and the effective date for, the reduction or discontinuance of compensation, dependency and indemnity compensation or pension; to the Committee on Veterans' Affairs.

H.R. 2453. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to reimburse licensed pharmacists for the cost of drugs furnished by such pharmacists to veterans in accordance with a prescription provided by a Veterans' Administration physician; to the Committee on Veterans' Affairs.

H.R. 2454. A bill to amend title 38 of the United States Code to require that veterans receiving care from the Veterans' Administration for nonservice connected disabilities be charged for such care to the extent that they have health insurance or similar contracts or rights with respect to such care, or have entitlement to private medical care under workers' compensation or automobile accident reparation statutes of any State, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2455. A bill to amend title 3 United States Code, to increase the allowance payable on behalf of dependents of certain service connected disabled veterans; to the Committee on Veterans' Affairs.

H.R. 2456. A bill to require that Federal agencies publish certain statements during the rulemaking process, and for other purposes; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 2457. A bill to repeal the provisions of title 23 of the United States Code requiring a national maximum speed limit of 55 miles per hour; to the Committee on Public Works and Transportation.

By Mr. JOHNSON of California (for himself, Mr. Harsha, Mrs. Bouquard, and Mr. Fary):

H.R. 2458. A bill to provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JONES of Oklahoma (for himself, Mr. Vander Jagt, and Mr. Hagedorn):

H.R. 2459. A bill to amend the Internal Revenue Code to change the period for the payment of certain taxes; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 2460. A bill to amend the Small Business Investment Act of 1958 to authorize the Small Business Administration to guarantee payment of principal and interest on, debentures issued by any State or local development company, and to finance the purchase of such debentures through the Federal Finance Bank; to the Committee on Small Business.

By Mr. MAGUIRE (for himself and Mr. Waxman):

H.R. 2461. A bill to strengthen and improve the early and periodic screening, diagnosis, and treatment program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Ashley, Mr. Dingell, Mr. Jones of North Carolina, Mr. Biaggi, Mr. Anderson of California, Mr. de la Garza, Mr. Breaux, Mr. Studds, Mr. Bowen, Mr. Hubbard, Mr. Bonker, Mr. D'Amours, Mr. Oberstar, Mr. Hughes, Ms. Mikulski, Mr. Akaka, Mr. Myers of Pennsylvania, Mr. Wyatt, Mr. Lowry, Mr. Hutto, Mr. Donnelly, Mr. Snyder, Mr. Young of Alaska, Mr. Bauman, Mr. Emery, and Mr. Trible):

H.R. 2462. A bill to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PANETTA:

H.R. 2463. A bill to authorize pay and benefits for members and survivors of members of the Philippine Scouts on the same basis as such pay and benefits are authorized for other members of the Armed Forces and their survivors; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 2464. A bill to amend title II of the Social Security Act to make it clear that an individual who loses his or her entitlement to child's insurance benefits by reason of marriage may again become entitled to such benefits if divorced (while still otherwise entitled) before attaining age 22; to the Committee on Ways and Means.

By Mr. PREYER (for himself and Mr. Goldwater):

H.R. 2465. A bill to protect the privacy of individuals from governmental and nongovernmental intrusion, and for other purposes; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Education and Labor, Government Operations, Interstate and Foreign Commerce, the Judiciary, and Ways and Means.

By Mr. QUILLEN:

H.R. 2466. A bill to amend title II of the Social Security Act to provide that widow's insurance benefits shall be payable at age 50, without actuarial reduction and without regard to disability; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 2467. A bill to require that from one-half to 1 percent of any funds appropriated for the construction of certain public buildings be used for artwork for such buildings, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 2468. A bill to provide for the installation of telecommunications devices for the deaf in agencies of Federal, State, and local governments, in offices of Members of Congress, and in other locations; jointly, to the Committees on Government Operations, and House Administration.

By Mr. STARK:

H.R. 2469. A bill to amend title XX of the Social Security Act to increase the entitlement ceiling while preserving permanently the special allocation for child day care services (with full Federal matching) which is presently in effect; to the Committee on Ways and Means.

By Mr. TREEN (for himself, Mr. Breaux, and Mr. Livingston):

H.R. 2470. A bill to establish the Saint Charles Swamp National Wildlife Refuge in Louisiana; jointly, to the Committees on Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. VANIK:

H.R. 2471. A bill to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 2472. A bill to amend chapter 55 of title 10, United States Code, to allow certain former spouses of members of the uniformed services to receive medical and dental benefits under such chapter, and for other purposes; to the Committee on Armed Services.

H.R. 2473. A bill to amend part D of title IV of the Social Security Act to give the consent of the United States to certain additional garnishment proceedings so as to assist spouses and former spouses of Federal employees in obtaining court-ordered payments; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina:

H.J. Res. 230. Joint resolution authorizing and requesting the President to proclaim July 4 of each year as "Independence Day"; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.J. Res. 231. Joint resolution designating July 8, 1979, as "Parents' Day"; to the Committee on Post Office and Civil Service.

By Mr. ZEFERETTI:

H. Con. Res. 61. Concurrent resolution concerning the people of Ireland; to the Committee on Foreign Affairs.

By Mr. BROOKS:

H. Res. 140. A resolution to provide for the expenses of investigations, studies, oversight, and functions to be conducted by the Committee on Government Operations; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

44. By the SPEAKER: Memorial of the Legislature of the State of Florida, requesting that Congress call a convention for the sole purpose of considering an amendment to the Constitution of the United States to prohibit the incurrence of national debt except in emergencies; to the Committee on the Judiciary.

45. Also, memorial of the Legislature of the State of South Dakota, requesting that Congress propose, or call a convention for the specific and exclusive purpose of proposing, an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by Congress for any fiscal year not exceed the total of all estimated Federal revenues for that fiscal year; to the Committee on the Judiciary.

46. Also, memorial of the Legislature of the State of Idaho, relative to the domestic sugar industry; jointly, to the Committees on Agriculture, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HANLEY:

H.R. 2474. A bill for the relief of Gerald Levine; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 2475. A bill for the relief of Isaac David Cosson; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 2476. A bill for the relief of Mrs. Frances Parker; to the Committee on the Judiciary.

H.R. 2477. A bill for the relief of Jesus Reveles y Rivera; to the Committee on the Judiciary.

By Mrs. SPELLMAN:

H.R. 2478. A bill for the relief of Dana D. Browdy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 333: Mr. Broyhill, Mr. Chappell, Mr. Jeffords, Mr. Pritchard, Mr. Duncan of Tennessee, Mr. Conyers, Mr. Collins of Texas, Mr. Vento, Mr. Pickle, Mr. McCloskey, Mr. Whitehurst, Mr. Walker, Mr. Lederer, Mr. Long of Maryland, Mr. Cotter, Mr. Rodino, Mr. Lagomarsino, Mr. Edwards of California, Mr. Price, Mr. Gudger, Mr. Evans of Indiana, Mr. Montgomery, Mr. Roberts, Mr. Buchanan, Mr. Cleveland, Mr. Sawyer, Mr. Walgren, Mr. Preyer, Mr. Mineta, Mr. Mathis, Mr. Yatron, and Mr. Gephardt.

H.R. 556: Mr. Hance.

H.R. 596: Mr. Barnard, Mr. Davis of Michigan, Mr. Leach of Louisiana, Mr. Marlenee, Mr. Railsback, Mr. Solomon, Mr. Williams of Ohio, Mr. Gaydos, and Mr. Rahall.

H.R. 601: Mr. Erlenborn, Mr. Edwards of Oklahoma, Mr. Shumway, and Mr. Leach of Louisiana.

H.R. 739: Mr. Abdnor, Mr. Derwinski, Mr. McDonald, Mr. Bevill, Mr. Jeffries, and Mr. Edwards of Oklahoma.

H.R. 1460: Mr. Evans of the Virgin Islands, Mr. Leach of Louisiana, Mr. Edgar, and Mr. Gilman.

H.R. 1539: Mr. Barnard, Mr. Benjamin, Mr. Bowen, Mr. Brodhead, Mr. Downey, Mr. Edwards of California, Mr. Evans of Indiana, Mr. Giaimo, Mr. Gilman, Mr. Jacobs, Mr. Jenrette, Mr. Lehman, Mr. Lott, Mr. Mavroules, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Nowak, Mr. Patterson, Mr. Preyer, Mr. Richmond, Mr. Roe, Mr. Rousselot, Mr. Thompson, Mr. Volkmer, and Mr. Derrick.

H.R. 2119: Mr. McClory, and Mr. Kindness.

H.J. Res. 33: Mr. Abdnor, Mr. Ambro, Mr. Badham, Mrs. Bouquard, Mr. Brinkley, Mr. Campbell, Mr. Cleveland, Mr. Coelho, Mr. Coleman, Mr. D'Amours, Mr. Donnelly, Mr. Duncan of Tennessee, Mr. Ertel, Mr. Evans of Indiana, Mr. Gingrich, Mr. Ginn, Mr. Gudger, Mrs. Holt, Mr. Hubbard, Mr. Huckaby, Mr. Kindness, Mr. Lagomarsino, Mr. Leach of Louisiana, Mr. Lee, Mr. Lott, Mr. McCloskey, Mr. Mathis, Mr. Montgomery, Mr. Murphy of Pennsylvania, Mr. Natcher, Mr. Nichols, Mr. Nolan, Mr. Panetta, Mr. Rousselot, Mrs. Schroeder, Mr. Simon, Mr. Snyder, Mr. Whitley, Mr. Charles Wilson of Texas, and Mr. Winn.

H. Con. Res. 15: Mr. Coelho, Mr. Richmond, Mr. Taylor, Mr. Lehman, Mr. Pritchard, Mr. Barnard, Mr. McCloskey, Mr. Evans of Indiana, Mr. Winn, Mr. Fish, Mr. McCormack, Mr. Carney, Mr. Patten, Mr. Nolan, Mr. Jones of Oklahoma, Mr. AuCoin, Mr. Weiss, Mr. Mazzoli, Mr. Roe, Mr. Derwinski, Mr. Moakley, Mr. Green, Mr. Rahall, Mr. O'Brien, Mr. Mitchell of Maryland, Mr. Oberstar, Mr. Akaka, Mr. Sensenbrenner, Mr. Kindness, Mr. Levitas, Mr. Williams of Montana, Mr. Duncan of Tennessee, Mr. Myers of Indiana, Mr. Corcoran, Mr. Buchanan, Mr. Drinan, Mr. Lott, Mr. Lee, Mr. Robinson, Mr. Kildee, Mr. Sabo, Mr. Coleman, Mr. Scheuer, Mr. Bereuter, Mr. Downey, Mr. Ottinger, Mr. Rhodes, Mr. Baldus, Mr. Mavroules, Mr. Long of Louisiana, Mr. Studds, Mr. Panetta, Mrs. Schroeder, Mr. Bob Wilson, Ms. Mikulski, Mr. Neal, Mr. Dougherty, Mr. Bedell, Mr. Regula, Mr. Lundine, Mr. Wolff, Mr. Maguire, Mr. Corman, Mr. Dornan, Mr. Grisham, Mr. Gilman, Mr. Vento, Mr. Davis of Michigan, Mr. Corrada, Mrs. Snowe, Mr. Montgomery, Mr. Tauke, Mr. Wolpe, Mr. Harkin, Mr. Donnelly, Mr. Hughes, Mr. Madigan, Mr. Edwards of Oklahoma, Ms. Oakar, Mr. Charles Wilson of Texas, Mr. Rangel, Mr. Rodino, Mr. Watkins, and Mr. Weaver.

PETITIONS, ETC.

Under clause 1 of the XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

64. By the SPEAKER: Petition of the Oregon Republican State Central Committee, Portland, relative to Federal financing of congressional elections; to the Committee on House Administration.

65. Also, petition of the Board of Directors of the Sierra Club, San Francisco, Calif., relative to solar energy; jointly, to the Committees on Banking, Finance and Urban Affairs, Science and Technology, and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1894

By Mr. BAUMAN:

On page 2, line 21, insert the following new section:

"Sec. 5. Further amendments to the Second Liberty Bond Act (31 U.S.C. 757b) for the purpose of increasing the public debt limit shall not be considered in either the House of Representatives or the Senate preceding the enactment into law of an act requiring the achievement of a balanced Federal budget and establishing a method for achieving such a balanced Federal budget."

EXTENSIONS OF REMARKS

NEWLY APPOINTED CITY MANAGERS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. DELLUMS. Mr. Speaker, professional management of our Nation's cities is more crucial today than in the past, because of the myriad of urban problems we face. Due to the dedication of these appointed administrators, city problems are being tackled and solved.

The International City Management Association, the educational and professional organization of city managers, is holding a reception March 3 in Washington to honor 30 recently appointed minority managers from around the country.

Through its 5-year-old minority executive placement program (MEPP) and its director, Michael C. Rogers, the association has been instrumental in matching qualified minority managers/administrators with openings in city governments around the United States. Since its inception in 1974, the program has aided more than 500 minorities and women to rise in their chosen profession of urban management. There has been an 80 percent increase of minority managers since that time.

Elijah B. Rogers, the new city administrator for Washington, D.C., is the chairman of the association's MEPP advisory board and has been an active participant in association work for many years. He is being honored at the March 3 reception along with minority managers from 13 States.

It is encouraging to know that there is a concerted effort on the part of forward-looking public interest groups to place qualified minorities in positions of

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

responsibility in local government administration. The International City Management Association and its executive director, Mark Keane, should be proud of being the forerunner in this endeavor.

I think it appropriate that we recognize the newly appointed managers here and wish them well in their task of helping our cities run better, thus insuring a brighter future for all citizens:

HONOREES

Arizona: Arturo de la Cerda, Winslow; Robert L. Williams, Bisbee.

California: D. Courtemarche, Seal Beach; Clifford Graves, San Diego; Stanley H. Hall, Seaside; Judy Kelsey, Eureka; Lloyd de Llamas, Monterey Park.

District of Columbia: Elijah B. Rogers Washington, D.C.

Florida: Ronald Davis, Riviera Beach.

Georgia: Arthur Cumming, Atlanta.

Illinois: Robert Andrews, Robbins; Eddie L. Carter, Maywood; Harlan D. Mayberry, Park Forest South.

Louisiana: Raynard Rochon, New Orleans.

Michigan: Robert Bobb, Kalamazoo; Pompia L. Durrill, Muskegon Heights; Melvin Farmer, Jr., Benton Harbor; Sylvester Murray, Ann Arbor.

New Jersey: Milton Buck, Newark.

New Mexico: James C. Jaramillo, Albuquerque; Sal Morales, Jr., Silver City; Bob Pineda, Santa Fe.

North Carolina: Richard Knight, Carrboro; Raymond Shipman, Chapel Hill.

Ohio: Robert Fisher, Canton; Frank Wise, East Cleveland.

Texas: Richard Castro, Del Rio; Ralph Garca, Edinburg; Martin Garcia, Pearsall; Roberto Gonzalez, Eagle Pass; Gavino Sotelo, Kingsville; Roel Voladez, Alice.

Virginia: Manuel Deese, Richmond; Alfred E. Smith, Surry.●

ALASKA LANDS BILL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ANDERSON of Illinois. Mr. Speaker, I am delighted to join so many Members of the House as an original cosponsor of H.R. 39, the Alaska National Interest Lands Conservation Act of 1979.

After the 95th Congress adjourned without enacting a strong Alaska lands bill, it was imperative that the lands under consideration be protected by Presidential action. I want to commend President Carter and both Secretary Andrus and Secretary Bergland, for their historic actions during that period. By proclaiming national monuments covering 56 million acres of the park, refuge and forest land the House had approved for protection in H.R. 39 last May, the President removed the threat of interim development or of interminable legal hassles over the status of these lands. The additional areas withdrawn by the Secretaries of the Interior and of Agriculture under provisions of the 1976 Federal Land Policy and Management Act also serve to protect the options for ultimate congressional decision.

The record will show that from the outset this has been a bipartisan issue. Presidents and Cabinet officers in administrations of both political parties have worked to develop the basic land protection proposals. The cooperation within the Congress has been complete, and the rollcall votes we took last year demonstrated the overwhelming and completely bipartisan support for a strong Alaska lands bill. Now, in response to calls from Members of Congress from both parties, the President has taken decisive and historic action to protect these lands so that Congress can complete its job without haste and not under the threat of impending development on these lands.

Mr. Speaker, I enthusiastically support this legislation and intend to do all I can to see it enacted in its strong, expansive form.●

ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. HUGHES. Mr. Speaker, the date, February 24, 1979, signifies hope and inspiration for the courageous people of Estonia, who today are subjugated under the yoke of Soviet oppression. It was 61 years ago that the Estonians first cast aside their history of foreign domination, and declared themselves to be an independent, autonomous republic.

The struggle for independence was a long and hard battle. Immediately after independence was declared, the Republic of Estonia was overrun by the German Army, which occupied Estonian territory until the armistice was finalized in November of 1918.

The battle for liberty continued, as the provisional government was forced to defend itself from the Bolshevik army, which attacked Estonian soil to impose Communist tenets upon the newly liberated people. The Estonans adopted the motto, "No compromise with the Communists," and aided by financial support and volunteer forces from England, Finland, Sweden, and Denmark, rallied to overcome the Soviet threat.

The Estonian efforts were rewarded when, in 1920, the Soviet Union forever renounced all rights over the Estonian territory and its inhabitants. For the next 20 years, the Republic of Estonia thrived, developing a rich national culture, and economically prospering.

But this freedom was shortlived. Violating the Peace Treaty of 1920, the Soviets signed the Molotov-Ribbentrop Pact, which again condemned Estonia, along with its Baltic neighbors, Latvia and Lithuania, to the Soviet sphere of influence. In 1940, the Soviet Union forcibly annexed Estonian territory, and subjugated its inhabitants.

The Estonian economy, which blossomed during the years of political freedom, now suffers from the Russian nationalization of all private property. Russification threatens Estonian culture, heritage, and language. Fundamental freedoms have virtually been abolished, human rights violations are rampant, and dissidence is punished by arrest, deportation, and execution.

But the Estonians still refuse to succumb to Russian tyranny and oppression. In the spirit of their first struggle for independence, the Estonian youth continue to resist subjugation, through their demonstrations and appeals to the free world. With each Soviet attempt to quell the thirst for freedom, Estonian nationalism continues to grow even stronger.

In an effort to support the virtuous people of Estonia, the United States does not recognize the annexation of the Republic of Estonia by the U.S.S.R. In accordance with America's quest for the inalienability of human rights throughout the world, I urge the Soviet Union to comply with the Helsinki accords, and to grant the people of Estonia their basic individual liberties and human rights.

The brave people of Estonia deserve international recognition today for their never ending struggle for liberty and freedom from Soviet control. I join them in their hope that some day, their quest for independence will be ended, and the Republic of Estonia will once again take its place among the free nations of the world.●

DR. EDWIN H. ALBANO

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. MINISH. Mr. Speaker, at this time I would like to pay tribute to a man whose life has been spent in dedicated service to his fellow men. I am referring to Dr. Edwin H. Albano, who retired this month as the State of New Jersey's chief medical examiner.

Although he is now officially retired, it is typical of Dr. Albano's commitment to the public that he will continue to serve the people of New Jersey as an unpaid consultant.

Dr. Albano was born in Harrison and raised in Newark, N.J. He has been a lifelong resident of the Garden State. He graduated from Barringer High School in Newark and played the clarinet and violin to finance his medical education at New York University and Bellevue Medical College in New York. Dr. Albano served his internship at Newark Memorial Hospital.

He served for 20 years in the Essex County medical examiners office before becoming New Jersey's first State medical examiner 10 years ago. He will continue to hold his seat on the State board of medical examiners, the regulatory agency that governs New Jersey doctors' practice. Dr. Albano is president of the board.

Mr. Speaker, it is not often enough that we in Congress have the privilege of paying tribute to people like Dr. Edwin H. Albano. It is truly my pleasure to make his accomplishments known to all of my colleagues. Dr. Albano has dedicated his life to the service of his fellow men. He has set an example, not only for others of his profession, but also for all of us to follow.

At this time, I would like to include in the RECORD, an editorial about Dr. Albano that appeared in a recent edition of the Newark Star Ledger:

PHYSICIAN-HUMANIST

For Edwin H. Albano, the practice of medicine has been an avocation as well as a vocation, an unremitting commitment to a profession he has served without a vacation break throughout a long and distinguished career of public service.

A pathologist virtually from the time he graduated from medical school, Dr. Albano became a respected authority in forensic medicine. It was a specialty virtually preordained for a young physician strongly influenced by a revered mentor, the late Dr. Harrison S. Martland, regarded as one of the most accomplished pathologists of his time.

It was a foregone fact that Dr. Albano would succeed his percursor as Essex County medical examiner. And it was only a matter of time before his dogged determination would result in enabling legislation to create a state office of medical examiner.

Naturally, it followed that Dr. Albano would be the most eminently qualified to fill this important post, an agency instrumental in correcting the critical flaws of an antiquated coroner system.

But beyond Dr. Albano's professional eminence, he has been a person of unfailing kindness and compassion. His availability as a friend and physician is legendary in Essex County. He is known as a "doctor's doctor" . . . a lawyer's doctor . . . a judge's doctor . . . a politician's doctor, all professions related to his public service. In actual fact, he was a general practitioner to the man on the street.

Dr. Albano reached the mandatory retirement age of 70 last year, but he was given a year's extension by the attorney general. He officially retired this month, taking with him a personal sense of fulfillment shared by few others . . . and the gratitude of those who have known him as a doctor and a friend.●

TRIBUTE TO TONY GARCIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. LAGOMARSINO. Mr. Speaker, today I would like to pay tribute to Tony Garcia, of Ventura, Calif., secretary-business agent for the Ventura-Santa Barbara Local 4 of the International Longshoremen and Warehousemen's Union for the past 23 years. In recent years, he has also been the local's dispatcher and welfare officer and also served on the committee that helped settle the longest dock strike in west coast history.

Mr. Garcia is a sixth generation Ventura County native, a respected and admired American who for the past 35 years has been a member of the ILWU. There are many reasons why Mr. Garcia is well liked by those who come in contact with him—his rich sense of humor, his down-to-earth manner, his leadership qualities, to name a few. He is a rare combination of a man who possesses the qualities of leadership, friendship, and courage.

Mr. Garcia started working on the docks as a member of the ILWU as a hold man in 1942. World War II was in its early stages, manpower was in short supply, and the longshoremen were an essential part of the war effort. At the height of World War II the small port of Hueneme was teeming with ships and 1,600 longshoremen. Cargo from the port was loaded into ships under the flags of various allied nations for the war effort. In less than 2 years Mr. Garcia had earned a seat on the executive commitee of the local union.

In 1948, Mr. Garcia was severely burned in a home fire accident, and while he was recovering he studied past ILWU contracts and arbitrations, eventually gaining what many of his coworkers saw as an encyclopedic knowledge of union agreements.

In 1956, Mr. Garcia was chosen the winner in a three man race for the union secretary-business agent's position, and he has held the office for 23 of the last 24 years. He was only out of office for 1 year in 1966.

His duties included everything from dispatching men to their jobs and making sure that working conditions were proper. Mr. Garcia was often called to serve on committees to work out problems between the union and the Pacific Maritime Association.

Because of Mr. Garcia's leadership and courage he was chosen to represent the west coast small ports, which include San Diego, Hueneme, Long Beach, and Sacramento, in the 1971–72 134 day shipping strike negotiations. As further evidence of Mr. Garcia's leadership qualities his union sent him to Europe in its' overseas delegate program, established to encourage communication among working people.

Mr. Speaker, the Longshoremen and Warehousemen of Local 46, the Port of Hueneme, and the people of Ventura County owe a great debt to this man who has furthered the causes of the working man.●

THE 100TH ANNIVERSARY OF THE SAN LUIS OBISPO GENERAL HOSPITAL

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to extend my congratulations to all of the people associated with a very important institution in my district—the San Luis Obispo General Hospital. February 14, 1979 was the 100th anniversary of the admittance of the hospital's first patient, and in those 100 years, the residents of the San Luis Obispo area have enjoyed superior medical care.

Of course, the anniversary coincided with Valentine's Day, and everyone likes to think of the hospital as the hospital with a heart. All of the hospital's employees—doctors, nurses, technicians, aides—are responsible for this attitude, and it makes for a great source of comfort and care for people in my district.

At a time when we must look very hard at every government program to eliminate waste, I think it is very important that we remember those public institutions that do serve the public interest. Quality health care is one of the most basic services government can provide to people, and places like the San Luis Obispo General Hospital make a high level of health care for all a reachable goal.

Again, my congratulations to the hospital and all its employees. Let us all hope that the hospital with a heart continues to provide care to the residents of the San Luis Obispo area for yet another century.●

JACOBO TIMERMAN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. DRINAN. Mr. Speaker, I know that my colleagues will be intensely interested in the attached article concerning Mr. Jacobo Timerman, a distinguished journalist in Argentina, who has been mistreated by the authoritarian government of that nation.

When I was in Argentina on behalf of Amnesty International, I spoke at length with Mr. Timerman. Since that time, in November 1976, Mr. Timerman has been unjustly incarcerated and, more recently, detained without justification in Argentina even though his family has gone to Israel.

The attached article by Mr. Stu Cohen is in the winter 1979 issue of Present Tense, the magazine of world Jewish affairs:

THE CASE OF JACOBO TIMERMAN

(By Stu Cohen)

Jacobo Timerman has a great deal to be thankful for. He may be under house arrest, living without his wife and children in a Buenos Aires condominium, but at least he's still alive. As with many other, less well known, opponents of Argentina's military government, the middle-aged, silver-haired publisher might have been "shot while attempting to escape." And not only is Timerman alive, but he has been exonerated of any wrongdoing by a military tribunal, and the civilian Supreme Court has declared his continued detention illegal. (The court decided in July 1978 that his original arrest in April 1977 was illegal.)

But Jacobo Timerman, one of Argentina's most famous publisher-editors, remains a prisoner.

Last October at the Miami, Florida meeting of the InterAmerican Press Association—which represents close to a thousand newspaper publishers throughout the Western Hemisphere—publisher Edward Seaton presented the report of a special I.A.P.A. mission which had gone to Argentina to investigate the Timerman case.

"A professional Argentine journalist for thirty years, a resident of Argentina for fifty of his fifty-five years, Timerman is acknowledged by virtually all of his professional counterparts as perhaps the most important figure in the development of modern journalism in Argentina. His newspaper, *La Opinion*, introduced interpretive journalism to the country and, at its height, was one of the most important papers in Buenos Aires, with a circulation of 150,000," the report stated.

"Today a colonel runs the paper, and its circulation has dropped to less than 30,000. Timerman's case is special, not because he is a journalist, nor because it [the case] is unique. Many other journalists are being held without charge, especially outside of Buenos Aires, because they are thought to have connections to the terrorists, as Timerman was thought to have had.

"What makes his case different is that he has actually been tried by a military court for subversive crimes and has been cleared—yet he still remains under arrest. His is one of the most highly visible cases [of repression of the press] in Argentina and around the world."

In late November, Peter Galliner, director of the London-based International Press Institute—representing nearly 2,000 leading newspaper editors in sixty-two countries—called Argentina's President, Jorge Videla, urging that Timerman be freed.

And, echoing I.A.P.A.'s sentiments, a Carter administration official told *Present Tense* that Timerman is "important like all other people who are in prison down there. But his is a much more widely known case and, therefore, when you mention Jacobo Timerman [to the Argentine government], they know whom you are talking about."

Jacobo Timerman was born in Poland, the elder son of a poor Jewish couple. When he was five years old his family emigrated to Argentina.

Jacobo Kovadloff, the American Jewish Committee's longtime Argentina representative (and a recent immigrant to the United States after anti-Semitic and political threats forced him and his family to flee their Buenos Aires home), now the AJC's director of South American affairs, and an old and close friend of Timerman's, recalls that "It was a very poor family and they had a hard life, but Jacobo was very intelligent, very clever and he studied hard in school."

As a young man, Timerman was a freelance journalist for several Argentine literary magazines. In the 1950s, he took a staff position with *La Razon*, a major evening newspaper. Timerman became widely known as a resourceful journalist in 1958 and after Arturo Frondizi was elected president on a nationalist and anti-imperialist platform.

After the election, but before he was to assume office, Frondizi traveled to other Latin American countries for discussions with heads of state. Although Timerman had not been invited to accompany the president-elect, he succeeded in obtaining a ticket on the same commercial flight and, from the perspective of a fellow pasenger, sent front-page dispatches to *La Razon* with the first reports of Frondizi's plans for his administration.

"After working for *La Razon* and becoming well known as a journalist," his friend Kovadloff said, "Timerman decided to create a weekly magazine in the style of *Time* and *Newsweek*." With the help of younger journalists, Timerman launched *Primera Plana* in the early 1960s. But with the success of that venture—and with a restlessness that would mark both his career and his political views—Timerman sold *Primera Plana* and founded another news weekly, *Confirmado*. Once again, having made the new magazine a success, he sold it and moved on. This time it was to help produce a new paper, *El Diario*, in the eastern Argentine city of Mendoza. Unlike the earlier journals, *El Diario* was a failure, but Timerman extricated himself before its collapse.

In May 1971, once again with the help of fellow journalists he had known since the 1950s, Timerman began publishing *La Opinion*. Based on the highly regarded Parisian daily *Le Monde*, *La Opinion* was a breath of fresh air in the world of Argentine journalism.

"Among the intellectuals, among the more liberal and moderate people," Jacobo Kovadloff told me, "La Opinion became a necessity. It was one of the first newspapers in which each of the articles was signed by the writer. Timerman was one of the first editors to allow his reporters to do so." And, wrote Andrew Graham-Yool, formerly a reporter for the English-language, century-old Buenos Aires Herald and himself a political exile, "La Opinion was launched with a liberal, a left-of center line, catering to the intellectual community, with a wide coverage of the arts." Also, he pointed out, Timerman declared that his paper would support the Zionist cause.

It was this combination of characteristics—Timerman's rapid rise to prominence, the left-liberal orientation of La Opinion when it began publishing, his avowed Zionism and a certain mercurial cast to his politics—that would result in his arrest and, despite the government's inability to prove its charges, would keep Timerman a prisoner for so long. La Opinion accurately reflected the ferment in Argentine political life—a ferment that swirled about a man named Juan Peron.

In 1943, the military seized control of the Argentine government. Juan Domingo Peron, an army colonel, suspected by many of having been the "brains" behind the coup, was appointed Minister of War. Within a year, he became Minister of Labor and gained the support of the powerful labor movement. However, Peron was forced to resign and was jailed by right-wing military elements. Labor-backed mass rallies prompted his release several weeks later.

In 1946, Peron—a demagogic populist—was elected president. During the next six years he governed the country as the representative of a coalition of forces drawn from the military, the merchant class and essentially, the labor movement.

This coalition of forces had begun to fragment by 1952, when Peron won overwhelming reelection to a second term. The economic situation grew worse, major foreign and multinational firms achieved control of the economy, a divorce law backed by Peron alienated his supporters in the Catholic Church and a growing number of military leaders began to agitate against him. Though several attempted coups were successfully put down, Peron was overthrown in 1955, exiled and replaced by a military government.

Military leaders followed each other to the country's highest offices with bewildering speed until 1958, when Frondizi was elected as the first civilian president in a long time. Timerman began to win recognition as a journalist and publisher during this period.

Like its neighbors, Chile and Uruguay, Argentina is peopled by diverse streams of immigrants who blended with its native population. Spanish Argentines, Italian Argentines, German Argentines, Polish and French and Russian Argentines—each group exists within the mainstream of the society. European immigration continued well into Peron's time. There is a long tradition of connections between Germany and Argentina, and the Argentine army, like that of Chile, has been influenced substantially by Germany. During World War II, Argentina was one of the few Latin American countries to ally itself with Nazism, breaking its ties to the Third Reich only after the Germans lost the War.

"Peron," Kovadloff said, "opened the door to thousands of Nazi leaders, but he also opened the door to thousands of Jewish refugees." The result, of course, has been that Argentine society has maintained an uneasy balance between religious tolerance and occasional outbursts of anti-Semitism directed at its 300,000 Jews, many of whom can trace their Argentine nationality back several generations or more.

Generally, on the surface, Argentina's Jews are accepted by the society's important elements. But as internal political strife and economic dislocation have torn the country apart, latent anti-Semitism has increased in thought and in action. And, according to Timerman and others familiar with his case, this renewed anti-Semitism along with his political beliefs are the main reasons for his imprisonment.

La Opinion was founded during the government of General Alejandro Lanusse, whose programs included repression of several guerrilla movements and liberalization of national political life. The newspaper initially opposed Lanusse and his policies. But in 1972, when the military authorities let it be known that government advertising—the largest block of advertising revenue available to any publisher—would be granted only to publications favorably disposed toward Lanusse, Timerman's policy began clearly to conform to his economic interests.

After the military government announced that general elections would be allowed to take place in 1973 La Opinion switched its support to parties backing Peron. Dr. Hector Campora, Peron's personal representative in Argentina, won the election. A guerrilla war soon began between the Montoneros (young, right-wing Peronists who later moved left) and the E.R.P. (the People's Revolutionary Army, the leftist armed wing of Argentina's Revolutionary Workers Party); both also fought the Peronist government. In June, when Peron triumphantly returned to Argentina (and later returned to the presidency), fighting broke out as well between left-wing and right-wing members of his movement.

At this time, Timerman's allegiance switched to Peron himself and to the right wing of the Peronist movement. The paper prospered. In 1974, with cash borrowed from David Graiver, a young Argentine financier, Timerman built a large, modern printing plant.

After Peron's death in July 1974, his wife, Vice President Isabel Martinez de Peron, assumed the presidency. Under her nominal direction of the government (power actually being exercised by Jose Lopez Rega, Minister of Social Welfare), corruption increased greatly, as did inflation and the internal struggle which some observers characterized as a civil war. Lopez Rega established the Argentine Anticommunist Alliance—the "Triple A"—an anti-guerrilla death squad with members recruited from the armed forces, the national police and French Algerian mercenaries. He even diverted government funds to arm the A.A.A. Buenos Aires began to be known among foreign correspondents as the most dangerous city in the world, next to Beirut and Belfast.

Timerman opposed Isabel Peron and her mentor, Lopez Rega, for almost a year, but as rumors of an impending military coup swept through Argentina, he became even more critical of her regime. In February 1976, after Timerman had called for a coup against President Peron and Lopez Rega, La Opinion was closed by the government for ten days. Then another military coup took place and deposed the third Peron regime.

Timerman supported the military junta. According to Graham-Yool, "He celebrated the defeat of the guerrillas—looking away from the horrors of torture, extortion, use of hostages and mass abductions." However, several months later Timerman's euphoric reaction to the junta cooled off. La Opinion (as well as the Buenos Aires Herald) began to report on the atrocities which occurred each day. As a result, he incurred the wrath of the military, particularly the hardline generals. And then the "Graiver scandal" provided those hardliners with the excuse they needed to arrest and silence him.

David Graiver was a major figure in Argentine financial circles, as well as in Europe and the United States. He used his successful banks in Buenos Aires to fund purchases of banks in the United States and Belgium.

When some of Graiver's overseas operations failed, his financial empire began to be closely scrutinized in his home country. The junta maintained that he had been the financial representative of the Montoneros and had banked and invested some $17 million that the guerrillas had piled up through bank robberies and ransoms paid for individuals they had kidnapped. (Argentina's guerrillas, especially the Montoneros, have long been regarded as the best-financed in Latin America.)

Graiver allegedly died in a plane crash in northern Mexico on August 7, 1976. However, the crash is shrouded in mystery and there is little firm evidence of his death. But with Graiver theoretically out of the picture, the military turned its wrath upon those other Argentine citizens who were tied to the elusive financier. In the 1974 Graiver-to-Timerman loan, they believed that they had found all the evidence needed to remove Timerman from the public scene. That Graiver and Timerman were both Jewish only served to confirm the connection, as far as the military was concerned.

("In the eyes of the powerful extreme right, Timerman is a symbol of all they affect to hate," commented James Neilson, assistant editor of the Buenos Aires Herald and correspondent of the London Observer "He is a Jew, an intellectual, a left-of-center liberal.")

At the beginning of April 1977 Edgardo Sajon, La Opinion's production director disappeared. On April 15 Timerman and Enrique Jara, the paper's assistant editor, were arrested by plain clothesmen identified as members of the army's secret police. Although the army acknowledged it had arrested Timerman (and released Jara) little information about him was released for several weeks. At first, he was charged with links to left-wing terrorists; later he was charged with unspecified "economic crimes." Reportedly he was held in an army detention center in the city of La Plata, and tortured. His interrogators' questions ranged from the specifics of the Graiver affair to the current site of meetings of the Elders of Zion to whether Menachem Begin was the ideologist of the Montoneros.

After an initial period of detention and torture, Timerman was moved to a "more comfortable" prison. (A La Opinion staffer visited him there twice in January 1978. When he saw Timerman he started to weep, only to be consoled by the prisoner. The first time, he says Timerman complained of anti-Semitism in Cordoba and the reluctance of Argentine Jewish groups to expose the evil. On the second visit he saw a quieter Timerman. He said Timerman told him, "When the guard told me to follow him I did not know if I was to be tortured, executed or merely to see a visitor.")

Though his family raised questions about his arrest among his professional colleagues—as Graham-Yool points out—"Nobody spoke one good word for Timerman—not any of the hundreds he has helped. All preferred to remember his political contortions, and his wheeling and dealing." In May, when Timerman had been under arrest for several weeks, Robert Cox of the Buenos Aires Herald (who would himself be arrested within a month) wrote: "I find it incredible that I should be the only person prepared to speak up and put in a good word for La Opinion editor Jacobo Timerman. . . . If nobody among the many people he has helped over the years, none of the many partners he has had and nobody on his staff feels moved to say something in his defense, then I feel morally bound to do so." Cox' article broke the circle of silence. La Opinion reprinted the piece and some Jewish community organizations, increasingly anxious, took up the case.

Despite an increasing number of protests over Timerman's continued arrest he was still held even after a military tribunal cleared him of charges arising from the Graiver affair. In November 1977 the junta inexplicably announced that Timerman had been relieved of his Argentine citizenship, including his civil rights and control over his assets. La Opnion and the printing plant were taken over by the military. Timerman remained in prison, charged with vague and unproven "economic subversion."

Last April he was finally released from prison but not as a free man. He was taken to his Buenos Aires home in the fashionable Barrio Norte and placed under house arrest. Late last year, his wife and three children left for Israel—but Timerman remained a prisoner in his home, isolated from everyone. When American Jewish Committee president Richard Maass cabled him before the Jewish New Year, offering "our affection, solidarity and hope that you will soon be free," Timerman replied, "Thank you very much for your words of support. We are living practically in total isolation and your message, the only one received, raised our spirits."

Despite protest from Argentina's Jewish community, international groups such as Amnesty International, the International League for Human Rights, Israel's President Ephraim Katzir and members of the Carter Administration, it does not look as though Jacobo Timerman will be released soon.

President Carter and State Department human rights coordinator Patricia Derian discussed the Timerman case with President Videla as long as a year and a half ago. They received assurances that the three-man junta wanted to free the publisher. Since the July 1978 Supreme Court decision which found Timerman's original and continued detention illegal, protests by United States officials have continued. "Just about every major policy maker has made approaches to the Argentines on behalf of Timerman since [August, 1977]," commented one administration source, "and the most recent contacts were made on November 29, 1978 in the United States." To each of these interventions, the Argentines responded that the question of freeing Timerman "was under active study by the junta."

Why, then, if the junta would like to free Jacobo Timerman is he still a prisoner?

Informed sources in Washington believe that the navy, in the person of Admiral Emilio Massera, former chief of the Argentine navy and a member of the ruling junta, would like to see Timerman released, that the air force is not involved and that the real pocket is in the army among a small but powerful clique of right-wing, anti-Semitic generals, including General Carlos Suarez Mason, commander of the First Army, who initiated Timerman's arrest.

"There are some people in the military," said one source, "who see Timerman as a dangerous supporter of the wing of Peronism which led to the crisis that the government suffered in 1976, and which brought the military to power. They believe that he was one of the intellectual fathers of the extremist wing of Peronism. There are three or four generals who are strongly opposed to, violently opposed to, freeing him—no matter what the Supreme Court says, no matter what the Appellate Court says, no matter what a military court of review says. If Timerman goes free, they argue, he will tell the world about the arbitrary arrests and torture commonly practiced and about Argentine anti-Semitism.

"What you'll find," this source stated, "is that until those people who are violently opposed to his being freed are removed from power, or their power is eclipsed while they retain their positions, I don't think you're going to get any action."

On the first day of the new year, Timerman's son married an Israeli in a kibbutz ceremony. His father was not at his side. The government refused all pleas to permit him to attend the wedding. "If he wasn't a Jew, he'd be free now," says a former La Opinion writer, a non-Jew.

And Timmerman? He is a prisoner, in great danger, watching daily from his apartment window as the jets take off from Buenos Aires airport, flying to places he may never see again.●

THE CASE OF THE POOR BUTCHER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PAUL. Mr. Speaker, Rhode Island once embarked on the disastrous course of seeking wealth by printing unbacked paper money. What happened is outlined in an article by renowned historian Thomas Boylston Adams, that I would like to bring to my colleagues' attention, since it has so much relevance for today. Mr. Adams is treasurer of the American Academy of Arts and Sciences and former president of the Massachusetts Historical Society.

The article follows:

THE CASE OF THE POOR BUTCHER

(By Thomas Boylston Adams)

(No 12 men would convict a fellow citizen for refusing to do what not one of them would do himself, swap a piece of good meat for a piece of unsecured paper. The great point was made, that an economic theory cannot be forced through at the expense of civil rights.)

When a single interest takes over power in a state, that state is in trouble. The solution is to multiply the interests and divide the power. This was James Madison's theory of government, which he wrote into the Constitution, and it has worked. The contrary has left us some bad examples: the Sans Culottes who took over the French Revolution and the Dictatorship of the Proletariat in Russia. Governments work best when no single doctrine gets too firmly the upper hand, be its name Labor, Capital, Prohibition, Proposition or Cap.

Madison had good opportunity to observe the effects of single interest power at work in the Confederation that preceded the United States. New England was an excellent laboratory. There was the domination of the mercantile and hard money interest in Massachusetts that culminated in the minor civil war of Shays Rebellion. And in Rhode Island the precise opposite took place with the formation of the Country Party, a union of small landholders hellbent to print paper money, extinguish debts and bury the merchants and bankers. In the process they nearly buried the laborers, the artisans, the clerks and themselves, too.

For a short time after the Peace of Paris in 1783 that ended the Revolution, the former colonies seemed to be flooded with specie. But mysteriously, and suddenly, as money will when threatened, it disappeared.

The situation was peculiarly acute in Rhode Island. The smallest colony, it lived by trading with its neighbors, transshipping merchandise to and from the West Indies. It had no back country to provide wanted natural resources like timber and furs. All power was concentrated in a two-level legislature, with both levels elected twice a year. Government was nearly as direct as government can be; a glorified town meeting, the only hitch being that the meeting members were elected by a single class, the freeholders, those who owned substantial real estate. Everyone else was excluded from the vote.

The farmers formed a Country Party. In the legislature they outnumbered the representatives of the seaports two or three to one. They believed that the stagnation of trade was due to lack of money and that the answer was to print as much as might be necessary. They hit on the figure of 100,000 British pounds.

The merchants screamed fraud and refused to take the paper except at a heavy discount. Infuriated, the Country Party passed a law that anyone who did not take paper at its face value should be fined 100 pounds. On a second conviction the culprit would be ineligible to hold public office. This was aimed directly at the freemen in the legislature who opposed the act. But the paper went right on depreciating and was soon worth barely one-third of face value.

Now John Collins, the Country Party governor, called the legislature into special session to check the opposition of "a combination of influential men against the good and wholesome laws of the state." Great events cast their shadows before! The state was good and wholesome a decade before the guillotine was invented to get rid of inconvenient minorities; a century before the Gulag Archipelago. And the paper money went right on depreciating. Now it was worth one sixth of face value.

So another law was passed: Offenses were to be tried by special courts of judges, no jury allowed, no appeal to any higher jurisdiction. And the judges were appointed by the legislature. The first and last case tried under this statute is famous.

A butcher called John Weeden refused to take a pound note from a cabinetmaker named Trevett in payment for a few pounds of meat. He was defended by James Varnum, a noted lawyer, who, according to tradition, took no fee. There was no defense against the fact, which was established, or the act, which was in accordance with Rhode Island law and the Charter of 1663. But in a noble defense, pressed with great eloquence, Varnum swayed five judges, against their will and their own interest, to the opinion that the law was unconstitutional because it denied the natural right of man to trial by jury, something secured by Magna Carta and courageous effort ever since.

The verdict for the defendant was greeted by "a universal clap" in the crowded Newport courtroom. The reward of the judges was to be summoned before the legislature to explain their decision. Two of them suddenly became ill. The courageous remaining three bravely faced their censors. A judge is "accountable only to God and to his conscience," said Judge Howell. "When the General Assemblies attempt to overleap the bounds of the Constitution the Court has the power and *it is their duty* to refuse to carry such laws into effect." The legislature then proceeded to censor the judges for giving "no satisfactory reason" for their decision. But they were not removed from office. Their decision held.

That killed the law. No 12 men would convict a fellow citizen for refusing to do what not one of them would do himself, swap a piece of good meat for a piece of unsecured paper. The great point was made, that an economic theory cannot be forced through at the expense of civil rights. It is to be feared it did not help the butcher. He went on relief, and what happened to him after we do not know. Probably he, like the judges, who the next year lost their jobs, was a martyr for honesty and the first principle of the common law.

Thereafter the Country Party thrashed about like a landed shark eating its own tail. It made its depreciated paper legal tender, thus repudiating the state debt. Private debts could be liquidated by depositing a bundle of worthless notes with a judge, if the creditor refused to take it. Credit was extinguished. Merchants shut up shop or fled the state, carrying their goods with them. Trade stopped. Rhode Island was a separate nation, neither part of the British Empire nor of the new-formed Union, and starving to death. Finally the tender laws were repealed. Two years later, Rhode Island joined the United States.

President Washington made a good will visit and was received with cannon and bells and oratory. Ever one to let bygones be bygones and walk straight into the future, he said, "It affords me peculiar pleasure to observe that the completion of our Union, by the accession of your state, gives a strong assurance of permanent political happiness to the people of America."

So it was. The two violently opposed interests in the state were lost among the manifold political interests of the nation.●

EXPLANATION OF THE VOLUNTARY HOSPITAL PHILANTHROPIC SUPPORT ACT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. CARTER. Mr. Speaker, in recent sessions of Congress, a great deal of debate has ensued concerning the costs of hospital care. This debate has focused, for the most part, on the need for further regulation of hospitals. Unfortunately, there has been little discussion on how to enhance some of the existing strengths in the health care system. The introduction of the voluntary hospital philanthropic support is one step which I believe will reverse that trend.

Private philanthropy is one of those great strengths of our health care system. Last year Americans voluntarily gave $38.3 billion to charitable organizations, of which about $5.4 billion went to hospitals and health causes, including research. In addition, approximately 45 million Americans donated their time as volunteer workers in such institutions, in a wide variety of capacities. Hospitals and the communities they serve received large benefits from such donations of money and time, because donations allow voluntary, not-for-profit community hospitals to purchase goods and services that would have been unavailable to members of the community had not these donations been made.

Donations aid hospitals in replacing worn out and obsolete facilities when, in a period of high inflation, historical costs accumulated through depreciation are not adequate to protect against inflation.

Donations allow hospitals to engage in valuable medical research, which ultimately can result in the saving of human life.

Donations raise the general quality of care available to the average community and lower the costs to patients and Government.

The willingness of persons in the community to donate their money and time to voluntary, not-for-profit community hospitals results from, and helps to perpetuate, a sense of pride in the accomplishments of community hospitals that Government action can never replace.

It is my strong belief that the benefits to the health care system of private philanthropy must be preserved in any hospital reform act, national health insurance act, cost containment act, or future amendments to the Health Planning Act. Yet, certain steps taken in recent years by Federal and State government threaten the very existence of health care philanthropy. In our zest for "reform," we have often paid too little attention to strengths, because the debate has focused almost completely on the curing of weaknesses. However, if in the course of attempting to cure these perceived deficiencies in the health care system, we destroy its strengths, we will have done the American people a serious disservice.

It is the purpose of the Voluntary Hospital Philanthropic Support Act to refocus attention on preserving and enhancing one of the great strengths in the health care field—the willingness of Americans to give to their voluntary, not-for-profit community hospitals. It is intended to correct certain shortsighted actions of administrative agencies which have made it increasingly difficult for hospitals to attract and use for discretionary charitable purposes the donations received from members of the community. It is further intended to insure that Federal, State, and local governments, in their desperation to control costs and find additional sources of revenue, do not apply funds donated for charitable purposes to reduce Government's commitment to pay its share of health care costs.

One example of these shortsighted actions was adopted by the Cost of Living Council during the economic stabilization period of 1972–74. During that time, hospitals were required to spend charitable funds before they could obtain required exceptions, thus weakening the financial ability of hospitals across the Nation to provide needed services. In recent years certain HEW actions have had the effect of requiring the use of charitable funds for operating purposes. And, in addition, several State legislatures have considered legislation which would have the effect of controlling charitable funds. How long will it be before donors realize under such a policy that hospitals are not benefiting from the receipt of such donated funds and stop giving? Not long at all.

In the administration's hospital cost containment bill introduced last year evidence of a policy destructive to philanthropy was again evident. In that bill, donated funds were to be included in the ratio used in determining whether a hospital would be eligible for an exception. In other words, the inclusion of donated funds in that ratio would have made it more difficult to obtain an exception until charitable funds were exhausted. Once again, a hospital was to be penalized, because it received donations. It was for that reason that I introduced an amendment to the hospital cost containment bill to exclude charitable revenues from the proposed controls. This amendment was accepted by the Commerce Committee.

But even if that bill is dead for now, my general concern for the seeming lack of attention to preserving philanthropic support for hospitals remains. While charitable funds may not be under obvious siege, the failure to perceive the number of smaller steps which in the aggregate threaten the very existence of donations to hospitals may be just as dangerous.

It is this concern that leads me today to introduce the Voluntary Hospital Philanthropic Support Act. This bill establishes a firm policy that the ability of hospitals to attract voluntary donations and all of the ancillary benefits derived from such philanthropy must be preserved. The bill also makes three separate substantive amendments which will, in my view, correct existing deficiencies in the law and will aid in implementing this policy.

EXPLANATION OF AMENDMENTS

The amendments to the Social Security Act contained in section 3 of the bill establish a clear policy that philanthropic support is to be preserved. Subsection (a) of a new section 1134 of the Social Security Act added by this bill specifically establishes a general policy that philanthropic support for health care be encouraged and expanded.

This amendment sends a clear signal to HEW and other administrative agencies interpreting the Social Security Act that Congress is concerned about philanthropic support, that Congress wishes to enhance it, and that HEW and any other administrative agency interpreting the Social Security Act must promulgate its regulations in such a way so as to avoid short-sighted revenue-saving measures which threaten philanthropic support. After the enactment of this amendment, each and every general regulation issued by HEW would have to be promulgated with this new amendment in mind.

Subsection (b) of new section 1134 preserves and enacts into law current HEW policy with respect to designated gifts, grants and endowments, and, also correct certain current deficiencies in HEW regulations which threaten charitable funds. Under current HEW regulations, gifts, grants, and endowments are generally free of control. However, notwithstanding this general policy under such regulations, when a gift made by a donor is designated for operating purposes or is not designated at all, cost-based payers (including medicare and medicaid), require the gift to be offset against a hospital's operating expenses. Accordingly, with respect to the portion of a hospital's services that is supported by Government payments, such a gift, designated or not, does not increase revenues available to the hospital, since such a donation would result in a dollar-for-dollar reduction of payments otherwise due the hospital by Government reimbursement programs.

For this reason, hospitals discourage donors from making gifts for operating purposes. Nevertheless, some donors make such gifts, because they are unaware of this policy. In such cases, HEW policy traps the unwary donor so that instead of having such donor's gift benefit the hospital, as was intended, the gift merely reduces Government payments otherwise due the hospital.

Government has made a commitment under the Social Security Act and other cost reimbursement acts to make payments to hospitals for their operating costs for provision of health care services for a designated group of beneficiaries. The fact that an unwary donor makes a donation to supplement operating costs because he or she thinks that such a donation will help the hospital should not reduce this commitment. New section 1134(b) would correct this current treatment and require the Government to make reimbursements to hospitals without regard to the donor having designated the gift for operating purposes.

In addition, new subsection (b) corrects another provision of existing regulations. Under current HEW regulations, necessary interest expenses incurred by a hospital may be offset by investment income from gifts and grants which are not held separate and are commingled with other funds. While this policy would seem to be generally correct, there is no definition of the phrase "held separate and not commingled" in the regulations, and in some cases this phrase could be interpreted as requiring the hospital to physically separate these funds to meet the regulatory requirement. Such physical separation is impracticable and unnecessarily reduces the hospital's flexibility in the use of these funds. While HEW auditors have often interpreted this provision as requiring only a segregation in the books and records of the hospital, such treatment is far from uniform.

In any case, there is no reason for offsetting necessary interest expense with income from gifts or grants, since hospitals are required by various Federal and State laws to maintain books and records which adequately identify the source of these funds. Accordingly, new subsection (b) would eliminate the requirement for any such offset.

Subsection (c) would preclude any State from imposing restrictions on philanthropic support. Essentially, the subsection would prohibit legislation or regulations which would have the effect of offsetting charitable or similar revenues against allowable operating revenues.

In this period of cost containment, and in desperation to hold down costs, various State legislatures have proposed legislation which would include charitable revenues as revenues subject to State control. This sort of legislation, if adopted generally, would eventually put an end to philanthropic support for hospitals. Accordingly, it would serve no purpose other than to injure hospitals. The Voluntary Hospital Philanthropic Support Act would insure that such policies were not adopted.

Subsection (d) of the bill would insure that private philanthropy for hospitals would be supported and protected in any future action taken by the Federal Government to contain hospital costs. The bill would do so by requiring Federal legislation in this area to meet the same test as that required of State legislation. In other words, no Federal law could have the effect of offsettiing charitable or similar revenues against allowable operating revenues.

I strongly believe that it is imperative that we protect philanthropic support of our voluntary hospitals. I further believe that passage of the Voluntary Hospital Philanthropic Support Act would send a signal to hospitals and to the citizens of this country that the Congress is concerned about artificial obstacles which decrease the benefits of private philanthropy. I would hope that my colleagues would support me in this important endeavor.

The text of the bill which I am introducing follows:

H.R. —

A bill to amend the Social Security Act to encourage philanthropic support for non-profit hospitals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voluntary Hospital Philanthropic Support Act".

SEC. 2. (a) Congress finds that while there continues to be a need to focus on the deficiencies in the health care system and on corrective reform measures that might be taken, there is a need to focus on the enhancement of its strengths. Congress finds that existing philanthropic support for hospitals is a strength which should be preserved and enhanced because—

(1) philanthropy imbues members of the community with a sense of pride in their voluntary non-profit hospitals and creates a setting in which members of the community are willing to devote time and effort to improve health care available in the community in a way that government action cannot replace;

(2) philanthropy allows voluntary non-profit institutions to conduct research and to engage in other innovative efforts to improve health care in the United States;

(3) philanthropy allows hospitals to replace worn out and obsolete facilities when, in a period of high inflation, historical costs accumulated through depreciation are not sufficient to provide for such replacement; and

(4) philanthropy pays for necessary expenditures that otherwise would have to be paid by patients or by government.

(b) The purpose of this Act is to clarify the intent of Congress in order to encourage philanthropy and voluntarism in the health care field.

SEC. 3. Part A of title XI of the Social Security Act is amended by adding after section 1131 the following new section:

"ENCOURAGEMENT OF NON-PROFIT HOSPITAL PHILANTHROPY

"SEC. 1132. (a) It is the policy of the United States that philanthropic support for health care be encouraged and expanded, especially in support of experimental and innovative efforts to improve the health care delivery system. Policies of States that discourage philanthropic contributions to hospitals tend to interfere with the development and operation of hospitals which purchase goods in interstate commerce and provide services in interstate commerce.

"(b) For purposes of determining under titles V, XVIII, and XIX the reasonable costs of services furnished by nonprofit hospitals, gifts, grants, and endowments, and income therefrom, shall not be deducted from any operating costs of such hospitals or otherwise taken into account in determining such reasonable costs.

"(c) No State shall establish a law or regulation respecting the limitations upon the revenues of hospitals which treat, directly or indirectly, as revenues of the hospital any amount which is attributable to—

"(1) a donor designated or restricted grant, gift, or income from an endowment, as defined in section 405.423(b) (2) of title 42 of the Code of Federal Regulations;

"(2) a grant or gift, or income from such a grant or gift, which is not available for use as operating funds because of its designation by the hospital's governing board;

"(3) a grant or similar payment which is made by a governmental entity and which is not available, under the terms of the grant or payment, for use as operating funds;

"(4) the sale or mortgage of any real estate or other capital assets of the hospital which the hospital acquired through a gift or grant and which is not available for use as operating funds under the terms of the gift or grant or because of its designation by the hospital's governing board; and

"(5) a depreciation fund which is (A) created by the hospital in order to meet a condition imposed by a third party for the third party's financing of a capital improvement of the hospital, and which fund is used exclusively to make payments to such third party for the financing of the capital improvement.

"(d) Notwithstanding any other provision of law (except such provisions of law as specifically refer to this provision), no Federal law which provides for the containment or control of hospital costs shall treat, directly or indirectly, as revenues any amounts which such a State law may not treat as revenues under subsection (c).".

Sec. 4. (a) Subsection (b) of section 1132 of the Social Security Act (as added by section 3 of this Act) shall apply on or after the date of the enactment of this Act.

(b) Subsection (c) of such section shall apply to laws and regulations which take effect after the date of the enactment of this Act.●

ESTONIAN INDEPENDENCE DAY

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. GOLDWATER. Mr. Speaker, I take this opportunity to commemorate the bravery and perseverance of the Estonian people on the 61st anniversary of their proclamation of independence.

In November 1918, Estonian independence was challenged when the Bolshevik Army invaded the country. Declaring "no compromise with the Communists," Estonia held its ground and later signed a peace treaty with the Soviet Union stipulating that the U.S.S.R. renounce "voluntarily forever all rights over Estonian territory and people." As history attests, the Soviet Union rarely honors an agreement. In 1940, the Soviets occupied Estonia—an occupation which continues to deny the sovereign rights of the Estonian nation and rigorously suppresses the cultural heritage of the Estonian people.

In 1975, the United States, the Soviet Union and many other countries met in Helsinki and signed a treaty to promote national and human rights for all countries. In spite of this, Estonia remains a captive nation of the U.S.S.R.

Mr. Speaker, I encourage each Member of this House to join me in applauding the dignity and spirit displayed by the Estonian people in their crusade to reestablish an independent, self-governing nation. I sincerely admire the perseverance of Estonians everywhere and hope that freedom and justice will someday be restored to their ancient land.●

POLITICIZING THE OFFICER CORPS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. McDONALD. Mr. Speaker, in a recent interview Maj. Gen. John Singlaub, U.S. Army retired, was interviewed by Mr. Bob Snyder over television. This interview was reprinted by the Manion Forum and the sound version rebroadcast on December 3, 1978. In this discussion with Mr. Snyder, General Singlaub discusses how President Carter's handling of his case contributes to our military people being afraid to have independent views. For further reading on how the Carter administration arrives at decisions, see the article from Harper's magazine, March issue, entitled: "Trumping Asian Allies" by Michael Ledeen, with introductory remarks by the Honorable Sam Stratton of New York. (See page H569 of Congressional Record, of February 13, 1979). This same article was also reprinted in the Atlanta Journal and Constitution of Sunday, February 18, 1979, together with a little footnote, denying the whole story by one Leslie Gelb. It will be recalled that it was Leslie Gelb's copy of the "Pentagon Papers" that found its way rather mysteriously into the hands of Daniel Elsberg. General Singlaub also discusses how the press has played a large role in this sort of thing, starting with Vietnam, where certain press people seemed determined to contribute to our defeat there. I commend this article to the attention of my colleagues:

Politicizing the Officer Corps—Carter Administration Considers Disagreement an Act of Disloyalty

(By Gen. John Singlaub, retired, interviewed by Bob Snyder)

Dean Manion. Through his newsletter, radio and television programs, Bob Snyder is a well-known fighter for American freedom and constitutional government. Those who hear his Tampa, Florida radio broadcasts hear the Manion Forum Footnotes at the same time. From six different locations in Florida, and as far away from there as Grand Forks, North Dakota, Bob and his always distinguished guests may be seen and heard on television. I have appeared on his program and am scheduled to do so again.

The Manion Forum's association with Bob Snyder is very compatible. We seek to inform our audiences about important things that they would not see or hear elsewhere. Recently, Bob Snyder aired a television interview with Major General John Singlaub. With their permission, I am going to give you the sound version of that revealing interchange now. Everybody has read about General Singlaub who was recently fired from his high command in our Army for telling the truth.

Here now is my friend Bob Snyder in the middle of a question to this distinguished soldier.

Mr. Snyder. When you were in Korea and you brought up the subject of our weakening our strength over there—should we pull troops out of Korea—you evidently hit a very sensitive nerve someplace, a political nerve, an economic nerve, or a military nerve. What was that nerve?

General Singlaub. I have to say that I was quite shocked when the President reacted so strongly to a statement that was so universally held by all people in the military whether in Korea or in the United States. It obviously was a very sensitive thing because there should not have been such a direct interference by the President. He completely ignored the chain of command and ordered me directly to report to him. The whole military chain of command was left out of it. I think one of the reasons was that he was involved in a diplomatic ruse here. He had told the Koreans and the Japanese that he would not make a decision on the withdrawal until after they had been consulted.

The reason why I was giving the briefing to this reporter was that the reporter was in Korea from Japan to get the background on the whole withdrawal issue; how the U.S. forces felt about it, how the Korean military and civilian officials felt about it in preparation for this consultation which was to take place the following week. When I made the statement that a withdrawal on the schedule suggested by the President would certainly lead to war, I said that this was the view of the Koreans and that I agreed with it. I also said that, of course, if that decision is made sometime in the future, that the military that are there will carry out that decision in a professional manner.

Mr. Snyder. General Singlaub, there is some indication that some of the newspapers were aware, prior to your statement, that the President was planning a withdrawal of troops. Are you familiar with that?

General Singlaub. Yes. Several reporters have said that the press felt that he had already made his decision. As it turns out, he had, in fact made it, but he was deceiving us in Korea because he told us to go to the Koreans and make sure that they understood that he would not make a decision on the withdrawal until after the consultation which was to take place the following week.

Mr. Snyder. General Singlaub, that was a very strong statement you just made. You used the word "deceive" which leads me to a question I had planned to ask you. Evidently, General Singlaub, you were at the White House and the President made a statement that he had consulted with the Joint Chiefs of Staff prior to this determination. I understand that you do not believe that the President of the United States, Jimmy Carter, was telling the truth at that time.

THREE WITHDRAWAL PLANS

General Singlaub. He certainly did not consult with them in the true sense of the word "consult." He could probably rationalize this in his mind by the fact that he had asked the Joint Chiefs to comment on three withdrawal plans. He never asked them to prepare a plan for withdrawal that would guarantee the security of the Republic of Korea, nor did he ever ask them for their opinion in the desirability, the military desirability, the strategic desirability, of withdrawing the division.

He really asked them to comment on three withdrawal plans—an immediate withdrawal, a withdrawal over a two or three year period, and a withdrawal over a four or five year period. The Joint Chiefs said that all three are unsatisfactory, but of the three, the least undesirable is the third or the slowest withdrawal, which still would involve grave risks for the security of the Republic of Korea.

So, if you look at it honestly, he did not consult with them on the withdrawal. He merely asked them to comment on his ideas on the withdrawal.

Mr. SNYDER. On the issue that he was contemplating, he did not consult with them?

General SINGLAUB. That is correct.

Mr. SNYDER. In other words, the President of the United States really did not tell the truth to you.

General SINGLAUB. That, I am afraid, is correct. He did not.

Mr. SNYDER. General, there seems to be plenty of evidence that military men who are still on duty, prior to retirement, really and truly are being muzzled.

General SINGLAUB. I don't think there is any question about that. It is a phenomenon that has developed in this Administration. In the past, we have always had the opportunity in testifying before a congressional committee, for example, to present the Administration's views, what decision was made by the senior leadership. But then if asked for the personal opinion of a military officer, if a congressional committee said, "General, tell us your personal view on this, how was this decision arrived at," we were not only authorized, we were obligated to give our honest opinion, to give them the truth. That is not taking place now.

This Administration considers that to be an act of disloyalty. If you don't support the complete decision, or in all of your utterances, even under oath before one of these committees, if you don't tell them that you agree with the Administration, you are subject to either being disciplined, or as the current Pentagon expression goes, "you are Singlaubed."

I think it is a dangerous thing to make military decisions without the benefit of the military advice and counsel of the Joint Chiefs, but also to force the senior leadership to support these views. The subordinates of those people know the true feelings of their leaders. They know what the ruling military view is, and to have someone get up there and mouth words of support when, in fact, in his heart, he doesn't feel that way, that is violating what we consider to be one of our most cherished qualities of integrity. When the officer corps loses its integrity, the country is in for some real serious problems.

Mr. SNYDER. General Singlaub, the stories coming out of Korea, your comments about the B-1 and the Panama Canal, the stories that frankly irritated President Carter, those would not have come to light if the media was not so eager and aggressive. Do you feel that you were mistreated by the media?

General SINGLAUB. In the first instance, I think that the reporter who violated the arrangement of being there for an off-the-record background briefing, was very poor. I think the Washington Post eventually discharged him. Some months later he tried to come back into Korea. Interestingly, he had a British Passport at that time and was working for a German magazine. The Koreans spotted him immediately and put him on the next available airplane to Japan.

But, the rest of the media has reported honestly, and I recognize that they sort of hounded me during that year between my incident with the President and my final retirement.

I made a mistake at Georgia Tech. I had been told that the question and answer period would be off the record. I took that at face value, but it turned out that it was not off the record. I can't blame the media for that. That was my own staff and my own naivete. I should have said before answering any questions that I would appreciate having these questions off the record. Otherwise I would be concerned about how the media reported them, and the cadets needed to have answers to some problems that were bothering them.

Mr. SNYDER. General Singlaub, the media—especially TV—has been criticized in combat areas on the basis that they were staging certain scenes. Do you believe that was true in Viet Nam?

General SINGLAUB. They made an effort to find that small incident each day that was against the Republic of Viet Nam and the United States and would enhance the North Vietnamese or Chinese position. It was an incredible thing how they were able to convert, for example, the South Vietnamese and the U.S. had a tremendous victory in the Tet Offensive.

We finally got the North Vietnamese to come out into the open and fight. We literally destroyed the Viet Cong. Yet, by the way in which they reported that, the American people thought that it was a victory for the North and a defeat for the South. It took us weeks and weeks out there to believe that such a victory that we had could be converted into a defeat. We were just stunned to realize that the American people had been convinced that that great victory we had was looked upon as a defeat. We then made further concessions at a time when if we had just shown a good stiff attitude, we could have changed the whole course of the war.

Mr. SNYDER. Because of that type of programming on TV networks, this, in a sense, weakened our resolve to such a degree that perhaps we lost the war in Viet Nam.

General SINGLAUB. I think the irresponsible journalism in Viet Nam contributed directly to the loss of that war. I don't think there is any question about that. There were a half million Americans there at any one time. All those half million Americans were doing an outstanding job. They were winning all of their battles, accomplishing all their missions. Many of those missions were construction missions, not destruction missions.

Yet, each day the press, the written as well as the electronic media, would find some incident where maybe one platoon of 30 people out of a half million Americans did something wrong, they had been ambushed or had some threat of disobedience. They would focus on that, project that small insignificant incident into American homes, night after night after night.

Mr. SNYDER. This was not just one isolated case. This was true of all the networks and many independent stations. Who do you think orchestrated that type of thinking?

General SINGLAUB. It is quite clear that the leader in this was CBS. What motivates CBS I am not certain, but Walter Cronkite has made statements, as you probably know, that "there are lots of people who are concerned about improving our national security. What is really news is those who are trying to cut our defense." I just hate to think of how one individual who was, in fact, ideologically motivated toward the other side, who could have influenced that war so completely.

Mr. SNYDER. That influence would be with one network, but we have so many networks. Is there another source of motivation, another group or whatever, that perhaps truly had a reason why they wanted to lose in Viet Nam?

General SINGLAUB. It is hard to justify the activities of persons like Jane Fonda, not in our government, but what she did to help the enemy.

Mr. SNYDER. Did that hurt the morale of your troops in Viet Nam?

General SINGLAUB. It was not only bad for the people who were in Viet Nam but particularly difficult for those who were in prison camps. I happened to be present at Clark Air Force Base when the first prisoners came out. Along with General Manor, we were the first General Officers to go in and interview the prisoners the following morning. Interestingly enough, one of the first questions that they asked us was "is Jane Fonda in jail?" They were so incensed about what she had done in coming up there and being filmed. Many of the officers had been beaten because they had refused to be photographed with her, and they were really upset.

But, the government, during the debriefing, suggested that they not make this a big public issue and nothing has come of it. There were others who went into North Viet Nam and contributed their prestige to that cause which elevated enemy morale and weakened ours. Certainly, it was a very disillusioning experience for the South Vietnamese to see well respected Americans in North Viet Nam.

Dean MANION. Thank you very much, Bob, and my respects and gratitude to General Singlaub, please, for what he is now doing for our country on public platforms like yours.●

ELECTRICITY FROM HOT WATER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. GOODLING. Mr. Speaker, I would like to bring to the attention of my colleagues a newspaper article which may have been overlooked as it appeared in the Washington Post after the close of the 95th Congress. This informative piece explores the process by which energy is produced from water temperature differences which exist in tropical oceans. One of the guiding forces in the development of this technology is J. Hilbert Anderson of York. Mr. Anderson and his firm, Sea Solar Power, Inc., deserve a great deal of credit for pioneering efforts in this important alternative to increasingly expensive fossil fuels.

The article follows:

PRODUCING ELECTRICITY FROM HOT WATER—EXPERIMENTAL CALIFORNIA PLANT IS COMPETITIVE, NONPOLLUTING

(By Mark Swann)

At a time when the government seems to have little to show for the million of dollars it has poured into various energy schemes, a small, pioneering West Coast company, using its own money, has quietly developed a method of using geothermal hot water to produce electricity.

Relative to other sources, hot water appears environmentally benign: no strip mining, no air pollution, no wastes. And, unlike some alternatives, this technology appears competitive today and therefore capable of making a contribution to our energy supplies during the 1980s.

An experimental 11,000-kilowatt plant is all but complete in the hot, dry East Mesa region of California's Imperial Valley and will begin operation in December. Its backers, along with many government and academic experts, believe that the plant will open a new era in the development of geothermal energy, power from deep within the earth.

Ten western states, according to the Department of Energy, have large geothermal resources hot enough (above 150 degrees Centigrade) to produce electricity using this kind of technology. Such resources, as contrasted to the lower-temperature resources found under the coastal plains of the southeastern United States, are associated with geologically recent volcanic activity and the meeting of tectonic plates.

The corporate group behind the project is Magma Power and two of its affiliates, Magma Electric, the owner of the plant, and Magma Energy, which developed the process and holds the rights to the patents. Magma Power is the company that opened up the Geysers geothermal area in northern California. (Unlike this new plant, the Geysers plants—some 600,000 kilowatts to date—are powered by dry steam, the easiest geothermal resource to harness because it actually comes out the wellpipe as usable steam. Geothermal hot water, even at very high temperatures, comes out as a mixture of steam and water. Dry steam is exceedingly rare, the only other known dry steam field in the world being at Lardarello, Italy, which started producing electricity in 1904.)

Heading the project is 81-year-old B. C. McCabe, president of the Magma companies and the man who personally had a big hand in getting the Geysers off the ground in the mid-1950's. The Geysers experience stirred McCabe to drill for steam elsewhere, which he did extensively in several western states. All he found, however, was hot water, apparently in vast amounts. He began to ask around in engineering circles if anyone knew of a new way to use hot water.

McCabe, while not an engineer or chemist, realized long before most experts that hot water could not be widely developed using the conventional "flash" steam method where part of the hot water spontaneously becomes steam on its way up a wellpipe, is processed and then directed through a turbine.

Although there are several "flash" steam plants operating—none of them in the United States—scaling and plugging of the wellpiping by the dissolved solids in the hot water is a serious risk for all but the most pure resources. The piping also must be very large and costly to accommodate steam's large volume.

One of the engineers contacting McCabe was J. Hilbert Anderson, from York, Pa., highly respected for his work in the fields of refrigeration and turbomachinery. Anderson is better known to the general public as the father of ocean thermal energy conversion, or OTEC, where electricity is produced from the small temperature differences found in the tropical oceans. He heads a company of his own which is developing this ocean technology.

Anderson, 69, and McCabe hit it off from the start, each respecting the other's sense of independence and innovation. After a couple of years of Magma-supported research, Anderson had completed the basic development and design of the new technology.

Although McCabe admired and trusted Anderson, he wanted to be absolutely sure of Anderson's designs. So, he announced he would pay $10,000 to anyone who could show where Anderson had gone wrong. There were many hopefuls and no winners.

Obtaining the money for the $9-million plant was another story. Even after the turbine was built and the rest of the plant fully designed, Magma still couldn't afford to build it and wouldn't go to the government for help. What turned the tide, after several years of waiting, was the increased revenue from the Geysers plants whose original pricing contracts had been scaled to be somewhat lower than the costs of coal, oil and uranium, all of which have quadrupled since 1973.

HOW THE PROCESS WORKS

The principles that govern the operation of geothermal hot water plants are the same as for coal and nuclear plants; a source of heat and a place to dump the heat, technically called a heat sink. The heat source in a coal or nuclear plant is provided by the burning of coal or by a controlled nuclear reaction; the heat source in a geothermal plant is aquifer water from several thousand feet in the ground. In all cases, the heat sink is maintained either by a body of water or by evaporation of water into the atmosphere.

Electricity is produced when the heat source boils a liquid and the resulting high-pressure vapor spins a turbine as it expands with great force toward the heat sink. The turbine, actually just a glorified propeller, and the electrical generator are typically built as one unit.

A key difference in the Magma plant is that the working fluid which is boiled and drives the turbine is not water, as in a coal or nuclear plant, but a synthetic refrigerant. After being condensed by the heat sink, it is recycled and reused, again and again. (The "flash" steam method uses the geothermal steam itself to drive the turbine.) Synthetic working fluid systems, also called binary systems, have been brought to a high point of development in refrigeration applications and outperform steam systems at these lower temperatures. They are also cheaper.

The disadvantage of a synthetic working fluid is that there is a requirement for heat exchangers—metal plates or piping to keep the geothermal hot water and the fluid separate yet capable of transfering heat easily. Heat exchangers are expensive to build and have been estimated to run, in this application, as high as 30 percent of the total plant cost. By using a new method of assembly. Anderson was able to build the boiler heat exchangers for the Magma plant for less than half a million dollars, less than $40 per kilowatt.

The use of a synthetic working fluid permits the implementation of Anderson's most important strategy: maintaining the hot water under pressure starting deep within the well pipes, through the heat exchangers and back down the reinjection pipes. This prevents flashing of any kind and guarantees that the dissolved gases, most important carbon dioxide, remain in the hot water. If carbon dioxide comes out of solution, the hot water's chemical equilibrium is altered, usually triggering precipitation and scaling of the dissolved solids.

Another innovative feature of the Magma plant is the addition of a second, smaller turbine which increases plant output 10 percent. The Magma plant also has a new kind of cooling system which will enable the plant to run at higher efficiency.

Even so, the best a geothermal plant can do, because of its lower-temperature heat source, is around 10 percent, compared to up to 40 percent for a modern coal plant. (The Magma plant's hot water is 185 degrees C., for example, or approximately half the temperature of a coal or nuclear plant's heat source.)

A lower efficiency plant, in addition to wasting more heat per kilowatt of electricity generated—and thereby producing more thermal pollution—must also evaporate more water to maintain its heat sink. Anderson believes that the biggest limitation to the widespread development of geothermal hot water will be the lack of cheap, available cooling water.

LESS COSTLY THAN NUCLEAR

The significance of the Magma plant is twofold. First, the plant, if everything goes as planned, will demonstrate that medium- to low-temperature hot water—a plentiful resource in our West and elsewhere in the world—can be technically used.

Second, Magma officials predict that hot-water plants can be built for less than $600 per kilowatt or well under half the cost of a nuclear plant. Considering that Magma developed and built this small experimental plant for less than $900 per kilowatt, they may be on firm ground here. (Production-built hot water plants, incidentally, will probably always be small, around 50,000 kilowatts or enough to power a city of 50,000. Nuclear plants, by comparison, now run between 800,000 and 1.2 million kilowatts.)

Despite the great promise of the technology, serious obstacles stand in the way of its widespread development. Some are economic, others institutional. The cost of geothermal drilling, for example, is roughly three times that of drilling for natural gas and oil despite the use of comparable equipment. This is because geothermal drilling takes place in hard, igneous rock and because geothermal deposits are generally found deeper than oil and gas The cost of drilling rises exponentially with depth.

In addition, while oil and gas drilling enjoy tax deductions, for the intangible costs (80 per cent of the total) plus a 22 percent depletion allowance, there has been no tax incentive for geothermal drilling.

A measure of the seriousness of the situation is that only 25 geothermal hot-water exploration wells were drilled in 1976 compared to about 32,000 oil and gas wells. Geothermal corporate spokesmen say that tax incentives are a necessity for orderly, rapid geothermal hot water development.

A serious institutional obstacle is that the U.S. Forest Service and the California office of the U.S. Bureau of Land Management have been extraordinarily slow in granting permits for geothermal prospecting. (About 60 percent of the known U.S. geothermal resource lies on federal lands.) In part, this reluctance may be due to an elevated awareness of the environmental problems any kind of power plant can cause. But it also appears that the agencies charged with granting permits are seriously underfinanced and understaffed.

The actual start-up of the Magma plant may serve an opportunity for the Congress and President Carter to reexamine these obstacles and start clearing them away.●

TRIBUTE TO NELSON ROCKEFELLER

HON. STANLEY N. LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1979

● Mr. LUNDINE. Mr. Speaker, I join my colleagues today in paying tribute to the late honorable Nelson A. Rockefeller.

In 1971 Governor Rockefeller came to my hometown of Jamestown, N.Y., for the dedication of our new municipal building. Because I was Jamestown's mayor at the time, I had occasion to share a few hours with him that afternoon. I remember his warmth, his vitality, his genuineness.

But most of all, I remember his words—positive words—enthusiastic words—words of hope for a better tomorrow. Our new building, he said, would always stand as a symbol of commitment to the future.

And so will stand the legacy of Nelson Rockefeller, a tireless public servant who helped to shape the future of our Nation, advising five Presidents over a span of 40 years. He helped to construct a basic philosophy on which to build good relations with Latin America during the forties; he helped shape a framework for the United States as we emerged from World War II as a provider of foreign assistance and a prime sponsor of the fledgling United Nations. The following decade found him designing domestic policies as Under Secretary of the new Department of Health, Education, and Welfare. Soon he was back in the international field, however, as President Eisenhower's Special Assistant for Cold War Strategy.

Nelson Rockefeller's attention shifted in the 1950's from national service to a desire to be of help to his home State, New York. He soon began his 15-year tenure as New York's chief executive, and his work was once again devoted chiefly to projects that would insure a better living for New York's future generations. Expansion of the State university system to make education more readily accessible to our youth, improvement of health care delivery systems, setting aside of land for State parks—these are but a few examples of Governor Rockefeller's constant commitment to the future.

The 1970's presented Nelson Rockefeller with an opportunity to once more play an active role in the directions taken by our country. He came out of retirement to accept the Vice Presidency, letting us rely on his stature and his experience as a stabilizing force, expressing gratitude for the opportunity to once again serve his beloved Nation. And with his help, we continued to move forward, to reestablish our optimism and our faith in America's ability to provide a good tomorrow for our citizens.

We will miss Nelson Rockefeller; we will miss his brand of public service. He had a remarkable vision as well as unshakable confidence. He deeply believed in the capacity of our Nation to reach lofty goals because of the productivity of our people. As I pay tribute to him today, I do so knowing that because of his commitments, our future is brighter.

Mrs. Lundine and I extend our deepest sympathy to the Rockefeller family.●

A TRIBUTE TO NELSON A. ROCKEFELLER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1979

● Mr. BIAGGI. Mr. Speaker, the recent death of Nelson A. Rockefeller saddened many in this Nation. Yet for the people of New York State, the grief was compounded for it was in the Empire State where Nelson Rockefeller gave his best years of public service.

William O'Shaughnessy, president of Radio Station WVOX in Westchester County, New York, delivered a moving eulogy on Nelson Rockefeller on the air this past January 27. This eulogy captured Nelson Rockefeller the man, the "neighbor" as so many in New York would like to remember him. It was perhaps the most personal of the many tributes I heard about Nelson Rockefeller. As Governor of New York, as Vice President of the United States, Nelson Rockefeller strove and succeeded in accomplishments. His contributions to our Nation were numerous and significant. He will be missed, but his legacy will endure for years to come.

I now insert into the RECORD for the benefit of my colleagues William O'Shaughnessy's tribute called simply "Nelson."

NELSON

Saturday is a day for blue jeans and chores around the house, for errands and shopping at the A & P.

It is not the kind of day to get on the radio to announce that Nelson Rockefeller died last night. He deserves better than our Saturday edition.

But last night Nelson Aldrich Rockefeller, a former member of the Westchester County Board of Health, went down at his office in New York. And all night long and into these early morning hours the newspapers and the radio were preparing bulletins and obituaries to tell you this fabulous and zestful man's heart had stopped on him.

In cold, clinical, medical language he had a "massive" heart attack. It would have to be a slammer to take out this particular 70-year-old man.

This weekend, there will be a lot written and broadcast in the national media about Nelson Rockefeller. And if you want an objective, arms-length report—you'd better tune elsewhere for you'll not get an unbiased version here at his hometown radio station—or indeed from me. For we were with him at countless political dinners and at ground breakings and dedications. We rode with him over the years in air planes and helicopters and even in golf carts.

It started for us with Louis Lefkowitz and Jack Gilhooley down at Ratner's on Delancey Street in New York City. And it was outside this Jewish delicatessen in a puerto rican neighborhood where I first discovered the Great Squire of Pocantico Hills. As the old men from the neighborhood looked on—this patrician, this aristocrat from Westchester ployed into the crowd of hispanic faces yelling at him "Senor Rocky!"

For ten years we followed Nelson Rockefeller as he dominated New York State politics—settling garbage strikes, battling with John Lindsay, building colleges and a great state university, pushing bond issues, building roads and expressways.

He was always the best story of the day . . . even just sitting on the dias of the Westchester Republican dinner at the old Commodore Hotel with the late Fred Powers and telling his neighbors: "Good to see you . . . nice to see you . . . Wow . . . you look faaabulous!"

He loved to tell them about the time old Boss Ward, the Republican leader, put him on the Westchester Board of Health. And on Thursday past as Henry Kissinger spoke at this year's county dinner, I was reminded of the time Fred Powers gave him a huge replica of the sword of Excalibur which the Wilkinson sword people had made up. And Nelson Rockefeller was like a kid and just *loved* it!

There were so many nights and speeches and so many trips and so many arrivals at the county airport. He would come down out of his Gulfstream, exhausted, in the middle of the night. He might finesse an interview with the networks. But he never waved off a WVOX microphone. When he left Albany he gave us the last question at his final press conference as governor. And when we used the occasion to inquire which of his predecessors staring down at us in the Red Room had "inspired" him, NAR said a lot of great men had been governor of New York, but Teddy Roosevelt had inspired him as a young boy.

And there was the time Air Force Two brought a tired vice president home from a long trip around the world. And as the national press and TV camera crews clamored for interviews, the Governor, as we still called him, made straight for our local station.

And then there was the time we accompanied him on a swing through the Deep South. David Broder and I were watching the Vice President and finishing a drink as Air Force Two, a DC–9, landed with a hell of an abrupt jolt—landing "hot" as the pilots call it—at Columbia, South Carolina. It reminded David Broder and me of our own mortality for a brief, nervous, fleeting moment. But Rockefeller never even winced. He bounded down out of the plane to meet Strom Thurmond and those southern belles in hoop skirts.

On this same trip, down on Mobile Bay, he even charmed old George Wallace and his lady Cornelia. Eastern, patrician, aristocratic, wealthy, yankee Nelson Rockefeller wowed the red necks.

He could never, of course, make the great, *formal* speech in front of a television camera. But in a room, with a crowd, or one-on-one he was superb when he was *in*formal.

In 1968, in Miami, he had just delivered an uninspired formal speech to the delegates to the Republican National Convention. He didn't at all come across before the television camera. And then he joined Walter Cronkite in the CBS broadcast booth for a more informal discussion. The great Cronkite was trying hard to be his usual, objective self when Nelson reached over, put his hand on his arm and said: "Just a minute, Walter . . . I'd like to thank *you*, sir . . . for all that *you* do . . . The way you conduct yourself is an inspiration to me . . . and to our country!"

An astonished, but flattered, Walter Cronkite went over like a giant oak.

I'll remember lots of moments with this neighbor of ours. There was the day just before Christmas, in 1974, when he walked into the oval office to be sworn in as Vice President of the United States. And America, which had just been through Watergate, felt good again about itself, having this extraordinary man at center stage for a while.

And I remember Gerald Ford, the president, telling me over drinks in the White House: "Don't worry, Bill . . . I agree with you . . . Nelson and I are a good team . . . he'll be on my ticket . . . *and* we're going to win." That, of course, was before Bo Calloway and the mean, narrow southerners and the Rockefeller-haters started after him. Most men would sell their soul for the vice presidency or to sit in the oval office. He took himself out of it—with style and with grace.

And yet on this morning after he died, it is his sense of humor that keeps coming back to me. I heard him say—on a plane or in a chopper—one day: "My lawyer just sued me!" I didn't understand—until Bobby Douglass, his aide, explained that Louis Lefkowitz, the attorney general, had just brought a suit against Mobil Oil.

And he was in great, good form at his last public appearance here in the county at SUNY Purchase where he showed slides of his art collection to a very tony group—members of the Westchester Arts Council.

He quipped and joked and raised his eyebrows and moved his blocky shoulders and his eyes twinkled and it was vintage Rockefeller. And as he greeted this staid, artsy crowd, an exceptionally well-endowed lady came through the receiving line—rather falling out of a somewhat revealing dress. Nelson's eyes lit up. And when he noticed that Joe Canzeri and I had also tuned in on the display, the Governor threw a sly, mischievous wink to us (and to Happy standing next to him) and said to the lady: "Wow . . . how are *you* . . . yes, sir . . . good to see *you*!"

He was a man of great enthusiasm. He could find humor in almost any situation. But he had to have been hurt by that number done on him and his art reproductions by the reporter in the Times last month. And in the New York Times, James Reston will write a sweet, affectionate column about him—while Anthony Lewis, who shares the same page, will find some way to tell us he never forgave Nelson for Attica. And many Catholics will never understand his stand on abortion. (And, indeed, they wouldn't even pray for him among the formal petitions Sunday at Holy Family Church in New Rochelle. But in the same city, the Christian Brothers of Ireland at Iona Grammar School remembered the soul of Nelson Rockefeller at a mass for fathers and sons.)

There was a big, broad range to his life. He was a high roller who was equally at ease with the Emperor of Japan and the Shah as he was with Meade Esposito of Brooklyn or any Yonkers politician.

As a wealthy man, as a Rockefeller, he had a lot of material things—Kykuit, the house at Pocantico, an apartment on Fifth Avenue, his newest project in the desert near Brownsville, Texas. He would sit at "21" and jet off to Dorado for vacations or with Happy to visit an Italian princess named Letitia in Rome.

But he also had great enthusiasm for some of the ordinary pleasures. I discovered this the night we flew to Cleveland to campaign for Governor Jim Rhodes. A busy tour had been arranged—TV interviews, a visit to the publishers of the Plain Dealer and a political dinner.

Just before the dinner we stopped at a slightly run-down Sheraton Hotel which was probably the best Cleveland had to offer. There were anti-abortion pickets outside. But the Governor's hosts had laid on the "presidential suite" for a brief rest stop before dinner.

As we cased the room he spotted a portable bar stocked with Dubonnet and milk which suited *him* just fine. I could have used a Canadian Club. And there also sat a gleaming silver tray with oreo cookies all grandly wrapped in cellophane and with a ribbon.

"Wow" . . . said the governor of New York . . . "look at that!" And so there we sat in shirt sleeves eating oreo cookies, Dubonnet and milk in the presidential suite while the pickets chanted below.

He has his name on great, tall buildings now—in Albany and in New York. And he has left around this state a lot of soaring architecture which will remind us and future generations of Nelson Rockefeller. But I will think of him everytime I see a kid eating an oreo cookie.

In countless editorials over the years, I've tried to tell you on this radio station what he has done for our state and for our nation—his accomplishments. They are many and known to you.

But this morning I think I merely want to say I'm glad he was our neighbor—and a friend.

He lit up our lives. Nelson . . . you were faaabulous.

This is a WVOX Editorial of the Air.

This is William O'Shaughnessy.●

MEALS ON WHEELS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PATTERSON. Mr. Speaker, one of the most serious problems facing American society today is the treatment of the elderly. Many older Americans are unable to leave their homes to obtain even the bare necessities of life. One group that attempts to provide for the elderly that are unable to leave their homes is called "Meals on Wheels." In the city of Buena Park, the "Meals on Wheels" program provides meals prepared by hospitals to people who are physically unable to shop for groceries or prepare their own meals. The meals, which are very nutritional and provided at low cost, are delivered to the homes of seniors by volunteers.

The Buena Park City Council has proclaimed February as "Meals on Wheels Month" in the city. The Buena Park "Meals on Wheels" program will celebrate its fourth anniversary this Friday by installing its new officers. Buena Park Mayor Stan Meyer will install President Rachel Stone, Vice President Shirley Powell, Treasurer Sarah Wilson, Corresponding Secretary Audrey Mason and Recording Secretary Lora Johnson.

Mr. Speaker, I ask all of my colleagues to join me in saluting the Buena Park "Meals on Wheels" program for its dedicated work on behalf of the elderly.●

REINTRODUCTION OF LAW ENFORCEMENT OFFICERS BILL OF RIGHTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. BIAGGI. Mr. Speaker, today, along with my colleague from Pennsylvania, Mr. MIKE MYERS, I am reintroducing my law enforcement officers bill of rights. This is the fifth consecutive Congress in which I have introduced this measure and I am confident that after a decade, this legislation will finally gain congressional approval.

I came to Congress after a 23-year career as a New York City police officer. During those years, I was fortunate to have received many honors and awards for my work. From my first day on the beat to the present I have maintained an active interest in the law enforcement profession and the individual professionals who comprise it. One of the very first bills I sponsored when I came to Congress was the law enforcement officers bill of rights. The version I am introducing today is only slightly revised in language but the original intent is intact.

The intent is clear—the bill seeks to extend to police officers the same guarantees of civil rights and due process as all other Americans enjoy. When police officers become subjects of intradepartmental investigations, they can find their rights to be nonexistant. I have documentation of police officers enduring ceaseless hours of interrogation—being suspended without charge, and being denied counsel rights. My bill establishes a uniform law enforcement officers bill of rights consisting of the following:

First. Law enforcement personnel would have the right to participate in political activities while off duty and out of uniform.

Second. Law enforcement officers under investigation must be notified from the outset the nature of the complaint, all complainants as well as those who will be present during the interrogation, and their legal rights including right to counsel.

Third. All interrogations must be conducted in a reasonable manner and while being conducted no threats of disciplinary action shall be made.

Fourth. The complete interrogation proceeding must be recorded.

Fifth. A law enforcement officer must be notified and given reasons for any punitive action taken against him prior to the effective date of such action.

Sixth. Law enforcement officers have the right to bring civil suits against all those who violate their rights under the bill of rights.

Seventh. No law enforcement officer shall be required to disclose information on personal finances as a basis for promotion.

Eighth. Adequate representation of law enforcement personnel must be provided whenever a police complaint review board is established.

The Congress in the past several years has taken an active and admirable interest in advancing the civil rights of many groups. Legislation nearly passed Congress in 1978 spelling out new rights for institutionalized persons, including prison inmates. Markups of a revised version of this bill is ongoing in the House Judiciary Committee. Does it seem proper that we should work to insure the civil rights of prison inmates before those of law enforcement officers? Are we going to perpetuate the practice of selective morality?

In 1973 hearings were conducted on the law enforcement officers bill of rights. I revised the legislation when I received objections so as to make it more acceptable. Yet there has been no movement on this legislation since that time, except for those actions which I induced. Specifically I offered this bill as an amendment to the 1976 Law Enforcement Assistance Act extension. I pledge that if no action is forthcoming in this Congress in short order, I am prepared to reoffer this as an amendment to the LEAA reorganization bill. It would be done in a manner prohibiting States or localities from receiving LEAA funds unless they had adopted a bill of rights for law enforcement officers.

The law enforcement community has waited patiently for Congress to act on this legislation. Their patience after 10 years is waning. The enactment of the 1976 Public Safety Officers Death Benefits Act was important but law enforcement personnel want protection while they are on the job. They want to be insured at the very least that they will have the same civil and due process rights as those persons they protect. I prophesize to my colleagues that unless substantive action is taken on this legislation there will be an outcry in the law enforcement community.

Obviously I have a deep personal interest in this legislation because of my career as a police officer. Yet I fight this cause as I have so many others—because I abhor discrimination of any kind. In terms of civil rights—police officers are discriminated against—they are second-class citizens—they are impeded in the free exercise of their work.

The idea of a law enforcement officers bill of rights is gaining momentum in this Nation. The States of California, Maryland, and Virginia as well as several major cities have adopted versions of bills of rights. Is it not now time for the Congress to follow suit and enact a uniform bill of rights? This Nation's first line of defense against crime, rests with law enforcement personnel. It is time they were recognized and appreciated. Enactment of my bill will be a giant step in the right direction. I hope I will be joined by many of my colleagues as cosponsors of this important legislation. It enjoys the support of rank and file law enforcement personnel and once official endorsements are received I will place them in the RECORD for all to see.●

ON RECOGNIZING NEW REALITIES: THE ADDRESS BY VICE MINISTER OF FOREIGN AFFAIRS, H. K. YANG OF THE REPUBLIC OF CHINA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. DORNAN. Mr. Speaker, on December 15, 1978, President Jimmy Carter dramatically announced that he was going to sever diplomatic relations with an old and faithful ally, the Republic of China. He declared, furthermore, that he was going to establish diplomatic relations with the Communist regime and terminate the Mutual Defense Treaty with the Republic of China on January 1, 1979. Some Christmas present for the people of Taiwan.

Now, the Communist regime is engaged in a bitter and dangerous war with their ancient enemies, the Vietnamese. Against the battle-hardened young veterans of the Vietnamese Army they are now making considerable headway in their punitive expedition in retaliation for the Vietnamese defeat of Communist China's ally, the bloody regime of Pol Pot in the devastated country of Cambodia. The current demonstration of Chinese conventional power is not, in and of itself, awesome. But consider the possibilities if the Communists on the mainland were armed with the most sophisticated weapons. Consider the impact of their possession of high level technology on the stability of the international balance of power. In their legitimate fears of the Russian Bear, American foreign policy analysts and political scientists who favor the expansion of trade relations between the Chinese Communists and the West are doing nothing less than creating the proverbial Frankenstein monster, an enormous Leviathan which could, realizing its own incomparable demographic strength, break loose from the conventional bonds of international order and go on a rampage through Asia. This is not fancy. It is a very real possibility. In the euphoria of "normalization," the giddy camaraderie excited by Comrade Teng's journey to the shores of our republic, I think that we have lost sight of the awful potential of the new Middle Kingdom.

I am dismayed by the fact that this administration continually indulges in wishful thinking and optimistic theorizing. A classic example of this was the manner in which we broke diplomatic relations with Taiwan. When asked whether the Chinese Communists had given assurances that they would not use force against Taiwan, Secretary of State Cyrus Vance replied that he expressed the hope that such force would not be used and that the Chinese Communists did not offer any contradiction. What did that mean? Silence, on their part, told us nothing. But the President went on to assure the world that Red China had no intention of attacking Taiwan. In fact, the President already cut the ground from under himself when he agreed to Communist China's interpretation in the first place. By recognizing the Communist regime as the sole legitimate government of China, we have logically assumed that Taiwan is an internal affair. The Chinese, quite properly, replied that we had no right to determine how they were to settle their internal affairs.

On January 5, 1979, Vice Premier Teng Hsiao-p'ng publicly acknowledged that the Chinese were not going to restrict themselves to the wishes, hopes, or pleadings of a confused and desperately hopeful American administration. He declared that the Chinese Communists could not rule out the use of force in reuniting Taiwan with the mainland. He reiterated, once more, the point that the question of Taiwan is solely an internal matter.

Under what interpretation of national or international law, the custom and usage of states and nations, could the Carter administration possibly believe that the Chinese Communists have no legal or moral right to use force in the resolution of internal disorder or disturbances? The President had already given the proverbial game away.

The fundamental difference in perception between the administration analysts in the United States and the leaders of the Communist regime on the mainland is that the latter exhibit a fine-tuned understanding of the uses of international power. Using the United States as a platform to warn of the real dangers of Soviet Russian imperialism, it was not surprising that Vice Premier Teng would talk openly of punishing the Vietnamese. He understands the psychological impetus of his new found relationships with the United States. He must likewise grasp the incredibly naive approach of administration foreign policy leaders—who received no concessions whatsoever, even in negotiating the blatant betrayal of an old, trusted, and faithful ally. Such behavior must, I think, excite his contempt.

The Speaker, the President has said that he will veto legislation that would provide long-term assistance to Taiwan. Then, later, it was reported that he would agree to use force in the protection of the Taiwanese. What does that tell us? It tells us what we have suspected all along. This administration has no foreign policy. This administration makes ad hoc decisions and proposals in response to events; but there is little, if any, attempt to control events. There is no vision, no plan, no overall intellectual framework.

Mr. Speaker, does anyone in the White House remember human rights? I mean, does anyone, straining their crania, recall the vaunted importance of the principles of human rights and the dignity of men in our foreign policy. When the President announced his new China policy, he remarked that he was only "recognizing reality"—the reality of the Communist conquest of 900 million human beings. Well, I agree that we ought to "recognize" this reality—all of it, in all of its ugly and heart rendering dimensions.

Yes, Mr. Speaker, let us extend full, complete and unreserved diplomatic relations to reality. According to the Guinness Book of World Records, the regime on mainland China is responsible for more political murders than any other government in human history. Yes, more than Hitler, Pol Pot, or even Stalin. The Walker report published by the United States Judiciary Committee in 1971, estimated that the human cost of communism in China since 1949 ranges anywhere from a conservative estimate of 32,000,000 to a high 61,000,000 human souls. It is worth noting that the Communist Chinese themselves have openly claimed, on several occasions, that they have been engaged in mass executions of so-called class enemies.

As with virtually every major totalitarian political experiment since Lenin seized power in 1917, the force labor concentration camp has become a standard apparatus of repression. While there are no official government estimates of dissidents or prisoners forced into what the Communists call Lao Dong Gai Zao—reformed through forced manual labor—a 1964 estimate published by the Guinness Book of World Records was 16,000,000. Where was Teng Hsiao-ping during this period of Communist rule. He was in the center of the violence, literally wading in the blood of innocent victims. As I said, there is no reason why we ought not to extend diplomatic relations to every facet of reality—even those we boast and toast.

On December 31, 1978, the day before the United States decided to derecognize its veteran friend in war and prosperous trading partner in peace, former Vice Minister of Foreign Affairs for the Republic of China, H. K. Yang, delivered a farewell address. It was a moving speech. It revealed the bravery and determination of the fine people he represents, the very last bastion of the venerable culture of Confucius in the world today.

As I said, I think we ought to examine the whole of reality in all of its heart-rendering dimensions. Mr. Yang's speech, therefore, cannot be overlooked—even from the very high altitudes of the State Department.

I ask my colleagues to read it with full awareness of the tragic history our current administration is writing:

TWIN OAKS ADDRESS BY VICE-MINISTER OF FOREIGN AFFAIRS H. K. YANG OF THE REPUBLIC OF CHINA

(Delivered at the flag-lowering ceremony held at Twin Oaks, Washington, D.C. on December 31, 1978)

It is with a heavy heart that I am here to officiate the ceremony of the lowering of our national flag—the flag of the Republic of China.

I am grateful to all of you—friends and fellow citizens—who are gathered here at Twin Oaks to take one more look at our national flag before it is taken down. Your presence gives us strength and confidence. Your presence speaks eloquently of the fact that in our fight for a just cause we are not alone.

China and the United States exchanged ministers exactly a hundred years ago. Ever since 1912 when the Republic of China was brought into being, the first republic in Asia, our two countries have maintained close and cordial diplomatic relations. Throughout the long years, in war or in peace, I am not aware of a single occasion when the Republic of China did anything perfidious or wrong to the United States.

Our people, known for their trustworthiness, honesty and loyalty, have always endeavored to live up to the moral and ethical standards they set for themselves in their dealings with the people of the United States. It is therefore only natural that we feel distressed when we realize that our national flag is not to be raised here at Twin Oaks after the end of this year, because Persident Carter has decided that on January 1st, 1979, the United States will terminate diplomatic relations with us the Republic of China—a loyal friend and ally of the United States, and establish relations with our enemy the Chinese Communist regime.

Beginning tomorrow, relations between the Republic of China and the United States of America shall undergo changes. Surely, there will be modifications and readjustments. Although the names of our respective embassies in Taipei and Washington, D.C. shall go into limbo, yet our many-faceted realistic and meaningful relations in trade and economic development, in cultural and scientific exchanges, in people-to-people interflow will not only continue but also flourish.

The lowering of our national flag does not mean that we are giving up our fight against Communism. Fight we will. We in the Republic of China have the courage not to bow before the brutal forces of Communism. We fight against Communism not only for the seventeen million Chinese living in Taiwan, but also for more than twenty million overseas Chinese living in all parts of the world. And, what is more, we do it also for the 800 million Chinese who have been forced to live under an oppressive, totalitarian Communist regime. Indeed, we are continuing our fight against Communism for all freedom-loving people the world over.

We regret that the United States Government chooses to terminate diplomatic relations with us at a time when our people on the China mainland have begun to question the Communist regime, defiantly and courageously, why the economy on the mainland is not as good as it is in the Republic of China on Taiwan. Through such questions, the people are challenging Communism both as a form of government and as a way of life.

If the raison d'etre of a government is the promotion of the welfare of the people, then I would say that my government, the Government of the Republic of China, can stand the test. For the Chinese people living under my government enjoy a standard of living at least four times higher than that of the people living under the Peiping regime. Moreover, the people in the Republic of China on Taiwan enjoy full freedom while on the China mainland the people are even denied the freedom of silence.

We as a government never pay lip service to grandiose ideas of certain political philosophies. Yet, I am proud to say that under the leadership of President Chiang Ching-kuo, politically ours is an open society; and economically we are moving, quietly but vigorously, in the direction of an egalitarian society. We have confidence in our leadership. We have confidence in our Government. And we have confidence in ourselves. I wish to assure you that, come what may, the Government and people of the Republic of China will continue to strive for freedom and democracy and peace with justice—a just cause to which all of us who are gathered here have long dedicated ourselves.

Dear friends and fellow citizens, we may be facing a long dark night. But as long as we can persevere and keep our chins up—and I am sure we can—we shall be able to come here again soon, with renewed conviction and dedication, to welcome a new dawn and a new era in the relations between the Republic of China and the United States of America.

Before concluding, I should like to assure all of you that with conviction and confidence, WE SHALL RETURN! And we shall return with this same flag—the national flag of the Republic of China.

Thank you.●

THE BETRAYAL OF IRAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. McDONALD. Mr. Speaker, unfortunately it has become painfully clear that the enormously inept policies of the Carter administration have been the key to the destabilization of the pro-Western Government of Iran and its recent overthrow by Islamic-Marxist revolutionaries. In the following commentary, veteran anti-Communist analyst Hilaire DuBerrier has outlined how for years the Soviet Union, through its Middle Eastern client states such as Libya and also Iraq, have poured all forms of assistance into Iranian revolutionary groups. The article also makes the point that it was our Government's pressure which was brought to bear to force the Shah to leave Iran in January, to be replaced by a Kerensky-like Bakhtiar Government which commanded no loyalty and which was quickly overthrown.

Mr. DuBerrier's column, "Overseas," was published in the February 21 edition of the Review of the News, and follows:

OVERSEAS

When asked, "What is the best form of government?" Solon replied, "For whom and at what time?" In the case of Iran with its diverse tribes and religious fanatics who even today literally cut themselves and each other to pieces in frenzied mourning for the martyrdom of the Imam Hussein who died 1,300 years ago, the answer is a strong government. Certainly the people making up this state so vital to the West are as volatile and as brutal when aroused as any on earth. Iran's Shi'ite Moslem fanatics have not changed since the day before World War I, when an American consul wandered in the street to photograph a religious procession and was hacked to bits on the spot.

REPORT ON IRAN

The old Shah Reza Pahlavi was a rude soldier who understood his people's respect for force and contempt for weakness. Upon deposing the ruling Kajars in 1921 it was his intention to establish a republic; but to the Shi'ite leaders as well as the masses, an Iran without a Shah was unthinkable. Thus the Pahlavi Dynasty was founded.

The 16th day of September 1941 when the old Shah's son, young Mohammed Reza Pahlavi, mounted the Peacock Throne of Persia marked the beginning of a battle that is still far from over which will ultimately lead Iran into a bloodbath which will make millions of Iranians pray for his return. The first threat to destroy the throne was led in 1953 by Prime Minister Mohammed Mossadegh, whose wife was related to the Kajar Dynasty deposed by the Shah's father. When Mossadegh failed, American newspapers shouted that C.I.A.'s Kermit Roosevelt had saved the Shah, a boast which made Mohammed Reza appear to be America's protege and gave the Communists an opportunity to accuse "American imperialists" of meddling. The truth is that a traditionally anti-monarchist America would not have lifted a hand had Mossadegh not nationalized Iran's oil and the British instituted a blockade.

Britain, traditionally the protector of the Persian Gulf and the Emirates which were later discovered to be rich in oil, had long imposed a Pax Britannica from her military base in Aden, at the entrance to the Red Sea. But by 1962 revolt was afoot as Jay Lovestone, former secretary-general of the Communist Party, U.S.A., called on Africans, Arabs, and Communists alike to support independence movements against Britain. Labor unions led by American-trained leaders ground wheels to a stop in Aden with strikes for which the monster International Confederation of Free Trade Unions in Brussels, mobilized international support. The I.C.F.T.U.'s objective was a labor empire formed by "liberated" colonies, led by union bosses trained by American unions, and loyal to those who had formed them. Aden, now the capital of a Communist Yemen and Russia's greatest supply base in the Near East, was the key.

In 1967 Britain threw up her hands in disgust and Iran's Shah assumed the burden of protecting the strategic Gulf and the Emirates. Iranian forces occupied the islands off the coast of Oman and in a crash program the Shah acquired hovercraft capable of transporting troops across the Persian Gulf in an hour. Overnight Iran's militarization began and, as the Shah's threats to the Russian plans became more serious, the alliance of Communists and the narrow clergy, united only in their hatred of the monarch, was consummated.

Some 80 percent of Iran's 35 million people belong to the Shia sect. To the peasants of Ispahan and tribesmen in the Elbourz mountains, the craftsmen in Tabriz and the bazaar traders from the Caspian Sea to Baluchistan, the rebel alliance leader Ayatollah Khomeini is seen as a magician whose powers are unlimited.

By thundering against the regime of the Shah of the Ayatollah Khomeini has given the appearance of having brought it down by words. It is no matter that for years sober European officials have watched Libya's Muammar el-Qaddafi pour money into secret camps that have been training Iranian guerrillas, or that they have long monitored a steady stream of broadcasts to Iran from Moscow. The Ayatollah Khomeini had held the spotlight, and in the crisis which Iran has just passed through it meant nothing to his blind followers that their exiled leader in Neauphle-le-Chateau, in France, was surrounded by members of the Soviet-controlled Tudeh party who were flying his incendiary sermons into Iran only so that the churchman might prepare the way for the atheists.

It was the Russians and men like Libya's Qaddafi, aggresively suported by the Leftist professors of Europe and America, who radicalized the many thousands of Iranian students sent abroad. In the ultimate reckoning they made what is referred to as the "dreaded SAVAK," or Secret Police, a necessity. In late January the sister of the SAVAK general who exiled Khomeini in 1963 told your correspondent that a Communist leader arrested at the same time looked the general in the face and said: "When my turn comes, I will not be as kind to you as you have been to me." Even as she was speaking, women in Teheran were already having dirt and even acid thrown in their faces if they went into certain streets without a veil; yet not until it is too late will the Communist organization that will replace SAVAK be referred to in our press as "dreaded."

But it was the Shah's "New Freedom Policy" which, according to the *London Daily Telegraph* of May 13, 1978, brought on the chain of events which led to the disintegration of Iran. And that, says the *Daily Telegraph,* stemmed from "talks with President Carter, who spent last New Year's Eve in Persia." The President pressured the Shah to liberalize in return for arms sales, and then sent out the C.I.A. to destabilize the regime in favor of a "Liberal" successor. The Reds were quick to take the cue.

President Carter's observation that the Shah seemed likely to fall encouraged the spoilers to step up their attacks. Their assumption that they had Washington with them was strengthened on January 14, 1979, when the London *Observer* (owned by Richfield Oil and the radical Aspen Institute) reported Cyrus Vance's desire that the Shah leave Iran. The *Sunday Telegraph* of the same date wrote that President Carter had made it clear through his Ambassador, William Sullivan, that the Shah should leave the country. And by the time both Air Force General Robert Huyser and C.F.R.-Bilderberger member George Ball had gone to Teheran to request that the Shah pack up and get out, the outcome was no longer in doubt. Huyser directly threatened the military with a break in diplomatic relations and a cutoff of arms if they moved to support their monarch.

The London *Daily Telegraph* observed: "America has been closely involved in bringing it [*the present situation*] about," and added: "The Shah is reported by court sources to be annoyed, to say the least, by the pressure being put on him by the Americans." As far back as November 20, 1978, Marvin Stone had written in *U.S. News & World Report:* "It's a sobering lesson for the U.S. and ironic, too, given the probability that President Carter's human-rights policy may have helped create the crisis in the first place. It is not responsible to assume that the administration's pressure on the Shah to liberalize his rule tended to undermine his authority, enflame the Shi'ites and inflate the expectations of youthful dissidents. In light of this experience, Carter decision-makers must recognize that their human-rights policy is not without risks and that support of the Shah must be unequivocal as he seeks to reverse the slide to disaster."

By January it was too late, and by the time these lines are in print the moment for fiery speeches will have passed. The vendetta which an old man who has been exiled for 14 years has pushed to its climax, regardless of its cost in human and social terms, will have been won—a total triumph. Then the Ayatollah Khomeini will find himself face to face with the Communists for whom he has torn Iran apart.

What happens in the next six months may well change the face of the world. A year from now the whole Western world and most of all the Iranians will wish the Shah were back. He did everything he could to save Iran, and when the good-guy, bad-guy column is drawn up the Shah Mohammed Reza Pahlavi will emerge as one of the best rulers that this century has seen and a man destroyed by an American President he believed to be his friend.●

REGULATION—AT WHAT PRICE?

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. SAWYER. Mr. Speaker, Federal regulatory programs and agencies, the costs they incur, and the benefits they provide are subjects of legitimate and growing concern to the Congress and to the American people. There is clearly an urgent need to assess the costs and benefits of regulatory programs and their alternative before they are put into effect.

I have recently cosponsored legislation to require the preparation and development of economic impact analyses for all rules and regulations. This statement would address the cost/benefit impact of regulations on consumers, businesses, markets and Federal, State and local governments.

The need for this legislation is overwhelming. Each day brings a new horror story about the burden of regulatory costs on the American people. Perhaps the most lucid illustration of the frequency of ill-advised Government regulations is contained in a letter to President Carter, of which I received a copy, from R. C. Gerstenberg of Bloomfield Hills, Mich. I heartily commend the message in this letter to the attention of my colleagues. I hope too, in response to Mr. Gerstenberg that the President will indicate his support for permanent legislation requiring economic impact statements for all Federal Government regulations.

The text of the letter follows:

R. C. GERSTENBERG,
Birmingham, Mich., February 21, 1979.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to compliment you on your State of the Union address, especially its recognition of the treacherous effects of inflation on the U.S. economy. I sincerely hope that your "new foundation" will help us regain our momentum and productivity leadership.

My experience as Chairman of General Motors convinced me that we can only assure the future excellence of our great nation by continued innovation in research and development, high productivity, and most efficient use of our natural resources, supported by a strong free-market system.

However, business today is less and less free to reach new heights. Our ability to compete technologically with foreign industry is constantly being eroded. We are, in effect, merely settling for "defensive technology." Why?

The main reason is often-conflicting, usually over-restrictive, and almost always shatteringly expensive government regulation. Even you may not realize the extent of its detrimental effects upon the way we must conduct business today.

Among the more flagrant examples:

The increased cost of the phosphate NTA dispute which wasted over $50 million because NTA hadn't been properly tested before being offered as a detergent substitute.

The increased cost resulting from attrition of many small but highly specialized foundries—and the resultant loss of jobs in many low-cost small communities—because they lacked the finances to comply with federal standards which are far beyond the real need.

The added cost of $9,844 incurred by an individual in the purchase of a $50,000 median-priced, single-family home for federal, state and local regulations.

An added average cost of $38.88 spent per day per patient in New York State hospitals to meet regulatory requirements.

An increased cost of over 3% in electric utility bills at a typical midwest electric utility to provide $500 million for scrubbers to reduce pollution caused by sulphur consent in coal. (The standard of a reduction of 85% which was written for high sulphur coal also applies to low sulphur coal where there is really no need.)

An increased cost of $2 billion per year to meet OSHA's industrial noise standards, neglecting much less expensive forms of worker protection.

An increase in cost of $200 per car to meet automotive fuel economy standards which were "front-loaded" rather than evenly spaced over the period 1980–1985—thus ordering the bulk of improvements within a short time.

An increased cost of $1.5 billion to build subway ramps and elevators for the handicapped in New York City, even though they could be served better for less by door-to-door transportation with special vehicles.

Even worse, some standards conflict with other existing or proposed regulations. Consider these:

On construction sites, OSHA simultaneously demands that trucks and other heavy-duty vehicles have loud back-up horns, *and* that workers wear hearing protection to cut down noise levels and thus not hear the horns.

DOE has mandated greater industrial use of domestic coal to cut oil imports, even though EPA penalizes companies which pollute the air with coal smoke.

Disclosing financial data concerning inventory adjustments, required by the SEC, violates IRS laws.

Meat-packing plants need stainless-steel surfaces to comply with some Department of Agriculture food-handling standards. These surfaces, however, reflect so much sound that they may cause the plant to exceed OSHA's noise limits.

I agree with you that we must all work together on a foundation that will make government work in the interests of all our people.

In every instance cited above, there is a significant increase in cost which will be passed on to the consumer. The list could go on and on and the national impact on cost and inflation—which you are striving so hard to control—is enormous. Your prompt action in correcting several of the most flagrant and costly excesses would provide hope for all of us. It would also provide the leadership so badly needed to help build the "new foundation" you so earnestly seek.

Sincerely,

R. C. GEISTENBERG.

P.S.—I am taking the liberty of sending copies of this to the members of the Michigan Congressional Delegation because I feel it might be of interest to them as well.●

TAX ADVICE FOR THE ELDERLY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PANETTA. Mr. Speaker, although inflation is a major problem for all Americans, no one is experiencing inflation on a day-to-day basis more seriously than our senior citizens. With the costs of food, housing, transportation, and health care escalating twice as fast as costs of other goods and services, those individuals living on limited or fixed incomes literally cannot keep up with the cost of living. It is important, therefore, that during this time of fiscal restraint, we do not ignore the needs of the elderly, for it is this group which has already made its contribution to society—a contribution which cannot be measured in dollars and cents.

One way seniors can receive financial aid now is through the tax system. Several deductions, credits, and exemptions are available to relieve some of the pinch of inflation. For example, in addition to a wide variety of medical deductions, a person 65 years of age or older is entitled to an additional exemption of $750. Moreover, if an individual sold a home before July 27, 1978, and was 65 or older before the date of the sale, he or she may exclude the capital gain made from this sale from gross income. Also, a credit of up to $300 may be claimed for expenditures for energy conservation property installed in a principal residence, whether it is owned or rented. And, if a person maintains a household for a child who is under age 19 or is a student or a disabled dependent, that individual may be entitled to an earned income credit of up to $400.

These are just a few of the types of tax assistance that are available to the elderly. I would like to share a more complete list with my colleagues, hoping that this information will prove useful to older Americans throughout the country:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3% of your adjusted gross income (line 31, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1% of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3% limitation):

Abdominal supports (prescribed by a doctor).

Acupuncture services.

Ambulance hire.

Anesthetist.

Arch supports (prescribed by a doctor).

Artificial limbs and teeth.

Back supports (presribed by a doctor).

Braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs.

Chiropodist.

Chiropractor.

Christian Science practitioner, authorized.

Convalescent home (for medical treatment only).

Crutches.

Dental services (e.g., cleaning, X-ray, filling teeth).

Dentures.

Dermatologist.

Eyeglasses.

Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed).

Gynecologist.

Hearing aids and batteries.

Home health services.

Hospital expenses.

Insulin treatment.

Invalid chair.

Lab tests.

Lipreading lessons, designed to overcome a handicap).

Neurologist.

Nursing services (for medical care, including nurse's board paid by you).

Occupational therapist.

Ophthalmologist.

Optician.

Optometrist.

Oral surgery.

Osteopath, licensed.

Pediatrician.

Physical examinations.

Physical therapist.

Physician.

Podiatrist.

Psychiatrist.

Psychoanalyst.

Psychologist.

Psychotherapy.

Radium therapy.

Sacroiliac belt (prescribed by a doctor).

Seeing-eye dog and maintenance.

Speech therapist.

Splints.

Supplementary medical insurance (Part B) under Medicare.

Surgeon.

Telephone/teletype special communications equipment for the deaf.

Transportation expenses for medical purposes (7¢ per mile plus parking and tolls or actual fare for taxi, buses, etc.).

Vaccines,

Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs.

Whirlpool baths for medical purposes.

X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

TAXES

Real estate.

State and local gasoline.

General sales.

State and local income.

Personal property.

If sales tax tables are used in arriving at your deduction, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, truck, motorcycles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amounts paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.

Auto loan.

Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Point—deductible as interest by buyer where financing agreements provides that they are to be paid for use of lender's money and only if the charging of points is an established business practice in your area. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the separately stated "finance charge" expressed as an annual percentage rate.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, you may use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.

Union dues.

Cost of preparation of income tax return.

Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box used to store income-producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees under certain circumstances.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by your employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if used regularly and exclusively for certain business purposes.

Educational expenses that are: (1) required by your employer to maintain your position; or (2) for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—You may claim either a deduction (line 31, Schedule A, Form 1040) or a credit (line 38, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general, or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, you may voluntarily earmark $1 of your taxes ($2 on joint returns) for the President Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status:	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,950
Single (age 65 or older)	3,700
Qualified widow(er) under 65 with dependent child	3,950
Qualifying widow(er) 65 or older with dependent child	4,700
Married couple (both spouses under 65) filing jointly	4,700
Married couple (1 spouse 65 or older) filing jointly	5,450
Married couple (both spouses 65 or older) filing jointly	6,200
Married filing separately	750

Additional Exemption for Age.—Beside the regular $750 exemption, you are allowed an additional exemption of $750 if you are age 65 or older on the last day of the taxable year. If both a husband and wife are 65 or older on the last day of the taxable year, each is entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus if your 65th birthday is on January 1, 1979, you will be entitled to the additional $750 exemption because of age for your 1978 Federal income tax return.

"Zero Bracket Amount."—"The zero bracket amount" is a flat amount that depends on your filing status. It is not a separate deduction; instead, the equivalent amount is built into the tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, you will need to make an adjustment if you itemize deductions. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

Tax Tables.—Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you do not have to deduct $750 for each exemption or figure your general tax credit, because these amounts are also built into the tax table for you.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, but only one of them, may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence.—You may exclude from your gross income some or all of your gain from the sale of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale. These requirements, and the amount of gain that may be excluded, differ depending on whether you sold your home before July 27, 1978, or on or after that date. The exclusion is elective, and you may elect to exclude gain only once for sales before July 27, 1978, and only once for sales on or after that date.

If you sold your home before July 27, 1978, and you were age 65 or older before the date of sale, you may elect to exclude the gain attributable to $35,000 of the adjusted sales price if you owned and occupied the residence for 5 of the 8 years ending on the date of sale. If you sold the home after July 26, 1978, and you were age 55 or older before the date of sale, you may elect to exclude $100,000 of gain on the sale if you owned and occupied the residence for 3 of the 5 years ending on the date of sale (or 5 of 8 years under certain circumstances). Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded.

Additionally, you may elect to deter reporting the gain on the sale of your personal residence if within 18 months before or 18 months after the sale you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence; (2) you were on active duty in the U.S. Armed Forces; or (3) your tax home was abroad. Publication 523 (Tax Information on Selling or Purchasing Your Home) may also be helpful.

Credit for the Elderly.—You may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly), if you are:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

For more information, see instructions for Schedules R and RF.

Credit for Child and Dependent Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent child under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—If you maintain a household for a child who is under age 19, or is a student, or is a disabled dependent, you may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and had adjusted gross income (line 31, Form 1040) of less than $8,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

ENERGY TAX ACT

The Energy Tax Act of 1978 is directed at providing tax incentives for energy conservation measures and for conversion to renewable energy sources.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: insulation (fiberglass, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; caulking or weatherstripping for exterior windows or doors; a furnace replacement burner which reduces the amount of fuel used; a device to make flue openings (for a heating system) more efficent; and electrical or mechanical furnace ignition system which replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter which displays the cost of energy usage.

A maximum credit for renewable energy source property is $2,200. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Energy credits may be claimed by completing Form 5695 and attaching it to your Form 1040. Credit for expenditures made after April 19, 1977, and before January 1, 1979, must be claimed on your 1978 tax return. Do not file an amended 1977 return to claim a credit for expenditure in 1977.

Examples of items which do not qualify for energy credit are the following: carpeting, drapes, wood paneling, exterior siding, heat pump, wood or peat fueled residential equipment, fluorescent replacement lighting system, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695 and IRS Publication 903, Energy Credits for Individuals.●

SAM BROWN'S ACTION RIP-OFF

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. McDONALD. Mr. Speaker, recent investigations by the House Appropriations Committee have revealed 2 years of massive mismanagement, cronyism, and conflict of interest in the ACTION agency under the direction of Sam Brown and his assistants including Mary King and Marge Tabankin.

Sam Brown has been trying to deflect attention from the mismanagement of ACTION's domestic programs toward another controversy over the Peace Corps, an agency which Brown has indicated he would be happy to have removed from his responsibility. However, this $213 million dollar agency's domestic programs have been shockingly abused, and it is here that attention ought to be focused when ACTION asked for its upcoming appropriation.

To that purpose, I would like to call my colleagues attention to an excellent article detailing the ACTION abuses written by investigative reporter John Rees and published in the January 17, 1979, issue of The Review of the News.

The article follows:

[From the Review of the News, Jan. 17, 1979]

SAM BROWN, CARTER CLOWN—THE KOOK WHO IS SPENDING $213 MILLION OF YOUR MONEY

(By John Rees)

From time to time President Carter's $52,500-a-year ACTION Director, Samuel Winfred Brown Jr., age 35, has been seen in his office wearing a small green button that proclaims, "Robin Hood was right!" This telling slogan is distributed on buttons and bumper stickers by the avowedly socialist Movement for Economic Justice (M.E.J.), which one former ACTION agency professional describes as "Marxists Employed by Jimmy." Embodying as it does Sam Brown's philosophy at ACTION chief over the Peace Corps and Volunteers In Service To America (V.I.S.T.A.), the slogan helps to explain the two years of wild radicalism, mismanagement, cronyism, and blatant conflict of interest that have characterized Brown's tenure as head of this $213 million federal agency.

A year ago, January 18, 1978, to be precise, *The Review Of The News* was the first national journal to expose the serious conflicts of interest and cronyism in ACTION. Now, after an 11-month investigation, the House Appropriations Committee has completed a Report citing repeated instances of ACTION improprieties in areas originally identified by this magazine. The full investigatve Report is to be made public later this month, but Illinois Republican Congressman Robert Michel made excerpts available on December 28th. Representative Michel charged that the investigation confirmed "the existence of widespread mismanagement and a blatant disregard for the agency's mission by its senior executives."

The Illinois Congressman said that "in few, if any, other agencies the size of ACTION will investigators ever find so many open abuses of government contracts, taxpayer dollars, and Congressional intent as have been outlined in the Committee investigators' Report."

One of the ACTION operations subject to strong criticism is its $4 million "National Grants" program. Here the Appropriations Committee Report states that National Grants were not awarded on a competitive basis and that public advertising to solicit sponsors was lacking. "Rather," the Report says, "applications were informally solicited by circulating word about new programs among community action organizations. . . ." Six of the twelve grants thus went to favored Leftist organizations with which ACTION Director Brown had met to "discuss the agency's new direction."

Although ACTION had last January agreed to award grants competitively, after complaints and critcism resulting from our article, Sam Brown delayed implementation of competitive bidding until after the end of the federal Fiscal Year in October. As the Appropriations Committee Report states, "In the interim, noncompetitive awards were made to five national grantees, including two that were signed during the last month of the Fiscal Year (one on the last day)." These grants were "locked in" for two years.

CASH FOR RADICALS

Among these last recipients of ACTION's largess with your tax dollars are the Midwest Academy of Chicago that received a $432,000 award to train 80-odd V.I.S.T.A. volunteers, and the Little Rock based Association of Community Organizations for Reform Now (A.C.O.R.N.), that has an award of $467,000 to pay expenses and salaries of approximately the same number of V.I.S.T.A.s as full-time organizers for A.C.O.R.N.'s 14-state network of projects for radical social change. Not surprisingly, the leaders of A.C.O.R.N. and the Midwest Academy have long been close associates of ACTION Director Sam Brown and his Deputy Associate Director of the V.I.S.T.A. and ACTION Education Programs, Marge Tabankin. Before joining ACTION, Marge was executive director of the Youth Project, a tax-exempt conduit for funds being transferred to various socialist "grassroots" organizers of the radical "communities movement."

The founder of the Midwest Academy, Heather Tobis Booth, and her husband, Paul Booth, were top leaders of Students for a Democratic Society in the mid-1960s who decided like many other S.D.S. activists that the way to create a socialist system in the United States was to organize a "hate the rich" campaign under cover of a "populist" movement for those who have incomes near or below the poverty line. Thus, in effect, the targeted "rich" include the taxpaying middle class on which American society is based.

The Midwest Academy makes its rival, the Industrial Areas Foundation created by the late revolutionary Saul Alinsky, appear positively Rightwing by comparison. The Academy's training manual (used to train activists under the V.I.S.T.A. grant as well as those taking the Academy's "regular" courses in community organizing) includes the following:

"The Third Principle of Direct Action organizing is that it attempts to alter the relations of power between people's organizations and their real enemies. The enemies are often unresponsive politicians, tax assessors, utilities, landlords, government agencies, large corporations or banks."

In other words, the Midwest Academy to which Sam Brown gave $432,000 of your tax money is based on the principle of class warfare as elaborated by Karl Marx, and each organizer passing through the Academy's hands receives such indoctrination as the basis for the strategies and tactics of "direct action" or confrontation politics in which he or she is trained.

Not surprisingly, the congressional investigators found that the criteria that the Midwest Academy was supposed to use to select local projects "were largely disregarded." Instead, "it appears that sponsors were selected on the basis of Midwest's prior acquaintance with the supervisors of the local organizations." That $432,000 is, in short, being used by a clique of radicals to finance revolutionary socialist projects.

Other abuses discovered in the National Grant programs included the fact that the V.I.S.T.A. volunteers were working in areas and with people not in a condition of poverty, contrary both to congressional intent when chartering ACTION and to ACTION's own regulations. The V.I.S.T.A. volunteers were found to be engaged in illegal activities —activities specifically prohibited by ACTION regulations—including union organizing, political campaigning, and lobbying.

Remember, V.I.S.T.A. was foisted on the American taxpayers as a "humanitarian" program to underwrite the expenses of those who would "volunteer" to assist the poor in local drug-abuse programs, as babysitters in "day-care" centers, as teaching aides, in legal-services programs, in prisoner rehabilitation, and in programs for the handicapped, mentally retarded, and insane. The V.I.S.T.A. volunteers, and those in other ACTION programs, are not supposed to be engaged in radical efforts to elect an insurgent slate of steelworkers in a union election; to work on organizing employees (for example, secretaries and clerks) into a radical union; to work as organizers for socialist political candidates in local political campaigns; to lobby for passage or repeal of legislation; or, to finance demonstrations. Under Sam Brown they have been engaging in all of these things.

Sources close to the congressional investigation of ACTION report that A.C.O.R.N., the Midwest Academy, and a women's liberation group in Boston called Nine to Five, all used your tax money from ACTION for union organizing. A.C.O.R.N. used its V.I.S.T.A. volunteers and ACTION money for political campaigning and lobbying in support of the American Agricultural Movement's "farmers strike" last winter and to press for "women's rights" and other legislation. Caught cold, A.C.O.R.N. refused to provide Committee investigators with information, and has now reportedly decided not to reapply for a grant extension on account of "adverse publicity.' That may or may not be enough to prevent criminal prosecution.

Despite his proclamations of openness to the press, ACTION Director Sam Brown last week cancelled a scheduled interview with this reporter at the last minute, denying himself the opportunity to explain how it was that A.C.O.R.N., Ralph Nader's Public Interest Research Group, Nine to Five, and other recipients of his grants qualified for the big tax payoffs they got even though they do not assist the poverty striken and have radically misused the taxpayers' money. And Sam denied himself the opportunity to explain something far more important: Namely, what steps, if any, he is going to take to get back the taxpayers' funds improperly used by these radical groups.

ABOUT A.C.O.R.N.

Let us take a close look at A.C.O.R.N., recipient of $467,000 of your tax money, to illustrate what Sam Brown has been doing.

The A.C.O.R.N. gang was formed in June 1970 as a project of the late George Wiley's militant National Welfare Rights Organization. Wiley and company had found that even in cities with high proportions of Welfare recipients, it was extremely difficult to organize such persons into an effective political movement to take power. Wiley and his Massachusetts organizer, Wade Rathke, a tall, blond dropout from prestigious Williams College, decided to use Arkansas as their target area. At that time some 70 percent of its citizens earned less than $7,000 a year, and there was the added advantage that the state capital and largest city, Little Rock, is relatively small and centrally located, facilitating the formation of a statewide political apparatus. By 1971, A.C.O.R.N.'s political activities there included lobbying the state legislature and the governor's office for legislation and state agency actions.

The people that A.C.O.R.N. is out to radicalize are not Welfare recipients, but those with low to moderate incomes—marginal farmers, the elderly living on pensions or Social Security and choked by inflation, and street people in city neighborhoods. Thus the federally financed A.C.O.R.N. organizers present "consumer issues" in this style: If "the utilities want a rate increase, then make the city or state pass a law against it." "Hospital and medical care is expensive? Then it should be provided free by the government." "You were turned down for a loan for your farm? Then pass a law forbidding a bank to loan money outside its own local area."

In 1974, A.C.O.R.N. conspired secretly to run one of its members for every one of the 467 seats on the Pulaski County (surrounding Little Rock) Quorum Court, the county legislative body whose members are all justices of the peace. Working hard, A.C.O.R.N.'s secret candidates won 190 seats while another 40-odd were captured by what radical organizer Rathke termed "like-minded folks." Thus A.C.O.R.N. has used control of this local legislative body as a lever in its campaign, successful late in 1978, to raise local property taxes and make them sharply more "progressive." Business property, as one might expect of radical socialists, was the main target.

Since 1975, A.C.O.R.N. has moved into 13 additional states including South Dakota, Iowa, Missouri, Tennessee, Louisiana, Texas, Oklahoma, Colorado, Arizona, Nevada, Michigan, Florida, and Pennsylvania. Here is how it works:

Professional organizers are sent into a community by the socialist leaders of A.C.O.R.N. These organizers select a locally "popular" issue—such as pressuring the city to clean up vacant lots to rehabilitate abandoned housing, to provide extra sanitation services, or to put up a traffic light near a school—and then form a local organization, say the "Pretty Park Neighborhood Association." They solicit memberships by household for the created group at $16 per family and suggest that the new association affiliate with A.C.O.R.N., which can provide all sorts of help. In almost every case, the key professional A.C.O.R.N. organizer or a close crony is designated as the local association's representative to A.C.O.R.N. Both the Midwest Academy and A.C.O.R.N.'s own new training school, The Institute, based in New Orleans and Little Rock, emphasize that organizers must operate discretely in the background and not flaunt their manipulations lest they lose control of the captive organization. Then, as soon as an initial success is met—the garbage is picked up or the traffic light is installed—the local group is pushed into a "more advanced" issue, such as joining the anti-nuclear, anti-utilities fight.

Next comes A.C.O.R.N.'s statewide ballot initiatives for "lifeline" utility rate structures and involvement in city council, county, and state assembly campaigns. As a Dade County, Florida, A.C.O.R.N. activist said recently, "Right now we're involved with very local things, but when we get stronger, we'll tackle the bigger things." You see, A.C.O.R.N. has distributed a "People's Platform" calling for the usual socialist "free" programs—a national medical scheme, more federal housing, federal jobs for all, expenditure of federal funds "only on the basic needs of low and moderate income neighborhoods" with local (*i.e.*, A.C.O.R.N.) control of expenditures, and so forth.

Thanks to Sam Brown's grants, you are paying to organize this.

DIRECTOR SAM BROWN

It was entirely predictable that Sam Brown would use his ACTION appointment to channel tax dollars to socialist organizers. Sam first came to public attention in 1967, when as a graduate student at Harvard Divinity School he participated in the S.D.S. "Vietnam Summer" organizing program and declared: "We saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The Communists are now a fragmented force; the United States is now the great imperialist-aggressor nation of the world."

One might assume that the 24-year-old Brown was just engaging in heated youthful hyperbole except for the fact that he followed it in 1969 by assuring a New York City television audience that he favored a terrorist Vietcong victory in South Vietnam; that as head of the National Moratorium Committee in 1969 he organized mass demonstrations in support of that goal; that in February 1970 he met in Paris with representatives of the Vietcong and the North Vietnamese Government then killing American boys in the field; and, that shortly afterward he closed down his Moratorium Committee to leave the field of anti-Vietnam agitation to the Communist-dominated New Mobilization Committee and its suceeeding People's Coalition for Peace and Justice when Madam Binh of Communist Vietnam explained how divisive his Moratorium organization was to the Red's unified agitational and propaganda campaign.

And Brown has not backed down an inch. In September 1977, ACTION Director Brown was a participant in a New York "celebration and welcome" to honor the arrival at the U.N. of the delegation from the Communist "Socialist Republic of Vietnam." After applauding the Vietnamese Deputy Foreign Minister's vitriolic attack on "U.S. imperialism," ACTION's chief told the press: "I am deeply moved. . . . I believe we ought to aid the Vietnamese in their reconstruction."

In a January 1978 interview with *Penthouse*, Brown confirmed that he had been "discussing" sending his Peace Corp volunteers to Communist Vietnam. He also declared of the C.I.A. and F.B.I.: "I take second place to no one in my hatred of the intelligence agencies." Perhaps by way of explanation, Brown told how, before his Senate confirmation in February 1977, "Hell, I couldn't even get into the Executive Office Building after I'd been nominated. . . . Every time I'd walk up to the gate, they'd put my name and birth date into a computer, and it would come up red flags. The guy I needed to see had to come out and sit and talk to me in the lobby. . . ." But afterwards, said Brown, he had no more security clearance problem because, "if the President says you can come in, they turn off the computers."

It is simply incredible that so committed a revolutionary as Sam Brown should have been given a responsible position in the United States Government.

Yet Brown has, even as a federal official, continued to play an active role in radical ventures. One of these, established by Washington's leading Marxist think-tank, the Institute for Policy Studies (I.P.S.), is the National Conference for Alternative State and Local Public Policies (N.C.A.S.L.P.P.). It is designed to increase the effectiveness of New Left community organizing; establish the political machines needed to elect more New Leftists to local, state, and (eventually) national offices; and, to coordinate nationally the programs and policies of existing New Left officials.

At the second annual conference of N.C.A.S.L.P.P., in June, 1976, Sam Brown was among those who saw the Carter candidacy as an opportunity for the New Left. As a *New Republic* article on the "Successful Radicals Working In The System" reported Brown's remarks: "If he [*Carter*] keeps his promises to the left, explicit or implicit, the opportunities are great. If he turns out to be as conservative as some people fear, Brown said, 'Our work becomes still more important because the only people out to change things in the long run are here in this room.' "

"In the room" with Brown at the conference were representatives from many of the "communities movement" groups including A.C.O.R.N., Massachusetts Fair Share, Tom Hayden's socialist Campaign for Economic Democracy (C.E.D.), and their financial angels—such as Marge Tabankin's Youth Project. It is important to remember that, according to Marge Tabankin's own statement, she owes her job as V.I.S.T.A./ACTION to five "mutual friends" in the pro-Vietcong movement who also "just happen" to be leaders of the I.P.S. National Conference on Alternative State and Local Public Policies. She identifies them as Lee Webb, an I.P.S. fellow who organized the N.C.A.S.L.P.P. and was S.D.S. national secretary in 1963–1964; the aforementioned Heather Booth; Donald Green; and, Jane Fonda and Tom Hayden, whose California-based Campaign for Economic Democracy has been serving as an N.C.A.S.L.P.P. pilot project in the effort to take over key state Democratic Party organizations.

As reported by this magazine on January 18, 1978, Lee Webb has written that one of the purposes of the N.C.A.S.L.P.P. is to put New Left U.S. officials in contact with their counterparts in such Communist countries as Yugoslavia, Cuba, Romania, and Hungary, as well as with the so-called "Euro-Communist" and Socialist parties in Western Europe which are engaged in United Front electoral tactics. These Marxists are supposed to teach the U.S. officials their methods and programs for use here on Americans.

In July 1978, ACTION Director Sam Brown again participated in two days of workshops and panels at the N.C.A.S.L.P.P. national conference in Minneapolis/St. Paul. Brown said that it was a "special pleasure" to meet in that state, "the center of that richest of American political traditions—a populism rooted in the twin ideals of social justice and economic democracy . . . [that] are a rich and inspiring heritage for the American Left." He called on the group to develop a new national politics based on "distributive economics, decentralized power, and a fundamental and underlying commitment to social justice." Call it "distributive economics" or "economic democracy" or "economic justice," socialism by any name means they take your property and give control of it to their friends.

The sad fact is that ACTION Director Brown manifests the sort of hatred of America's hard-earned prosperity so often exhibited by New Left activists looking to Marxist dictatorships like Vietnam or Cuba or Tanzania or Mozambique as models for America's future. In his *Penthouse* interview last January, this key Carter Administration appointee laid it on the line. "We are so damned wealthy," he said. "As long as we try to hang on to that, we haven't got a chance and morally ought not to have a chance. It is not right for us to have the kind of extravagant, consumptive society we have—it just isn't."

At the same time, Brown described his idea that the Peace Corps volunteers should not go to poverty-ridden Third World countries to make improvements in their way of doing things, but to import Third World ways of doing things here. Two countries that would especially welcome such Peace Corps volunteers, said Brown, are Guinea-Bissau and the People's Republic of Benin, both Marxist-Leninist dictatorships.

PEACE CORPS FUROR

On November 24, Dr. Carolyn R. Payton, a former professor of psychology at Howard University, was forced to resign by Sam Brown after 13 months as head of the Peace Corps. In a speech on December 7th to the

Eastern Association of College Deans in Washington, Dr. Payton blasted Brown and other ACTION administrators for attempting to "impose American intellectual fads" on Third World countries.

Carolyn Payton, who was initially publicized by ACTION as the first woman and the first black to head the Peace Corps, obviously adheres to professional standards notably missing from a Brown coterie that lacks even rudimentary common sense. As Dr. Payton said, "it is wrong to tell a government in the Third World that its efforts to teach its citizens a world language—be it English or French—is an 'elitist idea.' " She pointed out that it is even more arrogant for the Peace Corps "to say to a nation, 'We will no longer teach your children mathematics and science' so that some secrets of Western technology will become accessible to them, but that 'we will teach your peasants numeracy and literacy" so they can count their cows or print their names on a wall.

Dr. Payton charged that the Peace Corps is being used to proselytize the "political ideology" of Brown and his radical clique. "Those now responsible for the Peace Corps," she said, "seems to wish the organization to be engaged in a kind of political activism and advocacy. They would be pleased to have Peace Corps volunteers demonstrate overseas against corporations that engage in practices with which they disagree, or that market products they see as harmful."

And she revealed that Sam Brown and friends are out to use the Peace Corps as a means to send "unemployed black ghetto youth" overseas to "black socialist countries" in order for them to be indoctrinated with the "benefits of life in a totalitarian society." Dr. Payton said she left ACTION so "I am free to sound the alarm."

Sam Brown's response to the revelation of the former Peace Corps director has been to fire William Gaymon, who was her top assistant. Brown's arrogant response to press quires about any plans to clean up ACTION and remedy problem areas was the comment that his "greatest mistakes" had been in personnel, an obvious reference to Dr. Payton.

A Congress which increased the Peace Corps budget from $86 million in Fiscal 1978 to $95 million for Fiscal 1979 would do well to take a full statement from William Gaymon and Dr. Payton, and then ask some very tough questions of Sam Brown

WASTE AND MORE WASTE

The summary of findings of the House Appropriations Committee investigation of ACTION reveals so many instances of mismanagement, waste, apparent featherbedding, and cronyism that President Carter should immediately call for Sam Brown's resignation. Here are more examples:

Since September 1976 there has been a 30 percent increase in the number of senior management positions in ACTION.

Under Sam Brown's "reorganization" program, the number of program offices has increased by 18, and as the Congressional Report concluded, "A bloated headquarters staff is difficult to reconcile with the objective of strengthening the state office role. . . ."

The cost for so-called expert "consultants" has increased by more than $135,000 and an estimated 1,268 staff days. The congressional investigators found that ACTION used its expert/consultant appointment authority in a grossly partisan and political manner.

The hiring of top level ACTION staff has been without regard to their previous salary levels. In six cases, ACTION gave its new staff members salary increases of $15,000 or more!

ACTION has made almost no effort to verify the employment experience of various candidates for its staff positions.

In its National Grants program, that gave grants to the ACTION leaders' friends in the Midwest Academy, A.C.O.R.N., and the like, the average cost for each trained V.I.S.T.A. volunteer is $6,418, compared to $5,748 for a standard V.I.S.T.A worker

In the area of procurement practices, the congressional investigators found that ACTION's program officials were engaged in activities raising "questions of legality" such as encouraging contractors to start work without a contract and meeting with them to pre-arrange both the statements of work to be done and the cost estimates.

ACTION's lack of management concern with budget procedures resulted in some $417,000 being obligated without congressional approval. Furthermore, the violation was not reported to the Congress or to the Office of Management and Budget of the White House.

A number of ACTION officials traveling overseas have been wrongfully given full allowable per diem reimbursement. The congressional investigators have found this to be a widespread practice in ACTION. The agency has also indirectly reimbursed members of its staff who have traveled to foreign countries "for other than official business."

We could continue, but you do get the point. Sam Brown may have decided to "duck" interviews with all but the friendliest reporters, but he and other top ACTION officials will have more trouble evading the questions of outraged members of the House Appropriations Committee.

As an angry Representative Robert Michel has said, "ACTION officials seem intent upon . . . the establishment of their own little state department." After reviewing the improprieties, mismanagement, and misuse of funds, he declared: "If this is any example of how this agency is going to be run in the future, and I believe it is, then we in Congress have no business allowing these practices to continue." He has recommended that the National Grants program be terminated and that ACTION receive no additional funding from Congress until all abuses have been eliminated.

Others in Congress suggest that it might be better, in light of the extent of the abuses at ACTION, to terminate all of ACTION's programs until Sam Brown and his radical friends are removed by their patron the President and the agency is scrubbed of its radicalism and corruption.●

BOB SIKES SPEAKS OUT ON POLITICS, INDUSTRY, FUTURE PLANS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PEPPER. Mr. Speaker, recently, while reading the Beach News of Panama City, Fla., my attention was drawn to an excellent article on the lifework of my friend and our retired colleague, Bob Sikes. This article was written by Felita Darley, a most brilliant young lady and an excellent journalist, who is the daughter of my longtime friend, Mike Darley. Ms. Darley's article on Congressman Bob Sikes is indeed an honor to him and the Members of this Congress. I include this article in the text at this point:

Sikes Speaks Out on Politics, Industry, and Future

(By Felita Darley)

In an exclusive interview with the Beach News Congressman Bob Sikes recently revealed some of his most intimate feelings on world politics, industry for Northern Florida, and his plans for the future.

Retiring Congressman Sikes, who after having served Florida as both a state and national legislator for a period of 42 years, is credited with doing more for the state than any one man.

Before launching his political career, Sikes was the editor/publisher of the Okaloosa County News-Journal, and in 1937 he was named president of the Florida Press Association.

The congressman was elected to the Florida Legislature for two terms, and he went on to serve 19 consecutive terms in the U.S. House of Representatives. Sikes has had a perfect batting average; in fact, he's never been opposed by a serious challenger. He has served longer in Congress than any Floridian in history.

Born Robert Lee Fulton Sikes 72 years ago in the neighboring state of Georgia, he came to the Sunshine State as a young man and attended the University of Florida, where he was graduated with a masters degree. He located in the small Panhandle town of Crestview shortly afterwards and published his own newspaper and became active in politics. Elected to the Florida House in 1936, he served in the 1937 and 1939 sessions of the Legislature and was elected to Congress in 1940, where he was to serve for the next 38 years.

Bob Sikes is an unusual man by any standards. He is hale and hearty, and despite his advancing years is in top physical condition. He has an uncanny ability to be able to think on his feet and his mind still is razor sharp. Sikes is one of the hardest working representatives ever to sit in the U.S. House of Representatives and he sets a pace that would kill a good many persons half his age. His normal work day is 12 to 16 hours and he goes seven days a week.

Sikes is strong on national defense and is recognized as an international authority on military matters. He served most of his adult life as an officer in the Army Reserve and retired a few years ago with the rank of major general.

As chairman of the powerful House Subcommittee on Military Construction for many years, Sikes had the last word on a good portion of all the funds spent by the military. And approximately two thirds of the military dollar allocated Florida went to the huge bases located in Sikes' First District.

Eglin Air Force Base and Pensacola Naval Air Station, the two largest military installations of their types in the world, are both located in Sikes' District. So are Whiting Field, located at Milton, and Panama City's two military bases, Tyndall Air Force Base and the Naval Coastal Systems Center. Sikes was responsible for the bases being located where they are and has helped to make them the mammoth installations they are today.

Numerous attempts have been made at various times to either outright close or cut back all the military installations in Sikes' district. However, the venerable old fighter has successfully weathered them all. As a matter of fact, when the smoke cleared from past nation-wide cut backs by the Pentagon, the bases in the First District of Florida usually wound up with more personnel. Sikes in past years had several brawls with the Navy over their attempts to close the local naval installation and he always comes out victorious.

Sikes makes no bones about national defense being his Number 1 priority and he is highly critical of President Carter's position on the military establishment. He had this to say:

"I'm very concerned over the entire defense program. Russia has about 1½ times more weapons than we do. They only have to pay labor half as much as we do, so with the money left over, they buy weapons. Russia has accumulated five or six times more conventional weapons than we have.

"Their tanks are first class and some of their other weapons are either just as good or better than ours. Some of our military is still using World War II and Korea-era type air planes.

"If we were to go into a conventional war against the Russians and their allies, we would be pressed to stop them.

"In the event of a stategic war, such as the Bay of Pigs Crisis, we would not have the same kind of edge over the Soviets as we did in the sixties," Sikes declared.

Sikes disagrees with Carter's veto of another nuclear aircraft carrier and said, "Carter shot us down on the carrier. We aren't keeping up with Russia's defense, and the one thing the Russians respect is military power."

Much debatable SALT II is based on the honor system wherein the Super Powers agree to maintain equal strength. Sikes questions its validity. "SALT II gives the Soviets too much flexibility and has us with tied hands. It disenables us to keep a check on their nuclear power," he explained.

When asked how industry might be attracted to North Florida, he replied, "We need to add more tax incentives like all our neighboring states. Florida has a magic name and everyone wants to come here. If we want to keep industry and get more industry in North Florida, then we've got to lower taxes; if not we will lose the future Miller breweries to sister states."

"Panama City Beach is the leader of tourism in North Florida, but more can be done. The key to it is good roads. We are finally completing 231; it is a step. Bureaucrats have been neglecting us, and we must stand up and fight for better highways," maintained Sikes.

In May of 1971, Congressman Sikes met at the Holiday Inn on the beach with the Army Corps of Engineers to propose a study that could lead to legislation to rebuild the beaches.

As to what the highlight of his near half century career, he said, "One of the most gratifying experiences was having the opportunity to work with eight presidents.

"The greatest of them was Franklin D. Roosevelt. He was a man of unbelievable strength and character. He was crippled with polio and confined to a wheel chair, but none of these affected his will to succeed."

Sikes was also impressed by President Kennedy. "He had the potential to be a truly great president. He had a feel for people and people liked him. The tragic part is that he was only in office for two years," Sikes remarked.

Another of the hats that Sikes wears is that of a great hunter. He has a collection of trophies from all over the world, and an equally impressive selection of guns. They are now on exhibit at the Bob Sikes Library in Crestview.

Sikes will keep a small staff of workers at his home in Crestview a few months after his retirement to assist in his transition to private life. He will pay their salaries.

As to how he thinks his successor, Earl Hutto, will fare, he says, "I think he will do very well. He is a hard worker and very conscientious. The fact that he has won all his elections overwhelmingly reflect this. If there is any way I can help him or my country, I will," Sikes concluded.

Asked about his plans when he retires from Congress at the end of the year, Sikes' eyes flashed and with a broad smile he replied, "The first thing I've got to do is to learn how to live without a schedule. There are all kinds of hobbies I enjoy, like hunting and writing, and I hope to have time to enjoy some of them."

But Sikes was quick to add. "However, I will have time to serve the people of the First District whenever the occasion arises. The people of Northwest Florida are the finest in the world and I intend to always be at their service."

Sikes is known as the "He-Coon" amongst his close friends and admirers. Northwest Florida Crackers call the leader of a coon pack the "He-Coon"; hence Sikes was given his famous nickname because of his great leadership ability and the fact that he takes care of his people.

So, whatever else may happen, it's a certainty that Bob Sikes will go on being the He-Coon of Northwest Florida for a long, long time . . . if not forever.●

HENRY HAZLITT ON FREE MARKET ECONOMICS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. McDONALD. Mr. Speaker, over the past 84 years, Henry Hazlitt has established a reputation as perhaps the most incisive commentator on American economic and political trends, and as the dean of the American supporters of a free market economy. In a recent interview, Mr. Hazlitt had some trenchant observations to make on editorial censorship at the various newspapers and news magazines for which he had worked, which help explain why today we see usually one side of many key issues in the press. I commend Mr. Hazlitt's remarks to the attention of my colleagues.

The article follows:

FREE MARKET ECONOMIST HENRY HAZLITT—AN EXCLUSIVE INTERVIEW WITH THE DEAN OF CONSERVATIVE COMMENTATORS

(By Percy Greaves, Jr.)

Since the passing of his good friend Ludwig von Mises in 1973 at the age of 92, Henry Hazlitt has been the dean of American writers on free-market economics. Born in 1894, Hazlitt started his professional writing career before the passage of the Federal Reserve Act in 1913. Self-educated, he was a veteran student of important trends and events long before the 1929 Depression and the ensuing New Deal departures from the principles of limited government laid down by our Founding Fathers. The author of 16 books, Hazlitt is at 84 working on his 17th. His deservedly most popular book, *Economics In One Lesson,* has been published in eight translations and sold more than 700,000 copies. A newly revised edition, from Arlington House, will appear March 1st ($8.95).

All who would like to reinforce their understanding of what is wrong with our economy would do well also to read Henry Hazlitt's *Foundations Of Morality* and his excellent analysis of Keynesian politics in *The Failure Of The "New Economics."* Those interested in the solution to our current economic problems should also study Hazlitt's latest book, *The Inflation Crisis.* His wide experience, penetrating mind, and remarkable ability to communicate make whatever Henry Hazlitt writes well worth reading.

Q. Mr. Hazlitt, when did you first become aware of the drift away from the free-market principles upon which our system is based?

A. First I became aware of the importance of limited government. I was in my teens or early twenties when I started reading Herbert Spencer. It was his writings that made me aware of the over-extension of government.

Q. Were the ideas of Spencer popular at that time?

A. No. I ran into him by myself, having become addicted to Arnold Bennett's self-improvement books and charmed by his style. He referred to Herbert Spencer as the greatest mind and the greatest philosopher ever. That got me to reading Spencer. Of course, I was also reading the government-oriented stuff. I became aware of economic subjects fairly early because I was only about 18 when I went to work in 1912 for the *Wall Street Journal.*

Q. Then you didn't attend college?

A. Yes, for a short time while I was a full-time student at City College of New York. But I had my mother to support, so I had to quit daytime classes, taking a few isolated courses at night for a couple of years.

Q. How did you develop your interest in economics?

A. When I went on the *Wall Street Journal* the company treasurer, who hired me, told me: "You will be reading railroad reports. After a while you will want to analyze them." Quite to myself I said, "The devil I would." But I soon discovered that there was something called economics. The first book on the subject I remember reading was by Chapman (*Outlines Of Political Economy,* 1911). I have it downstairs. He was a pretty good economist, though his little book was really a sort of condensation of Marshall's *Principles of Economics* (1890, 8th edition, 1920).

Q. You recommend reading Philip Wicksteed (1844–1912), the English free-market economist. When did you run into him?

A. When I got interested in reading economics I would browse in the public library in Flatbush, Brooklyn, and I came upon this volume by Wicksteed called *The Common Sense of Political Economy* (1910). I had never heard of him. As a matter of fact, almost nobody had at that time. I read his book and became absolutely fascinated.

Q. Another important free-market economist of that period you have mentioned is Boehm-Bawerk (1851–1914), teacher of Ludwig von Mises. When did you run into him?

A. Fairly early. That was also a matter of sheer accident, just browsing in the library. As a matter of duty I decided I would read one of the college textbooks. There were essentially three college texts at that time (1912–1913). One of them was Seager's *Introduction To Economics* (1904); another was Seligman's *Principles* (1904, 12th edition, 1929); and, the third one was Taussig's (1911, 4th edition, 1923). I should have taken Taussig, but I dutifully read Seligman and respected it because of its reputation. He was quite an interventionist and that troubled me.

Q. Then you started writing on economics?

A. What happened was that I wrote editorials. How they let me write them, I don't know. I had almost no practical knowledge of finance of any sort, but the *Wall Street Journal* had a system under which you could submit editorials almost anonymously. They had something called "By the Ways," little things of one or two lines, that appeared at the end of the longer editorials. I used to submit a lot of those and the editors used them.

Q. After service as a pilot during World War I you worked for a good many newspapers in New York City?

A. There must have been about a dozen newspapers in New York in those days and I worked for most of them. I was on the *Evening Post* before the war. Then I was on the *Mail* (1921–1923). The owner, Richard Henry Stoddard, called me up one day and asked me whether I could swing from Financial Editor to being an editorial writer. It was practically an order, so I said, "OK." He thought I ought to go down to Washington and get some news background, so he made me their Washington correspondent to just dig around and write anything I pleased.

Harding was President then and I used to go to his press conferences. Warren Harding took the weight of his responsibilities very heavily. He looked like a President. I hardly even dared ask him questions because I felt like such a neophyte. They were small press conferences in those days, with about eight to ten of us, not at all like the big affairs now. Somebody would ask the President a question and he would say, "Now suppose I lent Jim here," one of the reporters, "a cigar." He would make homely little illustrations like that, and it all seemed very sensible. Then, when I went back to write it, I said to myself, "What a damn fool thing to say."

Q. Did you ever go to any of F.D.R.'s press conferences?

A. No, no.

Q. I went to them for two years. He had a powerful personality.

A. That's one thing I learned about politicians. I had in my mind all these pictures of villains, and one of my chief villains was Senator Robert La Follette, the famous populist. The paper directed me to ask a question of the Senator, so I went to his office and sent in my name. La Follette comes out, a very fatherly gentleman, puts his arm around me, and says: "What can I do for you?" I was only about 26 or 27 then. Suddenly he didn't seem such a villain.

Q. It's amazing the amount of ground your career has covered since those days. After the *Mail* you went to the *Herald*, didn't you?

A. I wrote editorials on the *Herald* (1923–1924) and was then Book Editor on the *Sun* (1925–1929). I particularly remember one interesting experience when I was at the *Herald*. In 1924, Keynes' book *A Tract On Monetary Reform* was published. I had read his book on *The Economic Consequences Of The Peace*, which came out in 1920. It was a book you were supposed to read, and so I read it and respected it. I was impressed by it. I thought Keynes was right in his main contention. So when *A Tract On Monetary Reform* came I decided to review it. I found it incredibly bad and lost all respect for Keynes. Everything was so muddled, so completely muddled. I still have the book downstairs. My interlineations are longer than the text. Anyway, I wrote an editorial about it for the *Herald*, saying how bad it was.

Q. Did Keynes ever react to what you wrote?

A. No, I never met him, though I nearly did. When I was Book Editor of the *Nation* (1930–1933) and also writing their technical economic editorials, Ozzie Villard (1872–1949), the *Nation's* owner and editor (1918–1932), announced that Keynes was coming to lunch tomorrow with our staff of only four or five people. I thought, that's fine, I'll meet him. But on the day of the lunch I came down with a terrible cold. So I never went to the office or the lunch.

Q. Was the *Nation* a Leftist journal at that time?

A. Under Ozzie Villard it was socialist in a sort of mild way, but it was mainly in favor of free trade.

Q. Did you then consider yourself a little to the Left?

A. Well, I was sort of leaning backwards at that time, reading all these people like Harold Laski and trying to be more flexible than I was. You know.

Q. I went through that same stage. You think: Can I be wrong and all these others be right?

A. That's exactly it! All the most famous writers were Leftist. Long after I came back to the Right I would meet Harold Laski at lunches and we would have very heavy verbal battles.

Q. How did you move on to the *New York Times* from all of this?

A. Well, I was with the *Nation* about four years. Then I got to know Henry Mencken (1880–1956) because I hit him for a review for the *Nation* about once every three months. In that way I began having some correspondence with him. One day he called me up, or wrote me a letter, saying he was going to be at the Algonquin in New York and would I have dinner with him. This was quite unexpected, out of a clear sky. So I went up and we had a long talk. Mencken told me that he was going to give up the *American Mercury*. After ten years, he was tired of it; he wanted to write books, and so on; he thought it needed new blood. Henry said he was looking for an editor and asked whether I would want to be editor of the *Mercury*.

This was such a great honor, as I saw it, that I said I would. Then he said, "Well, I'll be in touch with you." Actually, he didn't get in touch with me until the very time he was quitting. Then he gave me a quick call about it and I said, "Yes." This came so suddenly that I didn't have time to give the *Nation* notice. So I had to work for both for about four weeks and didn't have time to think. That made me get off to a very bad start.

Q. The *American Mercury* was then in Baltimore?

A. It was published by Alfred Knopf, and their editorial office was in New York, but of course H. L. Mencken had run it mainly from Baltimore. He would come in about once or twice a month.

Q. Did your effort at *Mercury* attract the attention of the *Times?*

A. No, what happened was that I didn't get along very well with Alfred Knopf. I was not his choice but Mencken's. Knopf didn't dare countermand Mencken, who had such an international reputation, so he let him appoint me, but the publisher had quite different ideas on what the paper should be. After a very few months, Knopf and I decided that he would look for another editor and I would look for another job. We wouldn't set any definite time for my quitting.

Earlier, I had gone to the *Times* and asked about becoming an editor. Adolph Ochs (1858–1935) was still alive, but I saw Arthur Sulzberger (1891–1968) who was then running the *Times*. Ochs had been sick. Sulzberger said they wanted me very much for the *Times*. They needed somebody who knew economics for the editorial page but were having trouble because of the depression. Ochs had assured everybody on the *Times* that he would not fire anyone. He kept his word—and it was a very costly word to keep. A corollary was that he hadn't taken on any new employees for two years. So Arthur Sulzberger said, "We want you, but I'm afraid to approach this to Mr. Ochs until he feels better." When things didn't work out with *Mercury* I went back to Arthur Sulzberger and the *New York Times* took me on as an editorial writer.

Q. So you were writing editorials for the *Times* from 1934?

A. From 1934 to 1946, right.

Q. They were more friendly to your ideas in the beginning?

A. Oh, yes, yes!

Q. Ochs was more of a Conservative?

A. Yes, and so was Sulzberger. What happened was Mrs. Sulzberger (Ochs' daughter) was always quite a Leftist. She was not active, but she would call up and say, "Mr. Hazlitt, why don't we have an editorial saying so and so?" Some Leftist idea. I would say, "Well, Mrs. Sulzberger, the trouble with that is . . . . " And I would explain. Then she would say, "Well, you know best." So there wasn't any interference and the paper pretty much published what I wrote.

Q. How did the end come at the *Times*?

A. Well, there began to be disagreements. For example, I opposed the Bretton Woods discussions as they were going on in 1944. I kept criticizing them and I was the only editorial writer in town that I knew of who was writing critical things about them. Mostly, everyone else was saying they were a wonderful example of international cooperation, and so on. My editorials on the *Times* were the only sour note.

Then came the news that 43 governments had signed this marvelous document. Arthur Sulzberger called me up to his office and said, "Now, Henry, when 43 governments sign an agreement I don't see how the *Times* can any longer combat this." So, I said, "All right, if you want, but in that case I can't write anything further about Bretton Woods. This is just an inflationist scheme that is going to end badly and I can't support it." That was the beginning.

Oh, then another thing happened. The last couple of years I was there I wrote a Monday column for the financial page. So I began writing on Bretton Woods for the financial column, but not for the editorial page. One day Arthur Sulzberger called me up and said, "Harry, we are thinking of writing—I hope this doesn't offend you—I'm thinking of writing a line at the end of your Monday column saying that the opinions of Mr. Hazlitt are not necessarily those of the New York Times." I replied, "Well Mr. Sulzberger, you can do that. But I have to warn you of one consequence. If the other columns that you print don't have such a line, the assumption will be that their personal opinions do necessarily agree with those of the editor." So he said, "I see what you mean," and he dropped that.

Then for some reason Ralph Robey quit writing the column, "Business Tides," for Newsweek. So Newsweek got in touch with me and made me an offer. It was actually a slight drop in salary from what I was getting on the Times, but I got two things in compensation. My columns would all be signed so I would no longer write anything anonymously. The other thing was that, instead of doing seven or eight pieces a week, I would do only one. Another of the considerations was that I would be free to write elsewhere. I thought I would devote time to books, and so on.

I didn't tell the Times the nature of this offer—I just told them I had taken another offer and they accepted my resignation. Then Arthur Krock (1887–1974) heard about it. At that time, he, Hanson Baldwin and I were about the only three Conservatives left on the Times. So Arthur Krock raised hell at the Times for letting me go and not making me any counteroffer. He thought that I had probably told them about the offer and they had refused to do anything to keep me.

Q. Then you were with Newsweek. . .

A. For twenty years.

Q. You had no problems there?

A. Not until Mrs. Graham took over.

Q. Did they interfere with what you wrote?

A. They didn't. But one time the editor called me up and said, "We are going to have a special space-age issue." The Russians had just sent up the Sputnik. "We would like you to write on the Sputnik." I told him, "You know, my contract calls for no interference with my column—not even suggesting a topic. I'm not very enthusiastic about this. All we know about the Sputnik is what the Russians claim." So the editor said, "Well, if you don't write on it, we'll leave your column out of the paper. Okay?" So I wrote on it, suggesting that we really didn't know by any direct method what the Russians had done or hadn't done. It was the only sour note about the Sputnik in the issue.

Q. They published it?

A. Yes, but within a year they called me in and told me they were going to have Milton Friedman, Samuelson, and the Federal Reserve fellow, Wallich, write columns. So that was about it. They dropped me.

Q. The success of your books has been such that I know our readers would be interested in your experience with publishers. Did you have trouble getting *Economics In One Lesson* published?

A. When I got the idea for that I suggested the idea to Lu Mises, who nodded solemnly and said it's a good idea. He was neither very enthusiastic nor very unenthusiastic. Then I had lunch with Ordway Tead at the Century Club, of which we were both members. He was Business Book Editor of Harper's. I suggested the idea to him and he responded: "That sounds like a very good publishing idea. I'll publish it." I said, "Fine!"

Well, I sent a manuscript to the *Reader's Digest* and they carried two excerpts before publication. When they published the first one I called up Ordway Tead and said, "Ordway, I think that, as a result of this excerpt the *Digest* has printed, there's going to be a big demand for the book. I think you should publish a fairly substantial first printing." He said, "Well, I don't know. Do you think this really can be a big seller?" "Well," I answered, "I hate to go out on a limb on my own book, Ordway, but I think it can sell." He asked, "Can it sell big? Can it do 10,000?" "Oh," I said, "I think it can do that, but I am not going to go out on a limb and make any predictions." Well, anyway, he only published 3,000 copies of it. The first week after the book was out, Frances (Mrs. Hazlitt) called my attention to the fact that it was seventh on the Best Seller list for non-fiction.

Q. With 3,000?

A. Yes. And the second week it was out it was sixth on the Best Seller list. Then the third week it disappeared and it never got back on the list. The reason was there were no books. They didn't go back into print for several months.

Q. How many copies have been sold?

A. They sold 50,000 in hardbound. So far as I know, from the figures I have been able to collect, it sold about 700,000 in all editions—paperback, and so on. There were eight translations.

Q. And a new edition will be available soon?

A. Yes, on March 1st.

Q. It's not coming from Harper's this time?

A. That was a very funny thing. They kept it in print until December 1974. Then, without saying anything to me Harper's let it go out of print. They also cancelled their contract with the paperback people. I asked them about putting it back in paperback and one of their editors dilly-dallied for a long time. Finally, he came back and said, "No, but I'll tell you what. If you bring out a new edition, bringing it up to date, we'll publish it in hardback." So I did that. Then they dilly-dallied some more and never published it in hardback or paperback or anything else. I can't think of any other reason but ideology. They *said* they didn't think it would sell in paperback. Well, it has been selling at the rate of 10,000 a year from the Foundation for Economic Education alone.

Q. Harper's was a reasonably Conservative outfit originally?

A. Originally, yes. And *Harper's* magazine is surprisingly Conservative. But these people who were in charge of my book had decided that they no longer wanted it, yet they kept this hanging over my head. Finally, I got disgusted with the whole thing and I called up Neil McCaffrey of Arlington House and he took it over the telephone. He said, "Fine I'll send you a contract."

Q. Did Harper's publish any other books of yours?

A. No. That's another interesting thing. I sent them whatever the next book was and they just sent it back. That was ideological, too.

Q. Your critical book on Keynes, who published that?

A. Van Nostrand. They also did the first edition of *The Foundations of Morality* and *The Critics of Keynesian Economics.*

Q. You had good relations there?

A. Yes, but they sold out to an outfit that apparently wasn't interested in anything I was doing.

Q. I know Yale never published any more of your books, but didn't you give Mises some help in getting Yale University Press to publish his books?

A. Yes, I gave a big dinner and included Mises and, among others, Alvin Johnson of the New School for Social Research. Johnson was taking on all these German socialists. I tried to get him to take on Mises. Taking Johnson aside I asked him about Mises. He said, "Oh, he's much too far to the Right, much too far to the Right."

Next Lu (Ludwig von Mises) sent me his manuscript of *Omnipotent Government* to read. He also wanted any suggestions I might have about a publisher, so I made a few efforts and nothing happened. Then I happened to be talking with Charlie Merz, who was then editor of the *Times* (1944) where I was still on the editorial page. Charlie said he was a trustee of the Yale University Press, so I told him about Mises' manuscript. He said, "Why don't you send it to (Eugene) Davidson (editor, Yale University Press). Tell him that I suggested it and I'll write Davidson too." So that's what I did. Davidson, of course, liked it. He said, "We'll only publish it if you will undertake to edit it." So that's how it came about. You know, it seems that everybody in the publishing business is a Leftist unless something special happens to them.

Q. Your latest book is, of course, *The Inflation Crisis* from Arlington House ($8.95). Is it going well?

A. It seems to be going quite well. It came out on August 1st. They printed 8,500 on the first printing and in November they notified me that they had gone into another printing. It's had pretty good reviews.

Q. What do you think is going to happen in the inflation picture now?

A. Just more inflation.

Q. They're not going to take your advice and break the government's monopoly of issuing money?

A. No, I think they're just going to accelerate the inflation. The probability is that the government will have about a $50 billion deficit. Even if they had only a $30 billion deficit, that wouldn't be much help.

Q. They have been putting a lot of the deficit "off the Budget." In my judgment the real deficit is the increase in the Debt. That is running between $65 and 70 billion.

A. Have you noticed the things that are "off Budget"? A very haphazard collection of things. Why these are "off Budget" is not explained. They do not even bother to explain the rationale.

Q. Do you think we will go into a "runaway inflation"? Or do you think we will have price controls?

A. I think we will have both.

Q. In that event can Carter be reelected?

A. Either he, or worse! As of now, I doubt that he would be nominated.

Q. Do you think his China policy is popular?

A. No.

Q. In the Democratic Party?

A. Well, I don't know what is going to happen in the Democratic Party. It looks as if they are going to go along—the way they have with every other thing he's done I haven't heard much opposition. But there may be some.

Q. Do you see any hope in the Republican Party?

A. I don't see much.

Q. Then, you're as pessimistic as Ludwig von Mises was?

A. Whenever Frances and I would suggest optimistic ideas to Lu (Mises) he would say, "This is useless." I'm beginning to feel more and more that way myself.

Q. In his last years, I tried to console Mises by telling him he should be happy he had lived the last 90 years and not the next. He felt strongly that practically everybody who understood the situation was very gloomy about it.

A. I just came across a piece I wrote in 1944, for *American Scholar*, on the kind of of world we were going into. I described the workings of the I.M.F. (International Monetary Fund) and all the organizations that were set up at that time with a world of international bureaucracy and said what they were going to lead to. It proved to be an accurate forecast.

Q. Did *American Scholar* ask you for it? Or did you submit it?

A. I was an editor of *American Scholar* at that time.

Q. And not even a college graduate?

A. Through some confusion they thought I was a member of Phi Beta Kappa. When they found out their mistake, they asked me, can you imagine, "Do you mind if we make you an honorary member?" I replied, "I would be very flattered." Instead, they dropped me. Anyway, the last thing that I did for them was to write this piece. They didn't like it, so they got Max Lerner to write an opposing piece on the same issues.

Rereading that article I am amazed at how clearsighted I was as to what was going to happen.

Q. Have you any more books in mind?

A. I am at present working on a political book with the tentative title of *Is Politics Insoluble?* I don't know whether I'll live to finish it or not. The general theme of that book will be whether we can sharply delimit the proper functions of government. And even if we can do that, is there any way that we can hold the politicians within those limits? Once you get democracy, you soon get a majority that nobody can find ways of restricting.

Q. The problem is "eternal vigilance."

A. Yes.

Q. But what we get is eternal vigilance on the part of the people who want to increase their own power.

A. Yes, that's exactly it. That's exactly it. The primary motivation of the politicians is to find ways of keeping themselves in power and of increasing that power.

Q. That's why we have inflation?

A. Yes, indeed.

Q. Is there anything further that you would like to say about the future?

A. I hope I'm wrong!

Q. Thank you very much, Henry Hazlitt. Your experience shows how times have changed. The ideological changes at the *Times* and *Newsweek* are significant. They came during the periods when you were with them. You have witnessed many changes and yet stood fast to the basic principles of limited government and economic freedom. If more of our opinion makers had your zest for analyzing the full effects of political interference with market processes, our country would not be in its present economic predicament.●

A RURAL-URBAN COALITION

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. NOLAN. Mr. Speaker, my staff assistant for agriculture, Randy Henningson, has written an interesting statement regarding the common effort rural and urban Members of Congress must make in order to pass a better farm bill.

Henningson, whose background and academic training is closely related to agriculture, suggests that urban Representatives will not be more favorably disposed toward farm legislation until rural Representatives acquire a more sympathetic understanding of urban problems.

I commend the statement to my colleagues. The statement follows:

BUILDING A COALITION TO PASS THE FARM BILL

(By Randy Henningson)

For several years, the dwindling number of farm district Members of Congress has eroded the strength of the old Farm Bloc. In order to pass general farm legislation in an urban Congress, obtaining a rule to tie the farm bill together with food stamp legislation became vital. Despite the shotgun wedding of rural and urban interests to carry farm bills through Congress, the results have been inadequate both in terms of farm legislation and food stamp programs. The marriage of convenience failed to reconcile rural and urban interests.

Politics makes strange bedfellows, but Members of Congress from rural districts barely could tolerate their urban spouse. Time and again, farm district Representatives took to the hustings to denounce labor law reform, consumer protection, jobs programs, food stamps, New York City funding bills, etc. Little wonder that Members of Congress from urban districts have any sympathy at all for the farmers' economic distress.

Thanks to the efforts of the American Agriculture Movement, however, increasing numbers of farmers recognize political reality—even if their rural Representatives do not. Farmers realize that urban votes are needed to pass a farm bill. Indeed, farmers are recognizing that the economic problems confronting urban Americans are similar to those faced by farmers.

Farmers know that the increasing concentration of economic and financial power, including monopoly in the food industry, is sapping the resources of working people and farmers alike.

Farmers know that the Nation's policy of promoting imports of cheap, subsidized goods creates economic dislocations which undermine workers and farmers alike.

Farmers know that the high interest, deficit spending and cheap raw commodity policies pursued by the Federal government are saddling the country with an increasing burden of public and private debt, thus increasing the taxes and interest paid by workers and farmers.

Farmers know that the economy cannot be straightened out as long as workers and farmers—the consumers who are victimized by current policy—continue to be at each other's throats.

During the past several weeks, I have talked to farmers from all over the country. The overwhelming majority recognize political reality and they are ready for their Representatives in Congress to do a little horsetrading in order to pass a farm bill. The farmers are wearing a button which says, "Whatever it takes," and they mean it.

The time has arrived for rural Members of Congress to stop attacking labor and stop denouncing Federal aid for cities and urban problems. After all, the Members of Congress from farm districts, not the urban Representatives, have been directly responsible for creating today's Welfare State. Many rural Members of Congress have refused to support a farm bill which will raise farm income in the marketplace enough to bring agriculture into balance with the rest of the economy. By failing to support a farm program which would curb debt-expansion, rural Representatives have fueled inflation and forced tens of thousands of rural people into the cities, thus leading to the massive welfare programs necessary for survival in a severely dislocated economy.

Support for the farmers already is emerging from the cities and from labor groups. On February 12, 1979, D.C. Delegate Walter Fauntroy met with the farmers at the Lincoln Memorial and, speaking for the citizens of the District of Columbia, thanked the farmers for "'opening our eyes' to the real cause for higher food prices—the 'middlemen' and the 'big conglomerates.'"

Last year, the AFL-CIO Executive Council spoke out in support of the American Agriculture Movement's efforts, stating that "Just as we believe that workers are entitled to a fair wage for their labors, we believe farmers are entitled to a fair return for their labors." The AFL-CIO also noted that throughout U.S. history, "alliances between workers and family farmers have forged progressive social and economic programs to benefit average Americans. The traditional bond between workers and family farmers must not be allowed to be severed by cheap political propaganda."

The farmers themselves are working to build the political coalition necessary to pass a farm bill. If Members of Congress from rural districts continue to vote against the legitimate interests of labor and the cities, the farmers will be betrayed by their own Representatives.

The farm district Members of Congress therefore have two tasks before them if they are serious about passing a better farm bill. First, the House Agriculture Committee must report out a better bill. Second, Representatives from rural areas will have to stop playing to the galleries by making cheap shots against labor and the cities.

Farmers want the politics of division to cease and they are ready to forge a durable rural-urban coalition. The city people also are ready. The House of Representatives, particularly the rural Members of Congress, are the chief stumbling block standing in the way of a better farmer program.

As one of the American Agriculture Movement's bumper stickers says: "Lead, follow, or get the hell out of the way."●

THE ECONOMY IN 1979

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from January 3, 1979 into the CONGRESSIONAL RECORD:

THE ECONOMY IN 1979

The standard economic forecast for 1979 something like this: sluggish business conditions at best, recession at worst, with rising unemployment, a moderate decline in interest rates, and continued inflation. The forecast calls for only a mild period of economic distress with things picking up by late 1979. Some experts see a recession (i.e. two successive quarters or more of decline in economic output); others see an advance so sluggish as to be called a "growth recession"—one in which unemployment will rise despite a small gain in real output.

In specific numbers, the standard forecast—the consensus of the nation's business and academic economists—calls for an annual increase of about 2.1% for real gross national product (the sum of all economic activity) over 1978, inflation of about 7.7% and unemployment rising to 6.6%. In the years past the standard forecast has generally been good, except in highly unusual years.

Most of the experts seem to agree that if there is a recession it will be mild and brief, lasting only two to three quarters and, at worst, dragging down real gross national product (GNP) at an annual rate of only 1% to 2%. There are some bright spots in the standard forecast. One is that the dollar should remain stabilized, maybe even rise a bit, making a real change from the panic days of 1978. Because of substantial gains in employment and personal income, the economy is moving along faster today than was expected. The growth rate for the fourth quarter of the year may reach as high as 5%. Some say this means the nation can avoid a recession next year; others say the fall, when it comes will be all the harder. Nonetheless, there is little hard evidence at present to suggest that the nation stands on the verge of a business downturn. Among many forecasters there is an air of inevitability. The business cycle, they say, will always be with us, and this expansion, like all others, will eventually end in a recession.

The standard forecast has been made taking into account the important measures taken earlier by President Carter to deal with our fundamental economic problems of accelerated inflation and continual deterioration of the dollar. These problems were so severe that they threatened damage to the leadership of the nation in world affairs. The corrective measures included the mobilization of $30 billion to rescue the dollar, tight fiscal and monetary policies, and the wage-price guidelines. It is too early to see a reflection of these recent policy actions in the economic statistics, but reactions, including the standard forecasts, have been good, given the economic problems the nation confronts.

Although the computations have not been completed, the President's economists have said that the likely official forecast for 1979 will include inflation at 7.25%, real growth of GNP to something less than 3% and unemployment edging about 6%. As might be expected, this official economic forecast is more optimistic than the standard forecast. Up until a few days ago the President's economic planners felt inflation could be held to a lower range of 6 to 6½%. But two recent developments caused them to make the new prediction. The first was the OPEC oil price increase and the second was the increasing evidence that the economy is growing more strongly than had been expected, producing more inflationary consumer demands.

The striking feature of the President's policy is that he is deliberately aiming for an economic slowdown. He believes not only that a recession is unlikely but that it is not good policy because it would not contribute to the control of inflation. Apparently, he also expects a long period of fighting inflation with slow growth and the economy running below par for five to seven years. He also believes the risks of recession with his economic program are less than the certainty of recession if inflation were allowed to accelerate unchecked. A year ago a target of economic slowdown would have been unthinkable for an American President. But in the past twelve months economic and political thoughts have undergone a wrenching change, principally because inflation has built up a fearsome momentum and threatens the economic stability of the country, as well as all of its social goals. This acceleration of inflation during 1978 has required a sharp alteration in the course of economic policy. The goals remain the same, but it has become clear that those goals for output and employment cannot be achieved without progress against inflation.

In contrast to the President's view, many economists believe a recession might be a good development. Their argument is that a recession performs an unavoidable function by forcing business managers to improve efficiency, by enabling interest rates to come down, and by ringing some of the inflation out of the system. In this view, recessions become a painful but necessary way of restoring economic balance.

To sum up, the last year of the 1970s will not be a banner economic year. Nonetheless, the American economy is fundamentally healthy. It shows few signs of the sort of imbalances that can lead to economic distress. The immediate task is to shift the momentum of inflation downward. If that can be achieved in 1979, a strenthened economy will surely emerge in 1980 and beyond.●

LITHUANIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. GILMAN. Mr. Speaker, the 61st anniversary of the Lithuanian independence is an occasion which merits the attention of all of us who cherish national independence, as well as to acknowledge the struggle for fundamental human rights. Today, as in the past, we recognize the Lithuanian people as a symbol of that struggle.

In February 1918, the newly formed Lithuanian Council, which came about as the result of the end of World War I, issued a declaration of independence and formalized a new government on November 11, 1918. Initially, the odds against free-thinking Lithuanian nationalists were quite overwhelming due to the Bolshevik occupation and their creation of a puppet regime. However, with perseverance and calculated risk, the Lithuanians managed to drive the Bolsheviks out in August 1919, which resulted in a peace treaty signed by Soviet Russia in July 1920, which officially recognized Lithuanian independence. In addition, the entire Memel district was detached from Germany and formally incorporated into the new state. During its brief period of independence, Lithuania promulgated a relatively pro-Western foreign policy, while cooling down relations with the Soviet Union, and totally severing diplomatic relations with Poland as a result of several serious border disputes.

Following the outbreak of World War II the Soviets seized the opportunity to undermine Lithuanian independence and increasing prosperity, by occupying Lithuania in 1940 and installing a Soviet Government. The start of this annexation was halted temporarily by the German invasion of Eastern Europe and the U.S.S.R., which, in turn, incorporated all conquered countries into the Reich's Protektorat. With the decline and destruction of the Third Reich came the reoccupation of Lithuania by the Red army; opposition to sovietization of industry and collectivization of agriculture was, and still is, violently suppressed.

Nevertheless, Lithuania's short-lived independence has been fruitful in a number of ways. Having experienced the freedoms that we, as Americans, do has only served to magnify the desire of Lithuanians to permanently acquire national sovereignty and be recognized as a country that seeks to promote and protect the concept of human rights. It is this month, on the 61st anniversary of this struggle that we must admiringly and with staunch support, acknowledge the courage and resiliency of a small nation which has yet to turn away in the face of danger and persecution.

Mr. Speaker, I urge my colleagues to join me in praying for the attainment of independence for a country that has proven to be a milestone in the advancement of the battle against oppression. In the name of the Helsinki accords, and for those who have dedicated their lives to this just cause, it has become imperative that our own country shoulder some of the responsibility of aiding those nations still on the roster of persecution. Let us seek to bring to fruition the hopes and dreams of an independent Lithuania.●

THE HERITAGE AND HERB BRIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. WAXMAN. Mr. Speaker, it is a signal honor to be the means of calling to your attention a most noteworthy event: The silver anniversary celebration of the Los Angeles Regional Edition of Heritage (Southwest Jewish Press) published and edited by Herb Brin. This happy anniversary will also be celebrated by the paper's three sister editions which serve San Diego, Orange County, and central California.

Inscribed above the masthead of Heritage are the words "Justice, Justice Shalt Thou Pursue . . .". In following this Biblical injunction, Heritage harks back to earlier and tougher American journalism when an editor imprinted his personality on every page of his journal. The personality and character of Heritage is that of Herb Brin, who graduated from the rough and tumble school of Chicago journalism to become one of the most honored Jewish newspapermen in our country. Under his guidance, Heritage has ranged the world to cover the triumphs and tragedies of the Jewish people, from Israel and behind the Iron Curtain, from Tehran and from Madrid.

While Heritage's first responsibility is to the Jewish community, it is not an ethnocentric journal. Herb Brin's burning sense of justice extends to persecuted and disadvantaged people of any origin in America and in the rest of the world.

Heritage may well boast of its quality, having won many awards for journalistic excellence, which include the coveted Smolar Award (three citations), Anti-Defamation League's Communication Award, and Sigma Delta Chi (two citations) among many others.

Besides his journalistic accomplishments, Herb Brin has achieved recognition as a poet through his critically acclaimed volumes "Wild Flowers," "Justice, Justice," and "Conflicts." Herb's poetry and journalism, like the heart and the mind, are separate but complementary facets of his personality. His poetry speaks the language of the people, and they listen. His journalism attacks the inimical forces which hurt the people, and they read.

To Herb Brin and to Heritage, I invite my colleagues to join me in expressing the warmest of congratulations on this 25th anniversary, and the very best of good wishes for the future.●

COMMUNITY HONORS "ROD" L. SULLIVAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. GAYDOS. Mr. Speaker, recently the citizens and elected officials of a small community in the 20th District of Pennsylvania gathered together to honor one of their own for 16 years of unselfish and dedicated public service.

Some people, I know, will look at that figure and wonder why it is so significant. After all, there are many public officials in this Nation whose careers span a lifetime. What makes 16 years so exceptional? I will tell you. It is not the time that is extraordinary. It is the man. It is Roger L. "Rod" Sullivan, who is unique!

To begin with, "Rod" had already worked a "lifetime" when he began his official career as a public servant. He had enjoyed a successful career as a building and trucking contractor. He had earned the right to sit back on the proverbial rocking chair and watch the world pass by.

But, that would not be "Rod" Sullivan. That would not be the style for a man who, while earning a living for his wife and family, engrossed himself in making his community a better place to live. "Rod" was a builder. He made things happen.

This was a man who helped build an athletic association and recreation board for the benefit of the borough's youth. This was a man who lent his expertise and experience as a member of the Municipal Building Authority to construct a new borough office. This was a man who did not hesitate to give of himself for his church, St. Eugene's. This was a man who never learned how to say "No" to someone in need.

So it was in 1962 when Liberty Borough found itself without an individual to head its street department that the elected officials turned to Rod Sullivan for help. He responded—as they knew he would.

For my colleagues who may not know what a "street commissioner" is, I will state it is one of the most trying positions in local government. When local roads sprout potholes, an annual malady in Pennsylvania, who is called to patch them immediately if not sooner? The street commissioner. When snow and ice render street impassable, who is called to plow them now? The street commissioner. When summer comes, who is called upon to repair every thoroughfare at the same time? The street commissioner.

Rod Sullivan knew that in 1962. He also knew the borough could not operate without a street commissioner, so he took the job. On a temporary basis. Temporary lasted 16 years. Rod weathered every winter, every storm, every summer and every change in local politics.

Last October, Liberty Borough finally found a replacement for Rod. But, it could not let him go without a formal acknowledgement of the respect and admiration it had for this truly unique gentleman. On January 13, Rod's unsurpassed contribution and concern for the community and its citizens was publicly recognized at a testimonial dinner.

Rod Sullivan is free now to go back to that rocking chair but anyone who knows him knows he will not. If he is needed, Rod will make himself available, regardless of the time, the task or the effort. If the problem involves people, it will involve him.

Mr. Speaker, on behalf of the Congress of the United States I take great pride and pleasure in extending to Roger "Rod" Sullivan our appreciation for his full commitment to his friends and neighbors. I, personally, take this opportunity to wish him and his wife, Berenice, health and happiness in the years to come.●

CONGRESSMAN RAY ROBERTS RECIPIENT OF AMERICAN LEGION'S DISTINGUISHED PUBLIC SERVICE AWARD

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. HEFNER. Mr. Speaker, all of us who serve as members of the Committee on Veterans' Affairs observe on a daily basis the outstanding leadership of the distinguished chairman of our committee, Ray Roberts of Texas. In my few years in Congress, I have come to admire Ray Roberts for his direction and guidance in bringing to successful conclusions a number of comprehensive programs for veterans and their dependents. There is no question that Chairman Roberts is the spokesman for veterans in the House of Representatives.

This leadership has been recognized by the largest veterans organization in the land. The American Legion, at its annual Washington conference of national and State leaders, presented Chairman Roberts with its distinguished Public Service Award for 1979 "in recognition of his selfless devotion to the Nation, the preservation of its resources, and his compassionate leadership on behalf of its war veterans."

I commend the American Legion for presenting this award to Chairman Roberts. I would like to share the remarks of National Commander John M. Carey, which he made at the presentation ceremony, with the Members of the House:

National Commander Carey's Introduction of Congressman Ray Roberts, Recipient of the 1979 Distinguished Public Service Award

The man we are about to honor with the "Distinguished Public Service Award for 1979" is one of the truly great citizens and legislators of the great State of Texas . . . the Honorable Ray Roberts.

The American Legion is recognizing Congressman Roberts for his devotion to the Nation, the preservation of its resources, and his leadership on behalf of America's war veterans.

Mr. Roberts began his public service in 1935, as director of the National Youth Administration of Texas under Lyndon Johnson, and five years later joined the staff of House Speaker Sam Rayburn.

Chairman Ray, as he is known to all of us, has an enviable record of service to his community, his country and those who have taken up arms in defense of the Nation. Roberts earned seven combat stars during World War II and later served his country during the Korean conflict, retiring from the Naval Reserve as a captain.

He served for seven years in the Texas State Senate before his election, on January 30, 1962, to fill the vacancy created by the death of Speaker Rayburn. He has served continuously since then as United States Representative for the 4th congressional district.

Mr. Roberts is now in his third term as chairman of the House Veterans' Affairs Committee and also chairs the public works and and Transportation Subcommittee on Water Resources. In his latter capacity he is the author of the "Clean Water Act of 1977", widely considered a landmark piece of legislation.

However, legionnaires best know Chairman Roberts as the man who said "no" to the president when he tried to automatically pardon draft dodgers; who said "no" when administration officials suggested the possibility of relieving the VA of its education, health, compensation and pension programs; and we know him as the man who led the successful fight on the floor of the House that added over $1 billion to the Veterans Administration's budget for FY '79. As you know, many more budgetary battles loom on the horizon and I'm confident Ray Roberts will lead the fight to insure the preservation of the entire VA system.

Chairman Roberts, would you please join me as I read the inscription on your award.

"The American Legion Award for distinguished public service presented to Representative Ray Roberts of the 4th District of Texas in recognition of his selfless devotion to the Nation, the preservation of its resources, and his compassionate leadership on behalf of its war veterans. Signed by National Adjutant Frank Momsen and myself as national Commander."

Ladies and gentlemen, may I proudly present a great legionnaire and a staunch advocate of the 30 million living veterans of America . . . the Honorable Ray Roberts of Texas.●

IN OPPOSITION TO "STANDBY RATIONING PLAN"

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. RITTER. Mr. Speaker, I am in complete opposition to the "standby rationing plan" that President Carter has sent to the Congress.

Gasoline rationing and exorbitant taxes on gasoline are not the answers to the national effort that is necessary to reduce our energy demands and increase our domestic supplies.

I believe we should make every effort to increase our domestic energy supplies before imposing on the American people overly restrictive measures that may be unnecessary to the task of reducing energy consumption to acceptable levels.

Gasoline rationing and exorbitant taxes will result both in bureaucratic nightmares and inequity in enforcement. It is estimated that rationing alone will cost the American taxpayer $1.5 billion a year. That money could be put to much better use developing new energy sources. Additional gasoline taxes will cause an undue burden on those who must drive for their livelihood.

It is only fair that we give the people a chance to prove that they can reduce their own levels of energy consumption to a point consistent with the requirements of the present situation.

I believe we should first tell the people what levels of consumption we could tolerate, and then see if they can meet those levels voluntarily before going to programs that no one looks forward to either administering or following.●

RETURNING TO THE PATH OF CAMP DAVID—AND BEYOND

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. WOLFF. Mr. Speaker, the distinguished Senator from Iowa, and chairman of the Senate Foreign Relations Committee, the Honorable Frank Church, recently was the honored recipient of the Bnai Zion America-Israel Friendship Medal. In receiving this cherished honor, Senator Church joins the ranks of such notables who have received the award as: Presidents John F. Kennedy, Lyndon Johnson, and Gerald Ford, and Vice President Hubert H. Humphrey.

At the Bnai Zion Annual Award Dinner on February 18, 1979, Senator Church delivered an outstanding address entitled "Returning to the Path of Camp David—and Beyond." I hope my colleagues will pay close attention to these important and insightful remarks by one of America's leading experts in foreign policy.

Senator Church's remarks were as follows:

Address of Senator Frank Church at the 71st Annual Award Dinner of Bnai Zion

I am very honored to be here tonight to receive the American-Israeli Friendship Award. To be included in the company of such past recipients as the late Presidents John F. Kennedy, Lyndon B. Johnson and Vice President Humphrey is humbling indeed.

I also note that past recipients of this award have included such distinguished leaders as Former Congressman Celler, Former Congressman Tenzer—who are present tonight—Former President Ford and Former Ambassador Dinitz. Although I am assured that there is no cause-and-effect between the award and the recipients' subsequent transition from public to private life, I hope you will understand why I am a bit apprehensive.

Tonight, I want to share with you some thoughts on the attainment of peace in the Middle East, for it seems to me that we have arrived at a momentous crossroads: Either

Egypt and Israel bring their negotiations to a successful conclusion with the signing of a peace treaty, or the peace process dissolves into mutual recrimination, bitterness and renewed hostilities.

WHY DID CAMP DAVID SUCCEED?

The Camp David Accords must surely be accounted one of the most remarkable achievements of modern diplomatic history. After thirty years of conflict and untold billions expended in fruitless warfare, the leaders of Israel and Egypt agreed at last that the time had come to say: enough. President Sadat, tired of pouring Egyptian blood on the sands of the Sinai, made the courageous decision to seek peace and thus open the way for the economic reconstruction of Egypt. Prime Minister Begin, in turn, abandoned the concept that security is inextricably linked with territory, at least insofar as the Sinai is concerned. Israel thus made far-reaching concessions: It agreed to return all of the Sinai, dismantle Israeli settlements in that area, and evacuate the strategically important Sinai airfields. In this endeavor, the parties were assisted by the patience, common sense and good advice of President Carter.

Moreover, Israel and Egypt acknowledged that what was being negotiated at Camp David was a formula intended to accommodate other parties willing to seriously negotiate peace with Israel. The September 17th Framework for Peace Accord explicitly states that "this framework as appropriate is intended by then to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis."

But the parties went beyond this general statement of intent and agreed in extraordinary detail on a procedure for negotiating civil autonomy for the Palestinian population living on the West Bank. This autonomy plan was to be an interim measure for five years, during which the permanent status of the territory would be determined through negotiations among Israel, Jordan, Egypt and representatives of the Palestinians. In this way, said the Accord, the Palestinians would participate in the determination of their own destiny. And it noted that Jordan would be invited to join in the negotiations relating to "the modalities for establishing the elected self-governing authority in the West Bank and Gaza." The five-year period of autonomy within which the permanent status of the West Bank was to be negotiated was to begin to run, said the Accord, from the date when the self-governing authority, the administrative councils as they were called, were "established and inaugurated." Since neither Jordan nor the Palestinians were parties to the Camp David Accords and had not yet agreed to participate in the West Bank negotiations, the Accords did not—and could not—set a date certain for establishing the self-governing councils.

In effect, then, the Camp David Accord, by stating that the five-year period of autonomy would only commence upon the establishment of the self-governing councils, created a built-in incentive for Jordan, and, indirectly the Palestinians, to join the negotiating process.

WHY IT FALTERED

Unfortunately, in the immediate aftermath of Camp David, we did not follow through with the logic of the strategy that had been adopted. King Hussein, on an American television program, publicly asked fourteen questions seeking clarification of the Accords that had been so laboriously worked out at Camp David. What the Administration should have done, if it had been faithful to the strategy, was to have thanked him politely for his interest, taken the questions under advisement, and told him privately that the answers to his questions could only be found by entering into the negotiations.

Instead, President Carter sent Assistant Secretary of State Harold Saunders to Jordan and the West Bank with written answers to the King's questions, answers which were perceived by Arabs and Israelis alike as indicating that the United States was prepared to support Arab aspirations on the West Bank beyond what was set forth in the Camp David Accords.

Despite the fact that at Camp David, the Israelis had repeatedly emphasized that their total withdrawal from the Sinai should not be interpreted as a precedent for the West Bank, Saunders sought to allay Jordanian and Palestinian misgivings by citing the Sinai as a precedent for what might be anticipated on the West Bank.

In a region where every nuance of meaning can be emotionally charged, Saunders referred to remaining Israeli security personnel as the only presence that would exist at the end of the autonomy period, whereas the Accords referred to Israeli security forces, the implication being that something less than what had been agreed at Camp David would result. And Saunders pushed to the fore the delicate issue that had been deliberately put on the back burner at Camp David, East Jerusalem, by referring to it as occupied territory, a characterization offensive to Israel.

Thus, even before the peace treaty negotiations had begun, the Saunders replies seemed to prejudge the most sensitive West Bank issues in favor of the Arabs and against Israel. This created the impression that the American Government believed that Sadat had not gotten all he should have at Camp David with respect to Israeli concessions on the West Bank.

The results were predictable. The answers to King Hussein's questions did not go far enough for the King or the Palestinians. They were not won over to participate in the negotiations. And Sadat was placed in the untenable position of appearing to have settled for less than he might have obtained.

Accordingly, he reacted by making new demands: firmer linkage between the peace treaty and resolution of the West Bank issue through establishment of a target date for putting in place the self-governing councils, precisely the point that had been left open in the Camp David Accord in order to create pressure on Jordan and the Palestinians to join the negotiations. Moreover, Sadat demanded that a key section of the proposed draft treaty be dropped, Article 6, which, in effect, provided that whatever Agreements Egypt had with other Arab states, the peace treaty between Israel and Egypt took precedence. For Israel, of course, this was the heart of the negotiations. Without Article 6, there was no real peace treaty.

The Saunders Mission thus opened a Pandora's box. It stood the strategy of Camp David on its head: it put first what should have been last—the West Bank issue—and, consequently, made it more difficult to achieve what should have been the priority goal, the signature of a peace treaty between Israel and Egypt.

In order to recoup the situation, Secretary of State Vance undertook a new mission to the Middle East. Although he persuaded President Sadat to drop his demand that Article 6 be deleted from the treaty, the Legal Adviser's office of the State Department issued an opinion setting forth the extraordinary view that Article 6 permitted Egypt, under certain circumstances, to participate in a war against Israel pursuant to its agreements with other Arab states. The Secretary endorsed as "reasonable" Sadat's insistence on a "target date" for establishment of the self-governing councils and his refusal to exchange ambassadors until such councils were in place. The U.S. endorsement of the Egyptian demands for important modifications in the deal that was negotiated at Camp David and embodied in a peace treaty drafted by the United States, enraged Israel and led to bitter charges that the Carter Administration had abandoned its impartiality.

If these tactics had continued, I would say to you tonight that the hope for peace had been irrevocably lost. But that is not the case. For I believe that the Administration now realizes that it cannot force the two sides together again. Ambassador Roy Atherton's recent shuttle diplomacy between Cairo and Jerusalem indicates that there has been a definite change of heart. Guided by the sound strategy underlying the Camp David Accords, Ambassador Atherton treated the concerns of both sides with equal respect, imposed no artificial deadlines, did not digress from the role of impartial mediator and did not publicly reveal American attitudes toward the various proposals.

Although there was some progress made, President Carter has realized the necessity of more intensive negotiations. Thus, in the coming week, Foreign Ministers Khalil and Dayan will be conferring at Camp David along with Secretary Vance. I expect that the upcoming talks will be conducted with the same sense of fairness and conciliation that made possible the original Camp David Accords. President Carter deserves much credit for his perseverance in not allowing the hope for peace to fade away.

Still, there is no magical potion that will produce an instantaneous accord or guarantee the much needed support from the political holdouts—Jordan, the Palestinians, Syria and Saudi Arabia. In the wake of the still reverberating shock waves emanating from the fallen regime of the Shah of Iran, now is the time to create new incentives for peace and cooperation. The United States and its allies should begin now to fashion a policy that will plainly demonstrate to the holdouts that the fruits of peace can be infinitely more attractive than the spoils of war.

Having been a partner in hammering out the accords at Camp David, and having continued to act as mediator in the peace treaty negotiations between Israel and Egypt, it is time we began to consider the kind of relationship we are willing to enter once a treaty has been signed. I believe the United States should then become a partner for an expanded peace, working in tangible ways to strengthen its foundations and to extend its frontiers.

Therefore, I call tonight for a peace-building policy in the Middle East, based upon a strategy that rewards those who work to construct, complete and enlarge the peace.

I urge our allies—Great Britain, France, West Germany and Japan—to participate in this new policy and to share equally in its financial requirements. For they have a vital stake in the stability of the region and the maintenance of peace, conditions which alone can assure the uninterrupted flow of the oil they cannot do without.

Henceforth, the United States and its allies should be prepared to invest generously in the furtherance of peace. We have paid dearly for the wars in the Middle East, and our national interest calls out for an end to the conflict there.

Let us begin our new partnership with the first two peacemakers, Israel and Egypt. We can help Sadat with his pressing economic problems. Take, for example, Egypt's dwindling harvests. Israel's advanced irrigation techniques could be of great help to the Egyptians in making their deserts bloom, as the spectacular success of the Negev proves. The opportunities are ample for the creation of joint projects for water desalinization, reclamation, and solar energy.

In Israel, we must ensure that the cost of peace does not outweigh the burden of war. President Carter took this first step in this direction by recommending special assistance to Israel for the relocation of the military airfields in the Sinai. We must also be aware that Israel, like Egypt will require help in building up its civilian infrastructure in the Negev to accommodate the new lines of territorial withdrawal.

We should aso declare our willingness to extend the same measure of support to Jordan and Syria, if and when they choose to participate in the building of a regional peace. Once they join in, they can expect our help in alleviating the suffering and in lifting the living standards of their people

Let me close with a few words about the organization you support, B'nai Zion. Spanning more than a lifetime of activity, your organization has emerged as a vital institution safeguarding the integrity and security of Israel. B'nai Zion has also been committed to providing social services in this country and Israel. I commend all of you tonight, for helping the people of Israel to realize another part of their impossible dream. For the impossible may yet be the attainable. A great Jewish historian, Cecil Roth, looked toward a future for the Middle East which is no longer beyond the reach of our years.

"Again," he wrote, "as in the days of Solomon, the area seemed about to become a bridge between East and West, drawing and giving inspiration in both directions. In the changed world in the second half of the Twentieth Century, this could well be part of Israel's function and mission."

Let us pray that we shall see Roth's prophecy fulfilled.●

SOUND BUDGET POLICIES AND PROGRAMS WHICH WORK

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. JENKINS. Mr. Speaker, a recent editorial comment appeared in one of our Georgia newspapers regarding my friend and colleague, DAWSON MATHIS, and his ideas about the Federal budget. The writer reflects a viewpoint shared by many Americans and well articulated by DAWSON MATHIS that Government must be more practical with its revenues and curtail its spending on programs which do not work.

I wish to place in the RECORD the words of this journalist who quotes our colleague on the budget issue:

POINT OF VIEW

(By James A. "Ji" Johnson)

Second Congressional District representative Dawson Mathis, D-Georgia, has sent out a letter to the media which attracted my attention quite well.

In his letter, Mathis explained that on the first day of the 96th Congress last Monday, he joined 100 of his colleagues in co-sponsoring a constitutional amendment that would outlaw deficit spending by the federal government.

Said the Albany resident, "For me this action was certainly nothing new. I have offered similar legislation in every Congress in which I have served. What is new is the large number of members of Congress from all parts of the country who are joining us in the fight."

Simply stated, the amendment proposal says, "The Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total estimate revenues of the United States for such fiscal year."

Now that sounds simple enough. In fact, it sounds down right sensible to me. For far too many years, the feds have gone on the premise that more and more money should be spent on various "deserving" programs and pork barrel legislation than ever could be brought in by taxation or whatever.

Mathis explains it this way. "It would put an end to the free-spending in the Congress because those members who like to vote for every spending program which comes down the pike would also be required to come up with the funds to finance them. The only reason so many programs get funded now is that they are supported by borrowed money and no one has cast a vote on raising taxes just to pay for them."

Somewhere back in my memory, I seem to recall that our President also mentioned something about balanced budgeting when he took office two years ago last week. Apparently, something happened on the way to the budget meetings, because this has been perhaps his most disappointing area for me during his term of office.

All but two states already have some sort of budget balancing law similar to the one which Carter operated with for four years during his Governorship. He's well experienced in "zero-based" budgeting and making ends meet, or at least, he should be.

Mathis points out that the Georgia law has worked well, and when one looks at the figures of budget surplus being sent around the Gold Dome in Atlanta, it would appear that the "pay as you go" way of Georgia is quite worthy of study and consideration in Washington

"The American taxpayer, overburdened though he is, has always been willing to make the sacrifices necessary to pay for what is needed." Mathis continues in his letter. "But he is sick of paying for programs that don't work for people who won't work."

Play that number again, Dawson. You've hit upon a sore spot with millions of Americans who wonder what happened every payday when they look at their paychecks and see so little left. Sure, there's lots of good, sound programs, programs which make life better for those who cannot help themselves like the middle class can.

But do emphasize that last little line—"he is sick of paying for programs that don't work for people who won't work." Need anyone say more?

Mathis sums up his letter with, "Simply put, the time has come to put an end to deficit spending for now and for the future, and a constitutional amendment is the best method for doing that."

Well put, Representative Mathis. You have our support on this project. Nothing could be better than to see the federal government become more practical with our hard earned money. Such things as spending millions and millions of dollars on finding out who shot John Kennedy and a few billions more to study the snail darter in Tennessee are perfect examples of misdirected funds which would certainly go for more practical things—or even better yet—could stay in Decatur County and the thousands of other counties across this country, and help prevent recession because we'd have more money to spend.

The Representative and his colleagues have taken upon themselves a difficult task in trying to reform the spending habits of a Congress which has for far too long been allowed to run rampant with our money. Let's all hope that they succeed in their intentions. Failure would be dismal.●

A TIME FOR QUIET

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ROSENTHAL. Mr. Speaker, noise pollution is a major environmental problem facing our citizens. The issue is a national one, not just a regional one. Aircraft noise affects our suburban and rural areas as well as our cities. Government must coordinate its efforts and take the lead in reducing aircraft noise pollution in this country.

The ideal solution to the problem would be to replace all noisy aircraft as well as to develop an efficient airport system that includes effective zoning measures and other steps to protect the needs, rights, and desires of the surrounding areas. These measures, however, will take many years and billions of dollars to implement. In the meantime, a solution must be found to give the public immediate relief from oppressive aircraft noise. One method is to limit aircraft operations during the hours of normal sleeping time. Toward this end, I have introduced H.R. 170, the Airport Noise Curfew Act. An effective program of curtailed operations would serve as a viable short-term answer providing immediate relief at very low cost to the millions of people plagued by aircraft noise pollution.

The bill would create a Commission to investigate the establishment of curfews on aircraft operations during the normal sleeping hours. The Commission would be composed of the Administrators of the Environmental Protection Agency and the Federal Aviation Administration, two representatives of the aviation industry and five public members. It would report its findings to the Congress within 6 months of its creation. The Commission would make specific recommendations for legislation and all findings would be made public. It would then go out of business.

As conditions vary from airport to airport, I expect that the Commission will recommend night curfews for only certain airports. Some may only need certain runways and flight corridors closed. With this information, the Congress will be better informed and able to act more intelligently and effectively.

The establishment of the Commission will fill the gap between today's problem and enactment of long-range solutions such as engine retrofitting, aircraft replacement, noise contour maps and compatibility studies. These programs will not be completed for many years. Thus, a noise curfew would be a valuable and necessary step toward curtailing aircraft noise pollution.

The cost of such a curfew would be minimal compared to the relief it would bring to the public. No new technology is necessary and safety would not be compromised. Curfews may mean some inconvenience for the airline industry and a small number of passengers, but that must be weighed against the public's right to quiet during normal sleeping hours.

According to an expert from the Division of Urban Affairs of the International Organization for Economic Cooperation and Development, aircraft noise is not only annoying, it is also harmful to the individual's physical and psychological health. The noise impact of a jetliner is

10 times more disturbing during sleeping hours, when it is much more difficult to assimilate sounds, than during the day. In addition, nighttime noise interference can seriously affect a person's efficiency and productivity during the following day.

The fear of homeowners that their property values will decline is another negative result of jet aircraft noise. High noise levels depreciate the market value of residential property and in effect may be creating "environmental ghettos." The neighborhoods surrounding airports should not be allowed to disintegrate to the point where property values reach a critically low level.

Nighttime curfews are already in effect at Narita Airport in Tokyo, Geneva, Zurich, London, Los Angeles, and Newport Beach, Calif. Washington National Airport instituted a curfew from 11 p.m. to 7 a.m. in 1966 for all air carriers. This ban on nighttime travel has worked effectively.

FAA statistics for 2 typical days of operations at LaGuardia Airport, August 5, 1977, and August 4, 1978, indicate the following effects a curfew will have on passengers:

Only 1.6 percent of the total number of passengers flying into and out of LaGuardia Airport on a typical day would be inconvenienced by a curfew between 11 p.m. and 7 a.m., the normal sleeping hours. That amounts to only 705 persons out of a 24-hour total of 44,349 passengers. All of these travelers could miss the curfew by flying 1 hour earlier. In addition, only 14 flights (1.7 percent) out of 844 would have to be changed because of an antinoise curfew and many of these are nonpassenger freight flights.

These are some of the conclusions that can be drawn from an analysis of the FAA reports. I am inserting in the Record detailed charts showing operations and passenger statistics for both LaGuardia and John F. Kennedy International Airports.

It is evident that the number of people suffering the discomfort and harm of aircraft noise during sleeping hours is much greater than those who would have to rearrange their travel plans to comply with the curfew. Many airports and passengers throughout the country are involved in similar situations to LaGuardia and Kennedy Airports in New York. Some, like Washington National, have begun to deal with the problem.

I feel that all Americans have the right to a decent night's sleep regardless of where they live. The establishment of curfews is an effective solution to the aircraft noise problem until the more costly, long-range answers show an impact.

The material referred to follows:

LaGUARDIA AIRPORT PASSENGER TRAFFIC BY HOUR—FRIDAY, AUG. 5, 1977

	Deplanements					Enplanements					Total				
Local time	1st class	Coach	Non-rev.	Est.	Total	1st class	Coach	Non-rev.	Est.	Total	1st class	Coach	Non-rev.	Est.	Total
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7	88	405	21	10	524	347	1,362	92	0	1,801	435	1,767	113	10	2,325
8	240	638	26	0	904	282	1,418	77	10	1,787	522	2,056	103	10	2,691
9	284	942	45	0	1,271	377	1,242	74	0	1,693	661	2,184	119	0	2,964
10	168	905	69	0	1,142	166	877	66	0	1,109	334	1,782	135	0	2,251
11	284	765	52	0	1,101	278	1,088	77	0	1,443	562	1,853	129	0	2,544
12	260	1,033	57	0	1,350	162	905	56	0	1,123	422	1,938	113	0	2,473
13	213	1,177	64	0	1,454	310	1,153	77	0	1,540	523	2,330	141	0	2,994
14	160	1,090	93	0	1,343	233	1,471	101	0	1,805	393	2,561	194	0	3,148
15	266	1,124	83	10	1,483	231	947	50	10	1,238	497	2,071	133	20	2,721
16	210	1,251	64	0	1,525	263	1,181	65	0	1,509	473	2,432	129	0	3,034
17	308	1,135	44	0	1,487	318	1,380	65	0	1,763	626	2,515	109	0	3,250
18	420	1,262	49	10	1,741	357	1,128	67	10	1,562	777	2,390	116	20	3,303
19	292	1,284	47	0	1,623	366	1,396	60	0	1,822	658	2,680	107	0	3,445
20	305	1,609	72	0	1,986	187	937	42	0	1,166	492	2,546	114	0	3,152
21	240	1,173	56	0	1,469	186	949	46	0	1,181	426	2,122	102	0	2,650
22	96	399	35	0	530	35	127	7	0	169	131	526	42	0	699
23	99	552	28	0	679	7	19	0	0	26	106	571	28	0	705
Total day	3,933	16,744	905	30	21,612	4,105	17,580	1,022	30	22,737	8,038	34,324	1,927	60	44,349

Note: Peak passengers per hour: 3,445. Peak as percent of total: 7.8 percent. Passenger peak hour(s): 19.

LA GUARDIA AIRPORT SCHEDULED OPERATIONS BY HOUR—FRIDAY, AUG. 4. 1978

	Arrivals						Departures						Total operations						
Hour	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Percent dist.
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	1	0	1	0	0	0	1	0	1	0	0	0	2	0	2	.24
7	6	3	0	7	0	16	23	6	2	7	0	38	29	9	2	14	0	54	6.40
8	13	4	2	7	0	26	18	3	1	8	0	30	31	7	3	15	0	56	6.64
9	12	3	2	5	0	22	20	5	0	4	0	29	32	8	2	9	0	51	6.04
10	21	3	1	4	0	29	16	1	2	4	0	23	37	4	3	8	0	52	6.16
11	18	5	0	7	0	30	15	6	0	6	0	27	33	11	0	13	0	57	6.75
12	21	3	1	2	0	27	18	1	2	3	0	24	39	4	3	5	0	51	6.04
13	16	3	1	4	0	24	21	4	0	3	0	28	37	7	1	7	0	52	6.16
14	17	2	0	4	0	23	23	2	1	7	0	33	40	4	1	11	0	56	6.64
15	21	2	0	7	0	30	15	3	1	4	0	23	36	5	1	11	0	53	6.28
16	18	5	2	6	0	31	18	2	2	8	0	30	36	7	4	14	0	61	7.23
17	20	4	0	7	0	31	19	6	0	7	0	32	39	10	0	14	0	63	7.46
18	18	2	1	7	0	28	20	2	0	8	0	30	38	4	1	15	0	58	6.87
19	19	4	0	5	0	28	19	4	1	5	0	29	38	8	1	10	0	57	6.75
20	21	3	2	8	0	34	10	4	1	6	0	21	31	7	3	14	0	55	6.52
21	22	2	0	0	0	24	15	1	1	1	0	18	37	3	1	1	0	42	4.98
22	5	3	1	0	0	9	1	2	0	0	0	3	6	5	1	0	0	12	1.42
23	7	1	0	1	0	9	2	0	0	1	0	3	9	1	0	2	0	12	1.42
Total day	275	52	13	82	0	422	273	52	14	83	0	422	548	104	27	165	0	844	100.00
Percent of total:																			
Arrivals/departures	65	12	3	19	1	100	65	12	3	20	0	100	65	12	3	20	0	100	....
Operations	33	5	2	10	0	50	32	6	2	10	0	50	65	12	3	20	0	100	....

Note: Peak operations per hour: 63. Peak as percent of total: 7.5 percent. Peak hour(s) of operation: 17.

J. F. K. INTERNATIONAL AIRPORT PASSENGER TRAFFIC BY HOUR—FRIDAY, AUG. 5, 1977

Local time	Deplanements					Enplanements					Total				
	1st class	Coach	Non-rev.	Est.	Total	1st class	Coach	Non-rev.	Est.	Total	1st class	Coach	Non-rev.	Est.	Total
0	36	604	40	0	680	4	285	7	0	296	40	889	47	0	976
1	16	275	10	87	388	5	43	0	0	48	21	318	10	87	436
2	25	383	33	0	441	1	13	0	0	14	26	396	33	0	455
3	0	0	0	0	0	13	164	1	0	178	13	164	1	0	178
4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	34	703	43	165	945	0	0	0	0	0	34	703	43	165	945
7	87	442	65	81	675	19	316	14	54	403	106	758	79	135	1, 078
8	54	199	13	87	353	166	813	65	87	1, 121	210	1, 012	78	174	1, 474
9	1	21	2	108	132	107	1, 869	161	375	2, 512	108	1, 890	163	483	2, 644
10	82	347	36	132	597	124	1, 301	122	312	1, 859	206	1, 648	158	444	2, 456
11	19	467	56	175	717	51	884	91	78	1, 104	70	1, 351	147	253	1, 821
12	119	0	5	54	178	84	1, 256	109	54	1, 503	203	1, 256	114	108	1, 681
13	97	1, 010	95	549	1, 751	130	252	41	54	477	227	1, 262	136	603	2, 228
14	177	1, 695	131	141	2, 144	71	258	14	237	580	248	1, 953	145	378	2, 724
15	308	1, 532	89	1, 491	3, 420	81	218	24	228	551	389	1, 750	113	1, 719	3, 971
16	378	3, 463	208	900	4, 949	187	769	101	141	1, 198	565	4, 232	309	1, 041	6, 147
17	231	2, 468	142	204	3, 045	253	1, 977	176	0	2, 406	484	4, 445	318	204	5, 451
18	149	1, 672	79	225	2, 125	202	1, 953	159	285	2, 599	351	3, 625	238	510	4, 724
19	196	1, 736	120	225	2, 277	303	1, 875	98	1, 710	3, 986	499	3, 611	218	1, 935	6, 263
20	71	1, 194	109	762	2, 136	79	1, 410	118	825	2, 432	150	2, 604	227	1, 587	4, 568
21	89	910	59	354	1, 412	122	2, 227	122	141	2, 612	211	3, 137	181	495	4, 024
22	93	438	27	0	558	283	548	51	2, 110	1, 992	376	986	78	1, 110	2, 550
23	13	140	9	108	270	5	217	12	0	234	18	357	21	108	504
Total day	2, 275	19, 699	1, 371	5, 848	29, 193	2, 280	18, 648	1, 486	5, 691	28, 105	4, 555	38, 347	2, 857	11, 539	57, 298

Note: Peak passengers per hour: 6,263. Peak as percent of total: 10.9 percent. Passenger peak hour (s): 19.

JFK INTERNATIONAL AIRPORT SCHEDULED OPERATIONS BY HOUR—FRIDAY, AUGUST 4, 1978

Hour	Arrivals						Departures						Total operations						
	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Dom. PAX	Loc. PAX	Int. PAX	Air taxi	Cargo	Total	Percent dist
0	9	0	0	0	1	10	2	0	0	0	2	4	11	0	0	0	3	14	1.74
1	4	0	1	1	0	6	2	0	1	0	1	4	6	0	2	1	1	10	1.24
2	4	0	1	0	2	7	1	0	0	0	3	4	5	0	1	0	5	11	1.37
3	1	0	0	1	0	2	2	0	0	1	1	4	3	0	0	2	1	6	0.75
4	1	0	0	0	0	1	2	0	0	1	1	4	3	0	0	1	1	5	0.62
5	4	0	0	0	0	4	0	0	0	0	0	0	4	0	0	0	0	4	0.50
6	4	0	3	1	1	9	0	0	0	2	1	3	4	0	3	3	2	12	1.49
7	3	1	3	4	4	15	5	0	4	3	0	12	8	1	7	7	4	27	3.36
8	4	2	1	3	2	12	11	3	6	4	0	24	15	5	7	7	2	36	4.48
9	2	1	4	3	1	11	11	0	12	1	4	28	13	1	16	4	5	39	4.85
10	3	2	3	2	0	10	8	2	10	3	1	24	11	4	13	5	1	34	4.23
11	5	0	3	2	1	11	8	1	3	2	2	16	13	1	6	4	3	27	3.36
12	0	3	2	1	0	6	9	2	5	1	1	18	9	5	7	2	1	24	2.99
13	6	4	5	2	0	17	4	3	2	1	0	10	10	7	7	3	0	27	3.36
14	4	2	12	2	1	21	3	4	4	4	1	16	7	6	16	6	2	37	4.60
15	11	2	17	6	0	36	8	0	2	4	0	14	19	2	19	10	0	50	6.22
16	22	3	17	4	4	50	10	4	6	3	0	23	32	7	23	7	4	73	9.08
17	20	4	12	3	0	39	25	2	4	3	0	34	45	6	16	6	0	73	9.08
18	10	0	7	5	3	25	16	3	11	6	0	36	26	3	18	11	3	61	7.59
19	15	4	14	6	0	39	12	3	20	5	1	41	27	7	34	11	1	80	9.95
20	16	2	9	2	1	30	4	1	19	3	3	30	20	3	28	5	4	60	7.46
21	6	0	7	3	2	18	22	2	8	3	2	37	28	2	15	6	4	55	6.84
22	7	3	1	1	1	13	4	1	7	0	1	13	11	4	8	1	2	26	3.23
23	3	0	1	0	2	6	0	2	2	2	1	7	3	2	3	2	3	13	1.62
Tota day	164	33	123	52	26	398	169	33	126	52	26	406	333	66	249	104	52	804	100.00
Percent of total:																			
Arr vals/departures	41	8	31	13	7	100	42	8	31	13	6	100	41	8	31	14	6	100	-------
Operations	20	5	15	6	4	50	21	4	16	6	3	50	41	8	31	14	6	100	-------

Note: Peak operations per hour: 80. Peak as percent of total: 10.0 percent. Peak hour(s) of operation: 19.●

INDEPENDENCE FOR ESTONIA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ANDERSON of California. Mr. Speaker, today's newspaper headlines draw our attention to new conflicts between nations around the world. They bring us firsthand accounts of the raw military force being used by some foreign countries attempting to impose their dominance over other people. This month marks the 61st anniversary of a more silent fight for freedom. After centuries of foreign rule, 61 years ago on February 24, the people of Estonia declared their independence. Now is a fitting time to recount their long struggle for liberation.

Freedom for the people of Estonia was short lived following their Independence Day. The German Army invaded the country and occupied its lands until the World War I armistice was signed in November 1918. But, more turmoil followed. A Russian Bolshevik army attack followed soon after the signing of that peace document. Though the Russian threat was great and nearly overwhelming, the young nation vowed to resist the Communist invasion. A strong spirit inspired by full support of Estonian citizens gave the young army of the Baltic country a victory in its war of independence. On February 2, 1920, the Republic of Estonia and the Soviet Socialist Republic signed a peace treaty which declared a voluntary renouncement of "* * * all rights over Estonian territory and people."

Subsequent action showed that the Soviets did not intend to honor this agreement. On August 23, 1939, Russia and Germany signed the Molotov-Ribbentrop Pact, an agreement which condemned Estonia to the Soviet sphere of influence. The next year saw the Soviet Army occupy Estonia.

The Soviet dominance has taken from the people of Estonia their most basic human freedoms. Arrests, deportations, executions, and a nationalization of all private property are the consequences of Soviet imposed rule.

The United States now lends moral support to the people of Estonia and its struggle for freedom. We are one of many

Western countries which have refused to recognize the forceable annexation of Estonia by the Soviet Union. This is a position quite consistent with our human rights policy.

I take this opportunity to urge the continuance of this stance and ask the administration to continue its efforts on behalf of the freedom-loving Estonians. Our free Nation should be in the forefront in the effort to bring to the people of Estonia the realization of their dream of liberation and the reestablishment of the independent country of Estonia.●

SMALL BUSINESS EMPLOYEE OWNERSHIP ACT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. DASCHLE. Mr. Speaker, small business in America is going through a most critical stage. Presently, an average of 10,000 small businesses with liabilities in excess of $3 billion close annually. This is turn has resulted in a reduction from 50 percent in 1960 to 30 percent in 1976 in the percentage of corporate manufacturing assets owned by small and medium businesses. Small business profits as a percent of total corporate manufacturing profits were down to 27 percent in 1976 as opposed to 41 percent in 1960. These are statistics that indicate the declining share of national income and profits that small businesses own. These are also statistics that cannot be ignored.

Benefits provided by small business have been the backbone of our economic system. MIT studies placed the growth rate of hiring among small firms at between 24 and 40 percent, whereas the largest 1,000 corporations in our country contributed a growth rate in hiring of less than 2 percent. And despite the fact that virtually all research and development money goes to large corporations, small business is a proven training ground for new innovation.

We now have a mechanism that will encourage the development and continuation of American small business. This mechanism is the employee stock ownership plan (ESOP). ESOP's were primarily designed to enable employee organizations to buy their companies when they would otherwise be sold outside the company, relocated, or closed. In addition, employee ownership has been proven to increase worker motivation, productivity and provide a source of equity for company growth. The employee ownership plan not only provides a means toward saving businesses and increasing productivity, but also serves to increase employment and limit the undesirable trend to monopolies and oligopolies. It also will reduce the cost of Government by lowering the demand for unemployment compensation, CETA programs, et cetera.

I am proud today to cosponsor the Small Business Employee Ownership Act, which seeks to promote ESOP's by guaranteeing loans normally made available under the business loan program and the procurement assistance program of the Small Business Administration for this purpose. This bill is necessary since the SBA's present regulations prohibit loans to ESOP's. The loan guarantees are contingent on feasibility studies, however, to prevent transfers of estate within friendly hands that do not need the loan guarantees, and to prevent dying companies from being sold to unknowing employees.

Mr. Speaker, I firmly believe that ESOP's are a proven method of restoring the small business sector of our economy. This restoration is essential to the maintenance of a democratic free enterprise system, independent of the inherent dangers of monopolistic control.●

IMMIGRATION INEQUITIES NEED TO BE CORRECTED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ANNUNZIO. Mr. Speaker, we take great pride in the fact that our Nation is a nation of immigrants—men and women who made their way to our shores for a better way of life and for the freedoms they did not have in their mother countries.

Our Immigration and Nationality Act has been amended many times to further make its regulations more just and equitable. Public Law 89–236, for example, repealed the national origins quota concept as a system for selecting immigrants to the United States and substituted a ceiling on Eastern Hemisphere immigration on a first-come, first-served basis, within various preference categories, and a 20,000 limit per country. Public Law 94–571 further amended the Immigration and Naturalization Act to apply the 7 category preference system, as well as the 20,000-per-country limit, to the Western Hemisphere as well as the Eastern Hemisphere. Public Law 95–412 contained the 2 ceilings in a single worldwide ceiling of 290,000, with a single preference system.

Some foreign nationals are inadvertently still being discriminated against, despite the new limitations. Ireland, for example, was the mother country for millions of our "new seed" immigrants in the last century. These hard-working men and women helped make our Nation great.

Ireland used 6,328 immigrant visas in fiscal 1964 and 1,171 for fiscal 1976. And as far as we know, this reduction was not voluntary. When we realize that since 1820, over 4,721,654 immigrants have come from Ireland, we begin to get a sense of the problem. It seems that the natives of countries highly favored by the national origins quota system almost by definition are more apt to have ancestors buried here than close relatives who can petition for their entry. Because so many Irish came so long ago, the preference quota system—brother or sister of a U.S. citizen for example—rarely applies.

Therefore, I introduced legislation, H.R. 107, to correct this inequitable situation which has gone on for too many years. In 1965, we were assured that upon passage of the new immigration amendments, all nationalities would be treated on an equal footing. History has taught us otherwise. Thousands of deserving immigrants are unable to qualify for visas under the new law and immigrants from those countries have dwindled considerably.

I urge the support of my colleagues for H.R. 107.●

STATEMENT IN OPPOSITION TO THE IRS PROPOSED REVENUE PROCEDURE RELATING TO PRIVATE TAX-EXEMPT SCHOOLS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the opportunity to make this statement regarding the position of the IRS concerning the revenue procedure relating to private tax-exempt private schools. As you know, I strongly opposed the proposed regulations as published in the Federal Register on August 22, 1978, for a number of reasons. In an attempt to sneak in the back door, the IRS has issued a set of revised proposed rules published in the Federal Register on February 13, 1979.

The question of issue at this point is not one of comparing the rules of August 1978 with the revised rules of February 1979, but instead of one of whether or not the IRS is usurping authority in an attempt to set social policy. I am vehemently opposed to the recent action of the IRS crusade to promulgate regulations without expressed statutory or constitutional authority. The mandate of Congress to the IRS is one of collection of revenue, not one of enforcing social policy.

Although the IRS has revised its proposed rules by eliminating the "mechanical" formula and by restricting their scope to private elementary and secondary schools, the fact remains that "reviewable" schools remain subject to the caprice of IRS officials. In addition, the burden of proof still remains with the individual institutions to prove they are not actively practicing discrimination. This precludes a founding cornerstone of our Nation that one is "innocent until proven guilty." The IRS proposed rules present us with a case of "guilty until proven innocent."

I would like to reiterate a point I made in my testimony for the hearings held December 5, 1978. Many private schools do not have the time, the personnel, or the resources to make presentations showing that they are not discriminating on the basis of race or ethnic background. The point is, with these regulations, the burden of proof rests on the accused, not the accuser.

I feel due to the fact that: First the IRS has no explicit mandate with which to set social policy and second although the IRS is implementing its assumed authority in a manner that is antithetical to one of the basic principles of our system of justice, that the proposed rules of August 1978 and the revised proposed rules of February 1979 should be totally withdrawn.●

RIGHT TO WORK—AN ESSENTIAL FREEDOM

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. VANDER JAGT. Mr. Speaker, this great Nation was founded on principles of freedom, and especially freedom of the individual. In the history of the world, there has been no country which cherishes the right to individual liberty to a greater extent than has the United States.

It is with great concern for this tradition of individual freedom that I bring to the attention of this body an alarming account of the personal situation of an individual who has struggled to preserve her freedom. Kathryn L. Jackson, a teacher at the Swartz Creek, Michigan, Middle School, has resisted efforts to be required to join and pay dues to a union with which she does not desire to associate.

Ms. Jackson has faced coercive efforts to force her to join and pay dues to a union which she has not chosen to represent her. As alarming a threat as this situation presents to individual freedom, a danger equally alarming is the implication of coerced unionism in the teaching profession to academic freedom.

Mr. Speaker, I am not blindly opposed to trade unionism. The contributions which trade unions have made to social and economic improvement in this Nation are considerable and are and must be recognized. However, I do stand in opposition to coercive tactics which deprive the individual of the right to choose the type of representation which he or she desires. Is it no less abominable for a union to deny a worker the right to earn a livelihood because of personal opposition to union membership than it is for an employer to deny the same right because of a worker's desire to associate with a trade union?

I think not. Union membership should be a right, not a requirement. Any coercive attempt to force teachers or any other workers to join and pay dues to a union represents a deprivation of individual liberty which I must condemn. In the words of the Englishman Bulwer-Lytton, "Personal liberty is the paramount essential to human dignity and human happiness."

Mr. Speaker, I wish to share with the other Members the article by Kathryn Jackson which was printed in the Flint Journal on Wednesday, January 24, 1979:

IF YOU ASK ME . . . UNIONS FORCE THE FREE TO PAY AGAINST THEIR WILL

(By Kathryn L. Jackson)

In the early 1930s, true labor reform changed the way of life for wage earners. Better working conditions, shortened hours and the demise of the bull-of-the-woods supervision attest to that. Nevertheless it wasn't all good. I saw some of the clubbing of human skulls and other violence that accompanied recognition of the union and Closed Shop, so desperate was labor for relief. But it sacrificed a unique commodity dear to American life: freedom of choice. Not just for himself, but for his neighbor as well. This was not his right. He is forcing fellow workers to foot his bill. He is the free-rider.

While no one will argue that organization was once sorely needed to allow dignity in industry, the ends do not justify the means; then, or now. Forced unionism isn't the answer; it's part of the problem.

To many . . . and I know because my father belonged to the Brotherhood of Railroad Engineers . . . the answer to labor problems was the union IF it was worthy and membership voluntary. Such is not the case. Through coerced membership fees, unions have become a powerful political force, taking away man's individuality and again, his human dignity.

To compare true labor reform to the present so-called labor-reform bill is ignoring the truth which would bring realization that the bill was grossly misnamed.

The fundamental labor law gave labor unions right to organize and bargain with employers, but because unions charged government for 100-percent representation, they then took it upon themselves to force free men and women to pay whether they wanted to be represented by them or not, pleading that it would otherwise be unfair to them. But the hostility of many employees toward organized labor today is dramatized by results of elections supervised by the National Labor Relations Board when votes cast Against union representation were in the majority by thousands.

Many spurn unionism because they believe union bosses foment unnecessary strikes and lawlessness, spend too much time and money in partisan politics, discriminate against minorities and are manipulated by racketeers.

American tradition dictates that each worker may exercise freedom of choice after determining for himself whether a particular union is worthy of his support. But independent-minded workers who oppose a union are compelled to accept it as their bargaining agent when they would like to choose their own; even if it means being represented by a minority organization.

In the teaching profession, coerced unionism has signaled an end to academic freedom for teachers who do not want to be represented by a labor union (National Education Association) which is politically and morally wrong. If teachers continue to demand more (and unions will), retirees will probably be among many citizens to vote "no" on school millage in order to protect his Social Security and retirement income from a bigger tax bite.

Monopoly bargaining has no place in public service jobs. All that a school board has to bargain away is the authority vested in it by you and your tax dollars. While closed shop is morally wrong in industry, in the public sector it is an abomination. The theory that unions resemble government (John Ryor) so "all should pay for their services" is dangerous and outrageous.

I am willing to pay for protective services because they are provided by my government, and I want them. Union is not my government. Thank God. One would have to be blind to corruption, embezzlement, murder, destruction and other criminal acts to believe implicitly in his union. Yet he must also be fully knowledgeable that he aids this deplorable condition by upholding forced union membership.

What union lords say for the press . . . and what they do behind closed doors are dichotomous. The NEA has tried to rid themselves of the Tenure Commission except when they had need of it (the Crestwood debacle), but now they would like to kill it because the commission ruled I cannot be fired for non-payment of union dues. I don't want labor union representation, so I won't pay union dues. Simple as that.

This "free-loader" charge was leveled against me, but I am not a free-loader, I am a freedom-fighter. And the sooner that people who believe the same as I stand up and fight for their freedom, the better chance we have of saving our country from England's plight; a labor government and chaos bordering on anarchy.

We must dedicate ourselves to the principles of freedom of choice: the right to belong to a union, or the same and equivalent right not to belong.●

I. DAVID COSSON

HON. EARL DEWITT HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. HUTTO. Mr. Speaker, on August 11, 1944, Isaac David Cosson and several members of his family were the victims of an accidental bombing by Army Air Corps aircraft on their property, which was located a mile north of Eglin, AFB, Fla. As a result of the accident, four members of the family were killed and five seriously wounded. In the case of I. David Cosson, who was only 12 years old at the time, his spinal cord was severed by shrapnel which struck him between the shoulders, and one leg was injured badly enough to require amputation.

Two private relief bills were passed following this unfortunate accident. One went to the estate of the head of the household, Alfred L. Cosson, who was killed in the accident, and the other went to I. David Cosson. These bills resulted in Private Law No. 282 which was approved December 3, 1945, and Private Law No. 461 which was approved May 10, 1950, for the relief of I. David Cosson. At the time Mr. Cosson refused the $15,000 lump-sum payment fearing that this form of payment would not prove adequate. He was later convinced that he should accept this amount rather than receive no payment at all.

Since that time, David Cosson has been living on various sources of income from temporary jobs he has held, though partially paralyzed and confined to a wheelchair, and most recently, on supplemental social security benefits of only $167 monthly. Now 45, he and his wife Jimmie presently live in Clermont, Fla.

After a thorough review of his situation, one in which he has clearly attempted to improve his situation, I believe Mr. Cosson should now be considered for additional assistance; but as the past has shown, a lump-sum payment does not appear to be the most practical form of payment.

Along these lines, I am introducing

private legislation for the relief of I. David Cosson in the form of monthly payments for a gross annual income of approximately $16,000, which will be adjusted to compensate for any economic fluctuations in the economy. As you may notice this figure reflects the approximate median family income in America today.

I feel that it is only just to somehow compensate David for events that he had no power to prevent. Obviously this is a case where the Government should assist an individual in a situation in which he was not at fault, yet which has prevented him from leading a normal and productive life.

I urge you to support me in this humanitarian cause. Naturally, no amount of financial assistance can properly compensate the Cosson family but the least we can do is demonstrate to Mr. Cosson that his country cares and appreciates the tremendous personal sacrifice that was made by his family while our country was involved in World War II.●

PRIVATE SCHOOLS AND THE PROPOSED DEPARTMENT OF EDUCATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. HYDE. Mr. Speaker, one of the administration's favored projects this session is the creation of a Cabinet level Department of Education.

On February 7, 1979 Alvin Vanden Bosch, chairman-elect of the Illinois Advisory Committee on Non-Public Schools testified before the Senate Committee on Governmental Affairs, and so trenchant was his statement that I would like to share it with my colleagues:

The Department of Education Act of 1978

Mr. Chairman and Members of the Committee: I am Alvin Vanden Bosch, chairman elect of the Illinois Advisory Committee on Non-Public Schools (I.A.C.N.P.S.), which is a not for profit, tax exempt corporation. I.A.C.N.P.S. includes some eighteen groups of non-public schools and is representative of some 368,000 elementary and secondary students enrolled in approximately 1,450 non-public schools. (A complete listing of the groups can be found on the enclosed brochure).

I.A.C.N.P.S. is characterized by a diversity of membership which likely illustrates a fairly representative cross section of viewpoints across the nation. A sizable segment of our group has, in previous years, voiced its disenchantment with the establishment of a separate Cabinet level Department of Education. Another group of our membership, committed to the view of complete separation of Church from State, principally accepts no state or federal government aid to elementary and secondary education. A sampling of opinion within I.A.C.N.P.S. reveals that no one is enthralled by the prospect of a Department of Education separate from the present Department of Health, Education and Welfare.

Reasons for this cautious attitude arise from our experience with government bureaucracy, a wariness of the unknown, a basic commitment to the education of children, and an increasing confidence in the effectiveness of non-public education.

When considering only the structure of government and assessing the potential for greater efficiency, it would appear that a separate Department of Education should accomplish more good for more people with less effort. However when one attempts to test the pulse for principal reasons, one gets the uneasy premonition that a separate Department of Education may well provide a more advantageous lobbying position for those interested only in public school education. More than one reference has recently been made to political debts being paid to a public school lobby, which is claiming credit for the recent election of several Senatorial and Congressional members. Some reference was even made to the executive branch lending assistance to instigating grass roots efforts to press for the establishment of such a Department.

Should this be the case, it would seem logical to assume that such a Department could have an overwhelming orientation to public school education interests at the expense of public education interests.

I.A.C.N.P.S. is committed to the fundamental principle that the responsibility for education rests primarily with the parents/guardians of children.

Although some have repeated it so often that they now believe it, we do not agree that the responsibility for education rests with the "State." As a state pursues its legitimate interest in securing an educated citizenry for the benefit of society, a government's responsibility to education is to make every reasonable assistance available to parents so it is possible for them to "educate" their children. Sometimes this means, "Don't get in the way of education." Don't tamper with the process lest the impression is erroneously left that parents only produce children but the "State" educates them.

Our uneasiness arises from a gut feeling that a separate Department of Education will want to "do more" for education thus elongating the already long arm of Government. We are not interested in being helped to death. However, government assistance to parents who take seriously their responsibility for the education of their children does not always result in interference and unproductive bureaucracy. Our experiences in Illinois provide an example if not a model. By virtue of an enlightened State Board of Education, State Superintendent of Education, and State Legislature non-public schools can now achieve a status of official state recognition which is equivalent to that given to public schools but without controlling uniform regulations. Our schools are given opportunity to demonstrate their ability to meet responsibility to education. However, others in states such as Iowa, Michigan, and Ohio are not so fortunate and even within "enlightened" Illinois not all battles are won. Presently one agency is vieing with another for priority in "protecting" the rights of preschool children. All too often with assumed rights come presumed power and mandatory assistance. To succeed in gaining an education, children today need departments of government and bureaus, which are sensitive to the innate rights of parents, children, and schools. Included is the sense to realize that many times helping parents perform their task is more productive than doing it for them. Perhaps more than ever before the welfare of children is best met by having a hearing ear in government. We need more law makers who are willing to listen. Willing to listen not only to public testimony as is being presented today but also willing to listen in less formal situations as legislation is drafted, revised, edited, and otherwise formed. We need people who will get the message.

During the past 12 to 18 months it is becoming apparent that the non-public schools have a new problem—our public image. As the public confidence in public school education, particularly in large metropolitan areas, continues to decline, non-public school enrollments and success become a threat to public school advocates. By some unique reasoning, we are now given dubious credit for robbing public schools of more state and federal aid because we have children in our schools which "belong" to the public school. This threat was obvious during the recent proposed tax credit legislation. The coalition to save public schools became a powerful lobby against non-public schools. As our positive record—our public image—threatens the public school establishment, and as a separate Department of Education could provide an even more powerful lobby for public school advocates, we do not feel, at this point, that establishing such a separate department would be in the best interests of the education of children—whose interests may well become subverted by powerful lobbies protecting job securities and other self interests.

As the debate and discussion continues on the necessity of a separate Department of Education we suggest that it become the publically stated public policy of this committee as well as that of all legislators to support the education of the public rather than to support only public school education. As legislation is drafted, all children are not served equally if membership on advisory councils and other sub-committees is merely divided according to numbers or percentages of public school versus non-public school adherents. They can be served better when legislation is specifically oriented to helping children no matter where they attend school.

As the debate and discussion continues, we stand ready to be shown, ready to cooperate, ready to negotiate, to be involved, and ready to become convinced that establishing a separate Department of Education will serve the educational needs of all children better. So far the evidence needed to convince is less than convincing.●

MILITANTS ADMIT GUN LAWS WON'T HIT CRIMINALS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ASHBROOK. Mr. Speaker, members of the press and other interested parties were treated to an interesting performance at a press conference on January 24 in Washington, D.C. Calling for additional gun control laws, Mr. Michael Beard, executive director of the militant National Coalition To Ban Handguns (NCBH), admitted openly that no laws would prevent criminals from obtaining handguns, or any other weapons they wanted.

At the same press conference, Mayor Diane Feinstein of San Francisco admitted that gun controls would not have prevented the assassination of San Francisco Mayor Moscone and Supervisor Milk.

Somehow, Mr. Beard and Mayor Feinstein still felt compelled to advocate more strict gun control laws.

Mr. Beard's statement recognizes something that those of us opposed to additional gun control laws have long known—criminals will not obey gun laws any more than they obey other laws.

Having conceded this point, gun control advocates are forced to rely on either emotionalism or misleading arguments to advance their cause. Both were in evidence at the January 24 press conference.

For example, NCBH chose to rely on the argument that most murders are not committed as part of a felony, but between friends and acquaintances—the so-called crimes and passion, and that gun control would prevent this. They do not know, or decide to ignore, the fact that these "friends and acquaintances" are mostly criminals shooting each other.

Studies have frequently shown that most victims and perpetrators have criminal records. For example, the June 26, 1978 New York Times tells of a police study in that city on relationships between murderers and victims. While most did know each other, over 50 percent of the victims and 70 percent of those arrested for murder had prior criminal records. In addition, 42 percent of the victims had detectable amounts of alcohol, drugs, or both in their bloodstream.

These are hardly normal law-abiding citizens. While it is deplorable that pimps, prostitutes, addicts, muggers and other criminals shoot each other, this is not, however, justification for imposing burdensome Federal controls on the law-abiding gun owners, 99 percent of whom will never misuse their firearms.

Given the nature of the gun control debate, it is probably useless for me to point out that those 70 percent of the murder suspects with prior records are prohibited by Federal law from possessing a firearm, or that they could hardly have been in compliance with New York's Sullivan Act, the most strict gun control measure in the country.

Such facts will not impress the true believers in gun control. They are more apt to be guided by Mayor Feinstein, who, in the January 24 press conference, proclaimed "I'm not an expert on gun control legislation. I know that it's necessary. I think there's (sic) some good points."

As to why it is necessary, Mayor Feinstein cited the example of a convicted murderer who was recently released from prison, obtained a gun, and murdered the proprietor of a liquor store in a holdup.

A murderer, who should probably never have been released in the first place, illegally obtained a firearm, robbed a store, and murdered someone in the process. We are told that an additional law, gun control, would have prevented the tragedy. This line of reasoning represents a blind faith in the power of legislation that I find incomprehensible.

The only law that might prevent this type of crime is one that insured that the murderer was unable to menace society again. This approach to crime, of course, horrifies most gun control advocates, who would rather regulate society than punish criminals.

Unfortunately, these arguments will never sway the committed gun controllers. I would hope, however, that everyone else would see the case being made for gun control as it is—intellectually bankrupt, divorced from reality, and dependent upon emotionalism. It is indeed another effort by social planners to exert greater "people control." It is not really, as these people term, "gun control." ●

JAMES E. CRAVENS—A REMARKABLE FEDERAL SERVICE CAREER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ANDERSON of California. Mr. Speaker, throughout the years this body of lawmakers has approved numerous bills which aim to promote the success of this Nation's small businesses and to make available to all, the opportunity to share in the rewards of our free enterprise system. As it is with every Federal policy set by the Congress, the final signature by the President does not guarantee that these new laws and the programs they initiate will be effectively implemented. A law's success or failure depends largely on the capabilities of the Federal workers charged with carrying out Government policy.

Today, I am proud to bring to your attention the career highlights of James E. Cravens, retiring small business specialist of the Long Beach Naval Regional Contracting Office. The creativity and effectiveness he has demonstrated in the performance of his duties have contributed greatly to the attainment of the goals we have established for opening up opportunities to all segments of the business community, especially to small businesses. The summary of his career achievements, which I share here with you, illustrates his strong leadership in fulfilling this Nation's commitments to the prosperity of small and minority-owned business enterprises.

Mr. Cravens began his work in the field of contracting in the private sector. He held positions as sales and contract administrator for the Martin Lumber and Plywood Co. of Los Angeles and as director of material with the Lear Seigler Corp. in Anaheim before joining the Federal service in 1958. From then until 1969 he held assignments as a purchase methods analyst, industrial systems review officer, and procurement analyst before a short return to the private sector followed by a stint with the State of California as a contract grant officer.

In 1971 he became a Federal employee once again, assuming the position of supervisory management analyst with the U.S. General Accounting Office in Los Angeles. He moved to the Long Beach Naval Regional Contracting Office to become a small business specialist GS–1102–12/13 in May 1973, a position he will retire from on March 9, 1979.

During his tenure with the Naval Regional Contracting Office, Mr. Cravens has demonstrated exceptional skills for increasing small business and minority-owned enterprises. His technical talents contracts and subcontracts. His extraordinary efforts and capabilities have placed the Long Beach regional office consistently ahead of all other regional contracting offices in the total dollar value of contracts awarded to minority-owned enterprises. His technical talents were the source of substantial improvements in the overall quality of purchasing operations in the 11th Naval District.

This man's outstanding performance has not gone without formal recognition. The Sustained Superior Performance Award and the Outstanding Performance Ratings were given to him in 1959 and 1960. In 1968 and 1969 he received the Presidential Citation from the National Contract Management Association. Additionally, in 1969 he was cited with NASA's Administration's Certificate. And Jim Cravens was again honored with Outstanding Performance Ratings in 1973, 1977, and 1978.

His accomplishments have gained widespread attention outside the Federal Government, making him a highly sought after lecturer, author, and advisor. Among the groups he belongs to or has spoken to are the United Indian Development Association, the Latin American Manufacturers Association, and the Southern California Small Businessman's Association. He has presented numerous talks before conferences held by the National Contract Management Association and has authored many articles which have appeared in procurement and contracting publications.

I must also add a personal note. Each year my office sponsors a Business Opportunity Conference, an affair which is very popular in my home district because it helps so much to boost the local small business climate. Jim plays an important part in making these events so successful. His experience, and willingness to devote countless hours of time to this project, has made these conferences annual highpoints for the entire south bay small business community. This makes our sponsorship of this event a pleasant and rewarding experience.

Soon, the Naval Contracting Center in Long Beach will be without the services of Mr. Cravens. His absence will certainly be felt. It will be impossible to replace the unique drive and enthusiasm which he brought to the Navy's small business and minority-owned business programs. My wife, Lee, joins me in congratulating him for an impressive Federal service career. We share with his wife, Hazel, and their two children Jerre and James the special pride that comes from knowing that he has served both his community and the Nation well.●

AUTHORIZATION BILL OF THE MARITIME ADMINISTRATION FOR FISCAL YEAR 1980

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. MURPHY of New York. Mr. Speaker, today, I am introducing the authorization bill of the Maritime Administration for fiscal year 1980.

Pursuant to section 209 of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1119), the Maritime Administration of the Department of Commerce submits annual authorization requests to the Congress. As the members will recall, funds cannot be appropriated for activities of that agency until authorization legislation has been enacted.

The Congressional Budget and Impoundment Control Act of 1974 requires the Merchant Marine and Fisheries Committee to report this vital legislation by May 15.

This bill would authorize the funds recommended by the administration for the Maritime Administration to carry on the maritime promotional programs mandated by the Congress in fiscal year 1980.

The bill contains three sections.

Section 1 provides that it may be cited as the "Marine Administration Authorization Act for fiscal year 1980."

Section 3 provides authorization authority for certain supplemental amounts.

Section 2 is the heart of the legislation, and sets forth the amounts to be authorized for construction-differential subsidy, operating-differential subsidy, research and development, maritime education and training, and operating expenses. A total amount of $435,040,000 is requested for fiscal year 1980; $61,752,000 less than the amount authorized last year.

Construction-differential subsidy, provided by title V of the Merchant Marine Act, 1936, as amended, is generally based on the difference between United States and foreign shipbuilding prices, and paid to U.S. shipyards. The administration has requested $101 million for fiscal year 1980; $56 million less than the amount authorized last year. This amount, together with $23 million carried forward, will provide a program level of $124 million; sufficient funds to aid in the construction of one lash vessel and three dry bulk vessels.

Operating-differential subsidy, provided by title VI of the Merchant Marine Act, 1936, as amended, is paid to U.S. companies to enable them to operate U.S.-flag ships competitively in the U.S. foreign trade by offsetting the excess of U.S. ship operating costs over comparable foreign ship operating costs. The administration has requested $256,208,000 for fiscal year 1980; about $7 million less than the amount authorized last year.

The Maritime Administration's research and development program develops methods, systems, and equipment to improve productivity and operating efficiency in the U.S. shipbuilding and ship operating industries. The administration has requested $16,360,000 for fiscal year 1980; about $1.2 million less than the amount authorized last year.

The heading in the bill "Maritime Education and Training" contains the following elements: The Federal Merchant Marine Academy, the State marine schools and so-called supplementary training.

The Maritime Administration operates the U.S. Merchant Marine Academy at Kings Point, N.Y., where U.S. citizens are trained to become Merchant Marine officers. Last year $15,523,000 was authorized. This year the administration has requested $17,132,000 to carry on this program.

The Maritime Administration supervises the Government grants and student aid given to the six State marine schools, which are located in Maine, New York, Massachusetts, California, Texas, and Michigan. These schools generally train U.S. citizens to become merchant marine officers. The administration has requested $6,785,000 for this activity in fiscal year 1980, $435,000 less than the amount authorized last year.

Section 216(C) of the Merchant Marine Act, 1936, as amended, authorizes the Maritime Administration to prescribe, conduct and supervise such courses as it may deem necessary to supplement other training facilities. Last year $1,904,000 was authorized for this activity. The administration has requested $1,957,000 for fiscal year 1980.

The heading in the bill "Operating Expenses" pertains to the National Defense Reserve Fleet, and so-called other operating expenses.

The National Defense Reserve Fleet provides an inventory of ships to supplement the active fleet in times of war and national emergency. The administration has requested $6,377,000 for the Maritime Administration to carry on this program; $821,000 less than the amount authorized last year.

Other operating expenses provide for overall Maritime Administration program direction and administration. The administration has requested $29,221,000 for this activity in fiscal year 1980; $108,000 less than the amount authorized last year.

Mr. Speaker, hearings will commence on this very important legislation on March 1, 1979. Careful inquiry will be made into all the requested amounts, and a sound piece of legislation reported to the floor before May 15 of this year.●

RATING PENSIONS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. PICKLE. Mr. Speaker, in her usual succinct manner, Jane Bryant Quinn has prepared a "Pensioner's Guide" rating the major pension systems of this country.

Many, many disagree with her views, or point out that there are valid reasons for some pensions being very attractive—but she delivers an important message for all of us.

Increasing numbers of elderly, trends toward early retirement, inflation, and growing pension benefits all are combining to escalate the amount of money which must be set aside each year to handle the Nation's retirement bill.

If we do not move toward a more orderly national pension system, we in the Congress will face many bloody rocking chair battles.

The article, which appeared in the February 12, 1979, Newsweek magazine, follows:

RATING PENSIONS

(By Jane Bryant Quinn)

The crazy, patchwork, gimcrack pension system in the U.S. is desperately in need of repair. Chiefly, it's unfair—favoring some categories of workers at the expense of others. The benefits available to comparable employee groups depend not on such broad constants as salary range or years of service, but on where you are lucky (or unlucky) enough to work.

You may not realize the true extent to which your old-age security depends on choice of work. Herewith, then, a Pensioner's Guide. Individual plans will differ in detail from the generalities given here (some being better, others worse). But a quick glance at the ratings shows who among us walks away with the best deals.

MILITARY

Four-star-general rank for this plan. Retirees can get half pay after only twenty years of service, and 75 percent of pay after 30 years. Checks are paid as soon as you leave the service (no waiting until late ages, as required by social security and private plans). The Congressional Budget Office found that the average enlisted retiree is only 39 years old; he'll collect his military pension for an estimated 33 more years, during which time he can get another job, qualify for social security and even for a private pension. There are other perks, like access to cheap medical care and low-cost commissaries. Twice a year, retirement benefits are adjusted to atone for increases in the cost of living.

POLICE AND FIRE FIGHTERS

The aristocrats of municipal workers. Typically, their monthly pensions run 3 to 15 per cent higher than those of other city employees, and may be as much much as 50 per cent more. Like the military, they may retire early on full benefits. They also tend to have liberal tax-free disability plans. Last year, a New York City fire fighter, officially disabled and drawing an $11,822 pension, won a marathon race up 85 flights in the Empire State Building.

CIVILIAN MUNICIPAL WORKERS

A study published in 1975 by the Twentieth Century Fund confirmed what you probably suspected: the total retirement pay of state and local workers averages one-third higher than that of their counterparts in private industry. Practically all public-sector workers are covered, as opposed to less than half of those in the private sector. More than half of 70 municipal plans studied by the U.S. Department of Labor from 1975 to 1977 have inflation escalators. Also, municipal workers may have access to tax-favored deferred compensation plans which, in the private sector, are generally reserved for top executives.

FEDERAL AND CIVILIAN EMPLOYEES

Retirement pay is slightly below that paid by three-fifths of municipalities, but above the other two-fifths, according to the Labor Department. There's early retirement on full pension, a biannual cost-of-living adjustment, and generous death and disability benefits.

BIG COMPANY PLANS

Top executives have three- or four-star status, depending on the bonuses, deferred pay, stock options, etc., available to them. The average person, however, doesn't do as well. The median benefit last year for a $15,000 worker, counting pension and social security, was 67 per cent of pay in a conventional plan and 64 per cent in a union plan, according to a study by Bankers Trust Co. There are few automatic cost-of-living escalators, and the "extras" aren't as good as in public plans.

SELF-EMPLOYED PROFESSIONALS

Your social-security contribution is higher than that of a salaried employee. But you can also tax-defer up to $7,500 a year in a Keogh plan, or incorporate and tax-defer even more.

SMALL-COMPANY PLANS

Thousands of small companies have no plans at all; those that do vary widely in liberality. In a group of small-company plans selected by the pension consulting firm A. S. Hansen, Inc., a $20,000, 25-year employee was found to receive anywhere from 23 to 50 per cent of pay, plus social security.

EMPLOYEES WITH NO COMPANY PLANS

No star at all. There's social security, but beyond that you may tax-defer no more than $1,500 a year ($1,750 if your spouse doesn't work) in an Individual Retirement Account.

Every favored group stands ready to defend its special status. But it's hard to see why a fireman's "hazard pay," for example, should include disability pensions for marathon runners. Nor is it right that private-sector workers, with leaner pensions, should be taxed more and more heavily for the fatter cost-of-living pensions common in the public sector.

Today's complaints are only a rumble; tomorrow, they may explode.●

SELF-DETERMINATION FOR ALL OF IRELAND

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. ZEFERETTI. Mr. Speaker, the people of Northern Ireland are still being deprived of the right to rule their own house. The Irish have had to struggle bitterly and violently for the enjoyment of liberties and rights that the people of any democracy take for granted. Generations of Irish patriots have shed their blood and laid down their lives for the right to determine their own destiny.

When the island was partitioned in 1920, the majority of Irish people finally attained the freedom and democracy they so long desired. However, the minority Roman Catholics of Northern Ireland's six counties, outnumbered 2 to 1 by the Protestants populace, continue to suffer the pain of blantant discrimination and suppression.

The Catholics have been reduced to little more than third-class citizens behind the wealthy upper class and their Protestant middle class neighbors. They have been denied equal opportunity in housing, employment, and other basic rights enjoyed by the Protestants. This policy of outright discrimination has been allowed to continue for decades by a British Parliament whose edicts have contributed to the inequities rather than alleviate them. In 1969, these deep-rooted injustices finally erupted in an onslaught of violence and chaos.

The British response to the disturbances was to send occupation troops to supposedly protect the rights of the majority. Initially, the Catholic population welcomed the troops as a peacekeeping force, but they soon realized that the army had joined the oppressors in attempting to crush their campaign for equal rights under the law. British commanders came to regard the Catholics as the greater threat and, by 1971, British troops sided with the Protestant factions in a virtual state of war against the Catholic minority. 14,000 heavily armed troops on round-the-clock patrols erected checkpoints and barriers between streets and neighborhoods. They initiated the use of roadblocks and indiscriminate body searches on the populace.

Authorities instituted a policy of internment without trial of people suspected of terrorist activity. This classic act of international illegality, often accompanied with torture and even death, was applied almost exclusively against the Catholics.

In 1973, the British Parliament passed the Emergency Provisions Act, calling for the suspension of fundamental civil liberties and gave the Protestant-dominated police force the right to search and detain people without warrant and to intern for lengthy periods of time those persons only suspected of crimes.

Internment in Northern Ireland's concentration camp-type prisons often involved torture. Just 2 years ago Great Britain admitted before the European Court of Human Rights that she had approved the torture of suspects. More recently, the June 1978 report by Amnesty International on human rights violations occurring at the infamous Castlereagh prison in East Belfast cites 78 individual cases of human rights violations by the Royal Ulster Constabulary, which serves as the main auxiliary force for British rule in Northern Ireland. This report by Amnesty International, a highly reputable humanitarian organization awarded with the Nobel Peace Prize, leaves little doubt that police authorities employ beating and other vicious forms of maltreatment in attempting to extract confessions from suspects, many of whom are then released without being charged with any offense.

The original purpose of the British Army's intervention was to gradually put down the violence in hopes that, in a safer climate, the two communities would agree on a new shared administration whose police force would then replace the army. That policy, while well-meaning, has failed miserably. The army's presence is a highly visible reminder of British political domination of the area and, rather than quell the violence, the sight of large numbers of soldiers and arms has instigated the citizenry and merely added fuel to the fire.

As a result, this past decade of sectarian violence in Ulster's six counties has claimed more than 1,800 lives and nearly 18,000 men, women, and children wounded by bullet and bomb. The most shocking aspect of these figures is that many of the casualties were innocent victims of the violence surrounding them.

During this time, although fully aware of the gross injustices inflicted upon the minority in Northern Ireland, the U.S. Government has remained virtually silent. The Carter administration and Congress have made the quest for human rights throughout the world one of our major objectives. This endeavor should be pursued indiscriminately, not in a haphazard fashion that chastises a number of nations and ignores a chosen few, such as Great Britain.

Until our Government moves, there will be no change in Ireland, and I strongly feel that we have it within our power to do something to bring about the necessary changes. Should Congress and the Carter administration serve notice on the British Government that our longstanding relationship is in jeopardy, Britain may take a closer look at her policy of repression.

By ignoring the issue, we are giving implied support to the practice of suppressing the Irish desire for self-determination.

It is clear to me that, unless our Government acts, this mockery of justice will continue. Britain's secretary of state for Northern Ireland, Roy Mason, has made it clear that the British Government will maintain its hard-line approach in dealing with the warring factions. British policy has only further polarized the two communities of Northern Ireland, and the population still regards the troops and police as an army of occupation, not peacekeepers.

Certainly, the work of the Ad Hoc Congressional Committee for Irish Affairs, on whose executive committee I now serve, is having a positive impact. The committee, formed a year and a half ago and now boasting a membership of over 100 Congressmen and Senators, will be conducting a Peace Forum in the near future that will enable all interested parties in the dispute to sit down and discuss a peaceful solution to the conflict. The Peace Forum idea has been discussed for many months, and I am pleased that the ad hoc committee has definitely decided to go ahead with the forum. This decision, which I fully support, was based on the high level of interest found among the various factions in Ireland as well as the unwavering support of leaders in the Irish-American community. I am hopeful that our efforts will contribute toward a just and lasting peace in the Emerald Isle.

However, I want the people of America to know that we are sincere in our endeavor to bring peace to Ireland, free from British domination. Therefore, I have introduced a concurrent resolution in the House of Representatives recognizing "the right of all of the people of Ireland, including the six counties known as Northern Ireland, to control their own political destiny." It also urges the President to "adopt and pursue policies which are wholly consistent with such right."

This measure is a straightforward expression on behalf of the American people, and it is my hope that it will have the support of my colleagues and make an impression upon the administration, the State Department and the British Government.

The people of all of Ireland must be given the opportunity to choose their own form of government. "Ireland unfree, shall never be at peace." ●

AN INTERVIEW WITH REED IRVINE, FOUNDER OF ACCURACY IN MEDIA

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. SYMMS. Mr. Speaker, this is an excellent interview with Reed Irvine, chairman of the board of Accuracy in Media. It appears in the January 24 issue of Review of the News published by Review of the News Inc. at 395 Concord Avenue, Belmont, Mass. 02178.

Reed found a need to start this organization to combat irresponsible journalism after being unsuccessful in convincing the networks and newspapers to take on the responsibility themselves. Reed has made considerable contributions in the field of monitoring the media to insure its accuracy and thereby done a great public service. I wish to commend Reed for his work, and I urge my colleagues to read this informative interview.

[From the Review of the News, Jan. 24, 1979]

ACCURACY IN MEDIA'S REED IRVINE

(By John Rees)

Confronted with a particularly rank example of biased newspaper reporting, or warped television production, many Americans now respond: "Reed will do something about it." And Reed Irvine, chairman of the board of Accuracy In Media, usually does.

Born 56 years ago in Salt Lake City, Irvine served during World War II as a Japanese Language Officer in the U.S. Marine Corps, seeing duty in the Pacific and later as a member of the U.S. Occupation Forces in Japan. Afterwards, he attended St. Catherine's College, Oxford, England, as a Fulbright Scholar. And, on his return to the United States, Reed Irvine joined the Federal Reserve Board where for the next 25 years he fought long odds to bring sense and responsibility to our foreign lending programs.

Founding Accuracy In Media in 1969, Mr. Irvine has built AIM's reputation as the most respected media watchdog organization in America. Retirement from the Federal Reserve in 1978 has freed him to devote his full efforts to Accuracy In Media and to become a syndicated columnist and radio commentator in the nation's capital.

Q. Mr. Irvine, what made you decide to form Accuracy In Media?

A. In the latter part of the 1960s we saw serious riots in the cities, turmoil on the college campuses, and violent, politically motivated, confrontations such as the demonstrations in Chicago at the 1968 Democratic National Convention. The news media, in many cases, appeared to be pouring gasoline on the flames, giving an extraordinary amount of publicity to the agitators who were behind many of these disturbances. A lot of the demonstrations were nothing but media events; they would not have occurred if the mass media had not been present to publicize them. There were even cases in which television news crews helped stage demonstrations, providing signs or giving the demonstrators instructions as to what they should do. This irresponsible conduct on the part of journalists was an important factor in the decision to start Accuracy In Media.

I had found that individual protests to the networks and the newspapers didn't do any good. I also found that it was impossible to get the networks themselves, or people who were actively involved in the media, to take the lead in starting an organization to combat irresponsible and misleading reporting. Finally, with a few friends, I decided to go ahead and do what could be done. We hoped that an organization that could focus on specific media misdeeds rather than generalized complaints would have some noticeable impact.

Q. Was there some particularly outrageous example that could be said to have triggered AIM's formation?

A. One of the egregious cases that led up to this decision was the CBS News documentary, "Hunger In America." Among other things, CBS showed a tiny baby which it said was dying of starvation, before the very eyes of the viewer, in a hospital in San Antonio. A reporter in San Antonio subsequently found that the baby had been born prematurely and that it had died of a number of ailments related to its premature birth. Neither the infant nor its mother had suffered from malnutrition. But CBS News refused to inform the public that this tear-jerking scene had been misrepresented, even after it had been asked to do so by a Member of Congress. And the networks continued to distribute this so-called "documentary" for many years.

Q. Did the reporting on the war in Vietnam play any part in your decision to organize AIM?

A. Yes, very much so. We were most concerned about the anti-war bias that became evident in the media, especially at the time of the Tet offensive in February 1968. The Tet offensive was a tremendous defeat for the Vietcong, but our media portrayed it as a defeat for our side. As a result, public opinion tended to turn against the war quite sharply. Even when it became clear, after a few months, that Tet had been a victory for us, the media refused to correct their original error.

One of my favorite horror stories is about Robert Northshield, a producer for NBC News. In the fall of 1968, a member of his staff suggested that since it had become clear that Tet had been a victory, not a defeat, they should do a program pointing that out to correct the record. Northshield thought about it, and then responded: "No, the public perceived it as a defeat, and therefore it was a defeat." That is the first time in history that we won a battle in the field and lost it on television.

Incidentally, the record of media misreporting of Tet has now been thoroughly documented in a book, *Big Story*, by Peter Braestrup. Mr. Braestrup was in Saigon as a reporter for the *Washington Post* at the time of the Tet offensive.

Q. We sometimes hear that there is less media distortion in reporting on local issues than on national or international events, possibly because people are better informed about local affairs. Is that correct?

A. Not entirely. The worst distortion tends to arise when the matter being reported has significant political or ideological connotations. The reporting on the Vietnam War was deeply influenced by the ideological bent of the reporters. Today you get a tremendous amount of distortion in reporting on human-rights issues, with the media tending to focus on such countries as South Africa, Chile, Nicaragua, and South Korea as the bad guys, while saying relatively little about far worse offenders such as Cambodia, Red China, Cuba, and North Korea. On the domestic scene you get a lot of terrible reporting on issues such as nuclear power, largely because this has become an ideological cause. There has been some incredibly misleading reporting on scientific matters that are of considerable importance to the ordinary citizen. I am thinking of issues such as pesticides, such as D.D.T., and products that have greatly increased productivity of meat, such as antibiotic cattle feed and D.E.S. These subjects are often approached even by local reporters with a zealotry that vanquishes all factual evidence.

Q. What is the reason for this distortion along ideological lines?

A. The reason for this is that many reporters crave power. They want to do good—with the "good" being whatever they personally support—and seek to be movers and shakers, not merely reporters of what is transpiring in the world. They often have very naive notions of what "good" is. For example, the young reporter from the *Washington Post*, Charles Krause, who visited Jonestown with Congressman Leo Ryan has admitted in his book *Guyana Massacre* that he thought what the "Reverend" Jim Jones was doing in Guyana was great . . . right up until the time Ryan's party was attacked at the Kaituma airstrip.

Q. In your *AIM Report* you have published an analysis of the role of America's two most influential newspapers, the *Washington Post* and the *New York Times*, in reporting on the Communist slaughters in Cambodia. Would you detail this case for our readers?

A. Our news media as a whole were very slow to expose the terrible genocide committed by the Communists under Pol Pot in Cambodia. The *AIM Report* first brought this out in June 1975, two months after the Communist takeover there. The facts became very apparent in the subsequent months, but almost nothing was said about the reports of mass murder that the refugees were telling.

John Barron and Anthony Paul conducted extensive interviews of those refugees in 1976, and they concluded that by the end of 1976, at least 1.2 million Cambodians had perished as a result of the actions of their Communist rulers since April 1975. This was out of a population of 7.7 million. That same information was available to the *New York Times*, the *Washington Post*, the television networks, but in all of 1976, while this terrible genocide was taking place, the *Washington Post* ran only nine news stories that even alluded to humanrights problems in Cambodia. Yet they found space for 58 stories dealing with human rights in Chile! The *New York Times* was even worse. It had only four stories on human rights in Cambodia and 66 on human rights in Chile. Television was as bad. NBC never mentioned the matter on its evening news. ABC mentioned it once, and CBS twice, during the entire year.

I think that the *Washington Post* was particularly reprehensible in this matter in that it didn't even carry a review of the fine book that Barron and Paul wrote on this subject, *Murder Of A Gentle Land*, until mid-1978, over a year after it was published.

Q. What did AIM do about this?

A. Of course, we exposed the disgraceful failure to report this story. We ran a couple of articles about it in the AIM Report and I wrote about it in my syndicated column. But I also took the matter up with the publishers of the Post and the Times both in letters and in face-to-face encounters. The executive editor of the Post, Ben Bradlee, became so incensed at one letter that I wrote on the subject that he responded in writing, calling me a "miserable, carping, retromingent vigilante." I learned that "retromingent" means "backward urinating." We ran that letter in the AIM Report and I have an enlargement of it on the wall of our office. It illustrates that when the case is weak advocates tend to shout and thump the table.

I think that our criticisms had some impact. The New York Times especially has improved its coverage of Cambodia in the past year. And the Post finally did carry a review of Murder Of a Gentle Land and also Cambodia: Year Zero, another excellent book on this matter that had been published a year earlier in French. CBS did a pretty good documentary on Cambodia, and regular television news coverage showed some slight improvement.

Q. You and AIM have had some notable successes in calling syndicated columnist Jack Anderson to task for inaccurate stories, including one in which he charged that the Nicaraguan President had misappropriated U.S. funds sent to rebuild after the last major earthquake. Several U.S. Government audits, as I recall, found no misappropriations and no fraud.

A. Yes, we have criticized Anderson numerous times for his inaccuracies. One of the things that we developed was a list of newspapers that carry the various syndicated columnists. This enables us to send letters to many or most of the papers that carry a particular columnist whose errors we are seeking to correct. We have a list of about 500 papers that carry Jack Anderson's column. When we find a serious error in his column, we may send out letters to all 500 of those journals.

Not all of our letters are published, of course, but many are. Also, some of the editors call the matter to Anderson's attention and ask for his explanation. A few years ago, he became so incensed about this that he devoted an entire column to an attack on me personally and on Accuracy In Media.

There was no basis for his charges, and he ended up with egg on his face. He has not said one word about us since, but we have continued to criticize his errors. I have reason to think that this has made him somewhat more careful. Someone who was trying to interest him in doing a certain story told me that Anderson's people explained their caution, saying that if they made a mistake. Accuracy In Media would get after them.

Unfortunately we don't have enough staff to run down all the mistakes that columnists and reporters make. But just as the Internal Revenue Service figures that it keeps a lot of taxpayers honest by random audits of income-tax returns, I think we help keep a lot of reporters honest by investigating and exposing even some of the errors that are made.

Q. From time to time, Accuracy In Media has taken out paid advertisements in some of the major newspapers to make its points. Also I know you were involved in an effort to get proper labeling for propaganda ads by the North Korean Government which were misleadingly set in type in the style of a regular newspaper article. Tell us about that.

A. A few years back, North Korean dictator Kim Il Sung was buying full-page ads in the New York Times, the Washington Post, and some other papers to reproduce his speeches or propaganda statements. We had found that when AIM tried to buy space in those two newspapers to expose errors or omissions of important stories by their reporters, they always insisted on two things: The ads had to be labeled "advertisement," and we had to submit exhaustive documentation for every statement in the ad that they thought might possibly be inaccurate. But this same standard was not applied to Kim Il Sung, the North Korean dictator. He was permitted to make wildly inaccurate statements, as well as statements of highly questionable taste, in his ads. And, in the beginning, they were not even labeled "advertisement."

We succeeded in getting these newspapers to correct that last omission, but have not been able to persuade either the New York Times or the Washington Post to hold Kim Il Sung to the same standard of documentation they demand of Accuracy in Media. AIM's ads have been and are accurate; and it is clear to me that the nit-picking objections of the Times and Post have been mere harrassment designed to discourage AIM from placing ads criticizing editorial and reportorial policies and practices of those newspapers.

Q. Mr. Irvine, we have been very interested in AIM's attempt to get the Washington Post and New York Times to publish the fact that Orlando Letelier, the former Chilean Marxist ambassador and defense minister, was being paid via Cuba as an "agent of influence" for the Soviet K.G.B. Will you tell our readers about this important incidence of news management?

A. The most trouble we have had with an advertisement involved a criticism of the way in which the Washington Post had handled coverage of the documents found in Orlando Letelier's briefcase when this former Cabinet officer in the Allende Government was assassinated in Washington, D.C., in September 1976. The documents showed that Letelier was being paid out of Havana. They also showed that his real objective was to inflict on Chile the same kind of regime that Castro had inflicted on Cuba. And, all the time, he was pretending to be a great champion of human rights.

But the Post tried to whitewash Letelier by running stories and material supplied by Letelier's cohorts at the Institute for Policy Studies and the National Lawyers Guild. AIM tried to get the Post to carry an advertisement exposing its whitewash. The Washington Post put so many obstacles in our path that AIM transferred the ad to the Post's rival, the Washington Star; then, at the last minute, the Star refused to print it.

Next we took AIM's advertisement to the New York Times, which also refused to carry it unless we dropped a paragraph that was essential to the integrity of the ad. Finally the AIM advertisement on the Letelier coverup was published in the Wall Street Journal, National Observer, and News World.

I might add that the readers of the Review of the News are more fortunate than most other Americans because they had the full story of Letelier's activities as a K.G.B. agent of influence working with the Cuban D.G.I. secret police in your two articles on the matter in 1977.

Q. Did either the Times or Post ever concede the point of those damning documents in Letelier's briefcase?

A. In a way, rather by accident, the Times did; but not the Washington Post. The New York Times actually was even worse than the Post on the Letelier story because it published nothing at all about the incriminating documents found in his briefcase. I asked Mr. Sulzberger, the publisher, why the Times didn't run the story. His answer was that he really didn't know—his subordinates kept telling him it wasn't a story worthy of space in the paper.

Then an amusing thing happened in the spring of 1978. A story about the briefcase papers showed up in the Times in a story about the investigation of the Letelier assassination. I called up the reporter whose by-line was on the story and complimented him for finally getting this into the paper. He was nonplussed and said that the reporter normally responsible for covering the Letelier case was on vacation, and he had been asked to do a story on a break in the investigation. He said he had found the briefcase story in the file and had used it as background. He did not know that publishing that information was a no-no at the Times.

Q. Didn't you personally have a leading role in persuading the National Press Club in Washington to send a protest to Fidel Castro about censorship of the press there and continued jailing of newsmen in Cuba even as other Press Club officials were promoting a "Cuba Night" celebration? Will you tell us about this?

A. I wouldn't say that I played a major role. The idea came from Jack Skelly, Washington correspondent of a Puerto Rican paper, El Mundo. Jack proposed the resolution, and I gave him strong support at the meeting of the board of governors of the Press Club. The resolution asked Castro to free the newsmen who were still being held prisoner in his jails. We also urged the Press Club to invite a Cuban editor who had just been released from prison, after 19 years, to speak. This was all very embarrassing to the club president, Frank Aukofer, the Washington bureau chief for the Milwaukee Journal. Aukofer had been instrumental in arranging for a "Cuban Night" at the club, with the entertainment to be provided by Castro's liaison office in Washington. They were going to fly up a band from Havana that bore the name "Giron," which is what the Cubans call the unsuccessful invasion that we know as the Bay of Pigs.

No one had told the board what "Giron" means in Spanish. This was adding insult to injury. It was as if the Japanese Government were to send us a dance troupe called "Pearl Harbor" or the Germans to send a band to London called "V–2."

Aukofer fought hard to try to postpone the resolution urging the release of the imprisoned newsmen until well after his "Cuba Night." Thanks in part to the fact that the whole disgraceful affair was well publicized in Les Kinsolving's Washington Weekly, which was distributed to very office in the National Press Building, the board stood firm and insisted on sending to Cuba the resolution proposed by Jack Skelly, "Cuba Night" notwithstanding.

Still, I think it is an interesting commentary on the outlook of many reporters in Washington that Castro would be permitted to put on a show at the National Press Club under any circumstances. In addition, two Castro Cubans have spoken at the club in recent months, and that recently released editor we wanted to see invited has yet to appear.

Q. A number of special-interest organizations regularly holds press conferences and distributes press materials that are used over and over again by newspaper reporters and broadcasters virtually without change or checking. Amnesty International is one of these. Will you comment on the accuracy and focus of Amnesty's human-rights proclamations and its media coverage?

A. Amnesty International is very much like the American Civil Liberties Union in that it gets good press and is taken pretty much at face value. That has been especially true since it was awarded a Nobel Prize two years ago. But Amnesty International's published works show a very pronounced Leftist bias. Take their 1975 Report On Torture. It would appear to have been issued mainly in order to attack Chile and Greece. It dealt with the period in which both of those countries were under military rule. About 28 percent of all the country material was concerned with these two nations. By contrast, material on all of the Communist countries combined took up only four percent of the space dealing with individual countries. No less than two pages were devoted to torture in the United States, and another page discussed the blame Amnesty thought we bore for torture in Latin America. More space was devoted to torture in Northern Ireland than to torture in the Soviet Union. More space was given to Israel, including the occupied territory, than to Red China, Cuba, and all of Eastern Europe, excluding the U.S.S.R.

Q. Does Amnesty International's bias extend downward from its leaders?

A. It appears so. For example, Martin Ennals, the Secretary-general of Amnesty International, came to Washington from London last spring to hold a press conference about human-rights problems in South Africa. Ennals showed his organization's typical preoccupation with non-Communist countries when he was asked about the organization's failure to say anything about the massive violations of human rights in Red China which involve, for one, a policy of virtual genocide against the Tibetian people. He actually excused Amnesty's silence by saying that the Chinese Communists have been "hypersensitive" to criticism.

Of course, in November, Amnesty International announced the appointment of Derek Roebuck, dean of law at the University of Tasmania and a leading member of the Soviet-line Australian Communist Party, as head of A.I.'s research department. Roebuck has announced that despite his appointment "I will still be as much a Communist." Shortly afterwards, Amnesty released a 176-page report on political imprisonment in the People's Republic of China, a report that had been compiled some time ago but not released. I would like to ask Mr. Ennals whether Amnesty International might be trying to balance a pro-Red China bias by hiring a Soviet-line Communist, or whether the organization was sympathizing somewhat with the "Gang of Four" that ran China during the dotage of Mao Tse-tung.

I find it most significant that Ennals was unable to say during his Washington press conference how many political prisoners were held by the Communists in Vietnam, nor would he say whether or not the human-rights conditions there had grown worse since the Communist takeover. And when he was asked what Amnesty International was doing for Anatoly Shcharansky, who was then very prominent in the news because of his persecution at the hands of the Soviet Government and its K.G.B., he actually turned to an aide to ask who was Anatoly Shcharansky.

Q. During the past few weeks, there has been an immense amount of material printed about Red China. How do you evaluate this and, more generally, President Carter's rush toward recognition and trade with the Peiping regime?

A. We devoted a recent issue of the *AIM Report* to a rather detailed analysis of the coverage by *Time* and *Newsweek* of Carter's surprise announcement of U.S. diplomatic recognition with Peking and the dumping of our long-time allies on Taiwan. The most interesting finding was the failure of these two national news magazines to mention the fact that our President had acted in violation of two important promises he had made to the American people. One was that he would not carry out secret diplomacy in important matters and then spring the results on the American people as Nixon and Kissinger had done. The other promise was that he would not normalize relations with Red China without getting guarantees of the security of Taiwan.

Carter had made that promise very explicitly in his second debate with President Ford, saying he would not "exclude the American people" from the process of shaping U.S. foreign policy.

What is particularly reprehensible, in my view, is that the only reason for all the secrecy was that Carter and Brzezinski knew that if Congress and the American people had been consulted, they would not have permitted the deal to go through on the terms—totally favorable to Peking—that Carter and Brzezinski wanted. This was in no way a matter of secrecy to protect national security. It was simply a matter of pulling a fast one on Congress and the voters.

Q. Congress apparently expected Mr. Carter to try something like this, don't you think?

A. Yes, certainly, the Congress must have suspected something because both the House of Representatives and the Senate passed a Resolution only last summer providing that they should be consulted *before* any change was made in the status of our mutual defense treaty with the Republic of China on Taiwan.

Q. How have *Time* and *Newsweek* handled the issue of security of the Republic of China on Taiwan?

A. Neither mentioned Red Chinese Deputy Prime Minister Teng Hsiao-ping's statement, made in September, that he had rejected an American government request for a P.R.C. pledge not to use force to subjugate Taiwan. Instead, *Time* reported the Red Chinese leaders "began dropping hints that they were getting ready to accept the U.S. terms." But those secret U.S. terms, hidden from Congress and the American people until Carter was ready to make his announcement, concede to Teng and whoever his successors may be both the legal and moral right to treat Taiwan just as they treat Hunan, Fukien, or any other mainland province.

And that joint communiqué says that the United States recognizes the P.R.C. as the sole legal government of China and that Taiwan is part of China. Although President Carter said he *expects* the Taiwan issue to be settled peacefully, Hua Kuo-feng, who is both Prime Minister of the P.R.C. and Mao's successor as Chairman of the Chinese Communist Party, reiterated that just how Taiwan is subjected to P.R.C. control is "entirely China's internal affair."

The prognosis for the people of Taiwan, if captured, is bleak at best when one considers the millions who have died under Red Chinese rule on the mainland by overwork, malnutrition, and abuse, and by direct execution.

Q. Are there other areas of media misreporting on the Chinese events?

A. Certainly. For one, the media have ignored the overwhelmingly negative public response. I did not see any newspaper or television report of the fact that in the first five days after the President's announcement of December 15th, the White House received over 6,500 calls, letters, and telegrams of which 77 percent were critical of the President's decision. I have noticed that letters to the editors of many newspapers have also been running heavily against the Carter Administration on this issue.

It is obvious to me that Big Media are muting the criticism of Carter's action on China. This is another case in which the American people seem to have more sense than their leaders and most of the pundits.

Teng is making statements that sound very reasonable and conciliatory; yet the government of the P.R.C. is unwilling to put them on paper and formally sign them. Our leaders, in their eagerness to improve relations, have apparently forgotten the number of times in the past that we and other Free World countries have become euphoric just because dictators like Stalin or Khrushchev, or one of the other Communist bigwigs, smiled in our direction.

Some of us can even remember how joyful many people were back in 1938, when Chamberlain got Hitler's assurances that he had no aggressive intentions beyond acquisition of the Sudetenland. "We seek no wider war," said Hitler, and the Second World War followed a year later.

What gets me is the failure of our major news media to drive home the simple reminder that Teng—even should he be sincere in all he says—is a mortal of 74 years who leads a country that has gone through the most incredible gyrations of policy and leadership over the past decade.

Perhaps Teng does want to liberalize the harsh dictatorship of the Communists in China. Certainly the United States should encourage any efforts in that direction. But the people of the Republic of China on Taiwan have every right to be nervous when we ask them to rely solely on Teng's assurances for their freedom.

Q. Well then, Mr. Irvine, how can private citizens help to promote responsible and accurate journalism by newspapers in their own areas as well as by the national media?

A. One of the best things, in my opinion, is to subscribe to the *AIM Report* and follow the suggestions we make concerning letters to be written to criticize specific instances of inaccurate or distorted reporting. I think it is important that we concentrate our efforts rather than use a scattergun approach.

Individuals who have the time and patience systematically to monitor their media can do invaluable work. One effective approach is to make a systematic record of how the media treat certain stories. Watch your local paper or TV station over a period of a month and see how they cover issues such as defense, SALT II, nuclear power, abortion, or whatever interests you. Take note of the stories and the number of them on the different sides of the issue. If you come up with a convincing case of one-sided reporting, take it to the editor. He may be sufficiently impressed to order some changes. I know of at least two cases where individuals working strictly on their own have done this and have brought about fairer coverage in their local media.

Q. Reed Irvine, thank you very much for your views. And let us add that readers who wish to do so may join Accuracy in Media for $15 a year, which is tax-deductible except for the $3 portion that covers subscription to the semi-monthty *AIM Report*. The address of Accuracy in Media is 777 14th Street, N.W., Washington, D.C. 20005.●

HOUSE OF REPRESENTATIVES—*Wednesday, February 28, 1979*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Hear these words from Psalm 51: *Have mercy on us, O God, according to Thy steadfast love; according to Thy abundant mercy blot out our transgressions. Wash us thoroughly from our iniquity, and cleanse us from our sin.*

O God, Redeemer of the world, we confess our past, when we have been selfish or arrogant, when we avoided Your guidance. Forgive us, O Lord, and help us to begin anew in the sure and certain comfort of Your love. Amen.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Maryland will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, before the gentleman from Maryland decides whether, under clause 1, rule I, he would like to ask for a vote on the approval of the Journal, as that rule provides, could the Chair tell us whether or not he will entertain a motion for a call of the

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

House and at what point he might entertain such a motion today?

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

The SPEAKER. The Chair will state it is his understanding the gentleman from Indiana (Mr. BRADEMAS) intends to move a call of the House.

Mr. BAUMAN. So, Mr. Speaker, there will be a call after the 1-minute speeches?

The SPEAKER. The gentleman is correct.

Mr. BAUMAN. I thank the Chair.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

□ 1505

LACK OF LEADERSHIP THREATENS UNITED STATES AND FREE WORLD INTERESTS

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, events of the past several weeks paint a dark picture for the United States.

An American Ambassador has been killed in Afghanistan without a strong, substantive response from our Government.

The administration has failed to react in a positive way to Iranian developments, including the sacking of our own Embassy there, in order to protect U.S. interests and our citizens in that country.

Our Government has been unable to exert sufficient influence to prevent a second price increase within a year in OPEC oil prices.

The President's highly publicized Mexico trip projected an unstatesmanlike and unproductive performance throughout the world.

Our intelligence system either failed to forecast the Communist Chinese invasion of Vietnam, or the President would not let that intelligence interfere with Vice Premier Teng Hsiao-ping's public relations tour of our country.

The administration has been unwilling and unable to deal from a position of strength with the Soviets on the strategic arms limitation talks.

Mr. Speaker, this apparent unending series of foreign policy setbacks for the United States stems from a total lack of leadership by the administration.

Vapid rhetoric from the White House and the State Department does not disguise to the world and to our own citizens that we lack direction or a cohesive foreign policy to protect our best interests.

It is imperative for Congress to take all possible steps to fill this noticeable void until new leadership can take command under our constitutional processes.

INTRODUCING PRIVATE BILL TO FACILITATE ADOPTION OF AN INDIAN ORPHAN, RENUKA PAVLA

(Mr. DUNCAN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. DUNCAN of Oregon. Mr. Speaker, I am introducing a private bill today which I hope will be favorably considered by my colleagues and passed early in the first session of this Congress. The purpose of the bill is to facilitate the adoption of an Indian orphan, Renuka Pavla, by an Oregon family which has opened their hearts and offered their home to this child.

Renuka is a 14-year-old girl who suffers from the effects of residual poliomyelitis, and is currently undergoing surgery and treatment in the Portland, Oreg., Shriners' Hospital.

Early last year a bill was offered by my colleague, Senator PACKWOOD, which, while it was approved by the Senate in mid-August, failed to reach the floor of the House for a vote before the end of the 95th Congress. I have been assured that it was the burden of other legislation before the House Judiciary Committee, rather than any prejudice against the bill, that prevented consideration by this body.

Therefore, by introducing this measure early in this Congress, I hope an opportunity will arise for favorable and timely action.●

DEADLINE DIPLOMACY IS DEAD END DIPLOMACY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, rumors are circulating in town that the administration is prepared to announce very soon that the initialing of the SALT II Treaty will take place 1 month from now and final signing will take place 2 months from now.

As I say, these are rumors. I hope they are false. This administration has an obsession with setting a date by which an event is supposed to take place.

Remember the welfare reform and energy proposals? The President has sworn to have them before the Congress by a certain date. Needless to say, the complexity of the issues made it impossible for the administration to meet their preconceived deadlines.

Remember the Camp David accords and the rigid schedule for implementation? December 17 was to be the magic date for signing but as of this date the parties are still talking.

Some critics have said the failure to meet that deadline forced the administration to play the China card perhaps too quickly—in view of their incursion across Vietnam's border.

Now we may have the most serious example of deadline diplomacy. The SALT Treaty is not in its final form and it is too important an issue to be resolved by deadline diplomacy. Mr. Speaker, deadline diplomacy is a dead end.

□ 1510

CONGRESS ELIMINATES A BILLION DOLLARS OF UNNECESSARY REDTAPE

(Mr. EVANS of Delaware asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Delaware. Mr. Speaker, the House of Representatives to its credit took a significant step yesterday. We eliminated a section of law which would have ultimately cost the American consumer approximately $1 billion.

And for what purpose? Supposedly to protect the consumer. But what benefits were achieved? Was there any protection actually afforded the consumer?

The answer is that no discernible benefit would have been achieved. But it would have been costly. A billion dollars of unnecessary redtape.

The American consumer just cannot afford any more of this type of so-called protection.

The Congress of the United States must begin to take its oversight responsibilities seriously.

We must eliminate unnecessary and costly burdens whether they be mandated by legislation or by regulation. The overwhelming passage of S. 37, I hope, sets the tone for the 96th Congress. We need to look for more ways of eliminating unnecessary and wasteful Federal requirements.

ARE WE IN THE END-STAGE OF THE WELFARE STATE?

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. PAUL. Mr. Speaker, today many sober economists believe we are in the end-stage of the welfare state, as more and more special interest groups clamor for a bigger slice of a shrinking economic pie.

We have run out of money—except the paper dollars being printed in greater and greater quantities. But these dollars do not represent real wealth. Since this is due to an inflationary increase in the money supply, they subtract from real wealth.

Compared to my time here in 1976, I find the lobbyists come in larger, better trained groups, and are much more aggressive. They demand special subsidies for their business, industry, profession, region, or economic group.

When everyone turns to Washington for the solutions to his problems, bitterness and social divisiveness result.

A welfare state that has run out of real money—as ours has—can take one of two roads: into complete socialism or toward a free economy. The choice is up to us.

FEDERAL DEBT LIMIT AT NEW RECORD LEVEL

(Mr. ERDAHL asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ERDAHL. Mr. Speaker, this Congress is now considering a measure to increase our Federal debt limit to a new record level. The Government and this administration seems committed to saddling the next generation with ever-increasing debts and dollars of decreasing value. When will we learn that we cannot spend ourselves rich any more than a person can drink himself sober.

The interest on our national debt now ranks as the third highest expense of the Federal Government. Just the interest on the projected 1980 fiscal year debt will amount to $57 billion a year. Or, $156 million every day.

The time has come to put on the brakes. Mr. Speaker, we in this Congress must add a new word to our vocabulary, and that word is no. No to this massive, unmanageable and expensive debt, and no to the reckless spending that brought it about and now would expand and perpetuate it.

THE PRESIDENT SHOULD HAVE TAKEN POSITIVE STEPS IN THE WAKE OF THE NATION'S TWO RECENT TRAGEDIES

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, we found out, tragically, that an American Ambassador was shot and killed in Afghanistan. We found out that the American Embassy was sacked in Iran. Yet, we did not take the necessary steps that we might have. Knowing that the President has a nuclear arsenal at his fingertips, I am astounded that we did not enter into a nuclear confrontation because of those two tragedies.

I think we should also point out that the Ambassador to Iran kept four American soldiers there and endangered their lives just to keep the presence of America in that country. I think we ought to take action where we can, including asking Mr. Sullivan to explain why he endangered the lives of those four American soldiers and not merely wonder why the President of the United States did not embark on a course of nuclear conflict.

PRESIDENT CARTER SHOULD BE COMMENDED FOR TRYING TO BRING SENSE AND REASON INTO THE REGULATORY PROCESS

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, President Carter is trying valiantly to bring some sense and reason into the regulatory process and to make the regulators take into account the economic impact of regulations. Although he is not yet going as far as I would like, he is making significant progress in the direction of sanity in regulation.

Therefore, it was with some dismay that I read in the press that a few Members of Congress in both Houses are suggesting that the President does not even have the right to inform appointees in his own administration that they are to take economic impact considerations into account when they write regulations. Rather, I think we should commend the President for this bold and important action, and we should likewise be critical of such of our colleagues who think that the President should not be mindful of economic consequences and also we should be particularly concerned and begin to do something about the elitist members of their staffs, who think that they individually know what Congress intended better than does the Congress itself as a whole.

In addition to whatever other controls we impose, we should at least let the elected President be able to inform his own appointed executive branch bureaucrats that he expects them to use sense and balance in the regulatory process.

□ 1520

THE VOTE IN THE HOUSE TODAY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, this afternoon I rise to ask the gentleman from the 13th District of Michigan to refrain from voting on the matter before the House today.

The gentleman should follow the precedent of the Honorable John Langley, as described in Cannon's Precedents. Mr. Langley was in a similar position to the gentleman from Michigan. Mr. Langley was reelected while his conviction was on appeal, and he then refrained from voting until his appeal was completed.

I realize the gentleman from Michigan has indicated he intends to vote. But I appeal to him one last time, to consider the honor and dignity of the House. If the gentleman persists in voting we have no alternative but to introduce a motion of expulsion.

Much as Martin Luther said in the 1520's: "Here we stand, we can do no other."

VOTING REPRESENTATION IN THE HOUSE OF REPRESENTATIVES

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, the gentleman from Georgia has just advised the Members of the House that on tomorrow he intends to offer a motion summarily to expel one of the Members of this body, the gentleman from Michigan (Mr. Diggs).

Apparently the gentleman from Georgia (Mr. Gingrich) believes that this body should take some action to prevent the gentleman from Michigan (Mr. Diggs), who represents a constituency that chose him to represent them in the Congress, from voting in the House of Representatives.

If and at such time as the gentleman from Georgia should offer such a motion, it will be my purpose and intent to offer a motion to refer the gentleman's motion to the Committee on Standards of Official Conduct.

In the entire history of our Nation, only three Members of the House have been expelled—and they on charges of treason during the Civil War. Expulsion is perhaps the most extreme action which Members could take against one of their number.

Surely the Membership is not prepared to take action expelling a Member of the House pending the full exercise of his legal and constitutional rights under the law. Surely the Members of the House are not prepared to deny to the people of any congressional district in this country their constitutional right to representation in this Chamber. Surely the Members of the House are not prepared to assert that representation consists of anything less than full voting representation for any congressional district of this country.

Our ancestors in declaring the independence of the United States from Great Britain over 200 years ago declared their faith in the proposition that taxation without representation is tyranny.

It is not up to me to advise the people of any congressional district in Michigan whom they may or may not have as their chosen Representative. That is their choice, and it is a sacred choice. They exercised that choice.

Therefore, if that motion is made tomorrow, I advise the Members that I shall move to refer that motion to the Committee on Standards of Official Conduct. Certainly, the Members of this body at the very least would not wish precipitately to take such extreme action against one of our Members without even so much as an opportunity for that committee to consider the appropriateness and consequences of such action.

□ 1525

REREFERRAL OF H.R. 282 TO COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the bill (H.R. 282) to promote the development of methods of research, experimentation, and testing that minimize the use of, and pain and suffering to, live animals, and that the bill be rereferred to the Committee on Science and Technology.

The SPEAKER pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CALL OF THE HOUSE

Mr. BRADEMAS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 15]

Ambro
Anderson, Ill.
Andrews, N.C.
Applegate
Archer
Ashbrook
Brown, Calif.
Burton, Phillip
Clay
Collins, Ill.
Conyers
Daniel, Dan
Dellums
Diggs
Dingell
Drinan
Eckhardt
Fenwick
Fish
Flood
Giaimo
Harsha
Hawkins
Ireland
Jones, Okla.
Kemp
Kogovsek
Long, Md.
McDonald
McKinney
Marks
Mathis
Moorhead, Pa.
Patten
Pepper
Roth
Runnels
Scheuer
Seiberling
Smith, Iowa
Solarz
Stark
Steed
Stokes
Traxler
Waxman
Williams, Mont.
Williams, Ohio
Wilson, Bob

□ 1540

The SPEAKER pro tempore. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 28, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:50 p.m. on Wednesday, February 28, 1979, and said to contain a message from the President wherein he transmits a report by the Secretaries of Defense and Transportation on the Cash Awards Program.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

REPORTS OF SECRETARY OF DEFENSE AND SECRETARY OF TRANSPORTATION ON CASH AWARDS MADE DURING FISCAL YEAR 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am forwarding reports of the Secretary of Defense and the Secretary of Transportation on awards made during Fiscal Year 1978 to members of the Armed Forces for suggestions, inventions and scientific achievements.

The participation of military personnel in the cash awards program was authorized by the Congress in 1965. More than two million submissions since that time attest to the program's success in motivating military personnel to find ways of reducing costs and improving efficiency. Of the suggestions submitted, more than 325,000 have been adopted, with tangible first-year benefits of more than a billion dollars.

Of the 98,011 suggestions submitted by military (including Coast Guard) personnel during Fiscal Year 1978, 14,830 were adopted. Cash awards totalling $1,001,257 were paid for adopted suggestions during Fiscal Year 1978. These awards were based not only on the tangible first-year benefits of $37,263,734 realized from adopted suggestions during Fiscal Year 1978, but also on many additional benefits and improvements of an intangible nature.

Enlisted people received $820,006 in awards during Fiscal Year 1978, representing 81 percent of the total cash awards paid during the periods. Officers received $181,251 during Fiscal Year 1978.

The attached reports of the Secretaries of Defense and Transportation contain statistical information on the military awards program and brief descriptions of some of the more noteworthy contributions of military personnel during Fiscal Year 1978.

JIMMY CARTER.

THE WHITE HOUSE, *February 28, 1979.*

□ 1545

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 28, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:50 p.m. on Wednesday, February 28, 1979, and said to contain a message from the President wherein he transmits a Social Security Agreement between the United States and the Federal Republic of Germany.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SOCIAL SECURITY AGREEMENT BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216; 42 U.S.C. 1305 note), I am transmitting the Agreement between the United States of America and the Federal Republic of Germany (F.R.G.), signed on January 7, 1976, the Final Protocol to the 1976 Agreement, also signed on January 7, 1976, and the Administrative Agreement to implement the 1976 Agreement, signed on June 21, 1978.

These U.S.-F.R.G. agreements are similar in objective to the U.S.-Italian social security agreements which I submitted to the Congress on February 28, 1978. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation. In addition to remedying these problems, the 1976 U.S.-F.R.G. Agreement and Administrative Agreement would extend under specified conditions voluntary coverage rights under the F.R.G. system to U.S. citizens who have a prior connection with the F.R.G. system or who reside in the United States and were victims of persecution.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health, Education, and Welfare, which explains the provisions of the Agreement and provides data on the number of persons affected by the agreements and the effect on social security financing as required by the same provision of the Social Security Amendments of 1977.

The Department of State and the Department of Health, Education, and Welfare join in commending this Agreement, Protocol, and Administrative Agreement.

JIMMY CARTER.

THE WHITE HOUSE, *February 28, 1979.*

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1147, TREASURY AUTHORITY TO WAIVE COUNTERVAILING DUTIES

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96-17) on the resolution (H. Res. 141) providing for consideration of the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1894, TEMPORARY DEBT LIMIT INCREASE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 133 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 133

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1894) to provide for a temporary increase in the public debt limit, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 5, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments to the bill shall be in order except (1) amendments offered by direction of the Committee on Ways and Means, which shall not be subject to amendment; (2) amendments only changing the date certain on page 1, line 4, or only changing the numerical figure on page 2, line 2, and said amendments shall not be subject to amendment except pro forma amendments for the purpose of debate and germane amendments only changing the date certain on page 1, line 4, or only changing the numerical figure on page 2, line 2; and (3) an amendment to section 4 of the bill printed in the Congressional Record of February 21, 1979, and if offered by Representative Vanik, which amendment shall not be subject to amendment but shall be debatable for a period not to exceed thirty minutes, fifteen minutes controlled by Representative Vanik and fifteen minutes controlled by a Member designated by the chairman of the Committee on Ways and Means. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

☐ 1550

The SPEAKER pro tempore. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. Ichord).

Mr. ICHORD. Mr. Speaker, I thank the distinguished gentleman from Missouri, the chairman of the Rules Committee, for yielding me this time, and I take this time to ask the House to vote down the previous question on the rule and to adopt the amendment which will be offered by the gentleman from Maryland (Mr. Bauman).

Mr. Speaker, I think I have spent probably as much time on the concept of a balanced budget as any Member of this House. I did have the responsibility of chairing a Democratic Research Organization Committee which took, over 3 years ago, testimony from just about everybody who was anybody in the United States dealing with money. We heard from Dr. Greenspan, who was Chairman of the President's Economic Advisers at that time; and Dr. Burns, Chairman of the Board of Governors of the Federal Reserve System; and Mr. James Needham, president of the New York Stock Exchange; and many others.

All of the witnesses who came before the committee consistently and convincingly said that the cause of our economic problems in the United States was the fact that we had only balanced the budget one time in the last 19 years, and consistently and convincingly the testimony of the witnesses advocated that a step toward a healthy economy in this country was a balanced Federal budget.

Now I do want to ask the gentleman from Maryland a question clarifying the meaning of his amendment. The amendment will read as follows, if the previous question is voted down and the amendment is offered by the gentleman from Maryland:

> . . . for the purpose of increasing the public debt limit shall not be considered in either the House of Representatives or the Senate preceding the enactment into law of an act requiring the achievement of a balanced Federal budget and establishing a method for achieving such a balanced Federal budget.

I would point out to the gentleman from Maryland that nearly all of the many, many measures that are pending before the House if Representatives do not actually require a balanced budget. Most of them have an escape valve. Most of them establish a balanced budget as a norm with a two-thirds vote.

☐ 1555

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ICHORD. Will the gentleman yield me 1 additional minute?

Mr. BOLLING. I yield 1 additional minute to the gentleman from Missouri.

Mr. ICHORD. I thank the gentleman for yielding.

I would ask the gentleman from Maryland as a matter of legislative intent, would not a constitutional amendment adopted by the Congress providing that a balanced budget is the norm, but a two-thirds vote would permit an escape from the norm, satisfy the requirements of his amendment.

Mr. BAUMAN. First, to disabuse the gentleman from Missouri, the gentleman from Maryland will yield to monsignor, the gentleman from Ohio (Mr. Latta) to offer my amendment.

In answer to the question asked by the gentleman from Missouri, the amendment does not presuppose any particular form or method of balancing the budget. It would be the prerogative of the House and Senate to adopt a method which could include an escape clause by a two-thirds vote or three-quarters, or even a majority could waive that requirement. So the language here is not intended to preclude any particular form of balanced budget action by Congress.

Mr. ICHORD. So in effect the amendment says to the Committee on the Judiciary: Bring before this House an amendment that the House can pass upon in this session, and if we do not pass such a constitutional amendment, then we will have to repeal this amendment.

Mr. BAUMAN. Precisely.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. Latta) and pending that, I yield myself such time as I may consume.

As those who have listened to the reading of the rule well know, it provides for 1 hour of general debate and a modified rule largely closed but allowing some amendments on a debt limit increase. It also provides upon a request of the Committee on Ways and Means that the gentleman from Ohio (Mr. Vanik) may offer an amendment. If that amendment is offered, time will be divided—30 minutes—between the two sides on that amendment.

Last year it took several different efforts to deal with the debt limit problem. We have fallen into the habit somehow of not passing the debt limit when it first comes up. Everybody understands that it has to be passed ultimately. Everybody understands that it deals fundamentally with the question of paying the bills that we have incurred. It has nothing to do with whether they are right or wrong. We have incurred them, and we go through this charade with increasing frequency. There is an effort to be made to deal with the matter more rationally, perhaps as part of the budget process. I am not sure that that will succeed, but I know that it will be given extremely careful consideration, and I think that the House to be responsible needs to pass this increase. I think it needs to do so now without pretending to the American people that playing around with the debt limit is going to make any difference. If we are going to deal with the problem of fiscal responsibility, we are going to have to deal with it directly. We are not going to be able to do it through this method, and I do not see any particular reason to try to kid the public, which is precisely what we are doing when we play around with the debt limit.

Obviously, I am in favor of the rule and also in favor of the previous question being ordered. I can think of no worse precedent than to vote down the previous question to permit a nongermane amendment not proposed by the committee of jurisdiction. I think in the end it will be a futility. I cannot believe the House will adopt such an amendment, and I know that no matter how sincere my friends over there are who will offer the amendment, it really is not going to have any enormous effect, except perhaps a very little political effect. Based on my study of the past, I have never seen anybody defeated or elected on a vote on the debt limit, or a dozen votes on the debt limit. So I do not think it is going to have any political effect, and I hope we will order the previous question and deal with the rule promptly and then deal with the debt limit question responsibly.

Mr. Speaker, I reserve the remainder of my time.

☐ 1600

Mr. LATTA. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me say to the freshman Members, you have just heard the same argument that is used every time we have the debt limitation up for an extension. We have already acted irresponsibly. Now we have to act responsibly, or words to that effect.

During the interval, however, the debt keeps going up. At the time or times the opportunities are before this House to act responsibly, the majority acts irresponsibly. There comes a time when they either have to fish or cut bait from a fiscal standpoint.

I think the American people are past the time when they want this Congress to start acting responsibly.

Let me give you a little history on our national debt. It took us 150 years of existence as a nation to get to a $250 billion debt figure. That was not very long ago, 1945.

It took us only to 1962 for our national debt to get to $300 billion. Many of the Members were here when that ceiling was $300 billion. I was here in 1962.

In 1972, just 10 years later, that debt went to $450 billion. Three years later, 1975, and if Members care to follow along, all they have to do is to refer to the second page of the committee report, if they please, and look at these figures. That debt went to $531 billion.

Then in 1976, only 1 year later, the debt ceiling had risen to $627 billion.

Then in 1977, from April 1 through September 30, it went to $700 billion. Now they are proposing to increase the debt limit from $798 billion to $836 billion, and this is not for all of this calendar year. It is only until the end of September 1979. If Members would like to look a little further at what this administration has in store for the American people, they might take a look at page 8. You will find that the administration estimates that by August 29 of next year our debt will have to rise to $900 billion. This is what we are talking about. We are not talking about some charade, as the gentleman from Missouri indicates. We are talking about a fiscal situation that is coming down on us like a bullet and many Members do not seem to realize what is happening, but the American people know. Twenty-eight States of the required 34 have already memorialized this Congress to call a Constitutional Convention to mandate a balanced budget. I, for one, would favor a Constitutional Convention only as a last resort as the delegates could consider every subject under the sun by virtue of such a call and I fear for our Constitution under such a procedure. The only way we can act responsibly is to do something about balancing the budget in this Congress before we have 34 States requesting such a convention.

Let me just say something else.

□ 1605

The American people realize what this deficit spending is costing them. Last year, when we passed our budget resolution, we had $48 billion in it to pay the interest charges on this debt. One year later—not quite a year later—we are considering the administration's budget in the Committee on the Budget, and the interest charge has gone to $57 billion. Our cost has gone from $48 to $57 billion for interest charges in this short period.

This is the third highest item in the budget. Income security programs are first, then national defense, and then interest on the national debt.

Mr. Speaker, the people of this country understand what is happening if we do not, and it is high time that we do something about it.

Now, what are we proposing to do here today? The gentleman from Missouri (Mr. Bolling) has accurately pointed out that this is a closed rule, and to those Members who are new here, this means you cannot offer any amendments, with the exception of the three amendments the Committee on Rules made in order. So I am going to ask that we vote down the previous question, so that a fourth amendment can be offered.

The amendment is not too restrictive. As a matter of fact, it does not contain all that I would have liked to have seen in it. It does not call for the passage of a resolution dealing with a constitutional amendment; it does not contain any specifics. Let me read it to the Members.

> Further amendments to the Second Liberty Bond Act, 31 USC, 757(b). For the purpose of increasing the public debt limit, shall not be considered in either the House of Representatives or the Senate preceding the enactment of an act or the passage of a resolution setting forth a method through which a balanced federal budget shall be required.

Now, is this asking too much? We would be giving the Congress itself until September 30 of this year, 7 months, to do something about this fiscal problem that the American people realize we have but apparently the majority does not recognize or think is important. It is important, and it is high time that we do something about it.

What are we talking about when we refer to this debt. It boggles the mind. A $800 billion public debt means $11,000 of debt for each and every taxpaying family in America. This debt is increasing at the rate of $134,000 every minute, 24 hours a day, 365 days a year. The interest charges on the debt will cost every average taxpaying family $842 this year. Let me repeat that: $842.

So when they settle up with Uncle Sam on April 15, let us keep this figure in mind. Eight hundred forty-two dollars is a considerable amount of money for most taxpayers.

We are not talking about the irresponsibilities that have gone on in the past; we are talking about responsibility at the present time. Ignore the familiar argument that now is not the time to do anything about it. Well, if we give ourselves an ultimatum that something be done within 7 months, maybe something will be done. Hopefully this will happen if we vote down the previous question, and give ourselves an opportunity to do something about it.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Latta) has consumed 9 minutes.

The Chair recognizes the gentleman from Missouri (Mr. Bolling).

Mr. BOLLING. Mr. Speaker, I only have 1 additional speaker, and I ask that the gentleman from Ohio yield time.

The SPEAKER pro tempore. Does the gentleman from Ohio, (Mr. Latta) care to yield additional time?

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Rousselot).

□ 1610

Mr. ROUSSELOT. Mr. Speaker, I rise to support the effort to defeat the previous question on the rule for the consideration of H.R. 1894, a bill to increase the temporary debt limit for the Federal Government to $836 billion. This debt ceiling would be composed of the permanent limit of $400 billion and the temporary limit of an additional $436 billion.

As my colleagues know, I have never voted for an increase in the public debt limit and it is not my intention to do so today. However, I do believe that it is essential for this House, on the first important vote of the 96th Congress, to demonstrate a real understanding of and commitment to the balanced budget concept so widely supported by the American people. A simple vote against H.R. 1894 is not enough. We must reject the modified closed rule granted by the Rules Committee and we must insist upon a rule that will allow amendments to be offered which require some positive move by the House in the direction of a balanced Federal budget, this fiscal year—not in 1981—not in 1982.

Mr. Speaker, debating an increase in the debt limit is nothing new to this body. Voting against the increase is considered a free vote for many of my colleagues who want to appear "fiscally responsible." Later, when actual expenditures are under consideration, these Members forget the earlier vote and revert to the old big spending ways with which they are so comfortable.

I am reminded of the debate in this Chamber some years ago on a debt limit increase prior to the creation of the Budget Committees and the establishment of the much-heralded congressional budget process. On June 13, 1973, then chairman of the Ways and Means Committee, Representative Wilbur Mills, expressed the need for "obtaining effective overall congressional control of the budget." The current chairman of the committee, Mr. Ullman, agreed that the new budget process should enable the Congress to abandon the debt ceiling ritual. Our distinguished former colleague, Harold R. Collier, of Illinois, also a member of the Ways and Means Committee, joined the majority opinion in stating that our "fiscal woes lie in lack of adequate congressional control over the budget." Everyone welcomed the enactment of the Congressional Budget Act as a "new era" in effective, coherent congressional budget procedures. We were urged, in June of 1973, to support the requested debt limit increase "just one more time" before the new budget process would be in operation. Such fine intentions and expectations we all had.

Since 1973 the Congress has approved increases in the public debt from $468 billion to the proposed $836 billion we are discussing today. The congressional budgetary process has not contributed to fiscal responsibility on the part of the House and it has not ended the charade of adding to a "temporary" debt limit while leaving the "permanent" limit at the artificially low level of $400 billion. The House rejected efforts, in March of 1978, to include the debt limit in the budget resolutions prepared by the Budget Committee. The move today to defeat the previous question on the rule for H.R. 1894 will give this body yet another chance to do more than pay lip service to the balanced budget sentiment of our constituents.

Should we be successful in defeating the proposed rule, an amendment will be offered that would require Congress to devise a method for balancing the budget before further debt ceiling increases could be approved. We know that the congressional budget procedure has not let to a balancing of expenditures with revenues. In the act's 4 years of existence, we have seen deficits totaling nearly $200 billion. Something else must be done. If Congress does not act, other forces will take over. As my colleagues are well aware, 26 States have already called for a constitutional convention to write into the U.S. Constitution the requirement that, somehow, the Federal budget be brought into balance. Congressional action would certainly be preferred. The Founding Fathers intended Congress to have the power to "lay and collect Taxes * * * to pay the debts and provide for the common defense and general welfare of the United States * * *." By defeating this rule and allowing for amendments to be offered to balance the budget, we will be taking a step toward fulfilling this responsibility.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I want to make it perfectly clear that I am going to vote for the previous question; in other words, I am voting for the administration's position. I would like to point out the reason for this scholarly position. The reason, quite simply, is that I do not think the debt ceiling is the way to control spending. We have already authorized and appropriated the funds.

As an example, let me use my beloved friend, the gentleman from Illinois (Mr. FINDLEY), who will speak to the Members shortly, taking an opposing view.

Last year, I had a little amendment to cut $90 million off of the foreign aid for Syria. The gentleman from Illinois (Mr. FINDLEY) opposed my amendment.

Remember our old friend Ev Dirksen, used to say, "$90 million here, $90 million there, and the next thing you are talking about a lot of money."

This is our problem. We all have sacred cows. I recall some of the Members in the last session who were most vehement in voting to override the President's veto of the public works bill. Yet they are now supporting this position not to increase the debt limit. Well, we saved a few dollars when we sustained that veto. I myself happen to be a proponent of military aid to our allies. That happens to be a program I defend.

☐ 1615

We have provided for the authorization; we have provided for the appropriation. So, I say to my good Republican friends, I agree with your rhetoric; I agree that those Democrats sitting there are wild spenders. But I would say the practical position, the necessary position—what I prefer to call the intellectually honest position, is to support this increase in the debt ceiling.

Mr. Speaker, I commend my Republican colleagues for their proper and effective description of the Democrats as big spenders. It is true that over the past four decades, the Democrats who have controlled Congress for 42 out of 46 years have spent our country into the red by more than $800 billion. The public debt is a national disgrace.

The Democrats, rather than earnestly trying to balance the budget, continue to vote one deficit budget on top of another deficit budget. Then when the bills come due, the Democrat big spenders demagog the financial crisis which necessitates increasing the public debt limit and reluctantly vote to increase it.

It is also true, as my colleagues have pointed out, that this Nation is entering the fifth consecutive year of economic growth. The second longest recovery in the postwar history. It is time now to begin balancing the Federal budget.

However, the debt ceiling increase, in my judgment, is a necessary technical procedure to follow. We all know that if the debt limit is not increased, the U.S. Treasury will not be able to pay the legal obligations of the U.S. Government.

The Democratic Congress is the cause of the huge national debt and of the huge deficit. The Carter administration is a willing partner to the classic Democratic tax-and-tax, spend-and-spend, elect-and-elect philosophy.

But I believe that the proper, consistent, and specific vehicles that we should use to eliminate the deficit, balance the budget, and commence reducing the debt are the budgetary and appropriations procedures.

Therefore, while I agree in large part with the oratory of my Republican colleagues, it is my personal judgment that the proper, though reluctant, vote must be one to increase the debt ceiling. All of my votes on the parliamentary situations which will prevail will reflect this conviction.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY) to whom the gentleman from Illinois (Mr. DERWINSKI) referred.

Mr. FINDLEY. Mr. Speaker, the motion that the gentleman from Ohio will offer provides an opportunity for what I would classify as believers—and I put myself in that category—believers that we should have a better system, a better system for balancing the Federal budget. Now, if Members do not believe in that position, if they are satisfied with our present method, with our present procedure, with the product that this procedure yields year after year, then I cannot imagine they would want to vote with the gentleman from Ohio seeking to vote down the previous question.

But if, on the other hand, they are not satisfied with the procedure, with the product of the procedure, then I would think they would have good reason to support this motion because it will provide an incentive, a form of directive, to the Judiciary Committee to get on with the job which I think they have begun today, to finish it up by the end of September, to have before this Chamber and the other Chamber a proposal for a better system, whether by statute or by constitutional amendment.

Now, the 7-month period seems to me abundantly adequate. It might be of interest to us to be reminded that the Constitutional Convention of 1787 did all of its work—a highly complicated job—in less than 4 months. Now, here we have a complicated job, to be sure, but contrasted with the complexities that faced the delegates to the Constitutional Convention this is really milk toast. This is easy, an easy job that surely can be disposed of promptly, thoughtfully, well within the 7-month period.

The motion seeks to cause the Congress to act, to act with dispatch, to do it before we once again have to take up the question of debt ceiling. To me, that is a very moderate, a very reasonable, a very statesmanlike approach. Now, I can agree with the gentleman from Illinois, my friend, Mr. DERWINSKI, that this is not the ideal linkage. I wish we lived in an ideal world. I wish we had another way to provide incentive that within a reasonable period of time we will have a chance to vote up or down either legislation or a constitutional amendment dealing with this problem. But, I think we ought to seize every opportunity that comes before us this year to press on with what I think is the highest priority challenge facing our country.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. I have made up my mind that I am going to change my voting on debt ceiling limits this year. For years, under Democrats or Republicans in the White House, regardless of party, I have voted to increase the limit on the public debt because we have incurred the obligations.

☐ 1620

This year I feel so strongly that we should move forward with a better procedure looking toward the balanced budget that I have decided to oppose any debt ceiling measure that does not include language of the nature that the gentleman from Ohio would seek to make in order.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, when I came to the Congress 18 years ago in the 87th Congress as my friend and colleague from Illinois did, I came to the conclusion that if the deficits and the national debt were not stopped then, they never would be. I hate to immodestly say that I was right. The debt ceiling in those days was around $200 billion and the increase requests were for chunks of $2, $4, or $6 billion at a time. The principle is the same. Stop it in its tracks—or it will go on and on. I say to my friend and colleague, "Welcome to the club." Possibly we can all send a message with your help.

Mr. LATTA. Mr Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, a vote on the bill like this bill we debate here today has become almost as commonplace as the process of this House, that of the swearing in ceremony at the beginning of each Congress.

Seemingly with the certainty that the Sun rises in the morning, the Congress of these United States forces a continual upward adjustment of the debt ceiling. Today we calmly consider that the U.S. Government will owe almost $900 billion by the end of this fiscal year. I, like my colleagues here, understand the pressures from constituents that have led to our national addiction to our deficit budgets. Although I hasten to add, I did not vote for the spending programs that the gentleman from Illinois (Mr. DERWINSKI) has mentioned and I have voted for a balanced budget program during my 12 years in Congress. I want to associate myself now with the observations of the other gentleman from Illinois (Mr. FINDLEY), who has been responsible on fiscal policy and I say to him: "Welcome to the club," as the gentleman from Ohio (Mr. ASHBROOK) has just done.

What I do understand is that the red ink budgeting has become very real, and increasing, costs to each and every American.

The easy way out is to blame our national monetary policy for high interest rates. But we fool no one who considers the impact on the market of the competition for available funds the Treasury exerts in financing the public debt. The young married couple who want to buy their first home, the small businessman seeking a fair chance in the marketplace, or the industry trying to modernize its capital stock to meet the competition from abroad and create meaningful and long-term jobs know that dollars which cost more buy less and less and less.

Financing an $836 billion debt creates an unprecedented demand on the credit markets of this country. Each and every consumer, business, school district, or local government that seeks to borrow money pays the price. And ironically, the consumer is forced to pay the price a second time for it is his or her tax dollars that underwrite the interest we pay. Congress has been placed on notice by the American people that we must put our fiscal house in order.

For these reasons I think we should vote against the previous question to show we are serious by voting for the Latta amendment.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Speaker, I rise in support of the motion to defeat the previous question and to urge approval of Mr. LATTA's substitute rule. This amendment includes the requirement that this Congress set forth the methods by which a balanced Federal budget could be achieved.

We, in this body, are all too familiar with the recent national movement to require a constitutional amendment to "balance the budget," currently spearheaded by that demagog from California, Governor Brown, who suggests we do it by a constitutional convention. Capitalizing on the feelings of helplessness and frustration experienced by many citizens when confronted with the size and complexity of its Government, this movement has gained considerable support in recent months. I believe that rather than playing upon people's emotions, it is about time that this Congress took the lead in reducing Federal spending and improving the responsiveness of the Federal Government.

Mr. Speaker, I believe we can accomplish these goals without misleading the American people. Let us face it, there are a number of fiscal gimmicks which this body could employ to "balance the budget." For example, we could make certain kinds of areas "off-budget" items or treat capital expenditures separately from the "operating budget," like many State governments. However, I refuse to believe that these tactics, or the constitutional amendment approach, are in the best interest of the Federal Government or, most importantly, the American people.

Rather than bind this country with a fiscal straitjacket, it is up to this Congress to finally exercise some fiscal discipline. We must have the strength and will to make those difficult decisions, based on informed judgments, to reduce Federal spending. It is my very strong feeling that it is the obligation of this House and not a constitutional convention to assume the responsibility of providing a balanced budget, which has been called for by the administration, this Congress and, most importantly, the people we represent.

Therefore, I urge my colleagues once again to support Mr. LATTA's amendment.

□ 1625

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN. Mr. Speaker, once again we meet to conduct Congress annual rites of spring, the raising of the public debt ceiling. I cannot help but take a moment of my colleagues time to reflect on how this debate has become a mere formality. This is even more remarkable when one considers that today the public debt limit will be raised to $836 billion, an increase of $38 billion over last years' figure.

I know that no impassioned plea by myself will prevent passage of this measure. As usual, I will cast my "nay" vote while the majority of my colleagues will say, "Aye." However, I do think that we should at least pause for a moment to consider what this bill really means. Not just to us, but to the average American back home.

Current estimates of our national debt at the end of fiscal year 1979 are in the $839 billion range. Fiscal year 1980 projections indicate that the national debt will be close to $900 billion. The interest of the national debt in fiscal year 1979 will total almost 11 percent of the Federal budget. But what is most disturbing to me is the fact that an estimated $57 billion, yes, $57 billion will go to paying just the interest on the debt. That means that every man, woman, and child will pay his share of $250 per person per year to just service the debt. A family of four will be contributing over $1,000 a year to pay the interest.

Let us stop kidding ourselves. This has gone far enough. We have to put a stop to this totally irresponsible trend. The American people are demanding that we take steps to bring Federal spending under control. I feel very strongly that the balanced budget approach to fiscal planning is the only effective means of solving this problem. From what recent polls say, the large majority of the American people agree with me. A balanced budget would cut down the size of big Government. It would help reduce inflation by ending the ongoing monetization of our national debt by the Federal Reserve and would in the long run free up immense amounts of capital for private individuals and industry—capital which is currently being devoted solely to maintaining the national debt. This would certainly act as a major stimulus for our economy.

So my friends, let us get a hold on this problem. A balanced budget is after all inevitable, for if we fail to act, the people will undoubtedly see fit to do it themselves.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Speaker, in the past few years I have introduced amendments to appropriations bills which would reduce those bills a given percentage. At first we were not too successful, but the longer we try the more success we see. In the last Congress we trimmed hundreds of millions of dollars off the fiscal year 1979 budget. It is only such reductions as this that will hold down the national debt.

We hear that the bills for Federal spending must be paid, but this is also a time to reflect on where the money is coming from to cover our national debt.

It took this Nation 150 years to reach its first $250 billion in national debt. But it will take 30 years, from 1950 to 1980, to reach a national debt equal to more than three times that first $250 billion. In the short span of 4 years, 1975 through 1978, the national debt will have increased more than in the 29 years between 1945 and 1974. And those 29 years covered the high spending of the Korean and Vietnam wars, the space program; and the New Frontier, Great Society, and other expensive programs.

For fiscal year 1978, the Federal budget was $450.8 billion, with a $48.8 billion deficit, and a national debt totaling $780.4 billion. The fiscal year 1979 budget estimate is $493.4 billion with a $37.4 billion deficit feeding a national debt of $839 billion. The fiscal year 1980 budget is proposed at $531.6 billion, with a deficit of $29 billion. For 1980 the debt will be $898.9 billion with interest of $65.7 billion. Thus, by 1980, the interest on the Federal debt will account for 12 percent of Federal outlays. This represents a tax burden of $1,185 per each family of four for interest payments alone.

In 1959, the interest on the debt was $7.8 billion. In 1973, it had reached $24.8 billion, tripling in about 14 years. The 1980 interest payment will be more than an 800 percent increase over 1959, and a 250 percent increase over 1973. That is a payment of about $156 million per day.

Who benefits most from these interest payments? Investing Americans and foreign governments. Working and middle-class Americans receive little return. Foreign ownership of our national debt has risen from $200 million in 1939 to about $134 billion in 1978. Almost none of more than $8 billion interest paid to these foreign governments benefits the U.S. taxpayer, since little U.S. tax is paid.

Interestingly, some of the nations "investing in America" were recipients of massive American aid after World War II. We helped them reconstruct their nations so well that they now loan us money for our day-to-day expenses. Unfortunately, extensive foreign ownership of our national debt is not without its dangers, since it gives foreigners a claim against our goods and services and makes us susceptible to economic disruptions and financial manipulation.

Too few Americans and too few Members of Congress recognize the extent or the dangers inherent in extended deficit spending, or the significance of the mounting national debt. Congress, because it legislates the funding, to a very large degree is responsible for the huge national debt now facing us.

Mr. Speaker, I ask permission to insert into the RECORD several tables which illustrate the extent of the public debt, the cost of interest, foreign investment in our debt, and other related information.

INTEREST

[Functional code 900; in millions of dollars]

Programs	1978 actual	1979 estimate	1980 estimate	1981 estimate	1982 estimate
Budget authority:					
Interest on the public debt[1]	48, 695	59, 800	65, 700	68, 000	67, 800
Other interest:					
Interest on refunds of tax collections	317	321	326	332	337
Interest on loans to the Federal Financing Bank	−2, 748	−4, 101	−5, 504	−5, 653	−5, 073
Other	−2, 297	−3, 255	−3, 500	−3, 552	−3, 521
Subtotal, other interest	−4, 728	−7, 035	−8, 679	−8, 873	−8, 257
Total, budget authority	43, 967	52, 765	57, 021	59, 127	59, 543

PUBLIC DEBT

1958	279. 7
1959	287. 8
1960	290. 9
1961	292. 9
1962	303. 3
1963	310. 8
1964	316. 8
1965	323. 2
1966	329. 5
1967	341. 3
1968	369. 8
1969	367. 1
1970	382. 6
1971	409. 5
1972	437. 3
1973	468. 4
1974	486. 2
1975	544. 1
1976	631. 9
1977	709. 1
1978	780. 4
1979 estimate	839. 2
1980 estimate	899. 0
1981 estimate	940. 3
1982 estimate	951. 9

FOREIGN HOLDINGS OF U.S. TREASURY SECURITIES

Question. What are the foreign holdings, by country, of U.S. Treasury securities?

Answer. Outstanding amounts of U.S. Treasury securities held by foreigners as of yearends 1976, 1977, and 1978 are as follows:

ESTIMATED TOTAL FOREIGN HOLDINGS OF MARKETABLE AND NONMARKETABLE TREASURY BILLS, NOTES, AND BONDS REPORTED BY BANKS AND BROKERS AS OF SELECTED YEARENDS 1976, 1977, AND 1978

[In millions of dollars]

Country	Dec. 31, 1976	Dec. 31, 1977	Dec. 31, 1978[1]
Europe:			
Austria	157. 1	130. 3	52. 2
Belgium-Luxembourg	1, 137. 5	1, 211. 4	742. 1
Denmark	215. 5	590. 0	1, 474. 1
Finland	36. 4	74. 6	49. 8
France	3, 044. 0	3, 435. 1	6, 490. 1
Germany	22, 275. 5	26, 001. 0	41, 086. 6
Greece	60. 1	75. 3	95. 1
Italy	1, 640. 2	4, 796. 9	3, 965. 0
Netherlands	2, 256. 4	2, 503. 3	2, 164. 3
Norway	532. 9	632. 7	791. 2
Poland		. 6	. 7
Portugal	2. 4	. 2	. 3
Spain	1. 5	2. 2	2. 2
Sweden	1, 343. 1	2, 208. 6	2, 600. 3
Europe—Continued:			
Switzerland	5, 092. 3	7, 352. 9	14, 874. 1
Turkey	(2)	(2)	(2)
United Kingdom	1, 125. 1	12, 070. 6	6, 344. 3
U.S.S.R.			
Yugoslavia	13. 1	9. 0	27. 1
Other Europe	448. 8	489. 9	283. 5
Total, Europe	39, 381. 9	61, 584. 6	81, 043. 0
Canada	3, 446. 7	2, 334. 8	2, 510. 0
Latin America and Caribbean:			
Argentina	57. 1	15. 6	. 9
Bahamas	13. 5	13. 4	4. 0
Bermuda	14. 1	(2)	19. 1
Brazil	5. 1	2. 4	. 3
British West Indies	4. 0	6. 2	12. 6
Chile	. 2	. 3	2. 2
Colombia	231. 3	483. 1	333. 6
Cuba			(2)
Ecuador	5. 1	18. 6	8. 5
Mexico	27. 9	25. 8	27. 4
Netherlands Antilles	125. 2	176. 6	180. 6
Panama	22. 7	13. 7	15. 8
Peru	(2)	2. 1	(2)
Trinidad and Tobago		17. 1	
Uruguay	. 1	(2)	(2)
Venezuela	545. 5	490. 7	153. 0
Other Latin America and Caribbean	146. 5	157. 2	83. 0
Total, Latin America and Caribbean	1, 198. 3	1, 422. 9	841. 0
Asia:			
China:			
Mainland	(2)	(2)	(2)
Taiwan	258. 2	211. 6	24. 8
Hong Kong	152. 9	201. 3	221. 4
India	451. 5	774. 5	682. 7
Indonesia	96. 1	128. 4	69. 0
Israel	3. 6	9. 1	(2)
Japan	12, 397. 3	18, 633. 1	28, 864. 0
Korea	80. 7	436. 7	450. 1
Lebanon	(2)	(2)	. 2
Malaysia		244. 9	190. 8
Pakistan		41. 9	12. 4
Philippines	10. 2	30. 3	12. 0
Singapore	594. 2	696. 7	622. 4
Syria			
Thailand	233. 5	234. 7	356. 4
Middle East oil-exporting countries	9, 765. 8	13, 483. 9	10, 837. 7
Other Asia	418. 8	75. 1	71. 2
Total, Asia	24, 452. 8	35, 202. 2	42, 415. 1
Africa:			
Egypt	1. 4	75. 4	36. 9
Ghana		(2)	12. 8
Liberia			1. 2
Morocco			
South Africa	18. 8	46. 8	53. 6
Zaire	6. 2	7. 8	10. 1
Africa—Continued			
African oil-exporting countries	1, 246. 8	1, 005. 7	1, 585. 2
Other Africa	108. 1	101. 8	45. 3
Total, Africa	1, 381. 3	1, 237. 5	1, 745. 1
Other countries:			
Australia	1, 566. 7	734. 0	447. 2
All other	27. 0	21. 6	8. 0
Total	1, 593. 7	755. 6	455. 2
Total, foreign countries	71, 454. 7	102, 537. 6	129, 009. 4
International and regional:			
International	5, 570. 2	5, 319. 6	5, 251. 0
European regional			2. 7
Latin American regional	135. 6	103. 3	51. 7
Asian regional	5. 4	8. 9	. 2
African regional	23. 1	20. 0	17. 2
Total, international and regional	5, 734. 3	5, 451. 8	5, 322. 8
Grand total	77, 189. 0	107, 989. 4	134, 332. 2

[1] Preliminary.

[2] Less than $500,000.

Source: Department of the Treasury, OASEP/EI/EIS.

FOREIGN HOLDINGS OF U.S. DEBT SECURITIES

Question. What is the composition of Federal debt held by foreign parties? Who holds there instruments?

Answer. The composition of foreign holdings of U.S. Treasury securities was as follows for yearends 1976, 1977 and 1978:

Type of instrument	Dec. 31, 1976	Dec. 31, 1977	Dec. 31 1978[1]
Nonmarketable:			
Bills and certificates of indebtedness:			
Dollar	1.7	1.7	7.0
Foreign currency			
Total	1.7	1.7	7.0
Bonds and notes:			
Dollar	19.1	19.3	20.6
Foreign currency	1.5	1.2	1.9
Total	20.6	20.5	22.5

[1] Preliminary.

Type of instrument	Dec. 31, 1976	Dec. 31, 1977	Dec. 31, 1978[1]
Marketable:			
Bonds and notes[2]	15.8	38.6	43.3
Bills	39.1	47.2	61.5
Total	54.9	85.8	104.8
Total	77.2	108.0	134.3
Official holdings	70.2	108.5	126.1
Banks and other foreigners	1.3	1.8	2.9
International and regional organizations	5.7	5.7	5.3
Total	77.2	108.0	134.3

[1] Preliminary.

[2] Date represent estimated official and private holdings of marketable U.S. Treasury securities with an original maturity of more than 1 year. Data are based on a benchmark survey as of Jan. 31, 1977, and on monthly transactions reports submitted by banks and brokers in the United States.

Source: Department of the Treasury.

☐ 1630

Mr. BOLLING. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. John L. Burton).

Mr. JOHN L. BURTON. Mr. Speaker, I am very pleased with the fact that Japan and Germany did not have the gentleman from Ohio (Mr. Miller) cut 5 percent out of their foreign aid to us or we would not have that much money.

As one who has consistently supported a balanced budget on the floor of this House with my good friend, the gentleman from California (Mr. Rousselot) I am rather appalled at these parliamentary shenanigans that we would use to get at this issue.

My good friend, the gentleman from Ohio (Mr. Latta) used to propose amendments to the budget that would have left us with a $40 billion deficit like that was a big deal, when both the gentleman from California (Mr. Rousselot) and I knew that that was not the answer and that the answer was a balanced budget, and to balance the budget then.

I, for one, who has a record on this floor second only to the gentleman from California (Mr. Rousselot) in support of a balanced budget, will vote for the previous question, and then I am not going to vote to raise the debt limit. But that is not the case. The case is, do not try to tie in apples and oranges. Let us deal with a debt limit as a debt limit. Let us deal with a balanced budget as a legislative body.

Unless some Members are trying to cut Jerry Brown off at the pass with his Presidential campaign, there would be no reason for coming up with such a parliamentary backdoor procedure, because if we can do this with a balanced budget, we can do this with taking away our right to bear arms, and God knows what else can happen if we start voting down previous questions. So I would vote aye on the previous question, and let us discuss the debt limit on its own merits. Let us keep that balanced budget always in mind.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. Bauman).

Mr. BAUMAN. Mr. Speaker, I know it is hard for aging liberals who go back to the Roosevelt days to realize times have changed. I have no doubt that we will be hearing in the remaining debate on the other side such catch words as "irresponsibility" and "futility." I suppose no one has ever been defeated or elected on whether he voted to increase the national debt, which has been doubling every 8 years at the current rate. That is probably true. But an awful lot of Members were elected last fall supporting a balanced budget, supporting an amendment to the Constitution to achieve a balanced budget, and you came here to this House with that pledge. The question now is—will you honor it?

More than 150 of us are asking the Committee on the Judiciary to hold hearings on this issue. The legislatures of the States are breathing down our necks, asking us to hold a Constitutional Convention; 28 States have already acted.

So what are the new Members to do when they come here and hear from their leaders that it is not important to vote for a balanced budget? The only rationale I can see to uphold that argument is that there is no connection between a national debt and a balanced budget. But that statement is false and you know it. There is a very firm connection. We have seen that our own congressional budgetary process which we adopted 4 years ago has failed. Congress has come up with $40 billion every year in deficit, and we are now being asked to finance that record of deficits. Some of us feel we do not have an obligation to vote for it because we have not supported the spending.

The issue in this particular amendment, is simply whether we will make honest men out of the majority leadership of this House. They have promised you that we are going to have a right to vote on a balanced budget sometime this year. We have been told by the chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. Rodino), that we are going to get a vote on it.

I do not often quote the Washington Post; in fact, I rarely quote the Washington Post. But here is what they stated last Sunday:

> The Chairman has planned a conscientious, drawn out investigation of the various proposals limiting government spending. "Rodino has launched a turtle," said one aide to the House Leadership.

Turtles sometimes come in ahead of hares. The article says:

> The whole purpose is to get the pressure off Congress.

That is why we need this amendment.

Our amendment says we cannot raise the national debt again unless and until Congress provides a method to balance the budget. It comes down to whether you will do what you have pledged to do.

Now I do not think the gentleman from New Jersey (Mr. Rodino) would deceive us. He would never launch a turtle. I have watched him. He is a good Member of this Congress but we must be certain.

I hope we will vote "no" on the previous question. But that is not the true question. The question here today is the issue we all ran on; it is the question I get at the supermarket when I go to the store with my kids; it is the question every citizen who suffers from inflation is asking.

It is the question of their paychecks, the 9-percent inflation that we now suffer. Those are the questions involved here today. Do not hide behind the previous question. I have described the only question.

I urge a "no" vote as a test of the honesty of your pledge to balance the budget.

Mr. JOHN BURTON. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I yield 15 seconds of those 30 seconds to the gentleman from California.

Mr. JOHN BURTON. Mr. Speaker, is there any truth to the fact that the Bauman campaign ran into deficit funding problems?

Mr. BAUMAN. It is not only true, but I would like to say to the gentleman, if the gentleman would like to contribute, the address is Post Office Box 1408, Easton, Md.

Mr. LATTA. Mr. Speaker, I yield my remaining 1 minute to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Speaker, I rise in support of the amended rule which will be offered by my colleague from Ohio (Mr. Latta).

As has been already discussed, he proposes opening up the rule so that H.R. 1894 could be amended to prohibit Congress from considering any further increases in the public debt limit until such time as a law has been enacted which sets up a method through which a balanced Federal budget may be required.

There are several positive reasons to support this amendment.

First, it addresses the issue of balancing the Federal budget—an issue very much on people's minds these days—but does so without getting snared in the tangled business of amending the Constitution. If Congress responds to the extraordinary pressure now upon it to balance the budget, the snowballing momentum for a Constitutional Convention will diminish.

Second, it does not prohibit increases in the public debt limit after we have put in place a balanced budget mechanism. This is important because balancing the budget does not eliminate the necessity for further debt limit increases. If the fiscal 1980 budget is balanced, the debt will still rise by about $32 billion, under current accounting procedures. Twelve billion dollars of this comes from off-budget items, primarily the Federal Financing Bank. Twenty billion dollars of this is due to laws which require excess trust funds to be invested in Federal securities.

Third, the amendment allows the balanced budget mechanism to include a safety valve which would permit deficit spending if some dire emergency made it necessary.

Fourth, the amendment has a sanction—prohibiting further increases in the public debt. Last year we enacted an amendment by Senator Harry Byrd which stated simply: "Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts." Nothing has happened or will happen because of that amendment. Both the executive and legislative branches deny that it applies to them. And since nothing happens if outlays do exceed revenues in fiscal 1981, it does not matter much whether they are right or not. The Latta amendment, in contrast, says that until a mechanism is in place, there can be no further debt limit increases.

Finally, this approach gives Congress from now until September 30 to work out a system for balancing the budget. It can either place specific requirements on existing procedures such as the budget process, or it can create an entirely new system. An immediate balancing of the budget is not necessarily required, but Congress would have to map out a specific timetable and procedure for reaching balance within a reasonable time.

In short, this is not an extreme measure. But it does promise to achieve some results, not just more congressional rhetoric.

I urge my colleagues on both sides of the aisle to support this amendment by voting down the previous question on the rule. This approach is more responsible than simply passing another debt limit increase. It is more responsible than amending the Constitution. This approach is more responsible than doing nothing.

● Mr. SENSENBRENNER. Mr. Speaker, in August of last year Congress approved H.R. 13385, raising the public debt limit to $798 billion through March 31, 1979. This was the final bill in a series of four that last year raised the debt ceiling $46 billion. Furthermore, the Treasury Department estimated that the $798 billion ceiling would only cover Government borrowing through mid-February of this year.

My fellow Representatives, if we all permitted such overspending in our personal finances, most certainly a good many of us would be bankrupt by now. The only reason why Congress has been allowed to continue raising the debt ceiling at this ridiculous rate is because the public does not have a clear understanding of just what is involved in raising the debt ceiling.

Yet as Members of Congress, we understand all too well just what takes place when the debt limit is increased. We know that in fiscal year 1979, the debt will have reached such a magnitude as to require an interest payment of $55.4 billion. That breaks down to $151 million each day. We also know that it is not merely a debt that the United States owes to itself. Foreign nations now own $108 billion of our national debt. Japan owns $18.6 billion. In 1976, we paid Japan $800 million in interest on the portion of the debt that they owned. Almost $2 billion was paid to foreign nations for debt interest. We know that 5 cents of each dollar in the 1980 budget that is spent will have to be borrowed. Nine cents of every dollar outlaid in that same budget will be paid as interest.

I have cosponsored legislation to require a balanced Federal budget. This constitutional amendment will attack the very cause of inflation—excessive spending. It is only by seeking to control our Federal debt that Congress can conform to the wishes of the people. The message of proposition 13 was clear—curb Government spending. The time has come for Congress to heed that message.●

● Mr. GOLDWATER. Mr. Speaker, I rise to urge my colleagues to defeat the previous question on the rule to consider the public debt limit increase and thus allow an amendment to be offered which would require the Congress to do something definitive about balancing the Federal budget.

I am not going to take this time to reiterate all the figures involved—although those figures are not just shocking, they are truly frightening. I mean, most people have a difficult time comprehending the reality of $1 billion, let alone the mindboggling figure of $839 billion. What people do comprehend, however, is double digit inflation, keeping up with the cost of basic necessities and the almost impossible task of balancing their checkbook at the end of the month.

I know what my constituents are telling me and I know from the tenor of the letters I am receiving that the average person is reaching the point of desperation in trying to cope with the cost of living. My constituents are not just worried; they are angry—and with good cause.

I, frankly, do not know whether the Federal Government has already spent its way to the point of no return, but if it has not reached that point, it is on the verge.

Time has run out. The crisis is now, and patchwork solutions, such as amendments to the budget resolution and appropriation and authorization bills, are not enough. This Congress had better recognize that inflation is our No. 1 problem and if we do not do something about it, solutions to our other pressing needs are going to be so much hot air.

In closing, I would like to share with my colleagues a portion of a letter I received from a high school student in my district. His name is Colin Patrick Flaherty. He is from Newbury Park, Calif., and I think we ought to heed what he has to say.

> Dear Mr. Goldwater, * * * The issue that is of most concern to me at the present time is inflation. Not only me, but several of my class mates are worrying about what it's going to be like when we have to be the breadwinners of our own families. It really is a scarey thought to think about how you are going to be able to put enough food on the table for your loved ones, and if you will have enough money left over for things such as housing, medical bills, insurance, taxes, etc. People say that we, the younger generation have it much easier than they, the older generation. I'm starting to think that is a bunch of hog wash.
>
> In closing, all I ask is that you strongly consider some of the things that I have said, and that you consider our younger generation as well as the older generation when you do vote.

Mr. Speaker, I ask my colleagues to consider this young man's request. What we do or fail to do in this Congress will have an impact far beyond 1979 or the 1980 election. If we choose to leave our children and grandchildren with the burden of our generation's debt, we had also better leave them with our abject apologies for destroying the bright promise that has thus far been the American dream.●

The SPEAKER pro tempore. All time has expired on the minority side.

Mr. BOLLING. Mr. Speaker, I will be very brief.

Mr. Speaker, this is not the way to do business, to make in order a nonamendment. I am aware that there is another nongermane amendment, but it was requested by the committee, as I understood it, unanimously by the committee that has jurisdiction. That is the only reason it was granted. I do not think that it is anything but a futility to try to get at this amendment. I just simply do not believe that such an amendment is going to be passed. I think it is very important that we maintain the integrity of the legislative process and vote up the previous question.

Mr. Speaker, I now move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 13, as follows:

[Roll No. 16]

YEAS—222

Addabbo
Akaka
Albosta
Alexander
Ambro
Andrews, N.C.
Annunzio
Anthony
Applegate
Ashley
Atkinson
AuCoin
Bailey
Baldus
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Cavanaugh
Chisholm
Clay
Coelho
Conyers
Corman
Cotter
D'Amours
Danielson
Daschle
de la Garza
Dellums
Derrick
Derwinski
Dicks
Diggs
Dingell
Dixon
Dodd
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ga.
Fary
Fascell
Fazio
Ferraro
Fisher
Fithian
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Gudger
Hall, Ohio
Hamilton
Hanley
Harkin
Harris
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hughes
Hutto
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
LaFalce
Leach, La.
Lederer
Lehman
Leland
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Madigan
Maguire
Markey
Matsui
Mattox
Mavroules
Mazzoli
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.

Murtha
Myers, Pa.
Natcher
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Roberts
Rodino
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Thompson
Udall
Ullman
Van Deerlin
Vanik
Vento
Walgren
Waxman
Weaver
Weiss
Whitley
Whitten
Wilson, C. H.
Wilson, Tex.
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Yates
Young, Mo.
Zablocki
Zeferetti

NAYS—197

Abdnor
Anderson, Calif.
Andrews, N. Dak.
Archer
Ashbrook
Badham
Bafalis
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Bevill
Biaggi
Bowen
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Campbell
Carney
Carter
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
Davis, Mich.
Davis, S.C.
Deckard
Devine
Dickinson
Donnelly
Dornan
Dougherty
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Findley
Fish
Flippo
Forsythe
Fountain
Frenzel
Gilman
Gingrich
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harsha
Heckler
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lujan
Lungren
McClory
McCloskey
McDade
McDonald
McEwen
Marks
Marlenee
Marriott
Martin
Mathis
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Myers, Ind.
Neal
Nelson
Nichols
O'Brien
Pashayan
Paul
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Roth
Rousselot
Rudd
Runnels
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Trible
Vander Jagt
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whittaker
Williams, Ohio
Winn
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.

NOT VOTING—13

Anderson, Ill.
Aspin
Collins, Ill.
Daniel, Dan
Flood
Hawkins
Jones, Okla.
McKinney
Moffett
Pepper
Traxler
Williams, Mont.
Wilson, Bob

The Clerk announced the following pairs:

On this vote:

Mr. Hawkins for, with Mr. McKinney against.

Mr. Pepper for, with Mr. Bob Wilson against.

Until further notice:

Mr. Traxler with Mr. Moffett.

Mr. Flood with Mr. Dan Daniel.

Mrs. Collins of Illinois with Mr. Aspin.

Mr. Jones of Oklahoma with Mr. Williams of Montana.

☐ 1655

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TEMPORARY DEBT LIMIT INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1894) to provide for a temporary increase in the public debt limit, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. Ullman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1894, with Mr. McHugh in the chair.

☐ 1700

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. Ullman) will be recognized for 30 minutes, and the gentleman from New York (Mr. Conable) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the outstanding public debt will reach the present statutory limit about March 9, and it is necessary that Congress act now to enable the administration to pay the Federal Government's bills as they come due. This bill, H.R. 1894, deals with this requirement and two matters which relate to the procedures for financing the debt.

PUBLIC DEBT LIMIT

At the present time, the limit on the amount of public debt is $798 billion, and authority to issue $398 billion of this total is available only temporarily through March 31, 1979. After that date, the temporary authority will expire, and only the permanent authority to issue $400 billion in debt will continue to be available.

Last July, when the House last considered a debt limit, a floor amendment was approved to reduce the committee's recommendation from $814 billion to $798 billion. We did not expect that lower limit to last through March 31, 1979, but we hoped then that the amended debt limit would provide sufficient authority through the end of February. The current outlook is slightly more optimistic—$798 billion is sufficient debt authority for at least the first week into March.

In the bill reported by the Committee on Ways and Means, the public debt limit is raised to $836 billion through the end of this fiscal year. This limit is the same amount that was specified last September in the second budget resolution. Because the administration's recently revised budget estimates for fiscal year 1979 yield an estimated unified budget deficit within $2 billion of the budget resolution, the public debt limit in the committee's bill and in the second budget resolution will accommodate the administration's estimate of needed borrowing authority.

Before this proposed limit expires at the end of September, Congress will complete action on the second budget resolution for fiscal year 1980, and the House will be able to set a public debt limit for next fiscal year that is consistent with the congressional budget perspective.

The Treasury Department has indicated that with the present debt limit it has enough authority to meet financial requirements through about March 9, 1979. Then, the level of outstanding debt will have reached the statutory ceiling; further debt may not be incurred for general financial purposes, to invest trust fund reserves or to finance credit programs through the Federal Financing Bank, although it will be possible to roll over existing debt as it matures. To assure that no further debt is incurred, the Treasury would have to terminate sales of savings bonds. It will be able to pay bills only to the extent that there are funds in the operating cash balance, and payments then can be made only at the same rate revenues from taxes and fees are received.

That arrangement could continue only through the end of March, at the longest, because after March 31, the temporary limit will expire and the public debt limit will revert to $400 billion. In that circumstance, additional financial restrictions go into effect, maturing debt could not be reissued, and when the cash balance runs out, no bills could be paid and no loans repaid. In the first 3 days of each month, about $13 billion in payments must be made under various entitlement programs—the largest of them being the payment of social security benefits. In addition, on each working day there are payrolls to be met and payments made on grants to State and local governments and on contracts for goods and services purchased from private business.

For these reasons, it is necessary that we pass this debt limit increase today.

INCREASE IN LIMIT ON LONG-TERM BOND AUTHORITY

The second issue in the committee bill deals with the authority of the Treasury Department to issue long-term bonds. Since 1970, Congress has allowed the Treasury Department to issue bonds which carry interest rates above the statutory ceiling of 4¼ percent. This ceiling applies to U.S. debt with maturities longer than 10 years which are held by the public. When Congress agreed to an administration request for an additional exception, it acted only with respect to the immediately prospective financial requirements.

At the present time, the exception provides authority for $32 billion of these bonds to be outstanding. The Treasury Department told the committee earlier this month that $40 billion in authority would be needed for the Treasury Department to complete its financing program for fiscal year 1979.

When the committee has accommodated administration requests for an addition to this exception, the addition has been just enough to meet requirements in the immediate future. The committee has been wary of granting too much authority for long-term bond issues when prudent policy calls for the Government to minimize its participation in the long-term bond market. At the present time, however, appropriate debt management policy would have the Federal Government issue long-term debt because it is substantially less inflationary than short-term debt which, because there is a large market for it, is considered as almost the equivalent of money.

Nevertheless, the committee believes it should provide an additional exception only with caution, in order to avoid creating a capricious increase in long-term interest rates.

DISCRETIONARY AUTHORITY TO RAISE SAVINGS BOND INTEREST RATES

The third issue in the committee bill deals with the discretionary authority available to the Treasury Department to raise interest rates on savings bonds. In recent months, the value of redemptions of savings bonds has been greater than the value of sales of the bonds. Generally, money market specialists, inside and outside of the Federal Government, think that the higher interest rates available to savers through banks and savings institutions have become an alternate source of investment for many people. The administration believes that, if this trend continues, an increase in the interest rate of savings bonds above the present 6-percent limit will be required to make U.S. savings bonds an attractive investment once again.

Accordingly, the committee bill grants the Secretary of Treasury his request for discretionary authority to raise the interest rate of U.S. savings bonds from 6 to 6½ percent. This authority may be exercised only with the approval of the President. The committee believes that the administration prefers not to raise this interest rate. Nevertheless, if the administration has this discretionary authority available before the need to use it, it can be exercised quickly if conditions in the money market require that the interest rate on savings bonds be raised. When this authority is used, the higher rate will be paid on all new and outstanding savings bonds.

The Vanik amendment increases the range within which discretionary authority over savings bonds interest rates can be exercised. The committee bill permits increases of an additional one-half percentage point, and the Vanik amendment doubles the size of the range to 7 percent. The amendment does not require that interest rates be raised by that much at any time. It does give the Treasury Department greater freedom to respond to competitive pressures.

It is imperative that we extend the public debt limit to allow the Treasury Department to pay the bills that are coming due under present law. I urge the House to pass this bill.

□ 1710

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as we embark today on the first substantive debate in the 96th Congress, I would like to say to our freshman Members that you are about to be initiated into one of the oldest traditions of the Congress—voting to increase the limit on the public debt. The 96th is barely 6 weeks old, and scheduling the vote this early creates a real chance to beat the current record of seven debt limit votes in a single Congress. Yours may be the first freshman class to vote eight times on the debt limit in one Congress.

I am sorry if this sounds facetious, but I find it difficult to be serious about these votes on the debt limit when Congress deals so cavalierly with fiscal policy. Debt increases, after all, cannot be separated from votes on spending and taxes.

I hardly need to remind you of the surge of popular sentiment in favor of a balanced Federal budget. A great many people seem to feel that using the Constitution is the only way to accomplish this aim. I am sympathetic with their goal, but I do not think the Constitution ought to be burdened with specific details or procedures of fiscal policy. Responsible congressional action, a justification of the representative government in which we believe, would be preferable.

Through the legislative process, we already have plenty of tools at hand to achieve the policies people indicate they favor. The public debt limit is one of the oldest such devices. The Budget Act is a more recent attempt by Congress to gain control over fiscal policy.

Both of these measures could be employed by Congress to balance the Federal budget. The reason why they are not is clear. Congress simply lacks the will and the self-discipline to balance the budget.

Congress has lost its credibility on this issue. People no longer believe Congress will balance the budget. People no longer believe Congress will enact significant cuts in Federal spending. People no longer believe Congress will hold down their taxes against inflation. People no longer believe the empty rhetoric that so frequently echoes in this Chamber. Their scepticism is justified by the actions of Congress in recent years.

Republican Members served notice in the 95th Congress that we would no longer vote for these repetitive increases in the public debt limit. We voted against the high spending levels contained in the concurrent budget resolutions, and we do not feel any responsibility for supporting the debt limit increases necessitated by these budget resolutions. Our decision not to vote for the debt limit increase puts the entire responsibility for voting to pay the Government's bills on the shoulders of those who voted to incur the spending in the first place, in this year's budget.

This responsibility cannot be escaped by trimming off a few billion dollars from the total. That would only bring us back before the August recess for another debt ceiling increase. Breaking the debt increase into very small pieces does not reduce the total—we could vote every Tuesday on the increase necessary to carry us for a week and we would still come out at the same place at the end of the year.

The vote on the debt limit increase before us today really amounts to ratifying the actions taken last September on the second budget resolution. This will not be the case with the next vote on the debt ceiling. Between now and then Congress will outline the fiscal policy for 1980. In a very real sense, our actions on the fiscal year 1980 budget will be our last chance to restore the credibility of Congress as an institution capable of heeding the sentiments of the American people in favor of a balanced Federal budget. If we do not listen to them this time, we may find that the decision will no longer be ours to make.

Mr. Chairman, I reserve the balance of my time.

Mr. ULLMAN. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Chairman, this is our annual, or semiannual, debt ceiling runaround. By voting today to raise that ceiling by some $38 billion we shall only be putting the final seal of approval on what has already been done months ago during the last Congress by our votes on 1979 appropriations and taxes. Raising the debt ceiling now merely makes an honest woman out of the budget already put in a deficit way.

We should pass this measure as quickly and painlessly as possible. Those Members who have to hold their noses while voting should be excused for doing so. It will be a waste of time to vote against the new debt limit today knowing full well that the Ways and Means Committee would then have to come back again in a few days with a slightly altered version of the same thing. Otherwise by mid-March the Federal Government will be unable to meet its payroll, send out social security checks, pay contractors what they are due, and satisfy grant obligations to States and localities. All of these are unthinkable so we might as well dispose of the matter here and now.

For those Members who, like me, have wanted to reduce the Federal deficit more than has been proposed over the past several years the right course of action is clear: vote for budget resolutions in May and again in September that restrain outlays, and vote during the summer months for tightly controlled appropriations. And also take care not to vote for authorizing too many new projects and expanded programs that set in motion larger expenditures next year and in following years. These are the straightforward ways to attack the deficit and move rapidly toward a balanced budget.

In a way it would be more sensible to handle this matter as a part of the budget resolutions first in May and later in September. The bill before us raises the debt limit to accommodate the spending already voted through September of this year. At that time, in conjunction with the second budget resolution if not as part of it, Congress should adjust the debt ceiling for the ensuing 12 months of fiscal year 1980. This could continue to be done by a separate vote as we have been doing but the debt figure should be the same as that in the second budget resolution which, of course, also contains a revenue floor and both expenditures and deficit ceilings. By doing all of these at about the same time, much confusion and wasted time could be avoided. And we just might not have to go through this charade that we have become accustomed to the last several years.

If developments during the course of a fiscal year for which these various limits have been set warrant, the matter can be reopened for committee and congressional consideration by invoking the provision of the budget act for a third resolution. One hopes, however, that the revenue and expenditure plans and forecasts will be sufficiently accurate that such a reopening will not be necessary.

Along the way another simplifying improvement should be made. The division of the debt limit into a so-called permanent debt limit—$400 billion—and a so-called temporary debt limit—now $398 billion and proposed in this bill to be raised to $436 billion—is largely a fiction, in my view a useless fiction. Legislation to eliminate this division leaving one overall debt limit would be desirable if only to remove a source of misunderstanding. The higher single debt limit figure might also serve to add a little pressure in the direction of tighter budgeting and deficit reduction.

I urge my colleagues to approve the new debt ceiling proposed in this bill, a ceiling made inevitable by spending commitments already made. And then I urge my colleagues to think in terms of adjusting the ceiling, as desirable, and necessary, next May in the provisional first budget resolution and again next September in the binding second budget resolution for the following fiscal year. If we continue to want to have separate votes like this one, on the debt ceiling, so be it. But let us do this consistently with the budget resolution vote and at about the same time.

☐ 1720

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL), a member of the committee.

Mr. FRENZEL. Mr. Chairman, the bill before us, the increase in the Federal debt ceiling, is the symbol of the profligacy of the Congress. It is the ghost of spending fast that periodically rises from its resting place to torment us with visions of our spending sins.

I will not vote for it, because it represents the budgets and appropriations I did not support. Those who have supported the excessive budgets of the past several years have obligated themselves to support it. They can vote for it if they wish. I shall not.

And it is unfortunate that many of us who are more fiscally conservative cannot vote for it. Our vote against it is perhaps a feeble protest, but it's the only protest we have left.

The unfortunate part is that Congress has already approved the expenditures. The question today is whether the Government's word is any good. A vote against the bill says Congress refuses to pay our bills. Again, I say, let those who incurred the bills now vote for the borrowing to pay them.

Two other features of the bill are meritorious. The increase in the allowed long-term debt is necessary to achieve borrowing balance, the least disruption to the money markets, and the lowest cost to the taxpayer. The increase in interest allowed for savings bonds is also necessary to keep that vital program strong.

Mr. Chairman, this is a bill that I could strongly support had I voted for the measures that caused the need for the increased borrowing. I did not. Therefore I will not.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, the American people have a right to know that it is the Democratic administration and the Democratic majority in this Congress who are asking for an increase in the public debt ceiling. And, once again, the big spenders in the majority party are practicing their traditional philosophy of spend and borrow. What must the American taxpayer think of us today? I believe the answer to that question is simple. The American taxpayer is thinking and believing that the politicians and bureaucrats in Washington have, once again, turned their backs and closed their ears to a message that is sweeping this country from Maine to Hawaii. That message calls for fiscal responsibility, fiscal restraint, firm control, and cuts in the reckless policies of the Democratic big spenders in this Congress.

The great and beloved Republican statesman and leader from the State of Illinois, the late Senator Everett Dirksen, summed it up in one short, illustrative sentence when he said:

> You throw in a couple of billion dollars here, and a couple of billion dollars there, and before you know it you are talking about real money.

Today we are not talking about a couple of billion dollars. We are talking about an increase in the public debt ceiling of $38 billion. The Democrats have been borrowing and spending us into the red for decades. The time has come for such fiscal and economic irresponsibility to stop, and the American people have the right to know that the Republicans oppose this increase. Indeed, the Republican Policy Committee, which I have the honor to chair, voted unanimously last week to oppose this increase, to vote it down. We are challenging the thoughtful Democrats in this Chamber to do just that, to join us, to join their Republican colleagues, and vote "no" on this bill.

How can we possibly justify saddling not only our present generation but generations for years to come with this stifling public debt? The Democratic big spenders have created a monster. One does not run around spending money here and there, paying bills first and then looking in the bankbook to find that there is not enough money to cover what has been spent. That makes no sense. And increasing the public debt ceiling several times each year makes even less sense. Let us begin looking at our bankbooks first.

To those who argue that the debt ceiling must be raised to pay the Government's bills, we say: "It was not the Republicans who voted this country into an $800 billion debt. It was the Democratic majority." Let those who have danced to the Democratic big spenders' tune now vote to pay the piper.

☐ 1725

The gentleman from Virginia referred to this being a vote which did nothing more than make an honest woman. I say to that, let those who enjoyed the political pleasures in the boudoir of that woman that got us the deficit spending, let those political pleasure seekers now vote to pay the bill.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I hope Mr. SHUSTER will stay around, because I intend to talk about some of the remarks that he made.

I cannot believe my ears—I cannot believe that Mr. SHUSTER would have been before the Ways and Means Committee last year advocating $3 billion of deficit spending just on the highway program.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield?

Mr. GIBBONS. I will be glad to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman. I am delighted that he brings up this point. Surely, the gentleman knows that highway funds come out of the highway trust fund.

Mr. GIBBONS. I refuse to yield past that point. The highway trust fund that the gentleman wanted to raid last year will produce about $8 billion a year. You wanted to kick the spending up to $11 billion, to $12 billion, to $13 billion, to $14 billion a year.

Mr. SHUSTER. Will the gentleman yield?

Mr. GIBBONS. I refuse to yield any

further. You have got plenty of time on your side.

I cannot believe my ears, that the same gentleman that would just get up here and make that speech when just 6 months ago had been before the Ways and Means Committee just pushing real hard to do a lot of deficit spending on the program he was interested in.

I am going to tell all of you in this House, I have voted every way you can think of on this issue. I do not want to demagog. I have voted every way you can, but you know, unless you can stand in the well of this House and say, "I have voted against all the spending programs, I voted to cut all these things," then you know in your own heart that you got to put the money in the bank when the checks start coming in. And, the checks are going to come in on March 7.

If you want to conduct a government Italian style—and I do not mean any disrespect for the Italians—but if you want to conduct a government like they have done, by creating one crisis after another, then you can vote that way; but, I do not choose to vote that way.

Mr. SHUSTER. Mr. Chairman, would the gentleman yield for a question?

Mr. GIBBONS. I will be glad to yield for a question.

Mr. SHUSTER. Is it not true that under Federal law today, there can be no deficit spending in the highway trust fund program because the law requires that the Secretary of the Treasury must certify that the funds must be there? Therefore, it is one of the few programs in which there cannot be deficit spending. Is that not the law?

Mr. GIBBONS. The way you all had it rigged this year, borrowing the money from the future expenditures——

Mr. SHUSTER. Is that not the law?

Mr. GIBBONS. It is fixed by law.

Mr. SHUSTER. Is that not the law?

Mr. GIBBONS. No, it is not the law.

Mr. SHUSTER. It is the law, and the gentleman knows it is the law.

Mr. GIBBONS. It is not the law, but I cannot believe a Member of such stature as Mr. SHUSTER would come here, after urging the kind of spending he did before the Ways and Means Committee last year, and advocate what he has done.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ULLMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Florida.

Mr. GIBBONS. We can all demagog this issue back and forth any way we want to, but next week the checks are coming in. Of course, I know we will probably vote this down today because that is the charade we always follow. I believe just what Mr. CONABLE has said and just what Mr. FRENZEL has said, this debate should be linked with the actual spending programs that we vote on in the time when appropriations are here on the floor, or authorization programs are here on the floor, or the program having to do with the budget is here on the floor.

We have a disjunctive situation here. We make great economy speeches now, and then we vote any way we want to on all the other programs that we happen to particularly favor. That is not a great way to conduct the Government. The checks are going to start bouncing on March 7 unless there are enough of us here to put the money in the bank.

Mr. CONABLE. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I say to my colleague, the gentleman from Florida, that I am shocked that he can stand in the well of the House and say that there can be deficit spending in the highway program. He knows under present law the Secretary of the Treasury must certify the funds are there. These are funds paid by the motoring public of America, and if the funds are already paid by the highway users, paid through our gasoline tax, the money is already there, paid, and in the trust fund. The only thing worse than taxing people is taxing them and not spending the funds. Under the law the money must be there. Surely, we all know that. It is clear and obvious. It is the law of the land.

The highway trust fund program is one of the few programs which comes before this Congress in which there cannot be under the law deficit spending. So I think that as a matter of record should be made extremely clear.

I would say in conclusion to the gentleman that if he checks my voting record he will surely see that I am not one of those in this House whose cumulative votes for spending add up to the massive deficits which we face in this Congress and in this Nation. I say to the gentleman again it is the Democratic majority which has caused this massive deficit and so let the big spenders now step up to provide a way to solve this fiscal problem.

Mr. ULLMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, there has been a great deal of conversation directed to the freshmen Members of this Congress. I have the privilege once again to be a freshman Member of this Congress. During the time that I sat with my colleagues on the Republican side of the House, I voted for every extension of the debt limit, because I felt that it was foolish; it made no real sense to try to pretend to the public that we did not have to pay our bills. What had to be done and what still has to be done is that the debt limit must be extended.

I would like to say to the freshmen on either side: If they want to register a real feeling about the spending in this Congress, then they should vote when the bills come up that they think are wasteful, that they do not think will do the job, and they should vote against those bills.

I would like to say to some of my colleagues on either side who are opposing the extension that I have fought many times on the floor when an issue of farm subsidies running into billions was under consideration, where the very Members here today are saying we are not going to vote for the extension of the debt, and voted for everyone of those programs.

This is a question of a government paying its bills. It is nothing more than that. Sometimes we do not give the public the credit they are entitled to, but the public understands this. They understand we have bills. Maybe we should not have voted for some programs that we did, but we still have to pay the bills. This is a government that is responsible. If this Congress does not act to keep the Government responsible, it will be our fault and not the public that is at fault, because the public would vote for this. They might say: "Let us not spend more money," but they would say: "Pay your bills."

And that is what I urge the freshmen and all Members to remember on this vote.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLINGER).

☐ 1735

Mr. CLINGER. Mr. Chairman, as a freshman Congressman, I am deeply disturbed to find myself in the midst of a depressingly regular ritual brought about by congressional overspending. This Congress now finds the bill coming due for last Congress budgeting excesses and proposes to allow our Nation to go yet deeper into debt in order to pay this bill.

These yearly crises ought to be prevented and can be prevented. Congress must exercise more responsibility and self-discipline and refuse to vote for spending programs that cost more money than the Government has. Ours is a Nation that was built on thrift and self-discipline; prolongation of the national debt is a dangerous repudiation of this essential heritage.

It is, indeed, unfortunate that it should be the position of just the minority party to say "no" to repeated deficits. All of us in the 96th Congress must make an effort to heed our constituents' pleas for a cutback in excessive Government spending. Rejecting an increase in the national debt ought to be the first step of many that this Congress takes toward the goal of a sound fiscal policy and a balanced budget, a goal that is earnestly desired by many millions of our fellow citizens.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, today Members of this body have their first opportunity in this session to express their concern about the growing public debt and the problems created by that growth. For too many years now, the Congress has piled debt upon debt rather than face reality and bring the Federal Government's spending policies into line with its revenues. The results of such past overspending confront us daily in the complaints from our constituents about the near double-digit inflation rate which is depriving them of their earnings and their future security.

The public debt has grown from $222 billion in 1955 to the current limit of $798 billion; and now we are being asked to raise the temporary debt ceiling to $436 billion, thus increasing the total debt limit to $836 billion. The interest alone on that debt constitutes nearly 10 percent of the total Federal budget.

This very process perpetuates a fraud on the American public. The temporary debt ceiling was characterized as temporary, because it was anticipated that at some point the debt would revert to the $400 billion permanent ceiling. Through years of persistent increases, however, the temporary ceiling has become temporary only in the sense that it remains subject to upward revision. In other words, temporarily high becomes temporarily higher.

Each year, Members are warned that if they do not pass an increase in the temporary debt ceiling, dire consequences will follow.

Mr. Chairman, I submit that we are already experiencing the dire consequences of continuing to play out this charade. The dollar has lost its value at home and abroad; persistent inflation is eroding not only the monetary value of our currency, but the very foundations of our society. People at all levels are beginning to question the traditional ethic that they will be able to get ahead through hard work as they scramble just to stay in place. It is little wonder that the public expresses so little confidence in the Congress when one reviews the actions of this body with respect to the national budget. The congressional budget process was initiated in order to create a coordinated congressional approach to spending. So long as the Congress continues to add program after program and sanctions those increases by voting to raise the debt ceiling, the budget act will remain emasculated. What is needed is a constitutional amendment to prohibit this practice. I have introduced a constitutional amendment to this end and am increasingly convinced that such an amendment is the only way to eliminate Federal deficit spending and inflation. Let us move in that direction today by voting against increasing the national debt.

Mr. ULLMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. Ford).

Mr. FORD of Tennessee. Mr. Chairman, I rise today in strong support of H.R. 1894, the temporary debt limit increase. This bill would provide for a total debt of $836 billion. I would like to take this opportunity to explain what the issues are and what the issues are not on this bill.

First of all, Mr. Chairman, present law calls for the Congress to select a debt limit which will be adequate to finance the Federal Government's budget until Congress decides it wants to review the matter again. Since the debt limit must be consistent with the most recently enacted budget resolution, extensions of the limit must be made with that resolution in mind. We all know that budget resolutions do not have the effect of law, and that is why we are considering this bill today.

The debt limit procedure is not the way for Congress to control the debt. The real way, and the best way, to control spending is through the budget process. In this regard, the Congressional Budget Act of 1974 greatly improved congressional budget procedures and provided a more effective means of controlling the debt. That act requires congressional resolutions on appropriate levels of budget outlays, receipts, and public debt. Today's debt limit extension is only a consequence of our decision last fall on the amounts of Federal taxing and spending for fiscal year 1979. We made these decisions after months of deliberation on what Federal programs should be given what amount of dollars for the next year. It is our duty to set the limit on the debt consistently with these dollar figures. This bill, in calling for a temporary debt ceiling of $436 billion, brings the debt limit in line with the amount called for in last fall's budget resolution.

Mr. Chairman, it is projected that the current debt limit of $798 billion will be reached about March 9. If we do not act quickly to increase it, we will be tying the hands of our Federal Government. The Treasury will not be allowed to borrow to refund securities and to pay the Government's other legal obligations.

Letting the debt ceiling expire will have even more severe consequences. Congress let that happen in 1977 and in 1978. Because the Treasury could not sell bonds during this time, Federal trust funds which invest their money in bonds lost interest in the amount of $1.5 million in 1977, and $1.8 million in 1978. I, for one, do not want to perpetrate a fraud on the American people by telling them I have voted to decrease the public debt while at the same time costing them millions of dollars in lost interest.

Mr. Chairman, this bill also involves two other items of debt management which are equally important. It would increase from $32 to $40 billion the amount of long-term securities which the Treasury can issue at interest rates above 4.5 percent, and it would allow Treasury to set the interest rate on savings bonds up to 1 percent above the 5½ percent maximum. Treasury has worked hard in recent years to get our debt in a better position. The average length of maturity of the Federal debt increased from 2 years, 5 months to 3 years, 4 months between 1977 and 1978. Savings bonds must remain competitive if we are to continue to rely on them for significant financing. This bill addresses these problems along with the debt limit.

Mr. Chairman, everyone knows our Federal Government is operating at a deficit. But we have made significant progress in recent years to get it down, and we must continue to do so. The way to do this is through the budget process, not by crippling the Federal Government by refusing to face up to the decisions we have already made this fiscal year.

☐ 1740

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. Ritter).

Mr. RITTER. Mr. Chairman, I rise in opposition to this legislation which will increase the Federal Government's temporary debt limit. This legislation is numbered H.R. 1894. To me and to many of the American people it should be numbered 1984. For this legislation ignores the demand of the American people to get our economy back on sound footing and to operate from a balanced budget. The "Big Brother" mentality is at it again.

At the heart of our economic problems, in my opinion, is the policy the Federal Government has followed with alarming consistency over the past decade—the policy of spending more money than it takes in.

Since 1970, the national debt has gone from $383 billion to the current level of $798 billion. This is an increase of over 100 percent. We are now paying an incredible $60 billion a year just for interest on the national debt.

This represents over 12 percent of the entire Federal budget for fiscal 1979 that we are spending just to pay for past economic mistakes.

When we talk of reordering priorities, we need look no further than this interest payment on the national debt to see one major area that could stand some reform.

We cannot expect inflation to really be slowed, or the dollar to be really sound, until we decide to stop spending money as if it grew on trees instead of coming out of the taxpayer's pocket.

I hope my colleagues will agree with me and say "Enough, Enough" and vote against this proposal.

☐ 1745

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from Indiana (Mr. Hillis).

Mr. HILLIS. Mr. Chairman, I rise in opposition to H.R. 1894. This is the 19th time since 1970 that the Congress has been asked to increase the debt ceiling. Since 1970, the total public debt has increased from $372.6 billion to $791.6, or an increase of $419 billion. Obviously, placing so-called limits on the debt does very little to limit Federal spending. To that degree, the word "limit" seems to be as much a misnomer as the word "temporary."

This Chamber will hear the often made claims that chaos will result unless the debt is increased. However, I submit that another type of chaos will result unless we begin to place restraints on deficit spending. It seems almost paradoxical that some of the same Members who have expressed the greatest fears over a possible Constitutional Convention to draft a balanced budget amendment are the same Members who support this bill. Certainly, if there is any one way to assure ourselves of receiving the requisite 34-State petitions calling for the convening of a Constitutional Convention it is to continue to spend well beyond our means as this measure would allow us to do.

Very few, if any, Members won his or her election to the 96th Congress by expressing support for deficit spending. In fact, I would venture to guess that most won by opposing the irresponsible fiscal policies that created the almost $800 billion debt we now have. Nevertheless, here we are not even 2 months into the Congress and we are asked to increase the debt limitation. It is of little wonder that over half the States have requested the Constitutional Convention.

We are being asked today to approve a $38 billion increase in the temporary debt limit for the next 8 months. If we continue to increase the total deficit at that same rate, it will be less than 3 years before the total debt is over $1 trillion. A trillion dollar debt is not something that we should support. The only way to prevent that dubious benchmark in our history is by beginning today to refuse to allow further increases in the total debt.

To be sure, our Nation is now at a historical crossroads in its development. For the first time, we are not only running short of energy, but we are attempting massive improvements in our environment. As we all know, these two issues sometimes work against each other. Tremendous capital investments will be necessary by the private sector of our economy if the Federal energy and environmental regulations are to be met. However, deficit spending by the Federal Government makes private investments increasingly difficult in proportion to the size of the deficit.

Our economy simply cannot stand the pressure of energy and environmental expenditures coupled with high Federal deficits. Housing costs are affected by this—so are interest rates. The continued increasing and excessive deficits each year have made the Federal Reserve's responsibility of maintaining control over the money supply more difficult. The fiscal year 1978 Government borrowing took 22 percent of the total funds available in the entire economy. This year the U.S. Government will have to roll over over $150 billion in existing securities which normally results in expanding money supplies and increased inflation. Approximately $38 billion new borrowing is needed to pay current 1979 bills. While this goes on, the Federal Reserve is trying to sustain an economic recovery and restrain inflation. Such a task is extremely difficult, and can fail very easily. Any decrease in the deficit certainly would make the Federal Reserve's job easier.

If we continue with high deficit spending, a recession is highly probable. A recession would bring on new demands for deficit spending to get the economy moving again. Thus, the cycle of recession and inflation would continue.

We must bring the Federal Government's spending habits under control. That seems to be the only way in which we can again have a strong economy. To authorize an additional increase in the temporary debt today will only act as a symbol to the citizens of this Nation that the Congress has yet to hear their demands for a sound fiscal policy. On the other hand, if we refuse to increase the debt, our constituents will, for the first time, know that this Congress is going to take whatever steps are necessary to bring the Federal budget under control.

I strongly urge the defeat of H.R. 1894.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MOORHEAD).

□ 1750

Mr. MOORHEAD of California. Mr. Chairman, I rise is opposition to H.R. 1894.

H.R. 1894 increases the temporary public debt limit from $398 to $436 billion for a total debt limit of $836 billion through September 30, 1979. The Federal Government now spends $48 billion a year just to pay the interest on our present debt, and we are running up huge deficits each year, more than $30 billion for the coming year.

The gentleman from Virginia (Mr. FISHER) placed the matter in perspective when he said we are passing on the final seal of approval on spending over this last year. I do not approve of the spending that we went through this last year, and I do not believe that many people who are fiscally responsible do. For that reason I oppose this bill. It is my way of saying I do not approve of deficit spending, whether past or future.

The American people are demanding an end to this suicidal spending. The American people are telling us that they are fed up with inflation caused by excessive Government spending. They are fed up with the diminishing purchasing power of their paychecks and their pension checks. They are fed up with a sick economy and a dollar worth less and less abroad. They are fed up with the Government eating up the capital so necessary for business to expand and provide new jobs.

Twenty-nine States have called for a Constitutional Convention for the purpose of proposing an amendment to the Constitution forbidding Federal deficit spending.

In the Congress 76 resolutions, including my own, House Joint Resolution 73, have been introduced proposing a constitutional amendment forbidding Federal deficit spending.

The country is moving toward a more sane and responsible position toward Federal spending. The question is—Will the Congress move in the same direction?

We have the opportunity today to fire the first shot in the war against fiscal insanity by voting down H.R. 1894.

Mr. CONABLE. Mr. Chairman, I now yield 1 minute to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Chairman, I rise in opposition to H.R. 1894. This bill would raise the "temporary" public debt limit from $398 to $436 billion.

Mr. Chairman, in opposing this legislation, I am not interested in preventing the Treasury from managing the public debt, nor is it my intention to produce chaos in our financial markets. What I am concerned with is the consistent failure of Congress to recognize the implications of repeatedly voting for increases in the "temporary" debt ceiling.

There is ample evidence that the American people are fed up with deficit spending, and well they should be. It took us 169 years to reach the $280 billion debt level; it required another 13 years to reach the $400 billion mark * * * yet it has taken only 8 short years to more than double this figure: The estimated 1979 national debt is an incredible $839 billion, and by fiscal year 1980 we are expected to reach $900 billion.

I realize that the magnitude of such a figure is hard to comprehend, but what it means is that over 10 percent of the Federal budget—almost $60 billion—will be required just to finance the debt. This can be translated into about $260 per year for every single person in this entire country. Yet we continue to spend beyond our means, and then, as if it were an unrelated process, blithely raise the debt ceiling in order to accommodate our unrestrained spending.

I, therefore, share the view of an increasing number of our colleagues that the debt limit must be directly linked to the budget process. It is time for the fiscal responsibility demanded by our constituents; no longer must Members be allowed to oppose increasing the debt ceiling and thus claim restraint, while at the same time supporting the very spending proposals which will increase the debt.

It is the desire of the American people that the Federal budget be balanced. We should be working to reduce the national debt, not to increase it. It is the desire of the American people that we be honest in our handling of the finances of our country. It is time to do away with the deceptive distinction between the "temporary" and "permanent" debt limit. It is the desire of the American people that Congress act in a responsible fashion. I, therefore, urge my colleagues to join in opposing this request for an increase in the public debt ceiling, and to join me in restraining Federal spending.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM)

Mr. GRAMM. Mr. Chairman, I thank the gentleman from New York (Mr. CONABLE) for yielding this time to me.

I asked to be recognized as a Democratic freshman on Republican time since I sought to speak against this proposal.

It seems to me that in all the discussion of facts and figures the fundamental issue has not been addressed. No one with good sense can argue that we can spend money or authorize the spending of money and then not pay the bill. The question is, under what conditions are we going to pay the bill?

We have heard the analogy made here today of a man whose wife has gone out and squandered their substance. No gentleman is going to fail to pay those bills, but only a fool would pay the bills without demanding some guarantees against future abuses as a price for making that payment.

It seems to me that it is very important that we vote down this proposal which seeks to pay the bill without setting any framework to prevent the reoccurrence of those kinds of deficits. I think think it is important that we defeat this bill and that we substitute a measure to pay the bills but, in doing so, set down a framework to stop this endless process of deficit spending that is driving up prices and stealing from our old and our poor and from those who are on fixed incomes.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PASHAYAN).

☐ 1755

Mr. PASHAYAN. Mr. Chairman, to increase the debt limit would be for this Congress to signal to the people that nothing has changed in our fiscal policy since the 1930's. And yet, today, we face the extraordinary possibility of a Constitutional Convention for the first time in the history of this republic. The convention is called, technically, for the purpose of balancing the budget; but I think it is far more than that. The people are crying out for a change in fiscal policy, and that is what this convention is all about.

Mr. Chairman, I stand here today to say that we must limit this debt. We must reduce Government spending and we must balance the budget. These are steps that are related to one another. These are great steps, and I should like to see this Congress have the courage to take them.

Mr. CONABLE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 4 minutes.

Mr. REGULA. Mr. Chairman, for the past several weeks we have been conducting hearings in the Budget Committee. Two basic themes have dominated those hearings. The first theme is that of inflation. Without exception, the administration witnesses, the members of the Cabinet and the economists have said that the No. 1 problem in America is inflation, and they outlined a blueprint, in part, to solve that problem.

The word "productivity" has reoccurred in the speech of each witness. The words "capital formation" have reoccurred in each of these speeches. The words "increased research and development," the words "modernize our industrial plant," and lastly, the words "reduce the deficit." Each of these is a recognition that fiscal management by the U.S. Government and by this body is essential to dealing with the No. 1 problem of inflation.

This afternoon, Lou Harris, the pollster, appeared before the Select Committee on Aging. He reported on his poll, an evaluation of what problems concern our senior citizens. The No. 1 problem, again, as reported by Lou Harris to our committee, that is the greatest concern to the senior citizens of this country is inflation. He said:

> It is impossible to scratch very far beneath the surface these days to turn up the dominant worry in America in the late 1970's: Deep concern over the continuing high rate of inflation. Fully 84 percent of all retired people feel that inflation is reducing their standard of living. An even higher 88 percent of currently employed people share the same view.

That is what we are talking about tonight. It is the problem of crowding out, the problem of the Federal Government going into the marketplace and sucking up the capital that is needed to deal with productivity, to deal with capital formation, to deal with increased research and development, to deal with modernization, to deal with the needs of our senior citizens, and the problem of printing money to fund the deficits.

Mr. Chairman, back in 1975, when we had a dip in the economy, the Federal borrowings took up 41 percent of the available capital. We are paying the price for that today in the lack of modernization, in the lack of competitiveness of our industry with others in the world, in the deficit balance of payments that reflect the lack of capital back in 1975.

We are headed down that road again. In 1978, it was 14.3 percent, a reduction, in part, resulting from inflation. The borrowing to fund deficits in large part contributes mightily to inflation. Theme No. 1 is before the Budget Committee.

Theme No. 2 is that many are now coming before the committee and demanding new programs, demanding funds for new programs for all kinds of good social activities. If we continue in the course we are following and have followed in the past years, we are not going to have the funds available after funding the uncontrollables.

In 1979, $52.6 billion of the Federal budget will be used to pay the interest on the national debt. This is more than the entire Federal budget in 1952.

Mr. Chairman, I submit that if we are to have funds available for meaningful social programs, for the type of things that the witnesses are asking us to fund in the Budget Committee, and the things that at this point increase the deficit, we have to look to the day when we reduce the impact on the Federal budget of paying interest.

☐ 1800

It is a chicken-and-the-egg proposition, because as the deficits go up, as the debt goes up, the interest rates have to go up to get the capital we need to refinance the debt, to fund the new deficits, and in turn this leaves less for many of the things we would like to do, such as programs for senior citizens, so that the kinds of programs many of us want to support we will not be able to because a larger and larger share of the Federal budget will have to be directed to paying interest on the debt.

In about 2 months each Member of this body will have an opportunity to vote for a reduced budget deficit to be offered by the minority. This will be an ideal opportunity to bring the ever growing Federal debt to a halt.

I hope you will put your speeches into action when it comes time to vote for a responsible budget.

Mr. ULLMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, when I came to this body 2 years ago I think one of the most important things that was facing the American people at that time was whether or not they had faith, an honest faith in their Members representing them. My faith in this body during these 2 years has been increased on many, many issues, but let me tell you today that this is one issue where we fail to measure up. This is one issue that each of us in this House knows, and we tell each other privately that this is something we know has to be done, "but my goodness alive, I am not going to get on record. I have to answer for it for the next 2 years back in my district." The American people are looking for something more than that. The American people are looking first and foremost, as one Member from the minority said earlier today, for intellectual honesty more than anything else. But, we are not measuring up.

Now, I want to say something about my minority friends, and as they well know, I vote with them many, many times. I have always supported defense spending time and time again, increases that they asked for, and now they do not want to pay the bill. They do not want today to pay the bill that they helped run up.

Let me see how they did during the Republican days, when the President was a Republican. Let us look back. Last night, I read—and it is amazing to me—look at 1971, where by a Republican vote of 107 to 59 they raised the debt limit. In 1971, they raised it by 35 billions of dollars, and the Republicans voted 105 to 62 to do it—$35 billion.

And, the very people who have been talking up here today against being responsible voted for it, and I can name them. In the same year, 1972, they raised the national debt limit, and you had to; you were acting responsibly. You raised it from $430 billion to $450 billion, and you voted 92 to 69 to do it. In 1972, you voted to raise the national debt limit by an additional 15 billions of dollars, and you did it with a vote of 141 Republicans to 21 against it.

In 1973, once again you raised it by a vote of 93 to 88. Again, it was raised in 1974 for the first time during the period that I have checked where the Republicans did not support it.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ULLMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Georgia.

Mr. JENKINS. The simple fact is that this is a debt that has to be paid. I do not know about how many of us have increased spending on agriculture. I have always supported the agriculture bill. I am in favor of strong defense. I am in favor of many things, but if you will check my record you will find that this Member from Georgia has probably the most conservative voting record of my freshman group. As a matter of fact, I think the Congressional Quarterly said I was the fifth most conservative Democrat in my class.

☐ 1805

I agree with the gentleman. The American people are demanding a reduction in our spending, but here we are flimflamming, we are truly trying to mislead the American people when we say that we are going to vote against this increase, when we know it has to be done. It is so ironic that if we kill this—we all know we have to pass it at some time—the Treasury has testified that the mere killing of this, so close to March 9, because of the financing requirements will actually cost the taxpayers an additional $1 million.

Mr. CONABLE. Mr. Chairman, if the gentleman will yield, I would like to pay my respects to the gentleman from Georgia. If he wishes to clean up the messes made by other people, he has an opportunity to do it in this bill. I think it is a fine responsible position he will take and I want to commend him for it.

Mr. JENKINS. Mr. Chairman, I reclaim my time.

As a matter of fact, the gentleman from New York always voted in each of these measures I have pointed out, each and every time the gentleman from New York, and the gentleman from Arizona (Mr. RHODES) also, on each and every one of the occasions voted "yes" while the Republicans controlled the White House. I am not saying that is irresponsible.

Mr. CONABLE. And who controlled the Congress during that period, may I ask?

● Mr. SOLOMON. Mr. Chairman, I rise to express my strong opposition to H.R. 1894, which would increase the temporary debt limit to $436 billion, leaving an outstanding national debt of $836 billion.

It is abundantly clear to me that the American people are tired of their Federal Government spending at outlandish deficits. Yet here is the Congress, once again, avoiding coming to grips with the need for fiscal responsibility, increasing the "temporary' debt limit. It took the Federal Government 169 years to accumulate a debt of $280 billion. If this legislation passes today, we will have succeeded in tripling that amount in 21 short years.

Year after year, the Congress votes for increased deficit spending then reluctantly—very reluctantly—votes to increase the national debt so the Government can keep functioning. I hope that my colleagues will draw the line today and end this deceptive charade. We must, at long last, make the debt-setting process more fiscally sound, and tie it to a budgetary process which promotes the goal of balanced expenditures and revenues.

Mr. Chairman, our citizens do not want the Congress to take the budget process lightly, yet too often it does. The Congress takes too much pride in reducing its deficits, when it should take pride only in eliminating deficits. I hope that today we will end once and for all the proclivity to raise the debt ceiling, the interest on which takes up about 10 percent of our entire Federal budget. I urge my colleagues to reject H.R. 1894.●

● Mr. LAGOMARSINO. Mr. Chairman, we have been here before. It seems like every time we turn around we are asked to approve a new "temporary" debt ceiling. The only thing temporary about it is that it is bound to be raised again next year, if not next week.

Mr. Chairman, I think it is time we stopped kidding ourselves. We are certainly not kidding the public with this routine. What we are doing here is voting on a budget item. In fiscal year 1980, the American people will be asked to fork over approximately $57 billion for interest on the national debt. That is 10 percent of the entire budget of the United States. It is the third largest item in the budget. Yet what are we getting for that $57 billion? Nothing. No program, no service, no savings. It is money down the drain.

It took the U.S. Government from 1789 to 1971—192 years—to reach $400 billion debt mark; our "permanent" debt, it is called. It has taken only 8 years to double that. I think we better stop right here and find out what is wrong. If I tried to slip this past my accountant, he would put me on a strict budget. And that is what we have got to do here. The means is at hand, in the form of a constitutional amendment requiring a balanced Federal budget. I have introduced one myself, along with many of my colleagues here today.

Certainly it is a course that has popular support. But more than that, it is the only rational thing we can do given the fact of this $800 billion plus in debt.

I urge all my colleagues who have cosponsored the balanced budget amendment, and all those who support such an amendment, to make a show of force here today. Vote "no" on this bill. Send it back to committee. And let our colleagues on the Judiciary Committee know that we will not vote for any increase in the national debt until we have before us and before the legislature of this Nation a constitutional amendment to end further increases in the national debt by requiring a balanced budget.

Do not let this chance slip by.●

● Mra. KEMP. Mr. Chairman, I rise in opposition to the bill which would increase the public debt ceiling to $836 billion.

I have no doubt that the debt ceiling will be raised, because a majority of the Congress has already tacitly approved the budget deficit which requires it. The Congress performs almost yeary, it is true, the demeaning ritual of defeating the authorization to borrow money it has ordered spent. Last May, many of our colleagues voted in favor of a $51 billion deficit, then voted against, and defeated, the necessary increase in the debt limit a few minutes later. As we all saw, this attempt to finance the deficit by ignoring it served only to hurt social security beneficiaries, Government employees, and purchasers of savings bonds. I hope the majority will refrain from such destructive games this year.

I oppose the deficit expanding budget resolution, and feel justified in opposing the increase in debt to accommodate the excessive deficit. But I intend to make my opposition constructive, rather than obstructive. Like-minded colleagues and I offer an alternative to chronically rising debt, taxes, spending, and inflation.

The public debt, as we all know, has been divided officially for many years between a "permanent" debt, which has remained at $400 billion for the past 7 years, and a "temporary" debt which has increased from $50 billion to $436 billion. The temporary debt limit was originally meant to be a small, extraordinary indebtedness which would be quickly repaid. Today, the "temporary" limit means the level at which the Congress pauses before raising it again.

Mr. Chairman, I suggest that we end this distinction, which implies that the majority of Congress has any intention of repaying part of the national debt until Congress adopts economic policies which make it possible. Under current policy, we are eternally indebted to the public.

But this need not be so. One period in this century stands out in contrast to an otherwise almost unbroken record of climbing public debt. Beginning in 1920, the national debt—which had swelled from $1 billion in 1916 to $26 billion in 1919 because of the First World War—was reduced for 11 consecutive years, by nearly 40 percent in all.

In 1917, the Wilson administration had raised tax rates drastically, imposing an excess profits tax on business, doubling the corporate tax rate, and sharply increasing the personal income tax rates from a maximum rate of 15 percent to one of 77 percent.

In an effort to repay the war debt, the Wilson administration left these high tax rates in place after the war ended. The economy slid into a recession that lasted 2 years, and and the debt remained virtually undiminished.

Under the administrations of Harding and Coolidge, Treasury Secretary Andrew Mellon tried a different approach, starting 1922. Instead of raising tax rates, he lowered them, removing the excess profits tax and reducing personal income tax rates to 57, to 46, all the way to a 25 percent maximum. The economy climbed out of the recession and the twenties began to roar. From 1921 to 1929, real GNP grew by 54 percent without inflation. In fact, under the administration's tight money policy, the Consumer Price Index actually declined. Revenues increased steadily, the standard of living rose—and the national debt was reduced from $24.3 billion to $16.9 billion.

The boom did not end, in fact, until Herbert Hoover unfortunately permitted a massive tariff increase on virtually all imported goods, and then turned the resulting recession into the Great Depression by doubling income tax rates, in a futile attempt to balance the budget.

Since then, many attempts have been made to balance the budget and reduce the national debt. But all of them preferred Hoover's method to Mellon's, and all these attempts have failed. In the past 30 years, the national debt has been reduced exactly three times—in each case for no more than 2 years in a row, and never by even as much as 1 percent of the outstanding debt. Each effort to balance the budget by raising taxes has plunged the country into a recession which only shrank revenues and increased the public debt.

The only way to reduce the Government's debt to the public is to reduce the public's individual debt to the Government. We must pursue the policies which have worked before: increasing after-tax incentives for economic growth and saving, restraining Federal spending, and pursuing monetary policy which maintains the value of the dollar at home and abroad.

With Senator BILL ROTH, of Delaware, and more than 100 fellow Members of Congress, I have already introduced an economic program which would include two of those three policies. The Kemp-Roth package would reduce tax rates by 30 percent for everyone over 3 years, and then index the tax rates to prevent future tax-rate increases caused by inflation. It would also limit excessive Federal spending by requiring Federal expenditures to grow more slowly than the economy.

The Government can increase incentives for economic growth by reducing the wedge between effort and reward—between the amount of labor a worker must perform and his take-home pay, between a businessman's capital investment and his after-tax return. Lower tax rates increase revenue by broadening the tax base. Economic growth lessens the need for spending on social welfare programs which are necessary to protect people from the Government's economic mistakes, and frees these revenues to be used for other social and defense programs.

The Government can reduce the national debt, as it has before, with policies which promote prosperity, not austerity. Therefore, I cast my vote with a clear conscience, against increasing the public debt limit. First, because I opposed the excessive increase in spending which the debt limit endorses. And second, because there are constructive alternatives: policies for real economic growth.●

● Mr. ANDERSON of California. Mr. Chairman, I rise in opposition to raising the public debt limit. The defeat of this bill will stop not only the proposed $38 billion increase above the present $798 billion debt limit, but it will roll back our debt limit as of April 1 to $400 billion, the so-called permanent debt limit, a very significant reduction.

The American people have sent us a clear message: "We must spend their money more wisely". We must not and cannot let them down by continuing to spend more than we take in.

It is time for us to enter the age of fiscal responsibility. Our constituents must live within their budgets. You and I must live within our budgets. Now it is time for Uncle Sam to stop spending money he does not have, and force him to live within his budget.

This has long been a concern of mine, and I am glad to see the increased awareness of this problem by my colleagues. More than 120 bills have been introduced in this Congress calling for a balanced Federal budget, including House Joint Resolution 18 which I introduced. And, 25 States have called for a constitutional convention to institute a mandatory balanced budget.

We can and must live within a balanced budget. It will take a large effort on our part. In the future, instead of just examining programs to insure they are attaining their goals, we must delve further into the methods used by agencies to reach these goals. We must ask: Are there too many staff, too much paper work, too many trips, unnecessary equipment, and too much building space? We must examine the need for all the studies and contracts that agencies seem to feel are necessary, to insure that they are indeed necessary.

In short, we must insure our goals are being met in the most economical manner possible. Not only must the Government be responsive to the people, but it must provide them with the most benefits, for the least tax dollar.

Allowing the Government to move further toward the trillion dollar debt will not help us achieve this goal. If we are to reach our goal of a balanced budget we must begin now, not 6 months from now.

Therefore, in the name of fiscal responsibility, I urge my colleagues to vote against increasing the public debt limit.●

● Mr. GRASSLEY. Mr. Chairman, the bill now under consideration by the committee (H.R. 1894) would increase the public debt limit of the United States from $798 to $836 billion. I find myself perplexed asking what can I say that has not been said before or will not be said here today?

In January of 1975 I began serving in the House of Representatives. At that time the combined permanent and temporary debt ceiling was $495 billion. Since then the Congress and President have, on 11 separate occasions, acted to increase the national debt limit so that the current figure is $798 billion. My votes have been consistent. I have never voted to increase the debt ceiling. Nothing has happened since July 19, 1978, when the House last considered this subject, that would cause me to change my mind.

Over the years, those who advocate such legislation have sought to justify their actions by trotting out a number of now discredited rationalizations. It used to be that we were told that multibillion dollar deficits do not matter because, after all, we owe it to ourselves. But it does matter—just take a look at the charts and graphs depicting the President's 1980 budget which show the Federal Government spending in excess of $65 billion for debt service.

Now we are told that, yes, indeed, deficit spending and increased Federal Government borrowing in the money markets is bad—but, individual Members have a constitutional duty to support debt limit increases. To that proposition I must vehemently dissent. Perhaps those Members who traditionally support inflationary big-spending bills have a duty to accept the responsibility for their previous actions. But those of us who try to hold the line on spending—and we are a distinct minority in this Chamber and we have been for years—are fully justified in saying "No. It was not our fault. We tried to point out the errors of your ways but you would not listen to us and now you are reaping what you have sown."

So I would urge my colleagues who have been reasonable and prudent with the peoples' money to stick to their principles. A "No" vote on this bill and the authorizing and appropriating bills that will come before the House during the 96th Congress is correct, appropriate and in the long-term interests of the United States.●

Mr. NOLAN. Mr. Chairman, I rise in opposition to H.R. 1894. I oppose increasing the debt ceiling.

Last year, on July 19, 1978, I also voted against raising the debt ceiling. At that time, several of my colleagues and I announced that we would vote against increasing the debt ceiling if we could not get a commitment from the Ways and Means Committee to provide for additional social security funding through general revenues instead of increasing the payroll tax.

Hiking the debt ceiling and the social security payroll tax both hit the average taxpayer the hardest and we did not believe the farmers and workers of this country should have to suffer a double whammy from the Federal Government in the same year.

This year, I again oppose increasing the debt ceiling because the current methods of financing the Nation's debt amount to no more than welfare for the rich: Robin Hood in reverse. In 1979, servicing the national debt will cost taxpayers around $50 billion in interest payments alone. Very little of the interest payments are made to small investors. Rather, over half of the amount goes to a few wealthy individuals, banks and financial institutions at home and abroad.

Funding the national debt through increased borrowing is part of a quiet but revolutionary redistribution of personal wealth—funneling it into fewer hands and increasing the concentration of financial power. The increased taxation required to make interest payments to the wealthy few also sucks up private capital necessary for industrial expansion. Raising the debt ceiling thus consigns the current generation to higher unemployment, higher taxes and inflation while deferring payment of the debt to future generations. We lose and our children lose.

Those who favor raising the budget ceiling claim that we have no other choice. The Government will collapse, they say, if we do not meet our financial obligations by borrowing our way out of bankruptcy. It is an absurd argument.

Three major courses of action exist for bringing the Federal deficit under control:

First, the price supports for agricultural commodities should be raised to 90 percent of parity with a goal of 100 percent of parity in the marketplace. The budget outlays for the loan program thus will be repaid with interest, thus reducing the cost of the farm program to a lower level than current outlays.

When the exchange value of agricultural commodities is at parity, the increased amount of farm dollars creates a market for industrial producer goods. Instead of borrowing or increasing the supply of paper money, parity prices for agricultural commodities add to the national income. The farm dollar has a multiplier effect throughout the economy—generating additional income, employment and tax dollars which will, in turn, reduce borrowing, interest payments and inflation.

Second, the $100 billion plus fat military budget is the most inflationary factor in today's economy. The high level of military spending, accompanied by countless staggering cost overruns, is unnecessary. Indeed, excessive military spending is harmful because throwing money at the Pentagon has made the military brass fat and sluggish rather than lean and responsive. Inflation and Government spending cannot be restrained if the current wasteful and unproductive military spending levels are continued.

Third, the Government should get out of the borrowing business. To accomplish this objective, Prof. William B. Cannon suggested in 1975 that the following steps be taken:

> (1) There should be no new borrowing by Treasury whether for new or refinancing purposes. In FY 1976 this will save the budget $3.1 billion in interest outlays, which is about a 5% contribution to the present budget deficit. If the policy recommended in this paper is followed, namely to balance the budget, there will be no need for borrowing to finance a deficit. But even if a balanced budget is not accomplished, borrowing should be prohibited for the reasons given above. The deficit would be funded by checks issued by Treasury in payment of authorized expenditures.
>
> An alternative or a way to phase into a no-borrowing policy would be to limit the interest paid to 3%. Since the trust funds, by law, have to invest their surpluses in government securities, this requirement would not affect their borrowing levels. The Federal Reserve Board would not be affected either because the Board does not receive interest (in effect). The question is whether non-U.S. government investors would invest under these low interest conditions. If not, then the same end is achieved as under the first proposal. (A limitation on interest paid to government trust funds is not new; from before World War II until the late 1950s, the major trust funds were paid interest, as a deliberate policy, of less than 3%.)
>
> The first (and preferred) alternative above would involve new outlays for redemption of issues coming due in FY 1976 and thereafter. These costs should be financed by: (a) use of holdings of government funds—the extent, probably small, that the interest has been used to pay the outlays of the funds; and (b) the issuance of Treasury checks. These actions should be taken on a planned basis over a several-year cycle. That is, if no new borrowing is allowed in FY 1976, the total debt to be retired is estimated at $538 billion (at the end of FY 1975). The amount of this that comes due in FY 1976 probably will not exceed the $150 billion available from the trust funds. The redemption payments thereafter should be treated as ordinary expenditures in the budget and, assuming a four-year cycle of repayment the requirements will be for gross outlays of about $90 billion a year. The actual net charge on budget would be much less because interest outlays will diminish substantially as the debt is paid and, after the four-year period, the budget will save at least the amount of interest estimated to be paid in FY 1975 ($32.9 billion) for eternity. This point argues for a no-borrowing policy in FY 1976, even if the government funds are not used for redemption purposes and regular outlays are made. In this latter case, however, a limited amount of debt refinancing might have to be allowed to keep budget outlays for the mix debt of redemption and interest payments at a level which is consistent with an overall balanced budget.
>
> (2) A more far-reaching step is conceivable. This would be to couple the no-borrowing policy with a temporary cessation of payment of interest. This would be the equivalent of a special tax on holders of government securities, and a very progressive tax. There is an interesting question of constitutionality involved. However, presumably, a temporary moratorium or deferral of interest payments, as opposed to repudiation, could be sustained, and calculations are needed to show the advantage to the budget of a deferral approach (that is, to calculate the net of the sum of accumulating interest costs and debt redemption costs less reduced interest outlays as the debt is reduced over given time spans).
>
> A 1- or 2-year deferral would save budget $36 billion in fiscal year 1976 and substantially more in fiscal year 1977. These savings would materially contribute to the balancing of the budget in those 2 years, and the time gained would allow for budgetary planning to meet increased outlays accumulating for payment in fiscal year 1978 and following years.
>
> Regardless of whether the above alternatives are acceptable as recommendations for action in connection with the fiscal year 1976 budget, the point should not be lost lost that interest expenditures should be reviewed just as are other expenditures. It should be clear from the above that they are not uncontrollable and are not inevitable components of the federal budget. It should certainly be clear from the above that whether the government has a borrowing program or not is a matter of choice. And the case for not borrowing is compelling. At the minimum the fiscal year 1976 budget should be reduced by $3.1 billion, reflecting the interest saved by not borrowing in fiscal year 1976.[1]

I challenge the Ways and Means Committee and the leadership of both parties to take these recommendations seriously.

Clearly, those who favor raising the debt ceiling are steering the Nation on a course which will be costly in many ways for this and future generations. Likewise, those who jump on the budgetcutting bandwagon but fail to support policies which will increase farm income in the marketplace, reduce wasteful military spending and get the Government out of the borrowing business, also are playing a cruel hoax on the U.S. taxpayer.

The Republic cannot survive without economic democracy. As Dolly Levi said, "Money is like manure. It does the most good when it's spread around." The time is long overdue to redirect our Federal budget policy toward spreading it around.

The CHAIRMAN. The gentleman from Oregon (Mr. Ullman) has 2 minutes remaining.

Mr. ULLMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment. No amendments to the bill are in order except, first amendments offered by direction of the Committee on Ways and Means, which shall not be subject to amendment; second amendments only changing the date certain on page 1, line 4, or only changing the numerical figure on page 2, line 2, and said amendments shall not be subject to amendment except pro forma amendments and germane amendments only changing the date certain on page 1, line 4, or only changing the numerical figure on page 2, line 2; and third an amendment to section 4 of the bill printed in the Congressional Record of February 21, 1979, and if offered by Representative Vanik, which amendment shall not be subject to amendment.

The bill is as follows:

H.R. 1894

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*. That, during the period beginning on the date of the enactment of this Act and ending on September 30, 1979, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $436,000,000,000.
>
> Sec. 2. Effective on the date of the enactment of this Act, the first section of the Act of August 3, 1978, entitled "An Act to provide for a temporary increase in the public debt limit" (Public Law 95–333), is hereby repealed.
>
> Sec. 3. The last sentence of the second paragraph of the first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by striking out "$32,000,000,000" and inserting in lieu thereof "$40,000,000,000".
>
> Sec. 4. With respect to interest accrual periods beginning after the date of the enactment of this Act, paragraph (3) of section 22(b) of the Second Liberty Bond Act (31 U.S.C. 757c) is amended to read as follows:
>
> "(3) The Secretary of the Treasury, with the approval of the President, may increase the investment yield on any United States savings bonds above the 5½ per centum limitation contained in paragraph (1) so long as such yield does not exceed 6½ per centum per annum compounded semiannually.".

The CHAIRMAN. The Chair asks the chairman of the Ways and Means Committee: Does the committee have any amendments to offer?

Mr. ULLMAN. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Are there any other amendments to the bill?

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment to section 4, which is made in order by the rule.

The Clerk read as follows:

> Amendment offered by Mr. Vanik: Page 2, line 19, strike out "6½ per centum" and insert in lieu thereof "7 per centum.".

Mr. VANIK. Mr. Chairman, I just want to take a moment to describe this amendment.

The CHAIRMAN. Before the gentleman proceeds, pursuant to the rule, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes, and the Chair asks the chairman of the Committee on Ways and Means whom he designates to control the other 15 minutes made in order pursuant to the rule.

Mr. ULLMAN. Mr. Chairman, I will control the other 15 minutes.

Mr. CONABLE. Mr. Chairman, may I ask what the ruling is? Is it not true that 15 minutes is given to the majority and 15 minutes to the minority?

The CHAIRMAN. No; that is not true under the rule.

Mr. ULLMAN. Mr. Chairman, I yield 7½ minutes to the minority, and I will control 7½ minutes.

Mr. CONABLE. Mr. Chairman, I thank the chairman of the committee.

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[1] William B. Cannon, "Interest on the Public Debt," in *The Problem of the Federal Budget* (1975).

□ 1810

Mr. VANIK. Mr. Chairman, under the bill before us the Secretary of the Treasury is given discretionary authority to raise the interest rate on E bonds to 6.5 percent.

One out of three Americans owns E bonds. More than 16 million Americans buy $8 billion in E bonds each year. As of January, 1979, $80 billion in E savings bonds were outstanding.

Over the past 7 months the redemptions of these bonds have exceeded sales; but, more critically, during the month of January redemptions exceeded sales by over a half billion dollars, $533 million more in redemptions than there were in sales.

If this disparity continues—and I think that this is indicative of a trend—it could cause a tremendous upheaval in the handling of the Federal debt.

What are we talking about? E bonds are the average citizen's participation in the Federal debt. For millions of Americans their savings consist of what they have in a pension plan, in social security, or in the E bond program since they have a payroll deduction which buys the E bond.

Mr. Chairman, I think it is simply unfair to deny those patriotic Americans who buy E bonds a reasonable rate of return. Affluent investors, affluent Americans do not buy E bonds. They buy T bonds, and they get 9.5 percent or as much as 10 percent interest. The person who buys the E bond is limited to the very low rate of return which he gets under the E bond system.

Again, I think it is simply unfair to let the E bond purchaser carry this tremendous burden of subsidizing the interest on the Federal debt which is the obligation of the American people.

Mr. Chairman, I think it is fair and right that we should increase this E bond rate by giving the Secretary of the Treasury the discretionary authority to increase the rate to 7 percent and help bring this interest rate somewhat more commensurate with the interest rates of today.

Mr. MARKS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Pennsylvania.

Mr. MARKS. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the gentleman's amendment, I will say to the gentleman from Ohio (Mr. VANIK).

However, if I may take a moment, I would like to say that I was one of the responsible Republican Members of this Congress who voted to spend a large sum of money for revenue sharing, who voted for large sums of money for CETA, who voted for larger sums of money for defense, who provided large sums of money for public jobs and for veterans, for law enforcement, for agriculture, and certainly for education as well as voting large sums of money to bring new sources of energy on line by R. & D. for the Department of Energy.

I think as a result of that, those of us who voted for those very large sums of money for responsible programs cannot come before this Congress or the American people and tell them that we will not raise the debt limit because to do so is the worst type of demagoguery.

I, for one, am going to vote to raise the debt limit because I believe that is the responsible vote, especially if, in fact, I felt as strongly as I really did for all of those money issues which I have just mentioned as well as others.

Mr. VANIK. Mr. Chairman, I certainly want to thank the gentleman from Pennsylvania (Mr. MARKS) for his comment.

I hope the chairman of the Committee on Ways and Means can accept this amendment, which I think will provide for justice and fairness for those Americans who use the E bond system as a system of savings.

Mr. Chairman, I yield back the balance of my time.

Mr. ULLMAN. Mr. Chairman, I yield myself such time as I may consume.

The administration asks for the authority to increase interest rates to 6.5 percent. The existing ceiling is 6 percent. The committee gave the administration what it asked for.

Let us be clear, Mr. Chairman. The administration indicated that at this time they have no intention of using that authority, but that at some time during this period they may want to use it; and on that basis we gave it to them.

I have no problems with the Vanik amendment personally because it is discretionary with the administration; and should there be the necessity for increasing that amount, I think they would use good judgment in doing it, so, again, I have no problems with the Vanik amendment.

□ 1815

Mr. CONABLE. Mr. Chairman, I yield myself such time as I may consume.

I do not feel strongly about this issue, but I would like to express some reservation about the course that the gentleman from Ohio (Mr. VANIK) is embarking on here. Treasury officials came in and said that last year there had been more redemptions than there should be and, therefore, they wished authority to raise the ceiling on savings bonds to 6.5 percent. It is their intention to raise the ceiling to 6.5 percent. The gentleman from Ohio is urging us to raise the ceiling at least to 7 percent. It is within the discretion of the Treasury how high they will raise it, and they say 6.5 percent is all they need.

Under these circumstances it does not seem to me that we ought to encourage a course of action which might result in having to pay more interest on the national debt than the Treasury estimates it needs to pay. Quite frankly, the interest on the national debt is going up by $9 billion in the next fiscal year according to the budget estimates at this point because interest costs are so high already, so I do not believe we should push to get savings bond rates so high that they go beyond what Treasury says they need to have in order to avoid unnecessarily high levels of redemptions. For that reason I oppose the gentleman's amendment. I must acknowledge that I do not believe his amendment will do a great deal of damage because Treasury tells us it is their intent to raise the interest rate only to 6.5 percent in any event, regardless of what ceiling we give to them.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

I simply want to point out that for every E bond purchaser that puts together enough money to buy a T bond, the taxpayers will have to bear the cost of a higher rate of interest. If we lose the E bond market it would increase debt service costs by $3.5 billion a year at present rates, and if we do not maintain a viable and active E bond market in which we can encourage small investors to buy and share the public debt, then I think we are going to pay a lot more to pay for funding the annual cost of carrying the public debt.

Mr. CONABLE. I understand the gentleman's point, Mr. Chairman, but I wish to point out in return that we do not issue E bonds, Treasury does. Treasury says they intend to issue them at 6.5 percent and, as far as I am concerned, I am willing to take the advice of experts on this rather than urging a higher interest rate than may be necessary to achieve their goals with respect to E bond sales.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1894) to provide for a temporary increase in the public debt limit, and for other purposes, pursuant to House Resolution 133, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONABLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 222, not voting 16, as follows:

[Roll No. 17]

YEAS—194

Addabbo
Akaka
Annunzio
Anthony
Applegate
Ashley
Aspin
AuCoin
Bailey
Baldus
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Brademas
Breaux
Brinkley
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, Phillip
Chisholm
Clay
Coelho
Conte
Conyers
Corman
Cotter
Danielson
Dellums
Derrick
Derwinski
Dicks
Diggs
Dingell
Dixon
Dodd
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Evans, Ga.
Fary
Fascell
Fazio
Fisher
Foley
Ford, Mich.
Ford, Tenn.
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Ginn
Gonzalez
Gore
Gray
Guarini
Hall, Ohio
Hamilton
Hanley
Hefner
Heftel
Hightower
Holland
Holtzman
Howard
Hutto
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Leach, La.
Lederer
Lehman
Leland
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCormack
McHugh
McKay
Markey
Marks
Matsui
Mattox
Mavroules
Mikulski
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Nedzi
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Roberts
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Sabo
Scheuer
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stenholm
Stewart
Stratton
Studds
Swift
Synar
Thompson
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Waxman
Weiss
Whitten
Williams, Mont.
Wilson, C. H.
Wilson, Tex.
Wirth
Wolpe, Mich.
Wright
Wyatt
Yates
Young, Mo.
Zablocki

NAYS—222

Abdnor
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Bereuter
Bethune
Biaggi
Bouquard
Bowen
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burton, John
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Cleveland
Clinger
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Devine
Dickinson
Donnelly
Dornan
Dougherty
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fenwick
Ferraro
Findley
Fish
Fithian
Flippo
Florio
Forsythe
Fountain
Frenzel
Gilman
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Green
Grisham
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hance
Hansen
Harkin
Harris
Harsha
Heckler
Hillis
Hinson
Hollenbeck
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Johnson, Colo.
Jones, Tenn.
Kelly
Kemp
Kindness
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lee
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Lott
Lujan
Lungren
McClory
McCloskey
McDade
McDonald
McEwen
Madigan
Maguire
Marlenee
Marriott
Martin
Mathis
Mazzoli
Mica
Michel
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Murphy, Pa.
Myers, Ind.
Neal
Nichols
Nolan
O'Brien
Panetta
Pashayan
Paul
Pritchard
Pursell
Quayle
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roth
Rousselot
Rudd
Runnels
Russo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stockman
Stump
Symms
Tauke
Taylor
Thomas
Treen
Trible
Vander Jagt
Walker
Wampler
Watkins
Weaver
White
Whitehurst
Whitley
Whittaker
Williams, Ohio
Winn
Wolff, N.Y.
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Zeferetti

NOT VOTING—16

Alexander
Anderson, Ill.
Clausen
Coleman
Collins, Ill.
Flood
Hawkins
Jones, Okla.
McKinney
Mikva
Moffett
Mottl
Pepper
Stokes
Traxler
Wilson, Bob

☐ 1835

The Clerk announced the following pairs:

On this vote:

Mr. Traxler for, with Mr. Mottl against.

Mr. Pepper for, with Mr. Clausen against.

Mr. Hawkins for, with Mr. Coleman against.

Until further notice:

Mr. Alexander with Mr. Anderson of Illinois.

Mrs. Collins of Illinois with Mr. McKinney.

Mr. Flood with Mr. Bob Wilson.

Mr. Jones of Oklahoma with Mr. Moffett.

Mr. Mikva with Mr. Stokes.

Mr. BROWN of California changed his vote from "nay" to "yea."

Messrs. BEREUTER, PANETTA, MICA, and MAGUIRE changed their vote from "yea" to "nay."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1840

DATE FOR RECONSIDERATION OF A BILL TO PROVIDE FOR TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I take this time to ask the distinguished chairman of the Committee on Ways and Means, in view of the vote which the House has just taken with respect to the debt limit extension, at what point would it become imperative that the House again consider this matter in terms of the Government's obligations?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Speaker, the Government will run out of borrowing authority on or about the 9th of March. They may have enough cash and enough fiscal alternatives to carry through for 2 or 3 or 4 days after that.

However, one of the problems is that they are going to have to spend about $1 million stopping the flow of all savings bonds and doing some of those things at that point, so I think we ought to be voting on the bill as close to the 9th as possible.

Mr. BRADEMAS. Would it be possible to be voting on the matter on or about or shortly before the middle of March?

Mr. ULLMAN. I cannot guarantee that we would get by and I have no doubt that there would be some additional expense in that kind of delay. I think the Government probably could operate close to the middle of March.

Mr. BRADEMAS. I thank the gentleman from Oregon.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 1894, just considered.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

The SPEAKER. Pursuant to the provisions of title 23, United States Code, section 101, the Chair appoints as members of the National Transportation Policy Study Commission the following Members on the part of the House:

Mr. HOWARD, of New Jersey; Mr. ANDERSON, of California; Mr. FLORIO, of New Jersey; Mr. OBERSTAR, of Minnesota; Mr. SNYDER, of Kentucky; and Mr. SHUSTER, of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b), Public Law 93-642, the Chair appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House: Mr. SKELTON, of Missouri; and Mr. TAYLOR, of Missouri.

INTRODUCTION OF A BILL TO REINSTITUTE REGISTRATION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, today I am introducing a bill that would reinstitute military registration of 18-year-olds beginning January 1, 1981. During a series of recent hearings by the Military Personnel Subcommittee of the Committee on Armed Services, serious concerns have been raised regarding the capability of the present Selective Service System to select and induct, in a timely manner, sufficient personnel to meet military requirements in the event of a full mobilization. This bill addresses those concerns.

SUMMARY OF MAJOR FEATURES

In addition to reinstituting registration the bill I am introducing would place the Selective Service System—organizationally—within the Department of Defense, except when induction authority is in being. It would require an annual report on the capability of the Selective Service System to meet personnel requirements in the event of a mobilization. Finally, it would require the President to submit recommendations on various specific modifications and improvements to the Selective Service System.

I want to emphasize strongly that this bill would not authorize and does not contemplate a return to a peacetime draft.

Further, introduction of this bill does not imply that I believe the All Volunteer Force concept is a failure. An effective Selective Service System was intended as an essential element of the All Volunteer Force. However, the Selective Service System has failed to maintain its posture as an effective standby component in the all volunteer environment and, consequently, needs to be revitalized.

REINSTATEMENT OF REGISTRATION

The bill requires registration of males who turn 18 on or after January 1, 1981. If this bill is enacted, and if no subsequent changes are made before January 1, 1981, registration and classification would be accomplished under existing law. Local boards would be reconstituted; a male reaching 18 years of age would be required "to present himself for and submit to registration." In other words, "face-to-face" registration.

The bill would further permit the President to suspend registration in the future only for the purpose of modifying registration procedures. Such a suspension could occur only once in any 1-year period and could continue at most 90 days.

REORGANIZATION OF SELECTIVE SERVICE SYSTEM

The bill specifies that the Director of the Selective Service System during benign times would be subject to the direction of the Secretary of Defense. This reorganization from its current status as an independent agency would permit the specialized resources of the Department of Defense to assist in manpower mobilization planning. Further, the change will permit the Selective Service System—as an explicit element of the All Volunteer Force—to compete more efficiently for necessary resources.

However, to ameliorate the criticism that a fair and equitable system may appear to be compromised when authority to select and induct personnel is possessed by the same agency that utilizes those personnel, the bill provides for "folding out" the Selective Service System from the Department of Defense whenever that authority is effectuated. At that time, the Director would be subject to the direction of the President.

It has been alleged that a reorganization at the time of mobilization will significantly hamper the efficient operation of the Selective Service System. This presumes that personnel, property, and records, would be shifted physically, as well as organizationally, at the time of mobilization. I believe that the impact at the time of the fold-out can be minimized by initially establishing the selective service organization outside the physical boundaries of the Department of Defense facilities.

REQUIREMENT FOR ANNUAL REPORT

The bill requires an annual report to the Congress of the manpower requirements needed in the event of a full mobilization and an evaluation of the ability of the Selective Service System to meet those requirements. I envision that preparation of this report would, from time to time, require realistic training exercises involving the Selective Service System, simulating the conditions under which the organization would function during a mobilization.

PRESIDENTIAL RECOMMENDATIONS

Finally, the bill requires that the President submit to the Congress a plan—together with supporting draft legislation—to reform the registration, classification, selection, and induction process, with specific recommendations in several areas. Debate has just begun on this general subject and much of the information needed to insure the most efficient Selective Service System is not yet available.

The President would be required to evaluate the feasibility and desirability of automatic registration—in other words, using existing lists, such as school records, tax returns, motor vehicle registrations, and so forth, for the purpose of registration. Such a system would minimize the burden on the individual to report for a "face-to-face" registration.

Similarly, the President would be required to evaluate the development and implementation of a centralized, automated system for maintaining the records of individuals registered and for issuing induction notices should such authority be provided in the future.

The President would be required to make recommendations regarding legislation to provide Presidential authority to induct during any period when such action would be in the general interest of national defense.

Recommendations would also be required with regard to the registration and induction of women.

It is widely accepted, and I strongly believe, women represent a great untapped national resource and have demonstrated conclusively their ability to function effectively in the Armed Forces. The issue of registration, and even more of induction, of women for military service, is controversial. The bill would require the President's recommendations regarding this issue.

An evaluation would be required of the feasibility and desirability of utilizing the results of the 1980 census to register individuals between ages 18 and 26 who were not registered as of January 1, 1981. Use of the census could also be made in testing possible methods of automatic registration to determine how effective and inclusive such a system would be.

Finally, the President would be required to make recommendations regarding organizational, operational, and procedural changes to the Selective Service System that would make the system more equitable, effective, and efficient.

The bill requires this report by October 1, 1979, or 3 months following date of enactment, whichever is later. Because registration under the current system would not begin until January 1, 1981, the requirement for the report in the latter part of this year will provide the Congress sufficient time to evaluate the recommendations of the President and to enact legislation that will capture the intent of the Congress and improve the operation of the Selective Service System before it is reinstituted.

CONCLUSION

Mr. Speaker, this bill is an insurance policy. The Nation faces serious military threats throughout the world. Our active forces, today, effectively thwart this threat; but, it is a precarious balance which, at any moment may swing to the side of hostilities. In that event, the Nation must mobilize its manpower resources rapidly, equitably, and efficiently. The Selective Service System, today, can do that. This bill represents a first step in providing the assurance that we will be able to mobilize and meet the most realistic requirement.

This insurance, like any insurance, will eventually require some cost, but like any insurance wisely chosen, the potential benefits far outweigh the costs. Similarly, like any insurance policy, it must be purchased in advance of the situation for which it is intended. This bill will enhance this Nation's insurance policy.

THE TENNESSEE-TOMBIGBEE WATERWAY PROJECT

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BEVILL. Mr. Speaker, the Energy and Water Development Subcommittee of the Committee on Appropriations has completed hearings with the Corps of Engineers on their fiscal year 1980 budget request.

During these hearings, the Secretary of Army, the Chief of Engineers, and the Division Engineer of the South Atlantic Division, among others, appeared before the subcommittee.

The Corps of Engineers, as they always do, presented detailed budget justification data, personal testimony, and answered questions relating to hundreds of projects including the Tennessee-Tombigbee waterway project.

I hope that the Members of this body, the public, and the press will take the time to review the material relating to the "Tenn-Tom" which will be published in the subcommittee's hearings in the near future. I say this because of recent articles in various newspapers and periodicals on the subject of the "Tenn-Tom."

On Sunday, November 26, 1978, the New York Times ran a page 1 feature titled "Documents Indicate Corps Misled Congress on Major Southern Canal."

The story was a detailed description of the allegations made on a variety of issues, in a lawsuit filed on January 26, 1978, attacking the waterway project which will link the Tennessee and Tombigbee Rivers.

Just why the New York Times waited until November to report on a lawsuit filed in January, and then gave it page 1 prominance as though it was current news, is apparently part of a trial by press being carefully orchestrated by the plaintiffs. Newspapers reported the lawsuit factually when it was filed back in January 1978, without the sensationalism evidenced by the New York Times in its November 26 piece.

Without the benefit of discussion with the Corps of Engineers, the editors of the New York Times published a scathing editorial on December 4, 1978, accepting the plaintiffs' allegations as facts, and accusing the Corps of Engineers of deliberately deceiving the Congress on the dimensions of the project being built and on its economic justification. After stating that the case "shows the finaglers at work," the editorial concludes by saying "as for the Corps of Engineers, the time seems right for one last grand demolition."

Testimony of the plaintiffs and defendants had not yet started at the time of the New York Times story. Yet the paper, acting as a self-appointed judge and jury, found the defendants guilty as charged.

Lt. Gen. John W. Morris, the Chief of Engineers, being a defendant in the lawsuit, has followed the advice of counsel and refrained from public discussion of the issues in litigation. But he did meet with the New York Times editorial writer. The latter was amazed that General Morris, on his own initiative, had requested a review of the authority under which the project was being built, a review of the cost and benefits of the project and an Army Audit Agency investigation at a time when there was no court case.

These investigations, made at the specific request of General Morris, have since been reported out of context and widely used to attack the Corps of Engineers.

The New York Times account was printed verbatim by editors of other newspapers who knew less about the facts than the editorial writer of the New York Times did. Similar biased attacks followed in the Washington Post, the Washington Star, and Business Week among others. There is also evidence that the plaintiffs brought reporters to their attorney's office in Chicago for briefings before the start of the trial for the express purpose of promoting a trial in the news media.

When General Morris, the Chief of Engineers, testified before the Appropriations Subcommittee on Energy and Water Development of the House of Representatives, which I chair, I asked him if he had at any time, attempted to deceive or mislead any congressional committee. Knowing General Morris' integrity and competence personally, that was a superfluous question. The answer, of course, was "no."

I asked General McIntyre, the South Atlantic Division engineer, about this. He, too, answered "no."

I also asked the Secretary of the Army if there was any doubt in his mind about the integrity of the corps. He responded that he supported the corps and spoke highly of the corps' honesty and integrity.

I said then, and I repeat now, that I have never declined to let anyone present testimony before our subcommittee. Certainly if any media representative knows of any wrongdoing about any water project in this Nation, we would be delighted for him or her to let us know about it.

But, they do not choose to take this route. They prefer to air their case and try to win it via the news media.

Without discussing the benefit-to-cost ratio of the Tennessee-Tombigbee waterway, which is also in litigation, I want to state for the record that the Corps of Engineers has been most conservative in estimating the benefits of projects.

Take, for example, the major waterways which will be linked by the Tennessee-Tombigbee waterway. Before the Tennessee River navigation project was constructed, it was estimated that it would be justified by an annual movement of 13 million tons of cargo. Today the annual tonnage on the Tennessee River is more than 10 times this projection.

In 1930, the corps projected that the annual tonnage on the Upper Mississippi navigation system would be 9 million tons. Ten years later, more than 63 million tons of cargo moved on the Upper Mississippi in a single year (1940).

The projected annual traffic on the New Orleans to Mobile section of the gulf intracoastal waterway in 1942 was 7 million tons. In 1949, waterborne commerce on that part of the waterway exceeded 60 million tons.

Similarly, waterborne commerce on the Ohio, projected at 13 million tons annually, now carries more than 10 times that volume of commerce.

I would like to conclude my remarks with a tribute to the Corps of Engineers, and particularly to General Morris for providing the people of this country with responsive and responsible services.

The Corps of Engineers provides our country with a service not available to any other country in the world, and, as a matter of fact, their services in civil works are requested by many other countries in the world.

We are, indeed, fortunate to have the U.S. Army Corps of Engineers, and I am proud to serve as chairman of the Appropriations Subcommittee that funds their programs.

☐ 1505

THE PEOPLE OF CLEVELAND RESPOND TO THEIR FINANCIAL PLIGHT IN A RESPONSIBLE MANNER

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STOKES. Mr. Speaker, I rise to pay tribute to the citizens of the city of Cleveland who yesterday went to the polls and overwhelmingly approved two issues on the ballot. One issue was the question of whether a city asset, the Cleveland Municipal Light Plant should be sold to the Cleveland Electric & Illuminating Co. Clevelanders overwhelmingly disapproved of the sale of their municipally owned asset to a private utility company. By an even larger vote, winning by more than 2 to 1, Clevelanders voted to increase their city income tax from 1 percent to 1½. This in my opinion was an extraordinary feat, particularly at a time when the hue and cry at the Federal level and in other municipalities around the Nation is for cuts in taxes and budgets. The people of Cleveland respond to their financial plight in a responsible manner by taxing themselves in order to maintain the current level of vital services and to avoid default on their financial obligations. I urged my constituents in the 21st Congressional District to vote against the sale of Muny Light and to pass the income tax increase and, therefore, I applaud the vote of confidence they have demonstrated in themselves and the future of our city. These issues required a forthright position and leadership and the mayor of our city Dennis Kucinich provided that leadership to the electorate.

Mr. Speaker, there are two excellent articles recently written about these issues which I would like to bring to the attention of my colleagues:

[From the Washington Post, Feb. 27, 1979]

(By William Gorham)

CLEVELAND: DO NOT LAUGH

However today's referendum turns out, Cleveland will be remembered by many as comic relief in a dreary snowbound winter. A lot of people have been laughing at Cleveland. They won't be laughing tomorrow.

The comic-opera side of Cleveland's predicament disguises the real tragedy that exists there and that is building in other American cities. With the best management in the world, Cleveland would still be in trouble. And cities with similar fiscal characteristics should take heed.

Although most city governments strengthened their finances in 1978, Cleveland's year-end financial nose dive underscores the continued precariousness of some older Northern cities. Many recent articles on Cleveland have focused narrowly on the city's political troubles. The more important question is whether Cleveland's predicament is unique or whether it reflects a trend toward severe city problems or outright fiscal failures in the near future.

This question is crucial at a time when the direction of the overall economy is at best unpredictable and when the safety net for cities—in the form of increased federal aid—cannot be assured. President Carter last fall put the nation's mayors on notice that their cities could expect little new federal aid in his 1979 budget. Moreover, he asked the cities to support his anti-inflation program, a program expected to cause a slowdown in the national economy. While the president in his 1979 legislative objectives has put forward a program of "targeted" direct aid to cities, assistance generally will be less than in previous years.

Those urban areas most likely to be caught in the vise of reduced federal aid on the one hand and economic slump on the other are predominantly the older, industrial cities of the North—the "Industrial Crescent"—that have the unfortunate combination of deteriorating infrastructures (streets, sewers, water systems), outflows of business and industry, residents and jobs and the inability to capture a broader tax base through annexation.

Cleveland has had these problems in abundance. Recent Census Bureau figures place Cleveland second in the nation—behind New York and before Pittsburgh and Newark—in total population loss. Between 1970 and 1976, the city lost 125,000 residents. Since 1969, industries representing 17,000 jobs a year have moved out. Increasingly, the people left to inhabit the urban core are those with the lowest incomes and the greatest problems and needs.

In fiscal 1977, Cleveland received $93 million in federal aid, but most of that was earmarked for specific programs, not for shoring up the city's financial foundation. The income-tax rate, the subject of today's referendum, is 1 percent—low in comparison with many Northern cities. In addition, Cleveland is situated in a state that doles out few state dollars directly to cities. Though generally unrestricted, such state aid is low—$27 million in 1977 out of a total of $319 million in city expenditures. Like many cities, Cleveland has relied on the infusion of federal dollars to pay for the incremental cost of regular services, rather than for investment in its capital infrastructures, leaving the city perilously vulnerable to the inevitable pendular swings of federal aid.

Are these conditions—deteriorating infrastructures, loss of population and business, and erosion of the tax base—duplicated in other cities? Are they indications of a new wave of city failures? It is true that a number of older industrial cities have experienced extreme population declines in recent years. Buffalo, Cleveland, Detroit, Pittsburgh and St. Louis have all experienced population losses exceeding 20 percent in a 15-year period. And, in cities that tax, fewer citizens mean fewer dollars.

City spending for the maintenance and repair of essential infrastructures among older Northern cities has slowed generally over the last decade. Many of these cities—such as Cleveland, Newark, Pittsburgh and Detroit—have allowed their streets, sewers and water systems to deteriorate as a response to tightening resources. Moreover, federal aid, which could have bolstered this stock of public capital, has often been diverted into ongoing city services such as fire and police protection and financial administration.

These conditions found their locus in Cleveland. The mayor's populist, anti-business stance, coupled with a campaign promise not to increase taxes, locked his city into a certain confrontation with default. Except for Ohio's particularly low level of direct city aid, however, Cleveland's financial picture is mirrored in a number of cities in the North, many of which are living through the same pattern of diminishing central-city populations, reduced numbers of city businesses and escaping tax bases.

The lesson of Cleveland is not that older industrial cities can now heave a sigh of relief, grateful that the financial dragon is not currently at *their* door, or that Cleveland is merely a harmless caricature of urban problems—sad, larger than life but somehow laughable. The more accurate perception is that Cleveland is sounding quietly the alarm that in a nation now hunkering down for a long winter of restrictions on federal aid and a probable economic downturn, many of our cities may find themselves among the most severely affected casualties and the least able to cope.

Faced with these conditions, cities traditionally have had few short-term solutions. And those solutions—increased taxation of individuals and business, and increased federal aid—are becoming less and less practicable, if the message of Proposition 13 and Carter's budget-cutting programs are to be believed. Long-term approaches must attack the underlying causes of fiscal collapse—the tottering infrastructures, the unbalanced budgets, the financial merry-go-round of diverting funds intented to strengthen the enduring asset of city capital to pay for more immediate operating costs.

It is clear that the seeds of acute need already exist in many of our nation's cities. New York's Mayor Edward Koch, Newark's Mayor Kenneth Gibson and Cleveland's Mayor Dennis Kucinich have been wrestling with employee lay-offs and discontinuation of some city services and programs as they attempt to meet their cities' immediate financial obligations and to fashion balanced budgets. These conditions are indeed the hallmarks of an "urban crisis" in our older cities, conditions that will demand new austerity measures and tough-minded decision-making.

Cutting city workforces and programs is difficult for city leaders, particularly during a period of economic uncertainty. But even that is a short-term solution, necessary but not sufficient.

What *may* be sufficient—and even more arduous—is taking action now to sustain workable urban cores in the long term. This means strengthening and maintaining the streets, water systems, transit facilities and other capital investments of cities. And it means taking steps to attract and hold tax-producing private enterprise to city centers. Such measures will require uncommon courage on the part of city leaders and uncommon understanding and forbearance on the part of the electorate. Such uncommon behavior by those in government and the people who elected them would be a crucial element in the efforts of many fiscally weary Northern cities to build more secure and prosperous futures. Full dislosure of city fiscal problems, and avoidance of planting the seeds of tomorrow's fiscal problems in today's budgets, will help avert financial crises of the magnitude of New York in 1975 or the political disarray of Cleveland now.

[From the Washington Post, Feb. 26, 1979]

FERC ACTION ON CLEVELAND POWER LIKELY

(By Larry Kramer)

If Cleveland's electorate votes tomorrow to sell the municipal light system (Muny Light) to the Cleveland Electric & Illuminating Co., it could end the possibility of getting low-cost electric power that the city has been offered.

Sources in the Federal Energy Regulatory Commission have told The Washington Post that a commission administrative law judge is likely to act shortly on a request from Muny Light—which serves 20 percent of Cleveland—to force CEI to transmit power from an upstate New York utility willing to sell to Muny Light.

Although the city is in the midst of a serious financial crisis, Mayor Dennis J. Kucinich has staunchly urged the electorate to vote against the proposed sale of Muny Light, a sale Cleveland's business leaders say is necessary before community financial aid is forthcoming. The issue has become the city's hottest political debate in years.

Muny Light's request on forcing CEI to transmit power dates back to early last year, when Muny Light petitioned FERC to deny CEI's proposed rates for the transmission of power from other sources.

In that case, FERC is considering findings by the Nuclear Regulatory Commission that CEI, which serves the remaining 80 percent of Cleveland, had committed several antitrust violations against Muny Light. Among the alleged violations were the refusal of CEI to allow Muny Light to join a consortium of Ohio power companies in building and using a new nuclear power plant, and a continuing pattern of CEI overcharges to Muny Light for power.

In January 1977, the NRC ordered CEI, as a condition for approving CEI's request for the new nuclear plant, to deliver out-of-state power to Muny Light on fair terms. As of June 1978, the NRC found that CEI was still in violation of that condition.

The FERC source pointed out that if Muny Light is sold, it is likely that the cheaper New York power will never reach Ohio.

"CEI has no reason to buy the cheaper power," the source said. "CEI will always try to sell its own power at the highest cost because it is in their economic interest. The rate structures allow a larger profit on more expensive power."

Utility rates are set by state public utilities commissions, which determine the cost of producing the energy, add a fair profit margin for the utility, and set the rates based on that analysis. Muny Light customers have lower rates than CEI customers because of different rate structures.

If CEI were to purchase cheaper power, the Ohio Public Utilities Commission would have to reevaluate CEI's rates and lower them to reflect the cheaper power.

That action would have a negative effect for CEI stockholders. It would lower the dividends they receive because it would lower CEI's total revenues, which are used to determine the size of the dividend.

A recent article in The Washington Post pointed out another advantage to CEI in buying more expensive power: ties the utility has to the coal companies it buys the more expensive coal from.

And a recent study by consumer advocate Ralph Nader showed that "CEI pays far more for coal than other utilities in Ohio."

According to Nader, Department of Energy data show that last May "CEI paid an average price of $31.75 per ton for high-sulfur coal. The price for comparable coal paid by other Ohio utilities was Ohio Edison, $27.27; Columbus & Southern Ohio Electric, $23.32; Ohio Power, $22.23; Ohio Valley Electric Co-op, $18.25."

After a FERC administrative law judge's decision, expected shortly, on the Muny Light-New York power case, the matter probably will be appealed to the entire commission.

NO MORE GUADELOUPES

(Mr. QUAYLE asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. QUAYLE. Mr. Speaker, David Broder had a very thought-provoking article in today's Washington Post entitled, "No More Guadeloupes."

The thrust of Mr. Broder's column concluded we need more intellectual honesty in our foreign policy. He points out that not less than 2 months ago President Carter met with Western leaders of France, West Germany, and Great

Britain in Guadeloupe. The President departed from those talks commenting on the " 'almost unprecedented harmony that exists among us' and observing 'with gratification' the shifts in a world where, he said, 'former enemies have become friends, potential enemies have sought to avoid violence * * * and existing friendships have been strengthened.' "

As you know, the following events from that glowing report are these:

The shah has now been dethroned, our Embassy in Iran has been stormed, our Ambassador in Afghanistan has been killed, and insulting remarks have been made to our President in Mexico City.

Since Guadeloupe, Teng Hsiao-ping has been to Washington and was received with open arms, only to return home and implement an invasion of Vietnam; Saudi Arabia's Crown Prince Fahd has postponed his scheduled March visit to Washington, and bluntly stated that, contrary to the administration's claim, it was not because of ill health; and now Egyptian President Sadat and Israeli Prime Minister Begin have temporarily declined to join the President at his Camp David summit.

This column accurately portrays our current foreign policy mess. I commend it for the Members' reading:

"No More Guadeloupes"

(By David S. Broder)

There are two reasons why the words of Sen. Charles McC. Mathias, Jr. (R-Md.) on the subject of American foreign policy deserve to be taken very seriously.

One is that Mathias is a man of balanced, restrained judgment, with wide experience in the world. In his 18 years in Congress, he has been a source of responsible cooperation and criticism in dealing with the foreign policies of five presidents.

The second is that, because of his personal qualities, Mathias is perhaps the single Republican senator most trusted by those Carter administration officials who are, by virtue of their responsibilities, not free to give public voice to their own apprehensions about what is happening in the world—or inside their own government.

Thus, when Mathias says—as he did in an underreported speech the other night—that he is "more alarmed about the U.S. position in the world today than at any time since the Vietnam war," prudent people will listen. When he says that President Carter is pursuing a policy that is "not only bad but dangerous," and when he adds that he found Soviet leaders, on his recent trip to Moscow, "totally confused by the cacophony reaching them from Washington," serious people will not dismiss his warning that the "situation leaves the door open to Soviet miscalculations and invites adventurism."

Mathias is not alone in his expression of concern, of course. Similar sentiments have been voiced by Sen. Jacob K. Javits (R-N.Y.), another man with a long history of responsible bipartisanship, and by many serious Democrats and independents.

Regrettably, the response from the president and his closest associates has been to treat the criticism as if it were frivolous.

Those who have called for clarity in the formulation and strength in the execution of foreign policy have been accused of seeking "macho" policies. "We will not get involved in conflict between Asian communist states," Carter said in Atlanta. "No more Mayaguezes," say his associates, referring to the costly and ill-considered military retaliation by President Ford for the seizure of that U.S. freighter.

But Mathias and those who share his fears—inside and outside the administration—are not looking for mindless muscle-flexing by Carter, or promoting U.S. interventions, either in the internal affairs of such countries as Iran or in border wars in Indochina.

What they—or should I say we?—are desperately hoping for is some sign that Carter knows how to marshal the power and influence of the United States and its allies to protect our vital interests in the world. Instead of being lectured with the slogan, "No more Mayaguezes," we would like to hear someone in authority promise "No more Guadeloupes."

It is forgotten that less than two months ago, Carter met with the leaders of France, West Germany and Great Britain at that Caribbean island for a review of the world. He came away talking about the "almost unprecedented harmony that exists among us," and observing "with gratification" the shifts in a world where, he said, "former enemies have become friends, potential enemies have sought to avoid violence . . . and existing friendships have been strengthened."

As he spoke, the shah was about to be shoved from his throne, and forces were at work that would lead to the frustration of American policy and the humiliation of American leadership everywhere from Mexico City to Afghanistan.

Those who would like to believe that Carter was more hard-headed in private than in public come up against the uncomfortable facts of the subsequent reaction of his partners in Guadaloupe. French President Valery Giscard d'Estaing held a press conference on Feb. 15 in order, The Washington Post reported, "to disassociate himself from U.S. foreign-policy positions on a host of major world issues." A few days later, another Post reporter, in Bonn, assessed the actions of West Germany's Helmut Schmidt as a design to "cultivate closer ties to Moscow."

Since Guadaloupe, Teng Hsiao-ping has used the entree Carter provided him in Washington to deliver rhetorical ammunition to the opponents of Carter's prized strategic-arms treaty with Russia. The Chinese vice premier has shown his appreciation for "normalization" by blithely ignoring Carter's request that he keep his troops out of Vietnam.

Since Guadeloupe, the president has taken himself to Mexico City, where he became the target for another president's lecture on the failings of America. Since then, too, Saudi Arabia's Crown Prince Fahd—the reputed strongman in the country that is the reputed anchor of U.S. policy in that region since Iran became a shambles—brusquely postponed a scheduled March visit to Washington and even more bluntly contradicted the administration's claim that it was because of his ill health.

And now Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin have declined—at least temporarily—to join Carter in a second Camp David summit.

These are real symptoms of what Mathias called the obvious fact that "our foreign policy is in disarray." To dismiss all this by talking about "no more Mayaguezes" is as dangerous as it is dishonest.

☐ 1515

LET US VOTE TODAY AGAINST THE TEMPORARY DEBT LIMIT INCREASE

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, last fall in the election campaign, candidates for Congress throughout the Nation made statements to the people that they would come to Washington and seek to reduce public spending and regulations. One of the major changes in the 96th Congress to give life to these statements will be presented by the measure to raise the national debt. Through a technicality, it has been divided into two areas. Currently there is a so-called permanent debt ceiling of $400 billion and a temporary debt ceiling of $398 billion more. The issue will be whether or not Congress wants to increase the temporary debt limit to $436 billion which in effect will authorize a total debt of $836 billion.

In 1970, the national debt was $383 billion. In other words, in the last 9 years it has more than doubled. The vast majority of the American people are firmly convinced that the principle cause of inflation in this Nation is the fiscal irresponsibility of the U.S. Congress, and they are absolutely right. Every month the Federal Government, State governments, and local governments go into the money supply that is available throughout the Nation and soak up approximately 70 percent of the credit that is available. In other words, we in the private sector are competing with our governments and we are getting far less than half of the available credit. Is it any wonder that the interest rates are so high?

In order to provide this level of credit, the Federal Reserve Board is required to increase the money supply. But the real culprit is the Congress which is authorizing the spending which causes the Federal Reserve Board to expand the money supply. When the money supply grows at a rate greater than the increase in goods and services in the economy, paper money is printed to finance it, and this is the principle cause of inflation. The heavy Democratic majority in the U.S. Congress, which has run the shop for the past generation, is going to have to accept the responsibility for where we are.

I have no intention of voting for an increase in the national debt limit. It is my feeling that the Members of Congress who have consistently voted for this irresponsible spending should have the privilege of now voting, if they can, to increase the national debt to pay the bills. Anytime this Congress wants to it can live within its means. To do so will require some belt tightening, but that is the only way to deal with inflation in this Nation. Bring the spending in line with the income.

Contrary to the assertions made by the persons running for Congress last November, because the Democrats enjoy such a huge majority in the Congress, it is predictible that this increase in the debt ceiling will be approved. But this debt ceiling approval will be inconsistent with the statements made by most of the Members seeking election to Congress last fall. Two hundred years ago we started down the road of self-government in this country protesting against the excesses of England and its King George III. The contemporary George III is reigning in the U.S. Congress and if we do not rein the Congress in with an amendment requiring a balanced budget, it is doubtful whether we will be successful in surviving for another 200 years.

SOVIETS DEVELOPING ADVANCED MANNED BOMBER

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, last week, the respected publication Aviation Week and Space Technology reported that the Soviet Union is developing two new intercontinental bombers and extending the range of their operational Tupolev Backfire bomber.

Ironically, the report indicates that one of the new bombers has a variable geometry wing with performance characteristics similar to the United States canceled B–1. To quote the article directly:

> WASHINGTON.—Soviet Union is developing two new intercontinental bombers and modifying the Tupolev Backfire bomber with new inlets and engine improvements to extend its range.
>
> One new bomber is being developed with supersonic, low-altitude penetration capability to replace the Backfire and is expected to have an initial operational capability in 1982. It has a variable-geometry wing, an unrefueled range of 7,300 naut. mi. and four turbofan engines with afterburners for dash speeds of Mach 2.3.
>
> The variable-geometry-wing bomber is described by Defense Dept. officials as a bomber with the performance characteristics of the U.S.-canceled Rockwell B–1.
>
> These same officials are raising questions within the Carter Administration over the modification of the Backfire and whether it will be counted, if armed with cruise missiles, under the Strategic Arms Limitations Talks ceiling of strategic nuclear delivery vehicles and the subceiling for multiple independently targetable reentry vehicles.
>
> The Soviets recently have tested the Backfire as a launch platform for a 1,200-km. (646-naut.-mi.)-range cruise missile in development.
>
> The U.S. has excluded the Backfire bomber from the SALT 2 agreement in the belief that the bomber is similar to the USAF/General Dynamics F–111. That U.S. position is causing consternation in the Defense Dept. and Congress because the Backfire is capable of striking a number of targets in the U.S. with nuclear weapons on one-way unrefueled missions.

While the Russians have two new bombers in development, the United States seems almost paralyzed in its efforts to modernize its strategic weapons system. Though it has been less than 2 years since the President decided against producing the B–1, the Air Force in their present budget has requested $5 million for a new manned bomber. If the Aviation Week article is correct, and I am not questioning its reliability it certainly appears that the Soviet's are far more committed to developing their major new strategic systems than the United States. If I may further quote from the Aviation Week article of February 19, 1979:

> U.S. reconnaissance satellites detected the modified Backfire B at the Ramenskoye flight test center in August with new inlets that appear to be similar to those used on the MiG–25 Foxbat fighter or the USAF/McDonnell Douglas F–15.
>
> Vertical inlet ramps replace the horizontal inlet ramps on the Backfire B. The top edge of the inlets is extended by 4.8 ft. and the inlet sides taper with the top horizontal edge forward of the lower horizontal edge.
>
> The second USSR bomber development is a replacement for the Tupolev Tu–95 Bear. It is a fixed-wing aircraft with high-bypass-ratio turbofan engines designed to operate at subsonic speeds to provide increased range and payload capability over the Bear. This bomber is scheduled for a 1983 operational capability and could be used to launch cruise missiles against land targets at standoff ranges flying intercontinental missions.
>
> The unrefueled range of the fixed-wing bomber is about 10,000 naut. mi., and it is designed to carry a maximum payload of 41,800 lb.
>
> With the cancellation of the Rockwell International B–1 bomber by President Carter and the advantage of the Soviet air defense system with about 2,600 manned interceptor aircraft and 12,000 surface-to-air missiles, the USAF/Boeing B–52's usefulness is in jeopardy "even with modifications to improve performance," one high level Defense Dept. official said.
>
> "Not only is the ICBM leg of the triad in jeopardy as more accurate Soviet ballistic missiles are deployed, but recent tests of a look-down, shoot-down capability in the new, two-place Super Mig–25 Foxbat further increases the vulnerability of the bomber leg and may be the precursor to a cruise missile defense," the official added.

The administration's rationale for canceling the B–1 was that cruise missiles could perform the same mission at less cost. This has not been substantiated by any of the administration's budget submissions.

For instance, the present Air Force budget includes a request for $436 million for modifications to the B–52 so that it can be adapted to carry cruise missiles, and fitted with a more modern avionics system. This $436 million excludes other costly modifications which will be necessary before the B–52 could carry cruise missiles in an actual mission. Before they are operational as a cruise missile carrier, the B–52 needs new engines, and a program to strengthen and rehabilitate its wings and airframe. The cost of these modifications will be considerable.

Earlier this week, before the Armed Services Subcommittee on Procurement and Military Nuclear Systems, Air Force Deputy Chief of Staff Gen. Tom Stafford testified that:

> You (the Committee) know of the Soviet Union's huge expenditures over the past ten years for aircraft and missile procurement. What concerns me more, though, is that they are continuing to funnel vast resources into the production of new systems in order to sustain their aggressive modernization program. Soviet Union production rates now exceed our rates in all significant weapon system categories, be they fighter or bomber aircraft, missile or space systems. This continuous modernization program has resulted in decisive improvements in the quality of their deployed systems.

The Air Force has requested $5 million for a new manned bomber. Another $30 million has been requested for a cruise missile carrier. Still Another $436 million for B–52 modification and rehabilitation. When all of these, and other costs are added up, I believe that we will have purchased weapons inferior to the B–1, yet equally or more expensive. I remain convinced that a major error was made in not building and deploying the B–1.

☐ 1845

TRIBUTE TO LATE LT. COMDR. ROBERT GARFIELD HUGHES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, I would like to enter a tribute to Lt. Comdr. Robert Garfield Hughes, who died while flying his Navy jet aircraft off the coast of southern California January 30 of this year.

Lieutenant Commander Hughes was the son of retired Rear Adm. and Mrs. William Hughes of Birmingham, Ala. He was born in Birmingham in 1945 and attended Bishop O'Connell High School in Arlington and Creighton Preparatory School in Omaha, Nebr. He graduated from the U.S. Naval Academy in 1967. He was designated a naval aviator in 1968, and served with distinction in a number of aviation commands including squadrons stationed aboard U.S.S. *Franklin D. Roosevelt* and the U.S.S. *Kitty Hawk*. He piloted his jet fighter on numerous combat missions in Southeast Asia. On May 6, 1972, while protecting another squadron engaged in a bombing mission, he led a devastating aerial attack against a larger formation of enemy fighters, destroying one of them and driving the others off, successfully protecting the lives of other pilots. For his exceptional heroism, he was awarded the Silver Star Medal.

On the afternoon of his death, Lt. Cmdr. Hughes was not engaged in combat. He was conducting a training mission.

But we must not for a second think his death was in vain. He gave his life for his country by insuring its readiness and thus deterring an enemy. All over the world, thousands of young men and women are carrying out training missions designed to maintain our military combat readiness. Our Nation's very existence could depend upon such training. We are at peace because we are strong and we are strong because of individuals like Lieutenant Commander Hughes.

This fine young man was a hero in every sense of the word. He had known and overcome fear in combat, and he faced with confidence and dedication the everyday hazards of his dangerous profession. Indeed, who can explain such deep inner convictions, courage, and faith in their nation, which enable our naval aviators to launch from and return to their tiny pitching decks in the middle of the vast ocean in darkness and rain, knowing that each second of their existence depends upon their skills and their God. We should give thanks every day of our lives that we have such men as Lieutenant Commander Hughes who will risk their lives in order that our country may remain strong and free.

Bob was a dedicated professional from a strong Navy family—his father, a retired admiral; his brother, Bill, the prospective commanding officer of a nuclear-powered submarine; his brothers Frank and Paul also Navy veterans.

In addition to these loved ones, Lieutenant Commander Hughes leaves behind a wife, three children, and a fourth brother. This Navy pilot, this decorated combat veteran, gave his life for something more precious than wealth. This is a sacrifice that not only has he made. It is one by his grieving family and by all Americans, as we have lost another of our finest.

DEATH BENEFITS FOR RESCUE SQUAD WORKERS

(Mr. GRISHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRISHAM. Mr. Speaker, I am pleased to join today with our colleague, STEVE NEAL, in introducing legislation to correct a serious inequity which has arisen in the Public Safety Officers Benefits Act. This law provides a $50,000 payment to the dependents of any law enforcement officer or fireman who is killed in the line of duty. However, according to regulations which have been adopted by the Law Enforcement Assistance Administration, this benefit is not available to one important group of firemen—those who work for rescue squads. The legislation which we are introducing today corrects this serious flaw.

Because of the many instances in which fire departments and rescue squads work closely together, the present law could cause serious inequities in its implementation. If, for example, a fireman and rescue squadsman were killed while working together to save a person trapped in a burning building, the survivors of the former would be eligible for a Federal payment while the latter's heirs would be ineligible. According to LEAA, rescue squad personnel are covered only when actually involved in fire suppression.

This same bias would occur even if the deaths resulted from a nonfire related rescue attempt. The family of a fireman killed while responding to an automobile accident would be eligible for benefits, but survivors of a rescue squadsman who died at the same time would receive nothing.

The measure which we are introducing today provides a simple solution to the inequity which presently exists. Our bill specifies that rescue squad members will be covered in the same way as firemen. Rescue squad members are defined in the bill so that only those members of groups which serve in a public capacity will be eligible for benefits. Thus, the requirements for eligibility are similar to those for firemen.

Mr. Speaker, I urge prompt consideration of this legislation. Congress needs to extend the program it initiated in 1976 to include all of those in the fire services. The hundreds of rescue squads and their members throughout the Nation deserve the same protection which we have provided for their colleagues in fire departments.

THE ADMINISTRATION SHOULD RETURN TO ITS LONGSTANDING COMMITMENT TO THE PRODUCTION OF COAL AS A SOURCE OF ENERGY

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, as a Member of Congress representing a potential high-energy resource producing district, I am concerned with the role of coal relative to the future energy needs in the United States and the proposed permanent regulations published by the Office of Surface Mining (OSM) of the Department of the Interior in its implementation of the Surface Mining Control and Reclamation Act of 1977 (SMCRA)—a public law which I then and now fully support.

Specifically, I refer to a study conducted by ICF, Inc., of Washington, D.C., entitled "Impacts of DOE Cost Estimates for Discretionary Surface Mining Regulations (Revised)." Basically this report indicates that OSM's estimated incremental costs for discretionary surface mining regulations are not the same. For example, OSM estimates that implementation of the proposed regulations in Appalachia will cost $2.09/ton for surface mining and $0.16/ton for deep mining, while on the other hand, DOE estimates that implementation of these regulations will cost $5.44/ton for surface mining and $2.25/ton for deep mining. Additionally, for the OSM costs, total coal costs will increase by approximately one-half billion dollars in 1985. However, for DOE costs, the increase was over $2 billion. A $1½ billion difference.

Recently, increasing cost of regulations for the coal industry in the United States has caused a slowdown in production and created a competitive disadvantage with foreign energy sources in the world market. Within the bounds of environmental reason, the time for action to reverse this trend is now. In the House Interior Committee of which I am a member, we will be holding oversight hearings on these regulations on March 5 and 6 and for this I wish to commend our distinguished chairman, the gentleman from Arizona, Mr. UDALL.

The first step in this regard is for the Federal Government to agree on the cost of implementation of its regulations. Indeed, without the help of a clearly defined role for coal in the future relative to our energy needs, disagreement within the Federal Government regarding the cost of implementation adds insult to injury.

For example, the DOE's new budget for coal technology R. & D. tells much of the sad story. The coal R. & D. budget drops by almost 13 percent (without accounting for inflation year to year) between what Congress provided in fiscal year 1979 and what DOE wants in 1980; a dip of almost $100 million from $758.7 million down to $662.7 million. I submit that these cutbacks hardly fit into President Carter's proposed "comprehensive national energy plan to cope with a crisis that otherwise could overwhelm us."

Most of all, we need to create an atmosphere of certainty—certainty that the commitment to coal is genuine and longstanding; and certainty that as the industry gears up to meet the directive of three Presidents to double coal production by 1985, the industry will not run into obstacles of inaction, uncertainty, complexity, or markets dried up by ambiguity.

The current uncertain atmosphere surrounding coal adversely affects every facet of coal production and utilization and every facet of life in Appalachia especially for those thousands of coal miners laid off their jobs. It makes almost impossible the kind of long-term planning we need within the coal industry if coal is to resume a role in our energy mix. It discourages investment and expansion and job opportunities among coal mine operators and among the utilities and industries which burn the coal. And it discourages the kind of commitments we will need from private industry to build expensive conversion facilities to gasify and liquefy coal, to provide jobs and to improve every aspect of life in coal producing regions of our country.

The unknown cost of Government regulation and the lack of a clearly defined role in energy production is causing chaos in the coal industry. The alarming conclusion of this can only be higher energy cost and further dependence on foreign energy sources. With the world oil situation what it is today, and with our President calling our energy crisis "the moral equivalent of war," it is indeed time, and I urge this administration to return to its strong commitment to develop our energy resources within this country, clearly define its goal for coal, and indeed more clearly define its entire energy policy.

RETIREMENT OF EDNA MOYER AND BILL MORSE, DEDICATED EMPLOYEES OF THE HOUSE

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, I take this time to call attention to the Chair and to my colleagues on the floor the fact that today is the last day of faithful service to the House of Representatives of Edna Moyer, who is the Chief of our Official Reporters of Debates in the House of Representatives. I know that she will be disturbed that I am saying anything because it means that her colleagues will have to take down additional remarks, transcribe them, and they will have to be revised, and that only creates more work for the reporters.

I am not sure how aware Members are of the important role played, not only in the life of the House but in statutory interpretation, by the courts concerning our actions, by the people who take down all the words that are said. Surely there have been none more professional, better qualified, and of better humor than Edna Moyer. We all owe her a great debt of gratitude.

Mr. ASHBROOK. Mr. Speaker, will my colleague, the gentleman from Maryland, yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I want to thank my colleague for yielding.

Mr. Speaker, I want to add my commendation to those remarks. I might also point out that if memory serves me right, I think Miss Moyer was the first member of the fairer sex to report our debates and I think the little fear and trepidation that some may have had at that time rapidly vanished because she proved herself to be more than accurate, very friendly, and a very charming addition to the House staff. I think we will all miss her.

Mr. BAUMAN. Mr. Speaker, I would be remiss in not mentioning that today is also the last day of service of Bill Morse, who also has served with great distinction as one of our reporters. We will miss them both.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

Mr. Speaker, I want to join the expressions of the gentleman from Maryland with respect to Miss Moyer and Bill Morse, our good friends.

Mr. Speaker, I wish to call the attention of the Members of the House to the fact that William L. Morse has retired from his position as a Reporter of Debates.

During my tenure on the bench in Cleveland, Ohio, I knew Bill Morse and came to value his services in his work as a freelance court reporter. Bill was a partner in a Cleveland reporting firm for many years before he joined the House reporting staff. A native of Wisconsin, Bill had, after training in his profession in Chicago, worked as an official reporter in North Dakota. He is the fifth member of the Morse family to have been engaged in the reporting field, having been preceded by a cousin and three uncles, one of whom is still active at the age of 98 and living in retirement in Lancaster, Wis.

Bill will be sorely missed by his fellow staff members. In addition to his reporting duties, he has functioned ably in doublechecking the correctness of parliamentary forms used in the CONGRESSIONAL RECORD, in training other reporters, and in assisting Edna C. Moyer, the Chief Reporter, in her administrative work.

Mr. Speaker, we wish Bill and his wife Betty many happy years of retirement in their new home in Florida.

Mr. Speaker, I also want to pay tribute for the exemplary services to the House of Representatives of Edna C. Moyer, the Chief Reporter, who is also retiring from her important assignment.

I wish Miss Moyer good health and happiness in her new endeavors.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague's yielding.

Mr. Speaker, I think it is only appropriate that those of us who use these microphones a lot say, thank you, Edna Moyer and Bill Morse, for what you have done and for your service. We appreciate the accurate job you have done, especially for those of us who talk as much as we do. I am sure there have been many times when you have wished we would cut it short, and so I will now do that. We thank you for your service.

Mr. O'NEILL. Mr. Speaker, today marks the last day of service in the U.S. House of Representatives for Edna Moyer, Chief of the Official Reporters of Debate. Edna began her service with the House in 1966, and she became the dean of the reporters in 1974. We can be proud of the work that the Official Reporters do for the House. Edna personifies their dedication, skill, and diligence. The Official Reporters work under difficult conditions and do a remarkable job of preparing the RECORD of the proceedings of this House. Before coming to the House of Representatives, Edna worked for the Department of State. She had a distinguished career in reporting conferences both in this country and abroad with Secretaries Byrnes, Marshall, Acheson, Dulles, and Rusk.

Edna has earned her retirement, and we wish her well.

Our thanks also go to Bill Morse, another of the Official Reporters, who is leaving today. We wish him well and hope that he will enjoy many happy years in his retirement.

Both Edna Moyers and Bill Morse have served this House with great professional ability and they carry the best wishes of Members as they depart.

GENERAL LEAVE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life and times of these two faithful servants of the House of Representatives, Edna C. Moyer and William L. Morse.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

QUICK ACTION REQUIRED BY PUBLIC WORKS AND TRANSPORTATION COMMITTEE TO PRESERVE SECRETARY OF TRANSPORTATION'S AUTHORITY TO APPROVE SAFETY PROJECTS AT AIRPORTS

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, yesterday I introduced a relatively simple bill which originally was requested by Secretary of Transportation Adams in a letter to you and to the President of the Senate on March 22, 1978. My bill is H.R. 2440.

This proposal has been considered in one way or another in other proposed legislation before the Congress; however, to insure passage I believe we need to focus on it as a separate issue. It also should be acted on before our May 15 budget deadline.

The bill would repeal the last sentence of section 14(b)(2) of the Airport and Airway Development Act. That sentence, added in 1976, requires further congressional action before any of the $207.5 million in fiscal year 1980 ADAP discretionary funds can be obligated by the Secretary.

We are about to begin a thorough review of the entire Airport and Airways Development Act in preparation for action to renew its basic authority next year. There now is no current need to review the discretionary fund other than to insure quick action to remove the restriction and insure that the Secretary has full authority to obligate the funds otherwise already authorized for vital airport safety needs. These funds are essential, especially at the nonhub airports.

I anticipate early consideration by the Subcommittee on Aviation which I chair, and expect that because of the support of the administration and the concern in the Congress for safety in the air, we will be able to move quickly to remove this restriction on safety projects for this one year.

I also will propose to the Appropriations Committee that the $60 million cut in this discretionary fund in the proposed administration budget be restored. With at least $2.5 billion in collected taxes in the bank to be used for improvement of the Nation's airports and airways it is unthinkable that funds for safety projects be cut back at a time when the public and the Congress are especially sensitive to ways that safety can be reinforced rather than delayed further.

In that connection I have written the following letter to the Honorable ROBERT DUNCAN, chairman of the Subcommittee on Transportation of the Appropriations Committee:

WASHINGTON, D.C.,
February 28, 1979.

Hon. ROBERT DUNCAN,
Chairman, Subcommittee on Transportation, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DUNCAN: I would appreciate the opportunity of appearing before your Subcommittee to testify in favor of restoring the $60 million cut that has been proposed by the Administration in the Airport and Airways discretionary fund available to the Secretary for airport safety projects.

The Administration's budget proposal would reduce the discretionary fund from $610 million to $550 million. The Aviation Subcommittee in setting the original $610 million authorization considered this a floor rather than a ceiling. Our Public Works and Transportation Committee consideration of the Aviation Trust Fund established carefully balanced authorization levels for all safety programs, including airport needs, airways facilities, and research and development. We view with concern attempts to upset this careful balance.

This is a very tight budget year and I share concern that increases to the President's budget be scrutinized carefully. I therefore will be very hesitant to encourage any attempt to increase authorizations for

ADAP during FY '80. I cannot conscientiously condone cutting funds that would be available to the Secretary for safety projects which our Committee has carefully considered and found essential, especially when the taxpayers already have banked those funds and have sent a clear message about their concern for safety.

You will want to know that I also have introduced a bill to repeal the last sentence of section 14(b)(2) of the Airport and Airways Development Act. That sentence, added in 1976, requires further Congressional action before any of the $207.5 million in fiscal year 1980 ADAP discretionary funds can be obligated by the Secretary. This has been requested by the Secretary and will accomplish the Congressional objective.

While I anticipate early consideration by the Subcommittee on Aviation, it is my understanding that the sentence does not constrain the Appropriations Committee from approving the entire $207.5 million within the total fiscal year 1980 $610 million level. This language as I understand is a restriction only on the Secretary's authority to obligate the funds and not a restriction on the appropriations process. The amount must be considered in our budget approval process nevertheless.

Sincerely,

GLENN M. ANDERSON,
Member of Congress.

☐ 1855

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXPELLING CONGRESSMAN DIGGS

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, this evening I have asked for this special order to talk briefly about an issue which the House has not debated for 68 years, the question of whether or not a Member should be expelled.

During those years, the oath of office has been repeated countless times. But as we consider this important matter, I think it is appropriate we start by considering that oath again:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.

Unfortunately, the conviction of one of our colleagues is inconsistent with this oath. This is painful not just because it reflects on one man and his actions—but because it reflects upon this entire House.

Government officials, whether in the legislative or the executive branch, cannot be allowed to steal from the people. If we are to thoroughly investigate the GSA scandal, we must be sure our own house is in order. To do any less, is to fail to: "Defend the Constitution of the United States against all enemies, foreign and domestic."

There is no single issue more important than honesty in our Government. A police state can accept corruption because their government is based upon fear. A free state cannot—because the government of free men depends upon their respect. The government must be worthy to be obeyed.

Therefore if we appear to betray our oath and appear to allow others to act inconsistently with their oath, this strikes at the very heart of our freedoms.

But these truths are not new. Thomas Jefferson wrote about them many years ago:

> This I hope will be the age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force. We have seen no instance of this since the days of the Roman Republic nor do we read of any before that. Either force or corruption has been the principle of every modern government.

It is up to each Member of the House to individually consider whether we can allow the experiment Jefferson helped start sink back to a government based on corruption. And that is a much bigger issue than the violation of his oath by one particular Member of this body.

Justice Brandeis talked about this in the case of Olmstead against United States (1928). He said:

> Our Government is the potent, omnipresent teacher . . . it teaches the whole people by its example. If the government becomes a law breaker, it breeds contempt for the law; it invites every man to become a man unto himself, it invites anarchy.

Those are the principles this Nation was founded upon. Our oath says we hold true faith to those principles. And we must.

But let us look at it in another light—as a matter of the survival of our institution. Yesterday, one of my colleagues remarked to me they did not think many Members really understood how the people see Congress as an institution. They do not trust us. It is not enough for each Member to be individually trustworthy—and respectable. Our institution has to be trusted and respected as a body. And it is not.

Just a year ago, in January of 1978, a George Gallup sampling placed Congressmen 13th out of 20 occupations and professions. The nationwide 1,500 person sampling broke down this way:

Congressmen:	*Percent*
Very high opinion	4
High opinion	12
Average opinion	47
Low opinion	25
Very low opinion	10
No opinion	2

But it has gotten worse since then.

In April of 1978 a Gallup survey of 1,500 adults rated Congress last in public confidence out of 9 American institutions.

An August 1978 survey of a similar number of adults found Congress last out of 16 institutions, in the category of public confidence. Only 10 percent of those surveyed had "high confidence" in Congress—an alltime low.

In December of 1978, the Des Moines Register polled 591 adults in Iowa, and had them rate 39 governmental, business, religious, and social institutions. Congress ranked 32d in trust.

We can listen to that message—or we can ignore it. There are those who suggest we should pretend nothing happened.

I have requested the gentleman from the 13th District of Michigan refrain from voting precisely because something did happen—he did violate his oath to this House.

Now the only question becomes: What shall we do about this situation?

There are some who say Congress should do nothing. They say let the judicial branch decide his case.

But that branch has already spoken. The other body of representative government in our system, the jury, has spoken. We cannot ignore their finding.

Some say we should wait and do nothing until that branch takes final action.

Justice White answered them in United States versus Brewster:

> I would insist that the House (of Congress) develop their own institutions and procedures for dealing with those in their midst.

I have asked the gentleman from Michigan to consider the precedent of a Member who was in a similar position. That precedent is described in Cannon's Precedents, where Representative John Langley was convicted, and then appealed. He was reelected while on appeal, and then refrained from voting until his appeal had been completed.

That route would have allowed us to wait until the Ethics Committee determined what action was appropriate in light of him breaking the oath.

Now we cannot wait. Each of us has to face the question: Should someone who has broken our oath be allowed to vote in our House? So tomorrow I will offer a privileged motion, the motion of expulsion, immediately before the House takes up its other legislative business for the day.

At that point, the House will have to consider whether to refer this matter to the Ethics Committee. But the real issue will remain—can we tolerate a Member who has violated our oath, voting on legislation?

The committee is already investigating this matter. While the committee determines its actions, and while the appeals court waits for the gentleman's appeal, the real question remains—Should the citizens of the United States put up with legislation and expenditures voted on by someone who has violated the oath of office?

One of our former colleagues has commented on this issue.

Many of my colleagues who served with Mr. Wiggins during his years in the House know and respect his legal judgment.

His careful research and thorough deliberation serves as a model for us all. I would like to share with my colleagues a letter he wrote earlier this year:

JANUARY 10, 1979.

Hon. NEWT GINGRICH,
Member of Congress, Washington, D.C.

DEAR NEWT: I am sorry for the delay in responding to your request for my views with respect to the expulsion of a Member who stands convicted of a felony. For the past several weeks I have been deeply involved in my move to California and have just been unable to address this important question.

There are two aspects to the question posed: Does the House have the power to act under the circumstances? And, if so, should it do so as a matter of sound policy?

The first question is, I believe, free of serious doubt. The source of Congressional power is Article I, Section 5 of the Constitution which authorizes the House "to punish its Members for disorderly Behavior and, with the concurrence of two-thirds, expel a Member."

The power is, on its face, unlimited, save for the requirement of a two-thirds vote. What misconduct constitutes "disorderly Behavior" is left to the sound discretion of the Members themselves. Personally, I believe there are limits to this power, such as the expulsion of a Member because of his race, religion, political affiliation, etc., but this implicit limitation is not involved in the present case. Also, it is at least arguable that expulsion immediately after a Member-elect is seated is tantamount to exclusion and hence contrary to the holding in *Powell* vs. *McCormack*. For reasons that I shall explain later, this argument is not sound in the present case.

Accordingly, as I see it, the issue narrows to one of policy: *Should* the Congress expel a Member convicted of a felony?

I believe it is accurate to say that the basic purpose of the expulsion power is to preserve the good order, dignity, and public esteem of the House of Representatives. I wish it were possible for me to cite authority for this proposition from the *Debates* and other reference material, but my library is scattered between here and Washington and I am, for the moment, unable to do so. The Library of Congress, however, is able to provide background material on the purpose of the Expulsion Clause. These historical purposes must, of course, be kept carefully in mind in deciding whether a felony conviction is proper basis for expulsion.

It is the basic purpose of the Expulsion Clause which distinguishes the case of the improper exclusion of a Member. The House attempted to exclude Adam Clayton Powell because of prior acts of misconduct on his part. Had the effort been successful, Powell would have never been seated and could, therefore, never impacted the good order, dignity, and public esteem of the House. Expulsion, on the other hand, focuses not upon the prior misconduct of a Member, but upon the *present* harm visited upon the body by the membership of one who causes public scorn to be heaped upon the institution. To be sure, the public's attitude may be a result of the prior acts of the Member, but it is the present consequence of those prior acts which justifies the expulsion. And, that present effect can only be felt after the Member-elect is seated.

Almost as an aside, it is far too late in the day to maintain that "disorderly Behavior" is limited to misconduct which may disrupt the proceedings of the House itself. The words "disorderly Behavior" modify both punishment short of expulsion as well as expulsion itself. Precedents clearly establish that the House may punish for conduct occurring anywhere.

Although a Member who stands convicted of a felony may be a model of personal decorum, it is self-evident to me that the mere presence of a criminal in the House of Representatives can adversely reflect upon the dignity and public esteem of the body as a whole.

Some felonies are regarded by the public with such horror and revulsion as to leave little doubt as to the propriety of expulsion in such cases. The conviction of a Member for treason, murder, or rape, for example, would doubtless move the House to act with dispatch against such a Member. Other felonies, however, may be arguably technical in nature and may not discredit either the convicted Member or the House itself to the same degree. Because of this reality that all felonies are not the same, it would be unwise to argue for a uniform policy of expulsion whenever a Member stands convicted of any felony. If a uniform policy is to be desired, then perhaps those felonies involving moral turpitude (an expression with some certainty in the law) should be the standard. For myself, I would rather have individual cases be considered *Ad Hoc*, believing, as I do, that the House would expel only when it was appropriate to do so. Such an *Ad Hoc* approach would not tie the House to a felony standard at all. Some misdemeanor may justify expulsion as well as some conduct not amounting to a crime.

Congressman Diggs has been convicted of multiple counts of a felony which, stripped to its essentials, involves stealing from the public. Whether such an offense is sufficiently serious as to justify his expulsion, I submit to your good judgment. Personally, I believe it does, for the public itself is uniquely the victim of his crime and the circumstances of its commission involve a criminal misuse of the office itself. The case has received wide publicity and it can be assumed that the public is fully aware that the membership of the House includes a convicted thief and that the esteem of the body has been, and continues to be, tarnished as a result.

Several arguments are customarily advanced against expulsion in similar circumstances. The first is the argument that the misdeeds occurred in a prior Congress and the Member was re-elected by his constituents who were fully aware of the conviction and apparently condoned the conduct.

The "prior Congress" defense has been recognized selectively. To be sure, there are precedents which stand for that proposition, but precedents abound as well where the defense has been disregarded. In recent memory, the Wilson, Roybal, McFall and Sikes cases all involve misdeeds occurring in prior Congresses.

Moreover, the "prior Congress" defense is wrong in principle. The power of the House to discipline its Members is wholly independent of the right and power of the electorate to vote for whomever it chooses. A single constituency may have the right to send a scoundrel to Congress, and the House may have a duty to seat him; however, a single constituency has no right to insist that the House, as a whole, tolerate the continued presence of such a person as a Member if, as a consequence, the good order, dignity and public esteem of the body is adversely affected thereby. Were it otherwise, the Expulsion Clause would be rendered meaningless in the precise circumstance in which it was intended to be invoked.

The second argument is that it would be inappropriate to expel a Member convicted of a felony if his conviction is on appeal, because of the possibility that the conviction may be reversed. This argument has some merit in some cases, but it cannot be accepted as a firm rule for all cases.

Most appeals from criminal convictions have nothing to do with the question of criminal culpability. Whether the defendant did or did not do the criminal act is seldom the issue. Claimed errors at trial are the usual basis for appeals and a successful appeal normally results in a new trial. However, expulsion is the political equivalent of the death penalty. It cannot be undone once the decision to expel is made. For this reason, the House should proceed cautiously in expulsion proceedings if an appeal is pending from the conviction.

Again, for my part, if the appeal is technical in nature, and does not challenge the Member's involvement in the criminal act itself, I see no reason to defer expulsion proceedings if the possibility is remote that the Member may subsequently be found "not guilty"—as distinguished from "innocent"—after a new trial.

Another reason why the pendency of an appeal cannot be a uniform bar to expulsion is that the power to expel would be gutted as a result. Appeals can easily be sustained beyond the two year term of a Congress. A Member convicted of the most heinous offense and, in fact, confined to prison, could maintain his seat by the simple expedient of keeping his appeal alive. The framers of our Constitution surely did not provide for the power to expel, knowing that it could be rendered meaningless so easily in the very cases when it was critically needed.

I have been overlong in these views. Fundamentally, it comes down to this: Should the House condone the presence of a Member who stands convicted of a serious felony? I think not. The precedents, however, are otherwise. It is past time to take a fresh look at this issue and the Diggs case provides the opportunity. A full debate in the House, whatever the outcome, would force the body to face squarely a reoccurring and troublesome issue which, by its neglect, seriously impacts the good order, dignity, and public esteem of the Congress.

Sincerely,

CHARLES E. WIGGINS.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I want to commend the gentleman on his remarks, and as one deeply involved in the investigation of the General Services Administration problem, I would say to the gentleman that I think it is tremendously important that the Congress have the reputation of being able to clean up its own House as it has been created over a period of years. We have only recently become aware there may be some problems with respect to the peanut warehouse sale in Georgia. We have seen an allegation in the newspapers. Maybe the Congress is going to have to take a look at that situation.

We had better have our own House in order to move in that particular direction, so I think the gentleman has raised a very important point. I want to go on record as supporting him.

Also, I want to say that as we consider the matter of the gentleman from Michigan (Mr. DIGGS) I think we should consider the words of one of America's finest writers. I am sure many of you have read and admired the work of columnist George Will.

I think his piece on this matter was one of his finest, and I ask you to consider it carefully:

THE UNTENABLE REASONS FOR SEATING DIGGS

(By George F. Will)

Political actions often are less important than the reasons given for them. Consider the case of Rep. Charles C. Diggs Jr.

Diggs, a Michigan Democrat, has been convicted on 29 counts of mail fraud and receiving salary kickbacks from his staff. He has been sentenced to three years in prison. He is appealing. He also is serving in Congress, having been re-elected since his conviction.

The theory that Diggs should not be expelled from Congress reveals much about the condition of democratic government.

Diggs's conviction ended the obligation to pressure him innocent, so it is unnecessary to suspend judgment pending appeals. Yet Jim Wright (D. Tex.), the majority leader, probably spoke for the majority when he said Diggs should not be expelled even if his appeal fails:

"Membership in the House is not ours to bestow. . . . The constituents are entitled to have the representatives of their own choice."

By choosing the word "bestow," Wright blurs the distinction, suggested by a Supreme Court opinion, between expelling and excluding a member. In the case of Adam Clayton Powell, the court held that, as regards exclusion, Congress is limited to judging members in terms of the qualifications (pertaining to age, citizenship, residency, etc.) prescribed in the Constitution. But in a concurring opinion, Justice William Douglas argued that expulsion of a member, once he has been sworn in, is different: ". . . If this were an expulsion case I would think that no justiciable controversy would be presented, the vote of the House being two-thirds or more."

A House committee has held that the power of expulsion is inherent in legislative bodies, and is necessary to the safety of the state. The Constitution says: "Each house may . . . punish its members for disorderly behavior, and, with the concurrence of two-thirds expel a member."

The power probably is unlimited and unappealable.

The extreme, anti-constitutional and untenable nature of Wright's doctrine is illustrated by this fact: The doctrine implies that the House should not expel a member even for treason or bribery, offenses against the integrity of government, offenses that the Constitution denotes as grounds for impeaching a president. (The House has expelled three members, all in 1861, for the "treason" of supporting the Confederacy.)

Wright's doctrine is grounded not in constitutional reasoning but in a theory of democracy: Democratic "entitlement" allows no restriction on the voters' choice of representation. It follows that no offense is so inconsistent with a member's duties that Congress should respond with expulsion to protect its corporate integrity. All constituencies evidently have an absolute right to send convicts to make laws and oversee their execution.

The fact that the Congressional Black Caucus has rallied to Diggs' defense is important only as a measure of the decline of black leadership. The issue is philosophical, not racial.

If Diggs' constituents elected him to a legislature that made laws only for them, it would be slightly more arguable that he should be tolerated in office. But Congress legislates for the nation, so voters, ever alert to entitlements, should acknowledge, or be made to acknowledge, countervailing obligations to respect Congress' institutional dignity and national responsibility.

That Wright's doctrine is widely accepted demonstrates how attentuated is Congress' and the public's sense of Congress as a corporate trustee of national purposes. Increasingly, voters regard congressmen, and congressmen regard themselves, as ambassadors dispatched to a foreign province, the federal city, where their only duty is to do the bidding of those who dispatched them.

That duty usually reduces them to competing with other ambassadors in the scramble for benefits. Thus the office of representative has lost even the dignity conferred by an elevated theory of its function.

The decay of democratic government, and the permanent economic inflation that is both a cause and a consequence of that, is related to the thoughtless multiplication of "entitlements," and the reduction of democratic theory to a list of entitlements. Most are entitlements to services, but none is as pernicious as the general justifying doctrine that constituents are "entitled" to whatever they can effectively demand.

Wright's rationalization for not expelling a convict from Congress is just a mechanical application of such thinking. But one word describes a democracy that defends an "entitlement" as perverse as that asserted by Diggs' constituents. The word is decadent.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Pennsylvania.

I yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Speaker, I would like to identify myself with the efforts of the gentleman and also in order that we may be aware of the precedents with which we are dealing, I would like to discuss with the membership at this point the matter of the conviction of John W. Langley while a Member of the 68th Congress.

Mr. Langley was convicted of conspiracy charges in the U.S. District Court for the Eastern District of Kentucky. His conviction stemmed from his involvement in a scheme to illegally transport alcohol across interstate lines via truck.

According to a transcript of the March 28 to May 1, 1924 hearings to investigate two Members of Congress, Langley was indicted—and later convicted—for using his influence to have permits to transport alcohol approved by the prohibition officer for the State of Kentucky. The conspiracy in which he was involved made similar arrangements with the prohibition officers of Pennsylvania and Maryland.

It was important to procure Congressman Langley's assistance because alcohol, at that time, was normally transported by rail and, therefore, subject to greater scrutiny. Under the Langley scheme, the alcohol was to be transported via a drug company's transportation permit, ostensibly for use in various pharmaceuticals and liniments requiring alcohol. It could thereby be easily diverted from the trucks to bootleggers for distillation.

Langley was accused of accepting a $6,000 "loan" from one Elias P. Mortimer, actively involved in marketing the illegal alcohol.

I would like in summary to read into the RECORD the report of the Select Committee Appointed To Consider the Qualifications of John W. Langley, reported on December 22, 1925:

The special committee appointed in accordance with the resolution of the House on December 9 to consider the election returns and qualifications of John W. Langley, Member of Congress-elect from the tenth Kentucky district, would respectfully report:

While a Member of the Sixty-eighth Congress, on May 13, 1924, Mr. Langley was convicted of conspiracy in the United States District Court for the Eastern District of Kentucky under section 37 of the Penal Code, and was sentenced to serve a term of two years in the Atlanta Penitentiary. From this conviction a writ of error was taken to the Circuit Court of Appeals for the Ninth Circuit. That court, on November 13, 1925, affirmed the conviction in the district court. A motion for rehearing was filed and decided against the accused on December 4 last. On December 8 a stay of execution of the sentence was ordered by the circuit court, to continue until five days after the first motion day in the United States Supreme Court for the year 1926—January 4—with the further provision that if prior to that date a petition for certiorari should be presented in that court the execution of the sentence should be deferred until a decision should be rendered upon the petition.

☐ 1900

At the November election for 1924, Mr. Langley was reelected as a Representative from the tenth Kentucky district. Without an expression of the individual opinions of the members of the committee, it must be said—

And this, Mr. Speaker, is from the report—

that with practical uniformity the precedents in such cases are to the effect that the House will not expell a Member for reprehensible action prior to his election as a Member, not even for conviction for an offense. On May 23, 1884, Speaker Carlisle decided that the House had no right to punish a Member for any offense alleged to have been committed previous to the time when he was elected a Member, and added, "That has been so frequently decided in the House that it is no longer a matter of dispute."

A more serious question arises.

And this is from our reading of the report—

however, in the case of Mr. Langley, in that the House could not permit in its membership a person serving a sentence for crime. It is, however, again in accordance with precedent that final action shall not be taken until a criminal charge has been disposed of in the court of last resort.

The committee are informed that a petition for certiorari on behalf of Mr. Langley has already been filed in the Supreme Court, seeking a reversal of the conviction. There is every prospect of an early disposition of this petition, and the committee recommend that no action be taken at present.

And, Mr. Speaker, I particularly call this to the attention of the membership, as contained in the report:

It is well known that Mr. Langley is not participating in the proceedings of the House, and it is understood that his resignation will be immediately presented in case of the refusal of the petition for certiorari.

The committee do not ask at this time to be discharged from the duties imposed upon them. If there should be unusual delay in action on the petition for certiorari, or other circumstances arise which would seem to require action, the committee desire leave to make a further report to the House.

That is the end of the report filed December 22, 1925.

Mr. Speaker, I say to the gentleman from Georgia (Mr. GINGRICH) that we appreciate very much his taking this special order.

It seems to me that this precedent indicates pretty clearly that a person under conviction, even though he is convicted prior to the session in which he is sitting, if he is out and at liberty on appeal or in some other relationship or situation, should not participate in the proceedings of the House. The precedents indicate that he is permitted to retain his membership in the House, with the understanding, from this precedent, that he would not participate in the proceedings. It would seem to me that very clearly the precedents are violated when a person under conviction for an offense of this nature participates in the proceedings of the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Virginia (Mr. Butler). I think he states very correctly the situation this House finds itself in today.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I wish to speak in support of the effort of my distinguished colleague, the gentleman from Georgia (Mr. Gingrich), to expel our colleague, the gentleman from Michigan, from the House of Representatives.

I rise reluctantly to speak on this occasion. None of us take any delight in speaking on the downfall of one of our Members.

However, the reality of the situation forces us to consider this matter and consider it now.

This Congress has had no previous opportunity to address itself to this problem. But now that important votes are coming up which affect every congressional district, I believe we can no longer afford to ignore the question of one of our Members and his vote in Congress.

I have heard it said that even though one of our colleagues has been convicted of 29 felony counts connected with his duties in the House, that he should still serve here because his constituents reelected him after he was convicted.

The problem with that line of reasoning is this: When the Member from Michigan votes here in the House of Representatives, he is making law not just for the people in his district, but for every American.

We cannot isolate his influence, or his vote, from that of any other Member here in Congress.

We act collectively to make the laws for everyone.

Given this context, how can we ignore the fact that one of our Members has been convicted of 29 felonies? And what's worse—those felonies directly relate to his duties as a Congressman.

How can we pass laws and have any credibility at all when convicted felons have a voice in making them?

It is up to us to set the standards of membership in the Congress. The Constitution sets only age and residency requirements—the rest is up to us.

And I think that even at the minimum—conviction of 29 felonies is above what most people would set as a minimum standard for serving in Congress.

As to the question of representation for the people of our colleague's district, that could be settled very easily.

Our colleague from Michigan could resign and another election could be held.

If he had done this earlier, there could be someone else standing here right now representing the 13th Congressional District of Michigan—without the threat of expulsion hanging over his head.

But the gentleman from Michigan has not resigned. So he has forced this step upon us. And I believe that we will have no credibility whatsoever among the American people, if we fail to take it.

□ 1905

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from California.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

Mr. Speaker, I want to indicate that I think it is very, very difficult for any of us to decide, to deal with, and meet some of the very difficult problems that occur. Thank heavens, such a situation as this occurs very sporadically or periodically. And, as the previous speaker said, I do not think that any of us like to sit in judgment of a colleague.

Mr. Speaker, I really commend the gentleman in the well for at least having the courage and the fortitude to be willing to address what I think is a very difficult issue for all of us.

The other thing I wanted to mention is that it is my understanding that the gentleman sought and has received a letter from one of our previous colleagues, Chuck Wiggins from California, and I have had a chance to look at that letter, which I think is a rather scholorly presentation of his view. I want to commend it to the Members of the House for their consideration. It is my understanding that the gentleman in the well is going to eventually ask unanimous consent to see that that letter is placed in the Record.

Mr. GINGRICH. That is correct.

Mr. RAILSBACK. Once again, I want to commend the gentleman for what I think is some courage.

Mr. GINGRICH. I thank my colleague.

Mr. DOUGHERTY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. DOUGHERTY. I thank the gentleman for yielding.

Mr. Speaker, I rise to support the position of my colleague, the gentleman from Georgia (Mr. Gingrich). I take this position based on principle and, regrettably, past experience—and not on the personality of the gentleman from Michigan, whom I have not had the opportunity to meet.

Mr. Speaker, prior to coming to this Congress I served in the senate of the State of Pennsylvania and participated in the historic and regrettable occasion of expelling a member of the senate of the State of Pennsylvania for the first time in the history of our Commonwealth. I think many people know that I am here today as a Congressman from a district where the former Representative has been convicted, pleaded guilty, has brought disgrace and disrespect on this Congress and on my community.

The people of my city, Mr. Speaker, have had it with corrupt politicians and with the system which protects them.

In Philadelphia, we have had a speaker of the Pennsylvania House indicted and convicted, the chairman of our senate appropriations committee indicted and convicted, the majority leader of our city council convicted, the judge of one of our common pleas courts indicted and convicted, the chairman of our redevelopment authority indicted and convicted, and many, many more.

As I say, Mr. Speaker, the people of my district have had it. The issue rises above the individual. The issue is very clear. The individual from Michigan stands as a convicted felon. He has been asked not to vote pending his appeal, but he has voted. We are told that the appeal process has not been completed; yet he has delayed the appeal process. We are told that he has been reelected.

Mr. Speaker, I say to the Members of this House that those arguments are nonsense, sheer and utterly complete nonsense. The political facts of life negate any merit to the reelection argument.

Mr. Speaker, the issue is clear. The people of this Nation will not be deceived, nor will they be misled. It is simply a matter of doing what is right. Regrettably, Mr. Speaker, that is to expel the gentleman from Michigan.

Mr. GINGRICH. I thank the gentleman from Pennsylvania for his comments.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of what I think will be a resolution that will be introduced tomorrow. I have heard the argument said, and the majority leader, the gentleman from Texas, today very eloquently pointed out, that the gentleman has not exhausted his appellate rights, and also he pointed out that last November the gentleman was reelected by the people of his home district and, therefore, he has the right to sit in this Chamber and make laws for the people of this Nation.

□ 1910

But, that argument misses a very basic point that I think must be addressed in this entire issue, namely, there are two options to serving in this House, which I deem a high privilege. One, you have to win a majority of the votes in the district from which you come. Second, you have to pass muster in terms of what conduct that we Members establish and approve by way of our actions as Members of this House. That responsibility in terms of what we, as Members of the House, do should not be taken lightly, but it strikes me that when we have a person who has sustained most of the counts of a felony, stealing of public funds, in his capacity as a Congressman, if we as Congressmen do not address ourselves to that type of conduct, by your silence we are condoning it. We are not only voting for the citizens and for this district in Michigan, but we are voting for the people of this country in terms of standards of conduct we accept and pass on to the next generation as being acceptable for Representatives in this

House. I think for us to do less than that is an act of irresponsibility.

Mr. GINGRICH. I thank the gentleman for his comments.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I want to commend the gentleman from Georgia for taking this initiative. Those of us who have served here for some time, although a brief 6 years in my case, know there is always a hesitancy on the part of Members to deal with any matter that in some way involves another Member or his conduct. But, there are certainly times—and this is one of them, without doubt—when the institution as a whole, its integrity, is the issue. If it had not been for the gentleman from Georgia, who has taken on this task personally when nobody else would, we would not have the issue before the House.

Regrettably, I think there was a tendency on the part of the leadership to try to slide over the matter since many people did not wish to deal with it. This has been the excuse on too many occasions. The gentleman has brought this to issue, and tomorrow we will face that. Certainly, he deserves a great deal of credit, and I hope the people of his district realize the valuable role he is playing in the House.

I thank the gentleman for yielding this time.

Mr. GINGRICH. I thank the gentleman from Maryland.

Mr. BUTLER. Mr. Speaker, will the gentleman yield once more?

Mr. GINGRICH. I yield to the gentleman from Virginia.

Mr. BUTLER. Mr. Speaker, I thank the gentleman for yielding. What I would like to do at this moment, in order that the membership might understand what we are talking about, is to read into the record the indictment of the gentleman who the gentleman from Georgia would expel by his resolution. This is from the U.S. District Court for the District of Columbia:

[U.S. District Court for the District of Columbia, grand jury sworn in on Oct. 13, 1976]

UNITED STATES OF AMERICA VERSUS CHARLES C. DIGGS JR.

(Violations: 18 U.S.C. §1341 (Mail Fraud); 18 U.S.C. §1001 (False Statement)).

INDICTMENT

The Grand Jury charges:

COUNTS 1 THROUGH 11

1. At all times material hereto, Charles C. Diggs, Jr., (hereinafter defendant Diggs), was the duly elected Representative to the United States Congress for the 13th Congressional District of Michigan.

2. At all times material hereto, defendant Diggs maintained an office in Washington, D.C. and offices in Detroit, Michigan for the purpose of conducting business as a member of Congress.

3. At all times material hereto, defendant Diggs was the Chairman of the House of Representatives Committee on the District of Columbia (hereinafter House District Committee).

4. At all times material hereto, defendant Diggs was directly responsible for hiring, supervising, and determining and approving the salaries of all employees in his Congressional offices in Washington, D.C. and Detroit, Michigan and of certain employees of the House District Committee.

5. At various times material hereto, defendant Diggs was an officer and shareholder of the House of Diggs, Inc., a Michigan corporation engaged primarily in the business of embalming and funeral directing, and all other duties attendant thereto.

6. On or about July 1, 1973 and continuing thereafter until on or about March 2, 1977, within the District of Columbia, and elsewhere, defendant Diggs would and did devise and intend to devise a scheme and artifice to defraud the United States or America, and to obtain money and property by false and fraudulent pretenses, representations and promises, which defendant Diggs well knew would be and were false when made.

7. It was a part of said scheme and artifice that defendant Diggs, in order to pay for his personal, business, and House of Representatives expenses, would and did divert and cause to be diverted from the Treasury of the United States a sum in the form of salary kickbacks from certain House of Representatives employees and payments to others on the House of Representatives payroll who performed no work for the House of Representatives.

8. It was further a part of said scheme and artifice that defendant Diggs, as a means of paying various personal, business, and House of Representatives expenses, would and did inflate and increase and cause to be inflated and increased the salaries of Congressional employees, that is, defendant Diggs inflated and increased the salaries of (a) Jean G. Stultz, from her regular per annum pay rates of between fourteen thousand six hundred sixty-seven dollars and eighty-four cents ($14,667.84) and twenty-two thousand seven hundred dollars ($22,700.00) to per annum pay rates of between thirty-three thousand six hundred sixty-seven dollars and eighty-four cents ($33,667.84) and thirty-seven thousand three hundred fifty-five dollars ($37,355.00); (b) Felix R. Matlock, from his regular per annum pay rates of between twelve thousand eight hundred forty-two dollars and fifty-five cents ($12,842.55) and twenty thousand dollars ($20,000.00) to per annum pay rates of between twenty-one thousand seven hundred dollars ($21,700.00) and thirty-seven thousand dollars ($37,000.00); and (c) Ofield Dukes, from his regular per annum pay rate of twelve thousand dollars ($12,000.00) to per annum pay rates of between thirteen thousand nine hundred dollars ($13,900.00) and thirty-seven thousand dollars ($37,000.00).

9. It was further a part of said scheme and artifice that defendant Diggs would and did place and caused to be placed on the House of Representatives payroll Jeralee Richmond, sometimes referred to as Geralee Richmond, as a means of paying to her approximately twenty thousand dollars ($20,000.00) for her work as an employee of the House of Diggs, Inc.

10. It was further a part of said scheme and artifice that defendant Diggs would and did place and caused to be placed on the House of Representatives payroll George G. Johnson as a means of paying to him approximately nineteen thousand dollars ($19,000.00) for his work as an accountant for defendant Diggs personally, his family, and the House of Diggs, Inc.

11. It was further a part of said scheme and artifice that defendant Diggs would and did make and cause to be made false and fraudulent statements and representations to the Office of Finance, House of Representatives (hereinafter Office of Finance), that is, that the full amount of the money set forth as salary in Payroll Authorization forms for Jean G. Stultz, Felix R. Matlock, and Ofield Dukes was compensation for their services as House of Representatives employees.

12. It was further a part of said scheme and artifice that defendant Diggs would and did make and cause to be made false and fraudulent statements and representations to the Office of Finance, that is, that the money set forth as salary in Payroll Authorization forms for Jeralee Richmond and George G. Johnson was compensation for their services as House of Representatives employees.

13. It was further a part of said scheme and artifice that defendant Diggs would and did conceal and cause to be concealed from the Office of Finance, among other information:

(a) That defendant Diggs had increaased and inflated the salaries of Jean G. Stultz, Felix R. Matlock, and Ofield Dukes in order to pay for various personal, business, and House of Representatives expenses of defendant Diggs;

(b) That defendant Diggs placed Jeralee Richmond on the House of Representatives payroll in order to pay her for her work as an employee of the House of Diggs, Inc.;

(c) That defendant Diggs placed George G. Johnson on the House of Representatives payroll in order to pay him for his work as an accountant for defendant Diggs personally, his family, and the House of Diggs, Inc.

14. On or about the date listed below for each count, within the District of Columbia, defendant Diggs, for the purpose of executing and furthering the aforesaid scheme and artifice and attempting so to do, would and did cause to be placed in a post office and authorized depository for mail matter, mail matter to be sent and delivered by the Postal Service, such mail matter in each instance being an envelope containing a United States Treasury check addressed to the person listed below for each count:

Count, date, and addressee:

Count 1. August 29, 1975. Felix R. Matlock, 4825 Woodward Avenue, Detroit, Michigan 48201.

Count 2. December 19, 1975. Felix R. Matlock, 4825 Woodward Avenue, Detroit, Michigan 48201.

Count. 3. March 31, 1976. Felix R. Matlock, 4825 Woodward Avenue, Detroit, Michigan 48201.

Count 4. November 30, 1976. Felix R. Matlock, 4825 Woodward Avenue, Detroit, Michigan 48201.

Count 5. July 31, 1974. Jeralee Richmond, 24071 Jerome, Oak Park, Michigan 48237.

Count 6. August 30, 1974. Jeralee Richmond, 24071 Jerome, Oak Park, Michigan 48237.

Count 7. September 30, 1975. Jeralee Richmond, 24071 Jerome, Oak Park, Michigan 48237.

Count 8. July 31, 1973. George G. Johnson, 18467 Littlefield, Detroit, Michigan 48235.

Count 9. November 30, 1973. George G. Johnson, 18467 Littlefield, Detroit, Michigan 48235.

Count 10. January 31, 1974. George G. Johnson, 18467 Littlefield, Detroit, Michigan 48235.

Count 11. September 30, 1974. George G. Johnson, 18467 Littlefield, Detroit, Michigan 48235.

(Violation of 18 U.S.C. § 1341.)

COUNT 12

1. The Grand Jury realleges and herein incorporates by reference paragraphs 1 through 13 of Counts 1 through 11 of this indictment.

2. On or about October 15, 1973, within the District of Columbia, in a matter within the jurisdiction of a department and agency of the United States, that is, the Office of Finance, defendant Diggs, in order to further the aforesaid scheme and artifice, knowingly and willfully, would and did conceal and cover up and cause to be concealed and cov-

ered up by a trick, scheme, and device a material fact, that is, defendant Diggs, knowing Jean G. Stultz to be receiving her regular fourteen thousand six hundred sixty-seven dollar and eighty-four cent ($14,667.84) per annum salary as an employee of the House District Committee, would and did submit and cause to be submitted a Payroll Authorization form to the Office of Finance, entitling Jean G. Stultz, effective October 1, 1973, to receive as an employee of the Congressional office of Congressman Charles C. Diggs, Jr., an additional salary at the per annum pay rate of nineteen thousand dollars ($19,000.00), thereby concealing and covering up the fact that defendant Diggs would and did covertly direct that this additional salary, when received by Jean G. Stultz, be kicked back to and applied for the use of defendant Diggs.

(Violation of 18 U.S.C. § 1001.)

COUNT 13

1. The Grand Jury realleges and herein incorporates by reference paragraphs 1 through 13 of Counts 1 through 11 of this indictment.

2. On or about May 13, 1974, within the District of Columbia, in a matter within the jurisdiction of a department and agency of the United States, that is, the Office of Finance, defendant Diggs, in order to execute and further the aforesaid scheme and artifice, knowingly and willfully, would and did conceal and cover up and cause to be concealed and covered up by a trick, scheme, and device a material fact, that is, defendant Diggs, knowing Jean G. Stultz to be receiving her regular fourteen thousand six hundred sixty-seven dollar and eighty-four cent ($14,667.84) per annum salary as an employee of the House District Committee, would and did submit and cause to be submitted a Payroll Authorization form to the Office of Finance, entitling Jean G. Stultz, effective May 1, 1974, to receive as an employee of the Congressional Office of Congressman Charles C. Diggs, Jr., an additional salary at the per annum pay rate of sixteen thousand two hundred ten dollars ($16,210.00), thereby concealing and covering up the fact that defendant Diggs would and did covertly direct that this additional salary, when received by Jean G. Stultz, be kicked back to and applied for the use of defendant Diggs.

(Violation of 18 U.S.C. § 1001.)

COUNTS 14 THROUGH 20

1. The Grand Jury realleges and incorporates herein by reference paragraphs 1 through 13 of Counts 1 through 11 of this indictment.

2. On or about the date listed below for each count, within the District of Columbia, in a matter within the jurisdiction of a department and agency of the United States, that is, the Office of Finance, defendant Diggs, in order to execute and further the aforesaid scheme and artifice, knowingly and willfully, would and did conceal and cover up and cause to be concealed and covered up by a trick, scheme and device, a material fact, that is, defendant Diggs would and did submit and cause to be submitted a Payroll Authorization form to the Office of Finance, entitling the person listed below for each count, effective on the date listed below for each count, to receive as an employee of the Congressional Office of Congressman Charles C. Diggs, Jr., an inflated salary at the per annum rate listed below for each count, thereby concealing and covering up the fact that defendant Diggs would and did covertly direct that the inflated portion of salary, in excess of that person's regular per annum pay rate, when received by the person listed below for each count, be kicked back to and applied for the use of defendant Diggs.

Count	Date of concealment	Named person	Effective date	Per annum rate	Per month
14	Aug. 16, 1974	Jean Stultz	Aug. 1, 1974	$36,000.00	$3,000.00
15	Oct. 11, 1974	Jean G. Stultz	Oct. 1, 1974	35,574.36	2,964.53
16	Oct. 15, 1975	Jean Stultz	Oct. 1, 1975	37,355.00	3,112.92
17	Sept. 15, 1975	Felix Matlock	Sept. 1, 1975	35,500.00	2,958.33
18	Mar. 12, 1976	Felix M. Matlock	Mar. 1, 1976	$37,000.00	$3,083.33
19	Nov. 14, 1975	Ofield Dukes	Nov. 1, 1975	37,300.00	3,108.33
20	Dec. 8, 1975	Ofield Dukes	Dec. 1, 1975	37,000.00	3,083.33

(Violation of 18 U.S.C. 1001)

COUNTS 21 THROUGH 29

1. The Grand Jury realleges and incorporates herein by reference paragraphs 1 through 13 of Counts 1 through 11 of this indictment.

2. On or about the date listed below for each count, within the District of Columbia, in a matter within the jurisdiction of a department and agency of the United States, that is, the Office of Finance, defendant Diggs in order to execute and further the aforesaid scheme and artifice, knowingly and willfully, would and did conceal and cover up and cause to be concealed and covered up by a trick, scheme and device, a material fact, that is, defendant Diggs would and did submit and cause to be submitted a Payroll Authorization form to the Office of Finance, entitling the person listed below for each count, effective on the date listed below for each count, to receive as an employee of the Congressional Office of Congressman Charles C. Diggs, Jr., a salary at the per annum rate listed below for each count, thereby concealing and covering up the fact that the person listed below for each count was receiving salary as compensation for performing services for defendant Diggs personally, his family, and the House of Diggs, Inc.

Count	Date of concealment	Named person	Effective date	Per annum rate	Per month
21	July 15, 1974	Jeralee G. Richmond	July 1, 1974	$8,500.00	$708.33
22	Aug. 20, 1974	Geralee Richmond	Aug. 1, 1974	25,499.88	2,124.99
23	Jan. 15, 1975	Geralee Richmond	Jan. 1, 1975	9,000.00	750.00
24	July 13, 1973	George G. Johnson	July 1, 1973	23,175.00	2,681.25
25	Sept. 17, 1973	George Johnson	Sept. 1, 1973	7,000.00	583.33
26	Nov. 15, 1973	George G. Johnson	Nov. 1, 1973	$18,500.00	$1,541.6
27	Dec. 3, 1973	George Johnson	Dec. 1, 1973	5,381.28	448.4
28	Jan. 15, 1974	George Johnson	Jan. 1, 1974	30,000.00	2,500.0
29	Nov. 14, 1974	George Johnson	Nov. 1, 1974	12,036.00	1,003.0

(Violation of 18 U.S.C. 1001)

□ 1915

Mr. Speaker, I ask unanimous consent that the entire indictment may be made a part of the Record at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BUTLER. Mr. Speaker, I thank the Chair and I thank the gentleman from Georgia for yielding.

I would add, however, that I have purchased for my own account the transcript of the proceedings and I will be able to demonstrate, if we have an opportunity to debate this motion on expulsion on tomorrow, how the conviction on the 29 counts on this indictment were dealt with and commented upon by the gentleman from Michigan, and I think we will be able to demonstrate, even though he was convicted and even though there is an appeal pending, that the record will demonstrate that the gentleman from Michigan did not seriously question the accuracy of the statements in this indictment.

So with that comment I suggest it is quite appropriate that the motion on expulsion be in order tomorrow and I will be pleased to support it.

□ 1920

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Virginia (Mr. Butler).

I hasten to point out that the distinguished majority leader has promised that we would have up to a half hour on our side to debate the issue should he move to refer, and I intend to take no more than 3 or 4 of those minutes. I would hope that other colleagues who might feel it appropriate to speak to that issue before the House tomorrow do so.

Mr. BUTLER. Mr. Speaker, if the gentleman will yield further, I ask unanimous consent to place in the Record at this point the text of an article by the gentleman from Georgia (Mr. Gingrich) which appeared in the Washington Post on Wednesday, February 24, entitled "A Precedent for Charles Diggs."

It is a very appropriate statement of the law in this case and the reasons the gentleman from Michigan (Mr. Diggs) should not have been voting here today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

The article referred to follows:

[From the Washington Post, Feb. 21, 1979]

A Precedent for Charles Diggs

(By Newt Gingrich)

(Congress faces a terrible moral dilemma as it convenes. A senior congressman has been indicted, and then convicted in federal court. The judge sentences him to two years in prison, and the congressman appeals his case. While on appeal, he wins reelection by an overwhelming margin.)

A current event?

No. The particular case is four-decades old. The congressman is John Langley of Kentucky who was convicted for conspiracy in 1924.

But the dilemma is still the same. Does the Congress have a right to set higher standards for its membership than the voters of a particular district? When Langley returned to Congress, a special committee said in effect: Yes. The House could not permit in its membership a person convicted of a crime.

But this posed a second dilemma. Langley was now a convicted felon. He no longer was presumed innocent, but he wasn't yet actually in prison. What privileges should a convicted felon out on appeal have?

Even four decades later I can almost hear the committee offer a thankful sigh of relief. Representative Langley answered the question for them.

Fortunately, Langley had a spark of honor and a sense of what was best for the nation. He decided not to participate in the House while the appeal was going on. So no bill became law because of that convicted felon's vote.

But let's turn to today's headlines. The case of senior Congressman Charles Diggs (D.-Mich.) is so similar it's eery. He has been indicted, convicted and sentenced to three years in prison.

While on appeal he was reelected.

And now the question is—does Charles Diggs have the same sense of honor that John Langley had?

Frankly, I don't think we can tolerate the idea of a convicted felon making law. No doubt there will be some close votes this session. I can imagine Charles Diggs being the deciding vote on a bill that passes 201 to 200.

How can a congressman then go back to the people and ask them to obey what obviously is a controversial law when it was passed by someone who flouts the law?

The legislative precedent and common sense both argue Charles Diggs should refrain from voting. So does an even larger principle.

Thomas Jefferson wrote to John Adams sometime after the nation's founding:

"This I hope will be the age of experiments in government, and that their basis will be founded on principles of honesty, not of mere force. We have seen no instance of this since the days of the Roman Republic, nor do we read of any before that. Either force or corruption has been the principle of every modern government."

There's something wrong if we allow the experiment Jefferson helped start sink back to a government based on corruption. And that something is a much greater wrong than the individual sins of one particular congressman.

The American people deserve laws made by those who respect the law—not those who steal from them. And not those who tolerate such stealing.

Mr. Speaker, I appreciate the opportunity which the House has given me to have this special order. I think this is a very sacred body. The House of Representatives is the people's House. It is that institution of our Government closest to the public. Therefore, if we are to preserve a free society, there is no single part of our Government which must be protected more carefully, defended more vigilantly, and scrutinized more openly.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I again thank the gentleman from Virginia (Mr. BUTLER).

AMBIGUOUS TRADE STANCE A SOURCE OF FRUSTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

● Mr. GOLDWATER. Mr. Speaker, earlier today I had the opportunity to meet with our distinguished Special Representative for Trade Negotiations, Ambassador Bob Strauss. Our meeting, held in the office of Minority Leader RHODES, concerned the difficulties our negotiating team is having in winning concessions from the European Community on citrus exports.

The citrus industry has been most important to the agriculture interests in my congressional district and the State of California. I have been outspoken on the need of our trade bargainers to assure that our farm exports receive their highest priority during the trade talks. While I would have hoped for a more substantial agreement during the Tokyo round, I have anticipated we could make significant progress with the EEC nations.

After leaving the meeting with Ambassador Strauss, however, I am disappointed that there are no assurances of a favorable offer from Europe on citrus. Mr. Strauss, I must say, has been completely open and frank. He is an extremely astute negotiator, and deserves the highest praise for his ability to steer us through a very complicated and sensitive series of talks. But the ambiguous prospect of eliminating the illegal tariff preferences affecting our citrus exports is a source of frustration—one which, I am afraid to say, could endanger the ratification by Congress of the final trade package.

I realize, Mr. Speaker, that we are dealing with some very adamant and stubborn trade partners. But I have not been pleased with the insistence of the European Economic Community that the United States repeatedly accept compromise after compromise. The EEC has, in violation of article I of the General Agreement of Tariffs and Trade (GATT), extended preferential duties to a number of Mediterranean nations. This is unlawful and discriminatory. We are a "most-favored-nation" trade partner. That designation means that the most desirable tariff rates are to be extended to us. Yet we are charged at a 20-percent rate, while Cyprus, Lebanon, and Spain pay 12 percent, and Algeria, Morocco, and Tunisia pay just 4 percent. Under section 301 of the 1974 Trade Act our interests are supposed to be protected. When such unreasonable barriers are placed on our access to foreign trade markets, it is the obligation of our leadership in the executive branch to enforce our contracts with our trade partners. The EEC is the world's largest importer of fresh oranges, yet our share of exports to Europe has dwindled to about half of what they were just a few years ago. Of what value is an MFN designation if the door is continually being shut on us?

The prestige of our country is on the line. In a few short months we will be asked to give our approval to the treaty agreed upon in Geneva. I understand there are some reservations among the European Community itself about the final result of these talks. There are certainly some reservations on this side of the Atlantic. Whatever it takes, Mr. Speaker, we cannot settle for a trade pact which does not provide for a fair and equitable system of international commerce. Indications are, at this time anyway, that it will be difficult to vote for a trade package as inadequate as this one promises to be. While we still have some time left at the negotiating table, I urge Ambassador Strauss to deliver to our citrus industry the fairness it deserves.

UNITED STATES IS DISGRACED BY ITS WELCOME OF TENG HSIAO-PING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

● Mr. ASHBROOK. Mr. Speaker, the United States disgraced itself by welcoming mass murderer Teng Hsiao-Ping. Not only does he represent a regime that is responsible for tens of millions of murders and has a record for oppression that is outstanding even in the Communist world, but Teng was personally responsible for much of the bloodshed and brutality.

Prof. Richard L. Walker in a study prepared for the Senate Judiciary Committee Internal Security Subcommittee compiled statistics on the number of deaths caused by the Communists in China from 1927 to 1971.[1] The lowest estimate was 34,300,000, the highest was 63,784,000. Teng was active in the campaigns that produced these millions of murders.

During one of the worst of these campaigns, Teng played an open, public role. This was the "political liquidation" period of 1949 to 1958. According to Professor Walker, the State Department provided the low estimate of casualties during this period—15,000,000, other sources estimate 30,000,000.[2]

Teng was an active participant in the slaughter in his various posts: First, Secretary of the South West Bureau of the Communist Party, 1949–52; Political Commissar of the South West Military Area, 1950; Vice Premier of Red China, 1952– ; Secretary General of the Central Committee of the Communist Party, 1954– ; Member of the Politburo, 1955– ; and so forth.

In 1957 Teng played a major role in the trap that led millions of Chinese to their deaths. After 8 years of mass murder, Mao Tse-tung announced a new policy. In a speech on February 27, 1957, Mao advanced the slogans, "let a hundred flowers blossom," "let a hundred schools of thought contend," and "long-term coexistence and mutual supervision."[3] The Chinese people took this new policy to mean an end to persecution, slave labor camps, and executions. They spoke out against the horrors that they had suffered since 1949. But the "liberalization" was temporary. It was meant to trap the dissidents.

Footnotes at end of article.

After some months of free speech and active participation in the political process by the Chinese people, the Communist leaders struck. The arrests and killings resumed. The man chosen by Mao Tse-tung to resume the oppression was Teng Hsiao-ping, the man who is being welcomed by our country.

In a speech made to the Central Committee of the Communist Party, Teng, the General Secretary, announced the new wave of purges. He said:

> The spread of Marxism-Leninism and political education must be strengthened, erroneous thinking must be criticized, and *poisonous weeds must be rooted out*. By permitting the emergence of "poisonous weeds" we intend to educate the masses through negative examples, to *uproot the "weeds" and use them as fertilizer* and to steel the proletariat and the masses in struggle.[4] (my emphasis, J.A.)

Teng orchestrated and led the bloodbath that climaxed the "political liquidation" period of Communist atrocities. Later, Teng himself felt the pain of Communist oppression when he lost out during the faction fighting from 1966 to 1973.[5]

In the China ruled by Teng and his associates, terror and persecution continue. Now those who opposed Teng, in the faction fights of the last decade, have replaced the supporters of Teng in the slave labor camps. Supporters of the "gang of four" are brought before mass meetings and condemned to death or slave labor camps. There are no jury trials or rights of the accused in Red China, only mass rallies—in reality lynch mobs—to carry out the will of the Communist Party leadership. Last month Canton Radio reported one such mass rally which sentenced an alleged supporter of the gang of four to 5 years in prison. Instead of a jury trial, a rally of over 1,200 people convicted Pai Chun-feng of embezzlement, graft and, most important, supporting the wrong faction in the internal Communist Party faction fight.[6]

According to an expert observer of the Chinese Communist scene, Richard L. G. Deverall, who represented the American Federation of Labor in Asia for many years, Teng Hsiao-ping was involved in the illegal narcotics traffic of the Red Chinese regime. In 1954 Deverall wrote that Teng had replaced Po I-po as Minister of Finance of Red China in September 1953. The Ministry of Finance, Deverall pointed out, was in charge of the shipment of narcotics to the free world, as a means of raising funds for the economically fragile Communist regime.[7] In 1954 Teng was transferred from his government position to Communist party work.

Before Red China's break with the Soviet Union, Teng was one of the most ardent stooges of the Soviet regime. In 1959, in an article in Pravda, widely reprinted in Red China, Teng wrote:

> The Chinese revolution is a component part of the socialist revolution of the world proletariat. It is a continuation of the great October Socialist Revolution. The victory of the Chinese revolution extended the tremendous influence of the October Revolution and is of great significance to world peace and human progress. The revolutionary victory in a country as big as China with a population of 650 million broke through the eastern front of imperialism. It is an extremely heavy blow to the imperialist system. Victorious New China joined the socialist camp headed by the great Soviet Union and greatly added to the ascendancy of the world socialist system.
>
> The unity of the socialist camp headed by the Soviet Union and the unity of the international communist movement with the Communist Party of the Soviet Union at its centre, form the core of ever more extensive international unity. With the holding of the historic Moscow meeting of representatives of Communist and Workers' Parties from various countries of the world in 1957, this core has become even stonger and more consolidated. With such a strong core, the working class of the world, the laboring people of the world, the oppressed nations of the world, the world forces upholding peace and desiring progress, have united even closer, bringing boundless light and hope to mankind.
>
> The great unity of the Soviet Union, China and all the socialist countries and the great unity of the peoples of the whole world are something imperialism and the reactionaries of all countries cannot disrupt. The more viciously imperialism and the reactionaries attack and try to disrupt our great unity, the harder we will work to consolidate and promote it. In the face of our great unity, any struggles on the part of imperialism and the reactionaries will not save them from inevitable destruction. The forces of peace will certainly triumph over the imperialist forces of war; the oppressed nations will certainly overthrow the reactionary rule of colonialism; the socialist system will certainly replace the capitalist system; these are irresistible historical law. Our times are great times of the transition of mankind from capitalism to socialism. Our cause will surely advance from victories to bigger victories. No force on earth can prevent our victory.[8]

While our country welcomed Teng, his government organizes insurgency and terrorism against America's friend, Thailand. The CIA estimates that there are 9,400 Communist insurgents engaged in military operations against Thailand. Another 1,200 Communists are involved in the underground political war against our ally.[9]

The Red Chinese maintain the radio facilities for the insurgents and terrorists, called the "Voice of the People of Thailand." On September 23, 1977, the Far East Economic Review reported that this radio had been moved from Yunnan province in Red China to a Communist controlled area in northern Thailand, so that the terrorists and insurgents could get their orders more quickly and effectively.

The political arm of the Thai Communists is called the Committee for Coordinating Patriotic and Democratic Forces (CCPDF). This front was set up in September 1977. It issues a bulletin in the English language every few months. The bulletin called CCPDF News Service is mailed from Laos.

The Thai insurgents and terrorists received greetings from pro Red Chinese groups all over the world on the first anniversary of the CCPDF in September 1978. Among the greetings were some from groups in the United States, including the Communist Party (Marxist-Leninist), a group controlled by Red China which is actively participating in the welcome to Teng.[10]

The National Lawyers Guild sent the following greetings:

> NATIONAL LAWYERS GUILD
>
> The National Lawyers Guild is very pleased to hear of the strengthening of the popular united front forces in Thailand. The revolutionary movement of the Thai people represents an important attack on United States imperialism, already weakened by the heroic victories of the peoples of Vietnam, Laos and Kampuchea.
>
> The National Lawyers Guild, with almost 6,000 members across the United States, has fought as part of the progressive anti-imperialist movements in this country since our founding in 1937. We have been part of the labor struggles, movements for civil rights and against racism, and many other popular movements for over 40 years. Some of the work of which we are most proud has been our work in support of the national liberation movements of the third world fighting against U.S. imperialism. We are honored by our long-standing relationships with the revolutionary forces in Cuba, Vietnam, Palestine, Iran and other countries.
>
> We look forward to building a similar relationship with the people of Thailand. We congratulate you on your victories and look forward to continuing struggle and success.[11]

Mr. Speaker, Congress returned on January 15 to find that the President of the United States, in our absence, has betrayed the trust of the people of the United States and of the rest of the free world, and unilaterally abrogated our Mutual Defense Treaty with the Republic of China. As George Meany, the president of the AFL–CIO pointed out, this action is in direct contradiction to Carter's alleged concern for human rights. Red China, the regime that was accommodated by this act, is the greatest violator of human rights in the world. The horrors of the Soviet Union and Castro's Cuba are surpassed by the Red Chinese oppression of the people of China.

President Carter, by betraying an ally to benefit an enemy, proved that Red China was right in characterizing the United States as a "paper tiger."

The Communists take advantage of weaknesses but retreat before strength. This was forcefully brought to my attention recently when I was rereading some Soviet and Red Chinese radio transcripts that were made some 20 years ago during the Taiwan Straits crisis. You will remember that at that time Red China demanded the surrender of the offshore islands, Quemoy and Matsu. The "normal" shelling of the islands was increased as well as the air attacks. The Communists announced the invasion of the islands as imminent.

Chou En-lai said on September 6, 1958:

> The Chinese people's determination to liberate their own territory of Taiwan and the Penghu Islands is unshakable. In particular the Chinese people cannot tolerate the presence in their inland waters along the mainland of an immediate threat posed by such coastal islands as Quemoy and Matsu. No amount of US war provocations can cow the Chinese people; on the contrary, they will only arouse even greater indignation among our 600 million people, and make them even more determined to fight US aggressors to the very end.
>
> The Chinese people have every right to liberate their own territory by all suitable means at a suitable time, and will not tolerate any foreign interference. Should the US Government, brazenly disregarding the Chinese people's repeated warnings and the desire of the people of the world for peace,

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Footnotes at end of article.

> persist in its aggression and intervention against China and impose war on the Chinese people, it must bear the responsibility for all the serious consequences.[12]

Peking Peoples daily of September 19, 1958, threatened us with war:

> The U.S. Government is now carrying on its most dangerous military adventure since the Second World War. This adventure is most dangerous because it has selected as its opponent a big country with a quarter of the world's population, a country which had previous engagements with the U.S. and which has since become many times mightier politically, economically and militarily. Furthermore, it must be noted that this country is the ally of the powerful Soviet Union, which has declared that to invade China is to invade the Soviet Union.
>
> The U.S. announcement that it will help the Chiang Kai-shek clique to defend Quemoy and Matsu or to protect the communication lines from Taiwan to Quemoy and Matsu has led the United States into a most precarious situation involving direct armed conflict with China at any moment.[13]

During the morning of October 4, 1958, the Soviet Radio broadcast a statement by a group of "prominent persons" in the United States urging the evacuation of the islands. These included former Senator Lehman, Brig. Gen. Hugh Hester (Ret.), Clarence Pickett, and so forth. That afternoon, Moscow broadcast a list of Congressmen that had urged surrender of the islands. But, that broadcast also referred to a Soviet protest because President Eisenhower had provided the Republic of China with Sidewinder air-to-air missiles. The free Chinese were using them to clear the skies of the Mig's that the Soviet Union had supplied to Red China.

The next day, October 5, 1958, Peng Te-huai, the Red Chinese Minister of Defense, broadcast a statement to the Chinese people on Taiwan. He said:

> We all are Chinese. Of all choices, peace is the best. The fighting around Quemoy is of a punitive character . . . Hence the firing of a few shells, just to call your attention.

The crisis was over. A resolute American President had provided a brave ally with the weapons needed for self defense, and the Communists backed off. No more threats to invade or plunge the world into war. Now the Red Chinese even announced suspending the "normal" shelling of the islands for 7 days.

However, Marshal Peng, speaking for Red China warned the free Chinese, "The day will certainly come when the Americans will abandon you." That prophecy has now been fulfilled by President Carter. He has showed all Americans by his act. A broad range of Republicans, Democrats, and independents have condemned this betrayal of a loyal ally. We in Congress should do everything we can to prevent implementation of this shameful policy.

Our other allies have drawn lessons from the betrayal of Free China. In Israel where a future peace with their Arab neighbors depends on American promises the press has pointed out the value of such promises.

The Tel Aviv paper Yedi'ot Aharonot wrote on December 17, 1978:

> The one-sided cancellation of the U.S. defense treaty with Taiwan has lit "a red light" in the Israeli Cabinet.
>
> In Jerusalem, fear has been expressed that this might also influence the cabinet's consideration and the consolidation of its moves concerning the continuation of the peace negotiations with Egypt. This may also cause new thoughts regarding our relations with the United States.

Ma'a Riv wrote on the same day:

> Anyone who maintains that Israel can sign a peace treaty with Egypt with any kind of formulation and place its confidence in the U.S. commitment to insure our security had better take a long look at President Carter's statement yesterday about the intention of the United States to cancel its defense pact with Taiwan and sever its diplomatic relations with it to pave the road to establishing full relations with the PRC.
>
> Taiwan is guilty of no international crime that would merit the one-sided cancellation of the peace pact with the United States. All that happened was that the United States had made a calculation and found that relations with Peking are more worthwhile. As soon as it reached this conclusion, it did not regard the defense pact as an obstacle that could not be overcome.
>
> In other words, a signed treaty—whether it was signed for a limited duration or without a time limit—has a very clearly-defined validity: it is valid just as long as the two parties are interested in it and want to adhere to it, but since one side no longer wants it, it ceases to exist.
>
> At this hour, when Washington is tearing up a defense pact because it no longer suits its national interest, there is room for second thoughts about the real value of all those verbal promises about the U.S. commitment to Israel's existence and security, which are the foundations of our foreign and security policies.

On December 18 the West German Cologne Radio quoted the newspaper Obendorf Schwazwaelder Bote as saying:

> The betrayal of Taiwan is a lesson for Israel and other points in the world which irritate Washington. It is necessary to keep in mind that the Taiwan lobby in Washington was once considered invincible. Lately its influence dropped to naught, however. Who can fail to realize in this context that not only Israel but also Berlin is a sore point in U.S. Policy which someday—at a time not foreseeable today—might be suitable as an object for political barter? Only dreamers now speculate on the subject, but dunces at best will not take note of it at all.

Our allies in West Germany and Israel have good reason not to trust the United States.

The Israelis know of the aid that Red China gives to the PLO terrorists. As late as January 14, 1979, Hua Kuo-feng, the partner in crime of Teng Hsiao-ping sent a message to the PLO National Council. The message addressed to Yasser Arafat expressed full support to the PLO.[14]

Teng Hsiao-ping has been a member of the Chinese Communist Party since 1924. After training in Moscow in 1926, he returned to China as a Communist functionary. He was an active participant in all of the crimes of Chinese Communism. His hands are stained with the blood of millions of people.

FOOTNOTES

[1] Richard Walker, *The Human Cost of Communism in China*, Government Printing Office, Washington, D.C., p. 16.

[2] *Ibid.*

[3] Mao Tse-tung, *On the Correct Handling of Contradictions Among the People*, Foreign Languages Press, Peking, 1957, p. 48.

[4] Teng Hsiao-ping, *Report on the Rectification Campaign*, Foreign Languages Press, Peking, 1957, p. 13.

[5] Chi Hsin, *Teng Hsiao-ping, A Political Biography*, Cosmos Books, Hong Kong, 1978, p. 261.

[6] Foreign Broadcast Information Service Daily Report, January 2, 1979, section I, p. H9.

[7] Richard L. G. Deverall, *Peoples China: Sweat Shop Arsenal*, Tokyo, 1954, p. 417.

[8] Teng Hsiao-ping, *The Great Unity of the Chinese People and the Great Unity of the Peoples of the World*, Foreign Languages Press, Peking, 1959, p. 12–13, 16–17.

[9] *National Basic Intelligence Fact Book*, July 1978, Government Printing Office, Washington, D.C., p. 201.

[10] CCPDF News Service, September 1978.

[11] *Ibid.*

[12] *Oppose U.S. Military Provocations in the Taiwan Straits Area, A Selection of Important Documents*, Foreign Languages Press, Peking, 1958, p. 4, 6.

[13] *Ibid.*, p. 47–48.

[14] Press Release, People's Republic of China Mission to the United Nations, 16 January 1979 entitled "Premier Hua Greets P.L.O. National Council Meeting."●

PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR WHEN MEMBERS OF CONGRESS ARE ACCUSED OF FEDERAL OFFENSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Holtzman) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, today I am introducing a bill to amend the Special Prosecutor legislation passed late last session as part of the Ethics in Government Act of 1978. That bill created a mechanism triggering the court appointment of a Special Prosecutor to investigate serious violations of Federal law by high executive branch officials. Members of Congress unfortunately were not included.

My bill closes this loophole. It would trigger the Special Prosecutor mechanism when Members of Congress are accused of violating Federal criminal laws other than petty offenses.

I believe this amendment is needed to reach all situations where a special prosecutor is necessary to insure a full and independent investigation. Congress should not shield itself from such scrutiny. Equally important, the public should be assured that politics will not influence the decision to prosecute any politically influential person—including Members of Congress. I urge the speedy enactment of this legislation.

The text of the bill follows:

H.R. 2518

A bill to provide for the appointment of a Special Prosecutor when Members of Congress are accused of serious Federal offenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28 of the United States Code is amended by inserting immediately after Section 591(b)(6) the following new subsection:

"(7) Members of Congress (including delegates and resident commissioners).●

TOM CAMPBELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, with the convening of the 96th Congress, I learned that Tom Campbell, who has worked in various capacities in the House of Representatives for 14 years, has now retired to live in Florida.

Tom, at the time of his retirement, was legislative counsel to my colleague, Representative JOHN G. FARY of the Fifth District of Chicago, and prior to joining the staff of Congressman FARY, he was with the House Public Works Committee.

Tom also served as staff director to the late John C. Kluczynski, then chairman of the Select Committee of the House Restaurants. This committee had direct supervision of all House food service facilities which comprised restaurants, catering, cafeterias, carryouts, and coffee shops serviced by a staff of 225 employees, with annual gross sales of over $1.5 million.

Prior to his employment on the Hill, Tom resided in San Francisco, Calif., where he settled to practice law after serving in our Armed Forces for several years during World War II.

Although unsuccessful in his bid for the Democratic nomination for the congressional seat representing the Fifth Congressional District encompassing San Francisco, Calif., he was asked by the late Archbishop John J. Mitty of San Francisco to lead the fight in northern California against legislation to tax nonprofit private schools. This legislation was eventually defeated in a statewide referendum.

Tom is a graduate of Catholic University and of Georgetown University Law School, and spent the greater part of his early life in Washington, D.C.

In his congressional staff work, Tom Campbell consistently gave his very best. He was always capable, dedicated, and loyal, and he has certainly earned the respect and admiration of those who know him.

Whatever his endeavors in the future may be, I know he will excel, and my very best wishes go with him, and his devoted wife, Maggie, in their retirement.●

THE SMALL BUSINESS PROCUREMENT REFORM ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

● Mr. DRINAN. Mr. Speaker, I would like to draw the attention of my colleagues to a bill which I have recently introduced with the gentleman from Wisconsin (Mr. REUSS) and the gentleman from Iowa (Mr. BEDELL). The Small Business Procurement Act of 1979 (H.R. 2447) would provide the assistance necessary for small businesses to fairly compete with large corporations for Government procurement contracts.

Some 18 months ago, we introduced the Small Business Contracting Reform Act, a bill giving small businesses more equal opportunity to bid on Government contracts through procedural reform and simplification of Federal procurement policy. Much of this legislation was enacted last year as part of Public Law 95-507, an omnibus small business act. However, several provisions of the original bill remain to be enacted, and these issues must now be addressed.

Almost 80 percent of Federal contract dollars go to large businesses. This lopsided figure is especially remarkable in view of the fact that 97 percent of American business concerns are small businesses, employing 41 percent of the work force and producing 43 percent of America's gross national product. The small business is indisputably vital to the Nation's economic prosperity.

In addition, the special character of small business has greatly contributed to the quality of life in America. A study by the U.S. Department of Commerce and the Massachusetts Institute of Technology, for example, indicates that more than half of all commercial innovations and inventions are attributable not to giant corporations, but to individuals and small businesses. Small, independently owned businesses continue to serve our communities, providing through the years a sense of civic responsibility all too seldom found in larger firms.

Yet the small business, so important to American society for so long, has increasingly been taken for granted by the general public and its representatives to Congress. While the Federal Government has provided even the largest corporations with generous subsidies, its procurement policies in connection with small businesses betray an attitude of unhealthy neglect.

As the world's largest single customer, the U.S. Government bears the responsibility for maintaining the economic system from which it procures goods and services. To insure the vitality of free enterprise as we know it, this Congress must insure the future of the Nation's small businesses by allowing them a reasonable opportunity to do business with the Federal Government.

The Small Business Procurement Reform Act would provide such insurance by eliminating many of the unfair procedural advantages currently enjoyed by large businesses in bidding for Federal contracts.

Standing between a small business and any Federal contract on which it wishes to bid is a mountain of paperwork, much of it so complex as to require the services of an attorney. Small businesses, unlike their giant counterparts, cannot afford a highly paid staff specially trained to sort out the jumble of "legalese" found in any set of bid specifications. On their own in unfamiliar territory, small business managers may risk financial ruin over a single misunderstood contract clause. Typically, small firms will give up bidding for Federal contracts and follow a more secure, if less prosperous, course.

With this in mind, H.R. 2447 requires simplification of the bid specification process, including plain-English summaries of all relevant statutes and regulations relating to each Federal contract under $100,000.

But even the most concise and straightforward of bid specifications is useless if the information is never received, or is received too late to allow the preparation of a bid. While small firms rely on either the Commerce Business Daily (CBD) or sporadic mail notices for announcements of Government procurements, large corporate firms are able to carefully plan bids well ahead of schedule with information from their Washington offices.

In order to bring the opportunities for small businesses to obtain information more in line with large corporations, H.R. 2447 provides for a minimum 30-day bidding period on all nonemergency Government procurement contracts after their publication in the CBD. In addition, those contracts set aside for small businesses would be listed promptly in the CBD, and agencies would be required to make concerted efforts to notify small firms of contracts or subcontracts relevant to the companies' stated areas of interest.

The limited resources available to a small business often inhibit its ability to obtain bidding materials when they are available only in Washington or at other inaccessible locations. The Procurement Reform Act requires that bidding materials be available at the greatest practicable number of locations; preferably at the local level.

When agency bid specifications limit bidding to firms located in a specific geographical area or to a "sole source" or specified party, H.R. 2447 requires that these limitations must be openly and clearly justified as a matter of policy. If these restrictions—which severely restrict competition—are in fact necessary to obtain a given product or service, requiring an explanation should impose no unfair burden on the contracting agency.

If the small business has managed to surmount the present obstacles and enters into a contract with the Government, the legal fees involved in any dispute with the agency might easily bankrupt the firm. Thus, a small business is too often in a position where it cannot effectively assert its procedural rights, and can easily be taken advantage of when simple and "resolvable" contract disputes arise. To address this problem, H.R. 2447 would provide arbitration panels for use on a voluntary basis by firms and agencies in disagreement.

The following measures to balance the contract opportunities between small and large businesses are also included in H.R. 2447 and merit careful consideration.

First, each agency must review its large procurement packages, in which small businesses cannot ordinarily compete, and take all practicable steps to subdivide such contracts into smaller components so that small businesses may participate.

Second, each agency must work toward at least 20 percent small business participation in its procurement activities. H.R. 2447, in this important mandate, sets an ambitious but realistic goal for small business involvement in Government contracting.

Third, a Small Business Procurement Advisory Committee would be established in order to further the interests of small businesses through periodic recommendations to the Congress and the Small Business Administration (SBA). This committee, appointed by the SBA Administrator, would make annual reports on Government dealings with small businesses, and would monitor compliance with the procedural safeguards established to protect small firms.

Mr. Speaker, a monopoly of information and access is no less detrimental to competition than a monopoly of any essential resource. Small businesses are asking for a chance to openly compete—not for a Government handout. By guaranteeing a substantial role for small businesses in the nearly $80 billion Government procurement market, this Congress can address a broad spectrum of our country's economic ills at minimal cost to the taxpayers.

For the convenience of my colleagues, a text of the Small Business Procurement Reform Act follows:

H.R. 2447

A bill to provide additional assistance to small business concerns in acquiring procurement information and contracts from the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Procurement Reform Act of 1979".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to provide additional statutory protection to ensure that a fair proportion of Government procurement contracts is let to small business concerns;

(2) to simplify the contracting procedures of the United States which relate to small businesses;

(3) to establish arbitration panels to solve problems arising from the dealings of small business concerns with Federal agencies having procurement authority; and

(4) to establish a Small Business Procurement Advisory Committee to make legislative and administrative recommendations and to provide better representation of small business concerns to the Congress and to the Small Business Administration.

MINIMUM SOLICITATION AND AWARD STANDARDS

SEC. 3. (a) Except as provided in subsection (b), any Government procurement contract with respect to which a notice or amended notice for bidding is published in the Commerce Business Daily shall be open for bidding until the later of—

(1) the end of a thirty-day period beginning on the date such notice or amended notice is so published, or

(2) the date stated in such notice or amended notice as the closing date for such bidding.

(b) Subsection (a) shall not apply to any Government procurement contract to be let by any Federal agency with respect to which the head of such agency personally determines that emergency circumstances prevent compliance with such subsection.

(c) In the case of any Government procurement contract with respect to which a notice for bidding is published in the Commerce Business Daily—

(1) if such bidding is limited to only one person, such notice shall specify the law or rule under the authority of which such bidding is so limited; and

(2) if such bidding is limited to persons located in a certain region of the United States, such notice shall state the basis for so limiting such bidding.

(d) The Secretary of Commerce shall take such steps as may be necessary in order that all Government procurement contracts set aside for small business concerns under section 15 of the Small Business Act, and all awards of contracts to small business concerns, are published in a timely manner in the Commerce Business Daily.

(e) The Secretary of Commerce shall study the feasibility of, and to the extent practicable implement, the notification to any small business concern, on request of such concern, of all Government procurement contracts on which, or on any subcontract of which, such concern may bid.

SMALL BUSINESS PARTICIPATION GOALS

SEC. 4. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) Notwithstanding subsection (g), with respect to any category of procurement—

"(1) which the Small Business Administration determines can be produced by small business,

"(2) which was procured by a Federal department or agency during any fiscal year, and

"(3) for which less than 20 per centum of the dollar amount involved during such year was furnished by one or more small business concerns,

the head of that department or agency shall, after consultation with the Administration, establish as an interim goal for each succeeding fiscal year (until a fiscal year in which such concerns furnish at least 20 per centum of the dollar value of such item) an increase by at least 10 per centum of the dollar amount of participation by such concerns in the procurement of that item for the preceding fiscal year."

COMPONENT BIDDING ON LARGE SYSTEMS PROCUREMENTS

SEC. 5. Section 8 of the Small Business Act is amended by adding at the end thereof the following:

"(f) The head of each department and agency of the Federal Government shall review its large systems procurements on which small businesses ordinarily cannot compete and take all feasible steps to subdivide such procurements into smaller components on which small businesses can compete and bid."

SIMPLIFICATION OF GOVERNMENT CONTRACTING PROCEDURES

SEC. 6. Section 223 of Public Law 95-507 (92 Stat. 1772) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by adding at the end of subsection (a) the following new subsections:

"(b) In the case of a contract to which subsection (a) applies and which may not exceed $100,000, the Federal agency letting such contract shall (in lieu of complying with paragraph (3) of such subsection) provide a copy and summary of each major Federal law or agency rule with which such concern must comply in performing such contract.

"(c) Documents and information required to be provided under subsections (a) and (b) shall be supplied, to the extent practicable, at the local level."

GOVERNMENT PROCUREMENT CONTRACT ARBITRATION PANELS

SEC. 7. There is hereby established in the Small Business Administration such Government procurement contract arbitration panels as the Administrator deems appropriate. Such panels shall provide an opportunity for resolving disputes between any small business concern and any Federal agency having procurement authority concerning any Government procurement contract which is let to such concern or which may be let to any such concern. Use of such panels shall be voluntary, and decisions of such panels shall be binding only to the extent that such concern and agency agree that such decisions are binding.

SMALL BUSINESS PROCUREMENT ADVISORY COMMITTEE

SEC. 8. (a) There is hereby established the Small Business Procurement Advisory Committee to be composed of thirteen members appointed by the Administrator. The Committee shall advise the Administrator and the Congress on matters relating to Government procurement contracts awarded to, or set aside for, small business concerns.

(b) Members of the Committee shall, while away from their homes or regular places of business in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(c) At the close of each calendar year, the Committee shall submit a report to the Administrator and to the Congress on its activities during such year. Such report also shall contain recommendations for new Federal legislation or agency rules which the Committee determines will improve the participation of small business concerns in the performance of Government procurement contracts.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "Committee" means the Small Business Procurement Advisory Committee established by section 8;

(3) the term "Federal agency" has the meaning given the term "agency" by section 551(1) of title 5, United States Code; and

(4) the term "Government procurement contract" means any contract for the procurement of any good or service by any Federal agency.●

BEDELL DISCUSSES FUTURE OF UNITED STATES-PHILIPPINES RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, I recently had the opportunity to visit the Philippines for several days, a visit which I found to be a very rewarding learning experience. Fortuitously, my time in the Philippines roughly coincided with the official announcement of the agreement between the United States and the Philippines to the amendments to the 1947 military bases agreement. I would like to take this opportunity to briefly discuss my general reactions to this agreement in light of the impressions that I gathered during my stay in the Philippines.

On June 25, 1976, I inserted a statement in the RECORD which addressed itself to the wisdom of a continuing high-profile U.S. presence in the Philippines. Conditions have changed since then, but there is also much that remains the same.

In that statement nearly 3 years ago, I voiced my concern that to maintain our presence there would invite charges from Filipinos that the United States was interfering in the internal affairs of their country. I also expressed concern that this continued U.S. visibility could well lead to a situation where U.S. forces are drawn into active armed intervention in support of Philippine military operations, either within its own boundaries or in response to a perceived "external threat." I believe that recent developments increase the chances of this sort of involvement and that such involvement would not be in the national interests of the United States. For the purposes of this discussion, these "recent developments" can be grouped into two general categories: First, the effect of some of the specific "understandings" that emerged from the just-concluded basing agreement; and second, the implications of the establishment of an Islamic Republic in Iran for the Marcos' government in terms of its ability to maintain stability and control.

First, with respect to the "understandings" contained in the basing agreement, there are several references to U.S. commanders' authority (or obligation, depending on ones perspective) to come to the aid of Filipino military forces. Two such references are particularly disturbing to me.

The first can be found in annex III, paragraph 6, of the material submitted to Congress where the delineation of the territorial boundaries of Clark Air Base and Subic Naval Base facilities and the question of jurisdiction of American commanders as opposed to Filipino base commanders are addressed. One sentence in particular conveys a disconcerting sense of openendedness, with all the potential for unwanted U.S. involvement that this implies. It reads:

> The United States Commander may participate in security activities within the base but outside the United States Facility and off the base in accordance with mutually agreed procedures. The Base Commanders and the United States Commanders shall contribute security forces to carry out the agreed security plan.

Ominously enough, nowhere is there any reference to the type of "mutually agreed procedures" that may be expected, including any restraints on the commitment of U.S. "security forces."

The second disturbing reference to U.S. commanders' authority to commit U.S. forces in support of Filipino forces can be found in the exchange of notes amending the 1947 agreement. In a letter to Foreign Affairs Minister Romulo dated January 6, 1979, the State Department describes the U.S. interpretation of article V of the Mutual Defense Treaty in the following manner:

> However, as provided in Article V, an attack on Philippine armed forces, public vessels, or aircraft in the Pacific *would not have to occur within the metropolitan territory of the Philippines or island territories under its jurisdiction in the Pacific* (emphasis added) in order to come within the definition of the Pacific Area in Article V.

It is not difficult to conceive of circumstances in which, under this or subsequent administrations, this seemingly all-encompassing authority could be interpreted to mean that Filipino engagement in, for example, the Spratley Islands, necessitated U.S. military support. I, for one, believe that such action would be absolute folly and that it would be in our national interest to preclude such a possibility by specifically stipulating limitations on U.S. action.

The second major development that has great relevance to the advisability of implementing the new amendments to the basing agreement and, in the larger sense, commiting the United States to a continued high profile position in the Philippines, involves the implications of the current political turmoil in Iran. As we all know, the political vacuum in Iran has been filled by a provisional government committed to the establishment of an Islamic Republic. While this shift has inarguably had earthshaking repercussions within Iran, it may prove to be even more momentous when judged in terms of its demonstration effect on Moslems the world over.

I believe that U.S. foreign policymakers are dangerously uninformed about the true nature of Islam and what it holds for the future. Indeed, the Iranian experience underlines two of its most important dimensions: First, that the religious fervor of Islam is impervious to the application of traditional military force, no matter how overpowering it may appear to be. And second, that those who would support an Islamic-led insurrection are almost certain to look with disfavor upon another nation that they perceive has served to "prop up" the government which they had opposed. I believe that both of these considerations have considerable relevance to the situation in the Philippines.

From the outset, I want to acknowledge that the Khomenei-led Moslem rebellion in Iran differs in a variety of ways from the uprising in Mindanao and elsewhere in the southern Philippines. Perhaps the most notable difference is the fact that the Shi'ite sect in Iran comprised well over 90 percent of the total population, whereas, in the Philippines, Catholicism is the dominant religion. I do believe, however, that the irrepressible Moslem drive for autonomy will derive a significant boost from the developments in Iran, in terms of the psychological/ideological and material/logistical support.

I further believe that there is a legitimate cause for concern about the ability of the Marcos government to withstand the sustained pressure of continued Moro (Moslem) opposition. That opposition, of course, cannot be considered in a vacuum. It must be viewed within the broader context of general grassroots dissatisfaction among Filipinos with their government. The potential for linkage between these two factors is more than just idle speculation. In fact, the January 31, 1979 edition of the Philippines Herald reported that there have been some contacts between leaders of a major opposition group in the Philippines and the Moro National Liberation Front (MNLF).

In light of the above, it is my belief that the Moslem drive for autonomy could well be the "chisel" that will drive enough cracks in the existing Philippines Government's "facade" to make it crumble. In such an event, it is likely that the United States would be forced to make a painful decision, one that would be costly irrespective to which option was pursued. If, on the one hand, the United States were to decide to back the existing regime with an increased infusion of resources, including direct application of U.S. military forces, such intervention could lead it down the unthinkable path of a Vietnam-style venture. If, on the other hand, the decision was to disengage the United States would likely experience an "Iran-style loss-of-face" being forced to retreat in the face of hostile pressure from a one-time ally.

The question is how likely is it that the Moro uprising represents a sort of a threat to the Marcos regime that makes its continued operation questionable? The recent pronouncement of Khomeini and others underscore the potential for an internationally-supported campaign to promote the spread of Moslem uprisings on an international scale. Realistically this could mean stepped-up support for Moslem insurgent groups like the Moros, thus increasing their effectiveness. (Just recently, on February 1, it was reported that 29 Philippine soldiers were killed by Moslem rebels in the largest clash to date in the 6-year struggle in the south.) A recent article in the San Francisco Chronicle several months ago carried an interview with the rebel Moro leader Nur Misuari who warned that the war would soon be carried into the urban centers of the northern Philippines. An authoritative source was quoted as saying that the Islamic world will back the Moro National Liberation Front to the hilt in order to secure complete Moro autonomy in the southern Philippines. Such a pronouncement must now be regarded as more than an idle threat.

In summary, Mr. Speaker, I believe that there are serious reservations that must be lodged in response to the administration's claim that national security considerations make it imperative that we maintain our Philippine basing presence. Most of these arguments have resolved around geopolitical considerations regarding U.S. ability to project military force in the Pacific region in a way that will meet certain near- to long-range contingencies. Aside from the fact that several scholars who are experts in this field, notable Dr. George McT. Kahin, have presented convincing arguments to the contrary, it seems to me that there are perhaps other, less tangible arguments that deserve to be raised.

The foreign policy debate in this country needs to be expanded in a way that will allow for a more contemporary definition of what is "national interest." Clearly, it is no longer in the interest of the United States to prop up repressive regimes in an attempt to assure "stability" and "order." While I would prefer to abandon this historical policy simply because of the argument to be made for associating ourselves with the principles of right and justice, there are also "realistic" and "pragmatic" justifications to be considered.

Stated simply, military force alone can no longer insure the maintenance of a government. No matter how overwhelming, the military force available to any ruling elite is virtually worthless unless that government has satisfactorily identified, and moved to address, the legitimate needs of its citizenry. The most basic of these needs, of course, is the right to free political expression and to be in control of one's own political destiny. It is not in the national interest of the United States, either short term or long term, to associate itself with a government which refuses to meet these fundamental needs of its people.

It is my firm belief that the present government of the Philippines is failing its people. There is an unmistakable ferment in that country that attests to this failure. I am convinced that it is not in the best interests of the United States to maintain its highly visible military presence in the Philippines. For that reason, I oppose the proposed basing agreement as put forth by the administration, and I believe that the Congress should not approve the funding that it calls for. Finally, I support a move toward gradual disengagement from the Philippines, a course which I believe will enable the United States to maintain healthy relations with its longtime ally. Such a policy is truly in the national interests of the United States, and the Philippines, and of all of our allies.●

THE PENSION CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON), is recognized for 5 minutes.

● Mr. THOMPSON. Mr. Speaker, in 1974, we enacted the Employee Retirement Income Security Act, a complex and massive piece of legislation aimed primarily at correcting the abuses which infected the private pension system. Although the statute has on the whole proved beneficial, it is becoming increasingly clear that the private pension system, in combination with social security, remains woefully inadequate to meet the retirement needs of our expanding population of elderly citizens. There is a crisis brewing which poses issues of such difficulty and complexity that we may be tempted to avoid the challenge. But we do so at our peril and at potentially great cost. The House Pension Task Force, of which I am chairman, will be devoting its energies to investigating these issues and developing legislative proposals to create a sound pension system.

I would like to share with my colleagues a Washington Post account, on February 24, 1979, of a recent study by the Social Security Administration demonstrating that private pensions and social security together do not meet our goals for adequate replacement of working wages, and a Newsweek article entitled "The Pension Mess," in the issue of February 26, 1979. Although the latter contains some serious factual errors—for example, Federal pension law does not, as implied, prohibit plan sponsors from imposing more liberal vesting standards than those in the act, it is useful as a comprehensive survey of the imminent problems and the long-range issues we face in this Congress. Together the articles demonstrate that these compel the urgent attention of our Members:

[From the Washington Post, Feb. 24, 1979]

SOCIAL SECURITY FOUND NOT MEETING INCOME GOAL

(By Spencer Rich)

Monthly pension benefits of the average couple equal about three-fifths of pre-retirement wages if the couple is entitled to both Social Security and some other pension, according to a new government study.

But if the couple gets only Social Security, without any other private or public pension, monthly benefits are only about half pre-retirement earnings.

These figures have large implications for a developing dispute over whether Social Security benefits are too high. The figures indicate that pensions for the average couple fall far short of replacing wages lost as a result of retirement.

For example, in 1974 the average pre-retirement earnings of newly retired couples with both Social Security and a non-Social Security pension were $11,315, according to the study, but the typical pension income was only $6,800.

Moreover, the statistics indicate that when the couple gets Social Security only, the amount of wages replaced is lower in practice than the goals set out by Congress for the average husband and wife in retirement.

For the average family, Congress intended the combined husband-wife Social Security pension to replace about two-thirds of former wages. But the figures indicate that in practice, only about half the former wages for such a couple was replaced by the Social Security payments. This is far lower than Congress intended and isn't even as high as the two-thirds goal when a private pension is added.

These are the findings of a new study by Alan Fox of the Social Security Administration, based on retirement histories of couples going on Social Security between 1968 and 1974.

Although every individual's expected pensions must be based on his or her work history, the findings are a rough guide to what anyone can expect to get.

The study showed that nearly half the couples going on the Social Security rolls in 1968–74 received a non-Social Security pension. About 35 percent received a private pension, and 10 percent some form of local government pension.

But most of those getting the second pension were high-income families before retirement. Three-quarters of those with combined family wages of $12,500 a year before retirement got some second pension, but the percentage dropped sharply for those of lower income—to 36 percent in the $6,000-to-$8,000 category and 17 percent in the $4,000-to-$6,000 range.

These figures reflect that normally only the more profitable, better-paying private businesses can afford to set up private pension systems to supplement Social Security.

The study calculated average annual pre-retirement income by finding combined annual wages for the husband and wife during their three highest years of earnings in the decade before retirement. This included earnings in excess of the Social Security taxable wage-base. Very high-income families were excluded to prevent skewing the study.

Then, Social Security pensions plus pensions from private employers or state and local governments were added for the family.

Those figures were used to determine what percentage of pre-retirement gross income was received in pensions.

The study found that in 1974, families with only Social Security (the husband's and wife's benefits combined) got a pension equal to 49 percent of pre-retirement wages, on the average.

Those receiving Social Security plus another pension got 62 percent.

[From Newsweek, Feb. 26, 1979]

THE PENSION MESS

For more than 22 years, John Daniel drove a truck in Chicago and faithfully paid his dues to Teamsters Union Local 705. But when a severe cataract condition forced Daniel to retire in 1973, he got some shattering news: because he had been laid off for a few months in 1960 and 1961, the trustees of his union pension fund ruled that the "break in service" disqualified him from a $400-a-month pension. Daniel fought that decision all the way to the Supreme Court, but the Justices upheld the pension-fund trustees—the decision coming just a few weeks after Daniel died last December.

Thousands of aging Americans like John Daniel are discovering that the pot at the end of a lifetime of work is filled not with gold, but with disappointment. Despite legislation to reform them, many pension systems are still scarred by inequity, poor financing and management and uncertain "vesting"—the worker's theoretical right to collect all or part of the pension money set aside for him. In the private sector, where half of 80 million workers are covered by pension plans, many employees and their families who are "covered" can end up with nothing more than a subsistence social-security check. In the public sector, pensions are often lush—but for that very reason, the plans face an uncertain future as Federal, state and local governmental units struggle to control costs.

FEELING THE PINCH

The real problems, however, lie ahead as the nation's population ages. The number of Americans over 65 is expected to climb from just over 10 percent of the population today to more than double that percentage over the next 40 years or so, placing increasing financial pressure on pension contributors. Some plans are already feeling the pinch. Just last year, an analysis of 279 multi-employer pension plans by the government's Pension Benefit Guaranty Corp. (PBGC) showed that nearly 60 percent of them are so badly structured and financed that they could well go bankrupt in the next ten years. To complicate matters, there is a growing movement in some labor unions to gain more control over the estimated $555 billion in private and public pension funds—a total that has doubled in ten years (chart, page 68) and now represents the largest single source of investment capital in the country.

The immediate upshot is a rash of proposals at the local, state and Federal level to get the pension house in order before it falls down—or at least suffers a severe case of dry rot. "This is a crisis that touches us all now or will touch us in the near future," says Ian Lanoff, administrator of pension and welfare-benefit programs for the U.S. Labor Department. "It is not as dramatic as the energy crisis or as obvious as skies dark with smog, but it is a deeply moving crisis reflecting lost hopes and quiet despair."

The pinch may also test the basic premise of the pension structure—until now, a vast Ponzi game in which future workers and employers will be taxed to provide benefits when the present work force retires. Any such scheme is threatened when the working population fails to grow as fast as the number of pensioners, but there's an added hazard as well: since saving is discouraged, investment can suffer—one reason, many experts think, the U.S. is losing the productivity race. To make sure the economy grows enough to support the aging population, pension plans may now have to be changed to rely more on savings.

Congress made a comprehensive attack on the pension problem in 1974, when it passed the Employee Retirement Income Security

Act (ERISA). Under ERISA, most workers covered by a private pension plan are guaranteed some benefits after 10 years on the job and cannot lose them unless a "break in service" lasts longer than a full year. In addition, it forces pension plans to provide adequate funding and to operate under sound actuarial rules, allows some survivor benefits and sets up a government insurance plan to guarantee pension payments to workers whose employers go out of business.

Most experts feel ERISA has been a big help in firming up the larger pension funds and insuring benefits for their recipients. But ERISA also has serious shortcomings. Perhaps the biggest is that it has actually encouraged many smaller employers—reluctant to meet the costly requirements of the new law—to scrap their pension programs. J. C. Diamond, president of the National Association of Small Retirement Plans, calls ERISA "a piece of overkill legislation." Government figures tend to support Diamond's view; even though 11,000 new plans have been set up since ERISA's enactment, 16,500 plans have folded—partly because of the law's tougher standards.

Moreover, the law requires workers to remain with a given employer for a minimum of ten years before they are vested. That feature was conceived as an improvement, but since the law makes no provision for "portability"—the transfer of a worker's pension rights from one employer to the next—workers who frequently change jobs tend to be penalized.

THE WOMEN SUFFER

Women are especially shortchanged. Many of them enter the labor force only when their husbands are out of work and thus never accumulate vested pension rights. They also tend to work in industries that offer low pension benefits or none at all. And even under ERISA, nonworking wives of husbands earning pension benefits may have trouble collecting them if their husbands die. As Karen Ferguson, director of the Pension Rights Center in Washington, puts it: "If you die too early or in the wrong place or for the wrong reason, your surviving spouse will get nothing."

The effectiveness and equity of pension plans, however, depend as much on how well they are managed as on ERISA's pluses and minuses. Some funds have been plagued by fraud and questionable investments. Perhaps the worst have been those run by the giant Teamsters, where such union dissidents as Detroit's Pete Camarata are protesting what they regard as the looting of funds by pension trustees.

In contrast, the pension plans first negotiated by the late Walter P. Reuther and the auto industry are plainly among the best. At General Motors Corp., for example, the combined pension kitty now amounts to $9.4 billion, most of it earmarked for blue-collar workers represented by Reuther's United Auto Workers Union. These days, after 30 years' service and regardless of age, a UAW member can retire on a pension of $700 a month plus fully paid hospital and medical coverage—an item worth an additional $200 a month at today's rates.

Reuther and the auto companies decided early to assign total control of the funds to blue-ribbon outsiders, such as the Bank of America, Chase Manhattan and Morgan Guaranty. "We have no voice in the investment of pension funds," says Mel Glasser, the UAW's pension director. "Walter wanted to avoid the temptations involved in that." Nor might the union be the only party tempted. In New York City, for instance, "management" effectively used the threat of bankruptcy and wholesale job layoffs to induce city pension funds to invest in new bonds.

THE COSTS KEEP RISING

Still, even the biggest and best-managed pension funds are subject to constant cost pressure—and that pressure is certain to increase in coming years. For example, many unions are now demanding that cost-of-living clauses be included in their pension plans, and there have been other ad hoc pension increases approved unilaterally by management. As a result, the cost of contributions is soaring. Only five years ago, Union Carbide's annual contribution to its pension fund amounted to 10 per cent of its payroll; today, it is 14 per cent. AT&T's pension contribution jumped from 12 per cent of payroll in 1973 to 16 per cent last year.

The growing cost of pension programs has fueled a new concern over what may become a big problem: "unfunded liabilities"—committed pension obligations not covered by money currently in a fund. In part, the problem actually results from pension-reform efforts: by reducing inequities, ERISA also increases the number of retirees drawing from the funds and the amounts they receive. In theory, prosperous companies ought to have no trouble meeting their obligations because they must set aside money now to pay future retirees. But if the number of retirees drawing from the funds increases as dramatically as expected in the decades ahead, pension cost will rise enormously—and the added liabilities would presumably have to be covered.

Shorter term, a sustained economic downturn could place marginal plans in jeopardy. The Pension Benefit Guaranty Corp., the government's insurer of private pension plans, stands ready to pay off for the occasional failure. But some experts believe the PBGC's funding itself may be inadequate. "If there is a [serious] recession, there's no way in the world that the [PBGC] could pay benefits for all of the funds that would fail," says Howard E. Winklevoss, a University of Pennsylvania professor and pension consultant.

If a crunch comes, it may well come first in industries like trucking, coal, shoes and construction, where individual companies have historically shared the pension burden. The advantage to the 8 million workers covered by such multi-employer plans is that if their employer goes out of business, other companies in the system will guarantee benefits. But that is also an Achilles' heel. Because some of the plans are in troubled industries, there are fewer companies around to share the pension load, and some survivors are pulling out in fear of the additional burden they might have to shoulder in the future. Nervous workers also tend to take earlier retirement. "Nobody wants to be the last person in the plan," explains PBGC executive director Matthew Lind. "It's the Titanic atmosphere; everybody want to leave the ship first."

The pension outlook is also growing darker in the public sector, where some expensive chickens are finally coming home to roost. Particularly on the local level, pension plans have tended to be underfunded and badly managed; it was only three years ago, for example, that the New York State Legislature forced the New York City pension system to quit using actuarial tables based on the mortality rate in 1899. At the same time, benefits have been soaring. In New York, for example, policemen, firemen and sanitation men can retire at 50 per cent of their final year's pay—including overtime—after only 20 years of service. In a study, Winklevoss found that some public pension funds in Maryland and New Mexico actually allow some workers to retire with more spendable income than they had when they worked.

RUNNING FOR GLORY?

In many cities, there have also been flagrant abuses of the disability-pension provision, particularly among policemen and firemen. Last year, for example, August Gary Muhrcke, a former New York City fire fighter drawing a tax-free annual disability pension of $11,822, finished first in a race up the 85 floors of the Empire State Building. Six years ago, 30 per cent of all retiring New York City employees qualified for disability pensions; last year, that number had climbed to 40 percent. Over the same period, the hard-pressed city's total contribution to its employee retirement funds soared from $480 million to about $1.3 billion a year, a large factor in New York's rush to near bankruptcy.

Now, the public-pension pendulum may be swinging the other way as more states and local communities realize they have been living far beyond their means. For example, if Massachusetts continues to pay benefits at the current rate, it will be $12.6 billion in the hole in the foreseeable future. Still, it isn't easy to take corrective steps, as the Public Expenditure Research Foundation of Madison found out during a study of public pension programs in Wisconsin. "It is not clear who represents the taxpayer's interests in the field of public-employee pensions," the study concluded. "The majority of individuals responsible for determining benefits are themselves in line for a pension from the plans they are responsible for overseeing."

But pressure from angry taxpayers is forcing an increasing number of public officials to pay heed; in Milwaukee, for example, James Mortier, the city's chief labor negotiator, has proposed a ten-year freeze on public-pension benefits and has urged that any additional payments to the pension fund come not from the city but from the employees themselves. In Washington, Democratic Rep. Frank Thompson of New Jersey and Republican Rep. John Erlenborn of Illinois plan to introduce a bill setting up strict fiduciary standards for all public-employee pension programs.

USING THE CLOUT

In the private pension sector, meanwhile, there are growing cries of "pension power" from some labor unions anxious to use pension money as an organizing and bargaining tool. Last year, for example, the Amalgamated Clothing and Textile Workers Union persuaded several other unions to withdraw pension funds from banks doing business with the anti-union J. P. Stevens Co., a major Southern textile maker.

But for the private plans, the biggest call for reform is coming from ERISA's original Senate sponsors—Republican Jacob K. Javits of New York and Democrat Harrison Williams of New Jersey. In a series of proposed amendments up for a Senate vote this session, they would make it easier for survivors to collect pension benefits and allow workers covered by an inadequate private plan to set up individual retirement accounts at a bank or savings and loan.

Beyond that, a Presidential commission is currently studying the nation's entire pension structure with an eye to further reform. Its work is still two years from completion, but the basic questions the commission is addressing go to the very heart of the matter: what kind of pension coverage does the U.S. want for its retirees—and how much is the nation willing to pay for it? Only if those questions are answered generously can America's growing legion of the aging look ahead with any real sense of serenity.●

RULES OF THE SELECT COMMITTEE ON AGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

● Mr. PEPPER. Mr. Speaker, the Select Committee on Aging, which I have the privilege to chair, held its organizational meeting on Tuesday, February 27. At that time the committee adopted its rules for the 96th Congress.

Pursuant to House rule XI, clause 2 (a), I am including in the CONGRESSIONAL RECORD a copy of the rules adopted by the Select Committee on Aging:

SELECT COMMITTEE ON AGING—RULES OF PROCEDURE

RULE NO. 1

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the *Select Committee on Aging* and its subcommittees as well as to the respective chairmen.

The rules of the committee shall be subject to amendment at any time.

[See House Rule XI, 1.]

RULE NO. 2

The regular meetings of the full committee shall be held on the *first Thursday of each month at 2:00 p.m.*, except when the Congress has adjourned or recessed. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2c(2). Subcommittees shall meet at the call of the subcommittee chairmen.

Every member of the committee or the appropriate subcommittees, unless prevented by unusual circumstances, shall be provided with a memorandum at least 3 calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for the appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority staff may request.

[See House Rule XI, 2(b).]

RULE NO. 3

A majority of the members of the full committee and each of the subcommittees shall constitute a quorum of the committee or subcommittee for the purpose of convening meetings, conducting business, and voting on any matter: Provided, That the chairman of the full committee may determine that one-third of the members of the full committee shall constitute a quorum of the full committee at any meeting for such purpose (other than for the reporting of any measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public) if he gives written notice to that effect to the members prior to the meeting. Any committee member present at a committee meeting may make a point of order that a quorum is not present under the conditions set forth above, but a quorum shall be deemed present unless a member objects to the transaction of business because of the lack of a quorum. Two members shall constitute a quorum for taking testimony and receiving evidence. A majority of the members of the committee must approve any report, or any staff study containing policy recommendations, and the chairman is empowered to obtain that approval in any appropriate manner, including by polling members of the committee in writing. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

RULE NO. 4

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE NO. 5

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter.

RULE NO. 6

A rollcall of the members may be had upon the request of any member.

RULE NO. 7

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meeetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

RULE NO. 8

There shall be *Four (4)* subcommittees with appropriate party ratios which shall have assigned or fixed jurisdictions.

[See House Rule XI, 1(a)(2).]

RULE NO. 9

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE NO. 10

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

After approval by the majority caucus, the authorization for the creation of new positions shall be approved by a majority vote of the committee, a quorum being present.

RULE NO. 11

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE NO. 12

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least 1 week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least 2 weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, as far as practicable, submit written statements at least 24 hours in advance of their appearance.

A subcommittee holding hearings in the field may investigate matters that are within the committee's jurisdiction, whether or not the matter being investigated falls within the jurisdiction fixed for that subcommittee.

[See House Rule XI, 2(g), 2(j), and XI, 3(f)(2).]

RULE NO. 13

Meetings for the transaction of business and hearings of the committee shall be open to the public unless closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI, 2(g).]

RULE NO. 14

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to 5 minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

RULE NO. 15

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE NO. 16

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE NO. 17

When approved by a majority vote an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

[House Rule XI, 3.]

RULE NO. 18

The chairman of the full committee shall:

(a) make available to other committees

the findings and recommendations resulting from the investigations of the committee or its subcommittees as appropriate;

(b) submit to the Committee on the Budget views and estimates, as appropriate, required of standing committees by House Rule X, 4(g); and

(c) prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities. After approval by the majority caucus, a majority of the members of the committee must approve the budget, and the chairman of the committee is empowered to obtain that approval in any appropriate manner, including polling members of the committee in writing.●

IMPACT OF WEEKEND BAN OF GASOLINE SALES ON NEW JERSEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Howard) is recognized for 5 minutes.

● Mr. HOWARD. Mr. Speaker, the proposed ban on gasoline sales singles out the resort and recreational industry to pay for the energy sins of the entire country. In New Jersey, the potential disruption of the shore economy, especially during the summer months, outweighs the uncertain fuel savings which the administration claims would result.

The ban on so-called discretionary driving overlooks the fact that the income generated by weekend travelers to the State constitutes a nondiscretionary source of income for New Jersey residents. In New Jersey, 8 percent of total State taxes and thousands of jobs are generated by the resort industry; along the shore, the importance of these revenues is much greater. According to the U.S. Department of Energy's own estimates, a weekend ban on gasoline sales would almost completely eliminate customers traveling by automobile to the shore area. Even a partial or Sunday ban would have a dampening effect, though the reduction in total vehicle miles traveled would be on the order of only 1.2 percent to 1.6 percent per month. The New Jersey Department of Energy estimates that in this case, motor gasoline savings in New Jersey would amount to only 126,000 to 157,000 gallons per day, or roughly two-tenths of 1 percent of current national daily consumption. Given the current round of price increases and the Government allocation program in place, it would be difficult to justify the additional inequities which a ban would impose.

The administration's proposals are particularly disturbing in view of the fact that it has seriously undermined substantial opportunities for fuel conservation in its fiscal year 1980 budget request. The administration has proposed slashing $300 million per year in Amtrak funding just as rail ridership has surged. It has failed to adequately fund the mass transit programs mandated in the Surface Transportation Assistance Act. It has cut aid to the States for enforcing the 55 mph speed limit, a program which is currently saving 8½ million gallons of oil per day. And the proposed budget for the Department of Energy is meager at best, with serious problems of mismanagement and misplaced priorities still unresolved.

Most importantly, the administration is promoting a one-shot response to a fundamental and long-term problem. It should be focusing on immediate measures to enhance domestic gasoline supplies, such as gasahol production, and should concentrate on ways to replace liquid fuel currently wasted on electrical production with renewable and secure energy sources. Other aspects of the President's standby controls, including banning decorative lighting and imposing lower thermostat settings, may offer partial relief in any supply disruption. Under extreme circumstances, some system of rationing may be required. But any program for dealing with an emergency situation must be borne equally by all segments of the economy. In this respect, the proposed weekend ban is totally deficient.●

RATIONING HURTS FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, having just suffered through the worst February in memory while trying to conduct the Nation's business in Washington, my colleagues in the Congress must surely be aware of the all-American dream—a mid-winter Florida vacation.

With that as a preface let me discuss the consequences of the administration's proposed energy package and its impact upon Florida and the millions of other Americans who are part-time Floridians.

Of necessity, Florida is an energy intensive State and its economy is directly tied to the price and availability of gasoline for private pleasure travel as well as normal commercial uses.

Pleasure driving in Florida is as inevitably tied to the State's financial health as the availability of heavy commercial fuel is to the production of automobiles, steel, and other manufacturing in the industrialized North.

Specifically, I would like to go on record as opposing both gas rationing as proposed by the administration and the concept of closing gas stations on Sundays.

Mr. Speaker, Florida is a vast State. My district, one of 15 congressional districts in Florida, is more than 300 miles wide and some 150 miles deep with commercial, family, and social ties spanning the district like jigsaw lines on a puzzle. The district is larger than eight States.

It is not unusual for a Floridian living in Monticello to travel 52 miles daily in a round trip to work in Tallahassee; nor for someone in Lake City to make the 120-mile round trip to Jacksonville to work.

To impose an arbitrary, artificial, and ill-conceived rationing system on these individuals is to leave them faced with a choice of abandoning their jobs to remain home, or their families to continue work.

Further, the imposition of gas rationing would deprive literally millions of Americans in the North of the fulfillment of their hard-earned dream—a vacation in Florida.

The effect on Florida of that restricted vacation travel is to deal a mortal blow to the State's largest industry—tourism.

The result would be—as it was during the recessionary adjustment period following the 1973 oil embargo—unemployment in Florida at levels exceeding that in most of the Nation, declining levels of State service forced by budget reductions caused by loss of sales tax revenue, reduced starts in the construction industry because of diminished demand, and general economic disruption and hardship on our citizens.

Compounding this problem is lack of a national policy affecting passenger rail traffic.

I was informed just last week by Alan Boyd, president of Amtrak, that rail passenger service to Florida will be reduced by a third and that the reason for the reduction—which again seriously damages our tourism industry—is that the trains are too popular.

Our transportation policy as of today—according to Mr. Boyd—is to reduce service as much as possible and increase fares significantly to force people to stop using this vital form of transportation.

It is outrageous that we should at one and the same time be advocating gas rationing and depriving our citizens of a viable alternative means of transportation.●

LEGISLATION TO BRING TEMPORARY RELIEF TO ARKANSAS VIS-A-VIS INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 30 minutes.

● Mr. ALEXANDER. Mr. Speaker, I rise today to join my colleagues from Arkansas (Mr. Hammerschmidt, Mr. Anthony, and Mr. Bethune) in the introduction of legislation that will bring temporary relief to a situation existing in Arkansas.

The legislation we are introducing today will allow national banks, federally chartered financial institutions, or federally insured savings and loan associations and savings banks to charge interest on business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, at a rate of not more than 5 percent in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the financial institution is located. Home mortgage, consumer, or other interest rate ceilings established by any State would not be disturbed. The legislation would expire on January 1, 1981.

Mr. Speaker, this legislation will most significantly impact the State of Arkansas. Arkansas' constitution sets the maximum interest rate which may be charged by business borrowers at 10 percent. Most other States exempt business loans from usury ceilings or have ceilings at a level which do not create a problem under current economic conditions.

In response to the credit problems that the Arkansas usury limitations caused in our State (and at that time in Tennessee and Montana as well), Congress enacted legislation in the 93d Congress, Public Law 93-501, the so-called Brock bill, which included a provision to allow national banks and federally insured institutions to charge on business and agricultural loans of $25,000 or more interest at a rate of 5 percent in excess of the Federal discount rate, regardless of a State's usury laws. The bill had a duration of 3 years (it expired July 1, 1977) and did not affect consumer or home mortgage loans.

The bill we are introducing today differs from the Brock bill only in the respect that other federally chartered financial institutions, including Federal land banks and Production Credit Associations chartered under the Farm Credit Act of 1933, could charge interest rates at the prescribed levels.

It is the position of the Farm Credit Administration, of which Federal land banks and Production Credit Associations are a part, that these lending institutions are not subject to State usury limitations. However, in order to assure that no question arises and to eliminate the practical problem in Arkansas, the legislation includes such federally chartered financial institutions in its scope.

At the time Congress passed the Brock bill, Arkansas' lending institutions were paying up to 13 percent for money bought through the Federal Reserve System. Although many of the State's financial institutions continued to make business loans in anticipation that the rates would go down, it was obvious that this practice could not continue over a long period of time and the financial institution remain solvent.

Arkansas, with the expiration of Public Law 93-501, finds itself in a similar position today. Hardest hit by our usury limitations are construction, agricultural and small buisness firms who cannot channel funds into the State through corporate subsidiaries. Estimates are now being compiled to determine the actual economic loss to Arkansas because of the lack of relief since the expiration of Public Law 93-501.

Arkansas is presently rewriting its State constitution which will be presented to the voters in the 1980 general election. The usury issue will be one addressed in the document.

Given the credit crunch that our State's financial community finds itself in, it is the hope of the Arkansas delegation that Congress will approve this temporary legislation until such time as the Arkansas electorate has voted on a usury provision in the State constitution that will provide permanent relief.●

● Mr. ANTHONY. Mr. Speaker, I, too, join my colleagues from the State of Arkansas in urging support of this bill. It is with reservation that I do so, however, and that reservation should be explained.

In 1874, the people of the State of Arkansas created our State constitution. At that period in our history, over 100 years ago, it was deemed by the people that 10 percent interest was the most any person should have to pay for money borrowed. The importance of that conclusion was such that it was inserted in the constitution, not merely relegated to a rule of law passed by the State legislature or forged by decisions of our State supreme court.

It is also important to emphasize, Mr. Speaker, that the Supreme Court of Arkansas has through the years steadfastly guarded the mandate of our constitutional prohibition against interest in excess of 10 percent. Time and time again the court has found that if a person is charged an amount for borrowing money it is interest, regardless of what it is called: time-price differential, commitment fee, and so forth.

Also, it is the law in Arkansas that if a loan is found to be usurious, not only is the interest and principal of the loan forfeited by the lender, but the agreement itself is void. There have been instances in which the wronged borrower has not only been allowed to not pay back the loan and the interest thereon, but has been allowed to keep the house, automobile, or whatever the collateral was that he borrowed the money to buy.

So, Mr. Speaker, the usury law of the State of Arkansas is not something to be casually pushed aside. Arkansans overwhelmingly agree that 10 percent is enough, and I agree with them. Unfortunately, the economy of Arkansas is affected and determined from without as well as from within the State. The inflation ravaging this Nation has reached such proportions that the banking and lending community cannot continue to survive with the 10-percent limitation imposed on them.

We are asking this Congress to give that lending community temporary relief until once again, in a Constitutional Convention, the people of our State can decide what is and what is not usury.

As stated by my colleagues, this bill does not completely abrogate the 10-percent limitation, but only removes it from business and agricultural loans of $25,000 or more. It is argued, and I hope true, that borrowers of such loans are less apt to overextend themselves by agreeing to interest higher than they can afford, which is exactly the circumstance usury laws strive to avoid.

Thank you.●

● Mr. BETHUNE. Mr. Speaker, the people of Arkansas are saddled with a problem which will only worsen unless action is taken soon to cope with the State's unyielding 10 percent ursury ceiling. The ursury ceiling, written into the 1874 constitution, was created to guard against harsh and unreasonable interest rates. Unfortunately, the constitution has now become a burden for the very people it was designed to protect. As a result many people are hard pressed to obtain loans, builders are not able to obtain credit, lenders cannot make a profit, and in many instances money is flowing to other States.

Arkansans are a proud lot. We like to take care of our own difficulties. But procedures for amending the Arkansas constitution make it totally impossible for us to take action for almost 2 years.

Realizing that something must be done about the constitution, in 1978, the people of Arkansas elected convention delegates to rewrite the entire Constitution. These delegates will submit a new document to the voters in 1980. There is great hope that the voters and the delegates to rewrite the entire constitution. problem by January of 1981. However, these efforts will not help the people now, nor will they help head off the recessionary forces that are anticipated toward the end of this year.

Not only are the people of Arkansas plagued by a restrictive constitution, but we are victims of reckless inflationary policies of the Federal Government. To compensate for repeated cycles the Federal Reserve has chosen to push interest rates sporadically upward—over the State's ceiling.

For example, the Federal Reserve increased the rate of interest on Federal funds as follows:

January 1978, 6.70 percent.
February 1978, 6.78 percent.
March 1978, 6.79 percent.
April 1978, 6.89 percent.
May 1978, 7.36 percent.
June 1978, 7.60 percent.
July 1978, 7.81 percent.
August 1978, 8.04 percent.
September 1978, 8.45 percent.
October 1978, 8.96 percent.
November 1978, 9.76 percent.
December 1978, 10.03 percent.
January 1979, 10.07 percent.

The bottom line is that Federal fiscal and monetary policies have caused high interest rates and a credit crunch in Arkansas.

Today's situation is very similar to 1973 when the Arkansas economy was at a standstill and financial institutions had to pay up to 13 percent for money bought through the Federal Reserve System, but could only charge business and other borrowers 10 percent. At that time, the Congress saw fit to enact Public Law 93-501. This law permitted national banks, and federally insured savings and loan associations and savings banks to charge interest on business or agricultural loans in the amount of $25,000 or more, notwithstanding any State constitution or statute, at a rate of not more than 5 percent in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve district where the institution is located. This law expired in 1977, and therefore, cannot help the people of Arkansas in our present time of need.

Since the failure of Federal policy is the root cause of the Arkansas problem, it is right and proper for the Federal Government to lend a helping hand.

I, therefore, join my colleagues from Arkansas in supporting H.R. 2515, which is very similar to Public Law 93-501. As much as I feel that this is a State problem, which should and ultimately will be resolved by the people of Arkansas, I hope all of my colleagues will join me in support of this bill which will automatically expire on January 1, 1981. The Congress acted before when there was a time of need, and I hope it will act again, to provide relief to Arkansas until the people can make adjustments in the State constitution to overcome this very serious and unfortunate problem.●

TRIBUTE TO CHIEF REPORTER OF DEBATES EDNA MOYER ON HER RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. I rise to inform the House that a delightful lady is retiring today from her job working on the House floor.

This is Miss Edna Moyer, who is the Chief Reporter for the House. She is one of the charming ladies we see on the floor taking down every word we say.

Miss Moyer has served for 5 years as Chief Reporter and has been on the House staff for 13½ years.

Before working for us Edna was a conference reporter for the Secretary of State. She traveled around the world in this position and met the great people of the world.

We are going to miss Edna Moyer—especially her good work, her wonderful smile, and her sincere love for all of us.

We wish Edna the best in her retirement and hope she will come back to see us here in the House.●

THE MILITARY HEALTH CARE SYSTEM REFORM ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, last year I introduced a bill to reform the military health care system. Today, I introduce this measure to the 96th Congress with the hope that my colleagues will recognize the growing crisis we face in this area. The facts are clear and the inevitable outcome of further delay in adopting these changes is a weakened national defense and a widening of the gap of confidence between those who have served and the system that is not serving them in return.

We cannot afford to continue on the present course which leads us to accept and even encourage the internecine warfare and incredible waste of the present system. Reform is needed. Delay is our enemy. The solution is at hand and we must move forward with resolve to end the wasteful duplication and painful underuse of our presently disjointed military health care system.

I propose a bold restructuring of our approach to providing health care to active duty and retired soldiers and their dependents which will better enable us to meet our commitment to provide for their health care needs while lightening the burden on the pocketbook of the American taxpayer. Paradoxically, while hundreds of military health care facilities throughout the country remain half empty, more and more retirees and their dependents are being forced into private facilities by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) at a tremendous cost to themselves and to the Government.

The cause of the current crisis is threefold. There are not enough physicians willing to elect a career in the Armed Forces; the number of retirees and dependents entitled to care at military facilities is growing larger every year while the size of our active duty peacetime force is shrinking; and finally, we are saddled with a disjointed military health care system that results in wasteful utilization of limited resources.

The essential elements of my legislation are the following:

First. Unify within the Office of the Secretary of Defense coordination and planning of the entire military health care system.

Second. Introduction into the military health care system of efficient—capitation—budgeting methods to emulate the Kaiser-Permanente plan.

Third. Utilization of private physicians within the military health care system.

Fourth. Introduction of variable incentive pay for successful cost-containment by physicians within the military health care system.

Fifth. Maximization of the use and training of physician assistants, nurse practitioners and others involved in the provision of health care.

Sixth. Improved collection of third party payments for provision of care in military health care facilities.

Specifically, I would like to address each of these areas:

First. My legislation would improve planning and coordination within the military health care system by bringing together within the Office of the Secretary of Defense the now separate systems of the Army, the Navy, and the Air Force. I propose the creation of regional authorities within the Office of the Secretary of Defense to coordinate budgeting, planning, programing, and evaluation of all activities of the military health care system and to coordinate the allocation of resources of the system.

Second. I propose a series of budgetary reforms to emulate the highly successful Kaiser-Permanente plan which has demonstrated the advantages of the prepaid approach. The analog of this approach within the military health care system is the adoption of "capitation" budgeting or budgeting based on the projected cost of providing complete health care to a specific number and mix of eligible beneficiaries. My proposal allows each retiree and dependent to enroll in the military health care system for his complete health care needs.

Third. The military physician shortage threatens to continue due to the very nature of the limited manpower requirements of our peacetime forces. To pick up the slack in the underutilized military medical facilities, we need a public and private partnership. I propose that private physicians be allowed to treat patients at military medical facilities on a case-by-case basis with their fees paid through CHAMPUS. This will encourage greater use of military facilities which are cheaper to the Government and to the retiree than comparable facilities in the private sector.

Numerous problems, centered around CHAMPUS billing and fee schedules, have discouraged many doctors from accepting patients under this program. My legislation calls for a claims officer at each military health care facility to speedily process CHAMPUS claims of physicians who treat patients at the military facility. Another incentive for private physicians to accept a commander's request to treat a patient at a military facility is that the Government will assume his malpractice liability as if while performing that service he were a military physician.

Fourth. Not only is the cost of CHAMPUS increasing at an alarming rate, but inadequate cost containment incentives at military health care facilities also result in an alarming amount of waste. The administration developed the idea of a variable incentive systems to improve performance in the civil service; I propose the creation of a variable performance incentive pay to encourage military physicians to contain health care costs. Although this approach is a departure from traditional methods of reimbursement, it promises to effect tremendous savings to the taxpayer while improving the quality of health care to retirees and dependents.

The variable performance incentive pay I propose would be paid to military physicians only if a surplus remains in the year end budget of their facility. In addition, at least 50 percent of any surplus would automatically be paid to the U.S. Treasury and none of the surplus would be subject to reprograming for purposes other than those directly related to the support of the military medical system. Input from patients, retirees, and dependents will be taken into consideration in evaluating doctor performance to determine the amount of incentive pay they are to receive.

Fifth. Another initiative called for by my legislation that will increase the availability of care at military health care facilities is the directive to the Secretary of Defense to maximize the use and training of physician assistants, nurse practitioners, and similar practitioners. The military's unique experience in training combat medics and other specialists who perform one or more functions typically performed by a physician should be put to greater use in its health care facilities.

Sixth. Finally, I propose that the Secretary of Defense take steps to improve the collection of third party payments for provision of care in military health care facilities. A recent GAO report stated that as much as $230 million a year could be saved if the respective armed services vigorously pursued these claims. My legislation directs the Secretary of Defense to provide for this recovery.

It is encouraging to note that the Armed Forces are presently implementing uniform reporting and recordkeeping which will enable the reforms that I have outlined in my legislation.

Mr. Speaker, the purpose of my legislation is to improve the quality of medical care this Nation is providing our present and former members of the Armed Forces and their dependents. Just as important, it is intended to bolster the commitment this country made to provide these citizens with decent health care services.

There is a crisis today in the military health care system. Insufficient medical personnel, wasteful utilization of limited resources, ineffective and inefficient health care services are all contributing to this crisis. And the price we pay is not only in inadequate health care; it is in a serious erosion of morale and confidence in our military services. It is my hope that this legislation will help restore that confidence and will insure that this Nation will indeed stand by its commitment to provide a strong and secure health care system for those who serve and have served in protecting a strong and secure America.

TRIBUTE TO THE LATE BISHOP DAVID F. CUNNINGHAM OF THE ROMAN CATHOLIC DIOCESE OF SYRACUSE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, one of the moving, building forces of the Roman Catholic Diocese of Syracuse, the Most Reverend David F. Cunningham, died on Thursday, February 22, 1979.

Bishop Cunningham was ordained on June 12, 1926 by the Most Reverend Daniel J. Curley, the third Bishop of Syracuse, at Sacred Heart Cathedral in Rochester. The bishop's first assignment took him to St. Ambrose Parish in Endicott where he was assistant pastor.

In 1929, Bishop Cunningham went to the Catholic University of America in Washington, D.C., where he completed a year of graduate study in the Code of Canon Law.

In 1946, the then Monsignor Cunningham was appointed pastor of St. John the Baptist Church in Syracuse, and in September of that year, he was named vicar general of the diocese.

Four years later, during April 1950, the bishop was named titular bishop of Lampacus and auxiliary to the bishop of Syracuse. He was consecrated into the Episcopacy on June 8, 1950, at the Cathedral of the Immaculate Conception by the late Francis Cardinal Spellman, Archbishop of New York.

On June 21, 1967, he was appointed co-adjutor bishop of Syracuse with the right of succession and on August 4, 1970, Bishop Cunningham was named the sixth Bishop of Syracuse.

Bishop Cunningham's achievements during his years in the priesthood were many and impressive.

Between 1962 and 1965 he participated in the second Vatican council and scored an impressive victory by attending every general council session. In November 1969, he was elected to the advisory board of the U.S. Catholic Conference.

According to Bishop Cunningham, his greatest accomplishments included formation of Episcopal Vicariates throughout the diocese; the work of the seminary review committee in establishing Aquinas House, the diocesan sponsored seminary adjoining LeMoyne College.

Other accomplishments were the response of people in the diocese to appeals for the world's needy people, particularly through the campaign for human development and Catholic relief services; the support for the Catholic school system despite difficult economic circumstances and the development of an outstanding education program in the diocese.

To describe his feelings on 50 years in the priesthood, the bishop said:

> I am very grateful to Our Lord that He has spared me to serve Him and His people of the Diocese of Syracuse, for a majority of years as Auxiliary to Bishop Foery and then as Ordinary. I am very humble to have been allowed that privilege.

And may I add, Mr. Speaker, that Bishop Cunningham's sensible blending of spiritual orientation and administrative skill contributed to the deep respect which not only the Catholic families, but also the thousands on non-Catholic residents of our diocesan area have for him.

Our society is indeed far richer having benefited by the life and vocation of Bishop Cunningham. His passing saddens me and my wife, Rita, having treasured a long-time personal friendship with him.

His kindness, his compassion, his concern for the good of humanity were forever visible. As a spiritual leader, his credentials have indeed impacted the lives of untold thousands. We of the Diocese of Syracuse owe deep gratitude to the Almighty for sending him our way. Certainly he now enjoys the heavenly reward he so richly deserves.●

PUBLICATION OF RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 96th Congress:

RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, 96TH CONGRESS

RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

RULE 2. CHAIRMAN; VICE CHAIRMAN

(a) The ranking majority member is designated as vice chairman of the committee.

(b) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence, the next ranking majority member present shall preside.

(c) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesday of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the transaction of business and shall be recorded in the records of the committee action.

RULE 6. ROLLCALL VOTE

A rollcall vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters.

A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEES

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be referred to the subcommittee having jurisdiction over its principal subject within 1 week from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee established under rule 21.

RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 24 hours in advance of his appearance, at least 35 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

RULE 12. POWER TO SIT AND ACT; SUBPENA POWER OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any member designated by the chairman, may administer oaths to witnesses.

(c) A subpena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpenas shall be signed by the chairman of the committee, or, in his absence, by the vice chairman of the committee.

RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i), of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

RULE 15. PERMANENT AND SPECIAL STAFFS

(a) The committee staff shall be composed of 18 permanent professional staff members, 12 permanent clerical staff members, and such special staff members as are appointed by the committee.

(b) The chairman of the committee, after consultation with the ranking minority member in the case of minority staff employees, shall have authority to appoint and discharge permanent and special staff members of the committee subject to the approval of the committee.

(c) The chairman of the committee shall have authority to appoint and discharge special subcommittee staff members subject to the approval of the committee, except that the chairman and the ranking minority member of each standing subcommittee shall have the option to appoint one staff member under House Rule XI, Clause 5(d).

(d) The chairman of the committee shall assign the duties and responsibilities, and have the general supervision and control of, the permanent and special staff members of the committee assigned to the chairman. The ranking minority member shall assign the duties and responsibilities, and have the general supervision and control of, the permanent and special staff members of the committee assigned to the ranking minority member.

(e) The chairman of the subcommittee shall assign the duties and responsibilities, and have the general supervision and control of the majority special staff members of that subcommittee.

(f) The chairman of the committee shall fix the rate of pay for each permanent and special staff member except a special staff member appointed under House Rule XI, Clause 5(d).

(g) The appointment of a special staff member may not extend beyond the expiration of the Congress during which the appointment is made.

(h) Staff members of the committee and of the subcommittees shall not engage in any work other than committee or subcommittee business and shall not be assigned any duties other than those pertaining to committee or subcommittee business.

(i) Except as otherwise provided by the committee, the duties and responsibilities of permanent and special staff members shall be performed, and staff personnel affairs and day-to-day operations shall be administered, under the direct supervision and control of the general counsel, who shall be responsible for providing timely, effective, and economical staff services to the committee and its subcommittees.

RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congresss, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The general counsel shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the general counsel for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the general counsel for entry in the committee accounts and final processing.

RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpenaed witness may be photographed, televised, or broadcast against his will;

(3) television coverage shall be limited to four fixed cameras not obstructing committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) no more than five still photographers may cover any hearing;

(7) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(8) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

RULE 18. AVAILABILITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee at least 3 days in advance of the committee meeting at which such measure or matter is to be considered.

RULE 19. TRAVEL

(a) All members of the committee or of a subcommittee, as appropriate, shall have adequate notice prior to the date or dates fixed for investigations or hearings at locations other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee, or the committee by a majority vote, a quorum being present, may establish such special ad hoc subcommittees and assign to them such jurisdiction as the chairman or the committee deems necessary.

RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations. The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits. Compensation, including pay rates and pay systems; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources. Federal civilian personnel requirements and ceilings; effect of Government reorganizations on Federal personnel; manpower utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service. Federal civil service matters, generally, except those matters specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); and employce political activities.

(5) Subcommittee on Postal Operations and Services. The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization. Postal officers and employees, generally, including their status and appointment; postal management and other personnel requirements and practices; manpower utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population. The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) The Subcommittee on Civil Service shall have ten members, divided between the majority and minority members in the ratio of six to four. The Subcommittee on Postal Operations and Services shall have 11 members, divided between the majority and minority in the ratio of 7 to 4. The Subcommittee on Census and Population shall have eight members, divided between the majority and minority members in the ratio of five to three.

(b) Except as provided in paragraph (a), each subcommittee shall have six members, divided between the majority and minority members in the ratio of four to two.

(c) The chairman of the committee shall be an ex officio nonvoting member of each legislative subcommittee and the ranking minority member of the committee shall be an ex officio nonvoting member of each subcommittee on which he otherwise does not serve.

RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking tesimony and receiving evidence.

(d) The ex officio members of a subcommittee shall not be counted for the purpose of establishing a subcommittee quorum.

RULES OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR 96TH CONGRESS

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, pursuant to clause 2(a)(3) of rule XI of the Rules of the House of Representatives, I hereby present the rules adopted by the permanent Select Committee on Intelligence for the 96th Congress.

RULES OF PROCEDURE FOR THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

1. CONVENING OF MEETINGS

The regular meeting day of the Permanent Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

2. PREPARATIONS FOR COMMITTEE MEETINGS

Under direction of the chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee or subcommittee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee members might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

The staff director shall recommend to the chairman the testimony papers, and other materials to be presented to the committee or subcommittee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the House and Rules of the Committee.

3. MEETING PROCEDURES

Meetings of the committee and its subcommittees shall be open to the public except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote in open session and with a majority present that the matters to be discussed or the testimony to be taken at such portion or portions:

1. Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

2. Will relate solely to matters of committee staff personnel or internal staff management or procedure;

3. Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual except that, at a hearing which may tend to defame, degrade or incriminate any person, the hearing may be closed to the public consistent with clause 2(g)(2) and clause 2(k)(5) of Rule XI of the Rules of the House;

4. Will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

5. Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

6. Will violate any other law of the United States or any rule of the House of Representatives.

Except for purposes of taking testimony or receiving evidence for which purposes a quorum shall consist of two committee members, a quorum for the transaction of any other committee business shall consist of eight committee members. Decisions of the committee shall be by majority vote of the members present and voting.

Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

4. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

Notice.—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these rules.

Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee, except that the chairman of the committee or of any subcommittee shall not require an oath or affirmation where he or she determines that it would not be appropriate under the circumstances.

Interrogation.—Committee or subcommittee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman or the presiding member.

Counsel for the Witness.—(A) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to his or her appearance before the committee, the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(B) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members of the committee, a majority being present, subject such counsel to disciplinary action which may include censure, removal, or a recommendation of contempt proceedings, except that the chairman of the committee or of a subcommittee may temporarily remove counsel during proceedings before the committee or subcommittee unless a majority of the members of the committee or subcommittee, a majority being present, vote to reverse the ruling of the chair.

(C) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he or she wishes propounded to his or her client or to any other witness and may, at the conclusion of his or her client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee or subcommittee may use such questions and dispose of such suggestions as it deems appropriate.

Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the committee.

Objections and Ruling.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair. A transcript shall be made of the testimony of each witness appearing before the committee or any subcommittee during a committee or subcommittee hearing or briefing.

Inspection and Correction.—All witnesses testifying before the committee or any subcommittee shall be given a reasonable opportunity to inspect, in the office of the committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammer and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

Requests to Testify.—The committee or any subcommittee will consider requests to testify on any matter or measure pending before the committee or subcommittee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely his or her reputation, may request to appear personally before the committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such action as it deems appropriate.

Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the House unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the House.

Release of Name of Witness.—At the request of any witness, the name of that witness scheduled to be heard by the committee shall not be released prior to, or after, his or her appearance before the committee, unless otherwise authorized by the chairman.

5. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee.

Except for purposes of taking testimony or receiving evidence, for which purposes a quorum shall consist of two subcommittee members, a quorum for the transaction of any other subcommittee business shall consist of four subcommittee members.

There are hereby established the following subcommittees:

(1) Program and Budget Authorization.
(2) Legislation.
(3) Oversight.
(4) Evaluation of Performance.

6. INVESTIGATIONS

No investigation shall be conducted by the committee unless approved by the full committee, a majority being present; provided, however, than an investigation may be initiated—

(1) at the direction of the chairman of the full committee, with notice to the ranking minority member of the full committee, or

(2) at the written request to the chairman of the full committee of at least five members of the committee,

except that any investigation initiated under (1) or (2) must be brought to the attention of the full committee for approval at the next regular meeting of the full committee following initiation of the investigation. Authorized investigations may be conducted by members of the committee and/or by designated committee staff members.

7. SUBPENAS

Subpenas authorized by the committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of these rules.

8. STAFF

For the purpose of these rules, committee staff means employees of the committee, consultants to the committee, employees of other Government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

The appointment of committee staff shall be by a majority vote of the committee. After conformation, the chairman shall certify committee staff appointments to the Clerk of the House in writing.

The committee staff works for the committee as a whole, under the supervision of the chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director.

The committee staff shall assist the minority as fully as the majority in all matters of committee business and in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the House.

The members of the committee staff shall not discuss either the classified substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during his or her tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or, in the event of the termination of the committee, in such a manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, not to divulge any classified information which comes into his or her possession while he or she is a member of the committee staff or any classified information which comes into his or her possession by virtue of his or her position as a member of the committee staff to any person not a member of the committee or the committee staff, either during his or her tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment to notify the committee, or, in the event of the committee's termination, the House, of any request for his or her testimony, either during his or her tenure as a member of the committee staff or at any time thereafter with respect to classified information which came into his or her possession by virtue of his or her position as a member of the committee staff. Such classified information shall not be disclosed in response to such requests except as directed by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the House.

The committee shall immediately consider disciplinary action to be taken in case any member of the committee staff fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

9. RECEIPT OF CLASSIFIED MATERIAL

In the case of any information classified under established security procedures and submitted to the committee by the executive or legislative branch, the committee's acceptance of such information shall constitute a decision by the committee that it shall not be disclosed unless the committee, by rollcall vote, determines that it wishes to disclose publicly a part or all of such information under the procedures set forth in clause 7 of House Rule XLVIII. For purposes of receiving information from either the executive or legislative branch, the staff director of the committee, or the chief counsel in his or her absence, may accept information on behalf of the committee.

10. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

Committee staff offices shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials are prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony in conformity with these rules.

Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee, and such registry shall be available to any member of the committee.

Pursuant to clause 7(c)(2) of House Rule XLVIII and to clause 2(e)(2) and clause 2(g)(2) of House Rule XI, members who are not members of the committee shall be granted access to such hearings, records, data, charts and files of the committee and be admitted on a nonparticipatory basis to hearings of the committee which involve classified material, on the basis of the following provisions:

(1) Members who desire to examine materials in the possession of the committee should notify the clerk of the committee in writing.

(2) Each such request by a member must be considered by the committee, a quorum being present, at the earliest practicable opportunity. The committee must determine by record vote whatever action it deems necessary in light of all the circumstances of each individual request. The committee shall take into account, in its deliberations, such considerations as the sensitivity of the information sought to the national defense or the confidential conduct of the foreign relations of the United States, the likelihood of its being directly or indirectly disclosed and such other concerns—constitutional and otherwise—as affect the public interest of the United States. Such actions as the committee may take include, but are not limited to: (i) approving the request, in whole or

part; (ii) denying the request; (iii) providing in different form than requested information or material which is the subject of the request.

(3) In matters touching on such requests, the committee may, in its discretion, consult the Director of Central Intelligence and such other officials as it may deem necessary.

(4) In the event that the member making the request in question does not accede to the determination or any part thereof of the committee as regards the request, that member should notify the committee in writing of the grounds for his or her disagreement. The committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, it will take.

Whenever the select committee makes classified material available to any other committee of the House or to any member of the House not a member of the committee, the clerk of the committee shall be notified. The clerk shall at that time provide a copy of the applicable portions of these rules and of House Rule XLVIII to such members or such committee and insure that the conditions contained therein under which the classified materials provided are clearly presented to the recipient. The clerk of the committee shall also maintain a written record identifying the particular information transmitted and the committee or Members of the House receiving such information. The staff director of the committee is further empowered to provide for such additional measures as he or she deems necessary in providing material which the committee has determined to make available to a member of the House or a committee of the House.

Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearances and a need-to-know, as determined by the committee, and under the committee's direction, the staff director.

No member of the committee or of the committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session, or the contents of any classified papers or other classified materials or other classified information received by the committee except as authorized by the committee in accordance with clause 7 of House Rule XLVIII and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the House.

Before the committee makes any decision regarding a request for access to any testimony, papers, or other materials in its possession, the committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the committee.

11. LEGISLATIVE CALENDAR

The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures—and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

12. COMMITTEE TRAVEL

No member of the committee or committee staff shall travel on committee business unless specifically authorized by the chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

When the chairman approves the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel of its extent, nature and purpose. The report referred to in the previous paragraph shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the committee or any subcommittee is open to the public, a majority of the committee or subcommittee, as the case may be, may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in clause 3 of Rule XI of the Rules of the House.

14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

TAXPAYERS SOLD A BILL OF GOODS

(Mr. GRISHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. GRISHAM. Mr. Speaker, I rise today to express my strong opposition to raising the Federal debt limit by $35 billion.

It is my belief that the American taxpayers have been sold a bill of goods by Congress and the administration. On one hand they have been told that everything will be done by Congress and the administration to hold down the cost of government, yet on the other hand, the Federal Government reaches deeper into their pockets.

My constituents and most all American taxpayers demand one thing from this House: Stop the wasteful spending of their tax dollars and cut the size of government.

That is the responsibility of this House, and I hope my colleagues will join with me in voting against the measure increasing our national debt.●

☐ 1850

GENERAL LEAVE

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special orders today by the gentleman from Arkansas, Mr. ALEXANDER, and the gentleman from Mississippi, Mr. MONTGOMERY.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TRAXLER (at the request of Mr. WRIGHT), for February 28 and March 1, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 10 minutes, today.
Mr. BETHUNE, for 1 hour, today.
Mr. GOLDWATER, for 5 minutes, today.
Mr. COLLINS of Texas, for 15 minutes, today.
Mr. GREEN, for 60 minutes, today.
Mr. GRISHAM, for 5 minutes, today.
Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mr. MAVROULES) to revise and extend their remarks and include extraneous material:)

Ms. HOLTZMAN, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. CAVANAUGH, for 15 minutes, today.
Mr. DRINAN, for 10 minutes, today.
Mr. BIAGGI, for 60 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Mr. THOMPSON, for 5 minutes, today.
Mr. RAHALL, for 5 minutes, today.
Mr. PEPPER, for 10 minutes, today.
Mr. HOWARD, for 5 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. ALEXANDER, for 20 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. EDWARDS of California, for 10 minutes, on March 1.
Mr. DRINAN, for 10 minutes, on March 1.
Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAVIS of Michigan), and to include extraneous matter:)

Mr. KEMP in two instances.
Mr. SYMMS in two instances.
Mr. WYDLER in four instances.
Mr. LENT.
Mr. MOORHEAD of California.
Mr. ASHBROOK in two instances.
Mr. SHUMWAY.
Mr. DERWINSKI.
Mr. BEARD of Tennessee.
Mr. PAUL in two instances.
Mr. HINSON.
Mr. SEBELIUS.
Mr. MCCLORY.
Mr. COLLINS of Texas in three instances.
Mr. ROBINSON.
Mrs. HECKLER.
Mr. SOLOMON.
Mr. DORNAN in two instances.
Mr. ABDNOR in two instances.

(The following Members (at the request of Mr. MAVROULES) and to include extraneous matter:)

Mr. MURPHY of New York in two instances.

Mr. STARK.

Ms. MIKULSKI in two instances.

Mr. CAVANAUGH in six instances.

Mr. FORD of Tennessee in two instances.

Mr. WOLFF.

Mr. MOLLOHAN.

Mrs. SPELLMAN.

Mr. MOAKLEY in two instances.

Mr. BEDELL.

Mr. DRINAN.

Mr. HAMILTON.

Ms. OAKAR.

Mr. WAXMAN.

Mr. SHANNON.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. HOWARD.

Mr. ALBOSTA.

Mr. MIKVA.

Mr. NEAL.

Mr. YOUNG of Missouri.

Mr. SKELTON.

Mr. SIMON in two instances.

Mr. GAYDOS.

Mr. BONIOR of Michigan in two instances.

Mr. BREAUX.

Mr. FITHIAN.

Mr. MCDONALD in five instances.

Mr. DELLUMS.

Mr. PATTEN.

Mr. RUNNELS.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1902. An act to amend the Bank Holding Act Amendments of 1970.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 37. An act to repeal a section of Public Law 95-630.

ADJOURNMENT

Mr. MAVROULES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 7 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Thursday, March 1, 1979, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

735. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide a voluntary self-help program designed to assist producers of agricultural products to protect themselves against loss of production when natural or uncontrollable conditions adversely affect production and to assure consumers that producers will be able to continue to produce food and fiber; to the Committee on Agriculture.

736. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Transportation for: "Grants to the National Railroad Passenger Corporation," for fiscal year 1979, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(1) of the Revised Statutes, as amended; to the Committee on Appropriations.

737. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to remove chaplains from under the cognizance of the Chief of Naval Personnel; to the Committee on Armed Services.

738. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1980 and 1981, and for other purposes; to the Committee on Armed Services.

739. A letter from the General Counsel of the Department of Defense, transmitting proposed amendments to the pending bills H.R. 1873, "Department of Defense Supplemental Appropriation Authorization Act, 1979" and H.R. 2122, "Supplemental Military Construction Authorization Act, 1979"; to the Committee on Armed Services.

740. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal years 1980 and 1981, to make certain changes in the authorities of that act, to authorize the establishment of an Institute for Technological Cooperation, and for other purposes; to the Committee on Foreign Affairs.

741. A letter from Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Loren E. Lawrence and Joan M. Clark, Ambassadors-designate to Jamaica and Malta, respectively, and by members of their families, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

742. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b (a); to the Committee on Foreign Affairs.

743. A letter from the Secretary of Agriculture, transmitting a report on the effectiveness of food assistance in meeting basic food needs, pursuant to section 201 of Public Law 95-424; to the Committee on Foreign Affairs.

744. A letter from the Executive Director, Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1980 and 1981 for carrying out that act; to the Committee on Foreign Affairs.

745. A letter from the Acting Deputy Director for Information, Office of Governmental and Public Affairs, Department of Agriculture, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

746. A letter from the Administrative Director, U.S. Arms Control and Disarmament Agency, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

747. A letter from the Governor, Farm Credit Administration, transmitting a report on the Administration's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

748. A letter from the Executive Director, Marine Mammal Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

749. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

750. A letter from the Assistant Secretary of the Treasury for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

751. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during January 1979, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

752. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period October 1 through December 31, 1978, pursuant to section 105(a) of Public Law 88-454, as amended [H. Doc. No. 96-61]; to the Committee on House Administration and ordered to be printed.

753. A letter from the Under Secretary of the Interior transmitting a draft of proposed legislation to amend the Revised Organic Act of the Virgin Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

754. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to enable the Secretary of Energy to utilize revenues from power marketing, to carry out his responsibilities related to Alaska Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration, and for other purposes; to the Committee on Interior and Insular Affairs.

755. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's determination to extend the period for acting upon the application pending in Docket No. AB-9 (Sub-No. 9F), St. Louis San Francisco Railway Co. Abandonment Between East Lynne and Bolivar, Mo., purusant to 49 U.S.C. 10327(k); to the Committee on Interstate and Foreign Commerce.

756. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's second annual report on progress toward completion of the Northeast Corridor improvement project, pursuant to section 703(1)(D) of the Rail Revitalization and Regulatory Reform Act of 1976; to the Committee on Interstate and Foreign Commerce.

757. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for improvements in the administration of justice, greater efficiency in the Federal appellate courts, and more uniform decisions in those courts, and for other purposes; to the Committee on the Judiciary.

758. A letter from the Secretary of the Interior, transmitting the annual report on royalty payments for fiscal years 1977 and 1978 for Federal onshore and Outer Continental Shelf oil and gas leases, pursuant to section 602 of Public Law 95-372; to the Committee on the Judiciary.

759. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes; to the Committee on Merchant Marine and Fisheries.

760. A letter from the Secretary of Housing and Urban Development, transmitting the annual report of the Federal Disaster Assistance Administration for fiscal year 1978, pursuant to section 316 of Public Law 93–288; to the Committee on Public Works and Transportation.

761. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the efficiency of, and need for, industrial cost recovery, pursuant to section 75(a) of Public Law 95–217; to the Committee on Public Works and Transportation.

762. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children; and for other purposes; to the Committee on Veterans' Affairs.

763. A letter from the Special Representative for Trade Negotiations, Executive Office of the President, transmitting a report covering the 6 months ended December 31, 1978, on reviews and hearings arising from complaints of unfair trade practices by foreign governments, pursuant to section 301(d)(2) of the Trade Act of 1974; to the Committee on Ways and Means.

764. A letter from the Comptroller General of the United States, transmitting a report on the F–18 Naval Strike Fighter weapon system (PSAD–79–25, February 27, 1979); jointly, to the Committees on Government Operations and Armed Services.

765. A letter from the Comptroller General of the United States, transmitting a report on the Maverick/Close Air Support weapon system (PSAD–79–42, February 27, 1979); jointly, to the Committees on Government Operations, and Armed Services.

766. A letter from the Comptroller General of the United States, transmitting a report on mining law reform and balanced resource management (EMD–78–93, February 27, 1979); jointly, to the Committees on Government Operations, and Interior and Insular Affairs.

767. A letter from the Comptroller General of the United States, transmitting a report on the conversion of urban waste to energy (EMD–79–7, February 28, 1979); jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, and Science and Technology.

768. A letter from the Under Secretary of Energy, transmitting the second comprehensive program and plan for Federal energy education, extension and information activities, pursuant to second 508(c) of Public Law 95–39; jointly, to the Committees on Science and Technology, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper Calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 141. Resolution providing for the consideration of the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties (Rept. No. 96–17). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 118. Resolution to establish a Select Committee on Committees; with amendment (Rept. No. 96–18). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ZABLOCKI (for himself, Mr. Wright, Mr. Fountain, Mr. Fascell, Mr. Diggs, Mr. Rosenthal, Mr. Hamilton, Mr. Wolff, Mr. Bingham, Mr. Yatron, Mr. Solarz, Mr. Bonker, Mr. Pease, Mr. Mica, Mr. Barnes, Mr. Gray, Mr. Hall of Ohio, Mr. Wolpe, Mr. Bowen, Mr. Fithian, Mr. Broomfield, Mr. Derwinski, Mr. Findley, Mr. Buchanan, Mr. Winn, Mr. Gilman, Mr. Guyer, Mr. Pritchard, and Mrs. Fenwick):

H.R. 2479. A bill to help maintain peace, security, and stability in the Western Pacific, and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself and Mr. Broomfield) (by request):

H.R. 2480. A bill to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal years 1980 and 1981, to make certain changes in the authorities of that act, to authorize the establishment of an Institute for Technological Cooperation, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2481. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BALDUS (for himself, Mr. Kostmayer, Mr. Daschle, and Mr. Bedell):

H.R. 2482. A bill to promote the ownership of small businesses by their employees and to provide a means whereby employees can purchase their companies which would otherwise be closed, liquidated, or relocated, and to assure that firms owned wholly or partly by their employees are eligible for all forms of assistance from the Small Business Administration; to the Committee on Small Business.

By Mr. BIAGGI:

H.R. 2483. A bill to amend section 16 of the Urban Mass Transportation Act of 1964, relating to the special needs of the elderly and handicapped; to the Committee on Public Works and Transportation.

By Mr. BINGHAM:

H.R. 2484. A bill to provide for the preservation, interpretation, development, and use of cultural, historic, natural, and architectural urban resources through a system of national cultural parks, to establish a demonstration program to encourage the preservation and management of such resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EMERY (for himself, Mr. AuCoin, Mrs. Snowe, Mr. Badham, Mr. Conte, Mr. Dornan, Mrs. Fenwick, Mr. Forsythe, Mr. Hughes, Mr. Lagomarsino, Mr. Whitehurst, Mr. Winn, and Mr. Young of Alaska):

H.R. 2485. A bill to amend the Tariff Schedules of the United States to provide for a lower rate of duty for certain fish netting and fish nets; to the Committee on Ways and Means.

By Mr. HAGEDORN:

H.R. 2486. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 2487. A bill to amend title 17 of the United States Code to exempt nonprofit veterans' organizations from the requirement that certain performance royalties be paid to copyright holders; to the Committee on the Judiciary.

H.R. 2488. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mrs. HECKLER:

H.R. 2489. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Interstate and Foreign Commerce.

By Mr. HEFTEL:

H.R. 2490. A bill to amend title 18, United States Code, to increase the term of imprisonment for certain offenses relating to carrying or using firearms, to eliminate eligibility for parole with respect to such term, and to require that such term be served before and consecutively to any related sentence of imprisonment; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 2491. A bill to amend the Internal Revenue Code of 1954 to provide that an individual who does not itemize deductions may deduct charitable contributions to the extent such contributions exceed $200; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 2492. A bill to correct an anomaly in the rate of duty applicable to articles of apparel in which feathers or downs are used as filling and to extend until June 30, 1984 the duty provisions applicable to crude feathers and downs; to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 2493. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on series E United States savings bonds received by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself and Mr. Abdnor):

H.R. 2494. A bill to amend the Public Buildings Act of 1959 relating to leases, alterations and exchanges, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LLOYD (for himself, Mr. Ambro, Mr. Andrews of North Dakota, Mr. Applegate, Mr. Badham, Mr. Blanchard, Mr. Buchanan, Mr. Burgener, Mr. Carr, Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. Derwinski, Mr. Devine, Mr. Dornan, Mr. Edwards of Oklahoma, Mr. Evans of Georgia, Mr. Gephardt, Mr. Ginn, Mr. Green, Mr. Hagedorn, Mr. Hall of Texas, Mr. Hamilton, Mr. Jacobs, Mr. Jeffords, Mr. Kramer, Mr. Lagomarsino, Mr. Lee, Mr. Levitas, Mr. Lott, Mr. McDonald, Mr. Mikva, Mr. Mitchell of New York, Mr. Mottl, Mr. Murphy of Pennsylvania, Mr. Patten, Mr. Patterson, Mr. Price, Mr. Rahall, Mr. Robinson, Mr. Rose, Mr. Runnels, Mr. Spence, Mr. Stokes, Mr. Walker, Mr. Whitehurst, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wyatt, Mr. Yatron, and Mr. Zeferetti):

H.R. 2495. A bill to abolish certain Federal regulatory agencies and to bring about the abolition of certain Federal regulatory agencies or their successor agencies after a specified period of time, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MATHIS:

H.R. 2496. A bill to abolish certain Federal regulatory agencies and to bring about the abolition of certain Federal regulatory agencies or their successor agencies after a specified period of time, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MAZZOLI:

H.R. 2497. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. Brodhead):

H.R. 2498. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations in the case of charitable contributions of literary, musical, or artistic compositions, or similar property; to the Committee on Ways and Means

By Mr. NEAL (for himself and Mr. Grisham):

H.R. 2499. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that rescue squad members are entitled to death benefits made available under such act; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 2500. A bill to direct the President to submit a plan for reform of the Selective Service System, to reactivate registration under the Military Selective Service Act beginning in 1981, to place the Selective Service System under the jurisdiction of the Secretary of Defense except when induction authority is in effect under such act, and for other purposes; to the Committee on Armed Services.

By Ms. OAKAR:

H.R. 2501. A bill to amend the Public Health Service Act to provide assistance for counseling of, and preparation and distribution of information for pregnant women; to the Committee on Interstate and Foreign Commerce.

H.R. 2502. A bill to establish a Council on Judicial Tenure in the judicial branch of the Government, to establish a procedure in addition to impeachment for the retirement of disabled Justices and judges of the United States, and the removal of Justices and judges whose conduct is or has been inconsistent with the good behavior required by article III, section 1, of the Constitution, and for other purposes; to the Committee on the Judiciary.

H.R. 2503. A bill to amend title II of the Social Security Act to create portability in social security by permitting married couples to elect to combine their earnings in any year for benefit purposes, and to make other changes designed to foster the more equitable treatment of individuals and families under the social security program; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2504. A bill to amend the Clean Air Act to postpone for 1 year the application of certain restrictions to areas which have failed to attain national ambient air quality standards and to delay for 1 year the data required for adoption and submission of State implementation plans applicable to these areas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON:

H.R. 2505. A bill to establish an additional Federal judicial district in the State of California; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 2506. A bill to amend title 37, United States Code, to authorize family separation allowance for members in the pay grade of E–4 and below with dependents; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 2507. A bill to extend from 5 to 10 years the period during which individuals becoming eligible for Government pensions may qualify for an exemption from the pension offset provisions of the Social Security Act; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. Florio, Mr. Guarini, Mr. Hollenbeck, Mr. Howard, Mr. Hughes, Mr. Minish, Mr. Patten, Mr. Rinaldo, Mr. Roe, and Mr. Thompson):

H.R. 2508. A bill to create the Energy Corporation of the Northeast and to authorize the Secretary of the Treasury to provide guarantees for the obligations of such corporation and other financial assistance to such corporations; jointly, to the Committees on Interstate and Foreign Commerce, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. SEBELIUS:

H.R. 2509. A bill to authorize the Secretary of the Interior to construct, operate and maintain the Glen Elder unit of the Pick-Sloan Missouri Basin program, Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. SPELLMAN:

H.R. 2510. A bill to amend title 5, United States Code, to permit court review in cases involving employees separated under section 8347, title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. STRATTON (for himself, Mr Addabbo, Mr. Biaggi, Mrs. Chisholm, Mr. Green, Mr. Horton, Mr. Lent, Mr. Lundine, Mr. McHugh, Mr. Mitchell of New York, Mr. Murphy of New York, Mr. Nowak, Mr. Peyser, Mr. Richmond, Mr. Scheuer, Mr. Wydler, Mr. Zeferetti, Mr. Weiss, Mr. McEwen, and Mr. Downey):

H.R. 2511. A bill to create the Energy Corporation of the Northeast and to authorize the Secretary of the Treasury to provide guarantees for the obligations of such corporation, and other financial assistance to such corporations; jointly, to the Committees on Interstate and Foreign Commerce, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. VANDER JAGT:

H.R. 2512. A bill to amend title XVIII of the Social Security Act with respect to emergency inpatient hospital services furnished outside the United States; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2513. A bill to provide vacation leave for residents of Alaska serving a tour of duty in a hardship station in Alaska; to the Committee on Government Operations.

H.R. 2514. A bill to provide that, for purposes of the Internal Revenue Code of 1954, gross income does not include payments by the State of Alaska to (or by reason of) certain individuals who have attained age 65 and who have been domiciled in Alaska for at least 25 years; to the Committee on Ways and Means.

By Mr. ALEXANDER (for himself, Mr. Bethune, Mr. Hammerschmidt, and Mr. Anthony):

H.R. 2515. A bill to authorize on a temporary basis certain business and agricultural loans, notwithstanding interest limitations in state constitutions or statutes, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Small Business.

By Mr. BUCHANAN (for himself and Mr. Erlenborn):

H.R. 2516. A bill to amend the General Education Provisions Act to limit the period of agency comment on General Accounting Office reports with respect to education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. CAVANAUGH:

H.R. 2517. A bill to provide that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs; jointly, to the Committees on Armed Services, Interstate and Foreign Commerce, Post Office and Civil Service, and Ways and Means.

By Ms. HOLTZMAN:

H.R. 2518. A bill to provide for the appointment of a Special Prosecutor when Members of Congress are accused of serious Federal offenses; to the Committee on the Judiciary.

By Mr. MURPHY of New York (for himself, Mr. McCloskey, Mr. Studds, Mr. Pritchard, Mr. Breaux, Mr. Forsythe, Mr. Ambro, Mr. Wydler, and Mr. Walker):

H.R. 2519. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal years 1979 and 1980, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

By Mr. MURPHY of New York (for himself, Mr. McCloskey, Mr. Studds, Mr. Pritchard, Mr. Ambro, and Mr. Walker):

H.R. 2520. A bill to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such act for fiscal year 1980; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

By Mr. PANETTA:

H.R. 2521. A bill to amend title 10, United States Code, to promote the maximum efficient utilization of military health care resources and facilities, to contain the cost of military health care, to provide an improved health care program for members and eligible former members of the Armed Forces and their dependents, and for other purposes; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 2522. A bill to prohibit the use of any United States funds to implement the Panama Canal Treaty of 1977 unless the use of those funds for that purpose is hereafter expressly provided for by the Congress and to prohibit the transfer to the Republic of Panama any territory or other property of the United States in the Canal Zone unless the Congress hereafter enacts legislation which expressly authorizes such transfer; to the Committee on Merchant Marine and Fisheries.

By Mr. SEBELIUS:

H.R. 2523. A bill to amend the Helium Act to establish a National Helium Reserve and to develop a national helium conservation policy to encourage and facilitate the conservation of the helium resources of the United States; to the Committee on Interior and Insular Affairs.

By Mr. ULLMAN (for himself and Mr. Pickle):

H.R. 2524. A bill to amend section 361 of the Social Security Amendments of 1977 to facilitate the conduct by the National Commission on Social Security of its studies under that section; to the Committee on Ways and Means.

By Mr. WALKER (for himself, Mr. Ashbrook, Mr. Bauman, Mr. Collins of Texas, Mr. Daniel B. Crane, Mr. Leach of Iowa, Mr. Pritchard, Mr. Regula, Mr. Schulze, Mr. Stanton, and Mr. Symms):

H.R. 2525. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide an exemption from coverage under the social security program, through a tax refund procedure, for employees who are members of religious faiths which oppose participation in such program, and to provide a similar exemption on a current basis (pursuant to waiver certificates filed in advance) for employers engaged in farming and their employees in cases where both are members of such faiths; and to make the existing exemption for self-employed members of such faiths available to certain additional individuals; to the Committee on Ways and Means.

By Mr. EVANS of Indiana:

H.J. Res. 232. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. LLOYD:

H.J. Res. 233. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Ms. OAKAR:

H.J. Res. 234. Joint resolution designating the American rose as the national floral emblem of the United States of America; to the Committee on Post Office and Civil Service.

By Mr. NOWAK:

H. Con. Res. 62. Concurrent resolution urging the Canadian Government to reassess its policy of permitting the commercial killing of newborn harp seals; to the Committee on Foreign Affairs.

By Mr. WALKER (for himself, Mr. BADHAM, Mr. SHUSTER, Mr. HYDE, Mr. QUAYLE, Mr. PAUL, Mr. SOLOMON, Mr. MITCHELL of New York, Mr. LENT, Mr. GRISHAM, Mr. SCHULZE, Mr. McDONALD, Mr. HAGEDORN, Mr. STANGELAND, Mr. ROTH, Mr. SYMMS, Mr. EDWARDS of Oklahoma, Mr. CARNEY, Mr. DANIEL B. CRANE, Mr. ERDAHL, Mr. MYERS of Indiana, Mr. TAUKE, Mr. THOMAS, Mr. BAUMAN, Mr. LIVINGSTON, Mr. BROWN of Ohio, and Mr. DOUGHERTY):

H. Con. Res. 63. Concurrent resolution expressing the sense of the Congress that it is incumbent upon the Attorney General to initiate an investigation in order to determine whether the officially substantiated allegations involving the Chief Executive and at least one former Cabinet level official warrant further investigation or prosecution by a special prosecutor; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

47. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to State regulation of mines; to the Committee on Education and Labor.

48. Also, memorial of the Legislature of the State of Idaho, requesting that Congress propose, or call a convention for the specific and exclusive purpose of proposing, an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by Congress for any fiscal year not exceed the total of all estimated Federal revenues for that fiscal year; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 2526. A bill for the relief of Roberto Santiago Galos, his wife, Flora Justina Borjas de Galos, and their children, Giselle Sofia Margarita Galos, Denise Renee Galos, and Leonie Desiree Claudia Galos; to the Committee on the Judiciary.

By Mr. DORNAN:

H.R. 2527. A bill for the relief of Remedios R. Alcudia, Christopher, Ezra and Vermillion Alcudia; to the Committee on the Judiciary.

By Mr. DUNCAN of Oregon:

H.R. 2528. A bill for the relief of Renuka Pavla; to the Committee on the Judiciary.

By Mr. GARCIA:

H.R. 2529. A bill for the relief of Kirsys Martinez; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 2530. A bill for the relief of Manouchehr Fardi; to the Committee on the Judiciary.

By Mrs. SNOWE:

H.R. 2531. A bill for the relief of Russell W. Allen; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 2532. A bill for the relief of Gail Williamson; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 2533. A bill for the relief of Mrs. Kerry Ann Wilson and Jason John Barba; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 114: Mr. LEWIS and Mr. STUMP.

H.R. 154: Mr. BADHAM, Mr. BEVILL, Mr. ABDNOR, Mr. GARCIA, Ms. FERRARO, and Mr. DUNCAN of Tennessee.

H.R. 167: Mr. BEARD of Rhode Island, Mr. HAWKINS, Mr. STUMP, Mr. MURPHY of Pennsylvania, Mr. SMITH of Iowa, Mr. WALKER, Mr. BRODHEAD, Mr. CONYERS, Mr. DANIELSON, Mr. EDWARDS of California, Mr. GUYER, Mr. PREYER, Mr. PEPPER, Mr. PRITCHARD, Mr. RICHMOND, Mr. SEBELIUS, Mr. WHITEHURST, Mr. DRINAN, Mr. EMERY, Mr. ANDERSON of Illinois, Mr. OTTINGER, Mr. McCLORY, Mr. McKAY, Mr. CORMAN, Mr. FLIPPO, Mr. SCHEUER, Mr. CARR, Mr. HARKIN, Ms. HOLTZMAN, Mr. MITCHELL of Maryland, Mr. WEAVER, Mr. WALGREN, Mr. KILDEE, Mrs. SCHROEDER, Mr. BEDELL, Mr. DELLUMS, Mr. ENGLISH, Mr. EDGAR, Mr. WOLPE, Mrs. BOUQUARD, Mr. MAGUIRE, and Mr. BUCHANAN.

H.R. 214: Mr. CLEVELAND, Mr. RUDD, Mr. SHUSTER, Mr. GRASSLEY, and Mr. GINGRICH.

H.R. 215: Mr. DORNAN, Mr. COLLINS of Texas, Mr. YOUNG of Alaska, Mr. MARTIN, Mr. DEVINE, Mr. ICHORD, Mr. DANNEMEYER, Mr. DANIEL B. CRANE, and Mr. SOLOMON.

H.R. 277: Mr. ADDABBO, Mr. AKAKA, Mr. BINGHAM, Mr. CLAY, Mr. CONYERS, Mr. DIXON, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDWARDS of California, Mr. FORD of Tennessee, Mr. MAGUIRE, Mr. MOTTL, Mr. RICHMOND, Mr. ROE, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mrs. SCHROEDER, Mr. STUDDS, Mr. VENTO, and Mr. WOLPE.

H.R. 478: Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. CONYERS, Mr. HOLLENBECK, Mr. LaFALCE, Mr. LEDERER, Mr. MITCHELL of Maryland, Mr. OTTINGER, Mr. RANGEL, Mr. RICHMOND, Mr. SCHEUER, Mr. SOLARZ, and Mr. WOLFF.

H.R. 486: Mr. ADDABBO, Mr. AKAKA, Mr. BALDUS, Mr. BONIOR of Michigan, Mrs. BOUQUARD, Mr. BUCHANAN, Mr. JOHN L. BURTON, Mr. CONTE, Mr. CONYERS, Mr. DASCHLE, Mr. DIXON, Mr. DONNELLY, Mr. DORNAN, Mr. DRINAN, Mr. EVANS of Georgia, Ms. FERRARO, Mr. FORD of Michigan, Mr. FROST, Mr. GLICKMAN, Mr. JENRETTE, Mr. KINDNESS, Mr. LEDERER, Mr. LONG of Maryland, Mr. McCORMACK, Mr. McKINNEY, Ms. MIKULSKI, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NEAL, Mr. NICHOLS, Mr. OTTINGER, Mr. PANETTA, Mr. PEPPER, Mr. PEYSER, Mr. PRICE, Mr. PRITCHARD, Mr. RAHALL, Mr. RANGEL, Mr. REUSS, Mr. RICHMOND, Mr. ROE, Mr. ROSENTHAL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. STUDDS, Mr. TRAXLER, Mr. WAXMAN, Mr. WEISS, Mr. WILLIAMS or Montana, and Mr. ZEFERETTI.

H.R. 490: Mr. BEDELL, Mr. BENJAMIN, Mrs. BOUQUARD, Mr. BRODHEAD, Mr. JOHN L. BURTON, Mr. CARR, Mr. COELHO, Mr. CORCORAN, Mr. D'AMOURS, Mr. DASCHLE, Mr. DOWNEY, Mr. EDGAR, Mr. EVANS of Georgia, Mr. GARCIA, Mr. GRAY, Mr. HOLLENBECK, Mr. KINDNESS, Mr. LaFALCE, Mr. LEHMAN, Mr. MIKVA, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. OTTINGER, Mr. PANETTA, Mr. PASHAYAN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RUSSO, Mr. SEIBERLING, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. UDALL, Mr. VENTO, Mr. WEISS, Mr. WOLFF, and Mr. WOLPE.

H.R. 520: Mr. OTTINGER.

H.R. 598: Mr. MYERS of Indiana.

H.R. 758: Mr. SIMON and Mr. NICHOLS.

H.R. 991: Mr. WALKER, Mr. STANGELAND, and Mr. DANIEL B. CRANE.

H.R. 995: Ms. MIKULSKI.

H.R. 1071: Mr. BEDELL, Mr. WHITEHURST, and Mr. MAGUIRE.

H.R. 1149: Mr. STUMP and Mr. TAUKE.

H.R. 1262: Mr. JENRETTE.

H.R. 1293: Mr. CONTE, Mr. DUNCAN of Tennessee, Mr. HUBBARD, Mr. LEWIS, Mrs. BOUQUARD, Mr. DORNAN, Mr. DANIEL B. CRANE, Mr. BUCHANAN, and Mr. SYMMS.

H.R. 1297: Mr. McKINNEY, Mr. MIKVA, Mr. NOWAK, and Mr. COUGHLIN.

H.R. 1439: Mr. MAVROULES, Mr. CHAPPELL, Mr. ALBOSTA, Mr. McCLORY, Mr. ROE, Mr. LEDERER, and Mr. EDWARDS of Oklahoma.

H.R. 1605: Mr. LEDERER, Mr. RICHMOND, Mr. ERTEL, Mr. HOWARD, Mr. VENTO, Mr. COELHO, Mr. MATHIS, Mr. NEAL, Mrs. BOUQUARD, and Mr. WALGREN.

H.R. 1664: Mr. ANDREWS of North Carolina, Mr. GUDGER, Mr. NEAL, and Mr. PREYER.

H.R. 1785: Mr. ST GERMAIN, Mr. HALL of Texas, Mr. FORSYTHE, Mr. DIXON, Mr. MOAKLEY, Mr. BEVILL, Mr. DANNEMEYER, Mr. PRICE, Mr. LEDERER, Mr. GLICKMAN, Mr. EDGAR, Mr. HAGEDORN, Mr. ROE, Mr. PREYER, Mr. REUSS, Mr. WHITEHURST, Mr. PRITCHARD, Mr. FRENZEL, Mr. O'BRIEN, Mr. WINN, Mr. THOMPSON, Mr. REGULA, Mr. WALKER, Mr. MILLER of Ohio, Mr. NEAL, and Mr. MITCHELL of New York.

H.J. Res. 103: Mr. DORNAN, Mr. COLLINS of Texas, Mr. SOLOMON, Mrs. HOLT, Mr. ROBINSON, Mr. DANNEMEYER, Mr. SYMMS, Mr. DUNCAN of Tennessee, and Mr. MILLER of Ohio.

H.J. Res. 137: Mr. MURPHY of Pennsylvania, Mr. VAN DEERLIN, Mr. WHITTAKER, Mr. GARCIA, Mr. BONER of Tennessee, Mr. CONTE, Mr. BROWN of Ohio, Mr. LLOYD, Mr. WON PAT, Mr. SOLOMON, Mr. PRICE, Mr. HYDE, Mr. STOKES, Mr. SCHEUER, Mr. McDONALD, Mr. WHITEHURST, Mr. SPENCE, and Mr. BOB WILSON.

H.J. Res. 202: Mr. BADHAM, Mr. BURGENER, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, JR., Mr. GINGRICH, and Mr. LAGOMARSINO.

H. Con. Res. 54: Mr. SOLARZ, Mr. WOLFF, Mr. WOLPE, Mr. RICHMOND, Mr. MILLER of California, Mr. CORRADA, Mr. GUYER, Mr. GRASSLEY, Mr. MURPHY of Illinois, Mr. ROYBAL, Mr. MARKEY, Mr. UDALL, Mr. SABO, Mrs. SCHROEDER, Mr. VENTO, Mr. FLOOD, Mr. FAZIO, Mr. LEACH of Louisiana, Mr. BONIOR of Michigan, Mr. CAVANAUGH, Mr. FLORIO, Mr. CONTE, Mr. MURPHY of Pennsylvania, Mr. CONYERS, Mr. D'AMOURS, Mr. GILMAN, Mr. AMBRO, Mr. WEAVER, Mr. WEISS, Mr. SIMON, Mr. YATRON, Mr. DIXON, Mr. GREEN, Mr. LAGOMARSINO, Mr. NATCHER, Mr. HUBBARD, Mr. NEAL, Mr. YOUNG of Missouri, Mr. CARR, Mr. SCHEUER, Mr. FROST, Mr. BEDELL, Mr. McHUGH, Mr. RANGEL, Mr. EVANS of the Virgin Islands, Mr. MARKS, Mr. RODINO, Mr. PERKINS, Ms. MIKULSKI, Mr. DOWNEY, Mr. MAZZOLI, Mr. WIRTH, and Mr. RATCHFORD.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

66. By the SPEAKER: Petition of the Eastern Washington Area Agency on Aging Advisory Council, Spokane, Wash., relative to funding for programs under the Older Americans Act; to the Committee on Appropriations.

67. Also, petition of the Stephen A. Markey Chapter No. 297, National Association of Retired Federal Employees, New Bedford, Mass., relative to the proposed merger of the Federal retirement system with the Social Security System; jointly, to the Committees on Ways and Means, and Post Office and Civil Service.

EXTENSIONS OF REMARKS

ALFRED PASTERNAK, M.D.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WAXMAN. Mr. Speaker, it is a special pleasure for me to bring to your attention the accomplishments of Alfred Pasternak, M.D., who was recently honored by Yeshiva Rav Isacsohn of Yeshivath Torath Emeth Academy at its 24th annual celebration last December 3, in Los Angeles.

Dr. Pasternak is a certified diplomate of the American Board of Obstetrics and Gynecology; fellow of the American College of Obstetricians and Gynecologists; Pan American Medical Association (obstetrics and gynecology section); Los Angeles Obstetrical and Gynecological Society; and member of the county, State, and national medical associations. A participant in many philanthropic efforts since his arrival in the United States, he is an active member of Shelters for Israel, of the medical section of Federation Council, of the Board of Directors of the American Friends of Tel-Aviv University. He has most recently devoted his efforts to the works of the Fund for Higher Education in Israel. The fund has been instrumental in construction of various medical facilities at all seven universities in Israel. A wing of the Institute for Hormone Research at the Weizman Institute of Sciences is dedicated in honor of Dr. Pasternak's parents.

In 1976 Alfred Pasternak was awarded the Flame of Truth Award by the Fund for Higher Education in Israel. His abiding interest in Jewish children goes back to his youth—he is the sole surviving student of his hometown cheder in Hungary. He is the son of Simon Pasternak, a successful businessman and prominent civil leader. Members of the Pasternak family were well-known in Hungary as rabbis and physicians. Dr. Pasternak's Yeshiva (cheder) education was interrupted, like that of so many others, by the Nazi occupation of Hungary in 1944. Separated from their family, he and his father suffered the horrors and abuses of Auschwitz and Dornhau concentration camps, but somehow, through a long series of miracles, survived the ordeal and returned to Hungary after being liberated in May of 1945. In the 10 years after his return to Hungary, Dr. Pasternak gained national attention for his brilliant academic achievements. As a senior high school student he won first prize in the National Study Contest in two categories, and as a senior medical student he won first prize in the National Essay Contest. He received his doctorate in medicine, summa cum laude, in 1955. Dr. Pasternak participated as a physician in the abortive 1956 Hungarian Revolution in the hope that he and his family would cease to be second-class citizens upon the demise of the Communist regime. When the revolution was crushed he managed to escape from the country by eluding Hungarian and Russian mine fields, border guards and police, and managed subsequently to arrange for the escape of the surviving members of his family. They arrived in the United States in 1957 among immigrants from Hungary under a special quota established by Congress. Dr. Pasternak was able to surmount language and professional difficulties, and establish his practice in Los Angeles with the aid of a special professional board set up by Cedars of Lebanon Hospital. Dr. Pasternak's contributions to his community add to the luster of his status as a giving person. He honors us with his presence. ●

TELEVISED HOUSE PROCEEDINGS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. VAN DEERLIN. Mr. Speaker, as the following editorial from the Los Angeles Times indicates, the televising of House proceedings is already returning benefits. Greater public knowledge of the workings of Government must strengthen our democracy—and can do much to improve our rather tarnished public image. I urge that maximum editorial freedom be allowed the participants in this enterprise:

PEERING IN ON THE PEERS

Gavel-to-gavel television coverage of the House of Representatives, which will start a week from today, probably will not shove "Mork and Mindy" from the top of the ratings, but it will permit vast numbers of Americans to observe half of the legislative branch of government in action. The Senate, as always more covetous of its privacy, still refuses to permit TV cameras in its chambers.

The new show, which will be on the air daily for all the hours that the House is in session, will have no name, although Senate critics suggest that "The Congressional Follies" or "The Lower Depths" would be appropriate.

But House Speaker Thomas P. O'Neill, Jr. (D-Mass.) is determined that members shall not grandstand for the cameras, and promises to deal harshly with them if they try.

There was a rehearsal last week of the series that could last even longer than "Gunsmoke." It was seen only on TV monitors in members' offices—as it will be in the future—and we are told that the color picture is amazingly sharp.

But only viewers who have subscription TV will be able to see gavel-to-gavel coverage. Commercial and public television stations plan to use only the most newsworthy debates or roll calls.

The signal will be sent across the country from the RCA Satcom I satellite, which is in stationary orbit 23,000 miles above the equator, and stations will be able to transmit all or part of it live. The cost to cable systems for full coverage will be small—only a penny a month per subscriber.

Much of the business of the House is dull, and not many of its members are spellbinders. For that reason, not many viewers will watch all of the proceedings, but the presence of the cameras—hidden high in the galleries—will remove much of the mystery and distrust that surround the inside workings of government.

If there is a substantial audience—and we hope there will be—the Senate would be under greater pressure to follow suit. But that body, sometimes known as the most exclusive club in the world, has been reluctant since its founding to open its doors to the hoi polloi.

The Senate did not permit the press or even the public to attend its sessions until 1795—and that was 15 years after the House came to the conclusion that the public's business ought to be done in public.

The Comte de Mirabeau, a French statesman of that era, had this to say of the Senate's arrogance: "The peers of American disdain to be seen by vulgar eyes. The music of their voices is harmony only for themselves, and must not vibrate in the ravished ears of an ungraceful and uncourtly multitude."

The House is again showing the way, and this time it should not take 15 years of agonizing for the Senate to decide to follow its example.●

IN RECOGNITION OF ROBERT G. VIEHMAN

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. YOUNG of Missouri. Mr. Speaker, as our country was founded by men who were willing to give of themselves so that others may benefit from their knowledge, it is my privilege to bring to the attention of my colleagues one of my constituents who has followed in this fine tradition.

Mr. Robert G. Viehman, assistant vice president and assistant treasurer of the St. Louis Bank for Cooperatives, took 9 weeks away from his busy schedule so that he could share his knowledge with our friends and allies in Thailand. While in Thailand, Mr. Viehman served as a consultant to the Bank for Agriculture and Agricultural Cooperatives, Bangkok, Thailand.

Mr. Viehman's services were requested by the Volunteer Development Corps of Washington (VDC). VDC is a private nonprofit organization whose mission is to coordinate U.S. technology with the needs of developing countries.

In addition to helping to reorganize the bank's accounting system, Mr. Viehman was also instrumental in establishing a communication system that links the bank with its 58 branches throughout Thailand. Mr. Viehman summarized his experience as "personally gratifying." He attributed his favorable impres-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

sion to the people of Thailand, who he found "honest, industrious, and ever-willing to sacrifice for the modernization process."

Contributions such as those made by Mr. Viehman have helped to make our country what it is today. Helping people to help themselves is an ideal that we should always hold dear. It is with this in mind that I call Mr. Viehman to your attention.●

CAMPAIGN FINANCING

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SHUMWAY. Mr. Speaker, I would like at this time to express my opposition to the public financing of congressional campaigns.

Public financing is a concept fraught with danger for our election system, a fact that is well understood by a vast majority of the American people. A large number of my constituents have expressed their deep concern with the idea that their tax dollars could be used to support candidates whom they themselves do not favor. A 1978 poll showed that 67 percent of those questioned opposed public financing on the basis that their tax dollars could be better spent elsewhere.

At a time when we are striving to reduce Federal spending throughout the economy, it makes little sense to institute a system of public financing. Such a system would entail the expenditure of $100 million or more, as well as the rapid expansion of the Federal Election Commission (FEC). Since 1976, there has already been a 60-percent increase in FEC employees, and a 75-percent increase in its budget. Campaign financing would mean a tripling of FEC employees in just 3 years.

I am also concerned with the implicit limitation public financing would impose on a candidate's freedom to communicate with the voters. Further, the limitation on spending mandated by public financing would serve to benefit incumbents. The advantages inherent in incumbency are well known; challengers, as a rule, must spend considerably more than their opponents in order to win a congressional seat.

In limiting outside contributions, public financing would greatly increase the influence of certain interest groups who are able to provide chosen candidates with significant nonmonetary support. The value of get-out-the-vote drives, mass mailings, and voter registration campaigns would certainly be enhanced should public financing be implemented. I see no reason why we should give labor unions and similar organizations an inherent advantage in the election process.

In essence, those who favor public financing assume that financial support of canddiates by special interest groups is, by definition, an activity which should be prohibited. I question this perception. Such interest groups have long represented nearly every segment of American society, and are part of the tradition that Americans are active through their organizations. As long as contributions from such groups are made openly and honestly, each voter has the opportunity at the polls to determine individually and personally whether such support is improper. Additionally, it should be pointed out that there are a number of effective safeguards in place, administered by the Federal Election Commission, the purpose of which is to prevent abuse or improper utilization of contributions made during campaigns.

Mr. Speaker, in 1977, nearly 75 percent of those who filed tax returns with the Internal Revenue Service chose not to check off a dollar for public financing of Presidential campaigns. It is clear that for the above reasons, and no doubt many others, the American people do not accept the arguments of those who favor public financing. I would urge my colleagues in this area, as in all others, to heed the voices of their constituents and to join me in opposing H.R. 1 and all similar proposals.●

REAL WAGE INSURANCE

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SHANNON. Mr. Speaker, by any standard inflation is now considered to be the most pressing national problem. Bringing inflation under control is one of the most important and difficult tasks before us in the 96th Congress. The President has proposed an attack on inflation that is composed of several different approaches. One of the most controversial proposals in the President's program is that of real wage insurance.

Walter Heller, former Chairman of the Council of Economic Advisers, recently made a very eloquent case in support of real wage insurance. I am inserting this editorial in the RECORD for my colleagues' information in order to encourage debate on this issue:

REAL-WAGE INSURANCE

(By Walter W. Heller)

MINNEAPOLIS.—Congressional prospects for enactment of real-wage insurance have been going up and down.

The basic case for it was presented to chairmen Al Ullman of the House Ways and Means Committee and Russell Long of the Senate Finance Committee in a letter from 12 economists (Gardner Ackley, James Duesenberry, David Grove, Walter Heller, Lawrence Klein, Robert Nathan, Arthur Okun, George Perry, Robert Solow, James Tobin, Lloyd Ullman and Sidney Weintraub).

The White House proposal for real-wage insurance would give employee groups that met the Administration's 7 percent limitation on wage increases an income-tax credit if the consumer-price index rose by more than 7 percent. For each percentage point of inflation exceeding 7 percent, up to a 10 percent limit, qualifying employees would get a tax credit of 1 percent of their wages, up to a limit of $20,000. As this credit applies for only one year, while wage increases reach indefinitely into the future, it does not offer dollar-for-dollar compensation for foregone wage increases but it does offer a stronger prospect of decelerating increases in costs and prices and, hence, boosting the real purchasing power of wage earners' paychecks.

The strategic role of real-wage insurance becomes apparent when we review the chain of reasoning that underlies it.

The record of the last decade makes it all too clear that tight monetary and fiscal policies by themselves cannot bring inflation to bay without bringing the economy to its knees. Bitter experience shows that if nothing is done about the self-propelling price-wage spiral, economic slowdown translates at best about five-sixths into fewer jobs and less output and only about one-sixth into less wage and price inflation.

The basic rationale of the wage-price restraint program this year is to change those proportions by translating more of the slowdown into a lower price-wage spiral and less into higher unemployment and lost output.

But in that process, workers and their unions are being asked to sign up "on the come," well before they can see prices moderating. Considering the background of pay increases that have fallen behind price increases, and the foreground of continuing inflationary head winds, one can readily understand why workers might be reluctant to comply with wage standards unless there is some safeguard, some landing net, to assure those who sign up that they will not be penalized by their willingness to stay within the 7 percent ceiling. The innovating plan to give them a tax rebate provides that vital insurance.

It is important to recognize wage insurance not as a form of indexing but as an incentive to comply with the wage guidelines. It is designed to induce unions and workers to join the battle against inflation, not to enable them to live with it by indexing them against it. The point is to deter inflation, not accommodate it.

Vexing problems of definition and administration will face Congressional committees in shaping this legislation. One can readily think of numerous "hard cases that make bad law" in determining who does and who does not qualify for the rebate. The way around this is to stick to broad groupings and resolve doubts generously in favor of the wage earner. The resulting cost in revenue need not be large, and the gain in minimizing complexities can be great.

Apart from administering difficulties, perhaps the greatest question mark hangs over the possible cost of the program. But here the Administration's careful appraisal is reassuring.

Its $2.5 billion cost estimate is based on the assumption that 47 million workers will qualify for real-wage insurance and that inflation will be about 7.5 percent. If the sign-up rate for the program is much greater, this would translate into a lower rate of inflation and thus reduce the program's costs, perhaps to zero. If the sign-up was meager, inflation would be worse, but the number of payments would be much smaller.

If there is a spur to inflation from "external shocks" such as rising oil or food prices, costs would indeed rise above $2.5 billion. But since these shocks would heighten the likelihood of recession, the larger outlay would be a welcome automatic stabilizer.

As Congress grapples with the hard task of converting wage-insurance proposal into legislative reality, one hopes that it will keep three guiding principles uppermost in mind:

Since the use of monetary-fiscal restraint alone would be so costly in jobs and output, it is worth taking some added risks to minimize those costs.

Indeed, the much greater risk would be failure to enact the wage-insurance plan, thus weakening the President's program of wage-price restraints.

Finally, as one tax authority has put it: "It is better to approximate justice than to be clearly unjust." ●

NATIONAL ENDOWMENT FOR THE ARTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MIKVA. Mr. Speaker, in recent years Federal, State, and local governments have become increasingly sympathetic and supportive of the arts. Public support for the arts now enjoys widespread—and well-deserved—support.

On the Federal level funding has increased for the National Endowment for the Arts; artists now qualify for the CETA program; and appropriations for arts institutions have risen. All of these steps will pay enormous dividends for the American people.

It is important, however, that other provisions of Federal law not conflict with the goals of programs for the arts. Currently, there is a provision of the Federal income tax code which is inconsistent with helping the arts.

In the Tax Reform Act of 1969, section 170(e) of the Internal Revenue Code was amended to reduce the deductions available to an artist who donates work to a nonprofit institution. The limitation restricts the amount of deduction to the cost of the materials used to create the work. The effect of this provision is to discourage donations, and make fewer works of art available for public view. Perhaps the greatest unfairness in the current state of the law, however, is the relatively more generous tax treatment provided collectors. A collector who purchases a work of art from the artist and then donates the work to a museum is entitled to a deduction based upon the market value of the work even though the artist can only deduct the value of the materials used in the work.

The bill Mr. BRODHEAD and I are introducing today will provide for even-handed treatment of artists and collectors. Under the bill, artists will also be allowed to deduct the full market value of their own works when donated to a nonprofit institution if the institution certifies that the work has artistic significance. The more liberal deduction treatment will not be allowed, however, for donations of paper by political figures.

We think that creative artists deserve the same tax treatment for donating their works to a museum during their lifetime as the collectors and purchasers of their work. And, we think this bill will serve a clear public interest, because it will encourage donations and make more art available for all Americans to enjoy.●

BEDELL SUPPORTS LEGISLATION TO CREATE SEPARATE CABINET-LEVEL DEPARTMENT OF EDUCATION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. BEDELL. Mr. Speaker, yesterday my distinguished colleague, Mr. BROOKS, introducted H.R. 2444, legislation to establish a separate Cabinet-level Department of Education. As a prime cosponsor of this bill, I rise today to affirm my support of this proposal, which addresses the critical issue of our Nation's commitment to assure quality education for all of its citizens.

In the past few years, there has been growing concern expressed by both parents and educators about the problems within our current system of education. A variety of developments, including declining standardized test scores, rising demand for retraining and learning opportunities for students of all ages, unacceptably high dropout rates, and an increase in students who upon graduation from high school lack the basic educational tools and specific skills for productive employment, have resulted in a waning of public confidence in the quality of American education. This is a situation which should not be ignored.

The prime responsibility for education in our country rests on State and local governments. However, the Federal Government also has a responsibility to help both public and private institutions fulfill their commitments to provide the best education possible for their students.

Most people in the education field agree that Federal policy can be most effective in working to meet three of education's most urgent needs: First, to allow educators a stronger voice in the formulation of Federal education policy; second, to achieve better coordination of education programs which are now scattered throughout Federal agencies and departments; and third, to provide for the more effective use of funds for improving education in this country in the years ahead. H.R. 2444 effectively responds to these challenges by creating a separate Cabinet-level Department of Education to direct Federal attention to education issues.

The United States is one of the few countries in the world that does not have a Department or Ministry of Education. At the present time, Federal education programs in the United States are spread out among more than 40 Government agencies. In the Department of Health, Education, and Welfare alone, which is the primary agency responsible for the oversight of Federal education policy, some programs are under the jurisdiction of the Commissioner of Education, while others fall under the purview of the Assistant Secretary for Education. The establishment of a new Department of Education would provide Federal programs with the necessary full-time coordination and leadership they need and deserve.

This consolidation of existing Federal programs and activities would serve both policy and management objectives. Many observers believe that education programs need more accountable management than they currently receive in so large and complex a department as HEW. Placing Federal education programs in one separate department under a Cabinet-level Secretary of Education would not only facilitate more orderly policy development, but it would also help to eliminate duplication in administrative and staff support activities among Federal agencies, and allow improved financial management and more efficient administration of education programs in general.

Another important factor to be considered is that the consolidation of Federal education programs under one roof would provide an opportunity to reduce the massive paperwork requirements of these programs and help resolve conflicts in current Federal regulations. In this way, the proposed Department of Education should help both States and localities increase their efficiency in meeting students' needs by eliminating the wasteful jumble of Federal activities that now serve only to drive up education's administrative costs.

As you know, I have long been wary of proposals to increase the number of departments and agencies in the Federal Government. However, I believe that the establishment of a new Department of Eduction would move us toward the goal of more efficient and effective Government by consolidating the now diffuse network of education programs, and by reducing the costs and redtape involved in the delivery of services and information to State, local, and private agencies. The centralization of Federal programs would also make the Government more effective in implementing such policies as equal education opportunities for the handicapped, and would improve its capacity to generate research and supply information to help individual education systems meet specific needs. Moreover, the efforts of a Cabinet-level advocate in the form of a Secretary of Education with direct access to the President would not only bring education to the forefront of domestic policy discussion, but would also focus the attention of the Nation on education issues.

Previously, one of the objections to the creation of a separate Education Department has been the possibility of greater Federal intervention in education planning and of reduced State and local control. In this regard, the proposed legislation contains specific language which prohibits Federal control over education policies and decisions that are properly the responsibility of States, localities, and public and private institutions. Also, the bill sets up an intergovernmental advisory council to serve as a forum if State and local officials should ever feel that their independence was being undermined by Federal actions.

Education activity in this country affects 60 million students, teachers, and education employees, and constitutes a $120 billion public and private enterprise. To me, it is apparent that with so much effort being directed by so many individuals toward the education of our citizens, we must take positive steps not only to achieve greater accountability for our education system, but also to encourage the constant improvement of the quality of the education being provided to Americans from all economic and social backgrounds. I firmly believe that the proposed Department of Education can meet this important need, and I hope that both the House and the Senate will undertake expeditious consideration of H.R. 2444.●

STATEMENT OF CONGRESSMAN LESTER L. WOLFF ON THE PRICE OF HOME HEATING FUEL AND ON GASOLINE RATIONING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WOLFF. Mr. Speaker, recent events have emphasized once again that further steps must be taken immediately to insure that adequate energy supplies are made available to our citizens at reasonable prices. I am, in particular, gravely concerned by any suggestion of immediate gasoline rationing and by the announced and projected increases in the price of home heating fuel.

Let me state clearly and unequivocally that I am categorically opposed to any form of immediate gasoline rationing. Although our energy supplies have suffered some restriction due to the situation in Iran, I do not believe that these limitations in any way justify imminent gasoline rationing. I do, of course, believe that it may be prudent to have a standby rationing plan in the event of a national emergency. Furthermore, it is essential that any rationing plan be flexible enough to take into account special circumstances, such as the scarcity of mass transportation and certain employment requirements. In addition, as with all Government programs, we must critically analyze the cost projections of any rationing plan in order to prevent extravagance in the name of conservation. But I repeat, the time for gasoline rationing is not now.

I am also deeply concerned over the announced and projected increases in the price of home heating fuel. The price of this fuel now threatens to make even minimum heat in the winter a luxury. Clearly, this is an unacceptable prospect.

I certainly understand that the actions of other countries in raising the price of oil have contributed to these price increases. But I am also aware that since the time the price of home heating fuel was decontrolled there have been steady price increase. For example, the price of home heating fuel at the refining level subsequent to decontrol has increased at a greater rate than the cost increases which the refiners have been incurring. Furthermore, it has been estimated by the Department of Energy that consumers have paid over $300 million extra for home heating fuel as the result of decontrol. In light of these facts I have written to the Subcommittee on Energy and Power of the Interstate and Foreign Commerce Committee requesting that it hold hearings to explore the possibility of reimposing price controls on home heating fuel. I have also asked that the subcommittee immediately investigate whether the oil companies have been reaping massive windfall profits, which foreign oil suppliers sometimes cite as a justification for their own crude oil price increases.

Finally, I believe that what the current energy situation most emphasizes is the need to develop, on an accelerated basis, alternate forms of energy. We must move the concepts, in particular solar energy, from the drawing boards to the workshop and the marketplace. We must disabuse ourselves of the notions that these are novelties of no practical value. We must look at them for what they are—the hope of the future. We must, once looking at them in that way, act upon our perceptions and bring these dreams into practical reality. We must shatter the fear of being ridiculed, and we must remember the words of Mark Twain that "every man with a new idea is a crank, until the idea succeeds." Let us explore these new ideas for energy, and put our national will behind this most vital search.●

TRIBUTE TO FANNY TUOMI

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to pay tribute to the late Fanny Tuomi, an outstanding citizen and friend from my district in Baltimore.

Fanny's life story represents the struggle of thousands of ethnic women who came to this country around the turn of the century.

She had a strong sympathy for the causes of the poor rooted in her own family situation during her youth.

Knowing little English after she arrived from Finland in 1913, she proudly took a job as a domestic. Fanny was never ashamed of what she did for a living as long as it was honest.

Fanny Tuomi was a dedicated civil liberties worker, far ahead of most women of her time. In her youth, she actively participated in the women's suffrage movement and child labor protests. In her later years she marched for civil rights and the women's strike for peace during Vietnam. She was highly respected in her community for the plays and poetry she wrote and performed at a Finnish club in Baltimore.

Those who knew her will remember her for her ability to unite people together, and for her spirit; for Fanny always said there was never anything a woman should not aspire to.●

VETERANS WITH EMOTIONAL SCARS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. BONIOR of Michigan. Mr. Speaker, for the benefit of all my colleagues, I would like to submit an article which appeared in the Washington Post on February 6. It was written by Coleman McCarthy who has been perhaps the most persistant and compassionate of journalists regarding the problem of Vietnam veterans.

I think that it is unconscionable that 15 years after the beginning of the Vietnam conflict, there is still no psychological program to deal specifically with the problems of Vietnam veterans. One bill has passed the Senate in each of the last four Congresses without even being granted hearings in the House to the best of my knowledge. I would think that this body would have been in the forefront in addressing the problems of those we committed to that war.

With the declaration of Vietnam Veterans Week the week of May 18, an initiative of the Vietnam Veterans in Congress, and the hard work of individuals such as Mr. McCarthy, there is a sympathy building among Americans that can no longer be ignored.

The Vietnam Veterans in Congress last year introduced the Vietnam Veterans Act which we intend to reintroduce this year. Part of that act would establish a psychological readjustment program with adequate funding and enabling Viet vets to use community mental health facilities. This, we consider, is the best solution. However, any steps in the House to establish a readjustment program would be seen as a step forward. Ignoring the problems of veterans that were a direct result of their honest effort to serve is unprecedented in this country. The time is running short to meaningfully reverse that disregard.

VETERANS WITH EMOTIONAL SCARS

Ten years ago, a Vietnam veteran who lost both legs and an arm in combat pleaded with the Senate Veterans' Affairs Committee to pass legislation that would help men coming home from the war with emotional scars. Psychological readjustment problems of a unique kind have been created, he said. Help was needed—fast.

Congress did nothing.

A few days ago, the same veteran went to the same committee with the same message. One difference existed. The veteran, Max Cleland, now heads the Veterans Administration, the third largest federal agency.

In the past two years, during which he has traveled 100,000 miles visiting VA hospitals and offices, Cleland has learned that psychiatric disorders abound. As many as 1.7 million Vietnam veterans might need readjustment counseling. Rates for depression, anxiety, suicide, alcoholism and insomnia are high.

The public learns about the issue in the occasional news story about the Vietnam vet who "goes berserk" in a neighborhood killing spree or by hijacking an airplane. But those are the dramatic exceptions. The common sign of torment is in the individual's inability to keep a job, a marriage or a positive self-image. Destructiveness turns inward.

Society labels such behavior abnormal—"poor fellows, they can't cope"—but many of those who went to Vietnam weren't likely to be coping anyway. The war was fought in disproportionate numbers by the poor, the young and the undereducated.

Any sense of honor their service may have remotely provided was shattered on coming home. Some were scorned as suckers for joining the military, others were ignored by those who didn't want reminders that the lost war was a foreign-policy disaster.

If he were less dogged, Cleland wouldn't be pestering Congress still again. It didn't want to face the psychological costs of the war in the late 1960s and now, with Vietnam four years in the past, the carryover problems of the survivors evoke little more than shrugs.

Aware of the ingrained insensitivity, Cleland isn't asking for much: $10 million for the first year to create a national network of 300 counselors for the veterans. The services would be available for those who do not have a definable mental illness that requires hospitalization but who somehow have been left unwhole by the war. Counseling and out-patient care would be the essence of the program.

It isn't likely that this group of veterans is holding its breath while Congress deliberates. Since 1971, four efforts have been made to create a readjustment counseling program. The Senate approved the idea, but each time the veterans committee in the House has opposed it. The Nixon and Ford administrations came in with their own negative firepower.

If anyone has kept the issue alive, it is Sen. Alan Cranston (D-Calif.). He is disappointed at the indifference of Congress to the Vietnam veteran, but his cause for hope as the legislation rises a fifth time is that a similar bill has been introduced in the House. "I've had extensive conversations with Sen. Cranston," says Rep. David Satterfield (D-Va.), sponsor of the House bill, and who has long been in opposition. "Things have been worked out and the counseling program is a priority now."

Those are encouraging words, except that even 10 years ago the sentiment would have been late. How many lives have been ruined because of congressional inaction? The average age of the Vietnam veteran is 34. In numberless cases, the stress disorders created by Vietnam have been embedded in the psyche for so long that a permanent suffocation of the soul has numbed the personality.

In Virginia Woolf's novel "Mrs. Dalloway," one of the characters is a World War I veteran whose psychic torments are not so different from those borne by today's veterans: "Now that it was all over, truce signed, and the dead buried, he had, especially in the evening, these sudden thunderclaps of fear. He could not feel."

Many Vietnam veterans might not be enduring hard times if they had some sense that the policy-makers who once championed the war were now championing them. But that hasn't happened.

Except for a few veterans groups that focus specifically on Vietnam and some allies in Congress and Max Cleland, who can't do much by himself in the absence of White House support, the vets are on their own. Like the veteran in the Woolf novel, the whole nation cannot feel.●

FUSION RESEARCH

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SIMON. Mr. Speaker, in the magazine Politics Today there was an article about the new breakthroughs in fusion and the importance of fusion to our energy future.

The President's budget for fusion research increased 2.2 percent which means in fact a cut in real dollar terms.

I hope the appropriate committee will take a good look at what is happening here, particularly in view of the international energy problems.

The article follows:

THE ULTIMATE ENERGY SOURCE

(By Jaye Scholl)

(NOTE.—Nuclear fusion is safe, clean and inexhaustible. That's why the federal government is betting $18 billion that it will work.)

Through the hot days and nights of last July, a score of the world's brightest physicists sat bleary-eyed in Princeton University's Plasma Physics Laboratory, peering at green squiggles on oscilloscope screens, watching closed-circuit television pictures of a strange machine with a Russian name, and poring over unending computer printouts. They were trying to discern the dimensions of a source of energy new to the earth—thermonuclear fusion.

There were no black or white results from this experiment, no thermometer to read, no space missions with their countdowns and men on the moon. No one can tell just by looking at the stainless steel, doughnut-shaped machine called a tokamak whether the experiment has failed or succeeded. Instead, temperature must be calculated from information such as magnetic field strengths, gaseous densities and particle velocities. Even computers take a while to make such calculations. But the immediate readings indicated to the Princeton physicists in July that they had made a giant leap forward in the search for energy from atomic fusion.

"You could feel your heart beating faster," one physicist recalled, remembering those early results. "You wanted to believe what you were seeing. But the results looked so extraordinary, caution told you not to."

Days later, there was no doubt left. Scientists at Princeton's Plasma Physics Laboratory had succeeded, for brief moments, in heating a gas to 60 million degrees Celsius, a temperature four times hotter than the core of the sun. And most important of all, the gas, which possesses a natural fury at any temperature but becomes almost uncontrollable at such intense heat, remained stable.

The experiment, after 27 years of work, had pushed scientists a significant step closer to producing energy by the method that powers the sun and stars. Electrically charged hydrogen atoms, if heated sufficiently, will fuse; in the process, some of the matter is converted into energy. Einstein's calculations indicated that the amounts of energy released by this fusion would be huge, as the explosion of the hydrogen bomb demonstrated. Thermonuclear experiments begun in 1951 have sought to generate the energy on a sustained basis, without any explosive bursts. If that can be done, water from the sea could provide the fuel for a safe, relatively clean and limitless supply of energy.

The world learned of the achievement at Princeton during a quiet weekend last August. The stories became national front-page news, unusual for any science story that does not involve a cure for cancer. But the complexities of the experiment and its place in a search that will take a lifetime were lost in the first reports. Some seemed to say that the answer to the energy crisis was around the corner. The scientists' first glow of exhilaration was soured by the need to cool runaway enthusiasm.

By the following Monday, August 14, officials from the US Department of Energy and Melvin Gottlieb, director of the Princeton program, were making joint statements to the press, trying to clear up what quickly was labeled the "confusion over fusion."

As exaggerated as some of the reports were, they gave the fusion energy program publicity. Gottlieb, who reportedly threatened to quit that weekend after being accused by the Energy Department of leaking the news, welcomed the attention despite the distortion of facts. "I think very few people know or had known about fusion," Gottlieb said. "It's a mysterious word that meant nothing to most people. One reason for this is that it's technologically rather complicated. It's not like putting your hand out in the sunlight and feeling the sun." Even the Energy Department's director of the Office of Energy Research, John Deutch, knew relatively little about fusion energy until a year ago when physicists took him on a tour of the Plasma Physics Laboratory at Princeton.

Despite the achievement of a 60-million-degree temperature, the fact is that thermonuclear fusion as an energy source is a long way off. No one involved in the work even bothers to hope that fusion will become available in time to ransom industrial countries from their dependence on petroleum.

Last September, in trying to explain to Congress the significance of Princeton's experiment, Deutch told the House Committee on Science and Technology that fusion energy would not begin to make substantial contributions to the national energy supply until at least the year 2020. Between now and then, Deutch said, research and development for thermonuclear fusion will cost taxpayers $18 billion. By comparison, the Manhattan project, which developed the atom bomb during World War II, cost $2 billion. Despite the expected cost, the federal government plans to pick up the entire bill.

Why is fusion energy so difficult to obtain? After all, nuclear fission power plants were in operation less than 20 years after the first atomic bomb was exploded. Why will it take so long to follow the hydrogen bomb success with nuclear fusion power plants?

The simple answer seems to be that atomic fission takes place from a cold start. Fusion does not occur unless enormous heat is applied. Reportedly, the heat that created fusion in the first hydrogen bomb was applied by detonating an atom bomb. The chief aim of thermonuclear energy research is to find a substitute for an atom bomb as a method of ignition.

Once a fusion reaction is achieved, millions of atoms will join, releasing hundreds of millions of neutrons that head off in different directions like millions of bullets. Where does the usable energy come from? If someone fired a hundred bullets into a block of wood, he would quickly feel the effect of bullets embedding themselves in wood—friction would cause the block to get hot. Heat, whether it comes from oil, gas, coal, wood or neutrons, can be converted into electricity. Thus, a fusion energy power station would send electricity through the power lines already strung across the country.

The potential benefits of thermonuclear power became evident even while the hydrogen bomb was being developed. The reresearch was kept under wraps for years. It was not until 1958 that the secrecy was lifted when an international agreement on peaceful uses of atomic energy was signed. It was then that reporters from the New York metropolitan area rushed to Princeton's laboratory, then just a small building hidden from sight by a cluster of tall oaks. They were told by scientists about the hitherto top-secret work on a program entitled "Project Matterhorn."

The director of the project, Lyman Spitzer, was a Princeton University astrophysicist and mountain climber (hence the project's code name). Spitzer had written to the Atomic Energy Commission in 1951, spelling out an idea he had for reproducing the sun's processes by heating a stream of hydrogen gas, called a plasma.

About the same time, two other laboratories, the Los Alamos Scientific Laboratory in New Mexico and Lawrence Livermore Laboratory outside of San Francisco, also began experiments aimed at achieving controlled thermonuclear fusion. (Over the years, 18 more laboratories have joined the search on a smaller scale. Most of the work was financed by the Atomic Energy Commission, then the Energy Research and Development Administration, and now the Department of Energy). But the first three labs, and particularly Princeton, have dominated the research effort.

Spitzer's idea was to heat the hydrogen plasma in a machine he called a "stellarator." It consisted of a figure-eight-shaped tube surrounded by enormous magnets. The plasma inside the tube would be confined by the magnetic force, thus heating it and keeping it away from the walls of the tube. With a small band of physicists, he worked on ways to heat the plasma, working toward the goal of producing as much energy as it took to run the machine.

More recently, competing theories have been pursued at Lawrence Livermore. One called for laser beams to heat pellets of deuterium, a heavy isotope of hydrogen. The laser beams compress the pellets until they are 100 times more dense than lead. At such densities the deuterium implodes, igniting itself and releasing neutrons. If the research succeeds, scientists in effect will have created small stars on earth. Because the work is so close to hydrogen bomb technology, most of it remains secret. It is heavily supported by the Department of Defense. The chief stumbling block appears to be the need for laser beams far more powerful than anything produced so far.

Researchers at the Los Alamos laboratory are working with another variety of lasers. Los Alamos ranks third in terms of the amount of money it gets for its research.

Princeton's stellarator was improved upon by the Russians when they built their tokamak. (The word *tokamak*, now in universal usage, is derived from the Russian abbreviation *tok a magnet kamera*, meaning "current and magnetic chamber.") For years, the Soviet Union was considered the leader in that branch of fusion research. But Princeton's tokamak is an advance over anything the Russians have.

The US fusion energy program got an injection of federal support when a new consciousness about the pitfalls of nuclear fission reactors developed and the OPEC nations declared an oil embargo in 1973. By 1975, 270 postdoctorate physicists and engineers were working at the Princeton Plasma Physics Laboratory. Most were young men who possessed first-class scientific minds. They came from all over the world. Entire tables were set aside in the laboratory cafeteria for French- or Japanese-speaking physicists. They invaded the local tennis courts and restaurants. It was no longer safe to assume that a scientist who said he worked with plasmas was talking about blood.

Gottlieb took over from Spitzer in 1961. Since then, he has developed a reputation for astute and demanding leadership, as well as an ability to get along well in Washington.

Because the Princeton tokamak is in the forefront of the effort to achieve fusion, it has been targeted for the biggest portion of federal funds. A big new tokamak is under construction on Princeton's Forrestal Campus, a vast green plain alongside U.S. Route 1 at the mid-point on the road from New York to Philadelphia. It bears a price tag of $239 million, and it will be merely another research device, not a full-scale power plant. It is an indication of the large costs involved.

The nation's energy future is heavily dependent on obtaining power through nuclear fusion. Sometime between the years 2020 and 2050, according to the Department of Energy's current estimates, the supply of oil, natural gas, coal and uranium will have dwindled to the point where other energy sources will have to be tapped. There are three major alternatives: solar energy, fission breeder reactors (which can make their own fuel and thus do not depend on rare uranium) and fusion reactors. Of them, the Department of Energy has chosen fusion as one of the most promising long-term solutions to U.S. energy needs.

Part of the attraction of fusion is that a portion of the fuel supply, deuterium, exists in abundance in ocean water. Theoretically, the amount of deuterium in a gallon of water can produce the energy of 300 gallons of gasoline. The second ingredient of the fuel for a fusion reactor, tritium, does not exist naturally, but can be manufactured from lithium.

Fusion reactors would produce some radioactive wastes, but the quantities would be smaller than those from nuclear reactors and would stay radioactive for much shorter periods, tens of years compared with thousands. With fusion, there would be no danger of reactor runaway. If something went out of control, the reaction would just shut off. Nor would there be a possibility of terrorists converting fusion by-products for bomb building. Finally, fusion reactors could be built anywhere without posing any more danger to the surrounding community than oil-burning utility plants.

Solar power, on the other hand, has limited application, desipte campaigns representing it as a panacea. It may be a boon to sunny California, but it appears to offer limited usefulness for much of the North.

And breeder reactors, which would be the descendants of the present-day nuclear reactors, have enormous problems to overcome beyond the considerable public opposition to them. In April 1977, President Carter called a halt to construction of the first breeder reactor in this country on the grounds, among other things, that its product could be diverted and used for nuclear weaponry. In addition, plant construction was running more than $2 billion over estimates. Public opposition to breeder reactors might dissipate overnight if the lights started going out, but the fact is breeders may be too expensive to operate.

The United States and the Soviet Union are not alone in the multi-billion-dollar program to harness fusion energy. Every major industrial nation, including Japan and the European countries in a joint effort have entered the fusion research field with large investments.

The United States has the undisputed lead, and according to Deutch, "We intend to maintain it." Gottlieb said the Europeans expect either the United States or Japan to succeed first. "My friends told me Europe doesn't have the will and the Soviet Union doesn't have the technology," said Gottlieb.

But it would not be wise to overemphasize competition among nations. No matter which country gets there first, all stand to benefit. Little of the research has been classified since the international agreement in 1958.

But inside the United States, there is a significant competition underway—for the money that supports the research. This is the race in which the Princeton Laboratory is leading now. But the program has its critics.

A number of complaints came from within the laboratory itself. Fresh young physicists who were counting on the intellectual freedom to follow their own interests, regardless of whether they fed back into the tokamak effort, were disappointed. The pressure to meet federally set deadlines left little opportunity for purely theoretical investigation, which the researchers felt was needed in the active field of plasma physics. Critics in and out of the laboratory began calling Princeton's effort a crash program, a pell-mell rush to move on to the next step without a fundamental understanding of all aspects of physics that lay behind the results.

One of the more outspoken critics has been Ira Bernstein, professor of engineering and applied science at Yale University. Bernstein left Princeton when it became clear the university would not match Yale's offer. Since leaving, he has worked as a consultant to a laboratory working with a competing magnetic fusion program using mirrors instead of tokamaks. Bernstein says he thinks the mirror program has suffered financially because of the emphasis on tokamaks.

"What bothers me is the possible political consequences of exaggerated claims," Bernstein said. "I think the program is very important; it is clearly the long-term solution to energy requirements. But Congress is not stupid. If you keep feeding them exaggerated claims, and don't come through, there may be a day of reckoning, and an impulsive decision to stop the program." Bernstein called the recent experiment at Princeton "a very respectable accomplishment."

"But look," he added, "people are not astonished by this. They are heartened, but not astonished. Some of it is a very primitive notion, that if you pump enough energy, you will heat things up, and that's what they've done. But in order to be ultimately useful, it will have to fit into the power grid, be reliable and economical."

Gottlieb expresses no surprise at criticism by outsiders. "There is always a tendency to attack the leader," he said. Once he and his colleagues worked in relative obscurity. Budgets were low, but so was the pressure. Now, with a $239 million construction project under way, hundreds of employees, and public exposure, the fusion energy program has become highly visible.

Last year the Department of Energy reviewed the U.S. fusion energy effort. A committee of eight consultants, headed by John Foster of TRW, Inc., issued a 16-page report after meeting for a total of five days. Short as it was, the report carried considerable weight as the first official review since the federal government became serious about fusion energy five years ago. The report was issued just a month before the experiment at Princeton.

The committee concluded that the federal government had run a course of "unnecessarily high risk" by commiting itself so lopsidely to laboratories using tokamaks. In addition to Princeton, Oak Ridge National Laboratory, the Massachusetts Institute of Technology, and the General Atomic Company in La Jolla are doing such work.

"The strategy which we recommended for the next several years is to pursue fusion on a broad front," the committee said. "While tokamaks are currently the most advanced scientifically, they seem on the surface to be the most complex of the possible alternative approaches for fusion from the standpoint of engineering."

The committee recommended that the Energy Department give more support to competing theories. This was the first rebuke for Princeton. Although it may not mean less money overall, it could slow the pace of research.

While some plasma physicists want a more deliberate program, other people have suggested pushing full speed ahead. Without question, the most enthusiastic backers include a bizarre group of fusion energy fanatics who belong to the US Labor party.

On the main street of Princeton, where fusion energy research hardly needs promoting, US Labor party members harangue all who will listen about the advantages of fusion and why the federal government has, in their opinion, stalled efforts to develop it. Party members and spokesmen from the Fusion Energy Foundation, a spin-off of the US Labor party, argue that powerful multinationals have cornered the market on uranium, the fuel source for fission reactors. If fusion energy becomes available, they say, the value of uranium will plummet.

But no one really knows why they have fastened on to the fusion energy program for their crusading. "I think they are like the technocrats of the 1930s who believed every social problem could be solved by science," Gottlieb said.

Other less fanatical people have wondered why, if fusion energy has such potential, the federal government doesn't pour more money into the program. But Gottlieb disagrees that billions instead of millions of dollars a year for research would solve the problems any sooner. "It's like watching a baby grow," explained one plasma physicist at Princeton. "Overfeeding it will not make it grow up any faster."

There are simply too many monumental questions left. The problem of how to get rid of impurities in plasma, such as oxygen, carbon and iron, has nagged scientists. They are convinced that a significantly higher temperature could be reached if the impurities were removed. The impurities are like old stones and bricks in a fireplace. They absorb heat but don't produce any, so nobody wants them.

To answer the impurities question, engineers at Princeton ordered a $26 million companion tokamak to test ways of removing unwanted oxygen and carbon. The machine, still gleaming in its newness, may lose its simple majesty as soon as the physicists start their experiments on it. It isn't unusual to see a minor problem solved by applying a piece of aluminum foil, or Scotch tape holding a meter stick against the tokamak's sides. Even devices that cost tens of millions of dollars are subject to the desire for a fast, makeshift adjustment.

The next fusion energy event likely to hit the front pages is scheduled to take place sometime in the mid-1980s, when Princeton's bigger tokamak fusion test reactor is supposed to show for the first time that a manmade fusion reaction can produce as much energy as it consumes—the elusive "breakeven point." This prospective happening would be the equivalent of the breakthrough achieved on a University of Chicago handball court in 1942, when Enrico Fermi's atomic pile produced the first self-sustaining atomic fission reaction.

The next scheduled big event, already drawn on government charts, would occur in 1997, the year the Department of Energy plans to make the final decision on where to put its big development money—on tokamaks or on lasers. That would set the stage for the final 20 years' effort to generate electricity to fuel the American economy.

There is an eerie ring to a schedule that plans scientific and financial events beyond the lifetimes of most of those doing the planning. Even if the plans work out, some people wonder about the consequences of a limitless source of energy that would be available to all nations.

"I was once invited to debate the premise that fusion energy represented a real threat because it will be so cheap that man will just go wild," Gottlieb recalls. But he does not see that as a danger. Fusion energy would be widely available but it would be no cheaper than present sources of energy. It would not change the way man lives now. It would simply allow him to continue to live that way.●

CONGRESSMAN ROUSSELOT EXPLAINS WHY DEFICIT FINANCING CAN BE A MAJOR CAUSE OF INFLATION AND PROPOSES A NEW PLAN TO BALANCE THE BUDGET

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ROUSSELOT. Mr. Speaker, there is a never ending debate here in Congress over the causes on inflation, and what we in Congress can do to end the wage-price spiral that has engulfed the Nation. During the past several Congresses, I have introduced, and reintroduced, a balanced-budget resolution because I have maintained that the Federal Government's intentional policy of deficit spending can be a major cause of inflation.

Now, as the call-of-necessity for a balanced Federal budget is gaining momentum across the Nation, it is gratifying to see that even leaders of the Democratic Party are being awakened by the Nation's protest against rising taxes, rising deficits, and rising prices. Notably, Governor Brown, of my own State of California is calling for a Constitutional Convention to draft an amendment requiring a balanced budget in response to this protest. The fact is, however, that the U.S. Congress now has the power to restrain increases in Federal spending, to reduce deficits, and to balance the budget. But the majority in Congress apparently needs a mandate from the people in order to perform in a more fiscally responsible manner.

I am not opposed to the convening of a Constitutional Convention to draft a balanced-budget amendment, but I sincerely hope that if such a convention were convened, that the amendment adopted would include a provision to restrict the Federal Government's ability to balance the budget by raising taxes. It is not, and it has not been our intention to balance the budget by raising taxes, but it has been our intention to stem the growth in the size of the Federal Government, because, as we have seen, a burgeoning Federal Government inevitably leads to burgeoning Federal deficits.

There are two main reasons for opposing Federal deficits. First, deficit financing can be a major contributor to inflation if the deficit is financed by the Federal Reserve Bank's printing presses. When this occurs the money supply increases, but the supply of goods and services in the economy does not. As a consequence, the price level rises because there is too much money circulating in the system compared to the number of goods and services available for sale.

Said in another way, consumers, with more freshly printed paper money in their pockets, are willing to pay more for the products they desire in the marketplace, and producers, knowing of this willingness, charge more. Producers charge more, but do not produce more, because as each and every consumer tries to buy extra products with their extra cash, prices will rise as producers try to get as high a price as possible for each individual item that is already available for sale. This is the way supply and demand works in the marketplace. Therefore, it should be evident that deficit financing does not increase economic activity, although Keynesian economists believe this to be true. Rather, the creation of extra paper dollars, in excess of the amount needed to conduct the normal transactions required in the economic marketplace, merely drives up prices.

The second reason for opposing deficit financing is that if the Federal Reserve Bank did not finance the Government's borrowing, then the deficit would have to be financed with funds borrowed from the private sector. These are funds that would otherwise be used to promote economic expansion in the private economy. Such funds are vital to the creation of new capital and new jobs on our society, but unfortunately, very often these funds are used to finance Government programs of dubious repute. Our economy has been suffering from a capital shortage as a result. The decline in our Nation's productivity is testimony to this fact.

The effect deficit financing has specifically on inflation was discussed in an excellent article which appeared in the January 1979 edition of Reader's Digest entitled "What Really Causes Inflation." The article, authored by Ralph Kinney Bennet points out that controlling the money supply and the size of the Federal deficit is a necessity if we are to be successful in controlling inflation in our economy.

It is a myth, Mr. Bennet points out in his article, to believe that rising wages cause inflation, or that OPEC causes inflation, or that we can control wages and prices, while we continue to wantonly print money. We must recognize, as Mr. Bennet has recognized, that—

> Prices and wages are primarily signals of the changing balance of supply and demand that takes place daily in billions of transactions in the American marketplace.

In other words, when the price of one item rises faster than other items this is a natural reflection of changing supply and demand conditions in the marketplace.

For example, if the OPEC oil cartel were to increase the price of oil, then the price of oil would rise relative to the prices of all other goods and services in the economy. We would all be poorer to the extent that we could no longer purchase as much oil and all the other items we were accustomed to purchasing before the oil price increase. But the price increase, by itself, should not be considered inflationary. Inflation means that all prices are rising, not due to changing conditions in the marketplace, but rather because the exchange rate between the common denominator, paper money, and "all" the other goods and services available in the economy has changed for the worse. There is more money in circulation, but not more goods and services. All prices must rise when this happens, but oil prices will rise even faster because of OPEC's price raising actions.

Unfortunately, we have been suffering from the worst of both worlds in recent years. The oil cartel has been increasing prices; this has meant a decrease in the purchasing power of American salaries and wages. Simultaneously the Federal Government has run huge deficits which has resulted in excess money creation. So we have become poorer in two ways. We are poorer because of the oil price increase, and we are poorer because of the depreciation of the dollar. The depreciation of the dollar has meant that all prices in the economy have risen, and as prices have risen, wages and salaries have risen, and as wages and salaries have risen, taxes have risen, because of our steeply progressive tax code. Now we are on a treadmill of rising deficits, rising prices, and rising taxes, a treadmill that can only be halted by cutting the growth in Federal spending. If we fail to curtail Federal spending, then surely we will deficit-finance and tax ourselves into economic oblivion.

A PLAN TO BALANCE THE BUDGET

There is, however, an alternative course of action that we can follow. If we index the tax code and restrict the Congress' ability to spend more than the amount it collects after indexing, by requiring, say, a three-fifths majority vote of both Houses of Congress in favor of such an action, then we can balance the budget and actually reduce many of the spending programs which are now heavily influenced by competing special interest groups. I would add to this rule that proposed tax increases should be subject to the three-fifths majority requirement, but that tax cuts, only require, as they do at present, a simple majority of both Houses of Congress. Naturally, in congruence with the spirit of this proposal, unanticipated deficits or surpluses should be matched against receipts or expenditures in the year following their occurrence.

In this way we will be telling the people that it is the sense of Congress that tax cuts do far more to promote economic growth, than spending increases and tax increases. For this reason we have made it easier for ourselves to enact tax cuts than spending increases and tax increases. Spurring economic growth, and in the process expanding the tax base is a far better way to increase tax revenues, than by raising taxes from a shrinking tax base.

This course of action which I am proposing is a novel one, but I am sure that many will agree that it is a wise one. It will enable us to increase spending, but it will make it more difficult to do so. It enables us to decrease taxes, but still requires that the economic justifications for such tax cuts be readily apparent to a majority of both Houses of Congress.

By limiting spending, this plan enables all Members of Congress to feel more comfortable in voting in favor of cutting the heavy burden of taxes that is destroying economic incentive and productivity in our society. It also gets to the heart of the fears many of my colleagues and my constituents are expressing over rising deficits. These fears are justified. Congress has been known in the past to legislate spending programs that are wasteful, tax increases which are economically counterproductive, and tax rebates that do not improve work incentives in the marketplace. It is for this reason that we need a plan to guard against any such proposals, which although well-intentioned, can lead to the kinds of deficits that are ultimately financed by the Federal Reserve Bank's freshly printed dollars, instead of from an expanding tax base.

Mr. Speaker, I would like to review with my colleagues in Congress Mr. Bennet's article in Reader's Digest, because it lucidly describes how Federal deficits can lead to inflation, by inserting it in the RECORD. I call it to the attention of my colleagues as being pertinent to their decisions as Members of that legislative body which is charged with the power to control our Nation's purse strings.

The article follows:

WHAT REALLY CAUSES INFLATION?

(By Ralph Kinney Bennet)

How did the three-bedroom house that sold for $33,000 back in 1969 become a $96,000 house today? How could a family sedan that cost $3,110 a decade ago now come in a smaller size costing $6,474? How is it that the man who retired in 1969 with a $9,000 annual pension and maximum Social Security benefits (benefits up 118 percent over the past ten years) now has 36 percent *less* buying power than he had then?

Inflation is the answer, of course, but what exactly is inflation? What causes the phenomenon that silently robs us of our living, that in the past 40 years has shrunk the value of the dollar to 20 cents?

To understand inflation, one must first understand what is being "inflated." It isn't prices (although they certainly are rising) and it isn't wages (also rising). It is the *supply of money*—currency and bank credit. The real wealth of the nation is the goods and services produced by its people. Money—coined or printed by the government—is merely a convenient symbol of that wealth. We give part of our wealth to the government in taxes. But the government has been spending vastly more wealth than we give it—to date, over $766 billion more. In addition, it has run up future financial commitments (Social Security, pensions, loan guarantees) in excess of $7 *trillion*—more than $71,000 per taxpayer.

How can government spend more than we give it? Usually by "monetizing" its debts, by printing more symbols than there is real wealth. That basic law of economics—the more there is of something, the cheaper it becomes—applies to dollars, too. As former Secretary of the Treasury William E. Simon puts it, "The American dollar is being debased by its own government. The real problem with the dollar is that we're printing too many of them."

This is the root cause of inflation—more money poured into the economy than the economy is worth.

Only when we accept this basic truth can we deal intelligently as citizens with the myths about inflation put abroad daily in press, classroom and government. Here are three of the most pernicious:

MYTH 1. RISING WAGES AND PRICES "CAUSE" INFLATION

Secretary of the Treasury W. Michael Blumenthal perpetuated this myth when he listed among the factors causing inflation "wage settlements that substantially exceed the productivity and real growth of the economy, [and] price increases that bring unjustified excess profits."

In our competitive system, prices and wages are primarily signals of the ever-changing balance of supply and demand that takes place daily in billions of transactions in the American marketplace. If there is only so much money (and credit) in the system, a business cannot ignore supply and demand by arbitrarily raising its prices or by giving in to excessive wage demands. If its prices are too high, people will buy elsewhere. If wage demands are too high, business must refuse to pay them or hire fewer workers at the new rate. Competition itself, then, is supposed to keep a rein on prices.

But this real discipline of the marketplace has been circumvented by government. To pay its bills and finance a broad list of social goals, including "full employment," government generally inflates the money supply. It thereby abets higher wages and prices by fostering the notion that it will always create enough money to pay for them.

And once the money supply has been increasing rapidly for some time, prices seem to have an upward life of their own. Instead of saving, people "buy now," hoping to beat future price raises. Unions seek contracts with cost-of-living clauses. Banks lending money to be paid back in steadily cheapening dollars insist on higher interest rates.

If rising wages, in and of themselves, were inflationary, then West Germany should have one of the most inflationary economies. German workers' wages increased 236 percent in the decade 1967–77, but the inflation rate averaged about four percent annually because the government kept the money supply in balance with the real productive wealth of the economy. U.S. workers during the same period saw their wages increase 101 percent, a rise nearly outpaced by inflation averaging over six percent a year. The fact is, wages for the most part are reacting (in some cases over-reacting) to government-caused inflation.

What about rising prices? It is still popular to characterize the cataclysmic rise in oil prices since the oil embargo of 1973 as a major cause of inflation. But this is simply not true. The high oil prices added to our financial burdens. But they were clearly not the author of inflation.

Consider the experience of Japan and West Germany during the embargo. Unlike the United States, both countries were almost entirely dependent on foreign oil. But during the embargo, both pursued prudent fiscal policies, holding down budget deficits and keeping a tight rein on the money supply. Result: inflation in both nations *declined*, while soaring to 12.2 percent in the United States as politicians cranked out printing-press money to finance continued deficits ($130.9 billion from 1973 through 1976). This, not an Arab hand on the oil spigot, was the reason for the rising American inflation.

MYTH 2. WAGE AND PRICE CONTROLS WILL "CURE" INFLATION

This popular delusion feeds on the first myth. "Price controls have been imposed repeatedly for more than 2000 years," notes Nobel Prize-winning economist Milton Friedman. "They have always failed." Roman emperor Diocletian used capital punishment in a futile effort to enforce controls in A.D. 301. Thousands died, and the economy was nearly wrecked.

In 1775, the Continental Congress sought to finance our infant government's debt by authorizing the issue of an almost worthless paper money. A disastrous inflation followed. The Pennsylvania legislature sought to stem it with price controls. Many farmers and businessmen refused to sell at the controlled prices. Shortages developed. The army wintering at Valley Forge in 1777–78 could not get badly needed supplies. The army's misery, wrote John Adams, was due largely to "that improvident Act for limiting prices . . . [which] if not repealed will ruin the state and introduce a civil war."

Historical experiences like these underscore the well-known deficiencies of wage and price controls. Such controls . . .

Create shortages

Many businesses cannot or will not produce at the artificially set prices.

Result in a lowering of quality

Former "standard" features on a product becomes costly extras.

Are consistently circumvented. Black markets spring up.

Require a large and expensive bureaucracy to administer them

During World War II— our longest flirtation with controls—the Office of Price Administration (OPA) employed 65,000 bureaucrats who directed an additional 325,000 "price-control volunteers."

But, worst of all, while controls may create an illusion of being effective, they only temporarily hold down wages and prices, while the tremendous pressure of inflation continues to build up. Once the controls are lifted, the market spurts to find its natural level, and a more pronounced and damaging inflation is usually the result.

This country's most recent attempt at controls—the Nixon Administration's "Phase I, II, III and IV" program begun in August 1971—built up pressure for one of the worst inflationary explosions in U.S. history. The rate of growth of consumer prices had been in decline at the time the controls were instituted. This was the result of a cutback in money supply in the waning days of the Johnson Administration. But during the period of controls the Consumer Price Index began a steep climb, reaching almost 13 percent by mid-1974. The disaster was compounded by a harrowing confluence of events—a worldwide crop failure and the Arab oil embargo. Some people still entertain the idea that these factors caused the inflation of 1973–74. The fact is that the Nixon controls were a facade behind which government spending increased sharply.

Why then do governments return to wage and price controls, frequently with popular support? (A recent Gallup poll showed about half the respondents in favor of some form of controls.) The outcry for controls, contends Friedman, "is based on neither experience nor analysis but simply on the 'for God's sake let's do something' syndrome." However, controls are not the answer when they are imposed by a government that at the same time goes deeper into debt while printing more money to pay the bills.

MYTH 3. INFLATION IS "EVERYBODY'S BUSINESS"

According to President Carter, "It's a myth that government itself can stop inflation. Success or failure in this overall effort will largely be determined by the actions of the private sector."

While the President's assertion coincides with some theories of inflation, it contravenes the clear evidence of economic history and practical experience. As Friedman points out, "Government has an effective printing press on which it can turn out green pieces of paper, and as a result government and government alone is the source of inflation." The steady downward trend of the dollar since 1940, notes economic writer Henry Hazlitt, has been accompanied by an awesome growth of American money supply. At the beginning of 1940, U.S. currency and bank deposits totaled $52.7 billion. By January 1978, currency and bank deposits totaled $815.9 billion, an increase of 1448 percent.

Inflation in Western European countries has been routinely running high with two dramatic exceptions—West Germany and Switzerland. West Germany has kept its inflation rate around four percent; Switzerland below two percent in recent years. Both countries have displayed the political courage and citizen discipline to keep a tight rein on their budgets and on the growth of their money supply.

In the postwar era there have been three major instances of inflation being brought under control. West Germany did it in 1948—refusing to "spend" its way to prosperity by running up huge deficits. The United States did it in 1953, under President Dwight D. Eisenhower, whose prudent fiscal policies led to an inflation rate during his Administration of 1.4 percent a year. France accomplished the feat in 1958, when Charles de Gaulle halved the government's budget deficit. In each case, control was achieved by dramatic cuts in government spending and a concomitant dialing down of the money machine.

Unfortunately, neither France nor the United States stuck to its guns. That old predilection of politicians—to give (social benefits) without taking (taxing)—asserted itself. Americans now face a $500-billion-plus budget (more than $60 billion of which the government can pay for only by turning out more phony money) and surging inflation that reached an annual rate of almost ten percent last summer.

The anti-inflation plan unveiled by President Carter last October imposes wage and price guidelines on business and labor as if they were the cause of the problem. "The President did recognize the role of the budget deficit," comments Mazlitt. "But he did not promise to eliminate it—he promised only to reduce it over a period of years. This was practically an assurance that our inflation will be continued."

Clear away the myths and one discovers that the way to stop inflation is to literally *stop inflation*—stop inflation of the money supply beyond the real ability of this country to produce; stop pretending that we have more money than we really do; stop running huge deficits that can be financed only with fiat dollars.

The United States cannot expect a painless extrication from the inflation in which it has found itself for almost 40 years. A broad range of programs will have to be cut back; unemployment is likely to increase temporarily. But, as economic historian and monetary expert Donald Kemmerer warns, "a nation that does not stop an inflation simply because it is politically painful to do so is essentially declaring bankruptcy." ●

CONSUMER FOOD LABELING ACT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. FORD of Tennessee. Mr. Speaker, I rise today to announce my wholehearted support for a bill which is designed to bring about significant changes in the rights and abilities of consumers to make educated choices between the foods they buy. H.R. 42, introduced on January 15, 1979, is entitled the "Consumer Food Labeling Act" and is authored by my colleague from New York, Mr. ROSENTHAL.

The history of Federal oversight and quality control in the food industry began over 40 years ago after a great deal of public outcry about the disease-engendering environment and horrid workplaces in which American foods were produced and packaged. I am reminded in particular of profound effects that work like Upton Sinclair's the Jungle had in creating a public awareness of the need for Government intervention and standard setting.

Now, in the 1970's, significant progress has been made in assuring that the products which we buy at the local grocery store are free from disease-causing agents and originate from kitchens comparably clean to those in our homes. But in the past 40 years, the mass food production, processing, and packaging industry has developed many new technologies which have significantly altered the material ingredients of foods sold under commonly recognized names.

In today's marketplace where the American consumer is confronted with a wide variety of choices in products, the shape of a package and the subtle design of an advertising logo become forces in shaping the consumer's idea of the product. For that reason, I believe that we must move to insure that labels on packages accurately reflect what is contained within the products being sold. I do not believe or condone the idea that the Government should be involved in the activity of actively shaping the opinions of consumers within the auspices of the American marketplace: I believe that the American consumer is the wisest in the world, and if left to their own resources, will ultimately choose the best products. The legislation which I rise to support today will enable American consumers to have access to a wider range of facts on which to base their decision-making process which is the source of strength of their buying power.

More important than the improved power offered to the consumer, H.R. 42 will provide vital information to those Americans who have the need to know what is contained in the foods they eat for health, religious, and moral reasons. One out of four people need to know what their food contains for reasons of health. H.R. 42 will provide our citizens afflicted with heart disease, kidney problems, diabetes, and other syndromes sensitive to dietary habits with a stronger sense of security when they shop for foods.

The Consumer Food Labeling Act proposed under H.R. 42 will require full labeling of the percentage contained of all ingredients. H.R. 42 also includes a Nutritional Labeling Act that will expand the current practice of clearly designating what ingredients are contained in "standardized" and "nonstandardized" products.

H.R. 42 also contains provisions which will require manufacturers to disclose the name and address of their facilities where their products are produced. The "Open Dating of Perishable Food Act" provides H.R. 42 with titles to improve the consumer's knowledge of their purchase's freshness. Finally, provisions of this bill require both clear unit pricing and that producers notify consumers of changes of ingredients in their products.

I believe that it is time for the quality of the food guarantees which the Government uses to protect the American consumer be modernized so that the changes in our processing technologies cannot be used to confound the shopper. I urge the Congress to study carefully the provisions offered in this bill and to move rapidly to expedite its implementation.●

MRS. SALLY CHALGHIAN—MACOMB COUNTY BROTHERHOOD AWARD RECIPIENT FOR 1979

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to pay tribute to a very fine woman in my district by bringing her abundant accomplishments and her fine spirit to the attention of my colleagues.

Mrs. Sally Chalghian has recently been selected by the Macomb County Brotherhood Celebration Committee to receive their annual Brotherhood Award for 1979.

I have known Sally many years and am very much aware of her tireless efforts to engender, support and advance the ideals of brotherhood and justice throughout Macomb County. After moving to the county in 1962, she was elected to the board of directors of the Macomb County Human Relations Association. Her participation and activities since that time are too numerous too identify individually, but her influence and enthusiasm have been felt in many areas. Briefly, they include welfare rights, human rights, education, government, religion, the media and other less definable fields.

Sally commands an enormous amount of respect from her colleagues, her friends, her students and those of us who have worked by her side doing the things which must be done to promote the spirit and reality of brotherhood and justice.

Sally has been a key member of the Northeast Interfaith Center for Racial Justice since it was first established in 1970. She was just recently elected to chair that organization thus becoming the first member of the center's board to win the brotherhood award.

In short, I am exceedingly pleased Sally has been chosen to receive this award. She is an extraordinary woman and is most deserving of our esteem.●

CONFERENCE ON ENERGY CONSERVATION

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Ms. SPELLMAN. Mr. Speaker, within the next few weeks, many of my constituents, groups from my district, will be busily involved learning specifically how they might teach the conservation of energy—one of our country's highest priorities. It is hoped that this experience will have a profound effect on many of the participants who will attend this creative all-day conference, so that they will carry what they learn to their own groups in their own neighborhoods to implement serious energy conservation programs to reduce consumption of our dwindling supplies of fossil fuels.

This model conference on energy conservation will be funded by the Department of Housing and Urban Development in cooperation with the Office of Community Involvement at the Department of Energy. The Council of Jewish Federations originated the concept for this model conference and sought successfully to involve a large number of neighborhood and religious groups. Over 200 persons from the Greater Washington metropolitan area are expected to participate and be joined by dozens of observers from several States who wish to replicate this exciting endeavor.

The Jewish Community Council, directed by Daniel Mann, is coordinating this truly ecumenical effort, welcoming participation by leaders of Catholic, Protestant, and Moslem groups and a great number of community-based neighborhood groups.

Father Geno Baroni, the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, and his creative staff, are to be congratulated for their steadfastness in supporting this effort. As a result of this conference, there will be appropriate documentation available which will describe how local agencies or groups can replicate this meaningful effort in their own areas. There will also be a complete compendium of available Federal resources to be used for energy conservation printed and distributed widely to any group interested in following through with this teaching process. A model library of useful Federal pamphlets has been assembled and an appropriate bibliography will be included in the kit.

I cannot emphasize enough how extremely vital it will be for all Federal agencies to take the lead from the Department of Housing and Urban Development as outlined by Assistant Secretary Baroni and the Council of Jewish Federations in encouraging and assisting this type of neighborhood-based energy conservation effort.

Mr. Speaker, I know my colleagues will encourage and abet the kinds of sincere commitment to energy conservation the participants of this significant conference envision as they embark upon their mission.●

JOHN MADDEN—A COACH FOR ALL SEASONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. STARK. Mr. Speaker, when the 1979 football season gears up in the coming months, the Oakland Raiders will take the field without the expert and inspiring leadership of John Madden.

Coach Madden announced his retirement earlier this year as the result of a medical condition which necessitates his leaving the rigors of professional football coaching.

The absence of John Madden pacing the sidelines will be missed by more than his players and staff. Thousands of fans, particularly young people, will miss watching and learning the fundamentals of football from one of the greatest teachers in the game's history.

The excellence of John Madden's record and accomplishments while coach of the Raiders stands as more than marks in a record book. They are a testimonial to the drive, generosity, and spirit of a man who devoted himself to the improvement and development of other men's careers and talents.

In John Madden's 10 seasons as head coach the Oakland Raiders have totally dominated professional football in terms of consistent victory, compiling a remarkable league record of 103 wins against only 32 losses and 7 ties. John Madden's brilliant winning percentage of .763 is the best mark among the 13 National Football League head coaches to have ever won more than 100 games during the 59-year history of the league. Moreover, Madden is one of only two NFL head coaches in the modern era of professional football to ever win 100 leagues games in his first 10 years as a head coach—and the only one to accomplish this with just one team.

During John Madden's 10 seasons as head coach of the Silver and Black, the Oakland Raiders were in the playoffs all but 2 years, and won 7 Division Championships, including 5 in a row, the American Football Conference Championship and the World Championship of Professional Football. The Raiders—whose consecutive winning seasons now stand at 14, a record topped only once in pro football history—never had a losing season in the 10 memorable years in which John Madden so ably served as head coach.

John Madden's 12 years with the Oakland Raider organization, 10 of which were spent as head coach, will go down as a period of unparalleled success and unforgettable drama—a period in which the Raiders participated in many of the greatest games ever played, had many of the greatest players to have ever performed and rose to a position as one of the most distinguished organizations in sports.

The milestones of the Madden years are meaningful and many—intense national interest, sellout crowds for 10 consecutive seasons, incredible come-from-behind victories, 19 different Oakland Raider players selected for the Pro Bowl, six 10-win seasons, 17 straight games won, the total dominance in winning Super Bowl XI before a record crowd of 103,421 fans and a world-wide television audience of over 130 million people—a coaching career and an association that will proudly be remembered in the annals of sports.

John Madden, now 42 years old, began his professional coaching career with the Raider organization in 1967. That year the Raiders won the American Football League Championship and represented the AFL in Super Bowl II.

He served as linebacker coach for 2 years, prior to taking over as head coach in 1967 when, at 33, he became the youngest head coach in the AFL.

Before coming to Oakland, Madden was defensive coordinator at San Diego State from 1964 to 1966, years during which the Aztecs earned No. 1 ranking among the Nation's small colleges. He originally entered the coaching ranks as an assistant at Hancock Junior College in Santa Maria, Calif. Two years later he was appointed head coach at Hancock where his teams compiled a 13–5 record in 2 seasons and earned a ranking in the Top 10 Junior Colleges in the country.

Success also was part of John Madden's football playing years. He was a two-way starter at tackle on the 1957 and 1958 California Polytechnic College at San Luis Obispo team that compiled a record of 18–2. Voted to the All-Conference team in football, Madden was also a catcher on the baseball squad. He earned a Bachelor of Science Degree in 1959 and a Master of Arts Degree in 1961, both from Cal Poly.

Madden was selected by the Philadelphia Eagles in the 1958 NFL college player draft, but a knee injury in his rookie year ended his playing career.

Born in Austin, Minn. (April 10, 1936), Madden was raised in Daly City, near San Francisco. He attended Jefferson High School where he lettered in both football and baseball.

I wish John Madden, his wife Virginia and his two sons, Mike and Joe, best wishes in the pursuit of a less hectic life and gratitude for the irreplaceable contribution to the sport of football.●

IN MEMORY OF WILLIAM PRICE MOORE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SKELTON. Mr. Speaker, a good friend and a highly respected citizen of Lafayette County, Mo., recently passed away. William P. Moore was a widely known farmer who was successful in his profession, a warm friend, and a devoted family man.

Billy Moore was an elder in the First Presbyterian Church of Higginsville, the first president of the Lafayette County Conservation Club, and the recipient of the Distinguished Service Award by the Soil and Water Conservation District. He is survived by his wife, two sons, and two daughters.

All who knew Billy Moore held him in high regard. He was truly an outstanding citizen of our State. He will be greatly missed.●

NO RISK IS THE HIGHEST RISK OF ALL

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WYDLER. Mr. Speaker, the question of energy technology development has a very controversial aspect as various technology programs compete for the budget dollar. The most important aspects of the comparisons of these technologies are: First, status of technology development, second, economics relative to conventional technologies, and third, environmental acceptability. One of the most interesting points about the question of environmental acceptability is that to be valid comparisons must be made from the "cradle-to-the-grave," that is, societal risks must be assessed, for example, from mining of ore through disposal of waste for coal and nuclear. A most provocative study by a Canadian scientist concluded that such risk analyses indicate that natural gas is the most attractive fuel, followed by nuclear and that many solar systems are only slightly more benign than the dirtiest of fossil fuels, coal.

Recently, the American Scientist magazine carried an article on the overall question of risk "No Risk is the Highest of All" by Dr. Aaron Wildavsky who is presently with the National Science Foundation. Dr. Wildavsky's article emphasizes a most important point that there are no "riskless" options in technology development. I am including some excerpts from this fascinating article and hope my colleagues will read it so as to better understand the trade-offs we must make on choosing priorities in technology development. I hope this 96th Congress can make more realistic assessments of the relative benefits of various options and not simply treat "soft" technologies as inherently good.

The excerpts follow:

[Excerpts From Article by Aaron Wildavsky]

NO RISK IS THE HIGHEST RISK OF ALL

ON REDUCING RISK

Risk cannot be reduced for everyone. The sheer supply of resources that have to be devoted to minimizing risk means that surpluses are less likely to be available for unforeseen shocks. What is spent to lessen risk cannot be used to increase productivity. Since there is a scheme of progressive taxation (and perhaps regressive tax avoidance), the costs are borne disproportionately by classes of people whose ability to meet other contingencies must be proportionately reduced. Rather than rely on a prior argument, however, it is desirable to distinguish various ways in which attempting to lower risks actually raises them or, alternatively, displaces them on to other objectives.

The trade-offs become apparent when different government agencies, each in charge of reducing a single risk, insist on opposing policies. In order to reduce accidents, for instance, the Occupational Health and Safety Administration ordered the meat industry to place guardrails between carcasses and the people who slaughtered them; but the Food and Drug Administration forbade guardrails because they carry disease to the workers. Risk management would be easy if all you had to do was reduce one risk without worrying about others.

THE POLITICS OF PREVENTION

Reducing risk for some people someplace requires increasing it for others elsewhere. For if risk is not in infinite supply, it also has to be allocated, and less for me may mean more for you. The distribution of risk, like the allocation of uncertainty, becomes an ordinary object of political contention. Insofar as the argument over risk is about power (who will bear the costs of change?), the observation that it occasions political passions is less surprising.

Most accidents occur at home and most industrial accidents are traceable to individual negligence. Yet remedies are sought in governmental regulations of industry, and the onus for adverse experience is increasingly placed on manufacturers, not on users of products. Indeed, product liability insurance has become such a major impediment to doing business, especially for small firms, that Congress is considering subsidizing the cost. The risks of carelessness in use and/or in manufacture are thus spread among the population of taxpayers.

ON MARKET SOCIALISM

When government seeks to anticipate a wide variety of risks or to mitigate those that do exist, less money is available for investment to create future jobs, or for expenditure to support existing jobs. To some extent, there is a substitution effect, as jobs devoted to production give way to jobs supporting safety. (Whatever happens, the price goes up because consumers pay for safety whether they want it or not.) These jobs, however, go to middle-class professionals and technicians, lawyers, inspectors, clerks, etc., who displace production workers.

REPRISE

Theodore Roosevelt was fond of dividing people into those who pointed with pride or viewed with alarm. On a priori basis, without understanding, there should at any time be ample reason to do both. What I want to know is why the most resourceful society of all times does so little pointing and so much viewing, for asking others to take over risks may be tantamount to inviting them to take away our freedom.●

COMMITTEE ON THE DISTRICT OF COLUMBIA RULES

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. DELLUMS. Mr. Speaker, pursuant to clause 2(a) of rule XI of the rules of the House, I submit the rules of the Committee on the District of Columbia, as adopted by the committee at its organizational meeting, for printing in the Record.

The rules follow:

Rules Governing Procedures, Committee on the District of Columbia

A. IN GENERAL

(1) The Rules of the House are the rules of this Committee and each subcommittee so far as applicable, except that a motion to recess from day to day is a motion of high privilege in the Committee and subcommittees.

(2) Each subcommittee is a part of this Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable. The rules of the Committee shall be the rules of its subcommittees.

(3) No major investigation by a subcommittee shall be initiated without approval of the Chairman of the Committee or the majority of the full Committee.

(4) Any Member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The Chairman may limit to 5 minutes the time of any such member, after giving due consideration to the importance of the subject matter and to the length of time available.

B. REGULAR MEETING DAYS

(1) The full committee will have its regular meetings on the first Monday in each calendar month at 10:00 A.M. When the House is in recess, the regular monthly meeting of the Committee may be dispensed with at the discretion of the Chairman upon notice of such action to all Members of the Committee.

(2) The Committee shall meet, for the consideration of any bill or resolution pending before the Committee or for the transaction of other committee business, on all regular meeting days fixed by the Committee.

(3) Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman and other subcommittee chairman with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

C. ADDITIONAL AND SPECIAL MEETINGS

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, the special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

D. RANKING MAJORITY MEMBER TO PRESIDE IN ABSENCE OF CHAIRMAN

If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, the ranking Member of the majority party on the Committee or subcommittee who is present shall preside at the meeting.

E. COMMITTEE RECORDS AND ROLLCALLS

(1) The Committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

A record vote in subcommittee may be had upon the request of any subcommittee member, and in full Committee upon the request of any Committee member.

(2) Records of hearings before the Committee shall not be available to the public for quotation of any Member until after such Member has had an opportunity to examine and approve such hearing records.

(3) All Committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the chairman of the Committee or a subcommittee; and such records shall be the property of the House and all Members of the House shall have access thereto.

F. PROXIES

A vote by any member in the Committee or in any subcommittee may be cast by proxy, but shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

G. OPEN MEETINGS AND HEARINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public; *provided, however,* that no person other than members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by (2) of this rule, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the Committee or subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives; notwithstanding the requirements of the preceding sentence, or rule H. (2), a majority of those present, (but not less than two Members voting in the affirmative)

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or defame, degrade, or incriminate any person; or

(2) may vote to close the hearing if testimony or evidence to be received would defame, degrade, or incriminate any person;

provided, however, that the Committee or subcommittee may be the same procedure vote to close one subsequent day of hearing.

H. QUORUM

(1) The number of Members to constitute a quorum for the purpose of taking testimony and receiving evidence in full Committee or subcommittee is two.

(2) One-third of the Committee or a subcommittee shall constitute a quorum for other meetings, except that a majority of the Committee or subcommittee shall constitute a quorum for the purposes of reporting a bill and closing a meeting to the public.

I. CALLING AND INTERROGATING WITNESSES

(1) Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority party Members on the Committee or subcommittee shall be entitled, upon request to the Chairman of the Committee or subcommittee by a majority of the minority party Members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) The Committee and subcommittees shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question each witness.

(3) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose.

(4) All questions put to the witnesses before the Committee shall be pertinent to the bill or other subject matter before the Committee for consideration.

(5) Insofar as is practicable, each witness who is to appear must file with the Committee (in advance of his or her appearance) a written statement of the proposed testimony and limit the oral presentation at such appearance to a brief summary of his or her argument.

J. INVESTIGATIVE HEARING PROCEDURES

(1) The Chairman of the Committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the Committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman of the Committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the full Committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person;

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the Committee shall:

(A) afford such person an opportunity voluntarily to appear as a witness; and

(B) receive and dispose of requests from person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee or subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

K. REPORTING BILLS AND RESOLUTIONS

(1) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) Any Member at the meeting of the full Committee or any Member of the subcommittee involved may make a point of order that a quorum is not present.

(3)(a) Each Committee report shall include in its text a statement of the reported legislation's intent or purpose, need, the results of motions to report, a five-year cost estimate, oversight statement, inflationary impact statement, any statement required by sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974, Administration or Departmental position (if any), and changes in existing law, in addition to such other proviisons as the Chairman deems necessary.

(b) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority or additional views, that Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which—

1. shall include all supplemental, minority, and additional views which have been submitted by the time of the filing of the report, and

2. shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted pursuant to the requirements of sections 308(a) and 403 of the Budget and Impoundment Control Act of 1974) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

L. POWER TO SIT AND ACT; SUBPOENA POWER

(1) For the purpose of carrying out any of its functions and duties under these rules, the Committee, or any subcommittee thereof, is authorized—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) subject to (2)(A) of this rule, to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(2) (A) A subpoena may be issued by the Committee or subcommittee under (1)(B) of this rule in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present, and authorized subpoenas shall be signed by the Chairman of the full Committee or by any Member designated by the Committee.

(B) Compliance with any subpoena issued by a Committee or subcommittee under (1)(B) of this rule may be enforced only as authorized or directed by the House.

M. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the Committee or any subcommittee is open to the public, the Committee or subcommittee may permit, by majority vote of the Committee or subcommittee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under the following rules:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in position which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13 Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

N. COMMITTEE STAFFS

1. Subcommittee staffs: From the funds provided for the appointment of Committee Staff pursuant to primary and additional expense resolutions of the House:

(1) The Chairman of each standing subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority party Member of each standing subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party Member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in 2(c) of this rule or (B) the rate paid the staff member appointed pursuant to 1(1) of this rule.

(4) No Member shall appoint more than one person pursuant to 1(1) and 1(2) of this rule.

(5) The staff positions made available to the subcommittee Chairman and ranking minority party Members pursuant to 1(1) and 1(2) of this rule shall be made available from the staff positions provided under clause 6 of Rule XI of the House unless staff positions are made available pursuant to a primary or additional expense resolution.

2. Committee staffs:

(a) (1) Subject to subparagraph 2(a) (2) of this rule and paragraph 2(d) of this rule, the Committee may appoint, by majority vote of the Committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the Chairman and the ranking minority party Member of such Committee, as the Committee considers advisable.

(2) Subject to 2(d) of this rule, wherever a majority of the minority party Members of the Committee so request, not more than six persons may be selected, by majority vote of the minority party Members, for appointment by the Committee as professional staff members from among the number authorized by 2(a) (1) of this rule. The Committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party Members may select other persons for appointment by the Committee to the professional staff until such appointment is made. Each professional staff member appointed under this paragraph shall be assigned to such committee business as the minority party Members of the Committee consider advisable.

(3) The professional staff members of the Committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of the Committee may be terminated by majority vote of the Committee.

(b) (1) The clerical staff of the full Committee shall consist of not more than twelve clerks, to be attached to the office of the Chairman, to the ranking minority party Member, and to the professional staff, as the Committee considers advisable. Subject to 2(b) (2) and 2(d) of this rule, the clerical staff shall be appointed by majority vote of the Committee, without regard to race, creed, sex, or age. Except as provided by 2(b) (2) of this rule, the clerical staff shall handle committee correspondence and stenographic work both for the Committee staff and for the Chairman and the ranking minority party Member on matters related to committee work.

(2) Subject to 2(d) of this rule, whenever a majority of the minority party Members of the Committee so request, four persons may be selected, by majority vote of the minority party Members, for appointment by the Committee to positions on the clerical staff from among the number of clerks authorized by 2(b) (1) of this rule. The Committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the Committee. If the Committee determines that the character and qualifications of any person so selected are unacceptable to the Committee, a majority of the minority party members may select other persons for appointment by the Committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party Members of the Committee and for any members of the professional staff appointed under 2(a) (2) of this rule on matters related to committee work.

(3) Services of the clerical staff members of the full Committee may be terminated by majority vote of the Committee.

(c) Each employee on the professional staff, and each employee on the clerical staff, of the Committee, is entitled to pay at a single per annum gross rate, to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that 2 professional staft members of the Committee shall be entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule, section 5315 of Title 5, United States Code.

(d) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the Committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the Committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the Committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party Members shall designate which of those persons shall fill that vacancy.

(e) Each staff member appointed pursuant to a request by minority party Members under paragraph (a) or (b), and each staff member appointed to assist minority party Members of a Committee pursuant to an expense resolution, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(f) Paragraphs (a) and (b) shall not be construed to authorize the appointment of additional professional or clerical staff members of the Committee pursuant to a request under either of such paragraphs by the minority party Members of that committee if six or more professional staff members or four or more clerical staff members provided for in paragraph (a) (1) or paragraph (b) (1) as the case may be, who are satisfactory to a majority of the minortiy party Members, are otherwise assigned to assist the minority party Members.

(g) Notwithstanding paragraphs (a) (2) and (b) (2), the Committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the Members of the minority party.

3. Members seeking assistance from the staff shall make their requests through the Chairman or the ranking minority Member.

O. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS TO SUBCOMMITTEE

(1) All the legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority Members of the full Committee, consideration is to be by the full Committee. If a concurrent resolution of disapproval of a Council Act is introduced in the House during the first 15 legislative days of layover, the resolution shall be referred to the subcommittee of appropriate jurisdiction. If the concurrent resolution is introduced during the last 15 days of congressional layover, the matter shall be kept at the full Committee level with such comments from the subcommittee as they may wish to give.

(2) The Chairman may refer a matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee.

(3) Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. In order to permit the full Committee to take timely action on special resolutions, a subcommittee should complete action on a concurrent resolution of approval of a charter amendment under section 303(b) of the Home Rule Act not later than 15 calendar days before the expiration of the 35 day period named in the Home Rule Act. The subcommittee should complete action within 12 calendar days of the introduction of a simple resolution of disapproval of a Council Act relating to titles 22, 23 or 24 of the District of Columbia Code under subsection (c) (2) of section 602 of the Home Rule Act.

P. SUBCOMMITTEES

(1) There shall be the following standing subcommittees:

Fiscal Affairs and Health.
Government Affairs and Budget.
Judiciary, Manpower and Education.
Metropolitan Affairs.

(2) Additional legislative subcommittees may be established by a majority of those voting, a quorum being present, of the full Committee.

(3) Each Member shall be given an equal number of subcommittee assignments insofar as practicable.

(4) Bills shall be assigned to subcommittees in accordance with the subject matter of the subcommittees.

(5) The Chairman of the full Committee shall be an *ex officio* Member of all subcommittees and special subcommittees with the right to vote thereon.

(6) Any Member of the full Committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and to participate but shall not have authority to vote on any matters before the subcommittee unless he is a Member of such subcommittee.

(7) The majority Members of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee and shall authorize a Member or members to negotiate that ratio with the Minority.

Q. GENERAL OVERSIGHT RESPONSIBILITIES

The Committee and each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or the subcommittee, respectively, and the organization and operation of the Federal and District agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and each subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee, respectively (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee, respectively. Each subcommittee is required to conduct oversight in the area of their respective jurisdiction, to assist in carrying out the full Committee's responsibilities under Rule X2, of the House of Representatives. The establishment of an oversight subcommittee shall in no way limit the responsibility of the subcommittees with legislative jurisdiciton from carrying out their oversight responsibilities.

R. ADDITIONAL FUNCTIONS

(1) The Committee and each subcommittee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the House of Representatives.

(2) The Committee and each subcommittee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

S. POINTS OF ORDER

No point of order, other than a point of order that a quorum is not present, against the hearings of business procedures of the Committee shall be sustained unless it is made in a timely fashion (1) at the commencement of the hearing on meeting, or (2) at the time such point of order first occurs. Any point of order not raised in a timely manner in subcommittee shall not be sustained in full Committee.

T. NOTICE OF MEETINGS AND AGENDA

(1) The Committee and each subcommittee shall make public announcement of the date, place and subject matter of any Committee hearing at least one week before the commencement of the hearing. If the Committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible day. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

(2) The agenda for all Committee meetings, setting out all items of business to be considered, including a copy of any bill or a summary of any bill and of any subcommittee amendments, shall be furnished each Committee Member by delivery to his office at least two full calendar days (excluding Saturday, Sunday and Legal Holidays) before the meeting. This requirement may be waived by a two-thirds vote, a quorum being present, of the Committee.

(3) No bill or other matter shall be brought up for hearing or other consideration except with the approval of the Chairman or by a majority of those voting, a quorum being present; *provided, that* any Member (other than the Chairman) making the motion for consideration under this rule has given 2 days' notice in writing to all Members of the Committee.

U. AMENDING COMMITTEE RULES

The Committee rules may not be amended unless the Member proposing the amendments gives two days' notice (excluding Saturday, Sunday and Legal Holidays) in writing of the text of the proposed changes to all Members.

V. OTHER PROCEDURES AND REGULATIONS

The Chairman of the full Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.●

WHY WE NEED SPIES

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WYDLER. Mr. Speaker, nothing has been more evident in the events of the last few months as the lack of adequate intelligence information available to our country in events taking place around the world. Information is strength and adequate intelligence is vital to getting such information.

The actions by our country in undermining its own intelligence establishments has been a sorry sight and an activity which amounts to unilateral disarmament. The business of spying is, of course, basically unlawful and unpleasant and yet is vital in a modern world. We are now reaping the harvest of our past excesses in trying to establish a pleasant intelligence service.

The fact is, of course, that we are only hurting ourselves and our country. Nothing could make this clearer than the article written by our former colleague, Melvin R. Laird, who has served in many key positions in our Government. I think it should be read carefully by all of the present Members of the House.

WHY WE NEED SPIES

(By Melvin R. Laird)

Last November President Carter sent an extraordinary handwritten note to his National Security Adviser, to the Director of Central Intelligence and to the Secretary of State. The President expressed extreme dissatisfaction with the quality of information being provided from abroad by American intelligence. He especially was dismayed because he had been grossly misinformed about the magnitude and significance of internal strife in Iran, whose stability and friendship are essential to the West. As a consequence, we unwittingly pursued policies that worsened the problems there.

Unless there is a swift reversal of present policies, the President can only expect more —and worse—intelligence failures. For, both our principal espionage service (the Central Intelligence Agency) and our primary counterintelligence service (the Federal Bureau of Investigation) have been shattered.

Since 1974 the CIA has been the target of prolonged, sometimes blunderbuss investigations by two Congressional committees and a Presidential commission. While uncovering comparatively few illegalities or "abuses," these investigations provided forums for lurid and wildly false allegations against our intelligence community. Congress and the Administration then overreacted by subjecting the CIA and FBI to severely restrictive legislation and enfeebling edicts. Surveying the wreckage former Secretary of State Henry Kissinger declared: "We have seriously damaged our entire intelligence capability, and I don't believe that what was discovered in the investigation warranted the wanton assault which took place."

Obsolete Resource? Thus besieged, the CIA has also been demoralized by its own leadership policies. A good part of our foreign intelligence-gathering is centered in the clandestine service of the CIA. These men and women are the managers, the case officers, who spot, recruit, direct and communicate with the foreigners around the world who, usually out of idealistic motives, are willing to spy for the United States. Between 1971 and 1976 the number of employes in the clandestine services was reduced by half—perhaps justifiably as part of a general retrenchment after the Vietnam war.

But now, in a misguided attempt to "streamline" and eliminate what CIA Director Stansfield Turner refers to as "excess wood," another 820 people—roughly 20 percent of the remaining force—are being fired. The result, as New York Times columnist William Safire noted, has been "the destruction of the clandestine service; the worst leaks of national secrets in a generation; the replacement of independent analysis by the rubber stamps of fawning yes men; and a series of misjudgments in foreign policy."

Many of the attacks against U.S. intelligence suggest that espionage and the secrecy that must surround it are alien to American traditions. History demonstrates just the opposite—beginning with George Washington who admonished his generals in 1776 "to leave no stone unturned" in collecting intelligence. Presidents Truman, Eisenhower, Kennedy, and Johnson all realized that the successful conduct of government and avoidance of war could depend upon possession of knowledge hidden within the totalitarian societies arrayed against us.

The need is even more acute today. International finance, energy supplies, nuclear proliferation — all levy new demands for knowledge. Warfare or other convulsions in unstable regions of the world can choke our economy by cutting off access to resources upon which we depend. Fanatical bands of terrorists multiply, menacing society's intricate functioning. Meanwhile, the Soviet Union, spending far more on arms than we do, grows ever more powerful.

But, people ask, hasn't modern technology made spies obsolete? Can't we collect all the intelligence we require—much more reliably and efficiently—through satellite reconnaissance and electronic monitoring? The answer is no. Rep. Samuel S. Stratton (D., N.Y.), chairman of the House Armed Forces Investigations Subcommittee, explains why: "Spies in the sky can indeed perform wonders. But there is no technological substitute for the man—or woman—on the spot. Revolutions and terrorist attacks are not customarily developed by machines. In deliberately cutting our intelligence system off from coffee houses, bars and other non-technical places where indications of intentions—as distinguished from capabilities—are most apt to be picked up, we have left ourselves, as in the case of Iran, wide open to being blindsided."

Lead Time. Just how indispensable spies remain can be illustrated in a heretofore-untold spy story. In 1959 an American spy in the Soviet government slipped us a secret manual showing exactly how the Russians installed one of their missile systems. In June 1962 another U.S. spy spotted Soviet missiles being trucked away from Havana harbor. Subsequent sightings by other agents in Cuba compelled resumption of U-2 reconnaissance flights, which proved the Russians were indeed deploying missiles that could have annihilated most U.S. cities. The pressures upon President Kennedy to blow up the missile sites immediately were intense, and might have been irresistible had not the CIA possessed the manual supplied by the Moscow spy three years before.

It turned out that the missiles were being installed precisely according to the manual. By studying site photographs, CIA analysts determined that the missiles were not yet quite ready to fire.

Meanwhile, our agent in Moscow sent another critical report, on long-range missiles in the Soviet Union. He explained, accurately, that the Russians had not yet perfected an adequate guidance system for their ICBMs as they had for their shorter-range missiles being emplaced in Cuba. All this information enabled President Kennedy to postpone military action long enough to negotiate firmly with the Russians—and force the Kremlin to withdraw the threat from Cuba.

Consider the 1975 incident when two refugees claimed to have seen in the Soviet Union grain silos being built strongly enough to withstand a nearby nuclear blast. It seemed incomprehensible. Why would the Russians go to the extreme expense of bombproofing storage facilities for ordinary grain? Redirecting our reconnaissance, we began to search for such fortified silos. And photo analysts soon spotted them in numerous parts of the Soviet Union—installations previously ignored as of no significance. Then we realized what the silos meant. The Russians were deadly earnest about their nationwide civil-defense program. They were caching, at enormous cost, food for the survivors of nuclear war.

The refugees were not our agents while in the Soviet Union. But the point is the same: human sources can supply vital data that technical sources miss.

Last year, when the Russian-directed, Cuban-led Ethiopian army drove Somali forces from the disputed Ogaden, there were fears that the communists would go on to invade Somalia itself. The prospect was chilling. Having gained control of Ethiopia and South Yemen, the communists, by also seizing strategically located Somalia, could further threaten Saudi Arabia and the flow of oil that is the lifeblood of the industrial democracies. Should the United States respond to such a threat?

Fortunately, in this instance we had an utterly reliable spy in the right place. I am not at liberty to say whether his nationality was Cuban, Ethiopian or Russian. But he accurately informed us that, despite appearances, the Ethiopians would not attack Somalia. The United States thus was spared the hard decision of whether or not to initiate drastic action to save that country.

Once a nation takes military action, aerial photographs and data from sensors and other intercept devices can pretty much tell us what is happening. But by then it may be too late to stop the action except by armed force. Thus we need to know *in advance* what course others intend to pursue. Only human agents can give us this kind of forewarning.

Ultimate Weapon. It is impossible to defend every government official, every utility plant, every mile of transit systems, against stealthy anonymous terrorists who strike at times and locales of their choosing. Only through spies within terrorist groups can we learn of their plans in time to thwart them.

Because of CIA and FBI infiltration of terrorist organizations, we have aborted assassination plots against American leaders, against foreign chiefs of state visting the United States, and against a number of our ambassadors abroad. We have disrupted sophisticated schemes to blow up government buildings in Washington and kill employes working in them. We have averted the shooting down of airliners, the abduction of public officials and seizure of their families as hostages.

Yet, because it is impossible to penetrate every gang, terrorism continues and multiplies in Europe and the Western Hemisphere. Although organized terrorism in this country is still in embryonic stages, in the past four years terrorist bombs have killed 17 people and injured 136 in New York City alone. A single Puerto Rican terrorist group, the FALN, has perpetrated 58 bombings in New York, Washington and Chicago. The Pacific Gas and Electric Co., principal supplier of energy to California, has been the target of 75 bombings and sabotage attempts. In the country as a whole, 324 terrorist bombings have occurred within the last six years.

Our intelligence unmistakably reveals that foreign and domestic terrorist groups are coalescing into a loose, coöperative federation to intensify assaults upon Americans and U.S. installations, here and abroad. To defeat them, we must have spies in their midst.

Finally, we must have spies to protect ourselves against hostile spies. The Soviet Union, its East European satellites and Cuba have mounted a clandestine campaign unprecedented in peacetime history. Its aim: to enlist spies who will betray our most vital secrets and to suborn Americans who can influence public opinion and national policies. In five years, the Soviet bloc has doubled the number of its professional intelligence officers stationed in the United States—to more than 900.

The most efficient means of combating this onslaught is to insinuate our own agents into the hostile intelligence services. Our most significant successes in countering espionage and subversion have been achieved in this way.

In the early 1960s, for example, a series of spectacular espionage cases rocked the West. The assistant chief of the counterespionage division of West German intelligence, Heinz Felfe, was discovered to be a Soviet agent placing other spies in critical positions throughout West German society. British intelligence officer George Blake also was unmasked as a Kremlin agent. Other Soviet spies were uncovered in Anglo-American laboratories engaged in sensitive anti-submarine research.

All of these disclosures resulted from the work of one spy, Michal Goleniewski, and a few Americans with the capacity and courage to maintain contact with him. A colonel in Polish intelligence, Goleniewski was recruited by the Soviets to spy on his own countrymen. He ostensibly served the Russians so ably that they trusted him with details of some of their most important operations in the West. All these details Goleniewski shared with his U.S. case officers, who had earned his ultimate loyalty. Thus, one American spy nullified momentous successes of the whole Soviet intelligence apparatus.

Looser Limits. I am convinced that the Administration must halt the ongoing purge of honorable CIA employes. And it must restore their *esprit de corps* by making clear that it regards them as patriotic servants and will back them up in their missions. Congress, which now consumes an enormous share of the energies of the CIA by requiring it to answer to eight committees, should consolidate its oversight efforts. And it should concentrate its scrutiny less upon mistakes made 10 to 20 years ago, more upon what must be done now to protect the nation in the future.

The plight of the FBI is equally deplorable. In 1972 it investigated 17,600 domestic-security cases involving suspected espionage, subversion and terrorism. Last year, because of restrictive legislation and Justice Department guidelines, it investigated fewer than 200! In 1975 the FBI maintained contact with some 1,100 informants cooperating in national-security investigations. Last year it had only 42 informants left! Indeed, communist intelligence officers stationed in the United States now outnumber FBI counter-intelligence personnel by a wide margin. Last year the FBI asked Congress to authorize a modest personnel increase so it could assign more people to counter-intelligence. Congress said no. Instead, it is drafting a charter setting forth guidelines covering all FBI activities.

Among legislators who are deeply troubled by such actions is Sen. Patrick Moynihan (D., N.Y.), a member of the Senate Select Intelligence Committee. "As a liberal," he declares, "I tell you the day will come when we will look back and ask, 'For what purposes did the men of this political generation make it impossible to resist Soviet espionage in this country, and why did they do it?' And we will have a lot to explain."

Spies, today as in the days of George Washington, constitute a weapon. As with all weapons, prudent precautions should be taken to ensure that this one is not misaimed or misused. But intelligence-gathering is a weapon we cannot afford to sheath. If we do, we will increase the chances that some day, because of ignorance, we will have to resort to much more terrible weapons in conflicts that knowledge might have prevented.●

IMPORTS DERAIL DOMESTIC WHEELMAKERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1979

● Mr. GAYDOS. Mr. Speaker, I would like to bring to the attention of my colleagues the plight of another domestic industry which finds itself "between a rock and a hard place" because of the inadequate trade policies of our Government and the predatory ones practiced by foreign competitors. I refer to the domestic production of railroad wheels.

Indications are there will be a substantial increase in demand for this type of wheel in the next few years. It is anticipated the domestic annual market for railroad wheels will increase 25 percent, to 2 million units, by 1985. However, unless steps are taken now to assist our producers, it is conceivable foreign manufacturers will enjoy the benefits of the boom.

The predicament of U.S. wheelmakers was outlined for me by Mr. John E. Fogarty, president of Standard Steel in Burnham, Pa., a firm which supplies 17 percent of the railroad wheels in America.

I will insert the main text of Mr. Fogarty's letter at the close of my remarks, but, for emphasis, I would like to single out a few points for consideration at this time.

First, Mr. Fogarty writes that all imported railroad parts—except wheels—are subject to a 9-percent U.S. duty. There used to be a duty on wheels, he adds, but "it was apparently bargained away during the Kennedy Round for some unknown reason."

In other words, railroad wheels come into the country duty free, while other nations, Canada for instance, impose a 17-percent tariff on imported wheels of this type.

Second, imported railroad wheels are not included under the "trigger price mechanisms" designed by the administration to guard domestic industry against an adverse impact of foreign steel imports. Again, as Mr. Fogerty notes, such wheels were included in the original TPM program approved by the administration in December 1977, but were not on the official list compiled by the Treasury Department.

It is said this omission is, or may be, related to the fact the trigger price is based on Japanese costs and Japan would not provide the cost data, because only one company there makes the wheels and that firm considers the information proprietary.

Mr. Fogarty also cites two other points I believe are noteworthy. His firm recently sought to determine what opportunities existed to sell wheels in Japan. The company was informed "in Japan all railroad wheels are Japanese wheels." Also, a French firm, heavily supported by the French Government, lost $80 million last year but has announced it will expand its wheelmaking capacity to take advantage of the duty-free American market.

This same French firm, it is reported, also is considering adding an axle line to its facilities. Why? Because under a quirk of our trade laws, imported axles are subject to a 9 percent duty. But the assembly of wheels and axles are duty free.

Mr. Speaker, the specter is raised that unless our Government acts to defend the domestic wheelmakers it may come about that a U.S. firm will find it more advantageous to build a plant abroad. Why not? It could ship its wheels here duty free. It could receive protection from a foreign government against U.S. exports to that country. It could also produce at lower cost, because of the decline of the dollar on international markets.

One recommendation proposed by Mr. Fogarty would be the inclusion of railroad wheels under the same 9-percent tariff imposed on other imported railroad parts. Another is a tightening of this Nation's trade legislation.

I believe Congress should give serious attention to the concerns of the railroad wheel producers. Over the years we have seen what inaction can do. We have watched the dominoes fall in steel, textile, electronics, leather, and mushrooms. Will Congress sit by again?

I, for one, intend to pursue this issue. I do not intend to sit by quietly and watch as another domestic industry is derailed by foreign imports.

The letter follows:

JANUARY 29, 1979.

Thank you for your letter of January 22 requesting information on the business constraints that I perceive from the lack of tariff protection on railroad wheels.

As background, let me state that Standard Steel provides 17 percent (200,000) of the railroad wheels used in the United States. We are therefore concerned about the dramatic increase in foreign railroad wheel imports—upon which absolutely no tariff protection is imposed by our government. Ironically, the "trigger pricing" restrictions recently imposed on raw steel imports are tending to entice foreign producers to export more finished steel products such as railroad wheels to the United States. In this regard, they must view the total lack of U.S. tariff protection on railroad wheels as a most enticing "hole in our dike" because last year they have increased their rate of railroad wheel deliveries in the United States from 13% during 1977 to 20% during the first six months of 1978. A total of 14.4 percent of these imports came from Canada, though a 17% Canadian duty prevents our participation in that market. Thirty-one percent came from Japan. Yet, when one of our sales executives recently visited the New York office of the Japanese National Railway to determine what sales opportunities may exist for us in Japan, we were politely advised that "in Japan, all railroad wheels are Japanese wheels". To complicate matters further, although 53% of these imports came from France, a major "government-supported" French company that lost $80 million last year announced that they are expanding their wheel-producing capacity with the express intention of even further penetrating our "duty-free" market.

Ironically, though there is a 9% duty on railroad axles (as a result of which imports are small), assemblies of wheels and axles are duty-free too. That same French company is now considering installing an axle line and exporting assemblies to the United States to avoid the need to pay the axle duty.

Interestingly, all railroad parts except wheels carry a 9% duty. There used to be a duty on wheels but it was apparently bargained away during the "Kennedy round" for some unknown reason.

To counter such unfair competition, we've been forced to try to balance general inflationary cost increases of 40% since 1974 with a net wheel-price increase of only 13%. We obviously cannot continue such policies indefinitely.

These factors place us in a relatively defenseless position: one we cannot cope with ourselves, one we need government help with, help in the form of equitable tariff protection, or "trigger-pricing" support for our products. Ironically, the "trigger-pricing" program that was approved by President Carter on December 6, 1977, included "trigger-pricing" protection for railroad wheels, but our Treasury Department did not include them on their official trigger-pricing list. We understand that this related to the fact that whereas the trigger list is based on Japanese costs, the Japanese would not provide wheel costs because only one company in Japan makes them and they considered the information proprietary. Apparently Treasury feels they'd be opening a Pandora-Box if they departed from the "Japanese-cost" criteria.

Whereas some action here would be helpful, many seem to be wondering if trigger-prices are in-fact here-to-stay. One Commerce official recommended that all of our eggs shouldn't be in-that-basket.

What we need is for railroad-wheels to be put into the same 9% tariff-basket as all other imported railroad parts. In this regard, everyone we consult seems to recognize that adding a tariff is totally against-the-grain of current Administration policy, and therefore, it has little chance of realization no matter how sound the supporting logic may be. Some say "Forget it. It's out of the question.".

One of two generally accepted positive approaches seems to involve "anti-dumping" action. As you know this is a long, tedious, politically unpopular action that is also very time-consuming and costly. A sound case against Creuse-Loire (the above French company) has been prepared by one of our competitors (who also makes about 200,000 wheels annually). We are considering supporting or joining with them in their intended anti-dumping action. A possible collective "wheel-producer" and USW supporting action is being considered but may not be feasible.

The second supplementary approach being generally suggested involves full support via perhaps some Washington law firm and/or manufacturing-association lobbying-action for stronger, quicker, more effective, and less costly anti-dumping legislation. I must admit we sometimes have a hard time finding time to run our business these days.

As I mentioned in an earlier letter, our manufacturing projections strongly suggest that as a result of a gradual shift to coal-generation by new electric-power generating plants; coupled with an extra-ordinary increase in railroad-car purchases to replace smaller cars, that the annual market for railroad-wheels will increase by 25% to 2,000,000 units by 1985. However, total U.S. manufacturing-capacity (including the output from a possible new Abex plant) may only range about 1,600,000 wheels by that time; creating an annual shortfall of 400,000 wheels.

Without tariff protection from predatory foreign-dumping of railroad wheels, it is unlikely that U.S. companies will invest in the new plant and equipment required to accommodate the 400,000 wheel gap.

The foreigners protect their markets with trade barriers. If our government continues to refuse to protect ours, American labor won't be used to produce the new 400,000 wheel requirement of the U.S. market either.

I say this because if we were sure that our government wouldn't act to protect our industry from inequitable competition, some U.S. company may well decide to accommodate the increasing U.S. need for railroad wheels by building a plant in Canada. Why not? No duty to the U.S. Lower labor-rates on account of the .80/.90 cent Canadian dollar value which is unlikely to get-well-soon, and, protection in Canada from foreign competition.

Candidly, American business in this case seems to be being enticed to build in some other country. We'd much rather be enticed to build—without government aid—in the United States.

Somewhere along the line, our country must act logically on its behalf and cast aside those who say "We want to help but can't. Our hands are tied. Forget it, there's nothing that can be done."●

TRIBUTE TO WILLIAM BOND INGRAM

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. FORD of Tennessee. Mr. Speaker, there is nothing more certain in all the world than the fact that our lives are brief and transient. Given the short period we are here it is most important that we make a contribution to our fellow man and to our society. Unfortunately, some of us are not able to leave our mark in history. Today, I rise to pay tribute to an outstanding citizen of the Eighth District of Tennessee, who indeed left his distinct impression on the great city of Memphis.

William Bond Ingram was an unselfish public servant who gave tirelessly of his time and energies for the common good. The many lives he touched, the many services he rendered, the many deeds he accomplished and the many hopes he gave all represent his contact and aid to the common man.

He served as an attorney for Memphis Light, Gas, and Water Division, as an assistant county divorce proctor and as a city traffic court judge before being elected to one term as mayor in 1963. A courageous, hard-working fighter for the average citizen, he was one of the few people who have ever been able to pull together all the different sectors of the community.

Although he served a most controversial term as mayor, William Ingram never ceased in his efforts to institute the very best administration for the city of Memphis. He made a substantial and positive contribution to the community. His willingness to deal with any issue regardless of the opposition, accorded him the respect of his enemies as well as friends. His concepts, goals, and aims for the city lead many people to say he was before his time.

He was born in Hollandale, Miss., grew up in Brownsville, Tenn., and came to Memphis in 1940. A fighter pilot in World War II and a prisoner of war for 13 months after his plane was shot down over Belgium in April 1944, this distinguished him as, not only a local figure, but a national hero.

His career and reputation as a defender of the rights of the average citizen began with his appointment as a city traffic judge in 1957. During his time on the bench he often sided with the defendants if police could not produce sufficient evidence. Confronted by police for his position, Ingram unwaveringly replied, "If police are supposed to win every case, there's no need for judges."

His last contribution to his fellow citizens was as a delegate to the 1977 Constitutional Convention, where he attempted to allow the consolidation of city and county governments, to be put before the voters of the county, but he failed in this effort.

A champion of the people, William Ingram devoted his lifetime to his Nation, State, and community. He will be long remembered and admired as a crusader for equal justice for all.

His kind is rare these days—he will be sincerely missed by his family, friends, and city.

A most appropriate closing for this tribute is a quote from a Jewish prayer—

> The departed who we remember have entered into the peace of life eternal; but he still lives on earth in the acts of goodness he performed.●

NATIONAL CONFERENCE OF CHRISTIANS AND JEWS HONORS GEORGE GREENBERG

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WYDLER. Mr. Speaker, on Wednesday, January 31, George Greenberg, who is a valued friend of mine from Hewlett, N.Y., was honored by the Queens branch of the National Conference of Christians and Jews for his many years of devoted work and generous contributions to worthwhile causes espoused by all religions.

George Greenberg is certainly deserving of this honor and I congratulate the Queens branch of the National Conference of Christians and Jews on their recognition of this outstanding and dedicated man.

On this occasion, the invocation was delivered by Rabbi Morris Picholz, also of Hewlett. In his invocation, Rabbi Picholz speaks of the challenge which confronts men and women of all faiths, the world over. I would like to share this invocation with my colleagues by inserting it in the RECORD at this point:

> Father in Heaven:
>
> As we open this meeting of the National Conference of Christians and Jews this evening we invoke thy blessings upon all of us here assembled. We are mindful of the fact that, though Thou has created us with diversity in physical appearance and in mental abilities, we are fundamentally all Thy children, descendants of one man; united in our determination to combat bigotry and prejudice in our great country and to champion human rights throughout the world.
>
> The more we view the cataclysmic events occurring with increasing frequency in many nations of the world, the more we are committed to the principles of this Conference which embody our nation's faith in cultural pluralism and the sacred rights of our individual liberties. Using these great moral and spiritual qualities that we possess, we must—all of us—regardless of our religious beliefs and color of our skin continue to build bridges of understanding and combat prejudice and bigotry that may weaken the foundation of our pluralistic society.
>
> As we pay tribute to three great men of different religious beliefs here this evening, we are mindful not only of their accomplishments in the world of business but in their personification of the noble ideals of the Conference of Christians and Jews. They represent American pluralism at its quintessential greatness. Grant them and their families, we pray Thee, good health so that they may continue their work for all noble causes.
>
> Tonight is the 32nd Annual Dinner. 32 in Hebrew spells out the word לב which means heart. May God imbue us with a good heart to love all our fellow men. Amen.●

THE NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING ACT OF 1978

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MURPHY of New York. Mr. Speaker, today I have introduced a bill to extend the authorization of Public Law 95-273. Known as the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978, this legislation was considered jointly by the Merchant Marine and Fisheries Committee and the Committee on Science and Technology and signed into law by the President in May 1978.

The purpose of the legislation was to insure that the Federal ocean pollution research and monitoring effort is coordinated and that duplication of such effort among Federal programs relating to pollution research is minimized. Additionally, the bill provided for limited Federal funding for such research to be allocated to activities addressing the most urgent ocean pollution problems. An interagency Committee on Ocean Pollution Research and Development and Monitoring (COPRDM) was formed to carry out these functions and to develop a Federal plan. The 5-year Federal plan for ocean pollution research was originally scheduled to be completed by February 15, 1979. However, because it is a most difficult task to inventory the diverse ocean pollution research, development and monitoring projects underway in the Federal Government, the President's science adviser, Dr. Frank Press, has requested an extension of the deadline to May 15.

The bill which I introduced today would simply extend the authorization for fiscal year 1980 at a level of $5 million. This is the same authorization figure which was in the bill when originally passed in the last Congress. The program appears to be working and the legislation is simply a vehicle for conducting hearings in our committee and in the Science and Technology Committee and I urge favorable consideration when the authorization bill reaches the floor.

It was the intent of our committee that Public Law 95-273 would achieve an effective and coordinated ocean pollution research effort within the Federal Government. We intended that it would unify and create high-level policy directives for the entire governmental ocean pollution research effort and would foster cooperation among agencies, particularly with respect to the dissemination of information concerning the results, findings, and subject matter of continuing ocean pollution research.

There is every indication that these efforts are being achieved although the process is somewhat slower than first anticipated. This program deserves an extension of authorization. The oversight responsibilities of our committees will make certain that the work of the interagency Committee on Ocean Pollution Research continues to accomplish the goals for which it was established.●

MASON M. WARREN—A LEADER IN THE LABOR MOVEMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ANDERSON of California. Mr. Speaker, the labor movement in this country has its pockets of strength. There are some areas in this Nation where a vast majority of the workers enjoy representation by labor unions. In other places, there exists a great resistance to any form of organizing on behalf of workers. The Southwest is generally such an area. It is the stronghold of the right to work sentiment. But it is this place that has given the Laborer's International Union of North America one of its most effective and able leaders, Seventh Vice President Mason M. Warren. This man's work on behalf of union workers will be recognized soon by the establishment of the Max Warren Research Fellowship at the City of Hope National Medical Center. Today, I would like to share with you his career history to illustrate why he is so deserving of this salute.

Mason Warren, known as "Max" to his friends, is a native of Sulphur Rock, Ark. He grew up there, then moved to Arizona where he became involved in union activities by joining the Laborers' Local 383. This was the beginning of his long participation in the labor movement throughout the Southwest.

As a member of Local 383 he held various positions, including business manager and secretary-treasurer. In addition, he went on special assignment for the Laborers' International Union in 1960. Before this, he also served in 1947 as the recording secretary of Teamsters Local 898.

In Phoenix, Max was active in the Central Labor Council and Building Trades Council. He developed a film that explained the benefits and workings of union representation. His involvement with these groups aided the local effort to inoculate children against polio. This became the only way to make mass immunization successful since visits to family doctors could not handle great numbers of children. Another notable community contribution was his cochairmanship of the first-ever United Fund Drive, an event that continues to this day.

In 1966, Max received a major promotion by being named the assistant regional manager of the San Francisco region by the union's general president. Later, in 1969, he was appointed regional manager by General President Peter Fosco to succeed Terence J. O'Sullivan.

Recent times have brought other advancements for him. In 1975, Max Warren was elected eighth vice president of the International Laborer's Union and later that same year he was elected to the position he now holds, seventh vice president.

My wife, Lee, joins me in saluting this man's service to the labor movement and the contributions he has made to the betterment of the community. His continued presence will be of great benefit to the Laborers' International Union. We extend to his wife, Jerry, and their children Mitch and Jan, a wish for continued success and happiness.●

LITHUANIAN AMERICANS CELEBRATE 61ST ANNIVERSARY OF INDEPENDENCE

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. FITHIAN. Mr. Speaker, I rise today to speak on behalf of the more than 1 million Lithuanian Americans who rerecently celebrated their independence day.

February 16, 1979, marked the 61st anniversary of the reestablishment of an independent state in Lithuania. The people of Lithuania cannot celebrate this occasion as they should, however, because of the fact that they are under Soviet domination. The people of Lithuania are being denied basic human rights—rights that we have almost come to take for granted in our country. In Lithuania, the freedoms of speech and religious practice are restricted, and the freedom to gain social, cultural, and economic growth are greatly hindered.

The heroic Lithuanians have fought a long and bitter struggle to gain and retain these basic rights of man. On February 16, 1918, the Lithuanian National Council unanimously declared its independence, thus ending hundreds of years of domination and control by foreign powers. To secure this goal, Lithuania signed a peace treaty with the Soviet Union. For 22 years, the nation grew and prospered, and land and educational reforms freed many of the citizens from the shackles of tyrranical domination.

During World War II, Lithuania was one of the first countries to suffer under the aggression of both Hitler and the Soviet Union. As in the past, Lithuania was once again engulfed in a foreign power struggle, and in 1940 the Soviet Union violated the peace treaty and invaded Lithuania. Some 30,000 relentless Lithuanians, revolting against Soviet rule, were deported to Siberia. This revolt lasted for 2 months before a new enemy locked and bolted the door to freedom. The Nazis occupied Lithuania for 3 years, stifling this country's lifeline to liberty. When the tide of the war turned against the Nazis, the Soviets returned once again to dominate Lithuania, as they have until this day. During the years 1944–53, 60,000 Lithuanians gave their lives in battles against the Soviet aggression.

The United States has never recognized the incorporation of Lithuania into the Soviet Union. The Lithuanians are people who should be recognized as well as respected by all freedom-loving people, because they have maintained a steadfast determination for this cause despite overwhelming odds. Today, 61 years after the Lithuanian people declared their independence, we wish to assure them that their deeds will not be forgotten. They are a prime example of man's innate desire to be independent. Their independence day should be a reminder to us all that there are many countries that are not able to practice even the most fundamental human rights, which we cherish so much in the United States.●

CAPITALISM AND DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 28, 1979, into the CONGRESSIONAL RECORD:

CAPITALISM AND DEMOCRACY

Two Hoosiers, one right after the other, came into one of my Indiana offices to talk to me. The first, a prosperous businessman, had a simple message: he wanted the government off his back. He said that taxes, paperwork, and regulation were destroying his incentive, robbing him of time and energy, and lowering his productivity. The second Hoosier, a robust laborer, also had a simple message: he had worked only three of the twelve preceding months, and he desperately needed a job. With tears in his eyes he related to me the hardships that he and his family had experienced because of his inability to find work.

Several questions came into my mind after I had spoken with these two men. Why couldn't the government be more efficient so that the businessman could work without undue interference? What was wrong with a system that couldn't provide a job for a willing worker? How could the government satisfy both men, the one who wanted the government out of his way and the one who wanted the government to be more compassionate?

A few days later I read a speech by Arthur Okun, the respected economist, entitled "Capitalism and Democracy: Some Unifying Principles." In this remarkable speech Mr. Okun made several points which helped me to understand both the plight of my two constituents and the idea behind our system of democratic capitalism. The following points seemed most important.

America is built on two foundations. The capitalistic foundation places highest priority on the efficient incentives of the free market to get the job done. The democratic foundation emphasizes the human values of equality and compassion. Our attention is divided between the two foundations and, as individuals, we attach different weight to the sets of values they represent. Advocates on each side may try to polarize us, but we should recognize that too much stress on one foundation to the exclusion of the other leads to disaster. If we have humanitarianism as our only goal, we threaten the productive capacity of the nation. If we have profit as our only goal, we risk the social cohesion of the nation. In short, each foundation is necessary. Unless we keep this in mind we will always find much to criticize in America.

Capitalism and democracy depend on each other in many ways. Taxes drawn from the market economy finance education, national security, aid to the poor, and most other government programs. Decentralization of power in the private sector results in more political freedom. Goods and services of the market economy are staples of government procurement. On the other hand, the value of contracts, promises to pay, and money itself is based on the power of the government to hold violators of the rules liable. Property rights, the mainstay of the private sector, are established and enforced by the government. Public highways, airports, and schools are part of an infrastructure without which the market economy could not function.

The relationship between capitalism and democracy runs even deeper than the examples suggest. The private sector is the best place to organize production and promote social well-being, but it does not work perfectly. When people take advantage of the market place through fraudulent dealings or monopolistic schemes, the government must step in to set limits. The government intervenes in other ways, too. The market place can bestow large rewards on successful entrepreneurs, but it can also mete out heavy penalties to the "losers", those without jobs, those who are not strong enough to compete, those whose skill or business becomes obsolete. Our democratic commitment to a reasonable degree of equality of opportunity means that the fate of the losers is everyone's concern, and that the deprivation of the losers should be lessened by government action. The real problems are how much assistance we give and how that assistance is administered. Too much assistance undermines the incentives on which the market economy is founded; too little assistance leaves pressing human needs unmet. Good administration stretches the government dollar; poor administration ruins even the best planned program.

Finally, the government looks after the interests of third parties in the market place. This is because the buyer and the seller are usually well protected, while others who are affected by the transaction may not be. Examples of this sort of government intervention are common: a zoning ordinance may forbid the siting of a garbage dump near a residential community, or an environmental regulation may prohibit the pollution of a river that runs through the middle of a town. Although our record in this area has not been good, our basic approach is sound. Only the give-and-take of the political process can determine when third party interests are important enough to merit protection. Most people agree that we must do better.

There are those who believe that the government should get out of the economy entirely. Others believe that the government should greatly extend and strengthen its economic controls. Neither of these views is sensitive to the balance that must exist between capitalism and democracy. My own view is that we must always seek a balance between the two extremes. The market place must be made more humane and the government more efficient.●

JAMES PRIOLEAU RICHARDS—IN MEMORIAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ZABLOCKI. Mr. Speaker, it was with great sadness and regret that I learned of the recent death of one of my most distinguished predecessors as chairman of the Foreign Affairs Committee, the Honorable James Prioleau Richards of Lancaster, S.C.

"Dick" Richards will long be remembered by those of us who were privileged to serve with him as a man of the utmost integrity, whose record as an able and conscientious public servant stands today as his highest tribute.

Even before becoming committee chairman, Mr. Richards' leadership in the field of foreign affairs was firmly established: For instance, early in 1951, at the request of Gen. Dwight D. Eisenhower, then a Supreme Allied Commander, he headed a joint study mission on NATO, which was composed of members of the Foreign Affairs, Appropriations and Armed Services Committees, respectively. Thereafter, he emerged as a strong and authoritative House supporter of the U.S. commitment to the Atlantic Alliance.

On May 15, 1951, following the death of the late Judge Kee, Mr. Richards assumed the chairmanship of the Committee on Foreign Affairs for the remainder of the 82d Congress. After 2 years in opposition, as the ranking minority member, he once again took over as chairman during the 84th Congress and until his retirement in 1956.

Dick Richards' entire public career was dedicated to the service of his country, and he served in many different capacities: As a soldier in France during World War I; as a delegate to the Japanese Peace Conference and the United Nations General Assembly; and following his retirement from Congress, as a Special Assistant to President Eisenhower for the Middle East, with personal rank of Ambassador.

Above all, he combined the qualities of independent judgment, absolute honesty and warm friendship for his colleagues on both sides of the aisle—which won him their universal loyalty and respect.

To the family and friends of James P. Richards—and to the people of the 5th District of South Carolina which he represented so long and so well—I offer my deepest sympathy.●

THE DANGERS WHICH CONFRONT THE FREE ENTERPRISE SYSTEM

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. BREAUX. Mr. Speaker, the Free Enterprise Essay Contest was recently held in my congressional district to give high school students an opportunity to inform citizens of how our economic system works. Ms. Traci Castille of Mercy High School in St. Martinville, La., wrote a remarkable winning essay which adequately points out the benefits of a free economic society.

Mr. Speaker, at this time, I would like to congratulate Ms. Castille and would like to share with my colleagues her winning essay.

The essay follows:

THE DANGERS WHICH CONFRONT THE FREE ENTERPRISE SYSTEM

"America, America, God shed His grace on thee!" How often do we echo these patriotic words and not stop to reflect upon their accuracy. America is the most richly-blessed nation on earth. For years Americans have enjoyed privileges and freedoms that are not only denied, but that are often undreamed of in other countries. The American economic system, known as capitalism, deserves much credit for providing United States citizens with these benefits.

The free enterprise system is carved from the words "private ownership of the means of production." In my opinion, this method of buy-produce-sell-buy is the most efficient system yet devised, and is the system most appropriate to the democratic federal republic of which we are a part. Unfortunately, the free enterprise system has its shortcomings. Along with a few foreign adversaries, the internal imperfections help to categorize the free enterprise system as an "endangered species." They lead open-minded, realistic persons to question the survival of capitalism. Hopefully, through these questions, we will be able to find answers to "the dangers which confront the free enterprise system."

What are the chances for the survival of capitalism in America? Much depends on how well we are able to interpret and deal with the problems that have plagued our economy in recent years. Contrary to public opinion, I believe that the foremost danger lies not in the ever-increasing threat of world communism and ultra-socialism, but within the boundaries of our economy itself. Karl Marx once said, "Capitalism contains within itself the seeds of its own destruction." He may not have been far from correct.

Monopolies, exploitation, inflation, poverty, unemployment, balance of trade deficit—these are all dangers facing capitalism. However, these are secondary flaws. The main problem is consumer ignorance. Although consumers are not actively warned "buyer beware," this weakness does exist. To ignorance we must append apathy. The "I don't know and I don't care" attitude of the average American is a constant hazard to our economy. The United States citizen has become so accustomed to a life of luxuries that he takes for granted the system which makes this way of life possible. Because of his ignorance, he is often unwilling to sacrifice comfort or immediate profit in order to conserve resources. This introduces another threat to the free enterprise system—a depletion of materials around which industry revolves.

The "secondary" internal dangers are by no means to be ignored. They, too, are pressing problems which must be dealt with before their grasp on our economy cannot be loosened. Poverty is a persistent problem and is perhaps our overriding economic issue today. Nearly 15 per cent of all American families do not earn sufficient wages to provide themselves with enough of the necessities of life to maintain a decent standard of living. Closely related to poverty is the constancy of unemployment.

Even our foreign policy plays a role in the free enterprise system. The United States continues to welcome thousands of foreign refugees. This altruistic attitude is praiseworthy, but does little for our economy except to increase the disparity between the number of jobs and the number of job-seekers.

The free enterprise system is a host for the parasitic monopolies that have sprung up over the years. Capitalism tends to reward the larger, more efficient producer while neglecting the "little people." The desire for profit that once motivated businesses to strive to promote an efficient economy and satisfy consumer demand has sometimes turned into a greed for wealth and power that neglects the general good of society.

Another internal weakness is the susceptibility of our economy to periods of recession, depression and runaway inflation. These could aggravate all of the above problems and thus complete a growing cycle of adversity.

These inner weaknesses provide ample opportunity for the iron fist of communism to tighten its grasp on the world. Communism and socialism have already begun to infiltrate the United States. Although the changes they have brought are not drastic, their presence cannot be denied. The 1976 Presidential Election provides a good example of communism and socialism in our country. The ballots in several states listed candidates who were affiliated with one of these parties.

Despite these inherent dangers facing our economic society, the beneficial features far outweigh the negative aspects. As citizens we should become involved in our country's affairs in order to raise our nation above these problems. It can be done. As the great American statesman Cordell Hull once said, "I am certain that, however great the hardships and the trials which loom ahead, our America will endure and the cause of human freedom will triumph." ●

ON LITHUANIAN INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. PATTEN. Mr. Speaker, February 16 marks the 61st celebration of independence for Lithuania.

The Lithuanians are descendents of the Indo-Europeans, whose language has roots as the oldest Indo-European language still spoken today. They are dedicated in their struggle for obtaining basic human rights which Lithuania has been denied.

Despite efforts to stifle their language, culture, and customs, Lithuanians stand strong and united. This struggle represents the intensity by which these people seek independence and self-determination. It is up to us, the American people, to stand with Lithuania on the issue of individual rights.

The Lithuanian people should not be forgotten in hopes that their ideals of freedom and personal liberty become a reality.●

REASSURING FRIENDS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. McDONALD. Mr. Speaker, the louder and more often our President speaks of standing by our allies and friends, the less convinced they become. "Actions speak louder than words" as the old saying goes and no one has seen any action in the White House in a long time on behalf of any of our allies or friends around the world. At this point, I would like to place in the RECORD a Richmond Times-Dispatch editorial that appeared on February 22, 1979 on this topic. The editorial follows:

> REASSURING FRIENDS
>
> It is doubtful that President Carter bolstered the confidence of America's friends and allies very much by appending this little rhetorical gimmick—"And you can depend on it"—to the portion of his Georgia Tech address Tuesday pledging to "stand by our friends" and "honor our commitments" throughout the world.
>
> During his campaign for the presidency, Mr. Carter attached those same six little words to many of the promises he made to the American people. He said he would never break a single promise and we could "depend on it." Nonetheless, his administration has broken many of those promises. One of the most blatantly shattered pledges he made in the foreign affairs field was never to establish diplomatic relations with Red China without extracting guarantees of Peking's non-belligerence toward Taiwan, one of the most loyal allies of America.
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> More than campaign-style rhetoric is required, therefore, to salvage whatever shred of credibility the United States retains as the leader of the Free World. The fall of Iran was the disaster among disasters that has broken a dam and unloosed a torrent of nervous questioning of America's reliability. Consider this sample of what is being said abroad:
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> In the conservative and traditionally pro-American Paris newspaper, *Le Figaro*, columnist Annie Kriegel, considered perhaps France's leading anti-communist commentator, wrote in a front-page article: "It is clear that the Iranian affair has now consecrated President Carter as the worst president of the United States—which has not lacked for them. . . ."
>
> Using more diplomatic language, French President Valery Giscard d'Estaing is showing his lack of faith in Mr. Carter's leadership by dissociating himself from American policy across a wide range of world issues. He has proposed a summit conference of West European, African and Arab heads of state to deal with common problems. Washington pointedly would not be invited. Mr. Giscard d'Estaing's aim is the creation of a medium-power consortium to deal with problems independently of America, Russia or China.
>
> Don't French governments delight in charting a path as independent as possible of Washington? Oui and non. Under President Charles de Gaulle and his successor, George Pompidou, that was often the case. But President Giscard had moved much closer to American policy than his predecessors. Now events are pushing him back in the Gaullist direction.
>
> But one does not have to look to France to find profound disillusionment with the current leadership in Washington. Consider this remarkable comment the other day by President Mohammed Zia of Pakistan: It's time, he said, that Mr. Carter "act like the president of a superpower."
>
> Clearly, "acts" and not more speechmaking gimmickry are what America's friends and allies are looking for.●

EXTEND THE AUTHORIZATION OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MURPHY of New York. Mr. Speaker, today I have introduced a bill to extend the authorization of and provide necessary amendments to the Marine Protection, Research, and Sanctuaries Act of 1972, commonly referred to as the Ocean Dumping Act.

This legislation serves three distinct functions, all of which further the public interest in our oceans. First, it establishes the ocean dumping permit program administered by the environmental protection agency (EPA). That program regulates the dumping into the ocean of sewage sludge generated by water treatment facilities which assist municipalities in cleaning up our Nation's waters.

Second, the Ocean Dumping Act authorizes certain types of research by the National Oceanic and Atmospheric Administration (NOAA) regarding both ocean pollution and land-based disposal programs.

Third, the act establishes the marine sanctuaries program under NOAA to protect certain fragile areas in the ocean and to balance competing demands on the limited resources there.

The Merchant Marine and Fisheries Committee has long had a strong interest in determining the effects of ocean dumping on the marine environment. This concern recently led to legislation mandating that the ocean dumping of harmful sludge generated by water treatment facilities be terminated by the end of 1981.

Ocean dumping is a particular concern of mine because it has been a primary method of waste disposal for New York City for almost 50 years. It should be noted that the 1981 termination date poses particular problems for the city. The EPA estimates that nationwide some 15 percent of all municipal compost is dumped in the ocean. Of this amount, more than 70 percent is dumped in the New York bight area.

The time is short for municipalities to respond to the congressional mandate, and the cost may be significant, but the city has given every indication of its responsiveness to the problem and its acceptance of the national interest decisions by the Congress. During this Congress, we will hold hearings on the impact of the termination date on public health and environmental resources. These hearings may lead to our recommendation for certain modifications in the law. It is too early to determine whether further programmatic changes are necessary, consequently the bill which I have introduced today is identical to the legislation which passed the House during the 95th Congress. That bill was the result of the work of the Merchant Marine and Fisheries Committee and the Committee on Science and Technology.

Unfortunately, the Senate did not act on that piece of legislation; consequently, the program presently operates under the authority of a continuing appropriations bill. The legislation introduced today, therefore, contains fiscal year 1979 authorization figures for each title as well as extending such authorization for fiscal year 1980.

Title I of the bill authorizes the appropriation of $6.8 million for fiscal year 1979 and $7.8 million for fiscal year 1980 for EPA to administer the ocean dumping permit program. $7.5 million is authorized for fiscal year 1979 and $9 million for fiscal year 1980 for NOAA to conduct marine pollution research pursuant to its authority under title II. The marine sanctuaries program, in accordance with title III, is appropriated $2 million for fiscal year 1979 and $3 million for fiscal year 1980.

I have introduced this bill today as a vehicle for the committees of jurisdiction to hold hearings on the ocean dumping and marine sanctuaries program. It is a necessary extension of authorization for these programs although additional changes in the program may be necessary as a result of our hearings and markup process.●

JOHN P. HARRINGTON

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mrs. HECKLER. Mr. Speaker, it is a distinct pleasure to bring to the attention of my colleagues the outstanding career of John P. Harrington of Fall River, Mass. Mr. Harrington, who will retire after 32 years of exceptional service as a teacher, administrator, and leader in vocational education will be recognized at a testimonial dinner in his honor this Friday evening.

This is a well-earned tribute. Thanks to the efforts of individuals like John Harrington, vocational education has achieved a revitalized respect in our society. This recognition of the important role of vocational education is overdue, but will open doors to opportunities which would otherwise be closed to our Nation's youth.

Throughout his impressive career, John Harrington has dedicated himself to his students and the cause of vocational education. He has made an important contribution to many lives, and

I share the pride in him that his community is expressing.●

THE FARMERS AND THE SNOW

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. RUNNELS. Mr. Speaker, it was but a few days past that many a temper raged as those working in our Nation's Capital inched their way enroute to their respective places of employment only to find streets barricaded or detoured by the agricultural tractorcade. The farmers' presence in Washington seems to pervade in many discussions and their relationship to traffic patterns as opposed to the cause for which they have so diligently been fighting. But it seems a bit ironic that only a few days ago our traffic was affected, perhaps more appropriately dubbed as paralyzed, by a different phenomenon known to us as snow, and if it were not for the generous assistance of many farmers and their four-wheel-drive vehicles and equipment, this city might still be digging its way out.

I would like to briefly relay my own experience with the storm. Upon returning from my district in New Mexico to what most certainly may prove to be one of the most memorable storms to have ever descended upon this city, I quickly made tracks to my own four-wheel-drive vehicle. When I learned of the calls from area hospitals for assistance from those with these vehicles, I telephoned the hospitals offering my assistance and was advised I should coordinate with the District of Columbia Police Department. Upon telephoning the police department I was advised that the American agricultural movement was in fact coordinating these activities and I should telephone the headquarters office.

In short, it soon became apparent that the farmers were best experienced and equipped to lend a hand which they so generously did. Their help should not go unnoticed nor unthanked. An editorial appearing in the Wednesday, February 12, 1979, Washington Post best capsulizes just how great was the farmers help and we owe them a big hand of thanks. I take this opportunity to commend this editorial to my colleagues whom I hope will also feel that the farmers brought to mind an all too often forgotten principle of camaraderie and friendship.

THE FARMERS AND THE SNOW

We have a few further thoughts to offer you today about those farmers bivouacked down on the Mall with their tractors. When the Great Snow descended upon the city, the tractors and the farm trucks with four-wheel drive had no trouble at all moving around a city that was otherwise almost motionless. Those tractors do not spin, and neither do they slide. They have been hard at work over these past few days, helping a city in distress. We'd like to thank them for it.

They have used their equipment to meet genuine emergencies—getting patients to hospitals and, perhaps even more urgent, ferrying nurses and doctors who are needed there. Some of the tractor drivers worked straight through Monday night and into yesterday. At police headquarters, a line of badly needed cars got buried under the snow and then doubly buried when a city plow went past. The city's tow trucks couldn't rescue them. A farmer with a tractor spent yesterday pulling them out. He wouldn't give his name, but only said that he was from Oklahoma.

You should also know that on Monday a farmer with a plow cleared the alley into this newspaper's loading docks. Not every subscriber got a paper on Tuesday morning, but the score was a good deal better than it would have been without that tractor's help. Our gratitude to the farmers is not entirely disinterested.

The farmers have been as generous and helpful over the past days as they were exasperating and obstructive when they first came to town. Circumstances changed with that snowfall, and they have shown themselves to be the best kind of neighbors in a storm. We take their performance in the blizzard as a reminder of the harsh and uncertain weather in which farmers carry on their daily lives. They are equipped for severe conditions, as most of us in Washington are not, because they have to deal with snow and mud and cold routinely, as we do not. It's a point for city people to remember as they sit down to dinner.

The farmers came here, tractors and all, to remind the capital of a way of life that is in danger. Their remedy is higher support for farm prices. We still think that their remedy is a bad idea, for reasons that threaten the family farm as much as the consumer's budget. But the farmers have successfully recalled to this city values that lie beyond economics.●

CALIFORNIA NEWSPAPER PUBLISHERS AWARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MOORHEAD of California. Mr. Speaker, I am pleased to take this moment to recognize an honor recently given to a newspaper in my district.

The recipient of the recognition was the Sunland-Tujunga Record-Ledger, a community weekly of long and distinguished standing. The bestower of the recognition was the California Newspaper Publishers Association.

Last month in San Francisco, Mr. Phil Horwith, publisher of the Record-Ledger, was presented CNPA's prestigious award for "Best Special Edition" in 1978 for weeklies with a circulation above 13,000.

Because there is only one such honor given each year, it is not awarded casually; nor is it an honor easily garnered because within the State there are many, many newspapers in the community category.

The Record-Ledger's honored edition appeared after the destructive and record rains and floods which occurred in California in 1978.

Sunland-Tujunga is a pleasant and predominantly residential community in the foothills of the San Gabriel Mountains. Because recent fires stripped the mountains of vegetation, the following rains created a severe runoff, causing joods and mudslides. The resulting loss of life and property reached tragic proportions.

Following the destruction, the Record-Ledger compiled 80 poignant photographs, many vivid word pictures, and a chronology of events. These items were then meshed into the prize-winning special flood edition.

I have no doubt that this edition, which has had three printings, will serve in the future, as it is presently doing, as the definitive historical record of the Flood of 1978.

That my recognition of the Record-Ledger's excellence follows that of the CNPA in no way diminishes the honor I feel in giving it, for it is recognition well deserved and worthy of repetition.●

WATCH FOR GAS RATIONING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. DERWINSKI. Mr. Speaker, among the many bombshells by the administration of late, was the request for legislation to impose gas rationing. It is obvious that the Department of Energy is attempting to create a panic situation which will justify their schemes to the public.

Alex Seith appropriately addresses this subject in his column in the February 25 Suburban Economist Newspapers, serving southwest Cook County. I should like to add for the benefit of the Members, that this is the Alex Seith who was a Democrat candidate for the U.S. Senate from Illinois. Since that laudable effort, Alex Seith has returned to the practice of law and to his avocation as a columnist specializing in foreign affairs.

I insert his commentary at this point:

WATCH OUT FOR GAS RATIONING

You may not remember the last time America had gas rationing. But if the Department of Energy has its way, the next time America has gas rationing you won't forget it. And you won't like it.

Gas rationing schemes have been churning out of the Department of Energy ever since that sprawling new bureaucracy of 17,000 "civil servants" was created in 1977. Some of the schemes have been hare-brained. Most have gone unnoticed. And all would give the Energy bureaucracy immense power over our everyday lives.

The last time America had gas rationing was during World War II. When the war ended in 1945, so did rationing. President Carter asserted in an April 1977 speech to Congress that energy presents a crisis which is "the moral equivalent of war."

If so, that raises two unpleasant questions. Number 1: Would gas rationing last as long as the so-called energy "war?" Number 2: Can anybody predict when, if ever, the energy "war" will end?

The time to stop gas rationing is before it starts. That's why everyone should pay close attention to the Energy Department's latest—and likeliest—scheme for gas rationing.

Here's the basic plan: You could buy gas only by presenting a coupon for each gallon. You would get coupons two ways—a few would be free, the rest you would pay for. The free coupons would be sent to you each month by the Energy Department, the "pay" coupons, you would buy from government-designated distributors or any individual who had coupons he did not want to use. You would get about 15 free coupons a month, the rest would cost $1 each.

All gas bought with "pay" coupons would cost you the pump price plus $1.

Picture yourself under this scheme. Your 15 free coupons come in the mail from the Energy Department on the first of the month. At the gas station, you hand in the coupons and pay the pump price. If you need more than 15 gallons of gas in the month you would have to buy more coupons at $1 each. If the pump price gets boosted to $1 a gallon, as the Energy Department predicts, your cost would be $2.

This would be inflation in the extreme. It's bad enough that the cost of living index shows a doubling of consumer prices in the last 12 years. This rationing scheme would more than double the cost of gas instantly by administrative fiat. And the cost could be boosted by further fiat any time the Energy Department decided to raise the price of the "pay" coupons.

The Energy Department wants to force gas saving by high prices. So, what if the Department decided the "'pay" coupons would cost $2 or $3? And what if it cut the allotment of free coupons from 10 to five or zero?

The coupon rationing scheme is riddled with potential unfairness. Will the free coupons be given for each car? Then a family with three cars would get 45 free coupons while a one-car family would get only 15 free coupons. For a family with three individuals working, three cars might be a "necessity." For another family three cars might be a luxury. Who would decide whether the extra cars are a necessity or a luxury?

High prices for gas would hit hardest on those least able to pay. When a family has two or three people working, it probably needs the money to make ends meet. But the huge increase in the cost of gas would leave less money for food, clothing, and other needs. It would mean, in short, a reduction in our standard of living.

Some individuals who use a car on the job might have the increased cost of gas paid by their employers. These individuals would not pay the higher prices at the gas pump. But they would pay later; and so would everyone else. The employer which paid for the gas would have to recover that cost by raising the price of its products. In this way, the higher price of gas would raise the price of nearly everything else.

Similarly, all products moved by truck would have to be raised in price to cover the higher cost of gas. Families already hurting because of having less money, after buying gas would be hurt again because what was left would buy even less.

During the gas rationing of World War II, patriotic billboards asked "Is this trip necessary?" Now, it's time to ask if gas rationing is necessary.●

CARRIE RUGH—FIGURE SKATER PAR EXCELLENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. DORNAN. Mr. Speaker, as the opening day of the 1980 Olympics quickly approaches, the citizens of El Segundo have recognized one of its finest residents, Carrie Rugh, as an accomplished world figure skater. We offer our encouragement as she prepares to represent the United States next year in Lake Placid.

Carrie has been a most dedicated athlete, practicing 5 hours a day, 7 days a week in preparation for her chance to bring a gold medal back to her home in El Segundo. Her outstanding achievements have been an inspiration to her fellow classmates at El Segundo High School and serve as an industrious example to all young people pursuing excellence in the world of athletic competition.

She placed third in the National Figure Skating Championships this year, which qualifies her to compete in Vienna, Austria next month.

Mr. Speaker, we can expect great things from Carrie Rugh. I am proud that she hails from my home district. The people of El Segundo have good reason to be excited about her promising future.●

A. B. DICK CO. JOINS TRIBUTE TO THOMAS EDISON

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. McCLORY. Mr. Speaker, earlier this week I made a statement concerning the celebration of the Centennial of Light during 1979. As noted in my remarks. Albert B. Dick III, chairman of A. B. Dick Co., and one of my constituents, serves as a member of the International Committee for the Centennial of Light.

The Edison Centennial News, January 1979 issue, published a statement by Albert Dick—whose company is a direct beneficiary of one of Thomas Edison's earliest inventions. I would like to share his statement with my colleagues at this time. The statement follows:

Since Thomas Alva Edison was one of the most prolific inventors in the history of our country, A. B. Dick Company is honored to join with others in the celebration of the "Centennial of Light." In doing so we wish to underscore the enthusiasm he showed for invention, as we firmly believe that the degree of future comfort, safety, and welfare of the world will be in direct relation to the novel ideas that can be focused on its problems.

Through his inspiration and untiring efforts in the fields of electronics, electromechanical, and chemical engineering, Mr. Edison not only spawned new industries, but also made contributions to mankind which raised our standard of living to new heights. One example is A. B. Dick Company, an early beneficiary of one of his inventions, whose first product, the Edison Mimeograph, was manufactured and sold in 1887 under the Thomas Edison Autographic Printing patent of 1880. This invention by itself not only was the beginning of our company, but also continues to this day to provide benefits which help religious organizations, education, commerce and industry to be more effective.

Today the need for invention, innovation, and discovery is more pressing than ever before to provide answers to the many needs of mankind. The Centennial of Light celebration can serve as a focus for our dedication in providing these answers.●

DO WE NEED A NATIONAL NANNY?

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ABDNOR. Mr. Speaker, in our quest to balance the Federal budget, our attention might well be directed to curbing excesses in some of our burgeoning bureaucracy which never seems at a loss for new ways to promote a theory that the Federal Government knows best.

One place to start was pointed out in this thoughtful editorial of the Yankton (S. Dak.) Daily Press and Dakotan. I commend it to the attention of my colleagues:

[From the Yankton Daily Press and Dakotan, Feb. 20, 1979]

DO WE NEED NATIONAL NANNY?

We happen to think that there is no clearer example of "empire building" by government regulators than the Federal Trade Commission's current crusade to dictate the content of television advertising aimed at children.

To save America from the "menace" of presugared cereals, candy bars and toys that fail to meet a bureaucrat's arbitrary standard of suitability, the FTC is considering:

—Banning all television advertising directed at children under eight years of age.

—Prohibiting commercials for sugared products that might contribute to tooth decay in children under 12 years of ago.

—Requiring advertisers to pay for "nutrition" and "health" ads whose content would be determined by the commission.

In short, the Federal Trade Commission proposes to become, in the words of the Washington Post, a great "National Nanny."

The legitimate role of parents get short shrift from the commission. Overlooked is the simple fact that children too young to understand the television commercials or sales pitches rarely do the family shopping. Mom and Dad buy the food. And we happen to think that Moms and Dads are perfectly capable of saying "no" to a child whose vision of dinner is a dozen candy bars or a box of Fruit Loops.

We wonder if it has occurred to the commission that even children who have never watched an hour of television in their lives might still favor a breakfast of ice cream and lollipops?

Admittedly, the FTC staff report on which these proposals are based does mention parents. The report suggests that parental disapproval of a child's television-induced gastronomical fantasies fosters "alienation" and "child-parent conflict."

Bunk! Any responsible parent finds it necessary to say "no" to a child a dozen times a day—and does so without producing neurosis.

As for tooth decay, even the FTC doesn't pretend that there is a direct correlation between watching television commercials and the incidence of dental cavities.

Another real puzzler is how the commission would square its compulsory health and nutrition advertising with its own staff report's conclusion that "the representation that one food is more healthful than another . . . is false and deceptive." But should the proposal be adopted, it would cost food marketers and consumers tens of millions of dollars to find out.

As if all this were not enough to bury the proposals of the FTC bureaucrats under an avalanche of ridicule, it might be well to remember the First Amendment implications of these potential regulations. If the commission, acting on the basis of a bogus or nonexistent scientific evidence, can ban or restrict cereal, candy and toys, what form of commercial speech is safe from the Washington censors?

Will asparagus marketers have to include a 30-second homily on the need for a balanced diet as the price of getting their ad on the air? What about potatoes? An undiluted diet of spuds surely must contain its own special threat to health. Are teenagers sufficiently cognizant of these dangers to resist a pitch for French fries? And how is the commission to decide which commercials are beamed solely at seven year olds and thus subject to outright prohibition.

There simply is no end to the problems which might be wrought under the precedents inherent in these proposed regulations.

All this is not to say that the FTC should relax its enforcement of existing law against false and misleading advertising. But we do think the agency should give parents a little bit of credit for common sense in raising their own kids.

This year it will cost American taxpayers $66.4 million to maintain the Federal Trade Commission in the style to which it has become accustomed. For this kind of money, we are entitled to something more constructive than a holy war on chocolate bars and breakfast cereal.

Maybe we should let the Dads and Moms raise their kids—not let them be raised by a "National Nanny" who headquarters in Washington.●

RELEASE HILLEL BUTMAN NOW

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. LENT. Mr. Speaker, I would like to call to the attention of my colleagues a most moving letter I have received from Eva Butman, of Israel. Mrs. Butman's husband, Hillel, the Fourth Congressional District's "Prisoner of Conscience," has been imprisoned by the Soviet Union for the past 8 years, because of his desire to emigrate to Israel to join his wife and children. Mrs. Butman's letter contains a heartrending account of the inhuman treatment to which Hillel is being subjected.

Mr. Speaker, it is outrageous that the Communist regime in the Soviet Union not noly denies Hillel the right to join his family in Israel—itself a blatant violation of the Helsinki Accords—but it compounds that violation by subjecting Hillel to cruel and inhuman conditions in prison; treatment which is illegal under the Soviet's own laws and regulations.

As Mrs. Butman's letter mentions, several weeks ago I requested the U.S. Department of State to make a formal protest to the Soviet Union concerning Hillel. The State Department has recently informed me that it will present Hillel's case to the Soviet Union—along with many others—"at the proper time."

Mr. Speaker, Hillel's plight is too urgent to await a proper time. I, therefore, am sending a personal protest to Soviet General Secretary Leonid Brezhnev, and to the Soviet Minister of Interior, Gen. Nikolai Shelekov. I am demanding that, in accordance with Soviet law, Hillel be released from his illegal confinement at Chistapol Prison, and, at the very least, returned to a labor camp as was called for in the sentence originally imposed upon him more than 8 years ago. Actually, Hillel deserves to be set free.

I am demanding that Hillel be given the medical treatment he needs, and that he be afforded a proper diet.

Mr. Speaker, since adopting Hillel as my Fourth Congressional District's "Prisoner of Conscience" in October of 1975, I have written a letter to Hillel each week, detailing my efforts to secure his release, and offering what encouragement and support I could. I am informed that Hillel has not been permitted to see one of those letters.

I am demanding that Chairman Brezhnev and General Shelakov obey their own laws and allow Hillel to receive every letter addressed to him.

Mr. Speaker, every Member of the U.S. Congress should be aware of the cruel indignities and violations of human rights which the oppressive Soviet regime inflicts upon its courageous citizens of Jewish faith who seek only the freedom to practice their religion with their families in a country of their choice.

Mrs. Butman's letter offers eloquent testimony as to the persecution which Soviet Jews are forced to endure. I ask every one of my colleagues to read Mrs. Butman's letter, and then to join me in protesting to the Soviet Union against this denial of human rights. I firmly believe our messages can help her husband.

The letter follows:

Hon. NORMAN F. LENT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NORMAN F. LENT: Thank you very much for receiving me at your office and your constantly pressing my husband's plight. I gratefully received your letter of January 26, containing the photocopy of the Congressional Record, through which I also learned about your speech in the House of Representatives. Today I received your letter of January 30, with the copy of the letter to you from the Department of State of January 26. I am anxiously awaiting your next letter, which should include the "substantive" response.

Quite recently I had a report about my husband's condition. My brother, who lives in Leningrad, visited my husband in Chistopol prison on January 22. He was allowed to stay for 2 hours. It appears that this prison is even much more severe than Vladimir. That has caused Hillel's health condition to deteriorate even more. The food is worse; as a consequence, Hillel is suffering of constant heartburn and pain in his stomach. He is also losing his teeth, probably from scurvy. He tried time and again to get examined by a physician or a change of diet, but has been unsuccessful.

The prison in Chistopol is a place where the prisoners have to work for their keep. The expenses for the food he receives amount to 14 rubles ($12.60) a month, which is deducted from the so-called prisoner's wages. The work-norm is so high that Hillel is unable to keep up with it, he is therefore not allowed to buy additional food for the sum of 3 rubles ($2.70) at the prison canteen.

An additional problem is that, although according to prison regulation, every prisoner is entitled to receive the mail that arrives in his name, Hillel is denied that elementary right.

So far the report.

Anxiously anticipating further development,

Yours sincerely,

EVA BUTMAN.●

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ROTH. Mr. Speaker, the recent proposal to balance the Federal budget, as outlined in a constitutional amendment, is fast becoming the most explosive issue in the new 96th Congress. The bill not only would require a constitutional amendment for a balanced budget, but also would mandate a systematic repayment of the national debt. The reason for the approach is clear: Experience has demonstrated that the Federal Government will not get its financial house in order without the force of law. And we must make the Government fiscally healthy again if we are to curb the raging inflation that threatens our Nation's future. It is the Federal Government's propensity for spending money that causes inflation.

NOT A "QUICK FIX"

This legislation has many critics. Some call the proposal "an ill-considered contrivance," or a "quick fix" that would "handcuff" the Government.

If the critics want to understand why so many responsible people are trying to find a quick fix for the deficit problem, all they need to do is take a look at the record of the much-heralded congressional budget process. The original idea, the critics may recall, was that unintended deficits resulted because spending decisions were made piecemeal with no overview of the budget's economic impact. The Budget Act of 1974 provided a mechanism for setting a spending ceiling and revenue floor before Congress could take any action on appropriations or taxes. Budget Act proponents told us that this process would help balance the budget.

Unfortunately, this has not occurred. The combined deficits for the 3 years immediately following the Budget Act were triple the size of the deficit for the 3 years prior to implementation of the new process. This is even more remarkable considering that the deficits for 1971–73 were at that time the largest in our peacetime history and the source of concern that led to passage of the Budget Act.

NO CONTROL ON BUDGET

Clearly, the budget control process has turned out to be worse than no control at all. The reason is that the budget committees have defined budget control in terms of deficit spending rather than budget balance. Each year, the Congressional Budget Office formulates alternative "low growth" and "high growth" budgets: The first with a small deficit and high unemployment, the latter with a large deficit and low unemployment. The committee than develops a budget that falls between the low growth and high growth alternatives. Although the budget process may be perceived by its proponents as realistic and "appropriate in light of the economy's need for stimulation," the current high rate of inflation and unemployment indicates that the process is ineffective in responding to the economic problems that continue to plague our Nation.

Considering this abominable record of fiscal restraint and the public's growing anxiety about the state of our economy, it is hardly surprising that several Members of the House have given up all hope that the congressional budget process can be an effective balancing mechanism.

BALANCED BUDGET REQUIRED

Recently, 43 Democrats joined in proposing a constitutional amendment requiring a balanced Federal budget as the mechanism for managing the Government's fiscal affairs. As a cosponsor of a similar resolution, I welcome their support and hope it will provide the impetus necessary to expedite action on this important legislation.

Mr. Speaker, I recognize that there are certain problems with the constitutional amendment route. However, I am confident that our bill is sufficiently flexible to allow us to respond to a national emergency. On balance, however, it is the most efficient vehicle for restoring fiscal responsibility to the budget planning process. It is necessary to counter the philosophy that big spending is the only answer to our Nation's problems. Big spending is our Nation's problem and it must be controlled or our security and independence will continue to be threatened.●

COMPREHENSIVE OILSPILL BILL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MOAKLEY. Mr. Speaker, the risks of marine oilspills have risen significantly because of increased dependence on imported oil resulting in greater tanker traffic. The coastline and coastal waters around Massachusetts provide a living for thousands of people. The fishing industry is one of the most important industries in Massachusetts.

The comprehensive oilspill bill, introduced by my colleague GERRY STUDDS, would mandate the payment of funds to cover the costs of cleaning up oilspills and also pay damages to individuals who are out of work as a result. Those who are financially hurt because of the oilspill will also be reimbursed. When the *Argo Merchant*, a relatively small tanker broke up off the cost of Nantucket, the total clean-up costs were estimated to be around $5.2 million. This is a terrifically high cost for just a small tanker.

The fishing industry is not the only industry affected by oilspills. If the shores are coated with oil no tourists will want to vacation along the Massachusetts Cape. The tourist industry will be seriously affected.

In conclusion I back the comprehensive oilspill legislation that will make the owner of a tanker liable to pay clean-up costs and damages to people. This I hope will provide sufficient incentives to the owners of these vessels to take measures to prevent future oilspills.●

NEEDED: BETTER CROP INSURANCE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ABDNOR. Mr. Speaker, with the expiration of the crop disaster program upon us, it is incumbent upon the Congress to carefully examine avenues available for improving it and/or finding acceptable alternatives.

The House Agriculture Subcommittee on Conservation and Credit is currently looking at the possibility of an expanded crop insurance program as an alternative. It was my privilege yesterday to introduce to the committee, Mr. Ervin Haar, a South Dakota family farmer, who has had 33 years experience with both crop insurance and disaster programs.

My introductory remarks and Mr. Haar's statement are submitted for the RECORD:

INTRODUCTORY REMARKS

Chairman Jones and members of the Subcommittee, I am not on your agenda, and I don't want to take time away from my constituent—Mr. Ervin Haar—who is here to give you a farmer's viewpoint.

I do want to take the opportunity to introduce Ervin to you and to endorse his statement.

Mr. Haar will tell you why he feels crop insurance is particularly vital in these inflationary times, and I share his desire that the Federal Crop Insurance Program be expanded.

In my view the Federal program can and should be expanded and improved. I believe this can be done without detriment to private insurors and without added expense to the Federal Government.

My staff and I have discussed this matter in some detail with Mr. Warren Dirks, who is a former Manager of the Federal Crop Insurance Corporation and now resides in Rapid City, South Dakota.

Mr. Dirks assures us that, if an equivalent amount of money to that which has gone into the Disaster Payment Program is put into the Crop Insurance Program, premiums can be reduced and coverage increased to the benefit of all farmers.

It is obvious that the ASCS administered Disaster Payment Program does not adequately cover production expenses. Much like Social Security, it was intended to be a helpful supplement.

If the Federal Crop Insurance Program is expanded and improved, I would hope the large majority of farmers would see fit to come under its coverage.

To preserve the farmers' freedom of choice, however, I believe we should consider extending the Disaster Payment Program and giving each farmer the option of coming under one program or the other—but not both.

To induce farmers to enter the Crop Insurance Program, premiums should be reduced and its superior coverage over that afforded by the Disaster Payment Program should be emphasized.

It should be clear to each farmer not only that he will obtain superior coverage with Crop Insurance but also that he will receive an equal or greater return in terms of Federally appropriated dollars than he would under the Disaster Payment Program.

Perhaps the Disaster Payment Program could then be gradually eliminated and the subsidy for the Crop Insurance Program gradually reduced, as more and more farmers are brought into the latter program.

Opposition to expansion of the Federal Crop Insurance Program has been voiced by the private insurance industry, but I do not believe improvement of the Federal program need necessarily be at the expense of the industry.

I encourage the Subcommittee to strive to build on the strengths of the industry, while at the same time making available to farmers the insurance coverage which, it is evident, can only be provided by the Federal Government.

Chairman Jones and members of the Subcommittee, thank you for your attention to this vital issue.

STATEMENT OF MR. ERVIN HAAR

Mr. Chairman, members of the Subcommittee, ladies and gentlemen, I am Ervin Haar. I am from Onaka, South Dakota, in the north central part of the State. For the past thirty-three years I have farmed grain and livestock in Edmunds County.

My family, including my wife, two sons and one daughter, are all presently engaged in farming. Our four individual family farms represent a total of 7,660 acres.

I am deeply concerned with my children's future in farming. With the high rate of inflation, I feel Federal Crop Insurance coverage has not kept up with inflated costs of production. We very much need an expanded program for all crops in 1980, particularly if the ASCS Disaster Payment Program is allowed to lapse in 1979.

With high priced machinery and operating costs, we need adequate protection to keep the family size farmer on the land.

On January 12th of 1948, which is thirty one years ago, I sold barley for $2.30 a bushel. Now, in 1979, I sell barley for $1.50. That's a difference of 80 cents a bushel less than 31 years ago! Of course, my expenses have not decreased like the barley price. They have increased tremendously over the past 31 years.

That's why we farmers are forced to acquire more acreage to produce more bushels and try to make up the difference between the current low market prices and what we need to cover continually rising expenses. Costs of repairs, land rent, fuel, seed and other costs of putting our crops in the ground are there even if our crops never mature to harvest. We need expansion in the Federal Crop Insurance Program to cover and protect these expenses in case of a crop failure.

Federal Crop Insurance is not a gift or a free handout. We pay our premiums each year even when we have a loss on our crops. When we don't have a loss, our insurance premium payments help to pay a fellow farmer that may have had a loss in another area.

The young farmer, especially, should have Federal Crop Insurance to cover his expenses in case an Act of God prevents him from harvesting his crops. He still has to pay his bills whether he gets a crop or not, and at today's costs a year or two of crop failures can put a young farmer out of business.

, I have had Federal Crop Insurance for the past 21 years. I have been pleased with the service of the local Federal Crop Insurance office and personnel. In all my dealings I feel I have been handled fairly and efficiently. I believe strongly in insurance coverage to help us farmers in struggling to meet the high expenses of operating and planting our crops.

I very much support maintaining Federal Crop Insurance as it is—a unit in itself—and not combining it with any other Federal Agency. Federal Crop Insurance has stood 40 years by itself. Lets keep it that way!

I have come here at my own expense, to testify because the need for protection of production expenses will become even more serious in 1980 if the Disaster Payment Program is allowed to expire in 1979. While I would like to see the Disaster Payment Program extended, I believe that using an equivalent amount of money to reduce premiums and increase coverage would result in an excellent Federal Crop Insurance Program.

While I was getting my notes together for this hearing a young farmer called me on the phone. We talked nearly an hour. He was asking for some help and advice as to how he could get started in farming on his own.

My heart goes out to young farmers. I I know what it was like for a farm family to start from the bottom, with lots of hard work, many long, hard hours, and always stretching that dollar as far as possible.

The financial pressures are felt more keenly by our younger farmers. That's why I feel they should have all the help possible to protect them against loss of crops which they need so badly to meet their payments and operating expenses.

Remember, we need these young farmers! If we lose them, we'll all feel a great loss!

Let's face it. As us older ones fade out of the picture, who's going to take over our farms and our agriculture and produce the food we all need?

My Congressman, Jim Abdnor, informed me of these hearings; and I want to thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to express my viewpoint on an issue of great importance to agriculture and the future of our nation.

Thank you very much! ●

NATIONAL HELIUM RESERVE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SEBELIUS. Mr. Speaker, I introduced a bill today that takes an important step toward insuring a sufficient supply of helium will be available for the advanced technologies of the 21st century.

Helium is found in natural gas and has the unique property of remaining liquid to the lowest temperature yet achieved, thus making it invaluable as a superconductive agent in power transmission, magnetic energy storage, and fusion reactors. Unfortunately, the helium-rich natural gas fields in Texas, Oklahoma, and Kansas are fast depleting, thus necessitating this legislation, for unless the helium from these fields is separated and stored now or a reserve established as my bill provides, this helium will be lost into the atmosphere. Such an eventuality would not be so serious were it not for the fact that to separate helium from the atmosphere under present extraction methods would involve a 150 to 300 times greater cost than current commercial cost of extracting helium from natural gas.

The Federal Government initiated a helium recovery and storage program in 1960. However, Government uses and sales of helium declined sharply within the next 10 years and in 1973 the Federal Government decided to terminate helium purchase contracts. This action resulted in litigation that is still pending before the courts today.

Numerous studies have shown we have sufficient supplies of helium stored in the Cliffside Storage Field near Amarillo, Tex. to meet current needs to the year 2000. These current uses of helium are primarily in the area of cryogenics—for purging and pressuring, for controlled atmospheres and breathing mixtures, in welding and in lesser amounts for leak detection, lifting and heat transfer, and in chromatography.

Future demands, however, are expected to escalate as advanced technologies such as magnetic containment systems for fusion reactors, high temperature gas reactors, laser-based missile defense systems, and many other sophisticated technologies are developed and reach their full potential in the year 2000 and beyond. In order to have the vast amounts of helium that will be necessary for these expanded purposes we must begin to plan now.

My bill does this by placing 36 billion cubic feet of the helium now stored at Cliffside into a reserve to be released upon approval of the Congress. It also establishes a licensing procedure on helium-rich natural gas so that the Department of Interior will have some additional control over the disposition of our helium resources.

I am hopeful this bill will generate a much needed discussion in the Congress on the necessity of conserving and storing helium for the future and what action must be taken to insure that we do not continue to waste this valuable resource.

I for one am unwilling to see our Nation pay the high price that will have to be paid in the next 50 years for our failure to look beyond this century in the conservation of helium. I do not believe my colleagues once they have studied this issue will be willing to see that price paid as well.●

AFGHANISTAN MURDER SHOWS UP PROBLEM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SIMON. Mr. Speaker, one of the significant but unheralded steps forward that President Carter has taken is the appointment of a Presidential Commission on Foreign Language and International Studies.

The United States is the only major industrial nation in the world which does not require foreign language exposure by virtually all students. We are living in yesterday's economic world and if we want to change the balance of payments, that has to be rectified.

There was a recent tragic episode in Afghanistan where U.S. Ambassador Adolph Dubs was killed.

A story in the Washington Star of February 18, 1979, written by Lawrence Malkin tells of U.S. Embassy employees arriving at the hotel first, before either the Afghan police or anyone from the Soviet Union. The article states:

> Embassy officials had a brief chance to seize the initiative because they reached the hotel before Afghan police. But no one in the American party spoke fluent Dari or Pushtu, the two most widely used Afghan languages, or fluent Russian.

No one can say if they had been able to communicate with the kidnappers things would have been different. But they might have been. It is one more in a whole series of events which show that we need a minor cultural revolution in the United States in regard to foreign language studying and teaching.●

THE SOVIET STRATEGIC ADVANTAGE—IT'S REAL

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. BEARD of Tennessee. Mr. Speaker, in a recent article entitled "The Soviet Strategic Advantage" Mr. Walter Pincus raised a number of erroneous points. The Washington Post printed a response I prepared, but space limitations did not permit me to correct all of the factual inaccuracies raised by Mr. Pincus. I will take the opportunity to make those corrections now.

Contrary to Mr. Pincus' claim that the Soviets have deployed only 100 SS–18 ICBM's, the Soviet Union has, in fact, already deployed twice that number, and their deployment, according to the Chairman of the Joint Chiefs of Staff "is continuing at a rapid pace."

There are several versions of the SS–18, according to Mr. Pincus, some of which carry only one warhead. He, therefore, concludes that the Soviets will not deploy all SS–18's with 10 warheads. The Soviets have, in fact, only recently mastered the SS–18 MIRV program and there is no reason to doubt that the Soviets will in fact deploy the SALT II permitted limit of 308—and possibly 326—SS–18's, each with 10 warheads.

Moreover, since all missiles tested in a MIRV configuration will count under SALT II with the maximum number of warheads tested, even if they are deployed with a single warhead, that alone will provide the Soviets incentive to MIRV the entire SS–18 force.

Mr. Pincus' arguments indicate his belief that allegedly superior U.S. ICBM accuracy compensates for significantly larger Soviet ICBM throw-weight advantages. However, the fourth generation Soviet ICBM systems—the SS–17, SS–18, SS–19—are capable of achieving, and have virtually achieved, the missile accuracy of the U.S. Minuteman III force with the INS–20 guidance system—an accuracy on the order of 0.1 to 0.15 nautical miles. It will not take one missile to knock out one silo—contrary to Mr. Pincus' assertion, but rather only one warhead. Improvements in Soviet land-based missile accuracy and warhead yield-to-weight ratios have brought the Soviets to that position. The argument, therefore, as I mentioned earlier, is simply no longer valid that U.S. ICBM accuracy advantages offset Soviet ICBM throw-weight advantages.

Mr. Pincus states:

> At a time when either side (the Soviets and United States) because of accuracy would need only one or two missiles (he should have said warheads) to knock out the other's mis-

> sile silo, what difference does it make if they have three to do that job and we have two.

This statement is not only grossly misleading it is also inaccurate. It ignores not only asymmetries in United States-Soviet strategic capabilities but also assymmetries in the respective target structures. For example, the Soviets have 1,500 silos, the majority of which are much harder than our 1,054. The Soviet advantage in MIRVed ICBM warheads (under the provisions of SALT II) is not 3 to 2, but rather more than 3 to 1. This imbalance is significant. Mr. Pincus implies that the United States could credibly attack and destroy Soviet ICBM silos with its land-based missiles. In fact, he says in the early 1970's, we made "300 of our missiles so precise and powerful that they could knock out Soviet missiles."

Mr. Pincus, himself, actually refutes his own statement in a February 11 Washington Post article wherein he states, pursuant to proposed U.S. strategic force acquisitions, that:

> Until now, U.S. officials had shied away from building a strategic missile force that appeared capable of carrying out a first strike against the more than 1,500 Soviet land-based ICBMS.

In fact, the United States does not have the capability to preemptively attack and destroy Soviet ICBM silos. If the United States were to presently use its entire 550 Minuteman III ICBM force (75 percent of U.S. ICBM warheads) the United States could destroy 50 percent of Soviet ICBM warheads, thus leaving 50 percent for retaliation. In the near future the United States is expected to deploy the Mk 12A warhead on some 300 MM III boosters. Such a force, in combination with the remaining MM III warheads could still only destroy about 60 percent of the Soviet ICBM warheads. If the United States also expended all of its Minuteman II warheads—450—in such an attack the exchange ratio would be even worse for the United States. By contrast, the Soviets would be required to expend only about a third of their SALT II permitted ICBM warheads to destroy over 90 percent of U.S. ICBM silos, nonalert bombers, and in-port submarines, and they would retain a significant postattack superiority. A Soviet first strike, then, might appear credible; a U.S. first strike would not.

Overall, the Soviets may lead the United States by a 3-to-2 advantage in their ability to destroy hardened targets, but much of the U.S. hard-target-kill capability rests in an air-breathing force—bombers and cruise missiles—that suffers from prelaunch survivability and penetration problems—unlike the time-responsive Soviet ICBM force, which does not have similar vulnerabilities. Thus, the Soviets could defend their high-value targets with defense systems which our cruise missiles and bombers could not penetrate.

The cruise missile was never intended, and is not capable, of penetrating highly defended Soviet targets. Moreover, with the cancellation of the B-1 we will not have a bomber force that will be able to penetrate Soviet air defenses; it will not be able to come close enough to targets to use the highly effective short range attack missile—SRAM—for defense suppression of highly valued and highly defended targets.

Further, the Soviet warhead advantage is actually much larger if we count the Soviet Backfire bomber in the strategic balance. Thirty Soviet Backfires have the EMT—equivalent megatonnage—of 100 Soviet SS-19's. By 1985 some 400 Backfire bombers could be deployed. Hence, the equivalent of over 1,300 19's—in terms of EMT—will be deployed, not counted under SALT, and not counted in the United States-Soviet strategic force comparison. Additionally, the Soviets have several hundred older ICBM's stored, and they may legally build ICBM's beyond the number of deployed launchers—silos—permitted under SALT. These missiles can be launched from canisters or used for reload in cold-launch ICBM silos in under 12 hours. Thus, an even larger potential disparity exists in United States-Soviet strategic capabilities. Additionally, the Soviets can build and deploy as many SS-20 intermediate range ballistic missiles as they want under SALT II. With one warhead, nearly three times the size of the present U.S. Minuteman III warhead, and nearly twice the size of the future MMIII warhead the SS-20 can destroy targets in the United States.

The U.S. lead in numbers of warheads deployed is thus exaggerated. However, even if the systems—like the Backfire and SS-20—are excluded in United States-Soviet strategic force comparisons, the U.S. lead in total number of warheads deployed is being substantially eroded and will be eclipsed in the next decade with the SALT permitted MIRV'ing of Soviet SLBM and ICBM forces—unless the United States reverses the trend through its own strategic initiatives. Further, Soviet warheads are several times the size of U.S. warheads and can do substantially more damage to soft-area targets than could U.S. warheads.

The so-called U.S. qualitative advantage attributed to U.S. submarines by Mr. Pincus refers to the U.S. ability to maintain more submarines on station than the Soviets do—an advantage that is only meaningful if we need to survive a surprise attack. If the Soviets are not similarly concerned they can, nonetheless, put more of their submarines to sea if they anticipate undertaking a first strike—and we would not attack them simply because they were putting more of their submarines to sea. Nor would such warning improve the level of survivability in our strategic forces beyond the usual levels cited, since we tend to assume we will have warning to put our bombers on alert and those of our submarines that can be put to sea will be put to sea.

Moreover, Soviet submarine missiles now have sufficient range for them to be able to attack the United States from their own ports. They no longer have to be put to sea to attack U.S. targets. The Soviet postattack superiority, after U.S. strategic forces were degraded by a surprise Soviet attack—even if fully generated—would still be decisive for most of the 1980's, and can only be reversed by U.S. strategic initiatives, notably by deploying a survivable land-based ICBM.

The Soviets in fact, by the early 1980's—as noted by Defense Under Secretary William J. Perry—"will have the capability to destroy virtually all of our Minuteman forces and still have a residual ICBM force larger than our Minuteman force was before the strike."

Our submarines tend to be acoustically quieter than Soviet submarines, but, they may be hydrodynamically quieter and the Soviet emphasis in ASW technology is in the nonacoustic area. The Soviets are devoting a great deal of resources to achieving an operational ASW capability; they can already seriously degrade our submarine capability and a full operational Soviet ASW capability is not unlikely over the course of the next decade.

We have more MIRV'ed submarine missiles than the Soviets, but the Soviet SSN-18 has already been tested with 7 warheads and it may have the potential to carry up to 10 warheads. Further, the new Soviet submarine missiles—for the *Typhoon* class submarines—will probably be able to carry the 14 warheads per submarine missile permitted under SALT II.

Our cruise missile technology is superior to Soviet cruise missile technology. But cruise missiles are linked to the survivability of the platform carrying them until they are launched. Once U.S. cruise missiles are launched they must penetrate the most extensive air-defense system deployed anywhere in the world.

Much of the technology to be able to defeat the cruise missiles in air-defense systems is already deployed by the Soviets; certainly the SA-10 embodies that technology. It is unlikely that sufficiently large numbers of U.S. cruise missiles will survive to simply overwhelm Soviet air defenses. And in any event, the cruise missile cannot, by anyone's assessment, penetrate terminally defended targets. Further, there are no limitations on air defenses in the current SALT II agreement. Without a survivable land-based ICBM the U.S. hard target retaliatory capability would thus be severely limited.

The Soviets have many types of cruise missiles deployed. Most recently they have tested a long-range cruise missile (with at least a 1,500 kilometer range) from the Backfire bomber. Without an air-defense system the United States is extremely vulnerable to the threat of the Backfire and its cruise missile (or other cruise missiles) no matter how inferior they might be when compared to those of the United States.

If the SALT II protocol is so unimportant, or if the Soviets do not plan to use the protocol as the basis for SALT III, why is it that the Soviets will not accept SALT II without the protocol. It is clear that the SALT II protocol limitations are viewed as permanent by the Soviets, to be integrated into SALT III, but that the administration recognizes that were these restrictions included in the SALT II treaty the agreement would not be ratified by the U.S. Senate.

The Soviets in a February 13, 1978 Pravda editorial referring to the restraints on U.S. cruise missiles in the SALT II protocol, in fact made it very clear that they believe these restrictions must be extended once the protocol expires. As noted in Pravda:

> These figures (U.S. SALT critics) would also like to remove from the limitations sea-launched and surface-launched (morskogo i nazemnogo bazirovaniya) cruise missiles. This is in fact a blatant attempt to insure right now that after the 3-year term of the protocol ends there is freedom of action to develop such missiles and increase their agreed range above 600 km, and ultimately to retain the possibility of deploying them outside the United States—that is, as close as possible to the USSR's borders. Comment as they say, is superfluous. It is surely quite obvious that this is yet another attempt to emasculate the limitations already agreed on and to wreck the agreement as a whole.

Mr. Carter, or his successor, if not bullied by the Soviets sufficiently will almost surely be bullied by the U.S. arms control community to integrate the provisions of the SALT II Protocol into the SALT III treaty.

It is true that the United States has nuclear systems in Europe not constrained by SALT II, but in such systems—according to testimony before the House Armed Services Committee by Dr. Fred Ikle, the former Director of the U.S. Arms Control and Disarmament Agency—the Soviets have at least a 2 to 1 advantage, and up to a 4 to 1 advantage, depending on which systems are counted. Moreover, as noted by Gen. Alexander Haig, the U.S. Army Commander-in-Chief, United States European Command:

> In the past 10 years the Soviets have launched theater nuclear force improvements whose aggregate impact has been to transform former western superiority into current Soviet advantages especially in longer range theater nuclear systems.

Mr. Pincus argues the United States could retarget some of its Poseidon boats. It is obvious, however, that U.S. Poseidon boats assigned to the European theater do not provide an additional capability if they are retargeted; it simply means other targets are not covered, targets of obvious importance otherwise we would not have assigned weapons against them.

I truly support the U.S. aircraft carrier force as a projection system, for its role in a conventional conflict, and to contribute to escalation control. But once we are in a nuclear conflict, I am confident the Soviets would allocate the one nuclear armed cruise missile necessary to destroy the carrier. It hardly seems appropriate to include such a U.S. system in the strategic equation when we exclude so many other Soviet systems.

It is true that Pershing II is not limited by SALT II; it is also true, however, that we do not have the system. More importantly, it is unlikely that we have already proposed to the Soviets to withdraw Pershings from Europe in exchange for Soviet tank withdrawals in the MBFR negotiations.

Mr. Pincus dismisses U.S. ICBM vulnerability by arguing that we would have 2 hours to make a decision on whether to launch them—"time enough for any President," says Mr. Pincus, to make a decision. It is doubtful, contrary to Mr. Pincus' view that the United States would have 2 hours to make a decision on whether to launch U.S. ICBM's from under a Soviet attack—20 minutes is much more likely. But whether 20 minutes or 2 hours that is not really the point, and I will elaborate on this in a moment.

Mr. Pincus argues that the U.S. MIRV'ed its forces and improved its ICBM accuracy to illustrate that U.S. strategic programs have not been stagnant. He fails to say the Soviets would not accept MIRV restrictions at SALT I and that had the United States followed the Soviet example in building strategic forces (without restraint) we would not be facing the serious imbalances we face today.

Finally, Mr. Pincus compares U.S. weapons on the drawing board to existing deployed Soviet systems—a familiar ploy, but hardly reassuring to military planners who must consider the availability of operational systems.

Now let me address some of the policy issues raised by Mr. Pincus.

As I mentioned earlier, the present fourth generation Soviet ICBM forces (SS-17, SS-18, SS-19) are capable of achieving, and have virtually achieved, the missile accuracy of the U.S. Minuteman III force with the INS-20 guidance system—an accuracy on the order of .1 to .15 nautical miles. Thus, under the terms of SALT II, the Soviets will be able to deploy over 6,000 MIRV'ed ICBM warheads, with each warhead having the capability to destroy one of the slightly more than 1,000 U.S. ICBM silos, and the other two- or three-hundred U.S. military targets (including bomber fields and submarine facilities) which the Soviets might want to attack. The Soviets could use two ICBM warheads against each U.S. silo and they would also retain a significant postattack superiority. The United States has no similar capability.

The emergence of this Soviet capability is contrary to what is called "crisis stability"—that is, we should not threaten nor have threatened a large portion of our strategic force (such as our ICBMs) which could be destroyed in a surprise attack. For that reason the United States has refrained from deploying such a threat while the Soviets have not. We also do not want to be placed in a position where the survival of our ICBMs is dependent on launching them from under attack. Such a response would lead to an all-out spasm nuclear war and we would lose not 6 million American lives, but 100 million. We, thus, want to be able to control the escalation of any nuclear conflict and terminate any possible hostilities at the lowest threshold level possible. Whether this is possible we do not know, but we must retain that option given the alternative.

It is true that the United States, after absorbing a surprise Soviet attack, would still retain a significant capability in surviving submarines, bombers, and cruise missiles. But, our submarine forces would be primarily limited to attacking so-called Soviet "countervalue" (economic) targets, and our, as mentioned earlier, B-52 bombers and cruise missiles, could not penetrate and attack high-value and highly defended Soviet targets. Such a response would inevitably lead to a Soviet response in kind. Would we dare risk such an attack in the face of overwhelming Soviet strategic superiority? Would such a U.S. capability provide sufficiently a deterrent to prevent an attack on U.S. forces from occurring in the first place? Should we be limited in a response capability that would lead to an all-out nuclear war? Our present policy guidance says we should not be so limited.

In this context, let me also point out that contrary to the "assured destruction" myth, the recent PDM-18 directed studies on nuclear weapons targeting illustrate very clearly that the retaliatory capability of the United States could not significantly retard or prolong reconstitution of the Soviet economic structure, let alone destroy Soviet society as popularly perceived.

The primary purpose of our nuclear forces is, of course, to provide deterrence and a stable strategic environment. We hope to obviate the need for ever having to use our strategic forces by retaining a credible retaliatory capability. Given the significant Soviet strategic advantages whereby they could credibly degrade our offensive strategic forces and destroy 6 to 10—or perhaps even 20 million Americans—and then retain a decisive residual superiority, we might well be deterred from retaliating—knowing we would face the destruction of our society and the Soviets might not. The situation we would then have to fear most is not nuclear conflict, but the use of Soviet nuclear superiority for political, diplomatic, and military leverage. Soviet behavior could become more aggressive and reckless and the risk of accidental conflict would be increased.

It is the emergence of this Soviet threat we have sought—and failed—to constrain through the arms control process. Now that the threat has emerged we cannot simply ignore it without risking the most serious political—and possibly even military—consequences, as has been noted by Defense Secretary Brown.

Until the latter part of the last decade we never really had to focus on what constitutes deterrence because we have substantial superiority. The year 1979, however, represents a turning point.

As revealed in the current DOD posture statement, the strategic capabilities of the Soviet Union have begun to surpass those of the United States, and this Soviet advantage will grow through much of the 1980's.

Mr. Pincus is correct that the United States has options to redress the growing strategic imbalance and restore stability. This is the purpose of the so-called Multiple Aim Point (MAP) ICBM basing system—a proliferation of vertical shelters where in U.S. ICBM's would be randomly moved around. A MAP basing system would restore stability because for the Soviets to successfully destroy U.S. ICBM's, they would have to attack all of the shelters. They would then be forced to expend more warheads than they would destroy, thus theoretically ending up in a post-attack inferior position. Such a situation would be stable because it would reduce any incentive to strike first.

It is clear that despite what political benefits SALT II may or may not entail, the agreement in and of itself will not enhance stability. United States strategic programs will be necessary to do that. The prospective SALT II agreement, in my view, has several serious deficiencies; but what concerns me most is that the agreement is advanced as obviating the need for U.S. strategic programs that are necessary to maintain a United States-Soviet strategic balance and stability.

Finally, on the issue of whether U.S. restraint has been matched by the Soviets, I think it is important to note Defense Secretary Brown's comment on that subject:

> What concerns me most about the continuing Soviet military build-up is its persistence and how that continues regardless of what the United States does. We build up our forces, they build up theirs. We reduce our forces, they build up theirs . . . if the present trends continue for another five years, I believe the relative military positions (of Russia and the United States) would be a cause of real difficulty for the United States.

That, in my view, sums up very adequately the situation we face today as a Nation. But, I believe there is hope. The Soviet leadership is composed of rational, cautious men. If we show them we are serious, and that we are prepared to meet any threat they might pose, then I believe we will contribute substantially to a peaceful and stable geopolitical environment. That is our objective, and that is what we should set about doing.

Mr. Speaker, I place in the RECORD at this time Mr. Pincus' article, and the abbreviated version of my response which was published in the Washington Post.

The Soviet Strategic "Advantage"

(By Walter Rincus)

The closer we get to a new SALT II agreement, the more popular it becomes to play war games with the present and future capabilities of U.S. strategic weapons and those of the Soviet Union. Who wins these war games depends, obviously, on what's being counted in—or out. When the agreement's critics are playing, quite naturally, the Russians always win.

But that's in large part due to the fact that, in the critics' calculations, key elements in the U.S. force are conveniently forgotten or underplayed. We have seen good examples of this in two recent critical analyses of the pending SALT agreement. Or perhaps I should say one-and-a-half recent analyses, because the second fed on the first for a good part of its information.

The first was the Dec. 30, 1978 lead editorial in the prestigious Economist of London, which proposed that the period covered by SALT II "could be the beginning of seven singularly dangerous years" because of what it alleged were serious Soviet advantages over the United States.

The second was a Jan. 22, 1979 Newsweek column by George Will which, using selections from the Economist article, went on to say that Soviet weapons development since the mid-1960's had gone on unanswered by the United States.

Both of these analyses of strategic forces give the Soviets more and the United States less than each deserves.

The Economist, for example, focuses on three "large future problems" for the United States.

The first is the "large imbalance in Russia's favor described in part as ". . . by 1985 the United States will be behind Russia both in the overall total and in the most important sub-categories" of missiles. The "most striking example is 'modern large' missiles where the Russians will be allowed to keep their 308 huge 10-warhead SS18s but the Americans will have none at all."

To start from the last first, the Soviets do not now have "308 huge 10-warheads SS18s," and they probably never will.

The most recent intelligence reports indicate slightly more than 100 SS18s existed after four years of installation, and a good number of them had only one warhead. U.S. intelligence experts expect that SS18s may eventually take the place of all the 308 SS9s that once existed, but there is no certainty of that. And as for the warheads, two of the three versions of the SS18s have only one warhead, and though the 8–10 warhead version is expected to be the "largest number" deployed, it will be far from the only one.

The United States has never had a "modern large" missile such as the SS9 and its successor, the SS18—but that was because it chose not to build one. That choice still stands. Even the proposed MX ICBM would be "small" by these standards.

Where the Soviets went for big rockets that could deliver heavy warheads, U.S. advanced technology permitted small, more accurate warheads to be built.

As U.S. missile accuracy increases, the need for a large warhead—which always was marginal in these most powerful of weapons—diminishes to almost zero. A 350-kiloton warhead delivered on target will destroy an enemy missile silo just as well as a two megaton warhead that is 10 times larger.

The Economist then enlarged the Soviet advantage by presenting a 1985 estimate of the total amount of destructive power that could be dropped on the United States, deriving from it advantage such as "a lead of 3 to 2 in their ability to destroy protected targets."

At a time when either side, because of accuracy, would need only one or two missiles to knock out the other's missile silo, what difference will it make if they have three to do that job and we have two?

Finally The Economist points to the political advantages to the Soviets "even if these figures [on missiles] were not militarily important . . ." If American nuclear power, it says, "is seen to be getting smaller than Russia's"—thanks in part to faulty analyses such as this—"public opinion in these allies will grow more nervous . . . and nervousness could crack the alliance."

Of course, in making the United States weak, The Economist left out the one major missile area where the United States remains far ahead—total warheads.

Its numbers analysis also totally ignored the vast qualitative advantage of U.S. nuclear subs over Soviet versions and the U.S. bomber fleet armed with cruise missiles.

The second "and most dangerous place for . . . mistrust to grow" over SALT II, according to The Economist, is the fact that the treaty doesn't say anything about Soviet SS20 missiles aimed at Western Europe nor Russia's "Europe-busting (Backfire) nuclear-bombing aircraft."

The editorial also reports the SALT II three-year limitation on deployment of a ground-launched nuclear cruise missile and suggests the Soviets will successfully "bully Mr. Carter or his successor into prolonging" it.

The Economist, in its analysis of how bad the European situation looks, makes no mention of U.S. nuclear systems there that for almost 20 years have been able to strike the Soviet Union and are not limited by SALT I or SALT II—in particular U.S. and NATO allied forward-based tactical fighter planes, more than 200 of which are always on 15-minute alert at the end of runways armed with nuclear bombs.

No mention was made, either, of the U.S. aircraft carriers in the Mediterranean that have fighter-bombers that could be armed nuclear for Soviet homeland strikes. Nor did it include the U.S. Poseidon submarines assigned to the European theater whose missiles with their 10 or 14 nuclear warheads could also reach Russia.

In its handwringing over the cruise missile limitation, The Economist left out that the United States is building and testing not only a 1,500-mile cruise missile but also an extended-range Pershing missile. The new Pershing, with its 1000-mile range, would not be limited by SALT II if its production and deployment were somehow needed within the next three years.

Finally, The Economist wailed that the "biggest problem" with SALT II was that it "may leave the United States itself vulnerable to a surprise Russian attack."

Needless to say, this idea hinges on a theoretical Russian ability by the early 1980s "to destroy virtually all of America's land-based missiles in a single half-hour cataclysm, while still keeping quite a lot of its own missiles in reserve, ready for a second blow."

In the first place, it would take more than two hours for the so-called Soviet first strike—time enough for any president to determine an attack had started and make a response using untouched land-based missiles.

Secondly, the United States would still have its sub-based deterrent force—a factor never once mentioned in the entire Economist editorial. Since the submarines are never mentioned, the main element of the U.S. nuclear force does not have to be dealt with.

George Will, using The Economist, and a smattering of other sources, develops a theory that since the mid-1960s, the United States "has based arms-control policy on the hope that the Soviet buildup is merely a reaction to U.S. arms, and can be restrained by unilateral U.S. restraint." The resulting American weakness, Will argues, stems from failing to match Soviet increases.

To support this thesis, Will overlooks the substantial advances in U.S. strategic weapons development that have taken place since the mid-'60s and continue to this time.

For example, he makes no mention of the American development of more than one warhead on its missiles—the so-called MIRVing which was developed in the late '60s announced and deployed in the 1970s.

He leaves out the sharply increased accuracy of U.S. guidance systems and the decision in the early 1970s to make 300 of our land-based missiles so precise and powerful that they could knock out Soviet missiles.

Also ignored by Will is development of the Trident I long-range sub-launched missile, the highly accurate, bomber-launched cruise missile, the development of the MX missile and the Trident II and a variety of strategic defensive systems that keep us far ahead of the Soviets.

Will accuses American liberals of being blind to Soviet weaponry, he and The Economist are playing the same game, but with the formidable U.S. force.

1979: A Turning Point in Soviet Strategic Advantage

(By Robin Beard)

Walter Pincus' recent article, "The Soviet Strategic 'Advantage,'" [op-ed, Feb. 5] raises several point with which I would like to take issue.

Let me first make some factual corrections. The Soviet Union does not have 100 SS18s deployed, but almost 200. Moreover, the Soviets have only recently perfected the SS18 MIRV program and can be expected to deploy the 308 (and possibly 326) SS18s—each with 10 warheads—as permitted under the terms of SALT II.

The fourth generation Soviet ICBM forces (the SS17, SS18, SS19) are capable of achieving, and have virtually achieved, the missile accuracy of the U.S. Minuteman III force with the INS-20 guidance system—an accuracy on the order of .1 nautical miles. Thus, under the terms of SALT II, the Soviets will be able to deploy over 6,000 MIRVed ICBM warheads, with each warhead having the capability to destroy one of the slightly more than 1,000 U.S. ICBM silos, and the other two or three hundred U.S. military targets (including bomber fields and submarine facilities) that the Soviets might want to attack. The Soviets would also retain a significant post-attack superiority. The United States has no similar capability.

The emergence of this Soviet capability is contrary to what is called "crisis stability"—that is, we should not threaten or have threatened a large portion of our strategic force which could be destroyed in a surprise attack. We also do not want to be placed in a position where the survival of our ICBMs is dependent on launching them from under attack (and we would not necessarily have two hours, as alleged by Mr. Pincus, to make that decision—20 minutes is much more likely). Such a response would lead to an all-out spasm nuclear war and we would lose not six million American lives, but 100 million. We thus want to be able to control the escalation of any nuclear conflict and terminate any possible hostilities at the lowest threshold level possible. Whether this is possible we don't know, but we must retain that option, given the alternative.

It is true that the United States, after absorbing a surprise Soviet attack, would still retain a significant capability in surviving submarines and bombers and cruise missiles. But our bombers and cruise missiles would still be subject to penetration problems, while our submarines would be limited to attacking so-called Soviet "countervalue" (economic) targets. Such a response would inevitably lead to a Soviet response in kind. Would we dare risk such an attack in the face of overwhelming Soviet strategic superiority; would such a U.S. capability provide sufficiently a deterrent to prevent an attack on U.S. forces from occurring; should we be limited in a response capability that would lead to an all-out nuclear war? Our present policy guidance says we should not be so limited.

In this context, let me also point out that contrary to the "assured destruction" myth, the recent PDM18 directed studies on nuclear-weapons targeting illustrate very clearly that the retaliatory capability of the United States could not significantly retard or prolong the reconstitution of the Soviet economic structure, let alone destroy Soviet society.

The primary purpose of our nuclear forces is, of course, to provide deterrence and a stable strategic environment. Until the latter part of the last decade we never really had to focus on what constitutes deterrence because we had substantial superiority. The year 1979, however, represents a turning point.

As revealed in the current Department of Defense posture statement, the strategic capabilities of the Soviet Union have begun to surpass those of the United States, and this Soviet advantage will grow through much of the 1980s.

Mr. Pincus is correct that the United States has options to redress the growing strategic imbalance and restore stability. That is the purpose of the so-called Multiple Aim Point (MAP) ICBM basing system—a proliferation of vertical shelters wherein U.S. ICBMs would be randomly moved around. A MAP basing system would restore stability because for the Soviets to successfully destroy U.S. ICBMs, they would have to attack all of the shelters. They would then be forced to expend more warheads than they would destroy, thus theoretically ending up in a post-attack inferior position. Such a situation would be stable because it would reduce any incentive to strike first.

It is clear that despite what political benefits SALT II may or may not entail, the agreement in and of itself will not enhance stability. U.S. strategic programs will be necessary to do that. The prospective SALT II agreement, in my view, has several serious deficiencies; but what concerns me most is that the agreement is advanced as obviating the need for U.S. strategic programs that are necessary to maintain a U.S.-Soviet strategic balance and stability.

Finally, on the issue of whether U.S. restraint has been matched by the Soviets, I think it is important to note Defense Secretary Harold Brown's comment on that subject:

"What concerns me most about the continuing Soviet military buildup is its persistence and how that continues regardless of what the United States does. . . . We build up our forces, they build up theirs. We reduce our forces, they build up theirs . . . if the present trends continue for another five years, I believe the relative military positions [of Russia and the United States] would be a cause of real difficulty for the United States."

That, in my view, sums up very adequately the situation we face today as a nation. But I believe there is hope. The Soviet leadership is composed of rational, cautious men. If we show them we are serious, we will contribute substantially to a peaceful and stable geopolitical environment.●

STATE ROLE IN RADIOACTIVE WASTE DISPOSAL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MOAKLEY. Mr. Speaker, during the opening week of the 96th Congress, I introduced legislation (H.R. 1071) which seeks to incorporate States as full partners with the Federal Government in determining future Federal radioactive waste storage sites.

As the law currently stands, individual States do not have clear legal authority to approve or disapprove the location of a Federal radioactive waste repository within their borders. The problem of storing these very toxic, long lasting wastes represents such an important policy decision that I feel it is necessary to guarantee the States a role in the final decision.

The legislation I have introduced is a two-step process. First, the Department of Energy, before investigating any site for construction of a radioactive waste storage facility, must notify the affected State's legislature of this intention. This will give the State the opportunity to monitor and participate in the investigatory process.

Second, when a site is selected by DOE, the Secretary must notify the State's legislature again; which then has 120 days to disapprove the Federal Government's proposal by either, first, resolution or law in the legislature or second, statewide referendum. This bill does not prevent DOE from submitting an amended plan at a later date.

It is the intent of this legislation that by granting a veto power to the States, the Federal Government and the affected State will work as equal partners. This legislation will put the onus on the Department of Energy to convince the State that their plan for a waste repository is safe and fair.

Forty-eight of my colleagues have joined with me in cosponsoring this legislation and 15 States have enacted laws relating to high-level radioactive waste disposal. I would like to share with my colleagues these State laws.

The list follows:

RADIOACTIVE WASTE DISPOSAL LEGISLATION

ALASKA

Radiation Protection Act—AK S-45. A general amendatory bill relating to radiation control in the Department of Health and Social Services. Adds a new section "Facilities Siting Permit Required" which prohibits construction of a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the State unless a permit is obtained from the Department of Environmental Conservation. No permit can be issued unless the legislature, local government and Governor have approved the permit. (Approved July 17, 1978)

CALIFORNIA

AB-2822. No new nuclear power plant shall be permitted land use in California until the State Energy Commission certifies that the Federal Government has approved and there exists a demonstrated technology or means for the disposal of high-level nuclear waste. The Legislature shall have 100 legislative days during which time either house may adopt a resolution disapproving the findings. The act specifically exempts Diablo Canyon 1 and 2 and San Onofre 1 and 2. (Signed by Governor 6/3/76)

COLORADO

Waste Repository Resolution—CL SM-3. Memorializes the U.S. Congress, the President, and ERDA to exclude Colorado from consideration as a potential site for a high-level radioactive waste repository. (Adopted 6/3/77)

DELAWARE

Support for State Veto Over Waste Repositories—DL HR-124. This House Resolution requests the Delaware Congressional Delegation to support S-2761 which gives the States veto power over waste repositories. (Adopted April 14, 1978)

HAWAII

Radioactive Waste Disposal in the Pacific Ocean—HI SR-68. Expresses concern over the proposed disposal of radioactive wastes in the Pacific Ocean 600 miles north of Hawaii. Requests the U.S. Environmental Protection Agency to halt any plans for undersea disposal until their safety is "proven beyond any shadow of doubt." (Adopted 4/5/76)

Proposal No. 26. To require anyone wishing to construct a nuclear fission power plant or dispose of radioactive material to receive the approval of 2/3 of the members of each house of the legislature. (Passed)

LOUISIANA

Radioactive Waste Disposal Prohibition—LA H-14. Prohibits the use of salt domes in Louisiana as temporary or permanent disposal sites for radioactive wastes. Requires prior notification of the House and Senate Natural Resources Committees and the Department of Natural Resources for suitability testing of salt domes and subsequent notification of the results of the studies so they can "determine the advisability of removing, continuing, or extending the prohibitions and limitations." (Signed by Governor 7/5/77)

Radioactive Waste Disposal Sites—LA SCR–83. A Senate resolution memorializing the U.S. Congress to enact Federal legislation "to require the proper Federal agency to notify both the governor and the legislature of any State of the agency's intention to search for radioactive waste disposal sites within that State." (Adopted 7/11/77)

Waste Repository Ban—LA S–38. Amends the existing law to add "... should the local governing authority of the parish or parishes in which said tests to occur, the natural resources committees of the House of Representatives and the Senate of the Louisiana legislature object in writing to the continuation of said tests, then such tests shall cease." (Approved 7/13/78)

MAINE

H–1388. Prohibits construction of nuclear power plants within the State unless the PUC finds that the "U.S. Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high-level nuclear waste" and that adequate facilities will be in operation at the time they are needed. Other governmental entities which grant permits, licenses, approvals or authorizations for construction of nuclear power plants may process the applications, subject to the PUC's granting of certification. (Signed by Governor 6/22/77)

MARYLAND

Spent Fuel Storage—MD H–428. Would amend the existing State law banning the establishment of "any permanent storage facility, burial ground ... for the long-term storing of waste nuclear materials within the State ... except that temporary storage shall not exceed two years." By adding a sentence to enable the Secretary of Health and Mental Hygiene to vary the two-year time limitation if he determines it is in the public interest. (Approved 4/11/78) (The chapter was enacted in 1970.)

MICHIGAN

Ban on Radioactive Waste Disposal Sites—MI S–153, S–688, S–689, S–690. All of these laws ban the State's consent to the acquisition by the Federal Government by purchase, condemnation of any land or building for use in storing, depositing, or dumping of radioactive material. They amend different codes relating to State's jurisdiction over certain lands and buildings. (Signed by Governor 4/13/78, effective immediately.)

Radioactive Waste Ban—MI S–144. States that "Radioactive waste may not be deposited or stored in this state." The ban does not apply to: facilities at educational institutions, spent fuel storage pools at nuclear power plants, mill tailings from uranium mining within the State, medical uses of radioactive material, temporary storage of low-level waste for not more than six months, the storage of waste which was being stored before January 1, 1970. The act takes effect immediately. (Signed 2/14/78)

MINNESOTA

Ban on Radioactive Wastes—MN H–1215. Prohibits the construction or operation of a "radioactive waste management facility" within Minnesota unless authorized by the legislature. Prohibits the transport of wastes into the State for disposal or storage unless authorized by the legislature, except that "radioactive wastes may be transported into the state for temporary storage for up to 12 months pending transportation out of the state." The act is effective immediately. (Signed by Governor 6/2/77)

MONTANA

Radioactive Materials Disposal Ban—MT H–254. Prohibits the disposal in Montana of large quantities of radioactive materials produced in other States. (Signed by Governor 3/21/77)

OREGON

Waste Disposal Facility Ban—OR S–272. Bans the establishment or operation of radioactive material waste disposal facilities within the State. The previous ban would have expired January 1, 1978. (Signed by Governor 7/27/77)

SOUTH DAKOTA

Legislative Approval for Waste Repository—SD H–822. Bans the "containment, disposal or deposit of high-level nuclear wastes, radioactive substances or radioactively contaminated materials or the processing of high-level nuclear wastes" within the State unless prior approval is granted by the legislature. Exempts uranium ore and mill tailings from the provisions of the act. (Signed by Governor 4/16/77)

TEXAS

Radioactive Discharges—TX H–1560. Authorizes the Texas Water Quality Board to regulate the discharge of waste or pollutants into any water within the State; however, no permits shall be issued authorizing the discharge of "any radiological, chemical, or biological warfare agent or high-level radioactive waste." (Signed by Governor 6/15/77)

VERMONT

Legislative Approval for Waste Repository—VT H–261. Bans the construction or establishment of a high-level radioactive waste repository within Vermont, unless the General Assembly approves it, through either a bill or a joint resolution. (Signed by Governor 4/26/77) ●

SOVIET RECORD ON HELSINKI—STILL DISMALLY POOR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. DRINAN. Mr. Speaker, citizens of the Soviet Union who wish to leave that country continue to be manipulated and harassed in complete disregard for the 1975 Helsinki accords. The Soviet Government has continued to manufacture lengthy procedural delays for applicants, charge expensive fees just for submitting the forms, and has neglected to publish regulations concisely stating criteria for ruling on emigration requests. Instead, the Soviet Union has twisted and distorted the provisions of the Helsinki Final Act for their own political ends.

The joint executive-legislative Commission on Security and Cooperation in Europe was created to monitor and encourage compliance with the 1975 Helsinki accords in this country. As one of the main provisions of the accords, families are to be reunited by the lifting of restrictive emigration practices by signatory nations. My able colleague, Mr. FASCELL, chairman of the Commission has written an excellent review on current Soviet compliance with the accords. The article which appeared in the Christian Science Monitor, on February 23, 1979, concludes that in spite of the recent increase in the number of individuals leaving the country, the Soviet record is not very good. The text of the article follows:

SOVIET RECORD ON HELSINKI—STILL DISMALLY POOR

(By DANTE B. FASCELL)

The public attention in the West in recent months has focused on the increasing numbers of Jews being allowed to emigrate from the Soviet Union. Over a four year period, the number of Jews leaving the USSR has increased annually from 13,721 in 1975 to 28,864 in 1978. The figure for emigrating Soviet Germans, cited at 8,500 in 1978 is also encouraging. One might also point to the less publicized emigration patterns for Soviet Armenians who, since World War II, have been allowed freer movement in and out of the country.

Certainly, these statistics are a welcome indication of relaxed Soviet emigration practices, regardless of motivation. But this rise in numbers of certain people being allowed to leave should not blur one's perception of the arbitrary bureaucratic procedures in the Soviet Union which reveal the true nature of Soviet emigration policy.

Despite these recent figures, the fact remains that the Soviets maintain absolute control over movement to and from the USSR. They can, and do, turn the spigot of emigration to suit their particular needs at any given time.

Since there are no published regulations on the criteria for deciding an emigration case, most candidates, whether Jewish or of other ethnic or religious affiliation, have no inkling on how their application will be resolved by authorities. The application process is lengthy, complicated and burdensome. Those brave enough to express a desire to leave are often subjected to official recriminations such as job demotion or loss of employment, expulsion from university or punitive conscription into the armed forces. Denials of permission to leave—never given in written form—are arbitrary and based on such vague justifications as "regime considerations" or "not in the state's interest." There is never any indication as to how long one may have to wait in order to receive permission to emigrate.

Some so-called "refuseniks" have been waiting for permission for as long as nine years. Even when exit permission is granted, the total cost of the necessary documents is prohibitive. Fees required for those wishing to emigrate to Israel, for example, equal one half the average annual wage.

Evidence revealing the continuation of a highly restrictive Soviet emigration policy is convincingly documented in materials reaching the West from groups in the Soviet Union monitoring the 1975 Helsinki accords. These reports, most of them made public through the US Commission on Security and Cooperation in Europe, show clearly that the Soviet Union has done little to honor its pledge in the 35-nation, East-West agreement to facilitate the freer movement of people.

The Ukrainian monitors, for instance, report that it is nearly impossible for Ukrainians to emigrate even for the purposes of family reunification. The Ukrainians maintain, furthermore, that Soviet authorities, capitalizing on their distance from Moscow and Western reporters, are much harsher in their treatment of non-Russian dissidents. Similarly, the Lithuanian Helsinki group has drawn attention to long-divided family cases such as that of Aloyzas Jurgutis, a Chicago resident, whose wife and daughter in Lithuania have sought to join him for four years.

Family reunification, in fact, is the only officially recognized grounds for requesting emigration. The Helsinki Final Act is supposed to foster such reunions, but in an ironic twist, Soviet authorities have used its provisions as the basis for further restricting emigration. Citing the Final Act, it is not uncommon for officials to deny emigration visas based on "insufficient closeness of relatives." The state claims it has the right to decide which relatives deserve to be together.

Meanwhile, Soviet officialdom turns a deaf ear to the many thousands who would leave the Soviet Union for religious, ethnic, ideological or economic reasons. The Moscow Helsinki group, for example, has documented the plight of evangelical Protestants—Pentecostals, Baptists and Adventists—who want to emigrate from the USSR to escape religious persecution. There are currently about 20,000 evangelical Protestants in the Soviet Union who have publicly declared their desire to go to any country where they can practice their religion freely. Some Americans have agreed to sponsor about 800 Soviet Baptists, Pentecostals, and Orthodox Christians, but none have been granted permission to leave.

Because most of these Soviet citizens have no relatives abroad, they cannot even formally apply to emigrate. Among the most dramatic of these cases is that of the Vashchenko family, Pentecostals from Siberia, who since June of 1978 have refused to leave the American Embassy in Moscow until they are granted permission to emigrate.

The Moscow Helsinki monitors have also documented cases of Soviet workers who want to emigrate because they cannot attain a decent standard of living for their families, no matter how hard they try. One such worker, Leonid Sery, a lathe operator with six children, claims that his family is ill due to malnutrition because he finds it impossible to earn enough money to feed them. Mr. Sery's appeals to the Soviet authorities to allow him to emigrate to the United States and Canada have been futile.

As the cases of the Vashchenko and Sery families illustrate and Soviet dissidents point out, the underlying reason for wanting to leave the Soviet Union beyond that of family reunification—is to escape an essentially repressive society. And those who do apply to emigrate as a result of their frustrated efforts to exercise a broad range of basic human rights, are often subjected to harsh repressions and reprisals.

In good faith, the West should, and does, acknowledge the statistical rates of increased emigration for some groups from the Soviet Union. But these figures should be recognized for what they are and no more. Overall, the Soviet performance in terms of the pledges made at Helsinki is still dismally poor. We must continue to express our displeasure to the Soviets for their treatment of the many people left behind who seek to leave, but cannot within the framework of a closed society.●

ESTONIAN INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. PATTEN. Mr. Speaker, on February 24, we marked the 61st anniversary of the Republic of Estonia. Although Estonia is the smallest of the three Baltic countries, it became an important center of industrial activity in Eastern Europe. Despite their influence, Estonians have reaped few rewards. They have been deprived of the most fundamental human rights and thousands have been exiled. Estonia has been striving for its autonomy from Russia since the Revolution of 1905.

Since 1918 the Estonians have rallied for the cause of freedom and their quest for independence is a vital force behind this cause. They have been denied their right for freedom, yet have not lost the drive to attain this dream. The spirit of freedom of 1918 lives among Estonians both here and in their native land and we Americans pay homage to these brave people. Today, Americans who too often take our own freedom for granted, honor Estonians and pray that one day this dream will become a reality.●

IT'S TIME TO END THE HOLY WAR OVER NUCLEAR POWER

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. WYDLER. Mr. Speaker, the March 12 edition of Fortune magazine contains an excellent article on the critical issue of the future of nuclear power in this country. This article is the first in a series on the nuclear issue which I feel for the good of the country must be resolved in this Congress. Fortune says:

> The nation has probably no more than two years to decide what role nuclear plants should play in the next round of electric-power expansion.

I emphasize this point to my colleagues since the indecisive policy of this administration has the nuclear industry on the ropes. Only one reactor manufacturer of the four makes a profit on the business because the utilities have encountered such resistance to and delays with plant construction.

I strongly recommend this article to my colleagues so that they can understand the consequences of continued national indecision on nuclear power.

[From Fortune magazine, Mar. 12, 1979]

IT'S TIME TO END THE HOLY WAR OVER NUCLEAR POWER

The debate over the production of electric power by the splitting of atoms has acquired the intensity of a religious war. Complex, confusing, and muddied by overstatements from both sides, the dispute involves the energy underpinnings of the nation's economy. It has led to the bitterest environmental confrontation of the Seventies. And it has raised such grave foreign-policy matters as nuclear-weapons proliferation and potential threats from terrorists at home or abroad.

To its adversaries, fission power is a monstrous insult to the natural order of things by arrogant men willing to risk catastrophic releases of radioactivity in order to supply more electricity to a wanton nation that has hardly begun to conserve it. Not only is fission power unacceptably dangerous, say its implacable foes; it is too costly by any reasonable accounting.

The champions of nuclear power see themselves as beleaguered defenders of one of science's newest blessings against the onslaught of an irresponsible counterculture. Fission power, they assert, involves far fewer hazards than other well-entrenched features of modern life, such as air travel, toxic chemicals, and dams built above populous areas. It offers a way to reduce ruinously costly oil imports, to minimize the noxious fumes of polluting coal, and to keep motors running and lights glowing for centuries.

In the middle, between the warring factions, stand millions of citizens who, without hating nuclear power, are understandably wary of a young technology that depends upon the successful containment of material that can inflict wholesale cancer. But they might put up with it for a few generations until the world finds alternatives that are less controversial.

Today the U.S. gets 12½ percent of its electric power from seventy-two nuclear generating plants. That is already enough to make a vital difference when foreign oil supplies are pinched or when coal miners stage a lengthy strike. Another 126 nuclear plants are on order or under construction. When all these facilities come on line in the middle or late 1980's, the nation will generate about a quarter of its electricity from the atom.

Even so, the $5-billion industry that supplies components and erects the plants is in precarious shape now, and faces a death sentence unless it receives more orders. Utilities have placed virtually no new orders for nuclear facilities since 1974 and have canceled or postponed many existing orders. One reason is the recent slowdown in the growth of electric-power consumption. Another more troublesome reason is that utility companies are increasingly hesitant to commit themselves to nuclear plants because they encounter so much resistance and delay. Among the U.S.'s four reactor makers, only Westinghouse, the leader, claims to make a profit on the business. General Electric, Combustion Engineering, and Babcock & Wilcox all lose money.

Opinion polls show that the American public favors nuclear power by about two to one, but that margin may not save it from its determined adversaries. With a low-keyed, unhurried approach, the Carter Administration is trying to forge a nuclear policy acceptable to some of the critics. As the nuclear-power industry sees it, however, the President's activities look less like peacemaking than abject surrender to the enemy.

By Fortune's calculations, the nation has probably no more than two years to decide what role nuclear plants should play in the next round of electric-power expansion. The future of the nuclear industry will depend heavily on the answers that millions of undecided citizens arrive at to four crucial questions:

Is it safe to live near nuclear reactors?

Can atomic wastes be buried without leakage for thousands of years, until their long-lived radioactivity has declined to an innocuous level?

Does the spread of nuclear power greatly increase the likelihood of nuclear war or the theft of bomb material by terrorists?

Is nuclear power a sound economic proposition when it is rigorously costed out?

In the article beginning on the following page, and in subsequent issues, Fortune will examine each of these questions and explore what is being done—or can be done—to resolve them and make nuclear power acceptable. It is time to end that holy war, for a greater evil amid looming energy shortages is national indecision.●

EMERGENCY MEDICAL SERVICES

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. MOLLOHAN. Mr. Speaker, on February 15, I introduced H.R. 2212, the Emergency Medical Services Amendments of 1979. I have maintained a continuing interest in this program since I introduced the first Federal Emergency

Medical Services (EMS) legislation in 1971. Generally, I am pleased with the progress that has been made and firmly believe the program should be extended so that we can continue to improve the quality of emergency medical care throughout our country.

Although coordinated EMS systems have been "on the street" for only several years, recent statistics are revealing that improved emergency care can lower death rates. The prehospital coronary death rate declined 26 percent in Charlottesville, Va., after an EMS system was operational there. In 1968, 70 percent of the seriously injured accident victims in Baltimore were either dead on arrival or died in the hospital. With the emergence of good EMS and the highly respected shock trauma unit in that community, more than 80 percent of seriously injured accident victims now are surviving. Similar dramatic improvements are being noted in burn and spinal cord injury victims in many parts of the country where regional EMS systems are functional.

These kinds of vivid, life-saving results are generating the kind of public support that will be needed to keep EMS systems developed with Federal help operating when Federal dollars no longer are available. In San Diego County, Calif., for example, local leaders threatened to let the EMS program die. But public pressure convincd officials to use local money to continue this service. Not long thereafter, voters in the city of San Diego approved funding needed to keep EMS operating there after Federal funding eligibility had expired.

The Federal EMS program envisions 304 regionally coordinated systems of emergency medical services in every State and in all U.S. territories. To date, 282 of these regional systems have received some assistance under the program. At the end of fiscal year 1978, 96 systems covering 67.2 million people were planned or being planned; 169 systems serving 118.3 million citizens were in some phase of operation development; and 17 systems covering 26.2 million people had completed eligibility under the program. Grants have been made in every State and territory, except American Samoa.

Since 1974, when the first EMS grants were made, a total of $147,160,000 has been awarded to regional EMS entities. However, funding of the program consistently has been below authorized levels. Thus, in 1978, requests for funding exceeded available appropriations by 52 percent. The Department of Health, Education, and Welfare reports a current backlog or interruption of funding for 165 systems previously funded. Development, therefore, has been slower than we would like, but the program is on firm footing and remarkable progress is being made in every section of the country to provide improved emergency medical care.

Good EMS requires more than shiny ambulances and sophisticated gear. It takes trained personnel, cooperation from the medical profession and hospitals, and a commitment from local and State leaders. These ingredients are among the requirements that must be met by all successful EMS applicants. It takes a minimum of 5 years of Federal funding to get an EMS region on its feet; after that, each system is expected to support itself with non-Federal revenues. I did not envision in 1971, nor do I envision now, a Federal EMS program in perpetuity. The objective is to make Federal resources available to help State and local authorities establish good EMS and to have them understand from the outset that the ultimate responsibility for operating and maintaining what has been developed is one they must assume.

HEW has stated in its 1978 annual EMS report that another $327,125,000 would be needed to fund remaining years of eligibility under the program. At this time of severe budget pressures, we must look very carefully at these figures and endeavor to make available the funding levels necessary to insure continuation of EMS. H.R. 2212 authorizes $140,250,000 over the next 3 fiscal years. Based on projections provided by HEW, I would anticipate funding in this range in fiscal years 1983 through 1985 would be required to complete the Federal mission and terminate the program. It is anticipated that the administration will submit legislation continuing the program for the next 3 fiscal years on a "phase out" schedule with the program terminating at the end of fiscal year 1982. I would have to vigorously oppose legislation of this type on the grounds that we would be leaving an excellent program—one that is saving many lives and dollars—dangling and unfinished when its mission can realistically be expected to be completed in 1985.

H.R. 2212 basically is a simple extension of the existing Emergency Medical Services Act (title XII of the Public Health Services Act). However, several modifications should be noted:

(1) Section 1203 is amended to provide the Secretary discretionary authority to make the first implementation grant for a period up to 24 months. This modification grew out of suggestions made by several grant recipients in my State who contend that it is not always possible for a grantee to complete all necessary work in first-year implementation within the normal 12-month period of the grant. In fact, HEW has been forced on numerous occasions to extend the period of the first-year grant beyond 12 months. In justifying this modification, the Director of the Office of Emergency Services for the State of West Virginia told me in a letter dated January 15, 1979:

> This standard approach would preclude a regional program being forced at a more critical stage in its development to step aside for a year to "catch up". The best time for this in terms of system development would be in the initial start-up period. The cost of a "delay year" at a later stage (second year of system expansion) would be more expensive in terms of progress and real dollars required for the process at such point in time.

(2) Both sections 1203 and 1204, which authorize implementation grants, are amended to remove the "hardship clause" which permits HEW to grant up to 75 percent Federal funding for system development. This authority has been used rarely and, furthermore, does not well serve the objective of securing a strong local funding commitment to insure proper fiscal foundation for an EMS system. Therefore, the "hardship" funding clause in both sections has been eliminated.

(3) Section 1205 provides authorization for research in emergency medical services. I must note, however, that I am not convinced that research conducted under this provision has been useful or in keeping with the mandates established by the Congress. Thus, it is with some reluctance that I have included continued authority for this activity. I intend to ask the chairman of the Subcommittee on Health and the Environment to schedule appropriate witnesses to review the section 1205 program so an informed judgment can be made about it and about the need for its continuation.

(4) Existing section 1221 language having to do with burn injuries has been stricken. Substituted is language establishing a training fellowship program in burns. The existing section 1221 authority has been used to launch a major study on the status of burn care in the United States and a report is due in 1980. It is my belief that the Congress should await the results of this report before taking further definitive action on any future burn treatment or capital expenditure programs. However, both HEW and the American Burn Association have agreed that there is a critical need for more physicians trained in burn care. Thus, during the period that the Congress is awaiting and evaluating the burn study report, the fellowship program could be implemented to provide a larger number of trained physicians who can help give us the kind of high quality burn care we all envision as being necessary and appropriate.

Mr. Speaker, the emergency medical services program is the best health care bargain we have in the Federal Establishment today. It save lives and it saves dollars. It is a program with widespread public support. It is a program deserving of continuation and of our vigorous support. I shall press for early favorable action on this extension measure since existing authorities expire on September 30, 1979, and I would be pleased to add as cosponsors Members who share my very deep faith in the merits of this vital health care endeavor.

A section-by-section analysis of and the text of H.R. 2212 follow:

SECTION-BY-SECTION ANALYSIS OF H.R. 2212

Section 1. Merely identifies the legislation as the "Emergency Medical Services Amendments of 1979."

Section 2. Provides the Secretary with discretionary authority to make the first implementation grant under Section 1203 for a period up to twenty-four months. The Department of Health, Education and Welfare has been forced on numerous occasions to extend the period of Section 1203(1) (first-year) grants beyond the normal twelve-month period because many grantees discover they cannot accomplish all necessary first-year implementation goals within that short time span. Providing this discretion merely provides the Department with authority to make judgments about the duration of a Section 1203(1) grant based on individual circumstances of grant recipients.

Additional language in this section eliminates "hardship" funding percentages and makes the amount of the Federal share of a Section 1203(1) grant 50 percent and the Federal share of a Section 1203(2) (second-year) grant 25 percent. The "hardship" provision was deleted because it has seldom been used and is deemed unnecessary.

Section 3. Changes Federal funding share (as explained in Sec. 2) to 50 percent of a grant under Section 1204(1) (first-year) and 25 percent of a grant under Section 1204(2) (second-year).

Section 4. Authorizes funding for Sections 1202, 1203 and 1204 in the amount of $40 million for Fiscal Year 1980, $43 million for Fiscal Year 1981, and $46 million for Fiscal Year 1982. Budget authority has been lowered to approximate past levels of appropriations. In Fiscal Year 1979, for example, these three sections carried $70 million in budget authority; however, the overall Title XII appropriation was only $33.7 million. It is hoped that agreement can be reached with the Appropriations Committees to fund Title XII fully at the lower levels authorized in this section.

Also authorized is $3.2 million in Fiscal Year 1980, $3.5 million in Fiscal Year 1981, and $3.8 million in Fiscal Year 1982 to continue grants and contracts under Section 1205 (research).

In addition, this section prohibits funding of any Section 1202 planning grants after Fiscal Year 1981 on the premise that no new starts be initiated that cannot complete funding under the Act prior to the anticipated September 30, 1985, termination of Title XII.

Section 5. Substitutes a "training fellowship" program for the existing Section 1221, "Burn Injuries," program. Funding available under Section 1221 authority is being used for a comprehensive review of the current burn care delivery system. The results of this study will be available in 1980. At that time, Congress may wish to take more comprehensive actions, to address the problems of burn care. In the interim, the "training fellowship" program authorized in this section will permit the training of more physicians in burn care treatment, a need already identified as paramount by the Department of Health, Education and Welfare and the American Burn Association. Each fellowship will be for one year in an amount up to $15,000 that may be supplemented with non-Federal funds. No more than two fellowships may be awarded to any one eligible institution in any single fiscal year. It is intended that eligible institutions include those with "special expertise" in providing burn care and be recognized as such by the Department of Health, Education and Welfare and the American Burn Association as of December 31, 1978. Sec. 5 authorizes $250,000 for each of the next three fiscal years for the "training fellowship" program.

H.R. 2212

A bill to amend the Public Health Service Act to revise and extend title XII of that Act relating to emergency medical services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the "Emergency Medical Services Amendments of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XII of the Public Health Service Act.

SEC. 2. (a) Section 1203(c)(2) is amended by inserting after "(2)" the following: "The first grant or contract made under this section after the date of the enactment of the Emergency Medical Services Amendments of 1979 to an entity for the establishment and operation of an emergency medical services system shall be available to the entity for establishment and operation costs incurred in the twenty-four month period beginning after the month in which the grant or contract is made.".

(b)(1) Section 1203(c)(3)(A) is amended (A) by striking out "(i)", and (B) by striking out all after "is made" and inserting in lieu thereof "; and".

(2) Section 1203(c)(3)(B) is amended (A) by striking out "(i)", and (B) by striking out all after "is made" and inserting in lieu thereof a period.

(c) Paragraph (4) of section 1203(c) is repealed.

SEC. 3. (a) Section 1204(b)(2)(A) is amended (1) by striking out "(i)", and (2) by striking out all after "is made" and inserting in lieu thereof "; and".

(b) Section 1204(b)(2)(B) is amended (1) by striking out "(i)", and (2) by striking out all after "is made" and inserting in lieu thereof a period.

SEC. 4 (a) Section 1207 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. (a) Except as provided in section 1202(g), there are authorized to be appropriated $40,000,000 for the fiscal year ending September 30, 1980, $43,000,000 for the fiscal year ending September 3, 1981, and $46,000,000 for the fiscal year ending September 30, 1982, for the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204.

"(b) There are authorized to be appropriated $3,200,000 for the fiscal year ending September 30, 1980, $3,500,000 for the fiscal year ending September 30, 1981, and $3,800,000 for the fiscal year ending September 30, 1982, for the purpose of making payments pursuant to grants and contracts under section 1205.".

(b) Section 1202 is amended by adding at the end the following:

"(g) No grant may be made or contract entered into under subsection (a) or (b) after September 30, 1981.".

SEC. 5. Section 1221 is amended to read as follows:

"TRAINING FELLOWSHIPS

"SEC. 1221. (a) The Secretary may make grants to hospitals with special expertise in providing care for individuals injured by burns to assist the hospitals in providing fellowships for training in the treatment of such individuals.

"(b) Fellowships under a grant shall be provided in accordance with such regulations as the Secretary shall promulgate. The amount of a fellowship provided under a grant shall be $15,000.

"(c) The amount of a grant under subsection (a) shall be determined by the Secretary, except that in any fiscal year, the amount of a grant to any hospital may not exceed the amount necessary to provide two fellowships. No grant may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(d) For making payments under grants under subsection (a) there are authorized to be appropriated $250,000 for the fiscal year ending September 30, 1980, $250,000 for the fiscal year ending September 30, 1981, and $250,000 for the fiscal year ending September 30, 1982.".●

SOVIET ROLE IN THE IRAN CRISIS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. McDONALD. Mr. Speaker, the role of the Soviet Union in fomenting, backing, and supporting the Islamic Marxist revolution which has overthrown the pro-Western Government of Iran is a topic that the major U.S. newspapers have ignored, despite the fact that major publications in France and England have reported the subject in depth. A notable exception to this virtual U.S. news blackout on the Soviet involvement in the Iranian turmoil has been the Review of the News, whose excellent article I have already discussed in these pages. Now veteran anti-Communist investigative journalist Frank A. Capell has written an excellent article on this subject for his newsletter, the Herald of Freedom.

As Gen. Daniel Graham, until his retirement Director of the Defense Intelligence Agency, pointed out with considerable foresight in January, said just before the fall of the Iranian Government, the coalition revolutionary government headed by Ayatollah Ruhollah Khomeini has no room for moderates and is "a coalition between * * * the fanatic Moslem element and the left-wing PLO-type, thoroughly Soviet-infiltrated far left." General Graham said:

> What always happens to a coalition like this is, as history has indicated, that the Left then has a second revolution and throws out the Right.
>
> * * * and when that happens, they will be able to call on Soviet armed Iraq and Afghanistan to make sure it works. Then you are going to have a Soviet heavily-influenced, if not actually dominated government in Iran.
>
> At that point, Oman, which is an oil-rich sheikdom, will fall because it has depended upon the Shah to hold off left-wing efforts to knock them off. Kuwait will be given to Iraq for its assistance. Kuwait is just a bunch of sand floating on a lot of oil. At that point, the rich Saudi Arabians will get into their jet aircraft and fly away to live out the rest of their lives on their foreign investments and the Soviets will own the Middle East oil.

Therefore, I commend Frank Capell's article to those of my colleagues who would like additional information on the Soviet role in the overthrow of the Iranian Government:

SOVIET ROLE IN THE IRAN CRISIS

The fall of the regime of the Shah of Iran is presented by the liberal and leftist media as being due to repression, his secret police and poor government. The truth is that the situation has been brought about through a long-planned, well-constructed Soviet program of infiltration and propaganda. Drew Middleton of The New York Times recently pointed out that military analysts believe Moscow seeks control of Iran. In his comments, Mr. Middleton stated that there are about 4,000 Soviet technicians in Iran, including 1,000 at the Soviet-built Aryamehr steel mill in Isfahan. These are in addition to about 125 diplomats at its embassy in Teheran and in three consulates. These "diplomats" would include officers of the K.G.B., the Soviet state security and intelligence organization, and the G.R.U., the military intelligence service.

Infiltration of Iranian institutions by Soviet agents would not be difficult since thousands of Soviet citizens speak Persian, Iran's dominant language. A division of Persian-speaking Soviet troops is reportedly stationed on the Iranian frontier and agitators from Soviet client states, particularly Iraq, Syria and Afghanistan, are known to have participated in demonstrations against the Shah.

Soviet propaganda has been active in encouraging opposition to the Shah and European intelligence organizations have located a Soviet station broadcasting in Persian and local dialects from the southern Soviet Union. During the weeks of rioting the station beamed instructions on how to organize demonstrations, highly colored descriptions of riots and lessons in the manufacture of guerrilla weapons such as grenades and gasoline bombs.

As for the oppressing of minorities, the exact opposite is true. It is estimated there are between 75,000 and 100,000 Jews living in Iran and they have been there for 2,500 years. These are descendants of the Jews of biblical times. A recent report from Teheran by William Tuohy pointed out that Jews are now deeply apprehensive about what the uncertain political future holds for them in Iran, which is overwhelmingly Moslem. He stated that 600 members of the world's oldest continuing Jewish community, who had gathered in an upstairs room carpeted with Persian rugs at the Central Synagogue for Sabbath services, were uneasy because of a spate of anti-Semitic leaflets, posters and rumors.

Whatever their personal attitude toward the Shah Mohammad Reza Pahlavi, those gathered at the synagogue were aware that the Pahlavi rule had guaranteed Iranian Jews both religious freedom and personal safety. "We've had 50 years of security but we don't know what our fate will be if the Shah is replaced by a strictly Islamic regime. So, many of us therefore are leaving—or thinking of leaving," said one of the Jews. "We've been here for 2,500 years. We are like other Iranians, and the people here have been good to us. But it's difficult to foresee the future because things are changing so fast. I don't think the Iranians would be against Jews as Jews. Under the Iranian law we are a protected minority."

A report from the Institute for the Study of Conflict in London entitled "Campaign to Destabilize Iran," was written by Robert Moss, editor of the Economist's Foreign Report and begins with the fact that Russia has long coveted Iran and that it would be in Moscow's interest to have the Shah unseated. According to the study, Soviet agents have been busy producing disinformation, propaganda and mischief; the K.G.B. has been busy recruiting agents and has successfully infiltrated the army. Opponents of the Shah have been trained in several Soviet-leaning countries, including Algeria, Afghanistan, Cuba and Yemen. Afghanistan, which shares a border with Iran, has become a particularly important jumping-off place. Two Soviet-sponsored training camps have been opened in the northern part of the country to teach tactics and Marxism.

The Soviets have in operation a powerful radio station which continuously broadcasts to Iran in the Persian language. The Soviet station is so powerful that it is picked up by radios in Iran as if it were a local station. The Intelligence Digest of London in a recent report on Moscow broadcasts pointed out:

Moscow has a comprehensive Iranian service, broadcasting direct to the people in Persian. The border between the two countries is 1,500 miles long, and Moscow Radio's powerful transmitters for this service are right on the border, beaming the transmissions to all parts of the country where they can be heard virtually as local broadcasts. In fact, Moscow Radio is virtually a local radio station for several million Iranians.

Since the beginning of the troubles the prolonged daily transmissions have gradually become tirades, warning "our dear friends" against the iniquitous "imperialist meddling." Of late the message is direct: "Dear friends—it really seems that the United States and certain other Western countries do not consider Iran to be a sovereign, independent country whose people have the right to independent self-determination."

Or: "(The Shah's) forces, armed to the teeth, and the Western strategic interests are blocking the realization of democratic freedoms and the securing of social justice in Iran. The West does not conceal its anxiety about the weakening position of the imperialist monopolies in the Iranian oil industry."

The Soviet Union has warned the U.S. not to "incite" the Iranian people at a time when restraint is essential. The following is an example of Moscow Radio's nonincitement of "our dear friends:"

"The events in Iran are worrying the imperialists primarily because they fear losing their influence as well as their control over Iran's natural riches. The imperialists are ready to safeguard their position and in this respect they will do whatever they can including armed intervention. However, it is obvious that the events in Iran are totally of an internal nature. Iran enjoys sovereignty and the people have the right to determine their destiny independently without waiting for anyone's approval."

Most recently a new note has been the demand that the "imperialists" should be thrown out of the country. For example: "It is perfectly logical that the Iranian masses, while struggling for the democratization of social life and the implementation of fundamental reforms, should demand that all Western military and non-military experts and advisers be kicked out."

English translations of some of the Moscow, K.G.B.-controlled propaganda broadcasts in the Persian language follow:

"(1) Dear listeners, events in Iran continue to attract the world's attention, and the propaganda of the Western bourgeoise in describing these events, as with many other events, has deviated from the path of impartiality to that of prejudice. Our commentator writes:

"As soon as serious and critical events take place in a country, the Western press resorts to the story of the danger of Communism. This press has concocted such a story about the recent events in Iran. For example, the British magazine Foreign Report has referred to a clandestine radio in the southern part of the Soviet Union as if it issues secret instructions about the staging and organization of demonstrations, and so forth, for Iranians. In the meantime, the actions and attitudes of opposition personalities toward these propaganda stories concerning interference from the north are being scrutinized. A few days ago at a press conference in Washington, Western correspondents asked Ebrahim Yazdi, who is a supporter of the religious opposition, a question about this. It ought to be clearly said that this was a provocative and prejudicial question, for Soviet policy concerning its neighboring country Iran is clear and obvious.

The Soviet Union maintains the position that Iranian events are merely an internal matter and that issues relating to these events ought to be resolved by the Iranians themselves. When in spite of this, such a question is raised, what is the purpose and point of it? Naturally, putting forward such a question is aimed at diverting public opinion away from the policy of the Western countries, especially of the United States, concerning Iran so that the real culprits responsible for the suffering and difficulties of the Iranians may remain hidden from the public eye.

"As for the direction from which the dangers facing the Iranian people are coming, the Western press, instead of referring to Soviet policy, ought to have referred to the United States and its policy. In this regard, the activities of Robert Byrd, the leader of the Democratic majority in the U.S. Senate who recently went on a confidential mission to Iran, and the activities of the adviser to the U.S. National Security Council who prepares confidential recommendations on Iranian events for the White House, are noteworthy. Finally attention should be drawn to the activity of the American CIA, which often sends uninvited guests to Iran. Thus, the danger to Iran originates from there.

"(2) When the United States speaks of its readiness to defend the rights of Iranians, it means in particular those Iranians who buy a U.S.-made Cadillac at the cost of 1 million tumans. The U.S. Government has in mind particularly those 1,000 families who have amassed fabulous riches because of the corruption and bribery that has engulfed the upper echelon of society. U.S. monopolies defend their rights to loot with every means at their disposal.

"As regards the matters concerning other Iranians, however, one must say that Washington's sweet talk to them about human rights was a promise for the New Year, and the year 1978 which has ended proved this reality with more conspicous clarity than any other year.

"Apart from that, the past year convincingly proved that the Iranian nation decisively rejects Washington's policy and that of its Iranian associates. As a result of the people's movement, the governments of Amuzegar and Sharif-Emami resigned one after another. Despite the fact that the government of General Azhari came to power, the Iranian people's struggles to vindicate their rights continue to intensify. In the course of the mighty, universal and national movement which has shaken Iran throughout the past year, the people raised their demands for fundamental reforms, whose implementation alone can end the social and economic crisis.

"Nevertheless, using various means the impearialists support the existing rotten and medieval regime in Iran and protect the notorious 1,000 families. The reason for this, in the first place, is that the upper echelon of Iranian society, which is polluted with corruption and bribery, is enriching itself through looting and plundering its own nation, and at the same time it helps imperialist monopolies to become richer by plundering and looting Iran's oil wealth and through unequal trade with your country. In order to gain huge profits and gains, imperialism particularly tries to see rightist and corrupt elements in power in Iran. To achieve this it does not solely rely on New Year promises. These very promises are the cruelties and excesses imposed on the Iranian people through SAVAK, that was set up with the help of the CIA, that is, the American Intelligence Agency, and with the help of an army run by thousands of U.S. advisers and consultants.

"Last year thoroughly and completely showed the hypocrisy and two-faced nature of the American supporters of human rights who use every means possible, including tanks, helicopters, automatic weapons, all kinds of other weapons and American-made tear gas, against an unarmed people who have risen in a just struggle to regain their rights. Describing the result of his visit to Iran last year, Carter said on the first days of the New Year that Americans are welcomed with open arms in Iran. Those who own Cadillacs worth 1 million tumans each! Those who, on New Year's eve, have reserved tables at the most sumptuous and exclusive restaurants in London, Paris, Miami and Nice! Those who have purchased palaces and villas in Europe and the United States—these indeed would welcome with open arms the CIA and Pentagon agents who are now being sent to Iran in large groups.

"(3) Popular demonstrations took place in Tehran yesterday. Foreign correspondents report that the Iranian people's demonstrations against the present regime and against U.S. intervention in the country's affairs are continuing. Such demonstrations took place yesterday in the cities of Maragheh, Sarab, Azarshahr, Bonab, 'Ajab Shir, Yazd and in other cities. The participants in the demonstrations very decisively condemned the bloody acts of violence perpetrated by the armed forces and the police on the defenseless populations of Mashhad and Qazvin. According to witnesses who have come from Mashhad, the military authorities used heavy tanks and armored cars against demonstrators. The tank drivers fired at unarmed people with cannon and heavy machine guns and crushed them under their tank tracks. Street battles took place in Mashhad over a period of several days, resulting in large-scale destruction and great loss of life. Half the city is controlled by the opposition to the regime, who have embarked on a bitter struggle against the authorities' terrorist operations. The incidents in Mashhad—during which, according to information from certain sources, several thousands were killed and wounded—have aroused a storm of anger and revulsion throughout the country."

On May 6–7, 1978, in Brussels, Belgium, an International Symposium on Iran was held which was attended by representatives of Iran solidarity committees in England, France, West Germany, and France, the British Labour Party and British Tobacco Workers Union. The meeting decided to focus on publicizing charges of mass violation of human rights by the Iranian government and an effort to stop the export of weapons to Iran by organizing a boycott by trade unions involved in the exports.

The wavering of the Carter Administration in its support of the Shah was made clear when it was first announced that an American attack carrier would proceed to the area but cancelled after Russian objections. Next was a flight of a dozen F–15 fighter planes to Saudi Arabia supposedly to warn the Russians against any activity in Iran which might affect Saudi Arabia. This, too, was a farce, since the planes were unarmed, as Paul Scott pointed out in his Washington Intelligence Report.

The highly publicized flight of a dozen F–15 fighters to Saudi Arabia is turning into a major sign of U.S. political weakness rather than military strength as originally planned. The reason for this is the deep concern of President Carter and his foreign policymakers that the mission might provoke the Russians while assuring Saudi Arabian officials of our continuing support.

The flight of the unarmed aircraft was a replacement for the cancelled dispatch of a 95-plane atomic-powered carrier task force, which contained ten times more strategic striking power than the F–15 squadron when fully armed. This deliberate downgrading and unarming of the U.S. military "show of force" has not been missed by the Soviets or most of our allies in the Middle East, Western Europe and Asia.

Diplomatic and intelligence reports reveal that the positioning of the unarmed aircraft in Saudi Arabia rather than the larger carrier task force in the Persan Gulf, as recommended by the Joint Chiefs of Staff, is being taken as a sign that the Carter Administration does not want to risk a confrontation with Russia to save Iran. The removal of the aircraft's nuclear tipped missiles and ammunition also has raised questions of whether the Carter Administration would use the aircraft, should that become necessary, to stop future Soviet aggression in the region even to protect our vital interests.

Secretary of State Cyrus Vance in recent public and private statements has not dispelled any of these doubts. In addition to taking credit for the disarming of the aircraft, Secretary Vance has gone out of his way to make clear that the U.S. will go to almost any length to avoid confrontation with the Russians in the Middle East. Vance has taken the position he would resign before returning to a confrontation or "cold war" policy with the Soviet Union. Aides say the Secretary appears more concerned about stopping members of Congress from "poking sticks at the Russians" than their military and political gains in the Middle East. It is Vance's position that the U.S. can do little to keep Iran from continuing its movement to the left under the new government and that the U.S. should support that movement rather than risk war that could involve the U.S. and Russia.

By the Secretary of State's assessment, the alternative to success for the present government of the left moving Prime Minister Bakhtiar is a military takeover. In Vance's view, the U.S. must avoid this since it would bring what he describes as "a violent reaction from Russia" and would wreck all hopes of obtaining a new Strategic Arms Limitation Agreement. This assessment resulted in Vance's public plea to the military in Iran to support the Bakhtiar government, which now includes one Communist minister and soon may have others. The judgment also is behind Vance's public diplomatic shove to get the Shah to leave the country.

Within that context, the flight of the unarmed F–15s to Saudi Arabia is designed to give the American public and its allies the appearance that the U.S. is doing something in the Middle East without provoking the Soviets. This cover policy is being used, according to government insiders, to give the Carter Administration time to see if the Russians are willing to compromise on access to the Middle East oil. A proposal being put forth to Moscow by Vance is that the Russians will be given full access to the oil from Iran and surrounding region if Moscow will keep hands off Saudi Arabia and Kuwait and their vast oil reserves. Whether the Soviets will accept this kind of accommodation from the West is very doubtful since there appears to be no will among Western leaders, including President Carter, to draw a line in the Middle East and then back it up with military force. The disarming of the F–15 fighters can only be taken by the Russians as a clear signal that the Carter Administration lacks the will to defend the West's vital interests in the region.●

LIFE INSURANCE FOR RESCUE SQUAD MEMBERS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. NEAL. Mr. Speaker, today Representative WAYNE GRISHAM and I are introducing legislation to amend the Public Safety Officers' Benefit Act and correct a serious inequity in that law. This is the same bill I originally introduced during the last Congress. Our colleague, Representative GRISHAM has indicated a strong interest in the bill and I enthusiastically welcome his support.

You may recall that Congress passed legislation in 1976 providing a $50,000 payment to the dependents of any law enforcement officer or fireman killed in the line of duty. Unfortunately, when the Law Enforcement Assistance Administration promulgated regulations for Public Law 94–430, LEAA did not include one important group of public servants who often work side by side with firemen and police officers: rescue squad personnel.

According to LEAA, rescue squad personnel (who frequently are volunteers, by the way) are not covered by the Public Safety Officers' Benefits Act unless they actually are involved in fire suppression. That does not include many of the activities commonly assigned to rescue squad personnel at the scene of a fire, such as search and rescue of trapped persons, forcible entry, lighting, and assistance in cleanup operations. It is significant that in localities which do not have rescue squad units, these same duties are the responsibility of the fire department.

Congress did not intend to say it is more important to fight a blaze in an empty building than to rescue a trapped person in a burning structure; but, by the exclusion of rescue squad personnel. that is how the Public Safety Officers' Benefits Act can be interpreted.

The legislation we are introducing today is very simple. It provides for coverage of rescue squad personnel under the Public Safety Officers' Benefits Act. The measure gained widespread support after I introduced it in the 95th Congress, and the importance of the matter certainly has not diminished.

Rescue squad units almost always are housed with local fire departments; and the units' members frequently work alongside firemen and police officers. We should not deny equal protection to the families of rescue squad personnel, who also are vital public servants, frequently engaged in dangerous work for our protection. Mr. Speaker, I urge my colleagues' support of this legislation.●

STRATEGIC MISREPRESENTATION

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. SYMMS. Mr. Speaker, even though this body will not be able to vote on the SALT Treaty, I think it is important that we at least be vocal. I wish to submit to the RECORD an editorial which appeared in the Wall Street Journal on February 23, 1979, which outlines some important provisions of the treaty that have been misrepresented by the administration. Specifically, the President stated in his Georgia Tech speech that SALT II would "establish for the first time equal numbers of strategic arms for both sides." This is not really the case, and it is important that Americans understand that numbers will not be equal; in fact. the Soviets will have more strategic weapons than the United States after this treaty is ratified.

This is all outlined in the editorial which reads as follows:

STRATEGIC MISREPRESENTATION

Before President Carter signs the proposed strategic arms treaty, we hope he gets around to reading it, fine print and all. Whether the President knows it or not, the case he argued in his Georgia Tech foreign policy address relies centrally on subtle and not-so-subtle misrepresentations of the treaty's actual provisions.

Take for example the President's assertion: "The emerging SALT II treaty will establish for the first time equal numbers of strategic arms for both sides." That seems simple enough: equal numbers for each side, whatever one is allowed to do the other is also allowed to do. But it tells no little about the negotiations that in the draft treaty a glaring exception breaches this simple principle. The Soviets are allowed to keep their modern large ballistic missiles, and the United States is prohibited from constructing any. This makes the numbers: U.S.S.R.—308, U.S.—0.

More importantly, take another assertion: "The Soviet Union will be required to reduce their overall number of strategic arms. Over 250 Soviet missiles or bombers—10% of their strategic forces—will have to be destroyed or dismantled."

First of all: There are no limits whatever in the treaty on missiles, the things that fly through the air. The limits apply to missile launchers, which are concrete silos in Montana or Siberia. This distinction may be of more than passing importance, since there is no law of physics that says missiles can be fired only from concrete silos.

Nothing in the treaty will require the Soviets to destroy a single missile. Indeed, for all we know the Soviets may have warehouses full of the old missiles they have taken out of silos to replace with new ones. Indeed, there is nothing in the treaty to prohibit the Soviets from turning out new missiles like sausages so long as they store them in warehouses. Recognizing the obvious danger, the treaty does say extra missiles cannot be stored "near" launcher sites, and prohibits "rapid" reload systems.

We find these restrictions cool comfort, given the problems with SALT-I's limitations on "heavy" ballistic missiles. The term was never precisely defined, except in a U.S. "unilateral declaration." When the Soviets went ahead with a new missile breaching this definition, the U.S. acquiesced. Even without reloading silos, finally, stored missiles could be erected away from present silo sites, possibly using erectors the Soviets already have for their mobile intermediate-range SS-20 missile. The lack of any limit on actual missiles presents a huge "breakout" problem, raising the possibility of a sudden leap in Soviet strategic power if they decided to abrogate the treaty in some crisis.

Now, it is true that the treaty would require the Soviets to deactivate some silos or destroy some airplanes, though to fit present programs in the limits the U.S. may also have to saw up some mothballed planes. But before anyone accepts Mr. Carter's image of a 10% reduction in Soviet strategic power, he ought to look at what the treaty allows.

The Soviets now have about 2,300 land and sea based missiles, of which about 400 have multiple warheads. They have an active program of replacing older, single-warhead missiles with new multiple warhead ones. The treaty allows each side to have 1,320 multiple-warhead missiles. Obviously this allows enormous latitude for the Soviet program. By the end of the treaty, it will be able to deploy an additional 5,000 nuclear warheads.

Against this program, a reduction of some 250 missile silos or bombers can scarcely be considered significant, let alone a 10% reduction. The reduction will consist of destruction of old bombers and deactivation of launching silos for single-warhead, liquid-fueled missiles of the type the U.S. retired years ago on cost-effectiveness grounds. All that the treaty requires is that the Soviets retire their obsolete weapons instead of keeping them alongside the new ones.

We can understand that the President has to find *some* argument to make on behalf of his treaty, but we can't understand why he has to try to create the impression that it would reduce a threat that will in fact be rapidly increasing. The bald fact is that come 1985 an additional 5,000 nuclear warheads will be targeted on the United States, and the the arms limitation treaty does nothing to prevent it.●

THE STATE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. PAUL. Mr. Speaker, the great French economist Frédéric Bastiat lived in a period similar to ours (1801–50). France was drifting rapidly toward socialism, and his clear description of that drift, and its consequences, though written in 1849, is as fresh as today's newspaper.

Because it has such relevance, I would like to bring this essay, "The State," to my colleagues' attention. It was translated and condensed by the staff of the Foundation for Economic Freedom, headed by Leonard Reed, which has long been one of the clearest voices for freedom in our country.

[From Ideas on Liberty, November 1955]

THE STATE

(By Frédéric Bastiat)

I wish someone would offer a prize—not of a hundred francs but of a million, with crowns, medals, and ribbons—for a good, simple, intelligible definition of the term, *The State.*

What an immense service such a definition would render to society!

The State! What is it? Where is it? What does it do? What should it do? We only know that it is a mysterious being; and, it is certainly the most petitioned, the most harassed, the most bustling, the most advised, the most reproached, the most invoked, and the most challenged of any being in the world.

I have not the honor of knowing my reader, but I would stake ten to one that sometime in the last six months you have designed Utopias, and if so, that you are looking to The State for the realization of them.

But alas! That poor unfortunate being, like Figaro, knows not which plea to hear nor where to turn. The hundred thousand mouths of the press and of the platform cry out all at once—

Organize work and the workmen.

Cover the country with railways.

Irrigate the plains.

Reforest the hills.

Establish model farms.

Colonize Algeria.

Educate the youth.

Assist the aged.

Equalize the profits of all trades.

Lend money without interest to all who wish to borrow.

Emancipate Italy, Poland, and Hungary.

Encourage the arts, and train musicians and dancers for us.

Restrict commerce, and at the same time create a merchant marine.

Discover truth, and put a bit of sense into our heads. The mission of The State is to enlighten, to develop, to ennoble, to strengthen, and to sanctify the soul of the people.

"Wait, Gentlemen! A little patience," says The State beseechingly. "I will try to satisfy you, but for that I must have some resources. I have prepared plans for five or six entirely new taxes, the mildest in the world. You will see how gladly people will pay them."

But then a great hue and cry arises: "No! No! A fine thing—doing something with resources! This is hardly worthy of The State! Instead of loading us with new taxes, we call upon you to repeal the old ones. Decrease the salt tax, the liquor tax, the stamp tax, custom-house duties, monopoly license fees, and tolls."

In the midst of this tumult, the people have changed their government two or three times for failing to satisfy all their demands. To date, everything presenting itself under the name of The State is soon overthrown by the people, precisely because it fails to fulfill the somewhat contradictory features of its platform.

I fear we are, in this respect, the dupes of one of the strangest illusions which has ever taken possession of the human mind.

Man recoils from effort, from suffering. Yet, he is condemned by nature to the suffering of privation if he does not make the effort to work. He has only a choice then, between these two: privation, and work. How can he manage to avoid both? He always has and always will find, only one means: *to enjoy the labor of others;* to arrange it so that the effort and the satisfaction do not fall upon each in their natural proportion, but that some would bear all the effort while all the satisfaction would go to others. This is the origin of slavery and plunder, whatever form it takes—whether wars, impositions, violences, restrictions, frauds, etc., monstrous abuses, but in accord with the idea which has given them birth.

Slavery is subsiding, thank heaven, and our disposition to defend our property prevents direct and open plunder from being easy. However, there remains the unfortunnate, primitive inclination in all men to divide the lot of life into two parts, throwing the trouble upon others and keeping the satisfaction for themselves. Let us examine a current manifestation of this sad tendency.

The oppressor no longer uses his own force directly upon his victim. No, our conscience has become too sensitive for that. There is still the tyrant and his victim, but between them is an intermediary which is The State—the Law itself. What could be better designed to silence our scruples and—more important—to overcome all resistance? Thus do all of us, by various claims and under one pretext or another, appeal to The State:

"I am dissatisfied with the ratio between my labor and my pleasures. In order to establish the desired balance, I should like to take part of the possessions of others. But that is a dangerous thing. Couldn't you facilitate it for me? Couldn't you give me a good post? Or restrain my competitors' business? Or perhaps lend me some interest-free capital, which you will have taken from its rightful owners? Or bring up my children at the taxpayers' expense? Or grant me a subsidy? Or assure me a pension when I reach my fiftieth year? By this means I shall achieve my goal with an easy conscience, for the law will have acted for me. Thus I shall have all the advantages of plunder, without the risk or the disgrace!"

All of us are petitioning The State in this manner, yet it has been proven that The State has no means of granting privileges to some without adding to the labor of others.

The State is the great fiction through which everybody endeavors to live at the expense of everybody.

Today, as in the past, nearly everyone would like to profit by the labor of others.

No one dares admit such a feeling; he even hides it from himself. So what does he do? He imagines an intermediary; he appeals to The State, and every class in its turn comes and says to it: "You, who can do so justifiably and honestly, take from the public; and we will partake of the proceeds."

Alas! The State is only too much disposed to follow this diabolical advice; for it is composed of ministers and officials—of men, in short—who, like all other men, desire in their hearts and eagerly seize every opportunity to increase their wealth and influence. The State quickly perceives the advantages it can derive from the role entrusted to it by the public. It will be the judge, the master of the destinies of all. It will take a lot: then much will remain for itself. It will multiply the number of its agents, and increase its functions, until it finally acquires crushing proportions.

But the most remarkable thing is the astonishing blindness of the public while all this takes place. In the past, when victorious soldiers reduced the vanquished to slavery they were barbarous, but they were not foolish. Their object, like ours, was to live at the expense of others; but they succeeded, where we fail. What are we to think of a people who never seem to realize that *reciprocal plunder* is no less plunder because it is reciprocal; that it is no less criminal, because it is carried out legally and peacefully; that it adds nothing to the public good, but rather diminishes it by the amount of the cost of that expensive intermediary we call The State?

And this great illusion we have placed, for the edification of the people as a frontispiece to the Constitution. Here are the first words of the preamble:

"France has constituted itself a Republic to . . . raise all the citizens to an ever-increasing degree of morality, enlightenment, and well-being."

Thus it is France—an *abstraction*—which is to raise the French—or *realities*—to morality, well-being, and so on. Isn't it our blind attachment to this strange delusion that leads us to expect everything from a power not our own? Isn't it suggesting that there is, apart from the French people, a virtuous, enlightened, rich being who can and should bestow its favors upon them?

The Americans develop a different idea of the relationship of the citizens with The State, when they placed these simple words at the beginning of their Constitution:

> "We, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain . . ."

Here is no shadowy creation, no *abstraction*, from which the citizens may demand everything. They expect nothing except from themselves and their own energy.

I contend that the *personification* of The State has been in the past and will be in the future, a fertile source of calamities and revolutions. There is the public on one side, The State on the other, considered as two distinct beings; the latter obligated to bestow upon the former, the former having the right to claim from the latter a flood of human benefits. What must happen?

The State has two hands, one for receiving and the other for giving—a rough hand and a smooth one. The activity of the second is necessarily subordinate to the activity of the first. Strictly speaking, The State can take and not give back. This can be seen and can be explained by the porous, absorbing nature of its hands, which always retain part and sometimes all of what it touches.

But that which is never seen, which never will be seen, and which cannot even be imagined, is that The State can return *more* to the people than it has taken from them. Therefore it is ridiculous for us to appear before The State in the humble attitude of beggars. It is utterly impossible for it to confer a specific benefit upon some of the individuals who make up the community, without inflicting a greater injury upon the community as a whole.

Our demands, therefore, place The State in an obvious dilemma! If it refuses to grant the requested benefit, it is accused of weakness, ill-will, and incapacity. If it tries to grant their requests, it is obliged to load the people with increased taxes—to do more harm than good—and to bring upon itself general displeasure from another quarter.

So, the public has two hopes, and The State makes two promises: *many benefits and no taxes*—hopes and promises, which, being contradictory, can never be realized.

Is not this the cause of all our revolutions? For between The State, which lavishly promises the impossible, and the public, whose hopes can never be realized, there come to interpose two types of men: the ambitious and the Utopians. The circumstances give them their cue. These office seekers need only cry out to the people: "The authorities are deceiving you. If we were in their place, we would load you with benefits and exempt you from taxes."

And the people believe, and the people hope, and the people substitute a new government for the old.

No sooner are their friends in charge of things, than they are called upon to redeem their pledge. "Give us work, bread, assistance, credit, instruction, colonies," say the people, "and meanwhile deliver us, as you promised, from the clutches of the tax gatherer."

The new government is no less embarrassed than the former one, for it is easier to promise the impossible than to do it. It tries to gain time which it needs for maturing its vast projects. First it makes a few timid attempts: On one hand, it slightly expands primary education; on the other, it makes a small reduction in the liquor tax. But the contradiction always confronts the administration: If it would be philanthropic, it must attend to its treasury; if it neglects the treasury, it must give up being philanthropic.

These two promises are always and inevitably clashing with one another. To live upon credit, that is, to exhaust the future, is certainly a temporary method of reconciling them—an attempt to do a little good now, at the expense of a great deal of harm in the future. But this procedure calls forth the spector of bankruptcy, which puts an end to credit. What is to be done then? Why then, the new government defends itself boldly. It unites its forces to maintain itself: It smothers opinion, has recourse to arbitrary measures, ridicules its former slogans, declares that it is impossible to govern except at the risk of being unpopular; in short, it proclaims itself *governmental*.

And this is what other candidates for office are waiting for. They exploit the same illusion, follow the same course, obtain the same success, and are soon swallowed up in the same abyss.

The latest manifesto of the Montagnards, which they issued at the time of the presidential election, concludes with these words—*"The State ought to give a great deal to the people, and take little from them."* It is always the same tactics, or rather, the same mistake. The State must:

Give free instruction and education to all the citizens.

Give a general and professional education, as much as possible adapted to the needs, talents, and capacities of each citizen.

Teach every citizen his duty to God, to man, and to himself; develop his perceptions, his aptitudes, and his faculties; teach him, in short, the skill of his trade; make him understand his own interests, and give him a knowledge of his rights.

Place within the reach of all literature and the arts, the heritage of thought, the treasures of the mind, and all those intellectual possessions which elevate and strengthen the soul.

Give compensation for every disaster, fire, flood, etc., experienced by a citizen. (The *et cetera* means more than it says.)

Act as mediator in the relations between capital and labor, and become the regulator of credit.

Give substantial encouragement and effectual support to agriculture.

Purchase railroads, canals, and mines—and doubtless administer them with its characteristic industrial ability!

Encourage useful experiments, promote and assist them by every means likely to make them successful. As a regulator of credit, it will have extensive control over industrial and agricultural associations in order to assure their success.

The State *must* do all this, in addition to the services to which it is already pledged! For instance, it is always to maintain a menacing attitude towards foreigners. The signers of the manifesto say that: "Bound together by this holy union, and by the precedents of the French Republic, we carry our wishes and hopes beyond the barriers which despotism has raised between nations. The rights which we desire for ourselves, we desire for all those who are oppressed by the yoke of tyranny: we desire that our glorious army should, if necessary, again be the army of liberty."

You see that the gentle hand of The State—that good hand which gives and distributes—will be very busy under the direction of these reformers. You think perhaps it will be the same with the rough hand—that hand which penetrates and takes from our pockets?

Do not deceive yourselves. The politicians would not know their trade, if they had not the art, when showing the gentle hand, to conceal the rough one. Their reign will assuredly be the jubilee of the taxpayers!

"It is luxuries, not necessaries," they say, "which ought to be taxed."

Won't it be wonderful that the treasury, in overwhelming us with favors, will content itself with curtailing our luxuries!

This is not all. This party of reformers intends that "taxation shall lose its oppressive character, and be only an act of brotherhood." Good heavens! I know it is the fashion to thrust brotherhood in everywhere, but I did not imagine it would ever be put into the proclamations of the tax gatherer.

Well, I ask the impartial reader, is this not childishness, and more than that, dangerous childishness? Is it not inevitable that we shall have revolution after revolution, if it is once decided never to stop till this contradiction is realized: "Give nothing to The State and receive much from it?"

Citizens! At all times, two political systems have been in existence, and each can justify itself with good reasons. According to one of them, The State should do a lot, but then it should take a lot. According to the other, this twofold activity ought to be limited. We have to choose between these two systems.

But the third system, which partakes of both the others, and consists in exacting everything from The State without giving it anything, is chimerical, absurd, childish, contrary, and dangerous. Those who advocate such a system are only flattering and deceiving you, or at least are deceiving themselves.

As for us, we consider that The State is and ought to be nothing whatever but *Community force* organized, not to be an instrument of oppression and mutual plunder among citizens, but, on the contrary, to guarantee to each his own, and to cause justice and security to reign.●

THE NEA: A WASHINGTON LOBBY RUN RAMPANT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. ASHBROOK. Mr. Speaker, the teachers of our country are under terrific pressure. No one is more aware of the deterioration of scholastic standards, and no one feels it more keenly.

No one is more burdened by bureaucratic paperwork than our teachers, who must devote hours to it every week. It is hard to understand how some teachers get any teaching done while trying to cope with stacks of paperwork. Yet much of the time left to them after paperwork must be devoted to whatever trivia the educational "experts" deem fashionable this year.

Now that the politicians and the experts have done their damage, who will be blamed for the declining standards in schools? The teachers, of course.

Taxpayers are fed up with ever poorer education at ever increasing cost. When they rise up in the tax revolt, whom do politicians threaten to fire? The teachers, of course. In the midst of the tax revolt, is there any threat that the educational bureaucrats here in Washington who make $40,000 a year and more will be cut back? On the contrary. Carter's policy is to hire more of these big money educational bureaucrats at the very moment his fellow liberals all over the country are threatening to lay off teachers and stop salary increases.

Teachers in this country have a real grievance and a real cause for concern.

The National Education Association (NEA) wants to use teacher concern to bolster the liberal establishment against citizens fed up with its failures. The NEA is out to reelect those same liberal politicians who produced the impossible paperwork burden teachers face. The NEA supports without question the educational experts and the educational bureaucracy. Its answer to the falling college entrance examination scores has been to demand that such testing stop. The NEA insists that all such evaluation be turned over to the subjective opinions of experts. In short, it represents neither the teachers nor their real objectives.

Voters will not accept an educational system which continues to get worse while its cost increases. As a result, a head-on collision between parents and taxpayers, on one hand, and liberal politicians and educational establishment on the other, is occurring. A lavishly financed campaign is underway to mobilize teachers in order to thwart the legitimate political reaction of parents and taxpayers.

The NEA's campaign is described in the November 1978 Reader's Digest by Eugene Methvin in an article I will read into the RECORD below. As Mr. Methvin so eloquently puts it:

> If the alliance now building among Capitol Hill politicians, the White House and the NEA's power brokers continues to grow, decisions for America's teachers—and for pupils, parents and taxpayers, too—will more than ever be made by a permanent Potomac power elite. Which would deliver a mortal blow to our traditional system of grass-roots control of education.

Teachers are necessary to education. Educational bureaucrats and experts dictating fashion are not. Teachers, taxpayers, and parents are the foundation of an educational system. In the long run, teachers can only lose by becoming the instruments of Washington-based power blocs.

I would now like to read Mr. Methvin's article into the RECORD:

THE NEA: A WASHINGTON LOBBY RUN RAMPANT

(By Eugene H. Methvin)

"Teachers in 1976 earned an A in advanced politics" exclaimed John Ryor, president of the National Education Association, as he addressed the 1977 national convention of his 1.8-million-member union.

And a well-earned A it was. NEA sent 265 members to the 1976 Democratic National Convention, more than any other organization in the nation. That November, NEA endorsees won in 291 of 349 House and Senate contests. For the first time, NEA endorsed a Presidential candidate, Jimmy Carter; and after his victory, President-elect Carter made a prompt personal thank-you call to Ryor. Carter's campaign manager, Hamilton Jordan, said enthusiastically, "The massive support from teachers was crucial to our winning. We turned to the NEA for help and it delivered nationwide."

Now President Carter has delivered for the NEA. Last spring, he formally asked Congress to create a separate Department of Education —a cherished NEA goal—and raised his overall budget so as to make available a record $12.9 billion for federal aid to education, a 46-percent increase since he came into office.

Yet the President appears to understand the problem. "The fight against inflation," he said in a recent speech, "becomes nearly impossible when special-interest lobbyists are successful." Well, certainly the NEA lobbyists were sucessful, and the political payoff they earned dramtically demonstrates why President Carter has now admitted he will not fulfill his promise to balance the federal budget by 1980. And why, instead, deficits and inflation are soaring, imposing the equivalent of a ten-percent tax on every dollar American families spend this year. It also demonstrates why every American voter needs to bone up on "advanced politics" as practiced by the NEA.

Warns Rep. John Ashbrook (R., Ohio), a veteran member of the House Education and Labor Committee: "An integral part of the NEA design is to siphon ever more control of public education from the grass roots to Washington, close to its own powerful lobbying influence, farther from the parents and taxpayers who elect the school boards and pay the bills."

Young Turks. Fifteen years ago, the NEA was chiefly a staid coffee-and-doughnuts professional association. Most state and local affiliates did not require members to pay national dues. "Strike" was generally a dirty word. But then the American Federation of Teachers (AFT) mounted a militant challenge, and teacher walkouts erupted across the nation. In 1968, afraid it might lose the whole teaching profession to the AFT, the NEA backed its first full-fledged strike.

By the early '70s, a "Young Turk" faction had gained control of the NEA. They wrote a new constitution compelling the payment of national dues, drove out most of the administrators who were also members, dispensed with the trappings of a "professional organization" and launched into full-scale unionism. Using militant strike action, the new NEA has won collective bargaining for 5000 of its 12,000 locals, and leaped headlong into national political campaigns. A succession of NEA presidents have proclaimed its aims:

"We are the biggest potential political striking force in this country," said Catharine Barrett in 1972. "And we are determined to control the direction of education."

"We must reorder Congressional priorities by reordering Congress," Helen Wise told NEA political fund-raisers in 1974. "We must defeat those who oppose our goals."

Promised current NEA president, John Ryor, "We will become the foremost political power in the nation."

At NEA headquarters, five blocks from the White House, Ryor and executive director Terry Herndon, a 39-year-old former teacher, now lead 1.8 million of the nation's 2.2 million public-school teachers. Already they outnumber all other public-employee unions by far, and among all unions trail only the No. 1 Teamsters. With its affiliates, NEA has a combined annual budget of $250 million, more than ten times that of the AFL–CIO. And Ryor and Herndon oversee 1436 professional field organizers, who keep the political and legislative machinery well-oiled.

"Teacher Power." When Herndon became NEA's executive director in 1973, he set about building a huge political machine. One project was to beef up the newly formed Coalition of American Public Employes (CAPE), an umbrella group including the American Federation of State, County and Municipal Employes (AFL–CIO) and several other public-employe unions. Financed largely by NEA, CAPE has organized chapters in 21 states to promote political and legal action. And, come election time, CAPE orchestrates the march of its unions' four million members into political work.

Campaign consultant Matt Reese, hired to help NEA develop its "teacher clout," marveled at the potential: "Teachers are the ideal political organization. They're in *every* precinct." Indeed, NEA averages 4000 members in each Congressional district—and many elections turn on smaller margins than that.

Since 1972, NEA professionals have run an estimated 30,000 teachers through "political-action workshops," in some cases giving them graduate-study credit for taking the program. The union offers political candidates privileged access to these trained battalions. In every state, the NEA has set up political-action committees (PACs). At election time, screening committees quiz candidates, and once PAC endorses a candidate, its chairman uses the NEA "talent-inventory" files to provide campaign managers with volunteers for every imaginable task, from stuffing envelopes and manning telephone banks to chauffeuring voters to the polls. "We can elect friends of education and un-elect foes," boasts Ryor.

Is he right? Sen. Claiborne Pell (D., R.I.), chairman of the Senate education, arts and humanities subcommittee, candidly admits that he owes his 1972 relection to "teacher power": "Before they arrived, I was a two-to-one underdog. Then an army of teachers began knocking on thousands of doors and making thousands of phone calls, and I won by 33,000 votes. You can be sure," he concludes, "that I will continue to fight in Washington for a better deal for education."

"A Good Thing." The teachers' special capacity for organizing and motivating people is awesome—and there is money, too. In 1976, NEA-PAC and the state PACs funneled an estimated $3 million into federal, state and local campaign coffers, with notable effect. For example, the Michigan Education Association helped elect three-fourths of its chosen candidates for the House by pouring $138,000 into their campaigns—$36,000 more than the giant United Auto Workers, long the biggest powerhouse in Lansing.

Writing in the NEA's official journal, the *Reporter*, Ryor has urged every teacher to contribute to the 1978 Congressional campaign: "We've got a good thing going politically Let's keep it going." By August, NEA-PAC had raised $536,000 to ladle out before Election Day. And NEA's state and local PAC's have raised an estimated $2.5 million for their own war chests.

Calling the Tune. What is NEA's ultimate political and economic powers of the U.S. goal? Herndon is blunt: "To tap the legal, Congress. We want leaders and staff with sufficient clout that they may roam the halls of Congress and collect votes to re-order the priorities of the United States of America."

NEA's drive for a Cabinet education department is part of this reordering. As a separate, Executive Branch pipeline into the budget process, such a department would help to achieve the aim of swelling the federal share of the nation's education spending to a third of the total. NEA's campaign-aid dispensers would also be better able to influence state and local officials.

For example, in 1976 then-Senator Walter Mondale (D., Minn.) * and Sen. Alan Cranston (D., Calif.) sponsored an obscure, complex provision that now appears as part of a 161-page law called the Education Amendments of 1976. This provision, largely written by NEA, authorized a new three-year-grant program of up to $203 million for "teacher centers" that would take responsibility for local in-service teacher training and curriculum development. The hooker: Each center had to be run by a "policy board" manned by a majority of teachers (meaning, almost everywhere, NEA members). Neither Senate nor House seems to have held a single hearing to find out whether such centers actually need federal financing—or *why* Washington should try to induce elected school boards to turn over their own statutory duties to non-elected union officials. Crowed the NEA: "For the first time, federal law has cut teachers into policymaking."

Demographic Dynamite. Fueling the NEA's turn to political militancy are radical changes in the composition and prospects of the nation's 2.2 million public-school teachers. In the 15 years between 1961 and 1976, there were relatively few senior teachers from the low-birth years of the 1930s to replace retirees. The gap was eventually filled by young teachers born in the postwar baby boom. But just as these eager fledglings began to pour out of college, school enrollments dropped in response to post-1961 birth declines.

This was a sure-fire demographic recipe for explosion. For several years, school boards avoided reductions. But in 1975–76 they issued layoff notices to 61,000 teachers. Some were rescinded as the boards scraped up additional funds, but the notices had sent a chill through all teachers. That school year, strikes hit a record 203, most of them led by the NEA.

Although the current school year began with 20,000 fewer teachers than last year, public schools now employ 177,000 *more* teachers than in 1969–70, for 2.7 million *fewer* pupils. Says a National Institute of Education school-finance expert: "For years, policymakers have been told, 'More kids cost more money.' Now they're asking, 'Why don't fewer kids cost *less* money?'"

To counter this pressure, the NEA is demanding that class size be limited to 15 pupils (the current mean is 25). This move would require hiring hundreds of thousands of additional teachers. NEA also wants a national $15,000-a-year minimum salary for starting teachers with bachelor's degrees, rising to $34,500 in ten years for those with master's degrees.

"Teachers are more dependent than ever on their ability to concentrate power on the federal decisionmakers," proclaims Herndon. "One thing no school board can manufacture is money." But Congress can and does manufacture money, especially when surrounded by special pleaders with political muscle. The legislators can cry "aye" on appropriations "for education," without voting for taxes to pay the bill; those "taxes" then come via inflation.

Power elite. Americans—and teachers above all—should look carefully before rushing headlong to the Potomac power brokers for educational salvation. Of course, the NEA can more easily move a few dozen key Capitol Hill committeemen, whose election campaigns it has backed, than it can move 50 state legislatures and 16,000 school boards. But is this really in the best interests of teachers?

In his 1976 nomination-acceptance speech, President Carter declared, "Too many have had to suffer at the hands of a political and economic elite who have shaped decisions and never had to account for mistakes." If the alliance now building among Capitol Hill politicians, the White House and the NEA's power brokers continues to grow, decisions for America's teachers—and for pupils, parents and taxpayers, too—will more than ever be made by a permanent Potomac power elite. Which would deliver a mortal blow to our traditional system of grass-roots control of education.●

THE IRS AND THE TAX EXEMPT STATUS OF PRIVATE SCHOOLS AND OTHER CHARITABLE INSTITUTIONS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. DORNAN. Mr. Speaker, the opportunity, indeed, the privilege, to express one's views freely and openly goes to the heart of our political tradition, a tradition characterized by deliberation and that exercise of reason which is the bond of civil society. As the philosopher has said:

> Civilization is formed by citizens locked together in argument. From this dialogue the community become a political community.

Today, Mr. Speaker, Members of Congress are engaged in a dialog, if not indeed, locked in argument, with the Internal Revenue Service over certain fundamental propositions regarding the very nature and function of private, voluntary institutions and associations and their role in a democratic society. Because of the breadth and the complexity of the issues involved as well as the constraints of time for testimony, the focus of my testimony will be on the nature and purpose of tax exemptions and charitable deductions with particular attention to the distinction between Federal assistance, that is, subsidies, and tax exemption. My testimony is in light of the bill that I have introduced, H.R. 1002, which amends the Internal Revenue Code of 1954 to provide that the tax exemption of certain charitable organizations under 501(c)(3) and the allowance of a deduction for contributions to such organizations shall not be construed as the provision of Federal assistance, that is, Federal subsidies. This is to make original legislative intent in this matter unequivocally clear.

Mr. Speaker, one of the governing assumptions of the proposed IRS rulings, and central to this entire controversy (based primarily on the Federal court case of *Green* vs. *Connally*, 330 F. Supp. 1150 (1970)) is that tax exemption, Federal assistance, and Federal subsidies are one and the same thing. Since the IRS equates tax exemption with Federal subsidies, it argues that tax exemption may be denied to private schools and, by logical extension, to other private organizations, if such organizations do not conform to "public policy" (as interpreted, of course, by an unelected IRS official). Implicit in such an assumption, of course, is that nontaxation of certain organizations is somehow an abnormal condition, that the Government has the right and the duty to tax everything that lives and moves and has being. Anything that escapes taxation, according to this logic, is therefore conceived to be enjoying some kind of special privilege or immunity at the expense of the rest of society. I submit, Mr. Speaker, that such an assumption is thoroughly totalitarian in nature and at variance with our entire Anglo-Saxon legal tradition which holds to the proposition that the State is made for man, not man for the State. Let us, for a moment, examine that legal tradition as it relates to the nature and purpose of tax exempt institutions.

While the history of Federal tax exemption for charitable organizations dates back to 1894, the practice of exempting schools and religious organizations can be traced back to the British Statute of Charitable Uses of 1601 and to early state constitutional provisions (see Congressional Research Service—November 7, 1978). In the celebrated Supreme Court case of *Walz* vs. *Tax Commission of the city of New York*, 397 U.S. 664 (1970), Chief Justice Burger in his majority opinion, referring to tax exemption of religious bodies, wrote: "'All of the 50 States provide for tax exemption of places of worship, most of them doing so by constitutional guarantees.

"For so long as Federal income taxes have had any potential impact on churches—over 75 years—religious organizations have been expressly exempt from the tax. Few concepts are more deeply embedded in the fabric of our national life, beginning with pre-Revolutionary colonial times, than for the Government to exercise at the very least this kind of benevolent neutrality toward churches and religious exercise generally, so long as none was favored over others and none suffered interference. It is significant that Congress, from its earliest days, has viewed the Religion Clauses of the Constitution as authorizing statutory real estate tax exemption to religious bodies," (pp. 676–77). If it be objected that the *Walz* case applies only to churches and not to schools, it is important to note that, in his opinion, the Chief Justice employs the phrase "toward churches and religious exercise generally * * *." The Supreme Court case of *Lemon* vs. *Kurtzman*, 403 U.S. 602, 609 (1970) found that Christian education is a religious activity protected by the first amendment. As Justice Douglas noted:

> The raison d'etre of parochial schools is the propagation of a religious faith, (p. 628).

Why, one wonders, should there be such an overwhelming consensus about the desirability of exempting charitable organizations (as defined under 501(c) (3) of the IRS Code), particularly religious organizations and schools? Two reasons, I would argue, may be cited: First, a practical consideration, taking into account the nature and purpose of tax exemption; second, a philosophical consideration which recognizes the vital and dynamic role of voluntary organizations in a democratic society.

The practical justification for exempting charitable organizations from Federal taxation is a recognition of the fact that they are nonprofit, nonwealth producing entities. As Professors Bittker and Rahdert of Yale University point out:

> *The exemption of non-profit organizations from federal income taxation is neither a special privilege nor a hidden subsidy. Rather, it reflects the application of established principles of income taxation to organizations which, unlike the typical business corporation, do not seek profit,"* (Boris I. Bittker and George K. Rahdert, "The Exemption of Non-profit Organizations from Federal Income Taxation," 85 *Yale Law Journal*, at 299, (1976), emphasis added).

To put the matter somewhat differently, the purpose of charitable organizations is not to generate wealth; it is, rather, to pursue common needs and shared interests which more often than not redound to the benefit of the community. To tax nonprofit organizations would be pointless since they are not in any meaningful sense producers of monetary wealth. Moreover, and most importantly, the tax exempt status of nonprofit organizations is not an act of injustice toward the rest of society, requiring it to pick up the added burden. One the contrary, each of the members of such entities already pays his or her share of taxes.

It would, in fact, be "double taxation" if members of nonprofit organizations were to be taxed again for the time, effort, and money contributed to activities from which they derive no monetary gain. Such "double taxation" would, indeed, work to discourage the founding of nonprofit organizations. As the Supreme Court has noted in the *Walz* case (as cited previously):

> Governments have not always been tolerant of religious activity, and hostility toward religion has taken many shapes and forms—economic, political, and sometimes harshly oppressive. Grants of exemption historically reflect the concern of authors of constitutions and statutes as to latent dangers inherent in the imposition of property taxes; exemption constitutes a reasonable and balanced attempt to guard against those dangers . . . *Elimination of exemption would tend to expand the involvement of government by giving rise to tax evaluation of church property, tax liens, tax foreclosures, and the direct confrontations and conflicts* that follow in the train of those legal processes, (pp. 673–4, emphasis added).

We come now to the philosophical and, ultimately, more fundamental, justification for the tax exemption of charitable institutions: The role of voluntary associations in a democratic society.

Mr. Speaker, the prominent role that voluntary associations play in the United States has been commented upon by that keen observer of the American way of life, Alexis de Tocqueville. In his classic work, "Democracy in America," de Tocqueville notes that:

> Americans of all ages, all conditions, and all dispositions constantly form associations. . . . The Americans make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner they found hospitals, prisons and schools. . . . Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America," (Democracy in America, New York: Alfred Knopf, 1966, pp. 106 and 110).

The rich associational life of the United States, Mr. Speaker, provides a vehicle through which individuals may voluntarily participate to attain objectives which neither Government nor business is attaining or perhaps can attain. "Whenever a need is felt, a wrong is seen, a hope is envisioned, citizens can mobilize around it and bring their shared objectives to fulfillment. Without such vigorous voluntary organizations, society would be an amorphous mass of isolated, and therefore weak individuals—which apparently some people would like, for such a society would be much easier to manipulate and control * * * (voluntary organizations) give to democracy its vigor and reverberance. They provide the basis for resisting an oppressive Government and correcting its excesses * * * it is the prerogative of the people, through their voluntary organizations, to scrutinize and stimulate, correct and countervail their Government (Dean Kelley, "Why Churches Should Not Pay Taxes," New York: Harper & Row, 1977, pp. 28–29). Justice Brennan in his concurring opinion in *Walz* (as cited previously) observed:

> Government has two basic secular purposes for granting real property tax exemptions to religious organizations. First, *these organizations are exempted because they, among a range of other private, non-profit organizations, contribute to the well-being of the community in a variety of non-religious ways*, and thereby bear burdens that would otherwise either have to be met by general taxation, or left undone, to the detriment of the community . . . *Secondly, government grants exemptions to religious organizations because they uniquely contribute to the pluralism of American society by their religious activities. Government may properly include religious institutions among the variety of private, non-profit groups that receive tax exemptions, for each group contributes to the diversity of association, viewpoint, and enterprise essential to a vigorous, pluralistic society,* (pp. 687–89, emphasis added).

We come now, Mr. Speaker, to the heart of the problem, the core of the controversy between the IRS and Members of Congress opposed to the proposed ruling. We challenge the assumption on the part of the IRS that tax exemption of organizations under 501(c)(3) of the Internal Revenue Code and the allowance of a deduction for contributions to such organizations, is a form of Federal assistance, that is, Federal subsidies, subject to revocation if not in accord with so-called "public policy." Once again, this is a purely totalitarian assumption which holds that the State or government owns all wealth. As Boris Bittker, Sterling Professor of Law at the Yale Law School points out, when Congress wrote the first modern income tax statutes, the Revenue Act of 1894 and the Revenue Act of 1913, only "net income" was to be taxed, thus excluding all nonprofit organizations, which have no net income. Professor Bittker goes on to explain:

> Neither the "net income" concept nor the "ability to pay" rationale for income taxation can be satisfactorily applied to charitable organizations. If our analysis and conclusions are well founded, *the exemption of these organizations from income tax is not a preference or a special favor, requiring affirmative justification, but an organic acknowledgement of the appropriate boundaries of the income tax itself . . . If non-profit organizations do not have "income" in the ordinary sense, as we have argued, their exemption from income taxation is not properly classified as "government aid" raising an establishment clause problem; it is, rather, a normal or even inevitable corollary of the economic and philosophical foundation on which the income tax itself rests,* (*Yale Law Journal*, as cited previously, pp. 333, 345, emphasis added).

Justice Brennan in his concurring opinion in the Walz case makes a vitally important distinction between tax exemptions and subsidies. Tax exemptions and general subsidies, however, are qualitatively different. Though both provide economic assistance, they do so in fundamentally different ways. A subsidy involves the direct transfer of public moneys to the subsidized enterprise and uses resources exacted from taxpayers as a whole. An exemption, on the other hand, involves no such transfer. It assists the exempted enterprise only passively, by relieving a privately funded venture of the burden of paying taxes. In other words, in the case of direct subsidy, the State forcibly diverts the income of both believers and nonbelievers to churches, while in the case of an exemption, the State merely refrains from diverting to its own uses income independently generated by the churches through voluntary contributions. Tax exemptions, accordingly, constitute mere passive State involvement with religion and not the affirmative involvement characteristic of outright governmental subsidy," (p. 691).

Mr. Speaker, it is of utmost importance to stress the operational distinctions between a tax exemption and a subsidy: First, in a tax exemption, no money changes hands between Government and the organization; second, a tax exemption, in and of itself, does not provide one cent to an organization; without contributions from its supporters, it has nothing to spend. Government cannot create or sustain—by tax exemptions—any organization which does not attract contributions on its own merits; third, the amount of a subsidy is determined by a legislature or an administrator; there is no amount involved in a tax exemption because it is open-ended; the organization's income is dependent solely on the generosity of its several contributors, each of whom freely and individually determine how much she or he will give; fourth, consequently, there is no periodic legislative or administrative struggle to obtain, renew, maintain, or increase the amount, as would be the case with a subsidy; the energies of the organization are not expended in applying for, defending, reporting, qualifying, undergoing audits and evaluations, et cetera, and the resources of Government are not expended in administering them; fifth, a subsidy is not voluntary in the same sense that tax exempt contributions are. When the legislature taxes the citizenry and appropriates a portion of the revenues as a subsidy to an organization, the individual citizen has nothing determinative to say as to the amount of the subsidy or the selection of the recipient; sixth, a tax exemption does not convert the organization into an agency of State action, whereas a subsidy—in certain circumstances—may (for the preceding enumerations, see Dean M. Kelley, as cited previously, pp. 33–4).

Parenthetically, I might add that the assumption that tax exemption, Federal assistance, and Federal subsidies are synonymous is troublesome for another reason. Recently, tax exempt status has been granted for organizations sympathetic toward such practices as witchcraft, homosexuality, and abortion (see Revenue Rulings 78–305 and 73–569). Are we, in effect, subsidizing such groups while questioning the legitimate and integral function of church related schools (see Supreme Court ruling of Lemon against Kurtzman cited earlier)? And will there truly be minority requirements based on race for organizations oriented toward gay rights, witchcraft, and abortion?

In addition to tax exemption, Mr. Speaker, some organizations benefit from contributions which donors can deduct from their taxable income before paying income tax. Among them are the organizations that are exempt from income tax under section 501(c)(3) of the Internal Revenue Code. When an organization loses its tax exemption, what is usually meant is not that it loses its tax exemption, since it usually qualifies for continued exemption under section 501(c)(4) or one of the other categories of section 501(c), but that its contributors are no longer able to deduct contributions to it from their taxable income.

Deductibility of contributions is a significant incentive to contributors, particularly those in higher income brackets, and it is justified by the consideration that they do not benefit personally from the contribution in the way that they would from dues paid to a labor union or shares in a credit union. Deductibility means that not only does the Government not claim a share of the contributions made to an organization after they reach the organization, but it abstains from taxing the donor on them before they reach the organization. The Commission on Private Philanthropy and Public Needs, known also as the Filer Commission, a prestigious private group, provides the following justification for the charitable deduction:

> The charitable deduction is a philosophically sound recognition that what a person gives away simply ought not to be considered as income for purposes of imposing an income tax. There is no fixed definition of income; it is a concept that acquires meaning by the context in which the term is used. In the context of personal income taxation, the commission believes it is appropriate to define income as revenue used for personal consumption or increasing personal wealth and to therefore exclude charitable giving because it is neither. . . . We think it entirely appropriate, in other words, for the person who earns $55,000 and gives $5,000 to charitable organizations to be taxed in exactly the same way as the person who earns $50,000 and gives away nothing," (*Giving in America: Toward a Stronger Voluntary Sector*, 1975, p. 128; for above discussion of deductions to charitable organizations, see Dean M. Kelley, as cited previously, pp. 34–35).

Finally, Mr. Speaker, I indicated earlier that the core of the controversy between the IRS and Members of Congress involves not only the assumption that tax exemption, Federal assistance, and Federal subsidies are one and the same thing, but that tax exemption would be subject to revocation by the IRS if the practices of organizations falling under 501(c)(3) were not in accord with "public policy" as interpreted by the IRS. The most devastating critique of such an untenable assumption is to be found in the recent Federal district court case (December 26, 1978) of Bob Jones University against United States of America (Federal district court of South Carolina, Greenville division). I respectfully urge all members of this subcommittee to carefully read and reflect upon the singular opinion issued by Judge Robert F. Chapman. I would like, at this time, to cite some highly pertinent passages from the decision.

Judge Chapman pointed out that:

> Although the purpose of the government's construction of 501(c)(3) may be considered secular in nature in that it promotes federal public policy, a primary effect is the inhibition of those religious organizations whose policies are not coordinated with declared national policy and the advancement of those religious groups that are in tune with Federal public policy. Instead of all religious organizations being on the same footing as was the case in *Walz*, the Government's construction of the section would saddle the burden of taxation only on those religious organizations whose procedures conflict with Federal public policy. One form of the oppression of religion by government is the taxation of it (Committee for Public Education vs. Nyquist, 413 U.S. 756.793, 37 L.Ed. 2d 948, 93 S.Ct. 2955 (1973)) . . . The construction of 501(c)(3) argued by the government would do away with the general grant of tax exemptions to all religious organizations, which was found in Walz to constitute an act of benevolent neutrality, and, in effect, transforms the statute into a law that provides a special tax benefit, because favorable tax status will be accorded only to some, not all, religious organization. . . . The effect is to strengthen those religious organizations whose religious practices do not conflict with Federal public policy *and to discriminate against those religious groups* whose convictions violate these secular principles. The unavoidable effect is the law's tending toward the establishment of the approved religions, (p. 16, emphasis added).

The intent of congressional legislation regarding section 501(c)(3) is of central importance in this case. Judge Chapman goes on to note:

> *Defendant* (in this case the U.S. Government) *acknowledges that the limitation which it has attached to 501(c)(3)*, that an organization qualifying under one or more of the listed exempt purposes may be denied exemption if its practices violate public policy, *has no support in the language of the section*. The construction which the IRS has placed on 501(c)(3) troubles this Court. * * * This court concludes that defendant's interpretation cannot be sustained, (p. 18, emphasis added).

With regard to the notion of public policy, as being an overriding consideration, Judge Chapman continues:

> This Court disagrees with defendant and detects that there does exist a competing consideration underlying 501(c)(3) that must be weighed against public policy limitations. Defendant recognizes in its argument that the legislative intent behind this section was that exemptions should be granted to those organizations formed for the listed purposes, because they provide a reciprocal benefit to the public. *The desire of Congress not to tax religious and educational organizations that, presumptively, benefit society, does represent a competing consideration in this case to counterbalance the presumption against congressional intent to encourage violation of declared public policy.* * * * In the course of defendant's argument that there is no competing consideration to offset the public policy exception, defendant suggests that, because it has determined plaintiff racially discriminates, plaintiff does not benefit the public and, thus, does not merit exemption. The Court considers defendant's logic on this point as somewhat of a non sequitur. * * * *Public policy is many faceted*, one facet of which is that society may provide relief from taxation to those organizations, such as plaintiff religious organization, that are of benefit to the public. The good resulting to the public from these groups depends upon the fulfillment of their purposes. Because one of these organizations may have, in an area of its operations, engaged in conduct, that might not have been completely in line with some other aspect of public policy does not automatically mean that the public no longer benefits from the organization (p. 23, emphasis added).

Now for the most devastating part of Judge Chapman's critique. He cites the Supreme Court case *Commissioner* vs. *Tellier*, 383 U.S. 687 (1966):

> *We start with the proposition that the federal income tax is a tax on net income, not a sanction against wrongdoing. That principle has been firmly imbedded in the tax statute from the beginning.*

He goes on to point out:

> The deduction and exemption provisions of the Code, where Congress has been wholly silent, are to be applied equally without regard to whether the taxpayer has committed an illegal act or violated public policy. . . . In these administrative pronouncements the IRS, in effect, announced that it will implement 501(c)(3) on the basis of whether the taxpayer has abided by federal law or public policy. The section is to become the IRS's mechanism for disciplining wrongdoers or promoting social change. The Supreme Court ruled in *Tellier* that use of the tax law for the former purpose is improper and it follows that the same rule would apply to the latter. In addition, *the Court is concerned by the many dangers inherent in defendant's interpretation that exemptions may be revoked for violations of federal public policy. Federal public policy is constantly changing. When can something be said to become federal policy? Who decides? With a change of federal public policy, the law would change without congressional action—a dilemma of constitu-*

> *tional proportions. Citizens could no longer rely on the law of 501(c)(3) as it is written, but would then rely on the IRS to tell them what it has decided it to be for that particular day. Our laws would change at the whim of some nonelected IRS personnel producing bureaucratic tyranny,* (p. 25, emphasis added).

Judge Chapman argues to the point, and conclusively, when he notes that—

> *It is not permissible to construe a statute on the basis of a mere surmise as to what the Legislature intended and to assume that it was only by inadvertance that it failed to state something other than what it plainly stated,* (United States vs. Deluxe Cleaners and Laundry, Inc., 511 F. 2d 926, 929 (4th Cir. 1975)). *In enforcing a construction of the statute which is unwarranted by its legislative history or express terms, the IRS has overstepped its authority and usurped that of Congress. . . . It is the province of Congress, not the IRS, to make the federal tax laws. . . . Should Congress desire to change the law, it may do so in keeping with the Constitution. This Court cannot, and will not, approve changes in the law by an administrative agency that completely bypasses the legislative process,* (p. 28, emphasis added).

Mr. Speaker, the noted English author, Lewis Carroll, in his immortal classic, "Through the Looking-Glass," conveys a profound understanding of human nature which is highly pertinent to our own discussion. I would like to quote the following between Alice and Humpty Dumpty:

> When I use a word, Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether you *can* make words mean so many different things." "The question is," said Humpty Dumpty, "which is to be master—that's all."

The issue at hand is clear, Mr. Speaker. Is Congress or the unelected IRS going to make the Federal tax laws in a republican form of Government? I hope my testimony has been helpful in answering that question unequivocally.●

TRIBUTE TO LEO RYAN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to pay tribute to my colleague, the late Leo Ryan.

Leo had an independent spirit which always led him to seek information firsthand. Among the investigations he pursued were California prison conditions, an on-scene look at South Vietnam, and a Newfoundland venture to witness the slaughter of baby seals. It was this drive for firsthand information that led to his tragic fate in Guyana.

The lesson to be learned from Leo's outstanding congressional work comes from a statement he made on the eve before his trip to Guyana: "You have to put fear aside and do what you think is right."

I shall greatly miss Leo and am fortunate that I had the experience of working with him in Congress.●

LIBYA, INTERNATIONAL TERRORISM AND AN EXCHANGE ON CAPITOL HILL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1979

● Mr. McDONALD. Mr. Speaker, on February 8 I was among the Members of Congress who took advantage of the opportunity to meet with a leading Libyan Government official, Mr. Ahmed Shahatti, head of the Foreign Liaison Bureau of the General Secretariat of the Libyan People's Congress. Mr. Shahatti also holds what is perhaps an even more significant post, that of secretary-general of the Organization of Progressive Socialists of the Mediterranean Basin (OPS).

Mr. Ahmed Shahatti is the right-hand man of Libyan dictator Col. Muammar Qaddafi and serves as Qaddafi's principal international strategist, theoretician, and organizer of the Libyan international revolutionary terrorist apparatus with which Qaddafi is attempting to export his version of a world socialist revolution. The mechanism for a significant part of that world revolutionary process is Shahatti's OPS, which he has stated is attempting to "establish liaison groups, people to people committees, * * * all over the world," not just in the Mediterranean.

Colonel Qaddafi has been quite specific as to the real purpose of this network of committees, which he describes less "diplomatically" but far more forthrightly as "revolutionary committees." According to Colonel Qaddafi:

> The revolution will begin with groups of people * * *. The mission of the revolutionary committees is to be everywhere, secret or public, according to the circumstances of the various countries, to carry out the duty of urging the masses to revolt in order to seize power and destroy any tool in the way, including political parties.

However, the Shahatti version of the purpose of OPS is this:

> The strategy of this office is not only to create better communication between Libya and the people on the Mediterranean, but also with the people in other countries in the world. Our main objective is to set up committees to establish peace and progress for all people.

Indeed, since the Government of Libya represented by Mr. Shahatti has said it wants to establish diplomatic and economic relations with our country yet the evidence is that Libya is if anything increasing its support for Soviet-sponsored Marxist terrorist groups, particularly those that have participated in the overthrow of the Government of Iran, I prepared briefing sheets for each of my colleagues who attended the meeting with Mr. Shahatti. The briefing materials included a number of questions I intended to ask him, together with the documentary evidence in the form of statements by the Libyan Information Minister on January 30, 1979, obviously reflecting the current Government of Libya line, and some examples of the rabidly inflammatory broadcasts being made to Iran over the Radio Tripoli transmitter.

I asked Mr. Shahatti:

> There have been many reliable reports that members of the Baader-Meinhof Gang, sometimes known as the Red Army Fraction, of West Germany, the Japanese Red Army, the Irish Republican Army and representatives of various Palestinian terrorist groups have been funded by Libya, assisted in their travel towards targets by Libyan security services, and trained in your country.
>
> Without exception, all of the groups that I have named are terrorist organizations. Is it the policy of your government to support international terrorism?

Just as has Colonel Qaddafi, Mr. Shahatti freely admitted that Libya had supported the Irish Republican Army (IRA), but insisted that such support was now ended. However, he falsely denied having supplied assistance to members of the Japanese Red Army (JRA) and the Red Army Fraction (RAF). As for the groups that comprise the Palestine Liberation Organization (PLO), Mr. Shahatti said that Libya supported their "struggle" or goals "in principle."

On the narrow issue of aircraft hijacking, Shahatti allowed that such actions were indeed acts of terrorism, but gave the usual excuse in denying that Libya backed terrorism by claiming that Libya exercised no control over what the individual groups did with materials they gave and saying that he disapproved of some actions committed by these groups.

Shahatti tried to persuade us that we did not really understand what terrorism was, that what Libya supported was "resistance" by "liberation movements" and that those actions were not terrorism because the violence was "against imperialism and all of the colonial regimes in the world."

In other words, for the Libyan regime and its theoreticians, any violence aimed at overthrowing the Western governments of the free world are not terrorism but "resistance to imperialism and colonialism." I maintain that this position is totally unacceptable in a civilized society. All reasonable persons, I believe, will agree with me that "terorism is a violent attack on a noncombatant segment of the community, for the purpose of intimidation to achieve a political or military objective."

Under that definition, the actions of the revolutionary power seekers backed by Libya are clearly terrorists, not "freedom fighters."

I told Mr. Shahatti that I had reliable reports that Libya had given funds to a British Trotskyite group called the Workers Revolutionary League, whose best known member is actress Vanessa Redgrave; and I asked him whether Libya was funding this group's U.S. affiliate, the Workers League, which has taken a very pro-Qaddafi line over the past 2 years, as had the U.S. Labor Party. At this point Shahatti admitted funding the English Trotskyite group, but became most unresponsive when I asked him further about financing U.S. extremist and revolutionary groups.

When pressed still further by inquiries as to what sort of control Libya exercised over the activities of these organizations it funded, Shahatti retreated into vague demurrers claiming not to be familiar with the details of the groups, the controls exercised, any agreements as to services they might render or other controls.

Asked about the broadcasts of the so-called Radio of the Patriots that broadcast during January the most vitriolic attacks on the United States and called for the overthrow of the former government of Iran that was firm in its friendship for this country as a means of striking at "American imperialism," the Libyan official claimed to be unfamiliar with them although they are broadcast over Radio Tripoli's normal frequencies daily.

In conclusion, I would like to note the statements made by Colonel Qaddafi in an interview published by the Beirut newspaper, Al-Kifah Al-Arabi, on February 7, 1979, but which I did not have available at the time of meeting with Mr. Shahatti. According to Colonel Qaddafi:

> The Iranian revolution is a real volcano which erupted in the area***. Its effect can not be prevented, as it is only natural for volcanos to cause earthquakes which cannot be stopped by pacts and alliances. Egypt, Saudi Arabia, the Arab Gulf and most countries surrounding Iran will definitely be exposed to earthquakes and new structures.

The Libyan intent to fully collaborate with the Soviet bloc and its allied radical Arab States—Algeria, the People's Democratic Republic of Yemen (Aden), Afghanistan, Iraq and now Syria—in overthrowing the governments of the Arabian Peninsula, Jordan and Egypt is quite plain.

I believe that this country must pay grave attention to this statement of intent by the Libyan leader and thus must reject any extension of diplomatic recognition or of economic assistance to the current Libyan Government which is manifestly hostile to every aspect of the free world.

For the sake of completeness, and for the information of my colleagues, here are the other questions I prepared for Mr. Shahatti which he declined to answer at the meeting, together with the background material upon which those questions were based.

I asked:

> Mr. Shahatti, on January 30, Kuwait Radio broadcast an interview with the Libyan Information and Culture Minister, Muhammad Abu al-Qasim az-Zuwayy, and I quote to you what he said:
>
> Replying to a question regarding reports that Libya exports revolutions and arms to many troublespots in the world, Muhammad az-Zuwway said: "We are proud to be so accused. We assert to the whole world that we provide material, moral and political support to every liberation revolution in the world, but we do not interfere in other countries' internal affairs. Libya has helped and is continuing to help Muslim rebels in the Philippines, the people of Zimbabwe and the revolution in Iran."
>
> The rebels in the Philippines are clients of Red China, in Zimbabwe those that your country are helping are Marxists, working to the directions of Moscow. In Iran, much the same is true with the Soviet Union using the Moslem religion as a cover for their activities.
>
> If you seek friendship and trade with the United States why does your country support our enemies?
>
> And a second question on the same interview: your Minister stated that Libya's relationships with the Soviet Union were "strong" because they aided the "Palestinian people." We know that this aid includes the supply of weapons to the PLO—does this mean that your government advocates terrorism as well as revolution?

Mr. Shahatti declined to answer the issues raised by these questions.

Regarding the anti-American subversive broadcasts being made by the Voice of the Patriots in Persian over Radio Tripoli, I asked the following question:

> Mr. Shahatti, the assistance that your country provides to the rebels in Iran includes the beaming of radio propaganda into that country.
>
> In particular, I refer to the Radio of the Patriots that goes on the air daily (at 16:00 hours GMT) from Radio Tripoli. Calls go out from your controlled radio station calling on the Shah's army to revolt against its officers, for the establishment of "workers' assemblies" and encouragement to the strikers and rioters.
>
> Radio of the Patriots also provides Iran with a daily diet of lies about the United States and must take responsibility for some of the attacks on American civilians and our Embassy.
>
> Before we talk to you about trade, may we have your assurance that you will try to stop this "assistance" to Iran and these attacks on our country?

Mr. Shahatti claimed to have no knowledge of the matter. Sample Radio of the Patriots broadcasts and summaries are attached:

Radio of Patriots Calls for Workers Assemblies

TA261831 [Editorial Report TA] Radio of the Patriots [Clandestine] in Persian to Iran at 1615 GMT on 24 January concludes the evening's program with a commentary entitled: "The Role of the Workers Assemblies [shuraha-ye enqelabi] in Achieving Victory in the Iranian Revolution." The commentator begins with the observation that "the movement of the masses of the Iranian people" is gaining momentum and spreading its roots, and is continuing the struggle dedicated to the total destruction of the shah's regime and its ties to imperialism.

The announcer says: The "vast strikes and the people's demonstrations" have caused a serious crisis in the ruling class and have shaken the basis of the monarchy and of imperialism. At this time the revolutionary workers must achieve the cooperation of the various struggling strata of society and of the different classes. "At the same time as these strikes, the cresting wave of demonstrations and conflicts in the streets—(which have included) an attack on the American Embassy and on the other imperialist and Zionist installations—has shown the seriousness of the Iranian revolution" against world imperialism, and American imperialism in particular.

The strikes of the oil workers have been a particularly worthy contribution toward the destruction of the regime. During the past few days, the power of the oil workers has been felt beyond the borders of the nation, and they have scored a blow against the imperialism of America, Japan, and others—including the racist regime of South Africa and the Zionists of Israel—all of whom are primary importers of Iranian oil. This past year has taught the workers that they will never be free under the rule of the shah. Now the time has come for the working class to organize for the final struggle.

At this time one key step toward preparing for the final victory is the formation of workers assemblies, which is the essential way to organize the struggle of the working class. The role of the worker is essential in the future of the revolution. "Thus, by establishing the workers council and assemblies [anjomanha va shurahave karkonha] a great historical groundwork" will be prepared for the coming generations of mankind. In circumstances where the relationships in the factory are those of the exploiter and the exploited, the worker does not have freedom and democracy. With the workers councils and assemblies the revolution can spread.

In the historical period of Iran's constitutional struggle, there were numerous examples of councils and assemblies. Of course, the circumstances then and now are quite different, "but still it is essential in the current circumstances to move the Iranian revolutionary movement forward through the formation of workers assemblies [shuraha-ye kargari] in the factories, peasants assemblies [shuraha-ye dehqqani] in the villages, soldiers assemblies [shuraha-ye sarbazan] in the bases and in (?all) the other economic and social organs in Iran. Let the assemblies of the masses of the toiling people of Iran spread!"

Radio of Patriots: Ford Mideast Trip Reflects Plot

TA261953 Radio of the Patriots [Clandestine] in Persian to Iran 1615 GMT 26 Jan 79 TA.

[Text] According to reports from (?some) sources of the press association in Kuwait, American imperialism and the treacherous regime of As-Sadat and the runaway shah (?have initiated) a new plot against the struggling masses of the Iranian people. According to reports from these sources, this plot was planned in Aswan (?by using) Gerald Ford, the former president of America, and the runaway shah and Anwar as-Sadat.

These sources confirm that the Ford trip to Egypt took place at the request of Jimmy Carter, the current President of America, and that the plot was (?reviewed and approved) during the quadripartite conference of the leaders of world imperialism on the island of Guadeloupe.

Down with the plots of world imperialism!

Bases

TA291234 [Editorial Report TA] Radio of the Patriots [Clandestine] in Persian to Iran at 1615 GMT on 28 January carries a program of news and comment.

"News: All the respected news agencies and newspapers of the world are continuing to describe and analyze the 1-million-strong demonstrations yesterday of the people of Tehran and the demonstrations in other Iranian cities." These demonstrations have in fact been the referendum of the nation for the total destruction of the monarchy, and they have attracted the support of "all the world's freedom-loving people."

Although no lives were lost yesterday in Tehran, in other cities such as Gorgan, Sanandaj, Tabriz, Rasht, and Abadan the military forces fired on the demonstrators. The latest reports indicate that the shah's news agency has underestimated the number of those killed, and at least five people were martyred in Abadan alone. In Gorgan, four persons were martyred, not one as reported by the regime's news agency. Rasht saw several wounded. The situation in Sanandaj is still very unsettled, and the military forces are on alert and patrolling the streets. The brave people of Tabriz are continuing their demonstrations, and in last Friday's bloody demonstrations there five people were cut down by the military fire. According to reports, the brave people of Tehran and other cities are flocking to the hospitals to give blood for their wounded compatriots. "Glory to the struggling cooperation of the people of our nation!"

The report goes on to describe the insurrections within the military ranks, emphasizing reports from Dezful, Hamadan and particularly Esfahan: "Units of the air force in Esfahan have begun a revolt and the men are no longer reporting to their units."

The next item, datelined Tehran, explains that yesterday the American Embassy was surrounded by demonstrators protesting the interference of American imperialism in Iran. Next, mention is made of Prime Minister Bakhtiar's intention to meet with His Eminence Ayatollah Khomeyni. "This decision by Bakhtiar takes place as part of the same plot in which his government and the generals protecting his government decided to close the country's airports and prevent the return of His Eminence the Ayotollah to the nation."

Another news item discusses the closure of the Iranian Embassy in Ottawa by the staff in a gesture of solidarity with the Iranian demonstrators. Further demonstrations of solidarity have been reported by the people of the Greek island of Crete, where the population protested "the transfer of the American bases from Iran to the island." The announcer also scores Washington's open protection and support of the Bakhtiar government by providing the military of Iran with some 20,000 barrels of oil a day. The news portion of the broadcast concludes with a note that Jamaloddin Tehrani, the former chairman of "the so-called Regency Council," has left Paris for Brussels.

The commentary portion of the broadcast begins with a call for revolutionary violence which says:

"The persistent and unending struggle of the people of Iran have shoved the mercenary generals of the runaway shah with their tanks all the way back to the walls of their master's fortress. With firm steps and steady determination the masses are moving toward the sacred objective which lies ahead of them. The distinguishing characteristic of the current struggle of the brave people of our country is its aggressive [ta'arroz] nature, aggressive toward a wicked and disrupted enemy who understands nothing but violence [qahr] and heavy handedness [khoshunat]. In dealing with such an enemy the people are responding in the same spirit. Yes! The coarseness of reaction can only be answered with revolutionary violence! (?defenseless) people of our country are doing just that every day. This is the historical imperative of the current struggle of Iran."

The commentator goes on to explain that millions of people are now threatening to take up arms. The people are screaming for an end to oppression. It is the cry of men who have broken the shackles of imprisonment and will no longer tolerate the suppression of the past. "We are going forward! We shall offer up martyrs! With shoulders high [words indistinct] we shall go up against the bullets of the machineguns!"

The threat of millions to carry weapons teaches the daily lesson of the historical imperative which is being promoted by the masses of our nation. The masses have led the most radical struggle against a vile regime, and "revolutionary violence has been one of their fundamental elements. The declaration of the masses that they shall carry arms is the beginning of that (?unique) stage through which all the oppressed and (?defenseless) peoples of the world have passed in their victorious revolutions. [Words indistinct] the revolution is the labor of the masses. And the masses, and only the masses, are the builders of history. This is not a slogan but a truth that the millions of our masses are demonstrating daily through their ongoing struggle in the streets. Yes! Revolution is the labor of the masses and no successful revolution in history ever lacked the element of violence."

"When the ruling reaction has weapons in hand, the mass revolution has no choice but to carry arms. The reaction will never lay down its weapons with kindness and gentleness, but rather due to the firest of the mass revolution."

The announcer then reviews the recent demonstrations of Tehran University and in Rasht. He explains that reports coming from Iran indicate that the probability of further violence is very high. The news of the violent clashes is followed by a reading of the announcement by Khomeyni that he will never meet with Bakhtiar in his capacity as prime minister of Iran.

Radio of Patriots Urges Military Rebellion, People's Army

TA302040 [Editorial Report TA] Radio of the Patriots [Clandestine] in Persian to Iran at 1615 GMT on 30 January carries a commentary which urges the Iranian military to revolt against its officers and join ranks with the people of Iran in fighting the shah and imperialism. In its analysis of the current situation in Iran the commentary emphasizes that the destruction of the shah's army is not a simple matter and that the revolutionary forces cannot just wait for the soldiers to desert and join their ranks. On the contrary, the revolutionary forces must take an armed and aggressive posture and actively destroy the leaders of reaction.

"In order to draw out the hesitant individuals of the army, the revolutionary forces must initiate a totally committed struggle." "Work must be done within the ranks of the military, of course not among the mercenary and weak commanders of the army, but rather among the mass of the soldiers, among the NCO's and the lower-ranking officers, among those whose class interests make them fellow travelers of the revolution, and who without realizing it or by force have fallen into the trap of this antipeople [zed-e-khalq] organization."

"At the same time, the reactionary commanders of the army must be mercilessly eliminated. They must be identified as the primary and most dangerous enemy of the people. The masses must be armed, and the people must be made to understand the real and inimical nature of the army. An army of the revolution must be created to face the counterrevolutionary [zed-e enqelab] army." The masses must be prepared to destroy the counterrevolutionary army. "The brave response to the shah's antipeople army is not given with flowers. In order to counter the antipeople army of Mohammad Reza Shah, action must be taken with machineguns and against tanks. Bouquets of flowers will not do. (?Ardezuk) and Molotov cocktails must be used against the tanks of Mohammad Reza Shah!"

Yes, dear citizens, these days the army of Mohammad Reza Shah is in the trenches and it must be countered by the people's army in the opposing trenches. "The violence of reaction must be met by the violence of the revolution. Dear listeners, in tomorrow's talk we will speak to you again about the (?heroes from among) the officers and the free and (?noble) NCO's who are up against the antipeople army of the shah, and about the recent spread of rebellion [tamarrod] in its ranks."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 1, 1979, may be found in the Daily Digest of today's Record.

Meetings Scheduled

MARCH 2

9:00 a.m.
Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation to renew programs administered by the Alcohol, Drug Abuse, and Mental Health Administration, HEW.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1981 for the National Science Foundation.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
To hold hearings to review proposed authorizations for FY 1980 for the Environmental Pollution Agency, with a view to making recommendations thereon to the Budget Committee.
4200 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the programs of the Office of Federal Procurement Policy.
3302 Dirksen Building

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on Federal credit programs.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume hearings on the objectives that a national policy on tourism should seek to achieve.
5110 Dirksen Building

MARCH 5

9:30 a.m.
Environment and Public Works
To hold hearings on proposed reauthorization for the Anadromous Fish Conservation Act (P.L. 89-304).
4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on Federal programs to combat cancer.
4232 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1318 Dirksen Building

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.
5302 Dirksen Building

Budget
To resume hearings in preparations for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AM TRAK), and on proposed route restructuring of AMTRAK.
235 Russell Building

1:00 p.m.

Select Indian Affairs
To hold hearings on proposed authorizations for fiscal year 1980 for the Bureau of Indian Affairs, and on goals and objections of current Indian issues.
5110 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980; and on supplemental appropriations for FY 1979, both for the Judiciary.
S–146 Capitol

Energy and Natural Resources
Parks, Recreation, and Renewable Resources Subcommittee
To hold hearings on the National Parks Service proposal to increase user and entrance fees for fiscal year 1980.
3110 Dirksen Building

MARCH 6

9:30 a.m.

Government Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on S. 382, proposed sibilities for radiation protection.
3302 Dirksen Building

Judiciary
To hold hearings on S. 382, proposed Competition Improvements Act.
2228 Dirksen Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior Subcommittee
To reduce hearings on proposed budget estimates for fiscal year 1982 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S–128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.
5322 Dirksen Building

Energy and Natural Resources
To review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
3110 Dirksen Building

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

Finance
To consider those issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

11:30 a.m.

Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1980 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Resources Administration, Department of HEW.
S–128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for FY 79, both for the Department of Justice.
S–146, Capitol

MARCH 7

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of P.L. 94–282, establishing the Office of Science and Technology Policy.
235 Russell Building

9:30 a.m.

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To continue hearings on the Federal responsibilities for radiation protection.
3302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume oversight hearings on Federal programs to combat cancer.
5110 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1970 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Armed Services
Manpower and Personnel
To hold hearings on proposed military procurement authorizations for fiscal year 1980, receiving testimony on the land, air, and naval force structure plans.
212 Russell Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To continue review of those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
3110 Dirksen Building

Finance
To continue consideration of those issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S–128 Capitol

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S–146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To hold closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S–407, Capitol

MARCH 8

9:30 a.m.

Veterans' Affairs
To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act, to be followed by markup of S. 7, to revise and improve certain health care programs of the Veterans' Administration.
412 Russell Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Agency for International Development.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Consumer Cooperative Bank, and the National Credit Union Administration.
Room to be announced

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.
S–128, Capitol

Energy and Natural Resources
To continue review of those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations

which it will make thereon to the Budget Committee.
3110 Dirksen Building

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

Finance
To continue the consideration of those issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 9

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Selective Service System, Council on Environmental Quality, and the National Commission on Air Quality.
1318 Dirksen Building

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To resume oversight hearings on the programs of the Office of Federal Procurement Policy.
3302 Dirksen Building

2:00 p.m.

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 12

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for Intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 13

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Agency for International Development.
1114 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold a business meeting on pending calendar business.
235 Russell Building

Finance
Health Subcommittee
To hold hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To hold hearings on nuclear waste management.
6226 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold hearings on S. 5, proposed Federal Acquisition Reform Act.
3302 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

2:30 p.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on roles of women in health and science.
4232 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To estimate hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
To consider those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
5302 Dirksen Biulding

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Finance
Health Subcommittee
To resume hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation and Federal Services Subcommittee
To continue hearings on nuclear waste management.
5110 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Department of Commerce.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 354, proposed supplemental authorizations for FY 1979 for NASA, and S. 357, proposed authorizations for FY 1980 for NASA.
235 Russell Building

Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings to explore the areas of basic learning skills used in elementary and secondary schools.
6226 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To continue hearings on roles of women in health and science.
4232 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for International programs, Department of State.

1114 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on propsed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.

6202 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To continue hearings on nuclear waste management.

Room to be announced

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.

S-146, Capitol

MARCH 16

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.

S-128, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.

6202 Dirksen Building

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on the Northeast corridor improvement project.

235 Russell Building

MARCH 19

10:00 a.m.

Energy and Natural Resources

Energy Regulation Subcommittee

To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Finance

Taxation and Debt Management Subcommittee

To resume hearings on the carryover basis provisions of the estate tax law.

2227 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.

Select on Intelligence

Budget Authorization Subcommittee

To resume closed hearings on proposed FY 1980 authorization requests for intelligence operations of the Federal Government.

S-407, Capitol

MARCH 20

9:30 a.m.

Human Resources

Child and Human Development Subcommittee

To mark up S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.

4232 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for International Financial Institutions, Department of the Treasury.

1114 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department, of HEW.

S-128, Capitol

Energy and Natural Resources

Energy Regulation Subcommittee

To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Finance

Taxation and Debt Management Subcommittee.

To continue hearings on the carryover basis provisions of the estate tax law.

2227 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.

S-146, Capitol

MARCH 21

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee.

To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.

235 Russell Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.

1224 Dirksen Building

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.

1114 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board for International Broadcasting.

S-146, Capitol

Select on Intelligence

Budget Authorization Subcommittee

To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.

S-407, Capitol Building

MARCH 22

9:30 a.m.

Veterans' Affairs

To hold hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.

6226 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency.

1318 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.

1224 Dirksen Building

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 14, proposed Reclamation Reform Act.

3110 Dirksen Building

Finance

Health Subcommittee

To mark up proposed legislation to control increases in hospital revenues (Hospital Cost Containment).

2221 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.

S-146, Capitol

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, the Reclamation Reform Act.
3110 Dirksen Building

Select on Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 23

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on a proposed joint government/industry program of advanced automotive technology development.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1980 for the Environmental Protection Agency, and the Consumer Information Center.
1318 Dirksen Building

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Finance
Health Subcommittee
To continue markup on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

MARCH 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

MARCH 27

9:30 a.m.
Human Resources
To hold hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

Human Resources
Child and Human Development
To mark up S. 239, authorizing funds for programs administered by Domestic Volunteer Service Act (ACTION).
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
S-126, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

9:00 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on health programs administered by the National Institute of Health.
Room to be announced

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the trucking industry economic regulation by the Federal Government.
235 Russell Building

Human Resources
To continue hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings to explore the areas of basic learning skills used in elementary and secondary schools.
457 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on health programs administered by the National Institute of Health.
4232 Dirksen Building

Veterans' Affairs
To hold hearings to receive legislative recommendations for FY 1980 from AMVETS, paralyzed Veterans of America, Veterans of World War I, blinded veterans, and Purple Heart.
6226 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for ACTION—International Programs
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.
1224 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

MARCH 30

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration, the American Battle Monuments Commission, and the U.S. Army cemeterial expenses.
1318 Dirksen Building

APRIL 2

9:30 a.m.
Human Resources
To resume hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

APRIL 3

9:30 a.m.
Human Resources
To continue hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for programs administered by the Department of State.
1114 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

APRIL 5

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for foreign assistance programs.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation, and the Office of Science and Technology Policy.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational employment.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Emergency Management Administration.
1318 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Treasury.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

APRIL 24

10:00 a.m.
Appopriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Human Resources
To hold oversight hearings on the conditions, trends, and new approaches to linking education, health, and work in the coming decade.
4232 Dirksen Building

Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts, and on proposed legislation extending certain veterans' health benefits programs through FY 1980.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear congressional witnesses.
1223 Dirksen Building

APRIL 26

9:30 a.m.
Human Resources
To continue oversight hearings on the conditions, trends, and new approaches to linking education, health, and work in the coming decade.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Office of Surface Mining Reclamation and Enforcement, Office of Water Research and Technology.
1223 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1318 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93–113).
4232 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

MAY 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

SENATE—*Thursday, March 1, 1979*

(Legislative day of Thursday, February 22, 1979)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable EDWARD ZORINSKY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O Lord our God, may the days of Lent bring to each of us a new awareness of Thy presence, Thy mercy, and Thy forgiveness. Give us penitent hearts. Instill within us the Lenten disciplines of soul-scrutiny, conscience-testing, and self-assessment. Then judge us with love and lift the burden of all that alienates us from Thee and from others. Forgive us when we have failed to seek first Thy kingdom. Forgive us for turning from truth and love and justice. As we walk the way of the cross help us to understand the Gospel better, to love more deeply, to pray more fervently. And when we have completed this journey, bring us to the day of resurrection possessed of a new spirit and a new will to build a better world of peace and justice.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 1, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD ZORINSKY, a Senator from the State of Nebraska, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. ZORINSKY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ARTHUR KUHL

Mr. ROBERT C. BYRD. Mr. President, recently the U.S. Senate has suffered a great loss with the death of one of its most senior employees, Arthur Kuhl.

At the time of his death, Mr. Kuhl was ably serving as the Assistant Secretary of this body, his last post in a career spanning over 25 years. He was truly a product of our American system. Born in the small town of Martin, Minn., he served with distinction in the U.S. Army airborne in the South Pacific during World War II. After serving with the U.S. occupational forces in Japan, he came to Washington, D.C., where he had chosen to make his career. While working on the Capitol Hill Police Force and running an elevator, he financed his own education through Georgetown and George Washington Universities where he received his B.A. in government and his law degree.

The first professional staff job Mr. Kuhl held on the Hill was as an investigator with a Senate Labor Subcommittee. Subsequently, he served 10 years as chief clerk of the Foreign Relations Committee, and in that capacity, he rendered invaluable aid to virtually every Member of the Senate. Of course, all of us are familiar with his most recent duties as the Assistant Secretary of the Senate.

He was a quiet, tranquil, and yet powerful man very much like this Nation's great wildernesses which he loved so much. Arthur had, in the words of William Wordsworth:

> Learned to look on nature not as in the hour of thoughtless youth, but hearing oftentimes the still, sad music of humanity.

Mr. President, we will miss Art Kuhl. Our condolences are expressed to his family. We sympathize with them in their hour and time of trial.

(Remarks by Mr. ROBERT C. BYRD and Mr. TOWER in connection with the nomination of George M. Seignious II, to be Director of the U.S. Arms Control and Disarmament Agency, are printed later in today's RECORD, by unanimous consent.)

Mr. TOWER. Mr. President, I am prepared to yield the floor, but I will reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I am ready to yield back the remainder of the time on the leadership side, if the distinguished Senator from Texas is ready to do so, so that we can get into special orders.

Mr. TOWER. Mr. President, I am prepared to yield back my time, and I do yield back my time.

Mr. ROBERT C. BYRD. I do so, also.

Mr. President, I ask unanimous consent that the order for the recognition of Mr. BUMPERS be vacated. He has asked that this be done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. The Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

S. 503—PRIVACY ACT AMENDMENTS OF 1979

Mr. JAVITS. Mr. President, I introduce today the Privacy Act Amendments of 1979 relating to the privacy of medical records. Its principal provisions are as follows:

The bill prohibits the disclosure of confidential information by medical care service providers, except as expressly authorized in the bill. Confidential information is defined broadly to include the fact that an individual is receiving or has sought medical care, and any information relating to that individual's treatment or attempt to secure treatment.

The "service providers" covered by the bill are defined to include hospitals, nursing facilities, intermediate care facilities, or ambulatory care facilities that receive medicare or medicaid funds, or any other facilities that receive such funds to which the Secretary of Health, Education, and Welfare may make the act or portions thereof, applicable by regulation. Also included are health maintenance organizations that receive loans, grants, or contracts under the Public Health Service Act. Once an entity is covered by the bill, all of its patient records are covered, regardless of whether the individual patient had his or her expenses reimbursed by medicare or medicaid.

Unlike S. 3450, which applied only to non-Federal facilities, this bill applies equally to federally controlled entities, such as Public Health Service hospitals. On reflection, I now believe that all similar medical records should be treated in the same way, whether the recordkeeper is governmental or nongovernmental.

I wish to make clear that the bill does not apply to recordkeeping by the single practitioner. To my knowledge most of the abuses that have occurred have not been at this level, and I am very reluctant to impose Federal regulation on the family doctor unless and until a need to do so has been demonstrated.

One of the major problems with our current system of recordkeeping is that the patient is denied access to his own records, does not know what is in them when he consents to their disclosure, and has no way of correcting any inaccurate information they may contain. The bill rectifies this situation by providing the patient with the right to see any medical records the service provider maintains on him. If the patient disagrees with an aspect of the record, the bill would permit the patient to add, pursuant to regulations issued by the Secretary, a brief statement presenting his view of the disputed record as disclosed, it would have to be accompanied by the patient's version.

The bill recognizes that there are certain instances when a patient may wish to authorize the disclosure of confidential information about himself. This is usually the case where the individual expects to obtain a benefit, such as reimbursement by an insurance company, in return for disclosure of certain information. Thus, the bill provides a procedure by which the patient may provide such consent. The consent must be in writing, and as specific as possible as to the nature of the data to be disclosed, the use to which it is to be put, and the persons who are to have access to it. Consent may be withdrawn at any time, and may not extend beyond 1 year.

The bill also recognizes that there are a limited number of situations where obtaining an individual's consent is impossible or impractical. The bill spells out those situations in detail, and provides safeguards against the redisclosure of confidential information by persons who receive such information. It is to be noted that the provisions permitting disclosure without patient consent to public health and law enforcement officials pursuant to the statute have been clarified this year to assure that these provisions are not used indiscriminately, just to satisfy official curiosity. Disclosure without consent clearly must be a limited exception, rather than rule.

The bill provides individuals who are aggrieved by an actual or attempted violation of the act with a cause of action in Federal district court for injunctive relief or monetary damages. Further, any person who knowingly and willfully discloses confidential information in violation of the act, fails to grant a patient access to his or her records, or requests or obtains information under false pretenses, is subject to criminal prosecution. Technical violations would not be subject to criminal penalties. Finally, the service provider must satisfy the Secretary of Health, Education, and Welfare that it is in substantial compliance with the act in order to continue to receive medicare or medicaid funds or funding under the Public Health Service Act.

The bill follows the recommendation of the Privacy Protection Study Commission by recognizing that there may be some instances in which disclosure to the patient may, in the judgment of the health professional, harm the patient's condition. In such cases, the health professional may withhold the record from the patient. In such cases, however, the patient has the right to appoint a representative of his own choosing, who must be granted access to the records by the service provider.

One significant change in this bill from S. 3450 is the addition of several sections governing access to medical records by Federal, State, and local government authorities, pursuant to compulsory process. Since subpenas, summonses, and search warrants must be served on the holder of medical records—the service providers—patients whose records are sought in this manner seldom learn that they are under investigation, and have no opportunity to contest disclosure of the records. For its part, the service provider may or may not have an interest in defending an action designed to obtain its patient's records.

The major purpose of the Government access sections, therefore, is to provide a patient with notice and an opportunity to defend against the release of his medical records when he is the subject of an investigation and his records are sought by compulsory process. This portion of the act would not apply where the Government authority is seeking patient records for purposes other than an investigation of the patient.

The provisions I have included in this bill are adopted from the Financial Right to Privacy Act, which was signed into law last fall. Medical records are of course different from, and even more sensitive than, financial records. I look forward to the hearings on these provisions to determine whether modifications of the Government access formula are necessary and appropriate.

The bill would preempt State and local governments from enacting or continuing in effect laws or regulations that would provide the patient a lesser degree of protection than this legislation.

Finally, the bill contains a new section to make clear that already existing legislation and regulations protecting patients being treated for drug and alcohol abuse are not in any way affected.

Last August, I introduced S. 3450, a comparable bill to protect the confidentiality of personal medical records. While the bill was introduced too late in the session for hearings to be held, it provoked a great deal of discussion and interest as I hoped it would. I received many comments and suggestions aimed at strengthening the protections contained in the bill. I have carefully considered these comments, and where appropriate, have included them in the revised version of the bill that I am introducing today.

One of our most precious rights in a free society is our right to privacy—the right to be free from the inquisitive prying into our most personal affairs by those who are, for one reason or another, curious about us, but who do not have a right to know. This fundamental right, grounded in the Constitution, has been seriously eroded in recent years, until now, nearly every aspect of our lives is open to public viewing by those who have the persistence and desire to learn about us.

Eighteen months ago, the Privacy Protection Study Commission issued its report, "Personal Privacy in an Information Society." It identified a number of areas in which it thought legislation was necessary to halt the erosion of personal privacy, and strike the proper balance between the individual's expectation of confidentiality, and society's need to know certain information about each of us.

The bill I am introducing today seeks to address these concerns in one of the most sensitive areas of recordkeeping examined by the Commission—personal medical records. The Commission pointed out the unique nature of medical records, noting:

> The physician-patient relationship is an inherently intrusive one in that the patient who wants and needs medical care must grant the doctor virtually unconstrained discretion to delve into the details of his life and his person. As a practical matter, because so much information may be necessary for proper diagnosis and treatment, no area of inquiry is excluded. In addition to describing the details of his symptoms, the patient may be asked to reveal what he eats, how much he drinks or smokes, whether or not he uses drugs, how often he has sexual relations and with whom, whether he is depressed or anxious, where and how long he has worked, and perhaps what he does for recreation.

Traditionally, the family doctor learned much of this information about his patient by treating him or her over the years, and retained a good part of it in his memory. The family doctor's discretion was almost always sufficient to protect the patient's medical history from disclosure. Over the last three decades, however, the traditional doctor-patient relationship has been breaking down, and is gradually being replaced by a system whereby medical care is provided often by an impersonal institution, and payment for medical services is made by third parties. Such service-providing institutions, because they lack the extended personal relationship of the family doctor, require far more extensive written records about a patient's condition, in order properly to treat the individual. Simultaneously, the great advances in computer technology that we have seen over recent years have made the collection, maintenance, and dissemination of highly detailed personal medical information far easier than it ever has been before.

Not surprisingly, the existence of a large pool of confidential information about individuals has proved attractive to those who are outside the medical relationship. Insurance companies, employers, the Government, researchers, and credit reporting agencies all have varying degrees of interest in obtaining access to the data. As the Privacy Protection Study Commission noted, it is "Staggering how many people besides the medical care providers who create a medical record have access to it." At the same time the subject of the records is almost unaware of what is in the records, and to whom they are being disclosed.

The system has inevitably led to abuse. The following are representative of the types of problems that have been encountered:

> One individual was mistakenly diagnosed as an epileptic. The mistaken diagnosis was placed in her records, and discovered by an insurance company, which then refused her application for insurance coverage.
>
> A couple was denied disability insurance when the insurance company learned they had previously had marital counseling by a local minister. Having been denied insurance, and fearful that "this information is forever available to any insurance company" the couple wants to "add a statement of our side" or to remove the information from any computerized information bank.
>
> Nurses in a New York abortion clinic allegedly sold the names of patients to "pro-life" groups, which then would call the patients at home to "discuss" abortion.
>
> A Texas court recently issued an order allowing both the state and a private plaintiff in a malpractice suit to have access to the medical record of thousands of women who had obtained abortions at a chain of clinics in Texas. The U.S. Supreme Court declined to review the order.
>
> An ex-psychiatric patient wants a divorce, but her husband threatens to use the newly learned information about her psychiatric condition against her in a child custody fight. The husband's father, a lawyer had obtained the psychiatric information "through his own sources."
>
> An individual who was briefly a patient in an Ohio mental institution 10 years ago was denied access to her records. She fears future discrimination in hiring, and feels she has a right to know what is in her files.
>
> Security police in another Ohio mental health center follow the policy of citing or quoting directly from patients' records upon request of any law enforcement or related agency, such as the fire department.
>
> A physician reports harassment by several representatives of an investigative reporting agency. The representatives wanted confidential medical information to be given over the telephone, refusing first to identify who they were working for or why they wanted the information.

Mr. President, there are many other examples of abuses of confidentiality that could be cited. The bill I am introducing today is intended to help eliminate those abuses and to clarify the rights and obligations of the patient, the medical care provider and third parties with respect to medical information. As the medical care relationship continues to change and become less personalized, all parties should know how confidential medical information is to be treated.

Mr. President, I believe legislation on this subject is both timely and necessary, and hope that this bill will, after due consideration, lead to such legislation. I recognize that many of the issues covered in this bill, particularly patient access to their own records, the circumstances under which disclosure without consent is appropriate, and the provisions on Government access are the subject of widely divergent views. As the bill moves through the hearing process, I will carefully consider any suggestions or comments that might help improve it.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD, together with a recent article that appeared in the Washington Post, entitled "Keeping the Lid on Medical Records."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Privacy Act Amendments of 1979".

AMENDMENTS TO THE PRIVACY ACT

SEC. 2. The Privacy Act of 1974 is amended by—

(1) inserting the heading "TITLE I—GENERAL PRIVACY PROVISIONS" immediately above section 2;

(2) striking out "this Act" each place it appears in section 8 and 9 and inserting "this title"; and

(3) inserting at the end the following new title:

"TITLE II—CONFIDENTIALITY OF MEDICAL RECORDS

"FINDINGS AND PURPOSES

"SEC. 201. (a) The Congress finds that—

"(1) the right to privacy is a personal and fundamental right;

"(2) due to rapidly changing technology, recordkeepers are able to compile and disseminate detailed and highly personal information about individuals;

"(3) the collection, maintenance, use, and dissemination of confidential information about individuals by governmental and private sector organizations may threaten the individual's right to privacy;

"(4) as evidenced by the testimony of the Privacy Protection Study Commission before the Committee on Governmental Affairs of the Senate, existing statutory protection of confidential information between patients and health care service providers is inadequate;

"(5) as evidenced by the report of the Privacy Protection Study Commission—

"(A) in addition to the service provider, the number of people who have access to individually identifiable medical information is very large, although the patient is often denied access to such information, and

"(B) there is a need for the extension of statutory privacy protection to the relationship between patients and service providers; and

"(6) it is essential that patients have the right to exercise more direct control over confidential information relating to their own health care, particularly in light of the availability of such information to third parties and its effect on the individual's ability to obtain employment, insurance, medical care, and other important societal benefits.

"(b) It is the purpose of this title to—

"(1) clearly define the circumstances under which confidential health care information in individually identifiable form may be disclosed, and to whom it may be disclosed;

"(2) provide procedures by which the patient may have access to his own health care information and may take steps to assure the fairness and objectivity of those records; and

"(3) carefully balance the legitimate need of certain governmental and private sector organizations to have access to confidential information with the individual's expectation of, and right to, the confidentiality and privacy of such information.

"DEFINITIONS

"SEC. 202. For purposes of this title, the term—

"(1) 'confidential information' means data or information in any recorded medium created or maintained by a service provider that—

"(A) reveals or contains the fact that an individual is or has been a patient; or

"(B) relates to the health (including dental and mental health) history, diagnosis, condition, treatment, or evaluation of a patient;

"(2) 'patient or former patient' means an individual who consults with, or is examined, interviewed, treated, or is otherwise served by, a service provider with regard to a health condition (medical, mental, or emotional) or social deprivation or dysfunction;

"(3) 'patient identifier' means—

"(A) the patient's name, or other descriptive data from which it could be reasonably anticipated that a person—

"(i) could identify such patient, or

"(ii) be led to other data from which such patient might be identified; or

"(B) a code, number, or other means used to identify the patient in relation to confidential information regarding him;

"(4) 'person' means any individual, court, corporation, association, partnership, State or local government or agency or part thereof, or the Federal Government or agency or part thereof;

"(5) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(6) 'service provider' means—

"(A) a hospital, skilled nursing facility, intermediate care facility or ambulatory care facility, as defined in title XVIII or XIX of the Social Security Act, which has been approved by the Secretary for participation under such title XVIII or certified by a State agency for participation under a State plan approved under such title XIX;

"(B) any entity (other than an individual physician) not described in subparagraph (A) which has been approved by the Secretary for participation under such title XVIII or certified by a State agency for participation under such State plan, but only with respect to the provisions of this title which the Secretary by regulation makes applicable to such entity; and

"(C) a health maintenance organization, medical group, or individual practice association, as defined in title XIII of the Public Health Service Act, which has received a Federal grant, loan guarantee, or contract pursuant to such title, but only with respect to the provisions of this title which the Secretary by regulation makes applicable to such entity;

"(7) 'individuals employed by or affiliated with a service provider' includes—

"(A) persons engaged in good faith in training programs with a service provider, or clinical supervisors employed by the service provider, and

"(B) persons employed by the service provider who are involved in financial auditing or preparation of bills, or who are otherwise engaged in the collection of payments of charges for services to patients;

"(8) 'bona fide medical emergency' means any situation in which the health or safety of the patient or any other individual is in immediate danger;

"(9) 'qualified personnel' means persons whose training and experience are appropriate to the nature and level of the work in which they are engaged; and

"(10) 'law enforcement inquiry' means a lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, any criminal or civil statute or any regulation, rule, or order issued pursuant thereto.

"PATIENT ACCESS TO INFORMATION

"SEC. 203. (a) Except as provided in subsection (c), a service provider shall, within 30 days of a written or oral request by a patient, allow the patient access to his complete health care record, for purposes of inspection and copying. The service provider may not impose a charge for permitting such an inspection, and may not impose more than a reasonable charge (in any event no greater than the charge imposed on third persons) for providing such a copy.

"(b) The service provider shall, in accordance with regulations promulgated by the Secretary, establish procedures which—

"(1) allow a patient or former patient to contest the accuracy or completeness of confidential information pertaining to that individual;

"(2) allow confidential information to be corrected upon request of the patient or former patient when the service provider concurs in the proposed correction;

"(3) allow a patient or former patient who believes that the service provider maintains inaccurate or incomplete confidential information concerning him to add a statement to the record stating what he believes to be an accurate or complete version of that information if the service provider does not so concur.

A statement added under paragraph (3) shall become a permanent part of the service provider's medical record system, and shall be disclosed to any person receiving the disputed information.

"(c) If a service provider determines that disclosure of a patient's or former patient's records to that individual would be detrimental to that individual, the service provider may refuse to disclose such information. Upon such refusal, the service provider shall advise the patient or former patient that he may appoint another individual of his own choice to be his authorized representative. The service provider shall provide access to the confidential information to the authorized representative for purposes of exercising the patient's rights under subsections (a) and (b) if the authorized representative complies with the procedures specified in section 205 (a).

"(d) If a patient or former patient is under twelve years of age, or as a consequence of physical or mental incompetence has been placed under guardianship, his parents, guardian or duly appointed legal representative may exercise all the rights set forth in subsections (a) and (b) on behalf of that individual.

"CONFIDENTIAL INFORMATION

"SEC. 204. Except as provided by this title a service provider shall not, without the authorization, as provided in section 205(a), of the patient or former patient to whom the confidential information pertains—

"(1) disclose or transmit any confidential information together with a patient identifier to any person,

"(2) disclose or transmit a patient identifier to any person, or

"(3) disclose or transmit confidential information if the person disclosing or transmitting such confidential information has reason to believe that the recipient may have a patient identifier for such information.

"AUTHORIZATION OF DISCLOSURE

"SEC. 205. (a) A patient or former patient who is twelve years of age, or older, and not physically or mentally incompetent, may authorize the disclosure of his confidential information. Such authorization shall—

"(1) be in writing and signed by the patient or former patient;

"(2) designate the nature and content of the information to be disclosed, who may disclose such information, and to whom such information may be disclosed;

"(3) designate the use of the disclosed information; and

"(4) designate the expiration date, which shall not exceed one year from the date the authorization was signed.

"(b) If a patient or former patient is under twelve years of age, or incompetent as a consequence of physical or mental disability, the patient's parents, guardian, or legal representative may authorize the disclosure of the confidential information in accordance with the authorization requirements of subsection (a).

"(c) The service provider shall retain a copy of each authorization form, and shall keep a permanent record of each disclosure made pursuant to such authorization, including the nature of the data disclosed and to whom it was disclosed. The authorization form and disclosure records shall be treated as part of the confidential information to which authorization under this section applies.

"(d) A patient or former patient may withdraw such authorization at any time by written notice to the service provider. After receipt of such written notice, or after the expiration of the authorization under subsection (a), the service provider shall not release any additional confidential information concerning such patient or former patient.

"DISCLOSURE WITHOUT AUTHORIZATION

"SEC. 206. (a) Except as provided in subsection (b), no disclosure of confidential information shall be made without authorization.

"(b) Disclosure of confidential information without authorization may be made—

"(1) to individuals employed by or affiliated with a service provider and described in section 202(7)(A), if the performance of their duties requires that they have access to such information;

"(2) to individuals employed by or affiliated with a service provider and described in section 202(7)(B) to the extent that the information is essential to financial auditing or preparation of bills and submission of claims for payment of charges for services to a patient;

"(3) subject to the provisions of subsections (e) and (f), for purposes of audit and evaluation, whether or not such audit or evaluation is required by law;

"(4) subject to the provisions of subsections (d) and (e), to Federal, State and local public health officials, if the service provider is required by law to report specific conditions to such officials;

"(5) subject to the provisions of subsections (e) and (h), to Federal, State or local law enforcement officials, if the service provider is required by law to report to such officials concerning specified items of confidential information that indicate that the patient may have been involved in, or a victim of, a violation of law;

"(6) to the parent, guardian, or legal custodian of a patient—

"(A) less than twelve years of age, or

"(B) physically or mentally incompetent, if the service provider determines that such disclosure is appropriate under the circumstances;

"(7) to medical or law enforcement personnel to the extent necessary to meet a bona fide medical emergency;

"(8) subject to the provisions of subsection (h), to the immediate family or any other individual with whom the patient is known to have a responsible relationship, if the patient is incapable of giving authorization due to a bona fide medical emergency, except that the service provider shall notify the patient at the earliest opportunity that the disclosure was made, and to whom it was made;

"(9) subject to the provisions of subsections (g) and (h), to qualified personnel for use in a biomedical, epidemiologic, or health services research projects, or a health statistics project, if the research plan is first submitted to, and approved by, an appropriate institutional review board and the director of the service provider or his designee; or

"(10) pursuant to an administrative summons, judicial subpoena, search warrant, or formal written request as provided in sections 207, 208, and 209.

"(c) Individuals receiving confidential information under paragraphs (1) and (2) of subsection (b) shall not disclose such information, except as authorized by this title.

"(d) The Secretary shall promulgate regulations to assure that disclosures of confidential information made pursuant to subsection (b)(4) are made under conditions that adequately protect the confidential information from unauthorized disclosure.

"(e) Any organization or agency to which information is disclosed under subsections (b) (3), (4), and (5) shall not disclose such information except to the extent required by Federal law, and shall destroy any patient identifiers in such information and the records containing such information at the earliest opportunity consistent with the requirements of Federal law.

"(f) In the case of a disclosure of confidential information without authorization pursuant to subsection (b)(3), for purposes of an audit or evaluation not specifically required by statute, the Secretary shall, by regulation, establish procedures to assure that adequate safeguards, including a program for removal or destruction of patient identifiers, are established by the user or recipient of confidential information to protect such information from unauthorized disclosure.

"(g) Qualified personnel granted access to confidential information under subsection (b)(9) may not identify, directly or indirectly, any individual patient in any report of such research project, or otherwise disclose the identity of a patient in any other manner.

"(h) If confidential information is disclosed under subsection (b), the service provider shall retain a record of each such disclosure.

"(i) A service provider shall not release confidential information or patient identifiers to a Federal, State, or local governmental authority until such authority certifies in writing that it has complied, or will comply, with the applicable provisions of this title.

"ADMINISTRATIVE SUMMONS OR JUDICIAL SUBPOENA

"SEC. 207. (a) For purposes of section 206 (b)(10), a Government authority may obtain confidential information pursuant to an administrative summons or judicial subpoena only if—

"(1) there is reason to believe that the information sought is relevant to a legitimate law enforcement inquiry;

"(2) a copy of the subpoena or summons has been served upon the subject of the confidential information or mailed to his last known address on or before the date on which the subpoena or summons was served on the service provider together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry:

'Information concerning your health care held by the health care provider named in the attached subpoena or summons are being sought by this (agency or department or authority) in accordance with title II of the Privacy Act of 1974 for the following purpose:

'If you desire that such records or information not be made available, you must:

'1. Fill out the accompanying motion paper and sworn statement or write one of your own, stating that you are the patient or former patient whose confidential information is being requested by the Government and either giving the reasons you believe that the confidential information is not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the confidential information.

'2. File the motion and statement by mailing or delivering them to the clerk of any one of the following [ ] courts:

'3. Serve the Government authority requesting the confidential information with a copy of your motion and statement by mailing or delivering them to .

'4. Be prepared to come to court and present your position in further detail.

'5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten days from the date of service of this notice or fourteen days from the date of mailing of this notice, information requested therein will be made available. This information may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer.'; and

"(3) ten days have expired from the date of service of the notice or fourteen days have expired from the date of mailing the notice to the patient or former patient and within such time period the patient or former patient has not filed a sworn statement and motion to quash in an appropriate court, or the patient or former patient has complied with the provisions of this section.

"(b) Upon application of the Government authority, the notice to the patient or former patient required under subsection (a), may be delayed by order of an appropriate court if the presiding judge or magistrate finds that—

"(1) the investigation being conducted is within the lawful jurisdiction of the Government authority seeking the confidential information;

"(2) there is reason to believe that the confidential information being sought is relevant to a legitimate law enforcement inquiry; and

"(3) there is reason to believe that such notice will result in—

"(A) endangering the life or physical safety of any person;

"(B) flight from prosecution;

"(C) destruction of or tampering with evidence;

"(D) intimidation of potential witnesses; or

"(E) otherwise seriously jeopardizing an investigation or official proceeding or unduly delaying a trial or ongoing official proceeding to the same extent as the circumstances in the preceeding subparagraphs.

An application for delay must be made with reasonable specificity.

"(c) (1) If the court makes the findings required in paragraphs (1), (2), and (3) of subsection (b), it stall enter an ex parte order, granting the requested delay for a period not to exceed ninety days and issuing an order prohibiting the service provider from disclosing that confidential information has been obtained or that a request for confidential information has been made, except that, if the court finds that there is reason to believe that such notice may endanger the lives or physical safety of a patient or former patient or group of patients, or any person or group of persons associated with a patient or former patient, the court may specify that the delay be indefinite.

"(2) Upon expiration of the period of delay of notification under paragraph (1), the patient or former patient shall be served with, or mailed, a copy of the process or request, together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry:

" 'Information concerning your health care held by the health care provider named in the attached process or request was supplied to or requested by the Government authority named in the process or request on (date). Notification was withheld pursuant to a determination by the (title of court so ordering) under title II of the Privacy Act of 1974 that such notice might (state reason). The purpose of the investigation or official proceedings was .'.

"(d) If access to confidential information is obtained pursuant to section 210 (b) (emergency access), the Government authority shall, unless a court has authorized delay of notice pursuant to subsection (b), as soon as practicable after such records are obtained, serve upon the patient or former patient, or mail by registered or certified mail to his last known address, a copy of the request of the service provider together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry:

" ' Information concerning your health care held by the health care provider named in the attached request were obtained by (agency or department) under title I of the Privacy Act of 1974 on (date) for the following purpose: . Emergency access to such records were obtained on the grounds that (state grounds).'.

"(e) Any memorandum, affidavit, or other paper filed in connection with a request for delay in notification shall be preserved by the court. Upon petition by the person to whom such confidential information pertains, the court may order disclosure of such papers to the petitioner unless the court makes the findings required in subsection (b).

"(f) For purposes of section 206(b)(10), and in accordance with the notice provided under subsection (a) (3), within ten days of service or within fourteen days of mailing of a subpoena or summons, a patient, or former patient may file a motion to quash an administrative summons or judicial subpoena, with copies served upon the Government authority. A motion to quash an administrative summons or judicial subpoena shall be filed in the appropriate court. Such motion shall contain an affidavit or sworn statement—

"(1) stating that the applicant is a patient or former patient of the health care entity from which confidential information pertaining to him has been sought; and

"(2) stating the applicant's reasons for believing that the confidential information sought is not relevant to the legitimate law enforcement inquiry stated by the Government authority in its notice, or that there has not been substantial compliance with the provisions of this title.

Service shall be made under this section upon a Government authority by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice which the patient or former patient received pursuant to this title. For purposes of this section, 'delivery' has the meaning stated in rule 5 (b) of the Federal Rules of Civil Procedure.

"(g) If the court finds that the patient or former patient has complied with subsection (f), it shall order the Government authority to file a sworn response, which may be filed in camera if the Government includes in its response the reasons which make in camera review appropriate. If the court is unable to determine the motion on the basis of the parties' initial allegations and response, the court may conduct such additional proceedings as it deems appropriate. All such proceedings shall be completed, and the motion decided within seven calendar days of the filing of the Government's response.

"(h) (1) If, after the proceedings under subsection (g), the court finds that—

"(A) the applicant is not the patient or former patient to whom the confidential information sought by the Government authority pertains, or

"(B) there is a demonstrable reason to believe that the law enforcement inquiry is legitimate and a reasonable belief that the information sought is relevant to that inquiry,

the court shall deny the motion, and, in the case of an administrative summons or court order other than a search warrant, order such process enforced.

"(2) If the court finds, after the proceedings under subsection (g), that the applicant is the patient or former patient to whom the confidential information sought by the Goverment authority pertains, and that—

"(A) there is not a demonstrable reason to believe that the law enforcement inquiry is legitimate and a reason to believe that the confidential information sought is relevant to that inquiry, or

"(B) there has not been substantial compliance with the provisions of this title, the court shall order the process quashed.

"(i) A court ruling denying a motion under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom. An appeal of a ruling denying a motion under this section may be taken by the patient or former patient—

"(1) within such period of time as provided by law as part of any appeal from a final order in any legal proceeding initiated against him arising out of or based upon the confidential information, or

"(2) within thirty days after a notification that no legal proceeding is contemplated against him.

The Government authority obtaining the confidential information shall promptly notify a patient or former patient when a determination has been made that no legal proceeding against him is contemplated. After one hundred and eighty days from the denial of the motion, if the Government authority obtaining the confidential information has not initiated such a proceeding, a supervisory official of the Government authority shall certify to the appropriate court that no such determination has been made. The court may require that such certifications be made, at reasonable intervals thereafter, until notification to the patient or former patient that a legal proceeding has been initiated.

"(j) The challenge procedures of this title constitute the sole judicial remedy available to a patient or former patient to oppose disclosure of confidential information pursuant to this title.

"(k) Nothing in this title shall enlarge or restrict any rights of a service provider to challenge requests for confidential information made by a Government authority under existing law. Nothing in this title shall entitle a patient or former patient to assert the rights of a service provider.

"SEARCH WARRANTS

"Sec. 208. (a) A Government authority may obtain confidential information if it obtains a search warrant pursuant to the Federal Rules of Criminal Procedure in the case of Federal courts or comparable rules in the case of other courts.

"(b) No later than ninety days after the Government authority serves the search warrant, it shall mail to the patients or former patient's last know address a copy of the search warrant toegther with the following notice:

'Information concerning your health care held by the health care provider named in the attached search warrant were obtained by this (agency or department) on (date) for the following purpose: . You may have rights under title II of the Privacy Act of 1974.'.

"(c) Upon application of the Government authority, a court may grant a delay in the mailing of the notice required in subsection (b), which delay shall not exceed one hundred and eighty days following the service of the warrant, if the court makes the findings required in section 207 (b). If the court so finds, it shall enter an ex parte order granting the requested delay and an order prohibiting the service provider from disclosing that confidential information has been obtained or that a search warrant for such confidential information has been executed. Additional delays of up to ninety days may be granted by the court upon application, but only in accordance with this subsection. Upon expiration of the period of delay of notification of the patient or former patient, the following notice shall be mailed to the patient or former patient along with a copy of the search warrant:

'Information concerning your health care held by the health care provider named in the attached search warrant were obtained by this (agency or department) on (date). Notification was delayed beyond the statutory ninety-day delay period pursuant to a determination by the court that such notice would seriously jeopardize an investigation concerning. You may have rights under title II of the Privacy Act of 1974.'.

"FORMAL WRITTEN REQUEST

"Sec. 209. A Government authority may request confidential information under section 206(b) (10) pursuant to a formal written request only if—

"(1) no administrative summons or subpena authority reasonably appears to be available to that Government authority to obtain confidential information for the purpose for which such information is sought;

"(2) the request is authorized by regulations promulgated by the head of the agency or department;

"(3) there is reason to believe that the information sought is relevant to a legitimate law enforcement inquiry; and

"(4) (A) a copy of the request has been served upon the customer or mailed to his last known address on or before the date on which the request was made to the service provided together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry:

"Information concerning your health care held by the service provider named in the attached request are being sought by this (agency or department) in accordance with title II of the Privacy Act of 1974 for the following purpose:

"If you desire that such information not be made available, you must—

"1. Fill out the accompanying motion paper and sworn statement or write one of your own, stating that you are the patient whose information is being requested by the Government and either giving the reasons you believe that the information is not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the information.

"2. File the motion and statement by mailing or delivering them to the clerk of any one of the following United States District Courts.

"3. Serve the Government authority requesting the information by mailing or delivering a copy of your motion and statement to ———.

"4. Be prepared to come to court and present your position in further detail.

"5. You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten days from the date of service or fourteen days from the date of mailing of this notice, the information requested therein may be made available. This information may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer; and

"(B) ten days have expired from the date of service or fourteen days from the date of mailing of the notice by the customer and within such time period the customer has not filed a sworn statement and an application to enjoin the Government authority in an appropriate court, or the customer challenge provisions of section 1110 have been complied with.

"EXCEPTIONS

"SEC. 210. (a) Nothing in this title prohibits the disclosure of any confidential information which is not identified with or identifiable as being derived from the health care records of a particular patient or former patient.

"(b) Nothing in this title shall apply when confidential information is sought by a Government authority under the Federal Rules of Civil or Criminal Procedure or comparable rules of other courts in connection with litigation to which the Government authority and the patient or former patient are parties.

"(c) Nothing in this title shall apply when confidential information is sought by a Government authority pursuant to an administrative subpoena issued by an administrative law judge in an adjudicatory proceeding subject to section 554 of title 5, United States Code, and to which the Government authority and the patient or former patient are parties.

"(d)(1) Nothing in this title (except sections 206(i) and 216) shall apply when confidential information is sought by a Government authority in connection with a lawful proceeding, investigation, examination, or inspection directed at the service provider in possession of such information or at a legal entity which is not a patient or former patient.

"(2) If confidential information is sought pursuant to this subsection, the Government authority shall submit to the service provider the certificate required by section 206(i).

"(3) Confidential information obtained pursuant to this subsection may be used only for the purpose for which they were originally obtained, and may be transferred to another agency or department only when the transfer is to facilitate a lawful proceeding, investigation, examination, or inspection directed at the service provider in possession of such information, or at a legal entity which is not a patient or former patient.

"(e) Nothing in this title (except section 218) shall apply to any subpoena or court order issued in connection with proceedings before a grand jury.

"(f) This title shall not apply when confidential information is sought by the General Accounting Office pursuant to an authorized proceeding, investigation, examination or audit directed at a government authority.

"SPECIAL PROCEDURES

"SEC. 211. (a)(1) Nothing in this title (except sections 216 and 219) shall apply to the production and disclosure of confidential information pursuant to requests from—

"(A) a Government authority authorized to conduct foreign counterintelligence or foreign positiveintelligence activities for purposes of conducting such activities; or

"(B) the Secret Service for the purpose of conducting its protective functions under section 3056 of title 18, United States Code, the joint resolution entitled 'Joint Resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates', approved June 6, 1968 (Public Law 90–331; 82 Stat. 170) or section 202 of title 3, United States Code.

"(2) In the instances specified in paragraph (1), the Government authority shall submit to the service provider the certificate required in section 206(i) signed by a supervisory official of a rank designated by the head of the Government authority.

"(3) No service provider, or officer, employee, or agent of such service provider, shall disclose to any person that a Government authority described in paragraph (1) has sought or obtained access to the confidential information of a patient or former patient.

"(4) A Government authority specified in paragraph (1) shall compile an annual tabulation of the occasions in which this subsection was applicable.

"(b)(1) Nothing in this title shall prohibit a Government authority from obtaining confidential information from a service provider if the Government authority determines that delay in obtaining access to such records would create imminent danger of—

"(A) physical injury to any person;

"(B) serious property damage; or

"(C) flight to avoid prosecution.

"(2) In the instance specified in paragraph (1), the Government shall submit to the service provider the certificate required in section 206(i) signed by a supervisory official of a rank designated by the head of the Government authority.

"(3) Within five days of obtaining access to confidential information under this subsection, the Government authority shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government authority setting forth the grounds for the emergency access. The Government authority shall thereafter comply with the notice provisions of section 207(d).

"(4) The Government authority specified in paragraph (1) shall compile an annual tabulation of the occasions in which this section was used.

"DUTY OF SERVICE PROVIDER

"SEC. 212. Upon receipt of a request for confidential information made by a Government authority under section 206(b)(10) the service provider shall, unless otherwise provided by law, proceed to assemble the confidential information requested and be prepared to deliver the confidential information to the Government authority as provided in this title.

"NOTIFICATION OF DISCLOSURES

"SEC. 213. A service provider shall notify a patient or former patient, in such form and manner as the Secretary may require, of the disclosures of confidential information concerning that patient or former patient that may be made without his authorization, and of the right of access, and any other patient protection, provided in this title. The service provider shall make such notification, unless it cannot reasonably do so under the circumstances—

"(1) when it first records any confidential information concerning that patient; and

"(2) when it first provides services after the effective date of this title.

"USE OF INFORMATION

"SEC. 214. Confidential information originally obtained pursuant to this title by a Government authority shall not be transferred to another authority unless the transferring authority certifies in writing that there is reason to believe that the information is relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving authority.

"WARNING REQUIRED

"SEC. 215. (a) All written disclosures of of confidential information shall bear the following statement: 'The protection of the confidentality of information contained herein is required by Federal law. This material shall not be disclosed to anyone without authorization as provided by law, and violations are punishable under the law.' A copy of the authorization form specifying to whom, and for what specific use, such information may be disclosed, or a statement setting forth any other statutory authorization for disclosure, shall accompany all such written disclosures.

"(b) Service providers shall insure that all persons in their employ or under their supervision are aware of their duty to maintain the confidentiality of information protected by this title, and of the existence of penalties and civil liabilities for violation of this title.

"CIVIL REMEDIES AND CRIMINAL PENALTIES

"Sec. 216. (a) Any person aggrieved by an actual or attempted violation of this title may, without regard to the amount in controversy, bring a civil action, including an action for a temporary or permanent injunction, in the district court for the district in which he or the alleged violator resides or in which violation occurred. Such action may include a claim for general or special damages, or both, reasonable attorney's fees, reimbursement for reasonable litigation costs and, in cases of willful or grossly negligent violations, punitive damages.

"(b) Any person who, knowingly and willfully—

"(1) requests or obtains, under false pretenses, confidential information concerning an individual from a service provider, or

"(2) discloses confidential information or fails to grant a patient or former patient access to his complete health record, except as provided in this title,

shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $10,000 or imprisoned not more than one year, or both.

"(c) A service provider may not continue to receive Federal funds, grants, loans, or contracts in a program under title XVIII or

XIX of the Social Security Act or subchapter XI of the Public Health Service Act, unless such service provider provides adequate assurances and evidence, in such form as the Secretary may from time to time require, of substantial compliance with this title.

"SUSPENSION OF STATUTES OF LIMITATIONS

"SEC. 217. If any patient or former patient files a motion or application under this title which has the effect of delaying the access of a Government authority to confidential information pertaining to such patient or former patient, any applicable statute of limitations shall be deemed to be tolled for the period extending from the date such motion or application was filed until the date upon which the motion or application is decided.

"GRAND JURY INFORMATION

"SEC. 218. Confidential information about a patient or former patient obtained from a service provider pursuant to a subpena issued under the authority of a Federal grand jury—

"(1) shall be returned and actually presented to the grand jury;

"(2) shall be used only for the purpose of considering whether to issue an indictment or presentment by that grand jury, or of prosecuting a crime for which that indictment or presentment is issued, or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure;

"(3) shall be destroyed or returned to the service provider if not used for one of the purposes specified in paragraph (2); and

"(4) shall not be maintained, or a description of the contents of such records shall not be maintained by any Government authority other than in the sealed records of the grand jury, unless such record has been used in the prosecution of a crime for which the grand jury issued an indictment or presentment or for a purpose authorized by rule 6(e) of the Federal Rules of Criminal Procedure.

"REPORTING REQUIREMENTS

"SEC. 219. (a) In April of each year, the Director of the Administrative Office of the United States Courts shall send to the appropriate committees of Congress a report concerning the number of applications for delays of notice and the number of patient challenges made pursuant to section 207 during the preceding calendar year. Such report shall include the identity of the Government authority requesting a delay of notice; the number of notice delays sought and the number granted under each subparagraph of section 207(b)(3); the number of notice delay extensions sought and the number granted; and the number of patient challenges made and the number that were successful.

"(b) In April of each year, each Government authority that requests access to confidential information of any patient or former patient from a service provider pursuant to section 206(b)(10), 207, 208, 209, or 211, shall send to the appropriate committees of Congress a report describing requests made during the preceding calendar year. Such report shall include the number of requests for records made pursuant to each section of this title listed in the preceding sentence and any other related information deemed relevant or useful by the Government authority.

"PREEMPTION

"SEC. 220. No State or political subdivision of a State may establish or continue in effect any law or regulation that is less stringent than the provisions of this title.

"EFFECTIVE DATE

"SEC. 221. This title shall take effect one hundred eighty days after enactment, and shall apply to all information maintained by service providers regardless of whether that information was first maintained prior to the effective date of this title.

"SAVINGS PROVISION

"SEC. 222. Nothing in this title shall be construed as in any way affecting, modifying, repealing or suspending the provisions of the Drug Abuse Office and Treatment Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, section 303(a) of the Public Health Service Act, or section 502(c) of the Controlled Substances Act."

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the Privacy Act Amendments of 1979.

Section 2 redesignates the existing provisions of the Privacy Act of 1974 as Title I of that Act, and adds a new Title II, entitled "Confidentiality of Medical Records."

Section 201 lists the Act's findings and purposes. The findings note that changing technology and the changing nature of the medical care relationship in this country has resulted in more records being kept than ever before, with less control over them by the patient. The purpose of the Act is to provide a framework to balance society's need to have access to confidential medical information with the patient's fundamental right of privacy.

Section 202 contains the Act's definitions. Confidential information, which the Act is designed to protect, is defined as any recorded information that reveals that an individual is or has been a patient, or relates in anyway to the health or treatment of a present or former patient. Patient identifiers, although a form of confidential information, are separately defined, as any data by which the identity of a patient could be established, or by which the person possessing the identifier could be led to information establishing a patient's identity. The separate definition is necessary because the bill encourages the elimination of patient identifiers obtained pursuant to the bill by parties outside the medical care relationship at the earliest practical time.

This section also contains the definition of "service provider" which establishes the medical entities to which the Act will apply. Included in this definition are hospitals, nursing homes, intermediate care facilities, or ambulatory care facilities that receive medicare or medicaid funds. Further, to the extent that the Secretary of Health, Education and Welfare determines that the Act should be applied to other entities receiving medicare or medicaid funds, such as clinical laboratories, physical therapy clinics, or home health care agencies, or to Health Maintenance Organizations receiving grants, loan guarantees or contracts under the Public Health Service Act, he may make it applicable by regulation. Single practitioners are excluded from coverage.

Section 203 governs patient access to his or her own records. The service provider must permit the patient for purposes of inspection and/or copying within 30 days of a request. The bill directs the Secretary to establish procedures permitting an individual to contest the accuracy of, and correct his or her own records. Where the service provider determines that disclosure of particular records to the patient would be harmful, it may withhold such records. However in such cases, the patient may appoint an authorized representative who must be given access by the service provider, provided that the patient has executed the appropriate consent form.

In the case of patients who are minors under 12 years of age or who are incompetent, all rights set forth in this section may be exercised by the patient's parent, guardian, or legal representative.

Section 204 provides that no service provider may disclose confidential information, except as expressly provided for by law.

Section 205 provides the mechanism by which an individual over 12 years of age or the parents or legal guardian of a minor under 12 may consent to the release of confidential information. Consent must be in writing and signed by the patient, specifically state the information that may be disclosed, and the identity of the individual(s) who may disclose it and to whom it may be disclosed. Consent may not exceed one year in duration, and may be withdrawn in writing at any time. Further, consent forms must be made part of the patient's permanent record.

Section 206 recognizes that there are a limited number of situations in which consent to disclosure cannot be obtained or is impractical, but where disclosure is nonetheless essential. Pursuant to this section, disclosure without consent may be made in any of the following situations:

1. Where disclosure to an individual employed by or affiliated with the service provider is necessary to carry out the individual's duties or for billing purposes; redisclosure by the recipient would be prohibited.

2. For purposes of audit and evaluation of the service provider, under safeguard against redisclosure specified in the bill.

3. Where a statute requires the reporting of specific conditions to public health officials, if the Secretary has determined that such disclosures are necessary to protect the public health, and that adequate safeguards exist against unauthorized redisclosures.

4. Where a statute requires the reporting of items of confidential information relating to a violation of law to law enforcement officials, and it appears that the patient may have been involved in, or a victim of, a violation of law.

5. To the parent or guardian of a minor under 12 years of age where the service provider believes such disclosure appropriate.

6. Where a medical emergency exists presenting an immediate danger to the health and safety of the patient or any other individual disclosure without consent is permissible, provided subsequent notification is provided to the individual whose records are released.

7. To qualified personnel for use in biomedical, epidemiologic, or health services research or statistics projects, provided that the persons to whom such information is released not redisclose it.

8. Pursuant to an administrative or judicial summons or subpoena, in compliance with the provisions on government access to confidential information contained in sections 207–211.

In the case of disclosure to government authorities, the service provider is required to withhold release of confidential information until the governmental authority requesting the information certifies in writing that it has complied with the provisions on government access contained in the bill.

Sections 207–211 are new this year, and describe the requirements applicable to government agencies with respect to obtaining and transferring confidential information. Section 207 provides that, in the case of an administrative or judicial summons or subpoena, the government authority seeking confidential information pursuant to legal process must have reason to believe that the information it is seeking is relevant to a legitimate law enforcement inquiry. Further, it must provide the patient with the notice specified by the Act, and an opportunity to challenge the release of the information in court. Confidential information may be released to a government authority only after the time for filing a court challenge has passed without objection by the patient, or upon completion of court proceedings.

Subsection (b) recognizes that there are certain circumstances under which prior notification to a patient that his records are being sought is inappropriate. The subsection specifies those conditions and provides that, if a government agency has reason to believe one of them exists, it may apply to a court to delay notification to the patient.

Subsection (c)(1) specifies the procedures involved in delayed notification. If the court makes the necessary findings—that the government agency is acting within its authority, that there is reason to believe that the information sought is relevant to a legitimate law enforcement inquiry, and that one of the conditions specified in subsection (b) exists—it may delay notification to the patient for up to 90 days. Where the court finds that the lives or physical safety of a patient or former patient, or persons associated with a patient or former patient, it may delay notification indefinitely.

Subsection (c)(2) provides the form of notice that a patient must be given when the period of delay has expired. Likewise, subsection (d) provides for the form of notice that must be sent to a patient whose records were obtained pursuant to the provisions for emergency access found in section 210(b)(1).

Subsection (e) provides that all papers filed by the government supporting a request for delayed notification shall be made available to the patient upon his petition unless the court finds that revealing these documents will create one of the conditions listed in subsection (b)(3).

Subsection (f)(h) provides for the format of the court proceedings on a motion to quash a subpoena or summons. A motion may be filed within 10 days of service or fourteen days of mailing the notice required by this section. The petitioner must state that he is a patient or former patient of the health care entity from which confidential information pertaining to him has been sought, and why he believes that the information sought is not relevant to a legitimate law enforcement inquiry, or why there has not been substantial compliance with the Act. After a hearing, which may be in camera if appropriate, and must be completed within 7 days, the court shall either enforce or quash the subpoena.

Subsection (i) provides that a court decision enforcing the suponena may not be appealed except as part of the final order in the underlying legal proceedings in which the confidential information was used, or within thirty days after the patient is notified that no legal proceeding is contemplated against him.

Subsection (j) states that the provisions of this title are the sole remedy available to challenge the release of confidential information.

Subsection (k) is intended to make clear that nothing in the bill effects the rights of the service provider to challenge legal process designed to obtain confidential information.

Section 208 provides that government authorities may continue to utilize search warrants, but must provide notice to the patient or former patient within 90 days of service of the warrant. The section also provides for delay of notification if the conditions specified in section 207(b) are met.

Section 209 authorizes a service provider to release confidential information to a government authority pursuant to a formal written request. This section applies only where the government authority making the requests does not have compulsory process available to it, and has promulgated regulations governing the use of such requests. Notification requirements similar to those in the sections on compulsory process are included. It should be noted that while this section authorizes disclosure by service providers, it does not require that they do so.

Section 210 sets forth the situations in which the Act would not apply. These include situations where the information cannot be traced to a particular patient, when the patient and the government are parties to a judicial or administrative proceeding, where an investigation is aimed at the service provider rather than the patient, and for use in a GAO investigation. Confidential information is also available to grand juries, subject to the provisions of section 218.

Section 211 provides that the Act in inapplicable, (except for sections 215 and 218) to requests for confidential information by the Secret Service or intelligence agencies in the course of their official functions. The section further provides for emergency access to confidential information where the government authority seeking the information believes delay would create imminent danger of physical injury, serious property damage, or flight to avoid prosecution.

Section 212 provides that the service provider is under a duty to comply with a request made pursuant to Section 206(b)(10), dealing with summons, subpoenas, and search warrants.

Section 213 requires a service provider to notify each patient of the disclosures that section 206 of the bill authorizes without patient consent. This notification is to be provided, in such form as the Secretary may require, the first time that the service provider records confidential information.

Section 214 prohibits transfer of confidential information between agencies, unless the transferring agency certifies in writing that there is reason to believe the information is relevant to a legitimate law enforcement inquiry being carried on by the receiving agency.

Section 215 provides that all written disclosures of confidential information be accompanied by a statement setting forth the statutory authorization for disclosure, and warning that unauthorized disclosure is punishable by law. Service providers are directed to take steps to assure that all persons in their employ are aware of the requirements of the Act.

Section 216 contains the civil remedies and criminal penalties for violation of the Act. Persons aggrieved by an actual or attempted violation of the Act may bring a civil action for injunctive relief, or for monetary damages usually required to bring an action in federal court. The bill also provides for criminal penalties of up to $10,000 fine or one year in prison or both for persons who obtain confidential information under false pretenses, or who knowingly or willfully disclose confidential information or refuse to grant a patient access to his or her records, except as provided for under the Act. Finally, this section makes compliance with the Act a precondition for further medicare and medicaid programs and the Public Health Service Act.

Section 217 tolls any applicable statute of limitations during the period between the filing of a motion to quash mandatory process and the court's ruling on that motion.

Section 218 provides certain safeguards when grand juries seek to use confidential information. While their access to such information is not affected by the bill, the information must actually be presented to the grand jury, must be used only for purposes specified in subsection (2), and must be returned to the service provider or destroyed after the grand jury is through and may not be maintained or recorded by any government authority other than the grand jury.

Section 219 requires certain reports to Congress on an annual basis.

Section 220 preempts any state or local requirements that are less stringent than the provisions of this Act.

Section 221 provides that the Act shall take effect 180 days after enactment, and applies to all records maintained by the service provider, even if the information was first recorded or maintained before the Act took effect.

Section 222 makes clear that existing laws and regulations covering the confidentiality of patient records relating to treatment for drug abuse or alcoholism, are unaffected by this Act.

[From the Washington Post, Feb. 11, 1979]

KEEPING A LID ON MEDICAL RECORDS

(By Patricia McCormack)

Someone might be spying on your medical records this minute—but you'll never know.

Medical records are more than just that chart attached to the bed the last time you were in the hospital.

Lumped with medical records are physical exam reports from doctors who check you over for insurance companies.

Plus: files kept by eye doctors, psychologists, psychiatrists and the full range of specialists who ever treated you.

You say the hospital has a foolproof system to protect your privacy? You say the information in the doctors' files is safe? You say the insurance company keeps your physical exam report confidential?

The answer to all three questions: Don't bet on it.

As a result, some of the most personal and intimate details of your life may be in the hands of hundreds of persons you have never met.

Reasons for concern over casual access to medical records—and what is being done about it—were detailed by Mary Joan Wogan, president of the American Medical Record Association, and Jane Rogers, association legislative director.

Wogan is administrator of medical records as Health Sciences Center Hospital in Lubbock, Texas—affiliated with Texas Tech University School of Medicine. Rogers works at AMRA headquarters in Chicago.

The association of 22,000 medical record administrators and technicians considers the issue of confidentiality "an urgent message which must be communicated to consumers."

Some reasons for the urgency:

Not only may your records be disseminated casually but you yourself probably have no knowledge of what is contained in those records.

It is very possible that people have taken the authority to sell your medical histories. Rogers recalled a grand jury investigation in Denver, Colo., a while back over a somewhat similar circumstance. She said it was alleged the Factual Service Bureau Inc. hired persons to pose as medical professionals to obtain medical data later sold to insurance companies.

Persons paying for such spying may use the information to vote a possible loan application, increase your insurance rates or pass you over for a promotion—all due to something in your past.

"We feel casual access is possible because usually the authorization system—involving informed consent from the individual—is not strict enough," Rogers said.

The emergence of the computer's role in the health care system increases the capacity for information storage and transfer and provides a new range of possibility for unauthorized access to patient data.

"For the most part," the association states in a report, "patients are unaware of the full range of purposes for which the record is being used, or of policies governing the release of information.

"Confidential information is being provided to insurance companies, credit agencies, attorneys, employers, educational institutions, law enforcement agencies and others who will use it for non-patient care purposes.

"The privacy protection study commission, in a report to President Carter and Congress on July 12, 1977, concluded that medical records now contain more information, are available to more users, are less well controlled and are used for more non-medical purposes than ever before."

The AMRA is a member of the National Commission on Confidentiality of Health Records.

Association officials recently reviewed and commented on a draft of a legislative prorosal President Carter will make to Congress on Privacy of Medical Records. The pending bill is titled "Privacy of Medical Information Act of 1979."

Sen. Jacob Javits, R-N.Y., also has prepared privacy legislation aimed at Senate and floor action early this year.

The association spells out its policies and states as one of its goals:

"Educate the consumers of medical care to their rights of confidentiality, their right to restrict or limit dissemination of identifiable medical information and their right to access to that information."

Its recommendations include:

Protection of the patient from invasion of privacy as a result of indiscriminate and unauthorized access to confidential health information.

Proper authorization procedures in obtaining medical records and protection against release of data irrelevant to the needs of the party making the request.

Appropriate use of medical information once it is disseminated to authorized persons.

Procedures for health organizations and data users in developing more efficient collection and secure storage for data necessary to their effective functioning.

Recommended policies:

While the patient does not have property rights to his medical record, the patient should have the protected right of information and the right to have access to his own medical record.

The patient must be assured that the information shared with health care professionals will remain confidential, otherwise the patient may withhold critical information which may affect the quality of the care provided.

The release of medical information for any purpose other than direct patient care must be done only with the expressed authorization of the patient or his authorized agent.

The establishment of written policies for the collection, storage and dissemination of information.

Ongoing educational programs for all staff and personnel to enforce these policies.

Rogers said the following is the situation with respect to patient access to records:

In California, Illinois and Utah, laws give limited access through the patient's attorney. Patients can have access themselves via laws in Massachusetts, Wisconsin, New Jersey, Louisiana, Mississippi and Connecticut.

In other states, access by patients depends on hospital policy. It is not the general policy for patients to have unlimited access to their records. Doctors may not want their patients to know something that may be considered harmful.

Patients pay for the treatment and the professional service but, legally, the records are hospital property or the doctor's property in cases of non-hospital treatment.

And the medical report to the insurance company, the physical exam that decides if you are a good risk for life insurance?

That belongs to the insurance companies. And it is stored in a giant insurance industry medical information bank—which any other insurance company may tap into.

● Mr. RIBICOFF. Mr. President, I am pleased once again to join my colleague, Senator Javits, in sponsoring the Privacy Act Amendments of 1979, a bill to protect the confidentiality of personal medical records. This legislation stems in great measure from the work of the Privacy Protection Study Commission. The Commission found that, contrary to most people's expectations, individual medical records are not private. Insurers, researchers, credit reporting agencies, law enforcement personnel, and auditors are just some of the persons who have access to an individual's medical records. Most diclosures take place without the patient's authorization. Those authorizations that are obtained are often unnecessarily broad. Ironically, one of the few persons denied access to a medical record is the patient himself.

This bill seeks to reverse the modern specified limited exceptions. It seeks to make patient access to his own record the rule, again with some limitations.

This bill is largely the same as S. 3450 which was introduced late in the 95th Congress. It contains, however, a significant addition to S. 3450. For the first time, the bill would establish standards for access to medical records by law enforcement personnel. It would also establish procedures by which an individual could challenge access to his medical records by Government agencies. These provisions of the bill are modeled on the Right to Financial Privacy Act which was enacted into law last year. I am most interested in receiving comments from the public on these new provisions.

Mr. President, the question of how best to protect the confidentiality of medical records is a complex one. An individual's medical records contain the most personal information and should be treated confidentially. At the same time, others have needs for some access to medical records. For example, the Center for Disease Control, the National Institutes of Health, and the Occupational Safety and Health Administration, all need some access to health records for research and for protection of the public and worker health.

A balance needs to be struck between the patient's expectation of confidentiality and the legitimate needs of others for access to those records. This legislation is an attempt to strike that balance. I look forward to refining the bill even further as it moves through the legislative process.●

NEW YORK CITY—THE HEMORRHAGE OF JOBS

Mr. JAVITS. Mr. President, a recent study of employment trends in the New York metropolitan area conducted by the regional office of the U.S. Bureau of Labor Statistics bears out something I have been saying to my colleagues in the Senate for the past 10 years, to wit: New York City is suffering from and deserves help with a devastating and relentless hemorrhage of job opportunities—a decade-long drain which would have crippled any other city in the United States.

According to the Bureau of Labor Statistics, in the period 1969 to 1978, payroll employment in New York City declined by 625,000 or 16.5 percent, from 3.8 million jobs to about 3.2 million jobs. This enormous and chronic loss of income and tax paying capacity in one decade—which would have driven any other city in the United States into bankruptcy—has placed a tremendous burden on the people of New York City, on the city's economy and on its budget and is, in my judgment, chiefly responsible for the imperiled financial situation of New York City.

And with respect to near-term future employment trends in New York City, the February 1979 report ("The Job Future in New York-Northeastern New Jersey") states:

> During the period 1974–85, a total employment loss in the City of 339,000, or nearly 10 percent, is projected. The largest loss is in manufacturing, which is projected to drop to 442,000 jobs in 1985, from its 1974 level of 609,000, a loss of 27 percent. Construction and trade will be the other large job loss sectors, declining 14 percent. Transportation and public utilities, services and public administration are projected to show smaller declines. Of all major sectors, only finance is projected to gain employment, from 425,000 in 1974 to 434,000 in 1985, a rise of 2 percent. This continuing drain on employment opportunities, with losses projected in every sector except finance, bears on New York City's capacity for economic recovery.

Clearly, Mr. President, New York City is highly vulnerable to reductions in Federal assistance that would exacerbate—if that were possible—an already perilous employment situation.

This tide of job losses explains why the welfare and medicaid burden in New York City has been so large in recent years, why local tax revenues have not been adequate to support essential local public services and why continued Federal financial assistance—in the form of long-term loan guarantees; public service employment; targeted fiscal assistance; and fiscal relief from the welfare burden—is so desperately needed.

Mr. President, New York City is in the throes of a truly cataclysmic loss of productive and tax-generating jobs. In the recent debates on CETA, the long-term New York City loan guarantee program, targeted fiscal assistance and other urban-oriented programs, some may have lost sight of the fact that the decline of our cities is an endemic phenomenon. There is a tendency to get hung up on recriminations of fiscal imprudence, waste and poor administration. While perhaps these explain a part of the reason for New York City's fiscal problems, they really miss the essential point: An economic decline of major proportions hitting our older big cities—and New York City the biggest—the hardest. And they are the Nation's major Federal revenue producers.

It is for this reason that Federal financial assistance, particularly Federal jobs programs, need to be targeted more sharply at urban areas that suffer severe job losses. Recent BLS data show that severe unemployment in 1978 characterized such cities as Miami, Tacoma, Philadelphia, Newark and New Orleans, to name just a few. Clearly, while the magnitude of the problem may be far greater in New York City, it is not alone as far as the fact of job losses is concerned.

This is why recently I recommended to Secretary of Labor Ray Marshall, that some substantial part of the enormous carryover in the CETA public service employment program—which may be close to $2 billion out of the fiscal year 1979 appropriation of about $6 billion—be used to hold harmless at their fiscal year 1979 allocations in fiscal year 1980 those areas where unemployment exceeded 6.5 percent in 1978. This proposal would insure that areas which have continued to suffer from persistent severe unemployment, even as the national unemployment picture has improved considerably, would not get caught indiscriminately in the crossfire of the current movement to make draconian cuts in the public service employment program, that is, from the April 1978 actual level of 750,000 jobs to a planned September 30, 1980, level of about 450,000 jobs, a cut of almost half.

There is another very important reason why the cities need to have continued Federal jobs assistance. The Congressional Budget Office estimates (testimony of Alice Rivlin, January 25, 1979) that if Federal spending in fiscal year 1980 is reduced by $15 billion below the levels that would be required to maintain current policy—and, according to CBO, the President has proposed a cut of about $12 billion below current policy—after 8 quarters national unemployment could be about 500,000 higher than where it would have been under current policy.

Mr. President, these three separate but related developments—first, the loss of job opportunities in the cities; second, the proposed budget cuts in the public service employment program; and third, the likelihood that generally tighter Federal fiscal policy will reduce employment by some 500,000 jobs by 1981—together represent a triad of havoc that could shatter the lives of many of the citizens soon to become unemployed.

If the public service employment program is cut as the President has proposed and now hold harmless is established to cushion the blow in the really high unemployment areas of our country; and if the Congress adopts a budget resolution for fiscal year 1980 which incorporates a spending level of nearly $15 billion below current policy; then the resulting private and public job losses—combined with the kind of on-going hemorrhage of jobs I have already described—could indeed bring the hardest hit cities of our country to their knees.

Finally, Mr. President there is the very real danger that, apart from the factors I have just described, an economic recession may hit the United States in fiscal year 1980. If that happens—and many economists now are predicting that it will—there could be significant disproportional effects on those areas of our country where unemployment is already extremely high. The older big cities, particularly in the Northeast, have a high risk exposure right now, and are in a relatively far worse condition for this stage of the business cycle than they have been at any other time in the post-war era. If a recession comes late this year it will hit them very hard.

This danger has been confirmed in a recent study by Richard Syron and Lynn Browne of the Federal Reserve Bank of Boston. They conclude that a recession would have very unequal impacts in different regions of the country. They state:

> The East North Central region and New England are more exposed to short term fluctuations than the country as a whole.

The widespread unemployment that is then certain to materialize could, I believe, prove to be an economic and social disaster of major proportions.

The Congressional Budget Office has looked at the unemployment situation that may evolve and concluded as follows:

> More restrictive fiscal and monetary policies run a substantial risk of increasing disparities in unemployment rates. To begin with, cuts in spending below current policy in the employment area would have important implications for the level and composition of unemployment in both fiscal year 1980 and thereafter. In the short run, reductions in employment programs appear to have greater effects on employment and unemployment than do similar size cuts in the federal budget in general. Thus, groups that traditionally have had especially high unemployment could be faced with a dual problem in 1979: when the economy softens, the unemployment rates for such groups as blacks and youths would increase more (in percentage points) than for the labor force in general. In addition, if part of the anti-inflation strategy involves large cuts in employment programs, this would have a disproportionate effect on the groups and geographic areas most affected by softness in the economy.
>
> For the intermediate term, targeted training and employment programs and policies may be an essential component of any comprehensive strategy for achieving the reduction in unemployment and inflation called for in the Full Employment and Balanced Growth Act. Since it takes time to build up such programs (or to phase them down), major cuts in existing programs could postpone the implementation of the Full Employment and Balanced Growth Act by several years. (Source: The Fiscal Policy Response to Inflation—CBO 1/79 pp 52–53).

Mr. President, I pray we will have the wisdom and the foresight to act on the facts as I have put them before the Senate. We will not get a second chance if we miss the opportunity this year to make right what is so desperately wrong about the unemployment problem in our country. The unemployed poor of our great cities are looking to us to help stem the tide of pervasive unemployment and to break their shackles of dependence. Let us feel their plight in the coming weeks and not let them down.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the New York Times of February 11, 1979.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW YORK CITY—JOBS

(By Damon Stetson)

A new Federal study of employment in the area of New York City and northeastern New Jersey predicts an increase in white-collar and service jobs and a decline in the blue-collar sector.

The 73-page study, made public yesterday by the regional office of the Federal Bureau of Labor Statistics, projects a total of 3,260,000 job openings for the period from 1974 to 1985, with 1.2 million in New York City. It foresees a decline in overall employment in New York City, but at a much slower rate than in the last nine years.

The figures on job openings represent mainly the replacement of jobs, as opposed to an increase in total employment.

More than two out of three job openings in the area, and three out of four in New York City, will be in white-collar categories, according to the study. Professional and technical occupational groups in the area surpassed all other major classifications in their anticipated rate of gain.

PROJECTIONS NOT PRECISE

But Herbert Bienstock, the regional commissioner for the bureau, warned that such long-term projections were imprecise. He described the study as a kind of "French impressionistic painting of job projections in 1985, as contrasted with a clear black and white photograph."

He said that government policies, economic fluctuations and international developments, together or separately, might alter the validity of the projections.

For example, the construction of the Westway, according to earlier studies, would be expected to generate enough new business activity to create anywhere from 13,400 to 124,600 permanent new jobs in the metropolitan region.

Mr. Bienstock explained that a 333,000 employment increase projected for the area by 1985 would account for about a tenth of the area's job openings for the 11-year period. The remaining nine-tenths of projected job openings, he said, would result from the turnover of workers leaving the labor force because of retirement, illness, death or family obligations.

He said the 1.2 million New York City job openings would all be accounted for by replacement needs, as total employment is expected to decline by 339,000. Lest this be interpreted as an overly pessimistic forecast, he noted that the city's payroll employment dropped by 625,000 in the period from 1969 to 1977, but that the decline had eased in the last two years.

He said that in the period since 1974, the beginning of the study's projection period, "a goodly number" of the job losses included in the city's prospective decline—perhaps as many as 255,000—had already occurred.

In the rest of the area outside the city and in northeastern New Jersey, about two million job openings are expected, with roughly two-thirds resulting from replacement needs and one-third from a projected employment rise of 669,000.

The overall rise in employment in the area is projected at 5 percent by 1985, according to to the report. That is one-fourth of the anticipated national growth of 20 percent.

In each occupational group, the area's growth rate is projected to be lower than the rate nationally. Mr. Bienstock explained that this lower growth rate was mainly attributable to job losses anticipated in New York City. The remainder of the area, the study indicates, is expected to experience growth more closely approximating the national growth.

EIGHT-PERCENT DECLINE IN BLUE-COLLAR JOBS

As a result of the city's probable job losses, Mr. Bienstock said, its share of the area's employment will decline from 52 percent of the total in 1974 to 45 percent in 1985.

The study, in pointing to occupational trends in the area, foresaw an increase of 11 percent between 1974 and 1985 in professional and technical employment, reaching a total of 1,258,000 workers. Clerical workers represent the largest and second-fastest growing occupational group, with a projected increase of 10 percent to 1,727,000 workers.

UNITED STATES-MEXICO QUADRIPARTITE COMMISSION

Mr. JAVITS. Mr. President, on February 11, 1979, I attended a meeting of the Tourism Subcommittee of the United States-Mexico Quadripartite Commission (which is hereinafter described) in Manzanillo, Mexico. I would like to report to my colleagues on the results of that meeting. I was accompanied by my special assistant for economic affairs, Jacques J. Gorlin.

The Mexican delegation to the meeting has was headed by the Secretary of Tourism, Guillermo Rossell de la Lama; former President of Mexico Miguel Aleman; the Director General of FONATUR (The National Tourism Development Fund), Jose Antonio Murillo; and by Bernardo Quintana, President of GRUPO ICA and Mexican cochairman of the Commission. The United States representation included Assistant Secretary of Commerce for Tourism, Fabian Chavez, Jr., Edgar Molina, vice president of Ford Motor Co. and United States cochairman of the Commission, and myself. Over 60 other representatives of the private and public sectors of Mexico and the United States attended the meeting during which issues of mutual concern regarding the development of Mexico's tourism sector were thoroughly discussed.

The timing of this particular subcommittee meeting of the Quadripartite Commission was especially significant in that it occurred immediately before President Carter's meeting of February 14 and 16, 1979, with Mexican President Lopez-Portillo.

The crucial role of the private sectors of the United States and Mexico in the economic development of Mexico was clear and so recognized by the governmental representatives attending the meeting. I understand that Tourism Minister Rossell provided President Lopez-Portillo with a full report on the deliberations and conclusions of the meeting.

Upon my return to the United States, I briefed Secretary of State Vance and Assistant Secretary of State for Inter-American Affairs Vaky. U.S. Government support for the Commission was evidenced also by written greetings, which I personally delivered to the Commission members, from Secretary of the Treasury Blumenthal and Under Secretary of State Cooper. I ask unanimous consent that copies of these letters appear at the conclusion of my remarks.

Since its inception over 3 years ago, the Commission has sought to demonstrate the viability of private United States investment working in association with both governments and Mexican private enterprise in assisting Mexico's economic growth and development especially in project areas which are Mexico's national priorities. As I will describe below, the tourism sector was one of those sectors of the Mexican economy whose development was identified early in the Commission's deliberations by the Mexican members of the Commission as being of high priority. They indicated that since tourism was an important generator of domestic employment (that is, labor intensive) as well as foreign exchange it could help Mexico meet its most serious economic problems.

The priority of the tourism sector already has been recognized by the United States and Mexican Governments; in May 1978, the two governments signed a United States–Mexican Tourism Agreement which pledged cooperation not only in resolving outstanding bilateral issues but also in developing joint programs to foster tourism from third countries.

The Tourism Subcommittee represented the culmination of over 3 years of effort by me to get the commission on its way. In early 1977 I invited a distinguished colleague of ours, the Senator from Texas (Mr. BENTSEN), who accompanied the President on his recent visit to Mexico to join me in the effort. I believe that Senator BENTSEN's State and the country owe him a deep debt of gratitude for his magnificent service in behalf of improving United States-Mexico relations.

Mr. BENTSEN. Mr. President, will the Senator yield just for a minute?

Mr. JAVITS. I yield.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. BENTSEN. The Senator from New York is totally modest in his comments about the quadripartite commission.

He has been the guiding light of it and he has been tenacious in seeing that that work was carried out.

We see a lot of these commissions started with very little result but this is one because of the follow-through by Senator JAVITS from New York we are seeing some absolute concrete results that I think are going to help very substantially in the involvement of the private sector in trying to develop commerce between our two countries and further creation of jobs in Mexico that is necessary for that economy, and he is a man who has shown great perception as to the extreme importance to the United States of Mexico and whatever happens in Mexico is going to spill over on this side and vice versa.

Whether we like it or not our futures are intertwined, and I am very grateful for the work that the Senator from New York has done in that regard and pleased to assist in whatever minor way I can.

Mr. JAVITS. How very gracious and typically modest of the Senator from Texas. He adds an absolutely otherwise unavailable dimension to our effort. I am very grateful to him and believe that the country should also show its appreciation for his fine work.

Mr. President, to continue, we have been joined in this undertaking by representatives of the private sector headed by co-chairmen Quintana and Molina, who attended the Manzanillo meeting, and Ralph Pfeiffer, Jr., of IBM and Antonio Ruiz Galindo, who are the other by cochairman Quintana and Molina, United States and Mexican cochairmen respectively. Also instrumental in the founding of the Commission were J. Irwin Miller of Cummins Engine, G. A. Constanza of Citicorp, and William Hewitt of John Deere. In addition, the following corporations are represented on the Commission: DuPont, Bendix, the Sheraton Corp., Bank of America, ADELA, the Agribusiness Council, Inc., Murden & Co., and McKinsey & Co.

In putting forward the Quadripartite Commission as a vehicle to bring together the United States and Mexican private sectors to assist in Mexico's economic development under a joint governmental umbrella, these business leaders joined in underscoring the need for a special relationship between Mexico and the United States that would facilitate the economic interdependence that our common border dictated. The nature and size of the issues that face our two governments and the required solutions in such areas as labor-intensive economic development in Mexico, Mexican energy development, and undocumented aliens, cannot be resolved by governments alone and, hence, the need, I believe, for the Quadripartite Commission to provide a necessary element to complement certain major objectives of the official relationship between our two governments.

The Commission's development had been characterized before the Manzanillo meeting by slow progress, notwithstanding the best intentions of both sides. The Commission was launched in June 1975, after an initial meeting that I had with President Echeverria in Mexico. It was subsequently fully supported by President Lopez-Portillo after he took office in 1976.

The thrust of the Commission as a vehicle for economic cooperation was confirmed 6 months later in January 1976, in a meeting in San Antonio where we agreed to form special committees to focus on the vital economic sectors of Mexico. In September and December 1976, I briefed newly elected President Lopez-Portillo in Washington, who was very supportive of the Commission idea.

As a result of my meetings with President Lopez-Portillo, a plenary meeting of the Quadripartite Commission was held in Mexico City in April 1977. The meeting was attended by myself, Senator BENTSEN, Under Secretary Cooper, Under Secretary of the Treasury Tony Solomon, Under Secretary of Commerce Sidney Harmon, senior representatives of the Mexican Government, 13 representative leaders from the U.S. private sector, and 10 representative leaders of the Mexican private sector. The meeting continued our earlier attempts to determine possible areas of participation by the private sectors in joint investment projects which were defined as Mexican national priorities. It was agreed to develop proposals in the areas of tourism, agribusiness, manpower training and technology, manufacturing, and resource development.

Since the main objective of the Quadripartite Commission was to assist Mexico in project areas of its choosing, the U.S. participants awaited the wishes of their Mexican counterparts. In August 1977, the U.S. cochairmen, Ralph Pfeiffer and Ed Molina, and my special assistant, Jacques Gorlin, met with President Lopez-Portillo in Mexico City to gage whether the Government of Mexico was still interested in the Commission. In the intervening period the two sides have had discussions both face-to-face and through diplomatic channels; and the tourism meeting which I attended was the culmination of these efforts.

The meeting provided an opportunity for tourism specialists from both the private and public sectors to focus on outstanding issues that have blocked greater United States-Mexican cooperation in the development of Mexican tourism projects. Representatives of Fonatur and the Ministry of Tourism briefed the Commission members on the potential for Mexico's tourism sector as well as on the specific objectives of Mexico's tourism policy and the role of United States investment in these plans. A frank exchange of views on Mexican legal issues relating to foreign investment and the acquisition of real property interests by foreigners in Mexico took place.

During the course of the meeting, the following issues were identified as posing problems for expanded United States-Mexican cooperation in the tourism sector:

First. The need to expand both the number of U.S. airlines servicing Mexico and the routes into Mexico. It was recommended that a bilateral air agreement be negotiated to permit the United States and Mexican airlines to work more closely in exploiting these opportunities. The Mexican side indicated that the U.S. airlines were not considering increasing their flights to Mexico because of new opportunities afforded in the domestic U.S. market and expressed concern that an exemption from the Sherman Anti-Trust Act may be necessary to permit closer collaboration between the Mexican an U.S. airlines.

Second. The possibility of having U.S. tax legislation which would create a "North American area" exemption to the present law limiting tax deductible foreign conventions to 2 a year when held outside the United States. This limitation, the Mexicans believe, has been counterproductive to the development of their tourism industry.

Third. The need for possible changes in Federal and State securities laws and regulations with respect to the registration of real estate sales and securities to account for the inability under Mexican law to provide proof of clear title for property in Mexico. The Mexican side viewed this as a major limitation on raising capital in the United States for real estate ventures.

Fourth. Article 27 of the Mexican Constitution, which created a "prohibited zone" for foreign ownership of land (all land within 100 miles from any land border and within 50 miles of the sea coasts), is a major impediment to foreign investment according to U.S. participants in the meeting. Although a 1971 Presidential decree, which was later codified in May 1973, by the Mexican Congress in a foreign investment law, has sought to alleviate the problem by permitting legally approved trust deeds of 30 years duration, legal problems dealing with successive trusts beyond the initial 30-year period remain. In addition, the U.S. participants pointed to the absence of long-term credit instruments (mortgages are presently limited to 10 years) as a further disincentive to touristic investments.

Mexico's representatives indicated their awareness of these problems and that they have sought to work within the limitations of the constitution to create new incentives, such as accelerated amortization and tax credits, for such external investment in the tourism sector.

In addition to the plenary session in which these policy issues were discussed, the representatives of the two private sectors made onsite inspections of possible areas for joint tourism investments.

Two joint venture agreements negotiated under the auspices of the Quadripartite Commission between the ICA group and the Sheraton Corp. and between Howard Johnson and the Marcos Russek group of Mexico were signed at the close of the final session of the Commission. These agreements provided tangible evidence of private sector interest in Mexico's economic development.

The Commission plans to expand its work and concentrate its efforts further in tourism as well as in agribusiness and other labor-intensive sectors of the Mexican economy that have been identified by Mexico as priority areas.

The Commission has executive offices in New York, under the executive direction of Jeffrey Peters, and in Mexico City, under the direction of Alberto Velasco, who serves also as an assistant to President Lopez-Portillo.

The importance of this subcommittee meeting transcends the tourism sector and should not be underestimated. The meeting was tangible evidence of the developing interest in the Commission on the part of Mexico. The meeting could not have taken place without the active leadership of Tourism Secretary Rossell and the personal bureau of the President of Mexico. Given the close working relationship between government and the private sector in Mexico, continued Commission activity in other sectors of the Mexican economy will require also the leadership of other Mexican ministers to support the Commission's objectives.

Throughout the development of the Commission in the last 3 years, I have kept Secretary of State Vance and his predecessor, former Secretary of State Henry Kissinger, fully informed about the Commission's work. The State Department has lately recognized the Commission's importance in implementing any United States-Mexico policy for economic development which includes a significant role for the United States and Mexican private sectors. President Carter also has shown the importance that he attaches to continued close United States-Mexican private sector endeavors such as the Quadripartite Commission as a necessary complement to the official relationship between our two governments.

The President and the Congress must even more look to the private sector as a full partner in the implementation of the foreign relations of this Nation. There is priceless expertise in the private sector as well as resources, and we must avail ourselves fully of that knowledge and the willingness to serve the United States that are to be found in the U.S. private sector.

One possible approach relating directly to the vital U.S. relationship with Mexico would be the establishment of a private sector advisory group on Mexico to advise the Department of State which would draw upon the work of the Quadripartite Commission members as well as of other private sector groups which are knowledgable about Mexican affairs.

While it has taken over 3 years to get the Quadripartite Commission off the ground, there is no doubt in my mind that it is highly relevant to the very real economic issues that face—and all too often divide—the United States and Mexico. In a sense, the Quadripartite Commission may have been ahead of its time in recognizing the importance of strong United States-Mexico economic relations and the need for positive efforts on the part of both partners to make that objective a reality. But the times have now caught up and the effort looks most hopeful and worthwhile.

I ask unanimous consent that the letters be printed in the Record.

There being no objection the letters were ordered to be printed in the Record, as follows:

The Secretary of the Treasury,
Washington, D.C., February 6, 1979.
Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Jack: Thank you for informing me of the February 9–12 meetings of the U.S.-Mexico Quadripartite Commission.

I am happy to hear that the Commission is now looking at joint ventures in the tourism field. As you know, we welcome close cooperation between the United States and Mexico and between their private sectors. We believe the work of this Commission is extremely useful in stimulating and maintaining such cooperation. Please convey my sincere wishes for success to the participants in the upcoming Tourism Subcommittee meetings.

Best regards.
Sincerely,
W. Michael Blumenthal.

Under Secretary of State
for Economic Affairs,
Washington, D.C., February 8, 1979.
Hon. Jacob K. Javits,
U.S. Senate.

Dear Senator Javits: I was pleased to learn from your letter of January 30 that progress is being made by the U.S. private sector in pursuing areas of joint investment in Mexico. This effort by the U.S. private sector representatives appears to be a promising revenue for involving their Mexican counterparts.

Enclosed is a letter which you requested for the meeting of the Tourism Subcommittee.

With best regards,
Sincerely,
Richard N. Cooper.

Under Secretary of State
for Economic Affairs,
Washington, D.C., February 8, 1979.
To the Members of the Tourism Subcommittee:

I wish to extend to you my wholehearted support and best wishes for success in your efforts to promote tourism between our two countries through private investment in specific projects. Successful projects of this sort could serve as a model for joint endeavors by the private sector in other sectors of the Mexican economy. This cooperative effort by U.S. and Mexican free enterprise complements in an important way the cooperation at the Government level now being carried out by the US-Mexico Consultative Mechanism.

President Carter's visit to Mexico, which will take place in a few days, reaffirms the importance he gives to increased official cooperation and consultation between Mexico and the United States. However, governments are able to go only so far in cementing the relations between their countries. Beyond that it is essential to have the sort of people-to-people contact exemplified by your group in its efforts to carry out joint investment projects.

Sincerely,
Richard N. Cooper.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida (Mr. Chiles) is recognized for not to exceed 15 minutes.

The Senator from Florida.

RULE 29.5

Mr. CHILES. Mr. President, a major challenge facing the new 96th Congress is how to demonstrate to the people of this country that Government services can be delivered with a minimum of paperwork, redtape, and regulation and that their tax dollars can be spent effectively, and without fraud or abuse.

One way we can begin tackling the paperwork and redtape dilemma faced by almost every American is to begin following our own rules here in the Senate.

We have a rule, Senate rule 29.5, enacted at the beginning of the 95th Congress, which states very clearly that each committee report of each and every public bill and joint resolution contain a statement which spells out the paperwork impact the legislation would have.

The statement—the regulatory impact evaluation—is to tell us who will be affected by the legislation, the impact on personal privacy of individuals, as well as determining the amount of additional paperwork that will result from passage of the bill or resolution.

If an evaluation is impracticable, the committee is to state why. Our rule exempts only the Appropriations Committee from this requirement.

Rule 29.5 also declares that it is not in order for the Senate to consider any bill or joint resolution that does not have that accompanying statement.

We have, however, broken that rule many times.

THE SENATE RECORD

A review by my staff and the Congressional Research Service reveals that 216 of the 688 committee reports which fell under the rule's scope simply ignored rule 29.5.

Almost a third of the reports—31.4 percent—did not even refer to the rule and made no statement whatsoever to the requirement that regulatory, economic, privacy, and paperwork impacts of legislation be considered.

Many of the 216 bills and resolutions are now public law. The fact that 31 percent did not follow the rule is a simple, stark statistic which shows the Senate has not been all that serious about reducing paperwork.

The strategy this rule provides to attack paperwork and excessive regulation must be followed. The Senate cannot tolerate an utter disregard for its own rules.

I plan to bring to the Senate's attention any bill or joint resolution reported to the floor that ignores rule 29.5. A number of other Senators have joined with me in this regard: Senators Nunn, Huddleston, Bentsen, Domenici, Roth, and Dole. I invite my colleagues to join with me in monitoring committee reports.

I believe the result will be to reduce the headaches as well as the financial cost of regulatory and paperwork requirements that find their way into reauthorization or new legislation.

By doing this, Mr. President, we will demonstrate to the taxpayers that we in the Senate are serious about reducing paperwork.

I recall the Paperwork Commission's conservative estimate that it cost $100 billion a year to meet the paperwork demands imposed on citizens, State and local governments, and private businesses. Any 1-percent reduction in this growing figure would represent $1 billion.

Senator Bentsen recently told me that the Joint Economic Committee has found businesses will spend more than $102 billion in 1979 to comply with Federal regulations, an increase of 50 percent since 1976.

Rule 29.5 is a vehicle to discipline the committees of the Senate and to address these costs at their source, where laws are made. We can say all we want to about bureaucrats who run amuck and I believe strongly much can be done through better oversight. But if we are serious about it, Mr. President, we have got to realize that the process starts with us, with the legislation that we initiate. Unless we are willing to follow our rule and do something about it, it is going to be very hard to expect that we can get the bureaucrats or anyone else to pay attention.

Ideally committee work should crank in the analysis of executive branch agencies, interested public groups, and the General Accounting Office in performing evaluations.

Members would then have a better basis to pick the way to do the best job with the least amount of paperwork.

There are limitations to the requirements of the rule. The rule does not, for example, get to amendments made to bills already reported or conference reports. Regulatory, economic and paperwork impacts are not always easy to measure exactly, but a quick look at the survey results that follow show the Senate has hardly tried to follow its rule.

I think, Mr. President, it is time we start trying to follow rule 29.5.

Mr. President, I ask unanimous consent that survey results of Senate performance on rule 29.5, 95th Congress, and a letter dated February 15, 1979, from the Comptroller General of the United States be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Survey results of Senate performance on Rule 29.5, 95th Congress

(Total number of committee reports reviewed was 688).

	Number of reports	Percentage of reports
Reports which included a separate and specifically designated regulatory impact statement	472	68.6
Reports which did not	216	31.4
Reports which contained a statement explicitly waiving the impact statement requirement	9	1.3
Reports which did not	679	98.7
Reports which stated that the impact statement is based upon information provided by the executive branch	3	0.6
Reports which did not	460	99.4
LENGTH OF THE IMPACT STATEMENT		
One paragraph or less	185	40.0
More than one paragraph but no more than one page	229	49.5
Two to five pages	45	9.7
More than five pages	4	0.9
HOW THE IMPACT STATEMENT CHARACTERIZED THE INDIVIDUALS AND BUSINESSES TO BE REGULATED		
No characterization	316	68.2
Qualitative identification	101	21.8
Quantitative estimate	46	9.9
HOW THE IMPACT STATEMENT ASSESSED THE REGULATORY IMPACT OF THE MEASURE		
Not a regulatory measure	109	23.5
No regulatory impact	152	32.8
No increase in existing regulations	114	24.6
Increase in existing regulations	29	6.3
Decrease in existing regulations	12	2.6
No assessment	47	10.2
HOW THE IMPACT STATEMENT ASSESSED THE ECONOMIC IMPACT OF THE MEASURE		
No significant economic impact	129	27.9
Positive economic impact	56	12.1
Negative economic impact	7	1.5
Mixed economic impact	9	1.9
Discussions of economic impact without assessment	4	0.0
No assessment	258	55.7
HOW THE IMPACT STATEMENT ASSESSED THE IMPACT OF THE MEASURE ON PERSONAL PRIVACY		
No significant impact	291	68.9
Positive impact on privacy	1	0.2
Negative impact on privacy	15	3.2
Mixed impact on privacy	9	1.9
Discussion of impact on privacy without assessment	1	0.2
No assessment	146	31.5
HOW THE IMPACT STATEMENT ASSESSED THE IMPACT OF THE MEASURE ON FEDERAL PAPERWORK		
No significant impact	252	34.4
Positive impact—reduced paperwork	29	6.3
Negative impact—increased paperwork	44	9.5
Mixed impact	19	4.1
Discussion of impact on paperwork without assessment	1	0.2
No assessment	118	25.5
HOW THE IMPACT STATEMENT ASSESSED THE IMPACT OF THE MEASURE ON PRIVATE RECORD-KEEPING		
No significant impact	96	20.7
Positive impact—reduced record-keeping	7	1.5
Negative impact—increased record-keeping	33	7.1
Mixed impact	6	1.3
No assessment	321	69.3
Impact statements which include data, specifications, or examples of paperwork or record-keeping to be affected by the measure	26	5.6
Statements which did not	437	94.4

The above data reflects characterizations and evaluations that are necessarily subjective. In many cases, differences of interpretation are certainly possible. Inconsistencies have been minimized, however, by subjecting all reports to review by the same individuals. This report focuses only on separate and specifically designated impact statements. Information pertinent to the requirements of the rule may often be included elsewhere in the texts of committee reports. The only reports accompanying bills and joint resolutions have been excluded from this review are those of the Committee on Appropriations and those that provide for the relief or name persons or entities. Many of the reports that have been examined accompany measures so limited in scope and effect that they would not be expected to have a discernible regulatory impact. A few committee reports have not been available for examination, but they are too few in number to have a significant effect on the data.

Number of reports by committee which did not refer to rule 29.5

Agriculture, Nutrition, and Forestry	0
Armed Services	20
Banking, Housing, and Urban Affairs	30
Commerce, Science and Transportation	0
Energy and Natural Resources	3
Environment and Public Works	13
Finance	0
Foreign Relations	4
Governmental Affairs	6
Human Resources	12
Judiciary	76
Rules and Administration	15
Veterans' Affairs	0
Select-Indian Affairs	34
Select-Intelligence	3
Select-Small Business	0

WASHINGTON, D.C.,
February 15, 1979.

HON. LAWTON CHILES,
Chairman, Subcommittee on Federal Spending Practices and Open Government, Committee on Governmental Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: As the 96th Congress convenes, controlling the growth of Federal regulatory and paperwork burdens is high on the agenda of issues to be addressed. Because of your interest and prior efforts in this area, I want to share my thoughts with you on what I believe to be potentially one of the most useful tools available to the Senate in achieving that objective. That tool is Senate Rule 29.5.

Rule 29.5, adopted in February 1977, requires that the report accompanying each public bill or joint resolution coming to the Senate floor, except appropriations bills, include an evaluation of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation should include:

(a) estimates of the numbers and classes of individuals and businesses regulated,

(b) estimates of the economic impact on those affected,

(c) an assessment of the impact on personal privacy of the individuals affected, and

(d) estimates of the amount of additional paperwork, including recordkeeping, which would be required.

The rule provides that, in lieu of such an evaluation, the report should include a statement of the reasons why preparation of the required evaluations is impracticable.

The evidence available indicates that implementation of the rule to date has not been good. I believe this may be due, in part, to a misunderstanding of the rule's intent as to (1) who has responsibility—and capability—for developing the required impact evaluations, (2) at what point in the legislative process the input is required, and (3) the degree of precision expected or possible in the analyses. I would like to give you our views on these points.

We believe that, in most cases, the committee staffs do not have the time or ready access to the required information to prepare the impact evaluations. In our view, the agency which would administer the proposed legislation is the most knowledgeable source for developing the evaluations required by the rule. Input from those who would be affected would also be useful. We also believe that impact evaluations should be available to the committees when legislation is being considered. This would provide the opportunity to consider alternative ways to achieve the desired objectives. However, it must be recognized that the impacts called for in the rule simply cannot be measured with precision. Rough estimates are the best that can be hoped for.

As a further thought along these lines, it might be worthwhile to request the Director of the Office of Management and Budget to ensure that agency testimony or other comments on bills address the impact issues called for by Rule 29.5. Alternatively, the committees could request the agencies under their jurisdiction to address the rule's impact requirements in their testimony and comments. Either of these approaches could aid in putting the agencies on notice to develop the best information they could for the committees' consideration.

Recognizing that the data available will always have limitations, I believe Senate Rule 29.5 can serve an extremely valuable function to assist the legislative committees as they hold hearings and consider comments and testimony from the implementing agencies and those who will be affected by the legislation. Accordingly, I have directed my staff to carry out the following tasks:

Prepare guidelines to assist in developing the required impact evaluations,

Consider and address the Rule 29.5 impact issues in GAO comments on proposed legislation, and

Evaluate, when requested, impact analyses developed for the committees.

The product I envision in the way of guidelines would be one or more booklets including a range of questions to be addressed in impact statements and suggestions on methodology. If we are successful, the results could provide a useful tool for both the committees and the agencies in developing impact statements and considering alternatives to limit the adverse impacts of proposed legislation.

We are routinely asked to provide comments and views on many legislative proposals of a public nature. We will consider and address, to the extent feasible, the Rule 29.5 impact questions in developing our comments on proposed legislation.

Finally, on a request basis and within the limits of our resources, our staff will be available to work with the committees informally to assist in evaluating impact material developed by the executive agencies.

I hope you will find these thoughts useful. We will continue to work with you to assist in accomplishing the objectives of the rule to the greatest degree possible.

Sincerely yours,

ELMER R. STAATS,
Comptroller General of the United States.

Mr. BENTSEN. Mr. President, will the Senator from Florida yield to the Senator from Texas?

Mr. CHILES. Yes.

Mr. BENTSEN. First, Mr. President, I congratulate the Senator from Florida who has developed quite a reputation in his time here in the Senate for his deep concern for the cost of Government in the effective delivery of services to the taxpayers of this country with a minimum of frills and a minimum of expense.

In bringing to the attention of this Senate the lack of enforcement of rule 29.5 he is rendering a further service.

I think it is interesting to note that Senator TALMADGE, our great friend, is here today. He is the author, the sponsor, of 29.5, who understands the burden of the paperwork in this country.

I had a secretary of one of the departments testifying before our committee, and I asked, "Have you followed the rule that the President has asked for every head of every department that they read every regulation that comes out of their department each year?" I was speaking to the Secretary of Commerce, Mrs. Krebs, and she said:

> No, I have not. It has been an impossible task for me.

Can you then imagine the responsibilities and the problems of a small businessman? In 1955 you had 10,000 pages of regulations in the Federal Register published. In 1978, you had 70,000 pages of them.

Mr. President, it is particularly appropriate that our distinguished colleague, Senator TALMADGE, should return to the Senate during the discussion of Senate rule 29.5. Senator TALMADGE was the author and sponsor of rule 29.5. This rule will have a significant impact on regulatory costs and inflation if it is adhered to during the 96th Congress.

During the hectic closing days of the 95th Congress, the Senate passed a number of major bills in violation of rule 29.5, which requires that each bill reported by committee for Senate action be accompanied by a regulatory impact analysis. Even during the earlier part of the 95th Congress, when the pace was much more measured, a large percentage of bills—almost a third—got through the Senate without any kind of analysis of their regulatory impact on American taxpayers, consumers, and businesses.

I am very disturbed by this lack of congressional concern for the regulatory costs that are imposed on the private sector when legislation is passed that has not been thoroughly examined.

We must do better during the 96th Congress. If we do not improve—if we continue to pass legislation without examining the regulatory and paperwork impact—we will just end up stimulating more inflation and stifling the entrepreneurship and productivity of American businesses.

In April of last year the Joint Economic Committee published a study showing that businesses will spend over $102 billion in 1979 to comply with Federal rules and regulations, an increase of almost 50 percent since 1976.

In November of last year after the 95th Congress adjourned, the General Accounting Office submitted a report to the JEC showing that American businesses "take about 69 million hours annually at an estimated cost of over $1 billion to respond to the more than 2,100 U.S. reporting requirements" that have been approved by the OMB and GAO under the Federal Reports Act. And this figure, as astonishing as it is, does not even include business forms that have to be submitted to the Internal Revenue Service, the Federal Reserve Board, or the Securities and Exchange Commission.

These growing regulatory costs are a significant cause of inflation. They must be brought under control soon, or our fight against inflation will be much more difficult.

I see little hope right now, though, for a tapering off of regulatory costs unless we adhere to rule 29.5. Otherwise, Congress will continue to enact new laws that give the regulatory agencies more duties and more reasons to issue more and more costly regulations.

At the beginning of the 95th Congress, the Senate passed rule 29.5 to require Senate committees to consider regulatory costs when they report new legislation. In a speech on October 14, 1978, the last day of the 95th Congress, Senator CHILES pointed out that too much legislation was reported without the required regulatory impact analysis. He also pointed out that many of the analyses submitted were perfunctory or useless.

We in Congress complain quite readily about the regulatory costs imposed by the regulatory agencies and their "faceless bureaucrats." Certainly, the agencies must take some of the blame for rising regulatory costs. But how can we force the regulatory agencies to take seriously the task of reducing regulatory costs if we fail to toe the mark ourselves?

During this Congress, rule 29.5 must be complied with much more vigorously and consistently.

The first step toward controlling regulatory costs must be the control of costly legislation. We must all be Horatios at the bridge on this. I look forward to working with Senator TALMADGE and Senator CHILES, and my other distinguished colleagues, to give real meaning to rule 29.5 during the 96th Congress.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I thank my distinguished colleague, and I will yield in just one moment.

I just want to take one moment to express to the Senator from Texas my appreciation for what he is doing in the Joint Economic Committee, and to say that I know the feeling he has for how our private enterprise system must work. If we do not do something in controlling these regulations, especially where they are needless, where they are duplicative or where they gather information, much of which is never even looked at by the people who gather the information, then we suffer a total loss to our economy, totally inflationary, and we have lost credibility with the people out there. I am delighted to have his support in it.

I want to also say that I join in his mention of the Senator from Georgia (Mr. TALMADGE), the father of rule 29.5. It was amended on his motion, and it was overwhelmingly adopted by the Senate on February 1, 1977.

Certainly the wisdom that was shown by the senior Senator from Georgia 2 years ago is coming to everybody's attention, and all of us are joining in. The Senator from Georgia saw the wisdom of this 2 years ago, when he saw that we needed to do something. I think it is very significant to note that the Agriculture Committee provided impact statements in their reports, without exception. I have been told that members of the committee have found that the information generated was very helpful.

The Senator from Georgia has been the pioneer in this. I am delighted to yield to him on this subject that we now follow, a subject that he started.

Mr. TALMADGE. I thank the distinguished Senator from Florida.

THE TALMADGE RULE—2 YEARS LATER

Mr. President, on February 1, 1977, the Senate approved an amendment to rule 29 of the Standing Rules of the Senate to require that a regulatory impact statement be included in the report which accompanies every bill or joint resolution reported to the Senate by any committee of the Senate. The Senate adopted this amendment overwhelmingly on a rollcall vote of 74 to 20.

I would like to commend the Senator from Florida (Mr. CHILES), the Senator from Texas (Mr. BENTSEN), the Senator from Kentucky (Mr. HUDDLESTON), and my colleague from Georgia (Mr. NUNN) for their efforts in bringing to the attention of the Senate the failure to comply with the requirements of rule 29.5. I applaud the concern my colleagues have shown regarding the need for adherence to this rule, and I pledge my total cooperation in a renewed effort to bring this problem to the attention of the full Senate.

Now, over 2 years after the adoption of my amendment, we should examine the extent to which it has been effective and, if not, what should be done.

Under the amended rule 29, committees must include in their reports on legislation a statement of the regulatory impact which would be incurred in carrying out the bill or joint resolution. This evaluation is to include, first, an estimate of the numbers and types of individuals and businesses who would be regulated; second, a determination of the economic impact of the regulation on the individuals, consumers, and businesses affected; third, a determination of the impact on the personal privacy of the individuals affected; and fourth, a determination of the amount of additional paperwork that will result. The paperwork determination is to include the amount of time and the costs to be required of those affected and an estimate of the recordkeeping requirements that may be associated with the legislation.

Mr. President, I became interested in amending the Senate rules to require a regulatory impact statement because of my own experiences in the legislative process. Time after time since I have been in this body, I have seen the Congress enact broad and sweeping legislation to regulate entire sectors of the economy and great numbers of people. We did so in good faith and with all good intentions. We did so in response to some real or imagined problem which seemed urgent at the time.

In many cases, we failed to thoroughly evaluate who we were regulating and how much it was going to cost the people who were being regulated. We have done this time and time again over a period of several years—piling one regulatory program on top of another—seldom wiping from the books outdated and unnecessary programs—until we have placed an intolerable burden on the people of this country and on the Nation's economy.

We have greatly limited the ability of our economy to grow and we have hindered the ability of industry to increase productivity. We have limited the capacity of the Nation's economy to provide the standard of living that our people have come to expect. Estimates of the cost of complying with Federal regulatory programs run over $100 billion annually.

When our constituents cry out against Government regulation, we blame the bureaucrats. We entertain measures to limit the power of bureaucrats. We talk about increased congressional oversight. All too often we have legislated unlimited mandates for regulation on one hand, while crying bureaucratic interference on the other. We have blamed the bureaucracy. We have blamed everybody but ourselves. Never, with the exception of our improvements to rule 29, have we made an attempt to place the blame where it squarely belongs and put our own house in order.

Certainly, the bureaucrats are partially to blame. It is in the nature of the Federal bureaucracy to constantly seek more power, more funding, and more personnel for itself.

However, the Congress must share equal blame, because no bureaucrat can issue a regulation without a statutory basis for that regulation. No bureaucrat has the personnel to implement a new regulatory program without appropriations by the Congress.

Upon the adoption of this rule in 1977, I wrote to President Carter and to the Director of the Office of Management and Budget to request that the President, by Executive order, require all executive branch agencies to include in their reports on legislation a regulatory impact statement. President Carter has now established a new Regulatory Council to coordinate regulatory policy and to take into account the economic impact and the inflationary potential of Federal regulatory policies. I applaud the President for his efforts in this regard. Unfortunately, the President is being strongly criticized by some Members of Congress for his efforts. I believe that the President has heard the voice of the people speaking on this issue, and I suggest that we in Congress had also better listen to this voice.

Mr. President, I think the last election sent a strong message to many elected officials. The message that the voters sent us was that they are fed up, not only with excessive Government spending, but also with excessive Government regulation.

I hope that the 96th Congress will take concrete action to address both of these issues. I will certainly do my part to see that we do take the appropriate action on these issues. I suggest that the time has ended when we can legislate willy-nilly without any real concern for the regulatory impact, economic cost, or the effect on individual privacy. We have a responsibility as legislators to refrain from any legislation until we can answer these basic questions: First, who will the legislation affect? Second, what will the legislation cost those to be regulated? Third, what will it cost the Government? Fourth, how much new paperwork and redtape will result?

We must insist on answers to each of these questions before we enact legislation.

This year, the final report on Federal regulation issued by the Senate Governmental Affairs Committee recommended that all regulatory agencies be required to estimate and then publicly project cost benefits and other impacts before they can issue a new rule or regulation. Senator RIBICOFF and others have introduced legislation, S. 262, to implement this recommendation.

Other well-considered proposals have also been offered by a number of our colleagues, and they will warrant very thorough study in the months ahead. The Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. HUDDLESTON), my colleague from Georgia (Mr. NUNN), and others have been conscientiously applying their energies to this critical matter, and I look forward to working closely with them as we move toward enactment of vitally needed improvements in this area of regulatory concern.

As has been pointed out by the distinguished Senator from Florida and the distinguished Senator from Texas, the American people are fed up with regulation from the cradle to the grave by every agency of the Federal Government.

As the Senator from Texas has pointed out, many of these regulations are worthwhile, many of them are necessary. But every time we pass a simple law, as the Senator from Florida and the Senator from Texas have pointed out, the Federal agencies write rule after rule, and American businesses today, from the peanut vendor to the largest corporation in America, are overwhelmed with paperwork. It is adding to the inflationary spiral, they tell us, at least $100 billion a year.

It is time for the committees of the U.S. Senate, when we are acting on a bill that has been reported from the committees, to state who is being regulated, the extent of that regulation, and the cost of the regulation.

That will enable the Senate to stop, look, and listen before we pass more laws that will place more burdens on the American electorate. I commend you, and pledge my total cooperation with your effort.

Mr. CHILES. I thank the distinguished Senator very much for his remarks. I know that his support, as in the original adoption of the bill, is going to be very important to this body, in seeing that we begin this discipline with ourselves, and then taking steps to assure that we will be able to enforce it in the bureaucracy.

Mr. DOMENICI. Mr. President, will the Senator yield me 30 seconds.

Mr. CHILES. I am delighted to yield to the distinguished Senator from New Mexico, who has joined in this effort and agreed that he will help in monitoring the bills that come before the Senate to see that we have this rule enforced. The work he has done on the Budget Committee and the other committees on which he has served shows his interest in this effort.

Mr. DOMENICI. I thank my good friend from Florida. I simply wish to congratulate him on his effort. It was my privilege to discuss this matter with him. He has mentioned that I joined with him; I reaffirm that, and wish to say that I am delighted to be here.

I think the real issue, Mr. President, is, if we are going to have a Senate rule that purports to put us on some kind of notice about the expensiveness that might be flowing from one of our bills or resolutions in terms of regulations of our people, the issue is whether we are going to be credible. That is why I came down. I think if we are going to say something in our rules that is supposed to have a salutary impact in this area, we ought to follow it. We ought to protect our people.

So I hope we will get our committees to comply, and I hope they will be serious in their evaluation. I hope we will live up not only to the spirit of the resolution, but also to its letter in considering its implications.

Mr. CHILES. I thank the Senator. I think the Senator from New Mexico makes a very valid point. It is one thing to put into the law some language to say we have studied the impact, and it is another to have the committees really take this up as part of their deliberations and be conscious that there is going to be an impact, how the bureaucrats are going to treat it, and what kind of regulations the measure leaves it open for them to introduce. If there is some way we can narrow the area, so that if information is available from other sources, we can tell them to use that information, for goodness sake, and not draw up another form.

If the committees just make some kind of boiler plate stamp that they put on there, we will not accomplish much. I think it is going to take more and more of us sitting on the committees, not just policing the floor, to accomplish that.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. TALMADGE. Mr. President, does the Senator from Georgia have 15 minutes allotted to him on this colloquy?

The ACTING PRESIDENT pro tempore. There is 15 minutes allotted to the Senator from West Virginia.

Mr. TALMADGE. I yield 2 minutes of my time at this time to the distinguished Senator from Florida.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHILES. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I congratulate the Senator from Georgia and the Senator from Florida for what they are doing in this area, and also the Senator from Texas for the diligent effort he has made to reduce needless Federal regulations.

It occurs to me that in addition to what the Senator is advocating, it would be well if we could make each department or each agency within each department come up with an estimate, every year, of what it is costing the American people to comply with the regulations and the redtape of their departments.

The Secretary of HEW was in my office the other day, and he said—and I am happy to receive the word—that he has succeeded in reducing the regulations of HEW by about 10 percent.

That is a good sign. But there is still a long way to go. For example, a study was done in California of the work necessary to process one welfare claim. The study concluded that if all the necessary forms were placed end to end, the paper necessary to process one claim would be 70 feet long, or roughly about 70 pages. They concluded that you do not need all that; all you really need is about a 4-page statement, with one blank sheet to put in any relevant additional information that might occur to the person interviewing the applicant. That is a far cry from filling out 70 pages of information.

I am sure that there are many other areas where, if one would just analyze everything being done that is not really necessary, enormous savings could be made, and of course, those savings could be used to help reduce the budget deficit.

Mr. CHILES. I think the Senator raises a very valid point of having some kind of estimate or requirement for the agencies as to what the cost would be. I was sitting in the Budget Committee today, listening to private economists. One of the private economists was testifying just this morning. He said that while we do not ever expect to get the money back for the regulations, it would be sort of nice if the American people knew what kind of a tax they placed on us by virtue of these regulations we have to comply with. The bureaucracy, when they issue one of these regulations, considers that it is sort of free, that we have to do it, they are not going to pay us to do it. As he said:

> We do not feel like we even get credit for the fact that it is costing us umpty dollars in a hidden tax. That is what it amounts to.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. TALMADGE. I yield 1 additional minute to the Senator from Florida, and ask that he yield me 15 seconds.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized under my order?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. I yield the Senator from Florida 5 minutes.

Mr. CHILES. I yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I express my deep appreciation to the distinguished Senator from Louisiana and the distinguished Senator from New Mexico for the comments they have made.

Mr. BENTSEN. Mr. President, I ask for 1 minute from the Senator from Florida.

Mr. CHILES. I yield.

Mr. BENTSEN. Let me say that the Senator from Louisiana is absolutely right on the question of regulatory cost and its imposition. I would ask the Senator to look at a piece of legislation I have introduced, that we have a budget requirement on every agency and every department as to how much they can spend. I think it is time we have a budget guideline on how much they can make the people spend. We have no measurement on that, and we ought to be working on it. We ought to be working on a regulatory budget for this country, so that we may have some kind of understanding as to what kind of impact we are going to have in this area. The testimony before our committee last year was such as to indicate that one-half of the loss of increased productivity in this country was the result of that.

I would urge very strongly that the Members of this body take a look at that piece of legislation and see if they cannot support it.

Mr. CHILES. Mr. President, I yield 2 minutes to the distinguished Senator from Kansas, who has also been one of those who has evidenced his support in helping monitor the bills that have come before the Senate, to see that there is an effort to make sure that we do strictly observe Senate rule 29.5. The Senator from Kansas, as a member of the Budget Committee, has on every occasion I have heard, when he had an opportunity to do so, expressed his concern about the growing cost of paperwork and regulations.

Mr. DOLE. I thank my distinguished colleague. I think the statement the Senator from Kansas will make has been made a number of times.

I commend the distinguished Senator from Florida. I would hope that we would follow the rule. Certainly, the Senator from Kansas, as every other Senator in this body, is concerned about paperwork. I would hope that this colloquy this morning will give it more emphasis.

Mr. President, the Senator from Kansas is pleased to offer his support to the effort to monitor committee reports to insure that rule 29, clause 5 of the Senate rules is enforced.

FEDERAL BUREAUCRACY

The Federal bureaucracy is clogged with paperwork. The effective implementation of governmental services is often hindered by the abundance of paperwork and excessive regulation. Congress can prevent the creation of a greater paperwork burden, by evaluating the possible paperwork that proposed legislation may generate. Rule 29, clause 5 of the Senate rules requires that a committee report accompany a bill or joint resolution of a public character. The report should include an evaluation of the amount of additional paperwork that the bill or joint resolution would create. Only the Appropriations Committee is exempt from this requirement.

REQUIREMENTS OF RULE 29.5

Rule 29, clause 5 further requires that committee reports analyze bills or joint resolutions of a public character, to determine which citizens will be affected and the probable economic consequences of regulation.

HISTORY OF RULE 29.5

The Senator from Kansas encourages Members of the Senate to comply with Senate rule 29, clause 5 so that taxpayers dollars can be most effectively allocated. This requirement was incorporated into the Senate rules during the 95th Congress although it was not wholeheartedly enforced. During the 95th Congress almost one-third of the committee reports on public bills and resolutions did not include the required regulatory impact evaluation.

SANCTIONS OF RULE 29, CLAUSE 5

The Senator from Kansas hopes that the Senate follows the direction of Senate rule 29, clause 5 by declaring that it is not in order for the Senate to consider any bill or joint resolution that is not accompanied by the required regulatory impact evaluation.

Mr. TALMADGE. Will the Senator yield me 10 seconds?

Mr. CHILES. I yield.

Mr. TALMADGE. I express my appreciation and commendation to the distinguished Senator from Kansas.

Mr. CHILES. Mr. President, I have a statement from the junior Senator from Georgia (Mr. NUNN) which I would like to have inserted in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR NUNN

I am pleased to join with my good friend Senator Talmadge and other of my distinguished colleagues here today to speak on one of the most critical problems facing our economy, and that is the crushing burden of excessive government regulation and federal paperwork. If we are ever to begin to bring inflation under control and restore our economy to full health, we cannot afford to continue to ignore the effects of the spiraling costs of government regulation to businesses and consumers.

The Commission on Federal Paperwork, established during the 93rd Congress with my full support, has described the costs of Federal paperwork and red tape as a "heavy hidden tax" which must be borne by the American people. I couldn't agree more. This burden falls on everyone's lives, either directly or indirectly, and the tens of billions of dollars that it costs each year to simply fill out and process Federal forms are as much a levy on the incomes of our Nation's citizens as any tax that I know of.

The total cost of federal paperwork is enormous; the Paperwork Commission estimated that it may exceed $100 billion each year. Of this, between $25 and $32 billion falls on private business, and almost $9 billion is shouldered by individuals.

However, the burdens of paperwork go beyond the simple dollar costs of filling out forms. Economic costs result when a school disregards a $4,500 grant because it would have required $6,000 in paperwork; psychological burdens are imposed when a college level reading ability is needed to understand the instructions for the simplest of federal income tax forms; and the cumulative burdens become crushing when one company has to comply with Federal requests for 8,800 reports from 18 different agencies in one year.

The message with respect to levying taxes is: Like shearing sheep, you stop when you reach the skin. I believe that we have reached that very point in terms of the "Hidden Tax" of paperwork. Today, the rules promulgated by the more than 60 Federal agencies with power to regulate our lives are pervasive. Virtually every facet of our society and economy is restricted by unelected bureaucrats who are fast becoming the fourth branch of government. If this trend is allowed to continue, we will find ourselves in a position where everything that is not prohibited is mandatory.

The message that our citizens are sending us is loud and clear: enough is enough! The burdens of Federal Red Tape and paperwork, and the stranglehold of Federal regulations are intolerable.

While there are several steps which should be taken in order to provide relief for the "hidden tax"-payer, I believe that we in the Congress should first get our own house in order. Beginning in the 94th Congress, I joined with several of my colleagues here today in circulating a letter to members of the Senate which announced our intention to question the paperwork impact of legislation reaching the floor of the Senate. Once again, in the 95th Congress, a similar letter was circulated. Several Senators, I am pleased to note, indicated their willingness to help in this effort. Shortly thereafter, during consideration of Senate Resolution 4, the Committee Reorganization Bill, the Senate as a whole gave a similar commitment to this cause when an amendment which I joined my distinguished senior colleague from Georgia, Senator Talmadge, in offering was overwhelmingly adopted. This amendment is now Rule 29, Section 5(A)(1)(D) of the Senate Rules: It requires that each bill reported out of Committee be accompanied by an estimate of the regulatory impact of the measure—both who will be regulated and how much they will be regulated. Under the rule, bills that do not include such statements are not in order for the Senate to consider.

Unfortunately, the Senate's performance during the 95th Congress on this rule was poor. Out of 688 Committee Reports that fall under the rule, 216 did not make any statement whatsoever regarding the Rule's requirements. I have therefore, once again, joined with Senators Chiles, Bentsen, Huddleston and my other good friends here today in alerting our colleagues of our intention to monitor committee reports and bring to the full Senate's attention any committee reports which make no attempt to follow this rule.

It is time to stop paying lip-service to the goal of reducing federal paperwork; I can think of few better times to consider the paperwork and regulatory impact than at the beginning of the legislative process. Committees must therefore begin to request paperwork analyses of executive branch agencies who will be implementing the law, public groups who will have to bear its burdens, and the GAO, who can help to estimate costs. In this fashion, the Senate will have a better basis from which to select the least burdensome way to get a job done.

Last June, I was pleased to take part in a hearing chaired by my good friend, Senator Chiles, Chairman of the Subcommittee on Federal Spending Practices and Open Government of the Senate Governmental Affairs Committee, on Federal efforts to reduce paperwork. At that time, the General Accounting Office offered its assistance in the process of fully implementing Rule 29.5. As I noted at that time, it is time to take the Comptroller up on his offer. I therefore want to reaffirm my willingness to take the cause of the "hidden tax"-payer to the floor of the Senate. We owe our citizens, our businesses, and our state and local governments no less.

THE BURDEN OF PAPERWORK AND REGULATION

● Mr. HUDDLESTON. Mr. President, there can be no doubt that the tremendous burden of paperwork and regulation being pressed upon so many American citizens and American businesses should be of the utmost concern to those of us who serve in the Senate. The paperwork problem is not a new one. However, it is one which we must address if the productivity of our business community is to be protected and the growing suspicion that Government no longer trusts responsible citizens is to be eliminated. Notwithstanding the progress being made on the recommendations of the Federal Commission on Paperwork and despite some gains by the executive branch, it is my very strong feeling that not nearly enough has been done here in the legislative branch to avoid the "hidden taxes" that are imposed by the laws we enact.

A recitation of the outrageous paperwork problems which beset the American public will do no good. What will help and could perhaps turn out to be the biggest step forward in this battle is for the Senate to begin to keep its own house in order.

Specifically I refer to adherence to rule 29, clause 5. As all of my colleagues should be aware, this rule requires that a regulation and paperwork evaluation be included in the committee report accompanying each bill or joint resolution of a public character. To say that we have been lax thus far in complying with this rule would be an understatement. The distinguished senior Senator from Florida, Senator CHILES, in his position as chairman of the Subcommittee on Federal Spending Practices, has made an exhaustive survey of the results of our performance on this rule. I believe that a cursory examination of this survey will prove conclusively that we have been extremely negelectful. I commend Senator CHILES for his efforts in this matter and exhort our colleagues to examine his report.

Recently Senator CHILES, Senator NUNN, Senator BENTSEN, and I contacted Members of the Senate regarding actions which we plan to take relative to rule 29. I sincerely hope that you will review this correspondence carefully and join us in our efforts.

Certainly key questions that need to be answered in complying with rule 29 are:

First, who will have to file and complete reports after the Federal bureaucrats take our legislation and publish their regulations? For instance, we may want to know how a piece of legislation will affect our small business or our elderly citizens.

Second, how long will it take the person affected by the regulations to fill out the required paperwork? Some bureaucrats call this "number of man-hours of reporting."

Third, what steps do the sponsors or floor managers of the bills we question expect a Federal agency to take to limit the number of forms and the amount of time it takes to fill them out? We will also question the costs to the person who fills out the forms. We all know that many of those people who would have to fill out the forms are already hard at work complying with the existing paperwork burden.

Fourth, what steps can be taken to insure that there is no unnecessary duplication in paperwork when the regulatory authority we give an agency already exists somewhere else and may have led to a reporting requirement?

We do not intend to tie up the business of the Senate with our activities. However, it should be made clear to all those involved in the development of committee reports that we mean to assure that the rules of the Senate are followed. Only in this manner can we hope to begin to stem the ominous tide of unnecessary paperwork.●

Mr. CHILES. Mr. President, I yield the floor.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for morning business be extended to not to exceed 60 minutes with statements limited therein to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield 1 minute to the Senator from California.

Mr. HAYAKAWA. I thank the distinguished majority leader.

SENATOR TALMADGE

Mr. HAYAKAWA. Mr. President, may I take a moment first of all to congratulate Senator TALMADGE on his return to the floor, his recovering his health, his strong voice heard again on the floor, and his obvious good looks, indicating that he is in fine, fine health. I welcome him back to the chairmanship of the Agriculture Committee on which we missed him very much.

Mr. McGOVERN. I join with the Senator in those comments.

Mr. TALMADGE. If the Senator will yield, I express my deep appreciation to the Senator from California for his statement, for which I am grateful.

I also express my deep appreciation to the distinguished Senator from South Dakota, who served as acting chairman of the Agriculture Committee during my absence and did an excellent job, for which I am grateful.

Mr. ROBERT C. BYRD. Mr. President, I want to express my appreciation, gratitude, satisfaction, and pleasure in seeing the distinguished senior Senator from Georgia (Mr. TALMADGE) back in the Chamber following his short stay away from the Senate. We missed him. He looks hale and hearty. He has demonstrated once again his very acute mind, his quick and agile way of responding in repartee, and also his clear understanding of the issues being discussed here earlier which, as was indicated, he helped to initiate in connection with the standing rules of the Senate.

Mr. HOLLINGS. Mr. President, I join with the distinguished Senator from West Virginia, our majority leader, in his comments.

Mr. President, for just a moment, I have served in public office now for 30 years. I have known Senator TALMADGE for all those years. We do not have a stronger or wiser voice in my section of the United States than that of the distinguished Senator from Georgia.

The record will show that during those 30 years he has been the most diligent, hardworking fellow in public office I have ever met. If he suffered any illness, it has been from the strain of hard work and dedication on behalf of the people. He is not a philanderer. He is not like some of these youngsters taking trips and doing other things from time to time. He is there working day and night. Perhaps that is one of his faults. He works too hard at it. I am glad to see he is fully recovered and in harness back here in the Senate Chamber. We need his voice, his judgment, and his counsel, particularly in these trying times. He has the experience and has proved himself throughout the years. I join in the remarks of our distinguished majority leader in welcoming him back.

(Mr. FORD assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from South Carolina.

Again, I want to welcome, with all the warmth, appreciation, and pleasure that I can bring to bear with my words, HERMAN TALMADGE on his return to the Senate.

Mr. BAKER. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the distinguished Republican leader.

Mr. BAKER. Mr. President, I join my colleagues on the other side in extending to the distinguished Senator from Georgia a very warm welcome.

He is such a fixture in this Chamber, I must say that when I came in this morning and saw him in the Chamber holding forth with his usual strength and eloquence, I hardly felt he had been gone at all.

I am delighted he is back. The Senate is better for it.

I am delighted and happy to see him so well and so vigorous.

Mr. ROBERT C. BYRD. I thank the minority leader.

Mr. LONG. Mr. President, I join my colleagues in welcoming back the Senator from Georgia.

I have benefited from his friendship. From the day he came here, many times it has been my privilege to lean on him to preside over the committee. He has done much of the very difficult detail work that had to be done on the Finance Committee.

He has been a tower of strength and has demonstrated more good common sense—which I think is probably the greatest and scarcest commodity we have around here—than really any Member of this body during the time he has been here.

I am pleased to say we have managed to make it and keep the business rolling along in his absence, but we are happy to have him back because we have some hospital cost containment bills, hospital legislation, which will require his attention.

Some of us can play a part, but I do not believe there is anyone who more thoroughly understands the problems inherent in health legislation and the hospital containment problems than does the Senator from Georgia.

We are glad to have him back and see him looking like a million dollars.

Mr. CHURCH. Mr. President, I just want to join with the others here this morning in welcoming back the distinguished Senator from Georgia.

He and I came to the Senate at the same time. We have worked together through the years. It just did not seem natural not to have him with us these past few weeks.

I am glad to see him back again looking so hale and hearty.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding to me for one sentence on the Senator from Georgia. I may have to leave the floor on a compelling matter.

I have oftentimes referred to the Senator's work as being a "battleax"—a battleax here in the Senate regarding anything he takes after.

I am glad to see this morning that the Senate's battleax is back and in trim shape and form.

Mr. MATSUNAGA. Mr. President, I wish to join with my colleagues in welcoming back the Senator from Georgia (Mr. TALMADGE).

I am privileged to serve on the subcommittee which he chairs, the Subcommittee on Health of the Finance Committee. In this role and in his other positions he has shown farsighted leadership.

It is frequently the case, as Shakespeare said, that "The good is oft interred with the bones." But that can never be the case with HERMAN TALMADGE.

We can never forget the good that HERMAN TALMADGE has done. The programs he has fought for, stand as permanent testimony of our debt to him.

For example, he was the author of landmark legislation in 1970 to expand the national school lunch program; the Talmadge legislation sought to provide meals for every needy school child in the Nation. He also championed the cause of rural development and pushed through the Rural Development Act in 1972 to improve financially small communities and farms. He was instrumental in shaping the 1962 Trade Expansion Act to foster international trade. He has championed the cause—as chairman of the Subcommittee on Health—of medicare cost containment and catastrophic health insurance. He has also authored legislation providing employment and job training to welfare recipients under the work incentive programs.

These are just a few of HERMAN TALMADGE's many achievements which have benefited, and continue to benefit, the entire country. The good he has done will never be interred, his good works stand as living testimony to this honored and revered Senator, HERMAN TALMADGE.

Mr. TALMADGE addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, I am overwhelmed by the warm, generous, and eloquent statements of my colleagues this morning.

I desire to express my deepest, heartfelt appreciation to the distinguished majority leader, the Senator from West Virginia; the distinguished minority leader, the Senator from Tennessee; the distinguished Senator from South Carolina; the chairman of the Senate Finance Committee, the distinguished Senator from Louisiana (Mr. LONG); my distinguished colleague, the Senator from Idaho (Mr. CHURCH), the chairman of the Committee on Foreign Relations, the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee; my distinguished colleague on the Senate Finance Committee (Mr. MATSUNAGA).

Their generosity, warmth, and friendship mean a great deal to me. I shall always cherish the friendship of these gentlemen, and of all my colleagues in the U.S. Senate.

Mr. DOLE. Mr. President, let me say, as I intended to say a little later on, that I certainly join my colleagues. Having had the high privilege of being the ranking Republican on the Senate Agriculture Committee and working very closely with my distinguished chairman (Mr. TALMADGE), I can say without equivocation or hesitation that I do not know of a fairer chairman than Senator TALMADGE, and I might add, Senator LONG.

But, in any event, having worked very closely in good times and bad times on the Senate Agriculture Committee, as the distinguished Senator from Georgia understands, I do not believe we have ever had any real partisan differences. I think that has been the strength of the Senate Agriculture Committee—it is a bipartisan effort to approach some of the farmers problems.

The distinguished Senator from Hawaii pointed out the school lunch program, the food stamp program, a whole series of programs that are addressed by that committee.

I know everyone on that committee joins the Senator from Kansas in welcoming the Senator from Georgia back. We need his leadership. We need his insight. We need his input. Above all, we need his support, and he has ours.

I thank the Chair.

Mr. TALMADGE. Mr. President, I desire to express my heartfelt appreciation for the warm words of friendship of the distinguished Senator from Kansas.

As he has stated, he has been the ranking minority member of that Committee on Agriculture, Nutrition, and Forestry for a number of years. He and I have had the privilege of working together hand in glove, trying to improve the income and lot of the people who produce the food and fiber in this country.

I am very proud of the fact that I have served on the Committee on Agriculture, Nutrition, and Forestry now for a little more than 22 years. I have never seen a party line vote on the Committee on Agriculture, Nutrition, and Forestry during that period.

We recognize the fact that agricultural issues are not partisan. Agriculture is a matter that addresses itself above and beyond partisanship. That is the way we operate in the Senate Committee on Agriculture, as the Senator knows and has stated.

Also, in the Subcommittee on Health of the Senate Finance Committee, the distinguished Senator from Kansas is the ranking minority member. We have worked hand in glove, not just this year, not just last year, but for several years on health care costs. We saw the problems in this area even before President Carter took office.

I will introduce on behalf of the Senator from Kansas and myself this morning a bill to try to control the cost of medicare and medicaid.

I appreciate the Senator's cooperation and his friendship greatly.

SPECIAL ORDER

The PRESIDING OFFICER. The Senator is recognized in his own right. The Senator from Georgia has 14 minutes.

Mr. TALMADGE. I yield myself such time as I may require.

S. 505—MEDICARE-MEDICAID ADMINISTRATIVE AND REIMBURSEMENT REFORM ACT OF 1979

Mr. TALMADGE. Mr. President, on behalf of myself and Senator DOLE, I am introducing today the Medicare-Medicaid Administrative and Reimbursement Reform Act of 1979.

This proposal is similar to legislation which I sponsored in the two previous Congress—S. 3205 in the 94th Congress and S. 1470 in the last Congress.

The substance of S. 1470 was subsequently reported by the Committee on Finance as an amendment to H.R. 5285 and passed by the Senate shortly before the end of the last Congress.

Unfortunately, the House did not have time to act on the bill.

The current version of the bill contains a number of provisions that were added to the previous bill by the committee and during its consideration by the Senate.

Like its predecessors, the bill deals with many of the problems we face in the medicare and medicaid programs.

The most pressing of these problems is the continued explosion in the costs of those programs.

Medicare and medicaid will cost the Nation's taxpayers more than $55 billion in fiscal 1980.

That enormous expenditure is up from $44 billion in fiscal 1978 and up from $39 billion in fiscal 1977.

The numbers alone clearly indicate that change is necessary.

The bill makes orderly modifications in various aspects of physician reimbursement, long-term care and general provisions of medicare and medicaid.

Benefit improvements such as dropping the limitation on home health services under medicare and waiving deductible and coinsurance requirements for ambulatory surgery are also included.

Clearly, however, the most significant provision of the committee bill is section 2—reform of hospital reimbursement under medicare and medicaid.

The essence of that reform involves abandoning the present system which has been characterized as: "The more you spend—the more you get paid."

In place of that open-ended approach, the bill provides for a system whereby the reasonableness of a given hospital's costs would be determined by comparing those costs with the average costs in similar hospitals.

It is a system which provides incentive payments as a reward for efficient hospital operation and which reduces payments in the case of inefficient operation.

It is a system which, by means of a health care facilities costs commission, has a mechanism for ongoing refinement and improvement as the "state of the art" of hospital costs comparison develops.

It is a system which provides for orderly extension of reasonable limitations—along with rewards and penalties—to all hospital costs, not just routine costs, as soon as appropriate and equitable methods of comparing those nonroutine costs are developed.

Mr. President, I would like to emphasize that section 2 of the current bill is similar to section 2 of the bill as it was introduced in the last Congress.

It would change the way medicare and medicaid reimburse hospitals.

It is not patterned after the provision that the Senate adopted as a substitute which would have established a system for controlling all hospital costs.

The bill I am introducing does not involve Government in its role as regulator—it is the Government in its role as a purchaser of hospital care, the Government as a prudent buyer.

For example, when the Federal Government purchases automobiles, it tries to buy those cars at the lowest cost it can negotiate.

That is not the same thing as placing price controls on the entire automobile industry.

Regardless of what may be done about overall hospital costs containment, the Government, in its direct expenditure of taxpayer dollars, has an obligation to spend those dollars as reasonably and as efficiently as possible.

That is what the bill seeks to do.

The bill is not designed to limit all hospital revenues.

This is not a bill to indiscriminately cut and gut hospital operations.

This is a bill, Mr. President, which seeks to do no more—and no less—than to reform Government payment methods to hospitals with a system designed to encourage moderation by rewarding efficiency and not paying for inefficiency.

It is also appropriate to point out that, like its predecessors, S. 3205 and S. 1470, it is a bipartisan proposal.

In particular, the many hours of knowledgeable and dedicated effort of Senator BOB DOLE, ranking minority member of the Subcommittee on Health, are noteworthy.

Senator DOLE worked long and hard during the drafting process and, following introduction, the extensive hearings which followed.

The bill reflects his conscientious efforts and concern.

Mr. President, I ask unanimous consent that the bill and a summary description be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Medicare-Medicaid Administrative and Reimbursement Reform Act of 1979".

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CRITERIA FOR DETERMINING REASONABLE COST OF HOSPITAL SERVICES

SEC. 2. (a) (1) The first sentence of section 1861(v) (1) (A) of the Social Security Act is amended by striking out "The" and inserting "Subject to subsection (bb), the".

(2) Section 1861(v) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) For additional requirements applicable to determination of reasonable cost for services provided by hospitals, see subsection (bb) and section 1127(c) (3).".

(b) Section 1861 of such Act is amended by adding after subsection (aa) the following new subsection:

"Criteria for Determining Reasonable Cost of Hospital Services

"(bb) (1) In order more fairly and effectively to determine reasonable costs incurred in providing hospital services, the Secretary shall, not later than April 1, 1980, after consulting with appropriate national organizations, establish a system of hospital classification under which hospitals furnishing services initially will be classified—

"(A) by size, with each of the following groups of hospitals being classified in separate categories: (i) those having more than 5, but fewer than 25 beds, (ii) those having more than 24, but fewer than 50 beds, (iii) those having more than 49, but fewer than 100 beds, (iv) those having more than 99, but fewer than 200 beds, (v) those having more than 199, but fewer than 300 beds, (vi) those having more than 299, but fewer than 400 beds, (vii) those having more than 399, but fewer than 500 beds, and (viii) those having more than 499 beds;

"(B) by type of hospital, with (i) short-term general hospitals being in a separate category, (ii) hospitals which are primary affiliates of accredited medical schools being in one separate category (without regard to bed size), and (iii) psychiatric, geriatric, maternity, pediatric, or other specialty hospitals being in the same or separate categories, as the Secretary may determine appropriate, in light of any differences in specialty which significantly affect the routine costs of the different types of hospitals;

"(C) as rural or urban; and

"(D) according to such other criteria as the Secretary finds appropriate, including modification of bed-size categories;

but the system of hospital classification shall not differentiate between hospitals on the basis of ownership.

"(2) The term 'routine operating costs' used in this subsection does not include—

"(A) capital and related costs,

"(B) direct personnel and supply costs of hospital education and training programs,

"(C) costs of interns, residents, and non-administrative physicians,

"(D) energy costs,

"(E) malpractice insurance expense, or

"(F) ancillary service costs.

"(3) (A) During the calendar quarter beginning on January 1 of each year, beginning with 1980, the Secretary shall determine, for the hospitals in each category of the system established under paragraph (1), an average per diem routine operating cost amount which shall (except as otherwise provided in this subsection) be used in determining payments to hospitals.

"(B) The determination shall be based upon the amount of the hospitals' routine operating costs for the most recent accounting year ending prior to October 1 of the calendar year preceding the calendar year in which the determination is made. If, for any accounting year which starts on or after July 1, 1980, a hospital's actual routine operating costs are in excess of the amount allowed for purposes of determining payment to the hospital pursuant to this subsection and subsection (v), only one-half of such excess shall be taken into account in making any determination which the Secretary shall make under this paragraph.

"(C) In making a determination, the routine operating costs of hospitals in each category shall be divided into personnel and nonpersonnel components.

"(D) (i) The personnel and nonpersonnel components of routine operating costs for hospitals in each category (other than for those excluded under clause (ii)) shall be divided by the total number of days of routine care provided by such hospitals to determine the average per diem routine operating cost for such category.

"(ii) In making the calculations required by subparagraph (A) the Secretary shall exclude any newly opened hospital (as defined in the second sentence of paragraph (4) (F)), and any hospital which he determines is experiencing significant cost differentials resulting from failure of the hospital fully to meet the standards and conditions of participation as a provider of services.

"(E) There shall be determined for each hospital in each category a per diem target rate for routine operating costs. Such target rate shall equal the average per diem routine operating cost amount for the category in which the hospital is expected to be classified during the subsequent accounting year, except that the personnel component shall be adjusted using a wage index based upon general wage levels for reasonably comparable work in the areas in which the hospitals are located. If the Secretary finds that, in an area where a hospital in any category is located for the most recent twelve-month period for which data with respect to such wage levels are available, the wage level for such hospital is significantly higher than such general wage level in that area (relative to the relationship within the same hospital group between wages and such general wages in other areas), then such general wage level in the area shall be deemed equal to the wage level for such hospital, only with respect to the hospital's first accounting year beginning on or after July 1, 1980.

"(4) (A) (i) The term 'adjusted per diem target rate for routine operating costs' means the per diem target rate for routine operating costs plus the percentage increase in costs determined under the succeeding provisions of this subparagraph.

"(ii) In determining the adjusted per diem target rate, the Secretary shall add an annual projected percentage increase in the cost of the mix of goods and services (including personnel and nonpersonnel costs) comprising routine operating costs, based on an index composed of appropriately weighted indicators of changes in the economy in wages and prices which are representative of services and goods included in routine operating costs. Where actual changes in such weighted index are significantly different (at least one-half of 1 percentage point) from those projected, the Secretary shall issue corrected target rates on a quarterly basis. At the end of the hospital's accounting year, the target rate shall be adjusted to reflect the actual changes in such weighted index. Adjustments shall also be made to take account of changes in the hospital's classification.

"(B) For purposes of payment the amount of routine operating cost incurred by a hospital for any accounting year which begins on or after July 1, 1980, shall be deemed to be equal—

"(i) in the case of a hospital which has actual routine operating costs equal to or greater than that hospital's adjusted per diem target rate for routine operating costs, to the greater of—

"(I) the hospital's actual routine operating costs, but not exceeding—

"(a) in the case of the first accounting year of any hospital which begins on or after July 1, 1980, and prior to July 1, 1981, an amount equal to the aggregate of (1) 100 percent of the hospital's adjusted per diem target rate for routine operating costs, plus (2) 15 percent of the amount described in clause (1), and

"(b) in the case of any accounting year after the accounting year described in clause (a), an amount equal to the aggregate of (1) 100 percent of the hospital's adjusted per diem target rate for routine operating costs for such year, plus (2) a dollar amount equal to the dollar amount determined under clause (a) (2) for the category of such hospital, or

"(II) the amounts determined for the hospital under division (I) if it had been classified in the bed-size category which contains hospitals closest in bed-size to such hospital's bed-size (with a hospital which has a bed-size that falls halfway between two such categories being considered in the category which contains hospitals with the greater number of beds), but not exceeding the hospital's actual routine operating costs; and

"(ii) in the case of a hospital which has actual routine operating costs which are less than that hospital's adjusted per diem target rate for routine operating costs, to (I) the amount of the hospital's actual routine operating costs, plus (II) the smaller of (a) 5 percent of the hospital's adjusted per diem target rate for routine operating costs, or (b) 50 percent of the amount by which the hospital's adjusted per diem target rate for routine operating costs exceeds the hospital's actual routine operating costs.

"(C) Any hospital (other than a newly opened hospital) excluded by the Secretary under paragraph (3)(D)(ii), shall be reimbursed for routine operating costs on the basis of the lesser of (i) actual costs or (ii) the reimbursement determined under this subsection.

"(D) On or before April 1 of the year in which the Secretary determines the amount of the average per diem operating cost for each hospital category and the adjusted per diem target rate for each hospital, the Secretary shall publish the determinations, and he shall notify the hospital administrator and the administrative governing body of each hospital with respect to all aspects of the determination which affect the hospital.

"(E) If a hospital is determined by the Secretary to be—

"(i) located in an underserved area where hospital services are not otherwise available,

"(ii) certified as being currently necessary by an appropriate planning agency, and

"(iii) underutilized,

the adjusted per diem target rate shall not apply to that portion of the hospital's routine operating costs attributable to the underutilized capacity.

"(F) If a newly opened hospital is determined by the Secretary to have greater routine operating costs as a result of the cost patterns associated with newly opened hospitals, the adjusted per diem target rate shall not apply to that portion of the hospital's routine operating costs attributable to such patterns. For purposes of this subparagraph a 'newly opened hospital' means a hospital which has not satisfied the requirements of paragraphs (1) and (7) of subsection (e) of this section (under present or previous ownership) for at least twenty-four months prior to the start of such hospital's accounting year.

"(G) If a hospital is determined by the Secretary to have greater routine operating costs as a result of changes in service on account of consolidation, sharing, or addition of services, where such consolidation, sharing, or addition has been approved by the appropriate State Health Planning and Development Agency or Agencies, the adjusted per diem target rate shall not apply to that portion of the hospital's routine operating costs attributable to such changes in service.

"(H)(i) If a hospital satisfactorily demonstrates to the Secretary that, in the aggregate, its patients require a substantially greater intensity of care than generally is provided by the other hospitals in the same category, resulting in unusually greater routine operating costs, then the adjusted per diem target rate shall not apply to that portion of the hospital's routine operating costs attributable to the greater intensity of care required.

"(ii) To the extent that a hospital can demonstrate that it experiences routine operating costs in excess of such costs for hospitals having a reasonably similar mix of patients on account of consistently shorter lengths-of-stay in such hospital, which result from the greater intensity of care provided by such hospital, the excess routine operating costs shall be considered attributable to the greater intensity of care required.

"(I) The Secretary may further increase the adjusted per diem target rate applicable in Alaska and Hawaii to reflect the higher prices prevailing in such States.

"(J) Where the Secretary finds that a hospital has manipulated its patient mix, or patient flow, or provides less than the normal range and extent of patient services, or that an unusually large proportion of routine nursing service is provided by private-duty nurses, the routine operating costs of that hospital shall be deemed equal to the lesser of (i) the amount determined without regard to this subsection, or (ii) the amount determined under subparagraph (B).

"(5) Where any provisions of this subsection are inconsistent with section 1861(v), this subsection supersedes section 1861(v).

"(6)(A) Notwithstanding any other provision of this Act, in the case of any State which has established a reimbursement system for hospitals, hospital reimbursement in that State under this title and under the State plan approved under title XIX shall, with respect to the services covered by such system, be based on that State system, if the Secretary finds that—

"(i) the State has mandated the reimbursement system and it at least applies to the same hospitals in the State, and to the same costs, as the Federal reimbursement reform program established by this subsection;

"(ii) every hospital in the State with which there is a provider agreement under this title or under the State plan approved under title XIX conforms to the accounting and uniform reporting requirements of section 1121 of this Act, and furnishes any appropriate reports that the Secretary may require; and

"(iii) such State demonstrates to his satisfaction that the total amount payable, with respect to inpatient hospital costs, in the State under this title and under the State plan approved under title XIX will be equal to or less than an amount equal to (i) the amount which would otherwise be payable for inpatient hospital costs in such State plan without regard to the incentive payments provided by subparagraph (B)(ii) of paragraph (4), less (ii) the amount of any incentive payments which are allowed under the State's reimbursement system in recognition of demonstrated efficiencies.

If the Secretary finds that any of the above conditions in a State which previously met them have not been met for a two-year period, the Secretary shall, after due notice, reimburse hospitals in that State according to the provisions of this Act (other than this paragraph) unless he finds that unusual, justifiable and nonrecurring circumstances led to the failure to comply.

"(B) If the Secretary finds that, during any two-year period during which hospital reimbursement under this title and under the State plan approved under title XIX was based on a State system as provided in subparagraph (A), the amount payable by the Federal Government under such titles for inpatient hospital costs in such State was in excess of the amount which would have been payable for such costs in such State if reimbursement had not been based on the State system (as estimated by the Secretary), the adjusted per diem target rate for routine operating costs (as determined under the preceding paragraphs of this subsection) for hospitals in such State shall be reduced (by not more than 1 percent in any year) until the Federal Government has recouped an amount equal to such excess payment amount.

"(C)(i) The Secretary shall pay to any State in which hospital reimbursement under this title is based on a State system as provided in subparagraph (A), an amount which bears the same ratio to the total cost of administering the State system (including the cost of initially putting the system into operation) as the amount paid by the Federal Government under this title in such State for inpatient hospital costs bears to the local amount of inpatient hospital costs in such State which are subject to the State system.

"(ii) Payments under clause (i) shall be made from funds in the Federal Hospital Insurance Trust Fund.

"(iii) An amount which bears the same ratio to the total cost of administering the State system (including the cost of initially putting the system into operation) as the amount paid under the State plan approved under title XIX in such State for inpatient hospital costs bears to the total amount of inpatient hospital costs in such State which are subject to the State system, shall, for purposes of title XIX, be considered to be an amount expended for the administration of such State plan.".

(c) Part A of title XI of the Social Security Act is amended by adding after section 1126 the following new section:

"HEALTH FACILITIES COSTS COMMISSION

"SEC. 1127. (a) There is established a commission to be known as the Health Facilities Costs Commission (hereinafter in this section referred to as the 'Commission').

"(b)(1) The Commission shall be composed of fifteen members appointed by the Secretary—

"(A) at least three of whom shall be individuals who are representatives of hospitals;

"(B) at least eight of whom shall be individuals who represent public (including Federal, State, and local) health benefit programs; and

"(C) the remainder of whom shall be, as a result exceptionally well qualified to assist in serving and carrying out the functions of the Commission. One of the members of the Commission, at the time of appointment, shall be designated as Chairman of the Commission. The Secretary shall first appoint members to the Commission not later than January 1, 1980.

"(2) The Chairman of the Commission shall designate a member of the Commission to act as Vice Chairman of the Commission.

"(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(4) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as that herein provided for the appointment of the member first appointed to the vacant position.

"(5) Members of the Commission shall be appointed for a term of four years, except that the Secretary shall provide for such shorter terms for some of the members first appointed so as to stagger the date of expiration of members' terms of office.

"(6) No individual may be appointed to serve more than two terms as a member of the Commission.

"(7) Each member of the Commission shall be entitled to per diem compensation at rates fixed by the Secretary, but not more than the current per diem equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, and all members of the Commission shall be allowed, while away from their homes or regular places of business in the performance of service for the Commission, travel expenses (including per diem in lieu of subsistence) in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"(8) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members of the Commission; but meetings of the Commission shall be held not less frequently than once in each calendar month which begins after a majority of the authorized membership of the Commission has first been appointed.

"(c)(1) It shall be the duty and function of the Commission to conduct a continuing study, investigation, and review of the reimbursement of hospitals for care provided by them to individuals covered under title XVIII or under State plans approved under title XIX, with particular attention to the criteria established by section 1861(bb) with a view to devising additional methods for reimbursing hospitals for all other costs, and for reimbursing all other entities which are reimbursed on the basis of reasonable cost. These methods shall provide for appropriate classification and reimbursement systems designed to ordinarily permit comparisons (A) of the cost centers of one entity, either individually or in the aggregate, with cost centers similar in terms of size and scale of operation, (B) prevailing wage levels, (C) the nature, extent, and appropriate volume of the services furnished, and (D) other factors which have a substantial impact on hospital costs. The Commission shall also develop procedures for appropriate exceptions. The Commission shall submit to the Congress reports on its progress in addressing these issues at least once every six months during the three-year period following the date of the enactment of this section.

"(2) The Commission shall study appropriate methods for classifying and comparing hospitals which, with respect to any accounting year, derive 75 percent or more (as estimated by the Secretary) of their inpatient care revenues from one or more health maintenance organizations. The Commission shall consider recommending the classification and comparison of such hospitals as a separate category in recognition of the differences in the nature of their operations as compared with other hospitals.

"(3) The Secretary, taking account of the proposals and advice of the Commission, shall by regulation make appropriate modifications in the method of reimbursement under titles V, XVIII and XIX for routine hospital costs, other hospital costs and costs of other entities which are reimbursed on the basis of reasonable costs.

"(d) The Secretary shall provide such technical, secretarial, clerical, and other assistance as the Commission may need.

"(e) The Commission may secure directly from any department or agency of the United States such data and information as may be necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, any such department or agency shall furnish any such data or information to the Commission.

"(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out this section.

"(g) Section 14 of the Federal Advisory Committee Act shall not apply to the Commission.".

(d)(1) Section 1866(a)(1) of the Social Security Act is amended—

(A) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and"; and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) not to increase amounts due from any individual, organization, or agency in order to offset reductions made under section 1861(bb) in the amount paid, or expected to be paid, under this title.".

(2) Section 1902(a)(27) of the Social Security Act is amended by striking out "and" at the end of clause (A) and by inserting before the semicolon at the end of clause (B) the following: ", (C) not to increase amounts due from any individual, organization, or agency in order to offset reductions made pursuant to the requirements contained in section 1902(a)(13)(D) in the amount paid, or expected to be paid under the State plan".

(e) Section 1902(a)(13)(D) of the Social Security Act is amended to read as follows:

"(D) for payment of the reasonable cost of inpatient hospital services provided under the plan, applying the methods specified in section 1861(v) and section 1861(bb), which are consistent with section 1122; and".

PAYMENTS TO PROMOTE CLOSING AND CONVERSION OF UNDERUTILIZED FACILITIES

SEC. 3. (a) Part A of title XI of the Social Security Act is amended by adding after section 1127 (as added by section 2 of this Act) the following new section:

"PAYMENTS TO PROMOTE CLOSING AND CONVERSION OF UNDERUTILIZED FACILITIES

"SEC. 1128. (a)(1)(A) Before the end of the third full month following the month in which this section is enacted, the Secretary shall establish a Hospital Transitional Allowance Board (hereinafter in this section referred to as the 'Board'). The Board shall have five members, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who are knowledgeable about hospital planning and hospital operations.

"(B) Members of the Board shall be appointed for three-year terms, except some initial members shall be appointed for shorter terms to permit staggered terms of office.

"(C) Members of the Board shall be entitled to per diem compensation at rates fixed by the Secretary, but not more than the current per diem equivalent at the time the service involved is rendered for grade GS–18 under section 5332 of title 5, United States Code.

"(D) The Secretary shall provide such technical, secretarial, clerical, and other assistance as the Board may need.

"(2) The Board shall receive and act upon applications by hospitals, certified for participation (other than as 'emergency hospitals') under titles XVIII and XIX, for transitional allowances.

"(b) For purposes of this section—

"(1) The term 'transitional allowance' means an amount which—

"(A) shall, solely by reason of this section, be included in a hospital's reasonable cost for purposes of calculating payments under the programs authorized by title V, XVIII, and XIX of this Act; and

"(B) in accordance with this section, is established by the Secretary for a hospital in recognition of a reimbursement detriment (as defined in paragraph (3)) experienced because of a qualified facility conversion (as defined in paragraph (2)).

"(2) The term 'qualified facility conversion' means closing, modifying, or changing the usage of an underutilized hospital facility which is expected to benefit the programs authorized under title V, title XVIII and title XIX by (A) eliminating excess bed capacity, (B) discontinuing an underutilized service for which there are adequate alternative sources, or (C) substituting for the underutilized service some other service which is needed in the area and which is consistent with the findings of an appropriate health planning agency.

"(3) A hospital which has carried out a qualified facility conversion and which continues in operation will be regarded as having experienced a 'reimbursement detriment'—

"(A) to the extent that, solely because of the conversion, there is a reduction in that portion of the hospital's costs attributable to capital assets which are taken into account in determining reasonable cost for purposes of determining amount of payment to the hospital under title V, title XVIII, or a State plan approved under title XIX;

"(B) if the conversion results, on an interim basis, in increased operating costs, to the extent that operating costs exceed amounts ordinarily reimbursable under title V, title XVIII and the State plan approved under title XIX; or

"(C) in the case of complete closure of a private nonprofit hospital, or local governmental hospital, other than for replacement of the hospital, to the extent of actual debt obligations previously recognized as reasonable for reimbursement, where the debt remains outstanding, less any salvage value.

"(c)(1) Any hospital may file an application with the Board (in a form and including data and information as the Board, with the approval of the Secretary, may require) for a transitional allowance with respect to any qualified conversion which was formally initiated after December 31, 1979. The Board, with the approval of the Secretary, may also establish procedures, consistent with this section, by means of which a finding of a reimbursement detriment may be made prior to the actual conversion.

"(2) The Board shall consider any application filed by a hospital, and if the Board finds that—

"(A) the facility conversion is a qualified facility conversion, and

"(B) the hospital is experiencing or will experience a reimbursement detriment because it carried out the qualified facility conversion,

the Board shall transmit to the Secretary its recommendation that the Secretary establish a transitional allowance for the hospital in amounts reasonably related to prior or prospective use of the facility under title V, title XVIII and the State plan approved under title XIX, for a period, not to exceed twenty years as specified by the Board, and, if the Board finds that the criteria in subparagraphs (A) and (B) are not met, it shall advise the Secretary not to establish a transitional allowance for that hospital. For an approved closure under subsection (b)(3)(C) the Board may recommend or the Secretary may approve, a lump-sum payment in lieu of periodic allowances, where such payment would constitute a more efficient and economic alternative.

"(3)(A) The Board shall notify a hospital of its findings and recommendations.

"(B) A hospital dissatisfied with a recommendation may obtain an informal or formal hearing, at the discretion of the Secretary by filing (in the form and within a time period established by the Secretary) a request for a hearing.

"(4)(A) Within thirty days after receiving a recommendation from the Board respecting a transitional allowance or, if later, within thirty days after a hearing, the Secretary shall make a final determination whether, and if so in what amount and for what period of time, a transitional allowance will be granted to a hospital. A final determination of the Secretary shall not be subject to judicial review.

"(B) The Secretary shall notify a hospital and any other appropriate parties of the determination.

"(C) Any transitional allowance shall take effect on a date prescribed by the Secretary, but not earlier than the date of completion of the qualified facility conversion. A transitional allowance shall be included as an allowable cost time in determining the reasonable cost incurred by the hospital in providing services for which payment is authorized under this Act, except that the transitional allowance shall not be considered in applying limits to costs recognized as reasonable pursuant to the third sentence of section 1861 (v)(1) and section 1861(bb) of this Act, or in determining the amount to be paid to a provider pursuant to section 1914 (b), section 1933(a)(2), section 1910(i)(3), and section 506(f)(3) of this Act.

"(d) In determining the reasonable cost incurred by a hospital with respect to which payment is authorized under a State plan approved under title V or title XIX, any transitional allowance shall be included as an allowable cost item.

"(e)(1) The Secretary is authorized to establish transitional allowances only as provided in paragraph (2) and (3).

"(2) Prior to January 1, 1983, the Secretary is authorized to establish a transitional allowance for not more than fifty hospitals.

"(3) On and after January 1, 1983, the Secretary is authorized to establish a transitional allowance for any hospital which qualifies for such an allowance under the provisions of this section.

"(4) On or before January 1, 1982, the Secretary shall report to the Congress evaluating the effectiveness of the program established under this section including appropriate recommendations.".

(b) The amendments made by subsection (a) shall apply only to services furnished by a hospital during any accounting year beginning on or after October 1, 1979.

FEDERAL PARTICIPATION IN HOSPITAL CAPITAL EXPENDITURES

(d) Section 1122(c) of the Social Security Act is amended to read as follows:

"(c) The reasonable expenses incurred in carrying out the activities referred to in subsection (b) by the designated planning agencies (disregarding any expenses for which the agency is authorized to be reimbursed from other sources) shall be payable from—

"(1) funds in the Federal Hospital Insurance Trust Fund,

"(2) funds in the Federal Supplementary Medical Insurance Trust Fund, and

"(3) funds appropriated to carry out the health care provisions of the several titles of this Act,

in such amounts as the Secretary finds result in a proper allocation. The Secretary shall transfer money between the funds as may be appropriate to settle accounts between them. The Secretary shall pay the designated planning agencies without requiring contribution of funds by any State or political subdvision thereof.".

(e) Section 1122(d) of such Act is amended to read as follows:

"(d)(1) Except as provided in paragraph (2), if the Secretary determines that—

SEC. 4. (a) Section 1122 of the Social Security Act is amended to read as follows:

"(a) The purpose of this section is to assure that Federal funds appropriated under title V, XVIII, and XIX are not used to support unnecessary capital expenditures made by or on behalf of health care facilities (including those of health maintenance organizations) and home health agencies which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.".

(b) Section 1122(b) of the Social Security Act is amended by striking out "(which shall be an agency described in clause (ii) of subsection (d)(1)(B) that has a governing body or advisory board at least half of whose members represent consumer interests)" and inserting in lieu thereof "(the agency designated under section 1521 of the Public Health Service Act)".

(c) Paragraphs (1) and (2) of Section 1122(b) are amended to read as follows:

"(1) make, and submit to the Secretary together with such supporting materials as he may find necessary, findings and recommendations with respect to capital expenditures proposed by or on behalf of any health care facility (including those of a health maintenance organization) or home health agency in such State within the field of its responsibilities.

"(2) receive from the Health Systems Agencies designated under title XV of the Public Health Service Act, and submit to the Secretary together with such supporting material as he may find necessary, the findings and recommendations of such agencies with respect to capital expenditures proposed by or on behalf of health care facilities (including those of health maintenance organizations) or home health agencies in such State within the fields of their respective responsibilities, and".

"(A) the designated planning agency had not approved the proposed expenditure; and

"(B) the designated planning agency had granted to the person proposing the capital expenditure an opportunity for a fair hearing with respect to the findings;

then, in determining Federal payments under titles V, XVIII, and XIX for services furnished in the health care facility for which the capital expenditure is made, the Secretary shall not include any amount attributable to depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), other expenses related to the capital expenditure, or for direct operating costs, to the extent that they can be directly associated with the capital expenditure, unless the designated planning agency for the States determines, in accordance with an agreement entered into under subsection (b) or under a certificate of need program which is applicable to such expenditure and which meets the requirements of title XV of the Public Health Service Act, that such capital expenditures are needed and meet criteria adopted by such agency. In the case of a proposed capital expenditure in a standard metropolitan statistical area which encompasses more than one jurisdiction, that expenditure shall require approval of the designated planning agency of each jurisdiction, which shall jointly review the proposal. Where the designated planning agencies do not unanimously agree, the proposed expenditures shall be deemed disapproved. Where the designated planning agencies do not act to approve or disapprove the proposed expenditure within one hundred and eighty days after the submission of the request for approval, the proposed expenditure shall be deemed approved. Any deemed approval or disapproval shall be subject to review and reversal by the Secretary following a request, submitted to him within sixty days of the deemed approval or disapproval, for a review and reconsideration based upon the record. With respect to any organization which is reimbursed on a per capita, fixed fee, or negotiated rate basis, in determining the Federal payments to be made under titles V, XVIII and XIX, the Secretary shall exclude an amount reasonably equivalent to the amount which would otherwise be excluded under this subsection if payment were made on other than a per capita, fixed fee, or negotiated rate basis.

"(2) If the Secretary, after submitting the matters involved to the advisory council established under subsection (i), determines that an exclusion of expenses related to any capital expenditure would discourage the operation or expansion of any health care facility or health maintenance organization which has demonstrated to his satisfaction proof of its capability to provide comprehensive health care services (including institutional services) effectively and economically, or would be inconsistent with effective organization and delivery of health services, or the effective administration of title V, XVIII, or XIX), he shall not exclude the expenses pursuant to paragraph (1).".

(p) Section 1122(g) of the Social Security Act is amended to read as follows:

"(g) For purposes of this section, a 'capital expenditure' is an expenditure which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (1) exceeds $15,000, (2) changes the bed capacity of the facility, or (3) substantially changes the services of the facility, including conversion of existing beds to higher cost usage. The cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment shall be included in determining whether the expenditure exceeds $150,000. For purposes of this section, 'capital expenditure' does not include an expenditure for the purpose of acquiring (either by purchase or under lease or comparable arrangement) an existing health care facility, the utilized services and bed capacity of which are not increased as a result of the acquisition.".

(g) Section 1861(z) of the Social Security Act is amended to read as follows:

"Institutional Planning

"(z) An overall plan and budget of a hospital, skilled nursing facility, or home health agency shall—

"(1) provide for an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that nothing in this paragraph shall require that there be prepared in connection with any budget an item-by-item identification of the components of each type of anticipated expenditure or income);

"(2) provide for a capital expenditures plan for at least a five-year period (including the year to which the operating budget applies) which identifies in detail the sources of financing and the objectives of each anticipated expenditure in excess of $150,000 related to the acquisition of land, improvement of land, buildings, or equipment, and the replacement, modernization, or expansion of the buildings and equipment, and which would, under generally accepted accounting principles, be considered capital items, and such capital expenditures plan shall be a matter of public record and available in readily accessible form and fashion;

"(3) provide for annual review and updating; and

"(4) be prepared, under the direction of the governing body of the institution or agency, by a committee consisting of representatives of the governing body, administrative staff, and medical staff (if any) of the institution or agency.".

(h) The amendments made by this section shall become effective on January 1, 1980, and shall be effective with respect to determinations made by the Secretary on or after such date.

AGREEMENTS WITH PHYSICIANS TO ACCEPT ASSIGNMENTS

SEC. 5. (a) Title XVIII of the Social Security Act is amended by adding the following new section:

"AGREEMENTS WITH PHYSICIANS TO ACCEPT ASSIGNMENTS

"SEC. 1868. (a) For purposes of this section the term 'participating physician' means a doctor of medicine or osteopathy who has in effect an agreement with the Secretary by which he agrees to accept an assignment of claim (as provided for in section 1842(b)(3)(B)(ii)) for each physicians' service (other than those excluded from coverage by section 1862) performed by him in the United States for an individual enrolled under part B. The assignment shall be in a form prescribed by the Secretary. The agreement may be terminated by either party upon 30-days' notice to the other, filed in a manner prescribed by the Secretary.

"(b) To expedite processing of claims from participating physicians, the Secretary shall establish procedures and develop appropriate forms under which—

"(1) each physican will submit his claims on one of alternative simplified approved bases including multiple listing of patients, and the Secretary shall act to assure that these claims are processed expeditiously, and

"(2) the physician shall obtain from each patient enrolled under part B (except in cases where the Secretary finds it impractical for the patient to furnish it) and shall make available at the Secretary's request, a signed statement by which the patient (A) agrees to make an assignment with respect to all services furnished by the physician and (B) authorizes the release of any medical information needed to review claims submitted by the physician.

"(c)(1) Participating physicians shall be paid administrative cost-savings allowances (as determined under paragraph (2)) in addition to the reasonable charges that are payable.

"(2) The administrative cost-savings allowance shall be $1 for each claim the participating physician submits in accordance with the simplified billing procedure referred to in subsection (b) and these payments shall be treated as an administrative expense to the medical insurance program, except that—

"(A) not more than $1 shall be payable to a physician for claims for services furnished to any particular patient within any 7-day period;

"(B) no administrative cost-savings allowance shall be payable for services performed for a hospital inpatient or outpatient unless:

"(i) the services are surgical services, anesthesia services, or services performed by a physician who, as an attending or consulting physician, personally examined the patient and whose office or regular place of practice is located outside a hospital, and

"(ii) the physician ordinarily bills directly (and not through such hospital) for his services; and

"(C) no administrative cost-savings allowance shall be payable for services which consist solely of laboratory or X-ray services which are for hospital inpatients or outpatients or are performed outside the office of the participating physician.".

(b) The amendments made by subsection (a) shall become effective on July 1, 1980.

HOSPITAL-ASSOCIATED PHYSICIANS

Sec. 6. (a)(1) Section 1861(q) of the Social Security Act is amended by adding "(1)" immediately after "(q)" and by adding, immediately before the period at the end thereof, the following: "; except that the term does not include any service that a physician may perform as an educator, an executive, or a researcher; or any professional patient care service unless the service (A) is personally performed by or personally directed by a physician for the benefit of the patient and (B) is of such nature that its performance by a physician is appropriate".

(2) Section 1861(q) is amended by adding the following paragraphs at the end:

"(2) In the case of anesthesiology services related to the surgical or obstetrical care of a patient, a procedure shall be considered to be 'personally performed' in its entirety by a physician where a physician performs for the benefit of the patient the following activities:

"(A) preanesthetic evaluation of the patient;

"(B) prescription of the anesthesia plan;

"(C) personal participation in the most demanding procedures in this plan, including those of induction and emergence and assuring that a qualified individual, who need not be his employee, acting under such physician's direction, performs any of the less demanding procedures which the physician does not personally perform;

"(D) following the course of anesthesia administration at frequent intervals;

"(E) remaining physically available for the immediate diagnosis and treatment of emergencies; and

"(F) providing indicated postanesthesia care:

Provided however, That during the performance of the activities described in subparagraphs (C), (D), and (E), the physician is not responsible for the care of more than one other patient. Where a physician performs the activities described in subparagraphs (A), (B), (D), and (E) and another individual performs the activities described in subparagraph (C), the physician will be deemed to have personally directed the services if he was responsible for no more than four patients while performing the activities described in subparagraphs (D) and (E), and the reasonable charge for his personal direction shall not exceed one-half the amount that would have been payable if he had personally performed the procedure in its entirety.

"(3) Pathology services shall be considered 'physicians' services' to patients only where the physician personally performs acts or makes decisions with respect to a patient's diagnosis or treatment which require the exercise of medical judgment. These include operating room and clinical consultations, the required interpretation of the significance of any material or data derived from a human being, the aspiration or removal of marrow or other materials, and the administration of test materials or isotopes. Such professional services shall not include professional services such as the performance of autopsies, and services performed in carrying out responsibilities for supervision, quality control, and for various other aspects of a clinical laboratory operations that are appropriately performed by nonphysician personnel.

(3) Section 1861(b) of such Act is amended—

(A) by striking out "or" at the end of paragraph (6),

(B) by striking out the period at the end of paragraph (7) and inserting "; or", and

(C) by adding at the end of the following paragraph:

"(8) a physician, if the services are not physicians' services (within the meaning of subsection (q))."

(b)(1) Section 1861(s) of the Social Security Act is amended by adding at the end: "The term 'medical and other health services' shall not include services described in paragraphs (2)(A) and (3) if furnished to inpatients of a provider of services unless the Secretary finds that, because of the size of the hospital and the part-time nature of the services or for some other reasons acceptable to him, it would be less efficient to have the services furnished by the hospital (or by others under arrangement with them made by the hospital) than to have them furnished by another party.".

(2) Section 1842(b)(4) of such Act, as added by section 10 of this Act, is amended by adding at the end thereof the following subparagraph:

"(G) The charge for a physician's or other person's services and items which are related to the income or receipts of a hospital or hospital subdivision shall not be considered in determining his customary charge to the extent that the charge exceeds an amount equal to the salary which would reasonably have been paid for the service (together with any additional costs that would have been incurred by the hospital) to the physician performing it if it had been performed in an employment relationship with the hospital plus the cost of other expenses (including a reasonable allowance for traveltime and other reasonable types of expense related to any differences in acceptable methods of organization for the provision of services) incurred by the physician, as the Secretary may determine to be appropriate.".

(c) Section 1861(v) of such Act is amended by adding after paragraph (8) (as added by section 2 of the act) the following new paragraph:

"(9)(A) Where services are furnished by a physician under an arrangement (including an arrangement under which the physician performing the services is compensated on a basis related to the amount of the income or receipts of the hospital or any department or other subdivision) with a hospital or medical school, the amount included in any payment to the hospital under this title as the reasonable cost of the services (as furnished under the arrangement) shall not exceed an amount equal to the salary which would reasonably have been paid for the services (together with any additional costs that would have been incurred by the hospital) to the physician performing them if they had been performed in an employment relationship with the hospital (rather than under such arrangement) plus the cost of other expenses (including a reasonable allowance for traveltime and other reasonable types of expense related to any differences in acceptable methods of organization for the provision of the services) incurred by the physician, as the Secretary may determine to be appropriate."

(d)(1) Section 1833(a)(1)(B) of the Social Security Act is amended by inserting "(except as provided in subsection (i)) immediately after "amounts paid shall".

(2) Section 1833(b)(2) of such Act is amended by inserting "(except as otherwise provided in subsection (i))" immediately after "amount paid shall".

(3) Section 1833 of such Act is amended by redesignating the second subsection (g) thereof as subsection (h) and by adding the following new subsection:

"(i) The provisions of subsection (a)(1)(B) and clause (2) of the first sentence of subsection (b) shall not apply to any physician unless he has entered into an agreement with the Secretary under which he agrees to be compensated for all such services on the basis of an assignment the terms of which are described in section 1842(b)(3)(B)(ii).".

(e) The amendments made by this section shall, except those made by subsection (d), apply to services furnished in accounting periods of the hospital which begin after the month following the month of enactment of this Act. The amendment made by subsection (d) shall be effective July 1, 1979.

USE OF APPROVED RELATIVE VALUE SCHEDULE

Sec. 7. Part A of title XI of the Social Security Act is amended by adding after section 1128 (as added by section 3 of this act) the following new section:

"USE OF APPROVED RELATIVE VALUE SCHEDULE

"Sec. 1129. (a) To provide common language describing the various kinds and levels of medical services which may be reimbursed under title V, XVIII, and XIX of this Act, the Secretary shall establish a system of procedural terminology, including definitions of terms. The system shall be developed by the Health Care Financing Administration with the advice of other large health care purchasers, representatives of professional groups and other interested parties. In developing the system, the Health Care Financing Administration shall consider among other things, the experience of third parties in using existing terminology systems in terms of implications for administrative and program costs, simplicity and lack of ambiguity, and the degree of acceptance and use.

"(b) Upon development of a proposed system of procedural terminology and its approval by the Secretary the system shall be published in the Federal Register. Interested parties shall have not less than six months in which to comment on the proposed system and to recommend relative values to the Secretary for the procedures and services designated by the terms. Comments and proposals shall be supported by information and documentation specified by the Secretary.

"(c) The good faith preparation of a relative value schedule or its submission to the Secretary by an association of health practitioners solely in response to a request of the Secretary as authorized under this section shall not in itself be considered a violation of any consent decree by which an association has waived its right to make recommendations concerning fees. The proposed relative value schedule shall not be disclosed to anyone other than those persons actually preparing it or their counsel until it is made public by the Secretary.

"(d) The Health Care Financing Administration shall review materials submitted under this section and shall recommend that the Secretary adopt a specific terminology system and its relative values for use by carriers in calculating reasonable charges under title XVIII of this Act, but only after—

"(1) interested parties have been given an opportunity to comment and any comments have been considered;

"(2) statistical analyses have been conducted assessing the economic impact of the relative values on the physicians in various specialties, geographic areas and types of practice, and on the potential liability of the program established by part B of title XVIII of this Act;

"(3) it has been determined that the proposed terminology and related definitions are unambiguous, practical, and easy to evaluate, in actual clinical siituations and that the unit values assigned generally reflect the relative time and effort required to perform various procedures and services; and

"(4) it has been determined that the use of the proposed system will enhance the administration of the Federal health care financing programs.

"(e) A system of terminology, definitions, and their relative values, as approved by the Secretary, shall be periodically reviewed by him and may be modified. An approved system (as amended by any modification of the Secretary) may subsequently be used by any organization or person for purposes other than those of this Act. Nothing in this section shall be considered to bar the Secretary from adopting a uniform system of procedural terminology in situations where a relative value schedule has not been approved.".

TEACHING PHYSICIANS

SEC. 18. Section 15(d) of Public Law 93-233 (as amended by section 7(c) of Public Law 93-368, the first section of Public Law 94-368, and section 7 of Public Law 95-292) is amended by striking out "October 1, 1978" and inserting in lieu thereof "October 1, 1979".

CERTAIN SURGICAL PROCEDURES PERFORMED ON AN AMBULATORY BASIS

SEC. 7. Part B of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"SPECIAL PROVISIONS RELATING TO CERTAIN SURGICAL PROCEDURES PERFORMED ON AN AMBULATORY BASIS

"SEC. 1845. (a) The Secretary shall, in consultation with the National Professional Standards Review Council and appropriate medical organizations, specify those surgical procedures which can be safely and appropriately performed either in a hospital on an inpatient basis or on an ambulatory basis—

"(1) in a physician's office; or

"(2) in an ambulatory surgical center or hospital.

"(b)(1) If a physician performs in his office a surgical procedure specified by the Secretary pursuant to subsection (a)(1) on an individual insured for benefits under this part, he shall, notwithstanding any other provision of this part, be entitled to have payment made under this part equal to—

"(A) 100 percent of the reasonable charge for the services involved with the performance of such procedure (including all pre- and post-operative physicians' services performed in connection therewith), plus

"(B) the amount established by the Secretary pursuant to paragraph (2),

but only if the physician agrees with such individual to be paid on the basis of an assignment under the terms of which the reasonable charge for such services is the full charge therefor.

"(2) The Secretary shall establish with respect to each surgical procedure specified pursuant to subsection (a)(1), an amount established with a view to according recognition to the special costs, in excess of usual overhead, which physicians incur which are attributable to securing, maintaining, and staffing the facilities and ancillary services appropriate for the performance of such procedure in the physician's office, and to assuring that the performance of such procedure in the physician's office will involve substantially less total cost than would be involved if the procedure were performed on an inpatient basis in a hospital. The amount so established with respect to any surgical procedure periodically shall be reviewed and revised and may be adjusted, when appropriate, by the Secretary to take account of varying conditions in different areas.

"(c)(1) Payment under this part may be made to an ambulatory surgical center for ambulatory facility services furnished in conection with any surgical procedure, specified by the Secretary pursuant to subsection (a)(2), which is performed on an individual insured for benefits under this part in an ambulatory surgical center, which meets such health, safety, and other standards as the Secretary shall by regulations prescribe, if such surgical center agrees to accept in full payment of all services furnished by it in connection with such procedure, the amount established for such procedure pursuant to paragraph (2).

"(2) The Secretary shall establish with respect to each surgical procedure specified pursuant to subsection (a)(2), a reimbursement amount which is payable to an ambulatory surgical center for its services furnished in connection with such procedure. The amount established for any such surgical procedure shall be established with a view to according recognition to the costs incurred by such centers generally in providing the services involved in connection with such procedure, and to assuring that the performance of such procedure in such a center involves less cost than would be involved if such procedure were performed on an inpatient basis in a hospital. The amount so established with respect to any surgical procedure shall periodically be reviewed and revised and may be adjusted by the Secretary, when appropriate, to take account of varying conditions in different areas.

"(3) If the physician, performing a surgical procedure (specified by the Secretary under subsection (a)(2)), in a hospital on an outpatient basis or in an ambulatory surgical center with respect to which payment is authorized under the preceding provisions of this subsection, or a physician performing physicians' services in such center or hospital directly related to such surgical procedure, agrees to accept as full payment for all services performed by him in connection with such procedure (including pre- and post-operative services) an amount equal to 100 percent of the reasonable charge for such services, he shall be paid under this part for such services an amount equal to 100 percent of the reasonable charge for such services.

"(d)(1) The Secretary is authorized by regulations to provide that in case a surgical procedure specified by the Secretary pursuant to subsection (a)(2) is performed on an individual insured for benefits under this part in an ambulatory surgical center which meets such health, safety, and other standards as the Secretary shall by regulations prescribe, there shall be paid with respect to the services furnished by such center and with respect to all related services (including physicians' services, laboratory, X-ray, and diagnostic services) a single all-inclusive fee established pursuant to paragraph (2), if all parties furnishing all such services agree to accept such fee (to be divided among the parties involved in such manner as they shall have previously agreed upon) as full payment for the services furnished.

"(2) In implementing this subsection, the Secretary shall establish with respect to each surgical procedure specified pursuant to subsection (a)(2) the amount of the all-inclusive fee for such procedure, taking into account such factors as may be appropriate. The amount so established with respect to any surgical procedure shall periodically be reviewed and revised and may be adjusted, when appropriate, to take account of varying conditions in different areas.

"(e) The provisions of section 1833 (a) and (b) shall not be applicable to expenses attributable to services to which subsection (b) is applicable, to ambulatory facility services (furnished by an ambulatory surgical center) to which the provisions of subsection (c)(1) and (2) are applicable, to physicians' services to which the provisions of subsection (c)(3) are applicable, or to services to which the provisions of subsection (d) are applicable.".

CRITERIA FOR DETERMINING REASONABLE CHARGE FOR PHYSICIANS' SERVICES

SEC. 10. (a) Section 1842(b) of the Social Security Act is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6);

(2) by striking out so much of paragraph (3) as follows the first sentence; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In determining the reasonable charge for services for purposes of paragraph (3) (including the services of any hospital-associated physicians), there shall be taken into consideration the customary charges for similar services generally made by the physician or other person furnishing such services, as well as the prevailing charges in the locality for similar services.

"(B)(i) Except as otherwise provided in clause (iii), no charge may de determined to be reasonable in the case of bills submitted or requests for payment made under this part after December 31, 1970, if it exceeds the higher of (I) the prevailing charge recognized by the carrier and found acceptable by the Secretary for similar services in the same locality in administering this part on December 31, 1970, or (II) the prevailing charge level that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 75 percent of the customary charges made for similar services in the same locality during the last preceding calender year elapsing prior to the start of the fiscal year in which the bill is submitted or the request for payment is made.

"(ii) In the case of physician services, the prevailing charge level determined for purposes of clause (i)(II) for any fiscal year beginning after June 30, 1973 may not (except as otherwise provided in clause (iii)) exceed (in the aggregate) the level determined under such clause for the fiscal year ending June 30, 1973, except to the extent that the Secretary finds, on the basis of appropriate economic index data, that such higher level is justified by economic changes. Moreover, for any twelve-month period beginning on July 1 of any year (beginning with 1980), no prevailing charge level for physicians' services shall be increased to the extent that it would exceed by more than one-third the statewide prevailing charge level (as determined under subparagraph (E)) for that service.

"(iii) Notwithstanding the provisions of clauses (i) and (ii) of this subparagraph, the prevailing charge level in the case of a physician service in a particular locality determined pursuant to such clauses for the fiscal year beginning July 1, 1975, shall, if lower than the prevailing charge level for the fiscal year ending June 30, 1975, in the case of a similar physician service in the same locality by reason of the application of economic index data, be raised to such prevailing charge level for the fiscal year ending June 30, 1975.

"(C) In the case of medical services, supplies, and equipment (including equipment servicing) that, in the judgment of the Secretary, do not generally vary significantly in quality from one supplier to another, the charges incurred after December 31, 1972, determined to be reasonable may not exceed the lowest charge levels at which such services, supplies, and equipment are widely and consistently available in a locality except to the extent and under circumstances specified by the Secretary. With respect to power-operated wheelchairs for which payment may be made in accordance with section 1861(s)(6), charges determined to be reasonable may not exceed the lowest charge at which power-operated wheelchairs are available in the locality.

"(D) The requirement in paragraph (3)(B) that a bill be submitted or request for payment be made by the close of the following calendar year shall not apply if (i) failure to submit the bill or request the payment by the close of such year is due to the error or misrepresentation of an officer, employee, fiscal intermediary, carrier, or agent of the Department of Health, Education, and Welfare performing functions under this title and acting within the scope of his or its authority, and (ii) the bill is submitted or the payment is requested promptly after such error or misrepresentation is eliminated or corrected.

"(E) The Secretary shall determine separate statewide prevailing charge levels for each State that, on the basis of statistical data and methodology acceptable to the Secretary, would cover 50 percent of the customary charges made for similar services in the State during the last preceding calendar year elapsing prior to the start of the fiscal year in which the bill is submitted or the request for payment is made. In States with more than one carrier, the statewide prevailing charge level shall be the weighted average of the fiftieth percentiles of the customary charges of each carrier.

"(F) Notwithstanding any other provision of this paragraph, any charge for any particular service or procedure performed by a doctor of medicine or osteopathy shall be regarded as a reasonable charge if—

"(i) the service or procedure is performed in an area which the Secretary has designated as a physician shortage area,

"(ii) the physician has a regular practice in the physician shortage area,

"(iii) the charge does not exceed the prevailing charge level as determined under subparagraph (B), and

"(iv) the charge does not exceed the amount generally charged by such physician for similar services.".

(b) Sections 506(f)(1) and 1903(i)(1) of the Social Security Act are each amended by striking out "the fourth and fifth sentences of section 1842(b)(3)" and inserting in lieu thereof in each instance "subparagraphs (B)(ii), (B)(iii), (C), and (F) of section 1842(b)(4)".

(c) The amendments made by this section shall become effective on July 1, 1980.

PAYMENT FOR CERTAIN ANTIGENS UNDER PART B OF MEDICARE

SEC. 11. (a) Section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (E),

(2) by inserting "and" at the end of clause (F), and

(3) by adding after clause (F) the following new clause:

"(G) antigens (subject to reasonable quantity limitations determined by the Secretary) prepared by an allergist for a particular patient, including antigens he prepares which are forwarded to another qualified person for administration to the patient by or under the supervision of a physician;"

(b) The amendments made by subsection (a) shall apply to items furnished after the month of enactment of this Act.

PAYMENT UNDER MEDICARE OF CERTAIN PHYSICIANS' FEES ON ACCOUNT OF SERVICES FURNISHED TO A DECEASED INDIVIDUAL

SEC. 12. (a) Section 1870(f) of the Social Security Act is amended by striking out the matter following clause (2) thereof and inserting in lieu thereof the following: "payment for such services shall be made (but only in such amount and subject to such conditions as would have been applicable if the individual who received the services had not died) to—

"(A) the physician or other person who provided such services, but only on the condition that such physician or person agrees that the reasonable charge is the full charge for the services, or

"(B) the spouse or other legally designated representative of such individual, but only if (i) the condition specified in subparagraph (A) is not met, and (ii) such spouse or representative requests (in such form and manner as the Secretary shall by regulations prescribe) that payment be made under this subparagraph.".

(b) The amendment made by subsection (a) shall apply only to payments made after the month of enactment of this Act.

HOSPITAL PROVIDERS OF LONG-TERM CARE SERVICES

SEC. 13. (a) Section 1861 of the Social Security Act is amended by adding after subsection (bb) (as added by section 2 of this Act) the following:

"Hospital Providers of Extended Care Services

"(cc)(1)(A) Any hospital (other than a hospital which has in effect a waiver of the requirement imposed by subsection (e)(5)) which has an agreement under section 1866 may (subject to paragraph (2)) enter into an agreement with the Secretary under which its inpatient hospital facilities may be used for the furnishing of services of the type which, if furnished by a skilled nursing facility, would constitute posthospital extended care services.

"(B)(i) Notwithstanding any other provision of this title, payment to any hospital for services furnished under an agreement entered into under this subsection shall be based upon the reasonable cost of the services as determined under this subparagraph.

"(ii) The reasonable cost of the services shall consist of the reasonable cost of routine services and ancillary services. The reasonable cost of routine services furnished during any calendar year by a hospital under an agreement under this subsection shall equal the product of the number of patient-days during the year for which the services were furnished and the average reasonable cost per patient-day. The average reasonable cost per patient-day shall be established as the average rate per patient-day paid for routine services during the previous calendar year under the State plan (of the State in which the hospital is located) approved under title XIX to skilled nursing facilities located in such State and which meet the requirements specified in section 1902(a)(28). The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided as inpatient hospital services.

"(2) The Secretary shall not enter into an agreement under this subsection with any hospital unless—

"(A) the hospital is located in a rural area and has less than 50 beds, and

"(B) the hospital has been granted a certificate of need for the provision of long-term care services from the agency of the State (which has been designated as the State health planning and development agency under an agreement pursuant to section 1521 of the Public Health Service Act) in which the hospital is located.

"(3) An agreement with a hospital entered into under this section shall, except as otherwise provided under regulations of the Secretary, be of the same duration and subject to termination on the same conditions as are agreements with skilled nursing facilities under section 1866, and shall, where not inconsistent with any provision of this subsection, impose the same duties, responsibilities, conditions, and limitations, as those imposed under such agreements entered into under section 1866; except that no such agreement with any hospital shall be in effect for any period during which the hospital does not have in effect an agreement under section 1866, or during which there is in effect for the hospital a waiver of the requirement imposed by subsection (e)(5). A hospital with respect to which an agreement has been terminated shall not be eligible to undertake a new agreement until a two-year period has elapsed from the termination date.

"(4) Any agreement with a hospital under this subsection shall provide that payment for services will be made only for services for which payment would be made as posthospital extended care services if those services had been furnished by a skilled nursing facility under an agreement entered into under section 1866, and any individual who is furnished services for which payment may be made under an agreement shall, for purposes of this title (other than this subsection), be deemed to have received posthospital extended care services in like manner and to the same extent as if the services furnished to him had been posthospital extended care services furnished by a skilled nursing facility under an agreement under section 1866.

"(5) During a period for which a hospital has in effect an agreement under this subsection, in order to allocate routine costs between hospital and long-term care services for purposes of determining payment for inpatient hospital services (including the application of reimbursemtnt limits specified in section 1861(bb)), the total reimbursement due for routine services from all classes of long-term care patients, including title XVIII, the State plan approved under title XIX, and private pay patients, shall be subtracted from the hospital's total routine costs before calculations are made to determine title XVIII reimbursement for routine hospital services.

"(6) During any period during which an agreement is in effect with a hospital under this subsection, the hospital shall, for services furnished by it under the agreement, be considered to satisfy the requirements, otherwise required, of a skilled nursing facility for purposes of the following provisions: sections 1814(a)(2)(C), 1814(a)(6), 1814(a)(7), 1814(h), 1861(a)(2), 1861(i), 1861(j) (except 1861(j)(12)), and 1861(n); and the Secretary shall specify any other provisions of this Act under which the hospital may be considered as a skilled nursing facility.

"(7) The Secretary may enter into an agreement under this subsection on a demonstration basis with any hospital having more than 49 beds, but less than 101 beds, if such hospital otherwise meets the requirements of this subsection.

"(8) Within three years after the date of enactment of this subsection, the Secretary shall provide a report to the Congress containing an evaluation of the program established under this subsection concerning—

"(A) the effect of the agreements on availability and effective and economical provision of long-term care services;

"(B) whether the program should be continued; and

"(C) whether eligibility should be extended to other hospitals, regardless of bed siz or geographic location, where there is a shortage of long-term care beds.".

(b) Title XIX of such Act is amended by adding at the end thereof the following new section:

"HOSPITAL PROVIDERS OF SKILLED NURSING AND INTERMEDIATE CARE SERVICES

"Sec. 1913. (a) Notwithstanding any other provision of this title, payment may be made, in accordance with this section, under an approved State plan for skilled nursing services and intermediate care services furnished by a hospital which has in effect an agreement under section 1861(cc).

"(b)(1) Payment to any such hospital, for any skilled nursing or intermediate care services furnished pursuant to subsection (a) shall be at a rate equal to the average rate per patient-day paid for routine services during the previous calendar year under the State plan to skilled nursing and intermediate care facilities located in the State in which the hospital is located. The reasonable cost of ancillary services shall be determined in the same manner as the reasonable cost of ancillary services provided for inpatient hospital services.

"(2) With respect to any period for which a hospital has in effect an agreement under section 1861(cc), in order to allocate routine costs between hospital and long-term care services, the total reimbursement for routine services due from all classes of long-term care patients, including title XVIII, the State plan, and private pay patients, shall be subtracted from the hospital total routine costs before calculations are made to determine reimbursement for routine hospital services under the State plan.".

(c) Section 1861(j) is amended by inserting "and except as provided in subsection (cc)" after "subsection (a)(2)".

(d) The amendments made by this section shall become effective on the date on which final regulations, promulgated by the Secretary to implement the amendments, are issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted.

REIMBURSEMENT RATES UNDER MEDICAID FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

Sec. 14. (a) Section 1902(a)(13)(E) of the Social Security Act is amended by inserting "(and which may, at the option of the State, include reasonable allowances for the facilities in the form of incentive payments related to efficient performance)" after "cost related basis".

(b) The amendment made by subsection (a) shall become effective on October 1, 1979.

MEDICAID CERTIFICATION AND APPROVAL OF SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

Sec. 15. (a) Section 1910 of the Social Security Act is amended to read as follows:

"CERTIFICATION AND APPROVAL OF SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

"Sec. 1910. (a) The Secretary shall make an aggreement with any State which is willing and able to do so whereby the State health agency or other appropriate State or local agencies (whichever are utilized by the Secretary pursuant to section 1864(a)) will be utilized to recommend to him whether an institution in the State qualifies as a skilled nursing facility (for purposes of section 1902(a)(28)) or an intermediate care facility (for purposes of section 1905(c)).

"(b) The Secretary shall advise the State agency administering the medical assistance plan of his approval or disapproval of any institution certified to him as a qualified skilled nursing or intermediate care facility for purposes of section 1902(a)(28) or section 1905(c) and specify for each institution the period (not to exceed twelve months) for which approval is granted, except that the secretary may extend that term for up to two months, provided the health and safety of patients will not be jeopardized, if he finds that an extension is necessary to prevent irreparable harm to the facility or hardship to the facility's patients or if he finds it impracticable within the twelve-month period to determine whether the facility is complying with the provisions of this title and applicable regulations. The State agency may, upon approval of the Secretary, enter into an agreement with any skilled nursing or intermediate care facility for the specified approval period.

"(c) The Secretary may cancel approval of any skilled nursing or intermediate care facility at any time if he finds that a facility fails to meet the requirements contained in section 1902(a)(28) or section 1905(c), or if he finds grounds for termination of his agreement with the facility pursuant to section 1866(b). In that event the Secretary shall notify the State agency and the skilled nursing or intermediate care facility that approval of eligibility of the facility to participate in the programs established by this title and title XVIII shall be terminated at a time specified by the Secretary. The approval of eligibility of any such facility to participate in the programs may not be reinstated unless the Secretary finds that the reason for termination has been removed and there is reasonable assurance that it will not recur.

"(d) Effective July 1, 1980, no payment may be made to any State under this title for skilled nursing or intermediate care facility services furnished by any facility—

"(1) which does not have in effect an agreement with the State agency pursuant to subsection (b), or

"(2) with respect to which approval of eligibility to participate in the programs established by this title or title XVIII has been terminated by the Secretary and has not been reinstated, except that payment may be made for up to thirty days for skilled nursing or intermediate care facility services furnished to any eligible individual who was admitted to the facility prior to the effective date of the termination.

"(e) Any skilled nursing facility or intermediate care facility which is dissatisfied with any determination by the Secretary that it no longer qualifies as a skilled nursing facility or intermediate care facility for purposes of this title shall be entitled to a hearing by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). Any agreement between such facility and the State agency shall remain in effect until the period for filing a request for a hearing has expired or, if a request has been filed, until a decision has been made by the Secretary; except that the agreement shall not be extended if the Secretary makes a written determination, specifying the reasons therefor, that the continuation of provider status constitutes an immediate and serious threat to the health and safety of patients, and the Secretary certifies that the facility has been ratified of its deficiencies and has failed to correct them.".

(b) Section 1869(c) of the Social Security Act is amended by adding at the end thereof the following sentence: "If the Secretary's determination terminates a provider with an existing agreement pursuant to section 1866(b)(2), or if such determination consists of a refusal to renew an existing provider agreement, the provider's agreement shall remain in effect until the period for filing a request for a hearing has expired or, if a request has been filed, until a final decision has been made by the Secretary; except that the agreement shall not be extended if the Secretary makes a written determination, specifying the reasons therefor, that the continuation of provider status constitutes an immediate and serious threat to the health and safety of patients and if the Secretary certifies that the provider has been notified of such deficiencies and has failed to correct them.".

(c) The amendments made by the preceding provisions of this section shall become effective on the date on which final regulations, promulgated by the Secretary to implement the amendments, are issued; and those regulations shall be issued not later than the first day of the sixth month following the month in which this Act is enacted.

(d) Title XIX of the Social Security Act is amended by adding after section 1910 thereof the following new section:

"CERTIFICATION AND APPROVAL OF RURAL HEALTH CLINICS

"Sec. 1910A. (a) Whenever the Secretary certifies a facility in a State to be a qualified rural health clinic under title XVIII, such facility shall be deemed to meet the standards for certification as a rural health clinic for purposes of providing rural health clinic services under this title.

"(b) The Secretary shall notify the State agency administering the medical assistance plan of his approval or disapproval of any facility in that State which has applied for certification by him as a qualified rural health clinic.".

(e) Section 1866(c)(2) of the Social Security Act is amended by striking out "1910(a)" and inserting in lieu thereof "1910".

VISITS AWAY FROM INSTITUTION BY PATIENTS OF SKILLED NURSING OR INTERMEDIATE CARE FACILITY

Sec. 16. (a) Section 1903 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(r) In the administration of this title, the fact that an individual who is an inpatient of a skilled nursing or intermediate care facility leaves to make visits outside the facility shall not conclusively indicate that he does not need services which the facility is designed to provide; however, the frequency and length of such visits shall be considered, together with other evidence, in determining whether the individual is in need of the facility's services.".

(b) The amendment made by subsection (a) shall become effective on October 1. 1979.

NOTIFICATION TO STATE OFFICIALS

Sec. 17. Part A of title XI of the Social Security Act is amended by adding after section 1129 (as added by section 7 of this Act) the following new section:

"NOTIFICATION TO STATE OFFICIALS

"Sec. 1130. If the Secretary notifies a State of any audit, quality control performance report, deficiency, or any reduction, termination, or increase in Federal matching, under the State plan for any program for which Federal payments are made under this Act, simultaneous notification shall also be made to the Governor of the State and the respective chairmen of the legislative and appropriation committees of that State's legislature having jurisdiction over the program affected.".

REPEAL OF SECTION 1867

SEC. 18. Section 1867 of the Social Security Act is repealed.

PROCEDURES FOR DETERMINING REASONABLE COST AND REASONABLE CHARGE

SEC. 19. (a) Part A of title XI of the Social Security Act is amended by adding after section 1131 the following new section:

"EXCLUSION OF CERTAIN ITEMS IN DETERMINING REASONABLE COST AND REASONABLE CHARGE

"SEC. 1132. (a) Except as otherwise provided in subsection (b), in determining the amount of any payment under title XVIII, under a program established under title V, or under a State plan approved under title XIX of this Act, when the payment is based upon the reasonable cost or reasonable charge, no element comprising any part of the cost or charge shall be considered to be reasonable if, and to the extent that, such element is—

"(1) a commission, finder's fee, or for a similar arrangement, or

"(2) an amount payable for any facility (or part or activity thereof) under any rental or lease arrangement, which is, directly or indirectly, determined, wholly or in part as a percentage, fraction, or portion of the charge or cost attributed to any health service (other than the element) or any health service including, but not limited to, the element.

"(b) The Secretary shall by regulations establish exceptions to the provisions of subsection (a) with respect to any element of cost or charge which consists of payments based on a percentage arrangement, if such element is otherwise reasonable and the percentage arrangement—

"(1) is a customary commercial business practice, or

"(2) provides incentives for the efficient and economical operation of the health service.".

(b) Section 506 of such Act is amended by adding at the end thereof the following new subsection:

"(h) For additional exclusions from reasonable cost and reasonable charge see section 1132.".

(c) Section 1842(b)(4) of such Act (as amended by sections 6 and 10 of this Act) is further amended by adding at the end thereof the following new subparagraph:

"(H) For additional exclusions from reasonable cost and reasonable charge see section 1132.".

(d) Section 1861(v) of such Act is amended by adding after paragraph (9) (as added by section 6 of this Act) the following new paragraph:

"(10) For additional exclusions from reasonable cost and reasonable charge see section 1132.".

(e) Section 1903 of such Act is amended by adding after subsection (r) (as added by section 16 of this Act) the following new subsection:

"(s) For additional exclusions from reasonable cost and reasonable charge see section 1130.".

AMBULANCE SERVICE

SEC. 20. (a) Section 1861(s)(7) of the Social Security Act is amended by inserting after "ambulance service" the following: "(including ambulance service to the nearest hospital which is (A) adequately equipped, and (B) has medical personnel qualified to deal with, and available for the treatment of, the individual's illness, injury, or condition)".

(b) The amendment made by subsection (a) shall apply to services furnished on or after the first day of the first month which begins more than 180 days after the date of the enactment of this Act, or, if earlier, the effective date of regulations promulgated by the Secretary to implement such amendment.

GRANTS TO REGIONAL PEDIATRIC PULMONARY CENTERS

SEC. 21. (a) Section 511 of the Social Security Act is amended—

(1) by inserting "(a)" after "SEC. 511", and

(2) by adding at the end thereof the following new subsection:

"(b)(1) From the sums available under paragraph (2) the Secretary is authorized to make grants to public or nonprofit private regional pediatric pulmonary centers, which are a part of (or are affiliated with) an institution of higher learning, to assist them in carrying out a program for the training and instruction (through demonstrations and otherwise) of health care personnel in the prevention, diagnosis, and treatment of respiratory diseases in children and young adults, and in providing (through such program) needed health care services to children and young adults suffering from such diseases.

"(2) For the purpose of making grants under this subsection, there are authorized to be appropriated, for the fiscal year ending September 30, 1980, and each of the next four succeeding fiscal years, such sums (not in excess of $5,000,000 for any fiscal year) as may be necessary. Sums authorized to be appropriated for any fiscal year under this subsection for making grants for the purposes referred to in paragraph (1) shall be in addition to any sums authorized to be appropriated for such fiscal years for similar purposes under other provisions of this title.".

(b) Section 502(2) of such Act is amended by inserting "(a)" after "511".

WAIVER OF HUMAN EXPERIMENTATION PROVISION FOR MEDICARE AND MEDICAID

SEC. 22. Any requirements of title II of Public Law 93-348 otherwise held applicable are hereby waived with respect to coverage, or copayments, deductibles, or other limitations on payment for services (whether of general application or in effect only on a trial or demonstration basis) under programs established under titles XVIII and XIX of the Social Security Act. Notwithstanding the first sentence of this section, the Secretary in reviewing any application for any experimental, pilot or demonstration project pursuant to the Social Security Act shall apply any appropriate requirements of title II of Public Law 93-348 and any regulations promulgated thereunder in making his decision on whether to approve such application.

DISCLOSURE OF AGGREGATE PAYMENTS TO PHYSICIANS

SEC. 23. Section 1106 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall not make available, nor shall the State title XIX agency be required to make available to the public, information relating to the amounts that have been paid to individual doctors of medicine or osteopathy by or on behalf of beneficiaries of the health programs established by title XVIII or XIX, as the case may be, except as may be necessary to carry out the purposes of those titles or as may be specifically required by the provisions of other Federal law.".

RESOURCES OF MEDICAID APPLICANT TO INCLUDE CERTAIN ASSETS PREVIOUSLY DISPOSED OF FOR SUBSTANTIALLY LESS THAN MARKET VALUE

SEC. 24. (a) Section 1904 of the Social Security Act is amended by adding at the end thereof the following sentence "The Secretary shall not find that a State has failed to comply with the requirements of this title solely because it denies medical assistance to an individual who would be ineligible for such assistance if, in determining whether he is eligible for benefits under title XVI of this Act, or in the case of an individual who is not included under section 1902(a)(13)(B), in determining whether he is eligible for benefits under title XVI of this Act, or, in the case of an individual who is not included under section 1902(a)(13)(B), in determining whether he is eligible for medical assistance under the State plan, there was included in his resources any asset owned by him within the preceding twelve months to the extent that he gave or sold that asset to any person for substantially less than its fair market value for the purpose of establishing eligibility for medical assistance under the State plan (and any such transaction shall be presumed to have been for such purpose unless such individual furnishes convincing evidence to establish that the transaction was for some other purpose).".

(b) Section 1902(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (39);

(2) by striking out the period at the end of paragraph (40) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(41) contain provisions reasonably directed at the denial of eligibility for medical assistance under the State plan to an individual who would be ineligible for such assistance except for the transfer of assets, for substantially less than fair market value; except that such denial shall be made only to the extent authorized under the last sentence of section 1904 or under other provisions of this title.".

(c)(1) The amendment made by subsection (a) shall become effective on October 1, 1979.

(2)(A) The amendment made by subsection (b) shall, except as otherwise is provided in subparagraph (B), become effective on July 1, 1980.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature which begins after the date of enactment of this Act.

RATE OF RETURN ON NET EQUITY FOR FOR-PROFIT HOSPITALS

SEC. 25. Section 1861(v)(1)(B) of the Social Security Act is amended—

(1) in the first sentence thereof, by inserting "a hospital or" immediately after "Such regulations in the case of";

(2) in the second sentence thereof, by striking out "one and one-half times" and inserting in lieu thereof "the percentages, specified in the next sentence, of"; and

(3) by inserting after the last sentence thereof the following new sentence: "For hospital and skilled nursing facility accounting years beginning before July 1, 1980, the percentage referred to in the previous sen-

tence is 150 percent and for subsequent accounting years, the percentage is—

"(i) 150 percent with respect to a skilled nursing facility;

"(ii) 150 percent with respect to a hospital which, during such accounting year, had actual routine operating costs which were greater than the maximum allowable routine operating costs of such hospital as determined under section 1861(bb)(4)(B)(i);

"(iii) 250 percent with respect to a hospital which, during such accounting year had actual routine operating costs which were less than the hospital's adjusted per diem target rate for routine operating costs as determined under section 1831(bb)(4); and

"(iv) 200 percent with respect to other hospitals.".

DEDUCTIBLE NOT APPLICABLE TO EXPENSE FOR CERTAIN INDEPENDENT LABORATORY TESTS

SEC. 26. (a) The first sentence of section 1833(b) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (1), and

(2) by inserting immediately before the period the following: ", and (3) such total amount shall not include expenses incurred for diagnostic tests with respect to which the provisions of subsection (a)(1)(D) are applicable".

(b) The amendments made by subsection (a) shall be applicable with respect to services provided on or after the first day of the first calendar month which begins more than 60 days after the date of enactment of this Act.

PAYMENT FOR LABORATORY SERVICES UNDER MEDICAID

SEC. 27. (a)(1) Section 1902(a)(23) of the Social Security Act is amended by inserting "(A)" before "has entered into" and by inserting before the semicolon at the end the following: ", or (B) during the three-year period beginning on the date of enactment of the Medicare-Medicaid Administrative and Reimbursement Reform Act, has made arrangements through a competitive bidding process or otherwise for the purchase of laboratory services referred to in section 1905 (a)(3), if the Secretary has found that (i) adequate services will be available under such arrangements, (ii) such laboratory services will be provided only through laboratories (I) which meet the requirements of section 1861(e)(9), paragraphs (10) and (11) of section 1861(s), and such additional requirements as the Secretary may require, and (II) no more than 75 per centum of whose charges for such services are for services provided to individuals who are entitled to benefits under this title or under part A or part B of title XVIII, and (iii) charges for services provided under such arrangements are made at the lowest rate charged (determined without regard to administrative costs which are related solely to the method of reimbursement for such services) for comparable services by the provider of such services, or, if charged for on a unit price basis, such charges result in aggregate expenditures not in excess of expenditures that would be made if charges were at the lowest rate charged for comparable services by the provider of such services".

(2) The Secretary shall evaluate arrangements made for the purchase of laboratory services under section 1902(a)(23)(B) of the Social Security Act and shall transmit that evaluation to the Congress, together with recommendations as to whether such section 1902(a)(23)(B) should be extended or modified, no later than twenty-four months after the date of enactment of this Act.

(b) Section 1902(a)(28) of such Act is amended by inserting before the semicolon the following: ", and provide that any laboratory services (other than such services provided in a physician's office) paid for under such plan must be provided by a laboratory which during the three-year period beginning on the date of enactment of the Medicare-Medicaid Administrative and Reimbursement Reform Act meets the requirements of section 1861(e)(9), paragraphs (10) and (11) of section 1861(s) or, in the case of a rural health clinic, subsection 1861(aa)(2)(G)".

(c) Section 1902(a)(30) of such Act is amended by inserting before the semicolon following: "; and, in the case of laboratory services referred to in section 1905(a)(3), such payments do not exceed the lowest amount charged (determined without regard to administrative costs which are related solely to the method of reimbursement for such services) to any person or entity for such services by that provider of laboratory services".

(d)(1) The amendments made by subsections (b) and (c) shall (except as otherwise provided in paragraph (2)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on or after the first day of the first calendar quarter that begins more than 30 days after the date of enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (b) or (c), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

CONFIDENTIALITY OF PSRO DATA

SEC. 28. Section 1166(a) of the Social Security Act is amended by inserting "which identifies (either by name or by inference) an individual patient, practitioner, provider, supplier or reviewer" immediately after "functions".

REMOVAL OF THREE-DAY HOSPITALIZATION REQUIREMENT AND ONE HUNDRED-VISIT LIMITATION FOR HOME HEALTH SERVICES

SEC. 29. (a) Section 1811 of the Social Security Act is amended by striking out "post-hospital".

(b) Section 1812(a)(3) of such Act is amended to read as follows:

"(3) home health services.".

(c) Section 1812(d) of such Act is repealed.

(d) Section 1812(e) of such Act is amended—

(1) by striking out "(c), and (d)" and inserting in lieu thereof "and (c)"; and

(2) by striking out "post-hospital extended care services, and post-hospital home health services" and inserting in lieu thereof "and post-hospital extended care services".

(e) Section 1814(a)(2)(D) of such Act is amended—

(1) by striking out "post-hospital"; and

(2) by striking out "for any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (9) of section 1861(e)) or post-hospital extended care services".

(f) Section 1814(i) of such Act is amended—

(1) by striking out "Posthospital" in the heading thereof; and

(2) by striking out "posthospital" in paragraph (1).

(g) Section 1832(a)(2)(A) of such Act is amended by striking out "for up to 100 visits during a calendar year".

(h) Section 1834 of such Act is repealed.

(i) Section 1861(n) of such Act is repealed.

(j) Section 1861(e) of such Act is amended—

(1) by striking out " subsections (i) and (n)" in the matter preceding paragraph (1) and inserting in lieu thereof "subsection (i)"; and

(2) by striking out "subsections (i) and (n)" in the third sentence and inserting in lieu thereof "subsection (i)".

(k) Section 226(c)(1) of such act is amended—

(1) by striking out "and post-hospital home health services" and inserting in lieu thereof "and home health services"; and

(2) by striking out "or post-hospital home health services" in clause (B).

(l) Section 7(d)(1) of the Railroad Retirement Act is amended by striking out "post-hospital home health services" and inserting in lieu thereof "home health services".

(m) The amendments made by this section shall be effective with respect to services provided on or after July 1, 1980.

PAYMENT FOR DURABLE MEDICAL EQUIPMENT

SEC. 30. Section 1833(f)(3) of the Social Security Act is amended to read as follows:

"(3) For purposes of determining the amount payable with respect to durable medical equipment furnished an individual as described in section 1861(s)(6), the Secretary shall, to the extent feasible, calculate at least annually the reasonable charge on a prospective basis and shall take into account, in addition to the customary charges for such equipment, the acquisition costs of such equipment, appropriate overhead (taking into consideration the level of delivery services and other necessary services actually provided by the supplier), and a reasonable margin of profit."

DEVELOPMENT OF UNIFORM CLAIMS FORMS FOR USE UNDER HEALTH CARE PROGRAMS

SEC. 31. (a) Part A of title XI of the Social Security Act is amended by adding after section 1132 (as added by section 19 of this Act) the following new section:

"DEVELOPMENT OF UNIFORM CLAIMS FORMS

"SEC. 1133. (a) Within the 2-year period commencing on the date of the enactment of this section, the Secretary shall to the maximum extent feasible develop and require to be employed, in the administration of the health insurance for the aged and disabled program established by title XVIII and the medical assistance programs approved under title XIX, uniform claims forms which shall be utilized in making payment for health services under such programs. Such claims forms may vary in form and content, but only to the extent clearly required.

"(b) The Secretary shall require forms developed pursuant to subsection (a) to be utilized in the administration of health care programs (other than those referred to in subsection (a)) but over which he has administrative responsibility, if he determines that such use is in the interest of effective administration of such programs.

"(c) The Secretary, in carrying out the provisions of subsection (a) shall consult with those charged with the administration of Federal programs (other than those referred to in subsections (a) and (b)) and with other organizations and persons that pay for health care, and with the concerned providers of health care services, with the objective of having a broad representation of such programs and plans to facilitate and encourage maximum use by other programs of such uniform claims forms."

(b) The Secretary shall make a report to the Congress, within 21 months after the enactment of this Act, covering the following points:

(1) his assessment of what his actions will be in carrying out the provisions of section 1133 of the Social Security Act,

(2) the success or lack of success in encouraging third party payors generally to adopt the uniform claims forms required under such section, and

(3) his recommendations as to what action, legislative or otherwise, needs to be taken in order to maximize the use of such uniform claims forms.

COORDINATED AUDITS UNDER THE SOCIAL SECURITY ACT

SEC. 32. (a) Title XI of the Social Security Act is amended by inserting after section 1133 (as added by section 31 of this Act) the following new section:

"COORDINATED AUDITS

"SEC. 1134. If an entity provides services reimbursable on a cost-related basis under title V or XIX, as well as services reimbursable on such a basis under title XVIII, the Secretary shall require, as a condition for payment to any State under title V or XIX with respect to administrative costs incurred in the performance of audits of the books, accounts, and records of that entity, that these audits be coordinated through common audit procedures with audits performed with respect to the entity for purposes of title XVIII. The Secretary shall apportion to the program established under title V or XIX that part of the cost of coordinated audits which is attributable to each such program and which would not have otherwise been incurred in an audit of the program established under title XVIII. Where the Secretary finds that a State has declined to participate in such a common audit with respect to title V or XIX, he shall reduce the payments otherwise due such State under such title by an amount which he estimates to be the amount that represents the duplication of costs resulting from such State's failure to participate in the common audit.".

(b)(1) Section 1902(a) of the Social Security Act (as amended by section 24 of this Act) is further amended—

(A) by striking out "and" at the end of paragraph (40);

(B) by striking out the period at the end of paragraph (41) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (41) the following new paragraph:

"(42) provide (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for such entities also providing services under part A of title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such title, and (C) for payment of the portion of the costs of each such common audit of such an entity equal to the portion of the cost of the common audit which is attributable to the program established under this title and which would not have otherwise been incurred in an audit of the program established under title XVIII.".

(2)(A) The amendments made by paragraph (1) shall (except as otherwise is provided in subparagraph (B)) apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on or after the first day of the first calendar quarter which begins more than 30 days after the date of enactment of this Act.

(B) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (b), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature which begins after the date of enactment of this Act.

(c)(1) Section 505(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (14);

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (15) the following new paragraph:

"(16) provides (A) that the records of any entity participating in the plan and providing services reimbursable on a cost-related basis will be audited as the Secretary determines to be necessary to insure that proper payments are made under the plan, (B) that such audits, for such entities also providing services under part A of title XVIII, will be coordinated and conducted jointly (to such extent and in such manner as the Secretary shall prescribe) with audits conducted for purposes of such part, and (C) for payment of the portion of costs of each such common audit of such an entity equal to the portion of the cost of the common audit which is attributable to the program established under this title and which would not have otherwise been incurred in an audit of the program established under title XVIII.".

(2) The amendments made by paragraph (1) shall apply to services provided, under a State plan approved under title V of the Social Security Act, on or after the first day of the first calendar quarter which begins more than 30 days after the date of enactment of this Act.

(d) The Secretary shall report to Congress, not later than March 31, 1981, on actions the Secretary has taken (1) to coordinate the conduct of institutional audits and inspections which are required under the programs funded under title V, XVIII, or XIX of the Social Security Act and (2) to coordinate such audits and inspections with those conducted by other cost payers, and he shall include in such report recommendations for such legislation as he deems appropriate to assure the maximum feasible coordination of such institutional audits and inspections.

ENCOURAGEMENT OF PHILANTHROPIC SUPPORT FOR HEALTH CARE

SEC. 33. Title XI of the Social Security Act is amended by inserting after section 1134 (as added by section 32 of this Act) the following new section:

"ENCOURAGEMENT OF PHILANTHROPIC SUPPORT FOR HEALTH CARE

"SEC. 1135. (a) It is the policy of the Congress that philanthropic support for health care be encouraged and expanded, especially in support of experimental and innovative efforts to improve the health care delivery system and access to health care services.

"(b)(1) For purposes of determining, under title XVIII or XIX, the reasonable costs of any service furnished by a provider of health services—

"(A) except as provided in paragraph (2), unrestricted grants, gifts, and endowments and income therefrom, shall not be deducted from the operating costs of such provider, and

"(B) grants, gifts, and endowment income designated by a donor for paying specific operating costs of such provider shall be deducted from the particular operating costs or group of costs involved.

"(2) Income from endowments and investments may be used to reduce interest expense, if such income is from an unrestricted gift or grant and is commingled with other funds, except that in no event shall any such interest expense be reduced below zero by any such income.".

STUDY OF AVAILABILITY AND NEED FOR SKILLED NURSING FACILITY SERVICES UNDER MEDICARE AND MEDICAID

SEC. 34. (a)(1) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a thorough study and investigation of the availability and need for skilled nursing facility services covered under part A of title XVIII of the Social Security Act and under State plans approved under title XIX of such Act.

(2) Such study shall include—

(A) an investigation of the desirability and feasibility of imposing a requirement that skilled nursing facilities (i) which furnish services to patients covered under State plans approved under title XIX of the Social Security Act also furnish such services to patients covered under part A of title XVIII of such Act, and (ii) which furnish services to patients covered under such title XVIII also to furnish such services to patients covered under such State plans,

(B) an evaluation of the impact of existing laws and regulations on skilled nursing facilities and individuals covered under such State plans and under part A of such title XVIII, and an evaluation of the extent to which existing laws and regulations encourage skilled nursing facilities to accept only title XVIII beneficiaries or title XIX recipients, and

(C) an investigation of possible changes in regulations and legislation which would result in encouraging a greater availability of skilled nursing services.

(3) In developing such study, the Secretary shall consult with professional organizations, health experts, private insurers, nursing home providers and consumers of skilled nursing facility services.

(b) Within 6 months after the date of enactment of this Act the Secretary shall complete such study and investigation and shall submit a full and complete report thereon, together with recommendations with respect to the matters covered by such study and investigation (including any recommendations for administrative or legislative changes), to the Committee on Finance of the Senate and to the Committee on Ways and Means and the Committee on Interstate and Foreign Commerce of the House of Representatives.

COVERAGE UNDER MEDICARE OF CERTAIN DENTISTS' SERVICE

SEC. 35. (a) Clause (2) of the first sentence of section 1861(r) of the Social Security Act is amended to read as follows: "(2) a doctor of dentistry or of dental or oral surgery who is legally authorized to practice dentistry by the State in which he performs such function, but only with respect to (A) a function (i) which he is legally authorized to perform as such by the State in which he performs such function, and (ii) which, if performed by an individual described in clause (1), would constitute physicians' services, or (B) the certification required by section 1814(a)(2)(E) of this Act,".

(b) The amendment made by subsection (a) shall be effective with respect to service provided on or after October 1, 1979.

COVERAGE UNDER MEDICARE OF OPTOMETRISTS' SERVICES WITH RESPECT TO APHAKIA

SEC. 36. (a) The first sentence of section 1861(r) of the Social Security Act is amended, in clause (4) thereof, by—

(1) inserting "(i)" immediately after "with respect to", and

(2) inserting immediately after "lenses,"

the following: ", and (ii) any function with respect to aphakia which he is legally authorized to perform as such by the State in which he performs such function,".

(b) The amendments made by subsection (a) shall be effective with respect to services provided on or after October 1, 1979.

STUDY OF CRITERIA EMPLOYED FOR CLASSIFYING A FACILITY AS A SKILLED NURSING FACILITY

SEC. 37. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a special study, investigation, and review of the criteria presently employed in determining whether a facility is a "skilled nursing facility" as that term is used in paragraph (2) of section 1861(a) of the Social Security Act (relating to definition of "spell of illness"), with a view to determining, and recommending to the Congress, such modifications in such criteria as he may consider appropriate.

(b) The Secretary shall not later than December 31, 1980, submit to the Congress a full and complete report on such study, investigation, and review, together with his recommendations for any modification in the criteria referred to in subsection (a).

AUTHORITY FOR CERTAIN STATES TO BUY-IN COVERAGE UNDER PART B OF MEDICARE FOR CERTAIN MEDICAID RECIPIENTS

SEC. 38. Section 1843 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(i) Any State, which prior to the date of enactment of this subsection—

"(A) has not entered into an agreement under the preceding provisions of this section, may enter into such an agreement at any time within the twelve-month period which begins with the month following the month in which this subsection is enacted, and any such agreement shall conform to the modifications prescribed by the Secretary (as referred to in the third sentence of subsection (b)) and may, at the option of the State, contain any provision authorized under subsections (g) and (h) with respect to modifications of agreements with States entered into under the preceding provisions of this section; or

"(B) has entered into an agreement under the preceding provisions of this section which has not been modified pursuant to the authority contained in subsection (g) or (h), may within the twelve-month period which begins with the month following the month in which this subsection is enacted modify such agreement in like manner as if the date referred to in subsections (g)(1) and (h)(1) were the day following the close of such twelve-month period.".

HEALTH MAINTENANCE ORGANIZATIONS ENROLLING OVER 50 PERCENT MEDICARE OR MEDICAID RECIPIENTS

SEC. 39. Section 1903(m)(2)(C) of the Social Security Act is amended by striking out "the date the entity enters into a contract with the State under this title for the provision of health services on a prepaid risk basis" and inserting in lieu thereof "the date the entity qualifies as a health maintenance organization (as determined by the Secretary)".

SUMMARY: MEDICARE-MEDICAID ADMINISTRATIVE AND REIMBURSEMENT REFORM ACT OF 1979

Section 1.—Title.

Provides for the proposal to be called the "Medicare-Medicaid Administrative and Reimbursement Reform Act of 1979."

Section 2.—Criteria for Determining Reasonable Cost of Hospital Services.

The bill modifies the method of reimbursement for hospitals under the Medicare and Medicaid programs. Under the new method, to be effective with hospital reporting periods that begin after June 30, 1980, reimbursement for most of a hospital's inpatient routine costs (essentially costs other than such ancillary expenses as laboratory, X-ray, pharmacy, etc.) would be related to a target rate based on similar costs incurred by comparable hospitals.

This initial system, described more fully below, would be studied and extended on an as-ready basis. Based on recommendations of a proposed Health Facilities Costs Commission, a permanent system would be developed over time which would establish payment rates and provide incentive payments with respect to all hospital costs and to costs of other institutions and organizations which are reimbursed on a cost basis. Continuing efforts would be undertaken by the Commission to refine and improve the system of classification and comparison so as to achieve the greatest equity possible.

The Secretary would appoint the members of the new Health Facilities Costs Commission on or before January 1, 1980. The Commission would consist of 15 persons who are expert in the health facilities reimbursement area. At least three of the members would be representatives of hospitals and at least eight would be representatives of public (Federal, State and local) health benefits programs.

The method of reimbursement established by the bill for routine hospital costs would be as follows. Comparisons among hospitals would be made by:

1. Classifying hospitals in groups by bed size, type of hospital, rural or urban location, or other criteria established by the Secretary.

2. Including all routine costs (as defined in applying medicare routine cost limits under present law) except for the following variable costs: capital and related costs; costs of education and training programs; costs of interns, residents, and nonadministrative physicians; energy costs; and malpractice insurance costs. When classifying hospitals by type, hospitals which are primary affiliates of accredited medical schools would be a separate category, without regard to bed size.

A per diem target rate for routine operating costs would be determined for each hospital by:

1. Calculating the average per diem routine operating cost for each group of hospitals under the classification system (excluded would be newly-opened hospitals and hospitals which have significant cost differentials because they do not meet standards and conditions of participation as providers of services); and

2. Determining the per diem rate for each hospital in the group by adjusting the labor cost component of the group's average per diem routine costs for area wage differentials. In the first year of the program only, an adjustment would be allowed where the hospital can demonstrate that the wages paid to its employees are significantly higher than the wages other employees in the area are paid for reasonably compared work (as compared to the ratio for other hospitals in the same group and their areas).

Hospitals whose actual routine operating costs fell below their target rate would receive one-half of the difference between their costs and their target rate with the bonus payment limited to 5 percent of their target rate. In the first year, hospitals whose actual costs exceeded their target rate, but were no more than 115 percent of that rate, would be paid their actual costs. Those with costs above 115 percent of their target rate would have their reimbursement limited to 115 percent of the target rate.

In the second and subsequent years of the program, the hospital's maximum payment rate would be increased by the actual dollar increase in the average target rate for its group during the preceding year. In calculating the group averages, one-half of costs found excessive would be excluded from the calculation.

Adjustments to a hospital's target rate would be made for (1) changes in the hospital's classification; and (2) hospitals which manipulate their patient mix or patient flow, reduce services, or have a large proportion of routine nursing services provided by private-duty nurses. Also, a hospital would qualify for any higher target rate that is applicable to the hospitals placed in the bed-size category which contains hospitals closest in bed-size to its actual bed-size.

Exceptions to the target rates would be made for hospitals which demonstrate that their costs exceed their rates because of (1) low utilization justified by unusually high standby costs necessary to meet the needs of a particular area; (2) atypical cost patterns of newly opened hospitals; (3) changed services for such reasons as consolidation, sharing, and approved addition of services among hospitals (e.g., costs associated with low utilization of a new wing); and (4) greater intensity of patient care than other hospitals in the same category. Some hospitals have consistently shorter lengths-of-stay in treating patients than their group average for a reasonably similar mix of patients with comparable diagnoses. To the extent that a hospital can demonstrate that the shorter stays result from an "intensity" of service which makes it necessary for the hospital to incur additional costs, such additional costs per day, to the extent reasonable, should be recognized under the "intensity" exception provision.

Hospitals would be exempted from the proposed cost limits if: (a) the hospital is located in a State which has a hospital reimbursement control system which applies at least to the same hospitals and costs as are subject to the new reimbursement reform system; and (b) the State requests use of its own system and demonstrates to the satisfaction of the Secretary that, using the State's system, total medicare and medicaid reimbursable costs for hospitals in the State will be no greater than if the Federal system had been applicable. A State which exceeds, in the aggregate, the costs which would otherwise have been paid under the Federal programs for any two-year period that would be covered under the Federal limits beginning with the subsequent year. The amount of the excessive payments would be recouped over subsequent periods through appropriate reduction (not in excess of one percent annually) in the cost limits otherwise applicable.

States which obtain a waiver would be reimbursed for the medicare program's proportionate share of the cost of operating the State reimbursement control system. The State's medicaid program would pay its proportionate share of costs which would be matchable with Federal funds as an administrative expense.

Medicare and medicaid would also pay a proportionate share of startup costs of approved State reimbursement control systems. The Federal share of the startup costs would be the same proportion as the Federal payment for inpatient hospital costs in the State bears to the total inpatient hospital costs which are subject to the State system. For example, if the Federal Government pays, through medicare and medicaid, 40 percent of the total hospital costs in the State that are subject to the State system, it would be liable for 40 percent of the State program's startup costs.

Section 3.—Payments to Promote Closing and Conversion of Underutilized Facilities.

The bill provides for including in hospital reasonable cost payments, reimbursement for capital and increased operating costs associated with the closing down or conversion to approved use of underutilized bed capacity or services in nonprofit short-term hospitals. In the case of for-profit short-term hospitals, reimbursement would be limited to increased operating costs. This would include costs which might not be otherwise reimbursable because of payment "ceilings", severance pay, "mothballing" and related expenses. In addition, payments could be continued for reasonable cost capital allowances in the form of depreciation or interest which would ordinarily be applied toward payment of debt outstanding and incurred in connection with the terminated beds. In the case of complete closing down of a hospital, payments would continue toward repayment of any debt, to the extent previously recognized by the program, and actually outstanding.

The Secretary would establish a Hospital Transitional Allowance Board which shall consider such payments. Appropriate safeguards are to be developed to forestall any abuse or speculation. Prior to January 1, 1983, not more than 50 hospitals could be paid a transitional allowance in order to permit full development of procedures and safeguards. This limited application will also provide Congress with an opportunity to assess the effectiveness and economic effect of this approach in encouraging hospitals to close or modify excess and costly capacity without suffering severe financial penalty.

Section 4.—Federal Participation in Hospital Capital Expenditures.

The bill provides for changes to be made in the current law limitations on medicare and medicaid payments related to hospital capital expenditures. These changes link the procedure directly to the Federal health planning law (Public Law 93-641) and require that the designated planning agency (the State Health Planning and Development Agency as designated under section 1521 of the Public Health Service Act) approve capital expenditures in excess of $150,000 as a condition of medicare and medicaid reimbursement for both capital and direct operating costs associated with those expenditures. The committee believes that regulations developed by the Department to implement this section should allow for speedy replacement of capital plant and equipment in certain emergency situations.

A special procedure is established for approval of proposed capital expenditures in metropolitan areas which include more than one State or jurisdiction. In such cases the designated planning agencies of all the States or jurisdictions in the area must approve the expenditure, or it would be considered disapproved for purposes of reimbursement, subject to review and reversal by the Secretary.

The bill amends Section 1122(g) of the Social Security Act to clarify that notice, approval and reimbursement penalty requirements contained in that section with respect to approval of health care facility capital expenditures do not apply to simple changes of ownership (either by purchase, or under lease or comparable arrangement) of existing and operational facilities which create no new beds or services.

Section 5.—Agreements by Physicians to Accept Assignments.

The bill provides incentives for physicians to accept assignments for all their Medicare claims. Under the bill there would be "participating" physicians, a concept employed by many Blue Shield plans.

A "participating" physician is an M.D. or D.O. who voluntarily agrees to accept the medicare reasonable charge, as payment in full for all services to all his medicare patients. Agreements would be cancellable or concluded on the basis of 30 days' notice. "Nonparticipating" physicians could continue to elect to use the assignment method of billing on a claim-by-claim basis, as under present law.

To expedite payment of claims from participating physicians, the bill provides that the Secretary would establish appropriate procedures and forms whereby: (1) such physicians may submit claims on one of various simplified bases and these claims would be given priority handling by the part B carrier; and (2) such physicians may obtain signed forms from their patients making assignment for all services furnished to them and authorizing release of medical information needed to review the claim.

The bill provides for the payment of an "administrative" cost-savings allowance of $1 per eligible patient to a participating physician covering all services included in a multiple billing listing. Two separate allowances would not be made for billing on two listings of items ordinarily included in a single visit or service; nor for different services which were provided to the same patient within a 7-day period. With respect to inpatient or outpatient hospital care, the administrative allowances would be payable only in the case of a surgeon or anesthesiologist, or attending physician or consultant whose principal office and place of practice is outside the hospital, and only where such physicians ordinarily bill and collect directly for their services. No administrative allowance would be payable in the case of claims solely for laboratory tests and X-rays undertaken outside of the office of the billing physician.

The committee expects the revised procedures to improve program efficiency and encourage more physicians to accept assignment. For example, if a physician who does not accept assignments today, and whose routine office visit charge is $10, became a "participating" physician, he would receive an extra $1 allowance for that visit plus probably save at least another $1 in billing, collection and office paperwork costs. In effect, his net practice income from that visit could increase by 20 percent as a result of "participation". The physicians with the lowest charges (often those in rural or ghetto areas) would benefit most from participation, as the cost-savings allowance and the office administrative cost reduction would represent a greater percentage of their charges.

Section 6.—Hospital-Associated Physicians.

Another section preserves the eligibility of radiologists, pathologists and anesthesiologists to be paid by Medicare and Medicaid on a fee-for-service basis for patient care services which they personally perform or personally direct. The bill provides that reimbursement for the portion of his services which the physician may perform for the hospital as an executive, educator or supervisor would be paid on a basis related to what would be paid in the case of a salaried physician performing similar work for an institution. Percentage or lease arrangements would ordinarily not be recognized for Medicare and Medicaid reimbursement purposes. These provisions were developed with the help of representatives of the American College of Radiology and the American Society of Anesthesiologists. This section will avoid excessive payment to some physicians for services which they do not personally provide.

The provision in present law which permits 100 percent payment for inpatient radiology and pathology tests, instead of 80 percent as is the case with all other physician services under Medicare, would be restricted to physicians who agree to become "participating physicians."

Section 7.—Use of Approved Relative Value Schedules.

The bill authorizes the Secretary to approve the use of terminology systems and relative value schedules by physicians in billing Medicare, Medicaid and for other purposes. The purpose of this amendment is to establish a common language to describe the kinds of services that are covered under public and private health benefits plans and to provide for a more rational basis for evaluating the reasonableness of fees.

Section 8.—Teaching Physicians.

The bill would extend, from October 1, 1978 to October 1, 1979, the implementation date for section 227 of Public Law 92-603. This provision of present law is intended to make it clear that, under Medicare and Medicaid, fees-for-service should be paid for medical care in teaching hospitals only where a bona fide private doctor-patient relationship exists. A further delay in the provision's implementation is needed to afford the Secretary of HEW additional time to consult with members of the medical education community and publish the necessary regulations.

Section 9.—Certain Surgical Procedures Performed on an Ambulatory Basis.

The bill would permit medicare reimbursement on the basis of an all-inclusive rate to free-standing ambulatory surgical centers and to physicians performing surgery in their offices for a listed group of surgical procedures. Such procedures include those which are often provided on an inpatient hospital basis but can, consistent with sound medical practice, be performed on an ambulatory basis. The rate would encompass reimbursement for the facility, physician and related services, including normal pre- and post-operative visits and routine laboratory and other diagnostic tests usually associated with the procedure.

The list of procedures eligible for such reimbursement would be specified by the Secretary following consultation with the National Professional Standards Review Council and appropriate medical organizations including specialty groups. Subsequently, procedures could be added or deleted as experience dictated.

The provision will encourage performance of surgery in generally lower cost ambulatory settings, where appropriate, instead of the more expensive hospital inpatient setting. It anticipates that States will want to monitor the effectiveness of the new benefit with a view toward making similar modifications in their medicaid programs.

Normal review of such claims by Professional Standards Review Organizations, carriers and other present review mechanisms should work to safeguard against inappropriate performance of procedures on an ambulatory basis.

Currently, medicare can reimburse the physician for his professional services in any setting. Also, the institutional costs of ambulatory surgery in a hospital outpatient department can be reimbursed. However, a charge for the use of special surgical facilities in a physician's private office or a free-standing surgical facility that is not hospital affiliated is not reimbursable.

Under the bill the physician performing surgery in his office would be compensated for his special, surgical overhead through the all-inclusive rate if he accepts an assignment; there would be no deductible and coinsurance applied in such cases.

Similarly, reimbursement would be provided for the use of the facilities in an ambulatory surgical center, without deductible or coinsurance, where the center accepts assignment. In the case of an ambulatory surgical center, the overhead allowance could be paid directly to the center and the professional fee could be paid directly to the physician. The deductible and coinsurance would be waived for the physician fees for services performed in connection with listed surgical procedures in hospital outpatient departments and other ambulatory surgical centers where the physicians accept assignment.

The overhead factor is expected to be calculated on a prospective basis (and periodically updated) utilizing sample survey and similar techniques to develop reasonable estimated overhead allowances for each of the listed procedures which take account of volume (within reasonable limits). The committee does not intend that an individual physician's financial records be audited in order to determine his specific overhead allowance. Again, what is intended is a reasonable estimate of such costs for physicians generally performing such procedures.

Section 10.—Criteria for Determining Reasonable Charge for Physicians' Services.

Medicare currently utilizes more than 200 different "localities" throughout the country for purposes of determining part B "reasonable" charges. For example, one State has 28 different localities. The committee notes that this has led in many instances to marked and unjustified disparities in areas of the same State in the prevailing charges for the same service. Additionally, under present law, all prevailing charges are annually adjusted upward to reflect changes in the costs of practice and wage levels. The effect of present law is to further widen the dollar gap between prevailing charges in different localities.

The bill provides for the calculation of statewide median charges (in any State with more than one locality) in addition to prevailing charges in the locality. To the extent that any prevailing charge in a locality was more than one-third higher than the statewide median charge for a given service, it would not be automatically increased each year. This provision would not reduce any prevailing charges currently in effect. However, it would operate, to the extent given charges exceed the statewide average by more than one-third, to preclude automatically increasing those charges.

Under existing law, medicare allows a new doctor to establish his customary charge at not greater than the 50th percentile of prevailing charges in the locality.

The bill would permit new physicians in localities, designated by the Secretary as physician shortage areas, to establish their customary charges at the 75th percentile of prevailing charges (rather than the 50th) as a means of encouraging doctors to move into these communities. It would also permit doctors presently practicing in shortage areas to move up to the 75th percentile on the basis of their actual fee levels.

Section 11.—Payment for Certain Antigens Under Part B of Medicare.

The bill amends current law to permit payment under Medicare for the preparation by an allergist of a reasonable supply of antigens dispensed or administered under the supervision of a physician.

Current Medicare law does not permit reimbursement for an antigen prepared by a physician unless he also administers it. However, it is a common practice, especially in rural areas, for other dispensary practices to be followed—e.g., for a doctor to refer a patient to an allergist who prepares a supply of antigens for the referring doctor's use.

Section 12.—Payment on Behalf of Deceased Individuals.

The bill would permit payment by medicare to be made to the spouse or other legal representative of a deceased medicare beneficiary on the basis of a nonreceipted bill for care.

Under present law, medicare can only pay a claim on behalf of a deceased beneficiary where the physician accepts an assignment or where the family has actually paid the bill. Where a physician refuses an assignment families have encountered difficulties in raising sufficient cash to pay the bill in order to be eligible for payment by medicare.

Section 13.—Hospital Providers of Long-Term Care Services.

Many rural hospitals are the only source of acute care in their communities and as such are a necessary and vital resource to the people they serve. Although many of these hospitals have recognized that the use of their acute care beds for needed long-term care services during periods of excess bed capacity would be desirable, current program participation requirements under medicare and medicaid have discouraged these hospitals from doing so.

Under present law, a hospital-based skilled nursing facility can participate in medicare and medicaid only if the facility is an identifiable, separate unit within the institution.

This requirement was developed primarily to establish a separate cost center for purposes of program reimbursement. However, it has proven to be administratively burdensome and financially detrimental to many small hospitals. In addition, the identification of specific beds, staffing and other program requirements have not allowed sufficient flexibility in meeting episodic demand for acute beds—an important consideration when working with the small total bed complement characteristic of many rural hospitals.

The bill establishes a simplified cost reimbursement formula which would permit small rural hospitals to avoid the requirement for separate patient placement within the facility and separate cost finding.

Reimbursement for routine SNF services under medicare would be at the average rate per patient-day paid for routine services during the previous calendar year under medicaid to SNFs located in the State in which the hospital is located. Reimbursement under medicaid would be at the rate paid to SNFs and ICFs in the previous year. Reimbursement for ancillary services would be determined in the same manner as under present law.

Reimbursement under the new formula would be allowed in a hospital which (1) has less than 50 beds; (2) is located in a rural area; and (3) has been granted a certificate of need for the provision of long-term-care services.

Since the general staffing pattern in small rural hospitals is relatively fixed due to minimum staffing requirements, there should be opportunities for providing needed long-term-care services at very little additional cost.

The proposed new reimbursement method is optional and hospitals may continue to elect to establish distinct part SNFs as provided for under existing law. In addition, it is not the intention that this provision prohibit States from continuing to use other approved reimbursement methods under State medicaid plans.

The bill provides, that within 3 years after enactment, the Secretary shall report to Congress concerning whether a similar provision should be extended to other hospitals where there is a shortage of long-term-care beds, regardless of number of beds or geographic location.

Section 14.—Reimbursement Rates Under Medicaid for Skilled Nursing Facilities and Intermediate Care Facilities.

The bill allows States the option, when computing reimbursement rates under medicaid to a SNF or ICF, to include reasonable allowances for the facility in the form of incentive payments related to efficient performance.

Present law requires States participating in medicaid to pay SNFs and ICFs on a reasonable cost-related basis. This requirement, added by section 249 of the Social Security Amendments of 1972, gives States the option of using medicare's reasonable cost reimbursement formula for purposes of reimbursing SNFs and ICFs or developing other reasonable cost-related methods of reimbursement acceptable to the Secretary.

There has been considerable controversy over whether the reimbursement mechanisms developed under section 249 may include an allowance in the form of incentive payments related to efficient performances by providers.

There was no intent, in enacting section 249, to preclude such allowances if they are related to efficient provider performance. The proposed clarifying provision would insure that States have the option to include incentive allowances related to efficient performance in reimbursement formulas under section 249 of Public Law 92-603.

Section 15.—Medicaid Certification and Approval of Skilled Nursing and Intermediate Care Facilities.

The bill provides that final determinations of basic eligibility of skilled nursing facilities (SNFs) and intermediate care facilities (ICFs) under medicaid be made by the Secretary.

Under present law the State medicaid agency makes the decision as to whether a SNF or ICF applying to participate in the medicaid program only is qualified to participate in the program. However, for a SNF participating in medicare only, or both medicare and medicaid, the Secretary makes the decision as to whether the facility is qualified to participate in the programs.

State certification of SNFs and ICFs results in lack of uniformity in the application of the Federal standards to which all such facilities are subject.

The bill would establish a uniform health care facility certification process for medicare and medicaid long term care facilities. As under present law, the appropriate State health agency would survey facilities wishing to participate in either (or both) medicare or medicaid. The bill provides, however, that the Secretary make a determination as to eligibility and advise the State if a facility meets the basic requirements for participation as a medicaid SNF or ICF. The Secretary would specify the length of time (not to exceed 12 months) for which approval could be granted.

Facilities dissatisfied with the findings of the Secretary would be entitled to a hearing by the Secretary and to judicial review.

Section 16.—Visits Away From Institution By Patients of Skilled Nursing or Intermediate Care Facilities.

Until recently, HEW policy has limited Federal payments for the cost of reserving beds in skilled nursing facilities (SNFs) and intermediate care facilities (ICFs) for medicaid patients temporarily away from the institution. The regulations permitted Federal funds to be used to reserve a bed for 15 days each time a patient was in a hospital for acute care. They also permitted Federal contributions for a total of 18 days during a 12-month period when patients were visiting their homes or other places for therapeutic reasons.

The Health Care Financing Administration has amended the regulations to remove all limitations on Federal funding of therapeutic absences. Currently, however, there are no requirements in existing law setting forth policies with respect to reserving beds in SNFs and ICFs.

The bill provides that visits outside of the SNF or ICF would not necessarily constitute conclusive proof that the individual is no longer in need of the services of the SNF or ICF. However, the length and frequency of visits must be considered, together with other evidence, when determining whether the individual is in need of the facility's services. The provision thus prohibits the Secretary from imposing numerical limits. Such matters should be left to professional medical judgment.

Section 17.—Notification to State Officials.

The bill provides, under certain circumstances, for notification of the Governor and appropriate committee chairmen in a State legislature of any audits, quality control performance reports, deficiencies, or changes in Federal matching payments affecting programs authorized under the Social Security Act.

There have been instances where the Governors and chairmen of the appropriate legislative and appropriation committees in State legislatures have not been informed on a timely basis of deficiencies or potential compliance issues involving Federal-State programs authorized under the Social Security Act.

The bill provides that if the Secretary notifies a State of any audits, quality control performance reports, deficiencies, or changes in Federal matching payments under programs authorized under the act, simultaneous notification would also be made to the Governor of the State and the respective chairmen of the legislative and appropriation committees of that State's legislature having jurisdiction over the affected program.

Section 18.—Repeal of Section 1867.

The bill terminates the Health Insurance Benefits Advisory Council.

The original 1965 medicare legislation provided for the establishment of the Health Insurance Benefits Advisory Council (HIBAC). This Council was to provide advice to the Secretary on matters of general policy with respect to the administration of medicare. The Social Security Amendments of 1972 modified the role of the Advisory Council so that its function would be that of offering suggestions for the consideration of the Secretary on matters of general policy in both the medicare and medicaid programs.

In view of the establishment of other advisory groups, and the Secretary's authority to establish ad hoc advisory bodies, the bill would terminate HIBAC.

Section 19.—Procedures for Determining Reasonable Cost and Reasonable Charge.

The bill provides, except under certain specified circumstances, that reimbursement to contractors, employees or related organizations, consultants, or subcontractors at any tier would not be recognized where compensation or payments (in whole or part, in cash or kind) as based upon percentage arrangements.

Such arrangements can take several forms. For example, some involve business contracts for such support services as computer and data processing, financial and management consulting, or the furnishing of equipment and supplies to providers of health services, such as hospitals. Charges for such services are subsequently incorporated into the cost base against which medicare and medicaid make their payment determinations.

The contracts for these support services specify that the remuneration to the suppliers of the services shall be based on a percentage of the gross or net billings of the health care facilities or of individual departments. Other examples involve landlords receiving a percentage of provider gross (or net) income in return for office space, equipment, shared waiting rooms, laboratory services, custodial and office help and administrative services. Such arrangements can be highly inflationary and add costs to the programs which may not reflect actual efforts expended or costs incurred.

The prohibition against percentage arrangements contained in this section of the bill would include payment of commissions and/or finders' fees and lease or rental arrangements on a percentage basis. It would also apply to management or other service contracts or provision of services by collateral suppliers such as pharmacies, laboratories, etc. The percentage prohibition would flow both ways either from the supplier or service agency back to the provider or organization, or from the original provider or organization to the supplier or service agency.

There is no intent, however, to interfere with certain types of percentage arrangements which are customarily considered normal commercial business practices such as the Commission paid to a salesman. Further, the bill does not prohibit reimbursement for certain percentage arrangements such as a facility management contract where the arrangement contributes to efficient and economical operation.

For example, under some existing management contracts, the contractor receives both a percentage of operating expenses as a base management fee, and a share of the net revenues of the institution after all costs have been met. Where the contractor's percentage share of net revenues exceeds the percentage on which the base management fee is calculated, the contractor could have a strong incentive to contain operating expenses. Of course, under such circumstances, the reasonableness of the percentages applicable to the operating expenses would have to be considered in terms of comparison with the costs incurred in the management and/or operation of reasonably comparable facilities which do not utilize such contracts.

Section 20.—Ambulance Service.

Under present law, medicare will pay for ambulance services to the nearest participating institution with appropriate facilities where the use of other means of transportation is contraindicated by the individual's condition. The term "appropriate facilities" means that the institution is generally equipped to provide the needed hospital or skilled nursing care for the illness or injury involved. The individual physician who practices in a hospital is not a consideration.

Occasionally, the nearest hospital with appropriate facilities does not have a physician available to undertake the required specialized care. The present alternatives are to bring the physician to the patient—a possible misuse of physician time—or to transport the patient to the more distinct facility at his own expense.

The bill provides for medicare reimbursement for ambulance services to a more distant hospital when the nearest hospital does not have staff qualified to undertake the required care.

In some areas of the country, particularly rural areas, radiation for cancer therapy is provided by radiation clinics rather than in a hospital. In these areas patients who require transportation by ambulance—where other forms of transportation are medically contraindicated—to a radiation clinic cannot qualify for medicare reimbursement. It is intended that the ambulance benefit be extended to cover patients who require ambulance transportation to receive radiation therapy in clinics in areas where the treatment is not available in a hospital.

Section 21.—Grants to Regional Pediatric Pulmonary Centers.

This section of the bill is identical (except for effective dates) to an amendment approved by the Senate in 1972.

The bill authorizes up to $5 million annually for grants to public or nonprofit private regional pediatric pulmonary centers which are part of (or affiliated with) institutions of higher learning. These grants are to assist institutions in the training of health care personnel in the prevention, diagnosis, and treatment of respiratory diseases and providing needed services for children and young adults suffering from such diseases.

Section 22.—Applicability of Human Experimentation Provision for Medicare and Medicaid.

The bill waives requirements of the human experimentation statute which may otherwise be held applicable for purposes of Medicare and Medicaid. For example, the bill waives such requirements with respect to coverage, or copayment, deductibles or other limitations on payment for services.

The bill further provides that the Secretary, in reviewing any application for any experimental, pilot or demonstration project pursuant to the Social Security Act, would apply any appropriate requirements of the human experimentation law and regulations in making his decision on whether to approve the application.

The provision would apply only to Medicare and Medicaid reimbursement or administrative activities not designed to directly experiment with the actual diagnosis or treatment of patients.

Section 23.—Disclosure of Aggregate Payments to Physicians.

The bill prohibits the Secretary of HEW from routinely releasing medicare information, and provides that State agencies shall not be required to release medicaid information, relating amounts paid to physicians under the respective programs, except as otherwise specifically required by Federal law.

Recent disclosures of physicians receiving large payments under medicare have served unjustifiably to embarrass physicians who serve a large number of elderly patients. The disclosures have also been characterized by a high degree of inaccuracy which has unfairly embarrassed some physicians.

Section 24.—Resources of Medicaid Applicant to Include Assets Disposed of at Substantially Less than Fair Market Value.

The bill requires States to deny medicaid eligibility in cases where an otherwise ineligible aged, blind, or disabled person disposes of significant assets by either giving them away or selling them for less than fair market value in order to establish medicaid eligibility.

Under present law, States which use the SSI criteria in determining medicaid eligibility for the aged, blind, and disabled may not impose transfer of assets restrictions on those applicants. Thus, an applicant who wants medicaid coverage can transfer assets which could be applied to the cost of medicaid-financed services and immediately become eligible for medicaid. This situation damages program credibility by allowing relatively well off individuals to become eligible for medicaid. It also increases program costs, especially for expenditures for institutional care. The aged, blind, and disabled account for some 64 percent of all program expenditures. They are most likely to need hospital, skilled nursing, and intermediate care facility services which comprise two-thirds of medicaid benefit costs.

Some 25 to 30 States are currently imposing restrictions on the transfer of assets on some medicaid groups but not on others. Title IV-A of the act does not prohibit such State eligibility conditions. Further, those States which choose to use the more restrictive standards for medicaid eligibility for the aged, blind, and disabled rather than the SSI criteria can impose the eligibility condition if they did so in January 1972.

The only way a State can impose restrictions on asset transfers by SSI recipients is to use the more restrictive standards of medicaid eligibility for the aged, blind and disabled permitted under section 1902(f) of the Social Security Act. However, most States do not choose this option because they either contract with the Secretary (the Social Security Administration) under section 1634 of the Social Security Act to do medicaid eligibility determinations of SSI recipients, or rely on the SSI eligibility lists transmitted from the Social Security Administration for making their own medicaid eligibility determinations.

The bill requires States to deny eligibility for medicaid in cases where an otherwise eligible aged, blind, or disabled person disposes of significant assets by giving them away or selling them for substantially less than their fair market value in order to establish medicaid eligibility. Any such transaction will be presumed to be for the purpose of establishing medicaid eligibility unless and until the individual submits adequate evidence to rebut that presumption. States may be allowed some flexibility with regard to procedures which demonstrably are not cost/beneficial, but States will be required to make a good-faith effort to enforce this requirement. Where a State finds that a disposal of assets has occurred, the difference between the fair market value of the asset and the actual amount the individual received for it will continue to be considered as his asset for purposes of medicaid eligibility for a period of 12 months.

This authority would be administered by the States even though other elements of medicaid eligibility may be determined by the Social Security Administration under the agreements entered into pursuant to section 1634 of the Social Security Act. It is expected, however, that the Social Security Administration would agree to reasonable State requests for referral of SSI applicants to appropriate State or county agencies for determination of this additional eligibility factor.

The provision is aimed at abusive situations where assets are sold for substantially less than their fair market value. It is not intended, for example, that the provision would be used to call into question the sale of a piece of land for $1,000 or $2,000 in which the sale price may fall short of the agency's estimate of fair market value by $100 or $200.

Section 25.—Rate of return on net equity for nonprofit hospitals.

The bill changes the allowed rate of return on for-profit hospitals' net equity, which under present law is equal to 1½ times the current rate of return on social security trust funds. The new rate of return multiplier would be: 2½ times for hospitals entitled to an incentive payment under the incentive reimbursement system in section 2 of the bill; 2 times for hospitals that are reimbursed only their reasonable costs; and 1½ times for hospitals with costs in excess of their routine cost limits. The new rates of return would become effective at the same time as the new incentive reimbursement system—i.e., July 1, 1980.

Section 26.—Deductible not applicable to expenses for certain independent laboratory tests.

Legislation enacted in 1972 (section 279 of Public Law 92-603) was designed to avoid the unreasonably high administrative costs that independent laboratories and the medicare program incur in the billing and processing of typically inexpensive diagnostic tests. That provision was intended to reduce these billing and processing costs by authorizing the Secretary of HEW to negotiate payment rates with individual laboratories which medicare would pay in full, without any need for the laboratory to bill the patient for the $60 deductible and 20 percent copayment amounts. The negotiated rates could be no higher than medicare would have paid in the absence of the new provision.

The new billing procedure was never utilized because, as a result of a drafting error, the $60 deductible was retained. Thus, since laboratories still have to bill patients for deductible amounts, and since medicare must still determine each patient's deductible status, the savings to laboratories and medicare cannot now be achieved.

The bill waives the $60 deductible in applying the special laboratory billing procedure, as was intended by section 279 of Public Law 92-603.

Section 27.—Payment for laboratory services under medicaid.

The bill allows a State to purchase laboratory services for its medicaid population through competitive bidding arrangements for a 3-year experimental period.

The committee notes that the Comptroller General, in a July 1, 1978, report to the Congress, recommended that States be given greater latitude in paying for independent laboratory services under medicaid. States have been restrained in adopting cost-saving contract bidding and negotiated rates with laboratories by an interpretation of the present "freedom of choice" provision. That provision was intended to permit medicaid recipients to choose from among any qualified doctors, drugstores, etc. It was not intended to apply to the types of care or services, such as laboratory services, which the patient ordinarily does not choose.

The committee bill allows a State to purchase laboratory services for its medicaid population through competitive bidding arrangements for a 3-year experimental period. Under this provision, services may be purchased only: (1) from laboratories meeting appropriate health and safety standards; (2) no more than 75 percent of the charges for such services are for services provided to medicare and medicaid patients; and (3) only if the laboratories charge the medicaid program at rates that do not exceed the lowest amount charged to others for similar tests. The bill would also make conforming changes in title XIX to provide that medicaid payments generally may be made only to clinical laboratories meeting applicable standards.

Section 28.—Confidentiality of PSRO Data.

In authorizing the PSRO program in 1972, the Congress set forth principles, in section 1166 of the Social Security Act, that were to serve as the basis for regulations governing both the disclosure and the confidentiality of information acquired by PSRO's in the exercise of their duties.

Confidentiality is critical to the success of PSRO's because they rely on voluntary service by local physicians. Should all data acquired by PSRO's be disseminated without safeguards, recruitment of physicians to perform PSRO functions would become increasingly difficult. Moreover, the intent of peer review, as opposed to Government regulation, is to allow the profession to attempt to regulate itself with some degree of privacy and candor. In addition, subjecting PSRO's to the Freedom of Information Act (FOIA) would result in increased administrative burdens, large additional expenses for the defense of lawsuits and great uncertainty and delay in the performance of PSRO functions.

However, on April 27, 1978, the U.S. District Court for the District of Columbia held that a PSRO is an "agency" of the Federal Government for purposes of the FOIA and is thus subject to its disclosure requirements of this later legislation. This decision, which is currently being appealed, means that the data and information in control of the PSRO must be disclosed, on request, unless the particular information to be protected is specifically identified.

Therefore, the bill provides for the confidentiality of PSRO information that identifies an individual patient, practitioner, provider, supplier or reviewer. As under section 1166, as presently worded, information may be disclosed to the extent necessary to carry out program purposes, to assist with the identification of fraudulent and abusive activities, and to assist in the conduct of health planning activities.

It should be noted that the Secretary of HEW in his regular review of PSRO performance can, under present law, evaluate the review activities—including practitioner profiles of practice—and thus safeguard against any general indiscriminate or willful action or inaction by a given PSRO with respect to practitioners.

Section 29.—Repeal of 3-day hospitalization requirement and 100-visit limitation for home health services.

The bill removes the provision in existing law that limits medicare home health benefits to 100 visits per spell of illness under part A and 100 visits per year under part B. In addition, the bill removes the requirement that a beneficiary has to be an inpatient in a hospital for at least 3 days before he can qualify for part A home health benefits.

Under present law, a beneficiary is eligible for 100 home health visits per spell of illness under part A of medicare following an inpatient stay in a hospital of at least 3 days. Beneficiaries are also eligible for 100 home health visits per calendar year under part B of medicare whether or not they had been hospitalized previously. By removing the numerical limit on home health visits and the 3-day prior hospitalization requirement, the committee believes that the home health benefit will become more widely available to eligible persons in need of such care.

Section 30. Payment for durable medical equipment.

Under the medicare law, reimbursement for the rental or purchase of durable medical equipment is based largely on the supplier's customary charge for the item and on the prevailing charge for the equipment in the locality. Medicare has experienced problems with this method of reimbursement because of the lack of uniformity in suppliers' billing and charging practices; differences in the level of services offered by different suppliers; the different approaches medicare carriers follow in calculating allowances for medical equipment; and because equipment charges are not set in a broadly competitive marketplace.

The bill establishes a new reimbursement methodology for medical equipment intended to correct these problems. Under the new method, reasonable charges for durable medical equipment would be calculated on a prospective basis and would take into account, in addition to the customary charges, the acquisition costs of the equipment, appropriate overhead (considering the level of delivery services and other necessary services provided by the supplier), and a reasonable margin of profit.

An additional problem has arisen as a result of the provision of present law which authorizes lump-sum payments by medicare for durable medical equipment where purchase would be more economical than rental. In these, cases the patient is responsible for paying (in addition to any deductible and coinsurance amounts) any difference between the supplier's charge for the item and the medicare allowable charge. This difference can be substantial since the medicare allowable charge is based on charge levels as they existed from 12 to 24 months in the past. The bill would eliminate this lag where the medicare allowable charge is calculated in accordance with the new methodology by permitting the allowable charges to be calculated (no less often than annually) on a prospective basis.

Section 31.—Development of uniform claims forms for use under health care programs.

The bill requires HEW to adopt, to the extent feasible, standardized claims forms for medicare and medicaid within 2 years of enactment. Such forms could vary in a given State for medicaid if the Secretary determined that, in that State, a uniform national medicare-medicaid claims forms could not be utilized.

The bill requires the Secretary, in carrying out the requirements of this section, to consult with those charged with the administration of other Federal health care programs, with other organizations that pay for health care, and with providers of health services to facilitate and encourage maximum use by other programs of the uniform claims forms. The bill further requires the Secretary to report to the Congress within 21 months of enactment on: (1) what actions he will take pursuant to this section; (2) the degree of success in encouraging third parties generally to adopt uniform claims forms, and (3) his recommendations for legislative and other changes needed to maximize the use of such forms.

Section 32.—Coordinated Audits Under the Social Security Act.

The duplication of identical or similar auditing procedures used for the purpose of determining reimbursement under various Federal health benefit programs is costly to both the programs and the entity (such as a hospital, skilled nursing facility, or home health agency) participating in the program.

The bill therefore requires that, if an entity provides services reimbursable on a cost-related basis under title XVIII and titles XIX or V, audits of books, accounts, and records of that entity for purposes of the State programs are to be coordinated through common audit procedures with audits performed for the purposes of reimbursement under title XVIII. Where a State declines to participate in such common audits, the Secretary is to reduce payments that would have been made to the State under titles V or XIX by the amount attributable to the duplicative State audit activity. A State participating in the common audit procedure would continue to receive Federal matching for administrative costs associated with any additional or supplemental audit data or audits that may be necessary under their medicaid and maternal and child health programs.

Section 33.—Encouragement for Health Care of Philanthropic Support.

Under present medicare policy, in determining the reasonable costs of services furnished by a provider of health services, unrestricted grants, gifts and income from endowments are not deducted from reimbursable costs of the provider. The bill provides a statutory base for this policy.

Section 34.—Study of Availability and Need for Skilled Nursing Facility Services Under Medicare and Medicaid.

The bill directs the Secretary of HEW to conduct a study of the availability and need for skilled nursing facility services under the Medicare and Medicaid programs. The study would consider the desirability of requiring facilities that wish to participate in one program to participate in both. The study would also investigate possible changes in regulations and legislation which would result in encouraging a greater availability of skilled nursing services.

In developing the study, the Secretary would consult with professional organizations, health experts, private insurers, nursing home providers and consumers of skilled nursing facility services. A report on the Secretary's findings and recommendations would be due six months after the date of enactment.

Section 35.—Coverage Under Medicare of Certain Dentists' Services.

The bill extends the coverage of dental services under medicare to include any services performed by a doctor of dental surgery or of dental medicine which he is legally authorized to perform in cases where the services would be covered if performed by a physician.

Under present law, medicare covers the services of dentists when they are performed by a licensed doctor of dental or oral surgery only with respect to (1) surgery related to the jaw or any structure contiguous to the jaw, or (2) the reduction of any fracture of the jaw or any facial bone. The law, therefore, excludes from coverage certain nonsurgical procedures which dentists and oral surgeons are professionally trained and licensed to perform even though the same services are covered when performed by a physician.

Section 36.—Coverage Under Medicare of Optometrists' Services With Respect to Aphakia.

The bill authorizes medicare part B reimbursement to optometrists for covered services related to aphakia which are within the scope of licensed optometric practice.

Current medicare law provides reimbursement for diagnosis and treatment of the diseases of the eye when such services are provided by physicians. Certain diseases of the eye result in surgical removal of the lens. The resulting condition, i.e., absence of the lens of the eye, is known as aphakia. Eyeglasses (or contact lenses) which serve as the prosthetic lens for aphakia are covered under the program. In addition to physicians, optometrists are reimbursed under the program for services to aphakic patients. These reimbursable services are limited, however, to dispensing services in connection with the actual fitting and provision of prosthetic lenses. Section 109 of Public Law 94–182 required HEW to conduct a study concerning the appropriateness of medicare reimbursement of services performed (but not presently reimbursed) by optometrists in providing prosthetic lenses for patients with aphakia. In a report transmitted to the Congress on January 12, 1977, HEW recommended that those covered services related to aphakia and within the scope of optometric practice be reimbursable under part B of medicare when provided by optometrists. The bill incorporates this recommendation.

Section 37.—Renewal of Benefits.

Under present law, a beneficiary must remain, for 60 consecutive days, out of an institution which is determined to be primarily engaged in providing skilled nursing care and related services in order to renew his medicare eligibility for additional days of hospital and skilled nursing facility benefits. Regulations of the Secretary establish the criteria which define the institutions where patients cannot renew benefit eligibility. In general these institutions consist of: all skilled nursing facilities which participate in medicare and medicaid, some of the intermediate-care facilities that participate in medicaid, and additional nursing care institutions that participate in neither program.

The intent of the provision was to permit beneficiaries to renew their benefit eligibility once they have ended a spell of illness (and, thus, for at least 60 days, no longer needed skilled nursing).

However, beneficiaries in skilled nursing institutions who have exhausted their benefits are sometimes prevented from renewing their eligibility even though they actually receive little or no skilled care. This is especially a problem in States which require the availability of nurses in institutions that are largely for patients who do not need skilled nursing.

The bill directs the Secretary to review current procedures for applying the benefit-renewal criteria to make sure that they are not too restrictive. The Secretary would report his findings and conclusions to the Congress within 9 months of enactment, together with any legislative recommendations he may wish to propose.

Section 38.—State Medicare "Buy-In."

The medicare law gave States until January 1, 1970, to request enrollment of their public assistance beneficiaries in part B of the medicare program. States that entered into these so-called "buy-in" agreements pay the part B premiums for the public assistance enrollees. The "buy-in" provision was designed to encourage the highest possible participation of the elderly in the part B program. Alaska, Louisana, Oregon, Puerto Rico, and Wyoming did not make timely arrangements to enroll their public assistance beneficiaries in the part B program.

The bill would give the States that wish to do so an additional period of 12 months in which they could elect to make the necessary coverage arrangements.

Section 39.—Health Maintenance Organizations Enrolling Over 50 percent Medicare or Medicaid Recipients.

Present law prohibits a health maintenance organization (HMO), which contracts with a State to provide prepaid health services under Medicaid, from having more than one-half of its members covered by Medicaid and/or Medicare. HMO's are given 3 years from the date of their contract with the State Medicaid program to meet this condition.

Occasionally, because of administrative delays, an HMO may have difficulty signing up nonmedicaid/medicare members by the end of that 3-year period, and thus be forced to reduce its coverage of Medicaid beneficiaries in order to achieve the 50–50 requirements.

This situation would be remedied under the bill by providing that HMO's contracting with States to provide health services under Medicaid would have up to 3 years after the date the HMO is formally found qualified by the Department of Health, Education and Welfare to meet the 50-percent requirement.

Mr. TALMADGE. Mr. President, I yield such time as he may desire to the distinguished Senator from Kansas, the ranking minority member of our subcommittee.

Mr. DOLE. Mr. President, I thank my distinguished colleague.

This is another demonstration of leadership on the part of the distinguished senior Senator from Georgia. It is a matter that has been under consideration, as the Senator just pointed out, not just for a month or a year, but is the result of years and years of tireless efforts on the part of the distinguished Senator from Georgia.

Mr. President, I am pleased to join with the distinguished chairman of the Finance Health Subcommittee, Senator TALMADGE, in introducing legislation providing constructive reform of the administrative and reimbursement mechanisms for the medicare and medicaid programs. As the ranking Republican member of the Finance Committee and its Health Subcommittee, I have a particular interest in seeing that meaningful improvements are made in these programs. Not only do medicare and medicaid present an inpenetrable maze to the providers serving program beneficiaries, they are now a serious burden on the Federal Budget. The legislation introduced today is similar to bills introduced in both the 94th and 95th Congresses. The problems associated with escalating health care costs have increased in recent years, making passage that much more critical.

COST OF HEALTH CARE

During the past 10 years, the number of poor, disabled, and aged enrolled in governmental health programs have greatly increased. The costs of providing benefits for these people also continue to increase. Federal, State, and local governments are now facing serious budgetary problems because of the growing amount of health care services purchased by governmental programs and the rapidly increasing costs of those services; 12.5 percent of our Federal taxes are now spent for health care. Increasing hospital costs present one of the most serious problems. Between 1975 and 1977, hospital costs increased between 14 and 20 percent annually.

It is important to note that there has been an improvement in this situation during the past year due to the voluntary efforts of the health care industry to hold down their costs; but the Government must also do its part by managing its programs in a cost-efficient manner.

During the last congressional session, I indicated my support of voluntary efforts to control hospital costs. I continue to believe that we should avoid heavy-handed Federal regulation whenever possible. The health care industry has devised a program to slow the rate of growth in national health care expenditures, and are meeting established targets, the most recent one falling under 13 percent. However, I am still of the opinion that basic reform in medicare and medicaid to create the necessary incentives for cost control will assist this effort and set us on a path of solving this long term problem.

During hearings on medicare reimbursement reform proposals in the past, I have been exposed to the concerns of those who fear that without some form of hospital cost restraint other national priorities will be downplayed if we are to retain any semblance of fiscal solvency. We are all familiar with the figures which indicate that total health care spending comprised 4½ percent of the GNP in 1950, while today it approaches 9 percent of our gross national product. Medicare and medicaid programs have contributed markedly to the rapid increase in total health care expenditures.

MEDICARE/MEDICAID PROGRAMS

When the medicare/medicaid programs were initially considered, I expressed serious reservations as to their design and their ability to provide the best possible access to health care services for the individuals they sought to assist. I continue to remind you today, as I have in the past, that hindsight now demonstrates that my original observations were not entirely inaccurate. Medicare recipients continue to face rapid increases in out-of-pocket costs and medicaid beneficiaries continue to see curtailment of services initially provided to them. Most individuals today do not need to be confronted with facts and figures to tell them that it is simply costing them more to obtain adequate health care.

RESPONSIBLE ALTERNATIVE

The bill being introduced today builds on our experience of the last two congressional sessions. It has been improved by suggestions we have received and starts us on a road to long-term, sensible cost moderation policy. This proposal demonstrates a recognition that the delivery system itself is not completely responsible for generating inflationary pressures for the cost of health care. Rising labor and supply costs: the need to constantly upgrade equipment and facilities; skyrocketing malpractice premiums; and compliance with a proliferation of new regulations have all played a part in the dilemma we have managed to reach today.

The complexities of this situation have apparently continued to go unnoticed by the administration who has sent the Congress a budget with estimated savings in the medicare-medicaid programs of $1.8 billion for fiscal year 1980. These savings, which are based on the administration's so-called cost containment program, remain unrealistic. Singling out the hospital industry with an arbitrary 9.7-percent cap on revenue increases is inequitable in that these institutions still have no ability to control the price increases in the goods and services which they must purchase and inevitably must be reflected in their costs. The fact is that even if we were to accept the administration's approach, the savings projected in their budget would only be realized if permitted increases for 1980 would be limited to 6.4 percent. There must be more realistic approaches to cost containment which take into account hospitals' individual circumstances and needs.

In my opinion, the proposal we are introducing today represents a responsible alternative to the President's cost containment plan. This bill addresses medicare/medicaid administrative and reimbursement procedures in three major areas: Hospital reimbursement, practitioner reimbursement, and long-term care. The new method of reimbursement for routine operting costs for hospitals would be markedly improved by the incentive system this bill creates. It also simplifies the procedures for practitioner reimbursement and encourages the most appropriate management of patients who require long-term care. If there are savings to be realized from increased efficiency in Federal program administration, then the provisions of this bill are designed to bring them about while maintaining a realistic view of changes which providers are and are not able to make.

OTHER PROVISIONS

Among the various provisions included in this bill I would like to take particular note of several provisions in which I have a special interest. The bill provides for the use of medicare audit findings in the administration of medicaid and the maternal and child health program. Elimination of the present duplication of identical or similar auditing procedures used for the purpose of determining reimbursement under various Federal health benefit programs could save as much as $26.5 million in the coming year. This provision is a classic example of how to cut waste from Government programs. The provision which creates incentives for the establishment and maintenance of physician practices in low-fee physician shortage areas by increasing relative reimbursement levels is particularly important for my own State of Kansas. Kansas contains many areas in which physicians are badly needed, but recruitment efforts have been hampered in part by the discriminating nature of the current medicare reimbursement practices. Hopefully, the change suggested in this legislation will be a positive means of reversing that trend.

A third section of this legislation, in which I have a special interest, is the prohibition of publication of physicians medicare earnings data. In the past, I brought to the attention of this body the inexcusably large number of errors included in the medicare "100,000 club" listing by HEW. This section of the legislation is designed to protect against another unnecessary violation of personal privacy by the publication of another list.

CONCLUSION

It is our intention to hold hearings again as we did during the previous congressional session as refinements of this bill are certainly possible. I am particularly encouraged by the success of some State controlled hospital rate programs and other medicare cost saving initiatives that have occurred in recent months.

My cosponsorship of this legislation does not necessarily reflect a complete embracement of all its provisions, for certainly there is room for difference of opinion and further constructive input. I commend Senator TALMADGE for his dedicated effort at bringing about the kind of reform it will take to achieve some measure of control in our medicare and medicaid budgets. I welcome the opportunity to support the thrust of this reform effort while continuing to remain open to suggestions for its refinement.

It is my firm hope that we, as legislators, can meet our part of the commitment necessary to control the escalating cost of health care. This will only be done with a cooperative approach where providers, intermediaries, beneficiaries, and administrators all come to grips with the fiscal challenges we must face. Is is in the spirit of this joint obligation that I join my colleagues in introducing the Medicare/Medicaid Administrative and Reimbursement Reform Act of 1979.

MAX FRIEDERSDORF

Mr. DOLE. Mr. President, today Max L. Friedersdorf will be sworn in as one of the six Commissioners of the Federal Election Commission. Mr. Friedersdorf is an excellent choice and will prove himself to be a valuable addition to the FEC.

Mr. Friedersdorf has served for 2 years as the Washington staff director of the Senate Republican Policy Committee. He received his bachelor of arts degree from American University in 1963 and his master's of arts degree from American University in 1970. Mr. Friedersdorf has held many positions in Government. For 10 years he was the administrative assistant to Congressman Roudebush of

Indiana. In 1970 he became the Director of the Congressional Relations Office of Economic Opportunity. He joined the White House Congressional Relations Office in 1971. From 1975 until 1976 he served as an Assistant for Legislative Affairs to former President Gerald Ford. The Senate Republican Policy Committee will sorely miss Mr. Max Friedersdorf's expertise and wisdom. I am sure my colleagues join me in wishing Max a very successful future as he assumes his new responsibilities at the Federal Election Committee.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Michigan (Mr. LEVIN).

REDUCE OIL CONSUMPTION

Mr. LEVIN. Mr. President, I am very happy to note that the United States will propose at the International Energy Agency's meeting in Paris today and tomorrow that the Agency's 19 members undertake concerted action to reduce oil consumption by 3 to 5 percent. This is the kind of strong action in dealing with our energy problem that the American people have been expecting from our Government, and it would demonstrate to them and to the rest of the world that our commitment to dealing effectively with the problem is more than just rhetoric.

Mr. President, when I raised this issue yesterday at a hearing of the Governmental Affairs Subcommittee on Energy, Nuclear Proliferation and Federal Services, Energy Secretary James Schlesinger stated that the adoption of international conservation measures would be complicated by the fact that not all of the IEA members see eye to eye about the appropriate means for reducing oil consumption. I regret that the Secretary did not see fit to be more candid with the subcommittee about the administration's plans in this regard. Candor is an essential requirement of a cooperative relationship between the administration and the Congress in formulating energy policy. In any event, the IEA's problem is an understandable one; even within our own country, we can expect a heated debate on that controversial issue. But any differences of approach we may have should not be allowed to divert us from the fundamental point: that the instability in the oil markets, and the psychological dangers that carries with it, result from a supply-demand imbalance in crude oil trade, and that in the short term the most effective thing that we, and all consuming nations, can do to redress that imbalance is to reduce our consumption of petroleum products through conservation measures. I hope that all of the industrial nations who are members of IEA can agree on that, and can then proceed to discuss the specific questions of how much of a reduction in oil consumption is necessary and how it should be achieved.

Let me briefly review the oil shortage situation that faces us today. Before the recent disruption of oil production, Iran was exporting about 5 million barrels of oil a day, or somewhat more than 10 percent of the non-Communist world's requirements. Because of step-ups in oil production by Saudi Arabia and other nations, we are facing a world shortfall of about 2 to 3 million barrels a day. The United States is considerably less dependent, percentagewise, on Iranian oil than many other nations, but our national appetite for oil is so voracious, in absolute terms, that we expect to bear a considerable portion of the Iranian shortfall, estimated at about 500,000 barrels per day, or about 2.5 percent of our domestic consumption. This shortfall could rise to as much as 1 million barrels per day if any of the IEA signatory nations invoke the mandatory sharing agreements, as they are entitled to do when facing a shortfall of 7 percent or more.

Because the United States is the largest importer of OPEC oil, it is incumbent upon us to take the lead in any international conservation effort. Moreover, because of the confluence of two important events this month, we have a particularly auspicious opportunity to undertake such an effort. The International Energy Agency (which could be appropriately renamed OPIC, or the Organization of Petroleum Importing Countries) is meeting today and tomorrow in Paris. OPEC will be meeting March 26 in Geneva, presumably to rationalize (and, I fear, to institutionalize at some level) the price increases which have already been adopted by Saudi Arabia, Abu Dhabi, Qatar, Kuwait, Libya, Iraq, and Venezuela.

The OPEC countries have long ago learned, and learned well, one of the basic laws of economics: That price is a function of the relationship between supply and demand. Given the current imbalance between the two, it is clear what the outcome of their meeting will be. But in deciding what price increases to establish over the long term, they will have to consider also the trends for industrial world oil consumption. If the industrial nations of the world demonstrate a real commitment to reducing their oil usage, OPEC will find it much more difficult to adopt a significant price increase.

It is for this reason that we must act now, in concert with other major oil consuming nations, to respond to the challenge of the current shortage. If Americans are called upon to conserve, then let us leverage our conservation effort into a truly international one which would have a much greater impact. I urge the administration to pursue this course vigorously in the IEA forum and elsewhere.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 2 minutes remaining.

Mr. LEVIN. I yield that time back to the Chair, Mr. President.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. With all time having been yielded back by the distinguished Senator from Michigan, under the previous order there will now be a period for the transaction of routine morning business not to exceed 60 minutes with statements therein limited to 10 minutes each.

THE RETIREMENT OF OLIVER J. DOMPIERRE

Mr. BAKER. Mr. President, I want to express my appreciation for the extraordinary and devoted service of Oliver J. Dompierre to the U.S. Senate. On yesterday, Dom retired from his position as assistant to the Republican leader after 48 years and 8 months of service to his country. The bulk of that service was with the U.S. Senate, and most of it in the Republican leader's office.

The late Senator Bill Knowland first brought Oliver Dompierre to the leader's office, where he served as administrative assistant to the leader under both Senator Knowland and my father-in-law, Senator Everett Dirksen. When Senator Hugh Scott became Republican leader, he named Dom to be assistant to the Republican leader for floor operations, a position he continued during my tenure as leader until his retirement yesterday.

Oliver J. Dompierre has served the United States in an important capacity during the administrations of nine Presidents. Dom's tenure in the Senate predates that of every Member presently in this body, or in the House of Representatives for that matter. Few Americans have labored so long for the United States Senate, have been such a part of Senate history, nor served the U.S. Senate and the United States of America better.

We shall all miss Dom. And as we salute and applaud him for his exceptional past service, I know my colleagues will join me in wishing Dom, his lovely wife, Randy, and the Dompierre family all the best for the future.

FOREIGN DEBTS OWED THE UNITED STATES

Mr. HARRY F. BYRD, JR. Mr. President, China, Russia, Taiwan, Cuba, Vietnam, and Iran have at least two things in common. One, they owe us money. Two, they are not paying us back.

These countries are not alone.

In recent hearings before the Subcommittee on Taxation and Debt Management of the Finance Committee, of which I am chairman, Assistant Secretary of the Treasury for International Affairs, C. Fred Bergsten, testified that 169 countries and territories plus 19 international institutions and regional groups owe the United States money.

Thus, debtors to the United States exceed the number of countries in the world, which are only 159; membership in the United Nations now totals 151 countries.

The list includes the Vatican City, our own Pacific Island Territories, and countries with which we have no diplomatic relations, such as Cuba. Just about the only country which does not owe the United States money is Albania.

Not only have we lent money to almost every country in the world, last year we had the distinction of lending more money than we received in payments. While we loaned approximately $6.7 billion, the United States received back only approximately $3 billion.

As a result, the amount of debt owed to the United States has increased by $3.7 billion as of this past September. The recipients of this increase include countries such as Korea, Mexico, and Brazil.

The magnitude of this debt deserves close attention. As of September 30, 1978, outstanding World War I debts were $27.5 billion; and post-World War II repayable debts and other foreign credits were $45.7 billion.

The total debt, therefore, is now in excess of $73 billion. This does not include $13.3 billion of contingent liabilities. When this figure is added into the amounts owed to the U.S. Government, we have a potential risk of more than $86 billion.

Private banks now have claims of $200 billion upon foreign countries. Our Government debt exceeds 42 percent of the $200 billion which private banks have lent to foreign countries.

This debt represents American capital which taxpayers have loaned abroad.

These loans are in addition to our foreign aid program in which authorized expenditures are estimated to be $12.3 billion in fiscal year 1979.

Our loans are not gifts. Even though many of the loans are made at low interest rates with liberal repayment terms, repayment is expected.

If not repaid, these loans are just another form of foreign aid—an additional handout abroad, this being on top of our foreign aid grant programs.

In terms of domestic programs, the money which we have lent abroad is approximately one-half of the Pentagon's budget in 1979 and would pay for most Federal social programs.

Despite the size of the debt, there is very little concern in official Washington shown about its collection.

The World War I debt of $27.5 billion is way past due and is no longer carried as an arrearage. Even though the interest rate is less than 4 percent per year on this debt, the interest now exceeds the principal. No effort is made to collect either the interest or the principal.

On debt owed after World War II, total arrearages and delinquencies are $612 million. This is $21 million higher than delinquencies just 1 year earlier. Over 100 countries are now delinquent in paying their debts.

These are delinquencies for 90 days or more. The Treasury has no record as to delinquencies which have been outstanding for over 1 year.

Compared to the zeal of our domestic debt collection agencies, particularly the Internal Revenue Service, concern over collecting foreign debts owed to our Nation is nonexistent.

Although Congress has urged a vigorous debt collection policy, and indeed prohibits foreign aid to countries in default, Treasury and State Department officials testified that they have not actually cut off foreign aid even though foreign debts were overdue.

This lack of enthusiasm is nothing new. In the past, we have settled debts owed to us by the Soviet Union, the Indian Government, and the French Government for little more than 3 cents on the dollar.

The Soviet Union World War II lend-lease debt is instructive of the way in which official Washington works.

The U.S. Government, after writing off nearly $9 billion of lend-lease assistance to the Russian Government during World War II, refused to write off an additional $2.6 billion owed to it.

In 1972, the State Department negotiated what it called a settlement of this $2.6 billion debt.

It agreed to accept in payment $722 million. Russia has paid the United States $48 million, but has not paid any of the remaining $674 million.

The reason the Russians have given for failing to pay the additional money is that they were not granted most-favored-nation status and are therefore not eligible for Export-Import Bank credits.

As a result of this lack of access to U.S. funds provided by the American taxpayer—namely the working men and women of our Nation—Russia has refused to pay the additional $674 million of the debt she owes to the United States.

The settlement of the Russian debt by President Nixon's State Department in 1972 was, in my judgment, one of the most foolish agreements our country has made.

In effect, what our State Department negotiators did was this: They agreed to settle the $2.6 billion debt owed by Russia to the United States for 3 cents on the dollar—plus another 24 cents, provided the American taxpayers loan Russia the money to pay for it.

How foolish can we get?

The Russian debt is important because we are now embarking on trade and diplomatic relations with the People's Republic of China. There is a potential for a similar outcome.

Currently, there are now $196 million in private claims against China. In addition, we have World War II arrearages and unpaid Export-Import Bank loans to China which account for over $150 million.

However, at this time, there is no official policy for the collection of this debt. In fact, there seems to be no total figure as to the amount which the Chinese owe to the U.S. Government. This is the case, even though some of the obligations go back as far as 30 years.

Future negotiations with the Chinese Government must establish a policy for repayment of this debt.

Another example is Iran now owes $37 million principal and interest.

Often, when debts are not repaid, we generously reschedule these debts. As of 1974, the Congress prohibited full forgiveness of debts without a congressional resolution. The alternative to forgiveness is rescheduling. Since 1970, the U.S. Government has engaged in nearly 20 debt reschedulings.

These reschedulings are:

Year	*Country*	*Amount of U.S. debt rescheduled (millions)*
1970	Indonesia	$215
1971	India	9
1971	Yugoslavia	59
1971	Egypt	145
1972	Chile	110
1972	Pakistan	51
1972	India	29
1973	Poland	32
1973	Pakistan	23
1973	India	29
1974	Chile	232
1974	Pakistan	196
1974	India	45
1975	Chile	95
1976	Zaire	46
1977	Zaire	68
1978	Turkey	191
1978	Peru	104

The most recent debt reschedulings have been with Turkey and Peru. With regard to Turkey, $191 million of debt falling due from May 20, 1978, through June 30, 1979, was rescheduled.

The history of our debt collection practices is poor. There seems to be no concern for the fact that these monies come from the pockets of American taxpayers.

The Department of State has primary responsibility for collecting foreign debts owed to the United States. It must exercise vigorously this responsibility.

When debts are forgiven or rescheduled, it is the American taxpayer who is losing money.

Periodically, Congress must review and approve programs and expenditures for foreign aid and international financial institutions. Officials in the Treasury and Department of State should be on notice that Congress does not view foreign debts independently from other programs. Congress must not permit foreign countries to avoid paying their debts and still receive foreign aid. Foreign loans should not be turned into another foreign aid grant program.

I wish to share with my colleagues tables showing arrearages and amounts of debt outstanding which were presented to the subcommittee in the recent hearings.

Mr. President, I ask that these tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Total foreign debt outstanding to the U.S. government as of September 30, 1978

[In millions of dollars]

	Outstanding
I. World War I indebtedness[1]	$27,463
World War I credit	25,541
German World War I indebtedness[2]	1,922
II. Post World War I indebtedness on USG credits	45,715
A. Long-term credits	45,013
Foreign assistance and related acts	20,403
Export-Import Bank Act	11,436
Agriculture Trade Development and Assistance Act	7,029
Lend-lease and other war accounts	1,336
Commodity Credit Corp. export credits	1,916
Other credits	2,893
B. Accounts receivable credit	414
Military logistical support	218
Military Sales Act	37
Atomic Energy Act	93
Other	66
C. Short-term credits	288
Commodity Credit Corp.	288
III. Public and private U.S. claims settled by the U.S. Government[3]	32
Grand total	73,210

[1] Includes interest due and unpaid.

[2] Actual indebtedness is denominated in Reichmarks. These figures are estimates only.

[3] Includes 1966 "Freeloc" settlement with France.

Arrearages of 90 or more days on foreign loans and credits of U.S. Government agencies excluding World War I debts)

[In millions of dollars]

	September 30, 1978
I. Extraordinary political arrearages:	
1. Authorities on Taiwan	[1] $107.6
2. Cuba	76.0
3. Vietnam and Cambodia	24.3
4. Unresolved Korean war logistical support	199.7
Total political	407.6
(Percent of overall total)	(67)
II. Major arrearages—Public long-term:	
1. Iran	36.1
2. Zaire	[2] 34.0
Total major arrearages	70.1
(Percent of overall total)	(11)
III. Other major arrearages:	
A. Public:	
1. Long-term	34.9
2. Short-term and accounts receivable, of which:	84.1
Foreign military sales, logistical support, M.A.A.G.	46.1
Lend-lease	.6
Post Office	18.6
Other	18.8
B. Private:	
1. Long-term	13.0
2. Short-term and accounts receivable	2.1
Total other arrearages	134.1
(Percent of overall total)	(22)
IV. Overall total—Groups I, II, III	612.0

NOTE.—Items may not add to totals due to rounding.

[1] Excludes, as of September 30, 1978, $49.8 million of principal and interest due from the authorities on Taiwan from assets left on the Asian continent, for which Export-Import Bank by agreement with that government has deferred from pressing.

[2] Includes amounts rescheduled by bilateral rescheduling agreement with Zaire. T.I.A.S. No. 8731 (1976). Once implementing agreements have been concluded by the agencies concerned, these amounts will no longer be reported as being in arrears. Negotiations are being finalized to reschedule 1977 arrearages.

CHART 3.—LONG-TERM DEBT OUTSTANDING TO THE U.S. GOVERNMENT BY PROGRAM, EXCLUDING WORLD WAR I DEBT

[In millions of dollars and equivalents]

	Dec. 31, 1974	Dec. 31, 1975	Dec. 31, 1976	Dec. 31, 1977	Sept. 30, 1978
Foreign Assistance Act related programs:					
Development assistance	12,635	12,998	13,435	14,010	14,872
Military sales	1,627	2,270	3,462	4,779	5,531
Export-Import Bank Act	8,126	9,621	10,594	10,949	11,436
Agricultural Trade Development and Assistance Act	5,040	5,721	6,208	6,578	7,029
Other programs[1] [2]	5,352	4,979	5,122	5,294	6,165
(Lend-lease/surplus property and other war accounts)	(1,649)	(1,520)	(1,421)	(1,368)	(1,336)
Total	32,780	35,589	38,821	41,610	45,033

[1] Primarily 1946 British loan, lend-lease and other war accounts, and Commodity Credit Corporation.

[2] Includes 1966 "Freeloc" agreement with France.

CHARTER DAY CEREMONIES

Mr. HARRY F. BYRD, JR. Mr. President, on January 29, Mr. Justice Lewis F. Powell, Jr., of the U.S. Supreme Court, delivered the address at the charter day ceremonies of the Marshall-Wythe School of Law at the College of William and Mary.

The College of William and Mary was the first in our country to establish a chair of law, in 1779. The first occupant of the chair was George Wythe, a distinguished Virginia attorney, one of the leaders in our Revolutionary period and a signer of the Declaration of Independence.

Among his pupils were Thomas Jefferson, John Marshall, and Henry Clay.

On charter day, Mr. Justice Powell spoke eloquently of the accomplishments of George Wythe and the history of the great law school which bears his name and that of his great pupil, Chief Justice John Marshall.

This charter day marked the bicentennial of the establishment of the chair which George Wythe first occupied, and on that occasion commendation to Marshall-Wythe Law School came from the General Assembly of Virginia, the Supreme Court of Virginia, the Supreme Court Historical Society, the American Bar Association, the Virginia State Bar and the Virginia Bar Association.

Mr. Justice Powell added to the plaudits when he said to the students, faculty, and guests at the charter day ceremony:

> You have a heritage possessed by few other law schools: the names of Jefferson, Marshall and Wythe have inspired millions of Americans. For faculty and students privileged to attend your law school, this heritage must be uniquely inspiring.

Mr. President, at this point I shall yield to my distinguished colleague from Virginia and then after that I shall ask unanimous consent on behalf of Senator WARNER and myself to print the full text of Mr. Justice Powell's address in the RECORD.

I yield to my colleague from Virginia.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. WARNER. Thank you, Mr. President.

Mr. President, I rise to ask that I join in the remarks of my distinguished senior colleague from the State of Virginia, and we should also, I suggest to Mr. HARRY F. BYRD, JR., note for the record reference to the fact that the dean of the William and Mary Law School is one of my predecessors in this Chamber, the former U.S. Senator from Virginia, William Spong.

I thank the Chair.

Mr. HARRY F. BYRD, JR. I thank my colleague from Virginia.

I wish to say in regard to former Senator Spong that he is doing an outstanding job as dean of the Marshall-Wythe Law School at the great College of William and Mary.

At this point, Mr. President, I ask unanimous consent that the text of Mr.

Justice Powell's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF LEWIS F. POWELL, JR.

I

The invitation to speak on Charter Day at this venerable college was one I could not refuse. Two institutions have made this ancient town famous throughout the civilized world: the College of William and Mary and Colonial Williamsburg Foundation. I have treasured associations with both for many years, and happily they complement and support each other.

It has been said that this restored 18th Century town is "a beacon light of freedom to the world". It also can be said that the town would have shed little light of any kind had it not been a well-spring of our nation's early political history. The college played a key role in that history.

There are many fascinating "firsts" in the history of William and Mary. It is the mother of Phi Beta Kappa. It introduced the first elective system of study in the United States. And even the University of Virginia and Washington and Lee, both proud of their ancient honor systems, would acknowledge that this college also led in recognizing that lying, cheating and stealing have no place—and should not be tolerated—on the campus of an institution of higher learning.

We are gathered here today to talk about a different "first". In 1779 William and Mary established the first American chair of law. This marked the beginning of university-related legal education in America.

At times there has been argument as to where the teaching of our law commenced. Dean John Ritchie, in his recently published admirable history of the first century of the Law School of the University of Virginia, has set the record straight. William and Mary was first. A proprietary law school was opened at Litchfield, Connecticut, five years later, and a chair of law was founded at Harvard about a generation later, in 1818.

II: GEORGE WYTHE

The occupant of the first chair of law was George Wythe. Had he been a lesser figure, there would be little one could say beyond identifying the event. But George Wythe was a towering figure, not in the sense of holding the highest offices, but because of his influence on those who did.

As historians have paid scant attention to Wythe, even his name is largely unknown beyond Virginia. It is appropriately ironic that his portrait was left off of our modern two dollar bill when the Treasury's designer's found that Trumbull's painting of the signers of the Declaration was too crowded for their purpose.

Various reasons have been advanced for Wythe's relative obscurity. In the long reach of history, it is difficult for a lawyer or a professor to leave behind him an enduring reputation unless he has held high office or written extensively. And Wythe did neither of these. Moreover, he was essentially a modest and self effacing man. The Rev. Lee Massey of Fairfax County, who had been a lawyer before taking on the cloth, had an opinion of Wythe that I hesitate to share with you. The Rev. Massey declared that Wythe was "the only honest lawyer he ever knew".

It also was said by some of his contemporaries that Wythe would not accept a case unless he believed his client was in the right, and that he refunded the fee and retired from the case if he discovered that he had been misled. No doubt this attests to Wythe's probity and uprightness. But I must say, if this standard were applied by lawyers today, that a high percentage of clients would go unrepresented, and a good many lawyers would go bankrupt.[1]

However accurate these reports may be, Wythe was admired—even revered—in his time. Following Wythe's death, Jefferson spoke of his friend and tutor:

"No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted . . . to liberty and the natural and equal rights of man . . . a more disinterested [meaning impartial] . . . person never lived."

He was one of the most courtly men in Virginia, even in an era when good manners were exalted. He also was gentle and warm with people, and especially with children. Dr. Oscar L. Shewmake, a student of Wythe's life, described him as a gentleman in every respect, "trusted and beloved friend of Presidents, and ministers of state, stray dogs and little children."

Wythe was not merely a human being of rare quality. He was a lawyer, judge and scholar—distinguished in each of these endeavors. Although he neither sought nor held the highest offices, he was a conspicuous leader of public affairs.

His teaching career is perhaps best known. Few, if any, teachers in our history have taught such an exceptional group of students. In addition to Jefferson, there were John Marshall; Henry Clay; John Breckenridge, who became Jefferson's Attorney General; Judge Spencer Roane, famous for his decision in *Kamper* v. *Hawkins*, Va. Cas. 20 (1793) that anticipated *Marbury* v. *Madison*; and numerous other persons of prominence in and after the revolutionary era.

Through his pupils, Wythe's influence scarcely can be overstated. It has been said that "the mind of George Wythe, acting through those whom he had taught, dominated the policies of this republic for fully 50 years, and is still a potent force".

The best known of his pupils, of course, is Thomas Jefferson. Through his influence on Jefferson, perhaps one could say that Wythe was the godfather of the Declaration of Independence. We should resist the temptation to make too much of it, but the long and close association between Wythe and Jefferson suggests almost a father-son relationship.

Jefferson did not serve as an apprentice under Wythe. Rather, recognizing Jefferson's genius, Wythe outlined a course of study, and then allowed Jefferson to pursue his studies largely in his own way. This process no doubt contributed to both the depth and original turn of Jefferson's highly discriminating mind.

The young Jefferson was required to probe the origins of Roman, Saxon and English law, and encouraged to read Greek and Latin in the original, rather than translation. Wythe also instructed Jefferson in history, ethics, science and literature, and encouraged him to read Italian and French.[2]

Indeed, the young Jefferson was even instructed in manners and hygiene. In sum, the tutelage under Wythe was the equivalent for Jefferson of the most exacting of university educations—indeed, far more demanding than what is called a university education today.

In acknowledging Wythe's influence, Jefferson referred to his old teacher as "my earliest and best friend. . . . To him I am indebted for first impressions which have had the most salutary influence on the course of my life".

The questions often are asked: how did Wythe become such a wise and influential scholar of the law? Where—and by whom—was he taught? The fact is that Wythe, not extraordinary in the 18th Century, was largely self-taught. He attended a neighborhood private school long enough, as he said, to learn "reading and writing English and the first five (tables) of arithmetic". His self education apparently never ceased. It was after receiving a license to practice law at the age of 20 that Wythe pursued his most serious studies. He is said to have exhausted the Greek and Roman classics without a guide or tutor. He studied thoroughly the origins of English law. To the dismay of opposing lawyers, he used his new store of knowledge in the courtroom, supporting arguments with scholarly quotations.

Jefferson recalled one minor case—long since forgotten—in which Wythe fired a bewildering barrage of authorities at his adversary. He cited Virginia and British statutes, decisions of the British courts, sections of Justinian's Roman Code, Cicero's Orations.

I hardly need add, as noted recently by Chief Justice Burger, that comparable erudition is rarely if ever heard in arguments before the Supreme Court of the United States.

The one negative report about Wythe as an advocate was that, although profound, persuasive and urbane, he was lacking in wit and slow with repartee. As Jefferson said, Wythe was not "quick of apprehension, but with a little time, (was) profound in penetration . . ."

In any case, Wythe was admired and respected by lawyers and laymen alike. He was repeatedly elected to the House of Burgesses, and served on important committees. In 1768, Wythe was elected Clerk of the House, a post he filled until the Revolution.

Wythe was no Patrick Henry in urging revolution, but he did assume leadership when it became clear that British policy was inflexible and unjust. Though he was the last of the seven Virginians to sign the Declaration of Independence—he signed in September—Wythe wrote his name above six signatures that had been affixed in July. He signed his name fully as "George Wythe" rather than G. Wythe—his customary signature. As was said of Charles Carroll of Carrolltown, he wished to identify himself unmistakably as a revolutionary.

Wythe also sought to enlist in the cause. When militiamen appeared on a Williamsburg green near his house, the 49-year-old lawyer put on a hunting shirt, took his musket, and sought to join the young men of the militia. He was gently but firmly rejected, but his ardor for the cause did not cool. It is reported that near the end of the war, Wythe and a couple of hunting companions opened fire with shotguns on a party of British soldiers in boats near Jamestown.

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[1] Of course, as lawyers know, it is the function of the judge or jury—not the lawyers—to determine in a litigated case which of the contesting parties is "right". Each party is entitled to the benefit of counsel. The line is drawn by scrupulous lawyers, not whether the lawyer believes his client to be "right" but rather whether the client deceives—by false testimony or otherwise—either the lawyer or the court.

[2] Wythe identified the scope of his learning and instruction in a notice appearing in the Virginia Gazette in July 1787, reading as follows:

"I propose in October, when the next lectures in law and police will commence, to open a school for reading some of the higher Latin and Greek classics and of the approved English poets and prose writers, and also for exercises in arithmetic".

10 William and Mary Quarterly (First series, Historical and Genealogical Notes, 273, 274.)

Happily, Wythe's place in history does not depend upon his military record. It was after independence had been won that again he achieved leadership and prominence. He chaired the Committee of the Whole when the Virginia Convention adopted the Constitution, and was one of the leaders of that historic convention.

The college in Williamsburg lost him in 1791 when he moved to Richmond to become the presiding judge of the High Court of Chancery. His service there merits more careful study. At least one of his early decisions is noteworthy. He believed, as did other Virginia lawyers and judges, that the judiciary had authority to determine the law of the land. In the case of *Commonwealth* v. *Caton*, 4 Call (Va.) 5 (1782), he declared:

". . . If the whole legislature . . . should attempt to overleap the bounds prescribed by . . . the people, I, in administering the public justice . . . will meet the united powers at my seat in this tribunal, and pointing to the Constitution, will say to them, 'here is the limit of your authority; and hither shall you go, but no further' ".

This was one of the first recorded judicial assertions of supremacy of the law, and one prophetic of things to come.

To the last hours of his life, this singular man—George Wythe—remained serene, wise and dispassionate. On his death bed, after having been poisoned by a nephew eager to inherit. Wythe spoke of his nephew: "I shall die leaving him my forgiveness".

To this point, I have presented only brief vignettes of the life of one of the most fascinating characters in American history. Perhaps I have said enough to make clear why his stature and influence loom large two centuries after he became our country's first formal professor of law.

III: THE MARSHALL-WYTHE SCHOOL OF LAW

I turn now to what one may fairly describe as Wythe's enduring legacy: the Marshall-Wythe School of Law.

The instruction of law did not commence on this campus at an auspicious time. The British armies were beginning to ravage Virginia. Washington's ragged troops were near starvation, and the outcome of the war was gravely in doubt. Yet Jefferson—then Governor of Virginia—urged the creation of the new chair of law, with Wythe as its occupant.

The timing of this event, 1779, is put in perspective when one remembers that it occurred only 21 years after Oxford established the Vinerian Chair of Law, occupied at the time by Sir William Blackstone.

Wythe's title was Professor of Law and Police—the latter encompassing political science in general. One of the first students to enroll for Wythe's lectures was Jefferson's distant cousin and future adversary, John Marshall—then on furlough from Washington's army. Other students included two of Wythe's successors as Professor of Law. The first, St. George Tucker, was the author of the first American notes on Blackstone's *Commentaries on the Laws of England*. The second was Tucker's son Nathaniel Beverley, whose work, *Principles of Pleading* was an important publication of 1846.[3]

As happened elsewhere particularly in the South, legal instruction ended with the outbreak of the War Between the States. And in the long and dreary decades of Reconstruction, it was difficult for law schools with limited constituencies to open or to operate. It was not until early in this century that President J. A. C. Chandler, as a part of the "renaissance" of this college revived legal education as a formal part of the college's program.

Since gaining independent status following World War II the law school's progress has been notable. I comment briefly on some of the highlights.

Your law school already has attained national recognition of its graduate program in law and taxation with the students of that program being recruited by government as well as the leading law firms. The summer school in England also has attracted favorable attention and students who have attended it are enthusiastic. A contemporary example of the type of innovative thinking by your faculty is the Conference on Environmental Law taking place here this weekend.

The Commonwealth of Virginia is blessed—indeed few states can equal it—in having four first-rate law schools. In addition to Marshall-Wythe the University of Virginia and Washington and Lee are nationally known. The T.C. Williams Law School of the University of Richmond is also a school of high quality that has produced many of the ablest Virginia lawyers. This is not an easy time for law schools. More than 150 are accredited and they graduate some 33,000 young people each year. There is increasing evidence that the needs of our system—as lawyer-oriented as it is—do not require such a large annual infusion of lawyers. The satisfactory placement of graduates is no longer taken for granted.

Paradoxically this apparent "over-supply" comes at a time when the young people graduating from the better laws schools are exceptionally well trained and are highly qualified to serve society—in the law and other roles.

It seems to me that Marshall-Wythe is well situated to confront this challenge. The graduates of the stronger law schools always will be in demand, certainly those with good records. Marshall-Wythe is a strong law school, and it will be stronger.

In Bill Spong, whom I have known well for at least a quarter of a century, you have one of the best law school deans in America. You also have strengthened your faculty and staff, and soon will move into a fine new building appropriate for a school of your quality. The location here of the National Center for State Courts also is a strengthening factor.

In short you merit the commendation that has come to you on this Bicentennial occasion from the General Assembly of Virginia, the Supreme Court of Virginia, the Supreme Court Historical Society, the American Bar Association, the Virginia State Bar, the Virginia Bar Association, and many others.

You have a heritage possessed by few other law schools: the names and careers of Jefferson, Marshall and Wythe have inspired millions of Americans. For faculty and students privileged to attend your law school, this heritage must be uniquely inspiring.

In concluding, I not only add my congratulations and wish you well; I also can say that you have every reason to look forward with confidence to many more generations of service to Virginia and our nation.

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The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

A FARM POLICY TO SERVE FARMERS, CONSUMERS, AND THE WORLD'S HUNGRY

Mr. STEVENSON. Mr. President, the conflicts competing for world attention today would once have gone unnoticed as local matters of little concern to others. But the old era has passed. While political, and in some instances religious, differences ignite these conflicts, underlying each one—revolution in Iran, military conflicts in Southeast Asia and the Arabian Peninsula, continuing differences between Israel and Egypt—is the excruciating issue of access to vital resources, including oil.

In the politics of petroleum the industrial nations of Europe are following policies shaped by their dependence on Middle East oil. Last Sunday the Secretaries of the United States Departments of Defense and Energy spoke on national television of plans to enlarge the military presence of the United States in the Middle East to protect the production of oil and its transportation through the Persian Gulf. At the same time, the oil-producing nations are raising prices and limiting production, seeking the best possible return for what they know is a depleting resource, and the only real wealth they have.

Amid the crises we forget that the United States has one enormous resource that is as vital to the world as oil, and is, if we manage it properly, infinitely renewable—our capacity to produce great quantities of food, far more than we ourselves can consume.

We live in a hungry world. Its population is likely to rise by more than 50 percent by the end of the century. World food production, although it has increased somewhat in recent years, will not keep pace with population. Meanwhile, improving economic conditions in some parts of the world are making possible increases in per capita consumption of food. The developing nations are feeling the pressure of rising demand for food and are desperately trying to raise their own production. The Chinese want American technical help with food production and processing. The Soviet Union buys our feed grains to provide more meat for its people. And a leader of the Islamic political movement in Iran recently acknowledged that Iran would still need American technology, particularly in agriculture.

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[3] It is of more than passing interest to Virginians that Tucker descendants have followed the family tradition as lawyers, professors and deans. Two deans of the Washington and Lee School, late in the 19th and early in the 20th Centuries were Tuckers: Henry St. George and John Randolph—both also serving as President of the American Bar Association.

World food production and distribution must be improved. But few areas in the world can expect to be self-sufficient in food production. They simply do not have the land and the climate. Increasingly, they must look to the North American continent for basic commodities such as wheat and feed grains.

My concern is that we are mismanaging and squandering this great resource. Instead of recognizing its value, protecting it from depletion, using it to enhance our economic strength, and planning for the future, we are pursuing shortsighted, irrational and, in my view, immoral policies. Other food-producing nations are equally guilty. We are all seeking to protect our farmers in the short-run, neglecting future needs.

In fact, agriculture may be the world's most protected industry. The European Community's common agricultural policy is essentially a complex system of price supports, minimum import prices, stockpiling and export subsidies. It is designed to keep internal farm prices high by insulating them from foreign competition. Quotas, as in Japan, and other nontariff barriers such as artificial quality standards and inspection rules are subtle but effective barriers to farm and nonfarm goods alike.

The United States supports the prices of its grain producers, helping to keep meat and dairy prices high, and then protects its meat and dairy producers from lower cost foreign competition. The current debate over sugar is a classic: We subsidize cane and beet producers to maintain their prices and then protect them from foreign competition by import duties. The consumer pays for the subsidies and for high priced sugar. Because we are maintaining high food prices and are failing to compete effectively in world markets, our farmers are producing surpluses and we face large carry-over stocks. The land set-aside programs intended to reduce production are not working. Production has not been cut proportionately. For example, corn production in 1978 topped 7 billion bushels, a record crop. Yet total payments for all land diversion programs last year cost the taxpayers almost $600 million.

Altogether, farm price support programs will cost over $5 billion in public funds this year. In addition, the American consumer, whose grocery bill went up 10 percent in 1978, may be facing another 10 percent increase this year. The inflation rate, as reported last week, has reached 12 percent, and a major component is the increase in food costs. A sizable portion of last month's increase in food costs went to farmers. Our Government is causing inflation in food prices in order to protect farmers from inflation. Yet, farmers complain, with some justification, that their increased income is offset by inflated costs.

Over the long run the most destructive aspect of our farm policy is its failure to protect the land. Farmers are setting aside their least productive land but squeezing maximum production out of their good land with heavy applications of chemicals and little attention to dangerous losses of topsoil and sinking water tables. Furthermore, our farm policies are encouraging farmers to acquire additional land and machinery, each to justify the other, and driving up the prices of both. We have spent billions for soil and water conservation in recent decades but have achieved little for the long-term protection of our most productive cropland.

I believe the time has come to reconsider our management of the Nation's greatest resource and to develop a coherent policy that will best serve the American farmer, the consumer, and the world's hungry people.

I suggest first that we drop the land set-aside and diversion programs. They are expensive and they do not work well anyway. Furthermore, a policy that pays farmers to refrain from producing food in a hungry world is, it seems to me, immoral. If we must control production during the next few years, we ought to do it by protecting future productive capacity. We should insist that the farmer, in return for fair income protection, devote not only his poorest but some of his best land to long-term conservation measures aimed at saving the topsoil and the water table and preventing stream pollution and sedimentation.

Loan programs should be greatly reduced if not eliminated. Beyond the amounts needed for reserves, the loan programs encourage the creation of huge carry-over stocks. Instead, we ought to work out a target price system that would give farmers a fair return while permitting the market to control commodity prices. To the extent that prices declined, the American consumer, as well as livestock, poultry, and dairy producers, would benefit. Furthermore, we could expect world markets to expand as our prices become more competitive and developing nations are better able to buy. If prices did fall below the targets, deficiency payments to the farmer might be higher, but they could cost less than the $5 billion we now spend for the whole range of price-support activities, not all of which directly benefit farmers. Such a system, unlike our present one, would not raise both public and private costs simultaneously.

Statesmanship will be needed to enhance world agricultural trade and provide continuing assistance for the poor and for emergencies. Breaking down the barriers to trade is a difficult job, best achieved through reciprocal concessions in multilateral trade negotiations. I have stressed to Ambassador Strauss the need for progress on agricultural barriers. If we are to have a trade agreement, it must include concessions that will improve competitive opportunities for American agriculture.

Congress has already provided some of the steps needed to help open new markets. We have directed the Secretary of Agriculture to appoint additional agricultural attachés to work with U.S. industries and trade associations seeking foreign markets. I believe that some of the foreign barriers would be broken down if consumers in other nations could sample U.S. grain-fed meat and other excellent U.S. food products.

We have also responded to some of the financial needs by giving the Commodity Credit Corporation the authority to extend intermediate credit terms up to 10 years to meet foreign competition. And we have made the People's Republic of China eligible for CCC credits.

Other steps are needed. For example, it makes little sense to make CCC credits available to China but not to the Soviet Union. We ought to deal with both nations cautiously and even-handedly, subjecting their eligibility for credit and trade agreements to periodic review of their conduct across the entire range of U.S. interests. I have already introduced such legislation for the Export-Import Bank. The same policy should be developed for the Commodity Credit Corporation. It would create the framework within which political and economic relationships can develop together, keeping the United States neutral as between the two.

In the name of free enterprise we have left the American farmer defenseless in transactions between the international grain traders and such nonmarket economies as the Soviet Union, and now the People's Republic of China. The infamous Russian wheat deals should not be repeated. I suggest that we make the Commodity Credit Corporation our sole trader with the nonmarket countries which have the power to invade our markets quietly when prices are low and then sell when the word is out and prices have risen. CCC could make the deals in Government-to-Government negotiations. It would enter the market, perhaps at harvest when prices are lower and its purchases would help the farmer. No other nation lets its farmers be exploited in these transactions. Why should we? We sell food, as we buy oil, through multinational companies accountable to themselves and sometimes to foreign nations, but never to the American public.

In summary, Mr. President, I believe we must consider American agriculture not simply as the source of a series of economic problems—low farm income, shrinking numbers of family farms, surpluses, deteriorating land, and high food costs—but as a great asset. With wisdom and foresight on our part, it will not only strengthen the Nation but feed millions of the world's hungry people. I intend to introduce legislation to establish a food policy along these lines.

PEACE NEGOTIATIONS BETWEEN EGYPT AND ISRAEL

Mr. MOYNIHAN. Mr. President, I would now like to turn to a matter that absorbs the attention not just of our Nation, but of much of the world at this moment. That is the profound difficulties that have arisen in the United States effort to be a friendly party in the negotiation of a peace between Egypt and Israel. The high hopes of Camp David seem to be fading precipitously just now. I would like to comment on what seems to me to be a source of the difficulty with the American role.

In this morning's press, specifically the Washington Post, one reads that Prime Minister Begin of Israel has sharply disputed a statement of President Carter's on Tuesday night, "absolutely insignificant differences are now creating insurmountable obtacles" to peace.

The President stated that the differences were "absolutely insignificant." Mr. President, I cannot understand what the President had in mind, or why he would so describe differences which, to my judgment, seem to be of a profound order.

The first question at issue in this treaty is whether or not it is a treaty or whether it is merely a statement of the present disposition of the parties, and not binding in the future. The Israel negotiators have raised what is for them a properly significant question, which is whether or not the agreement they are entering into will be binding on the party they are entering it with.

The party with which they are negotiating—Egypt—clearly is not willing to make that kind of commitment, and yet the President calls this difference "insignificant."

There is, in fact—and this is not meant to be disparaging of either party—a difference between the approach of the Israel Government and the approach of the Egyptian Government in this negotiation. The Israel Government assumes it must abide by whatever it agrees to do. This is a traditionalist view and a legalistic view. It is, on the other hand, the very basis upon which we must pin any hope for maintaining world order.

The Egyptian Government has a very different basis for reviewing what it is undertaking. I would make a further point: In 1971, Egypt entered a treaty with Syria and Libya, creating the Federation of Arab Republics. It was formally endorsed by solemn referendums in each of the three countries.

The Constitution of the Federation of Arab Republics requires that if any one of the countries enters into a treaty with another nation or international organization, it must be ratified by the other two members. Thus, to be specific, any treaty Egypt enters into with Israel must be ratified by Syria and Libya, or it is not valid.

When one inquires at our Department of State about what is the condition of the Federation of Arab Republics, has it ever been dismantled, the answer is no it has not.

Well then, one asks, what is the status of the obligation so entered into? One is thereupon informed that the organization is "moribund," and the parties can no longer be considered bound by it.

What then can Israel be expected to give up to Egypt in return for a treaty with a party which clearly does not consider itself bound by previous agreements, and which the United States does not expect to consider itself bound? It is the United States which, at the highest level, has made it clear that the details of this treaty do not matter. Well, they may not matter to one government, but they matter very much to the other, and this is not an "absolutely insignificant" difference; it is the most profound difference possible.

What has happened in the Middle East, Mr. President, is as clear as a matter could be. It is not simple, but it is clear. Both Egypt and Israel are being sucked into the vortex of Iran, and the capacity of the United States both to sponsor and, in effect, to guarantee an agreement is diminishing daily. Yet there are different consequences for the two parties. The consequences for the two parties are not equal.

The consequences for Egypt include, among other things, the fact that its military potential is more important to the other Arab States than it may have been. For Israel, the consequence is that the Persians have joined the Arabs in their opposition to the very existence of the Israeli State. When he was still in Paris, and being praised by officials of the United States, the Ayatollah Khomeini called for the "elimination" of the state of Israel.

In today's Washington Post you will find, again, a report that yesterday the ayatollah, in a national broadcast, called for his leaders to "root out" the remnants of "American, British, and Zionist colonialism" in Iran.

The threat to the very existence of the state of Israel is posed in the aftermath of the collapse of the most important Islamic power in the Middle East, and the United States acts as if the matter were insignificant in its effect upon the Israeli negotiators.

Mr. President, 10 days ago, on the 19th of February, in New York, I spoke to this matter, and stated what seemed to me to be the very grim prospect for renewed meetings between the Egyptians and the Israelis at Camp David.

I stated that it seemed to me that the prospects were increasingly perilous, and that we had not begun to assess what had to be the impact upon the negotiators.

What I said at that time was:

> I have said before that the Soviets show signs of behaving as if they believe they are now the militarily ascendant power—and that our own government is starting to behave as if it also believes this. The Soviet military buildup of the last decade is a fact. Its strategic and diplomatic implications may now be unfolding. A vast umbrella of Soviet strategic, conventional, and naval forces has been created; beneath it, it appears as if the Soviets can employ both internal and external violence with relative impunity, so as to advance their position in world affairs. What seemed unlikely a few years ago has now become routine—Afghanistan, being one form, the Soviet-underwritten invasion of Cambodia by Vietnam another variety.
>
> Now all these developments inform and influence the prospect of diplomacy in the Middle East. It is wrong and dangerous to think otherwise. For there remains in this country—and in Israel—a notion that the relationship between the two countries exists outside the usual framework of world affairs, the notion that there is a "special" relationship. I say to you today, the idea of Israel's exceptionality is increasingly without influence in the councils of government and in the workings of politics at large. And I must say, further, that the current disintegration in the Near East will be used as an argument for a further separation of American and Israeli interests, not as an argument for their strengthening and augmentation.

I ask unanimous consent that the entire address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Daniel Patrick Moynihan

In two days (February 21), Foreign Minister Dayan, Prime Minister Mustafa Khalis and Secretary of State Cyrus R. Vance, will meet at Camp David to resume negotiations for a formal peace treaty. The promise of the dramatic breakthrough at Camp David of last September 18 remains a tantalizing mirage on the horizon, still unsuspectible to concrete implementation. The outside observer finds it difficult to assess the possibilities for success. But this much is certain. The atmosphere of the coming round of Camp David talks is much different from that of four months ago.

What was implicit then is explicit now. The structure of Western influence in the strategic Middle East is crumbling before the eyes of the world. The pro-Soviet coup in Afghanistan of last April leads now to the murder of American Ambassador Adolph Dubs—with Soviet "advisors" having planned and helped carry out a reckless attack which resulted in the death of Ambassador Dubs. Still a greater breach of diplomatic procedure was the fact that this action was taken directly against the instructions of American officials in Kabul, the Soviets having refused to even consult with the American Embassy. The political movement directed against the Shah of Iran leads now to a struggle between those committed to a fundamentalist theocracy and those who seek a Marxist totalitarianism. And yesterday in Tehran the new government turned over the Israeli mission to Yasser Arafat who triumphantly proclaimed it the PLO's first embassy. The Iranian vice premier declined to say if the PLO would receive Iranian arms.

Those instruments of influence, customarily available to the United States in past years, appear now as pale reflections of their former selves. We read, for example, that 69 American Marines and six helicopters were mobilized to rescue American nationals in Iran, but that Turkey refused them landing rights. Our Secretary of Defense visited Saudi Arabia February 10 on a mission described as one of reassurance for traditional American friends in the region. Meantime, Boris Ponomarev, a non-voting member of the Soviet Politburo who has as his responsibility liaison with nongoverning Communist parties, "welcomed the victory of socialism in Iran." Usually, it is not the practice of such as Ponomarev to let the cat out of the bag prematurely; yet one senses in such a pronouncement an assertion of Soviet self-confidence, followed by an unstated, though strongly implied parenthesis: And there really isn't a hell of a lot you Americans can—or at least will—do about it.

I have said before that the Soviets show signs of behaving as if they believe they are now the militarily ascendant power—and that our own government is starting to behave as if it also believes this. The Soviet military buildup of the last decade is a fact. Its strategic and diplomatic implications may now be unfolding. A vast umbrella of Soviet strategic, conventional, and naval forces has been created; beneath it, it appears as if the Soviets can employ both internal and external violence with relative impunity, so as to advance their position in world affairs. What seemed unlikely a few years ago has now become routine—Afghanistan, being one form, the Soviet-underwritten invasion of Cambodia by Vietnam another variety.

Now all these developments inform and

influence the prospect of diplomacy in the Middle East. It is wrong and dangerous to think otherwise. For there remains in this country—and in Israel—a notion that the relationship between the two countries exists outside the usual framework of world affairs, the notion that there is a "special" relationship. I say to you today, the idea of Israel's exceptionality is increasingly without influence in the councils of government and in the workings of politics at large. And I must say, further, that the current disintegration in the Near East will be used as an argument for a further separation of American and Israeli interests, not as an argument for their strengthening and augmentation.

The signs of this are already apparent. The Department of State in its report on the human rights situation in countries receiving American assistance (released February 12) has in a certain sense joined the ideological assault directed against Israel. It does not matter that this is something our Secretary of State would not do on his own. It was done for him. It is an assault whose origins you know well. You remember the despicable United Nations resolution of November, 1975, which declared Zionism a form of racism and racial discrimination. In that obscene campaign, originating in the propaganda organs of the Soviet Union, one saw the Orwellian corruption of language at its zenith. Put plainly, this was an effort to equate Israel with Nazi Germany—horrible, almost impossible to absorb in its monstrosity—but that was the Soviet purpose. On November 10, 1975, I said in the General Assembly that "the United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act." Yet there is a plain and palpable effort, now, to define Israel as a unfit associate for the United States—and on human rights grounds. Not Syria. Not Iraq. Israel.

Why is this happening? It is happening in part because those who make the Middle East policies of the United States come increasingly to believe that the preservation of Democracies as such in the Middle East ought not to be a primary objective of our strategic policy. Instead, they are of the belief that the relationship with Israel is "irrational" in a proper strategic calculus. Sustained not because it is in the logical "national interest" of the United States, but because, and solely because, of the exigencies of domestic politics. They are of the belief that our backing ought to rest with states like Egypt and Saudi Arabia.

They believe, further, that the instability in the region derives primarily from a presumed "abnormality"—namely, that there is no Palestinian state to give political self-expression to the Palestinian Arabs.

If you do not believe this is so—especially as it relates to the question of preserving democracies as such—then you must look at the recent history of Lebanon. Soviet arms and Soviet clients—Syria, the PLO—have destroyed the Lebanese democracy. Indeed, in what is now a depressing pattern, our Ambassador to Lebanon, Francis Meloy was murdered in Beirut in June, 1976. Yet one searches in vain in American policy for something other than tacit acquiesence. And what is more, the defenders of Lebanon's constitutional order became "right wing Christians."

Perhaps it is too hard to imagine that it will become fashionable, sometime, to characterize the Israeli polity in this manner. Or perhaps that time is closer than one thinks. What is undeniable, however, is that there are already ample indications that the American government regards the workings of the Israeli polity with increasing distress. The American government manages to convey an air of studied exasperation with Israel's approach to the peace negotiations. You know the familiar references: "legalistic nitpicking," "interminable cabinet debates," "undue responsiveness to alleged extremist elements," and all the rest. In this view, the Israeli democracy becomes not an asset to the United States, but a bother.

What is lost, of course, is the sense that Israel cares about the terms of the treaty—cares about their precision—precisely because Israel intends to abide by the treaty once it is signed. Indeed, Israel is the only Middle Eastern government involved, directly or indirectly, which understands that commitments of their government are necessarily durable. For Israel is the only Middle Eastern state whose governmental system, whose fundamental political nature, *is* durable—in the sense that it can and will survive changes of governmental leadership.

States where governments and constitutions are as apt to be changed by assassination or military coup as not, tend to regard treaties as documents of convenience, not as long term commitments. The Israelis understand this, even if Americans may not. There is, for example, the case of the merger of Egypt, Libya, and Syria into the Federation of Arab Republics in 1971. That Federation has never normally been dissolved. The Constitution which binds the three states was formally ratified September 1, 1971 and is technically, I suppose, still in force. That Constitution states, inter alia, that the powers of the Federation, as distinct from those of its constituent members, include the following jurisdictions:

". . . prepare the basis of the foreign policy and standardize the policies of the republics in their international relations . . . . ratification of international treaties and agreements with foreign states and international organizations on matters that come under the Federation's jurisdiction." (Constitution of the Federation of Arab Republics, part II, Article 14, parts A and D.)

When one inquires of the State Department as to the meaning of this, as to its implications for the ability of Egypt to conclude treaties at all, one is told that the Federation is "moribund," that such unification schemes speckle inter-Arab history, and are "symbolic." And yet one is forced to ask: what can be more fundamental than a decision by a state to bind itself to another in the manner of the Federation of Arab Republics? Is it the case that Egypt will treat its solemn undertakings with other Arab states as moribund symbols, but its treaty with Israel as a solemn vow? More to the point what would the reaction of the American government be to any Israeli decision to scrap a treaty on the grounds that it had become "moribund," and, that consent to the treaty in the first place had been nothing but a "symbolic" act?

In fact, what is happening here is that Israel's view that law really matters is a kind of implied rebuke to an American government, which acts increasingly as if law doesn't matter. We live in a time when the language of law, especially international law and especially in the United Nations, has become perverted almost beyond recognition. Once again, in the manner of Orwell, naked aggression becomes "national liberation," state-sponsored terrorists become "freedom fighters," and acts of conquest and annexation are routinely acquiesced in. The United States, prime originator of the U.N. Charter and properly its prime custodian, hopes that the impulses that give rise to such behavior, will somehow dissolve of their own accord.

What is ultimately troubling about the posture of the United States toward Middle East diplomacy, however, is that the strategic rationale which underlies the persistent effort to "demystify" Israel is simply wrong. It is a rationale that is not in the strategic interest of the United States, nor of the Europeans nor the Japanese, nor of the "moderate" Arab regimes which still exist in the Region.

The effort to "shore up" Egypt and Saudi Arabia is surely well-taken, but it cannot be achieved at the expense of Israel's security or vitality. This is the point that must be made. If the Saudis, for example, are concerned about the American position in the Middle East, then they must be concerned about Israel. For Israel is *the* American position in the Middle East. If the Saudis or the Egyptians do not yet grasp this, they must be persuaded to. One needs only to remember that last January 13 when the United States ferried 12 F–15 fighter aircraft to Saudi Arabia as a show of support, those airplanes made a somewhat tortuous journey. Spain did not afford refueling privileges, and so they refueled at the Azores. Turkey, as was mentioned above, was not interested in allowing American helicopters to land there, even with the purpose of rescuing *Americans*. And so it goes.

What, exactly, does Saudi Arabia think the United States is going to do for it—without Israel? How do the Saudis believe that pro-Western influences will be brought to bear in the region generally if they urge upon the United States a strategy of pressuring and isolating Israel? Which is the better hope for stability over the longer run—Israel, or some People's Democratic Republic of Palestine?

It is not surprising, I suppose, that the American government is not making this case to moderate Arab States. For it needs, first, to understand it, itself. I see no indication that this is happening. And when one senses that the case is not being made inside the government, one feels obliged to make the case from the outside, as it were.

We must grasp, especially in the light of recent events, that there are powerful forces at work, manipulated by ruthless and brutal men who seek to transform the world order as we have known it. They seek especially the demise of the Democratic societies, for the flourishing of the democracies is the strongest obstacle to their ambitions. They are determined to remove those obstacles, and they have invested billions in acquiring the military power—plain military power—with which to do it. Meanwhile, the democracies have become a small band, outnumbered in quantity, but let us hope not in spirit or intelligence or in will power. It is now for the United States to rediscover—in the Middle East and elsewhere—where its true interests lie.

Mr. MOYNIHAN. Mr. President, I do not think that was a mistaken impression. The weekend that followed, the talks collapsed, and then our President stated that they had done so because of "absolutely insignificant differences, which are now creating insurmountable obstacles" to peace.

I ask, is our Government preparing to blame Israel for the collapse of these talks? Is it, in the pattern I spoke about on the 19th of February, commencing to make the case that intransigence on the part of the Israelis led to the failure of the hopes of Camp David? If so, this is shameful, because it is not true. The Israelis have acted throughout this matter as a party in earnest, pursuing their interests, but doing so in the context of the understanding that whatever they agree to they will abide by; an honorable sense of what the consequences of entering treaty agreements are. There has been no comparable or reciprocal concern on the other side.

In the interval, the position of Israel has been profoundly affected by the collapse of the former Government of Iran, by the coming to power of a government committed to the elimination of the Israeli state, by the open and really brazen assertion by Boris Ponomarev in Moscow that he "welcomed the victory of socialism in Iran," which could only be a phrase suggesting expansionist ambitions.

We have made no allowance for that change whatsoever. To the contrary, we are commencing to blame our own impotence in the Middle East upon the intransigence of Israel.

Mr. President, I do not wish to go beyond that statement save for two things: One, that what seems to be our present situation was foreseeable, and two, that we are in the danger of making a profound mistake if we are to blame our failures on the honorable and legitimate concerns of a small democratic nation in the Middle East, one of the remaining few in an increasingly totalitarian world.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

REBUTTAL OF 12 TREATY TERMINATION ACTIONS ARGUED BY STATE DEPARTMENT

Mr. GOLDWATER. Mr. President, after 2 months of waiting, the Justice and State Departments have finally filed a reply in court to the lawsuit I instituted on December 22, with 25 other Members of Congress, to test the constitutionality of President Carter's attempted abrogation of the defense treaty with Taiwan.

In an effort to support President Carter's totally unprecedented action, the executive branch is repeating its previously expressed claim that there are supposedly 12 precedents for the President's action.

Mr. President, my lawyers will file the appropriate response with the court in the near future as to matters of law. But the so-called precedents are not legal issues. They are matters of historical fact, and I would like to discuss them at this time.

Frankly, I am surprised at the flagrant omissions and distortions of the historical record which are made in the arguments presented on behalf of the President. These arguments are based on research done at the State Department. The President's case, in so far as it rests on these 12 claimed precedents, is filled with factual errors.

In the first place, 2 of the 12 incidents claimed for Presidential treaty termination do not even involve terminations. They are situations where Presidents first gave notice of terminations, but then pulled them back before either treaty was actually terminated.

Next, 2 of the 10 other treaties did not contain notice provisions. Since President Carter is basing the legality of his action on his purported right to give notice under a provision of the defense treaty itself, the two cases are not applicable where no such treaty provisions existed. In fact, these particular two treaties were cancelled after first being denounced by the foreign governments, a far cry from the situation of the Taiwan Defense Treaty where the other country wants the agreement to remain applicable.

That leaves eight incidents. The terminations of three of these treaties were necessitated by inconsistent acts of Congress. In this situation, the President is doing no more than acting under the implied authority of congressional statutes. It is well-settled by American courts that the last expression of sovereign will must control.

Another treaty termination clearly was authorized under no less than four separate acts of Congress. And another was terminated under the clear authority of a treaty later in time.

The final three treaties became inoperative under the well-settled principle of international law which holds that a treaty ceases to be binding when the basic conditions on which it was founded have ceased to exist or have essentially changed.

None of the 12 incidents involved a treaty of mutual defense.

Therefore, none of the incidents cited for Executive authority have anything to do with the Taiwan Defense Treaty. On the other hand, I have identified 51 treaties, which have been terminated with legislative action.

From this, the clear instruction of history is that treaties are generally terminated in the United States only with some form of legislative approval, either by the advice and consent of two-thirds of the Senate, or, as is the case with respect to the repeal of any other law, by a majority of both Houses of Congress, in each case in participation with the President.

Mr. President, my office has compiled a detailed, 27-page discussion of the 12 incidents relied upon the State Department as precedents for President Carter's action, and I ask that the paper be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

ANALYSIS OF 12 TREATY TERMINATIONS ARGUED BY STATE DEPARTMENT

(By J. Terry Emerson)

1. 1815: President Madison's administration exchanged correspondence with the Netherlands which allegedly established that the 1782 Treaty of Amity and Commerce had been annulled.

Analysis: There is strong historical evidence the treaty was not annulled in 1815, but remained in effect. Assuming the treaty was then annulled, the cause was the wartime destruction of one of the governments and nations, not independent Presidential power. Also, President Madison did not give notice of the treaty's termination; the foreign government first denounced the treaty.

Discussion: The Netherlands took the initiative in insisting the treaty of 1782 had expired because of the Napoleonic wars, during which the United Netherlands, with whom the treaty was made, was absorbed into the French Empire, entirely disappearing as a separate nation. After the war, it was transformed into a new nation unlike the original one. According to Samuel Crandall in his Treaties: Their Making and Enforcement, the state thus formed "differed in name, territory, and form of government from the state which had entered into the treaty of October 8, 1782, with the United States." (p. 429)

In response to a letter from the government of the new state, in 1815 Secretary of State Monroe appeared to acknowledge the Netherlands' claim that the treaty had been annulled. However, when Monroe became President, he himself repudiated this interpretation. His Secretary of State John Q. Adams argued in 1818 that the 1782 treaty was still operative. (U.S. Foreign Relations 722 et seq. (1873)) In 1831, the Supreme Court of North Carolina enforced the treaty as law in *University* v. *Miller*, 14 N.C. 188, 193.

At most, the incident is a precedent for termination of a treaty in agreement with the other government. Obviously, in the present case, the Republic of China wishes the 1954 treaty to remain in effect.

It is true that much later in 1873, the State Department informed the Minister of Holland that "The Treaty of 1782 is no longer binding on the parties." However, the State Department did not claim President Madison had terminated it. Rather, in a list of treaties that have been abrogated, which was prepared and published by the State Department in 1889, the Department included the Netherlands treaty under a category entitled "Treaties with Powers that have been absorbed into other nationalities."

The Department explained the termination of the treaty as follows:

The principle of public law which causes Treaties under such circumstance to be regarded as abrogated is thus stated: "The obligations of Treaties, even where some of their stipulations are in their terms perpetual, expire in case either of the contracting parties losses its existence as an independent State, or in case its internal constitution is so changed as to render the Treaty inapplicable to the new condition of things." (U.S. Treaties and Conventions 1776–1887 (1889), at 1236–1236).

Thus, the real ground for termination of the treaty, as interpreted by the State Department itself, is the extinction of the state with whom the treaty was originally made. As explained by most writers on international law, the execution of the treaties of a state are conditioned upon its power to exercise sovereignty and this power is lost when the state is extinguished by forcible annexation or absorption into another state. (*Research in International Law*, American Journal of International Supplement, vol. 29, 1935, p. 1165.)

From this it is clear President Madison did not cause the treaty's annulment by his independent action. The treaty expired automatically under a well-established principle of international law. In contrast, here President Carter seeks to terminate the defense treaty with the Republic of China by his own action and at his own initiative. The two situations are as different as day and night.

2. In 1899, President McKinley gave notice to the Swiss Government of intent "to arrest the operations" of certain articles of the 1850 Convention of Friendship, Commerce and Extradition.

Analysis: The Convention was superseded by a later Act of Congress inconsistent with the earlier treaty. That statute conferred implied authority on the President.

Discussion: The State Department in its memorandum of December 15, 1978, admits the Presidential notice "may have been necessitated by the Tariff Act of 1897." (p. 9) This disqualifies the incident as a precedent for notice where there is no accompanying legislative action.

Following enactment of the Tariff Act of 1897, the United States entered into an agreement with France under authority granted by that law. The Swiss government thereupon claimed the right to enjoy the same concessions for Swiss imports as was granted French products, but refused to make reciprocal concessions. The United States rejected the Swiss demand because, in the words of the State Department memo: "It was contrary to U.S. general policy and to the policy of the Tariff Act to make trade concessions in the absence of a reciprocal arrangement." (p. 9, emphasis added) Section 3 of the Tariff Act denied the President authority to negotiate trade agreements unless "reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States." (30 Stat. 203) Since Congress had passed a law clearly inconsistent with an earlier treaty, the President was compelled to enforce the later expression of legislative will.

This principle has been followed by the Supreme Court. In *Van der Weyde v. Ocean Transport Co.*, the court upheld the validity of executive termination of certain provisions of a treaty with Norway in conflict with the 1915 Seamen's Act, even though Congress had not specifically directed the President to terminate those particular provisions. The Court said it "was incumbent upon the President, charged with the conduct of negotiations with foreign governments and also with the duty to take care that the laws of the United States are faithfully executed, to reach a conclusion as to the inconsistency between the provisions of the treaty and the provisions of the new law." (297 U.S. 114, 118, (1936), emphasis added)

Rather than recognize any general power in the President to terminate treaties, the Court narrowly limited the President's right of termination to the single situation of an inconsistency between the treaty and another law, and then only because he is required to faithfully execute the laws, of which the later in time is superior.

As the Supreme Court has ruled on numerous occasions, nothing in the Constitution gives a treaty any superiority over an act of Congress: "[I]f the two are inconsistent, the one last in date will control the other." (*Head Money Cases*, 112, U.S. 580, 599 (1884); *Whitney v. Robertson*, 124 U.S. 190, 194 (1888); *The Chinese Exclusion Case*, 130 U.S. 581, 600 (1888); *Fong Yue Ting v. U.S.*, 149 U.S. 698, 720 (1893); *La Abra Silver Mining Co. v. U.S.*, 175 U.S. 423, 460 (1899))

Unlike the 1899 incident, there is no subsequent statute which President Carter claims is in conflict with the Mutual Defense Treaty of 1954. To the contrary, there are numerous statutes and treaties which reinforce the purpose of that treaty.

3. In 1920, President Wilson "by agreement" terminated the 1891 Treaty of Amity, Commerce, and Navigation with the Congo.

Analysis: The treaty was terminated following Congressional action affecting that treaty. It was denounced in its entirety by the foreign government, not by notice of the United States.

Discussion: In the Seamen's Act of 1915, Congress ordered President Wilson to notify several countries of the termination of all articles in treaties and conventions of the United States "in conflict with this act." (38 Stat. 1184) The authority of Congress to impose this obligation on the President was upheld by the Supreme Court in *Van der Weyde v. Ocean Transport Co.*, 297 U.S. 114, 118 (1936).

In accordance with this statutory mandate, President Wilson notified Belgium of his intention to terminate Article 5 of the 1891 treaty. (The treaty contained no provision for notice. It was originally concluded with the independent state of the Congo, which later came under Belgian control. The change of governments further weakens the incident as a precedent for termination of the Mutual Defense Treaty since the identical governmental authorities on Taiwan with whom we made the treaty are still in effective control of the treaty covered by that treaty.)

In view of the Congressionally-mandated termination of a substantive article of the treaty, Belgium replied that it wanted to terminate the entire treaty. A month later, Belgium sent a second note instructing the United States that its first note was intended as formal notice of termination of the treaty. In acknowledgement of this notice, the United States regarded the treaty as expiring one year later.

The situation is entirely different from the 1954 Mutual Defense Treaty with the Republic of China. The 1891 treaty was terminated with the agreement of both parties. The Republic of China, however, does not wish to terminate the 1954 treaty.

4. In 1927, President Coolidge gave notice of termination of the 1925 Convention with Mexico on the Prevention of Smuggling.

Analysis: The Convention was terminated during an unsettled period in relations with Mexico which caused a fundamental change in conditions essential to its continued effectiveness. The President did not inform Congress, depriving legislators of an opportunity to challenge his action.

Discussion: In 1927, United States relations with Mexico were unsettled because of alleged religious persecution within Mexico and confiscation of American-owned private and oil lands. In fact, President Coolidge claimed Mexico was smuggling arms and ammunition to revolutionists in Nicaragua, indicating Mexico was not a reliable treaty partner under a Convention relating to the prevention of smuggling of any articles.

During the period from March 1926, the effective date of the Convention, to March 1927, when notice of termination was given, President Coolidge enforced a strict embargo on the shipment of arms and ammunition to Mexico (see proclamation of January 7, 1924, Foreign Relations, 1924, vol. II, p. 428); Secretary of State Kellogg called in the Mexican Ambassador to protest mistreatment of American Catholics in Mexico, including their arrest and expulsion (Foreign Relations, 1927, vol. III, p. 639); the Mexican Government enacted laws for the confiscation of American-owned oil rights and agricultural lands and cancelled drilling permits previously issued to American companies, effectively suspending drilling operations (Foreign Relations, 1927, vol. III, pp. 180–182); Secretary of State Kellogg presented the Senate Foreign Relations Committee with documented evidence of Bolshevik plans to use Mexico as a base of operations against the United States (Foreign Relations, 1927, vol. I, p. 356); and in his annual address to Congress, President Coolidge criticized Mexico on the basis of "the most conclusive evidence," for supplying "arms and munitions in large quantities" to the revolutionists in Nicaragua, contrary to his requests for an embargo on such supplies (Foreign Relations, 1927, vol. III, p. 294).

As President Coolidge summed up the difficulties with Mexico in a speech on April 25, 1927:

"We have had claims against that country running over a long series of years, growing out of the death of many of our citizens and the loss of their property, running into hundreds of millions of dollars. A very considerable portion of these cases has been due to revolutionary activities and other forms of public violence. Public order has never been entirely complete in that country. But lately our difficulties have been increased by the enactment of laws by the Government itself, which we feel threaten the virtual confiscation of the property of our citizens, even where their holdings are under title which have been established for scores of years." (Id. p. 216).

President Coolidge explained that these laws were contrary to an understanding our government had reached with the President of Mexico in 1923, as a result of which we had recognized the government. (Id.)

In the circumstances, there was a dramatic change for the worse in relations between the United States and Mexico from March of 1926 to March of 1927, which made the anti-smuggling convention inapplicable. Although these conditions were not described in the notice of termination due to diplomatic niceties, their existence and effect upon the Convention are undeniable. Obviously, conditions presumed to be necessary for the enforcement of the Convention, stability, public order, and government willingness to implement it, did not exist.

The situation in Mexico in March of 1927 fits the classic circumstances for application of the principle of *rebus sic stantibus*. The doctrine is explained in an opinion by Acting Attorney General Biddle to President Roosevelt in 1941. That opinion holds that a treaty "ceases to be binding when the basic conditions upon which it was founded have essentially changed." (40 Opinions Attorneys' General 121)

Actually, Biddle's opinion is an official admission of the necessity for legislative concurrence in the decision to provide notice under a treaty provision relating to withdrawal. Although his opinion concluded that the International Load Line Convention governing ocean tanker loadage had become inoperative because of war conditions, he rejected any idea that the President alone could give notice under the convention itself. Biddle wrote: "It is not proposed that the United States denounce the convention under Article 25 (47 Stat. 2256), nor that it be otherwise abrogated. *Consequently, action by the Senate or by the Congress is not required.*" (Emphasis added)

Article 25 of the convention provided for withdrawal by any contracting government twelve months after notification to the other parties. The article is similar to Article X of the R.O.C. defense treaty. Thus, it is clear that Biddle believed legislative approval was necessary to authorize presidential action pursuant to the terms of a treaty in circumstances parallel to those asserted by President Carter as the sole ground for his unilateral action. According to the doctrine of the Biddle opinion, President Carter could not exercise the notice provision without further legislative authority. Nor could he invoke the principle of changed conditions as a purported basis of his right to give notice; the Biddle opinion makes it clear that action under the principle of *rebus sic stantibus* is entirely separable and distinct from action under the notice provision of a treaty.

The doctrine of *rebus sic stantibus* can be traced to principles of ordinary contract law. It is an implied condition of a contract (or treaty) known to the Framers of the Constitution and was given judicial recognition by Mr. Justice Davis, in the context of treaty law, in *Hooper* v. *United States*, 22 Court of Claims, 1887, p. 408. The doctrine is universally considered as an exception to the continuing validity of treaties and does not support any general rule of treaty termination by the Executive. (Crandall, Treaties, Their Making and Enforcement, 2d Ed., 1916, pp. 440–442)

President Carter has already rested his action solely upon his interpretation of the notice provision in the defense treaty; but in any event he could not invoke *rebus sic stantibus* as to the ROC treaty. For an essential requirement of the doctrine is that the change in conditions must not be the result of action by the party seeking to involve it. (See 1969 Vienna Convention on the Law of Treaties, Articles 61, 62; Restatement of the Law 2d, Foreign Relations Law of the U.S., 1965, pp. 467–470)

Moreover, the Coolidge incident is not a valid precedent since Congress was not informed of the notice at the time and thus it went unchallenged.

5. In 1933, President Roosevelt withdrew the United States from the 1927 Convention for the Abolition of Import and Export Prohibitions and Restrictions.

Analysis: The 1927 Convention was inconsistent with and had a restrictive effect on the National Industrial Recovery Act of 1933. Therefore, the President applied the later expression of Congressional will. It also was terminated due to a fundamental change in conditions, not the result of any action by the United States.

Discussion: The official papers published in connection with the termination of the 1927 Import-Export Convention prove that the provisions of the National Industrial Recovery Act, a later statute, were instrumental in moving the President to give notice. (W. McClure, 1941, *International Executive Agreements*, p. 18)

On June 19, 1933, Acting Secretary of State Phillips initiated steps towards withdrawal from the agreement by writing the Chairman of the American Delegation to the Monetary and Economic Conference, Cordell Hull, as follows: "This action by the British Government (withdrawal) and certain provisions of the new Recovery Act which authorize the President to license imports and impose embargoes make it imperative that we give immediate consideration to the question of what the United States should do in respect of this Convention." Emphasis added. (Foreign Relations, 1933, vol. 1, p. 784) Thus, Secretary Phillips expressly identified the Recovery Act as one of the developments which made it "imperative" to consider denouncing the convention.

Hull's reply of June 23, 1933, makes it clear that the statute was unmentioned in the U.S. notice not because it was not significant to our decision, but because of diplomatic posturing. He recommended that we withdraw, but in such a way "that it not be construed as evidence of any new decision by the Government to shape its policy on domestic, rather than on international lines." Accordingly, the official notice concealed the relationship of the domestic Recovery Act to our decision as originally emphasized by Secretary Phillips. (*Id.*, pp. 784–785)

The incident stands as no more than an example of the President implementing the latest expression of Congressional intent. Since the President cannot enforce two laws which are in conflict, as the 1927 convention and 1933 statute were, he is compelled to select the one which reflects the current will of Congress. (*Presidential Amendment and Termination of Treaties: The Case of the Warsaw Convention*, 34 U. Chic. L. Rev., 1967, p. 592)

As mentioned, the U.S. Government notice gave as the sole reason for withdrawal the fact that several other nations had already withdrawn, thereby defeating the original purpose and assumption for the convention. Eleven countries out of an anticipated original 19 had ceased to be bound by the convention on June 20, 1933, when the United States gave its notice. Accordingly, our notice stated that while it "had been hoped that the principle embodied in the convention would be widely accepted", the "reverse" has been true.

These circumstances fit the classic example of *rebus sic stantibus*, where a basic set of conditions or expectations were assumed to exist as the basis for carrying out the treaty, but due to changed conditions, those original purposes or expectations are no longer present. When such a fundamental change occurs, the treaty is no longer operative or binding.

The principle was recognized by Mr. Justice Davis, who wrote, in *Hooper* v. *United States*, that a "treaty might be construed as abrogated when material circumstances on which it rested changed." (22 Court of Claims 408 (1887)).

Thus, rather than asserting any general power to withdraw the nation from all treaties having a notice provision, President Roosevelt's 1933 notice itself clearly limits the basis of his action to the change in conditions. As the State Department memo states: "A convention on the abolition of import and export prohibitions and restrictions clearly needed widespread acceptance to be effective . . ." (p. 18)

In contrast to the 1927 convention, there is no change in circumstances which prevents the 1954 Mutual Defense Treaty from being effective. The same regime with which we concluded the treaty remains in effective control of the territory of Taiwan and the Pecadores, regardless of derecognition. The territory governed by those authorities remains a critical and strategic link in the entire chain of Pacific Basin security bases from which the United States supports its national security and the security of allies with whom we have formal defense treaties. And, in view of the current massive invasion by the People's Republic of China across its entire joint border with Vietnam, supported by an invasion force of 250,000 troops, Taiwan's need for protection under the defense treaty is greater than ever.

Even if derecognition were viewed as a basic change, it cannot be invoked as a reason for terminating the 1954 treaty. Under customary international law, a nation cannot use a change of conditions as a ground for terminating a treaty if the change is the result of its own action, inconsistent with the original purposes of the treaty.

In any event, President Carter is not asserting changed circumstances as a ground of his notice; he claims implied authority solely under the notice provision of the treaty. Thus, the 1933 incident has no similarity to the present case.

6. In 1933, President Roosevelt gave notice of termination of the 1931 Treaty of Extradition with Greece.

Analysis: The treaty was not terminated. Notice was withdrawn. The sole basis for the President's notice was violation of the treaty by the other nation, an exception that does not apply to the Republic of China.

Discussion: The incident is not a precedent for Presidential treaty termination because the treaty was not terminated. President Roosevelt did give notice, but withdrew it. Whether he would have completed the termination is speculation; the strongest evidence points to his purpose only of using the threat of termination as pressure for negotiating purposes.

The President's action was initiated because Greece had refused to extradite an individual accused of fraud as required under the extradition agreement. Clearly, his action was founded on the fact the treaty had already been violated by breach of the other party. The President may have power to determine that a treaty has become void in this narrow situation under the principle of traditional contract law whereby a party is released from a contract obligation if the other party is guilty of a substantial breach.

In *Ex parte Charlton*, the Supreme Court appears to have recognized the principle of termination in case of adverse breach. In this case, the Supreme Court held that a violation of the obligation of a treaty which, in international law, would have justified the United States in denouncing it, makes the treaty "only voidable" and not automatically "void." There the court said the Executive Branch chose to waive the right to free the United States from the 1884 extradition treaty with Italy after that country refused to surrender its citizens as agreed under the treaty. (229 U.S. 447 (1931))

The Department of State has previously recognized the existence of an exception to the power to terminate treaties based upon "the principles governing the operation of contracts." (See memorandum prepared by Secretary of State Hughes, October 8, 1921, reprinted in Hackworth, Digest of International Law, 1943, vol. V, pp. 324–326, especially p. 325.) As Secretary of State Rusk testified in 1963, relative to a possible breach by the Soviet Union of limits on nuclear testing, "it is clearly established . . . that where the essential consideration in a treaty or agreement fails through violation on the other side that we ourselves are freed from those limitations." (Hearings before the Senate Comm. on Foreign Relations on the Test Ban Treaty, 88th Cong., 1st Sess., p. 37) Secretary Rusk submitted a legal brief on this exception to the Senate Committee which specifically distinguished between withdrawal by invoking the notice provision of a treaty and the right of voiding the treaty because of a breach by the other government. (See opinion, dated August 12, 1963, of the Legal Adviser, *id.*, pp. 37–40).

Accordingly, the principle of termination because of breach by another party is recognized by the State Department itself as a limited power which is entirely different from any authority conferred by the notice clause of a treaty. Obviously, the principle has no application to the defense treaty with the Republic of China. Here President Carter is purportedly acting solely under the notice provision. He has not attempted to invoke the principle of violation by another party, nor could he. There is no allegation that the Republic of China has failed in any sense whatever to meet its obligations under the defense treaty. In contrast, the 1933 notice by President Roosevelt clearly identified the violation by Greece of the treaty as the reason for the notice.

7. In 1936, President Roosevelt signed a protocol agreeing with Italy to terminate the 1871 Treaty of Commerce and Navigation.

Analysis: The 1871 treaty had become inconsistent with a later Act of Congress which conferred implied authority upon the President. Also, the treaty was terminated in joint action with the other country by a protocol mutually agreed upon. In contrast, the Republic of China wishes to keep in effect the 1954 defense treaty.

Discussion: President Roosevelt's action in agreeing with Italy to terminate the 1871 treaty arose directly out of and was tied to the 1934 trade law enacted by Congress. That law authorized the President to suspend beneficial duties to imports from any country discriminating against our exports. Since American commerce was being subjected to what the State Department described as "highly prejudicial treatment" by the trade control measures of Italy, the Department warned the President he "would be placed in the position of having to choose between the execution of the act and observance of the treaty."

In order to avoid being forced to breach the treaty or ignore the obvious intent of the statute, the State Department advised the President to notify Italy of our intent to terminate the treaty. (G. Hackworth, 5 Digest of International Law 330–331 (1943)).

Thus, the statute conferred implied authority on the President to take action leading to termination of the treaty. In the present case, President Carter has no implied or express authority under a separate statute.

Moreover, instead of giving the initial, formal notice to Italy of the treaty's termination as suggested, President Roosevelt approved a joint protocol entered into between the United States and Italy announcing the intention of each government to terminate the treaty. Thus, the treaty was not cancelled by Presidential notice alone, as is proposed in the case of the 1954 treaty with the Republic of China, but by mutual agreement with the other government.

8. In 1939, President Roosevelt gave notice of termination of the 1911 Treaty of Commerce and Navigation with Japan.

Analysis: The 1911 commercial treaty was clearly terminated pursuant to national policy authorized by the Nine Power Treaty of 1922. Also the 1911 treaty had become inoperative due to wartime conditions.

Discussion: The termination of the 1911 commercial treaty with Japan is not an example of independent Presidential power. Under the Treaty on Principles and Policies Concerning China of 1922, known as the Nine Power Agreement, the United States was bound to participate with other governments in respecting the territorial integrity of China. In the first article of that treaty, the contracting governments pledged to "respect the sovereignty, the independence, and the territorial and administrative integrity of China," promised to give China the opportunity to develop a stable government, and to respect an open door for commerce and industry. (Foreign Relations, 1922, vol. I, pp. 278–279)

As early as February of 1932, Secretary of State Stimson made it clear this treaty was being violated by Japan. He hinted future American action to implement our responsibilities under the treaty and was a well-known advocate of strong economic sanctions against Japan as a means of pressuring her to uphold the Nine Power Treaty and the Kellogg-Briand Pact of 1928, which purportedly renounced war as an instrument of national policy. (See text of letter reprinted in 84 Cong. Rec. 10751–10752; as to Stimson's approach to Japan, see W. Neumann, *America Encounters Japan*, 1963, pp. 195–201)

Partly because Japan was the third largest purchaser of American exports at a time when foreign trade was considered vital to economic recovery, President Hoover and then President Roosevelt refused at first to be pushed into extreme acts of economic warfare against Japan. But continued Japanese aggression and the U.S. commitment to China caused a turn in American policy. (Neumann, *id.*, pp. 212–227)

For in the early 1930's, Japan repudiated the Kellogg-Briand Pact, withdrew from the 1921 treaty restricting naval fleets, and overran Manchuria. After she entered upon all-out war against China in 1937, it was apparent that Imperial Japan had the same designs in the Far East that Nazi Germany had in Europe. (Barck, Wakefield, Lefler, *The United States: A Survey of National Development*, 1950, pp. 899–900)

The outbreak of war in 1937 led to strong public appeals for a boycott of Japanese goods and for the application of other economic pressures which would cause Japan to withdraw from China. President Roosevelt moved in the direction of this changing public opinion when he made his famous "Quarantine" speech on October 5, 1937. In this speech, he declared that war was becoming a contagion whose spread could be stopped only by a "quarantine" against aggressors. The Japanese made a partial answer to this speech on December 12, 1937, when their planes sunk the U.S. gunboat Panay in the Yangtze River, with the loss of two dead and 30 wounded, and destroyed three American merchantmen.

According to historian William Neumann, "the subject of economic sanctions was studied and discussed in the State Department" throughout 1938. (Neumann, *id.*, p. 253) In fact, by the middle of 1938, the State Department informed all manufacturers and exporters of aircraft and airplane parts that it frowned upon the sale of such commodities to countries, as Japan, which indiscriminately bombed civilians. In 1939, this voluntary ban was extended to high octane gasoline. These warnings were heeded by the producers with the result that a virtual embargo on planes, parts and gasoline was raised against Japan. In a similar approach, the State Department gradually ended the extension of credit to Japan by American citizens after 1938. (Barck, Wakefield, Lefler, *id.*, p. 904)

Stanley K. Hornbeck, Adviser on Political Relations to the Secretary of State, was one of the most influential believers in economic pressure as an instrument of American policy in Asia. In December of 1938, he specifically proposed to Secretary Hull the denunciation of the 1911 commercial treaty with Japan in order to clear away legal difficulties to such a program of economic sanctions. (Neumann, *id.*, pp. 240-246, 253)

Thus, in July of 1939, when Secretary Hull finally informed Tokyo that the United States would abrogate the commercial treaty, his action was part-and-parcel of an ongoing American embargo that had already been mounted against Japan, primarily by moral persuasion. Neumann writes that termination of the commercial treaty was necessary to enable the Roosevelt administration "to begin full scale economic war against Japan" as a measure designed to help China. (Neumann, *id.*, pp. 254–255)

In similar vein, Charles E. Neu writes that Roosevelt gave notice so that "the way would be open for trade restrictions" which would warn Tokyo and "strengthen the morale of China." (Neu, *The Troubled Encounter: The United States and Japan*, 1975, p. 163) And James H. Herzog writes that with notice of the treaty's termination, the United States had taken a positive step "which would allow economic sanctions to be used against Japan." He, too, specifically links the notice with Japan's aggression against China. (Herzog, *Closing the Open Door: American-Japanese Diplomatic Negotiations 1936–1941*, 1973, pp. 46–47)

From this, it is undeniable that the notice was an integral part of American policy which took a no-compromise stand on behalf of the territorial integrity of China. Clearly, this policy of morality on behalf of the welfare of China was exactly the type of governmental action contemplated and authorized by the Nine Power Treaty. Thus, President Roosevelt's notice was authorized by a formal treaty ratified with the advice and consent of the Senate.

The aggression by Japan, even against U.S. vessels, also created a fundamental change in circumstances not the result of our personal actions. Absent a Supreme Court decision of the issue, it is not known whether the President acts legally when he invokes the doctrine of *rebus sic stantibus, but* this principle of international law would at least have given President Roosevelt an additional plausible ground for independent action.

In the present case, neither any asserted authority under a related treaty subsequent in time to the 1954 treaty, nor the principle of *rebus sic stantibus* has been invoked by President Carter.

9. In 1944, President Roosevelt gave notice of denunciation of the 1929 Protocol to the Inter-American Convention for Trademark and Commercial Protection.

Analysis: Denunciation of the 1929 Protocol is at most an example of an international agreement becoming inoperative when the basic conditions upon which it was founded have essentially changed and the change is not the result of any action by the nation deciding to withdraw. Moreover, Congress was not informed of the notice and was denied any opportunity to challenge the action.

Discussion: The notice of denunciation of the 1929 protocol expressly stated that it had failed to serve any purpose. Secretary of State Hull explained the United States had decided to withdraw from the protocol "in view of past ineffectiveness and absence of any evidence of future increased activity."

Accordingly, the situation fits the classic case of invoking the principle of international law known as *rebus sic stantibus*, described in an Attorneys' General Opinion of July 28, 1941, as "a declaration of the inoperativeness of a treaty which is no longer binding because the conditions essential to its continued effectiveness no longer pertain." (40 OP. A.G. 119)

Even so, the incident may have been an improper exercise of power by the President. Assuming for the sake of argument, however, that the notice was legally made, the action can be explained under the principles of ordinary contract law. The principle of *rebus sic stantibus* was known to international law authorities at the time of the Constitutional Convention of 1787. Vattel, Grotius and other writers, whose works were read by several of the Framers, each mentioned that one of the implied conditions inherent in public contracts, such as a treaty, was the right of a government to consider itself no longer bound by the agreement when fundamental conditions assumed as the basis of the contract no longer existed.

There is no similar, well-established principle of international law, however, providing that in a government of divided powers as ours, the Executive alone possesses a general power of treaty termination. The principle of *rebus sic stantibus* does not apply to President Carter's notice affecting the treaty with the Republic of China; nor has he sought to invoke the principle. Rather, he is claiming a general power of terminating any treaty which includes a notice provision regardless of any special surrounding circumstances.

Moreover, the State Department memo admits at page 27 that there "was no prior or subsequent communication" of the 1944 notice with the Senate or Congress. Thus, the notice was in effect kept secret from Congress and did not present an opportunity for challenge in the courts.

10. In 1954, President Eisenhower gave notice of withdrawal from the 1923 Convention on Uniformity of Nomenclature for the Classification of Merchandise.

Analysis: The United States withdrew from the 1923 Convention because it had been "rendered inapplicable" by a basic change in conditions not the result of our governments' actions. Also, termination of the Convention was done with the agreement of other parties.

Discussion: The 1954 notice is a classic example of the application of the principle of international law known as *rebus sic stantibus*, discussed above.

The 1923 Convention relied on use of the Brussels nomenclature of 1913 in statistical reporting of international commerce. In the words of the State Department memo, at page 29, "the Brussels system of 1913 had become outdated."

In 1950, the United Nations Economic and Social Council had urged governments to use a new system known as the Standard International Trade Classification instead of the Brussels system. Then in 1954, the 10th Inter-American Conference of American States adopted a resolution on customs nomenclature which specifically declared that "the Brussels nomenclature of 1913 has become outdated and has thereby rendered inapplicable the Santiago Convention on Uniformity of Nomenclature for the Classification of Merchandise . . . " The resolution urged member nations to abandon the 1923 Convention and adopt the new United Nations-sponsored system.

The United States notice of withdrawal from the convention acted upon the wide agreement of other governments, who were parties to it, that the convention was no longer applicable to current conditions. It is obvious a fundamental change of conditions had occurred. If the basic system of statistical reporting had become "outdated" and governments generally wished to adopt a new system to replace the old, and if governments generally viewed this change as having "rendered inapplicable" the 1923 Convention which utilized the earlier reporting system, these facts surely must constitute a fundamental change in the basic conditions upon which the convention was founded.

Unlike the situation as to the 1923 convention, there is no argument by President Carter that a basic element of the Mutual Defense Treaty with the Republic of China has become "outdated." Nor is there any claim the defense treaty has been "rendered inapplicable." To the contrary, it has an even greater significance to the people and authorities of Taiwan after the recognition of the Peoples Republic of China by the United States; and it remains significant to United States security interests in the Pacific Basin.

Moreover, unlike the situation with the 1923 convention, where there was widespread agreement among parties to the convention that it should be abandoned, here the Republic of China wishes to keep the defense treaty in effect. Whatever the President's power may be to act by agreement with other parties to a treaty in denouncing it, this does not create a general power of unilaterally deciding to withdraw from a bilateral treaty when the other nation does not agree or join his action.

One of the specific defects meant to be corrected by the Framers of the Constitution was the unfaithfulness of the United States under the Articles of the Confederation in keeping its treaty obligations. Several of the Framers declared the Constitution was supposed to aid in restoring respect to the United States as a treaty partner. Thus, it is exactly the easy escape from a treaty represented by President Carter's unilateral notice, not in agreement with our foreign treaty partner, that the Framers wanted to prevent.

11. In 1962, President Kennedy gave notice of termination of the 1902 Convention on Commercial Relations with Cuba.

Analysis: The President's action clearly was authorized by several statutes and one other treaty.

Discussion: The termination of the 1902 commercial convention was an integral part of the U.S. economic embargo of Castro Cuba, declared on February 2, 1962, in which we were joined by the Organization of American States. (13 CQ Almanac 295–298, 331, 333 (1962)).

President Kennedy's notice of August 21, 1962, occurred only eight weeks before the naval blockade of Cuba. He had ample authority to impose a trade embargo under provisions of the Foreign Assistance Act of 1961, the Export-Control Act of 1948, the Trading with the Energy Act, and Battle Act of 1954. Termination of the convention was also authorized pursuant to the Inter-American Treaty of Reciprocal Assistance of 1947, which contemplated a "partial or complete interruption of economic relations" as a means of enforcement. Thus, notice of terminating the commercial convention was given pursuant to a national policy authorized and developed with full legislative participation.

Moreover, the notice may have been authorized under implied authority conferred by Congress when it enacted the Tariff Act of 1945 (59 Stat. 410).

Under the specific authority granted by this statute, the United States Government had entered into numerous trade agreements with other nations by executive agreement through the General Agreement on Tariffs and Trade (GATT). Pursuant to authority delegated by the same trade statute, the commercial treaty with Cuba had already been suspended by an executive agreement with Cuba in 1947. Then, only three months before President Kennedy gave notice, Congress itself effectively suspended the operation of the 1902 treaty by enacting section 401 of the Tariff Classification Act of 1962 on May 21, 1962 (76 Stat. 72, 78). In this provision, Congress declared that Cuba was dominated or controlled by the Soviet Union and mandated suspension of tariff preferences for Cuban articles and suspension of the Act of December 17, 1903, and section 316 of the Tariff Act of 1930, both relating to implementation of the 1902 treaty. The fact that Congress specifically addressed the 1902 treaty shortly before notice was given is clear evidence that termination was linked to punitive measures against Communist Cuba.

Assuming, for the sake of discussion, that notice of termination would have occurred even had the United States not instituted an embargo of Cuba, the notice would still have been authorized by the enabling statute which set in motion the GATT process on the part of the United States. Thus, in either event, the President's action was exercised under authority delegated by Acts of Congress. In contrast, there is no past or current statute which is cited as having any plausible bearing on the notice given by President Carter. His notice was given in the absence of any separate, supporting legislative enactment and rests solely on the President's unilateral and self-serving interpretation of the Mutual Defense Treaty.

12. In 1965, President Johnson gave notice of denunciation of the 1929 Warsaw Convention limiting claims by passengers on international air carriers.

Analysis: Our government's participation in the Convention was not terminated; President Johnson withdrew the notice. It is not a precedent for Presidential termination. The Convention was widely viewed in this country as being outdated and, in fact, was being ignored by American courts. At most, the incident is an example of a treaty becoming inoperative due to changed conditions.

Discussion: The United States did not withdraw from the Warsaw Convention. It is pure speculation to assume President Johnson would have denounced the agreement unilaterally. To the contrary, it appears he used the threat of U.S. withdrawal as leverage in negotiations with other nations leading to acceptance of a protocol to the convention favorable to our wishes for a sizable increase in the ceiling on claims awarded to air passengers. The incident is not a precedent for Presidential termination of a treaty because President Johnson did not actually denounce a treaty.

There was strong support in the Senate and the country for U.S. withdrawal from the convention. An unfortunate tragedy had befallen then Senator Capehart, whose son and daughter-in-law were killed in a plane crash in Jamaica on January 21, 1960, leaving four young children orphaned. The survivors were clearly entitled to recover damages against the grossly negligent airline, however the Warsaw Convention limited liability to $8,300. Lawyers for the airline literally waved the convention in Senator Capehart's face in refusing initially to pay a realistic award to his relatives. Only court proceedings eventually forced the airline to settle at a higher amount.

With the personal experience of one of their colleagues much in mind, many Senators were revolted at the deficiencies in the Warsaw Convention. Their attitude was reinforced by testimony before the Foreign Relations Committee by trial attorneys who demonstrated that the convention was "outdated, archaic" and further that the proposed Hague Protocol to the convention was inadequate in lifting airline liability to a sufficient amount.

It was established at the Senate hearings that American courts had successfully avoided the limits of the convention by developing a judicial principle which allowed exceptions to the convention in cases of "willful misconduct" by an airline. The exception had become the norm in U.S. courts and the convention had been effectively replaced by legal practice. (Hearings on the Hague Protocol before Senate Foreign Relations Committee, 89th Cong., 1st Sess., 1965, at 41, 59).

In this setting, there was a basic change in conditions. The convention had become inapplicable in U.S. courts and outdated as practical matter. Moreover, its original purpose had been met. It was adopted to help fledging airlines, now become strong carriers. If President Johnson had denounced it, his action would have been consistent with the principle of international law known as *rebus sic stantibus*, discussed above. The principle has no application to the defense treaty with the Republic of China. Unlike the history of the Warsaw Convention in the mid-1960's, there is no line of consistent judicial decisions disregarding the defense treaty. There is no similarity between the two situations.

Moreover, as Lee S. Kreindler, Chairman, Aviation Law Section, American Trial Lawyers Association, testified at the Senate Committee hearings: "It should be pointed out that the Warsaw Convention is a 'private law' treaty which only regulates rights and liabilities as between private individuals and corporations. It does not involve real interests of governments as such. Whatever reluctance there might be to withdraw from a public law treaty involving the performance of governmental responsibilities, it does not apply to the Warsaw Convention which only regulates rights between private persons." (Hearings at 106)

Thus, there is a critical difference between the Warsaw Convention and the Mutual Defense Treaty. The latter is a "public" treaty involving the performance of governmental duties. Even if, for the sake of argument, the President has power to terminate treaties involving "private rights," it does not follow that he has power to revoke a treaty which involves fundamental policy for the country on a matter of vital interest to all the people.

It is true, 29 Senators joined in sponsoring a Senate Resolution urging President Johnson to denounce the Warsaw Convention. The resolution was introduced several months after he had given notice and anticipated that the notice might be withdrawn. It is wrong to infer from this that the 29 Senators, or majority of the Senate, believed the President possessed authority to denounce the convention absent legislative action. In fact, the very act of introducing or cosponsoring the legislation was an affirmative action which in the normal process of legislative activity would result, if successful, in a grant of authority or ratification by the Senate of Presidential action as required by the Constitution. From this, the logical conclusion is that the Senators sponsoring the resolution believed legislative participation was necessary to fullfill the decision to denounce the convention.

THE CASE AGAINST SALT II

Mr. GOLDWATER. Mr. President, the coming debate on SALT II promises to be a very interesting one and the results of the debate probably as important to the future of peace in the world and the peace of our country as anything we have undertaken in recent years. Mr. Eugene V. Rostow, who is sterling professor of law at Yale, has written a commentary, a very understandable, intelligent argument against SALT II. For the benefit of my colleagues I ask that it be printed at this point in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST SALT II

(By Eugene V. Rostow)

> In human disputation justice is only agreed on when the necessity is equal; whereas they that have the odds of power exact as much as they can, and the weak yield to such conditions as they can get—THUCYDIDES, *History of the Peloponnesian War*

Over the last century, the yearning for peace has given rise—especially Great Britain, the United States, Scandinavia, the Netherlands, and Canada—to the belief that disarmament agreements, or agreements for arms limitation are an important means for securing peace. It would be more accurate to say that settled expectations of peace between nations result in disarmament. When neighbors share the same goals, agreements on arms limitation or disarmament can be of marginal utility. For example, the celebrated agreement between Great Britain and the United States providing that no warships be stationed in the Great Lakes has become the symbol for the general policy of Canada and the United States with respect to their common border. And many countries have had unarmed borders for years without benefit of a formal treaty. But the enthusiastic advocates of arms limitation treaties tend to forget that such agreements cannot achieve their goals when some of the parties pursue quite different policies.

The arguments made for SALT II today are the same as those put forward on behalf of the Washington Naval Treaty of 1922 and the other arms-limitation and arms-reduction arrangements on which the Western governments lavished so much time, attention, and hope during the 20's and 30's.

The Washington Naval Treaty and its progeny did not prevent Pearl Harbor. We, the British, and the French, lulled by the treaty, and hardpressed in any event to find money for naval-building programs, let our navies slide. We did not build our full quotas or modernize our ships. The Japanese and later the Germans, on the other hand, took full advantage of their quotas. We should recall what the phrase "pocket battleship" meant. The pocket battleship, which the Japanese and the Germans used with such great effect in World War II, was a cruiser with the striking power of a battleship—a powerful modern man-of-war built within the tonnage limits of the treaty.

The post-World War I arms-limitation agreements—demilitarization of the Rhineland as well as the various naval agreements—failed to prevent World War II. Indeed, those agreements helped to bring on World War II, by reinforcing the blind and willful optimism of the West, thus inhibiting the possibility of military preparedness and diplomatic actions through which Britain and France could easily have deterred the war. Churchill never tired of pointing out that World War II should be called the "Unnecessary War," a war which Anglo-French diplomacy could have prevented.

Despite this melancholy history, we are told everywhere that the SALT II agreement now in the final stages of negotiation will be "politically stabilizing"; and that the breakdown of the SALT negotiations, or the rejection of the prospective treaty by the Senate, would "end detente," "bring back the cold war," increase the risk of nuclear and of conventional war, and revive "the arms race," which would cost us another $20, $70, or $100 billion.

Emotionally and politically, this is the strongest argument for ratification: that even a bad agreement with the Soviet Union is better than no agreement at all. The issue presented by SALT, Senator George McGovern has said, is that "the alternative to arms control and detente is the bankruptcy and death of civilization." And in a speech in London on December 9, Secretary of State Vance said that "without an agreement, our technological and economic strength would enable us to match any strategic buildup, but a good agreement can provide more security with lower risk and cost. And we recognize that without SALT the strategic competition could infect the whole East-West political relationship, damaging the effort to create a less dangerous world which is at the heart of Western foreign policies.' Since, however, we were infinitely more secure without an arms-limitation agreement during the period 1945-72 than we have been since, the logic of this argument is not immediately apparent.

The claim that a SALT II agreement would be politically stabilizing, and would foster Soviet-American cooperation in other areas, is just as empty. We have had the Interim Strategic Arms Limitation Agreement with the Soviet Union—SALT I—since 1972. Far from stabilizing world politics, the Interim Agreement has been an important structural feature of the most turbulent and dangerous period of the cold war (the period ironically known as "détente").

Thus, during the six-and-a-half years following President Nixon's trip to Moscow in 1972, we have endured a series of major Soviet offensives. First, the Soviet Union defaulted on its obligations as a guarantor of the peace agreements of 1973 in Indochina. These agreements, for which Mr. Kissinger received a Nobel Prize, were treated by the Soviet Union as scraps of paper. The final North Vietnamese invasions of South Vietnam in 1974 could never have taken place without Soviet equipment and other help. Then the Soviet Union, which had promised President Nixon to cooperate with him in seeking peace in the Middle East, violated those promises by supplying, planning, encouraging, and even participating in the Arab aggression against Israel in October 1973.

So far as the 1972 Interim Agreement itself is concerned, Secretary of State Rogers testified to the Senate that we had made a number of unilateral interpretations of the agreement and that we should regard any breach of these policies by the Soviet Union as a violation of the "spirit" of the treaty. All these unilateral interpretations of the agreement were violated by the Soviet Union. We did nothing about them.

But the ultimate absurdity is the claim that SALT II would limit or reduce either arms or arms expenditures. The one thing the 1972 Interim Agreement on Offensive Strategic Arms did *not* do was to limit Soviet arms development or expenditure, or the growth of the Soviet nuclear arsenal.

The SALT I Interim Agreement was presented to Congress and the country with fanfares from President Nixon, Secretary of Defense Laird, and Mr. Kissinger, as he then was. We were assured that the agreement would slow down the Soviet buildup of strategic offensive weapons; discourage the Soviets from adopting counterforce strategies; and enhance peace and our security in other unspecified ways. But the principal claim made for the agreement was that it would apply "brakes to the momentum of Soviet strategic missile deployments," in Secretary Laird's words.

Yet instead of stabilizing or reducing its strategic offensive strength during the period of the Interim Agreement, the Soviet Union has moved ahead rapidly: far more rapidly, in fact, than had been predicted as possible by American intelligence. It has successfully MIRVed (that is, placed several warheads on a single missile) its ICBM (intercontinental ballistic missile) forces, taking advantage of their greater delivery capacity (throw-weight) to develop missiles with as many as 10 warheads per missile, as compared with 3 on our Minuteman III missile. It has improved the accuracy of its missiles and developed new and improved missiles to replace older ones within its forces. One of the most significant of these developments is the Soviet production of mobile ICBM's. President Carter has said that the Soviet Union has actually deployed mobile ICBM's.

Whether or not this has happened to a significant extent, the experts agree that the Soviet Union could do so quickly and on a large scale. Mobile ICBM's would completely alter the nuclear equation, making ICBM's almost as elusive as submarines, and making it impossible, or much more difficult, to target a nuclear strike against them. The Soviet Union has also adopted "cold-launch" methods which permit a greater throw-weight with a given missile, and the more rapid reloading of a launcher after use.

As a result of these changes, the Soviet strategic nuclear force has been radically enlarged since 1972 in all categories and, according to present estimates, will be far stronger by the early 1980's. At the time of the Interim Agreement, the aggregate throw-weight of the Soviet ICBM's was twice that of the American force. In the early 1980's, it will be about four times as large. The throw-weight of our own ICBM's is unchanged, and is not expected to change during the treaty period.

The Soviet Union is believed to have had 1,600 warheads available to its ICBM force in 1972, compared to our 2,154. In the early 1980's, we shall have the same number, 2,154, but the Soviet figure will rise to between 6,500 and 9,200, even under the limitations expected in a SALT II treaty. The Soviet Union is producing between 150 and 200 ICBM's a year. We make none. The area-destructive power of Soviet warheads will increase by a half; ours by an eighth. The capability of Soviet weapons to knock out hardened (defended) targets, such as missile silos, will have increased tenfold. If our cruise missiles, now under development, fulfill present expectations, ours will have increased fourfold.

In the category of submarines, the Soviets are believed to have had 845 SLBM's (submarine-launched ballistic missiles) at the time of the 1972 agreement, and presently are near the ceiling of 950. Some Soviet SLBM's as as large or larger than our Trident I, which we have not yet introduced. Our figure will not change. In warheads, we are believed still to have a substantial lead. In 1972 we had about 3,000 SLBM warheads; our present figure of 5,400 is not expected to change during the next few years—while it is anticipated that the Soviet figure of 845 will increase some fivefold as they MIRV their SLBM's.

The comparison of bomber forces is more difficult, depending on whether so-called medium bombers are included. Our heavy bomber force, still based on the out-of-date B–52, is declining, and President Carter has canceled its replacement, the B–1. We had 450 heavy bombers in 1972 to 140 for the Soviet Union, which also had 1,100 "medium" bombers assigned to missions in Europe or Japan, but available for attacks against the United States as well. In addition, the Soviet Union has and is manufacturing a new bomber, the Backfire, two-thirds the size of the B–1. It is not to be counted under the limits established by SALT II, although the State Department concedes that it can be used for intercontinental missions. By 1985, the Soviet Union will have 300 to 400 Backfire bombers. We will have no comparable planes by 1985 beyond our less proficient and much less numerous FB–111's.

While it is difficult to compare the bomber strength of the two nations in the field of intercontinental strategic nuclear weapons, there can be no question about the steady decline of our bomber superiority, which was one of the key premises of the 1972 agreement. That decline is measured not only in the comparison of the planes themselves, but in the development of Soviet air defenses, which we have decided to ignore altogether. The Soviet Union has a large and widespread network of fighter planes deployed for air defense, thousands of SAM's and other antiaircraft weapons, and at least one antiballistic-missile (ABM) system in operation. The Soviets have actively continued ABM research and development since 1972, and presumably would be able to deploy more units on short notice. These defensive measures would exact a heavy toll in the course of any attack, and therefore create doubt about the perceived deterrent effect of our bomber and missile forces.[1]

In short, instead of applying "brakes to the momentum of Soviet strategic missile deployments," SALT I served to increase that momentum. On the United States, SALT I had the opposite effect. Lulled by the treaty—as well as by illusions about "overkill," and by the high hopes we had invested in détente—into thinking that the "arms race" was being brought under control, we allowed ourselves to fall behind in most relevant categories of military power; behind in production; behind in research and development; and behind in programming.

As for the claim that a SALT II treaty will reduce the cost of our own defense programs, General George M. Seignious II, the new director of the Arms Control and Disarmament Agency, said on December 13 that the SALT II agreement, as it seemed likely to emerge, coupled with the further development of the Soviet nuclear arsenal made possible by the agreement, "is going to require additional money to modernize the strategic systems we have." In his final press conference on October 30, 1978, Paul Warnke, the outgoing director of the Arms Control and Disarmament Agency, said that while he believed SALT II would save us money, by restraining certain forms of Soviet expansion we should otherwise have to match, it was not possible to "point to some form of saving" that the treaty would accomplish. For by establishing certain quantitative limits, the treaty would shift Soviet efforts to the quest for qualitative superiority. The effort to match qualitative improvements, based on active research and the development of new technologies, is hardly more economical than the repetitive manufacture of old-model weapons.

Yet the proponents of SALT II claim that the failure to achieve or ratify the treaty would add as much as $100 billion to our defense budgets over a five-year period. Those figures of extra costs if the SALT negotiation fails, or if the Senate refuses to consent to the treaty, are just as fanciful as President Nixon's claims that he had ended the cold war and achieved "détente."

There is no case, then, for SALT II as a step toward peace. The record is clear that the first SALT agreement on the limitation of offensive strategic weapons contributed to an intensification, not a lessening, of tensions between the United States and the Soviet Union throughout the world. The rapid Soviet buildup of new and advanced strategic weapons under the agreement gave rise to charges of "deception," "breach of faith," and indeed of breach of the agreement. And the 1972 Interim Agreement gave the Soviet Union certain great and tangible advantages. For example, we halted the development of our ABM systems, in which we had a technological lead. They, as already noted, have continued their research and development in that important field. There is no reason to believe that the process of continued negotiation with the Soviet Union would change this pattern.

II

According to information now generally available, the SALT II agreement will consist of a Treaty, a Protocol, and a Statement of Principles. The Treaty would expire on December 31, 1985, the Protocol on a date not yet agreed in 1981, either June 30 or December 31. The Statement of Principles concerns the agenda for the negotiations of SALT III and has no terminal date.

The key provision of the SALT II treaty is that each side would be permitted to have the same number of strategic nuclear launch vehicles—2,400 until a date in 1982, and then 2,250. Within this limit, there is a sublimit of 1,320 on the number of launchers carrying multiple independently-targeted reentry vehicles (MIRV's)—ICBM's, SLBM's, and aircraft equipped to carry air-launched cruise missiles (ALCM's) with a range greater than 600 kilometers. At this writing there is still reported to be a dispute between the American and Soviet negotiators as to whether all armed cruise missiles should be covered, or only cruise missiles armed with nuclear weapons.

There are two further sublimits within the category of 1,320 MIRVed launchers: (1) a limit of 1,200 on the number of MIRVed ICBM launchers plus MIRVed SLBM launchers; and (2) a sublimit of 820 on the number of MIRVed ICBM launchers. Within that limit of 820, the Soviet Union would be allowed to have a number of fixed modern large ballistic-missile launchers (MLBM) equal to their present force in this category, either 308 or 326. This force includes the formidable Soviet SS–18's, which we believe now carry up to 10 separate megaton-range warheads. The SS–18 and SS–19 are capable of destroying protected missile housings and command centers. The Soviet SS–18 force by itself could destroy more than 90 per cent of our land-based missile force, which consists of 54 Titans, 450 Minuteman II's, and 550 Minuteman III's, at one blow. The United States now has no such weapons, and the treaty would deny the United States the right to build any during the treaty period.

The treaty contains a number of limits on the modification of existing ICBM's, primarily the rule that any test of an ICBM with more reentry vehicles (RV's) than had previously been tested will cause it to be classified as a "new type"; each side is limited to testing one "new-type" ICBM during the treaty period. The United States has tested 3 RV's on Minuteman III and the Soviet Union has tested 4 RV's on the SS–17, 6 RV's on the SS–19, and 10 RV's on the SS–18. There may also be agreement that no "new-type" ICBM can have more RV's than the maximum already tested for existing ICBM's—10 per missile for the Soviet Union, 3 for the United States. A late rumor suggests that both sides may have the limit of 10. Because of the delays in our MX program, however, there is no possibility that the United States can deploy a "new-type" ICBM prior to the expiration of the treaty.

The Soviet Union has made great progress in fractionizing its missiles, including those targeted against Europe which do not come under the treaty. There is agreement that the treaty should establish a limit of 14 RV's per missile for submarine-launched missiles, and of 20 or 35 (not agreed) for the number of cruise missiles on a single aircraft.

United States B–52's and our 4 B–1 test aircraft, and Soviet Bisons and Bears are to be counted as heavy bombers for purposes of the treaty. The Soviet Backfire bomber, much discussed in the negotiations, will not be counted, although it is capable of reaching targets throughout the United States, and is being produced steadily.

The treaty does not attempt to limit the number of missiles or warheads which may be produced and stored. And "reductions" in the Soviet-deployed nuclear force required by the treaty need not result in the destruction of the weapons, but only their transference to a warehouse.

Both sides have agreed that neither side will take any action which would circumvent the purposes of the agreement. This provision raises serious problems with regard to the possible transfer of cruise missiles or cruise-missile technology to our allies. Whether this question has been satisfactorily resolved in the negotiations is not now clear. Similarly, there is agreement that each side would refrain from interfering with the other side's national means of verification. Here, too, damaging controversies have already developed, particularly with regard to Soviet encoding of "telemetry," which would enable them to circumvent our monitoring devices.

The protocol would ban the flight testing or deployment of mobile ICBM's and air-to-ground missiles and the deployment of ground- and sea-launched cruise missiles with a greater range than 600 kilometers during a three-year period. At this time, the provisions with respect to ground- and sea-launched cruise missiles, of special concern to our NATO allies, are reported to be still in negotiation.

III

The provisions of the prospective SALT II treaty are highly technical and are difficult for the layman to judge. But the treaty as a whole can be measured by the layman against our goal in the continuing process of negotiating agreements with the Soviet Union on nuclear arms. That goal is to guarantee a nuclear stalemate—that is, to keep nuclear weapons from being used or brandished in world politics. It is an altogether sound goal, which has been the lodestar of American policy since we proposed the Baruch Plan in the late 40's. The operative principle of both the SALT I Interim Agreement and SALT II, in the American view, is to prevent the development of a situation in which either side might be in a position to gain a great advantage by a first strike—an advantage so dazzling that political leaders might be tempted to seize it.

What, then, do the data suggest by way of an answer to the basic question of how the prospective SALT agreement would affect the adequacy of our second-strike capability?

In attempting to answer this question, we must first realize that the deck now consists almost entirely of Jokers. Nonetheless, the attempt must be made. In formulating an answer, we must consider the number and vulnerability of missiles and warheads, their accuracy, their ability to reach key targets, and the effects of active and passive defense programs on the vulnerability of Soviet targets of all kinds.

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[1] For a fuller discussion of the American-Soviet military balance, see Edward N. Luttwak's article, "Defense Reconsidered," in the March 1977 Commentary.

As mentioned previously, the Soviet Union is continuing to build and modernize its strategic nuclear missile force at an alarming rate—150 to 200 ICBM's a year, compared to a rate of zero for the United States; 6 ballistic-missile submarines a year, as compared to zero for the United States (1½ a year in the 1980's); and 30 to 50 intermediate- to long-range bombers a year, as compared to zero for the United States. The Soviet Union builds missiles of a far greater throw-weight than ours, and can therefore put more or larger MIRVed warheads on each missile than we can, so that even under the proposals we made in March 1977, it could have twice as many ICBM warheads of five times the individual yield of ours. The figures reported in current drafts of the treaty would be even less favorable. And to make matters worse, the Soviets have made rapid advances in catching up on our previous technological advantages in MIRVing, accuracy, and smaller RV's.

With these trends in mind, former Deputy Secretary of Defense, Paul Nitze, who helped negotiate SALT I, concludes that SALT II in its present form will leave the United States without a credibly adequate second-strike capability. In a speech on December 5, he said: "Over the past fifteen years it would not have profited either side to attack first. It would have required the use of more ICBM's by the attacking side than it could have destroyed. By the early 1980's, that situation will have changed. By that time, the Soviet Union may be in a position to destroy 90 per cent of our ICBM's with an expenditure of only a third of its MIRVed ICBM's. Even if one assumes the survival of most of our bombers on alert and our submarines at sea, the residue at our command would be strategically outmatched by the Soviet Union's retained warmaking capability."

In its study, *Is America Becoming Number 2?: Current Trends in the U.S.-Soviet Military Balance,* released on October 5, 1978, the Committee on the Present Danger adds:

"We do not have to assume that the Soviet Union will actually attack U.S. strategic forces. The point is that they will have the capacity to *increase their advantage* with a counterforce first strike. After such a first strike, the United States would still have a capability for a second-strike retaliation against Soviet economic and political targets—in plain words, against their "hostage" cities and industrial centers. If Soviet civil defense failed, we could do "unacceptable damage" to them, but their forces held in reserve would still be greater than ours, and we have no effective civil (or air) defense. Their third-strike potential would make our second-strike less credible. It would leave the U.S. with a dangerously inadequate deterrent."

In presenting SALT II, the administration dismisses such concerns. Spokesmen for the administration concede that Soviet progress in strategic arms and particularly in ICBM's makes our own ICBM force vulnerable, and that our old bombers would have a hard time penetrating Soviet anti-aircraft defenses either to launch cruise missiles or to drop bombs. But, they say we still have a great many MIRVed submarine-launched missiles, and therefore, perhaps, still an edge in the total number of warheads.

Yet our present substantial advantage in warheads is a transient one. The inherent flexibility afforded by large throw-weight Soviet ICBM's and the momentum of the Soviet MIRV program can soon erase the United States advantage in numbers of warheads (unless, that is, we shift gears promptly and on an adequate scale).

Secondly, our increasing reliance on submarine-launched missiles presents problems of its own. Such missiles are still notably less accurate than ICBM's, and therefore less capable of striking at the Soviet missile sites and other military targets than at hitting cities.

In August 1978, the U.S. Arms Control and Disarmament Agency attempted to dispel these doubts in a "dynamic" study of U.S. and Soviet strategic capability through the mid-1980's, and to escape from the logic of what it called "static" measures of the two strategic forces. The study does not measure the capacity of each side to destroy the other, but purports to calculate the capacity of Soviet and American strategic forces to destroy a hypothetical set of 1,500 "hard" (or defended) and 5,000 "soft" (i.e., undefended) targets. It thus assumes away the important disparities between the number and hardness of the targets in each country. The Soviet Union now has more hard targets than the United States, and is rapidly hardening soft targets, while we are standing still, even with regard to command-and-control centers. By the mid-1980's, the Soviet Union will have twice as many hard targets as the United States.

The ACDA study also makes unrealistic assumptions about the destructibility of soft targets as the result of the explosion of a single weapon, whatever its size and yield. It makes inadequate allowance for anti-aircraft and anti-missile defenses and the effect of Soviet civil-defense measures.

But there is a deeper problem with the ACDA analysis, which runs through the whole of the administration's case for SALT II. Our leaders tell us that the Soviet rulers will be restrained by their knowledge of our capability to inflict unacceptable damage on their people and their society if they push us too far.

However plausible this argument may have been up to the time of the Cuban missile crisis, when we still enjoyed overwhelming nuclear superiority, it has long since lost even the appearance of conviction. But Secretary of Defense Brown, Ambassador Paul Warnke, and other official spokesmen for the administration continue to repeat it as gospel. It remains the heart of their argument for SALT II. Indeed, for all practical purposes it is the whole of it.

I have always had the greatest difficulty in accepting this theory—Robert McNamara's theory of mutual assured destruction (MAD)—according to which we and the Soviets would hold each other's cities and people hostage, thus preventing any first strike, and neutralizing nuclear weapons. I find it hard to imagine that the President of the United States would actually order the destruction of Moscow or Leningrad, save under circumstances of the most extreme provocation, such as the actual prior destruction of major American cities. I find such a step nearly inconceivable if our major cities had not been destroyed, and the exchange would result in the immediate destruction of New York and Washington, even if our ICBM's had been destroyed. Secretary Brown's threat to blow up Soviet cities in retaliation for a Soviet first strike against our satellites or our ICBM's would be less than credible if the Soviets had enough weapons left in reserve to blow up our cities and possessed substantial enough reserves to dominate the postwar world. A Soviet arsenal of that size could neutralize our nuclear forces and emasculate our second-strike capability. It would thereby make us vulnerable to Soviet political coercion.

It is this analysis of the diminishing credibility of our threat to blow up the Soviet population which puts the argument of "overkill" into perspective. The possibility of using our submarine forces in an immediate strike against Soviet cities, always dubious, is now close to the margin of futility. The same cannot be said for the growing Soviet capacity to attack our ICBM's and other military targets. If we allow Soviet superiority to reach a certain level, the Soviets will have checkmated our threat to attack their soft targets.

In addition to its reliance on an increasingly dubious second-strike capability against cities and people, SALT II would inhibit us from reestablishing our second-strike capability against hardened military targets—in the current state of the nuclear balance, the retaliatory possibility which has the most credibility as a deterrent, and as an option for action if deterrence fails.

To deal with the threat of a Soviet first-strike capacity, and to restore the strategic balance generally by the early 1980's, will not be easy. The President's decisions to cancel or delay the B-1 bomber, the MX missile, and the Trident submarine make it nearly impossible for those weapons to be available before the late 1980's, even assuming that the decisions against them are reversed. It probably would take nearly as long, and cost nearly as much, to deal with the problem in the short run by reviving the production of Minuteman III's (or B-52's). The Minuteman III production line has been closed recently. And a crash program along these lines or its equivalent, would be prevented by the numerical ceilings established in SALT II.

At this time, it seems probable that the treaty would also prevent the United States from adopting the only feasible "quick fix" for dealing with the problem, the promising plan for deploying missiles using a multiple aim-point system (MAPS), the so-called "shell game." Under this proposal, the United States would construct a large number of vertical protective shelters or silos, each capable of holding an ICBM and its launcher. Some would be empty. The missiles would be moved periodically, to make a first-strike against them highly problematical. According to reports, the Soviet Union has rejected an American inquiry about the compatibility of this idea with the treaty.

These are the basic reasons why critics have said that SALT II would freeze us in a position of inferiority, and deny us an opportunity to redress the balance before the critical period of the early 1980's, when all the indices would have turned against us.

As to the problem of verifiability, several thoughtful students of the subject have expressed the view that technological developments have by now made it altogether impossible to regulate nuclear arms by verifiable arms-control treaties. There is certainly merit in their contention. For example, what are politely called "national means of verification"—satellite photography and electronic surveillance, largely—cannot answer many of the questions posed by the newer technologies. And satellites themselves have become vulnerable, a development Paul Warnke has called "alarming." No camera can tell how many separate warheads are carried by a single missile, or measure its thrust, its accuracy, or the explosive power of the weapons it carries. Nor can it see or otherwise identify the missiles kept in warehouses or factories, although missiles can be fired from such locations as well as from launchers, and can be deployed quickly in crisis situations to change the equations of deterrence.

IV

The administration was campaigning hard to sell the SALT treaty even before it was negotiated. That campaign has given rise to a large number of speeches, memoranda, and articles pleading the case for SALT II. Among them, Jan M. Lodal's recent piece [2] is typical in outlook and more detailed than most in analysis. It invokes three of the same criteria for judgment used here: (1) that the treaty contribute to the stability of the strategic balance; (2) that it be verifiable by national means; and (3) that it not adversely affect the security of our allies. But Mr. Lodal seems to reach a different conclusion. I say "seems to reach" because his treatment of each issue supports a negative judgment on the treaty; nonetheless, at the end Mr. Lodal says that SALT II cannot "be opposed on its technical merits."

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[2] "SALT II and American Security," *Foreign Affairs,* Winter 1978–79, pp. 245–68.

1. In contending that SALT II would contribute to strategic stability, Mr. Lodal points to the fact that the treaty specifies an equal number of launchers for both sides. He does not consider the problem posed by the agreement not to include the Soviet Backfire bomber—which, as already mentioned, can be targeted against the entire United States—in the number of bombers permitted under the treaty. But more important, he ignores the fact that the treaty does not cover the manufacture and storage of missiles. As Paul Nitze has commented, "The basic currency of the negotiations . . . became limits on the number of launchers, not limits on missiles and their characteristics." This, adds Nitze, "has proven to be the wrong currency." Obviously, no situation can be considered stable if it can be changed in hours by the movement of missiles from warehouses to launchers, some of which are already mobile, as Mr. Lodal himself notes.

Mr. Lodal concedes that by the early 1980's the Soviet Union will lead the United States by most measures of nuclear power. We will be ahead only in the relative number of warheads deployed—and that lead will be diminishing rapidly. And Mr. Lodal also admits the main point—that the Soviet Union will soon have the capacity to destroy our ICBM sites, airfields, and other military targets with a fraction of their ICBM force. He argues, however, that by the mid-1980's our airborne missiles, if they are developed successfully, would significantly offset Soviet superiority in ICBM's and thus maintain stability. He does not consider the vulnerability of our bomber-cruise-missile system (based on the aging B–52) to various kinds of attack. In fact, he does not mention Soviet active defenses at all, nor does he consider their grave implications for stability.

Mr. Lodal's position would be that such vulnerabilities are not significant. His ultimate contention is that the possibility of retaliation against Soviet cities and other soft targets, using our submarine-launched missiles, assures strategic stability even in the face of the growth of the MIRVed Soviet ICBM force. He does not mention the disquieting reports, which have now become public, of Soviet gains in anti-submarine warfare.

He does, however, grant that the assumptions of the McNamara doctrine are now subject to "serious argument" and that no President would want to face a crisis with only the options of doing nothing or launching an all-out attack on Soviet cities. Nevertheless, that is exactly the position he accepts. He dismisses the bearing of Soviet civil-defense programs on strategic stability in a footnote, suggesting that we could substantially offset the Soviet advantages derived from their programs of civil defense by using a small number of heavier bombs with high radioactive fallout—a most unattractive possibility, and totally inadequate to boot. And he even contends that after we have deployed cruise missiles and MX—it is hoped by the late 1980's—we could counter a Soviet threat by launching a counterforce first strike of our own. This is the course we refused to consider during the period of our nuclear monopoly. To suggest it now is the counsel of desperation.

Mr. Lodal concludes that unless the Soviet Union agrees early in the SALT II negotiations to significant reduction in land-based ICBM's, "the strategic balance in the mid-1980's is likely to be determined to a much greater extent by the force-deployment programs of the two sides than it is by the provisions of arms-control agreements." Since he also observes that the Soviet Union cannot be expected to make unilateral concessions simply because we have chosen to forgo certain programs of our own, it is difficult to see how Mr. Lodal's argument supports his conclusion that SALT II would contribute to strategic stability.

2. With regard to verification, Mr. Lodal's case is equally mystifying. He does not mention Secretary Brown's public warnings about the Soviet capacity to destroy our satellites. Nor does he mention missiles kept in reserve, which are not covered by the agreement and cannot be verified by national means.

Mr. Lodal takes at face value the provisions in the treaty purporting to limit the number of warheads on missiles and their throw-weights. But he admits that we could not verify compliance with such limits, unless the Soviets should agree to cooperative procedures for verification. As of this writing, they have not done so. Yet Mr. Lodal has confidence in the possibility of Soviet cooperation in verification. He bases this confidence on two instances of Soviet "cooperation"—their agreement to rules through which we might distinguish heavy bombers carrying weapons from those used as tankers; and the Soviet promise not to deploy intercontinental SS–16 ICBM's. The SS–16's are indistinguishable from SS–20's, the mobile, MIRVed, intermediate-range missiles now causing so much alarm in Europe. The SS–20's can easily be converted into SS–16's by adding another stage. This gives the Soviet Union the capacity to break out of the limits of the treaty rapidly. It is hard therefore to understand Mr. Lodal's satisfaction in the Soviet "concession." It hardly makes the counting process verifiable by national means.

3. Mr. Lodal admits that European concern with the implications of SALT II for the defense of Europe is justified in view of the massive Soviet deployment of conventional and theater-nuclear arms (including chemical-warfare equipment) facing Europe. The answer, he says lamely, is that Europe must accept "the proposition that the 'nuclear umbrella' can go only so far in providing security for Europe," and that Europe must improve its conventional forces. And he hopes that the SALT III negotiations will correct the present NATO imbalance, assure European security, and prevent the decoupling of the alliance.

Given the nature of Soviet negotiating habits, it is hard to detect any basis for such hopes. If we could not prevent a weakening of our nuclear relation with Europe during the SALT II negotiations, how could we expect to do so during the SALT III negotiations, when our military position, and therefore our bargaining position, are expected to be weaker?

V

The security implications of nuclear weapons, however, go far beyond the question of intercontinental nuclear exchanges between the United States and the Soviet Union, the subject to which SALT II is confined. The United States nuclear arsenal is the fulcrum on which the possibility of deterrence at every level depends. To change the metaphor, it is the center of a web of relationships which define the political as well as the military power of the United States. The SALT II treaty cannot be judged in isolation, because the universe of nuclear weapons is not a self-contained and disagreeable subject, isolated from the daily business of government. SALT II poses the ultimate question of national security, the connection between military power and political influence.

To repeat it once again, the goal of our nuclear weapons is to deter the use of, or the credible threat to use, nuclear arms in world politics. But the mission of our nuclear forces goes beyond making it too expensive for the Soviet Union to consider launching a nuclear attack against the United States. They must also provide a nuclear guarantee for our interests in many parts of the world, and make it possible for us to defend those interests by diplomacy or by the use of theater military forces whenever such action becomes necessary. The preceding sentence deserves underlining, for most people do not yet realize the many connections between the strategic nuclear balance, on the one hand, and ordinary diplomacy and the use of conventional and other theater forces in aid of diplomacy, on the other. Behind the shield of our second-strike capability, we carry on the foreign policy of a nation with global interests, and defend them if necessary by conventional means or theater forces.

Secretary of State Dulles tried to change this policy by announcing the doctrine of "massive retaliation." We should not fight protracted land wars, he said, in places chosen by the Soviet Union for confrontation, but use our nuclear power instead to strike at the Soviet Union, the source of the danger. It was an empty threat. In fighting border wars, where absolutely vital American interests were not at issue, we were unwilling to consider using nuclear weapons against the Soviet Union, even during the period of our nuclear superiority. This policy is rooted in our national character and the nature of our civilization. It will not change. Even where the defense of Europe is concerned our reflex response to the change in the nuclear balance is to enlarge NATO conventional forces, to reduce the risk that nuclear weapons would have to be used in the event of a Soviet attack.

The Soviet doctrine with regard to the utility of nuclear weapons is quite different. As we are finally beginning to realize, the Soviets are not interested in mutual deterrence and nuclear stalemate. To the Soviets, clear nuclear superiority is the ultimate weapon of coercive diplomacy—the Queen of their chess set, through which they think they could achieve checkmate without having to fight either a nuclear or a conventional war.[3]

Effective American nuclear deterrence alone cannot keep the Soviet Union from using conventional forces, at least against targets they think we regard as secondary, like Korea, Vietnam, or Ethiopia. In most such situations, except for massive attacks on our most vital interests, like Western Europe or Japan, defense has to be provided by conventional forces in the first instance. But the absence of effective American nuclear deterrence—that is, the erosion or neutralization of our second-strike capability—would deny all credibility to our conventional-force deterrent. No one would believe that we would send in the Marines if they could be counterattacked by locally superior Soviet or satellite troops and our second-strike capability was in doubt.

The point is brought out by a quick review of our experience with the problem since 1945.

In the early postwar years, we had a monopoly of nuclear weapons. And for a decade or so after that—until the middle or late 60's—we had overwhelming nuclear superiority. Nonetheless, in that period we had to deal with a long series of Soviet-managed attacks on our interests, from the early threats to Iran, Greece, and Turkey to the Berlin airlift, the war in Korea, the Cuban missile crisis, the war in Indochina, and the recurrent crises in the Middle East and Africa.

We dealt with those threats by diplomacy or, when diplomacy failed, by the use of, or the credible threat to use, conventional forces. But the nuclear weapon was always the decisive factor in the background. During the Berlin airlift, the shadow of our nuclear monopoly kept the Soviets from firing on the allied planes, and then persuaded the Soviet Union to end the blockade. The exercise had too many uncertainties and had become too risky, so the Soviet Union gave it up.

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[3] See "Why the Soviet Union Thinks It Could Fight and Win a Nuclear War" by Richard Pipes, COMMENTARY, July 1977.

The essence of the problem is illustrated by the Cuban missile crisis of 1962. There, the Soviet Union secretly undertook to introduce land-based nuclear missiles into Cuba, in violation of their assurances to us, and in the face of private and public warnings from the President of the United States. Such action would have altered the basic equation of nuclear deterrence, and gravely affected the credibility and effectiveness of American diplomatic warnings to the Soviet Union. At that time, we had unchallengeable nuclear superority. If there had been a nuclear exchange, the Soviet Union would have suffered about 100 million casualties and the United States 10 million. We had equally obvious conventional-force superiority in the area. If we had invaded Cuba, the Soviet Unioin could not have opposed the invasion effectively with either conventional or nuclear forces. By mobilizing an invasion force in Florida and instituting a limited naval blockade of Cuba, we demonstrated our will to insist on the evacuation of the Soviet missiles from Cuba, at a minimum. Confronted by these realities, the Soviet Union backed down.

Since the late 50's, the Soviet Union has been engaged in a massive military buildup, both in nuclear and conventional forces, designed to reverse the relationships which determined the outcome of the Berlin airlift, the Korean war, and the Cuban missile crisis. It is a buildup without parallel in modern history. Over the last sixteen years it has been proceeding steadily at a rate of at least 4 percent to 5 percent a year in real terms. In strategic weapons, the rate of increase has been at least 8 percent a year. Increases compounded at the rate of 5 percent or 8 percent a year over so long a period make the Soviet military establishment formidable and sinister.

The first result of this Soviet buildup was evident in Vietnam. In the late 60's and early 70's, our nuclear superiority was no longer so evident as it had been at the time of the Cuban missile crisis; indeed, superiority had given way to stalemate. The deterioration of our nuclear advantage led to the erosion of our position and profoundly affected the final stages of the conflict.

There can be no question that since Vietnam our nuclear position has slipped from stalemate to the borders of inferiority. While the experts argue about whether we are already inferior to the Soviet Union in overall nuclear power, they are agreed that if present trends continue we shall be significantly inferior—and soon. Some careful studies contend that the strategic force relationships which dominated the Cuban missile crisis will soon be reversed, unless we undertake a crash program immediately—that in the event of a nuclear exchange we should risk 100 million casualties and the Soviet Union 10 million. Even if the figure were 100 to 20 or 30, it is not difficult to anticipate what would happen if we were to allow such a situation to develop. A perceptive student of the problem has remarked that, confronting such a scenario, even General Curtis LeMay would advise "accommodation." Our foreign policy and our conventional forces would be impotent, and we would acquiesce.

It is the first objective of Soviet policy to achieve such a situation. This—not nuclear war itself—is what our nuclear-weapons program and the SALT negotiations are all about. The Soviets have prolonged the negotiations over SALT II as long as possible—just as Hitler prolonged arms-control negotiations in the 30's—since we continue to mark time in our own military and political programs during SALT negotiations, and obligingly make decisions, like the cancellation of B–1, the postponement of MX and Trident, and the deferring of the enhanced-radiation warhead (the so-called neutron bomb), in the vain hope of inducing similar restraint on the Soviet side. The Soviets view SALT II as a major instrument for lulling American anxieties until it is too late to do anything to reduce them. Meanwhile, they move rapidly and effectively to seize control of the entire Persian Gulf area in the belief that such a position would permit them to bring Europe, Japan, and the Arab world to their knees because the United States would not have the usable military power to oppose it.

Many tend to dismiss the vision of nuclear war as unthinkable. But the vision of Soviet political coercion, backed by overwhelming nuclear and conventional forces, is so far from unthinkable as to have become a likely possibility, thanks to the drift of American foreign and defense policy in the post-Vietnam period.

VI

The debate over ratification of the SALT II treaty requires Congress and the American people to pass judgment on that policy as a whole. It is the only context in which the problem of nuclear arms becomes intelligible.

At the present time our foreign defense policy is rich in contradictions. On the one hand, the President says that all our security treaties will be honored as in our national interest. On the other hand, he refuses to ask for the naval forces which would be necessary to fulfill those treaties, in view of the size of the Soviet navy and other military forces, and the nature of the Soviet Union's policy of indefinite expansion into the military vacuums of world politics. There are many other such paradoxes—the withdrawal of our ground forces from Korea, for example. Does that step mean that the President is prepared to use nuclear weapons if necessary to stop an attack on an area vital to the security of Japan? The list could be extended indefinitely, from our refusal to cooperate in the restoration of a stable monetary system to the passivity of our response to Soviet actions in Africa and the Persian Gulf area.

The actions and vocabulary of the Carter administration in the field of foreign and defense policy derive from two entirely different conceptions of the national interest. On the one hand, many cling to the 19th-century isolationist view, given new life (and a new rhetoric) by the Vietnam catastrophe, that the United States can be safe, perhaps with our Western European friends, as a small, rich, industrialized enclave in a world dominated by hostile forces. The major premise of the alternative theory, which has dominated our foreign policy from Truman's day, is that the United States can continue to develop as a free and open society only in a stable world order, a world of wide horizons, in which aggression is prevented, or defeated when it occurs, by collective security and other arrangements of collective defense; a world in which political, social, and economic progress is sought by international cooperation; and one in which the United States necessarily plays a full and responsible part.

These two conceptions of American foreign policy cannot be reconciled or compromised.

Thus far, however, President Carter has refused to choose between them. In recent months, his words have sounded more Trumanesque, but his actions have remained McGovernite. Many believe that a clear choice would revive the divisions in the nation, particularly in the Democratic party, which exploded with such force during the final stages of the Vietnam war. The President has preferred to let sleeping dogs lie.

That comfortable posture has become impossible. The pressures of Soviet policy at a dozen points around the world, most particularly the bold Soviet thrust in the Persian Gulf region, would make it suicidal to continue on such a course. Yet the SALT II agreement, coupled with our continued retreats and withdrawals, and the inadequacy of our military programs, would also make it nearly impossible for us to restore and stabilize the world balance of power on which our safety as a nation depends.

Some experts in the field assume that we must accept SALT II despite its potential for condemning us to strategic inferiority, because the American people are unwilling to take "the giant strides forward" which would be required to assure nuclear parity and to maintain a credible and usable second-strike capacity. This defeatism is altogether unwarranted. The American people will spend and do whatever is required to assure the safety of the nation, if their leaders tell them the truth, as President Truman did, and explain the central importance of nuclear weapons to our security and to the foreign policies we employ to protect it.

Because the debate over SALT II presents a unique opportunity for telling this truth, it may well become a major turning-point for the future. If, mesmerized by old illusions about disarmament and new ones about détente, we accept the treaty, we will be taking not a step toward peace but a leap toward the day when a President of the United States will have to choose between the surrender of vital national interests and nuclear holocaust. No President should ever be put into such a corner. But if, overcoming these illusions, we permit ourselves to see the SALT II treaty for what it truly is—an expression of American acquiescence in the Soviet drive for overwhelming military superiority—we will give ourselves a last chance to restore the strategic balance that is the only guarantee of peace in the nuclear age and the only context in which the survival of our civilization and its values can be safely assured.

OPPOSING THE RELOCATION OF AMTRAK

Mr. GOLDWATER. Mr. President, the Amtrak service provides a vital transportation link to the communities of northern Arizona which is extremely important because a large part of the economy of northern Arizona is dependent upon the movement of tourists. And there are some times during the year when snowstorms close the roads and airports leaving train travel as the only means of transportation. Because of this, the Coconino County Board of Supervisors is upset to learn of proposed plans to move the Amtrak services out of northern Arizona and has gone on record in a formal resolution in opposition to the proposed change.

I ask unanimous consent that the resolution adopted by the Coconino County Board of Supervisors be printed at this point in the RECORD.

There being no objection, the resolution ordered to be printed in the RECORD, as follows:

A RESOLUTION OPPOSING THE RELOCATION OF AMTRAK

Whereas, the Coconino County Board of Supervisors has recently become aware of the proposed plan to move the Amtrak Services out of northern Arizona and further to the south; and

Whereas, the Amtrak Service provides the vital transportation link to the communities of northern Arizona; and

> Whereas, in the wintertime, the roads and airports are closed because of snow storms, the only means of transportation is the train; and
>
> Whereas, all of the transportation plans which have been approved by various cities, counties and state were designed on an integrated plan, including air, highway and rail; and
>
> Whereas, a large part of the economy of northern Arizona is dependent upon tourism, and the removal of Amtrak Services would eliminate a means of transportation of a large number of these tourists.
>
> Now, therefore, be it resolved that the Coconino County Board of Supervisors opposes the removal of Amtrak Services from northern Arizona.

FEBRUARY GOLDEN FLEECE AWARD GOES TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Mr. PROXMIRE. Mr. President, the Golden Fleece Award for February goes to the National Highway Safety Traffic Administration for spending $120,126 to build a low-slung, backward steering motorcycle that no one could ride. The bureaucrats gave the taxpayers a bum steer on this one.

AGENCY WARNED BACKWARD MOTORCYCLE UNRIDEABLE

The agency insisted on building the motorcycle in spite of repeated warnings beforehand that the contraption simply could not be ridden by even the most expert motorcycle rider. This is the ultimate example of the taxpayer being taken for a ride.

In September 1977, the agency issued the $120,126 contract to a California firm to design and test a motorcycle with a low center of gravity powered by the front wheel and steered by the back wheel. Agency officials thought this low-slung backward configuration would make the motorcycle safer. However, the agency's own tests completed before the granting of the contract showed that the backward motorcycle would be difficult if not impossible to steer. But the agency insisted upon going ahead and therefore searched for a firm willing to take on this backward concept. There was something magical in the backward angle that the highway boys could not resist.

CONTRACTOR UNABLE TO MAKE MOTORCYCLE RIDEABLE

The contractor dutifully sought to improve the design of the bike, but every computer simulation it ran showed the backward bike was harder to control than the toughest bucking bronc. On January 9, 1978, the contractor reported, "the major problem at this point is the lack of controllability of the rear steered configuration indicated by computer results obtained so far." The persistent and determined agency officials told the contractor to try again.

On February 3, both the contractor and the subcontractor, who were by this time trying to build the backward bike, were ready to give up on the project. They asked the Agency to allow them to stop work on the backward bike design. But again Agency officials insisted upon the backward project going forward and demanded that the bike be built and tested.

In their view, if it was backward, it had to be right. After all, this country has been going forward long enough.

What a perfect answer to a bureaucratic dream, going forward with a backward project. That is even better than going backward with a forward project.

By April 1978, all the building, testing and reviewing were completed, and the contractor reported what everyone except the National Highway Traffic Safety Administration had known all along: That the rear steering motorcycle was completely unrideable whether going forward, backward or sideways. In fact, the bike builders had to add training wheels to the backward motorcycle in order to prevent serious injury to the rider. In some of the tests expert motorcycle riders could not even keep the motorcycle upright for an instant. The longest ride of 2.5 seconds appeared to merely involve the luck of the rider turning the wheel at the right time.

AGENCY INSISTS ON BUILDING LOW SLUNG MODEL

By this time agency officials finally admitted their mistake in insisting upon the completion of the backward motorcycle's testing. However, the bureaucratic urge to compound errors resulted in the agency deciding to continue work on a front steering, low-slung model in spite of warnings raised by the contractor and other experts. While the contractor pointed out the problems of controlling the motorcycle at rest and reduced rider and passenger comfort, the editors of Cycle magazine pointed out even greater dangers of the low slung motorcycle, to wit:

> [The contractor] is currently working on a Honda with a seat height comparable to that of an average car—about sixteen to twenty inches. That puts a motorcyclist's head right at headlight level and removes from him one of his great advantages: his ability to see over the tops of cars, and to be seen by the occasional driver.

So here as the supreme machine. It could not work going forward. It did not work backwards. And whichever way it went, if you were driving it, you could not see where you were going. This was the perfect vehicle for a Member of Congress.

Nevertheless, the iron-willed officials of the Agency, insisting that the low slung motorcycle might handle somewhat better than the conventional model, again persisted and a final report on the "Advanced Concept Motorcycle" with a low center of gravity will be submitted shortly by the contractor.

After recent experiences in Iran and elsewhere, they should be able to sell a few thousand of the "don't work forward, don't work backward, can't see where you're going" beauties to the CIA.

For spending $120,126 on a concept which everyone said would not and could not work, the backwards bureaucrats at the National Highway Safety Administration receive this month's Golden Fleece Award.

HUMAN RIGHTS: THE STATE DEPARTMENT'S REPORT

Mr. PROXMIRE. Mr. President, the State Department on February 8 issued a report to the Senate Foreign Relations Committee and the House Committee on Foreign Affairs concerning human rights practices in countries receiving United States aid. Among the report's findings were the conclusions that first world awareness of human rights issues is increasing, and second, that the United States has played a significant role in this increase.

Specifically, the report states:

> The Department of State believes the country reports that follow reflect an increased awareness of human rights around the world. As the President noted on December 6, 1978, in commemorating the Thirtieth Anniversary of the Universal Declaration of Human Rights, there is now "an atmosphere of change that has encouraged progress in many places. In some countries, political prisoners have been released. In others, the brutality of repression has been lessened. In still others, there is movement toward democratic institutions of the rule of law."

The report continues:

> While we do not take credit for particular instances of human rights progress, we believe we have helped to create an atmosphere in which improvements are more likely to occur.

Mr. President, I am encouraged by the State Department's findings. I believe that they represent an initial step towards implementing the Congressional view of foreign policy, stated in section 502B of the Foreign Assistance Act, "that a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries."

But, Mr. President, we cannot be content with this initial step. We must continue to make concrete efforts to insure world recognition of basic human rights.

What, then, should we do? The State Department report recommends two methods for promoting world concern for human rights.

First, our concern over human rights violations can be reflected in the channeling of our bilateral assistance programs with other nations. As President Carter stated last December:

> In distributing the scarce resources of our foreign assistance programs, we will demonstrate that our deepest affinities are with nations which commit themselves to a democratic path of development.

Second, we must make full use of the variety of diplomatic tools available to us. These tools include both direct and frank negotiation with foreign leaders as well as more symbolic acts such as official meetings or visits and tactful issuing of public statements. Whenever possible, we should join together with our allies in promoting international recognition of human rights.

Mr. President, we in the Senate have the opportunity to take a concrete step toward an international recognition of the most fundamental of human rights. The Genocide Convention—a treaty which guarantees the right to live to all racial, ethnical, national, and religious groups—stands unacted on by the Senate. It is this body—and this body alone—which has the power to act on this issue.

Mr. President, we must join with our

allies in condemning the hateful crime of genocide. We must become a party to the Genocide Convention.

RULES OF PROCEDURE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, in accordance with section 133B of the Legislative Reorganization Act of 1946, as amended, I hereby submit for the RECORD the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs.

The material is as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, February 23, 1977)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of mark-up sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session at least 48 hours prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to, any measure under construction by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or Subcommittee, as the case may be, and to the office of the Committee at least 24 hours before the meeting of the Committee or Subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 48 hours written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.* A Subcommitee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommitee until, in order of seniority, all members have chosen assignments to two Subcommittees.*

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Commitee has specifially authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular, additional, or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matter on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESS

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (before noon, 48 hours preceding his appearance) 75 copies of his statement to the Committee or Subcommittee. In the event that the witness fails to file a written statement in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Fifteen-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 15 minutes duration. This period may be extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena to witness.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

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* Conforms the Committee's subcommittee selection procedures to those contained in S. Res. 4, the Committee System Reorganization Amendments of 1977.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority member of the Committee or by a majority vote of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 10 minutes duration, except that if a member is unable to finish his questioning in the 10-minute period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 10 minutes until all members have been given the opportunity of questioning the witness for a second time. This 10-minute time period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than a report on a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULES 6.—QUORUM

No executive session of a Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

RULE 8.—PUBLIC ATTENDANCE AT MEETINGS

Except in the case of the conduct of hearings (which are provided for in section 112(a) of the Legislative Reorganization Act of 1970), or in the case of any meeting (other than a hearing) to consider the nomination of an individual submitted by the President to the Senate for its advice and consent, all meetings for the transaction of business, including sessions for marking up bills and resolutions, of the Committee and Subcommittees thereof shall be open to the public unless the Committee or Subcommittee (as the case may be) in open session and with a quorum present, by majority vote conducted by rollcall, determines that all or part of the remainder of the meeting on that day shall be closed to the public. In the case of any such meeting with respect to a nomination, the Committee or Subcommittee in executive session may, with a quorum present and by majority vote conducted by rollcall, determine that the meeting for that day shall be open to the public.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRADLEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Mr. George M. Seignious II.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The assistant legislative clerk read the nomination of George M. Seignious II, of South Carolina, to be Director of the U.S. Arms Control and Disarmament Agency.

Mr. ROBERT C. BYRD. Mr. President, I hope we may be able to get an agreement and vote today no later than, say, 5 p.m., earlier, if possible, on the nomination.

If there is anyone who feels constrained to object to such a request, I hope we will hear from them forthwith and promptly.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have not heard from any of the Senators on my side, in writing or otherwise, who have any objection, or indicated they have any objection, to a time agreement on this nomination.

I, therefore, ask unanimous consent that the vote on the nomination occur no later than 5 p.m. today, or earlier; as far as I am concerned, it could be a voice vote.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I would only advise the majority leader that a canvass of our side of the aisle also does not disclose any desire for a record vote, as far as we can ascertain, and I think we may be able to dispose of this matter well in advance of 5 o'clock, and probably by voice vote.

I have conferred with those Senators who voted against reporting the nomination in the committee. I think it is likely that we can conclude this matter after a relatively brief time.

There is one Member on this side, the distinguished senior Senator from Utah, who wishes a half hour. I do not know that it is necessary to include it in the order, if I can have the assurances of the distinguished manager of the nomination of the calendar item that Senator GARN will be entitled to half an hour to make his presentation.

Mr. CHURCH. Of course.

Mr. BAKER. Then I have nothing further. I was sure of that. I appreciate the further assurance.

Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished chairman of the Committee on Foreign Relations what the situation is with respect to the legislation dealing with Taiwan, the committee report, and so forth.

Mr. CHURCH. Mr. President, the committee report is available, printed, and Senators wishing to obtain it may do so today.

I would think that it should, therefore, be possible to bring up the legislation on Tuesday of next week, if that should be the wish of the majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

The 3-day rule will expire on Monday evening, so that the legislation would qualify to be called up on Tuesday.

I wonder if there would be any objection to calling it up on Monday with the understanding that there would be no rollcall votes on Monday, thus giving Senators an opportunity to at least speak to it?

Mr. BAKER. Mr. President, if the Senator will yield to me, I personally have no objection to that, but there would be an objection to that arrangement on this side.

Mr. ROBERT C. BYRD. On Monday.

Mr. BAKER. Yes.

ORDER FOR RECESS TO MONDAY, MARCH 5, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent inasmuch as an agreement has been entered into to vote on Mr. Seignious no later than 5 p.m. today, that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators. I thank the minority leader and the chairman of the Foreign Relations Committee.

Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CHURCH. Mr. President, as chairman of the Committee on Foreign Relations, I rise in support of the nomination of George M. Seignious II to be Director of the Arms Control and Disarmament Agency.

Mr. Seignious retired from the Army in 1974 with the rank of lieutenant general to become president of the Citadel. He took office as Director of the Agency on December 1, 1978, under a recess appointment by the President. His nomination was received on January 18.

Unlike his predecessor, the Honorable Paul C. Warnke, who served both as Director of the Arms Control and Disarmament Agency and as chairman of the U.S. SALT delegation, the President has nominated Mr. Seignious to serve in a single post as Director of the Agency. The SALT negotiations are to be conducted by the Honorable Ralph Earle II, who was confirmed by the Senate on May 9, 1977, as alternate chairman of the U.S. SALT delegation,and on October 17, 1977, as special representative for Arms Control and Disarmament Negotiations.

As my fellow Senators are aware the selection of a former military man to head the Arms Control and Disarmament Agency charged with primary responsibility for arms control within the executive branch raised a number of questions and occasioned considerable controversy. The Committee on Foreign Relations heard Mr. Seignious in public session on January 25. The following day the committee heard testimony regarding the nomination from seven nongovernmental witnesses.

The committee was careful to allow all persons who expressed an interest in testifying in regard to the nomination an opportunity to do so. The committee weighed carefully the concerns and objections which were raised, as well as the commendations of Mr. Seignious.

The committee's consideration of Mr. Seignious' nomination centered around his qualifications to serve effectively as Director of the Agency and the appropriateness of having a retired military man serve in that capacity. At the first hearing, the committee discussed at length with Mr. Seignious the central questions surrounding his nomination, as well as his own views of the relationship of arms control to national security, the merit of arms control negotiations now under way, and his own views as to the importance of arms control to the United States.

Mr. Seignious' nomination was endorsed strongly by both the senior and the junioir Senator from South Carolina (Mr. THURMOND and Mr. HOLLINGS), his home State Senators. Mr. THURMOND told the committee:

> Mr. Chairman, in my opinion the President has selected a competent, experienced, courageous, and outstanding citizen to serve in this capacity. General Seignious has served his country in war, he has served it in peace. He is not just a soldier, he is an educator. I can think of no one who has a finer background to serve in this capacity than he.

The junior Senator from South Carolina reminded the committee that he has known Mr. Seignious for a number of years and has followed his career closely, since their college days together, including Mr. Seignious' tenure from 1974 until last fall as president of the Citadel. Senator HOLLINGS told the Committee:

> Classmates, to a man, would tell you that there could be no more well-rounded gentleman of judgment than General Seignious. If he was one of the military people who was student, unyielding, and was not understanding in his general demeanor or manner, one of us would be here saying that he was entirely too military and that was all he knew and nothing else. But on the contrary, that great diversity that came out of that class and that has followed him over the years would unanimously endorse him today.

Some opponents of the nominatiion simply do not believe that a general should be allowed to head the Arms Control and Disarmament Agency. They were not basing their opposition so much on any views of Mr. Seignious personally, but on his former rank and the implications of his confirmation. Others argued additionally that Mr. Seignious is not an appropriate choice for the post.

Representing the Federation of American Scientists, Dr. Jeremy Stone, the federation's director, urged the committee to turn down the nomination, first, because of "the question of excessive military influence in the councils of Government"; second, "the question of destroying the Arms Control and Disarmament Agency as a countervailing influence to the Defense Department"; and third, "if these reasons were not enough, we find in this individual an inappropriate personality to lead an embattled agency. He has given already important evidences—some of which the committee is aware, and others of which it is not, although they have appeared before the committee—of being excessively naive."

Having heard all the testimony, pro and con, I believe it is fair to say that most Members concluded that, since the Arms Control and Disarmament Agency statute does not bar active or retired military men from directing the Agency, and, since there is no legislative history to support the contention that it was the intent of Congress to bar military men from this post, it would be wrong to bar Mr. Seignious from this post simply because of his military background.

However, as my fellow Senators are aware, certain prohibitions have been applied to other agencies. Neither active-duty nor retired military officers may serve as Secretary of Defense nor as Deputy Secretary of Defense. Either the Director or the Deputy Director of the Central Intelligence Agency may be an active duty or a retired military officer, but not both. The committee will be exploring at a later date whether some sort of statutory formulation placing certain restrictions on military officers in senior positions in ACDA would be appropriate in the future.

I do believe it is important to note that the committee, in recommending the confirmation of General Seignious, does not intend to set a precedent. I personally think it would be a mistake to have a succession of military officers to direct ACDA. Just as it may not have been appropriate to ban Mr. Seignious from this position, because he is a military man, it would not be appropriate to select future directors, because they are military men.

I should note in this connection that Mr. Seignious, in response to a question from Senator GLENN, said:

> It has always been my intention to have a Deputy drawn from civilian life.

I can appreciate the concerns of many who have devoted great effort to the pursuit of effective arms control. Some of them feel that Mr. Seignious will be close to elements of the national security establishment and not to them. They fear, clearly, that Mr. Seignious will keep them at arm's length. In that regard, it would be very useful to recall one matter which was raised in the hearing with Mr. Seignious Senators explored with Mr. Seignious in detail the circumstances surrounding his joining the Coalition for Peace Through Strength last summer and abruptly resigning. Mr. Seignious told the committee that he was not familiar with the position of the coalition on a number of national security issues when he joined and said that he resigned when he came to the conclusion that the coalition position was inconsistent with his service at that time as a member of the U.S. SALT delegation. Mr. Seignious obviously regrets that incident. I thought it significant, however, that he made the point to the committee, having reviewed his association with the coalition, that—

> . . . I do think that men who are interested in the security of the Nation, such as a lot of the distinguished Americans who are associated with the American Security Council, as am I, can have opposing views. I think that such men should put their talents together rather than being divisive. I was the cause of some of that divisiveness and I regret that.

Mr. President, I concur with Mr. Seignious in his judgment on the importance of putting talents together rather than being divisive. Sound national security policy can be best derived when a multiplicity of views are received and pondered. I hope and expect that Mr. Seignious intends to have a broad constituency as Director of the Agency and to be receptive to all responsible points of view on national security and arms control questions. With such an approach, there is no question in my mind that he would be taking a major step toward distinguished service as Director of ACDA.

The committee considered carefully whether Mr. Seignious, on the basis of his demonstrated character and background, is qualified to serve as Director of the Agency. In the course of our inquiry, we found no reason to conclude that he would not perform creditably and effectively as Director of the Arms Control and Disarmament Agency. Having found no evidence of any compelling reason not to support his nomination, I believe most Members concluded that the President is entitled to put together his own team. I see no reason to quarrel with the President's judgment that Mr. Seignious would be a valued member of that team.

(The following statements by Mr. ROBERT C. BYRD and Mr. TOWER were made earlier and are printed at this point by unanimous consent.)

Mr. ROBERT C. BYRD. Mr. President, I want to state my support for the nomination of Gen. George Seignious II to the directorship of the Arms Control and Disarmament Agency.

Mr. Seignious brings to this position extensive experience as a military leader, having held a series of high-level positions in the Pentagon during a 32-year military career. More recently he served as president of the Citadel, in addition to having been a member of the U.S. delegation to the strategic arms talks in Geneva.

Mr. President, there is some similarity in the Seignious nomination to the nomination of Leonard Woodcock as Ambassador to China, which the Senate considered and approved a few days ago.

There were those who sought to use the consideration of Mr. Woodcock's nomination as an occasion for a broader debate on issues relating to China and the future security of Taiwan. Likewise, there have been suggestions that the consideration of the Seignious nomination might be the occasion for debate in regard to the proposed SALT II Treaty.

This is not the time for a SALT debate. That issue is not before us. Indeed, a SALT II Treaty has not been completed at this time. When and if such a treaty is agreed to, I will do all that I can to see that it receives the most thoroughgoing scrutiny by the Senate and its committees.

The question before us today will be whether Mr. Seignious is a qualified nominee for the ACDA directorship. Would he be an effective leader of this important agency?

Mr. President, I believe that he is suitably qualified and an appropriate nominee for this position. I believe that he will provide ACDA with the effective leadership it needs.

Questions have been raised about the advisability of naming someone with a military background to this post. During its 2 days of hearings and subsequent deliberation on this nomination, the Committee on Foreign Relations came to the view that Mr. Seignious should not be disqualified from serving in this position, because of his military background. I am in complete agreement with the committee in this view. Certainly there is no legal prohibition on having a former military officer serve as ACDA director and in this case, at least, I believe the choice is entirely appropriate.

Therefore, Mr. President, I would urge Senators to concentrate on the issue before the Senate—the nomination of George Seignious II. I believe the nomination should be approved.

Mr. TOWER. Mr. President, I wish to associate myself with the view expressed by the distinguished majority leader that this should not be the occasion for a debate on the merits of SALT II.

I trust that there will be an extensive debate on that subject at the proper time. It is a matter that has to be gone into in great depth with due consideration being given to the implications of ratification on the matter of America's strategic posture into the eighties and the nineties.

I also share the view of the majority leader that General Seignious should not be disqualified, because he is a man of military background and experience. As a matter of fact, I feel a little bit safer knowing that we have a man in charge of the Arms Control and Disarmament Agency who believes that we must maintain a strong strategic posture, and that we cannot take steps toward unilateral disarmament without seriously imperiling the future security of the United States and the free world. Disarmament is something that should not be undertaken lightly.

I am convinced on the basis of my personal conversations with General Seignious, although I may disagree with him on some matters, that certainly his instincts are right and he does have the desire to see that the United States maintain a military capability that is at least comparable to that of the Soviet Union.

So I join with the majority leader in expressing the hope that we do not get into the SALT debate on this issue. This is not the appropriate time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Texas (Mr. TOWER) for his statement.

Mr. GARN. Mr. President, I speak today on this matter not to oppose the nomination of General Seignious, but I think the Senate's debate on the nomination of Gen. George Seignious to become the Director of the Arms Control and Disarmament Agency provides an excellent opportunity to reflect on the role of ACDA and to address ourselves to those assumptions and theories which provide the basis for the purpose of the administration's negotiating posture in the SALT II talks.

I have had the opportunity to visit with General Seignious. He is a very capable, articulate, intelligent man, and I expect that he will be able to do a good job as head of this Agency. At the same time, I think he is being used as a pawn by the administration in their SALT selling activities.

It appeared to some of us on the Armed Services Committee and on the Arms Control Subcommittee—when we went to Geneva last April, when SALT was supposed to be signed, and in June, and in September, and finally in October it appeared that it was once again getting to the point where it would be signed—that Mr. Warnke had to be released. He was a lightning rod. He had received 40 or 41 votes against him in his nomination proceedings. Therefore, some felt that he would cause difficulty merely by his presence and that the best possible thing the administration could do would be not only to remove Mr. Warnke at that point but also to replace him with a general. How could anyone think that a military man would endanger in any way the security of this country? I do not think General Seignious would.

But the administration needed a new image for their arms control director. They needed a military man to take that position. That is a good SALT-selling technique.

But I do think this is a fitting occasion to review what ACDA has become and what effect it has had on the policy and behavior of the U.S. Government. Perhaps we can give General Seignious some insight into his agency.

About 20 years ago, when deterrence theories and arms control were accepted as important aspects of defense and foreign policy, ACDA was established to insure that arms control issues were considered in the formation of policy. ACDA was to provide expertise for domestic and international arms control deliberations and to manage our negotiating efforts.

However, over the years, ACDA's "expertise" has moved increasingly toward a set of arms control theories which have come to be considered as fact and reality. As with all trends and fads, these fashionable assumptions and theories will undoubtedly someday be replaced—I hope by more realistic concepts. But while they are current, they can do great damage, because they coincide with a period of great danger for this country and they cripple our response to it.

Briefly stated, this approach to arms control holds that the greatest evil that can befall mankind is nuclear war and that any steps are justified to avoid this ultimate disaster.

I do not disagree that possibly the greatest evil that could befall this world is to have nuclear war. But where I disagree is on the question of how we avoid that war.

The fundamental approach of ACDA is to avoid any appearance of preparation for or willingness to fight a nuclear war in order to prevent it. Consequently, the theory goes, our weapons must be designed to attack only the enemy's civilians and industry. As a Navy and Air Force pilot, I was taught that it was the function of military forces to attack the enemy's forces in order to reduce the enemy's ability to inflict damage. Weapons capable of this now seem to be undesirable, because they might make the enemy nervous at the prospect of a disarming attack.

Certainly, we do not want to be destablizing and upset the Soviet Union.

While there is some merit to the argument, reality requires that there be a balance between opposing forces; one side cannot practice this approach while the other side builds counterforce weapons as the Soviet Union has been doing at an unbelievable rate.

Having declared that nuclear war is unthinkable, fashionable arms controllers naturally refuse to think about it. In their minds, we have entered a new era when old strategies and old wisdom no longer hold. The Roman principle that "If you wish peace, prepare for war" is ignored, as is much of the experience of mankind in the affairs of nations. Today's arms controllers are unwilling to admit that weakness might invite attack, or that large wars might still be waged under the shadow of full scale nuclear exchanges. Extremists among them believe that a minimal ability to harm the enemy—perhaps, one Poseidon submarine—combined with peaceful pronoucements should suffice to protect our Nation.

Perhaps the greatest mistake is to assume that the Soviet Union accepts these same theories of deterrence, and our "arms-controllers" applaud when Soviet propagandists echo them. The assumption underlying this theory is that our civilians must be kept vulnerable, as we hope theirs are. So we forego ballistic missile defense and civil defense in order that the Soviet Union not mistakenly conclude that we intend to protect our civilians, which might be seen as a step toward the ability to fight a nuclear war. And when the Soviet Union shows signs of protecting its civilians with a very sophisticated civil defense system, ACDA denies the evidence or protests that Soviet measures would be ineffective because we could destroy their shelters or pursue fleeing civilians into the countryside with ground-burst nuclear explosions to shower them with deadly radioactive debris.

This school of arms control has developed into an ideology of assured destruction with zealous advocates who represent themselves as the only people interested in peace. It would be more accurate to describe the so-called strategy of this group not as mutual assured destruction, or MAD, though the term fits, but as self-assured destruction, or SAD. Proponents of forms of self-defense, such as counterforce capabilities, or civil defense, or ballistic missile defense are attacked as warmongers, when they should be considered good citizens who have the courage to suggest clothing the emperor for his health as well as his dignity.

In our dealings with the Soviet Union, we are constantly on the defensive, because this administration is apparently sympathetic to the popular slander that America is what is wrong with the world, that we invented and perpetuate many of the world's worst problems, chief among them the nuclear arms competition. The President and his advisers sometimes seem incapable of disinguishing our actions and motivations from those of Communist dictatorships.

A perfect example of this is a recent interview on foreign policy in which the President said:

> The Soviets take advantage, I believe, of opportunities throughout the world to enhance their own influence in a country or among a region whenever the opportunity arises, at our expense sometimes, sometimes when we do not suffer in the competitive relationship. I have to say that we do the same.

We do the same?

Have we done the same as the Soviets in Iran, Angola, Somalia, Ethiopia, Southern Africa, South Yemen, Afghanistan, and other areas around the world?

In contrast to the President's suspension of moral judgment in these cases are his high moral positions on arms control. For example, he has set as his goal the elimination of all nuclear weapons from the face of the Earth—a worthy goal, and I could agree with him, but this goal was recognized as unachievable when it was first proposed more than 30 years ago. Granted, it has a grand ring to it, and it appeals to mankind's fear of nuclear war. The Soviets recognize this, and they have used it well, making lofty proposals on disarmament while at the same time straining to catch and surpass the United States in nuclear weaponry. And when the United States bargains in SALT, will the Soviets forget that the American President hates nuclear weapons?

I am not suggesting that the President is posturing cynically. He believes what he says, though he may not always understand its ultimate effect and he has proven his sincerity with cancellations and delays of major nuclear weapons systems.

He also believes that the Soviets share his wish for disarmament and peace. After all, they have said so. They have also said that peace must be on their terms, but the administration has chosen not to hear that.

For more than 15 years, the Soviet Union has pursued a relentless expansion of its military forces. The quantitative and qualitative advances made by the Soviets in their nuclear and conventional forces are staggering. Soviet military expenditures have increased at an annual average rate of 4 to 5 percent, a total of 11 to 13 percent of Soviet GNP. By comparison, U.S. defense spending has actually shrunk from 7 percent of GNP in 1965 to 4.9 percent today. And Soviet rubles are spent on teeth.

Over 70 percent of their military budget is spent on hardware, on research and development and procurement, compared to less than 50 percent for the United States.

We have an all-volunteer military that is very expensive, and 55 cents of our military dollar are spent for people, not for airplanes, guns, tanks, or nuclear weapons.

The Carter administration's track record on defense issues is dismal. This administration's contribution to U.S. security has been one of unilateral restraint and disarmament. We have allowed all three legs of our strategic triad of forces to deteriorate to a dangerous degree. The President has unilaterally cancelled the B–1 bomber, delayed production of the Trident submarine, and has only recently decided to proceed with full-scale development of the MX. No decision on how this new missile will be based has yet been reached, despite repeated urgings by the Congress.

Those repeated urgings occurred over a period of 2 years in the Armed Services Committee on the defense authorization bills and in report language asking for a decision by the Defense Department on the basing mode for MX. Because we were ignored by the administration, I introduced an amendment in the Armed Services Committee last year that made it a statutory requirement that they report to us by September 30 of 1978.

However, in order to be able to get it through the House we had to put in an escape clause for the administration, which provided that if they could not tell us by September 30, they could explain to the Congress each month why they have not made a decision. So, faithfully, each month, Chairman STENNIS of the Armed Services Committee, gets a letter with some excuse which states that, despite years of study, they have not been able to make up their minds on the MX basing mode. Meanwhile, the Soviets have several generations of new misiles in deployment or under development.

The President's decisions were taken without the least reciprocity on the part of the Soviets. We seem locked into the view that U.S. constraint will stimulate an equal restraint on Soviet strategic weapons programs.

Back in 1967 we made a unilateral decision that we would not have more than 1,054 deployed ICBM's. The Soviets at that time had approximately 500. In 1979, 12 years later, we have 54 Titans and 1,000 Minuteman II's and III's, and they have more than 1,600 ICBM's.

We cancelled the B–1 bomber; they built the Backfire, and are talking about an additional supersonic penetrating bomber. I could go on and on and on with examples of where we have unilaterally sacrified strategic advantage. And yet there are those in our society who continue to say that all we have to do to stop the arms' race is for us to stop developing arms and the Soviets will follow suit.

I challenge them to show me one example of where the Soviets have followed suit and stopped any weapons system in response to our unilateral restraint in any area. The evidence is lacking. In fact, Soviet spending on strategic weapon systems actually increased since the signing of SALT I in 1972.

In an attempt to set the record straight for the impending debate on ratification of SALT II, I wish to point out that the President has indirectly acknowledged two major points previously the monopoly of those of us in the opposition: That SALT II is linked to other international developments, and that Soviet acquisition of sufficient accurate warheads to threaten our ICBM's would have grave consequences for strategic stability.

Admittedly, the President acknowledges linkage only insofar as it supports SALT II. He asserts that:

> A SALT agreement is a fundamental element of strategic and political stability . . . which can provide the necessary political basis for us to contain the kind of crises that we face today.

Likewise, we are warned of dire consequences if SALT fails. In his mind, SALT can influence global developments, but it can not be influenced by them.

This concept would be valid only if SALT II were without fault, a sort of useful tool that was above criticism, but that is certainly not the case. From what we know of the draft treaty, it is a flawed product of a highly political process. SALT II depends on external factors, such as Soviet cooperation, for any hope of achieving its objectives. It is not only proper but vital and necessary to consider SALT II in the light of Soviet behavior—and, for that matter, American behavior.

Although President Carter has on occasion seemed to subscribe to the theory of minimum deterrence, he now appears to agree with SALT critics that "vast" increases in Soviet warheads have "grave implications for the strategic balance." Presumably he has realized that the sudden destruction of all our most powerful, accurate, and controllable missiles would affect our military strength and prestige. However, he falls short of admitting that the 5,000–10,000 additional warheads allowed the Soviet Union—under the SALT II he intends to propose—constitute the vast increase he referred to.

If we ever hope to get arms control agreements with the Soviet Union that genuinely contribute to this Nation's security, we must know our objectives, establish principles to reach them, and adhere to those principles.

If we hope to achieve reductions in nuclear weapons, we cannot accept agreements that legitimize immense increases in those weapons.

If we believe equity is essential, we cannot allow the Soviets to have types, sizes, or numbers of weapons that we are not permitted, while allowing them to have equivalents of everything we do have.

If we believe that verification is essential, we must insist that the Soviets tell us the characteristics of their weapons, then not interfere with our monitoring of those characteristics.

If we want crisis stability, we cannot agree to terms that allow the Soviets a first-strike capability against our ICBM's.

If we value NATO, we must not provide wedges for the Soviets to drive between us and our allies in Western Europe.

In 1853, Lord Palmerston observed that "Russian policy tends to impose its will on indifferent and weak governments while it withdraws in the face of active resistance, waiting for the opportunity to come back." George Kennan described these same traits almost a hundred years later, and the new tsars in Moscow have not changed. We ignore this sobering fact only at our own peril.

If the President wants to build a new foundation, SALT would be a good place to start, because the old one is crumbling. We have established a negotiating approach that insures that SALT will not promote military balance or good relations with the Soviet Union. We cannot continue accepting bad SALT agreements with the explanation that the next agreement will remedy the failings of its predecessors. We heard that on SALT I, that "some of the things that we cannot take care of or agree on in SALT I we will take care of in SALT II."

That is one of the things that we hear from the opponents of SALT II. The opponents of SALT II are now telling us, "Yes, there are some problems, but we will take care of that in SALT III," and I suppose in SALT III, if we are still around, we will hear that they will take care of some of the problems in SALT IV!

This treaty is seriously flawed. General Seignious will be in a position to have little or no impact on it. It has already been agreed to; there is no doubt about that in my mind. We are facing serious strategic imbalances. By the mid-1980's, the Soviets have a potential war-winning capability, an ability to knock out our Minuteman III sites. We are cutting off the legs of the triad by cutting off the B-1 bomber, impending the development and deployment of the MX missile, and delaying the development of the Trident, at a time when the Soviets are building up at the most rapid rate in their history.

Now we are being asked to agree to a SALT II treaty that will legitimize and guarantee Soviet superiority in the mid-1980's. This Senator will do everything he can, when the SALT treaty has been signed and when it comes before this body, to see that it is defeated. It must be defeated in the security interests of this country. I intend to participate actively in the lengthy and extensive debate that will occur when this treaty is presented to the Senate. And I am confident that my colleagues in this body will not allow this dangerous treaty to be crammed down our throats by the "SALT-sellers" in the Carter administration.

(The following colloquy occurred earlier and is printed at this point by unanimous consent.)

Mr. PERCY. Mr. President, will my distinguished colleague yield, without interrupting his own comments? Does he mind yielding to the Senator from Illinois for 1 minute?

Mr. GARN. I will be happy to yield as it does not interrupt my comments.

Mr. PERCY. I thank my distinguished colleague. I have a 1:30 meeting.

I wish to say, with all respect for my distinguished colleague who does an admirable job of researching and thinking through his position, I had come to a conclusion, after meeting privately with General Seignious, after questioning him at considerable length in the Foreign Relations Committee hearings and listening to the questioning of others and listening to his own testimony, that in this particular case, without precedent for military personnel taking on this kind of responsibility, we do at this particular time need someone who is well versed in military systems, who thoroughly understands the complexity of the balancing that we are trying to do, who would be perceptive and who would be in close touch with the Joint Chiefs of Staff should there be any concern that our balance is being tipped.

I feel that his military background, plus the absolute assurance that the Senator from Illinois has that General Seignious is taking fully into account, there can be no satisfactory agreement acceptable to the Senate, acceptable to the American people that is not adequately verified and that in any way relative to the Soviet Union weakens the United States. That is a judgment question that we are coming to, and I am not reaching a judgment ahead of time, because we have not been privy to all of the information that we will be thoroughly studying, but in this case I feel comfortable that General Seignious is able to give us an insight into this matter, is able to represent us in these negotiations and that the background that he has qualifies him for his particular position.

I thank my distinguished colleague for yielding to me and again reiterate that the continuity of the speech of my distinguished colleague should not be interrupted by this interjection.

Mr. GARN. I would only reply to my distinguished colleague from Illinois with what I said in my opening statement: That I was not rising to oppose General Seignious. I agree with much of what the Senator has said.

I only say that in my opinion, as a member of the Arms Control Subcommittee for 2 years, and following SALT very closely, that General Seignious will have had no impact on the treaty whatsoever. I wish he would have, rather than his predecessor, Mr. Warnke.

There is no doubt in my mind that SALT II has been essentially complete for at least 6 months. I think that is timed with the departure of Mr. Warnke. My experience in the Soviet Union, and in conversations with Mr. Brezhnev there in January, convinced me that we were only talking about some very small, final details, and the only reason it was not signed in December was because of the recognition of Red China and the Soviets' irritation with the fact that Teng Hsiao-ping was coming to the United States.

So I expect it will be signed soon. I do not really expect that General Seignious will have any impact on it whatsoever because it is essentially complete. I wish he could have had an impact. I wish he had been there rather than Mr. Warnke. So I do not rise to oppose him. I rise to talk about ACDA and the general posture of the United States.

I thank my colleague.

(Conclusion of earlier proceedings.)

Mr. DANFORTH. Mr. President, I understand there is some likelihood that there will not even be a rollcall vote on the confirmation of the nomination of General Seignious. If there is a rollcall vote, from what I understand the vote would be very heavily in favor of his confirmation. If I have to vote on General Seignious' nomination, my inclination would be to vote for it. I have met the general, I think, on two occasions. From what I have seen of him, he appears to be a sensible person, a man with a reasonably sound notion of where he is going.

My only sense of hesitation stems not from the merits of General Seignious, but from the fact that this is something of a foreign policy question. During the time when the nomination of Ambassador Warnke was before the Senate for confirmation, I pointed out that when we vote to confirm or not to confirm the nomination of a person in a foreign policy position, the Senate has an opportunity to make its views known on substantive issues under the guise of voting on a confirmation. As a matter of fact, the Constitution of the United States only gives us a couple of explicit ways of participating in the formation of foreign policy. One way is to vote on the confirmation of Presidential nominations for positions related to foreign policy, such as, for example, that of the Director of ACDA, and the other is by voting on the ratification of a treaty, which we will have to do, of course, when SALT is submitted to us.

What I do not want to do at this point is create the impression that by voting for the confirmation of the nomination of General Seignious, I would be triggering any support for the SALT treaty when it arrives in the Senate. I am one of, I guess, a majority or at least a substantial number of Senators who are uncommitted, and genuinely so, on how we will vote when that treaty comes before us. I think it would be premature at this point for me to take a position on the merits of that document.

But beyond the SALT treaty itself, I am a little bit hesitant in connection with this particular nomination, not that I intend to vote against General Seignious, because I will in fact vote for him; but what gives me pause is that this is a foreign policy question, and I have to say to the Senate that this is one Senator who has deep and very much growing concern about the course and the direction, if any, of the foreign policy of the United States of America.

In trying to formulate, in my own mind, an analysis of what our foreign policy is, I have difficulty verbalizing it to myself. It seems to me that when a nation participates in world events, it should have a clear presentation to its own people and to the rest of the world as to where it stands, what it stands for, and where it is going.

I must say that such a clear presentation of a foreign policy has, in the opinion of this Senator, been lacking. I say this not as a partisan attack on President Carter at all. Indeed, I think President Carter is a very nice man, and a very well-meaning and hard-working man. But it seems to me that since the time of the war in Vietnam and since the time of Watergate, which was a problem of my party, we have had difficulty, as a country, coming to grips with exactly what we mean by foreign policy, what it is, what it is all about, and where we are heading, and that the trend in the world is not running in favor of the United States of America or our interests in world events today.

I know that President Carter takes an opposite view, and that Mr. Brzezinski points out that in his view the tide of events is flowing in our favor and against the interests of the Soviet Union. But I must say that I doubt that. When the Government of Iran, once a strong ally of the United States, is toppled, when the American ambassador is kidnapped, the American ambassador in Afghanistan is murdered, the Secretary of the Treasury goes over to China, registers our verbal protests of the Chinese invasion of Vietnam, and is publicly ignored—and in fact at the time he is in China it is announced that maybe China is not going to stay in Vietnam for just a short period of time after all—and when I think we have a situation in our foreign policy today where it is unclear exactly what we stand for, where we are heading, or why, then the trend is not in favor of the United States, and, with respect to military policy in general and strategic policy in particular, again it is unclear exactly what we have in mind, with or without SALT.

Suppose we had SALT; what do we intend to do with respect, for example, to the MX missile, its development and its deployment?

As far as I know, that kind of a clear message has not been given to the Senate, to the Congress, to the American people, or to the world.

So what I am concerned about in this particular vote, if there is a rollcall vote or even if it is just a voice vote, is that the administration will again say to the world:

> Well, everything is just going fine. Our foreign policy is in very good shape. We are heading in the right direction. We have had a resounding vote of confidence from the Senate in our foreign policy.

I would be remiss not to use this opportunity to state that despite my vote on General Seignious, I do not have confidence in our foreign policy. I do not have confidence that we even have a foreign policy. I do not have confidence that we have any sense of where we are going, or why.

I think this is what leadership is all about. If the administration does not provide the leadership, then the Senate should. But I do not want to signal, by this vote, any degree of confidence in where we are heading.

Mr. JAVITS. Will the Senator yield?

Mr. DANFORTH. I yield.

Mr. JAVITS. Notwithstanding that I am joining in confirming the nomination, and I shall support General Seignious for reasons which I shall explain in due course, I do not wish my vote to be taken as a blank check or the imprimatur of approval. I doubt that any of us do. It is my conviction that this situation is so difficult, that we have made so many mistakes, we have been caught flatfooted so many times, that we have been behind instead of in front of events so many times, that some new way of handling the foreign policy of the Nation needs to be developed.

I believe a way which appeals to me, and it is not the solution but it is a solution, is some way in which the Congress and the President can be joined in policy so that when the United States speaks, it speaks for the whole Government, to wit, the legislative, which is so critical, and the executive. This carries with it the need for concurrence by a substantial majority. I would say, as an estimate, two-thirds. Really, policy ought to be made in this country now, considering the troubles we are in, considering the low state in which the President is and we are.

Those of us in opposition like to say that the President is not doing very well. But we are not doing very well either, and probably for many of the same reasons. I believe it will help us both and it will help the Nation. So I am hoping now that we can. It is a great opportunity for Senator CHURCH, the chairman, to really develop again that fortress of strength which was the bipartisan foreign policy. It may be called something else, or it may be a different kind of a coalition.

The Vandenberg bipartisan policy happened to represent a unique blend with a President with whom a great many of the Senate agreed, and that probably had a lot to do with shaping policy before it got to the Foreign Relations Committee. That may not be the technique now.

Again, on the basis of a solution rather than the solution, I welcome any other suggestions. My thought, however, is if we can work out procedures by which it will be clear to the country that when the President and the Congress speak it represents the best fruit of their judgment in the sense that it is the President plus a good, substantial majority, which I define as two-thirds, then I think we will begin to see better policy. I think we would begin to reestablish that credibility in the people of our country which is indispensable to the implementation of policy. After all, who is going to put up this money and who is going to put up these lives that security demands and the survival of freedom demands?

We have to remember that, and we have to remember that comes only from the base of support, which is the people. I thank my colleague.

Mr. DANFORTH. I have to say that I agree with the comments of the Senator from New York, as I often do in many regards, and I certainly do in this regard.

I believe in a bipartisan foreign policy. As a matter of fact, if we do not have a broad consensus of support for foreign policy, it is very hard to formulate a foreign policy.

I am hardly a student of foreign policy history, but I do believe that it is clear that one of the great tragedies of the war in Vietnam was that the kind of consensus that we always relied on in America for taking a resolute position in the world was the broad consensus that the President had. When the President spoke, he was able to speak with the confidence that he spoke not only for himself and the executive branch, but for the overwhelming majority of those in the Congress and for the country as a whole.

Now we have had, over the period of the last 10, 12, or 15 years, a steady breakdown, a steady erosion of that kind of support for a consistent, comprehensive foreign policy. The result is that right now we just do not have it. We do not have that sense that we have a policy which is comprehensible and comprehensive which the President is articulating on behalf of the administration, on behalf of the Congress, and on behalf of the American people.

It is going to be very hard to regain the position that we had before the war in Vietnam, and it is going to be very difficult. In foreign policy in the old days you could send the troops up San Juan Hill. Now instead of a cavalry we have nuclear weapons. Saber rattling is rattling nuclear weapons. You cannot just move out into the world with the same degree of confidence and, if you make a mistake, "So what?" that you could, say, 50 years ago, not in today's world. But the fact that it is more difficult does not mean that we should not strive to reach some sort of national consensus on where we are heading.

It seems to me to be tragic that the most divisive issues that we have had since I have been in the Senate have been foreign policy issues. One after another, the hot issues last year before the Senate, beginning with the Panama Canal Treaty through the Turkish arms embargo, were foreign policy issues.

If we are going to form a consensus, it seems to me that this is what leadership is all about. And that the job of leadership is to state where we are and where we are heading in a fashion which is understandable and which can be supported by the vast majority of the American people.

I would only suggest that one of the problems with our foreign policy may be that there is just too much razzle-dazzle in it; that there is just too much complexity, sudden moves, hastily called 15-minute television shows, gala performances in Kennedy Center; that there have been too many big media events and too little effort to put together in a less spectacular but sounder and clearer fashion a presentation of a good, purposeful, directed foreign policy.

I really think we lack leadership in this country today. I think that is true with respect to the economy. I think it is true with respect to energy. I think it is true with respect to foreign policy.

I am not faulting the President alone. I am faulting the Congress. I am faulting those of us who are on the floor today.

Mr. JAVITS. Mr. President, I deeply appreciate the Senator's intercession in this debate and this small exchange which we have had.

I can pledge to the Senator that old phrase from the British Parlaiment, "The way to resume is to resume."

That is what we are going to try to do.

I thank the Senator.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me first address my remarks on the nomination of Lt. Gen. George M. Seignious, the Director of the United States Arms Control and Disarmament Agency, and note the change of command of our Foreign Relations Committee.

I appeared with General Seignious at his hearings before the committee. I want to thank the committee for their deliberate and comprehensive treatment of this particular nomination, the many courtesies extended the nominee, and the thorough way in which they approached it and reported it here to the U.S. Senate. Senator CHURCH and Senator JAVITS have been very helpful and very objective.

As they have indicated already in their comments, the confirmation itself is not any indication whatever of further disposition of SALT II. But that should not forego the fact that they have been very helpful and have done, in my opinion, an outstanding job in bringing this nomination to the floor.

Mr. President, it gives me a great privilege to address some comments with respect to some of the misgivings appearing here in the debate today and in the hearings before the Senate Foreign Relations Committee on the appointment of General Seignious as a general, or any general or officer in the armed services, for that matter, as being fitting to serve as the director of disarmament in our Government.

First, with respect to the earlier remarks by my distinguished friend from Utah (Mr. GARN) about the demise of Paul Warnke, the former Director, and the allusion to the fact that the administration was worried about him—that is, Mr. Warnke—selling the SALT II treaty agreement to the U.S. Senate. Therefore, the call for a military man to come, and under the cover of military approval, thereupon, the Senate would then give its approval. Or at least those, perhaps, of my ilk and kind who believe in the military, who are looked upon, perhaps, on the conservative side of some issues, would say, "Well, if the general himself saw this as a good agreement, then certainly, who am I to question him?"

On that particular score, let me say, here and now, if I voted in the next 2 minutes on SALT II, as I have heard it reported and watched it, and I have watched it very closely, I would vote in the negative.

So I am not appearing under any false colors or clever language or trying to be coy with my colleagues, or anything of that kind. I have followed SALT II and I have followed it very closely because I had the occasion to follow SALT I.

I went with the then distinguished majority leader, Mr. Mansfield, to the Helsinki meetings of the SALT I team. We met in the meeting at that particular time with then Mr. Paul Warnke, and now later and still an opponent to SALT II, with Harold Brown, now the Secretary of Defense, with Ambassador Gerald Smith, who was the Director of Arms Control and the chief negotiator for the SALT I treaty, and others at that particular time, and we thought we had a pretty good agreement, and this is the time of August 1971.

However, the agreement of 1972, confirmed as the SALT I treaty by the United States Senate, submitted by then President Nixon, had all kinds of inequalities, obvious inequalities. Any youngster without any training could look and see the unequal numbers of launchers, submarine launched ballistic missiles, Poseidon ships, and everything else of that kind, ICBM's and everything otherwise.

When we argued at that time, they said, "We know that, but this is only for 5 years and this will really get us on to SALT II and there is a tremendous value," the argument was, "in actually getting the Soviets to negotiate." That, in and of itself, was of tremendous value, and while there were certain inequalities, we had better accuracy, more MIRVing, and everything else, and while they might catch up the thought being it would take them 5 years or more but they did in 1 year.

But, in any event, they said, "We are going to get SALT II and equalize it."

So I looked at SALT II to look for the equalization and, of course, it has not occurred. In fact, it is even again more to the disadvantage of the United States, and I am prepared at this moment to oppose SALT II.

But the appointment of General Seignious is much like Voltaire's approach to the right of free speech and truth. He said, "I may disagree with everything that you say, but I would defend to the death your right to say it."

I may just there disagree with my good friend, Gen. George Seignious, but I would defend to the end his right to serve.

His nomination is not an administration ploy. If it had been a ploy, I have been in the game 30 years and I think I could recognize and see it. I would think that having been the only living Senator now that did vote against SALT I, and since General Seignious is from my State, they would have sort of maneuvered me into the appointment and made me a part of it. They do those kinds of things.

We have a textile arrangement—I do not know if it is announced or not announced. I know one of the maneuvers is to maneuver me into that particular administration position taken as a result of their veto message on my textile bill.

I have gone along with removing my objection to the countervailing duty measure so we can finalize it, but I want to see the implementation. I want to see the agreements on Hong Kong. I want to see the agreement we have with Korea. I want to see the administration carry it out in good faith, and I say that the administration did act in good faith in bringing this about, and I want to see it is carried out in good faith before I make a judgment on the multilateral trade negotiation later this summer.

But I know my good friend, the Ambassador, would love to have me come and say, "Whoopee, now with the textile arrangement we will count on you to help us pass the MTN."

I cannot do that. He knows it.

Similarly, here. Ambassador Strauss spoke to me. I am saying that the administration does know how to maneuver you into the part and to the announcement and to the selection, you might say, of Lieutenant General Seignious. I was never contacted by the White House, and I was never made part of the particular appointment, although no one is more proud of General Seignious and this appointment than I. It points up the fact that the President chose General Seignious not as a ploy but, rather, because of his experience, his judgment, his awareness, and his sensitivity to the disarmament question.

Speakers come in and talk about General Seignious. I quote the distinguished Senator from Utah:

> He is very capable, articulate, and intelligent.

I quote again:

> At the same time, I think he is being used as a pawn by the administration in their SALT selling activities.

In SALT selling activities, as a man, yes; as a military officer, no. As a man, he has served in other capacities, giving him a particular talent in this field.

General Seignious, early on, as a young colonel in the Army, served with the International Security Affairs Agency, the Defense Security Assistance Agency, and became familiar in that role with the arms question. He served on the American-Brazil Inter-Military Conference as well as in many other capacities.

He learned the value and the danger of arms. As an old-time friend of mine, we crossed paths in Europe. He was with the 2d Armored Division and I was with the 7th Army, and he crossed in front, going across the Danube. He knows war, and he knows arms, and he knows their value and the terrible destruction that results. He also has experience as an adviser to the President of the United States about arms limitation and the SALT II treaty.

I referred earlier to Secretary of Defense Harold Brown. He was the public adviser to the SALT II negotiations prior to the appointment of General Seignious. When Secretary Brown was appointed Secretary of Defense, it was thereupon that President Carter appointed General Seignious as the public adviser and observer at the SALT II negotiations in Geneva and Moscow and Washington, as they continued over the past several years. No doubt he was chosen for various reasons.

General Seignious served as the Berlin commander. You do not just march people around as commander of Berlin. You have to get water and sewer lines, and you have to get public services and bakeries operating. You not only take care of security; you take care of all the political needs of people, as the commander in Berlin. The job has a comprehensive scope.

He served as an advisor to Ambassador—I call him Governor—Averell Harriman, to Paul Warnke, and to Cy Vance, as the negotiating team at the Paris peace treaty accords with Vietnam. He was an advisor there on making peace, and he was recommended by Governor Harriman and Secretary Vance to this post.

We see too often that the media are looking for a story and are not trusting anybody and immediately jump to a wrong conclusion. In this case, it is a wrong one, because the ones who strongly support Senator Hubert Humphrey's move for disarmament, starting back in 1962, for limitations on all arms—the Ave Harrimans, the Cy Vances, the Paul Warnkes—were the ones who recommended General Seignious for this post. The President, as a result of his original recognition of the capabilities of General Seignious, put him in there as a public observer and adviser to the SALT II team.

So when the vacancy occurred at the end of last year, when Mr. Warnke retired to private life, as he said he was going to do at the time he was appointed, it was a natural and normal thing to take someone attuned to the particular treaty, having participated for a couple of years with President Carter's negotiation team in Geneva, and have him come in as Director, with proven administrative capabilities.

When you look for the director of the Joint Chiefs of Staff, you look for the man who is going to run the Defense Department; because the poor Chairman of the Joint Chiefs that four-star general or admiral—in this particular case, General Jones, and it was Admiral Holloway—have to appear and testify, hither and yon. We had a problem in Iran; they have to observe and report on Indochina; and they do many other things.

For the administration, in day-to-day control, you have to have a top individual. Lt. Gen. George Seignious served in an outstanding fashion as director of the Joint Chiefs of Staff. Let me go not only to his capabilities, his awareness, and his familiarity with the problem and his expertise, but also, finally, to the principle of a military man serving. We had this out before the Foreign Relations Committee. I do not think it should be categorical.

I necessarily would look at an arms control role with some question with respect to an Army officer being appointed. That would be a natural thing. I can think of many, many Army officers, good friends of mine, who would not have the balanced judgment and would not have the sensitivity and the feel for a particular role in disarmament. You would not appoint Gen. Curtis LeMay, and I readily acknowledge that. If there is anybody who likes the General LeMay type—and I say that respectfully, because I think we need a little more fire and toughness now than we have—you certainly would not put him in that particular role. He would not have any credibility.

On the other hand, you can look at the record of a civilian and say that he is pretty good and totally competent, that he could handle those particular negotiations. It is a tough role. There are many concerns to be satisfied. In the end, it has to be sold to 100 U.S. Senators and politicians.

So it is not necessarily a civilian or a military man in the job description for Director of the Arms Control and Disarmament Agency. I cannot go along with the idea that, ipso facto, a military man has to be bad.

We have had some of the best in the business, such as General Clay, when he took over Owens-Corning, and General Wood of Sears, Roebuck. I could go right down the list.

The average corporation certainly would not have generals coming in and running their businesses. But there have been outstanding exceptions who have come in and brought these industries and businesses from next to nothing to a very viable, competitive, and very successful private corporate entity.

The most up-to-date example, of course, is Frank Borman. It might be said that he had been studying the blood count and flow and all the various things that go into an astronaut's role. He probably has not been flying a plane too much, because of being engaged as an astronaut, and it might be said that he did not know the ramifications of a worldwide air service. But he has taken Eastern Airlines and has led it to great heights.

Similarly, in the U.S. Senate, we would not say that we want civilian control, and certainly we do not have to have generals and those who have served in the Navy and the Coast Guard coming in and voting on these budgets. That is why we have civilian control. If we are going to have civilian Secretaries, let us not cancel that out by having military officers like General Goldwater and General Thurmond and General Cannon and Colonel Glenn and start making appropriations for these branches of the service.

We do not do that on ourselves. We would be laughed off the floor if we proposed it.

I am not laughing at the proposal of my distinguished colleague from Iowa, Senator CULVER, about his misgivings of the military services, but I know him to be too smart an individual and too broad in his judgment and vision to categorize any particular class or group and say, "Thou shalt not serve."

We have the committee to investigate nominations. The Foreign Relations Committee has done just that. They have gone very, very thoroughly into the qualifications of the nominee.

At this moment I see the distinguished colleague from Wisconsin. He is waiting to perhaps talk on this matter.

Let me yield at this particular time to the Senator from Wisconsin. I will have some further remarks.

I ask unanimous consent that my complete statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOLLINGS

Mr. President, I rise today to speak in support of the nomination of George M. Seignious II to be Director of the U.S. Arms Control and Disarmament Agency. President Carter has made an outstanding nomination, and I a very pleased that General Seignious has responded affirmatively to the call of the President. Whenever his country has called, whenever duty has summoned him, George Seignious has responded with affirmation, with dedication, and with character.

I have known George Seignious since we attended school together at The Citadel, the military college of South Carolina. And I think the best service I can offer the Senate during consideration of this nomination is to detail something of my own personal experiences with the nominee.

At the Citadel, Obbe Seignious was the top academically, he was the most popular member of the class, and received an appointment directly into the Army. During the Second World War, he served with courage and distinction overseas. In fact, even during the war, our paths crossed. I remember coming up out of the Seventh Army; we crossed the Rhine, and when we came to the Danube, Obbe had left a sign "You are now crossing the beautiful Danube courtesy of the Second Army Division." He had gotten in there ahead of us by a few days.

When the war ended and we all came

home, I continued to follow his career with interest. I do not wish to take the time of the Senate in reciting chapter and verse the many assignments he held and the accomplishments he achieved.

Let me just say that in every endeavor he has exceeded even the high expectations we had for him. From his student days, his classmates knew he would excel in the military. The Distinguished Service Medal with 2 oak leaf clusters—the Silver Star—the Joint Services Commendation with 2 oak leaf clusters—these comprise only a partial listing of the recognitions which testify to the accomplishments of his military service. As United States Commander in Berlin, as Commanding General of the Third Infantry Division in Germany, as staff director of the Organization of the Joint Chiefs of Staff, and in the other sensitive and important assignments he has undertaken, George Seignious has always performed with brilliance and commitment.

I would stress the breadth of experience which he has. I mention this in the context of those who argue that the General's background is not what we should have in the post for which he has been selected. When some say they want to write a statute excluding military men, they are totally disregarding what a military man really is in this day and age. They don't just go off to military college, graduate, and then spend the rest of their days in reveille and marching and officers' clubs. Look at their experiences, and his in particular. Thirty years ago he was on the Joint Brazil-United States Military Commission as a junior officer and was already working with civilian personnel in that capacity. Twenty-five years ago he was at the Joint Services Staff College at Latimer House in London, exposed to other than just military education. From 1957–1960 he was executive military assistant to the civilian Secretary of the Army, Wilbur Brucker. In 1968–1969, he was adviser to Governor Averell Harriman, and I know how highly the Governor feels both about this man and the President's appointment of him to this particular post.

When he was Commandant in Berlin, he was of course advising our Ambassador, Kennether Rush, on the most sensitive kinds of questions. I could go on, with his work at the International Security Affairs Agency, the Defense Security Assistance Agency, and his advising on the SALT talks. But the conclusion should be obvious—here is a gentleman of the most sensitive intelligence and the widest kind of experience. He understands the fine points of policy and the nuances of national security.

We all had great pride in him, and we worked hard to realize our hope that he could become President of The Citadel. He did, in 1974, and the college has made tremendous strides under his administration. Always a fine school, The Citadel is today a better institution than it was, and the primary credit goes to the dedicated and untiring effort which he put into his work as President. He came with a vision of what he knew The Citadel could be, and he came with the talent of organizing and inspiring his associates and the community and all concerned to make that vision a reality .

And, again, I don't just refer to the military. I mean the academic and summer school activities. We have women on campus now, and graduate degrees, night school, and everything else characterizing a first-rate university. Let me add that General Seignious knows how to talk to the politicians, too. He has been to our South Carolina General Assembly to obtain funds.

And while it is no doubt frightening enough to appear before Congress in quest of money. I don't know of anything so potentially intimidating than going to the Statehouse in Columbia and asking for money, just when they all got elected on the theme of balancing the budget. That theme, by the way, has a longer history in South Carolina politics than it does here in the Congress.

I hate to see General Seignious leave our college. But he is answering to the call of the President and the persuasion of the Secretary of State and many others. The call he hears is duty, and to that clarion call, he has always answered with certainty.

We still do not have arms control and meaningful arms reductions. Arms control is difficult business, and if ever we are to make real progress, it will take all of our nation's talent and dedication to do so. It will take diplomats, but just as much it will take military expertise and the experience and appreciation which go with that kind of basic knowledge. We don't say military men can't run for Congress. We don't say they cannot serve as President. Why we should turn around on this post and say a military man cannot run the agency to deal with military arms reduction is beyond my power of understanding. To say that would be to bespeak a fundamental misunderstanding of what the military is like and of what those who have seen war most closely understand about the necessity to control arms.

Mr. President, George Seignious is superbly-qualified to discharge the responsibilities of this important post. I am confident that his service will make the Senate proud, and I urge my colleagues to give their wholehearted support to his nomination.

Mr. PROXMIRE. I thank my good friend from South Carolina. He is very accommodating, as always, and I deeply appreciate it.

Mr. President, I oppose the nomination of General George M. Seignious as Director of the Arms Control and Disarmament Agency. I do so for several reasons.

First, the General, as chief spokesman for the U.S. arms control community, is already on record as stating that it should be the policy of the United States to increase its strategic capability even with a successful SALT II treaty. There is great irony in this position. It echos the private and increasingly public statements coming out of the Pentagon—that the United States must build up after SALT just as we would have to build up in the absence of SALT. Specifically, General Seignious seems to have given his approval for the MX. In his first press conference he stated that Soviet weapons buildup under SALT "will produce such an inventory of strategic arms that it doubtlessly will propel the United States into seeking an alternative to the vulnerability of our Minuteman field."

Now of all the new strategic weapon systems on the drawing board, the MX poses the most serious arms control problems. It could encourage the widespread use of deceptive strategies by the U.S.S.R.—thus complicating if not making impossible any future SALT agreements. It would be inordinately expensive—$30 billion by many estimates. It could cause significant environmental damage in its ground-based mode. It may give rise to first strike fears by the Soviets and encourage a reaction that would further complicate the delicate balance of strategic forces. In short, this endorsement of the MX by the future Director of the Arms Control and Disarmament Agency displaces the check and balance between ACDA and the Pentagon that is so important in the forming of national policy.

The confirmation of General Seignious would also continue what is fast becoming the militarization of American policymaking. We have an admiral at the CIA, generals or military leaders at DIA and NSA and now a general for ACDA.

We need to adhere to the policy of civilian control at the helm of our Government.

We have been advised by everyone from Washington to Eisenhower of being sure that we have civilians at the helm of our Government. We have restrictions in the law that state that the Secretary of Defense and his two principal deputies, for example, must be civilians. The same policy should exist for the Arms Control and Disarmament Agency.

We must guard against establishing a pattern of relying exclusively on advice from the military ranks. ACDA is a counterbalance to the Department of Defense and must continue to play that role.

That makes it important that the Director of ACDA not be drawn from the ranks of the military where directly or indirectly he has been associated with the thought process that is largely antithetical to the Arms Control and Disarmament Agency.

After all, it is a rare general or admiral who is not interested in building up the military force, and that is his job; that is his responsibility. To expect him to move from that position to a position of advocating arms control and disarmament is expecting far more than we can realistically expect to have.

It is difficult to be a "team player" as General Seignious calls himself when one must debate within the administration with the Pentagon.

Mr. President, it should be noted that General Seignious cannot hide behind his rank. He is outranked by scores of officers at the Pentagon. Those he will be debating with at the Pentagon will outrank him in every conference. The prestige of the rank will be of little use to him and may be a disadvantage.

Finally, Mr. President, there is a question about the strength with which the general holds to positions and investigates those positions in advance.

That is going to be his job. And we have to rely on a man who has thought carefully about the complications of these treaties before he makes recommendations to us.

He has admitted joining the Coalition for Peace Through Strength—an organization with the goal of disapproving the SALT Treaty. He says he joined on the recommendation of several close military colleagues. He now rejects the aims of this organization. My question is "Is this the kind of close analytical care we need in the review of an admittedly complex SALT Treaty?"

Does this represent an attitude that will prevail after he is Director of the Arms Control and Disarmament Agency? Will his military colleagues have the same influence over him in his new capacity? As I point out, Mr. President, his military colleagues will in many cases outrank him. Perhaps they will not influence him in that way, I hope not. It could well be that this was an event totally unrelated to his professional responsibilities, but it does raise unanswered questions about his thoroughness and clarity of vision.

For this reason, Mr. President, if there is not a rollcall, and I understand there will not be, I want to be sure that I am on record as opposed to the nomination of General Seignious, and if there is a rollcall, I will vote in the negative.

Mr. President, I think the distinguished Senator from South Carolina wanted to speak further. So on the assumption he will be back momentarily, I yield.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I shall support the confirmation of the nomination of George Seignious to be Director of the Arms Control and Disarmament Agency, and I shall do so on the following grounds:

I do not believe that, with the law as it is—if we change the law that is another matter—there should be any built-in bar to a former military officer becoming the Director of this Agency. Indeed, some of the most devoted and convinced advocates of the reduction of armaments of all kinds have been military people.

Nobody knows the horrors of war better than a professional military officer. I have served, and some of the others here have served, in the Armed Forces. I was not a foxhole soldier, and many others have not been, but you sure see and feel it in an unparalleled way, and it burns itself into your soul. It was heavily attributable to that fact that I went into public life after being mustered out of the Army after World War II.

Second, I believe the decisions coming up make this a proper nomination. With this kind of background and training, he may be very useful to us in terms of the abilities of Mr. Seignious, formerly General Seignious, to add the element of professional knowledge to the consideration of the limitation and disarmament matters which will be before Congress in such a critical way.

Last, the President has decided that Mr. Seignious will be the Director; he will not be the Ambassador negotiating in respect of all five ongoing negotiations, Ambassador Earle being the negotiator already confirmed by the Senate in respect of the SALT negotiations.

Interestingly enough, one of the public witnesses, in my judgment, phrased this matter the best at our hearings, and his testimony is found at page 136 of the hearings. Sandford Zee Persons, vice president of the World Federalist Association, testified as follows:

> We hope that with his unique background and first-hand knowledge of war, he—

Meaning Mr. Seignious—

> will provide leadership toward the creation of a new world security system, one which will provide truly rewarding and cost effective national security to the United States of America and its citizens, as well as to all our fellow citizens of planet Earth.

I would like to point out how this ties in, also, with the testimony of Mr. Seignious himself. I asked him, at page 36 of the hearings:

> Senator JAVITS. What about the substantive proposition? What do you believe, as contrasted with the declaration of the Coalition for Peace Through Strength, regarding military superiority over the Soviet Union?

I would interject, to explain my reference, by pointing out that one of the things which Mr. Seignious was asked to explain was his joining this Coalition for Peace Through Strength, one of the primary objectives of which was military superiority over the Soviet Union.

This is what Mr. Seignious said:

> Mr. SEIGNIOUS. Well, I tried to answer that a moment ago by saying that in the broad range of military security there is a lot more than military equipment.

I wish to repeat that phrase:

> In the broad range of military security there is a lot more than military equipment.

Again quoting Mr. Seignious:

> I think you are explicitly referring to SALT II here and that I subscribed to the fact that military strategic equivalence is what we are negotiating, that we are negotiating from a position that recognizes that neither side should be advantaged or have an advantage over the other through the process of the negotiation.

I then asked:

> Senator JAVITS. Do you believe in that as a general, as an American, and as a prospective Director of the ACDA?
>
> Mr. SEIGNIOUS. I believe in it on all counts, and I can say further that it is inconceivable to me that one side can, even if it wanted to, even if it were willing to spend $100 billion, gain a strategic advantage over the other in the strategic central systems. I think it is an impossibility.

That, to me, is the essence of an understanding and balanced view of why these negotiations are a critical element in the security of our country, and it is that kind of thinking which I think the General exhibited to us.

Finally, in answer to a question by Senator BIDEN which is found on page 22 of the record, the questioner asked:

> What role do you see for the ACDA as part of the executive branch's national security structure?

He answered as follows—I read just the first two sentences, because I think that tells the story:

> It is high time in the structure of government that arms control be recognized as a legitimate form of national security, and if you start with that premise, you must start with another premise, and that is that the agency has to do its homework, it has to be at the seat of government, it has to influence policy, and it has to have a voice.

I like that attitude very much. Arms control must be recognized as a legitimate form of national security.

That has a little analogy to the conservation of gasoline, Mr. President. It has been properly said on this floor, I think, by Senator PERCY, that every gallon saved is a gallon of additional gasoline which we have got without importing it. That is very much the tenor of what Mr. Seignious said in our proceedings.

Finally, I would mention the general's association with this Coalition for Peace Through Strength. He apparently agreed, while still president of the Citadel, which was his last job—a great military school and training institution—on July 7, 1978, to be a member of the Coalition for Peace Through Strength and a member of the American Security Council.

I am not arguing with the purposes of the organization at all; it is a legitimate American organization. But one of the goals of its program was to "stop SALT II," and also one of its declarations was that it would seek to bring the United States into a condition of superiority over the Soviet Union in respect of armed strength.

The only difficulty which one finds with that statement is that it rules out the ability to negotiate any disarmament or arms limitation agreements. Mr. Seignious claims that he joined the coalition "to associate myself" with two members of the senior advisory committee of the Citadel, retired Gen. Lyman L. Lemnitzer and retired Adm. Thomas H. Moorer. He resigned on October 17 of the same year, only a few months after he joined.

When he resigned, he said in his letter:

> The content of your position is not a responsible position on SALT II.

Now I taxed him on the inconsistency of joining and then resigning abruptly. I told him it occasioned quite a good deal of comment. This is what he said, and I quote it, because I think it is an essential element of the record:

> If I am to be faulted, and I can be faulted, it is because I joined an organization and did not look thoroughly enough at its program . . . so my membership in the Coalition for Peace Through Strength was of short duration. It would have been just as short if I had not been asked to serve as Director of the Agency. I know that I am not immune to the sensitivities and the appearances of this situation. I am very sensitive to this point, and it does not reflect a prudent administrator joining and then unjoining. But that is the extent of my indiscretion.

Mr. President, I feel that it was an indiscretion. I feel that General Seignious has learned something from that experience and that this will be very instructive to him in his work which he will undertake, assuming Senate confirmation.

Upon all those grounds I have stated, Mr. President, I shall vote to confirm this nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, having conferred with the ranking minority member of the committee (Mr. Javits), and having learned from him that there is no request on the Republican side for a rollcall on this nomination, and knowing no request by any Senator on the Democratic side for a rollcall, I believe the Senate is prepared to proceed to a vote.

Therefore, I move that the nomination of Mr. Seignious be confirmed.

Mr. THURMOND. Mr. President, I rise today in support of the confirmation of Gen. George M. Seignious II (U.S. Army, retired), as Director of the Arms Control and Disarmament Agency. General Seignious is an experienced and capable man who has continuously demonstrated an outstanding willingness and dedication to serving his country throughout his long and distinguished career. It should also be noted, Mr. President, that General Seignious has served as an educator of eminent distinction as president of the Citadel military college in my home State of South Carolina.

After much debate and careful deliberation, the Senate Foreign Relations Committee recommended to the Senate by a vote of 13 to 2 that General Seignious be confirmed. Although General Seignious and I may, in the coming months, disagree on certain points of a negotiated SALT II treaty, I strongly feel that the Senate should today follow the recommendation of the Foreign Relations Committee and confirm his nomination.

Mr. President, I ask unanimous consent that the statement I made before the Foreign Relations Committee on behalf of General Seignious be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR STROM THURMOND

Mr. Chairman, it is indeed a pleasure to introduce General George M. Seignious, II (U.S. Army, Retired), to this Committee. Throughout his long career, he has always demonstrated an outstanding willingness and dedication to serving his Country.

George M. Seignious, II, was born in Orangeburg, South Carolina, on June 21, 1921. He was graduated from high school in Kingstree, South Carolina, in 1938, and from The Citadel, Charleston, South Carolina in 1942, at which time he was awarded a Regular Army Commission as a second lieutenant of Infantry.

General Seignious' service during World War II was with the 10th Armored Division at Camp Gordon, Georgia, and in the European Theater of Operations; from platoon leader to operations officer, 20th Armored Infantry Battalion, and assistant operations officer of the division. He returned to the United States in March 1946.

In 1947–1948 General Seignious (then Major) attended the advanced course of the Armor School, Fort Knox, Kentucky. He was then assigned with the Joint Brazil-United States Military Commission in Brazil, where he served as armored training officer; assistant chief of staff, Armored Unit; and acting assistant chief of staff, Intelligence and Operations. In November 1949 he was moved to Headquarters, Caribbean Command, Quarry Heights, Canal Zone. He served as assistant plans and operations officer, assistant intelligence officer, and aide-de-camp to the commander-in-chief Caribbean.

He returned to the United States in early 1951 and served as operations officer and executive officer of the 714th Tank Battalion, Fort Bragg, North Carolina. From August 1951 to May 1952 he was commanding officer of the 44th Tank Battalion, Fort Bragg, North Carolina, and Fort Irwin, California.

In July 1952, he was assigned to the Office of the Joint Chiefs of Staff as assistant executive secretary, JCS, where he served until June 1955.

From August 1955 to February 1956 he attended the Joint Services Staff College, Latimer House, England. In March 1956 he was assigned to the Army Section, Military Assistance Advisory Group in Spain, as chief Training Branch, Plans and Training Division, where he served until June 1957.

He returned to the United States and from July 1957 to August 1960 served as military assistant and executive to Secretary of the Army Wilber M. Brucker. He attended the National War College, graduating in June 1961.

General Seignious served the next four years in Europe as commanding officer, 11th Armored Calvary Regiment, U.S. Army, Europe; chief, Plans and Requirements Branch, Operations Division, Headquarters, U.S. Army, Europe; and chief of staff, 3rd Armored Division, U.S. Army Europe.

In July 1965 he was promoted to brigadier general and assigned to the Office of the Assistant Secretary of Defense (International Security Affairs) as the director, Policy Planning Staff, and military member of Secretary Rusk's delegation of ANZUS and SEATO in 1966.

From November 1966 to August 1967, he was assigned to the 2d Infantry Division, Eighth United States Army, Korea, as assistant division commander for maneuver to assist in operations and control in the violation of the Demilitarized Zone by the Communists.

He returned to the United States in September, 1967, was promoted to major general, and assumed the duties of deputy director, Plans and Policy Directorate (J–5), Joint Staff, Organization of the Joint Chiefs of Staff.

On June 19, 1968 the President appointed him to replace General Andrew J. Goodpaster as the military adviser to Governor Harriman and Ambassador Vance at the Paris Peace Talks of Vietnam.

On March 19, 1969 he became commander general, 3d U.S. Infantry Division in Germany.

Major General Seignious assumed the duties of United States commander, Berlin on February 28, 1970, where he remained until May 13, 1971. He was advisor to Ambassador Kenneth Rush during the successful Quadripartite negotiations on Berlin in 1971.

Lt. Gen. Seignious became the deputy assistant secretary of defense, International Security Affairs (Military Assistance and Sales), on July 31, 1971, and with the establishment of the Defense Security Assistance Agency on September 1, 1971, he assumed the attendant duties and title of director, Defense Security Assistance Agency.

Effective June 12, 1972, Lt. General Seignious became the director, Joint Staff, Organization of the Joint Chiefs of Staff.

Lt. General Seignious returned to his Alma Mater to become President of The Citadel on August 1, 1974.

During his long and distinguished career, General Seignious has received numerous awards which include: Distinguished Service Medal with 2 oak leaf clusters; Silver Star; Bronze Star with 2 oak leaf clusters: Legion of Merit with 3 oak leaf clusters; Joint Services Commendation Medal; Army Commendation with 2 oak leaf clusters; American Campaign; Europe, Asia, Middle Eastern Campaign; Army Occupation (Germany); World War II Victory; Combat Infantry Badge; National Defense Service Medal with 1 oak leaf cluster; and Armed Forces Expeditionary Medal (Korea).

While President of The Citadel, President Jimmy Carter on September 20, 1977, named General Seignious delegate-at-large on the United States delegation to the Strategic Arms Limitation Treaty (SALT) negotiations at Geneva.

On December 4, 1978, General Seignious was sworn in as Director of the Arms Control and Disarmament Agency.

Mr. Chairman, as the wisdom of this Committee has been demonstrated many times in the past, I am confident of your careful consideration of General Seignious and equally sure that your judgment will be sound. Although General Seignious and I may, in the coming months, disagree on certain points of a negotiated SALT II Treaty, he is an experienced and capable man, who, in my opinion, should be confirmed as Director of the Arms Control and Disarmament Agency.

Mr. PELL. Mr. President, I am concerned that a military officer, Gen. George Seignious II, has been chosen by the President to direct the Arms Control and Disarmament Agency, although I will not oppose his confirmation.

As chairman of the Subcommittee on Arms Control, Oceans, International Operations, and Environment of the Committee on Foreign Relations, I have a particular interest in and responsibility for the Arms Control and Disarmament Agency. It is a small agency with a very limited budget. Yet, we expect that Agency to take the lead in making sure that arms control initiatives are considered as alternatives to or as complements to new weapons programs as a means of enhancing our national security.

If the Arms Control and Disarmament Agency is to be effective, it must have strong, intelligent, and capable leadership that will bring an effective advocacy of arms control to bear on national security issues. In this regard, I have reservations that a former military officer is the right kind of person to pursue alternatives to weapons programs, although I have the highest regard for General Seignious as a person.

As my fellow Members are aware, General Seignious was an active duty military officer for 32 years, until his retirement in 1974 as a lieutenant general. Yet, I am persuaded that the Agency, as a general rule, should have civilian leadership. Such a policy would be completely consistent with that applied to the Secretary and Deputy Secretaries of Defense since the inception of the Department of Defense after World War II.

I do not make this point, because of a belief that military officers are by nature unqualified to serve in this position. I do believe, however, that it will be difficult for military officers to become strong advocates of arms control against a background in which arms control has received very limited attention and consideration and in which their general efforts have been directed to more and better weapons.

I expect that the Committee on Foreign Relations will be considering later this session legislation which would impose certain restrictions upon military officers holding the positions of Director and Deputy Director of the Agency in the future. I support such legislation as I believe that an effective rule should be imposed which would insure that an arms control point of view is effectively represented in the highest positions of the Agency.

No matter what the outcome of that deliberation, I have concluded that, despite my reservations about General Seignious' military background, he should not be affected. There is no law now which would prohibit his service, nor is there any evidence in the legislative history of an intent by Congress to bar active or retired military officers from this position. Accordingly I believe it would be unfair to General Seignious to subject him to a standard which does not presently exist.

Moreover, because of my particular responsibilities in regard to the Arms Control and Disarmament Agency, I was especially careful during the Foreign Relations Committee's hearing to satisfy myself that General Seignious deserved to be an exception to what I believe should be the general rule. General Seignious appears to be a fine person, a man of intelligence, character, and integrity. Accordingly I will support his nomination as an exception with the hope and expectation that he will be able to rise above his background and prove himself to be of unique value as a champion of arms control during his tenure as Director of the Arms Control and Disarmament Agency.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the Senator from Tennessee (Mr. SASSER), who is in support of the nomination, be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement follows:

STATEMENT BY SENATOR SASSER

I support the confirmation of General George Marion Seignious II as Director of the Arms Control and Disarmament Agency. This appointment comes at a critical juncture in U.S. defense and foreign policy, and I believe that General Seignious is uniquely qualified to assume the post of Director of ACDA.

The challenge before us as a nation is to reduce the possibility of global nuclear holocaust, while maintaining a strong national defense to deter aggression and protect our interests and our allies. This is a very delicate balance. Achievement of that balance demands priority consideration of the factors included in the legislative mandate for ACDA: "This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which a realistic arms control and disarmament policy must be based."

I believe a key word here, in terms of the selection of General Seignious, is "realistic." He knows what it means to need the firepower, the equipment and the support to meet the enemy. And he knows what it means to send troops to their death. My good friends and colleagues from South Carolina, Senator Thurmond and Senator Hollings, have testified before the Foreign Relations Committee, and have convinced me, that General Seignious is acutely sensitive to both sides of the paradox of military leadership. And herein we find the balance required of any individual seeking to balance our realistic defense needs with our will to survive in the nuclear age.

Referring again to the ACDA mandate, I have complete confidence in General Seignious to spearhead the agency's scientific, economic and technological mission for he has presided with great imagination and success at the Citadel, where he served as President for the past four years. I have complete confidence in General Seignious to analyze the military and psychological ramifications of arms control, for among the awards he has earned during his distinguished military career are the Distinguished Service Medal with two oak leaf clusters, the Silver Star, the Bronze Star with two oak leaf clusters, and the Joint Services Commendation with two oak leaf clusters.

His experience as Deputy Assistant Secretary of Defense for International Security Affairs; Director of the Defense Security Assistance Agency; Director, Joint Starr, Organization of the Joint Chiefs of Staff; and Delegate-at-Large on the United States Delegation to the Strategic Arms Limitation negotiations at Geneva has provided him with the political background to deal very effectively in that arena.

President Carter has chosen well. He has recognized the vital need at this point in our history to select an individaul with broad-based qualifications and personal involvement with the issues at hand. President Carter has had the good fortune to find such a man in General George Seignious, who is also a gentleman of character who will represent the American people with honor and dedication to duty. I am honored to support his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of George M. Seignious II, of South Carolina, to be Director of the U.S. Arms Control and Disarmament Agency. (Putting the question.)

So the nomination was confirmed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

Mr. HELMS. Will the Senator withhold that?

The PRESIDING OFFICER. Does the Senator withhold his call for a quorum?

Mr. CHURCH. Yes; I am happy to withhold.

The PRESIDING OFFICER. The Senator from North Carolina.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Since nothing is before the Senate, Mr. President, under the rule no Senator can speak. I ask unanimous consent that there be a period for the transaction of routine morning business, with statements limited therein to 10 minutes each, and that the period not extend beyond 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

S. 519—ACADEMIC FREEDOM ACT OF 1979

Mr. HELMS. Mr. President, the policy of Congress against Federal intervention in the American system of higher education is consistent and long standing. Congress has recognized on many occasions that the fundamental premise of academic freedom is academic autonomy. On numerous occasions Congress has enacted laws to guarantee the autonomy of higher education. Even when Congress substantially increased Federal financial assistance to education in legislation such as the Higher Education Act of 1965, it provided:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by an educational institution.

Yet, in the face of this clear intent of Congress to prohibit Federal intervention in the operation of America's colleges and universities, Federal bureaucrats have entangled college administrators and professors in a web of Federal regulations, reports and controls which have caused educators across the country to warn that the very existence of independent education in the United States is being threatened. These educators point with concern to the emergence in reality, if not yet in name, of a new and unauthorized national "Ministry of Education." I believe, Mr. President, it is time for Congress to fulfill its responsibility and regulate the Federal regulators, before Federal regulation of colleges and universities becomes Federal strangulation. Therefore, I am today introducing legislation to reduce the adverse effects of Federal regulation in interpreting congressional enactments which go beyond the scope of such legislation and impose upon academic freedom.

PAPERWORK MEASURED BY THE POUND, NOT THE PAGE

America's colleges and universities are laboring under a staggering amount of federally required paperwork. Government demands upon collegiate institutions to gather, analyze, and transmit information in confusing and sometimes contradictory form is increasing each year. Federal bureaucrats are producing a constant flood of new and revised laws, regulations, and guidelines that often leave college administrators confused, frustrated, and exhausted. Today, Federal paperwork is measured by the pound, not the page. For example, one report from the University of North Carolina in Greensboro to the Office of

Civil Rights weighed more than 12 pounds.

Recently, the Southern Association of Colleges and Schools studied the impact of Federal regulation on its member colleges. The report found that the cost of compliance with Federal regulations required some institutions to spend as much as 50 cents to administer every Federal dollar received. Other stated that they must spend more to comply with Federal regulations than they do to operate many academic departments. One college reported spending over $2 million in a single year merely to comply with various Federal requirements. The response of one administrator was typical:

> All of us agree that for the most part the ideas behind the regulations are good and worthy; the difficulty is that when bureaucrats begin to write regulations, they become extremely complicated and, in many instances, difficult to administer as well as expensive in time and effort. They are becoming so numerous that they involve a genuine encroachment on the freedom of action of the private colleges.

This destructive governmental interference with academic freedom is not peculiar to universities located in Southern States. Bureaucratic regulatory overkill is nationwide. Derek Bok, president of Harvard University, asserted recently that 60,000 hours of faculty time at Harvard were spent complying with Federal regulations during 1975. Administrators at North Carolina State University estimate that, during the same year, their faculty and staff spent at least 61,000 hours in complying with Federal regulations.

Change magazine recently estimated that the cost to institutions of higher education of federally mandated programs reached $2 billion in 1976. This $2 billion figure is shocking in itself, but the real cost to colleges is revealed when it is remembered that the total amount of voluntary private contributions to institutions of higher education that year was approximately $2 billion. Change also estimates that for every new bureaucrat added to oversee university compliance another 150 university administrators must be hired to keep up with the increased workload.

Terry Sanford, president of Duke University, observes:

> The avalanche of recent Government regulations threatens to dominate campus management. At the present rate, it is not difficult to imagine a day when facilities and administrators spend all their time filling out Government forms. It is just preposterous. The regulators must be regulated.

Over 25 years ago, President Eisenhowever warned that "the prospect of domination of the Nation's scholars by Federal Government, project allocation, and the power of money is ever present, and is gravely to be regarded." Today, American educators too often echo President Eisenhower's warning. Charles Saunders of the American Council on Education recently asked:

> Is regulation strangulation? The question aptly conveys our uneasy awareness that government legislation and court decisions are increasingly influencing the shape of higher education in America. . . . In practice, federal regulations too often impede and subvert the educational process by stifling diversity and imposing costly, burdensome, and unnecessary requirements.

During 1976, four private universities located in Washington, D.C.—American, Georgetown, Catholic, and George Washington—issued an unprecedented public declaration of independence from Federal control resolving to—

> . . . affirm our intention to maintain institutional independence from any external intervention which threatens the integrity of our institutions, including refusal of Federal funds which carry such threats.

The cost of implementing Federal regulations adversely affects minority students as well. For example, at Duke University the cost per student of implementing federally mandated social programs has increased from $58 in 1968 to $451 in 1975. The cost of compliance has affected other private universities even more drastically. To take another example, the cost at Georgetown University has risen from only $16 per student in 1965 to $356 in 1975. This increase in the cost of attending college most affects minority and low-income students. These students can lease afford any increase in the cost of attending school. Minority and low-income students are most dependent upon financial aid. The millions of dollars which are today spent implementing Federal regulations could be spent providing thousands of minority and low-income students with a college education.

A recent study by the American Council on Education of the cost of complying with Federal regulations at six institutions of higher learning in the United States found that the combined cost for only six colleges is approximately $10 million. And this $10 million figure does not include the cost of implementing those regulations which apply particularly to educational institutions under title IX of the Education Amendments of 1972 and the so-called Buckley amendment regarding student privacy. If the cost of these programs are also added, the cost per student would be much greater.

The cost of developing and implementing affirmative action and equal employment opportunity programs constitutes a substantial share of the total cost of Federal regulation. The impact is substantial on both large State universities and small junior colleges. For example, at the University of Illinois equal employment and affirmative action requirements consume 64 percent of all funds spent to comply with Federal mandates, and at Miami-Dade Junior College 40 percent of all compliance funds are used for that purpose. Simply developing an affirmative action plan can cost hundreds of thousands of dollars. For example, a single affirmative action plan cost $400,000 to develop at the University of California at Berkeley, while the one developed at the University of Michigan cost $350,000.

The total amount of money actually spent by such institutions to comply with all regulations usually runs into the millions of dollars. In 1975, the University of Illinois spent $1,302,545; Georgetown University spent $3,603,243; and Duke University spent $3,618,070. And according to the report of the American Council on Education, the cost impact of affirmative action programs "has only just begun to be felt."

No only do compliance requirements cost millions of dollars, but they also divert existing resources from their intended purposes. At the University of North Carolina at Greensboro, compiling 10 reports required by HEW "swamped" the University's computer facilities. The director of institutional research recalled: "All other uses of the computer stopped. For a 6-month period we did nothing but HEW reports."

Federal law affecting higher education generally directs Federal bureaucrats to enforce its provisions among institutions of higher learning "receiving Federal financial assistance." Hence, what constitutes a "recipient institution" under the regulations adopted pursuant to and within the scope of Federal law determines, in large part, the extent of the bureaucracy's power under the statute. HEW has interpreted the word "receive" in such a fashion as to gain control over almost every aspect of university life in the United States.

The HEW regulations provide that not only does "Federal financial assistance" include grants and other funds given directly to the institutions themselves or to one of their programs or activities, but also scholarships, loans and other funds made directly to students. For example, title IX provides that Federal agencies administering its provisions may withhold or terminate "Federal financial assistance" to institutions which do not comply with their implementing regulations. The immense power such a provisions grants Federal regulators is obvious. HEW and other Federal agencies have used this power to impose affirmative discrimination by requiring quotas and goals under the threat of the termination of Federal funds for noncompliance. However, the Federal bureaucracy has not found this provision sufficient to implement many of its regulations which have proved widely unpopular and of questionable legality.

In 1975, HEW adopted regulations implementing title IX which took the position that all educational programs and activities of a "recipient institution" benefited from Federal financial assistance to any program or activity. The regulation defines "recipient" as any institution that "operates an education program or activity which receives or benefits from such assistance." This assertion by HEW, that it may regulate all aspects of all education activities of an institution of higher education which receives Federal funds for any program, has allowed HEW, without congressional authorization, to direct almost every aspect of university life in almost every college in the United States. According to Dr. Dallin Oaks, president of Brigham Young University and director of the American Association of Presidents of Independent Colleges and Universities, the effect of this HEW action is such that—

> * * * if an educational institution has received even indirectly, a single dollar of federal money, every decision, activity, facility, educational policy or communication of that institutions is subject to review and regulation by the Department * * * The Department has therefore taken the position that if a college or university receives some direct or indirect financial assistance for its department of chemistry it must accept government supervision of all of its other academic departments, its dormitories, its admissions and financial aids policies, and every other aspect of its operations.

HEW has adopted a philosophy of regulation regarding higher education described by Kingman Brewster, president of Yale University, as "now that I have bought the button, I have a right to design the coat." Many private universities have refused Federal assistance in the form of grants and other aid on the grounds that such assistance must necessarily entangle them in Federal controls. They hold that the Constitution's first amendment freedoms create a wall of separation between Government and academia. Indeed, the U.S. Supreme Court has recently stated:

> The right of freedom of speech and press includes not only the right to utter or print, but * * * the freedom of the entire university.

Many colleges have never accepted Federal assistance and, therefore, fell outside title IX enforcement provisions regarding the loss of Federal funds. To overcome these obstacles, HEW has gone beyond the intent and scope of title IX.

Thus, HEW interpreted a "recipient institution" to include an institution whose students receive Federal assistance in the form of scholarships, loans, grants, or other funds. Under the HEW formulation a college with a student who receives Federal assistance, also "receives" such assistance. Such a holding not only distorts the purpose of such assistance, but it also distorts the meaning of the word "receive" itself.

According to the legal encyclopedia, "Corpus Juris Secondum," volume 72, page 643, the word "receive" is defined in reference to "a change of possession, as when one parts with the control of a thing and another takes and accepts it."

Clearly under the conventional and legal definition, the act of receiving Federal financial assistance is complete when the student receives the assistance, whether it be in the form of veterans educational benefits or national student defense loan. The impropriety of HEW's application of the term is evident when applied to other situations. Applying HEW's interpretation, Nobel Prize winner, Prof. Milton Friedman has pointed out:

> The corner grocer and the A & P are "recipient institutions" because some of their customers receive social security checks. The New York Times and The Chicago Tribune are federal contractors because welfare recipients buy papers.

As Professor Friedman concludes:

> No argument is too silly to serve as a pretext for extending still further the widening control over all of our lives that is being exercised by government.

Yet the results are anything but funny. Many private colleges and universities have, as a matter of academic or religious principle refused Federal assistance suspecting that Federal control would soon follow. In the case of title IX, administrators of religious colleges like Dr. Willis Weatherford of Berea College, observe that HEW's implementing regulations would force the college to violate its religious principles in regard to the subjects of marriage, abortion, and pregnancy. Others agree with Dr. George Roche of Hillsdale College, that—

> Rather than allow such a federal takeover of our campus, we are prepared to refuse compliance with the government edicts.

However, this position should not underestimate the power of the Federal Government to harass and even destroy institutions which refuse to comply. There are many institutions with such a large number of students receiving Federal assistance, that should this regulation be allowed to stand, their only alternatives, according to Prof. Virgil Mitchell will be to "obey the Federal Government or cease to exist."

AMERICAN ASSOCIATION OF PRESIDENTS OF INDEPENDENT COLLEGES AND UNIVERSITIES ENDORSES THE ACADEMIC FREEDOM ACT OF 1979

Mr. President, I am pleased to announce that the Board of Directors of the American Association of Presidents of Independent Colleges and Universities has endorsed the Academic Freedom Act of 1979.

Although the provisions of this bill are not restricted to private colleges and universities, it is apparent from many of the examples which I have just discussed that the adverse impact of Federal regulation is often most greatly felt by these schools. Unlike their counterparts in the public sector, private colleges do not have the ability to pass along to the taxpayers of their State the increased costs of Federal regulation. Recently, many small private colleges have closed their doors and gone out of existence, in part due to the spiraling costs of Federal intervention.

Additionally and perhaps most importantly, private colleges and universities are least likely to possess the resources necessary to withstand this Federal assault and preserve their institution's independent existence. Dr. Dallin H. Oaks, president of the American Association of Presidents of Independent Colleges and Universities, stated in an address to the Western College Association, in regard to academic freedom:

> An institution which lacks freedom from government interference in the management of its educational functions cannot protect its faculty from government interference in theirs.

The board of directors of the American Association of Presidents of Independent Colleges and Universities adopted the following resolution:

> The proposed Academic Freedom Act of 1979 is a sound legislative corrective for serious problems that beset the private sector of higher education. We support it in principle and request congressional hearings in which AAPICU and its members can give suggestions on specific phraseology.

CONCLUSION

Mr. President, the Academic Freedom Act of 1979 would do much to solve the problem of Federal entanglement in higher education. First, it requires that any Federal agency issuing a rule affecting institutions of higher education must adopt an education impact statement which shall determine whether any information sought under the rule is already available from or being gathered by another Federal agency, and also assess the cost and time involved by institutions in complying with such rule. Second, it provides for the maintenance of educational standards by prohibiting a rule which would directly or indirectly require, promote, or encourage the abandonment or reduction of academic requirements for admission to any undergraduate or graduate degree program. In addition, it would prohibit any rule which would directly or indirectly encourage or promote the abandonment of any graduate or undergraduate degree program itself. Third, it provides an exemption from Federal regulation for any institution which, during the last fiscal year, does not receive more than $300,000 or 5 percent of its annual current funds budget in Federal assistance. Fourth, it provides that Federal regulations may apply only to those educational programs or activities which are direct recipients of Federal financial assistance. Fifth, it limits the power of a Federal agency to terminate financial assistance only to a program which is in noncompliance with a lawful regulation and prohibits that program from being used as the basis for terminating assistance to other programs of the institution which are in compliance with that regulation. Sixth, it provides that scholarships, loans, grants, wages, or other funds extended to an institution on behalf of students or extended directly to students shall not be construed as Federal financial assistance to that institution. And, seventh, it provides that no Federal financial assistance shall be terminated, withheld, or otherwise encumbered on the basis that the institution is in noncompliance with a Federal regulation when the institution has sought judicial review and until all appeals of such action have been exhausted.

Mr. President, I ask unanimous consent that the Academic Freedom Act of 1979 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Academic Freedom Act of 1979".

FINDINGS

SEC. 2. The Congress finds that—

(1) the excessive demands on time which administrators and teachers of institutions of higher education must utilize in order to responsively reply and conform with regulations, reporting, requirements, compliance proposals, and other administrative regulations adversely affects the financial resources of such institutions and the educational quality of such institutions;

(2) increasing Federal intrusion into the curriculums and grading, admission, and hiring policies of institutions of higher education in the United States is endangering the academic freedom of such institutions;

(3) the diversity and independence of higher education in the United States, founded on the philosophy of local autonomy and service to a local community, offers Americans the greatest freedom to pursue their education and exercise their first amendment freedoms; and

(4) it is necessary and proper that the Congress pursuant to the powers granted to it by the Constitution of the United States, including, but not limited to, the first and fourteenth amendments thereof, should take action to enhance and to promote its long standing protection of academic freedom among institutions of higher learning.

DEFINITION

SEC. 3. As used in this Act the term:

(a) "Regulation" means any rule, guideline, interpretation, order, or requirement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy and includes recordkeeping or reporting requirements imposed by any agency or authority of the United States.

(b) "Institution of higher education" means an educational institution in any State which—

(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner of Education pursuant to section 601(e) of the Elementary and Secondary Education Act of 1965 or licensed by the State in which it is operated.

(c) "Federal financial assistance" includes, but is not limited to, grants, loans, and any other payments made out of appropriated funds including funds made available under any contract to which the United States is a party or with respect to which the United States is a beneficiary.

EDUCATION IMPACT STATEMENT

SEC. 4. Notwithstanding any other provision of law, no regulation affecting any institution of higher education in the United States, promulgated on or after the date of enactment of this Act, shall become effective unless a copy of such agency causes to be published in the Federal Register a copy of such proposed regulation together with an educational impact assessment statement which shall—

(1) determine whether any information required to be transmitted under such regulation is already being gathered by or is available from any other agency or authority of the United States; and

(2) assess the cost and time involved in complying with such regulation by institutions of higher education which would be affected thereby.

Notwithstanding the exception provided under section 553(b) of title 5, United States Code, such statement shall be based upon the record established under the provisions of section 553 of title 5, United States Code, compiled during the rulemaking proceeding regarding such regulation.

MAINTENANCE OF EDUCATIONAL STANDARDS

SEC. 5. No agency or authority of the United States shall promulgate or enforce any regulation under any Act of Congress or pursuant to any Executive order which directly or indirectly requires, promotes, or encourages, the abandonment or reduction of academic requirements for admission to any program or activity, or to any undergraduate or graduate degree program of such institution of higher education, or the abandonment of any undergraduate or graduate degree program.

HIGHER EDUCATION FINANCIAL ASSISTANCE LIMITATION

SEC. 6. (a) As used in this section the term "current funds budget" means all anticipated operating revenues, expenditures, transfers, and allocations applied to all operations and activities for the educational and general functions and auxiliary enterprises of any institution of higher education, includng anticipated uses of current funds, revenues for purposes other than current operations, and restricted current funds.

(b) (1) No institution of higher education shall be deemed to be the recipient of Federal financial assistance under any equal employment opportunity law or order, when the total Federal financial assistance received by such institution during the last fiscal year does not exceed $300,000 or 5 per centum, whichever is greater, of such institution's annual current funds budget.

(2) Nothing contained in this subsection shall prohibit the maintenance and filing of records in compliance with laws governing the normal financial administration of such Federal financial assistance.

(c) No officer or employee of the United States shall have the authority to issue any regulation pursuant to any Act of Congress or Executive order with respect to educational programs or activities of any institution of higher education which is the recipient of Federal financial assistance unless such educational program of such institution is the direct recipient of such Federal financial assistance.

(d) Termination of, refusal to grant, or to continue Federal financial assistance to education programs or activities of any recipient institution of higher education or to any such institution pursuant to the provisions of any Act of Congress or any Executive order shall apply only to the specific program or activity in which a finding of noncompliance with a lawful regulation with respect thereto has been made. A finding of such noncompliance in one program or activity of such an institution to which Federal financial assistance has been extended does not empower or otherwise authorize any officer of the United States administering such assistance to terminate such assistance to other educational programs or activities conducted by the recipient institution of higher education or to such recipient institution itself.

(e) For purposes of this section, scholarships, loans, grants, or wages or other appropriated funds extended to any institution of higher education for payment to or on behalf of students admitted to such institution, or extended directly to such students for payment to such institution, shall not be construed as Federal financial assistance to such institution for any purpose under any Act of Congress or any Executive order, even where such assistance to such institution constitutes a reimbursement for the administration of other funds or other substitutable funds.

JUDICIAL REVIEW

SEC. 7. No Federal financial assistance granted to any institution of higher education which is a party to any action in the courts of the United States alleging in whole or in part the failure of such institution to comply with any regulation or that any regulation is unlawful or otherwise improper in its substance or in the administration or application thereof may be terminated, withheld, or otherwise encumbered until all appeals of such action have been exhausted.

Mr. HELMS. Mr. President, I send the bill to the desk in connection with the statement I have just made and ask that it be given immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. A parliamentary inquiry, Mr. President. Does that request require a unanimous-consent?

The PRESIDING OFFICER. It would take unanimous consent to consider the bill at this time.

Mr. BAYH. I do not want to be discourteous to my friend from North Carolina. I do not have any idea what is in it and if we are going to consider it immediately——

Mr. HELMS. I merely wanted to get on the calendar.

Mr. BAYH. If the Senator from North Carolina objects, I will accept his objection.

Mr. HELMS. I will not object.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The assistant legislative clerk read as follows:

> A bill (S. 519) to preserve the academic freedom and the autonomy of institutions of higher education and to condition the authority of officials of the United States to issue rules, regulations, or orders with respect to institutions of higher education.

Mr. BAYH. Mr. President, I object.

The PRESIDING OFFICER. Is there objection to its immediate consideration?

Mr. BAYH. I object, with all deference to my friend from North Carolina.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. HELMS. No, Mr. President, objection was heard to its immediate consideration. I beg the Chair's pardon.

The PRESIDING OFFICER. The Chair stands corrected.

First reading having occurred, the bill will remain at the desk pending its second reading on a different legislative day.

Mr. HELMS. That is correct.

I thank the Chair.

S. 520—CONSTITUTIONAL CONVENTION PROCEDURES ACT

Mr. HELMS. Mr. President, I send another bill to the desk and ask that it be stated and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to Article V of the Constitution.

Mr. BAYH. Mr. President, reserving the right to object, one can gather from the title what the subject of it is.

I think that perhaps I am chairman of the committee that has jurisdiction over that matter. I am very familiar with it. It is very complicated and a very important piece of legislation.

I certainly, with all respect to the Senator from North Carolina, would object to its immediate consideration.

The PRESIDING OFFICER. Objection having been heard to its immediate consideration, the bill having been read once will be held at the desk pending its second reading on the next legislative day.

Mr. HELMS. I thank the Chair.

Mr. President, before I yield the floor, I want to assure the distinguished Senator from Indiana that he has this bill available to his subcommittee. I, indeed, hope he will give it immediate consideration, or its consideration as soon as practicable and possible in terms of the time the Senator has.

I will further add that this bill is the same legislation that has passed the Senate twice under the sponsorship of our former distinguished colleague from North Carolina, Mr. Ervin.

It has been changed only slightly to update it.

Again, I do hope the Senator from Indiana and his subcommittee and the full Judiciary Committee will give it consideration as soon as it may be possible.

I thank the Chair and I yield the floor.

JUVENILE CRIME

Mr. HEINZ. Mr. President, while many Americans have expressed concern for their own safety and well-being due to an increase in criminal activity in their communities committed by youth, it is pleasing to know that in some cities in this country there are concerned dedicated people who are willing to do more than worry about that problem.

A recent article appearing in the New York Times described the quiet, effective work of David and Falaka Fattah, two Philadelphians who are working in their community to bring a sense of peace and unity to troubled youth. They have, through their caring and understanding of the problems of young people, managed to bring about a dramatic decrease in the number of gang deaths in a city which once averaged 39 such deaths a year.

The author of the article, "A Local Approach to Curbing Juvenile Crime," is Robert L. Woodson, a resident fellow at the American Enterprise Institute for Public Policy Research and former director of the National Urban League's criminal justice department. His challenge to the traditional criminal justice system—to observe and learn from the successful programs established by those working at the community level like the Fattah's—deserves serious consideration as proven, results-oriented, alternatives to the research-oriented activities funded by the Justice Department in the past.

Mr. President, I ask that the full text of Mr. Woodson's article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOCAL APPROACH TO CURBING JUVENILE CRIME

(By Robert L. Woodson)

WASHINGTON.—In the mid-1960's, Philadelphia, plagued with youth-gang violence for several decades, had the unenviable reputation as the "youth-gang capital of America." Each year an average of 39 black youths died on the streets and hundreds more were left maimed for life. As gun warfare raged, the general crime rate continued to soar upward and innocent bystanders were often felled by stray bullets.

The number of gang deaths declined in 1978 to one. In addition, the crime rate is also abating now, and west Philadelphia is coming back to life, almost solely because of the efforts of a couple named David and Falaka Fattah, who are founders of the House of Umoja, a unique neighborhood organization (the word "umoja" means "unity" in Swahili). With unorthodox ideas, no formal training in social work and virtually no Government support, the Umoja program has taken embraced some of Philadelphia's toughest gang members in a new concept of peace. Umoja is by no means the only such neighborhood program in the United States dealing directly and successfully with the needs of troubled youngsters.

In Puerto Rico, the community service center of Ponce, organized by untrained, nonprofessionals, has worked for the last seven years with young people to unite them in a common effort to rid their community of crime. The center tries to provide hope instead of despair to its young and poor with programs of job development and other activities geared to uplifting the spirit of the community.

In Hartford, Conn., recently, an unusual dance was organized by members of six or seven gangs—not allies but rivals. The proceeds were used, by agreement, for a Halloween party for younger children and to buy food for a number of elderly people.

Last year, the New York State Legislature appropriated $5 million for the State Division for Youth in order to fund local juvenile-delinquency-prevention programs. Over 900 applications were received from neighborhood organizations requesting a total of $70 million, clearly indicating high interest in addressing the problem of youth crime. Considering that the state spends more than $67,000 per year for each youth in its maximum-security prisons, directing funds to a local organization, aside from being a more sensible approach to curbing youth crime, is also less expensive.

All too often this interest and creative and effective indigenous neighborhood efforts are ignored by criminal-justice professionals and policymakers because they fail to understand or refuse to accept phenomena outside their own theoretical beliefs or because these programs require skills that they do not possess. Perhaps it is this attitude possessed by many professionals that has led to the failure of the Federal program to combat youth crime.

A review of the activities of the Justice Department's delinquency-prevention program reveals a pattern of waste, inefficiency and appalling lack of sensitivity to self-help endeavors in high-crime communities. As of 1978, $181 million was appropriated by the Congress for the delinquency-prevention office for use by states in locally-initiated programs to combat youth crimes, but because of bureaucratic conflicts states were unable to spend the funds. At present, $144 million remains unspent and out of the reach of needy youths.

Instead of encouraging such local efforts in high-crime areas, the juvenile-justice office has concentrated on the de-institutionalization of "status offenders"—those youngsters who are truants, runaways or who have committed other acts that would not be considered crimes if the youngsters were adults.

Most of the Federal Government's money has been spent on consulting firms, on the expansion of criminal-justice bureaucracies and in support of university-based researchers who have offered little in the way of solutions except the continued "academization" of the youth-crime issue.

The trend also has been to fund programs away from major metropolitan high-crime areas. For example, the state of Washington, with fewer than 500,000 youths between the ages of 14 and 19, received a total of $1.6 million from the Office of Juvenile Justice. Pennsylvania, with a youth population of over 1.3 million, received a total of $444,629 in grants.

The net result is that those youths who have committed minor offenses are being screened out of the criminal-justice system, but, at the same time, the more troubled youths in inner-city areas are receiving no help, and in fact are left to the adult criminal-justice system.

If no answers to the youth-crime problem are forthcoming from the programs undertaken by the Office of Juvenile Justice, policy-makers and politicians and the American public understandably will conclude that the noncoercive crime-control programs do not work. Support will build for regressive legislation for longer and longer sentences for younger and younger children. The punitive measures designed for the small group who commit violent acts will be extended to youths charged with nonserious delinquent acts. The result will be that we will continue to fund our fears while failing to mount an effective effort to address the problem of youth crime.

INDEPENDENCE OF LITHUANIA

Mr. HEINZ. Mr. President, the declaration of the independence of the sovereign state of Lithuania is now being celebrated in its 61st year. Regrettably that celebration will be in spirit only as the independence of Lithuania lasted only 22 years.

Since 1940 more brave people have been placed under the yoke of oppression and dominance of the Soviet Union. The Soviet occupation of Lithuania for the past 38 years has by no means lessened the aspirations of these brave people to preserve their national identity and heritage. This unusual showing of solidarity is worthy of our attention in view of the burdens that the Lithuanians have been forced to bear. Since the Soviet invasion, it has been estimated that close to 200,000 Lithuanians have been deported to Siberia.

While the great majority of these deportations occurred during the Stalin years, Soviet harassment and persecution of Lithuanians has by no means vanished. Within the last few years there have been numerous reports seeping out of occupied Lithuania of "kangaroo" courts convicting Lithuanians for "crimes against the state." In these cases individuals were attempting to exercise freedom of speech and religion, which we here in America hold so dear and essential.

Sentencing following these unwarranted convictions, in many cases, reached tens of years in slave labor camps.

Balys Gajauskas, a notorious victim of

the Soviet's unrelenting terror against the Lithuanian people, was sentenced last year to 10 additional years in labor camps and 5 years of exile. This most recent "crime" was the collection of historical materials that dealt with the Lithuanian anti-Soviet guerrilla movement in 1948–51.

Viktoras Petkus, who has been detained by Soviet authorities since 1977 and faces in all probability stiff sentencing in a Soviet court, has in the past been involved in verifications and implementation of the Helsinki accords as a member of the Lithuanian Helsinki Group.

Petrus Plumpa, a strong advocate of both religious and political freedom in Lithuania, was sentenced to 8 years strict regime for his alleged printing of the Chronicle of the Lithuanian Catholic Church.

Most of the Lithuanian dioceses are ruled not by bishops, but administrators, thanks to Soviet religious persecution, illustrated by the banishment of Bishops Julijus Steponvicius and Vincentas Sladkevicius from their dioceses for over 15 years thus far without trial.

As you have heard, Mr. President, Soviet policy has attempted to lessen Lithuanian religious and nationalistic zeal by state doctrine and subtle discrimination. Their attempts have fortunately not broken the will and determination of the Lithuanian people to preserve their identity and heritage.

We here in the United States must herald these brave people and support their endeavors. In the era of human rights, it is most important that the full implementation of such agreements as the Helsinki accords as supplemented by the Belgrade Conference and the United Nations Universal Declaration of Human Rights be implemented to the fullest. We must strongly oppose Soviet harassment of all individuals such as Viktoras Petkus who support and verify the implementation of those accords which the Soviet Union has accepted.

The United States must continue to speak out in favor of the Lithuanians and all of the peoples of the Baltic States. America's credibility as a free and Democratic country depends on our continuing firm commitment to the oppressed people of Lithuania. Independence and personal freedoms are virtues that we must consistently strive for. May the people of Lithuania continue in their quest for such freedoms as well.

PROPOSED REGULATIONS OF THE FEDERAL ELECTION COMMISSION

Mr. PELL. Mr. President, on February 16, 1979, the Federal Election Commission transmitted to the Senate proposed regulations governing the Presidental Primary Matching Fund, chapter 96 of title 26, United States Code.

The Commission is permitted to prescribe these proposed regulations in final form if they have not been disapproved by either the Senate or the House of Representatives within 30 legislative days. According to 26 U.S.C. section 9039 (c) (3), a legislative day is a calendar day when both the Senate and House are in session. Through February 26, 1979, only 4 legislative days will have expired. In exercising its disapproval power, should it choose to do so, the Senate has the statutory right to disapprove any provision or series of interrelated provisions stating a single separable rule of law (26 U.S.C. § 9039(c) (4)).

The proposed regulations governing the Presidential Primary Matching Account represent the first part of the FEC's effort to rewrite and update regulations governing Federal elections, last undertaken 3 years ago.

Since that time, numerous FEC advisory opinions and court decisions have been handed down, necessitating revision and clarification of FEC policies. The experience gained by the Commission in administering the campaign laws has given the Commission a better idea of how to implement and interpret the Federal Election Campaign Act more fairly and efficiently. In redrafting regulations to chapter 96 the Commission conducted public hearings on operation of the Presidential Primary Matching Fund during the 1976 campaign. These hearings provided a forum for candidates and parties to express their views on revision of regulations in this area.

By promulgating new regulations section by section instead of all at once, the Commission is giving the public and Congress a better opportunity to review and comment. Likewise, candidates and other filers with the Commission will have ample time to understand the rules governing campaign financing before the election year begins.

The revised regulations to the Presidential Primary Matching Fund further refine the following aspects of chapter 96: Definitions, eligibility for payments, entitlements, expenditure limitations, certifications by the Commission, payments, and examinations and audits. Copies of the proposed regulations are available from the Committee on Rules and Administration, 310 Russell Senate Office Building (224–5647), or from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463 (800–424–9530). Members of the Senate and the public are requested to forward any comments they may have with respect to these proposed regulations to the committee.

WILLIAM J. LYNCH

Mr. PELL. Mr. President, this Saturday night in Providence, R.I., the State Council, Knights of Columbus, will present their biennial Hope Award.

In the words of the K of C, this award is presented to an individual who "by his or her life and labor and humanitarian influence has made an exceptional and significant contribution to the building of a better Rhode Island community."

Mr. President, I can think of no person more deserving of this honor, no person who more fully meets the requirement that his or her life have been dedicated to helping others in our State, than this year's recipient: William J. Lynch.

Some may suspect that my view is biased because Bill Lynch served on my staff in Providence for the past 7 years. But I am sure that the thousands of Rhode Islanders whose lives have been touched, whose burdens lightened, whose problems alleviated by Bill Lynch will surely agree this award is most fitting.

For 30 years Bill Lynch has dedicated his life in the most selfless and tireless way to helping others. From the moment he joined the staff of the late Congressman John Fogarty in 1949 until his retirement at the end of 1978, his was a life of commitment and compassion.

His personal philosophy was best expressed in his own words in a recent article marking his retirement: "It's been personally a very, very satisfying career because it has involved people," Bill said. "You get a real bang out of it when you help people who don't have anywhere to go."

And possibly no person in memory in my State has actually, personally helped as many people as Bill Lynch. He never thought of people as "cases" or his work as "casework", but as people with problems and he approached every one of those problems with unshakeable commitment to help.

And help he has. He has helped find jobs for an untold number of Rhode Islanders. He has helped eliminate the problems which many thousands of Rhode Islanders have experienced with social security, veterans programs, immigration laws, and a myriad of other Federal programs.

And for Bill Lynch the challenge of helping people had no 9 to 5 limit. People called and came to his home seeking his help. People approached him on weekends, at church, at the meetings of the many philanthropic organizations with which he served, and even in his favorite tavern. And every one of them received the same courteous and compassionate commitment to help.

Mr. President, to me Bill Lynch is the personification in my life of the old fashioned Irish politician: He believed that the business of politics was helping people and he conducted that business with a style and a dedication that may never be matched.

This tribute by the Rhode Island State Council, Knights of Columbus, could not be more fitting and I applaud the council on their perfect choice.

I ask unanimous consent that a recent article in the Evening Bulletin of Providence marking the retirement of Bill Lynch be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Providence (R.I.) Evening Bulletin, Dec. 29, 1978]

"Unbelievable Guy" Leaves Life of Service

(By S. Robert Chiappinelli)

Providence.—To put it in strictly journalistic terms: William J. Lynch, 72, retired today from the staff of Sen. Claiborne Pell.

To put it in human terms is a lot more difficult and requires a lot more space for Bill Lynch has been, in the words of Thomas G. Hughes, administrative assistant to Sen.

Claiborne Pell, "like the fifth member of Congress in Rhode Island."

"We tend to think people come to senators and congressmen for help," Hughes said. "We have a huge number of people who walk into our office and want to talk to Bill Lynch. If he's not there they don't want to be helped."

"He's just an incredibly compassionate guy," said John A. Cummings, Pell's executive assistant who has worked with Lynch for the last three years and has seen him help countless people get jobs and solve government snafus.

Bill Lynch, a former aide to the late Rep. John E. Fogarty, is one of the last of the political breed that never missed a wake or funeral, always was ready to help a constituent and knew just about everyone and everything in government.

"He's just an unbelievable guy," Hughes said. "He's the most natural Irish, compassionate politician I have ever known. I'm constantly astounded in the 30 or so years he's worked for the federal government the things he's done for people."

Rep. Edward P. Beard said today that no files could hold the list of people that Lynch has helped over the years.

"This guy for 30 years gave everything," Beard said of Lynch, whom he also described as almost an additional member of the Rhode Island Congressional delegation. "This closes a chapter of an era of dedication that it's hard to duplicate," Beard said.

"I don't think they're going to make them like that anymore," said Charles J. Fogarty, brother of the late congressman and district director of the Small Business Administration here where Lynch worked for five years.

"He's that old style," Fogarty said. "He never misses a wake or a funeral. He's just the old school."

Fogarty also describes his friend as a great student of the English language who does a lot of writing. "Words flow out of him," Fogarty said. "Any letter he sends under Congressional seal it's a masterpiece."

"His reputation knows no bounds," Cummings said. "He's just an amazing man. that's all. He knows people in every little city and town and hamlet in this state."

Senator Pell was planning to take Lynch and the rest of the staff out to lunch today in recognition of Lynch's service but at 11:45 a.m. Lynch was still working.

"I got three more cases right here on my desk and when I get these completed I will have worked right up to the deadline and I can leave with a clear conscience," he said.

"It's been personally a very, very satisfying career because it has involved people," said Lynch. "You get a real big bang out of it when you help people who don't have anywhere to go," he added.

"I came up the hard way myself," explained Lynch, whose father worked for about 60 years as a gardener at the Swan Point Cemetery and whose mother worked in a factory to put him through college. That gave him an appreciation of the needs of people, Lynch said.

Lynch, a graduate of the old Providence Technical High School and Providence College, joined Representative Fogarty's staff in 1949 and served with him until Fogarty's death in January, 1967.

For five years after that he worked for the Small Business Administration in Rhode Island and then in 1971 he joined Pell's staff.

He praised the competence of the Pell staff and said his boss had the same kind of overriding concern for people that Fogarty did. "That's why I've been so happy. I've worked for two wonderful bosses," the Smithfield resident said. Friends say Lynch has remained unassuming despite countless accolades and at least four testimonials, including one in which 1,800 people crammed into Rhodes on the Pawtuxet. "I think if they had another testimonial, they couldn't hold it inside," Fogarty said, referring to the large number of people who would want to attend.

Lynch, who is a former two-time district deputy of the Knights of Columbus, a member of the board of directors of the Big Brothers of R.I. Inc. and active in numerous other volunteer organizations, says he will have plenty to keep him busy in retirement.

The real question seems to be what will happen to the people he has served so personally over the years.

"I don't know what people are going to do who have just been used to picking up the phone and calling him," Fogarty said.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under authority of the order of the Senate of February 26, 1979, the Secretary of the Senate on February 27 and February 28, 1979, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 27 and February 28, 1979, are printed at the end of the Senate proceedings.)

PRELIMINARY PROPOSALS FOR INITIAL FUEL ASSURANCE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 28

Under authority of the order of the Senate of February 22, 1979, the Secretary of the Senate, on February 23, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Section 104(b) of the Nuclear Nonproliferation Act of 1978, enclosed is a report on Preliminary Proposals on Initial Fuel Assurances.

As indicated in the report, we are continuing our assessment of alternative fuel assurances schemes and will inform you of any proposals as these assessments are concluded. The current alternatives envision uranium stockpiles with size ranges between 2 million and 10 million separative work units. Present estimates of the costs for these program alternatives, based on the current market value of the uranium fuel and the enrichment services, are approximately a half billion to more than 2 billion dollars.

JIMMY CARTER.

THE WHITE HOUSE, *February 23, 1979.*

REPORT ON THE INTERNATIONAL EXCHANGE-OF-PERSONS PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 29

Under authority of the order of the Senate of February 22, 1979, the Secretary of the Senate, on February 23, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In response to Section 203 of the Foreign Relations Authorization Act (P.L. 95–426), I take this opportunity to inform you of the Administration's current plans to increase exchange-of-persons activities administered by the International Communications Agency (USICA). A significant expansion of financial support for these activities is contained in the FY 1980 budget submission for USICA. The Administration's review of the USICA-administered cultural and educational exchange programs has also produced an agenda of important questions to be addressed in the year ahead. I enclose a detailed report on these matters provided to me by the Director of USICA.

As I stated in my message transmitting Reorganization Plan No. 2 of 1977: "Only by knowing and understanding each other's experiences can we find common ground on which we can examine and resolve our differences . . . As the world becomes more and more interdependent, such mutual understanding becomes increasingly vital." Because direct personal contact is such an effective and lasting form of communication, exchange-of-persons activities are fundamental to the achievement of these objectives.

Unfortunately, the vital long-term role played by these programs in our international affairs is too often obscured by more visible, more immediate, but frequently less fundamental matters. The recent administrative reorganization which established USICA affords an excellent opportunity to reexamine this important dimension of our international relations.

The reassessment is complex and difficult, but nonetheless essential to the development of a sound program. Because some critical data will require more time to collect, our reassessment will require a good deal of work beyond that already accomplished. However, some preliminary conclusions are reflected, already, in USICA's plans for FY 1979, its proposed budget for FY 1980, and planning levels for subsequent years.

Including domestic and overseas staff costs, the USICA FY 1979 budget for exchange programs is approximately $75 million. The FY 1979 allocation represents a program increase of $4-350,000 over FY 1978. Over sixty percent of the increase is allocated to already established programs with particular emphasis on projects involving African and Middle Eastern Countries. Initiatives being financed from increased funds include new projects with the People's Republic of China, the Hubert H. Humphrey Fellowship program, and additional counseling services for foreign students seeking admission to, or already attending, U.S. universities.

For FY 1980, an additional $4,450,000 is being proposed for the first full year of the Humphrey Fellowship program;

an increase of $800,000 is being requested to extend and improve student counseling services; and an additional $350,000 is planned for exchanges with China.

For the period FY 1981–83, annual program increases of $5 million are currently being projected. The plan, thus, calls for a total increase in exchange programs of approximately $25 million over the period FY 1979-83. For this same period, further increases of over $30 million are projected to cover overseas costs increases.

This plan will, of course, be reevaluated on an annual basis. Final budget proposals and areas of priority emphasis will be subject to our continuing assessment of these programs, as well as to international developments and the Administration's over-all budgetary goals.

Finally, I should like to emphasize the Administration's readiness to work with the Congress on strengthening these programs. We need your counsel; we welcome your advice; we look forward to your support.

JIMMY CARTER.

THE WHITE HOUSE, *February 23, 1979*.

PROPOSED FEDERAL CIVIL JUSTICE REFORM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 30

Under authority of the order of the Senate of February 26, 1979, the Secretary of the Senate, on February 27, 1979, received the following message from the President of the United States, which was referred to the Committee on the Judiciary:

To the Congress of the United States:

Today I am announcing my program to reform the Federal civil justice system. My proposals are intended to increase the efficiency, cut the cost, and maintain the integrity of our Federal courts. I hope that the same spirit of cooperation which led to the 95th Congress' passage of historic civil service reform legislation, which had similar goals for the Executive Branch, will mark Congressional-Administration efforts in reforming the Judicial Branch.

The American system of justice—and the part our Federal courts play in it—has long been the envy of people throughout the world. An impartial and talented judiciary protects the rights of all Americans, ensuring due process guarantees and fair adjudication of disputes. But the courts cannot perform their traditional and essential function if they are required to operate with inadequate resources, saddled with outmoded procedures, and burdened with more business than they can fairly dispose of within a reasonable time. Nor can our citizens avail themselves of their "day in court" if, as is too often true in these days of rising litigation expenses, the price of participation in litigation is beyond their means.

Delay and expense play a part in our civil justice system. We have long recognized that justice delayed is justice denied. For many injured parties, having to wait a year or two to obtain legal relief in the courts is extremely harmful. The benefits of a legal victory are sometimes outweighed by the costs of achieving it. As litigation expenses and the size of court dockets increase, this seems to be happening with increasing frequency. Legal redress should not consume years of time and thousands of dollars.

These problems are not merely the special concern of a particular economic class or radical group, nor are they limited to certain geographic regions; they affect all segments of American society, in all areas of the country.

I am committed to improving access to justice by ensuring that every person involved in a legal controversy has a readily available forum in which that controversy can be resolved speedily, fairly, and at reasonable cost. To achieve this goal, we must do two things. First, we must develop new means for handling disputes that do not necessarily require full court resolution. Second, we must provide the courts with sufficient resources and improved procedures so that they can function fairly and effectively in those cases that must be brought before them.

I know that the Congress shares my concerns and is equally committed to taking effective remedial action. Last year the Congress made an excellent beginning when it created 152 new Federal judgeships and carefully reviewed a number of other legislative proposals designed to improve the administration of justice. But unless we improve the system of justice itself, we may find that the additional judges have been swallowed up by outmoded procedures and by an ever-rising volume of cases. We must take prompt and effective steps to eliminate the remaining obstacles to efficiency in the justice system, and to increase access to Federal courts by those with Federal claims.

Five of the specific measures by which we hope to accomplish these ends have previously been proposed, in whole or part, by my Administration, in the 95th Congress, dealing with arbitration, United States magistrates, the diversity of citizenship jurisdiction of the Federal courts, the Supreme Court's obligatory jurisdiction, and minor dispute resolution. Both before and during the last legislative session, each of these proposals received a great deal of careful Congressional thought and attention. They are introduced again, some with modifications discussed in the last Congress. Each is now ripe for favorable action.

The arbitration proposal would provide an innovative means for resolving speedily, fairly, and at reduced cost certain types of civil cases in which the main dispute is over the amount of money that one person owes to another. This legislation is modeled on court-annexed arbitration plans that have proved successful in several States, including Ohio, Pennsylvania and New York. It would allow Federal district courts to adopt a procedure requiring that tort and contract cases involving less than $100,000 to be submitted to arbitration. This approach has been tested since early last year in three Federal courts and the experiences so far have been quite promising. Both litigants and the courts are benefiting from the procedure. Cases going to arbitration are being resolved faster than they otherwise could be and at significantly less expense to the parties. It is time that these benefits were extended to litigants in all Federal trial courts.

The second major element of our comprehensive civil justice program is a bill to enlarge the civil and criminal jurisdiction of Federal magistrates. These judicial officers, who are appointed by the district courts, constitute a potential resource of great value. If magistrates were given broader authority to decide civil cases and to handle less serious criminal matters, as we have proposed, the capacity of the Federal courts would be substantially increased. The result, especially in districts which currently have large case backlogs, would be speedier and less costly dispositions for the litigants.

The third measure that we regard as essential to improving the civil justice system would curtail the exercise of diversity of citizenship jurisdiction in the Federal courts. Too many cases now jamming the dockets in Federal courts involve solely issues of State law that would be more properly and more efficiently disposed of in State courts. The historical basis for permitting these claims to be heard in Federal court—presumed prejudice towards citizens of one State in the courts of another—no longer appears valid. Moving these State law cases to the State courts where they belong would not create an undue burden on any State, but would enable the Federal courts to concentrate on serving the needs of those whose disputes involve questions of Federal law. Under my proposal, diversity jurisdiction would be abolished totally and cases could be brought in Federal court only where Federal law is involved.

The next component of our judicial reform package is a bill that would permit the Supreme Court to exercise greater control over its own docket. By eliminating the Supreme Court's mandatory jurisdiction, except for appeals in three-judge cases, this proposal would do away with the artificial and out-dated distinction between discretionary review and review of right. The change would enable the Court to focus its limited resources on the cases and issues truly deserving of its attention. This, in turn, would permit speedier clarification of the law, to the benefit not only of litigants in the lower courts but also persons wishing to avoid legal controversies.

The last of the proposals carried over from the previous Congress is a bill to improve the means available to the people of the United States for resolving everyday disputes, such as complaints by neighbors, customers, tenants, and family members. Everyday problems, small or large, if left unsettled, can fester and grow. They can lead to breakdowns in otherwise harmonious neighborhood relationships. They can even lead to crime. This legislation, entitled the Dispute Resolution Act, would provide Federal assistance to the States to improve the institutions that deal with these programs. The programs established by this bill would promote improvements in small claims courts and more widespread use of Neighborhood Justice Centers, a new concept that the Department of Justice is presently testing in Los Angeles, Kansas City, and Atlanta. This legislation would enable the Federal and State governments to work in partnership to improve the delivery of justice to all the people of the United States. No additional funding is being sought; existing funds in the Law Enforcement Assistance Administration will be used to finance these programs.

Passage of these five bills would be a major step in eliminating excessive delays, red tape, and exorbitant costs within the civil justice system. These bills have been discussed in the 95th Congress, and I hope that after further careful examination these bills will be enacted during the 96th Congress. These measures are necessary if we are to derive maximum benefit from the newly authorized judgeships. We will work for their enactment.

In addition to these bills, the Attorney General will transmit to Congress additional proposals to improve the courts which have been developed in consultation with Congressional leaders in this area. These new measures would solve a variety of problems relating to administration of the Federal judiciary, as well as practice and procedure in the courts in the following ways:

—Create a new intermediate Federal appellate court on the same tier as the existing courts of appeals. The new court, which would be known as the "United States Court of Appeals for the Federal Circuit", would be formed by merging the Court of Claims and the Court of Customs and Patent Appeals into a single appellate tribunal with expanded, nationwide jurisdiction for appeals in patent and trademark cases as well as other matters. This new forum would induce economies from the combination of the two existing courts. Most important, however, it would expand the Federal judicial system's capacity for definitive adjudication of national law and thereby contribute to the uniformity and predictability of legal doctrine in these areas, which have long been marked by inconsistent appellate decisions, encourage industrial innovation, and in the long run reduce patent and trademark litigation. I further note that a similar need exists for uniformity and predictability of the law in the tax area, where conflicting appellate decisions encourage litigation and uncertainty. The Justice and Treasury Departments will work with Congress to develop an appropriate solution.

—Permit more effective means of rulemaking and administration within the Federal judiciary through the implementation of two proposals. One proposal requires each court of appeals to appoint an advisory committee composed of persons outside the court to make recommendations on the rules of practice and operating procedure within that court. These committees should do much to assist the courts in formulating sounder rules. The other proposal would restructure the membership of the circuit judicial councils, the governing administrative bodies in the eleven judicial circuits. The councils will be made smaller and more efficient and will include district judges in their membership for the first time. If enacted, these proposals will help assure that the Federal courts conduct their business so as to serve the public more effectively.

—Allowing equitable interest on claims and judgments. There is a serious backlog in civil litigation. Sometimes years pass between the time of an injury and the granting of a judgment. More years may pass while that judgment is appealed. Current Federal law is ambiguous about whether and under what circumstances interest may be paid for the period prior to judgment, and permits unrealistically low as well as conflicting rates of interest while the decision is under appeal. Yet such interest may be essential in order to truly compensate the plaintiff or to avoid the unjust enrichment of the defendant. For instance, a plaintiff who is unlawfully deprived of the use of $20,000 in 1976 and who does not receive a judgment until 1979, could have obtained $4,500 in those three years by investing the money at 7% compounded interest. If a judgment on appeal is entered at a rate well below the prime interest rate, the losing party may well profit from the appeal. The bill proposes that where a defendant knew of his potential liability, interest be awarded for the pre-judgment period where necessary to compensate the plaintiff for his losses or to avoid the unjust enrichment of the defendant. Post-judgment interest rates would no longer be left to inconsistent State laws, but along with the new pre-judgment interest standard, would be based on a nationally uniform rate. Litigants would be encouraged to settle cases, and not drag them out needlessly causing additional expense.

—Other measures relating to the sound administration of the Federal judiciary are proposals providing more reasonable terms for chief judges, enhanced integrity for appellate panels, and easier transfer for any case inadvertently started in the wrong Federal court to the proper court without loss of litigants' rights and with savings of time and money.

Finally, I urge the Congress to give serious consideration to improving procedures for litigating class actions, especially for those cases where the alleged economic injury is widespread and large in the aggregate, yet small in its impact on each individual. The Justice Department will continue to have my support in working with Congress to devise class action procedures which will develop methods for courts to handle these complex cases more effectively and at less cost to the taxpayers and the parties involved.

The members of the Judiciary Committees of both houses have shown outstanding leadership in developing answers to the problems facing the justice system. It is now time for Congress as a whole to take action so that the American people will benefit from a more effective civil justice system.

JIMMY CARTER.

THE WHITE HOUSE, *February 27, 1979*.

REPORT ON THE CASH AWARDS PROGRAM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 31

Under authority of the order of the Senate of February 26, 1979, the Secretary of the Senate, on February 28, 1979, received the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am forwarding reports of the Secretary of Defense and the Secretary of Transportation on awards made during Fscal Year 1978 to members of the Armed Forces for suggestions, inventions and scientific achievements.

The participation of military personnel in the cash awards program was authorized by the Congress in 1965. More than two million submissions since that time attest to the program's success in motivating military personnel to find ways of reducing costs and improving efficiency. Of the suggestions submitted, more than 325,000 have been adopted, with tangible first-year benefits of more than a billion dollars.

Of the 98,011 suggestions submitted by military (including Coast Guard) personnel during Fiscal Year 1978, 14,830 were adopted. Cash awards totalling $1,001,257 were paid for adopted suggestions during Fiscal Year 1978. These awards were based not only on the tangible first-year benefits of $37,263,734 realized from adopted suggestions during Fiscal Year 1978, but also on many additional benefits and improvements of an intangible nature.

Enlisted people received $820,006 in awards during Fiscal Year 1978, representing 81 percent of the total cash awards paid during the periods. Officers received $181,251 during Fiscal Year 1978.

The attached reports of the Secretaries of Defense and Transportation contain statistical information on the military awards program and brief descriptions of some of the more noteworthy contributions of military personnel during Fiscal Year 1978.

JIMMY CARTER.

THE WHITE HOUSE, *February 28, 1979*.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Kurt W. Muellenberg, of Maryland, to be Inspector General. General Services Administration; which was referred to the Committee on Governmental Affairs.

ENERGY CONSERVATION CONTINGENCY PLANS—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents, which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

As required by Section 201 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6261, I am hereby transmitting to the Congress for its approval the following three energy conservation contingency plans: Emergency Weekend Gasoline Sales Restrictions, Emergency Building Temperature Restrictions and Advertising Lighting Restrictions. I have also today directed the Secretary of Energy to publish these conservation plans in the *Federal Register*, as the final step in my prescribing these plans as required by Sections 202 and 523 of the EPCA.

The plans which I am transmitting are the product of extensive plan development and refinement. They can be effective tools in reducing consumption of energy in the event of a severe energy supply emergency. Work on the development of contingency plans is continuing and any additional measures will be transmitted for approval pursuant to Section 201 of the EPCA upon their completion.

Together with the Standby Gasoline Rationing Plan which I am also transmitting to the Congress today under separate letter, these energy conservation contingency plans could help mitigate the effects upon the United States of a severe energy supply interruption. These measures, along with voluntary conservation efforts and other measures contained in existing legislation and the Department of Energy's present contingency programs, will provide the government with several options to deal with energy emergencies of varying types and degrees of severity. Such flexibility is essential if we are to prevent unnecessary hardship to our citizens and harm to our economy in the event of future curtailments of our energy supplies.

As required by Section 201(f) of the EPCA, each energy conservation contingency plan is accompanied by an analysis which assesses the economic impacts of the plan.

The procedures for approval by Congress of a contingency plan are detailed in Section 552 of the EPCA, and require among other things that a resolution of approval be passed by each House of Congress within 60 days of submittal of the plan. The EPCA does not specify the form which the resolution of approval is to take. It is my view and that of the Attorney General that actions of the Congress purporting to have binding legal effect must be presented to the President for his approval under Article I, Section 7 of the Constitution. Therefore, I strongly recommend that Congressional approval of these plans be in the form of a joint resolution. If this procedure is followed, the plans themselves, agreed to by Congress and the President, will not later be subject to possible judicial invalidation on the ground that the President did not approve the resolution.

I urge the prompt and favorable consideration by the Congress of these plans.

JIMMY CARTER.

THE WHITE HOUSE, *March 1, 1979.*

STANDBY GASOLINE RATIONING PLAN—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying documents, which were referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

As required by Section 201 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6261, I am hereby transmitting to the Congress for its approval a Standby Gasoline Rationing Plan. I have also today directed the Secretary of Energy to publish the Plan in the *Federal Register*, as the final step in my prescribing a gasoline rationing plan by rule, as required by Sections 203 and 523 of the EPCA.

The Standby Gasoline Rationing Plan which I am transmitting today is the result of an extensive rulemaking proceeding in which over 1,100 comments from citizens throughout the United States were received and considered. I believe this plan, which would be implemented only in a severe energy supply emergency, would equitably allocate gasoline supplies and minimize economic hardships to the maximum extent possible without undue administrative costs and complexity.

Together with the energy conservation contingency plans which I am also transmitting to the Congress today under separate letter, the Standby Gasoline Rationing Plan would help mitigate the impact of a severe energy supply interruption. These measures, along with voluntary conservation efforts and other measures contained in existing legislation and the Department of Energy's present contingency programs, will provide the government with several options to deal with energy emergencies of varying types and degrees of severity. Such flexibility is essential if we are to prevent unnecessary hardship to our citizens and harm to our economy in the event of future curtailments of our energy supplies.

As required by Section 201(f) of the EPCA, the Standby Gasoline Rationing Plan is accompanied by an analysis which assesses the economic impacts of the Plan.

The procedures for approval by Congress of a contingency plan are detailed in Section 552 of the EPCA, and require among other things that a resolution of approval be passed by each House of Congress within 60 days of submittal of the plan. The EPCA does not specify the form which the resolution of approval is to take. It is my view and that of the Attorney General that actions of the Congress purporting to have binding legal effect must be presented to the President for his approval under Article I, Section 7 of the Constitution. Therefore, I strongly urge that Congressional approval of this plan be in the form of a joint resolution. If this procedure is followed, the plan itself, agreed to by Congress and the President, will not later be subject to possible judicial invalidation on the ground that the President did not approve the resolution.

I urge the prompt and favorable consideration by the Congress of this plan.

JIMMY CARTER.

THE WHITE HOUSE, *March 1, 1979.*

AGREEMENT BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers, which was referred to the Committee on Finance and the Committee on Foreign Relations, jointly, by unanimous consent:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216; 42 U.S.C. 1305 note), I am transmitting the Agreement between the United States of America and the Federal Republic of Germany (F.R.G.), signed on January 7, 1976, the Final Protocol to the 1976 Agreement, also signed on January 7, 1976, and the Administrative Agreement to implement the 1976 Agreement, signed on June 21, 1978.

These U.S.-F.R.G. agreements are similar in objective to the U.S.-Italian social security agreements which I submitted to the Congress on February 28, 1978. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation. In addition to remedying these problems, the 1976 U.S.-F.R.G. Agreement and Administrative Agreement would extend under specified conditions voluntary coverage rights under the F.R.G. system to U.S. citizens who have a prior connection with the F.R.G. system or who reside in the United States and were victims of persecution.

I also transmit for the information of

the Congress a comprehensive report prepared by the Department of Health, Education, and Welfare, which explains the provisions of the Agreement and provides data on the number of persons affected by the agreements and the effect on social security financing as required by the same provision of the Social Security Amendments of 1977.

The Department of State and the Department of Health, Education, and Welfare join in commending this Agreement, Protocol, and Administrative Agreement.

JIMMY CARTER.

THE WHITE HOUSE, *February 28, 1979.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message received yesterday from the President of the United States, transmitting a Social Security Agreement between the United States and the Federal Republic of Germany, be jointly referred to the Committees on Finance and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the nomination of Dennis R. Wyant, of Maryland, to be Deputy Assistant Secretary of Labor for Veterans' Employment, which was received by the Senate during the recess on February 27, be jointly referred to the Committees on Human Resources and Veterans' Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that nominations to the office of Inspector General, established by Public Law 95-452, in various Government departments and agencies be referred in each case to the committee having substantive jurisdiction over the department or agency, and if and when reported in each case, then to the Committee on Governmental Affairs for not to exceed 20 days.

It is my understanding this has been cleared with the minority all the way around.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of February 26, 1979, the Secretary of the Senate on February 28, 1979, received a message from the House of Representatives which reported that the House has passed S. 37, an act to repeal a section of Public Law 95-630, without amendment.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:21 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 37. An act to repeal a section of Public Law 95-630; and

H.R. 1902. An act to amend the Bank Holding Act Amendments of 1970.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ZORINSKY).

The message also announced that, pursuant to the provisions of 23 United States Code 101, the Speaker has appointed Mr. HOWARD, Mr. ANDERSON of California, Mr. FLORIO, Mr. OBERSTAR, Mr. SNYDER, and Mr. SHUSTER as members of the National Transportation Policy Study Commission on the part of the House.

The message further announced that, pursuant to the provisions of section 5 (b), Public Law 93-642, the Speaker has appointed Mr. SKELTON and Mr. TAYLOR as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation on the part of the House.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 1, 1979, he presented to the President of the United States the following enrolled bill:

S. 37. An act to repeal a section of Public Law 95-630.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-614. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for two years; to the Committee on Agriculture, Nutrition, and Forestry.

EC-615. A communication from the Assistant Secretary of the Interior, reporting, pursuant to law, on a soil survey and land classification of lands in the Panoche Water District and Westlands Water District, Central Valley Project, California; to the Committee on Appropirations.

EC-616. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to remove chaplains from under the cognizance of the Chief of Naval Personnel; to the Committee on Armed Services.

EC-617. A communication from the General Counsel of the Department of Defense, reporting, pursuant to law, on requested supplemental appropriations for the Department of Defense for fiscal year 1979; to the Committee on Armed Services.

EC-618. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1980 and 1981, and for other purposes; to the Committee on Armed Services.

EC-619. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues on the Maverick/Close Air Support Weapons Systems Program; to the Committee on Armed Services.

EC-620. A communication from the Comptroller General of the United States, transmitting pursuant to law, a report on the major issues, concerning the F-18 Naval Strike Fighter weapon system; to the Committee on Armed Services.

EC-621. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's Standoff Target Acquisition System; to the Committee on Armed Services.

EC-622. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Navy's wide aperture array sonar program; to the Committee on Armed Services.

EC-623. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the financial condition and operations of the Railroad Rehabilitation and Improvement Fund and the Obligation Guarantee Fund; to the Committee on Commerce, Science, and Transportation.

EC-624. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the fiscal year 1980 and 1981 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-625. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-626. A communication from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on the Northeast Corridor; to the Committee on Commerce, Science, and Transportation.

EC-627. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the utilization of the authority granted in 14 U.S.C. 475 (a), (b), (c), and (d) to designate and rent inadequate quarters, lease housing, and hire quarters, for calendar year 1978; to the Committee on Commerce, Science, and Transportation.

EC-628. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of activities pursuant to the Emergency Rail Services Act of 1970, and an evaluation of the financial condition of railroads which have outstanding certificates guaranteed under the Act; to the Committee on Commerce, Science, and Transportation.

EC-629. A communication from the President, National Railroad Passenger Corporation, transmitting, pursuant to law, a report on legislative recommendations; to the Committee on Commerce, Science, and Transportation.

EC-630. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, the Commission's determination to extend the period for acting upon the application pending before the Commission in Docket No. AB-9 (Sub-No. 9F), St. Louis, San Francisco Railway Company Abandonment Between East Lynne and Bolivar, Missouri; to the Committee on Commerce, Science, and Transportation.

EC-631. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend Title I of the Marine Protection, Research and Sanctuaries Act, as amended, for two years; to the Committee on Commerce, Science, and Transportation.

EC-632. A communication from the Under Secretary of the Interior, transmitting a draft of proposed legislation to amend the Revised Organic Act of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

EC-633. A communication from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, the eighth annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-634. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to enable the Secretary of Energy to utilize revenues to carry out his responsibilities related to Alaska Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Area Power Administration, and for other purposes; to the Committee on Energy and Natural Resources.

EC-635. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Mining Law Reform and Balanced Resources Management," February 27, 1979; to the Committee on Energy and Natural Resources.

EC-636. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, report entitled (1) "Petroleum Market Shares: Report on Sales of Refined Petroleum Products" and (2) "Petroleum Market Shares: Report on Sales of Retail Gasoline"; to the Committee on Energy and Natural Resources.

EC-637. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1977 and 1978 for Federal Onshore and Outer Continental Shelf (OCS) Oil and Gas Leases"; to the Committee on Energy and Natural Resources.

EC-638. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report entitled "Appropriate Federal Actions to Mitigate Economic Impacts Due to Expansion of Redwood National Park," January 1, 1979; to the Committee on Energy and Natural Resources.

EC-639. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Colorado State University, Fort Collins, Colorado, for a research project entitled "Load Haul Dump Tree Clump Transplanter Attachment"; to the Committee on Energy and Natural Resources.

EC-640. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, an annual report of the Federal Disaster Assistant Administration for fiscal year 1978; to the Committee on Environment and Public Works.

EC-641. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "EPA 1978 Needs Survey, Cost Estimates for Construction of Publicly-Owned Wastewater Treatment Facilities"; to the Committee on Environment and Public Works.

EC-642. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend provisions of the Noise Control Act of 1972, as amended for two years; to the Committee on Environment and Public Works.

EC-643. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Resource Conservation and Recovery Act, as amended, for two years; to the Committee on Environment and Public Works.

EC-644. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstrations for fiscal years 1980 and 1981; to the Committee on Environment and Public Works.

EC-645. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend a provision of the Federal Water Pollution Control Act, as amended; to the Committee on Environment and Public Works.

EC-646. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of Title XIV of the Public Health Service Act for two years; to the Committee on Environment and Public Works.

EC-647. A communication from the Chairman, United States Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to provide for the protection from unauthorized disclosure of safeguards information, and for other purposes; to the Committee on Environment and Public Works.

EC-648. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend the authorization for appropriations to carry out the Endangered Species Act of 1973, as amended; to the Committee on Environment and Public Works.

EC-649. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report on the study of the efficiency of, and the need for, Industrial Cost Recovery (ICR); to the Committee on Environment and Public Works.

EC-650. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the Child Support Enforcement program; to the Committee on Finance.

EC-651. A communication from the Special Representative for Trade Negotiations, reporting, pursuant to law, on the reviews and hearings conducted during the preceding six-month period; to the Committee on Finance.

EC-652. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Actions Needed to Stop Excess Medicare Payments for Blood and Blood Products," February 26, 1979; to the Committee on Finance.

EC-653. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Sugar and Other Sweetners: An Industry Assessment," February 26, 1979; to the Committee on Finance.

EC-654. A communication from the Administrator, Agency for International Development, Department of States, reporting, pursuant to law, a determination that it would further the foreign policy interests of the United States to provide a $20 million commodity import program loan to Zambia from funds of the Southern Africa Program of the Economic Support Fund; to the Committee on Foreign Relations.

EC-655. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmiting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-656. A communication from the Chairman, Japan-United States Friendship Commission, transmitting, pursuant to law, the Commission's second annual report, covering fiscal year 1978; to the Committee on Foreign Relations.

EC-657. A communication from the Director, International Communication Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. International Communication Agency for the fiscal years 1980 and 1981; to the Committee on Foreign Relations.

EC-658. A communication from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

EC-659. A communication from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal years 1980 and 1981, to make certain change in the authorities of that Act, to authorize the establishment of an Institute for Technological Cooperation and for other purposes; to the Committee on Foreign Relations.

EC-660. A communication from the Chairman, United States Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Energy Reorganization Act of 1974, as amended, to provide for statutory creation of the Office of Inspection and Enforcement of the Nuclear Regulatory Commission; to the Committee on Governmental Affairs.

EC-661. A communication from the Comptroller General of the United States, transmitting, pursuant to law, report entitled "Conversion of Urban Waste to Energy: Developing and Introducing Alternate Fuels From Municipal Solid Waste," February 28, 1979; to the Committee on Governmental Affairs.

EC-662. A communication from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, with respect to the scope of the specialized or technical services provided to State or local governments by NASA during calendar year 1978 under Title III of P.L. 90-577; to the Committee on Governmental Affairs.

EC-663. A communication from the Assistant Executive Secretary, Federal Deposit Insurance Corporation, transmitting pursuant to law, a report on changes to existing systems and request for waiver of sixty-day advance notice, Privacy Act of 1974; to the Committee on Governmental Affairs.

EC-664. A communication from the Chairman, United States Nuclear Regulatory Commission, transmitting a draft of a proposed amendment to section 201(a)(1) of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5841(a)(1); to the Committee on Governmental Affairs.

EC-665. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Department of Justice Should Improve Its Equal Employment Opportunity Programs," February 23, 1979; to the Committee on Human Resources.

EC-666. A communication from the Director of Information, Department of Energy, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-667. A communication from the Administrative Director, United States Arms Control and Disarmament Agency, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-668. A communication from the Staff Secretary, National Security Council, reporting, pursuant to law, relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-669. A communication from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-670. A communication from the Attorney General, transmitting a draft of proposed legislation to provide for improvements in the administration of justice, greater efficiency in the federal appellate courts, and more uniform decisions in those courts, and for other purposes; to the Committee on the Judiciary.

EC-671. A communication from the Chairman, National Transportation Safety Board, reporting, pursuant to law, relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-672. A communication from the Executive Director, Marine Mammal Commission, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-673. A communication from the Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-674. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relating to the Freedom of Information Act; to the Committee on the Judiciary.

EC-675. A communication from the Secretary, Foundation of the Federal Bar Association, transmitting, pursuant to law, its financial report for the fiscal year ending September 30, 1978; to the Committee on the Judiciary.

EC-676. A communication from the Administrator, Veterans Administration, transmitting, pursuant to law, a report relating to a scientific study to determine if there is a casual relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders; to the Committee on Veterans' Affairs.

EC-677. A communication from the Secretary of Labor, transmitting, pursuant to law, the 1977 annual report on the administration of the Employee Retirement Income Security Act of 1974; to the Committee on Human Resources and the Committee on Finance, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that an annual report transmitted by the Secretary of Labor, relative to the Employee Retirement Income Security Act of 1974, be referred jointly to the Committees on Human Resources and Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC-678. A communication from the Administrator, United States Environmental Protection Agency, transmitting a draft of proposed legislation to extend certain provisions of the Toxic Substances Control Act for two years; to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication transmitted by the Administrator of the U.S. Environmental Protection Agency, relative to extending certain provisions of the Toxic Substances Control Act, be referred jointly to the Committees on Commerce, Science, and Transportation, and Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC-679. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to provide for the timely management of the spent fuel from nuclear reactors; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary of Energy, relative to the proposed Spent Nuclear Fuel Act of 1979, be referred jointly to the Committees on Energy and Natural Resources, and Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-50. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION NO. 31

"Whereas, Agriculture is the largest industry in the State of Texas and the nation and is the largest employer of our people; and

"Whereas, We are blessed with rich resources of land, water, and climate, along with farm families who have the ability and eagerness to produce food and fiber in sufficient quantity to feed and clothe their fellow citizens and share with a hungry world; and

"Whereas, The low price agricultural policy of our federal government is causing disastrously low prices to producers, inflated food prices to consumers, and windfall profits for commodity speculators and multinational corporations; and

"Whereas, Our productive land, America's most valuable and cherished asset, which thousands of our young men fought and died protecting, now is being taken away from our family farmers and ranchers through bankruptcy, in many cases falling into the hands of nonresident alien investors; and

"Whereas, A healthy agriculture, earning fair and equitable prices, never causes inflation or unemployment but instead creates an unending supply of new wealth for the nation; now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring, That the 66th Legislature of the State of Texas hereby call upon the Congress of the United States of America to bring about an end to this most serious condition which prevails in rural America today by insisting that Secretary of Agriculture Bob Bergland implement the 1977 farm program to its fullest extent, by raising loan levels to 90 percent of parity along with any necessary set-aside, all as provided for in the current law; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-51. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 13

"Whereas, The overwhelming endorsement by California voters of Proposition 13 has spurred a nationwide taxpayer's revolt against high taxes and excessive government spending; and

"Whereas, While numerous local governments and states, including Texas, are sincerely responding to citizen demands for tax limitations coupled with responsible spending, the federal government, where budget restraint is most needed, has reacted to the message of Proposition 13 in a halfhearted and disappointing manner; and

"Whereas, The federal budget is increasing at an alarming rate, several times that of inflation, as seen by a 140 percent increase since 1970; and

"Whereas, The federal government through many years of deficit spending has incurred a national debt of astronomical and dangerous proportions; the gross national debt is currently estimated to be almost $800 billion, over twice the figure for 1962 and about 40 percent of the nation's gross national product; and

"Whereas, Statutorily imposed "permanent" debt ceilings, repeatedly raised by Congress, have proved to be no impediment to the monstrous growth of the national debt; this disgraceful legacy for future generations has swollen by $177 billion over the past three years and has fostered an interest payment of $50 billion for this year; and

"Whereas, Persistent deficit financing is a major factor contributing to income-robbing inflation, high interest rates, and an unstable, unpredictable economy, and results in the funding of government programs of questionable benefit and need; and

"Whereas, Texas' enviable financial position among state governments is largely due to its "pay-as-you-go" constitutional provision restricting deficit spending by the legislature; and

"Whereas, During the 1977 regular session, this legislature adopted House Concurrent Resolution No. 31 memorializing congress to initiate a constitutional amendment that would similarly prevent deficit spending and therefore halt the growth of the national debt, the greatest threat to this nation's future well-being; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislature, 2nd Called Session, hereby reaffirm the provisions of House Concurrent Resolution No. 31 calling for an amendment to the United States Constitution requiring a balanced annual federal budget and hereby request the Texas congressional delegation to sponsor this vital amendment; and, be it further

"Resolved, That this amendment require the achievement of a balanced budget within a reasonable period after adoption and establish a procedure for amortizing the national debt; and, be it further

"Resolved, That the Governor of Texas be hereby requested to actively seek the sponsorship of the amendment by the Texas congressional delegation and to use the financial resources of his office to promote support for the amendment; and, be it further

"Resolved, That the governor, lieutenant governor, and speaker of the house be hereby requested to contact government leaders of other states to solicit and encourage support for the amendment; and, be it further

"Resolved, That the lieutenant governor and speaker of the house be authorized to designate separate or joint committees or individual legislators to represent them and the state in this endeavor and that reasonable expenses incurred by them or their designees in efforts to initiate the amendment be paid from the contingent expense fund of the appropriate house; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-52. A resolution adopted by the Board of Supervisors of the City and County of San Francisco, urging the Registrar of Voters to convey to President Jimmy Carter and the leadership of the Congress the text and vote on Proposition V; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to order of January 30, 1975.

POM-53. A resolution adopted by the City Council of New Bedford, Massachusetts, relating to fishing; to the Committee on Commerce, Science, and Transportation.

POM-54. A petition from a citizen, relating to diplomatic relations with Taiwan; to the Committee on Foreign Relations.

POM-55. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 113

"Whereas, in nineteen hundred seventy-four the General Assembly enacted legislation to provide for subsidies for the adoption of children who are handicapped or have other special needs and who are in the custody of local boards of welfare; and

"Whereas, as of December one, nineteen hundred seventy-eight, subsidies have been authorized for one hundred twenty-four children in Virginia (*only twelve of which were granted to cover medical costs*), and (*only thirty-seven out of a total number of one hundred twenty-five*) local welfare agencies participate in the program; and

"Whereas, a major problem attributed to the underutilization of State-subsidized adoption programs is the exclusion from coverage by Medicaid of children who are adopted, except for a child with special needs who is adopted by a family which is financially eligible for Medicaid; and

"Whereas, a significant number of children in foster care have serious handicaps which can preclude their adoption because of the potential adoptive parent's inability to handle the financial burden of the medical treatment needed by the child; *unless state and local governments can assume financial responsibility for such costs which were covered by Medicaid prior to the child's adoption; now, therefore, be it*

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to amend *appropriate federal laws* to provide Medicaid eligibility after a final order of adoption is entered for children who have handicaps (*requiring medical care*) and other special needs (*which constitute barriers to adoption of the child, regardless of the income level of the adoptive parents*) and, be it

"Resolved further, That the Clerk of the Senate of Virginia is directed to send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the delegation to the Congress of the United States from this Commonwealth in order that they may be apprised of the sense of this Body."

POM-56. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 114

"Whereas, local governments have become increasingly dependent upon real and personal property taxation as a source of revenue to provide the services required of its citizens; and

"Whereas, the real and personal property tax base is drastically reduced in many local jurisdictions by the presence of substantial amounts of nontaxed federally-owned real property, machinery and equipment; and

"Whereas, the presence of such federally-owned property directly increases the burden of taxation on the remainder of local property owners; and

"Whereas, the Advisory Commission on Intergovernmental Relations has identified payments in lieu of taxes as one of the major needs of local governments throughout the country, and is presently conducting a study of the over-all impact of the federal presence on local government taxation; and

"Whereas, Congress has provided for payments in lieu of taxes for counties by the adoption of Public Law 94-565; now, therefore, be it

"Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia hereby memorializes the Congress of the United States to adopt legislation authorizing and funding a method of payment in lieu of taxes for federally-owned property within local governmental jurisdictions; and, be it

"Resolved further, That the Clerk of the Senate is hereby instructed to transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to the Members of the Virginia Delegation to the Congress of the United States in order that they may be apprised of the sense of this body."

POM-57. A resolution adopted by the Legislature of the State of Illinois; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 28

"Whereas, the Illinois House of Representatives believes that the United States Constitution should permit a moment of silent prayer in the classrooms of the public schools of this nation; and

"Whereas, A moment of silent prayer of reflection is a positive act which adds to the growth of an individual; and

"Whereas, We believe that a moment of silent prayer is denominationally neutral and is not the manifestation of an official religion or an interference with the free exercise of any person's religion or system of belief; and

"Whereas, Affording a student in the public schools a moment of silent prayer provides students the option of using this time for such purposes or not, without fear of reprisal or comment by teachers or peers; and

"Whereas, There are many manifestations in our public life of belief in God; and

"Whereas, Such belief has been part of the leaven stimulating the growth of this nation; therefore, be it

"Resolved, by the House of Representatives of the Eighty-first General Assembly of the State of Illinois, That we respectfully petition the Congress of the United States to propose an amendment to the Constitution of the United States to permit a moment of silent prayer in the public schools; and, be it further

"Resolved, That copies of this resolution be transmitted to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State."

POM-58. A resolution adopted by the Legislature of the State of Illinois; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 29

"Whereas, The Illinois House of Representatives believes that the United States Constitution should permit the singing of Christmas carols by students of public educational institutions; and

"Whereas, The singing of Christmas carols is an expression of the goodwill and joy which the season heralds and the holiday urges us to share with each other; and

"Whereas, We believe that the singing of Christmas carols in the public schools is denominationally neutral and not the manifestation of an official religion or creed; and

"Whereas, The singing of carols during the Christmas season in this nation's schools has traditionally been part of our great heritage; therefore, be it

"Resolved, by the House of Representatives of the Eighty-First General Assembly of the State of Illinois, That we respectfully petition the Congress of the United States to propose an amendment to the Constitution of the United States to permit the singing of Christmas carols in the public schools; and, be it further

"Resolved, That copies of this resolution be transmitted to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State."

POM-59. A memorial adopted by the Legislature of the State of Florida; to the Committee on the Judiciary:

"SENATE MEMORIAL

"Whereas, it is estimated, as of August, 1975, that the federal debt at the end of the 1975 fiscal year will be $558.637 billion, and

"Whereas, the fiscal year deficit for 1976 will be the largest in our history, between $70 and $80 billion, and

"Whereas, the growing debt is a major contributor to inflation, lagging economic investment, excessive interest rates, and the resulting unemployment, and

"Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and sound economy, and

"Whereas, the National Conference of State Legislatures passed Resolution No. 11 at its Annual Business Meeting on October 10, 1975, urging the Congress to take prompt and affirmative action to limit federal spending, and

"Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, now, therefore,

"Be It Resolved by the Legislature of the State of Florida:

"That the Legislature of the State of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

"Be it further resolved, That a copy of this memorial be transmitted to the presiding officers of the Senate and the House of Representatives of Congress, the members of the Congressional delegation from the State of Florida and to the presiding officers of each house of the several state legislatures."

POM-60. A memorial adopted by the Legislature of the State of Florida; to the Committee on the Judiciary:

"HOUSE MEMORIAL No. 2801

"Whereas, the United States Government has, over the past three decades, embarked on a course of continuous and ever increasing deficit spending, and

"Whereas, the public debt engendered thereby now far exceeds 300 billion dollars, and current budget proposals include provision for a further deficit of 43 billion dollars, and

"Whereas, such national debt is, in and of itself, a major contributor to the very inflation to which the United States is committed to eradicating, and

"Whereas, this massive national debt is inimical to the public welfare, limiting the amount of credit available to private citizens, thus curtailing opportunities for needed economic growth, and

"Whereas, continued fiscal irresponsibility can only result in an eventual financial debacle of the sort recently experienced by New York City, and

"Whereas, payment of the massive interest required to service national debt imposes an undue hardship on the citizenry, particularly those on fixed incomes, and

"Whereas, the ability of the Federal Government to avoid the difficult budgetary choices posed by zero debt financing has resulted in a lack of objective budgetary analysis, and thus the funding of unnecessary or inefficient programs, now, therefore,

"Be it Resolved by the Legislature of the State of Florida:

"That pursuant to Article V of the Constitution of the United States, the Legislature of the State of Florida does hereby apply to the Congress of the United States for a convention to consider the following amendment to the United States Constitution:

"Section 1. Except as provided in section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

"Section 2. There shall be no increase in the national debt, and the existing debt, as it exists on the date on which this amendment is ratified, shall be repaid during the one hundred-year period following the date of such ratification. The rate of repayment shall be such that not less than one-tenth of the debt shall be repaid during each ten-year period.

"Section 3. In times of national emergency, declared by the concurrent resolution of three-fourths of the membership of both Houses of Congress, the application of section 1 may be suspended, provided that such suspension shall not be effective past the two-year term of the Congress which passes such resolution. If such a national emergency continues to exist, a suspension of section 1 may be reenacted pursuant to the provisons of this section. National debt incurred pursuant to this section shall be repaid under the provisons of section 2; provided, however, that the repayment period shall commence upon the expiration of the suspension under which it was incurred.

"Section 4. This article shall apply to fiscal years that begin six months after the date on which this article is ratified.

"Section 5. Congress shall provide by law for strict compliance with this amendment.

"Be it further resolved that the purview of any convention called by the Congress pursuant to this resolution be strictly limited to the consideration of an amendment of the nature as herein proposed.

"Be it further resolved that this application by the Legislature of the State of Florida constitutes a continuing application pursuant to Article V of the United States Constitution, until such time as two-thirds of the Legislatures of the several states have made similar application, and the convention herein applied for is convened.

"Be it further resolved that a duly attested copy of this resolution be immediately transmitted to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the presiding officer of each house of each state Legislature in the United States."

POM-61. A joint resolution adopted by the Legislature of the State of South Dakota; to the Committee on the Judiciary:

"A Joint Resolution

"Whereas, with each passing year this nation becomes more deeply in debt as its annual expenditures frequently exceed annual available revenues, so that the public debt also steadily increases to a size of inordinate proportions; and

"Whereas, unified budgets do not necessarily reflect actual spending because of the exclusion of special spending outlays which are not included in the budget nor are subject to the statutory legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, we believe that fiscal irresponsibility at the federal level, with the inflation which results primarily from this policy, is the greatest threat which faces our nation, and that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing such amendments:

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"That the Legislature does hereby make application to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Legislature of the state of South Dakota hereby requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency, as defined by law, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved, that alternatively, this Legislature hereby makes application under said Article V of the Constitution of the United States and with the same force and effect as if this Resolution consisted of this portion alone and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency, as defined by law, that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

"Be it further resolved, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made applications for similar relief pursuant to Article V, but, if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and

"Be it further resolved, that this Legislature also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and

"Be it further resolved, that copies of this Joint Resolution be sent by the Secretary of State to each member of the South Dakota Congressional Delegation; and

"Be it further resolved, that the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

POM-62. A joint resolution adopted by the Legislature of the State of New Mexico; to the Committee on the Judiciary:

"Senate Joint Resolution

"Be it resolved by the Legislature of the State of New Mexico:

"Whereas, with each passing year this nation become more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved that, alternatively, this body makes application and requests that the congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and

"Be it further resolved that copies of this resolution be sent by the secretary of states to the members of New Mexico's delegation to the congress of the United States; and

"Be it further resolved that the secretary of state of this state is directed to send copies of this joint resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the clerk of the United States house of representatives, Washington, D.C. and the secretary of the United States Senate, Washington, D.C."

POM–63. A joint memorial adopted by the Legislature of the State of Idaho; to the Committee on Finance:

"SENATE JOINT MEMORIAL No. 104

"Whereas, the production of sugar beets and of beet sugar is important in the State of Idaho and makes significant contributions to the State's and the Nation's economy; and

"Whereas, legislative and administrative actions taken thus far have not been adequate to restore the needed stability to sugar markets for domestic producers; and

"Whereas, sugar beet producers and beet sugar processors are not receiving prices for their product which allow them to remain in business on a profitable basis; and

"Whereas, the loss of sugar beet growing and beet sugar processing would have serious repercussions on the economy of the nation since it would mandate the importing of sugar from abroad, drive the domestic price of sugar up, further increase the U.S. balance of trade deficit, and continue to weaken the already depressed dollar on world money markets; and

"Whereas, the loss of the domestic sugar industry would mandate U.S. farmers to convert their land to other crops and further depress farm prices which would make farm families unable to make a living from their land as well as cause the countless other workers who find employment in sugar mills and processing to face unemployment and cause welfare costs to rise; and

"Whereas, legislation introduced during the 2nd Session of the 95th United States Congress would have remedied many of the economic problems of sugar beet producers and beet sugar processors if it had passed.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request and urge the Congress of the United States to consider and enact legislation which will insure the continued existence, stability and profitability of the total domestic nutritive sweetener industry, and that the President sign and administer such legislation.

"Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, Jimmy Carter, the Secretary of Agriculture, Robert Bergland, and the President of the Senate and the Speaker of the House of Representatives of Congress and the honorable congressional delegation representing the State of Idaho in the Congress of the United States."

POM–64. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION NO. 7

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or ability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibilities at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe such action vital.

"Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the House of Representatives and the Senate concurring, that the Legislature proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the legislature requests the Congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved, that, alternatively, the Legislature makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

"Be it further resolved, that this application by this Legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution then this petition for a Constitutional Convention shall no longer be of any force or effect; and

"Be it further resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

"Be it further resolved, that this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or require the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and

"Be it further resolved, that the Clerk of the House of Representatives be and he is hereby directed to forward copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congress of the United States representing the State of Idaho."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 245. A bill to promote the foreign policy of the United States through the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes (together with additional views) (Rept. No. 96–7).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 233. A bill to amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes (Rept. No. 96–8).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

S. Res. 42. A resolution authorizing additional expenditures by the Committee on Agriculture, Nutrition, and Forestry for inquiries and investigations (Rept. No. 96–9).

S. Res. 81. A resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 96–10).

S. Res. 57. A resolution authorizing additional expenditures by the Committee on Banking, Housing, and Urban Affairs for inquiries and investigations (Rept. No. 96–11).

S. Res. 73. A resolution authorizing additional expenditures by the Committee on the Budget for inquiries and investigations (Rept. No. 96–12).

S. Res. 26. A resolution authorizing additional expenditures by the Committee on Commerce, Science, and Transportation for inquiries and investigations (Rept. No. 96–13).

S. Res. 60. A resolution authorizing additional expenditures by the Committee on Energy and Natural Resources for inquiries and investigations (Rept. No. 96–14).

S. Res. 43. A resolution authorizing additional expenditures by the Committee on Environment and Public Works for inquiries and investigations (Rept. No. 96–15).

S. Res. 52. A resolution authorizing additional expenditures by the Committee on Finance for inquiries and investigations (Rept. No. 96–16).

S. Res. 75. A resolution authorizing additional expenditures by the Committee on Foreign Relations for inquiries and investigations (Rept. No. 96–17).

S. Res. 79. A resolution authorizing additional expenditures by the Committee on Governmental Affairs for inquiries and investigations (Rept. No. 96–18).

S. Res. 31. A resolution authorizing expenditures by the Committee on Human Resources for inquiries and investigations (Rept. No. 96–19).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. Res. 48. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 96–20).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

S. Res. 66. A resolution authorizing additional expenditures by the Committee on

Veterans' Affairs for inquiries and investigations (Rept. No. 96-21).

S. Res. 69. A resolution authorizing additional expenditures by the Select Committee on Small Business for inquiries and investigations (Rept. No. 96-22).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

S. Res. 65. A resolution authorizing expenditures by the Special Committee on Aging (Rept. No. 96-23).

By Mr. PELL, from the Committee on Rules and Administration, with an amendment:

S. Res. 76. A resolution authorizing additional expenditures by the Select Committee on Intelligence (Rept. No. 96-24).

S. Res. 70. A resolution authorizing expenditures by the Select Committee on Indian Affairs for inquiries and investigations (Rept. No. 96-25).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. Res. 44. A resolution authorizing the printing of the committee print entitled "Study on Federal Regulation, Framework for Regulation, Appendix to Volume VI" as a Senate document (Rept. No. 96-26).

S. Res. 45. A resolution authorizing the printing of the committee print entitled "Study on Federal Regulation, Volume VI, Framework for Regulation," as a Senate document (Rept. No. 96-27).

S. Res. 51. A resolution authorizing additional expenditures by the Committee on Finance for routine purposes (Rept. No. 96-28).

S. Res. 53. A resolution authorizing additional expenditures by the Committee on Appropriations for routine purposes (Rept. No. 96-29).

S. Res. 82. A resolution authorizing additional expenditures by the Committee on Armed Services for routine expenses (Rept. No. 96-30).

S. Res. 86. An original resolution to pay a gratuity to Mary Lucy Kuhl Haworth, Frances T. Kuhl, Pius A. Kuhl, James H. Kuhl, and Richard A. Kuhl.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE—16TH CONGRESSIONAL DELEGATION TO THE PEOPLE'S REPUBLIC OF CHINA: TRAVEL AUTHORIZED BY MAJORITY LEADER, FROM JAN. 2 TO JAN. 16, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan Cranston:									
Japan	Yen	10,991	45.51	642	2.66			11,634	48.17
People's Republic of China	U.S. dollar		975.00						975.00
Transportation to/from PRC[1]					2,897.40				2,897.40
Senator James Abourezk:									
Japan	Yen	18,113	75.00	642	2.66			18,755	77.66
People's Republic of China	U.S. dollar		975.00						975.00
Transportation to/from PRC[1]					2,897.40				2,897.40
Senator Gary Hart:									
Japan	Yen	12,972	53.71	642	2.66			13,614	56.37
People's Republic of China	U.S. dollar		1,050.00						1,050.00
Transportation to/from PRC[1]					2,897.00				2,897.00
Senator Richard Lugar:									
Japan	Yen	11,080	45.88	642	2.66			11,722	48.54
People's Republic of China	U.S. dollar		975.00						975.00
Transportation to/from PRC[1]					2,897.40				2,897.40
Senator Charles McC. Mathias, Jr.:									
Japan	Yen	10,990	45.51	642	2.66			11,632	481.7
People's Republic of China	U.S dollar		975.00						975.00
Transportation to/from PRC[1]					2,897.40				2,897.40
Staff: Allyn Kreps:									
Japan	Yen	12,613	52.23	642	2.66			13,255	54.89
People's Republic of China	U.S. dollar		975.00						975.00
Transportation to/from PRC[1]					2,897.40				2,897.40
Total			6,242.84		17,400.36				23,643.20

[1] Transportation to/from PRC by military aircraft (equivalent commercial rate).

ALAN CRANSTON, Chairman.

Feb. 6 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE—COMMITTEE ON APPROPRIATIONS (AMENDED REPORT): TRAVEL AUTHORIZED BY SENATOR WARREN G. MAGNUSON, CHAIRMAN, FROM JAN. 1 TO DEC. 31, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Charles McC. Mathias:									17
Japan	Yen	10,990	45.51	642	2.66			11,632	48. 40
Peoples Republic of China	Dollar		975.00		[1] 2,897.40				3,872. 54
Balance forward			8,064.22		10,810.32				18,874.
Total			9,084.73		13,710.38		0		22,795. 11

[1] Transportation to and from Peoples Republic of China by military aircraft (equivalent commercial rate).

WARREN G. MAGNUSON,
Chairman.

Feb. 13, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE—COMMITTEE ON GOVERNMENTAL AFFAIRS, TRAVEL AUTHORIZED BY SENATOR ABE RIBICOFF, FROM DEC. 3 TO DEC. 17, 1978

		Per diem		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S currency
Theodore J. Jacobs:[1]									
United Kingdom	Pound	129.40	254.60					129.40	254.60
France	Franc	1,903.10	432.30					1,903.10	432.30
Switzerland	Sw. franc	486.65	285.00					486.65	285.00
Sweden	S. kroner	1,120.90	253.60	209	47.29			1,329.90	300.89
Total			1,225.50		47.29				1,272.79

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE—COMMITTEE ON GOVERNMENTAL AFFAIRS, TRAVEL AUTHORIZED BY SENATOR ABE RIBICOFF, FROM DEC. 3 TO DEC. 17, 1978—Continued

Name and country	Name of currency	Per diem: Foreign currency	Per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
FROM NOV. 18 TO NOV. 24–28, 1978									
Leonard S. Spector:[2]									
Switzerland	Sw. franc	102	61					102	61.00
Austria	Aus. schilling	4,421	309					4,421	309.00
Italy	Lt. lire			255,800	309.19			225,800	308.19
Ellen S. Miller:[3]									
Switzerland	Swiss franc	115.40	69.77	4.54	2.75	60.36	36.50	180.30	109.02
Austria	Schilling	4,399.03	316.24	347.75	25.00	584.22	42.00	5,331.00	383.24
England	Pound	85.39	169.07					85.39	169.07
Total			925.08		336.94		78.50		1,339.52
FROM MAY 24 TO JUNE 6, 1978									
Arthur H. House:									
Switzerland	Franc	693	351.86	40	20.31	56	28.43	789	400.60
United Kingdom	Pound	205.55	378.75	5.00	9.21	11.46	21.12	222.01	409.08
United States	Dollars				12.50				12.50
Total			730.61		42.02		49.55		822.18
FROM FEB. 10 TO FEB. 21, 1979									
Dwight H. Perkins:									
Japan	Yen	12,980	54.15					12,980	54.15
China (People's Republic)	Yuan eq	1,014.60	600.00					1,014.60	600.00
					1,860.40				1,860.40
Thomas Bernstein:									
Japan	Yen	15,448	64.44					15,448	64.44
China	Yuan eq	1,014.60	600.00					1,014.60	600.00
					1,860.40				1,860.40
Dorothy Fosdick:									
Japan	Yen	17,031	71.04					17,031	71.04
China	Yuan eq	1,014.60	600.00					1,014.60	600.00
					1,853.40				1,853.40
Total			1,989.63		5,574.20				7,563.83
FROM JAN. 7 TO JAN. 18, 1978									
Ellen S. Miller:[4]									
Netherlands	Guilders	346.16	150.00					346.16	150.00
Germany	Marks	168	70.00					168	70.00
France	Francs	1,007.50	214.36					1,007.50	214.36
England	Pounds	152.69	296.22					152.69	296.22
Brian Conboy:[5]									
Netherlands	Guilders	346.16	150.00					346.16	150.00
Germany	Marks	160	70.00					168	70.00
France	Francs	1,007.50	214.36					1,007.50	214.36
England	Pounds	152.69	296.22					152.69	296.22
Total			1,461.16						1,461.16

[1] Returned $14.50 (55.90 francs, 6.20 Sw. kroners, 0.21 pence, Great Britain pounds).
[2] Returned $217.
[3] Returned 372.10 shillings ($26.76), 6.10 pounds ($12.20).
[4] Returned 153 marks, 50 francs, 1 pound.
[5] Returned 156 marks, 54 francs, 7 pounds, 6 guilders.

ABE RIBICOFF, Chairman.

Jan 25, 26, 1979.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE—JAMES A. SHARP, JR. (SENATOR DONALD W. RIEGLE, JR.), TRAVEL AUTHORIZED BY MAJORITY LEADER, FROM NOV. 29, TO DEC. 2, 1978

Name and country	Name of currency	Per diem: Foreign currency	Per diem: U.S. dollar equivalent or U.S. currency[1]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency[1]	Other Purposes: Foreign currency	Other Purposes: U.S. dollar equivalent or U.S. currency[1]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency[1]
Mexico	Pesos (22.60 Pesos per U.S. dollar).	6,780	300	None	None	None	None	6,780	300

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (pesos) (total) 6,780.00

JAMES A. SHARP, Jr.
United States-Mexico Commission on Drug Abuse.

Dec. 28, 1978.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JAVITS (for himself, Mr. RIBICOFF, Mr. COHEN, Mr. LEVIN, Mr. MATHIAS, and Mr. SASSER):

S. 503. A bill to amend the Privacy Act of 1974 to provide for the confidentiality of medical records, and for other purposes; to the Committee on Governmental Affairs and the Committee on the Judiciary, jointly, by unanimous consent, and if and when ordered reported by one committee, the other committee has not to exceed 30 days.

By Mr. BAKER (for Mr. PACKWOOD):

S. 504. A bill to amend section 21 of the Second Liberty Bond Act to require the President to submit an alternate balanced budget whenever the regular budget would result in an increase in the public debt limit or a deficit, to require the President to identify revenue increase attributable to inflation, and for other purposes; read the first time and, by unanimous consent, ordered held at the desk.

By Mr. TALMADGE (for himself and Mr. DOLE):

S. 505. A bill to provide for the reform of the administrative and reimbursement procedures currently employed under the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Metzenbaum, Mr. Javits, and Mr. Heinz):

S. 506. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. Talmadge):

S. 507. A bill to amend the Social Security Act to provide for improvements in the medicare and medicaid programs; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. Talmadge, Mr. Heinz, Mr. Ribicoff, Mr. Moynihan, and Mr. Cochran):

S. 508. A bill to amend the Social Security Act to provide that the Administrator of the Health Care Financing Administration henceforth shall be appointed by the President by and with the advice and consent of the Senate; to the Committee on Finance.

By Mr. RIBICOFF (by request):

S. 509. A bill to amend title 5, United States Code, to provide survivor benefits to certain dependent children; to the Committee on Governmental Affairs.

S. 510. A bill to establish a Department of Education, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MATSUNAGA:

S. 511. A bill to amend section 457 of the Internal Revenue Code of 1954 to extend to deferred compensation plans maintained by tax exempt organizations the treatment conferred upon such plans maintained by State and local governments by the Revenue Act of 1978; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 512. A bill exempting employees serving 60 days or less from the financial reporting requirements of the Ethics in Government Act of 1978; to the Committee on Governmental Affairs.

S. 513. A bill to extend for 2 years at its present level the program of general revenue sharing provided under the State and Local Fiscal Assistance Act of 1972; to the Committee on Finance.

By Mr. BELLMON:

S. 514. A bill to amend the Emergency Petroleum Allocation Act of 1973 to exempt from price controls economically marginal crude oil production; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 515. A bill to establish interest rates on SBA disaster loans for disasters occurring between October 1, 1978, and October 1, 1982; to the Select Committee on Small Business.

By Mr. BELLMON:

S. 516. A bill to count injection wells as wells for stripper purposes; to the Committee on Energy and Natural Resources.

By Mr. RANDOLPH (for himself, Mr. Talmadge, Mr. Stone, Mr. Durkin, Mr. Thurmond, and Mr. Stafford):

S. 517. A bill to redesignate May 30 of each year as Memorial Day and to make such a day a legal public holiday; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 518. A bill to amend the Poultry Products Inspection Act so as to restrict the authority of the Secretary of Agriculture to regulate the speed of processing poultry on the basis of state, region, or other area, or on the basis of a lack of inspectors; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 519. A bill to preserve the academic freedom and the autonomy of institutions of higher education and to condition the authority of officials of the United States to issue rules, regulations, or orders with respect to institutions of higher education. Read the first time.

S. 520. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution. Read the first time.

By Mr. THURMOND (for himself, Mr. Kennedy, and Mr. Hollings):

S. 521. A bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn, or fiber, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. Mathias, Mr. Schmitt, and Mr. Bumpers):

S. 522. A bill to amend title 28 of the United States Code to change the composition of the judicial councils, and to provide procedures within the judicial councils of each circuit for the processing of complaints and for the administration of disciplinary action, if necessary, with respect to the conduct of the Federal judiciary within that circuit; to the Committee on the Judiciary.

By Mr. HART:

S. 523. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services; to the Committee on Armed Services.

By Mr. MORGAN:

S. 524. A bill to establish a Solar Energy Development Bank to provide long-term, low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr RIEGLE (for himself and Mr. Williams):

S. 525. A bill to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes; to the Committee on Human Resources.

By Mr SCHWEIKER:

S. 526. A bill to amend title XI of the Social Security Act to provide that a Professional Standards Review Organization shall not be considered to be an agency of the Federal Government; to the Committee on Finance.

By Mr. KENNEDY (by request):

S. 527. A bill to authorize appropriations for activities for the National Science Foundation for fiscal years 1980 and 1981, and for other purposes; to the Committee on Human Resources.

By Mr. TSONGAS:

S. 528. A bill for the relief of Bernard Robert Pages; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 529. A bill for the relief of Bing Yu Cheng; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 530. A bill for the relief of Ivan Mauricio Mas-Jaccard and Carmen Mas-Jaccard, husband and wife, and Clifford and Jonny Mas-Jaccard, their children; to the Committee on the Judiciary.

By Mr. BAKER:

S.J. Res. 42. A joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States; to the Committee on the Judiciary.

By Mr. DURKIN:

S.J. Res. 43. A joint resolution to proclaim March 21, 1980 "National Energy Education Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. Ribicoff, Mr. Cohen, Mr. Levin, Mr. Mathias, and Mr. Sasser):

S. 503. A bill to amend the Privacy Act of 1974 to provide for the confidentiality of medical records, and for other purposes; to the Committee on Governmental Affairs and the Committee on the Judiciary, jointly, by unanimous consent, and if and when ordered reported by one committee, the other committee has not to exceed 30 days.

(The remarks of Mr. Javits when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. BAKER (for Mr. Packwood):

S. 504. A bill to amend section 21 of the Second Liberty Bond Act to require the President to submit an alternate balanced budget whenever the regular budget would result in an increase in the public debt limit or a deficit, to require the President to identify revenue increases attributable to inflation, and for other purposes; read the first time and, by unanimous consent, ordered held at the desk.

ALTERNATIVE BUDGET ACT OF 1979

Mr. BAKER. Mr. President, on behalf of the distinguished junior Senator from Oregon (Mr. Packwood), I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The bill will be read the first time by title.

The legislative clerk read as follows:

A bill (S. 504) to amend section 21 of the Second Liberty Bond Act to require the President to submit an alternate balanced budget whenever the regular budget would result in an increase in the public debt limit or a deficit, to require the President to identify revenue increases attributable to inflation, and for other purposes.

Mr. BAKER. Mr. President, I ask unanimous consent that a statement by Senator Packwood, together with the text of the bill, be printed in the Record.

There being no objection, the statement and text of the bill were ordered printed in the Record, as follows:

Statement by Senator Packwood

Each month we get the bad news on inflation, and each month concern mounts over the primary cause of inflation: the growth of federal spending and the need to reduce draining federal deficits. There is no problem more important to the American people—there is no problem more important to this Congress. If a balanced budget is to be more than a goal which eludes us year after year, we must take concrete steps now, realistic steps now.

Today, I am introducing a bill which I believe would be a responsible, realistic step to stop the needless growth of government debt. In addition, this bill will, for the first time, require disclosure of the tax increases imposed on all Americans by inflation. The companion bill in the House of Representatives is being introduced by the distinguished Representative Barber Conable (R-N.Y.).

TRUTH IN SPENDING

The bill has three major provisions. The first provision requires the President to submit a balanced budget in any year in which the recommended Presidential budget calls for a deficit. This also applies if the budget calls for raising the public debt limit to a dollar figure higher than that provided in the temporary debt limit.

The purpose of this provision is to provide the information needed to work towards a balanced budget. The alternative budget would clearly state the differences between the recommended Presidential budget and the balanced budget. This would enable Members of Congress to see which additional cuts would be the best targets for savings.

This provision will provide a detailed roadmap for reducing federal deficits. It will put—for the first time—the full talents of government budget officials behind developing a balanced budget. Then, depending on economic conditions, Congress would be able to pare spending as needed.

Adoption of a responsible federal budget is a shared responsibility of both the Congressional and Executive branches. It would be unrealistic for Congress to begin the process of developing a balanced budget after the Executive branch budget is proposed.

Preparation of the federal budget begins at the program and agency level within departments. Budget officials in each department and independent agency then make requests and recommendations to the Office of Management and Budget then prepares the final Executive budget for the President's approval. It is forwarded to Congress in January. Spending levels and program effectiveness are considered throughout this Executive branch review. This bill would, in effect, harness these resources to produce a balanced budget. It is not realistic to skip this phase of the budget process if we are serious about achieving a balanced budget.

Preparation of an alternate balanced budget can increase the government's flexibility in dealing with changed circumstances that occur between submission of the Presidential budget in January and adoption of the First Concurrent Resolution in May. For example, this year, President Carter submitted a budget providing a $29 billion deficit. Less optimistic economic assumptions or additional financial burdens of the government, such as costs associated with the Camp David accord, could cause this estimate to increase. But if Congress had before it an alternate balanced budget identifying the best ways to cut $29 billion of federal expenditures, it could more easily hold to the $29 billion figure.

This proposal is not a new idea. Congress in 1909 added to the law the requirement that the President submit spending reduction alternatives for any year the Secretary of the Treasury projects a deficit.

Specifically, the Sundry Appropriations Act of 1909 provided that, in a year for which a deficit is projected, the President shall—

"* * * advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgement practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency." P.L. 60–328, sec. 7.

The Congressional debates in 1909 on this provision contain arguments that are still valid today:

"Mr. Smith of Iowa. The object of this is simply to put upon the President of the United States, who is the head of all the departments, a measure of responsibility to see that the estimates are cut within the revenues, or else call upon him to propose a bond issue or new taxes covering the deficiency, and thereby take the odium that it would bring to his administration.

"Mr. Finley. Does not the gentleman think that it is the business of Congress to cut the appropriations to fit the revenues?

"Mr. Smith of Iowa. It is important that we should have Congress, as well as the Executive, to state where the cut ought to be made. It is possible for Congress to do much in that direction; but the President, being the head of all the departments, can greatly aid in pointing out where these reductions can be made with the least injury to the public service." Cong. Rec.—House, Feb. 26, 1909, page 3310.

Unfortunately, the requirement that the President submit spending reduction alternatives is no longer in the law. The successor statute, 31 U.S.C. 13, drops the requirement that the President submit an alternative balanced budget. The Packwood-Conable proposal reinstates this requirement.

LIVING WITHIN OUR BUDGET

Another section of this bill helps to avoid increases in the deficit or spending during a fiscal year beyond that which was projected at the beginning of the fiscal year. It does this by requiring the President to submit spending reduction alternatives to Congress during any year that spending or the deficit increases beyond that projected in the Second Concurrent Resolution on the Budget. Similarly, the President would be required to submit a spending reduction plan in any year that the public debt limit is required to be increased to an amount greater than that provided in the Second Concurrent Resolution on the Budget, if attributable to reduced revenues or exceeding spending limits provided in the Second Concurrent Resolution.

This provision does not dictate spending reductions. This is because there may be situations where it is in the Nation's interest to increase spending or incur deficits during a fiscal year, such as in response to a recession However, the purpose of this provision is to assure that Congress has the information it needs to stick to the budget. Today, government budgetary officials are not required to provide them with information to make the choice.

The provision, if in effect today, could have a dramatic effect on spending during the current year, fiscal year 1979. This is because spending has grown by $2–3 billion since adoption of the Second Concurrent Resolution in September, 1978. The primary cause for the increase is the increase in interest rates and the resultant increased cost in borrowing funds to finance the deficit provided for the year. In other words, Congress is going to be faced with making a dramatic increase in this year's spending simply because the cost of paying for the deficit has increased. Congress may or may not adopt spending cuts to offset this increase; but it ought to be given the choice.

TRUTH IN TAXING

The third provision of the bill is designed to help break the cycle of unlegislated tax increases caused by inflation. Inflation causes "taxation by stealth," in the words of former O.M.B. Deputy Director Paul O'Neill. Inflation erodes the value of the personal exemption, the standard deduction, it pushes low, middle and upper income taxpayers into higher and higher tax brackets, and it makes a mockery of other fixed dollar limits provided in the Internal Revenue Code.

The enormous revenue gains attributable to inflation have permitted Congress to adopt so-called "tax cuts" almost annually. However, these tax cuts are frequently less than the unlegislated tax increase attributable to inflation.

This bill addresses this problem by requiring the President to include in his annual budget an estimate of the amount of tax increase which will occur because of inflation. The President would be required to indicate the amount of such tax increases, and to indicate its distribution by income group and family size. The estimate by the President would include revenue gain attributable to loss in value of fixed dollar limits in the Internal Revenue Code and any other factor which the Department of the Treasury can reasonably take into account.

The President would also be required to recommend whether or not these unlegislated tax increases should be permitted to go into effect. These recommendations would then be considered in connection with Congressional deliberations on the budget.

We must make controlling spending and taxing a priority. This bill is a means to that end. It will change the rules of the game to help achieve these goals.

Representative Conable and I welcome any suggestions for improving this bill.

S. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alternative Budget Act of 1979".

Sec. 2. (a) Section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) is amended by inserting "(a)" after "Sec. 21". and by adding at the end thereof the following new subsection:

"(b)(1) Whenever the budget for a fiscal year transmitted by the President to the Congress under section 201 of the Budget and Accounting Act, 1921, (hereinafter referred to as the 'Budget'), which, if adopted, would result in an increase, either permanent or temporary, in the limit prescribed by subsection (a), or would result in a deficit, the President shall also transmit an alternate budget providing for a level of outlays which, if adopted, would not result in an increase in such limit or in a deficit. Such alternate budget shall be transmitted at the same time and manner, and shall be in the same form, as the Budget and, except as provided in paragraph (2), shall be in such detail as the President determines necessary to carry out the purposes of this subsection.

"(2) An alternate budget for a fiscal year transmitted under paragraph (1) shall include a clear and understandable explanation of the differences between the Budget and the alternate budget.

Sec. 3. After the House of Representatives and the Senate have agreed to the concurrent resolution on the budget for a fiscal year required under section 310 of the Congressional Budget Act of 1974 (31 U.S.C. 1331), if the President determines that—

(1) the statutory limit on the public debt will have to be increased during such fiscal year to an amount in excess of the amount set forth in such concurrent resolution, or

(2) the amount of deficit for such fiscal year will exceed the amount of deficit set forth as appropriate in such concurrent resolution, or

(3) the amount of total budget outlays for such fiscal year is expected to exceed the amount of total budget outlays set forth as appropriate in such concurrent resolution,

he shall submit to the Congress a plan for reducing outlays during such fiscal year by an amount equal to the greater of the excess determined under paragraph (1) or the excess determined under paragraph (2).

Sec. 4. (a) In the budget transmitted to the Congress under section 201 of the Budget and Accounting Act, 1921, for each fiscal year, the President shall set forth the increases in estimated receipts under the internal revenue laws for such fiscal year over such receipts for the fiscal year in progress which are attributable to—

(1) inflation, and

(2) tax increases first effective during the fiscal year which result from—

(a) provisions of existing law, or

(b) legislation proposed by the President.

The President shall indicate the total amount of such increases, and also classify them by income level and family size.

(b) The President shall also recommend any changes in the internal revenue laws which he considers advisable to offset such increases in receipts.

Sec. 5. This Act shall become effective beginning with the fiscal year beginning on October 1, 1980.

Mr. BAKER. Mr. President, I ask unanimous consent that the bill be held at the desk pending further disposition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. TALMADGE (for himself and Mr. Dole):

S. 505. A bill to provide for the reform of the administrative and reimbursement procedures currently employed under the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

(The remarks of Mr. Talmadge when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. MATHIAS (for himself, Mr. Bayh, Mr. Metzenbaum, Mr. Javits, and Mr. Heinz):

S. 506. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

FAIR HOUSING AMENDMENTS ACT OF 1979

● Mr. MATHIAS. Mr. President, last year the National Committee Against Discrimination in Housing, conducted a housing survey of the practices of 3,000 brokers and rental agents in 40 metropolitan areas. The survey, conducted under contract with HUD, found that discrimination in the sale and rental of housing continues to exist 10 years after the passage of the Civil Rights Act of 1968.

I will cite here just one example of discrimination recounted by the NCDH testers. I have omitted the name of the city in which the incident occurred:

> In one real estate office in (name of town omitted) the black auditor got no reponse from the agent. The secretary was told to tell the auditor that the company handled only commercial and industrial real estate. However, the white auditor was asked to be seated, offered a business card and asked questions about the kind of home she wished to purchase. The agent offered to obtain financing for her, and even picked her up the next day so they could look at homes together. She was shown three homes, all in her price range and with good financing available. One white auditor reported that the agent "said I must have been from out of town to be requesting 'East Side' housing" . . . said it was "against the law for her to make references to 'mixed neighborhoods' but thought I'd better know first—she didn't want me to be walking in 'cold' and then coming down on her because she was showing me 'mixed areas.'" The auditor was shown homes in "non-mixed" areas.

The NCDH survey documented that based on race equal treatment was not accorded persons seeking housing. Subsequent analysis by HUD showed that equal treatment was extended to blacks as well as whites in only 30 percent of the rental market and only 10 percent of the sales markets surveyed by the National Committee Against Discrimination in Housing.

Under title VIII of the Civil Rights Act of 1968, the Department of Housing and Urban Development has very weak powers to enforce the fair housing law of the land. Essentially HUD's powers are confined to documenting instances of discrimination and attempting to bring the two parties together for conciliation. HUD lacks a "big stick" of enforcement powers which could serve as an incentive to the disputing parties to reach a mutually acceptable settlement.

The Government Accounting Office in a report in February of 1978, made the following findings about HUD's fair housing efforts:

> The Department's efforts to resolve discrimination complaints in the private sector have also been ineffective. GAO reviewed 332 complaints received by three regional offices between January 1, 1973, and April 30, 1976, and found that the Department was unable to resolve 247 for lack of clear evidence of discrimination. In 57 cases the Department was able to determine that discrimination occurred; 36 cases were resolved. Twenty-one of the 36 received housing and/or monetary compensation.

Since that time, HUD has made a significant reduction in its housing discrimination caseload and has expedited the disposition of pending cases.

However, the Secretary of HUD was quite candid in her testimony on this subject last year. I quote Secretary Harris:

> The lack of adequate enforcement power has been the most serious obstacle to the developmtnt of an effective fair housing program within HUD. Our present authority is limited to a purely voluntary process of "conference, conciliation, and persuasion." I will not dwell upon the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss the matter. Simply put, "conciliation" all too often has proved inadequate means of securing compliance with the substantive provisions of Title VIII.

Based on this evidence, I am again introducing, on behalf of Senators Bayh Metzenbaum, Javits, and Heinz, a bill strengthening HUD's enforcement powers under Title VIII of the Civil Rights Act of 1968. An identical bill is being introduced today in the House by Representatives Don Edwards and Robert F. Drinan. And I am pleased to report that this legislation has the support of the administration. I ask unanimous consent that the text of a letter to me from Mr. Stuart Eizenstat, Assistant to the President for Domestic Affairs and Policy, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE WHITE HOUSE,
Washington, February 22, 1979.

Hon. Charles Mathias,
U.S. Senate,
Washington, D.C.

Dear Senator Mathias: Thank you for your recent letter to the President in which you indicated your intention to introduce legislation to improve the enforcement of national fair housing policy.

The President shares your concern and has pledged to work with you to correct the inadequacy of the current law. In the written State of the Union Message transmitted to the Congress on January 25 the President stated the following:

"* * * we need to correct a weakness in an existing civil rights law. Title VIII of the Civil Rights Act of 1968, which prohibits discrimination in housing, remains largely an empty promise because of the lack of an adequate enforcement mechanism.

"I will soon propose to the Congress that this problem be alleviated by providing the Department of Housing and Urban Development with cease and desist powers. That Department, which now investigates and makes findings upon individual complaints, would then be able to enjoin further discriminatory acts and to direct an appropriate remedy. My Administration will work with the Congress to see that this proposal is given prompt and favorable consideration."

We look forward to working closely with you to see that the proposed legislation becomes law.

Sincerely,

Stuart E. Eizenstat,
Assistant to the President
for Domestic Affairs and Policy.

Mr. MATHIAS. Mr. President, title VIII specifically prohibits discrimination in the sale or rental of housing because of race, color, religion, national origin, or sex. This legislation authorizes HUD to enter Federal suits for relief on behalf of individual complainants; provides HUD with cease and desist authority; establishes within HUD an administrative hearing process; and provides for the court award of civil penalties.

At present, HUD has no power to issue cease and desist orders, which can serve to maintain the status quo of a housing unit in question while HUD attempts to resolve the complaint through conciliation. The bill provides HUD with such powers.

It spells out the alternative routes which a person alleging a discriminatory housing practice can pursue at the Federal level. It gives the complainant the option of taking his/her complaint to district court or of filling a formal complaint with HUD where an administrative hearing would be held. This bill further insures that HUD refers those cases to State and local agencies which HUD has determined have "substantially equivalent" rights, remedies, and procedures to those of title VIII. At present, 8 such States are designated by HUD.

Once a complainant has come to HUD, this legislation provides that HUD may, with reasonable cause, issue cease-and-desist orders; subpena documents and witnesses; issue interrogatories; make findings of fact and conclusions of law; order relief; and impose a civil penalty.

The complainant is also given the option of commencing a civil action up to 3 years after the alleged discriminatory housing practice. In such cases, the court can appoint an attorney for the plaintiff, and award monetary relief, declaratory relief, and/or punitive damages. The prevailing party in cases before HUD or the courts may also be awarded reasonable attorneys' fees.

Over 80 percent of the Nation's housing is covered by title VIII. The remainder is covered by the Civil Rights Act of 1866 with respect to racial discrimination. Our bill clarifies the definition of those who are covered by title VIII to include the physically or mentally impaired.

I would point out that the sponsors of this bill do not intend that any person selling or renting housing must modify that housing to accommodate such mentally or physically impaired persons. Rather, we wish to make clear that housing so designed for such handicapped persons must be made available on a nondiscriminatory basis. Clearly, the intent is not to retrofit the entire Nation's housing stock to accommodate handicapped persons. We encourage the new construction or modification of existing housing to meet those needs and will continue to work for incentives to bring such housing into being.

Lastly, this bill continues to exempt single, shared units from title VIII coverage, insuring that persons in individual apartments and houses have the right to choose those with whom they share common facilities.

Within HUD, the responsibility for implementing title VIII is delegated to the HUD regional offices. Each regional office has an Assistant Regional Administrator for Fair Housing and Equal Opportunity who have staffs for compliance, field support, and evaluation. A little over half of this staff's time is spent on enforcement of title VIII and practically all that effort relates to processing of complaints.

The Department of Housing and Urban Development reports continuing progress in reducing its fair housing complaint backlog. During fiscal year 1978, HUD processed 3,910 title VIII complaints, substantially reduced its processing time, and virtually eliminated its case backlog. Of those 3,910 complaints, the Department successfully conciliated 341 cases or 8 percent of the cases referred to it. This data indicates the weakness of the conciliation powers with which HUD is now vested. If it had a bigger stick; namely, powers to go to court on behalf of individual complainants, I think those conciliation cases would move along a good deal more quickly and many more would be resolved.

I think my colleagues would agree that the time has come for HUD to have the authority to take positive action in the field of fair housing and equal opportunity.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Fair Housing Amendments Act of 1979".

SHORT TITLE FOR 1968 ACT

Sec. 2. The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by inserting immediately after the comma at the end of the enacting clause the following: "That this Act may be cited as the Civil Rights Act of 1968.".

SHORT TITLE FOR TITLE VIII

Sec. 3. Title VIII of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by inserting immediately after the title's catchline the following new section:

"SHORT TITLE

"Sec. 800. This title may be referred to as the 'Fair Housing Act'.".

AMENDMENTS TO DEFINITIONS SECTION

Sec. 4. (a) Section 802(f) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by striking out "section 804, 805, or 806" and inserting "this title" in lieu thereof.

(b) Section 802 of such Act is amended by adding at the end the following:

"(h) 'Handicap' means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment.

"(i) 'Aggrieved person' includes any person who is adversely affected by a discriminatory housing practice that has occurred, is occurring, or is about to occur.".

MODIFICATION OF OWNER-OCCUPIED EXEMPTION

Sec. 5. Section 803 of the Act entitled "An Act to prescribe penalties for cetrain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended—

(1) by inserting "and before the date of the enactment of the Fair Housing Amendments Act of 1979," immediately after "1968," in subsection (a) (2);

(2) by striking out "Nothing in section 804 (other than subsection (c))" in subsection (b) and inserting in lieu thereof the following: "Before the date of the enactment of the Fair Housing Amendments Act of 1979, nothing in section 804 (other than subsections (c) and (e))"; and

(3) by adding at the end the following:

"(d) After the date of the enactment of the Fair Housing Amendments Act of 1979, subject to the provisions of section 807, the prohibitions set forth in section 804 of this title shall apply to all dwellings, except that the prohibitions set forth in section 804(a), (b), and (d) shall not apply with respect to the renting of space within a single family dwelling unit by the occupant of such unit to any other person or persons.".

DISCRIMINATORY HOUSING PRACTICE AMENDMENTS

Sec. 6. (a) The catchline of section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by adding at the end the following: "AND OTHER PROHIBITED PRACTICES".

(b) Section 804 of such Act is amended by inserting ", 803(d)," immediately after "803(b)".

(c) Section 804 of such Act is amended by adding at the end the following:

"(f) For a person in the business of insuring against hazards to refuse to enter into, or discriminate in the terms, conditions, or privileges of, a contract of insurance against hazards to a dwelling because of the race, color, religion, sex, handicap, or national origin of persons owning, or residing in or near, the dwelling.".

(d) Sections 804, 805, and 806 of such Act are each amended by inserting "handicap," immediately after "sex," each place it appears.

(e) Section 805 of such Act is amended by—

(1) inserting "(a)" immediately after "SEC. 805.";

(2) inserting "of persons residing in the vicinity of such dwelling, or" immediately after "or national origin"; and

(3) by adding at the end the following:

"(b) After the date of the enactment of the Fair Housing Amendments Act of 1979, it shall be unlawful for any person or other entity to refuse to buy a debt, or negotiable evidence of a debt, secured by real property because of the race, color, religion, sex, handicap, or national origin of persons residing in or in the vicinity of such real property.".

FUNCTIONS OF SECRETARY

Sec. 7. (a) Section 808(d) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by inserting "(including any Federal agency having regulatory authority over financial institutions)" after "urban development".

(b) Section 808(e)(3) of such Act is amended by inserting "financial and" immediately before "technical".

ENFORCEMENT CHANGES

Sec. 8. The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by striking out sections 810 through 814 and inserting in lieu of the matter so stricken the following:

"ENFORCEMENT BY SECRETARY; PRELIMINARY MATTERS

"Sec. 810. (a)(1) Whenever an aggrieved person, or the Secretary on the Secretary's own initiative, files a charge alleging a discriminatory housing practice, the Secretary shall serve a notice of the alleged discriminatory housing practice on the party charged (hereinafter in this title referred to as the 'respondent') within 10 days after such filing, and shall make an investigation thereof. Such charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Secretary requires. An aggrieved person shall file a charge under this section with the Secretary not later than one year after the alleged discriminatory housing practice occurred or terminated. The Secretary may also investigate housing practices to determine whether charges should be brought under this section or new rules should be made under this title.

"(2)(A) In connection with any investigation of such charge or of a housing practice, the Secretary shall, at reasonable times, have access to, and the right to copy, any information that relates to such charge or housing practice. The Secretary may issue subpenas to compel such access to or the production of such information, or the appearance of persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

"(B) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary under clause (A) of this paragraph.

"(C) Witnesses summoned by subpena of the Secretary under this title shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees to a witness summoned by a subpena requested by the respondent shall be paid by the respondent.

"(D) The Secretary or other party at whose request a subpena is issued under this title may enforce such subpena in appropriate proceedings in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

"(E) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in such person's power to do so, in obedience to the subpena or lawful order of the Secretary under this title, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to the Secretary's subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(3) Whenever a charge alleges a discriminatory housing practice within the jurisdiction of a State or local public agency certified by the Secretary under this paragraph, the Secretary may, before taking any action with respect to such charge and with the consent of the aggrieved person, refer such charge to that certified agency. Except with the consent of such certified agency, the Secretary shall, after that referral is made, take no further action with respect to such charge. No agency may be certified under this paragraph unless the Secretary determines that the substantive rights protected by that agency, the procedures followed by that agency, and the remedies available to such agency, are substantially equivalent to those created by and under this title. Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

"(4) The Secretary and other Federal agencies having authority to prevent housing discrimination shall cooperate and seek to avoid duplication of effort in the exercise of their several authority. The Secretary and such other Federal agencies shall notify each other of any allegation of housing discrimination which may be within their respective responsibilities. The Secretary or such other Federal agency shall, upon such notification, take additional appropriate action.

"(b) If the Secretary determines any time after the filing of a charge that prompt action is necessary to carry out the purposes of this title, the Secretary, after notice and opportunity to be heard has been given the respondent, may order temporary or preliminary relief pending the final disposition of such charge. The Secretary may enforce such an order in appropriate proceedings in the United States district court for the district in which the party to whom such order was made resides, was served, or transacts business.

"(c) If the Secretary determines, after an investigation under this section, that reasonable cause exists to believe the charge is true, the Secretary shall file an administrative complaint under section 811(a) of this title or refer the matter to the Attorney General for the filing of an appropriate civil action under section 813(b) of this title.

"ENFORCEMENT BY SECRETARY; HEARING PROCESS

"SEC. 811. (a) Upon filing an administrative complaint, the Secretary shall cause a copy of such complaint to be served on the respondent, together with a notice of opportunity for a hearing on the record at a place and time (not less than 30 days after the service of such complaint) specified in such notice. Any resolution of a charge or complaint by means of conciliation shall require the consent of the person who filed the charge, and any such resolution following the service of a complaint under this subsection shall also require the approval of the Secretary. The respondent shall have the right to file an answer to the administrative complaint and to appear in person or otherwise and give testimony at a hearing on the record. Any aggrieved person shall be allowed to intervene in the proceeding, to appear in person or otherwise, to obtain the issuance of a reasonable number of subpenas in the manner set forth in section 810 of this title, and to present testimony. After the conclusion of such hearing, the person conducting the hearing shall make findings of fact and conclusions of law, and may issue an order providing such relief as may be appropriate, and may impose a civil penalty of not to exceed $10,000. Any order issued under this subsection is subject to review and modification by the Secretary.

"(b) The findings of fact and conclusions of law made with respect to a final order issued under subsection (a), together with a copy of such order, shall be served on each aggrieved person and each respondent in the proceeding.

"(c) Any petition for judicial review of a final order under subsection (a) shall be filed in the appropriate court of appeals not later than 60 days after the entry of such final order by the Secretary. Such judicial review of a final order shall be in the manner provided under chapter 158 of title 28 of the United States Code. For the purposes of judicial review of such an order, any aggrieved person shall be deemed a party in the administrative proceedings reviewed. The findings of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole. No objection not urged before the Secretary (or other person holding the hearing) shall be considered by the court unless the failure or neglect to urge such objection should be excused because of extraordinary circumstances.

"(d) 1) Any person who violates a final order of the Secretary under subsection (a) shall be subject to a civil penalty assessed by the Secretary of not more than $1,000 for each day during which such violation continues after the date on which such final order becomes unreviewable.

"(2) For the purposes of paragraph (1) of this subsection, a final order becomes unreviewable—

"(A) if a petition for review has not been filed in the appropriate reviewing court, on the day 60 days after the entry of such final order, or

"(B) if such a petition is so filed within such 60-day limit, on the date on which the last appellate court's decision becomes final and not subject to any further appellate proceeding.

"PRIVATE ENFORCEMENT

"SEC. 812. (a) (1) An aggrieved person may commence a civil action in an appropriate United States district court or State court at any time not later than three years after the alleged discriminatory housing practice occurred or terminated.

"(2) After an aggrieved person has commenced a civil action under this section, the Secretary may not commence or continue proceedings toward the issuance by the Secretary of a remedial order based on such charge.

"(3) An aggrieved individual shall not commence a civil action under this subsection with respect to a charge made by that individual to the Secretary if the Secretary (or a State or local agency to which the Secretary refers such charge) has commenced the hearing on the record with respect to that charge.

"(4) upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance.

"(b) Upon application by an aggrieved person, any trial or appellate court may, in such circumstances as it deems just, appoint an attorney for such person and may authorize the commencement or continuation of the action without the payment of fees, costs, or security.

"(c) If the court finds in a civil action under this section that an alleged discriminatory housing practice has occurred, is occurring, or is about to occur, the court shall award such relief as may be appropriate, which may include money damages, equitable and declaratory relief, and, in the case of a willful violation, punitive damages.

"ENFORCEMENT ROLE OF ATTORNEY GENERAL

"SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Attorney General may bring a civil action in an appropriate United States district court.

"(b) The Attorney General may bring a civil action in an appropriate United States district court (1) to enforce any final order under section 811(a) of this title that is referred for enforcement by the Secretary; (2) to collect any civil penalty assessed by the Secretary under section 811 of this title; and (3) to remedy any discriminatory housing practice (A) with respect to which the Secretary has made a finding that reasonable cause exists under this title and (B) which the Secretary refers to the Attorney General for enforcement under this subsection.

"(c) The court may award such relief in any civil action under this section as is authorized in section 812(c) of this title in cases brought under that section.

"(d) A person may intervene in any civil action commenced under this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person.

"ATTORNEY FEES AND OTHER COSTS AND EXPEDITION OF PROCEEDINGS

"SEC. 814. (a) In any action or proceeding under this title, the court, in its discretion, may allow a prevailing party (other than the United States with respect to attorney fees) reasonable attorney fees as part of the costs, and the United States shall be liable for such costs the same as a private person. Such costs may also be awarded upon the entry of any interlocutory order which determines substantial rights of the parties.

"(b) In any administrative proceeding based on a charge under section 810(a) of this title, the Secretary may award to any prevailing party (other than the United States with respect to attorney fees) reasonable attorney fees as a part of a final order under section 811(b) of this title.

"(c) Any court in which a proceeding is instituted under this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.".

INTERFERENCE, COERCION, OR INTIMIDATION

SEC. 9. Section 817 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by striking out "section 803, 804, 805, or 806." and inserting "this title." in lieu thereof.

CONFORMING AMENDMENT TO TITLE IX OF 1968 CIVIL RIGHTS ACT

SEC. 10. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by inserting", handicap (as defined in section 802 of this Act)," immediately after "sex" each place it appears.

CONFORMING AMENDMENTS TO TITLE 28 OF UNITED STATES CODE

SEC. 11. (a) Section 2341(3)(B) of title 28 of the United States Code is amended by inserting "or the Secretary of Housing and Urban Development, as the case may be" immediately after "the Secretary of Agriculture".

(b) Section 2342 of such title 28 is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding immediately after paragraph (6) but before the final sentence, the following:

"(7) all final orders of the Secretary of Housing and Urban Development under the Fair Housing Act.".●

Mr. BAYH. Mr. President, more than 10 years ago, the Senate passed a bill which became Public Law 90–284, the Civil Rights Act of 1968. Title VIII of that act was designed to insure that all Americans had an opportunity to get good and decent housing. This fair housing law was supposed to end forever the practice of racial or ethnic discrimination in housing. The promise of that law has never been kept. The fact that we are here once again to introduce a bill to amend title VIII, is further evidence that this law and others related to it have failed to achieve their goals of open decent housing for all Americans.

The President recently pointed out in his state of the Union message the need for legislation to amend title VIII, and his domestic policy staff has recently confirmed the President's commitment of support for the legislation Senator MATHIAS and I are introducing today. The President said in his message that—

> . . . we need to correct a weakness in an existing civil rights law. Title VIII of the Civil Rights Act of 1968, which prohibits discrimination in housing, remains largely an empty promise because of the lack of an adequate enforcement mechanism.
>
> I will soon propose to the Congress that this problem be alleviated by providing the Department of Housing and Urban Development with cease and desist powers. That Department, which now investigates and makes findings upon individual complaints, would then be able to enjoin further discriminatory acts and to direct an appropriate remedy. My administration will work with the Congress to see that this proposal is given prompt and favorable consideration.

Why is it that the President, the Secretary of Housing and Urban Development and the Attorney General have joined with the Senator from Maryland and myself to call for a revision of a law that plainly outlawed discriminatory housing practices 11 years ago? It is because the law was stripped of any real enforcement power back in 1968. As the law now stands, a person who is subject to housing discrimination bears the burden of litigation to end the discriminatory acts the law prohibits, except in cases where the Attorney General finds a pattern or practice of housing discrimination. The Government's duty is merely to identify and forbid any practice, including those in mortgage financing, that would tend to discriminate against persons, because of race, color, religion, sex, or national origin. The law only requires the Secretary to study and report on this type of discrimination and its effects. Even if a violation is found, the Secretary can only seek to conciliate the opposing parties. If this conciliation fails, the Government withdraws its protective and, heretofore, helpful arm and leaves the plaintiff to act on his own. Not only does he lose the help of the Government sworn by law to protect him, but he finds in most cases he must pay to have his rights upheld, for the law requires a plaintiff to be both discriminated against and destitute before attorneys' fees will be awarded. In short, the law provides neither for the Attorney General to vindicate the rights of plaintiffs in housing discrimination cases, nor for plaintiffs to act as "private Attorneys General" as is the case under all other civil rights laws. As the law now stands, it is little wonder housing discrimination like that just described by the Senator from Maryland, still exists and continues to threaten to undo all the gains made for racial justice in the 25 years since Brown.

While housing discrimination is a far more subtle force than discrimination in voting or in public accommodations, it is an underlying factor in most continuing segregation. It is housing discrimination that has tied black Americans to the ghetto. It is housing discrimination that has robbed communities of its leaders and the monetary strength needed to help themselves. It is housing discrimination that has kept the handicapped from living their own lives and realizing their full potential. It is housing discrimination that has turned the neighborhood school effectively into a method of continuing segregated education. In short, it is housing discrimination that continues to keep the American people, black, white, hispanics, ethnics, women, and the handicapped, apart and unequal.

The bill we are introducing today would provide remedies to end this inequality. The Mathias-Bayh bill would make the following changes in title VIII:

First. It would provide HUD with "cease-and-desist" power and (in the alternative) standing to go to court through the Attorney General to enforce the fair housing laws;

Second. It would also give Justice the power to intervene in individual court actions (brought by individual aggrieved persons);

Third. It would retain justice's present authority to bring "pattern and practice" suits;

Fourth. It would provide an aggrieved person with two enforcement routes—one, administrative, through HUD, and the other judicial, through the Federal courts (with rights of appeal in both cases);

Fifth. It would allow attorneys' fees for prevailing parties under both enforcement mechanisms; and

Sixth. It would expand the law's reach by adding handicap as a protected class and by removing most of the so-called "Mrs. Murphy" exemptions from the law.

Therefore, I am pleased to join with the Senator from Maryland (Mr. MATHIAS), the Senator from New York (Mr. JAVITS), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Ohio (Mr. METZENBAUM) in renewing our effort to end this invidious discrimination by sponsoring S. 506. I believe that this is a first step on a long legislative road in the Senate and the Congress that will need to be traveled to end housing discrimination once and for all.

Mr. President, I would like at this time to announce that the Subcommittee on the Constitution of the Committee on the Judiciary will hold hearings on S. 506 on March 21, 22, and 27, 1979.

Mr. President, I ask unanimous consent that a section-by-section analysis of S. 506 be inserted in the RECORD at this point.

Mr. President, I also ask unanimous consent that a letter from the Assistant Attorney General, in support of S. 506 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE FAIR HOUSING AMENDMENTS ACT OF 1979

Section 1. Provides that the short title of this Act will be the Fair Housing Amendments Act of 1977.

Section 2. Provides in the law that the short title of the 1968 Act (which is being amended) will be the Civil Rights Act of 1968. This simply establishes in the law itself the short title which is usually used when referring to the 1968 Act.

Section 3. Provides that the short title of Title VIII of the 1968 Act shall be the Fair Housing Act. Again, this simply establishes in the law a title normally used when referring to Title VIII.

Section 4(a). Broadens the definition of "discriminatory housing practice" to include any violation under the Act and not merely those made illegal under Section 804, 805, or 806.

Section 4(b). Provides a definition of handicap (identical to that used in other federal laws, including the Rehabilitation Act of 1973); defines "aggrieved person," thereby clarifying issues of standing in fair housing cases.

Section 5. Narrows the owner-occupied exemption in present law which allows discrimination generally in the sale or rental, by owners of single family dwellings and in the rental of units in owner-occupied dwellings with four or less independent units. The new exemption, to apply prospectively, would apply only to a single-family by an occupant of the dwelling in which space is being rented.

Section 6. Subsection 6(a). Amends the catchline of section 804 of the Act by indicating that other practices, in addition to discrimination in the sale or rental of housing, will be made unlawful in section 804, as amended.

Subsection 6(b). Amends section 804 of the Act by providing that the new and narrower owner-occupied exemption, discussed above, exempts certain housing from the section 804 prohibitions dealing with the sale or rental of housing.

Subsection 6(c). Amends section 804 of the Act by making it unlawful for insurance companies and their agents to refuse to write home insurance because of the race, color, religion, sex, handicap or national origin of the owners, residents or neighbors of the home.

Subsection 6(d). Amends sections 804 by adding "handicap" as another prohibited ground for discriminating in housing activities covered in section 805. Thus, discrimination in the sale, rental, financing, insuring, location, etc., of housing because of handicapped status, will be prohibited. However, it is not intended that this bill require retrofitting to remove architectural barriers, although reasonable accommodations (at the expense of the buyer of lessee) would have to be permitted.

Subsection 6(e). Amends section 805 of the Act by explicitly prohibiting the practice of mortgage redlining by the primary and secondary mortgage market. Although there is precedent indicating that redlining is already prohibited under Title VIII, this amendment is proposed solely for purposes of clarification.

Section 7(a); This provision clarifies the inclusion of the federal financial regulatory as an executive agency of responsibility to administer their programs in a manner affirmatively to further the purposes of the Federal Fair Housing Act. The Federal Home Loan Bank Board, the Comptroller General, and the Federal Deposit Insurance Corporation agree with this interpretation of existing law, but clarification is needed.

Section 7(b). Amends section 808(e) (3) of the Act by giving HUD the authority to provide financial as well as technical assistance to public and private civil rights organizations seeking to remedy housing discrimination.

Section 8. Revises the enforcement mechanisms in the Act. Under present law HUD has only the authority to investigate and conciliate violations. This section would give HUD the authority to issue cease and desist orders through administrative proceedings.

The new section 810 and 811 added by this section of the bill, provides for the filing of housing discrimination charges with HUD by the Secretary and by aggrieved persons. HUD is authorized to investigate such charges and when reasonable cause exists to believe that the charges is true, the HUD Secretary must either refer the charge to Justice for suit, refer the charge to a certified state or local agency, or file an administrative complaint (based on the charge) on which there shall be notice and opportunity for a hearing.

A final order of the HUD Secretary is appealable in an appropriate court of appeals and, in such an appeal, the findings of the Secretary shall be conclusive if supported by substantial evidence.

The Secretary is authorized to assess civil penalties against persons who violate final orders of the Secretary once those orders become unreviewable.

The new section 812, added by this section of the bill, outlines private judicial enforcement rights. An aggrieved person may file a civil action to remedy a discriminatory housing practice. The statute of limitations is lengthened. However, such a suit may not be filed if the aggrieved person has filed the charge with HUD, and a hearing on the record has commenced by HUD or the state or local agency (to which HUD has referred the charge).

The court, in cases brought by aggrieved persons, may appoint an attorney and authorize the commencement of actions without fees. The Attorney General may intervene in such cases, where the case involves issues of general public importance.

The new section 813, added by this section of the bill, outlines the enforcement role of the Attorney General. The Attorney General is authorized to file on the Attorney General's own initiative, civil actions intended to remedy pattern or practice violations or to remedy violations against groups of persons when the isues involved are of general public importance.

The Attorney General may bring civil actions necessary to enforce the Secretary's final orders, to collect any civil penalties assessed by the Secretary, and to remedy discriminatory housing practices when the Secretary has found reasonable cause and referred the matter to the Department of Justice.

The new section 814, added by this section of the bill, provides that attorney fees may be awarded to prevailing parties in both judicial and administrative proceedings.

Section 9. Amends section 817 of the Act by broadening that section to provide a civil remedy for interferences with or intimidations relating to the exercise of rights granted by the title. Present law technically provides such remedies only for violations of sections 803, 804, 805, and 806 of the Act.

Section 9 of the bill redesignates the present sections 803, 804, 805, and 806 of the Act as "this title."

Section 10. Conforms Title IX of the 1968 Act (criminal penalties for intimidations) to add "handicap" as a basis for a criminal violation.

Section 11. Amends Title 28 of the United States Code to provide for judicial review of HUD Secretary orders in the court of appeals.

WASHINGTON, D.C.,
March 1, 1979.

HON. BIRCH BAYH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAYH: The Department of Justice was pleased to receive your letter of February 15, 1979, advising that you planned to introduce a revised version of H.R. 3504 from the last Congress. The draft which you enclosed with your letter, we understand, represents a great deal of staff work in redrafting and, of course, it benefits from the hearings on fair housing which were held in both Houses of Congress last year.

We are pleased to note the current proposal contains improvements over the bill introduced last year. The proposed administrative procedures do not carry the same risk of unconstitutionality as did the procedures in the previous bill, and the removal of the questionable "economic" discrimination provision makes the proposed draft bill a much more desirable measure. The bill still contains the broadened remedies which we supported last year.

Most significantly, the proposed draft provides important improvements in enforcement powers under Title VIII which the President noted in his written State of the Union Message are essential for fulfilling our fair housing objectives.

One particular problem I would like to bring to your attention at this point is the lack of clarity in the bill in the scope of the proposed protection for handicapped persons. We noted in testimony last year that the problems of handicapped persons are generically different from those of racial minorities and, therefore, adding "handicap" in a series with race and color would make interpretation and litigation unduly complex. Perhaps putting handicap protections in a separate section specifically addressed to identified kinds of discrimination would be a useful effort. We will be prepared to provide more detailed comments and suggestions about other concerns when we present our testimony on this bill.

Undoubtedly, there will be modifications of the bills as they proceed through the Congress, and we may wish to take a position on various issues as they arise. In this regard, we hope we can be of assistance in refinement of the bills as the respective committees begin their work on them. Except as noted, I can advise you that the Department of Justice strongly supports the enhanced enforcement powers to achieve fair housing represented by your draft bill.

PATRICIA M. WALD,
Assistant Attorney General,
Office of Legislative Affairs.

Mr. HEINZ. Mr. President, I am pleased to join my colleagues, Senator MATHIAS and Senator BAYH, in introducing the Fair Housing Act Amendments of 1979.

The promise of decent shelter has been an enduring dream for all Americans, but the reality for too many citizens has been otherwise. Despite the commitment of this Nation under the Housing Act of 1949 to provide every American family a decent home and suitable living environment as soon as feasible, many of our fellow citizens, particularly those who are female heads of family, handicapped, or minority, have encountered hatred rather than a decent shelter.

Since the Civil Rights Act of 1966, the Congress has demonstrated its intent to guarantee equal rights in housing. Unfortunately, the demonstrations of purpose have been more impressive than the results. In 1962, President Kennedy issued Executive Order 11063, directed at newly constructed housing financed with FHA or VA insured or guaranteed loans. This order applied to less than 1 percent of the housing market. Title VI of the Civil Rights Act of 1964 added a prohibition against discrimination in low-rent public housing and urban renewal programs. Finally, in the year of Dr. Martin Luther King's tragic death—the same year as the issuance of the Kerner Commission report—the Fair Housing Act, title VIII of the 1968 Civil Rights Act, was signed into law. This act covered dwellings operated by the Federal Government, those under State and local agencies receiving Federal assistance, as well as dwellings purchased or leased through conventional financing. Under this law, an extensive range of discriminatory housing activities was expressly forbidden.

Specifically, the Fair Housing Act prohibited:

A refusal to sell, rent, negotiate for sale or rental, or otherwise make a dwelling unavailable to any person after a bona fide offer has been made;

Discrimination in the terms, conditions, or privileges of sale or rental, or in the provision of services or facilities in connection with sales and rentals;

Representation of a dwelling as unavailable for inspection, sale, or rental, when in fact it is available;

Interference, coercion, or intimidation of any person exercising rights granted by this act;

Blockbusting;

Steering;

Denying persons access to multiple listing services; and

Discrimination in the financing of housing.

The Fair Housing Act was an impressive, concerned, and serious response to the Kerner Commission report which forecast two Americas: One white and one black. After devastating riots whose emotional impact was far greater than the physical damage, the act appeared a determined and sympathetic effort to heal and restore the Union in the tradition of Abraham Lincoln.

The response was auspicious. The most important section granted enforcement authority to the Attorney General on pattern and practice cases. The remedies available to the Justice Department included injunctive relief and restraining orders. In my estimation, this section of the legislation has been the single most effective action taken by the Congress against discrimination in housing since the Civil Rights Act of 1966.

Unfortunately, this long-awaited and much-heralded fair housing law, for all its strength, has been singularly ineffective in assisting the individual victims of discrimination in our country. For the individual who is handicapped, for the mother with four children to raise, for the Indian, for the black American, for the Indian, housing discrimination is but another barbed-wire fence preventing access to what are minimal human rights. The powerlessness of the Department of Housing and Urban Development to provide meaningful assistance in these cases is distressing. It is in behalf of these persons and their lives that I join in seeking a more equitable answer, a more human approach.

For an aggrieved individual, there are few avenues for redress. Despite Congress clear intent to prohibit the insidious indignity of discrimination with regard to access to shelter, it is widespread and prevalent. While the law provides a substantive remedy in cases of pattern and practice fair housing violations, it provides no such enforcement powers for individual cases.

Under existing law, the Department of Housing and Urban Development maintains a hotline for housing discrimination complaints. Once a complaint is received, HUD may undertake an investigation. Should the investigation demonstrate that the individual problem brought to its attention is part of a larger pattern or practice, it may refer the matter to the Justice Department. If the investigation discloses that it is an individual incident, HUD may either seek to resolve the matter through conciliation or through referring the case to a State or local fair housing agency.

The situation from the other perspective, that of the victim, is grim, indeed. Of the complaints received, many cannot be investigated. For those which are investigated, and where valid grounds are disclosed, HUD may request a conciliation conference. But the alleged violator is under no obligation to attend. If the violator does attend, there is no obligation or incentive to accept conciliation. Of 3,391 complaints received in 1977 by HUD, only 298 were successfully resolved.

Given the impotence of existing legislation to respond to this issue through the Government, an individual does have one other route to pursue a remedy—private litigation. If seeking enforcement of the Federal law through the Government is discouraging, however, this method is even more so. The victim bears the burden of proof not only of demonstrating a violation of title VIII, but also that he or she is destitute. Otherwise, the victim bears all costs and attorney's fees. Because it is all that any person can do to meet rising housing costs—and this is especially true for those who are most likely to be the victims of housing discrimination—the litigation route is prohibitive. Moreover, even for those willing to shoulder this burden, there is neither substantive success nor is there a substantive deterrent to the violator. The outcome of litigation is likely to come long after a home has been sold or rented to another, and the maximum punitive damages of $1,000 are nearly meaningless to a major builder or apartment owner.

Evidence of inadequacies of the enforcement powers of existing legislation is overwhelming. Because there is so little recourse under existing law, there is not any means to determine the magnitude of this problem. Suffice it to say that the U.S. Civil Rights Commission, the General Accounting Office, the American Bar Association, and numerous other groups have indicated that the implementation of title VIII has had little impact on our Nation's housing discrimination problems, examples of which I ask unanimous consent to have printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Examples of Discrimination Cited by Testers

In Oklahoma City, the black auditor was very impressed with the kindness and courtesy of the agent. "She seemed unbothered about showing me houses where no blacks apparently live," the auditor reported. However, the auditor didn't realize that although the down payment mentioned to her for a particular house was 20% of the purchase price, the white auditor was told it was 10%. In the same city, a black auditor was greeted by a secretary in a real estate office. As the secretary was showing the auditor the listing book, the agent arrived. He apparently panicked. He did show the black auditor one house, but said the other house wouldn't be ready for inspection for an hour. He arranged to meet the auditor at the real estate office; however, when she arrived, she was told he'd gone on to the house. She drove to the house but there was no agent, and a "sold" sign appeared in the front yard. And the agent had never asked her name or given his.

And another black auditor in Oklahoma City twice found doors locked at a small realty company. Not unusual—but in her words, "I waited 10 minutes, I believe. Before I could get out of the driveway the shades went up."

In Nassau County, New York, the black auditor reported she was told "no agent was available, two other people at desks were not sales-persons, one at funeral, another sick, and he couldn't leave the office." He didn't ask her to sit down, and suggested she look in another neighborhood which is 60% black.

In Westbury, New York, the agent got a computer printout of the multiple listings for the white auditor, but not for the black one. He took the black auditor to see a house, which he then claimed he couldn't find. The white auditor reported that the "agent asked if I knew this was an integrated area . . . said the areas he was showing me had some blacks but he couldn't tell their houses from the others . . . said Westbury School System wasn't as good as East Meadow because it had so many blacks."

One black auditor was only shown one house because the salesman said he had just returned from vacation and didn't know what was available. A black auditor was kept waiting for an hour before being shown unsuitable houses. She was also asked if her husband was going to live with her. A white auditor reported that when a white agent was late for an appointment, the agent explained that the previous day had been hectic. "She said she had had one black person waiting for her when she opened the office, and three telephone calls during the day from 'black people' she could tell by their voices. She has to be very careful because they could be from the state department or civil rights group." Her caution was wasted. The black person waiting for her was indeed an auditor, and the agent did clearly discriminate. (She could only find two houses to show her, she kept her waiting, and she didn't show her the homes in white neighborhoods that she showed to the white auditor.

One agent had the black auditor follow her in his own car, because she didn't want to be seen showing a home to a black in a white ethnic neighborhood. That was after telling him at great length about a black family that got bombed when they moved into that neighborhood.

The price of a house in Rye City, New York, was $83,000 to the white auditor on June 13, and $87,000 to the black auditor on June 16. Same agent. One black auditor had a white broker say to a salesman, "I won't let her go into one of those prejudiced neighborhoods (Bronxville, N.Y.); near me in East Mt. Vernon is a lovely Tudor house just right for her."

An agent in Riverside, California, in the same area showed both the black and white auditors the same house—but the black auditor was told the down payment was 20 percent, while the white was told it was 10 percent.

In Savannah, Georgia, a white auditor was told by an agent, "This area is not all, shall we say, caucasian." She also told her she wouldn't want to live in the downtown area because she would have to buy burglar bars.

In Saginaw, Michigan, the price of a house went up by $7,600 when it was shown to the black auditor. On June 22 at 3:15 p.m., it was $41,900 (to the white auditor) and on June 23 at 10:15 a.m., it was $49,500 (to the black auditor). It was the same agent.

A white auditor was asked if he was married to a black woman, since he had requested to look at homes in an integrated neighborhood.

In Woburn, Massachusetts, an agent absolutely refused to show a black woman auditor any houses, despite the fact she called for an appointment first. The agent claimed she would only show houses to husbands and wives together, yet another agent in the same small office had shown homes earlier that day to a white female auditor who was alone.

In Atlanta, Georgia, a white tester went first. She and the agent spotted a house as they were driving around and went to look at it. They found it to be overpriced, but later that afternoon, the same agent showed the house to the black tester and told her that the down payment was 10 percent instead of the 5 percent the white tester had been quoted.

Mr. HEINZ. Mr. President, the people of this country believe that this is the land of the free. No human being in this country should suffer the indignity of not being permitted to make a free choice as to his or her family's place of shelter. What I am seeking is protection against those few who would mock our intent and who would detract from those who adhere to our laws.

The President announced an urban policy when he took office, and he directed his staff to seek a massive infusion of Federal aid to our urban areas. Injecting money is a Band-Aid approach which ignores the reality of the expanding curtain of discrimination around our metropolitan areas. Census Bureau statistics demonstrate that metropolitan areas in the United States are expanding at a rate of approximately one-half million acres per year, but the white populations of these same areas are decreasing proportionately. The percentage of whites in urban areas is expected to decrease from 40 percent in 1970 to a projected 25 percent by the year 2000. Families headed by women comprised 20.7 percent within cities by 1977, as opposed to just over 10 percent in the suburbs. The proportion of poor people rose from 34 percent in the cities in 1970 to 38 percent in 1978. This segregation and division of America is neither a matter of free choice nor economics. It is a pattern predicted by the Kerner Commission report which called for action 11 years ago, action which is still needed today.

I do not believe that we are helpless or that these problems are insoluble, or that more money will make them go away. I do believe that if a woman is widowed and has the burden of bringing up her family, she should be entitled to equal housing opportunities. I believe that if a person is born black or brown or Catholic, or Polish, or Jewish, or whatever, that the fact of birth should not preclude equitable choice of shelter. I believe that if a person is handicapped, if anything, we should go out of our way to insure that person the same right as anyone else to live where he or she wants to. The degradation of any victim because of the inadequacy of existing law is insupportable against our concepts of justice and compassion. I believe we can and should do better.

Granting the administration the power to initiate civil action against a party which violates title VIII is a means by which 27 States have sought to act in the absence of congressional and Presidential leadership. Simple justice demands that the Federal Government have the same means through which to make the law tear down the barriers which have confronted so many in the housing market. Commenting on the inability of the Government to make title VIII meaningful, former HUD Secretary Carla Hills said:

> Respondents know all too well that HUD has no meaningful enforcement power. Many have virtually ignored our conciliation efforts because they have no inducement to cooperate. In effect, the present law, in relying on conciliation, is an invitation to intransigence.

The legislation which I am sponsoring provides two avenues to equitable remedies. In the event that a victim decides to pursue the course of private litigation, the existing law would be changed to permit the prevailing party to be eligible for reasonable attorney fees, thus enabling an aggrieved party to undertake this personal route in an affordable manner. The second major change would be to provide HUD with enforcement powers. Under this change, the Secretary could subpena the alleged violator in order to hold an administrative hearing. If, as a result of the hearing, the Secretary determined that there had been discrimination, she would be empowered to refer the case to the Justice Department or to act in behalf of the victim. If she deemed prompt action necessary, she could order temporary relief, pending final hearings, after which she could impose a civil penalty not to exceed $10,000. This final determination would be appealable to Federal court within a 30-day period.

Our cities do not need to be a patchwork of future problems and antagonisms. The practices in some cities of steering potential renters and buyers based upon complicated written and unwritten classifications breaking down potential buyers and renters into upward of 20 classifications has no place in this country. Through this means, housing discrimination has become so subtle and insidious that some of these lists would prevent Members of the U.S. Senate from purchasing homes in some neighborhoods of this Nation's suburbs. Apartheid is untenable in a free society no matter how sophisticated or subtle it might be.

I would like to add, Mr. President, that I do have one concern with regard to this legislation, and it is my hope that the Congress will give this concern careful consideration in the deliberative process. Although I share the view that immediate action is necessary to prevent an incident of blatant housing discrimination and thus concur in the need for a mechanism to prevent a discriminatory action which would effectively preclude a victim from the rental or purchase of housing; nevertheless, I am apprehensive about any legislation which, in effect, permits an administrative agency to be accuser, judge, jury, and enforcer. This bill necessarily gives government the ability to enforce the law, and the ability to move quickly. Without that ability, however, the object of the victim's search would be forever lost.

I view this measure as sensitive to our citizens' many concerns about government today. It will not, like so much Federal legislation, inundate the Federal courts with costly, time-consuming litigation, nor will it instill a massive bureaucratic response. It will make conciliation a meaningful process. It will provide an incentive for a respondent to reach agreement with the victim. And it will alert those who have chosen to flout the Civil Rights Act of 1968 that we are serious and will not permit the fragmentation of our society.

Perhaps Stephen Vincent Benet most aptly expressed my hope and concern when in 1943 he wrote:

> Remember that when you say
> "I will have none of this exile and this stranger
> For his face is not like my face and his speech is strange,"
> You have denied America with that word.

I hope the Senate will act promptly on this measure. It is a significant step, a positive step, and a fair step.

By Mr. DOLE (for himself and Mr. TALMADGE):

S. 507. A bill to amend the Social Security Act to provide for improvements in the medicare and medicaid programs; to the Committee on Finance.

MEDICARE-MEDICAID MISCELLANEOUS AND TECHNICAL AMENDMENTS OF 1979

Mr. DOLE. Mr. President, on behalf of Senator TALMADGE and myself, I am introducing today legislation which consists of a series of relatively minor, noncontroversial medicare-medicaid provisions, most of which have been, at one time or another, approved by either the Senate or the House.

Although many of these provisions are also contained in the Talmade-Dole medicare and medicaid administrative and reimbursement reform proposal, we are introducing this legislation as a separate proposal in order to expedite action on these relatively minor medicare-medicaid changes.

Taken together, these changes will have a negligible effect on program expenditures for fiscal year 1979 or fiscal year 1980. Several of the provisions will, in fact, produce significant savings. Others are directed toward improvements in program administration and equity in reimbursement for certain covered services.

Mr. President, I ask unanimous consent that a brief description of these provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF DESCRIPTION OF THE PROVISIONS OF THE MEDICARE-MEDICAID MISCELLANEOUS AND TECHNICAL IMPROVEMENTS AMENDMENTS OF 1979, AS WELL AS ACTION PREVIOUSLY TAKEN BY THE CONGRESS ON THESE PROVISIONS

Hospital providers of long-term care services.—Encourages better use of underutilized beds of small rural hospitals by providing for a simplified cost reimbursement formula under Medicare which avoids the current requirement for separate patient placement within the facility and separate cost finding. This is the so-called "swing bed" amendment. (Status: Passed by House, H.R. 13817; passed by Senate, H.R. 5285.)

Ambulance services.—Permits Medicare payment for ambulance services to a more distant hospital when the nearest hospital does not have staff qualified to undertake the required care. (Status: Passed by House, H.R. 13097; passed by Senate, H.R. 5285.)

Coordinated audits under the Social Security Act.—Provides for Medicare to share its audit findings with the Medicaid and the Maternal and Child Health programs where these programs reimburse the same entity on the basis of its reasonable costs. (Status: Passed by House, H.R. 13817; passed by Senate, H.R. 5285.)

Coverage under Medicare of certain dentists' services.—Extends coverage of dental services under Medicare to include any services which may be performed by a doctor of dental surgery or of dental medicine legally authorized to perform such services if they would be covered when performed by a physician. (Status: Passed by House, H.R. 13097; passed by Senate, H.R. 5285.)

Flexibility in application of standards to rural hospitals.—Authorizes the Secretary of HEW to apply Medicare standards to rural hospitals more flexibly to take into account the availability of qualified technical personnel, the scope of services furnished, and the economic impact of structural standards which if rigidly applied would result in unreasonable financial hardship for a rural hospital; but only to the extent that such differential application of the standards does not jeopardize or adversely affect the health and safety of patients. (Status: Passed by House, H.R. 13817; extends similar provision in current law.)

Payment for certain antigens under Part B of Medicare.—Amends present law to provide for direct payment to allergists for preparation of a reasonable supply of antigens which would be dispensed or administered by or under the supervision of physician. (Status: Passed by House, H.R. 13097; passed by Senate, H.R. 5285.)

Payment under Medicare of certain physicians' fees on account of services furnished to a deceased individual.—Permits payment by Medicare for care directly to the spouse or other legal representative of a deceased Medicare beneficiary on the basis of a nonreceipted bill. Under present law, Medicare can only pay where the physician accepts an assignment or where the family has actually paid the bill. Thus, in some cases where a physician refuses an assignment, families have encountered difficulty in raising sufficient cash to pay the bill in order to be eligible for payment by Medicare. (Status: Passed by House, H.R. 13097; passed by Senate, H.R. 5285.)

Coverage under Medicare of optometrists' services with respect to Aphakia.—Authorizes Medicare Part B reimbursement to optometrists for services related to aphakia which are within the scope of licensed optometric practice, and which are covered under present law when provided by a physician.

(Status: Passed by House, H.R. 13097; passed by Senate, H.R. 5285.)

Removal of three-day hospitalization requirement and one-hundred visit limitation for home health services.—Removes the requirement in existing law that limits Medicare home health benefits to 100 visits under Part A and 100 visits under Part B. In addition, the bill removes the requirement that a beneficiary has to be an inpatient in a hospital for at least three days before he can qualify for Part A home health benefits. (Status: Passed by House, H.R. 13097; passed by Senate H.R. 5285.)

Repeal of section 1867.—Terminates the Health Insurance Benefits Advisory Council. (Status: Passed by Senate, H.R. 5285.)

Deductible not applicable to expenses for certain independent laboratory tests.—Waives the $60 deductible in applying special laboratory billing procedures under Medicare. Corrects drafting error in section 279 of P.L. 92–603. (Status: Passed by Senate, H.R. 5285.)

Resources of Medicaid applicant to include certain assets previously disposed of for substantially less than market value.—Requires States to deny Medicaid eligibility in cases where an otherwise ineligible aged, blind, or disabled person disposes of significant assets by either giving them away or selling them for less than their market value in order to establish Medicaid eligibility. (Status: Passed by Senate, H.R. 5285.)

Extension of period for funding of State Medicaid fraud control units.—Extends for two years (until October 1, 1982) the period when 90 percent Federal matching is available for the funding of State Medicaid fraud control units. No State may receive such matching for longer than three years.

Certification and utilization review by podiatrists.—Provides that podiatrists acting within the scope of their practice would be recognized by Medicare for purposes of physician certification and participation as physicians in utilization review. (Status: Passed by House, H.R. 13097.)

Physician treatment plan for speech pathology.—Repeals the existing Medicare requirement that a physician establish a detailed plan of treatment for speech pathology services. (Status: Passed House, H.R. 13097.)

Presumed coverage provisions.—Repeals existing Medicare provisions authorizing, by type of diagnosis, presumed periods of coverage for skilled nursing facility and home health services. (Status: Passed House, H.R. 13097.)

Surgical procedures performed on an ambulatory basis.—Permits Medicare reimbursement on the basis of an all-inclusive rate to free-standing ambulatory surgical centers and to physicians performing surgery in their offices for a listed group of surgical procedures. Such procedures include those which are often provided on an inpatient hospital basis but can be consistent with sound medical practice, be performed on an ambulatory basis. (Status: Passed by Senate, H.R. 5285.)

Confidentiality of Professional Standards Review Organization data.—Provides for the confidentiality of PSRO information that identifies an individual patient, practitioner, provider, supplier or reviewer. (Status: Passed by Senate, H.R. 5285.)

Payment for laboratory services under Medicaid.—Allows a State to purchase laboratory services for its Medicaid recipients through competitive bidding arrangements for a 3-year experimental period. (Status: Passed by Senate, H.R. 5285.)

Chiropractors' service.—Deletes the re-requirement for an X-ray to be used to demonstrate the existence of a covered service. (Status: Passed by House, H.R. 10397.)

HMO enrollment of Medicare-Medicaid Recipients.—Provides that HMO's contracting with States to provide health services under Medicaid be required to have no more than 50 percent of their members covered under Medicaid and/or Medicare by no later than 3 years after the date the HMO is formally found qualified by the Department of Health, Education, and Welfare, rather than three years from the date that the HMO contracts with a State as required by existing law.

Demonstration projects for training and employment of AFDC recipients as homemaker and home health aides.—Provides demonstration projects whereby persons now on the welfare rolls can be formally trained as homemaker home health aides to maintain the independent living capacity of persons who would otherwise require Medicaid supported institutional care.

By Mr. DOLE (for himself, Mr. Talmadge, Mr. Heinz, Mr. Ribicoff, Mr. Moynihan, and Mr. Cochran):

S. 508. A bill to amend the Social Security Act to provide that the Administrator of the Health Care Financing Administration henceforth shall be appointed by the President by and with the advice and consent of the Senate; to the Committee on Finance.

ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION

Mr. DOLE. Mr. President, today, joined by my colleagues, Senators Talmadge, Heinz, Ribicoff, Moynihan, and Cochran, I am introducing a bill which will require Senate confirmation of the Presidential appointee for the job of Administrator of the Health Care Financing Administration. This agency of the Department of Health, Education, and Welfare is responsible for the administration, coordination, and policymaking for medicaid, medicare, and certain quality assurance programs.

BACKGROUND OF HEALTH CARE FINANCING ADMINISTRATION

Reviewing the agency's background underscores the importance of its chief administrative official. The Health Care Financing Administration was originally proposed some 3 years ago as part of S. 3205 and again in the 95th Congress as a section in S. 1470. These provisions provided for Senate review and confirmation of a Presidential appointment but the concept of the agency was embraced by the administration prior to congressional action. The agency was established administratively rather than legislatively. The rationale behind its creation was to provide a means of orderly consolidation and coordination of the medicare and medicaid programs.

The Administrator of the Health Care Financing Administration is actually a successor to a previous position—Administrator of the Social and Rehabilitation Service—a position which required Senate confirmation because of its medicaid responsibilities. Since the creation of this new agency, there have been serious difficulties, both administrative and bureaucratic. However, in recent months, there appears to have been a marked improvement in the functioning and effectiveness of this agency which means so much to so many.

ADMINISTRATOR'S QUALITIES

The principal official of this agency should be an individual experienced and knowledgeable in management, health care, and health care financing. It will be important for the person to have a full awareness of the sensitivity and complexity of the agency's responsibilities. In addition to being able to work effectively with the executive branch, this person must also relate directly with the Congress, facilitating its legislative mandates in the financing of health care.

CONCLUSIONS

Requiring Senate confirmation of the Presidential appointee for the job of Administrator of the Health Care Financing Administration is certainly appropriate, considering the responsibilities of this agency's $50 billion a year programs. The board mandates given to the Health Care Financing Administration which includes coordinating medicaid, medicare, and the professional standards review organizations are on a par with the Social Security Administration, whose Commissioner is confirmed by the Senate.

I believe that it is vital that Senate confirmation be required in the future. The Congress has a direct responsibility to participate in this decision that affects so many millions of poor and older Americans.

By Mr. RIBICOFF (by request):

S. 509. A bill to amend title 5, United States Code, to provide survivor benefits to certain dependent children; to the Committee on Governmental Affairs.

SURVIVOR BENEFITS TO CERTAIN DEPENDENT CHILDREN

● Mr. RIBICOFF. Mr. President, at the request of the administration, I am introducing legislation to amend the Civil Service Retirement Law to extend eligibility for civil service survivor benefits to all dependent illegitimate children of a deceased Federal employee or retiree.

I ask unanimous consent that the text of the bill, and letter from the Director of the Office of Personnel Management and the statement of purpose and need be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341(a)(3) of title 5, United States Code, be amended to read as follows:

"(3) 'child' means—

(A) An unmarried dependent child under 18 years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child, and (iii) a child who lived with and for whom a petition of adoption was filed by an employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death;

"(B) such unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability incurred before age 18; or

"(C) such unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

"For the purpose of this paragraph and subsection (e) of this section, a child shall be deemed dependent on the employee or Member if, at the time of the employee or Member's death, the employee or Member was either living with or contributing to the support of such child. The Office of Personnel Management shall prescribe regulations to further define dependency for purposes of this section. A child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year and while he is regularly pursuing such a course of study or training, is deemed to have become 22 years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between the school years if the interim is not more than 5 months and if he shows to the satisfaction of the Office of Personnel Management that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the semester (or other period into which the school year is divided) immediately after the interim."

SEC. 2 Section 8901(5) of title 5, United States Code, is amended to read as follows:

"(5) 'member of family' means the spouse of an employee or annuitant and an unmarried dependent child under 22 years of age, including—

"(A) an adopted child; and

"(B) a stepchild, foster child, or recognized natural child or such an unmarried child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22.

"For purposes of this paragraph, a child shall be deemed dependent on the employee or Member is either living with or contributing to the support of such child. The Office of Personnel Management shall prescribe regulations to further define dependency for purposes of this section."

SEC. 3 This Act shall take effect upon enactment except that no benefits under chapter 89 of title 5, United States Code, authorized by this Act shall be payable for any period prior to the date of enactment.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., February 8, 1979.
Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I submit for the consideration of Congress, and recommend favorable action on, the attached draft bill to amend the Civil Service Retirement law to extend eligibility for civil service survivor benefits to all dependent illegitimate children of a deceased Federal employee or retiree. Also attached is a statement of purpose and justification for the proposed bill.

We believe this proposal is necessary in view of several recent court decisions which have declared the present provision, allowing survivor benefits only to those illegitimates living with the decedent at the time of death, unconstitutional. These decisions have been based on the principle that a statute providing replacement of support lost through the death of a parent may be overinclusive, i.e., it may presumptively award benefits to some children not actually dependent, but it is not constitutionally permissible for the statute to be underinclusive; i.e., to presumptively deny, without opportunity to show actual dependency, benefits to other subclasses of dependent children. The present Civil Service Retirement statute is underinclusive in that it denies survivor benefits to dependent illegitimates who have not resided with the deceased. Since recent court decisions have awarded civil service survivor benefits to dependent illegitimates who did not live with the decedent, immediate consideration of this legislative proposal is imperative.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this proposal to the Congress.

A similar letter is being sent to the Speaker of the House.

Sincerely yours,
ALAN K. CAMBELL,
Director.

STATEMENT OF PURPOSE AND JUSTIFICATION

The attached proposed legislation would amend the Civil Service Retirement and Health Benefits laws to extend eligibility for civil service survivor and health insurance benefits to all dependent illegitimate children of a deceased Federal employee or retirees.

The Civil Service Retirement law provides monthly survivor annuity benefits to children of those deceased employees who have completed at least eighteen months of Federal civilian service and to children of deceased annuitants. "Child" for survivor annuity purposes includes:

(A) an unmarried child under 18 years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the employee or Member in a regular parent-child relationship, and (iii) a child who lived with and for whom a petition of adoption was filed by any employee or Member, and who is adopted by the surviving spouse of the employee or Member after his death; 5 U.S.C. 8347(a)(3)(A).

(Further subsections of the statute not relevant to this proposal are omitted).

The legislative purpose of the "living with" provision required of the illegitimates is unclear. Prior to July 18, 1966, a recognized illegitimate child was eligible for survivor benefits if he or she received more than one half support from and lived with the employee or annuitant in a regular parent child relationship. Public Law 89-504, approved July 18, 1966, eliminated the half support requirement in order to "permit children of a working mother to receive a survivor annuity in the event of her death." S. Rep. No. 1187, 89th Cong., 2d Sess., 5 (1966). This seems to be the only statement in the legislative history of the reason for eliminating the half support requirement.

This elimination did accomplish its purpose of enabling illegitimates to receive a survivor annuity in the event of their mothers' death. However, one practical effect of this provision, both before and after this amendment is to deny survivor benefits to many illegitimate children whose fathers were the deceased employees or annuitants because many illegitimates live with only their mother. This denial of benefits is so even when the illegitimate is receiving substantial or even full support contributions from the non-resident parent (whether father or mother). This statute, then, designed to pay benefits to dependent children, actually conclusively denies survivor benefits to some dependent illegitimates.

Recent court decisions expanding the rights of illegitimates have cast doubt on the constitutionality of this conclusive denial of survivor benefits to some dependent illegitimates. The Supreme Court, when considering the rights of illegitimate children, has carefully examined the statutes involved in each case and has generally required that any discrimination on the basis of legitimacy (or even between classes of illegitimates) actually further a permissible state purpose. A mere statement by the state or Federal Government of the legislative purposes that the statute in question is designed to further has not been sufficient; the Court has looked behind the proffered objectives to determine if the statute actually does accomplish the purpose for which the law was enacted. The need of administrative agencies to draw arbitrary lines in order to lessen administrative problems of proof is recognized, but the Court has stated several times that this need cannot be made into "an impenetrable barrier that works to shield otherwise invidious discrimination." *Trible* v. *Gordon*, 45 U.S.L.W. 4395 (U.S. Apr. 26, 1977); *Gomez* v. *Perez*, 409 U.S. 535,538 (1973). *Weber* v. *Aetna Casualty and Surety Co.*, 406 U.S. 164 (1972).

Of several recent Supreme Court cases, two decisions considered the constitutionality of two sections of the Social Security Act somewhat analogous to the survivor provisions of the Civil Service Retirement law. In *Jiminez* v. *Weinberger*, 417 U.S. 628 (1974), the Court ruled that denial of disability benefits to certain illegitimates solely on the basis of birth after the onset of disability was violative of the claimant illegitimate childrens' right to equal protection. The statute did not allow these illegitimates the right to prove actual dependency. (The Government's stated legislative purposes were to provide support for dependents of the disabled and to prevent spurious claims.) The Court found that these purposes were not rationally related to the classification here, and the statute was declared unconstitutional.

Another section of the Social Security law withstood the court's scrutiny, however, in *Matthews* v. *Lucas*, 427 U.S. 495 (1976). The dispute in this case was the result of Social Security's denial of benefits to two illegitimate children who could not prove actual dependency on the deceased wage earner at the time of his death.

The Social Security Act provision in question in *Lucas* provides survivor benefits to all dependent children of a deceased wage earner. Dependency is presumed (i.e., no proof is required) for all legitimate and some illegitimate children. If an illegitimate is not in one of the groups deemed dependent, however, eligibility for benefits may be established by proof of actual dependency. The plaintiffs in this case argued that their right to equal protection was violated because all legitimates (and some illegitimates) were automatically entitled to benefits even if they could not actually prove dependency. Social Security contended that the purpose of the benefit statute was to replace support lost by the death of the wage earner, that the classifications were designed to minimize spurious claims and to facilitate administrative determination and that the statute promoted these objectives.

The Supreme Court held the statute constitutional, stating that the classifications, although not perfect, were reasonably drawn to qualify entitlement to benefits upon a child's dependency at the time of the wage earner parent's death. Some leeway is allowed for administrative convenience, especially when the statute errs on the side of overinclusiveness (i.e., awarding benefits to some children actually not dependent). No dependent illegitimate was conclusively denied benefits: any such child had the chance to prove actual dependency. The court ruled that Congress could rationally presume that there is less of an assumption of dependency of illegitimate than of legitimate children; some distinction on this basis is permissible.

In summary, what the Supreme Court appears to find objectionable is the idea of an irrebuttable presumption; i.e., illegitimates (or even certain sub classes of illegitimates) conclusively denied benefits with no opportunity at all to satisfy eligibility requirements. The statutory benefit may be overinclusive, but not underinclusive. If the law for instance, is designed to replace support, it must not exclude any classes of dependent illegitimates, although illegitimates may be required to meet burdens of proof not required of legitimates. The prohibition is not against discrimination *per se* (as in requirements of proof). The prohibition is against impermissible discrimination (conclusive denial).

The *Jimenez* and *Lucas* cases were precedents discussed by the Court of Claims in *Gentry* v. *United States,* 546 F. 2d. 343 (Ct. Cl. 1976), the first case to consider the constitutionality of 5 U.S.C. 8341(a) (3) (A). Gerald Gentry, the illegitimate son of a deceased civil service annuitant, was denied survivor benefits by the Commission because he did not meet the "live with" requirement of 5 U.S.C. 8341(a) (3) (A). Gentry claimed his father had contributed to his support. He took his case to the Court of Claims, contending that the statute's denial of benefits to all illegitimates except those living with their deceased parent at the time of death, even if the non-resident deceased parent had contributed to the child's support, violated the equal protection guaranteed him by the fifth amendment.

The Government argued that the statute was designed to replace support for dependent natural children, and that a second purpose of the live with requirement was to prevent spurious claims of parentage.

The Court of Claims found that the Government's stated objectives (which were the same objectives of the Social Security Statute claimed by the Government in *Jimenez* v. *Weinberger, supra*) could not be achieved by the statute as written. Applying the principles set out in *Jamenez* v. *Weinberger, supra,* the court found that many dependent illegitimates were excluded by the Civil Service retirement statute simply because they did not live with the parent who contributed to support. Nor could the statute as written achieve its purpose of preventing spurious claims because the potential for such claims was exactly the same for both included and excluded classes of illegitimates. The Court rejected the argument that application of *Matthews* v. *Lucas, supra,* in the *Gentry* case warranted a finding that the statute was constitutional. The Court said *Matthews* mandated no such result—a different statutory scheme was involved in that case, and one in which all dependent children could prove eligibility for survivor benefits. It concluded that since the Civil Service Retirement law conclusively excluded certain dependent illegitimates from being eligible for survivor benefits, it was unconstitutional; administrative convenience was not sufficient to make the discrimination permissible.

The effect of this declaration of unconstitutionality was limited to the individual before the Court—Gerald Gentry. Gentry had in fact asked for a declaratory judgment that the live with requirement of 5 U.S.C. 8341(a) (3) (A) was unconstitutional. With respect to this issue the Court stated:

> Our authority to issue a declaratory judgment is limited . . . We are authorized to do so only where 'it is tied and subordinate to a monetary award.' . . . And of course we can do so where it is explicitly authorized, as in certain tax cases . . .That portion of plaintiff's petition asking for a declaratory judgment is dismissed. (p. 20, slip opinion—Citations are omitted.)

The Court expressed reservations about the Government's characterization of the purposes of the annuity statute's survivorship provisions. However, the case has been remanded by the Court of Claims to the Commission for a determination of Gentry's status as the recognized supported natural child. But when considering the Government's motion for rehearing in the *Gentry* case, the Court expressed further doubt that dependency was even a real purpose of the Civil Service Survivor benefit provisions. The Court acknowledged that it had left open the extent of dependency to be required or whether dependency could be required at all. However, this issue was not ripe for determination until the Commission made a decision on plaintiff's eligibility. The Government's motion for rehearing (on the ground that a Supreme Court case decided after the original *Gentry* decision changed the outcome) was denied.

The *Gentry* case was quickly followed by other decisions which uniformly declared the "living with" requirement unconstitutional. On November 30, 1977, a three judge court in *Proctor* v. *United States,* 448 F. Supp. 418 (D.D.C. 1977) enjoined the Commission from applying the living with requirement. And a recent decision in the class action of *Jenkins* v. *United States,* No. 78–0317 (D.D.C., 1978) will, if the Commission does not appeal the decision require payment to any eligible illegitimate whose parent died after February 24, 1972.

The present statute can no longer be administered as it is written. The proposed legislation, therefore, is designed to conform to the above judicial decisions.

We believe that a dependency requirement should be made clear in the definition of child for survivor annuity purposes found in 5 U.S.C. 8341(a) (3) and have drafted the proposed legislation to reflect this. For consistency, a similar change is also proposed in the definition of family member for purposes of coverage under the Federal Employees Health Benefits Program. The legislation we are proposing aims, through use of language along the lines of the Social Security statute upheld in *Matthews* v. *Lucas, supra, to* achieve the purpose of replacing the support lost by the death of a parent. It presumes that all legitimates and certain classes of illegitimates are dependent. Only those illegitimates who neither lived with nor received support from the decedent are not dependent children. This would allow all illegitimates to prove actual dependency if they cannot meet the presumption of dependency raised by the fact that they lived with their deceased parent at the time of death.

Our actuary reports that no estimate of the cost of this bill can be made since the number of possible eligibles is unknown.●

By Mr. RIBICOFF (by request):

S. 510. A bill to establish a Department of Education, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF EDUCATION ORGANIZATION ACT

● Mr. RIBICOFF. Mr. President, at the request of the administration, I am introducing legislation to establish a Department of Education.

I ask unanimous consent that the text of the bill and the accompanying message from the President of the United States be printed in the RECORD.

There being no objection, the bill and message were ordered to be printed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education Organization Act".

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DEFINITIONS

SEC. 2. (a) As used in this Act, unless otherwise provided or indicated by the context, the term "Department" means the Department of Education or any component thereof; the term "Secretary" means the Secretary of Education; and the term "Under Secretary" means the Under Secretary of Education.

(b) As used in this Act, the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege or activity.

(c) As used in this Act, unless otherwise provided or indicated by the context, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(d) As used in this Act, unless otherwise provided or indicated by the context, the words "private" and "private educational" refer to independent, nonpublic and private institutions of elementary, secondary, higher and postsecondary education.

(e) As used in this Act, unless otherwise provided or indicated by the context, the terms "office" and "unit" include any office, institute, council, unit, organizational entity or component thereof.

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress of the United States finds that:

(a) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

(b) there is a continuous need to ensure equal access for all Americans to educational opportunities of a high quality;

(c) the primary responsibility for education resides with States, localities and private institutions;

(d) the American people benefit from a diversity of educational settings, including public and private schools, libraries, museums and other institutions, the workplace, the community and the home;

(e) the current structure of the executive branch fails to recognize the importance of education and does not allow sufficient Presidential and public consideration of education issues;

(f) there is a need for improvement in the management of Federal education programs to support more effectively State, local and private institutions in carrying out their educational responsibilites;

(g) there is a need for improved coordination of Federal education and related programs; and

(h) there is no single, full-time, Federal education official directly accountable to the President, the Congress and the people.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Education is in the public interest and will promote the general welfare of the United States. Establishment of this Department will help ensure that education issues receive proper treatment at the Federal level and will enable the Federal Government to coordinate its education activities more effectively. The major purposes of the Department are:

(a) to strengthen the Federal commitment to ensuring access to equal educational opportunity for every American;

(b) to support more effectively States, localities and public and private institutions in carrying out their responsibilities for education;

(c) to promote improvements in the quality and usefulness of education through federally supported research, evaluation and the sharing of information;

(d) to improve the management and efficiency of Federal education activities;

(e) to increase the accountability of Federal education programs to the President, the Congress and the public;

(f) to encourage the involvement of the public, parents and students in Federal education programs; and

(g) to improve the coordination of Federal education programs.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 103. No provision of law relating to a program administered by the Secretary or by any other officer or agency of the executive branch of the Federal Government shall be construed to authorize the Secretary or any such officer or agency to exercise any direction, supervision or control over the curriculum, program of instruction, administration or personnel of any educational institution, school or school system; over any accrediting agency or association; or over the selection of library resources, textbooks or other instructional material by any educational institution or school system, except to the extent authorized by law.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. (a) There is hereby established an executive department to be known as the Department of Education. There shall be at the head of the Department a Secretary of Education, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level I of the executive schedule under section 5312 of title 5 of the United States Code. The Department shall be administered, in accordance with the provisions of this Act, under the supervision and direction of the Secretary.

(b) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level III of the executive schedule under section 5314 of title 5 of the United States Code. The Under Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Secretary shall designate the order in which other officials shall act for and perform the functions of the Secretary during the absence or disability of both the Secretary and Under Secretary or in the event of vacancies in both of those offices. The Under Secretary shall also be responsible for intergovernmental relations in the Department.

PRINCIPAL OFFICERS

SEC. 202. (a) There shall be in the Department six Assistant Secretaries reporting directly to the Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the executive schedule under section 5315 of title 5 of the United States Code. An Assistant Secretary shall head each of the Offices created by sections 203, 204, 205, and 206 of this Act.

(b) In addition, there shall be in the Department six officers reporting directly to the Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level V of the executive schedule under section 5316 of title 5 of the United States Code.

(c) The officers created by this section shall perform, in accordance with applicable law, such of the functions delegated to or vested in the Secretary or in the Department as the Secretary shall from time to time prescribe (in accordance with the provisions of this Act), including, but not limited to, the following functions:

(1) congressional relations functions;

(2) public information functions;

(3) management and budget functions;

(4) planning, evaluation and policy development functions; and

(5) encouraging and monitoring involvement of parents, students and the public in departmental programs.

(d) Except as otherwise provided by this Act,

(1) when the name of a person to serve as an officer created by either subsection (a) or subsection (b) is submitted to the Senate for confirmation, the President shall designate the particular functions that person shall exercise upon taking office; and

(2) notwithstanding the provisions of paragraph (1) of this subsection, the Secretary may from time to time allocate or reallocate functions of the Department among the subordinates of the Secretary and name and rename the titles of the offices they hold.

OFFICE FOR CIVIL RIGHTS

SEC. 203. (a) There shall be established in the Department an Office for Civil Rights headed by an Assistant Secretary for Civil Rights who shall be one of the Assistant Secretaries created by section 202(a) of this Act.

(b) Notwithstanding the provisions of section 422 of this Act, the Secretary shall delegate to such Assistant Secretary all functions, other than administrative and support functions, vested in the Secretary by section 301(a)(3) of this Act.

(c) The Assistant Secretary for Civil Rights shall make annual reports to the Secretary and to the Congress summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems as to which such Office has made a recommendation for corrective action or as to which, in the judgment of the Assistant Secretary, adequate progress is not being made.

(d) Notwithstanding any other provision of law, the reports required by or under this section shall be transmitted to the Secretary and the Congress by the Assistant Secretary for Civil Rights without further clearance or approval. The Assistant Secretary shall provide copies of the reports required under subsection (c) to the Secretary sufficiently in advance of their submission to Congress to provide a reasonable opportunity for comments of the Secretary to be appended to the reports when submitted to Congress.

(e) In addition to the authority otherwise provided by this section, the Assistant Secretary for Civil Rights, in carrying out the provisions of this section, is authorized—

(1) to collect or coordinate collection of data necessary to ensure compliance with civil rights laws within its jurisdiction;

(2) to select, appoint and employ such officers and employees, including staff attorneys; as may be necessary to carry out the functions of the Office, subject to provisions governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, relating to classification and General Schedule pay rates; and

(3) notwithstanding any other provision of this Act, to obtain services as authorized by section 3109 of title 5 of the United States Code at daily rates not to exceed the equivalent rates prescribed for grade GS-18 of the General Schedule by section 5332 of such title.

OFFICE OF POSTSECONDARY EDUCATION

SEC. 204. There shall be in the Department an Office of Postsecondary Education headed by one of the Assistant Secretaries created by section 202(a) of this Act. The Assistant Secretary shall administer such functions affecting postsecondary education, both public and private, as the Secretary shall delegate to the Office and shall serve as the principal advisor to the Secretary on matters affecting public and private postsecondary education.

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEC. 205. There shall be in the Department an Office of Elementary and Secondary Education headed by one of the Assistant Secretaries created by secion 202(a) of this Act. The Assistant Secretary shall administer such functions affecting elementary and secondary education, both public and private, as the Secretary shall delegate to the Office.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

SEC. 206. There shall be in the Department an Office of Education Research and Improvement headed by one of the Assistant Secretaries created by section 202(a) of this Act. The Assistant Secretary shall administer such functions and programs of the Department concerning research, development, demonstration, dissemination, evaluation and assessment activities as the Secretary shall delegate to the Office.

FUNCTIONS RELATING TO EDUCATION OF OVERSEAS MILITARY DEPENDENTS

SEC. 207. There shall be in the Department an office to administer functions relating to the education of overseas dependents of personnel of the Department of Defense the director of which shall be one of the officers created by section 202 of this Act.

GENERAL COUNSEL

SEC. 208. There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the executive schedule under section 5315 of title 5 of the United States Code.

OFFICE OF INSPECTOR GENERAL

SEC. 209. (a) Section 2(1) of the Inspector General Act of 1978 is amended by adding "the Department of Education," after "the Department of Commerce,".

(b) Sections 11(1) and (2) of such Act are amended by adding "Education," after the word "Commerce,".

EXECUTIVE LEVEL POSITIONS

SEC. 210. The number of executive level positions published pursuant to section 5311 (b)(1) of title 5 of the United States Code is hereby increased by 14.

INTERGOVERNMENTAL ADVISORY COUNCIL ON EDUCATION

SEC. 211. (a) There is hereby established an advisory committee to be known as the Intergovernmental Advisory Council on Education (hereinafter referred to as the "Council").

(b) The Council shall—

(1) provide a forum for representatives of Federal, State and local governments and public and private educational entities to discuss educational issues;

(2) make recommendations for the improvement of Federal education programs;

(3) promote better intergovernmental relations; and

(4) submit a report, biennially or as frequently as the Council deems it necessary, to the President and the Secretary reviewing the impact of Federal education activities upon State and local governments and public and private educational institutions, including an assessment of compliance with section 103 of this Act and of any change in the Federal role in education, and assessing both the extent to which Federal objectives are achieved and any adverse consequences of Federal actions.

(c)(1) The Council shall have twenty members, appointed by the President as follows:

(A) six elected State and local officials with general government responsibilities;

(B) five representatives of public and private elementary and secondary education, including board members, administrators and teachers;

(C) five representatives of public and private postsecondary education, including board members, administrators and professors; and

(D) four members of the public, including parents of students and students.

(2) The Under Secretary shall be an *ex officio* member of the Council.

(3) Each member shall have a term of four years: *Provided*, that no member serving pursuant to subparagraph (1)(A) of this subsection may serve on the Council beyond the period that such member holds an office qualifying such subparagraph: *Provided further*, that the President shall divide the initial appointments to the Council into four groups of five members each for initial terms of one, two, three and four years.

(4) The President shall from time to time designate one member to chair the Council.

(d) The Council shall nominate and the Secretary shall appoint an executive director for the Council.

(e) The Secretary shall furnish such staff, services and support as shall be necessary for the operation of the Council.

INTERDEPARTMENTAL EDUCATION COORDINATING COMMITTEE

SEC. 212. (a) There is hereby established an Interdepartmental Education Coordinating Committee (hereinafter referred to in this Act as the "Committee").

(b) The Committee shall study and make recommendations for assuring effective coordination of Federal programs, policies and administrative practices affecting education, including—

(1) consistent administration and development of policies and practices among Federal agencies in the conduct of related programs;

(2) full and effective communication among Federal agencies to avoid unnecessary duplication of activities and repetitive collection of data;

(3) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act; and

(4) coordination of related programs to assure that recipients of Federal assistance are efficiently and responsively served.

(c) The Committee shall be composed of the Secretary, who shall be the Chair, and representatives from those Federal agencies, commissions and boards that the President may from time to time deem appropriate with regard to the matters under consideration.

(d) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Science and Technology Policy and the Executive Director of the Domestic Policy Staff may each designate a staff member to attend meetings of the Committee.

(e) The Secretary may establish subcommittees of the Committee to facilitate coordination in important areas of Federal activity.

(f) The Secretary and each Federal agency represented on the Committee under the provisions of subsection (c) of this section shall furnish necessary assistance to the Committee.

TITLE III—TRANSFERS

TRANSFERS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 301. (a) There are hereby transferred to and vested in the Secretary—

(1) all functions, programs and offices vested in the Assistant Secretary for Education (or in the Office of such Assistant Secretary) or in the Education Division of the Department of Health, Education, and Welfare, or in any officer or component thereof;

(2) all functions, programs and offices vested in the Secretary of Health, Education, and Welfare or the Department of Health, Education, and Welfare:

(A) under the General Education Provisions Act;

(B) under the Elementary and Secondary Education Act of 1965;

(C) under the Emergency School Aid Act;

(D) under the Higher Education Act of 1965;

(E) under the Education Amendments of 1978;

(F) under the Act of August 30, 1890 (7 U.S.C. 321–328);

(G) under the Environmental Education Act;

(H) under the National Defense Education Act of 1958;

(I) under the Education of the Handicapped Act;

(J) under part 8 of title V of the Economic Opportunity Act of 1965;

(K) under subparts I and II of part C of title VII and part B of title VIII of the Public Health Service Act;

(L) under the National Commission on Libraries and Information Science Act;

(M) under the Vocational Education Act of 1963;

(N) relating to Gallaudet College, Howard University, the American Printing House for the Blind and the National Technical Institute for the Deaf;

(O) under the Model Secondary School for the Deaf Act;

(P) relating to the telecommunications demonstration program under subpart A of part IV of title III of the Communications Act of 1934;

(Q) under section 2030(k) of the Federal Property and Administrative Services Act of 1949; and

(R) under the Alcohol and Drug Abuse Education Act;

(3) all functions of the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare delegated to or vested in the Office for Civil Rights of such Department relating to functions transferred by this section;

(4) any advisory committee and authority for any advisory committee established by statute in or under the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare, giving advice or making recommendations that primarily concern education: *Provided*, That the Secretary may terminate or combine one or more of such advisory committees;

(5) the Institute of Museum Services in the Department of Health, Education, and Welfare and all functions vested in such Institute;

(6) the Advisory Council on Education Statistics and all functions vested in such Council; and

(7) the Federal Education Data Acquisition Council and all functions vested in such Council.

(b) There are hereby transferred to the Inspector General of the Department that portion of the Office of Inspector General of the Department of Health, Education, and Welfare that relates to functions transferred to the Secretary by this Act.

TRANSFERS FROM THE DEPARTMENT OF LABOR

SEC. 302. (a) There are hereby transferred to and vested in the Secretary all functions of the Secretary of Labor or the Department of Labor under section 303(c)(2) of the Comprehensive Employment and Training Act of 1973.

(b) The Secretary is authorized to conduct the functions transferred by subsection (a).

(c) Section 303(c)(3) of the Comprehensive Employment and Training Act is redesignated as subsection (d) and amended to read as follows:

"(d) For the purposes of carrying out subsections (b) and (c) of this section, the Secretary shall reserve from funds available for this title an amount equal to not less than 4⅝ percent of the amount allocated pursuant to section 202(a).".

TRANSFERS FROM THE DEPARTMENT OF DEFENSE

SEC. 303. (a) Notwithstanding the provisions of section 601 of this Act, there shall be transferred to and vested in the Secretary, at such time and in such manner as the President may designate, but not later than three years after the effective date of this Act, all functions and offices vested in the Secretary of Defense or the Department of Defense by the Defense Dependents' Education Act of 1978.

(b) Notwithstanding the provisions of section 422 of this Act, the Secretary shall delegate to the director of the office created by section 207 of this Act all functions, other than administrative and support functions, vested in the Secretary by subsection (a) of this section.

(c) Not later than one year after the effective date of this Act, the Secretary, after consultation with the Secretary of Defense, shall transmit to the Congress a plan for effecting the transfer of functions under this section and administering those functions. In designing this plan, the Secretary shall also consult with representatives of sponsors of students enrolled in overseas dependents' schools and of professional employee organizations and administrators of such schools.

TRANSFERS FROM THE NATIONAL SCIENCE FOUNDATION

SEC. 304. (a) There are hereby transferred to and vested in the Secretary all programs relating to science education of the National Science Foundation or its Director established prior to the effective date of this Act pursuant to section 3(a)(1) of the National Science Foundation Act of 1950, except such programs, as determined by the Director of the Office of Management and Budget (after consultation with the Director of the Office of Science and Technology Policy), that relate to (1) fellowships and traineeships integral to the support of scientific research and development, (2) ethical, value and science policy issues, or (3) communicating information to practitioners of science and technology and to nonscientists. Except as provided in section 301(a)(1) of this Act, no mission-oriented research functions or programs of the National Science Foundation nor of any other Federal agency shall be transferred by this Act.

(b) The Secretary is authorized to conduct the programs transferred by subsection (a). In conducting such programs, the Secretary shall consult, as appropriate, with the Director of the National Science Foundation.

(c) Nothing in this section is intended to repeal or limit the authority of the National Science Foundation or the Director of the National Science Foundation under section 3(a)(1) of the National Science Foundation Act of 1950 to initiate and conduct programs not established prior to the effective date of this Act.

TRANSFERS FROM THE DEPARTMENT OF JUSTICE

SEC. 305. There are hereby transferred to and vested in the Secretary all functions vested in the Attorney General, the Department of Justice or the Administrator of the Law Enforcement Assistance Administration (or any successor agency thereto) with regard to the student loan and grant programs known as the law enforcement education program and the law enforcement intern program authorized by subsections (b), (c) and (f) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968.

TRANSFERS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 306. There are hereby transferred to and vested in the Secretary all functions relating to college housing loans vested in the Secretary of Housing and Urban Development or the Department of Housing and Urban Development by title IV of the Housing Act of 1950.

EFFECT OF TRANSFERS

SEC. 307. The transfer of a function, program or office from an officer or agency to the Secretary or to the Department includes any aspect of such function, program or office vested in a subordinate of such officer or in a component of such agency.

TITLE IV—ADMINISTRATIVE PROVISIONS

PART A—PERSONNEL PROVISIONS

OFFICERS AND EMPLOYEES

SEC. 401. (a) The Secretary is authorized to appoint and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5 of the United States Code.

(b)(1) Notwithstanding the second sentence of section 5108(a) of title 5 of the United States Code, the Secretary may place at grad levls GS–16, GS–17, and GS–18 a number of positions in such grades equal to the number assigned and employed on the day preceding the effective date of this Act in connection with functions transferred under this Act.

(2) Notwithstanding the second sentence of section 3104 of title 5 of the United States Code, the Secretary may establish within the Office created by section 206 of this Act àll scientific, professional and technical positions outside the General Schedule assigned and employed on the day precеding the effective date of this Act in cònnection with functions, offices and programs transferred under this Act.

(3) Appointments under this subsection may be made without regard to the provisions of sections 3104 and 3324 of title 5 of the United States Code, if the individual appointed in such position is an individual who is transferred in connection with a transfer of functions, offices or programs under this Act and, immediately before the effective date of this Act, holds a position and duties comparable to those of the position to which appointed hereunder.

(4) Except as provided in subsection (c), the authority of the Secretary under this subsection to appoint personnel without regard to sections 3104, 3324 and 5108(a) of title 5 of the United States Code shall cease with respect to any position when the person first appointed to fill such position leaves such position.

(5) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as he or she occupied on the day before the effective date of this Act.

(c) The Secretary may appoint, without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service, up to 112 scientific, technical or professional employees of the Office created by Section 206 of this Act and may compensate employees so appointed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The rate of basic compensation for such employees shall not be equal to or in excess of the rate of pay currently paid for GS–16 of the General Schedule of section 5332 of title 5 of the United States Code.

(d) Subject to section 3134 of title 5 of the United States Code, but notwithstanding any other provision of law, the Director of the Office of Personnel Management shall establish positions within the Senior Executive Service for 15 limited term appointees. The Secretary shall appoint individuals to such positions as provided by Section 3394 of title 5 of the United States Code. Such positions shall expire on the latter of three years after the effective date of this Act or three years after the initial appointment to each position;

(e) Notwithstanding the transfer of functions effected by section 303 of this Act (and the consequent transfer of personnel), personnel performing such functions shall have commissary and post exchange privileges in facilities of the Armed Forces.

EXPERTS AND CONSULTANTS

SEC. 402. The Secretary may obtain services as authorized by section 3109 of title 5 of the United States Code at rates not to exceed the daily rate prescribed for grade GS–18 of the General Schedule under section 5332 of such title for persons in Government service employed intermittently.

PART B—GENERAL PROVISIONS

GENERAL AUTHORITY

SEC. 421. In carrying out the functions or conducting offices or programs transferred by this Act, the Secretary, or any officer or employee of the Department, may exercise any authority or part thereof available by law (including appropriation Acts) with respect to such function, office or program to the official or agency from which such function, office or program is transferred.

DELEGATION

SEC. 422. Except as otherwise expressly provided in this Act, the Secretary may delegate any function, office or program vested in the Secretary to such officers and employees of the Department as the Secretary may designate and may authorize such successive redelegations of such function, office or program within the Department as the Secretary may deem to be necessary or appropriate.

REORGANIZATION

SEC. 423. The Secretary is authorized to establish, alter, consolidate or discontinue such organizational units or components within the Department as the Secretary may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this Act, or to the transfer of functions, offices or programs vested by this Act in such organizational unit or component.

RULES

SEC. 424. The Secretary is authorized to prescribe such rules and regulations as the Secretary may deem necessary or appropriate to administer and manage the functions, offices and programs vested in the Secretary or the Department in accordance with chapter 5 of title 5 of the United States Code.

CONTRACTS

SEC. 425. Subject to the provisons of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to make, enter into and perform such contracts, grants, leases, cooperative agreements or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may deem necessary or appropriate to carry out functions and programs vested in the Secretary or the Department.

REGIONAL AND FIELD OFFICES

SEC. 426. The Secretary is authorized to establish, alter, discontinue or maintain such regional or other field offices as the Secretary may deem to be necessary or appropriate to perform functions and programs vested in the Secretary or the Department.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 427. (a) The Secretary is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain schools and related facilities (but only to the extent that operation of schools and related facilities by the Department is authorized by this Act), laboratories, research and testing sites and facilities, quarters and related accommodations for employees and dependents of employees of the Department, personal property, or any interest therein, as the Secretary deems necessary; and to provide by contract or otherwise for eating facilities and other necessary facilities for the health and welfare of employees of the Department at its installations and purchase and maintain equipment therefor.

(b) The authority available to the Secretary of Health, Education, and Welfare under section 524 of the Education Amendments of 1976 shall also be available to the Secretary.

(c) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Department by the Administrator of General Services.

FACILITIES AT REMOTE LOCATIONS

SEC. 428. (a) The Secretary is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) dining facilities;

(4) audio-visual equipment, accessories and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2), (3) and (4) of subsection (a) shall be at prices reflecting reasonable value as determined by the Secretary.

(c) Proceeds from reimbursements under this section may be credited to the appropriations or funds that bear all or a part of the cost of such work or services or to refund excess sums when necessary.

USE OF FACILITIES

SEC. 429. (a) With their consent, the Secretary may, with or without reimbursement, use the research, equipment, services and facilities of any agency or instrumentality of the United States, of any State, or of any foreign government, in carrying out any function or program vested in the Secretary or in the Department.

(b) In carrying out his duties, the Secretary, under such terms, at such rates and for such periods (not exceeding five years), as the Secretary may deem to be in the public interest, is authorized to permit the use by public and private agencies, corporations, associations or other organizations, or by individuals, of any real property, or any facility, structure or other improvement thereon, acquired pursuant to sections 427 and 428, under the custody and control of the Secretary for Department purposes. The Secretary may require permittees under this section to recondition and maintain to a satisfactory standard, at their own expense, the real property, facilities, structures and improvements involved. This subsection shall not apply to excess property as defined in section 3(e) of the Federal Property and Administrative Services Act of 1949.

(c) Proceeds from reimbursements under this section may be credited to the appropriations or funds that bear all or a part of the cost of such work or services or to refund excess sums when necessary, except that such proceeds may be credited to a working capital fund otherwise lawfully established, including a fund established pursuant to section 432 of this Act and used under the law governing such fund.

(d) All interests in real property acquired pursuant to this Act shall be acquired in the name of the United States Government.

COPYRIGHTS AND PATENTS

SEC. 430. The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(a) copyrights, patents and applications for patents, designs, processes and manufacturing data;

(b) licenses under copyrights, patents and applications for patents; and

(c) releases, before suit is brought, for past infringement of patents or copyrights.

GIFTS AND BEQUESTS

SEC. 431. The Secretary is authorized to accept, hold, administer and utilize gifts, bequests and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts, bequests and devises of money and proceeds from sales of other property received as gifts, bequests or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

WORKING CAPITAL FUND

SEC. 432. (a) The Secretary, with the approval of the Director of the Office of Management and Budget, is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be deductible in the interests of economy and efficiency, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components; central messenger, mail, telephone and other communications services; office space; central services for document reproduction, and for graphics and visual aids; and a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates that will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities and unpaid obligations relating to the services which the Secretary determines, with the approval of the Office of Management and Budget, will be performed.

FUNDS TRANSFER

SEC. 433. The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year may be thus increased or decreased by more than ten percent.

SEAL OF DEPARTMENT

SEC. 434. The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 435. (a) The Secretary shall, as soon as practicable after the close of each fiscal year, make a single comprehensive report to the President for transmission to the Congress on the activities of the Department during such fiscal year. Such report shall include a statement of goals, priorities and plans for the Department together with an assessment of the progress made toward the attainment of those objectives, the more effective and efficient management of the Department and the coordination of its functions.

(b) (1) In preparing and developing the report required by subsection (a), the Secretary shall, to the maximum extent practicable, consult with members of the public, including representatives of parents, students, educators, State and local governments, private institutions, other organizations and individuals. The Secretary shall hold such public hearings in the District of Columbia and in such other locations as the Secretary deems appropriate to maximize public participation.

(2) The Secretary may reimburse any person for expenses reasonably incurred in the course of consultation or hearings under paragraph (1) if such person—

(A) has made or is likely to make a material contribution to the work of the Department; and

(B) could not otherwise participate fully and effectively in such consultation.

(3) For purposes of this section, the term "person" shall have the same meaning as in section 551(2) of title 5 of the United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 436. Subject to any limitation on appropriations applicable with respect to any function or program transferred to the Department or the Secretary, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act and to enable the Department and the Secretary to perform any function or conduct any program or office that may be vested in the Department or the Secretary. Funds appropriated in accordance with this section shall remain available until expended.

RELATIONSHIP TO GENERAL EDUCATION PROVISIONS ACT

SEC. 437. Except where inconsistent with the provisions of this Act, the General Education Provisions Act shall apply to functions transferred by this Act to the extent applicable on the day preceding the effective date of this Act.

TECHNICAL ADVICE

SEC. 438. (a) The Secretary is authorized, upon request, to provide advice, counsel and technical assistance to applicants or potential applicants for grants and contracts and other interested persons with respect to any functions or programs of the Secretary or the Department.

(b) The Secretary may permit the consolidation of applications for grants or contracts with respect to two or more functions or programs administered by the Secretary or the Departemnt: *Provided*, That such packaging or consolidation shall not alter the statutory criteria for approval of applications for funding with respect to such functions or programs.

TITLE V—TRANSITIONAL, SAVINGS AND CONFORMING PROVISIONS

TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL

SEC. 501. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records and unexpended balance of appropriations, authorizations, allocations and other funds employed, held, used, arising from, available to or to be made available in connection with the functions, programs, offices or portions thereof transferred by this Act, subject to section 202 of the Budget and Accounting Act of 1950, shall be transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) Positions expressly specified by statute or reorganization plan to carry out functions, offices or programs transferred by this Act, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation in such positions at the rate prescribed for offices and positions at level I, II, III, IV, or V of the executive schedule (5 U.S.C. 5312–5316) on the effective date of this Act, shall be subject to the provisions of section 503 of this Act.

EFFECT ON PERSONNEL

SEC. 502. (a) Except as otherwise provided in this Act, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions pursuant to this title shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer to the Department.

(b) Any person who, on the day preceding the effective date of this Act, holds a position compensated in accordance with the executive schedule prescribed in chapter 53 of title 5 of the United States Code and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed in such prior position shall continue to be compensated in such new position at not less than the rate provided for the previous position, for the duration of the service of such person in the new position.

AGENCY TERMINATIONS

SEC. 503 (a) The following offices shall terminate upon the transfer of functions or programs pursuant to this Act:

(1) the Education Division of the Department of Health, Education, and Welfare (but not the National Institute of Education);

(2) the Office of the Assistant Secretary for Education of the Department of Health, Education, and Welfare;

(3) the Office of Education and the Office of the Commissioner of Education of the Department of Health, Education, and Welfare; and

(4) the Office for Dependents' Schools of the Department of Defense.

(b) Each position which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for level IV or V of the executive schedule (5 U.S.C. 5315–5316), in an office terminated pursuant to this Act shall also terminate.

(c) (1) The director of any office in the Department the director of which was required prior to the effective date of this Act to report to the Commissioner of Education or the Assistant Secretary for Education of the Department of Health, Education, and Welfare shall report to the Secretary.

(2) The Secretary is authorized to delegate reporting requirements rested in the Secretary by paragraph (1) of this subsection to any officer or employee of the Department.

INCIDENTAL TRANSFERS

SEC. 504. (a) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized and directed

(1) to make such determinations as may be necessary with regard to the transfer of functions, programs, offices or portions thereof that relate to or are utilized by an officer, agency, commission or other body, or component thereof, transferred by this Act; and

(2) to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records and unexpended balances of appropriations, authorizations, allocations and other funds held, used, arising from, available to or to be made available in connection with such functions, programs, office or portions thereof, as the Director may deem necessary to accomplish the purposes of this Act.

(b) The Director shall provide for terminating the affairs of all offices terminated by this Act and for such further measures and dispositions as the Director deems necessary to effectuate the purposes of this Act.

(c) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized and directed, at such time as the Director of the Office of Management and Budget shall provide, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions transferred by this Act.

SAVINGS PROVISIONS

SEC. 505. (a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates and privileges that—

(1) have been lawfully issued, made, granted or allowed to become effective in the performance of functions or programs which are transferred under this Act to the Department after the date of enactment of this Act, and

(2) are in effect at the time this Act takes effect,

shall continue in effect according to their terms until lawfully modified, terminated, superseded, set aside or revoked.

(b) (1) The provisions of this Act shall not affect any proceedings (including, but not limited to, notices of proposed rulemaking) or any application for any license, permit, certificate or financial assistance pending at the time this Act takes effect before any department, agency, commission or component thereof, functions, offices or programs of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions, offices or programs so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until lawfully modified, terminated, superseded, or revoked. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary is authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions or programs of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions or programs of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof, in his official capacity, is a party to a suit, and under this Act any function, office or program of such department, agency or officer is transferred to the Secretary or any other official, then such suit, insofar as it relates to such function, office or program, shall be continued with the Secretary or other official, as the case may be, substituted.

SEPARABILITY

SEC. 506. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, neither the remainder of this Act nor the application of such provision to other persons or circumstances shall be affected thereby.

REFERENCE

SEC. 507. With respect to any function or program transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, commission or agency or any officer or office the functions or programs of which are so transferred shall be deemed to refer to the Secretary, other official or component of the Department in which this Act vests such functions.

AMENDMENTS

SEC. 508. (a) Section 19(d)(1) of title 3 of the United States Code is amended

(1) by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services"; and

(2) by inserting immediately before the period at the end thereof the following: ", Secretary of Education".

(b) Section 101 of title 5 of the United States Code is amended—

(1) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services"; and

(2) by adding at the end thereof the following: "The Department of Education.".

(c) Section 5108(a) of title 5 of the United States Code is amended by striking out "10,777" and inserting in lieu thereof "10,838".

(d) Section 5312 of title 5 of the United States Code is amended by adding at the end thereof the following:

"(15) Secretary of Education.".

(e) Section 5314 of title 5 of the United States Code is amended by inserting immediately after paragraph (4) thereof the following:

"(5) Under Secretary of Education.".

(f) Section 5315 of title 5 of the United States Code is amended—

(1) by striking out paragraph (17) and inserting in lieu thereof

"(17) Assistant Secretaries of Health and Human Services (4)."; and

(2) by inserting immediately after paragraph (24) thereof the following:

"(25) Assistant Secretaries of Education (6).

"(26) General Counsel, Department of Education.

"(27) Inspector General, Department of Education.".

(g) Section 5316 of title 5 of the United States Code is amended by striking out paragraph (41) and by inserting in lieu thereof the following:

"(41) Officers, Department of Education, (6).".

(h) Subchapter II of chapter 53 of title 5 of the United States Code is further amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

(i) The Comprehensive Employment and Training Act of 1973 is amended as follows:

(1) Section 111(a) shall read:

"Sec. 111(a). The Secretary of Labor shall consult with the Secretary of Health and Human Services with respect to arrangements for services of a health or welfare character under this Act. The Secretary of Labor shall consult with the Secretary of Education with respect to arrangements for services of an educational nature under this Act, and the Secretary of Education and the Secretary of Health and Human Services shall solicit the advice and comments of appropriate States agencies with regard to, respectively, education and health and welfare services. Such services shall include basic or general education; educational programs conducted for offenders; institutional training; health care, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions."

(2) Section 127(b) is amended by striking out "and the Secretary of Health, Education, and Welfare" in the first line and inserting in lieu thereof ", the Secretary of Education and the Secretary of Health Human Services".

(3) Section 311(g) is amended by striking out "Health, Education, and Welfare," and inserting in lieu thereof "Health and Human Services, Department of Education,";

(4) Section 314 is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education";

(5) Section 438(a)(2) is amended by striking out the words "Health, Education, and Welfare," and inserting in lieu thereof the words "Education, Secretary of Health and Human Services,";

(6) Section 502(a) is amended by

(A) striking out the number "15" and inserting in lieu thereof "16"; and

(B) striking out the words ", Health, Education, and Welfare," in paragraph (1) and inserting in lieu thereof the words "Education, Secretary of Health and Human Services,".

(j) Section 5 The Alcohol and Drug Abuse Education Act is amended—

(1) by inserting after the word "Secretary" in the first sentence, the words ", the Secretary of Health and Human Services,"; and

(2) by striking out the words "of Health, Education, and Welfare" in the second sentence and inserting in lieu thereof the words ", Department of Health and Human Services,".

(k) Section 1411 of the Defense Dependents' Education Act of 1978 is amended:

(1) by inserting in subsection (a)(1) thereof after the words "Assistant Secretary")" the word "and principal officer of the Department of Education responsible for the office established pursuant to section 207 of the Department of Education Act,".

and by striking out in such subsection the word "Chairman" and inserting in lieu thereof "Co-chairmen";

(2) by adding in subsection (a)(2) thereof after the word "Secretary," the words "and the principal officer of the Department of Education responsible for the office established pursuant to section 207 of the Department of Education Act,";

(3) by striking out all of subparagraphs (A) and (B) of subsection (a)(3) thereof, inserting in lieu thereof the new subparagraph (A) which shall read—

"(A) the Secretary of Educaton,"

and relettering subparagraphs (C), (D), and (E) of paragraph (3) as (B), (C), and (D), respectively; and

(4) by adding to subsection (c) thereof a new paragraph (2) which shall read—

"(2) make recommendations to the Director and to the Secretary of Education on the orderly transfer of the functions of under the Dependents' Education Act of 1978 to the Secretary and Department of Education,"

and renumbering paragraphs (2), (3) and (4) of subsection (c) as paragraphs (3), (4), and (5), respectively.

(l) Section 103(c)(2)(B) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence:

"The Secretary of Health and Human Services shall transmit the information required by this subparagraph to the Secretary of Education not later than February 1 of each year."

REDESIGNATION

SEC. 509. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Human Services, and the Secretary of Health, Education, and Welfare or any other official of the Department of Health, Education, and Welfare is hereby redesignated the Secretary or official, as appropriate, of Health and Human Services.

(b) Any reference to the Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare or any other official of the Department of Health, Education, and Welfare in any law, rule, regulation, certificate, directive, instruction or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Human Services, the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or program transferred to the Secretary under this Act.

TRANSITION

SEC. 510. With the consent of the appropriate department or agency head concerned, the Secretary is authorized to utilize the services of such officers, employees and other personnel of the departments and agencies from which functions, offices or programs have been transferred to the Secretary, and funds appropriated to such functions, offices or programs, for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

TITLE VI—EFFECTIVE DATE AND INTERIM APPOINTMENTS

EFFECTIVE DATE

SEC. 601. The provisions of this Act shall take effect one hundred eighty days after the Secretary first takes office, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) any of the officers provided for in title II of this Act may be nominated and appointed, as provided in such title, and (2) the Secretary may promulgate regulations pursuant to section 505(b)(2) of this Act. Funds available to any department or agency (or any official or component thereof), the functions, offices or programs of which are transferred to the Secretary by this Act, may, with the approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this title and other transitional and planning expenses associated with establishment of the Department or transfer of functions, offices or programs thereto until such time as funds for these purposes are otherwise available.

INTERIM APPOINTMENT

SEC. 602. In the event that one or more officers required by this Act to be appointed by and with the advice and consent of the Senate shall not have taken office on the effective date of this Act, and notwithstanding any other provision of law, the President may designate any officer in the executive branch to act in such office until the office is filled. While so acting, any such officer shall receive compensation at the rate provided under this Act for the office in which he or she acts.

To the Congress of the United States:

I am sending to the Congress today my proposal to establish a Department of Education.

There is a compelling need for the increased national attention a separate Cabinet department will bring to education issues. Our Nation's pluralistic education system, considered the most competent and open in the world, faces many problems and challenges: a decline in public confidence in the quality of education; unacceptably high rates of high school dropouts and of young people who lack basic educational tools and specific skills for productive employment; and increasing demands for retraining and learning opportunities.

The primary responsibility for education in our Nation lies with State and local government. The Federal government has a limited, but critical responsibility to help public and private institutions meet these challenges: to ensure equal educational opportunities; to increase access to postsecondary education by low and middle income students; to generate research and provide information to help our educational systems meet special needs; prepare students for employment; and encourage improvements in the quality of our education. The achevement of each of these goals will be enhanced by a new Department of Education.

Through our legislative and budget initiatives of the past two years, this Administration has given high priority to meeting these educational commitments. My budget for FY 1980 provides for $13.3 billion in education outlays, about a 45 percent increase above the level when I came into office. Last year, we established a legislative framework, the Middle Income Student Assistance program, to help solve one of our major education problems—the growing cost of a college education. The establishment of a Cabinet Department of Education will reflect the continued high priority my Administration places on education.

A Department of Education will bring our Nation's educational challenges and the Federal government's role in meeting them to the forefront of domestic policy discussion. Such discussion is vital to an activity that directly affects 60 million students, teachers and educational employees and constitutes a $120 billion public and private enterprise.

Establishing a separate Department will create, for the first time, a Cabinet-level advocate for education with direct access to the President, the Congress, and the public.

Second, it will give Federal education programs the full-time, high-level leadership and management that they cannot receive in a structure so large and complex as the Department of Health, Education, and Welfare. This will allow the Federal government to fulfill its responsibilities in education more effectively. It will eliminate duplication in the adminitsrative and staff support activities within the Office of the HEW Secretary and the Education Division. It will allow improved financial management and more efficient administration of education programs. Separation of the education functions from HEW will also promote improved management of its closely-related health and welfare responsibilities.

Third, it will provide greater accountability. Submerged beneath HEW's dominant functions of health and welfare, Federal education programs lack full-time accountability at the Cabinet level. With a separate Department of Education, one Cabinet member will report directly to the President and be accountable to the Congress and the American people for the conduct of Federal education policies.

Fourth, it will provide simpler, more reliable, and more responsive support to states, localities, public and private institutions, given them a direct line of Cabinet-level contact with the Federal government.

Fifth, the new Department will allow better coordination of education programs with related Federal activities, such as employment programs and research. It will also allow high-level consideration of the impact of other Federal policies, such as tax and energy, on education institutions and students.

Under the proposal I am submitting today, the Department of Education will include more than 150 programs and 16,200 employees. With a budget of more than $13 billion, this Department will be larger than five other Departments including Energy, Commerce, Justice, Interior, and State.

In addition to the 140 programs in the Education Division of the Department of Health, Education, and Welfare, the new Department of Education will handle educational activities now carried out by several other departments. These include: the U.S. Department of Agriculture School, certain science education programs of the National Science Foundation, the overseas dependents' schools of the Department of Defense, the college housing loan program of the Department of Housing and Urban Development, the Law Enforcement Education and the Law Enforcement Internship Program of the Department of Justice, and the Migrant Education programs of the Department of Labor.

The proposed legislation establishes within the Department of Education separate Offices for Civil Rights, Elementary and Secondary Education, Postsecondary Education and Educational Research and Improvement, each headed by an Assistant Secretary. It establishes an office to administer functions related to the education of overseas dependents of Department of Defense personnel, an Inspector General, and a 20-member Intergovernmental Advisory Council on Education, appointed by the President, to promote better relations with the various levels of government and private institutions.

I urge the Senate and the House of Representatives to act promptly on this important proposal.●

By Mr. MATSUNAGA:

S. 511. A bill to amend section 457 of the Internal Revenue Code of 1954 to extend to deferred compensation plans maintained by tax exempt organizations the treatment conferred upon such plans maintained by State and local governments by the Revenue Act of 1978; to the Committee on Finance.

EXTENSION OF DEFERRED COMPENSATION PLAN PROVISIONS TO EXEMPT ORGANIZATIONS

Mr. MATSUNAGA. Mr. President, today I am introducing a bill to extend section 457 of the Internal Revenue Code, which authorizes unfunded deferred compensation plans for State and local governments, to tax exempt organizations.

The Congress enacted section 457 of the Internal Revenue Code as part of the Revenue Act of 1978. This provision resolved a heated controversy between State and local governments on the one hand and the Department of the Treasury on the other.

Since 1960, the Treasury has sanctioned deferred compensation plans under its administrative interpretation of the constructive receipt and cash equivalency doctrines. However, the Treasury subsequently viewed the growing use of deferred compensation arrangements as undermining effective tax administration. In a letter to Chairman Russell Long dated May 4, 1977, Treasury Secretary Michael Blumenthal noted the use of such plans where employees apparently were in constructive receipt of compensation. Secretary Blumenthal also noted that State and local governments and tax exempt organizations could establish such plans for their workers without meeting the nondiscrimination rules and the contribution limitation imposed by the Employee Retirement Income Security Act (ERISA) for qualified pension plans.

The Treasury sought to change its administrative practices by issuing proposed regulations on February 3, 1978. The regulations would have subjected deferred amounts to current taxation.

The proposed regulations alarmed many employers who utilized these deferred compensation arrangements. The new administration's position reversed the Internal Revenue Service practice of sanctioning such plans. Moreover, the proposed regulations, it was believed, contravened the principle of constructive receipt.

In reaching a suitable legislative compromise, the Congress enacted section 457 of the code; this provision permits continued deferral of compensation for State and local government workers subject to a percentage limitation and set dollar limitation.

The Revenue Act of 1978 also retained the unfunded deferred compensation plan for private, taxable entities. These taxable entities forego the tax deduction for compensation deferred by the individual worker. Consequently, the taxable corporation extends deferred compensation arrangements only to a relatively few highly compensated workers. These individuals do not need ERISA protection afforded under qualified plans; also, in many situations, there is an element of negotiated risk, since the worker's claim for deferred compensation is that of an unsecured creditor.

The Senate version of the Revenue Act of 1978 covered tax exempt organizations under that provision for private, taxable entities. This approach found little support in conference with the House Ways and Means Committee. Consequently, the provision for tax exempt organizations was deleted from the final version of the Revenue Act.

Thus, the Revenue Act provided for State and local government deferred compensation plans as well as for private, taxable corporation's deferred compensation arrangements. However, no provision was made for unfunded deferred compensation arrangements utilized by tax exempt organizations.

My bill seeks to provide for tax exempt organizations by covering them under the arrangement for State and local governments. It answers the needs of these organizations who are now faced with great uncertainty in providing for their employees. I therefore urge quick Senate action on this measure.

By Mr. MOYNIHAN:

S. 512. A bill exempting employees serving 60 days or less from the financial reporting requirements of the Ethics in Government Act of 1978; to the Committee on Governmental Affairs.

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to amend the Ethics in Government Act of 1978. I believe this bill is welcomed by the distinguished chairman of the Governmental Affairs Committee, as it will put into effect what I understand was intended all along of those who worked on the act in the Senate. I refer to the exclusion from the act's public financial disclosure requirements of those who serve in their appointed capacities for 60 days or less. There are in the act as passed ample indications that this was the intent of the Congress, but as happens on occasion in a complex piece of legislation some confusion has arisen over the implementation of the act's detailed provisions in this regard. I hope that this bill will set at least some of these matters straight.

In fact, two concerns about the act have recently surfaced. The first derives from those provisions which in certain respects restrict for a time the employment and activities of those who have served as senior public officials and who then return to private life. I was myself concerned that in passing the act last year, we might, in trying to prevent conflicts of interest, have erred in a direction which would ultimately discourage many of our ablest citizens from active participation in Government.

Of course, I was pleased and reassured when our esteemed colleagues, the senior Senator from Connecticut and the senior Senator from Illinois, moved speedily last week to dispell any doubts about the proper interpretation of the relevant conflict of interest provisions, and to allay the fear that these provisions may have been drafted too loosely.

The memorandum of understanding published in the Record on February 21, jointly by the Senate and House leaders of the conference on the 1978 act, is most welcome in specifying the intended focus of the act's conflict of interest provisions. I thank my distinguished colleagues for their ready and helpful guidance toward resolving these uncertainties. It is also my understanding, I should add, that the director of the newly established Office of Government Ethics will soon issue regulations which will further clarify matters. This is all to the good.

The second concern about the act is as I have mentioned: That in providing for the full public disclosure of the financial interests of nominees and appointees to high government posts—and of their immediate family members—we have unintentionally, or at least unnecessarily, included those who serve for limited periods and in limited capacities, notably as members of various part-time advisory bodies; that in so doing we have inadvertently stepped beyond the public's right to be informed and into the citizen's right to privacy; and that the resulting situation is one where many accomplished citizens, whose public service is to be sought after for the country's good, will stand back and deny us the benefit of their learning and experience.

The bill I am introducing would amend the 1978 Ethics in Government Act to exclude from the act's public financial disclosure requirements any who serve in their appointed capacities for 60 days or less during a calendar year. The bill's provisions apply to employees in each of the three Federal branches, and require those whose service exceeds 60 days to meet the act's disclosure requirements on the 61st day. I hasten to add that this bill in no way limits the ability of the President or a congressional committee to require full disclosure to them of all pertinent facts about a candidate. Should any questions arise about a particular individual, the President or a committee of course remain free to require that individual to make the disclosure public before further considering his or her candidacy. But it would preserve the privacy of many individuals who are named to advisory and consultative positions.

It is plain that we must both preserve the free exchange of ideas between the public and private spheres, and also safeguard that very separation of the public and private arenas which defines a free society. I believe this bill will help the 1978 Ethics in Government Act to maintain this balance, and I ask my colleagues to regard it favorably.

I ask unanimous consent to have printed in the Record an article in Newsweek for March 5, 1979.

There being no objection, the article was ordered to be printed in the Record, as follows:

(From Newsweek, Mar. 5, 1979)

A Federal Brain Drain

Donald Frederickson, director of the National Institutes of Health, is thinking about leaving the government soon. So is Hale Champion, Under Secretary of Health, Education and Welfare. Ernest Boyer, commissioner of education, who planned to resign next year, may quit much sooner. Already, two Securities and Exchange Commission officials have resigned, and Joseph Califano has warned that 100 top staffers in HEW alone might follow. The reason: a tough new conflict-of-interest law set to go into effect July 1 that will restrict what public servants can do after they leave Uncle Sam's employ. "Companies and law firms are saying, 'This is the last train out'," complains one top agency official. "After July 1, we're all pariahs."

For decades, government service has been a "revolving door." Hundreds of talented people are recruited every year from businesses, law firms and universities for stints in Federal agencies, and later return to the private sector in high-paying jobs. All too often, critics charge, they pull their regulatory punches out of fear of offending prospective employers. Once out of government, they may use their public know-how and know-who for private ends. They know where the loopholes are and can pull strings in their old agencies. Watchdog groups have long warned that the revolving door poses possible conflicts of interest, and candidate Jimmy Carter vowed to break up the "sweetheart arrangements" between the regulators and the industries they regulate.

Rebellion.—Last year, at Carter's urging, Congress passed the Ethics in Government Act to prevent former government employees from turning their public service to private advantage. But two provisions in that law seem so strict that they have sparked a rebellion in the Federal ranks. The new law states that for two years after leaving office, former high-ranking bureaucrats may not "aide, assist, counsel, advise or aide in representing" anyone on any governmental matter that they had responsibility for in office. And for one year, those ex-officials can have virtually no contact with their former agencies at all. Penalties range up to a $10,000 fine and two years in prison, and the ex-bureaucrat and his new employer can be blacklisted from further dealings with the government.

Some Federal officials charge that the new law punishes them simply for having served in the government. And nonprofit institutions may be especially hard hit since they are so dependent on government grants. "Because of the 'cooling off' period. I wouldn't be able to go back to my old job and even informally assist someone in a research grant," say Fredrickson, who was president of the National Academy of Science's Institute of Medicine before joining NIH. "I'd have to stay in liquid nitrogen for two years." Some agency heads worry that the restrictions will discourage top people from accepting government posts, leaving the agencies strapped for technical experts. "This probably would have deterred me from joining the SEC," says Albert Sommer, a former commissioner who now practices securities law. "You will see a substantial exodus from the SEC."

Ethics? Califano and Defense Secretary Harold Brown—who have both made round trips through the revolving door—have objected to Carter. "The law with respect to the nonprofit world should be changed or postponed until Congress can think it through," says Califano. "I don't think it was intended to kick off a major brain drain." Even some congressmen are having second thoughts. "I think it had much more in it than we realized," says Sen. Daniel Moynihan of New York. "In the name of ethics in government, we are making service to government impossible for ethical people."

Much depends on the handiwork of one bureaucrat—Bernhardt Wruble, director of the new Office of Government Ethics, who is translating the law into specific regulations. He contends that once the regulations are issued, many fears will prove unfounded. "People will be able to return to top-ranking positions and function," he says. "But the law will prevent them from giving someone the scoop on Joe Jones, head of research grants." Counters one agency official: "Who wants to keep five pages of regulations in his desk drawer for easy reference every time he has to make a decision?" In the end, the regulations may be so finely drawn they will catch few influence-peddling ex-officials, but make life after government frustrating for the rest.

By Mr. MOYNIHAN:

S. 513. A bill to extend for 2 years at its present level the program of general revenue sharing provided under the State and Local Fiscal Assistance Act of 1972; to the Committee on Finance.

Mr. MOYNIHAN. Mr. President, I am today introducing a bill to extend the State and Local Fiscal Assistance Act of 1972 in its present form and at its present levels for 2 years beyond its current expiration date of September 30, 1980. This program, commonly known as general revenue sharing, represents one of the most creative accomplishments of American federalism in the past decade. It is based on a simple but fundamental fact: The progressive nature of Federal taxation is such that as the economy grows the revenues of the Federal Government grow faster than do the revenues of State and local governments. In order to preserve a balanced Federal system, it is of central importance that we preserve the ability of State and local government to respond to their distinctive circumstances in their own ways. In that spirit, the idea began to be developed in the Kennedy and Johnson administrations that the Federal Government ought to direct a portion of its growing revenues to States and localities without the restrictions and specification required in categorical programs. This was a large idea. It was developed and advanced by such distinguished political economists as Walter Heller and Joseph Pechman. In time, it was proposed to Congress by President Nixon and adopted in its present form in 1972.

In recent weeks, we have begun to see in many quarters a willingness to revise some of our most fundamental governmental arrangements and to undo some of our hardest won achievements so as to accommodate the politics and economics of the next 18 to 36 months. It is not necessary here even to speak of those who would amend the Constitution of the United States for that purpose. It is not necessary to speak of those who say we should sharply reduce Federal spending but who are unwilling or unable to say which forms of spending should be reduced. I have the utmost respect for those who are courageous enough to specify a particular program and suggest those who are courageous enough to specify a particular program and suggest that it be reduced or eliminated. That is a responsible act performed by responsible public officials. It is the proper subject for public debate and political decisionmaking.

In the case of general revenue sharing, it is my view that the program is important and should be continued. The conception of federalism which underlies it, and the durable economic trends on which it is based, seemed valid to me. It may be the case that some States and localities are experiencing surpluses in their current budgets and it is indisputably the case that the Federal Government is experiencing a deficit. But these surpluses are mostly cyclical. Some reflect different accounting practices more than they represent true differences in fiscal condition.

We must not overlook the long-term trends. Even with revenue sharing, State and local taxes as a percentage of personal income more than tripled between 1961 and 1977. The Federal income tax has remained almost constant in this respect. Notwithstanding the rapid increases in their taxes, many of which are burdensome and regressive in impact, States and localities have grown more dependent on revenues from Washington. Had the Federal Government kept its aid at the levels experienced before enactment of revenue sharing, State taxes would have risen still further, or services would have diminished or—more likely—the Federal Government would have stepped in with yet more detailed and complicated categorical efforts to replace State effort and thereby inevitably to reduce the ability of the States to manage their affairs.

This ought to not happen. At least it ought not to happen casually. If it is to happen, it must be the result of a sustained and serious an examination of the proper workings of a Federal system as that which produced revenue sharing. In that spirit I suppose that we agree now to continue the present arrangement for an additional 2 years, and I seek the support of my colleagues for that proposition.

By Mr. BELLMON:

S. 514. A bill to amend the Emergency Petroleum Allocation Act of 1973 to exempt from price controls economically marginal crude oil production; to the Committee on Energy and Natural Resources.

DEPTH QUALIFIED STRIPPER WELLS

● Mr. BELLMON. Mr. President, according to a recent (January 8) nationwide Harris public opinion poll, 65 percent of all Americans interviewed said they favored "deregulation of price of all oil produced in the United States, if this would encourage development of more oil production here at home." That is a very encouraging development. It shows once again Mr. President, that the American people understand basic economics better than politicians think they do. It shows that most Americans are more concerned with "supply" than they are with "price."

Mr. President, there can be no doubt that price deregulation would result in more oil production here at home. Congress has not yet repealed the Laws of supply and demand. The trouble we have had in recent years is that there are people high and influential in this Carter administration who feel that those laws are not "fair." They believe that it is not fair for a producer to get what his product is worth. To them, "high" prices can be "allowed" when costs of production are high and when increased supplies are needed. Today Mr. President, I am introducing a bill that ought to satisfy even those in this administration who feel that prices ought to be dictated by Government, rather than by natural economic law. I propose a realistic definition of a "stripper" oil well.

Mr. President, at present, many old and economically marginal oil fields are being prematurely abandoned. There are things oilmen can do to keep a well producing that is running dry, but those cost money. You cannot expect a producer to keep a well producing if he loses money doing so. And you cannot expect a producer to employe enhanced recovery techniques if it looks like he will wind up losing money in the long run.

In recognition of the facts, the Congress approved an amendment by my former colleague, Dewey Bartlett, excepting stripper well oil from price controls. The problem is, a stripper well was too narrowly defined. Presently, a stripper well is one which has produced crude oil at a maximum feasible rate throughout a 12-month qualifying period of no more than 10 barrels a day, on the average.

Obviously Mr. President, it costs much more to produce oil from a deep well than it does from a shallow well. The present definition of stripper well makes no distinction as to the depth of the well. The bill I am introducing today will bring some reality to the situation by increasing the qualifying production threshold with the depth of the well.

Specifically Mr. President, the bill I am introducing today would define a stripper well to mean 20 barrels from an average production depth of greater than 2,000 feet; 25 barrels from an average depth of greater than 4,000 feet; 30 barrels from an average depth of greater than 6,000 feet; and finally, 35 barrels from an average production depth of greater than 8,000 feet.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 609. Section 8 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding at the end thereof the following new paragraph:

"(k) (1) The first sale of deep stripper well crude oil shall be exempt from the regulation promulgated under section 4(a) of this Act.

"(2) (A) For purposes of this subsection, 'deep stripper well crude oil' means crude oil produced and sold from a property whose maximum average daily production of crude oil per well during any consecutive twelve-month period beginning after December 31, 1975, exceeds ten barrels but does not exceed—

"(i) twenty barrels from an average producing depth greater than two thousand feet but not greater than four thousand feet;

"(ii) twenty-five barrels from an average producing depth greater than four thousand feet but not greater than six thousand feet;

"(iii) thirty barrels from an average producing depth greater than six thousand feet but not greater than eight thousand feet;

"(iv) thirty-five barrels from an average producing depth greater than eight thousand feet.

"(B) To qualify for the deep stripper well crude oil exemption under this subsection, a property must be producing crude oil at the maximum feasible rate throughout the twelve-month qualifying period and in accordance with recognized conservation practices.

"(3) For purposes of this section, the President shall include in the computation of the actual weighted average first sale price of crude oil produced in the United States in any month subsequent to the month of enactment of this subsection, the actual volume of deep stripper well crude oil and such actual volume shall be deemed to have been sold at a first sale price which equals the average price for which such crude oil would have been sold if the exemption under this subsection had not been in effect.

"(4) The provisions of this subsection shall take effect on the first day of the first full month which begins after the date of enactment of this subsection."●

By Mr. JOHNSTON:

S. 515. A bill to establish interest rates on SBA disaster loans for disasters occurring between October 1, 1978, and October 1, 1982; to the Select Committee on Small Business.

SBA DISASTER LOANS

● Mr. JOHNSTON. Mr. President, today, I am introducing a bill to reduce the interest rates on SBA disaster loans for disasters occurring between October 1, 1978, and October 1, 1982. The disaster loan interest rates in this bill are 5 percent for both homeowners and other victims of disasters. My bill provides homeowners 5-percent disaster loan interest rates on the first $55,000 of damage to personal property and identical interest rates to businesses on the first $250,000 of damage. Loans in excess of these ceilings will be one-fourth of 1 percent plus the average annual interest rate on the public debt outstanding at the end of the previous fiscal year.

The disaster loan interest rates in this bill are substantially similar to the interest rates established last year in the conference report on H.R. 11445, the omnibus amendments to the Small Business Act and the Small Business Investment Act. As you will recall, the President vetoed this legislation last Congress partially because it contained excessively deep interest rate subsidies. My bill eliminates this contentious issue by limiting the interest rate to homeowners to 5 percent.

Mr. President, I hope that Congress maintains its tradition of taking expeditious action to help people and communities suffering physical disasters. I trust that Congress will continue to demonstrate its concern for the plight of disaster victims such as the victims in Bossier City, La., who recently suffered through a catastrophe of exceptional proportions. I consider the interest rate subsidy on disaster loans contained in my bill to be an investment in the people of Bossier City and other communities throughout our Nation that suffer similar catastrophes. I am confident that our Nation is guaranteed a return on this investment and I urge my colleagues to expeditiously pass this legislation.●

By Mr. BELLMON:

S. 516. A bill to count injection wells as wells for stripper purposes; to the Committee on Energy and Natural Resources.

● Mr. BELLMON. Mr. President, there has been a lot of talk, lately, about the emergence of what might be called a fourth independent branch of the Federal Government. If there were such a branch, and if the Constitution provided for such a branch, I suppose it would be called the regulatory branch.

It is true Mr. President, that the Congress has set up a number of independent regulatory agencies, but it has always been the intention of Congress that these agencies reside in the executive branch. The President is supposed to have some control over them. They are supposed to pay some attention to the rulings of the judicial branch.

Mr. President, I am sure that many of my colleagues will have more to say on this issue, both pro and con, as this session continues. But today, I want to give a little background for the introduction of a simple bill aimed at increasing domestic crude oil production and reducing costly oil imports.

Mr. President, if an oilman has a field that is about to play out, there are things that he can do to increase production above what would be that field's natural decline curve. Those things are called "enhanced recovery techniques," and they cost money. One technique is to cease production on several of the wells and force water or chemicals down those wells into the field. Those introduced fluids will drive more oil out the other wells than they would have otherwise have produced.

Mr. President, whenever conditions merit the employment of these techniques, it is in the national interest that oilmen employ them. All oil produced in excess of what would have been produced anyway saves us from having to import that oil. Enhanced recovery techniques would not ordinarily be employed until average production from the wells on that field had gotten fairly low. Now, Congress has exempted "stripper" properties or wells from price controls. A "stripper" well is presently defined as one having produced an average of 10 barrels a day or less, when producing at a maxmium feasible rate, over a 12-month period. The question arises as to how one treats the wells that have been taken out of production and used as injection wells.

Mr. President, on October 31, 1977, the Senate, by an overwhelming 62 to 24 vote, expressed the view that oil producers should be able to count injection wells as wells for purposes of determining whether a producing property qualified as a stripper property. The Federal Energy Administration (now the Economic Regulatory Administration within the Department of Energy) had not been allowing producers to count those injection wells as production wells.

On January 26, 1978, the U.S. District Court for the District of Kansas ruled that FEA had illegally excluded injection wells from the definition of well in the statutory stripper exemption. On March 9, 1978, I and 23 of my Senate colleagues wrote the Secretary of Energy, which now housed FEA, and urged him not to appeal that district court ruling. I shall include that letter for the RECORD. We pointed out what the view was of the overwhelming majority of the Senate on the question of injection wells.

We received a reply from Mr. Eric Fygi, acting general counsel, on March 29, 1978, and I include a copy of that letter for the RECORD. Mr. Fygi informed us that DOE had already filed an appeal, and that in his opinion, DOE interpretations were consistent with the intent of Congress. Mr. President, I believe Mr. Fygi and the administration need to receive a clear signal from the Congress on this matter.

Recently, Mr. President, I read that Secretary Schlesinger was considering allowing the counting of injection wells as one means of increasing domestic production of oil without allowing complete decontrol of all oil. If Mr. Schlesinger really means that, Congress should help him out. If he cannot get the regulators in his own Department to pay any attention to him, and they will not pay any attention to the courts, maybe they will pay some attention to the Congress.

Therefore, I introduce today a bill which would include in the count of the total number of wells on a properly, all wells producing crude oil and all wells utilizing for the purpose of injecting water and/or other materials into a producing reservoir for the purpose of enhancing crude oil recovery in determining stripper status. Mr. President, I ask unanimous consent that the bill and the letters be printed in the RECORD.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 610. Section 8(1)(2) of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding the following new sentence at the end thereof:

"Included in the count of the total number of wells on a property shall be all wells producing crude oil and all wells utilizing for the purpose of injecting water and/or other materials into a producing reservoir for the purpose of enhancing crude oil recovery."

WASHINGTON, D.C.,
March 9, 1978.

Hon. JAMES R. SCHLESINGER,
Secretary, the Department of Energy,
Washington, D.C.

DEAR DR. SCHLESINGER: On October 31, 1977, the Senate included in the energy tax bill, by an overwhelming 62–24 vote, an amendment expressly confirming that crude oil producers should be able to count injection wells as wells for purposes of determining whether a producing property qualified as a stripper well property. As you know, crude oil produced from a stripper well property has been exempted by statute from the crude oil price control regulations administered by the Department of Energy. The Senate amendment to include injection wells in the well count of a property recognizes that the costs of operating and maintaining such wells are significant and that these wells are absolutely essential to the production of crude oil in secondary recovery projects.

Recognizing that roughly two thirds of discovered reserves remain in the ground, extending the lives of these projects, which further enhance recovery, is vitally important for this nation.

On January 26, 1978, the United States District Court for the District of Kansas held that the Federal Energy Administration (in FEA Ruling 1974–29) had illegally excluded injection wells from the definition of well in the statutory stripper exemption. The court's decision, therefore, is consistent with the intent of Congress as expressed in the recent Senate-passed amendment.

As you are aware, a large number of stripper well properties are operated by small, independent producers who are able, because of the stripper price exemption, to recover valuable crude oil reserves which would otherwise be forever lost.

The free market price for stripper well crude oil is the financial incentive which motivates those producers to keep these wells on production and to incur all the expenditures necessary to recover the last drop of oil from each property. Without that incentive, domestic barrels are replaced by foreign barrels and our nation's dependence on OPEC for crude oil grows even larger. Allowing injection wells to be counted for purposes of qualifying a property for the stripper well price exemption would, as expressed in the Senate amendment and confirmed by the Court, prolong the lives of many marginal secondary recovery projects, thereby reducing our dependence on foreign energy.

The Department of Energy could take a small but positive step toward the development of a sound energy policy by not seeking to reverse the Kansas Court decision and by rescinding Ruling 1974–29. This would extend the effect of the Senate amendment and the Court's decision to all producers.

In view of the recent actions of the Senate in this regard and the strong substantive comments of the Kansas Court, we urge you to take the necessary steps to allow all producers to include injection wells in the well count for qualifying a property for stripper classification.

Sincerely,

J. Bennett Johnston, Jr., Lloyd Bentsen, Dale Bumpers, Mike Gravel, Dewey Bartlett, Clifford P. Hansen, Malcolm Wallop, Henry Bellmon, John Tower, Dick Stone, Gary Hart, Lawton Chiles, Floyd K. Haskell, James A. McClure, Charles H. Percy, John Melcher, Russell Long, James B. Pearson, Kaneaster Hodges, Jr., Jennings Randolph, Pete Domenici, Bob Dole, Mark O. Hatfield, and Wendell Ford.

DEPARTMENT OF ENERGY,
Washington, D.C., March 29, 1978.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: This is in response to your letter of March 9, 1978, in which you suggested that the Department of Energy refrain from appealing the January 26, 1978 decision of the United State District Court for the District of Kansas in *Energy Reserves Group, Inc., et al.* v. *FEA*. That decision held FEA Ruling 1974–29 to be null and void. The ruling interprets the stripper well exemption, 15 U.S.C. § 757(i) and the implementing regulation, 10 C.F.R. 212.54, and states that injection wells are to be excluded from the well count when determining whether a property qualifies as a stripper well property and thus whether the oil produced from that property is exempt from price controls. Although the ruling was interpretative, the District Court concluded that the ruling had a substantial impact and declared the ruling void because the Department issued the ruling without following the notice and comment procedures required by the Administrative Procedure Act for promulgation of substantive regulations.

The Department appealed the Kansas decision on March 16, 1978. That decision raises the important question of what procedures, if any, must be followed prior to issuing interpretative rulings. It therefore could have a substantial impact on the validity of numerous interpretative rulings issued in the past by the Federal Energy Administration and on this Department's ability to function as an efficient administrative agency.

In addition, we believe that the ruling is in accord with congressional intent in enacting the stripper well exemption. Since Congress has neither modified nor criticized the manner in which the agency has consistently and publicly implemented the statute, despite repeal and re-enactment of the statute in the Energy Policy and Conservation Act of 1975 and the Energy Conservation and Production Act of 1976, we believe that our view is correct.

I appreciate and share your concern that domestic crude oil production be maintained and that valuable stripper well production in particular, not be lost. However, there has been no indication in these lawsuits that these producers require the exempt crude oil price to maintain production or to keep producing stripper wells from shutting down.

Although the Kansas court's decision applies only to the plaintiffs before that court, several other oil companies have since filed suits seeking the same relief. We think, therefore, that a prompt resolution of the issue by the Temporary Emergency Court of Appeals will be in the public interest.

I hope this information is helpful.

Sincerely,

ERIC J. FYGI,
Acting General Counsel.●

By Mr. RANDOLPH (for himself, Mr. Talmadge, Mr. Stone, Mr. Durkin, Mr. Thurmond, and Mr. Stafford):

S. 517. A bill to redesignate May 30 of each year as Memorial Day and to make such a day a legal public holiday; to the committee on the Judiciary.

MEMORIAL DAY

● Mr. RANDOLPH. Mr. President, I am introducing today for myself and Senators Talmadge, Stone, Durkin, Thurmond and Stafford a bill which will restore May 30 as the date for the observance of Memorial Day of each year.

Memorial Day, also known as Decoration Day is supposed to be a special day set apart from other days of the week. It is the day we stop to remember the men and women that have lost their lives in service to their country.

As we know, in 1968 Congress passed the Monday holiday law, Public Law 90-363, which moved the Federal celebration of Memorial Day from May 30 of each year to the last Monday in May. It had been celebrated on May 30 of each year since the year 1868.

Interest in this legislation has resulted from the confusion caused by the change in date. Many States continue to observe May 30. The American people seek to celebrate May 30, and it is fitting that the official day be May 30 and that Congress should enact appropriate legislation.

It was my privilege to sponsor similar legislation, S. 3220 during the 95th Congress.

As drafted this measure would become effective in 1981. It is felt that this delay should provide ample time for the necessary changes that must be made in returning Memorial Day to its original date.

The bill has the full support of the major veterans organizations: The American Legion, Disabled American Veterans and the Veterans of Foreign Wars.

It is my hope that this legislation will receive the same support and favorable action that a similar Veterans Day bill received in the 94th Congress.

Mr. President, I ask unanimous consent that the bill and letters and resolutions of support by the major veterans organizations be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective January 1, 1981, section 6103(a) of title 5, United States Code, is amended by striking out "Memorial Day, the last Monday in May." and inserting in lieu thereof "Memorial Day, May 30.".

Veterans of Foreign Wars
of the United States,
Washington, D.C., January 11, 1979.
Hon. Jennings Randolph,
Chairman, Committee on Environment and Public Works and, Member, Committee on Veterans Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: On behalf of the 1.85 million men and women of the Veterans of Foreign Wars of the United States and the 610,000 members of our Ladies Auxiliary, permit me to commend you upon your reintroduction of legislation to return Memorial Day to May 30, as opposed to the last Monday in May, as established by Public Law 90-363, known as the Monday Holiday Act.

Memorial Day was established to honor those brave men and women who gave their lives in defense of our great Republic and who are no longer with us to share the benefits of their sacrifices. As Dr. Henry Nelson Snyder, President Emeritus of Wofford College, stated, "Whenever a people forgets its worthy past, the day will come when it will not have a past worth remembering."

In view of the foregoing, our 79th National Convention held in Dallas, Texas last August passed Resolution No. 102, to "Return Memorial Day to May 30", a copy of which is enclosed.

Assuring you of the full support of the Veterans of Foreign Wars of the United States, and with best wishes and kindest personal regards, I am

Sincerely,

Eric Sandstrom,
National Commander-in-Chief.

Enclosure.

Resolution No. 102: Return Memorial Day to May 30

Whereas, many States have passed legislation returning Memorial Day to its rightful place of May 30; and

Whereas, the purpose of Memorial Day is to commemorate the memory of our honored dead of all wars; and

Whereas, legislation is now pending before the Congress of the United States to officially declare May 30 as Memorial Day; now, therefore

Be it resolved, by the 89th National Convention of the Veterans of Foreign Wars of the United States, that we go on record as supporting legislation that will officially restore May 30 as Memorial Day throughout the nation.

Disabled American Veterans,
Washington, D.C., January 12, 1979.
Hon. Jennings Randolph,
U.S. Senate, Washington, D.C.

Dear Senator Randolph: The delegates to the most recent National Convention of the Disabled American Veterans held in San Francisco, California in August of last year approved a resolution (copy attached) calling for the enactment of legislation which would restore the date of May 30 of each year as the official Federal observance of Memorial Day.

Changing the date of Memorial Day merely for the creation of a "long weekend holiday" has, we believe, greatly detracted from the significance of the day that was originally set aside to honor the memory of those Americans who sacrificed their lives in the military service of their country.

If you concur in these sentiments, Senator Randolph, the DAV respectfully requests that you introduce and support legislation in the 96th Congress which would return the traditional date of May 30 of each year to Memorial Day.

Thank you very much for your kind attention to this letter and its most important request.

Sincerely,

John F. Heilman,
National Legislative Director.

Restore Memorial Day to May 30

Whereas, the Congress of the United States has enacted legislation designating the last Monday in May as Memorial Day; and

Whereas, this has detracted from the significance of the day set aside to honor the memory of those who sacrificed their lives in the military service of their country; NOW

Therefore, be it resolved by the Disabled American Veterans in National Convention assembled in San Francisco, California, August 13-18, 1978 that the Congress of the United States be respectfully requested to rescind its action setting the last Monday in May as Memorial Day and to reestablish May 30 as Memorial Day.

The American Legion,
Washington, D.C. January 12, 1979.
Mr. Ned Massee,
Dirksen Senate Office Building,
Washington, D.C.

Dear Ned: We are pleased to learn that Senator Randolph plans to re-introduce a bill which would re-establish May 30 as the federally-recognized Memorial Day. Our organization continues to support this effort as we have done throughout the ten years since legislation was enacted to place the observance on the last Monday in May. Our official position on the matter is contained in the enclosed Resolution No. 96.

We have reviewed Senator Randolph's remarks in the Congressional Record on June 22, 1978 when he introduced S. 3220. His comments regarding the issue at that time were quite appropriate and we have nothing to recommend which would modify his presentation when introducing the new bill.

Again, we appreciate your continued interest in restoring the traditional observance of Memorial Day.

Sincerely,

E. Philip Riggin,
Assistant Director,
National Legislative Commission.

The 60th National Convention of the American Legion, New Orleans, Louisiana, August 22-24, 1978

Resolution no. 96.
Committee Americanism.
Subject Memorial Day, May 30.

Whereas, Memorial Day was established following the Civil War to be observed on May 30th each year; and,

Whereas, The time-honored tradition of observing Memorial Day on May 30th has been eroded to make a long holiday weekend thus causing Memorial Day to now be observed on the last Monday of May; and

Whereas, The change in holiday observances to the last Monday of some months has caused a diminished observance and defies time-honored traditions; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in New Orleans, Louisiana, August 22, 23, 24, 1978, that The American Legion call upon the Congress of the United States to restore Memorial Day to the proper day of observance on May 30th of each year.●

By Mr. BUMPERS:

S. 518. A bill to amend the Poultry Products Inspection Act so as to restrict the authority of the Secretary of Agriculture to regulate the speed of processing poultry on the basis of State, region, or other area, or on the basis of a lack of inspectors; to the Committee on Agriculture, Nutrition, and Forestry.

● Mr. BUMPERS. Mr. President, the poultry industry is of tremendous importance to the economy of my State. Arkansas continues to lead the Nation in the production of broilers. In 1977, the value of the 569.5 million broilers produced in Arkansas was over $477 million. Only soybeans bring in more income to Arkansas than the broiler industry. But Arkansas poultry processors have been operating at a significant disadvantage with their competitors in the east.

A few months ago it came to my attention that USDA inspectors at poultry processing plants, primarily east of the Mississippi River were allowing birds to be processed at a much faster perminute rate than those primarily west of the Mississippi. In many cases processing plants in the east could run 10 birds per minute faster than plants in the west using identical equipment. The Arkansas Poultry Federation has estimated that this discrimination could be costing Arkansas poultry processors as much as $3.5 million per year.

Last summer I contacted the Department of Agriculture and requested an explanation of this situation. The only explanation I received was that the USDA regional meat and poultry inspection offices were given wide discretion in the type of poultry processing line speed rates that they could set. There was also a suggestion that USDA was suffering from a shortage of inspectors. The Agriculture Department initiated a study to discover the cause of this discrimination—but as of yet no answers have been given and the problem still exists.

At this time the State of Arkansas and the Arkansas Poultry Federation have filed suit against the USDA to force an end to this obviously unfair situation. This problem should never have had to be placed before our already overworked court system. The situation should have been corrected by USDA when it was discovered that rank discrimination existed, but now it seems to have become entangled in the bureaucratic web with no end in sight.

That is why I am introducing a bill to forbid the Secretary of Agriculture from proscribing on the basis of state, geographic region, or the availability of inspectors, line speeds that differ in the quantity or volume of poultry that may be processed within any specified period of time by any processing plant.

Mr. President, this is not, repeat not, an Arkansas problem. Poultry producers and processors in most of the States west of the Mississippi River are effected; including Arkansas, Kansas, Louisiana, Missouri, Oklahoma, New Mexico and Texas. They, too are losing millions of dollars while being forced to operate their equipment at below maximum capacity because of some directive that no one in USDA can explain.

I urge my colleagues to join me in expeditiously passing this legislation and ending this discrimination.●

By Mr. HELMS:

S. 519. A bill to preserve the academic freedom and the autonomy of institutions of higher education and to condition the authority of officials of the United States to issue rules, regulations, or orders with respect to institutions of higher education. Read the first time.

(The remarks of Mr. HELMS when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. HELMS:

S. 520. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution. Read the first time.

(The remarks of Mr. HELMS when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. THURMOND (for himself, Mr. KENNEDY, and Mr. HOLLINGS):

S. 521. A bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn, or fiber, and for other purposes; to the Committee on the Judiciary.

LOSSES INCURRED BY THE BAN ON TRIS

Mr. THURMOND. Mr. President, today I am introducing a bill to provide for the payment of losses incurred as a result of the ban on the chemical Tris. I am pleased to have as cosponsors the Senator from Massachusetts (Mr. KENNEDY) and the junior Senator from South Carolina (Mr. HOLLINGS).

The bill introduced today is identical to the legislation that was vetoed by President Carter last year. That bill, S. 1503, had undergone extensive consideration and debate in both the House and Senate. Unfortunately, the measure was vetoed by the President on November 8, 1978, for reasons that ignore the injustice that has been done to the textile industry.

Mr. President, this legislation seeks to correct economic losses sustained by the ban of the chemical flammability retardant Tris by the Consumer Product Safety Commission on April 8, 1977. To more fully understand the predicament caused by this action, a brief account of the history of the Tris ban may be appropriate at this point.

In 1971, the Secretary of Commerce issued mandatory flammability standards for children's sleepwear in sizes 0–6X under the Flammability Fabrics Act. This regulation, FF–3–71, virtually mandated the use of Tris or an acceptable substitute in all polyester, acetate, and triacetate fabrics. Objections of the textile industry that chemical flame retardants had not been sufficiently tested for safety were not given any significant consideration by the relevant Government agencies. Subsequently, Tris was tested for sensitivity and toxicity under generally accepted standards and was found to be safe.

In February 1977, the National Cancer Institute published preliminary, unverified results of tests indicating that when Tris was fed daily in massive doses to cancer-prone rats and mice over extended periods of time, these rats and mice developed cancer. These testing procedures had not been previously applied to nonconsumable articles, such as children's sleepwear. Although there is no direct evidence linking Tris to cancer in humans, based in large part on its very preliminary data, the Consumer Product Safety Commission issued regulations declaring Tris and all fabrics, yarns, and fibers treated with Tris, and all apparel treated with Tris intended for use by children, to be "banned hazardous substances" under the Federal Hazardous Act.

As a result of these discoveries, the CPSC announced on April 7 that it was banning the sale of any children's clothing containing Tris. The ban also included any Tris-treated fabric for sale to consumers for use in children's wearing apparel. Tris-treated children's garments which were purchased by consumers, that were not yet washed, were also banned.

The ban took effect on Friday, April 8, when notice of action was published in the Federal Register. It means that any of the affected products in interstate commerce or introduced into interstate commerce are banned and must be repurchased from retailers and distributors by any manufacturer or others who sold it. Consumers who had purchased, but not washed any Tris-treated children's garments or uncut fabric, would also be entitled to a full refund of the purchase price.

Mr. President, the cost to apparel manufacturers of repurchasing all unsold or unwashed children's garments made from fabric containing Tris and disposing of unsold inventories of childrens' garments made from fabric containing Tris, has been estimated to be over $50 million.

In a statement by the American Apparel Manufacturers Association before the special hearing panel on July 26, 1977, the amount of the loss was stated to be $150 million. The AAMA now believes the actual losses suffered by all children's sleepwear manufacturers to be about $50,100,000. This includes garments, uncut fabric in apparel plants, and the "to-date" indirect costs, such as transportation, administration, and storage. Of course, some smaller additional costs will be incurred as storage costs continue and potential disposal costs appear.

The harm to industry is catastrophic and irreparable. It imposes an immediate obligation upon the apparel manufacturers to repurchase the garments they have sold, and leaves the entire industry without adequate recourse or remedy by which the losses resulting from the ban may be recouped. Some apparel manufacturers face bankruptcy because their losses as a result of the ban could exceed their net worth.

Mr. President, many other firms will suffer severe financial impairment and be forced to lay off employees. This results because the manufacturers involved have acted in good faith to meet the flammability standards mandated by the Federal Government, and it is unfair to require them to bear the brunt of this bureaucratic bungle and to make their employees suffer economic hardship as a result of a possible, and in fact, resulting layoffs. It is this mistake, this arbitrary and inequitable decision, that has prompted me and Senator KENNEDY to introduced this legislation.

This legislation is not intended as a "bailout," but in fact, it is only legislation that would confer jurisdiction on the U.S. Court of Claims to determine the dollar value and render judgment for losses sustained by producers, processors, manufacturers, distributors, dealers, or other persons as a result of actions taken by the Federal Government under the Hazardous Substance Act relating to the ban on apparel, fabric, yarn or fiber containing Tris.

The legislation introduced today is identical to legislation that passed in the House and the Senate last year, and was sent to the President. The bill contains a number of limitations on the claims that may be made by those injured by the Tris ban. For example, the court shall consider the following factors in determining the validity of claims under this legislation:

First. The degree to which reasonable alternatives to Tris (2,3-dibromopropyl) phosphate existed at the time the Federal Government established the applicable mandatory Federal flammability standard referred to in subsection (a).

Second. Whether it would have been feasible, or reasonable, for the claimant to have tested Tris (2,3-dibromopropyl) phosphate for chronic hazards at the time the Federal Government established such flammability standard.

Third. The degree to which the Federal Government, prior to establishing such flammability standard, tested Tris (2,3-dibromopropyl) phosphate for toxicity, or other health hazards, and disseminated the results of these tests.

Fourth. The degree of good faith demonstrated by a claimant in seeking to comply fully with such Federal flammability standard.

Fifth. The extent to which a claimant may have relied in good faith on assurances from suppliers that the products containing Tris (2,3-dibromopropyl) phosphate were safe.

Sixth. The degree to which a claimant acted reasonably in using Tris (2,3-dibromopropyl) phosphate for the time period that such substance was used.

Seventh. The degree to which a claimant, in good faith, complied with actions taken by the United States under the Federal Hazardous Substances Act on April 8, 1977.

Mr. President, as I mentioned earlier in my statement, on November 8, 1978, President Carter vetoed the bill S. 1503, which had passed both the House and Senate. In his veto message on this legislation, the President said "S. 1503 would establish an unprecedented and unwise use of taxpayer's funds to indemnify private companies for losses incurred as a result of compliance with a Federal standard." This objection to S. 1503 by the President was based on the advice given to him by the Department of Justice.

Although the Justice Department did, in fact, advise the President in this case that passage of S. 1503 would set an unwise precedent, the Department of Justice has also indicated in the past with respect to similar legislation that such a precedent would not be set. In the 92d Congress, legislation was introduced that would have authorized the Court of Claims to enter judgments against the United States for persons who had suffered losses resulting from the Food and Drug Administration's ban on cyclamates. However, the Department of Justice supported the cyclamate legislation both before the House Judiciary Subcommittee and the Senate Judiciary Subcommittee that had responsibility for that legislation. Representatives from the Department of Justice stated that the cyclamate situation was an extraordinary one, and that relief was appropriate because the Government had assured producers and users that cyclamates were safe for use. Despite the Justice Department's support for cyclamate legislation in 1971 and 1972, it has now taken an opposite position in 1978 with respect to the Tris legislation. Since both claims for relief stem from actions by the Federal Government that were relied on by private industry, it is difficult for me to understand why the Justice Department's position has changed so markedly since then.

The President in his veto message also echoed the Department of Justice's argument that a regulating agency should authorize payments rather than the Court of Claims. The purpose, however, of relying on the Court of Claims is to insure that the party seeking compensation be required to prove his losses before a body that has experience in deciding the legitimacy of claims against the Federal Government. A law which allowed a regulating agency to make payments would probably result in greater, rather than lesser, expense to the Federal Government.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

In summary, Mr. President, the basis for the industry's claim for indemnification rests upon the "double-edged" aspect of Government regulation. That is, the Department of Commerce on the one hand, required the industry to use a chemical like Tris in sleepwear and, when in good faith the industry did so, the Consumer Product Safety Commission banned the Tris-treated sleepwear. This is just one example of layer of regulation being placed upon layer of regulation, and as the long arm of the "over-regulators" continues to grow, the image of Government as a responsible and responsive unit shrinks even smaller.

The passage of Tris legislation in this Congress would not be an irresponsible move at all. It simply recognizes the fact that private industry has been over-regulated by the Federal Government, and in so doing, has been put to an economic loss that is not its fault. This legislation has been carefully crafted both in the House and the Senate to eliminate any chance of a windfall, or a cost to the Federal Government that is not justified.

Mr. President, I would not be honest with my colleagues if I did not indicate that this legislation will effect a number of apparel and textile industries in my State of South Carolina. It will also effect industries of this kind in a number of States throughout the country. Senator Kennedy has joined me in the sponsorship of this legislation because he has recognized the adverse impact of the Tris ban and the resulting economic losses to the apparel and textile industry.

Senator Kennedy and I, as the chairman and ranking minority member respectively of the Senate Judiciary Committee, intend to call for prompt action on this legislation. I urge my colleagues to support it once it is reported by the Judiciary Committee to the floor of the Senate.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Court of Claims shall have jurisdiction to hear, determine, and render judgment upon any claim for losses sustained by any producer, manufacturer, distributor, or retailer of children's sleepwear, or by any producer, converter, manufacturer, distributor, or retailer of fabric, yarn, or fiber contained in or intended for use in children's sleepwear, as a result of the actions taken by the United States under the Federal Hazardous Substances Act on April 8, 1977, and therafter relating to apparel, fabric, yard, or fiber containing Tris (2,3-dibromopropyl) phosphate: *Provided, however,* That such children's sleepwear and such fabric, yarn, or fiber contained in or intended for use in children's sleepwear was subject to the requirements of or for use in compliance with the mandatory Federal flammability standard FF3–71, or FF5–74, at the time of its manufacture.

(b) (1) In determining the validity of any claim under this Act and the amount of the losses sustained for which such a claim is brought, the court shall consider the following factors:

(A) The degree to which reasonable alternatives to Tris (2,3-dibromopropyl) phosphate existed at the time the Federal Government established the applicable mandatory Federal flammability standard referred to in subsection (a).

(B) Whether it would have been feasible, or reasonable, for the claimant to have tested Tris (2,3-dibromopropyl) phosphate for chronic hazards at the time the Federal Government establilshed such flammability standard.

(C) The degree to which the Federal Government, prior to establishing such flammability standard, tested Tris (2,3-dibromopropyl) phosphate for toxicity, or other health hazards, and disseminated the results of these tests.

(D) The degree of good faith demonstrated by a claimant in seeking to comply fully with such Federal flammability standard.

(E) The extent to which a claimant may have relied in good faith on assurances from suppliers that the products containing Tris (2,3-dibromopropyl) phosphate were safe.

(F) The degree to which a claimant acted reasonably in using Tris (2,3-dibromopropyl) phosphate for the time period that such substance was used.

(G) The degree to which a claimant, in good faith, complied with actions taken by the United States under the Federal Hazardous Substances Act on April 8, 1977.

(2) In determining the amount of the losses for which a claim is brought under this Act, the amount of such losses shall not include lost profits, proceeds from distress sales, attorney's fees, or interest on any such loss resulting to any producer, converter, manufacturer, distributor, or retailer of such children's sleepwear, or to any producer or manufacturer of fabric, yarn, or fiber.

(c) (1) The measure of losses for producers or manufacturers of children's sleepwear shall be the cost of producing goods referred to in paragraphs (1) and (2) of this subsection, held in stock on the date of enactment of this Act, less the fair market value, if any, of such goods and less the amount of any reimbursement received.

(4) In addition to the losses determined

under paragraphs (1), (2), and (3) of this subsection, a claimant may also be compensated for unreimbursed costs of transportation paid for the return of such sleepwear garments, fabric, yarn, or fiber.

(d) No claim under this Act may be brought as a class action nor may any claim under this Act be brought by two or more parties unless damages are claimed to be jointly recoverable or are disputed among the parties claimant.

(e) Upon payment of any claim under this Act, by court judgment or by settlement, the United States shall be subrogated to the claimant's rights to recover losses or assert a claim against any person or organization relating to the subject matter of the claim paid by the United States. The claimant shall execute and deliver instruments and papers and take whatever steps are necessary to secure such rights in the United States in order to be entitled to the entry of a judgment by the Court and payment under this Act, and the failure of the claimant to perform such acts or take such steps shall constitute cause to deny the entry of such judgment and payment. The failure of the claimant to perform such acts or manufacturing the sleepwear garment plus the cost of the fabric, yarn, or fiber used for such production or manufacture, held in stock on the date of enactment of this Act, less the fair market value, if any, of the sleepwear garment or the fabric, yarn, or fiber. If the sleepwear garment or the fabric, yarn, or fiber has been resold after April 8, 1977, but prior to such date of enactment, then the measure of losses shall be the cost of producing or manufacturing the sleepwear garment plus the cost of the fabric, yarn, or fiber less the proceeds from any such sale.

(2) The measure of losses for producers, converters, or manufacturers of fabric, yarn, or fiber shall be the cost of producing, converting, or manufacturing the fabric, yarn, or fiber plus the cost of the raw materials used for such production, converting, or manufacture, held in stock on the date of enactment of this Act, less the fair market value, if any, of the fabric, yarn, or fiber. If the fabric, yarn, or fiber had been resold after April 8, 1977, but prior to such date of enactment, then the measure of losses shall be the cost of producing, converting, or manufacturing the fabric, yarn, or fiber plus the cost of the raw materials used for such production, converting, or manufacture less the proceeds from any such sale.

(3) The measure of losses for distributors and retailers shall be the distributor's or the retailer's purchase price for to take such steps shall not limit or adversely affect the right of the United States to act as subrogee or assignee to the full extent of its payments under this Act. Any purported limitation on the right of the United States to act as assignee or to become subrogated to the rights of a claimant shall be without any effect, to the extent that the United States has made payments under the Act.

(f) Any claim under this Act shall be barred unless commenced within two years after the date of enactment of this Act.

By Mr. BAYH (for himself, Mr. Mathias, Mr. Schmitt, and Mr. Bumpers):

S. 522. A bill to amend title 28 of the United States Code to change the composition of the judicial councils, and to provide procedures within the judicial councils of each circuit for the processing of complaints and for the administration of disciplinary action, if necessary, with respect to the conduct of the Federal judiciary within that circuit; to the Committee on the Judiciary.

JUDICIAL COUNCIL AMENDMENTS AND DISCIPLINE ACT OF 1979

Mr. BAYH. Mr. President, today Senator Mathias and I are joined by our colleagues, Senators Schmitt and Bumpers, in offering the Judicial Discipline Act of 1979. With the aid of advice by judges, scholars, and judicial administrators around the country, we propose a legislative solution to the problem, on the one hand, of maintaining judicial independence to render decisions without fear, and on the other, of allowing for the discipline of misconduct which interferes with a judge's duties on the bench.

In proposing such legislation at a time when 152 new district and circuit court of appeals judges will be joining the Federal judiciary, we are acutely mindful of the constitutional mandate that the Federal judiciary be independent, secure in their lifetime tenure and removable only by impeachment proceedings in the Congress. The intention of the writers of the Constitution on this score was made abundantly clear by Hamilton in the Federalist No. 79:

> Judges are liable to be impeached for malconduct by the House of Representatives, and tried by the Senate; and, if convicted, may be dismissed from office, and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges.

Judges were to be independent because "the courts of justice are to be considered as the bulwark of a limited Constitution against legislative encroachments * * * (N) othing will contribute so much as (permanent tenure of judicial offices) to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty." As the constitutional scholar, Philip Kurland, has reminded us in recent times, "The provisions securing the independence of the judiciary were not created for the benefit of the judges, but for the benefit of the judged." In my own mind, this "independent spirit in the judges" has priority over all other considerations as we approach any legislative proposal dealing with judicial discipline.

Impeachment, the sole constitutional means of removal, must remain the primary means of discipline, and as I emphasized on the floor of the Senate last year, it is the duty of both Houses to see that the impeachment and trial process work. In the first instance, of course, it is clearly the responsibility of the Senate to play its role in the selection process well, a task which I am glad to see is being addressed with unprecedented thoroughness by the Judiciary Committee.

Impeachment may not have been as ineffective a means of discipline as it has been accused of being. Although only 4 judges have been impeached and convicted, 55 have been charged on the floor of the House, 33 have been impeached, and 22 have resigned rather than face Senate trial. Yet, especially in the last decades, Congress has increasingly been asked to consider other means of disciplining judicial misbehavior. The reasons behind the search for further disciplinary procedures are speculative at best and yet surely numbers have something to do with it.

First, there are growing numbers of judges. No longer is the Federal bench the small handful of jurists which existed at the beginning of our life as a nation. With the passage of the omnibus judgeship bill in the 95th Congress the number of Federal district and appeals courts judgeships reaches 647. By simple commonsense and the laws of chance it is plausible that there will be more instances of misconduct, although it is by no means clear that there exists any more than the rarest instances of unfortunate behavior.

Second, it is undisputed that the rapidly growing volume of laws touches a far greater number of citizens' lives in the past 30 or 40 years than in the first century and a half of our country's existence. It is, therefore, understandable that as more Americans are affected by the administration of the courts, they become more conscious of the behavior of the members of the bench.

S. 1423, the Judicial Tenure Act, was an expression of this concern, and was passed by the Senate in the last Congress. Senator Mathias and I opposed the measure in Judiciary Committee and on the Senate floor on the grounds that by providing for removal of Federal judges by means other than impeachment the bill was unconstitutional, and further posed a serious threat to judicial independence. At the same time, however, we were not unmindful of the concerns that procedures should exist to deal with serious incidents of judicial misconduct. The bill we offer today would amend 28 U.S.C. 332 to give authority to the judicial councils of the circuits to discipline serious misconduct by a judge in their circuit, by granting such statutory powers to the councils, the Congress would be answering the question raised in *Chandler* v. *Judicial Council of the Tenth Circuit,* 398 U.S. 74 (1970). Chief Justice Burger writing for the majority said:

> Standing alone, §332 is not a model of clarity in terms of the scope of the judicial councils' powers or the procedures to give effect to the final sentence of §332. Legislative clarification of enforcement provisions of this statute and definition of review of Council orders are called for.

In our work on the Judicial Discipline Act we have attempted to address satisfactorily the same questions we felt were raised in S. 1423. The first of these is precisely what sort of conduct should be subject to any form of discipline other than removal by impeachment. Under our bill, the Judicial Councils would have the authority to address complaints about misbehavior by a judge of that circuit which impairs "the efficient, expeditious and fair administration of the business of the courts." This standard is intended to cover misconduct directly affecting the judges' work and his court—not his conduct in his private life unless it had a bearing on his work as a judge. The merits and procedures of a litigated case, of course, are not proper grounds for a complaint.

Our second concern was that the Congress erect the least intrusive or burdensome mechanism necessary to achieve its purpose, on the theory that the more complex the structure, the more likely it would be to create its own problems. In this bill, we have simply clarified the powers of the existing judicial councils to handle certain kinds of situations. We have tried to simplify procedures as much as possible, and leave sufficient area for the informal resolution of complaints, while at the same time insuring that every complaint be dealt with. Upon reaching its decision and taking disciplinary action, the Council is required to make a complete report of the case including complaint, hearing transcript and findings, to the House of Representatives, thus providing a channel of complaints to the House, the institution constitutionally designated to remove unacceptable federal judges.

Third and most important, we have attempted to finish the impact of any disciplinary proposal on a judge's independence, since his independence is the ultimate protection of those who are judged. We have attempted to provide the fullest protection possible to the individual judge. Therefore, it is required under the bill that any complaint be accompanied by affidavit, thereby encouraging responsible complaints. Frivolous complaints will be dismissed immediately. The judge complained of is afforded full due process protections in this hearing before the Council. Finally, he has the right of review from any of the Council's actions through appeal to the Supreme Court on writ of certiorari.

We cannot pretend that the bill we offer today is perfect. The issues inherent in the area of judicial discipline are complex and difficult ones, most of which have never been answered before. I believe, however, that the bill we introduce today is a reasonable and balanced approach to an area in which sensitive considerations of independence of Federal judges are weighed against the responsibilities demanded of American institutions. We intend to hold broad and thorough hearings in the coming months to explore these issues in depth. Our Federal judiciary deserves the fullest debate in the Senate on this important matter. So in fact does the general public.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the Record.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Council Amendments and Discipline Act of 1979".

Sec. 2. Section 332 of title 28, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The chief judge of each court of appeals of a circuit shall call at least twice in each year and at such places as he may designate, a council of the circuit, consisting of the following members:

"(A) the chief judge of the court of appeals for the circuit, who shall preside;

"(B) such number, not to exceed seven, of courts of appeals judges of the circuit in regular active service as is fixed by vote of a majority of all such judges, to be chosen by seniority; and

"(C) the number of district court judges of the circuit in regular active service equal to the number of courts of appeals judges fixed in paragraph (B), to be chosen by seniority, except that no more than one district court judge from any one district shall serve on the council unless such service is necessary to attain the number of district court judges required by this subparagraph.

"(2) Each member shall serve for a term of three years, and shall be succeeded by judges in regular active service next in seniority, unless there are no judges in regular active service who have not yet served on the council. In the event of the death, resignation, retirement, or disability of a member, a replacement shall be chosen by seniority, to hold office for the remainder of the term.

"(3) Each member, unless excused by the chief judge of the circuit, shall attend all sessions of the council.";

(2) by amending subsection (d) to read as follows:

"(d) Each judicial council is authorized to make all necessary and appropriate orders for the effective, expeditious, and fair administration of the business of the courts and the just determination of litigation within its circuit. Matters relating to routine administration and management of any court within the circuit, including the circuit court, are not required to be considered by the council unless such matters involve an impediment of justice. Each council is authorized to hold hearings, to require by subpena the attendance of witnesses and the production of books, papers, documents, records, and other tangible things specified in the subpena, and to administer oaths. Each subpena shall be issued by the clerk of the circuit court under the direction of the chief judge or his designee in accordance with the provisions of Rule 45 of the Federal Rules of Civil Procedure. Each court and judge of the circuit shall promptly carry into effect all orders of the judicial council."; and

(3) by adding at the end thereof the following new subsection:

"(g)(1) Any person claiming that the conduct of a judge of the United States is conduct which interferes with or impairs the effective, expeditious, and fair administration of the business of the courts or the just determination of litigation within the circuit in which that judge serves, may file a complaint with the chief judge of the circuit. In any case in which the chief judge is the subject of the complaint, the next senior circuit judge of that circuit shall perform the duties of the chief judge under this subsection. Each complaint shall be in writing and shall be accompanied by supporting affidavits.

"(2) The chief judge of that circuit shall, within thirty days of receipt of such a complaint, review the complaint and shall dismiss by written order any complaint which is frivolous, which relates to the merits of any decisional or procedural ruling of a judge and would have the effect of a collateral attack upon such ruling, or which alleges conduct which does not interfere with or impair the effective, expeditious, and fair administration of the business of the courts or the just determination of litigation within that circuit.

"(3) In any case in which the chief judge does not initially dismiss a complaint under paragraph (2), the chief judge shall transmit a copy of the complaint to the judge whose conduct is the subject of the complaint and notify that judge of his right to submit, within fourteen days from the time of such notification, affidavits in his own behalf. Upon a request made by the judge who is the subject of the complaint and for good cause shown, the chief judge may grant a reasonable extension of the fourteen-day period. Within fourteen days after receipt of any affidavits filed by the judge, the chief judge shall review the judge's affidavits together with the complaint and the complainant's supporting affidavits and shall—

"(A) dismiss the complaint for any of the reasons set forth in paragraph (2);

"(B) attempt to redress the matter specified in the complaint through any informal means available; or

"(C) upon a finding that the alleged conduct warrants further investigation or after a determination that the matter cannot be redressed through informal means, refer the complaint to the full judicial council for a hearing on the matter.

"(4) In any case in which the chief judge dismisses a complaint under paragraph (3) (A), the chief judge shall notify the complainant of that action and the reasons for the dismissal. The complainant may, within thirty days after notification of the decision to dismiss the complaint, request that the judicial council review such decision. The decision of the judicial council shall be final and shall not be subject to review or appeal. In any case in which the chief judge refers the complaint to the judicial council for a hearing under paragraph (3)(C), the chief judge shall transmit a copy of the complaint with a written explanation of his findings which justify that referral to the council.

"(5) Unless the judge who is the subject of the complaint gives his written consent, all papers, documents, records, deliberations, and investigations under paragraphs (1) through (4) are confidential and may not be disclosed by any person. Upon the referral of a complaint by the chief judge under paragraph (3)(C) to the judicial council for a hearing, the contents of the complaint; the findings of the chief judge, and all proceedings before the council shall be public.

"(6) For the purposes of all proceedings conducted under this paragraph and paragraphs (7) through (10), each judicial council is vested with the judicial powers of a Federal court. The judicial council shall hold a hearing on each complaint that is referred under paragraph (3)(C) by the chief judge, and shall prescribe by rule such procedures as are necessary to conduct such hearings and dispose of such claims. In prescribing those procedures, the council shall guarantee that the judge who is the subject of the complaint be given adequate notice of the hearing and an opportunity, with or without the assistance of counsel, to be present and to present testimony and witnesses on his own behalf.

"(7) Each hearing shall be recorded verbatim by shorthand, by mechanical means, or by electronic and recording by an official court reporter. The court reporter shall transcribe and certify the record of the proceedings.

"(8) After a hearing in accordance with the procedures established under paragraphs (6) and (7), the judicial council may proceed in accordance with any one or more of the following:

"(A) order that the complaint be dismissed;

"(B) request that the judge voluntarily retire;

"(C) order that, on a temporary basis, the judge be relieved of any duties with respect to cases presently assigned or that no further cases be assigned to the judge; or

"(D) order the censure of the judge.

"(9) Any action taken by the judicial council under paragraph (8) of this subsection shall be made by a majority of the members of the council and shall be supported by clear and convincing evidence on the record. Each order and recommendation shall be in writing and the complainant and any judge affected by such order or recommendation shall receive a copy. Within ten days after notification of an order under paragraph (8), the judge may file a petition for writ of certiorari to the Supreme Court under section 1254 of this title.

"(10) Whenever a judicial council takes any action under paragraph (8), with the exception of dismissal under (8)(A), it shall prepare and submit a written report to the House of Representatives which includes the complaint made against the judge, the action taken by the council, a copy of the transcript of the hearing, and specific findings made by the council. A copy of the report shall be forwarded to the judge under inquiry and to the complainant.

"(11)(A) The judicial council may utilize existing staff employed by the circuit or may request the Director of the Administrative Office of the Unted States Courts to procure personal services of experts and consultants, as authorized by section 3109 of title 5, as may be necessary to carry out the duties of the council in any particular case under this subsection.

"(B) Each judicial council shall prepare an annual report to the Congress showing the number of complaints and the action taken on each complaint.".

SECTION-BY-SECTION ANALYSIS

The bill amends 28 U.S.C. § 332, the Judicial Councils of the Circuits. Subsection (a) is amended to restructure the judicial councils, to a maximum of 15 members, providing equal representation of district court judges. The council shall consist of the chief judge of the court of appeals for the circuit, as many as seven courts of appeals judges to be chosen by seniority, and an equal number of district court judges, also chosen by seniority, only one of which is from a given district. Each member serves for a term of three years. If his term is interrupted for any reason, a replacement is chosen by seniority.

Subsection (d) is amended to give authority to the council to make orders "for the effective, expeditious and fair administration of the business of the courts". On ordinary, day by day business of either district or appeal courts, however, council consideration is not required, unless an impediment to justice is involved. The councils are provided with specific subpoena powers in accordance with Rule 45 of the Federal Rules of Civil Procedure, and the authority to administer oaths.

A new subsection (g) is added to deal with the disciplinary authorities and procedures of the councils.

Under this subsection any person can file a complaint with the circuit chief judge about a judge of that circuit, alleging that his or her conduct "interferes with or impairs the effective, expeditious and fair administration of the business of the courts." If the chief judge is the subject of the complaint, the next senior judge receives the complaint. Each complaint must be accompanied by a supporting affidavit.

In paragraph (2), the chief judge may dismiss the complaint if it is frivolous, if it refers to the merits of a ruling made by the judge, or if it does not go to conduct interfering or impairing "the effective, expeditious and fair administration of the business of the courts." If he does not dismiss the complaint, the chief judge under paragraph (3) notifies the judge about whom the complaint is filed, and gives the judge the opportunity to file his own affidavits. Upon reviewing the complaints and all affidavits the chief judge may take one of the three actions in paragraph (3): he may, again, dismiss the complaint; he may attempt to remedy the matter in an informal matter; or he may refer the complaint to the council for a hearing, accompanied by a written explanation of his findings.

Paragraph (4) specifies that a chief judge dismissing a complaint must notify the complainant and give his reasons for dismissal. The complainant may then ask for review of the decision by the council. The decision of the council is final.

Paragraph (5) explains that until this point in the proceedings all information and investigations are confidential. Upon referral to the council for hearing, complaint findings, and proceedings are public.

Paragraphs (6) through (10) deal with the actions of the council on referral of a complaint about judicial misconduct. Sitting for the purpose of these paragraphs as a federal court, the council conducts a hearing on a referred complaint which provides due process protections to the judge who is the subject of the complaint (paragraph 6 and 7). Following the hearing, the council under paragraph (8) may take one or several actions: order that the complaint be dismissed; ask the judge to voluntarily retire; order that, on a temporary basis, the judge be relieved of present cases, or that no further cases be asisgned; or finally, order censure.

Paragraph (9) provides that any action by the council shall be made by majority vote, and shall be supported by clear and convincing evidence. The complainant and the judge affected by the orders received copies of any order. After notification of an order, the judge may file a petition for writ of certiorari to the Supreme Court under 28 U.S.C. § 1254.

Under Paragraph (10), the council is required to prepare and submit a written report to the House of Representatives on any case on which it has taken disciplinary action. Copies of the report are given to the judge under complaint and the complainant. The report contains the complaint, a transcript of the hearing, and the findings and actions of the council.

Under Paragraph (11), existing staff may be used by the council in carrying out its duties in a particular case, or the council may request additional help of the Director of The Administrative Office of the Courts. An annual report shall be prepared by the Council to the Congress showing the number of complaints filed during the year and the action taken on each.

● Mr. MATHIAS. Mr. President, today I join with Senator BAYH in offering the Judicial Council Amendments and Discipline Act of 1979. The primary purpose of this proposal is to clarify the authority of the several Federal Judicial Councils to deal with questions of alleged judicial misconduct.

Last year, Senator BAYH and I joined with a number of our colleagues in opposing S. 1423, the Judicial Tenure Act, a bill which provided for the removal of Federal judges by means other than impeachment. We opposed S. 1423 for three reasons.

First, we agreed with the overwhelming majority of legal scholars who have concluded that the Founding Fathers intended that Federal judges only be removed by impeachment, and that any legislatively devised removal scheme must, therefore, fail to pass constitutional muster.

Second, we believed that the bill posed a direct and serious threat to the independence of the Federal judiciary.

Third, we were concerned that the bill would work an unwarranted, radical, and violent alteration of our constitutional framework; and we thought that, if changes were needed in existing disciplinary procedures, they could be achieved by means less drastic than those provided under the Judicial Tenure Act. In fact, during the Senate debate last year, Senator BAYH suggested a number of possible alternatives to S. 1423, including strengthening the powers of the Judicial Councils and the Senate's taking greater care in the exercise of its advise and consent powers under article II, section 2 of the Constitution regarding the selection and examination of judicial nominees.

Despite these objections, the Senate, on September 7, 1978, passed the Judicial Tenure Act by a vote of 43 to 31. Fortunately, the House of Representatives did not act on the bill prior to the close of the 95th Congress.

The months since Congress adjournment have given us, and others, notably, the Judicial Conference of the United States and Senator KENNEDY, time to review the entire subject of disciplining judicial misbehavior. Senator BAYH and I have used the time to examine the efficacy of existing judicial disciplinary procedures, with special emphasis upon the feasibility of clarifying the authority of the judicial councils to deal with instances of judicial misconduct.

The bill Senator BAYH and I introduce today is the product of our efforts over the past several months. In developing this proposal, we have found the question of disciplining judicial misconduct to be complex, involving numerous constitutional and public policy issues. We are now convinced that Congress should undertake a broad, thorough and expeditious examination of the myriad issues raised by any legislative effort in this area.

No such examination of this subject has been made since 1970, when the Judiciary Subcommittee on Separation of Powers, under the leadership of Senator Ervin, held 4 days of hearings on judicial independence. Instead, in the intervening years, Congress has focused its examination of the question almost exclusively on the Judicial Tenure Act. Little, if any, attention has since been given to the possibility of alternative approaches. It is now time for Congress to broaden its approach; the bill we introduce today will do just that.

Any broad review of judicial disciplinary procedures must address a number of fundamental questions inherent in any judicial discipline proposal, be it the Judicial Tenure Act or the Judicial Council Amendments and Discipline Act of 1979. Among these questions are:

The nature and extent of the problem of judicial misconduct;

What type of disciplinary mechanism would best remedy such problems as may exist;

The impact of such proposals on the independence of the Federal judiciary; and

Whether or not impeachment is the sole constitutional means of disciplining Federal judges.

Moreover, there are a number of more specific questions that must be considered regarding any legislative effort to strengthen the powers of the Federal judicial councils, including the bill Senator BAYH and I have introduced today. Among them are:

Under what circumstances should a Federal judge be subjected to the disciplinary powers of the councils? Should the standard be, as provided under our bill, when the judge's conduct interferes with or impairs the effective, expeditious, and fair administration of the business of the courts or the just determination of all litigation within the circuit in which the judge serves? Or, should more specific categories of judicial misconduct be delineated in the proposal?

What remedies should be available to the councils to deal with judicial conduct actionable under the legislation and what enforcement powers should the councils have to insure compliance with their orders?

Should the councils be constituted as Federal courts for purposes of dealing with allegations of judicial misbehavior?

Should appellate review of the orders of the judicial councils lie with the Supreme Court, or should review be placed in another body, such as the Judicial Conference?

Is the language requiring the dismissal of complaints, which amount to a collateral attack on a judicial ruling, sufficient to deal with charges made by disappointed litigants, or is additional or revised language necessary?

None of these questions will be easy to answer. The task of responding to them will require our best efforts, as well as those of Federal jurists, legal scholars, and other interested persons. But, it cannot be ignored.

As Congress proceeds with its comprehensive and long-delayed examination of judicial disciplinary procedures, one point must always be uppermost in our minds: the importance of insuring that the time-honored and constitutionally recognized principle of judicial independence be preserved. It is a principle worth preserving. It is not a new principle. It is an ancient one. Its origins can be traced back long before the Constitution of the United States was written. It is more than 2,000 years old.

Herodotus, the Greek historian, in his history of ancient Persia, wrote:

> The royal judges are men chosen from among Persians, who continue in office until they die or they are convicted of some injustice. They determine causes between the Persians, and are the interpreters of the ancient constitutions and all questions referred to them.

Our Founding Fathers were worldly individuals. They were the scholars. They knew of Herodotus and they were aware that, by grafting judicial independence into the Constitution, they were embodying the wisdom of the ages into the organic law of our Nation.

We must not ignore the lessons to be gleaned from history. We must be faithful to the constitutional government ordained by our Founding Fathers. Above all, we must be certain that if we opt for greater judicial control, we will not sacrifice judicial independence.●

By Mr. HART:

S. 523. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services; to the Committee on Armed Services.

UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT OF 1979

● Mr. HART. Mr. President, our military health care system is currently faced with a critical shortage of physicians and other health care professionals. Recent Department of Defense statistics indicate that the three military services are in need of approximately 2,034 physicians to meet their requirements.

Last August, I introduced legislation to help provide a means for the Department of Defense to attract and retain qualified military health professionals to meet the medical requirements of Armed Forces. Since then, the military services have fallen behind their authorized military physician strength by over 900 physicians. The Army alone has fallen 20 percent below its 5,273-physician requirement. Furthermore, these figures do not reflect the severe shortages which exist in certain medical specialities such as radiology, anesthesiology, and internal medicine.

Mr. President, this critical shortage of qualified military health professionals raises serious questions about the ability of the military to provide wartime medical support for the men and women of our Armed Forces. In addition, shortage of military medical personnel severely limits the military health care systems' ability to fulfill its secondary mission to provide medical services as a condition of service to active duty, dependents, and retired beneficiaries.

The physician shortage in the military services has been caused by a combination of factors, including the termination of the doctor draft in 1973, the diminishing pool of "Berry plan" physicians, and the increasing difficulties in retaining physicians once their initial obligation is completed.

Because of the shortage, as well as increasing medical costs, military medical facilities have been forced to reduce services for active duty dependents and retired beneficiaries. In turn, there has been a corresponding increase in the use of the civilian health and medical program of the uniformed services (CHAMPUS). CHAMPUS not only costs eligible beneficiaries more, but it also results in additional costs to the taxpayer, since such medical services provided by civilian hospitals and physicians are higher on a fee-for-service basis.

In addition to the reductions in medical services provided at military medical facilities, many military hospital commanders have been forced to hire civilian physicians on a contract basis to meet essential operating requirements of their facilities.

These contract services do not come inexpensively. For example, nearly $8 million was spent for contract radiology services alone in the last fiscal year. As the physician shortage worsens, more money will have to be spent hiring civilian physicians to meet the needs of the military services. This is, at best, a stopgap solution because these civilian physicians cannot be deployed in the event of military mobilization.

The shortage in military medical services has also had a profound effect on the attitudes of service members. According to Department of Defense officials, health care benefits have been consistently cited by service members as one of the most important factors in military career decisions. The deterioration of military health care services will make it even harder to recruit and retain a qualified all-volunteer force in the future.

At present, the military is authorized temporarily to offer variable incentive special pay programs for health professionals. These special pay programs have six different methods of disbursement and confusing eligibility criteria which diminish their effectiveness. For example, variable incentive pay is not available to medical officers serving their initial active duty obligation.

Similarly, medical officers trained under the health professional scholarship program are not eligible for incentive pay under the current program until the Federal assistance they have received is paid back through a specified period of military service. Uneven and inequitable requirements like these seriously undermine the armed services' effort to maintain a staff of qualified physicians.

The legislation I am proposing would correct these inequalities and replace the current temporary special pay program with a stable, long-term health professionals special pay program. It would give the military services the needed tools to enhance recruitment and retention of qualified health care professionals.

Although this bill will not bring the pay of military medical officers up to civilian levels, it will make a career in the military health service substantially more attractive than it is now.

The major provisions of the bill include:

First, primary special pay for physicians, dentists, optometrists, and veterinarians called or ordered to active duty for a period of at least 1 year. This special pay is based on years of creditable service and varies from $1,200 per year to a maximum of $11,000 per year.

Second, special incentive pay would be offered physicians and dentists in selected specialties. To be eligible for this pay, the health professional must sign a written agreement to remain on active duty for a period of at least 1 year. The service Secretaries can authorize up to an additional $8,000 as incentive pay for selected medical specialties where severe shortages exist.

Mr. President, this bill will provide an effective incentive to persuade health professionals to enlist in our Nation's military services without having to suffer extreme financial hardships. It will also give the military the needed tools necessary to improve its health services. We must insure that our military health care system effectively and economically meets its mission requirement to provide the high quality medical care which its eligible beneficiaries deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniformed Services Health Professionals Special Pay Act of 1978".

SEC. 2. (a) Chapter 5 of title 37, United States Code, relating to special and incentive pays for members of the uniformed services, is amended by striking out sections 302, 302a, 302b, and 303 and inserting in lieu thereof the following:

"§ 302. Special pay: medical officers

"(a) (1) Except as provided in paragraph (2), a commissioned officer who is an officer of the Medical Corps of the Army or the Navy, an officer of the Air Force designated as a medical officer, or a medical officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to primary special pay at the following applicable rate:

"(A) $1,200 per year, if the officer has less than five years of creditable service under subsection (c);

"(B) $7,000 per year, if the officer has at least five but less than eight years of creditable service under subsection (c);

"(C) $9,000 per year, if the officer has at least eight but less than fourteen years of creditable service under subsection (c); or

"(D) $11,000 per year, if the officer has fourteen or more years of creditable service under subsection (c).

"(2) A commissioned officer described in paragraph (1) who is serving in the pay grade of 07, 08, or 09 is entitled to primary special pay at the following applicable rate regardless of the number of years of creditable service such officer may have under subsection (c):

"(A) $6,000 per year if the officer is serving in a pay grade of 09;

"(B) $7,000 per year if the officer is serving in a pay grade of 08; or

"(C) $10,000 per year if the officer is serving in a pay grade of 07.

"(3) The annual rate of primary special pay to which an officer is entitled under paragraph (1) or (2) shall be increased by—

"(A) $9,000 for any period during which the officer is not undergoing medical internship or residency training, as determined under regulations prescribed under section 302d(a); and

"(B) $2,000 if the officer is board certified, as determined under regulations prescribed under section 302d(a).

"(b) (1) Subject to paragraph (2) and under regulations to be prescribed under section 302d(a), an officer who is entitled to primary special pay under subsection (a) (1) and who is not undergoing medical internship or residency training may be paid incentive special pay in an annual amount not to exceed $8,000.

"(2) No officer shall be eligible for incentive special pay under this subsection unless the Secretary concerned has determined that the officer is qualified in the medical profession.

"(3) To be eligible for incentive special pay under this subsection for any year, an officer must first execute a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(4) In developing the Budget for any fiscal year for transmittal to the Congress under section 201(a) of the Budget and Accounting Act, 1921, the President shall limit the amount to be paid during that year for incentive special pay under this subsection to an amount equal to not more than 10 percent of the amount to be paid in that year for primary special pay under subsection (a).

"(C) For purposes of this section, creditable service of an officer of the Medical Corps of the Army or the Navy, an officer of the Air Force designated as a medical officer, or a medical officer of the Public Health Service is computed by adding—

"(1) four years;

"(2) all periods which the officer spent in medical internship or residency training during which the officer was not on active duty; and

"(3) all periods of active service in the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

"§ 302a. Special pay: dental officers

"(a) (1) Except as provided in paragraph (2), a commissioned officer who is an officer of the Dental Corps of the Army or the Navy, an officer of the Air Force designated as a dental officer, or a dental officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to primary special pay at the following applicable rate:

"(A) $1,200 per year, if the officer has at least four years of creditable service under subsection (c) and is undergoing dental internship training, as determined under regulations prescribed under section 302d(a);

"(B) $2,000 per year, if the officer has at least four but less than seven years of creditable service under subsection (c), and is not undergoing dental internship training, as determined under regulations prescribed under section 302d(a);

"(C) $7,000 per year, if the officer has at least seven but less than fourteen years of creditable service under subsection (c); or

"(D) $9,000 per year, if the officer has fourteen or more years of creditable service under subsection (c).

"(2) A commissioned officer described in paragraph (1) who is serving in the pay grade of O-7 or O-8 is entitled to primary special pay at the rate of $7,000 per year regardless of the number of years of creditable service such officer may have under subection (c).

"(3) The annual rate of primary special pay to which an officer is entitled under paragraph (1) or (2) shall be increased by—

"(A) $3,000 for any period during which the officer is not undergoing dental internship or residency training, as determined under regulations prescribed under section 302d(a); and

"(B) $2,000 if the officer is board qualified in a dental specialty, as determined under regulations prescribed under section 302d(a).

"(b) (1) Subject to paragraph (2) and under regulations prescribed under section 302d(a), an officer who is entitled to primary special pay under subsection (a) (1) and who is not undergoing dental internship or residency training may be paid incentive special pay in an annual amount not to exceed $8,000.

"(2) No officer shall be eligible for incentive special pay under this subsection unless the Secretary concerned has determined that the officer is qualified in the dental profession.

"(3) To be eligible for incentive special pay under this subsection for any year, an officer must first execute a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(4) In developing the Budget for any fiscal year for transmittal to the Congress under section 201(a) of the Budget and Accounting Act, 1921, the President shall limit the amount to be paid during that year for incentive special pay under this subsection to an amount equal to not more than 5 percent of the amount to be paid in that year for primary special pay under subsection (a).

"(c) For purposes of this section, creditable service of an officer of the Dental Corps of the Army or the Navy, an officer of the Air Force designated as a dental officer, or a dental officer of the Public Health Service is computed by adding—

"(1) four years;

"(2) all periods which the officer spent in dental internship or residency training during which the officer was not on active duty; and

"(3) all periods of active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.

"§ 302b. Special pay: veterinary officers

"(a) A commissioned officer who is an officer of the Veterinary Corps of the Army, an officer of the Air Force designated as a veterinary officer, or a veterinary officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay at the following applicable rates:

"(1) $1,800 per year, if the officer has less than three years of creditable service under subsection (b);

"(2) $2,400 per year, if the officer has at least three but less than six years of creditable service under subsection (b);

"(3) $3,000 per year, if the officer has at least six but less than ten years of creditable service under subsection (b); or

"(4) $4,200 per year, if the officer has ten or more years of creditable service under subsection (b).

"(b) For purposes of this section, creditable service of an officer of the Veterinary Corps of the Army, an officer of the Air Force designated as a veterinary officer, or a veterinary officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in veterinary residency training during which the officer was not on active duty; and

"(2) all periods of active service in the Veterinary Corps of the Army, as an officer of the Air Force designated as a veterinary officer, or as a veterinary officer of the Public Health Service.

"§ 302c. Special pay: optometry officers

"(a) A commissioned officer who is an officer of the Army, Navy, or Air Force designated as an optometry officer or who is an optometry officer of the Public Health Service and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay at the following applicable rate:

"(1) $1,800 per year, if the officer has less than three years of creditable service under subsection (b);

"(2) $2,400 per year, if the officer has at least three but less than six years of creditable service under subsection (b);

"(3) $3,000 per year, if the officer has at least six but less than ten years of creditable service under subsection (b); or

"(4) $4,200 per year, if the officer has ten or more years of creditable service under subsection (b).

"(b) For purposes of this section, creditable service of an officer of the Army, Navy, or Air Force designated as an optometry officer or of an optometry officer of the Public Health Service is computed by adding—

"(1) all periods which the officer spent in optometry residency training during which the officer was not on active duty; and

"(2) all periods of active service as an optometry officer.

"§ 302d. Special pay: health professionals; general provisions

"(a) (1) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health, Education, and Welfare, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 302, 302a, 302b, and 302c.

"(2) For purposes of sections 302, 302a, 302b, and 302c, the terms 'board eligible', 'board qualified', and 'initial residency training' shall have such meanings as shall be prescribed in regulations issued by the Secretary of Defense.

"(b) Special pay authorized under sections 302, 302a, 302b, and 302c is in addition to any other pay or allowances to which a member is entitled, and the amounts set forth in such sections shall not be included in computing the amount of any increase in pay under any other provision of this title or in computing retired pay, severance pay, or readjustment pay.

"(c) Special pay under sections 302(a), 302a(a), 302b, and 302c shall be paid monthly.

"(d) An officer who voluntarily terminates his service on active duty before the end of the period for which a payment was made to such officer under section 302(b) or 302a(b) shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(e) The special and incentive pays to which an officer of the health professions of the uniformed services is entitled under sections 302 through 302c are to be adjusted each year by the same percentage rate that the monthly basic pay and allowances of members of the uniformed services is adjusted pursuant to section 8 of the Act of December 16, 1967 (Public Law 90–207; 81 Stat. 654).".

(b) Sections 311 and 313 of title 37, United States Code, are repealed.

(c) Section 306(e) of such title, relating to exclusions from special pay for officers holding positions of unusual responsibility, is amended by striking out "302 or 303" and inserting in lieu thereof "302, 302a, 302b, or 302c".

(d) The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking out the items relating to sections 302, 302a, 302b, and 303 and inserting in lieu thereof the following:

"302. Special pay: medical officers.
"302a. Special pay: dental officers.
"302b. Special pay: veterinary officers.
"302c. Special pay: optometry officers.
"302d. Special pay: health professionals; general provisions.";

and

(2) by striking out the items relating to sections 311 and 313.

SEC. 3. Unearned amounts received by officers under the provisions of sections 311 and 313 of title 37, United States Code, on the day before the effective date of this Act shall be recouped by the United States from the officer concerned on a pro rata basis. An officer receiving pays under the provisions of any of the sections amended or repealed by this Act shall continue, under regulations prescribed by the Secretary of Defense, to be entitled under the amendments made by this Act to an annual amount of special pay equal to not less than the annual amount to which such officer would have been entitled had such sections not been amended or repealed by this Act.

SEC. 4. This Act shall become effective on October 1, 1979.●

By Mr. MORGAN:

S. 524. A bill to establish a Solar Energy Development Bank to provide long-term, low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Housing, and Urban Affairs.

SOLAR ENERGY BANK ACT

● Mr. MORGAN. Mr. President, today I am introducing legislation that will create a Solar Energy Development Bank to offer long-term, low-interest loans to homeowners and businesses for the purchase and installation of solar energy equipment.

The Solar Bank is designed to encourage the widespread use of solar energy, enabling the homeowner to overcome one of solar's great obstacles—the high initial cost. A loan program offers the added advantage of allowing the homeowner to make a monthly cost comparison between solar and the energy it would replace. The Bank would make use of the best in our private enterprise system by helping create a market for which industry would compete and innovate. It could have an enormous impact on the development of solar energy and, what's more, could do so without burdening taxpayers with another cumbersome bureaucracy. Its staff would be minimal. Loans would be made and serviced by private lending agencies using private capital, with the Solar Bank compensating the lender for the low interest rate charged.

The Solar Bank speaks to some of the most serious problems facing us today, including price inflation caused by imported oil, and it could help us move toward our goal of energy independence, thereby enhancing our national security. It is considered a top priority item by solar advocates and has been endorsed by the solar coalition. The Solar Bank concept, in fact, is one of the policy options being advanced in the President's solar energy domestic policy review.

Obviously, at this time of mounting inflation, budgetary restraint takes precedence over new programs. Yet last year's testimony by the Office of Technology Assessment indicated that the Solar Bank could essentially pay for itself. This bill would have the effect of redirecting the funds that pay for imported oil into investments in the U.S. economy. This would not only promote the use of solar energy, and therefore reduce our dependence on foreign oil, but it would also tend to stimulate the industries involved in the research and production of solar energy equipment. This stimulation of solar technology may well turn out to be one of the most beneficial impacts of this bill aside from reducing our energy problems.

I might point out that federal subsidies for nuclear, oil, coal, and hydroelectric energy have totaled over $80 billion since 1950. On the other hand, solar energy has received no such massive subsidization. If we want to utilize solar energy to its potential, a potential that according to President Carter, "could meet as much as one fourth of our energy demands * * * by the end of this century," we must be willing to give it the boost that it deserves, and that it needs to compete against other energy sources.

I urge my colleagues to consider this legislation favorably, and I ask you to cosponsor and support it.●

By Mr. RIEGLE (for himself and Mr. WILLIAMS):

S. 525. A bill to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes; to the Committee on Human Resources.

DRUG ABUSE PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1979

● Mr. RIEGLE. Mr. President, today I am introducing, along with Mr. WILLIAMS, the Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1979. This bill extends the legislative authority for the National Institute on Drug Abuse for the next 3 fiscal years, and updates the law with respect to Federal coordination of drug abuse policy.

I am particularly pleased to be joined in sponsoring this bill by Mr. WILLIAMS, the chairman of the full Human Resources Committee, who shares my determination to improve the effectiveness of Federal dollars spent for drug abuse prevention and treatment.

The Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1979 brings the law in accordance with actual practice by eliminating references to the Office of Drug Abuse Policy, which was formerly located in the Executive Office of the President. Because we are concerned that Federal drug policy be coordinated at the level of top policymakers, however, the functions formerly performed by ODAP are retained, to be performed by the President acting through the Domestic Council unless an alternative mechanism is established by Executive order.

Because the subcommittee wants the benefit of a hearing record before we set authorization levels for the next 3 fiscal years, this bill authorizes such sums as may be necessary to carry out the functions of the act. Following our subcommittee hearings on March 2, the subcommittee will set specific authorization levels.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCE TO ACT

SECTION 1. (a) This Act may be cited as the "Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Drug Abuse Office and Treatment Act of 1972.

SEC. 2. Section 101 is amended—

(1) by inserting "(in cooperation with employers, employee associations, social service organizations, and associations of concerned individuals)" after "programs" in paragraph (8); and

(2) by inserting at the end thereof the following new paragraphs:

"(11) Shifts in the usage of various drugs and in the Nation's demographic composition require a Federal strategy to adjust programs and techniques in order to meet new needs and priorities on a cost-effective basis.

"(12) Drug and alcohol abuse indicate the need for prevention and information programs designed to reach the general population and members of particularly vulnerable groups such as youth, older Americans, and families of drug abusers.".

SEC. 3. Title II is amended to read as follows:

"TITLE II—DRUG ABUSE POLICY COORDINATION

"Sec.
"201. Concentration of Federal effort.
"202. Designated drug representative.
"203. Officers and employees.
"204. Employment of experts and consultants.
"205. Acceptance of uncompensated services.
"206. Notice relating to the control of dangerous drugs.
"207. Statutory authority unaffected.
"208. Annual report.
"209. Appropriations authorized.

"Sec. 201. Concentration of Federal effort.

"(a) The President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, shalal establish a system for making recommendations with respect to policies for, objectives of, and establishment of priorities for, Federal drug abuse functions and shall coordinate the performance of such functions by Federal departments and agencies. Recommendations under this subsection shall include recommendations for changes in the organization, management, and personnel of Federal departments and agencies performing drug abuse functions in order to implement the policies, priorities, and objectives recommended under this subsection.

"(b) To carry out subsection (a), the President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, shall—

"(1) review the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of drug abuse functions;

"(2) conduct, or provide for, evaluations of (A) the performance of drug abuse functions by Federal departments and agencies, and (B) the results achieved by such departments and agencies in the performance of such functions; and

"(3) seek to assure that Federal departments and agencies, in the performance of drug abuse functions, construe drug abuse as a health problem requiring treatment and rehabilitation through a broad range of community health and social services.

"(c) Federal departments and agencies engaged in drug abuse functions shall submit to the President, through the Domestic Council or through such other mechanism as may be set forth by Executive Order, such information and reports as may reasonably be required to carry out the purposes of this title.

"Sec. 202. Designated drug representative.

"(a) The President shall designate a single officer or employee of the Domestic Council, or of such other mechanism as may be established by Executive Order to carry out the purposes of this title, to direct the activities required by this title. The officer or employee so designated shall serve as the President's representative on drug abuse functions and the location of such designee in the Executive Office of the President or elsewhere shall not be construed as affecting access by the Congress, or committees of either House, (1) to information, documents, and studies in the possession of, or conducted by or at the direction of, such designee, or (2) to personnel involved in carrying out the purposes of this title.

"(b) The President may direct the officer or employee designated under subsection (a) of this section to represent the Government of the United States in discussions and negotiations relating to drug abuse functions.

"Sec. 203. Officers and employees.

"In carrying out the purposes of this title, the President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him by this title. At the discretion of the President, any officer or employee engaged in carrying out the purposes of this title may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.

"Sec. 204. Employment of experts and consultants.

"In carrying out the purposes of this title, the President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, may procure services as authorized by section 3109 of title 5, United States Code, and may pay a rate for such services not in excess of the rate in effect for grade GS-18 of the General Schedule. The President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, may employ individuals under this section without regard to any limitation, applicable to services procured under such section 3109, on the number of days or the period of such services, except that, at any one time, not more than six individuals may be employed under this section without regard to such limitation.

"Sec. 205. Acceptance of uncompensated services.

"In carrying out the purposes of this title, the President, acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order, is authorized to accept and employ in furtherance of the purpose of this Act voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"Sec. 206. Notice relating to the control of dangerous drugs.

"Whenever the Attorney General determines that there is evidence that—

"(1) a drug or other substance, which is not a controlled substance (as defined in section 102(6) of the Controlled Substances Act), has a potential for abuse, or

"(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act, he shall, prior to initiating any proceeding under section 201(a) of such Act, give the President, through the Domestic Council or through such other mechanism as may be set forth by Executive Order, timely notice of such determination. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the President through the Domestic Council or through such other mechanism as may be set forth by Executive Order.

"Sec. 207. Statutory authority unaffected.

"Nothing in this title shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces or the authority of the Administrator of Veterans' Affairs with respect to the furnishing of health care and related services to veterans.

"Sec. 208. Annual report.

"The President, acting through the Domestic Council or through such other mechanism ash may be set forth by Executive Order, shall submit to the Congress, prior to March 1 of each year, a written report on the activities conducted to carry out the purposes of this title. The report shall specify the objectives, nature, and results of such activities, and shall contain an accounting of funds expended under this title.

"Sec. 209. Appropriations authorized.

"For purposes of carrying out this title, there is authorized to be appropriated such sums as may be necessary for each fiscal year ending prior to October 1, 1982.".

SEC. 4. This title shall become effective on October 1, 1979, or upon enactment, whichever is later.

SEC. 5. (a) Section 302 is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "representative designated under section 202 of this Act".

(b) Section 304 is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "President, through the Domestic Council or through such other mechanism as may be set forth by Executive Order".

(c) The first sentence of section 409 (a) of the Drug Abuse Office and Treatment Act of 1972 is amended—

(1) by striking out "and" after "1978"; and

(2) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982," after "1979,".

Sec. 6. Section 409(e) is amended—

(1) by inserting "with attention to assuring representation of minority and poverty groups, women, youth, and the aged," after "affected by drug abuse" in paragraph (3);

(2) by inserting the following before the semicolon in paragraph (4): ", and set forth in detail the changes in emphasis among such functions resulting from shifts in demographic and drug abuse patterns within the State";

(3) by striking out "and" at the end of subparagraph (5)(A);

(4) by striking out "by" after "drug dependence by women and" in subparagraph (5)(B);

(5) by inserting the following after "drug dependence by women": ", youth, older individuals, residents of urban and rural areas"; areas";

(6) by inserting the following at the end of subparagraph (5)(B): "(C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to subparagraph (A) is coordinated with and not duplicative of the alcohol abuse and alcoholism survey conducted pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970;";

(7) by inserting "(A)" after "in the State" in paragraph (7);

(8) by inserting the following before the semicolon in paragraph (7): ", (B) to review and comment on the plan prior to its submission to the Secretary, and (C) to submit to the Secretary as an appendix to the plan such comments as such political subdivisions believe are relevant to approval of the plan under paragraph (f)";

(9) by inserting "(A)" after "(9)";

(10) by inserting after subparagraph (9) (A) the following new subparagraph:

"(B) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in subparagraph (A);";

(11) by inserting "and of the extent to

which other State programs and political subdivisions throughout the State are concerned and dealing effectively with the problems related to drug abuse and drug dependence" after "under the plan" in paragraph (10);

(12) by striking out "and" at the end of paragraph (12);

(13) by redesignating paragraph (13) as paragraph (17); and

(14) by inserting after paragraph (12) the following new paragraphs:

"(13) contain, to the extent feasible, a complete inventory of all public and private resources available in the State for the purpose of drug abuse and drug dependence treatment, prevention, and rehabilitation, including but not limited to programs funded under State and local laws, occupational programs, voluntary organizations, education programs, military and Veterans' Administration resources, and available public and private third-party payment plans;

"(14) provide assurance that the State agency will coordinate its planning with local drug abuse planning agencies, with State and local alcoholism and alcohol abuse planning agencies, and with other State and local health planning agencies;

"(15) provide assurance that State certification, accreditation, or licensure requirements, if any, applicable to drug abuse and drug dependence treatment facilities and personnel take into account the special nature of such programs and personnel, including the need to include nonmedical aspects of treatment and the need to acknowledge previous experience when assessing the adequacy of treatment personnel;

"(16) provide assurance that the State agency—

"(A) will foster and encourage the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section of this Act; and

"(C) will furnish technical assistance as requested to such business concerns and governmental entities; and".

Sec. 7. Section 410(a) is amended—

(1) by inserting the following after "development" in paragraph (1): ", demonstration, and evaluation";

(2) by inserting "and detoxification" before "techniques" in paragraph (5);

(3) by inserting the following before the semicolon in paragraph (5): ", including supportive services to prevent relapse into drug abuse or drug dependence"; and

(4) by inserting the following before the period in paragraph (6): ", with particular emphasis on replicating effective prevention and treatment programs in areas of the greatest need for such programs".

Sec. 8. Section 410(b) is amended by adding at the end thereof the following new sentence: "For each succeeding fiscal year ending prior to October 1, 1982, there are authorized to be appropriated (1) such sums as may be necessary for grants and contracts under paragraphs (3) and (6) of subsection (a) for drug abuse treatment programs, and (2) such sums as may be necessary for grants and contracts under such subsection for other programs and activities."

Sec. 9. Section 413(a) is amended—

(1) by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management";

(2) by striking out "Director" and inserting in lieu thereof "President (acting through the Domestic Council or through such other mechanism as may be set forth by Executive Order), with the Secretary (acting through the National Institute on Drug Abuse),";

(3) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code, as amended by the Civil Service Reform Act of 1978" after "other Federal agencies and departments" and

(4) by inserting "and their families" after "Federal civilian employees".

Sec. 10. Section 413(b) is amended to read as follows:

"(b) (1) The Secretary, acting through the National Institute on Drug Abuse, shall be responsible for fostering and encouraging similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

"(2) Consistent with such responsibility, the Secretary acting through the National Institute on Drug Abuse, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities, taking into account the number of employees, geographical location, proximity to other concerns and entities, and availability of existing services from public agencies and private organizations. With respect to small business concerns, the Secretary, acting through the National Institute on Drug Abuse, shall consult with the Small Business Administrator in the development of model programs affecting such concerns.

"(3) With respect to busines concerns and governmental entities which employ individuals represented by labor organizations, such model programs shall be designed to operate through the collective bargaining process.

"(4) The Secretary, acting through the National Institute on Drug Abuse, shall disseminate information and materials to single State agencies designated pursuant to section 409 of this Act, and shall provide technical assistance to such agencies as requested.

"(5) To the extent feasible, model programs developed pursuant to this section shall be capable of coordination with model programs developed pursuant to section 201 (b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1978.".

Sec. 11. (a) Title IV is amended by adding at the end thereof the following new section:

"Sec. 414. (a) Drug abusers who are suffering from personal, emotional, or social conditions shall not be discriminated against in admission or care, solely because of their drug abuse or drug dependence, by any private or public social service, mental health, intermediate care, rehabilitation, or other service-related facility which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) The Secretary shall issue regulations not later than 12 months after the enactment of this section for the enforcement of the policy of subsection (a) with respect to the admission and care of drug abusers in facilities covered by this section. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a facility which receives support of any kind from any program administered by the Secretary and subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such facility from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which a facility covered by subsection (a) receives support of any kind, with respect to the suspension or revocation of Federal support for any facility found to violate such subsection.".

(b) The table of sections at the beginning of title IV is amended by adding at the end thereof the following new item: "414. Admission of drug abusers to social services.".

Sec. 12. Section 502 is amended by inserting at the end thereof the following new subsection:

"(d) On the request of any State, the Secretary shall make available technical assistance for the purposes of developing and improving systems for data collection; program management, accountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance to Federal requirements of hospitals and other facilities; and developing demonstration projects or implementing through such State's insurance regulatory process a requirement that will constitute significant progress toward coverage of drug abuse and drug dependence by health insurance plans equivalently with other chronic health conditions. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970."

Sec. 13. Section 503 (a) is amended—

(1) by striking out "to create, develop, and test" and insert in lieu thereof the following: ", investigations, experiments, demonstrations, and studies, into"

(2) by inserting "the creation, development, and testing of" after "(1)", "(2)", and "(3)", respectively;

(3) by striking out "and" at the end of paragraph (2);

(4) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(5) by inserting after paragraph (3) the following new paragraph:

"(4) the social, behavioral, and biomedical etiology, treatment, mental and physical health consequences, and social and economic consequences of drug abuse and drug dependence."

Sec. 14. Section 503 (b) is amended—

(1) by striking out "and" after "1978,"; and

(2) by inserting before the period a comma and the following: "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982,"

Sec. 15. Section 503 is further amended by adding at the end thereof the following new subsection:

"(c) In carrying out the program described in subsection (a) of this section, the Secretary, acting through the Institute, is authorized to—

"(1) collect and make available through publications and other appropriate means, information as to, and practical application of, the research and other activities under the program;

"(2) make available research facilities of the Public Health Service to appropriate public authorities, and to health officials and scientists engaged in special study;

"(3) make grants to universities, hospitals, laboratories, and other public or nonprofit institutions, and to individuals for such research projects as are recommended by the National Advisory Council on Drug Abuse, with particular emphasis on investigating polydrug abuse (including the relationship between abuse of alcohol and other drugs);

"(4) secure from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants from the United States or abroad;

"(5) promote the coordination of research programs conducted by the Institute, and similar programs conducted by other agencies, organizations, and individuals, including all National Institutes of Health research activities which are or may be related to the problems of individuals suffering from drug abuse or drug dependence or the drug abuse or dependence of members of their families;

"(6) for purposes of study, admit and treat at institutions, hospitals, and stations of the Public Health Service, persons not otherwise eligible for such treatment;

"(7) provide to health officials, scientists, and appropriate public and other nonprofit institutions and organizations, technical advice and assistance on the application of statistical methods to experiments, studies, and surveys in health and medical fields; and

"(8) adopt, upon recommendation of the National Advisory Council on Drug Abuse, such additional means as he deems necessary or appropriate to carry out the purposes of this section."

SEC. 16. Section 217(e) (1) of the Public Health Service Act is amended—

(1) by inserting the following before the period in the third sentence: ", including officers or employees of State and local drug abuse agencies"; and

(2) by inserting at the end thereof the following new sentence: "Appointed members may serve after the expiration of their terms until their successors have taken office."

SEC. 17. (a) The Drug Abuse and Treatment Act of 1972 is amended by striking out the title of the Act each place it appears and inserting in lieu thereof the following new title of the Act:

"Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1972".

(b) Whenever reference is made in any other Federal law, regulation, ruling, or order to the Drug Abuse Office and Treatment Act of 1972, the reference shall be considered to be made to the Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1972.

SECTION BY-SECTION ANALYSIS

Sec. 1. Short Title.

Sec. 2. Congressional Findings.

Amends findings to emphasize need of cooperation with employers, employee associations, social service organizations, and associations of concerned individuals as well as law enforcement and health programs; notes need to adjust programs to changing demographic and drug use patterns; emphasizes prevention programs for general population and vulnerable groups including youth, older Americans, and families of drug abusers.

Sec. 3. Drug Abuse Policy Coordination.

Amends Title II to eliminate references to former Office of Drug Abuse Policy and substitute references to President, acting through the Domestic Council or through such other mechanism as may be established by Executive Order; emphasizes need for wide range of community health and social services; requires Presidential designation of single representative to direct activities under Title II; authorizes (pending hearings) such sums as may be necessary to carry out functions under Title II.

Sec. 4. Effective Date.

Sec. 5. Formula Grants Authorization.

Substitutes reference to representative designated under section 3 for reference to Director of Office of Drug Abuse Policy; authorizes (pending hearings) such sums as may be necessary for State formula grants for next three fiscal years.

Sec. 6. State Plans.

Amends requirements for State plans to assure representation of minority and poverty groups, women, youth, and the aged; requires description of plan changes necessitated by shifts in demographic and treatment needs for youth, older individuals, and residents of urban and rural areas; requires assurances that drug abuse and drug dependence survey is coordinated with alcohol abuse and alcoholism survey required by Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; provides municipalities opportunity to review and comment on State plan and to forward comments to Secretary; authorizes Comptroller General to obtain access to records; requires evaluation of effectiveness of other State and local programs addressing problems related to drug abuse; calls for inventory of public and private resources related to drug abuse prevention, treatment, and rehabilitation; requires coordination with other drug, alcohol, and health planning agencies; requires certification, accreditation, and licensure requirements to take into account medical as well as nonmedical aspects of treatment and previous experience of personnel; requires State encouragement of occupational programs.

Sec. 7. Project Grants and Contracts.

Includes demonstration and evaluation along with development of occupational programs; includes detoxification along with drug maintenance; emphasizes replication of effective prevention and treatment programs in areas of greatest need.

Sec. 8. Project Authorization.

Authorizes (pending hearings) such sums as may be necessary for project grants and contracts for next three fiscal years.

Sec. 9. Federal Civilian Employees.

Reconciles Act with Civil Service Reform Act by recognizing Office of Personnel Management and requiring compliance with statutory collective bargaining procedures; makes families of Federal employees eligible for services.

Sec. 10. Occupational Programs.

Instructs Secretary to develop model occupational programs, which shall be consistent with those developed in alcoholism field.

Sec. 11. Service-Related Facilities.

Prohibits discrimination, solely because of drug abuse or drug dependence, by social service, mental health, intermediate care, rehabilitation, or other service-related facilities supported wholly or in part by Federal funds.

Sec. 12 Technical Assistance.

Authorizes provision of technical assistance to States in areas of data collection; program management and evaluation; certification, accreditation, or licensure; compliance with Federal requirements by hospitals and other facilities; developing demonstration projects or implementing through insurance regulatory processes mechanisms for covering drug abuse under health insurance plans equivalently with other chronic health conditions; and related areas where NIDA and NIAAA activities may be parallel.

Sec. 13. Research Encouragement.

Expands encouragement of research to include investigations, experiments, demonstrations, and studies into social, behavioral, and biomedical aspects of drug abuse, and consequences thereof.

Sec. 14. Research Authorization.

Authorizes (pending hearings) such sums as may be necessary for research for next three fiscal years.

Sec. 15. Methods of Encouraging Research.

Itemizes activities that may be utilized to encourage research, including dissemination of information, use of Public Health Service facilities, grants approved by National Advisory Council on Drug Abuse (emphasizing investigation of polydrug abuse, including alcohol), use of experts and consultants, promotion of coordination with research conducted by other agencies, and provision of technical assistance.

Sec. 16. National Advisory Council on Drug Abuse.

Calls for inclusion of officers or employees of State and local drug abuse agencies; authorizes appointed members to serve until their replacements take office.

Sec. 17. Title of 1972 Act.

Changes title of Drug Abuse Office and Treatment Act of 1972 to Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1972.●

By Mr. SCHWEIKER:

S. 526. A bill to amend title XI of the Social Security Act to provide that a Professional Standards Review Organization shall not be considered to be an agency of the Federal Government; to the Committee on Finance.

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

● Mr. SCHWEIKER. Mr. President, I am today reintroducing a bill to clarify that Professional Standards Review Organizations (PSRO's) are not subject to the full range of information disclosure requirements of the Freedom of Information Act.

Similar legislation I introduced last session gained broad support and was, with minor modifications, reported favorably by the Senate Finance Committee as part of H.R. 5285, the Medicare-Medicaid Reimbursement Reform Act. In the parliamentary activity of the closing hours of the last session, Senate action on the provision was postponed.

Mr. President, my bill is made necessary by a decision of the U.S. District Court for the District of Columbia on April 25, 1978, holding that a PSRO is an "agency" of the Federal Government for purposes of FOIA and is thus subject to its disclosure requirements. Section 1166 of the Social Security Act sets forth principles on the basis of which HEW is to promulgate regulations governing both disclosure and confidentiality of information acquired by PSRO's in the exercise of their duties. Since the court decision may have the effect of subordinating the delicately balanced requirements of the PSRO law to the more sweeping provisions of the Freedom of Information Act, (FOIA) I believe it is necessary that Congress affirm its original intent on this important matter.

As my colleagues are aware, PSRO's are independent peer review organizations authorized by the Social Security Act amendments of 1972 to determine whether services reimbursable under medicare, medicaid, and the Maternal and Child Health programs conform to appropriate professional standards, are medically necessary and, in the case of hospital or other institutional services, are rendered in an appropriate setting.

PSROs may also extend their activities to a broader range of health care services. The PSRO program is administered by the Secretary of HEW, who is charged with designating PSRO areas across the country and entering into contractual agreements with qualified organizations to perform PSRO functions. Where the PSRO determines that health care services do not conform to applicable standards, reimbursement under Federal programs may be denied. The law provides for hearings and secretarial review of PSRO determinations, as well as sanctions for cases that voluntary and educational efforts fail to resolve.

Mr. President, one of the primary purposes of the 1972 PSRO legislation was to allow private, professional organizations to review the quality and appropriateness of medical care. The legislative history of the PSRO statute notes that "it is preferable and appropriate that organizations of professionals undertake review of members of the profession rather than for Government to assume that role." The D.C. District Court's conclusion that PSROs are agencies of the Federal Government and thus subject to FOIA is clearly inconsistent with Congress' belief in passing the original legislation that private, nongovernmental agencies should perform quality and utilization review functions.

The decision would also effectively supplant the Social Security Act's directive to HEW to develop specific regulations governing the disclosure of information acquired by PSROs. Proposed regulations under this authority were published in the Federal Register on January 15, 1979 after an extensive ecort to solicit the views and concerns of all interested parties.

It would be hard to exaggerate the detrimental impact on the developing PSRO movement of subjecting these non-governmental organizations to the broad requirements of FOIA. PSROs rely on voluntary service by local physicians. Should all data acquired by PSROs be disseminated without safeguards, recruitment of physicians to perform PSRO functions would become increasingly difficult. Moreover, the intent of peer review, as opposed to Government regulation, is to allow the profession to attempt to regulate itself with some degree of privacy.

Confidential discussions separating appropriate concerns from unfounded allegations are essential ingredients of this process. In addition, subjecting PSROs to FOIA would result in increased administrative burdens, large additional expenses for the defense of lawsuits, and great uncertainty and delay in the performance of PSRO functions. Indeed, the District acknowledged its potentially detrimental impact: "* * * The court is well aware * * * that the peer review mechanism which Congress wisely established in enacting the PSRO program, will experence a severe setback, if not a fatal blow, should PSRO records become generally available through FOIA. But, the remedy for alleviating these justifiable concerns lies with Congress, not the courts."

Mr. President, I am well aware that the decision of the D.C. District Court is being appealed and also that further litigation may determine that PSROs fall into one or more of the various exceptions to the Freedom of Information Act's requirements. However, I think it important that Congress respond to the court's invitation to clarify its intent on this matter. Specific regulations under section 1166 of the Social Security Act are a more sensitive approach to the difficult disclosure issues surrounding PSROs than wholesale application of the Freedom of Information Act than through the courts, particularly since Congress never intended PSROs to be Government agencies. I hope that through passage of this legislation, Congress can affirm its original intent and avoid prolonging the disruption and uncertainty which the court decision has caused in the PSRO community.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"STATUS OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1174. A Professional Standards Review Organization shall not be considered to be an agency of the Federal Government by reason of the functions performed by such organization under this Act.".●

By Mr. KENNEDY (by request):

S. 527. A bill to authorize appropriations for activities for the National Science Foundation for fiscal years 1980 and 1981, and for other purposes; to the Committee on Human Resources.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS, 1980 AND 1981

● Mr. KENNEDY. Mr. President, I am introducing today by request the administration's bill authorizing funds for the National Science Foundation. The budget request for fiscal year 1980 totals $1.006 billion, of which $828.3 million is allocated for the support of basic research. The budget proposed by the administration would provide an increase of 8.4 percent over the fiscal year 1979 program level, with real growth in the Foundation's programs expected to be just under 1 percent. For fiscal year 1981 the administration has requested an open ended authorization. The following table summarizes the budget allocations proposed by the administration:

NATIONAL SCIENCE FOUNDATION—BUDGET SUMMARY

[Obligations in millions of dollars; fiscal years]

Budget activity	1978 actual	1979: 1979 program funded by Congress	1979: Prior year funds carried over	1979: Current plan	1980 new obligational authority	Differences, 1980/79: New obligational authority	Differences, 1980/79: Total program
(1)	(2)	(3)	(4)	(5)	(6)	(6—3)	(6—5)
Research and related activities appropriation:							
Mathematical and physical sciences and engineering	$248.5	$263.2	$4.5	$267.7	$295.7	$32.5	$28.0
Astronomical, atmospheric, Earth, and ocean sciences	211.6	223.0	.5	223.5	243.3	20.3	19.8
U.S. Antarctic program	48.4	[1] 51.1	0	51.1	55.0	3.9	3.9
Biological, behavioral, and social sciences	141.8	155.7	.5	156.2	173.5	17.8	17.3
Applied science and research applications	55.1	55.5	[2] 7.3	[2] 62.8	62.4	6.9	—.4
Scientific, technological, and international affairs	23.8	24.3	.9	25.2	25.8	1.5	.6
Program development and management	48.7	54.8	3.1	57.9	59.6	4.8	1.7
Subtotal	777.9	827.6	16.8	844.4	915.3	87.7	70.9
Science education activities appropriation:							
Scientific personnel improvement	31.7	32.8	0	32.8	32.9	.1	.1
Science education resources improvement	27.9	29.1	0	29.1	29.1	0	0
Science education development and research	8.9	11.7	0	11.7	15.3	3.6	3.6
Science and society	5.4	6.4	0	6.4	7.4	1.0	1.0
Subtotal	73.9	80.0	0	80.0	84.7	4.7	4.7
Special foreign currency appropriation	5.4	4.0	0	4.0	6.0	2.0	2.0
Total, NSF	857.2	911.6	16.8	928.4	1,006.0	94.4	77.6

[1] Includes $625,000 proposed supplemental for increased paycosts of Antarctic logistics support.

[2] Includes $6,900,000 fiscal year 1978 deferral.

Hearings on this legislation will be held on Friday, March 2 at 9:30 a.m. in room 6226 of the Dirksen Senate Office Building.●

By Mr. BAKER:

S.J. Res. 42. A joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States; to the Committee on the Judiciary.

THE AMERICAN MARIGOLD

Mr. BAKER. Mr. President, I rise today, as I have at the beginning of each Congress since 1971 to offer a resolution to designate the marigold as our national flower. Each time I do so, I am aware that my efforts to extoll the virtues of this lovely flower may seem feeble in comparison to the lush verbiage with which Senator Dirksen was able to instill in thousands of other Americans his love for ths hardy, cheerful, and truly American blossom.

As those of my colleagues who served with Senator Dirksen in the Senate will recall, passage of a joint resolution establishing the American marigold as our national floral emblem was, for many years, one of Senator Dirksen's fondest dreams.

Since his death in 1969, I have proposed the resolution in each new Congress, exactly as he originally introduced it, both to honor his memory and to express my own support for the marigold, which I feel is unique in its rich history and its embodiment of many of the basic virtues of the American spirit—humility, strength of character, endurance, and hope.

As the text of the resolution points out, we have adopted the American eagle and the American flag as national symbols. Moreover, each of the 50 States and every other major country in the "free" world has chosen a floral emblem. I feel that the American marigold could most appropriately be our floral symbol. It is not the national flower of any other country nor is it the State flower of any of our States. Yet it grows today in profusion in each State, having originally been introduced into this country by European colonists during the 18th century and nourished since that time by seed growers to attain a greater hardiness, a wider variety of colors, and larger flowers.

I am pleased that the marigold has a growing number of admirers throughout the Nation. The legislatures of three States, Georgia, Indiana, and Illinois, have approved resolutions recommending its adoption as our national flower. Moreover, the Marigold Society of America, which was founded last year, boasts members from 26 States and Canada. Mrs. Charlotte Bass, president of the society, succeeded in obtaining over 10,000 signatures on a petition urging Congress to consider the marigold resolution, and she continues to travel tirelessly throughout the United States sharing with thousands her enthusiasm for the "friendship flower."

In 1975 I had the pleasure of participating in the Annual Marigold Festival at Winterville, Ga. This small community located near Athens, adopted the marigold as its official flower in 1971. Since that time, the Annual Marigold Festival has been made the focus of a remarkably successful effort at restoration, renovation, and community development. I am constantly surprised and pleased at the way in which the "friendship flower" has succeeded in strengthening the American spirit of cooperation and volunteerism in Winterville and other communities around the country.

One of the most eloquent supporters of the marigold is my good friend Mr. David Burpee of the W. Atlee Burpee Co. in Doylestown, Pa. I would like to share with my colleagues Mr. Burpee's summary of reasons why the marigold, more than any other flower, deserves to be honored as our national floral emblem.

Mr. President, I ask unanimous consent that the text of my resolution and Mr. Burpee's comments be printed in the RECORD.

There being no objection, the joint resolution and comments were ordered to be printed in the RECORD, as follows:

S.J. RES. 42

Whereas the peoples of the world have from time immemorial adopted emblems—flags, birds, flowers—for their countries, representatives of their national virtues; and

Whereas the people of the United States have similarly adopted emblems—the American flag and the American eagle—to represent the virtues of this country; and

Whereas each of the fifty sovereign States of the United States, in addition to its State flag, has a floral emblem which it cherishes as its own; and

Whereas the United States is the only major "free" country in the world without a floral emblem; and

Whereas the American marigold represents the character of the United States more appropriately as an emblem than does any other flower in that it is an American native and native of nowhere else in the world; grown in abundance in the home gardens of every State in the Union yet not the floral emblem of any State in the Union; grown easily and quickly from seed; already acknowledged as a symbol of religious faith; a flower in its very appearance representing not just beauty but a rugged humility of character; and, like the American eagle and the American flag, an exclusively American emblem, unclaimed by any foreign nation: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the flower commonly known as the American marigold is hereby designated and adopted as the national floral emblem of the United States, and the President is requested to declare such fact by proclamation.

REASONS WHY THE AMERICAN MARIGOLD SHOULD BE THE FLORAL EMBLEM OF THE UNITED STATES OF AMERICA

There are many reasons why the American Marigold (Tagetes erecta), the Friendship Flower, should be the Floral Emblem of the United States.

Let me tell you some of them: The Marigold is native to Southwestern United States and to Mexico. It grows well and is popular in every state of our Union from Florida to Maine and from Hawaii to Alaska and also in every civilized country of the world. And it is known as the Friendship Flower.

The Marigold is not the state flower of any one of our states and is not the national flower of any foreign nation and as it is American, it can truly represent the United States of America.

The Rose is the national flower of England and is considered a symbol of warfare,—The War of the Roses. The Rose is also the national flower of six other nations, two of which are behind the Iron Curtain. The Rose would not be appropriate as our national flower.

When Cortez conquered ancient Mexico, he found Marigolds growing there. The gorgeous golden Marigolds were so beautiful Cortez took seed with him back to Spain. In Spain the beautiful golden Marigolds became the favorite flower of the devout to place at the altar of the Virgin Mary and because of that they were called Mary's Gold and then became known as Marigolds.

Then seed of Marigolds was taken to every civilized country of the world. They were so easy to grow everywhere and so beautiful, they became popular everywhere.

In India Marigolds became, and still are, the favorite flower to put in leis to place around a person's neck to indicate friendship and because of that they have become known as friendship flowers.

It is my thought that since we are the only great nation in the world that does not have a floral emblem, that especially when world affairs are so troubled, it would be very desirable to name as our National Floral Emblem the American Marigold, the Friendship Flower. It would indicate that we desire to be friends with all the peoples of the world and through friendship, it would perhaps help to deter future wars.

I urge you to support the American Marigold for the National Floral Emblem of the United States of America.

By Mr. DURKIN:

S.J. Res. 43. A joint resolution to proclaim March 21, 1980 "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

● Mr. DURKIN. Mr. President, I am today introducing a joint resolution to declare March 21, 1980 "National Energy Education Day" (NEED). That day will kick off a substantial effort to expand energy education with schools across our country, and I urge my colleagues' support.

We are all generally familiar with the gravity of the energy crisis: Our increasing dependence on uncertain supplies of cartel priced foreign oil threatens our national security, undermines the dollar abroad, and contributes to inflation. We are daily bombarded with new evidence of it, especially in New Hampshire and New England where oil and gas prices are skyrocketing. But few of us are well informed about the most elementary facts about energy.

In an effort to encourage a greater public knowledge about energy, I am introducing this resolution to establish the National Energy Education Day in March of 1980. A recent study by HEW's National Center for Education Statistics underscores the need for greater public knowledge about energy. HEW discovered that between two-thirds and nine-tenths of those surveyed wanted more information about energy. The survey also found that Americans are woefully ignorant about the most basic energy facts.

I was particularly shocked to learn that half of those questioned did not know that between 30 and 60 percent of the oil we use is imported. I have a list which details some of the gaps in the American people's knowledge about energy, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

Energy—Knowledge and Attitudes, a Study by the National Assessment of Educational Progress, December, 1978

51% Americans surveyed age 16–35 don't know coal is largest fossil fuel reserve in U.S.

86% of same group don't know that coal is primary energy source in producing largest portion of electrical energy in U.S.

68% same group optimistically believe that improved technology will make it possible to convert all energy released by burning fuel into useful work.

47% plus did not know that energy produced by solar, tides, geothermal, Alaskan oil, or wind means will account for less than one-third of our energy needs by 1985.

54% did not know that crude oil accounts for the largest percentage of energy consumed in U.S.

70% Americans surveyed did not know approximate number of years of oil supply (domestic).

(a) 65% did not know relationship between population and energy consumption in U.S. (6% world population—30% world energy consumption).

(b) 35% plus did not know that energy consumption increasing more quickly than population. (88% did not know same for coal consumption).

76% did not know waste heat emitted by nuclear as well as fossil fuel plants.

50% don't know/understand definition of O.P.E.C. or G.N.P.

77% didn't know that heating water consumes more energy in a year than refrigerating/cooling food, drying clothes, lighting home.

71% didn't know percentage of total energy consumption, accounted for by heating home.

Mr. DURKIN. Mr. President, in the years ahead the American people will be called upon to make many difficult choices about our energy future. Unless we are better informed about the nature of our energy situation, we will not be able to cope with the complex problems that lie ahead.

It is especially important that our young people learn about energy problems and some ways to cope with them, because they will have as many if not more energy problems to cope with as we approach the 21st century. My own three children must and will understand the energy world they will deal with, and I am pleased to see that students all over New Hampshire will also learn more about energy. The State education officials in New Hampshire have already decided to participate in National Energy Education Day, and to strengthen the energy curriculum throughout the State. I commend the education officers and teachers in New Hampshire for their concern about energy and for their farsightedness in emphasizing it in the schools.

National Energy Education Day is only a small step toward educating the American people about the extent of the problem we face. But if we fail to educate ourselves and especially our young people, about the problems we face, we will only have ourselves to blame if we make the wrong choices.

Congressman Gerald Solomon is introducing a companion resolution in the House of Representatives and I hope both Houses will move quickly on this resolution so that schools can begin their planning.

I invite the support of my colleagues for this joint resolution, and ask unanimous consent that the joint resolution be printed in the Record at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 43

Whereas, inexpensive and abundant energy permitted our great nation to rise to a position of preeminence in the world community of nations; and

Whereas, events of recent years have shown that traditional energy resources are in potentially short supply and these massive changes in the world energy production and distribution system have made this subject a focal point of domestic and foreign policy.

Whereas, the development of new energy technologies, including solar energy and other renewable resources, promise to reduce our dependence on insecure and hostile foreign cartels; and

Whereas, these fundamental changes require the update of our educational system at all grade levels to prepare our youth to meet the new demands which are being created; and

Whereas, a National Energy Education Day (NEED) will bring together teachers, school officials, parent groups, to help Nation's children understand the international energy crisis; and

Whereas, NEED must be a total educational effort, the start of an ongoing process which can demonstrate that to ignore the plight of an energy shortfall and to fail to seek sound remedies would be an error; now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress asembled, that March 21, 1980, is proclaimed "National Energy Education Day" to commence an ongoing program of energy education in schools, both public and private, at all grade levels, and the President is authorized and requested to issue (A) a proclamation calling upon the general public and education institutions of the United States to observe this day with appropriate activities and ceremonies, and (B) to direct all appropriate Federal agencies to cooperate with and participate in, the celebration of "National Energy Education Day".●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. Hatfield, the Senator from Oregon (Mr. Packwood), the Senator from California (Mr. Cranston), the Senator from Hawaii (Mr. Inouye), the Senator from Vermont (Mr. Leahy), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 50, the Beverage Container Reuse and Recycling Act of 1979.

S. 75

At the request of Mr. Dole, the Senator from New York (Mr. Moynihan) was added as a cosponsor of S. 75, a bill to allow deductions for pension funds.

S. 102

At the request of Mr. Tower, the Senator from North Carolina (Mr. Morgan) and the Senator from Nevada (Mr. Laxalt) were added as cosponsors of S. 102, to postpone the increase in minimum wage and the adjustment to the tip credit under the Fair Labor Standards Act of 1938.

S. 192

At the request of Mr. Bumpers, the Senator from Kentucky (Mr. Huddleston), the Senator from Oklahoma (Mr. Boren), the Senator from Vermont (Mr. Leahy), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 192, to amend the Internal Revenue Code of 1954 to equalize the tax treatment of domestic and foreign investors.

S. 195

At the request of Mr. Bumpers, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 195, to extend provisions relating to payment under the Social Security Act for the services of physicians rendered in teaching hospitals.

S. 200

At the request of Mr. Danforth, the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 200, the Intergovernmental Antirecession and Supplementary Fiscal Assistance Amendments of 1979.

S. 208

At the request of Mr. Wallop, the Senator from Oklahoma (Mr. Boren) was added as a cosponsor of S. 208, to amend the Internal Revenue Code of 1954 to subject foreign investors to the capital gains tax on the sale of real property situated in the United States.

S. 230

At the request of Mr. Javits, the Senator from Maryland (Mr. Sarbanes), the Senator from Nebraska (Mr. Zorinsky), the Senator from Iowa (Mr. Jepsen), the Senator from Montana (Mr. Baucus), the Senator from Rhode Island (Mr. Pell), the Senator from New Mexico (Mr. Schmitt), the Senator from Pennsylvania (Mr. Heinz), the Senator from South Carolina (Mr. Thurmond), and the Senator from Connecticut (Mr. Ribicoff) were added as cosponsors of S. 230, the Nurse Training Amendments of 1979.

S. 233

At the request of Mr. Cannon, the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of S. 233, to amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes.

S. 240

At the request of Mr. Ribicoff, the Senator from Wyoming (Mr. Wallop) and the Senator for Montana (Mr. Baucus) were added as cosponsors on S. 240, the Federal Computer Systems Protection Act.

S. 260

At the request of Mr. Bayh, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 260, to create a National Institute of Justice.

S. 262

At the request of Mr. Ribicoff, the Senator from Vermont (Mr. Stafford) and the Senator from North Carolina (Mr. Morgan) were added as cosponsors of S. 262, the Reform of Federal Regulation Act of 1979.

S. 267

At the request of Mr. Moynihan, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 267, to amend title 18, United States Code, to prohibit the counterfeiting and forgery of social security cards, and the sale of such cards.

S. 268

At the request of Mr. Durkin, the Senator from South Dakota (Mr. Pressler) was added as a cosponsor of S. 268, the Soft Drink Bottlers' Protection Act of 1979.

S. 326

At the request of Mr. Bumpers, the Senator from Alabama (Mr. Stewart) was withdrawn as a cosponsor of S. 326, the Taxpayers' Bill of Rights Act.

S. 333

At the request of Mr. Ribicoff, the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 333, the Omnibus Antiterrorism Act of 1979.

S. 356

At the request of Mr. Bellmon, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 356, a bill to encourage the establishment of an International Grain Exporting Stabilization Commission.

S. 378

At the request of Mr. Bellmon, the Senator from Alaska (Mr. Stevens) and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of S. 378, a bill to authorize the Robert A. Taft Institute of Government Trust Fund.

S. 414

At the request of Mr. Bayh, the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 414, the University and Small Business Patent Procedures Act.

S. 418

At the request of Mrs. Kassebaum, the Senator from North Dakota (Mr. Young) and the Senator from South Dakota (Mr. Pressler) were added as cosponsors of S. 418, the Agricultural Parity Equity Act of 1979.

S. 427

At the request of Mr. Thurmond, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 427, to amend the Federal Alcohol Administration Act to require health warning labels on bottles containing certain alcoholic beverages.

S. 451

At the request of Mr. Schweiker, the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 451, the Diabetes Research and Training Amendments and National Diabetes Advisory Board Extension Act of 1979.

S. 475

At the request of Mr. Wallop, the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 475, to authorize the Secretary of the Interior to construct hydroelectric powerplants at various existing water projects.

SENATE RESOLUTION 83—SUBMISSION OF A RESOLUTION RELATING TO NATIONAL WATER RESOURCES POLICIES

Mr. WALLOP (for himself, Mr. McGovern, Mr. Baucus, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Cranston, Mr. DeConcini, Mr. Dole, Mr. Garn, Mr. Gravel, Mr. Hart, Mr. Hatch, Mr. Hayakawa, Mr. Huddleston, Mr. Laxalt, Mr. McClure, Mr. Melcher, Mr. Pressler, Mr. Simpson, Mr. Stennis, Mr. Stevens, Mr. Young, and Mr. Zorinsky) submitted the following resolution, which was referred to the Committee on Environment and Public Works:

S. Res. 83

Whereas, there is need for development and implementation of a comprehensive national water resources policy which fully assesses the needs of the States, regions, and the Nation, and which provides for differences in topography, geology, hydrology, and other criteria concerning water resources; and,

Whereas, the management expertise in water resources now exists in most of the States, the authority and domain over most water resources in the United States has historically been, and is now vested in the individual States, and the States have expressed concern with implementation of Federal water resources policies; and,

Whereas, any national water resources policy should recognize the States' primary role in water management; and,

Whereas, the 1965 Water Resources Planning Act authorizes and delegates to the executive branch the establishment of certain Federal water resources policies; and,

Whereas, on June 6, 1978, the executive directed the unilateral implementation of certain water policies, some of which may alter the burdens, benefits, and responsibilities of recipients of, or applicants for, Federal assistance, licenses, permits, and water supply, or result in the assumption by the Federal Government of water resources related functions now exercised by the States; and,

Whereas, the executive has stated a willingness to work with Congress, State, and local government, and the public to assure proper implementation of national water resources policies; and

Whereas, the responsibility for, and the authority over Federal policy is clearly vested under the Constitution with the legislative branch: Now, therefore, be it

Resolved, That it is the sense of the Senate that our water resource, and the policies which guide the important but limited Federal role with regard to it, are of serious concern to the Nation. To the greatest extent possible, national water resource policies developed by the executive branch should only be implemented through Congressional action, after public and State review. Those executive policies which would alter requirements of Federal assistance, permit, license, or water supply programs, or usurp or diminish water resources related functions now exercised by the States, shall not be implemented through unilateral executive action, but shall be subject to Congressional concurrence.

Mr. WALLOP. Mr. President, today I am joined by the distinguished Senator from South Dakota (Mr. McGovern) and 23 other of my colleagues in submitting a resolution reaffirming the Senate interest in our national water resources policies and insisting that Congress be a part of the continued development and implementation of those policies.

When option papers for the National Water Resources Policy Study were published in July 1977, and last year when President Carter announced several proposals to significantly change our Nation's water resources development policies, the impact of possible changes were of concern to all of us.

Those water policies are of no less concern in the 96th Congress. At this time, task forces have been assembled in the Executive to identify the steps necessary for implementation of the President's proposals. Some elements are already recognized to require legislative initiatives, and draft bills are being prepared which relate to those portions of the policy which can only be implemented through statutory changes. Elements of that policy are reflected in the administration's budget, and they will appear in appropriations requests. However, certain elements may be implemented through administrative avenues. Significant policy changes may still be unilaterally implemented within the executive through regulation and Executive order.

This resolution seeks to reaffirm the Senate's desire that water policies developed by the executive, receive, to the greatest extent possible, congressional review, thereby affording public and State review and the opportunity to comment. We firmly believe that such an opportunity for review is fundamental to the ultimate success of any new water resources policy.

It should be clear that this resolution does not seek to condemn the administration for attempting to develop a new, comprehensive water policy. The resolution is intended neither to criticize nor support particular portions of the President's policy. Each Senator will no doubt find fault, with or support, various of the proposed policies.

It should not be concluded from this resolution that we have failed to recognize the increased efforts of the administration to open water policy to broader scrutiny and solicit public, State, and congressional comment. Those in the administration charged with developing and implementing those policies, particularly Assistant Secretary of Interior Guy Martin, and his staff, should be complimented for their increasingly successful efforts to have all sides heard and be aware of the progress of water policy development.

However, it is certain that this openness is due in no small way to the interest of the Senate and its resolve that national water policies not be developed and implemented wholly within the confines of the executive. This resolution is a reaffirmation of that interest, nothing more.

Every Senator and Member of Congress, and in fact every citizen, should be concerned with the water resources policies of the Federal Government. Each region and State is dependent to one degree or another on the water resources programs of Federal agencies. National water policy is not solely a "western" issue. It is not a partisan issue.

A computer search of the United States Code reveals that the term "water supply" appears in 114 separate sections, reflecting precisely the pervasive influence of the Federal Government.

We have Federal programs to assist us with almost everything we do with water. The Federal Government will help us locate groundwater and drill for it, or make it fall from the clouds. We can obtain assistance in impounding it, making it safe to drink, and delivering it to our homes and offices. They will help us divert it, apply it to crops, and return it efficiently without erosion to the streams. After we have used it, there is a Federal program which will help us collect it from our homes and businesses, transport it to plants for treatment, and discharge it. Federal programs will keep us from being washed away by it, help us make it more beneficial for transportation, fish and wildlife, recreation, aquaculture, hydropower production, domestic use, and industry. Many Federal agencies will investigate, research, study and categorize water, and others will regulate how we mine with it. There are Federal standards for keeping it clean, and for when, where, and under what conditions we may place Earth into it. In short, Mr. President, the Federal role with regard to water resources, though constitutionally and properly limited, is pervasive, indeed.

Many of the President's water policy recommendations will impose significant new requirements upon those who rely upon Federal assistance for water supply treatment, or flood control protection.

I support the principle of State cost-sharing for water resources development. Increasingly the States must provide for their own economic development and environmental protection. Cost-sharing should be based upon the premise that State and Federal Government have a share in the heavy burden of water resources development. Burdens will certainly be shared, but the recovery of costs through direct payments and the regional economic benefits which water resources development will also be shared. The prime rationale for State cost-sharing is the fostering of increased State participation and the establishment of sound and workable priorities by all concerned parties.

Much support will also be found for certain water conservation measures. Increasingly, we must realize that we live in a limited world, and can no longer waste any natural resource, including water. However, the administration's working definition of water conservation notably excludes storage of water in times of surplus for use in times of need.

The absence of storage from the administration's working definition or conconservation is a prime example of why national water resources policies must be subjected to congressional review. National water resources policies must be comprehensive, flexible, and above all equitable. They cannot seek to apply uniform definitions to the diverse, climatic, and hydrologic situations which exist in this country.

Seventy percent of the annual runoff in Wyoming's streams occurs during the months of April, May, June, and July, and is the result of snow-melt runoff. Our average rainfall is less than 13 inches per year. Will identical policies be useful to both Wyoming and Louisiana? None but the foolish would think so.

National policies must be equitable, certainly. They must be comprehensive, of course. But they must also take into account the diversity which exists in this Nation. Only to the extent that any national water resources policy is considered by Congress will that be taken into consideration. Water resources policies implemented through unilateral Executive action can never be termed truly national policies. If criticism and opposition are confronted rather than avoided, new policies will endure and will themselves be applied rather than circumvented.

Mr. President, I yield to my colleague, the distinguished Senator from South Dakota.

Mr. McGOVERN. Mr. President, I thank my distinguished colleague from Wyoming (Mr. WALLOP) for his remarks upon our submission of this Senate resolution in behalf of 23 of our colleagues here in the Senate.

This resolution addresses itself to the President's national water policy initiative. The fact Senator WALLOP and I worked to put it together should be evidence that it is not a partisan resolution. A review of its cosponsors should be further evidence that it is bipartisan in nature.

Still closer analysis will also prove that this is not simply a "Western States" water policy resolution. It has initial cosponsors and tentative pledges of support from Members representing States on both sides of the Mississippi River. This is as it should be as what is at issue here is not Western water policy, or any other water policy cutting along regional lines. What is at issue is the future course of this Nation's water policy.

Mr. WALLOP made it clear in his introductory remarks that this resolution should not be construed as an effort to condemn the administration for their efforts to date in revising the national water policy. I want to reinforce that notion.

This resolution is not an effort on our parts to retrumpet the "War on the West" battle cries which reverberated at different times during the 95th Congress. We recognize that President Carter and his administration were sensitized to that perception many times in the last 2 years. This is ample evidence that they are now providing opportunities for comment by public, State, regional, and congressional representatives. In fact, they are taking their Water Policy Task Force groups to several regional meetings to get closer to the grassroots in setting out what it is they have accomplished to date and to receive comment as to how their future course can now be fine tuned.

The sponsors of this resolution are in a sense commending the administration for following that course, but even more importantly it urges them to stay on track in working toward that end.

We are not introducing this resolution to pick a fight. We are introducing it to reaffirm how best they can keep from getting into one. We are asking that to the greatest extent possible, the administration take pains to allow congressional review of their work before they finalize their policy and begin to unilaterally implement it.

We do not take issue with the fact that much of the President's initiatives can be implemented by him through executive action. We note that the administration is cognizant that portions of their proposed policy will require legislative action.

It is important for the administration to remember that the public "perception" of the course they use to implement their water policy initiatives will be all important. The President's recommendations impose significant new burdens and requirements upon the several States and water users. To one degree or another they alter the role States play in exercising their own water policy prerogatives.

In view of the administration's "public participation" record, they can to a degree claim that State and public opinion has shaped the recommendations which will result from their Water Policy Task Force effort. But, if this is really the case, then there should be no administration hesitancy in providing Congress, States, and public one last look at the elements of the policy before they are "locked in." What this resolution does is express the Senate's desire that such a final forum be provided on those portions of the water policy recommendations which eventually become apparent as being "controversial" to one degree or another, or perhaps more properly those areas where the Senate is expressing a desire to take a final close look at the administration's proposals.

I do not think this is an unreasonable request. We are not asking to review all elements of the water policy initiative, nor do we want to. But Senator WALLOP, this resolution's cosponsors, and I feel in order for the resulting policy to be properly deemed "the national water policy," in order for it to be effective and to endure, it must have broad-based support. Anything short of this will result in the policy being referred to as "the President's national water policy"—making it sound as though it is subject to the whim of each passing administration.

What President Carter has done is initiate a new look at the way the business of water development is conducted. If the result of this effort is perceived as being biased, shortsighted, or implemented without consultation by the peoples' elected representatives in Congress, I believe it will be receiving unwarranted criticism. This would be a disservice to those who have labored so mightily to shape the new policy.

This then is the thrust of this resolution—to urge the administration to consult with the Congress to the greatest extent possible and to be wary of any radical change in altering the States' rights in the water development field.

Mr. President, this resolution says the Senate wishes to play a significant role in helping formulate and implement the new national water policy. If the administration will take it in the spirit it is offered, I believe the result will be a truly representative national water policy.

SENATE RESOLUTION 84—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL PRINTING

Mr. MUSKIE submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. Res. 84

Resolved, That there shall be printed for the use of the Committee on the Budget 1,000 copies of its report on the First Concurrent Resolution on the Budget for Fiscal Year 1979.

SENATE RESOLUTION 85—SUBMISSION OF A RESOLUTION PROVIDING FOR A BUST OF CARL HAYDEN

Mr. GOLDWATER (for himself and Mr. DeConcini) submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. Res. 85

Resolved, That in honor of Carl Hayden, who served in the United States Congress longer than any other man in history, the Commission on Arts and Antiquities of the United States Senate (hereinafter referred to as the "Commission") is authorized and directed to provide for the design and sculpture of a marble bust of Carl Hayden. The Commission is further authorized and directed, subject to the provisions of S. Res. 382, Ninetieth Congress, agreed to October 1, 1968, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

Sec. 2. Expenses incurred by the Commission in carrying out this resolution, which shall not exceed $3,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the Chairman of the Commission.

Mr. GOLDWATER. Mr. President, it is again my deep honor to submit a resolution providing that a bust of Carl Hayden shall be placed in the Capitol or Senate Buildings. I am joined in the resolution by my colleague from Arizona, Senator DeConcini.

Mr. President, I should point out that the Senate approved this resolution as an amendment to House Concurrent Resolution 96 on October 1, 1976, the last day of the 94th Congress. Unfortunately, the papers arrived too late in the House Chamber for final approval before adjournment. I urge that we finally complete that action this year.

Mr. President, I am certain all of my colleagues, including newly elected Senators, are aware that Carl Hayden served in the Senate and Congress longer than any other person.

Carl Hayden served in Congress 57 consecutive years, with 42 in the Senate. This is an unparalleled record that will probably never be matched.

Mr. President, Carl Hayden was born in Haydens Ferry, now Tempe, Ariz., on October 2, 1877. After serving as a member of the Tempe town council and as sheriff of Maricopa County, he was elected Arizona's first Congressman upon statehood in 1912. He served in the House for eight successive terms from February 1912 to March 1927, and then was elected to seven succeeding terms in the Senate, from March 1927 to January 1969.

Now, I might say that Carl Hayden's great accomplishments are not as well known as they shall become in time, largely because of his modest character.

Carl Hayden was not a show horse; he was a work horse.

But his accomplishments were of national stature and included joint authorship of the constitutional amendment giving the vote to women and the original law setting up the Interstate Highway System.

It is fitting that we take this action to honor his memory, and I urge approval of the resolution.

SENATE RESOLUTION 86—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. PELL, from the Committee on Rules and Administration, reported the following original resolution:

S. Res. 86

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary Lucy Kuhl Haworth and Frances T. Kuhl, sisters of Arthur M. Kuhl; and Pius A. Kuhl, James H. Kuhl, and Richard A. Kuhl, brothers of Arthur M. Kuhl, an employee of the Senate at the time of his death, a sum to each equal to one-fifth of one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 87—SUBMISSION OF A RESOLUTION RELATING TO THE ALLOCATION OF ENERGY SOURCES FOR TRAVEL AND TOURISM

Mr. WARNER (for himself and Mr. Inouye) submitted the following resolution, which was referred to the Committee on Energy and Natural Resources:

S. Res. 87

Whereas in the 93rd Congress the Senate unanimously agreed to a Resolution (S. Res. 281) expressing the sense of the Senate that in any allocation of energy supplies or other actions by Federal departments and agencies to alleviate the energy shortage, proper consideration should be given to the provision of adequate supplies of energy to all segments of the travel and tourism industry in view of the industry's importance to the nation's economy and social well-being;

Whereas S. Res. 281 was necessitated by proposed and actual energy conservation measures of the Federal government in 1974, which failed to consider the interests of the travel and tourism industry, and were imprudently discriminatory and caused substantial unnecessary injury to the national economy as a consequence;

Whereas once again there are conflicting reports issuing from different agencies within the Federal government as to whether there is an imminent threat of an energy crisis;

Whereas once again despite the lack of a clear understanding of the national energy supply the Federal government is proposing mandatory conservation measures (including week-end closing of gasoline service stations and gasoline rationing) without considering the sense of the Senate as expressed in S. Res. 281, or that the gasoline requirements of individual states and regions are often distinct and different;

Whereas once again therefore it is necessary to state that travel and tourism expenditures in the United States in 1978 totaled approximately $149,000,000,000;

Whereas once again therefore it is necessary to state that travel and tourism expenditures directly and indirectly provide employment for approximately five million Americans;

Whereas once again therefore it is necessary to state travel and tourism is one of the top three industries in 46 of our 50 states;

Whereas once again therefore it is necessary to state that the leasure activity provided for Americans by the travel and tourism industry is essential for a sound and healthy society;

Whereas once again therefore it is necessary to state that the travel and tourism industry is a major economic and social force in the United States;

Whereas once again therefore it is necessary to state that the continued viability of the travel and tourism industry depends upon the ability of international transport and of domestic public and private transport systems including automobiles, recreation vehicles, airlines, motor coach operators, sightseeing companies, cruise lines, hotels, motels and travel agencies to provide in a safe, economic and efficient manner those goods, facilities, and services which support the travel and tourism industry;

Whereas once again therefore it is necessary to state that the possibility of an energy shortage poses a serious threat to the travel and tourism industry, and consequently to the national economy and that of many states, areas and cities: Now, therefore, once again be it

Resolved, That in any allocation of energy supplies or other actions by Federal departments and agencies to alleviate the energy shortage, proper consideration should be given to the provision of adequate supplies of energy to all segments of the travel and tourism industry in view of the industry's importance to the Nation's economy and social well-being; and that such allocation or other action allow each state flexibility to design its own program with specific curtailment measures to meet the national energy conservation objectives.

Mr. WARNER. Mr. President, I submit a Senate resolution from myself and the distinguished senior Senator from Hawaii (Mr. Inouye), once again to express the sense of the Senate with respect to the allocation of necessary energy sources to the travel and tourism industry.

Mr. President, in view of the submission from the President of the United States to the Congress of his standby conservation plans and, in particular, the possibility of restricting weekend sales of gasoline, I am today sending a letter to the chairman of the Senate Commerce Committee, of which I am a member, asking for immediate hearings on this subject.

I ask unanimous consent to have that letter printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 1, 1979.

Hon. Howard W. Cannon,
Chairman, Committee on Commerce, Science and Transportation, United States Senate, Washington, D.C.

Dear Mister Chairman: On Tuesday, the Nation learned of the President's Standby Conservations Plans, which include emergency weekend gasoline sales restrictions, severe limitations on outdoor advertising, and a program for gasoline rationing. Because the force and effect of these plans will fall heavily—and in some instances almost totally—on the Nation's travel and tourism industry, I respectfully request that hearings on those portions of the President's overall energy conservation program be held as soon as possible by the Senate Commerce Subcommittee on Merchant Marine and Tourism.

Past experience mandates this Congressional oversight. During the 1973–74 Arab oil embargo, the closing of gasoline filling stations on Sundays as a conservation measure brought disproportionate hardship on the travel and tourism industry—hardship far greater than on any other segment of the United States economy. Because of that policy, at least 90,000 people—in travel-oriented jobs—were thrown out of work, 179,000 others were placed in employment jeopardy, and industry revenues totaling $717 million were lost. Sunday—a family day—is the lifeline of the small travel operator.

While it would be difficult, on the basis of the 1973–74 experience, to precisely project the harm that would be caused to the travel and tourism industry by limiting closings to weekends, one projection is certain: the harm will be much greater if the President exercises his authority to extend the closing of service stations beyond Sundays to full weekends—from noon on Fridays to midnight Sundays.

There is sound evidence that many firms engaged in tourism in my own state of Virginia suffered a drop-off of as much as 50 per cent of their business because of the 1973–74 Sunday-closing policy.

As you know, Mister Chairman, travel and tourism rank first, second or third in importance to the economies of 46 of the 50 states. It is second in Virginia, trailing only manufacturing. The Nation's travel and tourism industry is an important part of the United States economy, with earnings of $149 billion annually and supporting 5 million jobs.

If there is, indeed, an energy crisis—and that is a question much under debate on Capitol Hill and even within the Administration—it is my firm belief that conservation measures must be applied as evenly as possible across all segments of the economy.

A single industry, such as travel, must not be subjected to the major brunt of such conservation. While travel must bear a fair share of any burden caused by an energy conservation plan, so must all other segments of the economy. If closings are essential, they should be done on a rotational basis, which would spread the burden to all segments of the economy. Moreover, any plan calling for station closings should allow the states to select the closing times for the stations within their jurisdictions.

Further, such weekend restrictions tends to impact most severely upon one economic segment—the middle- to low-income families who have only the weekend and the family car for their limited pleasure.

The Congress must note that, of the four energy conservation plans presented by the President, three of them will impact disastrously on the travel and tourism industry. Weekend closing of service stations, severe limitations on outdoor advertising, and stringent gasoline rationing, when coupled together, place an unfair burden on one industry.

It is for these reasons, Mister Chairman, that I respectfully request the earliest possible hearing on these matters before the Subcommittee on Tourism, so that the Congress as a whole and the public can be fully informed.

Respectfully,

John W. Warner.

Mr. WARNER. Mr. President, I express my appreciation to the chairman of the Committee on Commerce, Science, and Transportation, Senator Cannon, and the chariman of the Commerce Subcommittee on Merchant Marine and Tourism, Senator Inouye, for their expressed support of the travel and tourism industry and their willingness to schedule hearings at an early date on this resolution by the Commerce Committee, as was done in the 93d Congress on a very similar issue.

This will enable the U.S. Senate to review, among other matters, the factual history of the 1974 restriction on gasoline sales on one segment of our economy, namely, the tourism and travel industry.

In my judgment, and in the judgment of others, that segment of our economy unduly bore the brunt of the closing of gasoline stations in 1974. If it is necessary that this Nation once again go to such measures, I would hope that this industry, while it must bear its fair share of the burden, should not be unduly penalized as it was the last time.

Therefore, I hope that the Senate, in its wisdom, will seek an alternative means by which this burden can be borne more evenly by the economy as a whole.

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION PROVIDING FOR IMPARTIAL OBSERVERS OF THE FORTHCOMING ELECTION IN RHODESIA

Mr. McGOVERN (for himself and Mr. Hayakawa) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. Con. Res. 8

Whereas the conflict in Rhodesia has reached a critical stage; and

Whereas the Rhodesian Government has announced its intention to hold an election on April 20, 1979, to install a new government; and

Whereas Congress has specified in the International Security Assistance Act of 1978 that the holding of such an election is one of two conditions to be fulfilled to the satisfaction of the President before economic sanctions against Rhodesia may be lifted; and

Whereas it is the intention of Congress to provide assistance in determining whether such election is free and fair; and

Whereas Congress intends that this assistance should in no way be regarded as implicit or explicit support by the United States Government of the provisions of the so-called internal settlement or of the Rhodesian Government; and

Whereas Congress supports ongoing diplomatic efforts to achieve a peaceful negotiated settlement in Rhodesia: Now therefore be it

Resolved by the Senate (the House of Representatives concurring),

Sec. 1. That the President pro tempore of the Senate and the Speaker of the House of Representatives, acting jointly and after consulting with the Majority Leaders and Minority Leaders of the Senate and the House of Representatives, shall appoint two individuals to serve as cochairpersons of a team of observers of the election in Rhodesia to be held on April 20, 1979. The cochairpersons shall select not less than 25 and not more than 50 other individuals to serve on the team of observers. All individuals appointed or selected to the team of observers shall be from private life or members of national private organizations or associations, and no individual who is serving as an officer or employee of the United States Government may be appointed or selected.

Sec. 2. (a) It shall be the duty and function of the team of observers to observe the election in Rhodesia to be held on April 20, 1979, and to report thereon to the Congress. Such report shall be submitted by the cochairpersons as soon as possible after such election has been held.

(b) The report submitted under subsection (2) shall include the views of the team of observers, or individual members thereof—

(1) as to whether all of the people of Rhodesia and all organized political groups were given a fair opportunity to participate fully in the election without regard to ethnic identity or political affiliation; and

(2) on the extent of public participation in the election, including the extent to which disruptions in the election process due to guerrilla activities may have affected public participation in the election and the extent to which eligible voters expressed opposition by voluntarily refraining from voting in the election.

Sec. 3. The cochairpersons and members of the team of observers shall serve without compensation but shall be reimbursed for transportation expenses and travel expenses when away from their homes in performance of their duties. The amount of travel expenses for which reimbursement may be made shall be the same as may be paid to an employee of the Senate serving on the staff of a committee, except that reimbursement may be made for actual and necessary travel expenses incurred while in Rhodesia and in traveling to and from Rhodesia.

Sec. 4. The expenses of the team of observers in carrying out this concurrent resolution, which shall not exceed $175,000, shall be paid from the contingent fund of the Senate upon vouchers signed by the cochairpersons and approved by the Committee on Rules and Administration of the Senate.

Mr. McGOVERN. Mr. President, at this point I send to the desk on behalf of myself and the distinguished Senator from California (Mr. Hayakawa) a resolution relating to the forthcoming election in Rhodesia.

Mr. President, in the next few months, the United States will face a crucial foreign policy decision with regard to its policy toward Africa. That decision will be whether or not to lift economic sanctions against Rhodesia following the holding of an election in that country on April 20, 1979.

The Rhodesian sanctions issue has caused a great deal of controversy in the past. It is likely to cause considerable debate in the near future. In anticipation of this debate, I am today introducing a concurrent resolution with the cosponsorship of Senator Hayakawa which I hope will contribute a measure of reason as well as a substantial amount of information, to a dispute that has been clouded in the past by partisan politics and emotional rhetoric that have not been conducive to the formulation of a sound foreign policy in southern Africa.

This resolution provides for Congress to send a team of impartial, professionally qualified international observers recruited from private life to monitor the Rhodesian election in April and report back to Congress on their findings. Their function, quite simply, will be to provide an objective, comprehensive, and thorough evaluation of whether or not the Rhodesian election is free and fair. It will not be the function of the observers to determine whether economic sanctions should be lifted against Rhodesia that is properly a foreign policy decision to be made by the President.

This resolution will give force one way or another to making a judgment that I think can be relied upon as to whether, in fact, a valid election has taken place in Rhodesia.

However, under legislation enacted last year, the President is obliged to make a determination on this issue based on his evaluation of two conditions. The so-called Case-Javits amendment to the International Security Assistance Act of 1978 stipulates that the United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines that—

First, the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

Second, a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally-recognized observers.

In order for the President to make a determination regarding the second condition, he must have access to information from reliable and credible observers. This type of information may possibly be provided by ad hoc groups who may send their own teams of observers to Rhodesia. Press reports will undoubtedly also be useful. But there is no guarantee that these observers will be impartial. Their presence may only fuel the debate further, heightening dissention and confusing the issue for both the executive and legislative branches of Government.

It is my hope, and that of Senator Hayakawa who is cosponsoring this resolution, that the team of observers sent to Rhodesia under the terms of this resolution will scrutinize the electoral laws and survey the electoral process with as high a degree of professionalism and objectivity as possible. Upon receipt of the observers' report, Congress will forward it on to the President for his consideration in making his determination with respect to the lifting of sanctions.

There are a number of points to clarify with regard to the idea of sending an observer team to Rhodesia. First, the sending of election observers is in no way to be interpreted as a gesture of support for the Rhodesian Government or for the provisions of the internal settlement. It is offered here as a means of assessing public opinion, much as the British Commission led by Lord Pearce in 1972 was a means of testing African public opinion on a previous plan for majority rule. The Pearce Commission Report was a decisive and authoritative judgment of a previous proposal for political change in Rhodesia. It is our hope that the observer team launched by Congress will fulfill a similar role in the context of current proposals for majority rule.

Second, it should be clarified that Senator Hayakawa and I continue to hold very different views of the present Rhodesia situation, and of the role of an election under current circumstances. Senator Hayakawa believes that the election offers a realistic opportunity to measure public opinion and could pave the way to end the Rhodesian conflict. My view is that it is unlikely that a legitimate election can be held in Rhodesia given the hostilities taking place and the fact that the election will not be supervised by a neutral administration. In addition, the election does not appear to me to be an adequate means of ending the war.

Nevertheless, Senator Hayakawa and I share some common ground in agreeing that the President and Congress should have available for their deliberations an accurate and unbiased report on the Rhodesian election, should it take place. It is in this respect that the distinguished Senator from California and I are working together to provide the machinery that may contribute to the formulation of a sound and reasonable foreign policy position by the United States toward the Rhodesian dispute.

Third, I want to clarify that this is exclusively a congressional initiative that does not have the endorsement of the administration. The findings of the observer team will not be binding on the President. Obviously, he will have available reports from several sources that he may wish to take into account in making his determination within the terms of the Case-Javits amendment. Congress should not restrict the range of information that the President may utilize in making his decision. However, the observer team appointed under this resolution will carry a measure of prestige and stature that will make its findings of unquestionable significance.

Fourth, it is my belief that the selection of the individual observers is absolutely critical to the success of this effort. The members of the observer team should be professionally qualified persons drawn from private life whose reputations for integrity are unassailable. They should not be political appointees or party representatives. They should be nonpartisan and apolitical in their judgments.

Under the terms of this resolution, Congress will appoint two cochairpersons. These persons will then recruit a qualified team containing not less than 25 and not more than 50 other Members whose expenses will be paid from the contingent fund of the Senate.

Once the cochairpersons are appointed, Congress shall have no further involvement in the operations or deliberations of the observer team, other than to provide financial support. This is necessary to preserve the objectivity and independence of the team.

The Government of Rhodesia has agreed to provide transport services and security arrangements for the observers at its own expense. Our estimate is that the cost of a full team for a 2-week period should not exceed $175,000, a small price to pay for a step that may go a long way toward resolving a major foreign policy problem for the United States.

Mr. President, there have been suggestions by some that this approach of sending an observer team to Rhodesia does not go far enough. Others maintain that it goes too far. Senator Hayakawa and I share the view that the best role for Congress to play at this time is to provide the means to obtain accurate and fair information on the Rhodesian issue, without prejudging its outcome. Our proposal does not pick winners or endorse particular solutions to the conflict. To the contrary, it is conceived as a neutral act, the object of which is to make an impartial evaluation of the upcoming election so that we may cut through the confusion and controversy which this issue has thus far generated in Congress.

Mr. President, I would like to announce in this connection that the Senate Foreign Relations Committee will be conducting hearings on Rhodesia on March 5 and 7. At that time, we will be exploring fully the state of the Rhodesian conflict, U.S. policy, and the desirability of sending an observer team to Rhodesia.

Finally, Mr. President, I ask unanimous consent to insert in the Record an article on this issue of Rhodesia written by the previous chairman of the Africa Subcommittee of the Senate Foreign Relations Committee, Senator Dick Clark. His work on Africa earned the respect and admiration of all who had the privilege of working with him. In this essay in the New York Times he describes the significance of Congress' role in the Rhodesian dispute and the importance it will have on U.S. policy toward Africa as a whole.

I also ask unanimous consent that an estimate of expenses for observers in the Rhodesian election under this resolution be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

African Policy's Big Test

(By Dick Clark)

Washington.—Few foreign-policy initiatives have represented as sharp departures from the past, contained as many innovative ideas or demand as much diplomatic skill and patience as the Carter Administration's policy toward Africa.

Whereas over the last two decades, United States policy waivered between the poles of benign neglect and erratic anti-Communism, a fresh start was made in 1977. Midway through President Carter's first term, that policy is now being sorely tested.

High priority was attached to the new Carter policy, which stressed the importance of African-nationalist aspiration and which took a tough stance against racism in Southern Africa.

To give teeth to this policy, concrete plans were formulated with our Western allies to bring majority rule to Rhodesia and Namibia through peaceful negotiations and free elections. After months of patient diplomacy, a United Nations formula acceptable to all the participants in the Namibian conflict seems close to implementation. Similar results, however, have not been forthcoming in the Rhodesian dispute.

It is on this issue that the acid test of Carter's Africa policy is likely to come this year, a product of mounting public criticism over the United States role in the deteriorating Rhodesian situation. While there are some in this country who feel that the Administration has not gone far enough in pressing for a Rhodesian settlement that includes all parties, others—whose views are well represented in Congress—believe that President Carter has gone too far by insisting on the participation of the guerrilla forces.

Rhodesia, it has been reported in the press, was to tap this sentiment by launching a high-powered lobbying campaign on Capitol Hill to lift economic sanctions. Domestically, the expected Rhodesian sanctions vote will provide a way to measure public confidence in Carter's Africa policy as a whole. It will go to the roots of domestic criticism and to the heart of the debate over the limits of American influence. Internationally, its consequences would reach far beyond the borders of Rhodesia.

Of all the African issues, Rhodesia has the longest history of Congressional concern. In 1977, after many unsuccessful efforts, Congress repealed the Byrd Amendment, which allowed trade with Rhodesia in violation of United Nations sanctions. In 1978, Congress barely resisted an attempt to rescind that repeal by enacting the compromise Case-Javits Amendment, which tied the lifting of sanctions to two conditions: a willingness of the Rhodesian Government to attend an all-parties conference and the installation of a new government chosen through free elections. This year, Congress will decide whether to uphold the balanced formula carefully laid down by the 95th Congress or to lift sanctions unilaterally, bringing the United States full circle to a period when our power and prestige in Africa were minimal.

On the surface, the debate will revolve around the question of which side to support in the tragic conflict. But few members of Congress are familiar with the complexities of the Rhodesian war or have clearer perceptions of American interests in the dispute. In reality, the debate will be more of a trial of the Administration's performance, an assessment of the ability of the team that conceived the African policy to defend it against the anti-Administration, anti-terrorist and anti-Soviet impulses that are shaping public attitudes on American foreign policy today. In my view, this is the fundamental issue at stake, not the elements of the conflict itself.

But therein lies the irony of the entire episode. For in the event that sanctions are lifted, it will have little or no impact on the outcome of the Rhodesian controversy. It would come at the 11th hour, when the prospects of peace in Rhodesia and the influence of the United States Government there will be at their lowest point ever. But the damage to American foreign policy will have been done. A sanctions-lifting vote could seriously cripple if not fatally discredit the entirety of Carter's Africa policy, shattering African expectations of America's commitment to racial justice.

The political credibility generated by the Carter Administration in Africa over the last two years stands at the crossroads. It could go up in a puff of smoke by one Congressional vote on the single issue that has traditionally been the bellwether of United States-African relations.

Estimate of expenses for observers in Rhodesian election

Airfare:	
New York-Johannesburg-New York	$1,626
Johannesburg-Salisbury-Johannesburg	202
Multiplied by 52 (assuming full observer team allowed under the terms of the resolution)	95,056
Expenses:	
Room and board (estimate provided by Rhodesian Government is $30 per day. At the full rate of $75 per day normally allotted for congressional travel) ($75 x 52)	3,900
For 2 weeks	54,600
Total: Airfare and expenses for 52 observers for 2 weeks	149,656

Mr. HAYAKAWA. Mr. President, the resolution which my distinguished colleague, the Senator from South Dakota, and I are submitting today addresses an issue of historical significance. The elections which are scheduled to take place in Rhodesia not only will be a decisive event for that country's future, but they will also have a lasting impact on the development of the African continent and indeed on the foreign policies of the major powers.

I am certain that the proposed resolution will be carefully considered by our colleagues in both houses. Presumably, it will also attract broad public attention. I would not be surprised at all kinds of speculation about this unusual and certainly unexpected alliance between the senior Senator from South Dakota and the junior Senator from California, who are often at odds on political issues. Actually there is nothing strange in this alliance. What brought us together? The answer is simple. We have both made a conscientious effort to ascertain the facts about Rhodesia, and the facts stare us in the face. We have ideological differences, to be sure, but on this issue, commonsense unites us.

Last year, we both visited Rhodesia and some of its neighboring countries. We both spoke to the leaders of the opposing factions. We both scrutinized the general conditions surrounding the Rhodesian problem. It became clear to us that the so-called internal settlement is by no means an ideal or perfect solution. There are some features in it which both of us do not particularly like. But we also found that the British-American plan is at a hopeless impasse. The plan stands and falls on an all-parties conference, by which is meant the full participation in the conference of Joshua Nkomo of ZAPU and Robert Mugabe of ZANU. The former refuses to attend a conference because he believes that he and his guerrilla army can prevail by force of arms; the latter refuses because he says he is a Marxist-Leninist who does not believe in participatory democracy. There is not the slightest hope at the present time, therefore, that the feuding groups would be willing even to set down together and to engage in any meaningful negotiations, although the Executive Council of the Rhodesian Government has repeatedly expressed its willingness to attend an all-parties conference with no preconditions.

Finally, I have no confidence whatsoever that Joshua Nkomo and Robert Mugabe are men under whose leadership Rhodesia could become a democratic and well-governed country. I may add that the term "Patriotic Front" is one of these misnomers deliberately chosen because of its propaganda value. Neither Nkomo nor Mugabe are freedom fighters. What unifies these men temporarily is the lust for power. Everybody who knows them agrees that, should they ever win the upper hand, they will promptly be at each other's throats in a civil war that could go on for decades.

To summarize, looking at the unfortunate Rhodesian situation, there is a possibility that the internal settlement, in spite of its shortcomings, might work, and that the forthcoming elections could be a step in the right direction. Moreover, since there is no better solution in sight, we believe that the planned election of April 20 deserves serious consideration. Our resolution therefore proposes a dispatch of a team of observers to the Rhodesian elections.

In this connection I would like to state an important caveat. The proposed dispatch of observers must not be construed to be an implicit or explicit support of the internal settlement. No individual who is serving as an officer or employee of the U.S. Government may be appointed as an observer. All individuals selected will come from private life or national private organizations. Upon their return, they will report to Congress, which not only has the right but actually an obligation to know what kind of elections we shall be talking about. Everybody in this Chamber is aware of the risks and dangers inherent in conflicting reports. Suppose the only reports we got were propagandistic, the executive council claiming that the election was a great success, and the guerrilla leaders claiming that it was a huge failure and a fraud. Senator McGOVERN and I are in agreement that we need a clear, objective and unbiased report of how the election was conducted and what were the results. This is the aim of the present resolution.

AMENDMENTS SUBMITTED FOR PRINTING

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION—S. 241

AMENDMENT NO. 70

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. LAXALT submitted an amendment intended to be proposed by him to S. 241, a bill to restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

COMMUNITY VICTIM ASSISTANCE PROGRAMS

● Mr. LAXALT. Mr. President, today I am submitting legislation to create within the Law Enforcement Assistance Administration an Office of Community Victim Assistance Programs. My intent in introducing this bill is to improve LEAA programs which assist victims of crime, and institutionalize such programs as an ongoing mandate of LEAA.

LEAA has, during its 10 years of existence been of significant aid to victim witness programs across the United States, and has helped to establish many of those offices. However, the LEAA's support of such programs has dwindled in recent years, resulting in the cancellation of many programs which had been extremely successful. It is my hope that with passage of this bill LEAA will have a continuous and ongoing program of aiding victim witness assistance programs, both within the criminal justice system and those which are community related, that it will assist to expand victims compensation and restitution programs, and provide information relating to a number of other programs aiding the victims of crime.

The victims of crime are the forgotten link within the American criminal justice system. Where every conceivable kind of aid and assistance is given to criminal defendants, including free legal representation, counseling, rehabilitation, and a host of other services, the persons victimized by criminals are, for the most part, left to try to function on their own. As many of the victims are elderly or poor people, in many cases they are unable to function, and the victimization which itself may have only taken a few minutes continues on for months and years. I do not criticize the fact that the perpetrators are given substantial services at the taxpayers' expense—such an attitude is, it is said, the mark of an enlightened society. However, I do believe that those persons victimized should receive at least some assistance at the taxpayers' expense to help them through what is often the most traumatic experience of their lives.

The Law Enforcement Assistance Administration is the primary agency of the Federal Government responsible for aiding State and local governments in their fight against crime and in attempting to preserve order in American society. Thus, if the State and local governments, and community victims' programs as well, are to make any headway in assistance to victims on an orderly basis, with a corresponding increase in successful prosecution, the LEAA is the logical place from which such programs should be administered, and in fact should be actively engaged in such programs itself.

In addition to the actual assistance to governmental and community victim assistance programs, my bill requires LEAA to provide information relating to programs designed to prevent crimes involving victims, and requires it to place emphasis upon the impact which both preconviction and post-conviction release programs may have on the victims of crimes.

Additionally, LEAA will be required to aid in the development of legislation involving crime victims, particularly on a State level, and to render assistance and information regarding civil actions brought by victims of crimes against the perpetrators and third parties whose negligence may have resulted in injuries to crime victims, to aid in programs and activities designed to reduce intimidation of victims and witnesses of crimes.

Finally, and perhaps most importantly, the bill requires that the Law Enforcement Assistance Administration make recommendations to the Director of the Office of Justice Assistance Research and Statistics for the designation of funding for such programs.

Mr. President, I can think of virtually no other area where the Federal Government has such a binding obligation to assist its citizens than in helping them to recover from the trauma caused by crimes against their persons and their property. The cost to the taxpayers of such assistance is comparatively slight, but the impact on the lives of those concerned can be as significant as anything else that the Federal Government might do in their lifetimes. Additionally, of course, such programs have a very significant impact on prosecution, which is the reason that the criminal justice system exists in the first place.

Accordingly, I am proud to introduce this bill, and hope that many of my colleagues will join as cosponsors and in helping me to see that it becomes part of the Law Enforcement Assistance Administration program.●

DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT—SENATE JOINT RESOLUTION 28

AMENDMENT NO. 71

(Ordered to be printed and to lie on the table.)

Mr. DeCONCINI submitted an amendment intended to be proposed by him to Senate Joint Resolution 28, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, I would like to announce, for the information of the Senate and the public, the hearing schedule of the Committee on Veterans' Affairs for the month of March.

On March 6 at 11:30 a.m. in room 318 of the Russell Building, the committee will conduct a hearing to receive the Veterans of Foreign Wars legislative recommendations for the 1st session of the 96th Congress from Eric Sandstrom, commander-in-chief.

On March 12 at 9:30 a.m. in room 4232 of the Dirksen Building, the committee will hold a joint hearing with the Human Resources Committee on the nomination of Dr. Dennis Wyant to be the Deputy Assistant Secretary of Labor for Veterans' Employment.

On March 22 at 9:30 a.m. in room 6226 of the Dirksen Building, the committee will continue hearings on S. 330, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act. Testimony will be heard from representatives of the Veterans' Administration and various organizations that have an interest in the issue of judicial reveiw of VA decisions.

On March 29 at 9:30 a.m. in room 6226 of the Dirksen Building, the committee will receive the legislative recommendations for the 1st session of the 96th Congress from the American Veterans of World War II, Korea, and Vietnam (AMVETS), Paralyzed Veterans of America, Veterans of World War I, Blinded Veterans Association, and the Military Order of the Purple Heart.●

SUBCOMMITTEE ON PARKS, RECREATION, AND RENEWABLE RESOURCES

● Mr. BUMPERS. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Parks, Recreation, and Renewable Resources Subcommittee.

The hearing is scheduled for Monday, March 5, beginning at 2 p.m. in room 3110 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony from the National Park Service on its proposal to increase entrance and visitor fees by some $12.6 million in fiscal year 1980.

I have scheduled this hearing to aid the subcommittee in the preparation of the March 15 report to the Senate Budget Committee.

For further information regarding the hearing, you may wish to contact Mr. Thomas Williams of the subcommittee staff at 4–7145.●

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY

● Mr. BAUCUS. Mr. President, on behalf of the Senator from Ohio (Mr. METZENBAUM), I wish to announce that the Judiciary Subcommittee on Antitrust and Monopoly will hold a markup on S. 390, the Antitrust Procedural Improvement Act of 1979, on Friday, March 9, 1979. The markup will begin at 9 a.m., in room 5110, Dirksen Senate Office Building.●

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Tennessee (Mr. SASSER), I wish to announce that the Subcommittee on Intergovernmental Relations of the Senate Committee on Governmental Affairs will hold a hearing on March 7, 1979, in Washington, and on March 10 in Memphis, Tenn., to examine the impact of the Natural Gas Policy Act of 1978 on American consumers.

The subcommittee would be pleased to receive written testimony from those persons or organizations who wish to submit statements for the record. Statements for inclusion in the record should be mailed to Lucinda Dennis, Subcommittee on Intergovernmental Relations, 508 Carroll Arms, 301 First Street, N.E., Washington, D.C. 20510.

ADDITIONAL STATEMENTS

FEDERAL LAND WITHDRAWALS IN ALASKA

● Mr. GRAVEL. Mr. President, there is increasing pressure on the Congress to set aside huge parcels of Federal land into very restrictive categories in order to preserve their wilderness nature.

The Alaska withdrawals made last year by President Carter and Interior Secretary Andrus are the most dramatic—and, I would add, outrageous—to date. The Secretary withdrew in excess of 100 million acres in Alaska—about the size of California. And the President designated 56 million acres of that land as national monuments.

Other Federal land withdrawals are also on the horizon: Wilderness designations in national forests throughout the country under the RARE II recommendations; and wilderness review for all roadless Federal lands of more than 5,000 acres.

I think it has been assumed in Congress that there was broad support across the country for withdrawals of these kinds, which restrict or prohibit all kinds of development. But in fact, a recent poll by Cambridge Reports shows that this is not the case.

The poll demonstrates that a majority of Americans want to see energy exploration on Federal lands. A full two-thirds say exploration must be done before most land is committed to wilderness status. And a plurality—45 to 35 percent—even think that the United States already has set aside enough land for wilderness.

Mr. President, these findings come from a very highly respected public opinion firm, and they are radically different from what many in Congress have assumed the national opinion to be.

I ask that the summary of the findings be printed in the RECORD.

The findings are as follows:

CAMBRIDGE REPORTS, INC.,
Cambridge, Mass., February 8, 1979.

MEMORANDUM

Recently the question of what to do with Federally-owned wilderness lands has become increasingly controversial. The debate over Alaskan lands embroiled the last Congress and further controversy over both Alaskan lands and land in the lower 48 states can be expected in the coming session.

On the one side stand the conservationists, some of whom at the most extreme end argue for virtually no entry at all by anyone into wilderness lands. On the other end of the spectrum stand energy and other industries that argue for development of resources on those lands with varying degrees of safeguards.

The Fourth Quarter 1978 Cambridge Report 17 survey—conducted between November 26 and December 20, 1978—included a series of questions examining public perceptions of wilderness lands and attitudes toward development of resources in wilderness areas. This memorandum represents a preliminary draft of our analysis of these survey results. An edited version of the text presented here will appear in our final report on the Fourth Quarter survey.

We looked briefly at this question in the last *Report* and saw that a majority of respondents favored some exploration, at least, of energy resources on Federal lands in Alaska. Repeating the question, we see essentially no change from last quarter.

Recently there has been a debate over what to do with Federally owned wilderness lands—particularly in Alaska. Some people say these lands may contain vast amounts of oil, gas and uranium needed for energy development and that they should be explored. Other people say these are protected wilderness areas and should not be explored. Would you favor or oppose exploring the Federal wilderness lands for energy resources?

(In Percent)

	R17 1978 IV	*R16 1978 III*
Favor	58	60
Don't know	14	18
Oppose	28	22

Demographic breakdowns, which are included in an appendix to this memorandum, show that higher-income and better-educated respondents are more in favor of exploring than other people. Older respondents are also much more favorable to the idea than younger people.

This quarter we also expanded the questioning to ask respondents what they felt about the general issue of exploring and surveying Federal lands in general. As the table shows, whatever they may feel about ultimate use, most respondents are in favor of exploring such lands.

Recently there has also been a debate over wilderness lands throughout the country in general. Some people say that wilderness lands should be surveyed before they are restricted in order to determine whether or not energy or mineral resources exist on them. Other people say we have to preserve wilderness lands regardless of potential use and that the surveys themselves would damage the wilderness. Do you think we should survey wilderness areas or not before deciding what to do with them?

	Percent
Yes	67
Not sure	14
Yes	67

Again, the demographic breakdowns show wealthier respondents are more likely to favor exploration though essentially majorities in every group do. Men are somewhat more likely than women to favor exploration.

We then asked respondents whether they favored or opposed a number of specific uses of wilderness lands. As the table shows, people supported all the possible uses we proposed except for surface mining of coal. Dam building for flood control won the greatest support of those approved activities, but most other "developmental" ideas also won support.

I'm going to read you some activities that might be carried out on Federally-owned wilderness lands and I'd like you to tell me whether you would favor or oppose allowing each of them.

[In percent]

	Favor	Don't know	Oppose
Constructing roads to permit people to have access to the lands	54	13	33
Cutting down timber, as long as land was reforested under government guidelines	62	11	27
Building dams to control floods and generate electricity	71	9	20
Constructing underground mines to develop coal	55	14	31
Surface mining to develop coal	39	13	48
Drilling for oil and natural gas	64	11	25
Building recreation areas, such as parks, to permit more use of the land	66	10	23
Mining for mineral resources	53	15	32

While we present the demographic breakdowns in the appendix for all the possible developments, since some readers may be particularly interested in the details of a particular one, there is little point in examining each in detail since they tend to show the same patterns. In each case, higher-income and better-educated people tend to be more development oriented than poorer and less-educated respondents. Younger people tend to be more skeptical of development than older and middle-aged respondents. Finally, political conservatives tend to be slightly more favorable to development than moderates and liberals, though in many cases the differences might be considered smaller than expected.

Retreating from the specific to the general, we asked respondents the broader question of whether or not the United States has protected enough wilderness land or whether it needs to protect more. As the table shows, a plurality of Americans do feel that we have protected enough, though over one-third of the public wants to do more.

Just in general, do you think the United States has preserved enough wilderness land or should the U.S. attempt to protect additional areas of wilderness from development?

	Percent
Preserved enough wilderness land	45
Don't know	19
Protect additional areas of wilderness	35

Not surprisingly, the demographic breakdowns show virtually identical patterns to those we have seen on previous questions.

Given the general desire to develop new energy sources rather than pay higher prices for existing supplies, even when we repeated the question about oil and gas exploration in the context of a Congressional proposal we again found majority support for going ahead with exploration.

Recently there have been proposals before Congress to close additional areas of Federally-owned wilderness land to any kind of development, including searches for new oil and gas. Do you favor or oppose allowing exploration for oil and gas on Federally-owned wilderness land?

	Percent
Favor	56
Don't know	16
Oppose	29

Again, demographic breakdowns show that higher-income and better-educated respondents are more likely to back exploration. Older respondents are more likely to back exploration than younger ones. Men are more in favor of looking for oil and gas than are women.

Furthermore, as the next question shows, nearly two-thirds of the opponents of such exploration either change to supporters or become undecided if they feel that wilderness areas might be the only place to look for new energy resources. Thus, only 10% of the whole population—35% of the original 29%—are firmly in opposition to exploration under these circumstances.

(If oppose exploration for oil and gas). If it were shown that virtually all of the hope for new gas and oil discoveries in the United States were in these Federal lands that would be closed to exploration development, would you still oppose exploring these lands for resources or not?

	Percent
Yes	35
Not sure	23
No	42

When the question was expressed in another way, in terms of national choice, we again found a large majority opting for energy development.

If it came down to a simple choice between developing new energy resources and preserving wilderness areas, which do you think the nation would choose?

	Percent
Developing new energy sources	67
Don't know	14
Preserving wilderness areas	19

Finally, we asked respondents specifically again about drilling for oil and gas in the Western United States. As the table shows, a majority support such activities.

Would you favor or oppose limited drilling for oil and natural gas in the wilderness areas of the western United States?

	Percent
Favor	60
Don't know	14
Oppose	26

Demographic breakdowns show that higher-income and better-educated Americans are as usual more inclined to back drilling than other people. Men are more likely to back drilling than women; whites are more likely to back it than blacks. Interestingly, while majorities in both the Central and Pacific regions (i.e., the western United States) back drilling, opposition is greater in these two areas than other places.

APPENDIX A: DEMOGRAPHIC DATA

Recently there has been a debate over what to do with Federally-owned wilderness lands—particularly Alaska. Some people say that these lands may contain vast amounts of oil, gas and uranium needed for energy development and that they should be explored. Other people say that these are protected wilderness areas and should not be explored. Would you favor or oppose exploring the Federal wilderness lands for energy resources?

[In percent]

	Favor	Don't know	Oppose
Overall	58	14	28
Total household income:			
0 to $3,999	49	19	32
$4,000 to $6,999	49	19	32
$7,000 to $9999	58	11	31
$10,000 to $12,999	58	15	28
$13,000 to $14,999	62	11	27
$15,000 to $19,999	61	14	25
$20,000 to $24,999	58	16	27
Over $25,000	68	6	26
Age:			
18 to 25	45	15	41
26 to 35	28	14	28
36 to 45	63	16	22
46 to 55	68	10	22
56 to 65	62	11	28
Over 65	58	17	25
Sex:			
Female	56	17	27
Male	60	11	29
Race:			
White	59	13	28
Black	53	23	25
Head of household:			
Yes	61	13	27
No	56	15	30
Favor or oppose exploring Federal wilderness lands for energy resources			
Overall	58	14	28
Education:			
Some grade school	54	22	24
Some high school	52	20	29
High school graduate	58	13	29
Technical/vocational	71	7	23
Some college	61	10	30
College graduate	63	12	25
Graduate school	65	13	22
Religion:			
Protestant	60	13	27
Catholic	59	15	25
Jewish	45	27	28
Other	45	11	45
None	59	3	38
Political ideology:			
Liberal	57	9	34
Moderate	59	16	26
Conservative	62	11	27
Urban/rural:			
Urban	60	13	27
Suburban	59	14	27
Rural	53	15	31
Areas:			
Northeast	55	23	21
Industrial	64	12	24
Midlands	58	13	29
South	58	17	26
Central	56	8	36
Pacific	54	10	36

Recently there has also been a debate over wilderness lands throughout the country in general. Some people say that wilderness lands should be surveyed before they are restricted in order to determine whether or not energy or mineral resources exist on them. Other people say we have to preserve wilderness lands regardless of potential use and that the surveys themselves would damage the wilderness. Do you think we should survey wilderness areas or not before deciding what to do with them?

[In percent]

	Yes	Not sure	No
Overall	67	14	19
Total household income:			
0 to $3,999	58	21	21
$4,000 to $6,999	66	15	20
$7,000 to $9,999	67	13	21
$10,000 to $12,999	67	14	20
$13,000 to $14,999	82	7	12
$15,000 to $19,999	66	11	23
$20,000 to $24,999	69	13	18
Over $25,000	73	9	19
Age:			
18 to 25	61	14	26
26 to 35	67	15	18
36 to 45	69	16	14
46 to 55	75	11	14
56 to 65	67	10	23
Over 65	66	15	18
Sex:			
Female	64	17	19
Male	71	11	19
Race:			
White	68	13	19
Black	60	23	17
Head of household:			
Yes	71	11	18
No	63	17	20
Should we survey wilderness areas or not before deciding what to do with them			
Overall	67	14	19
Education:			
Some grade school	58	21	22
Some high school	64	16	21
High school graduate	69	14	17
Technical/vocational	78	8	14
Some college	68	12	21
College graduate	78	10	11
Graduate school	68	14	18
Religion:			
Protestant	70	13	17
Catholic	67	13	20
Jewish	58	26	17
Other	56	21	23
None	66	10	24
Political ideology:			
Liberal	65	10	24
Moderate	70	13	17
Conservative	71	12	18
Urban/rural:			
Urban	68	14	18
Suburban	68	14	18
Rural	64	15	21
Areas:			
Northeast	66	21	13
Industrial	70	14	16
Midlands	67	11	21
South	69	15	16
Central	67	8	24
Pacific	61	12	27

Would you favor or oppose constructing roads to permit people to have access to Federally-owned wilderness lands?

[In percent]

	Favor	Don't know	Oppose
Overall	54	13	33
Total household income:			
0 to $3,999	52	15	33
$4,000 to $6,999	54	13	33
$7,000 to $9,999	56	13	31
$10,000 to $12,999	54	14	33
$13,000 to $14,999	59	9	32
$15,000 to $19,999	55	12	33
$20,000 to $24,999	53	10	37
Over $25,000	63	8	29
Age:			
18 to 25	48	13	40
26 to 35	57	13	31
36 to 45	51	15	34
46 to 55	59	11	31
56 to 65	57	11	33
Over 65	56	16	27
Sex:			
Female	52	16	32
Male	56	10	34
Race:			
White	54	12	34
Black	60	17	23
Head of household:			
Yes	57	12	32
No	52	15	34
Education:			
Some grade school	54	20	26
Some high school	50	14	36
High school graduate	56	12	31
Technical/vocational	64	12	24
Some college	50	13	38
College graduate	56	14	30
Graduate school	61	6	33
Favor or oppose construction of roads giving people access to federally owned wildernesslands			
Overall	54	13	33
Religion:			
Protestant	56	12	32
Catholic	53	14	33
Jewish	57	21	22
Other	36	8	56
None	55	11	34
Political ideology:			
Liberal	57	9	34
Moderate	53	15	32
Conservative	56	11	34
Urban/rural:			
Urban	59	12	29
Suburban	52	15	33
Rural	47	13	40
Areas:			
Northeast	59	18	22
Industrial	58	11	31
Midlands	49	11	41
South	58	15	27
Central	49	8	42
Pacific	46	17	38

Would you favor or oppose cutting down timber on Federally-owned wilderness lands, as long as this land was reforested under government guidelines?

[In percent]

	Favor	Don't know	Oppose
Overall	62	11	27
Total household income:			
0 to $3,999	49	14	38
$4,000 to $6,999	66	9	25
$7,000 to $9,999	57	9	34
$10,000 to $12,999	59	11	30
$13,000 to $14,999	70	8	23
$15,000 to $19,999	61	11	29
$20,000 to $24,999	66	9	25
Over $25,000	64	10	27
Age:			
18 to 25	54	12	34
26 to 35	64	9	27
36 to 45	61	11	28
46 to 55	68	11	20
56 to 65	63	11	27
Over 65	62	11	27
Sex:			
Female	59	13	28
Male	65	8	26
Race:			
White	63	10	28
Black	55	21	24
Head of household:			
Yes	64	10	25
No	58	12	29
Education:			
Some grade school	56	19	26
Some high school	62	12	26
High school graduate	64	9	27
Technical/vocational	70	9	21
Some college	57	9	34
College graduate	65	12	24
Graduate school	66	9	25
Favor or oppose cutting down timber on federally owned wilderness lands, as long as land was reforested			
Overall	62	11	27
Religion:			
Protestant	63	10	27
Catholic	64	9	27
Jewish	60	21	20
Other	53	12	35
None	50	12	39
Political ideology:			
Liberal	64	9	27
Moderate	62	11	27
Conservative	63	9	28

[In percent]

	Favor	Don't know	Oppose
Urban/rural:			
Urban	60	11	30
Suburban	62	11	27
Rural	67	10	23
Areas:			
Northeast	70	12	17
Industrial	67	7	26
Midlands	54	14	32
South	65	13	22
Central	62	4	34
Pacific	45	17	38

Would you favor or oppose building dams to control floods and generate electricity on Federally-owned wilderness lands?

[In percent]

	Favor	Don't know	Oppose
Overall	71	9	20
Total household income:			
0 to $3,999	65	12	23
$4,000 to $6,999	75	13	12
$7,000 to $9,999	77	5	17
$10,000 to $12,999	72	9	19
$13,000 to $14,999	81	6	13
$15,000 to $19,999	66	6	28
$20,000 to $24,999	68	5	27
Over $25,000	72	7	21
Age:			
18 to 25	69	7	24
26 to 35	67	12	20
36 to 45	74	8	18
46 to 55	72	7	21
56 to 65	70	6	24
Over 65	74	12	15
Sex:			
Female	69	10	21
Male	72	8	20
Race:			
White	71	8	21
Black	69	19	12
Head of household:			
Yes	73	9	19
No	69	9	22
Education:			
Some grade school	70	12	18
Some high school	74	10	16
High school graduate	72	8	19
Technical/vocational	79	5	16
Same college	68	7	26
College graduate	66	12	21
Graduate school	66	6	28

Favor or oppose building dams to control floods and generate electricity on Federally-owned wilderness lands

Overall	71	9	20
Religion:			
Protestant	72	9	20
Catholic	72	9	20
Jewish	66	20	15
Other	60	10	30
None	70	6	23
Political ideology:			
Liberal	74	9	18
Moderate	69	10	21
Conservative	71	7	22
Urban/rural:			
Urban	70	9	21
Suburban	71	9	21
Rural	73	9	18
Areas:			
Northeast	73	12	15
Industrial	72	10	19
Midlands	69	8	23
South	74	9	18
Central	75	6	20
Pacific	58	10	33

Would you favor or oppose constructing underground mines on Federally-owned wilderness lands to develop coal?

[In percent]

	Favor	Don't know	Oppose
Overall	55	14	31
Total household income:			
0 to $3,999	48	22	30
$4,000 to $6,999	60	11	29
$7,000 to $9,999	57	13	30
$10,000 to $12,999	54	11	35
$13,000 to $14,999	54	17	29
$15,000 to $19,999	49	13	39
$20,000 to $24,999	57	9	34
Over $25,000	61	11	28
Age group:			
18 to 25	46	18	37
26 to 35	54	12	34
36 to 45	55	15	30
46 to 55	58	14	29
56 to 65	56	12	32
Over 65	61	14	25
Sex:			
Female	51	17	32
Male	59	11	31
Race:			
White	55	13	32
Black	51	25	24
Head of household:			
Yes	58	12	29
No	51	16	34
Education:			
Some grade school	55	21	24
Some high school	54	16	31
High school graduate	58	12	31
Technical/vocational	55	9	37
Some college	50	13	37
College graduate	56	17	28
Graduate school	60	8	32

Favor/oppose constructing underground mines

Overall	55	14	31
Religion:			
Protestant	55	14	31
Catholic	55	15	30
Jewish	57	20	22
Other	49	8	42
None	43	8	49
Political ideology:			
Liberal	51	9	40
Moderate	53	19	28
Conservative	60	10	31
Urban/rural:			
Urban	56	13	32
Suburban	55	15	30
Rural	53	15	32
Area:			
Northeast	60	14	27
Industrial	59	13	28
Midlands	58	12	30
South	53	19	28
Central	54	9	37
Pacific	41	17	43

Would you favor or oppose surface mining of Federally-owned wilderness lands to develop coal?

	Favor	Don't know	Oppose
Overall	39	13	48
Total household income:			
0 to $3,999	43	14	43
$4,000 to $6,999	44	19	37
$7,000 to $9,999	43	11	45
$10,000 to $12,999	38	13	50
$13,000 to $14,999	42	11	48
$15,000 to $19,999	37	11	53
$20,000 to $24,999	40	7	54
Over $25,000	41	7	52
Age:			
18 to 25	25	14	61
26 to 35	38	12	50
36 to 45	37	14	49
46 to 55	45	12	42
56 to 65	43	9	48
Over 65	49	14	37
Sex:			
Female	37	15	48
Male	41	11	48
Race:			
White	38	12	51
Black	49	21	31
Head of household:			
Yes	42	13	46
No	34	14	52
Education:			
Some grade school	40	19	41
Some high school	46	14	40
High school graduate	41	11	48
Technical/vocational	42	10	48
Some college	32	13	56
College graduate	38	12	50
Graduate school	35	9	57

Favor or oppose surface mining on Federally owned wilderness lands to develop coal.

	Favor	Don't know	Oppose
Overall	39	13	48
Religion:			
Protestant	41	13	46
Catholic	36	15	49
Jewish	52	5	44
Other	32	10	56
None	28	5	85
Political ideology:			
Liberal	38	9	59
Moderate	42	13	46
Conservative	39	12	43
Urban/rural:			
Urban	44	12	44
Suburban	34	12	54
Rural	38	17	46
Areas:			
Northeast	49	14	37
Industrial	39	9	53
Midlands	36	13	52
South	45	18	37
Central	35	9	56
Pacific	29	15	57

Would you favor or oppose drilling for oil and natural gas on Federally-owned wilderness lands?

	Favor	Don't know	Oppose
Overall	64	11	25
Total household income:			
0 to $3,999	62	13	25
$4.000 to $6,999	67	11	22
$7,000 to $9,999	70	8	22
$10,000 to $12,999	66	10	24
$13,000 to $14,999	69	11	21
$15,000 to $19,999	65	11	24
$20,000 to $24,999	63	8	30
Over $25,000	64	10	26
Age:			
18 to 25	51	14	35
26 to 35	63	11	26
36 to 45	64	14	22
46 to 55	73	9	18
56 to 65	65	10	25
Over 65	71	10	19
Sex:			
Female	60	14	25
Male	68	8	24
Race:			
White	64	10	26
Black	64	20	16
Head of household:			
Yes	68	10	23
No	60	13	27
Education:			
Some grade school	65	13	22
Some high school	63	13	24
High school graduate	70	10	21
Technical/vocational	75	7	18
Some college	57	9	34
College graduate	61	17	22
Graduate school	62	7	31

Favor or oppose drilling for oil and natural gas on federally owned wilderness lands

Overall	64	11	25
Religion:			
Protestant	68	10	22
Catholic	62	13	25
Jewish	61	15	24
Other	45	13	42
None	52	8	39
Political ideology:			
Liberal	63	7	30
Moderate	65	14	21
Conservative	68	9	24
Urban/rural:			
Urban	65	11	24
Suburban	63	11	26
Rural	64	12	24
Areas:			
Northeast	69	9	23
Industrial	68	11	21
Midlands	60	15	25
South	65	13	22
Central	66	7	27
Pacific	53	13	34

Would you favor or oppose building recreation areas, such as parks, to permit more use of the Federally-owned wilderness lands?

[In percent]

	Favor	Don't know	Oppose
Overall	66	10	23
Total household income:			
0 to $3,999	57	13	31
$4,000 to $6,999	71	11	19
$7,000 to $9,999	76	9	15
$10,000 to $12,999	69	8	24
$13,000 to $14,999	69	16	15
$15,000 to $19,999	66	11	23
$20,000 to $24,999	64	4	33
Over $25,000	68	5	27

[In percent]

	Favor	Don't know	Oppose
Age:			
18 to 25	63	11	26
26 to 35	67	10	23
36 to 45	66	11	23
46 to 55	69	10	21
56 to 65	67	5	28
Over 65	68	12	20
Sex:			
Female	66	11	22
Male	66	10	25
Race:			
White	66	9	25
Black	68	18	14
Head of household:			
Yes	67	10	23
No	65	10	24
Education:			
Some grade school	61	16	22
Some high school	66	10	24
High school graduate	68	9	23
Technical/vocational	66	11	23
Some college	62	10	27
College graduate	75	8	16
Graduate school	63	12	25
Favor/oppose building recreation areas			
Overall	66	10	23
Religion:			
Protestant	67	9	23
Catholic	68	17	21
Jewish	65	16	19
Other	52	11	37
None	61	9	29
Political ideology:			
Liberal	72	8	20
Moderate	65	12	24
Conservative	66	8	26
Urban/rural:			
Urban	68	10	22
Suburban	67	10	24
Rural	62	13	26
Area:			
Northeast	75	8	17
Industrial	70	8	22
Midlands	63	8	29
South	59	16	26
Central	70	8	22
Pacific	60	14	26

Would you favor or oppose the mining of Federally-owned wilderness lands for mineral resources?

[In percent]

	Favor	Don't know	Oppose
Overall	53	15	32
Total household income:			
0 to $3,999	50	20	30
$4,000 to $6,999	59	14	27
$7,000 to $9,999	58	15	26
$10,000 to $12,999	48	18	34
$13,000 to $14,999	53	14	33
$15,000 to $19,999	52	11	37
$20,000 to $24,999	56	7	38
Over $25,000	56	12	33
Age:			
18 to 25	45	14	41
26 to 35	48	16	37
36 to 45	56	17	26
46 to 55	57	12	31
56 to 65	57	11	33
Over 65	62	17	22
Sex:			
Female	51	17	32
Male	55	13	32
Race:			
White	52	14	34
Black	63	23	14
Head of household:			
Yes	56	14	29
No	50	14	36
Education:			
Some grade school	49	24	27
Some high school	53	13	35
High school graduate	57	14	29
Technical/vocational	50	18	32
Some college	49	12	39
College graduate	59	16	25
Graduate school	50	10	40
Would you favor or oppose the mining of Federally-owned wilderness lands			
Overall	53	15	32
Religion:			
Protestant	55	14	31
Catholic	54	16	30
Jewish	51	18	30
Other	37	17	47
None	37	14	49
Political ideology:			
Liberal	50	12	38
Moderate	56	15	29
Conservative	56	12	32
Urban/rural:			
Urban	57	13	30
Suburban	49	16	35
Rural	52	16	32
Area:			
Northeast	62	16	23
Industrial	55	13	32
Midlands	49	13	38
South	56	17	27
Central	51	11	38
Pacific	42	19	39

Just in general, do you think the United States has preserved enough wilderness land or should the U.S. attempt to protect additional areas of wilderness from development?

	Preserved enough wilderness land	Don't know	Protect additional areas of wilderness
Overall	45	19	35
Total household income:			
0 to $3,999	43	19	38
$4,000 to $6,999	46	17	37
$7,000 to $9,999	44	17	39
$10,000 to $12,999	44	21	35
$13,000 to $14,999	45	19	36
$15,000 to $19,999	36	21	44
$20,000 to $24,999	49	17	34
Over $25,000	53	15	32
Age group:			
18 to 25	28	20	52
26 to 35	46	16	38
36 to 45	48	26	27
46 to 55	53	18	29
56 to 65	46	18	36
Over 65	54	17	28
Sex:			
Female	42	24	34
Male	49	14	37
Race:			
White	46	17	36
Black	37	33	30
Head of household:			
Yes	49	16	35
No	40	23	37
Education:			
Some grade school	45	26	28
Some high school	40	23	37
High school graduate	49	18	33
Technical/vocational	41	16	42
Some college	41	15	44
College graduate	50	21	29
Graduate school	50	14	36
Do you think the United States has preserved enough wilderness lands			
Overall	45	19	35
Religion:			
Protestant	46	19	35
Catholic	47	19	34
Jewish	48	25	27
Other	33	22	45
None	32	16	52
Political ideology:			
Liberal	41	15	45
Moderate	44	22	34
Conservative	51	16	34
Urban/rural:			
Urban	46	19	35
Suburban	42	21	37
Rural	49	17	33
Area:			
Northeast	50	27	24
Industrial	49	19	33
Midlands	44	15	42
South	48	21	31
Central	31	15	54
Pacific	47	16	37

Recently there have been proposals before Congress to close additional areas of Federally-owned wilderness land to any kind of development, including searches for new oil and gas. Do you favor or oppose allowing exploration for oil and gas on Federally-owned wilderness land?

[In percent]

	Favor	Don't know	Oppose
Overall	56	16	92
Total household income:			
0 to $3,999	48	17	34
$4,000 to $6,999	52	21	26
$7,000 to $9,999	53	13	34
$10,000 to $12,999	58	14	28
$13,000 to $14,999	55	17	28
$15,000 to $19,999	57	15	28
$20,000 to $24,999	59	10	32
Over $25,000	63	11	26
Age:			
18 to 25	46	16	38
26 to 35	54	18	28
36 to 45	58	16	27
46 to 55	64	12	24
56 to 65	60	13	27
Over 65	55	17	28
Sex:			
Female	52	19	30
Male	60	13	27
Race:			
White	57	14	30
Black	50	30	20
Head of household:			
Yes	59	14	28
No	51	19	30
Education:			
Some grade school	55	25	20
Some high school	47	15	38
High school graduate	58	19	24
Technical/vocational	69	8	24
Some college	54	9	37
College graduate	63	12	25
Graduate school	60	13	28
Allowing exploration for oil and gas on wilderness land			
Overall	56	16	29
Religion:			
Protestant	58	14	28
Catholic	53	19	27
Jewish	58	18	24
Other	40	13	47
None	50	12	38
Political ideology:			
Liberal	55	13	32
Moderate	55	18	38
Conservative	59	12	29
Urban/rural:			
Urban	54	17	29
Suburban	57	15	29
Rural	58	13	29
Areas:			
Northeast	52	27	22
Industrial	62	13	25
Midlands	56	13	32
South	56	16	28
Central	50	11	39
Pacific	53	16	32

[If oppose.] If it were shown that virtually all of the hope for new gas and oil discoveries in the United States were in these Federal lands that would be closed to exploration development, would you still oppose exploring these lands for resources or not?

[In percent]

	Yes	Not sure	No
Overall	35	23	42
Total household income:			
0 to $3,999	40	22	38
$4,000 to $6,999	39	25	35
$7,000 to $9,999	24	33	43
$10,000 to $12,999	35	33	32
$13,000 to $14,999	23	36	41
$15,000 to $19,999	35	9	57
$20,000 to $24,999	31	23	46
Over $25,000	39	15	46
Age group:			
18 to 25	28	28	44
26 to 35	45	15	40
36 to 45	36	21	43
46 to 55	27	22	51
56 to 65	38	25	37
Over 65	35	30	35
Sex:			
Female	35	25	39
Male	36	20	44
Race:			
White	35	22	43
Black	37	27	36
Head of household:			
Yes	35	23	43
No	35	24	41
Education:			
Some grade school	39	23	37
Some high school	26	31	42
High school graduate	35	28	37
Technical/vocational	40	13	47
Some college	39	17	44
College graduate	33	14	53
Graduate school	43	8	49
Still oppose explanation of Federal lands			
Overall	35	23	42
Religion:			
Protestant	35	22	44
Catholic	32	26	43
Jewish	28	31	42
Other	45	35	21
None	55	5	40

[In percent]

	Yes	Not sure	No
Political ideology:			
Liberal	36	18	46
Moderate	42	23	35
Conservative	31	26	44
Urban/rural:			
Urban	30	20	40
Suburban	28	30	42
Rural	39	17	44
Area:			
Northeast	22	24	54
Industrial	27	22	50
Midlands	42	28	30
South	31	18	51
Central	50	20	30
Pacific	38	31	31

If it came down to a simple choice between developing new energy resources and preserving wilderness areas, which do you think the nation should choose?

[In percent]

	Developing new energy sources	Don't know	Preserving wilderness areas
Overall	67	14	19
Total household income:			
0 to $3,999	48	27	26
$4,000 to $6,999	65	13	22
$7,000 to $9,999	65	14	20
$10,000 to $12,999	72	10	18
$13,000 to $14,999	75	14	11
$15,000 to $19,999	67	12	21
$20,000 to $24,999	69	14	17
Over $25,000	72	9	19
Age group:			
18 to 25	60	14	26
26 to 35	67	15	19
36 to 45	64	18	18
46 to 55	77	11	12
56 to 65	65	12	24
Over 65	69	14	17
Sex:			
Female	63	17	20
Male	70	12	18
Race:			
White	68	13	19
Black	58	22	20
Head of household:			
Yes	69	13	18
No	64	15	21
Education:			
Some grade school	63	19	18
Some high school	64	15	21
High school graduate	66	15	19
Technical/vocational	73	17	10
Some college	69	12	19
College graduate	71	12	18
Graduate school	69	10	21

[In percent]

Choice between developing new energy sources and preserving wilderness areas

Overall	67	14	19
Religion:			
Protestant	69	14	17
Catholic	64	14	22
Jewish	64	15	22
Other	64	11	25
None	61	19	20
Political ideology:			
Liberal	65	14	21
Moderate	68	14	19
Conservative	68	13	19
Urban/rural:			
Urban	68	13	18
Suburban	65	14	21
Rural	66	17	17
Areas:			
Northeast	63	18	19
Industrial	71	10	19
Midlands	71	13	16
South	69	14	17
Central	66	14	20
Pacific	56	19	25

Would you favor or oppose limited drilling for oil and natural gas in the wilderness areas of the western United States?

[In percent]

	Favor	Don't know	Oppose
Overall	60	13	26
Total household income:			
0 to $3,999	48	13	39
$4,000 to $6,999	48	20	32
$7,000 to $9,999	57	14	30
$10,000 to $12,999	64	13	23
$13,000 to $14,999	64	16	19
$15,000 to $19,999	60	10	30
$20,000 to $24,999	66	11	23
Over $25,000	65	8	27
Age:			
18 to 25	51	15	35
26 to 35	59	16	25
36 to 45	64	13	23
46 to 55	70	9	21
56 to 65	58	12	30
Over 65	59	16	25
Sex:			
Female	55	17	28
Male	65	11	24
Race:			
White	61	13	26
Black	51	22	28
Head of household:			
Yes	63	12	25
No	55	16	29
Education:			
Some grade school	59	20	21
Some high school	53	14	32
High school graduate	61	14	25
Technical/vocational	66	9	25
Some college	58	11	32
College graduate	70	16	14
Graduate school	69	7	25

Favor or oppose limited drilling for oil and natural gas

Overall	60	14	26
Religion:			
Protestant	62	12	25
Catholic	59	17	24
Jewish	66	16	19
Other	46	10	44
None	51	9	40
Political ideology:			
Liberal	50	13	28
Moderate	60	16	24
Conservative	63	10	27
Urban/rural:			
Urban	59	14	27
Suburban	63	13	24
Rural	58	14	28
Areas:			
Northeast	57	22	21
Industrial	66	13	21
Midlands	64	12	24
South	62	12	26
Central	55	7	38
Pacific	52	16	32

●

MR. REX SHURTZ RECOGNIZED FOR ACT OF HEROISM

● Mr. DECONCINI. Mr. President, I am always greatly pleased whenever I am able to recognize someone from my home State of Arizona in front of my honored colleagues in the Senate. In this particular case, I should like to recognize Mr. Rex Shurtz of Safford for an act of heroism which undoubtedly saved in excess of 2,000 lives. During the great flood of 1979, which inundated and destroyed a great deal of property in eastern Arizona, Mr. Shurtz was informed upon coming home from work that the water level behind the Graveyard Wash Dam was unusually high. He ventured out, at considerable personal risk, to check the situation. He heard a gurgling noise, traced it down, and found a flaw in the dam. He immediately informed the proper officials of Graham County who rushed to the scene. Over 2,000 persons were safely evacuated from the area, the county repaired the leak, and those people were returned to their homes without further incident. Mr. Shurtz' actions unquestionably saved the lives of these people, and he deserved recognition for his act of heroism. Mr. President, I wish it to be printed in the RECORD, in order that this unselfish action may be recorded in the annals of our Congress.●

ALL-VOLUNTEER FORCES

● Mr. JEPSEN. Mr. President, there is a growing feeling in Congress and in this country that the All-Volunteer Force is not working as well as it should. The costs of maintaining an All-Volunteer Force are substantial and with the general trend of inflation they could be staggering in the near future.

Moreover, current population trends suggest that as we enter the 1980's, it will become increasingly difficult to man the All-Volunteer Force at an adequate level, even assuming a bigger increase in the number of women who enter the service. Finally, it seems fairly evident to all that the All-Volunteer Force was never designed to and indeed it could never provide the people needed in case of a major conflict.

With this in mind, I wish to print in the RECORD an article written by Curtis W. Tarr. Mr. Tarr was former director of the U.S. Selective Service System. He is a resident of Moline and a personal friend of mine. His writing is insightful; his assessment of the future of the All-Volunteer Force is sobering. I commend it to the attention of my colleagues.

The article follows:

BRIDGE GAPS IN MILITARY MIGHT

(By Curtis W. Tarr)

Recently, critics of the All-Volunteer Force have sharpened their knives for attack upon the ability of the armed services to supply the people for an adequate defense by voluntary means.

We hear rumblings of complaint in Congress, in military organizations (particularly those people responsible for recruitment), and among disparate voices across the land. Thus it is appropriate to assess the attempts of the military forces to carry out the program that President Nixon considered one of his most important contributions to the American society.

At the end of 1978, the United States had 2,049,000 people in active units, down 12,000 from the previous year because of programmed reductions. The services recruited 357,000 in the same year to maintain all units essentially at full strength.

The turnover of 18.7 percent was the lowest since 1966, generally a good sign indicating a more seasoned force with less concentration upon basic training. Enlistments in 1978 were 18 percent less than 1977 reflecting the higher reenlistment of people already in the forces.

Finally, except in the Air Force, a high percentage of young people entered service with a high school diploma or its equivalent than in any other year since the All-Volunteer Force began in 1973. Thus the raw statistics for 1978 look encouraging.

Women who make up 7 percent of the armed forces today were 12 percent of the enlisted accessions for 1978, an attempt by the services to open more opportunities to them. Blacks, who are 17 percent of total strength, accounted for 23 percent of the enlistments, nearly double the cross section of that age black youth in the American population. The Army now is 27 percent black and drew 34 percent of its enlistments from black youth. These numbers certainly attest to the limited economic opportunities for blacks elsewhere in America.

Some argue that only a representative force is adequate to carry out the nation's policies. My own view is that proper leadership of qualified people will achieve national goals regardless of the racial characteristics of the force.

The situation in the nation's reserve forces offers less encouragement. Reserve strength at 788,000 people in 1978 was down 2 percent from the previous year because of recruiting difficulties. Since the shortages are not spread evenly among units, some are considerably below strength.

Reserve units in 1978 recruited 201,000 young people, 70,000 of whom had no prior military service. In this latter group, those with a high school diploma or equivalent dropped from 45 percent to 39 percent (compared with 85.3 percent of recruits in the active Army). Among the 70,000, 16 percent were women, and 28 percent were blacks.

Experience in 1979 tempers earlier optimism. During the first quarter, each of the services fell short of its goals, the Air Force for the first time. The services together recruited only about 90 percent of the people needed to meet their requirements.

It still is too early to determine a trend and what will develop in the future. But it is clear that continuing shortages in recruitment soon will have an impact upon force structure.

Through 1978, volunteerism served the nation well, particularly in the active forces. We cannot be certain if it will do so in 1979. But those who wish to restore the draft need to remember that the draft never operated ideally. For now, the nation and the armed services must do everything possible to make volunteerism successful. It is not likely that Congress soon would grant to President Carter the authority to induct. The reserve forces have a special problem. Increased incentives and leadership appear to be the only practical resources to attract the people in the near future that the reserve units require.

Should any action now be taken?

Yes, I recommend that the president reactivate the registration and classification of young men for possible service during a national mobilization. No qualified observer ever has suggested that volunteers could provide the people the armed services would require for a major war.

Waiting to establish a draft system with registration and classification could invite intolerate delays in a time of national disaster. With such a system operating, inductions could begin shortly after the declaration of a national emergency.●

THE GREAT SNOW OF 1979

● Mr. KENNEDY. Mr. President, I would like to bring to the attention of my colleagues James J. Kilpatrick's inspirational reflections on the great snow of 1979—an historic event which brought our all too busy lives to a temporary halt and united us as families, neighbors, and communities as we "weathered the storm" and renewed our respect for nature's awesome power.

As the snow fell, it was eloquent in its silence, and Mr. Kilpatrick's own eloquence reminds us, in the words of Alexander Pope, that—

> We are but parts of one stupendous whole,
> whose body Nature is, and God the soul.

I ask that the complete text of James J. Kilpatrick's article, "Important Things in a Great Snow," which appeared on Saturday, February 24 in the Washington Star, be printed in the Record.

The article follows:

IMPORTANT THINGS IN A GREAT SNOW

(James J. Kilpatrick)

SCRABBLE, Va.—A week has passed since the Great Snow of '79 fell upon us. The event thus has slipped into the classification of stale news, but the snow is worth writing about nonetheless. There were lessons here, and they are worth remembering.

Ordinarily, those of us in the Washington area have to apologize for our snows. Compared to the blizzards of Nebraska, the travails of Buffalo and the disasters of Chicago, our worst winter ills are the merest sniffles. In the usual course of events, we endure a few hours of snarled traffic; then the slush turns to worse slush and that's it.

The snow that began falling on Sunday afternoon was something else entirely. This was a snow to make a man quietly proud, a snow to mark births and deaths by.

It started as a powdery mist. By mid-afternoon two or three inches had accumulated on top of the six inches February already had delivered.

In early evening the storm picked up speed and muscle. At some point past midnight, this snow decided to go for a record.

Peering outside, one saw great waterfalls of snow, high curtains of snow; the heavens were one vast flour sifter turning at top speed. By late morning on Monday, it had stopped.

In Washington, the snow was reckoned officially at 18.7 inches. Here in the Blue Ridge Mountains, our yardstick said 21 inches. Before dawn Monday morning the wind began gusting at 20 to 25 miles an hour. We awoke to feast upon massive scallops of whipped cream, towering dunes of crisp meringue, rolls of hay iced like angel food cakes. A five-foot drift 50 feet long, made the driveway impassable. For the first time in 12 years we were literally snowed in.

In Washington, city dwellers saw the best and the worst of human nature. Ordinarily Washingtonians communicate as stiffly as so many strangers in an elevator. Now the anonymity receded. In the common exhilaration, human beings reached out—however briefly—to touch other human beings.

Members of the American Agricultural Movement, who had been making the city's life miserable with their tractorcades of protest, suddenly became heroes. They put their great waddling machines to work. It was a good day. After night fell, reports of looting began to sift in, soot staining the purity of the snow, but there were not so many of these in Washington.

Here in the mountains we learned old lessons all over again—which, come to think of it, is what one usually does with old lessons. We absorbed the beauty and the power of nature; we wondered at the awesome energy of a storm. In our isolation we learned the meaning of good conversation, loving companionship.

Mainly, the Great Snow of '79 taught us the unimportance of so much that surrounds us. A yard stick that measures snowfall measures values also. To be effectively prevented from doing many things is to discover how many things do not need to be done. At the very least it is to discover how many things do not need to be done right now. A vast deal of the busywork that engages us can be put off.

What is important? It is important to thrust through banks of snow to fill the bird feeders. It is important to keep firewood dry lest the electric power go out. Sooner or later it will be important to dig ourselves out to Rudisill's Mill Road and thence to the highways beyond. But not right now.

For now, it suffices to talk a while, to be silent for a while, to see images in licking flames and darkening embers. We learn from the squabbling sparrows, the grosbeaks, cardinals, bluejays, juncoes, doves, quail, finches, starlings. They flutter about the feeding stations like flung confetti at a winter party, scraps of colored paper on a white and brown collage.

We are as dependent as the birds and as independent as they also. We depend, of course, upon all the unknown hands that somewhere are performing the hard, essential work of clearing roads and restoring power. But to turn inward to one's own resources is to discover a kind of curious freedom.

For a little while no outside commitments, no distance compulsions, can break through the drifted snow. By ourselves, in and of ourselves, we survive. It is not a bad reflection for a snowbound afternoon.●

OPPOSITION TO PROPOSED STANDBY ENERGY CONSERVATION AND GASOLINE RATIONING PLANS

● Mr. TOWER. Mr. President, President Carter Tuesday proposed several standby energy conservation measures designed to enable us to cope with severe petroleum shortages resulting from foreign supply interruptions or U.S. compliance with international energy obligations. Each of these measures requires the affirmative approval of Congress within 60 days of submittal.

I intend to vote against approval of these proposed standby energy conservation and gasoline rationing plans. My opposition is based in part on the fact that these mandatory measures tend to discriminate most against those States and regions which have done the most to supply this Nation with the energy it needs. The primary basis for my opposition, however, is that these are measures for crisis management only, and can in no way contribute to an improved domestic energy supply situation.

I believe it is clear that Federal intervention designed to solve our energy supply problems has, in fact, only aggravated those problems and made their solution more difficult. It has been 5 years since the 1973–74 Arab oil embargo and yet we are today experiencing shortages of gasoline and other refined products and continue to be dangerously vulnerable to foreign supply cutoffs.

That 1973 embargo precipitated the enactment of hastily considered emergency oil price and allocation controls designed to regulate the shortage, and in each year since the Congress and the Federal agencies have conspired to add layer after layer of additional regulation. Controls imposed to regulate the shortage have only served to make it worse.

I believe the time has come to break the chain of regulatory-induced energy shortages which simply serve to bring on more regulation and more severe shortages. I believe the time is now to remove the costly and counterproductive price and allocation controls on gasoline and to quickly phase out controls on domestic crude oil.

Decontrol would not be painless, but neither are mandatory gasoline rationing and other mandatory energy-saving measures of the kind recommended by the President. Decontrol has costs, but so do perpetual shortages and overregulation, and the direct and indirect costs of continued regulation are substantial.

Decontrol of crude oil and gasoline would, however, have real and substantial benefits. The relaxation of these controls would not only stimulate energy development to reduce U.S. foreign dependence and help assure adequate fuel supplies, but would also improve our balance of trade and tend to lessen unemployment by creating real jobs.

In short, the continuation of these costly and economically destructive oil price controls is a luxury this country cannot afford. I thus again urge the President to move forward now to decontrol gasoline and set the stage for a gradual, but rapid, phaseout of all price and allocation controls on domestic crude oil.

Until the Carter administration begins to attack the root causes of our energy supply problem in this manner—by substantially reducing the burden of Federal regulation—I cannot acquiesce in the approval of any additional mandatory conservation measures of the type being proposed. I urge my colleagues to join me in opposition to these ineffective short-term measure until real progress is made toward a solution to the problem.●

ALLEGATIONS OF DELIBERATE MANIPULATION OF PRODUCTION ARE GROUNDLESS

● Mr. JOHNSTON. Mr. President, on December 11, 1978 the Committee on Energy and Natural Resources held a hearing to secure information why certain major refiners were requesting from the Department of Energy the authority to allocate their available supplies of gasoline to wholesalers and marketeers.

An important witness was a representative from the Oil, Chemical, and Atomic International Union. OCAW is the union whose membership keeps our domestic refineries running. Mr. President, the substance of the gentleman's testimony turned out to be an allegation that there was no shortage but instead whatever situation did exist was:

> Purposely created for one reason—to manipulate oil price increases and to frighten the American people so that price controls would be lifted.

This allegation was indeed a serious one. The committee asked the Department of Energy to investigate. Subsequently, the Department contacted and sent agents into the named refineries to check production records and other sources. Mr. President, the Department in its report back to the Energy Committee reported that there were no grounds to substantiate these allegations of deliberate manipulation of production. I shall submit this report for printing in the Record at the conclusion of my remarks.

Mr. President, also testifying at the hearing was Mr. Jack O'Leary from the Department of Energy who stressed the fact that the rate of growth of demand for unleaded gasoline was outstripping the domestic refiners' ability to produce the needed supply. Although unleaded supplies would be tight this summer, the real shortage loomed in the early 1980's if our existing capacity was not expanded and retrofitted to produce more unleaded gasoline. Also present were witnesses from the Environmental Protection Agency and a representative from a major refiner. There was a healthy exchange among these witnesses as to the institutional problems impeding the needed expansion of our domestic refining capacity. I encourage this public debate more often. I also intend to introduce soon this session a bill to encourage the expansion of our domestic refining industry to meet our domestic needs. I hope to work very closely with my Senate colleagues and all persons interested in defining and putting into statutory form a unified national refining policy.

The testimony follows:

Committee on Energy and
Natural Resources,
Washington, D.C., December 14, 1978.

Hon. James R. Schlesinger,
Secretary,
Department of Energy,
Washington, D.C.

Dear Mr. Secretary: On Monday, December 11, 1978, the Committee on Energy and Natural Resources held a hearing on motor gasoline supply at which allegations were made which I believe should be promptly investigated by the Department of Energy. Specifically, the prepared statement of an official of the Oil, Chemical and Atomic Workers claimed that certain domestic refiners were operating at less than full capacity at a time when the companies owning these refineries were expressing concerns to DOE about possible gasoline shortages. As you know, the testimony of DOE, presented by Deputy Secretary O'Leary, was that domestic refineries are, and have been, running at near capacity.

Subsequent to the hearing the OCAW wrote to me with additional details about their allegations. A copy of their letter is attached. Because of the intense interest in this matter by the public and its relevance to the subject of the Committee's hearing I think it important that the factual situation with respect to these allegations be fully clarified as promptly as possible. I am, therefore, asking that DOE provide the Committee with a full report on the recent operation of the refineries named in the OCAW letter on or before the close of business, Friday, December 22, 1978.

Questions about this request should be directed to Benjamin S. Cooper or James T. Bruce at 224–9894.

Sincerely yours,
Henry M. Jackson,
Chairman.

Oil, Chemical and Atomic Workers International Union,
Washington, D.C., December 14, 1978.

Hon. Henry M. Jackson,
U.S. Senate,
Washington, D.C.

Dear Senator Jackson: The following is the additional material that you asked for in connection with the statement of H. J. McClain, which was read into the record of the Energy Committee hearing of December 11th.

1. The refinery unit referred to on Page 3 of the McClain statement is turning out 22,000 barrels per day of unleaded product, where the unit capacity is 42,000, is at Mobil, located in Beaumont, Texas.

2. The four refineries that Director McClain made spot checks on were: Texaco (Port Arthur); Union Oil (Port Neches); Mobil (Beaumont); and Shell (Deerfield and Norco).

3. Shell (Deerfield). The production of unleaded gasoline is controlled by the throughput of the catalytic reformer units (CR). There are two reformer units at this refinery.

CR No. 1 has input capacity of 20,000 barrels/day (B/D) and output capacity of 18,000 B/D. During the period November 28, 1978 to December 8, 1978, this unit ran from a low of 9,200 B/D input and 7,955 B/D output to a high of 11,000 B/D input and 9,600 B/D output.

On December 9, 1978, the unit was shut down because of gasoline leaks. It was placed back in service December 13, 1978.

The capacity of CR No. 2 is not known exactly but it is in excess of 30,000 B/D input and more than 25,000 B/D output. On November 1, 1978, this unit was operating at 28,000 B/D input and 23,200 output with octane number of 99.5. On November 9, 1978, the throughput of the unit was cut back from the above figure to 16,600 B/D input, and 13,100 B/D output with octane number of 101.0. This rate was maintained for two weeks and then was raised to 20,000 B/D input.

On November 28, 1978, the throughput of the unit was cut back because there was no room in storage for the finished product. The levels in the storage tanks were the same as in mid-June, which is normal high point for the year in preparation for the summer driving season.

4. Mobil (Beaumont). There are two hydroformers at this refinery. Their capacity is 42,000 B/D each and for several weeks they have been running at between 21,000 and 22,000 B/D each. The unit which blends unleaded gasoline is running one 8-hour shift instead of the normal two 8-hour shifts.

5. Texaco (Port Arthur). This refinery has three hydroforming units, each of 28,800 B/D capacity. As of the present No. 2 and No. 3 are running at 27,000 B/D and 28,800 B/D. No. 1 is running at 14,400 B/D. The product has an octane number running between 80 and 91. This situation has not changed in the past six months. If demand were not being met, the throughput of No. 1 could be raised. Workers usually hear about demand problems but have heard of no problems with unleaded.

6. Union Oil (Port Neches). The unleaded gasoline production of this refinery is well below capacity. Detailed data is not available at this time.

Yours sincerely,
L. Calvin Moore,
Director of Citizenship-
Legislative Department.

Department of Energy,
Washington, D.C., February 1, 1979.

Hon. Henry M. Jackson,
Chairman, Committee on Energy and Natural Resources, Washington, D.C.

Dear Mr. Chairman: On January 10, 1979, the Economic Regulatory Administration (ERA) forwarded to your office written responses from four oil companies (Texaco, Union, Mobil, and Shell) concerning the claim by the Oil, Chemical and Atomic Workers International Union (OCAW) that these refiners operated at less than full capacity at a time when unleaded gasoline supplies were tight. As a follow up, ERA representatives visited Texaco's Port Arthur refinery, Union's Beaumont refinery, Mobil's Beaumont refinery, and Shell's Deer Park refinery to verify their responses and to review their gasoline production situation. A copy of the report summarizing ERA's findings is enclosed.

ERA is satisfied with the findings concerning the operations of the above refiners.

Their description of the refinery operations as well as actual operating records, inspected by the ERA representatives, support the statements made by these four refiners that they did make every effort to maintain maximum gasoline production and meet their customers' demands. In no case was there evidence that the refiners were holding back gasoline production or supplies.

If you have any further questions on this matter, please let us know.

Sincerely,

HAZEL R. ROLLINS
(For David J. Bardin, Administrator, Economic Regulatory Administration.)

Enclosure.

DEPARTMENT OF ENERGY,
Washington, D.C., January 31, 1979.

From Terrence S. Higgins.

Subject Report on refinery visits conducted to investigate OCAW statements to the Senate Committee on Energy and Natural Resources concerning motor gasoline supplies.

During the December 11, 1978, Motor Gasoline hearings before the U.S. Senate Committee on Energy and Natural Resources the Oil, Chemical and Atomic Workers International Union (OCAW) presented a statement claiming that refiners were operating at less than full capacity at a time when unleaded gasoline supplies were tight. Subsequent to the hearing, the OCAW, in their December 14, 1978 letter, supplied the Committee with additional details about its allegations. On December 14, 1978, Senator Henry M. Jackson, Chairman of the Committee, forwarded a copy of the OCAW letter to the Department of Energy (DOE) and requested that DOE investigate these allegations.

In response to Senator Jackson's request the Economic Regulatory Administration (ERA) wrote to the four oil companies cited (Texaco, Union, Shell, and Mobil) asking them to comment on the statements of OCAW. ERA forwarded copies of the refiners' responses to the Committee on January 10, 1979 (copies attached).

As a follow up, Terrence Higgins and Glen Andrea of ERA, visited Texaco's Port Arthur refinery, Union's Beaumont refinery, Mobil's Beaumont refinery and Shell's Deer Park refinery to verify their responses and to review their gasoline production situation. The ERA representatives gave each of the refiners the opportunity to discuss their operating philosophy and their specific operations during the past months. The ERA representatives then reviewed operating records, internal correspondence, etc. which supported the refiners' position. The specific findings for the four refiners are summarized below:

TEXACO

Texaco operated its Port Arthur refinery for maximum gasoline production up until the beginning of October when maximum furnace oil operations were established to meet anticipated demands. However, in response to unseasonal gasoline demand, maximum gasoline operations were reestablished in mid-October and continued through the remainder of 1978. Throughout the summer and fall Texaco operated at maximum reforming severity and used maximum allowable lead in leaded gasoline in order to optimize the use of available octane to increase unleaded gasoline production.

In its December 14, 1978, letter, the OCAW stated that the Port Arthur refinery had three 28,000 B/D hydroforming units operating at 14,400 B/D, 28,800 B/D, and 28,000 B/D. OCAW stated further that increases in gasoline demand could be met by a corresponding throughput increase in the first of these units.

According to Texaco, Port Arthur has three reformers with a capacity of approximately 20,000 B/D each. These units were successively down for planned maintenance from August through November. When running, each of the units operated at maximum capacity.

UNION OIL

Since the summer, Union Oil's Beaumont refinery ran at maximum crude capacity and produced maximum gasoline.

Union Oil confirmed the statement made by the OCAW that unleaded gasoline production from the Beaumont refinery was below capacity. The refinery is equipped to make 100 percent unleaded gasoline. The actual amount of unleaded gasoline production is continually adjusted to meet sales demand. During 1977, Union Oil marketed only leaded premium and unleaded regular grades of gasoline but because of low sales they resumed leaded regular production in 1978. Union Oil was able to meet all of its unleaded demand in 1978.

MOBIL

The Mobil Beaumont refinery has been producing maximum gasoline since this past summer. All downstream gasoline-producing units were operated at capacity. In August 1978, Mobil expanded its unleaded production capability by reactivating an idle isomerization unit which had been shut down since 1974.

In its letter, the OCAW stated that Mobil had two 42,000 B/D hydroformers which had been running between 21,000 and 22,000 B/D each. There are actually three reformers at the Beaumont plant with a total capacity of approximately 90,000 B/D. According to operating records the combined throughput for these reformers was 91,700 B/D in November and 85,900 in December.

The OCAW letter stated further that the unit which blends unleaded gasoline was run one 8-hour shift instead of the normal two 8-hour shifts. Mobil has two blender units in the Beaumont refinery, one for leaded and one for unleaded gasoline. These units are capable of blending up to 400,000 B/D while the refinery gasoline production capacity is only 180,000 B/D. The blenders operate only as required to meet product shipping schedules. These schedules are staggered and thus the units are manned 24 hours per day. During the months of November and December each of the blenders averaged over 16 hours per day of operation.

SHELL

Shell has maintained maximum production of unleaded gasoline through the summer and fall. Its overall gasoline volume was reduced slightly by the shutdown of a hydrocracker in late October. This shutdown was part of the refiner's Olefin plant expansion and octane improvement plan. The shutdown reduced leaded regular gasoline production; however, following the startup of the Olefin plant facilities, high octane by-product will be produced, which will increase unleaded gasoline production capability.

The statement by the OCAW claimed that Shell's unleaded gasoline production was controlled by the throughput of the Deer Park reformers which were running below capacity. According to Shell less than one-third of the Deer Park reformate can be used in their unleaded gasoline because volatility specifications limit the blending volume of this high-boiling-range component. All the available high-octane, low-volatility components produced in the refinery are blended to produce Shell's unleaded gasoline along with the maximum permissible volume of reformate. Any excess reformate produced is then used for leaded gasoline.●

MEDICARE HOME HEALTH AMENDMENTS OF 1979

● Mrs. KASSEBAUM. Mr. President, the "Medicare Home Health Amendments of 1979" meets an extremely important need for the growing number of elderly individuals in our society. I am therefore pleased to join my colleagues, Senators DOMENICI and PACKWOOD, in cosponsoring this measure.

At a time when the cost of health care has put an increasing strain on the financial resources of all Americans, our elderly are experiencing particularly severe difficulties. Not only are they in greater need of medical attention than other segments of the population, but they are also faced with the dilemma of meeting health care expenses with fixed, and generally limited, incomes. The medicare program has, of course, eliminated many of the financial barriers to care for the elderly. At the same time, the program's reimbursement structure has heavily favored institutional over in-home services. In far too many cases, medicare reimbursement policies have resulted in the unnecessary and costly institutionalization of our elderly.

Failure to reduce this institutional bias in the medicare program bears a high price tag for both the Federal Government and for the elderly. The Federal costs, borne by increasingly frustrated taxpayers, are well known to all of us. It takes only a brief glance at the growth in the Federal health budget over the past decade to understand why health cost containment has become a priority for Government, providers, and private citizens alike. The nonmonetary cost to the elderly cannot be easily quantified, surely many lose a sense of security and well-being associated with staying in their own homes when they are required to enter a medical facility merely to assure compliance with reimbursement regulations.

Given this situation, lawmakers have a particular obligation to examine cost-effective alternatives to current health delivery patterns. Home health care should certainly be included among those alternatives, in that it can prevent unnecessary reliance on expensive hospital and nursing home care. Unfortunately, it is not possible to place precise dollar figures on the amount of money we might save if home health services were more readily available to our elderly. The experience of home health providers across the country, however, suggests the cost-saving potential of this type of care. For example, a diabetic self-care program in Los Angeles reduced the number of patients experiencing diabetic coma and led to a 50-percent drop in emergency room visits. It is estimated that this program reduced patient costs by $1.7 million in just 2 years.

The legislation I am cosponsoring takes a reasonable and balanced approach toward expanding home health services under medicare. It would eliminate the perverse incentive to admit individuals to hospitals or prolong their stays to qualify them for medicare-reimbursed home health care, and would make appropriate service available to individuals who could benefit from such care but do not require hospitalization. It prevents the need to remove patients from their homes in cases where they require more than the limit of 100 visits per year currently reimbursed under medicare. A number of other provisions serve to improve the quality of care, limit abuse of the program, and control costs. I am confident that enactment of this legislation would have a positive impact on the delivery of home health services and on the lives of many older Americans.●

ARTHUR KUHL

● Mr. MELCHER. Mr. President, last Friday family and friends attended burial services in Helena, Mont., for Arthur Kuhl who, until his death Monday, February 19, was our Assistant Secretary of the Senate. Among his friends who were not able to attend the services, I count the present Members of the U.S. Senate and many former Senators. Art Kuhl will be greatly missed by all of us who have known him and benefited from his dedication to the work of the Senate. He was highly competent and unfailingly ready to assist Members in any way he could.

Arthur Kuhl was born 53 years ago and was brought up in Baker, Deer Lodge, and Helena, Mont., graduating from Helena High School. His military career included service with the U.S. Army in the Philippines during World War II, and in Japan with the occupation forces.

Following the war, he worked here in the U.S. Capitol as an elevator operator and Capitol policeman in order to put himself through college at Georgetown University. Having successfully completed his studies there, he went on to earn a law degree from George Washington University.

He began his career with the U.S. Senate in 1953, and served for years in positions of high responsibility. The mere recitation of his record of service cannot do justice to his dedication and accomplishments as a Senate employee and officer for he was one of those very competent, always obliging persons who took on every assignment and service that was taken to him.

From 1953 to 1954 he was an aide to Senator James E. Murray, one of the most respected Senators Montana has ever elected to this body.

In 1954 Arthur became the chief clerk for the Committee on Labor and Public Welfare; he served as an investigator for that committee in 1955 and 1956.

In the spring of 1956, he served briefly on the staff of the Committee on Interior and Insular Affairs, then took a 2-year assignment as chief clerk for a Special Senate Committee on Foreign Aid Programs. His excellent work in that position led to a staff position with the full Foreign Relations Committee from 1958 to 1965, and appointment as the chief clerk of that committee from 1966 to 1977.

He then moved up to the office of Assistant Secretary of the Senate. Typical of his dedication to that job were the circumstances of his death: while terrible weather conditions kept most Senators and Senate employees at home Monday, Art felt it his duty to get to work. He was stricken by a heart attack while making his way on foot through the snow to the Senate.

I know all Senators join me in extending condolences to his sisters, Frances Kuhl and Mrs. Vern Hayworth, and to his brothers, James, Pius, and Richard. The Senate has lost a dedicated officer, and though we are poorer for his loss, we are richer for having had the benefit of his distinguished service.●

SUNSET LEGISLATION

● Mr. MATHIAS. Mr. President, one of the most important pieces of legislation passed by the Senate in the last Congress was the Sunset Act. Unfortunately, our action came so late in the session that the House of Representatives could not complete action before adjournment. The result is that we do not yet have this important law.

I cosponsored the legislation when it was introduced and I am proud to cosponsor it once again in this 96th Congress. I consider it vital. The concept of this legislation is irresistible; the need for it irrefutable.

The mood of the country is, at the very least, troubled: some would say rebellious. Rising inflation and the perception that Government is bloated and inefficient have raised demands for reform. Cries are heard throughout the country for an end to waste and for severe cuts in Government spending.

Sunset is a logical, responsible, and orderly response to this public concern. We in Congress should commit ourselves to reexamining every cent we now spend. We should make sure every Federal dollar is being used as effectively and efficiently as possible.

Mr. President, this type of legislation is long overdue. It provides for automatic termination of Federal programs unless Congress determines, through a review process, that they should be reauthorized or reenacted. The bill simply requires Congress to do its job better and more thoroughly. It requires Congress to reconsider past policies and programs in a way that will allow us to shift resources away from programs we no longer need or from those that are not working well. We need to free up those resources and to put them to work in new, more effective ways.

The Senate Budget Commmittee recently calculated the cost of 31 new program initiatives likely to be before Congress over the next 5 years. It found that between 1980 and 1983 the cost of these new programs could run as high as $416 billion in new spending. When we factor in our rate of growth, as the Budget Committee found, we can fairly project that $120 billion in additional revenues would be needed to pay for these new programs.

We cannot raise taxes to pay for new programs. The American people are already groaning under the tax load. Equally out of the question is increasing the budget deficit. But neither can we ignore the legitimate demands of the future, except at our peril.

What we can do, and what we must do, is to reconsider what we spend now and to realine our spending with our changing national priorities. That is what Sunset is all about. It is a process to help us put sense in our spending and bring inflation under control. The Sunset approach is vastly preferable to arbitrary, mindless, across-the-board budget cuts that inevitably fall most heavily on the weak shoulders. It offers us an orderly approach to legislation that will benefit all Americans equally.

Mr. President, the Senate should take the opportunity to reaffirm once again its strong support for the Sunset Act.●

RULES OF PROCEDURE OF COMMITTEE ON RULES AND ADMINISTRATION

● Mr. PELL. Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, I submit the Committee on Rules and Administration Rules of Procedure, as adopted by the committee on January 31, 1979, to be printed in the RECORD.

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Readopted with amendments January 31, 1979)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room 301, Russell Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of sec. 133(a) of the Legislative Reorganization Act of 1946, as amended.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis,

other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 7(b) of rule XXV of the Standing Rules of the Senate, as amended by S. Res. 9, 94th Cong., Nov. 5, 1975.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to sec. 133(d) 6 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to sec. 5(a) of rule XXV and sec. 133(d) of the Legislative Reorganization Act of 1946, 4 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to rule XXV, sec. 5(b) 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances, may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Secs. 133(b) and (d) of the Legislative Reorganization Act of 1946, as amended.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Sec. 133(d) of the Legislative Reorganization Act of 1946, as amended.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session, including the senatorial long-distance telephone regulations and the senatorial telegram regulations.●

SORRY, NO CREDIT

● Mr. JAVITS. Mr. President, I would like to share with the Members of the Senate, an article which appeared in the New York Times on Wednesday, February 21, 1979. The article, "Sorry, No Credit" by Prof. Noel Capon highlights some of the discriminatory biases inherent in many statistical systems designed to determine credit worthiness of applicants.

Pursuant to the passage in 1974 of the Equal Credit Opportunity Act, and to its subsequent amendments, large credit-giving companies turned to "point scoring" as a fair means to grant or deny credit to individuals. Assignment of points for age, place of residence, length of time in present employment, occupation—to name a few criteria—was viewed as a way to avoid discrimination and bias so often associated with individual credit reviews.

Yet, merely because a machine assigns points to the data supplied and tabulates the final result or score, does not mean that a system is fair. Use of zip codes, for example, can mask potential discrimination based on race. Assigning lower points to minority neighborhoods reduces the possibility for those with good credit histories who live within that zip code area to gain credit approval. Further, occupational categories are broadly conceived and inclusion in one group might unjustly lower one's total score.

I encourage my colleagues to read Professor Capon's article on this subject as it relates directly to problems which we in the Congress can correct. I have cosponsored a bill with Senator LEVIN, S. 15, which would prohibit the use of zip codes as a determinant of credit worthiness. Hearings will be held in the near future, I understand, and I would hope my colleagues will taken an interest in the efforts to see that the Equal Credit Opportunity Act is, indeed, implemented to give all credit applicants an equal chance to obtain credit. I ask that Professor Capon's article be printed in the RECORD.

The text of the article is as follows:

[From the New York Times, Feb. 21, 1979]

SORRY, NO CREDIT

(By Noel Capon)

BOSTON.—Appearing before the Federal Trade Commission in Washington, Bloomingdale's department-store chain agrees to pay $50,000 in civil penalties for alleged sex discrimination against women in its evaluation of credit applications; in San Francisco, a Federal judge denies Standard Oil of California's request for dismissal of a suit brought up by a woman who alleges denial of credit on the basis of sex and marital-status discrimination; Montgomery Ward faces credit lawsuits in Delaware and North Carolina. Despite passage of the Equal Credit Opportunity Act in 1974 and its amendments in 1976, the National Consumer Finance Association was told recently that new investigative hearings on consumer credit might be in the offing. What's up?

What's up in consumer credit is point scoring, a computer-based method used by most major retailers, banks, and oil, travel and entertainment credit-card companies to assess consumers' credit-worthiness. Point-scoring systems attempt to discriminate statistically between good and poor credit risks by assigning points to personal situations.

For example, a home phone may be worth 10 points, no phone 2 points; living in one part of town 25 points, in another, 8; owning (or purchasing) a home 20 points, renting 8. Other frequently rated variables are age of automobile, time at employment, time at address, occupation, and maintenance of checking and savings accounts.

An applicant supplies the required personal data on a credit application form. A total point score above the target either earns credit automatically or the applicant's credit history is factored into the decision. A score less than the target results in automatic denial of credit, regardless of credit performance, which is never checked.

Creditors' rush to introduce point scoring resulted from cost-reduction benefits and from passage of the Equal Credit Opportunity Act, which proscribed discrimination on certain illegal bases and prescribed use of supposedly demonstrably and statistically sound, empirically derived point-scoring systems.

The Congress liked these systems because they were objective; they replaced credit managers' judgment with sets of statistical relationships. However, the benefits accorded by objectivity may well be overshadowed by costs not foreseen when the law was enacted.

First, certain uses of point scoring may be illegal. The personal data used, though apparently neutral, may be intimately and highly related to personal characteristics that are illegal to look into under the law. Zip code and owning or renting information may involve racial discrimination; owning and renting information may involve marital-status discrimination; time at employment may discriminate against women. The systems are also biased, since, contrary to the law, creditors use neither random samples of applicants, nor acceptable alternatives, to develop systems.

In addition, the systems do not meet the law's criterion of objectivity.

The occupation groups are crude, judgmentally formed aggregates of individual occupations: For instance "production worker" may include lathe operator, dressmaker and TV repairman. Some creditors "doctor" objectively developed systems to make the point assignments more palatable to credit managers. They also override their systems by awarding credit to rejected applicants who complain, thus discriminating against those who meekly accept credit denial.

For systems that do meet objectivity requirements, problems are equally severe. For instance, the point assignments for time at address and time at employment are often illogical. In a "typical" system, the points awarded for time at address are, less than one year, 5 points; one to two years, 0 points; two to three years, 5 points; three to five years, 0 points; five to nine years, 5 points; 10 years or over, 20 points!

Creditors argue that point scoring can be valid only if all criteria that relate statistically to payment performance are used. One major retailer has already demonstrated that persons whose last name begin with "B" and "K" are good risks. On that basis, hair color and left- and right-handedness could be used.

Most of the personal characteristics used make no sense, but advocates of point scoring are unconcerned about such niceties. Statistical prediction, they believe, is the sole criterion for choice of a system. Although within their own organizations they allocate jobs and budgets on the basis of work performance, they see no contradiction in removing knowledge of an applicant's credit performance from the credit decision. They are thus prepared to reject applicants who may have excellent payment records.

Point-scoring systems may destroy themselves when credit applicants, learning that information on forms is often never checked, decide to supply data that will earn credit, even if untrue. Before that happens, perhaps Congress will hold hearings to learn the real impact of point scoring.●

FIFTEEN ELDERLY BLACKS RECEIVE LIVING LEGACY AWARDS

● Mr. CHILES. Mr. President, all older Americans are members of a minority group in one real sense—they represent 11 percent of our total population.

Many elderly persons today share mutual problems and concerns, including inflation, inadequate income, transportation inadequacies, and barriers to participate fully in our society.

But for aged members of minority groups, these difficulties are oftentimes intensified.

Yet, we have numerous examples of the outstanding contributions by older minority members to improve our society in all walks of life, despite great adversity and challenges.

Last Friday, President Carter, in conjunction with the National Caucus on the Black Aged, honored 15 older blacks, ranging in age from 64 to 93 years old, for their achievements in science and health, religion, the performing arts, education, sports, business, government, civil rights and other endeavors.

The recipients of these living legacy awards shared several common qualities, despite their diverse backgrounds. They all demonstrated courage and perseverance throughout their lives. In addition, they provide an inspiration for today's black youth, as well as all Americans.

The National Caucus on the Black Aged initiated its Living Legacy Awards program on February 1 as a part of Black History Month. The purpose is to make our Nation aware of the substantial contributions of older black persons.

Mr. President, I ask that a press release describing the Living Legacy Award ceremonies and a biographical summary of the recipients be printed in the Record.

The material follows:

Living Legacy Award Recipients Biographical Data

Margaret Walker Alexander, 64, native of Birmingham, Alabama, for Literature. Honored for her contributions, her works include: For My People, Prophets for a New Day, October Journey and Jubilee (a novel).

Septima Clark, 91, of Charleston, South Carolina, being honored for Human Services. Ms. Clark is a former school teacher whose integrationist philosophy caused her to be fired from the public school system and to lose her retirement pay.

Dr. W. Montague Cobb, 75, of Washington, D.C., for Science and Health. A learned physician and professor of anatomy, Dr. Cobb was on the medical faculty at Howard University for 48 years and headed Howard's Anatomy Department for 22 years. He has authored 650 publications. Dr. Cobb is President of the National Board of Directors of the NAACP, a position he has held since 1976.

The Rev. Dr. Gloster B. Current, 65, of Long Island, New York, for Continued Service in Retirement. Prior to his retirement in May, 1978, he served for 30 years as Director of Branches and Field Administration for NAACP and organized 1,000 chapters. Following retirement, he was elected by branches of the NAACP to its National Board, received a grant from the Ford Foundation to write the history of NAACP from his unique historical vantage point and most recently appointed Bishop of New York Conference of the United Methodist Church as Interim Pastor of the Westchester United Methodist Church.

Malvin R. Goode, 71, of New York City, for Communications. First Black TV newsman for a network—ABC–TV. Native of White Plains, Va., worked 14 years for the "Pittsburgh Courier" and 13 years as news broadcaster for various Pittsburgh broadcast outlets.

The Hon. Augustus F. Hawkins, 72, of Los Angeles, California, for Politics. Congressman Hawkins represents the 29th District (Los Angeles). He and the late Senator Hubert H. Humphrey co-authored the Humphrey-Hawkins full employment bill which was passed in the final days of the first session of the 95th Congress.

The Rev. Martin Luther King, Sr., 80, of Atlanta, Georgia for Religion. He comes from a long line of Baptist ministers. His father, Rev. Alfred D. Williams founded Ebenezer Baptist church where "Daddy" King and his famous son, Martin, Jr., pastored. He has had courage in the face of great personal adversity, namely the assassinations of both his wife, Alberta, and his son, Dr. Martin Luther King, Jr.

Dorothy Maynor, 69, of New York City, for the Performing Arts. The native of Norfolk, Virginia is a concert contralto. She debuted at Town Hall in 1939 and won the Town Hall Endowment Series Award. She is an RCA recording artist. After retiring from the stage 15 years ago, founded the Harlem School of the Arts, where she's still active.

Dr. Benjamin E. Mays, 84 of Atlanta, Georgia, for Education. The President Emeritus of Morehouse College in Atlanta, Georgia. Mays' philosophy of education had a profound influence on the success of countless distinguished men of Morehouse. His students included the Rev. Dr. Martin Luther King Jr. Since his retirement from Morehouse, he has been serving as President of the Atlanta (Ga.) Board of Education.

Jesse Owens, 65, of Chicago, Illinois, for Sports. Set records in track and field that stood for a quarter century. First athlete to win four Gold medals at the Olympics. That outstanding feat occurred at the Berlin Olympics in 1936.

Rosa L. Parks, 66, of Detroit, Michigan, for Social Action. Her determination not to budge from the seat she rightly occupied in the "colored" section of the bus, sparked the Montgomery Bus Boycott on December 1, 1955. The Boycott thrust young Baptist Minister, the Rev. Martin Luther King, Jr., into the forefront of the civil rights—passive resistance movement.

A. Phillip Randolph, 90, of New York City, for labor. Organized Blacks who worked as sleeping car porters on the nation's railways into a union known as the Brotherhood of Sleeping Car Porters. Became its President and retained that position until his retirement in 1968. In 1957 became a Vice President of the AFL-CIO and still serves on its Executive Council. Organized and directed the March on Washington in 1941 which led President Franklin D. Roosevelt to appoint the First Fair Employment Practices Committee.

Asa T. Spaulding, Sr., 75, Durham, North Carolina; for Business. Former President of North Carolina Mutual Life Insurance Company. Became a member of the Board of Directors of Howard University in 1961 and served until 1976. Was Board Chairman when he retired three years ago. Still serves as consultant to Howard U. President Dr. James Cheek. Active in local politics in Durham County. Serves as Chairman of his precinct.

James Van Derzee, 93, of New York City, for Fine Arts. The Dean Emeritus of Black Photographers in America. Self-taught photographer whose works represent a comprehensive survey of Afro-American life during the Harlem Renaissance. Largest single contributor to "Harlem on My Mind" exhibition at the Metropolitan Museum of Art in 1969. Won the American Society of Magazine Photographers Award in 1969. Became a "Fellow for Life" of the Metropolitan Museum of Art in 1970.

Robert C. Weaver, 72, of New York City, for Government. Has the distinction of being the first Black man to hold a cabinet position in the U. S. Government. The former secretary of the U. S. Dept. of Housing and Urban Development entered government in 1933 and held many advisory and administrative positions. He is the author of four books and holds 30 honorary degrees from institutions throughout the nation.

Charles H. Wesley, 82, of Wilberforce, Ohio, for Social Sciences. Distinguished educator and the author of numerous books on Negro history and the histories of fraternal societies. Retired President of Central State University in Wilberforce. He is the recipient of numerous honors and awards.

Roy Wilkins, 78, of New York City, for Civil Rights. Executive Director of the NAACP from 1964 until his retirement in August, 1977. He has been affiliated with the NAACP in various leadership positions for nearly a half century, representing the organization during the Philadelphia Transit Strike negotiation in 1943. He began his illustrious career as a journalist, serving as editor and newspaper columnist for Crisis Magazine and wrote articles for many other journals.

Living Legacy Award Recipients Honored at White House

Washington, D.C.—Fifteen of the nation's most distinguished Black elders are being honored at the White House today (February 23) for their outstanding contributions to American society. These older Black Americans, who range in age from 64 to 93, are recipients of Living Legacy Awards given by the National Caucus on the Black Aged, Inc.

NCBA's Living Legacy Program is a celebration of life in Black America, its resources, leaders and the contributions older Black citizens have made to the advancement of our country in all areas of civic and social life, according to Dr. Dolores Davis, Executive Director of the National Center on Black Aged, and creator of the program.

President Carter will confer the awards during a special luncheon and ceremony in the State Dining Room. Those being honored are Septima Clark for Human Services; Dr. W. Montague Cobb for Science and Health; the Rev. Dr. Gloster Current for Continued Service in Retirement; Malvin R. Goode for Communications; Cong. Augustus Hawkins for Politics; the Rev. Martin Luther King, Sr. for Religion; Dorothy Maynor for the Performing Arts; Dr. Benjamin Mays for Education; Jesse Owens for Sports; Rosa L. Parks for Social Action; Dr. Asa T. Spaulding for Business; James Van DerZee for the Fine Arts; Dr. Robert C. Weaver for Government; Dr. Charles H. Wesley for Social Sciences and Roy Wilkins for Civil Rights. Two other recipients who will be unable to attend the ceremony are: A. Phillip Randolph for Labor and Margaret Walker Alexander for Literature.

"We feel these older Black persons represent the highest virtues of humanity," explained Dr. Aaron Henry, Chairman of the National Caucus. "They exemplify the Black man's determination to survive against unique and oft-times oppressive odds, and are sterling examples to the Black youth of America that these odds can be overcome with dignity and preservation of self-worth," he added.

Davis pointed out that this is the first time in the nation's history that older Black Americans as a group have been invited to the White House to receive acclaim for their lifelong talents and contributions. More than 100 representatives of civic, social and aging organizations will be guests at the historic ceremony which begins at 12 noon.

NCBA launched its Living Legacy Awards program on February 1 in conjunction with the first day of Black history month. The purpose of the program is to promote a positive view of Black aging in America; to sensitize the nation's citizens to the significant contributions of older Black persons, and to record for Black progeny the experiences of these outstanding citizens.

"Like our African ancestors before us, we believe in honoring our elders while they live. They are at the one end of our cultural continuum, our youth at the other . . . and we continue to revere and honor them," said Davis.

The experiences and wisdom of these Black elders, who will serve as "Living Legacies" will be recorded and provided to the Black youth of America as oral histories. NCBA is planning to compile a volume of oral histories stemming from dialogue between each award recipient and a younger person for whom the elder has served as mentor.

The recipients will serve as prototypes for more than 100 elderly Black persons who will be honored at a Gala during NCBA's national conference in May. All major national Black organizations will be asked to participate by identifying and nominating resourceful elderly Blacks from their communities to be honored.

The National Caucus on the Black Aged, Inc. (NCBA) was founded in September, 1970 by the late Hobart C. Jackson to ensure that the 1971 White House Conference on Aging would include information on the critical and special needs of aging and aged Blacks. The Caucus, incorporated in Pennsylvania in 1972 as an advocacy organization, established the National Center on Black Aged in 1973 to conduct research and training and to direct national demonstration projects in the field of aging. Working together, the NCBA's are the only two national organizations devoted exclusively to solving the problems of the Black elderly.●

STUDY MISSION TO LATIN AMERICA

● Mr. MATHIAS. Mr. President, President Carter's recent trip to Mexico highlights for us, once again, the vital importance of our relations with our neighbors to the South. All too often we have operated on the assumption that Latin America does not require consistent, sensitive, and high level attention. During my recent trip to both Mexico and Brazil, I realized how badly this assumption needs to be reevaluated. The report prepared on this trip may be useful to my colleagues. I, therefore, ask that it be printed in the Record.

The report follows:

Study Mission to Latin America

In November 1978, I went to Brazil and Mexico as a member of the Committee on the Judiciary to investigate several matters of interest to the Committee. In Brazil, I attended a conference which brought together both government and private sector representatives from all over Latin America. In Mexico, I devoted much of my attention to the subject of oil. I was accompanied on this trip by Mr. Casimir Yost, a member of my staff.

Both of these trips helped to underscore for me the great importance of our future national interests of developments taking place south of our border. This report is intended to highlight some of these developments. It focuses on Brazil and Mexico, two countries which will be of particular importance to the United States in the years ahead.

(It is important that in focusing increased attention on our southern neighbors we not neglect the continuing critical importance of our relations with Canada, our northern neighbor.)

Every new Administration arriving in Washington must grapple with the special problems and opportunities that Latin America poses for U.S. policymakers.

Unfortunately, too often our policies toward our neighbors to the south have flowed from skewed impressions which we have found it convenient to hold regarding Latin American countries and their relative significance for U.S. national interests. We have, in recent years, operated on the assumption that Latin America does not require sustained high level U.S. attention. Rarely have Latin American concerns found their way to the top of a U.S. administration's priority list. (The Panama Canal Treaties have been an obvious exception in recent years.) When guilt occasionally intrudes on our policy of neglect, it is easily relieved by a combination of slogans, money and state visits.

To the degree that we do think of South and Central America, it has generally been as an undifferentiated mass which can be dealt with in a paternalistic manner. We delight in telling Latin Americans what concerns us about them. But key individual relationships with southern neighbors have suffered and continue to suffer either from being ignored or from being lumped as part of a general Latin American problem or issue, or worse as part of a so-called "global issue".

Ever since the enunciation of the Monroe Doctrine, we have, to one degree or another, separated our Latin American relationships from our relations with other countries. More recently, however, a number of Latin concerns have been lumped under "global" headings. We have tried to deal with trade issues and other questions of interest to Latin Americans in multilateral forums where South and Central Americans vie with Africans and Asians for our attention. The special U.S. concern for Latin America, which was at the foundation of the Monroe Doctrine, has been eroded.

Of course, Latin American perceptions of us are also important in understanding how our relations have evolved over the years. The checkered history of past U.S. interventions in that part of the world has not been forgotten. The continued fact of our preponderant economic and military power is not ignored. Our southern neighbors are ever conscious of being in bed with an elephant which may, unthinkingly, roll over and crush them. The motives behind our every move receive a scrutiny in Latin America that most people in this country would find amazing.

There is much that we can do to bring our perceptions into focus with reality and perhaps in the process dampen some Latin American fears of our intentions.

We can begin by understanding the enormous variety that exists in Latin America today. There are sharp variations in language, heritage, and economic development between the countries of Latin America. Brazil and Mexico, for example, speak different languages, have different roots in Europe, yet both are "middle income" powers with the potential to play major roles on the world scene in the decades ahead. Other South and Central American countries are in varying stages of economic development. Our recognition of these differences in our attitudes and policies can be important.

Economic clout is coming to the Americas. Venezuela was a founder of OPEC. Brazil has the eighth largest market economy in the world. Mexico sits on potentially huge petroleum reserves. Brazil and Mexico alone account for one-quarter of our trade with the non-OPEC Third World. These countries are destined to play important roles on the world scene in the decades ahead.

Yet, even understanding these factors will not help us if we do not address the issues which concern Latin Americans. State visits, while flattering, are ultimately no substitute for substance. The issues on which friends in the Americas want our action are tough but ultimately important to both sides. Specifically, they want concrete action on debt question and commodity issues. They want improved access to capital markets to spur their development. They want improvement in the terms of trade. Above all, they want to be able to sell their produce to us. Until we confront these issues, we will be seen as largely unresponsive to their concerns.

These issues relate to the improved status of many Latin American countries as middle-income countries. At a time when our foreign assistance is increasingly being channeled to the poorest countries of the world, many nations in South and Central America are ineligible. What they do need is action on issues such as those listed above which will permit them to become more fully functioning members of the world economic community.

Our responses on these issues will come partially through multinational forums and multinational agreements. Trade issues, for example, are an integral part of the general North/South dialogue. South and Central American concerns are part of these more generalized discussions. In concentrating on these global concerns, however, we run the risk of compromising increasingly important bilateral relationships. Two nations of particular importance are Brazil and Mexico.

BRAZIL

I was last in Brazil in March 1977 when, it is safe to say, Brazilian/U.S. relations were at their lowest point in many years. The two most visible irritants were our public criticisms of alleged Brazilian human rights violations and our overt attempt to stop the consummation of Brazil's nuclear reactor contract with West Germany.

Lurking somewhat further in the background other issues troubled the U.S./Brazil relationship. The new Administration in Washington seemed intent on sacrificing bilateral relationships on the altar of "globalism". Moreover, voices in Washington continue to criticize what they claimed was the repressive nature of Brazil's political system.

When I returned to Brazil in November 1978, I found our relations to be on a sounder footing. The irritants which had been troublesome in early 1977 remained to some degree, but were being discussed in a more constructive and private manner. I was particularly pleased to find that the domestic political scene in Brazil was evolving in a progressive direction. I arrived the day after their congressional elections had been held. This is just one example of a gradual Brazilian effort to open the political process to opposition elements. While the pace of this effort remains uncertain, the direction is positive.

Brazil has traditionally had close relations with the United States. We have valued Brazil's support of Western positions in world forums. In the economic field, 21 percent of Brazil's exports go to the United States, we supply 18 percent of Brazil's imports, and our banks supply close to a third of Brazil's debt. In each of these categories, we are Brazil's largest partner.

However, Brazil is determined to chart an independent course from that of the United States. It is determined to play a role on the world scene commensurate with its size (fifth largest country in the world), population (sixth most populous with 115 million inhabitants), and economic clout (eighth largest Western economy with a 1977 GNP of $167 billion).

Seen in this light, Brazil's reaction to our interference in their nuclear reactor deal with West Germany was predictable. They viewed this deal not only as a means to alleviate Brazilian dependency on imported energy but as a clear illustration of Brazil's enhanced role in the world. Brazil wants to control the full nuclear fuel cycle and thereby enter the select nuclear club. Our interference was taken as an affront to her dignity and sovereignty.

This is not to say that Brazil does not have problems—some of which might benefit from our help. It has been unable or unwilling to grapple with terrific income distribution disparities. The annual inflation rate approaches 40 percent and indexing of wages only partially alleviates the resulting problems. A huge foreign debt ($40 billion) incurred to fuel rapid economic development in the late 60's and 70's hangs over Brazil. Debt servicing alone runs $8 billion a year. Brazil relys on its export earnings to generate the foreign exchange necessary to service her debt and pay for her imports. These earnings, of course, depend upon the health of the international economy. Moreover, since 1973, Brazil's energy import costs have risen dramatically.

Brazil finds herself perched percariously somewhere between the underdeveloped Third World and the developed West. She cannot, for example, join the Third World chorus for debt relief because she will rely on new debt herself in the future. She is eager to take a leadership role in the Third World arena but not at the expense of her own interests.

For the United States to deal with Brazil constructively, we must be willing to address ourselves to the issues—largely economic—which concern her. Brazilians recognize that their fate is, in part, tied to ours. An economic recession in our country would inevitably have negative repercussions in Brazil. What Brazilians want and need, however, is U.S. movement on commodity, trade, and technology transfer issues. If Brazil's economy is to maintain its impressive growth rate, her commodities must be traded in a more predictable pricing environment. She must have access to our markets and to our technology.

There is a general feeling in Brazil that our response on these issues has been inadequate. There is some feeling among Brazilians that, on the issues they consider important, they don't like being merely part of a larger U.S. "global" foreign policy. Brazil's Foreign Minister, Azerdo Da Silveira put the case very delicately in a recent speech. "Under the pressing demands of its global interests and responsibilities," he said, "the United States sometimes transplants to its Latin American policies values not necessarily applicable to the region."

We stand to gain from a more positive relationship with Brazil. Brazil is indeed, to use Dr. Brzezinski's words, "a new influential." Movement on economic issues can provide benefits for both countries. There are no easy answers to the problems which trouble our relationship. We are concerned, with good reason, about nuclear proliferation. Yet, this and other problems on our agenda with Brazil can be worked out constructively if we treat Brazil as a partner in the solutions.

MEXICO

When I visited Mexico in 1977, I met with President Jose Lopez Portillo. The President was determined at that time to establish more positive ties with the United States and to put his country on a sound economic footing. On my return to Mexico in November 1978, I found that President Lopez Portillo had achieved a measure of success on both of his goals, but that problems remain and new problems have arisen.

U.S./Mexican relations continue to be plagued by difficult but not insoluble differences. Neither country seems able to articulate what in fact the nature of the ties between our two peoples should be. Mexicans bridle at talk in our country of a "special relationship" which carries paternalistic overtones. On the other hand, neither do they want to be treated as just another Third World country. History, quite clearly, has had its impact on Mexican thinking. Past U.S. interventions in Mexican affairs are far from forgotten. There is an underlying Mexican suspicion of U.S. intentions.

The United States faces a similar dilemma. We have been unable to decide on a clear, consistent policy toward Mexico. Instead, a number of departments of the U.S. Government have formulated their own Mexican foreign policies. Actions have been taken by agencies of the U.S. Government on issues of vital concern to Mexico with relatively little analysis being given to the possible negative consequences of these actions to the general relationship. The impression given is that the general relationship doesn't matter, that only individual issues are of concern. I am certain that this is not the impression we want to create, but it is the one that exists. Two examples will suffice as illustration.

In 1977 the Mexican Government petroleum agency, PEMEX, conducted protracted negotiations with six U.S. gas companies regarding a major deal whereby Mexico would provide gas for the U.S. market. So confident were the Mexicans that the deal would go through that they commenced work on a gas pipeline to the U.S. border. Then in late 1977 the U.S. Department of Energy abruptly refused to approve the deal on pricing grounds and it fell through. President Lopez Portillo, who had overcome considerable internal opposition to negotiate with the U.S. in the first place was left, in his own words, "hanging by his paintbrush." The ladder had been pulled from under him. The harm done to our Mexican relations both by the substance and by the manner of implementation of DOE's decision was most unfortunate.

In October 1978, the U.S. Immigration and Naturalization Service announced without forewarning even to our Ambassador in Mexico City, that the fences located at key entry points for illegal aliens on the U.S./Mexican border would be rebuilt and strengthened. What was a minor news event in the United States was an issue of major proportions in Mexico. The so-called Tortilla Curtain had banner headlines south of the border.

In recognition that U.S./Mexican relations could use some high level attention, the Administration initiated a long overdue review of our policies toward our southern neighbor last fall. It remains to be seen what the practical results of this review will be. Suffice it to say that if our relations with Mexico are not "special", they are nonetheless different from virtually every other country in the world. There is increasing understanding that in some way these differences must receive their proper weight.

These differences include the fact that we have a 2,000 mile undefended border with Mexico. Moreover, there are over 7 million Mexican/Americans living in the States close to Mexico. Hispanic culture is an increasingly important component of our national culture. We do a massive $9 billion trade with Mexico—our fifth largest trading partner. Over 60 percent of Mexico's imports come from the United States. Practically speaking our ties with Mexico are close and are growing closer. It is often only in the actions of our governments that the closeness of our relations has not been reflected.

There is a tendency in this country to take our relations with Mexico for granted. We do so at our risk. There are developments, positive and negative, on the Mexican scene which could have important consequences for the United States.

Looking at the negative first—Mexico has one of the most unequal income distribution systems in the world. As much as 50 percent of the Mexican work force may be unemployed or underemployed. From 600,000 to 800,000 new workers enter the job market every year, but only some 150,000 new jobs per annum are being created. These problems arise out of one of the highest birth rates in the world—2.9 percent annual increase. Mexico's fertility rate is put at 6.1 children per woman in 1973–75 versus 1.8 in the U.S. Mexico's population of 65 million is projected to double by the year 2000. Half of this population is 16 years or younger. Mexico City is adding 750,000 people per year to its population of 13 million and may shortly become the biggest city in the world.

Population growth and massive unemployment contribute to a dangerous social time bomb. Illegal entry into the U.S. job market has acted as a safety valve. Even with the continued availability of this safety valve—far from certain—any Mexican government must grapple with very difficult human problems in the decades ahead. The ambitious Mexican family planning program will only have a long term impact. Dangerous social unrest cannot be ruled out. The implications of such unrest for U.S. interests cannot be ignored.

The news is not all bad, however, thanks to the discovery of sizable petroleum deposits in Mexico. I spent two days in November 1978 touring Mexico's southern fields and meeting with Pemex officials, including the Director Jorge Diaz Serrano. These officials are well-qualified and highly responsible. They were prudently conservative in their estimates of Mexico's hydrocarbon resources but found it difficult to contain their enthusiasm.

Petroleum reserves are labeled in descending order of certainty as proven, probable, and potential. Mexico has just officially increased its proven figure from 20 to 40 billion barrels putting it, according to Pemex, as Number 6 in the world behind the Soviet Union, Saudi Arabia, Iran, the United States and Kuwait. Probable reserves are estimated by Pemex at 44.6 billion barrels. Potential reserves are estimated to be from 200 to 300 billion barrels. At present, Mexico produces about 1.1 (mbd) billion barrels per day and exports a bit less than half of this. This production figure is expected to double by 1980 with about 1.1 mbd available for export. It is estimated that Mexico could have from 3 to 4.5 mbd production by 1985 depending on its production decisions.

Quite clearly this largely unexpected windfall will provide Mexico with a substantial foreign currency cash flow in the 1980's and beyond. How these funds are utilized will be of critical importance to Mexico's future. Whether Mexico will be able to use its wealth to generate the jobs necessary to alleviate the country's unemployment situation remains to be seen. Mexican government officials are aware of the pitfalls associated with their sudden oil wealth and appear determined not to repeat the mistakes of Venezuela and Iran.

Mexico could, by 1985, provide from 15 to 30 percent of U.S. petroleum import needs. However, important caveats must be attached to this projection. Many factors will go into Mexico's final decisions on petroleum production, beyond the convenient availability of the U.S. market.

In making their production decisions, Mexican government officials will have to weigh carefully the financial absorptive capacity of the Mexican economy. Aggravated inflation would be dangerous. Furthermore, in producing crude oil, Mexico is left with the problem of what to do with the resulting associated gas. The absorptive capacity for natural gas in the domestic Mexican market is limited. By turning down a Mexican gas deal, we may be persuading Mexican officials to put a relatively low ceiling on crude oil production. There are, after all, powerful voices in Mexico which say that the country's petroleum resources should be conserved underground for future generations. There are other voices which maintain that Mexico should move away from its close ties (i.e. dependence) on the U.S. market.

These are ultimately decisions that only the Mexicans themselves can make. These decisions are more apt to be taken with some thought to U.S. interests if the general U.S./Mexican relationship is a positive one. Those interests, as events in Iran only underscore, include having a geographically secure source of petroleum given our continued reliance on imported energy.

RECOMMENDATIONS

Energy is only one facet of a much larger relationship. Both the Mexicans and the United States must give careful thought to what this relationship means to both countries. We are, after all, connected by ties that are closer and growing closer. Many of our problems are shared. The solutions to these problems must be shared as well.

There are, however, specific actions which can be taken by the United States which would be constructive.

First, we can bring some improved sense of coordination and compatibility to the actions of our various departments of government toward Mexico. This goes beyond merely having a Mexico "coordinator." It means examining trade-offs and making uncomfortable choices. There has to be better understanding at the senior levels of our government of the linkages between decisions taken in such diverse areas as energy, immigration, and trade and the type of cooperation we can expect from Mexico in the future on issues we consider important. In short, the tone of our relationship must change and ultimately only the President can insure that occurs.

Second, we must not hold unrealistically high hopes regarding the Mexican petroleum bonanza. As I suggested above, Mexico will make its own production and marketing decisions on the criteria it considers important. We can, however, create a better atmosphere for those decisions if our dialogue with Mexican officials on energy matters is full and frank. There is no excuse for the President of Mexico ever to feel that the ladder has been pulled from under him at the last minute.

Third, on the subject of illegal immigration, I want to reiterate what I said following my trip to Mexico in 1977. Rather than applying unilateral regulations designed only to stem and reverse the tide of illegal immigrants, the U.S. should consider ways to encourage the Government of Mexico to initiate large-scale labor-intensive development programs in Mexico's rural areas, where most of the migrants originate. It seems clear that the Government of Mexico will need significant outside help if it is to address the task of absorption and resettlement without incurring a massive problem of social and political unrest. Relief measures that could also be considered include the exemption of the products of a Mexican rural development/resettlement plan from U.S. tariffs or other trade restrictions for a given period. While this idea could become unwieldy in practice (how to discriminate between "new development" products and others, for example), efforts should be made to find and establish concrete economic incentives for Mexicans to remain within their own development areas.

On this increasingly difficult issue, Mexican/U.S. relations are at a threshold. There are no easy solutions, indeed there may be only partial solutions. But, one thing is certain, the problem cannot be satisfactorily resolved by unilateral measures. Legislation, not reinforced by strong and effective programs to provide relief for persons who may be returned across the border, will create a grave threat to the stability of Mexico, a stability which is of vital concern to our own country.●

DELAWARE'S CHIEF JUSTICE LAUDS PUBLIC SERVICE

● Mr. BIDEN. Mr. President, the Delaware State Bar Association recently honored four distinguished Delawareans—former Gov. Elbert N. Carvel, and former U.S. Senators J. Caleb Boggs, J. Allen Frear, and John J. Williams—for their long and productive terms of service to the people of Delaware and the Nation.

The Honorable Daniel L. Herrmann, chief justice of the Delaware Supreme Court, was the principal speaker for the occasion. His remarks addressed the personal and public values of public service, as exemplified by the careers of the guests of honor.

Mr. President, I submit Chief Justice Herrmann's remarks for the RECORD as follows:

REMARKS OF CHIEF JUSTICE DANIEL L. HERRMANN

It is a privilege for me to participate today in this salute to four very distinguished Delawareans—all of whom I have counted as personal and greatly valued friends for many years—and all of whom I have held in highest esteem as public servants par excellence of our beloved State.

For their unquestionable integrity, for their reverence of the law, for the courage of their convictions, for their constant and unswerving devotion and dedication to the public welfare—not in terms of months or years—but in terms of decades and lifetimes—we pay tribute today to those four Delawareans the likes of whom, I daresay, we could not match today by any other four of equal stature and public regard.

As an aside, let me point out that two of our honorees, during their combined 16 years of governorships, appointed more good State judges than any other two governors I can think of. Indeed, one of our honorees had the good judgment to appoint me twice; and another of our honorees had the good judgment to accept my resignation from the Bench once.

And two of our honorees had much to do with the appointment of fine Federal judges of our U.S. District and Circuit; and one of those two as the nationally acclaimed "conscience of the Senate"—had much to do with putting a lot of Federal Judges to work on the various prosecutions his sensational one-man Senate investigations initiated over the years.

And we tender our acclamations to those distinguished sons of Delaware not only for what they contributed to the public weal in the 1940's, the 50's and 60's, but also for their continuing efforts and accomplishments in various civic and governmental capacities, even unto this year 1978.

Many lines of comparison could be drawn among the four whom we honor here today. But there is one common theme that stands above all others in their careers—the theme of sacrifice pro bono publico.

The careers of the men we honor today teach us all several important lessons. They exemplify the proposition that we must not believe that the statements of national purpose, as set forth in our basic national documents, are self-executing; that we must not believe that proclaiming ourselves "one nation under God", or that our verbal devotion to "equal justice under law", without more, is enough.

Their lives, dedicated as they have been to great public service, should make us realize that participation in turning those words into deeds is an exciting experience; should make us realize that each of us, no matter what our position in life may be, should participate in that process if the pledges of our great national documents are to be fulfilled and if our freedom is to be maintained.

Today, we face a crisis of confidence in our instruments of self-government, as the result of events which have occurred, in our times, in government at all levels.

We have seen trusted public officials lacking in commitment to the ethics and the high ideals of public office. We have seen moral corrosion, lack of concern for principle, a contempt for the fundamentals of our form of government and its sensitive institutions.

We are experiencing a disenchantment with government, a disillusionment with public officials that is critical to the point of becoming a national psychosis.

The careers of the men whom we delight to honor today should remind us that we must have a restoration and regeneration. We must knit ourselves together, to relearn the essential lessons of our past, to remember who we are.

We need to create a basis for the restoration of faith and confidence; to redevelop the capacity to hope and to trust. Most of all, we need once again to be able to trust our leaders and one another.

The single greatest error of our citizenry today, I believe, has been an unwillingness to participate in man's most difficult and most important activity—the business of self-government.

This reproach is not only to those who should have taken public office but declined. It is lodged also against those who have abandoned to others the vital business of choosing, of guiding, and of influencing those who do run our governmental affairs for us.

To refuse participation in public affairs is inexcusable; it is a rejection of the first law of nature: self-preservation.

Yet, too many have run out on the job—and out of a guilty conscience, have contrived a defense structure of simulated scorn of those in government and public office.

Many centuries ago, the Athenian philosopher Plato made a statement that has lived through the ages. He said: "The punishment that wise men suffer for indifference to public affairs is to be ruled by unwise men."

And from Rome's Cato we inherit this:

"To say that private men have nothing to do with government is to say that private men have nothing to do with their own happiness or misery; that people ought not to concern themselves whether they be naked or clothed, fed or starved, deceived or instructed, protected or destroyed."

Public life is, in many respects, a hard and demanding undertaking. But public life enables one to write one's own entry on the record of the affairs of men; and this, in the final analysis, is one of the most exhilarating and most exciting experiences of all.

I profoundly believe—and I am confident that our honorees today will agree—that in public service, honorably and faithfully rendered, there is a personal satisfaction and a personal reward unsurpassed in any other endeavors.

In public service lies a sure way for each of us to make a personal contribution to the preservation of our liberties, to the strengthening of our free institutions, and to the brightening of the prospects of Americans everywhere. Our goal should be to influence history, not merely to observe it. And the men. to whom we pay tribute here today, exemplify that proposition very well, indeed, by their lifetimes of public service. They chose, as Goethe put it, to be a hammer in life—not merely an anvil.

The careers of our honorees teach that it is not enough to lend our talents merely to discussing the issues and deploring their solutions and playing the armchair general and Monday morning quarterback; that it is not enough to retreat to suburbia where we can control our television sets and quickly tune out any serious documentary or discussion; that it is not enough to win our wars against crabgrass.

In a democracy, no government is better than the men and women who compose it; no government is stronger, or wiser, or more just than its people.

This event today, and the presence of these three eminent Delawareans, should remind us that we have an obligation to apply our education and talents to the solution of the public problems of our time:

The problems of civil rights and race regulations;

The problems of the courts and the administration of justice;

The problems of the aging and of equal opportunity for all;

The problems of pockets of chronic unemployment and unfair wages amidst the wonders of automation;

The problems of equal educational standards;

Of housing and urban renewal;

Of monopoly; mental illness; and taxation.

My friends, as Adlai Stevenson once said, "it is not the years in your life, but the life in your years that count."

Life is measured by more than the amount of money we make over the years, or the size of our houses, or even the number of children we may succeed in raising and educating.

It is measured by the contribution we've made over the years to the society of which we are a part and to which we owe so much, and by the reputation we leave behind for service to others.

Yale University's Kingman Brewster said not long ago that "Power and wealth can both be achieved by sheer acquisitive manipulation. But success (he said) even to the powerful and to the wealthy, is measured by the extent to which they feel that by what they have done, they have added something to the fulfillment of others."

And so—Senator Williams, Governor Carvel, and Senator Boggs: If you were concluding these remarks, I believe each of you might say something like the following to this assemblage:

At some stage of your lives, ladies and gentleman, come out of the comforts of private life into the turmoil, and the satisfactions, and the disappointment of public life.

We advise you to take life standing up boldly, not sitting down complaining, yawning, and waiting for a pension. You have a better chance than most to give a lot and, therefore, to take a lot out of life.

You must not stand aside from the great decisions of the times. For those tasks and those exciting opportunities, use the equipment that God and society have given you, and that your own industry each day improves.

Revert back to the memorable challenge of John F. Kennedy: "Ask not what your Country can do for you; ask what you can do for your Country!"

And Senator Williams, Governor Carvel and Senator Boggs—I believe you might close by saying something like this:

And what will your compensation be, you may ask, when it's all said and done?

Perhaps it will be a full life in the light of reality—instead of a half-life in the false glare of illusion. Perhaps it will be an awareness of personal worth which comes with purposeful living—wealth not easily entered in a bankbook.

Perhaps it will be the reward of a parent or a grandparent in the next Century when a child asks "Why are Americans still free when so many others in the World are not?"

For many it will be enough to know that they have been men and women of their time, and not fugitives from it.

For all, it may be enough to know that individual action is possible, that one has been capable of it, and that the individual is still, just as has always been the case, this State's and this Country's greatest source of strength.●

YOUTH ART MONTH

● Mr. WALLOP. Mr. President, on this first day of March I would like to recognize and express my support of the past observances of March as "Youth Art Month."

Senate Joint Resolution 19 is a resolution designating March 1979 as a time when new emphasis and understanding of the value in art education for children is recognized. This resolution was introduced in the Senate on January 23 and referred to the Judiciary Committee. Unfortunately the committee was not able to act on this resolution in time to allow the President to issue a proclamation proclaiming March as Youth Art Month. I feel it is necessary and appropriate to call attention to its importance just the same.

The Judiciary Committee is planning to amend Senate Joint Resolution 19, substituting the year 1980 for the present wording of 1979. By establishing a year's leadtime it is my hope that both Houses of Congress will have completed action on this measure and have it sent to the President for his signature well in advance of March of 1980.

Since 1961, Youth Art Month has been recognized by many States and associations. A national observance would enhance its importance and provide a means for coordinating the commemorative efforts, however, with or without the passage of legislation Youth Art Month continues to speak out on the need for educational emphasis on the arts for our children.●

AMENDMENT NO. 66 TO SENATE JOINT RESOLUTION 1—A BALANCED FEDERAL BUDGET

● Mr. DeCONCINI. Mr. President, on February 26, I submitted an amendment to Senate Joint Resolution 1, printed amendment No. 66. I would like to clarify what that amendment is since it was not printed in the Record at that time.

Printed amendment No. 66 is identical to Senate Joint Resolution 2, a constitutional amendment submitted by myself and Senators Goldwater and Stone requiring a balanced Federal budget except in times of national emergency. It is my belief, Mr. President, that there is substantial sentiment in this Chamber and throughout the Nation for such a limitation. The American people, acting through their State legislatures, should be given an opportunity to address this issue and to make the vital decisions that it will entail. Frankly, I believe that unless Congress moves quickly in this matter we will be faced with the realistic prospect of a Constitutional Convention.

At this point, Mr. President, the prospect that a balanced budget constitutional amendment will be reported from the full Judiciary Committee or even its Subcommittee on the Constitution seems rather dim. It is for that reason that I have taken the unusual step of proposing to add a measure of such importance as a floor amendment. Let me reiterate that if we do not act, the American people will.

I ask that the text of the amendment be printed in the Record.

The text of the amendment follows:

S.J. Res. 2

Sec. 2. The following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"Article —

"Section 1. In exercising its powers under article I of the Constitution, and in particular its powers to lay and collect taxes, duties, imports, and excises and to enact laws making appropriations, the Congress shall seek to assure that the total outlays of the Government during any fiscal year do not exceed the total receipts of the Government during such fiscal year.

"Sec. 2. No later than the twentieth day after the close of each fiscal year, the President shall—

"(1) ascertain the total receipts of the Government during such fiscal year, not including any receipts derived from the issuance of bonds, notes, or other obligations of the United States, and not including any receipts from any income tax surtax imposed under this article;

"(2) ascertain the total outlays of the Government during such fiscal year, not including any outlays for the redemption of bonds, notes, or other obligations of the United States; and

"(3) if the total receipts described in paragraph (1) are less than the total outlays described in paragraph (2), determine the percentage rate of income tax surtax, to be imposed as provided in section 3, which is necessary to provide an additional amount of revenue equal to the amount by which such total receipts are less than such total outlays, and transmit to the Congress, by special message, the rate of income tax surtax so determined.

"SEC. 3. Subject to the provisions of section 4, an income tax surtax, at the rate determined and transmitted by the President under section 2—

"(1) shall be effective for the calendar year following the close of the fiscal year with respect to which the determination was made, or for so much of such calendar year for which such surtax is not suspended under section 4, and

"(2) shall apply, as an additional income tax for the period for which it is in effect, with respect to the income tax liability of each taxpayer which is attributable to the portion or portions of such taxpayer's taxable year or years which fall within such period.

The income tax liability attributable to a portion of a taxable year falling within a period shall be based upon the ratio of the number of days in the taxable year within such period to the total number of days in the taxable year.

"SEC. 4. In the case of a grave national emergency declared by Congress (including a state of war formally declared by Congress), the income tax surtax which would otherwise be in effect for a calendar year under section 3 may be suspended for such year, or a portion thereof, by a concurrent resolution agreed to by a rollcall vote of two-thirds of the Members present and voting of each House of Congress, with such resolution providing the period of time, if less than the whole calendar year, during which such surtax is to be suspended.

"SEC. 5. This article shall apply with respect to the first fiscal year beginning after the ratification of this article and each succeeding fiscal year.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.".●

RULES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. RIBICOFF. Mr. President, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, I submit herewith the rules of the Committee on Governmental Affairs.

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS, PURSUANT TO SECTION 133B OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED[1]

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates*. The committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

B. *Calling special committee meetings*. If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

C. *Meeting notices and agenda*. Written notices of committee meetings, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements of committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings*. Meetings for the transaction of committee or subcommittee business shall be conducted in open session, except that a meeting or portions of a meeting may be held in executive session when the committee members present, by majoritv vote, so determine. The motion to close a meeting, either in whole or in part, may be considered and determined at a meeting next preceding such meeting. Whenever a meeting for the transaction of committee or subcommittee business is closed to the public, the chairman of the committee or the subcommittee shall offer a public explanation of the reasons the meeting is closed to the public. This paragraph shall not apply to the Permanent Subcommittee on Investigations.

E. *Prior notice of first degree amendments*. It shall not be in order for the committee, or a subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the committee or subcommittee unless a written copy of such amendment has been delivered to each member of the committee or subcommittee, as the case may be, and to the office of the committee or subcommittee, at least 24 hours before the meeting of the committee or subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours' written notice of a session to mark-up a measure is provided to the committee.[2]

F. *Agency comments*. When the committee has scheduled and publicly announced a mark-up meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded bv the time of the announcement of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the committee.[3]

RULE 2. QUORUMS

A. *Reporting legislation*. Nine members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)[4]

B. *Transaction of routine business*. Five members of the committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.[4]

For the purpose of this paragraph, the term "routine business" includes the convening of a committee meeting and the consideration of legislation pending before the committee and any amendments thereto, and voting on such amendments.[5] (Rule XXV, Sec. 5(a), Standing Rules of the Senate.)

C. *Taking sworn testimony*. Two members of the committee shall constitute a quorum for taking sworn testimony: *Provided, however*, That one member of the committee shall constitute a quorum for such purposes, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXV, Sec. 5(b), Standing Rules of the Senate.)

D. *Taking unsworn testimony*. One member of the committee shall constitute a quorum for taking unsworn testimony. (Sec. 133(d)(2), Legislative Reorganization Act of 1946, as amended.)

E. *Subcommittee quorums*. Subject to the provisions of section 5(a) and 5(b) of Rule XXV of the Standing Rules of the Senate, and section 133(d) of the Legislative Reorganization Act as amended, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of a quorum*. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required*. No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting legislation*. No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of these members who are actually present at the time the vote is taken. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

C. *Proxy voting*. Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes his vote to be recorded thereon. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

D. *Announcement of vote*. (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previousy announced by the

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[1] These rules of procedure govern the full committee and its subcommittees. Additional rules governing the procedure of the Permanent Subcommittee on Investigations begin on p. 17.

[2] Amended Oct. 1, 1975.

[3] Amended Oct. 1, 1975.

[4] Amended Feb. 4, 1977.

[5] Amended Nov. 7, 1973.

committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition thereto each such measure and amendment thereto by each member of the committee who was present at that meeting. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Sec. 133 (b) and (d) Legislative Reorganization Act of 1946, as amended.)

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the committee minority present shall open and conduct the meeting or hearing until such time as a member of the majority enters.[6]

RULE 5. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The committee, or any subcommittee thereof, shall make public anouncement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Sec. 133A(a), Legislative Reorganization Act of 1946, as amended.)

B. *Open hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness of any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Rule XXV, Sec. 7 (b), Standing Rules of the Senate.)

C. *Radio, television, and photography.* The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Rule XXV, Sec. 7 (c), Standing Rules of the Senate.)

D. *Advance statements of witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Sec. 133A(c), Legislative Reorganization Act of 1946, as amended.)

E. *Minority witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Sec. 133A (e), Legislative Reorganization Act of 1946, as amended.)

RULE 6. COMMITTEE REPORTS

A. *Timely filing.* When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Sec. 133(c), Legislative Reorganization Act of 1946, as amended.)

B. *Supplemental, minority, and additional views.* A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 133(e), Legislative Reorganization Act of 1946, as amended.)

C. *Draft reports of subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. *Cost estimates in reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five fiscal years thereafter (or for the authoried duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Sec. 252(a), Legislative Reorganization Act of 1970.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly established subcommittees.* The committee shall have six regularly established subcommittees, as follows:

Permanent Subcommittee on Investigations.

Intergovernmental Relations.

Government Efficiency and the District of Columbia.

Federal Spending Practices and Open Government.

Energy, Nuclear Proliferation and Federal Services.

Civil Service and General Services.

B. *Ad hoc subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each subcommittee of this committee is auauthorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee budgets.* Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day in February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities; (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (*a*) the funds authorized for expenditure during the preceding year, (*b*) the funds actually expended during that year, (*c*) the amount requested for the current year, and (*d*) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Sec. 133(g), Legislative Reorganization Act of 1946, as amended.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. *Standards.* In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. *Information concerning the nominee.* As a requirement on confirmation, each nominee shall submit on forms, prepared by the Committee, the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) A financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement.

At the request of either the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. *Procedures for Committee inquiry.* The Committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including any professional activities related directly to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a Chief Investigator shall be designated by the Chairman and a Minority Investigator shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, and the designated Investigators shall have access to all investigative reports on nominees prepared by any Federal agency, including the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office in conducting an audit of financial information provided by nominees.

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[6] Adopted December 9, 1974.

D. *Report on the nominee.* After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the Chairman and the Ranking Minority Member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevant documents and forms, except any tax returns, submitted pursuant to subsection (B) shall be attached to the report. The report shall be kept in the Committee office for inspection by Members of the Committee.

E. *Hearings.* The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be scheduled until at least 72 hours after the following events have occurred: the nominee has responded to prehearing questions submitted by the Committee; and the report required by subsection (D) has been submitted to the Chairman and Ranking Minority Member, and is made available for inspection by Members of the Committee.

F. *Action on confirmation.* A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff shall make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. *Application.* The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.[7]

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS ADOPTED BY THE SUBCOMMITTEE ON INVESTIGATIONS

APRIL 17, 1977

1. No public hearing connected with an investigation shall be held without approval of either a majority of the subcommittee or a majority of the full Committee on Governmental Affairs. The ranking minority Member shall be kept fully appraised of preliminary inquiries, investigations and hearings. Preliminary inquiries may be initiated by the subcommittee staff upon the approval of the Chairman of the subcommittee and notice of such approval to the ranking minority Member or the minority counsel.

2. Subpenas for attendance of witnesses and the production of memoranda, documents and records shall be issued by the Subcommittee Chairman or by any other Member of the subcommittee designated by him.

3. The Chairman shall have the authority to call meetings of the subcommittee. This authority may be delegated by the Chairman to any other Member of the subcommittee when necessary. The Chairman shall not schedule any hearings or series of hearings outside the District of Columbia without giving at least 48 hours' notice thereof to the Members of the subcommittee.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approve of such public hearing.

4. If at least three Members of the subcommittee desire the Chairman to call a special meeting, they may file in the office of the subcommittee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the subcommittee Members may file in the office of the subcommittee their written notice that a special subcommittee meeting will be held, specifying the date and hour thereof, and the subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the subcommittee clerk shall notify all subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, any two Members of the subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. With the permission of the Chairman and the ranking minority Member, one Member of the subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter, in public or executive sessions, effective until such time as the subcommittee by majority vote determines otherwise.

Five (5) Members of the subcommittee shall constitute a quorum for the transaction of subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with subcommittee present during such hearing the Chairman or presiding Member of the subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights. *Provided, however,* That any Government officer or employee being interrogated by the staff or testifying before the committee and electing to have his personal counsel present shall not be permitted to select such counsel from the employees or officers of any governmental agency. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness, answer for the witness or put words in the witness' mouth. The failure of any witness to secure counsel shall not excuse such witness from attendance in response to subpena.

9. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the subcommittee 24 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

10. A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on by the subcommittee Members present at the hearing.

11. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

12. Interrogation of witnesses at subcommittee hearings shall be conduced on behalf of the subcommittee by Members and authorized subcommittee staff personel only.

13. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the subcommittee questions in writing for the cross-examination of other witnesses called by the subcommittee. With the consent of a majority of the Members of the subcommittee present and voting, these questions shall be put to the witness by the Chairman, by a Member of the subcommittee, or by counsel of the subcommittee.

14. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the subcommittee for its consideration and action.

If a person requests to appear personally before the subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the subcommittee.

15. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the subcommittee.

16. No subcommittee report shall be released to the public unless approved by a majority of the subcommittee and after no less than 7 days' notice and opportunity for comment by the minority Members of the subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

17. All staff members shall be confirmed by a majority of the subcommittee. After confirmation, the Chairman shall certify staff appointments to the Financial Clerk of the Senate, in writing.

18. The minority shall select for appointment to the subcommittee staff a Chief

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[7] Adopted March 20, 1978.

Counsel for the minority who shall, upon being confirmed, work under their supervision and direction; who shall be kept fully informed as to investigations and hearings, have access to all material in the files of the subcommittee, and, when not otherwise engaged, shall do other subcommittee work.

[S. Res. 370, as amended by S. Res. 425. 95th Congress, 2d Sess.]

A resolution authorizing additional expenditures by the Committee on Governmental Affairs for inquiries and investigations.

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Governmental Affairs, or any subcommittee thereof, is authorized from March 1, 1978, through February 28, 1979, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,242,900, of which amount not to exceed $77,055 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting their particular branch of the Government;

(2) the extent to which criminal or other improper practices of activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interest against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and longrange prevention and for the preservation of law and order and to insure domestic tranquility within the United States;

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents; and

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(7) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of of alternative energy supplies;

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1978, through February 28, 1979, is authorized, in its, his, or their discretion (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to holding hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1979.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.●

THE DESIRABILITY OF MATCHING WORK FORCE AND WORK PLACE

● Mr. STEVENSON. Mr. President, our urban policies should encourage changes in residential patterns to facilitate the natural flow of workers to workplace. We should encourage a large portion of the disadvantaged to migrate from central cities to suburbs and nonmetropolitan areas where there is a growing number of jobs in industry and business. At the same time, we should encourage many of the affluent to move into urban centers where white-collar jobs are concentrated.

Unfortunately, current policies ignore both the importance of societal dynamics and the lessons of history. Though migration spurred by opportunity is evident throughout our history, current policies often serve to impede the natural growth of society, locking the poor into deteriorating pockets of central cities and sentencing the affluent to long and wasteful trips between suburbs and downtown offices.

Two recent articles provide clear evidence of the desirability of matching work force and workplace. The first article, in the Chicago Defender, points out that the most important factor in ending housing discrimination in the suburbs is the movement of industry and business to those areas and away from central cities. This has provided employment for large numbers of disadvantaged urban dwellers, some of whom are beginning to settle in suburbs near their jobs.

The second article, in the Chicago Tribune, summarizes a northeastern Illinois Planning Commission report which shows that daily trips of Chicago area commuters are approximately 20 percent longer today than in 1970.

Mr. President, I ask that these articles be printed in the RECORD.

The articles are as follows:

[From the Chicago Defender, Jan. 22, 1979]

FAIR HOUSING FOR BLACKS IN SUBURBIA BECOMING A REALITY—JOB OPPORTUNITIES IN OUTLYING AREAS ATTRACT BLACKS

The wall of discrimination against black families in the suburbs is still in place but not for long. It's being assailed in several powerful ways, for it no longer suits the times.

Fair housing laws, on the books since the sixties, are at last having their inevitable effect. According to the Northern Illinois Planning Commission, no Chicago suburb will now admit to any racial discrimination. The Gatreaux decision mandating public housing in the suburbs has moved housing authorities to experiment—successfully—with rent supplements outside the city.

And HOPE, Inc., a powerful fair housing group in DuPage County, is fighting an expensive and time consuming lawsuit in federal court against the county's board of commissioners, charging unlawful use of county ordinances concerning lot sizes, room sizes and cost of housing, to discriminate against low income people. U.S. Federal Judge Hubert Will is expected to rule on the case by the first of the year. If the ruling is favorable, as HOPE thinks it will be, it will be a tool for striking down housing discrimination, and the effect will be nation wide since the suit is in the federal court.

But by far the strongest factor in breaking down housing discrimination in the suburbs is the move of industry and business into outlying areas, and its need for workers. Suburbanites who wooed business into their towns find their fine taxpaying industries can't exist without a good labor pool. And if they want labor, there must be affordable homes for the workers to live in.

Black workers are already commuting in large numbers to the suburbs for jobs. From 1960 to 1970 "Reverse commuting" by city residents to the suburbs spread from small areas on the edge of the city to the entire city. (See accompanying map).

With that sort of mass movement in and out of the suburbs every day, it's only a matter of time before the workers find ways to live closer to their jobs.

One of the most practical and immediate aids to help suburbs accept black residents is a ring of fair housing groups that has been established throughout the suburban area. These groups perform many key services that promote fair housing and increased diversity of the housing stock.

They try, and often succeed, to turn around the climate of discrimination in their area. They exert pressure on local officials to eliminate discriminatory practices and ordinances. They put pressure on local housing authorities and developers to provide more low income housing. And they work with black people who want to move into the suburbs to find homes they can afford within the existing market.

Ted Brzyski, director of NIPC's housing study, maintains, "The whole housing ball game is in the Chicago suburbs now." He said in compiling the NIPC housing plan for the region he found that housing in the suburbs "isn't all that much more expensive. By the time you subtract the $50 a month for commuting and allow for the fact that you get more for your housing dollar in the suburbs than in the city, not to mention good schools, picturesque countryside and places where children can play, suburban housing is a better buy than city housing."

Brzyski emphasizes that "It takes a lot of ingenuity and help for blacks to find homes out there, but it can be done."

He mentioned Bellwood, Maywood, Hazelcrest and Evanston as areas with large black communities. Park Forest, Park Forest South and Oak Park are integrated communities with active fair housing programs and a commitment to staying racially diverse.

But Brzyski said the real frontier for integrating communities in the suburbs lies in the areas farthest from the city line where, so far, there is no threat of immediate inundation by minority people. Unfortunately, all black suburbs, such as Robbins and Phoenix, face most of the problems that plague inner-city black neighborhoods, he said.

Bernard Kleina, director of HOPE. INC. and the West Suburban Fair Housing Center says, "You can still expect a 50 percent chance of discrimination when blacks seek to buy or rent in Du Page County. So we provide an escort service to make sure that there is no discrimination."

Kleina says, "The cost of rental housing in the suburbs, while it is very high, is not that much greater than the cost of rental housing in the city. It's often newer and better maintained. And the density of the suburbs is less than in the city."

He added that black families no longer have to feel like pioneers when they move to the suburbs because almost every suburb has some minority families now.

NIPC's housing plan calls for 294,600 very low income homes for 587,597 families in the region right now. By 1985 NIPC says the region should have 440,260 units of lower income housing. The distribution would be as follows:

Subregion—Total estimated lower income housing needs through 1985, suburban Cook

North	33,992
Northwest	29,936
West	27,235
South	18,262
Southwest	25,051
Suburban Cook Total	134,476
DuPage	26,656
Kane	14,255
Lake	28,061
McHenry	5,934
Will	11,065
Chicago	219,813
N.E. Ill. Total	440,260

A good example of how a suburb can be comfortably integrated is Park Forest, at the far south end of Cook County. The town of 30,000 was one of the first of the planned communities built just after World War II

When black families moved into the formerly all white village, there was some stir, said Peter Garretson, a Park Forest realtor active in the local fair housing center. "But after the first five or six families settled, race ceased to be an issue." All areas of the village are integrated * * *.

Park Forest and its sister community, Park Forest South, offer good quality homes at affordable prices, excellent schools and a well maintained community for all races.

Oak Park on the West Side of the county is just now attempting to integrate by design. Rather than attempt to close blacks out, or than flee to further-out white suburbs, Oak Park people committed themselves to creating a stable integrated community.

NIPC says, "There is little doubt that stability has been maintained. Property values have increased and there has been no 'flight of the whites'. Oak Park offers large older homes and apartments in a stable, well-established urban setting just outside Chicago's city limits."

Homes for very large families are at a premium everywhere in suburbia. The housing stock for very low income families is especially scant, but efforts are being made to increase it.

Betty Nicholson, acting director of the South Suburban Housing Service, says, "There are just no apartments available for very large families in our area.

"And any really low-cost housing out here must be subsidized in one way or another because of high building costs."

[From the Chicago Tribune, Jan. 25, 1979]

ENERGY BATTLE BEING HURT IN LONGER RIDE TO WORK

One symptom of the spreading out of jobs from city to suburbs has alarming implications for the nation's energy situation.

Motorists in the Chicago area are driving longer distances nowadays, about 20 per cent longer, than they did in 1970.

The 1978 Regional Data Report by the Northeastern Illinois Planning Commission shows that 13.14 car miles were driven in 1976 for every man, woman, and child in the area.

Back in 1970 the figure was 11 miles.

Max Dieber, NIPC demographer, cautions that housing sprawl may be as much to blame as job sprawl. And, he notes, area residents are more affluent than they were in 1970.

Nevertheless, the steady increase in per capita miles occurred despite whopping increases in the price of gasoline, automobiles, and auto insurance.

One study by the University of Illinois at Chicago Circle found that Cook County residents consume far less energy each year (about 282 million BTU's) than residents of less densely populated areas like Lake County (485 million BTUs).

Another study found that the average Chicago driver burns only 7.5 gallons of gas each week, compared to 15 gallons a week used by drivers in thinly populated McHenry County.●

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

● Mr. KENNEDY. Mr. President, after many years of distinguished service, John F. Thomas steps down today as director of the 33-nation Intergovernmental Committee for European Migration. For 10 years he has led ICEM through some of the more difficult as well as some of the most productive years of ICEM's history.

Named to succeed him is James L. Carlin, recently Deputy Assistant Secretary of State for Refugee and Migration Affairs.

As chairman of the former Subcommittee on Refugees, and from my work in the refugee and migration field, I have come to know both these men. And I know that even as we honor the long service of John Thomas, and his important contributions to ICEM, we can also be confident today that his record of leadership and service will be continued under Jim Carlin.

In the days ahead, ICEM will face many challenges as an organization, both budgetary as well as structurally. I pledge my continued support for current efforts to make ICEM more responsive to today's migration and refugee needs, and for streamlining its staff and revitalizing its role in the international migration and refugee field.

Mr. President, I ask that the announcement today from ICEM on the new director, and a statement on the distinguished service of John Thomas to ICEM, be printed in the RECORD.

The material follows:

NEW ICEM DIRECTOR TAKES OFFICE

James L. Carlin, a top-ranking administrator of U.S. Government refugee-migrant assistance programs oversees, took office at Geneva today (March 1) as Director of the 33-nation Intergovernmental Committee for European Migration (ICEM).

He succeeds John F. Thomas, who is retiring after serving as ICEM's Director since 1969. Both men are from Minneapolis.

Mr. Carlin, 57, former Deputy Assistant Secretary of State for Refugee and Migration Affairs, has worked more than 30 years in his field; he is regarded as one of the foremost international experts in the resettlement of refugees and migrants. The Council of ICEM elected him to a five-year term last November on nomination of the U.S. Administration supported by members of Congress concerned with refugee maters.

ICEM, with headquarters in Geneva, was established in 1951 to cope with then-dominant European problems. Expanding its operations over the years to meet new refugee situations, the organization has relocated more than 2.36 million persons in new homes and currently has programs in 31 countries around the world. Largest at present involve refugees in East Asia from Viet Nam, Cambodia and Laos, and the continuing flow of refugees from Eastern Europe to the West. ICEM expects to organize the movement and resettlement—in the United States and many other countries—of more than 120,000 persons in 1979.

A special ICEM program, involving smaller numbers of people, recruits and places highly-qualified personnel to aid in the economic and social development of less-industrialized nations, particularly in Latin America.

Although outside the United Nations system, ICEM works in close cooperation with the specialized U.N. agencies, especially the U.N. High Commissioner for Refugees (UNHCR) and with other international, regional and national humanitarian organizations including voluntary agencies.

Mr. Carlin has represented the United States at many sessions of international organizations including the governing bodies of UNHCR and ICEM. He is married to the former Annemarie Aeberhard of Geneva.

DIRECTOR OF ICEM HONORED BY THE UNIVERSITY OF MINNESOTA (USA)

John F. Thomas, Director General, Intergovernmental Committee for European Migration (ICEM) was honored by the University of Minnesota with the 1978 Outstanding Alumni Achievement Award. The award will be presented to Mr. Thomas on 20 May 1978 in Minneapolis. Dr. C. Peter Magrath, President of the University noted that Mr. Thomas was being singled out by his Alma Mater in recognition of his 33 years of service in the field of refugees and migration. As the University has granted over 288,000 degrees since its founding in 1873, the honor is a coveted one.

Mr. Thomas began his career in the refugee field on leaving the United States Army where he held the rank of Captain to join the United Nations Relief and Rehabilitation Agency (UNRRA) in 1945. His first post as Welfare Officer was in Displaced Persons' camps in Germany. He has actively participated in most of the major refugee situations occurring since 1945 including the Hungarian crisis in 1956, the out-movement of Asians from Uganda, the United States Cuban Refugee Program, the United States Refugee Program in South Vietnam and the Indochina Refugee Migration Program. Mr. Thomas became Director of ICEM which has its Headquarters in Geneva, Switzerland in 1969.

ICEM is an international organization which undertakes migration programmes on behalf of its 33 Member Governments in four continents. Over its 26-year history ICEM has assisted some 2,285,000 people to find new homelands abroad. 1,300,000 were refugees from different parts of the world and 985,000 were European Nationals who emigrated to overseas countries.

ICEM presently carries out migration movements of a large number of Indochinese refugees in cooperation with the United Nations High Commissioner for Refugees and the International Voluntary Agencies; movements of Jews and other migrants from the USSR; movements of persons authorized to leave Chile and other Latin American countries, as well as refugees from the Middle East and North Africa. Other migration programmes include recruitment in Europe and placement in Latin America of highly qualified European professionals and technicians to ensure a practical transfer of technology to these countries. The reunification of separated refugee and migrant families also represents an important task undertaken by the organization. In 1978, over 70,000 migrants and refugees will benefit from ICEM services.●

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, section 133B of the Legislative Reorganization Act of 1970, as amended, requires each standing, select, or special committee of the Senate at the beginning of each session to publish in the CONGRESSIONAL RECORD the rules that the committee has adopted to govern procedures within the committee.

Thus, pursuant to that requirement, I ask that the current rules of the Committee on Veterans' Affairs be printed in the RECORD.

The material is as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

I. MEETINGS

(a) Unless otherwise ordered, the committee shall meet on the first Wednesday of each month. The chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Meetings of the committee or a subcommittee shall be open to the public except that, subject to the provisions of paragraphs (b) and (d) of rule 25.7 of the Standing Rules of the Senate, a portion or portions of any such meeting may be closed to the public if the committee so elects by a record vote of a majority of the members of the committee present.

(c) The chairman of the committee or of a subcommittee, or the vice chairman in the absence of the chairman, or the ranking majority member present in the absence of the vice chairman, shall preside at all meetings.

(d) No meeting of the committee or any subcommittee shall be scheduled except by majority vote of the committee or by authorization of the chairman of the committee.

(e) The committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the committee shall immediately notify such designated office.

II. QUORUMS

(a) Subject to the provisions of paragraph (b), five members of the committee and four members of a subcommittee shall constitute a quorum for the reporting of legislative matters. Three members of the committee or a subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a committee or subcommittee meeting, at least one member of the minortiy shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question on which a "yea" and "nay" vote is requested.

IV. SUBCOMMITTEES

(a) No member of the committee may serve on more than two subcommittees. No member of the committee shall receive assignment to a second subcommittee until all members of the committee, in order of seniority, have chosen assignments to one subcommittee.

(b) The committee chairman and the ranking minority member shall be ex officio nonvoting members of each subcommittee of the committee.

(c) Subcommittees shall be considered *de novo* whenever there is a change in committee chairmanship and, in such event, subcommittee seniority shall not necessarily apply.

(d) Should a subcommittee fail to report back to the committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and so notify the committee for its disposition.

V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the committee or a subcommittee shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The committee or a subcommittee shall require each witness who is scheduled to testify at any hearing to file such witness' testimony with the committee not later than 24 hours prior to the witness' scheduled appearance unless the chairman and ranking minority member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the committee or subcommittee.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

VII. AMENDMENTS TO THE RULES

The rules of the committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modifications, amendments, or suspension.●

THE OVERABUNDANCE OF FEDERAL REGULATION

● **Mr. BOREN.** Mr. President, one of the major causes of inflation and one of the major concerns of small business persons and individual citizens in this country is an overabundance of Federal regulation in virtually all aspects of American life.

For this reason, I am joining as a cosponsor of S. 265, by Mr. DOMENICI. The measure, entitled "Equal Access to Justice Act," provides compensation for attorney fees and costs to small businesses or individuals who prevail in either administrative or judicial litigation against the Federal Government when the Government cannot substantiate its position.

As I travel around my own State of Oklahoma I find that the most pressing issue on the minds of my constituents is the whole problem of dealing with the Federal bureaucracy, which citizens feel is growing and is dominating their lives. Surveys show that the American people in general feel the unresponsiveness of the Federal bureaucracy to be a major domestic problem.

Likewise, the overabundance of Federal regulations is a contributing cause of inflation.

Wasteful, unnecessary Government regulations add to business costs and are forcing prices up.

In a hearing in April 1978, a witness before the Joint Economic Committee estimated that the cost to business of meeting Federal regulations in 1979 would amount to more than $100 billion.

To put this figure into an even more staggering perspective, compare this $100 billion with the total amount of Federal income and corporate taxes received by our Government last year—some $350 billion. Thus, compliance with Federal regulations this year will total almost one-third of what it cost all citizens and all businesses to pay their Federal taxes last year.

This $100 billion figure amounts to almost $500 for every person in our country, and almost $2,000 for the typical family of four.

S. 265 is a first step toward discouraging the promulgation of needless and costly Federal regulations.

It will, I believe, encourage citizens and small business persons to challenge unfair regulations in court. Presently, prohibitive costs often cause many to fail to vindicate their rights by engaging in court proceedings.

With these costs being made the responsibility of the agency whose regulations are challenged, more citizens will have the incentive to go to court.

The problem of overregulation must be tackled. I support S. 265 and urge my colleagues to vote for its passage. We must reform our Federal bureaucracy to help cope with inflation. Above all, we must tackle this problem in order to bring our Government back into the hands of the people.●

RULES OF PROCEDURE FOR THE COMMITTEE ON THE BUDGET

● Mr. MUSKIE. Mr. President, I submit for the RECORD the rules of procedure for the Committee on the Budget.

The rules of procedure are as follows:

RULES OF PROCEDURE FOR THE COMMITTEE ON THE BUDGET

I. MEETINGS OF THE COMMITTEE

1. The Committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the Chairman as he deems necessary to expedite Committee business.

2. Each meeting of the Committee on the Budget of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the Committee or subcommittee, as the case may be, determined by record vote of a majority of the members of the Committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

1. Except as provided in paragraphs 2 and 3 of this section, a quorum for the transaction of Committee business shall consist of not less than one-third of the membership of the entire Committee; provided, that proxies shall not be counter in making a quorum.

2. A majority of the Committee shall constitute a quorum for reporting legislative measures or recommendations; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn or unsworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

IV. HEARINGS AND HEARING PROCEDURES

1. The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

2. A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the Chairman and the ranking minority member, following their determination that there is good cause for failure of compliance.

V. COMMITTEE REPORTS

1. When the Committee has ordered a measure or recommendation reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time.

2. A member of the Committee who gives notice of his intention to file supplemental, minority or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(NOTE. On February 8, 1979, the Committee voted to adopt an experimental procedure for the first round votes of the markup of the First Concurrent Resolution for FY 1980. Under this procedure, no Senator will be permitted to vote by proxy for such first round votes.)

PUBLIC SUPPORT FOR SALT GROWS TO 81 PERCENT

● Mr. CRANSTON. Mr. President, last June, an ABC News-Harris poll found that public support for SALT had risen steadily from 59 percent in 1976 and 66 percent in 1977 to an impressive 75 percent in 1978. A recent NBC-AP poll shows that public support for a new SALT agreement has continued to grow to the high point of 81 percent. And opposition to an "agreement which would limit nuclear weapons" dropped to a low of 14 percent. Just as encouraging were the responses to the more detailed questions asked by NBC and AP. They demonstrate widespread public understanding of the danger of nuclear war and SALT's relationship to U.S. national security. The poll found 80 percent of the respondents favored a SALT II agreement, because it would reduce the chances of war and/or slow down the arms race. And 57 percent felt that SALT II would strengthen our national security and only 27 percent thought we would be weaker with SALT.

As a Senator who believes the SALT II Treaty—when it is completed—should be weighed by its contribution to our national security, I am encouraged by these poll results. They show that Americans understand the grave dangers of the strategic weapons buildup, and accept the principle that the world will be more secure with limitation and reduction of those weapons than with unrestrained competition.

The President can continue his efforts to reach a good, verifiable, SALT II agreement knowing that he is supported strongly by the American people.

Mr. President, I ask that the NBC-AP poll results on SALT be printed in the RECORD.

The poll is as follows:

FEBRUARY NATIONAL POLL

Following are highlights of the latest national telephone survey conducted jointly by NBC News and The Associated Press. This poll was taken on February 5-6, 1979. It included questions on President Carter's performance, relations with China, the proposed SALT II agreements with the Soviet Union, the U.S. economy, the federal budget and other matters. A total of 1,600 adult Americans were interviewed in this survey.

SALT II AGREEMENT

Public support for a new SALT agreement has reached a high point of 81%. Only 14% say they oppose a new pact and 5% are not sure of their views. The public clearly has fewer doubts about signing a new agreement than does the U.S. Senate, which must ratify any proposed document by a two-thirds vote. Many Washington observers believe the new pact will face strong and determined opposition in the Senate later this year.

Most Americans who favor the SALT agreements do so because they think it will reduce the chances of nuclear war. 60% of all SALT supporters cite this reason for backing the new agreement with the Soviets. The fear of such a war remains at relatively high levels, with nearly one-third of the public believing nuclear conflict involving the U.S. is likely in the next three years.

In addition to reducing the chances of war, some SALT supporters—20% of the total—say SALT will slow down the arms race. Another 10% of the pro-SALT respondents think the treaty will lead to lower defense spending and 5% think a new agreement will add to U.S. stature in the eyes of the world. Five percent say they are not sure why they support an agreement.

By a decisive 57% to 27% margin, Americans think the ratification of a new SALT document will strengthen, rather than weaken, U.S. security.

THE SOVIETS

On a related topic, fully two-thirds of the public—66%—think the Soviet Union poses the greatest threat to world peace today. 17% say China is the largest threat and 10% think the United States is the greatest threat to peace.

Finally, 44% of the public say President Carter has not been tough enough with the Soviets in his dealings with them, while 42% think the President has set the right tone in negotiating with the Russians. Only 2% say the President has been too tough and 12% are not sure of their views.

FOREIGN AFFAIRS

Limit nuclear weapons

Do you favor or oppose a new agreement between the United States and Russia which would limit nuclear weapons?

	Percent
Favor	81
Oppose	14
Not sure	5

Reasons for limiting nuclear weapons

Why do you favor such a treaty? Is it because the treaty would reduce the chances of war, or because it would slow down the arms race, or because it would cut defense spending, or because it would increase the status of the United States in the world?

	Percent
Reduce chances of war	60
Slow down arms race	20
Cut defense spending	10
Increase U.S. status	5
Not sure	5

Effect on national security

Do you think any such agreement limiting both sides' weapons would strengthen our national security or weaken it?

	Percent
Strengthen our security	57
Weaken our security	27
Not sure	16

Carter and Soviets

Do you think that President Carter has been too tough on the Soviets, not tough enough, or do you think he has set the right tone in his dealings with the Soviets?

	Percent
Too tough	2
Not tough enough	44
Right tone	42
Not sure	12●

LOU BACHMAN RETIRES AS MANAGING EDITOR OF BRISTOL PRESS

● Mr. RIBICOFF. Mr. President, Lou BACHMAN, one of the best newspapermen I have ever known, has retired as managing editor of the Bristol Press. In a 40-year career in journalism, Lou Bachman earned the respect and admiration of his fellow reporters and his readers. He very much deserves his reputation for responsible, accurate, perceptive, and enterprising reporting and editing.

A friend of Lou Bachman expressed my own feelings about this fine journalist when he said of Lou:

> For his qualities as a courageous craftsman in his chosen field of journalism, as a sensitive citizen of his beloved Bristol, and for his dedication to the highest standards of the profession, we salute Lou Bachman for his years of service with profound appreciation.

Lou has been a friend of mine for many years. The Bristol Press will continue to publish according to its own high standards and the standards set by Lou Bachman. Lou is an original, one of those persons who, once met, is never forgotten. And his impact and personality at the Bristol Press will be missed.

I wish Lou Bachman a happy and productive retirement.

Mr. President, I ask that an editorial from the February 5, 1979, Bristol Press and a February 3, 1979, news article on Lou Bachman's retirement be printed in the RECORD.

The material follows:

EDITOR LOU BACHMAN BOWS OUT

It was a little over two months ago, on December 1st, when the Lou Bachman retirement story broke. "A Feisty Lou Bachman Bows Out" was the head to the announcement of upcoming notable changes on the news and editorial side at The Press.

The February 1st retirement date seemed like some time off, back in early December. We still had that comfortable feeling. For so many years a goodly number of us at The Press felt reassured to have Lou Bachman on deck, in his strategic role at the helm in the news department. We knew he would steer the right course no matter what rough seas might develop. Now we face the reality. The nine weeks since December 1st have passed all too quickly.

During his almost 40 years at The Press, Lou Bachman did a great deal more than acquit himself on the job as a topflight journalist. Friends and admirers from near and far have sent in comments and tributes during these past few weeks. Lou's good deeds have been acknowledged and recognized on numerous occasions.

We could fill the equivalent space of many a "Downtown" column if we were to try to chronicle just a modest measure of "Mr. Downtown's" achievements and community services. While Lou was a strong party man in the political field, he was at the same time a friend and counselor to politicos on both sides of the aisle.

This special quality of Lou's that endeared him to many an individual was highlighted this past week in a resolution approved by the General Assembly. Governor Ella Grasso read the resolution during her surprise visit to The Press management team retirement luncheon for Lou last Friday.

State Senator Steve Casey (D.) and State Representative Ed Krawiecki (R.) collaborated in the preparation of the resolution honoring Lou Bachman's retirement and were responsible for having it introduced and approved by both houses of the General Assembly. Both of these youthful legislators had found it advantageous on more than one occasion this past year during their political campaigns to stop in and talk at some length with Press Editor Lou. He was as interested in talking with them as he had been in past years in talking with their dads, the later Mayor Jim Casey and former State Representative Ed Krawiecki, Sr. Thus here was an example of Lou's ability to bridge the generation gap as well as party labels, as the resolution pointed out.

Governor Grasso had some mighty nice things to say about Lou Bachman as she and her husband Tom came over to Chippanee last Friday noon to help honor her good friend of many years standing. While she chided him for his move out of the state, she gave a touching and dramatic tribute to Lou when she said, "I come here as Ella Grasso, who never would have been governor if it had not been for Lou Bachman." She was referring to the fact that Bachman was the first newsman to propose Mrs. Grasso for governor (as he did in his Downtown column) when she was Sixth District Congresswoman.

On the day Lou Bachman officially signed off his almost four decades with The Press, January 31, there was a Letter to the Editor in the Readers' Corner column on the Op-Ed page from which we want to quote. The letter was from a good friend of Lou's, Albert E. Jabs, former Bristol resident, now a professor at Vorhees College, Denmark, S.C. Jabs is the son of former Republican party stalwart Al Jabs, from the old First District.

Here is the quote from that mighty fine letter. We join with Professor Al Jabs when he writes about Lou Bachman in this manner:

"For his qualities as a courageous craftsman in his chosen field of journalism, as a sensitive citizen of his beloved Bristol, and for his dedication to the highest standards of the profession, we salute Lou Bachman for his years of service with profound appreciation."

In our 107 years as Bristol's newspaper (we will reach our 108th birthday on March 9, 1979), The Press and the community have benefited from some strong talent in the news department.

Those of us who have been fortunate enough to be fellow travelers with Lou Bachman would not hesitate to add his name to the select list of outstanding Press editors.

GRASSO ATTENDS DINNER SALUTING RETIRING EDITOR

Gov. Ella Grasso joined members of the Press management team Friday in honoring Lou Bachman, who retired earlier this week as the paper's managing editor.

Mrs. Grasso and her husband Tom were surprise guests at the Chippanee Country Club luncheon which was attended by Press management personnel and their spouses. Bachman and the governor have been close friends for years. The veteran journalist, who is ending a 40-year career, was the first state newsman to propose Mrs. Grasso as a gubernatorial candidate while she was serving as Sixth District congresswoman.

"I come here today as Ella Grasso who never would have been the governor if it had not been for Lou Bachman," she said.

The governor had high praise for Bachman, saying, "They say that people are not irreplaceable, but I don't believe that anymore. Lou is one of those people who can't be replaced."

Mrs. Grasso chided Bachman concerning his plans to retire to a neighboring state. She vowed, "I will take the Governor's Horse Guard and the Foot Guard and attack at dawn and take you home where you belong."

The governor also read a joint resolution introduced before the Connecticut General Assembly commending Bachman for his service to city and state. The resolution was the combined effort of State Senator Steven Casey and Representative Edward Krawiecki, Jr.

It read in part: "Whereas, you have bridged the different generations of this city and state on both sides of the political aisle, with sound advice and genuine concern for the city and state you loved so dearly . . ."

Other presentations were made to Bachman by Don Gordon, managing editor; Joseph Zerbey, operations manager, and Publisher E. Bartlett Barnes, who also served as master of ceremonies for the informal affair.

Bachman's son John extended greetings from the family and Clarkson Barnes, former co-publisher of the Press, reminisced on his 35-year association with Bachman in the Press newsroom.●

MEDICARE HOME HEALTH AMENDMENTS OF 1979

● Mr. CHILES. Mr. President, I introduced recently with Senator DOMENICI, ranking minority member of the Committee on Aging, and other Senators, S. 489, a bill to make important changes in medicare's home health program.

During 1976, approximately 644,000 aged and disabled persons received medicare home health benefits. To qualify, an individual must be covered by medicare and must be in need of skilled nursing care or physical or speech therapy. Care must be prescribed by a physician and the patient must be confined to his or her home. Services must be provided by an agency which is certified to participate in medicare. To be eligible for home health services under part A hospital insurance, a beneficiary must also have been hospitalized for a period of not less than 3 days prior to receiving home health service must be for treatment of the same condition for which hospitalized.

The Medicare Home Health Amendments of 1979 would take important and realistic next steps to make home health care more available to older Americans, provide additional assurances of quality of care, and strengthen safeguards against provider fraud and abuse.

First, the bill would remove the requirement under part A that a patient be hospitalized for at least 3 days before becoming eligible for home health services.

Most medicare beneficiaries are covered by both part A and part B and therefore would be eligible for home health services under part B without prior hospitalization if all other eligibility criteria were met. For the approximately 900,000 beneficiaries who do not have part B insurance, however, this restriction has either meant: one, a complete denial of home health, no matter what the need, or two, an inappropriate and costly period of hospitalization for the sole purpose of establishing eligibility for home health services.

Removal of this restriction would make home health services available to many without part B coverage; prevent additional, unnecessary hospital charges to medicare; and change the prevalent image of home health care as simply a continuation of acute, inpatient hospital care to the community service it is intended to be.

Second, the bill would eliminate restrictions on the number of home health visits allowed under both part A and part B.

Current law limits visits to 100 per benefit period under part A, and 100 per calendar year under part B. Most home health beneficiaries do not exhaust the total allowed visits now, and do not need additional visits. Consequently, this change would not increase program costs significantly. But removing this restriction will ease a hardship for those who need additional visits and are denied service, because other resources are not available. It will also help prevent the situation I have observed in Florida and elsewhere in which public and voluntary home health agencies, such as visiting nurse associations, have been forced out of business entirely because they continue to provide services to patients who cannot pay and have exhausted medicare benefits.

Since the number of visit limitations were originally meant to be a control on unneeded visits, however, the bill would also require the Secretary of Health, Education, and Welfare to monitor changes in utilization patterns and institute other cost and utilization control mechanisms in the program.

Third, the bill would add occupational therapy services as a qualifying service for home health eligibility.

Occupational therapy is now an allowable home health benefit, but a patient must also be in need of skilled nursing or physical or speech therapy to be eligible. With this change, a need for occupational therapy alone could be met. This would mean that stroke patients, or persons with vision problems, for instance, who do not need skilled nursing care could remain in their homes with some help in adjusting to their new physical limitations. It would also mean that a recovering stroke victim, for instance, who is receiving both skilled nursing visits and occupational therapy would be able to continue with needed therapy services after the skilled nursing care is no longer required.

Fourth, the Secretary of Health, Education, and Welfare would be required to develop additional standards to insure service quality and appropriateness of care. Specifically addressed are requirements for training and supervision of home health aides, who spend the most time with homebound patients.

Additional areas I would like to see considered are guidelines for patient evaluation of service, patients' rights, patient assessment, and service availability.

Many home health agencies have already developed excellent standards of care, well beyond what is required by medicare. This proposal, therefore, would probably not necessitate changes for the majority of home health agencies.

Additional guidelines within medicare however, would insure the same quality of service from all participating agencies.

I have been concerned by reports describing great potential for patient abuse, because of inadequate training and supervision of some home care personnel. In most cases abuses have occurred under title XX and medicaid, rather than medicare. Quite clearly, additional actions must be taken by the Department, or by Congress, to insure quality of care within these programs. An important first step, however, can be taken within medicare, and the areas addressed will put us in a better position to evaluate options for other home care services.

The demand for home health care is growing, and we can expect it to continue with an expanding aging population. The needs are real, and we must be ready to meet them. We still do not have, however, the necessary controls in place to make sure that the same abuses we have seen in nursing homes and elsewhere do not occur in Federal home health programs.

Hearings I have chaired for the Federal Spending Practices Subcommittee, as well as hearings before the Committee on Aging and the House Ways and Means Committee, provide compelling evidence that some home health agencies have found it all too easy to profiteer under medicare.

We have found:

Excessive costs for salaries and fringe benefits, sometimes disguised as other costs;

Questionable, profitable contracts for supportive services;

Improper cost allocations;

Billings for services never received; and

Alterations of bills and receipts to increase medicare reimbursement.

This bill mandates a number of actions to help detect and deter such practices, building upon previous authority given to the HEW Secretary in the 1972 amendments to the Social Security Act and the Medicare-Medicaid Antifraud and Abuse Amendments, Public Law 95–142.

First, home health agencies would be required to provide a statement to the patient, listing services provided, personnel, and charges.

One common abuse is provider billings to medicare for services not rendered. This simple change would put the patient in a position to notify medicare if services being charged to the program were not received.

Second, the HEW Secretary would be required to develop and publish specific guidelines for allowable line-item administrative and service costs for home health agencies.

Section 223 of the 1972 social security amendments established authority for the Secretary to set specific cost guidelines, within the meaning of "reasonable" costs, for all medicare-reimbursed services, including home health. A commitment has been made by the Department to establish guidelines for average costs per visit, based on total agency costs and total agency visits.

We need to look very carefully at specific administrative costs, however, and this bill would carry this process one step further.

Cost guidelines for items such as medical director salaries and contracts for supportive services, such as fiscal management, coupled with the uniform reporting requirements already authorized under Public Law 95-142, will enhance audit capability and improve detection of patterns of high costs, overutilization, and abuses of program funds. Specific administrative cost guidelines, with uniform reporting requirements, would also enable valid comparisons of costs from agency to agency for the first time.

As we have reportedly seen, however, efforts to maintain effective cost controls are sometimes beyond what was originally anticipated. We do not yet have good estimates of the costs which might be involved, both to providers and to medicare, with extensive additional reporting and audit requirements. For this reason, this bill does not require major changes to the reporting systems now being developed by the Secretary. We must carefully weigh the costs involved against the benefits we expect to derive from a better capability to detect abuse.

Third, designation of regional home health intermediaries, to serve home health agencies only, would be required.

Medicare intermediaries and carriers now process claims, determine allowable charges and reasonable costs, and perform the major audit function for all medicare reimbursements, including hospitalization, skilled nursing home care, medical services, and home health.

Claims for home health services represent a very small proportion of medicare reimbursements, about 2.5 percent during 1979. The result has been relative inattention given to home health by intermediaries.

Establishing home health intermediaries would recognize that home care is uniquely different from medicare's institutional benefits and make it possible to develop special home health expertise and knowledge within the intermediary system. With the improved guidelines for evaluating service quality and cost efficiency mandated in this bill, the creation of home health intermediaries would improve our ability to detect patterns of program abuse. It would also mean improved service to home health agencies and reduce the difference in interpretation of allowable services and costs which have occurred regularly from agency to agency and from one part of the country to another.

The Medicare Home Health Amendments of 1979 do not provide a complete solution to the many challenges we face in shaping an adequate home care policy for this Nation, but these are important steps which can and should help considerably in improving the existing situation.●

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● Mr. CHURCH. Mr. President, in accordance with the provisions of section 133B of the Legislative Reorganization Act of 1946, as amended, I am submitting the rules of the Committee on Foreign Relations for publication in the RECORD:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 28, 1979)

RULE 1—COMMITTEE AND SUBCOMMITTEE MEETINGS

(a) Regular meeting day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committees staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(c) Quorum requirements.—(1) A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken.

(2) A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(3) For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(d) Proxy voting.—Proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted for the purpose of reporting a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be in writing.

(e) Subcommittees.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

The Chairman of the Committee shall be an ex officio member, without vote, of each subcommittee.

(f) Subcommittee meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

(g) Announcement of meetings.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(h) Assignments to subcommittees.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

(i) Staff attendance at meetings.—A Member may have one member of his personal staff, for whom that Member assumes personal responsibility, accompany and be seated near him at committee meetings. Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

Each member of the Committee may designate members of his personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend executive sessions of the Committee. The Committee, by majority vote, or the Chairman may limit staff attendance at specified meetings.

(j) Reporting requirements.—

(1) When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(3) The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 2—NOMINATIONS

(a) Waiting requirement.—Unless otherwise directed by the Chairman and the ranking minority member, the Committee on Foreign Relations shall not consider any nomination until six days after it has been formally submitted to the Senate.

(b) Public consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential financial statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; and (4), for persons nominated to be ambassador or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years.

RULE 3—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation by witnesses.—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the ranking minority member following their determination that there is good cause for failure to file such a statement.

RULE 4—COMMITTEE TRAVEL

(a) Approval procedure.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking minority member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee. Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and ranking minority member of the full Committee.

(b) Travel by personal staff.—A member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the ranking minority member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(c) Foreign travel by Committee staff.—When the Chairman and the ranking minority member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose. The report referred to in the first paragraph of this section shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee.

(d) Staff travel in U.S.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

RULE 5—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman determines otherwise.

(b) Maintenance and security of classified transcripts:

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of the classified transcripts.

(2) A record shall be maintained of each use of the classified transcripts.

(3) Classified transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C. unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(c) Use of classified transcripts. The following persons are authorized to use classified transcripts:

(1) Members and staff of the Committee in the Committee rooms.

(2) Senators not members of the Committee, by permission of the Chairman, and designated personal representatives of members of the Committee with appropriate security offices, or, in the Committee's Capitol office, with the permission of the Chairman.

(3) Members of the executive departments involved in the meeting, in the department's offices, or, in the Committee's Capital office, by permission of the Chairman.

(d) Declassification of executive transcripts and other executive records:

(1) Any executive transcript or classified Committee report, or portion thereof, may be declassified by the Committee less than 12 years after the date on which such transcript or record was made if—

(A) the Committee by majority vote approves; and

(B) each member of the Committee who participated in any meeting at which such transcript was made, approves of such declassification, except that the Committee may by majority vote declassify such transcript in the absence of such approval.

(2) Any such transcript, classified Committee report, or portion thereof, shall be declassified on a date 12 years thereafter unless the Committee by majority vote disapproves.

RULE 5—REGULATION FOR THE USE OF CLASSIFIED MATERIAL (OTHER THAN TRANSCRIPTS)

Receipt and distribution of classified material.—

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to Room 4229, Dirksen Senate Office Building. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 6—STAFF REGULATIONS

The following provisions shall apply concerning the staff:

(a) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(b) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(c) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

(d) The staff and the committee also have a responsibility under section 136 of the Legislative Reorganization Act which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee." The staff also has a responsibility to the Committee for carrying out the mandate of Senate Rule XXV which provides that, in addition to specific areas of jurisdiction, the Committee ". . . shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time."

In the case of foreign relations, there is an additional responsibility deriving from the advice and consent clause of the Constitution. By the same token there are limitations deriving from the President's special constitutional position in regard to foreign relations.

(e) (1) In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(2) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(f) In carrying out the responsibilities in subsection (f), the staff shall bear in mind the workload of Senators and not deal in trivia but limit itself to broad questions of basic policy or specific matters which point up a question of basic policy.

(g) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(h) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(i) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(1) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(2) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the ranking minority member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(3) The staff shall under no circumstances discuss with anyone the proceedings of the Committee in executive session or conversations with individual Senators without specific advance permission from the Committee or the Senator concerned.

RULE 7—PROVISIONS OF LEGISLATIVE REORGANIZATION ACT AND SENATE RULES

In addition to the foregoing, the Committee on Foreign Relations is governed by the standing rules of the Senate and the rules and procedures set forth in the Legislative Reorganization Act of 1946, as amended.

RULE 8—AMENDMENTS

These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.●

ONSITE ENERGY PRODUCTION

● Mr. DURKIN. Mr. President, so preoccupied have we become with managing the day-to-day crises of the energy problem that we often miss the slower, less glamorous energy events that mean much more as solutions to the energy crisis. The emergence—or reemergence I should say—of onsite energy production and industrial cogeneration promises to reduce our demand for foreign oil. The more than 700 percent increase in the price of oil in the last 10 years has led large users of power—factories, hospitals, schools, apartment complexes—to turn to onsite generation of electric power combined with the use of waste heat for space heating. Congress has taken some interest in this area, and I hope this interest will spread and deepen.

This trend toward onsite generation and cogeneration represents a return to the pattern of energy generation which predominated in America before World War II. As utilities abandon the declining block rates which no longer reflect the higher cost of new energy, large users will find it increasingly economical to turn to onsite energy production: In my own State of New Hampshire the return to onsite energy production has taken the form of renovating the hundreds of small dams which formerly provided many communities with power.

The revival of onsite energy production has made possible, and in turn been made more possible by the use of cogeneration. Cogeneration simply means the use of formely wasted energy for secondary tasks. Cogeneration occurs when waste industrial process steam is used to generate electricity or when waste steam is used for space heating.

Cogeneration has been opposed by many utilities which are accustomed to being the sole producer of electricity in an area. Their opposition is ill-founded, and I hope it will cease.

There are recent developments in New York City which point to the promise and problem of onsite power production. Consolidated Edison now faces competition from a new generation of onsite diesel power generators which provide both electricity and space heat for large building complexes at competitive rates.

Fortune magazine on December 31, 1978, carried an article which describes these recent developments which will soon spread to much of the rest of the country. I ask that this article be printed in the Record, and I commend it to my colleagues.

The complete article follows:

THE LITTLE ENGINE THAT SCARES CON ED

(By Tom Alexander)

Like telephone companies and railroads, electric utilities have traditionally been viewed as natural monopolies—institutions that serve society most efficiently if they are the sole regulated source of the services they provide. But railroads have long since encountered competition from trucks, airlines, and pipelines; telephones now compete against microwave and satellite systems. Recently, one of the nation's biggest manufacturers of diesel engines, Cummins Engine Co., set out to provide some back-door competition for the second-oldest electric utility in the U.S., New York's Consolidated Edison Co.

For over a year now, Cummins Cogeneration Co., a small division of the Columbus, Indiana, manufacturer, has been concentrating on selling co-generation plants in New York City and its environs. These diesel-powered electric generators designed so that the waste heat from both their exhausts and cooling system can be recaptured and used. Equipped with such plants, energy users can cut themselves loose from Con Ed and not only make all their own electricity for less money than the utility charges, but heat and cool their buildings in the bargain. So far, Cummins, has managed to sell the system to only four large customers, but some fifty others are interested and ten have signed contracts for engineering studies.

Cummins might reasonably have expected its enterprise to nettle Con Ed, but it apparently never anticipated that the elephantine utility would react as though its very survival was threatened. Nor did Cummins foresee the confusion and disarray that its marketing effort would stir up in New York City officialdom, which is torn between its desire to reduce the city's outsized energy costs and its fear of seeing Con Ed hurt.

There is nothing new about co-generation. Many different technical methods have been devised, all of them capitalizing on the fact that generating electricity wastes about twice as much energy in the form of heat as can be turned into electricity. This inefficiency has been recognized since the earliest days of electrical generation, and in the early decades of the century scores of local power companies sold steam produced in conjunction with electricity for space heating or for industrial use.

One of the oldest and still one of the world's biggest co-generation companies, in fact, is Con Edison itself, which pipes steam to some 2,324 customers—mostly office buildings and large apartment houses—in central and lower Manhattan. But Con Edison's steam prices have been rising steadily, among other reasons because of increasing taxes, driving away customers at an accelerating rate. So the utility sees a double threat in the little Cummins division's invasion of its market.

NO JOB FOR THE JANITOR

Co-generation acquired additional cachet as an energy-conservation measure when President Carter mentioned it prominently in a 1977 speech promoting his energy plans. Stimulated by government research grants and prospects of double the normal 10 percent investment tax credit, at least a dozen companies besides Cummins, including General Motors, Caterpillar Tractor, and International Harvester, are currently marketing co-generation sets or trying to develop them. Unlike Cummins, most of the other companies have been content merely to make equipment, leaving it to others to install, run, and maintain the whole system.

Cummins tried that arrangement for a while in the Sixties, but after some bad experiences stopped taking orders because so many of its co-generation plants were breaking down while in use. The company concluded that few architects, engineers, and contractors had sufficient experience to design and install a co-generation system, and once put in place, the complex apparatus was often inexpertly operated and maintained. "A company will spend $5,000 on an office copier and routinely sign a maintenance contract with Xerox," says Thomas R. Casten, general manager of Cummins Co-generation. "But they'll spend $250,000 on a total energy plant and let the janitor maintain it."

As Casten tells it, one inexperienced contractor installed a Cummins system in the Virgin Islands, planning to use the by-product heat to desalt seawater. But the contractor laid plastic seawater pipes in a trench alongside hot-water pipes. The plastic melted and split, seawater leaked into the boiler, and the boiler exploded.

CONTRADICTING THE EXPERTS

Casten's interest in co-generation was roused after he was appointed director of corporate strategy for Cummins Engine in 1974. His main job was to figure out what a diesel-engine maker would do twenty-five years in the future when, as many experts were then predicting, the oil that fuels the engines would be running out. After nine months on the job, Casten decided that this underlying assumption was wrong. Oil won't run out in twenty-five years, he concluded, but will merely be harder to get and therefore more expensive; much of it will probably have to come from such unconventional sources as tar sands, shale, or coal, but oil will remain an important source of energy.

Casten proposed that Cummins turn the long-term threat to its livelihood into a new opportunity by becoming the I.B.M. of co-generation. The company, he argued, should not only build equipment that would make optimal use of high-priced oil, but also design, install, and maintain entire co-generation systems.

One of diesel co-generation's big advantages, says Casten, is the steadily improving technology of small, mass-produced, high-speed diesel-power plants that have been developed in recent decades, mainly for such equipment as trucks, cranes, and power shovels. In earlier times, he says, diesel generators for large installations usually employed huge, slow-turning engines originally developed for ships. While longer lived and slightly more efficient than smaller units (the small, fast-running engines must be rebuilt after about 25,000 hours, or three to four years, of use) the large engines cost far more per horsepower of output, and they occupy a lot more space in a building.

But what gives the little diesels their greatest appeal is a striking reversal in the economics of electric-power generation. Until the late Sixties, big central plants provided more kilowatts per dollar invested. Not anymore. Today, co-generation units cost between $300 and $600 per kilowatt of output—a half or even a third what it costs to build new central electric-power stations and their associated transmission and distribution networks. A variety of factors have made the big plants much more expensive—mandatory safety and environmental requirements, regulatory delays, low production volumes, costly onsite fabrication, and high interest rates during construction. And largely because of the OPEC inflation of oil prices, operating costs of the big plants are higher than those of plants that also utilize wasted heat.

AN OBVIOUS BATTLEGROUND

"It took me three years to convince our management that it was not really a paradox to burn oil to save oil," says Casten. Having sold his idea, Casten picked New York City as the obvious first battleground in his campaign. Con Ed's customers pay about twice as much for their electricity as the average consumer elsewhere, and half again as much as those in the next highest-priced large city, Boston. Part of that high price may be a result of Con Ed's notorious managerial shortcomings, which New Yorkers love to belabor. To be fair, however, Con Ed does have some singular problems. Because of air-pollution restrictions, Con Ed's power plants must burn costly low-sulfur boiler fuel. Threaded through Manhattan's obdurate granite, Con Ed also has the world's most extensive—and expensive—tangle of underground cables and steam pipes, many of them timeworn. And the differential between the daytime peak and the nighttime slack in demand for power is greater than the average utility has to cope with. New York has comparatively few two and three-shift industries, and it has a large commuter population that leaves at night while the apartment dwellers who remain consume less electricity than the national average.

Worst of all, Con Ed has long been regarded by the city's fathers as the local equivalent of cartoonist Al Capp's lovable, kickable Shmoo: an almost inexhaustible source of goodies. The company is forced to collect some 7.5 percent of the city's tax revenues in the guise of utility bills. More than 27 percent of the average Con Ed customer's bill consists of federal, state, and local taxes. Per kilowatt-hour sold, those taxes run from two to twelve times the burden borne by utility customers in other major cities.

A SIX-YEAR PAYOFF

By now, the city has come to recognize that towering utility bills play a significant role in driving manufacturing and other businesses out of New York City; the exodus has cost the city 610,000 jobs since 1969, a loss that now deprives the city of some $200 million a year in tax revenues. Right across the Hudson River, New Jersey has been wooing companies with promises of utility bills half as high as Con Ed's. In response, the city's Office of Economic Development has been actively promoting co-generation as one answer to New York's forbidding energy costs.

Toward that end, the development office has secured a $3-million federal Housing and Urban Development grant, which it in turn plans to lend at low interest to help energy-intensive electroplating and plastics companies to install co-generation. The city is arranging loans covering 45 percent of the cost of five installations. Cummins Cogeneration and H.O. Penn Machinery Co., a co-generation equipment distributor, have lined up loans for another 45 percent of the cost; the buyers will put up the final 10 percent.

Cummins has also sold plants to Saw Mill River Tennis Courts in Westchester County, a Cummins Engine distributor in the Bronx, and Seal-Kap Packaging Co. in Queens. But it was a deal that Cummins made in the heart of Manhattan that stirred Con Ed into action.

In late June, the Tishman Speyer Silverstein Partnership, renovating a thirty-story office building at 11 West Forty-second Street, made plans to stop using Con Ed's power lines and steam and supply all the building's needs with a 5,600-kilowatt Cummins system at a cost estimated at about $2.5 million. Such an installation should save enough money to pay for itself (before taxes) in less than six years.

Con Ed officials were aghast. If a substantial number of its other customers followed the Tishman example, the utility envisaged the possibility of losing an eighth or more of its power market and as much as a third of its steam market.

The utility immediately asked for a hearing before the mayor's Energy Policy Advisory Group, a blue-ribbon citizens' panel New York's Mayor Edward Koch had set up to help reconcile the energy, environmental, and economic needs of the city. Appearing before the group in early October, Bertram Schwartz, a Con Ed senior vice president, urged the city to impose a moratorium on all new co-generation facilities, at least until the city had assessed all the implications.

THE BACKLASH OF A SALES DECLINE

Among other things, Schwartz argued that Cummins's machines would deepen the nation's dependence upon imported oil and increase air pollution in Manhattan, where it is already the worst in the region. Schwartz contended that instead of stemming the job exodus from the city, co-generation might increase it. For any decline in electric sales would force Con Ed to redistribute the burden of its fixed costs—roughly two-thirds of its total costs—among the rest of its customers.

Schwartz also warned that private co-generation would deprive the city of some of those hefty tax revenues from Con Ed. In fact, he asserted, if it weren't for avoiding the taxes included in Con Ed's rates, co-generation would have little appeal for most of its customers.

All this is disputed by Casten of Cummins, who contends: "Con Ed's rates are so high that co-generation would still benefit many users even if Con Ed paid *no* taxes or got all its fuel for nothing." That may sound like braggadocio, but the savings that Cummins predicts for several co-generation projects (see table, facing page) do exceed the fraction of the utility bill that consists of taxes.

As for the effects on New York City's tax revenues, Casten argues that the savings from co-generation would mean higher profits to be taxed, greater willingness of industries to stay in the city, and therefore more taxes over the long run. And as for oil consumption, Casten points out that Con Ed itself generates more than two-thirds of its electricity from oil, while diesel co-generation provides a less wasteful way of using oil. Schwart acknowledges that this may be true in the short run, but he notes that the utility hopes eventually to replace its oil-burning plants with coal or nuclear facilities.

AN ENVIRONMENTAL PUZZLE

It seems clear that the most critical unknown affecting co-generation's future in New York City is its environmental impact. At the moment, New York's air complies with federally mandated air-quality standards for all regulated pollutants except particulates. While conceding that diesels would emit less sulfur dioxide per kilowatt-hour of electricity than its own oil-fired plants, Con Ed cites figures from the federal Environmental Protection Agency showing that diesels emit ten times more oxides of nitrogen, six times more particulates, and twenty times more carbon monoxide.

In addition, Con Ed points out, the tall smokestacks on its plants project hot plumes of pollutants high into the atmosphere, where they are diluted and carried out of the city before falling to earth. In contrast, private co-generators would emit cooler, heavy plumes of pollution just above building-top levels. The downdrafts that swirl among Manhattan's massed skyscrapers would probably carry the fumes down into the city's canyons.

Casten disputes Con Ed's use of the EPA data, which appear to have been derived from tests on diesel engines that undergo repeated acceleration and varying loads. He says that Cummins's own measurements show that the constant-running engines used in co-generation produce less emissions than Con Ed's oil-fired plants for all pollutants except oxides of nitrogen. He also argues that regulators ought to (but don't) take account of the fact that co-generation uses a good deal less fuel to provide the same amount of useful energy.

In truth, nobody really seems to know *what* co-generation on a large scale would do to air quality, least of all the city itself. Last July, when Tishman and Seal-Kap applied to New York's Department of Environmental Protection for permits, the pollution bureaucracy did what bureaucracies generally do in controversial circumstances—they delayed taking action. All parties concerned had their eyes on November 1, when new state environmental-quality regulations were to take effect, requiring discouragingly elaborate environmental-impact analyses for all large projects. Some presumed that these regulations could delay the permit process for months or years until the air-pollution issue was finally resolved.

FIVE MINUTES BEFORE THE DEADLINE

After four months of waiting for their permits, Tishman and Seal-Kap threatened to go to court and get a writ of mandamus ordering the city to issue the permits. The permits were finally issued five minutes before the close of business on the day before the new rules took effect.

Both Judith Friedlaender, an assistant to the mayor who handles environmental affairs, and Peter J. Solomon, deputy mayor for economic policy and development, acknowledge that the delay in issuing the permits reflected the city's quandry over co-generation: the worry over environmental effects and fear of losing taxes and damaging Con Ed on one hand, versus their pet notion of exploiting co-generation to help businesses cope with higher energy costs on the other. They call the city's decision to issue the two permits an experiment in environmental and social policymaking.

A NUDGE FOR EFFICIENCY

The cautious go-ahead for co-generation also amounts to an experiment to determine what effect a whiff of competition might have on both regulated monopolies and the government agencies that regulate them. Because decisions by public rate-setting bodies have so much impact on a utility's profits, the average utility manager's job depends more upon whether he allows the lights to go out than whether he allows costs to go up. The rate-setting commissions, in turn, normally give a lot of weight to the concept of allowing utilities a reasonable return on their capital investment. The result is a system that promotes increasing capital outlays.

The presence of private co-generation in a utility's marketing area ought to serve both as a yardstick and as a lever to induce utilities to strive for maximum operating efficiency. The prospect of competition already has affected Con Ed's behavior. Shortly after the co-generation loans to electroplaters and plastics molders were proposed, the utility offered to reduce the rates that it charges small manufacturers facing economic difficulties—without raising rates for other customers.

Even though they compete, co-generation and central-station utilities actually play complementary roles. It should be possible to exploit this situation not only to the benefit of both but to the benefit of society as a whole. The greatest economic burden that utilities—and their customers—face is expanding capacity to meet rising demand, while maintaining an adequate standby reserve. In the topsy-turvy utility economics of the Seventies, every new customer and every increase in peak demand adds to the costs every other customer must pay.

A DOUBLE DOSE OF IDLE CAPACITY

At the same time, every co-generation installation in the New York area has large amounts of excess generating capacity that stand idle most of the time because each plant must have backup equipment for use in case of a breakdown. Logically, Con Ed would provide power in such emergencies, but it charges such high rates that most cogenerators in the New York area find it cheaper to cut themselves off entirely from the utilitiy's lines.

The compliant New York State Public Service Commission lets Con Ed charge a backup rate that amounts to about 85 percent of what a customer would pay if he had no co-generating plant, and he must pay it even if he uses no electricity or steam at all in a given month. The rate is based on the full cost to Con Ed of maintaining the generating and transmitting capacity that would be required to serve all the customer's needs.

The rate arguably bears little relationship to Con Ed's actual costs. For one thing, most co-generation systems have several generating units, not all of which are likely to fail simultaneously. More important, in an area with many co-generators, no more than a small fraction of the total capacity is likely to be out of action at any one time. Rather than pay Con Ed's lofty backup rates, most co-generators in the New York area install their own standby generators, even though in some cases they may have to invest more than twice as much as they would if they had a utility backup.

There is no good reason why the two systems—public utilities and private co-generators—cannot share capacity to their mutual benefit. An electric wire can carry power as readily in one direction as in another. So in principle co-generators and utilities should be able to function interchangeably as buyers and sellers of power. In midwinter and midsummer, for example, a co-generation system that heats or cools a building will produce more electricity than the building can use. That surplus power could be sold to electric utilities straining to meet seasonal peak loads. If utilities bought power from co-generators, they could defer investment in some expensive new plants.

To be sure, these arrangements face a number of technical and economic obstacles. For one thing, any power entering a utility grid has to be precisely in phase with the 60-cycle alternating current that all systems use. But comparatively inexpensive technology can surmount this problem, as witness the fact that practically all U.S. and Canadian utility power plants are now interconnected in a grid in which power flows back and forth as demand fluctuates from one region to another.

TIME TO RESHAPE RATES

The main economic barrier is that a utility's daily demand peaks tend to coincide with those of most co-generators. To overcome that problem, the rates utilities charge for power could be reshaped to induce all consumers to flatten or shift their peak demands. Rates that utilities pay co-generators for power could be designed to induce them to operate their standby equipment at times when it is needed.

Many sections of the country already have some form of peak-load pricing, in which rates rise more or less in step with demand. California has ordered utilities to offer co-generators "equitable" standby rates, reflecting the fact that not all co-generation systems are likely to require backup power at the same time. Some utilities in Georgia and Texas are even promoting co-generation by their customers as a way to share their peak-load burden.

The spread of co-generation seems likely to be reinforced by economics as well. It is doubtful that the arrangement will make much sense in the foreseeable future for most one-family houses. The capital cost of the equipment is too large for small consumers to reap much, if any, saving. But the cost-benefit scale tips the other way for large users of power. For one thing, the bigger the co-generation installation, the less backup gear per kilowatt is needed as insurance against breakdowns. Moreover, as electrical demand grows, utility companies will increasingly meet it with power generated at high-cost new plants. Cummins expects electric utility rates to rise by about 9 to 11 percent annually throughout the U.S. for some years to come. With that in mind, Cummins' Casten cheerfully predicts: "In time, we'll be competitive across the country."

SHARING THE BENEFITS

In the interest of both economic efficiency and fairness, taxes, subsidies, and environmental regulations surely should favor neither one mode nor the other. But everyone should be able to benefit from co-operation between public and private generators. Private systems could be built smaller and cheaper, yet enjoy greater reliability; public utilities could defer costly outlays necessary to meet peak loads for the whole nation, that should mean cheaper power, reduced fuel consumption, less pollution, lower oil imports, less capital invested in idle equipment.

Co-generation has opened up an opportunity for the kind of creative experimentation that is facilitated by our federal system, with its three tiers of government. Right now, when a great many electric utilities still have the luxury of some surplus generating capacity, is a good time for the experimentation to begin.

RULES OF THE SPECIAL COMMITTEE ON AGING

● Mr. CHILES. Mr. President, in accordance with the requirement to publish the rules of each Senate Committee in the CONGRESSIONAL RECORD not later than March 1 of each year, I submit for the RECORD the rules of the Special Committee on Aging.

RULES OF THE U.S. SENATE SPECIAL COMMITTEE ON AGING

(As originally adopted June 12, 1963, as amended February 28, 1973, and as amended further February 28 and March 11, 1977)

Rule 1. Convening of meetings. The Committee shall meet at the call of the Chairman, to the extent practicable, at least four times a year to (1) plan future activities, (2) evaluate progress on projects already under way, and (3) discuss use of Committee funds. Special meetings may be called by a majority of Committee (or any subcommittee designated by the Committee)[1] members upon written notice to the Clerk of the Committee. The Clerk shall, to the extent practicable, give at least 24 hours notice to every member of the meeting, time, and place.

Rule 2. Presiding officer. The Chairman of the Committee (or any subcommittee designated by the Committee)[1] or, if the Chairman is not present, the ranking Majority member present shall preside at all meetings.

Rule 3. Quorum. A majority of the Committee (or any subcommittee designated by the Committee) [1] shall constitute a quorum sufficient for the conduct of business at executive sessions. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

Rule 4. Subcommittees. Subcommittees may be established and their size determined by vote of a majority of all members of the Committee. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio members of all subcommittees. Party membership of each subcommittee shall be proportionate to Party membship on the full Committee. Each subcommittee is subject to these rules and any limitations imposed by the full Committee and is authorized a) to hold and report hearings; b) to conduct business within its jurisdiction; and c) to require by subpoena or otherwise the attendance of witnesses and the production of documentary evidence.

Rule 5. Agenda and voting at meetings. The business to be considered at any meeting of the Committee (or any subcommittee designated by the Committee) [1] shall be determined by its Chairman and any other measure, motion, or matter substantive or procedural within the jurisdiction of the Committee (or by any subcommittee designated by the Committee) [1] shall be considered at such meeting and in such order as a majority of the members of such Committee indicate by their votes or by presentation of written notice filed with the Clerk. Voting by proxy shall be permitted in the full Committee (or any subcommittees designated by the Committee).[1]

Rule 6. Right to counsel. Any witness subpoenaed to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

Rule 7. Amendment of rules. The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 8. Reports. Committee (or any subcommittee designated by the Committee)[1] reports offering Committee (or any subcommittee designated by the Committee)[1] findings and recommendations shall be printed only with the prior approval of a majority of the full Committee (or any subcommittee designated by the Committee).[1] The printing, as Committee (or any subcommittee designated by the Committee[1] documents, of materials prepared by staff for informational purposes of the printing of materials not originating with the Committee (or any subcommittee designated by the Committee)[1] or staff shall require consultation with Minority staff; these publications shall have the following language on the cover of the document: "Note: This document has been printed for information purposes. It does not offer findings or recommendations by this Committee" (or any subcommittee designated by the Committee).[1]

Wherever feasible, staff reports shall be coordinated and produced in cooperation with other appropriate Congressional units.●

RULES OF PROCEDURE OF COMMITTEE ON ARMED SERVICES

● Mr. STENNIS. Mr. President, in compliance with section 133(B) of the Legislative Reorganization Act of 1946, as amended, I submit herewith the Rules of Procedure of the Committee on Armed Services, to be printed in today's RECORD.

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with section 133(a) of the Legislative Reorganization Act of 1946, as amended by section 102(a) of the Legislative Reorganization Act of 1970.

4. *Open Meetings.* All meetings of the committee shall be open to the public except executive sessions for marking up bills or for voting or unless the committee by majority vote provides otherwise.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, six members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting.

9. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearing at an earlier time.

(b) Hearings may be initiated only by the specific authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Each hearing held by the committee shall be open to the public except when the committee determines that the testimony to be taken at such hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or regulations.

(e) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least one day prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Each subcommittee of the committee shall (1) fix the number of members that shall constitute a quorum of such subcommittee for the purpose of taking sworn testimony, (2) determine the circumstances under which subpoenas may be issued, and (3) the member or members over whose signature subpoenas may be issued.

10. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least 7 days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

11. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to section 2662 of title 10, United States Code, and with a copy of the proposals of the Director of the Office of Emergency Preparedness, submitted pursuant to section 43 of the act of August 10, 1956 (50 U.S.C. app. 2285), regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within 30 days from the date of submission.

12. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each such revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.●

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[1] Committee members on March 11, 1977, decided to conduct business and hearings as a Committee as a whole, without subcommittees. However, the option to establish temporary subcommittees at any time for special purposes remains.

RULES OF THE COMMITTEE ON APPROPRIATIONS

● Mr. MAGNUSON. Mr. President, on behalf of the Committee on Appropriations and in compliance with the requirements of title 2 U.S.C. 190-a(2), I ask that a copy of the rules of our committee for the 96th Congress be printed in the RECORD.

RULES OF THE COMMITTEE ON APPROPRIATIONS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

VII. POINTS OF ORDER

Any member of the Committee who has in charge an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.●

LONG-TERM SOURCES FOR U.S. OIL

● Mr. KENNEDY. Mr. President, the shutdown of oil production in Iran awakens attention to both short- and long-term solutions to a tight oil market. Dr. Lawrence Goldmuntz of Carnegie Mellon University and a former Deputy Assistant Secretary of Interior has brought back into focus ideas which have been the subject of Joint Economic Committee hearings and which I have advocated during the past 3 years which deserve reexamination.

In a paper prepared for presentation at a February 25 conference sponsored by the American Professors for Peace in the Middle East and four Washington area universities, Dr. Goldmuntz suggests that a long-term oil crisis can be avoided by:

First. Significantly increasing United States and world development in oil exploration and development in non-OPEC countries;

Second. Increasing development of heavy oils and oil in tar sands such as is found in Utah, California, Canada and—in huge quantities—in Venezuela;

Third. Increasing U.S. purchases of oil from Western Hemisphere sources through the use of long-term Federal Government purchase agreements, and

Fourth. Creation of Federal authority to purchase oil from OPEC and reselling it in the U.S. market through traditional channels;

Dr. Goldmuntz lays particular stress in the value that a long-term contract would have to a country struggling to produce oil for the first time. Such a contract would, itself, serve as a basis for financing new or upgrading old facilities within the private market, without cost to the U.S. taxpayers.

In addition Dr. Goldmuntz also discusses the need to greatly increase investment guarantees for drilling and development companies operating in areas where political stability and security of contract cannot be guaranteed, doing so through the Overseas Private Investment Corporation. The objective is an important one and OPIC is now making modest steps in this direction. Substantial increases in the use of this authority should be considered.

Mr. President, I ask that Dr. Goldmuntz's remarks be printed in the RECORD.

The remarks follow:

ENERGY: IMPLICATIONS FOR PUBLIC POLICY

(By Dr. Lawrence Goldmuntz)

U.S. energy policy for a considerable period has been based in part on false premises that have contributed to unfortunate consequences. One false notion is that the world is running out of oil and that most of the world's oil is in the Middle East.

An unfortunate consequence of this premise is that the free world is now more dependent on oil production in Mideast countries than necessary. These countries have such a high per capita income that they quite reasonably do not wish to increase production. Because of this concentration of developed resources, these countries can obtain their needed revenues simply by increasing prices without increasing production. Furthermore increasing production would make them more delectable morsels for their hungry neighbors. And finally, wealthy Mideast countries have difficulties containing OPEC price increases, even assuming this is their objective, since they are militarily weak as compared to their more populous and less wealthy neighbors who want higher prices. Yet if it is possible to discern a U.S. international oil policy, it is to urge increased production from the very countries that have no incentive to do so. Furthermore, poorer countries that have oil resources—such as Mexico, Venezuela, Argentina, Nigeria Sudan, Vietnam, China, for example—have not developed their resources to the absorption capability of their economies. All of their resources can be produced profitably at present prices, which may not have been the case only ten years ago.

The usual analysis of world oil resources deals only with the proven and probable reserves of conventional oil. A proven reserve is a field that has been defined and drilled with the needed development wells and is producing and has a predictable lifetime. A probable reserve is a field that is adjacent to a proven field and has had sufficient geophysical surveys accomplished and exploratory wells drilled so that its eventual production capability is predictable. Proven or probable reserves are a conservative but not the only meaningful statistic in support of long-range energy policy.

A more thoughtful analysis includes identified potential reserves of conventional oil as well as identified heavy oil resources that can be produced economically at present prices. A potential reserve is a field where geophysical work has indicated structures that have been productive in the past. Heavy oil, not generally counted in recoverable oil reserves, is a viscous tar-like hydrocarbon frequently loaded with sulphur, vanadium and nickel. There are huge deposits (3 trillion barrels in-place) along the Orinoco River in Venezuela, 165 billion barrels in-place near Cold Lake in Alberta and at least 200 billion barrels in-situ near Lake Athabasca. Only 15–20% of this in-place resource can be recovered by using the lowest cost process. This is steam injection to lower the viscosity of the heavy oil so it can flow to the surface. Furthermore, the heavy oil must be processed to remove the impurities and lower the viscosity.

These huge heavy oil resources can now be produced economically at the world price for petroleum. For example, Imperial Oil—a subsidiary of EXXON—has proposed to Alberta, a five billion dollar heavy oil extraction and upgrading facility that would produce 1.3 billion barrels of a high-grade low-sulphur crude over the 25 year lifetime of this project at an internal rate of return of more than 15%. Only a small portion of the total heavy oil resource near Cold Lake would be exploited in this project. Similar techniques are applicable to the enormous Venezuelan resources of heavy oil along the Orinoco.

EXXON has designed a process to upgrade that heavy crude at a cost of approximately five dollars per barrel. The steam injection and gathering costs in the Orinoco are approximately three to five dollars per barrel. This leads to a production cost of eight-to-ten dollars per barrel for a product that sells for $13–14 on the world market. One might ask if the production costs of a high quality crude are only $8–10 per barrel and the market price is $13–14 per barrel, why isn't it being produced? Oil companies are afraid to make the $500 million investment necessary for the 100,000 barrel per day upgrading facility in a nation which may expropriate their installations. Furthermore Venezuela has decided that rather than invest the $500 million in a heavy crude upgrading facility, they would prefer to invest in exploration for higher quality, lighter crudes along the northeast shore of Venezuela and in the Orinoco delta.

Whether an oil reserve is proven or potential is as much a result of politics as it is of geology. Consider Mexico—if the oil companies and Mexico had managed to get along and the expropriation of 1938 and subsequent stagnation until 1972 had not occurred—a large portion of Mexico's potential reserves of 200 billion barrels would be proven and producing today, perhaps at the level of Saudi Arabia—and Mexico's per capita income would now be much greater than its current level of $1,300 which can be compared to Kuwait's per capita income of $13,000.

The geographic locations of identified potential reserves are also determined not only by nature's endowment but by the economic and political relationship that private oil companies have been able to develop with host countries. Unless someone is willing to pay for exploration, no matter how great the potential, it does not become an identified reserve nor can it be developed to a proven and probable status. Therefore the published proven and probable reserves of a geographic area represent both geology and the oil industries' estimate of the security of its investment and the potential profitability of exploring, developing and exporting the producing countries' resource. For the last four decades it has not been profitable, even possible, for oil companies to operate in Mexico. Furthermore, it has taken a long time before the national oil company, Petroleos Mexicanos (PEMEX), had the finances, skill and political independence to develop the Mexican resource. Therefore it should not be a surprise that these resources remained undiscovered and unexploited for the greater part of the last four decades.

If one omits potential resources and heavy oil and considers only proven and probable reserves, then the world has enough oil to last thirty years and the U.S., Canada and Latin America have somewhat less than one half of the resources of the Middle East. However, if one adds the identified potential resources of conventional oil and the identified resources of heavy oil recoverable at current prices to the proven and probable reserves, then one finds that the world has enough oil to last one century at current consumption levels and that the U.S., Canada and Latin America have double the resource of the Middle East. A century's worth of oil—that is not exactly a resource crisis. The future lies with heavy oil and with potential, as well as proven and probable reserves of conventional oil. U.S. policy can impact this future.

Furthermore, while one cannot be certain of potential reserves, they are more likely to be underestimated than overestimated because of uneven exploration around the globe. For example, in the U.S. there are 1.2 wells per square mile of potentially oil bearing basin, while in Latin America, Africa and Asia there are only 0.01 wells per square mile of basin. Using these and other statistics, Dr. Bernardo Grossling of the U.S. Geological Survey suggests that we may be blessed with as much as six trillion barrels of conventional oil as compared to the usual estimate of only two trillion barrels.

Thus oil availability is not yet a resource problem, it is, however, a political problem. Would further U.S. involvement in the international oil market exacerbate or ameliorate the poor distribution and anti-competitive aspects of the present international oil market? Can international and bilateral policies be devised that address the mutual concerns of the oil-rich and the oil importing nations? What should the U.S. do? While oil companies might like to have a more competitive international oil market and a greater diversity of resources they do not have that responsibility or perhaps the ability to develop oil reserves in those countries that serve the strategic or social interests of the U.S. They are certainly not insensitive to this requirement, but it may be impossible for them—as in the case of Mexico—or imprudent for them—as in the case of Argentina or Namibia.

One suggestion is that an instrumentality of the United States Government, perhaps the Secretary of the Department of Energy, should be authorized to negotiate long-term petroleum supply contracts with certain oil-rich or potentially oil-rich countries so as to:

1. Improve the security of U.S. supply, especially during military crises.
2. Improve the North-South economic dialogue by trading with the poorer nations among oil-rich or potentially oil-rich exporting countries.
3. Moderate international oil pricing.

The military cannot assure delivery to U.S. ports during even limited conflict scenarios of eight million barrels per day from the Persian Gulf, Africa or Indonesia. Oil pipelines to Mexico, as well as less exposed tanker routes to Latin America and Venezuela, should be major U.S. security objectives.

Moreover, recent events in Iran demonstrate that it is essential to diversify our sources of supply even if it were possible to assure oil deliveries during emergencies from current sources. The major oil companies have contract obligations to sell minimum quantities of oil—lifting agreements—with the countries that have granted them concessions. They might have difficulty unilaterally diversifying their resource base substantially without a Federal requirement toward this objective. Also the major oil companies do have substantial sunk costs in their current sources of supply. While these must be respected to minimize unfair economic burdens, they are impediments to attempts to diversify sources of U.S. imports. Therefore, Federal import preferences or allocations are probably necessary to further diversify our sources of supply as rapidly as possible.

Obviously a policy of purchasing oil from those countries that need income would be socially desirable. It would even satisfy those countries that are the core of OPEC—Saudi Arabia, Kuwait, the Arab Emirates—who insist they do no wish to increase production. The North-South economic dialogue could be improved by appropriate allocations of the U.S. market to poorer countries.

While it is not possible to predict international oil prices with precision, it is certainly to the economic benefit of the free world to accelerate the development of additional resources. The greater the potential production of oil, the more chance there is to moderate international oil pricing. U.S. purchase orders should be used to accelerate the development of potential resources.

The Secretary of the Department of Energy should be entitled to allocate U.S. imports of petroleum in the national interest. His authority should extend up to some limit of total present and projected U.S. imports—perhaps 25%—and up to some limit in time—perhaps 20 years and at prices that reflect, hopefully, some concession with respect to world prices at U.S. ports based on the length of the contract, the proximity of the country to the U.S., and the relative economic status of the nation involved.

The Secretary of the Department of Energy should have the authority not only to enter into these long-term contracts with appropriate suppliers, he should have the authority to "lay-off" his purchases on those companies that import oil. His leverage in this regard could derive from an authority that enables him to require oil importers to accept a pro-rata portion of his long-term purchases for their own imports before they could be allowed to import from other sources.

An advantage of such long-term Federal purchase agreements with an exporting country is that they are fungible instruments. A nation can finance oil field developments, upgrading facilities and pipelines with the commercial international banking community using the long-term purchase order of the U.S. government as the basis for loans. Thus it is not necessary for the U.S. government to advance funds to underdeveloped countries for them to exploit their resources, the existence of long-term U.S. purchase orders should facilitate international loans to those countries with potential oil resources. This arrangement has the advantage of broadening the credit or investment in an underdeveloped country from a single company or country to the international banking community. A violation of the agreement becomes a more serious matter to the offender.

Another U.S. policy option to diversify sources of oil imports would be to clearly divorce oil development in a country from political recognition of that country. American companies have not been permitted by the U.S. to return to their off-shore locations in Vietnam. The French, German and Italian governments have permitted their companies to operate. Oil is where nature put it—and it is sometimes controlled by unpleasant fellows. The U.S. has not recognized Angola, yet U.S. companies are producing their oil. A perfectly reasonable objective of an integrated coherent U.S. international oil policy is to have U.S. firms operating in Vietnamese waters, no matter whether we have formal displomatic relations with them.

One further policy option which would encourage exploration and development in politically risky areas is the provision of risk insurance for the oil industry. The Overseas Private Investment Corporation (OPIC) has instituted such a program, only within the last two years. Under this program they will not insure investments in OPEC countries. Also on an overall basis, they are restricted from operating in countries that are judged to violate human rights. Therefore they would not underwrite any risk in Argentina. Unfortunately Argentina is estimated to have substantial potential resources, particularly offshore. In the framework of a rational U.S. international oil policy, are the human rights records of China, Libya or Iraq, for example, so different from that of Argentina, that we can rationally refuse to underwrite risks in Argentina while accepting all the Chinese, Libyan and Iraqi oil we can obtain?

So far OPIC has underwritten one project in Ghana and one in Jordan. The risk insurance in Jordan is evidently based on the fact that Jordan is not a member of OPEC. Is it conceivable that Jordan would not be influenced by OPEC's pricing policies? Is this the area of the world where additional oil production serves U.S. strategic interests?

Neither the human rights nor the OPEC restriction on OPIC operations seems to make much sense. Argentina is excluded evidently by the human rights restriction. Venezuela would be excluded by the OPEC restriction. But bringing on the production of Venezuelan heavy oil should be a prime objective of a coherent U.S. international oil policy, and this may require the kind of insurance that OPIC can provide.

These policy options are not inconsistent with the program of the World Bank to aid underdeveloped countries to explore for oil resources. In each of these options, it is important that Federal roles and expenditures not be used to displace roles and risks that the private sector will assume. It is also important that the Federal role be exercised to promote a better geographical distribution of U.S. imports, an improved North-South dialogue and a more complete exploitation of the world's prospective oil horizons.

A U.S. international oil policy that provides some Federal stimulus and exerts some Federal control over the source of imports to the U.S. could in time correct some unfortunate consequences of present U.S. energy policy. The responsibility for such a policy should be focused and managed and evaluated by objective. That objective should be to receive at least 50 percent of our oil imports in five years from those countries that serve uniquely our strategic, economic and social interests.●

PROPOSED ARMS SALES

• Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I submit for the RECORD the notifications I have received.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 1, 1979.
Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 79–4 concerning the Department of the Army's proposed Letter of Offer to Greece for defense articles and services estimated to cost $145.5 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620c(d) of the Foreign Assistance Act of 1961, that this action is consistent with Section 620c(b) of that statute.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA.

[Transmittal No. 79–4]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Greece.

(ii) Total estimated value: Major Defense Equipment* $139.9 million; other, $5.6 million; total, $145.5 million.

(iii) Description of Articles or Services Offered: Six hundred (600) conversion kits to convert the M48 tank to the M48A3 model plus concurrent spare parts and search lights.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 1, 1979.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 30, 1979.
Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 79–6 concerning the Department of the Navy's proposed Letter of Offer to the Netherlands for defense articles and services estimated to cost $16.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA.

[Transmittal No. 79–6]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: The Netherlands.

(ii) Total Estimated Value: Major Defense Equipment* $8.9 million other, $7.1 million; total, $16.0 million.

(iii) Description of Articles or Services Offered: Twelve (12) MK–48 Torpedoes and spare parts.

(iv) Military Department: Navy.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: January 30, 1979.

UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE, AND TECHNOLOGY,
Washington, D.C., January 11, 1979.

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended, and the authority vested in me by section 6(b)(1) of Department of State Delegation of Authority No. 104, as amended, I hereby certify that the provision of 600 kits to convert the M48 tank to the M48A3 model, plus concurrent spare parts and search lights, to the Government of Greece is consistent with the principles contained in Section 620C(b) of the Foreign Assistance Act of 1961, as amended.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

LUCY WILSON BENSON.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 14, 1979.
Hon. FRANK CHURCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 79–8 concerning the Department of the Army's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $28.6 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

[Transmittal No. 79–8]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: The Federal Republic of Germany.

(ii) Total Estimated Value: Major Defense Equipment* $25.4 million; other $3.2 million; total, $28.6 million.

(iii) Description of Articles or Services Offered:

One hundred thousand (100,000) rounds of 90mm tank gun ammunition.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 15, 1979.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. President, Section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that Act in excess of $25 million, or in the case of major defense equipment as defined in the Act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the Chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the Committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that four such notifications were received on February 5 and 13, 1979.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, Room S–116 in the Capitol.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 5, 1979.
Dr. HANS BINNENDIJK,
Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, United States Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an African country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 5, 1979.
Dr. HANS BINNENDIJK,
Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 13, 1979.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country estimated to cost in excess of $25 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

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*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 13, 1979.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country tentatively estimated to cost in excess of $25 million.

Sincerely,

WALTER B. LIGON,
Acting Director.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 26, 1979.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 26, 1979.
Dr. HANS BINNENDIJK,
Committee on Foreign Relations,
Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERNEST GRAVES.●

LITHUANIAN INDEPENDENCE DAY

Mr. BAYH. Mr. President, on February 16, the Lithuanian community in this country and around the world paused to commemorate the 61st anniversary of the Declaration of Independence of Lithuania. It is most appropriate that we in the United States take note of this anniversary, and reflect for a moment on the importance of the continuing efforts to achieve self-determination among the people of Lithuania.

I am sure that each Member of the Senate who has reviewed, as I have, the report issued by the Lithuanian-American community on "The Violations of Human Rights in Soviet Occupied Lithuania, A Report for 1977" is extremely conscious of the need to continue to call to public attention the attitude of the Soviet Government. With the signing of the Helsinki accords in 1975, new hope was born that the demonstrated disregard for fundamental human rights by the Soviet Government would not be repeated. Regrettably, the promise of the Helsinki accords has not been fulfilled, and the continuing pattern of human rights violations by the Soviet Union is a matter of deep concern to all freedom-loving men and women. The lessons of the past have taught us that we can never afford to take human rights for granted; the efforts of the Lithuanian people reemphasize that where the hope for freedom lives, the struggle, even in the face of overwhelming opposition, will go on. As we recall the plight of modern Lithuanian prisoners of conscience Viktoras Petkus, Balys Gajauskas, Algirdas Zypre and others, and salute those people of the Baltic States who have given so much over the years to maintain their national identities and cultures, we again affirm the commitment of the United States to support the cause of international human rights.

At this time, I would like to call the Senate's attention to the text of a resolution adopted by members of the Lithuanian American Council of Lake County, Ind., in observation of Lithuanian Independence Day.

I ask unanimous consent that a copy of the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

That February 16, 1979, marks the 61st anniversary of the restoration of independence to the more than 700-year-old Lithuanian State;

That the Soviets are intensifying their action in Iran and the Middle East. They are aiming, with the aid of Cuban troops and unlimited supply of modern weapons, to subjugate the new nations in Africa. Moscow is expanding its colonial empire. What happens when a country becomes a Soviet colony could be judged from the oppression of Lithuania, which became one of the first colonies of Soviet imperialism. Disregarding the Soviet obligation in the peace treaty of 1920 to respect Lithuanian independence and breaking the non-aggression pact of 1926, the Soviet Union occupied Lithuania on June 15, 1940. Moscow began its rule of terror, russification, oppression, and exploitation.

That the Congress of the United States of America after a thorough investigation declared that the occupation of Lithuania was carried out by force and fraud and the United States does not recognize the incorporation of Lithuania into the Soviet empire.

That the Lithuanian American citizens are grateful to the United States for this support and consolidating their efforts to regain independence for the land of their forefathers, under the guidance of the Lithuanian American Council, Inc., and other patriotic organizations, this month will be commemorating the declaration of Independence of Lithuania which took place on February 16, 1918. Lithuanian Americans are striving to arouse public opinion against Soviet tyranny and oppression in the land of their fathers.

Now, therefore, be it resolved

That we are grateful to President Carter for his struggle for human rights, which should also include the rights of nations to live free and independent lives;

That at the Madrid Conference of 1980 the signatories of the Helsinki agreements would condemn the colonial regime in the Baltic States, supporting the aims of these nations for freedom and independence;

That in expressing our gratitude to the United States administration and the Congress for their firm position of the non-recognition of the Soviet occupation and annexation of Lithuania, we request them to use every opportunity in international forums and in direct negotiations with the Soviet Union to strongly support the Lithuanian aims for independence.

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BAYH. Mr. President, section 133B of the Legislative Reorganization Act requires each standing, select, or special committee of the Senate to publish its rules in the CONGRESSIONAL RECORD not later than March 1 of each year. I ask unanimous consent that the Rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON INTELLIGENCE, U.S. SENATE

RULES OF PROCEDURE

Rule 1. Convening of meetings

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of committee business shall be on the first Wednesday of each month, unless otherwise directed by the chairman.

1.2 The chairman shall have authority, upon proper notice, to call such additional meetings of the committee as he may deem necessary and may delegate such authority to any other member of the committee.

1.3 A special meeting of the committee may be called at any time upon the written request of five or more members of the committee filed with the clerk of the committee.

1.4 In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the committee have made a request in writing to the chairman to call a meeting of the committee, and the chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

Rule 2. Meeting procedures

2.1 Meetings of the committee shall be open to the public except as provided in Senate Resolution 9, 94th Congress, 1st session.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all committee proceedings.

2.3 The chairman of the committee, or if the chairman is not present the vice chairman, shall preside over all meetings of the committee. In the absence of the chairman and the vice chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4 Except as otherwise provided in these rules, decisions of the committee shall be by majority vote of the members present and voting. A quorum for the transaction of committee business, including the conduct of executive sessions, shall consist of six committee members until that date of the sine die adjournment of the 1st session of the 95th Congress, and thereafter, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the committee with respect to any measure or matter being considered by the committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the committee by roll call vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 3. Subcommittees

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee and by such other rules they may adopt which are consistent with the rules of the committee.

Rule 4. Reporting of measures or recommendations

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the committee unless a majority of the committee is actually present and a majority concur.

4.2 In any case in which the committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the committee.

4.3 A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

Rule 5. Nominations

5.1 Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least 14 days before being voted on by the committee.

5.2 Each member of the committee shall be promptly furnished a copy of all nominations referred to the committee.

5.3 Nominees who are invited to appear before the committee shall be heard in public session, except as provided in rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the committee.

5.5 The committee vote on the confirmation shall not be sooner than 48 hours after the committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the committee.

Rule 6. Investigations

No investigation shall be initiated by the committee unless at least five members of the committee have specifically requested the chairman or the vice chairman to authorize such an investigation. Authorized investigations may be conducted by members of the committee and/or designated committee staff members.

Rule 7. Subpenas

Subpenas authorized by the committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, the vice chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman, vice chairman or member issuing the subpenas. Each subpena shall have attached thereto a copy of Senate Resolution 400, 94th Congress, 2d session, and a copy of these rules.

Rule 8. Procedures related to the taking of testimony

8.1 *Notice.*—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 *Oath or a affirmation.*—Testimony of nesses shall be given under oath or affirmation which may be administered by any member of the committee.

8.3 *Interrogation.*—Committee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman, vice chairman, or the presiding member.

8.4 *Counsel for the witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to his appearance before the committee the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee use such questions and dispose of such suggestions at it deems appropriate.

8.5 *Standards by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the committee shall be given a reasonable opportunity to inspect, in the office of the committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his expense.

8.8 *Requests to Testify.*—The committee will consider requests to testify on any matter or measure pending before the committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely his reputation, may request to appear personally before the committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the chairman, the name of any witness scheduled to be heard by the committee shall not be released prior to, or after, his appearance before the committee.

Rule 9. Procedures for handling classified or sensitive material

9.1 Committee staff offices shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof.

9.3 Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the committee, and such registry shall be available to any member of the committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the committee, the clerk of the committee shall be notified. The clerk of the committee shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the committee shall be limited to those committee staff members with appropriate security clearances and a need-to-know, as determined by the committee, and under the committee's direction, the staff director and minority staff director.

9.6 No member of the committee or of the committee staff shall disclose in whole or in part or by way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the committee in executive session, or the contents of any papers or other materials or other information received by the committee except as authorized by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

9.7 Before the committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the committee or the committee staff.

Rule 10. Staff

10.1 For the purpose of these rules, committee staff means employees of the committee, employees of the members of the committee assigned to the committee, consultants to the committee, employees of other government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

10.2 The appointment of committee staff shall be confirmed by a majority vote of the committee. After confirmation, the chairman shall certify committee staff appointments to the financial clerk of the Senate in writing.

10.3 The committee staff works for the committee as a whole, under the general supervision of the chairman and the vice chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed, and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director. The minority staff director and the minority counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the committee.

10.4 The committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the Senate.

10.5 The members of the committee staff shall not discuss either the substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial, or otherwise, either during his tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

10.6 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence pursuant to section 6 of Senate Resolution 400 of the 94th Congress, 2d Session.

10.7 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee or in the event of the committee's termination the Senate of any request for his testimony, either during his tenure as a member of the committee staff or at any time thereafter with respect to information which came into his possession by virtue of his position as a member of the committee staff. Such information shall not be disclosed in response to such requests except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the Senate.

10.8 The committee shall immediately consider action to be taken in the case of any member of the committee staff who fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

Rule 11. Preparation for committee meetings

11.1 Under direction of the chairman and the vice chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

11.2 The staff director shall recommend to the chairman and the vice chairman the testimony, papers, and other materials to be presented to the committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the rules of the Senate and rules of the committee.

Rule 12. Legislative calendar

12.1 The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures; nominations referred to the committee and their stataus; and such other matters as the committee determines shall be included. The calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

12.2 Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

Rule 13. Committee travel

13.1 No member of the committee or committee staff shall travel abroad on committee business unless specifically authorized by the chairman and vice chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

13.2 When the chairman and the vice chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in rule 13.1 shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13.3 No member of the committee staff shall travel within this country on committee business unless specifically authorized by the staff director as directed by the committee.

Rule 14. Changes in rules

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on Monday?

The PRESIDING OFFICER. No, there are not.

Mr. ROBERT C. BYRD. I thank the Chair.

SUPPORT OF RETENTION OF FORT JACKSON AND PARRIS ISLAND AS MILITARY TRAINING FACILITIES IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise in behalf of myself and the junior Senator from South Carolina (Mr. HOLLINGS) to call to the attention of the Senate a resolution unanimously approved by the South Carolina Senate and House of Representatives urging retention of the Army and Marine training bases in our State.

Fort Jackson, the Army's main infantry facility, is located at Columbia, S.C., and Parris Island, one of the largest Marine Corps recruit training bases is situated near Beaufort in South Carolina.

Mr. President, the South Carolina congressional delegation was shocked last spring to learn that these outstanding facilities were included in a training realinement study. Since that time our investigations give us great confidence that both will be retained, as these installations are among the most cost effective and efficient in the country.

It is with pleasure that I call to the attention of the Senate a concurrent resolution approved by both Houses of the South Carolina legislature which supports the efforts of the congressional delegation, and I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, the United States Government has recently undertaken a review of the facilities and operations at Fort Jackson and Parris Island; and

Whereas, recent studies have shown that these installations are two of the most efficiently operated facilities in the nation, accomplishing their training missions in a cost-effective and cost-efficient manner; and

Whereas, in this time of increased emphasis on fiscal responsibility together with a strong national defense, the continued operation of Fort Jackson and Parris Island is one of the most attractive alternatives available when taking into account all divergent considerations; and

Whereas, the members of the General Assembly believe that the maintenance of these two facilities at their present or expanded level of utilization would be good business in terms of meeting both the economic and military goals of our nation.

Now, therefore, Be it resolved by the House of Representatives, the Senate, concurring:

That the members of the General Assembly do hereby voice their grave concern and opposition to any action by the United States Government, or any department or agency thereof, which results in any curtailment in the size or mission of the Fort Jackson and Parris Island military training installations, because any such curtailment would damage our nation's fiscal and defense goals.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Secretary of Defense and each member of the South Carolina Congressional Delegation in Washington, D.C.

REQUEST FOR THE POSTMASTER GENERAL TO INVESTIGATE CERTAIN POST OFFICES IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise in behalf of myself and the junior Senator from South Carolina (Mr. HOLLINGS) to call to the attention of the Senate a resolution unanimously approved by the South Carolina Senate and House of Representatives. The resolution requests the Postmaster General to investigate several post offices in South Carolina to determine if they are complying with federally mandated standards regarding access by the handicapped.

Under current law, the U.S. Post Office is required to establish standards to insure that physically handicapped persons have access to post office buildings. It has come to the attention of South Carolina officials that a number of post offices still have inadequate provision for handicapped individuals. They are, therefore, requesting this investigation.

Mr. President, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, it has come to the attention of the General Assembly that many post office buildings in South Carolina do not have facilities to allow physically handicapped persons to have ready access and use to such buildings; and

Whereas, the United States Code provides that the United States Postal Service shall establish such standards to insure that physically handicapped persons have access to post office buildings.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Postmaster General be requested to investigate the possible non-compliance of certain post office buildings in Williamsburg County with the federally mandated standards by which all physically handicapped persons shall have easy access to such buildings.

Be it further resolved that a copy of this resolution be sent to the Postmaster General and to members of the United States Senate and House from South Carolina.

POLICY ON NUCLEAR FUEL REPROCESSING

Mr. THURMOND. Mr. President, we are all aware that President Jimmy Carter indefinitely deferred commercial reprocessing on April 7, 1977.

Although there has been ample evidence based on foreign commitments to reprocessing that the President's policy is a failure, the administration has continued to hold fast.

Recently, however, I have noticed instances where administration spokesmen have begun to qualify what was once a hard-line position. One example of this was a February 5, 1979, letter to me from Dr. John Deutch, Acting Assistant Secretary for Energy Technology in the Department of Energy.

Dr. Deutch's letter to me was in response to a November 30 letter I had written to President Carter regarding possible use of the Barnwell nuclear fuel plant in South Carolina for spent fuel storage. In his reply, Dr. Deutch stated:

> The Barnwell facility has spent fuel storage capability as an essential feature of a reprocessing plant. The use of that capability or its expansion would not interfere with the operation of the facility to reprocess fuel. Moreover, if future reprocessing were to be undertaken, then storage of spent fuel at or near a reprocessing facility would have logistics advantages. As you know, the Administration's policy at present is to indefinitely defer reprocessing because of nonproliferation concerns. However, no final determination has been made on the reprocessing option.

This statement represents to me a very open minded, flexible position on reprocessing and even holds out the hope that Barnwell might some day be used for that purpose. However, the President's budget for fiscal year 1980 contains no funds to continue the ongoing R. & D. program at Barnwell and, indeed, there are no funds for any reprocessing work at all in the budget. The reprocessing column has a zero in it.

Mr. President, I hope that Senator HENRY JACKSON, chairman of the Senate Energy and Natural Resources Committee, and his colleagues, will have an opportunity to explore further this open-minded approach with Dr. Deutch when he appears before that committee in the near future.

Mr. President, I ask unanimous consent that my letter to President Carter and the reply from Dr. Deutch be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., February 2, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

DEAR SENATOR THURMOND: Because your November 30, 1978, letter to the President pertains to work sponsored by the Department of Energy (DOE), we have been asked to answer it on the President's behalf. We appreciate your views on away-from-reactor storage of spent nuclear fuel and the Barnwell Nuclear Fuels Plant (BNFP).

The Administration favors two approaches to spent fuel storage. First, substantial spent fuel storage capacity can be provided in existing reactor storage basins. The capacity of these basins can be, and in many cases has been, increased by reracking the present storage pools to provide higher density storage. With existing reracking technology, storage basin capacities can be safely and economically increased to 2.5 to 4 times present levels. The Administration encourages utilities to make the maximum practical use of reactor site storage and is conducting research and development on methods of providing even higher density storage in an economical, safe manner. Even with high density storage, however, the capacity at reactors will not be sufficient to meet growing storage needs.

The second part of the storage solution is the establishment of away-from-reactor (AFR) storage facilities. Certainly, AFR storage is only an interim measure until such time as repositories are available for permanent disposal of spent fuel or until reprocessing is considered a viable option. Presently, DOE is considering a number of options for providing necessary AFR storage capacity. For meeting near term needs, several existing facilities, including Barnwell, are under consideration. For longer term needs, new facilities or expansions to existing facilities are possible.

The Barnwell facility has spent fuel storage capability as an essential feature of a reprocessing plant. The use of that capability or its expansion would not interfere with the operation of the facility to reprocess fuel. Moreover, if future reprocessing were to be undertaken, then storage of spent fuel at or near a reprocessing facility would have logistics advantages. As you know, the Administration's policy at present is to indefinitely defer reprocessing because of nonproliferation concerns. However, no final determination has been made on the reprocessing option.

The uses of BNFP for processing fuel from the N Reactor at Richland and other uses of BNFP, such as safeguards training, were previously addressed in DOE/ET-0040 "Barnwell Nuclear Fuels Plant Applicability Study." A copy of Volume II of this study entitled: "BNFP-Utilization Alternatives, Evaluations and Conclusions," is enclosed for your information. DOE is presently performing a more in-depth analysis of Barnwell's possible defense program applications with the assistance of the Barnwell plant operator, Allied General Nuclear Services (AGNS). The AGNS analysis will be used by DOE to help provide a basis for the decision yet to be made in this matter.

The Department recognizes the importance of a cooperative effort between the Administration, the Congress, and the state in all matters related to nuclear waste management. The meeting that you initiated on December 5, among Representative Spencer, Representative Campbell, Mr. Schlesinger and me, was a positive step toward better mutual understanding of each other's views and objectives. We look forward to similar consultations in the future.

Sincerely,

JOHN M. DEUTCH,
Acting Assistant Secretary for Energy Technology.

WASHINGTON, D.C.,
November 30, 1978.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In view of recurring reports that the Department of Energy may recommend the Barnwell Nuclear Fuel Plant in South Carolina as a site for the storage of spent nuclear fuel rods, I want to express my opposition to any such plan for permanent storage at this facility. I believe, first, that each state, insofar as possible, should provide its own temporary storage sites for commercial spent fuel until a permanent site can be determined. Second, such a permanent site should be on sparsely populated, government-owned land well away from inhabited or well-traveled areas.

In my opinion, the Barnwell plant operated by Allied General Nuclear Services, is too useful for conserving and developing energy to be used as a storage site. Instead, the nuclear fuel reprocessing which was originally planned for the Barnwell plant should go forward, particularly in the light of recent safeguards against possible conversion of the fuel into explosives, and since reprocessing eliminates much of the nuclear waste.

Further, I would urge in the study of Barnwell's possible defense applications, now underway, that consideration be given to the plant's use as a reprocessing site for military production of reactor fuels. The Barnwell plant is contiguous to the Savannah River Plant now performing similar defense work. This could be done along with the important work on fuel cycle research and development currently underway at Barnwell. Consideration should also be given to utilizing this facility for safeguards training.

Finally, I would request that prior to any decision on use of the Barnwell facility by your Administration that consultations be held with the Governor, South Carolina Congressional Delegation and the appropriate State legislators.

I believe these significant considerations should be paramount in my future decisions about this important facility.

With kindest regards,

Respectfully,

STROM THURMOND.

FUTURE OF THE FREE ENTERPRISE SYSTEM

Mr. THURMOND. Mr. President, during the first few weeks of this 96th Congress, we have heard many excellent statements in this Senate Chamber about the state of our national economy. Some statements dealt with the critical and complex problems related to inflation. Others dealt with the opportunities and the challenges for us to provide the legislative leadership that the American public expects from us to deal effectively with these economic matters. Certainly these discourses are entirely appropriate and laudable; they have provided a much needed forum for our careful and deliberate consideration of basic and fundamental economic issues that confront our Nation today.

Mr. President, I have been privileged to join into these discussions on several occasions and, I trust, have made some meaningful contributions to our total body of thought concerning these issues. My purpose in rising here today, however, Mr. President, is not to speak further on these issues myself but to direct the attention of my colleagues to a truly outstanding address, titled, "The Future of the Free Enterprise System," by the Honorable Arthur F. Burns.

Dr. Burns, former Chairman of the Board of Governors of the Federal Reserve System, is currently a distinguished scholar in residence at the American Enterprise Institute for Public Policy Research. This particular address by Dr. Burns, recently published in the January/February 1979 issue of Professional Corporation magazine, was the basis of his lecture upon receipt of the Frank E. Seidman Distinguished Award in Political Economy, presented last fall at Southwestern at Memphis.

In this address, Dr. Burns presents a thorough and thought-provoking analysis of the background, development, and characteristics of the free enterprise system. He gives particular emphasis to the sharply changing economic conditions that we have experienced in recent years and, most importantly for our consideration here, he provides economic policymakers with some of his thinking about the future of the free enterprise system in America.

Toward the end of his address Dr. Burns comments specifically on our current problem of inflation and he suggests a prescription for a balanced attack to bring inflation under control. He includes suggestions for action with respect to the Federal Reserve, the Federal deficit and balancing the budget, restraints on Federal salary increases and compensation to top corporate executives, the need for productivity councils and centers, the blunting of cost-raising measures that we have allowed to flourish in our economy, and the postponement of some target dates that have been set for environmental and safety regulation.

Dr. Burns states his conviction:

> That inflation is a disease that can be brought under control; but that will happen only when the will to do so becomes strong enough.

He concludes with the warning that—

> . . . if the present worldwide inflation continues, a command economy may eventually be the bitter fruit of this generation's complacency and neglect. It is the duty of each of us to do what we can to prevent this from happening.

Mr. President, this is, indeed, an outstanding contribution by Dr. Burns and in order to share this interesting and informative address with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE FUTURE OF THE FREE ENTERPRISE SYSTEM

Prediction of the economic future has always been a hazardous task. Noting this fact, a distinguished economic historian, Werner Sombart, once remarked that "it is precisely the most gifted men who have made the most fundamental mistakes" in predicting the economic future. While I am by no means sure that "gifted men" are more prone to misjudge the future than are ordinary mortals, there is ample evidence that judgments of the future even by the ablest economists have often been mistaken.

Karl Marx, who revolutionized economic and political thinking over much of the world, provides an outstanding example.

Marx believed that certain tendencies inherent in capitalism would ultimately lead to its destruction. In his vision, small business firms would gradually disappear as capitalism evolved. The concentration of production in a diminishing number of large enterprises would be accompanied by concentration of wealth in fewer and fewer hands. The middle class would thus be destroyed and the masses proletarized. Inadequate consumption would lead to recurring epidemics of overproduction and depression of increasing severity would follow. As the misery of the proletarial deepened, resistance to capilitalist exploitation would intensify and become more militant. With such powerful tendencies at work, the capitalist order was bound to collapse; it was only a matter of time when the capitalists would be expropriated and all instruments of production socialized.

Thus according to Marx's theory, the failure of capitalism in its later stages to meet even elementary economic needs of the working masses would inevitably lead, although not without intense struggle, to the replacement of free enterprise by a socialistically planned regime.

In our own century, another great economist, Joseph Schumpeter, brilliantly challenged Marx's analysis. Schumpeter saw in capitalism a highly efficient engine of mass production and mass consumption. In his view the capitalist spirit expresses itself characteristically through innovation—that is, developing new commodities, devising new technology, harnessing new sources of supply, devising new market strategies, and forming new types of organization. The competition of new products and new ways of doing business against old products and customary procedures—that is the essence of the capitalist process. This competition of the new against the old is what really matters in the business world; it has been continuing at a rapid pace, and it accounts for the vast improvement in living standards wherever capitalism has flourished. Indeed, not only economic improvements, but the major achievements of modern times in the sciences and arts are, directly or indirectly, the products of capitalism.

Being a student of business cycles, Schumpeter was well aware of recurring business slumps and their spells of unemployment. But he regarded recessions as temporary phenonmena that paved the way, so to speak, to more effective utilization of resources and therefore to still higher standards of living. He went on to argue, nevertheless, that the great economic and cultural achievements of modern capitalism did not assure its future; on the contrary, the very success of capitalism would eventually cause its replacement by a socialist civilization. He thus accepted Marx's conclusion but not the analysis on which it was based.

According to Schumpeter, capitalism would be destroyed by factors growing out of its own inner processes. As business corporations became larger, they would become bureaucratic and impersonal. The entrepreneurial function of innovating would be largely assumed by trained specialists. Increasing affluence would provide both the means and the will to expand social programs and thus lead to a growing role for government. The intellectual class created and nourished by capitalism would become increasingly hostile to its institutions. Animosity toward free enterprise would be exploited by government officials seeking additional power for themselves. The general public would fail to support free enterprise because the issues debated in the public arena are much too complex and often involve long-range considerations that go beyond popular concern. Even businessmen would become increasingly willing to accept the teachings of their detractors. In this social and political environment, capitalist enterprise would in time be undermined and finally replaced by socialism.

Thus, Schumpeter arrived at precisely the same conclusion as Karl Marx. But whereas Marx attributed the eventual coming of socialism to the failure of capitalism, Schumpeter attributed it to the outstanding success of capitalism.

When we turn from the theories of Marx and Schumpeter to recorded experience, several facts immediately stand out. First, we find that the nations practicing socialism in Marx's and Schumpeter's sense had either banished free enterprise under external military pressure, as in the case of Eastern Europe, or had undergone an internal revolution without ever developing a significant degree of free enterprise as in the case of the Soviet Union and mainland China.

Second, we find that greater economic success has been generally achieved in nations that extensively practice free enterprise than in nations where it is prohibited or severely limited. The economic performance of the United States, West Grmany, and France has been more impressive than that of the Soviet Union or East Germany or Poland. Likewise, the economic performance of Japan, Taiwan, or Brazil has clearly surpassed that of India, Sri Lanka, or Egypt.

Third, although Marx's analysis continues to appeal to many intellectuals, his elaborate theoretical structure has been discredited by experience. Instead of bringing economic misery to the masses, capitalism has produced vast improvements in their economic condition. True, socialism has triumphed in some countries, but the triumph was achieved in a far different way than Marx had envisaged. On the other hand, Schumpeter's theory that capitalism would eventually be destroyed by its very success in improving the lot of people cannot be dismissed so readily. His prognosis may or may not turn out to be valid. But there is no denying that much of what has happened in recent decades in countries that boast of practicing free enterprise fits rather closely his theoretical model.

Let me speak more specifically about one prominent feature of Schumpeter's analysis—namely, the expanding role of government in economic life. The broad trend of American economic development has been toward increasing emphasis on the service industries, and the government has become the channel through which much of the public's demand for services is satisfied. As our economy has undergone industrialization and urbanization, there has been a steady increase in the interdependence of people—that is, in their reliance on the wisdom and enterprise, and also in their exposure to the folly and indolence of their neighbors. In such an environment, social and economic problems often arise that cannot be adequately handled by private enterprise and governmental activities therefore tend to expand.

The spread of political democracy has accentuated the trend toward seeking governmental solutions of economic and social problems. With more people in the lower-income groups taking advantage of the right to vote and with advocates of all sorts active in legislative halls, demands on the government have been mounting—to eliminate or regulate private monopoly, to conserve natural resources, to strengthen trade unions, to raise minimum wages, to protect the environment, to improve housing conditions, to protect unwary consumers, to subsidize agriculture or other industries and so on and on.

The range of governmental activities has thus been steadily expanding and so, too, has the cost. In 1929, governmental expenditure—that is, the combined total of federal, state, and local spending—amounted to 11 percent of the dollar value of our nation's entire production of goods and services. The corresponding figure rose to 20 percent in 1940, 23 percent in 1950, 30 percent in 1960, 35 percent in 1970, and 37 percent in 1977.

The sharply rising trend of governmental spending has, of course, involved a steady increase in that part of the nation's labor force that works directly or indirectly for the government. Our government affects the economy not only by employing people but also by purchasing supplies and equipment from private industry. In addition, vast sums of money are transferred by the government to individuals not involved in current production—that is, beneficiaries of public retirement funds, unemployment insurance, medicare, aid to veterans, food stamps, etc. And our government also affects the economy by guaranteeing a variety of private loans and by regulating numerous industrial, commercial, and financial practices.

All these activities, particularly transfer payments and governmental regulation, have grown by leaps and bounds in recent years. Transfer payments, which were merely 3 percent as large as the nation's total wage and salary bill in 1930, rose to 11 percent by 1965 and reached 21 percent in 1977. The *Federal Register*, which records governmental regulations, ran to 3,400 pages in 1937, but swelled to about 10,000 pages in 1953 and to 65,000 pages in 1977. At least 90 federal agencies are now involved in issuing governmental regulations. Funds allocated for regulation in this year's federal budget amount to $4.5 billion—more than twice the expenditure in 1974. This figure, of course, omits the expenditures on regulation by our state and local governments. And it also omits the enormous costs of compliance imposed on private industry. According to a recent investigation by the Center for the Study of American Business at Washington University, these compliance costs amounted to $63 billion in 1976.

The proliferation and increasing cost of governmental activities in our country have resulted in a growing burden of taxation—higher income taxes, higher sales taxes, higher property taxes, and higher social security taxes. Even so, the willingness of our government to raise revenue by taxation has fallen distinctly short of its propensity to spend.

Since 1950, the federal budget has been in balance in only five years. Since 1970, a deficit has occurred in every year. Budget deficits have thus become a chronic condition of federal finance; they have been incurred in years when business conditions were poor and also when business was booming. Not only that, but the deficits have been mounting in size. In the fiscal year now ending, the deficit is likely to exceed $60 billion when "off-budget" outlays are included in the total—as they indeed should be. Instead of vanishing or diminishing as the economy improves, which was once accepted practice, the deficit has been increasing in the course of the current economic expansion.

The persistence of substantial deficits in our federal finances is mainly responsible for the serious inflation that got under way in our country in the mid-sixties. Let us never forget the simple fact that when the government runs a budget deficit it pumps more money into the pocketbooks of people than it takes out of their pocketbooks. That is the way a serious inflation is typically started and later nourished. And when the deficit increases at a time of economic expansion, as it has been doing lately, we should not be surprised to find the rate of inflation quickening. Of course, other factors—particularly money creation by our central bank and the power wielded by trade unions—have played their part in the inflationary process.

The growing intervention of government in economic affairs that has taken place in the United States has been matched or exceeded by similar developments in other countries that we think of as continuing to practice free enterprise. The causes of this increasing penetration of government into the economic life of individual countries have been broadly similar—namely, industrialization and urbanization, increasing interdependence of people, faster communication through radio and television, rising expectations of people, wider participation of citizens in the political arena, and increasing reliance on government for the solution of economic and social problems.

The degree of government participation in economic life has thus been increasing in every industrial country outside the Socialist sphere. To cite some examples; government expenditure in the United Kingdom amounted to 34 percent of the gross domestic product in 1962 and to 44 percent in 1975. Corresponding figures in the case of West Germany are 34 and 42 percent; in the case of France, 36 and 40 percent; in the case of Canada, 29 and 41 percent; in the case of Australia, 24 and 32 percent. A similar trend appears also in Japan; but it is worth noting that governmental spending amounted to only 23 percent of the gross domestic product of Japan in 1975—a substantially lower figure than in any other major industrial country.

Like the United States, other industrial countries have experienced the persistent budget deficits which accompany the rapid expansion of government activities. Indeed, loose governmental finance and rapid inflation have often been practiced more intensively outside the United States, and they have recently become characteristic features of major economies that still boast of free enterprise.

The worldwide inflation that has been under way since the late 1960s has become a serious threat to the free-enterprise system. The fact that inflation masks underlying economic realities makes it all the more insidious. For example, the trend of retail trade and housing starts began to weaken in the United States early in 1973, but many members of the business community paid little attention to that ominous development. Nor did they recognize that standard accounting practices, which rely on historical costs in reckoning inventories and capital consumption, were resulting in enormous overstatements of their profits. Caught up in the euphoria of inflation, they built up inventories out of all proportion to actual or prospective sales, and thus set the stage for the subsequent sharp decline of production and employment. What happened in the United States was paralled in greater or lesser degree in European industrial countries and in Japan.

The corrosive effects of inflation go far beyond the distortion of businessmen's perspective. Inflation erodes the purchasing power of everyone's money income. Inflation weakens the willingness of many people to save for the future. Inflation drives up the level of interest rates. And once businessmen become aware of the illusory element in profits, inflation adds to uncertainty about the future. In an inflation-ridden environment, businessmen have no good way of judging what their costs of production may turn out to be, or what prices they may be able to charge, or what profits, if any, will accrue when they undertake new investments. The risk premium that attaches to calculations of prospective profits from new investments therefore goes up. This discourages business capital investment and hampers the improvement of productivity.

Nor is that all. As the effects of inflation spread across the economy, they in time weaken the capital market. The classical view that inflation tends to favor business profits and therefore higher stock prices no longer fits today's world of powerful trade unions, high interest rates, and a governmental bias toward consumption. Recent experience in the United States and in other countries has demonstrated that persistent inflation adversely affects stock prices as well as bond prices. Even now, despite the recent upsurge in stock prices, the Dow-Jones industrial average is below the level reached in 1965; and in view of the huge rise in the general price level since then, the stock market has obviously suffered a severe depression.

As a result of the disappointing performance of the stock exchanges, the interest of investors in equity securities has greatly diminished during recent years. Some wealthy individuals, seeking a refuge from inflation, have turned to investing in works of art or in real estate or in foreign currencies, gold or other commodities. Many members of the middle class, being similarly disillusioned with equities, have sought an inflation hedge by purchasing a home or an extra house when they already owned one. But the many millions who lack financial sophistication, and even some who possess it, have found no better way to protect themselves against the ravages of inflation than to let cash pile up in the form of bank deposits or other liquid assets—with the result that the purchasing power of their monetary savings has generally kept eroding.

Many professional money managers, likewise discouraged by the behavior of common stock prices, have found solace in the high yields that have become available on corporate and government bonds. And they have also displayed some tendency to shorten the maturity of their investments, so that they could shift to higher-yield securities if faster inflation served to raise interest rates another notch or two in the future. With institutional as well as individual investors switching from common stocks to other investments, brokerage firms and investment-advisory services have suffered reverses. Numerous firms of this type have closed down their operations or sold out to more enterprising members of their industry. These in turn have reacted to the declining interest in equities by becoming department stores of finance—that is, by offering to their troubled customers stock options, commodity futures, municipal-bond funds, money-market funds, tax shelters and so on, in addition to the more traditional services. Adjustments of this type have enabled some brokerage and advisory firms to survive and even to prosper.

But what matters most for the future of our economy is the erosion of investor interest in equity issues. In 1965, corporate shares constituted over 43 percent of all financial assets of American households; by 1977, they were down to 25 percent. Between 1970 and 1975 the number of individual shareowners in our country fell from about 31 million to 25 million. More significant still, this decline was concentrated among young and middle-aged people. Net purchases of equity issues by private pension funds have also slumped in recent years. So-called "equity kickers," once a prominent feature of loans placed by insurance firms, have practically vanished. As a result of this declining interest in equities, the supply of venture capital has drastically diminished in our country. Public issues by small firms have dwindled and we rarely hear nowadays of the formation of new high-technology companies.

If the scepticism about equities that has marked recent years continues in the future, it will become difficult even for some well-established corporations to finance their long-term investment projects. This difficulty will be accentuated if internally generated funds continue to provide a reduced share of total financing needs—as has been the case during the past decade of high inflation. Furthermore, if business firms are forced to rely more heavily on short-term funds, the corporate economy will become more vulnerable to financial strains in the future. In such an environment, a business recession could be even more disruptive than the recession we recently experienced.

In short, the changes wrought by inflation have already weakened the framework of our economic system. They threaten to do so to a greater degree if the inflationary bias of the economy is extended. I judge from the sluggishness of stock exchanges in other major industrial countries during the past decade that, with the exception of Japan, their experience has been similar to that of the United States. If inflationary trends should persist, the economies of these countries will also face a very uncertain future.

Serious as these longer-range economic consequences of inflation appear to be, there is even greater reason for concern about its impact on social and political institutions. Inflation has capricious effects on the distribution of income and wealth among a nation's families and businesses. Inflation eventually leads to recession and extensive unemployment, and such adversities are generally followed by new measures of governmental intervention. Inflation robs people who in their desire to be self-reliant have set aside funds for the education of their children or their own retirement. Inflation hits many of the poor and elderly especially hard. More ominous still, by causing disillusionment and breeding discontent, inflation excites doubts among people about themselves, about their government, and about the free- enterprise system itself.

Such anxieties tend to spread from one country to another. In particular, when the value of our own dollar depreciates in foreign exchange markets, as has happened again during the past two years, confidence in the international economy, as well as in our own, tends to weaken. The ultimate consequence of persistent inflation may therefore be a decline in both the scope and the efficiency of free enterprise on a worldwide scale.

I have already observed that inflation ultimately leads to recession. In turn, extensive unemployment creates an environment that is favorable to new or larger welfare programs and other increases in governmental spending—increases that often outlast the recession. Again, it is at least partly because of inflation that workers, particularly when they are well organized, can achieve increases in wages that far exceed improvements in productivity. It is at least partly because of inflation that the statutory minimum wage keeps rising—thereby causing unemployment among young people and breeding crime. It is at least partly because of inflation that many of our cities have suffered physical and cultural deterioration. And, needless to add, the poverty that persists in the midst of our plenty is in no small degree attributable to inflation.

The burden of taxes has also risen because of inflation. Although deficits at the federal level of government have become our way of life, taxes have increased along with expenditures. Indeed, federal revenues fell below 90 percent of federal expenditures in only seven years since 1946. Since our individual income tax is highly progressive, the tax burden on workers goes up, just as if Congress had legislated higher taxes, even when real wages remain constant—that is, when wages in dollars simply keep pace with increases in the consumer-price level. The corporate income tax, to be sure, is essentially proportional; but under conventional accounting techniques, inflation creates phantom profits on which corporations have been paying many billions of dollars in taxes. And the consequences of inflation for the capital-gains tax have been still more drastic. A recent study by Professor Martin Feldstein of Harvard indicates that in 1973 individuals paid taxes on more than $4.5 billion of capital gains from corporate shares; but when the costs of the shares are adjusted for increases in the general price level, it turns out that these individuals actually experienced a real capital loss of nearly $1 billion.

At the beginning of this article, I reviewed the theories of capitalist evolution by Marx and Schumpeter. It is interesting to observe that while Marx visualized numerous developments that would weaken capitalism, persistent inflation was not among them. Nor was this threat to our free-enterprise system foreseen by Schumpeter. Nor, for that matter, was it foreseen by Keynes; both he and his early followers were concerned about vanishing investment opportunities and unemployment, not about inflation. These failures of economic vision counsel humility in any judgments about the future; and yet, I keep wondering whether the inflationary development that Schumpeter had failed to foresee may not be reinforcing the very processes on which he dwelt so provocatively.

Ours is still a dynamic and prosperous economy, but the prosperity around us has become uneasy and even joyless to many thoughtful citizens. Inflation is certainly our nation's main economic problem, but it is by no means the only economic problem. Unlike earlier times when we were troubled either by inflation or by unemployment, we have experienced in recent times a disconcerting rise of the general price level even when unemployment was extensive. And our social economy has been beset by other problems—among them a growing burden of taxes, excessive governmental regulation, excessive power of labor, restrictive business practices, depressed busines profits, deteriorating central-city areas, decline of the work ethic, and widespread crime. Not all of these ills can be ascribed to inflation. And yet, this factor has had a more ramifying influence on our economy than may appear at first glance.

Human nature inevitably takes its toll. If intense effort or large financial risks are no longer compensated by the possibility of earning large rewards, the effort and the risks will be less readily undertaken. That is the condition toward which we have been generally moving. And it is precisely because a grim future may eventually become our lot and that of other nations still enjoying freedom that big government and the disease of inflation that comes in its train must be resisted by an alert citizenry. This need is now more widely appreciated than at any time since World War II, but it is not yet understood widely enough.

There are some faint flickerings, however, that the American people are becoming less passive about the dangers facing our nation. The recent tax revolt of California citizens may be a symptom of a general awakening of the middle class. Of late many politicians have been vying with one another in proclaiming inflation as our *number one* problem. Trade unions have been unable to persuade Congress this year that their market power needs strengthening. Much is heard these days in congressional halls about the importance of reducing business taxes. A move to cut back rather than increase the tax on capital gains has won widespread support. And of late we have even witnessed some minor reductions within the still swelling total of federal expenditures.

These are interesting and promising events. As yet, they are much too tenuous and uncertain to justify extrapolation. They, nevertheless, suggest that the time may be right for a serious attack on the inflation that has been plaguing our country. That will not be an easy task, but it will be even harder if we hesitate or delay. Once an economy has become engulfed by expectations of inflation, economic policy makers no longer have very good choices. Still, much can, in time, be accomplished with determined leadership.

Restrictive monetary and fiscal policies, if pushed far enough, are always capable of bringing inflation under control; they might, however, also unsettle the economy by bringing on extensive unemployment. To minimize that risk, it would be wise to supplement monetary and fiscal policies with carefully selected structural policies. A prescription for a balanced attack on the inflation problem might therefore run as follows in today's environment: first, that the Federal Reserve, continue its present moderately restrictive monetary policy without interference by the Congress or the White House; second, that the budget for next year permit a substantial cut in the federal deficit and that the move toward budgetary balance be completed within the following two years; third, that this and next year's increase in the salaries of federal employees be scaled down to one-half the figure suggested by wage-comparability studies; fourth, that the President cut his own salary by, say, 10 percent and call on all presidential appointees and members of the Congress to do likewise; fifth, that the President reinforce these examples for the nation by calling on top corporate executives to refrain from any increase in their compensation over the next two years; sixth, that a national center be promptly established for encouraging the organization of productivity councils across the nation, factory by factory and shop by shop, with a view to cooperation by management and labor in raising output per manhour; seventh, that we make a start towards blunting the cost-raising measures that we have allowed to flourish—such as tariffs, import quotas, farm-price supports, and minimum-wage laws, and that we also postpone the target dates that have been set for environmental and safety regulations.

In the course of my remarks this evening I have dwelt on the corrosive influence of inflation because I consider this the greatest danger to our free-enterprise system. I am convinced that inflation is a disease that can be brought under control; but that will happen only when the will to do so becomes strong enough. In our country there is a powerful political constituency behind each of the government's spending programs, behind every tariff and import quota, behind every regulation that protects a particular group from the pressures of competition. We have powerful political constituencies in favor of perennially easy credit. We have powerful political constituencies in favor of other public or private arrangements that benefit some groups but raise prices to everyone. Our urgent need now is for a nationwide constituency that will fight for the paramount interest that we, as a people, have in a dollar of stable purchasing power.

Other nations—notably, Germany, Switzerland, and Japan—have demonstrated that inflation can be unwound. Even Great Britain has recently succeeded in reducing its inflation rate sharply. If we and other inflation-ridden nations succeed in curbing inflation within the framework of our basic institutions, we may yet experience a true economic renaissance in the Western world. On the other hand, if the present worldwide inflation continues, a command economy may eventually be the bitter fruit of this generation's complacency and neglect. It is the duty of each of us to do what we can to prevent this from happening.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to insert statements in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until Monday at 12 noon, the President of the United States, the President of the Senate pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during that same period of recess the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives and they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO HAVE UNTIL 3 P.M. TOMORROW TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until 3 p.m. tomorrow to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDERS AND ORDER FOR ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders or their designees have been recognized under the standing order, Mr. BENTSEN be recognized for not to exceed 15 minutes and that I may have then 15 minutes, following which there be a period for the transaction of routine morning business for not to exceed 1 hour with Senators permitted to speak up to 5 minutes each therein, and that they may have good weather if at all possible Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 5, 1979

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 12 o'clock meridian on Monday.

The motion was agreed to, and at 3:35 p.m., the Senate recessed until Monday, March 5, 1979, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 27, 1979, under authority of the order of the Senate of February 26, 1979:

THE JUDICIARY

Gabriele Anne Kirk McDonald, of Texas, to be U.S. district judge for the southern district of Texas, vice a new position created by Public Law 95-486, approved October 20, 1978.

DEPARTMENT OF LABOR

Dennis R. Wyant, of Maryland, to be Deputy Assistant Secretary of Labor for Veterans' Employment, vice Roland Ray Mora, resigned.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Benjamin W. Heineman, Jr., of Illinois, to be an Assistant Secretary of Health, Education, and Welfare, vice Henry Jacob Aaron, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

The following-named persons to be members of the National Advisory Council on Women's Educational Programs for terms expiring May 8, 1981:

Sister M. Isolina Ferre, of Puerto Rico, vice Agnes M. Dill, term expired.

Anna Doyle Levesque, of Rhode Island, vice Katherine K. Burgum, term expired.

Susan Margaret Vance, of Illinois, vice Theresa Aragon de Shepro, term expired.

IN THE AIR FORCE

Lt. Gen. Howard M. Fish, U.S. Air Force, (age 55), for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

Lt. Gen. John R. Kelly, U.S. Air Force, (age 54), for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

Executive nominations received by the Senate February 28, 1979, under authority of the order of the Senate of February 26, 1979.

DEPARTMENT OF STATE

Dick Clark, of Iowa, to be an Ambassador at Large and U.S. Coordinator for Refugee Affairs.

DEPARTMENT OF THE INTERIOR

June Gibbs Brown, of Colorado, to be Inspector General, Department of the Interior (new position).

DEPARTMENT OF AGRICULTURE

Thomas F. McBride, of the District of Columbia, to be Inspector General, Department of Agriculture (new position).

DEPARTMENT OF LABOR

Marjorie Fine Knowles, of Alabama, to be Inspector General, Department of Labor (new position).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Charles L. Dempsey, of Virginia, to be Inspector General, Department of Housing and Urban Development (new position).

VETERANS ADMINISTRATION

Allan L. Reynolds, of Virginia, to be Inspector General, Veterans' Administration (new position).

Executive nomination received by the Senate March 1, 1979:

GENERAL SERVICES ADMINISTRATION

Kurt W. Muellenberg, of Maryland, to be Inspector General, General Services Administration (new position).

CONFIRMATION

Executive nomination confirmed by the Senate March 1, 1979:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

George M. Seignious II, of South Carolina, to be Director of the U.S. Arms Control and Disarmament Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Thursday, March 1, 1979*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Father, Lord of Heaven and Earth, help us to appreciate the majesty of your creation. Though we are occupied with the necessary details of daily tasks, remind us of the fullness and the beauty of life around us. While we see evil and selfishness, yet we see joy and love, while we see pain and hurt, we see, too, your healing and strength.

Encourage us always to strive for the highest and the best, not with pride of self-importance, but with the clear knowledge that personal fulfillment comes from service and caring for those about us. In the name of the Lord, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries.

BARREL FOR BUSHEL

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, the United States can be the OPEC of grain. We export over half the grain in world markets. Yet we continue to allow our grain to be sold for less than the cost to our farmers while we pay sharply higher prices for oil and other goods. Our dollar, our balance of payments, our farmers, our taxpayers, and Treasury all suffer.

It is possible to raise our grain prices to foreign customers, indeed, to barter for oil and other goods, but only if we institute a national grain board to approve such sales and arrange such barter.

Such a board could also time sales after determining what the Russian or Chinese crops were like—instead of allowing the secretive Soviets to swoop in and steal our grain as they have twice done—and we could barter with China for oil.

I am reintroducing my national grain board bill—it had over 100 cosponsors several years ago. It will not cost the taxpayers a cent; in fact, it will make money for the Treasury and for farmers by setting the highest reasonable prices the market will bear.

In 1970, oil and wheat sold for the same price, $1.50 a barrel, $1.50 a bushel. Now oil is $15, wheat is $3.50.

It is time we started looking out for our own interests, time we got a barrel for a bushel.

THE DIFFERENCES ARE PROFOUND, NOT "INSIGNIFICANT," BETWEEN ISRAEL AND EGYPT

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker it is nothing less than tragic that, as Prime Minister Begin arrives in this country once again, he and President Carter seem to be operating on completely different wavelengths. President Carter has characterized the differences that remain between Egypt and Israel as "insignificant"; Prime Minister Begin says the issues are "grave, relating first of all to our future security."

I can understand President Carter's obvious frustration at the deterioration of the situation since the Camp David accords. His achievement at Camp David was great, and it must seem almost unbearable that it now seems to be slipping away. But that is the fact of the matter, and it does not help for the President to characterize the current differences between the parties as "insignificant."

What the Israelis—and everybody else—thought they had achieved at Camp David was assurance that, in return for substantial and irrevocable sacrifices of territory, they would have total peace with Egypt, and that this was not dependent on the success of contemplated negotiations with respect to the West Bank and Gaza. Even Sadat at that time seemed to confirm that understanding. Today, presumably because of intolerable pressures from other Arab States, it is clear that that is no longer Sadat's position.

The grim fact—which cannot be glossed over—is that today the Israelis are prepared to go ahead with the Camp David agreements, the Egyptians are not. That premise should underlie the current Carter-Begin talks; if it does not, I do not see how they can be useful.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON H.R. 2439

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill (H.R. 2439) rescinding certain budget authority recommended in the message of the President dated January 31, 1979, and transmitted pursuant to the Impoundment Control Act.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GASOHOL TECHNOLOGY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, with all the publicity of closed service stations, ration coupons, and other severe conservation measures being proposed by the administration, I wish to alert my colleagues to the fact there is a technology available to us to at least partially prevent the more serious of these measures, and at the same time build upon our own bountiful renewal resources—and that technology is alcohol fuels, or gasohol.

While gasohol is no panacea or salvation to our energy problem, it is the only substitute for gasoline that could be used in existing automobiles on a blended basis. Time and time again, Department of Energy personnel have testified to congressional committees that if we were subjected to another embargo, or other shortage, there is only one liquid fuel substitute that could be used in automobiles and other vehicles—only one—and that is alcohol.

It is time to shift our mentality from more and more regulation, to a policy of encouraging alternatives which are technologically feasible, environmentally safe, and provide a positive boost to our balance of payments.

The mixture of alcohol and driving generally is considered a "no-no." But alcohol fuels in the gas tank could be one of fruitful solutions to our liquid fuels crisis.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

IMPACT OF FOOD STAMP REDUCTION

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the media in the country today has been spelling out in practically every newspaper the impact that is now taking place on food stamp recipients due to new regulations that went into effect today.

I am happy to report, Mr. Speaker, that this past week 67 Members of this Congress, Republicans and Democrats, have now joined in cosponsoring the legislation I have now offered and we are anticipating many more.

I am also pleased to report that Senator MOYNIHAN from New York is introducing this legislation into the Senate.

As an example of what this really means, I have a 77-year-old woman with a $282 total income a month. She has a 55-year-old daughter who is disabled and a psychiatric patient with an income of $192 a month.

She has a mortgage of $151; taxes, $75; utilities, $73; $10 phone.

She has been receiving $50 a month in food stamps As of today, she is cut to zero. She is eliminated from the program completely.

Mr. Speaker, I hope we can get more Members to join, because we will pass this legislation that I am proposing.

☐ 1110

MALTESE-AMERICAN SOCIAL CLUB OF SAN FRANCISCO

(Mr. PHILLIP BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILLIP BURTON. Mr. Speaker, on Saturday, February 24, 1979, the Maltese-American Social Club of San Francisco, Inc., celebrated at its headquarters at 1789 Oakdale Avenue, San Francisco, the 50th anniversary of their founding.

First called the Maltese Club of San Francisco, the club was formed in February 1929. During the next two decades the club grew and became the focal point of the social life of Maltese-Americans. The club organized soccer teams, bands, social functions, and dramatic presentations in the Maltese language.

In the troubled period of the war years with the devastating suffering on Malta, the club activities took on new emphasis. Many events were held for the Malta War Relief Fund.

On October 26, 1945, the organization changed its name to the Maltese-American Social Club of San Francisco. In June, 1949 the club received its corporation status under that name. A 20-year dream of members became a reality when the club purchased its present premises on July 6, 1949, premises which it had been leasing since the late 1930's.

With its permanent home established in 1949, the Maltese-American Social Club of San Francisco continued to grow and to serve. During the fifties, sixties, and now in the seventies the club has remained the focal point and meeting place for the Maltese-American community. It provides social activities, sponsors athletic teams, conducts citizenship classes and has been a source of help to many Maltese immigrants in their desire to become U.S. citizens and to become an integral part of the bay area community.

This is a happy anniversary marking 50 years of service to the community. I wanted my colleagues in the House to know of this outstanding group and to join with me in extending to Mr. Joseph Grech, president of the Maltese-American Social Club of San Francisco and to its officers and members, our heartiest congratulations and best wishes for continued success.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Speaker, I would like to associate myself with the gentleman's remarks and offer my best wishes to the members of the Maltese-American Social Club headquartered at 1789 Oakdale Avenue, in San Francisco.

☐ 1215

PRESIDENT URGED TO FIRE MR. UTGOFF IF QUOTED REMARKS ARE TRUE

(Mr. ROBERT W. DANIEL, JR., asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, it was with utter amazement that I read the remarks of one Victor A. Utgoff, quoted in George Will's February 22 column. Mr. Utgoff, a staff member of the President's National Security Council, reportedly said that:

> Even if the United States could attain strategic superiority it would not be desirable because I suspect we would occasionally use it as a way of throwing our weight around in some very risky ways. It is in the U.S. interest to allow the few remaining areas of strategic advantage to fade away.

If those are indeed Mr. Utgoff's perverse views, President Carter should repudiate them immediately. I urge the President to determine whether Mr. Utgoff was correctly quoted. If indeed he was, I hope the President will fire Mr. Utgoff, as I suggested in a February 26 letter. If Mr. Utgoff's views were to prevail, our liberty and that of our allies would "fade away" just as Mr. Utgoff hopes our few remaining areas of our strategic advantage will "fade away."

I hope that the other body will examine any SALT Treaty which the Carter administration might present in light of Mr. Utgoff's alarming remarks.

CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 18]

Ambro
Anderson, Ill.
Andrews, N.C.
Beard, R.I.
Bevill
Bonker
Brown, Calif.
Chisholm
Clay
Conyers
Davis, S.C.
Donnelly
Drinan
Edwards, Okla.
English
Evans, Del.
Fithian
Flood
Fountain
Fowler
Garcia
Giaimo
Harsha
Hawkins
Hubbard
Jeffords
Long, Md.
Lee
McCormack
McDonald
McKinney
Mathis
Mikva
Moffett
Mottl
Murphy, N.Y.
Neal
Ottinger
Pepper
Pritchard
Reuss
Rodino
Scheuer
Shelby
Stanton
Steed
Traxler
Wampler
Waxman
Williams, Ohio
Wilson, Bob
Wilson, Tex.

☐ 1130

The SPEAKER. On this rollcall 380 Members recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

☐ 1135

PRIVILEGES OF THE HOUSE—PROCEEDINGS AGAINST CHARLES C. DIGGS, JR.

Mr. GINGRICH. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 142) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES 142

Resolved, That CHARLES C. DIGGS, JR., a Representative from the Thirteenth District of Michigan, is hereby expelled from the House of Representatives.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WRIGHT moves to refer House Resolution 142 to the Committee on Standards of Official Conduct.

The SPEAKER. The gentleman from Texas (Mr. WRIGHT) is recognized for 1 hour.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Mr Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. I wish to thank the distinguished majority leader for yielding to me and for approaching this very, very difficult question.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield for a moment?

Mr. GINGRICH. I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

Let me make it clear that in my yielding to the gentleman from Georgia, and in any subsequent yielding, it will be for purposes of debate only.

Mr. GINGRICH. I appreciate that. I thank the gentleman from Texas.

Mr. Speaker, the question of referral and the question potentially of expulsion are agonizing matters to every Member of this House. It is a particularly agonizing matter for anyone who believes in the sanctity of the House of Representatives as the people's House. But the question is not, as it was posed yesterday, one of summary expulsion versus referral. The fact is that yesterday a convicted felon voted on $38 billion in additional debt limit. The fact is that if the House votes to refer, we are voting to permit for an indefinite period a convicted felon to vote on the laws of the United States.

The question I would pose to the membership is, If during this indefinite period one of these bills is passed in this House by a one-vote margin, how then will we go home, if that one-vote margin is the vote of a convicted felon, and uphold the sanctity of the laws of the United States?

Mr. Speaker, I yield back the remainder of my time.

Mr. WRIGHT. Mr Speaker, I yield 8 minutes to the gentleman from Virginia (Mr. BUTLER.)

□ 1140

Mr. BUTLER. Mr. Speaker, above all else, I want to deal fairly with our colleagues At the same time, we have a responsibility to ourselves, to this institution, the House of Representatives, to respect it and not to tolerate those things which might bring it into disrepute. The charges, the specifications on which the gentleman from Michigan was tried and convicted in the U.S. district court are not in themselves the basis for disciplinary action by the House. This action is totally separate and apart from these proceedings and have a different aim; namely, the protection of the good name of this institution. The gentleman from Michigan is not on trial, but this institution is.

The question is: Do we have the courage and the will to discipline ourselves? On October 7, 1978, almost 5 months ago, the gentleman from Michigan was convicted of all 29 courts in an indictment charging him with a scheme of salary kickbacks as a means of paying his personal expenses extending over a period of more than 3 years, involving innumerable, multiple transactions, the effect of which was to defraud the U.S. Government of more than $100,000 during years when his annual taxable income exceeded $70,000.

The gentleman was sentenced on November 30 to 3 years in the penitentiary. He has given notice of intention to appeal and he is at liberty on bond pending that appeal.

Yesterday on a special order I read into the record a 1924 report of an ad hoc select committee to report concerning the qualifications of Representative John W. Langley. The committee declined to make a recommendation of punishment pending final deposition of his appeal, because Mr. Langley was pursuing promptly the process of appeal. He had agreed not to participate in the proceedings of the House pending his appeal and to resign his position when that became final.

That is what the gentleman from Michigan should have done, but he has not. He should not be voting. The precedents of the House so provide. Unfortunately, these precedents are being ignored and this comes before us because the gentleman from Georgia has the sense of duty and the initiation and courage that he has and I commend him for that.

Certainly a man is innocent until proved guilty. It would be grossly unfair to say that the jurors' verdict requires expulsion while the conviction is under challenge.

I will tell you, however, that I have read the testimony of CHARLES DIGGS under oath before the court and in my opinion he affirmatively stated and admitted sufficient acts to constitute grounds for his expulsion today. Here again, I would prefer it to be determined with the recommendation of the appropriate committee and under more regular procedures await that process; but when the gentleman from Michigan insists on continued participation, then I have no choice but to share the facts I have now.

Bear in mind, I have not read the entire record. I make no representation about that. I only deal with what the gentleman from Michigan (Mr. DIGGS) had to say on the charges against him. There are 29. My time is limited. I will only deal with samples, but I represent that these are fair samples.

PARLIAMENTARY INQUIRY

Mr. MITCHELL of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Maryland will state the parliamentary inquiry.

Mr. MITCHELL of Maryland. Mr. Speaker, the Member in the well is going to attempt to read from a transcript in a trial. Ordinarily, I would have no objection to that if this body had constituted itself as a body to try Mr. DIGGS. It has not done so. I have strenuous objections to reading any portion of that transcript when this body is not so constituted to receive that information.

Number two. Mr. Speaker, in doing so, if he is permitted to do so, is not the Member usurping authority of the Committee on Standards of Official Conduct?

I strenuously object to the reading of any portion of this transcript.

The SPEAKER. The gentleman objects to the reading?

Mr. MITCHELL of Maryland. Yes, I do, Mr. Speaker; any portion of the transcript, whether it is printed in the RECORD or not, I do not care. I object to its being read before this body as presently constituted.

The SPEAKER. The gentleman from Virginia can continue to debate, but he cannot continue to read without the permission of the House.

Mr. BUTLER. Mr. Speaker, may I have the permission of the House to read from the transcript?

Mr. MITCHELL of Maryland. Mr. Speaker, I object to granting permission for the reading of the transcript.

The SPEAKER. The question is: Shall the gentleman from Virginia be permitted to read the document? The question is on that matter.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Maryland demands the yeas and nays.

Those in favor of taking this by the yeas and nays will arise.

In the opinion of the Chair, a sufficient number have arisen. The yeas and nays will be ordered.

□ 1145

PARLIAMENTARY INQUIRIES

Mr. WRIGHT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Texas (Mr. WRIGHT) is recognized. The Chair will recognize the gentleman for a parliamentary inquiry.

Mr. WRIGHT. Mr. Speaker, under the circumstances in which my motion pends before the House, my motion being a motion to refer the gentleman's resolution to committee, and on which I have been recognized for 1 hour on that motion and having yielded time expressly for purposes of debate only, is it within the rules of the House, Mr. Speaker, for us to entertain another motion or another vote in the interim prior to the previous question being ordered on my motion?

The SPEAKER. The time of the gentleman from Texas (Mr. WRIGHT) on his motion to refer will not continue to run during this vote. The gentleman from Maryland (Mr. MITCHELL) objected to the reading of a paper containing testimony that was presented in a trial, and a vote has been ordered on that subsidiary or procedural question.

Mr. RHODES. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman from Arizona (Mr. RHODES) will state his parliamentary inquiry.

Mr. RHODES. Mr. Speaker, I am confused as to what an "aye" vote and a "no" vote would mean. Would the Chair explain it to the Members?

The SPEAKER. The Chair will state that an "aye" vote would permit the document to be read, and a "no" vote would not permit the document to be read.

Mr. RHODES. I thank the Speaker.

Mr. MITCHELL of Maryland. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Maryland (Mr. MITCHELL) will state his parliamentary inquiry.

Mr. MITCHELL of Maryland. Mr. Speaker, what I was suggesting was not that the document be not read.

Mr. ROUSSELOT. But you did.

Mr. MITCHELL of Maryland. No, I did not. If I may be heard, Mr. Speaker, what I said was as to those portions of the document that quote from a transcript of a trial, I am objecting to that because this body is not constituted to receive that information as of this time.

Mr. ROUSSELOT. Regular order, Mr. Speaker.

The SPEAKER. The Members will kindly be seated.

Mr. WOLFF. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Will the gentleman from New York (Mr. WOLFF) kindly withhold his parliamentary inquiry at this time?

The Chair will state for the Members that there is an expulsion resolution before the House and there is a motion offered by the gentleman from Texas (Mr. WRIGHT) to refer this resolution to a committee. The gentleman from Virginia (Mr. BUTLER) has been reading certain documents from the Court, and there has been an objection to this reading.

The question comes now—and a sufficient number of Members have risen for the offering of the yeas and nays—as to whether or not the gentleman from Virginia shall be allowed to read that document from the Court at this time in this proceeding. Under normal circumstances, the Chair rules that the objection was in order, so the question comes to a vote without debate.

Those in favor of letting this document be read will vote "aye," those who are opposed will vote "no," and the vote will be taken by electronic device.

For what purpose does the gentleman from New York (Mr. WOLFF) rise?

Mr. WOLFF. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLFF. Mr. Speaker, does the motion mean that the entire proceedings must be read, or is it confined to selected portions the gentleman wants to read?

The SPEAKER. The Chair will state that the gentleman from Virginia (Mr. BUTLER) has a prepared document, and he has been allotted 8 minutes by the gentleman from Texas (Mr. WRIGHT). He could read as much of the document as he has within those 8 minutes.

The Members will proceed to vote. Those in favor will vote "aye," those opposed will vote "no."

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 353, nays 53, not voting 26, as follows:

[Roll No. 19]

YEAS—353

Abdnor
Alexander
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Badham
Bafalis
Baldus
Barnard
Barnes
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Forsythe
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
Lungren
McCormack
McDade
McDonald
McClory
McCloskey
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Myers, Ind.
Natcher
Neal
Nelson
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rose
Rostenkowski
Roth
Rousselot
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Staggers
Stangeland
Stark
Steed
Stenholm
Stockman
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thompson
Treen
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—53

Addabbo
Akaka
Anderson, Calif.
Ashley
Bailey
Beilenson
Biaggi
Bolling
Bonior
Brown, Calif.
Burton, John
Burton, Phillip
Carr
Clay
Collins, Ill.
Conyers
Corman
Daschle
Dellums
Diggs
Dingell
Edwards, Calif.
Evans, Ga.
Ford, Mich.
Ford, Tenn.
Garcia
Gonzalez
Gray
Holland
Lederer
Leland
Lowry
Mathis
Mikulski
Mitchell, Md.
Murphy, Ill.
Murtha
Myers, Pa.
Nedzi
Oakar
Ottinger
Rangel
Richmond
Rosenthal
Roybal
Scheuer
Seiberling
Shannon
Stack
Stewart
Stokes
Wilson, C. H.
Zeferetti

NOT VOTING—26

Albosta
Anderson, Ill.
Beard, R.I.
Chisholm
Dixon
Evans, Del.
Flood
Fountain
Fowler
Giaimo
Hawkins
Hubbard
Jeffords
McKinney
Moffett
Mottl
Pepper
Rahall
Rodino
Roe
Stanton
Thomas
Traxler
Waxman
Wilson, Bob
Wilson, Tex.

□ 1205

POINT OF ORDER

Mr. RHODES. Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman from Arizona will state it.

Mr. RHODES. Mr. Speaker, the electronic device by which the House votes indicates that the gentleman from Michigan (Mr. DIGGS) has voted on the question which the House just considered. I would like to make a point of order against the vote by the gentleman from Michigan (Mr. DIGGS) based on rule VIII, clause 1, which of course states:

> Every Member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

In making the point of order, I submit that the gentleman from Michigan clearly has a personal interest in the question just decided.

The SPEAKER. The Chair is ready to rule on the gentleman's point of order. For the information particularly of the new Members as to how the pending vote came about, it is stated in the Rules of the House that a Member cannot read from a document upon which the House will not vote without the permission of the House. In this instance the gentleman was going to read from the records of the court. The gentleman from Maryland (Mr. MITCHELL) objected. This has happened in the past.

It was on December 19, 1974, that there was an objection to the reading from a paper by the gentlewoman from New York, Mrs. Abzug, and the House voted that she could read from the paper.

The gentleman from Arizona (Mr. RHODES) has addressed himself in an inquiry to the Chair on the application of rule VIII, clause 1, providing that each Member shall vote on each question unless he has a direct personal or pecuniary interest therein.

Speaker Clark held that the question of whether a Member's interest was such as to disqualify him from voting was an issue for the Member himself to decide and that the Speaker did not have the prerogative to rule against the constitutional right of a Member to represent his constituency.

Speaker Blaine stated that the power of the House to deprive one of its Members of the right to vote on any question was doubtful.

The Chair has been able to discover only two recorded instances in the history of the House where the Speaker has declared Member disqualified from voting. The last decision occurred over 100 years ago.

Because the Chair severely doubts his authority to deprive the constitutional right of a Member to vote, and because of the overwhelming weight of precedent, the Chair holds that each Member should make his or her own determination whether or not a personal or pecuniary interest in a pending matter should cause him to withhold his vote. The point of order is overruled.

So the gentleman from Virginia (Mr. BUTLER) was allowed to read.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. BUTLER).

□ 1210

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Virginia, who has the floor, care to yield for that purpose?

Mr. BUTLER. No, sir, Mr. Speaker.

Mr. RHODES. Mr. Speaker, I withdraw the parliamentary inquiry.

Mr. WRIGHT. Mr. Speaker, will the gentleman from Virginia yield to me for questions, if I will compensate him for such time as they may take?

Mr. BUTLER. The price is right.

Mr. WRIGHT. In order that we may be precise and understand that from which the gentleman proposes to read, is this a court-certified transcript of the trial proceedings?

Mr. BUTLER. If I may respond to the gentleman, what I have done is this: Yesterday I caused to be printed in the RECORD at our special order the indictment. And what I have with me today is a copy of that portion of the transcript which was prepared by the official court reporter; her name is Mrs. Judith B. Moore and we purchased this copy from her. The copy has not at this point in time been certified, but we do have her representation that this is an accurate report of what took place in the proceedings and I am prepared to accept that, subject, of course, to whatever corrections the gentleman can offer.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman. The answer is that it is not a court-certified transcript, but it is a transcript the gentleman has purchased from a court reporter.

Mr. BUTLER. Can the gentleman suggest where else I might purchase it?

I say to the gentleman that the transcript of the court proceedings has not yet been certified.

Well, I cannot represent whether they have or have not. All I did was ask the attorney to go to the lady who prepared the transcript and sell me a copy and I do notice that her certificate is in the back of it, but it is not signed; but I do make representations that it has been represented to me that this is this lady's recollection of what took place, because she took it down just like every one of the court reporters we have here.

Mr. WRIGHT. Of course. The gentleman also is aware, I am sure, he having been subjected to this as all of us have, that—and I shall yield the gentleman additional time—those who to the best of their ability take down our remarks sometimes fail to put them down correctly and verbatim, and the gentleman must correct them, is this not correct?

Mr. BUTLER. That is certainly a fair statement and I would not represent anything to the contrary; but I would like to take notice, as the gentleman from Arizona has just done, that the gentleman from Michigan is here present today. I am sure that the gentleman from Texas will yield him time to correct anything that is inadvertent or in error by the court reporter employed for that purpose.

Mr. WRIGHT. Let me simply ask the gentleman one additional question and I shall not intrude further upon the time I have yielded.

Does the gentleman not feel, in all fairness and in all honesty, that in effect he is asking this body to evaluate a selective portion of the transcript of that lengthy file; he is in effect asking us to sit as jurors in the evaluation of evidence presented in a trial when we do not have access to all the evidence? Does the gentleman feel that is a fair position in which to put the Members?

Mr. BUTLER. I could not be more grateful for the gentleman's question than any ever asked, because I will state in answer to the question, I share the same reservations about acting as jurors. I am not asking us to act as jurors. What I am reading to this body is what the gentleman from Michigan said under oath at his own trial. What I am saying to you is that when I get through reading this, you will conclude that the gentleman from Michigan has said, "Yes, I violated the rules of this House and I don't care."

I think that is wrong and that is why I am objecting to your motion to refer. That is why I am going to have to vote for the resolution when the proper time arises.

Mr. WRIGHT. Mr. Speaker, I yield an additional 4 minutes to the gentleman from Virginia.

□ 1215

Mr. BUTLER. As I mentioned earlier, Mr. Speaker, the entire indictment is printed in the special order we had on yesterday. A typical allegation of the 29 counts appears in paragraph 8(b). It reads:

> Defendant Diggs, as a means of paying various personal, business and House of Representatives expenses would and did inflate and increase and cause to be inflated and increased the salaries of Congressional employees, that is, defendant Diggs inflated and increased the salaries of . . .
>
> (b) Felix R. Matlock from his regular per annum pay rates of between $12,842.55 and $20,000 to per annum pay rates of between $21,700 and $37,000.

Typical of Mr. DIGGS' response to these charges against him is his testimony on the Matlock allegations. On direct examination by his own attorney Mr. DIGGS stated:

> Mr. Matlock paid the office expenses and related expenses for the Detroit District office.
>
> Q. Was he reimbursed for those expenses through his salary?
>
> A. Yes sir, that's correct.
>
> Q. Was there any indication from him that he was unwilling or did not wish to engage in that form of filling out his expenses which he would be compensated for through salary payment?
>
> A. Not at all and I have known Mr. Matlock since about 1950 and have had very close relationships with him and if he at any time had felt that he didn't want to make his salary available to pay those expenses he would have been able to say it and would have said it to me.

The indictment also charges that DIGGS inflated the salary of Jean G. Stultz from her regular rates between $15,000 and $23,000 to between $33,000 and $37,000.

Mr. DIGGS' testimony reveals that this money was used in part to pay for a $2,500 portrait of himself as a new committee chairman.

> Q. Did there come a time when she paid for the portrait?
>
> A. She paid for the portrait.
>
> Q. Was her salary increased?
>
> A. Yes.
>
> Q. By you?
>
> A: Well, I signed the Payroll Authorization forms, yes by me.
>
> Q: Now you say she paid that expense from her increased salary?
>
> A: That's correct.
>
> Q: Did she pay any other expenses that you can recall during that period of time?
>
> A: Well, as I recall, the portrait was paid in two payments. And on page 103—
>
> Q: Did there come a time when she began to pay as well for you what you would call personal expenses?
>
> A: Yes, she did.
>
> Q: Can you tell us how that came about?
>
> A: Well, as I mentioned, I was in very dire financial straits. She was handling all of my personal affairs, all of my personal business and she was dealing with the creditors and I said, "Can you help me out?" She said, "Yes, I'm prepared to help you out." And that's what she did.
>
> She began to pay my personal bills, not all of them, because I was paying obviously some of them. She began to pay some of my personal bills out of her salary and make her salary available for that particular purpose.
>
> Q. If you understood that the money was coming from her salary that she was paying for these various money orders and cashiers checks for your expenses didn't you question the large amount of money that she was paying? You have $1,400 being paid in one month; you have $1,200 being paid in another month; you have got another $1,200 that third month from a woman who is taking home $2,100.
>
> Didn't you question that at all, the amount of those monies?
>
> A. No, I did not question, Mr. Kotelly, and Mrs. Stultz did not question it, which is more important.

Now, I assume a defendant's lawyer saves his best questions until last. These are the last five questions asked Mr. DIGGS by his own lawyer.

The SPEAKER. The time of the gentleman from Virginia (Mr. BUTLER) has expired.

Mr. BUTLER. Mr. Speaker, will the gentleman from Texas (Mr. WRIGHT) yield me 3 additional minutes?

Mr. WRIGHT. Mr. Speaker, may I inquire, has the gentleman from Virginia (Mr. BUTLER) consumed 12 minutes at this point?

The SPEAKER. The gentleman has consumed 12 minutes.

Mr. WRIGHT. Mr. Speaker, there are others who have asked to be heard out of the 30-minutes portion that would be available to the gentleman's side. If the gentleman from Virginia (Mr. BUTLER) would withhold, let me see if I can accommodate others. I am loathe to shut the gentleman off. I think the gentleman will agree that I have been generous.

Mr. BUTLER. Mr. Speaker, I agree that the gentleman from Texas (Mr. WRIGHT) has been quite generous with me and with the time. I would have some other thing that I would point out, but if there are others who want to be heard, I would not insist on further time.

Mr. RHODES. Mr. Speaker, the gentleman from Texas (Mr. WRIGHT) may yield whatever time he would allot to me to the gentleman from Virginia (Mr. Butler).

Mr. WALKER. Mr. Speaker, whatever time the gentleman from Texas would allot to me he may yield to the gentleman from Virginia (Mr. Butler).

Mr. WRIGHT. Mr. Speaker, since both the gentleman who have sought to be heard have yielded, I yield an additional 3 minutes to the gentleman from Virginia (Mr. Butler), and that constitutes one-half the time that normally would be available to the gentleman's side for argument, referring to the gentleman from Virginia (Mr. Butler).

The SPEAKER. The gentleman from Virginia (Mr. Butler) is recognized for 3 minutes.

□ 1220

Mr. BUTLER. Mr. Speaker, I will read rather quickly. These are the last five questions asked Mr. Diggs on his direct examination by his own attorney:

> Question: Mr. Diggs, I want to ask you, on the occasion when you signed the payroll authorization form and placed Jeralee Richmond on your Congressional payroll, was it your intent to violate any laws of the United States?
>
> Answer: No sir.
>
> Question: When you authorized the payroll and salary payment to George Johnson for payment of salary to him, was it your intent at any time to violate any law of the United States?
>
> Answer: No, sir.
>
> Question: Now, when you increased the salary of Jean Stultz and she received additional salary in which she paid some personal bills and many of your offices expenses, was it your intention at that time to violate any laws of the United States?
>
> Answer: No, sir . . .
>
> Question: When you increased the salary of Mr. Matlock, in which he paid office expenses and was reimbursed through his salary account, was it your intent at that time to violate any laws of the United States?
>
> Answer: Absolutely not . . .
>
> Question: And when Mr. Dukes billed you for expenses he incurred in representing you both here and in Detroit to bill the additional amount and his salary was increased by you through the payroll authorization form, was it your intent to violate any laws of the United States?
>
> Answer: Absolutely not . . .

Mr. Speaker, this is clear throughout, this was done with the knowledge of Mr. Diggs, it was done for the purpose—and he admits it was done for the purpose—of inflating salaries to pay his expenses. This is a fair sample of the testimony of Mr. Diggs. He admits by his own testimony that he inflated the salaries of his own employees and used the funds so generated to pay his personal and business expenses. That is wrong, and we all know it.

I repeat what I said earlier: The appropriate thing for Mr. Diggs to do would be for him to decline to participate in the proceedings of the House until the committee could make its recommendation to the House.

However, when he continues to vote on weighty matters, it demeans the Congress of the United States and us, its Members, if we continue to tolerate that.

In my judgment, our Founding Fathers had such a circumstance in mind when they provided that Congress may expel a Member by a vote of two-thirds of its membership.

It is my intention to vote against the motion to refer, and for the motion to expel, because I think it important to do what I can to restore the confidence of the American people in this institution.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Marks).

Mr. MARKS. Mr. Speaker, I rise to support the motion to refer this matter to committee. And if I may take the time of the House to review for a moment what the facts are in the case before us, this very delicate and important matter that could be politicized beyond anything that I have seen or been a part of since being a Member of this Congress. I first suggest that a jury found Congressman Diggs guilty of certain criminal charges—and there is no dispute about that.

No. 2, Congressman Diggs, a Member of this House, duly elected by the electors of his district, has exercised his absolute right of appeal, a right which is as important as his right to trial, because one without the other is meaningless.

No. 3, there is no rule of this House, nor, as far is I know, has there ever been, that makes it mandatory for us to expel a Member, because he has been convicted and before his right of appeal has been exhausted.

If this House had such a rule, then I would be in front of the Members suggesting that there is no doubt but what should happen. The House does not have such a rule. And to point its finger at Congressman Diggs and make an example of him, rather than send it to a committee whose responsibility it is to report to the Congress, if I may say so, is not due process.

May I suggest that Congressman Diggs deserves due process in this House, fairness in this House, not because he is black and not because he is not white, but because he is a Member of this body elected by the people of his district. And under the rules of this House we do not have a right to exclude him without fairness and due process. More than that, we have no right on either side of the aisle to politicize for political reasons alone this particular situation.

My own personal feelings about the guilt or innocence of Congressman Diggs is not important.

The SPEAKER pro tempore (Mr. Brown of California). The time of the gentleman from Pennsylvania has expired.

Mr. WRIGHT. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania for purposes of debate.

Mr. MARKS. I thank the gentleman.

What is important—and that is why what Mr. Butler did, Caldwell Butler did a most respected Member of this House, seemed a bit out of order—what is important is that we determine what is a fair procedure under the rules as we have applied them to white and to black, to Republicans and Democrats in the past, and I suggest to you that that gentleman sitting there, who has gone through hell and high water up to this date, deserves the same consideration as you would ask for yourself.

Ladies and gentlemen of this august body, may I suggest that you think about that last statement a little bit, in determining what should be done in fairness for Congressman Diggs. I thank the majority leader for yielding me this time.

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL of Maryland. Mr. Speaker, I thank the gentleman for yielding to me. For the benefit of some of the newer Members, let me just make one or two observations, if I may. I wonder how this House holds together sometimes. We often stand as diametric opposites in terms of economic issues, in terms of philosophies, and so forth. We argue each other endlessly, but at the end of all of that, somehow or another we remain friends. We are not killing each other.

I think the reason we are able to do that is that we know every Member who speaks is carrying out his constitutional duty to represent the people of his district, and it does not matter whether I like it or you like it—he is carrying out his duty. Take that a little further. If you carry out your duty in terms of representing your people, then in effect you are saying these people have the right to elect and choose whom they would. I would not be happy if a member of the Ku Klux Klan, who had lynched a black man, was elected as a representative of Congress. I would not be happy about it, but I would accept that as the will of the people.

There is a process—there is a process in this House. It is no great secret that I did not think Richard Milhouse Nixon was the greatest President we ever had, but we followed a process. We did not come to the floor and say, "We will conduct impeachment hearings in the whole House." We did not do that. We recognized a time honored process, and that is all I am asking to happen in this case. I support the motion to refer because it is inconsonance with the process.

Let me make just one other brief observation, if I may. I am not a lawyer; some of you are. I would be awfully disturbed to find that a transcript that has not yet been completed; even the defendant and his lawyers have not seen it; that portions of that transcript were read before this body, which was not constituted as a jury. There is something—there is something terribly wrong if that transcript got out before the defendant's attorneys had a chance to see it, or the defendant. There is something terribly wrong with that, and I would ask that the lawyers ruminate on my concern.

Two things: The will of the people—that is what this House is all about, and if the people want to elect Hitler or a Klansman, that is their right, and you and I do not have any right to quarrel with it. The other: process, let us do the right thing; let us follow the will of the people and let us follow the process, and support this motion.

□ 1230

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Kostmayer).

Mr. KOSTMAYER. Mr. Speaker, I tried as best I could to get the gentleman from Michigan (Mr. Diggs) to refrain from voting. He, in my judgment, has been arrogant in continuing to insist on voting. I think that if he had stopped voting and if he had not insisted on continuing he would not have brought this matter to this point at this time and I would not be here prepared to vote to expel him from this House. However, he persisted. He did it, and he was arrogant about it, and he was wrong.

When Mr. Dowdy of Texas was here, he voluntarily gave up the right to vote. That is the least the gentleman from Michigan could do.

My friend, the gentleman from Pennsylvania (Mr. Marks) says that we ought to be fair. I cannot imagine that we could be any fairer than we have been, and I cannot imagine that if an average American had stolen $70,000, we would extend to him the kindnesses and the fairnesses and the decencies which we have extended to the gentleman from Michigan.

The gentleman from Maryland (Mr. Mitchell), my friend, brings up the case of President Nixon. He had not been convicted of 29 counts of taking kickbacks. I think that we have no alternative now. It is not a question of disfranchising a district. If he is expelled, there will be a special election. That district will have a new Congressman in this House shortly.

It is not a question of guilt or innocence. The gentleman from Michigan is guilty. He was adjudged guilty by a jury. The presumption of innocence expired on the day he was convicted.

The question is, What is our standard to be? How flexible are we to be? How limited are we to be in dealing with a man whose record otherwise is exemplary and for whom I have enormous respect, but who, by his own admission, has stolen from this body?

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Speaker, I am deeply troubled by the comments of my colleague, the gentleman from Pennsylvania.

Mr. MARKS. Mr. Speaker, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Pennsylvania.

Mr. MARKS. Mr. Speaker, may I ask the gentleman which colleague?

Mr. MIKVA. The gentleman from Pennsylvania (Mr. Kostmayer).

Mr. MARKS. I thank the gentleman very much. I appreciate it.

Mr. MIKVA. I will address myself to the remarks of the gentleman from Pennsylvania (Mr. Kostmayer). I am troubled, because it seems to me that he is mixing apples and oranges. He is talking about the question of whether the gentleman from Michigan (Mr. Diggs) has been convicted, and he has. But then the gentleman from Pennsylvania (Mr. Kostmayer) says, "Therefore, he should not vote."

Mr. Speaker, I do not know how that follows. As I read the Constitution—and I am sure other Members read it the same way—a Member of Congress votes. That is one of our primary functions here.

Then the gentleman says, "Therefore, we ought to expel him."

Why? Are we judging his moral character? Probably given the fact that a jury of his peers has already adjudged him guilty, he would fail on that score; but the Constitution specifically says what the standards are for service in this House. They say one has to be a certain age, one has to be a resident of the State from which he is elected, and one has to be a citizen. However, the Constitution does not say anywhere that a person has to be of good moral character, or that the other members should judge his moral character.

We have the power to expel; but that power, it seems to me, has traditionally been exercised and only properly been exercised when it has to do with someone who makes it impossible for this House to function. We can function with people of immoral character. That happens to be a fact of life.

If we are going to require a character test, I do not think we can just stop with people convicted by a jury. We may have to run other kinds of character tests. I do not know where we could stop those tests.

Therefore, Mr. Speaker, it seems to me that the question of expulsion and conviction by a jury and the question of voting and conviction by a jury are totally unrelated because, as I read the Constitution of the United States, a gentleman is elected by the people of his district, and he serves and he votes by their sufferance, not by ours.

□ 1235

Mr. WRIGHT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Phillip Burton).

Mr. PHILLIP BURTON. Mr. Speaker, I would like to associate myself with the remarks of the distinguished colleague from Illinois (Mr. Mikva). In addition to that, I would like to note when we get to the item of conviction our colleague, the gentleman from Michigan (Mr. Diggs) has an appeal and that conviction is not final.

I think those of us who have practiced law understand the enormous difference between a conviction or a decision in a trial court and whatever disposition may be made in the appellate court. I would further like to reaffirm that we do have a process, a more thoughtful process; to wit, that of referring to a committee of our peers an item such as this, so that this process is not only respected but our judgment is also a little more discreet, a little more refined, and a litte more rational.

For all of these reasons I support our distinguished majority leader, the gentleman from Texas (Mr. Wright), and associate myself with the remarks of the gentleman from Illinois (Mr. Mikva).

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, notwithstanding the gentleman's generous offer to yield his time, I have 3 minutes that I could yield to the gentleman from Arizona, the distinguished minority leader. Let me inquire of the gentleman if that is sufficient time for the gentleman?

Mr. RHODES. If the gentleman will yield, I hope so.

Mr. WRIGHT. I yield 3 minutes to the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, shortly after learning of the conviction of the gentleman from Michigan (Mr. Diggs), I made the statement that the matter should be taken up by the Committee on Standards of Official Conduct, and that if nobody else made the proper complaint to start that committee into operation, I would do so myself. Such a complaint has been made, and it is my understanding that the Committee on Standards of Official Conduct have hired counsel and that investigations are going forward in this matter. I think that is absolutely proper and that it should be done.

I suggest, however, that the experiences of today indicate that there is probably an intermediate action that that committee should consider. The precedent for this action is what was done in the Dowdy case. A resolution was proposed which stated that it was the sense of the House that the gentleman in question should refrain from voting. Mr. Dowdy announced he would refrain from voting, pending appeal. However, a similar resolution of general application was adopted in the following Congress.

The gentleman from Michigan was convicted prior to the election of 1978, but he was not sentenced prior to that election. His appeal has not been heard.

The presumption of innocence, as it applies to Mr. Diggs, is gone. Until that presumption is revived, I think the gentleman from Michigan should very properly, and that the House should insist that this be the case, refrain from voting.

The situation that confronts all of us points up the fact that there are a lot of us who think that not only do the people of the district of Michigan represented by the gentleman from Michigan have a voice in this, but the people in my district have a voice, the people in all of our districts have a voice, as to who shall vote on matters which this body considers affecting all of the people of the United States. I think that the precedent of the House that reelection expunges all previous sins in all cases is absolutely wrong. I hope that the Committee on Standards of Official Conduct will address that matter. I believe that if a person is convicted of a felony and the conviction stands, then until a 'subsequent election is had after appeal has been taken and denied, the person should not be a voting Member of this House. Naturally, if the appeal is successful, the presumption of innocence is revived and the Member is restored to all his rights.

I propose to support the motion of the gentleman from Texas (Mr. Wright) to refer this matter to the Committee on Standards of Official Conduct. I do not feel that the committee has had a chance to work its will. I have every reason to believe it would proceed expeditiously. However, I would like to serve notice on the Members of the House and on the members of the committee, without threatening anybody, that if the matter is not resolved as expeditiously as the majority of us believe it could be resolved, then I personally, if I have to, will introduce a motion of expulsion. I think it is necessary for us to proceed, but to proceed in an orderly way.

□ 1240

Mr. WRIGHT. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. BENNETT), the chairman of the Committee on Standards of Official Conduct.

Mr. BENNETT. Mr. Speaker, I intend to support the motion to refer the matter to the Committee on Standards of Official Conduct.

The first action that I took, in fact, it was before I became chairman, the first action looking forward to becoming chairman was to prepare my statement for the first thing that was to be said in the initial meeting of the committee this year; and I circulated that among the Members of Congress. In that statement I asked for unanimous support for the appointment of subcommittees for the gentleman from Michigan (Mr. DIGGS) and the gentleman from Pennsylvania (Mr. FLOOD) and the appointment of attorneys for the conduct of these committees. So before any other business was transacted by the committee in its starting up this year the first business of the committee was to set up those two committees to act on the matters of our colleagues, Mr. FLOOD and Mr. DIGGS. Lawyers were authorized and have been employed.

I spent about an hour yesterday talking to the lawyer who represents the committee that is handling the Diggs matter, to assure that it is going to be expeditiously handled. I asked him for a time frame. I said that I would like to know about how long this is going to take, how long he thinks it will take. He is a very able attorney, and he said he felt there was certainly a good chance for it to be handled within 30 or 40 days, almost certainly within 60 days.

He did not want to unduly restrict himself, because this is a matter of doing justice and doing it properly; but he made that estimate to us and assured me that the matter is being handled by the subcommittee and staff in a very expeditious manner.

If this motion is not handled expeditiously in our committee, I would certainly support a move to take it out of the hands of the committee.

There is no indication that we are not going to go forward with it expeditiously. There is no dissent in the committee about looking into the matter thoroughly. I think it will be handled expeditiously and thoroughly in that committee; and I support the pending motion.

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

The decision we shall make in a few moments is a question of utmost gravity. It is not a decision to be made lightly. The question we shall resolve in our vote goes to the very roots of our heritage and to the most sacred and most basic rights vouchsafed to every American citizen.

I should like for us to consider four things, four thoughts. The first one is the total irretrievable severity of expulsion. To expel a Member from the U.S. House of Representatives would be unquestionably the most severe punishment that this House could bestow.

In the entire history of the United States, only three Members have been expelled, and they are for treason. All three were expelled in the year 1861, during the Civil War. They had left the Congress, returned to their native Southern States and had been elected to the Congress of the Confederacy. They were expelled on the grounds of treason. Nobody else ever in history has been expelled.

The last time a motion was entertained on the House floor to consider the expulsion of a Member involved a gentleman from California (Mr. Hinshaw) who also had been convicted of a crime.

There is absolutely nothing partisan in any sense about this long and unbroken chain of traditions. The gentleman from Michigan is a Democrat. The gentleman from California was a Republican. A resolution was offered to expel Mr. Hinshaw after the Committee on Standards of Official Conduct had recommended against expelling him even though he had been convicted of a crime. The motion to lay that resolution on the table prevailed by an overwhelming bipartisan vote.

□ 1245

Mr. RHODES. Mr. Speaker, will the gentleman yield briefly?

Mr. WRIGHT. I will yield if the gentleman feels I have unfairly represented the facts.

Mr. RHODES. No, the gentleman has not unfairly represented them, except that the rest of the story is that Mr. Hinshaw did not vote after his conviction.

Mr. WRIGHT. All right, Mr. Speaker, I will address myself to that, if the gentleman wishes, at a later point.

At this point all we are considering is the question of whether this House should expel the gentleman from Michigan. That is all that is before us, and my motion is to refer that resolution to the Committee on Standards of Official Conduct. That is what we must decide, not whether we in our own finite judgment think the gentleman from Michigan should or should not vote on this or that issue. That is not before us. That is not what we are voting on today. We are voting on the question of whether to refer the matter to the Committee on Standards of Official Conduct for its recommendations.

I hope we understand that first fundamental principle of the grave severity of the punishment of expelling a duly elected Member of the U.S. House of Representatives. And I hope we understand that in the long chain of history this House has refrained from exerting that extreme punishment in all but those three cases named.

The second thing I want us to think about is the question of constitutional due process under law. It applies to every American citizen; it applies to the gentleman from Michigan. The gentleman from Michigan has not exhausted his rights of appeal, and whereas one of those who recommend his expulsion has suggested that the presumption of his innocence may no longer exist, can we discard the possibility of his innocence? Are we so almighty wise, and do we know so much about this case that we can presume to say there is no possibility that his conviction will be remanded or that it will be successfully appealed?

I would suggest that our memories are quite short if we should so conclude. I think instantly of four public officials in very recent times against whom initial legal action was taken and higher legal authority removed that action and exonerated them, at least in part if not in whole. One involved a Member of the Senate from Florida, Senator Gurney; another involved the Governor of Maryland, Mr. Mandel; another involved our former colleague from New Jersey, Mr. Helstoski; and the other involved a former colleague from California, Mr. Reinecke. In every one of those instances higher legal authority found that initial action had been improperly taken against him.

So, in recognition of this, would it not be premature and terribly presumptuous of us to conclude that there is no possibility that he ultimately may be found innocent?

Now, the third thing I want us to consider goes to the question of the due process of this House. We have been asked to consider, how high are our standards? Let us think about our standards. Are our standards high enough that we demand for others, even for those which whom we may disagree, the same rights that we would insist on for ourselves? Are our standards high enough that we insist upon the due process that has been established in this Chamber?

The question before us here is not whether we approve of those deeds with which Mr. DIGGS has been charged and of which a trial court found him guilty; the question is whether we are prepared to defend his right to due process in this Chamber.

□ 1250

We created a Committee on Standards of Official Conduct for this express purpose. We have just heard the distinguished chairman of that committee recite to us that the committee already is in the process of considering what if any action would be appropriate in the case of the gentleman from Michigan. Are we to short-circuit that process? Are we to deny the gentleman from Michigan his day in court in our Chamber, notwithstanding whatever may have occurred with respect to the judicial branch?

Are we to forsake those sacred rights vouchsafed to every Member when we created that committee? Those rights include the right to be heard in his own defense, the right to be represented by an attorney if he wishes, the right to be presented with a bill of particulars.

And so I ask the Members to consider, in the third place, the rights of due process and the sanctity of this Chamber.

And, finally, most important of all, most sacred of all, I ask the Members to consider the fundamental constitutional rights of the people of the district represented by the gentleman from Michigan.

I do not suppose any of us would contend that this House is an undiluted collection of saints. I am not sure that we were really supposed to be that. But we are a representative body, and that we must continue to be.

To expel the gentleman from Michigan would not be to punish the gentleman from Michigan. To expel him would be to punish and deny some one-half million American citizens who have chosen him as their spokesman in the Congress of the United States.

In an unbroken chain of precedents, going back to the year 1799, 180 years of precedent in this Chamber, Congress has held that when a Member's constituents are aware of what he has done and have reelected him nevertheless, so far as our court is concerned, that is the final appeal. That is the sacred court that we honor in this country.

We fought the war for independence, proclaiming our belief in the proposition that taxation without representation is tyranny. One of the gentlemen today has suggested we would not deny representation to the constituents of the gentleman from Michigan if we said they could not have him, that they could elect someone else. Oh, but that is not the same. Representation quite clearly implies the right to be represented by the person of their own choice, not of my choice and not of your choice.

There are gifts within the power of this House to give, such as the chairmanship of a committee. Having the power to bestow these gifts, we also possess the power to withhold or to take them away. We have indeed done so on numerous occasions. In the present occasion, Mr. Diggs has foregone both a committee chairmanship and a subcommittee chairmanship. But we do not possesss the power to grant to any human being the right to serve in this body. That is not a power given to us. That gift is not ours to bestow. And we would be arrogant in the extreme if we were to presume that our judgment on the question of this Member's fitness to serve should override the rights of his constituency. Under the Constitution of the United States, that power of choice lies with the people. That is where it belongs and that is where, please God, it shall forever remain if we are to be a representative democracy.

In the Diggs case, the people have overwhelmingly reelected him following his highly publicized trial and conviction.

In the Dowdy case, the one to which the gentleman from Arizona referred, it was suggested that the gentleman from Texas, Mr. Dowdy, after conviction of a crime, and not having gone back to that ultimate court, his constituency, should refrain from voting.

He was not required to refrain from voting. It was suggested that he refrain from voting until such time as his constituents might have the opportunity to decide whether he was an appropriate representative for them. And in that instance, let me read to the Members from the conclusion of the report of the Committee on Standards of Official Conduct. In the Dowdy case, they were suggesting that it would be nice if he would refrain from voting, expressing a wish he would refrain from voting. But even then, they said this:

☐ 1255

> Precedents without known exception hold that the House will not act in any way against a Member for any actions of which his electorate had full knowledge at the time of his election.

And that is an unbroken precedent going back to 1799, when the House refused to expel a Member named Matthew Lyon on the ground that notwithstanding the offense of which he had been convicted, his constituents, knowing of it, had of their volition chosen him as their representative in the Congress.

To say that they are entitled to be represented but not to have a vote is to deny them representation. What good is it? What good is it to have a representative who sits here in the Chamber but is denied legally the right to participate as a Member? That does not primarily deny him; that denies his constituents the most sacred right the Constitution grants.

Prof. Gerald McLaughlin of Fordham, writing in the Fordham Law Review in 1972 on the subject of congressional self-discipline and the power to expel, to exclude and to punish, concluded that:

> * * * the power of Congress to expel, to exclude, or to punish a member is itself limited by the people's right to elect whomever they wish to represent them.

I shall quote finally from the case of Powell versus McCormack in 1969, in which the Supreme Court held as follows:

> A fundamental principle of our representative democracy is, in Hamilton's words, "that the people should choose whom they please to govern them. * * *" As Madison pointed out at the (Constitutional) Convention, this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself.

And so, we have been asked by the gentleman from Georgia to consider the sanctity of the House. Yes, I ask you to consider the sanctity of the House. Consider the sanctity of the House. Consider the sanctity of the Constitution. Consider the sanctity of the Bill of Rights. Consider the sanctity of all the presumptions that go with that phrase, "due process," and you will vote for my motion to refer this resolution to the Committee on Standards of Official Conduct, where it will be considered deliberately and expeditiously.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Wright).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GINGRICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 322, nays 77, answered "present" 5, not voting 28, as follows:

[Roll No. 20]

YEAS—322

Addabbo
Akaka
Albosta
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Bailey
Baldus
Barnard
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burlison
Burton, John
Burton, Phillip
Byron
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Coelho
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Guarini
Gudger
Guyer
Hall, Tex.
Hamilton
Hanley
Hansen
Harkin
Harris
Heckler
Hefner
Heftel
Hightower
Holland
Holt
Holtzman
Howard
Huckaby
Hughes
Hutto
Hyde
Ichord
Jacobs
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
LaFalce
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Michel
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quillen
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Roberts
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Rudd
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Steed
Stewart
Stokes
Stratton
Studds
Swift
Synar
Taylor
Thompson
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Williams, Mont.
Wilson, C. H.
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—77

Abdnor
Anthony
Archer
Badham
Bafalis
Barnes
Bauman
Bereuter
Bethune
Burgener
Butler
Campbell
Carney
Clinger
Coleman
Courter
Daniel, R. W.
Dannemeyer
Davis, Mich.
Dougherty
Edgar

Emery
Findley
Gingrich
Goldwater
Goodling
Grassley
Grisham
Hagedorn
Hall, Ohio
Hammerschmidt
Hance
Hillis
Hinson
Hopkins
Ireland
Jeffries
Kindness
Kostmayer
Kramer
Lagomarsino
Lee
Lewis
Loeffler
Lott
Lujan
Lungren
McClory
Mica
Miller, Ohio
Moorhead, Calif.
Murphy, Pa.
Paul
Quayle
Ratchford
Ritter
Robinson
Roth
Runnels
Russo
Schulze
Shelby
Shumway
Shuster
Snowe
Solomon
Stangeland
Stenholm
Stockman
Stump
Symms
Tauke
Trible
Walker
Whittaker
Williams, Ohio
Thomas

ANSWERED "PRESENT"—5

Hollenbeck
Livingston
Sensenbrenner
Spence
Young, Fla.

NOT VOTING—28

Alexander
Anderson, Ill.
Beard, R.I.
Breaux
Chisholm
Evans, Del.
Flood
Fountain
Fowler
Giaimo
Harsha
Hansen
Horton
Hubbard
McKinney
Marlenee
Mitchell, N.Y.
Mottl
Pepper
Rahall
Rodino
Rousselot
Stanton
Traxler
Watkins
Waxman
Wilson, Bob
Wilson, Tex.

☐ 1315

Mr. ALBOSTA changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1425

PERSONAL EXPLANATION

Mr. EVINS of Delaware. Mr. Speaker, I was not present for the vote on rollcall No. 20, but had I been present I would have voted for referral of the matter relating to Congressman Diggs to the Committee on Standards of Official Conduct.

RE-REFERRAL OF H.R. 104, PROVIDING UNIFORM STANDARDS FOR TRUCKS IN INTERSTATE COMMERCE, TO COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the bill (H.R. 104) to provide for uniform standards for trucks carrying freight in interstate commerce, and for other purposes, and that the bill be re-referred to the Committee on Public Works and Transportation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO THE POSSIBLE EXECUTION OF FORMER PRIME MINISTER BHUTTO

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 135) expressing the sense of the House of Representatives with respect to the possible execution of former Prime Minister Bhutto, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 135

Whereas the people of the United States and the people of Pakistan have long had friendly and mutually beneficial relations; and

Whereas the continued development and prosperity of Pakistan is important to the people of Pakistan, to Pakistan's friends in the United States, and the peace of the world; and

Whereas the judicial proceedings in the case of former Prime Minister Bhutto have led to a sentence of death, implementation of which might precipitate unnecessary confrontation between supporters of Mr. Bhutto and the Government of Pakistan; and

Whereas the President of the United States has communicated to the President of Pakistan his deep concern about the death sentence for Mr. Bhutto, and has urged the President of Pakistan to grant clemency: Now, therefore, be it

Resolved, That the House of Representatives supports the appeal of the President of the United States to the President of Pakistan for clemency in the case of former Prime Minister Bhutto; be it further

Resolved, That the House of Representatives considers that a demonstration of clemency by the President of Pakistan in commuting Mr. Bhutto's death sentence would be a statesmanlike and humane gesture; and be it further,

Resolved, That the President of the United States should convey this resolution immediately and in the most urgent possible terms to the President of Pakistan.

The SPEAKER. The gentleman from New York (Mr. Wolff) is recognized for 1 hour.

Mr. WOLFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to introduce on behalf of my colleagues on the Foreign Affairs Committee, and the Subcommittee on Asian and Pacific Affairs our plea to the Government of Pakistan that the life of former Prime Minister Ali Bhutto be spared.

As is well known to the House, Mr. Bhutto has been under sentence of death for more than a year. President Carter, and leaders throughout the world have expressed their hope that President Zia will extend mercy to Mr. Bhutto.

More than a year ago, the Subcommittee on Asian and Pacific Affairs wrote to the Government of Pakistan urging our concern that Mr. Bhutto be spared in the name of mercy.

We make our plea today, and ask the endorsement of this body, purely as a humanitarian gesture, a plea for mercy. In no way do we ask the House, or the American people, to pass judgment for or against Mr. Bhutto. That is the sole prerogative of the people of Pakistan.

But the humanitarian concerns represented by our plea are the common prerogative of all people of good will, regardless of national boundaries.

It is my hope that President Zia will receive our petition in the spirit in which it is offered, and that the House will add the voice of Congress, and the American people, to those already raised throughout the world.

I urge the adoption of the following resolution as amended:

H. Res. 135

Whereas the people of the United States and the people of Pakistan have long had friendly and mutually beneficial relations; and

Whereas the continued development and prosperity of Pakistan is important to the people of Pakistan, to Pakistan's friends in the United States, and the peace of the world; and

Whereas the judicial proceedings in the case of former Prime Minister Bhutto have led to a sentence of death; and

Whereas the President of the United States has communicated to the President of Pakistan his deep concern about the death sentence for Mr. Bhutto, and has urged the President of Pakistan to grant clemency: Now, therefore, be it

Resolved, That the House of Representatives supports the appeal of the President of the United States to the President of Pakistan for clemency in the case of former Prime Minister Bhutto; be it further,

Resolved, That the House of Representatives considers that a demonstration of clemency by the President of Pakistan in commuting Mr. Bhutto's death sentence would be a statesmanlike and humane gesture; and be it further,

Resolved, That the President of the United States should convey this resolution immediately and in the most urgent possible terms to the President of Pakistan.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Resolution 135, as amended, expressing the sense of the House of Representatives with respect to the possible execution of former Prime Minister Bhutto, which was agreed to by the full Committee on Foreign Affairs last Tuesday.

The resolution is a humane gesture which endorses President Carter's appeal to the President of Pakistan for clemency in the case of former Prime Minister of Pakistan Zulfikar Ali Bhutto. The resolution does not, as the subcommittee chairman, our colleague, the gentleman from New York (Mr. Wolff), has stated, presume to make a judgment of guilt or innocence of the charges brought against Mr. Bhutto. It is, instead, a demonstration of a compassionate nature to urge the sparing of a human life.

Mr. Speaker, I urge the adoption of House Resolution 135, as amended.

☐ 1320

Mr. WOLFF. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Goodling), who introduced the resolution.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, I would like to bring to the attention of the House the measure which I introduced earlier this week, House Resolution 135, which calls for the House of Representatives to express support of President Carter's appeal for clemency on behalf of former Pakistani Prime Minister Bhutto. President Carter's appeal was made as soon as the Pakistan Supreme Court handed down its confirmation of Mr. Bhutto's death sentence. This resolution underlines the President's appeal and brings the House in line with a good many world leaders who have also made such an appeal.

When I introduced this resolution, I in no way meant to act in the judicial sense of declaring former Prime Minister Bhutto guilty or innocent. Rather I think it is appropriate here to express the sense of this body that clemency for Mr. Bhutto would be an act of statesmanship and that alternative punishments would be preferable, in this case.

There are alternatives to death for Mr. Bhutto—exile in friendly Islamic countries, perhaps—as that punishment has been determined as being in order by Pakistan's judicial system. I believe that it cannot be counter to our national interest to make an appeal for clemency for Mr. Bhutto. Whether we do or not might make no difference or it might make all the difference.

Although no mention of it is made in the resolution, I think many of my colleagues are aware of the volatile political situation in Pakistan, and indeed, in the entire region which includes Iran and Afghanistan. The execution of Mr. Bhutto's sentence of death could provide the spark to ignite a fractionalized and explosive situation—the detonation of which, would not bode well for the United States, or the Western World.

Mr. Speaker, as I mentioned, this measure does not, anywhere in its text, barge into the internal affairs of Pakistan. It merely expresses the concern of this body that clemency be exercised in the case of former Prime Minister Bhutto. It was unanimously passed by the Foreign Affairs Committee.

The State Department has been aware that this resolution is being introduced and considered; I am assured that they would favor this action.

Mr. WOLFF. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD), the ranking minority member of the full committee.

Mr. BROOMFIELD. Mr. Speaker, I rise in support of House Resolution 135, which supports the appeal of the President of the United States to the President of Pakistan for clemency in the case of former Prime Minister Ali Bhutto.

I firmly believe that a demonstration of clemency by the President of Pakistan—in commuting Mr. Bhutto's death sentence—would not only be a humane gesture, but also a statesmanlike act.

As my colleagues well know, in July 1977, the Pakistan military overthrew Mr. Bhutto's government, which had just won an overwhelming majority vote in the parliamentary election. The new regime proceeded to impose martial law and postponed elections until late 1979. Moreover, since the takeover, Ali Bhutto has been tried and sentenced to death.

To be sure, the present regime has abused the human rights of many Pakistani people and in particular, the individual rights of Mr. Bhutto.

According to an Amnesty International report of April 1978, cruel and unusual punishments have been used against political prisoners in Pakistan. On several occasions, Mr. Bhutto himself has angrily complained about the treatment he has received in jail during the course of his trial.

The report also criticized the present Pakistani Government's martial law restrictions on political activity, free expression, and civil court system.

Finally, Amnesty International's report also urged that the death penalty not be imposed on Mr. Bhutto.

I urge my colleagues, however, to support the resolution we have before us for reasons beyond the important consideration of human rights. Many nations, including the United States, Great Britain, Saudi Arabia, and Turkey, as well as such world leaders as Pope John Paul II, are particularly concerned that Ali Bhutto's execution would well set the stage for the escalation of a civil war. Furthermore, the execution of former Prime Minister Bhutto by the current regime could cause sufficient unrest which might trigger political insurgency which the Soviets could exploit. The Soviets have long coveted a warm water port on the Arabian Sea which would serve their interests well in controlling the passage of oil to Western nations.

The execution of Ali Bhutto would not only exemplify the plight of human rights conditions, but also the precarious profession of politics in Asia. Equally important, the execution of Mr. Bhutto could result in yet another upheaval in the already troubled "crescent of crisis."

For these reasons, I urge my colleagues to adopt House Resolution 135

Mr. WOLFF. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

The SPEAKER pro tempore. The Clerk will report the preamble.

The Clerk read as follows:

Whereas the people of the United States and the people of Pakistan have long had friendly and mutually beneficial relations; and

Whereas the continued development and prosperity of Pakistan is important to the people of Pakistan, to Pakistan's friends in the United States, and the peace of the world; and

Whereas the judicial proceedings in the case of former Prime Minister Bhutto have led to a sentence of death, implementation of which might precipitate unnecessary confrontation between supporters of Mr. Bhutto and the Government of Pakistan; and

Whereas the President of the United States has communicated to the President of Pakistan his deep concern about the death sentence for Mr. Bhutto, and has urged the President of Pakistan to grant clemency:

AMENDMENT TO THE PREAMBLE OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Speaker, I offer an amendment to the preamble.

The SPEAKER pro tempore. The Clerk will report the amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. WOLFF: In the third whereas clause, strike out the comma in the next to the last line on page 1 and all that follows through "Pakistan" in the second line on page 2.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. DAVIS of South Carolina, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–19) on the resolution (H. Res. 111) providing funds for the expenses of the Committee on Standards of Official Conduct, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION TO PROVIDE FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. DAVIS of South Carolina, from the Commitee on House Administration, submitted a privileged report (Rept. No. 96–20) on the resolution (H. Res. 112) to provide for the expenses of investigations and studies to be conducted by the Committee on the District of Columbia, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF WELFARE AND PENSION PLANS TASK FORCE UNDER JURISDICTION OF COMMITTEE ON EDUCATION AND LABOR

Mr. DAVIS of South Carolina, from the Commitee on House Administration, submitted a privileged report (Rept. No. 96–21) on the resolution (H. Res. 114) providing funds for the expenses of a welfare and pension plans task force under the jurisdiction of the Committee on Education and Labor, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON AGRICULTURE

Mr. DAVIS of South Carolina, from the Committee on House Administration, submitted a privileged report (Rept. No. 96–22) on the resolution (H. Res. 117) to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF COMMITTEE ON HOUSE ADMINISTRATION RELATING TO COMPUTER SERVICES

Mr. DAVIS of South Carolina, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–23) on the resolution (H. Res. 129) providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FUNDS FOR COMMITTEE ON RULES

Mr. DAVIS of South Carolina, from the Committee on House Administration, submitted a privileged report (Rept. No. 96-24) on the resolution (H. Res. 130) providing funds for the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

☐ 1325

TEMPORARY EXTENSION OF COUNTERVAILING DUTY WAIVER AUTHORITY

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 141 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 141

Resolution providing for the consideration of the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments to the bill shall be in order except amendments recommended by the Committee on Ways and Means and said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. McKay). The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Tennessee (Mr. Quillen), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 141 provides for the consideration of H.R. 1147, a bill to extend the authority of the Secretary of the Treasury to waive countervailing duties on imported goods from foreign countries whose governments have subsidized their production. The countervailing duty is designed to compensate for the advantage of lower priced imported products over domestic goods which are higher in price.

Under the provisions of the Trade Act of 1974, the Treasury Department had authority to waive countervailing duties on subsidized products when certain conditions are met. This waiver authority expired on January 3, 1979. The extension of the authority would be retroactive to January 2, 1979, and would remain in effect temporarily—until September 30, 1979, or until legislation to implement the multilateral trade negotiations is enacted or disapproved by Congress, whichever occurs first.

Mr. Speaker, the extension of the waiver authority at the present time would apply to approximately 12 products and would amount to about $40 million in duties on about $567 million worth of goods. There may be waivers of countervailing duties in a few other pending cases as well.

There seems to be little opposition to this temporary extension of the authority to waive countervailing duties. The extension is a critical matter to U.S. trade policy. Our talented Special Trade Representative Robert Strauss has negotiated tough new international trade rules. The countervailing duty waiver was a 4-year authority established under the Trade Act of 1974 to create an international climate conducive to negotiating an international code on subsidies practices.

The issue of countervailing duty waivers has become important to the successful conclusion of the multilateral trade negotiations. Leaders in the European communities have taken the position that conclusion of the negotiations is contingent upon the continuation of waiver authority during the 90-legislative-day period during which Congress will consider the implementation of the trade agreement. Should Congress in the interim disagree with any individual application of the waiver of duties, a House disapproval resolution is provided for under section 331(a) of the Trade Act.

We should therefore now act to extend this waiver authority in the interest of progress toward an international trade agreement.

House Resolution 141 provides for a closed rule, with 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The bill will be considered as having been read for amendment after general debate. No amendments will be in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment. If the committee offers amendments, they will be technical in nature. No substantive amendments will be offered. The rule further provides for one motion to recommit.

The policy of disallowing amendments in this case is a wise and practical policy. The legislation provides a temporary authority which we hope will lead the way to a new international trade agreement which will improve our Nation's trade posture in the world. It would be unwise to open the Tariff Act to amendment at this critical juncture in time, when a major new agreement is almost to be concluded.

Mr. Speaker, I urge the adoption of the resolution, and I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, I rise in support of the rule making in order the consideration of H.R. 1147, a bill providing for a temporary extension of countervailing duty waiver authority by the Secretary of the Treasury. This is a 2-hour, closed rule with the time equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule allows only committee amendments which would not be subject to amendment, and one motion to recommit.

I am not aware of any controversy regarding the rule, and the bill itself was reported out of committee by a rollcall vote of 29 to 1, demonstrating broad bipartisan support.

Mr. Speaker, it is necessary to provide this extension of duty waiver authority so that the Congress has a full opportunity to consider the results of the multilateral trade negotiations which are nearing their conclusion.

There are now 12 outstanding countervailing duty waivers covering some $600 million in imports, largely European agricultural products. The authority to waive the imposition of these duties expired on January 2, 1979. The Secretary of the Treasury is now requiring affected importers to post bond, letters of credit, or other financial assurances and these measures are a hindrance to normal trade. H.R. 1147 will extend until September 30, 1979, the authority to waive the duties, and this is essential for the conclusion of the present negotiations.

Mr. Speaker, I urge the adoption of the rule and the passage of the bill.

Mr. LONG of Louisiana. Mr. Speaker, having no requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1330

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. Ullman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1147, with Mr. Kildee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Oregon (Mr. Ullman) will be recognized for 1 hour, and the gentleman from Michigan (Mr. Vander Jagt) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon (Mr. Ullman).

Mr. ULLMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Committee on Ways and Means, in reporting H.R. 1147, is responding to the President's request that the Congress extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties under certain conditions.

H.R. 1147, as amended by the Committee on Ways and Means, amends section 303(d) of the Tariff Act of 1930 (section 331(a) of the Trade Act of 1974) to extend retroactively the 4-year period during which the Secretary of the Treasury may waive the imposition of countervailing duties from January 3, 1979, to September 30, 1979, or until legislation to implement the international agreement or agreements on subsidy practices negotiated in the multilateral trade negotiations is enacted or either House of Congress defeats such implementing legislation, whichever date occurs first.

The Committee on Ways and Means carefully considered this bill, and the circumstances and need for the bill is described in the committee report (Rept. No. 96–15).

The situation we find ourselves in is that the negotiations in Geneva have not been concluded, and our trade partners, particularly the European Communities, are unwilling to conclude the negotiations unless the U.S. Congress acts to continue the waiver authority.

H.R. 1147, then, is procedural legislation which sacrifices no U.S. economic interests; rather it would eliminate a roadblock to the conclusion of the negotiations.

Mr. Chairman, the Committee on Ways and Means has been carefully monitoring the multilateral trade negotiations as required by the Trade Act of 1974. The Subcommittee on Trade has begun to examine the agreements which the President outlined in his notification to the Congress on January 5, 1979. These agreements, the result of over 4 years of hard negotiations, can benefit the United States and the world economy, by providing new international rules and disciplines for more fair and expanded world trade.

If the negotiations fail, however, the results could be disastrous for the U.S. economy and a body blow to international economic cooperation and world prosperity.

Due to the urgency of the President's request and of the circumstances involved, I strongly urge the House to approve H.R. 1147.

Mr. VANDER JAGT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I rise in support of H.R. 1147. As my colleague has ably described, this bill would extend until September 30, 1979, at the latest, the authority of the Secretary of the Treasury to waive countervailing duties under appropriate circumstances.

Mr. Chairman, this is not the first time we have had to deliberate on this question. At the end of the last Congress, the House passed legislation that would have done what this bill would do. The measure failed full congressional approval last October for reasons largely unassociated with the underlying substance of the bill. The measure is before us again, so early in the session, because of its great importance to the national interest.

As has been said already and quite likely will be said several times during this debate, passage of this legislation is of importance because it is a critical prerequisite to the successful conclusion of the multilateral trade negotiation. Whether we like it or not, the fact of the matter is that there are certain disruptive elements in the negotiations that are opposed to its liberalizing and disciplining effects. These elements have undertaken strategies designed to frustrate the progress in Geneva. One of their consistent ploys has been to refuse further cooperation under the threat of what they view as our improper imposition of countervailing duties. Thus, by extending the Secretary's authority to waive countervailing duties through September 30 or until the measure is disposed of by us, we derail the retrogressive efforts of some of our trading partners and assure that the work of the past 5 years has a full opportunity to reach conclusion.

But there are those in this body who oppose this legislation for the very reason that they have strong reservations about the substance of the emerging MTN agreement. It should be understood that this legislation has no bearing on what will or will not be a part of the final MTN package. What this legislation does do, as I have said, is assure that the negotiation will be completed and, most importantly, that this body will have an opportunity to review in some detail all the provisions of the final agreement and that each of us will have an opportunity to make our views about it known.

Support for this bill has come from a broad spectrum of the trade impacted community. At the hearing before the Trade Subcommittee the National Fisheries Institute, the American Importers Association, the Emergency Committee for American Trade, and the League of Women Voters all endorsed passage of this measure. Opposing testimony was given by the AFL–CIO but, it was largely based on apprehensions about the emerging MTN agreement. In addition, the opposing voices of the textile community are now silent because of the satisfactory arrangement they recently reached with our MTN negotiators.

All in all, there is no substantial opposition to this legislation because it is limited in scope, limited in harmful impact, and because it opens the way for the closing phase of the negotiation. Consequently, I strongly urge the passage of H.R. 1147 so that we can get on to the more important matter of evaluating the merits of the completed MTN agreement.

☐ 1335

Mr. ULLMAN. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, H.R. 1147 would extend the 4-year period during which the Secretary of the Treasury may waive the imposition of countervailing duties retroactively from January 3, 1979, to September 30, 1979, or until legislation to implement an international agreement or agreements on subsidy practices negotiated in the multilateral trade negotiations is enacted, or either House of Congress defeats such implementing legislation, whichever date comes first. The Committee on Ways and Means amended the termination date from October 20 to September 30 to avoid any budgetary implications in fiscal year 1980.

The bill would allow waivers to continue on the 12 cases subject to waivers as of the January 2 expiration date, and countervailing duties to be waived on new determinations between now and September 30 which meet the statutory preconditions. Those conditions include a requirement that the foreign subsidizing government take adequate steps to reduce substantially or eliminate the adverse effects of the subsidy on the U.S. domestic industry. The Secretary of the Treasury must revoke the waiver when he finds its conditions are no longer met, and either House of Congress may disapprove exercise of the waiver authority in individual cases.

The President requested this bill in a message to the Congress on January 15. Its purpose is to enable conclusion of the multilateral trade negotiations. The European Community has made it clear it will not formally approve the results of the MTN, including an international agreement on subsidies/countervailing duties until Congress insures continued application of the waiver authority for the period of its consideration of the agreements and their implementing legislation this year.

Congress provided the waiver authority under the Trade Act of 1974 to create a climate conducive to negotiating internationally agreed rules to discipline the use of subsidies which distort agricultural and industrial trade and disadvantage our producers and workers and provides a mechanism for taking actions against such subsidies without threatening major trade disputes. In its implementation of that agreement, the U.S. Government can assure domestic producers and workers that quick and decisive action will be taken against trade distorting and injurious subsidies affecting competition in our market and abroad. Such decisive actions have been sorely lacking in the past.

H.R. 1147 merely removes a procedural roadblock to completing the MTN. Unless Congress approves it, however, it will never have the opportunity to consider the agreements on subsidies and other nontariff barriers, on their merits, which have the potential benefits of further liberalizing world trade and establishing agreed rules and mechanisms for its fairer conduct.

As you know, Congress nearly passed a waiver authority extension at the end of last session. The Ways and Means Committee and its Trade Subcommittee have carefully considered the issues involved as part of its continual close monitoring of the MTN and its implementation. We concluded this bill is essential and urge your vote in support.

□ 1340

Mr. Chairman, I yield such time as he might desire to my distinguished colleague, the gentleman from South Carolina (Mr. Holland), who was very helpful in working out before we approved this agreement a very important settlement of the textile apparel issue.

Mr. HOLLAND. Mr. Chairman, I thank the chairman, the gentleman from Ohio, for yielding.

Mr. Chairman, the measure we have before us today is one that was vigorously and effectively opposed by the interests in this Congress representing textile and apparel districts. Through a period of weeks of negotiations, Mr. Chairman, the Office of the Special Trade Representative, Department of Labor, and the Commerce Department and, yea, even the State Department, have managed to assure the textile and the apparel interests in this Nation that this administration intends to do something to preserve that industry. Acting on that assurance, we have withdrawn our opposition to this measure, because under this measure there are included textile and apparel items upon which countervailing duties are being waived.

We have requested and have been assured by Mr. Strauss, and the fact that this agreement was reached at all is a tribute to his negotiating ability, we have his assurance that within a very short time, "as soon as possible, within a matter of days," that the President will meet with the textile and apparel interests and will make public this administration's position.

Relying upon that assurance, I personally in the textile caucus and all the others representing management, labor, organized and unorganized, have withdrawn our opposition; but I think it appropriate to serve notice that we are going to have a trial period between now and when the MTN comes to the House of Representatives for approval and that notice is the same notice served upon us by the European Economic Community that they would not conclude the negotiations without this extension.

I think notice should be candidly and honestly served that we do not think we can approve the MTN without performance under the administration's assurances given under so many forms.

I thank my chairman of the subcommittee. I urge passage of this measure.

Mr. VANIK. Mr. Chairman, I want to commend my distinguished colleague who heads the textile caucus for his splendid cooperation and vigorous concern for this industry that is so vital to a great part of America.

Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. Mr. Chairman, I thank the chairman of the subcommittee.

For the record, I would like to state unequivocally that the Steel Caucus, consisting of approximately 135 Members of this House, gave this matter serious consideration.

I would like the record to fully show that the administration has asked for this legislation, and has described it as necessary and indispensable legislation. In that context, on behalf of the Steel Caucus, we are happy to support it at this time.

I would like the record to further show that the caucus as a whole appreciates the administration's actions some year and a half ago when the administration did respond to a very serious international problem involving trade in carbon steel. I would also point out for the record that because of the administration's prompt response, the specialty steel industry has experienced some relief from the situation that existed some 2 or 3 years ago. In light of these observations, hopfully, MTN will materialize in the near future and then we will have a chance to debate this agreement in detail.

□ 1345

Based upon the administration's urgent request for this legislation, we support it, and we look forward to further cooperation between the Subcommittee on Trade and the Steel Caucus.

Mr. Chairman, I wish to conclude by stating to the chairman of the subcommittee that we appreciate the job that has been done to date. I assure the gentleman he is going to have our support.

Mr. VANIK. Mr. Chairman, I wish to express my gratitude for the fine statement made by the gentleman from Pennsylvania (Mr. Gaydos), the distinguished chairman of the Steel Caucus.

I think the Steel Caucus has done an excellent job. I attribute the development of the trigger price mechanism to the vigorous interest and the constant sympathy and perusal of this matter by the Steel Caucus. I think it shows that there is a way of using our combined political strength to be sure that we resolve the problems that occur.

I certainly want to express my gratitude to the gentleman from Pennsylvania (Mr. Gaydos) and the Steel Caucus for providing such close surveillance of the issue and for providing support. We need this support, and I am very grateful for it. We expect to continue to work with the Steel Caucus on these problems.

Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia (Mr. Fisher), a distinguished member of the Subcommittee on Trade.

Mr. FISHER. Mr. Chairman, I would like to take this opportunity to speak about H.R. 1147, which was introduced by my colleague, the chairman of our Trade Subcommittee, the Honorable Charles A. Vanik. I am pleased to be a cosponsor. This legislation would extend until September 30, 1979, the waiver of countervailing duties on a number of products being imported into this country. I would like to stress the importance of its passage to my colleagues in the House.

For many years now, countervailing duties have been imposed by governments as protective measures against what are considered to be unfair export subsidy practices by other governments. Under the Trade Act of 1974, the President was given the authority to waive countervailing duties on imports under certain circumstances. This Presidential authority was to expire 4 years after the enactment of the 1974 Trade Act, since that was considered long enough to conclude the new multilateral trade agreement. It has taken a little longer to conclude the matter; the process of getting agreement of 98 countries to half a dozen separate codes that make up the MTN's has proved to be a difficult one.

Since the 1974 Trade Act, there have been approximately 40 instances in which imports have been classed as countervailable, and on which countervailing duties have been levied. In 18 of these instances where the exporting country has substantially reduced its subsidies or has taken steps to do so, the President has exercised his authority to waive the duties as a gesture of good faith pending the outcome of the Tokyo Round agreement. Unfortunately, although this round of multilateral trade negotiations has taken longer than four years, the President's authority to waive countervailing duties expired on January 3 of this year.

In my judgment, an extension of the countervailing duty waiver for nine additional months would have little or no detrimental effect on the U.S. economy. The long-term benefits to our economy, however, could be considerable. Without an extension of the countervailing duty waiver, several key parties to the multilateral trade negotiations have said they would consider withdrawing their support. This would jeopardize the entire package of negotiated agreements, conceivably making it imposible to conclude them. Even worse, the whole future of an expanding international trade and investment system would be threatened and the risk of a lapse into extreme protectionism would be increased.

With an extension of the countervailing duty waiver, the MTN agreements could be completed, and Congress would have an opportunity to study the agreements and the benefits that they may contain for U.S. trade. That is really all that is at stake here—to extend the countervailing duty waiver long enough to look at the final MTN agreements. The multilateral trade negotiations promise to lower nontariff barrers to international trade and to give U.S. producers greater access to foreign markets. In my opinion, the potential of these benefits greatly outweighs the loss of a limited countervailing duty revenue. For this reason, I urge my colleagues to vote "aye" on H.R. 1147, the countervailing duty waiver extension bill, when it comes before the full House.

Mr. VANIK. Mr. Chairman, I thank my distinguished colleague, the gentleman from Virginia (Mr. FISHER), a member of the Committee on Ways and Means.

Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. ZEFERETTI).

Mr. ZEFERETTI. Mr. Chairman, I rise in support of H.R. 1147. I believe it is important to pass this legislation if only to successfully complete the negotiations in Geneva so that Congress has a full opportunity to consider the results of the multilateral trade negotiations.

I do not believe countervailing duty waivers is harming any American industry in particular, however I think it is important to look at the large trade deficit that is seriously crippling our economy. In January alone our trade deficit was over $3 billion. This is obviously hurting the American dollar and increasing the rate of inflation. We need to enact legislation that will protect U.S. industry and U.S. workers and in particular we need strong language to stop Government subsidies that help produce cheaper materials for export. We need to eradicate the practice of other countries giving special subsidies to lower the cost of industrial exports in foreign markets. Subsidy exports is an unfair trade practice that is despised by all competitors whether the products show up in domestic or foreign markets. We desperately need a code to prohibit all subsidies on industrial products.

We have been told and I sincerely hope the language in the multilateral trade negotiations will be strong and contain no loopholes that will allow this practice from taking place. President Carter has assured us that countervailing authority is essential for the successful conclusion of the multilateral trade negotiations in Geneva and that U.S. producers will be adequately protected from the adverse effect of subsidized competition. If there is any question that U.S. manufacturers and textile workers in particular will not be protected, a number of years of work in Geneva will be in jeopardy.

I believe our huge trade deficit is being aggravated by two loopholes which are present in our tariff laws. I am referring to items 806.30 and 807.00. These two items, first, help expand industry abroad and increase imports at the expense of our economy and, second, allow for the practice of importing products manufactured in our country, assembling them in a foreign land, and then permitting them to reenter the United States at a lower rate. I have introduced legislation to correct these loopholes and would hope that the Committee on Ways and Means would look closely at this measure and schedule hearings as soon as possible. In the textile industry these loopholes have cost at least 500,000 jobs directly and indirectly. These items have been a forerunner for transfer of production abroad at an additional loss of hundreds of thousands of more jobs annually.

Of further concern to me is the potential this will cause for the United States to become completely dependent on foreign countries for essential textile products. This is true not only of apparel for our people, but of basic industrial textile products that are used in the rubber, computer, erospace, and defense industries. We have only to look today at our almost complete dependence on foreign oil, and the prices we pay for that commodity, to see what a future dependency could hold for us.

Yes, we must keep goods flowing between nations. But we must find a fair and equitable formula for the admission of imports—one that will not sacrifice this Nation's textile and apparel industries.

Mr. VANDER JAGT. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the distinguished chairman of the Committee on Ways and Means and the distinguished ranking minority have well outlined the urgency for this legislation and its absolute necessity.

I would like to commend the chairman of the Subcommittee on Trade for the great skill with which he has overcome the problems that have developed along the way and for the widespread support that we have received for this legislation. The gentleman has done a very fine job in fashioning the bill and in solving many of the problems that have plagued us.

As has been stated, this bill has really passed the Senate two times and the House once in the closing hours of the last session, but in the typical confusion of those hours of closing sessions, the House bill and the Senate bill never got pieced together under one number, even though there was no disagreement really between the Senate and the House. Therefore, the temporary authority to waive the countervailing duty expired in January, throwing into jeopardy and making virtually impossible the conclusion of the MTN negotiations.

So even those most concerned about the subject matter here, subsidized imports into the United States, should really be very enthusiastic over this temporary authority to waive, because that is the subject matter, among other things, within the MTN, and the only way we can get a look at what protections there are is to bring those negotiations to a conclusion. Even those who are concerned about the substance of the MTN should be enthusiastic in their support of this legislation, because without it we will not be able to take a look at what the final package is. To have labored for almost 5 years, with over 90 nations participating, and then to have come almost to the destination and then turn around and not even get a look at the destination simply does not make any sense at all.

☐ 1550

I think we owe it to the American people, to agriculture, to business, to industry, to labor, to find out whether this package is going to be harmful or helpful to our American economy. And the only way we can take a look at it is to have this extension.

So I hope that foe and friend alike of the MTN will join and make the passage of this legislation almost unanimous today.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, it is essential that we pass this bill today so we can get the treaty signed and get it before the Congress.

In 1974, when we passed the Trade Act, we put in the waiver as a means of helping our negotiators develop the Tokyo Round of negotiations. We intended that that waiver would be in effect until the negotiations were complete. They are almost completed now, and it is certainly our intention to extend it, as it was intended to be extended. The House and the Senate both passed extensions previously, and it seems that both bodies realize the necessity for this. Without it we cannot get the treaty, and we do want the treaty before us so we can examine it carefully.

Mr. Chairman, I would like to pay my respects to the gentleman from Ohio, the chairman of the subcommittee, and his counterpart, the gentleman from Michigan, for their splendid work, and also to Ambassador Strauss, who has negotiated so well for this country.

Mr. VANDER JAGT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SCHULZE).

Mr. SCHULZE. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this legislation which would retroactively extend the Secretary of the Treasury's power to waive the collection of countervailing duties.

According to the administration, this waiver is necessary in order to complete the MTN and failure to extend the provision would result in a collapse of these negotiations. While I personally do not share this belief, I realize that this House will in all likelihood vote to accept the President's recommendation and extend the waiver.

Nevertheless, I believe it is important to set the record straight in terms of this action. From my perspective, Congress is being asked to save the MTN because of a lack of forceful negotiations on the part of our trade representatives. While I do not doubt the sincerity of Ambassador Strauss, we should have concluded these negotiations some months ago. Had this happened we would not have to extend this waiver now.

After all, the countervailing duty law is a legal method of offsetting subsidies.

Subsidies have been recognized as an unfair trade practice according to both international trade rules and U.S. law. In addition, it is important to remember that the European negotiators in Geneva were well aware that the waiver authority was a temporary measure to be implemented during the course of these trade talks. However, this agreement became the hostage of European demands to extend the waiver authority.

At one time, we prided ourselves on our ability to negotiate from a position of strength. While it is much more difficult to achieve this posture in today's multifaceted world, I do not believe we should crawl on our knees to Geneva and present to the Europeans all their demands on a silver platter.

Extension of this waiver, will in my judgment, weaken confidence in our ability to effectively deal with unfair trade and will encourage subsidies for the next 9 months.

In return for your support, Ambassador Strauss has promised Congress and the American people that he will forcefully conclude negotiations in Geneva. In addition, he has indicated that 98 percent of the treaty provisions have been successfully completed and that this treaty will be beneficial to the American people.

As Members of Congress, we have an obligation to protect the interests of our constituents and to preserve their jobs. While we can hope that the MTN will provide needed relief to American firms suffering from foreign predatory price structures, our obligation to our constituents will not end with a yes or no vote on the countervailing duty issue.

Instead, we must actively investigate the language of this agreement and insure that Ambassador Strauss is in fact presenting to the American people a document worthy of their full support.

In my judgment, any trade legislation must be dedicated to the principle that free trade must mean fair trade. That free competition must also mean fair competition. It is not free trade and it is not fair trade if Americans play by the rules and our foreign competitors do not.

I hope you will join me in opposing this legislation which is contrary to this principle.

Thank you, Mr. Chairman.

☐ 1355

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SCHULZE. I am happy to yield to the gentleman from New York.

Mr. CONABLE. May I ask the gentleman, has he decided to oppose the MTN at this point?

Mr. SCHULZE. Can the gentleman give me the completed MTN package?

Mr. CONABLE. No, I cannot. I am——

Mr. SCHULZE. Therefore, I cannot give him an answer to that question. I certainly have an open mind and will retain an open mind on the MTN package.

Mr. CONABLE. Does not the gentleman agree that the probable result of turning down this legislation would be that some of the proposed signatories would not sign the MTN, and we would never have the chance to decide whether it was in our Nation's interest or not?

Mr. SCHULZE. I am not convinced that that is a true fact of life, and as perhaps the gentleman knows, I am quite concerned that this deadline has been turned around and used against us in this neggotiation. We should have used this, as a tough negotiator, to say that we have got to get an agreement hammered out. Ambassador Strauss has testified before our subcommittee that it is 98 percent complete. Why could we not have completed that other 2 percent in this short period of time?

Mr. CONABLE. If the gentleman will yield further, I do not believe Ambassador Strauss has been in any way delinquent in pushing these negotiations. It has been, of course, a difficult negotiation involving more than 90 sovereign nations. A great many compromises have been necessary. As the gentleman knows also, it is a very complex package. I fail to see that we can have any substantive advantage from failing to give this temporary stay of a power which is evidently of great concern to some of the other signatories to the treaty.

I urge the gentleman to reconsider his position. It is my hope, of course, that he will support the MTN ultimately, and that we will find that it is in the Nation's interest, but we cannot do that if we now abort these proceedings by failing to extend the waiver of countervailing.

Mr. SCHULZE. If the gentleman had listened to my remarks, he would have understood me to say that I think passage is a foregone conclusion.

Mr. CONABLE. If the gentleman will yield further, I did listen to his remarks very carefully, and I am trying very hard to understand them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. VANDER JAGT. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Pennsylvania (Mr. SCHULZE).

Mr. GAYDOS. Mr. Chairman, will be gentleman yield?

Mr. SCHULZE. I yield to my colleague from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I thank my colleagues for yielding to me. I just want to observe that I share his concern about some of the provisions of that legislation if and when it is presented to this body. However, I do want to point out that I think the administration, being convinced of the necessity for this legislation at this time, certainly deserves our support. They did respond to the crisis in the domestic steel industry when they established a trigger price mechanism.

Mr. SCHULZE. Is the gentleman satisfied with the response of that mechanism?

Mr. GAYDOS. Not entirely, but it is better than nothing, and no one ever promised a rose garden. Further I think the administration has shown through its best action that it is responsive and sensitive to our needs, as indicated by the trigger price mechanism, and also the administration's decision last year to retain import quotas on specialty steel.

☐ 1400

Therefore, I think we should support the administration, since they made a convincing case that they need it at this time, in order to conclude the negotiations which are taking place in Geneva. I do and I will continue to share my good friend's concern, about this matter and I agree that we have to take a very close look at the trade package when it is submitted for consideration to the Congress.

Mr. SCHULZE. Mr. Chairman, let me respond to the gentleman from Pennsylvania (Mr. GAYDOS) by saying again that I think this measure will pass and without too much other opposition.

However, if I were our negotiator in Europe at this time, quite frankly, I would like to go back over there, this having passed by one vote in the House and perhaps it came out of committee by one vote and passed by a very narrow margin in the Senate. Therefore, as a negotiator in this international card game, I could go back and say, "You cannot push too far. We have given as much as we can. If anything, we have to sweeten the pot a little and get everything we can in these multilateral trade negotiations."

Mr. Chairman, I want this bill to come out as the best package for business, for the employers and for the employees of the United States of America. I want it to be a good package.

Mr. VANDER JAGT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 1147. The balance of trade battle may well be won or lost on the issue of American agriculture exports, with this in mind, I understand from trade negotiator Bob Strauss that the negotiations with the EEC are not going well for citrus and other important California specialty crops. We must remove the excuse that those nations might use to sabotage the negotiations. We must pass this legislation to help assure at least the chance for a fair and equitable agreement.

It is important to remember that the trade package also contains important codes aimed at eliminating foreign practices such as subsidies and restrictive standards which have been used by foreign nations to damage U.S. industry. Adoption of these codes can go a long way toward removing the discriminatory practices which would otherwise necessitate countervailing duties.

At a time when the U.S. trade deficit is growing at an alarming rate, we must seek every means to reverse that trend. The trade package offers the potential to improve the U.S. trading position and we must not condemn the trade negotiations to defeat before we even know what the final outcome will be. I do not know if I will support the final version of MTN or not, but let us preserve our options.

Mr. Chairman, I strongly urge my colleagues to support the extension of the countervailing duty waiver.

Mr. VANDER JAGT. Mr. Chairman, I

yield 5 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, some of us who are not members of the Committee on Ways and Means have a few questions; and I hope my colleague, the gentleman from Ohio (Mr. VANIK), will bear with me and possibly respond to some of the inquiries I have.

I have heard that this bill is a prerequisite. I sat there and I heard that passage is imperative, that it is absolutely necessary. I heard that it will throw the MTN negotiations into jeopardy if it is not passed. At the same time, I heard that the outcome of what is in the MTN will not substantially be affected by what we do today.

Is it fair to say that some European nations have announced they will not sign trade agreements with the United States unless this bill is passed? Is that fair to say?

Mr. VANIK. If the gentleman will yield, Mr. Chairman, yes, that statement has been made.

Mr. ASHBROOK. Therefore, that is basically the reason for our dealing with this issue in this way?

Mr. VANIK. No. The reason for our having to deal with this issue of extending the countervailing duties is that the Secretary of the Treasury has had this authority. While there is an imposition of countervailing duties pending, he may use this authority as a means of negotiating out the problem. That is really the reason this language is in the Trade Act in the first place, to make it possible to avoid trade confrontations and obtain an international agreement on subsidies. However, it is true that the Europeans have made it very, very clear that they feel that they cannot conclude the multilateral trade negotiations until this issue is resolved, because it does involve some very special European interests.

□ 1405

There are only 12 countervailing cases, and they are in a very limited area.

Mr. ASHBROOK. Looking down the road—and I thank my colleague for responding—and listening to my colleague, the gentleman from South Carolina (Mr. HOLLAND), and my colleague, the gentleman from Pennsylvania (Mr. GAYDOS), I am interested in some areas.

Mr. VANIK. If the gentleman will yield further, I think we have some steel problems in the gentleman's area.

Mr. ASHBROOK. Certainly.

Mr. VANIK. And there are some problems with the trigger price mechanism. It is not working perfectly, and we are trying to deal with those problems, but I think that in this mechanism of working out the trigger price system, we have gotten pretty much of that problem worked out. There is also in the MTN a steel agreement which involves world discussions on world steel capacity, and there are efforts being made to apprize everyone in the world, particularly the less developed countries, that excess capacity will probably have a difficult time finding a market in that there are limitations in the market.

Mr. ASHBROOK. Looking down the road on the MTN, it is my understanding under the 1974 act that when the 16 or more agreements are concluded, they will be submitted to Congress in one package.

Mr. VANIK. That is right.

Mr. ASHBROOK. Not in several bills.

Mr. VANIK. That is right.

Mr. ASHBROOK. It is also my understanding—and I wish the gentleman would correct me if I am wrong—the Congress will really have no opportunity to amend in any way that factor.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

That is because it is set right out in the Trade Reform Act. In other words, we do not have the opportunity to renegotiate a package that has taken 5 years to negotiate.

If the gentleman will yield to me, I also would like to deal with the issue of countervail to some extent. Our law does not require that subsidies of imports into our market must cause injury to American interests before the President is required to countervail, in other words, to impose new countervailing duties. Generally, the practice in other lands has been to require the injury test, and that has been a matter of dispute between us and particularly the European nations. The MTN will resolve this dispute through a series of compromises, but while they were working on this, the European countries wanted to be sure that we would not be using our law to impose countervailing duties even though there was no injury in our country to American interests as a result of the subsidization.

We agreed during the pendency of our effort to resolve this dispute to permit the President to waive the requirements of the law which would otherwise have made him impose countervailing duties. The assumption was that the waiver of countervail would be coterminus with the negotiations, but the negotiations still have a little way further to go, and the time ran out on January 3. The result was that the Europeans felt they were being reasonable in asking us to extend the waiver of countervail power in the President until at least the completion of Congress full opportunity to study and to vote on the MTN.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANDER JAGT. I yield 2 additional minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. But it is my understanding under the 1974 act when the MTN comes back, if they combine all 16 packages in one——

Mr. CONABLE. In one implementing piece of legislation.

Mr. ASHBROOK (continuing). Even the Committee on Ways and Means can do nothing except vote yes or no, up or down.

Mr. VANDER JAGT. That is correct.

Mr. CONABLE. That is correct.

Mr. VANIK. If the gentleman will yield, excepting we have jurisdiction over the implementing legislation.

Mr. CONABLE. If the gentleman will yield, yes. We will have the power to draw the legislation for implementation of the agreement. We have a 90-day period within which to do that, and that is the period within which we are now, so there is some time for some input into the wording of the agreement.

Mr. ASHBROOK. That is my next question. Although I think our input will probably be to stand here and have somebody tell us what we will do as a prerequisite at another time—I guess I worry a little bit about that—as the gentleman points out, now we are more than halfway through the 90-day period that began on January 8 and ends April 4. Since my constituents, and I assume the constituents of the gentleman from Pennsylvania (Mr. GAYDOS) the gentleman from South Carolina (Mr. HOLLAND) and others would be affected by these proposed agreements, where are the agreements that I can see in order to make a proper congressional input during this 90-day period? There is no agreement on input.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

The 90-day period is a minimum, and we have plenty of time to do our work.

Mr. ASHBROOK. Is the gentleman saying it will be extended?

Mr. VANIK. It is a minimum time requirement on the President's sending up the package, during which he must consult.

Mr. CONABLE. If the gentleman will yield, we have another 90-day period thereafter within which the MTN is to be considered.

□ 1410

Mr. ASHBROOK. After they have finalized, we have 90 days?

Mr. CONABLE. Yes, an additional 90 days after completion, 60 days in the House and 30 days for the Senate. There can be a gap between these 90-day periods as well. There will be time, and let me suggest there will be other things being done during the period of time when we are drawing the implementing legislation. What will be happening, of course, is that the STR, Ambassador Strauss' staff will be meeting with the various trade groups and industry groups that are interested in the outcome of this, so that there will be widespread understanding of the implications of the agreement.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. VANDER JAGT. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for his usual learned explanation.

I think the only point I would make or answer I would have is that it should be very clear to my colleague from Pennsylvania and my colleague from South Carolina that the Congress would be in a much stronger position to avoid trade concessions harmful to American labor, harmful to American business, if we could have agreements separate. By putting all 16 together, you have all 16 together in a package, you can comment on it and it is an up and down vote and come back here in a few months.

I say to my colleague from Pennsylvania and my colleague from South Carolina, we are going to be expressing grave reservations about what is in these 16 or so agreements. We will have one vote on it. We have already said, in effect, that the Congress has taken them in this whole field. We are now with our back to the wall. It is a prerequisite, a last card we have to throw in today, rightly or wrongly, but it is the last card we have to throw in as a legislative branch. The package will come back and it will be up or down and there we go again.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. VANDER JAGT. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. HOLLAND. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from South Carolina.

Mr. HOLLAND. Mr. Chairman, I understand the gentleman's answer and his concern of having all 16 in a package. That gives us a problem in one way, but I can assure the gentleman that unless there is widespread support among the business community in this country, in my humble opinion, having all 16 together would also make it easier to defeat.

Mr. ASHBROOK. Time will tell, I will say to my colleague.

Mr. VANIK. Mr. Chairman, I want to say to my colleague, we are in the process of consultation with the Special Trade Representative. We expect the agreements will be concluded by the end of March or early April. At that time we are going to have an ample opportunity. We have the 90 days of consultation now, but we will have ample time to look at the agreements. As a matter of fact, I am planning to have some regional meetings around the country in a few places to give the various affected communities of America an opportunity to have an open and frank discussion of what the agreement is. The rules under which he handle this bill are set forth in the Trade Act and they are special rules. The majority leader introduces the implementing legislation and we have an appropriate time to discuss it; but I want to assure the gentleman we will have ample time to discuss this legislation.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. VANIK. Mr. Chairman, I yield the gentleman 1 more minute.

Mr. ASHBROOK. Mr. Chairman, the first 90 days does not really amount to much. To those of us in the Committee on Ways and Means, I would like to comment on what is in the final MTN, but I cannot find out what are the final 90 days, except to send a letter to Mr. Strauss; that we cannot do, we cannot do that.

Mr. VANIK. Mr. Chairman, I want to assure the gentleman we will have hearings on the proposal during the 90 days of consultation, and you will have an opportunity to give us input at that time.

Mr. VANDER JAGT. Mr. Chairman, I have no further requests for time.

Mr. VANIK. Mr. Chairman, I yield such time as he might desire to my distinguished colleague, the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, I thank the gentleman from Ohio, the distinguished chairman of the Subcommittee on Trade, for yielding.

As you know, Mr. Chairman, I expressed my concern about this legislation when it was before your subcommittee. I did so because I was genuinely concerned about the impact that some of our trade policies have had on industries in the United States.

□ 1415

In particular, I wanted the subcommittee to fully understand the impact that the waiver of the countervailing duty has had on the Deer Park Baking Co., which is located in my congressional district.

I contended at that time, and I still believe, that our Government's first priority should be to protect the American businesses which are struggling to compete against subsidized foreign imports being dumped in this country. We have sanctions to protect our industries, and I think they should be properly enforced and not selectively waived, as has been the case with butter cookies.

I am not giving up the fight to help Deer Park regain its competitive position in the butter cookie industry, a market which, incidentaly, has dwindled from 60 percent down to 6 percent just in the past 6 years. However, I do think it would be in the best interests of the country that we do act expeditiously on this legislation, although I may personally have major problems with the way Treasury has handled this waiver authority.

I do believe that we have to move along with the multilateral trade negotiations, and for that reason I have not endeavored to defeat the legislation on the floor. Rather, I would seek the assurance of the subcommittee chairman at this time that he will personally intercede, as he has done in the past, with Ambassador Strauss and the Treasury Department to seek some solution to the butter cookie problem. There are roughly 200 jobs in jeopardy in the very near future if Deer Park cannot maintain its competitive position. Further, Deer Park is the only manufacturer of butter cookies in the entire country at this time.

Mr. VANIK. Mr. Chairman, I want to assure my distinguished colleague, the gentleman from New Jersey (Mr. HUGHES) that the fact that this is a small industry does not detract from our need to be aware of how it might be affected.

I want to assure my colleague that I will continue to bring this matter to the attention of Ambassador Strauss, our trade representative, and I want to say that the Subcommittee on Trade will direct the Treasury Department to reexamine this case. I certainly understand that while it is a small matter, it is important to the gentleman's producers, and I certainly hope we can work out a solution which will remove the problem which is faced by the company in the gentleman's community.

There is one thing that has come to my attention, and that is that there is the Japanese Trading Co. which is interested in trading some of this kind of product in Japan, and I certainly hope that the gentleman's producer will follow through in an effort to develop a new market for the very fine product which is produced in his district. I want to assure the gentleman we are certainly going to be mindful of the problem, and we are going to try to work out a satisfactory solution.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for his statement.

If the gentleman will yield further for one more observation, I appreciate the suggestion that perhaps Japan might be interested in butter cookies. The Deer Park Baking Co. is fully aware of that possibility. I thank the subcommittee chairman for that suggestion.

Mr. VANIK. Mr. Chairman, it is one of the results that come about in this negotiation process. I want to express to the gentleman my assurance that we will do what we can.

Mr. HUGHES. Mr. Chairman, I thank the gentleman.

● Mr. EMERY. Mr. Speaker, I am opposing H.R. 1147, a bill to extend the Secretary of the Treasury's authority to waive countervailing duties, because I believe that serious attention should be paid to how the Secretary has used that authority in the past.

Maine and New England's fishing industries have seriously suffered as the result of an influx of Canadian fishery products—products which are harvested by Canadian vessels, and landed and stored in harbor and port facilities, all of which have enjoyed extensive subsidies from the Canadian Government. The result is a flooding of New England's markets with Canadian fish which are sold at a price at which our fishermen cannot possibly compete.

Documentation of the effect of past Canadian subsidies has been submitted to the Treasury Department by attorneys for the National Federation of Fishermen and the Point Judith Fishermen's Cooperative. Despite these efforts, the Secretary continues to waive countervailing duties on these products and continues to ignore the economic effect of subsidized fishery products in U.S. markets on the U.S. fishing industry.

Consequently, I am opposing H.R. 1147 in order to call attention to the problems often created by the Secretary's waiver authority. I feel that where an American industry is obviously suffering from the inability to compete with a subsidized foreign product and where that industry is being ignored by those very Federal agencies having the ability to rectify the situation, additional authority over the imposition of tariffs should not be granted.●

Mr. BIAGGI. Mr. Chairman, I rise in opposition to H.R. 1147. I do so notwithstanding the commendable efforts which have been ongoing since last year between the administration, the committee, and representatives of the textile and apparel industries. The net result was an agreement negotiated between all sides for an import controls agreement. It has lessened their objections to this legislation.

However it has not eliminated my objections. My opposition to this bill is similar to my opposition to yesterday's attempt to increase the public debt limit—why must we continue a clearly bad precedent. The reasons given that we should support this extension of countervailing duties is to insure completion of the multilateral trade negotiations in Geneva. To me, this is an insufficient reason on several counts. The first and most fundamental is—we have no certainty that this agreement will pass Congress. This observation is based on concerns I have heard that the proposed agreement may not be in the best interests of the United States. Therefore taking this assumption, what logic is there in voting to extend these waivers and giving imported trade interests a $40 million dollar "forgiveness" on duties?

This Nation just several weeks ago was shocked when the Commerce Department announced that we had achieved our worse balance-of-trade deficit in history—$29 billion. The question we must ask today is—how much larger must this deficit grow before we take steps to stop it. Nowhere in the committee report is it estimated how much more this legislation will add to the trade deficit. Nowhere in the report is it estimated how many more American manufacturing jobs might be lost by enacting this legislation.

I am certain that my colleagues are aware that imports have decimated a number of American industries, most notably the textile and apparel industry. Upwards of 400,000 jobs have been lost in the past decade by imports. This has fueled the flames of inflation as much as any other factor.

It is time for the Congress to establish its priorities for this year. Either we are committed to reducing inflation or we are not. Either we are committed to giving the U.S. worker an advantage in world trade or we are not. Either we are committed to reasserting this Nation as a leader and not a follower in the trade negotiations or we are not. The United States is rapidly getting an image and it is not a good one. We are capitulating as never before in far too many arenas. In this instance, this legislation is being proposed because the Council of European Countries insists that it will not formally approve the multilateral trade agreement unless we extend the waivers on countervailing duties. This constitutes glorified blackmail. I want no part of it. I would prefer responding to the wishes of the American worker producing footwear or cheese or canned hams or textiles. I will respond to these workers by voting against H.R. 1147 and I urge my colleagues to follow suit.

● Mr. ABDNOR. Mr. Chairman. I rise in opposition to H.R. 1147. Much has been made of the fact that Congress should extend the President's authority to waive countervailing duties as a sign of good faith to our European trading partners. At the same time, little concern has been shown today for our domestic producers who under such conditions as contained in H.R. 1147 will be forced to compete with imported products subsidized by foreign governments.

The argument has been made that expeditious passage should be given to H.R. 1147 as a means to insure that the European Community will agree to the conditions of the multilateral trade negotiation package. Proponents of extending the authority to waive countervailing duties seek passage of H.R. 1147 under the guise that today's vote will have no effect on the ability of Congress to analyze the pros and cons of the MTN. I strongly reject this rationale and insist that H.R. 1147 must be considered strictly on its own merits.

Foreign subsidized goods place domestic producers at a competitive disadvantage which both directly and indirectly threatens to injure their opportunities to grow and prosper. This fact must take precedent over the threats of foreign nations.

I urge my colleagues to reject H.R. 1174 and insure that American producers are allowed to offer their products to the consuming public on an equal basis with foreign subsidized competitors.●

The CHAIRMAN. If there are no further requests for time, pursuant to the rule, the bill is considered as having been read for amendment. No amendments to the bill are in order except amendments recommended by the Committee on Ways and Means, and said amendments shall not be subject to amendment.

H.R. 1147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(d) of the Tariff Act of 1930 (19 U.S.C. 1303(d)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The four-year period referred to in paragraph (2) is extended from January 2, 1979, until whichever of the following dates first occurs:

"(i) The date on which either House of Congress defeats on a vote of final passage, in accordance with the provisions of section 151 of the Trade Act of 1974, implementing legislation with respect to a multilateral trade agreement or agreements governing the use of subsidies.

"(ii) The date of the enactment of such implementing legislation.

"(iii) October 20, 1979.

"(B) Any determination made under this subsection by the Secretary that was in effect on January 2, 1979, shall remain in effect until whichever of the following dates first occurs:

"(i) The date to which the four-year period is extended under subparagraph (A), notwithstanding any provision to the contrary in any such determination.

"(ii) The date such determination is revoked under paragraph (3).

"(iii) The date of adoption of a resolution of disapproval of such determination under subsection (e)(2).".

SEC. 2. The amendment made by the first section of this Act shall take effect January 3, 1979.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 15, strike out "October 20," and insert "September 30,".

The committee amendment was agreed to.

The CHAIRMAN. If there are no further committee amendments under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 1147) to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties, pursuant to House Resolution 141, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHULZE

Mr. SCHULZE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the legislation?

Mr. SCHULZE. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHULZE moves to recommit the bill, H.R. 1147, to the Committee on Ways and Means.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

□ 1420

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THREE ENERGY CONSERVATION CONTINGENCY PLANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–62)

The SPEAKER pro tempore (Mr. Fary) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

As required by Section 201 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6261, I am hereby transmitting to the Congress for its approval the following three energy conservation contingency plans: Emergency Weekend Gasoline Sales Restrictions, Emergency Building Temperature Restrictions and Advertising Lighting Restrictions. I have also today directed the Secretary of Energy to publish these conservation plans in the *Federal Register*, as the final step in my prescribing these plans as required by Section 202 and 523 of the EPCA.

The plans which I am transmitting are the product of extensive plan development and refinement. They can be effective tools in reducing consumption of energy in the event of a severe energy supply emergency. Work on the development of contingency plans is continuing and any additional measures will be transmitted for approval pursuant to Section 201 of the EPCA upon their completion.

Together with the Standby Gasoline Rationing Plan which I am also transmitting to the Congress today under separate letter, these energy conservation contingency plans could help mitigate the effects upon the United States of a severe energy supply interruption. These measures, along with voluntary conservation efforts and other measures contained in existing legislation and the Department of Energy's present contingency programs, will provide the government with several options to deal with energy emergencies of varying types and degrees of severity. Such flexibility is essential if we are to prevent unnecessary hardship to our citizens and harm to our economy in the event of future curtailments of our energy supplies.

As required by Section 201(f) of the EPCA, each energy conservation contingency plan is accompanied by an analysis which assesses the economic impacts of the plan.

The procedures for approval by Congress of a contingency plan are detailed in Section 552 of the EPCA, and require among other things that a resolution of approval be passed by each House of Congress within 60 days of submittal of the plan. The EPCA does not specify the form which the resolution of approval is to take. It is my view and that of the Attorney General that actions of the Congress purporting to have binding legal effect must be presented to the President for his approval under Article I, Section 7 of the Constitution. Therefore, I strongly recommend that Congressional approval of these plans be in the form of a joint resolution. If this procedure is followed, the plans themselves, agreed to by Congress and the President, will not later be subject to possible judicial invalidation on the ground that the President did not approve the resolution.

I urge the prompt and favorable consideration by the Congress of these plans.

Jimmy Carter.

The White House, *March 1, 1979.*

STANDBY GASOLINE RATIONING PLAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–63)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

As required by Section 201 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6261, I am hereby transmitting to the Congress for its approval a Standby Gasoline Rationing Plan. I have also today directed the Secretary of Energy to publish the Plan in the *Federal Register*, as the final step in my prescribing a gasoline rationing plan by rule, as required by Sections 203 and 523 of the EPCA.

The Standby Gasoline Rationing Plan which I am transmitting today is the result of an extensive rulemaking proceeding in which over 1,100 comments from citizens throughout the United States were received and considered. I believe this plan, which would be implemented only in a severe energy supply emergency, would equitably allocate gasoline supplies and minimize economic hardships to the maximum extent possible without undue administrative costs and complexity.

Together with the energy conservation contingency plans which I am also transmitting to the Congress today under separate letter, the Standby Gasoline Rationing Plan would help mitigate the impact of a severe energy supply interruption. These measures, along with voluntary conservation efforts and other measures contained in existing legislation and the Department of Energy's present contingency programs, will provide the government with several options to deal with energy emergencies of varying types and degrees of severity. Such flexibility is essential if we are to prevent unnecessary hardship to our citizens and harm to our economy in the event of future curtailments of our energy supplies.

As required by Section 201(f) of the EPCA, the Standby Gasoline Rationing Plan is accompanied by an analysis which assesses the economic impacts of the Plan.

The procedures for approval by Congress of a contingency plan are detailed in Section 552 of the EPCA, and require among other things that a resolution of approval be passed by each House of Congress within 60 days of submittal of the plan. The EPCA does not specify the form which the resolution of approval is to take. It is my view and that of the Attorney General that actions of the Congress purporting to have binding legal effect must be presented to the President for his approval under Article I, Section 7 of the Constitution. Therefore, I strongly urge that Congressional approval of this plan be in the form of a joint resolution. If this procedure is followed, the plan itself, agreed to by Congress and the President, will not later be subject to possible judicial invalidation on the ground that the President did not approve the resolution.

I urge the prompt and favorable consideration by the Congress of this plan.

Jimmy Carter.

The White House, *March 1, 1979.*

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished acting majority leader, the gentleman from Indiana (Mr. Brademas) as to the program for the balance of the week and next week.

Mr. BRADEMAS. Mr. Speaker, if the distinguished minority leader will yield——

Mr. RHODES. I yield.

Mr. BRADEMAS. I shall be glad to announce that the program for the House of Representatives for the week of March 5, 1979, is as follows:

On Monday, March 5, the House meets at noon. There will be no legislative business.

On Tuesday, March 6, the House meets at noon on the Private Calendar. There are no bills under suspension. The House will consider H.R. 2439, the budget rescission bill for fiscal year 1979.

On Wednesday, March 7, the House will meet at 3 p.m. to consider a series of six House committee funding resolutions, to be followed by the following:

H. Res. 13, to reestablish Select Committee on Narcotics Abuse and Control;

H. Res. 38, to reestablish Select Committee on Population;

H. Res. 118, to establish Select Committee on Committees.

On Thursday, March 8, the House will meet at 11 a.m. on H.R. 2479, the United States-Taiwan Relations Act, subject to a rule being granted.

The House will not be in session on Friday, March 9.

The House will adjourn by 5:30 p.m. on all days except Wednesday, and any further program will be announced later.

Mr. RHODES. May I ask the gentleman from Indiana as to the probability that there may be another vote occurring on the debt ceiling increase?

Mr. BRADEMAS. That is not impossible, I will say to the distinguished minority leader.

Mr. RHODES. I thank the gentleman. But, the gentleman has no idea at this time as to when this might occur?

Mr. BRADEMAS. No.

Mr. RHODES. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. **BRADEMAS**. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 5, 1979

Mr. **BRADEMAS**. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday, March 5, 1979.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

☐ 1105

THE SOVIET STRATEGIC ARMS BUILDUP

(Mr. **STRATTON** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **STRATTON**. Mr. Speaker, the March 1979 issue of the Armed Forces Journal, published this morning, charges that between June 1978 and January 1979 the Pentagon "covered up an unprecedented unexpected and massive Soviet strategic arms buildup."

Specifically, the Journal charges that—

> The Pentagon knew throughout this period that the Soviets were continuing to deploy new warheads and ICBM's at about twice the forecast rate; that Russia was developing and flight testing a new long-range air-to-surface cruise missile, and testing it off Backfire; and that Soviet warheads and ICBM's were not only becoming more accurate, but more accurate than had been predicted.

The Journal charged that the Pentagon, during 1978, denied legitimate press inquiries about these improvements, and moreover, failed to disclose these developments to the Congress as they occurred. With reference to the new air-to-surface cruise missile, the Journal charged that—

> Secretary Brown knew far back in 1978 that the Soviets were developing the missile * * * yet would not admit its existence even to Congress as recently as last January [1979] in his only comprehensive public survey of the strategic balance.

In fact, Mr. Speaker, the Armed Services Committee's 1979 posture hearings record shows that Secretary Brown did not in fact present the details on this missile to the committee itself when he appeared before us.

The Journal article concludes that—

> These discrepancies raise serious questions about the accuracy, timeliness, and integrity of the Carter Administration reporting to the American public and to Congress on the US/USSR strategic balance and White House efforts to sell the new SALT II agreement.

In view of the fact that a new SALT II agreement is now reported to be scheduled for initialing within the next 2 weeks, I believe these serious charges need to be examined in full at the earliest possible moment. Certainly, any failure to have given Congress full and accurate information on any unusual Soviet military buildup over the past 12 months is a serious breach of Pentagon responsibility, and raises even more grave questions on the eve of the possible signing of a new SALT II agreement by the President.

Specifically, the information said to have been suppressed relates to three separate aspects of dramatically increasing Soviet combat power:

First, was a report, received last July 1978 by the Journal, of the deployment "in the past 6 months [of] between 200–300 more new strategic nuclear warheads or modern missiles than U.S. intelligence estimates last [1977] October said would probably be fielded by now." The Journal said these new warheads represented an increase of "20 percent in warhead deployments in 1 year."

Second, were reports of "more accurate warheads and ICBM's than those being replaced."

Third, the Journal said it had information that the Soviet Union carried out in 1978 seven or eight actual tests of "a new long-range air-to-air surface missile to increase the Backfire bombers standoff distance" yet Defense Secretary Harold Brown "would not admit its existence even to Congress as recently as last January [1979] in his only comprehensive public survey of the strategic balance."

Mr. Speaker, these are very serious charges. They go to the heart of the issues the Congress, and especially the Senate, will be considering if any SALT II treaty is presented for the purpose of ratification.

Therefore, Mr. Speaker, I have today requested the chairman of the Committee on Armed Services, the distinguished gentleman from Illinois (Mr. PRICE) to convene an emergency meeting of the full committee to examine these charges. On the basis of the Journal article I have suggested that both Secretary Brown and the Assistant Secretary for Public Affairs, Thomas B. Ross, be requested to appear as primary witnesses.

No doubt these witnesses will argue that the details of these Soviet advances could not be released to the news media, even the Armed Forces Journal, because of security considerations. This may well be true. But certainly there can be no such excuse when it comes to advising in timely fashion the appropriate committees of Congress. It is not satisfactory to give the Armed Services Committee an update on Soviet capabilities only on a once-a-year basis. Our committee should be kept advised of any significant changes in the military situation as it progresses, so that Congress, as trustees of the people's interests, have an opportunity to respond in time—not just be caught flatfooted on new and ominous developments, as was the case in Iran, for example.

Mr. Speaker, this is not the first time the Pentagon has failed to give Congress timely notice of very important, and ominous defense information that we should have known in order properly to discharge our responsibilities. It was not until the Army Times published details of a major intelligence error in assessing the military capabilities of North Korea that the DIA and the CIA finally gave a couple of members of the committee a briefing on the subject. Had that report not surfaced in Army Times I daresay we would still not know how different the actual situation in North Korea was from the bland information being passed out to us by the administration.

Congress must vigorously protect its right to know—and in timely fashion. And I certainly hope we will begin here.

Under leave to extend my remarks, Mr. Speaker, I enclose the article from the Armed Forces Journal which appeared on the streets this morning:

PENTAGON COVERED UP UNPRECEDENTED 1978; U.S.S.R. STRATEGIC ARMS BUILDUP

(By Benjamin Schemmer)

From last June thru late January, the Pentagon's official spokesman covered-up an unprecedented, unexpected and massive Soviet strategic arms build-up, which leaked in part to the press soon after it became known to senior DoD officials, but went unreported because the spokesman said that a story revealing the build-up was wrong. Some of the data in the story *was* wrong—but not the most important revelations in it.

JOURNAL REVELATIONS, JUNE '78

The story, given to the Pentagon in early June on a "confirm or deny" basis, was to have appeared in last July's *Journal* and reported in its lead sentence that:

"Russia has deployed in the past six months between 200–300 more new strategic nuclear warheads or modern missiles than U.S. intelligence estimates last October said would probably be fielded by now."

It added that "among the ominous Soviet deployments detected in recent months" were "more accurate warheads and ICBM's than those being replaced," and revealed that "Russia has a new long range air-to-air surface missile to increase the Backfire bomber's 'stand off' distance."

PENTAGON REVELATIONS, JANUARY '79

Late in January, Defense Secretary Harold Brown admitted in his Fiscal Year 1980 "Annual Report" that:

"The Soviets are now estimated to be introducing new missiles with more accurate warheads and improving the accuracy of their warheads more rapidly than we expected about a year ago." Elsewhere in his report, Brown acknowledged that Soviet "force loadings" (independently targetable nuclear weapons carried by deployed strategic missiles and bombers) "have increased by around 1,000 since last year." Brown did *not* say so, but that represents a *20% increase in warhead deployments in one year*. (The rate

Late in January, Defense Secretary Harold

of increase has to be calculated from other data nearby in Brown's report.)

Brown's report also did not reveal that Russia was *testing* a new, long range cruise missile. He said only that "they *may* be developing a long range cruise missile of their own design." [Italics added for emphasis.] Since Brown's statement on the military balance was released January 24th, however, news that the Soviets, in fact, have *tested* a 1200km range (600nm) cruise missile has leaked out elsewhere, made prominent headlines, *and* been confirmed by the Pentagon.

AFJ has learned that seven or eight such tests were made in 1978. Some of them were made from the Backfire. The Soviets have made at least three more flight tests of the new air-to-surface missile this year.

The Soviet arms build-up and the Pentagon's cover-up of it continue.

Brown's statement in his Annual Report that the Soviets "*may* be developing a new long range cruise missile" amounts to pure dissembling. He knew far back in 1978 that the Soviets were developing the missile *AFJ* wrote of last June, yet would not admit its existence even to Congress as recently as late January in his only annual comprehensive public survey of the strategic balance.

These discrepancies raise serious questions about the accuracy, timeliness, and integrity of the Carter Administration reporting to the American public and to Congress on the US/USSR strategic balance, and White House efforts to sell the new SALT II agreement.

At the time *AFJ* killed its July story on these arms developments, the Carter Administration was still working to obtain a SALT II agreement by mid-August.

Between last June and December further *Journal* queries were made of the Pentagon, both on and off the record, about unexpected or major new Soviet strategic arms developments and deployments. They elicited official and informal replies from the Pentagon public affairs office that said outright, in some cases, and clearly implied in others, that no new or surprising changes had been detected by American intelligence.

In fact, however, the Pentagon knew throughout this period that the Soviets were continuing to deploy new warheads and ICBM's at about twice the forecast rate; that Russia was developing and flight testing a new long range air-to-surface cruise missile, and testing it off Backfire; and that Soviet warheads and ICBMs were not only becoming more accurate, but more accurate than had been predicted.

The extent to which the June cover-up was, and is now, intentional and Administration-directed, or the result of superficial, erroneous and possibly cavalier work on a grave national security matter, is not clear—in part because of Pentagon footdragging since *AFJ* asked it in early February to clarify and explain its denials of last June, and in part because the Pentagon insists that more recent corroborative information on Soviet strategic developments is "classified."

The spokesman behind the cover-up is Thomas B. Ross, Assistant Secretary of Defense for Public Affairs. Ross is a Presidential-appointee confirmed by the Senate who was the first person recruited by Harold Brown in 1977 for the Carter Administration's new Pentagon team.

Ross used to be a reporter for the Chicago *Sun Times,* thrives in his government post (by protocol, he outranks all four star generals and admirals except for the Joint Chiefs of Staff), and readily acknowledges that he doesn't miss his old deadlines a bit.

Now, the only deadlines he misses belong to the reporters he is paid to keep informed. $42,800 a year, so that America will have an accurate and timely picture of how well his boss is protecting the nation's security.

As the Pentagon's official spokesman, Ross serves as the Administration's principle conduit for information to the press and public on world-wide military developments and changes in strategic balance. Other than Brown, he is the principal on whom Pentagon reporters are to ultimately rely for accurate and official (if often not-for-attribution) clarification of such official pronouncements as Brown's Annual Report.

FOOTDRAGGING

When *AFJ* asked Ross to reconcile his denial of *AFJ*'s story last June with the "revelations" in Brown's Annual Report (and his office's subsequent confirmation of the cruise missile tests), Ross professed being unaware of any Brown statements that contradicted his earlier demands, and had to be shown them.

Yet, he had been asked about them almost a week before; assured *AFJ* he was "working on" the issue; and finally asked *AFJ* to "hold off" a few more days so he could get better data." By that time, Ross and *AFJ* were aboard Brown's aircraft headed for the Mideast. When *AFJ* showed him aboard the plane the discrepancies in black and white, side-by-side, and reminded him again that *AFJ* was under deadline, Ross acknowledged he hadn't done enough homework," but assured *AFJ* he would check again—this time by phone or teletype to the Pentagon from the Mideast—and provide an explanation. *AFJ* had to ask twice again over the next few days if the discrepancies had been reconciled but was told that an aide was still "working" on it. was "supposed" to "have had the answers by now," etc., etc. A few hours after the last such *Journal* reminder in Tel Aviv on February 15th, the aide asked *AFJ* harshly to "get off the boss' back" and wait until our next (April) issue for the answers. *AFJ* stood on Ross' repeated assurances of an answer in time for this issue. (The unresponsiveness is mitigated in part, given the intervening preoccupation of Secretary Brown and his Mideast entourage with the crisis in Iran—but that preoccupation lasted only a few days.)

Two weeks after Ross was asked to reconcile the story he persuaded AFJ to kill last June with Brown's January revelations, and more than one week after assuring AFJ he would "check again" . . . and *still* hasn't! Yet his office was able to have a courier fly to Cairo, in time for him and Brown to read them on the flight back to the U.S. copies of the Pentagon *Current News* or "Early Bird" and other press clippings through the period Friday, February 16th.

[Brown in 1979 says the Soviets "*may be* developing a new long-range cruise missile" [emphasis added]—one he knew months ago had been flight tested 7 or 8 times in 1978.]

If AFJ Was Wrong, and Still Is, How Did This Happen?

After reporting that Russia has deployed 200–300 more warheads or missiles than had been expected, the story which DoD convinced AFJ not to print last June-July noted in its lead paragraph:

"All have a significant counter force capability—that is, accuracy, explosive power or other features improved to the point that, should Russia decide to launch a pre-emptive nuclear attack, would threaten the survival of US strategic defense retaliatory systems like Minuteman ICBMs or B–52 bombers on ground alert."

Pentagon spokesmen who said last June that the story was not correct now say they "do not agree with this theory," and that even today. "The article is no more accurate than it was last June."

If that is so, both disclaimers lead one to marvel:

Why does Secretary Brown's latest estimate of how many Soviet and U.S. strategic weapons might survive a nuclear exchange differ so dramatically from the ones he gave last year? Those two estimates, provided in DoD's "Annual Report" in chart form without much explanation of their significance, and no explanation of why they differ so, are reproduced below exactly as Harold Brown presented them in January 1978 and January 1979. Brown himself calls them "an appropriate measure" of "how our forces might perform in response to a hypothetical Soviet attack."

[Charts not printed in Record.]

The two charts compare surviving U.S. and Soviet forces (including Polaris Poseidon SLBMS) after a Soviet pre-emptive strike against U.S. strategic systems on day-to-day alert; and a retaliatory strike by surviving U.S. forces against whatever Soviet forces were not used in the surprise attack.

Last year, Brown's chart estimated that as many Soviet as U.S. forces would survive such an exchange beginning about the end of Fiscal Year 1980, or by about September–October of 1980. (In last year's estimate, U.S. forces thereafter regained their advantage, presumably as the new cruise missile began deploying on B–52s.) This year, Brown's latest report shows that the crossover point has moved ahead one year. By the end of FY 79—or only seven months from now—more Soviet than U.S. weapons would survive such an exchange.

Moreover, this year's data shows the trend is even more threatening in scope than in rate of exchange. Last year, it was estimated that by end-FY 82, about 25–30% more U.S. weapons would survive a nuclear exchange than would Soviet weapons. This year, Brown's chart shows the opposite 85% more Soviet weapons would survive than U.S. ones, a four-fold difference in one year. Nor could the U.S. redress that balance until late 1986, the new estimates show.

To the best of *AFJ*'s knowledge, none of the discrepancies between the two estimates, much less the magnitude of the new strategic imbalance, have been noticed elsewhere in the press. Because the Pentagon laid the charts out on different scales and in slightly different format (as shown here), the changes are not readily noticed.

Whatever happened to the strategic balance on Harold Brown's way to the printers, it's an unusual way to sell SALT II.

. . . And More Undisclosed Soviet Strategic Arms Gains

There's a lot more the administration has learned but not made public about recent Soviet strategic arms gains. Their implications could influence profoundly Congress' action on the proposed FY 80 defense budget as well as its debate on a SALT II accord, if the Administration obtains one. Among the more important recent intelligence findings:

Russia is building a new, very deep diving titanium-hull strategic-missile launching submarine—called "Typhoon," but in yards which it covered over about two years ago so that construction progress can no longer be monitored easily with conventional (e.g., reconnaissance satellites) verification means. (Under present SALT agreements, covering the submarine construction facility does not represent "interference" with technical verification means—the SALT accords provide only that actual deployment be detectable.)

If the Soviets succeed in joining the new titanium hull sections with the structural integrity theoretically possible, Typhoon would be the deepest diving submarine ever built. In theory, it might be able to dive so deep as to render some major U.S. anti-submarine warfare systems (both active and passive) ineffective. However, qualified analysts are skeptical that the Soviets could build Typhoon in a way that would fully exploit its theoretical strength large, load-bearing titanium sections are very hard to join, as the U.S. found out building the swing-wing F–111 bomber. However, the Soviet Union is acknowledged to be well ahead of the rest of the world in this technology.

(The name "Typhoon" first came up several years ago in a conversation between Leonid Brezhnev and Senator Henry Jackson; Brezhnev reportedly told Jackson, "If you build your Trident, we'll build our Typhoon.")

Typhoon is a "follow-on" to Russia's new Delta class of ballistic missile launching submarines, the third version of which recently deployed with a 7,500 km range missile dispensing three independently targetable warheads. Russia has about 29 operational Delta class subs, and 33 older SLBM subs.

Russia during the past year has been "exercising" its operational ICBM forces at about three times the rate at which the U.S. "troop tests" its Minuteman missiles and launch crews. (Minuteman missiles are periodically "pulled" from their launch silos and tested for reliability and accuracy from the Pacific Missile Test Range, using operational crews.) Why Russia is conducting so many more operational readiness tests of its ICBM force is not clear.

Russia has been flight testing new or improved strategic missiles during the past year at from five to seven times the rate of U.S. similar tests, an indication that the rate of new Soviet strategic weapon deployments cannot be expected to abate.

There is evidence that Russia is upgrading, or soon may, its newer SLBM force from three independently-targetable warheads per missile to between 10 to 12 warheads each.

The accuracy of Soviet ICBMs is improving far more rapidly than intelligence estimates had predicted. Official DoD sources acknowledge this to be true, but insist the Soviets have not "deployed" the more accurate warhead.

The U.S. ability to rapidly detect such deployments is questionable. *AFJ* is told, because this country still relies principally on the so-called KH-11 "Big Bird" reconnaissance satellite to detect changes in Russia's strategic posture. Operational manuals for the KH-11 ("secured" in CIA's operations center) were passed to the Soviet Union in a recently publicized major national security breach, and other missing copies of the manual are still unaccounted for.

The Soviets now have a number of new "battle management" phased array radars for their 64 Galosh anti-ballistic missile launchers protecting Moscow from ICBM attack. Brown's January "Annual Report," however claimed (on page 69) that "Soviet active defenses have not changed appreciably during the past year." Four pages later, Brown adds casually that "as permitted by the ABM treaty of 1972, the Soviets continue an active ABM [anti-ballistic missile] research and development program. The main efforts appear to be going toward improving large phased-array detection and tracking radars, and toward developing a new interceptor." The new interceptor, *AFJ* is told, is very similar to the US' hypersonic Sprint ABM missile, and the new battle management system now mothballed near Grand Forks, ND: that is much more than a "detection and tracking" radar. It is a system management radar that sorts decoys and off-course warheads from immediate threats, prioritizes threats, and guides defensive missiles accordingly.

Brown's most trusted consultant on intelligence and technical affairs, Dr. Eugene Fubini, personally led the team which at Brown's request, recently evaluated the improved Soviet ABM system. Fubini's conclusion that the new radars were in fact a "battle management system" were known to Brown, *AFJ* is told, before Brown completed the FY 1980 "Annual Report" calling them "detection and tracking radars."

INTRODUCTION OF LEGISLATION PROVIDING FOR PROCEDURES TO OPERATIONALIZE A CONSTITUTIONAL CONVENTION

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, today I am introducing legislation to provide procedures for calling a constitutional convention for purposes of proposing amendments to the Constitution of the United States.

As you may know, Mr. Speaker, 28 States have applied for the calling of a constitutional convention for purposes of proposing a balanced budget amendment to the Constitution of the United States.

Two-thirds of the States must make application to Congress, in order for Congress to call a convention, and moment by moment the impetus for a balanced budget resolution grows. It is very conceivable that the necessary 34 States will apply for this Convention call by the middle of 1980.

In 1974, the American Bar Association produced a study entitled "Amendment to the Constitution by the Convention Method Under Article V." This study was a very welcomed addition to the literature on this important subject, and produced exceptional draft legislation to provide for the procedures that the State legislatures and Congress should follow for an orderly application of the Convention-call mechanisms contained in article V of the Constitution.

The Senate passed a form of these procedures in the 92d and 93d Congresses. However, the House did not act on either occasion. Now that our door is being knocked upon by the States, it is time that the Congress enact the procedures that should be followed on the occasion of a constitutional convention call.

The legislation I am introducing today follows similar patterns as advocated by the ABA and as passed by the Senate, with several important changes, which will streamline and better facilitate the Convention-call process. I would like to describe the major elements of this legislation at this time.

First. The State legislatures would be required to adopt a resolution following the rules of procedure that govern the enactment of a statute by the legislature, except that the signature of the Governor would not be required for approval or transmittal to the Congress.

Second. The secretary of state of the State, or an official of such State who is charged by law with the functions of that office, would transmit copies of the application to the President of the Senate and the Speaker of the House.

Third. The President of the Senate and the Speaker of the House, within 10 legislative days, must report to their respective bodies that they have received such documents, and at that time have the documents printed in the CONGRESSIONAL RECORD along with a cumulative listing of all other States which have applied to the Congress for a convention of the same subject within 7 years.

Fourth. When two-thirds of the States have applied for a convention on the same subject within 7 years, a convention will be deemed as called unless a resolution of disapproval is adopted by both Houses of Congress within 90 legislative days. If the resolution of disapproval is not adopted within the alloted time, a constitutional convention will be deemed called, and must convene within 1 year.

Fifth. Delegates to the Convention will be selected according to State law and each State will be allowed as many delegates as they have congressional representatives; that is, Missouri has 10 House Members and 2 Senator, for a total of 12 congressional representatives.

Sixth. The Convention is restricted to acting upon only the subject which the necessary number of applying States have requested a convention call.

Seventh. Other provisions are included to provide for the Convention site and personnel matters.

Eighth. As provided under article V of the Constitution, the Congress must approve the amendment which is produced in the Convention by simple majority. Three-fourths of the States must then ratify such proposed amendment, as provided in the Constitution.

HONEST BUDGETING ACT OF 1979

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HOLT. Mr. Speaker, today, I am introducing the Honest Budgeting Act of 1979. I am pleased that this bill already has 52 cosponsors.

This proposal is as simple as it is important. The Honest Budgeting Act of 1979 would return us to a true unified budget, as envisioned by the President's Commission on Budget Concepts. After extensive study, the Commission recommended that—

> The budget should include all programs of the Federal Government and its agencies.

The concept was first realized in the 1969 Federal budget. Unfortunately, we have strayed from that principle. We now have six off-budget Federal agencies.[1] The outlays of these agencies are, by law, not reflected in the budget's totals.

This year, outlays of off-budget agencies will total $12 billion; in 1980, the Administration's budget calls for another $12 billion. The 1980 figure is 41 percent of the estimated official budget deficit. With the public's attention riveted to the size of Government and the size of the deficit, I wonder how fast these off-budget agencies would be restored to the budget if they were running a surplus instead of a deficit.

In addition to violating the basic tenet of the unified budget concept—that the budget should reflect all governmental activities—off-budget agencies have other, more tangible and detrimental effects. First of all, significant activities of the Federal Government are hidden from the American people. In the budget just transmitted last month, activities of the off-budget agencies are relegated to the depths of the budget tomes—page

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[1] The six are: The Federal Financing Bank (which is, by far, the major off-budget agency), the Rural Electrification and Telephone revolving fund, the Rural Telephone Bank, the Pension Benefit Guaranty Corporation, the Postal Service fund, and the U.S. Railway Association.

307 of the budget and page 1137 of the appendix. Thus, while they are discussed in the budget documents, they are nevertheless not reflected in the budget's totals. Including off-budget activities in the administration's 1980 budget would mean an outlay level of $544 billion instead of $532 billion, and a deficit of $41 billion instead of $29 billion.

But in addition to hiding these activities from the American people, we in Congress do ourselves an injustice because these activities also escape our scrutiny in the congressional budget process. How can we expect to determine national spending priorities—the purpose of the congressional budget process—when $12 billion of spending is missing? Until all off-budget agencies are restored to the budget, we can at least reduce the deceit they cause. As provided in section 301 of the Budget Act, I plan to offer a bipartisan amendment to the first budget resolution for fiscal year 1980 that would explicitly recognize the existence of off-budget agencies.

In drafting this bill I have recognized the tough political realities of returning off-budget agencies to the budget immediately. Even though the Government is spending the money anyway, explaining a sudden $12 billion jump in the deficit would not be easy. Therefore, and to insure bipartisan support, I am recommending that the provisions of this bill become effective for the 1983 fiscal year.

Mr. Speaker, with all the discussion surrounding a balanced budget, what meaning would a balanced budget have if part of the Government's activities are hidden from the budget? If we are to have more than one budget—for example, a capital budget, a credit budget, an operating budget—they should be in addition to one honest, unified budget.

Finally, Mr. Speaker, I wish to commend the Congressional Budget Office for their excellent recent studies on Government credit programs and off-budget Government activities. Because off-budget activities are primarily credit activities, I am glad to see the CBO venturing into this important area.

Mr. Speaker, I urge the Members' support.

MORE DOMESTIC OIL PRODUCTION

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, today I come to the floor once again to appeal to my colleagues and the Federal Government to take constructive steps to increase domestic production of our energy resources. The answer is to decontrol the price of crude oil.

For all my years in Congress, I have spoken out strongly about the problem of our dependency on foreign sources of oil. As if we needed another example of the problems that can be caused by this immense dependency, the newest one is the shutdown of Iranian oil production as a result of the revolution.

President Jimmy Carter has now called on the Energy Committee for mandatory allocation through rationing, and gasoline sales on Sunday will be banned.

Iran supplies to this country only 5 percent of our total consumption. Libya supplies 6 percent of our consumption and the instability of the leadership of that country is well known. What if Libya were to precipitously cut off our oil supply?

The solution to the problem is to develop our domestic resources, and provide an incentive to explore for, develop, produce, and refine more oil in this country. My bill to decontrol oil prices provides a step in that direction, for it will provide a needed economic incentive. This is what produces oil, not officious intermeddling by the Federal Government.

In the past years, the energy policy adopted by this government has centered around price controls, more Federal regulation, more taxation and forms, and allocation. All of these measures have served only to retard exploration and development of oil, not to enhance it. The new rationing plan will cost $350 million with all the headaches from thousands of bureaucrats.

We remember when the free worlds oil supplies were cut off by the Suez crisis of 1956 and again by the Arab-Israeli war of 1967. But back in 1967 we produced 87.2 percent and imported only 12.8 percent. The situation today is that we import 43 percent of our U.S. petroleum supply, with 48 percent of our petroleum supply coming from domestic crude and 9 percent from natural gas liquids.

In 1969, my first full year in the Congress, I presented a statement to the Cabinet Task Force on Oil Import Control. At the time we were importing roughly 21 percent of our crude requirements which I said was still too high, and in this statement 4 years before the Arab oil embargo became a reality, I said the following:

> If we had to depend on any foreign country or regions for a large portion of our oil supplies, the United States would have to be at the goodwill of these foreign governments. What if producing countries were to withhold petroleum exports to the U.S. if they did not agree to our foreign policy? The United States cannot allow itself to be victimized by the threat of a petroleum boycott.

In that same statement in 1969, I said this about oil prices and foreign dependency:

> As soon as the self-sufficiency of the United States fell by a significant amount the world demand would be greater and thus the world price of crude could be expected to rise. Moreover, the growing dependence upon foreign oil would strengthen the bargaining power of the producing nations, who can probably be expected to seek the highest possible price for their oil. The oil producing nations have already formed an Organization of Petroleum Exporting Countries (OPEC) which has higher prices as its primary objective.

At this time I made this statement in 1969, the well-head price of U.S. crude was $3.09, but the price of Iranian crude at this time was $1.79 and Saudi Arabia crude was $2.17. The hue and cry by the liberals was to import more crude, because the customer would benefit from these lower prices. Just as I had predicted, as soon as we lost a large measure of our self-sufficiency OPEC raised their prices substantially.

When the oil embargo did come, Congress passed the Emergency Petroleum Allocation Act in 1973 calling for price controls and allocation authority. Once again, this time on the floor of the House on October 16, 1973, I said:

> Facing this dilemma, Congress shuts its eyes to the real problem. Instead of developing means of producing additional oil and gas supplies within our own country, here we are today talking about how to allocate our energy resources through some type of confused bureaucratic system.
>
> Simply creating this allocation bill does not solve problems. All it does is provide more bureaucrats to confuse it.

By 1975 the energy policy of the Nation still neglected producing more domestic oil, but once again had under consideration price controls and allocation in the form of the Energy Policy and Conservation Act (EPCA). I, once again, took to the floor on July 15, 1975, of the House to urge that something be done to provide incentives for increased production. Among other things I said:

> On the other side, we have the Arab countries which represent only the Arabs. We build up through this bill and through our past controls a system where we pay for the old oil within our country of $5.50 a barrel, and yet the Arabs, have old oil over there, and we pay them $12 per barrel. There is no way in the world it makes common sense, and it can lead to disaster for this country.
>
> We cannot continue to drill and explore, or continue to develop at a low price base.

Once again, Congress failed to take positive action on incentives for increased production. Then in 1977, we received from the President his national energy plan (NEPA) which, instead of incentives for increased oil production, called for a crude oil equalization tax (COET) on domestically produced crude oil to go up to the world price through taxation. COET was not passed.

I was a member of the Subcommittee on Energy and Power, the Interstate and Foreign Commerce Committee, the House's Ad Hoc Committee on Energy and a member of the Energy Conference all of which considered this legislation in 1977 and 1978. I said the following in my views to the ad hoc committee's report:

> There are two ways to close the gap between U.S. oil consumption and production. One is to import oil from OPEC countries and the second to increase domestic production. The second way is obviously better, but we must have a pricing structure which allows us to accomplish this. Oil price decontrol is really the only answer, and I strongly advocate a return to free market pricing. Our national oil pricing policy should be providing incentives to seek and produce more oil, and not the disincentives of taxation and price control. Decontrol of oil prices will reduce our reliance on foreign sources of oil; it will reduce the drain of dollars flowing to foreign countries; it will cost the consumer less in the long run; it will provide producers with adequate incentives to drill and produce more oil; it will provide the capital needed for exploration and development; it will re-

> store the system of free market pricing which made the U.S. the greatest country in the history of the world; it will insulate us from the threats of future oil embargoes; it will produce more oil; it will enhance the conservation effort; and it will stimulate the switch to coal.

Today America has two choices on oil. President Carter's plan is to ration gasoline. This makes a bad problem even worse.

The only solution that will put oil and gas in balance is to deregulate the prices so that we pay the same price for American oil and gas that we do for foreign oil.

Remember, oil and gas is the only commodity under price control and it is America's serious shortage.

SSI LEGISLATION

(Mr. PEASE asked and was given permission to address the House of 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, there are times when the American people use the electoral process to send a message to their Representatives. So it was in the off-year elections of 1978. The message was clear: "Stop wasteful spending and make the Government operate more efficiently."

Today I am introducing a pair of bills which are consistent with this mandate and which highlight just one area in which the Congress can exercise more fiscal responsibility. Senator CHARLES PERCY of Illinois is introducing companion legislation in the Senate.

Current Federal law allows aliens to collect Supplemental Security Income (SSI) benefits after being in the United States just 30 days, without the aliens having contributed to the economy or having paid taxes. Lest you think this is an insignificant loophole, the General Accounting Office completed a study last year which showed that in just five States aliens were collecting at least $72 million a year in SSI payments. The GAO report, which included the recommendations of the State Department, the Social Security Administration in the Department of Health, Education, and Welfare, and the Immigration and Naturalization Service of the Justice Department, found that 8 percent of all aliens apply for SSI benefits within the first month after they arrive in the United States, 41 percent within 6 months, and 63 percent before the end of their first year here.

Most aliens, before they are admitted to the United States for permanent residence, are required to have American sponsors. These sponsors file affidavits of support promising to provide for the alien's needs should they become indigent.

But these affidavits are not legally binding under current law. The truth of the matter is that many sponsors file the affidavits merely to get the alien into the country. Once here, sponsors counsel the alien to enroll for SSI benefits or other types of public assistance, and the money often finds its way back to the sponsor, in the form of rent for rooms provided or payment for food and clothing.

Briefly, the following are but a few examples of abuse highlighted in the GAO report:

A 64-year-old alien in Sunnyvale, Calif. applied for and received SSI benefits within 4 months of arrival in the United States, even though his daughter had promised to support him. She annually earns over $25,000 and lists assets worth over $130,000.

In August of 1976 a naturalized American citizen from Rochester, N.Y., was granted approval to have her two parents and eight brothers and sisters admitted to the United States. Four months later. three of them applied for and received SSI benefits because of a disabling disease contracted before leaving for the United States. They now receive $350 each month in SSI payments.

Three months after entering the United States, a couple from San Francisco began receiving monthly benefits of $338 despite the fact that their son-in-law signed an affidavit of support insuring that the couple would not become public charges. The son-in-law told officials that he would stop supporting the couple once they began receiving welfare benefits. He discontinued assistance soon after the couple began receiving SSI. As a result, the couple's benefits were increased to $522 per month.

Unfortunately, these abuses by some aliens and their sponsors reflect badly on the vast majority of legal aliens who contribute so much to our society and who want only a chance to become productive American citizens.

A comparatively recent Supreme Court ruling has made it possible for the Congress to correct this oversight and to curtail costly abuse of the SSI program. On June 1, 1976, in the case of Mathews against Diaz, the Supreme Court held that the Congress has no constitutional duty to provide all aliens with the public assistance benefits provided to U.S. citizens. The court also ruled that a residency requirement for aliens is permissible in determining eligibility for public assistance. Prior to the 1976 ruling, no action had been taken to close the SSI loophole because a 1971 court ruling held that State laws establishing residency requirements violated the equal protection clause of the Constitution and encroached upon exclusive Federal jurisdiction over immigration policy.

My two bills, which I sponsored early in the 95th Congress, provide a fair approach to closing the loophole and to protecting the interests of all parties concerned—the alien, the sponsor and the American taxpayer.

The first bill amends the Social Security Act to restrict payment of SSI benefits to U.S. citizens to the legally admitted aliens who have lived in the United States for at least 5 years. There are two notable exceptions to the 5-year residency requirement however. One is for those aliens who become blind or disabled while in this country.

The second is for those aliens who are refugees as a result of having been paroled into the United States, having been granted asylum by the Attorney General, or otherwise determined by law. In this way refugees such as the Indochinese "boat people" or those from the Soviet Union could qualify for SSI benefits if necessary soon after their arrival in the United States.

The second bill amends the Immigration and Nationality Act to make the financial obligation that a sponsor assumes on behalf of the incoming alien, in an affidavit of support, a legal obligation—in the sense of a binding contract—not just a moral obligation as it is under current law.

The legal obligation of the sponsor to financially support an alien would be limited to the first 5 years the alien is in the United States. If the alien becomes a public charge during that time, the sponsor would have a legal obligation to provide a minimum standard of living—125 percent of the Census Bureau poverty threshold appropriate to the alien's marital and family status—for the alien.

To enforce this legal obligation, this bill would empower district attorneys acting on behalf of the U.S. Attorney General, the alien himself, or States acting through the appropriate officer to file a civil suit in Federal district court against the sponsor to force him to provide financial support.

The SSI program was created in the early 1970's as a joint Federal-State program to help poor persons who are aged, blind, or disabled. It has proven to be a very worthwhile program in helping meet the needs of America's poor. It was never intended to provide for the world's aged, blind, and disabled.

These bills underscore the fact that it is possible for the Congress to exercise more fiscal responsibility without having to resort to draconian measures.

TRIBUTE TO FATHER ANTHONY DAL BALCON

(Mrs. SPELLMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SPELLMAN. Mr. Speaker, a wise man once wrote that "work is love made visible" and that if you cannot "work with love * * * it is better that you leave your work." I rise today, Mr. Speaker, to draw my colleagues' attention to a resident of my district whose work truly is love and whose love is most visible in the community of Mitchellville, Md.

That individual, Mr. Speaker, is Father Anthony Dal Balcon, who for the past 12 years has been unselfishly devoting his life to others as the administrator of the Villa Rosa Home for the elderly in Mitchellville.

Villa Rosa is a most remarkable facility, filled with love and warmth and a genuine concern for the well-being of the senior citizens, principally of Italian origin, who reside there. Many people will tell you Father Anthony, the only administrator the home has known, is a primary reason—perhaps the primary reason—this is so.

Born in Italy, Father Anthony was ordained a priest of the Missionaries of St. Charles in his native land and came to the United States in 1949. He was an assistant pastor in New York for 8 years and spent 7 years as a free-lance missionary in the West before returning to New York in 1964 as a pastor and Vicar Provincial of the Missionaries of St. Charles.

It was in this second period in New York that Father Anthony experienced first hand the plight of many elderly Americans. He saw how some are forced to live out their lives in loneliness and helplessness and he dedicated his efforts to helping these individuals, both spiritually and financially.

It was these experiences, moreover, that brought Father Anthony to the Villa Rosa Home a few years later. The home was completed under the leadership of the archbishop of Washington on land bequeathed by Rev. Nicholas De Carlo, founder and first pastor of the Holy Rosary Church in Washington. The Missionaries of St. Charles were given the responsibility of operating the home in 1967.

Under Father Anthony's careful, caring stewardship, Villa Rosa not only flourished but became known throughout the Washington area for the warmth and love that is found there. At times, as many as 150 people have been waiting for admittance to the home and it was this demand that led to completion last summer of two new wings that almost doubled the home's capacity.

As with most Villa Rosa projects, this expansion, which brought 41 additional beds to the facility, bore the distinct imprint of the home's hardworking administrator, Father Anthony Dal Balcon.

But Father Anthony's achievements have not solely involved Villa Rosa. He helped establish a management seminar series for nursing home administrators at Maryland University in 1969 and he was awarded a permanent license as a nursing home administrator by the Governor of the State. He has been active in the health facilities association and on the Governor's Commission on Nursing Home and Peer Review Committee. In addition, he has been active in numerous fraternal organizations in Prince Georges County.

Mr. Speaker, this coming weekend, many of Father Anthony's close friends and associates will gather to honor this most dedicated and loving man at a testimonial dinner given by the Christopher Columbus Lodge, Sons of Italy, in Prince Georges.

I will be honored to be present at this dinner to pay tribute to an individual who believes as I do that our senior citizens are among our most precious natural resources.

I know my colleagues here today will want to join me in recognizing the many fine achievements of a man who has given so much to so many for so long. I know, too, they will want to wish him well in all his future undertakings. And most of all, Mr. Speaker, I know my colleagues will want to join me in offering my heartfelt thanks to Father Anthony Dal Balcon for the work he has done and will continue to do at the Villa Rosa Home. His work is truly "love made visible."

□ 1430

LEGISLATION TO HELP BALANCE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, balance the budget. That is a call we are all hearing from many sectors, and I am convinced it is one we should heed. The question we need to answer is how best to achieve that goal.

As of now, I have not cosponsored any of the numerous proposals calling for specific constitutional amendments to require that the Federal budget be balanced. But that is not because I disagree with the concept. Rather, I am concerned that any proposal which might move through the legislative process should be carefully considered and thoughtfully drafted. After all, it is the basic law of the land, our Constitution, we are talking about here. Still, I do think we should begin the process for considering the possibility of an amendment. To that end, I joined in a letter to Chairman RODINO of the House Judiciary Committee urging that the committee initiate hearings on the proposals to amend the Constitution to mandate a balanced budget. I am pleased that those hearings are forthcoming; I intend to follow them closely.

Regardless of the speed with which the Congress considers the various proposals and decides on a proper course of action, should a proposed constitutional amendment be sent to the State legislatures for ratification, it would take some time to complete the entire process. Staggered legislative sessions in the States would mean several years' delay at least. I feel sure that most of those calling for a balanced budget do not want to wait that long. And, if the reason we need to bring Federal spending into line is to trim our spiraling inflation rate—as I think it is—then we cannot afford to wait to get an amendment approved before we set a timeframe and process for actually reaching the goal of a balanced budget.

Therefore, I think it would be prudent of the Congress to move ahead to expeditiously enact legislation establishing a timetable for bringing the budget into line and for retiring the Federal debt. In others words, we should proceed with legislation which would achieve the same goal as a constitutional amendment but with less delay and which could in fact serve as implementing legislation should a constitutional amendment subsequently be approved. Such legislation should also look ahead to provide for keeping the budget in balance as demands for new programs come along.

Today, I have introduced a bill which I feel can serve these goals. My proposal would require that the budget resolutions we approve be in balance beginning with those for fiscal year 1982. The legislation would require that deficits in the budget resolutions continue the downward trend we began in the last resolution by reductions of at least one-third and two-thirds of the fiscal 1979 deficit in fiscal years 1980 and 1981, respectively. After the budget is brought into line, my proposal would provide for gradual retirement of the Federal debt as of October 1, 1983, plus interest accrued thereon.

The fluctuating economic and international conditions of the last few years make painfully clear the fact that situations often change with remarkable speed. As a result, compelling reasons do periodically develop for authorizing programs and appropriating dollars in the midst of a fiscal year which go beyond what was anticipated when the budget resolutions were finalized. It makes sense to me to provide the flexibility to permit future Congresses to respond to such situations as they see fit, provided they maintain the fiscal integrity of the budget. To do that, my legislation borrows from and modifies an idea of Will Rogers. He once said:

> We will never get anywhere with our finance till we pass a law saying that every time we appropriate something, we got to pass another bill along with it stating where the money is coming from.

He had a point: Unless we somehow tie new costs to specific funding we will not be able to remain fiscally responsible.

Let me explain specifically how my proposal would put the Will Rogers idea into law. First, whenever the Congress enacts legislation which would necessitate expenditures in excess of the ceilings set in the applicable budget resolution—which, as I explained earlier, would be legally required to be in balance beginning in fiscal 1982—the same authorizing bill would be required to specify a means of covering the additional costs involved. Any of a number of options could be specified to cover the cost: New levies or increases of specific taxes, imposition or increases in some sort of user fee, reduction or cancellation of other programs receiving an equal or greater amount of Federal funding, or any number of other options which might be devised. The relevant appropriations bill—which actually provides the funding over the budget authority—would be required to include provisions modifying the current public laws governing the means of funding set out in the authorizing legislation to actually generate—or save—the needed dollars.

Under this proposal, the Congress could decide that the most appropriate means of funding a certain expenditure over the budget ceiling is by short-term borrowing. However, the bill would impose quite stringent requirements on borrowing to assure that it is used only in the most critical situations. First, legislation authorizing Federal borrowing could only be approved by a two-thirds affirmative vote of both Houses of the Congress. Second, the legislation allowing the borrowing would be required to specify a means of repaying the debt incurred plus debt financing costs and a timetable for completion of the repayment in no more than 3 years. Finally, my bill would require that any short term debts accrued under this provision would remain in segregated accounts until they are retired.

What these procedures for financing programs over the budget limits are designed to do is to force the Congress to "bite the bullet." It will drive home the point that there is a cost associated with program expansions and new programs. That could not be more clear than by simply tying the program expansions or additions and the new cost together at the authorizing and appropriating stages. Hopefully, this point will be made not only in the Congress but also among the many special interests who continually ask for special treatment or funding of favored programs. This mechanism should make it easier to say "no," and some of the pressure for more and more Federal spending might be relieved if the people who ask for new or expanded programs are made to realize that they are also asking the Congress to legislate at the same time a means of picking up the tab.

Legislation to bring the budget into line must, I am convinced, provide flexibility to deal with economic realities. In discussing the President's current budget proposals, one point that many have made is that administration revenue projections might be overly optimistic. Even the most reasonable revenue estimates can become unrealistic with a sudden economic down turn. And, if that occurs in the midst of a fiscal year, it would likely throw even the best planned balanced budget out of line. That is a problem with which we must live, but it is also one the long term effect of which we can minimize. My legislative proposal would do that by requiring that whenever such unanticipated deficits develop as a result of revenue shortfalls, they must be retired in the immediately following fiscal year.

One last provision of my bill that I need to point out is similar to one included in all of the constitutional amendments that have been proposed. Most specify that budgets may be out of balance in times of war or national emergency. My bill would instead require that balanced budget resolutions continue to be approved during those periods. However, timetables established under the legislation, including those for retiring the Federal debt accrued before a balanced budget was achieved and for repaying short term debt subsequently incurred, could be rescheduled during years in which the Nation is at war or in a state of national emergency. To proceed with such rescheduling, annual concurrent resolutions to that effect would need to be passed by a two-thirds vote of each House. Allowing such rescheduling, coupled with the mechanism built into the bill to permit borrowing in critical situations, my bill retains the flexibility to deal with crises without rejecting the balanced budget principle as a base of operations.

If we are going to put the Federal fiscal house in order in time to do some good, we are going to have to be willing to consider creative ideas. Will Rogers had one that could hardly be more applicable to our problems today. It would be a tribute to him if we adopted his idea, and I am convinced it is an answer that has the potential to work.●

FAIR HOUSING AMENDMENTS ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 10 minutes.

● Mr. DRINAN. Mr. Speaker, today I join with Congressman Don Edwards, chairman of the Judiciary Subcommittee on Civil and Constitutional Rights in introducing the Fair Housing Amendments Act of 1979. As my colleague has stated, extensive hearings and studies have made it clear that the problem of housing discrimination is a national disgrace, and the existing means to cure that problem are wholly inadequate. Consequently, we believe this legislation should be afforded the highest priority, a commitment which is shared by the President of the United States and civil rights organizations. Accordingly, hearings will be held on this bill early in this session, and we intend to move promptly for its enactment.

To facilitate an understanding of this major piece of legislation, I wish to insert at this point a copy of the Fair Housing Amendments Act of 1979.

H.R. 2540

A bill to amend title VIII of the Act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Fair Housing Amendments Act of 1979".

SHORT TITLE FOR 1968 ACT

Sec. 2. The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–234, approved April 11, 1968) is amended by inserting immediately after the comma at the end of the enacting clause the following: "That this Act may cited as the Civil Rights Act of 1968.".

SHORT TITLE FOR TITLE VIII

Sec. 3. Title VIII of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by inserting immediately after the title's catchtline the following new section:

"SHORT TITLE

"Sec. 800. This title may be referred to as the 'Fair Housing Act'.".

AMENDMENTS TO DEFINITIONS SECTION

Sec. 4. (a) Section 802(f) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by striking out "section 804, 805, or 806" and inserting "this title" in lieu thereof.

(b) Section 802 of such Act is amended by adding at the end the following:

"(h) 'Handicap' means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment.

"(i) 'Aggrieved person' includes any person who is adversely affected by a discriminatory housing practice that has occurred, is occurring, or is about to occur.".

MODIFICATION OF OWNER-OCCUPIED EXEMPTION

Sec. 5. Section 803 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended—

(1) by inserting "and before the date of the enactment of the Fair Housing Amendments Act of 1979," immediately after "1968," in subsection (a)(2);

(2) by striking out "Nothing in section 804 (other than subsection (c))" in subsection (b) and inserting in lieu thereof the following: "Before the date of the enactment of the Fair Housing Amendments Act of 1979, nothing in section 804 (other than subsections (c) and (e))"; and

(3) by adding at the end the following:

"(d) After the date of the enactment of the Fair Housing Amendments Act of 1979, subject to the provisions of section 807, the prohibitions set forth in section 804 of this title shall apply to all dwellings, except that the prohibitions set forth in section 804(a), (b), and (d) shall not apply with respect to the renting of space within a single family dwelling unit by the occupant of such unit to any other person or persons.".

DISCRIMINATORY HOUSING PRACTICE AMENDMENTS

Sec. 6. (a) The catchline of section 804 of the Act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by adding at the end the following: "AND OTHER PROHIBITED PRACTICES".

(b) Section 804 of such Act is amended by inserting ", 803(d)," immediately after "803(b)".

(c) Section 804 of such Act is amended by adding at the end the following:

"(f) For a person in the business of insuring against hazards to refuse to enter into, or discriminate in the terms, conditions, or privileges of, a contract of insurance against hazards to a dwelling because of the race, color, religion, sex, handicap, or national origin of persons owning, or residing in or near, the dwelling.".

(d) Sections 804, 805, and 806 of such Act are each amended by inserting "handicap," immediately after "sex," each place it appears.

(e) Section 805 of such Act is amended by—

(1) inserting "(a)" immediately after "Sec. 805.";

(2) inserting "of persons residing in the vicinity of such dwelling, or" immediately after "or national origin"; and

(3) by adding at the end the following:

"(b) After the date of the enactment of the Fair Housing Amendments Act of 1979, it shall be unlawful for any person or other entity to refuse to buy a debt, or negotiable evidence of a debt, secured by real property because of the race, color, religion, sex, handicap, or national origin of persons residing in or in the vicinity of such real property.".

FUNCTIONS OF SECRETARY

Sec. 7. (a) Section 808(d) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by inserting "(including any Federal agency having regulatory authority over financial institutions)" after "urban development".

(b) Section 808(e)(3) of such Act is amended by inserting "financial and" immediately before "technical".

ENFORCEMENT CHANGES

SEC. 8. The Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90–284, approved April 11, 1968) is amended by striking out sections 810 through 814 and inserting in lieu of the matter so stricken the following:

"ENFORCEMENT BY SECRETARY; PRELIMINARY MATTERS

"SEC. 810. (a)(1) Whenever an aggrieved person, or the Secretary on the Secretary's own initiative, files a charge alleging a discriminatory housing practice, the Secretary shall serve a notice of the alleged discriminatory housing practice on the party charged (hereinafter in this title referred to as the 'respondent') within 10 days after such filing, and shall make an investigation thereof. Such charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Secretary requires. An aggrieved person shall file a charge under this section with the Secretary not later than one year after the alleged discriminatory housing practice occurred or terminated. The Secretary may also investigate housing practices to determine whether charges should be brought under this section or new rules should be made under this title.

"(2)(A) In connection with any investigation of such charge or of a housing practice, the Secretary shall, at reasonable times, have access to, and the right to copy, any information that relates to such charge or housing practice. The Secretary may issue subpenas to compel such access to or the production of such information, or the appearance of persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

"(B) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary under clause (A) of this paragraph.

"(C) Witnesses summoned by subpena of the Secretary under this title shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees to a witness summoned by a subena requested by the respondent shall be paid by the respondent.

"(D) The Secretary or other party at whose request a subpena is issued under this title may enforce such subpena in appropriate proceedings in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

"(E) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in such person's power to do so, in obedience to the subpena or lawful order of the Secretary under this title, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to the Secretary's subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully multilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(3) Whenever a charge alleges a discriminatory housing practice within the jurisdiction of a State or local public agency certified by the Secretary under this paragraph, the Secretary may, before taking any action with respect to such charge and with the consent of the aggrieved person, refer such charge to that certified agency. Except with the consent of such certified agency, the Secretary shall, after that referral is made, take no further action with respect to such charge. No agency may be certified under this paragraph unless the Secretary determines that the substantive rights protected by that agency, the procedures followed by that agency, and the remedies available to such agency, are substantially equivalent to those created by and under this title. Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

"(4) The Secretary and other Federal agencies having authority to prevent housing discrimination shall cooperate and seek to avoid duplication of effort in the exercise of their several authority. The Secretary and such other Federal agencies shall notify each other of any allegation of housing discrimination which may be within their respective responsibilities. The Secretary or such other Federal agency shall, upon such notification, take additional appropriate action.

"(b) If the Secretary determines any time after the filing of a charge that prompt action is necessary to carry out the purposes of this title, the Secretary, after notice and opportunity to be heard has been given the respondent, may order temporary or preliminary relief pending the final disposition of such charge. The Secretary may enforce such an order in appropriate proceedings in the United States district court for the district in which the party to whom such order was made resides, was served, or transacts business.

"(c) If the Secretary determines, after an investigation under this section, that reasonable cause exists to believe the charge is true, the Secretary shall file an administrative complaint under section 811(a) of this title or refer the matter to the Attorney General for the filing of an appropriate civil action under section 813(b) of this title.

"ENFORCEMENT BY SECRETARY; HEARING PROCESS

"SEC. 811. (a) Upon filing an administrative complaint, the Secretary shall cause a copy of such complaint to be served on the respondent, together with a notice of opportunity for a hearing on the record at a place and time (not less than 30 days after the service of such complaint) specified in such notice. Any resolution of a charge or complaint by means of conciliation shall require the consent of the person who filed the charge, and any such resolution following the service of a complaint under this subsection shall also require the approval of the Secretary. The respondent shall have the right to file an answer to the administrative complaint and to appear in person or otherwise and give testimony at a hearing on the record. Any aggrieved person shall be allowed to intervene in the proceeding, to appear in person or otherwise, to obtain the issuance of a reasonable number of subpenas in the manner set forth in section 810 of this title, and to present testimony. After the conclusion of such hearing, the person conducting the hearing shall make findings of fact and conclusions of law, and may issue an order providing such relief as may be appropriate, and may impose a civil penalty of not to exceed $10,000. Any order issued under this subsection is subject to review and modification by the Secretary.

"(b) The findings of fact and conclusions of law made with respect to a final order issued under subsection (a), together with a copy of such order, shall be served on each aggrieved person and each respondent in the proceeding.

"(c) Any petition for judicial review of a final order under subsection (a) shall be filed in the appropriate court of appeals not later than 60 days after the entry of such final order by the Secretary. Such judicial review of a final order shall be in the manner provided under chapter 158 of title 28 of the United States Code. For the purposes of judicial review of such an order, any aggrieved person shall be deemed a party in the administrative proceedings reviewed. The findings of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole. No objection not urged before the Secretary (or other person holding the hearing) shall be considered by the court unless the failure or neglect to urge such objection should be excused because of extraordinary circumstances.

"(d)(1) Any person who violates a final order of the Secretary under subsection (a) shall be subject to a civil penalty assessed by the Secretary of not more than $1,000 for each day during which such violation continues after the date on which such final order becomes unreviewable.

"(2) For the purposes of paragraph (1) of this subsection, a final order becomes unreviewable—

"(A) if a petition for review has not been filed in the appropriate reviewing court, on the day 60 days after the entry of such final order, or

"(B) if such a petition is so filed within such 60-day limit, on the date on which the last appellate court's decision becomes final and not subject to any further appellate proceeding.

"PRIVATE ENFORCEMENT

"SEC. 812. (a)(1) An aggrieved person may commence a civil action in an appropriate United States district court or State court at any time not later than three years after the alleged discriminatory housing practice occurred or terminated.

"(2) After an aggrieved person has commenced a civil action under this section, the Secretary may not commence or continue proceedings toward the issuance by the Secretary of a remedial order based on such charge.

"(3) An aggrieved individual shall not commence a civil action under this subsection with respect to a charge made by that individual to the Secretary if the Secretary (or a State or local agency to which the Secretary refers such charge) has commenced the hearing on the record with respect to that charge.

"(4) Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance.

"(b) Upon application by an aggrieved person, any trial or appellate court may, in such circumstances as it deems just, appoint an attorney for such person and may authorize the commencement or continuation of the action without the payment of fees, costs, or security.

"(c) If the court finds in a civil action under this section that an alleged discriminatory housing practice has occurred, is occurring, or is about to occur, the court shall award such relief as may be appropriate, which may include money damages, equitable and declaratory relief, and, in the case of a willful violation, punitive damages.

"ENFORCEMENT ROLE OF ATTORNEY GENERAL

"SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, the Atorney General may bring a civil action in an appropriate United States district court.

"(b) The Attorney General may bring a civil action in an appropriate Unittd States district court (1) to enforce any final order under section 811(a) of this title that is referred for enforcement by the Secretary; (2) to collect any civil penalty assessed by the Secretary under section 811 of this title and (3) to remedy any discriminatory housing practice (A) with respect to which the Secretary has made a finding that reasonable cause exists under this title and (B) which the Secretary refers to the Attorney General for enforcement under this subsection.

"(c) The court may award such relief in any civil action under this section as is authorized in section 812(c) of this title in cases brought under that section.

"(d) A person may intervene in any civil action commenced under this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person.

"ATTORNEY FEES AND OTHER COSTS AND EXPEDITION OF PROCEEDINGS

"SEC. 814. (a) In any action or proceeding under this title, the court, in its discretion, may allow a prevailing party (other than the United States with respect to attorney fees) reasonable attorney fees as part of the costs, and the United States shall be liable for such costs the same as a private person. Such costs may also be awarded upon the entry of any interlocutory order which determines substantial rights of the parties.

"(b) In any administrative proceeding based on a charge under section 810(a) of this title, the Secretary may award to any prevailing party (other than the United States with respect to attorney fees) reasonable attorneys fees as a part of a final order under section 811(b) of this title.

"(c) Any court in which a proceeding is instituted under this title shall assign the case for hearing at the earliest practcable date and cause the case to be in every way expedited.".

INTERFERENCE, COERCION, OR INTIMIDATION

SEC. 9. Section 817 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by striking out "section 803, 804, 805, or 806." and inserting "this title." in lieu thereof.

CONFORMING AMENDMENT TO TITLE IX OF 1968 CIVIL RIGHTS ACT

SEC. 10. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (Public Law 90-284, approved April 11, 1968) is amended by inserting ", handicap (as defined in section 802 of this Act)," immediately after "sex" each place it appears.

CONFORMING AMENDMENTS TO TITLE 28 OF UNITED STATES CODE

SEC. 11. (a) Section 2341(3)(B) of title 28 of the United States Code is amended by inserting "or the Secretary of Housing and Urban Development, as the case may be" immediately after "the Secretary of Agriculture".

(b) Section 2342 of such title 28 is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding immediately after paragraph (6) but before the final sentence, the following:

"(7) all final orders of the Secretary of Housing and Urban Development under the Fair Housing Act.".●

FAIR HOUSING AMENDMENTS ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. EDWARDS) is recognized for 10 minutes.

● Mr. EDWARDS of California. Mr. Speaker, today I have introduced with my colleague, Mr. DRINAN, the Fair Housing Amendments Act of 1979, a comprehensive revision of title VIII of the Civil Rights Act of 1968. An identical bill has been introduced in the Senate, sponsored by Senators BAYH and MATHIAS. This joint effort reflects our deep commitment to the enactment of legislation that will help cure the deficiencies in existing Federal fair housing law. As he stated in his supplemental state of the Union message, President Carter shares this concern:

> [W]e need to correct a weakness in an existing civil rights law. Title VIII of the Civil Rights Act of 1968, which prohibits discrimination in housing, remains largely an empty promise because of the lack of an adequate enforcement mechanism.
>
> I will soon propose to the Congress that this problem be alleviated by providing the Department of Housing and Urban Development with cease and desist powers. That Department, which now investigates and makes findings upon individual complaints, would then be able to enjoin further discriminatory acts and to direct an appropriate remedy.
>
> My Administration will work with the Congress to see that this proposal is given prompt and favorable consideration.

The bill is a successor to title II of H.R. 3504, introduced in the 95th Congress by myself and Congressman DRINAN. Last year, the Subcommittee on Civil and Constitutional Rights, which I chair, held 7 days of hearings on that bill. Those hearings established beyond any doubt the need for a significant reform of existing law to deal with the persistent and pervasive problem of housing discrimination. Furthermore, there was a clear and strong consensus in favor of the proposed enforcement mechanisms of H.R. 3504—improved access to the Federal courts and a complementary and powerful administrative enforcement scheme within the Department of Housing and Urban Development.

We received supportive testimony from the Secretary of HUD, Patricia Harris, the Assistant Attorney General for Civil Rights, Drew Days, and numerous representatives from organizations concerned with fair housing enforcement. Altogether we heard from over 17 witnesses, and received extensive comments from over 60 organizations. The bill introduced today reflects an understanding of the problems of coverage and enforcement which we gained from those sources. We believe that the Fair Housing Amendments Act of 1979 proposes only those changes which are of the highest priority for effective and efficient fair housing protection. We also believe the proposed enforcement mechanism is fair to both complainants and respondents and fairly accommodates often competing goals.

ENFORCEMENT POWERS

The heart of the revised enforcement scheme lies in the creation within HUD of administrative powers. Under existing law, HUD is charged with a leading role in insuring that title VIII is implemented, yet it is provided with no enforcement authority except the pallid responsibility to conciliate. The only alternative has been expensive and time-consuming litigation instituted by victims or the Attorney General, and as described below, even these avenus have contained barriers that severely limited their usefulness. Furthemore, the majority of fair housing violations involve limited factual and legal issues, and relatively small financial losses. Thus, litigation—through private suits or Justice Department representation—is ill suited to meet this need. A major goal of a HUD administrative enforcement mechanism is to provide a fair, speedy, and inexpensive remedy for these victims of housing discrimination.

Under this bill, HUD will be empowered to receive and investigate complaints, conduct hearings, and issue remedical orders, including temporary or preliminary relief. Judicial review of these orders would be available on an appellate level.

At the same time, HUD will have a responsibility to coordinate and facilitate fair housing enforcement by other governmental entities. Where State and local agencies enforce laws of substantially equivalent coverage and remedies, referrals may be made. Where Federal agencies, such as the Federal Home Loan Bank Board, share responsibility for achieving fair housing, coordination and avoidance of duplication is required.

The sponsors also recognize, however, that in some instances, direct access to the courts is the only meaningful avenue of redress. Experience in fair housing as well as with other civil rights laws has taught us that the role of private litigants and the Department of Justice is vital for maintaining a vigorous and creative approach to enforcement of the law.

Consequently, the bill provides that the Secretary of HUD and the aggrieved person may choose between the administrative and judicial forums. To insure that access to the courts is not unduly restricted, the bill also makes significant procedural changes. The statute of limitations is lengthened from a mere 180 days to a more realistic 3 years. The situation under which attorneys' fees and costs are awardable is made comparable to that found in other civil rights laws.

The role of the Attorney General is also clarified and enlarged. Under this bill, the Department of Justice will have the authority to bring suits at the request of the Secretary of Housing and Urban Development—where there has been a finding of reasonable cause, upon a violation of an administrative order, or to collect a civil penalty imposed by the Secretary. In none of these instances would there need to be a pattern or practice of discrimination, the present limitation on Justice law suits. In addition, the Attorney General would be permitted to seek monetary damages in its pattern and practice litigation, a remedy which the Fourth Circuit Court of Appeals has held the Department lacks.

This bill, then, permits a maximum of flexibility in enforcement—a complaint may be resolved in a variety of forums; checks and balances are built in to protect the parties from bureaucratic inaction and the expense of adjudication. However, care has been taken to minimize duplication of effort and preclude the possibility of multiple and possibly inconsistent orders in the same case. Thus, for example, if the aggrieved party files a charge with the Department of Housing and Urban Development, and if that charge goes to an administrative hearing, the party is thereafter barred from commencing a de novo civil action. Likewise, if the aggrieved files a suit prior to any such administrative hearing, no further action can be taken on an administrative level.

In a similar vein, the bill provides that if a charge is referred by HUD to a State or local fair housing agency, HUD is precluded from taking further action on that charge.

In sum, then, we believe we have successfully addressed the valid criticisms made in the context of civil rights enforcement, to the effect that enforcement has been uncoordinated, duplicative, ineffective, and inconsistent.

EXPANDED COVERAGE

In addition to changes in enforcement, the bill also seeks to correct several substantive problems in the fair housing law. First, the owner-occupied exemption in existing law is modified. Under the present statute, an owner of a dwelling with four or less units may discriminate under title VIII if such owner occupies one of the units—although such discrimination is illegal under the Civil War civil rights statutes. To make the remedies under title VIII parallel with these older laws, the bill narrows the exemption to cover only rooms rented in a single family unit. The revision also allows the renter, as well as an owner, to claim the exemption, thus eliminating the artificial distinction between owners and tenants contained in the present statute.

Second, the fair housing amendments add "handicap" to the list of proscriptions. It is intended that this provision will permit handicapped individuals to have the same protection as that afforded to the other protected classes in title VIII. Thus, although this law will not mandate retrofitting to eliminate architectural barriers, it will assure that the unfounded prejudices against this group will no longer be legally sanctioned.

Finally, two provisions are added which clarify that title VIII is intended to reach "redlining" practices. Mortgage redlining—the practice of lenders in denying mortgage loans because of the racial or ethnic composition of the neighborhood in which the dwelling is located—has been held to be within the prohibition of section 805 of existing law by courts—Laufman against Oakley—the Department of Justice, the Federal Home Loan Bank Board, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. However, the coverage is sufficiently uncertain to merit this clarifying change. We have also made the logical extensions of this principle. First, the secondary mortgage market is explicitly brought within this structure—an interpretation that is presently held by the FHLBB. Secondly, redlining is prohibited with respect to its impact on all the protected categories; that is, including religion, sex, and handicap.

A similar amendment is made regarding the writing of hazard insurance. As with mortgage lending redlining, it has been the practice of some insurance underwriters to refuse to enter into contracts of insurance because of the racial, ethnic or religious composition of the neighborhood surrounding the dwelling. Unjustifiable discrimination in the terms of home insurance because of the sex or handicap of owners and occupants has also been a serious problem. While the Department of Justice has argued that such refusals are covered under title VIII, it is sound legislative policy to make it perfectly plain and thus this change is also included in this bill.

CONCLUSION

The need for these amendments, already has been established. The problem of housing discrimination is even worse than is apparent. In testimony before my subcommittee last year, for example, the National Committee Against Discrimination in Housing stated that its recent survey documented that—

> A vast residue of discrimination remains * * * [E]qual treatment was accorded whites and blacks in only 30 percent of the responses in the rental market and in only 10 of the sales market.

The need for effective enforcement mechanisms inevitably follows from a rcognition of the problem. And as Secretary Patricia Harris testified:

> The lack of adequate enforcement power has been the most serious obstacle to the development of an effective fair housing program within HUD. Our present authority is limited to a purely voluntary process of 'conference, conciliation, and persuasion.' I will not dwell upon the ironies associated with a law that mandates HUD to investigate and to establish the existence of violations of law, and then limits the Secretary to asking the discovered lawbreaker whether he wants to discuss that matter. Simply put, 'conciliation' all too often has proved inadequate means of securing compliance with the substantive provisions of Title VIII.

So that a short description is readily available to all, I wish at this point to insert a section-by-section analysis of this bill:

SECTION-BY-SECTION ANALYSIS OF THE FAIR HOUSING AMENDMENTS ACT OF 1979

Section 1. Provides that the short title of this Act will be the Fair Housing Amendments Act of 1979.

Section 2. Provides in the law that the short title of the 1968 Act (which is being amended) will be the Civil Rights Act of 1968. This simply establishes in the law itself the short title which is usually used when referring to the 1968 Act.

Section 3. Provides that the short title of Title VIII of the 1968 Act shall be the Fair Housing Act. Again, this simply establishes in the law a title normally used when referring to Title VIII.

Section 4(a). Broadens the definition of "discriminatory housing practice" to include any violation under the Act and not merely those made illegal under Section 804, 805, or 806.

Section 4(b). Provides a definition of handicap (identical to that used in other federal laws, including the Rehabilitation Act of 1973); defines "aggrieved person," thereby clarifying issues of standing in fair housing cases.

Section 5. Narrows the owner-occupied exemption in present law which allows discrimination generally in the sale or rental by owners of single family dwellings and in the rental of units in owner-occupied dwellings with four or less independent units. They new exemption, to apply prospectively, would apply only to a single-family dwelling, by an occupant of the dwelling in which space is being rented.

Section 6. Subsection 6(a). Amends the catchline of section 804 of the Act by indicating that other practices, in addition to discrimination in the sale or rental of housing, will be made unlawful in section 804, as amended.

Subsection 6(b). Amends section 804 of the Act by providing that the new and narrower owner-occupied exemption, discussed above, exempts certain housing from the section 804 prohibitions dealing with the sale or rental of housing.

Subsection 6(c). Amends section 804 of the Act by making it unlawful for insurance companies and their agents to refuse to write home insurance because of the race, color, religion, sex, handicap or national origin of the owners, residents or neighbors of the home.

Subsection 6(d). Amends sections 804 by adding "handicap" as another prohibited ground for discriminating in housing activities covered in section 805. Thus, discrimination in the sale, rental, financing, insuring, location, etc., of housing because of handicapped status, will be prohibited. However, it is not intended that this bill require retrofitting to remove architectural barriers, although reasonable accommodations (at the expense of the buyer or lessee) would have to be permitted.

Subsection 6(e). Amends section 805 of the Act by explicitly prohibiting the practice of mortgage redlining by the primary and secondary mortgage market. Although there is precedent indicating that redlining is already prohibited under Title VIII, this amendment is proposed solely for purposes of clarification.

Section 7(a): This provision clarifies the inclusion of the federal financial regulatory agencies as executive agensies with responsibility to administer their programs in a manner affirmatively to further the purposes of the Federal Fair Housing Act. The Federal Home Loan Bank Board, the Comptroller General, and the Federal Deposit Insurance Corporation agree with this interpretation of existing law, but clarification is needed.

Section 7(b). Amends section 808(e) (3) of the Act by clarifying HUD's authority to provide financial as well as technical assistance to public and private civil rights organizations seeking to remedy housing discrimination.

Section 8. Revises the enforcement mechanisms in the Act. Under present law HUD has only the authority to investigate and conciliate violations. This section would give HUD the authority to issue appropriate orders, including cease and desist orders and civil penalties through administrative proceedings.

The new sections 810 and 811 added by this section of the bill provide for the filing of housing discrimination charges with HUD by the Secretary and by aggrieved persons. HUD is authorized to investigate such charges and, when reasonable cause exists to believe that the charge is true, the HUD Secretary may either refer the charge to Justice for suit, refer the charge to a certified state or local agency, or file an administrative complaint (based on a charge) on which there shall be notice and opportunity for a hearing.

A final order of the HUD Secretary is appealable in an appropriate court of appeals and, in such an appeal, the findings of the Secretary shall be conclusive if supported by substantial evidence.

The Secretary is authorized to assess civil penalties against persons who violate final orders of the Secretary once those orders become unreviewable.

The new section 812, added by this section of the bill, outlines private judicial enforcement rights. An aggrieved person may file a civil action to remedy a discriminatory housing practice. The statute of limitations is lengthened. However, such a suit may not be filed if the aggrieved person has filed the charge with HUD, and a hearing on the record has commenced by HUD or the state or local agency (to which HUD has referred the charge).

The court, in cases brought by aggrieved persons, may appoint an attorney and authorize the commencement of actions without fees. The Attorney General may intervene in such cases, where the case involves issues of general public importance.

The new section 813, added by this section of the bill, outlines the enforcement role of the Attorney General. The Attorney General, on his own initiative, may institute civil actions intended to remedy pattern or practice violations or to remedy violations against groups of persons when the issues involved are of general public importance.

The Attorney General also may bring civil actions necessary to enforce the Secretary's final orders, to collect any civil penalties assessed by the Secretary, and to remedy discriminatory housing practices when the Secretary has found reasonable cause and referred the matte to the Department of Justice.

The new section 814, added by this section of the bill, provides that attorney fees may be awarded to prevailing parties in both judicial and administrative proceedings.

Section 9. Amends section 817 of the Act by broadening that section to provide a civil remedy for interferences with or intimidations relating to the exercise of rights granted by the title. Present law technically provides such remedies only for violations of sections 803, 804, 805, and 806 of the Act.

Section 9 of the bill redesignates the present sections 803, 804, 805, and 806 of the Act as "this title."

Section 10. Conforms Title IX of the 1968 Act (criminal penalties for intimidations) to add "handicap" as a basis for a criminal violation.

Section 11. Amends Title 28 of the United States Code to provide for judicial review of HUD Secretary orders in the court of appeals.●

A CALL FOR REPEAL OF 25TH AMENDMENT TO U.S. CONSTITUTION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, today I reintroduced a resolution which I have introduced for not less than five consecutive Congresses.

I do so with a sense that this type of action has a tendency to be construed as frivolous or in a spirit of levity or lacking general widespread present interest or support, thus being susceptible to the suspicion that perhaps it has really no serious intended purpose in its introduction. I wish to dispel that kind of impression.

Mr. Speaker, the resolution is very simple. It calls for the repeal of the 25th amendment to the U.S. Constitution.

I was a Member of the Congress at the time that this resolution calling for the 25th amendment was deliberated here on the floor of the House, if "deliberated" can be the word. To my surprise, it was very quickly and rapidly put through with the necessary, in fact, more than necessary, two-thirds vote; and it subsequently received the same kind of treatment in the Senate. Again to my further surprise, it received very quick treatment by three-fourths of the legislatures of the Nation.

During the debate at that time I was the only Member who actually gave reasons for intending to vote against that resolution. There was a total of just about 29 Members who, on the record, voted "no" in the House. I was concerned then, but I never dreamed that there was the slightest, remotest chance that anything would happen during my lifetime which would give rise to the possibility of those fears being fulfilled.

During the debate on that amendment I said that it seemed to me that it evoked the worst features of the old Roman Senate intrigue, and even later in history, those of the Third French Republic. I further said that the capacity for mischief and the undoing of our democratic representative processes were great, as I could see it, not in the immediately foreseeable future, but at some future unpredictable time of passion and calamity, not unlike some which the country had already undergone, particularly during the Civil War period.

☐ 1435

Of course, things have happened since then that should disturb us and I feel should make this a matter of urgent priority for the Nation. I consider the continuing existence of the 25th amendment in the Constitution of the United States has the most potential of danger and of a grievous nature for the sustaining of a viable democratic and representative form of government. Most of my colleagues and almost all of the constituents, including teachers of political science or civics, seem to be unaware of the actual content of the 25th amendment. They are all familiar with the first paragraph, but I find complete ignorance about the content and the nature of the second paragraph which I consider to be the most dangerous. I think we ought to be concerned, particularly since that very awesome period occurred in which events I never dreamed would happen in my lifetime happened—a crooked Vice President compelled to resign, the resignation of a President, the Nation ending up for the first time in its history with an unelected President and two unelected Vice Presidents, something so abhorrent as reflected in the proceedings of the Constitutional Convention to the Founding Fathers of the Nation that I am sure they would be gravely concerned if they were alive today.

During the first 10 years of our national existence, the country did not even bother to have such an Office as the Presidency. It had the Congresses, the Continental Congresses, but it had no such thing as the Office of the President, and when it did deliberate on that office during the deliberations of the Constitutional Convention, it was obviously a matter of great concern to those who were involved in writing the Constitution and after great trepidation, finally fixed on that article II and the executive branch of the Presidency. But, unlike the prevailing thinking among the leadership in the House and Senate, and particularly among the Committee on the Judiciary at the time in 1965, our Forefathers who wrote the Constitution were not unmindful of the things that were being given as justification for the 25th amendment. The First Congress in 1791 acted in pursuance of that foresight in fulfilling the mandate that was indicated in the second article of the Constitution where they were trying to provide for an orderly succession if need be.

So the First Congress passed the first law having to do with the procedures in case of succession, and they provided that if something happened to a President and there was a year and a half or more left in his term, that an election should be called in order to go back to the people. This was discarded in the 20th century and again in the third succession law of 1947. But this was never mentioned in the debate, and as far as I can recall, it was not even referred to in the proceedings of the Committee on the Judiciary as reflected in its report.

The thought was extended and it prevailed that nothing had really been done to take care of these events, or at least could, if something happened to the President, the inability to fill the Office of the Vice President—as we did for a year or so under President Johnson after the assassination of President Kennedy—or the disability of the President as in the case of Woodrow Wilson who vegetated for about 15 months while he was still President. My answer to that then, as it is now, is that the Republic survived, and just the emergencies that we had in 1973–74, in that period, clearly indicate our concern about the continued existence in its present form of the 25th amendment is a legitimate concern and that it should entail the highest priority of the lawmakers. I must confess that this is not so. I know of no other Member who has introduced a similar resolution at least in this Congress thus far or even in the past. In one Congress I believe the gentleman from Pennsylvania Mr. Dent did.

But let us go into some of the reasons briefly, and then I will conclude. We must remember that at the height of the catastrophe of 1974 General Haig and Secretary of State Kissinger did discuss the possibility of invoking the 25th amendment.

□ 1440

Now, what did that mean? Well, we mean that under the second paragraph of the 25th amendment it is possible for the majority, in the words of the constitutional amendment, of the governing body to declare a President disabled.

Now, what do we mean by the governing body? It is not a constitutional phrase, other than as it appears in that amendment. Well, obviously, then, it has reference to the Cabinet, because I recall asking that question of then Chairman Celler of the Committee on the Judiciary and it was obvious that the word intended was cabinet, but since cabinet is not a constitutional phrase and since cabinets are not provided for by the Constitution, but are something that exist by tradition, precedent, and custom, they used the phrase governing body. If the majority of the governing body concludes that a President is disabled or cannot perform his duties as President, they declare him disabled. Then the Vice President becomes acting President. Of course, he can follow the procedure of filling the Vice Presidency, but it does not say if he was acting Vice President or not. That was followed in the case of Gerald Ford and Nelson Rockefeller, but it also provides that at that point it is possible for the Congress to appoint a commission of three persons. It does not say who, what qualifications or restrictions, it just says three persons shall constitute the commission and that commission then shall determine when and if at all that disabled President is able to resume his duties.

Now, what a tremendous potential for mischief that is and what a continuing threat to the stability of our administrative branch of the Government, if not indeed the whole structure of our Government. Yet it never ceases to amaze me how this apparently is not registering with the majority of the lawmakers or the citizens to any visible or discernible degree of concern.

The fact that General Haig and Secretary of State Kissinger thought of invoking the 25th amendment in the latter part of 1974 ought to show us that this potential is certainly there and still alive and kicking and that with this great vagueness we ought to go back and listen to those who have studied and analyzed this.

For example, we as Members of Congress are entitled to a very beautiful tome or book, which is the analytical copy of the Constitution of the United States. It is a document that is officially ordered published by the Congress. It is a great thing, but if we read the analyst and his comment on that particular amendment, you will find that he says that well, this is an imperfect amendment. It was never thought of as the final word on this subject matter. It was an effort, and obviously it is an imperfect effort, and it needs some further thought and revision; but nobody apparently seems to agree with that in or out of the Committee on the Judiciary, either in the House or in the Senate; at least, there has been no sentiment publicly expressed to that effect.

There has been no visible desire other than occasionally from the political scientists who write for periodicals that specialize in political science matters and have made oblique reference to the need for some attention in this matter, if not outright repeal of the 25th amendment.

I feel that unless we do strip the Constitution, or at least that deleterious portion of the 25th amendment, that we will continue to confront very serious and dangerous crises in the desire to maintain the form and the structure of the Government we are inured to.

There is no question in my mind that there will be times again of passion and of emotion as seen, in fact, this very afternoon in the House.

□ 1445

Fortunately, the level of the tone of consideration was restrained. But I recall a similar occurrence during the time of the Adam Clayton Powell matter when it was to no avail to invoke the limitations of constitutional restraint and inhibition that lay in this House of the Congress. The House did act unconstitutionally. And so we always have this as a perennial callus.

I think in offering this amendment it must be stressed and underlined that I do so with utter solemnity, in complete seriousness, and with a very deep and pervading feeling of foreboding and fear that I do not think can be dissipated until such time as the people of the United States, represented in the Congress, remove what I consider to be this dangerous rope and appendage to our Constitution.

Mr. Speaker, I yield back the balance of my time.

THE ATHLETICS OPPORTUNITIES ASSISTANCE ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

● Mr. YOUNG of Alaska. Mr. Speaker, today, I am joining with my colleagues from the State of New York, Mr. JACK KEMP and Mr. ROBERT MCEWEN, in introducing the Athletic Opportunities Assistance Act of 1979.

This bill will enhance the opportunities for a Federal employee to represent the United States in international athletic events. In essence, this bill, while not providing a direct Government subsidy, will entitle an Olympic athlete credit for up to 90 days in which he (or she) as a member of the U.S. team is preparing for such competition.

Historically, until recently, our Nation provided no financial support for U.S. teams in the Olympics. As a result, the United States has lacked a fully developed sports program due to the fact that many athletes have never had the opportunity to realize their full potential. Instead, they are forced to choose between a Government career and the honor of representing our Nation in such athletic endeavors. This bill will create favorable circumstances in which a Federal employee will be able to participate in high caliber competition. In addition, it is my hope that this legislation will encourage private industry to aid athletes in a similar manner, should they desire to represent the United States in such competition.●

UNITED STATES DEPARTMENT OF AGRICULTURE RESTORATION ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WAMPLER) is recognized for 30 minutes.

● Mr. WAMPLER. Mr. Speaker, I rise today to introduce a bill designed to restore the U.S. Department of Agriculture to its traditional and essential role in the overall scheme of governmental affairs.

This action is necessitated by the fact that the American agricultural establishment, while still dynamic economically, has lost its political and social clout. The result: The USDA is in danger of dismemberment to the point that its capabilities to insure the production and marketing of food, fiber, and forest products, so basic to life itself, are in jeopardy.

The forces at work in and out of the executive branch to downgrade the traditional roles of USDA desire to further dismember the Department by severely curtailing the independence of the food, fiber, and forest product producers, the processors and the overall market sectors of agriculture. They would replace this time-proven free enterprise/cooperative system with a new and untried one based on strong centralized planning and complex regulatory controls—all of which would mandate food distribution programs and require specified labeling and nutritional values for all food products. This action would be accomplished under the guise of implementing a campaign promise of President Carter to reorganize departments and agencies of the Federal Government.

Equally damaging, those promoting these changes would separate the management of the Forest Service and certain critical aspects of the Soil Conservation Service from USDA and place them in a new Department of Natural Resources in the theory that these resources must be protected and conserved to improve the environment. This proposition ignores the pure economic implications that could arise from these separations, the severe product losses that could result if we were to separate soil and water enhancement and use-management from food, fiber and forest product production, and the losses in coordination and cooperation between the Federal Government, the State, and the private sectors that could occur.

I have no basic quarrel with President Carter's commitment to reorganization of the Federal establishment. Certainly there are some operations of Government that need greater emphasis, some that need reduced emphasis, and some which should be abolished. If these actions are his intent, he has my support. However, as I have indicated by introducing my bill today—which I have given the short title "The Department of Agriculture Restoration Act of 1979"—we should not dismantle or further diminish USDA's functions—we should strengthen and restore them to a proper position of eminence in Government and society.

Let us examine the USDA functions that need strengthening as well as those activities scattered among a number of Federal departments and agencies which have an agricultural related function and could best be integrated into and coordinated in USDA.

First, non-Federal forest lands include four-fifths of the Nation's commercial forests. They are mostly intermingled with other rural lands with 60 percent in farms or other small, nonindustrial ownerships. Future increases in supplies of forest products must come primarily from these lands. Also, USDA programs extend to 90 percent of the Nation's land area. Forestry activities involve eight separate USDA activities—each with special expertise. About 40 percent of Federal expenditures for private land forestry come from USDA agencies other than the Forest Service. National forest management, soil and water conservation, management of grazing lands in the national forests, technical assistance, loans, research, cost-sharing incentives to plant trees, rural conservation and development, and so forth, all are oriented toward advancing forestry as a part of American agriculture. All are aimed at the protection and management of renewable natural resources. Improved management is essential if we are to meet the total national requirement for forest products and grazing lands from all classes of ownerships.

Closely tied to the management of our forest lands is the problem of the present division of public range management responsibilities between the Bureau of Land Management (BLM) of the Department of the Interior and USDA's Forest Service. This division has created serious problems for stockmen, which use these Federal grazing lands in the production of meat and wool fibers, and has caused a deterioration of our range resources.

Federal rangeland, which also contains substantial amounts of timber, is a basic resource for the livestock industry. The Forest Service and the Bureau of Land Management have jurisdiction over 300 million acres of public domain that is managed for livestock grazing, along with other public uses, such as timber, minerals, oil and gas. The ranges administered by both agencies frequently are contiguous. Currently, some 13 million head of livestock use them annually and grazing fee receipts amount to about $25 million per year. Approximately 5 percent of the Nation's beef cattle and 40 percent of its sheep utilize Federal grazing lands and Western ranchers depend upon the availability of this land to supplement their private grazing resources. By transferring the range management and forest activities of the BLM to the Forest Service (leaving the oil and gas leasing, the administration of mining claims, and coastal-shelf activities in the Department of Interior), we could consolidate range and forest management activities under a single authority, extend USDA's technical and research services to management efforts for the entire public range and realize substantial economies by combining field service staffs.

Second, the country's productive land and water resources provide the foundation for American agriculture. The growing population of the United States and the world will depend on these resources for the production of food, fiber and forest products into the indefinite future. Competing nonagricultural resources must be protected from destruction and deterioration and their capabilities to produce agricultural products must be enhanced so that they will be able to meet future food, fiber and forest products needs.

The direction of land and water is now split among many agencies at the Federal, State and local levels. This has contributed to the currently uncoordinated pattern of land and water enhancement and use which is inefficient, imposes substantial social costs, and has failed to heighten the productivity of these vital natural resources.

Secretary of Agriculture Bergland pointed out the broad range of USDA activities in this area in a memorandum to Mr. William Harsch, Deputy Associate Director, Natural Resources/Environment Division of the President's reorganization project, on October 21, 1977. The Secretary said:

> Whatever the semantics, when land and related water resource management is viewed as the shared responsibility of government and private owner-managers, the Department of Agriculture is centrally involved far beyond the functions of the Forest Service and Soil Conservation Service. Department of Agriculture programs and policies affect the conservation and use of farmland, rangeland, woodland and forests comprising about 90 percent of the land area of the United States.
>
> Major functions of the Department of Agriculture which affect soil and water resource management on private lands include:
>
> Technical assistance for soil and water conservation.
>
> Federal cost-sharing and credit assistance to agricultural producers for soil and water conservation.
>
> Research and extension programs to develop and encourage use by private landowners of new technologies for production of food and fiber consistent with soil and water conservation.
>
> Research activities in natural resources economics.
>
> Federal-State-private cooperative programs in the conservation and use of forestry resources.
>
> Surveys and classifications of land for agricultural uses, and for the preservation of prime agricultural lands.
>
> Assistance to landowners for control of non-point sources of pollution.
>
> Policies to divert land temporarily from intensive agricultural use which is particularly susceptible to soil erosion.

Secretary Bergland's memo continues:

> These functions cut across the Department of Agriculture and involve the areas of jurisdiction of three Assistant Secretaries and the Director of Economics, Policy Analysis and Budget. They are also linked with the basic economic stabilization policies for the agricultural sector which are administered by the Agricultural Stabilization and Conservation Service, and with the neutral risk protection programs of the Department of Agriculture.
>
> In administering these programs and policies, the Department of Agriculture works closely with individual landowners and operators, local units of government, and other local decisionmakers to orient the Federal programs to local needs and capabilities. Most U.S. farmers and small landowners participate in conservation programs through nearly 3,000 Soil and Water Conservation Districts, which cooperate under formal agreements with the Department of Agriculture. Through these arrangements, the Department of Agriculture offers the private rural landowner a rather complete array of financial technical assistance for the conservation and use of agricultural and forestry resources.
>
> Another example of the public-private sharing of natural resource management responsibility is the arrangement which provides about 1,550 scientist years of research effort on forest and rangeland renewable resources. The Forest Service conducts 930 scientist years of this research. Through the Regional and National Agricultural Research Planning System, the Forest Service cooperates with universities in planning and conducting an additional 620 scientist years of research. The knowledge and technology developed by this research is disseminated through cooperative efforts of the Department of Agriculture and other Federal departments and agencies: State agricultural experiment stations, State extension services, State foresters and other State officials, and schools of forestry.

Mr. Speaker, that's the conclusion of the quote from Secretary Bergland's memo.

By transferring the Office of Water Research and Technology and the Bureau of Reclamation of the Department of Interior into USDA, we will be able to effectively coordinate the functions in those agencies relating to the development of new or improved technology and methods for solving or mitigating existing and projected State, regional, and nationwide water resource problems. We will also be able to integrate more efficiently the location, operation, and maintenance of the development and storage diversion of waters to use in the reclamation (through irrigation) of arid and semiarid lands in the Western States. Since the agriculture establishment uses most of the water and soil available in our country for the production of food, fiber and forest products, it would seem most advisable to bring all of these functions together under the one department that has the greatest interest in their development and usage.

Third, the Federal Government conducts three primary food regulatory activities—inspection, grading, and labeling. The roots of its authority were established in 1906 with passage of the Meat Inspection Act and the Food and Drug Act. As consumption of processed food became more widespread and as agrichemical residues and food additives became of more concern in all foods, Congress revised and amended food regulation laws. In 1978, four cabinet departments and one independent commission spent $488 million and 17,110 man-years on inspection, grading, labeling and related activities.

The inspection of food products involves examination of both the finished products and the manufacturing practices used to make sure that foods are safe and wholesome. The Food, Drug, and Cosmetic Act of 1938 makes HEW's Food and Drug Administration (FDA) responsible for developing standards for processing nonmeat foods, for inspecting plants, and for sample-testing products to insure that standards are met and products are wholesome.

USDA's Food Safety and Quality Service (FSQS) inspects meat and poultry plants under authority set forth in the Wholesome Meat Act of 1967. This act extended coverage of the 1906 act to include meat plants engaged only in intrastate commerce in States whose standards could not meet Federal ones. The Treasury Department's Bureau of Alcohol, Tobacco, and Firearms (BATF) inspects distilleries, wineries, breweries, and the Commerce Department's National Marine Fisheries Service (NMFS) shares inspection of certain fish processing plants with FDA.

The grading of food differentiates the quality levels of any given commodity according to uniform national standards. It facilitates trade between growers and wholesale buyers who may be in distant parts of the country. For this reason, the Agricultural Marketing Act of 1946 was set up to promote grading. FSQS has the responsibility for grading meat, poultry, fruits, and vegetables. Grading of fish is handled in conjunction with NMFS inspection activities. Under the authority of the U.S. Grain Standards Act, USDA's Federal Grain Inspection Service (FGIS) administers grain standards and inspection functions, which are essentially grading. It is responsible for grading peas, beans, and rice.

Labeling regulations, taken broadly, cover all requirements concerning produce specifications, standards, definitions, additives, misbranding, adulterations and residues. The agency responsible for inspecting the commodity is also usually responsible for the labeling regulations for that commodity. Accordingly, requirements for meat and poultry product labels are administered by FSQS under the authority of the Meat and Poultry Inspection Acts. Nonmeat product labels are governed by the Food, Drug, and Cosmetic Act of 1938. In general, the acts require products to be labeled with the name and place of business of the manufacturer or distributor, as well as an accurate statement of the product, its quantity, and ingredients.

Federal food inspection and grading programs have similar objectives, but they employ widely varying approaches to achieve them. These differing approaches illustrate the problems in inspection and grading programs that should be considered in any reorganization proposal.

These differences in program characteristics lead to the following problems:

Patchwork inspection: Food inspection and grading agencies apply differing authorities and approaches with varying degrees of effectiveness and efficiency to achieve common objectives.

Organizational barriers: The organizational placement of food regulatory agencies compromise their independence, fragment their resources and inhibit their effectiveness.

Inadequate evaluation of risks: Food regulatory agencies have difficulties proving prompt, consistent, and scientifically sound decisions on the safety of substances added to food. These difficulties are caused in part by statutory and scientific obstacles; however, they also have organizational causes.

Confusing product formulation and information: Federal food information requirements—product definitions, grades, labels, and advertising—are confusing, redundant, and sometimes contradictory. They reflect unclear organizational jurisdictions and fail to meet either industry or consumer needs. Food regulatory agencies lack a uniform and systematic policy on the roles that health, nutrition and economic information play in food regulation.

Any solution to unsnarl this complex situation should standardize enforcement powers, equalize penalty provisions and clarify Federal, State and local food regulatory roles. Such a solution should merge the food inspection, grading, and labeling functions of the Departments of Health, Education, and Welfare, Agriculture and Commerce into a single department. The major advantages of such a merger can increase the efficiency and effectiveness of the current system through a time-phased integration of inspection, grading and labeling activities. A top level merger of existing organizations that defers working-level integration will permit acceptable reorganizations to employees and unions involved; provide a single decision point for food regulatory policies, strategies and resource decisions; establish a visible single contact point for both industry and consumers, and provide improvement in the quality and consistency of decisions on food safety.

The fourth and last measure for consideration is the integration of our aquatic food sources in this overall program to restore USDA to a position of eminence in governmental affairs.

Aquatic foods provide 26 percent of the animal protein (excluding milk) consumed by the world's population. In many countries, fish are the most important source of animal protein. Aquatic foods are nutritionally equivalent in protein to avian or mammalian stock and they provide a full complement of essential amino acids and are low in saturated fat. Current U.S. per capita consumption of aquatic food is about 12.8 pounds per year and it is expected to reach 15 pounds by 1985. Although the nutritional value of aquatic foods can be demonstrated, their future availability in sufficient quantity to meet expected demand is less certain. The United States has never made a serious attempt to integrate aquatic food activities with land-based food production programs.

If we harvest the same species as we have in the past, total world production cannot exceed 100 million metric tons per year without damaging the source of supply. Current world landings now exceed world beef and veal production (about 40 million metric tons per year). The U.S. demand for aquatic foods is generally met by four sources: First, capture fisheries; second, aquaculture; third, imports; and fourth, recreational fishing.

The United States has great potential as a fish producing nation. It has the fourth longest coastline and the third largest continental shelf area of any nation in the world. U.S. waters are among the richest and most productive in the world.

In 1977, the total catch off U.S. shores was 4.3 million tons, but the U.S. share of it was only 56 percent. In fact, in the extended U.S. jurisdictional zone from 3 to 200 miles offshore, foreign fleets took in 70 percent of the catch and the United States took in only 30 percent. All foreign fishing took place in this extended zone.

Fisheries off the U.S. coast are located in three ocean zones: The territorial sea, which extends to 3 miles off the coastline; the contiguous zone, covering 3 to 200 miles offshore; and the high seas. The Fisheries Conservation and Management Act of 1976 (FCMA) established the contiguous zone and gave the Federal Government jurisdiction over it. States have jurisdiction over the territorial sea bordering their coastlines, but sometimes they delegate it to local governments—cities, towns, counties.

The controlled culture and harvest of aquatic animals and plants provides another means of producing fish or shellfish. Total worldwide aquaculture production amounted to about 6 million metric tons in 1975 and accounted for about 10 percent of the world's fish production.

Aquaculture has developed most in countries with high levels of technology and risk capital, rather than in poor and protein-short nations. Of the 1975 world production of 6 million metric tons, the U.S. produced only about 65,000 metric tons. This rate of development is slower than had been anticipated and has led to disappointment in aquaculture's contribution to our aquatic food production. Nonscientific factors are generally more responsible for this slow development than a lack of technical information. Nonetheless, Federal efforts have concentrated on solutions to scientific problems and neglected the real problem—institutional constraints. U.S. production could reach 250,000 metric tons by the year 1985 and, with proper support, it could exceed 1 million metric tons by the year 2000.

Because the combined production of U.S. fisheries and aquaculture fails to meet domestic demand, we import substantial amounts of aquatic foods. In

1977, the United States exported about $520 million worth of fish products but it imported $2.6 billion worth, yielding a net trade deficit of about $2 billion. In spite of our abundant and productive fisheries and good potential for aquaculture, the U.S. annual trade deficit in aquatic foods and products is increasing.

A total of 13 agencies in three major departments and nine other separate agencies conduct fisheries and aquaculture programs in the Federal Government. These agencies spend more than $200 million on fisheries and about $24 million on aquaculture.

There are numerous problems associated with developing a meaningful aquatic food source in the United States. They are:

Problem 1.—The United States has no overall policy to guide the development of fisheries and aquaculture. Congress and the President have initiated fisheries policies through statute, resolution, and reorganization, but all have dealt with only parts of the whole. There is no clear framework within which a coherent fisheries policy can be developed and implemented. The complexity of the problem increases when we consider how fisheries are affected by other ocean-related activities such as defense, transportation, deep sea mining, ocean dumping of waste, pollution control, energy extraction, and recreation. The 22 agencies I mentioned earlier, plus other Federal agencies, and 14 congressional committees and 17 subcommittees are involved in the ocean, fisheries, and aquaculture areas. This dispersed effort makes a coherent national policy difficult and adversely affects our ability to manage our captive fisheries.

Fisheries tend to take a "back seat" in overall oceans policy planning. When policy issues involving the oceans are resolved, the interests of fisheries are often "traded away". The agencies representing these interests have little effect on broad policymaking because of their low placement within their departments.

Their lack of status within the Government also makes them ineffective supporters for the U.S. fishing industry at the international level. U.S. efforts to compete with foreign fishing fleets in our own waters have been unsuccessful. The United States has 28 conventions and agreements with more than 20 nations whose fleets fish within our 200-mile contiguous zone. Despite the sound concept and good intent of these conventions and agreements, overfishing by foreign nations has not been prevented. The enormous task of renegotiating 28 agreements points up the need for a cohesive national effort. The agencies with know-how in the fisheries area do not have the visibility and priority to deal with this problem.

Other nations give greater priority to their fishing industries and, consequently, represent them more effectively. When the United States renegotiates international fishery agreements, our negotiating teams face foreign ministers of fisheries or ministers of agriculture and fisheries. But in the United States all the major maritime functions of our executive branch are initiated and conducted at levels below the Cabinet. All maritime advisors available to the President are subcabinet officials.

Problem 2.—Our fisheries and acquaculture effort is fragmented and this causes jurisdictional and management problems.

Fisheries: The FCMA (Public Law 94-265) established eight Regional Fisheries Councils to formulate and implement comprehensive fishery management plans. But the Councils have no jurisdiction in States territorial waters. Important species span or migrate between State and Federal waters. Thus, species under Federal control that are primarily harvested in State waters are not subject to Federal regulations. Stocks also migrate between the jurisdictions of individual States.

This Federal-State division of jurisdiction has often led to conflicting, overlapping, and restrictive regulations which impede the economic development of the U.S. fishing industry.

Fisheries management is difficult when only one Government entity is involved, but becomes even more difficult when there are several involved. The problems proliferate when States, cities, towns, and counties try to protect their local interests and political concerns.

The jurisdictional overlaps within the Federal Government itself only add to management problems. Anadromous species (salmon) spawn in fresh water, mature in salt, and return to fresh to renew the cycle. Because the Fish and Wildlife Service (FWS) is responsible for fresh water, including restocking programs, and NOAA has jurisdiction over marine waters, both agencies conduct research and hatchery programs for salmon. The Forest Service also becomes involved because it owns areas where some salmon spawning occurs.

Even though the Great Lakes are fresh water, Congress classifies them as oceans, and NOAA is responsible for oceans. But FWS has research, conservation, and development authority over fresh water. So both FWS and NOAA maintain research facilities in the Great Lakes. Because of this ocean classification, the University of Wisconsin is now a Sea Grant College and supported by NOAA's Office of Sea Grant (OSG)—a third research effort.

When the Government must resolve conflicts between fisheries interests and conservation efforts, the confused jurisdictional lines between agencies make this more difficult. Disputes over who has jurisdiction over the sea turtle show how absurd interagency squabbles can become in the fisheries area. After years of bitter negotiation between FWS and NMFS, the following agreement was reached by the two agencies: NMFS has sole jurisdiction over sea turtles when they are in a marine environment, but FWS has sole jurisdiction when turtles are on land. Both FWS and NMFS have authority when the turtles are on or close to nesting beaches.

Aquaculture: The Federal Government cannot manage its aquaculture programs effectively because they have overlapping jurisdictions and no single program has the authority or resources it needs to produce results. Jurisdiction over aquaculture is split among three major Departments (USDA, Interior, and Commerce).

In general, USDA's FWS research expertise in fresh water finfish and anadromous species is probably the best in the world. But aquaculture has not benefited because FWS technology has not been transferred effectively to aquaculture programs. In theory, aquaculture should also benefit from extension efforts by USDA, Interior, and NOAA—but, in practice, aquaculturists tend to be ignored.

NMFS and OSG efforts in marine aquaculture offer potential for the long-range research and development the industry requires. The record of these two NOAA agencies in aquaculture is commendable, but it is limited to marine species (except in the Great Lakes).

Fresh water aquaculture has been a low priority item in USDA. Although major agencies of the Department conduct aquaculture activities, no overall program has existed. With the passage of Public Law 95-113 (the Food and Agriculture Act of 1977) and the publicity given to acquaculture, USDA has taken steps to coordinate its aquaculture activities. Its primary success may be in extension, finance, and marketing.

Generally, the Federal effort has lacked the "critical mass," needed to guide and support aquaculture. With some notable exceptions, jurisdiction is divided between fresh and marine water programs. Numerous legal constraints impede aquaculture's progress—many of which could be removed by a properly coordinated Federal program. Public Law 95-113 has been interpreted as giving lead agency status for aquaculture to USDA, but this interpretation is disputed by NOAA and other marine interests. Various bills before Congress would either support USDA or NOAA on this issue.

The solution to these problems is to consolidate all major fisheries and aquaculture functions in the Department of Agriculture. The advantages to such a consolidation in USDA would be to enhance program coordination, the decisionmaking process, and policy formulation; eliminate fragmentation; and bring together all food production in a single department and facilitate the integration of aquatic foods in the USDA service programs.

The purpose of my bill, then, are to obtain more efficiency and cost effectiveness in the Federal Establishment and to assure the American people that we have good food on our table, clothes on our backs, lumber and fiber to put a roof over our heads, furniture to sit on and a bed to sleep on at the lowest possible cost. To accomplish this it is necessary that we integrate and coordinate into the executive department—under the Secretary of Agriculture—all programs relating to the production and marketing of food, fiber and forest products as well as programs relating to the development of water and soil resources. This will enable us to obtain necessary increases in production and improve the marketing and the quality of food, fiber and forest products.

Under this proposal, the Secretary of Agriculture, acting through existing organizational units of his department, would be provided with the added tools to more efficiently coordinate, integrate, and administer all programs related to increasing the quality and production as well as the marketing of the food, fiber, and forest products of this Nation.

This will also be of enormous benefit to our domestic economy and our foreign trade balances as well as to the economic conditions of families engaged in farming.

To accomplish these goals my bill does the following:

Maintains the title of the Department of Agriculture. This action reemphasizes the purpose of USDA and inherently restores to the department its primary role of securing the Nation's food, fiber, and forest products supply for the future. It also assures that we will continue agricultural production in such quantity as to permit our Nation to engage in international trade at levels necessary to benefit our overall economic well-being—specifically, our agricultural sector.

Transfers the following major activities, personnel, and operating funds to the Department of Agriculture:

First. From the Department of Commerce, "the National Marine Fisheries Service" that relate to matters other than marine mammals, endangered species, anadromous species, and the Pribilof Islands, and "the Office of Sea Grants" that relate to aquaculture or the Marine Advisory Service.

Second. From the Department of Health, Education and Welfare, the organizational unit referred to as "the Bureau of Foods" of the Food and Drug Administration that relates to foods and the organizational unit referred to as "the Bureau of Veterinary Medicine" of the Food and Drug Administration.

Third. From the Department of the Interior, "the Bureau of Land Management" that relates to range management or to forest management, the organizational unit referred to as "the Bureau of Reclamation," "the Division of Fisheries Research" of the Fish and Wildlife Service, and the organizational unit referred to as "the Office of Water Research and Technology."

Fourth. In addition, my bill would create a new position of Under Secretary of Agriculture for Domestic Agricultural Affairs, complementing an action of the last Congress which established the post of Under Secretary of Agriculture for International Affairs and Commodity Programs, designed to emphasize in law the importance Congress attaches to the exporting and marketing of agricultural products. While not mandating specific duties, my bill will clearly show that the Congress intends that the new Under Secretary concentrate on first, producing and marketing food (including the products of aquaculture), fiber and forest products in the United States and in its territories and possessions; second, encouraging efforts to insure that producers of food, fiber, and forest products receive adequate economic returns in exchange for their commodities; third, expanding research programs involving agricultural technologies and increasing efforts to teach such technologies to producers of food, fiber, and forest products to improve the quantity and quality of their commodities; and fourth, insuring that land and water resources are developed to provide means to produce food, fiber, and forest products adequate to meet the continuing needs of domestic and foreign consumers.

At the same time, the legislation I propose would establish the post of Assistant Secretary of Agriculture for Science and Education to administer title XIV of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (Public Law 95-113)—an area presently neglected by this administration.

Many of the provisions in my bill had strong support in the "Food and Nutrition Study—Final Report" by the President's reorganization project, dated December 19, 1978, and in S. 2519 introduced in the last Congress by Senators McGOVERN and DOLE. However, I believe this bill improves on their recommendations and should be seriously considered as an alternative to the proposals now being considered by the President.

Mr. Speaker, I shall shortly forward a "Dear Colleague" letter to each Member of the House, urging them to join me as cosponsors of this bill. Although I am flexible on several points in it, I am committed to the basic thrust of this legislation—to restore to the Department of Agriculture the basic responsibility for which it was established 117 years ago—and to revive its role of insuring that American agriculture production remains No. 1 in the world.●

PROTECTING THE SMALL SAVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

● Mr. KEMP. Mr. Speaker, I am introducing a bill today which proposes some long overdue action to protect the small saver, who is penalized for investing in his own future, the future of his family, and the future of the country. The bill is designed to exclude from taxable gross income the first $1,000 of interest on savings account deposits in home lending institutions.

The need for this kind of legislation is obvious. Over the past 30 years personal saving has accounted for 65 percent of the Nation's net private saving. It is this private saving that adds to the country's capital stock, translating someone's better idea into higher productivity, more jobs and a higher standard of living.

Yet the long-term American trend of 6 to 6.5 percent saving of disposable income is the lowest in the industrialized world. The Japanese save 24.9 percent, the Germans 15.2 percent, and this is a large part of the cause of their strong economic growth, high productivity, and low inflation rates. At the same time, the rate of saving in the United States reached a 30-year low of less than 5 percent by the end of 1978.

We do not have to look very far to find the reason. Anyone who wants to put part of his or her earnings into a savings account faces a triple disincentive which makes immediate consumption much more attractive. Earned income is taxed away at marginal income tax rates which become higher every year as inflation pushes everyone into higher tax brackets on the same or declining real income. The interest on this saved income is taxed once again at the same high tax rates, and often pushes the individual into a higher tax bracket. On top of all this, U.S. bank regulators place an extra penalty on the small saver.

Regulation Q, as it is called, puts a ceiling on the interest rates payable on regular thrift accounts. That ceiling of 5.25 percent is only half the going market rate for those who can afford to save large amounts of money, and only about half the rate of inflation.

In other words, in addition to the marginal tax rate on income, which begins at 14 percent and averages more than 20 percent, and the same tax rates on the interest on saved income, regulation Q places a 40- to 50-percent tax rate on thrift at current rates of inflation, which the administration informs us will continue for many years, under current policies. Besides losing money simply by placing it in a savings account, our citizens are taxed twice for the privilege.

My bill aims to straighten this tilt of the Federal tax system against saving by restoring some of the incentive to save. Unless we reverse the antisaving bias of economic policy for the past 40 years, we will continue to experience further declines in productivity, high inflation, weak export trade and domestic production, slow economic growth, and all the other symptoms of anemic capital formation.●

ENERGY FRONT—GOOD NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 20 minutes.

● Mr. CLEVELAND. Mr. Speaker, today, the northern New England Congressional Delegation released the Rural Energy Source Report prepared by the New England Congressional Caucus. The study was principally authored by Mr. Geoffrey Bentley, a congressional fellow on loan from the AVCO Corp.

I wish to take this opportunity to commend Mr. Bentley for his exhaustive research and for providing us with a study which should encourage everyone concerned about the energy problem.

The study concludes that New England could produce over 10 percent of its total energy from alternative energy sources such as wood, small-scale hydro, solar and wind by the mid-1980's. For the Northern New England States, the potential is far greater. For example, New Hampshire could derive a total of 22.6 percent of its energy needs from wood and small-scale hydro alone, displacing the equivalent of 8.4 million barrels of oil annually. For Vermont and Maine, the comparable figures are 41.5 percent and 56.4 percent, respectively, representing a total annual savings of 45.2 million barrels of oil.

The importance of this study is evident. The OPEC petroleum price increase and the more recent price increases by several countries, coupled with the situation in Iran, continue to drive home to all of us how important it is for us to encourage the development of alternative energy sources.

Hopefully, this report will spur the Congress and the White House to pay increased attention to wood, hydro, solar, and wind power. In my opinion, the well-being of this country depends on it. Already without any help, New England is meeting more than 2 percent of its total energy needs from alternative sources, the annual equivalent of 12 to 14 million barrels of oil.

The executive sumary of the Rural Energy Source Report follows:

NEW ENGLAND RURAL ENERGY SOURCES—EXECUTIVE SUMMARY

OVERVIEW

New England has significant potential in its rural energy sources. Wood and water are often referred to as the region's indigenous energy resources. They are renewable, plentiful and particularly well suited for rural or decentralized application. The use of wood and water involves "ready-now" technologies—direct combustion to produce heat and steam from wood and existing dams to generate electricity from falling water. Furthermore, they are cost-competitives with conventional energy supplies.

Direct solar and wind have many of the same attributes as wood and water. They are renewable, available at no purchase cost and well suited for rural use. Solar-thermal can be used for domestic hot water and space heat while photovoltaics can convert sunlight into electrical energy. Passive solar and solar hot water are commercial technologies, but present economics are only beginning to allow the use of direct solar as an alternative to fossil and nuclear fuels. Wind energy is a source of electricity, and is less developed than direct solar.

Today New England is relatively sparing in its use of the four "solar" technologies—wood, small-scale hydro, direct solar and wind. Rural areas have benefitted from these energy sources more than densely populated regions, but even here much progress must be made. Wood is the clear leader both in terms of present usage and near-term potential (Table I). It is possible that by the mid-1980's, energy from wood could provide over 9 percent of the region's energy supplies. Reclamation of existing small-scale hydroelectric dams could add another 1 percent, with direct solar and wind energy showing little contribution in the near-term.

TABLE I.—PRESENT AND NEAR-TERM IMPACT OF WOOD, HYDRO, DIRECT SOLAR AND WIND

[Estimates only, subject to stated assumptions]

	Equivalent annual oil savings (percent of total energy demand [1])				
	Wood	Small-scale hydro	Direct solar	Wind	Total
Present:					
Space heat, domestic hot water (all sectors)	10,000,000 bbl (2 percent)		M1,000,000 bbl (solar-thermal).		10,000,000 to 11,000,000 bbl (M2 percent).
Electrical generation (utility sector)	M1,000,000 bbl	2,000,000 bbl [3] (0.4 percent).	Negligible (photovoltaics)	Negligible	2,000,000 to 3,000,000 bbl (M1 percent).
Near-term potential (mid-1980's)	55,000,000 bbl [2] (9.3 percent).	9,000,000 bbl [4] (1.5 percent).	1,000,000 bbl [5] (0.2 percent).	M1,000,000 bbl	65,000,000 to 66,000,000 bbl (M11 percent).

[1] Assumes 3 quads per year at present, 3.4 quads by 1985.

[2] Use of all wood wasters and all excess growth from commercial species except unused commercial timber. No contribution from noncommercial species.

[3] Conventional hydro electric dams of less than 15 MW of installed capacity.

[4] Restoration of 1907 existing dams—New England River Basins Commission preliminary findings.

[5] Many possible scenarios—1 such is 700,000 dwelling units which are 50-percent dependent on solar energy for domestic hot water.

Maine, New Hampshire and Vermont are the major users of energy from wood. It is estimated that over 50 percent of the homes in these states burn cordwood for space heat with 20 percent of all households relying on wood as their primary fuel. Furthermore, the use of wood to cogenerate electricity and useful heat is a technology whose impact is just being felt in many industrial and commercial applications, especially in the wood and paper operations of northern New England. The present use of wood (2 percent of total energy demand) is fairly evenly divided between residential and industrial users.

The use of hydro energy in New England has declined dramatically since the turn of the century. Of the over 9,000 hydropower dams operating in 1900, there are fewer than 300 small-scale hydroelectric facilities (less than 15 megawatts generating capacity) operating today. Most are in Maine and New Hampshire—providing onsite power to industrial users and selling peak load power to utility companies.

There is limited information on a state-specific basis of the current use of direct solar and wind energy in New England. Estimates are that 6,000 dwelling units are of solar design or use solar equipment, and that wind machines number in the hundreds.

Northern New England will be the major beneficiary of wood and hydro energy in the future (Table II). Over 50 percent of Maine's energy demands could be met by wood in the mid-1980's, with Vermont and New Hampshire following at 39 and 18 percent, respectively. Approximately 4 percent of northern New England's energy requirements could be met by the restoration of over 1,300 hydroelectric dams in these three states. Massachusetts also has a significant hydroelectric potential with a possible savings of nearly 1 million barrels of oil a year through the restoration of 284 small-scale dams.

TABLE II.—WOOD AND HYDRO POTENTIAL FOR THE MID-1980'S

[Same assumptions as stated in table I. Hydro potential does not include any contribution form existing, developed hydroelectric dams]

	Wood			Small-scale hydro		
	Forest area (percent)	Equivalent annual oil savings [1]		Existing undeveloped dams	Equivalent annual oil savings [1]	
		Million barrels	Percent		Million barrels	Percent
CT	60	1.5	1.1	204	0.3	0.3
ME	90	32.1	50.9	537	3.4	5.5
MA	59	4.4	1.7	284	.9	.4
NH	86	6.8	18.3	598	1.6	4.3
RI	60	.6	1.6	113	.2	.5
VI	76	9.1	38.9	171	.6	2.6
Total	81	54.5	9.3	1,907	7.0	1.2

[1] Percent of total energy demand in 1985.

The preponderance of small-woodlot owners in New England presents an institutional constraint to developing the full potential of energy from wood. The present use of wood for residential space heat and industrial application is at such a level that these barriers to supply are not now critical. However, as 1,000 tons per day wood-fired electrical generating units come online in the mid to late 1980's, sources of supply could be a problem unless land access and use is assured.

Although direct solar and wing energy will not be major sources of supply in the mid-1980's, they offer a long-term potential for the region. These resources will tend to be developed in the higher wind and solar radiation areas of coastal and southern New England, and will compliment the wood and hydro energy resources of northern New England.

WOOD

Wood is New England's most abundant energy resource with over 80 percent fo the region covered by forest. For the northern tier states, the forest coverage is 86 percent.

The total energy content of all commercial forests is nearly 19 quads or over six years of energy demand for the region. This is the energy equivalence of over 3 billion barrels of oil.

The annual available surplus from commercial species of wood is over 0.6 quads, or 20 percent of the total energy of the region today. Although it is not economically sensible at this time to harvest this quantity of wood for energy use, this figure represents the available potential without adversely affecting the forest balance. If unused commercial grade timber is eliminated as an energy source, the annual resource potential is in excess of 0.3 quads (equivalent oil savings of 55 million barrels), or 11 percent of the current total energy demand. Both energy estimates would probably double if noncommercial species were included. Uses of wood range from direct combustion for useful heat and steam for electrical generation to methanol production for the transportation sector.

Today wood is burned extensively in home wood stoves and furnaces for space heat. The impact of wood burning in the industrial sector is equally significant (estimated equivalent annual oil savings of 5 million barrels), with cogeneration of useful heat and electricity particularly well suited to remote users. Estimates are that cogeneration could save up to 30 percent of the fuel which would otherwise be needed to produce heat and electricity independently.

The Burlington, Vermont municipal electric department is one major industrial user of wood. They are burning a mixture of 75 percent wood chips and 25 percent oil in a 9 megawatt (electric) converted coal boiler. Wood requirements will increase from the relatively modest 140 tons per day at present to 1,000 tons per day in 1983 as a new 50 megawatt wood-fired generator comes online. Wood supplies may have to come from as far away as 50 miles.

The Department of Energy has recently declared wood combustion a "ready-now" technology deserving of Resource Manager status. Congress has also encouraged the development of energy from wood. The FY 79 budget authority for the Fuels from Biomass program is $42.4 million, a more than four-fold increase in two years. (Although biomass covers all types of organic matter, the mainstay of the program is energy from wood.) Most of the funds have been earmarked for thermo-chemical gasification research and development aimed at producing medium-BTU synthesis gas from wood. The National Energy Act provides incentives for methanol production by exempting "gasohol" blends from the 4c per gallon Federal excise tax. There will be an effort in the 96th Congress to extend the tax credit provision of energy legislation to cover purchase and installation of wood stoves.

The President's FY 80 budget request is $57.8 million. The increase is largely in activities with intermediate-term potential such as medium-BTU gas production from wood, and in long-range research of biomass energy systems for the year 2000 and beyond. Low-BTU gasification and direct combustion programs are reduced in funding, and there is no budget request for the Lincoln, Maine 50 megawatt (electric) wood-burning project.

SMALL-SCALE HYDRO

Small-scale hydroelectric development at existing dams has arrived. Or more appropriately, it is an obsolete technology whose time has come again.

Preliminary estimates suggest an upper limit, potential annual savings of between 7 and 19 million barrels of oil from reclamation and retrofit projects of small-scale hydroelectric dams. This would represent between 1 and 4 percent of the region's energy demands. It would also mean at least quintupling the present contribution of 2 million barrels of oil (equivalency) from conventional hydroelectric sources at small-scale dams operating in New England today.

Costs for small hydro are uncertain—but the Belfast Maine project may be the best indicator yet. An existing 20 foot dam has been refurbished and retrofitted to provide a capacity potential of 100 kilowatts at an investment cost of $440 per peak kilowatt. The breakeven operating cost of this online facility is 2.3c per kilowatt-hour. The lower limits cited by the Department of Energy for retrofit projects are $500 per kilowatt, and 3c per kilowatt-hour.

There are difficulties and time delays in buying adequate insurance, negotiating power selling agreements with utility companies, meeting environmental objections, and obtaining permits. For most developers of small hydro, resources are limited and therefore delays or additional requirements make operations economically risky. The adoption of a short-form by the Federal Energy Regulatory Commission should aid in reducing the paper work and processing time required for application and licensing.

The Federal Government has been supporting this energy supply alternative. The Department of Energy has declared it a "ready-now" technology worthy of increased commercialization efforts. Budgets for demonstration funding in recent years have backed this up, with $9.5 million of the total budget authority of $28 million for FY 79 going to field-test programs. The feasibility and construction loan program, passed by Congress as part of the National Energy Act, should give New England site developers opportunities for low-interest financing of dam reclamation and retrofit projects.

The budget request for FY 80 is down $10 million—the reduction coming in nonrecurring items of the engineering development subprograms. The Administration's position is that engineering development is now the role of the private sector, and government funding should be concentrated on ensuring rapid commercialization of available technology. Finally, there is funding requested for feasibility loans, but none for construction loans as authorized by the 95th Congress.

DIRECT SOLAR

The total energy content of sunlight is enormous. More solar energy falls on buildings than is used inside them. The entire New England region's energy consumption is about equal to the solar energy falling on 1 percent of its land.

Many schemes for capturing and harvesting this energy are currently in various stages of development, and nearly all of these systems have been shown to work. Environmental problems are almost non-existent. The principal problem is cost—although the sun is free, solar equipment is not.

Solar-thermal, or the direct use of solar heat, is the most developed with passive solar (no external power) and solar hot water having been declared "ready-now" technologies by the Department of Energy. Moreover, these systems are economically competitive today, particularly when compared with electric resistance heating. Other solar systems will not become competitive in most applications until there are significant increases in the world price of oil.

At present, on the order of 6,000 New England dwelling units have some form of solar installation—many of which have come as a result of federal solar demonstration projects. Estimates of the near-term impact of direct solar energy in New England are highly speculative. Some energy observers believe that by the mid to late 1980's as many as 500,000 to 1 million units may have solar equipment or design, and an equivalent annual oil savings of 1 million barrels may be realized. An important element in whether this goal can be achieved is the commitment to market-pull incentives by the Federal Government and private sector. Tax credits and low-interest loans as mandated by the National Energy Act are a step in this direction, although it appears that the tax credit provisions do not extend to passive solar installations.

The direct solar budget authority for FY 79 is $383 million. Of this total, nearly one-third or $118 million is for photovoltaics. The overall budget growth from FY 78 to FY 79 is 26 percent, with most of this coming in the solar-electric (photovoltaics) area.

The President's budget request for FY 80 is $430 million and reflects a 12 percent increase over FY 79. Photovoltaics is the major budget item at $130 million, although no funds have been requested for the federal photovoltaics demonstration program. The major budget reductions are in solar technology projects for active heating and cooling systems, and in demonstration projects for both active and passive systems. Major increases are requested for research and development of passive solar-thermal systems, solar-electric systems, and the construction of the Solar Energy Research Institute in Golden, Colorado.

Current federal policy appears to be based on the assumption that solar-thermal systems have developed to the point that further improvements and adaptations can be made by the private sector. The budget growth area for the Department of Energy is solar-electric (photovoltaics) and not solar-thermal. In particular, the Solar Photovoltaics Act of 1978 calls for an accelerated program of research, development and demonstration of solar photovoltaics. The intent is to spend $1.5 billion over a 10 year period and to establish a competitive, commercial photovoltaics industry. The direct conversion of sunlight into electrical energy by solar cell technology on a commercial basis is a worthwhile (and achievable) goal. The concern is that demonstration projects and consumer-implementation programs for ready-now technologies may not receive equal federal support.

WIND

At present, wind power is 2 to 3 times more expensive than conventional sources of energy. Therefore, it appears that questions of wind system commercialization are still somewhat premature. There are fundamental design and fabrication efforts which must succeed before wind power becomes an attractive economic alternative.

It may be that the most likely and least costly wind system is one which couples directly to the local electric grid without a storage medium. When the wind machine is producing, wind energy is used to meet demand and the excess is sold to the grid. When onsite demand exceeds wind energy supply, power flows from the grid to the consumer. The consequences are clear. Wind power is only one component of a hybrid system—with backup electricity available from commercial sources. The technical and institutional problems of selling to and buying from public utilities must be resolved to make this system work. Here, equitable rate structure arrangements may be more difficult to resolve than the electrical interface problems.

There are two island communities in New England that should receive the bulk of their electrical supplies from wind energy by mid-1979. A privately-financed, 200 kilowatt (80 foot diameter blades) wind machine is already being tested on Cuttyhunk Island in Massachusetts. On Block Island, Rhode Island, the Department of Energy is constructing a 200 kilowatt (125 foot diameter blades) windmill for advanced development and test of a system suitable for remote application.

The Federal Government has demonstrated its commitment to developing low cost, dependable wind systems by increasing the technology budget by nearly 250 percent in

3 years to a level of $60 million in fiscal year 1979. Furthermore, the National Energy Act contains tax credit provisions for residential installation of wind equipment.

The budget request for FY 80 is $67 million, or an increase of 10 percent from the budget authority level granted for FY 79. Cost reduction through engineering research and development is still the primary goal of the wind program, with demonstration projects and incentives-oriented commercialization efforts planned as future activities.

COST

For many remote or onsite applications, rural energy sources are cost-competitive with conventional forms. For example, wood and solar-thermal can be used for space heat and domestic hot water with at least marginal savings in fuel costs in many cases. However, conventional, centralized sources of energy supply are generally less expensive for the generation of electricity—the bellweather for energy-economic visability (Table III).

The price gap between electricity from wood and small-scale hydro on one hand, and from conventional sources on the other hand, has closed significantly. In fact, when distribution and transmission expenses are added to busbar (electrical generating) costs of conventional sources, there are areas of New England in which wood and hydro are less expensive alternatives. Electricity from photovoltaics and wind must be reduced in cost to be competitive at current prices for conventional fuels.

TABLE III.—CURRENT COSTS FOR ELECTRICAL GENERATION

[1977 average cost for all New England users equals 4.5 per/kWh]

	Wood (direct combustion)	Small-scale hydro	Solar-electric (photovoltaics)	Wind	Conventional		
					Coal	Oil	Nuclear
Dollars per peak kilowatt (new construction)	900	500–2,000	12,000	1,500	750		1,000
Typical use factor (percent)	70	45	10	15	75	75	70
Cents per kilowatt-hour (current)	[2] 3.3	[2] 3–7	[2] 70	[2] 10–15	[2] 7	[2] 3.5	[2] 7

[1] Retrofit operations.

[2] User costs.

FEDERAL SUPPORT

The Department of Energy has declared wood combustion, small-scale hydroelectric generation, passive solar and solar hot water as "ready-now" technologies worthy of commercialization support. It may take another 5 to 20 years before other forms of direct solar and wind become cost-competitive alternatives for conventional fuels.

Congressional and Administration initiatives have given strong impetus to these four technologies (Table IV). Direct solar and wind have received the greatest funding support—reflecting the higher research, development and demonstration requirements of these long-term energy alternatives. The percentage budget increases in past fiscal years have come primarily in the solar-electric technologies of photovoltaics, small-scale hydro and wind systems, and in the wood gasification area. Indeed, there has been virtually no growth in the solar-thermal budget appropriations—apparently reflecting the belief that heating and cooling technologies have developed to the point that further improvements and adaptations can be made by the private sector.

Major commercialization or market-pull incentives are provided as part of the National Energy Act. These include solar tax credits and low-interest loans, feasibility and construction loans for small-scale hydro, and exemption for "gasohol" from the 4 cents per gallon Federal excise tax. In addition, on the regional level, institutions such as the Northeast Solar Energy Center are charged with the commercialization function of assisting businesses and entrepreneurs in bringing their technical ideas to the marketplace.

The President's budget request for FY 80 shows growth in all areas except direct combustion of wood, low-BTU gas production from wood, small-scale hydro, and solar-thermal. The requested reductions are based on the belief that these "ready-now" technologies do not need engineering development assistance from the Federal Government.

TABLE IV.—FEDERAL INITIATIVES TO ACCELERATE SOLAR TECHNOLOGIES

	Wood	Small-scale hydro	Direct solar	Wind
Budget authority (fiscal years 1978 and 1979).	$42.4 million, fiscal year 1979; $20.8 million, fiscal year 1978 (104 percent increase).	$28.0 million, fiscal year 1979; $10 million, fiscal year 1978 (180 percent increase).	$383.4 million, fiscal year 1979; $303.7 million, fiscal year 1978 (26 percent increase).	$60.7 million, fiscal year 1979; $36.7 million, fiscal year 1978 (65 percent increase).
Budget request (fiscal year 1980)	$57.8 million (36 percent increase)	$18 million (36 percent decrease)	430 million (12 percent increase)	$67 million (10 percent increase).
Significant congressional and administration actions during the 95th Cong.	$21.9M in fiscal year 1979 for gasification developments.	Feasibility and construction loan program ($10M in fiscal year 1979).	Tax credits and low-interest loans	Tax credits.
	Gasohol exempt from 4¢ gal Federal excise tax.	Feasibility and demo program ($9.5M in fiscal year 1979).	Solar equipment in Federal buildings and military construction projects.	$9.5M in fiscal year 1979 for small. scale system development.
	National Alcohol Fuels Commission	Short-form for licensing	Long-term photovoltaics commitment—$118.5M in fiscal year 1979.	
	"Ready-now" technology	"Ready-now" technology	"Ready-now" technologies—passive solar and domestic hot water.	

[1] Fuels from biomass (primarily wood) figures.

TEXTILES SHOULD BE EXEMPTED FROM TARIFF REDUCTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, as the Multilateral Trade Negotiations come to a close in Geneva, great interest is developing concerning the kind of trade agreement the administration has negotiated and its likely impact on the health of U.S. industries. Of particular concern, is the possible damage which a broad range of tariff reductions will have on our textiles and apparel industry.

This important and vital industry is already in serious trouble. These problems derive substantially from our "open door" policy toward foreign goods which has permitted huge increases in textile and apparel imports. From 1975 to 1976 alone, textile and apparel imports increased an average of 34 percent. In 1977, the trade deficit in the industry reached a record of $3.4 billion. This record was topped, however, by 1978's deficit of $5.2 billion.

It is important to note that 80 percent of the textile/apparel trade deficit comes from trade with Asian countries—Japan, Taiwan, Hong Kong, and Korea. The reasons behind the trade imbalance are clear. While the average wage for our 2.3 million textile and apparel workers is $4.84 per hour, many of these countries pay very low wages. In addition, many of these low-wage exporting countries subsidize their exporters through special income tax breaks, lower cost financing and regional investment schemes.

Given this unfair competition, it is little wonder that our oldest and largest manufacturing industry—an industry which is vital to the health of the Nation through the provision of one in eight manufacturing jobs—is seriously threatened. And what does the Government plan to do about it? It plans on reducing U.S. textile tariffs so that more textile-exporting countries can target the U.S. market. If the current Geneva trade talks lead to a 50-percent reduction in U.S. textile tariffs, the loss of some 500,000 U.S. textile apparel jobs can be anticipated by 1990.

Additionally, the indirect effect of lost jobs in supplier industries, such as fibers, and consequently, less spending by those who are out of work could mean more than 2 million jobs lost by 1990. What this means is that imports of textiles and apparel could grow 140 percent by 1990, capturing 35 percent of our domestic market.

Can this country really afford the continued weakening of our textile industry? I say no. Therefore, I have cosponsored H.R. 460 which will insure that the United States does not support the dangerous policy of lowering tariffs on textile and apparel imports at a time when 2.3 million fellow Americans need protection.

These people and their industries form a most essential part of our national economic life, and therefore, merit our attention to insure their continued well-being. I urge the support of my colleagues for H.R. 460.●

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentlemanf rom New York (Mr. BINGHAM) is recognized for 45 minutes.

● Mr. BINGHAM. Mr. Speaker, I am today introducing a bill to extend and revise the Export Administration Act of 1969 to strengthen and streamline the Nation's export controls.

The Export Administration Act is the principal statute authorizing export controls on civilian products. The controls have three purposes: First, to restrict the export of goods and technology which would contribute to the military potential of another nation in a manner detrimental to U.S. national security (national security controls); second, to further the foreign policy of the United States and fulfill its international responsibilities (foreign policy controls); third, to protect the domestic economy from the excessive drain of scarce resources and reduce the inflationary impact of foreign demand (short supply controls).

These controls are implemented by means of export licenses issued by the Department of Commerce after consultation with other interested agencies including the Departments of Defense, State, and Energy, the Arms Control and Disarmament Agency, the Central Intelligence Agency, and others. The Commerce Department receives an increasing number of export license applications each year; this number is expected to reach about 70,000 this year.

The vast majority of these applications fall into the national security category because they involve the export of advanced technology and products. While some of these involve direct exports to the Soviet Union, the People's Republic of China, and Eastern Europe, most involve exports to free-world destinations which the United States seeks to control in order to guard against re-export to Communist countries.

Foreign policy controls are of lesser importance in terms of the number of transactions affected, but this number is growing rapidly as new controls are applied. Major current uses of the foreign policy control authority of the act include: Partial authority for trade embargoes now in effect against Cuba, Vietnam, Cambodia, North Korea, Rhodesia, and Uganda; controls on the export of crime control equipment to most non-NATO destinations; controls on the export of oil production equipment to the Soviet Union; controls on the export of equipment which might contribute to the nuclear capabilities of other countries in violation of our nonproliferation policy; and controls on the export of products which might contribute to the offensive military capabilities of other nations in a manner inimical to U.S. foreign policy—for example, the military capabilities of Taiwan vis-a-vis the People's Republic of China.

Short supply controls are the least common form of control. Currently, only crude oil and energy-related petroleum products are subject to such control.

The Subcommittee on International Economic Policy and Trade, which I have the honor to chair, has had jurisdiction over the Export Administration Act since the 94th Congress. In extensive hearings and staff investigations held since that time, the subcommittee has discovered serious problems in the implementation of the act. These can be summarized as follows:

First, too any products are subject to control. As technology advances at ever-increasing rates, more and more items at the top of the technology spectrum come under control. Meanwhile, however, controls are not as rapidly removed on the lower-technology items. That is why the Commerce Department expects to receive 70,000 license applications this year—up 20,000 from 4 years ago. Lost in a growing blizzard of paper, the Department and its advisory agencies are unable to devote the amount of time necessary to evaluating the really critical technology transfers. We know we are controlling a lot that need not be controlled. We are not certain we are adequately controlling what really needs to be controlled. This is a dangerous situation that cannot be permitted to continue. We must learn to focus our limited export control resources on critical technologies and products.

Second, foreign policy controls are proliferating at an alarming rate, usually for laudable purposes, but seemingly without sufficient consideration to the economic cost of the controls and to whether or not the objective of the controls is achievable. We must, I believe, be prepared to use export controls where necessary to support fundamental goals of U.S. foreign policy such as nonproliferation. However, the state of our economy is not such that we can afford controls that accomplish nothing.

Third, the licensing system itself is a morass. Under the Export Administration Act, it is the intent of Congress that export license applications be approved or disapproved within 90 days. Increasingly, this deadline is not being met. The reason for expediting action on the applications, obviously, is better to enable U.S. companies to compete with their foreign competitors, many of whom are not subject to such stringent licensing requirements. While license applications need to be given all necessary consideration, it is equally true, as former Secretary of State Dean Rusk observed when he testified on this subject before the subcommittee, that papers do not gather wisdom simply by lying on desks all over town. Yet that is precisely what happens. Under the existing system, virtually any agency can request to review an application and keep it as long as it likes. It is not uncommon for an application to be lost in an agency for 6, 12, or 18 months. Meanwhile, orders are canceled and given to foreign competitors, and U.S. companies lose hard-won reputations as reliable suppliers. It is both necessary and possible, without requiring overly hasty licensing decisions, to require that the papers keep moving, and that decisions are made in a timely fashion.

Finally, the so-called COCOM system, under which our allies are supposed to cooperate with us in applying comparable controls for national security purposes, is in serious need of revamping. COCOM is a completely secret and completely informal understanding, and U.S. firms are convinced that many of our COCOM partners, through interpretation or evasion, manage to export products and technology to the East for which our Government does not grant licenses. This does nothing for our national security; it merely loses businesses for our country.

The bill, accordingly, would make four fundamental reforms. First, it would significantly reduce the number of products for which individual export licenses are required for each export transaction. Other, administratively simpler licensing procedures would be established for groups of lower technology products, thereby freeing up resources to concentrate on the more important products and technology on a case-by-case basis.

Second, it would establish criteria and procedures for the application of foreign policy controls, including the opportunity for a congressional veto of such controls.

Third, it would establish a system of suspense points in the licensing process, at which an application would either have to be decided or escalated to higher levels for further consideration. No agency would be cut out of the action. But no longer would an agency be permitted to delay action on an application merely by pigeonholing it in some bureaucrat's in-box for months or years.

Fourth, it would call upon the President to enter into negotiations with a view to establishing COCOM as a treaty embodying formal and public export control commitments by the parties to the treaty. In this way, we will all know what the rules of the game are. Such a treaty would significantly reduce uncertainty over whether or not the COCOM partners are fully cooperating in applying export controls.

The bill would also make many other reforms in the licensing system, which are described in the section-by-section sumary which follows. The bill constitutes the first fundamental reworking of the Export Administration Act since the act was passed 10 years ago. It would increase both the effectiveness and the efficiency of export controls. I urge all of my colleagues to give the bill careful consideration and support.

SECTION-BY-SECTION SUMMARY—EXPORT ADMINISTRATION ACT AMENDMENTS OF 1979

SECTION 1: SHORT TITLE

Section 1 provides that the Act may be cited as the "Export Administration Amendments of 1979".

SECTION 2: FINDINGS

Section 2 revises the findings in section 2 of the Export Administration Act so as to take account of the country's current economic problems and to place greater stress on the increased importance of exports, while preserving, in paragraph (6), the findings that some exports do need to be restricted.

SECTION 3: POLICY

Section 3 revises the policies in section 3 of the Export Administration Act so as to make it clear that the policy is to permit exports so far as possible, and to restrict exports only in exceptional circumstances and only after full consideration of the economic impact of the restrictions. The three purposes of export controls—military security, foreign policy, and short supply—are carried over from the Act but restated somewhat. Some policy statements from the Act, such as paragraph (5) on foreign boycotts, are unchanged.

SECTION 4: EXPORT LICENSES; TYPES OF CONTROLS

Section 4 adds three new sections to the Export Administration Act, numbered 4, 5, and 6.

The new section 4 establishes and defines three kinds of export licenses. Two are already in use under the authority of the Export Administration Act: a Validated License, which is a license requiring a specific application and authorizing a specific export, and a General License, which is a standing authorization to export a certain category of items without specific application. The third is new: a Distribution License, which is a license authorizing the export of a certain category of items to specified consignees, under specified conditions, without specific application. A Distribution License would be an intermediate type of license in the sense that it imposes more conditions than a General License but fewer than a Validated License. The intent of the bill, established in Section 5, is that Validated License requirements should be replaced by Distribution License requirements for routinely approved exports where there is significant foreign availability, thereby decreasing paperwork and facilitating exports. Section 4 also establishes the currently existing Commodity Control List in the law, and provides that no authority to export may be required under the Act except as necessary to carry out the policies of the Act.

The new section 5 provides for the imposition of export controls for military security purposes.

Subsection (a) provides that military security controls shall be exercised by the Secretary of Commerce in consultation with the Secretary of Defense, that notice of the imposition of such controls shall be published in the Federal Register, and that any denial of an export license application on military security grounds shall clearly state the grounds for the denial.

Subsection (b) preserves an existing provision of the Act that export control policy toward individual countries under this section shall not be determined exclusively on the basis of a coutnry's communist or noncommunist status, but also on the basis of other factors.

Subsection (c) provides that military security controls may be applied only to technology which is critical to the military security of potential enemies and to products the export of which would transfer such technology, and only when the U.S. possesses capabilities significantly greater than potential enemies and when our allies either do not match our capabilities or have agreed to impose comparable controls.

Subsection (d) requires the Secretary of Commerce, in consultation with the Secretary of Defense, to maintain a list of items controlled for export for military security purposes, and to provide by regulation for periodic updating of the list.

Subsection (e) provides that the Secretary of Commerce: (1) may require a validated license for purposes of military security controls only for items whose export requires COCOM approval or with respect to which the U.S. has a monopoly; and (2) shall continually review foreign availability, shall approve any validated license application where there is foreign availability and shall remove validated license requirements where the Secretary determines that foreign availability exists.

Subsection (f) provides that the Secretary of Commerce may require a distribution license for purposes of military security controls only for items which, under the COCOM agreement, may be exported at the discretion of the individual COCOM member countries, or with respect to which the U.S. has a monopoly.

Subsection (g) requires that the Secretary of Commerce set up an "indexing" system for the systematic removal of licensing controls to take account of the obsolescence of technology and products.

Subsection (h) continues the existence of the industry-government Technical Advisory Committees already set up under the Act, and strengthens their role in determining foreign availability.

Subsection (i) calls upon the President to seek to negotiate a COCOM traety to replace the current informal COCOM arrangement, and provides that U.S. participation in COCOM shall cease unless such a treaty is submitted to the Senate or the President reports that he has been unable to negotiate such a treaty.

The new section 6 provides for the imposition of export controls for foreign policy purposes.

Subsection (a) provides that foreign policy controls shall be exercised by the Secretary of Commerce in consultation with the Secretary of State, that notice of the imposition of such controls shall be published in the Federal Register, and that any denial of an export license application on foreign policy grounds shall clearly state the grounds for the denial.

Subsection (b) provides criteria which the President shall take into account in applying foreign policy controls.

Subsection (c) requires the Secretary of Commerce to consult with affected U.S. industries before imposing foreign policy controls.

Subsection (d) requires the President to attempt to secure the objectives of proposed foreign policy controls by negotiation before imposing the conrtols.

Subsection (e) provides for notification to Congress of any imposition of foreign policy controls, and for a congressional veto of any such controls by concurrent resolution within 60 days of such notification.

Subsection (f) exempts controls imposed pursuant to treaty commitments from the requirements of this section.

Subsection (g) provides that the export of food and medicine may not be controlled for foreign policy purposes.

Subsection (h) provides that this section does not authorize the imposition of a total trade embargo.

Subsection (i) requires the President to seek through negotiation the cooperation of other nations in imposing controls comparable to those imposed under this section.

Subsection (j) requires the Secretary of Commerce, in consultation with the Secretary of State, to maintain a list of items controlled for export for foreign policy purposes, and to provide by regulation for periodic updating of the list.

SECTION 5: LICENSE PROCESSING PROCEDURES

Section 5 creates a new section 10 of the Act setting forth procedures for processing export licenses. The basic purpose is to end inordinate licensing delays by providing a series of suspense points under which an application would have to be either decided or escalated to higher levels.

Subsection (a) provides that the Secretary of Commerce has general responsibility for making licensing determinations, subject to subsequent provisions for interagency consultation and for appeal by other agencies of the Secretary's decisions.

Subsection (b) provides that other interested agencies may determine which types and categories of applications they wish to review.

Subsection (c) provides for early screening of applications by the Commerce Department, with a view to separating the vast majority of applications which are routine and can be decided unilaterally by Commerce, from those few which are problematic and must be referred to other agencies.

Subsection (d) provides that within 30 days, Commerce must either decide an application or refer it to other agencies for review.

Subsection (e) provides that such other agencies must either submit their recommendations to Commerce within 30 further days or forfeit the right to be heard.

Subsection (f) provides a further 30 days, after interagency review, for Commerce to make a determination and issue or deny a license. Any agency which has made a recommendation to the Commerce Department may appeal the decision of the Department to the Secretary of Commerce prior to the end of this 30-day period.

Subsection (g) provides yet a further 30-day period, in the case of an appeal under subsection (f), for the Secretary of Commerce to consult with appealing agencies, make a determination, and issue or deny the license. Any agency which has made a recommendation to the Commerce Department may appeal the Secretary's decision to the President prior to the end of this 30-day period.

Subsection (h) provides a final 30-day period, in the case of an appeal under subsection (g), for the President to reach a determination on the appeal. In the absence of such determination, the decision of the Secretary of Commerce stands.

Subsection (i) provides that, at any point in the above process at which the U.S. government approves an application, such application may, if required under the COCOM agreement, be submitted to COCOM for up to 30 days. A similar 30-day time limit is provided for U.S. consideration of other countries' license applications submitted under the COCOM agreement.

Subsection (j) provides that an applicant may seek injunctive relief in the event of any violation of the procedural provisions of this section.

Subsection (k) requires all concerned agencies to keep accurate records on all applications they consider.

SECTION 6: CONFIDENTIALITY PROVISIONS

Section 6 amends the confidentiality provisions of the Export Administration Act, principally to clarify that the provision requiring submission of information to Congress upon request applies retroactively.

SECTION 7: REPORT TO CONGRESS

Section 7 amends the reporting provisions of the Export Administration Act to conform to the amendments made by this bill.

SECTION 8: RULES AND REGULATIONS

Section 8 provides authority to issue regulations.

SECTION 9: DEFINITIONS

Section 9 draws a distinction between products and technology and provides other definitions.

SECTION 10: AUTHORIZATION OF APPROPRIATIONS

Section 10 prohibits appropriations for export administration without prior authorization, and authorizes funds for fiscal years 1980 and 1981.

SECTION 11: TERMINATION DATE

Section 11 extends the effectiveness of the Export Administration Act to September 30, 1983.

SECTION 12: TECHNICAL AMENDMENTS

Section 12 makes technical amendments to the Export Administration Act.

SECTION 13: TECHNICAL AMENDMENTS TO OTHER ACTS

Section 13 makes technical amendments to other Acts.

SECTION 14: SAVINGS PROVISIONS

Section 14 continues in effect administrative actions taken under the Export Administration Act until they are superseded under the amendments made by the bill.

SECTION 15: EFFECTIVE DATE

Section 15 provides that the bill shall take effect on October 1, 1979.●

A TRIBUTE TO C. M. BATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, I think it is a well-known fact that many employees of Congress provide years of unselfish service to Members and their staffs, and that, all too frequently, their dedication and hard work goes unnoticed.

For that reason I am particularly pleased to call attention to Mr. C. M. Bates, who, as you know, recently retired as Superintendent of the House of Representatives. His devotion to duty has made our jobs easier. He has made us more effective and more efficient.

From his first job with the Congress beginning in 1942 as an elevator operator to the time he became Superintendent in 1972 and continuing until the present, Mr. Bates has been an outstanding example for all congressional employees.

Mr. Speaker, I am grateful for the service he has provided. I wish him well in his retirement.●

LEGISLATOR'S TAX "HOME"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, under present law, an individual is allowed a deduction for traveling expenses—including amounts expended for meals and lodging—while away from home in pursuit of his or her trade or business. These expenses are deductible only if they are reasonable and necessary for the individual's business, and directly attributable to it. Ordinarily, for purposes of the deduction for traveling expenses, an individual's "home" generally means his or her principal place of business or employment. Where an individual has more than one trade or business, the determination as to the location of his or her "home," for purposes of deducting travel expenses, is a factual matter.

This rule of present law with respect to the determination of the location of an individual's tax "home" has created uncertainty and confusion for a number of individuals, including State legislators. To eliminate uncertainty as to the locality of a State legislator's tax "home", Congress in the Tax Reform Act of 1976 provided that such an individual could elect to have his or her residence within the legislative district that he or she represents treated as his or her tax "home". The act also provided a formula for determination of a limitation on deductible expenses under this election which restricted total deductions to amount equal to the number of legislative days multiplied by the Federal Government per diem for that area.

Initially, this provision was effective only for years beginning prior to 1976, but later was extended twice to include taxable years beginning before 1977, and then to taxable years beginning before 1978. This election allows State legislators to deduct ordinary and necessary business travel expenses similar to those allowed to individuals in other trades or businesses. However, in the absence of further congressional action, State legislators will have to revert to a situation where the location of their tax "homes" will be determined on a case-by-case factual basis for taxable years beginning after 1977. In certain situations strict application of a factual test could yield the unusual and awkward result of the State capitol being considered a legislator's "tax home", with the resulting denial of business expense deductions while there, but allowing living expense deductions at his permanent home in the district he represents.

The bill I am introducing today with Mr. CORMAN, Mr. LEDERER, and Mr. DUNCAN of Tennessee extends the election for State legislators, initially provided by Congress in 1976, for taxable years beginning after 1977. Thus, State legislators will continue to be allowed to deduct those ordinary and necessary travel expenses generally allowed as deductions in the case of other businesses.

The bill also extends an identical rule, as to the deductibility of business travel expenses, to Members of Congress. Although present law treats a Member's tax "home" as being in the jurisdiction from which he or she is elected, it limits a Member's deduction for business travel living expenses to $3,000.

This provision was enacted originally in 1952, and has not been adjusted since that time. The bill modifies this present law limitation on the deductibility of a Member's business travel expenses, and brings it into line with that currently applicable to other business taxpayers, including State legislators. Thus, under the bill a Member is allowed an annual business travel deduction equal to the amount of the aggregate per diem, permitted in the case of Federal workers in Washington, D.C., multiplied by the number of the Member's legislative days for the taxable year.

The temporary provision for State legislators which was originally included in the Tax Reform Act of 1976 is extended for 1 additional year—through 1978—and the permanent rule, applying to both Federal and State legislators, will apply for 1979 and subsequent years.●

COAL-TAR BASED HAIR DYE PROTECTION

● Mr. SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MAGUIRE) is recognized for 5 minutes.

Mr. MAGUIRE. Mr. Speaker, I am introducing today a bill to amend the Federal Food, Drug, and Cosmetic Act to treat coal-tar-based hair dyes the same as other cosmetics under the act in order to provide the public with uniform protection for all cosmetic products.

Under the present law, coal tar hair dyes are exempt from the adulteration provisions of this act. Based on data obtained last year from studies conducted by the National Cancer Institute, the General Accounting Office has stated that "many coal tar hair dyes contain known or suspected carcinogens that pose a potential hazard to the consumer because they may be absorbed through the skin and scalp."

However, the exemptions in the Food, Drug, and Cosmetic Act do not now permit the Food and Drug Administration effectively to regulate coal tar hair products.

For reasons which have nothing to do with public health and safety, FDA is specifically prohibited from banning or restricting the use of those hair dyes with coal tars. Given the existing evidence of the potential of these products for causing cancer, a continuation of this special exemption is unacceptable.

The amendment I am introducing would repeal the hair dye exemption in order to strengthen regulations of coal tar dyes and, thereby, provide a greater measure of protection for users.●

THE REAL PROPERTY TAX COMPENSATION ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

● Mr. OTTINGER. Mr. Speaker, I am pleased to join my colleague from New York (Mr. LENT) in cosponsoring the Real Property Tax Compensation Act of 1979.

Our bill would provide relief for the taxpayers who live in communities which are financially burdened with a great number of tax-exempt properties owned by foreign representatives living in the United States.

With the United Nations' building located in New York City, the New York metropolitan area has become the principal place of residence for foreign embassies and delegates working at the United Nations, and for other international organizations.

Due to our country's role as host to foreign representatives and international organizations, bilateral and multilateral treaties to which the United States is a party have evolved which grant certain foreign governments are desirable and necessary; however, they should not be at the expense of the local taxpayers who must carry the burden of financing municipal and school district services for their tax-exempt neighbors.

This problem was brought to my attention by the city of New Rochelle, N.Y., which, due to its location in Westchester County (only 15 miles from New York City), contains 19 such tax-exempt foreign properties. The total assessed valuation of these lands is $860,350 which represents a rather significant portion of New Rochelle's total assessed valuation of $393,187,186.

If taxes were being leveied on these properties, New Rochelle would receive an additional $34,274 to finance its essential services. The school district would receive an additional $54,505; Westchester County, $17,758; and the sewer district would collect an added $3,687.

Similar losses of potential tax revenue due to ownership of property by foreign representatives are being felt in many other communities as well. The village of Scarsdale, N.Y. contains six pieces of property owned by foreign governments from which it would otherwise be gaining $32,650 in tax revenues. Six homes in Mt. Vernon owned by representatives of foreign countries will cost that city $20,713 in lost revenues this year, and the town of Mamaroneck will lose $16,807 because of the two properties owned by foreign governments exempted from its tax roles. The village of Pelham gains no tax revenues from $73,550 of assessed property within its borders because of ownership by foreign governments, and the city of Rye is forced to allow $24,600 assessed property to remain untaxed for the same reason.

This legislation would allow for communities like New Rochelle, Scarsdale, Mt. Vernon, Mamaroneck, Pelham, and Rye to be reimbursed by the Secretary of the Treasury an equal amount of the real property tax revenue that the community would have received during the previous calendar year had these taxes been collected.

In these inflationary times, it is very difficult for local units of government, many of which are experiencing declining tax bases, to pay the cost of services rendered to tax-exempt representatives of foreign governments. The Federal Government has provided this tax-free privilege to foreign representatives and should assist communities in supporting services to these people.●

INTRODUCTION OF A BILL ON COAST GUARD HIGH SEAS DRUG ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 30 minutes.

Mr. BIAGGI. Mr. Speaker, today I and my distinguished colleagues from New York, BEN GILMAN and LESTER WOLFF, are introducing a bill designed to facilitate increased Coast Guard drug interdiction on the high seas.

The magnitude of maritime drug smuggling today is staggering. In just 5 years, Coast Guard drug seizures have increased from 21 vessels with 50,000 pounds of contraband on board—to 165 vessels last year, carrying 3.5 million pounds of illegal cargo, including all types of drugs, worth $1.5 billion. Marihuana, smuggling alone is now a $15 billion industry.

As chairman of the Coast Guard Subcommittee and as a member of the House Select Committee on Narcotics Abuse and Control, I have been active in investigating international drug trafficking and emphasizing the Coast Guard's role in drug interdiction. The measure we propose implements a specific recommendation made by the Select Committee on Narcotics Abuse and Control, following field hearings in Florida last year.

Through an inadvertent loophole in the law (created in 1970), simple possession of narcotics on board U.S. vessels on the high seas was deleted as a statutory offense. I and my colleague from New York (BEN GILMAN) introduced separate legislation last year to remedy this deficiency.

In Coast Guard Subcommittee hearings I chaired last year, witnesses from the Drug Enforcement Administration, the Coast Guard, and the U.S. Customs Service recommended expansion of the bill's provisions to encompass offenses committed by U.S. citizens on board foreign vessels—and over all drug-related offenses occurring on vessels subject to the jurisdiction of the United States. The expanded version of this bill addresses these additional issues.

Recent Federal court decisions have upheld and clarified the authority of the Coast Guard to board U.S. vessels and vessels subject to the jurisdiction of the United States on the high seas. Likewise, the prosecution of foreign nationals legally apprehended on the high seas by the Coast Guard for conspiring to smuggle narcotics into the United States by vessel has been upheld.

The courts, however, have gone as far as they can go in interpreting existing law. Congress must now act to expand the authority of the Coast Guard and other Federal law enforcement agencies over international drug traffickers operating on the high seas—thus facilitating their prosecution in U.S. courts.

In order for maritime law enforcement to constitute a real deterrent to drug smuggling, it must be certain, credible, and effective. By assuring that all smugglers apprehended by the Coast Guard can be successfully prosecuted under U.S. law, the overall effectiveness of Federal drug enforcement should be significantly increased.

Mr. Speaker, at this time, I insert in the RECORD the names of the bill's 50 cosponsors:

COSPONSORS

Mr. Biaggi (for himself, Mr. Gilman, Mr. Murphy of New York, Mr. Wolff, Mr. Akaka, Mr. Anderson of California, Mr. Bafalis, Mr. Barnard, Mr. Bauman, Mr. Beard of Tennessee, Mr. Breaux, Mr. Buchanan, Mr. Corrada, Mr. Donnelly Mr. English, Mr. Erdahl, Mr. Evans of Delaware, Mr. Evans of Virgin Islands, Mr. Fascell, Ms. Ferrara, Mr. Flood, Mr. Gudger, Mr. Guyer, Mr. Hollenbeck, Mr. Hughes, Mr. Hyde, Mr. Ichord, Mr. Lagomarsino, Mr. Leach of Louisiana, Mr. Lee, Mr. Livingston, Mr. Lott, Mr. Mica, Mr Mitchell of Maryland, Mr. Montgomery, Mr. Moore, Mr. Murphy of Illinois, Mr. Neal, Mr. Oberstar, Mr. Panetta, Mr. Patten, Mr. Patterson, Mr. Railsback, Mr. Rangel, Mr. Rosenthal, Mr. Roe, Mr. Snyder, Mr. Stack, Mr. Treen, Mr Whitehurst, and Mr. Zeferetti).

H.R. 2538

A bill to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) It shall be unlawful for any person, knowingly or intentionally, to possess, manufacture, distribute, dispense, or unlawfully import, on board a vessel of the United States or a vessel subject to the jurisdiction of the United States, a controlled substance as defined in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812).

(b) It shall be unlawful for a citizen of the United States, knowingly or intentionally, to possess, manufacture, distribute, dispense, or unlawfully import, on board any vessel a controlled substance as defined in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812).

(c) It shall be unlawful, except as provided in section 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 952), for any person on any vessel within or without the United States, to attempt or conspire to import or transport a controlled substance into the United States; or to attempt or conspire to facilitate the import or transport of such a substance.

(d) It shall be unlawful to transfer a controlled substance from any vessel to a vessel of the United States, or a vessel subject to the jurisdiction of the United States, either within the territorial seas of the United States or on the high seas.

(e) Any person who violates subsection (a), (b), (c), or (d) of this section shall be sentenced in the same manner as a person would be sentenced for possession of a controlled substance under section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960).

SEC. 2. As used in this Act—

(a) "high seas" means all waters beyond the territorial sea of the United States and beyond the territorial sea of any foreign nation.

(b) "vessel of the United States" means any vessel documented or numbered under the laws of the United States or owned in whole or in part by a citizen of the United States, unless the vessel has been granted nationality by a foreign nation in accordance with Article V of the Convention on the High Seas, 1958.

(c) "vessel subject to the jurisdiction of the United States" includes:

(1) any vessel without nationality or any vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article VI of the Convention on the High Seas, 1958;

(2) any vessel, within the customs waters as defined in section 401 of the Tariff Act of 1930, amended (19 U.S.C. 1401); or

(3) any vessel on the high seas registered in a foreign nation when that nation authorizes the United States to assert jurisdiction over that vessel for the purposes of enforcing this Act.

□ 1450

Mr. GILLMAN. Mr. Speaker, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank my distinguished colleague from New York, the chairman of the Subcommittee on Coast Guard and Navigation (Mr. BIAGGI) for yielding and commend him for taking out this special order to introduce our proposed Coast Guard seaborne drug interdiction measure.

As the gentleman from New York knows, this proposed legislation is a revision of H.R. 10371 and H.R. 10698, measures that he and I respectively authored during the 95th Congress and measures that were supported by the Select Committee on Narcotics Abuse and Control in its recent report on drug trafficking in south Florida.

Our revised proposal has two primary purposes: First, it would prohibit any person on board a vessel subject to the jurisdiction of the United States or a U.S. citizen on board any vessel from possessing, manufacturing, distributing, dispensing, or importing—including the attempt or conspiracyy to import—any drug that is scheduled under the Comprehensive Drug Abuse Prevention and Control Act of 1970. Second, the measure would prohibit the transfer of a controlled drug from any vessel to a vessel subject to U.S. jurisdiction on the high seas, thereby prohibiting the "mother ship" technique popularized during the 1920's and early 1930's by prohibition rumrunners. Through the "mother ship" technique, the "mother vessel" remains outside the U.S. customs inspection waters—the 12-mile customs zone—and unloads contraband cargo to a small, inconspicuous vessel that then mingles among the tens of thousands of recreational boats in U.S. waters. From there, these deadly drugs are scattered by organized crime's intricate operational networks to virtually every city, town and school district in this country, injecting our citizens with despair and misery, reaping billions of dollars in untaxed profits from these sordid transactions.

Mr. Speaker, our Nation's borders have become an open sieve for narcotics trafficking. Illicit drugs are no longer trickling into the United States—it is a tidal wave of epidemic proportions. Federal, State, and local law enforcement officials are seizing marihuana and cocaine, not by the pounds but by the tons, in boatloads and planeloads. Peter Bensinger, the able Administrator of the Drug Enforcement Administration (DEA), has estimated that the vile business of drug trafficking in the United States amounts to as much as $45 billion per year.

In 1978, the U.S. Coast Guard participated in the seizure of 172 vessels, the arrest of 865 drug traffickers and the seizure of more than 3.5 million pounds of marihuana worth more than $1.4 billion, compared to the seizure in 1977 of 57 vessels, the arrest of 304 drug traffickers and the seizure of 1.2 million pounds of marihuana—or approximately 34 percent of the 1978 marihuana seizure—worth nearly $430 million.

Under the leadership of its distinguished chairman (Mr. WOLFF), the Select Committee on Narcotics Abuse and Control, of which I am a member, found trafficking in south Florida that marihuana and cocaine smuggling has reached a staggering $7 billion a year for that area alone, a volume that far exceeds south Florida's biggest legitimate business—tourism.

Hardly a day goes by that narcotics traffickers are not able to penetrate our borders, infect our citizens with their deadly drugs and reap millions of dollars in untaxed profits. For example on January 17 of this year, the Coast Guard and U.S. Customs Service seized 10,000 pounds of marihuana worth $7,260,000 from a drug trafficking vessel operating in the Gulf of Mexico. On January 21, U.S. Customs patrol officers seized at New York's Kennedy International Airport 5.5 pounds of heroin worth more than $2.9 million; two days later, in Wodbine, Ga., Federal DEA agents, Customs patrol officers and the local police seized 60,000 pounds of marihuana worth an estimated $21,780,000, and on that same day in Brooklyn, N.Y., law enforcement officials seized 4.9 pounds of cocaine worth an estimated $1,334,760. On January 24, a U.S. Customs inspector in Reno, Nev., seized 3.8 pounds of cocaine with an estimated $587,294. On February 1, in Miami, Fla., a U.S. Customs agent with an alert dog captured 72 pounds of cocaine worth an estimated $19,612,800; 2 days later, in Darien, Ga., Federal and local law enforcement agents seized 40,000 pounds of marihuana worth more than $14.5 million. On February 6, Federal agents seized 15,000 pounds of marihuana worth more than $5.4 million in Marathon, Fla.

During the first 57 days of this year, from January 1 to February 26, the Coast Guard participated in the seizure of 8 vessels, the arrest of 45 drug traffickers, and the seizure of 232,805 pounds of marihuana worth an estimated street value of $86,570,000. For January 1979, the U.S. Customs Service seized 16.6 pounds of heroin, valued at $8,862,806; 58.4 pounds of cocaine, valued at $15,908,160; 1,766 pounds of hashish, $7,731,193; and 335,857 pounds of marihuana, valued at $212,983,262.

Obviously this is not a complete listing of daily narcotic seizures throughout the United States. These seizures are only the tip of the trafficking iceberg. No one knows just how much of narcotics trafficking there is in this country or the voluminous amounts of drugs that daily penetrate our borders, escaping interdiction by Federal, State, and local law enforcement agents. We all recognize that the drug trafficking problem in this country and throughout the world is herculean. It is a multibillion dollar industry conducted by highly organized, well-financed international criminal syndicates whose corrupt tentacles reach into every region of the world, undermining the political, economic, and social structure of society. Its toll in lives and property is costly. Last year there were approximately 4,000 youths who succumbed to an overdose of drugs and last year narcotics abuse and trafficking cost our Nation's taxpayers an estimated $10 billion.

□ 1455

Mr. BIAGGI. Mr. Speaker, is it not also a fact that a large number of so-called legitimate people, especially in the Southeastern area of our Nation, actively engage in financing undertakings of this type?

Mr. GILMAN. Yes, we found that not only in the Southern part of our Nation, but in the Chicago area, that the drug trafficking was related to some legitimate purposes, and a great deal of the money was being laundered through the banks back into Mexico. Millions and millions, over $200 million, was being returned to Mexico inside of the 1 year from the drug trafficking.

Mr. BIAGGI. So, law enforcement officials should direct attention to the so-called legitimate people or the good people of the community who might be engaged in this activity, as well as the actual traffickers.

Mr. GILMAN. It is an area which we should be pursuing even further.

In November of 1977, the Narcotics Select Committee held hearings at the U.S. Mission to the United Nations in New York on international narcotics control— hearing that I, along with Messrs. WOLFF and BIAGGI participated. I was impressed by the testimony of Rear Adm. Norman C. Venzke, Chief of the Office of Operations and Director of the Enforcement of Laws and Treaties Program of the U.S. Coast Guard, who stated:

> The general revision of drug laws which produced the Comprehensive Drug Abuse and Control Act of 1970 omitted the provision making the possession of quantities of drugs by US. vessels on the high seas a Federal crime. Consequently, Coast Guard drug law enforcement action against U.S. vessels at sea beyond the 12-mile customs zone now requires the proof of conspiracy to import before law enforcement action can be properly undertaken.

Mr. Speaker, our legislative proposal is designed to help plug that 12-mile zone loophole by prohibiting circuitous avoidance of U.S. jurisdiction and by subjecting the convicted violator to an imprisonment of not more than 15 years, a fine of not more than $25,000, or both. A subsequent conviction would subject the violator to imprisonment of not more than 30 years, a fine of not more than $50,000, or both—penalties that are stipulated by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

I understand that the Subcommittee

on Coast Guard and Navigation will be holding hearings on this measure later this month. I commend the committee for acting swiftly on this legislation and hope that other colleagues will join with us and the more than 50 cosponsors in helping to plug this loophole— a loophole through which significant amounts of drugs are smuggled onto this Nation's shores.

If our Nation is going to effectively interdict narcotics trafficking then the statutes under which our law enforcement agencies operate must be perfected to permit our dedicated law enforcement agents to properly perform their dangerous tasks. This legislative proposal is a step in that direction—it would improve our legislative arsenal in the war on narcotics trafficking by providing the Coast Guard with the necessary authority to interdict drug traffickers on the high seas and to penalize the convicted traffickers with stiff penalties. Accordingly, I urge my colleagues to support this measure.

□ 1500

Mr. BIAGGI. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his statement and his support. I would like to, for the record, acknowledge his activity in this area as well as that of the chairman of the Select Committee on Narcotics, the gentleman from New York (Mr. WOLFF), who has been indefatigable in his pursuit of wrongdoers and in seeing solutions which might help ameliorate the cancer of our society today.

● Mr. WOLFF. Mr. Speaker, I welcome this opportunity to offer my support to this proposed legislation and I want to congratulate my distinguished colleagues from New York, Chairman BIAGGI of the Subcommittee on Coast Guard and Navigation, and Mr. GILMAN for their foresight in trying to augment the Coast Guard's efforts to interdict narcotics and illicit drugs on the high seas.

Last June, during hearings before the Select Committee on Narcotics Abuse and Control which I chair, it was made apparent that serious problems exist with respect to the ability of Federal law enforcement authorities to intercept illicit narcotics on the high seas. At that time, we expressed our deep concern over this situation and in a telegram to President Carter at the close of those hearings, the committee advised that the south Florida region was in the midst of a "catastrophic and overwhelming drug disaster." As a result of what was seen in south Florida, the select committee recommended that legislation be enacted to regulate the transfer of a controlled substance between vessels on the high seas. In addition, the committee advocated the enactment of legislation which would permit the Coast Guard to board a stateless vessel on the high seas if there appear reasonable grounds to believe that the vessel contains an illegal cargo of controlled substances destined for U.S. shores. This language is largely embodied in the bill that Mr. BIAGGI has introduced and I believe therefore would go a long way toward providing Federal officials with a necessary tool to combat this veritable drug invasion, which has not appreciably altered since June.

I believe it is impossible to effectively repel this kind of a drug assault if Federal and local enforcement officials are only able to interdict less than 10 percent of the incoming contraband. But it must be noted that these authorities have often been handcuffed by both poor equipment and laws which place roadblocks before them in their attempts to deny drug traffickers access to our shores.

As my distinguished colleagues from New York realize, the primary method by which drug traffickers import their illicit products into the United States is by the "mother ship" technique whereby smaller high-speed boats approach larger vessels on the high seas in order to unload the contraband and bring it back to shore for distribution. It is not uncommon for coastal freighters to steam through the Gulf Stream off the Florida coast with 50-ton payloads of marihuana, their courses set for secret coordinates off the Bahamas where the small fast boats are waiting. Sometimes these vessels are found abandoned. Ships flying no national flag and bearing fictitious names, have been scuttled by their crews when Coast Guard cutters have given chase. But more frequently, scores of these ships are unloaded without incident.

Recently, in order to secure the bulk of their illegal cargo, some smugglers have deviously tipped off authorities where portions of their shipments are coming in. Still others have made a science of studying the movements of the U.S. Coast Guard. Some traffickers have even given up the high seas, taking instead to the air—a ploy cocaine smugglers have used for years.

Mr. Speaker, it is essential that the Congress continue to have input in the war against drugs and it is my understanding that Chairman BIAGGI has scheduled hearings before his subcommittee in the very near future. I am pleased to be a primary cosponsor of this measure and I hope that my colleagues will follow suit and add their support to this vitally important legislative initiative.●

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. MIKVA. I was called from the Hill and unavoidably detained yesterday when the House voted on H.R. 1894, the final approval to raise the limit on the public debt. Had I been present, I would have voted "yes."

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL NOON SATURDAY, MARCH 3, 1979, TO FILE REPORT ON H.R. 2479, UNITED STATES-TAIWAN RELATIONS ACT

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until noon Saturday, March 3, 1979, to file a report on H.R. 2479, United States-Taiwan Relations Act.

This matter has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PEAT POWER: PEAT-FUELED DEMONSTRATION POWERPLANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, today, I am introducing legislation to authorize the expenditure of $67 million over a 6-year period to defray approximately one half the cost of a 150 megawatt peat fueled pilot power plant. Funding for fiscal year 1980 would amount to $2 million. The proposed electrical generating facility, the first of its kind in the United States, would be constructed, with the assistance of the Department of Energy, by the North Carolina Electric Membership Corp. The corporation would assume an equal share of the cost of the $134 million project.

Aside from coal, peat is the most abundant fossil fuel found in this country. It is cleaner to burn than coal and easier to mine, or in this case harvest, and it appears to be cost competitive with both coal and nuclear power. In addition, it has been demonstrated that after the peat has been harvested, the land can be reclaimed as productive farmland. Currently, the Soviet Union, Ireland and Finland are the only large scale users of peat.

Of course, there are some inherent problems associated with using peat as a fuel. The most obvious is that it is composed of up to 90 percent water. Special harvesting techniques as well as a boiler able to burn rather moist fuel must be designed to make the process cost competitive. The North Carolina Electric Membership Corp. is confident that it can solve these problems and is willing to invest over $67 million in the project. Indeed, it has already spent several hundred thousand dollars in plant design and feasibility studies.

Mr. Speaker, I do not have to remind you of how vulnerable our Nation has become because of its heavy reliance on foreign fuels; the Iranian situation has driven that point home once again. It is imperative, therefore, that we develop our domestic energy sources to their fullest. When you consider that North Carolina alone contains the energy equivalent in peat of an estimated 5 billion barrels of oil, you can begin to understand the enormous potential of this resource and what it can mean for our country. This demonstration project could in fact transform peat from a "potential" into a "reality," bringing us a good deal closer to our goal of energy independence.

Yet, Mr. Speaker, the fiscal year 1980 DOE budget for fossil fuels, totaling nearly one-half billion dollars, contains not a single dollar for peat research or commercialization. My proposal is aimed at filling a serious gap in our energy program. It is a small investment in a resource that promises to demonstrate the viability of a major source of energy for the near future. I strongly urge my colleagues to support this bill and enact it into law.●

HEARINGS ON PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS ANNOUNCED BY CHAIRMAN FRANK THOMPSON, JR., OF HOUSE ADMINISTRATION COMMITTEE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. BRADEMAS. Mr. Speaker, the preliminary hearing schedule on H.R. 1 and other bipartisan legislation providing for public financing of congressional elections was announced today by Representative Frank Thompson, Jr., of New Jersey, the distinguished chairman of the House Administration Committee. Hearings will begin on Thursday, March 15.

"Public financing legislation," Mr. Thompson said, "is the number one priority matter for our Committee this year."

Mr. Speaker, I share Mr. Thompson's view and look forward to working closely with him on this important legislation.

Mr. Thompson also said:

> The results of the 1978 Congressional elections with the shocking pattern of multi-hundred thousand dollar campaigns makes it of the most vital importance that Congress enact a workable public financing law before the 1980 balloting. If truly representative government is to be preserved, we must halt the recent trend of "seat buying" in Congress resulting from the infusion of millions and millions of special interest campaign money in what have been traditionally local Congressional races.

Mr. Speaker, data recently compiled by the Federal Election Commission on 1978 campaign spending show that total spending by congressional candidates reached the record high total of $192.2 million.

"It is high time that we return the electoral process to the people," Mr. Thompson asserted in his statement announcing the schedule of hearings on this legislation.

He added: "Some form of public financing of congressional campaigns through a voluntary tax checkoff system that worked so well in the 1976 Presidential election is the best way to reverse this trend that makes too many individual candidates dependent upon the special interests groups that bankroll their campaigns."

LEGISLATION PROPOSED

Mr. Speaker, H.R. 1 would offer Federal grants on a matching basis, paid out of the fund established by the $1 income tax checkoff, to House candidates in general elections. Any candidate would have a choice whether or not to accept Federal funds. Those candidates opting for public financing would receive matching grants for each $1 of private contributions they raise, up to a maximum of $60,000 in Federal funds. However, they would have to agree to spend no more than $195,000 from all sources during the campaign. Those candidates who chose not to participate in the public financing program would have no spending limit, but would receive no Federal matching funds.

Mr. Speaker, similar legislation was narrowly defeated on the House floor in the last Congress, but the average spending by congressional candidates in the 1978 campaign increased by some 30 percent over 1976 general election campaign spending by such candidates. This is an important factor, Mr. Thompson feels, in persuading a majority of House incumbents that they would be better off under the public financing law rather than being saddled with rapidly escalating campaign costs each election year.

HEARINGS SCHEDULED

The House Administration Committee hearings will commence on Thursday, March 15, with the Federal Election Commission and other witnesses testifying on the impact of public financing on campaign law administration.

Subsequent panels of witnesses will address themselves to the following subjects:

The impact of public financing on House candidates (March 20);

The impact of public financing on special interest groups (March 21);

The impact of public financing on political parties (March 22);

The impact of public financing on the political process (March 22); and finally

The impact of public financing on constituent groups (March 27).

Details about witnesses scheduled to appear on each day, the times and room numbers of the hearings will be announced later.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Ms. Holtzman (at the request of Mr. Wright), for February 11 through 27, on account of official business.

Mr. Pepper (at the request of Mr. Wright), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Gonzalez, for 30 minutes, today.

Mr. Neal (at the request of Mr. Kogovsek), for 5 minutes today, and to include extraneous matter.

(The following Members (at the request of Mr. Sensenbrenner) to revise and extend their remarks and include extraneous material:)

Mr. Young of Alaska, for 5 minutes, today.

Mr. Wampler, for 30 minutes, today.

Mr. Kemp, for 10 minutes, today.

Mr. Cleveland, for 20 minutes, today.

(The following Members (at the request of Mr. Kogovsek) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Bingham, for 45 minutes, today.

Mr. Coelho, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Phillip Burton, for 60 minutes, today.

Mr. Glickman, for 5 minutes, today.

Mr. Maguire, for 5 minutes, today.

Mr. Ottinger, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Sensenbrenner) and to include extraneous matter:)

Mrs. Holt.

Mr. Solomon.

Mr. Michel.

Mr. Derwinski.

Mr. Clinger.

Mr. Bethune.

Mr. Lagomarsino in four instances.

Mr. Hyde.

Mr. Gilman.

Mr. Green.

Mr. Jeffords.

(The following Members (at the request of Mr. Kogovsek) and to include extraneous matter:)

Mr. Anderson of California in three instances.

Mr. Gonzalez in three instances.

Mrs. Byron in 10 instances.

Mr. Rosenthal in 10 instances.

Mrs. Bouquard in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Ratchford.

Mr. Holland in five instances.

Mr. Fowler in two instances.

Mr. Maguire.

Mr. Waxman.

Mr. Albosta.

Mr. Brodhead.

Mr. Rodino.

Mr. Ottinger in three instances.

Mr. Harris.

Mr. Nolan.

Mr. Biaggi in six instances.

ADJOURNMENT

Mr. KOGOVSEK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 1979, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

769. Communication from the President of the United States, transmitting amendments to requests for supplemental appropriations for fiscal year 1979 for the Department of Defense-Military [H. Doc. No. 96-64]; to the Committee on Appropriations and ordered to be printed.

770. A letter from the Secretary of Housing and Urban Development, transmitting the fifth annual report on the HUD coinsurance program, pursuant to section 244(f) of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

771. A letter from the Director of Administration, Department of Energy, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

772. A letter from the staff secretary, National Security Council, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

773. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

774. A letter from the vice president for Government affairs, National Railroad Passenger Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

775. A letter from the Secretary of Transportation, transmitting the annual report on the Secretary's activities under the Emergency Rail Services Act of 1970, and an evaluation of the financial condition of railroads which have outstanding certificates guaranteed under the act, pursuant to section 10 of the act; to the Committee on Interstate and Foreign Commerce.

776. A letter from the Secretary of Transportation, transmitting a report on the financial condition and operations of the Railroad Rehabilitation and Improvement Fund and of the obligation guarantee fund during fiscal year 1978, pursuant to section 515 of the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Interstate and Foreign Commerce.

777. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend the authorization for appropriations to carry out the Endangered Species Act of 1973, as amended; to the Committee on Merchant Marine and Fisheries.

778. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1980 and 1981 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

779. A letter from the Secretary of the Army, transmitting a Corps of Engineers report on the Panama City beaches, Florida, in partial response to a resolution of the Senate Committee on Public Works adopted April 20, 1970, and pursuant to section 111 of Public Law 90-483 [H. Doc. No. 96-65]; to the Committee on Public Works and Transportation and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House Resolution 111. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct; with amendment (Rept. No. 96-19). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 112. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on the District of Columbia; with amendment (Rept. No. 96-20). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 114. Resolution providing funds for the expenses of a welfare and pension plans task force under the jurisdiction of the Committee on Education and Labor; with amendment (Rept. No. 96-21). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 117. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture; with amendment (Rept. No. 96-22). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 129. Resolution providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives; with amendment (Rept. No. 96-23). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Resolution 130. Resolution providing funds for the Committee on Rules; with amendment (Rept. No. 96-24). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 2439. A bill to rescind certain budget authority contained in the message of the President on January 31, 1979 (H. Doc. 96-46), transmitted pursuant to the Impoundment Control Act of 1974 (H. Rept. No. 96-25). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN:

H.R. 2524. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. ALBOSTA (for himself and Mr. Drinan):

H.R. 2535. A bill to amend the Tariff Schedules of the United States to suspend for a temporary period the duty on certain alloy tool steels used for making chipper knives; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 2536. A bill to amend the Internal Revenue Code of 1954 to provide that individuals will not be required to make declarations of estimated tax if the amount of estimated tax is less than $500; to the Committee on Ways and Means.

By Mr. BAUMAN (for himself, Mr. Findley, and Mr. Hillis):

H.R. 2537. A bill to suspend until December 31, 1982, a portion of the duties on strontium nitrate; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Gilman, Mr. Murphy of New York, Mr. Wolff, Mr. Akaka, Mr. Anderson of California, Mr. Bafalis, Mr. Barnard, Mr. Bauman, Mr. Breaux, Mr. Buchanan, Mr. Corrada, Mr. Donnelly, Mr. English, Mr. Erdahl, Mr. Evans of Delaware, Mr. Evans of the Virgin Islands, Mr. Fascell, Ms. Ferraro, Mr. Flood, Mr. Gudger, Mr. Guyer, Mr. Hollenbeck, Mr. Hughes, Mr. Hyde, Mr. Ichord, Mr. Lagomarsino, Mr. Leach of Louisiana, Mr. Lee, Mr. Livingston, Mr. Lott, Mr. Mica, Mr. Mitchell of Maryland, Mr. Montgomery, Mr. Moore, Mr. Murphy of Illinois, Mr. Neal, Mr. Oberstar, Mr. Panetta, Mr. Patten, Mr. Patterson, Mr. Railsback, Mr. Rangel, Mr. Rosenthal, Mr. Roe, Mr. Snyder, Mr. Stack, Mr. Treen, Mr. Whitehurst, Mr. Zeferetti, and Mr. Beard of Tennessee):

H.R. 2538. A bill to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM (for himself, Mr. Zablocki, and Mr. Pease):

H.R. 2539. A bill to provide for continuation of authority to regulate exports; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. EDWARDS of California (for himself and Mr. Drinan):

H.R. 2540. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. Van Deerlin, Mr. Neal, Mr. Montgomery, Mr. Price, Mr. Drinan, Mr. Pease, Mr. Mathis, Mr. Glickman, Mr. Derrick, Mr. Patten, Mr. Jenkins, Mr. Guyer, Mr. Howard, Mr. Bedell, Mr. Ginn, Mr. Rose, Mr. Bevill, Mr. Michel, Mr. McDonald, Mr. Roe, Mr. Mikva, Mr. Corcoran, Mr. Jenrette, Mr. Taylor, Mr. Hughes, Mr. McEwen, Mr. Hagedorn, Mr. Gudger, Mr. Coughlin, Mr. Panetta, Mr. Maguire, Mr. Flood, Mr. Fountain, Mr. Simon, and Mr. Rinaldo):

H.R. 2541. A bill to require the Federal Communications Commission to insure that each community in the United States, regardless of size, is provided with the maximum local full-time radio broadcasting service; to the Committee on Interstate and Foreign Commerce.

By Mr. FISHER (for himself and Mr. Bafalis):

H.R. 2542. A bill entitled "Tax Credit for the Elderly Improvement Amendments of 1979"; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2543. A bill to provide lump sum death benefits for certain Federal law officers and firefighters killed in the line of duty, and for other purposes; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and Judiciary.

By Mr. GLICKMAN:

H.R. 2544. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to eliminate budget deficits by providing that (after a 2-year phasing-down period) Federal expenditures shall not exceed Federal revenues, and to provide for the gradual elimination of the Federal debt; jointly, to the Committees on Government Operations and Rules.

By Mr. HANSEN:

H.R. 2545. A bill to provide that the lake referred to as the Ririe Lake on Willow Creek, in Bonneville County, Idaho, shall hereafter be known as Oscar Johnson Lake; to the Committee on Public Works and Transportation.

By Mr. HARRIS:

H.R. 2546. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mrs. HOLT:

H.R. 2547. A bill to amend title 10, United States Code, to reduce the cost-sharing required of participants in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for inpatient medical care provided on an emergency basis; to the Committee on Armed Services.

By Mrs. HOLT (for herself, Mr. Badham, Mr. Bafalis, Mr. Barnard, Mr. Bauman, Mrs. Bouquard, Mr. Brown of Ohio, Mr. Buchanan, Mr. Burgener, Mr. Carter, Mr. Collins of Texas, Mr. Conable, Mr. Corcoran, Mr. Robert W. Daniel, Jr., Mr. Dannemeyer, Mr. Derrick, Mr. Derwinski, Mr. Dornan, Mr. Frenzel, Mr. Gibbons, Mr. Gingrich, Mr. Glickman, Mr. Goldwater, Mr. Gradison, Mr. Guyer, Mr. Hyde, Mr. Kindness, Mr. Kramer, Mr. Lagomarsino, Mr. Leach of Louisiana, Mr. Lee, Mr. Lott, Mr. Madigan, Mr. Michel, Mr. Miller of Ohio, Mr. Moore, Mr. Myers of Indiana, Mr. O'Brien, Mr. Regula, Mr. Rhodes, Mr. Roe, Mr. Rudd, Mr. Sensenbrenner, Mr. Shuster, Mr. Simon, Mr. Solomon, Mr. Symms, Mr. Wampler, Mr. Whitehurst, Mr. Winn, Mr. Young of Alaska, and Mr. Edwards of Oklahoma):

H.R. 2548. A bill to provide for the inclusion of certain Federal entities in the budget totals, effective with the 1983 budget; to the Committee on Government Operations.

By Mr. HOWARD (for himself, Mr. Dougherty, Mr. Mazzoli, Mr. Ottinger, Mr. Neal, Mr. Guarini, Mrs. Bouquard, Mr. Evans of the Virgin Islands, Mr. Frost, Mr. Hutto, Mr. Buchanan, Mr. Gilman, Mr. Long of Louisiana and Mr. Shuster):

H.R. 2549. A bill to establish a congressional award program for the purpose of recognizing excellence and leadership among young people; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI (for himself, Mr. Corman, Mr. Lederer, and Mr. Duncan of Tennessee):

H.R. 2550. A bill to extend the provisions of law relating to the business expenses of legislators, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. Nolan, Mr. Baldus, Mr. Akaka, Mr. Andrews of North Dakota, Mr. Brown of California, Mrs. Byron, Mr. Conte, Mr. Corrada, Mr. Dicks, Mr. Ertel, Mr. Florio, Mr. Gilman, Mr. Harkin, Mrs. Heckler, Mr. Hughes, Mr. Jenrette, Mr. Kastenmeier, Mr. Kostmayer, Mr. Markey, Mr. Marks, Mr. McClory, Mr. McCloskey, Mr. McHugh, Mr. Ottinger, Mr. Perkins, Mr. Pritchard, Mr. Richmond, Mr. Sawyer, Mr. Stangeland, Mr. Thompson, Mr. Walker, Mr. Weaver, Mr. Winn, Mr. Bonker, Mr. Oberstar, Mr. Simon, Mr. Yatron, Mr. Lowry, Mr. McCormack, Mr. Moffett, and Mr. Swift):

H.R. 2551. A bill to establish internal Federal policy concerning protection of certain agricultural land; to establish a Study Committee on the Protection of Agricultural Land; to establish a demonstration program relating to methods of protecting certain agricultural land from being used for nonagricultural purposes; and for other purposes; to the Committee on Agriculture.

By Mr. KEMP:

H.R. 2552. A bill to exclude from gross income the first $1,000 of interest received from savings account deposits in home lending institutions; to the Committee on Ways and Means.

By Mr. McDONALD:

H.R. 2553. A bill to amend the Internal Revenue Code of 1954 to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns, and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MAGUIRE:

H.R. 2554. A bill to amend the Federal Food, Drug, and Cosmetic Act to treat hair dyes the same as other cosmetics under such act; to the Committee on Interstate and Foreign Commerce.

By Mr. NEAL:

H.R. 2555. A bill to authorize the appropriation of funds for a demonstration peat-fueled electrical generating plant located in North Carolina; to the Committee on Science and Technology.

By Mr. NEDZI (for himself and Mr. Whitehurst) (by request):

H.R. 2556. A bill to authorize construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. PEASE (for himself, Mr. Goldwater, Mr. Whitehurst, Mr. Whitley, Mr. Hightower, Mr. Regula, Mr. Lagomarsino, Mr. Rahall, Mr. Benjamin, Mr. AuCoin, Mr. Grisham, Mr. Bevill, Mr. Vento, Mr. McDonald, Mr. Dornan, Mr. Studds, Mrs. Bouquard, Mr. Mazzoli, Mr. Montgomery, Mr. Dicks, Mr. Hyde, Mr. Stangeland, Mr. Ertel, Mr. Beilenson, Mr. Dannemeyer, Mr. Walker, Mr. Goodling, Mr. Lee, Mr. Broyhill, Mr. Gephardt, Mr. Robert W. Daniel, Jr., Mr. Albosta, Mr. Seiberling, Mrs. Spellman, Mr. Heftel, Mr. Hollenbeck, Mr. Livingston, Mr. Mollohan, Mr. Ashley, Mr. Barnard, Mr. Stump, Mr. Edwards of Oklahoma, and Mr. Beard of Tennessee):

H.R. 2557. A bill to amend the Immigration and Nationality Act to provide that an immigrant shall not be admitted into the United States without a 5-year financial sponsorship statement, except as the Attorney General provides; to the Committee on the Judiciary.

By Mr. PEASE (for himself, Mr. Goldwater, Mr. Whitehurst, Mr. Whitley, Mr. Forsythe, Mr. Hightower, Mr. Regula, Mr. Lagomarsino, Mr. Rahall, Mr. Ichord, Mr. Benjamin, Mr. AuCoin, Mr. Grisham, Mr. Sensenbrenner, Mr. Bevill, Mr. Vento, Mr. McDonald, Mr. Dornan, Mrs. Bouquard, Mr. Mazzoli, Mr. Montgomery, Mr. Gudger, Mr. Dicks, Mr. Hyde. Mr. Stangeland, Mr. Ertel, Mr. Beilenson, Mr. Dannemeyer, Mr. Walker, Mr. Goodling, Mr. Lee, Mr. Broyhill, Mr. Long of Maryland, Mr. Leach of Iowa, Mr. Volkmer, Mr. Gephardt, Mr. Robert W. Daniel, Jr., Mr. Albosta, Mr. Lederer, Mr. Seiberling, Mrs. Spellman, Mr. Heftel, Mr. Hollenbeck, Mr. Livingston, Mr. Mollohan, Mr. Ashley, Mr. Barnard, Mr. Stump, Mr. Edwards of Oklahoma, and Mr. Beard of Tennessee):

H.R. 2558. A bill to amend title XVI of the Social Security Act to provide that certain aliens may not qualify for SSI benefits unless they not only are permanently residing in the United States but have also resided continuously in the United States for at least 5 years; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 2559. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for preventive services furnished in the screening, testing, diagnosis, and treatment of individuals for hypertension; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

H.R. 2560. A bill to provide payment for drugs and biologicals under part B of the medicare program and with respect to post-hospital home health services; to the Committee on Ways and Means.

H.R. 2561. A bill to establish a program of drug benefits for the aged; to establish a Drug Benefits Council and other appropriate management controls to provide for the efficient administration of such program; and to require the conducting of certain studies and experiments, to enhance the capability of the Secretary of Health, Education, and Welfare to administer such program, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2562. A bill to amend title XIX of the Social Security Act to require the provision of preventive examinations for hypertension and drugs for the treatment of hypertension under the medicaid program; to the Committee on Interstate and Foreign Commerce.

H.R. 2563. A bill to amend section 317 of the Public Health Service Act to provide for services for the treatment of hypertension under preventive health services grants; to the Committee on Interstate and Foreign Commerce.

H.R. 2564. A bill to provide health and social services in a congregate setting in federally assisted housing projects for the elderly and handicapped; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2565. A bill to amend the Older Americans Act of 1965 to provide expanded counseling assistance for the elderly, and for other purposes; to the Committee on Education and Labor.

H.R. 2566. A bill to promote the provision and availability of necessary health services for the elderly by requiring the inclusion of specified preventive and home health services under the medicaid program, and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services, and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2567. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits under medicare, to remove the prior hospitalization, skilled nursing care, homebound, and deductible requirements applicable to home health care under medicare, to include periodic chore services under home health services under medicare, to provide coverage of community mental health center services under medicare, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2568. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

H.R. 2569. A bill to eliminate the benefit reduction which is provided for supplemental security income recipients in certain long-term care institutions when such institutions do not meet the standards established by States under section 1616(e) of the Social Security Act, to authorize payments to States to cover the cost of training and compensating personnel to inspect such institutions, and for other purposes; to the Committee on Ways and Means.

H.R. 2570. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2571. A bill to amend the Social Security Act to improve and make more effective the provision of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

H.R. 2572. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the improved administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself and Mr. Wampler):

H.R. 2573. A bill to amend the Higher Education Act of 1965 to provide for grants and studies relating to preretirement education; to the Committee on Education and Labor.

By Mr. PREYER:

H.R. 2574. A bill to amend the Federal, Food, Drug, and Cosmetic Act to revise certain labeling and notice requirements of that act respecting colored margarine and colored oleomargarine; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. Bob Wilson):

H.R. 2575. A bill to authorize appropriations for fiscal year 1979, in addition to amounts previously authorized, for procurement of aircraft, missiles, and naval vessels and for research, development, test, and evaluation for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 2576. A bill to authorize appropriations for fiscal year 1980 for conservation, development, and use of naval petroleum reserves and naval oil shale reserves; to the Committee on Armed Services.

By Mr. RUNNELS:

H.R. 2577. A bill to amend the Geothermal Steam Act of 1970 for the purpose of enhancing the development of geothermal resources situated beneath Federal lands; to the Committee on Interior and Insular Affairs.

H.R. 2578. A bill to establish Indian Resources Development Institutes; jointly, to the Committees on Education and Labor, and Interior and Insular Affairs.

By Mr. RUNNELS (by request):

H.R. 2579. A bill to transfer certain rights-of-way to the Elephant Butte Irrigation District of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHELBY:

H.R. 2580. A bill to suspend for a 3-year period the duty on 2-Methyl, 4-chlorophenol; to the Committee on Ways and Means.

By Mrs. SMITH of Nebraska:

H.R. 2581. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat products, to apply qauntitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Ways and Means.

H.R. 2582. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 2583. A bill to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN (by request):

H.R. 2584. A bill to amend title 5, United States Code, to provide survivor benefits to certain dependent children; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 2585. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1980 and 1981; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Devine) (by request):

H.R. 2586. A bill to provide for the timely management of the spent fuel from nuclear reactors; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. VOLKMER:

H.R. 2587. A bill to provide procedures for calling a constitutional convention for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.R. 2588. A bill to authorize the Secretary of Agriculture to perform additional functions conducive to increasing the production, improving the marketing and the quality of food, fiber, and forest products and conducive to improving the economic condition of families engaged in farming, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Interstate and Foreign Commerce, and Merchant Marine and Fisheries.

By Mr. YOUNG of Alaska:

H.R. 2589. A bill to provide paid leave to Federal and District of Columbia government employees while they are preparing for or participating in certain international athletic competitions as members of the official team of the United States; jointly, to the Committees on the District of Columbia and Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 235. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 25th amendment of that Constitution; to the Committee on the Judiciary.

By Mr. McEWEN:

H.J. Res. 236. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

H.J. Res. 237. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H. Con. Res. 64. Concurrent resolution expressing the sense of the Congress with respect to the strategic importance of Israel to the United States; to the Committee on Foreign Affairs.

By Mr. GINGRICH:

H. Res. 142. Resolution to expel Charles C. Diggs, Jr., of Michigan; to the Committee on Standards of Official Conduct.

By Mrs. FENWICK:

H. Res. 143. Resolution amending the Rules of the House of Representatives to prohibit the consideration of major spending or revenue-reducing bills during the last 5 days of a session, and to prohibit the consideration of more than one such bill on the same day at any time; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 144. Resolution amending clause 6 of rule XI of the rules of the House with respect to staffing of the Select Committee on Aging; to the Committee on Rules.

By Mr. YOUNG of Florida:

H. Res. 145. Resolution to amend rule X of the rules of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 2590. A bill for the relief of Rogelio Libadia Bernal; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 2591. A bill for the relief of Richard B. Fort; to the Committee on Armed Services.

By Mrs. FENWICK:

H.R. 2592. A bill for the relief of Irene Waring; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 2593. A bill for the relief of Mariana de Jesus Roca and Francisco Rubira Roca; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 2594. A bill for the relief of Lunette Joyce Clarke; to the Committee on the Judiciary.

H.R. 2595. A bill to require the Foreign Claims Settlement Commission to reopen and redetermine the claim of Henry Gray against the Government of Poland, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. McEwen, Mr. Roe, Mr. Maguire, and Mrs. Boggs.

H.R. 365: Mr. Bereuter, and Mr. Beard of Tennessee.

H.R. 596: Mr. Lederer.

H.R. 785: Mr. Jones of North Carolina, Mr. Dan Daniel, Mr. Jenrette, Mr. Horton, Mr. Guyer, Mr. Murphy of Pennsylvania, Mr. Stark, Mr. Patterson, Mr. Stokes, Mr. Cleveland, and Mr. Lederer.

H.R. 1481. Mr. Cleveland, and Mr. Maguire.

H.R. 1507: Mr. Lundine, Mr. Walgren, Mr. Jenrette, Mr. Flood, Mr. Murtha, Mr. Gephardt, Mr. Edgar, Mr. Roe, Mr. Heftel, Mr. Akaka, Mr. Frenzel, Mr. Charles Wilson of Texas, and Mrs. Fenwick.

H.R. 1642: Mr. Gramm, Mr. Guyer, Mrs. Bouquard, Mr. Gingrich, Mr. Gudger, and Mr. Hagedorn.

H.R. 1913: Mr. Brodhead, Mr. Rahall, Mr. Sabo, Mr. Richmond, Mr. Zeferetti, Mr. Holland, Mr. Barnard, Mr. Derwinski, Mr. Horton, Mr. Wyatt, Mr. Bevill, Mr. Luken, Mr. Hall of Texas, Mr. Ginn, Mr. Buchanan, Mr. Wampler, Mr. Corrada, Mr. Thomas, Mr. Duncan of Tennessee, and Mr. Beard of Tennessee.

H.R. 1931: Mr. Andrews of North Carolina, Mr. Archer, Mr. Bauman, Mr. Beilenson, Mr. Butler, Mr. Collins of Texas, Mr. Daniel B. Crane, Mr. Dickinson, Mr. Dornan, Mr. Edwards of Oklahoma, Mr. Goodling, Mr. Guyer, Mr. Hansen, Mr. Hinson, Mr. Kramer, Mr. McDonald, Mr. Montgomery, Mr. Robinson, Mr. Rousselot, Mr. Sebelius, Mr. Stockman, Mr. Whitehurst, Mr. Winn, and Mr. Young of Florida.

H.R. 1964: Mr. Bauman, Mr. Benjamin, Mr. Cleveland, Mr. Coughlin, Mr. Dannemeyer, Mr. Dornan, Mr. Erlenborn, Mr. Forsythe, Mr. Gingrich, Mr. Grassley, Mr. Guyer, Mr. Hughes, Mr. Kindness, Mr. Kramer, Mr. Lagomarsino, Mr. Lee, Mr. Lott, Mr. Lujan, Mr. Lungren, Mr. Regula, Mr. Sensenbrenner, Mr. Simon, Mr. Solomon, Mr. Stanton, and Mr. Tauke.

H.J. Res. 56. Mr. Deckard.

H.J. Res. 114: Mr. Pritchard, Mr. Hollenbeck, Mr. Burgener, Mr. Murphy of Pennsylvania, Mr. Dannemeyer, Mr. Luken, Mr. Walker, Mr. Goodling, Mr. Stark, and Mr. Cleveland.

H. Res. 81: Mr. Charles Wilson of Texas, Mr. Dornan, Mr. Cleveland, Mr. Duncan of Tennessee, Mr. Walker, and Mr. Robinson.

EXTENSIONS OF REMARKS

DAVID DINSMORE COMEY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. OTTINGER. Mr. Speaker, just a few weeks ago I was sorry to learn of the untimely, accidental death of David Dinsmore Comey, a leader of the American movement for a sensible energy policy. His leadership was acknowledged even by those his actions discomforted, and his loss is great to all of us.

The Ithaca Journal paid tribute to David Comey in its lead editorial on January 12, 1978. That editorial, "A man with a mission can affect all our lives," expresses thoughtfully the significant impact David Dinsmore Comey had on thousands of Americans and the great contribution he made to our society. He did affect all our lives, and he will be missed.

The editorial follows:

[From the Ithaca (N.Y.) Journal, Jan. 12, 1979]

A MAN WITH A MISSION CAN AFFECT ALL OUR LIVES

David Dinsmore Comey began life as a child of privilege, a graduate of Exeter and Princeton, a scholar on Soviet science. He became a man with a mission, and that seems to have happened by more than chance.

Back in 1968, as he told it, he assured an Ithaca friend who found himself living near the proposed site for a nuclear power plant, "Don't worry, these things are safe." But he began hearing about the potential for thermal pollution of the lake, and just to be sure he telephoned officials in Washington and Albany—who told him he could assume that all protective criteria would be met.

David Comey was not that easily satisfied. In fact he was, as he said, infuriated. He went to a fateful meeting at the Co-op Food Store, to sit in a corner and listen. And by meeting's end, when no other leadership came to light, he was drafted as executive director of the new Citizens' Committee to Save Cayuga Lake.

The battle he waged over Bell Station was unique. While other towns fought nuclear power plants on emotional grounds, the strategy here was to demand cooling towers and other safeguards, ask for more scientific data, circulate reports about nuclear plant costs and reliability. The approach suited a college town, a town that loved debate.

Midway in the campaign, in 1970, David Comey left for Chicago. "A bigger lake, bigger polluters to fight, a much bigger budget to fight them with," he said of his new job as environmental research director for Business and Professional People for the Public Interest.

There he blossomed as a crusader. Urbane and articulate, he enjoyed wheeling and dealing with the bureaucracy, utility officials and experts in the field. Once asked what made him tick, he said with a grin, "I have a low threshold for B.S."

He traveled widely to testify at hearings on nuclear plants, far beyond Lake Michigan. He could translate science into layman's language, and he exploited humor in his safety campaigns. When Japanese crewmen used their socks to plug radioactive leaks on a nuclear-powered ship, he took out ads urging Americans to "send a sock to the Atomic Energy Commission." More seriously, he disputed the AEC's objectivity, and his demands that the agency open their accident records to full view landed him on the front page of the New York Times.

But he did not lose sight of Bell Station. In June 1973 New York State Electric & Gas Corp. neared a final decision on filing its formal application, and he returned here to promote intervention in the proceedings. Two weeks later the utility company, perhaps already dismayed by the 1,000-person turnout at a public hearing and now threatened with a lengthy legal process, abandoned the project.

Meanwhile, David Comey's growing expertise in nuclear energy won him an audience when he criticized the fallibility of safety mechanisms to prevent nuclear accidents. He was named to committees on toxic substances by the federal Environmental Protection Agency. In 1974 he received that agency's first Environmental Quality Award, for "services that immeasurably improved the design and safety review of nuclear reactors."

There was other recognition. When the AEC was dismantled with formation of the new Nuclear Regulatory Commission, the Wall Street Journal remarked: "The new commission apparently will pay closer heed to the David Comeys than did the AEC."

Perhaps the most flattering tribute came in backhanded style from Nuclear Industry, a corporate trade journal. "Electric utilities building or planning nuclear power plants would probably do well to try to understand David Dinsmore Comey," the journal said. "He has developed into probably the most formidable—because perhaps the most rational or at least most sharply focusing—foe of nuclear power."

Wherever one stands on nuclear energy, we cannot help but admire the energy and dedication of David Comey. His influence was felt, and his cautious approach to the awesome potential of nuclear power, for good or bad, was constructive. His accidental death at the age of 44 was a tragic loss to the public, but he made his time alive count.●

GEN. DANIEL "CHAPPIE" JAMES, JR.

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. FOWLER. Mr. Speaker, Gen. Daniel "Chappie" James, Jr., was truly an American hero. He served his country through three wars and nearly 35 years in the military and became the first Black American to attain the rank of four-star General.

I have recently received a letter from a constituent, Mr. Claude C. George, who was a close personal friend of General James. I would like to take this opportunity to insert Mr. George's correspondence in the CONGRESSIONAL RECORD.

JANUARY 24, 1979.

Representative WYCHE FOWLER,
Longworth House Office Building,
Washington, D.C.

MY DEAR REPRESENTATIVE FOWLER: I realize that there is not enough time nor space to express adequately, the profound effect that Chappie had on America and those whose lives he touched.

However, one great sage from our past wrote that, "Man should be afraid to die until he has made some contribution to humanity." "Chappie" James, Jr. was such a man. Our friendship began over 40 years ago at Tuskegee Institute in Alabama. I have known General James as a close personal friend, former college roommate, fellow athlete, student leader and humanitarian. Although General "Chappie" James received many honors and firsts as a military leader, his greatest achievements revolved around his strong commitment to being a top-notch fighter pilot and his love for America. In spite of the fact that when he joined the Air Force, Black soldiers were segregated and denied the same rights and privileges as their white counterparts, "Chappie" never lost faith in his country and remained loyal during periods when most men would have faltered. General James was a true American. A man's man, A soldier's soldier. A true believer in the hopes, dreams and promises of America.

General James expressed his commitment and unswerving love for America when he admonished those around him who busied themselves in denunciation of his country when he stated—"We are trying to get away from the business of being so busy practicing our rights to dissent that we forget our responsibility to contribute."

As a lasting tribute to such a great General, the establishment of a Memorial Center at Tuskegee Institute in his honor would be a refulgent symbol for others to emulate.

Therefore, I felt that it was incumbent upon me to share with you and your fellow Congressmen, my impressions of a man whose accomplishments should be printed indelibly in the annals of American and international history.

Sincerely,

CLAUDE C. GEORGE.●

AN EXCEPTIONAL CITIZEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. RODINO. Mr. Speaker, it is not often that I have the chance to tell my colleagues about a truly exceptional citizen—a person who has meant a great deal to the lives of thousands of individuals and the well-being of whole communities. Today I am especially proud that the outstanding person of whom I am speaking is from New Jersey's 10th District.

Dr. Edwin A. Albano is retiring this year at the age of 71, and he takes with him many proud memories. After graduating from medical school Ed Albano decided on a career of service to the residents of New Jersey, and his long, distinguished career epitomizes selfless devotion to bettering the human condition. Young doctors in New Jersey look on Dr. Albano as an inspiration for their professional lives.

While his official title has been "medical examiner" he has been simply an excellent doctor and a decent human being to everyone who has known him. It has been a privilege for me to have his friendship for over five decades.

Mr. Speaker, I want to take this opportunity to wish Ed Albano all best wishes as he looks back on a career filled with human compassion and understanding.

Mr. Speaker, the Newark Star-Ledger printed an editorial on February 26, 1979, describing Dr. Albano's special meaning to New Jersey's citizens. I would like to include a copy of the editorial in the RECORD, as follows:

[From the Newark (N.J.) Star-Ledger, Feb. 26, 1979]

PHYSICIAN-HUMANIST

For Edwin H. Albano, the practice of medicine has been an avocation as well as a vocation, an unremitting commitment to a profession he has served without a vacation break throughout a long and distinguished career of public service.

A pathologist virtually from the time he graduated from medical school, Dr. Albano became a respected authority in forensic medicine. It was a specialty virtually preordained for a young physician strongly influenced by a revered mentor, the late Dr. Harrison S. Martland, regarded as one of the most accomplished pathologists of his time.

It was a foregone fact that Dr. Albano would succeed his precursor as Essex County medical examiner. And it was only a matter of time before his dogged determination would result in enabling legislation to create a state office of medical examiner.

Naturally, it followed that Dr. Albano would be the most eminently qualified to fill this important post, an agency instrumental in correcting the critical flaws of an antiquated coroner system.

But beyond Dr. Albano's professional eminence, he has been a person of unfailing kindness and compassion. His availability as a friend and physician is legendary in Essex County. He is known as a "doctor's doctor" . . . a lawyer's doctor . . . a judge's doctor . . . a politician's doctor, all professions related to his public service. In actual fact, he was a general practitioner to the man on the street.

Dr. Albano reached the mandatory retirement age of 70 last year, but he was given a year's extension by the attorney general. He officially retired this month, taking with him a personal sense of fulfillment shared by few others . . . and the gratitude of those who have known him as a doctor and a friend.●

CONSTITUTIONAL CONVENTION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. LAGOMARSINO. Mr. Speaker, I would like to submit for the benefit of my colleagues, the following editorial on a constitutional convention to amend the Constitution to require a balanced Federal budget. The editorial appeared on Monday, February 5, 1979 in the Santa Ravia Times, Santa Maria, Calif.

WHAT ALTERNATIVE?

What would be worse: A chance that a Constitutional Convention may rewrite the Constitution, or letting Congress and the Executive branch continue in their non-problem solving way?

The question of a Constitutional Convention to rework our system has been with us for some time, but it has been only since Governor Brown gave his open support has their been a clear focus on a convention to put into the Constitution a provision requiring balanced federal budgets.

The doomspeakers are putting down the idea of a convention since, they claim, almost any subject under the sun can be brought up. They see an end to civil rights gains, an anti-abortion amendment, etc. coming from such a conclave.

Nonsense, say the experts. A convention can be called for a specific item of consideration and held to that. And that subject would be a balanced budget and the method by which taxation occurs.

The alternative is hardly worthwhile. We have been with the present system for decades, with only a worsening of the situation. Congress cannot by its own nature bring itself to meaningful changes in either taxation or budgeting. For example, one needs only to point to the recent tax "revision" by Congress. What does tax "revision" mean? Simply a shift of taking money from one source that may be slightly different than the original source. The result: The same, or higher, tax takeout, with only a slight shift on whom the burden falls.

Tax money is the lifeblood of government, and Congress is unacustomed to solving problems other than by throwing money at them. The fact that this approach doesn't work seems to have been lost on the majority, particularly the liberal element. It does, however, buy votes, and that is the name of the game, where the majority of Congress—the entire House of Representatives—has to stand for re-election every two years.

Proposition 13 and similar enactments in other states signal that Americans are fed up with the current practice and want something done about it. Nearly half the nation's states has endorsed a Constitutional convention, and when the magic number is reached, we believe a convention should be called. It is the democratic way of doing things. After all, what other choice do we have? ●

THE DEPARTMENT OF ENERGY AND THE UPDATED GASOLINE ALLOCATION FORMULA

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. BRODHEAD. Mr. Speaker, I rise to protest the Department of Energy's action last week by which the base period for gasoline allocations was updated from 1972–73 to 1977–78. While this little understood action might seem perfectly logical, its effects will be to further strengthen the hold of refiners on the retail marketing of gasoline.

Since the Arab embargo, approximately 50,000 service stations have closed. Countless other independent distributors have been forced to close or merge with larger companies. These closures and mergers occurred during a period of Government controls designed in part to protect the competitive viability of these independent small businessmen.

One of the reasons for the reduction in the service station population has been the ability of the refiners, with their superior legal and accounting talent, to circumvent the regulations to the detriment of the independent marketing segment of the petroleum industry. Many of the marketers that have managed to survive questionable practices by the refiners may have received their fatal blow with the Department of Energy's announcement last week.

The Department of Energy has in effect legitimized refiner actions designed to depress demand for gasoline by independent marketers.

How did these refiners suppress independent marketer demand? There are many ways. One refiner refused to sell leaded regular to its jobbers and dealers at a time when that grade made up over three-quarters of the jobber's business. Another refiner enforced stringent credit terms, which failed to recognize that the cost of gasoline has more than doubled in the last 5 years, on its distributors. Another company engaged in a discriminatory pricing policy which the Department of Energy has decided through a remedial order to be a circumvention of the allocation regulations.

In practical terms, what does all of this mean? Consider the case of a jobber from my district supplied primarily by Union Oil, the company which stopped selling leaded regular gasoline in 1974. This jobber sold approximately 28 million gallons of gasoline in the base year 1972–73. This number became his base period allocation. When Union Oil stopped supplying leaded regular, however, his gallons dropped enormously. During the new base year, 1977–78, this jobber sold only approximately 14 million gallons. This new allocation level was chosen despite the fact that Union Oil has since that time once again begun to sell leaded regular to its customers and the jobber has gotten his sales near 1972–73 levels. This jobber is being penalized for an action totally outside his control. He could not find a new supplier because other companies were tied, through the allocation act, to specific customers and would not give an allocation to a new purchaser. It was also not a question of this jobber's inefficiency. He had to be a magician to survive in the marketplace by selling half of the gallons he sold previously at margins controlled by the Federal Government. This base period update promulgated by the Department of Energy locks him into the same untenable position he has suffered through for nearly 5 years.

What relief is available? In its regulations the Department of Energy states that some inequities may result from this regulation and that relief should be sought from the Department's Office of Hearings and Appeals. The regulation adds, "We expect such cases to be limited in number."

I seriously doubt that the cases will be limited in number. There are many independent small businessmen throughout the country who are adversely affected by this regulation. For some of these individuals the exceptions process does not even exist. They lack and cannot afford the sophisticated legal talent necessary to be successful in an exceptions process.

But what is the outlook for those who do seek exceptions relief? Gloomy at best. In its fiscal year 1980 budget request, the Department of Energy says each petition referred to the Office of Hearings and Appeals is acted upon within an average of 110 days. By the end of 1980 OHA's backload is expected to be nearly 900 cases. These estimates were made before these regulations were promulgated. How long will it take small businessmen to get relief through this process?

To its credit, the Department of Energy has solicited comments and will hold a public hearing on this action in late March. Unfortunately, these comments come after the fact.

I am, therefore, today urging the Administrator of the Department of Energy's Economic Regulatory Administration, David Bardin, to delay the effective date of this regulation until public comments are received and until a realistic assessment of this regulation's impact can be made. I hope my colleagues in the House will do likewise.●

IN RECOGNITION OF THE PASSING OF CHARLES SWEENEY

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. RATCHFORD. Mr. Speaker, my hometown, Danbury, Conn., saw the passing last week of one of its great citizens, Charles Sweeney. Charlie was a part of an increasingly rare breed—a public servant who spent a lifetime serving his city and State without concern for notoriety or self-aggrandizement. In the 1940's Charlie served as minority selectman and as first selectman in Danbury, then becoming deputy commissioner and commissioner of the State Department of Public Works.

He was totally involved with and dedicated to many elements of the Danbury community. He served several terms on the board of education and was an active member of many service-oriented clubs.

Danbury will miss Charlie Sweeney. But the example he set for all public servants will live on.●

IMPROVING CHAMPUS FOR MILITARY RETIREES AND FAMILIES

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mrs. HOLT. Mr. Speaker, I have been concerned for sometime about the inequities of health care for military retirees and their dependents. Health care in general is woefully inadequate for the Armed Forces. Defense Department witnesses before the House Armed Services Committees have pointed out the dire shortage of doctors and other health care professionals in the military. Consequently, both active duty and retired military personnel are forced to use CHAMPUS (Civilian Health and Medical Program for the Uniformed Services) which is creating additional financial burdens for them.

In the case of retirees and their dependents, who rate a lower priority for direct military health care, the use of CHAMPUS is even more inequitable. It costs them more. It is really unfair that retirees, whose incomes are substantially reduced upon retirement, are the ones that have to bear the heavier burden in health care costs, after we committed to them to provide care for them and their dependents as a condition of their service.

Active duty dependents using CHAMPUS for inpatient care in a civilian hospital need to pay only $25 for each admission to a civilian hospital, or the higher amount that they would have to pay for using a Government hospital—at the current daily rate of $4.65. On the other hand, a military retiree or his dependent in the same situation would have to pay 25 percent of the total hospital bill under cost-sharing.

Mr. Speaker, a constituent of mine was admitted to the Annapolis General Hospital last year and she was hospitalized there for 30 days. The bill came to $18,000 and her copayment came to $4,500.

The bill that I am introducing today will remove the inequity in a limited way because I am mindful of the need to keep costs low. It will realine emergency inpatient care only under CHAMPUS for retirees and their dependents so that the cost-sharing formula will be the same as that of active duty dependents.

I urge my colleagues to cosponsor my bill. The text of the bill is as follows:

H.R. —

To amend title 10, United States Code, to reduce the cost-sharing required of participants in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for inpatient medical care provided on an emergency basis

Be it enacted by the Senate and House of Representatives, of the United States of America in Congress assembled, That section 1068(b) of title 10, United States Code, relating to contracts for medical care for retired members of the uniformed services and their dependents, is amended—

(1) by inserting "nonemergency" in clause (3) before "inpatient care"; and

(2) by adding at the end thereof the following new clause:

"(4) For emergency inpatient care—

"(A) in the case of a person covered by section 1074(b) of this title, the greater of $25 or the amount that would have been charged under section 1075 of this title had the care being paid for been obtained in a hospital of the uniformed services; and

"(B) in the case of a person covered by section 1076(b) of this title who is eligible for health benefits under this section, the greater of $25 or the amount that would have been charged under section 1078(a) of this title had the care being paid for been obtained in a hospital of the uniformed services."

SEC. 2. The amendments made by the first section of this Act apply to health care provided after September 30, 1979.●

WHY THERE IS NO MOVEMENT IN THE NORTHERN IRELAND CRISIS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. BIAGGI. Mr. Speaker, as chairman of the Ad Hoc Congressional Committee for Irish Affairs I wish to bring to the attention of my colleagues two recent editorials which appeared in the Irish Times. The first entitled "Mason's Choice" focuses on perhaps one of the main actors in the entire Northern Ireland issue—Secretary of State Roy Mason. The editorial suggests that Mr. Mason has reached the point of being totally unable to positively contribute to the peace process in the North. The Irish Times joins with others who are speculating on Mr. Mason's imminent departure.

The second editorial entitled "Initiative" explores an issue of supreme importance to myself and the ad hoc committee. Where will the initiative that will bring peace to Northern Ireland come from. The Irish Times suggests that a Dublin initiative is in the works. There is some credence to this claim as both Prime Minister Lynch and Foreign Minister Michael O'Kennedy have made major statements on the Northern Ireland situation in recent weeks. The Times feels strongly that an initiative is not forthcoming from Great Britain. The editorial states:

> It may be that Britain can never solve this problem and that only international in-

tervention, by the United Nations, or America would bring us peace at last. Britain may have to be pushed into this.

The ad hoc committee has proposed an initiative for peace in Ireland. On February 1 the executive committee of the ad hoc committee voted unanimously to sponsor a Congressional Irish Peace Forum beginning the week of May 14. We will invite all sides to participate in the forum most particularly representatives of both the British and Irish Governments. We hope they come willingly. The fact is America in general and the ad hoc committee in particular with its over 100 Members of Congress, is viewed as an honest broker by all sides in Ireland. We wish to exploit this assessment to advance the movement toward peace and justice in Ireland. I hope for the active support of my colleagues in this endeavor. The ad hoc committee sees America as playing a vital role in the peace process. Yet we stress that our role would be to contribute to peace not impose peace. The decision on the future of Ireland can only rest with the people of Ireland.

The two Irish Times editorials follow immediately:

INITIATIVE?

Now with the coming in of the spring, the days will stretch a bit, and after the feast of Brigid the Fianna Fail Government will hoist its flag and go . . . not into the heart of Co. Mayo but into Antrim, Down, Armagh, Tyrone, Derry and Fermanagh.

So the reports go. The Government apparently has an initiative on the North in hand. Why it is leaked out now, how much it is a serious effort, how much a routine protest, remains to be seen; but if it is a genuine initiative and not just a regulation sounding-off, it may be timely in view of Britain's coming election. It will at least try to inject the Irish question into that debate. There is not much hope, but the endeavor must be made.

It is easy to be cynical and to look back. For fifty years or more the simple initiative of getting into a car and going up north to see what was happening was open to every Fianna Failer; not many bothered to do it. The same went for most of us. Let that lie.

Today the whole picture has changed, and it must be wondered if even the Government realises how much.

One of the great planks in the old Unionist argument at the time of Home Rule, one that was used to play on the fears of the Protestant workers of Belfast in particular, was that Home Rule would cut that city off from its industrial market in Britain; ships couldn't be sold; the tobacco industry would languish; all the mills would be hit—and the humming enclave of the North would descend to the peasant depths of the pastoral South.

Many who were sceptical about the Home Rule propaganda were made uneasy by this argument. No Government here ever addressed itself seriously to the Belfast Protestant workers. They might not have existed as far as all of us down here were concerned. Yet one of the Young Irelanders, a century and a quarter ago, recognized the worth of these people.

Belfast had no natural resources, no coal, no iron, no raw materials at all, it might be said; yet it made a success of shipbuilding. Said Thomas Francis Meagher, or Meagher of the Sword as he is also known, addressing the people of Belfast: "Your faith has been as singular as that of Robinson Crusoe and your ingenuity in making the most of a desert island has been no less remarkable." What was to prevent any other part of Ireland doing the same?

Today the North's traditional industries are in the shadows, and, while new capital is being injected there and new skills learned, the EEC has brought to the Republic such strength in its agricultural base that not only farmers in the North but any who can assess the economy as a whole are aware that the boot may now be on the other foot. Ireland's soil, Ireland's climate, the Republic's energy—dynamism Roy Jenkins called it recently—may yet lift all of the people out of the old rich-man/poor-man/arguments into something better.

The EEC has lifted the burden of poverty from this part of the country and may yet help to raise the standards for the million and more on the other side of the Border. It would be foolish to claim that much of this has penetrated to the routine Unionist voters of the Shankill or other strongholds, though one significant sign of the times is the new awareness of the Protestant paramilitaries.

UDA schemes for an independent Ulster may be dismissed as maneuvering for a better bargaining position rather than a serious long-term attempt to settle the problem, but they show some thought, they show a determination to break with a past in which they the common people, were cast as the cannon fodder of higher interests, British and Northern Irish.

The Northern Protestant is not weakening, but he is seeing his position more clearly, and, hopefully, the Dublin Government is cleansing its own heart of old shibboleths and is learning.

There remains Britain, a country without power, without apparent diplomatic energy or inititiative. It may be that Britain can never solve this problem, and that only international intervention, by the United Nations, or America, would bring us peace at last. Britain may have to be pushed into this. For Dr. Owen to air his views on Rhodesia and other disputed territories around the world, while remaining impotent and inarticulate over Ireland, is not so much hypocrisy as an indication of the anaemia of Britain's diplomatic force.

Britain may not be finished. It should be no joy to us to see her fortunes decline. But today her inertia threatens not only ourselves but our children and our children's children.

So, a genuine initiative is always worthwhile.

MASON'S CHOICE

The EEC poll on likely voting patterns in the North in the European elections caused little stir when it was "leaked" last week. It was clearly of little consequence: such polls are often untrustworthy, and particularly in a case like this, when fewer than 200 people gave their opinions.

But Mr. Mason chose, in a weekend interview on London local radio, not only to use the poll's dubious conclusions as the basis for his analysis of recent political developments, but also to welcome the finding that support for the Official Unionist Party is growing. This is the "moderate" Unionist party, he told the listeners.

Apart from the offense such a remark might give to members of Mrs. Anne Dickson's Unionist Party of Northern Ireland, which was founded by Brian Faulkner to bring Unionism into partnership with the other political groups in the North, the damage it has wrought on relations between himself and the SDLP is incalculable.

One of the few advances of the last decade in Northern Ireland was the breaking-up of the monolithic Unionist Party, which for half a century ensured that the reactionary policies of "not an inch" and "no surrender" dominated the political representation of the majority community. Mr. Harry West's party yearns still for the days of Brookeborough. It has set its face stonelike against partnership either within the North or between North and South. It has for years now been bent on a return of Stormont-based Unionist power, or, failing that, integration with Britain.

For Mr. Mason now to call the party of Mr. West and Mr. Powell "moderate" is to endorse its intransigence, and encourage its leaders to hold out for an eventual British Government capitulation to its demands. And the SDLP can only draw the conclusion that the principle of political reconciliation has at last been scrapped by the Northern Ireland Office.

But the Secretary of State has finally written himself off as a serious, concerned arbiter of Northern Ireland politics by his comparison, on the same programme, of the SDLP with Mr. Paisley's Democratic Unionist Party, as the two extremes in local politics. This is shallow and grossly misleading, and insulting to a party which has struggled hard to ensure that an alienated nationalits population could find a means of constructive political expression.

It is distressing to witness a Labour Secretary of State underwriting the politics of "not an inch", but such an attitude is also positively dangerous, because Mr. Mason is in effect telling the SDLP that they have now been jettisoned by the British Government.

A British general election is approaching, and Mr. Mason may not be around for much longer. When he finally departs, he will leave behind the sorry record of a bankrupt approach to Irish politics. It is inconceivable that if Labour should win the election, he will be allowed to return to Stormont Castle.●

WHY WE NEED SPIES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. MICHEL. Mr. Speaker, our former colleague, who is also a former Secretary of Defense, Mel Laird, has written an informative and provocative article about the decline in our Nation's intelligence-gathering ability. "Why We Need Spies" contains material about U.S. intelligence gathering never before published. Mel Laird tells us—and documents his claim—that the CIA and FBI have been "shattered." I urge you and all our colleagues to read this important report.

At this time I insert in the RECORD, "Why We Need Spies," Reader's Digest, March 1979, by Melvin R. Laird.

[From the Reader's Digest, March 1979]

WHY WE NEED SPIES

(By Melvin R. Laird)

Our intelligence services, under repeated assault, have been gravely impaired. Unless we halt the destruction, warns a former Secretary of Defense. we could lose one of our most effective safeguards against war, terrorism and internal subversion

Last November President Carter sent an extraordinary handwritten note to his National Security Adviser, to the Director of Central Intelligence and to the Secretary of State. The President expressed extreme dissatisfaction with the quality of information being provided from abroad by American intelligence. He especially was dismayed because he had been grossly misinformed about the magnitude and significance of internal strife in Iran, whose stability and friendship are essential to the West. As a consequence, we unwittingly pursued policies that worsened the problems there.*

Unless there is a swift reversal of present policies, the President can only expect more—and worse—intelligence failures. For, both our principal espionage service (the Central Intelligence Agency) and our primary counterintelligence service (the Federal Bureau of Investigation) have been shattered.

Since 1974 the CIA has been the target of prolonged, sometimes blunderbuss investigations by two Congressional committees and a Presidential commission. While uncovering comparatively few illegalities or "abuses," these investigations provided forums for lurid and wildly false allegations against our intelligence community. Congress and the Administration then over-reacted by subjecting the CIA and FBI to severely restrictive legislation and enfeebling edicts. Surveying the wreckage, former Secretary of State Henry Kissinger declared: "We have seriously damaged our entire intelligence capability, and I don't believe that what was discovered in the investigation warranted the wanton assault which took place."

Obsolete Resource? Thus besieged, the CIA has also been demoralized by its own leadership policies. A good part of our foreign intelligence-gathering is centered in the clandestine service of the CIA. These men and women are the managers, the case officers, who spot, recruit, direct and communicate with the foreigners around the world who, usually out of idealistic motives, are willing to spy for the United States. Between 1971 and 1976 the number of employes in the clandestine services was reduced by half—perhaps justifiably as part of a general retrenchment after the Vietnam war.

But now, in a misguided attempt to "streamline" and eliminate what CIA Director Stansfield Turner refers to as "excess wood," another 820 people—roughly 20 percent of the remaining force—are being fired. The result, as New York *Times* columnist William Safire noted, has been "the destruction of the clandestine services; the worst leaks of national secrets in a generation; the replacement of independent analysis by the rubber stamps of fawning yes men; and a series of misjudgments in foreign policy."

Many of the attacks against U.S. intelligence suggest that espionage and the secrecy that must surround it are alien to American traditions. History demonstrates just the opposite—beginning with George Washington, who admonished his generals in 1776 "to leave no stone unturned" in collecting intelligence. Presidents Truman, Eisenhower, Kennedy and Johnson all realized that the successful conduct of government and avoidance of war could depend upon possession of knowledge hidden within the totalitarian societies arrayed against us.

The need is even more acute today. International finance, energy supplies, nuclear proliferation—all levy new demands for knowledge. Warfare or other convulsions in unstable regions of the world can choke our economy by cutting off access to resources upon which we depend. Fanatical bands of terrorists multiply, menacing society's intricate functioning. Meanwhile, the Soviet Union, spending far more on arms than we do, grows ever more powerful.

But, people ask, hasn't modern technology made spies obsolete? Can't we collect all the intelligence we require—much more reliably and efficiently—through satellite reconnaissance and electronic monitoring? The answer is no. Rep. Samuel S. Stratton (D., N.Y.), chairman of the House Armed Forces Investigations Subcommittee, explains why: "Spies in the sky can indeed perform wonders. But there is no technological substitute for the man—or woman—on the spot. Revolutions and terrorist attacks are not customarily developed by machines. In deliberately cutting our intelligence system off from coffee houses, bars and other nontechnical places where indications of intentions—as distinguished from capabilities—are most apt to be picked up, we have left ourselves, as in the case of Iran, wide open to being blindsided."

Lead Time. Just how indispensable spies remain can be illustrated in a heretofore-untold spy story. In 1959 an American spy in the Soviet government slipped us a secret manual showing exactly how the Russians installed one of their missile systems. In June 1962 another U.S. spy spotted Soviet missiles being trucked away from Havana harbor. Subsequent sightings by other agents in Cuba compelled resumption of U-2 reconnaissance flights, which proved the Russians were indeed deploying missiles that could have annihilated most U.S cities. The pressures upon President Kennedy to blow up the missile sites immediately were intense, and might have been irresistible had not the CIA possessed the manual supplied by the Moscow spy three years before.

It turned out that the missiles were being installed precisely according to the manual. By studying site photographs, CIA analysts determined that the missiles were not yet quite ready to fire.

Meanwhile, our agent in Moscow sent another critical report, on long-range missiles in the Soviet Union. He explained, accurately, that the Russians had not yet perfected an adequate guidance system for their ICBMs as they had for their shorter-range missiles being emplaced in Cuba. All this information enabled President Kennedy to postpone military action long enough to negotiate firmly with the Russians—and force the Kremlin to withdraw the threat from Cuba.

Consider the 1975 incident when two refugees claimed to have seen in the Soviet Union grain silos being built strongly enough to withstand a nearby nuclear blast. It seemed incomprehensible. Why would the Russians go to the extreme expense of bomb-proofing storage facilities for ordinary grain? Redirecting our reconnaissance, we began to search for such fortified silos. And photo analysts soon spotted them in numerous parts of the Soviet Union—installations previously ignored as of no significance. Then we realized what the silos meant. The Russians were deadly earnest about their nationwide civil-defense program. They were caching, at enormous cost, food for the survivors of nuclear war.

The refugees were not our agents while in the Soviet Union But the point is the same: human sources can supply vital data that technical sources miss.

Last year, when the Russian-directed, Cuban-led Ethiopian army drove Somali forces from the disputed Ogaden, there were fears that the communists would go on to invade Somalia itself. The prospect was chilling. Having gained control of Ethiopia and South Yemen, the communists, by also seizing strategically located Somalia, could further threaten Saudi Arabia and the flow of oil that is the lifeblood of the industrial democracies. Should the United States respond to such a threat?

Fortunately, in this instance we had an utterly reliable spy in the right place. I am not at liberty to say whether his nationality was Cuban, Ethiopian or Russian. But he accurately informed us that, despite appearances, the Ethiopians would not attack Somalia. The United States thus was spared the hard decision of whether or not to initiate drastic action to save that country.

Once a nation takes military action, aerial photographs and data from sensors and other intercept devices can pretty much tell us what is happening. But by then it may be too late to stop the action except by armed force. Thus we need to know *in advance* what course others intend to pursue. Only human agents can give us this kind of forewarning.

Ultimate Weapon. It is impossible to defend every government official, every utility plant, every mile of transit systems, against stealthy anonymous terrorists who strike at times and locales of their choosing. Only through spies within terrorist groups can we learn of their plans in time to thwart them.

Because of CIA and FBI infiltration of terrorist organizations, we have aborted assassination plots against American leaders, against foreign chiefs of state visiting the United States, and against a number of our ambassadors abroad. We have disrupted sophisticated schemes to blow up government buildings in Washington and kill employes working in them. We have averted the shooting down of airliners, the abduction of public officials and seizure of their families as hostages.

Yet, because it is impossible to penetrate every gang, terrorism continues and multiplies in Europe and the Western Hemisphere. Although organized terrorism in this country is still in embryonic stages, in the past four years terrorist bombs have killed 17 people and injured 136 in New York City alone. A single Puerto Rican terrorist group, the FALN, has perpetrated 58 bombings in New York, Washington and Chicago. The Pacific Gas and Electric Co., principal supplier of energy to California, has been the target of 75 bombings and sabotage attempts. In the country as a whole, 324 terrorist bombings have occurred within the last six years.

Our intelligence unmistakably reveals that foreign and domestic terrorist groups are coalesing into a loose, cooperartive federation to intensify assaults upon Americans and U.S. installations, here and abroad. To defeat them, we must have spies in their midst.

Finally, we must have spies to protect ourselves against hostile spies. The Soviet Union, its East European satellites and Cuba have mounted a clandestine campaign unprecedented in peacetime history. Its aim: to enlist spies who will betray our most vital secrets and to suborn Americans who can influence public opinion and national policies. In five years, the Soviet bloc has doubled the number of its professional intelligence officers stationed in the United States—to more than 900.

The most efficient means of combating this onslaught is to insinuate our own agents into the hostile intelligence services. Our most significant successes in countering espionage and subversion have been achieved in this way.

In the early 1960s, for example, a series of spectacular espionage cases rocked the West. The assistant chief of the counterespionage division of West German intelligence, Heinz Felfe, was discovered to be a Soviet agent placing other spies in critical positions throughout West German society. British intelligence officer George Blake also was unmasked as a Kremlin agent. Other Soviet spies were uncovered in Anglo-American laboratories engaged in sensitive antisubmarine research.

All of these disclosures resulted from the work of one spy, Michal Goleniewski, and a few Americans with the capacity and courage to maintain contact with him. A colonel in Polish intelligence, Goleniewski was recruited by the Soviets to spy on his own countrymen. He ostensibly served the Russians so ably that they trusted him with details of some of their most important operations in the West. All these details Goleniewski shared with his U.S. case officers, who had earned his ultimate loyalty. Thus, one American spy nullified momentous successes of the whole Soviet intelligence apparatus.

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* See "Oil and Turmoil in Iran."

Looser Limits. I am convinced that the Administration must halt the ongoing purge of honorable CIA employes. And it must restore their *esprit de corps* by making clear that it regards them as patriotic servants and will back them up in their missions. Congress, which now consumes an enormous share of the energies of the CIA by requiring it to answer to eight committees, should consolidate its oversight efforts. And it should concentrate its scrutiny less upon mistakes made 10 to 20 years ago, more upon what must be done now to protect the nation in the future.

The plight of the FBI is equally deplorable. In 1972 it investigated 17,600 domestic-security cases involving suspected espionage, subversion and terrorism. Last year, because of restrictive legislation and Justice Department guidelines, it investigated fewer than 200! In 1975 the FBI maintained contact with some 1100 informants cooperating in national-security investigations. Last year it had only 42 informants left! Indeed, communist intelligence officers stationed in the United States now outnumber FBI counterintelligence personnel by a wide margin. Last year the FBI asked Congress to authorize a modest personnel increase so it could assign more people to counterintelligence. Congress said no. Instead, it is drafting a charter setting forth guidelines covering all FBI activities.

Among legislators who are deeply troubled by such actions is Sen. Patrick Moynihan (D., N.Y.), a member of the Senate Select Intelligence Committee. "As a liberal," he declares, "I tell you the day will come when we will look back and ask, 'For what purposes did the men of this political generation make it impossible to resist Soviet espionage in this country, and why did they do it? And we will have a lot to explain."

Spies, today as in the days of George Washington, constitute a weapon. As with all weapons, prudent precautions should be taken to ensure that this one is not misaimed or misused. But intelligence-gathering is a weapon we cannot afford to sheath. If we do, we will increase the chances that someday, because of ignorance, we will have to resort to much more terrible weapons in conflicts that knowledge might have prevented.●

PERSECUTION OF THE CATHOLIC CHURCH IN LITHUANIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. DERWINSKI. Mr. Speaker, recently, the Department of State's Human Rights office issued reports on the human rights practices in those countries receiving U.S. aid. Since the United States does not provide direct aid to the Soviet Union, the State Department did not comment on human rights violations in the U.S.S.R.

I would like to direct the attention of the Members to an article in the Christian Science Monitor of February 21, discussing the persecution of the Catholic Church in Lithuania, a situation this is continually ignored by the Department of State human rights experts.

The article follows:

[From the Christian Science Monitor, Feb. 21, 1979]

POLISH POPE HEARTENS LITHUANIANS—NEW VOICE AND HEART FOR "CHURCH OF SILENCE"

(By David K. Willis)

At 7:30 a.m. the winter air is cold and dark. About 50 people crunch across the snow to worship amid the sculptures and the marble of the baroque Peter and Paul Cathedral. About 40 are elderly women, heads wrapped in shawls, reading handwritten or typed prayer books. Only a few are men. . . .

In a tiny apartment off one of Vilnius's narrow medieval streets, a woman sits beneath a color photo of the Pope from across the border in Poland, John Paul II, waiting for a nightly 15-minute broadcast from Vatican Radio. . . .

Government officials insist the Pope is not popular—but Roman Catholic priests say that the Pope has given voice and heart to the "Church of silence" behind the Iron Curtain. . . .

Here on the western edge of the Soviet Union, near the Polish border, lives the biggest concentration of Roman Catholics in the country, now given prominence by a new Pope who has been quoted as saying, "half my heart is in Lithuania. . . ."

A BATTLEGROUND OF BELIEFS

It is extremely difficult in a three-day visit for Westerners to discover just how much encouragement the Pope's election has given to believers, how much concern to the authorities.

But it is easy to see and feel that Lithuania, a former empire and now a Soviet Baltic state about the size of Holland and Belgium combined, remains the biggest battleground between Catholicism and communism in the Soviet Union.

The proportion of believers here is lower than in neighboring Poland. No one seems to know just how much lower. One official told me less than half (42 percent) of the population was Catholic, yet some priests say the actual number is closer to 75 percent.

Lithuania's population today is given as almost 3.4 million. Most estimates are that between 50 and 60 percent of the people are Catholics—upward of 1.7 million.

It is clear the Pope's accession has heartened many, though whether this will draw in new believers, or give the church here more leverage against the communist state, remains to be seen.

RESPONSIVE CHORDS STRUCK

"The Pope spoke in Lithuanian after his accession," one Vilnius resident recalled. His comments were cautious, but his meaning was that Pope John Paul II had struck responsive chords both of religion and of nationalism here.

Lithuanians in western areas closest to Poland saw the accession on television, relayed from Rome via Poland. Priests say they are delighted that a man with so much experience of communism is now head of their church.

Late last year five priests openly formed a Catholic Committee for the Defense of Believers' Rights, asked the Pope to approve it, and came to Moscow to tell Westerners that John Paul II now spoke for the "church of silence."

The church is still a large part of Lithuania's national identity. Government officials here, predictably, play down its influence.

Asked if the Pope might one day visit Lithuania, one official said, "there is no talk of it. It would be regarded as the visit of a head of state, but. . . ."

FEW EXPECTED TO TRAVEL

Nor did he think that many Lithuanians would seek permission to go to Poland to see the Pope when he visits there.

Referring to unusually heavy snow in Lithuania this winter, he added, "If the amount of snow or rain depended on [the visit] we would do our best to have him here. . . ."

He dismissed the church as a dying entity: "Both my grandmothers believed, but my sisters and I do not."

The church does have difficulties. Priests numbered 772 in 1974, Westerners estimate, but now are down to between 700 and 750. About 20 die each year, but the country's only Catholic seminary, in the historic capital of Kaunus, graduates only 6 to 10 a year.

Government officials told us in Kaunus 10 would graduate this year, out of a total of 73 students. Before World War II (when Lithuania was independent) about 20 graduated each year.

Lithuania has five bishops, but two have been in exile for 17 years. The church says virtually no religious literature has been published since 1945 (Moscow took over in 1940).

SKITS RIDICULE RELIGION

Children of believers are forced to take part in school skits ridiculing religion, some priests say, and discrimination is said to exist in factories, offices, and universities.

Priests also say 80 percent of children received their first communion last year. "About half the people believe," said one source. "About 80 percent ask for religious weddings, and about 55 ask for a religious funeral."

According to Yenina Balnotye, deputy chairman of the Vilnius City Council for culture, publications, education, and sport, 11 Catholic churches exist in Vilnius today, tended by 24 priests. She declined to estimate the number of believers.

Despite one recent official writers' summation of the state view here that "religion has never been a positive element in the formation of spiritual [mental] culture," Catholics continue to listen to Vatican Radio and to pursue their worship.●

ISRAEL MERITS UNITED STATES SUPPORT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. SOLOMON. Mr. Speaker, the recent turmoil in Iran has shown just how quickly political instability can manifest itself, with results extremely detrimental to national interests of the United States. Because of the events in Iran, Israel's strategic importance to the United States has taken on a new dimension, and it is vital that the United States maintain its commitment to the security and stability of the State of Israel.

A column in the Washington Star of February 26 by Alan M. Tigay, editor of the Near East Report, points out very clearly just how important, strategically, Israel is to the United States. I commend his column to the attention of my colleagues.

[From the Washington Star, Feb. 26, 1979]

AN ALLY NOT VALUED TO ITS MERIT

(By Alan M. Tigay)

The White House not long ago put together a task force to find ways to improve the ability of American intelligence gatherers to predict political instability in countries of critical importance to the United States. The need for such a study is obvious in light of the way Iran's turmoil took the Carter administration by surprise.

But one lesson from the Iranian crisis should be clear without another intelligence review—the importance of Israel to U.S. interests in the Middle East.

Yes, Saudi Arabia is more important to the United States in the post-shah Middle East; so are Egypt and Jordan. But unlike those countries, no study is needed to demonstrate Israel's political stability, military strength and self-reliance, democracy and—most important in light of recent events—its record of changing governments peacefully.

No other American friend in the area can make those claims and none is likely to enter Israel's league as far as stability is concerned for a long time.

The problem the State Department has always had in attaching too much importance to Israel is that, despite its stability and reliability, it is the enemy of every other nation in the region, including some reasonably friendly countries that have huge oil reserves.

Rather than viewing Arab oil wealth as an argument for downplaying Israel's importance to the U.S., however, the administration should view it as an incentive for using its influence to move Israel and its more moderate neighbors closer together for the sake of peace and regional stability, not to mention U.S. interests. The administration has had some success in moving Israel, and Egypt together but has failed dismally with the rest of its presumed friends in the Arab world.

Over the years Israel has given the United States immense strategic rewards. Foremost has been intelligence, the area where Washington seems to have made major blunders in Iran. There have been reports, in fact, that Israeli intelligence warned us more than a year ago of the shah's impending fall, but that the reports were discounted.

Israel is also a deterrent to Soviet designs in the region. "The ability of the U.S. to protect its security interests in the Middle East is closely linked, if not dependent on, the maintenance of a potent Israeli military capability in the area," said a letter sent to President Carter last month by 170 retired generals and admirals.

"A U.S. interagency study on the global military balance concluded recently that, in the event of a nonnuclear conflict in the Middle East, Israel, by itself, 'might deter Soviet combat forces intervention or prevent completion of such deployment,' " the letter asserted. "If not for the proven capability of the Israeli armed forces, we would be forced now to station a significant number of men and substantial materiel in that region."

The benefits America derives from Israel accrued out of a tiny initial investment—in the form of political recognition in 1948—that was based more on emotion than strategic consideration. Large-scale U.S. aid didn't reach Israel until this decade. Israel developed its intelligence, its military and its democracy on its own. This contrasts with other regimes—Iran and South Vietnam come to mind, but there are others—that virtually have owed their existence to the United States and which, despite much larger initial investments from Washington, have had a nagging tendency to crumble.

The Carter administration has consistently expressed a general commitment to Israel's security. When Ambassador Ephraim Evron recently presented his credentials, the president commented on Israel's strategic importance to the United States. Nevertheless, the strategic aspect of U.S.-Israel relations has not been reflected in the administration's policies.

Intermittent pressure on Israel during the peace negotiations, the clear tilt toward Egypt and Saudi Arabia, and the apparent failure to recognize Israel's enhanced strategic importance in view of the upheaval in Iran all suggest that, despite occasional statements to the contrary, the administration sees the Jewish state as a strategic liability.

U.S. policymakers have yet to learn all the lessons of Iran. While Carter's statement on Israel at Evron's welcoming ceremony was an encouraging sign; more such signs are needed. For if the administration doesn't recognize a truly stable ally when it sees one, it is unlikely to benefit from an intelligence study on predicting events in the grayer areas of global stability.●

TEACHER MOBILITY

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. HARRIS. Mr. Speaker, teachers today are as mobile as other Americans, moving for many personal and professional reasons. Many teachers choose to move across State lines whether across the country or within multi-State metropolitan areas such as New York, Washington, Philadelphia, St. Louis, Memphis, and Louisville. Teachers who exercise their right to teach in distant or adjoining States do so at the price of sacrificing their retirement rights because retirement benefits are not often transferable from State to State.

Because there is no established retirement criteria, teachers may decide against crossing State lines to teach, even though their skills may be needed in a neighboring system in another State. Teachers who move may choose not to retire when they are first eligible. Rather, they keep teaching to accumulate additional years of credit—years they have lost because retirement credits were not transferable between States.

It is time the Congress recognized the regional nature of many of our school districts, and took positive steps to address the problem of teacher mobility between States. I am introducing today, the Mobile Teachers' Retirement Assistance Act of 1979, legislation which would assist States and localities in preserving the retirement benefits of public school teachers who teach in more than one State. The bill would enable teachers who have taught in two or more States to retire at the end of their careers with benefits approaching the amount they would have received by teaching in a single State for their entire career. The following concepts are incorporated in this bill, which would:

> Permit teachers to purchase up to 10 years of lost out-of-State retirement credits;
>
> Require particiipating States to provide vesting of retirement benefits in not more than 5 years;
>
> Require no more than one year of in-State service for each year of out-of-State service credit granted;
>
> Provide that the teacher's payment for out-of-State service shall not exceed 25 percent of the total cost of the out-of-State credit;
>
> Provide a Federal payment for each year of credited out-of-State service equal to 50 percent of the total cost, provided that if the teacher has not reached age 60 at retirement the cost shall be determined as if the teacher were age 60;
>
> Require a State payment which shall not be less than 25 percent of the total cost;
>
> Provide that the cost to the Federal Government, the State government, and the teacher shall not exceed the necessary reserve to make benefit payments, and
>
> Stipulate that such payments to a State retirement system must not be used for other purposes than to make benefit payments under the existing laws of the State.

The Mobile Teachers' Retirement Assistance Act is not compulsory in nature. It is an incentive bill which recognizes State prerogatives in education and the importance of the State retirement system as the primary vehicle for providing retirement benefits to educators. At the same time, it provides a common program throughout the Nation, thereby allowing teachers to provide for their future retirement while they are actively employed. This important legislation has the support of many of the teachers in Virginia who have moved here from a different State to accompany a spouse to the area or in search of professional advancement. The bill would help teachers alleviate a serious and growing problem, and deserves the support of the friends of public education everywhere.●

H.R. 1964—FEDERAL CONSTITUTION CONVENTION AMENDMENT ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. HYDE. Mr. Speaker, public interest in amending the Constitution to require a balanced budget is mounting. Twenty-eight States have already submitted such a convention call; only six more are needed to comply with article V.

One fear shared by many is that such a procedure would result in a runaway convention that might end up rewriting many sections of our Constitution. To allay these fears, I have introduced H.R. 1964, the Federal Constitution Convention Amendment Act. My bill is virtually the same as the Ervin bill which passed the Senate unanimously in 1971 and 1973.

Although I sponsored similar legislation in the last Congress, hearings were not held because the Democratic leadership did not want to provide momentum to the proliferating convention calls. Apparently that feeling still prevails, with the attitude of Subcommittee Chairman Don Edwards expressed on page 275 of the February 17 Congressional Quarterly:

> We have never felt it was significant enough to hold hearings.

And.

> Anything that encourages this sort of utilization of Article V is unwise.

I strongly disagree, and as the ranking Republican on the Subcommittee on Civil and Constitutional Rights, chaired by Congressman Edwards. I intend to move for hearings at the earliest possible date.

Congress has an obligation to adopt procedures for a constitutional convention, in compliance with article V, before two-thirds of the States apply for a constitutional convention. The chaos everyone fears can be prevented by serious and timely consideration of this or similar legislation.

It is useful to note that such legislation was urged by the Advisory Commission on Intergovernmental Relations in 1971, and the same conclusion was reached by the American Bar Association's study committee in 1973.

To those who shrink from this method of amending the Constitution because since our first convention it has never been used, the words of Abraham Lincoln, in his first Inaugural Address (1861) are instructive:

> Many worthy and patriotic citizens are desirous of having the national constitution amended . . . I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should . . . favor rather than oppose a fair opportunity being afforded the people to act upon it. I will venture to add that to me the convention mode seems preferable, in that it allows amendments to originate with the people themselves, instead of only permitting them to only take or reject propositions originated by others, not especially chosen for the purpose and which might not be precisely such as they would wish to either accept or refuse.

It is more than ironic that so many who are outspoken in their dedication to the democratic process are so fearful of letting the people, through the convention process, have significant input in shaping their Constitution. This is particularly interesting because any proposals that are adopted by the convention (under my bill a two-thirds vote of the delegates is required) must, as any amendment proposed by Congress itself, be ratified by three-fourths of the States. Thus, any amendments would require and obtain the extraordinary majority demanded by article V.

When feminists demanded an extension of time for ratifying the ERA, their proposal swept through this same process with mind-boggling speed.

But when essential legislation such as this is proposed, great disinterest characterizes those who have exclusive access to the levers of powers.

What it all amounts to is the growing conviction by more and more citizens that if Congress will not or cannot check Federal spending, then a more responsive and representative body (that is, a constitutional convention) will.

Those who resist this legislation are resisting democracy in action, and exhibiting a sad lack of trust in the people they loudly proclaim to protect. They confuse virtue with elitism and disserve the Founding Fathers who adopted article V as well as those citizens today whose frustrations take the form of calls for a constitutional convention.

The concept of government of the people, by the people, and for the people is too radical for our liberal congressional leaders, who fear a balanced budget as much as a nuclear holocaust.

So long as this Congress pretends to intellectual honesty, its leaders cannot deplore calls for a constitutional convention as unleashing a "rogue elephant" and at the same time, refuse to build the cage for this elephant that H.R. 1964 and other similar legislation will provide.

H.R. 1964 has 25 cosponsors as of this date, including 3 distinguished Democrats. Twenty-eight of the necessary thirty-four States have called for a convention.

What are we waiting for?

The list of cosponsors and States follow:

Co-sponsors of H.R. 1964, Federal Constitution Convention Amendment Act—sponsored by Rep. Henry J. Hyde, Illinois:

Robert E. Bauman, Maryland.
Adam Benjamin, Indiana.
James Cleveland, New Hampshire.
Lawrence Coughlin, Pennsylvania.
William E. Dannemeyer, California.
Robert Dornan, California.
John Erlenborn, Illinois.
Edwin Forsythe, New Jersey.
Newt Gingrich, Georgia.
Charles Grassley, Iowa.
Tennyson Guyer, Ohio.
William J. Hughes, New Jersey.
Thomas Kindness, Ohio.
Ken Kramer, Colorado.
Robert Lagomarsino, California.
Gary A. Lee, New York.
Trent Lott, Mississippi.
Manuel Lujan, New Mexico.
Dan Lungren, California.
Ralph Regula, Ohio.
James Sensenbrenner, Wisconsin.
Paul Simon, Illinois.
Gerald Solomon, New York.
J. William Stanton, Ohio.
Thomas J. Tauke, Iowa.

As of February 28, 1979, following States have submitted a convention call on a balanced budget:

Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Maryland, Mississippi, Nebraska.

Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wyoming.●

IMPROVEMENT OF PROGRAM TO PROVIDE TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. BIAGGI. Mr. Speaker, yesterday I introduced H.R. 2483 to make a small but vital change in the section 16(b) (2) program of the Urban Mass Transportation Act of 1964. This program provides private nonprofit organizations with funds to purchase vehicles to transport the elderly and handicapped. My legislation would set aside up to 20 percent of the funds for operating expenses giving a preference to those organizations which have already received funds from this program.

This legislation is both modest and logical. It was prompted by an investigation I conducted in my home city of New York where buses and vans provided under the 16(b) (2) program were sitting idly in garages because there were no funds available to meet operating expenses ranging from paying drivers to maintenance costs. Obviously this defeats the whole purpose of the program and constitutes a waste of taxpayer money.

My bill would allow for the program to absorb a limited amount of the operating expenses. In some areas of the Nation, operating costs can exceed the purchase costs of vehicles. I placed a provision in my legislation giving a preference in the distribution of these operating expenses to those organizations who have received vehicles but who are unable to meet all the costs of operation.

It was my amendment in 1970 to the same Urban Mass Transportation Act which made it national policy that the elderly and handicapped have the same rights to mass transportation as other groups. The 16(b) (2) program is an example of our commitment to these groups. My legislation seeks to make the program even more responsive by guaranteeing that the funds provided achieve their desired purpose to provide transportation services for the elderly and handicapped.

This is a cost effective bill making improvements in a cost effective program. The alternative to being provided those transportation services might be institutionalization or isolation these individuals. The vehicles purchased under the 16(b) (2) programs help transport elderly and handicapped to programs where vital social and human services are dispensed.

I cited my city of New York as being affected by a lack of funds for operating 16(b) (2) vehicles. I am certain other areas of the Nation are similarly affected. I am chairman of the Subcommittee on Human Services of the House Select Committee on Aging and I am considering holding hearings on this legislation and would like to assess how much of a problem this is nationally. If my colleagues have any information about the 16(b) (2) program in their areas, please advise me. In addition I hope Members will join as cosponsors of this bill.

I wish to close by inserting a letter I received from the Handicapped Adults Association, Inc., in Co-op City in the Bronx, which discusses the problem my bill hopes to solve:

HANDICAPPED ADULTS ASSOCIATION, INC.,
Bronx, N.Y., January 19, 1979.

Re: Operating funds proposed for UMTA Sec. 16(b) (2) vehicles.

Hon. MARIO BIAGGI,
Congressman, U.S. House of Representatives, Bronx, N.Y.

DEAR CONGRESSMAN BIAGGI: We have recently learned of your proposal (see newspaper clipping enclosed) to assist or cover operating costs on the specially equipped vehicles used for the transportation needs of the disabled and elderly. Our organization has one (1) such vehicle serving the residents of Co-op City, and an application has been submitted for a second vehicle which is needed. However, we also find the operating costs to be prohibitive, yet we do have the support of the entire community despite the fact that we are a moderate-income development laboring under the economic effects of the inflation and other pressures.

We would be interested in obtaining a copy of your bill and will gladly comment to you on our reaction. Meanwhile, if we can be of any assistance, please do not hesitate to call on us.

May we wish you success in all undertakings in this new year and we will await your reply.

Sincerely yours,
ANNA L. CAPELL, *President.*●

AIRCRAFT NOISE POLLUTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. ROSENTHAL. Mr. Speaker, aircraft noise pollution is not only annoying, but it threatens the physical health of persons on the ground as well as their psychological and social balance. In addition to damaging hearing, aircraft noise has been linked to cardiovascular disease, diabetes, arthritis, fetal damage, increased heart rate and high blood pressure. It interferes with sleeping, listening to the radio and television, communicating, reading, and many of our other daily functions. It depreciates the market value of residential property and disrupts schools and businesses.

The din of commercial jet traffic over Queens continues to adversely affect the health of my constituents, despite the fact that the Quiet Fleet Rule has been in effect since December 1976 and the Quiet Communities Act was signed into law last November. I strongly believe, as do my constituents, that strict FAA surveillance of the airlines' compliance with noise regulations is essential. Until all aircraft are manufactured according to the legal specifications for the reduction of noise, the FAA must require the airlines to report on the progress and specific plans for achieving real noise reduction. A rollback of the 1985 deadline for noise limitation must not be permitted to occur.

In addition, the International Civil Aviation Organization is expected to bring international aircraft service under noise level control within 3 years. The airports in densely populated Queens accommodate many international flight arrivals and departures daily. In the event that an agreement is not reached by the deadline, the FAA must be prepared to establish noise level controls for international flights also.

With the present technology available and the industry's financial resources, the airlines can be reasonably expected to meet the FAA standards for noise abatement without any additional burden on the taxpayer. The airlines, now enjoying record profits and patronage, are quite capable of financing either retrofitting of present engines with sound-deadening material or installing new engines, as well as fleet replacements.

Curbing aircraft noise pollution requires immediate steps as well as long-range measures. For well over a decade, I have been active in legislative efforts to control aircraft noise. In 1966, I was instrumental in the attempts to create an Office of Aircraft Noise Control and Abatement in the Department of Transportation. My current legislation, H.R. 170, the Airport Noise Curfew Act, calls for the creation of a nine-member commission to investigate the establishment of nationwide curfews on airport and aircraft operations during normal sleeping hours. It is at just such times that the need for peace and quiet is most essential for the health and well-being of the public. A curfew on aircraft operations would provide an effective, immediate remedy to the problem of aircraft noise that is so disturbing to millions of Americans who live near our Nation's airports.

The number of complaints about aircraft noise has been growing markedly in my district. It is not enough for Congress to pass new legislation or simply contact the FAA about noise severity. The needs of Queens residents for a bona fide aircraft noise control program can no longer be ignored.

We must emphatically bring the problem to the attention of the Federal and local authorities: The FAA, EPA, DOT, Port Authority and airlines. I am, therefore, sponsoring a conference on aircraft noise in Queens, on March 29, 1979. This conference will bring together representatives of appropriate government agencies and the community in an open forum to seek solutions to this intolerable situation.●

A FEDERAL INITIATIVE?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from January 10, 1979, into the CONGRESSIONAL RECORD:

A FEDERAL INITIATIVE?

Is the day coming when the American people will vote directly on issues before the nation?

Whether the issue is property tax reform or the rights of homosexual persons, the ballot is being increasingly used to make legislation in states and localities across the country. There are initiatives in which the voters propose and enact their own laws, and referendums in which they approve or disapprove the actions of legislatures. In the November election there were 350 such proposals on the ballot in 37 states and scores of cities and counties. Of the statewide proposals, 40 were initiatives made possible by direct citizen petition (the largest number in an off-year election in three decades), while the remainder were referendums proposed by legislatures. In a recent poll Hoosiers have shown their support for the initiative and referendum processes by an overwhelming margin of 65% to 5%, with 30% undecided. Similar national polls show the same heavy majority on the side of those processes.

Current interest in the initiative and referendum processes probably stems from the people's feeling that they are not getting their money's worth in government services for the taxes they pay. It is one manifestation of the search for a more responsive government. To some extent the interest may be a sign of the people's distrust of elected officials. Also, much of the interest has been generated by single interest groups. These groups believe strongly about an issue and favor direct intervention by the voters when legislatures do not respond to them in the "right" manner.

The initiative process—the more direct of the two ways in which the voters themselves make legislation—is presently in effect in 23 states (Indiana is not one of them). However, many people would like to see that process at work at the federal level. Although the Constitution gives Congress and the President sole responsibility for the enactment of federal legislation, several members of Congress have sponsored a constitutional amendment which would permit citizens, after collecting 2.5 million signatures in ten states, to require a nation-wide vote on their proposal during the next congressional election. The proposal would become law if a majority of voters cast their ballots in favor of it. The question is whether such a constitutional change is warranted.

Many worthy arguments can be advanced on both sides of the issue. On the one hand, the initiative process might have its drawbacks. The Founding Fathers set up a form of government in which the people do not decide the issues themselves, but rather choose representatives who deliberate on, and then decide, the issues. Legislative procedures such as hearings, formal debate, and amendment are not part of the initiative process, so the deliberative aspect of lawmaking would be restricted by it. Also, today's issues are highly complex, and it may be neither fair nor reasonable to ask the voters to spend the time and energy necessary to make informed decisions on all of them. Another problem is that one can easily imagine an initiative process dominated by small, well financed groups that know how to use the media effectively.

On the other hand, the initiative process would have its advantages. At the foundation of the American political system is trust in the judgment of the people and confidence in the discriminating power of the voters. Any process designed to give the people a greater voice thus has an obvious appeal, particularly at a time of voter apathy and public cynicism about government. The initiative process could help to reverse the trend toward less citizen participation in government. It might stimulate the federal government to action in areas where it has been reluctant to move. Another factor is the widespread approval of the concept in the polls.

Proponents of the federal initiative have one more argument to put forward: the initiative process has worked well in states and localities, so why should it not work just as well at the federal level? I find this argument compelling, but I must confess to certain misgivings. Federal law is made in Congress, a two-chambered body where representation is apportioned both by population (the House) and state (the Senate). To permit citizens themselves to legislate by a majority vote overall, however, would be a departure from a process that has served us reasonably well for 200 years. The initiative would give urban states an even greater legislative power than they have now. Rural states, of course, would see their power diminished.

I favor the increased use of the initiative process in states and localities. I would like to see Indiana adopt it. At the federal level, Congress should begin a careful examination of the issues raised by it. I believe that the initiative process symbolizes the trust the American political system puts in people. It merits serious consideration if for no other reason than that.●

THE WORLD'S LARGEST CONCENTRATION CAMP

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. LAGOMARSINO. Mr. Speaker, the vaunted human rights policy of this administration suffered its most critical setback when the President decided to extend diplomatic relations to the People's Republic of China. The following John P. Roche column, entitled "The De Facto Warden" underscores the fact that the United States has now recognized a regime which is, as Mr. Roche concludes, "the world's largest concentration camp." The article follows:

THE DE FACTO WARDEN

(By John P. Roche)

"You Americans," a Polish friend sadly observed some years ago, "think history starts anew every morning." His particular complaint was that Eastern Poland, his ancestral homeland, had been casually handed to the Soviet Union at the end of World War II and his family shipped off with nothing but the clothes on their backs to land formerly German. He could not in any case return to his new "home": he was a veteran of the Polish army that fought with us in Italy, "a reactionary fascist" in the lexicon of the Polish communist regime.

The frenzy over the visit of Chinese Vice Premier Teng Hsiao-ping, which stopped just short of strewing palms in his path, reminded me of this somber insight. One might have thought Teng was a long-persecuted advocate of human rights, a Messiah come to redeem Chinese communism of its totalitarian character. In fact, he was the chief organizer of one of the greatest purges in history, the "Rectification Campaign" of 1957–58.

It began with roses—quite literally. On June 18, 1957, Mao's "Hundred Flowers" speech, made in February, was released to the people. In it the chairman admitted that perhaps the liquidation of 800,000 alleged counter-revolutionaries (a gross underestimate according to knowledgeable Sinologists who put the count in millions) had been a bit severe. To summarize a four hour speech, he went on to call for open debate within a framework of "centralized guidance" and coined the slogan "Let a Hundred Flowers Blossom and Let a Hundred Schools of Thought Contend."

The obviously unanticipated response was seismic. A million flowers bloomed including one notable cactus-blossom: a professor at Peking University stated baldly in the *People's Daily* that "to kill communists and overthrow you cannot be called unpatriotic, because you communists are no longer of service to the people. Even if the Communist Party is destroyed, China will not perish."

Four days later Chou En-lai shadowed by Teng, his chief capo, decided to close the playground: he told all non-communist Chinese they would be "enemies of the people" if they criticized the government. This took over 95 per cent of the population out of play at one swoop. Shortly thereafter students were told critics of the regime would be subjected to severe penalties, "rightists" were discovered spreading "fantastic anti-Socialistic views," and the elite hit the panic button.

Chou En-lai, an urbane, cynical survivor whom Mao never purged because he was useful and quite prepared to be No. 2, seldom handled dirty jobs in person. What was called for in 1957–58 was not a minor league operation but a purge of millions. Chou called for his faithful hit man, Teng, who threw himself into liquidating rightists with the same bouyant zeal to which we have recently been exposed. God alone knows how many million intellectuals, teachers, small entrepreneurs, and other "antisocial" elements went to the wall. Ironically, survivors have just been "rehabilitated" by the same man who sent them down! He smiled his charming smile and said, in effect, "I cannot tell a lie: Mao did it."

To say this is not to argue President Carter should have had him arrested for trial in Nuremberg, or that the United States should not recognize the Chinese Peoples Republic. It is to call for a realistic assessment, not a love affair. Teng has been running around the United States trying to gin up a war with the USSR. I share his view of Moscow as I do Moscow's of him, but no matter how sincerely I despise Soviet totalitarianism I'm not going on a Chinese sponsored polar bear hunt. If he and the Soviets want to fight it out, let's watch on television.

In short, anyone who thinks we are playing a "Chinese card" against this brilliant, dedicated old gangster suffers from the sin of innocence. No matter how nice Teng and Cho Lin were to Shirley MacLaine, Jimmy and Rosalynn, Fritz and Joan, and the other starry-eyed members of the White House cast, the vice premier is still the de facto warden of the world's largest concentration camp and thus an implacable enemy of the fundamental values of our society.●

A BILL TO SUSPEND THE DUTY ON CHIPPER KNIFE STEEL

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. ALBOSTA. Mr. Speaker, today I am introducing legislation to suspend the import duty on chipper knife steel. This is a special type of tool steel required by domestic manufacturers in far greater quantities than can be obtained on the domestic market. The finished product is subject to much lower duties when imported. This places our manufacturers at a very significant disadvantage. I would like to insert in the RECORD an extension of my remarks covering the matter in more detail.

This bill would add a new item 911.29 to the appendix of the Tariff Schedules of the United States (TSUS) providing for duty-free treatment of column 1 (MFN) imports of chipper knife steel entered, or withdrawn from warehouse, for consumption before July 1, 1981. Imports of chipper knife steel are now dutiable under TSUS item 608.52 at a column 1 rate of duty of 10.5 percent ad valorem plus additional duties on the chromium, molybdenum, tungsten, and vanadium content of such steel.

Chipper knife steel is principally used as a rew material for the production of chipper knives.[1] Chipper knives are used in heavy equipment that chip trees and other wood into pulp and wood fiber products. The wood chips produced by chipper knives are being put to an increasing variety of uses, including the treatment of sewage, the production of paper and corrugated boxes, and landscaping. Wood chips are also being considered as a new energy resource.

Chipper knife steel is not produced domestically in quantities that are anywhere near sufficient to satisfy the demands for chipper knife steel by U.S. chipper knife manufacturers. The insufficient production of chipper knife steel by the domestic specialty steel industry was the principal basis for President Carter's decision—announced April 5, 1978—to exempt chipper knife steel from the quotas on specialty steel imports.[2] The President decided to exempt chipper knife steel from the specialty steel quotas after taking into account the advice of the U.S. International Trade Commission, the Office of the Special Representative for Trade Negotiations, and the Cabinet Departments that are represented on the interagency trade policy committee. In addition, the tool and stainless steel industry committee—and spokesgroup for the U.S. specialty steel industry—notified President Carter that it did not oppose the exclusion of chipper knife steel from the quotas on specialty steel products. An exemption from the quotas was essential to the survival of U.S. chipper knife manufacturers, since they must rely heavily on imports of chipper knife steel to meet their raw materials requirements.[3]

Domestic chipper knife manufacturers face strong competition from imports of finished chipper knives from Finland, Sweden, Germany, Austria, and Japan. Several domestic chipper knife manufacturers have been forced to leave this market because of foreign competition and others have been forced to curtail production. Only six U.S. firms continue to manufacture chipper knives and of these only four are American-owned.[4]

A chief reason for the competitive advantage of foreign chipper knife imports over domestic products is that the duty on finished chipper knives, under TSUS item 649.67, is only 5 percent ad valorem, whereas the duty domestic chipper knife manufacturers must pay to import their requirements of chipper knife steel exceeds 10.5 percent ad valorem. This difference between the rate of duty on finished chipper knives and the rate of duty on chipper knife steel gives a major competitive advantage to foreign chipper knife manufacturers, since the cost of chipper knife steel represents almost 80 percent of the cost of manufacturing chipper knives. In essence, this discrepancy in duties constitutes a subsidy to foreign manufacturers by the U.S. Government. The elimination of the duty on chipper knife steel could greatly strengthen the ability of U.S. chipper knife manufacturers to compete with chipper knife manufacturers abroad.

Because of its distinctive chemical composition, chipper knife steel can be readily distinguished from other alloy tool steels. The definition of chipper knife steel contained in this bill is identical to the definition used by President Carter in Proclamation 4559, by which he exempted chipper knife steel from the specialty steel quotas. This definition of chipper knife steel was jointly formulated by representatives of the Office of the Special Representative for Trade Negotiations, the U.S. International Trade Commission, and the U.S. Customs Service. The tolerances for each element of chipper knife steel are narrowly drawn by this definition so as to insure that it applies to no type of alloy tool steel other than chipper knife steel.

CONCLUSION

The suspension of the duty on chipper knife steel will eliminate an unnecessary charge on a raw material that is not produced domestically in sufficient quantites and for which there is a growing demand. By reducing the effective cost of chipper knife steel to domestic manufacturers, this duty suspension will help make domestic chipper knives more competitive wth foreign imports. A more competitive domestic chipper knife industry will directly benefit the manufacturers of chipper knives, their employees, and their customers, who can expect that the elimination of duties will translate into lower prices. Thus, a duty suspension on chipper knife steel will indirectly benefit the economy as a whole by reducing prices and increasing domestic employment.

FOOTNOTES

[1] Chipper knife production accounts for more than 95 per cent of domestic consumption of chipper knife steel.

[2] Presidential Proclamation 4559, 43 Fed. Reg. 14,433 (April 5, 1978) [ATTACHMENT I].

[3] According to an unofficial estimate in September, 1977, imports of chipper knife steel accounted for approximately 75 per cent of total domestic consumption. This proportion has probably increased in succeeding months since a major domestic producer of chipper knife steel (Universal-Cyclops of Pittsburgh, Pennsylvania) apparently has shifted its production to other types of specialty steel.

[4] The other two domestic chipper knife manufacturers are subsidiaries of foreign-based conglomerates.●

JOHN MOSS, THE MAN WHO PERFECTED OVERSIGHT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. OTTINGER. Mr. Speaker, many of us in the House expressed our regrets last fall when we began really to understand the impact that the loss of John Moss would have upon us.

John Moss was one of the most exemplary Congressmen I have ever had the privilege of knowing, and I surely wish he had not decided to leave us try to do things on our own. His will be a hard act to follow, but at least for those of us who have been working wtih him, we have some method, some necessity and, most important of all, some sense of outrage, all of which are essential ingredients of any effort even to try to emulate John Moss.

Earlier this month, Ward Sinclair wrote a superb review of the Moss record in Congress; it appeared in the Washington Post on January 14. I heartily recommend "The Man Who Perfected Oversight;" it probably should be required reading at the beginning of every new Congress.

The article follows:

THE MAN WHO PERFECTED OVERSIGHT

(By Ward Sinclair)

It never fails. Just when they find a use for the wheel, the inventor is not around to explain it. So it goes on Capitol Hill where this year's reinvention of the wheel is something called "oversight."

The papers will be full of talk this year about the 96th Congress being the Oversight Congress. The sense of that term is that enough laws have been passed, enough Big Issues confronted and it is now time for a pause. They will go back and study what they have wrought.

The truth of the matter is that oversight is one of the lesser understood and least exercised functions of Congress. It is overseeing the functions of government and the actions of its officials. In a word, it is investigation. All congressional committees have an oversight role, but few take it seriously. It is messy, it takes time and concentration and, should one dare a cynical thought, it has little appeal to the young and chi-chi Boob-Tube Babies who increasingly inhabit the House and Senate.

So whatever the meaning, oversight is "in" and now that Congress is about to rediscover this wheel, the past master of the art—and be not mistaken it is an art—has gone home to retirement in Sacramento.

At noon on Jan. 3, for the first time since 1953, John E. Moss was no longer the representative from California's 3rd District. Too bad. For if this is in fact the Oversight Congress, as its leaders have proclaimed, Moss would have been in hog heaven had he stayed.

In many ways, at least in recent times, John Moss had to be considered the inventor of oversight. For two decades, his subcommittee investigations put a relentless light on almost every imaginable kind of federal and corporate misdeed. Moss flayed, groused, flayed, pestered and then flayed some more as he charged along on his legislative Rocinante.

IMPRINT ON GOVERNMENT

But why John Moss? Why this mild, not very colorful, onetime appliance dealer and real estate salesman from the Central Valley? The best answer seems to be that Moss somehow figured that a congressman was supposed to come here and take names and kick tail. So he did, to a fare-thee-well.

By the time Moss left Washington he had achieved something that others can lay only spurious claim to: an imprint on the way life is lived in the United States, an imprint on the way government governs.

Almost single-handedly, over enormous resistance, Moss championed the Freedom of Information Act of 1966 that opened government files to the public. Subsequent amendments in 1975 refined the law further and opened the process even more. Most of his colleagues and admirers agree the FOIA was the brightest of the gems Moss left behind.

But the laws broadening the scope of the Federal Trade Commission, tightening securities regulation, establishing automobile and tire-safety standards, providing product-warranty protection and setting up a Consumer Product Safety Commission are among the other major legacies. The list is more impressive because Moss never was chairman of a full committee, the usual power base of the super-doer.

The subcommittee level, to which he was limited by the seniority system was where Moss as overseer compiled his lengthy record as the House's gadfly. His last assignment, as chairman of the Commerce Committee's subcommittee on oversight and investigations, gave him rein to look into almost anything that tweaked his pique.

In the 95th Congress, in 1977 and 1978, the inquiries and investigations rolled at floodtide: the world uranium cartel, FBI foreign security surveillance, Air Force contract shenanigans, accountants' practices, hospital care and unnecessary operations, natural gas shortages, drug costs, college athletics, HEW birth-control policy, pesticide regulation all came under the subcommittee's investigative eye.

The results then, as before 1975, when Moss directed oversight investigations by other Commerce subcommittees, often meant hearings that attracted the press and reports that made Moss a front-page name all over the country.

ASSESSING THE RECORD

In a world where ego-tripping is *de rigeur,* there's an almost sour grapes view among some of Moss' old House Democratic colleagues, conceding that he did some big things but that all in all he wasn't the most effective congressman a district might have. To be sure, Moss made enemies, not a few of them in the House, where he violated the old-boy codes by calling the drones by their real names. His detractors—mostly Republicans and corporate captains—liked to say he was arrogant and unfair, publicity-happy, a power-crazy left winger.

One day before he left for home, Moss looked back to ponder the record. The criticism, if anything, mostly amused him. He treated it the same way he treated critical reactions to his votes: "Too many people want to be popular around here. I don't really give a damn. If it's the right vote, it will become popular."

The notion that he was antibusiness or a shill for the lefties amused him equally. "Actually" he said, "I am very conservative. People who want to dismantle the regulatory machinery of government are not conservatives, as many of them claim. They are very radical. That machinery is there because abuses occurred: the FTC, the Federal Reserve, the Securities and Exchange Commission, the Interstate Commerce Commission. These things, you just don't tear down and destroy. Those cries come from people who claim regulation is onerous."

Typical of his don't-give-a-damn attitude was what Moss did in early 1973, when those early rockets from Nixon's Watergate started bursting. Moss called on the House to get the machinery ready to deal with a presidential impeachment. The House, typically, decided to wait awhile after less blunt but more timorous souls prevailed.

"The leadership told me I was premature," Moss recalled, "but the thing of concern to me was that the House do its job . . . The pardon of Nixon [by Gerald Ford] interfered with the role of the House. The House should have completed its impeachment action. We were less than we should have been on that occasion. I don't think the country would have been hurt by an impeachment. I like nice clean pages of history."

PRAISE FROM NADER

Ralph Nader, who is not given to soaring praise of your public servant, thinks the clean pages of history will show Moss to be "one of the greatest members of Congress of this century." Before Nader was inspiring legions of young idealists into their own oversight of corporate and governmental waywardness, Moss had been there already, "Nobody perfected oversight as John Moss did," Nader said.

The curious thing is that Moss came to Congress in 1953 with none of the polished tools one might expect a bulldog investigator to have. He did have, however, a high indignation level, a basic sense of right and wrong and a belief that Congress was intended to be something more than a rubber stamp for vested interests.

He was born in Utah, the son of a coal miner, but moved to California with the family as a boy. He attended a Sacramento college for two years, then went into business and Democratic politics. He was a state assemblyman for two years before his election to Congress in 1952.

His victory that year was by four-tenths of one percentage point and, as Moss remembered it, "By all that was holy, I was surely destined to be a one-termer." He seemed to seal his fate when he voted against California's interests, citing constitutional grounds, on the controversial Tidelands oil legislation. "With that, the opposition savored victory. But, in 1954, I got 62 percent of the vote. People said they admired my courage and that became a rule with me—to vote the way I think I should vote."

So with relative electoral security at home and armed with his idea that he was a part of the most representative segment of the federal government, Moss was a natural for the investigative work his subcommittee did. Before there was such a thing as "consumerism," Moss was practicing it on Capitol Hill. "I just have a strong feeling that when I buy something I am committing my dollars and my confidence to a product and I have a right to get a commitment of quality. It is wrong to sell people things that are dangerous to them in normal use."

The trouble with Congress, he continued, is that not enough of its members are looking much beyond the next election—they're too busy with their political careers to let sensitive and potentially damaging issues get in the way.

"Congress is not doing the kind of work that ought to be done. We ought to be monitoring the executive branch much more closely here. Take the General Services Administration. That is an incredible situation. What were the committees with the proper jurisdiction doing when these scandals were occurring? That is where the failure occurs."

BELIEF IN CONGRESS

Michael Lemov, a Washington attorney who once was Moss' chief counsel on consumer oversight, remembers him as "a brave man in a town of compromisers . . . While he was not a lawyer, he knew as much law as there was to be known about legislation. He also had a great belief in Congress as an institution. Whenever he took up the gavel, he felt he was representing an institution created by the Congress, and he was very strict and demanding in public as a chairman."

"In private," Lemov went on, "he was gentle and fair—revered by his staff—and he would never end a meeting until the other side had finished its presentation. Never blew his top, never raised his voice."

In public, with the gavel in hand, though, Moss gave another impression. He could be downright nasty with witnesses who spouted mumbo jumbo. He was unforgiving of malefactors and curt with bureaucrats who didn't want to share information with Congress.

"You have to hold a tight rein on a hearing," was the way Moss explained that. "Maybe I was too tight . . . But I think if we are to preserve our system, we have to be certain that nothing shatters the integrity of this institution."

Moss had a simple formula for conducting his subcommittee inquiries. He hired the brightest investigators he could find and then let them go where the leads took them. He made up his mind that he would be prepared to take "all the heat your opponents can put on you."

"Every Congress needs an SOB who ignores courtesy and convention. Moss did it without compromise. It's pretty glib to call a man courageous, but he was. He was persona non grata to a lot of members of the House—and that is what made him so essential around here," said one of his admirers.

Thomas Greene, a young lawyer from Sacramento who was Moss' last general counsel, said the congressman's "secret," such as it was, was that "he always perceived himself as a man from Sacramento—never a part of the Washington establishment, never got into the big power game. He never said he was a crusader. He would feel uncomfortable saying that. But he had a sense of where he was going. In that area of the country, you can't be too outrageous and continue to be elected."

John Moss did his thing and now he's gone, maybe to teach in California, maybe to go back into business, but, at 63, not regretting for a minute that he could walk away from Washington cold turkey.

"You actually do represent the people when you come here. You are selected to speak for them and it *is* a great opportunity. But Congress should not be a career, and staying here should not be more important than the quality of your work." ●

TREATY TERMINATION

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. FOWLER. Mr. Speaker, Prof. Albert B. Saye, Richard B. Russell professor at the University of Georgia and a well-known constitutional scholar, has carefully analyzed the President's decision to terminate the defense treaty between the United States and Taiwan. I would like to share with my colleagues his thought-provoking views as expressed in a letter to the editor, New York Times, January 3, 1979. He states:

To the Editor

The suit filed by Senator Goldwater challenging the authority of President Carter to terminate America's defense treaty with Taiwan may serve a useful purpose. We need a reaffirmation by the Supreme Court of the principle that the Constitution of the United States vests primary responsibility for the conduct of foreign policy in the President. Goldwater's suit could be used by the Court appropriately for an opinion clarifying the haze now clouding relations between the executive and legislative branches of our Government in this important area.

The Constitution reflects a competition between the concept of an executive subordinate to a supreme legislative power and the concept of an executive autonomous and self-directing within a broad range of power. This is most evident when we have the anomaly of a Republican President and a Democratic Congress, or vice versa. A notable example was the tension between President Nixon and the 93d Congress. The War Powers Resolution of Nov. 7, 1973 (87 Stat. 555), and the Budget and Impoundment Control Act of July 12, 1974 (88 Stat. 297), are the most extreme examples of Congressional assertion of supremacy over the President in our entire history. Passed in a moment of crisis, they are both hard to live with on a long-time basis. The constitutionality of many of their provisions is highly debatable.

The extraordinary circumstances in the case of Nixon v. United States (1974) together with the guarded language used in the opinion of the Court suggest caution in interpreting that decision as a broad precedent for limitations upon Presidential power. Chief Justice Burger noted that President Nixon's claim of confidentiality was a generalized one: "He does not place his claim of privilege on the ground they are military or diplomatic secrets."

The conduct of foreign relations is in general a function primarily of the executive in almost all governments; and our Constitution wisely provides: "The executive power shall be vested in a President of the United States of America." In the opinion of the Supreme Court in United States v. Curtiss-Wright Export Corporation (1936) Justice Sutherland wrote:

"Not only . . . is the Federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He *makes* treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'The President is the sole organ of the nation in its external relations, and is sole representative with foreign nations.'"

Albert B. Saye. ●

ENVIRONMENTAL PROTECTION AS ECONOMIC BOON

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. OTTINGER. Mr. Speaker, much has been said over the past several months suggesting, erroneously, in my view, that environmental and health regulation is inflationary.

On the contrary, it is clear that environmental regulation is a positive benefit to our society, not just because it makes life more livable, but because it contributes directly to employment and to economic growth.

Recently, Eckhardt C. "Chris" Beck, the Environmental Protection Agency's regional administrator in New York City—who has been doing a superb job of enforcing laws we in Congress have passed and, at the same time, balancing enforcement with benefit—gave an extremely thoughtful speech. I commend to the attention of my colleagues Chris Beck's address in Trenton, N.J., entitled, "The Emergence of Environmental Protection as an Economic Boon," in which he outlines some of the direct benefits which have accrued to our economy from environmental regulation.

The address follows:

The Emergence of Environmental Protection as an Economic Boon

The following is an address by EPA Regional Administrator Chris Beck to the 5th Annual Environmental Congress of the Association of New Jersey Environmental Commissions on October 21, 1978 in Trenton, New Jersey. We feel the ideas he expressed at the meeting should be shared with our Region II Report readers.

I would like to preface my remarks today by first saying that I am fully aware and deeply appreciative of the job this organization performs. You are the ones who translate policy into action, planning into results. The environmental movement in New Jersey, as far as I'm concerned, is completely dependent upon the type of grassroots leadership and sophisticated managerial skills which you bring to bear. You have my complete gratitude, and I thank you for a job well done.

I would like to speak to you today about a subject of deep concern to environmentalists, to the people of New Jersey, and to all Americans. That subject is—in keeping with the theme of this conference—the economics of environmental protection. To be sure, environmental protection comes with its price tag. Over a 1973–1982 time frame, $325 billion will be authorized by Federal legislation. My own EPA Regional Office—taking construction grant funds into account—oversees a budget in excess of a half billion dollars for this fiscal year alone. As the late Senator Everett Dirksen once said, "A billion here and a billion there, and pretty soon you're talking about real money."

There are some people who have justifiably wondered aloud if it is wise to make such enormous outlays for environmental upgrading and protection. EPA has often been accused of economic villainy. Accused of creating unemployment. Accused of creating inflation. Accused of forcing companies to make nonproductive capital outlays. We have often stood indicted of these crimes. But we have yet to be convicted. I feel that valid reasons exist which explain why our accusers have never made their charges stick. And I would like to explore some of those reasons.

Let's begin with an accusation which is most commonly heard. And one which is most general in nature: Environmental concerns run directly against the grain of the best interests of industry. Take the Boeing Company, for instance. It is truly one of the Giants of American business. Boeing, you may recall, once lost a bone-crunching battle with environmentalists to build a pet project—the supersonic transport jetcraft. But that was seven years ago. Today, through its manufacture of solid waste recycling fixtures and other pollution control equipment, sales in the company's Environmental and Energy Division are expected to climb to $100 million this year, with environmental products directly accounting for about 30 percent. This is not an isolated event. More than 600 American companies—including some notorious polluters—are now cashing in on the environmental movement. In other words, these companies once viewed environmental concerns as a scourge against profits. Today, the same environmental concerns are being viewed as a rich source of profits.

Which brings me to the accusation that EPA programs create unemployment. 75,000 jobs have already been created nationally in this newly-established pollution-control industry—one which most Wall Street analysts classify as "bullish" with an extremely bright future.

Additionally, EPA's multi-billion dollar wastewater treatment plant construction program has already created 95,000 jobs nationwide. And many more will continue to be added as the program moves forward. In New Jersey, for example, total construction grant funds committed could reach upward toward $2 billion by 1982, representing thousands of much-needed jobs in this State.

The construction grants program also creates thousands of secondary jobs through the subcontracting and support services which it requires. In all, the President's Council on Environmental Quality estimates that as many as 700,000 environmentally-related jobs now exist. And for the record, EPA monitoring conducted since 1971 shows roughly 22,000 jobs lost due to plant closures blamed even in part on environmental factors. Many of these plants, it must be pointed out in all fairness, were old, poorly managed, and fated to close anyway. When one compares 22,000 jobs lost against 700,000 jobs created in a still-growing market, the accusation that environmental protection costs jobs must be dismissed. The charge, simply, is not based in fact. Quite the contrary. And, in fact, we have heard conspicuously little lately about EPA costing people their jobs.

Instead, environmentalists find themselves attacked on another flank. This time, the charge is that environmental protection is inflationary. But here again, the facts seem unable to substantiate the charge upon closer examination.

According to the leading macroeconomic forecasting firm of Chase Econometrics, all EPA regulations currently add modestly to the annual Consumer Price Index. This increment is currently placed at a level of about .3 to .4 percent. This means, first of all, that even if EPA were to take Draconian measures of cutting back its regulations by, say, a full 20 percent, the net effect on the Consumer Price Index would only be a reduction of less than .1 percent.

Secondly, and more importantly perhaps, the Consumer Price Index—like the Gross National Product—fails to take into account any benefits produced by EPA regulations. These benefits include improved public health, reduced property damage, increased crop yields, improved recreational opportunities and many other immeasurable gains which contribute to an improved quality of life in this country. As long as environmental outlays yield benefits at least equal to their costs, the simple rule of thumb is that they cannot be regarded as inflationary.

Senator Ed Muskie illustrates this point with the following story: People in the United States once survived nicely with no greater amenity than out-houses. Today, with indoor plumbing, the average modern bathroom can tack as much as $3,000 onto the cost of a home. But if it's worth it to you to keep from walking out into the snow every time nature calls, you don't regard the cost of an indoor bathroom as being inflationary. Of public expenditures, for instance, we might not think of a police department's rape prevention program as being inflationary. Or a cancer research effort. Or the building of a cultural facility like the Lincoln Center.

Why then, has environmental protection been singled out for this dubious distinction? This seems especially unfair, since—as I have tried to point out—environmental policies in this country are now creating major economic benefits and opportunities.

Allow me to cite two examples of this principle as it applies to New Jersey. One comes in the area of solid waste management. The other comes in the area of air pollution control. Regarding solid waste management, consider these three facts:

1. Conventional solid waste disposal methods are becoming increasingly expensive for municipalities.

2. Conventional solid waste disposal methods continue to place the quality of water resource reserves in jeopardy, and

3. Fuel and energy are becoming increasingly expensive.

These three facts suggest to me that the term garbage, or even the term solid waste, is obsolete. They should be replaced by the term "urban ore". Burning mixed municipal wastes from larger U.S. urban areas could generate energy equal to as much as 400,000 barrels of oil per day—nearly a third of the projected flow from the Alaska pipeline, enough to provide lights for all our Nation's homes and commercial buildings!

Furthermore, recovery of the materials from residential and commercial solid wastes could provide 3 percent of the Nation's lead, 5 percent of its copper, 7 percent of its iron, 8 percent of its aluminum, 19 percent of its tin, and 14 percent of its paper. Urban ore, in fact, is probably worth more as a natural resource than its counterpart components in the ground, since the technology is now in place for economically mining it. In Hempstead, Long Island, the private sector in cooperation with the municipality is now operating the largest refuse-to-energy plant in America now up and running. In Bridgeport, Connecticut, a similar plant will soon be operating which promises great savings to its users, and great profits to its operators. In new Jersey, plans are being readied on several fronts to produce energy from municipal refuse. In Newark, Camden and Logan Township and other areas, possibilities are being aggressively explored by both the public and private sectors to cash in on the economic benefits and opportunities which are inherent in the area of solid waste management.

Similarly, high-minded environmental policy can be a boon to commerce in the field of clean air. I am speaking specifically of our need to develop quality transportation control plans. Because of their compactness, cities like Newark carry inherent advantages for moving goods and services and people with a minimum expenditure of time and energy. The way people and goods are moved directly impacts urban sprawl, our ability to carry on business efficiently, the quality of our neighborhoods, and more. In other words, transportation control plans carry with them the potential to make our commercial districts less congested by unnecessary traffic, easier to get to through means other than our cars, and therefore more attractive and ultimately, more profitable.

Anyone here who has ever spent a good part of their Saturday shopping spree inside of the Holland Tunnel instead of Manhattan's shops knows what I'm talking about.

Some people have said that transportation controls do not make sense. That they are unworkable. But if this attitude prevails, we will be wasting a real opportunity. Already, gasoline is heading toward a dollar a gallon. Already, parking places are impossible to find, and parking garages charge exorbitant rates. Already, between the potholes and the fenderbenders, a trip into a city is a living lesson in the depreciation of a car's value. My question to you is, "Without transportation control planning, are our cities workable? Do they make sense?"

Environmentalists should not be at a loss for input as the implementation stage of this program draws near. Plans are due from the States by the first day of 1979, and thereafter we will be working as expeditiously as possible to see our intentions take flesh. Congress has taken major steps to insure full public participation in this process. Unfortunately, I have spoken to environmental groups who not only had no idea about what should go into a transportation plan, they were not even aware that the process for formulating these plans was in progress. I am sure this will not be the case in New Jersey, which I find to be a particularly progressive environmental State.

Senator Pete Williams and Congressman Jim Howard are the prime authors of a bill, the Surface Transportation Assistance Act of 1978, which is currently sitting on President Carter's desk. This bill would make the alternative of mass transit more attractive by allowing the use of some interstate highway funds to be channeled over to the mass transit side. I should also add in this vein that the Clean Air Act makes $50 million available to help the State's improve both mass transit, and therefore economic opportunities. Through these efforts, and your input, effective transportation control plans can go a long way toward revitalizing our urban areas and therefore our economy.

In conclusion, I would like to leave you with an observation of America made back in 1835 by De Tocqueville. The quote, of course, represents a Frenchman's view of the New World. Among his mostly-flattering impressions of life in this Nation, De Tocqueville wrote, "I know of no country, indeed, where the love of money has taken stronger hold on the affections of men." How much truth is in this, I don't know. But I do know that the politics of realism call on us to accept the fact that the profit motive will always be an integral aspect of American life. For environmentalists to succeed, we must capitalize on the fact that economic and environmental goals are not only compatible, but in many cases can feed and grow off of one another.

EPA is doing everything in its power to make sure that the economic impacts of our regulations are measured well in advance, and that no unnecessary costs are created above the basic needs to protect human health and the environment.

For instance, recent regulatory reforms in both the air and water programs will save millions of dollars in select industries, while doing nothing to jeopardize the protection of our resources. These reforms should be appreciated by many industries, including the New Jersey glass manufacturers. This Administration is pledged to such reform in the regulatory process. Also, EPA is making sure that none of its regulations leads to unfair business competition. New source performance standards for air pollution sources, for instance, are being applied uniformly throughout the country, like all EPA standards. There is no advantage to be gained by a firm's moving from State to State in a search for more lenient pollution control standards. I remain keenly sensitive to the unusual position EPA finds itself in regarding the topic of economic development, particularly in New Jersey. We realize that such development is an essential ingredient of local and State life. But so is clean air. So is good health. So is the need to live in a Garden State. I am convinced we can have both, that we must have both. And I am pledged to that mission, and open to your active participation in it.

Thank you.●

FAMILY FARMERS AND SUGAR POLICY

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. NOLAN. Mr. Speaker, the House Agriculture Committee currently is holding a new round of hearings on sugar legislation.

One of our sugar beet farmers from Minnesota, Anne Kanten, prepared testimony for the hearing but was unable to deliver her statement. Mrs. Kanten focuses on what the lack of adequate sugar legislation will mean for sugar producers at home and abroad. Her comments deserve a wider audience and I commend her statement to my colleagues. The statement follows:

ANNE KANTEN—STATEMENT BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

I am a sugar beet farmer from Minnesota—on land homesteaded by a great-grandfather who came across western Minnesota prairie land in the 1860's. The roots in that land are deep, emotional and filled with struggle.

The last 4 years with our farmer owned sugar co-operative, have not been easy. We have witnessed chaos in the international sugar trade with no clear support for U.S. producers from our own government. In addition, the meagre support levels—below cost of production—for other agricultural commodities spelled economic disaster for farm families in our part of Minnesota.

Last year, you heard reams of testimony and you will hear many more hours of testimony this week that will prove our domestic sugar industry is in deep trouble. You must accept that as a hard fact. But this government of ours—this place reels with facts. The facts, the numbers, the percentages are frightening to me because so many times in the maze of numbers people "fall between the cracks."

In my few moments I would like to make two points on behalf of people, because I believe we were created as an expression of a caring relationship—that as individuals, as institutions, as governments around this chaotic globe, we have a responsibility to each other. I have a Latin American friend who advocates "Liberation Theology," because it speaks to "little people in little places." I would ask my government and my congressman to be sensitive to the needs of "little people in little places" because it is little people coming before this committee and other government agencies that make this nation.

Myself. My family.

As a farmer, as part of a farm family, I've been involved in hard decisions, I have spent long hours in tractors and sugar beet trucks and I have learned to cope with disasters such as hail and drought. All that is part of the business, and I can accept it as part of the farmer's challenge. But I am also the wife of a sugar beet farmer and the mother of a 22 year old sugar beet farmer. What these last few years of economic stress have done to our family has been hard for "Mom" to accept.

Since 1975, it has meant borrowing to plant, fertilize, and harvest the crop. It has meant hours of building and rebuilding machines to cut investment costs. It has meant long, long hours of family work to cut labor costs. It has been agonizing, worrisome and frustrating to continue experiencing higher costs, with no expectation of higher sugar prices. We have to live with fear, the constant fear of what all that means. It means being forced off the land.

Do you know what that does to a farmer—a farmer whose years of wisdom in crop production, in management skills, and just plain hard work are just—"washed down the tube" in higher interest rates, inflated costs and no price for the product?

How many congressmen would be willing to go to the bank each January and borrow, at 10% interest, enough capital to pay their rent, and living expenses simply for the privilege of working the long hours that they do, with no indication that their wages will even come close to paying off their loan? Perhaps you could pay the interest, but how long could you maintain pride in your personhood and in your work under these humiliating conditions?

My son has had 2 years of vocational school with courses in production agriculture. He has farmed for 2 years on rented acres and he worked with our family operation. His debt load is $40,000 because farm commodity prices have been too low. His 1978 farm operation netted a minus $4,000. I am grateful that FmHA will finance him, but I weep for him. FmHA is a totally dehumanizing experience in Chippewa County, Minnesota. At a time when he should be building a future on the land, his early years have been a destructive experience.

As a wife and mother, I find it difficult to cope with forces destroying people and families on our American farms.

Question: At a time when we produce only about 50% of the sugar this nation needs, why shouldn't we be able to build a strong U.S. sugar industry? Or do we wish to be totally dependent on imported sugar?

Besides my family, I would like to speak for a moment on behalf of my sisters—also involved in sugar production. They speak Zulu, Portuguese and Spanish dialects and they come from West Africa, the Caribbean, and the Philippines. They are little people in little places. But, depending on the nation, women are responsible for 40%-80% of all agricultural production in developing countries.

And it is the women as well who have suffered generations of exploitation, injustice and starvation of their families on behalf of corporate profit and in the name of trade and development. Fifty percent of our imported sugar comes from the Philippines, Brazil and the Dominican Republic. Cash cropping of sugar in these countries and many other developing countries contributes substantially to hunger and malnutrition. There is much more profit to be made in growing sugar for export than growing food for people.

Many nations heavily in debt to the IMF and foreign banks are caught in a vicious cycle. In order to make interest payments, sugar exports are heavily subsidized by the governments of exporting nations. Earnings go to wealthy land owners, the political elite and foreign investment. The little people who produce the labor earn perhaps $1.50-$2.00 a day. In the tangled web of profit taking, nations produce what they do not consume and consume what they do not produce and the suffering of women and their families is indescribable.

I see no conflict in my appeal for people:

1. That my family be given an income producing price level for domestic sugar, and
2. That developing nations be given just and fair returns for their labor.

The Carter administration, which has made human rights the highest of priorities, needs to seriously address human rights in the international sugar trade.

We cannot become the "dumping ground" for all sugar produced under these inhumane, evil, destructive conditions. The U.S. plays a major role in influencing the agricultural production patterns that many developing nations pursue, for we are both the leading importer and the supplier of both public and private agriculture investments and assistance.

Comment: It is apparent in some nations that U.S. encouragement of agricultural export crops has forestalled land reform, retarded domestic food production, increased dependency and had a negative nutritional impact on the poor—all the while it destroys a domestic sugar industry.

Our domestic sugar industry must remain a strong, viable industry with strong labor provisions, so that we might continue to produce at a fair and stable equitable price and speak to the injustices of the industry. That legislation we ask of this committee and Congress.●

HIGH SEAS DRUG ENFORCEMENT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

○ Mr. BIAGGI. Mr. Speaker, today I hoist to the yardarm a bill to curb a new menace among the perils of the sea—seaborne drug smuggling. From an imperceptible trickle a mere 5 years ago, we are now engulfed in a surging tide of illegal drugs transported by air and sea from Latin America and elsewhere to our shores.

Recalling the ringing declaration of "war at sea on the pirates of the Caribbean" 260 years ago by the then newly appointed Royal Governor of New Providence (now the Bahamas), the Honorable Woods Rogers, I introduce this vitally needed legislation to rid these same waters of a new breed of international outlaw—the drug smuggler—provided with risk capital for illegal ventures by the same kind of financiers who fitted out those earlier pirates and privateers.

The purpose of this proposed legislation is to facilitate increased enforcement by the Coast Guard of customs and drug laws related to the importation of controlled substances by vessel into the United States.

Since its establishment in 1790, the Coast Guard has been the primary Federal maritime law enforcment agency—responsible for enforcing Federal law on the high seas and waters subject to the jurisdiction of the United States. Its authority is found in 14 U.S.C. 89 and extends to U.S. vessels and vessels subject to the jurisdiction of the United States.

However, the general criminal jurisdiction of the United States is limited by the statutory definition of "special maritime and territorial jurisdiction" (18 U.S.C. 7 (1948)). The exercise of this authority—to board and apprehend persons on board U.S. vessels on the high seas without the necessity for any particularized suspicion of smuggling—was recently upheld in the case of *United States* v. *Warren*, 578 F. 2d 1058 (C.A. 5 1978). Authority to try foreign nationals apprehended by the Coast Guard for conspiring to smuggle drugs into the United States was upheld in the companion case of *United States* v. *Cadena*, No. 77-5395 (C.A. 5 1978).

In 1973, the Coast Guard reported its first modern day seizure of a vessel on the high seas for smuggling large quantities of narcotics and dangerous drugs into the United States. From a mere half dozen arrests that year, by the end of 1978 the Coast Guard was seizing a vessel almost every other day—for a total of 165 vessels for the year—along with 3.5 million pounds of contraband worth a staggering $1.5 billion.

The magnitude of the seaborne drug smuggling problem is immense. Given market demand projections for illegal drugs, the dimensions of the seaborne drug smuggling problem can be estimated with some degree of reliability—at current, albeit optimistic interdiction rates approaching 10 percent.

Some 130,000 pounds of contraband a day must be smuggled into the United States to meet the demand. Eighty percent of this is brought in by vessel—the remainder by aircraft. Virtually all of it arrives by dedicated carrier. Most frequently, "mother ships"—from 100 to 300 feet in length and almost all foreign flag or without nationality—comprise the sea leg of the Latin American connection. No legitimate commercial cargo is carried on board these vessels.

Marihuana is not the only controlled substance smuggled into the United States by vessel. Nor are the rusty "mother ships"—highlighting the network newscasts—the only type of vessel used for smuggling. Our intelligence indicates that almost all types of narcotics have been successfully smuggled by practically every type of vessel from private yacht and commercial fisherman to foreign cruise ship. Just last November, a trawler was seized in New York harbor with 10 million quaaludes on board—with a street value of $75 million.

Who are the users at the other end of this illicit pipeline? No longer are they the junkies of the inner cities—they are the youth of the United States. Ninety-five percent of regular drug users are under the age of 25. It is to meet their increasing demand that the $15 billion drug smuggling industry—all of it untaxed—has evolved.

Drug smuggling directly affects our national well-being. While drug abuse visibly affects the health and morality of our youth, the cancer of corruption of our criminal justice system and political institutions is far more clear and present.

This black market in drugs coexists alongside our domestic economy, sapping its energy and vitality while contributing nothing to national economic growth or to the quality of life. In fact, it now significantly impacts upon our negative balance of payments position in the global economy. In sheer magnitude. marihuana smuggling alone approximates twice the gross national product of a country the size of Ireland. Legitimate corporations, banks, law enforcement personnel and agencies. public officials * * * all are susceptible to the corrupting tentacles of the illegal drug empire.

The only effective response, as with other threats to our national security, is to emphasize enforcement along our maritime borders. The task of patrolling these sea frontiers, falling mainly upon the Coast Guard, is understandably immense. The Lower 48 contiguous States alone include 100 thousand miles of shoreline, virtually all of it easily accessible to the smuggler. The Coast Guard and its facilities are already heavily taxed by the mandate of Congress to surveil and patrol the 2¼ million square miles of ocean encompassed by the Fisheries Conservation and Management Act of 1976—the 200-mile bill.

To this existing responsibility, only recently shouldered, seaborne drug smuggling imposes an additional burden of waging a two-ocean peacetime war at sea, although most of the major maritime traffic routes terminate in the soft underbelly of the United States along our gulf and southeastern Atlantic coasts.

For its part, the Coast Guard has dusted off old tactics, shaken the cobwebs from its thinking about maritime law enforcement, and unspiked its guns. It is, in fact, waging a modern-day drug war at sea off our coasts.

The Coast Guard Subcommittee under my direction has been thoroughly studying the problem of maritime drug smuggling, assisted by the General Accounting Office. The preparation and submission of this measure to the Congress is a first step in a proposed shift of direction in Federal drug enforcement emphasis toward border interdiction.

This year, the combined Federal effort in drug law enforcement will exceed three-quarters of a billion dollars. Much of this expenditure is devoted to street level "buy-busts" by Federal narcotics agents. Narcotics squads have their place. I know. My quarter-century of experience confirms this. However, the "biggest bang for the Federal buck," next to eradicating the foreign sources of illegal drugs, is their interdiction at the border.

Every law enforcement professional knows that the central element of narcotics trafficking is its conspirational nature. After leaving their point of origin, drugs are only visible at the time they cross national borders, usually in bulk, and then not again until they reach the noncomplaining user.

Considerations of efficiency and effectiveness in Government operations—already touted as "twin paradigms" of the 96th Congress, mandate that we take a closer look at improving our Federal capabilities in border interdiction. The Coast Guard is responding with a typical "can do" attitude.

Despite the dimensions of the challenge posed, Coast Guard morale is high and increase proportionately with vessel seizures on the high seas. What is most frustrating for the Coast Guard—and for other Federal, State, and local law enforcement personnel—is to see the smugglers go unpunished. It is this specific problem which the legislation I introduce today is designed to correct.

Today, most U.S. citizens arrested for drug smuggling at sea are never prosecuted. Fewer still serve any time. Sentences meted out are discouragingly light. Virtually all foreign nationals, taken into custody by the Coast Guard on the high seas, are deported or repatriated to their country of origin at taxpayer expense.

As a former policy officer, I can personally attest that the greatest disappointment to a policeman is to have a "bust" go down successfully and then have the perpetrators go free on some loophole in the law.

This legislation will close a long-standing loophole (battening down the proverbial legislative hatches, if you will) that exempts simple possession of controlled substances by U.S. citizens on board U.S. vessels on the high seas from criminal prosecution.

In 1970, when the pendulum last swung from drug enforcement to drug abuse, the Congress—in passing the Comprehensive Drug Abuse Prevention and Control Act—inadvertently repealed existing law (21 U.S.C. 184(a)). This provision made it a felony for any person to possess a narcotic drug on board a vessel of the United States at any time. Its replacement—21 U.S.C. 955—limits this prohibition against possession of a controlled substance on board a vessel to those vessels arriving in the United States or the customs territory of the United States.

Ironically, therefore, the only criminal offense applicable to smugglers apprehended beyond the territorial sea is a new conspiracy statute incorporated in the 1970 act as 21 U.S.C. 959.

This section was intended to permit the indictment and extradition of major foreign traffickers where all the elements of a conspiracy—including overt acts of manufacture and distribution—occur outside U.S. territorial jurisdiction.

Despite its initial success application to convict several well-known traffickers for offenses committed abroad, in the high seas setting there is considerable difficulty in proving the necessary intent to distribute controlled substances inside the United States. Smugglers rarely mark their intended course on their sailing charts and otherwise avoid providing evidence that their cargo is intended for domestic distribution.

If that is not enough, high seas drug enforcement is further hampered by the growing monopolization of the "mother ship" trade by foreign smugglers. Thus, plugging the loophole in existing law at this time would only reach the "load boats" or high-speed shuttle craft of domestic registry used to unload "mother ships" at sea. These vessels are far too fast and numerous for the Coast Guard to successfully interdict them on the high seas. Therefore, the long arm of the law must be extended to encompass the "mother ships" themselves. The proposed bill does this to the extent to which it can be accomplished under the existing framework of international law.

Whether the target is the U.S. citizen, skillfully evading prosecution, or the foreign smuggler, operating with impunity beyond the reach of U.S. law, the problem of jurisdiction is central to any attempt to improve the legal regime applicable to high seas drug enforcement. Any such domestic initiative is fraught with international implications.

Jurisdiction, in essence, is the competency of a nation to prosecute and punish an individual for an offense made criminal by the nation asserting jurisdiction. Extraterritorial jurisdiction is the application of this dual competency beyond a nation's borders, including its territorial sea over which it is sovereign.

Any attempt at expanding enforcement jurisdiction must recognize that, although a nation may prescribe a rule or law applicable to any category of persons, where they may commit an offense against that nation's laws, the nation may be limited by domestic or international law in the ability to enforce that law against different classes of persons. Applicable rules governing enforcement, or personal jurisdiction, on the high seas are found in both international and municipal jurisprudence.

Enforcement authority over our own citizens anywhere in the world is grounded in the universally recognized concept of nationality—and therefore does not involve questions of international law (*Skiriotes* v. *Florida,* 313 U.S. 59 (1940)).

The United States exercises jurisdiction over domestic-flag vessels by virtue of the fundamental principle underlying the doctrine of freedom of the high seas, commensurately obligating states to exercise authority over vessels flying their flag. This authority extends to offenses by U.S. citizens on board U.S.-flag vessels—even within foreign territorial waters where the local sovereign has not claimed jurisdiction (*U.S.* v. *Rodgers,* 150 U.S. 249 (1893)).

It is in the assertion of jurisdiction over aliens on board vessels other than our own that the mix of legislative considerations necessarily must include both domestic and international implications.

The United States has long held that it has the inherent right to exercise extraterritorial jurisdiction over persons committing offenses contrary to its law by virtue of their impact upon our vital national interests. The seminal opinion indelibly establishing this proposition in domestic law was enunciated by none other than Chief Justice John Marshall in the case of *Church* v. *Church,* 6 U.S. 187 (1804).

The test of reasonableness—formulated in that decision for the legitimate exercise of extraterritorial jurisdictional authority—alternately condemns such actions when they unnecessarily vex and harass foreign lawful commerce and justifies them when they are reasonable and necessary to secure (domestic) laws from violation. His litmus test approach for predicting the likelihood of acceptability in the international community of such intrusions upon the concept of freedom of the high seas is as valid today as it was to a young nation struggling for survival amid foreign rivals for high seas supremacy. Only now, the audible limits of likely counterclaims have been reduced to the muted contents of diplomatic protests.

The protective principle announced in that decision was later utilized in support of the enactment of the Anti-Smuggling Act of 1935 (19 U.S.C. 1701 et seq.)—in response to prohibition era rum running. In fact, this internationally recognized precept was revived in 1970 to justify the application of the uniquely American crime of conspiracy to international narcotics trafficking.

A basis in international law for limited expansion of domestic jurisdiction over seaborne drug smuggling is provided by the Single Convention on Narcotic Drugs, 1961 (18 T.I.A.S. 6298) and by the Convention on Psychotropic Substances, 1971 (not as yet ratified by the U.S.).

In combination, these twin conventions document universal recognition of the threat posed to individual nations by international drug smuggling. Both treaties obligate signatory nations to adopt special control measures to prevent illicit drug trafficking, and to cooperate with other nations in the institution of such measures.

There is, accordingly, adequate foundation in international law for a domestic initiative to broaden the prescriptive authority defining offenses involving international drug trafficking on the high seas as it affects the United States. Indeed, the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 reveals a clear intent to implement pre-existing obligations undertaken by the United States in the international community by the passage of that legislation

Given the significance of illegal narcotics trafficking into the United States, the approach taken in this proposed legislation incorporates restraint. It recognizes legitimate limitations upon individual action by the United States, embodied in universally recognized principles of international law. Yet it does not lose sight of the fact that these same constraints influence only our ability to enforce domestic law extraterritorially—and not our competence to prescribe penalties for these very same universally recognized offenses, wherever they occur.

It is the mark of a great nation that, when it projects power in the protection of its vital interests, it acts with precision—but once having determined to do so, it proceeds boldly without reluctance.

In the exercise of the power to extend the scope of its jurisdiction to encompass persons who, by their actions, give rise to detrimental consequences within the United States—Congress is the final authority with respect to perceived conflicts with international law.

In applying existing law to foreign nationals apprehended on the high seas for smuggling narcotics into the United States, the courts recognize this inherent power conferred upon the Congress by the Constitution (*United States* v. *Cadena,* 579 F. 2d—(C.A. 5 1978)). However, the courts cannot fill a statutory void—only the legislative branch of Government can do that.

In revising this legislation, originally introduced in the last Congress applicable only to U.S. vessels, I have acted with great care in extending the scope of enforcement of its substantive provisions to certain vessels in circumstances where they may be subjected to the legitimate assertion of U.S. extraterritorial jurisdiction.

The instances under which vessels may become subject to the jurisdiction of the United States are in accordance with universally recognized principles of international law, by prior consent of the flag state, or by operation of the law.

The Geneva Convention on the High Seas, 1958—in codifying the doctrine of freedom of navigation on the high seas—imposes corollary obligations upon flag states and the vessels whose flag they fly in furtherance of maintaining the public order of the oceans.

In order to claim the protected status of exclusive flag state jurisdiction on the high seas, article 5 of the Convention requires that there must exist a genuine link between the vessel and the flag state, equated to effective control over the vessel's movements and operations in international commerce and navigation. The vessel thereafter may legitimately fly the flag of only one state—except in the case of a real transfer of ownership or registry.

A vessel not so entitled is without nationality. A vessel violating this international framework by flying more than one flag or by a false claim of flag state protection may be assimilated to a vessel without nationality. Under article 22 of the Convention, a warship (for example, a Coast Guard cutter) may board a merchant vessel on the high seas to verify its nationality. If found to be without nationality, the warship may arrest and seize the vessel, subjecting it to the jurisdiction of the flag of the warship for slavery, piracy, or for contravention of domestic law (*United States* v. *Klintock,* 18 U.S. 144 (1820); *United States* v. *Holmes,* 18 U.S. 412 (1820)).

The Geneva Convention on the Territorial Sea and the Contiguous Zone recognized the existence of a 12-mile contiguous zone surrounding the Nation for the purpose of enforcing domestic customs laws. This principle, in our jurisprudence, has its origins in the very act which established the U S. revenue marine in 1790—the lineal forebearer of the modern-day Coast Guard. Thereafter, any vessel found within this zone is deemed to have constructively consented to the assertion of U.S. jurisdiction in the application of its antismuggling statutes.

In another instance, the United States may legitimately assert jurisdiction over a foreign-flag vessel on the high seas that enjoys flag state protection, applying its own domestic law to the vessel seized when the seizure is made by the

Coast Guard, acting as an agent for the foreign nation pursuant to prior consent.

Such authority is exercised domestically in accordance with Presidential Directive NSC-27 of January 19, 1978 which establishes the approval procedure for the Coast Guard to board, inspect, and seize—on a case-by-case basis—foreign vessels on the high seas, with the advice and concurrence of the foreign nation concerned.

Expansion of this mechanism of case-by-case approval to a more general approach on a country-by-country basis could be effectuated by either an informal exchange of notes between the countries or by bilateral treaty. I have frequently advocated that this be done.

Lastly, with passage of this important legislation, those nations that have been reluctant to seek extradition of drug smugglers, arrested by the Coast Guard on the high seas, may now promptly initiate such requests. In addition, several Latin American countries have provisions in their domestic law revoking flag state protection for vessels engaged in illicit narcotics trafficking. Prompt enactment of this legislation might stimulate them to initiate such proceedings domestically, thereby removing flag state protection for smuggling craft and rendering them susceptible to the assertion of jurisdiction over them by the United States by operation of law.

Armed with this new authority—but facing a responsibility as old as the agency itself—I am confident that the Coast Guard will win the drug war at sea.

Not too long ago, on a street in New York, I saw a bumper sticker on a patrol car—no doubt placed there by a zealous member of New York's finest. It read: "Cops do it with authority." Let us give our uniformed maritime patrolmen the authority they need to uphold the law on the high seas.

I urge prompt consideration and passage of this vitallly needed legislation by my colleagues in the Congress.●

THE GASOLINE SHORTAGE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. LAGOMARSINO. Mr. Speaker, I would like to insert an editorial concerning the energy problem from the Los Angeles Herald Examiner into the CONGRESSIONAL RECORD for the benefit of my colleagues.

THE GASOLINE SHORTAGE

The government is talking gasoline shortage again, largely because of the oil field strike in Iran. That strike has cut world oil supplies by 10 percent, and American supplies by 5 percent. American losses have been partially covered by increased Saudi production, but the Saudi oil comes with strings attached.

For one, the Saudis are doing us a favor—and they know it—so they're charging us considerably extra for the oil we're getting. For another, Saudi hints they may soon cut production have forced world oil prices as high as $6 per barrel above established OPEC prices. And finally, most of the Saudi crude is "sour," or heavily sulfured, which means that domestic refiners can't turn it into gasoline.

Iranian oil was largely light, or low in sulfur content. So while we've been able to cover more than half our net Iranian losses, we haven't been able to replace the light crude favored by gas refiners.

Hence the speculation about gas Shortages, government rationing, and the rest of the apocalyptic rhetoric coming from Energy Secretary James Schlesinger these days. The Iranian scenario parrots the one note song Schlesinger has been singing since taking office, and he's not letting anyone forget it. That song goes: World oil supplies are dwindling, oil consumption is increasing, and American dependence on unreliable sources of foreign crude is growing. In light of which, Schlesinger says, we must conserve, and conserve some more.

We wholeheartedly support energy conservation. But frankly, we think the secretary's suggestion that we "conserve" fuel by closing gas stations on Sundays is the most fatuous thing he's done since he scotched the Mexican gas deal.

What it reveals is the secretary's bias against energy decontrol, or any other measure which would ultimately stimulate energy supplies. This is in keeping with Schlesinger's approach to the energy "crisis," which has consistently been to give consumers a good regulatory drubbing for making demands on the system. Such an approach will perpetuate the energy crisis, but it will not solve it.

The gas shortage, if it occurs, will result from two factors. First and foremost are federal price controls on gas. Nearly as important are federal price controls on domestic crude oil.

Gasoline controls have severely limited investment in new refinery capacity. We need new refineries to handle the sour crudes now dominating the market, but to date we haven't gotten them. They are unprofitable to build. Instead the government, through an unusually hare brained scheme, has encouraged the proliferation of small refineries which can neither handle the sour crudes, nor produce the unleaded gas also in short supply. Unleaded gas will continue to be in short supply until price controls which make it unprofitable to manufacture are lifted.

Simultaneously we continue to hold prices artificially low on domestic crude supplies. This puts us in the untenable position of subsidizing expensive foreign imports with cheap American crude—imports we regularly denounce as inflationary, and a threat to our national security.

Wage and Price czar Alfred Kahn recently came out against decontrol of crude prices, explaining it would have an inflationary effect. But we find it difficult to understand why it is less inflationary to be held hostage to inflated OPEC price demands than it is to stimulate domestic supplies by permitting a reasonable return on investment.

Another way to reduce crude oil imports, of course, would be to encourage industries currently using oil to switch to coal or gas. One of the great hopes for such a move was the aforementioned Mexican gas deal, which Secretary Schlesinger turned thumbs down on because of the price. The Mexicans, you see, wanted $2.60 per thousand cubic feet for their gas. That works out to the equivalent of $15.60 per barrel oil, which isn't bad, given the thermodynamic efficiency of gas. But Schlesinger wouldn't have any of it. He prefers, it seems, world spot oil prices of $21 per barrel, and the purchase of Algerian Liquefied Natural Gas (LNG) at $4.60 per thousand cubic feet.

We contend that the only logical way to force the public to conserve gasoline is to decontrol crude oil and gasoline prices, thereby permitting prices to rise until they reflect true costs. Current price controls make gas cheaper, in adjusted dollars, than it was during the Arab embargo. And even at that time, gasoline was one of the last nickel bargains around. Today those prices remain artificially low. But crude oil isn't cheaper; labor isn't cheaper. So is it any surprise that we're using more of the stuff than we can "afford," and affording so much of it that under controlled prices we're running out of gas? We think not.

Since we are once again confronted with the specter of gas rationing, it is worth remembering what actually happened during the notorious "embargo" of 1973. As it turned out, crude oil supplies didn't decrease during the embargo. In fact, they actually increased. What diverted them, on their way to consumers in long lines at the gas stations, was a federal crude oil allocation system—which is still in effect; a refinery shortage caused by uncertainty over price controls, which are still in effect; and a host of government price regulations on gas at the pump which are still, need we say it, in effect.

So make no mistake: The embargo of 1973 was a disaster only insofar as it resulted in the creation of the Department of Energy. If we are the victims of another gas shortage in the months to come, it will be because we are still victimized by federal price controls which originally wrecked the 1973 scenario.●

SAVE YOUR VISION WEEK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. WAXMAN. Mr. Speaker, I would like to direct my colleagues' attention to a Presidential proclamation declaring March 4 to 10 as "Save Your Vision Week."

The 96th Congress should encourage preventive health care initiatives of this kind. This year Congress will act on the administration's hospital cost containment program to slow the accelerated rate of inflation in our health care system. Yet persuading Americans to take more responsibility for their fitness and well-being by getting regular checkups, eating a balanced and moderate diet, and exercising regularly may be one of the best "brakes" we can apply to our spiraling health costs.

"Save Your Vision Week" is just such an initiative. It reminds us of the importance of regularly scheduled eye examinations to diagnose and arrest potentially disabling eye conditions before they become difficult and expensive to treat.

Vision care in this country has come a long way since the 18th century when people selected eyewear from a barrel of spectacles. Today it includes a battery of diagnostic tests of many vision skills, a thorough internal and external eye examination to determine the absence or presence of symptoms of eye disease, and, when needed, individualized treatment with precise lenses, vision training or both. Vision skills for seeing at close ranges, for using the two eyes together as a team, for perception, for recognizing colors and for seeing to the side without turning can now be tested.

Each year 140,000 workers suffer eye injuries. In addition, many of the 2.3 million disabling injuries workers suffer on the job could be the result of vision problems that cause workers to miss seeing something they should have spotted—a machine's warning light or gage, a step or hole, or other danger.

Vision changes constantly and the changes are usually gradual and subtle. As a result regular vision examinations are important to every person—child, adult, or senior citizen. Yet millions of Americans do not realize they are not seeing as well as they should.

Commonsense tells us that preventive health initiatives such as "Save Your Vision Week" are a sensible way to deal with holding down health care costs. For too long our cost-reimburement hospital-oriented health care system has emphasized treatment of conditions which could have been prevented. We must do whatever we can to reverse this extravagant pattern, which has resulted in national expenditures for health care of $182 billion dollars in 1978. These expenditures form an ever increasing share of the Gross National Product, rising from 6.5 percent in 1968 to 8.9 percent in 1978.

I conclude my remarks by having reprinted in the CONGRESSIONAL RECORD President Carter's Proclamation on "Save Your Vision Week":

SAVE YOUR VISION WEEK, 1979—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Good eyesight, like so many of life's blessings, is too often taken for granted. Today, millions of Americans must cope with the burden of impaired vision. In many of these cases, visual loss could have been prevented had only simple precautions been taken.

Through periodic eye examinations, for example, certain potentially blinding and disabling eye conditions can often be found in time to be cured or arrested. Regular eye examinations are particularly important for children who may not realize that their vission has been impaired. For some people who have already lost vision, sight can be restored through modern eye care. Special aids and magnifiers can frequently help the partially-sighted make the most of their remaining vision.

Besides taking advantage of professional eye care services, there is much we can do on our own to help save sight. We can protect our eyes from accidents at work and during recreational activities. We can encourage the sensible use of household products, appliances, and cosmetics and avoid abuse of drugs and alcohol. And we can be alert to the signs of eye problems among family and friends. With proper care and attention, more than half of the serious vision problems that affect both young and old can be prevented.

To focus the attention of all Americans on the importance of good vision, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

Now, therefore, I, Jimmy Carter, President of the United States of America, designate the week beginning March 4, 1979, as Save Your Vision Week. I urge all Americans to observe this period by considering what they can do to take care of their eyes and protect them from disease and injury. I invite vision care professionals, the communications media, educators, and all public and private organizations which support sight conservation to participate in activities which will teach Americans about eye care and encourage them to preserve or make the most of their vision.

In witness whereof, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER.●

DO NOT BLAME INFLATION ON OPEC

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. KEMP. Mr. Speaker, having revealed today that the January trade deficit of $3.1 billion is the largest in 11 months, and knowing that oil-producing countries seek substantial price increases because of events in Iran, our Government will be tempted once again to blame our trade problems and the dollar's devaluation on OPEC and other external forces, and to assert that remedies are beyond its control.

Warren Brookes recently analyzed the problem, and found that oil imports have little to do with the weaknesses of our international trade and the dollar. I submit his article, which appeared February 6, 1979, in the Boston Herald American, for consideration by my colleagues. I believe it is essential background before considering the administration's invitations to raise taxes, to authorize the further curtailment and rationing of energy supplies, to endorse the idea that inflation is caused by workers working and business doing business, and to adopt an "anti-inflation" program which attacks workers instead of inflation.

The U.S. Government has caused the country's domestic and international economic problems. First, with burdensome tax and regulatory policies which discourage production for export and domestic trade. Second, by inflating and devaluing the dollar in the belief that it will cure the balance-of-payments deficit, when in fact it worsens the problem and reimports the inflation we have been exporting for years. Third, by curbing and rationing energy, which makes energy scarce and expensive, when it need be neither.

These are exactly the wrong policies. We must instead reduce tax rates and regulations and otherwise increase economic incentives for production. We must adopt a monetary policy which guarantees a constant price for the dollar. And we must deregulate domestic oil and natural gas production to insure cheap and plentiful supplies.

The article follows:

THE TRADE DEFICIT—EXPLODING THE CARTER MYTHS

(By Warren Brookes)

For the past two years President Carter has successfully pawned off two myths on the media and the American public.

First that the primary cause of our mounting trade deficit (and falling dollar) is rising oil imports.

Second that a falling dollar will help to correct this situation by making American goods cheaper in overseas markets and cutting down on high-priced imports.

Last week, both of these silly ideas blew away in a blizzard of international trade data, sweeping in from the Department of Commerce which showed that:

Even though our imports of oil dropped by nearly $3 billion (or 7 percent), our trade deficit actually rose by $2 billion: (See Table 1)

Even though the dollar has lost 27 percent of its value against the currencies of Japan and Germany, our trade deficit with those nations actually rose by 57 percent in 1978.

The nation with whom we had our biggest trade deficit was not Saudi Arabia, or Nigeria, but Japan, which doesn't sell us a barrel of oil—and imports 100 percent of its own.

In other words, if our oil imports had merely stayed the same in 1978, instead of falling by 7 percent, our trade deficit would have risen by $5 billion.

So, contrary to the Carter myth, OPEC is not the primary cause of our becoming trade deficit. The primary cause lies in the mounting failure of U.S. exports of both manufactured goods and agricultural commodities to keep pace with our total imports of all goods and services, of which petroleum's share is now actually declining.

Indeed, as Table 1 clearly shows, petroleum's share of our imports has sharply declined since 1975, even as our trade balance has gone from a surplus of $9 billion, to a deficit of $29 billion.

To put it another way, since 1975 our petroleum imports have gone up by about $12 billion, but our trade balance has worsened by $38 billion. This means that petroleum imports account for only 33 percent of our trade deficit, now look very bad indeed. last three years. The rest (67 percent) arises from the nation's worsening trade position with our non-petroleum trading partners.

During 1978, for example, our trade balance with Japan worsened from a deficit of $8 billion to $11.6 billion (even though the dollar lost nearly 28 percent of its value against the yen).

Our trade deficit with West Germany rose from $1.3 billion to $3 billion, even though the dollar lost over 21 percent of its value against the mark.

Thus, over half ($14.6 billion) of our total trade deficit is with countries that import 100 percent of their oil, and against whose currencies the dollar has lost more than 25 percent of its value.

This tends to make Treasury Secretary Blumenthal's appalling (but successful) efforts to "talk down" the value of the dollar during 1977 as a means of improving our trade deficit, now looks very bad indeed.

Yet, in fairness, during the last six months, the excessively cheap price of the dollar has indeed caused an upswing in U.S. exports, and a mild levelling of imports, which the Dept. of Commerce thinks will mean a much more favorable trade balance in 1979. Let us hope so. They have been wrong for three years in a row.

But one thing is abundantly clear: President Carter can no longer blame the nation's massive trade deficits on petroleum. He must look elsewhere for the scapegoat.

If he is intellectually honest, he will find it in two related areas: rapidly rising inflation and rapidly slackening productivity.

In 1978, the nation's basic inflation rate rose by more than 40 percent from 6.8 to 9.2 percent—while the nation's productivity growth reached its lowest level in 40 years, a paltry 0.4 percent.

This deadly combination meant that the unit labor costs of U.S. export merchandise rose by more than 9 percent, a colossal blow to our competitive position.

The plain truth is that the rest of the free world's labor forces are now out-producing us by a wide margin, with productivity gains in Japan and Germany of well over 3½ to 4½ percent. This explains why the real income of workers in virtually every Western nation is now rising much faster than it is here. They are producing more, at lower cost, than we are—and that is having a very damaging effect on the U.S. competitive position in world markets.

It is a serious situation, and it arises from two areas which Mr. Carter has not yet begun to address: a tax system which is severely punishing every increase in productivity and a steady weakening in the nation's basic capital investment growth.

Indeed, virtually every proposal Mr. Carter has made on tax reform so far has pushed in the opposite direction, trying to increase the tax penalty on capital formation and to raise the tax rates on productivity.

This, combined with the devastating impact of inflation on capital formation in this country, has created a situation in which U.S. labor unit costs are rising three and four times as fast as those in the rest of the world.

This is the primary reason for our basic trade deficit problems, and they won't be solved until Mr. Carter gives up his foolish preoccupation with oil imports and starts concentrating on the more basic questions of productivity, and capital formation.

TABLE I.—*U.S. balance of trade 1975–78*

[Billions of dollars]

	Exports	Imports	Oil	Trade balance
1975	$107.1	$98.0	28%	+$9.1
1976	114.7	124.0	28%	−9.3
1977	121.2	147.7	28%	−26.5
1978	143.6	+172.1	25%	−28.5

Source: U.S. Department of Commerce.●

URBAN POPULISM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. STOKES. Mr. Speaker, yesterday I brought to the attention of my colleagues the fact that on Tuesday, February 27, 1979, Cleveland voters had overwhelmingly voted against the sale of their municipal light plant to the Cleveland Electric Illuminating Co., a private utility. My own research on this issue had led me to urge my constituents to vote against the sale of this asset to CEI. I based my decision upon the findings of the U.S. Nuclear Regulatory Commission which has documented the abuses and anti-trust violations by CEI against the Cleveland Municipal Electric Light Plant over a long period of years. Even though this was a local election its consequences have ramifications far beyond the borders of our city. These consequences are projected in an article which appeared in today's Washington Post entitled "Signaling a New Era of Urban Populism" which I bring to the attention of my colleagues:

SIGNALING A NEW ERA OF URBAN POPULISM

(By Larry Kramer)

In defeating a referendum to sell Cleveland's municipal power system (Muny Light) on Tuesday, voters of that city have signaled what may be a new era of urban populism: an era that could have a major impact on how, and by whom, our cities are governed.

In supporting Mayor Dennis Kucinich's fight to keep Muny Light under city ownership, the voters also endorsed recent charges by the Nuclear Regulatory Commission that the privately owned utility in town—Cleveland Electric & Illuminating (CEI)—had done all it could to sabotage Muny Light and force its sale to CEI.

Several federal bank regulatory agencies and the Justice Department are investigating the role of the city's largest bank, Cleveland Trust, in Cleveland's Dec. 15 default on nearly $15 million in notes held by Cleveland Trust and five other banks.

It has been alleged that Cleveland Trust—which has a financial interest in CEI—attempted to force the city to sell Muny Light to CEI before it would roll over the city's $15 million debt. Although Cleveland Trust held only about $5 million of that debt, the five other banks followed suit.

The Cleveland vote has fueled those federal investigations. And now at least one congressional committee is planning hearings in May into CEI and Cleveland Trust's relationship and allegations that they tried to hold the city up.

The vote is also the second major victory in recent weeks for advocates of public-owned power.

Earlier this month, 10 small cities in the Midwest won a $12.1 million judgment against the American Electric Power System and two of its subsidiaries. The 10 cities had alleged that A.E.P. was trying unfairly to force their municipally owned utilities out of business in order to take over their operations.

In a statement released yesterday, Alex Radin, executive director of the American Public Power Association, said the Cleveland vote has "national significance."

"Nationally, the vote should be a signal to power companies elsewhere that they will not be rewarded for anticompetitive activities," he added. "Municipal electric systems throughout the nation can benefit from the action by the City of Cleveland in its fight against practices which have been branded by the NRC as anticompetitive."

Cleveland's vote against the sale of Muny Light also will mean that the city can pursue its $330 million antitrust suit against CEI, which would have been settled as part of a sale.

In that suit, the city alleges CEI attempted to drive Muny Light out of business with several types of anticompetitive and monopolistic practices.

In a telephone interview last night, Kucinich said his victory "should be a signal to neighborhood groups and cities across the country that coalitions built on economic issues are winners."

Kucinich says he is now planning to sell up to $15 million in municipal bonds in small denominations—as low as $100 each—to the public in an attempt to raise money to pay the city's debt. At Tuesday's election, the voters helped by approving a Kucinich plan to increase the city income tax from one to 1.5 percent.●

THE MATTER OF EXPULSION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. JEFFORDS. Mr. Speaker, the matter of expulsion is obviously one which gives everyone serious concern. I voted today to refer the matter to the Standards of Official Conduct Committee. I did this because I believe that once a person has been elected, subsequent to the people having knowledge of the offense for which he has been convicted, they have that right to choose him again.

On the other hand, the Congress may and should have the ability to limit his participation by stripping him of seniority and positions of responsibility within the Congress. However, if the people desire him to vote for them, they should have that option.

Vermont history indicates that we all should exercise caution in this area as to establishing cut and dry criteria. Below is a summary of Vermont's Congressman, Matthew Lyon. It is a clear indication that sometimes a Member, although convicted, may be right, and the Congress that created the law, wrong.

The situation concerning Matthew Lyon, a former Congressman from Vermont, is as follows:

On October 5th, 1798, a Federal Court in Rutland returned an indictment against Lyon, who in the meantime announced his candidacy for a second term in the upcoming 1798 election. The indictment charged Lyon violated the Sedition Act by publication of a letter he wrote from Philadelphia, which Lyon claimed was dated July 7th, seven days before Adams had signed the Sedition Act. It appeared in a Federalist newspaper in Windsor Vermont on July 25th. In the Letter, Lyon is quoted as saying "Whenever I shall . . . see every consideration of the public swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish admiration, and selfish avarice; when I shall behold men of real merit daily turned out of office for no other cause than independence of sentiment; when I shall see men of firmness, merit years, abilities, and experience, discarded on their application for office, for fear they possess that independence and men of meaness preferred for the ease with which they take up and advocate opinions, I shall not be their humble advocate."

On October 6th, the Federalist Marshall, Jabez G. Fitch, arrested Lyon on a bench warrant, and on October 7th, a Saturday, Lyon pleaded not guilty. He was then placed in jail and his trial was set for October 9th. Lyon was not a lawyer, he had no representation—Judge Paterson made two basic rulings—first that Lyon could not question the Sedition Act's constitutionality, and secondly, it was no defense that Lyon's letter was written and postmarked on dates which were before President Adams had signed the Sedition Act into law. On the same day as the trial at 9 o'clock in the evening the jury returned a verdict of "guilty"—Court handed a sentence fining Lyon $1,000 and 60.98 in court costs and imprisonment of four months. Marshall Fitch respected Lyon's request to return to his home for papers and his request that he be housed in a jail in Rutland county near his home in Fair Haven, rather he was sent to an unheated dungeon in Vergennes, a confinement which was originally built for horse thieves and runaway Negroes, which was lighted only by a small half-moon hole in the door through which a plate could pass and a barred window 20" x 16"—where for six weeks in the middle of winter he had no heat, until finally he was given a stove.

While serving his term in prison he was overwhelmingly reelected—On February 9, 1799 his prison term was up, but his $1,000 fine had not been paid—Senator Mason, from Virginia, together with Jefferson, Madison and Monroe raised the money and came to Vermont with his saddle bags filled with gold, also, the Green Mountain Boys raised the same amount, and Lyon's wife, the daughter of Thomas Chittenden did the same. They all arrived on the scene to pay the fine. But on that date Marshall Fitch had in his pocket another warrant to arrest Lyon on another violation of the Sedition Act, but the secret indictment was not so secret and upon leaving his cell, Lyon cried out "I'm on my way to Congress" this statement apparently gave him constitutional immunity from arrest—he then jumped unto his wife's sleigh and headed for Philadelphia, followed by Senator Mason and Green Mountain Boys—his procession back to Philadelphia looked according to historical accounts, like the return of a conquering Roman Army. The procession stretched for twelve miles and his supporters carried a banner stating "This day satisfied Federal vengeance—On February 20th he arrived in Philadelphia and immediately a resolution asking for his expulsion, on grounds that he "had been convicted of being a malicious and seditious person, of a depraved mind and wicked and diabolical disposition, guilty of public libels against the presidents, with intent to bring the government of the United States into contempt, was introduced. This resolution received 49 votes to 45, not ⅔, therefore was not adopted.

But Lyon had his revenge, because this election saw Jefferson and Burr received the same electoral votes, therefore the election was thrown into the House—two states were equally divided with Congressman Morris from Vermont, a Burr supporter, while Lyon supported Jefferson—there was strong feeling that the attempt to expel Lyon was to give the election to Burr—somehow it was arranged that Morris would be absent and Lyon cast the vote electing Jefferson.

One other point the Rutland Herald refused to publish in 1798, communications of any kind in favor of Lyon, so Lyon began his own publication "The Scourge of Aristocracy and Repository of Important Political Truths." The publication lasted only one year, but was filled with anti-English—anti-monarchy statements leaving one with the impression that Federalist considered themselves to be aristocrats.●

SOVIET CASH KEEPS COMMUNIST JOURNALS ALIVE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. McDONALD. Mr. Speaker, a book recently appeared in France with documentation on what many suspected and some already knew, namely that Soviet banks abroad serve as a conduit for funds to the local Communist parties as well as convenient sources of funding for various illegal projects. In addition, these Soviet or Narodny banks as they are called, occasionally, even indulge in legitimate loans. A detailed review of this book entitled "Les Secrets de la Banque Sovietque en France" by Jean Montaldo appeared in the London Daily Telegraph of February 21, 1979. The real boss of these banks, as the book reveals, is the Central Committee in Moscow. The book lists chapter and verse on disbursement of rubles to various Communist publications in France in order to keep them solvent. So much for "Eurocommunism" and the independence of the French Communist Party. The article follows:

SOVIET CASH KEEPS FRENCH COMMUNIST JOURNALS ALIVE

(By Michael Field)

Moscow is still financing the French Communist party despite its alleged "independence" and occasional doctrinal squabbles with the Russian "mother party."

Its Press and publications division, in difficulties like much of the newspaper world, received, in less than six months, an injection of tens of millions of francs through a Russian bank in Paris.

Some of the bare facts of French Communist party financing are exposed in detail and backed up with incontrovertible documentary evidence in a book published this week entitled "The Secrets of the Soviet Bank in France," by Jean Montaldo, a Paris journalist.

The "Soviet bank" is the Banque Commerciale pour L'Europe du Nord, known briefly as "Eurobank" which is 99.7 per cent owned by two Moscow banks, the State Bank (Gosbank) and the Foreign Trade Bank (Vneshtorgbank). The remaining 0.3 per cent of shares are held by Frenchmen considered "reliable" by Moscow.

"The Soviet Union enjoys the exorbitant privilege of having here a state bank disguised 'in French colours.'" M. Montaldo says, ironically using the expression chosen by M. Marchais, the Communist secretary, to describe his brand of "socialism."

THE REAL BOSS

The chairman and managing director of Eurobank is M. Guy De Boysson, a former Communist Deputy who belongs to a distinguished French aristocratic family. But the real boss, as revealed in the book, is Mr. Vladimir Ponomarev, second cousin of Mr. Boris Ponomarev, the Central Committee member responsible for relations with foreign Communist parties.

Vladimir Ponomarev is, however, subordinated to the Russian Ambassador in Paris, who regularly summons him to the Embassy without ceremony.

Copies of ledgers and statements are reproduced in the book. They reveal that the funds of the French Communist party and of the Communist-controlled General Confederation of Labour (CGT) and the majority of well-known Communist figures in France are all handled by the Russian bank, in a total of over 290 accounts.

The biggest balance on Oct. 26, 1978, the day on which M. Montaldo had access to the bank's files, was that on account No. 05316-6 in the name of M. Georges Gosnat, member of the Central Committee and party treasurer, whose current account showed a credit of 2,682,634 francs (£313,026).

The total holdings of the CGT, which has never announced to its members that its funds are deposited with a Russian bank and therefore available on microfilm in Moscow, were, on that day 10,556,469 francs (£1,231,793).

CREDIT FACILITIES

The Soviet bank in Paris grants credit facilities to the money-losing French Communist Press and propaganda machine of a kind they could never obtain elsewhere and keeps them "artificially alive, despite their lack of readers and advertising," M. Montaldo says.

In this way, despite some disputes with the French party over tactics, Russia ensures complete fidelity to its foreign policy and can rely on *L'Humanité* and the other Communist papers to present America, West Germany, France, Japan and China as the "baddies" with Russia and its friends, Vietnam, Cuba, Ethiopia and Afghanistan, as good.

According to one document produced, *L'Humanité*, the party's daily newspaper, had a credit balance of 1,622,000 francs (£189,264) in August last year, of which 1,500,000 francs (£175,029) consisted of a short-term commercial loan by the Soviet bank.

Similar financial aid, some of it on an even bigger scale, has gone to the party's centralised newspaper and book distribution organisation, in the property company which owns the building and presses of *L'Humanité*, the party's publicity office, and a whole series of publishing and distribution organisations owned by the party. They could not continue to function without this "generosity."

DISSIDENTS' DIFFICULTY

M. Montaldo also shows how two "dissident" Communist publications which ran into financial difficulties, did not receive Soviet credit.

The book also contains many details of the international operations of the Russian bank in Paris and its links with the Moscow Narodny Bank in London, and shows how it operates as a world-wide "Marxist multinational." It is the biggest foreign bank in France.●

OUR FOREIGN POLICY PROBLEM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1979

● Mr. LAGOMARSINO. Mr. Speaker, the following article by George Will appeared in the Washington Post on February 2, 1979. Mr. Will concisely summarizes what many of us in Congress have felt about President Carter's foreign policy efforts for quite some time. That is, the inability of the President to make decisions, and to stand by those decisions, is having a disastrous effect upon our relationships with both our foes and allies.

The article follows:

THE ADMINISTRATION'S UNPREDICTABLE VOICE

(By George F. Will)

It is said that a good scare is worth more than good advice. Perhaps the Carter administration's performance scares the administration as much as it scares the many people who are coming to regard it the way Rossini regarded Wagner: "Wagner has beautiful moments but awful quarter hours."

The invasion of Vietnam is another blemish on the administration's China transaction. In the fountain of concessions that led to "normalization," the administration did not even ask Peking for a pledge not to use force against Taiwan, because it knew Peking would refuse. But when Vice Premier Teng was in Washington, U.S. officials made bold to hint that they hoped he would abstain from invading his neighbors.

Teng was the toast of Washington, a cute Chinese panda—a Teddy Bear, some said. Subsequently, a lot of people have died so Teddy Bear could score points against the Soviets. The administration trusts Teddy Bear to behave better toward Taiwan.

This has been called "the surprised administration." It is said on its behalf that these are unpredictable times. Perhaps that thought will assuage the growing number of people who regard the administration the way W. S. Gilbert regarded a British railway: "Saturday afternoon, although occurring at regular and well-foreseen intervals, always takes this railway by surprise."

On some matters, the administration doesn't know its own mind. On others, it knows its mind too well. In its promiscuous multiplication of contradictory views about the oil crisis, or the not-a-crisis, or whatever, the administration resembles the unfortunate woman of whom it was said that her features didn't seem to know the value of teamwork. But in its general foreign policy, the administration is decipherable.

The elements of a nation's strength are its tools for influencing events (capital, technology, food or weapons—for example, an aircraft carrier in the right place at the right time), and the will and skill to use the tools. The administration lacks the last two, so perhaps it does not matter much (except to the next administration) what it is doing to the tools. John Lehman, former deputy director of the Arms Control and Disarmament Agency, writes:

"The president tells us that 'our commitment to South Korea is undeviating and is staunch' as he withdraws U.S. ground forces from Korea. Unilateral cancellation of the B1 bomber is made 'in the interest of providing the U.S. with a strong, efficient, cost-effective national defense.' The MX missile and Tomahawk cruise missile are postponed in order to meet SALT concession and then we are told that these SALT concessions are perfectly acceptable because the weapons are not yet ready for deployment. The Nimitz aircraft carrier is vetoed as too vulnerable and expensive while the administration's own studies show it to be the least vulnerable and most cost-effective ship in the world."

The administration's defense budget involves a real decline, disguised by strange assumptions about a low inflation rate. But as a political payoff, the carrier Saratoga will be overhauled at the Philadelphia Navy Yard, where the job will cost $80 million more than necessary. Hear the administration's real voice, from Victor Utgoff, who deals with strategic arms limitation matters for the National Security Council:

"Even if the United States could attain strategic superiority it would not be desirable because I suspect we would occasionally use it as a way of throwing our weight around in some very risky ways. . . . It is in the U.S. interest to allow the few remaining areas of strategic advantage to fade away."

More interesting than the implication that strategic superiority is beyond America's capacity, more interesting even than the admission that America's strategic advantages are "few," is the idea that these few are too many. Packed into that idea is the highly political "lesson" of Vietnam and the related revisionism of some historians of the Cold War: The United States has been a source of mischief; U.S. arms-control policies should limit U.S. arms; the general aim of U.S. foreign policy should be to make U.S. actions less "risky."

The administration should be delighted. In Afghanistan, Iran, Turkey and Mexico, in SALT negotiations with the Soviets as in "normalization" negotiations with the Chinese, the United States certainly is not throwing its weight around.●

SENATE—*Monday, March 5, 1979*

(Legislative day of Thursday, February 22, 1979)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God whose children we are, whose will we seek to discover, and whose work we would do, we give Thee hearty thanks for the noble succession of unselfish patriots who have served here and elsewhere in our Government. Make us worthy successors that the heritage be not diminished. Spare us from a shallow philosophy and from mediocre workmanship. Deliver us from the sins and diseases which eat like a canker into our national life, from pride and prodigality, from self-seeking and preying upon others, from wasteful spending and from insane arming. Give us a good conscience in the use of money and the control of power.

Open our minds to learn; open our hearts to love; open our hands to give and make us a nation whose God is the Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 5, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma.

DEATH OF FORMER SENATOR DEWEY F. BARTLETT OF OKLAHOMA

Mr. BOREN. Mr. President, it is my sad duty on behalf of myself and Senator HENRY BELLMON to inform the Senate of the death last Thursday evening of a great American and a great Oklahoman, former Senator Dewey F. Bartlett. By his death, many have lost a friend and the Nation has lost one who put public service ahead of self-interest.

The funeral service for Senator Bartlett will be held tomorrow at 11 a.m. in Tulsa, Okla., at Christ the King Catholic Church.

Senator BELLMON has remained in Oklahoma for the services. If he were present he would join me in making these remarks.

I do not need to recite for the Senate the many accomplishments of Dewey Bartlett. He was an able member of the Oklahoma State Senate where he represented Tulsa County; later he served as Governor of Oklahoma. It was my privilege to serve in my first term in a public office as a member of the State legislature during the administration of Dewey Bartlett as Governor. His personal standards of honesty and integrity left a lasting mark on the State government of Oklahoma. After serving as Governor, he was elected in 1972 to represent Oklahoma in the U.S. Senate. As a Senator he made important contributions particularly in the fields of energy, Indian policy, and national defense.

His courage and determination in the face of his last illness are an example for all of us. He was unfailingly kind and encouraging to others who suffered from the same affliction. In spite of his illness he maintained a 91-percent attendance record during his term in office. He never lost interest in serving the people and in doing the best job possible.

Dewey Bartlett has been described by some as being stubborn. In truth, he was stubborn in holding to principle. A stubborn commitment to principles in which one sincerely believes is surely an accurate definition of integrity. Our Nation could use more of Dewey Bartlett's kind of integrity. I know I speak for many in this body and across the Nation in extending our sincere sympathy to Mrs. Ann Bartlett and the members of the Bartlett family. Dewey Bartlett will be greatly missed.

Mr. President, for myself and Senator BELLMON, I send to the desk a resolution of condolence, expressing the sympathy of the Members of the Senate to the members of the Bartlett family and our admiration for former Senator Dewey Bartlett's distinguished service to the Nation, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 88

Resolved, That the Senate has heard with profound sorrow and extreme regret the announcement of the death of the Honorable Dewey F. Bartlett, who served in the United States Senate from the State of Oklahoma from 1973 until 1979.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased, together with a transcript of remarks made in the Senate in praise of his distinguished service to the Nation.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

A LOSS FOR OKLAHOMA AND THE NATION

Mr. ROBERT C. BYRD. Mr. President, I was saddened to learn last Friday morning of the death of former Senator Dewey Bartlett of Oklahoma. I am sure that I speak for all his friends in the Senate in extending condolences to his family and his many admirers throughout the State of Oklahoma.

Dewey Bartlett was a son of America's heartland. As such, he reflected, shared, and fostered values that are revered by millions of his fellow citizens. During his tenure in the U.S. Senate, and over the entire course of his public and private careers, he sought to serve the best interests of his neighbors, the residents of his home State, and the people of the United States.

Senator Bartlett entered politics after a successful career in ranching, farming, and business. From 1963 to 1967, he was a member of the Oklahoma State Senate. Subsequently, he was elected Governor of Oklahoma. In 1972, he was selected by the citizens of Oklahoma to represent them in the U.S. Senate, where he served until his retirement last year.

Dewey Bartlett took great pride in his Oklahoma origins, and his patriotism was unexcelled. His record as Governor and Senator was marked by a concern for the disadvantaged, the unemployed, and the underemployed. He believed in the possibilities of free enterprise, and worked unstintingly to make the opportunities of American citizenship a reality for more and more people in this country. He made a unique contribution to the Senate during his term of service, and in his passing, our Nation and the citizens of Oklahoma have lost a genuine friend and a courageous public servant.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I have seldom had a friend in the Senate to whom I felt as close as I did to our departed colleague, Dewey Bartlett, and it was with deep personal grief that I learned of his death last Thursday night.

Dewey was one of the finest, most decent, most beloved men ever to have served in the U.S. Senate.

He was, in addition, one of the Nation's leading authorities on defense and energy issues, and his passing is a great loss to the country, particularly at a time when both these issues are of crucial importance and urgency to the American people.

Dewey and I first met in 1967, when I spoke at the Oklahoma Republican State Convention in Oklahoma City. I was in my first year in the Senate, and Dewey was Governor of Oklahoma at the time. As the years went on, we became not only colleagues in the Senate but very special friends, as well.

My deepest sympathy goes to Ann Bartlett and her family, and I know that sentiment is shared by my colleagues in the Senate, who so admired Dewey Bartlett as a man who could keep his good humor in the face of personal adversity and who was unfailingly more concerned with the welfare of his friends than with his own.

There are not many men I have known in my life for whom I held a greater affection or more respect. The Senate lost a great talent when he chose not to run for reelection. We have lost a great colleague and friend with his death.

Mr. HELMS. Mr. President, as is always the case when one loses a beloved friend, I spent this past weekend pondering a panorama of recollections about Dewey Bartlett—instances which were measurements of his gentility, his courage, his dedication, his love for America.

A thousand little vignettes swept by: Dewey's comments at prayer breakfast one Wednesday morning in which he acknowledged everyone's Christian duty to love his fellow man—even, as Dewey put it with a twinkle in his eye, "that guy who almost caused me to have a wreck this morning when he cut in front of me in heavy traffic."

Dewey Bartlett never had difficulty in sharing his zest for life. But I am not sure he ever realized how much he helped all the rest of us, who loved him, to maintain a bit of perspective about life.

I recall how willing he was to make calls to another dear friend of mine in Raleigh who had been stricken with a malignancy, as Dewey had been. They never met, but they shared a concern for one another, and they shared a love, because each of them cared.

And I remember, Mr. President, watching Dewey as he worked on this Senate floor. His smile in defeat was as predictable as his smile in victory. In every mattter, he cast his vote on the basis of duty and responsibility, and there was never an occasion—not even once—when he allowed political expedience to overcome principle.

Mr. President, one of Dewey Bartlett's major legislative concerns was the restoration of America's traditional legal protection to unborn children. Dewey Bartlett and I had been sworn in as Senators just a few days before the Supreme Court's fateful abortion decisions in 1973. I can remember discussing with him how the Court's action would force upon the American people a reexamination of their basic moral principles and to consider the ultimate value of each individual life.

Soon thereafter, Senator Bartlett joined a number of Senators in sponsoring a human life amendment to the Constitution and was the first Senator to sponsor an amendment to the Departments of Labor and Health, Education, and Welfare appropriation bill to end taxpayer funding of abortion. Indeed, last August, one of his final speeches on the Senate floor was in support of the Hyde amendment, or the Bartlett amendment as it was known before that, to end the use of Government money to promote the evil of abortion. Toward the end of his own personal struggle with the ultimate question as to the value of human life, Dewey Bartlett eloquently implored his colleagues to give all human life a chance.

Mr. President, Dewey Bartlett was one of the most remarkable men I have ever known. To say that I miss him is a woeful understatement. And this is one of those times when I wish I possessed the eloquence to pay adequate tribute to him. He was a great American, a wonderful friend, a splendid Senator—and, most of all, a blessed worker in the vineyards of the Lord.

To his dear wife, Ann, and to the rest of his family, Dorothy and I extend our deepest sympathy.

● Mr. GOLDWATER. Mr. President, in the past several days this country has experienced a very sad loss of one of its outstanding men. Dewey Bartlett, who had been Governor of Oklahoma, a Member of the U.S. Senate, and a captain in the U.S. Marine Corps, certainly served his country more thoroughly than most men who traveled through life. I had the extreme pleasure of sitting next to him in this Chamber and serving with him on the Armed Services Committee. He was a man of extreme courage as evidenced by the way he accepted the fate that he knew was his. He was a man of rare intelligence but, more important than that, I believe, he was a man dedicated to his country, who was unafraid to work for his country and whose contributions to our freedom were more than we often see from our citizens. I am going to miss him as a personal friend, but the country is going to miss him as an example of what Americans should aim to be during the course of their lives.●

Mr. WALLOP. Mr. President, my friend Dewey Bartlett has died. Those of us who saw the valiant struggle for life he waged the last 2 years will not soon forget the example of courage and sense of duty he daily laid before us. All of us will miss him, and all of us are the better for what he was.

Any man would have forgiven a choice to live his final months closer to his family than the incredible burden of Senate duties permits. Dewey Bartlett chose duty above self, and none will deny that his duty was magnificent. Not only was he present, but he was effective. He fought for his State, his country, its military power, its energy resources, its small businessmen, its working men and women.

He was ever present during the closing 40-odd hours of continuous session when the 95th congress was brought to a close.

When the public looks to national leadership and finds it wanting, it overlooks men like Dewey Bartlett. He loved his family, his State, and his country and served all three. He was the essence of integrity, courage, and duty. Now he is gone from among us, but his memory and example remain as tributes to the qualities America seeks and needs to guide her.

TRIBUTE TO DEWEY BARTLETT

Mr. DOLE. Mr. President, death has robbed me of a good and valued friend, and taken from the people of Oklahoma and the Nation a public servant of rare distinction. For Dewey Bartlett is gone, and all who struggle to make politics a career of honor and selflessness must mourn his passing.

He was an unusual politician, a man who refused to be pigeonholed and who never took the obvious or easy way out. He was a conservative whose vision of the future was strikingly true, a man who believed that the only thing worse than a hard heart was a soft head. And he brought to Government a passion for justice within a society of maximum individual freedom.

As a member of the Oklahoma State Senate, he was father to that State's vocational education system. As Governor, he created the Governor's Full Employment Commission. He appointed Oklahoma's first black judge, and he met monthly with a youth advisory committee to bring into play the idealism and commitment of the young.

As a Member of the Senate, he stood front and center for an America strong enough to enforce its best ideals. His efforts on behalf of our Armed Services were tireless. So, too, was his conviction that free enterprise could produce enough energy to make us independent of international cartels.

Dewey Bartlett believed in building bridges: Between black and white, young and old, business and consumer, Government and governed. He carved a career out of old virtues—bedrock honesty, a probing mind, a firm conviction that any problem could be solved, if only we could address it with all the resources at our command.

He believed that our day in the Sun was far from over, that the raw courage which transformed the prairies of Oklahoma could yet resolve the festering problems that afflict us in this complicated and confusing world.

Dewey Bartlett believed that we should strive to be all that we could be. His life exemplified the heights to which a capable and determined man could rise. He left Oklahoma a better place. But his passing leaves us all the poorer. To his wife Ann and his three children, to the people of the State he loved so long and so well, I extend my deepest sympathy. We have all lost a man who meant much.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 88) was unanimously agreed to.

THE PERFORMANCE OF SENATOR ROBERT C. BYRD AT THE GRAND OLE OPRY

Mr. BAKER. Mr. President, some months ago it was my privilege to discuss with the distinguished majority leader the obvious underutilization of his talents as a musician, and suggested the premier and No. 1 forum for the illumination of that proficiency would be the Grand Ole Opry in Nashville.

I represented to Senator Byrd of West Virginia that the Grand Ole Opry was, indeed, the graduate school and the ultimate training for men and women who have great hopes and expectations for their future musical career.

It was with particular pleasure, then, that I learned that Senator Robert Byrd had accepted an invitation to appear and perform at the Grand Ole Opry in Nashville.

That is not the purpose for this recitation. I am rather here, Mr. President, to report to our colleagues that Senator Byrd performed with such great distinction that I have had to revise my appraisal of the Grand Ole Opry that it, indeed, was honored and privileged to have him as a consummately skilled musician who requires no further training, and to say that all of those in attendance were so gratified by his performance that we may live in jeopardy that there will be no more Saturday sessions so that the majority leader can travel to Nashville each week and perform in that forum.

Seriously, Mr. President, it was a great honor for all Tennesseans and for that distinguished aggregation known as the Grand Ole Opry to see our colleague and majority leader agree to accept this invitation. We are happy he did, and we are honored that he represented himself, the State of West Virginia, and indeed the entire country with such great distinction.

Mr. ROBERT C. BYRD. Will the distinguished Senator yield?

Mr. BAKER. I will be happy to.

Mr. ROBERT C. BYRD. I will be very brief, Mr. President, because Senator Bentsen is waiting for recognition under his order. I will have more to say about the Grand Ole Opry later.

I thank the distinguished minority leader for his very gracious remarks and his very gracious invitation to come down to the State of Tennessee and visit the Grand Ole Opry. Having visited there, I must say that I guess I have some of the same feelings that Solomon had after visiting the Queen of Sheba. He heard all of these wonderful stories but after he got through visiting the Queen of Sheba he said the truth has not yet been told.

One has to go there to really see this great country music hall of fame and be a part of the wonderful rapport the Opry stars showed to me all the time I was there. It was a very gracious welcome on the part of all the people, by my fellow musicians and others. It was very wonderful.

Mr. BENTSEN. Will the Senator yield at this moment on that subject?

Mr. ROBERT C. BYRD. Yes.

Mr. BENTSEN. I was delighted to see the majority leader on the stage in Nashville at the Grand Ole Opry. We will be looking forward to extending an invitation to the majority leader to come to the epitome of that kind of a performance to attend Luckenbach in Texas.

Mr. ROBERT C. BYRD. I am simply overwhelmed.

Mr. BAKER. Mr. President, the Grand Ole Opry is shivering in its boots at that kind of an invitation.

Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

THE SEARCH FOR PEACE

Mr. BAKER. Mr. President, I have earlier today commended the recent efforts of President Carter to continue the search for peace in the Middle East. Since the achievement of the Camp David accords in September, the process of codifying those accords has been difficult and, at times, extremely discouraging. The President has throughout remained steadfast in his pursuit of peace and I admire his perseverence.

Today, at noon, President Carter announced that the Cabinet of Israel, at the recommendation of Prime Minister Begin, has accepted proposals offered by the United States to break the negotiating impasse. The President will further announce that on Wednesday of this week he will travel to Cairo to discuss these proposals with President Sadat.

Although we should be under no illusion that the road to a treaty between Israel and Egypt will now be easy, these developments offer great promise. As I have before, I offer again my support and best efforts in any way that may be helpful in this immensely significant endeavor.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I, too, commend President Carter in his unstinting efforts to keep the Camp David spirit alive and well. He talked to me, likewise, earlier today, to indicate that he was going to announce at noon today the fact that the Israeli Cabinet had approved by a close vote its support for certain treaty proposals. The President also spoke to me of his plans to go to Egypt on Thursday, Friday, and Saturday of this week, and of his intention to visit Jerusalem. He indicated that Mr. Begin would be cutting short his own visit here in order that he might return home and make preparations for the President's visit.

The President is to be highly commended. I support him. I hope that the leaders of Israel and Egypt will agree upon a treaty, because the security and the stability of the Middle East are so important, not only to those two countries but also to the whole region and, over and above that, the peace of the world and the security interests of our own country. I hope that a treaty can emerge between Egypt and Israel, and that steps leading to a comprehensive peace on all fronts then may continue.

I thank the Chair.

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas is now recognized for not to exceed 15 minutes.

THE REGULATORY CALENDAR IS A FIRST STEP TOWARD A REGULATORY BUDGET

Mr. BENTSEN. Mr. President, the Federal Register usually contains a lot of bad news and a little good news. The Federal Register, which is the daily Government publication containing the full texts of all rules and regulations of the Federal regulatory agencies, has good news when it announces regulations which protect the environment or the health and safety of our people in a way that minimizes waste and unnecessary costs. It contains good news when there is an announcement of an improvement in the regulatory process. It contains good news when there is an announcement of a rescission of a poor or badly written regulation.

On the other hand, it contains bad news when it announces regulations that are wasteful, regulations that duplicate or conflict with the regulations of other agencies, regulations that involve unnecessary paperwork, and regulations which fail to achieve their objectives in the least costly way.

Too often the news is bad. But the Federal Register of Wednesday, February 28, 1979, contained good news. On that day, the Regulatory Council published the first Calendar of Federal Regulations—a complete list of all the major regulations currently being developed by all the regulatory agencies of the executive branch, as well as the major regulations being developed by many of the independent regulatory agencies.

I welcome the publication of the Calendar of Federal Regulations because it is a necessary first step toward the development of a regulatory budget.

REGULATORY BUDGET

On January 15, 1979, I introduced legislation to create a regulatory budget—S. 51, the Regulatory Budget Act of 1979. Such a regulatory budget would put an annual cap on the compliance costs each agency could impose on the private sector through its rules and regulations. The process for establishing the annual regulatory budget would resemble the process currently used to set the fiscal budget—we would have a proposed budget from the President and annual budget resolutions from the budget committees. This would make it possible to coordinate the regulatory and fiscal budgets.

We need a regulatory budget in order to reduce the inflationary impact of unnecessary, excessive and conflicting Government regulations. Our health, safety and environmental programs are very important. They have brought immense benefits to millions of Americans. We do not want to retreat or turn back the clock—the American people want protection in these areas. But they do not want waste, and they do not want Government bureaucrats pushing up inflation through wasteful and unnecessary Government regulations.

During the past 15 years, we have made immense strides in health, safety and environmental protection. But our gains have not come cheaply. Last April, the Joint Economic Committee published a study showing that the annual cost of Government regulations will come to over $102 billion in fiscal 1979, up 40 percent just since 1976. The Commerce Department's Bureau of Economic Analysis reports that capital spending by businesses just to meet the requirements of environmental regulations comes to more than $7 billion annually—or more than 5 percent of total capital spending. The Joint Economic Committee has also published a recent GAO report showing that American businesses spend 69 million hours annually at a cost of over $1 billion satisfying more than 2,100 Government reporting and recordkeeping requirements. This GAO study only covered requirements that have been approved by GAO or OMB under the Federal Reports Act and thus excluded the very heavy paperwork burdens imposed by the Internal Revenue Service, the bank regulatory agencies and the SEC. It also did not include the paperwork burden imposed by the Government on individuals, farms, or State and local governments.

In addition, the recent growth of regulatory programs and the proliferation of new regulatory agencies has lead to regulations which are often duplicative, conflicting, and excessively wasteful. Witnesses appearing before the JEC last spring provided numerous examples of instances where compliance with one regulation required violation of another. This not only puts businesses in jeopardy, both legally and financially, it also reduces respect for the law and the Federal Government. Small businesses are often hardest hit by the morass of conflicting and duplicative regulation because they cannot afford the necessary legal advice.

We have to bring some order to the regulatory process. Although a vast number of bills have been introduced that would improve public participation in the regulatory process or improve the economic analysis of proposed regulations, there is just no substitute for a budget to give Congress and the American people a good handle on what the Government is doing.

Until recently, the present fiscal budget provided a fairly complete picture of the impact of Government on the economy. Almost all Federal activity involved spending and taxing, and these show up in the budget. But with the recent growth in regulatory programs—where businesses and individuals incur costs to achieve important social goals—the Federal budget no longer conveys a complete picture of the Government's economic impact.

Because much spending for social purposes occurs in the form of regulations, and does not appear in the budget, Congress has lost its ability to decide where additional resources could best be used. Right now, we can make rational choices between spending on low-income housing and spending on national defense, because both of these are in the budget. But we cannot make rational decisions on whether to devote more resources to cleaning up the environment or to improving workplace safety, because spending on these goals is not in the budget. Also, we cannot balance between more spending on the environment and more spending on housing, again because our spending on the environment is not in the budget. A regulatory budget would restore the ability of Congress to set our national priorities.

A regulatory budget would also provide an incentive for agencies to achieve their regulatory goals cost-effectively. With a cap on total compliance costs, agencies would search for less expensive ways of achieving regulatory goals, so that they could accomplish the maximum amount for the allowable compliance cost. Right now, with no cap on private sector compliance costs, agencies have no incentive to eliminate waste and inefficiency. As a result, too many regulations have contributed unnecessarily to inflation and lower productivity because they have not been developed in a way which minimizes waste. We do not want to cut regulatory benefits. The benefits of most of our regulatory programs are enormously important. But we want to cut out waste and inefficiency.

REGULATORY CALENDAR

The regulatory calendar, which was published yesterday in the Federal Register by the Regulatory Council, is an important development toward a regulatory budget. For the first time, we have a complete list of all the major regulations being developed by the regulatory agencies. Not only do we have the title of the regulation, but also a summary of expected benefits and costs, the economic implications of the proposed regulations, and major alternatives under study. These would all be important elements of a regulatory budget, and the regulatory calendar will help sharpen their usefulness.

Here is what the Regulatory Council says about the regulatory calendar:

> The first edition of the Calendar of Federal Regulations represents the newest and one of the most promising tools for the President, the Congress, the regulators, and the public to understand and shape the way we implement national regulatory policy goals. For the first time, we will have a comprehensive catalog of important Federal regulations while they are under development. . . .
>
> Most important, we will have this information much earlier in the regulatory process, at one time and in one place.

According to the Regulatory Council, the Calendar of Federal Regulations will improve the regulatory process in four ways. It will help identify areas of potential duplication, overlap or inconsistency. It will help identify economic sectors facing multiple regulatory activity. It will help in the developement of consistent analytical and decision-making methods. And it will help in the assessment of regulatory benefits.

Of course, this is a lot to ask. If it goes some of the way toward achieving some of these goals, it will certainly contribute to the development of a regulatory budget. But it is no substitute for such a budget. No existing regulations are included and it provides no incentive other than the possibility of agency embarrassment for the elimination of waste and unnecessary costs.

The regulatory calendar published yesterday is more than 100 pages long. I will not try to publish it in the RECORD. But I do think my colleagues and the American people should know what the regulatory agencies have in mind for us during the next few months, and so I ask unanimous consent that the table of contents of the calendar be printed in the RECORD. I hope my colleagues will take a look at the regulatory calendar because the regulations listed will have a major impact on all Americans.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

REGULATIONS ON THE REGULATORY CALENDAR

CHAPTER 1—HEALTH AND SAFETY

U.S. Department of Agriculture

National School Lunch Act and Child Nutrition Amendments of 1977

Regulation by the Secretary of Agriculture of food sold on school premises in competition with the National School Lunch Program---- 11391

Department of Health, Education, and Welfare

Medicare-Medicaid Anti-Fraud and Abuse Amendments

Uniform reporting systems for health services facilities and organizations- 11393

Social Security Act

Life Safety Code in hospitals, nursing facilities and intermediate care facilities ---------------------------- 11394

Conditions of participation for skilled nursing facilities and intermediate care facilities---------------------- 11394

Department of Labor

Federal Mine Safety and Health Act of 1977

Mandatory safety standards for surface coal mines and surface areas of underground coal mines------------ 11395

Regulations providing for automated temporary roof support standards-- 11396

Requirements for construction and maintenance of impoundments and tailings piles at metal and nonmetal mines ---------------------------- 11396

Requirements to provide self-contained (oxygen-generating) self-rescuers to underground metal and nonmetal miners------------------ 11396

Safety and health standards for construction work on mine property--- 11397

Regulations setting forth requirements for safety and health training for mine construction workers-- 11398

Occupational Safety and Health Act of 1970

Identification, classification and regulation of toxic substances posing a potential occupational carcinogenic risk ------------------------------ 11398

Occupational exposure standards to hexavalent chromium------------- 11399

Occupational exposure to pesticides-- 11399

Department of Transportation

Federal Aviation Act of 1958

Flammability standard for crew-member uniforms------------------ 11400

Wind shear equipment requirements-- 11401

Federal Railroad Safety Act of 1970

Alerting lights display—locomotives-- 11401

Motor Carrier Act

Hours of service of drivers----------- 11402

Minimum cab space dimensions------ 11402

Port and Tanker Safety Act of 1978

Construction and equipment for existing self-propelled vessels carrying bulk liquefied gases---------------- 11403

Requirements for inert gas systems for oil tankers of over 20,000 dead weight tons------------------------ 11403

Environmental Protection Agency

Clean Air Act

Review, and possible revision, of the national ambient air quality standards for carbon monoxide---------- 11404

Review, and possible revision, of the national ambient air quality standards for nitrogen dioxides---------- 11405

Review, and possibly revision, of the national ambient air quality standards for particulate matter-------- 11405

Review, and possible revision, of the national ambient air quality standards for sulfur oxides------------ 11406

Standards of performance to control atmospheric emissions from industrial boilers---------------------- 11407

Reducing benzene emissions to the atmosphere ------------------------ 11407

Listing of coke oven emissions as a hazardous air pollutant and reducing emissions-------------------- 11408

Gaseous emission regulations for 1983 and later model year heavy-duty engines ---------------------------- 11408

Gaseous emission regulations for 1985 and later model year heavy-duty engines ---------------------------- 11409

Particulate regulation for light-duty diesel vehicles------------------- 11410

Proposed emission regulations 1983 and later model year light-duty trucks --------------------------- 11410

Fuels and fuel additives testing regulation ------------------------- 11411

Federal Insecticide, Fungicide and Rodenticide Act

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Mr. BENTSEN. Mr. President, I really believe that the Carter Administration is making a very serious effort to try to turn back this tide. In 1955, we had 10,000 pages in the Federal Register; today, there are over 70,000 pages in it. There is no way that small businessmen or an individual can possibly keep up with the new laws that they are subjected to and how they are to comply with them.

I introduced a Federal regulatory budget to try to put an annual cap on how much these agencies can make us spend. We put a budget on them as to how much of the taxpayers' money they can spend, but the open-ended thing has been how much they are going to make us spend. The idea of what the economic impact is going to be on individuals across this country in small business or on the cost of living, the kind of frustration that is going to come about because of it—that kind of regulatory budget would go a long way toward bringing some economic justice and a curb on inflation in this country, and I am very hopeful that my colleagues will support it.

I think this regulatory calendar is a major step forward, because it lets us know across the country what all the agencies are promulgating, so we can try to find a way to cut out the conflict and the overlap before they finally become regulations themselves, before they finally get their feet set in concrete on each of these.

I urge my colleagues to be supportive of these kinds of efforts at cutting back on the intrusion of Government into our personal lives.

ENERGY FOR WHAT?

Mr. BENTSEN. Mr. President, during the past 4 years, the junior Senator from North Carolina has earned an enviable reputation as one of the best informed, hardest working, and most effective Members of this body.

While Senator Morgan is known primarily for his outstanding work on the Armed Services and Banking Committees, he has also taken an active interest in small business and agricultural policy.

Senator Morgan was in Houston on February 20 to address the National Rural Electric Cooperative Association. I believe the Senator's speech on that occasion reflects his ability to master complex subject matter and communicate creative, sensible ideas in respect to energy policy.

I commend my colleague on an excellent address and ask unanimous consent that Senator Morgan's remarks "Energy for What?" be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Energy for What?

It is a special thrill for me to be here in Houston today for the 37th Annual Meeting of the National Rural Electric Cooperative Association.

The reason why I was especially pleased to accept this speaking invitation has to do with what rural electrification has meant to me. I can remember when we turned on electric lights for the first time in my home on rural route #1, in Lillington, North Carolina. Having those lights was meaningful to our lives beyond description. For once we could read late at night without special strain.

Indeed, the people in this great hall are among the finest in America. I owe, along with the rest of the nation, a special debt to folks like Walter Harrison of Georgia who has attended every one of your 37 meetings and is now leaving your Board of Directors.

The people that have gathered these past few days in the nation's oil capital know the importance of energy. They know that it is energy that runs through the social and economic fiber of the nation. They know that it is energy which powers the movement of goods and people, which our factory gates open and which permits a small boy growing up in Lillington, North Carolina, to read until the wee hours of the night.

Energy is much on the minds of America's people tonight. There is talk of rationing of petroleum, the closing of gasoline stations on Sunday. We have lived with this type of discussion since the days of the Arab oil embargo in 1973. Yet, I find it interesting to note that it is a cut-off in supplies from Iran—which total only five percent of our oil consumption—that has brought on renewed discussion of gasoline rationing.

As we face declining supplies of fossil fuels, it becomes essential that we scrutinize what we use our energy for while aggressively searching for new sources.

We who come from Rural America have to be especially concerned about energy questions. We all have heard various scenarios about energy questions. We all have heard various scenarios about our energy future—including scenarios forecasting migration from rural areas to cities in order to conserve energy. Those who have not thought about those frightening scenarios only need think back to the days of the Arab oil embargo when many of the energy giants cut-off energy supplies to rural areas, pleading high transportation costs. Indeed, it was farmer cooperatives that saved the day in many rural areas of our country.

In Washington I serve as Chairman of the Senate Rural Housing Subcommittee. This responsibility and privilege, coupled with my own special background of having lived in Rural North Carolina, provides me with a strong responsibility and challenge in confronting our energy future.

In meeting this task, I have often focused on the social and economic forces which have shaped the State of North Carolina today. Certainly the strongest force has been the existence of tobacco. Because of tobacco, the Tarheel State has more farmers than any other state but Texas. We also have the smallest farm size of any significant farm state.

Indeed, tobacco has meant that North Carolina has had an opportunity for strong small towns and villages during a period of time when the very existence of Rural America was threatened in most states.

A second force which has shaped the State of North Carolina has been rural electrification. When the Rural Electrification Administration was first established in the early part of the Great Depression, only one in ten rural citizens had electricity. Today, over four decades later, nearly every rural home and farm has electric power.

The Rural Electrification Administration came into being only after a long period of neglect of rural areas by the private, investor owned utilities. Many of these private utilities said it was not feasible to electrify Rural America, but enterprising R.E.A. efforts led to many innovations which brought costs down.

The private, investor owned utilities resisted the Electric Membership Corporations and opposed in Congress the efforts to expand R.E.A.'s funding and authority.

Today, many of the antagonisms between the private, investor owned utilities and the Rural Electric Co-ops have been eliminated. Indeed, today the Co-ops and the investor owned utilities have many mutual interests, not the least of which surrounds the question of nuclear power in America's future.

As we enter the 1980's, Rural Co-ops stand at a turning point in their development. The task of rural electrification is largely complete. This, though, does not mean that there is no future role for either R.E.A. or the Rural Electric Co-ops. Indeed, I believe that this joint partnership has never faced a greater challenge.

I believe that R.E.A. and the Co-ops must fulfill a vital and innovative role if we are going to continue to have a strong Rural America.

Just as the Co-ops provided a unique response to the great problem of the 1930's—rural underdevelopment—so too can they play a vital role in spearheading the move to alternative and renewable energy sources.

By alternative and renewable energy sources, I mean such sources as solar, wind, wood, and low-head hydro, the latter being the placement of generators on existing dams which can generate tremendous amounts of electricity with a minimal amount of investment. These types of sources of energy, combined with balanced development of nuclear power will make up America's energy future as I see it.

The R.E.A. and Rural Electric Co-ops can move to the forefront of renewable energy development without major new laws or institutional changes. In fact, a re-emphasis on the "co-operative" part of Rural Co-ops can help solve one of the great energy crises of our time, the dilemma of how to connect supplies of energy produced by renewable energy sources into the electric energy grid that criss-crosses the landscape of America.

Just as the animosity between the Co-ops and the private investor owned utilities proved ultimately to be an obstruction to energy development, so too today the heated conflict between advocates of electrification and on-site energy enthusiasts threatens to needlessly complicate and delay the development of renewable energy sources. On both sides short-sighted thinking threatens progress and cooperation that are so desperately needed. Those who see renewable resources as our complete salvation—the alliance of environmentalists and solar enthusiasts—jealously guard against any intrusion of the utilities or Rural Electric Co-ops into renewable energy development. The renewable energy forces believe, wrongly, I am convinced, that solar and renewable sources can meet all of America's energy needs. There is also the mistaken view that renewables and electricity distribution systems are competitors or separable. In fact, they are and should be complementary.

Unfortunately, it is not only the environmentalists and solar advocates who are wrong. Equally wrong, in my opinion, are those individuals who see solar and renewable energy sources as unrealistic and a threat to the success of energy progress.

In fact, the goals of the two groups are quite inevitably intertwined. The Rural Electrics cannot achieve their basic goal—providing electricity at a price people can afford—with the development of renewable sources of energy. Likewise, solar and wind and other alternative sources of energy will never be viable without a carefully redesigned rate structure.

At this point I want to emphasize and explain both of these points. The importance of utility rate structure to the development of renewable sources is an often overlooked fact.

Most all solar and wind systems generate power irregularly. On cold winter nights the sun doesn't shine and on windless days the wind mills don't turn. At other times solar and wind suffer from an overabundance of energy: on windy days a farm or home with a wind mill would be able to generate more power than needed; the extra power would have to go elsewhere. Obviously, how much the wind-mill owner receives for his excess power will be very important in determining the economic success of his wind-mills.

Similarly, the Co-ops will be dependent on the phase-in of renewables to halt the upward soar of electric rates. Here I believe that the historical trends are unmistakable. Ten years ago, you could generate a kilowatt hour with as little as a hundred dollar investment. Today, it is likely to cost one thousand dollars to build the capacity from conventional sources to generate a kilowatt hour. Although rates have risen rapidly this ten fold increase in the cost of electricity from new generating capacity has been hidden from the consumers because the newer and higher price power has been averaged in with the much greater amount of old, cheap power. This upward trend in the cost of new generating capacity shows no signs of ending.

Renewables, which ten years ago were quite uneconomic, are now competitive with the higher priced electricity generated from new capacity. The cost of renewables has fallen and will probably continue to fall or at least level off. While—barring a major breakthrough—renewable energy sources will never be as cheap as older electricity, there is every reason to believe that they will grow increasingly superior in cost to electricity from newly constructed generating plants.

I am certain that most of the people that are here today can appreciate the points I make. It is no accident that the National Rural Electric Cooperative Association, led by your very capable Executive Vice President Bob Partridge, has mounted an impressive and extensive public education campaign shepherding the need for solar energy development. Clearly, it will be people such as Bob that will be at the forefront of the type of partnership that I think is essential for the type of balanced energy development I believe our country needs.

While I have outlined how I think energy sources can be converged to meeting our needs, I think that it is essential that constraints from other directions be faced and analyzed. A recent issue of your magazine, Rural Electrification, has dealt with some of these concerns in its December issue. That specific issue asked the question, Too Much Protection?, on the cover.

This issue covered, far more comprehensively than I could address here, the problem of too much regulation. I think that everyone recognizes that Congress has been capable of over-reaction on a number of issues. You should not blame Congress. Indeed, often Congress is faced with making fundamental decisions shaping the future of America with very limited knowledge. If Congress guesses correctly, all well and good. If Congress misses the mark, then you, the people of this nation, pay the price.

I think that Congress has acted with good intentions in passing the Clean Air and Clean Water Acts. Certainly, everyone wants a clean environment. But when these laws were passed during the years of the Great Society, Congress either felt that the cost could be absorbed by ever increasing economic growth or that the costs would clearly be in the public interest. Today, a different mood prevails. The American people demand to know the cost of regulation and that the costs and benefits be carefully weighed before regulations are imposed.

The mood that prevails today I believe will contribute to a better tomorrow. Indeed, I think that the prospect for tomorrow has been made more promising by this renewed balance.

In the beginning of my speech, I asked the question, "Energy for What?" I hope that I have helped answer this question. Energy—from a combination of energy sources—for smooth and balanced growth, especially in Rural America. I applaud your organization for its thoughtful and future oriented role. It is such constructive action that makes me much more optimistic than I thought was possible just a few short years ago. I encourage you to continue to look to Rural America's future needs. With your help, we will have a stronger and more successful Rural America.

I thank you for this opportunity to share some thoughts with you.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, has the Senator completed?

Mr. BENTSEN. I yield to the majority leader.

Mr. ROBERT C. BYRD. Will the distinguished Senator yield a brief period of his time, if he has completed his remarks, to the Senator from Arkansas (Mr. Pryor) who needs a little time and did not have a previous order?

Mr. BENTSEN. I am delighted to yield to my distinguished colleague, the Senator from Arkansas, who has taken such a leadership role so early in his tenure here. I observed that the other day, on the job he did, with some very effective work on the rice program in this country.

Mr. PRYOR. I thank the Senator.

(The remarks of Mr. Pryor made at this point in connection with the introduction of legislation are printed in today's Record under Statements on Introduced Bills and Joint Resolutions.)

SPECIAL ORDER

Mr. BENTSEN. Mr. President, unless the majority leader desires some of the remainder of my time, I am prepared to yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair now recognizes, under the previous order, the Senator from West Virginia for a period of not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, are there other orders for the recognition of Senators, other than mine?

The ACTING PRESIDENT pro tempore. No, there are not.

Mr. ROBERT C. BYRD. Would the distinguished Senator from Kansas like to have some time?

Mr. DOLE. Yes, to make a statement.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Kansas as much of my time as he desires.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

(The remarks of Mr. Dole are printed under tributes to former Senator Bartlett).

Mr. DOLE. Mr. President, I thank the distinguished majority leader for yielding.

Mr. ROBERT C. BYRD. The Senator is welcome.

Mr. President, I yield now to the Senator from Michigan (Mr. Levin) as much time as he needs from the order.

The PRESIDING OFFICER (Mr. Pryor). The Senator from Michigan is recognized.

AUSCHWITZ RECONNAISSANCE PHOTOGRAPHS

Mr. LEVIN. Mr. President, I make this statement on behalf of myself and Senator Boschwitz. Mr. President, the Central Intelligence Agency has recently released aerial reconnaissance photographs depicting the layout of the Nazi death camp at Auschwitz. The photographs, taken in 1944 and 1945, provide further evidence that Allied authorities were aware of the slaughter taking place at Auschwitz during the latter years of the war, which makes even more disturbing the fact that no direct attempt was ever made to disrupt it.

The question of why the Allies did not undertake any military action against the camp or the rail lines used to transport prisoners to it has been a painful one throughout the postwar years. The just released photographs do not by any means represent the first evidence that the Allies were aware of the Auschwitz death camp. As historian David Wyman relates in his article "Why Auschwitz Was Never Bombed" (Commentary, May 1978), information about the camp was confirmed by a detailed report of two escapees, which reached the Allies in June 1944.

Despite repeated appeals that the United States direct bombing raids at the rail lines or the murder installations at the camp, the War Department consistently refused, on the grounds that—

> The suggested air operation is impracticable for the reason that it could be executed only by diversion of considerable air support essential to the success of our forces now engaged in decisive operations.

Wyman points out, however, that more than 2,800 bombers struck targets in the region around Auschwitz between July and November 1944, and it seems clear that some of the bombing raids could have included the camp, or been diverted to it when poor conditions obtained at the primary targets.

The release of the reconnaissance photographs should assist in a reexamination of the decisions made by American and Allied authorities, in light of the information that was available to them. No purpose would be served by an attempt to assign blame retrospectively for the failure to take steps which might have saved so many lives. I do think, however, that we could learn a great deal about how our society and its decision-makers react to humanitarian crises. The vicissitudes of the current administration's human rights policies demonstrate that we as a Nation still have not resolved the critical problem of how humanitarian concerns should be interrelated with what are perceived to be our overriding political and military interests. This conflict is nowhere more poignantly illustrated than in our reaction to the inestimable tragedy of the Nazi holocaust.

Because these questions need to be restudied, I applaud the President for his decision to turn the photographs over to the Holocaust Commission. I hope the President will direct all Federal agencies to release all information which bears upon these events, so that we may reconstruct with greater accuracy the historical record of that era, and draw from it lessons which may help guide our future conduct.

Mr. President, I ask unanimous consent that an article on this subject from the Washington Post of February 23, 1979, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

1944 Photos Showed Auschwitz Camp

(By Thomas O'Toole)

Allied aerial reconnaissance photographs revealed the existence of the Nazi death camp at Auschwitz more than a year before the end of World War II, which raises anew the question of why the Allies never bombed the camp or the rail line that took victims to the camp.

Aerial photos taken of Auschwitz by American and British reconnaissance planes from April 4, 1944 to Jan. 14, 1945, clearly show the camp's gas chambers and crematoria where victims' bodies were burned. Several photos show prisoners undergoing disinfection and standing in line to be tattooed. One photo shows a line of 1,500 prisoners being led into the camp from 85 railroad boxcars parked at the end of the rail line just outside the camp gate.

The photographs, along with a scholarly treatise tiled "Holocaust Revisited," have just been turned over to the National Archives by the Central Intelligence Agency, which also passed the photographs on to the White House. It is understood that after seeing the photographs, President Carter sent them to Elie Wiesel, chairman of the Holocaust Commission and a survivor of Auschwitz.

Just why the CIA passed the pictures on to the archives is not clear. The authors of the CIA report accompanying the pictures said: they were moved to research and write the report after seeing the television serial, "The Holocaust."

"My hope is that we stimulate the interest of historians in the use of photographs taken through aerial reconnaissance," Dino A. Brugioni, one of the authors of the CIA report, said yesterday. "It is an untapped source of history."

The immediate reaction to release and publication of the photographs may be primarily one of anger. Jewish scholars have long asked why the Allies did not bomb Auschwitz or the rail line leading to it, a question that is sure to be brought up again with the release of the pictures.

"A recurring question since World War II has been why the United States rejected requests to bomb the gas chambers and crematoria at Auschwitz or the railroads leading to Auschwitz." University of Massachusetts historian David S. Wyman wrote in Commentary magazine last May, "Such requests began to be numerous in the spring of 1944."

Proponents of such an attack recognized that it would have killed many of the inmates, but the Germans were going to kill them anyway and destroying the camp might have saved other intended victims.

Destruction of the rail line would have hampered the transport of nearly 1 million Hungarian Jews, who were being moved to Auschwitz at the time.

On April 10, 1944, two Auschwitz escapees named Rudolf Vrba and Alfred Wetzler passed on detailed information to Jewish leaders in Switzerland that Auschwitz was a death camp for Jews. The Swiss Jews informed American diplomats in Berne that 12,000 Jews were being murdered every day at Auschwitz, information that reportedly reached Washington by June 1944.

A crucial question about the aerial reconnaissance pictures of Auschwitz is whether they were ever passed on to Washington by the U.S. Strategic Bombing Survey in Britain and Italy, where the planes were based that took the pictures.

The pictures of Auschwitz were almost an accidental byproduct of photographs taken of an I. G. Farben plant producing synthetic fuels less that five miles away. The plant was repeatedly bombed in the last year of the war by American and British planes.

There is little question that the Auschwitz photographs revealed the existence of a death camp. The question is whether the photo interpreters looking at the pictures recognized it as such and notified their superiors.

"Photo interpreters were unaware of Auschwitz at the time," Brugioni said. "They were looking for details of the Farben plant alongside Auschwitz, nothing else."

He explained that during World War II, photo interpreters were given no historical or social background by which to judge pictures. He said they were usually in a hurry to make judgments and often used shortcuts in making them.

"For instance, there's a picture in the Auschwitz file that shows prisoners being herded toward the camp," Brugioni said. "During the war, any time a line of people were seen in a picture it was labeled, 'mess hall' ".

The pictures turned over to the archives by the CIA have lain in cans of aerial film stored at a Pentagon repository in Suitland, Md., for 30 years. The CIA acquired the film after "Holocaust" raised the Auschwitz issue last year.

The pictures illustrate what have been until now only "eyewitness accounts of the death process at Birkenau," which was the murder section of the Auschwitz camp, according to the CIA report. The pictures of the four gas chambers and crematoria at the camp "appear to be historically unique," the CIA report said.

"As far as we have been able to determine," the report's authors write, "no other photography of these facilities exists. The Birkenau gas chambers were special access facilities, even for most Nazis, and all photography was forbidden. The extermination facilities at the camp were destroyed by the Nazis prior to the camp's being liberated by the Red Army in January 1945."

Situated in a remote area south of Warsaw in Poland, the Auschwitz death camp was first opened in June 1940 to receive Soviet prisoners of war. It later became the main death camp for European Jews. By one count, 2.5 million Jews were killed at Auschwitz.

Mr. LEVIN. Mr. President, another of this Nation's more recent reactions to the holocaust, the investigation and prosecution of suspected Nazi war criminals, further demonstrates this country's ineffective response to this terrible tragedy. Despite congressional direction, the Immigration and Naturalization Service has not seen fit to wholeheartedly investigate and prosecute the hundreds of persons who were involved in the holocaust and who have entered this country illegally since then.

Congress has made it clear that funds are to go to prosecution and investigation of these cases. I find it inconceivable that the INS has been so recalcitrant on this matter.

Mr. President, it is imperative that the funds allocated to the Special Litigation Unit of INS be released immediately by the Justice Department so the Unit can begin to fully prosecute the over 175 credible cases which it is currently working on. Because our time is rapidly running out, we must act aggressively on these cases. The persons involved in these crimes must not be allowed to continue their lives in the United States with the false security they now have.

ORDER OF BUSINESS

Mr. LEVIN. Mr. President, I yield back the remainder of my time to the Senator from West Virginia, and I thank him for his courtesy.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

VOCATIONAL EDUCATION IS WORKING IN WEST VIRGINIA

Mr. ROBERT C. BYRD. Mr. President, since 1963, the Federal commitment to vocational education has served as a stimulus in the development of the current vocational education system. However, the bulk of that commitment is carried by the States. Federal funding for vocational education programs in 1977–78 amounted to $534 million. These funds were matched by $4.4 billion in State and local funds to provide programs enrolling more than 16 million students. The States have the final word about the shape and implementation—within Federal guidelines—of their vocational education programs.

I support the concept of State responsibility for education because State governments are best able to understand the education needs of their communities. In my own State of West Virginia, vocational education programs have been instituted to help students develop job skills which are applicable to the particular businesses and industries in the State.

Since 1963, the programs have progressed rapidly. In the last 10 years, programs have been expanded, modernized, and made more responsive to emerging job opportunities in the State. In 1968, there were seven vocational education centers in the State, with 66,000 people enrolled. A decade later—during 1977–78—152,995 people participated in vocational education and related jobs programs at over 50 centers throughout the State.

Enrollment continues to increase and additional centers are under construction. While the Federal allocation for vocational education programs was $5.3 millon in fiscal year 1978, West Virginia spent $35 million and the local governments contributed $15 million.

Vocational education in West Virginia has made a significant contribution toward resolution of the problems of unemployment in the State. The unemployment rate for vocational graduates is less than half of what it is for high school graduates in general.

Moreover, vocational education programs in West Virginia are keeping pace with changing manpower needs. Mine training, for example, has been expanding during the last 3 years in order to meet the growing need for coal. In many instances, West Virginia has taken the initiative to implement programs which go a step further than Federal mandates. For example, in 1975 the State mandated 80 hours of orientation and safety training for persons in coal mines, which is in excess of Federal law. Since then, vocational education programs have trained 29,000 persons in mine safety. In 1976, the State mandated that emergency medical technicians be present in every section of every mine at all times. In order to be certified, the State requires that enrollees receive training experience in excess of that required by the national program. During 1977–78, vocational education trained 6,031 persons in this field.

Vocational education programs in mining keep up with advanced technology. For example, a new curriculum to train persons as mine electricians is based on the newer solid state electrical panels being used today. The new solid state controls are much more efficient and economical, but their growing use has created a need for trained technicians to maintain them. It is being met in vocational education courses which teach students how to troubleshoot electronic mine machinery.

In mine mechanics, students get practical experience in shops similar to those in the industry itself. They get instruction in mining laws, 80-hour orientation, and a trip underground. Safety, too, is a major part of the program.

Public service training programs have been growing rapidly in West Virginia to help Federal, State and local agencies meet employment needs and to help West Virginians take advantage of new employment opportunities. There are courses offered in law enforcement, emergency medical technician training, fire science and prevention, and waste water treatment programs.

In 1977–78, vocational education enrolled 1,725 persons in firefighting courses, 388 persons in law enforcement courses and 195 persons in waste water plant operations. Other programs include health, agriculture, business, industry, and home economics.

The major reason people enroll in vocational education programs is to learn a skill that will earn them a living. The main ingredient in each program is to give students the necessary skills to get a job. In West Virginia, vocational education programs are doing this. Nearly everyone who completes a vocational program finds a job. Eighty-seven percent of graduates from high school programs find jobs. Ninety-three percent of graduates from postsecondary programs finds jobs.

I support vocational education in West Virginia, Mr. President, and I commend the West Virginia Department of Education, local education boards, and the many groups and individuals too numerous to name for their efforts and accomplishments in providing vocational education programs which meet the needs of businesses and industries in the State.

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes.

THE RETIREMENT OF ROBERT C. HOUGH

Mr. ROBERT C. BYRD. Mr. President, the retirement of Robert C. Hough on February 28, 1979, from his position as Deputy Sergeant at Arms brings to a close a long career of service to the Senate. First appointed as a page by Senator Harry F. Byrd, Sr., Mr. Hough was advanced to Chief Page and then in June 1943 to Assistant in the Radio News Gallery. He held this position until his enlistment in the U.S. Navy on August 28, 1944.

After serving in North Africa and Sicily, Mr. Hough received an honorable discharge from the Navy on August 15, 1946, and resumed his work for the Radio News Gallery. From this time on Bob Hough's dedication to the Senate was unbroken. On January 1, 1957, he was placed in charge of the Radio and Television News Gallery, making arrangements for coverage of the committees, other Senate activities, and the national convention which he attended from 1944 through 1972.

The Senate appointed Mr. Hough Deputy Sergeant at Arms on July 1, 1972. Merely to describe the tasks that were his responsibility—the security of the Senate, arranging for funerals and all other special ceremonies—does not tell the whole story of his man and his work for the Senate.

Robert Hough was one of the first to arrive in the morning and the last to leave at night. He could be observed daily on the Senate floor, his arms folded, his eyes scanning the galleries to make sure all was in order. He always comported himself in the manner best fitting his responsibilities. He was deliberate in attending to his duties, always doing his job with a singlemindedness, a sense of purpose.

Mr. President, I do not think it would be hyperbolic to say that Robert Hough loved the U.S. Senate. From the time of his service as a page through his service as Deputy Sergeant at Arms, Mr. Hough's dedication never waned. I would like to commend him for the exemplary work he has done and for the spirit of willingness which he brought to his duties. I know that he will be missed and that my wishes for a pleasant and fulfilling retirement are shared by all members of the Senate.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 1 hour, with statements therein limited to 5 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IDAHO LEGISLATURE STRONGLY ENDORSES NUCLEAR POWER

Mr. McCLURE. Mr. President, captions such as "Gasoline Rationing," "One Dollar Per Gallon," and "Homes Without Heat" fill the national headlines more frequently with each passing day. When will we realize that our Nation's dependence on unstable, foreign oil supplies is a severe problem and cannot—and will not—be solved by conservation measures alone?

We in the Congress must get busy and place as a top priority making this Nation energy self-reliant. The Idaho State Legislature has the right idea. In a recent joint memorial they represent support for energy conservation and call specifically for the use of nuclear power to be integrated into the electrical power system. They urge the administration and Congress to act now to put an end to Federal restrictions and penalties making it next to impossible to get nuclear powerplants built and on line.

Nuclear power plants are unquestionably one of our major hopes for meeting future energy needs and, indeed, present ones. Nuclear energy offers mankind—throughout the world—the means of coping with an ever increasing need for electricity combined with an ever decreasing supply of fossil fuels. Until such time that fusion, solar energy and other renewable energy sources can assume a major share of the electrical load, nuclear fission can, if given the chance, provide for the increased need.

The Idaho National Engineering Laboratory in Idaho is making an outstanding contribution to the United States with its pioneering and continuing contribution to reactor technology. We should use this valuable research to get the benefit of the taxpayer dollar investment in this abundant source of clean energy. Idahoans live and work daily with nuclear energy and fully endorse its existence and use. Other Americans should follow this example.

I join my State legislature in calling for an immediate reform of unnecessary, bureaucratic restrictions on the nuclear industry. I ask unanimous consent that the Idaho Senate Joint Memorial No. 102 be printed in the Record.

There being no objection, the memorial was ordered to be printed in the Record, as follows:

Senate Joint Memorial No. 102

Whereas, the Senate and the House of Representatives of the State of Idaho support energy conservation whenever sound and economically possible; and

Whereas, the President of the United States has requested everyone to join in an attempt to make our country energy-independent; and

Whereas, the people of Idaho support the full development of all safe, nonpolluting forms of electrical energy; and

Whereas, the use of nuclear power could be integrated into the electrical power system as a source of future energy for Idaho; and

Whereas, the federal government has adopted stringent nuclear safety regulations; and

Whereas, construction of nuclear plants and the provision of adequate energy provides jobs for citizens during and after construction of the plants.

Now, therefore, be it resolved by the members of the First Regular Session of the Forty-fifth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we most respectfully urge the President of the United States and the Congress of the United States to act now to put an end to all administrative delays in order to provide for the earliest possible granting of necessary licensing and construction permits for nuclear power plants.

Be it further resolved that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this State in the Congress of the United States.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

TAIWAN ENABLING ACT

Mr. ROBERT C. BYRD. Mr. President, the 3-day rule on the Taiwan legislation would not expire until the close of today. I have discussed the item with the distinguished Republican leader (Mr. BAKER), and we have reached an understanding that consent will be given to taking up that legislation today, which would thus waive the 3-day rule, with the understanding that the Senate would then go over until Wednesday to resume consideration of the legislation. This would allow Senators to make speeches today on the legislation, and we would also accommodate a considerable number of Senators who are planning to attend the funeral services of our late friend and former colleague Senator Dewey Bartlett.

So, with that understanding, if the distinguished minority leader agrees, I would like to call up the legislation now and recess until, say, 1:30 p.m. today to allow the distinguished Senator from Ohio (Mr. GLENN) to be here to make his opening statement when we resume the session but, in the meantime, I believe Senator CANNON has filed a statement on another matter on which we should call a quorum and accommodate him. Let us go out, say, for 30 minutes and then come back, and it will be only for Senator GLENN making his opening statement then, and other Senators can make statements, and then we will go over until Wednesday.

Mr. BAKER. Mr. President, will the Senator yield

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I think that is a good arrangement. I told the distinguished majority leader earlier that I thought there were a great number on both sides of the aisle, a great number of our colleagues on both sides of the aisle, who wanted to travel to Oklahoma tomorrow to attend the funeral services for Senator Bartlett. This arrangement would not only accommodate them but would put the Senate on the track toward the orderly consideration of the bill at hand. So altogether I think it is a good practice, that is, to call up the matter now, if the majority leader wishes to, and then the Senate will go over, after we finish statements and the like on the bill today, until Wednesday when we will resume the consideration of the bill at that time.

I would not have any objection if the Senator wishes to call up the resolution.

Mr. ROBERT C. BYRD. Mr. President, I, therefore, ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 14, S. 245.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there objection? The Chair hears none, and without objection morning business is closed.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 245) to promote the foreign policy of the United States through the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Taiwan Enabling Act".

TITLE I

SEC. 101. (a) Whenever any law, regulation, or order of the United States refers or relates to a foreign country, nation, state, government, or similar entity, such terms shall include, and such law, regulation, or order shall apply with respect to, the people on Taiwan.

(b) Except as provided in section 205(d) of this Act, the term "people on Taiwan", as used in this Act, shall mean and include the governing authority on Taiwan, recognized by the United States prior to January 1, 1979 as the Republic of China; its agencies, instrumentalities, and political subdivisions; and the people governed by it in the islands of Taiwan and the Pescadores.

SEC. 102. (a) No requirement for maintenance of diplomatic relations with the United States, or for recognition of a government by the United States as a condition of eligibility for participation in programs, transactions, or other relations authorized by or pursuant to United States law, shall apply with respect to the people on Taiwan.

(b) The rights and obligations under the laws of the United States of natural persons on Taiwan and the Pescadores, and of the organizations and other entities formed under the law applied on Taiwan, shall not be affected by the absence of diplomatic relations between the people on Taiwan and the United States or by lack of recognition by the United States.

SEC. 103. The instrumentality referred to in section 109 of this Act and the authorities on Taiwan shall have access to the courts of the United States, provided that the United States and the American Institute in Taiwan have access to the courts on Taiwan. In the case of any action brought in any court of the United States on behalf of or against the people on Taiwan prior to the effective date of this Act, the authorities on Taiwan shall continue to represent the people on Taiwan.

SEC. 104. For all purposes, including actions in all courts in the United States, the Congress approves the continuation in force of all treaties and other international agreements entered into between the United States and the Government recognized as the Republic of China prior to January 1, 1979, and in force until December 31, 1978, unless and until terminated in accordance with law.

SEC. 105. Whenever authorized or required by or pursuant to United States law to conduct or carry out programs, transactions, or other relations with respect to a foreign country, nation, state, government, or similar entity, the President or any department or agency of the United States Government is authorized to conduct and carry out such programs, transactions, and other relations with respect to the people on Taiwan, in accordance with applicable laws of the United States.

SEC. 106. (a) Programs, transactions, and other relations conducted or carried out by the President or any department or agency of the United States Government with respect to the people on Taiwan shall, in the manner and to the extent directed by the President, be conducted and carried out by or through the American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia (hereinafter "the Institute").

(b) To the extent that any law, rule, regulation, or ordinance of the District of Columbia or of any state or political subdivision thereof in which the Institute is incorporated or doing business impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act, such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

SEC. 107. In carrying out its activities, the Institute shall take all appropriate steps to strengthen and expand the ties between the people of the United States and all the people on Taiwan and to promote full human rights for all the people on Taiwan.

SEC. 108. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to United States law to enter into, perform, enforce, or have in force an agreement or arrangement relative to the people on Taiwan, such agreement or arrangement shall be entered into, or performed and enforced, in the manner and to the extent directed by the President, by or through the Institute.

SEC. 109. Whenever the President or any department or agency of the United States Government is authorized or required by or pursuant to the United States law to render or provide to, or to receive or accept from, the people on Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by the people on Taiwan.

SEC. 110. Whenever the application of a rule of law of the United States depends upon the law applied on Taiwan or compliance therewith, the law applied on Taiwan shall be considered the applicable law for that purpose.

SEC. 111. (a) For all purposes, including actions in all courts in the United States, recognition of the People's Republic of China shall not affect the ownership of, or other rights or interests in, properties, tangible and intangible, and other things of value, owned or held on December 31, 1978 or thereafter acquired or earned by the people of Taiwan, except, however, diplomatic real properties situated in the United States which were acquired prior to October 1, 1949.

(b) Any contract or property right or interest, obligation or debt of, or with respect to, the people on Taiwan heretofore or hereafter acquired by United States persons, and the capacity of the people on Taiwan to sue or be sued in courts in the United States, shall not be abrogated, infringed, modified, or denied because of the absence of diplomatic relations between the people on Taiwan and the United States or the lack of recognition of a government by the United States.

SEC. 112. (a) Notwithstanding the $1,000 per capita income restriction in clause (2) of the second undesignated paragraph of section 231 of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation ("the Corporation") in determining whether to provide any insurance, reinsurance, loans or guaranties for a project, shall not restrict its activities with respect to investment projects in Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans or guaranties with respect to investment projects on Taiwan, the Corporation shall apply the same criteria as those applicable in other parts of the world.

(c) Not later than five years after the date of enactment of this Act, the President shall report in writing to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives concerning the desirability of continuing this section in force in light of economic conditions prevailing on Taiwan on the date of such report.

SEC. 113. The President is authorized and requested, under such terms and conditions he determines, to extend to the instrumentality established by the people on Taiwan and the appropriate members thereof, referred to in section 109, privileges and immunities comparable to those provided to missions of foreign countries, upon the condition that privileges and immunities are extended on a reciprocal basis to the American Institute on Taiwan at not less than the level authorized herein with respect to the instrumentality referred to in section 109.

SEC. 114. (a) It is the policy of the United States—

(1) to maintain extensive, close, and friendly relations with the people on Taiwan;

(2) to make clear that the United States' decision to establish diplomatic relations with the People's Republic of China rests on the expectation that any resolution of the Taiwan issue will be by peaceful means;

(3) to consider any effort to resolve the Taiwan issue by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States; and

(4) to provide the people on Taiwan with arms of a defensive character.

(b) In order to achieve the objectives of this section—

(1) the United States will maintain its capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system of the people of Taiwan;

(2) the United States will assist the people on Taiwan to maintain a sufficient self-defense capability through the provision of arms of a defensive character;

(3) the President is directed to inform the Congress promptly of any threat to the security of Taiwan and any danger to the interests of the United States arising therefrom; and

(4) the United States will act to meet any danger described in paragraph (3) of this subsection in accordance with constitutional processes and procedures established by law.

TITLE II

SEC. 201. Any department or agency of the United States Government is authorized to sell, loan, or lease property, including interests therein, to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to departments and agencies under this section shall be credited to the current applicable appropriation of the department or agency concerned.

SEC. 202. Any department or agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement services by such departments and agencies from the Institute may be effected without regard to such laws and regulations normally applicable to the acquisition of services by such departments and agencies as the President may specify by Executive order.

SEC. 203. Any department or agency of the United States Government employing alien personnel in Taiwan is authorized to transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by law or regulation for the retirement of employees, under which such personnel were covered prior to the transfer to the Institute: *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, shall be currently deposited in the system's fund or depository.

SEC. 204. (a) Under such terms and conditions as the President may direct, any department or agency of the United States Government is authorized to separate from Government service for a specified period any officer or employee of that department or agency who accepts employment with the Institute.

(b) An officer or employee separated under subsection (a) of this section shall be eligible upon termination of such employment with the Institute to reemployment or reinstatement in accordance with existing law with that department or agency or a successor agency in an appropriate position with attendant rights, privileges, and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(c) An officer or employee eligible for reemployment or reinstatement rights under subsection (b) of this section shall, while continuously employed by the Institute with no break in continuity of service, continue to be eligible to participate in any benefit program in which such officer or employee was covered prior to employment by the Institute, including programs for compensation for job-related death, injury or illness; for health and life insurance; for annual, sick and other statutory leave; and for retirement under any system established by law or regulation: *Provided*, That employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, shall be currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in service or retirement from the service for the purposes of any employee or survivor benefits acquired by reason of service with a department or agency of the United States Government.

(d) Any employee of a department or agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this title for the period of such service.

SEC. 205. (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 204(c) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by any State or local taxing authority of the United States.

(b) For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b).

(c)(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

(2) Except to the extent required by section 204(c) of this Act, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

(d) For the purpose of applying section 102 of this Act to the Internal Revenue Code of 1954, and to any regulation, ruling, decision, or other determination under such Code, the term "people on Taiwan" shall mean the governing authority on Taiwan recognized by the United States prior to January 1, 1979, as the Republic of China and its agencies, instrumentalities, and political subdivisions; except that when such term is used in a geographical sense it shall mean the islands of Taiwan and the Pescadores.

(e) The Institute shall not be an agency or instrumentality of the United States. Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

SEC. 206. (a) The Institute may authorize any of its employees in Taiwan—

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) to act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to render assistance to American vessels and seamen.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized to perform such acts.

TITLE III

SEC. 301. In addition to funds otherwise available for the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

SEC. 302. The Secretary of State is authorized to use funds made available to carry out the provisions of this Act to further the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis. The Secretary may provide such funds to the Institute for expenses directly related to the provisions of this Act, including—

(1) payment of salaries and benefits to Institute employees;

(2) acquisition and maintenance of buildings and facilities necessary to the conduct of Institute business;

(3) maintenance of adequate security for Institute employees and facilities; and

(4) such other expenses as may be necessary for the effective functioning of the Institute.

SEC. 303. Any department or agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

SEC. 304. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. Such rules and regulations shall be transmitted promptly to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

TITLE IV

SEC. 401. (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) For purposes of subsection (a), the term "agreement" includes—

(1) any agreement entered into between the Institute and the Taiwan authorities or the instrumentality established by the Taiwan authorities; and

(2) any agreement entered into between the Institute and departments and agencies of the United States.

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same Congressional notification, review, and approval requirements and procedures as if such agreements were made by or through the department or agency of the United States on behalf of which the Institute is acting.

SEC. 402. During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, every six months, a report describing and reviewing economic relations between the United States and the people on Taiwan, noting any interference with normal commercial relations.

TITLE V

SEC. 501. This Act shall have taken effect on January 1, 1979.

SEC. 502. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

ORDER FOR RECESS UNTIL 11 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, at 1:16 p.m., the Senate took a recess for 30 minutes.

The Senate reassembled at 1:46 p.m., when called to order by the Presiding Officer (Mr. EXON).

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I thank the Chair.

Mr. President, S. 245, the bill that has been laid before the Senate regarding the Taiwan enabling legislation, known as the Taiwan Enabling Act, provides for U.S. relations with the people on Taiwan to be conducted through the American Institute in Taiwan, a private organization which is funded by the U.S. Government and whose trustees are appointed by the Secretary of State. This is something new for this country. Although it is a unique approach for the United States, it has worked successfully for Japan since it normalized relations with the People's Republic of China in 1971.

The original bill sent to the Senate—while sound in its basic structure and approach—was deficient in several important respects. The Foreign Relations Committee added a substantial number of amendments to remedy these shortcomings.

Since consideration and debate on this bill will start on Wednesday, I do not intend to describe in detail at this time all the changes we made. Furthermore, the committee report includes a full discussion of the amendments adopted.

That report is out now and available for all Senators to review, along with their staffs, prior to the start of debate on this enabling act on Wednesday.

The Taiwan Enabling Act as amended by the committee is, I believe, a constructive measure that the committee has adopted and one that will continue to be mutually beneficial for the people on Taiwan and the United States.

Mr. President, I will save the remainder of my remarks on this until we open the session on Wednesday. As I understand it, this will be the pending business when the Senate comes into session on Wednesday.

Mr. President, I believe the distinguished Senator from New York (Mr. JAVITS) has some remarks he would like to make today.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, I would like to give the frame of reference in which we will be considering this matter today. Then I, too, will go into a great many of the details when we return on Wednesday.

As to the frame of reference, let me say first, to characterize what is happening, we must not miss the forest for the trees. The People's Republic of China probably has a population of somewhere between 800 million and a billion people and occupies an enormous strategic area on the continent of Asia. It really dominates the continent of Asia. It is, by all rights of culture and heritage as well as population and area, one of the three great entities of government on Earth.

I say that we should not miss the forest for the trees; it is a historic breakthrough that a nation, the central theme of whose propaganda and foreign policy was "hate the United States; hate the running dogs of imperialism; hate the bloodthirsty warmongers in Vietnam and everywhere; hate the suppressors of the people," should now become the friend of the United States, at least in terms of a regularized diplomatic relationship.

As I say, we do not want to make smaller what is a monumental achievement for our country. It shows steadiness and fortitude in our dedication to freedom and; our expression of that freedom in the struggle for human rights for people everywhere. Although we have had our frustrations and our disastrous mistakes, if we stick to it, we are on the right track; and it is others who ultimately will come around and see that if they really want a true and dependable friend, a powerful one, there is only one in the world, and that is the United States.

So I look first in the frame of reference for this historic breakthrough, the normalization of our relations with the People's Republic of China.

I express to Senator GLENN my great pleasure that he will be managing this bill. I think it is very appropriate that a man of his background, who has done so much in his own career both for the security of the Nation and for the adventure of the Nation, should be managing this great adventure in the Senate.

In respect of Taiwan, which is another area of the frame of reference, here are 17 million people who have developed a highly articulated society. It is not the democracy we would like to see—not remotely They have lived under abnormal conditions, and the people who came over from the mainland are still the dominant factors among the authorities of Taiwan. Nevertheless, they have found a way to develop a system of society and of economics and, indeed, of government which is unique to Asia, in the sense that it now has the second highest standard of living in all of Asia, second only to that of Japan and far superior to that of the People's Republic of China, which will take decades to get to the same point.

As to the people whom we admire and whom we cultivated as friends ever since 1949, 30 years, what many of us were deeply concerned about, including myself—I have been to Taiwan and experienced this situation—was that in our desire to do the big thing, which is to normalize relations with the People's Republic of China under conditions we could live with and they could live with, we would open the door to permitting these 17 million to be suppressed, suffocated, overrun, absorbed. We would not wish to find that what they have created on Taiwan would disappear in the enormous mass which was the People's Republic of China.

So that illustrated to us here in the Foreign Relations Committee, who brought this bill to the floor, another facet of American policy—the need, notwithstanding our recognition of the great desirability of dealing on a normal basis with the People's Republic of China, to preserve and establish at the same time the conditions for preserving this great and responsible and successful entity which is represented by Taiwan. It is my profound conviction—and I shall hope to prove it, together with Senator GLENN and my other colleagues as we debate these issues—that we have contrived that successfully.

Now let me say one further thing which it is important for us all to have in focus. To develop normalization with the People's Republic took a period of time. I was the delegate to the United Nations from the Senate in 1970, and that was the first moment that the United States announced a review of our People's Republic of China policy.

Mr. President, that was Nixon's doing, and I think that should be placed upon the record. He personally felt that the time had come to begin to open that door; and as I was the delegate who was charged with that responsibility, I think it is only fair to state that. Of course, he had a most admirable and most effective Secretary of State to implement that policy, in Henry Kissinger.

So it took well over 8 or years in steps including the establishment of liaison offices to develop the conditions under which this finally was accomplished.

Also, Mr. President, one should not for one moment confuse its accomplishment with any euphoria or illusion by me and other Senators—I have little doubt that Senator GLENN shares this view with me—about the Chinese system, the People's Republic system, that is anything but completely authoritarian. There are no illusions. Everybody you see who takes you around the People's Republic—my wife and I have been there—has exactly the same mind. Nobody thinks differently—at least, not for the record, or not that any foreigner can hear. There is still plenty of thought control and plenty of people sent out to the country to "cool it off," as it were, in hard labor in the fields.

So we have no illusions that we are dealing with a beneficient society, any more than we have illusions about Taiwan, as I just expressed, which still has a form of autocratic government—to wit, essentially the people who came over from the mainland.

However, Mr. President, these societies are willing to open up. Taiwan has made a success for all the people, a great success, in their development; and it seems to have a very stable and well-satisfied population with respect to its accomplishments.

With respect to the People's Republic, as Vice Premier Teng showed when he came here, they are willing to operate on a far more open basis than Communist states generally are.

I assume that our journalists will be welcome there; they are there already. They may not see and hear everything, but they certainly can poke around. Their journalists will be welcome here. Generally speaking, one will have a better grip on what is happening and how this enormous mass of people are developing and what they are thinking and what their aspirations are—again, without illusion. For example, a few days after Teng left here, the Chinese invaded Vietnam. I am sure we do not like it, nor would we ever like to see any nation with whom we are friendly an aggressor. So I cannot say that it is an open book, that we know all about it; but there is a material improvement, and there promises to be more improvement if we have a normal relationship with them.

This applies, also, in the economic field, in which the People's Republic is now dedicated to modernization. Again, modernization must mean greater enlightenment, greater openness, a greater willingness to cooperate with the world in things which are effective and beneficial to the world; and if I know our people, that is all we want. We are not looking for any special edge or any special thing—just so long as people have a chance to breathe and a chance to develop.

So these are the frames of reference within which we will consider this issue.

On Wednesday, I shall detail for the Senate, as I am sure will Senater GLENN, how this matter was negotiated; how it developed step by step from conditions which the People's Republic set, which were impossible for us to accept; how, finally, our executive department and the President sought to make progress in working out these conditions; to what extent they did or did not satisfy the People's Republic; and then what we in the Foreign Relations Committee felt was our obligation—particularly on the issue of Taiwan but also on the other issues which had to be tested here.

For example, Senator GOLDWATER has instituted a suit challenging the power of the President to terminate the treaty with the Republic of China on Taiwan. We will be discussing that and the legal basis for the American Institute on Taiwan and for the Institute of Taiwan in the United States and the extension of certain privileges and immunities to those who are engaged in those two institutes. All of these problems we will discuss as well as how we handle the danger of the threat of the use of force against Taiwan in order to subdue, subjugate, or suppress it.

Finally, Mr. President, we will deal with the issue of whether or not we are adequately consulted as there is a law on the books that calls for adequate consultation with us and what may or may not have been the shortcomings of the administration in respect of its actual negotiation of these terms.

So as I see it, this is a curtain raiser to a historic debate as well as a very historic event for our country, and I am very pleased that the leadership on both sides has seen fit to call this matter up as promptly as they have. I am very hopeful that we in the Foreign Relations Committee may satisfy the Senate so that perhaps this very week we may pass this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

Mr. President, in his usual excellent fashion the Senator from New York, who played such a vital role in this bill in committee and in the formation of the final language that we bring to the Chamber today, has established a frame of reference that I think puts this whole thing in its proper context.

With regard to his reference to mainland Chinese population, I am told by our demographic experts in the Library of Congress that they estimate mainland China surpassed 1 billion people last July. That is about one-fourth of the total human race. And, moreover, it is a nation of largely unexplored and untapped resources, amidst an increasingly resources-hungry world.

I submit, Mr. President, if one drew an axis or an arc from Tokyo to Canberra, Australia, and took a swath of territory across the globe by 500 or 800 miles on each side of that axis, with one-third of the total human race involved and with untold resources along such an axis, then that area would have a profound import in shaping foreign policy for much of the remainder of the world, perhaps for the next couple of decades.

I think it is notable that over the past several years trade with that part of the world has increased tremendously. For the last 6 years, the United States of America has engaged in more trade with the Far East than with our traditional and historical trading partners in Europe, whose lands comprise the heritage of most of our citizens. Sixty billion dollars last year went in trade to the Far East, and that was in prenormalization period. No one can even estimate how much this trade will increase in the years ahead as we move into a more normal relationship with these 1 billion people and as their trade expands.

My home State of Ohio, as an interior State and as the fifth largest trading State in this country, conducts $6.9 billion worth of trade for industrial products. That means that about one out of every eight industrial jobs in Ohio is dependent on the export market, and there are $957 million worth of agricultural product exports.

I cannot say specifically what percent of either one of those figures goes to the Far East, but I am sure a great deal of it does.

We might note that this will be the first time since World War II that we will have had diplomatic relations with both China and Japan. We are truly moving very rapidly into a new era in foreign relations, particularly in the Far East.

The distinguished Senator from New York discussed the rapid change in China, the situation on human rights, and many things that we still do not agree with completely, but I am more concerned around the world with the trends in human rights than I am the absolutes.

I think when we expect the nations that we deal with around the world to affirm our ideas of the Jeffersonian "one-man one-vote, go west, every man an entity unto himself" type democracy, we sometimes expect too much too fast.

I am not saying that the developments that we have observed within the Republic of China mean that they have solved all their problems completely, but we do see some changes; changes that were started back under Chou En-lai in the process of opening up. Perhaps those changes were even viewed as threatening by Chairman Mao and the Red guards that were loosed upon China—with all the infamy that took place during that time period and all the people who were executed as a result of those policies and the attacks by the Red guards across China. Nevertheless, we come back now and find that Chou En-lai's colleague, Vice Premier Teng Hsiao-ping, is continuing policies from the days which had been violently interrupted. Perhaps this is a long-term trend that has little chance of being reversed. I, for one, find it very difficult to believe that we could have had anything but virtual agreement with most of the top leadership in the People's Republic of China in addition to Vice Premier Teng Hsiao-ping to see this drastic change and see the very definite move forward, with the four normalizations that they have spelled out: science and technology, industry, agriculture, and defense. In fact, some of the latest trends in China can now be seen in the form of increased communications: The wall posters all over Peking, not just on Democracy Wall, but on virtually every wall in Peking; changes in dress, a lot of color in the dress in the streets in Peking these days, as we saw when we were there in January; people being encouraged to buy radios so they can listen to the English language broadcasts and improve their language, color TV's in hotel rooms in Peking can now be found with one channel always devoted to the English language instruction in the evening.

These are just little indications that I think are really a significant drastic change, and I hope along with everyone in this country this will be a permanent change.

We are still concerned, of course, about Taiwan. I, for one, was very critical of the President and of the administration for what the distinguished Senator from New York has already mentioned: the secret nature of the negotiations after we had specifically written into legislation last year in the Military Assistance Act a requirement for consultation.

And I failed to see that we were adequately consulted even though there have been sporadic contacts over the last year. Those contacts don't qualify as adequate consultation, as I think the administration was aware.

So I am disappointed at that, and I was disappointed that there was not more effort made to get security guarantees for Taiwan. We have perhaps taken our independent route here in the Senate in expressing our concerns that there will be peaceful resolution of the one China problem across the Straits of Taiwan, one China that both sides admit to, and one China that both sides support. Nevertheless we, in addition to the administration, have expressed—along with this legislation in this Taiwan enabling act that we bring out of committee today—our independent view that we fully expect there to be a peaceful resolution of that situation across the straits.

We will save additional remarks on this, Mr. President, until Wednesday, when we will have an extended debate on this issue. I am sure there will be a number of amendments brought up on Wednesday and we will look forward to a healthy discussion.

I think that what we have brought out of committee is a good bill. We look forward to a full debate, accepting the committee amendments, and resuming the debate on Wednesday since we will not be in session tomorrow in honor of our ex-colleague, Senator Dewey Bartlett.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. GLENN. Certainly.

Mr. JAVITS. I think there is one thing we ought to add to our preliminary opening, and I would like to have Senator GLENN be kind enough to comment on it as well.

This is the first time this matter is up in Congress, and as we are taking a greatly increased role in the foreign policy of the Nation, I would like to lay this down as a proposition which others can debate as well as myself.

I would like to reject any concept that we are playing the Chinese card vis-a-vis the Soviet Union. I think it is very important that our good faith in that be complete and that the Soviet Union be made to feel that it has nothing whatever to fear from our normalization of relations with the People's Republic of China. On the contrary, this is auspicious for the peace of the world, and that is the way we mean it. I hope that nothing we do, in the executive department or here in Congress, will give the Soviet Union any substantive cause—now, they may choose a cause, that is their propaganda way—for suspicion that we and the People's Republic are ganging up against them.

We should reject that. We should adjure that in every way that is open to us in the utmost good faith. If they choose to take it that way, they will be the loser, not we, in terms of their own tranquility and their own peace of mind.

For myself, as one Senator in the drafting of this bill, whatever I have contributed I have really had that very much in my mind and, as I say, I am very pleased that the Senator yielded to me, because I think we will both comment on that point.

Mr. GLENN. I certainly appreciate the comments of the distinguished Senator from New York.

I yield the floor.

Mr. HELMS. Mr. President, the concept of the American Institute in Taiwan contains at its heart a fatal flaw which cannot be eradicated. That flaw is, in turn, a reflection of the calculated ambivalence of the new China policy—an ambivalence which can be explained only by fundamental intellectual dishonesty.

The Institute is an attempt to yoke together two logically contradictory propositions under a semantic gloss in order to avoid the inherent consequences of our actions. The new China policy seeks to deny the juridical existence of the sovereignty exercised by the Government of the Republic of China, while at the same time reaping benefits which can be conferred only by recognizing that sovereignty. Moreover, in a move which is even more reprehensible, it pretends to preserve those benefits at the same time that it contemplates the eventual extinction of the liberty and independence which is the moral basis of human dignity. The denial of sovereignty is the denial of the inherent right of self-defense, and is itself a form of immoral coercion.

Seduced by the glittering phantasm of personal triumph, the architects of the new China policy rashly promised the rulers of Peking that our support of the sovereignty of the Republic of China would be withdrawn. Having done so, the same architects want to evade, before the American people, the moral responsibility of handing over 18 million people to "peaceful reunification" with the mainland. It is as though Herod tried to pretend to himself that the head he was offering to the insatiable Salome was made of paper.

Unfortunately, the real head of Taiwan is already on the platter. The Institute is a device to distract the people on Taiwan from that soreness around the neck, and to convince them that everything is just the same. The committee struggled manfully to resolve the logical inconsistencies of the administration bill with the brutal reality of the deed. Although many changes were made on a practical level to warp the structure of the Institute back to the demands of the real world, the fatal flaw remains.

THE FATAL FLAW

That fatal flaw goes back to the announcement of President Carter on December 15, 1978, when he said:

> The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.

The key word in that sentence is "acknowledges." The use of the word "acknowledges" has been described by administration spokesmen as stopping short of "accepts." In other words, the United States takes note that the Government of the People's Republic of China claims to have sovereignty over Taiwan, but the United States takes no position on whether or not the United States agrees with the claim of the People's Republic of China. The implication is that the United States draws back, on the brink, of recognizing the People's Republic of China's claim to sovereignty over Taiwan and the territories actually administered by the Government of the Republic of China. The further implication, essential to the concept of the Institute, is that the Government of the Republic of China retains some residuum of sovereignty, a de facto exercise of sovereignty, if not de jure.

But is that residuum of sovereignty

enough to support the operation of the Institute?

By failing to take a position on the crucial issue, the logic of the new China policy collapses.

If the position of Peking is correct, that is to say, the position that the United States "acknowledges," then Taiwan is juridically part of China and the exercise of sovereignty by the ROC is a rebellion against the legitimate authority of the PRC. If the position of Peking is correct, then the fact of that rebellion is a domestic matter, an internal affair which Peking may resolve as it sees fit. Under international law, Peking would have the perfect right to extinguish the rebellion either by negotiation or, should negotiations fail, by economic or military pressures.

Moreover, if the position of Peking is correct, then the United States has no right under international law to interfere in an internal affair of the PRC. Under international law, the United States cannot have a "people to people" relationship that is not conducted under the authority of the central government of the PRC. We would have no right to object to any economic or diplomatic pressures applied by the PRC to induce "reunification." And, most emphatically, we would not have the right to supply weapons, or go to war, as President Carter claims, to support the purported rebellion against the de jure sovereign authority in Peking.

That this is Peking's view is born out by the press conference of the PRC Prime Minister, Hua Kuo-feng, in Peking on December 16. When asked whether the United States would be permitted to continue providing Taiwan with access to military equipment for defensive purposes, he said:

> During the negotiations the U.S. side mentioned that after normalization it would continue to sell limited amounts of arms to Taiwan for defensive purposes. We made it clear that we resolutely would not agree to this. In all discussions the Chinese side repeatedly made clear its position on this question. We held that after the normalization continued sales of arms to Taiwan by the United States would not conform to the principles of normalization, would be detrimental to the peaceful solution of the Taiwan issue and would exercise an unfavorable influence on the peace and stability in the Asia and Pacific regions. So our two sides had differences on this point.

This attitude was further confirmed by Ambassador Leonard Woodcock, as quoted in an article in the Washington Post by Jay Mathews, datelined Peking, January 1, 1979. The article said:

> Woodcock said he is certain, however, that the Chinese will continue to oppose such arms sales for the record. The first time Washington agrees to a major sales of arms after the mutual security treaty with Taiwan expires in a year, Woodcock said, he expects the Chinese to make an official protest.

It is, therefore, highly significant that the administration later revealed that it had also promised Peking that the United States would sell no defensive armament to Taiwan during 1979. In other words, no arms would be sold during the final year remaining of the Mutual Defense Treaty, a period during which treaty obligations required the United States to defend Taiwan. Left indeterminate was the question of whether we would sell arms after the end of the abrogation period of the treaty. In short, the United States promised that we would supply no arms during the period when we were juridically obliged to supply arms; the only period that the United States left open for the supply of arms to Taiwan was the period which, in the Peking view, it would be illegal for the United States to supply arms under international law.

Clearly, then, the success of "normalization" depends upon both the PRC and the United States exercising restraint in fulfilling the logic of their positions. If the United States insists on preserving the independence and sovereignty of the ROC Government (that is to say, the people on Taiwan) through the supply of arms, then the PRC must decline to insist upon the logic of its view of sovereignty. If the PRC insists on its view of the rights of sovereignty, then the United States must refrain from fulfilling its promises to the people on Taiwan. If the United States "acknowledges" the position of the PRC, then sooner or later one side or the other must concede.

DOES THE UNITED STATES ACCEPT?

But suppose by the term "acknowledges" the United States merely notes, but does not "accept" the PRC view that the PRC has de jure sovereignty over Taiwan and the territories controlled by the Government of the ROC? In that case, then, the logic of the U.S. position would permit the development of another sort of relationship with the governing authorities on Taiwan. If the United States does not accept the PRC claim to sovereignty over Taiwan, then it is appropriate for the United States to continue a relationship with the people on Taiwan, and with the governing authorities there. It would be appropriate to continue our agreements, including cultural, economic, and military relationships.

Moreover, if the United States does not accept the PRC claim to sovereignty over Taiwan, then our attitude toward the PRC should be entirely different. If the Government of the Republic of China retains even a residual de facto sovereignty over the territory it now governs, then the PRC's refusal to foreswear the use of force as the ultimate pressure to induce unification takes on another light entirely. In that case, the ROC is, indeed, a "state," and the PRC's use of force or the threat of force is a violation of international law and the United Nations Charter. Despite the PRC's refusal to rule out the threat of force, the ROC remains an independent state, with all the privileges and immunities of an independent state. If the United States does not "accept" the PRC view, then it is incumbent upon us to state categorically that we do not.

Indeed, the Institute bill, as it emerges from committee, makes a straightforward case that the United States, or at least the Committee on Foreign Relations of the U.S. Senate does not accept the People's Republic of China view. It should be noted that—

First. In section 101(b), the term "people on Taiwan" is defined as including the governing authority on Taiwan recognized by the United States prior to January 1, 1979, as the Republic of China;

Second. In section 102(a), the rights and obligations under the laws of the United States of natural persons on Taiwan and the Pescadores shall not be affected by the absence of diplomatic relations;

Third. In section 103, in the case of any action brought in any court of the United States on behalf of or against the people on Taiwan prior to the date of enactment of the act, the authorities on Taiwan shall continue to represent the people of Taiwan;

Fourth. In section 104, for all purposes, including actions in all courts in the United States, Congress approves the continuation in force or all international treaties and other agreements entered into between the United States and the Government recognized as the Republic of China prior to January 1, 1979;

Fifth. In section 106, programs and other relations conducted by the President or the U.S. Government with respect to the people on Taiwan shall be conducted by the Institute;

Sixth. In section 108, whenever the President or the Government is authorized or required by or pursuant to the U.S. law to enter into any agreement or arrangement relative to the people of Taiwan, such arrangements shall be conducted through the Institute.

Seventh. In section 110, whenever the application of a rule of law of the United States depends upon the law applied on Taiwan, the law on Taiwan shall be considered the applicable law for that purpose;

Eighth. In section 111, for all purposes, recognition of the People's Republic of China shall not affect the ownership of tangible and intangible properties owned by the people on Taiwan on January 1, 1979;

Ninth. In section 12; OPIC guarantees are continued with regard to U.S. private investments in Taiwan;

Tenth. In section 113, the President is authorized to extend diplomatic immunity to the instrumentality established in the United States by the people on Taiwan.

Eleventh. In section 114, Congress states that it is the policy of the United States that the People's Republic will refrain from the use of force in the resolution of the Taiwan issue, and that the United States will provide the people on Taiwan with arms of a defensive character.

All of these provisions demonstrate clearly that the United States intends to consider the governing authorities on Taiwan to be seized of the exercise of sovereign authority over the territories controlled on January 1, 1979, and that the American Institute on Taiwan is tantamount to an official diplomatic mission of the United States. This position is reinforced by the explicit provisions of section 114 regarding defense. The ultimate attribute of sovereignty is self-defense. Indeed, the test of sovereignty is whether a nation possesses the capability, either alone or in conjunction with allies, of defending itself against aggression from another power. The claim of the United States to provide the people on Taiwan—that is to say, according to section 101(b), a category that includes the Republic of China Government—with weapons of a defensive character even in the absence of a mutual defense treaty after 1980, is tantamount to a declaration by Congress that the Republic of China governing authorities legitimately exercise sovereign authority and power. Indeed, the implicit acknowledgement by the President of the United States that the Mutual Defense Treaty will continue until December 31, 1979, despite the recognition of the People's Republic of China as "sole government of China" on January 1, 1979, is legally tantamount to recognition of Repulbic of China sovereignty.

This view is buttressed by the provisions of title II, which establishes the Institute as a surrogate diplomatic mission under U.S. law, and gives the employees of the Institute rights which are derived from their former status as employees of the U.S. Government, including the diplomatic service. Indeed, although section 205(2)(e) states that "the Institute shall not be an agency or instrumentality of the United States," that section must be read in conjunction with the whole title, which takes pains to establish the Institute as a beneficiary of the President's directives (sections 201 and 202), as an entity which has part with other departments and agencies of the U.S. Government as regards personnel benefits (section 203), as an entity whose personnel may return to other Government agencies as if it were an agency of the United States and continue to participate in contributions towards U.S. Government compensation and pension systems, and accrue time in U.S. Government programs for their terms of service. In short, for all practical purposes, the Institute is treated as a U.S. Government agency, despite the attempt to establish its status otherwise.

Even from a financial point of view, title III establishes clearly that the funding of the Institute comes from U.S. Government appropriations, and the Secretary of State is authorized to use such funds to carry on through the Institute the same functions he would carry on through a diplomatic mission. Indeed, the Institutes' expenditure of such funds is made contingent upon an audit by the Comptroller General of the United States. The fact that the Institute is a creature of Congress is emphasized by section 401(c) which provides that any agreements made by or through the American Institute in Taiwan shall be subject to the same approval as though the agreements were made directly by a department or agency of the United States.

No one can deny, therefore, that, despite disclaimers, the Institute is a veritable agency of the U.S. Government, providing a direct relationship with the people on Taiwan, including, of course, the governing authorities which the United States recognized as the Government of the Republic of China until January 1, 1979. All that is lacking is official recognition of that status.

DOES THE INSTITUTE SUFFICE?

The Institute gives much of the substance of diplomatic relationship without the official recognition of such a status. But is that enough? Will that suffice for our relationship with the Republic of China Government in the long run?

The new China policy places the United States in the moral position of an ambitious man who divorces his first wife to marry a socially prominent and attractive second wife, all the while promising wife No. 1 that they will continue to live together as though nothing had happened. Such an anomaly cannot lead to stability or fulfillment; in fact, it is bound to become a destabilizing element if the expectations of the new partner are not fulfilled.

The whole question of the future security of Taiwan is cast into a deep shade by the failure of the administration to secure commitments and practical arrangements that would guarantee Taiwan's freedom of action. More deeply disturbing is not simply the failure to obtain such guarantees; the most damaging blow is the admission that Taiwan's future was conceded in advance to the will of Peking. The testimony of Ambassador Woodcock before this committee was startling in its revelation f the abject capitulation of the United States before the rulers of Peking:

> It had been the American position that we were seeking a guarantee of the nonuse of force in the settlement of the Taiwan question. I personally came to the conclusion—and I am now speaking in personal terms—that to insist upon that would be to run into a roadblock because it was, in essence, the negotiation of sovereignty. It isn't a question of how we look upon the situation. The Chinese in Peking and the Chinese in Taipei both insisted that there was one China. It was a question of trying to negotiate directly a guarantee of the nonuse of force by a sovereign government against what in the mind of that government is its own province.
>
> So central to our negotiations beginning in the period of July, 1978, was our insistence and our expectancy that it would be settled on a peaceful basis, but recognizing the roadblock of the sovereignty issue, which would have led the negotiations nowhere.
>
> I think in a very practical sense, I myself am convinced that we have the best possible assurance in that regard, and I think the statements particularly of Vice Premier Teng Hsiao-ping, beginning in late November of 1978, reiterated forcefully to the Nunn senatorial delegation, of which Senator Glenn was a member, in early January, 1979, that we are getting the most positive response from the Chinese government in this regard.
>
> The CHAIRMAN. At any time during the negotiations over the period that you were in Peking, was the matter of an express commitment by Peking against the use of force in settling the Taiwan question posed?
>
> Ambassador WOODCOCK. Not by me, sir. No.

Keeping in mind that the Ambassador was the sole channel for the negotiations which led to "normalization," we must conclude the following:

First. Peking considers that it has sovereign authority over Taiwan.

Second. The use of force is the ultimate determinate of sovereignty.

Third. Peking's ultimate sovereignty over Taiwan was a nonnegotiable item for Peking.

Fourth. The U.S. view of Peking's sovereignty over Taiwan is irrelevant to Peking's intention to assert that sovereignty.

Fifth. The United States, in refusing even to attempt to negotiate the question, conceded the ultimate disposition of Taiwan to Peking's authority.

Sixth. The United States encourages the incorporation of Taiwan into the People's Republic of China by peaceful means.

Seventh. The United States would be displeased if force were used to bring about unification, but we expect that "unification" by some means would be the "settlement" of the Taiwan question.

A "DECENT INTERVAL" FOR TAIWAN

These conclusions, which flow indisputably from Ambassador Woodcock's testimony, can leave no particle of doubt that the new China policy has already surrendered the legal and moral status of Taiwan to the Communist rulers of Peking. All that is retained is a pragmatic, under-the-table relationship, designed to provide a temporary umbrella, a "decent interval," as it were, to shield the people on Taiwan from an immediate blow, to give time to phase our American capital investment there if necessary, and to bamboozle the American people.

The impact of the new China policy is that both Peking and the United States agree that Taiwan has only one option: To come under Communist hegemony, to use the word that Peking always applies to the Soviet Union. The only question remaining for Taiwan is a question of timing. We are saying that Taiwan has no right to refuse indefinitely. And to help Taiwan to negotiate quickly, both the PRC and the United States hold the ultimate levers: the PRC retaining the right to use force, and the United States retaining the right to supply defensive weapons. Our right to supply weapons conceivably could be continued at such a level as to force the PRC into a better deal for Taiwan and for American investment there; but it could also be withheld if Taiwan were recalcitrant and refused to be absorbed into the Communist system. The execution of the new China policy so far ought to be a warning to the people on Taiwan that the present leadership of the United States is willing to subordinate the human rights and dignity of the people on Taiwan to other considerations.

It is for this reason that I have found widespread concern among my colleagues over the exact nature of the security guarantees to Taiwan. The question turns upon whether the policy of the United States is to support the indefinite autonomy of the people of Taiwan, or whether our security assistance is to support the interests of the new China policy. The information, at first suppressed, that no new weapons would be supplied under the Mutual Defense Treaty during the last year of its existence is further evidence that the architects of the new China policy are seeking to avoid any real test of our true intentions.

The notion that Taiwan's social, economic, and political autonomy could be preserved within the sovereignty of the PRC will hardly bear the least examination. The notorious example of Tibet, which concluded a written agreement with Peking guaranteeing its religious, social, and political systems, demonstrates the extent to which Peking will perpetrate cultural genocide. The example of Hong Kong, obstensibly under British rule, but in reality dominated by PRC finance, trade, kickbacks and corruption, survives because it fulfills a special need to which Taiwan would be superfluous. Rather, Taiwan could expect to become the victim of economic and political subversion—pressed from without by restrictions and boycotts, and assaulted from within by seducing business leaders with special deals and economic dependencies. Once political control were established, key leaders and cultural figures would disappear for "reeducation."

Nor should our enthusiasm for China's "four modernizations"—one of which is the modernization of the Chinese military capability—blind us to the fact that no amount of capital expenditure or political pragmatism will bring about modernization without the element which has been found essential wherever substantial economic progress has been made in the world. The essential element is personal freedom.

China is a totalitarian country whose extreme poverty is matched by its poverty of freedom. An authoritarian country can progress if it allows a large measure of economic freedom to its citizens; but a totalitarian country, by definition, is one in which every decision for every citizen is dictated by political considerations. Upward of 65 million Chinese died to establish that political dictatorship; even today reliable estimates say that between 7 and 25 million Chinese are in forced labor camps at the present time.

Such a system is inherently unstable. The purges and counter-purges in the leadership circles have been matched by a continuing history of uprisings and local rebellions. The instability of the present system is evident in the fact that Teng Hsiao-ping, the controlling personality, is not No. 1 in either the heirarchy of the Communist Party or of the state. He himself was purged twice, and rehabilitated three times. His present consolidation of power extends back no more than 18 months. Moreover, his power rests solely upon the strength of the military commanders who sheltered him when he was purged by Mao. The impotence and disarray of the central government is evident when one considers the fact that Mao could not arrest Teng so long as Teng was in the protection of the provincial military commanders.

Nor is there any established mechanism for the transfer of power from a leader who is now 74. Nor is there a legal framework for the protection of human rights. A study by the Library of Congress shows that Chinese laws are not codified, and that the directives of the party or of local personalities are superior to the rule of law. Taiwan could not expect that any written guarantees of the freedom of the people on Taiwan would be carried out.

TWO GOVERNMENTS IN ONE CHINA

The new China policy is predicated upon the expectation that Taiwan will eventually come under the domination of the Communist government in Peking. The Institute provides a restraining mechanism for slowing down that process; if strengthened, it could help thwart that process completely.

Hopefully, the Institute can provide a bridge to a more realistic China policy. The reality is that China has two governments which each effectively control different parts of Chinese territory. A realistic policy would recognize each government as competent in the territory it controls. There is no need to recognize the claim which each makes to the territory controlled by the other, nor is there any need to deny such claims. Above all, the United States should refrain from actions which would tend to coerce "unification."

The new China policy is despicable not because it tries to deal with mainland China, but because its aim is to consign the people on Taiwan to a fate which they would not freely choose. It attempts to retain the substance of sovereignty for Taiwan while conceding the juridical basis for sovereignty to the Communist rulers of Peking. Insofar as the Institute retains the substance of a relationship with a soverign power, the Institute should be encouraged and strengthened. For the decision of the President of the United States is not determinative de jure of the existence of a sovereign state. The Republic of China remains a sovereign state as long as it effectively controls its own territory. As long as a small nation retains the help of allies who will back up its sovereign powers with a defense capability, it can retain its independence. The Institute, for the time being, can perform that function.

Congress must keep a close oversight on the Institute to insure that it is used to preserve Taiwan's independent options, not to destroy them. Congress must avoid complicity in the new China policy.

Had not the actions taken by the President in withdrawing diplomatic representation with the Republic of China been so precipitate, nor the legislation considered by this committee in pursuance of the President's actions so unprecedented, there would be no need to submit these additional views.

However, the President has in fact engaged in actions of an unprecedented nature, and seeks congressional ratification of his actions through legislation, S. 245.

It is worthwhile, therefore, to review the major background issues with regard to S. 245.

THREE MAJOR ISSUES

Three major issues were raised by the President's actions of December 15, 1978.

First, the President derecognized a longtime ally and friend, the Republic of China. This precipitate action not only was unnecessary, it came at the worst possible time. As the world looked to the United States for a demonstration of resolve and fidelity after a period of growing setbacks for American interests, the world saw instead vacillation, weakness and betrayal of friendship in the derecognition of the Republic of China.

It is not up to the Congress to change that action. The President may choose the nations he wishes to recognize, and which he does not. The issue of derecognition may well be a matter to be dealt with in the 1980 Presidential elections. That is a more proper forum for settlement of that issue.

The second issue raised by the President's actions of December 15, 1978, is the termination of a mutual defense treaty with an ally in time of peace.

Needless to say, this unprecedented action has not gone without notice by allies and opponents alike around the world. Despite administration protestations to the contrary, many of our allies rightfully question the value of the United States' mutual security commitments. Newspaper reports that the Ambassador to the United States from one nation bordering the Indian ocean littoral has sought to be moved to Moscow, because "that is where the power is" cannot be brushed aside as reportage of a mere diplomatic aberration. How much the Presidential decision to abandon the people on Taiwan affected the Ambassador's decision one only can speculate; but it is difficult to believe that it had no effect.

The Congress may not be the proper forum to deal with the specific issue of termination of the treaty, per se; although Congress certainly must deal with the broader issue of the defense of the people on Taiwan. Already, a court suit has been undertaken to deal with the particulars of the treaty termination matter. Its outcome will say much about the scope of the President's power to terminate a treaty with an ally, unilaterally and without prior consultation with and approval by the Congress. At a time when the American public is wary of overextension of Executive power, a proper resolution of the issues raised in the suit will do much to define the limits of Executive power.

The final issue raised by the President's actions of December 15, 1978, is the protection of the interests of the people of the United States in Taiwan, and the concurrent protection of the legitimate interests of our friends and allies, the people of the Republic of China on Taiwan.

This, Congress most properly can and must address. Congress begins that process with consideration of S. 245, proposed by the administration to set up an unofficial relationship with the Republic of China, or—as it now is termed—"the people on Taiwan."

The legislation proposes to set up what amounts to a legal fiction: The United States will recognize the Republic of China as a legal, sovereign entity in all matters except those in which the Republic of China or the people of the Republic of China on Taiwan must deal with the United States on an official basis. This borders on being a charade, and is given the legitimacy of law by

S. 245 in order to accommodate the President in his policy of derecognition of the Republic of China. That the Congress is willing to make such an accommodation, this political favor to the President, I cannot understand, especially in view of the questionable nature of basis underlying the legislation proposed by the administration.

In spite of this legislation, there are many issues which need to be addressed by the Congress, so as not to jeopardize our valuable relations with the people on Taiwan. Foremost is the continuing interest of the people of the United States in the security and defense of the people on Taiwan. Nor should the value of Taiwan to legitimate U.S. and allied security interests in the Pacific be overlooked. Close scrutiny should be made of the People's Republic of China, not only in terms of what good can come of the new U.S. relations with that nation, but also what pitfalls exist for U.S. policymakers.

Protection of U.S. interests in Taiwan certainly will require much fine tuning of the legislation now before the Congress. Such is to be expected, given the haste in which the whole matter has been considered.

THE PROCESS OF "NORMALIZATION"

Congress came to deal with the so-called Taiwan issue and the legislative proposal now before us, because of President's Carter's "normalization" of U.S. relations with the People's Republic of China.

It was a hasty action. By early December, the President's much-publicized Camp David initiative was coming to naught. His December 17 deadline for a final peace agreement would come, and pass, with no agreement.

It was at this time, with imminent failure in the Middle East the headlines across America, that the rush began for "normalization."

Although under a congressional mandate to consult with the Congress over any possible termination of the mutual defense treaty with the Republic of China, and under a personal mandate—a campaign pledge—to conduct foreign affairs in the open, the President and his men moved headlong towards full recognition of Peking, on Peking's terms.

Peking's terms became the only terms for recognition, because of the need the President felt to accomplish "normalization" quickly. Thus, it was learned later, the President did not even attempt to seek a pledge from Peking not to use force to "liberate" Taiwan or seek reunification with the island-nation.

Congressional consultation flew out the window. Almost as an afterthought some congressional leaders were invited to the White House a few bare hours before announcement of the President's decision of "normalization" to hear the President's decision. So much for consultation.

The Republic of China was not even accorded that much courtesy. According to U.S. Ambassador Unger's testimony before the committee, the leadership of the Government of the people on Taiwan was awakened at 2 a.m.—in the early hours of the morning—and told of the President's decision.

Thus, no attempt was made to ease the fact of recognition. No contingency plans were able to be made on Taiwan; hence, the popular outbursts of feeling on Taiwan, and resultant violence.

Lacking prior consultation, major issues that could have been addressed jointly by the Congress and President with the Peking Government were left to be handled by Congress alone, with the Executive alternately pleading and threatening lest anything short of the fait accompli it presented to the Congress be adopted.

Nor was it possible for any congressional consideration to be given, nor input, concerning the nature of the U.S. relationship with the Peking government. Events in Vietnam, with the possibility of Soviet intervention, cast a new light on the nature of the regime that the United States is dealing with in Peking, as did the anti-Soviet, belligerent rhetoric of Vice Chairman Teng during his visit.

THE BENEFICIARY OF NORMALIZATION: THE PRC

With whom are we dealing in the PRC?

Like a novice playing poker for the first time, we have placed all of our bets on Vice Premier Teng. Right now, he appears to be holding all of the right cards. And so he did, several years ago, too, when President Ford held discussions with him. "The most powerful man in China," he was represented as being back then. Ninety days later, he was out of power, purged.

There is a naive hope in the administration that such will not happen again; that, somehow, U.S. policy will help Teng shore up his power base and line of succession. Other administrations held similar views of omnipotence. The Kennedy and Johnson years had their Vietnam and the Nixon and Ford administrations had Iran.

But right now, Teng has power, it is believed. Whether Teng's successors will continue his policies—economic, modernization, toward Taiwan, et cetera—is a matter of serious concern.

The China Teng rules has, perhaps, the worst human rights record in the history of modern times. One witness before the committee recited figures—from 50 to 64 million persons killed during the struggle for power that brought to power the elite that now governs China—the magnitude of which boggle the mind. So many deaths are beyond comprehension. Spoken on so large a scale, the story overlooks the human suffering that accompanied those deaths.

If this were only a historical event, there are some who might be willing to excuse it all. But it is not just a fact of past history; the misery continues even today. One need not look just to organizations like Amnesty International for clearly documented charges of gross human rights violations by the current Peking regime; the President, himself, one witness informed the committee, is reported to have had a detailed briefing on the sad state of human rights observance in the PRC more than a year ago. Yet, he proceeded with "normalization, as far as can be determined, without a whisper about China's human rights record.

China has a huge population, the largest nation on Earth, a billion people, give or take a few million. Unfortunately, China is economically backward, with serious questions about its potential for modernization before the end of the century. Nor are the signs good for bringing off an economic miracle such as the one accomplished on Taiwan over the past 30 years. China does not possess the infrastructure to bring about the miracle: It has no free economy or free labor, and very little incentive for the individual. Trade with the people on Taiwan is enormous: Today, the Republic of China is our eighth largest trading partner, surpassing Saudi Arabia and other oil producers who so often are charged with causing such large trade deficits. Trade with Taiwan is two-way trade, and valuable to the United States; it is trade of one industrial power with another. Trade with the PRC, on the other hand, is very small by comparison; the PRC is a backwards nation industrially, offering no real potential for mutually beneficial trade for years to come.

The PRC remains territorially ambitious. One need witness only the recent incursion into Vietnam for an example. PRC imperialism extends to the radical regime in Cambodia, where the PRC finds an acceptable client-state relationship much to its liking. And who forget Tibet, or the Indian border war of past years?

Strategically, the PRC is of questionable importance to the United States. If one is to give credence to the theory that the PRC "ties down a large Soviet force in their common border, the PRC would do so with or without U.S. recognition, no matter the terms. Of greater concern to the United States should be the ability of the PRC to drag the United States into a potential conflict situation with the Soviet Union, or into a surrogate war.

The old Chinese stratagem, playing the near barbarian (the U.S.S.R.) off against the far barbarian (the United States), continues to hold sway in the minds of Peking's strategists.

One need witness only the language of Vice Premier Teng on his U.S. visit to see that stratagem verbalized.

Thus, the question arises, what is the real U.S. interest in the PRC? Is it so great that the United States need accept Peking's terms for recognition?

More importantly, is the interest of the PRC in having a U.S. ally, economic and political, so great that the PRC can accommodate whatever status Taiwan wishes to have short of political control of the mainland?

The PRC needs the United States far more than the United States needs the PRC, a fact completely overlooked by the administration in its negotiations, so-called, with the PRC concerning the Taiwan issue.

TAIWAN AN ALLY AND LONGSTANDING FRIEND

As America's eighth largest trading partner, the Republic of China remains an important economic asset of the United States. One expert has told me that withdrawal of Taiwan's funds from the banks in New York would precipitate a severe economic situation, forcing some banks to face possible bankruptcy as a result. Thus, many would not want to antagonize Taiwan too harshly.

Strategically, Taiwan serves as an important intelligence resource for the United States off the coast of mainland China. While some may contend that a larger U.S. presence in the PRC will facilitate intelligence gathering and obviate, somewhat, Taiwan's importance, many do not agree with that conclusion. One need only consider the restrictions on movement in the Soviet Union to see how the other major totalitarian state in the region deals with human intelligence gathering. The Taiwan post is important for the United States, and will remain so. Nor should anyone be deluded into believing that such intelligence gathering is unnecessary, now that the United States has opened up full relations with Peking.

We must not forget that Peking views any relationship with the United States as only a matter of necessity—again, playing off the far barbarian against the near one. Peking's relationship with the United States still remains an adversary one over the long haul, as even top China hands in the Carter administration are quick to admit.

With rumored new missile capability under development, with a missile possibly able to reach the United States said to be part of the Chinese strategic nuclear delivery program, the United States has every need to be wary of Peking's long-term intentions. Thus, the need continues for a Taiwan base, not only for intelligence gathering, but as an advance base for U.S. forces in any emergency, either on the mainland, or in Japan or Korea.

Some may have forgotten that the Japanese attack on Pearl Harbor was launched from Taiwan, in part. Strategically, Taiwan sits in an important location, serving as a vital choke point for shipping around the coast of China. This includes not only commercial shipping so vital to U.S. allies Japan and Korea; but also Soviet naval ships bound for action in the Southern Pacific or Indian Ocean.

Thus, the United States continues to have important economic and strategic interests in Taiwan.

TAIWAN'S SECURITY NEEDS

The committee has attempted to provide the people on Taiwan with some security assurances in section 114 of S. 245, the legislation it has reported to deal with the Taiwan issue.

While the section gives some hope to the people on Taiwan, it is an insufficient guarantee of their security. What is needed is a forthright statement by the Congress that the proper security needs of the people on Taiwan will be met.

What are those needs? All are based on the supply of advanced U.S. defensive weaponry to the people on Taiwan. Basic to the needs of the people on Taiwan is an all-weather fighter. Mentioned prominently are the F5–G and the F–16 or F–4, all of which have an all-weather capability. With such a fighter, the people on Taiwan could protect their airspace from foreign incursions well into the 1980's.

Second, the people on Taiwan need sufficient antiship weaponry, including antisubmarine warfare (ASW) weapons. This is critical to the credibility of any deterrence of an amphibious assault on Taiwan, or an attempted blockade of shipping to the island. Mentioned prominently here are such weapons as the Sea-Sparrow and the Harpoon antiship missiles, as well as ASW helicopters.

Other types of defensive weaponry supplied in such amounts as to give the people on Taiwan a credible deterrent capability are necessary if Taiwan is to have the security it feels it needs. Without such security, there can be no basis from which to begin talks from "reunification"—which appears to be the goal of the Carter administration in its dealings with the people on Taiwan. Nor can the United States be assured that Taiwan will not take some sort of desperate action lacking such supply and commitment from the United States.

Faced with U.S. acquiescence in the eventual "reunification" with the mainland and concommitant withholding of needed U.S. defensive weaponry, Taiwan well could seek allies elsewhere, or go nuclear.

Is there anyone in Congress who wants to force Taiwan into the Soviet camp, or the nuclear club?

But both eventualities could take place.

A desperate nation often takes desperate measures. Taiwan in the nuclear club would be subject to economic blackmail by other nations desiring nuclear weapons. Who can say that, perhaps, Saudi Arabia or Libya, might seek to trade oil so badly needed by the people on Taiwan for Taiwan's nuclear technology. Without a firm U.S. commitment to Taiwan's defense and security, with a steady supply of defensive weaponry as proof of that commitment, Taiwan well could fall prey to such economic blackmail. Similar blackmail could come from South Africa, perhaps, which supplies Taiwan with large amounts of uranium needed by Taiwan for its electricity-generating nuclear reactors. The potential is there, and dangerous it is.

Or, Taiwan might decide that the Soviet Union well could be a partner of convenience, much like Peking finds the United States at present.

These are unpleasant scenarios, but well within the realm of possibility for the people of Taiwan if they feel abandoned by their longtime ally, the United States.

President Carter has stated that the United States could go to war to protect the people on Taiwan. There is no need for such useless flag-waving, for committing American soldiers where such commitment is not necessary. And it should be unnecessary for the United States to commit one American soldier to the defense of Taiwan and its people, if the United States merely supplies the people on Taiwan with the weaponry they need to defend themselves.

Congress can commit that weaponry in the legislation now before it, or by other legislative means. Congress can, and should, make a commitment to the security of the people on Taiwan, a commitment of such strength and force as to leave no doubt in Taipei or Peking as to what the people of the United States feel about the security of the people on Taiwan.

The public supports such a commitment; a recent survey finds that a large majority of Americans feel that the United States should continue to supply the people on Taiwan with the defensive weaponry they need.

Thus, any commitment, both in words and action in supplying weaponry to the people on Taiwan not only is consistent with U.S. interests in Taiwan and the Pacific, but also meets with the approval of the public.

Certainly, it fulfills a moral obligation of the people of the United States to the people on Taiwan.

Mr. McGOVERN. First of all, I commend Senator GLENN and Senator JAVITS for their leadership on the Taiwan Enabling Act, and I express my appreciation not only for what they have said on the floor today but the leadership they provided in our Committee on Foreign Relations.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. PRYOR). The Chair, on behalf of the Vice President, pursuant to section 1024 of title 15, United States Code, appoints the Senator from Maryland (Mr. SARBANES) to fill the vacancy of the majority party membership on the Joint Economic Committee.

The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, appoints the Senator from South Dakota (Mr. McGOVERN) to the Commission on Security and Cooperation in Europe, in lieu of the Senator from Iowa, Mr. Clark, retired.

The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the Senator from Texas (Mr. BENTSEN) as chairman of the Senate delegation to the Mexico-United States Interparliamentary Conference, to be held in Mexico in May 1979.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate pro tempore, pursuant to Public Law 93–618, and upon the recommendation of the chairman of the Committee on Finance, appoints the following Senators as Official Advisers to the U.S. delegation to negotiations relating to trade agreements: Senators LONG, TALMADGE, RIBICOFF, DOLE, and ROTH; and as alternate Official Advisers to the above negotiations: Senators BYRD of Virginia, NELSON, GRAVEL, BENTSEN, MATSUNAGA, MOYNIHAN, BAUCUS, BOREN, BRADLEY, PACKWOOD, DANFORTH, CHAFEE, HEINZ, WALLOP, and DURENBERGER.

ORDER WAIVING PASTORE RULE AND LIMITING SESSION TO NO LATER THAN 5 P.M.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield to me?

Mr. McGOVERN. I do not have the floor.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator seek recognition and that he then yield to me.

Mr. McGOVERN. Mr. President, I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the remainder of the day Senators may speak out of order for the remainder of the 3 hours under the Pastore rule—that Senators may speak out of order—and I ask unanimous consent that the session go no later than 5 p.m. today, at which time it stand in recess under the order over until 11 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. With this understanding, Mr. President, Senators may speak out of order until the Pastore rule has expired, if they so desire, and following that time they may speak on the Taiwan legislation or other subjects, and that at no later than the hour of 5 p.m. today the Senate will recess over until Wednesday. There will be no rollcall votes today.

I thank the Chair and I thank the distinguished Senator.

PRIVILEGE OF THE FLOOR

Mr. McGOVERN. Mr. President, I yield now to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Jack Robertson and Rick Rolf of my staff be accorded the privileges of the floor during the discussion of the SALT II question.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMS CONTROL OR ARMS RACE—PRESIDENT CARTER MUST CHOOSE

Mr. McGOVERN. Mr. President, I join in expressing strong concern, that is shared by Senator HATFIELD, of Oregon and Senator PROXMIRE, of Wisconsin, relative to SALT treaty and the accompanying terms that are being suggested with reference to the approval of that treaty.

I find it a sad obligation to contemplate a negative vote on the SALT II treaty which reportedly is now in the final stages of negotiation. But that may be the only recourse left to those of us who believe the objective of real arms control is more important than the illusion this treaty presents.

No one can seriously dispute the view that SALT II is a piddling accomplishment when measured against the mammoth nuclear arsenals of both the United States and the Soviet Union. The most persuasive argument for it is that it is the middle stage in a logical arms control progression: SALT I was supposed to freeze the quantitative race; now SALT II establishes the principle of "equal aggregates"; SALT III, we are told, will get on with the business of phasing down these ominous stockpiles of weapons.

That is a nice, neat description. Unfortunately, something entirely different has been happening and seems to be in the offing. SALT has not controlled the arms race. Instead, it has only channeled the race in new directions. We have not yet had a President who had the commitment nor the courage to instruct his subordinates that arms control, as opposed to arms competition, would be the clear and undisputed policy of his administration.

At the outset, when President Carter was talking about "banishing nuclear weapons from the face of the Earth," I thought it might be different. But now I see an administration that seems ready to move ahead on even the most outlandish arms production schemes, because of the risk that some Senators who oppose arms control will not support SALT II.

The administration actually seems anxious to throw out the arms control baby, if only it will be permitted to keep this tepid bathwater of a treaty. It might be understandable if it was just aggressive, well-planned salesmanship. But I think that is clearly not the case.

I think both the content of our arms planning and our approach in the negotiations have been infected by a yearning to disarm the hardliners—by embracing their cause.

The design of this treaty is not to achieve the best arms control framework; rather, our diplomats have been told to negotiate around and protect the Pentagon's wish list for a whole new crop of strategic weapons.

The M–X missile is a glaring case in point. It might have been possible to deal with the supposed threat to our ICBM's in the SALT III negotiations. We could propose, for example, that both sides make parallel deep cuts in their newer ICBM's, moving toward land-based missile disarmament. Failing in that, we could have restructured our retaliatory forces to defeat any such threat, perhaps with a mobile Minuteman. Instead, the administration has requested nearly $1 billion in new money for a silo-busting M–X system which would complete our own first strike threat against the Soviet ICBM's which constitute three-fourths of all of their strategic forces.

Of all the possible options, the administration has chosen the one best suited to poison the atmosphere and raise grave complications for SALT II, and for any real hope of arms control and reduction. On several occasions in recent weeks I have asked administration spokesmen why, if our objective is simply to overcome the potential vulnerability of our ICBM's, we are designing a system which will have the accuracy and the throwweight and will be built in sufficient numbers to threaten the entire Soviet ICBM force with a first strike. I have yet to hear a sensible answer to that question.

What will we do with this new capability? Are we planning a wholesale surprise attack? That is the one, lunatic scenario in which such a counterforce system might conceivably be useful. For if we are planning it as a retaliatory weapon, the Soviet ICBM's it is designed to kill will be long gone when it arrives. And we have abundant capability for flexibility targeting, including retaliation against military and command targets, in the existing force structure.

I sometimes wonder if the President is even aware that he has proposed such a system, masquerading as a moderate and prudent answer to anticipated Soviet programs. It is a measure of how far we have come that just a decade ago, President Nixon was giving the Congress explicit assurance that our MIRV warheads, which were just then moving into production, would not have enough accuracy to kill hardened targets altogether, those assurance helped avoid an amendment by former Senator Brooke which would have limited our MIRV's to less than a hard-target kill capability.

Now those assurances from the Nixon administration are out the window, and President Carter is asking and I am sure he is sincere, for a new missile whose very purpose is to knock out hardened silos. And that new departure in the arms race is presented just when we are expecting a new arms control treaty.

I hope the President will not abandon his comment to arms control. It would be a curious time to do so, when the latest polls are showing that 81 percent of the American people support it. I hope he will begin thinking seriously about SALT III and the postures we need to take now, which will be necessary if it is to succeed.

But in any case, I cannot fit the SALT II treaty, the M–X missile, and some of these other systems in the same package. I cannot support a strategy which would sacrifice our long-term hopes for comprehensive arms control in order to win a few hardliners' votes for a very modest interim step which has significant merit only if a comprehensive agreement comes next.

The President must deal with the conflicting pressures in his administration and decide whether he is for or against genuine arms control. My ultimate decision on the SALT II agreement will depend on that choice.

Mr. President, I yield to the Senator from Oregon (Mr. HATFIELD), who has taken the lead in this expression of concern on behalf of the three Senators who are now discussing this subject.

SALT II AND THE ARMS RACE

Mr. HATFIELD. Mr. President, I am pleased to join with my distinguished colleagues, Mr. PROXMIRE and Mr. McGOVERN, today to raise a number of questions which are critical to the future survival of this Nation and the strategic stability of the world. More specifically, the questions we will raise are necessary to the education of an American public which has been besieged for over 30 years with esoteric arguments against the need for arms control, deliberately made more complex than they need be, and cloaked in terms like "stability," "survival," and "strength," all designed to make Americans feel unpatriotic should they dare to question the motives these slogans embody. I have stated publicly that my position on the upcoming SALT II treaty is continually moving toward a "no" vote. This has caused some of my well-intentioned friends in the arms control community to wonder why. Their concerns are quite legitimate and I have the utmost respect for this view.

They say that even if the SALT II treaty does represent a failure of serious arms restraint, it must be passed to preserve the SALT process, the importance of which at this point in time is to foster cooperation and understanding between the United States and the U.S.S.R. on a more general level. I stand here today asking "whatever happened to arms control?"

It was not long ago when my colleagues and I came to this Chamber to vote on the SALT I treaty. We were told then, as we are being told now, that our support was necessary for an inadequate agreement that allowed an array of "bargaining chips," new weapons systems born as a result of U.S. technological superiority. These weapons, we were told, would set the stage for a tougher bargaining posture intended to persuade the Soviet Union to adopt a more conciliatory policy. This scenario would, in turn, eventually lead to a meaningful SALT II agreement actually reducing the level of mutual terror.

Having no other alternative, the so-called doves joined ranks with the so-called hawks who were placing their bets on the hope that these weapons would be developed. As history clearly shows, those who advocated MIRV and other qualitative advances, foresaw, correctly, that the result would be more weapons systems.

Under SALT I the United States boosted its stockpile of strategic warheads from 4,600 in 1972 to 9,000 today. The number of Soviet warheads also roughly doubled in the same period of time from 2,100 to 4,000. Under SALT II U.S. warheads are projected to increase to some 10,154 plus from between 2,000 to 3,600 cruise missiles. The Soviet arsenal will be more than doubled to 8,124 warheads.

The fact that this quantum growth in strategic warheads has occurred under a process known as strategic arms limitation is more than just a bit ironic. It adds considerably to the notion that the treaties may in fact only institutionalize the arms race while not presuming to effectively control qualitative and quantitative improvements.

I refuse to stand passively by, once again, and vote for a treaty on the ground that it is the "only game in town." It seems that as long as we call something a Strategic Arms Limitation Treaty enough times, people begin to believe that it must be true.

I am convinced that we face an even more critical juncture now than we did 7 years ago when the SALT I agreement was to be ratified. Because today, Americans faced a paradoxical situation, uncomfortably reminiscent of George Orwell's "double speak." We have a President who pledged, and I think sincerely, that he would take steps toward the elimination of nuclear weapons from the face of the Earth by the end of the century. This same President stated in an address 2 weeks ago that—

> The SALT agreement will also permit us and our allies to pursue all the defense programs we believe we may eventually need—the MX missile; the Trident submarine and missiles; air, ground and sea launched cruise missile carrier aircraft; and a new penetrating bomber.

The proposed development of a new generation of nuclear weapons, unwarranted as it may be, lends only a superficial glimpse of the misguided course we pursue. These weapons being developed by both sides are the result of a new dimension of strategic policy. They are "hard target, prompt, counterforce weapons" to be used against enemy silos; the manifestation of a new thrust of Pentagon thinking that, above and beyond "mutual assured destruction," we need the capacity to fight and win nuclear wars.

From this point of view the primary advantages of a counterforce option are said to be that it serves as a deterrent to attacks on the cities of the United States and its allies, and that it provides a means of retaliating in ways other than massive attack against cities, thus enhancing the credibility of our deterrent force. Defense strategists have come to believe that it seemed less than credible to our NATO allies that a Soviet attack on one or more of them without a direct attack on the United States would necessarily be followed by a U.S. strike against Soviet cities, thus subjecting our own cities to destruction by a Communist second strike.

It is also argued by military planners that in the event of a Soviet nuclear attack, an American President might find himself unable to order large-scale destruction of another nation's society. A "counterforce" strategy, it is argued, would thus provide for a flexible and controlled strategic response to nuclear provocation or limited attacks without the total destruction of a "countervalue" strategic response. This development of hard target counterforce weaponry threatens to not only destroy the single concrete success of the SALT process—the ability to verify the location and number of nuclear warheads, but to destroy the fragile measure of stability we now enjoy by giving both nations great incentive to launch a preemptive nuclear attack against one another in times of world crisis.

The American people and the Congress are being led to believe that the array of new weapons programs allowed under SALT will contribute to the President's ability to respond to a nuclear attack in a way that would avert the total destruction of society by increasing the number of less destructive options he has with which to retaliate. This is deceptive logic for a number of reasons. Such thinking is partially based on the grounds that the Soviet Union can launch a limited nuclear attack on this Nation's land-based ICBM's without a significant number of civilian casualties. First, the assumption that a limited nuclear war is possible with negligible civilian casualties is a dangerous gamble at best and suicidal pact at worst. The number of civilian deaths resulting from an attack on our land-based ICBM's is likely to be in the range of tens or twenties of millions. The Soviets know this and they also know that just two of our relatively invulnerable Poseidon submarines can destroy every large and medium sized city in the Soviet Union.

These assumptions imply that the United States does not already have the capacity for "flexible response." The truth is that U.S. strategic forces have for years had the capability—both in weapons and in planning—for a retaliatory response that can be suitably measured depending on the level and evolution of enemy provocation. Indeed, our present forces exceed the requirements for attacking a broad range of targets at all levels of intensity, and could retain this capacity with reductions in the arsenal.

William H. Kincaid, executive director of the Arms Control Association, and an expert in strategic studies, points to other myths in a candid analysis of the fallibility of the "vulnerability" alarmists. He states that—

> The total Minuteman force is only hypothetically vulnerable to what is termed a "disarming" attack, because to destroy it would require a technically perfect attack which involves simultaneously placing and bursting two re-entry vehicles at the optimum height and proximity above each hardened silo without creating the "fratricide effect" (one detonation prevents or reduces the effect of another).

In view of the fact that no one has ever tested a perfectly orchestrated nuclear attack involving some 2,000 separate reentry vehicles, the probability of failure is very high and its consequences immeasurably grave for the attacker. Furthermore, whatever American policy may be. Soviet planners can never discount the possibility that U.S. missiles will be launched in time to leave only empty silos over which Soviet reentry vehicles would detonate uselessly.

The enormous uncertainty of achieving a perfect, very large-scale nuclear attack on ICBM's on the first try, the prospect of failure and the promise of devastating retaliation no matter what the outcome of the ICBM attack is more than enough to dissuade an adversary from attempting such an insane feat. Prudent military planners, whether Soviet or American, do not stake their careers, their parties, or their nation's futures on a single cosmic throw of the dice. This is especially true when even a perfect throw would only trigger penalties of the most destructive kind.

If missile accuracy improves, as is the consuming preoccupation of both sides at present, Minuteman silos will continue to be theoretically vulnerable to a virtually perfect attack, even if Soviet missile numbers and sizes are reduced. Hence, arms control can make a positive contribution to removing any lingering doubts about Minuteman survivability by mutually restraining accuracy improvements through test limits and other qualitative constraints. Such controls are cost free, would quiet first-strike tensions and would help to stabilize the nuclear balance, a prerequisite to obtaining significant reductions in missile size and numbers. However, priority in the strategic arms limitation talks must be given to these controls on accuracy improvements. Once deployed, these improvements will not be foregone because, unlike limits on size and numbers, their elimination could not be verified.

The administration has yet to spell out one political goal that exists today or that could exist in the future that would be worth the risk of a surprise nuclear first strike. And yet, no one challenges Defense Secretary James Schlesinger's 1975 statement that—

> Under no circumstances could we disavow the first use of nuclear weapons. . . . If one accepts the no first use doctrine, one is accepting a self-denying ordinance that weakens deterrence.

Critics of SALT II continually point to the dangers of a Soviet first strike against the U.S. ICBM force. Confronted with this perception, these critics then advocate a variety of highly expensive weapons systems which horrendously complexify arms control and verification efforts. What these critics either cannot or choose not to confront is the Soviet perception of our developing first-strike capabilities.

As has been explained, U.S. defense planners see these new missiles as providing a "counterforce" option in the event of a Soviet decision to only use some of their missiles against elective targets in a surprise first strike. The Soviet planners on the other hand, must take into account that the increased U.S. accuracy with MARV, MX (and ultimately Trident II) vastly increases the U.S. capability to theoretically destroy Soviet land-based missiles. Since Soviet ICBM's carry 80 percent of their nuclear arsenal, as opposed to the some 50 percent carried by U.S. ICBM's, Soviet planners must be at least as anxious as we over the intent of these new programs. But the Soviet planners cannot limit their concern simply to the survivability of their land-based missiles. As a result of major U.S. breakthroughs in submarine detection and monitoring, the United States has developed a capability of tracking and destroying Soviet submarines.

To the Soviet planner the $5 billion U.S. antisubmarine warfare program (ASW) able to chart operational movements of the noisy Soviet subs through the sound surveillance system (SOSUS), poses an immediate threat to the sea-based leg of the Soviet triad. There is no similar Soviet threat against U.S. submarines. Those submarines in port, a Soviet planner might hypothesize, might well be destroyed in the event of a "counterforce" U.S. first strike. Those 10 to 15 submarines always at sea, the Soviets might hypothesize, might be tracked and destroyed by the U.S. ASW program.

A Soviet planner must perceive a great danger, indeed, in U.S. advances in related systems capable of helping coordinate and launch a U.S. first strike. More complex computer and other software breakthroughs allow for better U.S. control over the timing of the imagined U.S. ICBM and SLBM attack. The "fratricide" effect is kept minimal through heightened computer control. The overcentralized Soviet monitoring system is, as the Soviet planner knows, far too susceptible to "blinding" by U.S. antisatellite systems. This may heighten insecurity and increase the chances of a launch on warning—or force the Soviets to move into development of ballistic missile defense systems. This in turn would negate controls under SALT I and void the fundamental concept of "mutual assured destruction."

Into this scenario, a Soviet planner like our own must also take into account a renewed U.S. civil defense program, and new developments in the area of space warfare. In addition, thousands of tactical nuclear weapons in Europe might also be brought to bear against residual Soviet targets in the event of a limited or total U.S. attack.

But, it will be argued, such a scenario is nonsense. The United States has no intention of ever initiating a nuclear war.

This is correct, but irrelevant. Just as our planners must use the theoretical possibility of a Soviet attack against our own missile force as reason to demand new weapons systems and technological responses, so too must we expect that an equal or greater threat facing Soviet planners might produce new complexity in their military systems.

I am becoming increasingly convinced that the course we will legitimize by signing a SALT II treaty threatens to destabilize and increase the complexity of the arms race to such an extent that any meaningful SALT III agreement, one that is finally aimed at a reduction in our nuclear arsenals, will be impossible to negotiate.

Both the Soviet Union and the United States were the recipients of devastating surprise attacks during World War II. This seems to have created among defense planners what former Secretary of Defense James Schlesinger has termed "surprise attack fixation." This is the tendency to direct an inordinate amount of focus on what the Soviets might do. It is not difficult to dream up thousands of alarmist scenarios. The problem is that such daydreaming is invariably transmitted into official policy as what the Soviets will do. Any analysis of Soviet military thinking reveals a similar morbid preoccupation with an unexpected attack.

After more than 2 years in office, the Carter administration has failed to produce a program that departs from the contradictory mindset we have been locked into since the beginning of the SALT process. The simultaneous pursuit of arms control and counterforce improvements moves us at a mind boggling pace toward a total breakdown of deterrence. This may lead eventually to the inescapable conclusion that initiating an unwanted nuclear first strike may be the lesser of two evils.

Instead of charting a course which reconciles these two contradictions, both sides negotiate a movable parity, ridding the mutual arsenals of technologically obsolete weapons while allowing ourselves to be held hostage by the technological imperative of weapons development. Under the current doctrine of "force matching," proposed weapons which would be rejected upon objective analysis are instead placed in the bargaining reservoir to avoid creating an impression of "weakened will" or "lost resolve" through perceived imbalance. Counterforce is clearly destabilizing when held by one nation. When two nations strive to possess this capability, they have chosen to flirt with the dangerous illusion of fighting and winning nuclear wars.

When this illusion finds life under the label of strategic arms limitation, we invite a future of increased tension and international danger.

The PRESIDING OFFICER. The Senator from Wisconsin.

SALT II—TOO HIGH A PRICE

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from South Dakota and the distinguished Senator from Oregon on their statements.

The Senator from Oregon obviously has laryngitis. He came out of a sickbed because he felt strongly about his speech. And he is so right. There is no issue which confronts the Congress and the country which is more important than stopping the arms race.

It is not just a matter of economics. That is the least of it. The important issue, of course, is survival, and survival is unquestionably at stake, whether or not we can achieve an agreement with the Soviet Union overwhelmingly in the interest of both countries. And yet if we achieve an agreement, as the Senator from Oregon has pointed out so ably, an agreement which is a myth, which gives the appearance of some kind of limitation and there is no limitation—as a matter of fact, it is a tremendous expansion of our arms—obviously, the effect of that kind of an agreement is completely negative.

Mr. President, the cost of SALT II may be too high. How can one measure "too high"? The answer comes in several categories.

First is the financial cost.

MX

One of the great ironies of the SALT II agreement, as presently known, is that it will make the world safe for the MX. SALT will be the vehicle for justifying, rationalizing the MX program. Consider that the MX, in the deployment pattern favored by the Air Force, will consist of 200 new missiles secretly pirated among 4,000 widely separated new silos requiring at least 4,500 3-acre plots of land with the appropriate road and electronic connections. Total cost—at least $30 billion for the land-based mode, perhaps $40 billion for the air-based deployment.

Recently, experts from the American Enterprise Institute, a conservative organization and an organization very concerned with our military strength, and the Brookings Institute testified before the Senate Budget Committee that our military deterrent would not be significantly undermined if the MX were delayed or even eliminated. This represents a broad spectrum of informed opinion critical of the MX.

CONTINENTAL AIR DEFENSE

SALT II will also encourage pressures for a new continental air defense system comprised of an advanced interceptor such as the F–15, a new radar and ground control intercept system, plus a ground-to-air missile system along the lines of Patriot. We may also see the AWACS incorporated into this system. The cost of this development could well be the $15 billion range or even higher. The justification for this continental air defense system will be the allowance in SALT II of continuing production of the Backfire bomber. There is also undocumented talk at the Pentagon of an advanced Soviet bomber. Both events will spur interest in and pressure for a regeneration of the air defense system first built in the 1950's and then phased out during the missile age.

NEW BOMBERS

The Air Force is also pushing for a new manned penetrating bomber. No sooner than the ink was dry on the President's decision to cancel the B–1 the Air Force started an internal campaign for resurrecting a new strategic bomber. The Secretary of the Air Force has testified that there are funds in the fiscal year 1980 budget to "provide the option for a new modern bomber for the 1980's" and to "define a new strategic bomber." The interim plan is to modify a number of FB–111's to the FB–111B design while proceeding with active consideration of a second generation supersonic bomber for the 1990's. Not only will both programs be allowed under SALT II but they will be encouraged as part of the modernization package in the post-SALT environment. The cost of the FB–111B program will be in the area of $7 billion. The cost of a new manned penetrating bomber is almost impossible to estimate now but could well run as high as $30 billion.

NO SALT DIVIDEND

In addition, there will be no SALT dividend from the new agreement.

Many people argue that one of the persuasive reasons to adopt SALT is that it would ease the arms race, ease the burden of defense spending, and reduce the inflationary pressures, which is the No. 1 problem of this country now. But defense budgets are projected to rise by 3 percent in constant dollar terms throughout the 5-year program—with or without SALT.

We have concentrated heavily on what is going to happen in 1980, with a 3-percent increase in real terms for defense spending. What is foreseen by the administration is a 3-percent increase every year for 5 years in real terms. In nominal terms, that means 10 percent, or probably, unfortunately, more.

It may be argued that without SALT there will be an additional $1 to $2 billion annually in strategic programs. But what cannot be argued is that SALT will reduce the military budget obligation on our taxpayers. It will not.

During a recent speech, the President stated "the Soviet Union will be required to reduce their overall number of strategic arms. Over 250 Soviet missiles or bombers—10 percent of their strategic forces—will have to be destroyed or dismantled. At the same time, because we are now well below the agreed ceiling, we could substantially increase our own operational strategic forces."

In other words, while the Soviets destroy or dismantle some older, useless ICBM's or bombers, the United States continues on its way with every major offensive and defensive program on the books. Even the restrictions on the cruise missile and mobile missile are defined in such a way as to not interfere with our research programs. That is all we plan for the cruise anyway.

NO SUBSTITUTE FOR REDUCTIONS

Nor do I argue here for unliteral restraint. I argue for bilateral cutbacks—actual meaningful reductions in the awesome firepower of both nations' arsenals.

The way to meet the threat of land-based missile vulnerability is to reduce the number of accurate land-based missiles on both sides; to place restrictions on the number of land-based MIRV-ed systems on both sides; to cut back to 500 ICBM's. Then there will be little or no threat to each nation's missile silos. The cruise missiles are not an effective first strike weapon system. Submarine-launched ballistic missiles are not accurate enough to threaten land-based missiles. We would restore a sense of sanity to the arms race.

Instead of meaningful restrictions, however, what we have is a rechanneling of the arms race, a redirection, a change in emphasis where each side will end up employing deceptive techniques that pose omnious challenges to any future arms control agreements.

It is not SALT, it is not a strategic arms limitation treaty, it is a strategic arms rechanneling treaty. SART, I guess, would be a better acronym.

The basis of SALT I and SALT II is the unilateral capability of each side to identify the number and types of offensive strategic weapons of the adversary. It has been important to each party not to employ devices which would blur that capability to calculate the threat. Now, however, we are faced with an MX basing mode that would deliberately introduce deception into the nuclear calculus. If the U.S.S.R. were to counter with deceptive plans of its own, our military expert undoubtedly would call for massive increases in defense spending in view of the possibility of cheating. Maybe they do not have only 200 missiles shuttling back and forth underground or from one silo to the next—perhaps there are missiles in each silo. Are there more stored underground waiting for emplacement during a crisis? The variations are endless and each is threatening.

Under these circumstances, Mr. President, I find it difficult, if not impossible, to support the proposed SALT II treaty. Clearly, we must negotiate actual reductions before the legitimate fears over the arms race can be dissipated.

Mr. President, I ask unanimous consent that the joint letter to the President, the statement of principle, articles from the New York Times and Washington Post, and a press release from the Senate Budget Committee be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 2, 1979.
The Honorable Jimmy Carter,
The White House,
Washington, D.C.

Dear Mr. President: After considerable thought we have concluded that the proposed SALT II treaty is very difficult, if not impossible, for us to support. Your recent argument that it constrains the momentum of Soviet programs while allowing the United States to build up does not give us confidence that the treaty embodies a true step toward arms reductions. It appears simply to redirect the arms race into new arenas of technological exploitation.

We have agreed on the attached statement of principle, which will guide our future disposition on this matter.

We hope you and your advisors will give some consideration to our concerns about the MX and the absence of a "SALT dividend."

Sincerely,

George McGovern,
U.S. Senator.
Mark Hatfield,
U.S. Senator.
William Proxmire,
U.S. Senator.

U.S. Senate,
Committee of Appropriations,
Washington, D.C.

We are concerned that the price of SALT II may be too high.

If the acquiescence of the Joint Chiefs in support of SALT II requires the commitment to the MX missile system, a manned penetrating bomber, a nationwide air defense system and increasing defense budgets in succeeding years, then we believe that SALT is as much a form of arms diversion as arms control.

The military establishments on both sides exert strong institutional pressures for increasing military spending with or without arms control treaties. Agreements which encourage the redirection of arms races rather than curtailing them are at best transitory and at worst a dangerous illusion of security.

We reserve the right to vote against any SALT proposal that does not fundamentally curb the arms race.

[From the Washington Post, Mar. 5, 1977]

THREE LIBERALS ASSAIL CONCESSIONS TO SALT CRITICS

(By Fred Barbash)

Three liberal senators—Mark Hatfield (R-Ore.), George McGovern (D-S.D.) and William Proxmire (D-Wis.)—announced yesterday that they now find it "very difficult, if not impossible," to support ratification of the strategic arms limitation treaty (SALT II) now being worked out with the Soviets.

Reminding President Carter that the margin of victory when the Senate votes on ratification "could be" three votes, the senators said they believed the treaty, coupled with administration plans to proceed with the development of several new weapons systems, may represent "a redirection of the arms race rather than" a curtailment.

The statement, in effect, formally notified Carter that he risks the loss of liberal support for the treaty should he go too far in reassuring conservative senators.

The three indicated that Carter already may have stepped over the line in his Feb. 20 foreign policy speech at Georgia Tech when he said SALT II will allow the United States to "pursue all the defense programs we believe we may eventually need," including the MX missile.

In a letter to the president, the three senators said that "your recent argument that it [the treaty] constrains the momentum of Soviet programs while allowing the United States to build up does not give us confidence that the treaty embodies a true step toward arms reductions."

Hatfield called the president's posture "contradictory at best and deceptive at worst."

McGovern said "it appears as if the Carter administration is ready to sacrifice our long-term hopes for comprehensive arms control in order to win a few hardliners' votes for a very modest interim step in the SALT II agreement.

"The design of this treaty," he said, "is not to achieve the best arms control framework; rather, our diplomats have been told to negotiate around and protect the Pentagon's wish list for a whole new crop of strategic weapons."

A two-thirds vote of the Senate will be required for approval of SALT II. Getting those votes is a major preoccupation of the Carter administration in this session of Congress.

Much of the White House's effort has been spent in trying to convince critics—in the Pentagon as well as outside the government—that the treaty will not handicap the United States in its strategic relationship with the Soviets. The promise of the MX missile—a new weapon designed to be moved from one location to another to prevent destruction—has been a primary administration argument in dealing with these critics.

The MX is also at the heart of the Proxmire-Hatfield-McGovern warning. "The price of SALT II may be too high," Proxmire said. "One of the great ironies of the proposed agreement is that it will make the world safe for the MX. SALT will be the vehicle for justifying the MX program, which will cost at least $30 billion for the land-based mode and perhaps $40 billion for the air-based version.

"What we need," Proxmire continued, "are real reductions in the land-based missiles on both sides."

Administration sources suggested that such pressure from the liberal flank may be useful to them by creating a counterforce to the heavy conservative lobbying underway against SALT II.

Ultimately, according to this view, liberals such as McGovern, Hatfield and Proxmire will vote in favor of ratification despite their specific objections.

Liberal Senators Say Arms Pact Would Not Curb Weapons Race

(By Richard Burt)

WASHINGTON.—Three liberal senators criticized the projected new Soviet-American treaty on strategic arms today, saying that the accord did not go far enough to limit nuclear arsenals.

In a letter to President Carter last week, Senators George S. McGovern, Democrat of South Dakota, Mark O. Hatfield, Republican of Oregon, and William Proxmire, Democrat of Wisconsin, said: "After considerable thought, we have concluded that the proposed SALT II treaty is very difficult, if not impossible, for us to support."

The letter was made public today along with a joint statement in which the senators complained that the White House was prepared to "pay too high a price" by planning new weapons to get the support of Senate conservatives for the accord, known as the strategic arms limitation treaty.

"We reserve the right to vote against any SALT proposal that does not fundamentally curb the arms race," the statement said.

TREATY COULD BE COMPLETED SOON

Administration officials have reported that a treaty limiting Soviet and American missiles and bombers through 1985 could be completed during the next few weeks. The White House has defended the proposed agreement from attacks by conservatives who have argued that the accord would give too many advantages to Moscow and would lack checks to prevent Soviet cheating.

White House aides said that they fear that in trying to satisfy conservative critics of the accord by sponsoring new weapons projects, Mr. Carter has risked alienating liberal supporters of arms control in the Senate. The liberal senators "think we have taken them for granted," said an aide.

Mr. Carter has promised that he would not sign any treaty that woud weaken American security. In a speech last month at the Georgia Institute of Technology, Mr. Carter stressed that under the projected agreement, the United States could still pursue new arms initiatives.

Referring to Mr. Carter's remarks in Georgia, Senators McGovern, Hatfield and Proxmire questioned whether the treaty would slow the arms race. "Your recent argument, that it constrains the momentum of Soviet programs while allowing the United States to build up, does not give us confidence that the treaty embodies a true step toward arms reductions," the senators told Mr. Carter.

"REDIRECT ARMS RACE"

They said that the accord "appears simply to redirect the arms race into new arenas of technological exploitation."

In separate statements also made public today, each of the senators voiced strong criticism of the Administration's defense program.

Meanwhile, Administration aides ackowledged that in recent days, both Washington and Moscow had made concessions to make the projected treaty all but complete. The aides said that last week, Moscow moved closer to accepting Washington's definition of how much each side would be allowed to modernize existing types of missiles.

The aides also said that the two sides were close to agreeing on two other technical issues: whether cruise missiles could be fitted with multiple warheads, and how unarmed pilotless aircraft would be limited by the treaty.

The officials said that Washington had recently agreed to a request by Moscow that the United States be prohibited from employing cruise missiles equipped with multiple warheads. But they said that the Administration was resisting range or numercial limits on unarmed pilotless weapons, and that Moscow was likely to permit deployment of these drones under the treaty as long as they are tested without bombs.

Brookings and AEI Defense Experts Agree That MX Missile Is Dispensable

WASHINGTON.—The chief foreign policy experts for the American Enterprise Institute (AEI) and the Brookings Institution joined in advising the Senate Budget Committee today that our military deterrent would not be significantly undermined if the controversial MX mobile missile system were delayed or possibly even eliminated.

Although John Steinbruner of Brookings and Dr. Robert Pranger of AEI were presenting their own views, and not necessarily those of their institutions, Brookings is considered to be a center of liberal thought while AEI is a focal point for conservatives. Each man directs foreign policy studies at his respective institution.

When asked where they would cut defense budget if a cut were necessary, both men focused on strategic forces. Pranger testified that the MX system is not necessary for a sound U.S. strategic policy, while Steinbruner emphasized that existing land-based missiles are not as vulnerable as the Administration claims.

Pranger argued that termination of the MX project would have $12.9 billion in fiscal years 1980 through 1984, with even larger savings beyond 1984.

Although both witnesses noted the steady improvement of Soviet forces, both emphasized that American military capabilities remain at a very high level. Steinbruner insisted that it is "an absurd proposition" to suggest that the Soviet have gone far beyond American military capabilities.

The Brookings expert argued that "real military strength depends on a great deal more" than increases in defense spending. Strategic choices and alternative allocations of funds are far more important, he said; and perceptions are among the most crucial factors.

Arguing that excessive American "hand-wringing" regarding our strategic position in the world is communicating unfortunate messages abroad. Steinbruner stated that world opinion about American power is largely a reflection of our own self-confidence or lack of it. "They believe of us what we believe of ourselves," he said.

In a similar thrust, Pranger testified that "we should project self-confidence" and take the conceptual jolt which would be required to establish key changes in tactical and strategic thinking as opposed to increases or decreases in spending. If we can communicate the impression that "we are creative and we are imaginative in our leadership, that might be more impressive than simply increasing the defense budget," Pranger said.

If the defense budget must be cut in order to meet national economic and fiscal needs, Pranger said, the MX is not the only piece of the budget which could safely be factored out. Progress in the Mutual and Balanced Force Reduction (MBFR) talks would justify cut-backs in NATO upgrading, and such upgrading should be delayed pending results of those talks, Pranger said. That delay could save $4 billion.

Pranger also advised that the termination of F-14 procurement, a faster withdrawal of U.S. forces from Korea, and studies of cost-overruns and service duplication could bring about further substantial savings.

Mr. PROXMIRE. Mr. President, I am happy to yield to my friend from Oregon.

Mr. HATFIELD. Mr. President, I commend the Senator from Wisconsin for a very potent statement and I associate myself with those comments which he has brought before the Senate.

I think it is very important to make an observation on this morning's press coverage of the SALT debate, in which some unknown White House source indicated that he felt that the position set forth by the Senator from Wisconsin, the Senator from South Dakota, and myself was perhaps a strategy move to try to strengthen the SALT II agreement when it once comes to the Hill; that, after all, they expected all three of us to be in a camp of supporters of the SALT II agreement. I wonder if the Senator would care to comment on that interpretation, the reasons the three of us raise these questions, and the seriousness with which we address this issue.

Mr. PROXMIRE. I thank my friend from Oregon. My response is that I feel that I can only support a strategic arms limitation treaty that is a limitation treaty. It has to be a limitation treaty. It has to do what it says it is supposed to do, not be a treaty which coincides with an explosion of arms spending, the greatest increase in arms spending that we have had, in my memory, in peacetime.

After all, it seems to me that that is a circumstance that makes it impossible for me to support the arms treaty. I say that with great reluctance, because, as I started out to say, there is no more important problem, no more important issue, no more urgent action on the part of this country than to achieve an arms control agreement with the Soviet Union because, absent that, the arms race continues. If the arms race is going to continue with such a treaty, I do not think we should deceive ourselves or the American people.

Mr. HATFIELD. Would the Senator not also agree that we are raising these questions not only with a seriousness of purpose, to address the issues, but also from the standpoint of signaling to the White House that they cannot take our votes for granted in support of the treaty if it survives; and that this is not an exercise that we are engaging in merely for staging or for setting up props to the drama of arms limitation. We are very serious about raising these questions at this time.

Mr. PROXMIRE. I could not agree with the distinguished Senator from Oregon more. We are extremely serious in this. We have sent to the White House our statement of principle, which I have just put into the RECORD. We stand by that.

I feel very strongly, as the Senator from Oregon has expressed the opinion, that the only way I can support a strategic arms limitation treaty is if it does what it says it is supposed to do: limit arms.

Mr. HATFIELD. I know the Senator has no doubt had similar communications from our colleagues in the area of political thinking that has been seeking arms limitation, that if, somehow, we do not buy this agreement, there is nothing else as an alternative. I have responded to this basically by saying that it seems to me that this is the time to call for SALT III and to move on with a very serious challenge to the Soviet Union for a mutual diminution of arms, rather than continuing this process of providing for higher ceilings to institutionalize the arms race.

Mr. PROXMIRE. I would agree with the Senator.

I say that I was very impressed by the statistics he gave us pointing out SALT I has not restrained it. Quite the contrary. Under SALT I, we have a tremendous increase in strategic arms in this country and in the Soviet Union.

What has it done? It was supposed to be a treaty limiting arms. Now I suppose we will be told, "Well, SALT II will not do it, but wait for SALT III."

It seems to me we cannot continue to buy that kind of philosophy.

The Senator from Oregon, I think, has made a devastating case on SALT II, that perhaps we can stand for the first one, but that is it.

We want a limitation treaty that limits, not explodes, rechannels, or redirects, our military technology.

Mr. HATFIELD. As I understand the Senator, there is, in effect, a possibility of going back to the drafting boards. We do not have to buy a product merely because it is here. But to say, in effect, "Go back to the drafting board and come up with a better product, one that really is a limitation, not one extending or expanding the arms race," and that has happened before in the political institutions of this country and every country.

I do not think we have always had to buy the first product that has come out of any shop of effort.

Would the Senator agree to that?

Mr. PROXMIRE. I agree wholeheartedly.

Mr. HATFIELD. I would also like to speak to the Senator's comments that stimulated my thinking on this point.

It seems to me we have to demilitarize our relationship with the Soviet Union in order to understand the real political issues that exist between us.

I was very moved by an article written by Richard Barnett in which he calls for a 3-year moratorium on all arms by the Soviet Union and the United States, during which time we should seek to demilitarize our relationships and analyze what the political goals of both countries really are.

When one begins to analyze those goals even today, and look at the routine, one can see the Soviet Union has, of course, the integrity of its homeland as its No. 1 concern, this is followed by the desire to dominate eastern Europe and the eastern Asian area, and of course it has a global perspective.

But if we look at that global record of their political impact or influence, we can see the Soviet Union has not really had a great deal of success, particularly as they have been excluded in the Middle East and Africa.

It seems to me, before we can really enjoy what it is all about in terms of arms limitation, we have to begin a fundamental assessment of the political relationships and goals of these two superpowers. I am always amazed by reports of increasing Soviet arms that so many Americans have cranked up in their thinking. Inevitably, they say that all of the increase must be aimed at us, forgetting the Soviet attitude toward China that almost reaches the point of total paranoia.

Therefore, it seems to me, to get a meaningful arms control program, we will have to get a clear understanding of these political objectives.

Mr. PROXMIRE. I would like to have an opportunity to read that Barnett article—I do not want to give the impression I have thrown in the sponge, I am sure the Senator from Oregon has not, either, on SALT II—and I hope very much it is possible to do so.

But I think what the Senator from Oregon and the Senator from South Dakota and the Senator from Wisconsin are saying today is that we cannot vote for a treaty which is a sham. We cannot take a position which gives the deceptive notion we are holding down the arms race when we are doing nothing about that.

At the same time, I think there is hope the administration will agree to a SALT treaty that means business and then we will not follow policies like the MX, and another manned penetrating bomber, that will enormously burden the American people.

It is questionable as to whether or not it would improve our security, but destabilize the situation and create a future race with the Soviet Union that will also be very burdensome and with far less security on both sides.

Mr. HATFIELD. I thank the Senator from Wisconsin.

WISCONSINITE RECEIVES JACK ANDERSON HALL OF HEROES AWARD

Mr. PROXMIRE. Mr. President, Jack Anderson's column from the Washington Post on Friday, March 2, contains an article extolling the bravery of a 35-year-old Government scientist for his courageous exploit in extricating three Australians and all their scientific gear from the brink of an Antarctic crevasse. Mr. Anderson has named David Schneider, a Government map expert and a native of Wisconsin, as his first nominee to a modern day Hall of Heroes. This exploit was not Mr. Schneider's only act of courage; 3 months afterward, he was responsible for the survival of himself and four companions caught in a 12-day-long Antarctic blizzard, 120 miles from base camp.

Mr. President, Mr. Schneider represents the kind of courageous and rugged individual who built this country. Competent in his field and resourceful under stress, he is also the kind of individual which our country needs to survive and move forward.

I second Mr. Anderson's nomination and congratulate him for his efforts to shine a spotlight of praise on those among us of whom we can all be most proud. I ask unanimous consent that the Jack Anderson article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. SCIENTIST IS UNSUNG HERO OF ANTARTIC

(By Jack Anderson)

In the frozen hell of Antarctica, three Australians trapped in a snow-going tractor were teetering on the brink of icy death. A young scientist, David Schneider, inched his way across 10 agonizing feet of treacherous ice to their rescue. One misstep could have sent them all plunging to the bottom of a glacial abyss.

In subzero temperature, the 35-year-old government map expert extricated the three Australians from the cab of their vehicle, which was tilted over a 60-foot-deep crevasse. Painstakingly, he hauled them to safety. For his courageous exploit, Schneider is our first nominee to a modern-day Hall of Heroes, which we are establishing to honor those whose unselfish acts of valor might otherwise go unrecognized.

Schneider's challenge came on May 18, 1974. With three fellow scientists, he had set up a remote encampment on the South Pole icecap to conduct ice-drilling experiments. That day their routine was disrupted by a barely audible bleep of distress on their radio.

The faint SOS came from a three-man Australian crew out of Casey Station base camp. Their snow caterpillar had skidded and toppled across a deep crevasse, wedging the men inside the vehicle. Without hesitation, Schneider and an Australian colleague raced to their own snow cat and set off to the rescue.

A native of Wisconsin, Schneider is no stranger to snow. But the conditions that day were almost unimaginable—a "white-out" in which all depth perception is lost and the eye can see only a few feet ahead. The thermometer read 20 below zero.

"We found them with a lot of luck," Schneider recalled. "We weren't even sure we were headed in the right direction until we came across their tracks."

On the scene, Schneider ventured on foot to the trapped Australians. They were staring from their vehicle into the frozen pit beneath them, almost afraid to breathe. The ice-glazed surface concealed other treacherous cravasses, and Schneider had to find bridges of solid snow to reach the helpless men, "you get so you can tell from the sound whether it's safe or not," Schneider explained. "If there's a hollow crunch, you figure there's a crevasse."

The slender American finally reached the disabled vehicle, canted at a 70-degree angle over the ravine. He pulled himself to a rear door, pried it open with an ice axe and threw a rope to the occupants so he could haul them out.

Schneider wasn't finished yet. The Australians' caterpillar contained $50,000 worth of scientific equipment, so he and the others scaled down the sides of the crevasse to lash the tractor securely until heavy rescue equipment could arrive.

Only then did Schneider take the three men he had rescued back to Casey Station. Asked what they did to celebrate, the laconic Schneider told us: "There wasn't much to celebrate with. There was no liquor allowed at Casey Station, and we were alloted only six cans of beer a month."

Now working at the government's map-making center in Rolla, Mo., Schneider is reticent about his Antarctic experiences. In fact, when we first sought him out, he neglected to mention a later heroic exploit during his months at the South Pole. We learned of it from one of the three Australians he saved, Paul Varma, who headed the polar party at Casey Station.

In August 1974, the middle of Antarctica's winter, Varma assigned Schneider to lead a trek inland toward the South Pole. The expedition was caught in a punishing blizzard 120 miles out and was snowbound for 12 days.

The stranded party lost radio contact with the base camp. It was restored only after Schneider devised a way to radio another station nearly 1,000 miles away. Varma highly praised Schneider for maintaining the morale and well-being of his four companions "during this period of extreme anxiety and isolation."

When we prodded his memory on the August escapade, Schneider finally volunteered some information. "That was even scarier than the other," he told our associate Sam Fogg. "The wind was so great, we couldn't see more than six feet, and could move from one tent to another only by hanging onto guide ropes."

A friend of Schneider's told us that the modest government scientist does have an Achilles heel. As a surveyor in the Louisiana bayou country years ago, he had a really bad time. Our nominee for the Hall of Heroes is afraid of snakes.

Footnote: In this age of the cynical anti-hero, self-sacrifice is supposedly out of fashion. But we're convinced there are many Americans who risk their lives to help their fellow man. We're looking for stories of these unsung heroes. If you know of one, write to The Hall of Heroes, P.O. Box 2300, Washington, D.C. 20013.

SENATE RESOLUTION 59—SMALL SAVERS EQUITY RESOLUTION OF 1979

Mr. PROXMIRE. Mr. President, on February 6, I introduced Senate Resolution 59, the Small Savers Equity Resolution of 1979. Senate Resolution 59 has for its purpose the elimination of discrimination against the small saver in the issuance by financial institutions of money market certificates of deposit now available in minimum denominations of over $10,000 only.

In my statement I set forth the case in support of Senate Resolution 59. Since then I have received a number of letters from savings and loan associations in opposition to Senate Resolution 59. I am sure other Senators have been sent such letters.

For the enlightenment of my colleagues, I ask unanimous consent to have printed in the RECORD a letter which I received from one financial institution supporting Senate Resolution 59 and enclosing a bulletin from the savings and loan industry trade association which is responsible for this seemingly "grass-roots" opposition to Senate Resolution 59 by savings and loan associations.

The fact is that even the savings and loan industry admits that the current regulation authorizing money market certificates of deposit is discriminating against the small saver. The public interest is not well served by discriminatory regulations which impact largely on the elderly, the less affluent and the young. Senate Resolution 59 will encourage the regulators to do their homework when they issue regulations in the future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CASCO BANK & TRUST CO.
Portland, Maine, February 16, 1979.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: It was very pleasing to learn that you had introduced "Sense of the Senate" resolution 59 to reduce the minimum denomination for Money Market CD's from $10,000 to $1,000. This is great news for literally hundreds of thousands of smaller savers who cannot come up with the $10,000 current minimum and who are therefore eclipsed from the benefits of higher rates.

You might be interested in the enclosed analysis of our own savings accounts which we prepared last year at the time the new Money Market Certificates were authorized. As you can see, out of 18,819 customers of this bank, only 1,212 have sufficient balances to qualify for the $10,000 minimum. Adoption of your proposed $1,000 minimum would expand the number eligible to seven times this number. I suspect that these statistics are representative of the entire banking industry.

It is hard to imagine that your efforts on behalf of these thousands of people, who are now "left out" by the existing regulations, would not succeed; yet I know that the organized interests will be fighting you. The enclosed copy of a communication by the Federal Savings League of New England, just brought to my attention, makes that clear. Unfortunately, the smaller savers are not organized to counter such activity.

Nevertheless, please know that at least one banker (I'm sure there are others) applauds your efforts and hopes for your success. If there is anything at all I can do to abet those efforts, please call upon me.

Very truly yours,
JOHN M. DAIGLE,
President.

CASCO BANK & TRUST CO. STATEMENT SAVINGS & 90-DAY NOTICE ACCOUNTS, ANALYSIS BY SIZE OF ACCOUNT, JULY 1978

Size of account	Number of accounts	Percent of total	Balances (thousands)	Percent of total
$100 to $999	10,082	54	$3,949	7
$1,000 to $2,499	3,897	21	6,144	11
$2,500 to $4,999	2,079	11	7,345	14
$5,000 to $9,999	1,549	8	10,727	20
Total under $10,000	17,607	94	28,165	52
$10,000 and up	1,212	6	26,168	48
Grand total	18,819	100	54,333	100

FEDERAL SAVINGS LEAGUE
OF NEW ENGLAND, INC.,
Boston, Mass., February 7, 1979.

IMMEDIATE ACTION

To MEMBERS: The following "hot line" was received today from the United States League:

"Senate Bank Chairman Proxmire has introduced 'Sense of the Senate' resolution 59 to reduce minimum denomination in Money Market CD's from $10,000 to $1,000. Proxmire also plans legislation to gradually raise all "Q" ceilings. U.S. League will oppose both. All member mailing being sent with details and request for constituent response to senators."

The ramifications of this need no explanation. It is absolutely essential that every member communicate immediately with his two United States Senators and Senate Bank Chairman Proxmire. It is also appropriate to send similar communications to your Congressman. You must also communicate vociferously to the Federal Home Loan Bank Board.

This is an obvious attempt to eliminate alleged discrimination against the small saver. A concerted, grass roots effort is mandatory.

This is a very real threat and your immediate action is required.

Sincerely,

PETER S. MORTON,
President.

AUSCHWITZ: A NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last Friday there was a front-page feature article in the Washington Post on some newly discovered allied aerial reconnaissance photographs of Auschwitz Prison Camp. The first photographs were taken in April 1944, more than a year before the end of the war. They clearly show several gas chambers and crematoriums. The photographs also show prisoners on the way to the gas chambers.

Mr. President, 2.5 million Jews are reported to have been killed at Auschwitz; 12,000 each day. While aerial photographs were being taken, nearly 1 million Hungarian Jews were being transported in boxcars to Auschwitz. By June 1944, Washington knew all about Auschwitz, yet the rail line leading to the camp, as well as the gas chambers, were never bombed. Why is this? Why did we overlook the wholesale murder of millions of Jews?

Thirty-five years later, Auschwitz is history. But for some, the memory of Auschwitz—the memory of having witnessed genocide—is terrifyingly vivid.

The Auschwitz photographs are a painful reminder not only of the danger and destruction of genocide, but of our responsibility to ourselves and, moreover, to humanity.

We must act now to ratify the only international treaty which deals with the prevention and punishment of mass-murder—the Genocide Convention.

I ask unanimous consent that the text of the February 23 Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

'44 PHOTOS SHOWED AUSCHWITZ CAMP

(By Thomas O'Toole)

Allied aerial reconnaissance photographs revealed the existence of the Nazi death camp at Auschwitz more than a year before the end of World War II, which raises anew the question of why the Allies never bombed the camp or the rail line that took victims to the camp.

Aerial photos taken of Auschwitz by American and British reconnaissance planes from April 4, 1944, to Jan. 14, 1945, clearly show the camp's gas chambers and crematoria where victims' bodies were burned. Several photos show prisoners undergoing disinfection and standing in line to be tattooed. One photo shows a line of 1,500 prisoners being led into the camp from 85 railroad boxcars parked at the end of the rail line just outside the camp gate.

The photographs, along with a scholarly treatise titled "Holocaust Revisited," have just been turned over to the National Archives by the Central Intelligence Agency, which also passed the photographs on to the White House. It is understood that after seeing the photographs, President Carter sent them to Elie Wiesel, chairman of the Holocaust Commission and a survivor of Auschwitz.

Just why the CIA passed the pictures on to the archives is not clear. The authors of the CIA report accompanying the pictures said they were moved to research and write the report after seeing the television serial, "The Holocaust."

"My hope is that we stimulate the interest of historians in the use of photographs taken through aerial reconnaissance," Dino A. Brugioni, one of the authors of the CIA report, said yesterday. "It is an untapped source of history."

The immediate reaction to release and publication of the photographs may be primarily one of anger. Jewish scholars have long asked why the Allies did not bomb Auschwitz or the rail line leading to it, a question that is sure to be brought up again with the release of the pictures.

"A recurring question since World War II has been why the United States rejected requests to bomb the gas chambers and crematoria at Auschwitz or the railroads leading to Auschwitz," University of Massachusetts historian David S. Wyman wrote in Commentary magazine last May. "Such requests began to be numerous in the spring of 1944."

Proponents of such an attack recognized that it would have killed many of the inmates, but the Germans were going to kill them anyway and destroying the camp might have saved other intended victims.

Destruction of the rail line would have hampered the transport of nearly 1 million Hungarian Jews, who were being moved to Auschwitz at the time.

On April 10, 1944, two Auschwitz escapees named Rudolf Vrba and Alfred Wetzler passed on detailed information to Jewish leaders in Switzerland that Auschwitz was a death camp for Jews. The Swiss Jews informed American diplomats in Berne that 12,000 Jews were being murdered every day at Auschwitz, information that reportedly reached Washington by June 1944.

A crucial question about the aerial reconnaissance pictures of Auschwitz is whether they were ever passed on to Washington by the U.S. Strategic Bombing Survey in Britain and Italy, where the planes were based that took the pictures.

The pictures of Auschwitz were almost an accidental byproduct of photographs taken of an I. G. Farben plant producing synthetic fuels less than five miles away. The plant was repeatedly bombed in the last year of the war by American and British planes.

There is little question that the Auschwitz photographs revealed the existence of a death camp. The question is whether the photo interpreters looking at the pictures recognized it as such and notified their superiors.

"Photo interpreters were unaware of Auschwitz at the time," Brugioni said. "They were looking for details of the Farben plant alongside Auschwitz, nothing else."

He explained that during World War II, photo interpreters were given no historical or social background by which to judge pictures. He said they were usually in a hurry to make judgments and often used shortcuts in making them.

"For instance, there's a picture in the Auschwitz file that shows prisoners being herded toward the camp," Brugioni said. "During the war, any time a line of people were seen in a picture it was labeled, 'mess hall'."

The pictures turned over to the archives by the CIA have lain in cans of aerial films stored at a Pentagon repository in Suitland, Md., for 30 years. The CIA acquired the film after "Holocaust" raised the Auschwitz issue last year.

The pictures illustrate what have been until now only "eyewitness accounts of the death process at Birkenau," which was the murder section of the Auschwitz camp, according to the CIA report. The pictures of the four gas chambers and crematoria at the camp "appear to be historically unique," the CIA report said.

"As far as we have been able to determine," the report's authors write, "no other photography of these facilities exists. The Birkenau gas chambers were special access facilities, even for most Nazis, and all photography was forbidden. The extermination facilities at the camp were destroyed by the Nazis prior to the camp's being liberated by the Red Army in January 1945."

Situated in a remote area south of Warsaw in Poland, the Auschwitz death camp was first opened in June 1940 to receive Soviet prisoners of war. It later became the main death camp for European Jews. By one count 2.5 million Jews were killed at Auschwitz.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRADLEY). Without objection, it is so ordered.

THE DRINKING-DRIVER PROBLEM

Mr. PELL. Mr. President, I invite the attention of my colleagues to a recently released General Accounting Office report entitled, "The Drinking-Driver Problem—What Can Be Done About It?" This report carries a very disturbing message: Based on presentlv available information, there is no evidence that Federal, State, and local efforts to stem the drinking driver are having any impact on the number of alcohol-related traffic fatalities.

The General Accounting Office assessed the major Federal initiative in this area, the National Traffic Safety Administration's alcohol safety action project (ASAP). The GAO found that there is no evidence of a significant reduction in the number of drinking-driver accidents and fatalities in the areas where ASAP programs were conducted. Atlhough Federal, State, and local governments are spending over $100 million each year on various drinking-driver programs, the GAO concluded that alcohol continued to be the largest single factor leading to fatalities, resulting in about 25,000 alcohol-related traffic deaths annually at an estimated economic cost of over $5 billion.

I very much hope that grim picture contained in the GAO report will serve as the foundation for new Federal initiatives aimed at the drinking driver. On February 9, I introduced a bill which would require the States, as a condition of receiving Federal highway safety funds, to adopt stricter laws dealing with those convicted for driving while intoxicated. I am convinced that strong deterrent Federal legislation of the kind contained in my bill is needed if we are serious about this problem.

The need for deterrent legislation is borne out by the GAO's conclusion that social acceptance of drinking and driving is the primary obstacle to solving the drinking-driver problem. The GAO noted a general public attitude of indifference toward the problem and a belief that drinking and driving is unacceptable only when it results in an accident which affects a friend or relative. The report calls for a massive effort at public education to start changing social attitudes about drinking and driving, and I could not agree more that this should be done. I believe, however, that the Federal Government should go beyond spending more money on public education programs and begin to take a hard look at a Federal statute that will produce uniform stiff sanctions in all the States. Unfortunately, this is a problem where past experience has taught us that public education and rehabilitation programs for drinking drivers are not enough. Stronger criminal statutes are needed to reverse the public indifference and present acceptance of drinking and driving. I commend the GAO for reminding us again of the need for stronger Federal involvement in the area of alcohol and highway safety.

RETIREMENT OF COACH DAVID R. GAVITT

Mr. PELL. Mr. President, one of America's premier college basketball coaches and a distinguished Rhode Islander has just completed his last season as head coach at Providence College. David R. Gavitt, who has retired from coaching to devote full time to his duties as Athletic Director at this fine Dominican institution, compiled an incredible 209–85 record in his 10 years as coach of the Friars.

Over the last decade, he led Providence College to the heights of college basketball. Coach Gavitt's teams enjoyed eight consecutive 20-win seasons, and appeared in eight consecutive post season tournaments. These included participation in the NCAA Final Four in 1972 and 1973, the coveted dream of every coach, and the NIT finals in 1974 and 1975. During his tenure, Providence was rated in the national top 20 polls on numerous occasions and defeated no less than 23 teams that were nationally ranked when the Friars played them.

Dave is widely recognized by his peers as an outstanding coach and teacher. He is a director of the National Association of Basketball Coaches; a director of the Amateur Basketball Association-USA, which coordinates international competition for U.S. collegians; he has been selected an unprecedented five terms as the New England Coach of the Year, and—in 1973—Eastern Coach of the Year.

He is also highly respected for his work with young people. He has conducted clinics throughout the world and Nation for the U.S. Armed Forces, the NCAA and others. Although he has helped produce four All-American players at Providence, his greatest joy as a coach takes place on the practice floor with his teams and in clinics. He conducts clinics each summer throughout Rhode Island in conjunction with municipal recreation departments.

But Dave's greatest challenge as a coach is yet to come. All Rhode Islanders are deeply honored that Dave Gavitt has been selected to coach the U.S. Olympic basketball team in the 1980 Moscow Games. This is truly the highest honor a coach can achieve and we wish him well in this difficult task.

I am pleased to recognize the unique abilities and achievements of Dave Gavitt. I wish him, his wife, Julie, and their sons, Danny and Corey, the best of success.

ROUTINE MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under authority of the order of the Senate of March 1, 1979, the Secretary of the Senate, on February 2, 1979, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 2, 1979, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1147. An act to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

HOUSE BILL REFERRED

The following bill was read twice by title and referred as indicated:

H.R. 1147. An act to extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN (for himself and Mr. WALLOP):

S. 531. A bill to amend the Federal Meat Inspection Act to allow the interstate movement of all meat food products which are processed by federally inspected establishments and which are derived from meat has been slaughtered or processed at certain State-inspected establishments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR:

S. 532. A bill to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEINZ (for himself, Mr. BAYH, and Mr. HATCH):

S. 533. A bill to establish a reasonable and fair preference for domestic products and materials in Government procurement and in procurement with Federal funds, and to establish procedures to insure that, if purchased, only fairly traded foreign products and materials are procured by the Government or with Federal funds; to the Committee on Governmental Affairs.

By Mr. McCLURE:

S. 534. A bill to provide that the lake referred to as the Ririe Lake on Willow Creek, in Bonneville County, Idaho, shall hereafter be known as Oscar Johnson Lake; to the Committee on Energy and Natural Resources.

By Mr. SCHMITT (for himself, Mr. CANNON, Mr. FORD, Mr. PRESSLER, and Mr. THURMOND):

S. 535. A bill to regulate commerce by providing for the safe transportation of nuclear waste and radioactive nuclear reactor fuel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAYH:

S. 536. A bill to discourage the use of painful devices in the trapping of mammals and birds; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 537. A bill to authorize construction of a project for flood control and other purposes on the South Fork Zumbro River at Rochester, Minn.; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. MOYNIHAN):

S. 538. A bill to amend the Tariff Act of 1930 with respect to the imposition of countervailing duties, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI:

S. 539. A bill to authorize the Secretary of the Interior to amend the contract for the construction, operation, and maintenance of the Vermejo reclamation project between the Vermejo Conservancy District, located in the State of New Mexico, and the United States; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (for himself, Mr. RANDOLPH, Mr. DOMENICI, Mr. GRAVEL, and Mr. STAFFORD):

S. 540. A bill to amend the Act of August 8, 1972 (Public Law 92–367) to provide Federal assistance to the States for the development and implementation of effective dam safety programs, in order to protect human life and property; to the Committee on Environment and Public Works.

By Mr. BAKER (for himself and Mr. SASSER):

S. 541. A bill to amend the Internal Revenue Code of 1954 relating to estate taxes to provide that the election to use the alternate valuation date may be made on a return that is filed late; to the Committee on Finance.

By Mr. CULVER (for himself, Mr. Nelson, Mr. McGovern, Mr. Riegle, Mr. Heinz, Mr. Helms, Mr. Percy, and Mr. Schmitt):

S. 542. A bill to amend the Internal Revenue Code of 1954 to provide for a deduction paid into a reserve for product liability losses and expenses, to provide a deduction for certain amounts paid to captive insurers, and for other purposes; to the Committee on Finance.

By Mr. WEICKER:

S. 543. A bill to establish a program to improve the commercial fisheries of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. Schweiker, Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Cranston, Mr. Riegle, and Mr. Javits):

S. 544. A bill to amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development; to the Committee on Human Resources.

By Mr. CHAFEE:

S. 545. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the deduction for depreciation allowed with respect to certain small business property; to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. Moynihan):

S. 546. A bill for the relief of Beatrice Braude; to the Committee on the Judiciary.

By Mr. GARN:

S. 547. A bill for the relief of Tso Tung Tang; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 548. A bill for the relief of Luis Sandoval-Miramontes; to the Committee on the Judiciary.

S. 549. A bill for the relief of Kenjie Okuma; to the Committee on the Judiciary.

S. 550. A bill for the relief of Frank Norman Addeman; to the Committee on the Judiciary.

By Mr. GARN:

S. 551. A bill for the relief of Fred W. Sloat of Salt Lake City, Utah; to the Committee on the Judiciary.

By Mrs. KASSEBAUM:

S. 552. A bill for the relief of Diego Rodriguez, M.D. and Elisa Rodriguez, husband and wife; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself and Mr. Wallop):

S. 531. A bill to amend the Federal Meat Inspection Act to allow the interstate movement of all meat food products which are processed by federally inspected establishments and which are derived from meat which has been slaughtered or processed at certain State-inspected establishments; to the Committee on Agriculture, Nutrition, and Forestry.

HELP FOR SMALL BUSINESS MEATPACKERS

Mr. BENTSEN. Mr. President, I am today introducing a bill which I feel is instrumental in protecting the small businessman's right to free trade. The small businessman has a time-honored position in this Nation's history books, yet his existence is often threatened as much by Government overregulation as by competition from larger businesses.

The overtightening grip of Government regulations must not be allowed to strangle the small businessman. The small businessman does not ask for unfair advantages. He does not ask for artificial constraints on his larger competitors, and neither do I. But I do believe that one of our highest priorities should be the freeing of the small businessman from the shackles of Government regulations which bar him from competing fairly in an open market.

One such inequity is glaringly apparent in the meatpacking industry. This industry consists of firms ranging in size from 5 or 10 animals per week to firms that process thousands of animals per day. All of these firms serve a need. The smaller firms, which can offer a personalized and often unique service to both producer and consumer, are a vital part of the industry. There are thousands of such firms throughout this country, but in the last few years many of them have been forced to close. They have not closed because of poor management or lack of need for their services. Rather, these small, usually State-inspected meat plants have found the artificial barrier of a Federal law limiting the market for their products. State-inspected meatpacking plants may sell their product to a local wholesaler, a local retailer, or another State-inspected plant. They cannot legally sell anything to a federally inspected plant for fear that it might become mixed with the Federal products.

Mr. President, the goal of that law is to insure the wholesomeness of meat moving in interstate commerce. That goal is a worthy one. However, the law as it now stands is completely unjust, because many of the State inspection systems are just as rigorous as the Federal system and many of these small, State-inspected plants are certified by the U.S. Department of Agriculture as having standards as good as the Federal plants. It is for this reason that I am bringing this vital matter to the attention of the Senate. The Congress needs to strike down these needless barriers to free competition and cease this unwarranted discrimination against the small businessman.

If passed, this bill would allow State-inspected meatpacking plants, in States that have been certified as having inspection requirements that are "at least equal to" Federal requirements, to sell their product to federally-inspected plants. This will allow the smaller plants to sell partially processed meat to the big plants for further processing. It will also provide the small plants with new outlets for meat byproducts, and it will give the large plants a new source of supply. This will increase both competition and efficiency throughout the industry, and it will help put an end to the destruction of the smaller plants.

This is important not only to the affected businessman, but to the industry as a whole. By limiting the markets of the smaller, State-inspected plants, we are reducing their economic efficiency and thus contributing to their demise. This, in turn, increases the concentration of a few large packing plants and results in less competition. Many cattlemen are concerned about this situation, and, we in Congress should be concerned also.

Mr. President, the loss of our smaller packing plants is a very real problem. It is also a reality that Government regulation is contributing to the loss of these plants. We must act now to improve this situation. Consumer, cattlemen, and packer alike will benefit from the increased competition.

That would be of great assistance to the small businessmen of this country and I urge my colleagues to take a look at this bill that I am introducing today, along with Mr. Wallop, of Wyoming, and urge their support for it.

By Mr. PRYOR:

S. 532. A bill to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes; to the Committee on Governmental Affairs.

PENSION POLICY COMMISSION ACT

Mr. PRYOR. Mr. President, today, at the request of the administration, I am introducing a bill to continue the work of the President's Commission on Pension Policy.

The President's Commission on Pension Policy was established by Executive Order 12071 (July 12, 1978) as amended by Executive Order 12100 (November 17, 1978). The purpose of the Commission is to conduct a comprehensive review of the Nation's Federal, State, and local retirement, survivor, and disability systems and to develop a coordinated national policy for future growth of retirement systems that can be used as a guide by public and private programs.

Mr. BENTSEN. Will the Senator yield on that for just a moment?

Mr. PRYOR. I am more than happy to yield to the distinguished Senator from Texas.

Mr. BENTSEN. I say to my good friend that I have a very deep interest in that particular subject, chairing that Subcommittee on Finance. One of the concerns I see at the present time and that we ought to try to head off is that we see various groups who say those pension funds ought to be used to achieve certain objectives for the membership at the present time. That means objectives that do not necessarily coincide with the safety of the fund or to obtain the highest yield commensurate with safety that can be. It seems to me that the primary obligation is a fiduciary responsibility on the part of the people administering those funds to try to be certain that when the people retire, those savings are returned to them and that they do return to them the realization of financial security that they were anticipating; that they not be used and diverted for some objective of the moment of the membership who are contributing to the fund at that time.

This is a very major point and it is going to be a point of great contention before Congress before this session is over.

Mr. PRYOR. If the Senator will allow me, I think the Senator is absolutely correct. The Senator has pinpointed some of the most pressing problems within our pension system. I think that we can point with some pride to the fact that the President has been able to gather together a commission of the caliber that he has to continue this work for the next 2 years of looking at our pension programs throughout this country.

The purpose of this legislation is to provide a statutory basis for the Commission and to continue the work of the Commission for a 2-year period. The Commission was established on September 21, 1978, and has already begun to seek the advice of experts and organizations in the pension field and to assess the conditions of existing programs. The President has appointed Mr. Peter McColough, chairman of the board and chief executive officer of Xerox Corporation, as the Chairman of the 11-member Commission, whom I had the pleasure of meeting just last week. He gave me some ideas about the progress he hopes to obtain within this commission and their activities in the coming 2 years.

Mr. President, I believe that the work of the Commission is of paramount importance to the Nation and to the American people. In recent years the significance of public and private pensions in our lives has increased at a dramatic rate. As the number of people over 65 has grown, the effect of pension programs on the Nation's economy has expanded. Today, over 27 percent of the Federal budget is used to pay retirement and disability benefits and almost 20 percent of the population receive pension benefits.

I think it is entirely appropriate that this Commission now have statutory authority, that it be allowed to proceed for the next 2 years, continuing its much needed study.

In order to give the Commission the necessary authority and support to devise a national retirement policy, I am introducing legislation, at the request of the administration, to provide a 2-year statutory basis for the Commission. During this 2-year period, the Commission will make periodic reports to the Congress, identify needed reforms to meet both present and future national policy goals, and devise a national retirement policy that can help guide all programs.

Once again, I thank the distinguished Senator from Texas for allowing me this time and I thank him for his very appropriate remarks on this subject.

Mr. President, I ask unanimous consent that the text of the bill, together with the letter of transmittal to the President from the Director of the Office of Management and Budget, James T. McIntyre, Jr., be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pension Policy Commission Act."

SEC. 2. (a) The President's Commission on Pension Policy, established by Executive Order No. 12071, hereinafter referred to as the "Commission", is hereby authorized to continue in operation for two years following the enactment of this Act. During this time the Commission shall issue reports on problems facing the Nation's retirement systems and formulate recommendations for a national retirement income policy.

(b) The Commission shall submit its final report, including its recommendations and findings, to the President and the Congress. The Commission shall cease to exist 90 days after submission of its final report. All reports and papers of the Commission shall be delivered to the Administrator of General Services for deposit in the Archives of the United States.

SEC. 3. (a) (1) The terms of office of the 11 persons first appointed by the President as members of the Commission, including the chairman, are for the duration of the Commission, and a vacancy in the membership shall be filled in the manner in which the original appointment was made.

(2) A quorum of the Commission shall consist of six members, except that the Commission may establish a lower number as a quorum for the purpose of taking testimony The Commission is authorized to establish committees, and to delegate authority to them, when necessary to carry out its functions.

(3) Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall continue to receive the salary of their regular positions when engaged in the performance of duties of the Commission.

(4) When engaged in the performance of duties of the Commission, members of the Commission who are not full-time officers or employees of the United States may be compensated at the maximum daily rate for GS–18 of the General Schedule.

(5) All members of the Commission who are not otherwise employed by the Federal Government shall be reimbursed for travel expenses, including per diem in lieu of subsistence incurred in the performance of duties of the Commission, as authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

(6) All members of the Commission who are not otherwise employed by the Federal Government will be covered by the Federal Employees' Compensation Act (title 5, United States Code, 8101 *et seq.*).

(b) Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and to the Senior Executive Service, and without regard to the provisions of chapter 51, subchapters III and VIII of chapter 53, section 4507 of chapter 45, and chapter 54 of that title, relating to classification and pay, is authorized to:

(1) appoint an Executive Director who shall be compensated at a rate not to exceed the rate in effect for Level V of the Executive Schedule set forth in section 5316, title 5, United States Code;

(2) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees be compensated at a rate in excess of the rate provided for employees in GS–17 of the General Schedule; and

(3) procure such temporary and intermittent services of experts and consultants as are necessary, as authorized by section 3109, title 5, United States Code.

(c) The Executive Director and all members of the staff of the Commission will be covered by the Federal Employees' Compensation Act (title 5, United States Code, 8101 *et seq.*).

(d) The Commission is authorized to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703, title 5, United States Code, but such personnel shall not be deemed Federal employees except for injury compensation under chapter 81 of title 5, and for tort claims under title 28, United States Code.

(e) Upon request of the Commission, the head of any executive department, agency or independent establishment of the United States is authorized to detail on a nonreimbursable basis any of the personnel of such agencies to the Commission to assist it in carrying out its duties under this Act.

(f) Financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services.

SEC. 4. (a) Upon the request of the Commission, the head of each executive department, agency or independent establishment of the United States that has an interest in or a responsibility with respect to the areas of the Commission's work shall appoint a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

(b) In carrying out its duties, the Commission may seek the advice of individuals and groups interested in retirement, survivor, and disability policies including, but not limited to, State and local governments, public and private organizations working in the retirement, survivor, and disability areas.

(c) (1) The Commission or, on authorization of the Commission, any committee of two or more members, may hold hearings and sit and act at such times and places as the Commission or such authorized committee may find advisable, and the provisions of section 1321, title 28, United States Code, shall apply to witnesses invited to appear at hearings, and per diem and mileage allowances to witnesses shall be paid from funds appropriated to the Commission.

(2) The Commission is authorized to secure from any executive department, agency or independent establishment of the United States, information necessary to carry out its functions. Upon request of the Commission, the head of any executive department, agency or independent establishment shall furnish such information to the extent provided by law.

(d) The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties and responsibilities.

SEC. 4. There is authorized to be appropriated the sum of $2,000,000 to carry out the provisions of this Act, to be available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., February 13, 1979.

Hon WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill, "To continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes."

The purpose of this bill is to provide a statutory basis for the President's Commission on Pension Policy, which was established by Executive Order No. 12071 on July 12, 1978. The purpose of the Commission is to conduct a comprehensive review of retirement income programs in the United States, and develop national policies for these programs that can be used as guidelines by the public and private sectors. The Commission can make an important contribution in addressing the gaps and overlaps that exist among the private, Federal, State and local retirement systems. Moreover, there is a growing concern that many of these systems are not adequately planned or funded, given the projected demographic changes and resource constraints the United States will face in the future.

The recent growth in social security and State and local retirement benefits and the effects of the Employee Retirement Income Security Act (ERISA) have focused national attention on the impact of retirement programs on the economy. Outlays for retirement and disability programs account for almost 30% of the Federal budget and an increasingly large share of the GNP. Payroll taxes and contributions to pension systems are an increasing burden on the income of our work force. Over the long run the ratio of retired people to working people in America is rising significantly, increasing the burden on the labor force of financing retirement benefits. These and other changes require that a careful evaluation be made of private, Federal, State and local retirement programs in the United States, and their interrelationships.

The Commission on Military Compensation reported its recommendations concerning the military retirement system last year. A number of other studies and Commissions are also authorized or underway to look at particular retirement programs, such as the Advisory Council on Social Security, the Study of Universal Coverage for Social Security, and the National Commission on Social Security recently established by Congress. In addition, there are a number of groups both in and outside the Government that conduct research on specific retirement problems such as the congressional study of State and local retirement systems mandated under ERISA, and the Department of Labor's research on private pension programs. The objective of the President's Commission on Pension Policy is to build on these individual studies to provide a comprehensive analysis of the retirement income systems of the U.S.

This comprehensive analysis should not preclude consideration and adoption of proposals for immediate changes related to retirement systems. It will be at least two to three years before the Pension Commission's recommendations could be considered; therefore, the work of the Commission should not delay specific legislation to correct obvious defects or inequities in present laws concerning retirement systems.

The work of the Commission as set forth in the enclosed legislation will be neither expensive nor demand a large staff. The Commission is composed of eleven members appointed by the President of the United States, one of whom is the chairman. The members will be served by a staff of approximately 15, including an executive director. The bill provides an appropriation authorization of $2 million for the Commission, to be available until expended. The budget transmitted to the Congress on January 22, 1979 requests a $2 million supplemental appropriation for fiscal year 1979 for this purpose.

The Commission is working closely with Federal agencies and experts in the retirement field. Agencies undertaking retirement-related research have been asked to notify the Commission, so that it can coordinate its activities with other ongoing studies and thus avoid duplication of effort. The Commission will also keep the interested congressional committees regularly informed of its work.

The Commission would have two years to submit its final report from the date of enactment of the bill. The Commission's interim and final reports will address, but not be restricted to, the following areas of concern:

(1) present overlaps and gaps among the private, Federal, State and local sectors in providing income to retired, surviving, and disabled persons;

(2) the financial ability of present private, Federal, State and local retirement income systems to meet their future obligations;

(3) appropriate retirement ages, the relationship of the annuity levels to past earnings and contributions, and the role of retirement programs in private capital formation and economic growth;

(4) the implications of the recommended national policies for the financing and benefit structures of the retirement income programs in the public and private sectors; and

(5) the specific reforms and organizational changes in the present systems that may be required to meet the goals of the national policies.

These reports will provide the Administration and the Congress with a comprehensive inventory of information on the retirement income systems in the U.S., and an agenda of needed reforms for both the public and private pension systems.

I urge the Congress to give prompt and favorable consideration to this proposal.

Sincerely,

JAMES T. MCINTYRE, Jr.,
Director.

By Mr. HEINZ (for himself, Mr. BAYH, and Mr. HATCH):

S. 533. A bill to establish a reasonable and fair preference for domestic products and materials in Government procurement and in procurement with Federal funds, and to establish procedures to insure that, if purchased, only fairly traded foreign products and materials are procured by the Government or with Federal funds; to the Committee on Governmental Affairs.

BUY AMERICAN ACT OF 1979

Mr. HEINZ. Mr. President, last year I chaired 4 days of hearings on the Buy American Act before the Governmental Affairs Subcommittee on Federal Spending Practices and Open Government. At that time I was concerned that despite this congressional mandate, significant purchses of foreign goods are made with Federal funds. My concerns were not unfounded. Witnesses told us of numerous cases of Federal dollars going to foreign firms including:

The Minnesota Highway Department which let a $3.75 million contract for a bridge using Japanese steel where the next lowest bidder, who would use American steel, was only $30,000 higher, thanks to a Buy American Act which does not cover this 90-percent federally funded project.

Bethlehem Steel which lost 45 jobs because it lost a bid by $34,000 (less than 3 percent) to a firm which used Japanese steel to make rails for the Massachusetts Bay Transportation Authority under an UMTA grant.

A French manufacturer who boasted of selling to the U.S. Government below its cost of production.

This inquiry into the Buy American Act also revealed the significant benefits of that law to the U.S. economy and to Federal, State and local tax treasuries. A study I commissioned from the Congressional Research Service concluded that a $1,000 procurement placed with an American rather than a foreign firm yields $1,700 in gross economic activity and $552 in new tax receipts for Federal, State, and local treasuries.

Based on the record of these hearings, then, it is clear that a preference in procurement for domestic goods is an important element of our fiscal policy. Such a preference stimulates economic activity and employment. This is the nature and purpose of the Buy American Act passed in 1933.

But to some extent, that act has failed in its purpose. The cases of foreign goods purchased with Federal funds is gross evidence of that failure.

The Buy American Act was passed in 1933 when world trade was virtually at a standstill. Its loosely worded provisions provide only minimal guidance as to its ultimate meaning and significant latitude for interpretation. The law then has taken on far different meanings over the years to the point that present interpretation tends to circumvent congressional intent. For example, Federal grants to States and localities are not covered under present interpretation of the Buy American Act though nothing in the law precludes their coverage. Another example is the definition of "domestic good." Today, up to 49.9 percent of a good purchased by the Federal Government can be foreign in origin and still be considered American even though the law states that a good, to be considered domestic, must be made from components "substantially all" mined, produced, or manufactured in the United States.

These hearings also explored the relationship between the Buy American Act and international trade. We found that free and fair trade does not exist in Government procurement. This is especially evidenced by restrictive buy-national policies and other nontariff barriers imposed by other nations which tend to completely exclude competition from American firms. Such practices include closed bidding systems, bureaucratic prejudice and outright exclusion. A witness at our hearings told us how one Italian Government-owned company told him that if they ever needed to go outside Italy for their needs they would let him know. Another company trying to break into the Japanese market was completely rebuffed. It is quite obvious that our own Buy American Act is minor compared to other nation's policies. The effect is that Federal funds are used to purchase foreign products whereas domestic producers of similar products are excluded from competing abroad.

Evidence of other unfair trading practices was also presented at the hearings. It is probable, for example, that firms in other countries are dumping their products on the U.S. Government. Between June 1976 and October 1977, four federally funded bridges were built with Japanese steel at bids of up to 37 percent below domestic bids. It is inconceivable that Japanese producers are not dumping this steel at such predatory prices. In another case concerning a bid to supply electrical equipment to the Massachusetts Transportation Authority, one Japanese company accused another of dumping. The firm accused of dumping had bid 23 percent lower than any of the other three companies who were all within 5 percent of each other.

We also have evidence that foreign government subsidized products are being purchased with Federal funds. Breda, an Italian manufacturer, is supplying subway cars to the Greater Cleveland Rapid Transit Authority. Breda is also owned by EFIM, an Italian state owned holding company. As a member of EFIM, Breda therefore enjoys the following privileges: Lower risk due to its backing by the state, easier access to money markets because of state loan guarantees, and reduced corporate taxes. Similarly the French Government offers 14 tax and 8 nontax incentives to exporters which place American firms at a severe disadvantage in their own market.

Now the United States has laws on the books to protect domestic firms against such unfair trade practices. However, the U.S. Government presently has no way of insuring that Federal funds are not used to purchase unfairly traded goods. Because of the peculiarities of Government procurement, these unfair trade laws do not protect domestic firms against unfair foreign competition for Government contracts. Foreign firms can use almost any weapon in their arsenal to compete for Federal dollars and our own American firms can do little to defend themselves against predatory competition.

The nature of Government procurement is such that each bid is an independent event. A foreign firm is free to quote any price on a Government contract and remain almost immune from a dumping investigation because of the near impossibility of proving a history of selling below cost. In fact, our procurement practices encourage the quoting of dumped prices because of the emphasis on sealed bids. While the Federal Government should purchase at the lowest possible cost, it is grossly inconsistent with our trade policies to allow the purchase of dumped goods.

On the basis of these hearings, therefore, Senator BAYH, myself and others introduced S. 3284, the Free and Fair Trade in Procurement Act of 1978. In addition to clearing up ambiguities arising from the present law, that bill, if passed, would have done two things which directly attack the fundamental problems with the Buy American Act identified in the hearings.

First, the bill established a minimum price preference for domestic goods. It would have provided American suppliers a basic edge over foreign suppliers which is needed to insure that American economic activity and employment will be stimulated by Federal procurement instead of unemployment and economic dislocation.

That bill also would have given the Federal Government mechanisms which might have insured that it does not purchase unfairly traded goods.

Today, Senators BAYH, HATCH, and I are introducing a similar measure. Some changes have been made, but the objectives of this bill are the same as those of S. 3284. The Buy American Act of 1979 reaffirms the policy that domestic firms should be preferred suppliers on Government contracts. This preference is consistent with the economic benefits of purchases from American, rather than foreign firms.

But far more importantly, this bill gives the Federal Government mechanisms which, I believe, will insure that it does not purchase unfairly traded goods. Under the provisions of this bill, a domestic firm is authorized to bring an action under our fair trade laws if he suspects a foreign firm is violating such laws in bidding on a Government contract. No contract can be awarded until the action is resolved; and if the foreign bid is found to be unfair, the foreign firm cannot be awarded the proposed contract.

It is about time that our unfair trade laws apply to Government procurement. These mechanisms will do that.

Opponents of the Buy American Act, and previous efforts to strengthen that law, will probably also oppose this bill. They will cite the many benefits of international trade and the role of the Buy American Act as a barrier to those benefits. They will argue that domestic preference should be reduced rather than strengthened.

They will certainly point to the multilateral trade negotiation package which is expected to include an International Government Procurement Code. This Code is supposed to open up the procurement of signatory governments to worldwide competition through the mutual reduction of domestic preference statutes and practices. In effect, this means the reduction in scope of our Buy American Act in return for open procurement systems in other countries.

Proponents of this Code assert that the United States has far more to gain from this Code than it has to lose. They argue that since other nations' domestic preferences are more onerous than our Buy American Act, a mutual reduction of these preferences will open up more procurement worldwide to competition from U.S. firms than these firms will have to give up because of the removal of the Buy American Act.

While I can agree with the ultimate objectives of this Code, Mr. President, I am skeptical. I am skeptical that the Code will succeed. First, we are negotiating from a position of weakness. Because we have so much to gain by opening up other nations' procurement systems, it follows that these nations have so much to lose. Some firms in some of these countries already have a market with the U.S. Government. Through this Code they only stand to lose their own national government's procurement; and not gain what they already have; ours.

We are negotiating from a position of weakness, as well because we are negotiating away overt rules while other nations are negotiating away behavior, customs, or cultural biases. The Buy American Act is a law, a rule of the game, that is known by all prospective bidders, and is uniformly administered without prejudice. Other countries, buy national practices are, by their nature, prejudiced and covertly discriminatory. They are rooted in intangibles. As in the old adage, our Buy American Act is a rule of law; other nations' practices are rules of men. I am skeptical that we can change the latter to our economic benefit.

The proponents of the code will point to this Buy American Act of 1979 and say, as they said about S. 3284, that it is untimely in view of the soon-to-be-presented Procurement Code. They will say that Congress should not consider this legislation because it directly contravenes the objectives of the code. They will say that Congress would be premature to consider this legislation until they consider the pros and cons of the code.

Mr. President, what code are we talking about? By the time we get an International Government Procurement Code, it will be too late. Under the Trade Code, it can do only one thing with it—vote it up or down. But we would not exactly have that luxury either, because we can only consider it as part of the whole MTN package. If the Congress decides that this code is inconsistent with the fiscal purposes of Federal procurement policy, it cannot vote it down without negating any benefits the rest of the package may contain.

Therefore, rather than being untimely, this legislation is precisely timely. It is timely because it presents an alternative for consideration by the Congress. It is timely because legislation to implement the provisions of the code is presently being drafted.

I am concerned about that legislation. I am concerned about the domestic preferences in procurement that may not be covered by the code. If these preferences amount to no more than those contained in the Buy American Act, our hearings are proof that that is inadequate. I am also concerned that, if the code is accepted by the Congress, firms will still be able to use all the weapons in their trade arsenal to subvert the code. If firms in other countries are allowed to dump their products on U.S. Government procurement, or continue to use Government subsidies as an unfair economic advantage, any benefits which the code may afford American companies will be completely negated.

This is an important and timely issue which goes to the foundation of Government economic policy. I urge its serious consideration as an alternative and a supplement to the International Government Procurement Code.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Buy American Act of 1979".

FINDINGS; PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the United States is committed to fair international trade;

(2) consistent with national fiscal policies, this policy should be applied to all procurement with Federal funds;

(3) fair trade does not exist in international government procurement because of restrictive buy-national policies and other non-tariff trade barriers over and above reasonable preferences consistent with national fiscal policies;

(4) the United States Government has no procedures to ensure that when it does so, it purchases only fairly traded foreign goods;

(5) purchases of foreign goods with Federal funds, in the absence of fair trade, has contributed to unemployment in this country which results in significant social costs;

(6) Government procurement is consistent with fiscal policy if one of its purposes is to stimulate economic growth; and

(7) Government procurement results in significant returns in Federal, State, and local taxes which far outweigh the short-term increase in costs which may accompany a domestic preference in procurement. (b) The purposes of this Act are—

(1) to provide a reasonable and fair minimum preference in Government procurement and procurement with Federal funds to domestic materials and articles; and

(2) to establish procedures to ensure that when purchased, only fairly traded foreign materials and articles are procured by the Government or procured with Federal funds.

PREFERENCE FOR DOMESTIC MATERIALS AND ARTICLES

SEC. 3. (a) Except as provided in section 5, in the procurement of materials and articles by Federal agencies or with Federal funds, only domestic materials and domestic articles shall be procured, unless—

(1) domestic materials or domestic articles of satisfactory quality are not available in sufficient quantity, as determined under regulations prescribed by the Administrator; or

(2) the cost of the domestic material or domestic article is excessive in comparison to the cost of similar foreign materials or foreign articles, as determined under section 6.

(b) Except as provided in section 5, every contract entered into by any Federal agency, or by any person or government if Federal funds are to be paid under the contract, for the construction of any public building or public work, shall require that only domestic materials and domestic articles shall be used in such construction, unless—

(1) domestic materials or domestic articles of satisfactory quality are not available in sufficient quantity, as determined under regulations prescribed by the Administrator; or

(2) the cost of the domestic material or domestic article is excessive in comparison to the cost of similar foreign materials or foreign articles, as determined under section 6.

(c) For purposes of subsection (a), materials or articles shall be considered to be procured with Federal funds only if 50 percent or more of all sums paid for such materials or articles are derived, directly or indirectly, from Federal funds. For purposes of subsection (b), Federal funds shall be considered to be paid under a contract only if 50 percent or more of all sums to be paid under such contract are derived, directly or indirectly, from Federal funds.

SUBCONTRACTS

SEC. 4. (a) Except as provided in section 5, each contract entered into for the procurement of any material or article by any Federal agency or with Federal funds (within the meaning of section 3(c)) shall specify that any subcontract thereunder for any materials or articles which accounts for 10 percent or more of the final delivered price of the procured material or article shall be subject to the requirements of section 3(a) and the restrictions of section 9.

(b) Except as provided in section 5, each contract entered into by a Federal agency, or by any person or government if Federal funds are to be paid under such contract (within the meaning of section 3 (c)), for the construction of any public building or public work shall specify that any subcontract thereunder for any materials or articles which acounts for 10 percent or more of the total construction price shall be subject to the requirements of section 4(b).

EXCEPTIONS

SEC. 5. Sections 3, and 4 shall not apply to—

(1) contracts for the procurement of materials and articles for use outside the United States, contracts for the construction of public buildings or public works outside the United States, or subcontracts under such contracts; or

(2) any contract or subcontract if the procurement or use of domestic materials or domestic articles under such contract or subcontract is determined to be inconsistent with the public interest, under regulations prescribed by the Administrator, by the head of the Federal agency concerned or, if there is no Federal agency concerned, by the person specified by regulations prescribed by the Administrator.

DETERMINATION OF EXCESSIVE COST

SEC. 6. (a) The Administrator shall issue regulations which provide that, for purposes of section 3, the cost of any domestic material or domestic article shall not be considered to be excessive if such cost does not exceed the sum of (1) the cost of similar foreign materials or foreign articles (including any applicable duty) and (2) the differential determined under subsection (b).

(b) The differential referred to in subsection (a) is an amount (as determined by the Administrator) which is a percent of the cost of the domestic material or domestic article.

(c) In determining the differential under subsection (b) the Administrator shall consider the economic effects (including the tax benefits) of purchasing domestic materials or domestic articles.

(d) In determining the differential under subsection (b) the Administrator is further authorized to establish one differential to be applied to all domestic materials or domestic articles, separate differentials for each class of domestic materials or domestic articles, or higher differentials to be applied to domestic materials or domestic articles which are procured from small business concerns or concerns located in labor surplus areas.

CERTIFICATIONS BY CONTRACTORS SUPPLYING FOREIGN MATERIALS AND ARTICLES

SEC. 7. (a) No contract or subcontract for the procurement of foreign materials or foreign articles may be entered into under authority of section 3(a)(2), and no contract or subcontract for the construction of a public building or public work in which foreign materials or foreign articles will be used may be entered into under authority of section 3(b)(2), unless the contractor or subcontractor, as the case may be, certifies that he has been assured in writing by the foreign supplier of such materials or articles that (1) such materials or articles are not being supplied at below their cost of production and (2) such foreign supplier is not in violation of the antitrust laws of the United States.

(b) If the Administrator determines, after notice and hearing, that a person has falsely certified under subsection (a), such person shall, in addition to any other penalty, not be eligible to be awarded any contract or subcontract entered into under authority of section 3 (a)(2) or (b)(2) for a period of three years from the date on which such determination becomes final. The provisions of chapters 5 and 7 of title 5, United States Code, shall apply to proceedings under this subsection.

AWARDING OF CONTRACTS FOR PROCUREMENT OR USE OF FOREIGN MATERIALS AND ARTICLES

SEC. 8. (a) No competitive bid contract or subcontract to which section 3(a) applies may be awarded for the procurement of foreign materials or foreign articles unless the provisions of this section have been complied with. No competitive bid contract or subcontract to which section 3(b) applies may be awarded in which foreign materials or articles are to be used unless the provisions of this section have been complied with.

(b) If under one or more qualified bids on a contract or subcontract to which section 3 applies foreign materials or foreign articles would be procured or used and such bid or bids (hereinafter referred to as the "low foreign bid or bids"), after the application of such section and section 6, are lower than the qualified low bid under which domestic materials or domestic articles would be procured or used (hereinafter referred to as the "low domestic bid"), the contracting officer shall notify the person making the low domestic bid of the identity of the person or persons making the low foreign bid or bids, and the details of such bid or bids.

(c)(1) If the person making the low domestic bid believes that the foreign materials or foreign articles which have been or will be imported to fulfill the low foreign bid or bids involve or will involve a violation of any section listed in paragraph (2), or that with respect to similar domestic materials or domestic articles the foreign country or instrumentality of origin of such foreign materials or foreign articles is engaging in any acts or practices described in section 301(a) (1), (2), or (4) of the Trade Act of 1974, he may commence a proceeding or proceedings under any of such sections. If such person decides to commence such a proceeding with respect to the low foreign bid, or with respect to each low foreign bid if there are two or more, and notifies the contracting officer of such decision within 5 days after he receives notice under subsection (b), the contract or subcontract shall not be awarded pending the commencement of such proceeding or proceedings. If such person commences such proceeding or proceedings and notifies the contracting officer of such commencement within 30 days after giving notice under the preceding sentence, the contract or subcontract shall not be awarded until a final decision has been rendered in such proceeding or proceedings.

(2) The sections referred to in paragraph (1) are—

(A) section 201 of the Antidumping Act, 1921,

(B) section 303 of the Tariff Act of 1930,

(C) section 337 of the Tariff Act of 1930, and

(D) section 301(a)(3) of the Trade Act of 1974.

(d)(1) If there is only one low foreign bid and in a proceeding commenced under subsection (c)(1) with respect to such bid there is found to be a violation of a section referred to in subsection (c)(2), or of sections 301(a) (1), (2), or (4) of the

Trade Act of 1974, the contract or subcontract shall, notwithstanding any other provision of law, be awarded to the person making the low domestic bid. If no such violation is found, such contract or subcontract may be awarded to the person making the low foreign bid.

(2) If there are two or more low foreign bids and in each proceeding commenced under subsection (c)(1) with respect to such bids, there is found to be a violation of a section referred to in subsection (c)(2), or of section 301(a) (1), (2), or (4) of the Trade Act, the contract or subcontract shall, notwithstanding any other provision of law, be awarded to the person making the low domestic bid. If such a violation is not found in each such proceeding, the contract or subcontract may be awarded to the person making the lowest low foreign bid with respect to which no violation is found.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) The term "Administrator" means the Administrator for Federal Procurement Policy.

(2) The term "construction" includes alteration and repair.

(3) The term "domestic material" means any unmanufactured article or material produced or mined in the United States.

(4) The term "domestic article" means any manufactured article at least 75 percent or substantially all of the delivered price of which is attributable to—

(A) domestic materials,

(B) component items manufactured in the United States, and

(C) the cost of manufacture (including assembly, packaging, and delivery) in the United States. For purposes of this paragraph, any material which is not produced or mined in the United States in sufficient quantity or of satisfactory quality and any component item which is not manufactured in the United States in sufficient quantity or of satisfactory quality, as determined under regulations prescribed by the Administrator, shall not be taken into account.

(5) The term "foreign material" means any unmanufactured article or material produced or mined outside the United States.

(6) The term "foreign article" means any article which is not a domestic article.

(7) The term "Federal agency" means any instrumentality of the Government of the United States (including the National Railroad Passenger Corporation and the Consolidated Rail Corporation), the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any possession of the United States.

(8) The term "Federal funds" means funds appropriated out of the Treasury of the United States.

(9) The term "United States", when used in a graphical sense, includes any Commonwealth, possession, or other territory subject to the jurisdiction of the Government of United States.

REGULATIONS

SEC. 10. The Administrator is authorized to issue such regulations as he determines necessary to carry out this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this Act.

EFFECTIVE DATE

SEC. 12. The provisions of this Act shall take effect on the date of its enactment, but sections 3 through 9 shall apply only with respect to contracts and subcontracts under such contracts entered into more than one year after the date of the enactment of this Act.

SECTION BY SECTION ANALYSIS

Section 2. Findings and Purpose: The Governmental Affairs Subcommittee on Federal Spending Practices and Open Government held three days of hearings in March and April, 1978, on the Buy American Act and its implementation. The testimony given at these hearings led to three major findings. The first was that federal procurement serves purposes other than merely to purchase the goods and services the government needs to operate. It also serves a fiscal purpose to stimulate employment and economic growth.

The second major finding was that where significant purchases of foreign goods are made with federal funds, there is strong evidence that those foreign goods may be unfairly traded. Possibly the goods are being dumped (i.e., traded at less than fair market value) in the United States, government subsidized, or that other countries discriminate against American producers.

The third major finding is related to the second. The Federal Government has no way of protecting itself against purchasing unfairly traded goods. Due to the peculiarities of government procurement, our fair trade laws do not apply to procurement.

Therefore, the purposes of this bill are two:

(1) To provide a minimal preference for domestic goods to account for the fiscal purpose of government procurement, and

(2) To provide the Federal Government a mechanism for ensuring that, when purchased, only fairly traded goods are purchased with federal funds.

Section 3. Preference for Domestic Materials and Articles: Section 3(a) establishes the policy that, with certain strictly defined exceptions, only American made products may be purchased with federal funds. Section 3(b) extends this policy to construction contracts for public works projects.

Section 3 also has the effect of establishing a domestic preference policy to any purchase by states and localities with at least 50 percent federal funding. That is, any purchase by a state or locality 50% of the cost of which is funded with federal dollars, must be made from American producers.

This preference does not apply, however, if the product cannot be obtained domestically in sufficient quantity or quality, or if the cost of the domestic product is considered excessive.

Section 4. Subcontracts: This section extends the preference for domestic goods to subcontracts which form 10 percent or more of the total delivered price of the end product. There are certain products which are used in goods purchased with federal funds but which are never purchased by governments directly. The cost of such components are often less than 25 percent of the final delivered price. Therefore, under the definition of domestic article, these goods could always be purchased from foreign sources, whether or not they are fairly traded, with no preference for domestic suppliers.

This section, then, attempts to provide these kinds of suppliers with the same protections against unfair foreign competition in government procurement as prime contractors.

Section 5. Exceptions: Purchases for the procurement of goods to be used outside the United States and purchases inconsistent with the public interest are excepted from the provisions of the bill.

Section 6. Determination of Excessive Cost: As under the present Buy American Act, foreign goods may be purchased if the cost of similar domestic goods is excessive. However, unlike the Buy American Act, this section provides some guidance as to how to determine whether the cost of the domestic goods is excessive.

Under the provisions of this section a determination must be made on every contract on which foreign firms have bid. The domestic bids will be considered excessive if they are higher than the sum of the lowest foreign bid plus a differential.

The differential is defined as an amount which is a percentage of the lowest domestic bid. The Administrator for Federal Procurement Policy will issue regulations to specify the percentages to be used in agency determinations. In establishing these percentages, the Administrator must consider the economic effects, including the tax benefits, of federal procurement. This requirement is founded in the numerous studies which indicate that federal procurement from domestic, rather than foreign, firms yield significant tax receipts.

The Administrator is further authorized to establish either one percentage for all products, or different percentages for different products or classes of products. Also, the Administrator may consider establishing higher percentages for procurement from small businesses or firms located in areas of high unemployment.

Section 7. Certifications by Contractors Supplying Foreign Materials and Articles: A contractor will be required to certify that he is not supplying goods to the Federal Government at below their cost of production (i.e., that he is not dumping) and that he is not in violation of the antitrust laws of the United States. Any contractor who falsely certifies to that effect shall be debarred for a period of three years from any government procurement where federal funds are spent.

Section 8. Awarding of Contracts for Procurement on Use of Foreign Materials and Articles: This section establishes procedures which will ensure that, if federal funds are used to purchase foreign products, only fairly traded foreign goods are purchased. Under the provisions of this section, any domestic firm is authorized to bring an action under the fair trade laws if he suspects a foreign firm is violating such laws in bidding on any contract.

Section 9. Definitions: This section details the definitions of various terms used throughout the bill. Of particular importance are the definitions of domestic article and federal agency.

A domestic article is defined to mean any final good delivered to the government 75% of the total delivered cost of which can be directly attributed to United States sources. The 75% definition includes the costs of components, assembly, transportation and delivery.

The definition, however, specifies that those components of a good supplied to the government which cannot be produced in the U.S. in sufficient quantity or quality are not to be considered in determining whether the good is foreign or domestic. Therefore, less than 75% of the cost of a government purchased product may actually be attributable to domestic sources (due to components which cannot be obtained in the U.S.). However, it is the policy embodied in this definition that substantially all of the cost of products purchased with federal funds must be derived from U.S. sources if the product is to be considered domestic for purposes of this legislation.

Federal agency includes not only any instrumentality of the Federal Government (as defined in the U.S. Code) but also specifically includes AMTRAK and Conrail which are not presently covered by the Buy American Act.

Section 10. Regulations: The Administrator for Federal Procurement Policy is authorized to administer the provisions of this bill.

● **Mr. BAYH.** Mr. President, today I am joining with Senator HEINZ in sponsoring the Buy American Act of 1979. This legislation is a further refinement of nearly 2 years of study and work aimed at nationalizing and improving domestic preferences in government procurement policies. The introduction of this legislation is particularly timely since our own Government is now in the conclusive phases of nailing down an International Government Procurement Code which will, hopefully, provide some equity and reciprocity in gaining access to foreign government procurements for U.S. manufacturers. While the bill we introduce today does not make explicit reference to those negotiations, it will be helpful in providing future leverage in dealing with those governments who are not yet willing to open their own government procurement process in those areas where our own firms can be competitive. In the event that Code is not as satisfactory as it should be, this bill also represents a vehicle to assure that we will retain discretion to strengthen the "Buy American" laws applicable to those entities such as the transportation sector which may be exempted from coverage under the Code.

The need for such an upgrading of domestic preference statutes is apparent. First of all, Federal procurement serves purposes other than merely to purchase the goods and services the Government needs to operate. It also serves a fiscal purpose to stimulate employment and economic growth. The tax receipts generated from productive expenditure of public funds in this country are significant. A Congressional Research Service study concluded that for every $1,000 the Federal Government procures from the private sector, about $552 eventually comes back in the form of tax revenues

The advent of widespread predatory pricing and illegal "dumping" from foreign suppliers has also mandated improvement of the present laws. As the hearings on the "Buy American Act" held by the Governmental Affairs Subcommittee on Federal Spending Practices and Open Government showed last year, there is storng evidence that foreign goods purchased directly or indirectly by the U.S. Government may be unfairly traded. Think of it a moment: the U.S. Government may actually be abetting the practice of dumping.

I have joined earlier this year in sponsoring the Fair Trade Act of 1979 to speed up and improve our antidumping laws and the process of collection of dumping duties by the U.S. Customs Service. However, I feel very strongly that it is high time we recognized this very serious problem and moved to correct it by reforming our fair trade laws and the Federal procurement process.

Finally, in order to accomplish a rectification of the present situation, we have to make sure the Federal Government can protect itself against purchasing unfairly traded goods. The Buy American Act of 1979 does this by providing the lowest domestic bidder with the specific avenue of redress if it is believed that a foreign bid is an unfair one. A summary of how this is to be done is provided in a section-by-section analysis of the bill.

This Nation's own commitment to fair trade and access to the markets of our trading partners on a reciprocal basis is served by the Buy American Act of 1979 because for the first time we are recognizing the realities of the international marketplace and how our procurement policies should relate to them. Those realities have compelled U.S. manufacturers to compete against not just the firms of countries such as Japan or France, but their governments as well. The domestic preferences provided in this act will help to offset that inherent and unfair disadvantage and put greater weight in our efforts to negotiate further reductions of nontariff barriers which have deprived U.S. businessmen an opportunity to compete for foreign government contracts where they can do so effectively.

Mr. President, I would only add that this effort today is by no means a "protectionist" measure aimed at excluding totally the opportunity for foreign suppliers to service some U.S. Government procurement markets. What we will insist upon, however, is that such trade is fair and that we do not overlook the fact that government procurement is meant to serve the fact that government procurement is meant to serve the broad economic interests of our Nation and the American people.●

By Mr. McCLURE:

S. 534. A bill to provide that the lake referred to as the Ririe Lake on Willow Creek, in Bonneville County, Idaho, shall hereafter be known as Oscar Johnson Lake; to the Committee on Energy and Natural Resources.

OSCAR JOHNSON LAKE

● Mr. McCLURE. Mr. President, I am introducing this bill to name the reservoir behind Ririe Dam, Oscar Johnson Lake in honor of Mr. Oscar Johnson, an Idaho pioneer whose ranch was inundated by the waters of Ririe Dam. The Corps of Engineers newly constructed Ririe Dam is located in Bonneville County, Idaho, and was the Johnson home for over 65 years. Being an advocate of flood control and irrigation projects, he graciously conceded his cattle ranch so that Ririe Dam might be built for the public benefit.

Much of the land owned by Oscar Johnson was homesteaded by his family and other Idaho pioneers. When Oscar Johnson was 16 his father passed away leaving Oscar to support the family. He then began ranching by purchasing 35 acres and eventually other homesteads to form the 5,000-acre Willow Creek Ranch that the reservoir has taken. Members of the Johnson family still make their home in eastern Idaho today.

Oscar Johnson is a fine example of the strong and honest character that settled this part of Idaho. He was progressive in his thinking, hard-working, and well respected citizen of the community. It was with his single efforts alone that the downtown section of Idaho Falls was saved from a flood in 1962. He spent several nights on a small wooden bridge pushing ice blocks under the bridge so that a build-up would not occur and wash out another downstream bridge causing considerable damage to the Idaho Falls business center.

He had dedication to land and water resource conservation as well as a love for the outdoors and its wildlife. It is fitting that part of his ranch that rests on the edges of the reservoir now houses wildlife under the management of the Fish and Wildlife Service.

It should also be noted that Ririe Dam is named after another Idaho pioneering family whose ranch was located below and where the dam now stands. It is only just that both families be represented by name on this water project for even though it affected dramatically their way of life, they both supported it for its many benefits to their Idaho neighbors.

The mayor of Idaho Falls, Idaho, and other prominent area residents endorse this proposal.

I would hope the Senate would take into account the Idaho pioneering history involved and consider this legislation to make the Ririe Dam reservoir the Oscar Johnson Lake.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in honor of the late Oscar Johnson of Idaho, whose ranch formed much of Ririe Lake, the lake referred to as the Ririe Lake on Willow Creek, Bonneville County, Idaho, shall hereafter be known and designated as the "Oscar Johnson Lake". Any law, regulation, map, or record of the United States in which such lake is referred to shall be held and considered to refer to such lake by the name of the "Oscar Johnson Lake".●

By Mr. SCHMITT (for himself, Mr. CANNON, Mr. FORD, Mr. PRESSLER, and Mr. THURMOND):

S. 535. A bill to regulate commerce by providing for the safe transportation of nuclear waste and radioactive nuclear reactor fuel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NUCLEAR WASTE TRANSPORTATION SAFETY ACT OF 1979

● Mr. SCHMITT. Mr. President, the safe management of nuclear waste is one of the most difficult and emotional policy issues that face our Nation. In some ways, the waste management problem is unlike other public policy decisions. People who are elected to office for a few years are being asked to make judgments on highly technical matters whose consequences may stretch out for generations.

Congress has not ignored the waste management problem. During the 95th Congress, 12 different House and Senate committees held a total of 45 days of hearings on nuclear waste related issues.

At my initiative, the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation held 4 days of hearings and received testimony from 43 witnesses on waste management issues. One day of our hearings concentrated on the transportation aspects of waste management. This hearing clearly showed a lack of adequate activity that has been devoted to the transportation issues and the need for a coordinated effort between the Federal Government and State and local governments.

Once we establish a comprehensive nuclear waste management plan, transportation will be the link in the waste management chain that will have the highest public visibility.

Of the 32,000 hazardous material incident reports submitted to the Department of Transportation during the 5-year period between 1971 and 1975, only 144 of these involved radioactive materials and only 36 of those showed a potential public exposure to radiation. This record is encouraging, but we must be prepared for the higher volume of shipments that will result from the implementation of the President's or any other spent fuel policy and the establishment of one or more long-term storage facilities.

The interim, above-ground storage of commercial spent fuel rods must be guaranteed by the Federal Government while at the same time waste reprocessing technology is developed that can economically and safely recycle this valuable resource. Above-ground storage of these rods is a safe, proven technology and is a practically and economically more attractive alternative than below-ground semipermanent disposal.

Mr. President, last week the administration sent Congress its legislation intended to implement the announced Spent Fuel Policy of October 1977. Whereas this is a constructive step toward solving our nuclear waste problems, the administration's bill does not address the transportation aspect of fuel management. I am taking the opportunity today to fill a gap in the administration's waste management plan by introducing the Nuclear Waste Transportation Act of 1979.

These areas of deficiency came to light during the Commerce Committee's waste transportation hearing.

ABSENCE OF A LEAD AGENCY

First, there is no agency which has the ultimate responsibility for regulating the transportation of nuclear materials. The Department of Transportation and the Nuclear Regulatory Commission have overlapping regulatory jurisdiction. At present, this confusing jurisdictional overlap is resolved through a memorandum of understanding between the two agencies. It is questionable that this arrangement will be able to work under the pressure of future increases in volume of transportation of wastes and increases in public concern over the safety of shipments.

EMERGENCY RESPONSE PLAN

The past safety record for the shipment of radioactive materials is probably the best of all hazardous materials. Nevertheless, serious accidents involving other materials, such as chlorine and propane, have caused concern that we do not have an adequate emergency response capability for hazardous materials in general. The formulation of an emergency response capability for dealing with radioactive shipments would go far to alleviate public anxiety and ease the mounting pressure to place State and local restrictions on radioactive shipments. It also may form the basis for a more comprehensive hazardous waste transportation policy in the future.

INAEDQUATE INVENTORY OF SHIPPING CASKS

The number of shippings casks available today is sufficient to transport only one-third of the spent fuel produced each year by our operating power plants. There is no "technical shortage" of shipping capacity today because in the absence of a national waste management plan we have to deal with the shortage of safe shipping casks for spent fuel and accommodate the long lead times necessary to design, build and license new casks.

NUCLEAR WASTE TRANSPORTATION SAFETY ACT

Mr. President, today I am introducing on behalf of Senators Cannon, Ford, Pressler, Thurmond, and myself the "Nuclear Waste Transportation Safety Act of 1979." This act represents a necessary step toward resolving some of the transportation problems associated with the shipments of nuclear wastes and spent fuel.

First of all, the act removes the confusing jurisdictional overlap between the Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC) by designating the DOT to be the lead agency for overseeing transportation safety. The NRC will retain its responsibility for certifying the safety of shipping casks and packages.

Next the act charges the Secretary of Transportation with the responsibility of formulating a plan to react to shipping accidents or malevolent acts directed toward the transportation of nuclear materials. The Secretary is also instructed to prepare an annual report which includes a compilation of radioactive materials transportation data that will be useful in making changes in package designs and shipping procedures which could improve safety. The annual report will include an up-to-date assessment of the inventory of shipping packages and the Secretary's projection of future needs for such packages.

The act authorizes State grants which would provide funds for the governments of impacted States to prepare an independent analysis of the transportation aspects of any plan to develop a spent fuel or nuclear waste repository.

Finally, the act requires prior notification and assurances that any spent fuel or nuclear waste which is imported into the United States will be transported in packages and using procedures that are consistent with those used for domestic shipments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Waste Transportation Safety Act of 1979".

Sec. 2. In order to enhance the safety and simplify the regulation of the transportation of nuclear waste and radioactive commercial spent fuel, it is declared to be the policy of Congress that the Department of Transportation has the principal responsibility for regulating, monitoring, and ensuring the safety and security of such transportation. The Congress further declares that the efforts of the Department of Transportation in fulfilling this responsibility may be best be conducted by appropriate consultation with the Nuclear Regulatory Commission.

Sec. 3. Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1802) is amended to read as follows:

"DEFINITIONS

"Sec. 103. As used in this title, the term—

"(1) 'commerce' means trade, traffic, commerce, or transportation, within the United States, (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

"(2) 'commercial spent fuel' means any reactor fuel which has become radioactive as a result of its use and irradiation in an operating commercial nuclear reactor;

"(3) 'emergency situation' means any situation involving the shipment of nuclear waste or commercial spent fuel which could lead to dangerous exposure of the public or property to radiation or an attempt to divert or interfere with a shipment of nuclear waste or commercial spent fuel;

"(4) 'hazardous material' means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce;

"(5) 'nuclear waste' means any radioactive material, or combination of materials, other than commercial spent fuel, which is deemed to have no immediate commercial value or application;

"(6) 'radioactive material' means any material or combination of materials which spontaneously emits ionizing radiation and has an estimated specific activity greater than 2 nanocuries per gram of material;

"(7) 'Secretary' means the Secretary of Transportation, or his delegate;

"(8) 'serious harm' means death, serious illness, or severe personal injury;

"(9) 'shipment' means any movement of nuclear waste, commercial spent fuel, or radioactive materials by any mode and any loading, unloading, or temporary storage incidental thereto, excluding the receipt, possession, use, and transfer of nuclear waste, commercial spent fuel or radioactive materials within the boundaries of a facility licensed by the Nuclear Regulatory Commission;

"(10) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam;

"(11) 'transports' or 'transportation' means any movement of property by any mode, and any loading, unloading, or storage incidental thereto;

"(12) 'transuranic waste' means any nuclear waste which is measured or assumed to contain a concentration of chemical elements with an atomic number higher than 92 and a specific activity greater than 10 nanocuries per gram; and

"(13) 'United States' means all of the States.".

Sec. 4. Section 104 of the Hazardous Materials Transportation Act (49 U.S.C. 1803) is amended by adding immediately after the first sentence thereof the following new sentence: "The materials so designated shall include commercial spent fuel and transuranic waste in quantities greater than 1 kilogram.".

Sec. 5. The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), as amended, is further amended by—

(1) redesignating section 115 thereof as section 118; and

(2) inserting immediately after section 114 thereof the following new sections:

"NUCLEAR MATERIALS TRANSPORTATION

"SEC. 115. (a) RESPONSIBILITIES.—The Secretary shall have the primary responsibility for the safety, regulation, and logistical aspects of the shipment of nuclear waste and commercial spent fuel, except that the primary responsibility for regulating and certifying the safety of shipping casks and packages shall remain with the Nuclear Regulatory Commission.

"(b) EMERGENCY RESPONSE PLAN.—(1) Within 18 months after the date of enactment of the Nuclear Waste Transportation Safety Act of 1979, the Secretary shall formulate and send to the Congress a national emergency response plan to deal with emergency situations that may occur during the shipment of nuclear waste, commercial spent fuel, or other radioactive material. Such plan shall include provisions for a program of educating State and local officials with respect to the possible hazards associated with such shipments, and the steps that should be taken in case of an accident or emergency situation which occurs during any such shipment. The emergency response plan shall define clearly the role of Federal, State, and local governments in responding to an emergency situation. Such plan shall include estimates of the cost of the equipment and the training of emergency reponse personnel that the Secretary determines necessary in order to prepare local officials to deal promptly with the immediate problems associated with an emergency situation. The Secretary shall make recommendations to the Congress concerning funding or other assistance which the Federal Government might supply to local governments in order to improve their ability to respond to an emergency situation.

"(2) In developing the emergency response plan, the Secretary shall consult with those State and local governments which he believes will be significantly affected by shipments of nuclear waste, commercial spent fuel, or other radioactive material.

"SHIPMENTS WITHIN STATES; STATE GRANTS

"SEC. 116. (a) NOTIFICATION.—Any person, or Federal, State, or local government entity proposing to develop a long-term storage or disposal facility, including a test disposal facility, which would result in nuclear waste or commercial spent fuel being transported within a State, shall notify the Secretary within 60 days of selection of a site for such a facility. Such notification shall list the States within which nuclear wastes or commercial spent fuel will be shipped during transport to the facility. The Secretary shall notify the Governors of the States within which the nuclear waste or commercial spent fuel is proposed to be shipped within 10 days after the Secretary has received such notification.

"(b) APPLICATION BY STATES.—Upon receipt of notification pursuant to subsection (a) of this section, a State may apply to the Secretary, in such form as the Secretary may by regulation prescribe, for a grant which shall be issued in accordance with the provisions of subsection (c) of this section.

"(c) AUTHORITY.—The Secretary is authorized to provide grants to any State to assist it in conducting an independent State review of the safety and logistics of shipment associated with any proposal to develop a long-term storage or disposal facility, including a test disposal facility, which would result in nuclear waste or commercial spent fuel being shipped within that State.

"(d) ADMINISTRATION OF GRANTS.—Within 6 months after the date of enactment of the Nuclear Waste Transportation Act of 1979, the Secretary shall promulgate regulations for the issuance of grants under this section. Such regulations shall include provisions governing the amount of any such grants, except that no single grant approved pursuant to this section may exceed $50,000. Such regulations shall take into consideration the proposed level of State review and the continued development of the proposed facility. Any sums received by the State in excess of its actual cost shall be returned to the Department for further distribution for other grants provided pursuant to this section.

"FOREIGN SHIPMENTS

"SEC. 117. (a) NOTIFICATION.—Any person, or Federal, State, or local government which proposes to accept nuclear wastes or commercial spent fuel from any source outside of the United States shall be required to notify the Secretary, at least 90 days before arrival of the nuclear waste or commercial spent fuel, of—

"(1) the amount, form and quantity of nuclear wastes or commercial spent fuel that will be imported into the United States;

"(2) the mode of shipment, the routing, and destination of the shipment; and

"(3) a deailed technical description of the safety and other characteristics of the proposed shipping containers.

"(b) REPORTS.—The Secretary is directed to analyze and report to the Congress within 45 days of any notification made pursuant to subsection (a) of this section on the adequacy of the safety and logistical considerations involved in the shipment of such nuclear waste or commercial spent fuel from any source outside of the United States.

"(c) SAFETY.—The Secretary is directed to ensure that any foreign nuclear waste or commercial spent fuel that is shipped to the United States from a source outside of the United States is packaged in containers that are licensed or certified by the Secretary to be safe for shipment within the United States. The Secretary shall also ensure that the shipment procedures for any such containers are consistent with those for such shipments within the United States.".

SEC. 6. Section 109(e) of the Hazardous Materials Transportation Act (49 U.S.C. 1808 (e)) is amended by—

(1) striking "and" at the end of paragraph (5) thereof;

(2) redesignating paragraph (6) as paragraph (10) thereof and inserting after paragraph (5) thereof the following new paragraphs:

"(6) a review of the safety requirements associated with the shipment of nuclear wastes, commercial spent fuel, and other radioactive materials, and recommended action for any safety-related research or changes in shipping mode or procedure which might significantly enhance the safety and security of such shipments;

"(7) a compilation of shipment data (including number of accidents, number and volume of nuclear waste, commercial spent fuel, and other radioactive material shipments), and other information that can aid risk assessment, can be used for improved container and vehicle design, or can indicate changes in procedures and practices which would make significant improvements in the safety of shipments;

"(8) recommendations for Federal routing guidelines or requirements which might alleviate the need for State and local governments to place additional restrictions on shipments of nuclear waste, commercial spent fuel, or radioactive materials;

"(9) an assessment of the Nation's inventory of containers, packages, and vehicles that are suitable for the shipment of nuclear waste or commercial spent fuel and a comparison of this inventory with the projection of future shipment requirements; and".

SEC. 7. Section 118 of the Hazardous Materials Transportation Act, as redesignated by section 5 of this Act, is amended by—

(1) inserting "(a)" immediately before the first sentence thereof; and

(2) adding at the end thereof the following new subsections:

"(b) There are authorized to be appropriated to the Secretary not to exceed $3,500,000 for each of the fiscal years 1980, 1981, and 1982 for the purposes of sections 115 and 117 of this title.

"(c) There are authorized to be appropriated to the Secretary not to exceed $2,500,000 for each of the fiscal years 1980, 1981, and 1982, for the purposes of section 116 of this title.".●

By Mr. BAYH:

S. 536. A bill to discourage the use of painful devices in the trapping of mammals and birds; to the Committee on Environment and Public Works.

● Mr. BAYH. Mr. President, today I am introducing a bill to discourage the use of painful trapping devices. This legislation is identical to S. 2223 which I introduced in the 95th Congress and represents my continued concern about the unnecessary pain inflicted upon trapped animals. I am hopeful the Members of the 96th Congress will realize the great lessening of pain which this bill could provide the thousands of animals intentionally or accidently caught in traps annually and that this legislation will receive favorable consideration.

A perceptive editorial on the horrors of trapping appeared in the February 13, 1979, New York Times. Written by Mr. John B. Oakes, former senior editor of the New York Times, the editorial observes that most purchasers of fur coats are ignorant of the circumstances surrounding the procurement of animal pelts. Most are unaware that these furs are evidence of the many hours or even days of pain and suffering inflicted upon the animals. Mr. Oakes stresses that ridicule of the "do-gooders" does not disguise the fact that much unnecessary and extremely intense pain is inflicted upon these animals. I agree with his thesis that the vanity of the consumer does not justify this intense cruelty.

The controversy surrounding trapping should not be perceived as a rural issue. Trapping occurs in heavily populated areas as well as sparse areas of the country. Recently traps were illegally set in Glover-Archibold Park, a popular recreational area in Washington, D.C. utilized by persons of all ages and numerous domesticated animals. In one recent instance a woman was walking her dog on a well-traveled path in this park when the dog was caught in a steel jaw leghold trap. Although unable to free him herself, she was able to get help within minutes. Not all animals are so fortunate.

The steel jaw leghold trap is the device that causes the most concern for me and others worried about the mistreatment of animals. This device, the most widely used trap in the United States, was developed in the 1820's and is designed to capture and hold an animal until the trapper arrives to kill it.

Two factors make leg-hold traps work. First, the jaws of the trap close quickly in order to prevent the animal from removing its foot and escaping. Second, the traps must have sufficient resistance to prying so the animal cannot spread the jaws and free itself.

In time the leg of the animal caught

in a steel jaw trap may become numb from loss of blood circulation. When first captured, however, the animal is subject to intense agony. Even after the blood circulation has been slowed, there will be intermittent periods of pain and numbness as long as the trap remains locked around the animal's leg.

As painful as the leg-hold trap is in its clamping and holding action, its greatest cruelty lies in the fact that the trapped animal is held fast for hours, perhaps even days, before being killed or released, or dying slowly on its own.

The animal's initial reaction to trapping often will be repeated attempts to bite or pull the affected limb free, resulting in torn ligaments and flesh, broken teeth, and other injuries. In many instances, animals will chew off their legs in order to escape. Known as "wring-offs" the wounded escapees are easy prey for other animals. Those that avoid predators face a slow death from gangrene, shock, loss of blood, and infection.

The suffering of trapped animals is not confined to furbearers; the steel jaw does not discriminate. Dogs, cats, birds, deer, domestic stock, and even endangered species are being caught and killed in these devices. The Canadian Government has reported that the number of unwanted birds and mammals "accidently" caught in leg-hold traps is twice the catch of target animals.

Trapping is primarily conducted by amateurs who are interested in recreation or a source of supplemental income. According to Argus Archives, a publication on humane issues, the single greatest portion of trappers in the United States consists of high school students. Only 1 percent of all trappers can be classified as experienced profsesionals. Thus, for the most part trapping is a hobby, for weekend sportsmen whose traps are left unattended during much of the week, and for children who are unlikely to check their lines during the inclement weather which usually accompanies trapping seasons.

It is recognized that a market for wild animal pelts does exist, and that it would not be possible for the United States to ban leg-hold traps unless inexpensive, alternative traps are available. There are commercially available traps capable of less painfully capturing or instantaneously killing animals. For instance, the Conibear series of traps is competitive with leg-hold and other traps, but their purpose and design are radically different from those of the leg-hold; the Conibear is designed to kill an animal instantly by breaking its back or neck.

Several years ago the Department of Interior decided that the use of steel jaw leg hold traps to capture bears was inhumane and ordered all field people to switch to a leg snare trap, which is relatively more humane. I applauded this action at that time and do not understand why the use of the snare has not been extended to smaller animals such as the coyote. One cannot help but wonder why the steel jaw trap is inhumane to bears, but is not inhumane to coyotes, foxes, and so forth. The Interior Department conducted research and claims that the leg snare is not effective in catching the smaller animals as the leg hold trap. However, it is my feeling that necessity is the mother of invention. If it was announced that the Department would no longer be using the steel jaw trap, I am sure the Department and/or private industry would produce an effective leg snare immediately. There are several companies selling leg snares at the present time which they claim are as effective as the steel jaw, although the Department does not agree. Until an incentive exists to encourage the use of a more humane trap, the antiquated steel jaw will continue to be used and animals will continue to suffer needlessly.

The feasibility of banning leghold traps is already well established. The States of Florida and Hawaii have taken such action and in New Jersey and Alabama the use of leghold traps is so restricted as to require an almost total dependence on instant kill and humane capture devices. In addition, several other States have considered similar legislation in recent years.

While there has not been enough experience to fully evaluate the impact of such laws in the United States, other countries provide us with ample evidence that wildlife management programs will not be significantly retarded by passage of this legislation. Eleven countries prohibit the use of leg-hold traps, including England, West Germany, Chile, and Denmark.

More humane trapping methods can and must be adopted. For too long government and wildlife management agencies have ignored and evaded the question of humane trapping. It is time to begin to promote the development and use of painless, selective methods of wildlife control and leave behind the antiquated methods of the past.

In the 92d and 93d Congresses I introduced legislation to discourage the use of painful trapping devices. I was pleased that on November 17 and 18, 1975, the Subcommittee on Fisheries, Wildlife Conservation, and the Environment of the Committee on Merchant Marine and Fisheries held hearings on the 12 bills pending on the subject in the 94th Congress. These are the only hearings ever held in either House of Congress on trapping. I submitted testimony along with 75 other interested people. Because of the many facts brought up during those hearings, the bill I introduced in the 95th Congress and the bill I am introducing today is a modified, much improved, bill than the legislation introduced during the 92d and 93d Congresses.

I believe that the bill will not harm the trapping industry but at the same time will insure that only the most humane methods of trapping will be used.

I want to emphasize that the bill will not inhibit predator control programs of farmers. The bill itself states in its findings that—

> It is the policy of Congress to prevent this unnecessary suffering through discouraging the use of such traps and devices, but in a manner which shall not prejudice the right of private landowners to protect private property of domestic animals against damage and depradation.

The legislation I am introducing today is very similar to H.R. 953 introduced by Congressman Glenn Anderson and 63 of his colleagues.

It would establish an advisory commission of seven members appointed by the Chairman of the Council on Environmental Quality to advise the Secretary of Interior with respect to regulations promulgated under this act. Such regulations shall prescribe acceptable methods of trapping and shall designate the specific traps designed to capture in the most humane manner possible.

In addition to establishing national trapping standards, the bill has several other provisions:

First, only acceptable means of trapping as prescribed by the Secretary and the Advisory Board would be allowed on Federal lands.

Second, the bill would prohibit the interstate commerce of unapproved traps.

Third, it would prohibit the interstate commerce of products taken from animals captured with unapproved traps.

Fourth, this legislation would require that a trap must be checked once every 24 hours and that identification markings appear on each one. I include the visitation provision because my own State of Indiana and 21 other States require it. Also 27 States require the name, address, and phone number of the trapper to be clearly indicated on the trapping device.

I ask unanimous consent that the bill and a copy of Mr. Oakes editorial be printed at this point in the Record.

There being no objection, the bill and editorial were ordered to be printed in the Record, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that vast numbers of wild and domestic mammals and birds, including family pets and valuable hunting dogs, are needlessly maimed and exposed to prolonged and painful suffering through the use of steel leghold traps, and other painful, sublethal devices used to trap or otherwise capture mammals and birds. It is the policy of Congress to prevent this unnecessary suffering through discouraging the use of such traps and devices, but in a manner which shall not prejudice the right of private landowners to protect private property or domestic animals on private property against damage and depredation.

Sec. 2. As used in this Act the term—

(1) "trap" means any trap, snare, net, or other device designed to trap or capture any mammal or bird;

(2) "approved trap" means the most humane capture method available for any species as determined by the Secretary's review of trapping, research data, demonstrating that the device causes the minimum of pain and distress;

(3) "person" means any individual, partnership, association, corporation, or other entity; and

(4) "interstate or foreign commerce" shall have the same meaning as that provided under section 10 of title 18, United States Code.

Sec. 3. (a) (1) As soon as practicable following the date of the enactment of this Act, but in no event later than one hundred and twenty days following such date, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in consultation with the affected heads of other departments and agencies of the United States, issue, and revise from time to time, regulations relating to the trapping and capturing of mammals and birds thereon. Such regulations shall prescribe acceptable means and methods for trapping and capturing mammals and birds on the Federal lands in a humane manner. Such regulations shall contain standards and criteria setting forth the type of trap determined by the Secretary to be the most humane capture method available, and which, to the extent practicable, minimizes the possibility of trapping mammals and birds not intended for capture. Regulations promulgated pursuant to this section shall be published in the Federal Register. The Secretary is authorized to conduct such tests as may be necessary to enable him to carry out his duties under this Act.

(2) Any person violating any such regulation shall be fined not more than $500 or imprisoned not more than one year, or both.

(b) (1) An advisory commission of seven members shall be appointed by the Chairman of the Council on Environmental Quality, to consult with, and to advise and make recommendations to, the Secretary with respect to traps designed or intended for use in trapping or capturing mammals or birds, including regulations of the Secretary. The commission shall further supervise any and all tests carried out pursuant to subsection (a) of this section.

(2) Members of such commission shall receive no compensation as such for their service as members of the commission but may be reimbursed for expenses actually incurred by them in the performance of their duties under this Act.

SEC. 4. (a) (1) Any person engaged in the trapping or capturing of mammals and birds on Federal lands is required to pass a proficiency test to obtain a permit for such activities.

(2) Persons under the age of sixteen years are prohibited from the trapping or capturing of mammals and birds on Federal lands unless accompanied by an adult who has obtained a permit for such activity.

(b) Whoever sells, ships, transports, or carries, or causes to be sold, shipped, transported, or carried, in interstate or foreign commerce, any trap designed or intended for use in trapping or capturing mammals or birds, or both, which is not an approved trap, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forfeited to the United States.

(c) (1) Interstate or foreign shipment of any hide, skin, or feathers taken from a mammal or bird which has been captured on any lands with a trap other than an approved trap, or any product made from such hide, skin, or feathers, shall be prohibited. The Secretary of the Interior shall publish regulations for the enforcement of this subsection. Any person violating the regulations of this subsection shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such hides, skins, feathers, or products thereof shall be forfeited to the United States.

(d) Whoever, upon any of the Federal lands, places or causes to be placed any trap other than an approved trap for the purpose of trapping or otherwise capturing any mammal or bird, or who, having so placed or caused to be so placed an approved trap, fails to inspect and empty such trap or fails to cause such trap to be inspected or emptied according to regulations promulgated by the Secretary of the Interior, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forefited to the United States. The Secretary of the Interior shall publish regulations for the enforcement of this subsection. Such regulations shall designate the minimum period during which devices for trapping and capturing animals and birds are to be inspected and emptied. In any event, the goal of the Secretary is to provide for inspection and clearance of trapping and capturing devices at least once per 24-hour period in those areas designated by the Secretary. Such regulations shall designate that each device for trapping or capturing of wildlife be clearly marked with the name, address, and phone number of the person owning the device. Such regulations shall provide for reporting the number of all wildlife trapped or captured by species, including those nontarget species not retained for use.

SEC. 5. In any violation of subsection (d) of section 4 of this Act involving the placing or causing to be placed of any trap other than an approved trap upon any of the Federal lands, the appropriate Secretary shall, with respect to any person so convicted of such violation, immediately take such action as may be necessary to suspend, revoke, or otherwise terminate any lease, license, contract, permit, or other agreement involved in or connected with such violation, between such person and the United States.

SEC. 6 (a) On and after the effective date of this section, no action involving the trapping or capturing of animals and birds shall be carried out on any Federal lands unless such action is (1) otherwise authorized by or pursuant to any Federal law, (2) carried out in accordance with a program or activity conducted or supervised by Federal or State personnel, designed for the purpose of conserving or controlling, predatory or other wild mammals or birds, (3) carried out by means of an approved trap, and (4) in compliance with regulations promulgated pursuant to sections 3 and 4 of this Act.

(b) Any person violating this section shall be fined not more than $5,000 or imprisoned not more than one year, or both.

SEC. 7. On and after the effective date of this section, no Federal agency shall (1) engage in any program or activity which aids, subsidizes, or encourages the trapping or capturing of wild mammals or birds for recreational or commercial purposes, or (2) assist, financially or otherwise, any State or political subdivision thereof in connection with any program or activity of that State or subdivison involvng the trapping or capturing of wild mammals or birds for recreational or commercial purposes.

SEC. 8. Notwithstanding the provisions of section 7 of this Act, the Secretary is authorized to enter into cooperative agreements with any affected State or political subdivision of a State pursuant to which the Secretary shall be authorized to assist such State or subdivision financially or otherwise to enable it to comply with the requirements of this Act. Such financial assistance may be provided in such amounts, in such manner, and subject to such conditions as the Secretary may prescribe.

SEC. 9. (a) Subsection (a) of section 4, sections 5 and 6, regulations promulgated by the Secretary pursuant to sections 3 and 4 shall take effect upon the expiration of the one-hundred-and-eighty-day period following the date of the enactment of this Act.

(b) Subsections (b), (c) (1), and (d) of section 4 shall take effect upon the expiration of the twenty-four-month period following the date of the enactment of this Act.

SEC. 10. The Attorney General of the United States is authorized to pay any individual an amount not to exceed $10,000 for information and services furnished by such individual concerning any violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

SEC 11. There are authorized to be appropriated such sums as may be necessary to carry out the foregoing provisions of this Act.

SEC. 12. There is authorized to be appropriated to the Secretary of the Interior the sum of $500,000 for use by him in conducting research into the development of methods of instant killing, completely painless restraint, or other humane means of capture or control, of wild mammals and birds, and to evaluate existing methods of such capture and control.

[From the New York Times, Feb. 13, 1979]

TRAPPED

(By John B. Oakes)

The men and women who carelessly toss the furry skin of a wild animal across their shoulders—just as their ancestors did in the forest of Northern Europe and Asia several thousand years ago—may not know it, and if they do, surely prefer not to think about it, but with few exceptions what they're really doing is flaunting evidence of many hours or even days of torture suffered by each wild animal whose pelt they wear.

There is no escape from this ugly fact, nor can it be hidden either by ridicule of the "do-gooders" who are trying to put a stop to this anachronistic form of cruelty or by the false claim that abolition of the steel leg-hold trap will destroy the fur industry.

For those who prefer facts to emotion on this touchy subject, a look at the facts will show that:

The steel leg-hold trap, as normally used on land throughout the United States and Canada, is a monstrously brutal method of capturing wild animals.

The overwhelming preponderance of wild (as distinct from ranch-raised) animals whose pelts are used in the American fur industry are caught by the steel leg-hold trap although more humane, if more expensive, alternatives are available.

Use of this trap has already been outlawed or restricted in a number of fur-producing countries and in a few American states.

The recent shift in fashion toward "fun" furs has raised the demand (and prices) for pelts of relatively common wild animals, usually taken by this barbaric device.

When the steel trap is sprung on an animal's leg, the traumatic effect has been compared to that of a car door smashing a human finger caught between the hinges. But (unless the trap has been set underwater, in which case the animal fairly quickly drowns) the agony does not end there; it only begins.

The trapped animal will almost certainly thrash wildly about in terror, rage, pain and panic, breaking its teeth on the steel trap or the chain that holds it in place. Occasionally the victim will succeed in gaining freedom, after hours of struggle, by wrenching or biting off its own foot at the point where the steel jaws have already dug into the bone. This is known in the trade as "wring-off" and the animals that thus leave one paw behind them are the lucky ones.

The others—the vast majority of the millions trapped on land each year—are eventually worn out by the struggle and lie inert and exhausted without food or water, until the trap line is visited, which may easily be two, three or more days later. At that point, the victim at last is put out of its misery, usually by clubbing or strangulation—provided it has not already starved or frozen to death. It has been estimated by Government trappers (and the United States Government is the biggest single trapper of all with its indefensibly wasteful predator-control program) that about 75 percent of the unwanted animals caught in traps set for other species are so badly injured that they have to be destroyed.

More than six and one-half million muskrats and three million raccoon were trapped and killed in the United States in 1976–77; nearly 175,000 coyotes; 21,000 badgers, etc. etc.—to a total of more than 16 million wild animals in that year alone, taken by an estimated two million trappers, licensed and unlicensed.

Various substitutes for, or modifications of, the leg-hold trap have been tried but are not in general use in this country, except perhaps for an "instant kill" trap that has its own dangers and defects.

Nearly a dozen countries, including Denmark, Norway, Sweden and the United Kingdom, forbid use of the steel leg-hold trap. So, to a limited degree, do a few American states, including New Jersey, where a battle is going on right now to extend the prohibition to all counties in the state. Senators Harrison A. Williams of New Jersey and Birch Bayh of Indiana have introduced comparable legislation at the Federal level.

The fur industry itself has been enjoying an economic revival in the last few years, sparked in part by the new emphasis on "fun" furs trapped in the wild. The rise and use of wild-animal furs (80 percent of which in the United States are caught in the steel leg-hold trap) accounts for a significant part of what today has become a $700 million business.

That's why it's becoming more urgent than ever that the abominable cruelty of the leg-hold trap and the needless suffering it entails be brought to the attention of otherwise sensitive men and women who through ignorance or indifference don't hesitate to wrap themselves in the skin of an animal that probably died under frightful torture.●

By Mr. DURENBERGER:

S. 537. A bill to authorize construction of a project for flood control and other purposes on the South Fork Zumbro River at Rochester, Minn.; to the Committee on Environment and Public Works.

● Mr. DURENBERGER. Mr. President, I urge strong support and quick action on a bill of great importance to the people of Rochester, Minn., and vicinity. This bill authorizes the construction of a flood control protection program on the South Fork of the Zumbro River.

The need for this flood control construction was highlighted last July when 7 inches of rain in less than 6 hours sent flood waters 6 feet deep on a rampage through the city of Rochester. This disastrous flood left five people dead and caused an estimated $50 million worth of property damage.

Since 1951, the South Fork of the Zumbro River has left its banks 11 times, including major floods in 1955, 1962, 1965, and 1974. Rochester is subject to substantial damage of periodic flooding from the Zumbro River because it meanders through the heart of the city and because four tributaries all merge within the city. One-third of Rochester is located on the flood plain.

I urge my colleagues to immediately authorize flood control construction for Rochester based on the plans substantially approved by the Army Corps of Engineers' Board of Review on April 5, 1978. The Corps has said that if the flood project it is planning had been constructed prior to last July's disastrous flood, property damage would have been minimal.

The recommended plan for construction consists of 9.3 miles of channel modifications, 2.6 miles of levees, interior drainage facilities, continued maintenance of flood regulations, flood insurance eligibility, flood warning system, and fish and wildlife compensation measures as well as recreational developments.

The overall flood protection plan for Rochester and vicinity includes a complementary plan now being developed by the Soil Conservation Service. It calls for a system of seven headwaters reservoirs and land treatment measures.

The safety of Rochester citizens depends on passage of this long overdue bill. The potential for serious flooding always exists, especially this spring when there is a heavy snow cover on the ground.●

By Mr. HEINZ (for himself and Mr. MOYNIHAN):

S. 538. A bill to amend the Tariff Act of 1930 with respect to the imposition of countervailing duties, and for other purposes; to the Committee on Finance.

LEGISLATION TO STRENGTHEN U.S. TRADE LAWS

● Mr. HEINZ. Mr. President, this week the Finance Committee begins a series of consultations with Special Trade Representative Robert Strauss and other administration officials on the Multilateral Trade Negotiations and proposed implementing legislation. Since that legislation will not be amendable once it is formally submitted, congressional input will have to be provided early through the consultation format.

To that end the Senator from New York (Mr. MOYNIHAN) and I are today introducing legislation which embodies a series of proposed implementing provisions for the MTN subsidies code. Though we might ultimately seek enactment of this bill, which is in the form of amendments to our current countervailing duty law (section 303 of the Tariff Act of 1930) and our trade discrimination law (section 301 of the Trade Act of 1974), at this point we offer the amendments to the administration as suggested provisions to be included in the implementing legislation.

I cannot emphasize enough, Mr. President, the importance of these negotiations and our forthcoming consideration of the codes and their implementing legislation. Through these negotiations we have, hopefully, established a set of rules of the game, a code of international economic behavior. As a Nation which has always approached its international economic relations with transparency and a belief in the primacy of law, we have potentially much to gain from encouraging other nations to do the same.

Whether these codes achieve that objective, of course, is another issue, as is whether or not the implementing legislation that will accompany their submission adequately reflects our principles and priorities. The Senator from New York and I have given considerable thought to this problem, and the legislation we are introducing today is intended both to further the principles we feel it is vital to establish, and to promote worldwide adherence to the rule of law.

We are quite prepared to deal with our trading partners on fair and equal terms and make reciprocal concessions. We are not, however, willing to continue facing an onslaught of subsidized and unfairly traded imports into this country without adequate countermeasures. The MTN itself will help to prohibit some unacceptable practices, but others remain, and international enforcement, a critical part of the process, is still weak, though stronger than in the past.

It is critical, if the MTN is to mean anything to us, that we write a strong implementing bill to demonstrate to our trading partners our determination to insist on fair trade before we support free trade. To that end we are offering this legislation.

Basically the bill is designed to regularize our trade investigation procedures, insure full and aggressive U.S. investigation of unfair trade practices followed by vigorous enforcement, and provide a framework for our use of the strengthened international dispute settlement apparatus of the GATT.

The legislation regularizes trade procedures by formalizing the investigatory procedure and increasing its transparency. Decisions by the administering authority and the reasons for them would be made public, as well as information compiled on foreign subsidy practices, which would enable more affected parties to file complaints.

A procedure for allowing petitioners to obtain access to confidential data under a court protective order is established, and a system is developed for an orderly review of countervailing duty determinations if a question is raised as to the continuing extent of the subsidy or of the domestic injury.

The bill also regularizes our procedures by clearly defining several key terms used both in U.S. law and in the subsidies code. Section 1(g) provides a clear definition of bounty or grant—that is a subsidy—and provides an illustrative list. Section 1(c) defines material injury (the term used in the code) as more than de minimis, and provides an accompanying definition of the term "industry" which is crucial to defining injury.

It is important to point out in this context that our bill, like the subsidies code itself, contains an injury test. That has been agreed to by our negotiators, notwithstanding the fact that the subsidy practices in question are unfair regardless of injury, and it is our intent to insure a firm test of injury that does not set standards so high that they are impossible to meet.

The bill is also designed to insure more vigorous and effective investigation and enforcement. In the past, for example, only subsidies alleged in the petition for investigation were pursued, even though others, possibly more harmful, were uncovered during the investigation. Similarly, information provided by foreign governments or manufacturers has often been taken at face value without verification, despite experience that it is not always accurate. Our bill will correct both those defects.

The bill also removes references in the law to the Secretary of the Treasury and instead uses the term, "administering authority." This change reflects widespread unhappiness in the business community and in Congress over Treasury's administration of this law, which many feel has been unnecessarily lax. This issue came up during Trade Subcommittee hearings on February 21 and 22, and material submitted for the record details some examples of Treasury Department failure that have given rise to these concerns. Mr. President, I ask unanimous consent that the material cited be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADMINISTRATION OF THE COUNTERVAILING DUTY STATUTE BY THE TREASURY DEPARTMENT

In response to the request of Senator Heinz at the International Trade Subcommittee's hearings on February 22, 1979, the Ad Hoc Subsidies Coalition of 33 organizations herewith submits the details of our charges regarding the Treasury's Department's administration of the countervailing duty statute.

We find that the Treasury Department has been guilty of the following practices:

1. Treasury has missed statutory deadlines.
2. Treasury has reduced the calculated amount of a subsidy, and hence the countervailing duty, in questionable ways.
3. Treasury has accepted unverified information from foreign representatives as a basis for its determinations.
4. Treasury has changed rulings without adequate opportunity for interested parties to comment.
5. Treasury has stretched the authority of the Trade Act of 1974 with regard to the granting of waivers.

These charges are detailed in the following sections.

1. Treasury Has Missed Statutory Deadlines.

One of the important changes intended to strengthen the countervailing duty statute as incorporated in the Trade Act of 1974 was the 12 month time limit established for the Treasury Department's consideration of countervailing duty petitions.

This time limit was established as part of the legislative "deal" which gave the Secretary of the Treasury authority to waive countervailing duties under certain circumstances. Under the amendment, the Treasury Department has six months from the time of receipt of a valid petition to make a preliminary determination with respect to the existence of foreign countervailable practices and then it has an additional six months in which to make a final determination. Notwithstanding the statutory time limits, Treasury has missed deadlines, particularly for preliminary determinations which deadlines are consistently missed as in the case of Swedish rayon staple where the preliminary determination came three months after the six-month deadline.

Two cases in particular come to mind, one involving Argentine leather apparel where the statutory deadline for a final determination was January 21, 1978 and the other involving Argentine footwear, where the deadline was February 11, 1978. The decisions on both products were finally issued on January 17, 1979; that for leather apparel was negative and the decision on Argentine footwear was affirmative. Thus, Treasury took twelve months and eleven months longer, respectively, than mandated in the statute to make its determinations in these two cases.

The effect of failing to make determinations within the statutory deadline is to deny petitioners due process, particularly where considerable time has elapsed since the deadline. Thus, when an affirmative decision is finally made, petitioners have suffered from Treasury's failure to institute countervailing duties earlier. When a negative determination is finally made, a petitioner has been denied the opportunity to challenge such determinations at an earlier date, in accordance with Section 516 of the Tariff Act of 1930, as amended.

Even a simple publication in the *Federal Register* of a notice of appeal of Treasury's countervailing duty determinations encounters delay despite the provision in Section 516(d) of the Tariff Act of 1930 that such publication be made upon receipt. On December 15, 1978 the Amalgamated Clothing & Textile Workers Union filed with Treasury notice of its intent to appeal six such determinations. Treasury did not publish notice to this effect in the *Federal Register* until February 27, 1979. The appeal process cannot move forward without such notice. Once again due process has been delayed by Treasury.

2. Treasury Has Reduced the Calculated Amount of a Subsidy, and Hence the Countervailing Duty, in Questionable Ways.

Treasury has pursued a policy which they justify as provided for in the countervailing duty statute of reducing the gross amount of subsidy by various offsets. Although in most cases the reductions are in the form of indirect taxes related to the product which receives the subsidy, Treasury has found some rather exotic items with which to reduce the subsidy. These include, in the case of the waiver on handbags from Colombia, the effects of the devaluation of the foreign currency on the grounds that the Colombian Government allows as much as nine months to elapse before subsidies are paid. In this case Treasury even reduced the subsidy by the cost of the interest on the money not received by Colombian handbag producers and exporters during this nine-month period. Treasury describes this offset in the *Federal Register* of May 2, 1978 as "the present value effect of the (exporter's tax certificates) resulting from the inflationary impact on . . . delayed payment." Furthermore, since these exporter's tax certificates are sold in the Bogota Stock Exchange, Treasury also allowed a "discount paid by holders of (exporter's tax certificates) in the stock exchange, thus effectively not providing full value of the (exporter's tax certificates) once sold." It is interesting to note that several of these offsets were disallowed in a more recent case involving Colombian textiles and apparel, but Treasury has not bothered to go back to its earlier decision to recompute the countervailing duties on Colombian handbags. The Colombian handbag case is not untypical.

It is so important to recognize that the reductions which Treasury makes in the subsidy through subtracting the indirect taxes related to the products ignore completely the fact that in virtually all of the foreign countries concerned these indirect taxes would have been borne by the manufacturer even in the absence of the subsidy program, and that the subsidy program clearly is intended to give the foreign manufacturers an edge in selling to the U.S. This is exactly what the countervailing duty statute is aimed at offsetting, but Treasury nevertheless goes on deducting these indirect taxes to the point where many negative or *de minimis* determinations result or the countervailing duty is significantly smaller than it should be.

3. Treasury Has Accepted Unverified Information From Foreign Representatives as a Basis For Its Determinations.

Treasury makes most of its determinations with regard to the size of a countervailing duty or a waiver of a countervailing duty on the basis of data submitted by foreign governments and by foreign firms or associations of firms. In neither case are the data verified by Treasury. Admittedly, it is difficult for Treasury to verify data submitted by foreign interests, but at least an effort should be made to assure the American petitioner that, indeed, the data on which a determination is made by Treasury are reliable. Treasury says that it must take the word of a foreign government. Yet in a case involving Argentine footwear, the word of a foreign government was not good enough. It reneged on a commitment which had been made to Treasury. In that particular case, Treasury said "but they had a change of governments in Argentina." Unfortunately the new government in power did not bother to advise Treasury that it had reversed the commitment made by its predecessors, and Treasury did not reopen this case for a considerable period of time after the subsidies were reinstated. When Treasury finally acted five and a half years after the initial petition was filed, it imposed a countervailing duty of less than 1 percent.

As the result of a request through the Freedom of Information Act, it has been learned that although Treasury waived countervailing duties on Uruguayan handbags and footwear at the end of January 1978 based on certain assurances from the Uruguayan Government, the factual information on which to base the waiver was not available to Treasury at the time of the waiver action. On May 15, 1978 the Minister of the Uruguayan Embassy in Washington was told by Treasury that in October 1977 Treasury had requested of the Uruguayan Government "a detailed description . . . of the laws providing for the various offsets accepted by Treasury . . . as well as a detailed itemization of how the offsets were calculated for each of the product sectors." That had not yet been furnished by the Uruguayan Government as of mid-May 1978.

Treasury pointed out that the Uruguayan Government had promised in December 1977 to furnish by the following month "a detailed enumeration of the program to eliminate the entire 'reintegro' system by 1981 . . ." That, too, had not been furnished by the Uruguayan Government by mid-May 1978.

Apparently a copy of the December 28, 1977 decree of the Uruguayan Government reducing the "reintegro" was also not submitted in January 1978 before Treasury waived the countervailing duties. At least Treasury was still inquiring about it from the Uruguyan Government in mid-May 1978.

4. Treasury Has Changed Rulings Without Adequate Opportunity For Interested Parties to Comment.

Even when Treasury once announces a net subsidy, taking into account the reduction for indirect taxes, it continues to amend those calculations mostly on the downside based upon new information which it receives from the foreign government. For instance, in the case of Spain, Treasury announced a 4 percent countervailing duty on unwrough zinc in April 1977. In June 1978, Treasury reduced the existing countervailing duty on zinc and on several other Spanish products subject to U.S. countervailing duties by revising its method for calculating indirect tax subsidy offsets. This action was taken after consultation with Spanish authorities but without consultation with U.S. industries involved. Despite the controversy Treasury aroused over the basis for this reduction, Treasury reduced the countervailing duty but without suspending the liquidation of entries until all views could be heard.

Treasury later realized the views of the

U.S. industries had merit and that it had made a mistake on its revised method for calculating the countervailing duties. Six months later Treasury reverted to the basis of calculations it used prior to June 1978 with the effect that the countervailing duty was now raised again, although not quite to the original levels.

In the interim, between June 15, 1978 and January 17, 1979, because Treasury had not suspended the liquidation of entries on Spanish zinc, nonrubber footwear, and bottled olives, importers benefited from a lower rate of countervailing duty which gave them a windfall they certainly did not merit.

It is of interest to note that the American Footwear Industries Association had requested Treasury to reconsider and revise upward the 3 percent countervailing duty on Spanish footwear some four years ago. It has never received a reply to its request.

While Treasury acted speedily, without consultation with domestic industry, to reduce duties in the Spanish cases, and without suspension of liquidation, it took Treasury almost five months to revoke a waiver and institute a countervailing duty in a case involving Uruguayan leather apparel and almost eleven months to revoke waivers on Uruguayan footwear and handbags. (The waiver action on leather apparel is discussed more fully below.) But in these cases where Treasury was acting to impose duties, it suspended liquidation of entries to give the Uruguayan Government more time to protest Treasury's action.

Thus, on the downside, Treasury appears to act with haste, but on the upside, Treasury clearly takes its time.

5. Treasury Has Stretched the Authority of the Trade Act of 1974 With Regard to the Granting of Waivers.

The Trade Act and the temporary four-year waiver authority which expired January 3, 1979, provided the Secretary of the Treasury with authority to waive the imposition of countervailing duties when he determines that:

1. adequate steps have been taken to reduce substantially or eliminate the adverse effect of the bounty or grant on domestic producers;
2. that there is a reasonable prospect that trade agreements to reduce or eliminate nontariff barriers will be entered into; and
3. the imposition of countervailing duties would be likely' to seriously jeopardize the satisfactory completion of such negotiations.

Treasury Department officials have consistently interpreted these three criteria—all of which must exist before a waiver can be issued—so loosely as to permit them to justify any action administratively decided upon.

In one case, involving the imposition on January 12, 1976 of a 14 percent countervailing duty on Brazilian handbags, the Secretary of the Treasury undertook subsequently to waive this duty as part of a "package agreement" on trade issues which he personally negotiated during a visit to Brazil in May 1976. That waiver on Brazilian handbags was made effective July 1, 1976. Can it be said that at that time there was a "reasonable prospect" that successful trade agreements were to be entered into? Could it have been said in May 1976 that the imposition of the additional duty was "likely to seriously jeopardize the satisfactory completion of such negotiations?" Hardly, on both counts.

A recent glaring example of a new horror story is that related to Treasury's finding that Uruguayan subsidies on leather wearing apparel were equivalent to 12 percent of the f.o.b. price for export to the United States.

In its final determination issued January 30, 1978, Treasury noted an intent to waive the imposition of countervailing duties on the basis that it had received assurances from Uruguay of a phase-down of only one subsidy—the "reintegro" program of cash rebates which alone amounted to 20 percent or more of the value of the goods exported. However, because leather wearing apparel from Uruguay entered the United States free of duty under the Generalized System of Preferences, the International Trade Commission was called upon (as required by Section 303(b) of the Trade Act) to determine whether Uruguayan subsidies on leather wearing apparel injured the United States industry. Following a comprehensive investigation, the ITC in April 1978, announced a unanimous injury finding. Nonetheless, even in the face of such a unanimous decision by the Commission with respect to the subsidized Uruguayan leather apparel, the Treasury Department carried out its planned waiver, which was duly announced in the Federal Register of June 30, 1978.

Treasury justified its waiver on the basis of Uruguayan assurances that it would phase out its major "reintegro" subsidy program by January 1, 1979. In agreeing to waive the countervailing duty on this basis, Treasury did not require the Government of Uruguay to reduce or eliminate other countervailable trade practices which the Treasury had determined to, exist in Uruguay. Treasury's justification for permitting a waiver while the Uruguayans would leave these subsidies intact, was that they were very small, perhaps in the order of 2 percent, whereas the major subsidy program, which provided a subsidy of at least 20 percent was netted down to around 12 percent.

The domestic industry argued with Treasury officials that they were ignoring an additional subsidy benefitting Uruguayan tanners equal to 8 percent of the value of the leather content in various products exported. Treasury decided differently. However, more recently, Treasury discovered that, indeed, it had made a mistake and that the 8 percent subsidy on the leather content of products exported to the United States was a countervailable duty. Thus, instead of a residual of 2 percent after the scaling down of the major subsidy, Treasury found that the remaining subsidy on Uruguayan leather apparel added up to a total of 13.3 percent. It decided to impose this subsidy effective November 13, 1978 and revoked its former waiver.

Even after Congress failed to extend the countervailing duty waiver authority last October, Treasury went ahead and waived the countervailing duty of almost 38 percent on Brazilian textiles and apparel on assurances that subsidies would be reduced by half by January 1, 1979 and by the remaining half by January 1, 1980. In the interim of one year, Brazil is being allowed to continue subsidies of a substantial amount without having countervailing duties applied, to the detriment of American firms and workers.

CONCLUSION

The foregoing documents that our group considers to have been a mismanagement of the countervailing duty program by the Treasury Department. This record does not support the assertion of the Secretary of the Treasury to the Joint Economic Committee on January 31, 1979 that Treasury does its "best to administer the statute fairly and efficiently." It is for these reasons that our group of 33 organizations believes that the administration of the countervailing duty statute should be removed from the Treasury department.

Mr. HEINZ. I should also note in passing, Mr. President, that removing enforcement of these laws from the Treasury is consistent with growing support for a complete reorganization of our trade functions. Senators Roth and Ribicoff have introduced legislation to create a Department of International Trade and Investment which I am pleased to cosponsor. The distinguished majority leader has indicated he is developing his own legislation along similar lines. An OMB task force labored long and hard on recommendations to the same end. I am confident, Mr. President, that trade reorganization is an idea whose time has come and that one of these proposals will shortly be approved, reflecting the same widespread dissatisfaction with the status quo that is implied in our bill.

Finally, our legislation amends section 301 of the Trade Act of 1974 to conform our law to the international dispute settlement mechanism established in the Subsidies Code. While effective enforcement of our domestic unfair trade laws is essential, the entire problem is inevitably a multilateral one that demands collective solutions. The negotiation of the code itself is a major step in that direction, but in addition it is imperative that we obtain in the process a strong dispute settlement mechanism so that our rights can be adequately protected and enforced multilaterally and so that all nations accustom themselves to the idea of an economic world grounded in law rather than blatant self-interest and discrimination. To that end our section 301 amendment continues to allow for domestic investigations of alleged unfair practices or discriminatory treatment, but it also provides for simultaneous referral to the GATT on a dual time frame which permits the President to act in light of both an STR recommendation and the recommendations of any GATT panel that might be constituted. In this manner we preserve our right of action while bringing in the GATT process at an earlier stage and permitting it to operate as well.

Mr. President, this is a long and detailed bill reflecting what I am afraid are complicated and entailed issues. It is vital, however, that the Congress master these issues because a significant part of the world's—and our Nation's—economic future is going to be determined by the MTN codes and their implementing legislation. Our trade deficit alone is graphic evidence of the importance of the MTN to us and of our need to examine what the Administration has agreed to with great care. The Senator from New York and I offer this proposal both as a reflection of our own examination of the subsidies code and in an effort to stimulate discussion among our colleagues. Speaking for myself, I believe it is absolutely essential that provisions such as those we have proposed be included in the implementing legislation if the code is to have any meaning. Senator Moynihan and I will be working to that end, and we welcome the support of our colleagues.

Mr. President, I ask unanimous consent that a summary of the bill and its text be printed at this point in the Record.

There being no objection, the bill and

summary were ordered to be printed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. AMENDMENT OF COUNTERVAILING DUTY PROVISIONS

(a) Investigation of Bounties or Grants Not Specifically Plead.—Paragraph (3) of section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303 (a)) is amended by adding at the end thereof the following new sentence: "If, in the course of his investigation, the administering authority discovers the existence of any bounty or grant not set forth in the petition, he shall include such other bounty or grant within the scope of his investigation.".

(b) Suspension of Liquidation During Investigation.—

(1) Paragraph (4) of such section (19 U.S.C. 1303(a) (4)) is amended—

(A) by striking out "six months" and inserting in lieu thereof "three months".

(B) by striking out "twelve months" and inserting in lieu thereof "six months",

(C) by striking out "Secretary" and inserting in lieu thereof "administering authority", and

(D) by adding at the end thereof the following: "If the preliminary determination of the administering authority is affirmative, he shall require, under such regulations as he may prescribe, the suspension of liquidation of the article or merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the preliminary determination in the Federal Register (or such earlier date, not more than 120 days before the date of publication under paragraph (3) of notice of investigation, as the administering authority may prescribe), and such suspension of liquidation shall continue until the administering authority has made public—

"(i) an order directing the assessment and collection of duties pursuant to an affirmative final determination, or, in the case of articles or merchandise for which a determination by the Commission is required, an affirmative determination by the Commission under subsection (b); or

"(ii) a negative final determination.".

(2) The first sentence of section 303 (c) of such Act (19 U.S.C. 1303 (c)) is amended by inserting before the period the following: ", and with respect to any article or merchandise subject to suspension of liquidation under subsection (a) (4)".

(C) Injury Determination Required in All Cases; Procedure and Rules for Determination.—

(1) Paragraph (2) of section 303 (a) of such Act (19 U.S.C. 1303 (a)) is amended to read as follows:

"(2) If the international obligations of the United States require a determination of injury before the imposition of duty under this section, then duties may be imposed under this section only after an affirmative determination by the Commission under subsection (b) (1).".

(2) Paragraph (1) of section 303 (b) of such Act (19 U.S.C. 1303 (b)) is amended to read as follows:

"(1) (A) Whenever the administering authority initiates an investigation under subsection (a) with respect to an article or merchandise upon which duty may be imposed under this section only after an affirmative determination by the Commission, he shall notify the Commission and transmit to the Commission such information concerning the importation of such article or merchandise as is available to him. Within four months after receipt of such notification, the Commission shall determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States.

"(B) In reaching its determination under subparagraph (A), the Commission shall be guided by the provisions respecting injury determinations of Article VI of the General Agreement on Tariffs and Trade and the Arrangement in respect thereof and the following criteria:

"(i) The requisite injury to the domestic industry may be the result of either an increase (whether absolute or relative to domestic production or consumption) in subsidized imports or the effect of subsidized imports on prices in the domestic markets for like or directly competitive products.

"(ii) Any impact of the subsidized imports on the industry concerned that is more than de minimis shall be considered material.

"(iii) It is not necessary that the subsidized imports be the principal cause of injury nor should the injury from subsidized imports be weighted against other factors which may be contributing to injury to an industry.

"(iv) In any event, an affirmative determination by the Commission shall be required whenever subsidized imports of an article from a country or countries, like or directly competitive with an article produced by an industry in the United States, exceed 5 percent of the domestic market, or are increasing, either absolutely or relatively, at a higher rate than all other imports of the like or the directly competitive article.

"(v) In any case in which there is outstanding, on the date of the determination under subsection (a) (4), a finding of injury or threat thereof by the Commission pursuant to section 201 (d) (1) of the Trade Act of 1974, and a Presidential determination to provide import relief under section 203 (a) of such Act, with respect to the articles tentatively determined to have been subsidized pursuant to the preliminary determination under subsection (a) (4), then such imports shall be presumed to have caused injury to the domestic industry if imports of like or directly competitive products from the country cited in the complaint have increased either absolutely or relative to domestic production or consumption since the date of the final determination of the Commission under section 201(d) (1). Such presumption shall remain in effect for the duration of import relief granted pursuant to section 203(a).

"(C) For purposes of subparagraph (A), in determining the domestic industry producing an article like or directly competitive with an imported article, the Commission—

"(i) shall, in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production,

"(ii) shall, in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article, and

"(iii) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a geographic area of the United States and whose production facilities in such an area for such article constitute a significant portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

"(D) The Commission's final determination shall be published in the Federal Register and shall state with particularity the basis for the determination in respect to the provisions of subparagraph (B).".

(d) Bounty or Grant Not to Be Reduced or Offset for Export Charges or Taxes.—Paragraphs (1) and (5) of section 303(a) of such Act (19 U.S.C. 1303(a)) are each amended by striking out "net" each place it appears.

(e) Start-Up Bounty or Grant to Be Treated As If It Were Paid or Bestowed Over Foreign Amortization Period of Facility.—Paragraph (5) of section 303(a) of such Act (19 U.S.C. 1303(a)) is amended by adding at the end thereof the following new sentence: "In the case of any bounty or grant related to the acquisition of depreciable assets for start-up or expansion activities, the administrating authority shall determine or estimate the amount of such bounty or grant as though it were paid or bestowed in full over a period of time, beginning with the first importation with respect to which a countervailing duty would be imposed, equal to the period of depreciation or amortization applicable to such assets under the tax laws of the county of origin. The amount of any other bounty or grant, paid or bestowed in connection with start-up or expansion costs, shall be determined or estimated in the same manner.".

(f) Administering Authority to Publish Reasons For Determination.—The second sentence of section 303(a)(6) of such Act (19 U.S.C. 1303(a)(6)) is amended by inserting before the period the following: "together with a detailed statement of the reasons for his determination".

(g) Definition of Bounty or Grant.—Subsection (a) of section 303 of such Act (19 U.S.C. 1303) is amended by adding at the end thereof the following new paragraph:

"(7) For purposes of this section, the term 'bounty or grant' means any payment, remission of charges, furnishing of commodities or services at less than market price or value, or preferential treatment which benefits the manufacture, production, or distribution of any class or kind of article imported from the country concerned, or any other thing of value, including, but not limited to—

"(A) loans, export credit, guarantees, or export insurance extended on more favorable terms than are available from private institutions under free-market conditions,

"(B) currency retention schemes or similar practices which involve bonuses on exports or reexports,

"(C) the remission of direct taxes or social welfare charges calculated in relation to exports, or extended to firms or industries on a selected basis, or excessive rebates of indirect taxes,

"(D) the operation of any government-owned or government-controlled enterprise at a loss from operations over a significant period of time, and

"(E) the bearing, by the government of the country concerned, of any cost or expense relating to manufacture, production, or distribution of any article, including costs and expenses associated with research and development, transportation, quality control, acquisition or rental of plant and equipment, acquisition of raw materials, advertising, export market research, or administrative activities.".

(h) Verification of Information Required.—Subsection (a) of section 303 of such Act (13 U.S.C. 1303) is amended by adding at the end thereof the following new paragraph:

"(8) The administering authority shall verify all information submitted to him in connection with an investigation under this section for purposes of determining or estimating a bounty or grant. In publishing his determination, the administering authority shall report in detail the methods and procedures used to verify such information. If the administering authority is unable to verify the accuracy of information provided to him, he shall accept the information provided in the petition submitted to him, or such other information as he may gather which he determines to be accurate, as the basis for his determination or estimate.".

(i) Semiannual Reports on Possible Bounty or Grant Practices.—Section 303 of such Act (19 U.S.C. 1303) is amended by adding at the end thereof the following new subsection:

"(f) Semiannual Report on Possible Foreign Subsidy Practices.—Not less frequently than twice each year, the administering authority shall publish in the Federal Register a report describing any practice engaged in by a foreign country which may constitute a bounty or grant (as defined in subsection (a) (7)). Each such practice shall be described in sufficient detail to enable interested parties to determine whether a petition under subsection (a) should be filed.".

(j) Conforming Amendments.—

(1) Section 303 of such Act (19 U.S.C. 1303) is amended—

(A) by striking out "Secretary of the Treasury (hereafter in this section referred to as the 'Secretary')" in subsection (a) (4) and inserting in lieu thereof "administering authority", and

(B) by striking out "secretary" each place it appears and inserting in lieu thereof "administering authority".

(2) Section 516 of such Act (19 U.S.C. 1516) is amended—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "administering authority", and

(B) by striking out "Secretary's" in subsection (b) and inserting in lieu thereof "administering authority's".

Sec. 2. Access to Information Concerning Foreign Subsidy Practices; Access to Confidential Information.

Title III of the Tariff Act of 1930 (19 U.S.C. 1303 et seq.) is amended by inserting immediately after section 303 the following new section:

"Sec. 303A. Access to Confidential Information.

"(a) In accordance with the provisions of this section, an interested party (as defined in section 516 (h)) of this Act) which is a petitioner for, or otherwise a party to, an investigation being conducted under section 303 may obtain information obtained or developed by the administering authority in that investigation which is not otherwise available to the interested party under section 552 of title 5, United States Code, because it is information described in subsection (b) (4) of that section.

"(b) The United States District Court for the District of Columbia shall have jurisdiction over actions brought under this section. Upon application made by such an interested party, and after notification of all parties to the investigation and the party or parties from which the information was obtained by the administering authority, and an opportunity for a hearing on the record before the court with respect to the application, the court may issue an order directing the administering authority to make all or a part of the requested information available to the requesting party if the court finds that—

"(1) the administering authority has denied that party such information on the ground that it is information described in section 552(b)(4) of title 5, United States Code, and cannot otherwise be obtained under section 552 of such title,

"(2) the requesting party is a party to the investigation in connection with which the information was obtained or developed, and

"(3) all parties to that investigation have been notified, in advance of the hearing under this section, of the request made under this section and of their right to appear and be heard.

"(c) In ordering the administering authority to make information available to a requesting party under this section, the court shall—

"(1) prohibit disclosure of the information in any form, including summaries, extracts, and similar forms, by the requesting party except to the extent authorized in writing by the party from which the information was obtained by the administering authority,

"(2) require the signature of the requesting party or its legal representative on an agreement not to violate the prohibition described in paragraph (1), and

"(3) require the return of the information and all copies thereof to the administering authority immediately after a final determination is made by that authority in the investigation.".

Sec. 3. Review of Injury Determinations.

Title III of the Tariff Act of 1930 (19 U.S.C. 1303 et seq.) is amended by inserting immediately after section 303A (as added by section 2 of this Act) the following new section:

"Sec. 302B. Review of Injury Determinations.

"(a)(1) Upon application made by an importer more than thirty-six months after the publication of an affirmative determination of injury under section 303(b) with respect to an article or merchandise, the administering authority, if it finds good cause, shall ask the Commission to determine—

"(A) whether the bounty or grant (as defined in section 303(a)(7)) to which the determination related continues to be paid or bestowed with respect to such article or merchandise, and

"(B) whether the importation of such article or merchandise, without the duty imposed under section 303(a) on the importation of such article or merchandise, would injure, or be likely to injure, or prevent the establishment of, and industry in the United States.

"(2) The Commission, within three months after receiving the request and after such investigation as it deems necessary, shall notify the administering authority of its preliminary determination.

"(b)(1) The review for which subsection (a) provides may be begun by the administering authority upon application made by an importer after only twelve months following the publication of the affirmative determination of injury if the petitioner affirmatively shows that—

"(A) there is no evidence of current material injury (or the threat of material injury) to, or of the current prevention of establishment of, an industry in the United States from the importation of the article or merchandise to which the determination related.

"(B) there is no likelihood that, in the absence of the duty imposed under section 303(a), such injury or prevention will recur in the near future during the remainder of the period for which the duty was imposed, and

"(C) any continued bounty or grant (as defined in section 303(a)(7)) with respect to such article or merchandise will have no adverse effect on the affected industry in the United States.

"(2) For purposes of paragraph (1)—

"(A) the affirmative showing under subparagraph (A) shall establish the absence of price undercutting, the absence of the prevention of price increases or other evidence of price suppression or depression, and the decline of imports of the article or merchandise with respect to which the bounty or grant (as defined in section 303(a)(7)) is bestowed (either absolutely or relative to domestic production or consumption), and

"(B) the affirmative showing under subparagraph (C) shall include evidence on every factor taken into account by the Commission in making its original affirmative determination of injury (under section 303(b)).

"(c) If the determination of the Commission as to either question under subsection (a)(1) is negative, and if the administering agency determines that there has been a clear demonstration of substantial and sustained improvement in all relevant aspects of those conditions in the affected industry which were taken into account in the original affirmative determination of injury, then the administering agency shall publish in the Federal Register a notice of its preliminary determination, inviting public comment on any issues presented, and, unless waived by the original petitioner under section 303, shall conduct a hearing not earlier than thirty days after the date of publication of such notice.

"(d) After the notice and hearing provided for which subsection (c) provides, the administering authority, if it finally determines that the answer to either of the questions set forth in subsection (a)(1) is negative, shall suspend the duty previously imposed under section 303(a) with respect to such article or merchandise.

"(e) Upon application by the initial petitioner under section 303, or by an interested party with respect to that petition, made after a suspension of duty under this section the administering authority may suspend shall terminate the suspension of duty effective for the remainder of the period for which the duty was initially imposed if the petitioner shows that * * *

"(f) Any interested party may apply to the administering authority for the termination of suspension of any duty suspended under this section. Upon receipt of such an application, the administering authority shall publish in the Federal Register notice of a hearing with respect to the termination of the suspension and conduct such hearing, permitting any interested party to appear and testify. If the petitioner shows that the importation of the article or merchandise to which the duty applied is injuring, or threatening to injure, or is preventing the establishment of, an industry in the United States, then the administering authority shall terminate the suspension of the duty imposed under section 303(a) with respect to such article or merchandise. In proceedings conducted under this subsection, it shall be conclusively presumed that any material injury to an affected industry in the United States has been caused by the importation of the article or merchandise on which the suspended duty was imposed.".

Sec. 4. Petitions by Trade Associations, Unions, and Other Interested Groups; Changes in Scope of Judicial Review.

(a) Broadened Class of Petitioners.—

(1) In general.—Section 516 of the Tariff Act of 1930 (19 U.S.C. 1516) is amended—

(A) by striking out "American manufacturer, producer, or wholesaler" in subsections (a) and (b) and inserting in lieu thereof "interested party",

(B) by striking out "such manufacturer, producer, or wholesaler" in subsections (a) and (d) and inserting in lieu thereof "such interested party",

(C) by striking out "an American manufacturer, producer, or wholesaler of merchandise of" in subsection (d) and inserting in lieu thereof "an interested party with respect to".

(D) by striking out "such manufacturer's, producer's, or wholesaler's" in subsection (d) and inserting in lieu thereof "such interested party's",

(E) by redesignating subsection (h) as (i) and by inserting after subsection (g) the following new subsection:

"(h) Interested Party Defined.—For purposes of this section, the term 'interested party' with respect to any class or kind of merchandise, means—

"(1) an American manufacturer, producer, or wholesaler of such merchandise,

"(2) a labor organization or group of workers concerned with the manufacture, production, or wholesale of such merchandise, and

"(3) a trade or business association whose members include such manufacturers, producers, or wholesalers.", and

(F) by striking out "AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS" in the caption of such section and inserting in lieu thereof "AMERICAN INTERESTED PARTIES".

(2) Conforming amendments.—

(A) Subparagraph (A) of section 303(a)(3) of such Act (19 U.S.C. 1303(a)(3)) is amended by striking out "any person" and inserting in lieu thereof "an interested party (as defined in section 516(h) of this Act)".

(B) Subsection (a) of section 514 of such Act (19 U.S.C. 514) is amended by striking out "American manufacturers, producers, and wholesalers" and inserting in lieu thereof "interested parties".

(b) Changes in Scope of, and Time for, Judicial Review.—Subsection (d) of section 516 of such Act (19 U.S.C. 1516) is amended—

(1) by striking out "or" at the end of paragraph (1),

(2) by inserting "or" at the end of paragraph (2),

(3) by inserting after paragraph (2) the following new paragraph:

"(3) as to the rate or amount of antidumping or countervailing duties to be assessed,",

(4) by inserting before the period at the end of the first sentence the following: ", and the reasons for desiring to contest the determination", and

(5) by striking out "Upon receipt" in the second sentence and inserting in lieu thereof "Within 30 days after receipt", and

(6) by striking out "Within 30 days after such publication," in the last sentence and inserting in lieu thereof "More than 30 days, but not more than 60 days, after such publication,".

Sec. 5. Unfair Trade Practice Determinations.

(a) Determinations by Special Representative for Trade Negotiations.—Subsection (d) of section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended to read as follows:

"(d) (1) Whenever the Special Representative for Trade Negotiations receives information which he has reason to believe is reliable and accurate that a foreign country or instrumentality is engaging in an unfair trade practice described in paragraph (1), (2), (3), or (4) of subsection (a) with respect to a class or kind of merchandise, he shall conduct an inquiry into the unfair trade practice with respect to that class or kind of merchandise and, within 30 days after receiving the information, determine whether to conduct an investigation into the matter. For the purpose of making his inquiry, the Special Representative may request the assistance of an industry affected by the unfair trade practice which is the subject of the inquiry, but may not require the production of more information than is reasonably available to that industry.

"(2) (A) Upon complaint filed by any interested party with the Special Representative for Trade Negotiations alleging any such restriction, act, policy, or practice, the Special Representative shall conduct a review of the alleged restriction, act, policy, or practice, and shall, within 30 days after receipt of the complaint, determine whether good cause exists for instituting a formal investigation of the complaint.

"(B) If the Special Representative determines under subparagraph (A) that good cause exists for instituting a formal investigation, he shall—

"(i) notify the executive secretary to the contracting parties to the General Agreement on Tariffs and Trade of his preliminary determination, and

"(ii) institute a formal investigation to determine whether the foreign country or instrumentality named in the allegation is engaging in an unfair trade practice described in paragraph (1), (2), (3), or (4) of subsection (a) with respect to a class or kind of merchandise.

In conducting the formal investigation under this subparagraph, the Special Representative shall, under regulations prescribed by him, afford reasonable notice to interested parties and to the foreign government or instrumentality involved, hold public hearings on the subject matter of the investigation, and afford such parties, governments, and instrumentalities an opportunity to be present, to present evidence, and to be heard at such hearings.

"(C) The Special Representative shall conclude any formal investigation commenced under subparagraph (B) within 3 months after the date of his preliminary determination under subparagraph (A), and shall submit to the President within 30 days after the conclusion of the investigation, a report of his determination under subparagraph (B). If the determination of the Special Representative under subparagraph (B) in any investigation is affirmative, he shall include in his report to the President an estimate of the amount of impairment of United States commerce attributable to the practice with respect to which the determination was made, and his recommendation for Presidential action under subsection (a). Within 30 days after receipt of the recommendation of the Special Representative, and taking into account any recommendations made by any advisory panel of foreign experts convened by the contracting parties to the General Agreements on Tariffs and Trade which are received before such 30th day, the President shall take the action recommended by the Special Representaive unless the President determines that such action would be contrary to the interests of the United States.

"(D) Any notice issued or determination made under this paragraph by the Special Representative, the President, or and such advisory panel of foreign experts, including the findings and recomendations of the Special Representative, shall be published in the Federal Register. Whenever the Special Representative makes a determination under subparagraph (B)(ii) he shall report that determination, whether affirmative or negative, including a full statement of the reasons for his determination, and publish that report in the Federal Register.

"(3) Upon receipt of a written request from an interested party (as defined in section 516(h) of this Act) for information concerning the nature and extent of subsidy practives of a foreign government which is a signatory to the Code on Subsidies and Countervailing Duties with respect to an article or merchandise, the Special Representative shall request the information from such government within 10 days after receiving the request.".

(b) Conforming Amendment.—Subsection (e) of such section is amended—

(A) by striking out paragraph (1) and (2) and inserting in lieu thereof the following:

"(1) the Special Representative shall provide for appropriate public hearings concerning the taking of action with respect to such product or service, including an opportunity for the presentation of views through testimony and written submissions,

"(2) the Special Representative shall publish in the Federal Register, within 30 days after the conclusion of such hearings, his final recommendations to the President on such action, and",

(B) by striking out "he may" in paragraph (3) and inserting in lieu thereof "the President may",

(C) by striking out "thereafter promptly provide an opportunity" in the second sentence and inserting in lieu thereof "thereafter promptly direct the Special Representative to provide an early opportunity", and

(D) by striking out "The President" in the last sentence and inserting in lieu thereof "The Special Representative".

Sec. 6. Effective Date.

The amendments made by sections 1, 2, 3, and 4 of this Act apply only to investigations initiated, applications made, and petitions filed after the date of enactment of this Act.

Section-by-Section Summary, Countervailing Duty Amendments

Sec. 1(a) Investigation of bounties not specifically plead. Under present practice an investigation would consider only bounties or grants specifically referred to in the petition. This subsection would require the administering authority to include other bounties or grants that might be discovered during the investigation.

Sec. 1(b) Suspension of Liquidation during investigation. Under present law duties are assessed only prospectively. This subsection would conform practice to the Antidumping Act and require suspension of liquidation from the point of preliminary determination (or retroactively up to 120 days before the investigation was begun.) The investigating period is also shortened to 6 months with a preliminary determination after 3 months.

Sec. 1(c) Injury test. Requires and defines a "more than *de minimis*" injury test which must be met before duties can be imposed, even if a bounty or grant is determined to exist.

Sec. 1(d) Bounty or grant not to be reduced or offset for export charges or taxes. In calculating a countervailing duty, Treasury currently deducts from the subsidy import duties and taxes paid by the foreign industry, even though they are paid in any case. This subsection would end that practice.

Sec. 1(e) Treatment of start-up bounties or grants. This subsection would help counter start-up subsidies by 1) requiring payment of a countervailing duty regardless of when the subsidy was detected; and 2) requiring that in calculating the duty the subsidy be treated as spread over the amortization period for plant and equipment in that country and that industry.

Sec. 1(f) Publication of reasons for determination. Requires published decisions to be accompanied by a detailed statement of the reasons for them, conforming practice to the Antidumping Act.

Sec. 1(g) Definition of bounty or grant. More clearly defines the terms and includes an illustrative, but not limiting, list of such practices.

Sec. 1(h) Verification of information. Present practice is often to accept statements made during an investigation at face value. This subsection would require verification, and if that were impossible, generally resolve uncertainties in favor of the petitioner.

Sec. 1(i) Reports on subsidy practices. Requires semiannual report describing any foreign practice which may be a bounty or grant under this section. Each practice must be described in sufficient detail to enable interested parties to determine whether to file a petition.

Sec. 1(j) Administering authority. Deletes references to the Secretary of the Treasury and substitutes "administering authority" reflecting growing support for reorganization of government trade functions.

Sec. 2 Confidentiality. Would enable designates of a petitioner to obtain access to confidential information filed by a foreign source, pursuant to a protective order from federal district court, consistent with the intent of footnote 1 on page 4 of the MTN subsidies code.

Sec. 3. Review of injury determinations. Provides for review of injury determinations on request after 3 years, sooner (but at least after one year) with the submission of a petition demonstrating positively that injury no longer exists and is unlikely to recur. Provides for reimposition of duties, should they be suspended pursuant to such a petition, and if injury subsequently recurs.

Sec. 4(a) Petitioner eligible to seek judicial review. Broadens class of petitioners who can seek judicial review by including trade associations, unions, and other interested parties who at present can file a petition, but cannot seek judicial review.

Sec. 4(b) Class of petitioners. Makes clear that those eligible to file petitions alleging a bounty or grant include unions, trade associations, and other interested parties, and expands the scope of judicial review to include determinations on the amount of duties.

Sec. 5. Section 301 amendments. Conforms section 301 of the Trade Act of 1974 to the international dispute settlement provisions of the subsidies code. Requires the administering authority to pursue petitions for requests for information on subsidy practices from other signatories. Provides a time table for considering petitions alleging unfair trade practices by other code signatories, for requesting the GATT to act on such allegations, and for Presidential action pursuant to a determination that such practices have occurred, with due time and consideration allowed for GATT recommendations. Proceedings would generally be open and notices and determinations made would be public.

Sec. 6. Effective Date. Makes the first 4 sections of the bill effective to cases occurring after date of enactment, thus preventing the reopening of current cases.●

By Mr. DOMENICI:

S. 539. A bill to authorize the Secretary of the Interior to amend the contract for the construction, operation, and maintenance of the Vermejo reclamation project between the Vermejo Conservancy District, located in the State of New Mexico, and the United States; to the Committee on Energy and Natural Resources.

VERMEJO CONSERVANCY DISTRICT

● Mr. DOMENICI. Mr. President, I rise today to introduce a bill to authorize the Secretary of the Interior to enter into an amended contract with the Vermejo Conservancy District in Maxwell, N. Mex. of the remaining repayment obligation for the construction of the project.

This bill is identical to legislation which passed the Senate after full hearings in the 95th Congress. Unfortunately, it was late in the session and the House of Representatives did not have an opportunity to consider the measure before adjournment.

The need for this legislation was demonstrated during the hearings on this bill last Congress, and I will briefly outline the problem as it was described in that hearing. The Vermejo Conservancy District is unable to meet the repayment obligation established in the basic repayment contract. Virtually all income derived from the project is needed for operation and maintenance with little left over to apply toward the repayment of capital costs. The effect of this legislation would be to cancel the entire remaining construction obligation of approximately $2 million and transfer the title to the project facilities to the district with the understanding that the project will continue to be operated for the benefit of all authorized project purposes.

Mr. President, I hope that the Senate will act quickly on this bill so that the residents of Maxwell do not have to continue to face this extreme hardship.

I ask unanimous consent that the favorable report of the Department of the Interior be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 26, 1978.
Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department with respect to a bill, S. 876, "To authorize the Secretary of the Interior to amend the contract for the construction, operation, and maintenance of the Vermejo reclamation project between the Vermejo Conservancy District, located in the State of New Mexico, and the United States."

The Department recommends the bill be enacted with certain modifications proposed herein.

The bill would authorize the Secretary to amend contract No. 178r–458 dated August 7, 1952, as amended, to relieve the Vermejo Conservancy District of its remaining repayment obligation of $2,065,099 plus delinquency and penalty charges of about $30,000. The proposed bill would also transfer to the Vermejo Conservancy District all rights, title, and interest in or to the project facilities. The bill further provides that the District, to the extent practicable, shall continue to operate and maintain the facilities of the Vermejo project for the benefit of all authorized project beneficiaries in accordance with authorized project purposes. S. 876 would amend the authorizing legislation for the Vermejo project of September 27, 1950, as amended.

The Department does not ordinarily favor the course of action proposed in S. 876 and has not often done so. Where a significant sum of the Federal taxpayers' money has been spent for the benefit of a specific group of beneficiaries, and where the law calls for repayment from those beneficiaries, we strongly believe that a fair repayment should be obtained. There are special circumstances in this case, however, which we believe justify some legislative relief, similar to that proposed in S. 876 but with the modifications suggested in this report and the attached amendment. There are strongly competing considerations in this case.

Since 1955 when the Vermejo project was declared to be complete the district and its water users have had the use and benefit of some $2 million of Federal money expended by the Bureau. The water users paid only operation, maintenance and replacement costs (OM&R) during the 10-year development period through 1965. Reduced payments and relief from capital payments were granted during the first 7 years of capital payments. From 1966 through 1975, the water users have repaid only about $43,000 towards amortizing the debt. This represents an average assessment of less than $0.60 per irrigable acre or less than $0.10 per acre for the total conservancy district which includes 49,000 acres.

On the other hand, water deliveries to irrigators, the principal benefit of the project, have consistently fallen far short of original estimates and plans, particularly in the recent dry years, and in 5 of the past 7 years water available to irrigators has been less than 10 percent of the targeted 20,000 acre-feet per year. In fact, in 1977, there were no project water deliveries. The total acreage under irrigation has declined from 4,940 acres in 1974 to 1,845 acres in 1976, and we believe to 0 last year. Total gross crop income has declined from a high $291,700 in 1973 (or $67 per harvested acre, $39 per irrigable acre) to $12,960 (or $7.02 per harvested acre and $1.76 per irrigable acre) in 1976; no cash crop at all has been reported for 1977. Water deliveries have totaled 3,689 acre-feet so far this year, indicating some improvement.

Our proposal represents a fair balance, we believe, of these considerations.

We recommend that the proposed bill be modified to provide the Secretary discretionary authority to negotiate an amendatory contract with the Vermejo Conservancy District that would permit deferral of payments on the district's current repayment obligation for an indefinite period but would not eliminate the obligation, and would require repayment be made toward the capital cost in those years when water supply and crop returns are favorable and repayment is determined to be feasible by the Secretary. The obligation would continue until repaid, or for the useful life of the facilities, while recognizing the financial difficulties of the District. Delinquency assessments and other special charges on the debt under the existing contract would be relieved.

Because of unanswered questions that still exist with respect to the repayment ability of the District, and because of the prospect of possible favorable years in the future, we believe that the District's contract obligation should not be terminated but merely deferred. In order to avoid unreasonable uncertainty in future dealings of the District, the amended contract could be negotiated with a specific ceiling that would limit the maximum payment that could be required of the District in a given year.

On the other hand, we strongly recommend that title to the project works, except fish and wildlife lands and any attendant water rights, revert to the District and that the United States should be relieved of all responsibility and liability for ownership, upkeep, rehabilitation, or all types of failures in the system. Continued upkeep of project facilities must be the sole responsibility of the District. Additional Federal expenditures on this project should be avoided or kept to a minimum as it is unlikely that any repayment would ever be obtained.

The Vermejo Project is situated in northeastern New Mexico, in the Canadian River Basin, and lies approximately in the center of Colfax County. The Vermejo Conservancy District includes a total of some 49,000 acres of land, of which 7,379 acres are irrigable, lying in a general northwesterly direction from the village of Maxwell, New Mexico. Maxwell is located 27 miles south of Raton, the county seat.

The Vermejo Project works include Vermejo Diversion Dam, Vermejo Canal with appurtenant structures, Eagle Tail Canal Headworks, Eagle Tail Canal with appurtenant structures, Stubblefield Dam and Reservoir, Dam and Reservoirs Nos. 2, 12, and 13, and a lateral distribution system serving 7,379 acres.

The project is located in an open basin, bounded on the northeast by high mesas and on the west and northwest by high mountains. The elevation is about 6,000 feet above sea level; and the terrain is gently rolling interspersed by a large number of depressions, some of which receive the discharge of small water courses and form natural lakes. Chico Rico Creek and Vermejo River, tributaries of the Canadian River, comprise the two main sources of the project water supply.

The first irrigation development on the project area was in 1888 by the Maxwell Land

Grant Company, which diverted water from the Vermejo River. In 1903, the Vermejo Ditch Company, owned by the Maxwell Land Grant Company, took over and did some development work. In 1908, the Maxwell Irrigated Land Company took over the system and developed a source of water from Chico Rico Creek.

In 1912, the water users organized the Maxwell Ditch and Reservoir Company and operated until 1935 when the organization went into bankruptcy, and the Maxwell Irrigation Company was organized. In 1952, the Vermejo Conservancy District took over the project system, which was in a very deteriorated condition.

The Bureau of Reclamation first became involved in the affairs of the Vermejo Project when it made a reconnaissance investigation in 1944 at the request of the Maxwell Irrigation Company. This investigation was completed early in 1945, and work was started on a feasibility report. The project was authorized by Public Law 848 dated September 27, 1950.

Construction work was started in the spring of 1953 and was essentially completed early in 1955. This work consisted of the enlargement and rehabilitation of three off-stream, on-project reservoirs, and the rehabilitation and construction of new headworks for the diversion dam on the Vermejo River. New structures along the Vermejo Canal were constructed and the first mile of the Vermejo Canal was rebuilt. New structures and headworks were constructed on the Eagle Tail Canal, which brings water from the old Hebron Dam on the Chico Rico Creek. On the project, the main distribution system was rehabilitated by constructing many new structures and minor surface drains. In accordance with the terms of the repayment contract, the district cleaned the Vermejo and Eagle Tail Canals, the lateral system, and rehabilitated operating roads.

Repayment Contract No. 178r-458 provided for a maximum repayment to the United States of $2,010,080. This contract was amended August 31, 1954, to increase the obligation of the district by $97,863.33, the amount of principal and interest due on Reconstruction Finance Corporation bonds, making a total obligation of $2,107,943.33. Repayment has been troublesome from the start. The contract was amended on November 13, 1962, to extend the development period from 7 to 10 years. An amendment to the contract dated November 18, 1964, provided for annual construction installments of $2,213.70 for 1966, 1967, and 1968. In 1968, the contract was further amended to defer part of the construction installments and fixed the obligation at $3,690, or 50 cents an acre, for the years 1969 through 1973. After that time, payments were to be made using a variable formula taking into account parity concepts and current gross crop values produced on the project. The 1974 payment of $12,688 computed under that formula was made on time and the district paid $5,000 of its 1975 billing which totaled $16,842. The remaining 1975, 1976, 1977, and 1978 payments totaling $26,634 are delinquent. Annual operation and maintenance assessments, which have averaged about $6 to $8 per acre of irrigated land, have been regularly paid by the water users.

S. 876 would relieve the Vermejo Conservancy District of its contract responsibilities to repay costs owed to the United States Government for construction and rehabilitation of the Vermejo Project works. The principal cause for the district's difficulties in meeting its annual payments appears to have been inadequate water supplies, which have in turn resulted in very low crop production. The only available long-term streamflow records for the Vermejo watershed taken at Dawson, New Mexico, indicate a declining trend in total runoff. The average water supply for the project has been far short of what was originally expected at the time of project authorization, as is demonstrated in the table below:

Year	Irrigated acreage	Acre-feet	
		Total deliveries	Per acre
Planned	7,379	[1] 20,000	
1972	4,912	1,800	0.37
1973	5,083	7,700	1.51
1974	6,262	1,770	.28
1975	5,422	1,200	.22
1976	2,748	1,845	.67
1977	0	0	0

[1] Includes rainfall and natural runoff in addition to deliveries through project works.

Because of the drought, no water was available for delivery in 1977. Silt has also hampered project operations. Stream diversions include an extremely large quantity of silt, which adds to the maintenance problems of canals, laterals and other main supply works and results in rapid sedimentation of the storage reservoirs.

One indicator of the disappointing economic situation in the project is that gross crop income figures have fallen below the feasibility estimates done in 1957 and 1964. The gross crop income reported for the project from 1955 through 1976—a period of 22 years—has averaged $176,195. The harvested areas have averaged about 4,100 acres during this period. The best income year was in 1970, when $341,271 was reported for 4,687 acres. In 1976, a meager $12,960 was earned on 1,845 harvested acres in that low water year. The worst year was 1977, when no irrigation water was delivered and no irrigated cropland was harvested. There is obviously a high-correlation between water deliveries and crop production.

Low reservoir storage during the early part of the growing seasons has consistently deterred project farmers from fertilizing and planting crops and proceeding with other improvements. Runoff continues to be unpredictable. It may occur in significant quantities, well spaced throughout the year. Or it may come in one high intensity storm lasting only a few days.

The area of the Vermejo Conservancy District is substantially a range livestock growing area. The project contains about 7,300 acres of irrigable land of the total 49,000-acre area within the district. While we fully recognize the difficulties the project has incurred since its inception, and we believe this should be recognized in legislation, we do not at this time have a satisfactory understanding of the possible relationship between the livestock operations on non-project district lands and the agriculture operations on the irrigated lands in the project, nor of possible land ownership and management relationships between project lands and non-project lands within the district.

We believe that the project has also suffered from inconsistent objectives and activities under the soil bank program and through development of upstream impoundments through Soil Conservation Service assistance. It appears that these impoundments may have retarded runoff into the project area, and some may be on District lands. Participation in soil bank programs by land owners in the district, both on and off the irrigated lands, has in some instances impeded the development of efficient land ownership and cropping patterns and land development needed for irrigation.

In determining possible repayment capabilities of the district in future years under a modified contract, these issues, as well as the more immediate factors of water availability and delivery, agricultural output and other factors in a given year, will have to receive further consideration.

The sad story of the Vermejo Project is a good example of the need for an adequate understanding of the economic and environmental ramifications of a reclamation project before it is authorized and funded. Based on our current understanding of the hydrology and soil characteristics of the area and the potential of the area for economic production of crops, this project probably should not have been authorized. The fact that we find ourselves faced with a decision to defer and possibly write-off costs owed the United States because a project has not lived up to its expectations is evidence of the need for a more sound approach to evaluating and authorizing projects.

We believe that our proposed amendment to the bill would allow the Secretary sufficient flexibility to obtain repayment, when possible, up to the ability of the water users to pay or to defer payments. We intend to work with the water users to secure such an arrangement. Such a contract could be completed in less than 1 year. Delinquency assessments and other associated penalties will be cancelled. Only the remaining outstanding repayment obligation after the enactment of this bill will be considered for future repayment.

Attached to this report is our suggested markup of the bill. We recommend S. 876 be modified accordingly and enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DANIEL BEARD,
Acting Assistant Secretary.●

By Mr. McCLURE (for himself, Mr. RANDOLPH, Mr. DOMENICI, Mr. GRAVEL, and Mr. STAFFORD):

S. 540. A bill to amend the act of August 8, 1972 (Public Law 92-367) to provide Federal assistance to the States for the development and implementation of effective dam safety programs, in order to protect human life and property; to the Committee on Environment and Public Works.

STATE DAM SAFETY AND INSPECTION ACT

● Mr. McCLURE. Mr. President, I am reintroducing along with my colleagues, Senators RANDOLPH, DOMENICI, GRAVEL, and STAFFORD, the State Dam Safety and Inspection Act designed to augment the States' responsibility for dam safety and to address the concern of the growing number of unsafe dams in our country. We have recently witnessed the failures of the Bureau of Reclamation's Teton Dam in Idaho and the private Toccoa Falls Dam in Georgia and have learned that action can be taken to help prevent such disasters.

In considering any dam safety legislation, we must recognize that no dam can ever become totally free of risk. What is important in any effective safety effort is a wise evaluation of that risk, the monitoring of that risk and its minimization to the greatest practical degree, given the restrictions of cost. We must seek to develop State programs that assure such maximum protection.

This legislation builds upon the existing authority of the 1972 Dam Safety Act by creating a better, more systematic, long-term approach to dam safety. It encourages the States to move forward in implementing effective dam safety programs, supported with Federal assistance. Its thrust is to underscore the basic responsibility of the States, but unfortunately, a responsibility that only a few States have fully accepted by administering their own dam safety programs. Some State programs have been ongoing for nearly 100 years. The problem is that most States either have no dam safety program or an unfunded one. This legislation encourages those States where participation now is lacking or minimal to develop such efforts. And it will assist States in building on programs already in place.

The 1972 Dam Safety Inspection Act has been effective to the extent of providing us with an inventory of dams in the country and establishing a one-shot inspection program of those dams. The inventory, taken on dams having a height of 25 feet or more or with a capacity of at least 50 acre-feet of storage, identified the existence of approximately 50,000 dams, 45,000 of which are non-Federal structures. Merely with regard to location, not stability, 20,000 of these have been determined high hazard. The inspection program, carried out by the Corps of Engineers in cooperation with the States, has been underway for 1 year, but already has begun to alert us to the serious number of private dams throughout the country in need of rehabilitation for safety purposes.

While this legislation is not designed to directly finance the repair or replacement of unsafe structures in emergency situations, it will assist both State programs and private dam owners in a variety of ways to help them correct dam safety problems. Funds would be distributed to the States to boost their own programs and technical assistance would be available to them. A revolving loan fund for repairs for private dams would be available to private owners as well as Federal guarantees or reinsurance on liability insurance. Both of these programs are available to dam owners if the State has an approved dam safety program under the bill.

Specifically, this bill adds several new sections—section 7 through 14—to the existing authorities under the Dam Safety Act (Public Law 92–367), which authorized a one-time inspection of existing dams. To give my colleagues a better perspective on the bill, let me review these proposed new sections:

The current Federal program is strictly Federal authority, although it is being administered with State cooperation. Under this bill, in section 7, the Corps of Engineers would be authorized to distribute among the States $15 million in each of the fiscal years 1980, 1981, and 1982. Part of the money would be distributed equally, the other portion on the basis of the number of dams in each State. Grants, however, would be limited to 50 percent of a State's program costs.

Section 8 established the standards for approving State programs. My bill, as does existing law, requires such a program only for dams that are 25 feet or higher. But it would be hoped that State programs would encompass smaller dams, depending on local situations.

State programs would have to provide preconstruction review of plans for new dams, a preoperation safety check, plus ongoing inspections once every 2 years thereafter. The State program would have to provide authority to require changes or modifications in a dam, or its operation, if the dam were found to be in danger of failure. The State would also have to develop emergency procedures in the event of a dam failure and have authority to see to it that dam repairs will be made by the dam owners. Each State program must include some form of emergency fund or the ability to get emergency moneys to be available to breach a dam or take other emergency corrective action, if necessary.

State programs under my bill would be deemed approved 120 days following submission, unless the corps finds that the program fails to meet the requirements of this section.

A Dam Safety Review Board is established under section 11. The Board would review the existing Federal dam safety procedures and standards used on Federal dams, as well as the implementation and effectiveness of approved State dam safety programs. The corps would have the authority to withdraw approval of a State plan, based on the Board's recommendation. This Board, composed of three Federal, two State, and two other non-Federal experts, also will review the plans and specifications for all Federal dams for safety purposes.

Section 9 addresses the need for assuring the availability of dam liability insurance. This is a growing problem, because as a result of recent dam failures, liability insurance is no longer available or too costly for dam owners to obtain. This section authorizes the Federal Government to provide insurance companies with reinsurance or guarantees on any dam liability insurance, but only in States which have an approved program. There is much discussion on how legislation should address the insurance question and this section is merely an attempt to begin trying to resolve the problem.

Section 10 establishes a revolving fund of $20 million for loans to dam owners to assist them in making any required repairs or replacements to a dam, if the owner can demonstrate that other funds are not reasonably available.

Section 11 establishes the Dam Safety Board mentioned earlier.

Section 12 requires Federal dam building agencies to consult fully with the State on the design and safety of any Federal dam built there, and to allow State officials to join Federal inspectors on safety inspection of those Federal dams. This is not a State veto, but assures reasonable cooperation among States and Federal authorities. States will have full authority over dams on Federal property.

Section 13 provides $2,500,000 over 4 years for training of State dam safety inspectors.

Section 14 directs the corps and the National Bureau of Standards to undertake research to develop improved techniques and equipment for rapid and effective dam inspection, augmenting work the Bureau is now undertaking on techniques, such as portable microwave units to make a safety profile of dams. There is $4 million appropriated for this section.

Many of the ideas for this program have grown from the fine program conducted by the State of Idaho, a program that dates back into the 19th century. Idaho presently spends about $200,000 yearly on dam safety, utilizing six full-time persons to make preconstruction reviews, plus visual inspections at least every 2 years checking for seepage, cracks, or changes in the structure.

Throughout the past year I have had contact with the States on this legislation and have been especially appreciative of the support and assistance of the Western States. Because most of the Western States have histories of adequate dam safety programs designed to fit their own needs, I want to make certain this legislation does not usurp nor jeopardize these existing State programs, but assists the States in bettering their dam safety efforts. The Western States Water Council, representing the Western Governors, have enacted a resolution stating very clearly their position on this issue and this specific legislation. I agree with their position and ask that a copy of their resolution be printed in the RECORD. They have made some specific suggestions in the form of amendments to this bill that should be carefully considered by Congress before we enact dam safety legislation.

Hearings were held on S. 2437, the same bill being reintroduced today, on February 3 and March 17, 1978, before the Environment and Public Works Committee. The bill passed the Senate in June 1978, but no action was taken on it in the House, because of time problems. I trust the Senate will see fit to pass this legislation quickly this session so we can get the State programs on line so the increased demand for dam safety assistance in all the States can be met.

I am proud that this bill is the kind of preventative, long-reaching, reasonable approach that we always talk about but never seem to get around to passing before a crisis is upon us. We have the opportunity now to implement this effective, necessary, cooperative Federal-State program before it is once again, too late. The consequences of another dam disaster are to great to not initiate immediate action to try and prevent such a tragedy.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of Public Law 92–367 is amended by repealing the final sentence.

SEC. 2. Section 2 of Public Law 92–367 (86

Stat. 506) is amended by striking the "and" after "inspection" and striking the period after "property" and inserting the following: "and (5) dams located within a State having an approved program under section 8 of this Act.".

SEC. 3. Public Law 92-367 (86 Stat. 506) is amended further by adding at the end thereof the following new sections:

"SEC. 7. There is authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers (hereinafter referred to as the 'Secretary'), $15,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982. Sums appropriated under this section shall be distributed annually among the States on the following basis; one-third equally among those States that have established dam safety programs approved under the terms of section 8 of this Act, and two-thirds in proportion to the number of dams located in each State that has an established dam safety program under the terms of section 8 of this Act to the number of dams in all States with such approved programs. In no event shall funds distributed to any State under this section exceed 50 per centum of the reasonable cost for implementing *an approved* dam safety program in such State.

"SEC. 8. (a) In order to encourage the establishment and maintenance of effective programs intended to assure dam safety to protect human life and property, the Secretary shall provide assistance under the terms of section 7 of this Act to any State that establishes and maintains a dam safety program which is approved under this section. In evaluating a State's dam safety program, under the terms of subsections (b) and (c) of this section, the Secretary shall assure himself that such program includes the following:

"(1) a procedure whereby, prior to any construction, the plans for any dam will be reviewed to provide reasonable assurance of the safety and integrity of such dam over its intended life;

"(2) a procedure to determine, during and following construction and prior to operation of each dam built in the State, that such dam will be operated in a safe and reasonable manner;

"(3) a procedure to inspect every dam within such State at least once every two years;

"(4) a procedure for more detailed and frequent safety inspections, if warranted;

"(5) the State has or can be expected to have authority to require those changes or modifications in a dam, or its operation, necessary to assure the dam's safety;

"(6) the State has or can be expected to develop a system of emergency procedures that would be utilized in the event a dam fails or for which failure is imminent together with an identification for those dams where failure could be reasonably expected to endanger human life, of the maximum area that could be inundated in the event of the failure of such dam, as well as identification of those necessary public facilities that would be affected by such inundation;

"(7) the State has or can be expected to have the authority to assure that any repairs or other changes needed to maintain the integrity of any dam will be undertaken by the dam's owner, or other responsible party; and

"(8) the State has or can be expected to have authority and necessary funds to make immediate repairs or other changes to, or removal of, a dam in order to protect human life and property, and if the owner does not take action, to take appropriate action as expeditiously as possible.

"(b) Any program which is submitted to the Secretary under the authority of this section shall be deemed approved one hundred and twenty days following its receipt by the Secretary unless the Secretary determines that such program fails to reasonably meet the requirements of subsection (a) of this section. If the Secretary determines such a program cannot be approved, he shall immediately notify such State in writing, together with his reasons and those changes needed to enable such plan to be approved.

"(c) Utilizing the expertise of the Board established under section 11 of this Act, the Secretary shall review periodically the implementation and effectiveness of approved State dam safety programs. In the event the Board finds that a State program under this Act has proven inadequate to reasonably protect human life and property, and the Secretary agrees, the Secretary shall revoke approval of such State program and withhold assistance under the terms of section 7 of this Act until such State program has been reapproved.

"SEC. 9. (a) In order to assure that owners of dams will be able to obtain liability insurance at reasonable rates, and to protect persons located downriver of dams, the Secretary, or the head of any agency of the United States designated by the Secretary, shall provide to any insurer, subject to conditions established by regulation, reinsurance or guarantees of any insurance provided to the owner of a dam to protect such owner from liabilities incurred in the event of the failure of such dam. Reinsurance or guarantees provided under this section shall reimburse an insurer for those liabilities in excess of an amount agreed upon between the Secretary, or his designee, and the insurer.

"(b) Any reinsurance or guarantees provided under this section shall be available only in a State which has an approved dam safety program under the terms of section 8 of this Act.

"(c) Agreements on reinsurance or guarantees under this section shall provide that the failure of the owner of any dam to carry out expeditiously any modification or procedure required by a State under the terms of its dam safety program shall result in the cancellation of any reinsurance or guarantee provided by the Secretary, or his designee.

"(d) There is authorized to be appropriated such sums as may be necessary to carry out this section.

"(e) Not later than eighteen months after enactment of this Act, the Secretary and the Secretary of the Treasury shall report jointly to the Congress with an analysis of the effects of this section, together with any recommendations for a more comprehensive dam safety insurance program to assure the availability of insurance to owners of dams inspected under a State program approval under section 8 of this Act, in an effort to lessen or eliminate the need for any disaster assistance in the event of the failure of such a dam.

"SEC. 10. There is authorized to be appropriated and remain available the sum of $20,000,000 to be placed in a revolving fund by the Secretary, such funds to be available for loans, on terms established by the Secretary, to any owner for any dam required to make repairs, to replace, or to make other safety improvements in such dam under any safety program approved under section 8 of this Act, if such owner can demonstrate to the Secretary that other funds are not reasonably available.

"SEC. 11. (a) There is authorized to be established a Federal Dam Safety Review Board (hereinafter referred to as the 'Board'), which shall be responsible for reviewing the procedures and standards utilized in the design and safety analysis of dams constructed and operated under authority of the United States, and to monitor State implementation of this Act. The Board shall review as expeditiously as possible the plans and specifications on all dams specifically authorized by Congress prior to initiation of construction of such dam, and file an advisory report on the safety of such dam with the appropriate agency, the appropriate State, and the Congress. The Board is authorized to utilize the expertise of other agencies of the United States and to enter into contracts for necessary studies to carry out the requirements for this section. There is authorized to be appropriated to the Board such sums as may be necessary to carry out this section.

"(b) The Board shall consist of seven members selected for their expertise in dam safety, including one representative each from the Department of the Army, the Department of the Interior, and the Department of Agriculture, plus four members, appointed by the President for periods of two years on a rotating basis, who are not employees of the United States. At least two members of the Board shall be employees of the States having an approved program under section 8 of this Act. The Chairman of the Board shall be selected from among those members who are not employees of the United States.

"SEC. 12. The head of any agency of the United States that owns or operates a dam, or proposes to construct a dam in any State, shall, when requested by such State, consult fully with such State on the design and safety of such dam and allow officials of such State to participate with officials of such agency in all safety inspections of such dam.

"SEC. 13. The Secretary shall, at the request of any State that has or intends to develop a dam safety program under section 8 of this Act, provides training for State dam safety inspectors. There is authorized to be appropriated to carry out this section $1,000,000 for the fiscal year ending September 30, 1980, and $500,000 during each of fiscal years ending September 30, 1981 and September 30, 1982.

"SEC. 14. The Secretary, in cooperation with the National Bureau of Standards, shall undertake a program of research in order to develop improved techniques and equipment for rapid and effective dam inspection, together with devices for the continued monitoring of dams for safety purposes. The Secretary shall provide for State participation in such research and periodically advise all States of the results of such research. There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years ending September 30, 1980, September 30, 1981, and September 30, 1982.".

PROPOSED RESOLUTION OF THE WESTERN STATES WATER COUNCIL CONCERNING DAM SAFETY LEGISLATION

The Western States Water Council has been actively discussing various programs and proposals that relate to dam safety and federal and state responsibilities. All of the western states have ongoing dam safety programs. Many of these programs have been in existence for three quarters of a century and all of the states are fearful that existing federal programs and proposed federal initiatives might move to usurp states' responsibilities, rights and prerogatives in these areas.

The western states are not collectively supportive of federal dam safety legislation at this time. However, because there are federal proposals being considered it was determined that it would be appropriate for the western states, collectively, to identify the type of federal legislation that they feel would be acceptable if federal legislation is to be enacted.

The western states have examined the legislation passed by the Senate in the 95th Congress that is identified by Calendar Report No. 765 and the western states find that if federal dam safety legislation is to be enacted, many of the concepts found within that legislation are favored by the states. The Western States Water Council urges, however, that if this legislation is to be considered by the 96th Congress that certain amendments be made to that legislation.

In the first paragraph of Section 8(a) the states urge that the language in that paragraph be amended so that a governor might certify that the state has an adequate program if a governor so chooses in lieu of certification by the Secretary of Army. Further under Section 8(a) of the previously passed legislation, the concepts should be changed so that states can instead of will be able to review the construction and operation of dams and further, the inspection of dams should be on a regular basis rather than on a federally prescribed period of time.

Under Section 8(a)(6) states should only be required to accomplish what would be set forth in that paragraph through the word "imminent" and the remainder of that paragraph should be stricken so as not to prescribe in detail exactly how states might choose to operate their dam safety program.

The western states believe that Section 8(a)(8) should be changed to read that the states should have or can be expected to have authority and capabilities if the owner does not take action to take steps necessary as expediently as possible in order to protect human life and property.

Section 13 of the Senate adopted legislation the states believe should be added to allow the states to request from federal entities both technical and administrative advice and assistance on a wide spectrum of dam safety concerns.

With respect to the concept of a Federal Dam Safety Review Board, as identified in Section 11, the states feel that if a governor is given the authority to identify whether or not the state has an adequate dam safety program, then the value and the need for such a Federal Dam Safety Review Board is greatly lessened. From the state point of view the board could best be used to examine federal programs in dam construction and inspection and to act as an appeal board for states from decisions made by the Secretary of Army.

With respect to the concept of insurance or reinsurance as identified in Section 8 of the Senate enacted legislation, the states recognize that there is a significant need for owners and citizens to be protected by an adequate insurance program. Further, the states recognize that often it is difficult for this insurance to be obtained at a reasonable rate. However, the states feel that for this to be offered as proposed in the legislation without giving a governor the prerogative of identifying whether or not his dam safety program is an adequate one gives federal officials too much authority and too much leverage if they try to force states to implement a federal dam safety program instead of a state program that might reflect the choices and prerogatives of the states. Therefore, the states would urge that the Congress consider many procedures that might be available to provide adequate protection in the event of a failure of a dam, but further that the Congress recognize that the needed protection should not ever be held in ransom until a state adopts a program that some federal administrator might perceive is the appropriate program to be implemented in a state or across the nation.

In summary, the states are concerned that federal legislation could be enacted in such a way that states' rights and prerogatives to administer dam safety programs might be lost either through direct usurpment of rights or by incentives that are offered to insure the implementation of a federal program.

The states urge the Congress to be most sensitive to these issues and to consult with all states that have or choose to have a viable dam safety program before proceeding with federal legislation.

III. DAM SAFETY

The Western Governors' Conference recognizes that the hundreds of dams across the west play a significant and vital role in the promoting of water conservation, managing water resources, and enhancing the economy of the western states. It is further recognized that inadequately constructed and poorly maintained dams, many of which are decades old, can, however, pose serious threats to public property and to the health and safety of the citizenry.

Western states have the power to protect the public from the dangers posed by unsafe dams. Western states have dam safety statutes, many of which were instituted around the turn of the century. The western states are continually working to upgrade the effectiveness of their dam safety statutes and programs. Several have adopted dam safety standards to be used in the administration of their dam safety programs.

The Western Governors recognize the power of the federal government to establish national goals for the achievement of dam safety, are aware of existing federal statutes and are keenly interested in current legislative proposals now before Congress.

The Western Governors' Conference urges the federal government to recognize and implement the following principles relating to dam safety:

1. States have the primary and lead role in the implementation and administration of dam safety programs, including inspections and the establishment of standards.

2. Federal programs and legislation should not impose upon the prerogatives the states have exercised in the past in the area of dam safety.

3. The proper role for the federal government is to assist western states in determining dam safety needs and establishing goals. The federal government should provide support to state dam safety programs through funding, training and research.

To provide for the adoption of the above principles the Western Governors' Conference instructs the Western States Water Council to:

1. Advise the federal officials of the position of the Western Governors' Conference,

2. Monitor the efforts of the federal government in dam safety, and

3. Report to Western Governors important actions taken or anticipated to be taken by the federal government.●

By Mr. BAKER (for himself and Mr. SASSER):

S. 541. A bill to amend the Internal Revenue Code of 1954 relating to estate taxes to provide that the election to use the alternate valuation date may be made on a return that is filed late; to the Committee on Finance.

● Mr. BAKER. Mr. President, I am introducing today with my distinguished colleague from Tennessee (Mr. SASSER) a bill identical to S. 3381, which we sponsored in the 95th Congress. Unfortunately, that measure was introduced so late in last year's session that the Committee on Finance did not have an opportunity to consider it fully prior to adjournment. It is my hope that this bill will receive attention from the committee during the 96th Congress, and I ask unanimous consent that the introductory remarks which I made last year and a technical explanation of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I am today introducing a bill which would alleviate an inequity in the Internal Revenue Code relating to the evaluation of property for estate tax purposes.

I am referring to the rule which permits the estate of a decedent to use the "alternate valuation date" for purposes of computing the value of the estate for estate tax purposes. This rule, which has its origin in the economic decline of the 1930's, is intended to prevent the inequity of imposing the estate tax on the date of death value of property, if that value declines shortly after the date of death.

The current rule is that the estate may elect to value the property of the decedent as of the date 6 months after the decedent's death instead of at the date of death. Thus, if the decedent's property declines in value during that six month period, the estate tax may be computed on the lower actual value of the property. This is an eminently fair rule which avoids the harsh result of paying an estate tax which is based on a valuation of the property which is greater than the actual value at the time the tax falls due.

One problem with the existing rule is that the alternate valuation date may be used only if it is elected on an estate tax return that is filed within the prescribed time. Thus, even where there is reasonable cause for the failure to file the return within the prescribed time, the alternate valuation date may not be used. Moreover, if the estate tax return is just one day late, and even if the delay is due to reasonable cause, the estate may not use the atlernate valuation date.

It is also incongruous that the penalties specifically provided for the late filing of a return do not apply if there is reasonable cause for the late filing, while in such a case the alternate valuation date election is absolutely precluded. Yet, the penalty of the loss of the alternate valuation date may be more severe than the penalty specifically provided for late filing.

The effects of this provision of the Federal estate tax law are illustrated by the case of the estate of one of my Tennessee constituents. In this case, Mr. President, the value of the estate declined severely during the six months following death, yet the alternate valuation date election was denied because the estate's co-executor was recovering from open heart surgery at the time the return was due, and the return was filed late. As a result, the death tax due actually exceeds the value of the estate.

I do not believe that this harsh result serves any legitimate policy of the tax law. This bill would not change any of the specified penalties for the late filing of a return. It would merely permit the estate to elect the alternate valuation date on a late return. I believe this alternate valuation date is intended to and should apply if the decedent's property has severely decreased in value, even if, for some reason, the return is filed late.

Mr. President, my staff has discussed this measure with staff at the Treasury Department, and it is my understanding that, although the Department does object to making the proposed change applicable to open cases, it has no objection to making the prospective change in the law contained in the bill. I believe that this measure will redress a glaring inequity in existing law, and I urge my colleagues to consider it favorably.

TECHNICAL EXPLANATION

This bill would amend section 2032(c) of the Internal Revenue Code in order to permit an election to use the alternate valuation date for estate tax purposes on an estate tax return which is filed late.

The general rule for estate tax purposes is that the value of the decedent's property is determined as of the date of death. The alternate valuation date election under section 2032 of the Code permits an estate to compute its estate tax liability using the value of the decedent's property as of the date 6 months after the date of death. The purpose of this provision is to prevent the inequity which would result from paying taxes on the date of death value when there is a severe decline in the value of the property shortly after the date of death. Otherwise, the estate tax could conceivably be greater than the value of the decedent's property at the time the tax is due.

Section 2032(c) currently provides that the alternate valuation date election can only be made on a timely filed estate tax return. If the return is late for any reason, including reasonable cause, the election cannot be made.

There is no reason for this harsh penalty for late filing. No tax avoidance can be achieved if the election can be made on a late return, and no administrative problems are foreseen if the rule is changed to permit an election on a late return. Moreover, it is incongruous that the specific severe penalties for filing a late return and for late payment of the tax may under existing law be excused if there is reasonable cause for the late filing or payment, while the alternate valuation date election, which is intended to be helpful to estates in distress, is absolutely precluded if the return is late, even if there is good reason for the late filing.

The bill would amend section 2032(c) to permit an alternate valuation date election on a late return. This rule cannot result in any planned tax avoidance because the due date of the return (9 months after date of death) is in all cases after the alternate valuation date (6 months after date of death). The values on the alternate valuation date are thus fixed on the due date of the return, and delay in the filing of the return therefore cannot change the tax consequences which would have resulted if the return had been timely filed.

In summary, the only effect of precluding the alternate valuation date election on a late return is to impose the loss of this election as an additional penalty for filing the late return—a penalty which is unrelated to the policy of the alternate valuation date election, and which cannot be excused even for reasonable cause. There is no administrative or tax policy reason for such a result, and this bill would remedy that situation.

Because of the remedial nature of this bill, it should apply to all cases which are not barred by the statute of limitations on the date of enactment.●

By Mr. CULVER (for himself, Mr. NELSON, Mr. MCGOVERN, Mr. REIGLE, Mr. HEINZ, Mr. HELMS, Mr. PERCY, and Mr. SCHMITT):

S. 542. A bill to amend the Internal Revenue Code of 1954 to provide for a deduction paid into a reserve for product liability losses and expenses, to provide a deduction for certain amounts paid to captive insurers, and for other purposes; to the Committee on Finance.

PRODUCT LIABILITY SELF-INSURANCE

● Mr. CULVER. Mr. President, I am today introducing legislation designed to help small businesses better protect themselves and their customers from the rising costs and declining availability of product liability insurance. It would permit businesses to claim a deduction from taxable income for contributions to a reserve account used exclusively to pay product liability related costs.

I believe it is a useful and necessary complement to legislation which I introduced last year and which Congress made part of the Revenue Act of 1978. That amendment to the IRS Code permitted operating losses due to product liability to be "carried back" and applied against taxable income for the previous 10 years—7 years longer than the carryback period for most business losses.

According to this bill, businesses with a severe product liability problem—defined in the legislation as an inability to obtain $1 million of conventional coverage for 3 percent of annual gross sales—could claim deductions for funds contributed to a reserve account if they are limited to 5 percent of annual gross sales. The total account would not be allowed to accumulate beyond 15 percent of average annual gross sales. For businesses which do not meet the "severe problem" definition, the comparable figures would be 2 percent and 10 percent. In order to target the tax benefits to smaller firms which are feeling the brunt of the problem, as well as to keep revenue losses to a minimum, there would be absolute caps on annual contributions of $100,000 for severely affected firms and $25,000 for other companies. Funds in the accounts could be utilized only to pay product liability losses and related costs such as legal expenses, and strict penalties are imposed for other uses.

Mr. President, in September 1976 I chaired a hearing by the Senate Small Business Committee on the general nature of the product liability problem. That was the first inquiry made by a congressional committee into the subject, and I doubt there were many people here who even understood what the term meant. Even fewer of us had a real understanding of the difficulties small business owners were encountering in obtaining insurance coverage for product liability.

Since that time, a detailed and substantial public record has been compiled. Small Business Committees in both the House and Senate, the Senate Commerce Committee, the Senate Finance Committee and the House Ways and Means Committee have all held hearings into various aspects of the problem area. In addition, a major Federal interagency task force conducted an extensive 18-month study and issued a comprehensive report in 1978. What all these investigations have documented can be summarized in three conclusions.

First, in the last few years, insurance premiums for product liability—financial responsibility for injuries caused by products which a firm manufactures, distributes, or sells—have doubled and tripled on an annual basis for entire industries. For many individual firms, increases running as high as thousands of percent have not been uncommon.

Second, according to the best available data, these increases generally have not been justified by claims and settlements experience. Instead, in the judgment of the interagency task force on product liability, insurers have been "panic pricing."

Third, this situation has unfavorable effects both on businesses and consumers. Many firms, particularly smaller ones, are watching skyrocketing premium costs erode their scarce capital. Other risk "going bare"—carrying no insurance at all—with the consequent danger of bankruptcy in the event of a substantial adverse settlement. Consumers face the Hobson's choice of higher prices charged by businesses paying the increased premiums or inadequate compensation for injuries if firms are without coverage.

Fundamental causes of the problem and long-range solutions to it, according to the interagency task force, may well involve tort law, insurance ratemaking procedures, and product design and manufacturing practices. A number of efforts—inside and outside Government—to address these areas are now underway. To cite just one example, the Department of Commerce in January issued a draft uniform product liability law as a model for State reform efforts attempting to balance the legitimate interests of products sellers and products users. Whatever the merits or ultimate success of any of these efforts, it is clear that their final design and implementation will require years to achieve. Until then, it makes sense to take action to insure that a major product liability settlement neither drives a firm out of business nor leaves an injured consumer without financial compensation.

In enacting my amendment to extend the carryback period from 3 to 10 years, as part of the Revenue Act of 1978, Congress acknowledged the severity of the product liability problem and the wisdom of establishing a responsible mechanism to provide short-term financial relief. Under the terms of this new provision of the Internal Revenue Code, firms faced with a major product liability settlement can, in effect, use taxes previously paid to satisfy at least part of their liability. For firms in such a position, this amendment will prove a very useful addition.

For many other companies, however, product liability problems do not involve large individual settlements but rather nonavailability of insurance when proof of coverage is required as a condition of doing business by many customers. A large number of still other companies are seeking some way of bringing disproportionately high premiums down to more affordable levels.

This bill would address both those concerns and would give product manufacturers and sellers a measure of flexibility in protecting themselves and their customers. Some firms which are without any insurance could set aside funds sufficiently to cover—at least partially—potential losses. Others could use the reserved funds for increased deductibles, allowing companies to lower their premium costs. A reserve of dollars accumulated over time which could be utilized only to pay product liability costs might well fulfill the requirement of a product seller's trading partners that they be able to cover adverse settlements. In general, the existence of a responsible alternative to conventional insurance coverage would act as a competitive device to bring current unreasonably high rates down to more affordable levels.

When the Department of Commerce

proposed this measure as the best short-term remedy for product liability in a 1978 options paper, it listed many of the arguments I have just mentioned as reasons for adopting the approach. But it enumerated another advantage as well. Consumers are likely to benefit from safer products. The Commerce Department pointed out that with their own funds directly at risk—rather than the risk being to a third party—manufacturers were likely to intensify their efforts to eliminate unsafe products. In addition, I might note, companies which pay exorbitant insurance rates for product liability, pass them on to their customers as higher prices. To the extent that this bill exerts a competitive pressure to bring the rates down, it can make at least a small contribution to our fight against inflation. It is significant, Mr. President, that when the Department of Commerce solicited comment on this kind of proposal from interested members of the public, a wide range of both business and consumer groups gave it strong support. It also won the backing of insurance brokers.

In closing, I wish to make clear that product liability coverage is not just a problem for isolated firms in a few industries. Sporting goods manufacturers, pharmaceutical companies, makers of industrial equipment, machine tool builders, producers of farm equipment, and manufacturers of products as diverse as outboard motors, ladders, and perfume have all felt its impacts—and that is an abbreviated list. Helping these kinds of businesses protect themselves and their customers better from financial or physical injury is the purpose of this legislation. I hope the Senate will give it prompt and close consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the "Product Liability Partial Self-Insurance Act".

SEC. 2. (a) Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended by redesignating subsection (i) as (j) and by inserting immediately after subsection (h) the following new subsection:

"(i) Self-Insurance for Product Losses and Expenses.—

"(1) General rule.—In the case of a taxpayer engaged during the taxable year in a trade or business which involves the manufacture, importation, distribution, lease, or sale of a product or products with respect to which the taxpayer may incur any product liability, at the election of the taxpayer, there shall be allowed as a deduction under subsection (a) the sum of—

"(A) any amounts transferred by the taxpayer for such taxable year to his product liability trusts, including net income earned on the corpus of that trust and net gains realized from the sale or exchange of trust assets so transferred, and

"(B) any amounts paid by the taxpayer for such taxable year to a captive insurer with respect to the product liability of the taxpayer.

"(2) DETERMINATION OF AMOUNT.—

"(A) TAXPAYER WITH SEVERE PRODUCT LIABILITY INSURANCE PROBLEM.—In the case of a taxpayer who has a severe product liability insurance problem (as defined in paragraph (11)) for the taxable year, the maximum amount for such txapayer determined under paragraph (1) shall not exceed the smallest of—

"(i) 5 percent of the gross receipts of the taxpayer for such taxable year from the manufacture, importation, distribution, lease, or sale of such product or products with respect to which the taxpayer may incur any product liability.

"(ii) the amount which when added to the sum of—

"(I) the balance of the taxpayer's product liability trust, and

"(II) the net contributions of the taxpayer to his captive insurer, if any, equals 15 percent of the taxpayer's average yearly gross receipts from the manufacture, importation, distribution, or sale of such product or products during the base period, or

"(iii) $100,000.

"(B) OTHER TAXPAYERS.—In the case of a taxpayer who does not have a severe product liability insurance problem for the taxable year, the amount determined under paragraph (1) shall not exceed the smallest of—

"(i) 2 percent of the gross receipts of the taxpayer for such taxable year from the manufacture, importation, distribution, lease, or sale of such product or products with respect to which the taxpayer may incur any product liability,

"(ii) the amount which, when added to the sum of—

"(I) the balance of the product liability trust, and

"(II) the net contributions of the taxpayer to his captive insurer, if any,

equals 10 percent of the taxpayer's average yearly gross receipts from the manufacture, importation, distribution, lease, or sale of such product or products during the base period, or

"(iii) $25,000.

"(C) BASE PERIOD.—For the purpose of this paragraph, the term 'base period' means the shorter of—

"(i) the period beginning with the most recent preceding taxable year for which the taxpayer elected to have this subsection apply which is immediately preceded by a taxable year for which the taxpayer did not so elect and ending with the current taxable year, or

"(ii) the 5-fiscal-year period of the taxpayer which ends with or within the taxable year.

"(3) DISALLOWANCE OF DEDUCTION FOR CERTAIN LOSSES.—In determining the amount of the deduction allowable for the taxable year under subsection (a) to a taxpayer who has elected to have this subsection apply, no deduction shall be allowed for any product liability loss sustained by the taxpayer during the taxable year except to the extent that the aggregate amount of such losses during such year exceeds the sum of—

"(A) the amount in the product liability trust of the taxpayer at the beginning of such taxable year, plus

"(B) the aggregate amount of payments by the taxpayer to such trust within the taxable year which are allowable as a deduction under paragraph (1).

"(4) USE OF FUNDS OF TRUST FOR INAPPROPRIATE PURPOSE.—

"(A) IN GENERAL.—If any amount in a product liability trust is, during a taxable year, used for any purpose other than the purpose set forth in paragraph (9) (C) (iii)—

"(i) an amount equal to the amount so used shall be included in the taxable income of the taxpayer for the taxable year, and

"(ii) the liability of the taxpayer for the tax imposed by this chapter for such taxable year shall be increased by an amount equal to 10 percent of the amount so used.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to amounts paid out of any product liability trust not later than the 15th day of the third month following the close of such taxable year to the extent the amount of such payment is not more than the excess of—

"(i) the aggregate amount of payments by the taxpayer to such a trust for the taxable year, over

"(ii) the maximum amount of such payments which may be deducted under paragraph (2).

"(5) TIME WHEN PAYMENTS TO TRUSTS DEEMED MADE.—For the purposes of this subsection, a taxpayer shall be deemed to have made a payment to his product liability trust on the last day of the preceding taxable year if the payment is made on account of such taxable year and not later than the 15th day of the third month following the close of such taxable year.

"(6) PAYMENTS TO TRUST TO BE IN CASH OR CERTAIN OTHER ITEMS.—No deduction shall be allowed under paragraph (1) with respect to any payment to a taxpayer's product liability trust other than a payment in cash or in items in which the assets in said trust may be invested under paragraph (10).

"(7) SPECIAL RULE FOR CONTROLLED GROUPS.—

"(A) IN GENERAL.—For the purpose of paragraph (2)—

"(i) in the case of any taxpayer who, during a calendar year, is a member of a controlled group of corporations, only gross receipts properly attributable under section 482 to such taxpayer for such year shall be taken into account; and

"(ii) the aggregate deductions under this subsection taken by all of the members of a controlled group of corporations for each taxable year shall be limited to the amount that would be permitted under paragraph (2) if all the component members of such group were considered to be a single taxpayer.

"(B) DEFINITION OF CONTROLLED GROUP.—For the purpose of subparagraph (A), the term 'controlled group of corporations' has the meaning given such term by paragraphs (1), (2), and (3) of subsection (a) of section 1563, except that the determination of whether a taxpayer is a component member of a controlled group of corporations at any time during a calendar year shall be made on December 31 of such year.

"(C) CONTROLLED GROUPS CONTAINING PERSONS OTHER THAN CORPORATIONS.—Under regulation prescribed by the Secretary, principles similar to the principles of subparagraphs (A) and (B) shall be applied to groups of taxpayers under common control where one or more of such taxpayers is not a corporation.

"(8) Election termination, and withdrawal of funds.—

"(A) Making election; terminating account.—The Secretary shall prescribe by regulations—

"(i) the time, manner, and conditions under which the election under paragraph (1) shall be made by a taxpayer;

"(ii) the time, manner, and conditions under which a taxpayer may terminate his product liability trust, and the funds accumulated therein, if any, may be distributed to the taxpayer without being subject to the penalty under paragraph (4); and

"(iii) a taxpayer may withdraw all, or any portion of, the funds from his product liability trust without penalty under paragraph (4).

"(B) Special requirements.—The regulations prescribed by the Secretary regarding the election under paragraph (1) shall require the taxpayer to indicate whether he is electing to transfer all, or any portion, of (i) the net income earned on amounts previously transferred to his product liability trust and (ii) the net gains realized on the sale or exchange of trust assets to that trust. Such amounts which the taxpayer does not elect to transfer to his product liability trust may be withdrawn from that trust without penalty under paragraph (4).

"(C) Withdrawal of funds.—The regulations prescribed by the Secretary regarding the withdrawal of funds from a taxpayer's product liability trust without penalty under paragraph (4) shall permit such withdrawals when the taxpayer has no outstanding product liability claims or lawsuits asserted against him and no reasonable expectation that any product liability claims and lawsuits will be asserted against him.

"(D) Inclusion in income.—Amounts distributed to a taxpayer from his product liability trust without penalty under this paragraph shall be included in the net income of the taxpayer in the taxable year in which the distribution is made.

"(E) Other regulations.—The Secretary shall prescribe such other regualtions as may be necessary to carry out the purposes of this subsection.

"(9) Definitions.—For purposes of this subsection—

"(A) Product liability.—The term 'product liability' has the same meaning as in section 172(i)(2).

"(B) Product liability loss.—The term 'product liability loss' means any loss attributable to the product liability of the taxpayer.

"(C) Product liability trust.—The term 'product liability trust' means any trust—

"(i) established in writing which is created or organized under the laws of the United States or of any State (including the District of Columbia) by the taxpayer;

"(ii) the trustee of which is a bank (as defined in section 581) or another person (other than the taxpayer or any component member of a controlled group of corporations, within the meaning of paragraph (7), of which the taxpayer is a member) who demonstrates to the satisfaction of the Secretary that the manner in which that other person will administer the trust will be consistent with the purposes for which the trust is established;

"(iii) the exclusive purpose of which is to satisfy, in whole or in part, the product liability losses sustained by the taxpayer and the expenses incurred in the investigation, settlement, and opposition of any claims for compensation against the taxpayer with respect to his product liability, and to pay the administrative and other incidental expenses of such trust in connection with the operation of the trust and the processing of claims against the taxpayer;

"(iv) the assets of which will not be commingled with any other property other than in a common trust fund (as defined in section 584) and will only be invested as permitted in paragraph (10); and

"(v) the assets of which may not be borrowed, used as security for a loan, or otherwise used by the taxpayer for any purpose other than those described in clause (iii).

"(D) Captive insurer.—The term 'captive insurer' means any insurer wholly owned or partially owned, directly or indirectly, by the taxpayer which is licensed to provide product liability insurance to the taxpayer under the laws of a State of the United States, including the District of Columbia, and which is, directly or indirectly, owned or controlled by the taxpayer or by an association of which the taxpayer is a member.

"(E) Net ocntributions of taxpayer to captive insurer.—The term 'net contributions of taxpayer to his captive insurer' means the sum of all premiums paid by the taxpayer to his captive insurer for product liability insurance, less all amounts paid by his captive insurer for claims against the taxpayer for compensation with respect to the product liability of the taxpayer.

"(10) RESTRICTIONS ON INVESTMENT OF ASSETS.—The assets of a product liability trust may not be invested in anything other than—

"(A) public debt securities of the United States,

"(B) obligations of a State or local government which are not in default as to principal or interest, or

"(C) time or demand deposits in a bank (as defined in section 581) insured by the Federal Deposit Insurance Corporation, a savings and loan association insured by the Federal Savings and Loan Insurance Corporation, or an insured credit union (as defined in section 101(6) of the Federal Credit Union Act) located in the United States.

"(11) SEVERE PRODUCT LIABILITY INSURANCE PROBLEM.—A taxpayer has a severe product liability insurance problem for a taxable year if, for such taxable year—

"(A) the taxpayer is unable to obtain a premium quotation for product liability insurance, with coverage of up to $1,000,000, from any insurer other than a captive insurer; or

"(B) the lowest insurance premium quotation for product liability insurance, with coverage of up to $1,000,000, obtained by the taxpayer was equal to more than 2 percent of the gross receipts of the taxpayer for such taxable year.

"(12) DEDUCTIBILITY OF AMOUNTS PAID TO CAPTIVE INSURER AS AN ORDINARY AND NECESSARY BUSINESS EXPENSE.—The deductibility, in whole or in part, of amounts paid by a taxpayer to a captive insurer for product liability insurance coverage under this subsection shall not affect the deductibility of such amounts under section 162 (relating to ordinary and necessary business expenses), except that such amounts shall not be deducted more than once.

"(13) DISCHARGE OF INDEBTEDNESS OF TAXPAYER BY PRODUCT LIABILITY TRUST.—For the purpose of section 61 (relating to gross income), the payment by the trustee of a taxpayer's product liability trust of product liability losses sustained by the taxpayer, expenses incurred in the investigation, settlement, and opposition of any claims for compensation against the taxpayer with respect to his product liability, or other expenses permitted to be paid by the trustee of such trust under paragraph (9), shall not be included in the gross income of the taxpayer.".

(b) Accumulated Earnings Tax.—Paragraph (4) of section 537(b) of the Internal Revenue Code of 1954 (relating to the accumulated earnings tax) is amended to read as follows:

"(4) Product liability loss reserves or insurance.—Amounts accumulated in a taxpayer's product liability trust and amounts paid by a taxpayer to his captive insurer for liability insurance shall be treated as amounts accumulated for the reasonably anticipated needs of the business of the taxpayer to the extent those amounts are deductible under the rules of section 165(i). The accumulation of reasonable amounts, in addition to amounts deductible under section 165(i), for the payment of reasonably anticipated product liability losses (as defined in section 172(i)), as determined under regulations prescribed by the Secretary, shall be treated as accumulated for the reasonably anticipated needs of the business.

(c) Effective Date.—The provisions of this Act apply to taxable years beginning after December 31, 1978.●

By Mr. WEICKER:

S. 543. A bill to establish a program to improve the commercial fisheries of the United States; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL FISHERIES DEVELOPMET ACT

● Mr. WEICKER. Mr. President, I am pleased today to introduce the "Commercial Fisheries Development Act."

Similar to previous legislation that I have introduced, this bill addresses the growing need to build a strong and viable domestic commercial fishing industry.

Despite the fact we are blessed with the world's fourth largest continental shelf, and almost 20 percent of all the foodfish in the world, the commercial fishing industry has failed to grow over the past 25 years. During this period, U.S. fish catch remained static, while this Nation's consumption for fish products doubled, resulting in a trade deficit of $1.5 billion.

Now, with the enactment of the 200-mile limit law, the domestic industry has a tremendous opportunity to reach its full economic potential. Foreign catches have been dramatically reduced. For instance, the 1977 foreign catch, 1.7 million tons, was about 1 million tons less than the 1976 foreign catch and approximately half that of the peak year, 1974.

Even so, consumption of 70 percent of the seafood in this country is provided by imports. The trade deficit in fisheries alone was $2.5 billion this year. It is one of the largest deficits attributed to a single industry in the United States. This annual national trade deficit is a disgrace; it is both demoralizing and dangerous to the future of our country and must be attacked immediately.

The "200-mile law" will go a long way to help the domestic fishing industry to overcome some of these problems. It gives our fishermen first choice over the rich grounds of the U.S. Continental Shelf.

Indeed, there has been a resurgence of activity and interest in the industry. In New England, alone, 35 vessels were constructed in 1977. Recent studies project that, with the enforcement of the 200-mile limit, domestic fishing industry catches will double in 5 to 7 years.

Despite this favorable outlook, private lending institutions are still reluctant to invest. The risks and uncertainties associated with the industry will continue to dampen investments by the private sector. As Clinton Wynn, vice president of Rhode Island Hospital Trust National Bank, stated at a Senate Small Business Committee hearing:

> Although we envisioned increased investments in the fishing industry from the private sector, we think that these funds may not be adequate enough for the immediate and future needs of the industry.

As a result, I fear that the large, rich segments of the industry, those that can provide adequate capital, will dominate the industry. Additionally, foreign investors already threaten to dominate certain segments of the industry.

The great majority of commercial fishing has traditionally consisted of small businessmen. Most cannot easily raise capital and are considered high business risks. I believe that if the small fishermen is not helped he will succumb to the foreign and large U.S. interests.

Mr. President, it is clear that the Government has an important role to play in insuring the orderly development of commercial fisheries in the United States. Today several Federal agencies, including the National Marine Fisheries Service, Department of Agriculture, and the Small Business Administration provide some form of financial assistance to the fishing industry. However, these have not proven to be adequate to help the industry grow.

Few funds are available for instance, to shoreside facilities, including processing plants, dockage, storage areas, and so forth. These all being key to the growth of the industry, most small fishing ports have inadequate facilities to support fishing.

This proposal is designed to meet the demands of the future and make the industry a strong, prosperous internationally viable enterprise.

In order to improve the productive capacity of our Nations commercial fisheries, it is essential that we develop the industry in a manner that will increase operational efficiency, boost the rate of return on investment, encourage the harvesting of underutilized species, and insure the perpetuality of the species. A strong fishing industry will mean jobs at home and a more favorable balance of payments situation.

To achieve these objectives, this legislation would authorize the creation of a new office—the Office of Commercial Fisheries within the National Oceanic and Atmospheric Administration—to administer a wide-ranging commercial fisheries development package. For the first time, the Federal Government would establish a coordinated and comprehensive approach to commercial fisheries development.

One part of this development package would consist of a fisheries loan guarantee program and a low-interest loan program to encourage development of underutilized species. Coupled with this, a research and development program would be established for new fisheries.

Mr. President, under the existing Merchant Marine Act, loan guarantees are presently available only for fishing vessel construction. A loan guarantee authority of $75 million is available for this limited purpose. In creating a comprehensive fisheries loan guarantee program, the legisation I have introduced would remove vessel construction from the merchant marine loan guarantee program.

Under this bill, the new Federal fisheries loan guarantees could be used for the construction or rehabilitation and purchase of shoreside facilities as well as fishing vessels. A maximum of $750 million of Federal loan guarantees would be available for fisheries with the Government authorized to guarantee up to 87½ percent of the principal on the loan.

The Merchant Marine Act would also be amended to include in its tax deferred capital construction funds, shoreside facilities. Thus, owners of processing plants would enjoy the same tax advantages as vessel owners. It would allow these owners to defer a portion of their income from taxation provided that the proceeds from such funds are used for construction or rehabilitation of shoreside facilities or fishing vessels.

Species such as cod, haddock, and flounder are not likely to provide growth in the industry. These species have been heavily fished for years by foreign and domestic fleets. The results have been significant decreases in their standing stocks.

We must turn to other species most of which are now sought by foreign interests and are underutilized in the United States.

Fishing for underutilized species is considered very high risk. Vessels and processing plants are not likely to be initially built by private investment to market these species unless some incentives are provided.

Many of our underutilized species are considered delicacies in Europe, Japan, Russia, and elsewhere. There is a great potential for domestic involvement in the international export market. This would involve the development of facilities to freeze blocks of fish for foreign consumption.

In recognition of these economic facts of life, this proposal would establish a low interest Federal loan program for harvesting or processing of underutilized species.

The interest rate on the loan would be no greater than the current borrowing rate and no less than 3 percent with a maturity of up to 25 years in the case of fishing vessels, and 30 years for loans pertaining to fisheries facilities.

Mr. President, as in any new venture, the development of new fisheries will require unique marketing and promotion techniques. New fish products will have to overcome consumer skepticism. Vessels and fisheries facilities will have to adapt in order to effectively handle underutilized species. To assist the industry in this adjustment period, this legislation would create title II, a fisheries research and development program. Title II would be designed to promote increased yields of fish products, create better ways of preserving and processing fish, particularly underutilized species and increase both domestic and foreign markets for U.S. fish products.

A Fisheries Development Board, consisting of industry members, including fishermen, producers, and processors, would be established to participate in the program. The Board would review and submit recommendations to the Secretary on development and research projects.

Industry must play a major role in any fishery development program. They have the knowledge and experience to keep such programs on the right track.

As well as meeting the immediate needs of new fisheries, the bill directs the Secretary, within 1 year, to enact a long-range research and development program through basic scientific research, the Secretary will seek to determine; the sustainable yield, life histories, behavioral patterns, and stock distribution of underutilized species.

The provisions of title II would be paid by expanding and transferring Saltonstall/Kennedy (S/K) funds to the research and development program. S/K funds are excise taxes on imported fish products and therefore funding of this program would not be a burden to the taxpayer. In addition S/K funds need to be strengthened in terms of fishery development. Recent proposals by the administration would eventually remove the funds from existing fishery development programs.

This legislation also would establish a 4-year pilot program to improve fishermen's cooperatives. By their very nature, fishermen are a diverse and independent group. However, by joining together for a common economic purpose, they would become a more effective force in the marketplace. The bill would provide management and technical assistance necessary for creating and maintaining cooperatives.

Mr. President, today the New York Times reports that despite favorable global weather patterns and resultant bountiful harvests of crops over the past few years, nations, such as the Soviet Union, China, India and Bangladesh, are still buying record amounts of wheat, corn and soybeans from the United States. It is obvious to me that food is going to play a far more important role in the future of this Nation. We simply must increase our future outlooks on food production, both for our own sakes and to assist in the welfare of the world's poor that face the horrors of global famine.

I believe that this legislation addresses a small but important segment of our future food production and would adequately assist the industry to properly grow.

In any event, I hope that Congress will meet the challenge before us and consider a comprehensive approach to assisting the commercial fish industry in this session.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Commercial Fisheries Development Act".

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the commercial fisheries of the United States are an important industry providing a significant number of jobs and revenue to the national economy;

(2) by more effectively utilizing resources in the Fishery Conservation Zone, the economic potential of this industry will be realized;

(3) the existing United States commercial fishing fleet and facilities are inadequate to meet the current and future national need and demand for fisheries products or to provide for full domestic utilization and resources in the Fishery Conservation Zone;

(3) Federal development programs for commercial fisheries are inadequate to meet present and future national needs and to stimulate full domestic utilization of re-

sources in the Fishery Conservation Zone; and

(4) many species in the Fishery Conservation Zone are commercially underutilized by the domestic fishing industry.

(b) Purpose.—It is the purpose of this Act—

(1) to increase the capability and efficiency of the commercial fisheries industry of the United States;

(2) to strengthen the competitive position of the United States commercial fisheries industry with respect to foreign harvesters and processors, thereby resulting in increased economic stability in the domestic industry and full domestic utilization of fish available in the Fishery Conservation Zone;

(3) to conserve and manage fish under United States jurisdiction in the national interest;

(4) to provide for increased financial assistance, including access to developmental capital, for the United States commercial fisheries industry;

(5) to encourage increased development of domestically underutilized species through research, development, and promotion:

(6) to provide for the institutional framework that will assist the commercial fisheries industries in solving its problems;

(7) to provide technical and consulting assistance to the United States fishing industry to establish fisheries cooperatives;

(8) to provide for effective coordination of Federal manpower training programs in commercial fisheries; and

(9) to provide a central office to effectively administer Federal commercial fisheries development programs.

Sec. 3. Definitions.

As used in this Act, the term—

(1) "Board" means the Fisheries Development Board established pursuant to this Act;

(2) "citizen of the United States" means any person who is a United States citizen by law, birth, or naturalization, any State, any agency of a State or a group of States, or any corporation, partnership, or association organized under the laws of any State which has as its president or other chief executive officer and as its chairman of the board of directors, or holder of a similar office, a person who is a United States citizen by law, birth, or naturalization, and which has at least 75 percent of the interest therein owned by citizens of the United States. Seventy-five percent of the interest in the corporation shall not be deemed to be owned by citizens of the United States—

(A) if the title to 75 percent of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States;

(B) if 75 percent of the voting power in such corporation is not vested in citizens of the United States;

(C) if through any contract or understanding it is so arranged that more than 25 percent of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or

(D) if by any other means control of any interest in the corporation in excess of 25 percent is conferred upon or permitted to be exercised by any person who is not a citizen of the United States;

(3) "commercial fisheries industry" means all commercial aspects of taking, processing, handling, distributing, or marketing of fish and fish products;

(4) "fish" means any species of living aquatic resources excluding aquatic mammals and birds;

(5) "fish products" means any product which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions and which are exempted from definition as a fish product by the Secretary;

(6) "fishery" means the business, organized activity, or act of fishing for a particular stock or species of fish;

(7) "fisheries facilities" means new or used landing, receiving, processing, storage, and distribution facilities, together with all necessary equipment, including land where appropriate;

(8) "fishing" means the catching, taking, harvesting, or attempted catching, taking, or harvesting, of any fish for commercial purposes;

(9) "fishing vessel" means any new or used vessel, boat, ship, or other type of craft, together with all necessary gear and equipment, which is commercially used for, or of a type which is normally commercially used for—

(A) fishing, or

(B) aiding or assisting in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation, or processing of fish;

(10) "forced economic distress" means action caused by Federal regualtion, as promulgated by the Secretary of Commerce pursuant to the Fisheries Conservation and Management Act, that forces a fishery to cease or curtail operations on a long- or short-term basis;

(11) "Governments' cost of money" means, as determined by the Secretary of the Treasury, the average market yield on outstanding United States Treasury obligations of comparable maturity;

(12) "person" includes an individual, a public or private corporation, a partnership or other association, or a Government agency;

(13) "process", "processed", and "processing", with respect to fish or fish products, means to harvest, handle, store, prepare, produce, manufacture, pack, transport, or hold such products;

(14) "Secretary" means the Secretary of Commerce;

(15) "States" means any State of the United States, the District of Columbia, or any Commonwealth, Territory, or possession of the United States; and

(16) "underutilized species" means a fish species or group of fish species that are identified as available but either not domestically harvested or domestically harvested at insignificant levels pursuant to criteria set forth by the Secretary.

TITLE I—COMMERCIAL FISHERIES DEVELOPMENT FUND

Sec. 101. Guarantees of Obligations for Commercial Fisheries

(a) Commitments.—(1) The Secretary may, subject to the provisions of this section, guarantee, or make a commitment to guarantee, the payment of interest on, and the principal amount of, any obligation issued by an obligor for any of the following purposes:

(A) The financing and refinancing (including reimbursement of amounts previously expanded) of the cost of constructing, reconstructing, or reconditioning commercial fishing vessels and fisheries facilities except that no reimbursement may be guaranteed under this section later than 5 years after the date of construction, reconstruction, or reconditioning.

(B) The financing of the acquisition of used vessels or fisheries facilities in connection with their reconstruction or reconditioning.

(C) The refinancing of any existing obligation issued for any of the purposes specified in subparagraph (A) whether or not guaranteed under this section, including any obligation incurred for the purpose of obtaining temporary funds.

(D) Guarantees and commitments to guarantee may be made under this section without regard to section 3679 (a) of the Revised Statutes of the United States (31 U.S.C. 665 (a)).

(2) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to both principal and interest, including any interest which may accrue between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(3) Any guarantee, or commitment to guarantee, made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligation for such guarantee, and the validity of any guarantee, or commitment of guarantee, so made shall be incontestable.

(4) The aggregate unpaid principal amount of all obligations guaranteed under this section and outstanding at any one time shall not exceed $750,000,000.

(b) Conditions of Obligation.—(1) Obligations guaranteed under this section—

(A) shall have an obligor approved by the Secretary as being responsible and possessing the ability, experience, financial resources, and other qualifications necessary for the adequate operation and maintenance of the commercial fishing vessels or fisheries facilities;

(B) shall be in an aggregate principal amount which does not exceed 87½ percent of the actual cost, or the depreciated actual cost, as determined by the Secretary, of construction, reconstruction, or reconditioning;

(C) shall have maturity dates satisfactory to the Secretary, but not to exceed 25 years;

(D) shall provide for payments by the obligor satisfactory to the Secretary; and

(E) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percentage per annum on the unpaid principal as the Secretary determines to be reasonable except that the Secretary may allow a rate of interest higher than otherwise allowable when the obligee conducts the basic economic feasibility and credit investigation for the Secretary's review and agrees to finance, on an unguaranteed basis, not less than 20 percent of the cost of construction, reconstruction, or reconditioning.

(2) No obligation shall be guaranteed under this section unless the obligor conveys or agrees to convey to the Secretary such security interest as the Secretary may require to reasonably protect the interests of the United States.

(c) Fees.—(1) The Secretary may charge a fee for any obligation guaranteed under this section, the amount of which shall be established by the Secretary by regulation but which may not exceed 1 percent per annum of the outstanding principal balance of the obligation. Fee payments shall be made by the obligor to the Secretary when moneys are first advanced under a guaranteed obligation and at least 60 days before each anniversary date thereafter.

(2) The Secretary shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of the application for any guarantee, for the appraisal of properties offered as security for any guarantee, and for the inspection of such properties during construction, reconstruction, or reconditioning. Such charges shall not aggregate more than one-half of 1 percent of the original principal amount of the obligation to be guaranteed.

(3) All fees and other amounts received by the Secretary under the provisions of this subsection shall be deposited in the Fund established pursuant to section 103.

(4) Obligations guaranteed under this section, and agreements relating thereto, shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary), liens and releases of liens, payments of

taxes, and such other matters as the Secretary may prescribe.

(d) Default and Payment.—(1) In the event of a default, which has continued for 30 days, in any payment by the obligor of principal or interest due under any obligation guaranteed under this section, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 90 days from the date of such default, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid principal amount of the obligation and unpaid interest thereon to the date of payment; except that the Secretary shall not be required to make such payment if before the expiration of such period he finds that there was no default by the obligor in the payment of principal or interest or that such default has been remedied before any such demand.

(2) In the event the obligee does not make a demand on a defaulted installment before 90 days from the date of such default, that portion of the guarantee which represents the defaulted installment shall be lost but the remainder of the guarantee shall continue in full force and effect.

(3) Payments required to be made by the Secretary under paragraph (1) shall be made by the Secretary from the Fund established pursuant to section 103.

(4) In the event of any payment by the Secretary under paragraph (1), the Secretary shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may, under such terms and conditions as the Secretary prescribes or approves, complete, recondition, reconstruct, repair, maintain, operate or sell any property acquired by him pursuant to a security agreement with the obligor.

(5) After any default referred to in paragraph (1) the Secretary shall take such action against the obligor or any other parties liable thereunder that in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable thereunder that, in his discretion may be, property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary receives through the sale of property an amount of cash in excess of any payment made to an obligee under paragraph (1) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

(6) Whoever, for the purpose of obtaining any loan or advance of credit from any person with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the Secretary, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the Secretary under this section, makes, passes, utters, or published any publishers, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income shall be punished by a fine of not more than $25,000, or by imprisonment for not more than 2 years, or both.

(e) Regulations.—The Secretary shall promulgate such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this section.

(f) Definitions.—For purposes of this section—

(1) the term "actual cost" of commercial fishing vessels or fishing facilities, as of any specified date, means the aggregate, as determined by the Secretary, of—

(5A) all amounts paid by, or for the account of, the obligor with respect to such facility on or before that date; and

(B) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel or facility.

(2) The term "depreciated actual cost" means the actual cost depreciated on a straightline basis over the useful life of the property involved as determined by the Secretary.

(3) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness issued for one of the purposes specified in subsection (a).

(4) The term "obligee" means the holder of any obligation.

(5) The term "obligor" means any person primarily liable for payment of the principal of or interest on any obligation.

(g) Amendment to Merchant Marine Act of 1936.—Section 1104 of the Merchant Marine Act of 1936 is amended—

(1) in subsection (a)(1) by striking out "(D) in the fishing trade or industry; or (E)" and substituting "or (D)"; and

(2) by striking out subsection (d) and substituting the following:

"(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be, in his opinion, economically sound.".

Sec. 102. High-Risk Loans for Commercial Fisheries.

(a) Authorization.—The Secretary is authorized to make long-term, low-interest loans—

(1) to provide capital for the construction, rehabilitation, purchase, or operation of fisheries facilities that enhance opportunities to harvest and process underutilized species;

(2) to provide capital for the construction, rehabilitation, purchase, or operation of fishing vessels for harvesting underutilized species, including vessels under 5 net tons; and

(3) to provide capital for the cost of vessel modifications and fishing equipment to be used for experimental fishing purposes.

(b) Limitation.—Loans pursuant to this Act shall be made only to citizens of the United States.

(c) Interest Rate.—Any loan made pursuant to subsection (a) shall be provided at an interest rate, to be determined by the Secretary in accordance with the purposes of this section, no greater than the Government's cost of money and no less than 3 percent depending upon the degree of risk inherent in the loan project. Minimum interest rates shall be employed as an incentive when the risk is highest. Loan maturities shall not exceed 25 years for loans pertaining to fishing vessels and 30 years for loans pertaining to fisheries facilities. The Secretary, subject to the specific limitations in this Act, may consent to the modification, with respect to the rate of interest or time of payment of any installment of principal, or the security, of any loan made pursuant to this title.

(d) Security Requirement.—Loans shall be approved only upon furnishing of such security or other reasonable assurance of repayment as the Secretary may require considering the objectives of this Act. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured. The Secretary shall recognize that the risk assumed for loans made pursuant to this section will often be higher than ordinary.

(e) Before approving any loan pursuant to this title relating to a fishing vessel or a fisheries facility, the Secretary shall determine that the applicant does, or will, possess the ability, experience, resources, and other qualifications necessary to operate and maintain such vessel or facility.

(f) Economic Distress Loans.—The Secretary is authorized to make loans to provide financial assistance to commercial fishermen to alleviate forced economic distress. Such loans shall be made on the basis of regulations promulgated by the Secretary which will assure rapid and timely assistance where and when needed in the commercial fisheries industry.

(1) Such loans shall be made in accordance with criteria established by the Secretary for transferring vessel operations, temporarily or permanently, into alternative fisheries operations.

(2) The amount of such loans will be determined by the Secretary based on the extent of the economic distress and the needs of the Nation.

(3) The amount of interest, if any, on such loans shall be determined by the Secretary, but shall not be greater than the Government's cost of money.

Sec. 103. Extension of Capital Construction Fund, Merchant Marine Act, 1936, to Fisheries Facilities

(a) Capital Construction Fund.—Subsection (a) of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) is amended to read as follows:

"(a) Agreement Rules.—Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k)(1)), or one or more fisheries facilities (as defined in subsection (k)(9)), may enter into an agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the 'fund') with respect to any or all of such vessels or fisheries facilities. Any agreement entered into under this section shall be for the purpose of providing—

"(1) replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States, or

"(2) replacement, additional, or reconstructed fisheries facilities in the United States, and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels or fisheries facilities or from the sale or marketing of fish or fish products (as defined in paragraphs (11) and (12) of subsection (k))."

(b) Ceiling on Deposits.—Subsection (b) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or which is attributable to the operation of the agreement fisheries facilities or from the sale or marketing of fish or fish products" before the comma at the end thereof;

(2) in subparagraph (B) of paragraph (1) by inserting "or fisheries facilities" after "vessels"; and

(3) in subparagraph (C) of paragraph (1) and in paragraph (2) by inserting "or fisheries facility" after "vessel" each place it appears.

(c) Qualified Withdrawals From the Fund.—Subsection (f) of section 607 of such Act is amended—

(1) in subparagraph (A) of paragraph (1) by inserting "or a fisheries facility," after "vessel"; and

(2) in subparagraph (C) by inserting ", a fisheries facility," after "reconstruction of a qualified vessel".

(d) Tax Treatment of Qualified Withdrawals.—Subsection (g) of section 607 of such Act is amended—

(1) in paragraphs (2) and (3) by inserting "fisheries facility," after "vessel," each place it appears; and

(2) in paragraph (4) by inserting "fisheries facilities," after "vessels,".

(e) Definitions.—Subsection (k) of section 607 of such Act is amended by adding at the end thereof the following new paragraphs:

"(9) The term 'fisheries facilities' means new or used landing, receiving, processing, storage and distribution facilities, together with all necessary equipment, including land where appropriate.

"(10) The term 'agreement facility' means any fisheries facility which is subject to an agreement entered into under this section.

"(11) The term 'fish' means any species of living aquatic resources excluding aquatic mammals and birds.

"(12) The term 'fish products' means any product which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions and which are exempted from definition as a fishery product by the Secretary.".

Sec. 104. Commercial Fisheries Development Fund.

(a) Establishment of Fund.—There is established in the Treasury of the United States a Commercial Fisheries Development Fund (hereinafter referred to as the "Fund"). The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out, and administering this title The Fund shall consist of—

(1) any sums appropriated to the Fund;

(2) any fees received by the Secretary in connection with any guarantee made under section 101;

(3) recoveries and receipts received by the Secretary under security, subrogation, and other rights and authorities under sections 101 and 102; and

(4) moneys deposited pursuant to the last sentence of subsection (b) of section 101.

All payments made by the Secretary to carry out the provisions of this title (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this title shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(b) Fund Obligations.—If at any time the moneys in the Fund are not sufficient to pay any amount the Secretary is obligated to pay under subsection (d)(1) of section 101, the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued hereunder and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury at any time may sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Seretary of the Treasury of such notes or other obligations shall be treated as a public debt transaction of the United States. Moneys borrowed under this subsection shall be repaid by the Secretary from the Fund.

Sec. 105. Authorization for Appropriations.

(a) Guarantees.—There is appropriated to the Fund, without fiscal year limitation, $10,000,000 to provide initial capital to carry out the provisions of section 101 of this title, including its administrative costs.

(b) Loans.—There is hereby appropriated to the Fund, without fiscal year limitation, $25,000,000 as initial capital to carry out the provisions and administrative costs of section 102 of this title and there are authorized to be, without fiscal year limitation, further sums for such purpose not to exceed $100,000,000.

Sec. 106. Administration.

There shall be in the National Oceanic and Atmospheric Administration a Director for an Office of Commercial Fisheries Development. Such Director shall be a qualified individual who is, by reason of background and experience, especially qualified to carry out the implementation and administration of this Act and such other provisions of law relating to commercial fisheries as the Secretary determines appropriate. There shall be in such Office a fisheries financing unit which shall administer title I of this Act.

Sec. 107. Repeal and Transfer of Existing Programs.

(a) Repeal.—Section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 743c) is repealed. All outstanding loans shall be administered under the jurisdiction of the Office created by section 106.

(b) Transfer of Programs.—(1) The Secretary shall transfer the existing Fishing Vessel Capital Construction Fund program from the National Marine Fisheries Service to the jurisdiction of the Office created by section 106.

(2) All assets and liabilities of the programs terminated pursuant to subsection (a) shall be transferred to and become a part of the Fund.

TITLE II—FISHERIES RESEARCH AND DEVELOPMENT PROGRAM

Sec. 201. Program.

The Secretary shall establish within 1 year after the date of enactment of this Act a fisheries research and development program for the purpose of research, development, and promotion of commercial fisheries which shall include but not be limited to—

(1) increase markets for fish and fish products both nationally and internationally, particularly for underutilized species;

(2) increase yields of fish products, to make underutilized species more appealing to the consumer, and to create better ways to preserve and process fish and other similar purposes;

(3) upgrade existing fish markets;

(4) encourage changes in markets from overutilized species to less utilized species;

(5) carry out demonstration fishing and demonstration processing and marketing of underutilized species;

(6) develop new catching, handling, and processing techniques for underutilized species; and

(7) carry out all such other economic, scientific, and commercial research, development, and promotion as is necessary to encourage full and optimum domestic use of fisheries resources.

Sec. 202. Grants and Contracts.

(a) Authorization.—The Secretary is authorized to make grants and enter into contracts with any citizen of the United States in accordance with rules and regulations promulgated by the Secretary in order to conduct the provisions of this title.

(b) Rules and Regulations.—Such rules and regulations shall include provisions for—

(1) solicitation of proposals for the purpose of carrying out this title;

(2) selection of proposals consistent with the purposes of this Act;

(3) review of the proposals by the Board with recommendations to the Secretary; and

(4) Federal grants up to 75 percent of the total cost of conducting such research, development, and promotion.

(c) Approval.—This Secretary shall approve or disapprove, funds, contracts, and administer applicable research, development, and promotion projects with a potential near-term commercial benefit which have been submitted by the Board.

(d) Effect Upon Other Programs.—Nothing in this title shall conflict with any other Federal, State, or local government programs established for the purposes of conservation, protection, or management of living or nonliving marine resources.

Sec. 203. Fisheries Development Board.

(a) Establishment of Board.—The Secretary shall establish within 90 days after the date of enactment of this Act a Fisheries Development Board composed of commercial fishermen and producers, handlers, and processors of fisheries products each of whom shall have an alternate, selected by the Secretary, in such a way that all regional interests are fairly represented. The regions and member States for purposes of this title shall be identified by the Secretary.

(b)(1) Board Membership.—Any person

selected to be a member of the Board by the Secretary shall qualify by submitting a written acceptance to the Secretary.

(2) If a member of the Board is absent from a meeting of the Board, the alternate shall act in his place. In the event of death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for a member is selected and qualified.

(3) The members of the Board and alternates when acting as members shall be reimbursed for necessary expenses as approved by the Board and shall receive compensation at the daily rate for GS–18 of the General Schedule.

(4) The members of the Board shall be appointed for 3-year terms on a staggered schedule with one-third of the members replaced each year, except that such replacement shall begin 3 years after the establishment of the Board.

(5) The Secretary may appoint, and assign duties to, an Executive Director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

(A) Upon the request of the Board, and after consultation with the Secretary, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to assist in the performance of the functions under this Act.

(B) The Secretary shall provide such administrative and technical support services as are necessary for the effective functioning of the Board.

(C) The Administrator of General Services shall furnish the Board with such offices, equipment, supplies, and services as he is authorized to furnish to any other agency or instrumentality of the United States.

SEC. 204. POWERS.

The Board shall have the following powers:

(1) to select from among its members as pursuant to this title;

(2) to make bylaws and operating procedures, with the Secretary's concurrence, to effectuate the terms and provisions of this title that pertain to the administration and operation of the Board.

SEC. 205. DUTIES.

The Board shall have the following duties:

(1) to select from among its members a Chairman and such other officers as may be necessary;

(2) to carry out the provisions of section 201 by organizing, evaluating, and submitting research, development and promotion projects to the Secretary;

(3) to review and submit recommendations to the Secretary on any research, development, and promotion plans or projects pursuant to the provisions of this title;

(4) to assist with the contracting of projects approved by the Secretary;

(5) to keep and maintain such books and records as are necessary to administer its duties;

(6) to cause its books and records to be audited by a public accountant at least once each fiscal year; and

(7) to submit an annual report to the Secretary and the Congress of its activities pursuant to this Act during the previous fiscal year; including recommendations and suggestions concerning the provisions of this title.

SEC. 206. LONG-RANGE DEVELOPMENT PLAN.

(a) ESTABLISHMENT OF PLAN.—The Secretary shall establish within 1 year after the date of enactment of this Act, a long-range plan for the domestic development of underutilized fisheries resources, including research, development, and promotion carried out by the Secretary.

(b) RESEARCH AND DEVELOPMENT.—The Secretary shall carry out with the advice of the Board, a long-range program of basic research, development, and promotion with emphasis on underutilized species.

SEC. 207. TRAINING PROGRAMS STUDY AND REPORT.

The Secretary is authorized and directed to conduct a comprehensive study regarding the adequacy of existing Federal and State training programs designed specifically to train individuals regarding the commercial fisheries industry. The Secretary shall submit to the President and the Congress, within 1 year of enactment of this Act, a final report on the findings, conclusions, and recommendations of the study. Such report shall include—

(1) a recommended national commercial fisheries industry education program;

(2) future manpower needs of the Nation in various sectors of the commercial fisheries industry;

(3) recommendations for changes in the organization and involvement of Federal departments and agencies needed to effectively implement the national commercial fisheries industry education program; and

(4) recommendations concerning additional legislation required to effectively implement the national commercial fisheries industry education program.

SEC. 208. MARKET STUDY AND REPORT.

The Secretary is authorized and directed to conduct a comprehensive study concerning the marketing, processing, distribution, and sale of fish and fish products. Within 1 year of enactment of this Act, the Secretary shall submit to the President and the Congress a report on the findings, conclusion, and recommendations of the study. Such report shall contain recommendations regarding means to improve the operations of such marketing, processing, distribution, and selling mechanisms.

SEC. 209. AMENDMENT OF THE SALTONSTALL-KENNEDY ACT.

(a) AMENDMENT.—(1) The Saltonstall-Kennedy Act (15 U.S.C. 713c–3) is amended to read as follows:

"SEC. 2. (a) There shall be appropriated for each fiscal year, beginning with the fiscal year commencing October 1, 1979, an amount equal to 75 percent of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products during the calendar year which includes the first day of the fiscal year involved. Such amounts shall be maintained in a separate fund of the Treasury of the United States which shall be available for the purposes of carrying out the provisions of title II of the Commercial Fisheries Development Act.

"(b) There shall be further appropriated to such fund for each fiscal year, beginning with the fiscal year commencing October 1, 1979, an amount equal to the fees, penalties, fines, and forfeitures assessed pursuant to sections 308, 309, and 310 of the Fishery Conservation and Management Act of 1976 collected during the calendar year which includes the first day of the fiscal year involved. Such amounts shall also be used for the purposes of carrying out the provisions of title II of the Commercial Fisheries Development Act.".

(2) The amendment made by paragraph (1) of this subsection shall take effect October 1, 1979.

(b) EXCEPTION.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) is amended by striking out the period at the end of the first sentence and substituting the following: "; except that, beginning with the fiscal year commencing October 1, 1979, the provisions of this section shall not apply to duties collected under such laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products.".

(c) The amendments made by this section shall not be construed to indicate any intent on the part of the Congress to reduce the amounts of funds appropriated annually for the use of the National Marine Fisheries Service.

SEC. 210. SANITARY SEAFOOD PROGRAM.

(a) The Secretary shall submit to the President and Congress within 1 year from the enactment of this Act a plan to establish a national health and sanitary program for the control of handling, processing, marketing, and sale of seafoods.

(b) Such plan shall make specific recommendations concerning the extent of the program; head agency to administer the program and the extent of consolidation or termination of present programs.

(c) Such plan shall recommend regulations to insure that all seafood in the United States reaches the consumer in the best possible sanitary condition and of the highest quality.

TITLE III—FISHERIES COOPERATIVE SERVICE ASSISTANCE

SEC. 301. FISHERIES COOPERATIVE SERVICE PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary in consultation with the Secretary of Agriculture, shall establish within 60 days after the date of enactment of this Act a pilot program of comprehensive service for the purpose of assisting fishing interests in the planning, administering, and formulating of fisheries cooperative organizations.

(b) PLAN IMPLEMENTATION.—The Secretary shall authorize the Office of Commercial Fisheries Development to develop plans and conduct actual field operations to implement fisheries cooperative services for a period of 4 years.

SEC. 302. SERVICES BY THE SECRETARY.

For the purposes of this title, the Secretary is authorized and directed to—

(1) provide research, management, marketing, and education assistance to cooperatives to strengthen the economic position of fishermen and related occupations;

(2) direct consultation with fisheries cooperative leaders and Federal and State agencies to improve organization, leadership, and operations and to give guidance to further development;

(3) assist fishermen to obtain supplies and services at lower cost and to get better prices for the products they sell;

(4) advise fisheries cooperatives on improving services and operating efficiency in order to benefit their members and communities;

(5) encourage international fisheries cooperative programs; and

(6) provide research planning and advice on the establishment of new fisheries cooperatives.

SEC. 303. REPORT.

The Secretary, in collaboration with the Secretary of Agriculture, shall submit an annual report on the activities conducted pursuant to this title to the President and to the Congress. A final report shall also be submitted to the President and to the Congress at the end of the 4-year program with specific recommendations for the establishment of a permanent fisheries Cooperative Service to be administered by the Secretary.

SEC. 304. FISHERIES DEVELOPMENT PROGRAM REPORT.

The Secretary shall submit to the President and Congress within 180 days after the enactment of this Act a report on the status of all existing federally funded programs relating to the objectives and purposes of this Act. The report shall include, but not be limited to—

(1) recommendations for increasing the effectiveness of such programs; and

(2) recommendations for additional means and measures necessary to implement and effectuate a comprehensive, coordinated, and effective United States fisheries development program.

SEC. 305. AUTHORIZATION FOR APPROPRIATIONS.

(a) There is authorized to be appropriated to the Secretary sums not to exceed $500,000 to carry out the provisions of section 210.

(b) There are authorized to be appropriated to the Secretary without fiscal year limitation the sum of $1,000,000 to provide funds to carry out a 4-year pilot fisheries cooperative service program pursuant to this title.

(C) There are authorized to be appropriated to the Secretary without fiscal year limitation the sum of $300,000 to provide funds to carry our the provisions of section 304.●

By Mr. KENNEDY (for himself, Mr. SCHWEIKER, Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. CRANSTON, Mr. RIEGLE, and Mr. JAVITS):

S. 544. A bill to amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development; to the Committee on Human Resources.

HEALTH PLANNING AMENDMENTS OF 1979

● Mr. KENNEDY. Mr. President, I rise to reopen a very significant matter—that of reauthorization and extension of the health planning and resource development Program as established by Public Law 93-641 in 1975. I know of no greater opportunity this Congress will have—early in its first session—to improve and support one of the most impressive cost containment programs in the health field: The very effective local and State planning effort. The 205 health systems agencies and the 56 State health planning agencies, which seemed to make good conceptual sense when authorized 4 years ago, are now vividly demonstrating their work—in containing costs and reallocating resources. As we discovered in last year's hearings, the practice of health planning is maturing, and we now have enough data to document its very positive impact. The time to strengthen and extend that act is now.

In 1977, the Congress gave a 1-year extension to Public Law 93-641. That 1-year extension gave us the needed time last year to do a thorough examination of the way the program was developing, to consider many possible amendments, and to agree on the best course for the next 3 years.

The Senate used that time well. The Human Resources Health Subcommittee held comprehensive hearings on the matter, developed and refined a good bill, after soliciting the views of over 400 organizations and individuals, and reported it out unanimously. On July 27, 1978, the full Senate debated it on the floor, accepted some good amendments, and by unanimous voice vote, passed S. 2410, the Health Planning Amendments of 1978.

Unfortunately in the heavy crush of business at the conclusion of the last Congress, the full House was not able to consider the companion bill to S. 2410 and thus the renewal process was carried over to this new Congress.

With particular pride, and strong personal commitment, I am pleased now to introduce S. 544, which is cosponsored by Senators SCHWEIKER, WILLIAMS, JAVITS, RANDOLPH, PELL, CRANSTON, and RIEGLE.

This bill is very similar to the bill that passed the Senate last July. The modifications include changes in relevant dates and a modification in the requirements for State certificate of need programs regarding the acquisition of expensive capital equipment. These latter changes are in sections 136, 142, and 153. The bill I present to you today is highly significant in three essential dimensions:

First, it will further strengthen local decisionmaking in the allocation of health care resources; it keeps the major decisions in the hands of those most affected—consumers, providers, local and State government officials, the third-party payors—in short, all those who ultimately foot the bill for quality health services, or pay the price of untreated illness if the services are not there.

Second, it will help contain the still too rapidly rising costs of health care resources.

And third, it is a prelude and adjunct to the kind of national health insurance program I believe we can all support—one which assures the availability and accessibility of quality health services to all populations in this country, at a cost we can afford.

I would like now to clarify the reasons why I believe the Congress should act on this bill with all dispatch and also highlight the major objectives of the bill.

First, let us put the matter of health planning in some perspective. Last year, this country spent approximately $180 billion on health care, including all capital investment, health services, drugs, equipment, research, manpower training, et cetera. That came to about $830 per capita. This year those figures will be significantly higher, approaching $1,000 per capita.

Also last year, this country spent approximately $165 million on health planning, including funds from all sources—Federal, State, local, private, et cetera. That comes to about 77 cents per capita. In short, we spent significantly less than $1 per capita to improve decisions on the expenditure of more than $800 for every man, woman, and child in this country.

When I say "improve decisions, I mean several things, things that are the very essence of what the health planning program is about:

I mean a local decision structure in which every one has an opportunity to participate—indeed it is dependent upon the effective participation of citizen volunteers;

I mean decisions that are made within the framework of a community-wide and community-developed, long-range plan for sensible investment decisions;

I mean a plan that recognizes real constraints on resources—a reality-based plan that will not condone every added expenditure desired by every hospital and every physician;

I mean a program which keeps most regulatory powers needed to enforce the plan in the hands of State government, not the Federal Government.

You might then ask: What has that improved decisionmaking process accomplished? Although the health planning agencies were established and "conditionally designated" by the HEW Secretary less than 3 years ago, it is now becoming possible to see the results of their efforts.

A recent survey of the planning agencies' performance in reviewing new capital investment projects covered the 2-year period from the summer of 1976 to the summer of 1978. The first report of that survey, which analyzed data on the first 139 health systems agencies surveyed, provides some interesting statistics:

These 139 HSA's, which cover about 60 percent of the population of the country, reviewed more than $7 billion in proposed capital investments, in spite of the fact that many of these agencies did not begin such review until 1977.

Of that $7 billion, one quarter was deemed unnecessary and was not allowed to go forward. In other words, more than $1.8 billion of unneeded capital investment expenditures was prevented.

Pitting the cost of these HSA's and the relevant State agencies against the result, we find that for each dollar spent on health planning, $8 in proposed capital investments were denied—an impressive rate of return indeed.

If we further consider the operational costs that will not now be incurred in conjunction with $1.8 billion of unneeded capital projects, the savings are magnified many times again. For we know that annual operating costs approximate 50 percent of the capital costs.

It should be noted that these savings have occurred in the absence of any supportable claim that the quality of health care has suffered in any way.

In fact, many people have expressed concern that the health systems agencies are too "dominated" by hospital and physician interests on their governing boards even though those provider interests are numerically in the minority. If that is true, we can look forward to even better performance as the consumer participants become more experienced, knowledgeable, and develop a better understanding of the very complex world of medical care.

As I indicated earlier, the bill that I am introducing today modifies sections 136, 142, and 154 of the bill that passed the Senate during the last session. These changes concern the requirements for State certificate-of-need programs.

Mr. President, as you know, the thrust of certificate-of-need programs is to provide a mechanism for representative citizen committees to restrict the development of costly, unnecessary, or duplicative health resources within a community through a review of capital expenditures of institutional health care facilities. There is clear and unquestionable evidence indicating that there are approximately 100,000 more hospital beds in the United States than are needed and also that there is surplus capacity of certain other hospital services.

Even though there was no evidence in 1974 to indicate excessive or duplicative HMO capacity, the original health planning legislation included a requirement that certificate of need extend to all facets of health maintenance organization development.

The HMO, as an organized health care system, provides a comprehensive range of prepaid health services to its members often at costs 20 to 40 percent below traditional fee-for-service providers. HMO's are at the forefront of innovation in health care delivery and have led in providing preventive health services and using health care resources efficiently.

The Federal Trade Commission, the Department of Health, Education, and Welfare, and various university-sponsored studies have provided evidence that the success of group practice prepayment programs has even resulted in innovative responses from traditional health care insurers and providers in broader benefit packages, reduced premiums, discounted hospital rates, and new organizational delivery modes.

By mandating that States include the review of HMO's under their certificate-of-need programs, the Congress intended to encourage the development and expansion of HMO's as a cost-effective health resource. Contrary to congressional intent, the CON process has been used by anti-HMO interests to block the initial establishment of HMO's and to delay the growth of enrollment by restricting the modernization or construction of prepaid group practice physician offices for ambulatory health care services.

The CON has been used to protect the status quo and thwart HMO development. Unlike their fee-for-service counterparts, HMO physicians in certain States must seek CON approval for parking lots, administrative computer capacity, leased office space, expansion of services or indeed any facet of HMO operation.

Last session this inequity was partially corrected with the passage of Public Law 95-559. This law amended section 1122 of the 1972 Social Security amendments. That new law requires the review of HMO hospital expenditures in the same manner as the review for non-HMO hospital capital expenditures, and deletes the requirement for the review of non-hospital-based capital expenditures such as HMO establishment and development of ambulatory care facilities.

This provides for a consistent Federal policy with respect to fee-for-service and HMO providers. The provisions included in the bill I am introducing today would conform the planning efforts mandated by Public Law 93-641 to those in section 1122 by requiring that in order for a State certificate-of-need program to be in compliance, it cannot cover the establishment of ambulatory facilities of an HMO. This provides for consistent Federal policy in the 1122 and certificate-of-need programs. It does not affect the requirement for the review of proposed use of Federal funds for HMO's.

In those instances of Federal subsidies through the HMO grant and loan programs, HAS's would still be required to review and then recommend approval or disapproval funds for development. The proposal also requires State certificate-of-need programs to include provisions for the review and approval for the purchase of noninstitutionally based diagnostic and therapeutic equipment valued at over $150,000 if the equipment is to be used for inpatients of hospitals.

Mr. President, the purpose of this amendment is to eliminate the discrepancy in the requirements for State certificate-of-need programs, where the private establishment of an HMO and its development of outpatient facilities and services are required to be covered, but that for the similar fee-for-service noninstitutional services are not. It recognizes the past abuses of the planning process. The development of HMO's and the elimination of the discriminatory provisions of current law have the support of labor, big business, the health insurers, many legal and university researchers, consumer groups, and provider groups.

Mr. President, I want to emphasize further that the return from health planning in terms of its cost effectiveness, while very impressive in itself, is not the whole story. We can be very proud of the gains made by these agencies, and the citizens who guide them, in creating positive changes in the character of the health care systems in their communities:

In promoting the development of new resources where there are none, as in medically underserved areas;

In raising the public consciousness as to the need for preventing illness, through better immunizations, better nutrition, increased physical fitness, and so on;

In bringing together the many fragmented parts of a community health care system through cooperative linkages between and among these parts, such as sharing of resources, arrangements between ambulatory care centers and nearby hospitals, and closer linkages between the mental health care systems and the rest of the health care delivery system.

This bill is intended to support and extend the basic character and structure of the health planning program. It is working well, and we should be very wary of any alterations that might disrupt its progress, inadvertently or otherwise.

Mr. President, the many amendments in the bill go a long way toward improving the planning process; and the most significant nontechnical changes we are proposing would accomplish the following:

Assure that the role of HEW in developing national guidelines is restricted to offering guidance and suggestions, and does not permit mandating the outcome of a local planning process.

Enhance the effective participation of the States' Governors in the further development of the program.

Direct more explicit attention and resources to the planning needs of rural areas—where the planning task is more often one of developing new capacities rather than, as in most urban areas, modifying existing capacities.

Assure that States' certificate-of-need decisions are made consistent with the plans developed by the local and State planning agencies—not by the Federal Government.

Promote increased and more effective participation of citizen volunteer members of planning agency governing boards by providing technical assistance and staff resources to these members as well as providing added liability protection from groundless suits.

Assure meaningful comparison of competing projects by allowing simultaneous consideration of similar projects, rather than the current "first come, first served" method.

Provide grants to States to support the voluntary closure, conversion, or merger of unneeded services and facilities.

Assure that State certificate-of-need programs do not discriminate against health maintenance organizations.

Develop better integration of planning for mental health, alcohol, and drug abuse programs into the overall health planning effort.

Assure that the local processes of HSA board selection and decisionmaking do not allow for self-perpetuation or the development of conflicts of interest in considering new projects.

Changes in the law designed to achieve those objectives, and many other more technical changes as well, grew out of the extensive hearings we held on this program last spring. There is a lengthy written record available to describe and explain each of them. I invite every one of my colleagues to examine that record, to ask any questions that appear to remain unanswered, and to join with me in pressing for prompt action by the full Senate.

Prompt enactment of this legislation is a compelling matter, not simply to avoid unnecessary confusion at the State level and within State legislatures, but more importantly because the best means we now have must be applied to combat the astounding increases in health care costs and to assure that all Americans will have access to high-quality health care. The Senate will undoubtedly be considering other approaches to pursuing some of the same objectives, but here, in the health planning program, we already have an effective mechanism that is working—and we need to send a message of confidence and support to the many thousands of citizens who are spending their countless hours of efforts in making this work as well as it is. With more support from us it will work even better.

Mr. President, I ask unanimous consent that a section-by-section summary of this bill be printed in the RECORD.

The material follows:

SECTION-BY-SECTION ANALYSIS

S. 544 amends titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development.

Section 1. Provides that the bill may be cited as the Health Planning Amendments of 1979, and that references in this act to amendment or repeal of a section or other provision will refer to a section or other provision of the Public Health Service Act.

TITLE I—REVISION AND EXTENSION OF NATIONAL HEALTH PLANNING AND DEVELOPMENT AUTHORITY

National Council on Health Planning and Development

Section 101(a). Amends section 1503(b)(1) to expand the membership of the Council from 15 to 20 members, to include as an ex officio member of the Council the Assistant Secretary for Rural Development of the Department of Agriculture, and to provide that at least 8 Council members will be consumers, including members of urban and rural medical underserved populations.

Section 101(b). Amends section 1511(a) to permit the Governor of any State involved in an interstate health systems agency to request redesignation of an interstate health service area made up of an entire standard metropolitan statistical area (SMSA). Present law requires that all Governors involved must agree to split the SMSA if it is to be split. The Secretary of HEW retains the final authority.

Section 101(c). Amends section 1501(b)(1) to insure that the National Guidelines for Health Planning include standards for supply, distribution, and organization of health resources that reflect the unique circumstances and needs of medical underserved populations including rural communities.

Redesignation of health service area boundaries

Section 102. Amends section 1511(b)(4) to direct the Secretary to review on his own initiative, or at the request of any Governor or health systems agency, the boundaries of health service areas and to redesignate those boundaries if he finds that they no longer meet the requirements of section 1511(a) or if the boundaries for a revised health service area meet the requirements of section 1511(a) in a significantly more appropriate manner in terms of the efficiency and effectiveness of health planning efforts. Provides that when the Secretary acts on his own initiative, he is to consult with the Governor of the appropriate State or States, the chief executive officer or agency of the political subdivisions affected by the revision, the appropriate health systems agency and Statewide Health Coordinating Council. Requires similar consultation among affected parties when the boundary redesignation request originates with a Governor or HSA and further stipulates that in such cases, the request include comments on the proposed revision made by such affected individuals and entities. No proposed revision of the boundaries of a health service area shall comprise an entire State without the prior consent of the Governor. Before making any change, the Secretary is required to give notice and an opportunity for a hearing on the record by all interested persons and must make a written determination of his findings and decision. Further requires that the Secretary, by January 1, 1979, establish by regulation criteria for revision of health service area boundaries.

Section 103. Repeals section 1511(c) which gives priority for designation of health service areas which formerly had an area wide Comprehensive Health Planning Agency under previous health planning authority.

Conflict of interest

Section 104(a). Amends section 1512(b) to expand and clarify conflict of interest provisions for HSA members and staff. Direct HSA's to adopt procedures (in accordance with regulations of the Secretary) to insure that no member, employee, consultant, or agent participate in any matter regarding any persons, institutions, organizations, or other entity with which such individual has or has had within the past three years any substantial direct or indirect employment, fiduciary, competitive, medical staff, ownership, or other financial interest.

Section 104(b). Amends section 1524(b) to provide conflict of interest provisions for SHCC members and staff on same basis as that set forth above for HSA's.

HSA staff

Section 105(a). Amends section 1512(b)(2)(A) to add requirements for HSA staff to assure expertise in financial and economic analysis, public health and disease prevention, mental health planning and development, and use of mental health resources. Further provides that HSA's must have staff meeting these and other existing requirements to the extent practicable.

Section 105(b). Amends section 1512(b)(2)(A) by expanding the requirements that the functions of planning and of development of health resources include mental health resources.

Section 105(c). Amends section 1512(b)(2)(A) to add a new requirement that at least one HSA staff member be assigned responsibility for providing the consumer members of the HSA governing body with such assistance as they may require to effectively perform their functions.

Selection process for HSA members

Section 106. Amends section 1512(b)(3) to set forth the broad outlines for the process to be used by the HSA in selecting members of its governing body and subarea councils. The selection process that assure that members are selected in accordance with the requirements of subparagraph (C) pertaining to composition of the governing body, that there is opportunity for broad participation by residents of the health service area and that such participation will be encouraged and facilitated, and that HSA members do not select other members of the HSA. The selection process is to be made public and reported to the Secretary.

Responsibilities of public HSA's

Section 107(a). Amends section 1512(b)(3)(A) to provide that an HSA that is a public regional planning body or unit of general local government not be required to delegate to a separate governing body for health planning the exclusive authority to appoint and with cause remove members of the governing body for health planning or establish personnel rules and practices for staff or approve the agency's budget or any combination of those activities.

Public officials on HSA's

Section 107(b). Amends section 1512(b)(3)(C)(iii)(I) to revise requirement that HSA's include public elected officials and other representatives of governmental authorities by providing that HSA's must include public elected officials and other representatives of units of general purpose government. In the latter case, individuals would have to be appointed by a unit of general purpose government or a combination thereof.

Reimbursement of HSA members for expenses

Section 108. Amends section 1512(b)(3)(B)(vi) to allow HSA's when appropriate to make advances to HSA members for their reasonable costs incurred in attending meetings and performing any other duties and functions of the health systems agency.

Confidential meetings and records pertaining to personnel issues

Section 109(a). Amends section 1512(b)(3)(B)(viii) to exclude from the open meeting requirement meetings or portions thereof called to discuss the performance or remunerations of an HSA employee which, if public, would constitute a clearly unwarranted invasion of the personal privacy of such individual. Extends similar scope of protection to HSA personnel records and data.

Section 109(b). Amends section 1512(b)(6)(A) to restrict the Secretary's access to HSA personnel records and data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Section 109(c). Amends section 1522(b)(6) to extend to employees of the State health planning and development agency the same kind of protection afforded HSA employees under section 109(a) above.

Section 109(d). Amends section 1532(b)(10) to provide that procedures and criteria for reviews of proposed health system changes restrict public access to HSA and State agency personnel records and data.

HSA governing body composition

Section 110. Amends section 1512(b)(3)(C)(i) to remove the stipulation that consumers on HSA boards cannot have been providers of health care within the 12 months preceding appointment. Also clarifies that major purchasers of health care include but are not limited to unions and corporations.

Section 111(a). Amends section 1512(b)(3)(C)(ii) to permit HSA participation by providers whose principal place of business is within the respective health service area, although their residence may be elsewhere.

Section 111(b). Amends section 1512(b)(3)(C) to clarify that providers or consumers of health care also include providers or consumers of mental health care.

Section 112(a). Amends section 1512(b)(3)(C)(ii) to clarify that the term physician includes both doctors of medicine and osteopathy.

Section 112(b). Amends section 1531(3)(A) to clarify that the term physician includes both doctors of medicine and osteopathy.

Section 112(c). Amends section 1531(3) to redefine provider of health care to include provider of health or mental health care.

Section 113. Amends sections 1512(b)(3)(C)(ii) to broaden the provider of health care definition pertaining to HSA governing body composition by adding two additional provider categories for "non-professional health workers" and "other providers of health and mental health care."

Section 114(a). Amends section 1512(b)(3)(C)(iii)(II) to provide flexibility (but not mandate) for increased nonmetropolitan representation on HSA boards by assuring that the percentage of representatives from nonmetropolitan areas is "at least" equal to the percentage of residents in such nonmetropolitan areas.

Section 114(b). Amends sections 1512(b)(3)(C)(iii)(III) to clarify that "ex officio" means nonvoting.

Section 115. Amends section 1512(b)(3)(C)(iv) to mandate that subcommittees or advisory groups of HSA boards have a consumer majority.

Liability suits

Section 116(a). Amends section 1512(b)(4) to revise and broaden scope of protection against personal liability suits and to provide protection for consultants and agents of the HSA, as well as members and employees. Provides that no such individual will be considered liable if he could have reasonably believed he was acting within the scope of official duties and acted without gross negligence or malice toward any person affected by it.

Section 116(b). Amends section 1524 to provide protection against person liability suits for SHCC members, employees, consultants, and agents identical to that provided under section 116(a) above to HSA's.

Requirements for executive committees

Section 117. Amends section 1512(b)(6) to add requirements that any executive committee of the HSA or any other entity appointed by the governing body or executive committee of the HSA and any subarea council shall conduct its business meetings in public (except for meeting or portions thereof called to discuss the performance or remuneration of an individual employee which, if public would constitute a clearly unwarranted invasion of the personal privacy of such employee), give adequate notices of its meetings to those persons who have requested such notice, and make its records and data available, upon request, to the public (other than personnel records and data regarding an individual employee the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of such employee).

Requirements for health plans of HSA's and State agencies

Section 118(a). Amends section 1513(b)-(2) to increase the material to be included in the health systems plan (HSP) of an HSA. In addition to other requirements, the HSP must include a description of institutional health services needed for the well-being of persons receiving care within the health service area, including at a minimum, the number and type of medical facilities, rehabilitation facilities, nursing homes, beds and equipment needed to provide acute in-inpatient, psychiatric inpatient, obstetricial inpatient, neonatal inpatient, long term care, and treatment for alcohol and drug abuse, and the extent to which existing medical facilities, rehabilitation facilities, nursing homes, beds, and equipment are in need of modernization or conversion to new uses, and the extent to which new facilities and equipment need to be constructed or acquired. Similar information would have to be provided on other noninstitutional health services, specifically the number and type of health maintenance organizations, outpatient (including primary care) facilities, rehabilitation facilities, facilites for treatment of alcohol and drug abuse, and other medical facilities, and home health agencies and equipment needed to provide public health services and outpatient care.

Section 118(b). Amends section 1523(a)(4)(B) to require that certificate of need decisions be consistent (except in emergency circumstances that pose a threat to public health) with the State health plan.

Section 118(c). Amends section 1524(c)(A) to require that the State health plan prepared by the SHCC have the concurrence of the Governor.

Section 118(d). Amends section 1524(c)(2) to require that the State health plan contain information similar to that set forth above for the plans developed by HSA's. Stipulates that the State health plan must be coordinated with the State mental health plan developed pursuant to the Community Mental Health Centers Act, the State alcohol abuse plan developed pursuant to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and the State drug abuse plan developed pursuant to the Drug Abuse Office and Treatment Act of 1972. The State health plan is also to address the resource requirements of manpower, facilities, equipment, and funds necessary to provide access, availability and quality services at reasonable cost to persons receiving care within the State, including at a minimum, the types of facilities and services enumerated above the HSA's.

Section 118(e). Amends section 1524(c)(2) to stipulate that until a State health plan is in effect, the Secretary may not make any grant to the State health planning and development agency pursuant to section 1525.

Section 119(a). Amends section 1513(b)(2) to expand the public hearing requirement of HSA's for amending as well as establishing the health systems plan.

Section 119(b). Amends section 1513(b)(3) to extend the public hearing requirement to the establishment, review, and amendment of the annual implementation plan, as well as the HSP.

Section 119(c). Amends section 1513(b)(2) to require that the HSP include identifiable alcohol abuse, drug abuse, and mental health components, and address specifically the needs of all medical underserved populations in the health service area.

Section 119(d). Amends section 1513(b)(2)(C) to delete the requirement that the HSP is consistent with the national guidelines issued by the Secretary under section 1501.

Section 119(e). Amends section 1513(b) to require that the HSA shall submit to the SHPDA, the SHCC, and the Secretary a detailed statement of the reasons for any inconsistencies between its HSP and AIP and the national guidelines.

Technical assistance

Section 120. Amends section 1513(c)(2) to mandate HSA's to provide technical assistance in obtaining and filling out necessary forms to applicants applying for projects needed to achieve the HSP. Permits HSA's to also provide other technical assistance.

Carryover of grant funds

Section 121(a)-(d). Amends sections 1513(c)(3), 1516(a), 1525(a), and 1526(c)(1) to allow for carryover of grant funds for HSA's and State agencies and for area health services development funds and State rate regulation projects. Provides that in the event a grant is renewed, it may be carried forward to the subsequent grant period without being deducted from the subsequent grant award.

Coordination HSA/State agency activities

Section 122(a). Amends section 1513(d) to provide that an HSA will also coordinate its activities with entities which review rates and budgets of health care facilities in the health service area and with appropriate area agencies on aging, local and regional alcohol abuse, drug abuse, and mental health planning agencies.

Section 122(b). Amends section 1522(b)(7)(A) to provide that the State agency coordinate its activities with such rate and budget review entities in the State.

Appropriations review

Section 123(a). Amends section 1513(g) to clarify that HSA appropriateness review should, at a minimum, address the issues of accessibility, financial viability, cost effectiveness, costs and charges to the public and quality of services provided.

Section 123(b). Amends section 1513(e)(1)(B) to clarify that grants or contracts under titles IV, VII, or VIII of the PHS Act should not be reviewed by the HSA's unless they are to be made, entered into, or used to support the development of health resources or the delivery of health services that would make a significant change in the health services offered within the health service area.

Section 124. Amends section 1513(g)(1) to focus but not limit the scope of mandated HSA appropriateness review to at least those services included in the State health plan.

Technical assistance

Section 125. Amends section 1514 to require the Secretary to provide technical assistance to agencies that have the potential to become HSA's as defined in the law.

Section 126(a)-(b). Deletes the last sentence of section 1515(b) and the last sentence of section 1515(c)(2) in order to eliminate the priority for HSA designation of former 314(b) agencies and regional medical programs formerly authorized under title IX.

Extension of full designation periods for HSA's

Section 127(a)-(d). Amends sections 1515(c)(1) and 1515(c)(3) to extend the period of full designation agreements of HSA's from 1 year to 3 years, and to permit the Secretary, if he finds an HSA has not been performing satisfactorily, to terminate it or return it to a conditional status for 1 year, after which time the agency must either be automatically terminated or returned to full designation after appropriate consultation.

Section 128. Amends section 1515(d) to provide a conforming amendment pertaining to HSA designation agreements.

HSA funding levels

Section 129(a)-(b). Amends sections 1516(b)(2)(A)(i) and 1516(b)(3) to provide that minimally funded HSA's shall receive at least $250,000 in the fiscal year ending September 30, 1980, $270,000 in fiscal year 1981, and $290,000 in any succeeding fiscal year.

Section 129(c). Amends section 1516(c)(1) to authorize appropriations of $150 million for fiscal year 1980, $175 million for fiscal year 1981, and $200 million for fiscal year 1982.

Section 129(d). Amends section 1516(d) to provide that, of the amounts appropriated under section 129(c), the Secretary may use not more than 5 percent of such amounts to increase grants in such fiscal year to a health systems agency to assist it in meeting extraordinary expenses including but not limited to those that may occur when HSA's are located in more than one State or serve a large health service area or a large rural or urban medical underserved population.

Section 129(e). Amends section 1516(c)(2) to conform with sections 129 (a) and (b).

Section 130. Amends section 1516(b) to allow minimally funded health systems agencies to be eligible for federal matching funded as are other HSAs.

Extension of full designation periods for State agencies

Section 131(a)-(b). Amends section 1521(b)(3) and 1521(b)(4) to change designation requirements for the State agencies from annually to every 3 years and to permit the Secretary the option of either terminating or returning a fully designated SHPDA to conditional status for a 1-year period for nonperformance of its functions. After the 1-year period, the Secretary must either fully designate the SHPDA or terminate its agreement after appropriate consultations.

Penalty for States not in compliance

Section 132. Amends section 1521(d) to provide that a State without a State agency designation agreement in effect by September 30, 1980, would be subject to a 25-percent reduction in the amount of any allotment, grant, loan, loan guarantee, and any contract under this act, the Community Mental Health Centers Act, or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 for the development, expansion, or support of health resources until such time as an agreement is in effect. Such amounts would be reduced by 50 percent if no agreement were in effect by September 30, 1981, by 75 percent after September 30, 1982, and by 100 percent after September 30, 1983.

Judicial review of State agency decisions

Section 133(a). Amends section 1522(b) to provide for judicial review of a final decision rendered by a State agency under a certificate of need or appropriateness review. Any person adversely affected by such a decision may within a reasonable period of time after the decision is made and any review is made by the State reviewing agency (other than the SHPDA) designated by the Governor, obtain judicial review of such a decision in an appropriate State court. The State agency decision is to be affirmed unless it is found to be arbitrary or capricious, or was not made in conformity with the applicable law.

Section 133(b). Amends section 1522(b)(13)(A) to require that appeals of State agency decisions be performed in a timely manner.

Section 134. Amends section 1522(c) to effect a conforming change proposed under section 131 changing annual designation of the SHPDA to triannual.

Technical assistance

Section 135(a). Amends section 1523(a) to require SHPDA's to provide technical assistance in obtaining and filling out the necessary forms to individuals and public and private entities for the development of projects and programs.

State health plan

Section 135(b). Amends section 1523(a)(2) to require that the preliminary State health plan include an identifiable alcohol abuse, drug abuse, and mental health component to be prepared by the respective alcoholism, drug abuse, and mental health authorities, respectively, designated by the Governor. The alcohol abuse, drug abuse, and mental health components of the HSP's submitted by HSA's for inclusion in the State health plan may, as found necessary by the respective State authorities, contain revisions of such components to achieve their appropriate coordination or to deal more effectively with statewide alcohol abuse, drug abuse, and mental health needs. The remainder of such preliminary State plan may, as found necessary by the State agency, also contain revisions of such HSP's to achieve their appropriate coordination or to deal more effectively with statewide needs. The preliminary State health plan will be submitted to the SHCC for approval or disapproval and for use in developing the final State health plan.

Certificate of need

Section 136(a). Amends section 1523(a)(4) to clarify the Secretary's role in approving certificate of need programs by revising the current provision calling for a program satisfactory to the Secretary and substituting a requirement that the program be consistent with standards established by regulations of the Secretary. Requires the certificate-of-need program to provide enforcement procedures and penalties. Further requires the program to conduct a periodic review at least every 24 months of the progress being by an institution granted a certificate of need. Requires a certificate of need to be withdrawn if (in the absence of unforeseen and unavoidable circumstances) substantial progress is not being made toward making the service or facility for which the certificate was issued available for use. Also requires that issuance of a certificate of need be based solely on the record established in administrative and judicial proceedings (as provided for in this title) held with respect to an application.

Provides that no certificate of need program shall have provisions for the review and determination of need of services, facilities, equipment, and organization of health maintenance organizations and the entities through which their services are provided except for new institutional health services of hospitals controlled directly or indirectly by health maintenance organizations and diagnostic or therapeutic equipment (as that term is used in section 1531(5)) of health maintenance organizations.".

Section 136(b). Amends section 1523 to require that:

(1) State certificate of need programs shall provide for review and determination of need prior to the acquisition of diagnostic or therapeutic equipment (as that term is used in section 1531(5) which will not be owned by or located in a health care facility if—

(A) the notice required by paragraph (2) is not filed in acccordance with that paragraph with respect to such acquisition, or

(B) the State Agency finds, within 30 days after the date it receives a notice in accordance with paragraph (2) with respect to such acquisition, that the equipment will be used to provide services on a regular basis for inpatients of a hospital.

(2) Before any person enters into a contractual arrangement to acquire such diagnostic or therapeutic equipment which will not be owned by or located in a health care facility, such person shall notify the State Agency of the State in which such equipment will be located of such person's intent to acquire such equipment. Such notice shall be made in writing and shall be made at least 30 days before contractual arrangements are entered into to acquire the equipment with respect to which the notice is given.

Section 132. Amendments section 1523(a)(5) to provide a technical and conforming amendment which clarifies the role of the HSA in States with approved certificate-of-need programs. Would, in effect, delete requirements of section 1523(a)(5) once there is an acceptable certificate of need program in place.

Statewide Health Coordinating Council (SHCC)

Section 13(a)–(b). Amends sections 1524(c)(1) and 1513(b)(2) to direct the SHCC to establish in consultation with the HSA's and the State agency a uniform format for HSP's and AIP's.

Section 13(c). Amends section 1524(b)(1) to clarify that consumers and providers of health care include consumers and providers of mental health care, for purposes of SHCC composition. Further amends section 1524(b)(1)(D) to provide, for ex officio representation of the Veterans' Administration on the SHCC when the State has at least one VA facility, rather than at least two such facilities as currently provided.

Section 13(d). Amends section 1524(c)(6) to mandate that the SHCC review State plans pursuant to section 409 and 410 of the Drug Abuse Office and Treatment Act.

Section 138(e). Amends section 1524(b)(1) to require that the SHCC include consumer members who are members of rural and urban medically underserved populations, if such populations exist in the State.

Authorization levels for State agencies

Section 139. Amends section 1525(c) to increase authorization levels for grants to State health planning and development agencies. Authorizes $40 million for fiscal year 1980, $45 million for fiscal year 1981, and $50 million for fiscal year 1982.

Section 140. Amends section 1526(e) to extend authorizations for grants for State rate regulation experiments as follows: $6 million for fiscal year 1980, $7 million for fiscal year 1981, and $7 million for fiscal year 1982.

Definitions

Section 141(a). Amends section 1531(3)(A) by striking "substance" and inserting in lieu thereof "alcohol and drug" and by including rehabilitation facilities among the institutions included in the "provider of health care" definition.

Section 141(b). Amends section 1531(3)(B)(i) to allow consumers who serve on governing boards of other health organizations and agencies to be considered as consumers, rather than indirect providers, for the purposes of this act.

Section 142. Amends section 1531(5) to broaden State certificate-of-need requirements by redefining "institutional health services" to mean health services provided through health care facilities as defined in regulations of the Secretary, including but not limited to private and public hospitals, rehabilitation facilities, and nursing homes if such services entail annual operating costs of $50,000 or more; and diagnostic or therapeutic equipment, acquired through purchase, rental, lease, or gift, valued at the time of acquisition in excess of $150,000, used in the delivery of health care services by a health care facility. In determining whether diagnotic or therapeutic equipment has a value in excess of $150,000, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment will be included.

Procedures and criteria for review

Section 143. Amends section 1532(a) to stipulate that procedures and criteria for review by HSA's and State agencies must provide that applications be submitted in accordance with established timetables, that reviews be undertaken in a timely fashion, and that applications for similar types of services and facilities be considered in relation to each other no less often than twice a year. Reviews of similar types of institutional health services affecting the same service area must be considered in relation to each other. This section also provides that HSA's and State agencies must cooperate in the development of procedures and criteria to the extent appropriate to the achievement of efficiency in their reviews and consistency in criteria for such reviews.

Section 144(a–b). Amends sections 1532(b)(2) and section 1524(c) to clarify that failure of a HSA or State Agency or SHCC to complete a review within the period prescribed for the review may not be deemed by such an entity to constitute a negative finding, recommendation, or decision with respect to the subject of such review.

Section 144(c). Amends section 1532(b) to provide that for HSA and State agency reviews of certificate of need applications and reviews of appropriateness of services, and where appropriate for other reviews, each participant may present evidence and arguments orally and/or by written submission; each participant may cross-examine any other participant who makes a factual allegation relevent to such review; a hearing record is to be maintained; HSA and State agency decisions are to be based solely on the hearing record; and there will be a prohibition on ex parte contracts with individuals voting on the review process.

Section 145. Amends section 1532(b)(1) to require timely written notification to all affected parties at the beginning of a review and to require that all persons who have asked to be placed on a mailing list maintained by the HSA or SHPDA be notified of certain reviews by such agencies.

Section 146. Amends section 1532(b)(7) to provide for a timely notification of providers of health services and other persons of certain information.

Section 147. Amends section 1532(b)(8) to specify that public hearings are to be held prior to any decision made in the course of HSA or State agency review if requested by persons directly affected by the review.

Section 148(a). Amends section 1532(c)(9)(B) to provide that in the case of a construction project, HSA and State agency review will consider the probable impact of the project on the costs and charges of providing health services not only by the person proposing such construction project (as currently provided) but also "on the costs of providing health services by other persons."

Section 148(b). Amends section 1532(c) to provide that in addition to existing criteria the HSA and State agency must consider, in the case of existing services or facilities, the quality of care provided by such services or facilities in the past and the extent to which such proposed services will be accessible to all the residents of the area to be served by such services.

Section 148(c). Amends section 1532 to establish criteria under which the certificate of need applications of HMO's will be reviewed and approved. Applications of Federally qualified HMO's for new institutional health services must be approved by the State agency if it finds (in accordance with criteria prescribed by the Secretary) that approval is required to meet the needs of present HMO members and new members who can reasonably be expected to enroll, and if the HMO is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner consistent with the basic method of operation of the HMO and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

Centers for health planning

Section 149(a)–(b). Amends section 1534 (a) and 1534(b)(1) to require the Secretary to enter into grants with the Centers for Health Planning, rather than allowing the existing option of grants or contracts.

Section 149(c). Amends section 1534(c)(2) to require the types of assistance and dissemination of information to HSA's and State agencies explicitly set forth in subsections (a) and (c) of section 1534 in order to be eligible for grants from the Secretary. Adds a requirement that Centers develop and disseminate methodologies to educate new HSA board members and staff and continuing education for present HSA members and staff and State agency staff.

Section 149(d). Amends section 1534(d) to extend the authorization for the Centers for Health Planning as follows: $12 million for fiscal year 1980, $15 million for fiscal year 1981, and $18 million for fiscal year 1982.

Comment authority

Section 150. Amends section 1535 to broaden the comment authority to any interested party. This would pertain to the process undertaken by the Secretary to review in detail at least every 3 years the structure, operation, and performance of each HSA and SHPDA. The Secretary is directed to consider the comments of any interested person.

Coordination with mental health activities

Section 151(a)–(b). Amends section 2(a) (3)(B) of Public Law 93-641 and section 1502 in order to insure more effective coordination of the planning efforts at the local and State level between the planning entities designated under the Community Mental Health Centers Act and the Health Planning and Resources Development Act of 1974 and to insure the more effective coordination of health and mental health services. Adds a Congressional finding that lack of effective coordination between the mental health care system and the physical health care system, both by providers and planners, has promoted fragmentation, lack of continuity, and inappropriate utilization of health resources. Further notes the lack of attention to and emphasis on the behavioral aspects of physical health care and status. Adds to the list of national health priorities the following:

Promotion of those health services which are provided in a manner cognizant of the emotional and psychological components of the prevention and treatment of illness and the maintenance of health;

The elimination of inappropriate placement in institutions of persons with mental health problems and improvements in the quality of care provided to persons with mental health problems for whom institutional care is appropriate; and

The assurance of access to community health centers and other mental health care providers for needed mental health services and the emphasis on outpatient care as a less restrictive alternative to inpatient mental health services.

Indian self-determination

Section 152(a). Amends section 1513(e) to provide for Indian self-determination as related to health planning by inserting after the term "Indian tribe" the phrase "(as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act.)"

Review of Federal funds

Section 152(b). Amends 1513(e) to require that when an HSA is requested to review a proposed use of Federal funds, other than those specified in section 1513(e)(1)(A), to support the development of institutional health services intended for use in the health service area, the health systems agency must, within 60 days of receiving such a request, submit its views on such proposed use to the Federal department ro agency involved and to the appropriate committees of Congress.

Indian self-determination

Section 152(c). Amends section 1513(e) to add a new requirement for HSA's having an Indian tribe or intertribal Indian organization located within such agencies health service areas. HSA's are directed to carry out their functions in a manner that recognizes tribal self-determination and are to seek to enter into agreements with the tribes or organizations on matters of mutual concern, as defined in regulations of the Secretary.

Definitions of health maintenance organization, medical underserved population, and rehabilitation facility

Section 153. Amends section 1531 to add new definitions of the term "health maintenance organization" for purposes of this act. The term "health maintenance organization" means an entity which has had an approved application for assistance under section 1304, or a public or private organization organized under State laws, which (1) provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician services, hospitalization, laboratory, X-ray, emergency and preventive service, and out-of-area coverage; (2) is compensated (except for copayment) for the provision of the basic health care services listed in paragraph (1) to enrolled participants on a predetermined periodic rate basis; and (3) provides physicians services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis). Provides that for purposes of section 1532(d), as added by section 148(c) above, a health maintenance organization means an entity determined by the Secretary to be a qualified health maintenance organization pursuant to section 1310(d) of the PHS Act.

Further provides that the term "medical underserved population" has the same meaning as such term has under section 330(b)(3) of the PHS Act.

Defines the term "rehabilitation facility" as follows: a facility operated for the primary purpose of providing rehabilitation services to handicapped individuals and providing singly or in combination one or more of the following services for handicapped individuals: (A) rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be described by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

Section 154. Amends section 1513(b)(2) (A) to clarify the phrase "healthful environment" by adding "(primary with regard to health care equipment and health services provided by health care institutions, health care facilities, and other providers of health care and other resources)".

Effective dates

Section 155. Provides that amendments made by this title will take effect on the date of enactment of this Act, except for the following: amendments made by section 104, 105(a), 105(b), 106, 107, 113, 114(a), 118, 119(c), 134(b), 135, 137(a), 137(b), 137(c), and 148(a) will take effect one year after the date of enactment and the amendments made by sections 143 and 148 take effect six months after enactment, except that on or that the date of enactment of this Act health systems agencies, State agencies, and SHCCs may make the organizational and related changes required and may act in accordance with the changes in their functions made by such amendments.

TITLE II—REVISION AND EXTENSION OF HEALTH RESOURCES DEVELOPMENT AUTHORITY

State medical facilities plan

Section 201. Amends section 1603(3) to require that the Governor as well as the SHCC approve the State medical facilities plan.

Authorization levels

Section 202. Amends section 1613 to provide that the Secretary may make funds appropriated for use in fiscal year 1976 under this section but not expended available through September 30, 1980, to carry out the purposes of section 1625(d) pertaining to special project grants for public hospitals with safety hazards or accreditation problems.

Section 203. Amends section 1622(e)(2) to authorize for appropriations such sums as may be necessary for fiscal year 1980, fiscal year 1981, and fiscal year 1982 for loans and loan guarantees.

Section 204. Amends section 1625(d) to authorize appropriations for grants for construction or modernization projects under section 1625 as follows: $75 million for fiscal year 1980, $100 million for fiscal year 1981, and $125 million for fiscal year 1982.

Section 205. Amends section 1640(d) to authorize appropriations for grants for area health services development funds under section 1640(a) as follows: $40 million for fiscal year 1979, $70 million for fiscal year 1980, and $130 million for fiscal year 1981.

Voluntary discontinuance of unneeded hospital services

Section 206. Amends title XVI to add at the end the following new part:

Part G—Program to Assist and Encourage the Voluntary Discontinuance of Unneeded Hospital Services

New section 1641. Provides that the Secretary will, by April 1, 1980, establish a program under which financial assistance and encouragement will be provided for the consolidation of duplicative hospital services and the discontinuance of unneeded hospital services.

Assistance under the program

New section 1642(a)(1). Permits any hospital in operation on the date of enactment of this part to apply for a debt payment and an incentive payment if it intends to discontinue providing inpatient health services, for an incentive payment if it intends to discontinue an identifiable unit of the hospital providing inpatient health services, or for a conversion payment if it intends to convert an identifiable part of the hospital into providing ambulatory care services, long-term care services, or any other services designated by the Secretary. In the case of conversion, the State agency which would have jurisdiction over such services must determine, after considering recommendations of the appropriate HSA, that such services are needed.

New section 1642(a)(2). Provides that the incentive payment authorized above may be used for (A) the planning, development (including the cost of construction and acquisition of equipment), and delivery of ambulatory care services, home health care services, long-term care services, or other services (designated by the Secretary) for the community served by the applicant for such payment, which services the State agency has determined are needed, after considering the recommendations of the appropriate HSA; (B) if the applicant has merged with another hospital, preparation of that hospital to serve patients of the closed hospital; (C) reasonable (as determined under guidelines prescribed by the Secretary) termination pay for personnel who lose employment because of discontinued inpatient services, or for retraining of such personnel, and assisting them in securing employment; or (D) any combination of these activities.

New section 1642(b). Provides that an application of a hospital for such assistance must include the following information:

Description of the service (or services) to be discontinued or the part of the hospital to be converted;

an evaluation of the impact of such change on the provision of health care in the health service area where the hospital is located;

if the services of a hospital unit or all hospital services are to be discontinued or converted, an estimate of the change in the applicant's revenues resulting from such change;

with respect to incentive payments for discontinuance of all hospital services, a description of the activities for which such payment is intended, the means with which (including any Federal financial assistance the applicant intends to apply for) and the manner in which the applicant will carry out such activities, the amount to be expended, and identification of the person (if it is not the applicant) responsible for making expenditures;

with respect to incentive payments for discontinuing identifiable hospital units, a description of the use the applicant will make of such payment;

an evaluation of the impact of such discontinuance or conversion on the employees of such hospital; and

such other information as the Secretary may by regulation require.

Provides that a hospital having an application under this subsection approved by the Secretary is entitled to receive the payments applied for.

New section 1642(c). Provides that the health systems agency for the health service area in which the applicant is located will determine the need for the service proposed to be discontinued or part of the hospital to be converted. The HSA will make a recommendation to the State agency respecting approval by the Secretary of such applicant's application. HSA determinations will be based on criteria developed pursuant to section 1532(c).

New section 1642(d). Provides that the State agency, after considering the HSA's recommendation under subsection (c) above, will make a recommendation to the Secretary regarding approval by the Secretary of such an application. A State agency recommendation will be based on the need for the service to be discontinued or part of the hospital to be converted, and other criteria the Secretary may by regulation prescribe, and will be accompanied by the HSA's recommendation with respect to approval of such application.

New section 1642(e). Directs the Secretary to consider recommendations of the State agency and HSA and prohibits him from approving an application which a State agency has recommended against.

New section 1642(f). Directs HSA's and State agencies, in considering the need for the services to be discontinued, to give special consideration to the unmet needs and existing access patterns of urban or rural poverty populations.

New section 1642(g). States that for purposes of this title, the term "hospital" means an institution (including a distinct part of an institution participating in the program established under title XVIII of the Social Security Act) which satisfies paragraph (1) and (7) of section 1861(e) of such act, but does not include a Federal hospital.

Amount of payments

New section 1643(a). Provides that the amount of a debt payment for discontinuance of all inpatient services is the sum of the lesser of (A) the total outstanding financial obligation attributable (as determined under regulation) to the acquisition of equipment and facilities of the hospital, or (B) the amount of unexpended depreciation attributable (as determined by regulation) to such equipment and facilities, less the fair market value (as defined by the Secretary) of the equipment and facilities, plus any other expenses (as defined by regulation) resulting from the financial obligation of the applicant being satisfied before due.

New section 1643(b). Provides that incentive payments to a hospital for discontinuance of all of its services would include an amount not in excess of the amount reported by the hospital under section 1642. If a hospital is discontinuing a unit, the incentive payment would equal an amount not in excess of 30 percent of the charges reported as attributable to that unit in the previous hospital accounting fiscal year pursuant to generally acceptable accounting principles prescribed by regulations of the Secretary.

New section 1643(c). Provides that conversion payments would equal 50 percent of the reasonable (as determined by criteria established in regulations) cost of the conversion approved in the application.

New section 1643(d). Provides that the debt, incentive, and conversion payment to which a hospital is entitled will be paid in a single payment.

New section 1643(e). Precludes the Secretary from making a payment under this section until the Secretary of Labor has certified that fair and equitable arrangements have been made to protect the interests of employees affected by the discontinuance of services against worsening of their positions with respect to their employment including but not limited to, arrangements to preserve the rights of employees under collective-bargaining agreements; continuation of collective-bargaining rights consistent with provisions of the National Labor Relations Act; reassignment of affected employees to other jobs; retraining programs; protecting pension, health benefits, and other fringe benefits of affected employees; and arranging adequate severance pay, if necessary. Procedure for certification by the Secretary of Labor shall conform to standards established by him by regulation.

New section 1643(f). Authorizes appropriations for payments under this part in the following amount: $50 million for fiscal year 1980, $100 million for fiscal year 1981, and $150 million for fiscal year 1982.

Study

New section 1644. Directs the Secretary to make a study of the first 25 applications approved under section 1642 to determine their effect on the elimination of unneeded hospital services. The Secretary will report the results of such study to the Congress together with his recommendations for any revisions in the program which he determines to be appropriate, including any revision in the authorization of appropriations for such program.

Effective date

Section 207. Provides that, except as provided in section 206, the amendments made by this title will take effect on the date of enactment.

TITLE III—MISCELLANEOUS AMENDMENTS

Section 301. Amends section 314 of the PHS Act by repealing subsections (a), (b), and (c).

Section 302. Repeals title IX in its entirety.

Section 303. Provides that the amendments made by this title will take effect on the date of enactment of this act.

● Mr. SCHWEIKER. Mr. President, I am today joining with Senator KENNEDY in introducing a bill to amend the Health Planning Act of 1974, Public Law 93–641. As ranking Republican of the Human Resources Committee and its Subcommittee on Health and Scientific Research, I am committed to an integral planning process whose strength lies at the State and local levels. I firmly believe that only through the joint participation of consumers, providers, and pertinent governmental agencies in the planning process can we begin to achieve quality health care at a reasonable cost.

As you know, Mr. President, the Senate passed a similar bill, S. 2410, last session. This bill updates and modifies that legislation. In developing these amendments, a bipartisan effort coalesced to address the problems we identified. We worked long and hard to insure that all those groups involved with or affected by the health planning process could express their views. We received over 300 responses to our letter containing questions on the effectiveness of the existing planning structure to meet local health needs.

In addition, we held extensive meetings with various interested groups. In February 1978, the Subcommittee on Health and Scientific Research held 3 days of hearings on this legislation. Testimony was received from legislators, the administration, providers, consumers, union leaders, government leaders, and planning professionals. Moreover, written statements from scores of additional witnesses were included in the record.

Several of the initial provisions of S. 2410 met with concern and even opposition. Amendments were introduced, debates were waged, and everyone's voice was heard before the final bill was passed. While the House failed to produce similar legislation, the efforts of the last session were not in vain. With minor modifications, we now have a set of amendments to the health planning law which have withstood the scrutiny of our Senate colleagues.

The amendments build upon and strengthen rather than tear down the planning mechanisms currently in place. We were mindful of the progress made in the original act's implementation and have done little to disrupt HSA operations. Nevertheless, substantial changes in the structure of the planning process are made.

First, we have rightfully reinforced the role of State government in controlling health planning. The Governor will have final veto power over the State health plan. He may also request changes in existing HSA boundaries. The State plan will not be bound by Federal guidelines nor will the Department of Health, Education, and Welfare have authority to approve the plan. Response to the Federal guidelines proposed in 1977 demonstrated that the public will not tolerate Federal control or intervention when it comes to planning local health needs.

Second, certificate of need decisions must conform to the State health plan. Planning, unless it is tied to certificate of need, is of little value. Periodic review of certificate of need decisions is established to monitor their progress. Moreover, several procedures and criteria have been stipulated to tighten the States' control. I am convinced these steps are essential to maintain the integrity of the planning process.

Third, a positive incentive toward realining our health care resources was added to the bill. For the first time HSA's will be asked to identify unneeded services and facilities. The act provides authorization for grant moneys to be made available to those institutions who agree to eliminate such facilities or convert inpatient services to ambulatory or long term care activities. The grant funds are intended to compensate for the costs involved in the terminations or conversions. I think it is important to note that this is a voluntary program which carries no authority to "condemn" property.

Fourth, I am pleased to note that the bill contains improved provisions to better integrate the health maintenance organization concept with the principles of health planning. These are a slightly modified version of the language approved by the Senate last session carefully tailored to meet certain objections we encountered in discussion with the House. Under existing law, HMO's are subject to certificate-to-need requirements for virtually all phases of their operation. The activities of fee-for-service providers, on the other hand, are seldom covered by CON laws. This situation has increasingly frustrated the growth of HMO's, despite the fact that their internal cost containment incentives ideally equip them to meet many of the problems the Planning Act was designed to solve, and despite a clear congressional policy to encourage the availability of HMO's to the American public. The bill's provisions would go a long way toward equalizing the treatment of HMO's and fee-for-service providers under the Planning Act. They represent the final step in full enactment of the legislative package introduced last year as the Schweiker-Kennedy Health Maintenance Act amendments of 1978.

There are other significant provisions in the legislation. Planning efforts for mental health, alcohol and drug abuse have been coordinated to avoid duplication. Criteria have been developed which assure representation and emphasize the particular health needs of rural and medically underserved areas on HSA's. Certificate-of-need requirements have been extended to medical equipment valued over $150,000. Acquisition of medical equipment by any health care institution is covered by this provision whereas equipment in a physician's office is subject only if used to provide services for inpatients of a hospital on a regular basis. A tougher provision passed the Senate last year covering all medical equipment over $150,000 regardless of location. The amended version in this bill I believe is a realistic approach which addresses itself to duplication of expensive medical equipment for inpatient services.

In summary, Mr. President, I believe the amendments contained in this bill move the integrity of the planning process well ahead and alleviate some of the glaring problems of the current system. Perhaps more importantly, the bill protects and enhances the principle of local planning. I think it is in the best interests of this country to give the planning process at the local level an opportunity to work. I urge my colleagues to join Senator Kennedy and me in supporting this important legislation.●

ADDITIONAL COSPONSORS

S. 32

At the request of Mr. Pressler, the Senator from Mississippi (Mr. Cochran), the Senator from Wyoming (Mr. Simpson), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 32, to modify the method of establishing quotas on the importation of certain meat, and for other purposes.

S. 52

At the request of Mr. Bentsen, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 52, the Regulatory Conflicts Elimination Act of 1979.

S. 53

At the request of Mr. Bentsen, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 53, the Independent Agencies Regulatory Improvements Act of 1979.

S. 54

At the request of Mr. Bentsen, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 54, the Regulatory Cost Reduction Act of 1979.

S. 55

At the request of Mr. Bentsen, the Senator from Wyoming (Mr. Wallop) was added as a cosponsor of S. 55, the Meat Import Act of 1979.

S. 79

At the request of Mr. Baker, on behalf of Mr. Helms, the Senator from Texas (Mr. Tower), the Senator from Michigan (Mr. Riegle), and the Senator from Montana (Mr. Melcher) were added as cosponsors of S. 79, a bill to restore the gasoline tax deduction.

S. 104

At the request of Mr. Schmitt, the Senator from Iowa (Mr. Jepsen) was added as a cosponsor of S. 104, the Regulatory Reduction and Congressional Control Act.

S. 210

At the request of Mr. Ribicoff, the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 210, a bill to establish a Department of Education.

S. 262

At the request of Mr. Ribicoff, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 262, the Reform of Federal Regulation Act of 1979.

S. 268

At the request of Mr. Durkin, the Senator from South Dakota (Mr. Pressler) was withdrawn as a cosponsor of S. 268, the Soft Drink Bottlers' Protection Act of 1978.

S. 414

At the request of Mr. Bayh, the Senator from Rhode Island (Mr. Cœafee) was added as a cosponsor of S. 414, the University and Small Business Patent Procedures Act.

S. 421

At the request of Mr. Talmadge, the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 421, to provide for demonstration projects for training and employment of recipients of benefits under programs of aid to families with dependent children, as homemakers and home health aides.

S. 505

At the request of Mr. Talmadge, the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 505, the medicare-medicaid administrative and reimbursement reform bill.

SENATE JOINT RESOLUTION 1

At the request of Mr. Bayh, the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of Senate Joint Resolution 1, to provide for the direct popular election of the President and Vice President of the United States.

SENATE RESOLUTION 49

At the request of Mr. Schmitt, the Senator from South Carolina (Mr. Thurmond) and the Senator from Alabama (Mr. Stewart) were added as cosponsors of Senate Resolution 49, a resolution to disapprove Amtrak route terminations.

SENATE RESOLUTION 78

At the request of Mr. Hatfield, the Senator from New Hampshire (Mr. Durkin), the Senator from New Mexico (Mr. Schmitt), and the Senator from Massachusetts (Mr. Tsongas) were added as cosponsors of Senate Resolution 78, with respect to the immediate need for energy preparedness in the United States, in light of world oil supplies and the situation in Iran.

SENATE RESOLUTION 89—SUBMISSION OF A RESOLUTION DESIGNATING THE HUGH SCOTT ROOM IN THE U.S. CAPITOL

Mr. HATFIELD submitted the following resolution, which was referred to the

Committee on Rules and Administration:

S. RES. 89

Resolved, that Room S-120 in the U.S. Capitol is designated as the Hugh Scott Room.

SENATE RESOLUTION 90—SUBMISSION OF A RESOLUTION RELATING TO THE NATIONAL SCHOOL LUNCH PROGRAM AND THE CHILD NUTRITION ACT OF 1966

Mr. McGOVERN (for himself and Mr. DOLE) submitted the following resolution, which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 90

Whereas the programs administered under the National School Lunch Act and the Child Nutrition Act of 1966 have grown steadily since their creation;

Whereas the programs administered under the National School Lunch Act and the Child Nutrition Act of 1966 have never been comprehensively studied and assessed;

Whereas there has been insufficient evaluation of the programs success in meeting their statutorily established goals;

Whereas there are limited national data upon which to project the potential consequences of modifications in the programs administered under these Acts;

Whereas the General Accounting Office has, on several occasions, recommended the development of an adequate analytical capability at the Department of Agriculture to evaluate the child nutrition programs;

Whereas the President has proposed significant reductions and redistributions in his budget request for these programs for fiscal year 1980 that would require legislation; and

Whereas the General Accounting Office after months of analysis testified before the Committee on Agriculture, Nutrition, and Forestry on February 27, 1979, that "The Department had little convincing evidence to support their proposed modifications in the school lunch program": Now, therefore, be it

Resolved, That the Secretary of Agriculture is hereby requested to conduct a study of the programs administered under the National School Lunch Act and the Child Nutrition Act of 1966. The study is to include, but not be limited to, consideration and assessment of (1) program costs, including procedures to implement uniform accounting methods for full cost accounting; (2) actions necessary to develop a national survey data base on these programs suitable for making projections of program participation and cost through simulation or other techniques; (3) the composition and income of families participating in the programs; (4) the effect of program participation, by income category, on the participants' nutrient intake and health; (5) whether the existing levels of program benefits are appropriate for the participants' needs; (6) whether the statements of policy contained in the National School Lunch Act and the Child Nutrition Act of 1966 should be modified; (7) the feasibility of using the school lunch room as a nutrition education classroom; (8) the contribution of the programs to the agricultural economy, including commodity by commodity and regional analyses; (9) the options for dissemination of information on successful school food service operating procedures; and (10) the need for legislative changes on the items specified for consideration herein.

SEC. 2. The Secretary is requested to report on the progress of the study to Congress by January 31, 1980, and submit a final report to Congress by March 21, 1981.

SEC. 3. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

AMENDMENTS SUBMITTED FOR PRINTING

TAIWAN ENABLING ACT—S. 245

AMENDMENTS NOS. 72 THROUGH 78

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted seven amendments intended to be proposed by him to S. 245, a bill to promote the foreign policy of the United States through the maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes.

NOTICES OF HEARINGS

INITIATIVES TO REDUCE U.S. DEPENDENCE ON IMPORTED OIL

● Mr. JACKSON. Mr. President, on Monday, March 12, 1979, the Committee on Energy and Natural Resources will hold a hearing on possible initiatives to reduce U.S. dependence on imported oil. The committee's letter of invitation to the Secretary of Energy indicates several measures to reduce energy consumption and increase energy supply which will be analyzed. I ask unanimous consent that a copy of this letter be included in the RECORD at the conclusion of my remarks. Note that the time and place of the hearing has been changed from that indicated in the letter. The hearing is now scheduled for 9:30 a.m. in room 318 of the Russell Senate Office Building.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C. March 2, 1979.

Hon. JAMES R. SCHLESINGER,
Secretary, Department of Energy,
Washington, D.C.

DEAR MR. SECRETARY: On Monday, March 12, the Committee on Energy and Natural Resources will hold a hearing to discuss possible initiatives to reduce the dependence of the United States on imported oil. This hearing will begin at 10:00 a.m. in Room 3110 of the Dirksen Senate Office Building.

The purpose of this hearing is to provide an overview of the potential for increased domestic production of oil and alternate fuels, substitution of alternative fuels for petroleum in existing uses, and energy conservation in the near term as well as the prospects for additional measures to reduce our oil import dependence over longer time periods. At the hearing we would like you to present

(1) your estimates of the magnitude of energy supply increases or demand reductions, and the lead time associated with specific initiatives;

(2) identify any institutional or other obstacles to the realization of increased energy supply security; and

(3) indicate your recommendation as to the priority to be assigned actions which could be taken to accomplish early reductions in oil import dependence.

Attached is a list of measures which your testimony should discuss. Please feel free to include discussion of any additional measures you think appropriate. You will note this list omits nuclear energy initiatives. This has been done because the Committee assumes that the administration will submit legislation addressing Federal policy for nuclear energy.

In accordance with the standing rules of the Committee, it is requested that you provide the Committee staff with at least 10 advance copies of your remarks by close of business Friday, March 9, and 100 copies at the time of your appearance. Questions about this hearing should be addressed to D. Michael Harvey, Chief Counsel to the Committee, at 224-0611.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

MEASURES

NEAR TERM

Substitution of natural gas for oil;

Substitution of coal for oil;

Variances for use of higher sulfur fuel oil;

Wheeling of electric power based on coal, hydro or nuclear to regions where electricity is produced by burning oil;

Mandatory energy conservation;

Use of MMT in leaded gasoline;

Deferral of planned phasedown in the lead content of gasoline;

Production of crude oil from Federal leases at the maximum efficient rate of production or at the temporary emergency production rate (as defined in sec. 106 of P.L. 94-163);

Diversion of crude oil shipments designed for the Strategic Petroleum Reserve;

Pumping of oil stored in the Strategic Petroleum Reserve;

Shipment of Alaska and/or California crude oil on foreign flag VLCC tankers to Caribbean refineries for ultimate use on the U.S. East Coast;

Swaps of Alaska and/or California crude oil with Mexico or Japan;

Demonstration of short term energy conservation in Federal facilities and reduction in transportation use by Federal employees;

Accelerated weatherization of residences.

OTHER

Increased crude oil production from the Alaska North Slope;

Increased crude oil production from the Naval Petroleum Reserves;

New price incentives for marginal wells, oil from tertiary recovery and newly discovered oil;

Gasoline decontrol;

Substitution of gasohol;

Increased imports of natural gas and crude oil from Canada and/or Mexico;

Additional subsidies for energy conservation and use of solar heating and cooling in residential and commercial buildings;

Demonstration of solar energy and energy conservation in Federal buildings;

Accelerated leasing on the Outer Continental Shelf and other Federal lands;

Development of Naval Petroleum Reserve-4 in Alaska;

Demonstration of oil shale, coal liquefaction and solvent refined coal technologies;

Expedited energy production and transportation facilities siting at Federal, State and local levels;

Bio-gas from existing sources of urban, municipal, and agricultural waste.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services may meet during the session of the Senate on Wednesday, March 7, beginning at 2 p.m. to hold a hearing on fiscal year 1979, Department of Defense supplemental military authorization request. This has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. ROBERT C. BYRD. Mr. President, I have two other unanimous-consent requests that have been cleared on both sides of the aisle.

I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate today to consider Amtrak authorization and route restructuring legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS AND RECREATION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Parks and Recreation Subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to consider the National Park Service proposal to increase entrance and visitor fees in fiscal year 1980.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. GLENN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate today to consider the Bureau of Indian Affairs budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. TALMADGE. Mr. President, I wish to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet Wednesday, March 7, at 10 a.m. for its regular committee business meeting in room 324, Russell.

The committee agenda will include consideration of the nomination of Dale Ernest Hathaway to be Under Secretary of Agriculture for International Affairs and Commodity Programs. This is a new position created by Public Law 95-501, the Agricultural Trade Act of 1978, to emphasize the significance of increasing American agricultural exports. Mr. Hathaway has been serving as Assistant Secretary of Agriculture for International Affairs and Commodity Programs since April 6, 1977, and with the passage of Public Law 95-501 his position has been upgraded.

The committee will also consider pending business.

Anyone wishing to submit testimony on Mr. Hathaway's nomination should contact Denise Alexander, committtee hearing clerk, at 224-0014.●

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY

● Mr. METZENBAUM. Mr. President, the Judiciary Subcommittee on Antitrust and Monopoly will hold 2 days of hearings to investigate the debit insurance industry. The hearings are scheduled for March 12 and March 16, 1979, and will begin at 9:30 a.m. in room 2228, Dirksen Senate Office Building on both days.●

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT HEARING POSTPONEMENT AND CHANGE

● Mr. CRANSTON. Mr. President, the hearing on domestic violence that was scheduled by the Subcommittee on Child and Human Development for Wednesday, March 7, has been postponed until further notice. On that date, however, the subcommittee will continue hearings on the ACTION Agency reauthorization (S. 239 and S. 374) in room 4232, Dirksen, beginning at 9:30 a.m.●

ADDITIONAL STATEMENTS

THE SMALL FARMER IN AMERICA

● Mr. CULVER. Mr. President, for too long we have heard pessimists forecasting the demise of the small farmer. Now things are looking up for the two-thirds of American farmers classified as small, meaning that they sell less than $20,000 worth of agricultural products per year. Among other developments, the U.S. Department of Agriculture has made help to the small farmer one of its top 1979 priorities.

An editorial from a recent issue of Agricultural Research magazine describes some steps being taken to meet the needs of the small farmer and protect him from the ravages of developers, high costs, low market prices, and other hazards. Technology is also being developed specifically for the special conditions affecting small agricultural operations, many of which are carried out by retirees, 40 hours-per-week jobholders, the otherwise unemployed, handicapped, and home gardeners.

This past summer a total of more than 400 farmers and spouses served as delegates to five regional small farm conferences sponsored by USDA, the Community Services Administration, and ACTION. Among topics discussed at the workshops were access to capital and credit, marketing, production and management, land and water, additional income, farm family living, and alternate energy sources. Following the conference, priority decisions were reached based on concerns voiced at the meetings.

The Agricultural Research editorial summarizes the small farmer's position in America and I ask that it be printed in the Record.

The editorial follows:

An Endangered Species?

(By Robert W. Deimel)

Once the mainstay of American economic, social and family life, the small farmer today occupies a space on a precipice. He stands between a proud heritage and his own uncertain future—an oracle demanding big farms, big machinery, and big production to feed an insatiable country and world.

The number of American farms had remained approximately stable between 1900 and 1940—about 6.4 million. Since 1940, that number has dwindled to 2.7 million. Within the agricultural sector, large operations have come to assume consistently greater importance. In 1950, 103,000 of the largest farms produced 26 percent of this counrty's agricultural production. Today, the largest 155,000 operations produce nearly 60 percent of our total agricultural sales.

About two-thirds of the farmers in America are classified as small; that is, they sell less than $20,000 worth of agricultural products per year. Collectively, these farmers control 31 percent of all farm assets, and they use those assets to produce about 11 percent of the nation's farm output.

The needs of the small farmer are different from those of the larger producers; to recognize and then to serve those needs requires a sensitivity to the differences in methods of management, availability of resources and other parameters within which the small farmer must operate. This magazine has reported, within the last year, research which can specifically help the small farmer. For example; a low-cost pecan harvester for small orchards; a new variety of blueberry specifically suited to small acreages and pick-your-own operations; a new, disease-resistant tomato; and a new, dwarf apple tree which requires less pesticides than a normal size tree. These developments are all especially applicable to the small operator. Pilot extension programs (in which paraprofessionals work with small farmers) in several states are reaching these people with research information in production, management and marketing.

But far more significant than these fruits of SEA's research and extension activity is the renewed commitment this Department has made to the small farmer. Over the last three months, USDA officials have been meeting with small farmers from every state in an effort to develop proposals for programs to aid the small operator.

Is the American small farmer an endangered species? Hardly. At a time when no one is entirely independent, he is the most nearly autonomous representative of American agriculture. Perhaps the self-sufficiency of the original farmers who comprised much of this country two centuries ago exists in some farmers today. And, given the vicissitudes inherent in a changing society, that same desire for self-determination is a part of the most nearly independent of these, America's small farmer.●

EXPLOSIVES TAGGING PROGRAM VITAL TO ANTITERRORISM

● Mr. JAVITS. Mr. President, Senator Ribicoff and I recently reintroduced S. 333, a bill to combat the serious problem of international and domestic terrorism. On February 8, Senator Durkin, joined by seven colleagues, entered a statement in the Record supporting the bill, but expressing strong opposition to one of its provisions, requiring the tagging of black and smokeless powders.

I welcome their support of the bill, but wish to set the record straight on the issue of tagging black and smokeless powder. The concept and purpose of tagging is straightforward. The bill would authorize the Secretary of Treasury to require each manufacturer of explosive materials—including black and smokeless powder—to utilize a tracer element in his product which can be used to identify explosives after detonation (identification taggant). In the event of a terrorist incident, the identification taggant would enable law enforcement authorities to trace the distribution chain of any explosive used in the incident, thus providing valuable assistance in apprehending those responsible. It also would require the insertion of taggants which would allow the presence of explosives to be detected prior to detonation (detection tagging).

In his statement, Senator DURKIN makes the following arguments aimed at exempting black and smokeless powders from the tagging requirements:

First. Tagging represents a regulatory burden on gun owners who use black and smokeless powder.

Second. Tagging will have little impact on law enforcement, while requiring complex recordkeeping.

Third. The technology for tagging is inadequate.

Fourth. Tagging will significantly raise the cost of black and smokeless powder.

Mr. President, these points are not valid objections for the following reasons.

1. REGULATORY BURDEN ON GUN OWNERS

To the extent that tagging may pose a regulatory burden, it would be on the manufacturers of black and smokeless powder—not the consumers. Currently, licensed manufacturers, distributors, and dealers are required to keep records for 2 years on all ammunition, including smokeless powders they manufacture, distribute or receive for sale. Only minor modifications to existing recordkeeping would be required to accomplish the objectives of the tagging program.

Manufacturers of explosives, or any other product that is potentially hazardous, must act in a socially responsible manner. I see nothing wrong with requiring those who profit from the sale of explosives to take reasonable steps to minimize the dangers from the product.

As to gun owners and others who might purchase black and smokeless powders, however, the bill imposes no burdens. Not one extra form need be filled out, and not one extra procedure need be complied with. But, should any black and smokeless powder be used in a terrorist incident, the law enforcement authorities will have a powerful investigating tool at their disposal.

2. IMPACT ON LAW ENFORCEMENT

Tagging black and smokeless powders will have a real effect on law enforcement. Even the de minimus recordkeeping requirements that would be necessary to implement a tagging program might not be justifiable if there were no demonstrable law enforcement benefit from such a program. But a review of the available statistics clearly demonstrates that tagging of black and smokeless powders has the potential of becoming a critical element of any effort to reduce terrorist bombings.

Black and smokeless powders account for approximately 1 percent of the total explosives manufactured in the United States. Yet, in the years 1975-77 black and smokeless powders were used in 21 to 26 percent of all criminal bombing incidents, and were responsible for 18.8 percent of the casualties and 19.3 percent of the fatalities from these incidents. These casualty and fatality figures, which are so much greater than the relatively small supply of black and smokeless powders would lead one to expect, clearly indicate that these substances are critical to a tagging program. Further, it is not unreasonable to expect that if they were exempted from a tagging program terrorist bombers would shift from other types of tagged explosives to the easily available black and smokeless powders.

TECHNOLOGY

A word needs to be said about the safety of a tagging program. Obviously, no tagging program should go forward if it endangers law abiding users of black and smokeless powders. But there is no reason to expect that tagging will harm either the user or his equipment. Thus, suitable indentification taggants for black and smokeless powders have already been established. In the case of black powders, tests are essentially completed.

These tests establish conclusively that no manufacturing or environmental problems result from tagging, nor does the inclusion of a taggant make the slightest difference in the way the guns using tagged powders, function. In the case of smokeless powders, contracts for similar tests have been entered into, and I would expect results to be the same.

In the case of detection taggants, more work is underway. But we should provide the Secretary of the Treasury now with the authority to develop and implement a program of detection taggants when they become available, so that delay will be minimized. It should be noted that a provision of S. 333, section 303(t), requires the Secretary to take into account the availability and environmental and safety effects of taggants before implementing a tagging program.

Finally, much has been made of the alleged cost of a tagging program, and the resulting inflationary impact. The figures I have seen on identification tagging, however, lead to just the opposite conclusion—that identification tagging is very cost effective. In March 1978, a report prepared for the Department of the Treasury estimated the total annual cost of placing an identification taggant in black and smokeless powders at $500,000. Even if this figure were assumed to be conservative, it does not take a sophisticated cost-benefit analysis to establish that the taxpayer will be better off with a tagging program than without one when one examines the costs associated with bombing incidents. For example, the FBI and New York City Police have spent more than 1,000,000 manhours investigating the infamous Laguardia Airport bombing, which cost 11 lives, and have yet to determine what kind of explosive was used, who made it, or who sold it. Tagging could make much of this information instantly available.

One incident like the LaGuardia bombing, and the program more than pays for itself.

Further, there is nothing more valuable and priceless than a human life. If tagging black and smokeless powders costs $500,000 but saves the live of even one innocent bystander, then it is worth every penny. If a potential terrorist knows there is a strong possibility his black or smokeless powder bomb could be traced back to him via explosives taggants, then we will go far to prevent senseless terrorist destruction and slaughter.

Mr. President, opponents of this measure have sought to label it as a "gun control" provision. It is in no sense such a provision. It does not restrict the availability of weapons, nor does it reduce the availability of black and smokeless powders. Its effect on the law-abiding user of black and smokeless powders is nil.

What this provision does accomplish, however, is crucial. It provides a tool to apprehend terrorists who use any explosive in bombing incidents. Since black and smokeless powders are used in such a significant percentage of bombing incidents, its deletion from the tagging program would undermine efforts to bring terrorist bombings under control. In fact, it is unusual to find any piece of legislation where the benefits so clearly outweigh the costs as they do here. I urge my colleagues to support me in keeping this important provision in the bill.●

TWISTED HISTORY

● Mr. McGOVERN. Mr. President, after the last Congress had adjourned, the December issue of the Churchman magazine published a very interesting article reporting on remarks by former Army Chief of Staff William C. Westmoreland. The article was written by Prof. John Fried, an authority on the legal aspects of our involvement in Vietnam. He examined remarks made by General Westmoreland at the Humanist Society of Metropolitan New York.

I was particularly interested in Professor Fried's systematic dismantling of General Westmoreland's rather absurd conclusions regarding the Christmas bombing of Vietnam in December of 1972. In one of the wildest leaps of historical misinterpretation I have ever seen, General Westmoreland alleged that the bombing caused Hanoi—at last—to begin negotiating seriously. The truth is that the bombing gained nothing, that it was conducted as a last stop to President Thieu of South Vietnam, and that its one accomplishment was to increase the amount of reconstruction aid that President Nixon was obliged to promise in order to compensate for the additional damage.

I have long been concerned about the fact that we have been so anxious to put this painful experience behind us that we have tended to ignore the lessons it has to teach us. That concern is especially acute now, when even normally rational voices have been suggesting that a spasm of violence would somehow repair our prestige in the world. Therefore, I commend Professor Fried's article to the attention of my colleagues, and I ask that it be printed in the RECORD.

The article follows:

REWRITING THE VIETNAM WAR

(By John H. E. Fried)

After a period of "forgetting" Vietnam, various signs indicate a new debate about the war and its lessons. Recently, a leading revisionist, William C. Westmoreland, 1968–1972 Army Chief of Staff and from April 1964 to

March 1968 our Field Commander in Saigon, under whom U.S. forces peaked to 549,000, presented his interpretation of the meaning of Vietnam to the Humanist Society of Metropolitan New York (a chapter of the American Humanist Association). These views, he underlined, were based on "considerable introspection by the military." His talk was reproduced in edited form in the October 1978 issue of *The Retired Officer Magazine* (circulation 250,000).

"Some day, but not soon," the retired four-star general began, "history will put that tragic affair into proper perspective. Those of us who fought there were in the main proud to have fought for what we believed was the principle of freedom . . . but our honorable country betrayed and deserted that little country, after we had enticed it to our bosom: a shabby performance for America, a blemish on our history, a possible blot on our future. Our international credibility has been damaged . . . there are lessons to be learned."

Our "post-World War II concern for unchecked Communist movement into insecure and unstable areas around the world" led, he explained, from the Truman doctrine to Kennedy's famous inaugural. And Kennedy "greatly increased our military effort with advisers and Green Berets and American-manned helicopters and fighter aircraft."

But then, he said, Johnson missed an ample opportunity to extricate us from the still semi-covert war. After Diem's overthrow, "political chaos prevailed in South Vietnam for over two years . . . We could in my opinion have justifiably withdrawn our support at that time [late 1963 into 1966] in view of a demonstrated lack of leadership and unity in South Vietnam."

Instead, Johnson "expanded our military efforts to avoid inevitable defeat," into overt war. However—Westmoreland's leitmotif—thereupon "the war was controlled by a 'no-win' policy" to accommodate a "misguided minority opposition . . . masterfully manipulated by Hanoi and Moscow." Thus, it came about that "smokescreens were thrown up weekly by partisan politicians, intellectuals, the media and crusading groups"; "cliches such as 'illegal war' and 'immoral war' were spread; and draft resisters and anti-war demonstrators showed 'unconscionable conduct'." All this "unwittingly encouraged the enemy to hang on," until he would "win the war politically in Washington."

Particularly after the January 1968 Tet offensive (which, he indignantly insisted, the media distorted) there was a "lack of resolve, of understanding of warfare, a blissful ignorance of the language the Communist understand." The proof was that "in late 1972" when "B–52's with so-called 'smart bombs' were used for the first time in North Vietnam" (the Christmas bombings of Hanoi and Haiphong) Hanoi's delegates "came to the conference table and actually wept" and "for the first time in 1973 negotiated seriously." Before that, the conference "sat in Paris for over four years and decided one thing, and one thing only: the size of the conference table!"

He concluded with some broad statements:

"First, we over-extended ourselves in the post-World War II period, economically, militarily, psychologically and politically. A day of reckoning was inevitable."

"Our policy-makers should have perceived the problems involved in trying to impose our political and economic concepts on an alien society," which society should have been "systematically studied beforehand."

"We must be leery of undeclared wars."

"If we go to war . . . we need heed the old Oriental saying, 'It takes the full strength of a tiger to kill a rabbit' and use appropriate force to bring the war to a timely end." (In his memoirs, A Soldier Reports, Westmoreland is more concrete: During the great Khe Sanh battle he commanded in early 1968, "and even more so now" (writing in 1976), he though it "a mistake" not to consider the use or even threat of "a few small tactical nuclear weapons" although "no one could say so with certainty" that it would have ended the war quickly.)

When in the debate, veteran war-protester Roger Baldwin exclaimed, "I don't buy this line. We had agitators and dissenters in every war since Washington's time!", Westmoreland replied, "You are known as a wise man, and deservedly so. I agree with you."

Westmoreland's analysis contains unbridgable contradictions which is charactertistic of an influential school of thought. But it admits that we established ourselves in that area uninvited ("We chose Vietnam. They did not choose us!"); that the purpose of our 20-year intervention was to impose our ideology on a faraway people, of whom we knew nothing; that the war was undeclared; that we should at least have quit after a decade when our Diem client regime (cynically called "fascistic" by CIA expert General Lansdale who helped in setting it up) had bequeathed only chaos; that the war was unwinable as our global over-extension was bound to come to an end. If all this is true (plus the omitted cardinal fact that we broke our pledge not to disturb by force the 1954 Geneva Agreement) would it have been proper for any country through such methods as search-and-destroy actions, napalm, chemical defoliation, Phoenix program, uprooting of millions of peasants, and automatic battlefield techniques, to impose its own ideology abroad?

Westmoreland's clinching argument is that, just as the Christmas bombings ended four years of frivolity in Paris, "we could have put that type of pressure on Hanoi after we defeated them in the Tet offensive and the enemy would then [1968] have been forced to negotiate on our terms, and thousands of lives could have been saved."

The reasoning, possibly seductive to the uninitiated, is faulty on several grounds. (1) If Le Duc Tho wept over the unprecedented Christmas bombings, so did the world; but it is untrue that they made him negotiate seriously only in 1973. They left virtually unchanged the agreement arrived at in October. (2) The protraction of the talks until then was due, first, to our absurd insistence to exclude from them Saigon's rival regime, the PRG, although it held large parts of the South, and Saigon/PRG settlement was the central issue; and our refusal to replace Thieu by anybody else, although he had vowed never to stop fighting the PRG, regardless of any settlement. (3) Westmoreland is not sure that even nuclear weapons would have worked. (4) Above all, the proposition still hides the war's crowning tragedy that even long before 1965, when President Johnson put our war dead at "some 400," we could have had a treaty essentially similar to that of 1973. In the early 1960's, the NLF and Hanoi announced their readiness to accept our principal war aim: a separate South Vietnam state (with reunification indefinitely postponed) under a Saigon/NLF coalition regime. We sacrificed most of 55,000 war dead and $150 billion in war costs to maintain a Thieu or Thieu-type client regime in parts of the South.

An analogous hidden secret answers Westmoreland's charge that we finally allowed those areas to be "gobbed up" by the North because the U.S. Senate's "instrument of surrender" refused funds for resumption of combat activities by U.S. military forces in the area two years after the cease-fire. The regret is that we did not open a new Vietnam war—which might still go on? Even when our man Thieu's forces crumbled under the final counter-offensive to Thieu's "bloody war in violation of the Paris accords" (Senator McGovern's words), the PRG and Hanoi, through French Premier Chirac, again offered, and Washington again rejected, a separate South Vietnam state. (For details, see Saigon CIA man Frank Shepp's book *Decent Interval*.)

General Westmoreland underlined his conclusion that lessons must be drawn. Hence his assertion that Vietnam is "a blot on our future" and damages our "credibility" in the world bodes ill.●

ECONOMIC POLICY: CONFUSING DEMANDS WITH REALITY

● Mr. GARN. Mr. President, there has been a lot of discussion in the press recently about the lack of U.S. foreign policy. With many actions that the administration does take turning out counterproductive, perhaps inaction may not be all bad. Some policies are worse than nothing.

Unfortunately, Mr. President, U.S. economic policy has taken a similar pattern. The practice of trying to be all things to all people has resulted in economic policies that seek all things for everyone, but which are likely to produce nothing for anyone, except greater economic hardship. On the one hand, the President declares inflation the greatest domestic problem, while on the other hand the administration proposes a Federal budget with a $29 billion deficit and calls it "austerity." Words just do not mean what they used to. I still have difficulty understanding the concept of "voluntary controls."

I hope, Mr. President, that my colleagues mean what they say when they so firmly announce themselves opposed to wage-price controls. Former Labor Secretary and Director of the Cost of Living Council, John Dunlop, had some experience with wage-price controls. This is what he wrote in the latest issue of Regulation magazine:

> With nine years of experience administering wage and price controls in the United States, I am simply not an advocate.

This is what I hear said all over town. I hear it from the White House; I hear it in the Congress. Wisdom would suggest that we learn our past lessons without having to repeat them.

What makes me doubtful, Mr. President, is that I have learned a few things as a Senator. I have learned that there are campaign speeches and that there are actions once in office, and that the two do not always coincide. I have learned that it is difficult for many legislators to resist putting their hands into the Federal purse and rewarding their constituents for their wisdom in putting them in office. I have learned that a Federal debt ceiling is something that the Congress raises whenever it is about to mean anything. I have learned that it is much easier to legislate dreams than to deal with the problems of economic reality. That is why I am doubtful, Mr. President, of the willingness of the Congress to apply meaningful fiscal restraint. To quote from former Secretary Dunlop again, I agree with him that—

> No one confuses demands with reality to

the extent that politicians do in the economic arena.

Mr. President, I have not just spoken about governmental restraint, but I have exercised my vote as a U.S. Senator in the sometimes successful effort to bring about that restraint. I challenge all who were elected on such a platform to carry out their mandate.

Mr. President, I ask that the article by John Dunlop be printed in the Record, and I commend it to my colleagues.

The article follows:

New Approaches To Economic Policy

(By John T. Dunlop)

It was the best of times. From 1900 to the 1970s there was unprecedented economic growth and unprecedented improvement in the living standards of the common man in advanced democratic countries. Real wages were increased three to five times, weekly hours of work were reduced by 25 to 35 percent, and life expectancy went up sharply. Average years spent in education grew substantially. These countries became welfare states offering a spectrum of public and private policies designed to protect workers, employees, and citizens from the risks of illness, retirement, accidents, disabilities, and involuntary idleness, and to facilitate access to housing, education, and training. Collective bargaining and worker participation in the decisions of the work place grew to major importance.

Then suddenly, in comparison, it seemed the worst of times. The advanced democratic societies confronted markedly higher energy costs, adverse impacts from the insistent aspirations of developing countries, conflicts and incongruities among their economic plans, slow growth, and continuing inflation and unemployment. In the eight years from 1970 to 1977 consumer prices in the United States rose at 6.5 percent per year and unemployment averaged 6.3 percent. The fact that real hourly earnings in the private sector had not recovered by 1977 to the 1973 levels created doubt that the economy or economic policy-makers could ever again produce a doubling of living standards every generation.

Perhaps the experience of the 1970s—this climateric, watershed, or aberration as you like—has its roots in the premise that economic policy is somehow capable of determining and, by its own will, producing desirable results with regard to growth, unemployment, and inflation. In any event, the premises of government's role in economic policy require brief comment.

POLITICS, POLICY, AND GOVERNMENT PENETRATION

A prime role of the political process is to aritculate the common aspirations of the people. This function is not to be demeaned by technicians or administrators, but neither are the aspirations to be confused with reality or with the possible. In collective bargaining, the parties each develop their bargaining proposals or dream books, but in mature relations no one confuses demands with reality to the extent that politicians do in the economic arena.

Economic policy has been historically conceived in the main as concentrated upon fiscal and monetary measures. Economic growth, unemployment, and inflation have been assumed to be shaped through these classical policy instruments, while the rest of the economy has been assumed to be dominated by private decisions adapted to the general economic environment shaped by general government policies.

The economy of the 1970s, however, has been characterized by significant growth in direct government involvement in individual markets and in the decisions of enterprises and groups. The detailed involvement of public agencies in pricing (as in agriculture, in public utilities, and through incomes policies), the vast expansion of regulation in the areas of health, safety, pensions, environment, standards of service, and discrimination, the detailed negotiations of international trade arrangements, and the regulation of wages and working conditions now far exceed previous experience. Given this unparlleled expansion in the scope and detail of government penetration into private decisions, including collective bargaining, previous assumptions about government and economic policy are probably no longer valid.

At least two features of this new penetration, at any rate in the United States, deserve attention. First, there have come to be so many new political and legal centers of decision-making, uncoordinated by the market or by a central political force, that they have created vast uncertainties that private parties have been unable to comprehend or incorporate into viable plans. Consider the state of legislation, regulation, and litigation relating to energy or to the environment, and it becomes clear that the uncertainty of private decisions has been enormously increased. Second, the deep penetration of government regulation introduces a short-term perspective, reflecting the tendency for political considerations to change frequently and for government policy officials to have a short tenure in office.

Since government economic policies today (beyond general fiscal and monetary measures) include a host of specific measures and regulations, without central direction, the notion that government is a single or coordinated decisionmaker defies reality, at least in the United States. The result is a new, strange, and often hostile economic environment for growth, employment, and price stability.

The traditional tools of macroeconomic analysis do not suit a world of pervasive and penetrating government. When product and labor markets already reflect governmental interventions, they do not readily respond to general fiscal and monetary policies. Indeed, the whole complex of internal and external governmental interventions so complicates analysis that prediction of the consequences of general policies becomes hazardous, and the general economist, whether attached to the Treasury, a central bank, or an economic planning agency, becomes less useful.

NEW APPROACHES TO ECONOMIC POLICY-MAKING

The approach of the last generation has been dominated by aggregate technical economic concepts—among them the Philips curve and Okun's law. But in the 1970s aggregate quantities and relationships have often proved misguided, if not treacherously misleading.

To put it briefly, economic policy-making would do well to adopt an approach characterized by five somewhat neglected elements. This approach should supplement, not displace, appropriate fiscal and monetary policy.[*]

(1) Analysis needs to be sectoral as well as aggregative. Agriculture, energy, housing, industrial goods, and health services, for instance, must be understood not only separately but in their reactions upon other sectors. The elements of wage and benefit setting, price determination in various sectors, and the consequences of direct governmental regulations and tax measure must be incorporated in the analysis.

(2) The approach must be institutional as well as analytical. To prescribe regarding wages without an understanding of collective bargaining and the policy-making processes of large nonunion enterprises and all small businesses is to invite wide errors, unreality, and unnecessary hostility.

(3) The approach must be political, to a degree, as well as economic—"political" in the sense of being grounded in the art of the possible, and particularly the possible consensus among large elements of the relevant groups. This is not to rule out an occasional good fight but to emphasize that the political process can tolerate relatively few serious contests.

(4) The approach must involve both domestic concerns and, as never before, an international perspective. Inflation in some major elements has been a worldwide phenomenon; economic growth in many countries is significantly affected by the domestic and trade policies of trading partners.

(5) There must be less resort to direction ("command and control") and regulation and more to consensus building and persuasion. Consensus building requires not merely broad general public support but participation and de facto acceptance by major interest groups—including large and small businesses, labor, and others. The politics of the electoral process (including television) may yield vote pluralities but only consensus building with major groups can produce the capacity to govern in the field of economic policy.

POLICY AND PROGRAM AREAS

There is an enormous world of studies, reports, and pronouncements on the subject of growth, unemployment, and inflation in our times. My present purpose is to give a view on these issues which reflects my experience, without being unduly concerned as to the general acceptabliity of these judgments.

Inflation is not just a single malady with a single treatment. Each period of rising prices and wages in the postwar world has been quite distinctive. In 1946–48, there was a pent-up surfeit of liquid assets searching for scarce goods in the aftermath of war. In 1950–51, there was a sudden change of price expectations in world primary markets as a consequence of the sudden onset of the Korean War. In the late 1950s, there were cost pressures arising from large wage settlements that carried over to periods of soft demand and higher agricultural prices. In the late 1960s, there was insufficiently tight fiscal policy in the face of large expenditures associated with the Vietnam War. In 1972–73, there was a variety of factors including agricultural developments, monetary policy, the oil embargo, and the dollar devaluation. The basic point is that policy must recognize the special features of each period of inflation. A single prescription is not likely to be appropriate.

There are important structural respects in which the economy has now entered a period of greater inflationary pressures. It has been recognized for some years that money compensation always moves upward in the modern society, the social costs of downward adjustments being too great. But it has not so clearly been recognized that periodic bursts of inflation in agricultural prices, housing costs, and local taxes get more and more "baked in" with higher property values rather than being generally reversible. Lower rates of productivity (arising from a variety of factors including changes in the composition of the labor force), social charges for environmental and other concerns, higher energy prices, and low capital formation all contribute to compensation increases being translated into higher prices.

I agree that governments should regularly discuss basic issues (the course of prices and wages, unemployment, economic growth, and appropriate policies) with the organizations representing business and labor—though I have difficulty with the 1977 statement of the OECD committee of experts that links the discussions with a target or guideline for wages and prices, which I oppose. But whatever that maligned term "incomes policy" may mean in the United States, there appears little likelihood—in the absence of a genuine emergency—of policy agreement among labor, management, and government in the foreseeable future. Moreover, if incomes policies simply try to reduce wages or price increases, leaving everything else the same, little if anything can be accomplished. The successful voluntary programs are those that induce changes in the underlying factors, something that requires consensus.

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[*] As George P. Shultz has noted. "The great vice of wage and price controls is not so much that they work poorly or that they are an inappropriate response to inflation as it actually occurs in our economy, but rather that they induce government to relax monetary and fiscal policy" (in George P. Shultz and Kenneth W. Dam, *Economic Policy beyond the Headlines*).

In the United States, formal government controls with a tripartite board are a more likely course of development than the sort of structural changes that would be required in the national levels of labor and management organizations to make an incomes policy based on these organizations at all administrable. With nine years of experience administering wage and price controls in the United States, I am simply not an advocate.

Rather, on the wage and benefit side, we should seek to bring about (1) reform in the structure of bargaining so as to reduce rivalries and "leapfrogging," (2) the elimination of outdated work rules, practices, and manning requirements, (3) reform in methods of wage payment, (4) the improving of productivity in other ways, (5) the recasting of fringe benefit packages and their financing, (6) improvements in labor supply and training, and (7) specialized agreements to meet the problems of particular branches or plants in an industry. Programs of this sort take time to develop and require cooperation and trust and personnel with detailed sectoral knowledge. They cannot be imposed by government jawboning or armtwisting. They can be developed only by persuasion and by imaginative and patient leadership.

On the price side, the future course of prices can be affected by (1) giving early attention to capacity needs, as revealed by discussions of potential bottlenecks; (2) encouraging government programs that enhance rather than restrict supply; (3) stimulating investment and cost-reducing outlays; (4) attending to the "interface" areas where manufacturing, transportation, and finance meet; and, particularly, (5) attending to government activities and regulations which create uncertainty and increase costs unnecessarily.

Let me turn briefly to other areas. The last decade has certainly demonstrated that unemployment is not a simple target of policy. The labor force is susceptible to a variety of short-run and long-run influences that make prediction and policy prescription most difficult. No single aggregate unemployment figure is appropriate as a guide to economic policies. Instead, we will need to look at labor market conditions by age, skill, locality, industries, and degree of disadvantage. It is not the aggregate measures but the wealth of detail that is relevant to appraising potential shortages and inflationary pressures arising within the relatively few decisive markets.

The targeting of public programs on particular categories of the labor force may be appropriate policy, but greater involvement of the private sector in job creation is necessary if good, continuing jobs are to be developed. Existing public service programs are in the main unsatisfactory, save as a method of income maintenance. We need new forms of nongovernmental organizations to provide training and to encourage job creation for the hard-to-employ.

With respect to growth, the stagnation of the economy since 1973 reflects, no doubt, many short-term and structural factors. The two elements that appear most significant to me are uncertainty in government policies on a variety of fundamentals (including energy, the environment, and regulatory conditions) and the resulting tendency for low levels of investment in modern plant and for concentration of investment outlays on machinery and equipment rather than on longer-run plant and developmental expenditures. In this climate of uncertainty, government economic policies, including fiscal stimulus, cannot have the favorable effects on the economy they have been presumed to produce.

Finally, I would note the unusual amount of controversy over international trade policy in the United States, reflecting deep concern over, first, trade involving Asian and Communist countries (particularly with regard to shipping and advanced technology items with security implications) and, second, trade involving labor-intensive items which threaten to displace large groups of relatively low-paid workers. The U.S. labor force includes very large numbers of low-productivity workers who cannot easily be converted to more productive activity and who are not willing to settle for displacement pay in various forms. Economic policy in this area requires imaginative attention to work out problems with those affected, not to mention skillful negotiations with our trading partners abroad. I fear we do not well understand how explosive these issues are.

THE WATERSHED

The 1970s, in my view, constituted a watershed of economic policy, the difference in the United States deriving from the new and pervasive role of government and its adverse effects on growth and inflation. While there was, no doubt, "an unusual bunching of unfortunate events unlikely to be repeated on the same scale" (in the words of the 1977 OECD report), my judgment is that the difficulties are more fundamental. They relate to (1) the methods of making economic policy and (2) the substance of the decisions derived from the political process and from its massive new penetration into all manner of heretofore private economic activities. Neither private businesses nor collective bargaining agents nor governments have yet adapted—together or separately—to this new state of affairs: they seem to believe it is still the "best of times." ●

THE PRESIDENT'S STANDBY PLAN FOR RESTRICTING WEEKEND SALES OF AUTOMOBILE GASOLINE

● Mr. CANNON. Mr. President, last week, President Carter submitted to the Congress three standby energy conservation plans and a standby gasoline rationing plan. Over the past several weeks, I have been particularly concerned over the development of the plan for restrictions of gasoline sales on weekends.

This standby plan was authorized pursuant to the Energy Policy and Conservation Act of 1975, Public Law 94–163, to meet the emergency needs of petroleum supply interruptions here and abroad. At his press conference on Tuesday of last week, the President said that he had "no present intention" of implementing any of the four standby plans and that their eventual enactment was dependent on the Iranian situation and any future energy supply crises.

The weekend restriction of gasoline sales in Nevada would simply decimate my State's economy, which depends overwhelmingly on our No. 1 industry: tourism. In 1978, more than 20 million tourists visited Nevada by automobile, most of them on weekends; 69 percent of the 5.4 million visitors to Las Vegas from southern California last year arrived by automobile; 52.4 percent of all Las Vegas visitors arrived by auto. For Reno, this figure for the entire visitor population arriving by car was even higher, 79.8 percent. The economic analysis prepared by the Department of Energy on this proposal states:

> Historical sites of the East, ski areas in many states, and the resort areas of Nevada and New Jersey all depend on weekend visitors to contribute a substantial portion of their sales. Many of these areas are over 200 miles round trip from metropolitan areas; the plan would almost completely eliminate customers traveling by automobile.

I am gratified that the Department of Energy has recognized this reality by building exemptions into the plan for States with a comparable savings program or where "special circumstances" exist. This action, of course, reflects the geographical considerations required by Congress in the formulation of energy conservation and contingency plans under Public Law 94–163, specifically 42 U.S.C. section 6262(b).

This exemption is crucial to maintaining the healthy economy of Nevada and provides the flexibility for State energy planning efforts, as I have been stressing to the Department over the past several weeks. The plan will permit States to implement conservation programs without straitjacketing them into mandatory weekend closures. Other universal closings or gas sale restrictions on a weekday could be in force. Alternate fill-up days depending on even and odd license plate numbers could be adopted. If "special circumstances" exist, a complete exemption might be appropriate as long as alternative energy conservation actions have been take by the State.

This is not to say that an exemption should be sought in order to shirk individual State responsibility for energy conservation. There is no question but that we, as a nation, are in this together and sacrifices will have to be made whenever the world's oil pipelines are running slow or not at all. But there is no need to stop weekend gas sales in every region and State in the Union in order to conserve fuel, provided that equivalent savings steps are taken. Conservation need not wreak economic havoc on any particular region of our country to be effective. In actuality, weekend gas sale restrictions would be a small fraction of energy savings. The 246,000 barrels of oil saved per day represents only 13 percent of our Nation's total daily appetite of 19 million barrels. With such small savings, it would be eminently unfair to place a disproportionate share of the burden of that savings upon one industry.

Many Americans and Senators east of the Mississippi may not fully appreciate the severe travel demands of the wide-open spaces of the West, particularly in a rural State such as Nevada. While the major urban areas of our country, such as New York City, may not be severely impacted by weekend visitors who arrive by auto, these weekend travelers are the lifeblood of Nevada's tourist industry. The nearest urban areas to Nevada are hundreds of miles away in California. For example, 48 percent of the visitors to Las Vegas last year came from southern California, 3.7 million people. A weekend visitor to Las Vegas must travel 724 miles round trip from San Diego or 580 miles round trip from Los Angeles, the nearest population centers to that southern Nevada city. Reno's urban neighbors in the San Francisco Bay Area face up to a 442-mile round trip.

In its study of this standby plan, DOE acknowledges that most cars in the United States could not complete a 300-mile trip on one tank of gas. It is plain to see that most of our California visitors could get to Nevada's resort cities, but could not get out when they would normally head home on Sundays. Rather than becoming Nevada residents, I suspect that most, if not all, of these weekend travelers would simply stay home in the first place. DOE admits as much:

> A basic assumption in the present report is that nearly all weekend round trips for social and recreational purposes in excess of 300 miles would be eliminated as a result of the plan. Trips over 300 miles are generally outside the range of a full tank of gas for most automobiles in the U.S. (Economic Analysis, 2.4.1).

The economc analysis of this measure, as prepared by the Department of Energy, readily admits the dire consequences of weekend closures in Nevada and other tourist States. Among its other conclusions:

> It is expected that the Weekend Gasoline Sales Restrictions Plan would sharply curtail weekend auto travel over 300 miles. (Economic Analysis, 4.2);
>
> The total drop in person-nights spent in indoor commercial lodging due to the proposed restrictions is estimated at 92.7 million person-nights per year. . . . (meaning) annual gross revenue losses to the industry of $1.391 million or 10.5 percent of estimated gross 1981 revenues. (4.2.1);
>
> Rather than being spread evenly across the entire lodging industry, the brunt of the reductions would be borne by lodging establishments concentrated geographically along major interstate highways and in resort/recreation areas, for which weekend lodgers constitute a much larger proportion of the total business. In extreme cases during the 1973–74 limitations on Sunday gas sales, motels along the major interstates and primary highways reported weekend occupancy as low as three to five percent of normal levels. (4.2.1);
>
> In an industry that in 1976 employed over a million full- and part-time workers, a proportional cutback in employment would mean some 100,000 additional unemployed. (4.2.1);
>
> The reduction in weekend driving is estimated to cost the restaurant industry approximately $3.7 billion in revenues. . . . Restaurants that cater to weekend travel or recreation areas will undoubtedly experience substantial losses. (4.2.2);
>
> Tourist expenditures for recreation and entertainment while on weekend automobile trips are estimated to have been about $2 billion in 1976. . . . (and) would decline by about $1 billion in a 1981 economy. (4.2.3);
>
> Exhibit 5.2 displays information on the importance of tourism to state economies. In addition to being strongly impacted by an oil supply restriction, states with high percentages of travel-generated employment will be additionally damaged by weekend restrictions on gasoline sales. (5.2.2). Exhibit 5.2 reveals that Nevada has the second largest percentage of state taxes generated by travel in the United States;
>
> Nevada is listed first among the "states most dependent on tourism. (5.2.2);
>
> Many of the states that depend on tourism for employment and sales revenue also depend on tourism for state tax receipts. Nevada is listed second among the states "most likely to lose significantly (that) depend heavily on travel generated taxes to support local public services. (5.2.2).

Seldom have I read a Government analysis that so eloquently damns its own proposal. The cumulative impact of this DOE analysis clearly illustrates and concedes the tremendous impact on the State of Nevada of mandatory weekend closures of gasoline outlets. This is a frightening prospect that has thousands of my constituent worried.

I have no doubt that, should an exemption be sought from this plan, Nevada will meet the challenge and need for energy conservation by other means. The people of Nevada, as with many of their fellow westerners, fully appreciate the need to conserve our precious natural resources. Nevadans met this challenge during the oil embargo of 1973–74 and are prepared to sacrifice again.●

A CLOSE LOOK AT MULTILATERAL TRADE NEGOTIATIONS

● Mr. McGOVERN. Mr. President, the Department of Agriculture and the Office of the Special Trade Representative have appeared in the Congress to tell us of their work over the past few years in MTN negotiations. Generally they have displayed great enthusiasm for so-called concessions which would benefit the agricultural community. I questioned Ambassador Woelff carefully when he appeared before the Senate Agricultural Committee and found that the claimed $3.8 billion for agriculture included $770 million which Japan will not levy on soybean exports. Japan has not levied any import duties on soybeans for 4 years, but the fact that they had given up their right to levy was classed as a $770 million gain. Closer questioning indicated that the concessions gained would not conceivably result in greater agricultural exports.

It seems only prudent that the Congress look on these trade proposals with a critical eye and I am one of those who intends to give the proposals the closest scrutiny. In this regard I was impressed with the testimony of Mr. Robert Lewis of the National Farmers Union given on February 21, 1979, submitted to both the House and Senate subcommittees dealing with international trade questions. Mr. Lewis is a respected economist and puts the questions with regard to MTN in a very readable and understandable statement.

Mr. President, I ask that the statement of Robert G. Lewis entitled "Trade Agreements Raise Questions" be printed in the RECORD.

The statement follows:

STATEMENT OF ROBERT G. LEWIS

Presenting a statement of our views on the trade agreements now being negotiated poses a troubling problem for me, and for the Farmers Union.

The Farmers Union throughout its history has championed the Reciprocal Trade Acts and the other international economic policies and programs which, interacting together, lifted the world out of the collapse of the 1930's, sustained our country and our allies through World War II, and then propelled victors and vanquished alike into the longest and richest era of rising and spreading economic prosperity the world has ever known. Trade agreements were not the prime movers in this achievement, but they took some of the sand out of the economic and commercial gears and facilitated the great economic growth of the era.

I think the most important thing about these past trade agreements was that they constituted a commitment of spirit and will on the part of the "market economy" countries, and demonstrated their confidence in the evolving system of global cooperation and advancing welfare that they shared.

Today there are three aspects of the current trade negotiations that are troubling.

PROVISIONS NOT YET PUBLICIZED

First, we do not yet know what the agreements will provide.

Secret negotiations are still underway, and from all that we can learn, many crucial decisions are still up in the air. The content of the agreements has not yet been made public. We think that the Administration is premature in rushing concerned parties, through its advisory committee system and otherwise, into endorsing agreements that are not yet completed so as to further its campaign for approval by Congress.

We will not be rushed to judgment, and we urge that the Congress do likewise. The Trade Act permits ample time for scrutiny by the public and deliberation by the Congress. If necessary, Congress can act to extend the time. The trade agreements will make far-reaching changes in existing laws and procedures that are of fundamental importance to many farmers and other citizens, and there should be full disclosure and full debate before decisions are made.

Secondly, some of what we do know about the pending agreements is disquieting, to say the least.

Despite bold claims down through the past several years that this negotiating round would be "agriculture's turn", much less appears to have been achieved in comparison to what is being paid to expand the volume and value of farm product exports from the United States.

"BENEFITS" HAVE THEIR PRICE

Let's examine some of the claims, and measure them against the price:

Spokesmen for the Administration make much of the idea that the agreements will "affect" about $3 billion a year in agricultural trade.

For one thing, that is a small fraction of the roughly $27 billion-a-year volume of present U.S. agricultural exports.

Even more important, "affected" does not mean at all that additional exports would be created. It means only that the procedures by which trade is conducted would be altered in some way, possibly without any perceptible effect upon the volume being traded or the price that will be paid to the American farmer who produced the commodity.

JAPAN WON'T TAX SOYBEANS

For example, one of the most valuable "concessions" being negotiated relates to our exports of soybeans to Japan. Japan has charged no duty on U.S. soybeans imported into that country for the past four years. The American negotiators appear to have won a "concession" from the Japanese that the no-duty admittance of soybeans will be continued permanently. This one "concession" counts for $770 million (one-fourth) in the $3,000 million total, because it "affects" that yearly volume of U.S. soybeans sold to Japan.

Another big set of "concessions", with "affected" trade valued at $400 million, is fruits and vegetables. Citrus—produced by only 30,000 farmers in four states—is the biggest "winner" among these commodities.

"Affected" trade in livestock and products is valued at $900 million, but the only actual potential increases in exports so far identified is a projected 34,000 ton per year increase in sales of high quality beef in Japan and Europe. That is barely one-third as much as the increase in beef imports into the United States ordered by President Carter last year.

MILK PRODUCERS PAY "PRICE"

These examples measure up short in terms of actual change in trade flow in comparison to the outstanding "price" that it is contemplated would be paid for the agreements—by dairy farmers.

When the trade negotiations are completed later this year, the waiver of the American countervailing duty law is scheduled to expire. The federal courts held shortly before the waiver was adopted as an amendment to the Trade Act of 1974 that this law means what it says and must be enforced. Enforcement of that law will require the United States to impose a "countervailing duty" upon any imported articles if the country of export has paid a subsidy to get it exported.

Almost all imports of cheese into the United States except those from New Zealand and Australia are subsidizes. Farmers in other exporting countries get more for their milk and cheese made there costs more than in the United States. It is impossible for exporters in those countries to sell much cheese in America, other than small quantities of high-quality "specialty" cheeses, unless the country government pays subsidies of 40 to 60 cents per pound. Enforcement of the countervailing duty law would stop all such imports.

The United States government has reported that imports of cheese from New Zeland and Australia and of the types of "specialty" cheese that could be imported without subsidies totals about 53 million pounds per year. That or a little more is all the imported cheese American dairy farmers would need to face if the countervailing duty law were enforced.

But the agreements being negotiated provide for making the countervailing duty law practically a dead letter. Enforcement of the law would be suspended unless and until "proof of injury" to American farmers could be made to the government's satisfaction.

Moreover, the import quota for cheese would be set at a new higher level about 500 percent greater than the probable level of imports of cheese if the countervailing duty law were in effect.

The net "price" would cost to American dairy farmers would be annual imports of around 190 million pounds of competing cheese each year above what they could expect if the agreements were rejected and the waiver of the countervailing duty law expired. The new "quota" for cheese imports would be 32 million pounds larger than the present quota plus non-quota imports while the waiver of countervailing duties is in effect.

IS AGREEMENT WORTH COST?

Although the actual effect on increasing exports has not yet been estimated and probably can never be measured accurately, the "concessions" being negotiated for soybeans, citrus fruits, high quality beef, tobacco, and other agricultural commodities have significant value to their producers and to farmers generally. Approval of the trade agreements has even greater value to the general public, for a turn-down would be a shattering blow to the world's economic and political psychology. The question is whether the benefits outweigh the costs, and whether dairy farmers are being tapped to pay more than their share.

Almost any importation of dairy products directly displaces an equivalent volume of milk and its products into the price support purchase program, and is thus directly related to the level of producer prices that the government will be willing to maintain. We content that any subsidized importation of cheese would constitute an "injury," and should thus be barred.

But we have no confidence that an "injury test" would be administered faithfully and rigorously. We consider that any such concession in the trade agreements would be all but tantamount to negation of the countervailing duty statute, and that dairy farmers should be compensated accordingly.

The direct and practical means for compensating dairy farmers for the cost to them of admitting subsidized dairy products into our market should be to guarantee that domestic milk prices will not be permitted to be depressed unfairly. This can be done under the price support program, by raising the minimum level of support from 80 percent of parity to 90 percent.

If the Agreements are approved, enforcement of the countervailing duty law, the function of which relates directly to the purposes and operations of the dairy price support program, should be administered in the U.S. Department of Agriculture by the same agency charged with responsibility for administering the price support program.

FARMERS GET NO "ADJUSTMENT" AID

In considering the compensatory benefits to be provided for dairy farmers if the agreements now under consideration should be approved, account should be taken of the fact that farmers whose incomes are reduced by import competition are not eligible for any of the trade adjustment allowances, payments, training and relocation aid, low interest loans, and the like that are offered to businessmen and workers who are injured by import competition.

Firms damaged by import competition may receive loans at low interest rates of up to $3 million. Workers who lose their jobs can receive allowances of up to 70 percent of their normal pay for as long as a year and a half, plus allowances and services for training, seeking a new job, and relocating to a new community.

GRAIN "GIVE-AWAY" CONTINUES

Another disquieting aspect of the agreements as we understand them is that there appears to be no provisions for ending the sale in export of American grain at artificially-low prices below the farmer's cost of production.

We are selling our wheat for the cheapest price in the world.

More than three-fourths of the wheat that is produced and consumed in all the world brings higher prices to its producers than the "world market" price that we get paid for our exports. Some get prices four or five times as high.

Consumers in all the countries that buy American wheat pay these higher prices for all that their own farmers produce. Then if they need more, their governments buy some from us and mark up the price to the higher level their own farmers get when they re-sell it to their own consumers.

This senseless policy is forced upon all of the grain exporting countries by the United States by virtue of our predominant size in the grain export market. More than half of all the grain that moves into world trade comes from the United States. Canada, next biggest, ships one-fourth as much. Australia and Argentina combined ship only one-fourth as much.

The big winners, albeit inadvertent, are our leading economic rivals in Europe and Japan, and the Soviet bloc countries which buy our grain on the cheapest real terms in history while we spend hundreds of billions on military defenses against them. Japan makes a profit for its national treasury of $5 per bushel on all the American wheat it buys when it re-sells to its own flour millers. The Europeans skim off nearly $4 per bushel.

"WORLD MARKET" PRICE ARTIFICIAL

Even the one-fifth of the world's wheat crop that is produced in the United States, Canada, and Australia cannot be produced at the "world market" price, and the governments take special steps to pay their farmers something extra, either out of their national Treasuries, or by charging their domestic consumers higher prices.

Just a few weeks ago, Canada raised the minimum price of wheat for domestic consumption to $3.40 a bushel. Australia charges flour mills $3.67 per bushel for wheat to be consumed at home—$1.30 a bushel more than the advance payment that is made to Australian farmers for wheat to be exported.

In the United States, it is commonly believed that wheat producers receive deficiency payments to raise their total receipts from wheat to $3.40 per bushel. The truth is that farmers are required to keep 20 percent of their wheat land out of work in order to get the payments, so that the payments are really "unemployment compensation" for their set-aside acreage. Even so, the system provides somewhat more in total take-home pay than the "world market" would yield by itself.

That leaves Argentina—the only place on earth where farmers probably live and die on nothing more than the "world market" price for their wheat.

That is just a shade over one percent of the world's wheat! And if it can be said that the Argentina farmers and their poverty-blighted rural workers receive their full "cost" out of what they get, they are the only producers on earth whose cost of production is covered at the "world market" price at which the United States government unwisely forces our own farmers and those in other exporting countries to sell their grain.

Apparently there is no significant change to be made in the anamalous "world market" for grain. There will be no significant dent made in the barriers that prevent American grain from competing in every country. Nor will there be any agreement for raising and maintaining grain prices in world trade to fair levels adequately compensating farmers for their production costs.

This is the biggest disappointment, and the biggest failure, of the trade negotiations.●

THE OMNIBUS ANTITERRORISM ACT OF 1979

● Mr. **RIBICOFF**. Mr. President, I join with my distinguished colleague in strongly supporting that title of the Omnibus Antiterrorism Act of 1979 (S. 333) which requires an explosives tagging program.

That provision would be terribly incomplete and ineffective without the requirement for taggants in black and smokeless powders.

We are not talking about "big brother" government here. Were talking about life and death, security and destruction. It is that simple an issue. To exempt black and smokeless powders from a tagging program would be to drop one out of every five bombings in the "unsolved" file. Our law enforcement personnel would be left virtually powerless to investigate and trace these bombings to their terrorist origins.

If we mandate the tagging of all explosives but open a loophole for black and smokeless powders, we will not be attacking terrorism at one of its roots. Soon thereafter, all would-be terrorists will know their chances of being tracked down after using black and smokeless powders in bombs will be very poor.

I think the explosives tagging provision of the bill is one of the most important. It will be one of the foundations of a strong, effective antiterrorism policy. I intend to work to make certain all explosives are covered.●

MUSKIE DEFENDS ENVIRONMENTAL REQUIREMENTS

● Mr. CULVER. Mr. President, I would like to draw my colleagues' attention to the speech by Senator Edmund S. Muskie, chairman of the Senate Subcommittee on Environmental Pollution, which he delivered February 14, 1979 at the University of Michigan.

As you know, the distinguished Senator from Maine has had a long and outstanding association with development of our Nation's efforts to protect the environment. In fact, most of our major environmental laws and programs were established under his guidance. These statutes have been based on extensive hearings throughout the country and formulated after serious debate and consideration in committee and on the floor.

In his speech last month, Senator Muskie discerningly documented a new attack on our environmental laws that is being proposed under the guise of regulatory reform. This new threat comes from the proposed requirement that cost-benefit analyses be done on all environmental regulations, regardless of their justified health basis or congressional requirement. Controlling pollution has costs that can be easily quantified in dollars, but the costs of pollution in lost jobs, health problems, and wasted resources cannot be easily calculated in monetary terms.

The Senator from Maine has set this issue in realistic context and demonstrates that some budgetary policy and environmental programs are not in inevitable conflict.

Recently, numerous unprotected hazardous waste dumpsites have been identified in several States, including my own State of Iowa. The cost of preventing similar problems and developing the appropriate controls may not be insignificant. Any purely economic review of proposed regulations would not identify the attendant health threats and could well conclude that the necessary protection is not justified from an economic standpoint.

There is no other Member of the Senate more concerned than Senator Muskie that regulations be developed only when necessary and in a fair and equitable manner. In this regard, he has reintroduced Sunset legislation, which I have cosponsored, to require a periodic review of the purpose and effectiveness of current programs. We cannot let the urgent need for cost-effective regulations and regulatory reform ignore the benefits of a cleaner environment.

Mr. President, I ask that this address be printed in the Record.

The address follows:

Remarks of Senator Edmund S. Muskie

I would like to speak with you tonight about what I believe is the principal threat to the environment, as we close in on the environmental decade of the 1970's.

It is not a new pollutant.

It is not a new industry.

It is not a new interest group.

It is a new mood.

It is the mood of the anti-regulators who claim it is too costly and burdensome to protect people from the hazards of pollution.

No one supports regulation for its own sake. But the mood of antiregulation seems to make no distinction betweeen good and bad regulations. The actions flowing from this attitude are often blind and negative. The mood is having two principal effects:

First, it may undo much of the environmental progress resulting from tough regulations that flow from strong laws.

Second, it may divert attention away from new, important environmental problems—problems which need legislation.

I am glad to have a chance to focus on this issue today, because you can help. You can help document environmental values and the benefits of environmental protection. In some cases, you may be able to help quantify those values.

The environment is under attack from people who only believe numbers and figures. To counter their efforts, we will need better evidence of health effects, better evidence of trends in environmental degradation, and better techniques to measure pollution and its impact.

I

A current problem demanding such attention is the dumping of hazardous waste materials. New legislation appears to be necessary to provide the proper controls and enforcement powers for the government to halt this destructive practice. The Environmental Protection Agency has discovered hundreds of abandoned hazardous dump sites around the country. In most cases the government does not have the authority to take action against the owners of these sites.

Burying hazardous wastes has proved unwise and foolish. We must develop procedures and techniques to render hazardous wastes harmless prior to disposal.

This is an issue that Congress should be addressing with vigor this year, but the mood of anti-regulation may provide too great an obstacle unless the mood is subdued.

EPA has estimated that 46 million tons of waste each year can be designated as hazardous—and 90 percent, or 41 million tons, are subject to improper disposal. One site at Montague, Michigan, will cost anywhere from $50 to $300 million dollars to clean up.

The most startling new revelation of uncontrolled dumping of hazardous substances in an area in Kentucky, now called, "The Valley of the Drums." It is only one of 800 abandoned chemical dump sites nationwide. A businessman who took liquid wastes from chemical companies and filled the valley with thousands of drums of deadly chemicals. An estimated 100,000 drums may be scattered in the valley which drains into the Ohio River.

The companies whose drums are oozing into this valley include many who should know better: The Washington Post recently listed Union Carbide, Ford Motor Company, Cellanese Polymar Specialties Company, Monsanto, DuPont, Ashland Chemical Company, and Chevron Oil Company as contributors.

The Congress enacted the Resource Conservation and Recovery Act in 1976. The Environmental Protection Agency has recently proposed rules required by that law to guard against dumping of poisonous chemicals. Those rules have gone through a two-year development in the Environmental Protection Agency. They have been scrutinized for costs, for practicality, and for effectiveness in providing environmental protection.

II

But a new and troublesome event has occurred in the development of these and other regulations.

A group of economists has been set up in the White House to second-guess such regulations. Chemical companies are clearly disturbed at the possible costs that may result from efforts to regulate hazardous wastes. A key issue is whether substantial exemptions will be created, so that some sites will not have to comply with safe practices, and companies producing those wastes will not bear the costs of the proposed regulations.

Yearly we face new opponents of environmental efforts. This is the year of the anti-regulators. They are cloaked in the language of narrow, academic, cost-benefit analysis.

Perhaps the best example of the assault on regulations is occurring in the form of a draft bill being circulated by Federal agencies. The draft legislation is called a "Regulatory Reform" bill.

The draft would require the Environmental Protection Agency to develop a new economic review for every significant regulation, rule, policy, or practice now in existence. That alone would stop the Agency from doing anything else—from providing any new protection, even where new rules are required by existing laws. The draft bill would override every existing environmental statute.

It would set aside public health standards.

For example, the Clean Air Act currently requires that levels of acceptable air quality must be established solely on the basis of health. These standards establish a national goal. States and communities adopt steps to attain that goal, with cost-effectiveness used as one of the criteria in choosing the steps to be taken.

But under this draft legislation, that would no longer be the case. The health standard itself would be eliminated. Instead, a standard would be established on the basis of a cost-benefit analysis. This standard would have to be based on the "least burdensome" alternative.

There is no mention of whether that alternative would be enforceable, whether it would be a practical alternative, or whether it would put less burden on the public than on a polluting industry.

The draft bill requires the creation of a new bureaucracy in every agency—a bureaucracy to second-guess and water down Congressionally-mandated regulations.

This draft bill is a bone tossed to industry by bureaucraitc economists. In this case, the bone appears to be the environmental health of the nation.

Already in place, now awaiting this draft legislation, is the President's new Regulatory Council. The Council is an obvious symbol of the new anti-regulation, anti-government attitude. Ironically, it creates another new government bureaucracy.

All through the White House and in all the agencies which develop regulations, "cost-benefit analysis" is probably on every memo and everyone's mind.

The new Regulatory Council will develop lists of the "most significant" upcoming regulations from all the agencies which might have significant economic impact. But the Council is only one of a number of new bureaucracies spawned by the White House to look at environmental regulations. Also in existence is the Regulatory Analysis Review Group, operating out of the White House Office of the Economic Advisers. This Group will make its own studies on proposed regulations which are estimated to cost $100 million or more. That's not all. The White House also has the Council on Wage and Price Stability, which will study and comment on regulations before they are implemented.

It gets confusing.

All too often the discussion of environmental pollution and economic well-being are plagued by a distorted concept of costs. A key problem is that the investment costs of economic projects are emphasized, while the damage of environmental degradation is discounted.

Controlling pollution has costs that can be measured in dollars and cents—and you can bet industry will always magnify these costs.

Pollution itself, however, has costs that can only be measured in lost jobs, lost health, lost recreation, and fewer options for the future. How do we measure these in dollars and cents on an economist's graph?

These new regulatory reviews have been used as an economic veto of environmental, health and safety regulations—regulations which have already completed full reviews. Next week my Subcommittee on Environmental Pollution will hold hearings to determine the merit, legality, and political ramifications of intervention by White House economists in the development of environmental regulations.

Let me make it clear that I encourage cost-effective programs and regulations. I have introduced Sunset legislation again this year in order that we might review the purpose and effectiveness of on-going programs and terminate them if they do not measure up.

But I don't believe Congress has ignored its responsibility to take costs into consideration during the long debates on environmental legislation. That is one reason why we have stressed performance standards in the laws instead of design standards—so the laws could be carried out in the most effective manner . . . as long as they are actually carried out. These laws do not need to be second-guessed by bureaucratic economists.

Congress determined that public health required certain levels of environmental control. Congress made the health balancing judgment. Congress gave the program administrative flexibility as to method of achievement—not as to deadline and not as to the basic goal.

The battle created by attempts to choke off environmental regulations threatens the success of old laws and the hope for new and necessary statutes.

I am concerned that all these efforts to second-guess, and third-guess, environmental rules may have a "chilling" effect on aggressive efforts to curb pollution.

We must not allow the attacks of analysts who emphasize industry costs and ignore broad societal values to deter efforts to provide needed environmental programs.

The people of Love Canal lived above a burial ground of toxic waste near Niagara Falls. Extemely high rates of miscarriage and birth defects in the area are being blamed on contact with these leaked chemicals. High rates of liver cancer, hyperactivity, and seizure-inducing nervous diseases are also linked to the hazardous waste.

Environmental hazards can be as close as one's own backyard.

It is staggering to know that 90 percent of this State's population, 8 million people, are carrying toxic PBB chemicals that have caused death in cattle and liver cancer in rats.

At the beginning of the environmental movement in 1970, the task before us was the identification of our most urgent ecological and health problems. Almost a decade later, the harder job remains. We must implement the laws we wrote to solve those problems.

III

Clear examples exist where the use of narrowly defined economists could have a negative impact on environmental protection and enhancement.

Last month, Douglas Costle, Administrator of the Environmental Protection Agency, announced that he would relax the oxidant, or ozone standard. It is a decision which will affect the health of millions of Americans.

One of the most important health standards established in the Clean Air Act is the level of oxidant, which is the key element of smog. The Act requires that the EPA Administrator establish a public health standard for air pollution which is solely, I *repeat* solely, based upon medical evidence of the effects of these pollutants.

It seems that Mr. Costle, under pressure to ease the standard, was also influenced by the economic voices from within the Administration, who believe that the easier-to-determine costs of implementing the ozone standard are more important than the less specific public health benefits.

So, the allowable level of smog was raised by 50% last month. This still did not please the petroleum industry, which filed a suit to raise the allowable level even further. General Motors warned that employee layoffs and widespread inflation will result if an even weaker standard is not adopted.

This is the same company which, in 1967, said before my Subcommittee that the controls they were developing would solve the air pollution problem, and said that by 1980, they could have atmospheric levels of pollution "back where they were in 1941."

Some say that Mr. Costle has opened Pandora's Box. Why, they argue, should *any* environmental law be implemented when standards might be lessened at a later date?

Recently there have been calls by industry to reopen the Congressional debate on the entire Clean Air Act. The Act was amended in 1977, and only now have some of the most important provisions begun to be implemented. Yet, various segments of industry and labor gathered in San Francisco last month to begin an exerted effort to further delay the implementation of the Act.

Bleak pictures have been painted of the incapacity to deal with a law which allows each State to create its own plan for meeting the national ambient air standards by 1982. A false impression is given of an environmental law which is unbending and unflexible.

The 1970 Act was examined and reexamined and, in 1977, Congress did several things to make the Clean Air Act more flexible.

First, we extended deadlines to give communities more time in which to develop clean-up plans.

Second, more time was given to the auto industry to achieve statutory standards, overcome technical problems and deal with fuel economy problems.

Third, more time was given to the stationary sources of air pollution in order to achieve applicable emission limits.

I see no reason to reopen the legislative debate on the Clean Air Act when its implementation is just getting underway.

IV

Pressure from the anti-regulators, who demand absolute proof of broadscale damage before acting, will slow down our efforts to deal with other long-range problems.

Acid rain is an example. Sulfur dioxides and oxides of nitrogen are being spewed into the atmosphere from the combustion of coal, gasoline, and natural gas at an alarming rate. Pollution from the Midwest and the East Coast has increasingly made its way to the Northeast where chemical transformations have resulted in sulfuric and nitric acid falling from the atmosphere in rain and snowfall.

Acid precipitation has negatively affected the timber and fish population in Scandinavia. Evidence is growing that more and more areas in America are being affected in the same manner. With the loss of fish, timber and tourism in New England, and my home State of Maine, wouldn't we be delinquent to stand idly by and wait to see how much damage we would withstand before we acted?

But the steel mills and coal-burning plants which create this pollution will be well-represented in Washington with good lobbyists.

Who will defend the right of an individual New England farmer to earn a living without pollution

Do we leave this job to economists tucked into the nooks of the Executive Office Building at the White House?

V

The battle over environmental priorities and spending limitations will continue—the mood of the 96th Congress seems to be with the anti-regulators and against new spending. As Chairman of the Senate Budget Committee, I, too, am very concerned about what we can and cannot afford to spend as a nation.

But I am optimistic that the American public will continue to hold the same values displayed in 1970 when we, in Washington, heard you say "we have had enough pollution." There are many hopeful signs:

First, a poll by a private research organization has shown that the public support for cleaning up the environment has not weakened. Fifty-three percent of those polled believe that "protecting the environment is so important that requirements cannot be too high and improvements must be made regardless of cost." Only one person in ten believes pollution control costs more than it is worth.

Second, a $375 million clean water bond was approved, almost without notice in the press, by the citizens of California on the same ballot with Proposition 13.

Third, a report by a private consulting firm, released last month by the President's Council on Environmental Quality, said that the cost of cleaning up air and water pollution will add less than two-tenths of a percentage point to the inflation rate over the next eight years. And, at the same time, such controls will cause the unemployment rate to drop by three-tenths of a percentage point during the same period.

Fourth, although I have some specific concerns with the fiscal year 1980 budget for the Environmental Protection Agency, overall I am pleased with the 6% increase for regulatory programs, at a time when the President has provided an austere Federal budget.

Thomas Paine wrote in the early days of our democracy that:

"The more perfect civilization is—the less occasion has it for government."

I certainly cannot argue with that.

No mattter how hard we try, however, our American civilization will not be perfect. There will always be a new problem which needs solving—just around the corner.

If the mood of anti-regulators dominates, health benefits will more than likely be discounted during discussion of such problems.

But, we cannot discount the absence of lung disease.

We cannot discount the value of a home in a smog-free community.

We cannot discount a neighborhood free of hazardous waste.

This spring, my Senate Subcommittee on Environmental Pollution will begin dealing with legislation designed to curb the spread of hazardous substances through the environment. And next week, the White House economists will appear before the Subcommittee to explain what role they plan to play in this and other environmental issues.

These are battles that will flow into the next decade. I enlist your efforts in those struggles.

Thank you.●

REGULATORY REFORM

Mr. RIBICOFF. Mr. President, today my distinguished colleague, Senator BENTSEN, has been added as a cosponsor to S. 262, the Reform of Federal Regulation Act. S. 262 now has 24 cosponsors, including 6 committee chairmen.

It is particularly gratifying to have Senator BENTSEN's support in this matter. His knowledge of the strengths and weaknesses of the regulatory process will significantly add to our consideration of this legislation. As chairman of the Joint Economic Committee, Senator BENTSEN is well equipped to assist us in making certain that Federal regulation is both efficient and effective.

I welcome the Senator's participation, and I look forward to working with him closely on this important bill.

Mr. RIBICOFF. Mr. President, I ask that the Senator from Texas (Mr. BENTSEN) be added as a cosponsor of S. 262, the Reform of Federal Regulation Act of 1979.

S. 505—MEDICARE-MEDICAID ADMINISTRATIVE AND REIMBURSEMENT REFORM BILL

Mr. TALMADGE. Mr. President, on Thursday of last week when I reintroduced my medicare-medicaid administrative and reimbursement reform bill, I inadvertently omitted as a cosponsor and in my remarks regarding colleagues who had had important input into this legislation the name of my colleague, the distinguished junior Senator from Georgia, the Honorable SAM NUNN.

Senator NUNN was a cosponsor of S. 1470, last Congress version of my medicare-medicaid reform bill, and he, as acting chairman of the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs, played an indispensable part in helping to ferret out waste, mismanagement, and fraud in these programs. As much as anyone else, he is also responsible for the enactment and signing into law of the Talmadge medicare-medicaid antifraud and abuse bill.

I, therefore, ask that Senator NUNN be added as an original cosponsor of S. 505.

SPECIAL ORDERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders have been recognized under the standing order, Mr. BUMPERS be recognized for not to exceed 15 minutes, that Mr. TSONGAS be recognized for not to exceed 15 minutes, and that I also have a 15-minute order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON WEDNESDAY; ORDER FOR RESUMPTION OF TAIWAN ENABLING ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the orders for the recognition of Senators on Wednesday, there be a brief period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate then resume the consideration of the Taiwan Enabling Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION TO BE TAKEN DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 11 a.m. on Wednesday, the Vice President of the United States, the President pro tempore of the Senate, and the Acting President pro tempore of the Senate be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during that same period the Secretary of the Senate may be authorized to receive messages from the President of the United States and/or the other body and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER AUTHORIZING SENATORS UNTIL 4 P.M. TODAY TO SUBMIT STATEMENTS AND INTRODUCE BILLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may be authorized to submit statements for the RECORD and bills for introduction until 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

PROGRAM

Mr. BAKER. Mr. President, while we have just a moment, I wonder if the majority leader will outline for me the schedule as it is now provided for on Wednesday or after the Senate concludes its business today?

Mr. ROBERT C. BYRD. Yes, I am glad to.

Mr. President, the Senate will convene on Wednesday at 11 a.m. After the two leaders or their designees have been recognized under the standing order, there will be some orders for the recognition of Senators, I believe three in number at this point, after which there will be morning business, not to extend beyond 10 minutes with Senators permitted to speak therein up to 2 minutes each, after which the Senate will resume its consideration of the Calendar Order No. 14, S. 245, the bill to promote the foreign policy of the United States through the mutual maintenance of commercial, cultural, and other relations with the people on Taiwan on an unofficial basis, and for other purposes.

It is hoped that Senators will offer their amendments that day and that votes could be had thereon.

I anticipate that there will be rollcall votes on Wednesday on amendment and/or motions in relation to that legislation.

If business is not completed on that bill on Wednesday, the Senate will continue on the bill on Thursday, and I assume that the Senate should be prepared to stay into the evenings, if necessary, in order to complete action on that bill hopefully Wednesday and Thursday.

Mr. BAKER. Mr. President, I thank the majority leader for that information, and I am pleased that we are able to recess or adjourn the Senate today over until Wednesday so that we can show our respect for our former colleague and departed friend, Senator Dewey Bartlett of Oklahoma, and I thank the majority leader for arranging the affairs of the Senate so we may accommodate that.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader for his fine cooperation.

RECESS UNTIL 11 A.M. WEDNESDAY, MARCH 7, 1979

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, and as a further mark of respect to the memory of our late departed friend and former colleague, Dewey Bartlett, of Oklahoma, that the Senate stand in recess until the hour of 11 a.m. on Wednesday.

The motion was agreed to, and at 3:15 p.m., the Senate recessed until Wednesday, March 7, 1979, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, March 2, 1979, under the authority of the order of the Senate of March 1, 1979:

DEPARTMENT OF STATE

Richard Elliot Benedick, of California, Coordinator for Population Affairs, for the rank of Ambassador.

THE JUDICIARY

Joyce Hens Green, of Virginia, to be U.S. district judge for the District of Columbia, vice a new position created by Public Law 95-486, approved October 20, 1978.

POSTAL RATE COMMISSION

James H. Duffy, of Maryland, to be a Commissioner of the Postal Rate Commission for the term expiring November 22, 1984, vice Carlos C. Villarreal, term expired.

IN THE COAST GUARD

The following graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Christopher Alan Abel
Jon David Allen
Michael B. Amonson
Edward Gregory Andersen
Rodrick Morris Ansley
Francis Joseph Arland
David Clark Aurand
Robert Copeland Ayer
Edward English Baker
William Jeffrey Belmondo
Herbert Allen Black III
Jay P. Blinkinsop
William George Boehm
Mark Gregory Boucher
Peter John Boynton
Kevin Andrew Buford
Neil O. Buschman
Vincent Max Michael Campos
Kenneth Carvalho
David Lee Chilton
Jeffrey Rittler Clayton
Kevin S. Cook
John Thomas Costello
Daniel D. Cronin
Marc Charles Cruder
Edwin Hassel Daniels, Jr.
Stephen Joseph Danscuk
Charles Nelson Dickerson
Richard J. Digiovanna
Curtis Lee Dubay
Francis Anthony Dutch
Dane Sherman Egli
Steven William Ellis
Mark Allen Feldman
Gilbert William Fonger
John Ewen Frost
Kevin Eugene Gates
George Anthony Gianopoulos III
Timothy Ray Girton
James Sebastian Gozzo
Keith Cullen Gross
Wayne Scott Harral
Richard William Hatton
Kurt John Heinz
Evan Van Dorn Hensley
Joseph Thomas Ahern
Eric McCaslin Amberg
Carl Kenneth Andersen
John Joseph Andrzejewski
George Gregory Arbutina
Neal Joseph Armstrong
John Michael Avallone
Steven Victor Bain
Douglas Glenn Becker
Mark Peter Blace
Michael Louis Blair
Mark Boe
Bennett Thomas Bonomi
Richard Louis Boy, Jr.
Bruce Duane Branham
Michael Justin Burgard
Jay Joseph Butler
Steve Thomas Carter
Mark Benton Case
Davin Richard Cilley
Christopher James Conklin
Robert Frederick Corbin
Paul Howard Crissy
James I. Crowley
Douglas Scott Daeffler
Philip Thomas Daniels
Stephen Jerome Darmody
Patrick John Dietrich
Carlton Jennings Ditto
Larry E. Duerr
William Allen Dyson
Thomas Kenneth Ehnt
Scott H. Evans
Mark Jeffrey Fiebrandt
Earl Lawrence Foutch, Jr.
Ronald Adriaan Gan
Scott Dominick Genovese
Gerald R. Girard
Jeffrey Scott Gorden
William Robert Grawe
John Grant Hansen
Chet A. Hartley
Steven Lynn Hein
Michael John Hejduk
Mark Evan Hesse
Steven Lewis Holcomb
David Guy Holman
John Stuart Howard
Bradley Matthew Jacobs
Michael Keith Jesmonth
Charles S. Johnson, Jr.
Leland Lowell Jones
P. Christopher Kelly
David Rice King
Gregory Albert Kmiecik
John Harry Korn
Kevin Don Krumdieck
Dan Larson
Timothy John Leahy
Keith D. Lepage
John Edward Long
Allen Lotz
Kevin Lee Maehler
Daniel Robert May
John David McCann, Jr.
Robert Emmett McKew, Jr.
David A. Medina
Norris Edward Merkle
Glenn Gorden Miller
Kevin Paul Mizak
Donald A. Moore, Jr.
Kurt William Nancarrow
Patrick J. Nemeth
Daniel Kiesel Oliver
Robert Charles Parker
Walter Frank Pawul, Jr.
Charles D. Pratt
David Fenton Quick
Kevin Anthony Redig
Glen Arthur Robbins
Anthony Henry Rose
Norbert Daniel Rudek
John Harrison Russell
Edward Robert Saleeby
Joel F. Sasscer
Michael Joseph Scanlon, Jr.
Franz Patrick Schiffmann
George Herman Self III
Randell Battelle Sharpe
Stephen Lloyd Sielbeck
Emil Sikorsky III
Mark Antonio Sinnen
David Darrow Skewes
Robert Samuel Spears, Jr.
Patrick Hoy Stadt
Jeffrey David Stieb
Jeffrey Owen Stull
Francis Joseph Sturm
John Hilary Sweeney
Dan S. Takasugi
Neil Edward Van De Voorde
Thomas Patrick Vieten
George Dean Walker, Jr.
Dana Edward Ware
Mark Phillip Watson
Douglas James Wisniewski
Donald Robert Wright
Dennis Michael Holland
Jeffrey David Holmgren
Shane Charles Ishiki
Charles William Jenkins
Eric Michael Jewess
Phillip John Johnson
William Hollis Jones
Patrick Thomas Kelly
Kenneth Lee King, Jr.
Thomas Lee Koontz
Mark Andrew Kowalski
Douglas Bruce Lane
Paul Kevin Larson
Frank Herman Leidy
Kevin Erven Lodeen
Eric R. Longfellow
James Kipling Louttit
David Andrew Masiero
Matthew Samuel McBride
David Peter McDede
David Brian McLeish
Jeffrey Wayne Mehr
Michael McPherson Millar
Vincent Brien Mitchell
Robert Emmett Mobley
Frank E. Mullen
Roy Andrew Nash
Robert William Nutting
Richard Michael O'Rourke
Kenneth Brion Parris
Jeffrey Roland Pettitt
Richard John Preston, Jr.
Rodney Doyle Raines III
Charles Rice
Everett Freemont Rollins III
Bruce Maynard Ross
Steven Paul Rudolph
Larry James Ryan
Frank John Sarna
Kenneth L. Savoie
Richard Raymond Schaefer
Donald Robert Seers
William Jeffrey Semrau
Philip M. Shook
Michael Jeffery Sigmon
Alexander Otto Simonka, Jr.
David William Sinnott
Timothy Vladimir Skuby
David Carl Spillman
Robert Glenn Stephens
James Best Stricker III
Donald Lee Sturdivant, Jr.
David Harlen Sump
Michael Scott Swegles
Scot Thomas Tripp
Bruce Eric Viekman
Thomas John Viglienzone
Terrence William Walsh
Jon Michael Watson
William Douglas Wiedenhoeft
John Douglas Wolch
James Westly Wright

IN THE ARMY

The following-named officers for reappointment in the active list of the Regular Army of the United States, from the Temporary Disability Retired List, under the provisions of title 10, United States Code, section 1211:

To be colonel, Regular Army and colonel, Army of the United States

Hamilton, George B., [redacted]
Parker, Brandon L., [redacted]

The following-named officer for appointment in the Regular Army, by transfer in the grade specified, under the applicable provisions of chapter 335, title 10, United States Code:

To be major, Regular Army and lieutenant colonel, Army of the United States

Gray, William T., [redacted].

The following-named officers for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3284 through 3294:

To be major

Amsberry, William E., [redacted].
Araki, Norman G., [redacted].
Danna, James A., [redacted].
Sedge, Roy K., [redacted].
Vitori, Robert A., [redacted].

To be captain

Adams, Michael L., [redacted].
Baker, Marx M., [redacted].
Ball, Michael B., [redacted].
Basilio, Gil D., [redacted].
Berman, Fredoric R., [redacted].
Christensen, Mary J., [redacted].
Coker, Michael E., [redacted].
Corbin, William R., [redacted].
Denucci, Donald J., [redacted].
Dixon, James D., [redacted].
Griffin, Jere M., [redacted].
Hartke, Larry W., [redacted].
Ice, Judith A., [redacted].
Jennings, Bonnie L., [redacted].
Kendall, James J., III, [redacted].
Kotler, Lawrence M., [redacted].
Kuhar, Kenneth, [redacted].
Mollen, Allen J., [redacted].
Montoya, Ralph G., [redacted].
Moore, Craig A., [redacted].
Naleski, Gary J., [redacted].
Nemmers, Theresa M., [redacted].
Newsome, Andrew J., [redacted].
Patterson, Adrian C., Jr., [redacted].
Patterson, James O., [redacted].

Pike, Charles W. [redacted].
Render, Philip J., [redacted].
Rominger, Olivia S., [redacted].
Ryder, John T., [redacted].
Schoch, Roger E., Jr., [redacted].
Schumpert, Warren W., [redacted].
Smith, Charles T., [redacted].
Sweet, Maria T. [redacted].
Tabor, Michael W. [redacted].
Thornton, Linda J., [redacted].
Vogler, Jennie L., [redacted].
Weigum, Larry M. [redacted].
Winn, Mary E. B., [redacted].
Woolford, Farrel J., [redacted].
Worthington, Ronald T., [redacted].

To be first lieutenant

Ackerman, Candace P., [redacted].
Almachar, Estelita, [redacted].
Allen, Thomas F., [redacted].
Anderson, Craig E., [redacted].
Berlin, Marlene J., [redacted].
Best, Marcia, [redacted].
Boyle, Virginia A., [redacted].
Brandt, Barbara J., [redacted].
Buchanan, Mary E., [redacted].
Campbell, Robert W., [redacted].
Carter, Linda S. [redacted].
Chang, Jeffrey C., [redacted].
Coleman, Charlyn A., [redacted].
Collins, Patrick C. [redacted].
Corley, Ellen C., [redacted].
Dalton, Philip H., [redacted].
Dauer, Samuel D., [redacted].
Dutton, Marie H., [redacted].
Floyd, Dennis R. [redacted].
Fox, Susan D. [redacted].
Gant, Stephen J., [redacted].
Girling, Allan J., [redacted].
Graves, Janet D., [redacted].
Guerin, Richard D., [redacted].
Harris, Roy A., [redacted].
Harrison, Frederick J., Jr., [redacted].
House, Richard C., [redacted].
Hudgins, Carolyn A., [redacted].
Klossner, Evelyn, [redacted].
Kratz, David A., [redacted].
Ledford, Gordon L. [redacted].
Lilly, Dietlinde M., [redacted].
Lowry, Rebecca A., [redacted].
Meyer, Barbara L., [redacted].
Miller, Christine A. [redacted].
Odom, James D., [redacted].
Partrich, Gale L., [redacted].
Paul, Mary C., [redacted].
Petersen, Mark K., [redacted].
Reaves, James R., Jr., [redacted].
Riddle, Wendy H., [redacted].
Rosenberg, Valerie E., [redacted].
Saindon, Pamela M., [redacted].
Sanders, Jimmy, [redacted].
Schoch, Janet M. [redacted].
Shanahan, Terry P., [redacted].

To be second lieutenant

Gaule, David A., [redacted].

IN THE NAVY

The following temporary captains of the U.S. Navy for permanent promotion to that grade, pursuant to title 10, United States Code, sections 5780, 5782, and 5791.

LINE

Adams, Thomas Curtis
Ailes, Robert Heber
Alexander, Sherman George
Allen, John Elton
Allison, William Rush, Jr.
Anderson, Edwin Knowles
Anderson, James Bruce
Andrews, Bobie
Androski, Frank Nicholas
Apple, John DuBell, Jr.
Armstrong, Clarence Ervin, Jr.
Arnold, Thomas Francis
Arthur, Stanley Roger
Ausley, Joe Henry, Jr.
Baker, Robert Cathcart
Barnes, James Albert
Barnes, James Harold
Barrish, Paul David
Bauman, John Morton
Beach, Milton David
Beard, Percy Morris, Jr.
Beasley, Charles Jahns
Betts, Roger Sherman
Beving, Duane Ubbe
Bigler, William Walter
Bilicki, Daniel Robert
Box, Roger Elden
Breland, Edgar Allen
Brickell, Charles Hennessey, Jr.
Brisbois, Marshall Bartlette
Bronson, Hiram Sherman, III
Brown, Donald Dare
Bruyere, Thomas Edgar
Burdick, Howard Frederick, Jr.
Burke, Thomas Jerome, Jr.
Burkel, John Faubel
Burrows, Donn Talbott
Bush, Vernon Royce
Butterworth, Frank Willoughby, III
Byng, Weston Hamilton
Caccivio, John David
Camacho, Richard George
Campbell, Thomas Gordy
Canada, Donald Edward
Carre, David Morey, Jr.
Carson, James Thompson
Carswell, Michael Stuart
Casey, Richard Francis
Chang, Ming Erh
Charneco, Carlos Mario, Jr.
Chase, Henri Bertram, III
Christenson, William Charles
Christopher, Richard Vernon
Chumley, Sylvester George
Clay, Jack Delano
Cloud, Bruce Larry
Cole, Charles William, Jr.
Coleman, Douglas Connor
Colgan, John Gerard
Coll, William Anthony
Connelly, James Henry, Jr.
Cooke, Vincent Edward
Cooper, David Stuart
Cooper, Estill Allen, Jr.
Covey, Edward John
Cramer, Dean Edward
Crater, George Howard, Jr.
Cullen, Charles William
Curry, Thomas Hugh
Cyr, Byron Alton
Dahl, Lowell Duane
Darling, David Donald
Darnell, Jack
Davis, Harry Leland
Dean, Robert Victor
Dearie, Cyril Glennon
Dennison, William Earl
Deshler, William Albert
De Weese, Everette Dale
Dickerson, Kenneth Alvin
Di Loreto, Lucio
Doerr, Peter James
Dominigue, William Andrew
Doremus, Robert Bartsch
Dorsey, James Francis, Jr.
Duncan, John Gard
Dungan, David Anthony
Dunleavy, Richard Michael
Dunmire, Rance Dwaine
Eaves, James Sylvester
Eckert, John David
Egerton, James White
Ehret, James Daniel
Erie, Carl Richard
Estes, Edward Dale
Eytchison, Ronald Marvin
Eyler, Armand Tise, Jr.
Fantry, William Thomas, Jr.
Featherston, Rex William
Felkins, Charles Gerritt
Fellowes, John Heaphy
Fenzl, George John, Jr.
Ferrarini, Richard Lewis
Fink, George Edward
Finley, John Lawrence
Fitzgerald, Maurice Dwight
Fitzwilliam, Peter Kaufmann
Flanary, Thomas Neale, II
Flannery, Gerard Joseph, Jr.
Flather, Charles Randolph
Fournier, Paul Robert
Fox, Robert Francis
Frey, Robert Dean
Friichtenicht, Richard Del
Fries, Charles Leslie
Gallotta, Richard Arnold
Gauthey, Jules Richard
Gesling, Marion Lee
Giacchino, Louis Frank
Gibson, James Carson, Jr.
Giuliani, Leonard Edmond
Gluse, Michael Robert
Gore, James Roy
Graves, William Sheakley
Green, Gerald Edward
Green, Richard Francis
Green, William Henry
Greer, Robert Eugene
Hacker, Benjamin Thurman
Hahne, Dayton Roy
Hall, Robert Alton
Hamilton, Edward Allan
Hamlin, George Ames, Jr.
Hammon, Colin Paul
Hanson, Morton Howard
Harbrecht, Raymond John
Harmon, Jack Emory
Harscheid, David George
Hatch, Ross Riepert
Hayman, Douglass Frederick, Jr.
Heisinger, Duane Lawrence
Hekman, Peter Maynard, Jr.
Hendrickson, Claude Francis, Jr.
Hesse, Gerald Herman
Hickerson, James Martin
Hodge, William Robert
Hoffman, Chauncey Frazier
Hohenstein, Clyde Gilbert
Hollandsworth, Paul Firm, Jr.
Holm, John Peter
Honsinger, Vernon Chapin
Hood, Joseph Williams, Jr.
Horne, Roger Bigelow, Jr.
Hoyes, Donald James
Hueber, Fred Paul
Huhn, Samuel Peter
Hullander, Robert Arel
Husted, Murl Edwin, Jr.
Hutton, James Leo
Jarratt, Guy Carleton, III
Jauss, Charles Walter
Jeremiah, David Elmer
Johns, Clifford Murdock
Johnson, James Edward
Johnson, Jerome Lamarr
Johnson, Wendell Norman
Johnston, Donald Hendrie, Jr.
Johnston, Donald Whayne
Jones, Jerry Elmer
Karn, Alvin Reuben, Jr.
Keegan, Arthur Edwin
Kerslake, Ronald William
Ketchum, William Harold
Kinert, John Henry
Kinney, Ben Jack
Kinney, Charles Herbert
Kirkpatrick, John Henry
Klein, Harry Lawrence
Komisarcik, Adam
Kralik, Simon Cornelius
Kramer, Theodore Roosevelt, Jr.
Krekel, Lyman Edward
Kruger, Allen Ladon
Kuykendall, Herbert Brent
Lacy, William Anthony
Lambert, Russell Gale
La Motte, Francis John
Langelier, Wilfred Etienne, Jr.
Lanning, Richard James
Larison, John Dereamer, Jr.
Laurance, James Douglas
Lawson, Ramsay
Leblanc, James Bernard
Leeds, Rene Wesley
Lees, Forrest Alexander, Jr.
Lenhardt, Harry Fehl, Jr.
Lewin, Theodore Edwin
Lewis, Harold Stephen
Lown, Paul Clinton
Lund, John Robert
Lynch, Robert Benedict, Jr.

MacCabe, Van Lorin
Majors, William Tyree
Maloney, John Joseph
Maston, Joseph Harold, III
May, James Laurence
McBride, Michael Alexander
McClenahan, Tom Porter
McCracken, David Jerome
McDivitt, Ronald Merrell
McEachen, Angus Dougald, III
McGarry, John Gordon
McGrath, James Joseph
McHugh, John Thomas
McKenzie, John Henry, Jr.
McClellan, Charles Anthony
McMorris, John Allen, II
McQuesten, John Theodore, Jr.
Mecaughey, Robert William
Melvin, Edmund Waller
Mercer, William Charles
Meyer, "J" "D"
Miller, Forrest Ray
Miller, John Albert
Miller, Robert Howard
Minton, David Carson, III
Mirise, Kerry Winston
Monk, Samuel William
Montgomery, George Cannon, Jr.
Mook, Joseph
Moore, Paul Michael
Morrison, Orrin Lee
Mortimer, Edmund Craig
Mozier, Richard Anthony
Munsey, William David
Murray, Paul Anthony
Nelson, Carl Alfred
Newman, Alvin Simmerman
Nicholson, Harry Evans
Norrington, Charles Gilbert
O'Connell, Jerome Arthur
O'Connor, William Joseph Michael
O'Donnell, Daniel Tanner
Onhaizer, Jerry Eugene
Orrik, David Neil
Owens, Ramon Ronald
Owens, Robert Spencer
Palmer, Philip Maynard
Pasquinelli, Francis Chris
Pate, Zachariah Taylor, Jr.
Patton, James Matthew
Peek, Robert Franklin
Pellock, Lyle Edward
Pendleton, Benjamin Lewis
Periolat, John Joseph
Perry, Albert Joseph
Perry, Leonard Gordon
Peterson, Karl Lawrence
Peterson, Peter Clauson, Jr.
Petree, Noel Harper, Jr.
Petrich, Horst Alfred
Phillips, Richard Wayne
Phillips, Ronald Morris
Pingel, Leon John
Poindexter, John Marlan
Polfer, Clarence Ronald
Powell, Wendell Wynne
Powell, William Charles
Presley, Jack Cole
Purdy, Dale Claude
Rabuck, Leo Vincent
Ransom, James Patterson, II
Reese, Franklin White, III
Rentschler, Richard Lee
Rettig, Godfrey Aloysius
Rich, Willis Scott
Richardson, Fred Douglas, Jr.
Riefler, George Breeze
Roberts, Ned Cooper
Robertson, Hollis Eugene
Rodgers, Robert Dennis
Rowsey, James Melvin, Jr.
Russ, William Marcellus, Jr.
Russell, Kay
Ryan, Gerald Frederick
Sage, Robert Allen
Salo, Lennart Reino
Sayers, Samuel Lee
Schaffert, Richard William
Scheyder, Ernest John
Schilling, George Frederic
Schulze, John Milton, Jr.
Scott, George Wilkinson
Scott, Philip John
Scruggs, Richard Mitchell
Sechrest, Edward Amacker
Seesholtz, John Richard
Severance, Laverne S., Jr.
Shannon, Philip Martin
Shapero, Allen Leonard
Sharp, Gail "J"
Shearer, Oliver Vassar, Jr.
Shinn, Robert Allen
Short, Benjamin Francis
Shulick, John, Jr.
Shultz, Theodore Byers
Simpson, George Thomas Kortes
Skelly, Arthur Richard
Smetheram, Herbert Edwin
Smith, John Peter
Smith, William Cody
Soriano, Joseph Ronald
Spencer, Barry Williamson
Spink, Peter Joseph
Spoto, Victor Samuel
Stechmann, Donald Henry
Stephenson, Paul Dean
Stevens, William
Stocking, Sigurd Irvin
Stone, Lowell Perry
Stouffer, John Willoughby, II
Sullivan, Eugene Joseph, Jr.
Sullivan, William Kenneth
Sumner, Donald Morbeck
Swan, Robert Sheridan
Swan, William Ralph
Swinnerton, Ronald Hugh
Talbert, Joseph Truitt, Jr.
Tarbuck, Richard Ray
Taylor, Lawrence Hammond, Jr.
Taylor, Robert Charles, Jr.
Teachout, David Stanley
Terrell, Jerry Lee
Tettelbach, Frederick Morley
Theodorelos, Pete "J"
Thibault, George Edward, Jr.
Thomas, James Grant
Thorpe, Gordon Lewis
Thurber, John Davis
Tibbitts, Barrick Frank
Timberlake, David Winburn
Tinker, Charles LeRoy
Titus, Edward DuFour, Jr.
Tracy, William Kenwood
Treiber, Maurice Lamar
Ulmer, Donald Milton
Wales, George Edward
Ward, Compton Eugene
Watson, John
Way, Edward Richard
Weir, Richard William
White, Richard Farrell
Whittaker, Robert Leroy
Wilbern, Jack Martyn
Winter, Richard Arthur
Wise, Stephen Ames
Wolfe, Robert Eugene
Woolam, John Edson
Wright, Harry Wallace
Wright, Joseph Martin Pickett, Jr.
Zipperer, William Ray
Zirbel, William Donald

SUPPLY CORPS

Abele, Robert Burke
Ault, William Upshur
Barnett, Andrew Flowers, Jr.
Bosco, Clement, Jr.
Buckley, John Edwin
Bulluck, Edgar Glenn
Connolly, George Sylvester, Jr.
Daddona, John Michael
Dolenga, Harold Edmond
Evans, Lloyd Robert
Fitzpatrick, Edmond John, Jr.
Frampton, Robert Traylor
Gerstenberger, Wayne Walter
Goslin, Thomas Clinton, Jr.
Harmon, Robert Grant
Hummel, Don Franklin
Hurst, Harvey Richard
Kruse, William Ernest
Langer, Gerald Delane
Maldonado, Teodosio
McKinnon, Daniel Wayne, Jr.
McNall, Phillip Freeman
Morgan, Richard Escott
Olivier, Denny Royce
Olson, Gene Paul
Peters, William Anthony
Pistolessi, Vincent James
Raymond, James Arthur
Rounds, Richard Norman
Shaughnessy, John Michael
Smith, Franklin Dean
Starrett, William Ivan, Jr.
Walsh, Richard Sheridan
Willis, John James
Young, Jack Leslie

CHAPLAIN CORPS

Elder, Robert Macrum
Gaughan, Geoffrey Edward
Jerauld, Philip Eldredge
MacCall, Harry Franklin, III
McDermott, Thomas James
McPhail, Clark Buckeridge
Murphy, Milton Gaylord
Running, Paul Harrisville
Voth, Murray Howard

CIVIL ENGINEER CORPS

Cerreta, Ralph Michael, Jr.
Collins, Allan Wayne
Dickpeddie, John Irvine
Ford, James Edward
Groff, James Burton
Johnson, Don Paul
MacDonald, Malcolm John
McHugh, Robert Joseph, Jr.
Newcomb, Frank Miall
Petersen, Norman William
Quinn, Robert Emmet, Jr.
Schade, Robert Ashton, Jr.
Shanley, John Joseph, Jr.
Shirley, Ronald Gene
Shumate, James William
Wilson, Robert Burns

JUDGE ADVOCATE GENERAL'S CORPS

Abernathy, Kenneth Lee
Fasanro, Michael Francis, Jr.
Palmer, William Ronald
Redding, Robert Marshall
Toms, James Edwin
Wade, Manley Burt

MEDICAL SERVICE CORPS

Barboo, Samuel Harvard, Jr.
Gallagher, Thomas Joseph
Myers, James Ivan
Nichols, Lloyd Barden
Palmer, Jack Junior
Pittington, Francis Calvin
Wilcox, James George

NURSE CORPS

Barker, Elizabeth Anne
Butler, Phyllis Ann
Dunn, Dorothea Jean
Gampper, Mary Elizabeth
Jones, Kathaleen Rae
Moris, Patricia Joan
Nickerson, Lois Elva
Shaw, Joan Sandra
Steinocher, Anne Marie

The following temporary captains of the Naval Reserve for permanent promotion to that grade, pursuant to title 10, United States Code, sections 5783, 5911, and 5912.

LINE

Bell, William Frederick
Best, William Vernon
Borgardt, Elmer Gilbert
Class, William Horton
Dawson, Allan J.
Dearing, Paul Wayne
Dellinger, David Worth
Falkenstein, Timothy Oleary
Fare, Claude Lee
Flanigan, Mark
Francis, Jon Kenneth
Greech, Billy Sims

Griffin, Donald Allen
Hamel, Donald Rodolphe
Harris, Donald Earl, Jr.
Hood, Warren Wheeler
Kelly, Theodore Alanson
Lavin, Lawrence Michael
Lockeman, George Franklin, Jr.
McCarthy, John Dillon
McDermitt, Carrol
McGirr, Francis William, Jr.
Murphy, Warren Tuttle, Jr.
Newton, William Preston
Pacalo, Nicholas
Prater, James
Ready, George Eugene
Rogstad, Allen Rockwell
Taylor, Otis Wintfred, II
Woodall, Elliott Arnold

SUPPLY CORPS

Chancler, Robert Thomas
Flaush, Donald Anthony
Roethe, Edward Albin

Executive nominations received by the Senate March 5, 1979:

DEPARTMENT OF STATE

Francis J. Meehan, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

RENOGOTIATION BOARD

William Mays Burkhalter, of Maryland, to be a member of the Renegotiation Board, vice Rex M. Mattingly, resigned.

IN THE ARMY

The U.S. Army Reserve officer named herein for appointment as a Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be brigadier general

Col. Albert Bryant, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, March 5, 1979*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. BRADEMAS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
March 1, 1979.

I hereby designate the Honorable JOHN BRADEMAS to act as Speaker pro tempore on Monday, March 5, 1979.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Gracious Lord, we ask Your blessing on us at the beginning of this new week. Grant us the gifts of Your Spirit that we may serve You and all the people.

Give us vision to care not only for the day, but for the future, give us wisdom to know the lasting from the trivial, give us patience with one another, and give us courage to speak the truth. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

NATIONAL GRAIN BOARD

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, year after year we export more grain and generally get lower prices. Meanwhile, we pay more for imports such as oil.

We can do something about this. We can institute a National Grain Board to bargain and barter for our grain. Now, international grain companies handle almost all sales. A National Grain Board would permit private sales forces to operate, but would approve prices and terms.

We need free trade, yes, but we also need fair trade. A National Grain Board can achieve this for our balance of payments, our farmers, our taxpayers, and Treasury. A National Grain Board need not cost the taxpayer a cent. Indeed, it can make money through barter or sales.

Canada and Australia, our two major coexporters, now have such grain boards. So does Brazil for soybeans. It is in our interest to do the same. Nations such as Japan would be interested in paying higher prices if long-term contracts could be assured, which only a National Grain Board could do.

Russia and China, two oil exporters who buy large quantities of grain, could be required to pay more for our grain, just as we pay more for oil. They need our grain. Why give it to them at cheap prices? Since 1972—the year of the great Russian grain steal—our exports have actually increased; yet prices have fallen sharply from their peaks made after the Russian purchases.

Despite the excellent season, countries overseas bought a record amount of wheat, corn, and soybeans from the United States last year. They bought twice as much as they did during the 1972–73 winter, when the Soviet Union sparked panic buying with its purchase of a record 1.1 billion bushels of grain, of which two-thirds came from the United States.

The United States exported a record 4.2 billion bushels of grain and soybeans last year, twice the 2 billion sold in 1972 and 25 percent more than was shipped in 1972, according to recent Agriculture Department reports.

The export figures for 1978 showed wheat sales at 1.25 billion bushels, compared with 891 million the year earlier; corn sales of 1.95 billion, against 1.58 billion, and soybean exports of 770 million, against 593 million in 1977.

In 1972, China imported almost 180 million bushels of grain, of which 75 percent came from Canada and the rest from this country. The next year, Peking imported about 290 million bushels, with 25 percent coming from Canada—then almost sold out—60 percent from the United States and the rest from Australia and Argentina.

Last year, China imported a record 351 million bushels of grain, or a third more than the previous year. The United States and Canada each supplied a third of these imports, while Australia filled the rest.

I plan to introduce the bill—a single one-page piece of legislation creating a National Grain Board within the Commodity Credit Corporation and giving it power to make, barter, and approve grain sales. I urge the House to act on it.

REPORT ON RESOLUTION PROVIDING FOR ESTABLISHMENT OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–27) on the resolution (H. Res. 13) providing for the establishment of the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION ESTABLISHING A SELECT COMMITTEE ON POPULATION

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–28) on the resolution (H. Res. 38) establishing a Select Committee on Population, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE REPORT ON H.R. 90, 1979 OMNIBUS SMALL BUSINESS BILL

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Small Business may have until midnight tonight to file a report on H.R. 90, the 1979 omnibus small business bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE 1979 OMNIBUS SMALL BUSINESS BILL

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. SMITH of Iowa. Mr. Speaker, after we adjourned last fall, the President pocket vetoed H.R. 11445, the omnibus small business bill of 1978.

On January 15, I reintroduced, with Representative McDADE and Representative CONTE, ranking minority members on the committee, as cosponsors, a new omnibus small business bill including most of the provisions which were included in H.R. 11445. Last year the House passed this 1978 omnibus bill by a vote of 310 to 72 and subsequently adopted the conference report 396 to 10. The committee considered this measure last Thursday and ordered it favorably reported with minor amendments by a recorded vote of 25 to 2.

The 1979 version of this bill, H.R. 90, contains those provisions of the bill which originally passed the House which were also contained in the conference report, except that it reflects the changes in those topics which were agreed to by the conferees. H.R. 90 does not include the new provisions which were added by Senate amendments, some of which were found objectionable by the White House.

Title I of H.R. 90 sets program levels for fiscal years 1980–82; makes miscellaneous and technical amendments to the Small Business Act and the Small Business Investment Act of 1958; and continues Federal loan assistance to disaster victims at low interest rates.

Title II provides guidelines for awarding contracts under SBA's Small Business Development Center Program. This program provides short courses and other help so very small businesses can handle the bookkeeping and paperwork required and better cope with new Government-imposed rules and regulations.

Title II sets the framework for a White House Conference on Small Business to be held in 1980 and to be preceeded by State and regional conferences.

The SBA Federal disaster assistance loan program expired last October 1. The bill provides that for disasters occurring between October 1, 1978, and October 1, 1982:

Homeowners would pay 3 percent on loans up to $55,000 and the average cost of money to the Federal Government, currently 7⅜ percent, on loans above that amount; and

All others would pay 5 percent interest on loans up to $250,000 and cost of money to the Federal Government on loans above that amount.

Victims of some 52 natural disasters occurring since last October 1, have been forced to pay a higher interest rate on SBA loans because the law providing reduced interest rates expired. Reinstatement of the lower interest rate SBA loans to disaster victims is essential not only to provide assistance to the disaster victims, but also to help the affected communities recover. This can be done at a net cost of less than $1 per year per person in the United States and there is no way this protection has ever been provided so cheaply and efficiently under any other government or private program. This program does not contain any 'forgiveness of indebtedness" which was provided in some earlier years and which resulted in fraud and abuse. Losses on loans under this disaster assistance program thus far have been only 1.66 percent and are not expected to eventually exceed 3.2 percent which is even less than the loss on regular SBA business loans.

I believe that this new bill (H.R. 90) corrects most of the administration's objections which have merit, objections which were primarily to Senate amendments to the 1978 bill. I think the President should have signed last year's bill, and I cannot conceive that the President would veto this bill. It is the highest priority small business bill and should be passed as soon as posible.

Attached is a list of those Members who are cosponsors of this major small business bill. As of this date, there are 143 cosponsors.

The list follows:

COSPONSORS ON H.R. 90 (1979 OMNIBUS SMALL BUSINESS BILL), BY MR. SMITH OF IOWA, MARCH 1, 1979

1. Mr. Abdnor.
2. Mr. Addabbo.
3. Mr. Akaka.
4. Mr. Anderson of Illinois.
5. Mr. Andrews of North Dakota.
6. Mr. Annunzio.
7. Mr. Bafalis.
8. Mr. Baldus.
9. Mr. Barnard.
10. Mr. Bevill.
11. Mr. Biaggi.
12. Mrs. Boggs.
13. Mr. Boland.
14. Mrs. Bouquard.
15. Mr. Bowen.
16. Mr. Brodhead.
17. Mr. Burgener.
18. Mr. Cavanaugh.
19. Mr. Cheney.
20. Mr. Clausen.
21. Mr. Clinger.
22. Mr. Cleveland.
23. Mr. Conte.
24. Mr. Corman.
25. Mr. Corrada.
26. Mr. Coughlin.
27. Mr. Courter.
28. Mr. Daschle.
29. Mr. Davis of Michigan.
30. Mr. de la Garza.
31. Mr. Dixon.
32. Mr. Donnelly.
33. Mr. Duncan.
34. Mr. Edgar.
35. Mr. Edwards of Oklahoma.
36. Mr. English.
37. Mr. Erdahl.
38. Mr. Ertel.
39. Mr. Evans of Georgia.
40. Mr. Fazio.
41. Ms. Ferraro.
42. Mr. Findley.
43. Mr. Fithian.
44. Mr. Flood.
45. Mr. Ford of Tennessee.
46. Mr. Forsythe.
47. Mr. Fowler.
48. Mr. Frenzel.
49. Mr. Frost.
50. Mr. Fuqua.
51. Mr. Gaydos.
52. Mr. Ginn.
53. Mr. Glickman.
54. Mr. Gonzalez.
55. Mr. Goodling.
56. Mr. Gray.
57. Mr. Grisham.
58. Mr. Guyer.
59. Mr. Hagedorn.
60. Mr. Hall of Ohio.
61. Mr. Hall of Texas.
62. Mr. Hanley.
63. Mr. Hefner.
64. Mr. Hollenbeck.
65. Mr. Howard.
66. Mr. Hughes.
67. Mr. Ichord.
68. Mr. Jenrette.
69. Mr. Johnson of California.
70. Mr. Johnson of Colorado.
71. Mr. Jones of Oklahoma.
72. Mr. Kindness.
73. Mr. LaFalce.
74. Mr. Leach of Iowa.
75. Mr. Leach of Louisiana.
76. Mr. Lederer.
77. Mr. Lee.
78. Mr. Lloyd.
79. Mr. Long of Maryland.
80. Mr. Lott.
81. Mr. Luken.
82. Mr. McDade.
83. Mr. McEwen.
84. Mr. McKay.
85. Mr. Maguire.
86. Mr. Markey.
87. Mr. Mathis.
88. Mr. Mavroules.
89. Mr. Mitchell of Maryland.
90. Mr. Mitchell of New York.
91. Mr. Moakley.
92. Mr. Montgomery.
93. Mr. Murphy of Pennsylvania.
94. Mr. Murphy of Illinois.
95. Mr. Natcher.
96. Mr. Nichols.
97. Mr. Nolan.
98. Mr. Nowak.
99. Mr. Oberstar.
100. Mr. Ottinger.
101. Mr. Patten.
102. Mr. Patterson.
103. Mr. Pepper.
104. Mr. Perkins.
105. Mr. Price.
106. Mr. Prichard.
107. Mr. Rahall.
108. Mr. Regula.
109. Mr. Rinaldo.
110. Mr. Reuss.
111. Mr. Richmond.
112. Mr. Roberts.
113. Mr. Russo.
114. Mr. St Germain.
115. Mr. Sebelius.
116. Mr. Sensenbrenner.
117. Mr. Simon.
118. Mr. Slack.
119. Mrs. Spellman.
120. Mr. Staggers.
121. Mr. Stangeland.
122. Mr. Steed.
123. Mr. Stokes.
124. Mr. Stratton.
125. Mr. Stump.
126. Mr. Tauke.
127. Mr. Thomas.
128. Mr. Traxler.
129. Mr. Trible.
130. Mr. Udall.
131. Mr. Watkins.
132. Mr. Whitehurst.
133. Mr. Whitten.
134. Mr. Williams of Montana.
135. Mr. Charles H. Wilson of California.
136. Mr. Charles Wilson of Texas.
137. Mr. Winn.
138. Mr. Wolff.
139. Mr. Won Pat.
140. Mr. Yatron.
141. Mr. Young of Florida.
142. Mr. Young of Missouri.
143. Mr. Zeferetti.●

FOOD STAMP ADJUSTMENT NEEDED

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, in the last week 78 Members of this Congress, Republicans and Democrats alike, have joined together in an effort to lift the shelter limit on food stamps as it affects senior citizens and disabled people in our country. It is obvious that the Congress now recognizes the problem that has been created by the new regulations and is moving forward.

Let me give the Members an example for today. A 69-year-old woman with a total monthly income of $270 pays in rent and utilities $222 a month. She has been getting the grand total of $46 in food stamps and as of last week was cut to $20.

Mr. Speaker, I urge the Members on both sides to contact my office so we can by a large number get the people we need to change this regulation.

Mr. Speaker, I yield back the remainder of my time.

□ 1205

SALT WITHOUT RATIFICATION?

(Mr. CARR asked and was given permission to address the House for 1 minute.)

Mr. CARR. Mr. Speaker, the law is clear: SALT II cannot be binding upon the United States unless ratified by Congress, whether as a treaty or as an executive agreement.

Now President Carter has indicated that, should SALT II not be ratified, he would nevertheless not request weapons outside its bounds so long as the Soviets also observe these bounds on an informal basis. In one sense, he would appear to be circumventing the ratification process. But in another sense, there is no legal requirement for him to request funding for any given defense program.

I suggest we place the matter in perspective by considering that, for the next 2 or 3 years at least, it will make no difference to U.S. defense programs whether we have SALT II or not. There is no military requirement or rational military plan to go outside the bounds of SALT II; we can do so only if we deliberately set out to violate SALT for the sake of violating it.

Where does this leave those who oppose SALT on the grounds that it will weaken our defenses? Seems to me it leaves them looking a bit silly.

HEARINGS ON THE SELECTIVE SERVICE SYSTEM

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, the Subcommittee on Military Personnel of the Committee on Armed Services has been reviewing in some detail the state of this Nation's mobilization capability with particular emphasis on manpower.

The situation is not comforting. The Active Forces are reasonably healthy although the military medical care system is desperately in need of assistance. Also, recruiting, in an all volunteer environment, which has always been a real challenge, is beginning to experience what may be serious difficulties.

The Reserve Forces are also experiencing serious deficiencies in manpower. Shortfalls of 135,000 exist in units, and from 300,000 to 500,000 in the back-up manpower pool.

The Congress has been initiating efforts to address the Reserve problems. More attention and effort by the Congress will be required. Better management by the Department of Defense will help.

The condition of the Selective Service System compounds the other shortages in mobilization manpower, and undercuts the credibility of our national security posture.

The Selective Service System is simply incapable of meeting the demands of this Nation if we have to mobilize in an emergency. There should be no disagreement on this point. We need and have always needed a capable standby selective service mechanism to make the All-Volunteer Force viable.

It is time to re-create this capability and strongly consider a return to peacetime registration and classification.

The Subcommittee on Military Personnel has scheduled a series of hearings on legislation in this general area for the week of March 12.

The hearings will permit Members of Congress and outside organizations with an interest in selective service legislation to present their views. Members of Congress who are the principal sponsors of legislation on this subject will be notified of these hearings. Anyone else wishing an opportunity to testify should contact the staff of the Subcommittee on Military Personnel at 225-7560.

THE LATE AMBASSADOR JAMIL M. BAROODY OF SAUDI ARABIA

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I regret that I must call the attention of the House to the death of Ambassador Jamil M. Baroody of Saudi Arabia, who was the dean of United Nation's diplomats.

Ambassador Baroody was an outstanding international diplomat, of whom it can be said that he was a "legend in his lifetime." He had served as the Ambassador of Saudi Arabia to the United Nations since 1947, longer than any other diplomat serving at that world body. He made his mark as a debater, skilled parliamentarian, and a man with a constant feel for the temper of U.N. deliberations.

He was one of the few United Nations ambassadors who engaged in spontaneous oratory, and his independence in speaking out on major issues set him apart from the normal United Nations' diplomat.

In the death of Ambassador Baroody, the United Nations has lost its most colorful and dynamic representative; and in addition, it has lost a historian, scholar, and diplomat of unusual magnitude.

Prior to his service to the United Nations, Mr. Baroody had represented the Government of Lebanon in diplomatic assignments and was a professor at Princeton University during World War II.

My wife, Pat joins with me in extending our sincere condolences to Mrs. Lorraine Baroody and the Ambassador's family. The world has lost a great diplomat and we have lost an old friend.

CAPITOL PAGE SCHOOL BASKETBALL TEAM

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, as the basketball season draws to a close, and the major college and professional teams prepare to face each other in the various tournaments and playoffs which are about to start, we should stop and congratulate a team a little closer to home.

This past weekend the Capitol Page School won the Jewish Day School Invitational tournament. This was an 8-team single elimination tournament, which the pages won by defeating the host team, Jewish Day School, by a score of 49 to 31.

In addition to winning the title, two players were singled out for their achievements. Tod Threadgill was named to the all tournament team, and Herb Harris was named the Most Valuable Player.

Mr. Speaker, because of the long hours the pages work here after starting school every morning at 6:15, they can only practice 2 nights a week. This type of training schedule only enhances their victory.

I would like to congratulate coach Joe McGrath and all the players for the fine job they did in winning this tournament.

The Capitol Page School Basketball team for the 1978-79 season includes:

Mark Workman, Herb Harris, Todd MacKander, John Harris, Kirk Carraway, Bassanio Winston, Todd Threadgill, Mike McGaughey, Jimmy Nowell, Bert Ralston, Fred Beale, Jim Neidert, Lawrence Tolliver, Van East, and coach Joe McGrath.

A KIND OF DIPLOMATIC MASOCHISM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, I was astonished to read in this morning's Washington Post an article by columnists Rowland Evans and Robert Novak which states that top State Department officials actually invited Soviet diplomats to sit in on a State Department briefing during the Iranian crisis. If this article is true—and I certainly hope that it is not—it is yet another appalling example of the incredibly inept leadership of the U.S. foreign policy.

I simply fail to understand why the Carter administration is so vitally concerned with treating the Soviet Union and other nations—which before President Carter was elected, were considered to be our adversaries—as if they had been allies of the United States for years. The damage now being done to American prestige and interests around the world will take years to repair; indeed, some of that damage may be beyond repair. Without a strong and immediate demonstration of concern from Congress, I have no doubt that the Carter administration will continue in its "experiments in diplomacy," as the chief of the Soviet desk in the State Department terms this latest fiasco.

Mr. Speaker, I am inserting this Evans and Novak article into the CONGRESSIONAL RECORD in the hope that my colleagues will begin to understand that the entire Carter foreign policy is an "experiment in diplomacy":

A KIND OF DIPLOMATIC MASOCHISM

(By Rowland Evans and Robert Novak)

Just when Soviet broadcasts were raising anti-American passions among Marxist guerrillas in Tehran to highest pitch, the No. 2 Soviet diplomat here was invited to be an unprecedented guest at a routine, two-hour staff meeting of the State Department's Bureau of Soviet Affairs on the department's sixth floor.

Vladillen Vasev, minister-counsellor under Soviet Ambassador Anatoly Dobrynin, arrived at the 9 a.m. staff meeting with one aide on Feb. 2. Before he left, he treated the 20-odd U.S. diplomats and a half a dozen officials from the Commerce Department and the International Communications Agency to a standard, wholly predictable anti-United States, anti-Carter administration lecture.

With other developments in Jimmy Carter's confused handling of his Soviet problem, this strange invitation unintentionally symbolizes a State Department compulsion to prove to the Kremlin that, no matter what anyone else is saying, it is really and truly loved in Carter's Washington. "But what is transmitted to Moscow," one American long skilled in dealing with the Russians told us, "is not love, but obsequiousness and even fear, and that is bad."

The extraordinary invitation to Vasev was specifically approved by Dr. Marshall Shulman, Secretary of State Cyrus Vance's Soviet adviser, and at least one other top official. It caused a furious reaction among the few insiders who found out about it in the Carter administration, particularly in the Pentagon and Dr. Zbigniew Brzezinski's National Security Council staff.

Indeed, we found no officials anywhere—including experienced Soviet experts—who, when informed of Vasev's attendance at the staff meeting, were not astonished and angered. William Shinn, chief of the Soviet desk, told us it was simply an experiment in diplomacy with no sequel planned.

U. Alexis Johnson, who was the department's top career diplomat and Shinn's boss in arms-control talks with the Russians a few years ago, said he had "enormous regard" for career diplomat Shinn. Now retired, Johnson told us: "I simply cannot understand this."

That lack of understanding goes to the heart of Vance-Shulman diplomatic management of the frayed U.S.-Soviet connection. The invitation to Vasev seems clearly tied to the Vance-Shulman policy—often, but not always echoed by Carter—of putting the brightest face on a clearly deteriorating picture: In this case, despite incendiary anti-American broadcasts in Iran, show Vasev how hard Carter is trying to get along, and the Soviets will follow suit.

To much of official Washington beyond the paneled chambers of Vance and Shulman, that policy invites not reciprocity but Soviet audacity. Worse, it betrays a kind of diplomatic masochism that lies just under the administration's surface attitude of occasional hard-headed diplomacy. This ambivalence reinforces the Carter-Vance-Shulman refusal to link strategic arms talks to Soviet expansion throughout Africa and South Asia; it informs the Kremlin that the more successful it is in weakening U.S. influence in the world, the harder the United States will try to make a deal with Moscow. Examples are numerous:

Item: Despite severe presidential protests over Soviet treatment of Anatoly Scharansky (jailed as an alleged American spy) along with trials of other Soviet dissidents last year, not a single piece of drilling equipment, from the controversial Dresser Industries deal on down, has been cancelled. Yet, hundreds of noisy hours were consumed in top-level meetings to arrange legal procedures to halt some of those technology sales, creating a hard-line public image.

Item: Despite bogus or "disinformation" documents carrying the Soviet imprint and now surfacing in such U.S.-allied capitals as Athens, Rome and Bangkok—designed to defame the United States—the Vance-Shulman team avoids protests to Moscow.

Item: The White House removed the usual net assessment of U.S.-Soviet military strength from the first draft of the Joint Chiefs of Staff annual "posture" statement in January. It showed bad deterioration in relative military strengths over the year and might therefore have acted as a further prod to higher defense spending, offending Moscow, history's greatest weapons procurers.

Item: Inadvertently or not, in his Feb. 27 press conference, Carter junked the careful formulation of U.S. displeasure for Vietnam's Soviet-backed "invasion" of Cambodia and China's "frontier penetration" in Vietnam. Those were Carter's words on Feb. 20 at Georgia Tech and Brzezinski's on the March 1 CBS "Morning Show." But in his press conference, Carter equated the two events with the same language, thus muting the anti-Soviet signal.

The record is strewn with examples, some quite ridiculous, such as the intentional refusal of the White House biography of dancer Mikhail Baryshnikov (prepared for his Feb. 25 performance there) to mention that he is a Soviet defector.

Given these sub-rosa signals—from special guest at the Soviet desk's regular staff meeting to the doctored record of a famed Soviet defector—the view from the Kremlin window must show a Jimmy Carter desperately eager to buy. That may explain the rising cost of doing business with the U.S.S.R.

□ 1210

THE PRESIDENT SHOULD APOLOGIZE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, during the Presidential campaign of 1976, candidate Jimmy Carter promised to cut defense spending. President Ford said the kind of cuts Carter talked about were not realistic and quite dangerous considering the growing Soviet military strength.

Candidate Carter did not listen to President Ford. He told Americans that Ford was asking too high a price for defense.

Now we hear from Secretary of Defense Brown that Mr. Carter "certainly has a more positive view of defense needs as a whole than he did when he came to office." The Wall Street Journal reports the administration has "gradually come to see the Soviet military buildup as more offensive than defensive."

I am glad to hear that the administration is facing the facts. This is exactly what President Ford was saying in 1976 while Jimmy Carter was talking about taking away billions of dollars from defense.

President Carter owes a public, formal apology to President Ford and to the American people for the uninformed, irresponsible, demogogic and harmful nonsense candidate Carter was spouting about defense needs back in 1976. He simply did not know what he was talking about.

Now he is learning—"gradually". We pray it is not too little, too late.

A TRIBUTE TO THE LATE SAMUEL KRAKOW, RED CROSS DIRECTOR

(Mrs. SPELLMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SPELLMAN. Mr. Speaker, I have lost a dear friend—and the thousands upon thousands of people whose lives he touched and whose lives he enriched by his caring have also lost a dear friend.

Samuel Krakow has died, Mr. Speaker, and those of us who respected and loved him mourn his passing.

Sam retired just 4 years ago from his position as director of the office of international services of the American Red Cross to travel and enjoy life with his wife, Mary. Their son, Howard, and lovely daughter-in-law, Sherri, had presented them with two grandchildren and his cup runneth over. But Sam was not content to just sit back and count his blessings—he wanted to show others that they, too, had much to live for, and so he embarked on organizing clubs and study groups for the many retired citizens of his community, seeing to it that they kept fit, active, and were of service to their fellow man. Sam had visions of a united world of love, and my family, who for over 30 years thought of him as a relative, will miss the contagious excitement for life and devotion he transmitted to others.

Sam joined the American Red Cross staff in 1943, and was later assigned overseas as a field representative, working with the British 8th Army and the American 5th Army in Italy during World War II. His assignments took him to Scandinavia after the war where he served as regional supervisor of Red Cross operations, including programs in Norway and Finland and liaison with the Swedish Red Cross.

He returned to Red Cross headquarters in Washington as an international relations officer in 1947, and in 1953 was sent on a 4-month temporary duty to Japan, Okinawa, and Korea. The work he performed on program development of the Korean Red Cross was so outstanding that on his return to this country an entire radio network program was presented, based on the assistance Sam gave the Koreans in their time of great need. In this play, Lloyd Nolan starred as Sam Krakow, and those of us who knew Sam were delighted with the program.

In addition to attending national and international conferences, Sam made special missions to Africa and the Middle East and was assigned to Cuba during the Bay of Pigs' release of prisoners.

In 1965, Sam, at the behest of the State Department, went on a special mission to the Dominican Republic to help set up a medical relief program after a revolt there. He also was a member of a Red Cross delegation that made an attempt in 1969 to negotiate the release of U.S. war prisoners in Vietnam.

Sam's travels were extensive, and wherever he went he gained the respect as well as the friendship of the many people he met. He served as an unofficial, but certainly excellent, ambassador for our country.

Just after his death, when we were trying to find words of comfort for his family, we received their note which was sent to aid us. It expresses, in a most eloquent way, the family's love for Sam and for Sam's many friends:

> FEBRUARY 9, 1979.
>
> DEAR FRIENDS AND RELATIVES OF SAM KRAKOW: It turns out that he wasn't perfect after all. Last night at 10:30, he died.
>
> But, unlike a lot of us who had the feeling that he might be something at least slightly more than mortal, he seemed to realize very early in life that he wasn't going to live forever.
>
> Perhaps that's why he crammed every day so full of love and fun and warmth and music and happiness and generosity. Which is why it seems out of place to dwell on the sorrow of his death—knowing that he had such a good time during his life.
>
> He lived with the hope that the world would be a better place for his having lived in it. And there is no question that his hope has been realized.
>
> So we think you will understand why we prefer not to commemorate his death—instead we choose to rejoice in his living. If his life moves you to some kind of action, we ask that you make a donation to the charity of your choice, or, even better, do as he did, and make a donation of your time and talents in the service of others.
>
> Although this is, understandably, a difficult time for all who knew and loved him, there is no need for sympathy among his family and friends throughout the world. That sympathy should be reserved for those who did not have the opportunity to know him as we did.
>
> As a final request, in remembrance of his life, we urge you to do what we are doing: think of him often. It will make you feel good.
>
> Love,
>
> MARY KRAKOW,
> HOWARD KRAKOW,
> SERRI KRAKOW.

And so, Mr. Speaker, I rise in sorrow at his death, yet in pride for having known this fine man, this humanitarian, this beloved father and husband who gave warmth, pleasure, and comfort to so many. I know my colleagues join me in extending to his family—Mary, Howard, Sherri, his father and brother, and his grandchildren—the heartfelt sadness we all feel because Sam Krakow is no longer with us to brighten our lives.

NATIONAL GUARD LIABILITY ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. EMERY) is recognized for 10 minutes.

● Mr. EMERY. Mr. Speaker, I have today introduced legislation which would permit the Secretaries of the Army and Air Force to prescribe regulations governing pecuniary liability for lost, damaged, or destroyed property that would apply uniformly to Regular, Reserve, and National Guard members of their services.

Under current law (32 U.S.C. 710), if Federal property issued to the National Guard is "lost, damaged, or destroyed through negligence, the money value of the property or the damage thereto" must be "charged to the State—to be paid from its funds—or to the member to whom the loss, damage, or destruction is charged * * *."

The statute permits no exercise of discretion by the service Secretaries. Liability must be imposed if negligence in any degree, including simple negligence, is determined to have caused the loss, damage, or destruction.

And the statute is construed as permitting the State and the guardsman to be held jointly.

The laws applicable to the other components of the Army and Air Force, that is, members on active duty, and members of the Army Reserve and Air Force Reserve on active duty for training and inactive duty training, provide great latitude. Those members are covered by sections 4832 and 9832 of title 10, which permit the Secretaries of the Army and Air Force to "prescribe regulations for the accounting for property and the fixing of responsibility for that property." The only exception to this broad authority is spelled out in subsection (e) of sections 4837 and 9837 of title 10 which requires "The amount of any damage, or cost of repairs, to arms or equipment caused by the abuse of negligence of a member—who had the care of, or was using the property when it was damaged shall be deducted from his pay."

Moreover, in the case of members on active duty—but not members of the National Guard performing training or duty under title 32—the Secretaries of the Army and Air Force can remit or cancel any part of an elisted members indebtedness to the United States (B-140923, 39 Comp. Gen. 415).

Accordingly, under current Air Force regulation, members of the Air Force on active duty, and of the Air Force Reserve (except where 9837 requires charging the member for simple negligence), are not held liable for loss or damage due to ordinary or simple negligence. Liability is imposed only in case of gross negligence or willful misconduct.

Until recently, the Army too imposed pecuniary liability only in case of gross negligence or willful misconduct. Under current regulations, liability is imposed for simply negligence, but not above 1 month's basic pay.

Accordingly, under current law, a member of the Army National Guard or Air National Guard may be held pecuniarily liable for the total value of Federal property lost or damaged as a result of his simple negligence, while his active Army counterpart could only be held liable for so much of the value of the property as does not exceed 1 month of his basic pay, and his Air Force active duty counterpart would not be held at all. And, as indicated above, the active duty Army or Air Force member who is found liable may have that indebtedness canceled or remitted.

Also, there is no parallel in laws applicable to the Army and Air Force for the imposition of financial responsibility upon the States.

While members of the National Guard performing training or duty under title 32 are not in active Federal service, the duty they perform is governed by training instructions and directives of Federal authorities, and, as sections 3686 and 8686 of title 10 provide "shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army [Air Force]." This training is frequently performed at locations outside their home State, and is identical to that performed by counterpart units of the Army and Air Force Reserve. The control exercised by the States at such times is theoretical only, and there is no more basis for imposing liability upon them at such times than for imposing liability upon commanders of active duty and reserve personnel who are responsible for loss or damage of Federal property.

The amendment proposed by the National Guard Association of the United States would eliminate the requirement to hold members for simple negligence, and instead provide that the standard of care should be uniform within the Army and within the Air Force for each of those service's components. It would authorize the cancellation or remission of indebtedness. It would impose liability upon the States only when the National Guard is performing duty under State law and under actual State control, and not when performing training or duty under Federal authority; that is, title 32 of the United States Code.

Mr. Speaker, this legislation has the support of the National Guard Association and I urge my colleagues to support this bill.

Mr. Speaker, I am also enclosing a copy of this legislation:

H.R.—

A bill to amend title 32, United States Code, with respect to accountability and responsibility for United States property issued to the National Guard

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 710 of title 32, United States Code, is amended as follows:

(1) Subsection (b) is amended to read:

"(b) The Secretary of the Army may prescribe regulations for accounting for property issued to the Army National Guard and the fixing of responsibility for that property. The Secretary of the Air Force may prescribe regulations for accounting for property issued to the Air National Guard and the fixing of responsibility for that property. So far as practicable the regulations prescribed under this section shall be uniform as among the components of each Service."

(2) Subsection (c) is amended to read:

"(c) Under regulations prescribed by the Secretary concerned, liability for the money value of lost, damaged or destroyed property may be charged to a member or members of the Army National Guard or the Air National Guard when in like circumstances a member or members of the active Army or Air Force would be so charged, or to a State or Territory, Puerto Rico, the Canal Zone or the District of Columbia when the property is lost, damaged or destroyed incident to duty directed pursuant to the laws of, and in support of the authorities of, such jurisdiction. Liability charged to a member of the Army National Guard or the Air National Guard shall be paid out of pay due the member for duties performed as a member of the National Guard, unless the Secretary concerned shall for good cause remit or cancel that liability. Liability charged to a State or Territory, Puerto Rico, the Canal Zone or the District of Columbia shall be paid from its funds or from any non-Federal funds."

SEC. 2. The analysis of chapter 7 of title 32, United States Code, is amended by amending the item relating to section 710 to read as follows:

"710. Accountability for property."●

THE DANGER OF ANOTHER ARAB-ISRAELI WAR REMAINS THREAT TO WORLD PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 10 minutes.

Mr. ZABLOCKI. Mr. Speaker, it is with profound regret that we have received the news over this past weekend of the apparent breakdown in the Middle East negotiations. We must recognize, I belive, frankly and realistically, that we are approaching a moment of critical importance in the history of the Middle East—with ultimate consequences as yet unknown. The danger of another Arab-Israeli war remains a threat to world peace which I sincerely hope and pray may be avoided. Given the volatile situation which currently exists in the Middle East and in the Persian Gulf in particular, there is also a danger that this present impasse will only encourage those who are determined to establish an Islamic crescent from India to the Israeli border.

It is a time, Mr. Speaker, for sober reflection and reassessment, but not for despair. It is also a time to commend and support our President for his courageous and persistent efforts to bring about a peaceful settlement of a difficult and sensitive problem. If he succeeds—against many odds—the world will be the winners, and if he fails, his loss will be ours to bear in equal measure.

The President is about to take another dramatic initiative in behalf of peace—his prospective trip to Israel and Egypt later this week. We know that the President has put forward a new set of proposals which both governments are now in the process of considering. I know that I join all Members of this body, on both sides of the aisle, in wishing the President every success—which is crucial to the interests of this country and to the peace and welfare of the world.

And finally, Mr. Speaker, let us recognize that in a situation of this kind, no American President can perform instant miracles. Only if both parties to the negotiations can agree on certain fundamental issues is a solution really possible.

The effort is clearly worthwhile and I commend the President of the United States for assuming the risks which such a move inevitably involves. It is a move which I believe merits our understanding—and our fullest support.

TREASURY VRM PROPOSAL IS INFLATIONARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, whatever goes up must come down. Or so we have always thought. This traditional belief is quickly being shattered for thousands of California homeowners, who have just been informed that the interest on their mortgages is going up for the second time in less than a year. These individuals are the holders of variable rate mortgages (VRM's), a type of home loan whose interest rate fluctuates with current market conditions. Lured, or sometimes forced into accepting these mortgages, homeowners are likely to continue watching their monthly payments grow, or their maturity date fade farther into the future. If the Department of Treasury has its way, millions more will be exposed to and trapped by this alternative to the traditional fixed payment mortgage. On the same day it was announced that VRM's in California will rise as much as one quarter of a percent in April, the Treasury issued a report recommending that all federally insured thrift institutions be granted the authority to issue VRM's in States which currently permit them. Currently, Federal savings and loan associations are permitted to offer the new type of mortgage only in California. At a time when the administration is waging its war on inflation, it appears to retreat when the banking community complains that its profits are being squeezed. The fixed payment mortgage has been one of the few hedges against inflation for most Americans. While the prices of goods and services skyrocketed all around them, consumers could at least be comforted by the fact that the payments on their home would remain level. By allowing VRM's, the Government has let the cost of purchasing a home join the inflationary spiral at a time when it is most important to hold down prices.

In order to protect future homebuyers from the snare of VRM's, I have proposed the American Dream Act, H.R. 38, which would prohibit financial institutions from offering this type of mortgage. A man's home should be his castle, and he should not be kept locked in its dungeon, unable to escape from the banks which hold him hostage. I intend to push for early hearings on this bill, so that homeowners in the future will not have to receive notices in the mail that the cost of living in their home will go up once again.

Financial institutions defend the use of VRM's by claiming that they create a more equitable sharing of the inherent risks caused by fluctuations in interest rates and the cost of funds. But experience has shown that all the burden has been shifted over to the consumer, who is pitted against sophisticated institutions in a match to see who can better predict future interest rates. The result, as could be expected, is that no VRM has ever had its interest rate lowered. And the recent announcement of rate hikes hardly spells the end of the upward climb. Financial analysts anticipate another round of increases in October, and possibly a fourth in April 1980.

The plan put forward by the Treasury merely compounds a problem the Government has created. It argues that the authority to issue VRM's is necessary if thrifts are to keep pace with the rising cost of funds which is confronting them. But it is the Government which is largely responsible for this increase in the cost of funds, because it has permitted thrifts to offer short-term certificates of deposit at extremely high rates. These 6-month CD's have attracted billions of dollars into thrifts, but also raised the cost of funds significantly. Instead of allowing the thrifts to offer such high-yielding certificates, which results in higher mortgage rates, the Government should alter the policy which is partially responsible for the initial problem of disintermediation. This is the imposition of taxes on interest earned on deposits. By eliminating these taxes, more people will be attracted to S and L's even at lower rates, which will result in a lower cost of funds, and thus a decrease in interest rates on home loans.

The Treasury's recommendation reflects an attitude that consumers, not big business, should bear all the burdens of inflation. Alternative policies do exist which negate the necessity for variable rate mortgages. This alternative instrument imposes an unfair burden on consumers who risk paying thousands of extra dollars to thrifts and banks as interest rates continue to rise. It is time to prove again that what goes up can, and will come down.●

SENIOR CITIZENS HEALTH INSURANCE REFORM ACT OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

● Mr. PEPPER. Mr. Speaker, on behalf of myself and Mr. JAMES H. SCHEUER, the distinguished chairman of the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce, I am introducing a bill to help end the serious abuses in the sale of health insurance to the elderly.

A few weeks ago the House Select Committee on Aging made public the results of its detailed investigation into abuses in health insurance which is sold in supplementation to medicare. Our investigation focused on nine States and the District of Columbia. As part of our investigation, we wrote to every State insurance commissioner and to 250 insurance companies. We wrote to every major trade association in the insurance field and we polled thousands of senior citizens. We also used senior citizens as investigators. Senior citizens who were already overinsured were asked to call salesmen to advise them about their insurance needs. Out of 50 confrontations, only 8 salesmen did the honest thing and report that our cooperating senior citizens already had too much insurance. The remaining 42 salesmen tried to sell from 1 to 8 additional policies.

Our investigation revealed that major scandals have erupted in the sale of medicare supplementary insurance in half of the States and yet only six States have specific laws or regulations designed to protect the elderly.

We concluded that abuses were widespread. Among the most common is overselling. Another technique is called "twisting." This involves an agent suggesting that a senior citizen drop an existing policy in favor of a new one. The result is generally harmful to the elderly who generally must wait months or even years before the new policy becomes effective. The agent benefits because he obtains the high first-year commissions paid to encourage new sales. We learned that agents often tell the elderly, "My company bought your company and I am now free to tell you the insurance I sold you last year is no good. You need this new policy." Agents compile lists of willing victims which they describe as "gooses" or "gophers." These individuals are visited again and again by the same agents. There are examples that would make your blood boil. For example, our recent hearings revealed that one woman was sold no less than 71 different health and life insurance policies over the past 4 years. She had to mortgage her Illinois farm in order to keep up with the payments.

While not all senior citizens have been victimized this way, it is apparent that a large number of our elderly have been sold duplicative insurance. In studying the matter, we concluded that the root cause of the problem is the ever-shrinking medicare coverage. Seniors must continually pay more and more to participate in medicare, and medicare is paying less and less of the bill. As a result, more and more senior citizens are turning to insurance. They believe that the insurance which they buy will fill the gaps. Insurance is often sold to them by salesmen who falsely promise that it will pay for everything that medicare will not. The reality is that no presently offered medicare supplementary policy will provide them with the comprehensive coverage they think they are buying. This insurance, by definition, is designed to pay the copayments and deductibles—the out-of-pocket costs—of participating in medicare, and little else.

It is, therefore, tragic to learn that senior citizens are going without food and medicine in order to keep up the payment on several medicare supplementary insurance policies with little value. One medicare supplementary policy is a good idea but anything more is a questionable purchase.

The tragedy is further compounded by the fact that some companies that offer these insurance policies are greedy. They begin with a product of limited economic value. They encourage overselling and they return precious few of the hard-earned dollars back to their policyholders. We have discovered that some companies return as little as 20 to 30 cents on the premium dollar back to their insured in the form of claims. The remainder of the money is burned up in overhead or goes to pay exorbitant commissions to agents or is simply retained as profit.

We found the problem to be most prevalent among companies which specialized in the sale of insurance to individuals (as opposed to groups). These companies quite often limit their sales to the elderly.

In short, Mr. Speaker, we have a full-scale scandal on our hands. We offer the rough estimate that about $1 billion a year is wasted on duplicative and unnecessary insurance. It is for this reason that I am introducing the Senior Citizens Health Insurance Reform Act of 1979. I believe that the Congress must act immediately to correct problems which have resulted from the administration of the Federal medicare program.

Before citing the specific provisions of the bill, I would like to acknowledge the assistance of the health insurance industry. We could not have discovered the abuses I have referred to without the assistance of the industry and that of aggressive State insurance commissioners, such as the Honorable Bill Gunter of my State. No one should get the impression that I am criticizing the entire insurance industry. Most of the major insurance companies do not sell medicare supplementary health insurance or they sell only group policies with which we had little problem. We also found little to criticize in Blue Cross/Blue Shield policies. Blue Cross and Blue Shield return about 90 percent of the premium dollar to their insured. I want to express my appreciation to the industry for its help. I will count on its continued support to help bring about the enactment of the bill I am offering today.

The bill calls upon the Secretary of Health, Education, and Welfare to establish Federal minimum standards and to certify those health insurance policies which are in conformance with these standards. The insurance companies could then advertise the fact of Federal certification and display an emblem as approved by the Secretary. Once approved, the certification would remain in effect provided the company files an affidavit with the Secretary no later than December 31 of each year which certifies that the policy continues to be in compliance with all Federal standards. Insurance companies would be obligated to provide the Secretary with data and information in order that the Secretary might determine the compliance with law and regulations.

My bill provides that it shall be unlawful for an insurance company to provide false or misleading information for purposes of obtaining or maintaining Federal certification.

The bill makes it a felony for any salesman to pretend that he is a representative from medicare as a means for getting in the door or for inducing the elderly to buy insurance. It also makes it unlawful to knowingly sell duplicative insurance and for a company to sell insurance through the mail which has not been approved by the State insurance commissioner of the State into which the policies are mailed. The penalties provided for conviction of these acts would be a fine of up to $25,000 or imprisonment for up to 5 years or both.

The last idea was suggested by Commissioner Al Lewis of New York who told our committee he had great difficulty regulating some aspects of mail order insurance. He asked our committee to stop mail order sale of insurance which his State bars. Asked how the companies avoid regulation he said:

> They set up fake trusts. The trust doesn't exist * * *. They set up a trust for the sole purpose of selling by mail a policy that is delivered, the certificate is delivered to the trust, and the person can buy it in my state * * *. If it is not a proper policy that could be sold in the state, it should not be sold through the U.S. mail.

My bill calls upon the Secretary of HEW to establish minimum Federal regulations within 18 months of enactment. The Secretary is asked to share with the States a list of all federally approved policies and to work with the States to encourage them to offer for sale only those policies which meet Federal minimum standards.

While, for the most part, the bill allows the Secretary to establish these minimum standards, there are several requirements which we believe are important enough to be written into law. First, such policies must supplement both parts A and B of medicare. Second, the policies must be written in simplified language and printed in 10-point or larger type. Third, the use of preexisting condition clauses as an excuse for not paying claims would be limited to 60 days. Fourth, policyholders must be given a 30-day, no-loss right of cancellation—a right to return the policy and get their money back. Finally, the policies must provide the insured with a reasonable economic benefit in that at least 75 percent of the premiums collected from the sale must be returned in benefits to the insured.

These are high standards for some but they are much lower than what is the general standard of the industry. For example, in 1977 the average health insurance company returned 80 percent of premiums back to their insured. Blue Cross and many of the largest and most reputable insurance companies in America are at or over the 90 percent mark.

Mr. Speaker, I am hopeful that this bill can be enacted immediately.●

LEGISLATION TO CLARIFY AUTHORITY OF NUCLEAR REGULATORY COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, I introduce today, with my colleague Mr. BINGHAM, a bill clarifying the authority of the Nuclear Regulatory Commission to license facilities used for the receipt and storage of commercial spent nuclear fuel. The Energy Reorganization Act currently provides for NRC licensing of facilities used for storage of commercial high-level radioactive waste. Spent nuclear fuel is the form high-level waste is in when it is removed from a nuclear power reactor. It is in the interest of clarity, however, to indicate in the regulatory statute that facilities for storing high-level waste in that particular form fall under the licensing provision.

This amendment of the Energy Reorganization Act was proposed by the Department of Energy and has been suggested and encouraged by the Nuclear Regulatory Commission. It is companion to an administration proposal for the construction and operation of spent fuel storage facilities. Clarification of the NRC's licensing authority will assist in the speedy and safe development of these facilities, which will further our national objectives of a strictly managed nuclear industry at home and the curbing of nuclear weapons proliferation abroad. I encourage the support of my colleagues in this matter.●

MALTESE-AMERICAN SOCIAL CLUB OF SAN FRANCISCO—50 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, on Saturday, February 24, 1979, the Maltese-American Social Club of San Francisco, Inc., celebrated at their headquarters at 1789 Oakdale Avenue, San Francisco, the 50th anniversary of their founding.

First called the Maltese Club of San Francisco, the club was formed in February 1929. During the next two decades the club grew and became the focal point of the social life of Maltese-Americans. The club organized soccer teams, bands, social functions and dramatic presentations in the Maltese language.

In the troubled period of the war years with the devastating suffering on Malta, the club activities took on new emphasis. Many events were held for the Malta War Relief Fund.

On October 26, 1945, the organization changed its name to the Maltese-American Social Club of San Francisco. In June 1949, the club received its corporation status under that name. A 20-year dream of members became a reality when the club purchased its present premises on July 6, 1949, premises which it had been leasing since the late 1930's.

With its permanent home established in 1949, the Maltese-American Social Club of San Francisco continued to grow and to serve. During the fifties, sixties, and now in the seventies, the club has remained the focal point and meeting place for the Maltese-American community. It provides social activities, sponsors athletic teams, conducts citizenship classes and has been a source of help to many Maltese immigrants in their desire to become U.S. citizens and to become an integral part of the bay area community.

This is a happy anniversary marking 50 years of service to the community. I wanted my colleagues in the House to know of this outstanding group and to join with me in extending to Mr. Joseph Grech, president of the Maltese-American Social Club of San Francisco, and to its officers and members, our heartiest congratulations and best wishes for continued success.●

THE U.S. SECURITY RELATIONSHIP WITH TAIWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, at various times in our debate over normalization of U.S. relations with the People's Republic of China, the termination of the United States-Republic of China Mutual Defense Treaty, and the establishment of a basis for continuing relations between the people of the United States and the people on Taiwan, I have noticed a tendency on the part of some Members to describe the past U.S. security commitment to Taiwan in very sweeping, almost absolute terms. I do not believe that this approach is either helpful to our discussion or historically accurate, and I believe that a good deal of unnecessary confusion could be avoided if we would keep in mind some of the basic historical realities of this relationship.

The following points seem to me to be particularly relevant:

First. There was no formal security relationship between the United States and the Republic of China during its first 5 years on Taiwan.

The decision of the Chinese nationalist leaders in 1949 to evacuate to Taiwan and reconstitute and continue their operations on the islands was a decision reached entirely on their own in the aftermath of the collapse of their authority on the mainland and the consolidation of control there by the Communist side. The U.S. Government played no part in this decision and no role in the transfer of the nationalist forces and administration to Taiwan. Secretary Acheson, in his controversial but nonetheless authoritative statement of early 1950 which placed Korea outside the basic U.S. defense perimeter, put Taiwan in the same category. Shortly after the onset of the Korean war, this policy vis-a-vis Taiwan was modified by President Truman's announcement that Taiwan would come under the protection of the 7th Fleet. Nevertheless, despite a continuing and active interest in the evolving security situation in the region, there was no formal or mutually agreed security relationship between the United States and the Republic of China Government on Taiwan until the end of 1954.

Second. The U.S. decision in 1954 to enter into a mutual defense treaty with the R.O.C. was based primarily on overall U.S. security and political interests rather than bilateral considerations.

The conclusion of the treaty in December 1954 was the result of a general U.S. reappraisal of our security posture in the aftermath of the Korean war. It was the last of the series of mutual security treaties pushed through by Secretary Dulles in the Asian region during this period—treaties with Japan, Korea, the Philippines, and Australia/New Zealand as well as the Southeast Asia Collective Defense Treaty (SEATO) completed in September 1954. The United States-Republic of China treaty thus became one link in the whole chain of treaties with states on the periphery of the Sino-Soviet region.

It should also be remembered that the treaty was concluded during a period of open military confrontation in the region. The Korean war had involved direct conflict between mainland Chinese and American troops. Communist Chinese military operations were actively being mounted against nationalist-held islands in the Formosa Strait, a campaign which triggered the introduction and passage of the "Formosa Resolution" in the Congress in January 1955. And the belligerence on the part of the Communist Chinese reflected in these actions was generally considered in the United States to be part of an overall Sino-Soviet strategy directed at bringing down the Western world. The underlying purpose of the whole series of defense treaties was to deter what was seen as worldwide Sino-Soviet adventurism.

It is also worth noting in this context that the conclusion of a United States-Republic of China treaty at this time was one means of explicitly erasing the uncertainty caused by Acheson's 1950 statement placing Taiwan outside the U.S. security perimeter. Had the post-Korean war defense pacts excluded Taiwan, this could well have further tempted the militant mainland leadership to think that the United States would have been indifferent in the fact of an attack on Taiwan.

Third. The mutual defense treaty did not constitute an unqualified or immutable U.S. military commitment to the Republic of China.

The extent of the U.S. commitment and the degree of identity of purpose between the United States and the Republic of China reflected in the treaty were clearly limited. The language of the treaty carefully avoided any implication of U.S. endorsement of the nationalists' declared objective of regaining the mainland by force. U.S. concern lest the defensive guarantees in the treaty embolden the Republic of China to move against the mainland also is evident in the exchange of notes which accompanied the treaty, in which the Republic of China undertook not to use force outside the areas already under its control without advance U.S. agreement.

It is indisputably clear that the commitments undertaken in the treaty were not irrevocable. The termination clause built into the treaty provided that either party could withdraw on 1 year's notice. Further, this action could be taken at the absolute discretion of the withdrawing party; no other conditions were specified. The present U.S. action terminating the treaty is thus in complete conformity with the terms of the treaty.

Fourth. The present situation is dramatically different from that which prevailed when the mutual defense treaty was concluded.

The "Sino-Soviet bloc" has long since been superseded by the Sino-Soviet conflict; the most immediate danger to international peace now posed by the relationship between these two states is that of conflict between them rather than any combined threat against the non-Communist world. The present leaders of Communist China are actively pursuing improved relations and expanded economic ties with the West, a far cry from the armed confrontation of the Korean war period. And Chinese military activity in the Formosa Strait has moderated over time and, with the establishment of normalized relations with the United States, has given way to expressions of People's Republic of China interest in a negotiated reunification involving a remarkable degree of autonomy for Taiwan.

At the same time, Taiwan is now economically stronger, politically more mature, and militarily far better able to defend itself than was the case in the early 1950's. Further, the U.S. stress on the Taiwan issue throughout the prolonged negotiations with the People's Republic of China over normalization, including our explicit intention to continue providing arms to Taiwan, has left the People's Republic of China in no doubt as to our continuing interest in Taiwan's security even after termination of the defense treaty. Thus the termination of the treaty now does not carry with it overtones of again appearing to exclude Taiwan from the area of U.S. security concern in the Pacific.

There is obviously room for honorable men to disagree on various aspects of the U.S. relationship and policy with regard to China. However, I would hope that to the maximum extent possible our discussion could be based on mutual agreement as to the factual background. I hope that these remarks will make a contribution to such an understanding.●

HAVE A HEART FOR RUDY

(Mr. LEWIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS. Mr. Speaker, I rise to pay tribute to the people of Barstow, Calif., and to share with the Members of the House of Representatives the dramatic human story which unfolded in this community within my congressional district over the weekend. It is a story which demonstrates clearly that those qualities which make our country the greatest in the history of man are alive and well.

Rudy Lara is 31 years of age. He has two children and his wife is a librarian. In 1974, Rudy had open heart surgery. His son suffers from hemophelia. The Lara family is a modest family—beset with more than their fair share of problems. But their spirit is a reflection of the pioneer-like character which can be seen in the people who make up rural America.

A short time ago, the Lara family learned that if Rudy was to live, he must undergo a heart transplant. He was to be admitted to Stanford University Hospital. Then it was learned that their group health insurance plan excluded heart transplant surgery and that the hospital would require $60,000 before accepting Mr. Lara as a patient.

That is where our story begins. It is a story of human caring. It is a story of our national medical crisis. It is a story of the spirit and the love of the community of Barstow for its fellow man.

Learning of the plight of one of their fellow citizens, the people of Barstow responded immediately. Building their effort around the campaign theme—"have a heart for Rudy," citizens from every walk of life became involved. Students made buttons to display the theme. Business people contributed the day's earnings from their cash registers. Service clubs sold newspapers for $1 to add to the fund. Children collected money from door to door. The city council, the school district, the chamber of commerce—everyone became involved.

The climax came on Saturday, March 3, when Barstow College public television and radio station KIOT gave the entire day for a hometown radio-telethon committed to raising at least the $60,000 to provide Rudy Lara with a new heart.

As Barstow moved closer and closer to that Saturday, virtually everyone who touched the community could feel the ground swell of concern and support. At the last moment, there was a confluence of effort that brought forth levels of response beyond the wildest of dreams:

Blue Shield, the insurance company for the school district where Mrs. Lara is librarian, decided only hours before the telethon was to begin, that they would waive the contract clause which excludes heart transplants. Their action assured that at least a portion of the hospital and surgery costs would be covered.

On Friday afternoon, Stanford University Hospital agreed to accept Rudy as a patient.

While the telethon was taking place, Lt. Gen. Charles Pixley, Surgeon General of the U.S. Army, responded to calls for help from the heart team at Loma Linda University. It was their belief that only a plane from the Army Medical Air Lift Wing could provide the needed safety in transporting Mr. Lara from southern California to Stanford.

With a crescendo, the people of Barstow reached their goal and went beyond. By Saturday evening, the pledges were over $105,000 and still climbing. At 10 a.m. Sunday morning, that airplane of mercy lifted off the pad at Norton Air Force Base with Mr. and Mrs. Rudy Lara aboard headed for northern California.

Foolish that we should believe in miracles. Who says people do not care. Who says the system does not work. Well, Mr. Speaker and my colleagues, just ask Mr. Rudy Lara and his family. With the good Lord looking over your shoulder, and the people of Barstow behind you, anything is possible.

And how is Rudy going to repay the people of his hometown? He said it just the other day, "By getting up and walking out of that hospital!"

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Edwards of Oklahoma (at the request of Mr. Michel), on Tuesday, March 6, 1979, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Deckard) to revise and extend their remarks and include extraneous material:)

Mr. Emery, for 10 minutes, on March 5.

(The following Members (at the request of Mr. Moakley) to revise and extend their remarks and include extraneous material:)

Mr. Zablocki, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Pepper, for 10 minutes, today.

Mr. Udall, for 5 minutes, today.

Mr. Phillip Burton, for 5 minutes, today.

Mr. Bingham, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Deckard) and to include extraneous material:)

Mr. Solomon.

Mr. Symms.

Mr. Goodling.

Mr. Conable.

Mr. Young of Alaska in two instances.

Mr. Lagomarsino in three instances.

Mrs. Holt in two instances.

Mr. Andrews of North Dakota.

Mr. Broyhill.

(The following Members (at the request of Mr. Moakley) and to include extraneous matter:)

Mr. Murtha.

Mr. Mollohan.

Mr. Mazzoli in two instances.

Mr. Ertel.

Mr. de la Garza in 10 instances.

Mr. Hutto in five instances.

Mr. Aspin.

Mr. Phillip Burton.

March 3, 1979, on account of official busi-
instances.

Mr. Gonzalez in three instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Ms. Holtzman in 10 instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in 10 instances.

Mr. Skelton.

Mr. Hamilton.

Mr. Drinan.

Mr. Nedzi.

Mr. Akaka.

Mr. Mavroules in two instances.

Mr. Edgar.

Mrs. Schroeder.

Mr. Carr.

Mr. Blanchard.

Mr. Lehman in two instances.

Mr. Hawkins.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on March 1, 1979, present to the President, for his approval, a bill of the House of the following title:

H.R. 1902. To amend the Bank Holding Company Act Amendments of 1970.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 6, 1979, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

780. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1979 for the Small Business Administration (H. Doc. No. 96–66); to the Committee on Appropriations and ordered to be printed.

781. A communication from the President of the United States, transmitting his annual report on international agreements sent to Congress after the expiration of the 60-day period specified in Public Law 92–403, pursuant to 1 U.S.C 112b(b); to the Committee on Foreign Affairs.

782. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide for the advance payment of station housing allowances for members of the uniformed services assigned overseas; to the Committee on Armed Services.

783. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Kenya (transmittal No. 79–9), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

784. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense articles and services to Thailand (transmittal No. 79–11), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

785. A letter from the Secretary of Housing and Urban Development, transmitting a study of the developmental needs of small cities, pursuant to section 113 of Public Law 95–128; to the Committee on Banking, Finance and Urban Affairs.

786. A letter from the mayor of the District of Columbia, transmitting the annual report of the Office of Emergency Preparedness of the District of Columbia for fiscal year 1978, pursuant to section 6 of Public Law 81–686; to the Committee on the District of Columbia.

787. A letter from the District of Columbia Auditor, transmitting copies of three reports entitled "Regulation of Emergency Medical Transportation," "Payroll Verification–D.C. Department of Labor," and "Annual Report on Depository Activities, fiscal year 1978," pursuant to section 455 of Public Law 93–198; to the Committee on the District of Columbia.

788. A letter from the Secretary of State transmitting the annual report on Americans incarcerated abroad for fiscal year 1978, pursuant to section 108 of Public Law 95–105; to the Committee on Foreign Affairs.

789. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

790. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Kenya (transmittal No. 79–9), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

791. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Thailand (transmittal No. 79-11), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

792. A letter from the Secretary of the Treasury, transmitting the sixth annual report of the Office of Revenue Sharing, covering fiscal year 1978, pursuant to sections 105(a)(2) and 121(f) of the State and Local Fiscal Assistance Act of 1971, as amended; to the Committee on Government Operations.

793. A letter from the Director, Office of Management and Budget, Executive Office of the President, and the Acting Secretary of the Treasury, transmitting the fifth annual report on fiscal and budgetary information and controls, pursuant to section 202 (f) of the Legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

794. A letter from the Under Secretary of State for Management, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

795. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

796. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

797. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

798. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

799. A letter from the General Counsel Export-Import Bank of the United States, transmitting a report on the Bank's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

800. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

801. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting a report of the Federal Open Market Committee of the Federal Reserve System on the Committee's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

802. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

803. A letter from the Chairman, Foreign Claims Settlement Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

804. A letter from the president, Inter-American Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

805. A letter from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

806. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

807. A letter from the Administrator, National Credit Union Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

808. A letter from the Chairman and the General Counsel of the National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

809. A letter from the Director, Office of Government and Public Programs, National Science Foundation, transmitting a report on the Foundation's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

810. A letter from the Director, Office of

Personnel Management, transmitting a report on the Civil Service Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

811. A letter from the Postmaster General, transmitting a report on the Postal Service's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

812. A letter from the Information Officer, Postal Rate Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

813. A letter from the Acting Chairman, Renegotiation Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

814. A letter from the Administrator, Small Business Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

815. A letter from the president, United States Railway Association, transmitting a report on the Association's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

816. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation concerning the Pinelands National Reserve, N.J.; to the Committee on Interior and Insular Affairs.

817. A letter from the Chairman, United States Water Resources Council, transmitting a draft of proposed legislation to amend title III of the Water Resources Planning Act of 1965 (Public Law 89–80), as amended; to the Committee on Interior and Insular Affairs.

818. A letter from the Acting Secretary of the Treasury, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

819. A letter from the Assistant General Counsel, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held on March 7, 1979, in San Francisco, Calif.; to the Committee on Interstate and Foreign Commerce.

820. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission is unable to render a final decision within the initially-specified 7-month period in docket No. 36746 (Sub-No. 74), Ferric Sulphate, Copperhill, Tenn., to Kitalou, Tex., and requesting an extension to May 25, 1979, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

821. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

822. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

823. A letter from the Associate General Counsel for Legislation, Interstate Commerce Commission, transmitting a copy of the comments of the Commission's staff to the Office of Management and Budget on S. 299, the proposed "Regulatory Flexibility Act," pursuant to section 201(j) of the Budget and Accounting Act of 1921, as amended (90 Stat. 60); to the Committee on the Judiciary.

824. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting volume I of the Committee's findings and recommendations on Federal organization for oceanic and atmospheric affairs; to the Committee on Merchant Marine and Fisheries.

825. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize an additional Assistant Secretary of Commerce; to the Committee on Post Office and Civil Service.

826. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting a draft of proposed legislation to amend section 606 of the Disaster Relief Act of 1974, as amended, to authorize the appropriation of additional sums for fiscal years 1981, 1982 and 1983, and for other purposes; to the Committee on Public Works and Transportation.

827. A letter from the Administrator of General Services, transmitting a revised prospectus proposing alterations at the U.S. Post Office-Courthouse, 300 NE., First Avenue, Miami, Fla., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

828. A letter from the Comptroller General of the United States, transmitting a report on the Army's advanced attack helicopter and Hellfire missile programs (PSAD–79–33, February 20, 1979); jointly, to the Committees on Government Operations, and Armed Services.

829. A letter from the Comptroller General of the United States, transmitting a report on the Army's Copperhead and the Navy's 5-inch and 8-inch guided projectile programs (PSAD–79–34, February 20, 1979); jointly, to the Committees on Government Operations, and Armed Services.

830. A letter from the Comptroller General of the United States, transmitting a report on the Navy's torpedo development and improvement programs (PSAD–79–36, February 21, 1979); jointly, to the Committees on Government Operations, and Armed Services.

831. A letter from the Comptroller General of the United States, transmitting a report on the Joint Tactical Information Distribution System (PSAD–79–39, February 28, 1979); jointly, to the Committees on Government Operations, and Armed Services.

832. A letter from the Comptroller General of the United States, transmitting a report on the capability of the Navy's F–14A/Phoenix weapon system to meet the current or postulated threat to the Naval fleet (PSAD–79–44, February 28, 1979); jointly, to the Committees on Government Operations, and Armed Services.

833. A letter from the Comptroller General of the United States, transmitting a report on the need to clarify policy on export controls (ID–79–16, March 1, 1979); jointly, to the Committees on Government Operations, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 3, 1979]

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 2479. A bill to help maintain peace, security, and stability in the Western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan (Rept. No. 96–26). Ordered to be printed.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 13. Resolution providing for the establishment of the Select Committee on Narcotics Abuse and Control; with amendment (Rept. No. 96–27). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 38. Resolution establishing a Select Committee on Population (Rept. No. 96–28). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee on Small Business. H.R. 90. A bill to amend the Small Business Act and Small Business Investment Act of 1958; with amendment (Rept. 96–29). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 or rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES:

H.R. 2596. A bill to amend chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), to permit awards of reasonable attorneys' fees and other expenses for public participation in Federal agency proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE (for himself, Mr. Frenzel, Mr. Gibbons, Mr. Gradison, Mr. Jones of Oklahoma, Mr. Moore, and Mr. Schulze):

H.R. 2597. A bill to amend the Antidumping Act, 1921, the Tariff Act of 1930, section 801 of the Revenue Act of 1916, and for other purposes; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 2598. A bill to amend the Federal Trade Commission Act to provide that the Commonwealth of Puerto Rico shall be subject to the provisions contained in such act; to the Committee on Interstate and Foreign Commerce.

By Mr. EDGAR (for himself, Mr. Flood, Mr. Lederer, Mr. Shannon, and Mr. Yatron):

H.R. 2599. A bill to create the Energy Corporation of the Northeast and to authorize the Secretary of the Treasury to provide guarantees for the obligations of such corporation and other financial assistance to such corporations; jointly, to the Committees on Interstate and Foreign Commerce, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. EMERY (for himself, Mr. Whitehurst, Mr. Montgomery, Mr. Ichord, Mr. Jenrette, Mr. Robinson, and Mr. Nichols):

H.R. 2600. A bill to amend title 32, United States Code, with respect to accountability and responsibility for U.S. property issued to the National Guard; to the Committee on Armed Services.

By Mr. FLORIO (for himself, Mrs. Fenwick, Mr. Hollenbeck, Mr. Patten, Mr. Guarini, Mr. Rinaldo, Mr. Maguire, and Mr. Roe):

H.R. 2601. A bill to designate the proposed new Veterans' Administration medical center in Camden, N.J., as the Carlton R. Rouh Memorial Veterans' Medical Center; to the Committee on Veterans' Affairs.

By Mr. PEPPER (for himself and Mr. Scheuer):

H.R. 2602. A bill to direct the Secretary of Health, Education and Welfare to institute a program of voluntary certification for health insurance policies sold in supplementation of medicare; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. Bob Wilson):

H.R. 2603. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1980, and for other purposes; to the Committee on Armed Services.

By Mr. ROUSSELOT:

H.R. 2604. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

H.R. 2605. A bill to amend title II of the Social Security Act to provide that renewal commissions, received by a retired insurance agent from life insurance policies which were sold by him before his retirement, shall not be taken into account in determining his net earnings from self-employment for purposes of the earnings test; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 2606. A bill to amend the Toxic Substances Control Act to extend the authorization of appropriations contained in such act; to the Committee on Interstate and Foreign Commerce.

By Mr. SEBELIUS:

H.R. 2607. A bill to authorize and direct the Secretary of the Interior to construct additional drainage facilities for the Kansas-Bostwick Unit, Pick-Sloan Missouri Basin program; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 2608. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (by request):

H.R. 2609. A bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (act of June 24, 1974; 88 Stat. 266), and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2610. A bill to amend the Water Resources Planning Act (79 Stat. 244, as amended); to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. Bingham):

H.R. 2611. A bill to provide for the licensing of Department of Energy facilities primarily used for the receipt and storage of commercial spent fuel; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON (for himself and Mr. Johnson of California):

H.R. 2612. A bill to amend the Trade Act of 1974 to improve procedures relating to the determination of certain unfair foreign trade practices; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 2613. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

H.R. 2614. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PREYER:

H.J. Res. 238. Joint resolution to authorize and request the President to proclaim the week of September 16 through 22, 1979, as "National Meals on Wheels Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

49. By the SPEAKER: Memorial of the Legislature of the State of Texas, relative to agricultural policy; to the Committee on Agriculture.

50. Also, memorial of the House of Representatives of the State of Hawaii, relative to establishing a strategic petroleum reserve capacity for the State of Hawaii; to the Committee on Interstate and Foreign Commerce.

51. Also, memorial of the Legislature of the State of Arkansas, requesting that Congress propose, or call a convention for the specific and exclusive purpose of proposing, an amendment to the Constitution of the United States to require a balanced Federal budget in the absence of a national emergency; to the Committee on the Judiciary.

52. Also, memorial of the Legislature of the State of Texas, reaffirming its earlier call for an amendment to the Constitution of the United States requiring a balanced annual Federal budget; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAN DANIEL:

H.R. 2615. A bill for the relief of Mrs. Frances M. Butler; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 2616. A bill for the relief of McNamara Construction of Manitoba, Limited, of Willowdale, Ontario, Canada; to the Committee on the Judiciary.

By Ms. MIKULSKI (by request):

H.R. 2617. A bill for the relief of Rosario Bautista; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 30: Mr. Coleman.

H.R. 90: Mr. Cheney, Mr. Clinger, Mr. Courter, Mr. Davis of Michigan, Mr. Edwards of Oklahoma, Mr. Jenrette, and Mr. Stump.

H.R. 279: Mr. Anderson of California, Mr. Bedell, Mr. Bonior of Michigan, Mr. Carr, Mr. LaFalce, Mr. Maguire, Mr. Matsui, Mr. Moakley, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, and Mr. Wolpe.

H.R. 281: Mr. Anderson of California, Mr. Atkinson, Mr. Bedell, Mr. Bonior of Michigan, Mr. Buchanan, Mr. Carr, Mr. Hollenbeck, Mr. LaFalce, Mr. Maguire, Mr. Matsui, Mr. Mineta, Mr. Moakley, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Waxman, Mr. Weiss, and Mr. Wolpe.

H.R. 300: Mr. Anderson of California, Mr. Atkinson, Mr. AuCoin, Mr. Bonior of Michigan, Mr. Carr, Mr. Hollenbeck, Mr. LaFalce, Mr. Maguire, Mr. Matsui, Mr. Moakley, Mr. Roybal, Mr. Scheuer, Mr. Vento, Mr. Weiss, and Mr. Wolpe.

H.R. 1843: Mr. Bedell, Mr. Bonior of Michigan, Mr. Buchanan, Mr. Carr, Mr. Edwards of California, Mr. Mineta, Mr. Moakley, Mr. Roybal, Mr. Scheuer, and Mr. Weiss.

H.R. 2036: Mr. Solarz, Mr. Edgar, Mr. Leach of Louisiana, and Mr. Mazzoli.

H.J. Res. 14: Mr. Philip M. Crane, Mr. Hillis, Mr. Trible, Mr. Goodling, Mr. Watkins, Mr. Roth, Mr. Jeffries, Mrs. Snowe, Mr. Yatron, Mr. Bevill, Mr. Stack, Mr. Marlenee, Mr. Applegate, Mr. Won Pat, Mr. Gradison, Mr. Bob Wilson, Mr. Carter, Mr. Dannemeyer, Mr. Deckard, Mr. Dan Daniel, Mr. Evans of Georgia, and Mr. Myers of Indiana.

H.J. Res. 39: Mr. Gingrich and Mr. McDonald.

H.J. Res. 201: Mr. Gingrich and Mr. Ginn.

H. Res. 106: Mrs. Byron, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Ford of Tennessee, Mr. Edgar, Mr. Leach of Louisiana, Mr. Maguire, Mr. Markey, Mr. Harris, and Mr. Rinaldo.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

68. By the SPEAKER: Petition of the board of supervisors of the city and county of San Francisco, Calif., relative to defense spending; to the Committee on Government Operations.

69. Also, petition of the National Water Supply Improvement Association, Ipswich, Mass., relative to the Federal desalination program; to the Committee on Interior and Insular Affairs.

70. Also, petition of the National Association of Regulatory Utility Commissioners, Washington, D.C., relative to the tax treatment of the cost of removal upon retirement of a public utility plant, and the treatment of investment tax credit; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SHRINERS ARE BEHIND-THE-SCENES CIVIC CLUB

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MATHIS. Mr. Speaker, I rise today to praise one of my constituents who has spent a lifetime helping his fellow man through his work with the Shrine clubs. His work was recently praised in an article in the Thomasville, Ga., Times-Enterprise which I insert at this time:

Shriners Are Behind-the-Scenes Civic Club

(By Wendy Freedman)

Their work is inconspicuous—until one sees the youngsters the Shriner's Club here has helped.

The club does not hold weekly luncheon meetings, hear guest speakers or send bulletins to newspapers.

But when a burn victim here needs help, those in the know think immediately of the Shriners and the club's ambassador-at-large, Joseph N. Rosolio.

Rosolio, a 77-year-old Thomasville businessman, has the often-thankless job of asking people to remember the Shriners in their wills, talking distraught parents into accepting free medical care and arranging transportation for patients.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

To Rosolio, however, wearing a hat that looks like an upside down flower pot has its rewards.

"Having no children of my own, I love children and love to help children in distress," he said.

And even though doctors will say, 'See Joe Rosolio, he'll help your child,' Rosolio prefers to talk about the Shriners than himself.

He'd rather talk about the 85 other Shriners in Thomas County, the organization's 19 orthopedic hospitals and three burns institutes and the people who have been helped by the hospitals.

"If we hear of someone (in need), we are anxious to help," Rosolio said.

Currently the Thomas County Shriners have placed two youngsters from Thomasville and one from Moultrie in hospitals.

One boy from Ochlochnee needed an operation to correct curvature of the spine, he said.

"The mother was crying. The operation would cost around $25,000. She didn't have the money. So someone said, 'Call Joe.'

"The parents were afraid to take charity, I was told," Rosolio said. "I said to bring them to my store and I would talk to them. I said, 'People leave money for this. If you don't use it someone else will. Would you deprive your boy of this operation?'"

The boy went and his height has already increased three inches, Rosolio said.

Rosolio has become a master of diplomacy in convincing skeptical parents that accepting charity is the right thing to do in these cases.

"I explain a child will not benefit without the facility," he said. "Parental attitudes change when they see the improvements in their children."

The improvements are sometimes just short of miracles.

He recalled a Cairo woman who was burned in a fire seven years ago. She is to be married this month, he said.

"Her whole body was scorched and charred," he recalled.

Branda Greene had stood too close to her family fireplace when she was 13.

She was burned over more than 59 percent of her body and spent five months at the Shriner's Burns Institute in Galveston, Texas.

After being unconscious because of burn poisoning as well as needing plastic surgery and skin grafts, Miss Greene is now a Valdosta State College student.

She wrote Rosolio a letter last year to thank him for his help.

"In most cases I don't know them before the accident or operation," he said, "But afterwards they stop by."

Rosolio, a member of the Hasan Temple, Albany, is ambassador for the South Georgia area district which covers a 100-mile radius and 4,000 members.

To qualify for membership in the Shriners one must first join the Ancient Order of Masons.

The Shriners' dues support the hospitals.

The organization did not previously solicit contributions but with the high cost of medical care, found it necessary, Rosolia said.

"It's hard to say how a person gets interested," said the Mason of 54 years and Number One Thomasville Shriner in 1977.

But once interested, the Shriners have become more than a hobby for at least one member.

The funny hats, exalted titles and diamond stick pins mean a way of life which has saved youngsters from personal tragedy.

Any crippled or burned child from infancy to age 15 whose parents' or guardians are unable to pay for necessary medical care is eligible for treatment in the burns or orthopedic centers.●

CHILD OF THE SEVENTIES: A UNIQUE CHILD

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. ROTH. Mr. Speaker, the child of the seventies is a unique child. That theme is woven through an excellent essay by Kathleen Ann Hoida, of Luxemburg, Wis., one of my constituents.

Miss Hoida is the Wisconsin winner of the 1978–79 Veterans of Foreign Wars "Voice of Democracy" scholarship program.

It is reassuring to know that young people such as Kathleen have grasped the real meaning of America's past, present, and future. She has clearly articulated the problems as well as the great possibilities for the United States, placing them in their proper perspective.

I am pleased to bring Kathleen's essay to the attention of my colleagues, with the hope that they will pause for a few minutes to read the words of a very "unique child of the seventies."

VFW VOICE OF DEMOCRACY WISCONSIN WINNER, KATHLEEN ANN HOIDA

America. For two hundred years we've laughed with her, cried with her. We've fought for her freedom and we've fought to keep her free. She was built on the principle that all men are created equal. To us she means baseball, hotdogs, apple pie and Chevrolet. But to the millions of immigrants who have been greeted by the Statue of Liberty in the New York Harbor, America means freedom from persecution and hopes of a better life ahead.

Men with stamina, insight and courage made America what she is today. Men with a dream to fulfill. Men caring for their fellow men. That word, caring. It's a simple six letter word, but it encompasses a vast spectrum of words and deeds so characteristic of our American heritage.

George Washington proved he cared when he accepted the presidency of a young and inexperienced nation.

Good old American ingenuity and the wanting to better life for the American people led Eli Whitney to invent the cotton gin in 1793, and McCormick to invent the reaper some thirty years later.

Abraham Lincoln proved he cared for his fellow man when he instituted the Emancipation Proclamation.

Trace this caring through the years:

The Truman Doctrine and the Marshall Plan together pumped millions of dollars into war torn countries.

Disaster relief teams equipped with medicines and supplies rushed into earthquake stricken Nicaragua.

It was America who did not close her doors to the many Viet Nam refugees.

And today, organizations such as Hope, VISTA, and Care are serving the needy both at home and abroad.

It makes me proud to say I'm an American when I see organizations like the American Red Cross helping people in time or disaster. But it makes me even prouder to see private citizens taking up a collection for a family who has lost everything they own in a disastrous fire.

Certainly, there have been chapters in our History books we are not proud of, for they show the pictures of slavery and depression. But to err is human and by past mistakes we have profited and found courage to face the monumental task of caring for our fellow man. This heritage, I believe, will be passed on by my generation. The child of the 70's is a unique child. He is well educated and protected with the greatest medical technologies the world has ever seen. He has seen the social and economic upheavals of the 60's: The Civil Rights Movement, the Viet Nam War, bombings, and demonstrations. He is strengthened and taught a valuable lesson through their examples. America will survive but only if we take an active voice—not an apathetic and uncaring attitude.

Why do I care about America? How do you put into words the gratitude one feels for being able to vote, for being able to choose my own career, to worship in the church of my choice, to form my own opinions and to make them known. How do we thank the men who defended America when at war or those who did not return home at war's end?

I care for America because I'm indebted to those men who fought for our country and those who continue to fight to keep it free.

I care for America because she strives toward giving people an equal opportunity.

I care for America because being able to call myself an American citizen is an heirloom passed down to us by our forefathers. It's only right that we cherish this gift—it's priceless.

I care for America because in 200 years we've seen this nation rise from a young and inexperienced nation to fifty united states. We've suffered and celebrated with her and felt those growing pains. Now the child of the 70's is faced with the monumental challenge of preserving the heritage our forefathers lived, worked and died for. It's our turn now. Through caring and taking an active voice we will preserve a nation that our children will be proud of. America. I care for her. I'm proud to call her my home.●

NORTH DAKOTA VFW VOICE OF DEMOCRACY WINNER

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. ANDREWS of North Dakota. Mr. Speaker, I am again pleased and proud to submit for the RECORD the winning North Dakota entry in the Voice of Democracy contest sponsored by the VFW and its auxiliary.

Vanessa Tronson of Hillsboro, N. Dak., is this year's winner in our State. The daughter of Mr. and Mrs. Forrest Tronson, Vanessa plans to pursue a career in home economics. She has been an outstanding student and has served as president of the FHA district chapter.

Vanessa's essay stresses the importance of freedom as made possible by our Constitution and way of life. Her words are concise and constructive and they leave no doubt that Vanessa is one young person who appreciates and understands the meaning of being American.

The essay follows:

1978–79 V.F.W. VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—NORTH DAKOTA WINNER—VANESSA TRONSON

I care about America because America cared for me first! America produced the first free people and America made its people the most prosperous and powerful people in the world.

When the words free or freedom are mentioned, what immediately comes to your mind? Is it the fact that we have the freedom to go to whatever church we prefer, the freedom to read whatever we like, or the freedom to say whatever we think? I'm sure these three and many other freedoms would come to mind, but what about the freedoms we take for granted such as:

The freedom to live without fear;

The freedom to raise our children as we see fit;

The freedom to give to charity, and

The freedom to try to make a profit.

These last freedoms are the ones that we as Americans should be the most proud of; yet usually we find ourselves overlooking them. Our forefathers gave us these freedoms because they knew there had to be more to life, and they felt that through such freedoms we as Americans could live a fuller life. Don't you think it is our duty to thank our forefathers by acknowledging these freedoms and in turn being proud to be Americans? America is built on pride, and in order to keep America on top, it is necessary for we as Americans to continue to be proud of our heritage. When I said America is built on pride, I meant it literally, for to me the P is for Participation, R for Responsibility, I for Integrity, D for Determination, and E for Enthusiasm.

Without these five elements, surely our forefathers could not have brought the colonies together and freed them from Mother England, and I care enough about America to keep these five elements alive and working in our society today by the simple action of PRIDE!

Before, I not only said that America produced the first free people, but also that America made its people the most prosperous and powerful people in the world. This is another reason why I care about America. America is the only country that you can actually gain something by working. What I'm trying to say is, have you ever heard of anyone in the USSR working their way up the social ladder? No, and I doubt you ever will because in the USSR their social ladder has two rungs—one at the top and one at the bottom, but in America, the ladder is full of rungs just inches apart, and there are even elevators for those who take the right opportunities and use their talents to the greatest potential.

We know as Americans that if we do strive for something, we will be the ones who gain and this propels us to do our best, while in other countries the citizens merely do enough to get by. This is why America's people are the most prosperous and powerful. We have a drive that is just not found in other countries, and in order to keep this drive alive we have to be proud of what we do and make something to be proud of. This is a two-way street. Now do you understand? America cared enough about us to let us make our own choices. My choice is to care about America because America cared for me first. ●

THE PRICE IS HIGH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. LAGOMARSINO. Mr. Speaker, I would like to insert the following article in the CONGRESSIONAL RECORD which appeared in the Los Angeles Times, January 28, concerning the visit of Vice-Premier Teng Hsiao-ping of the People's Republic of China. The author, George Bush, presents a sobering assessment of the impact of Teng's visit. The article follows:

TENG'S AMERICAN VISIT: THE PRICE IS HIGH

(By George Bush)

What's inside the Chinese fortune cookie?

That's a question that many Americans may be asking as we await the celebrated visit this week of Teng Hsiao-ping, vice premier of China, and the opening of a new era in U.S.-Chinese relations.

To listen to White House officials over the past five weeks, the President's decision to recognize the People's Republic of China should yield three important benefits:

—It should create a strong new network of interests that will curtail Soviet expansion in Asia and reduce the Soviet threat to Western Europe;

—It should open the door to a vast expansion of trade with China;

—And, says the Administration in a distinctly lower key, it should enhance Taiwan's prospects for a secure, peaceful future.

How glorious it would be if all this were true, but it is not—and the Administration knows it is not. As one who once represented the United States in Peking and believes we should be friends with that nation, I have long argued that there are distinct benefits to be realized from normalizing relations with China. Those benefits, however, will be more modest than the Administration pretends. Indeed, they will be far less than they could have been had not the Administration caved in during the negotiating process.

Before we are caught up in all the glamor of Teng's visit, we ought to engage in a hard, realistic assessment of what's involved in this new relationship, and the steps that must still be taken in U.S. foreign policy.

Administration spokesmen talk about their "playing of the Chinese card" (a term the Chinese themselves must find offensive) guaranteeing strategic benefit for the United States in relation to the Soviet Union. The idea is that normalizing relations with China will drive the Soviets to make concessions.

Sadly, the Soviets are not intimidated in the weeks that have followed the President's China announcement, Russian radio transmitters have continually beamed inflammatory messages into Iran.

Soviet Communist Party chief Leonid Brezhnev has also backed out of a planned trip to Washington this month and an early-1979 conclusion of the SALT talks, to show his displeasure at the idea of being upstaged by Teng's visit. And in southern Asia, some 100,000 Vietnamese troops—armed to the teeth by the Soviets—marched into Cambodia and quickly swept aside the pro-Chinese government. It was naked aggression, conceived, in part, to humiliate China.

The fact is that the Chinese, though they have a large standing army, are no overall match today for the military juggernaut of the Soviet Union. It is a delusion to believe that our new formal relations with the Chinese, at least in the foreseeable future, will shift the global balance of power in our favor or will cause the Soviets to pull back.

The Chinese can and should play a useful role in helping to stabilize much of Asia. For many years, Chinese troops posted along the southern rim of the Soviet Union have tied down a fourth of the Soviet army. But we should not expect that full normalization has added a new, magic dimension to containing the Soivets' quest for "hegemony," China's favorite phrase.

Similarly, we should be realistic about commercial prospects with China. With a towering trade deficit—approximately $33 billion last year—it is natural that the President's spokesmen should emphasize their hope for opening naw markets in China. Yet the euphoria surrounding this subject is as superficial as the reaction of English mill owners a century ago: "If we could just add one inch to the length of every Chinese shirt; we could keep the mills running forever!"

There is little doubt that trade and investment opportunities with the People's Republic will increase after normalization, just as they did before. Prior to President Carter's move to normalization, American firms reported progress on long-pending contracts in, among others, the hotel and ore-processing industries. Moreover, there is hope of oil deposits, though nobody knows how much, where or when. It is in our interest and China's to help the People's Republic to develop their oil resources, and in this regard, talks between the United States and China were already well along the way before normalization.

As the Chinese themselves well know, real moderinzation of the Chinese economy will not come easily or soon. Serious weaknesses exist in the Chinese transportation system and other parts of the industrial infrastructure. Per capita income is only $350 a year. The education and technical skills of the population are also limited.

Further, even if they could absorb more of our goods, it is unclear what they could sell us in return over the next few years.

As President Carter and Teng Hsiao-ping discuss these matters this week, they will no doubt address the question of most-favored-nation status, as have most of our major trading partners. With firm guarantees of the security of Taiwan from the Chinese, in the overall negotiations, I would favor the extension of most-favored-nation status to China. By law, however, both the Chinese and the Soviets are now precluded from that status. To grant it to the Chinese, either the 1974 Trade Act must be amended, or special legislation passed; in either case, a snub of the Soviets would be difficult to avoid.

All in all, we should expect only modest gains in our trade with the Chinese. Total trade between our countries runs about $1 billion a year today. No matter how swiftly it grows over the next five years, it would still be significantly less than our current trade with Taiwan, which exceeded $6 billion in the first 11 months of 1978.

Moreover, the Administration seems unwilling to acknowledge that much of this expansion would have occurred even in the absence of formal diplomatic ties. Over the past year and a half, before recent negotiations began, the Chinese were ardently seeking Western technology and our sales to China were rapidly rising. Over the past four months, the commercial pace has again accelerated and many American companies have begun making serious plans for trading with and investing in the mainland. In truth, it was exactly this Chinese eagerness for trade that gave the United States unprecedented leverage in our negotiations over recognition—leverage that we carelessly tossed aside.

Even if the strategic and economic benefits of this deal were tremendous, however, they would hardly justify the way that we handled the third and final issue upon which recognition turned: the future of Taiwan.

For nearly three decades, the United States has firmly guaranteed the safety and security of Taiwan, a pledge that has been repeated by every postwar President. During that time, the people on Taiwan have created a relatively free government and an economy that is the envy of developing nations. Our unwillingness to terminate our treaty with Taiwan offered hope to small countries that wanted to remain free. Our allies in the Southeast Asia Treaty Organization (SEATO) as well as Israel, particularly, noted our determination that the solution to the Taiwan problem be peaceful.

In the negotiations that followed President Nixon's China visit in 1971, the American government always insisted on some guarantee of a peaceful solution to the Taiwanese question. Incredibly, it turns out that the Carter Administration has accepted all of the demands of the Chinese on recognition but has capitulated on our single demand regarding Taiwan. Carter even admitted a few days ago that he asked for the Chinese to guarantee a peaceful solution but, when they refused, he cut the deal anyway. For those who want their Presidents to stand tough in international negotiations—SALT, for instance—that was a very discouraging admission.

Taiwan, apparently, can't count on us for a continued arms supply. When the recognition decision was first announced, the President indicated that the United States would continue to sell arms to Taipei. Then authoritative Peking officials said such arms sales would be unacceptable. In response, National Security Adviser Zbigniew Brzezinski said that Peking and Washington had "agreed to disagree" on the matter, something he inexplicably represented as a concession by the People's Republic. Belatedly, under intense questioning, the State Department revealed only a few days ago that the only arms guaranteed to Taiwan would be those already in the pipeline, and that Washington had agreed with Peking not to furnish new arms to Taiwan in 1979—a year when the U.S. defense treaty with that country is still in effect. What kind of security and arms assistance is that?

The U.S. deal with China is, in fact, both morally shabby and politically inept. The Canadians, for instance, got a better deal eight years ago. The United States gave all, and got nothing—and in the process, broke a commitment that a loyal friend deems essential to its very survival.

As Peter Berger, a professor of sociology at Rutgers, wrote last year, "If there is one universal, indeed primeval principle of morality, it is that one must not deliver one's friends to their enemies."

Berger was writing at the time of refugees fleeing from Vietnam in their small, makeshift dinghies. "These boats," he said, "bear a message. It is a simple and ugly message. Here is what happens to those who put their trust in the United States."

On Dec. 15, President Carter announced normalization of relations. Some euphorically accepted this as a major breakthrough, though in essence the Carter Administration accepted normalization on Chinese terms.

Later, however, many of us who favor better relations with China, but place the maintenance of U.S. credibility worldwide above that, spoke out.

At year's end, Teng made some very helpful statements as to the future of Taiwan. He discussed the fact that Taiwan could continue its form of government once reunification took place, could maintain its army, social system and its economy.

A major requirement of our foreign policy now—one that rivals in importance the talks with Teng Hsiao-Ping this week—is to restore our credibility with regard to Taiwan to the greatest extent possible.

President Carter apparently wants to protect our relations with Taiwan by setting up a semi-private corporation that would act as an unofficial entity in dealing with the "authorities of Taipei." The Taiwanese reject that idea, for they still consider themselves a sovereign state. There is also a significant juridical problem here, for there is no precedent or legal basis for a group of private individuals—or a corporation—to extend binding security commitments to another people. The Executive Branch and the Congress have to do this. Trade might be handled that way, but not defense pacts. We must press the Chinese to put into formal agreement Teng's recent statements on the future of Taiwan.

Beyond that, American diplomacy faces an even larger task: to repair our reputation around the world as a strong, reliable ally in the face of growing Soviet adventurism.

Throughout the postwar period, America's credibility—along with America's military might—has been the glue holding together the non-Communist world. Increasingly in recent years, however, the United States has staked out a clear, unequivocal position, has invited others to join us and then, as counterpressures have built up, has suddenly, inexplicably buckled.

Taiwan was only the latest example. We have also done diplomatic summersaults in Rhodesia. We have twisted and turned in the Middle East. We have left our European allies uncertain about our commitments to a strong military presence. We have bobbed and weaved on human rights. And we have been excessively hesitant about Iran.

Understandably, there is now grave concern in many areas of the world about whether America has the will and the leadership to stay the course against Soviet pressures.

The Administration's maneuvers on the question of China only add to that sense of worry. The extravagant claims of economic and political benefits from new links with Peking, the vagueness of the arrangements with regard to Taiwan, the unseemly haste of the President's action—all of these raise serious doubts whether we are pursuing a coherent strategy in foreign affairs.

There are good and ample reasons for the United States to be friendly with the Chinese. We have great respect and genuine friendship for the Chinese people. We have common commercial interests. We have common strategic interests. And certainly, after the way we were out-traded on normalization, we should respect their adherence to principle.

But China is interested in us largely as a credible deterrent to the Soviet Union. We can't be credible if we vacillate on our principles.

My view is that we should extend to Teng Hsiao-ping a warm and courteous welcome. He is strong, he is tough, he is able, and, after all, he is a Chinese leader who really wants better relations with the United States. He has taken enormous political risks to reach out to the West. We should use these talks to impress upon him a real understanding of the U.S. role in the world. We must impress him with our determination to keep our commitments and should press him to find some formula to guarantee a peaceful solution to the Taiwan question.

Teng has been to the Soviet Union many times. He is deeply concerned about the Soviets' lack of credibility, for, in his view, the record shows that the Soviet Union has not kept its word. Let's not give him cause to further question our credibility by failing to press for some guarantee that will demonstrate to all nations who want our help that we stand for freedom and peace, and that we will protect others who share our view.

China does not want war today. We do not want war. Clearly then, despite the enormous complexities of the Taiwan question and despite China's view of this matter as a purely internal issue, we must press for some guarantee that whatever solution lies ahead will be peaceful.●

NATIONAL NUTRITION WEEK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of all Members of Congress the designation of March 4–10 as National Nutrition Week. The American Dietetic Association has declared this week as a time for the general public to learn about the latest information about nutrition and food selection for good health.

For over 30 years, the association has sponsored an extensive program of studies and projects in nutrition, food quality, food service systems, and dietetic education programs.

The 247 affiliated associations establish academic qualifications to guarantee the professionalism of dieticians.

In keeping with the goal of good nutrition, the Louisville Dietetic Association has planned a broad range of activities of interest to children and adults alike during National Nutrition Week. Films, radio shows, open houses, and displays will provide information for the community.

I encourage every Louisville area person to take a greater interest in their—and their family's—nutrition habits. Our total personal health is closely related to our total personal nutrition.●

HANDGUN VIOLENCE CLAIMS 455 LIVES IN JANUARY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. DRINAN. Mr. Speaker, the criminal misuse of firearms in this country continues to be a problem of major proportions. The Congress can no longer avoid its clear responsibility to protect the public safety by allowing gun-related crimes to go unchecked. It is time for the Congress to enact tough and effective gun control laws that will put an end to this tragic and scandalous level of violence that permeates life in America.

In a recent bulletin published by Handgun Control, Inc., it has been revealed that 455 media-reported deaths occurred in the month of January—as the result of handgun violence. In the months ahead, I will continue to speak out on this most important issue. I hope that my colleagues will join with me in this effort to stop the proliferation and misuse of firearms. The report of Handgun Control, Inc., follows:

ROLL OF HANDGUN DEAD

America's handgun war continued unabated in the beginning of 1979. According to newspaper accounts, at least 455 American civilians were killed in handgun violence during the month of January. The Handgun Body Count includes the deaths of 20 children under the age of 13 and 34 adults over the age of 60.

The National Handgun Body Count is published each month by Handgun Control, Inc. Handgun Control, Inc. is a citizens' lobby formed by victims of handgun violence to seek passage of a national law to control these deadly weapons.

The National Handgun Body Count is analogous to the Vietnam Body Count. Few Americans realize that more American civilians were murdered with handguns here at home during the Vietnam War than there were American soldiers killed in combat. While the Vietnam War is over, America's handgun war rages on.

This Handgun Body Count is based on a compilation of news reports of handgun violence appearing in the nation's daily and weekly newspapers during that month. The figure includes murders, suicides, and accidents by handguns. Casualties for January include:

Fort Lauderdale, FL: Emira Scott, 2, was shot to death by an eleven year old. The eleven year old fired a .22 caliber bullet into the little boy's head believing the handgun was a toy.

Dallas, TX: Rodney Joe Stephens, 29, was shot to death after an argument with a fellow construction worker over a $5 loan.

La Mesa, CA: Charlotte Ann Clark was shot to death with a .22 caliber revolver when she and her husband were robbed of a wallet and some jewelry.

Philadelphia, PA: Julia Wallen, 54, co-owner of the Diamond Wallpaper Co. was fatally shot in an apparent robbery.

Memphis, TN: Esaw Harvey, 52, was killed when a shoot-out erupted at a crowded downtown cafe after a man stepped on another man's foot.

ALABAMA (21)

George Anderson, Mobile.
Michael Bethune, Birmingham.
Theodore Bush, Mobile.
Patricia Carr, Bay Minette.
Quasim El-Amin, Montgomery.
Mack Eldridge, Birmingham.
Brenda Huffman, Minnette.
James Lang, Mobile.
Carl McGinnis, Pratt City.
Felton Montford, Birmingham.
Leroy Moore, Birmingham.
Murphy Owens, Moulton.
John Porth Jr., Gulf Shores.
Ervin Reid, Oneonta.
Ruby Robinson, Eufaula.
Vernon Ward, Atmore.
Tommy Wesson, Birmingham.
Unidentified man, Birmingham.
Unidentified woman, Birmingham.

ALASKA (2)

Mohammad Alayoubi, Fairbanks.
Ann Louise Stewart, Anchorage.

ARIZONA (6)

Chana Alderman, Tucson.
Francisco Barienta, Phoenix.
Gregory Curtis, Paradise Valley.
John Dunbar, Tempe.
Betty Jenkins, Scottsdale.
Robert Williams, Phoenix.

ARKANSAS (12)

Freddie Brewer, Portand.
Valton Brinson, Hope.
Worley Burks, Malvern.
Ronnie Edwards, Zion.
L. D. Hayes, Marked Tree.
David Helms, Oil Trough.
Bernard Jones, Little Rock.
Allen Miller, Gurdon.
Anthony Moss, Dermott.
Timothy Tompkins, Benton.

CALIFORNIA (53)

Norman Alexander, San Luis Obispo.
Laura Avolos, Harbor City.
Stephen Bianucci, Morgan Hill.
Francis Burkhard, Los Altos.
Charles Bystrom, San Rafael.
Lary Carroll, Wallace.
Arturo Cervantes, Long Beach.
Charlotte Clark, San Diego.
John Cromer Jr., Somis.
Charles Deal, Brawley.
Curtis Ford, San Bernardino.
Louarna Gillis, Los Angeles.
Antanacio Gomez, San Diego.
Jerry Granillo, Los Angeles.
Claudia Hanson, Malibu.
Major T. Hensen, El Monte.
Thomas Hufnagel, San Francisco.
Levina Jackson, Arcata.
Mark Johnson, San Francisco.
Gabino Mendoza, Stockton.
Larry Mercy, Oakland.
Helen Mestler, Hemet.
Mike Mihan, Oak Run.
Leroy Moody, Los Angeles.
Rene Moreau, Los Angeles.
Sandra Morris, Los Angeles.
Daniel Nack, Oxnard.
Harold Nakano, Atwater.
Boris Naumoff, San Francisco.
Willian Newton, Yuba City.
Louis Olio, Fontana.
George Palmer, Los Banos.
Carol Pendray, Sonora.
Joseph Pittman, Huntington Beach.
Ted Reddick, Ceres.
Roger Reed, Twentynine Palms.
Gail Roger, Daly City.
Robert Ryan, Costa Mesa.
Maria Souza, Santa Clara.
James Urquhart, Brawley.
Jay Valentine, Hollywood.
Rudy Villa, San Diego.
Louis Viscarra, Los Angeles.
Gary Watson, Oakland.
Elgin Webb, Fremont.
Daniel Whealton, Santa Clara.
Unidentified male, Costa Mesa.
Unidentified male, Los Angeles.
Unidentified boy, San Francisco.

COLORADO (3)

Katherine Baker, Denver.
Leslie Cargill, Pagosa Springs.
Donald Schneider, Grand Junction.

CONNECTICUT (4)

Yves Laflamme, Willimantic.
Marlys Manning, Trumbull.
Rosetta Scott, Hartford.
Earl Tweedie, Stamford.

DELAWARE (1)

Sherman Myers, Wilmington.

DISTRICT OF COLUMBIA (7)

Rose T. Dole.
James Gardner.
Robin Gleaton.
Gregory Hawkins.
Barry Leibowitz.
Robert West.
Unidentified male.

FLORIDA (29)

Rosa Barnes, Lakeland.
Martin Baum, Stuart.
Freeman Bradley, Dania.
Joe Brock, Homestead.
Brenda Compton, Hollywood.
Roscoe Givens, Jr., Sanderson.
Mitchell Hobbs, Winter Haven.
Bobby Holland, Homestead.
Eugene Lento, Fort Lauderdale.
James Lewis, Lakeland.
Erma Moore, Kissimmee.
Louis Naimoli, Fort Lauderdale.
Christopher Pyle, Fort Lauderdale.
Joyce Reed, Orlando.
Clyde Revell, Jr., Sopchoppy.
Maida Richards, Winter Haven.
Rubin Sanchez, Lantana.
John Shaw, Sarasota.
James Small, Jacksonville.
Robert Stanton, Miramar.
James Stillman, Daytona Beach.
Robert Timberlake, Jr., St. Petersburg.
James Walton, St. Petersburg.
Verida Walton, St. Petersburg.
Mackey Wilson, Fort Lauderdale.
Unidentified male, Fort Lauderdale.

GEORGIA (22)

Hubert Atkins, Jr., Acworth.
Lemuel Clark, Columbus.
Claude Collie, Atlanta.
Lillie Cummings, Milledgeville.
Vernon Curry II, Mount Vernon.
Angelo Favors, West Point.
Bernice Favors, Atlanta.
Annette Garnto, Augusta.
Pamela Gregory, Macon.
James Hannah, Augusta.
Kattie Henderson, Atlanta.
James Hill, Thomasville.
Kenneth Lloyd, Aiken.
Phil Merritt, Atlanta.
Willie Miller Jr., Thomasville.
James Mitchell, Statesboro.
James Nelson Jr., Dublin.
William Schmidt, Brunswick.
Tim Tarpley, Columbus.
George Vann, Columbus.
Unidentified Boy, Roswell.

IDAHO (3)

Anna Farias, Heyburn.
David Nylander, Twin Falls.

ILLINOIS (26)

Gregory Davis, Chicago.
Marvin Fourt, East St. Louis.
Jose Guiterrez, Chicago.
Donnie Harris, Mt. Erie.
Jerome Henderson, Chicago.
Hederstene Holley, Elgin.
Marilyn Johnson, Chicago.
Santo Lopez, Chicago.
Gwendolyn McGee, Elgin.
George McGregot, Chicago.
Jose Mendiola, Sauk Village.
Bijam Moshkelgosha, Chicago.
Kathy Passmore, Chicago.
Robert Plochocki, La Salle.
Christopher Rajca, Chicago.
John Rajca, Chicago.
Theodis Rayford, Chicago.
Bennie Russo, Chicago.
David Santander, Chicago.
Isaac Santos, Chicago.
Wanda Shaw, Carrollton.
Earl Teets, Chicago.
Elizabeth Teets, Chicago.
Gary Teets, Chicago.
Unidentified Child, Chicago.

INDIANA (5)

Joseph Andert, Elkhart.
Donald Meade, Warsaw.
William Scott, Fort Wayne.
Bruce Thomas, Terre Haute.

IOWA (1)

Kenneth Carter, Des Moines.

KANSAS (3)

Dudwig Dulka, Leavenworth.
Gregory Essman, Topeka.
Delmer Terry, Kansas City.

KENTUCKY (10)

Davy Cotton, Madisonville.
William Fanning, Catlettsburg.
Johnny Gordon, Danville.
Elmer Isaacs, Richmond.
Louella Johnson, Lexington.
Raymond McCallister, Greensburg.
William Rourk, Versailles.
Glenn Terry, Hazard.
Norman White, Frankfort.
Eugene Wyrick, Cythiana.

LOUISIANA (49)

George Akers Jr., New Orleans.
Barnaby Almaralez, New Orleans.
Jeannette Andrepont, Baton Rouge.
Horace Broussard, New Orleans.
Cecil Bryant, New Orleans.
Veaster Carron, Port Barre.
Kenneth Carter, New Orleans.
Daisy Clark, New Orleans.
Lamar Cook, Oak Grove.
Rebecca David, Lake Charles.
Robert Ebler, New Orleans.
Jimmy Fisher, New Orleans.
Joseph Gauthier, Washington.
Larry Glover, Leesville.
Joe Graham, Lake Providence.
Jim Guess, New Orleans.
Ervin Guillory, Ville Platte.
Dorothy Hancock, New Orleans.
Carmen Harper, New Orleans.
Samuel Hudson, Oak Grove.
Albert Jones, New Orelans.
Sharon Jones, New Orleans.
Barbara Kringer, Baton Rouge.
John Littleton, Monroe.
Ollie Meadows, Joyce.
Raymond Pablo, New Orleans.
Bobby Parish, Shreveport.
Joseph Sanders, Monroe.
Michael Sanders, Shreveport
Leola Scott, Laplan.
Joseph Seraphine, Baton Rouge.

Mrs. Billy Shell, Joyce.
Jeffrey Sherry, New Orleans.
Henry Silver, New Orleans.
Ralph Smith, Bogalusa.
Michael Taylor, Port Allen.
Wesley Thomas, Jr., Shreveport.
Fred Thompson, New Orleans.
Nadine Van Acker, New Orleans.
Reine Ward, New Orleans.
Ann Weill, Baton Rouge.
Frank Williams, New Orleans.
Preston Wyatt, Shreveport.
Unidentified woman, New Orleans.
Unidentified male, Monroe.
Unidentified male, Monroe.

MARYLAND (16)

Joseph Brandon, Baltimore.
Pleasant Broadus, Baltimore.
Hattie Dixon, Baltimore.
Roosevelt Evans, Baltimore.
Melvin Fox, Hyattsville.
Fannie Holly, Kentland.
Dwight Ingram, Baltimore.
Sonia Knudson, Baltimore.
David Livengood, Oakland.
Robert McNeill, Hyattsville.
Ray Overfelt, Baltimore.
William Simmons, Baltimore.
Betty Smith, Baltimore.
Andre Stokes, Baltimore.
Alan Trimakas, Baltimore.
Flora Washington, Columbia Park.

MISSISSIPPI (2)

Ronnie Patterson, McComb.
Konstance Somerville, Vicksburg.

MISSOURI (14)

Ladell Barnes, Kansas City.
Matthew Brannan, Holts Summit.
Larry Cadero, Kansas City.
John Cox, St. Louis.
Marvin Fourte, Phillipsburg.
Patricia Gibson, St. Joseph.
Harold Ingram, Wood River.
Steven Drumm, St. Louis.
John Maddox, Dexter.
John Meadows, Kansas City.
Jacqueline Shipley, St. Louis.

NEBRASKA (2)

Zemrie Allen, Lincoln.
Ward Williamson, Lincoln.

NEVADA (2)

Frederick Merrill, Henderson.
James Stevens, Henderson.

NEW HAMPSHIRE (1)

Max Boynton, South Pomfret.

NEW JERSEY (4)

Jeffery Griggs, Asbury Park.
Randolph Miller, Newark.
Oscar Royster, Elizabeth.
Joseph Rybka, Hackensack.

NEW MEXICO (4)

Canuto Alarid, Santa Fe.
Robert Sisneros, Alcalde.
Rosita Trulillo, Santa Fe.
Rubin Wells, Albuquerque.

NEW YORK (5)

Giovanni de Costanza, N.Y. City.
Craig Madden, N.Y. City.
Aaron Miller, N.Y. City
Cornell Moon, Yonkers.
Joseph Page, Buffalo.

NORTH CAROLINA (9)

Larry Dameron, Morgantown.
Aubrey Lee, Fayetteville.
Randall Norris, Brevard.
Carl McGinnis, Birmingham.
Billy Wellborn, Deep Gap.
Barbara Yokely, Gumtree.
Gerald Yokely, Gumtree.
Michael Yokely, Gumtree.
William Yokely, Gumtree.

NORTH DAKOTA (2)

Robyn Josephson, Hazen.
Russell Josephson, Hazen.

OHIO (7)

Ralph Britton, Cleveland.
Gerald Kaye, Cleveland.
Gust Mentzelos, North Canton.
Patricia Mentzelos, North Canton.
William Motley, Cleveland.
Joy Nagy, Mansfield.
Willie Seay, Cleveland.

OKLAHOMA (7)

Roy Akehurst, Ada.
W. E. Biggs, Oklahoma City.
Susan Galemore, Bartlesville.
Dale Gray, Oklahoma City.
Wilma Speaks, Oklahoma City.
Ivan Witty, Shawnee.
Unidentified male, Tulta.

OREGON (3)

Jerome Bernard, Oregon City.
Michael Montgomery, Portland.
Robert Stimson, Eagle Point.

PENNSYLVANIA (21)

Gregory Allen, Philadelphia.
Roland Beauford, Philadelphia.
Larry Burgess, Philadelphia.
Michael Cifelli, Philadelphia.
Joseph Dancey, Philadelphia.
Pamela Guidon, Steel City.
James Harvey, Philadelphia.
Fredrick Hetzel, Philadelphia.
Van Johnson, Philadelphia.
Zedric Jones, Philadelphia.
Clarence Leitzel, Freeland.
Larry McCauley, Philadelphia.
Larry Moore, Homewood.
James Morrow, Philadelphia.
William H. Mullelly, Philadelphia.
Joseph Palian, Philadelphia.
Glen Richardson, Pittsburgh.
Michael Smith, Philadelphia.
Joseph Trahey, Philadelphia.
Julia Wallen, Philadelphia.
Marcel Woods, Pittsburgh.

SOUTH CAROLINA (1)

William Coulette, Columbia.

TENNESSEE (24)

Sharon Anderson, Knoxville.
Kenneth Brooks, Lafayette.
John Burk, Memphis.
Danny Collier, Waverly.
Morris Dunahoo Jr., Nashville.
Esaw Harvey, Memphis.
Allen Joe, Memphis.
Mary Johnson, Memphis.
Robert Johnson, Shelbyville.
Robert Johnson, Memphis.
Louis Lacroix, Memphis.
Leroy Lawhorn, Memphis.
Hobson Looney, Memphis.
William Manus, Nashville.
James McCullough, Memphis.
Bertha Nelson, Memphis.
Henry Reed, Nashville.
Norman Roake, Nashville.
Barry Robert, Memphis.
Barry Simmons, Memphis.
George Weaver, Memphis.
Harry Wilcox, Chattanooga.
Wavney Williams, Nashville.
Unidentified male, Nashville.

TEXAS (37)

Joe Banda, San Antonio.
Iva Byrd, Lufkin.
William Cage, El Paso.
Towanda Carson, Wichita Falls.
Abel Colazzo, San Antonio.
William Courtney, El Paso.
Bobby Craddock, Denton.
Raymond Dalrymple, Fort Worth.
Michael Evans, Tyler.
Maria Flores, Fort Worth.
John Garcia, Snyder.
Leonard Garcia, San Antonio.
Mary Garner, Gladewater.
William Garner, Gladewater.
Elmer Green, Big Spring.
Bobby Hill, Lufkin.
Wendell Hooker, Carthage.
Albert Lawlis, Houston.
Bennet Mays Sr., Beckville.
Barbara McCauley, San Augustine.
David Morales, Richmond.
Manuel Pedrosa, Dalhart.
Joseph Pelich, Fort Worth.
Gilbert Rico, Luling.
Manuel Sierra, Freeport.
Rodney Stephens, Dallas.
Kimberly Strickler, Houston.
Donald Townsend, San Antonio.
Louis Valigura, Forestburg.
Eugene Vandervilt, Big Spring.
Roger Ward, Corsicana.
Charles Watkins, Texarkana.
Ron Weitinger, Houston.
Michael White, Houston.
Coral Williams, Fort-Worth.
Unidentified male, Dallas.
Unidentified boy, Houston.

UTAH (1)

Bruce Bannister, Annabella.

VERMONT (1)

Roger Willard III, Burlington.

VIRGINIA (14)

John Bell, Fairfax.
Harry Blakey, Fredericksburg.
Christopher Buckingham, Springfield.
Lynn Craft, Wise.
Edward Hall Jr., Wise
James Hess, Honaker.
Otis Payne, Meherrin.
Jesse Robertson, Norfolk.
Lynn Robertson, Norfolk.
Margaret Sanderson, Chesterfield.
Maude Thompson, Marion.
Buxton Wade, Suffolk.
Bishop Wright, Collinsville.
Unidentified male, Norfolk.

WASHINGTON (4)

Tony Nelson, Shelton.
David O'Neal, Lacey.
James Staudacher, Spokane.
Unidentified male, Seattle.

WISCONSIN (8)

Jamie Jones, Milwaukee.
Alfred Knutson, La Crosse.
Barbara Kringer, Milwaukee.
Donald McVicar, Chippewa Falls.
Alvin Nicholson, Milwaukee.
Gerod Nowak, Milwaukee.

LATE ADDITIONS

Harry Rumpf, Milwaukee, Wis.
Shirley Keith, Dallas, Tex.
Albert Gibson Jr., Fort Pierce, Fla.
Cecil Thomas, Fort Pierce, Fla.
Manuel Martinez, Hinsdale, Ill.
John Conley, Little Rock, Ark.
Charles White, Decatur, Ala.
Junior Henderson, Courtland, Ala.
Debra Smith, Tampa, Fla.
Wanda Thorla, Shreveport, La.
Timothy Montgomery, Washington, Mo.
Robert Jackson, Frederick, Okla.
Karen Bay, Neenah, Wis.
Harry Nolan, Lilbourn, Mo.
Pam Atkins, Evansville, Ind.
Gene May, Albuquerque, N. Mex.
Barbara Burch, Amite, La.
Dean Carter, Oroville, Calif.
Young Hoi, Oroville, Calif.
Jim Ferguson, Idaho Falls, Idaho.
Alberta Morgan, Lompoc, Calif.
James Knight, Neosho, Mo.
James Horne, Houston, Tex.
Harold Parks, Ashdown, Ark.
Alfonso De La Rosa, El Paso, Tex.
Dennis Bates, Terra Bella, Calif.
Rene Petrosky, New Braunfels, Tex.
Elizabeth Vickers, New Braunfels, Tex.
Unidentified male, Albuquerque, N. Mex.
Unidentified boy, Roswell, Ga.●

SOMERSET BOROUGH CELEBRATES ITS 175TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MURTHA. Mr. Speaker, I am very pleased to insert into the CONGRESSIONAL RECORD some remarks commemorating today as the 175th anniversary of the incorporation of Somerset Borough.

By action of the Pennsylvania General Assembly the borough was fixed as the county seat and the seat of justice, with three courthouses in its history. The borough has withstood the destruction of three major fires.

Somerset Borough has grown and changed in that time and certainly holds a very warm spot in the heart of all of us from the area. It has often been called "the Roof Garden of Pennsylvania" because of its beautiful surrounding mountains and countryside.

The area around the town has been a center for agriculture, coal mining, and fine maple sirup, but more recently it has become internationally known as a resort area, both in summer and winter. Somerset Borough has benefited from the tourists and visitors to the area, and those individuals have become friends of this beautiful community.

Somerset Borough has a rich historical background and continues to expand and grow with the future. It is a pleasure for me to insert these remarks into the CONGRESSIONAL RECORD showing its outstanding past and promise for a wonderful future.●

STUDY OF HOUSE COMMITTEE MEMBERSHIPS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. CARR. Mr. Speaker, Alan Katz, a capable intern on my staff just completed a study of the 96th Congress House committee rankings by age of Members and terms of service by Members. Although I made no particular interpretations of the data, it does point out that the turnover rates of the committees vary greatly. For the interest of Members and students of the Congress I include Mr. Katz's chart in the RECORD:

House committee on—	Rankings by mean service length	Rankings of committees by mean age	Member's average age	Member's average length of service (terms)
Rules	(1)	4	51.6	5.80
Appropriations	(2)	1	55.5	5.59
House Administration	(3)	3	52.6	5.04
International Relations	(4)	6	50.8	4.97
Armed Services	(5)	9	49.3	4.44
Merchant Marine and Fisheries	(6)	15	47.1	4.32
Judiciary	(7)	2	53.9	4.29
Budget	(8)	12	47.9	4.28
Small Business	(9)	8	49.4	4.16
Ways and Means	(10)	7	49.7	4.14
Government Operations	(11)	12	47.9	4.10
District of Columbia	(12)	5	51.0	3.80
Education and Labor	(13)	10	49.0	3.56
Interstate and Foreign Commerce	(14)	13	47.8	3.40
Banking, Finance and Urban Affairs	(15)	14	47.5	3.17
Interior and Insular Affairs	(16)	17	46.4	3.00
Veterans Affairs	(17)	11	48.1	2.97
Agriculture	(18)	16	46.7	2.95
Public Works and Transportation	(19)	10	49.0	2.70
Science and Technology	(20)	16	46.7	2.54

Note: Average length of service (in terms) may vary because of incomplete terms. Lengths of individual terms of service and seniority may differ because of our inclusion of previous terms of service.●

LIBYAN SUPPORT FOR LATIN AMERICAN TERRORISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. McDONALD. Mr. Speaker, for some years now it has been well known that the Libyan military dictatorship headed by Col. Muammar Qaddafi has become the major middleman for the distribution of Soviet arms to many terrorist groups in the Middle East, Asia, and Western Europe. Not only is Libya providing facilities for the training of foreign terrorist groups, but it also provides extensive logistical support necessary for terrorists to reach their goals. This logistical support has included money, false identity documents, passports, the use of Libyan diplomatic pouches for smuggling weapons to terrorists, propaganda, and the use of Libya as a safe haven for fugitive terrorists.

Among the groups that have received Libyan support are the Japanese Red Army, the Irish Republican Army (IRA), the Basque ETA in Spain, the Moro National Liberation Front in the Philippines, the Palestine Liberation Organization (PLO) and its member groups, and the so-called "Carlos group" of West German and Palestinian terrorists led by Venezuelan Ilich Ramirez. Furthermore, Libya has backed revolutionary groups attacking the governments of Egypt, the Sudan, Chad, Ethiopia and Iran, among many more.

Based on an implacable hatred of the Western European countries and the United States, Colonel Qaddifi and his regime have found no ideological impediment to extensive and close collaboration between their Socialist People's Libyan Arab Jamahiriyah and the Soviet Union and its satellites in Eastern Europe and Cuba. The Soviet Union, which clearly prefers to have its clients be their proxy in direct sponsorship of terrorist groups, has found most useful the Libyans' frenetic zeal for destabilizing by violence and terrorism not only the countries of Western Europe and the United States, but also the governments of the free world's allies and trading partners in the Third World. Furthermore, Libya's collaboration with the Soviet bloc extends further to the diplomatic arena and to the close work of the Libyan secret policye (Mukhabarat) with the KGB which has been reported extensively by the European intelligence community.

Since 1976, when Libya commenced formal diplomatic relations with Cuba, Libya has moved noticably closer to the Soviet camp. Now that Cuba is so heavily extended in Africa and the Middle East as surrogates for the Soviet Union and perhaps cannot readily spare the manpower to train and back scores Latin American terrorist groups, Libya is moving into this field. The groundwork for this involvement of Libya in Latin American revolutionary affairs was laid early in 1977 when Cuban dictator Fidel Castro made a 10-day state visit to Libya at the time Qaddafi changed the country's name from "Libyan Arab Republic" to the "Socialist People's Libyan Arab Jamahiriyah."

A variety of agreements were signed pledging Libyan and Cuban cooperation in support of terrorist "liberation movements" in many countries, and politically in what is referred to as the "Non-Aligned States" movement which include Vietnam, North Korea, Mongolia, Cuba, Libya, Ethiopia, Algeria, the People's Democratic Republic of Yemen (Aden) and other Soviet clients. Castro's visit was followed by a state visit by General Omar Torrijos, the Panamanian dictator alined with Castro who received pledges of solidarity and support for his campaign to take control of the Panama Canal and Canal Zone.

Since that time, Libya has begun to take a Cuba-like role with Latin American revolutionaries. The "World Conference of Solidarity with the People of Chile" held inLibya under the sponsorship of the World Peace Council (WPC), an internationally active organization controlled by the International Department of the Central Committee of the Communist Party of the Soviet Union and by the KGB which promotes Western disarmament while providing logistical support to terrorist groups, brought together representatives not only of the Havana and East Berlin-based Marxist Chilean Unidad Popular parties, but also representatives from their support groups in Western Europe and the Americas and members of other Latin American Marxist revolutionary groups. The conference also provided the occasion for Libyan officials and PLO representatives to meet with and evaluate the Latin American revolutionaries.

Now that conference has been followed by a January 25 to February 1, 1979, meeting in Benghazi, Libya, promoted by Libya as the "first conference of the revolutionary progressive organizations and movements" of Latin America.

Reportedly, representatives of more than 100 groups, including "all the liberation movements and progressive forces in Latin America," attended. Predictably, Libya has not announced a full list of those attending the conference, but among the groups who took part were the Montoneros of Argentina who have active exile groups in Rome, Paris, Spain and Sweden; the Frente Sandinista de Liberacion Nacional (FSLN) of Nicaragua; revolutionaries from Costa Rica who have been acting in a support capacity for the FSLN and closely related revolutionary terrorist groups in El Salvador and Honduras; and parties of the deposed Unidad Popular of Chile, including the militant United Popular Action Movement (MAPU) and the terrorist Movement of the Revolutionary Left (MIR).

The presence of the MIR in Libya is of particular significance. The MIR terrorists, Castroite communist ideologically but in its earlier stages with strong Trotskyite links, was trained and armed by the Cuban DGI and even some North Korean instructors who entered Chile under the Allende government, acting under the direction of the Soviet KGB. With strong ties to the leftwing of Salvador Allende's Chilean Socialist Party and with Allende's nephew among the top MIR leadership, the MIR was to form the nucleus of President Allende's "auto-coup" to seize absolute dictatorial power in Chile.

In 1974, after Allende's Unidad Popular coalition had been desposed by a military coup, theMIR became a founding member of the Junta de Coordinacion Revolucionaria (JCR), the Revolutionary Coordinating Committee formed by the MIR of Chile, the People's Revolutionary Army (ERP) of Argentina, the Tupamaros of Uruguay, and the Army of National Liberation (ELN) of Bolivia. Originally operating primarily in Argentina, the JCR is now based in Havana.

The JCR took its name from a phrase in Che Guevara's speech read to the 1966 Tricontinental conference in Havana, and it has encouraged other Latin American revolutionary terrorist groups to form similar coordinating committees, particularly in Central America.

According to Radio Tripoli, the purpose of the Latin American conference was exactly that: "the drawing up of a unified plan of struggle aginst fascism and imperialisms of all types in America." And Radio Tripoli quoted Libyan Foreign Affairs officials as having noted that this unification of strategy for Latin American revolutionaries had been recommended at the December Chile Solidarity meeting.

However, another aspect of the conference appears to have been to coordinate transnational terrorist attacks by the Latin American terrorists against Israel and Jewish targets in Latin America on behalf of the Palestine Liberation Organization. According to an Ecuadorean press account, one of those believed to be attending the conference was Greek Catholic Archbishop Hilarion Capucci, who had been sentenced to a 12-year prison term in Israel for smuggling guns for the PLO. He was released by an agreement between the Vatican and Israel, and had been living in Caracas, Venezuela. However, the Archbishop violated the terms of his release by returning to Syria for the meetings of the PLO's political front, the Palestine National Council (PNC).

The PLO, World Peace Council, and Latin American terrorist networks came together in Mexico, in February 1978, and gave public indications of preparations for transnational terrorist activities involving mutual support. On February 5, 1978, the day following the close of the WPC's "Latin American Peace Conference" in Mexico City, the FSLN's chief representative to Cuba, Jose Benito Escobar, and Issam Sli of the PLO's Marxist Popular Democratic Front for the Liberation of Palestine (PDFLP) signed a joint communique of support and solidarity. The two terrorist leaders found common cause in denouncing Nicaragua for buying ammunition from Israel and for maintaining diplomatic relations. Shortly afterward, there were reports that PLO members had offered to "volunteer" to assist the FSLN, which has already been receiving various forms of support, apparently including Panamanian "volunteers," from its supporters in Costa Rica, Panama and Venezuela.

There can be no question that these activities of Qaddafi and company are totally unacceptable to the American people and to the U.S. Government. When Libya ceases to back international terrorism and when it ceases to sponsor subversion against its neighbors, then and only then should the United States consider establishing diplomatic and economic relations with Libya.

I would also like to point out to my colleagues an article on the important role in the terrorist PLO taken by Archbishop Capucci written by Lester Kinsolving, who is an ordained Episcopal priest as well as editor of the Washington Weekly. Reverend Kinsolving's article on the involvement of radical Christian religions with the PLO was published in the March 6 edition of the Washington Weekly.

The article follows:

ARCHBISHOP JOINS P.L.O.—BREAKS POPE'S PROMISE

(By Lester Kinsolving)

While The Vatican does not recognize Israel, Pope Paul VI recognized Israel's President long enough to write asking him a favor. On Oct. 31, 1977, His Holiness wrote a letter addressed to "His Excellency Ephraim Katzir, President of the State of Israel" which noted:

"We are deeply concerned at the present serious health condition of Archbishop Hilarion Capucci, Melchite Patriarchal Vicar of Jerusalem, detained in an Israeli prison."

The Papal letter did not specify the nature of the "serious health condition" of Archbishop Capucci, whose Melchite, or Greek Catholic rite is one of the Eastern Rite, or Uniate bodies in the Middle East which while retaining much autonomy, are in communion with the Vatican and acknowledge the Pope as their ranking Patriarch.

Pope Paul's letter also did not mention why Capucci was detained. For Capucci had been arrested, tried, and convicted after Israeli intelligence halted his Mercedes Benz automobile on the way to the West Bank in 1974, and discovered under the seats, in the trunk and inside the door panels of this ecclesiastical vehicle: ten hand grenades, two revolvers, four Russian submachine guns and and a number of plastic bombs.

Even more weapons and explosives were found in Capucci's East Jerusalem residence—after which Capucci signed a confession that he had not only been a smuggler of guns and bombs, but was the paymaster of the terrorist organization Al Fatah.

Israeli intelligence had more reason to suspect the latter admission, in view of Capucci having reported what The Jerusalem Post called "the biggest burglary in Israel's history." For on April 5, 1977, four months prior to his arrest, the Archbishop reported that his residence had been robbed of $250,000 in foreign currency, as well as $2,250 in jewelry and other valuables.

This was acutely embarrassing to the Vatican, on two counts: (1) It is against Israeli law to possess so much foreign currency. (2) On that same April 5th, Pope Paul issued a 13-page exhortation to the world's 800 million Roman Catholics, in which he noted:

"Unfortunately the Church in the Holy Land is lacking in material means. . . . It is not possible to ask the local faithful for sufficient help, since many of them have barely enough to keep themselves alive.

Despite this, Pope Paul wrote to President Katzir:

"We therefore ask your Excellency to be so good as to make use of your prerogatives of clemency as President of the State of Israel in favor of Archbishop Hilarion Capucci, and to have him released from prison, and we are confident that his release will not be detrimental to the State of Israel."

President Katzir, now retired, might have pointed out to the Pope that had Capucci been caught by his native Syria in the act of running guns and bombs for Israel, he would have suffered the same fate as famed Israeli spy Eli Cohen: a televised public hanging in a city square of Damascus. Katzir might even have had a subordinate return the Papal plea, with the envelope marked "Addressee Unrecognized By Sender." Instead, Katzir replied to the Pope five days later:

"Fully recognizing the significance and the importance of your request and the weight which attaches to your expression of confidence that the matter will not be detrimental to the State of Israel, I hereby accede to that request."

Three days later, the released Archbishop was in Rome being very detrimental to the State of Israel, by telling the Beirut daily Al-Nahar that his gun and bomb running "was a duty imposed upon me by God and my conscience."

The Vatican decided that it might be wise (despite "serious health conditions") to send this Archbishop on a trip—to Latin America, to visit Melchite churches. Capucci arrived in Caracas and promptly informed the Venezuelan newspaper Momento that he felt justified in "having recourse to violence in order to seize my rights."

Two months later, Capucci appeared on Venezuelan TV to announce that he had asked Venezuela's president for permission to open a Venezuelan office for the Palestine Liberation Organization.

One year later, after his South American tour, Capucci arrived in Damascus and was elected to the Executive Council of the P.L.O., despite the fact that there is no organization in existence which is more totally "detrimental to the State of Israel."

Thus far, the Vatican has rather limply announced that Capucci's Damascus appearance was made without authorization. There was no word that Capucci will be ordered out of the Middle East, or out of the PLO, or into a monastery, or excommunicated for breaking what he knew to be the Papal promise, under which his twelve-year prison term was reduced to three years.

From Pope John Paul II comes no word as to whether he will back up the promise of a predecessor—even though the honor of the Papacy is at stake.

Honorable Catholics throughout the world will certainly want the Holy Father's credibility to be better than a former Anglican (Episcopal) Archbishop in Jerusalem, the Rt. Rev. Najib Cuba'in. For in 1969, when one of his priests, the Rev. Elia Khoury, helped blow up Jerusalem's Supersol supermarket (killing two Hebrew University students and wounding dozens more) Archbishop Cuba'in wrote the Israel authorities:

"It is clear that the Rev. Elia Khoury has taken upon himself not to associate in any illegal or terrorist activities against the State of Israel. Knowing him well, I am sure he will keep his promise."

In June of 1974, the Rev. Elia Khoury (who was deported in 1969 and is now Archdeacon of Aman—and financially supported by U.S. Episcopalians who contribute to his diocese) was elected to the Executive Council of the PLO.●

THE PRESSMAN FAMILY FINALLY WINS FREEDOM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. LEHMAN. Mr. Speaker, far too seldom does a Member of this body have the privilege and satisfaction of receiving a letter such as the one which arrived in my office recently.

The letter I speak of was written by Galina Pressman on behalf of herself, her daughter Jane, 15, and her husband Mikhail. The Pressmans are Soviet Jews who for 3 years sought permission to leave their native Russia.

From the time they applied for an exit visa the Pressman family underwent a severe change in their lives. Mikhail, an economist, had been a city planner in Kiev until he requested that the Soviet Government allow his family to leave. He was fired and was subsequently forced to find employment sweeping floors in a jewelry factory.

Who can say what effect this persecution, so common for Soviet Jews wishing to emigrate, has had on the family? Galina Pressman saw her husband's education discarded and her daughter's adolescence victimized by antisemitism.

For the Pressmans, unlike the many other Jewish families still in the Soviet Union who seek to leave, the saga of persecution and harassment in their lives is hopefully over. They are now in Rome after having finally received exit visas.

In spite of all the hardship, however, this family has taken the time to write a letter of thanks to the many Americans, including Members of Congress, who spoke for them and other families, urging the Soviets to grant the Jews of Russia the fundamental right to a life of their choice in the place of their choice.

This action by the Soviet Government in freeing Galina, Jane, and Mikhail Pressman is welcomed. We only look to the day when the unknown hundreds and perhaps thousands of others like the Pressmans will also see their wishes granted.●

RECOGNIZING TWO GOVERNMENTS OF ONE CHINA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. LAGOMARSINO. Mr. Speaker, the following article by my colleague in the Senate, the Honorable JESSE HELMS, discusses what I believe to be the primary problem created by President Carter's decision to recognize the People's Republic of China. As Senator HELMS eloquently notes, the reality of Asian politics is that there are two Chinas, and it is ridiculous for the United States to insist that only one "People's Republic of China" is worthy of recognition.

Although I believe that some sort of "normalization" was inevitable, essential and necessary diplomatic move, the United States is in the same position as before; our official policy is to ignore an important Asian regime, and a longtime friend, that has substantial influence and importance in world affairs. As I have stated on several occasions, I favor the "two-Germany" solution to the Chinese problem, so that the United States can properly recognize the realities of Asian politics which are evident to all of us.

I commend the following article to my colleagues:

RECOGNIZING TWO GOVERNMENTS OF ONE CHINA

(By Jesse Helms)

President Carter believes that his action in switching diplomatic recognition from Taipei to Peking is "recognizing simple reality." But reality is not that simple. The reality is that China is one country, with one part of its territory controlled by Taipei and the other part by Peking. If the president is interested in recognizing reality, he should recognize both governments.

Our unimaginative China experts apparently convinced the president that he was faced with an either/or situation. But the fact is that recognition of both governments would not prejudice the claims each makes to the territory controlled by the other. The United States has never endorsed the claim Taipei makes to the mainland; the Mutual Defense Treaty of 1954, for example, specifically limits our obligations to the territory of Taiwan and the Pescadores. The 1972 Shanghai communique clearly contemplated the settlement of the Taiwan question by the Chinese themselves. It did not contemplate that the United States would intervene in the situation by complete capitulation to Peking's view.

It is all the more surprising, therefore, that the president's unilateral statement of Dec. 16 adopts the exact language demanded by the P.R.C. in Shanghai, namely, acknowledgment that Peking is "the sole legal government of China." This is a dangerous fiction, since it presumes the eventual incorporation of Taiwan into the territory controlled by Peking—by bloody military conquest or by peaceful assimilation through diplomatic and economic pressure after "a decent interval."

The people on Taiwan have no guarantee that the United States will not scuttle their economic interests, just as we have now scuttled their political interests. They have no guarantee that their former ally (that's us) will not withdraw the nuclear-fuel sales needed to keep their electrical generators going, or cease to supply military equipment and spare parts when demanded by Peking.

White House talk about "business as usual" with Taiwan is obscene when the president knows that daily life for a Chinese on the mainland is life stripped of family, religious, property, economic, intellectual, cultural, philosophical and political rights. Even the right to eat on the mainland is on a short leash: The barely sufficient ration for each registered household is valid only in the community where the regime says a person must live.

Nor can it be argued seriously that the people of Taiwan will be protected by our unspoken agreements with Peking (or should they be called unspoken non-agreements?). The fantasy that Peking is moving toward stability, moderation and modernization is dispelled by recent events. Two months after former secretary of state Henry Kissinger held his first secret meeting in Peking with Chou En-lai, Lin Piao died in a plane crash fleeing from his attempt to assassinate Mao Tse-tung. One month after President Ford held discussions with Teng Hsiao-ping, represented then as "the most powerful man in China," the anti-Teng campaign was launched which brought Teng's downfall and eclipse within 90 days. Three years later, Teng is back.

President Carter's crude *coup d'etat* while the Senate was out of session strikes at the heart of the constitutional role of the Senate in foreign policy. The advise-and-consent power is not limited to treaties and ambassadors. The Senate is unique in that it partakes not only of legislative functions, but of judicial and executive functions as well. The Federalist Papers conceived of the Senate as a sort of cabinet of advisers for the president, who would help him reach a national consensus on foreign affairs. When the states gave up their powers to conduct foreign policy, they were to be compensated by the participation of their senators in the formation of a national outlook.

What could the Senate have contributed to the China policy? The president could then have realized that there was virtually no opposition to the recognition of Peking as such. The opposition is to the recognition of Peking as the sole government of China.

The president would also have discovered that there was no anxiety in the Senate to rush to recognition at any cost. He would have found, no doubt, that there is a firm conviction in the Senate that Peking is obsessed with the Soviet threat and would have come to reasonable terms fairly soon in any case. He would also have come upon a great deal of dismay over a policy apparently designed to benefit only two special-interest groups in the United States: The big businessmen whose greed is such that they want to make quick profits out of Chinese slave labor, and administration ideologues anxious to bring prestige and financial support to international socialism so as to deter the Soviets from attacking us.

Taiwan has been Shanghaied. The United States should move quickly to repair the damage. We should ignore both Taiwan's self-defeating demand that no nation can have relations with both Chinese governments, and Peking's blood-price that Taiwan be jettisoned. We should move to recognize both governments in the territory each controls—not "two Chinas" but "one China with two governments."

The minimum is that there be government-to-government relations with Taiwan, even if Congress has to establish such relations through a special commission. In addition, Taiwan's representatives here must be freely chosen and have a status tantamount to diplomatic immunity. Finally, Taiwan's security must be bolstered by an immediate sale of high-performance aircraft, such as the F16.●

THE GAS-RATIONING PLAN

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mrs. HOLT. Mr. Speaker, in a recent meeting of the House Budget Committee, I asked James Schlesinger, Secretary of Energy, about the cost of administering and enforcing the gasoline-rationing plan. He said the cost would be $2 billion a year.

I then asked him whether the rationing plan could ever be made to work effectively, and Mr. Schlesinger replied that this would require "patriotic cooperation." He said that the gasoline rationing of World War II started to break down after 9 months.

I recall that World War II was a period of intense American patriotism in which the overwhelming majority of people were willing to make sacrifices to support the war effort. Today the Congress is being asked to approve a gas-rationing plan to cope with an artificial energy shortage created mostly by foolish Government policy.

The administration and the Congress have pursued a policy of preaching conservation and maintaining price controls. Any rational person knows that conservation and price controls are contradictory.

It is impossible to have meaningful conservation of any resource or product when its price is regulated below the market level. It is equally impossible to control prices below market levels and have adequate production.

The most elementary understanding of economics tells us that the price of any product should reflect its true value, the demand in relation to supply. We also know that rising prices and profits generate more investment and production.

So, what is the policy of the U.S. Government? We have price controls, which throughout all history have always produced shortages and/or illegal transactions.

To show the people that their Government is working hard to solve the energy problem, the Carter administration and the Congress created a Department of Energy costing the taxpayers $8 billion a year.

It does not produce energy. It produces regulations that discourage production. The cost of the Department alone is a drain on capital which could find more productive use in the private economy.

President Carter's Department of Energy has now given us the standby energy conservation and gasoline-rationing Plans, which are a tribute to all those who want all power concentrated in the Federal Government.

Let us be very clear about the import of these plans. An attempt by Government to control energy distribution is an attempt to totally control the economic life of the country.

Rationing and other allocation schemes would require a huge and expanding enforcement bureaucracy, but the heavy oppression of Government control would only produce a vast expansion of illegal activities.

Rationing could produce such rampant corruption that the remaining public confidence in Governnment would collapse, and what would come next?

Price controls followed by rationing followed by expansion of harsh and despotic enforcement machinery—this is a logical progression. I cannot believe that a people whose highest value is freedom would tolerate this.

The only efficient way to achieve energy conservation and stimulate investment in energy production of all kinds is deregulation of prices and repeal of other restrictive controls.

Many alternative sources of energy will be produced when they become economically competitive with petroleum, and the investment will be made when the price is right.

The American people must be told bluntly by our leaders that the days of cheap energy are gone forever, but we can have adequate energy supply if we are willing to pay the price.

In a free economy, price provides the discipline for conservation and production. Price controls prevent conservation and discourage production. Rationing expands Government instead of supply.●

SCIENCE AWARDS TO BRONX SCIENCE HIGH SCHOOL STUDENTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. BINGHAM. Mr. Speaker, I am proud to announce that four students from the Bronx High School of Science, Arani Bose, Ken Liu, Samuel Shaffer, and Brian Frederick Sheppard, are among the 40 Washington, D.C., trip winners of the 38th Annual Talent Search for the Westinghouse Science Scholarships and Awards.

Since the date of its founding in 1938, Bronx High School of Science students have been outstanding. Ninety percent of the students who continue on to college, graduate with degrees in math, science, or other related fields. Furthermore, 70 percent of these same students continue their educations and earn doctor of medicine or doctor of philosophy degrees.

The accomplishments of the staff and the students at the Bronx High School of Science enhance and enrich not only the community which I represent, but also communities across the Nation. I have been astounded at the number of successful and influential people I meet in other cities who graduated from Bronx Science. Some of these include Secretary of Defense Harold Brown, Dr. Thomas W. Matthew, first black American neurosurgeon and founder of Negro, a black self-help organization; Harrison Goldin, the Comptroller of New York City; Professor Leon Cooper of Brown University who received the Nobel Peace Prize for Physics in 1972; and Victor Gilinsky, U.S. Nuclear Regulatory Commissioner.

I commend the students and the faculty of this fine school for their dedication in achieving and maintaining such high standards of academic excellence.●

ALLEGATIONS OF SYSTEMATIC ISRAELI TORTURE ARE GROUNDLESS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. LEHMAN. Mr. Speaker, the recent widely publicized allegations of systematic torture of Arab prisoners by the Israeli Government are unreasonable and are not based on evidence by any recognized authority.

In my opinion, the International Red Cross is the most authoritative source as an independent agency charged with monitoring such violations of human rights. The International Red Cross is notified within 14 days of imprisonment of any individual from the administered territories and is entitled to conduct its own medical examinations. In addition, representatives of the Red Cross are able to regularly visit those imprisoned. Officials of the Red Cross have refuted the accusations of mistreatment on grounds that no evidence of systematic ill-treatment of prisoners in Israel's jails exists. Edward M. Mezvinsky, U.S. delegate to the Human Rights Commission of the United Nations, reported that the Red Cross found absolutely no evidence of any systematic mistreatment of Arab prisoners in Israel. The State Department's human rights report concurs in this judgment.

While no one denies that instances of individual mistreatment may have occurred, there is overwhelming evidence that such occurrences have been very few in number. This is notable in light of the intensification of terrorist activities in Israel during 1978. One hundred twelve incidents occurred within Israel's boundaries, 73 of them in Jerusalem. Fifty-four deaths and 315 injuries resulted from these terrorist activities in 1978. With the increasing daily threat against the lives of all Israeli citizens, who enjoy no human rights in the eyes of terrorists, Israel's human rights record is remarkable.

The misleading publicity was based on two cables sent by a former foreign service officer assigned to the U.S. Consulate in Israel. The reliability of this source has been seriously questioned. There are simply no facts supporting the assertions made in the cables. Ms. Alexandra Johnson, the foreign service officer who authorized the cables, held interviews with only 29 Arab prisoners, several of whom were motivated in their responses by their desire to be granted visas to the United States.

Systematic torture is abhorred by the Israeli Government and its use is a criminal offense. Israel has fully cooperated with the International Committee of the Red Cross and with various other international groups who monitor the treatment of Arab prisoners. Allegations of torture in Israel have also been examined by a team of French jurists which concluded that these accusations have no factual basis.

Reports that have no substantive basis but receive such wide publicity should be suspect at a time when the sensitive peace talks are being revived. Unsubstantiated reports of abuse nevertheless have a harmful effect on Israel's image and undoubtedly affect her bargaining position at the talks. Such accusations merely cloud the real issues and distract us from the significant problems not yet resolved in the peace talks. Nevertheless, I am convinced that these human rights accusations are untrue and that a secure peace treaty for Israel with Egypt is still a possibility.●

SOCIALIZED MEDICINE NOT THE ANSWER

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. SYMMS. Mr. Speaker, most of my colleagues are aware of my long-standing opposition to attempts which are now being made in both the House and the Senate to introduce legislation which would abolish the American health care system as we now know it. Socialized medicine, in my opinion, will only open a Pandora's box of bureaucratic ills which, once in place, cannot be easily remedied.

I would commend to my colleagues a letter published in the Arizona Republic, November 11, 1978, by Sally Anne Hayes of Peterborough, Ontario. As the letter states, socialized medicine has not been the cure-all some had hoped for. Indeed, it has caused the quality of health care in Canada to plummet.

CANADIAN HEALTH PLAN IS CALLED FAILURE

On Oct. 9, Sen. Edward Kennedy was seen on Canadian and American television blatantly praising socialized medicine and using six unfortunate Canadians to help bolster his argument that the United States should adopt a national health scheme. Newspaper reports included his premise that national health care is a human right and his claim that "the plan is working fine in Canada and other countries."

This nonsense cannot go unchallenged. After almost 10 years of socialized medicine in the province of Ontario under OHIP, consider the following:

Our medical profession is all but enslaved; health costs soar, but the helpless Ontario citizens are forced to continue paying for this burgeoning monster because we are allowed no alternative to the government monopoly on health insurance; both patients and doctors are accused of abusing the "system"; the amount of government meddling, bureaucratic build-up and administrative costs is mind-boggling; many of our doctors have now or plan to opt out of OHIP and others are leaving the country in ever-increasing numbers; our hospitals which have all been taken over by the province now face shutdowns, strikes, cutbacks and insurmountable red tape; our ambulance costs have risen dramatically; many nursing homes have already been closed and the rest are being threatened with the same treatment if they do not measure up to the government dictates.

Yet Kennedy has the unmitigated gall to try to con the American people into believing that our government scheme is "fine." Don't you believe it! It is not fine. It is not even fair. It is bad, and things are getting worse.

As Leonard Peikoff wrote in 1962, "Consider the reports coming out of England, Holland, Hungary, and all the rest of the countries which have embraced socialized or semi-socialized medicine. The degrees and details vary; the essence of the pattern remains the same: First the government announces free medical care for everyone—then there is a sudden, insatiable, endless stampede . . . for medical attention—then the doctors, crushed by impossible overloads abandon, in despair, the attempt to treat each patient's problems thoroughly and conscientiously; increasingly, doctors turn into traffic directors, routing people out of their offices in three- to five-minute appointments per patient . . . meanwhile the bureaucrats, dismayed by the endless flow of money pouring into the bottomless pit of patients, begin to clamp down more and more severely— . . . the restrictions and the forms in triplicate multiply . . ."

Unfortunately for us, Peikoff can now add Canada to his list.

As hard as Kennedy and others might try to convince you differently, the outcome of socialized medicine is just this predictable. If the government is paying the bill, then a bureaucracy must be set up in order to account for the public funds being spent. As a logical consequence, it will ultimately be the government who will decide who deserves and receives its funds, what a particular service is worth, what services are necessary, and indeed the conditions will be made. And, as all of us know from firsthand experience, government agencies are not the epitome of efficiency and sympathy.

Not only has Kennedy erred in assessing the Canadian situation, but he is also wrong in his basic assumption that medical care is a human right. What about the rights of those who are forced to provide this service? When my tap is broken, I have no absolute claim on the services of a plumber. In a free country, that workman decides whether or not he will look after my need. The services of a doctor are no different, in spite of the fact that they may be much more crucial to me. Because I am ill, I should have no legal claim to any other free man's services, nor is it moral to ensure, by law, that all my fellow citizens must pay for my recovery. Yet this is exactly what a public health scheme does. It enslaves some for the benefit of others. And if we calmly sit back and allow some, indeed any, of our fellow citizens to be reduced to servitude for our benefit, then we deserve no less than the same treatment when the state decides that our services are somebody else's human right.

Government-run medicare is not humane, nor is it economical or even in the best interests of its citizens. Bondage never is. Many of your fellow Americans and doctors are fighting to avoid the same plight that we now have in Canada. Many are escapees of socialized medicine from other parts of the world. Help them. For in doing so, you are helping yourself to avoid our fate. Medical skills are too precious for you to risk losing your doctors when they finally get fed up with government bureaucrats telling them how, when and where they shall work. For no matter how expensive the private health plans seem to you, they are cheap compared to the cost in taxes and liberty that you will pay under a government scheme.●

ISRAEL MERITS UNITED STATES SUPPORT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. SOLOMON. Mr. Speaker, the recent turmoil in Iran has shown just how quickly political instability can manifest itself, with results extremely detrimental to national interests of the United States. Because of the events in Iran, Israel's strategic importance to the United States has taken on a new dimension, and it is vital that the United States maintain its commitment to the security and stability of the State of Israel.

A column in the Washington Star of February 26 by Alan M. Tigay, editor of the Near East Report, points out very clearly just how important, strategically, Israel is to the United States. I commend his column to the attention of my colleagues:

AN ALLY NOT VALUED TO ITS MERIT

(By Alan M. Tigay)

The White House not long ago put together a task force to find ways to improve the ability of American intelligence gatherers to predict political instability in countries of critical importance to the United States. The need for such a study is obvious in light of the way Iran's turmoil took the Carter administration by surprise.

But one lesson from the Iranian crisis should be clear without another intelligence review—the importance of Israel to U.S. interests in the Middle East.

Yes, Saudi Arabia is more important to the United States in the post-shah Middle East; so are Egypt and Jordan. But unlike those countries, no study is needed to demonstrate Israel's political stability, military strength and self-reliance democracy and—most important in light of recent events—its record of changing governments peacefully.

No other American friend in the area can make these claims and none is likely to enter Israel's league as far as stability is concerned for a long time.

The problem the State Department has always had in attaching too much importance to Israel is that, despite its stability and reliability, it is the enemy of every other nation in the region, including some reasonably friendly countries that have huge oil reserves.

Rather than viewing Arab oil wealth as an argument for downplaying Israel's importance to the U.S., however, the administration should view it as an incentive for using its influence to move Israel and its more moderate neighbors closer together for the sake of peace and regional stability, not to mention U.S. interests. The administration has had some success in moving Israel, and Egypt together but has failed dismally with the rest of its presumed friends in the Arab world.

Over the years Israel has given the United States immense strategic rewards. Foremost has been intelligence, the area where Washington seems to have made major blunders in Iran. There have been reports, in fact, that Israeli intelligence warned us more than a year ago of the shah's impending fall, but that the reports were discounted.

Israel is also a deterrent to Soviet designs in the region. "The ability of the U.S. to protect its security interests in the Middle East is closely linked, if not dependent on, the maintenance of a potent Israeli military capability in the area," said a letter sent to President Carter last month by 170 retired generals and admirals.

"A U.S. interagency study on the global military balance concluded recently that, in the event of a non-nuclear conflict in the Middle East, Israel, by itself, 'might deter Soviet combat forces intervention or prevent completion of such deployment,' " the letter asserted "If not for the proven capability of the Israeli armed forces, we would be forced now to station a significant number of men and substantial materiel in that region."

The benefits America derives from Israel accrued out of a tiny initial investment—in the form of political recognition in 1948—that was based more on emotion than strategic consideration. Large-scale U.S. aid didn't reach Israel until this decade. Israel developed its intelligence, its military and its democracy on its own. This contrasts with other regimes—Iran and South Vietnam come to mind, but there are others—that virtually have owed their existence to the United States and which, despite much larger initial investment from Washington, have had a nagging tendency to crumble.

The Carter administration has consistently expressed a general commitment to Israel's security. When Ambassador Ephraim Evron recently presented his credentials, the president commented on Israel's strategic importance to the United States. Nevertheless, the strategic aspect of U.S.-Israel relations has not been reflected in the administration's policies.

Intermittent pressure on Israel during the peace negotiations, the clear title toward Egypt and Saudia Arabia, and the apparent failure to recognize Israel's enhanced strategic importance in view of the upheaval in Iran all suggest that, despite occasional statements to the contrary, the administration sees the Jewish state as a strategic liability.

U.S. policy makers have yet to learn all the lessons of Iran. While Carter's statement on Israel at Evron's welcoming ceremony was an encouraging sign; more such signs are needed. For if the administration doesn't recognize a truly stable ally when it sees one, it is unlikely to benefit from an intelligence study on predicting events in the grayer areas of global stability.●

NAC HONORS DIX HILLS STUDENT

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. AMBRO. Mr. Speaker, last Saturday, I had the pleasure of attending the National Academy of Sciences' 38th Annual Science Talent Search Exhibition here in Washington. It is with great pride that I point out that among the 40 high school students who won this national competition in scientific scholarship is a young man from my own congressional district on Long Island, Ernest M. Moy of Dix Hills.

A student at Half Hollow Hills High School, Ernest's truly outstanding academic achievement in the field of science is a credit not only to himself, but also to his parents and his school's faculty which has done such a remarkable job in educating this most talented young American. To be recognized by the distinguished National Academy of Sciences is something in which Ernest Moy can take great pride.

As a member of the House Science and Technology Committee, I work on almost a daily basis with the most eminent scientists this Nation has produced. Their contributions to our American way of life are too numerous to list, but I believe all Members of this Chamber will agree that without their diligence and their talent, this Nation would be much different than the magnificent place it is today.

There is no doubt in my mind that it is just a matter of a few years before Ernest Moy of Dix Hills, L.I., joins the American scientific community as one of its most promising members, if that indeed is his choice. The recent designation by the National Academy indicates that his abilties are commensurate with that challenge.●

HOSPITAL COST CONTAINMENT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. BROYHILL. Mr. Speaker, President Carter will send Congress today his revised legislative proposal to control hospital costs. As many of my colleagues from the 95th Congress will recall, this is an issue which was heavily debated in the House and Senate last year. Numerous hospital cost control proposals were under consideration in four separate subcommittees. But, no resolution was reached due to the complexity and controversial nature of the subject matter.

With the introduction of the President's new bill today, we can expect another long debate in the Congress over the merits of interjecting additional Federal regulation into the private, health care sector. My constituents tell me that they want less Government intervention. They also tell me that they want a balanced Federal budget. While I certainly recognize the need to control rising health care costs, I must admit that I have little faith when Government officials talk about cutting costs; they never mention that Government itself is one of the chief contributors to those costs.

For this and many other reasons, I support the industry's "voluntary effort" to address the problem of rising hospital costs. I believe we should give the industry ample time to continue to prove itself without the undue threat of Federal control "hanging over its heads." It seems to me that we should foster the industry's efforts and not hinder the progress with the prospect of Federal controls being triggered in.

In addition to the "voluntary effort" I would also like to take this opportunity to bring to my colleagues' attention another private sector alternative to curbing health care inflation. Appropriately, it comes from the National Chamber of Commerce of the United States. The chamber's program, called health/action, provides detailed, practical recommendations on how business can help apply private, voluntary solutions to health care problems at the local level, thereby improving health and containing costs. Generally, the chamber's health/action program recommends that a greater effort be made by business to help instill more competition, cost consciousness and individual responsibility for health into the health care system.

The health/action program is explained in a two-part kit: First, national health care strategy, a series of five reports sponsored by the National Chamber Foundation and conducted by InterStudy of Minneapolis, a leading public policy research firm; and second, health/action, a guide for business and community leaders to help start and follow through on the recommendations from the five strategy reports.

These health/action kits are being made available to business leaders across the country. For my colleagues who would be interested in reviewing the kits in more detail, I would suggest that you contact Jan Ozga of the chamber at 202/659-6108. In the interim, and over the course of this week and part of next, I am going to insert in the RECORD summaries of each of the five reports beginning tomorrow with report No. 1 "How Business Interacts with the Health Care System." I hope that this information will be useful and informative for my colleagues in their understanding of the complex field of health care. Additionally, I hope that this material will be useful to Members of Congress as they study the President's cost control bill and the other legislative alternatives which have as their basis some form of added Federal regulation.

At this point, I am having included in the RECORD a listing of reasons for rising health care costs in order to prefix the report summaries which will follow in the next 5 legislative days. This summary, as well as those for the five reports, have been prepared by the chamber and are available in the complete set of health/action kits.

SOME REASONS FOR RISING HEALTH CARE COSTS

The United States has an excellent but expensive health care system. Most supporters and critics of the system agree on this point. According to the Congressional Budget Office, there are three major causes for rising health care costs: higher prices (55 percent), higher utilization rates (35 percent), and population increases (10 percent). These factors, in turn, are related to the following underlying problems:

Government Programs. Although rising steadily for at least a quarter of a century, health care costs skyrocketed after 1966, the very year the federal government implemented tax-supported Medicare and Medicaid, making more health services financially available to elderly and poor persons. These persons traditionally require more health services than other members of society. As a result, for the first time the increase in the cost of medical care surpassed the increase in the cost of living. Although in the future there may be fewer poor persons, the number of persons 65 and over is expected to increase.

Hospitals. More than 40 percent of the nation's health care dollar pays for hospital bills. Some hospitals oversupply and overtreat in their effort to provide quality care. In some cases, this is influenced by reimbursement policies of health insurance; in other cases, an oversupply of resources contributes to the problem. There may be as many as 200,000 empty beds in United States hospitals, half of which may be totally unnecessary to meet normal requirements. It costs an estimated $20,000 a year to maintain each of these beds. Also, in an effort to attract physicians and provide the best possible care, some hospitals have bought expensive diagnostic and treatment equipment. This machinery not only is costly to buy, but it is expensive to operate and staff. And, in some cases, it duplicates similar units in neighboring facilities.

More than 42 percent of all hospital board members are business people. Are they making the same sound management decisions for hospitals as they do for their own businesses?

Physicians. About 20 percent of the nation's health care bill goes for doctors' bills. However, about 70 percent of all health care decisions are made by physicians. Rightfully, these decisions have focused more on the quality than on the cost of services. However, more care may not necessarily mean better care. Also, the threat of malpractice suits has forced doctors to practice defensive medicine, such as ordering more tests, prescribing more drugs, and conducting more procedures than may be necessary. Such practices and the higher cost of malpractice insurance also drive up costs.

Many physicians tend to specialize in specific disease-oriented services and to locate in major metropolitan areas, creating medically underserved rural and inner city areas and describing the availability of primary care practitioners. Incentives often are lacking for physicians to practice in needy areas. Again, business is the major private financer of physicians services and should have a role in influencing policies and programs to help correct problems associated with the geographic and specialty distribution of physicians.

Health Insurance. More than 90 percent of all Americans have some protection against financial losses due to illness or injury. This percentage includes private and public health insurance. But health insurance has tended to encourage the use of the more expensive hospital care rather than outpatient services. Not enough policies provide coverage for preventive or outpatient services.

Since reimbursement is generally made after-the-fact, there is little or no incentive to curb costs. Under the present system, the more health services provided, the greater the total reimbursement.

More than 80 percent of all health insurance is bought through the workplace, with employers paying about 70 percent of the cost. Thus, business is a major participant in this development.

Delivery Systems. Between health care providers and insurance reimbursement lies the issue of how care is delivered. Increasingly, savings are being demonstrated by prepaid group medical practices, also called health maintenance organizations (HMOs). Here patients pay doctors to keep them healthy, not just to treat them when they are sick. Also, because more care is delivered in an outpatient setting, hospitalization is reduced. Thus, the HMO deals not only with delivery, but with the organization and financing of health services.

Yet, despite the advantages of HMO-like operations, government policy and private involvement have often retarded the growth of such plans, which is just the opposite of what is intended. The original stringent federal HMO law is a case in point. Business is in a prominent position to improve this situation, and, because of federal law, will eventually be drawn more into this issue.

Government Regulations. In 1977 it cost business nearly $2.8 billion to comply with regulations issued by the Labor Department's Occupational Safety and Health Administration (OSHA). Millions of dollars more were spent complying with the Life Safety Code requirements imposed by the Department of Health, Education, and Welfare. These are only two of the many agencies which have a costly impact on the health care industry.

Inflation. As in the rest of the economy, inflation plays a major role in higher costs, including items such as increased salaries for personnel and higher overhead such as utility costs. But, equipment and techniques have improved over the past 10 years, so long-term cost comparisons can be misleading.●

THE ENERGY SHORTAGE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MAVROULES. Mr. Speaker, energy is a matter growing in importance with each passing day, and it must be acknowledged not with words, as in the past, but with firm, well-directed action. Time is running out, however. The need to resolve the ever-larger threat of energy shortage is upon us today.

The Arab oil embargo of 1973–74, the subsequent, continuing price escalation of crude oil, and now the Iranian oil shortage should be enough to alert us that our energy house is not in order, our efforts have been half-hearted and unconvincing, and have fomented an atmosphere of panic. Needless to say, our economy has suffered as well.

But we have not learned from these events. Each new initiative by the administration seems to make us more dependent on outside energy sources and farther removed from a study of energy alternatives like coal and the sun. In human terms, each new initiative seems to take a pound of flesh from each and every American in terms of dollars, comfort and convenience. The President's recent gas rationing and sales restriction plan is a case in point.

Today, I ask that we begin a new dialog of the crucial issue of energy self-sufficiency, but this time with purpose and direction. I ask, additionally, that we enter into this task with open minds for fresh ideas and a concern, finally, for what is best for our great land.

The answers to our energy problems have not appeared, for the hard questions have yet to be asked. But before those of us participating in this dialog can ask these questions, the barricades surrounding the free flow of energy information must be brought down. Toward that end I commend to my colleagues the following articles, respectively, from the New Republic and the Saturday Review, both of which I found informative and also instructive: "The Oil Crisis that Isn't" by S. Fred Singer and "Solar Energy: Our Bungled Energy Policy" by Steven Ferrey:

THE OIL CRISIS THAT ISN'T

(By S. Fred Singer)

Anyone who isn't confused about whether there is an Iranian oil crisis has not been listening to the US government. President Carter and Treasury Secretary Blumenthal say no crisis is yet at hand. Energy Secretary James Schlesinger says not only that conservation is necessary, but that government fuel allocations, Sunday gas station closings and even rationing are on the horizon. Senator Jackson, who often echoes Schlesinger's sentiments, is predicting dollar-a-gallon gasoline. Who's right? I say the president is closer than Schlesinger, whose dramatic statements are in danger of misleading Congress and panicking the public. The cutoff of Iran's oil exports has set the Chicken Little crew of assorted academic, journalistic and government doomsday prophets to work, smacking their lips and wringing their hands. Maybe this is it, they say. Maybe God, or rather Allah, is finally punishing us for our sinful, wasteful ways.

But there is no crisis, nor need there be one in the future, unless we make one ourselves. And we surely will do just that if we resort to such controls as mandatory allocations and rationing. These would be designed to maintain a system of price controls in the US while world prices of crude oil rise. This price gap is a sure prescription for "shortages." We should have learned from the Arab oil embargo of 1973-74 that intervention with the market for oil and oil products causes all kinds of fearful dislocations, real shortages, economic harm, and many inconveniences. We should remember that Holland and Israel, which were nominally embargoed by the Arabs, never had lines at gas stations, but they had no price controls on oil either.

Let us review some facts about the present oil cutback. Iranian exports have dropped from about five mililon barrels per day (mbd) to zero for several weeks now. It could be months before substantial exports are resumed. Even when they are, some experts guess that exports will remain below three to four mbd—not just because Khomeini wants to save oil for future generations, but because the wells won't produce more without skilled Western technicians. In the meantime, however, other countries, principally Saudi Arabia, have increased their production to take advantage of the shortfall; they sell their additional oil at much higher prices on the spot market—and at great profit. Taking into account this additional production, the net shortfall for the world at present seems to be about two mbd, which neatly matches the reported drawdown of oil stocks, reported at two mbd. The current "shortage" should therefore be close to zero.

To gain some perspective on these numbers, consider that total world production, (and consumption), is about 60 mbd. Normal OPEC production is over 30 mbd, and US consumption is nearly 20 mbd. The world shortfall of two mbd is only some three percent of production. If everyone would reduce oil consumption to 97 percent of last years then there should be no problem.

If the Iranian cutoff persists for a very long time, something like the following will happen. The market will balance itself, but at a price approximately 10 percent above what it would have been otherwise. World consumption will decrease by perhaps one to two percent and some additional production will come in. A 10 percent increase in the price of oil is nothing to sneeze at. It amounts to about $1.40 per barrel (of 42 gallons). But it is not a calamity either, because it only comes to about three cents per gallon of gas when the price increase is passed through on a dollar-for-dollar basis. In the U.S. where only half of the oil is imported, the effective increase will be less than three cents. It will be even less if we figure out how to use our great current surplus of natural gas to substitute for oil in various energy applications, such as heating and electricity generation.

If the facts are so unthreatening, you might ask, then why are some oil companies already reporting, shortages and promising reduced allocations in the future? Why is Shell rationing gasoline? Why do some companies complain that they may have to close down their refiners for lack of oil? There is an answer for everything: these companies, large or small, want something—usually relief from regulations or often just more money. Note that while Standard Oil of California reports shortages, Standard Oil of Ohio reports that it has "oil coming out of its ears" (*The Wall Street Journal,* February 2). While Exxon warns of problems ahead, some oil production is shut in in California, and much more oil could be gotten out of Alaska by installing more pumps along the pipeline.

Shell Oil is rationing unleaded premium gasoline, but that has nothing to do with the Iranian cutback. It has a lot to do with the fact that gasoline prices have been regulated in such a way that Shell has not been able to build the necessary refinery capacity. Small oil refineries now are pinched for oil and clamoring for government allocations. But their problem is that they had been buying oil on the spot market because they made more money that way. Now that spot prices have gone up above contract prices, they want government help. It's a familiar story, just like that of the farmers demonstrating at the Department of Agriculture.

It certainly is strange that so many oil companies warn of cutbacks in deliveries of 10 to 20 percent when the world shortfall is only three percent. Perhaps they find it more profitable to sell some oil on the spot market in countries where there are no price controls; certainly they could lose money by importing higher-cost spot oil into the United States. The Gulf Oil Company imports from Iran but has not announced any cutbacks. "I find it difficult to conceive of physical shortages or rationing," says Warren B. David, Gulf's chief economist. He says that the international oil companies "are still flexible enough to transfer oil around," and he thinks the world could do without Iran's oil for the next few years, if Arab producers maintain their output.

But what if Saudi Arabia stops its extra production and Iran remains shut in? That would be serious, but not a calamity. The price would rise some more—about another 10 percent. But what if all of OPEC were to stop its production? Now, that *would* be the equivalent of the sky falling—calamitous, but not very likely.

Fortunately, we have some independent indicators of how serious the world situation actually is. Countries that drew huge quantities of their oil from Iran—South Africa (90 percent), Japan (20 percent) and Israel (60 percent)—have not flown into a panic. They are all buying oil elsewhere, even if it costs slightly more, and even if the cost must be passed on to consumer. Significantly, the Israelis have not raised the matter; US oil guarantees under the 1975 Sinai agreement whereby they gave back captured oil wells to Egypt. There are other indicators of a non-crisis: the strategic petroleum reserve on the US gulf coast is not being tapped by the Department of Energy, nor does DOE have plans to do so. The oil-sharing arrangement of the International Energy Agency has not been activated, yet, though one shouldn't exclude this possibility, only because bureaucracies the world over want to prove their worth by showing activity.

As is normally the case, the consumer countries are sharing the world shortfall in production through the usual market mechanism of prices, using private and national oil companies and many oil brokers. Clearly South Africa and Japan are bidding oil away from other consumers by offering a little more money on the spot market. Spot prices are reported to be as much as 2. percent above long-term contract prices. This is not a cause for worry. During the 1973–74 embargo, spot prices ranged up to 800 percent above the contract prices. Of course, if spot prices for the incremental oil stay up high, they will put pressure on contract prices and gradually force them up—but by a lot less.

The US buys only five percent of its oil from Iran. In addition, we have a glut of natural gas. And we have huge coal supplies. Why, then, does the Department of Energy want to conjure up a crisis when there isn't one? Is it yet more self-justification by the bureaucracy? Or is Schlesinger, the CIA and Pentagon veteran, intrigued by international crises? Do the regulators want more attention, more money and more political power?

All of these motivations may play a part, but I suspect that this crisis is being conjured up to create a political climate in which it is easier to push through policies which the bureaucracy deems to be important. Ever since Jimmy Carter uttered his famous "MEOW" (Moral Equivalent of War) in April 1977, there has been agitation for a National Energy Plan—really any kind of plan, just as long as it could be said that the government got an energy plan out of Congress. The plan itself keeps changing, with most of the original items abandoned. After insisting for two years on a price regulation scheme for oil that is even more onerous than what we have now, DOE now reportedly wants to deregulate oil, perhaps adding a large severance tax to siphon off "windfall profits." This is not a bad idea even though some people, including the editors of *The Washington Post,* hold the droll view that controls cannot be lifted when prices are rising. Anyway, Senator Jackson has promised us one-dollar gasoline *plus* mandatory allocations; so there is really nothing to lose by freeing prices. Another major DOE goal, also worthy, is to persuade Congress to repeal the law forbidding export of Alaskan oil. This would make way for an eventual doubling of Alaskan production, and full production in California. If Alaskan oil could be exported, it could be swapped for Mexican or other oil to be shipped to the East Coast—with everyone gaining in the transaction. Still other DOE objectives, involving considerable emotion, have to do with slowing down environmental regulations on coal burning, and delaying the phase-out of lead additives in gasoline in order to conserve oil. All these goals, some good, some less so, may be achievable in a crisis atmosphere.

So the Iranian cutback does have some uses. The DOE has been a little slow to catch on to the fact that the cutback in Iran was potentially larger than the 1974 Arab embargo. But now it has found that a "crisis" pays, and is pursuing it with great vigor. The oil companies can also be relied upon to blame shortcomings on the Iranian "crisis," and OPEC, of course, has already used the cut in Iranian production as a pretext for announcing a price increase of 14½ percent for 1979. (Because of expected inflation, the real price rise is expected to be only about five percent.)

There is another use for the Iranian oil cutoff—a political one which may have major significance for us. An important lesson can be drawn from the present Iranian experience, namely, that a future oil embargo is not likely to hurt the US, or other Western nations for that matter. Right now we have an embargo in every respect but name. During the height of the Arab oil embargo, the shortfall in oil production was only two mbd, which is about the present situation. The only essential difference—and an important psychological one—is that nobody refers to the Iranian cutoff as an embargo. Therefore it has made far less impact on the world except to raise oil prices slightly.

The sooner we can demonstrate to everyone that an oil embargo would be largely ineffective, the sooner the world can get on with its business and pursue more rational policies. The Iranian oil cutoff provides such a demonstration, and it should dispel, once and for all, the fear of an embargo, which has so strongly dominated the thinking of governments and of the public over the last five years. This fear now turns out to be largely unwarranted, though it encourages both political and economic blackmail.

The throughout observer will raise the following question: if the Iranian oil shortfall is equivalent to or greater than the Arab embargo of 1973–74, then why doesn't the world price of oil triple or quadruple? Basically, in 1973 the world oil market switched from a reasonably competitive market controlled by a monopoly. But once one has achieved a monopoly, there is no way of doing it again. Even monopolies must obey the laws of supply and demand. In the last few days Kuwait has predicted that the world price would indeed triple—and by April 1979. But it won't. Any price rise will depress world demand for oil and at the same time stimulate more production, producing a glut and holding prices down. Even if Saudi Arabia ceased *all* its production, about eight mbd, the consequence would only be a world price rise of about 50 percent.

Why did the Arab oil embargo produce shortages in the US, as evidenced by long lines at gasoline stations, and won't the current Iranian shortfall have the same effect? The question is complicated but, briefly stated, the horrendous side effects of the embargo were due primarily to the panicky actions of the US government—well-intended but wrongly applied. The price controls that existed at the time (and still exist, but in a different form), for a while made it uneconomic to import oil. The government also ordered refineries to produce more heating oil and less gasoline. Finally, it allocated gasoline administratively, giving surpluses to some regions and deficits to others, rather than letting the market allocate gasoline by price. When the government eventually allowed prices to rise, it did so on the first of every month; not surprisingly, distributors and gas stations would "run out" toward the end of the month, holding their supplies for the coming price increase. It is also a documented fact that US oil stocks were greater at the end of the Arab embargo, in April 1974, than they were during the height of the embargo. Stocks were considerably higher during the embargo than they were a year earlier. So much for shortages! Yet despite this dismal record, the regulators want us to take another chance on mandatory allocations and other kinds of controls.

To cover a final aspect of the Iranian "crisis", what should one make of the Iranian government's announcement that it will not sell oil to Israel? This is mostly internal propaganda designed to appease Islamic extremists, and has little practical significance. Oil is quite a fungible substance, as the Arabs learned during the 1973 embargo. Once Iranian oil is put back on the world market, it will displace some other oil, which will then be "swapper out" by oil traders to supply Israel. Even a permanent cut in Iranian production could not harm any particular country, though it would raise world oil prices. One thing is sure; a cut will reduce Iran's oil income and cause severe problems for the Khomeini government.

The Iranian oil experience may be salutary if it convinces the public that the much-vaunted "oil weapon" is in fact an empty threat. We now have an embargo, in effect, but no huge price jump, no real shortages, no disruption of the economy—even in countries which bought most of their oil from Iran. The analogy to the emperor's new clothes is quite appropriate. Perhaps that is why the Arabs have never "unsheathed" their "oil weapon" since 1974. Their scabbard really is empty, but until we believe it, they will continue to behave as though it contains a dagger.

SOLAR ECLIPSE: OUR BUNGLED ENERGY POLICY

(By Steven Ferrey)

America is teetering on the brink of an energy revolution. Our first great step forward, from wood to coal, ushered in the Industrial Revolution and built our cities. Our second, the harnessing of electricity, provided the dramatic innovations of lighting, air conditioning, and automation. The third, the use of petroleum to power the automobile, created unprecedented individual mobility, spreading our population across the continent. And now our fourth—solar energy—"could perhaps do more to improve the material well-being of mankind, without increasing his tensions, than any other good available," says leading alternative-energy authority William Heronemus.

But America is teetering. While environmental groups, aided by a number of congressional leaders and local officials nationwide, have been strongly promoting a radical expansion of solar research and development, the overlord of official policy, the Department of Energy, together with some of the massive oil and gas companies that have been hedging their bets with large nuclear investments, has put up a stiff resistance against this upstart technology. Experts throughout the energy field agree that solar's time will come; but whether that time begins now, or is to wait until the next century, is being decided today in Washington. President Carter claims to be a solar enthusiast, and Energy Department Secretary James Schlesinger has spoken in a guarded way about the virtues of a solar future. But an attachment to traditional energy sources, above all to nuclear energy, has left solar underfunded and underplanned, and has afflicted the solar industry with acute sales anemia.

Only five years ago, solar power was regarded as a Buck Rogers concept belonging to the 21st century. But the Arab oil boycott of 1973, and the subsequent doubling of oil prices, suddenly made alternative energy sources a great deal more attractive. The logic of solar is ineluctable: Two weeks of sunshine contain as much potential energy as all known global reserves of fossil fuels; solar energy leaves no position behind; and the sun's rays are inexhaustible.

The last few years have seen remarkable progress with a host of solar technologies. It is now cheaper to supply 10,000 homes with solar water-heating facilities than to build a new generating facility to heat their water electrically. Solar space-heating follows close behind. Homes in which walls and floors act as solar collectors may incur only half the heating costs of conventional structures, with little additional expense for construction. Over 50,000 solar dwellings already exist. California Governor Jerry Brown plans to solarize 1.5 million of that state's 7 million homes by 1985.

The technological mysteries that shrouded solar energy less than a decade ago have been dispelled. The question that must be faced today is not whether solar devices can be fabricated, but whether they can be made at competitive costs. Even this final barrier grows less imposing by the day. A recent study by Cornell University economist Duane Chapman indicates that solar technologies already provide cheaper heating than new synthetic fuels, nuclear plants, or Alaskan gas, if one deducts the subsidies, primarily in the form of tax breaks, enjoyed by these latter. The cost of photovoltaic cells, which convert solar energy directly to electricity, has decreased by 20-fold since they were first used a few years ago to power American space satellites. Leading solar experts believe that five years of mass production could reduce photovoltaic prices yet another 20-fold. Congress takes this estimation so seriously that last October it passed a bill directing the government to stimulate mass production by spending $1.5 billion on photovoltaic cells over the next decade. Moreover, solar enjoys widespread support: A 1978 Harris poll revealed that 94 percent of Americans favor rapid development of solar power.

Yet the Carter administration has done little to substantiate its official advocacy of solar. The Department of Energy has not only declined to initiate any major solar legislation, it has actually opposed a number of such bills when they have appeared in Congress. The DOE has also adopted a remarkably dim view of solar's immediate future: While the President's Council on Environmental Quality has predicted that solar resources could meet 25 percent of U.S. energy needs by the year 2000, DOE has only recently raised its projection from 8 percent to 12 percent. And finally, a remarkably high proportion of the research and development funds that the department allots to solar power have been given to the large energy conglomerates, who tend to be less innovative than smaller firms, and might be inclined to stifle, rather than nourish, a competitive technology.

For an industry still in its infancy, the most crucial inducement to growth is R and D funding; and here DOE has shown itself to be extremely reluctant to make a commitment to solar. The fiscal year 1978 budget, the first over which the new administration could exercise any real control, devoted only 16 percent of its R and D monies to renewable resources. DOE's proposed 1979 R and D budget of $2.7 billion originally included less than $400 million for solar, a sum that would actually have cut funding if another $100 million had not been added later. The additional funds were included only after the budget met severe bipartisan criticism in Congress. About 1980 figures appear to follow the same pattern. Although Schlesinger stated that the solar budget would be doubled in 1980, he reportedly requested only $750 million and received $650 million.

DOE's lukewarm commitment seems hard to explain in the face of solar's tremendous promise. But the department has another darling: nuclear power, once the grand destiny of atomic development, which is now apparently facing extinction.

Although DOE's primary concern remains the exploration and extraction of such traditional fuels as coal, oil, and natural gas, nuclear energy has always held the place of privilege among the more novel energy sources. The same 1979 budget that provided $500 million for solar devoted $1.2 billion to nuclear R and D. The nuclear breeder reactor program, which Carter has vowed to terminate, will still receive more money this year than all solar projects combined.

Even with these substantial subsidies, the nuclear industry is rapidly becoming an anachronism. A recent analysis by Rand Corporation statistician William Mooz shows the construction costs of nuclear plants to be doubling every five years. At this runaway rate of inflation, a nuclear power plant begun today could be a hopeless economic proposition by the time it was completed. That syndrome is already at work: In the last four years the nation's utilities have canceled 22 nuclear-plant orders while placing only four that remain feasible.

If nuclear's economy looks bad, its safety record is even more worrisome. After extensive hearings last year, the House Government Operations Committee concluded that "There is no demonstrated technology . . . for permanently and safely disposing of this waste. So long as this problem remains unresolved, the public's health and safety and the viability of nuclear power in this country are threatened." Six states, including California and New York, have already imposed moratoria on any future construction of nuclear facilities. Department of Energy deputy secretary Jack O'Leary observes somberly that "Unless something happens quickly, nuclear power in this country is dead."

Yet dire predictions of this sort have not deflected DOE from its nuclear course. O'Leary himself pledges that legislation to speed the construction of nuclear power plants will be the administration's "top energy priority of 1979." In addition, the administration proposes to be the exorcist for the as yet undisposable commercial nuclear waste material.

Exactly how long the Energy Department can continue to feed the one industry from the plate of the other remains to be seen, but a recent attempt to do so has turned into the most embarrassing incident in the agency's brief life. President Carter's energy legislation, passed last September, requires DOE to guide a state-by-state effort to change electricity rates so as to encourage conservation and solar energy use. Solar enthusiasts considered this a major breakthrough—that is, until last November, when DOE handed over responsibility for the development of the program, along with a half a million dollars, to a company knee-deep in both electric utilities and nuclear power, Stone & Webster.

Since that time, consumer groups have uncovered one conflict of interest after another in the awarding of the contract. In 1977, two of Stone & Webster's wholly owned subsidiaries received $94 million worth of consulting fees from the very utilities whose interests are affected by this program. Stone & Webster Engineering is dependent for a significant portion of its business on the management of nuclear power plant construction for utilities. Another subsidiary actually engages in joint ventures with these utilities, and vice-presidents of Stone & Webster simultaneously serve as officers of at least one utility. It is well known that these same utilities lobbied fiercely to defeat the pricing reforms, designed to give a boost to solar, in Carter's energy legislation. Besides all this, Whitney Stone, chairman of the executive committee, along with two of his sisters, is the largest noninstitutional shareholder in the Virginia Electric & Power Company. It all adds up to appointing the wolf to guard the sheep.

Stone & Webster made no disclosure of these or other possible conflicts, as required by federal law. Given the company's respectable reputation, DOE never asked about possible conflicts, even though many are documented in their own files. The 1974 Federal Energy Administration Act requires that contracts involving a conflict of interest be either terminated or balanced so as to achieve fairness; but after public interest groups notified DOE of the problem, the agency did nothing. Now the issue threatens to become a major public embarrassment; at the time of this writing, several congressmen and public interest groups had called for a congressional investigation of the contract.

What is behind this conspicuous neglect is nothing so spectacular as scandal or collusion; it is rather the fact that the officials presiding over this great historical change have been unwilling or unable to break old alliances. President Carter's choice to head the Energy Department, James Schlesinger, served Presidents Nixon and Ford as chairman of a pro-nuclear Atomic Energy Commission (AEC). Schlesinger has mixed general hortatory comments about solar's potential with grim forecasts of its immediate prospects. Last summer he described solar development to a policy review group as "a necessary adventure in American life if we are to preserve the rudiments of our lifestyle and the flourishing of our economy." Yet, while agreeing that solar's competitiveness is severely hampered by the subsidies given to oil and gas, Schlesinger has deprecated solar energy by saying that its "cost-effectiveness is limited by and large to certain household uses. . . . The solar contribution in the household sector alone, while significant, will never resolve our national energy problems."

Schlesinger's top aides have equally lengthy backgrounds working with traditional energy sources. General counsel Lynn Coleman worked for John Connally's law firm, where he lobbied before government agencies on behalf of Exxon, Mobile, Shell, Texaco, and Union Oil. Deputy Secretary Jack O'Leary is a hard-liner from the AEC. O'Leary gratified the American Public Power Association in a speech last October with the news that solar power had no place in the 20th century. This contradiction of official policy induced Congressmanu Richard Ottinger (D-New York) to write to President Carter demanding O'Leary's resignation.

Of course, solar energy can't be ignored forever, and the energy giants know it. While on the one hand they do their best to deride this upstart—a recent Mobile ad characterized solar energy as pure fantasy—on the other, they have quietly begun buying their way into the field. Among the 10 companies earning the largest solar revenues in 1977 were Exxon (through its Daystar and Solar Power subsidiaries), General Electric, General Motors, Alcoa, and Grumman. Such giants as Westinghouse, Bechtel, and Lockheed are not far behind. Oil companies have also begun to acquire major solar firms. In addition to Exxon's acquisitions, leading solar companies such as Tyco Laboratories and SES Systems have been taken over by Mobile and Shell, respectively.

DOE, meanwhile, has encouraged this trend by handing out contracts for gargantuan-scale space-age ventures to giant firms, energy conglomerates foremost among them. It is currently funding a $123 million "power tower" designed by McDonnell Douglas Corporation in California's Mojave Desert, despite strong criticism of the project as "economically unpromising" from the White House Office of Science and Technology Policy.

Even more exotic is federal research aimed at launching a two-mile-wide solar satellite into space. At a staggering cost which could approach $25 billion the satellite would beam collected solar energy by microwave radiation back to a 55,000 acre earth receiving station. The solar satellite, promoted by a consortium of aerospace companies, has been soundly criticized by public groups as an outrageously expensive attempt to monopolize the sun.

This attraction to the superproject and the giant corporations poses several grave problems, outside of the intrinsic quality of the projects themselves. First, it tends to stifle innovation by reversing the slow, evolutionary process that leads to technological breakthrough. As Jerry Plunkett, head of the Montana Energy Institute and frequent solar expert witness in Congress, observes, "Solar R and D is completely misdirected. DOE wants to build a 747 before they'll fly any plane at all." Plunkett goes on to point out that the majority of technological innovations have come not from the giant laboratories but from "unrecognized inventors" working independently. Furthermore, as the solar field becomes more and more concentrated, the sort of competition that stimulates invention will wither away.

The second problem, however, may prove even more critical. Until the development of solar appears to be inevitable, it will remain more profitable for the energy conglomerates to throttle, rather than promote its development. Their oil and gas investments will not be threatened in the foreseeable future but these same companies also dominate the nuclear field. According to a 1977 Washington *Post* story assembled from government figures, five oil and gas companies control 62 percent of uranium-processing facilities, while 12 such firms own 51 percent of the known uranium in American fields. An abandonment of nuclear projects would clearly constitute a painful separation for these companies.

The Department of Energy now claims to have seen the light, although it has barely raised the solar budget, and failed to cut nuclear, for 1980. Last summer the President convened a special Cabinet-level Domestic Policy Review (DPR) to advise him of methods to speed the competitive commercialization of solar energy. These recommendations will soon result in a major solar policy statement by the President.

But even this step in the right direction may prove unsteady. Solar authorities were discouraged by the version of the DPR solar report released to the public. Expert Amory Lovins called it "a largely vacuous and uncreative exercise in ducking the big issues that are the focus of internal debate and will . . . go to the President for decision."

The executive branch continues to stand in the way of congressional attempts at boosting solar power. Bills to make loans to small solar businesses, to develop inexpensive mass-produced photovoltaic solar cells, and to solarize new military housing recently were enacted into law despite administration resistance. Congressman Robert Drinan labels the administration's position as "Hypocrisy . . . characterized by glowing rhetoric on solar energy, but little meaningful action."

In these early days, we enjoy an unprecedented opportunity to guide the course of our own energy revolution, perhaps the last such transition upon which the nation will have to embark. The administration's misguided solar policy has not only obstructed this great change, but may have fumbled an irretrievable opportunity to direct technological change for the public good.●

INTERIOR COMMITTEE PASSES A GOOD ALASKA LAND BILL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, for the past 2 years, the Congress has wrestled with the problem of how to manage Federal lands in the State of Alaska. The issue is complex and the potential rewards are tremendous: Millions of acres to be set aside for protection and management of fish, wildlife, recreation, and scenic values; minerals, oil, and gas, and timber resources to improve our balance of trade and sustain our Nation in this time of crisis; settlement of the land entitlement dispute which will give both the State of Alaska and Alaskan Natives their land; and continued opportunity for hunting, fishing, and maintenance of the Alaska way of life.

In the last hours of the last session, a delicate compromise was nearly achieved, one which at that time had the support of myself, Representatives UDALL and SEIBERLING, Senators STEVENS, JACKSON, and DURKIN, and Secretary of the Interior Cecil Andrus. Unfortunately, one Senator objected and no bill passed the Congress.

This year, we once again have the chance to pass an Alaska lands bill that meets the legitimate national interest and still protects the rights of Alaskans. On Thursday, March 1, 1979, the House Committee on Interior and Insular Affairs reported out a bill which sets aside nearly 100 million acres as national parks, national forests, national wildlife refuges, national recreation areas, and wild and scenic rivers. In addition, the bill allows for properly managed development of natural resources and fulfills the promise made to the State of Alaska by the Alaska Statehood Act.

Mr. Speaker, I want my colleagues to know that the bill reported by the Interior Committee is the same as that carefully crafted compromise which nearly succeeded last year. It sets aside nearly 100 million acres as conservation units; it meets the needs of the Nation and of the people of Alaska. This is a bill which we can all support, and I urge my colleagues to do so when it reaches the floor.

The following is a summary of the bill which was reported by the Interior Committee:

SUMMARY OF ALASKA LANDS BILL REPORTED BY HOUSE INTERIOR COMMITTEE

The following summarizes the Alaska lands bill favorably reported by the House Interior Committee on February 28. The official bill number is still H.R. 39 because the reported bill was adopted as an amendment in the nature of a substitute. However, the measure is printed as H.R. 2199 introduced by Rep. Huckaby (D-La.) This bill represents the compromise agreement reached by Messrs. Udall, Seiberling, Durkin, Andrus, Stevens, Jackson, Hansen, and Young last October.

LAND DESIGNATIONS

The bill affects a total of 120.6 million acres of land in Alaska or nearly 33 percent of the State. It creates (a) 20.5 million acres of Parks, (b) 21.6 million acres of Preserves, (c) 4.7 million acres of National Recreation Areas, (d) 44.9 million acres of Wildlife Refuges, (e) approximately 1.5 million acres of Wild and Scenic Rivers, (f) adds 3 million acres to existing Forests, and (g) establishes 3.4 million acres of Conservation Areas. Total "new lands" set-aside are 99.6 million acres.

In addition, approximately 19 million acres of existing Forests, Parks, and Refuges are reclassified as Wilderness areas. Within the 99.6 million acres of "new lands", 32 million acres are also designated Wilderness; total Wilderness is 51 million acres. Lastly, 2 million acres within the existing Tongass Forest are reclassified as Special Management Areas.

The following chart illustrates the various land designations:

Parks	20.5
Preserves	21.6
National recreation areas	4.7
Refuges	44.9
Forests	3.0
Wild and scenic rivers	1.5
Conservation areas	3.4
Total	99.6

Existing parks	5.0
New parks	22.7
Existing refuges	11.0
New refuges	9.1
Forests	3.0
Total	50.8

Existing forest reclassified for special management	2.0
New set-asides	99.6
Existing areas reclassified wilderness	19.0
Existing forest reclassified for special management	2.0
Total	120.6

NATIONAL PARK SERVICE UNITS

Title II adds 44.6 million acres to the National Park Service system; this represents 170 percent increase in the total U.S. Park system. Park units total 21.6 million acres and include major units such as the 4.8 million acre Gates of the Arctic Park and the 8.5 million acre Wrangells-St. Elias Park.

The measure also creates 21.6 million acres of Preserves to be managed by the Park Service. The only difference between a Park and a Preserve is that sport hunting is permitted in the latter. Major Preserves include the 3.1 million acre Gates of the Arctic Preserve, the 5.4 million acre Noatak units, and the 1.1 million acre Misty Fiords area.

Lastly, three National Recreation Areas under Park Service direction are established. These units total 2.5 million acres and are established in the north Wrangells (1.24 million acres) and two in the Noatak area (1.27 million acres). More developed recreation and regulated mineral leasing can occur in NRA's per the Secretary's discretion. However, resource development activities are specifically prohibited in the Noatak NRA's.

WILDLIFE REFUGES

Title III sets aside 44.9 million acres of new Wildlife Refuges. It achieves this by creating eight new Refuges amounting to 21 million acres and expanding four existing units by 23 million acres. Major units include the 8.4 million acre addition to the Arctic Wildlife Range, the 13.85 million acre addition to the Yukon Delta Refuge, and the new 7.9 million acre Yukon Flats Wildlife Refuge.

WILD AND SCENIC RIVERS

Title V adds 8 rivers outside of conservation units to the Wild and Scenic Rivers System; these designations affect approximately 1.5 million acres. Within conservation units, 19 rivers are added to the Rivers system. Overall the bill establishes 27 Wild and Scenic Rivers in Alaska.

In addition, 14 rivers are designated for future study. When studies are completed, these rivers may be added to the System.

FORESTS

Title IV adds approximately 3 million acres to existing National Forests in Alaska. In addition, the Seward National Recreation Area of 1.2 million acres is created within the present Chugach National Forest.

BLM UNITS: CONSERVATION AREA & NRA'S

Title XV establishes three Conservation Areas totaling 3.4 million acres. Units established are the Baird Mountains, the Chandalar Area, and along the Steese Highway. Conservation areas are patterned after the California Desert and Kings Ranch units created in California. The BLM is directed to prepare a land use plan for each unit which protects specified values (i.e. caribou migration routes, fisheries habitat, etc.) and permits compatible units. Resource development *may* occur within these units per the land use plan.

In addition, the bill designates a 1 million acre White Mountains National Recreation Area under BLM jurisdiction.

WILDERNESS—GENERAL

The bill designates a total of 51 million acres of Wilderness. This represents an instant 265 percent increase in the National Wilderness Preservation System. Wilderness designations occur within the following units: (a) 28 million acres—Parks/Preserves, (b) 20 million acres—Wildlife Refuges, and (c) 3 million acres—Forest.

WILDERNESS—SOUTHEAST ALASKA

Title VI of the bill sets out the complex Wilderness package for Southeast Alaska's Tongass National Forest; the bill provides sufficient timber to maintain existing jobs and closes 25 percent of the Forest to development; and creates the option of adding another 2 million acres to Wildnerness in ten years. Within the Tongass, 2.9 million acres are classified Wilderness and another 1.1 million acres are redesignated a National Preserve under the Park Service (Misty Fiords). These designations close 25 percent of the Forest to all forms of development.

Another 2 million acres are classified as Special Management Areas. The timber within these areas may be included in the Allowable Cut determination but no timber harvest can occur on these lands for ten years without specific Congressional authorization. Moreover, these areas are statutorily closed to mineral entry.

The Secretary of Agriculture is directed to assure an annual allowable cut of 520 million board feet (the level needed to sustain existing jobs). In addition, he is to ascertain whether this 520 MMBF goal can be met after the ten-year period without harvesting in the Special Management areas.

He is also to study the Wilderness potential of these Areas and report to Congress with his recommendations in ten years.

Essentially, if the projections done by the industry and the State of Alaska are correct, it will be necessary to log in some of the Special Management Areas after the ten year period to provide 520 MMBF. If the environmentalist predictions are right, it will be possible to reclassify these Areas of Wilderness without eliminating any existing jobs.

OIL AND GAS

The bill affects oil and gas resources in the following fashion:

(a) It excludes the coastal plain of the Arctic Game Range from Wilderness and directs a 6-year study of the area's oil and gas potential but stipulates that no drilling can occur without Congressional approval;

(b) In Refuges in Alaska (open to oil and gas leasing under present law), the Secretary is directed to approve or reject lease applications within a specified period of time (basically 3 months after an EIS is finished);

(c) Directs a Federal study of the entire North Slope of Alaska to ascertain its oil and gas potential;

(d) It directs the Secretary to establish a program to facilitate oil and gas leasing on non-North Slope on-shore Federal lands in Alaska outside of conservation units; and

(e) It encompasses approximately 30 million acres of land with oil and gas potential within its Parks, Refuges, etc.

MINERALS

The bill statutorily withdraws approximately 115 million acres of lands in Alaska from mineral entry. In addition, 9 million other acres will be subject to new mineral leasing provisions (i.e. BLM Conservation Areas). Furthermore, it closes roughly 50 percent of the lands rated Highly Favorable for minerals by the U.S. Bureau of Mines.

It does not include any of the seven world class mineral discoveries in Alaska identified by the Stanford Research Institute in Wilderness, Parks, or other single use units; H.R. 39—1979 included 4 of the 7 in Wilderness. Furthermore, it places a number of the most highly rated mineralized areas in State ownership or in flexible use units such as Conservation Areas and NRA's.

The bill also authorizes Federal mineral assessments on all lands in Alaska. Moreover, the President is directed to conduct a study and report to Congress re the advisability of private mineral exploration and development on such lands.

Finally, Section 1305 authorizes the President to recommend opening certain withdrawn lands in Alaska for resource development under emergency circumstances. No opening can occur, however, without specific Congressional approval.

TIMBER

For information regarding timber resources in Southeast Alaska, see the "Wilderness-Southeast Alaska" section.

The bill creates no interior Forests but does provide that timber harvest for local and regional use only shall be permitted, under Fish and Wildlife Service control, in specified portions of the Arctic Wildlife Range Addition and the Yukon Flats Refuge.

STATE LANDS

The boundaries established by the bill exclude virtually all existing valid State lands; H.R. 39 included over 6 million acres of these lands within its boundaries. Moreover, approximately 5 million acres of lands the State selected in November, 1978 to fulfill its Statehood Act land grant are denied by this measure.

Title VIII of the bill provides for expedited transfer of lands to the State of Alaska. Red tape has kept the State from receiving the lands it was granted 21 years ago in the Statehood Act. Title VIII eliminates the red tape and provides for legislative transfer of the specified lands.

NATIVE LANDS

The Native corporations have received title to less than 5 million acres of their 44 million acre entitlement. Title VIII also provides for legislative transfer of lands to the Native corporations.

SPORT HUNTING

The bill closes 20 million acres in Alaska to sport hunting. Although it keeps open many of the prime sport hunting areas, some very important areas are closed by the bill. For example, the portion of the Wrangell Mountains which has produced 2 of the 3 world record sheep is classified as a Park.

ACCESS AND TRANSPORTATION

The bill contains the following provisions re access and transportation:

(a) Access to in-holdings for economic and other purposes is assured;

(b) Traditional modes of travel shall be permitted to continue in all withdrawals; and

(c) Re major rights-of-way—

(i) Special transportation planning is to be done jointly by the State, DOI, and DOT,

(ii) Any application for a major right-of-way must be identified in this plan before it can be approved,

(iii) The Secretary is to render decisions on right-of-way applications according to 9 specified criteria; and

(iv) certain Secretarial decisions are subject to Congressional review.

COOPERATIVE MANAGEMENT—BRISTOL BAY

The bill establishes a comprehensive planning and management program for the entire Bristol Bay area which covers approximately 15 million acres (this acreage is not factored into the totals which appear on pages 1 and 2 of this paper).

The Federal Government, the State and the natives are to work together to produce a joint management plan for the region. This plan will have to be implemented by subsequent action by Congress and the State of Alaska. In the interim, Federal lands in the area will be managed by the Fish and Wildlife Service. If no plan is agreed to, the Secretary is directed to prepare his own plan for Federal lands and submit it to Congress.

MISCELLANEOUS

Native Claims Act Amendments—The bill includes 13 amendments to the 1971 Alaska

Native Claims Settlement Act which have been agreed to by the Natives, the State, and the Administration.

BLM Wilderness Reviews—The bill exempts Alaska from Section 603 of FLPMA which provides that all roadless tracts over 5000 acres in the public domain shall be studied for Wilderness potential.

"No more" Provision—Section 1209 stipulates that no funds may be expended by the Executive Branch regarding any activities or studies relating to additional land withdrawals for environmental purposes in Alaska without a concurrent resolution of Congress. Studies authorized in this bill are exempt from this section.●

SHOULD 3.1-PERCENT INCREASE IN PRESIDENT CARTER'S MILITARY SPENDING BUDGET BE PEGGED TO NATO'S RECOMMENDATIONS?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. ASPIN. Mr. Speaker, President Carter's budget for fiscal year 1980 calls for military spending to rise 3.1 percent, above and beyond inflation. This is in keeping with the NATO Defense Planning Committee's pledge, made at the ministerial session in May 1977, for "all member nations" to aim for an annual real increase in defense spending "in the region of 3 percent."[1]

Critics contend that, in a period of tax revolt, a growing Federal deficit, and reduced spending for social programs, this is no time for substantial increases in the military budget. Administration officials, on the other hand, argue that 3 percent real growth on defense is vital for national security since, if the United States were to renege on this promise, the other NATO nations would break the pledge as well and alliance unity would falter considerably.

The administration's perspective raises a number of questions. First. Why was this pledge made among the NATO nations, and why did they settle on 3 percent as the "magic number"? Second. What does 3 percent real growth mean? Third. Is measuring real growth in the budget the best way to go about assessing the strength either of a military posture or of a commitment to an alliance?

First. Why 3 percent real growth?

The NATO ministers pledged 3 percent real growth primarily, or ostensibly, in response to perceptions of a growing Soviet military threat.[2] As Secretary of Defense Harold Brown stated last October before the House Armed Services Committee:

> In view of the steady and long-standing military build-up in the past of the Soviet Union, resulting from their increase in defense spending of 4 to 5 percent in real terms each year for nearly 20 years, we must bolster our own defenses and encourage our NATO allies to do the same for the NATO Alliance. Why 3 percent? I suppose you could say why is it not much more?[3]

The NATO "Ministerial Guidance" was even more emphatic on this matter, asserting that the Soviets have been annually increasing their defense spending, in real terms, by "about 5 percent."[4]

Real growth in Soviet defense spending can be derived from the most recent data published by the Central Intelligence Agency. Each year, the CIA estimates Soviet defense spending—for that year and for the prior decade—both in terms of U.S. dollars and Russian rubles.

In dollars, the Agency estimates how much it would cost the United States to reproduce the Soviet military, using U.S. military pay rates, operating costs, profit margins, technology, and so forth. Because of the huge disparities in efficiencies, pay scales and level of technology between the United States and Soviet military establishments, the CIA makes no pretense that such an estimate reflects either the actual capabilities or priorities of the Soviet military.

The inadequacy of this measure becomes apparent when one realizes that if we resumed the draft and reduced pay scales to draft levels, the Soviet "dollar" defense budget would plummet even further because they have more men.

In rubles, the CIA has a tougher job because a ruble is essentially whatever a Soviet Economic planner says it is, and because the value of a ruble in one sector of the economy may differ from its value in another.[6] However, when traced over time, one can observe, at least roughly, the trends in Soviet military growth.

On average, over the past decade, the CIA estimates that the Soviets have increased military spending, in real terms, by about 3 percent in dollars and about 4 percent in rubles.[7] Growth has been larger in rubles than in dollars because an increasing share of Soviet growth has gone into higher-technology weapons systems. Technology is relatively cheap and manpower relatively expensive in the U.S. military—when measured in dollars—while the reverse is true for the Russian military—when measured in rubles.

Furthermore, this growth has not been constant, but has fluctuated rather widely. In fact, in 7 of the past 10 years growth has fallen under 3 percent.

TABLE 1.—*U.S.S.R. overall defense spending—Real growth level*

[1977 dollars]

	Percent
1968	+6.8
1969	+2.4
1970	+1.7
1971	+2.7
1972	+2.7
1973	+4.6
1974	+3.1
1975	+2.1
1976	+2.9
1977	+2.1

Derived from CIA, *A Dollar Cost Comparison of Soviet and U.S. Defense Activities, 1966–1977;* and the same *1977–1978.* Dollars are used because no such level of detail is available or inferable from ruble estimates.

In other words, the Soviet leaders have not decided upon some constant real-growth figure as a budgetary guide. Rather, the level of growth has been shaped by cyclical fluctuations in their weapons procurement and modernization schedules. This is particularly noticeable if one examines the growth rates of particular sectors within the Soviet defense budget.

TABLE 2.—SOVIET DEFENSE REAL GROWTH—BY SECTOR

	Procurement (percent)	Peripheral nuclear forces	Ground forces	Tac air forces
1968	+5.1	0	16.1	−9.3
1969	+1.9	−9.1	0	0
1970	+1.1	−13.3	4.8	+34.5
1971	+2.5	+3.8	6.1	+30.8
1972	+2.8	+3.7	2.9	+25.5
1973	+7.5	+3.6	3.3	+10.9
1974	+4.1	0	1.4	−9.9
1975	+.6	+3.4	1.8	−3.1
1976	+4.0	+6.7	2.2	−6.5
1977	+3.8	+9.4	1.3	+5.2

Note: Derived from CIA, "Dollar Cost Comparison of Soviet and U.S. Defense Activities, 1967–1977." Dollars are used because because no such detail is available or inferable from ruble estimates.

These figures raise a key question: has this growth primarily been allocated to areas threatening to NATO? According to U.S. intelligence estimates, this has not been the case.

TABLE 3.—ALLOCATION OF REAL GROWTH, SOVIET DEFENSE SPENDING, 1967–77

[In percent]

	Dollars	Rubles
NATO-related	15	15
Intercontinental nuclear	15	20
China border	45	35
Research and development	25	30
Total	100	100

Derived from CIA, "A Dollar Cost Comparison of Soviet and U.S. Defense Activities, 1967–1977"; the same for 1977–1978; CIA, "Estimated Soviet Defense Spending: Trends and Prospects," June 1978; and from further information provided to Representative Les Aspin by the CIA's Military Economic Analysis Center, February 1979. Ruble figures are less precise than dollar estimates.

The estimates for the first three items do not include their share of research and development funding. It is not known exactly how much of Soviet R. & D. has gone into, say, NATO-related items. Therefore, the estimate that 15 percent of the past decade's growth has been devoted to threatening Western Europe is a minimum estimate; if the proper share of R. & D. is included, the actual figure could be as high as 30 or 35 percent.

In any event, the share of growth devoted to NATO would still fall short of the share allocated to the Chinese border where the lion's share of additional Soviet military spending has obviously been dedicated. According to U.S. intelligence officials, the Soviets consider China to be their No. 1 threat.[8] In the half decade from 1967 to 1972, the Soviets doubled the number of divisions deployed in the Far East, from about 20 to 40 and increased by five times their tactical air power in that region.[9] The buildup in the Far East slackened between 1972 and 1977. For example, in that half decade the Soviets added only four divisions in the Far East. As table 2 shows, this trend corresponds to Soviet spending generally on ground forces and tacair—higher in the first half of the decade, slackening thereafter. The growth of the Soviet budget, in other words, has been driven primarily by the desire to secure the Chinese border, rather than to threaten Western Europe.

Of the part of the growth that has constituted a threat to NATO, a "substantial portion," according to Secretary Brown, can be seen as an attempt to recover from the Soviets' "cheap rocket deterrence" policies of the early

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Footnotes at end of article.

1960s, when Nikita Khrushchev cut back on "obsolete" ground forces, relied more exclusively on nuclear missiles for deterrence, and tried to recycle the savings from reduced military spending to the consumer-oriented light industries.[10] The period from 1967 onward in the Soviet Union has been likened to the post-1961 period in the United States, when defense policymakers shifted from a strategy of "massive retaliation" to one of "flexible response," involving the buildup and modernization of conventional forces in Western Europe rather than relying solely on nuclear weapons to deter Soviet adventurism.[11]

In sum, the trends do indicate fairly consistent real growth in Soviet military spending. However: First, the level of growth has fluctuated widely, frequently falling below 3 percent; second, only a portion—and by no means the largest portion—of this growth has threatened NATO; and third, a substantial amount of the portion of the buildup threatening NATO has been dedicated to making up for lost time during the Khrushchev years.

In other words, it is questionable whether Soviet real growth averaging 3 percent should have substantial impact on how the United States plans its own defense budget.

Second. What does a U.S. 3 percent real growth policy mean?

If we pledge to boost defense spending 3 percent, that means 3 percent of what? This is not so elementary a question as it may appear. The defense budget can be measured in several ways—outlays, total obligational authority, new obligational authority, budget authority, authorization, appropriation—and it is not at all clear from the NATO Ministers' Communique just what reference-point is to be used in calculating 3 percent real growth.

Most analyses of the total defense budget come down to examining two basic measures: Outlays, the amount of money to be spent; that is, checks signed during the coming fiscal year, including some money that had been appropriated in previous years, and total obligational authority, the money appropriated in that fiscal year, not all of which will be spent during the year.

Is growth over the previous year to be measured in outlays or total obligational authority (TOA)? And is the entire defense budget to be used as the base, or just that portion of the budget devoted directly to the defense of NATO? This year, an unusual additional uncertainty has emerged. The administration has requested a special supplemental for fiscal year 1979 of $2.16 billion for force modernization and readiness. Should the 3 percent real growth for fiscal year 1980 be based on a fiscal year 1979 budget that includes this supplemental or not?

The Carter administration has chosen the following route: Apply 3 percent real growth to the entire budget, not just to that portion directly applicable to NATO; to outlays, not to total obligational authority (TOA); and to a baseline that includes the entire supplemental for the fiscal year 1979 budget.

ENTIRE BUDGET VERSUS NATO-RELATED

The European NATO countries spend virtually their entire defense budgets to defend Western Europe; it is only reasonable that their entire budgets be held to the pledge of 3 percent real growth. However, the United States has numerous commitments, not all of them related to NATO. Just what is and is not NATO-related in our budget? The Defense Department has historically answered this question in a politically opportunistic fashion. In 1971 and 1972, when several Members of Congress, most notably Senator Mike Mansfield, attempted on grounds of economy to reduce NATO spending by withdrawing U.S. troops from Western Europe, then-Secretary of Defense Melvin Laird assured them that the total cost of the NATO commitment—including support and dedicated naval costs—amounted to only $14 billion—17.7 percent of Defense TOA for fiscal year 1972.[12] Now, when the Pentagon wants to increase the entire defense budget on the basis of a NATO commitment, it appears that virtually everything in the defense budget is in some way related to NATO.[13]

One way to define the NATO-related part of the budget is to count only those Army and Air Force programs that could be deployed fairly promptly in Western Europe, along with those Naval programs dedicated to sea-control missions—if a NATO war lasts longer than 30 days, reinforced supplies and materiel would have to be sealifted. Since the point of this exercise is to determine how much of the budget would be increased by 3 percent if just the NATO-related portion were included, one would not count those parts of the budget for which 3 percent real growth would not be militarily meaningful—that is, personnel and retirement pay.

Using this methodology, about $38.6 billion—or 60 percent of the "force-related" fiscal year 1979 budget and about 30 percent of the total defense budget—can be considered "NATO Force-related." About $42.4 billion of the fiscal year 1980 budget is "NATO Force-related."

I will go into detail on this estimate toward the end of my statement.

OUTLAYS VERSUS TOA

The administration's fiscal year 1980 defense budget release contains the following table: [14]

TABLE 4

	Outlays (billions)	TOA
Fiscal year 1979 (fiscal year 1979 dollars)	$111.9	$125.7
Fiscal year 1979 (fiscal year 1980 dollars)	119.1	133.2
Fiscal year 1980 (fiscal year 1980 dollars)	122.7	135.5

This table shows that the administration budget produces a 3.1 percent real growth in outlays, but only 1.7 percent in TOA. Those who want the United States to spend even more money on defense complain that outlays are less relevant than TOA as an indicator of defense commitment. After all, $36.6 billion—or about 30 percent—of fiscal year 1980 outlays consists of money appropriate in prior years.[15] TOA, on the other hand, reflects what the United States is deciding to do this year, which is, presumably, more significant. There may be some basis to this criticism, in part legitimized by the administration's pointed emphasis on the importance of fine graduations in the overall budget. On the other hand, since our NATO allies calculate their budgets only in terms of outlays, the United States should also look at outlays, it could be argued, otherwise there would be no grounds for comparability.

Upon further inspection, however, it appears that direct NATO-related spending—as defined above—will increase by more than 3 percent real growth even in TOA.

TABLE 5.—ACTIVE NATO-RELATED FORCES—TOA

[In millions of dollars]

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	Total
Army:									
Fiscal year 1979	950	765	1,511	1,273	1,093	634	2,399	2,775	11,400
Fiscal year 1980	946	1,251	1,889	1,115	1,130	792	2,696	3,086	12,905
Percent change [1]	(−0.4)	(63.5)	(25.0)	(−12.4)	(3.4)	(24.9)	(12.4)	(11.2)	(13.2)
Air Force:									
Fiscal year 1979	6,814	1,351		458	549	1,399	2,478	3,952	17,001
Fiscal year 1980	7,368	1,809		492	619	1,599	2,865	4,263	19,015
Percent change [1]	(8.1)	(33.9)	(..)	(7.4)	(12.8)	(14.3)	(15.6)	(7.9)	(11.8)
Navy:									
Fiscal year 1979	820	538	2,635		1,192	321	~1,200	3,453	~10,155
Fiscal year 1980	836	595	2,164		1,146	409	~1,500	3,871	~10,525
Percent change [1]	(2.0)	(10.6)	(−17.9)	(..)	(−3.9)	(27.4)	(~25)	(12.1)	(3.6)

[1] Current dollars; i.e., not real growth.

NOTES

For Army and Air Force: (1) Aircraft; (2) Missiles; (3) Combat vehicles and weapons; (4) Ordnance, vehicles and related equipment; (5) Electronics and Communication; (6) Other procurement; (7) Research, development, testing and evaluation (R.D.T. & E.); (8) Operations and maintenance (O. & M.).

For Navy: Same, except that (2)=weapons of all kinds and (3)=ships.

Total, all services, (1)-(7): Fiscal year 1979, ~38,550; fiscal year 1980, ~42,440; percent change (current dollars; i.e., not real growth, (10.1).

Derived from: DOD, "Fy 1980 Department of Defense Budget," Jan. 22, 1978, encl., p. 18; DOD, "R.D.T. & E. Program for Fy 1980;" DOD, "Program Acquisition Costs By Weapon System for FY 1980" and "for FY 1979;" House Appropriations Committee, report, "Department of Defense Appropriation Bill," 1979, July 27, 1978, section on R.D.T. & E.; Secretary John Stetson (Air Force), statement to House Armed Services Committee, Feb. 1, 1979, p. 57; information on 5-yr Defense program provided by DOD.

Footnotes at end of article.

NATO-related spending rises 10.1 percent, as shown in the table. Adjusting for the overall DOD inflation rate of 6.4 percent, NATO Force-related spending increases 3.7 percent over and above inflation's bite. Allowing for the anticipated inflation rate on manufactured equipment of 7 percent, real growth is still 3.1 percent.

The implication here is that the fiscal year 1980 budget not only fulfills but exceeds the NATO pledge to increase defense spending by 3 percent, in real terms, in either TOA or outlays, if one examines that portion of the budget directly related to NATO forces. The rest of the budget, therefore, does not have to be treated as sacrosanct. It can be cut and the portion directly devoted to NATO would still constitute more than 3 percent real growth, however defined.

WITH VERSUS WITHOUT SUPPLEMENTAL

In projecting 3 percent real growth, the administration presumes that the supplemental will be passed by Congress in its entirety. This $2,160.4 million supplemental includes numerous items for strategic systems, readiness funds, nonnuclear combat, theater nuclear forces, command-control-communication, shipbuilding and conversion, and technology base. As such a list suggests, this supplemental will almost certainly not stand untouched by congressional adjustment, particularly since: First, supplementals are traditionally seen as devices for coping with an emergency, and there is no clear and present danger; and second, many of the items requested in the supplemental were rejected by Congress last year, and there is no reason to believe that the Armed Services Committees are any more eager to accept them this year.

Since the 3.1 percent real growth for fiscal year 1980 assumes full funding of the supplemental, the more one cuts from the supplemental, the more one can hold defense spending down, while still maintaining 3 percent real growth, in fiscal year 1980. Of the $2,160 million request, $491 million will be spent in fiscal year 1979 outlays, while the other $1,669 million—more than three-quarters of the total—will be spent in fiscal year 1980 outlays or perhaps even later.[16] If Congress rejects the supplemental entirely, that means as much as a $1.66 billion cut in fiscal year 1980 outlays automatically, or a total fiscal year 1980 outlays budget of around $121 billion, instead of 122.7 billion. This constitutes 2.2 percent real growth—subtracting the $491 million in outlays for the fiscal year 1979 supplemental from the base on which 3 percent growth is calculated.

Deleting the supplemental, however, would cut $2.16 billion from the fiscal year 1979 base for TOA, leaving $123.5 billion. As a consequence, the fiscal year 1980 TOA of $135.5 billion would mean 3.3 percent real growth.

In other words, by cutting out the fiscal year 1979 supplemental, Congress could grant the administration greater than 3 percent real growth in TOA, were TOA deemed more relevant than outlays. Administration officials would, no doubt, argue that cutting the supplemental will weaken national defense. If so, they would be ironically confirming the proposition that percent-of-real-growth is a poor indicator of actual military commitment or capability.

Third. Is measuring real-growth a good way to assess anything?

The NATO Ministers probably thought that they would me simplifying matters by agreeing to a 3 percent real growth pledge. It appeared to be something that would be highly visible and easy to understand. It turns out, however, to be highly complex, open to wide and varying interpretation, allowing in some instances a fairly substantial cut in the administration's defense budget to result, strangely, in higher levels of real growth, and allowing one to arrive at various conclusions of just how much a fiscal year 1980 budget would total within the constraints of "3 percent real growth."

Is there some way to approach the issue of NATO commitment that is better than this way?

First, it must be pointed out that there are some ways to add to the defense budget that contribute to NATO and some ways that do not. The budget contains numerous items for which real growth would not affect military capability generally, much less NATO strength. The fiscal year 1979 budget included the following items of this sort:

TABLE 6

[In millions]

	TOA[1]
Military personnel[2]	$27,213.2
Civilian payroll	19,419.0
Military retired pay	10,138.8
Military construction	4,000.1
Inflation	1,030.5
Currency revaluation	529.8
Commissary subsidy phase-out	315.3
Claims	87.5
Overseas transportation of exchange goods	71.7
Advertising	54.1
Vehicle leases	10.9
Food technology	6.0
Contingencies	2.5
XIII Winter Olympics	1.9
White House helicopter	1.9
Court of Military Appeals	1.8
Total	62,885.0

[1] Figures for Outlays are not available in such detail; however, on such items, Outlays tend to be about the same as TOA.

[2] Nobody argues that the United States needs more military personnel. Thus, any real increases in the budget would be for pay raises—which is contrary to the President's anti-inflation policy and which would have little impact on military capability.

Source: DoD, *FY 1979 Congressional Action on DoD Appropriation Account and Item*, FAD 728/79, Oct. 24, 1978; and further information from DoD/Comptroller.

This amounted to 50 percent of the TOA for fiscal year 1979. Yet, spending more on these programs would not produce any additional military capability. Indeed, the Defense Department is reducing the amount, in real dollars, allocated to military personnel and civilian payroll. These accounts, therefore, should be removed from the budget before calculating 3 percent real growth—unless one explicitly accepts the fact that overall 3 percent real growth really means 6 percent real growth—on average—on those programs for which real growth might be militarily meaningful.

These sorts of examples are only the most obvious of distinctions among various types of military spending. Others can be spotted upon closer inspection. Take two items from the fiscal year 1980 budget: first, $1.5 billion for a single Trident nuclear ballistic-missile submarine; second, $77 million for 16,805 TOW antitank guided missiles.[17] Those TOW missiles will augment the strength of NATO to a far greater extent than that single Trident sub, even though the United States is spending 19 times as much this year on the Trident.

Another case in point: Over the period fiscal year 1971–78, Congress cut, on average, $5,133 million from the administration's Defense appropriations request each year. The cuts ranged from about $2.5 billion in fiscal year 1971 to $8.9 billion in fiscal year 1976. Of these cuts, on average, $2.507 million—or 48.8 percent—consisted of reductions in the categories of postponements and deferrals made by the armed services or the administration, or in the category financial adjustments. Many of these "cuts" are made at the administration's request.

Footnotes at end of article.

TABLE 7.—CONGRESSIONAL CHANGES BY CATEGORY, FISCAL YEARS 1971–78[1]

[Dollars in millions]

Fiscal years	Substantive		Noncritical		Postpone and deferrals		Adjustments		Total, dollars
	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	
1978	−1,442	48.0	−299	10.0	−570	19.0	−692	23.0	−3,003
1977	−2,517	62.1	−261	6.4	−659	16.2	−620	15.2	−4,056
1976	−3,890	43.8	−1,477	16.6	−684	7.7	−2,824	31.8	−8,874
1975	−3,081	45.8	−478	7.3	−1,036	15.4	−2,115	31.5	−6,719
1974	−2,608	44.8	−172	3.0	−1,950	33.4	−1,096	18.2	−5,825
1973	−1,839	29.9	−159	2.6	−1,610	26.1	−2,551	41.4	−6,160
1972	−1,681	42.9	−70	1.8	−351	9.0	−1,815	46.3	−3,917
1971	−903	36.0	−125	5.0	−512	20.4	−967	38.6	−2,507

[1] Numbers may not add due to rounding.

Source: Richard Cronin, "Analysis of Congressional Changes to the FY 1978 Defense Budget," CRS Sept. 26, 1978, p. 7.

Postponements and deferrals refer to congressional actions trimming appropriations in a particular year, but not cutting the overall program. For example, the Defense Department requests 15 bombers this year and 15 next year; Congress stretches that out to 10 this year, 10 next year, and 10 the following year. The end result is no different, but the budget totals in any particular year are changed. Financial adjustments are mostly trims made at the Pentagon's own request. An example of this category is the instances when a service has said that recruiting has improved and it no longer needs as much recruiting money as requested. Since several months elapse between the drafting of the administration's budget and congressional action, there are many of the changes. The biggest financial adjustment came when Congress "cut" aid for South Vietnam after South Vietnam had ceased to exist. Also in this category is the refusal of Congress to appropriate funds to cover anticipated inflation; when and if that inflation materializes, funds are indeed appropriated.[18]

If fiscal year 1980 is a typical year and Congress "cuts" $2 or $3 billion as a result of postponements, deferrals, and financial adjustments, real growth may indeed be reduced to less than 3 percent—in outlays, TOA, or probably both. Such reductions would have no effect, however, on the military readiness or capability of the United States, nor would it mean any sluggishness in the contribution to NATO. Yet, if the administration is so bent on linking military strength and commitment with 3 percent real growth, what will happen if, as is very likely, such budget changes lead to budget cuts? Would the Defense Department hesitate to inform Congress about delays and cancellations in weapons programs, fearing that too many reductions of this sort may lead to less than 3 percent real growth? Would the Defense Department request still another supplemental to bring real growth up to 3 percent? Would massive reprogramings of funds be requested?

What all this shows is that policies based on particular dollar amounts can easily lead to a peculiar fetishism that potentially places a high premium and great incentive on spending for its own sake. Concern for efficiency lapses when an agency has a high spending goal to achieve. As such, this sort of budget policy leads to wasteful spending.

Finally, what if the actual inflation rate in fiscal year 1980 exceeds administration expectations—as is quite likely? If the overall DOD inflation rate is 7 percent instead of 6.4 percent, for example, real growth in outlays would be 2.5 rather than 3.1 percent. In such an event, the NATO governments might feel deceived—even though the level and quality of military forces funded in the budget would remain the same. Such is the absurdity and potential political danger of concentrating so heavily on particular dollars amounts, rather than on the forces they are buying and what they can accomplish.

Obviously, the budget is very confusing. Still, a general conclusion can be reached: Whatever perspective is assumed from the outset, 3 percent real growth does not represent a meaningful symbol for increased commitment to the NATO Alliance. Aggregate budget totals reveals nothing about what lies inside those budgets. Commitments to an alliance—or to any military function—should be based not on aggregate budgets or any other static indicator, but on specific programs and capabilities and how they relate to particular standards of performance and mission. If budgets are to be shorthand indicators of anything, they must be disaggregated to such an extent that one might as well talk about what is being purchased rather than how much it costs. Listed below is such a disaggregation, merely a partial list of programs in the fiscal year 1980 budget that will augment NATO considerably. All of them are invisible to those who merely glance at the overall TOA, outlays, or even general purpose forces budget. Yet this list certainly conveys more about the degree of American contribution to NATO than any figure concerning overall real growth in the defense budget.

TABLE 8.—TOA

[Current dollars: dollar amounts in millions/unit number]

	Fiscal year—		Percent increase
	1979	1980	
Anti-armor:			
A-10 aircraft	$803/144	$855/144	(1)
TOW conversion, AH-1	185/137	257/160	39/17
TOW antitank missiles	49/10, 920	77/16, 805	57/54
Assault breaker (R. & D.)	25	66	164
WAAM (R. & D.)		21	(New)
Armor:			
XM-1 tank	369/110	648/352	76/220
Infantry fighting vehicle	39/0	100/0	157/0
Cavalry fighting vehicle	(R. & D.)	70/89	(New)
Air defense:			
Patriot	67/0	426/155	533/(New)
Roland	56/75	283/410	409/447
Suppression:			
HARM (anti radar)	(R. & D.)	55/80	(New)
General support rocket system	(R. & D.)	62/1, 764	(New)
Air superiority:			
F-15 aircraft	1, 304/78	966/60	(1)
F-16 aircraft	1, 370/145	1, 563/175	14/21
Adv. med.-range air-air missiles (R. & D.)	37	55	49
Sensors:			
Remotely piloted vehicles (R. & D.)	18	49	171
Standoff target acquisition (R. & D.)	37	67	80
Quick strike reconnaissance (R. & D.)		10	(New)
Airlift: CRAF modification	29/5	74/9	158/60
Theater nuclear:			
Pershing II missile (R. & D.)	60	149	141
Ground-launched Cruise (R. & D.)	33	44	34
Ammunition:			
M198 howitzer	50/187	70/263	39/41
M240 armor machine gun	8/2, 970	12/2, 970	49/375
XM252 mortar		11/780	(New)
Vehicle rapid fire weapon system		37/310	(New)

[1] No increase, but continued replacement, on schedule, of F-4 squadrons. In fiscal year 1980, 4 F-4 squadrons will be replaced and augmented by 2 F-15 squadrons, 2 A-10 squadrons, and 3 F-16 squadrons.

Source: DOD "Program Acquisition Costs By Weapons System for FY 1980."

The merits of these specific programs are immaterial for the purposes of this analysis. Nor is the intent here to assess systematically the NATO-Warsaw Pact balance.[19] The point is that the United States is obviously going to great efforts to augment NATO strength, and has been doing so particularly in the past few years.

Since 1975, the United States has increased the number of troops stationed in Western Europe by 9,500. Combat-to-support ratios have significantly increased, allowing the formation of two additional combat brigades, now stationed in northern Germany. Airfields throughout Western Europe can now fuel and supply aircraft from virtually all NATO countries. U.S. prepositioned stocks, which dipped after 1973 due to diversions to Israel during the Yom Kippur war, are now back to prewar levels.

The United States has added 47,000 antitank guided missiles to the NATO inventory over the past 2 years, and has upgraded its tanks, added more helicopters and artillery battalions, deployed four additional F-111 squadrons, introduced new close-air-support and air-intercept fighter planes, and is improving airlift capabilities so as to reinforce existing forces in Europe with an additional 5 divisions and 60 tactical air squadrons within 1 week—compared with the ability to augment by 1 division and 40 tacair squadrons today.[20]

The Allies have agreed to a "long term defense program," involving cooperation on improving readiness, reinforcement, reserve mobilization, electronic warfare, air defense, logistics, theater nuclear modernization, maritime posture, command-control-communications, and rationalization of arms production.[21]

Certainly this very incomplete list is not only a more meaningful, but also a far more politically impressive sign of American contribution to NATO than the symbolic 3 percent growth pledge. Furthermore, while these new programs require resources, they do not necessarily require 3 percent real growth in the entire defense budget.

CONCLUSION

Three percent real growth is simply not a rational plank on which to base a defense budget. The basis of the 3 percent figure—that the Soviets have been increasing their budgets by this amount for the past decade—is not precisely correct, nor does it have much meaning, given the differences in efficiency, eco-

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Footnotes at end of article.

nomic structure, and military mission between the United States and U.S.S.R. The pledge for 3 percent real growth does not specify what the baseline of real growth must be, allowing for substantial flexibility within the constraints of the pledge. Even if Congress approves 3 percent real growth as a guideline for budgetary policy, typical deferrals and delays in weapons programs or an unexpected rise in the inflation rate—both of which are almost certain to occur—will erode real growth to a point below 3 percent, even while military capability is not eroded in the least. This alone provides ample illustration that linking military capability with a particular dollar figure is absurd.

To kneel before the altar of 3 percent real growth—to hold any particular number as sacrosanct—is to revere the simple symbols while ignoring the principles which they represent. Emphasis on percent-growth estimates divert attention from the real world of weapons systems, capabilities, and mission requirements—in short, from what defense policy should be all about.

THE "NATO FORCE-RELATED BUDGET"

The "force-related" budget is that portion for which real growth would be militarily meaningful, that is, excluding accounts for civilian payroll, military retired pay, inflation, currency revaluation, and so forth.

Many items in the fiscal year 1979 budget are not, strictly speaking, NATO-related. These include the following:

TABLE A-1

[In millions]

	TOA
Trident O. & M	$127.7
Minuteman transporter roads	5.0
Loring Air Force Base O & M	18.9
Ballistic millile defese R. & D	114.0
NMCS-wide support communications	4.6
Other strategic R. & D., Army	132.0
Trident II, R. & D	5.0
Trident R. & D	273.8
ELF	20.0
SSBN-X	3.0
Trident (adv. proc.)	198.0
Other strategic, Navy	361.0
ABRES R. & D	105.0
Strat. bomber enhancement	58.3
Missile surveillance Tech	3.9
Warning info. correlation	4.1
Integrated nudents	9.1
B-1 R. & D	55.0
Cruise missile carrier R. & D	20.6
KC-135 squadrons	10.5
Minuteman squadrons	54.1
Adv. B-52 defense avionics	3.5
Other strategic, Air Force	709.9
Navy aircraft	3,538.5
Navy weapons	1,418.0
Navy conv. shipbldg and conversion	927.0
Other procurement, Navy	2,509.0
U.S. Marine Corps	356.0
Navy conventional R. & D	~2,600.0
	~13,645.5

Taken from House Appropriations Committee, Report, *Department of Defense Appropriation Bill, 1979*, July 27, 1978.

This breakdown touches upon an area of some contentiousness. Included in the non-NATO force-related list are all naval forces that are not dedicated to sea-control missions. Sea-control forces include such items as the E-2C early warning plane, the EA-6B electronic warfare jet, the P-3 and S-3 anti-submarine planes, the HARM, Tomahawk and Sparrow missiles, the DDG-2 destroyer, FFG's—guided-missile frigats—T-AGOS Surtass ships, all attack submarines, CAPTOR mines, fleet-communications satellites, and the like. Purely power-projection forces—for example, the DDG-47 Aegis destroyer, attack aircraft and more planes for large aircraft carriers in high-threat areas—have not been included because enough of them already exist for NATO missions and because, for instance, sending in an aircraft carrier to attack, say, the Soviet coastline would not be militarily prudent.[22]

Breaking down Navy R. & D. into NATO and non-NATO is more problematic because it is difficult to tell what early-stage R. & D. programs are going to develop into, and many programs may have NATO and non-NATO use. The method here was to go down the complete list of R. & D. appropriations for fiscal year 1979 and count as NATO-related everything that could be used for sea-control in a North Atlantic war. The uncertainty of the estimate reflects the uncertainties involved in the task. All R. & D. specifically for strategic, meteorological and obviously power-projection systems are counted as non-NATO.

Some may quibble over details of these estimates. Still, Naval forces generally may only be indirectly related to NATO, since a European war might not last as long as 30 days before terminating or going nuclear, in which case the sealift of reinforcements would not be necessary—and it is the defense of Western Europe during these first 30 days that most concerns administration officials. Indeed, when in October 1977 Secretary of Defense Harold Brown asked Congress to restore a list of items that had been cut by the Armed Services and Appropriations Committees, he argued that these items were vital for NATO. Naval forces comprised only about 10 percent of the total request in dollars—even though, omitting the Congress inclusion of a nuclear aircraft carrier that was unwanted by the administration—and which was eventually removed from the Defense bill after President Carter vetoed it—the House Appropriations Committee had cut more from Navy procurement—$707.3 million—than from any other budget line, except Army procurement—$744.6 million.[23]

A more difficult issue still involves the operations and maintenance (O. & M.) account. What share of this should be counted as "force-related", what share "NATO-related"? Most of O. & M. is spent on personnel and for items that are necessary for the maintenance of the soldier but not directly related to combat; for example, laundry, food, and so forth. The military requirements for many of these items remains fairly constant; the amount of money necessary for their maintenance rises with inflation but no more. It would, thus, be very misleading to include the entire O. & M. budget, since for many of its items, 3 percent real growth would be unnecessary and even wasteful. This may not be the case if the Defense Department thought that more of these services and support personnel are necessary for the defense effort, but nobody has testified that this is the case.

Furthermore, in recent years, U.S. forces in Europe have increased their "tooth-to-tail"—or combat-to-support—ratios. That is, the Defense Department has altered the force structure so as to trade in some support for some direct combat forces. This reduces the expense of O. & M., but does not cause a reduction in combat capability; indeed, it redresses what some have seen as an imbalance and a potential weakness in the military forces. This is still another reason why including the entire O. & M. budget in the accounting would be misleading.

Although finding a "right" technique can only be a rough and approximate process, I have decided to count just those O. & M. funds for central supply and maintenance—spare parts, fuel, and other combat-related material—and for direct NATO missions—such as O. & M. for airlift/sealift. When Defense Department officials talk about "readiness funds," this is primarily what they mean; this is the portion of O. & M. that is most meaningful and most directly related to the augmentation of NATO forces. Here I have counted as NATO-related all Navy funds for central supply and maintenance because there is simply no observable way to separate sea-control from power-projection forces in the O. & M. account, and present—thought not additional power-projection forces may have some NATO-related function.

FOOTNOTES

[1] NATO Press Service, *Final Communique: Ministerial Guidance, 1977*, Annex, p. 4.

[2] *Ibid.*, Annex, pp. 1-4.

[3] *Hearings before the House Armed Services Committee on H.R. 1309, H.R. 1310, H.R. 14042, H.R. 11945, S. 3373*, September 13, 1978, pp. 38, 135 (on Committee file).

[4] NATO Press Service, *op. cit.*, Annex, p. 1.

[5] See Hearings, Joint Economic Committee, *Allocation of Resources in the Soviet Union and China—1978*, Pt. 4, p. 59; *—1977*, Pt. 2, pp. 70, 80; *—1976*, Pt. 2, pp. 19, 22, 53; *—1975*, Pt. 1, pp. 25, 93. Cf. CIA, *A Dollar Cost Comparison of Soviet and U.S. Defense Activities*, 1968-1978, January 1979, p. 11; Harold Brown, DoD, *Annual Report, FY 1980*, pp. 7, 37.

[6] CIA, *Estimated Soviet Defense Spending: Trends and Prospects*, June 1978, pp. 13-14; Hearings, Joint Economic Committee, *op. cit.*, *—1976*, Pt. 2, p. 53.

[7] CIA, *A Dollar Cost Comparison of Soviet and US Defense Activities, 1968-1978*, p. 3; CIA, *Estimated Soviet Defense Spending: Trends and Prospects*, p. 1.

[8] For example, see testimony by Gen. Samuel Wilson, then-Director of the DIA, in Hearings, Joint Economic Committee, *op. cit.*, *—1976*, Pt. 2, pp. 104-05.

[9] CIA, *Estimated Soviet Defense Spending: Trends and Prospects*, p. 4; and past annual volumes of *The Military Balance* (London: International Institute for Strategic Studies).

[10] Harold Brown, DoD, *op. cit.*, p. 35.

[11] John Erickson, "Soviet Military Power," *Strategic Review*, Spring 1973, Special Supplement, pp. 2-24.

[12] See, e.g., *Hearings Before the House Armed Services Committee on H.R. 3818*, FY 1972, March 9, 1975, pp. 2325, 2597-98; and *The American Commitment to NATO*, A Report of the Special Subcommittee on NATO

Commitment, House Armed Services Committee, August 17, 1972.

[13] Defense Secretary Harold Brown suggested this claim in Hearings, Senate Appropriations Committee, *Department of Defense Appropriations, FY 1979*, Pt. 1, pp. 450–51.

[14] DoD, *FY 1980 Department of Defense Budget*, January 22, 1979, Enclosures, p. 1.

[15] DoD, *Financial Summary Tables for Fiscal Year 1980*, p. N–1.

[16] Information from DoD, February 1979.

[17] DoD, *Program Acquisition Costs By Weapon System for FY 1980*, pp. 48, 73.

[18] Cf. Richard P. Cronin, *An Analysis for Congressional Reductions in the Defense Budget, Fiscal Years 1971–1976*, Congressional Research Service (CRS), September 16, 1976; and Cronin, *Analysis of Congressional Changes to the FY 1978 Defense Budget*, CRS, September 26, 1978.

[19] For an excellent guide to analyses of the theater balance, see Jim Blaker and Andrew Hamilton, *Assessing the NATO-Warsaw Pack Military Balance*, Congressional Budget Office (CBO), December 1977.

[20] Harold Brown, DoD, *op. cit.*, pp. 47–49, 142ff; *FY 1979*, pp. 6–7.

[21] Ibid., *FY 1980*, p. 48.

[22] For an extended analysis of sea-control missions, see Dov Zakheim, *The U.S. Sea Control Mission: Forces, Capabilities and Requirements*, June 1977; cf. also General Accounting Office, *Implications of the National Security Council Study "US Maritime Strategy and Naval Force Requirements" on the Future Naval Ship Force*, December 19, 1977.

[23] See Harold Brown, Letter to Rep. Melvin Price, Chrmn., House Armed Services Committee, September 12, 1978; and House Appropriations Committee, Report, *Department of Defense Appropriation Bill, 1979*.●

THE UNFAIR INTERNATIONAL TRADE PRACTICES ACT OF 1979

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. CONABLE. Mr. Speaker, today, along with Messrs. FRENZEL, SCHULZE, MOORE, GRADISON, GIBBONS, and JONES of Oklahoma, I am introducing H.R. 2597, the Unfair International Trade Practices Act of 1979. H.R. 2597 would greatly facilitate prompt and reliable enforcement of existing U.S. laws which were designed to protect American industry and labor from the harmful effects of internationally proscribed trade practices.

Over the past several years the Ways and Means Committee, largely through the trade subcommittee, has held hearings on and has been closely monitoring the enforcement and administration of our countervailing duty and antidumping laws. The plain and consistent result of this protracted oversight activity has been that these and similar U.S. laws have been eratically administered, and inadequately enforced.

Domestic industries and labor organizations alike have complained that owing to a lackadaisical attitude and a generally cumbersome bureaucracy, the Treasury Department has clearly failed the spirit of the laws we have passed which seek to assure that the American people and our economy will not have to suffer from unfair trading practices of those who wish to compete in our market. Moreover, the Treasury Department, in some instances has exercised its otherwise legitimate discretionary enforcement authority in such a way that comes all too close to outright failure to comply with the very letter of the law.

On the eve of the completion of one of the most significant multilateral trade liberalizing undertakings in trade negotiating history, in the midst of one of the most serious sequences of American trade deficits, during this period of delicate economic conditions, it is incredible to us that domestic laws are not vigorously enforced which enjoy international acceptance and which would offer an important measure of insulation from the harms of dumped and subsidized imports. This circumstance is especially disturbing to those of us who have been longtime supporters of a policy of open and free trade because we feel such a policy is in the long-term best interest of all sectors of our economy. But such a liberal trade policy and the benefits such a policy yields cannot easily survive when those few laws designed to protect U.S. industry are not enthusiastically enforced in general, but especially when these measures are underutilized in times of economic strain. Indeed, such neglect and lack of resolve promotes those forces in opposition to a system even more open.

The evidence supporting such harsh criticism of this and previous administration's enforcement of our international trade laws is unequivocal. We need only note a few more recent cases to make the point plain: the events necessitating the imposition of the trigger price mechanism for steel imports; the time it has taken to begin collecting duties on Japanese televisions found to have been dumped in 1971; the circumstance of the manmade fiber industry, the hand tools industry, metal fasteners, bicycles, and the valve industries. All of these cases and the industries involved have met with considerable difficulty in obtaining adequate enforcement of existing measures to stave off the harmful effects of unlawful trading practices. In many instances the result of the dilatory administration of the laws has been disasterous. Although the plight of the domestic CB radio industry and the color TV industry may be extreme examples of the consequence of current enforcement policy, the domestic chemical, semiconductor, computer, and aircraft industries are all standing in the wings with little to comfort them.

While I enthusiastically await the results of the multilateral trade negotiations, which are in the final stage, and look forward to the significant improvements that will result in the world trading system because of it, I also recognize that little domestic support can be won for the liberalizing changes the MTN will bring so long as there is reservation about the resolve of the executive branch to enforce laws requiring foreign traders to deal fairly in our market. And, although I eschew the protectionist approach to dealing with the problems of import competition, I wholly support the view that our laws which are consistent with international practice and which compel fair behavior in our market must be vigorously enforced. Our industry and labor communities must have confidence that when they are faced with abuse there is both the means and the will on the part of government to render appropriate redress. It is out of this belief and out of these concerns that this legislation is introduced. We wish to amend the relevant international trading laws so that consistency and predictability can be restored to their administration and so that adversely affected parties will look with confidence to the assistance these laws can provide.

Mr. Speaker, this is the sole purpose of the legislation I am introducing today. The bill is not intended to expand the scope of the existing unfair trade laws. Instead, it seeks to simplify, clarify, and make more reliable the procedures under which domestic industries can obtain proper relief from unfair trade practices. I and my cosponsors urge the support of our colleagues for this legislation.●

VOLUNTARY CITIZEN FINANCING FOR THE ARTS AND HUMANITIES

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. RICHMOND. Mr. Speaker, on January 15, 1979, I reintroduced legislation which would provide individuals an opportunity to make voluntary financial contributions, in connection with their income taxes, for the advancement of the arts and humanities.

Since its first introduction in 1975, the funding concept embodied in the arts and humanities bill, H.R. 1042, has received enthusiastic support both from the professional arts and humanities communities and the general public. My office has received over 83,000 favorable letters and more than 100,000 signatures on supportive petitions. During the 95th Congress, 158 of my colleagues agreed to cosponsor the bill.

The arts and humanities bill, H.R. 1042, as it was reintroduced on January 15, 1979, is a serious attempt to generate the funding required to provide all American communities with equality of access to quality cultural programs. In only 4 short weeks, the following 103 Members of the House of Representatives have cosponsored this legislation precisely because they agree with its innovative approach:

LIST OF COSPONSORS

Joseph Addabbo, Daniel Akaka, Douglas Applegate, Les AuCoin, Alvin Baldus, Mario Biaggi, Jonathan Bingham, William Boner, David Bonior, Marilyn L. Bouquard, David Bowen, John Buchanan, Tony Coelho, John Conyers, Baltasar Corrada, Norman Dicks.

Charles Diggs, Thomas Downey, Robert Edgar, Geraldine Ferraro, Hamilton Fish, Daniel Flood, James J. Florio, Harold Ford, Richard Gephardt, Ben Gilman, Bo Ginn, Barry Goldwater, Jr., Herbert Harris, W. G. (Bill) Hefner, Edward Hillis, Harold Hollenbeck.

Frank Horton, James J. Howard, Bill J. Hughes, Andy Ireland, James M. Jeffords, John W. Jenrette, Jr., Ed Jones, Walter Jones, Dale E. Kildee, Peter H. Kostmayer, Claude (Buddy) Leach, Jim Leach, Raymond Lederer, Gary A. Lee, William Lehman, Gillis W. Long, Michael E. Lowry, Stanley Lundine, Andrew Maguire, Ed Markey, Dawson Mathis.

Jim Mattox, Robert T. Matsui, Nicholas Mavroules, Paul N. McCloskey, Jr., Matthew F. McHugh, George Miller, Norman Y. Mineta, Don Mitchell, Joe Moakley, Toby Moffett, Austin J. Murphy, John M. Murphy, Michael Myers, William Natcher, Richard M. Nolan, Richard L. Ottinger, Charles Pashayan, Jr.

Claude Pepper, Carl D. Perkins, Richardson Preyer, Melvin Price, Joel Pritchard, Nick Joe Rahall II, Tom Railsback, Charles B. Rangel, Peter W. Rodino, Benjamin S. Rosenthal, John H. Rousselot, Edward Roybal, James H. Scheuer, James F. Sensenbrenner, James M. Shannon, Stephen J. Solarz.

Gladys Spellman, Neal Smith, Pete Stark, Sam Stratton, Frank Thompson, Jr., Bob Traxler, Bruce F. Vento, Doug Walgren, Henry A. Waxman, James H. Weaver, Ted Weiss, Pat Williams, Larry Winn, Tim Wirth, Gus Yatron, Robert Young, Leo C. Zeferetti.

H.R. 1042 seeks to utilize the Federal income tax returns to conduit contributions to both the National Endowment for the Arts and the National Endowment for the Humanities.

The bill requires that two pledge boxes be placed directly on the first page of the 1040 income tax forms, permitting taxpayers to make voluntary, tax deductible contributions to the National Endowment for the Arts, the National Endowment for the Humanities or both. These contributions must be made in addition to income tax payments, or in lieu of refunds. Moneys raised in this manner are to be used for fellowships to artists, scholars and for direct support grants to community groups, organizations and institutions. No funds collected may be used for Federal administrative expenses. The bill stipulates that congressional appropriations shall not be affected by revenue raised from citizen contributions, thereby safeguarding and upholding the concept of Federal financial responsibility as well. In its newly expanded form, the bill prescribes a fund distribution method designed to maximize benefits to the contributors while protecting grant recipients as well.

In 1973 and 1975 Louis Harris conducted surveys entitled "Americans and the Arts." These surveys indicated clearly the strong willingness of the American taxpayer to contribute financial support. The polls show that 64 percent of the adult public would be willing to pay an additional $5 a year while 36 percent would pay an additional $50. Utilizing these statistics and projecting them over 83 million taxpayers, one could reasonably assume that $1,743,120,000 annually would be contributed to the National Endowments should this legislation be enacted.

The arts and humanities bill was conceived in response to the evidence of this survey in order to provide a simple and direct method for citizens to demonstrate their support. More recent local surveys in Peoria, Baltimore, and Chicago validate earlier statistics as still representative of the feelings of the public. This is particularly significant inasmuch as other nonprofit areas of our economy have mechanisms available to them to reach the average worker and solicit contributions.

The arts and humanities communities do not have universal collection mechanisms. A key to understanding this apapproach is to realize that in 1978 over 84 million tax returns were filed. Sixty-six million taxpayers received refunds averaging $488.74. A person anticipating this refund could easily donate some portion of it to one or both Endowments. In addition, for those who choose, this contribution could be itemized as a deduction the following year. The loss to the Treasury would be negligible. The money derived from this source of funding could in effect help to eliminate the National Arts and Humanities deficit and allow for much-needed expansion and development.

Recent evidence indicates that the sole hope for future solvency depends upon increased financial support from private citizens. Increased public support must keep pace with broadened public appeal for cultural activity nationwide. Otherwise, more time and energy will be devoted to the fight for survival—and not to the development of the creative potential.

It is a sad fact of life for the arts and education that revenues from tuition, gifts, tickets, royalties, or related services result in only half of the necessary expenditures. Whereas other nations such as England, Germany, Sweden and even the Soviet Union strongly support their arts and education through government subsidies, in our Nation, the struggle for fiscal solvency intensifies. Despite the fact that the Federal Government has appropriated $295 million for both national endowments, it is not enough, not at a time when well over $1 billion is necessary.

Each year, Mr. Speaker, thousands of performances, museums and library hours are cut, while publications are canceled due to lack of funds. It is indeed rare that a national arts organization goes on tour and is not received by full houses and standing ovations. Community cultural centers are bravely attempting to meet the needs of all citizens including the old, young, and the handicapped. The ethnic richness of America inspires the development of organizations which express our cultural pluralism in meaningful and dignified ways. Many library and museum programs include films, concerts, lectures in addition to complete media and reference centers as well. Community, State, and private institutions of higher learning report a burgeoning interest by students in arts and humanities subjects. One of our major schools of medicine has added a humanities component for its third-year students to help surmount the trend to become specialized technocrats. And yet, in the lower schools, widespread fiscal retrenchment of arts courses and enrichment programs have escalated the tragic decline of cognitive skills among our children.

For the past 4 years the bill simply outlined the following concept for collecting private contributions:

First. That a checkoff box for voluntary tax-deductible contributions be placed on the 1040 Federal tax forms;

Second. That contributions would be earmarked for either the National Endowment for the Arts or the National Endowment for the Humanities, or both equally;

Third. That none of the moneys raised in this manner would be used for NEA of NEH administrative purposes; and

Fourth. That moneys raised in this manner shall not affect the amount annually appropriated by the Congress for the National Endowments.

H.R. 1042 as reintroduced January 15, 1979, has been expanded to provide the distribution formula for contributions which seeks equity for the donor and the recipient as well. When the bill becomes law, funds generated by the checkoff will be distributed by the endowments, with consideration for the State of origin. Currently, the arts and humanities agencies in each State are quite different. All State arts agencies are governed by the State legislatures, with professional paid staffs to administer State and Federal appropriations. Conversely, State humanities agencies are not governed by the State legislatures, receive no State funds, and often have voluntary boards or staffs.

In fact, the State humanities agencies are funded entirely by the NEH in Washington. In some States humanities "committees" are just being organized. For this practical reason, funds earmarked for the two endowments must be handled differently.

Of the funds contributed to the National Endowment for the Arts, 50 percent will revert to the State for distribution by the official State arts agency; the other 50 percent will be distributed by the NEA with instructions to benefit the area of origin. The funds at Federal and State levels will be divided into specific categories in precise proportions: In general, 30 percent of the arts moneys must be spent on the performing arts, 30 percent on the visual arts, and 40 percent on all other art forms—including architecture, photography, environmental arts, expansion arts programs and special new programs. This formula was derived so as to stabilize existing cultural activity of proven quality and continuity, while also encouraging funding for new groups, and innovative programs.

Of the funds contributed to the National Endowment for the Humanities, 20 percent will revert to the State for distribution by the State humanities agency, while 80 percent will be distributed by the NEH with instructions to benefit the area of origin. The 80/20 formula is presently mandated by Congress to provide "seed money" to strengthen grassroots programs such as fellowships, public policy forums, research in local history, workshops, and film festivals. Both local arts and humanities agencies may use not more than 5 percent of these checkoff funds to cover administrative costs. Limited budgets in some States necessitate this inclusion to insure responsible administration.

Applicants for funds generated by H.R. 1042 will not be required to match amounts for which they apply with cash or in-kind services. Therefore, theoretically, grants awarded could cover 100 percent of specific project costs.

Funds may be used for construction and renovation, general operating expenses, and all other areas presently fundable under guidelines of both endowments.

Consultations with both national impact organizations and grassroots organizations have resulted in the following budget stipulations:

If an organization's operating budget—

Does not exceed $500,000 it can receive up to 25 percent of its budget from these funds.

Is between $500,000 and $2,000,000, 20 percent.

Is between $2,000,000 and $5,000,000, 15 percent.

Exceeds $5,000,000, 10 percent.

In all cases, these percentages are in excess of what is currently permissible.

The arts and humanities bill, H.R. 1042, offers the willing donor a convenient opportunity to contribute dollars without exorbitant fund raising overhead, and without depleting the Federal treasury. H.R. 1042 would simply amend the tax forms, thus making it possible to collect contributions from the previously unapproached, but willing small donor. The method is simple and convenient. Its outreach is universal. H.R. 1042 requires no new administration, no added budget drain, no increased taxes and minimal Federal paperwork, simultaneously reaching every American household. This simple, pressure-free method will result in massive new funds and engender widespread citizen patronage, interest and participation.

From my own experience as chairman of the board of Carnegie Hall for 16 years, from my service as chairman of the finance committee of the New York State Council on the Arts, as a founder of Young Audiences, and from my tenure in the House of Representatives, I understand the urgent needs of our cultural institutions, and I am aware of the willingness of the public to guarantee their survival. The arts and humanities are intrinsic to the survival of our democracy. If we are to insure the climate vital to the development of the American "creative potential," we must protect our greatest national resource, the talent and brains of our most creative people. With the same urgency as those who fear for the physical environment, we must act to enhance and protect America's cultural environment. Citizen involvement is mandatory and long overdue. Those who believe that all American communities must have equality of access to quality humanistic endeavors are urged to support the arts and humanities bill.

The following individuals and organizations are among those who have supported the bill in the 94th and 95th Congresses—institutional affiliation listed for purposes of identification only.

I urge my colleagues to join with me in insuring hearings before the Ways and Means Committee and the Education and Labor Committee to which the bill has been jointly assigned.

The material follows:

ORGANIZATIONS, COMPANIES, UNIONS

Actors Equity.
Alabama State Council on the Arts and Humanities.
Albright-Knox Art Gallery.
American Association of Community and Junior Colleges.
American Association of Museums.
American Composers Alliance.
American Crafts Council.
American Dance Guild.
American Federation of Musicians, Local 802.
American Federation of Television and Radio Artists (AFTRA).
American Guild of Authors and Composers (AGAC).
American Guild of Musical Artists (AGMA).
American Guild of Organists, N.Y. City Chapter.
American Guild of Variety Artists (AGVA).
American Music Center.
American Music Conference.
American Musical and Dramatic Academy.
American Society of University Composers.
American String Teachers Association.
Art Academy of Cincinnati.
Art Libraries Society of North America.
Artist's Rights Today (A.R.T., Inc.).
Artists Equity Association of Washington, D.C.
Artists Equity of New York.
Artists for Economic Action.
Arts Council of North-West Essex (N.J.).
Arts Council of Tampa-Hillsborough County (Fla.).
Arts Council of Rockland County (N.Y.).
Association of American Dance Companies.
Association of Community College Trustees.
Atlanta Art Workers Coalition, Limited.
Atlanta College of Art.
Atlantic Richfield Company.
Atlanta Symphony Orchestra.
Black Spectrum Theatre (N.Y.).
Black Theatre Alliance.
Brooklyn Arts and Culture Association.
Buffalo Craftsman, Inc.
California Dance Management.
Casa Hispana de Bellas Artes (Calif.).
Catskill Symphony Orchestra.
Center for the Study of Alternative Futures.
Center for the Study of Community Colleges.
Chicago Screen Educators' Society, Board of Directors.
Childrens Theatre Association.
Cleveland Modern Dance Association.
Clinton Historical Museum Village (N.J.).
College Art Association of America.
Connecticut Commission on the Arts.
Connecticut Historical Commission.
Contemporary Art/Southeast.
Cultural Executives Council, Inc.
Cummins Engine Co. (Columbus, Ind.).
Dance Magazine.
Delta Omicron International Music Fraternity.
Dennis Wayne Dancers.
Denver Symphony Orchestra Members.
Department of Studio Arts, University of Minnesota.
Detroit Area Film Teachers.
Directors Guild of America, Inc.
District of Columbia Commission on the Arts and Humanities.
East Bay Review of the Performing Arts.
Educational Film Library Association.
Elinor Coleman Dance Ensemble.
Eliot Feld Ballet.
Genesis Galleries, Ltd.
Georgia Council For the Arts and Humanities.
Greater Tampa Chamber of Commerce, (Fla.).
Hebrew Actors Union.
Hudson County Cultural and Heritage Affairs (N.J.).
Idaho Alliance for Arts in Education.
Indiana v. School of Music Faculty.
International Alliance of Theatrical Stage Employees and Moving Picture Operators of U.S. and Canada (IATSE).
International Conference of Symphony and Opera Musicians (ICSOM).
International Native American Council for Arts.
International Theatre Institute of the U.S., Inc.
Iowa Arts Council.
Italian Actors Union.
James River Art League (Va.).
Joan Kerr Dance Company (Philadelphia).
Kauai Academy of Dance and Music (Hawaii).
League of Professional Theatre Training Programs.
League of Resident Theatres (LORT).
Los Alamos Arts Council.
Members of the Denver Symphony Orchestra.
Memphis Arts Council.
Michiana Arts and Sciences Council.
Michigan Dance Association of Community and Junior Colleges.
Michigan Water Color Society.
Mid-America Arts Alliance.
Mid-Iowa Arts Association.
Minnesota American String Teachers Association.
Minnesota Dance Theatre and School.
Missouri Association of Community and Junior Colleges.
Montgomery County Arts Council (Md.).
National Art Education Association.
National Assembly of Community Art Agencies.
National Association of Composers, USA.
National Association of Music Merchants.
National Association of State Directors of Art Education.
National Association of Teachers of Singing.
National Council of Arts Administrators.
National Guild of Community Schools of the Arts, Inc.
National Society of Literature and the Arts.
Nebraska Arts Council.
New Jersey State Council on the Arts.
North Carolina Alliance for Arts Education.
North Carolina Music Educators Association.
Northwest Film Study Center.
Oregon Music Educators Association.
Organic Theatre Company of Chicago.
Pacific Northwest Dance (Seattle).
Paramount Pictures.
Pennsylvania Ballet Company.
Pennsylvania Council on the Arts.
Philadelphia Art Alliance.
Philadelphia Arts Exchange.
Philadelphia College of Art.
Professional and Administrative Staff of the Museum of Modern Art (New York City).
Puppetry Guild of Greater New York, Inc.
Reuben Mack Association.
Reich Music Foundation.
San Diego Dance Theatre, Inc.
Screen Actors Guild (SAG).
Screen Extras Guild.
Seattle Opera Association.
Society of American Archivists.
The Asia Society.
The Associated Actors and Artists of America.
The Authors Guild, Inc.
The Authors League of America.
The Brevard Arts Council (Fla.).
The CF Martin Organization.
The Capezio Foundation.
The College Music Society.

The Community Film Workshop of Chicago.

The Cultural Education Collaborative of Boston.

The Dramatist Guild.

The Family.

The Great-American Children's Theatre Company.

The Hymn Society of America.

The Junior League of Harrisburg, Inc.

The League of New York Theatres and Producers, Inc.

The Memphis Academy of Arts.

The Mime Workshop.

The National Center for Urban Ethnic Affairs.

The New Museum (NY).

The New Shakespeare Company (CA).

The Puppeteers of America.

The Shakespeare Players, Inc.

The Society of American Archivists.

The State Historical Society of Wisconsin.

Theatre Memphis.

Theatre Vanguard.

University of Idaho School of Music Faculty.

University Resident Theatre Association.

Virgin Island Council on the Arts.

Washington State Arts Commission.

Westport Weston Arts Council (Conn).

WNCN Listener's Guild, Inc.

Writers Guild of America, West, Inc.

Yale Center for British Art.

Young Audiences.

Young Filmakers, Inc.

INDIVIDUALS

Edward Albee.

Eddie Albert.

Richard Anusczkiewicz.

Harold Arberg (Dir. Arts & Humanities, USOE HEW).

Paul B. Arnold (Pres. Nat'l Assoc. of Schools of Art).

Martina Arroyoa.

Lewis M. Bachman (Exec. Dir. American Guild of Authors/Composers).

Richard Barr (Pres. League of NY Theaters & Producers).

Silva Barsumyan (Dir. Union City Public Library).

William Baumol, Economist.

George Bayliss (Dean, School of Art, University of Michigan).

Kenneth Beachler (Dir. MSU Office of Cultural Affairs).

Michael Bennett.

Elmer Bernstein (Pres. Composers & Lyricists Guild of America, Inc.).

Leonard Bernstein.

Theodore Bikel (Pres. Actors' Equity).

John Bitterman (Dir. Georgia Council for the Arts & Humanities).

Anthony A. Bliss (Exec. Dir., Metropolitan Opera Assn.).

Martin Bookspan.

Michael Botwinick (Dir. Brooklyn Museum).

Gene Boucher.

Oscar Brand (Songwriters Hall of Fame).

John Brooks (Pres. The Authors Guild, Inc.).

Michael Brotman (Dir. Krannert Ctr. for Performing Arts, Urbana, Ill.).

Firman H. Brown, Jr. (Chmn. Dept. Drama-Speech, Ithaca College).

G. David Brumberg (Dir. NY Historical Resources Ctr., Cornell University).

Gilbert A. Brumgardt (Dean, Art & Letters, Towson State University, Md.).

Robert Brustein (Dir. Yale Rep. Thtr.).

Jane Bucci (Dir. American Composers Forum).

Peter C. Bunnell (Dir. The Art Museum, Princeton University).

Burt Burda (Chmn. Idaho Alliance for Arts in Education).

Joseph C. Burke (Pres. College at Plattsburgh, SUNY).

William E. Busta (Dir. Dacotah Prairie Museum).

Sarah Caldwell.

Dr. Richard Callner (Pres. Council of Art Dept. Chmn. SUNY).

Alan Cameros (Treasurer, Museum Trustees-American Assn. of Museums).

Frank V. Carioti (Exec. Dir. Old Town Players Workshop Theatre, Chicago).

Harry Chapin.

Ric Collier (Dir. The Boise Gallery of Art).

Earl L. Collins (Co-chmn. Wisconsin Alliance for Arts Education).

Sergiu Commissiona (Music Dir. Baltimore Symphony Orchestra).

Aaron Copeland.

Arthur G. Cosenza (Gen. Dir. New Orleans Opera).

Geri Critchley (Experiment in International Living, D.C.).

Cassandra Crowley (Wilkes-Barre Ballet Theatre).

David Crownover (Exec. Dir. Philadelphia Arts Alliance).

Wade Curry (Dean Arts & Services-Trenton State College, NJ).

Paul Curtis (Dir. American Mime Thtr.).

George Cuttingham (Pres. American Academy of Dramatic Arts).

Morton da Costa.

Ellsworth Davis (Mgr. Dir. Hartford Ballet).

Elaine de Gaetani (Pres. Delaware Valley Arts Alliance, NY).

John de Lancie (Dir. Curtis Inst. of Music).

Norman dello Joio.

Angele Del Rossi (Exec. Prod. Paper Mill Playhouse, NJ).

Agnes DeMille.

William Denton (Exec. Dir. Illinois Arts Council).

Walter Diehl (Internat'l Pres. IATSE).

Barry Diller (VP Paramount Pictures).

Benedict Di Salvo (Dir. Oklahoma Arts & Humanities Council).

Thea Dispeker.

Walter Drake.

Donn Dresselhuys (Chmn. Milwaukee Symphony Orchestra).

John Duffy (Meet the Composer).

Timothy Duncan (Dir. Pennsylvania Ballet).

Maurice Edwards.

Paul H. Elicker (Pres. SCM Corp.).

Arthur Ephross (Southern Music Co.).

Jean Erdman.

Patricia Ewald (Performing Arts Program Coordinator AFL/CIO).

Julia Fenton (Editor Atlanta Artworkers Coalition).

Hans-Joachim Finke (Regional Conf. of Historical Agencies).

Avery Fisher (Board Mem. Lincoln Center).

Robert Fitzpatrick (Pres. Cal. Inst. of the Arts).

Henry Fonda.

Jane Fonda.

Joan Fontaine.

Lukas Foss.

Muriel Francis (Pres. New Orleans Philharmonic Symphony Orchestra).

Doris Freedman (Public Arts Council, NY).

Robert Freeman (Dir. Eastman Sch. of Music).

Tom Frost (CBS Records).

Albert Fuller (Dir. Aston Magna Fdtn. for Music).

Eugene Garfield (Chmn. & Pres. Inst. for Scientific Information).

Robert Glenn (Prod. Shakespeare Festival of Dallas).

Joseph Goldin (Dir. Cultural Resources Council, Syracuse NY).

Kenneth L. Graham (Chmn. Theatre Arts Dept. University of Minnesota).

Jack Gravelee (Chmn. Speech & Theatre Arts Dept., Colorado State U.).

Louis Bush Hager (Pres. American Academy of Dramatic Arts).

John A. Hague (Dir. Nat. American Studies Assn.).

James Hall (Pres. Empire State Coll.).

Wynn Handman (Pres. Am. Place Thtr.).

R. Philip Hanes.

John Hersey (Pres. Authors League of Am.).

Hiram R. Hersey (Dir. PA Counc. on the Arts).

John Hightower (Pres. South St. Seaport Museum).

Joseph Hill.

Margaret Hillis (Dir. Chicago Sym. Chorus).

Lois Hobbs (Pres. Nat'l Sch. Orchestra Assn.).

Harlan Hoffa (Head Div. Art & Music Ed. The Pennsylvania State U.).

Jeffrey Hoffeld (Dir. Newburgh Museum, NY).

Beverly Hoffman (Exec. Dir. Staten Island Council on the Arts).

Celeste Holm.

Thomas P. Hoving.

Dale Huffington (Pres. Am. Thtr. Assn.).

Karel Husa.

Bernard Jacobs (Pres. of Shubert Organization).

Jasper Johns.

Mari Jo Johnson (Adm. Dir. Consortium of Jazz Orgs. & Artists).

Harold J.T. Isenberg (Pres. Fed. of Catholic Teachers).

Anthony Keller (Dir. Conn. Commission on the Arts).

David L. Kest (Dean of Humanities, De Anza College, Ca.).

Kathleen Killilea (Dir. Arts Exchange NH).

Lincoln Kirstein (NYC Ballet).

Robert Klotman (Former Pres. MENC).

Lillian Knapp (Colbert Arts Management).

Ed Koch (Mayor of NYC).

Al Kochka (Exec. Dir. NJ State Council on the Arts).

Andre Kostelanetz.

Leo Kraft (Pres. Am. Music Ctr.).

Max Larsen (Dean, The Univ. of Nebraska at Lincoln).

Roger Larson (Dir. Young Filmakers).

Peter Laskovski (Dir. The Shaker Museum, NY).

William J. Leffin (Dean, College-Letters & Science Univ. of Wisconsin).

Nat Leftowitz (Chmn. of Bd. Wm. Morris Agency).

Ira C. Lehn (Dean Conservatory of Music, Univ. of the Pacific).

David C. Levy (Dean, Parsons School of Design).

Harvey Lichenstein (Exec. Dir. Brooklyn Academy of Music).

Viveca Lindfors.

Lorin Maazel (Dir. Cleveland Orchestra).

Stanley S. Madeja (CEMREL, Inc.).

John Mahlman (Exec. Dir. NEAE).

Delbert Mann (VP Directors Guild of AM.).

Leonard Marcus (Editor High Fidelity Magazine).

Stanley Marcus (Chmn. Nieman-Marcus).

Richard Marshall (Gen. Dir. The Charlotte Opera Assn.).

Keith J. Martin (Dir. San Diego Ballet School).

Mary Martin.

Robert Martin (Arts Writer, Tampa Times).

Anthony Mazzocchi (Leg. Dir. Oil Chemical & Atomic Workers Internat'l Union).

Goldwin McClellan (Business Committee on the Arts).

Keith McPheeters (Dean, Sch. of Fine Arts & Architecture, Auburn U.).

Ann Meara.

Peter Mennin (Pres. Julliard School, Lincoln Ctr.).

Dina Merrill.

Robert Merrill.

Bea Miller (Pres. Theater Memphis).

I. Irwin Miller (Chmn. Cummins Engine Co.).

James Moeser (Dean, U. of Kansas).

Henry Moran (Exec. Dir. Mid-America Arts Alliance).

Robert Motherwell.

Lowell B. Nesbitt.

Frederick W. Ness (Pres. Assn. of American Colleges).

Louise Nevelson.

Joseph Noble (Pres. AAM).

Kathleen Nolen (Pres. Screen Actors Guild).

Gerald O'Grady (Dir. Media Study, Buffalo NY).

Frederick O'Neal (Internat'l Pres. Associated Actors & Artists of America).

David Oppenheim (Dean School of the Arts NYU).

Martin Oppenheimer (Member, Bd. of Directors NY City Ctr.).

Eugene Ormandy (Dir-Philharmonic Orchestra).

Dr. Robert Pace (Ed. Dir. Nat'l Piano Fdtn.).

Joseph Papp.

Judith Peiser (Dir. Ctr for Southern Folk Lore).

Bennard B. Perlman (Prof & Chmn. Art Dept. Community College at Baltimore).

Itzhak Perlman.

Solly Pernick (Pres. IATSE Local No. 1).

Roberta Peters.

Bernt Petterssen (Pres. Envision Film. Boston).

Sheffield Phelps (Pres. Pacific MW Dance Co.).

William W. Pisenti (Pres. Irate Taxpayers Committee).

Carl Pistilli (Artistic Dir. Children's Theater Assn.).

Jeno Platthy (Pres. Third Internat'l Congress of Poets).

Mrs. John A. Pope (Pres. Internat'l Exhibitions Fdtn, D.C.).

Dennis Power (Dir. Santa Barbara Museum of Natural History).

Jacinto Quirarte (Dean, Coll. of Fine & Applied Arts U. of Texas at San Antonio).

Robert Rauschenberg.

Ann Reinking.

William Reynolds (Pres. Coll. Music Soc.).

Jerome Robbins.

Cliff Robertson.

Charles Robinson (Dir. Hudson Coun. Cultural & Heritage Affairs).

Donald P. Robinson (Dean NY Chapter, American Guild of Organists).

Dorothy Rodgers.

Mary Rodgers.

Richard Rodgers.

Peter Rodriguez (Dir. The Mexican Museum, S.F. California).

Leonard Rose.

James Rosenquist.

Peter J. Rosenwald (Dance Critic, Wall St. Journal).

George Sadek (Pres. Coll. Art Assn. of Am.).

Eva Marie Saint.

Terry Sanford (Pres. Duke U.).

Archie A. Sarazin (Mgr. Dir. Milwaukee Performing Arts Ctr.).

Robert Sarnoff.

John C. Sawhill (Pres. NYU).

Louis Scheeder (Producer Folger Theatre).

Sam Scheer (Am. Craft Council).

William Scheide (Dir. Bach Aria Group).

Donald Schoenbaum (Mgr. Dir. Guthrie Theatre, Minneapolis, MN.).

Gerald Schoenfeld (Schubert Fdtn.).

Gunther Schuller.

Thomas Schutte (Pres. Phil. Coll. of Art).

Pete Seeger.

Irving Segall (Pres. Internat'l Conf. of Symphony & Opera Musicians).

Rudolph Serkin.

Robert Shaw (Music Dir. & Conductor Atlanta Sym. Orchestra).

Leo Shmeltsman (Pres. The Am. Art Theatre & Motion Picture Inst.

Catherine Finene Shouse (Chmn. Exec. Comm. Wolf Trap Farm for the Perf. Arts).

Elie Siegemeister (Pres. Nat'l Council for the Creative Arts, Libraries & Museums).

Beverly Sills.

James Sjoland (Dir. Comprehensive Arts in Education Planning).

Joseph Sloane (Chmn. NC Art Comm).

James P. Smith (Dir. Fed. of Public Programs in the Humanities).

Oliver Smith (Co-Dir. American Ballet Theatre).

Patricia M. Smith (Mgr. San Francisco Chamber Music Soc.)

Peter Smith (Dir. The Hopkins Ctr., Dartmouth).

Thomas Smith (Dir. Ohio Hist. Soc.).

W. Thomas Smith (Exec. Dir., The Hymn Society of America).

Teri Solomon (Exec. Producer, The Great American Children's Theatre Co.).

Stephen Sondheim (Pres. Dramatics Guild, Inc.).

George Sorenson (Chmn. Dept. of Theatre Arts, Texas Christian Univ.).

J. J. Spain (Pres. American Fed. of Musicians Local 6).

David Spatola (Exec. Dir., Siouxland Arts Council, Sioux City, Iowa).

Dennis Stark (Pres. RI Historical Society).

Janos Starker.

Eleanor Steber.

Henry Steinway (Pres. Steinway & Sons).

Isaac Stern.

George Stevens Jr. (Dir. Am. Film Inst. Kennedy Ctr. for the Perf. Arts).

Robert Stevens (Chmn Kennedy Ctr. for the Perf. Arts).

John W. Stewart (Dean College of Fine Arts-Univ. of Montevallo, Alabama).

Joseph Stockdale (Dean of Theatre Arts, College at Purchase NY).

Charles Strouse.

Robert Suderburg (Chancellor NC School of the Arts).

Alfred Terlizzi (Pres. Capezio Ballet Makers).

Paul E. Thoms (Pres. the Internat'l Music Honor Soc.).

De Lloyd Tibbs.

Ramsi R. Tick (Pres. ORS Arts Fdtn. Buffalo NY).

Bette Uris (Exec. Arts Council of Rockland County, NY).

Benita Valenti.

William A. Valentine (Mayor of Rome, NY).

Melvin Van Peebles.

Robert Vaughn.

Charlene Victor (Exec. Dir. Brooklyn Arts & Cultural Assn.).

Edward Villella.

John Vincent (Pres. Nat'l Assn. of Composers, USA).

Joseph Vincent (Exec. Dir. Hist. Soc. Rome NY).

Edmond L. Volpe (Pres. College of Staten Island).

Paul R. Weidner (Prod. Dir. Hartford Stage Co.).

Dean Charles Well (Bloomington, IN).

William Wewer (Exec. Dir. Penn. Historical & Museum Comm.).

Richard Westenburg (Music Dir. Cathedral of St. John the Devine).

Hollis C. White (Dean-School of Fine Arts & Commerce, Southern IL Univ.).

Kaye Calfee Wideman (Pres. Delta Omicron Internat'l Music Fraternity).

Naj Wikoff (Dir. Dutchess County (NY) Arts Council).

Charlotte Wilcox (Gen. Mng. Nat'l Thrt. Co.).

Ronald A. Wilford (Pres. Columbia Artists Management).

Arnold K. Williams (Supervisor of Music & Art, Public Schools of Gary, Indiana).

Harold Williams (Dean Grad. Sch. of Management UCLA).

Lael J. Woodbury (Dean College of Fine Arts & Communications, Brigham Young Univ, UT).

Willis Woods (Dir. Art Seattle Museum).

Charles Woolfolk (Asst. Dean Douglass Coll. Rutgers U).

David Young (Pres. American Community Theatre Assn.).

M. J. Zakrzewski (Exec. Dir. Alabama State Counc. of the Arts & Humanities).

Paul Zukofsky.●

STATEMENT TO PRESIDENT CARTER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mrs. SCHROEDER. Mr. Speaker, how women look and act is regrettably, more newsworthy than what we think and do. Issues and decisions which affect all our lives continue to be dominated by men and made with insufficient and often biased information. To alleviate this inequity, to widen this narrow perspective toward half the population, to balance the information, I resubmit for the RECORD the "Statement to President Carter January 12, 1979" of the National Advisory Committee For Women, which was lost in the shuffle during the Abzug incident. It is the content of this report, not the uproar over its submission to the President, that is of importance to women.

In addition, with the permission of Ms. Ellen Goodman I submit her column from the Rocky Mountain News February 24, 1979 in which she speaks to this issue of style versus content:

STATEMENT TO PRESIDENT CARTER
JANUARY 12, 1979

Mr. President, this is the first meeting between you and the National Advisory Committee for Women, which you appointed on June 20, 1978. We represent a broad cross-section of citizens of many backgrounds and walks of life as well as the the major women's organizations in our country.

As you know, we were to have met on November 22, but our Committee felt that it could not fulfill its responsibilities to you in the brief time then allotted to us. We appreciate the opportunity for a somewhat fuller discussion today. We expect it to be the first in a series of regular meetings with you and Administration officials in which we can give you advice, guidance and information on the priorities that concern women.

We offer to share fully with you the benefit of our knowledge about women's issues, our experience and particular insights, and our close contacts with women in communities and organizations all across our land.

As your direct link with women, who are a majority of the population, we are prepared to do everything we can to help you carry out the commitment you made in 1976 to erase discrimination and make women's equality a central issue of your Administration. We recall your statement that you wanted to do for women's rights what President Johnson did for civil rights, and we are willing and able to assist you in reaching that goal.

We believe that in order to carry out our responsibilities to American women and to this Administration, we must be included as full participants with your Administration in setting national priorities, developing public policy and determining budget allocations and expenditures.

We are guided by the recommendations in the National Plan of Action adopted at Houston in November 1977, which you have properly described as "a national agenda to achieve women's full rights and equality."

The foundation on which all of our proposals rest is the Equal Rights Amendment. The success of our efforts to end continuing and pervasive discrimination against women in employment, education, health and all other aspects of our lives depends on including in our Constitution a firm guarantee of full equality for women.

You joined in the strong and successful effort to win ERA extension, and we know we can count on your continued help in the campaign to get three more states to ratify this landmark amendment. Final ratification of ERA requires that it be seen as a national priority for all the American people, who have repeatedly expressed majority support for it, and as a political priority for their elected representatives.

Your leadership of a joint effort by governors, legislators and other political representatives in behalf of an ERA victory is urgently needed to assure that the most glaring human rights defect in our Constitution is finally eliminated, and we ask you to stress the importance of the ERA in your forthcoming State of the Union message.

There is an enormous amount of work still to be done on ERA and on the other issues outlined in the National Plan of Action. This agenda represents the unmet economic, political and social needs of women and the long-term interests of all Americans.

As we noted in our letter to you on November 21, "what happens to us affects the whole nation."

When the cost of living rises, we feel the squeeze. When social programs are cut, we bleed. When wrong priorities are set, we make the sacrifices.

We fully share your concern about inflation, which is reducing the living standards of millions of Americans. Women are on the front line in the daily battle with rising prices. Whether we are married, single, divorced or widowed, whether we work outside or inside the home, whether we must support ourselves or entire families, it is usually the woman who does the food shopping, pays the rent, gas and electric bills, and struggles each day to make ends meet.

But we are also concerned that your anti-inflation program, with all its good intentions, will impose additional and disproportionate burdens upon women because of possible increases in unemployment rates, slashes in social and other human needs programs, postponement of comprehensive national health insurance, absence of child care programs so urgently needed by working women, and the failure to address the problem of widespread poverty and the financial plight of our cities, where a majority of women and all Americans live. In fact, it has been estimated by leading economists that if the entire amount needed to maintain current human services were included in this budget, the inflationary impact would be something approximating three-tenths of 1 percent.

We are concerned that your stabilization program lacks effective controls for profits or any controls on interest rates, dividends, capital gains, and unearned income from tax shelters. Commodity speculators remain free to drive up food prices; energy rates and fuel costs continue to go up; and there is no mechanism for halting rapid increases in rents.

We are concerned, too, at the proposed 10 percent increase in the military budget when military costs already account for the biggest slice of the discretionary federal spending pie and essential domestic programs are underfunded. The 3 percent increase in military outlays, described as a commitment to our NATO allies, must be weighed against the commitment you made to the voters in your election campaign to reduce military expenditures.

Increases in military spending, which have occurred in an unbroken pattern for the past 40 years, must be weighed against the fact that we are at war with no one and no one can seriously contend that there is an imminent threat of war against the United States. On the contrary, the recognition of China and the impending SALT agreement should provide the basis for decelerating an arms race that is seriously draining our economy and undermining our consumer goods technology and market.

We oppose burdening our economy with monstrously expensive new weapons programs, and we urge you to make cuts in the enormous fat, waste, and profiteering in the defense industry where non-competitive bidding is the standard practice and where fixed price contracts become transformed into cost-plus contracts. We would suggest that your Administration appoint a commission to investigate military extravagance and make specific proposals for substantive cuts and cost-savings. We will fully support you in that effort.

Stuart Eizenstat spoke recently of the duty to meet "new realities never imagined even 10 years ago." He also stated at his meeting with members of our Committee on December 20 that the increased participation of women in the labor force has "profound implications" for the development of public policy. He admitted that the government has not "sensitized itself" to that issue yet and has been negligent in failing to develop public policy on women's changing role in the economy.

We agree, and we feel it is our responsibility to help sensitize this Administration and the Congress to the realities of women's lives today and to bring about new patterns of policy-making in which women's views and participation are an important element.

With 49 percent of women in the labor force and 90 percent of women working outside the home at some periods of their lives, it is important that all public policies and actions be examined carefully for their impact on women, including anti-inflation measures, employment programs, social security coverage, welfare reform, national health insurance and health services, affirmative action enforcement, services to the disabled, increased opportunities for minorities, and expanded child care programs.

Millions of American women and their children live in poverty, and millions more are only a step away from poverty. With the increasing number of female-headed households, the problem of the poor is rapidly becoming a women's problem.

We call your attention to these realities:

Women are 63 percent of the 16 million Americans living below the poverty level, and Black, Hispanic, Asian American and Native American women make up 20 percent of these poor.

Women are 42 percent of the labor force, but 50 percent of the total unemployed. Two-thirds of all so-called "discouraged" workers—the hidden unemployed—are women. The national unemployment rate for women is 7 percent, as compared to 5 percent for men; and unemployment among minority women is twice as high as for white women. Among minority teenage women, it is a shocking 36.8 percent.

Women are segregated into low-paying occupations, with 80 percent of the women's work force clustered at the bottom of the pay scale.

For the past 20 years the wage gap between women and men has remained unchanged, with women averaging about 60 cents an hour for every dollar earned by men.

There are not enough job training programs for working women, unemployed women, displaced homemakers, minority women, disabled women, and women on welfare.

There is inadequate enforcement of anti-discriminatory laws and executive orders designed to help women break out of their occupational ghettos. Aggressive enforcement is particularly needed to overcome the chilling effects of the Bakke decision.

Day care centers are available for only 2 percent of the six million pre-school age children whose mothers work and for millions of other children whose mothers are locked into dead-end, welfare subsistence.

Millions of minority women, in addition to bearing the burden of discrimination, suffer disproportionately from poverty, unemployment, low-paying jobs, inadequate health and maternity services, poor education, and poor housing.

Older women, a majority of our senior citizens, have a median income of $2,800 a year, only half the income of men in their age group. Five million disabled women suffer special discrimination in their search for education, job training, employment, and independence. Poverty afflicts higher than average numbers of the 34 million women living on farms, in migrant camps, on Indian reservations, and in rural areas, where the residents account for 40 to 50 percent of poor Americans.

We urge you to look at your Administration's priorities and budget, and consider whether they are sensitive enough to the needs of these women. We do not believe they are.

We turn now to some specific comments on aspects of your wage-price policy and budget restraints. The greatest impact of the 7 percent wage guidelines will fall most heavily on working women, only 11 percent of whom are members of unions. Without organized efforts to press for catching up with male earnings and promotion rates, women will fall further behind. Employers can be expected to use wage controls as an excuse to keep their pay and benefits low.

We also believe that the $4.00 per hour low-wage exemption standard is too low considering the inadequate earnings of most working women. If the minimum hourly wage exemption were comparable to the standard provided under the legislation and court interpretations governing the Nixon control program, adjusted for inflation, all workers earning under $5.50 per hour would currently be exempted. The low-wage exemption should be raised to at least the $5.50 per hour, which reflects the pay level needed to meet the Bureau of Labor Statistics urban lower family budget. Furthermore, the proposed real wage insurance benefit, which provides a rebate to individuals claiming a higher inflationary impact than 7 percent, is likely to have little benefit for most women, who lack union protection and assistance in pressing their claims.

It is imperative that the guidelines also be revised to make clear that written exemptions are permitted for equity pay increases, back pay awards, maternity and pension benefits designed to comply with new laws and equal employment opportunity settlements.

Setting the pay increase figures for federal workers at 1½ percent below the control figure for other workers will have a disproportionate effect upon women because the federal government is the largest single employer of women. Cuts in federal assistance to cities will also have an adverse effect upon women and minorities who look to local government as a major source of jobs.

We welcome the reported restoration of $1.2 billion in the proposed cut in CETA funds, but we oppose *any* cuts in this minimal jobs program.

We object to the reported reduction in Title VI public service employment jobs from the 600,000 authorized by Congress to 350,000 in 1979 and 200,000 in 1980. Women hold only 37 percent of the 550,000 jobs currently covered by Title VI, and the projected cut will reduce the already meager number of public service jobs available to them.

We also object to the 50 percent reduction in the commitment of $5 million from Title III of the new program for displaced homemakers. Making up for this cut by transferring $2.5 million from Title II funds means that fewer jobs will be available for the economically disadvantaged, the majority of whom are women. Title II funds should be kept intact to assist the millions of women who live below the poverty level.

Cuts in Title III discretionary funds will also adversely affect women, as will the failure to provide any increases—even allowing for inflation—in the Work Incentive Program (WIN).

A $4.5 million cut in job research and evaluation programs will prevent the implementation of two new amendments designed to examine the discriminatory effects of wage classification systems and the incentives needed to get employers to apply job-sharing, wage-sharing principles.

A $200 million cut in welfare demonstration projects hurts a program that is needed as a basis for fundamental reform of the welfare system, which affects mostly women.

These reductions in the Administration's only major jobs program and cuts in vocational education, together with policies that most economists agree will lead to increased unemployment, are an unacceptable attack on the already low economic status of American women.

Another facet of participation by women in the economy is as business owners. Since issuance of the President's Interagency Task Force on Women Business Owners report, no action has been taken on the funding needed to implement the recommendations to provide technical assistance to women business owners and to insure that they get a fair share of federal funds. Action is particularly important in view of your statement when you signed Public Law 95–507 that you would "soon announce new steps to aid women entrepreneurs and businesses owned by women."

We are also concerned about the lack of guarantees for adequate funding to enforce anti-discrimination laws in employment and education, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Pay Act and Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act, and Executive Order 11246.

If centuries of sexual discrimination and occupational segregation are to be overcome, the effort must start in the public schools. Congress authorized $80 million for the Women's Educational Equity Act, of which $65 million was to go to the states for use in public school districts to establish sex equity education and programs. However, instead of this $65 million, the budget allocates only $9 million for individual and group grant demonstration projects. We urge full restoration of the authorized $65 million.

On the HEW budget, we welcome the reported partial or complete restoration of funds for maternal and child health care, nurse practitioner support, aid for drug and alcohol abuse, preventive health services for American Indians and Alaskan Natives, and teenage pregnancy. In this International Year of the Child, we especially urge full funding for all programs which have the highest impact on mothers and chidren.

The amount designated by OMB for family planning services does not allow for the continued development of these essential programs. The Committee believes that $14 million should be restored for family planning services to the $164 million level requested by HEW. It has been documented that one dollar invested in family planning services in one year saves federal, state and local government a minimum of $1.80 a year later, a cost-benefit ratio unmatched in any other public program.

We also take this opportunity to state the strong opposition of the overwhelming majority of this Committee's members to the continued Medicaid ban on abortion payments, the continued erosion of the Constitional right to reproductive freedom and the developing attack within Congress on family planning programs as a whole.

As a result of the Congressional ban and stringent HEW regulations, there has been a 98 percent decline in Medicaid abortions. Women have died, women have suffered irreparable health damage, and women have been forced to bear children they cannot support, and those being victimized are poor women. We object to abuse of the Congressional appropriation mechanism to deny large numbers of American women their constitutional rights. We urge this Administration to change its position on Medicaid funding and to take vigorous action to restore the right to abortion for military personnel, Peace Corps volunteers, and their dependents. The ultimate goal of the anti-abortion minority is to overturn the 1973 Supreme Court decision through a Constitutional amendment. This move must be strongly opposed by the Administration to assure that abortion remains a safe and legal option.

At the same time, we request adequate funding for the staffing and program implementation of the new HEW regulations on sterilization. This is especially essential to protect minority women, including Blacks, Hispanics, Asian Americans, American Indians, Alaskan Natives, and disabled women from sterilization abuse. Published reports within the Indian community charge that more than one-fourth of all American Indian women of childbearing age have been sterilized under federally-funded programs.

We strongly favor action in 1979 on a comprehensive national health insurance system, which is of particular importance to women and children. Women encounter widespread discrimination in coverage of maternal and child health care, preventive health services, reproductive health, abortion and family planning services, and they look to the development of high quality, equitable and comprehensive health care services as a major and long-overdue responsibility of government. Unfortunately, our present patchwork health insurance system does not recognize preventive health measures as good for the individual and as an enormous cost saving to the taxpayers.

We also express our concern about the fate of funding for the Comprehensive Rehabilitation Services Amendments of 1978, and particularly Title VII, which sets up a new program providing for the creation of Centers for Independent Living for the disabled. At least 580 million must be committed to these programs for Fiscal Year 1979 and $100 million for Fiscal Year 1980.

The large numbers of disabled individuals who live in institutions and nursing homes, who are jobless, and who are denied appropriate education and access to transportation should not be tolerated in a country that is concerned with human rights and respect for the individual.

Although we have discussed only a few aspects of the budget, we wish to emphasize again our belief that in making budget allocations and comparing military and domestic priorities our concept of American security must embrace how our citizens live from day to day.

Genuine security requires opportunities for all Americans to have a decent standard of living, jobs, adequate housing, education and health care. It requires a plan to eliminate poverty, to protect the middle class, and to open doors to millions of women, minorities, low-income and disabled people who seek a fuller share of this nation's wealth. Budget planning and allocations should not impose new burdens on these groups, while exempting the monopolies, the rich and the military establishment.

Finally, we wish to discuss several issues that will not cost the taxpayer or the government another penny:

We are deeply troubled that little progress has been made in meeting your often stated commitment to correct the gross imbalance of women and minorities in the federal judiciary.

Only six women have been nominated for the 66 vacancies that existed prior to adoption of the Omnibus Judgeship bill. Of the 117 new District Court positions created by this legislation, only four women have been named among the 47 nominations made to date by U.S. Senators. This includes nominees from 15 states. Only three—Michigan, Texas and Massachusetts—presented women's names. Nominations for the remaining 70 District judgeships have not yet been submitted. For the 35 new Court of Appeals judgeships, none of the 13 panels has submitted nominations to the Justice Department.

We urge you, Mr. President, to make clear to the members of the Senate and to the chairs and members of the Court of Appeals panels their responsibility to make the Federal judiciary significantly more democratic and representative.

The selection of judges in the next few months will affect the sensitivity and quality of justice for women and minorities for years to come. Without your strong and decisive leadership on this issue, the federal courts will remain virtually an all-male, all-white enclave.

On another issue, we also favor the elimination of existing discrimination against persons because of their sexual orientation. This Administration can be of particular help by supporting proposed federal legislation to protect gay people in the areas of employment, housing and public accommodations.

We also support your issuing an Executive Order banning discrimination in those areas of government not covered by the Civil Service Commission, particularly for personnel in the FBI, CIA, and Armed Forces and certain parts of the State Department.

In conclusion, we recall that when John Adams was helping to draft the U.S. Constitution, he received a letter from his wife, Abigail Adams, asking him to "Remember the ladies." We ask you now when you make your State of the Union report to the nation this month, "Remember the women."

Tell the American people about the status of women in our country. Tell them about the urgency of ERA ratification. Tell them about our needs and aspirations as expressed in our National Plan of Action agenda and in the 1980 United Nations Mid-Decade Conference of Women. Tell them how your programs and policies will affect the majority of our people who are women and who seek equality.

We must raise the consciousness of the power-holders, the decision-makers and the law-makers. We are not an appendage to this nation. We are part of its heart and soul. We are, with men, its central characters. Women's place indeed is every place.

STYLE, WOMEN'S ISSUES DON'T MIX

(By Ellen Goodman)

BOSTON.—Ever since the Friday Afternoon Massacre decimated ranks of the National Advisory Committee on Women, a great deal has been heard about the word "Style."

There is a notion being bandied about that if only, dear Lord, those advocates of women's rights would stop being so (1) militant, (2) strident, (3) pushy, they would be (4) successful. If only they could present their cause with the Right Style, why then, the doors of equality would open wide to welcome them and all would be right with the world.

This argument has a certain amount of appeal, I grant you. It allows the arguer to profess himself to be a supporter of women's rights, while simultaneously blaming women themselves for any failures. But it is, at heart, absurd—a true comedy of manners.

If you need proof of this, join me for a moment as we trip off in search of the Right Style.

Let us begin this journey with the former co-chair Bella Abzug, better known, alas, for her decibel level than her accomplishments. Ms. Abzug has often been described as abrasive, combative, and militant. She was summarily removed by the President for these sins. Clearly, then, she has the Wrong Style.

Now we move right along to Sarah Weddington, the White House Advisor on Women. Ms. Weddington is mild-mannered, reflective, exceptionally nice and so loyal to her boss that she recently described his Abzug hatchet job this way: ". . . and so he asked that he be allowed to make another choice."

Ms. Weddington, however, has yet to put one solid accomplishment for women's rights in her administrative pocket. Moreover, despite her low-key manner, she was publicly and embarrassingly prevented from testifying at a recent congressional hearing on women's issues. She, too, clearly has the Wrong Style.

Meanwhile, back on the ERA front, we find the matter of political hemlines even more up and down. Last week the ERA came up again in North Carolina, before the same state house which didn't ratify the Women's Suffrage Amendment until 1971.

Many people say that the ERA would have passed years ago except for what one North Carolina legislator described as "the radicals," adding: "That's what has hurt this movement from the beginning. If we'd had someone like Bella Abzug or Gloria Steinem come down here, it would set us back 10 years."

ERA supporters in North Carolina and elsewhere are conscious of the Style issues. From all reports, they have become studiously moderate, mainstream, home-grown and low-key. So guess what happened in North Carolina last week? The amendment got killed in committee.

Thus we conclude from our search for the Right Style that women have two choices: They can either be so pushy that they are ineffective, or they can be so carefully nonthreatening that they are also ineffective.

I have never, by the way, heard the "Style" argument used against the antis. No one has yet suggested that the anti-abortion movement is too aggressive to be effective, though burning medical clinics is surely a touch more strident than burning bras.

Nor has anyone suggested that Mrs. Schlafly's aggressive hand against the 20th century has worked against her cause. Her eternal smile has won her not criticism but merely an entry in the Guinness Book of World Records.

Style is an issue which is used only against women when they are fighting for their own advancement. Ever since suffrage, women have had the choice of being unseemly or unseen.

I am sure that some people are willing to spend their lives searching for the perfect style between high key and low key, seeking the right combination with which to open the safe of equality. But they have better odds at winning a lottery.

Style isn't totally irrelevant, but it belongs in its place, somewhere below that old political standby, Power. Style is an issue for those who seek to move the powerholders. But the Carter administration will be less impressed by a bunch of women all "dressed for success" than by a sea of female activists singing. "What have you done for us lately?" The ERA isn't awarded to those who behave genteelly, but to those who hold the votes.

In the midst of all the bread-and-butter, hard-ball politics being played on women's issues these days, the question of Style seems just a bit tacky.●

MICHIGAN "VOICE OF DEMOCRACY" CONTEST WINNER

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. BLANCHARD. Mr. Speaker, every year the Veterans of Foreign Wars of the United States sponsor a Voice of Democracy Scholarship Contest. This year, more than 250,000 high school students participated in the contest for the five national scholarships that are awarded as top prizes. Participants were asked to submit a written speech on the contest's theme, "Why I Care About America."

I am very pleased that one of my constituents, Ms. Marie Kaleita of Warren, Mich., was selected as the winning contestant from the State of Michigan. Ms. Kaleita is a senior at Mott High School, has experience and a career interest in the dramatic arts, and plans to attend Oakland University. Her numerous accomplishments thus far include working at a Detroit area radio station, and collecting food for the needy and money for UNICEF.

Her speech reflects the spirit of optimism and patriotism that I believe prevails in our youth today. I would like to take this opportunity to congratulate Ms. Kaleita—and to bring her speech to the attention of my colleagues as a reminder that America's future depends on the faith and energy of our young people.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—MICHIGAN WINNER—LISA MARIE KALEITA

Caring about America means loving what it stands for. Although the great American epic is the acquiring and taming of a continent, American patriotism is not centered on the land but on a historic event and an idea. The Event is the creation of the United States, the Idea is freedom.

When I sat down to write this speech, I realized that it was the first time I ever really thought about why I care about my country. I discovered that it was because I was taking so much for granted. Freedom, that's the most important privilege of all. I care about America because that's what it offers. Freedom to go to the school of my choice, and not be forced to accept set principles and ideals. Freedom to set my own goals and explore them as an individual. I can choose a career and feel confident that I have a chance to be successful I have the freedom to say what I feel, to respect and love whom I want. I have the freedom to practice the religion of my choice, to pray to my own God, and I feel very comfortable with that.

I'm proud to say that I've had the opportunity to see America. I don't mean driving out to the country or going downtown. I mean from coast to coast. I've been in almost every state in the United States. I've seen the land in all its splendor, from plains to deserts to mountains to oceans. I've experienced the people and their different ways of life in the different parts of the country. But every one of those people were true Americans. Freely practicing what they believe in and continuously striving to improve. That's another reason why I care for America. It can always be improved. I'll never stop trying to improve my country and that should show much I really do care.

In all my travels around the country the most fascinating experience I had was visiting Washington, D.C. Not because the buildings are old and beautiful, but because of the feeling I got when I thought about what those buildings stand for. Each building stands for a different struggle towards the freedoms we now have. How can I put into words the overwhelming feelings I received when I stood in front of the "Tomb of the Unknown Soldier," and realized the countless number of men that no one will ever know by name that died, for our country, for our freedom. Suddenly I realized that that's what it's all about. To care about America, to fight for its freedom, to die for America.

I care about America most of all and most deeply for its continuous, difficult, confused and never finished struggle to make freedom possible. I care about America for its accomplishments. Starting from nothing and acquiring the title of "Greatest Power."

The insistence on improving my country is probably the deepest form of caring I could give. One ultimately cares for America not for what it is or what it does, but for what it promises. America promises freedom for all, freedom for me.●

DECLINE IN HOUSING POINTS TO RECESSION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. HAWKINS. Mr. Speaker, the Subcommittee on Employment Opportunities, which I chair, recently held oversight hearings on the Full Employment and Balanced Growth Act to ascertain the impact of the administration's anti-inflation efforts and its fiscal year 1980 budget proposals on our national goal of full employment.

As housing is well recognized as a leading economic indicator, the subcommittee requested a study from the Congressional Research Division of the Library of Congress on the employment impact of reduced housing production as well as testimony from expert witnesses on this issue.

Changes in the volume of housing production are directly reflected in variations in labor requirements. If housing starts continue to decline in 1979 and 1980, there will be a drop in the demand for workers in the construction industry and related fields.

The 1979 decline in labor requirements from 1978 levels associated with lower housing production could range from 315,000 to 527,000 man years. An intermediate estimate, obtained in connection with the administration's housing projections, approximates 421,000 fewer jobs. Also, in a period of economic downturn in housing production, smaller and less capital-intensive firms tend to be squeezed out of business.

The administration's budget cuts in this area could very well make a bad situation worse. I have attached to my statement a copy of an article which appeared in the Washington Post after our hearings. I have also inserted the Library of Congress study as well as testimony by Mr. Schechter of the AFL-CIO.

The material follows:

HOUSING STARTS PLUMMET; ECONOMIC SLOWDOWN SEEN

(By John M. Berry)

Housing starts plummeted last month to their lowest level in two years, the Commerce Department reported yesterday, the most serious sign to date that the economy may be slowing down.

The chief economist for the National Association of Homebuilders, Michael Sumichrast, said the decline in housing starts in January to an annual rate of 1.66 million represented "the beginning of a recession" for the housing industry.

Because the industry is the first part of the economy to feel the pinch of higher interest rates and restrictive policies, it often serves as a kind of early-warning system for the rest of the economy.

The Carter administration has predicted slower economic growth this year, but some private economists and the Congressional Budget Office foresee a mild recession.

Part of the sharp decline in new housing construction from December's 2.06 million rate was weather related, housing experts said. About half the drop occurred in the snowbound north central region, with most of the remainder in the West.

The Commerce Department also reported yesterday that personal income in January rose a modest $7.9 billion, after a $17.4 billion gain in November and a $21.8 billion increase in December. Again, some special factors increased the apparent size of the drop.

Yesterday's figures followed a report Thursday by the Federal Reserve Board that industrial production in January rose only 0.1 percent, the smallest amount in a year.

The homebuilders' Sumichrast, taking the dimmest view of the January decline, said it "is real and wide-spread."

"Only about 25 percent of it was winter-related in the Midwest," he said.

Sumichrast blamed the decline on "the high cost of money and high inflation." He predicts that the rate of starts will fall to an average of 1.7 million units in 1979 and bottom out at a 1.3 million to 1.4 million rate in the first quarter of next year.

President Carter's chief economic adviser, Charles Schultze, said housing dropped "partly because of tight money and partly because of cold weather."

Mortgage money has become much more expensive and hard to get in recent months as the Federal Reserve has forced up interest rates in an effort to slow down the economy. But until yesterday's release of the housing numbers, there was little evidence that the Fed's tight policy was working.

The big reason, experts say, was the introduction, approved by the Fed, last year of a new six-month money market certificate paying savers with at least $10,000 to invest at interest rates higher than that being paid on comparable U.S. Treasury securities. The Fed approved the certificates to ease, but not eliminate, the effect of tight money on housing.

"The housing decline came seven months later because of the certificates," Sumichrast said. "But I am not sure whether they are a blessing or a curse" because of the way they have squeezed thrift institutions' profit margins and pushed mortgage rates higher, he added.

In past periods of high interest rates and tight credit, savings flows to housing lenders usually dried up, and so did mortgage availability. During the 1974–75 recession, the construction industry was especially hard hit.

Last month, however, $6.66-billion-worth of the money market certificates were issued by the nation's savings and loan association, according to the Federal Home Loan Bank Board (FHLBB).

Altogether, the savings and loans garnered $4 billion in net new savings in January, the second best January ever for the industry. Moreover, Kenneth Biederman, the FHLBB's chief economist, said, "We have not seen any significant drop off in forward commitments to lend. What we are seeing is mostly seasonal."

"The key," Biederman said, "will be in the spring when housing activity normally turns up. If it doesn't, then we're in trouble."

The personal income increase of $7.9 billion—to an annual rate of $1.815 trillion—was held down by an increase in the Social Security tax rate, from 6.05 percent to 6.13 percent, paid by both employe and employer.

The taxable wage base for Social Security was also raised, from $17,700 to $22,900, effective last month. That change does not affect most workers until much later in the year, but the Commerce statisticians assume in their calculations that its effect is spread uniformly through the year.

Together the Social Security changes lopped $5 billion off personal income last month, the way the statisticians figured it.

On the other hand, the increase in the federal minimum wage and an expansion of coverage to additional workers raised incomes by about $2 billion. Meanwhile, December personal income was inflated by $5.1 billion in income support payments—$5.1 billion to the nation's grain farmers.

STATEMENT BY HENRY B. SCHECHTER

I appreciate the opportunity to present before you the views of the AFL-CIO on the impact of the President's fiscal year 1980 budget for housing programs upon employment opportunities.

In response to the more general economic questions concerning inflation and employment, that have been framed by the Chairman, I have appended a statement on "Anti-Inflation Policies" of the AFL-CIO. That statement presents a critical analysis of the Administration's guidelines program, and proposes the AFL-CIO alternative of comprehensive mandatory controls. Our statement strongly reflects a position that recession and rising unemployment do not have to be risked in order to curb inflation, that price rises can be curbed during economic growth.

More needs to be done to progress toward the full employment goal established by the Humphrey-Hawkins bill and to simultaneously counteract inflation in particular sectors of the economy. Housing is a sector in which such simultaneous progress can be made.

Due to a short supply of housing relative to needs, arising from a population tidal wave entering adulthood, an upsurge in housing prices and rents is a major vehicle for the transmission of inflation to the general economy. There is a need, therefore, to support an increase in housing production over the next few years, rather than to cut Federal programs back and to add to an expected decline in private housing production.

I will summarize the major changes between fiscal 1979 and 1980 in budgetary authorizations for housing programs, the effects in terms of housing units and employment during given time frames, and the failure of the budget to provide for offsets to anticipated declines in total residential construction activity and employment.

All references to estimated man years of work are for on-site and off-site construction work and for work in production and distribution of building materials. The estimates are based on available data for unit construction expenditures and Bureau of Labor Statistics estimate of manpower requirements for given dollar expenditures for residential construction. The employment estimates do not include an estimate of employment resulting from expenditures of wages received by those employed on the construction and in building materials industries.

1979 TO 1980 CHANGES IN HUD RENTAL HOUSING PROGRAMS

The major chage is in HUD budget authority for assistance payments over 20 to 40 years for the Section 8 (private) and public rental housing programs. It proposes authority for obligations of $26.9 billion for fiscal 1980, down from $30.8 billion in 1979. In terms of units for which funding could be placed under reservation, the number is reduced from 360,000 to 300,000. The 60,000 reduction would consist of 20,000 units that would be leased in existing structures, which would not have a discernible employment impact in the near future; and 30,000 new construction plus 10,000 major rehabilitation units.

The latter 40,000 units, equivalent to about 35,000 new units, would represent roughly 24,000 man years of work. It must be noted, however, that given the long lead time between fund reservations and starts of construction for multifamily, rental housing projects, the impact of this reduction in employment opportunities would be felt in fiscal years after 1980 and probably mostly after fiscal year 1981.

Nevertheless, the AFL-CIO strongly opposes this cutback in housing production which supports a continued inflation-generating housing shortage. During 1978 the shelter component of the Consumer Price Index, encompassing residential rent and homeownership costs rose 11.5 percent, compared with 9.0 percent for all items combined. Furthermore, historically low rental vacancy rates and the age composition of the population suggest that the rental housing shortage will still be with us two or three years from now. And increased employment opportunities that more construction can provide will be needed.

HUD REHABILITATION AND HOME OWNERSHIP ASSISTANCE

There will be a smaller but more immediate impact in connection with a cutback in HUD's Section 312 rehabilitation loan program for single-family and multi-family units. The proposed budget authority of $130 million for loans in fiscal 1980 would be $100 million less than in 1979. After taking account of differences in carryover balances, however, the program level in fiscal 1980 would be $75 million less than in fiscal 1979. That would represent roughly 2,250 man years of work lost (using employment factors for home construction).

HUD also has an assisted (Section 235) homeownership program for which it does not need additional budget authority. Under that program, monthly assistance payments are made to lenders by HUD on behalf of eligible, limited income owners to reduce the effective interest rate paid by the owner-occupant. At the end of fiscal year 1979 HUD will have sufficient budget authority to support an estimated 107,000 additional units with necessary annual assistance payments. However, the budget contemplates commitments for only 25,000 units in fiscal 1980 which would be 7,000 more than in 1979. It would mean a net increment of about 5,000 man years of work.

However, the level of Section 235 program activity contemplated in the budget is questionable. In fiscal 1978 less than 12,000 unit fund reservations were made. The program moves so slowly, in part, because there is a minimum effective interest rate of 4 percent required. The statutory minimum is 1 percent. The program could no doubt, be accelerated by lowering the interest rate to the statutory minimum of 1 percent. It would then be possible to accelerate the program to a higher annual level.

FARMERS HOME ADMINISTRATION PROGRAMS

Farmers Home Administration housing program cutbacks would have an impact upon employment opportunities with only a minor time lag. That is because most of the cutback in loans for new construction would be for single family Section 502 home loans which can be started without delay. Even the multifamily Section 515 projects are generally relatively small, averaging about 25 units, and do not require as long a lead time as the larger HUD multifamily projects.

Reductions from 1979 to 1980 in budget authority for subsidized and non-subsidized housing loans for Section 502 new home purchases and Section 515 rental housing loans, would reduce by almost 13,000 the number of new units that could be funded, and the amount of construction involved would support about 9,400 man years of work.

It should be noted, however, that Farmers Home Administration reportedly will request $985 million in supplemental loan funds to fund about 16,000 units under a new deep-subsidy homeownership program, and an equal amount for fiscal year 1980. If such requests were granted and if most of the 32,000 units to be funded over a two year period were new units, it would more than offset the 1979 to 1980 reductions in residential construction employment generated by the regular fiscal 1980 Farmers Home Administration budget.

WHAT THE BUDGET FAILS TO DO

The chief failure of the budget with respect to housing and related employment is the lack of provision to offset a generally expected 1979 decline in nongovernmental housing. In the January 1979 Economic Report of the President, the Council of Economic Advisers predicts that by the fourth quarter of 1979 the seasonally adjusted annual rate of new housing starts will be down to 1.75 million.

This would be an 18 percent decline from the over 2.1 million level of fourth quarter of 1978. Most private forecasters are predicting a greater decrease in new housing starts, that would produce about a 25 percent year-to-year decline by the fourth quarter of calendar 1979, the first quarter of fiscal 1980.

The outlook as seen by the Administration and by many private economists, therefore, is for housing construction to decline from current levels by between 350,000 and 450,000 units. It would mean the estimated loss of between 375,000 and 500,000 jobs. (Private new units, on the average, are more expensive and entail more work than publicly assisted units.)

Building trades workers who are heavily concentrated in residential construction, such as carpenters, masons, plasterers and plumbers, generally cannot shift to other employment when homebuilding is down. Nor can unemployed woodworkers in the forests, or factory workers who produce bathroom fixtures and kitchen cabinets. There is a ripple effect of such unemployment which spreads throughout the economy. This effect was well illustrated by the 1974-76 depression of the housing sector which contributed to the most severe post-World War II general economic recession.

In anticipation of the expected decline in private housing starts, it would be well to have a budget that could quickly accelerate assisted housing production. It would be helpful to provide the supplementary budgetary authority required for the new Farmers Home Administration deep subsidy program. There should also be an administrative reduction in the Section 235 home loan interest rate. And in order to maintain the momentum for production of assisted multifamily rental housing, the fiscal 1980 budgetary authority for HUD assisted rental housing programs should be raised from 300,000 to at least 400,000 units, with the bulk of the increase designated for new construction.

EMPLOYMENT IMPACT OF REDUCED HOUSING PRODUCTION

(By Morton J. Schussheim)

This paper addresses three questions:

1. By how much will housing starts decline in 1979 and 1980 below the volume of 1978?

2. What reductions in housing-related employment can be expected in association with various forecasts of lower housing production?

3. What will be the effect of the Administration's proposed budget cuts in assisted housing on employment and when will these job losses occur?

1. Expected Housing Production Levels in 1979 and 1980: In calendar year 1978 housing starts reached a volume of 2,021,500 units. This was a relatively strong performance, exceeding earlier forecasts of many economists by several hundred thousand units. In only three prior years have housing starts topped 2 million—1971, 1972 (a record 2,378,-500), and 1973.

What is the outlook for 1979? The consensus among housing analysts is that starts are likely to be in the range of 1.6 to 1.8 million units. The drop in housing starts in 1979 will be predominantly in single-family homes, as potential purchasers are deterred or priced out by high home prices and high mortgage interest rates. In some states with usury ceilings, some home-seeking families will encounter a reduced availability of mortgage money.

Several forecasts may be noted. The Council of Economic Advisers (CEA) and the Secretary of Housing and Urban Development (HUD) have projected starts of 1.7 to 1.75 million units in 1979;[1] the National Association of Home Builders expects only 1.64 million units;[2] and Otto Eckstein of Data Resources, Inc. (DRI) anticipates 1.79 million units[3] (See Table 1)

Housing starts in 1980 are difficult to forecast. For what they are worth, the NAHB's analysts now anticipate 1.6 million units; DRI expects 1.89 million; and the Council of Economic Advisers foresees "about 1.9 million units by the fourth quarter of 1980."[4]

JOB LOSSES

Changes in the volume of housing production are reflected in variations in labor requirements. If housing starts decline in 1979 and 1980, as now expected, there will be a drop in the demand for workers in the construction industry and in related industries. Studies done by the Bureau of Labor Statistics indicate that approximately 1.4 man-years of work were associated with each housing unit produced in 1978.

The 1979 decline in labor requirements from 1978 levels associated with lower housing production could range between 315,000 and 527,000 man-years. The lowest figure corresponds to DRI's projected decline in housing starts of 231,000 units; if NAHB's anticipated drop of 382,000 units eventuates, the number of jobs lost could exceed a half-million. An intermediate estimate is obtained in connection with the Carter administration's housing projects—421,000 fewer jobs. (See Table 2.)

TABLE 1.—ACTUAL AND PROJECTED HOUSING STARTS, 1978-80

[In thousands]

	Total	1 unit	Structures with 2 or more units
1978: Census (actual)	2,021.5	1,432.7	588.8
1979 estimate:			
HUD/CEA	[1] 1,700.0	1,200.0	500.0
DRI	[2] 1,790.0	1,240.0	550.0
NAHB	[3] 1,640.0	1,100.0	540.0
1980 estimate:			
CEA	[1] 1,900.0	1,316.0	584.0
DRI	[2] 1,890.0	1,310.0	580.0
NAHB	1,600.0	1,060.0	540.0

[1] CEA projections are annual rates for the 4th quarter. Number of jobs varies depending on mix between 1-family and 2 or more family construction. CEA does not allocate between the 2 sectors for 1980. Numbers shown here are based on DRI's allocation. 1979 data—Statement by Patricia Harris before the Senate Committee on Banking, Housing and Urban Affairs. Dec. 22, 1978; and 1980 Economic Report of the President, House Doc. No. 96–50, pp. 100–101.

[2] Data Resources U.S. Forecast Summary, February 1979.

[3] "Builder," Jan. 15, 1979, p. 17 and phone conversation with NAHB.

TABLE 2.—EXPECTED DECLINE IN HOUSING STARTS FROM 1978 LEVEL AND REDUCTION IN JOBS

	1979		1980	
	Starts	Jobs	Starts	Jobs
DRI	−231,000	−315,000	−131,000	−178,000
HUD/CEA	−321,000	−421,000	−121,000	[1] −165,000
NAHB	−382,000	−527,000	−422,000	−585,000

[1] Number of jobs varies depending on mix between 1-family and 2 or more family construction. CEA does not allocate between the 2 sectors for 1980; numbers shown here are based on DRI's allocation.

The housing outlook for 1980 depends on many assumptions, any of which could substantially alter the level of production. NAHB is the most bearish; if their current forecast for 1980 is borne out, labor requirements would be 585,000 man-years below 1978. But the decline would be under 200,000 man-years if the projections of the Council of Economic Advisers and DRI prove accurate.

In a period of downturn in housing production, smaller and less capital-intensive firms tend to be squeezed out of business. To the extent that this occurs, the labor requirements per house constructed would probably be lowered somewhat. Thus, calculations based on average relationships may understate the drop in man-years of work associated with a substantial decline in housing production. Data are not available, however, to adjust for this tendency. All one can say is that the reduced labor requirements estimated here may well be on the low side.

BUDGET CUTS AND HOUSING LEVELS

The President's budget for Fiscal Year 1980 proposes to assist "up to 300,000 additional low-income families" in rental housing under HUD programs. Another 25,000 moderate-income families would be helped by an assisted homeownership program. This compares with FY 1979 program levels currently estimated at 360,000 and 18,000 units respectively.

These figures reflect "reservations" of funds. Because of long lead-time between reservations and actual start of production, the reduced reservations of funds would not significantly affect housing production until 1981 and 1982.

The reduction in new or substantially rehabilitated units assisted with funds reserved in 1980 will range between 35,000 and 50,000 units below 1979 levels, depending upon units costs when actually built. Translated into labor requirements, the ultimate effect would be a lowering of demand for workers by 33,000 to 48,000 man-years.[5]

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[1] Statement by Patricia Harris before the Senate Committee on Banking, Housing and Urban Affairs, December 22, 1978, and Economic Report of the President, House Doc. No. 96–50, p. 100.

[2] *Builder*, January 15, 1979, p. 17, and telephone information.

[3] Data Resources U.S. Forecast Summary, February 1979.

[4] Economic Report of the President, House Doc. No. 96–50, p. 101.

APPENDIX STATEMENT ON ASSUMPTIONS USED IN THIS PAPER

Estimated total jobs per billion dollars of contract construction in 1978 dollars by industry and type of construction. Data are preliminary. They do not include allowance for a multiplier effect resulting from the respending of income earned by employees in the construction and related industries.

	Private single family housing	Private multi-family housing
Total jobs	28,900	31,800
Construction	12,700	14,200
Onsite	10,800	12,400
Offsite	1,900	1,800
Other industries	16,200	17,600
Manufacturing	7,100	9,500
Trade, transportation and services	6,500	6,100
Mining and other	2,600	2,000

Source: Office of Productivity and Technology, Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C. 20212.

Estimated cost of single family unit is $50,000, exclusive of land and site improvement costs.

Estimated cost of multifamily unit is $30,000, exclusive of land and site improvement costs.●

A SEARCH FOR ALTERNATIVES

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. AKAKA. Mr. Speaker, I want to take this opportunity to draw attention to the need for developing alternatives to the use of live animals in research and testing. I would in no way urge a ban on the use of animals in laboratories. No one can dispute the value of live specimens in certain forms of testing. There is some question, however, whether the level of use and the conditions to which these animals are subjected to can be justified. In support of this I would like to submit, for the RECORD, the following article from the New York Times of December 31, 1978:

NEW DEBATE OVER EXPERIMENTING WITH ANIMALS

(By Patricia Curtis)

The professor was late leaving the medical school because he'd had to review papers by his third-year students in experimental surgery. It was well after 11 when he wearily drove his car into the garage. The house was dark except for a hall light left on for him. His wife and youngsters were already asleep, he realized, and the professor suddently felt lonely as he fit his key in the lock. But even as he pushed open the door, Sabrina was there to welcome him. She was always waiting for him, lying on the rug just inside the door.

The little dog leaped up ecstatically, wagging her tail and licking the professor's hand. The professor stroked her affectionately. She flopped on her back and grinned at him as he tickled her chest and belly; then she jumped to her feet and danced around his legs as he walked into the kitchen to get something to eat. Sabrina's exuberant joy at his return never failed to cheer him.

Early next morning, the professor drove back to the medical school and entered the laboratory. He noticed that a dog on which one of his students had operated the previous afternoon still had an endotracheal tube in its throat and obviously had not received pain medication. He must be more strict in his orders, he thought to himself. Another dog had bled through its bandages and lay silently in a pool of blood. Sloppy work, the professor thought—must speak to that student. None of the dogs made any sounds, because new arrivals at the laboratory were always subjected to an operation called a ventriculocordectomy that destroyed their vocal cords so that no barks or howls disturbed people in the medical school and surrounding buildings.

The professor looked over the animals that would be used that day by his surgery students. He came across a new female dog that had just been delivered by the dealer. Badly frightened, she whined and wagged her tail ingratiatingly as he paused in front of her cage. The professor felt a stab. The small dog bore an amazing resemblance to Sabrina. Quickly he walked away. Nevertheless, he made a note to remind himself to give orders for her vocal cords to be destroyed and for her to be conditioned for experimental surgery.

American researchers sacrifice approximately 64 million animals annually. Some 400,000 dogs, 200,000 cats, 33,000 apes and monkeys, thousands of horses, ponies, calves, sheep, goats and pigs, and millions of rabbits, hamsters, guinea pigs, birds, rats and mice are used every year in experiments that often involve intense suffering. The research establishment has generally insisted that live animals provide the only reliable tests for drugs, chemicals and cosmetics that will be used by people. Researchers also believe that animal experiments are necessary in the search for cures for human illnesses and defects. There is no question that many important medical discoveries, from polio vaccine to the physiology of the stress response, have indeed been made through the use of animals. Thus universities, medical and scientific institutions, pharmaceutical companies, cosmetics manufacturers and the military have always taken for granted their right to use animals in almost any way they see fit.

But increasing numbers of scientists are beginning to ask themselves some hard ethical questions and to re-evaluate their routine use of painful testing tools such as electric shock, stomach tubes, hot plates, restraining boxes and radiation devices. A new debate has arisen over whether all such experiments are worth the suffering they entail.

Strongly opposing curtailment of animal experimentation are groups such as the National Society for Medical Research, which insists that any such reduction would jeopardize public safety and scientific progress. The N.S.M.R. was formed to resist what it considers the threat of Government regulation of animals research and to refute the charges of humane societies. Many scientists however, although they firmly believe that some animal research is necessary, no longer endorse such an absolutist approach to the issue.

"Some knowledge can be obtained at too high a price," writes British physiologist Dr. D. H. Smyth in his recent book "Alternatives to Animal Experiments."

"The lives and suffering of animals must surely count for something," says Jeremy J. Stone, director of the Washington-based Federation of American Scientists, which has devoted an entire newsletter to a discussion of the rights of animals.

According to physiologist Dr. F. Barbara Orlans of the National Institutes of Health, "Within the scientific community there's a growing concern for animals that has not yet had a forum." Dr. Orlans is president of the newly formed Scientists' Center for Animal Welfare, which hopes to raise the level of awareness on the part of fellow scientists and the public about avoidable suffering inflicted on lab animals, wildlife and animals raised for meat. "We will try to be a voice of reason. We can perhaps be a link between scientists and the humane organizations," Dr. Orlans explains. "We hope also to provide solid factual data on which animal-protection decisions can be based."

Another link between the researchers and humane organizations is a new committee comprising more than 400 doctors and scientists that has been formed by Friends of Animals, a national animal-welfare group. Headed by eight M.D.'s, the committee is making a survey of Federally funded animal-research projects. Friends of Animals hopes that the study will expose not only needless atrocities performed on animals, but also boondoggles involving taxpayers' money.

One reason scientists are no longer so indifferent to the suffering they inflict on animals is the discoveries that science itself has made. We now know that many animals feel, think, reason, communicate, have sophisticated social systems and even, on occasion, behave altruistically toward each other. Communication by sign language with higher primates, demonstrations of the intelligence of dolphins and whales, observations of the complex societies of wolves and other animals, and many other investigations have narrowed the gap between ourselves and the rest of the animal kingdom, making it more difficult to rationalize inhumane experiments. Dr. Dallas Pratt, author of "Painful Experiments on Animals," points out that "among the rats and mice, the computers and oscilloscopes, there is Koko"—referring to the young gorilla whom a California primatologist has taught a working vocabulary of 375 words and concepts in sign language and who has even learned to take snapshots with a Polaroid camera. It's hard not to feel squeamish about subjecting animals to inhumane experiments when they possess almost human intelligence.

The thinking of researchers is also beginning to be affected by the growing movement for animal rights. The rising concern for the welfare of animals is seen by some people as a natural extension of contemporary movements promoting civil rights, women's rights, homosexual rights, human rights and children's rights. Public interest in preserving endangered species is based first on an increasing awareness of the complexity and fragility of ecosystems, and second on the notion, still much debated, that any species of plant or animal, from the lowly snail darter to the blue whale, has the right to continue to exist. From here it is only a short logical step to the belief that animals have the right to exist without suffering unnecessarily.

Near the top of the list of animal-welfare activists' causes is putting an end to inhumane experiments on laboratory animals. In Great Britain, where a vigorous antivivisection movement has existed for more than a century, a clandestine group called the Animal Liberation Front conducts commando-style raids on laboratories, liberating animals and sabotaging research equipment. A.L.F. members have also been known to slash tires and pour sugar in the gas tanks of trucks used by animal dealers who supply labs. To be sure, this group of zealots hasn't made much of a dent in England's vast research community, but it does appeal to a gut reaction on the part of many Britons against animal research.

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[5] Multifamily units are smaller and less expensive than single-family units. Thus, a given number of multifamily units calls for fewer workers than single-family houses.

Animal-rights activities are not merely sentimental do-gooders and pet-lovers. They have mounted a philosophical attack on the traditional Western attitude towards animals, branding it as "speciesist" (like racist or sexist), a term derived from the word "speciesism," coined by psychologist and author Dr. Richard Ryder. The Australian philosopher Peter Singer, in his influential 1975 book "Animal Liberation," argued that the "speciesist" rationalization, "Human beings come first," is usually used by people who do nothing for either human or nonhuman animals. And he pointed out the parallels between the oppression of blacks, women and animals: Such oppression is usually rationalized on the grounds that the oppressed group is inferior.

In 1977, when outraged antivivisectionists heard about some highly unpleasant electric-shock and burn experiments conducted on young pigs in Denmark, they wasted no time in pointing out the irony that the tests were being conducted by Amnesty International, the human-rights organization. Amnesty International was attempting to prove that human prisoners could be tortured without leaving any marks, and pigs were used because of the similarity of their skin to ours. (The tests were subsequently discontinued.)

Paradoxically, the public tends to be "speciesist" in its reaction to animal experimentation: For many people, a test is permissible when it inflicts pain on a "lower" animal like a hamster, but not when the victim is a dog. When it was discovered in the summer of 1976 that the American Museum of Natural History was damaging the brains of cats and running painful sex experiments on them, hundreds of people picketed in protest. The museum's Animal Behavior Department defended itself on the grounds that the research was intended to gain a better understanding of human sexual responses. Animal-rights groups, scientists among them, were not convinced of the necessity of the tests, which came to an end only when the chief researcher retired. But the protesters made no stir about the pigeons, doves and rats that suffered in the same laboratory.

If United States Army researchers had used guinea pigs instead of beagles when they tried out a poison gas, they probably would not have provoked the public outcry that resulted in the curtailment of their funding in 1974. When a few Avon saleswomen quit their jobs last spring after reading about painful eyemakeup tests the company conducts on rabbits, they did not complain about the thousands of guinea pigs and rats Avon routinely puts to death in acute-toxicity tests.

It is not known whether any single vertebrate species is more or less immune to pain than another. A neat line cannot be drawn across the evolutionary scale dividing the sensitive from the insensitive. Yet the suffering of laboratory rats and mice is regarded as trivial by scientists and the public alike. These rodents have the dubious honor of being our No. 1 experimental animals, composing possibly 75 percent of America's total lab-animal population. As Russell Baker once wrote, "This is no time to be a mouse."

Rats and mice are specifically excluded from a Federal law designed to give some protection to laboratory animals. The Animal Welfare Act, passed in 1966 and amended in 1970, is administered by the Department of Agriculture and covers only about 4 percent of laboratory animals. Animal advocates worked hard for the bill, which sets some standards for the housing of animals in laboratories and at the dealers' facilities from which many of them are obtained. But the law places no restrictions on the kinds of experiments to which animals may be subjected. It does indicate that pain-relieving drugs should be used on the few types of animals it covers—but it includes a loophole so as not to inhibit researchers unduly. If a scientist claims that pain is a necessary part of an experiment, anesthetics or analgesics may be withheld.

One standard test conducted on rats by drug companies is called the "writhing test" because the agonized way the animals react to irritants injected in to their abdomens. Paradoxically, this test assesses the efficacy of pain-killers, which are administered only after the rats show signs of acute suffering.

Equally common are psychological experiments in "learned helplessness" that have been conducted on rats, dogs and other kinds of animals. In some of these tests, caged animals are given painful electric shocks until they learn certain maneuvers to obtain their food. As they become adept at avoiding the shocks, the researchers keep changing the rules so that the animals have to keep learning more and more ways to avoid shocks. Ultimately no way remains to escape, and the animals simply give up and lie on the floors of their cages, passively receiving shock after shock. Researchers have attempted to draw parallels between "learned helplessness" and depression in human beings, but some critics have difficulty perceiving their necessity. "What more are we going to learn about human depression by continuing to produce immobility in animals?" asks former animal experimenter Dr. Roger Ulrich, now a research professor of psychology at Western Michigan University.

Electric shock is widely used on many different kinds of animals in various types of research. In one experiment typical of a series that has been under way since 1966 at the Armed Forces Radiobiology Research Institute in Bethesda, Md., 10 rhesus monkeys were starved for 18 hours and then "encouraged" with electric prods to run rapidly on treadmills. This went on for several weeks before the monkeys were subjected to 4,600 rads of gamma-neutron radiation. Then they were retested on the treadmills for six hours, and subsequently for two hours each day until they died. Mean survival time for vomiting, incapacitated monkeys was recorded in A.F.F.R.I.'s report as 37 hours. Dogs have been used in similar experiments, whose purpose is to get an idea of the effects of radiation on human endurance.

Now A.F.F.R.I. and other American research facilities art having to look for new sources of monkeys. In March 1978, the Government of India banned further export of rhesus monkeys to the United States. The native population was dwindling and Prime Minister Morarji R. Desai cited violations of a previous agreement that restricted the use of rhesus monkeys to medical research under humane conditions. "There is no difference between cruelty to animals and cruelty to human beings," the ascetic Prime Minister stated. The International Primate Protection League, a four-year-old watchdog group whose members include many scientists and especially primatologists (Jane Goodall, for one), had spread word in the Indian press that American scientists were using rhesus monkeys in grisly trauma experiments. According to the Primate Protection League, these tests included dipping monkeys in boiling water at the University of Kansas, shooting them in the face with high-powered rifles at the University of Chicago, and slamming them in the stomach with a cannon-impactor traveling at a speed of 70 miles per hour at the University of Michigan.

"I feel justified in stating that fully 80 percent of the experiments involving rhesus monkeys are either unnecessary, represent useless duplication of previous work, or could utilize nonanimal alternatives," wrote Illinois Wesleyan University biologist Dr. John E. McArdle, a specialist in primate functional anatomy, in a letter to Prime Minister Desai, who so far has held firm despite pressure from the American scientific community to rescind the ban. In the meantime, researchers are making do with non-Indian rhesus monkeys and a close relative, the crab-eating macaque.

One of the arguments in favor of animal tests is that under the controlled circumstances of the experimental laboratory they are likely to be objective and consistent. But the results of the same tests conducted on the same kinds of animals often differ from one laboratory to the next. When 25 cooperating companies, including Avon, Revlon and American Cyanamid, conducted a comprehensive study of eye- and skin-irritation tests using rabbits, the results varied widely. The study concluded that these tests "should not be recommended as standard procedures in any new regulations" because they yielded "unreliable results."

One of these tests, the Draize Ophthalmic Irritancy Test, is used to evaluate the effect upon the eyes of household and aerosol products, shampoos and eye makeup. Rabbits are used because their eyes do not have effective tear glands and thus cannot easily flush away or dissolve irritants. The animals are pinioned in stocks and their eyes are exposed to a substance until inflammation, ulceration or gross damages occurs.

Many investigators concede that the data provided by such experiments are often inconsistent and that the stresses caused by crowded cages, callous treatment, pain and fear can affect animals' metabolisms and thus confuse test results. "Since there is hardly a single organ or biochemical system in the body that is not affected by stress," says Dr. Harold Hillman, a British physiologist, "it is almost certainly the main reason for the wide variation reported among animals on whom painful experiments have been done."

Very often, different species respond differently to substances or situations. The rationale for many animal tests is that they predict human reactions, but thalidomide, for example, did not produce deformities in the fetuses of dogs, cats, monkeys and hamsters. On the other hand, insulin has been proved harmful to rabbits and mice although it saves human lives.

Researchers are becoming increasingly dubious about the efficacy of the LD/50, a test for acute toxicity that consists of force-feeding a group of animals a specific substance until half of them die, ostensibly providing a quantitative measure of how poisonous the substance is. In "Painful Experiments on Animals," Dr. Pratt asks what we learn from forcing hair dye or face powder into a dog or rat through a stomach tube until its internal organs rupture.

One small victory for animal-welfare activists that was hailed by many American scientists was the 1975 Canadian ban on the use of vertebrate animals by students participating in science fairs. Children had been awarded prizes for attempting hearttransplant surgery on unanesthetized rabbits, amputating the feet of lizards, performing Caesarean operations on pregnant mice, bleeding dogs into a state of shock and blinding pigeons. Remarking that such "experiments" were a distortion of the spirit of research, science-fair officials ruled out all such projects except observations of the normal living patterns of wild or domestic animals.

In this country, the search for adequate substitutes for laboratory animals was officially launched last summer when the year-old American Fund for Alternatives to Animal Research made its first grant—$12,500 to a biology professor at Whitman College in Walla Walla, Wash. The award to Dr. Earl William Fleck will help finance his development of a test substituting one-celled organisms called tetrahymena for animals in screening substances for tetratogens, agents that can cause birth defects. It is expected that the test, if and when perfected, will be cheaper, quicker, more accurate and certainly more humane than putting thousands of pregnant animals to death.

According to veterinarian Thurman Grafton, executive director of the National Society for Medical Research, people who talk about alternatives to animals are creating false hopes. "These new technologies can only be adjuncts to the use of animals," he claims. "While they serve a purpose in furnishing clues as to what direction a type of research might take, you will always ultimately need an intact animal with all its living complications and interchanging biochemical functions to properly assay a drug."

"Not so," says Ethel Thurston, administrator of the American Fund for Alternatives. "Enough progress has already been made to indicate that certain techniques can completely replace animals."

Several of these techniques have been developed over the last five years in Great Britain, where the Lord Dowding Fund for Humane Research has given grants totaling more than $400,000 to dozens of scientists engaged in research aimed at finding experimental substitutes for animals. Dowding is currently financing several developmental studies of the Ames Test, a promising technique invented by a Berkeley biochemistry profesor, Dr. Bruce Ames, that uses salmonella bacteria rather than animals to determine the carcinogenic properties of chemicals. (It was the Ames Test that recently revealed the possible carcinogenic dangers of certain hair dyes.) Another Dowding Fund recipient, research physician Dr. John C. Petricciani, now with the Food and Drug Administration, has devised a method of assessing how tumors grow by inoculating the tumor cells into skin from 9-day-old chicken embryos instead of into living animals.

Animal tests are frequently replaced by other methods discovered and developed by scientists like Dr. Ames who are not trying to avoid the use of animals per se but are simply searching for simpler and more cost-efficient ways to achieve their goals. Dr. Hans Stiech, a Canadian cancer researcher, for example, has devised a new test for detecting carcinogenicity in chemicals; it uses human cells, takes one week and costs only about $260. The traditional method, using rats and mice, takes three years and costs approximately $150,000.

In addition to egg embryos, bacteria and simple organisms, possible substitutes for animals include tissue cultures, human and other mammal cells grown in test tubes, and organ banks. Preserved human corneas, for instance, might be used to spare rabbits the agony of the Draize test. Computers could also play a role if researchers used them fully to analyze experimental data, predict the properties of new drugs, and test theoretical data. Computers can even be programmed to stimulate living processes. Mechanical models and audio-visual aids can and do substitute for animals as teaching instruments. Simulated human models could provide valid information in car-crash tests.

Last winter, Representative Robert F. Drinan, Democrat of Massachusetts, introduced a bill authorizing the Department of Health, Education and Welfare to fund projects aimed at discovering research methods that would reduce both the numbers of animals used in laboratories and the suffering to which they are subjected.

Meanwhile, medical and military research and an unending stream of new pharmaceutical, cosmetic and household products are resulting in an ever-increasing use of animals in the laboratory.

The most recent and thorough exploration of alternatives is Dr. D. H. Smyth's book "Alternatives to Animal Experiments," which examines every option and weighs its pros and cons. He concludes that there is certainly reason to hope that the numbers of laboratory animals can be drastically reduced, but also warns that it is unlikely a complete phasing out of animal experimentation will happen soon. "By the time we can produce complete alternatives to living tissue," Dr. Smyth writes, "we will not need those alternatives because we will already understand how living tissues work."

Still, Dr. Smyth asks, "Does this mean we can perpetrate any cruelty on animals to satisfy scientific curiosity in the hope that it will one day be useful? To me it certainly does not. . . . Everyone has a right to decide that certain procedures are unacceptable."

Richard Ryder calls animal experimenters to task for trying to have it both ways: Researchers defend their work scientifically on the basis of the *similarities* between human beings and animals, but defend it morally on the basis of the *differences*.

And there's the rub: The differences aren't as reassuringly clear-cut as they once were. We now know that some animals have a more highly developed intelligence than some human beings—infants, for example, or the retarded and the senile. Dr. Ryder asks, "If we were to be discovered by some more intelligent creatures in the universe, would they be justified in experimenting on us?"●

WHY I CARE ABOUT AMERICA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. YOUNG of Alaska. Mr. Speaker, every year the Veterans of Foreign Wars of the United States and the ladies auxiliary have a Voice of Democracy contest for high school students. Over 250,000 secondary students participated competing for the five national scholarships that are awarded as prizes. This year the theme of the contest was "Why I Care About America."

The willing essay from my State of Alaska is presented here. It is written by Carol Ann Goldmann of 8440 Blackberry, Anchorage, Alaska.

WHY I CARE ABOUT AMERICA

(By Carol Ann Goldmann)

There are so many reasons why I care about America, I cannot explain them all in the time allotted. Among the many, three stand out: the advantages of being an American, personal feelings, and my future concerns.

The advantages are materialistic as well as idealistic. Because America functions within a Capitalistic system, there is constant individual competition. This competition provides the incentive leading to many scientific advancements, as well as the gadgetry of modern America. Equally important are the advantages or rights that I hold as an American citizen. No other country on the planet Earth has citizens who enjoy as many freedoms as I do.

The Constitution provides me with certain inalienable rights not found anywhere else. Among these are the freedoms of expression and of self-improvement. Expression is encouraged at the primary school level and is exemplified throughout life. America is the land where one can improve himself, no matter the ethnic or status background. These rights unlike those in the Soviet Union, are protected. Because I want to keep these advantages, I care about what happens to my country.

Secondly, I am an American. America is my home and my country. It is a land to call my own. A feeling a Military Court of the United States tried to take away from Phillip Nolan in the novel *The Man Without A Country* by Edward Everett Hale. The book is fiction, but the point is the same, while one can be physically removed from the country, the feelings remain. America is a part of me and as I care about it, I want to preserve and protect it.

My concern for America's future can be three-fold. It's the feeling of pride, of strength and the conglomerate of half a dozen emotions that churn inside me when I recite the Pledge of Allegiance. I want my family and friends to have this feeling. Many people today do not realize what they are missing. America is a great democratic country. We are not under the oppressive systems as in the Soviet Union, China or Bolivia. As more and more come to this realization, America becomes stronger. We're not a Utopia. America is a country that can "promote the general welfare," as is stated in the Preamble of the Constitution. Since I prefer a strong country, I am concerned about what others feel.

Those are my reasons. Selfish? You bet. But it isn't just caring, the feeling is deeper, it's loving and I love America.●

REVISING THE HANDGUN STATUTE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. BINGHAM. Mr. Speaker, on January 15, 1979, I introduced H.R. 40, a bill which would prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns. A strict handgun control measure is sorely needed in our Nation and is long overdue.

The case against the handgun gets stronger all the time. According to the latest available FBI crime report, about 80 percent of all murders committed in the United States involve a handgun. The majority of all murders committed are "crimes of passion." Also, 81 percent of the murdered persons are close relatives, friends or acquaintances of the murderers. If the handgun were not so readily available in moments of frustration and anger, then these statistics would be vastly altered. Is it not time that we did something to protect these innocent people?

Between the years of 1963 and 1972 more Americans were murdered with handguns in the United States than were killed during the same period of the Vietnam war. There were many demonstrations against the Vietnam war, and many, many people took a very public and firm stand on our country's involvement in it. And yet, while we were being so vocal against the war, we were turning our back on the problem here at home that the easily obtainable handgun had caused. Surely some of the many Americans who support gun control should be willing to stand up and be counted.

Both the Harris and the Gallup polls have reported astounding numbers of Americans in support of handgun control; 77 percent of the general public and 63 percent of all gun owners supported stricter handgun control measures. If only members of this large majority were willing to become as vocal as their anti-gun control counterparts are, stricter handgun control legislation could become a reality.

I am including at the end of my remarks an editorial written by a college student, Lauren Mayer, which appeared in the Yale Daily News on October 30, 1978. Ms. Mayer was an intern at the National Council To Control Handguns (now called Handgun Control, Inc.) in Washington last year. She addresses the handgun problem succinctly and proposes that young people should support handgun control more actively.

I am also inserting an article by T.R.B. of the New Republic that appeared in the February 10, 1979, issue of that periodical which discusses the risk of assassination and makes the case for restrictions on the ready availability of handguns.

[From the Yale Daily News, Oct. 30, 1978]

KEEPING HANDGUNS IN HAND

(By Lauren C. Mayer)

Imagine a killer so cruel that it causes the senseless, tragic deaths of over 10,000 Americans every year, so powerful that hundreds of thousands more will feel its physical and economical effects for years to come.

It isn't a disease, and it isn't a war, that causes so many tragic deaths. The mysterious killer is the handgun, which proliferates uncontrolled. Every day, twenty-four Americans fall victim to handgun murder—one every hour—and nearly twice that number die as a result of handgun accidents and suicides.

Right now there are an estimated fifty million pocketsized murder machines in civilian hands, and at current rates of production, that figure will double by the year 2000. Handguns are used three times more often than any other murder weapon. Since they are easily concealed, they are ideal for violent crime. However, only 30 percent of all handgun murders are committed in conjunction with a felony. The majority of these murders are 'crimes of passion', frequently committed by the so-called law-abiding citizen. The family handgun is an effective, handy means of settling a dispute for good—before the murderer's anger has a chance to subside.

Confronted with these facts, one must ask why nothing has been done. For an answer, imagine a force so persistent that it can bypass the democratic process, so ruthless that it thwarts the wishes of the 80 percent of the American public (and even the majority of gunowners) which favors strict handgun control, and so powerful that it lets a small minority dictate the policies of the U.S. Congress. Some would charge that this force is the influential gun lobby which has persuaded Congress against handgun control legislation. But in fact, we the inactive, passive 80 percent give the gun lobby its power through our apathy. Their voice is the only one our legislators hear, because we aren't saying or doing anything.

If we made legislators aware of our determination to vote for candidates on the basis of their position on handgun control (as our opponents do), if we were willing to contribute our time and money towards realizing our goals (as our opponents do), the seemingly omnipotent gun lobby would wield no more power than a popgun.

Perhaps this country is waiting once again for the leadership of its youth, as it did during the Vietnam War and in the movement to preserve the environment.

A decade ago, the efforts of our older brothers and sisters opened America's eyes to the horror of the Vietnam War. Today, our efforts could carry out that legacy by opening America's eyes to the horrors of handgun violence. In fact, our participation is needed even more urgently on this issue; from 1966–1972, almost three times as many Americans were killed here at home by handguns than in combat in Vietnam, and the violence continues to escalate. Can we continue to watch—in silence?

Imagine a movement so powerful that it could turn around government policy, so important that it could play a major role in ending the reign of terror and violence which has gripped America for far too long. We, the youth of this country, can initiate that movement if we go beyond imagining and act now to end our domestic slaughter.

OCCUPATIONAL HAZARD

The nipping wind rustles the leathery magnolia leaves on either side of the White House as we gather on the South Lawn. The ground is snow-streaked. The honor guard parades, the band plays and the crowd waits on the four sides of the small central area where the stand is set for President and Mrs. Carter and Vice Premier Teng and his wife, Cho Lin, and their tall interpreter. They enter, hear the national anthem, inspect the honor guard, and now Jimmy Carter is speaking right in front of me.

There is a disturbance in the working press section 15 feet from where the president talks. Carter doesn't stop. If the disturber has a gun Carter is a dead man. It is a woman; instead of a gun she has Mao's little red book. She is muffled in a minute and dragged off when her companion, a man, also in the press section, begins to shout. Out he goes. They are not efficient disrupters. If they really shrieked, the sound would have gone around the world, by satellite to China. Even as we stand we can hear the occasional growl of protest coming from the small protest crowd in the Ellipse—over toward the Washington Monument. The loudspeakers out there pick up the intermittent noises; nobody pays attention—there is a ritual protest for almost any foreign visitor.

But this is different. Security has been breached. Reporters for years have insisted on the right of minority pressmen to attend ceremonies. If Sonia Ransom had wanted to she could have killed the president with the greatest of ease; she was properly accredited by the Seattle police; her companion, Keith Kozimoto, by New York police. The Secret Service accepted the accreditations.

Being president is one of the world's dangerous jobs. Occupational hazard—assassination. We don't like to think about it. In the Senate Teddy Kennedy will have another try at gun control legislation in February but chances are slim. Crime is as American as apple pie. A 1976 report to the Conference of Mayors estimated 40 million hand guns in the country, a figure increasing by 2.5 million a year: 100 million by the year 2000. A poll shows two-thirds of the gun owners fear crime, keep guns for self-defense; we citizens arm as superpowers do, fearing arms of our neighbors.

Here's the record on presidential assassinations and attempts:

Andrew Jackson, 1835, attempt.

Abraham Lincoln, 1865, killed.

James Garfield, 1881, killed.

William McKinley, 1901, killed.

Theodore Roosevelt, 1912, ex-president, wounded.

Franklin Roosevelt, 1933, attempt (Mayor Cermak killed).

Truman, 1950, attempt.

Kennedy, 1963, killed (Robert Kennedy later killed).

Ford, 1975, two attempts.

In summary, of the 32 men who have held the presidency since 1835, attempts were made against nine, and four succeeded. One in eight.

I have followed presidents many years and I have come to the conclusion that they can't really be protected. The hand outstretched to greet them from the crowd across the fence may hold a gun. It is part of our culture that we expect presidents to take the chance and allow devilish handguns to be sold. We are alone among nations in this tolerance for guns. I don't mean to be ghoulish, but in the seconds of that disturbance on the South Lawn last Monday (a minor incident—$100 fine for disturbing the peace), I could see the fallen figure, feel the commotion, listen to the shrieks on radio and TV, hear the great newspaper presses rumbling out their black, black headlines.

Weapons don't cost much. Here's the record of prices paid from Robert Sherrill's grim study, "The Saturday Night Special":

Booth shot Lincoln with a .44 derringer	$15.00
Guiteau killed McKinley with a .44 revolver	10.00
Czolgosz used a 5-shot .32 to murder Garfield	4.50
Oswald's mail-order carbine against Kennedy (*plus $1.50 for postage)	21.45*
	$50.95

Oswald got his murder gun from an advertisement in the *American Rifleman*, a magazine published by the National Rifle Association. The ad was placed by the Klein's Sporting Goods Co., Chicago. Gun advertising is a lucrative form of income for the NRA, which has a million members, a $20-million budget, and a building in Washington. It is probably the most powerful single-shot lobby in the city. There is nothing wrong with the sportsmen's guns, of course. But the NRA is so paranoid about restrictions that it protects handguns. Every poll for 50 years has shown the public wants handgun control, but Congress won't let us have it: it is cowed by the NRA, which can whip up half a million letters overnight. The gun lobby is believed to have defeated Senator Joseph D. Tydings, Democrat of Maryland and a champion of control, when he ran for reelection in 1970. Carter backed control in 1976 (his paternal grandfather was killed by a handgun in 1904) but he has enough other problems right at the moment—again Teddy Kennedy will move in.

After Jack Kennedy's assassination, Congress passed a weak gun law including a ban on cheap imported "Saturday Night Specials." Afterward, gun distributors just imported the parts and assembled them here. Last year the House overwhelmingly defeated a mild bill to put serial numbers on new firearms to help police trace them. "When are politicians going to have the courage to stand up against the gun lobby?" demanded *The Washington Star*. *The Baltimore Sun* called it "Power and Paranoia." The NRA didn't mind. It called critics "anti-Constitution fanatics" referring to the "right to bear arms" second amendment.

America's murder rate is the wonder of the world. There are more killings overnight in New York than in Tokyo all year. Handgun Control, Inc., a citizens lobby, keeps track month by month: handguns took 465 lives in December.

Five national committees studied crime between 1967 and 1973, headed by Nicholas Katzenbach, Otto Kerner, Milton Eisenhower, Edmund Brown and Russell Peterson. All advocated gun control. Never in history did so many blue-ribbon commissions investigate one subject to intensively in so short a time—and do so little about it. "It's as easy to buy guns as flashlights," said Edward Kennedy, whose two brothers were murdered.

So my heart jumped as Carter talked and the two beside me were dragged away. Will we get gun control? Of course, yes, in time. But not till another president or two are sacrificed, I think.●

GSA ACTIVITIES

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. EDGAR. Mr. Speaker, on February 27, General Services Administrator Jay Solomon and members of his staff appeared before the Public Works and Transportation Buildings and Grounds Subcommittee to brief subcommittee members on GSA activities and to respond to various matters of concern. An important issue that I raised—Federal policy on the siting of Federal facilities—should be of concern to all Members of Congress and particularly Members representing States in the Northeast-Midwest regions, which historically has suffered most severely from the absence of an effective strategy for locating Federal facilities.

The General Services Administration in the coming weeks is expected to propose regulations to implement Executive Order 12072, one of the President's urban policy initiatives to aid distressed urban areas. Members will recall that that this Executive order makes it Federal policy to give priority to central business districts in the locations of Federal facilities. If effectively implemented through strong, coherent regulations, Executive Order 12072 can have significant impact on stemming the flight of Federal facilities and Federal employment from our central cities. In my remarks I discuss some of the weaknesses that have already appeared in the regulations being drafted by GSA, and I recommend various changes that should be made to more effectively carry out the Executive order. It is my hope that GSA will respond by incorporating the changes I have suggested into its regulations before they are formally proposed.

The Northeast-Midwest Congressional Coalition, which I chair, on March 11 will release a comprehensive paper on the issue of Federal facility siting which examines in detail the potentials and problems of the facility siting program and recommends ways to improve current performance. This document, the first of its kind, will be an invaluable tool to Members of Congress and other interested in insuring that the Nation develops, implements, and follows a strong, coherent, responsible policy on siting Federal facilities.

With that in mind, I would like to insert in the CONGRESSIONAL RECORD my comments and remarks to Mr. Solomon:

Mr. Solomon, it is a pleasure to have you with us this morning. I welcome this opportunity to bring up an issue which has for too long been a matter of little concern to the federal government and to the Congress, namely decisions on the siting of federal facilities. As Chairman of the Northeast-Midwest Congressional Coalition, a bipartisan organization of 213 Representatives from 18 Northeast and Midwestern States with a common interest in the regional implications of national policy, I have become aware of the acute need for a strengthened federal policy in decision-making on the location of federal facilities. This is an area which I anticipate will receive a considerable amount of attention by our Subcommittee in the 96th Congress, since a coherent policy on the siting of federal facilities can do much to reverse the flow of job opportunities and investments out of our central cities. In light of national concern over federal spending, we must look for ways of easing economic distress without incurring new federal spending obligations and without fueling the fires of inflation. The development of a strong and coherent policy on federal facility siting is one obvious way to promote economic growth in our central cities with out increased spending while simultaneously counteracting the negative effects of the anti-inflation program in already distressed areas.

The Northeast-Midwest Institute, the research arm of the Northeast-Midwest Congressional Coalition, has done extensive research on the subject of federal facility siting and will shortly release an in-depth report on the issues. I have made available this morning to members of the Subcommittee a summary of the report which highlights its findings and recommendations.

To give members of the Subcommittee some idea of the impact of federal facility siting on our nation's cities, I mention the following statistics:

Federal civilian employment dropped by over 42,000 in central cities in the period between 1966 and 1976, while it increased by over 24,000 in SMSA's—strong evidence of the flight from central cities to surrounding suburbs;

Economically distressed central cities lost over 93,000 federal civilian employees while noneconomically distressed cities gained over 51,000 employees;

The greatest loss in central city federal civilian employment occurred in the largest economically distressed cities included in the study.

President Carter in August of last year took a major step to reverse these and other trends when he issued Executive Order 12072 as part of his urban policy. This Executive Order makes it federal policy to give priority to central business districts in the location of federal facilities in order to strengthen the redevelopment of central cities. The success or failure of this new policy will largely rest with the General Services Administration, the historical "landlord" of the nation, which has been called upon to develop the regulatory framework to implement this Executive Order.

I have reviewed the draft regulations under development by GSA and would like to express some serious concerns that I have. The draft regulations for facility siting, while moving in the right direction, are deficient in some crucial aspects. Without substantial rewriting, they will not be sufficient to reverse past patterns which hurt most distressed central cities, many of them in the Northeast and Midwest. The following changes should be made:

GSA Washington Headquarters presently requires a review of all location requests that are outside of the central business districts of cities. This requirement should be written into GSA regulations.

GSA Headquarters should also review decisions to relocate out of or reduce personnel in distressed central cities. Without requiring such a review, the movement out of distressed central cities could continue unabated, as long as facilities and personnel were relocated in the central business district of some other city.

An unofficial memo from the White House established a process whereby GSA Headquarters could refer controversial location decisions to the Interagency Coordinating Council for resolution. The IACC would provide additional support for priorities established by Executive Order 12072. Federal programs could also be coordinated to assist in such decisions. HUD, for example, could propose that Urban Action Development Grants be used to ensure that central city space be provided at competitive prices. This process makes sense and should be included in GSA regulations.

GSA should establish a periodic review of the policies, procedures, and practices of other federal agencies which have authority to meet their own space needs to ensure their compliance with national location policies. Since roughly two-thirds of location decisions are made by agencies other than GSA, it is essential that steps are taken to ensure that these agencies are in compliance with federal policy.

The authority cited for different sections of GSA needs to be completed. There is considerable deficiency in the citation of authority in the proposed regulations.

GSA has clarified the potential conflict between legislated first priority given to rural areas and the Presidential priority given to center city business districts in a letter addressed to Secretary of Agriculture Bergland. Meetings are scheduled to finalize this clarification. Such a clarification should be incorporated into GSA regulations.

The General Services Administration now has an unusual opportunity to make amends for the often confusing, arbitrary, and willy-nilly manner in which facility siting decisions were made in the past and to embark on a new policy that will set priorities and symbolize the federal government's commitment to local economic stability. I make these points this morning because it is important that some of the initiatives and policies articulated by Mr. Solomon be set in the new regulations and not lost during the transition to a new Administrator of the General Services Administration.●

WEST VIRGINIA'S VOICE OF DEMOCRACY WINNER

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MOLLOHAN. Mr. Speaker, I am proud to note that this year's West Virginia winner of the VFW's outstanding "Voice of Democracy" competition is Denise Ann Parker of Wolf Summit in my congressional district. Ms. Parker is a senior at Liberty High School in Clarksburg.

She will be in Washington this week along with other State winners for final judging that will result in five National winners being selected.

More than 250,000 students participated in this year's "Voice of Democracy" competition, which was built around the theme "Why I Care About America." Ms. Parker's timely subject was apathy and its detrimental influence on our society. I commend her comments to my colleagues and to everyone who is concerned about the future of our participatory form of government.

I don't care! I just don't care! Apathy is a disease that has long plagued our nation. I have never understood the reason for this disease, yet it continues to spread like cancer, and no vaccination will help. I care and as an American it is your obligation to care.

It is not as though we live in a destructive, dictatorial society. We enjoy many, many rights and freedoms in America and these should not be taken for granted. I don't take these for granted because I realize the significance they hold for our society. They give us uniqueness.

We alone have a free educational system that supplies us with teachers and books and allows us to make our own decisions on how to use these materials.

This is a second door to which we hold a key, the door of choosing our own future. It is a door glittering with prosperity and promise in one of the richest nations in the world. A nation rich with higher educational institutions, sizable paying jobs, the chance to move up in society, and the chance to help govern our nation. Just thinking about these few opportunities, gives me enough reason to care about America.

But there are so many more, such as our right to vote. How marvelous it is to be able to decide for yourself, the leaders you want.

By using wisdom and discretion, we can protect our civic duty, and elect hard working, earnest, and sincere Americans to positions of authority in our government. It is then we begin to immunize ourselves from the dreaded disease, Apathy.

I soon will be old enough to vote, and pray that I, too, will be able to choose wise, capable leaders, to prove to everyone, "I do care about America."

Another important reason I care, is the freedom I have. Our freedoms, although we don't always realize it, are like precious gems, and we must guard them as such. Freedom of speech is one of our special treasures, and must be guarded even more carefully than the others.

If freedom of speech were a knife, I think we would use it more efficiently than we do. If it were a knife, we would take the responsibility of protecting it with much more enthusiasm. Because we all realize that without care and caution, that knife may easily become a weapon rather than a tool.

People who don't care about America, use freedom of speech as a weapon to be used against America, rather than a tool to better her. I will never use my freedom of speech or any freedom I have to damage my homeland, because I care about America.

That is why when tyranny and oppression flare in other lands, it will be my proud privilege to go abroad and do the fighting that my coutnry bids me do. And I will follow triumphantly in the footsteps of those true, loyal, and caring Americans that have set the patriotic example for me to follow. They have shown me how to really care about America.

But there is a battle to be fought here at home. A battle against Apathy. It is slowly overtaking our children and turning them against the people who can help them. We must not allow this disease to infect us further. Apathy can no longer be treated with little concern. It is a political and moral disease that is destroying a way of life, our way of life. Please, get involved, turn the tide, fight the disease, care about America. I do.●

THE DIGGS CASE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. MAZZOLI. Mr. Speaker, on March 1, 1979, I voted with the majority of the House to refer the case of our colleague, the gentleman from Michigan (Mr. DIGGS) to the Committee on Standards of Official Conduct.

I take this opportunity to explain my vote and to comment on related matters.

First, I believe that the gentleman from Michigan (Mr. DIGGS) should refrain from voting in the House or in his committees until all appeals from his conviction have been exhausted and his conviction has been reversed or any sentences or penalties have been discharged.

This restraint would be consistent with the gentleman's conduct in the final days of the 95th Congress, and with the conduct of other Members of the House who have been in his situation.

In the meeting of the Democratic Caucus on February 28, 1979, I voted against tabling the resolution that would have altered House rules to encourage Members convicted of serious crimes carrying a jail sentence of 2 years or more to refrain from voting. However, the resolution was tabled.

As I have stated, I believe the gentleman from Michigan (Mr. DIGGS) should not vote while his appeals are being pursued. And I am confident the House has the power to require his abstaining from voting.

However, I am undecided, after reading all the materials available on the subject, whether the House has the power to expel the gentleman from this Chamber since the people of his district reelected him after—and, therefore, in light of—his conviction on charges of receiving salary kickbacks from his congressional employees.

Because I did not wish to act against the gentleman from Michigan in a matter as profound as his expulsion without fullest information, I supported the distinguished majority leader's motion to refer this matter to the House Committee on Standards of Official Conduct.

The committee may not be able to resolve all the legal and constitutional problems, but its investigation, report, and recommendations will shed much light and add greatly to the debate which will occur in the future on the question of expelling the gentleman from Michigan, from the House of Representatives.

In this connection, I place confidence in the assurances of the distinguished chairman of the Committee on Standards of Official Conduct, Mr. BENNETT, that the House will have the committee's report within 60 days.

If this is not the case, and if the committee does not recommend—at least—that the gentleman from Michigan (Mr. DIGGS) refrain from voting until his conviction is set aside or until all sentences or penalties have been fulfilled, then I shall have no other course but to support sterner actions.

In a related matter, I urge the Committee on Standards of Official Conduct to review House rule 43, clause 10.

I do not believe House rules should permit the reelection to Congress of a convicted Member to bar the House of Representatives from taking action against that Member.

Nor should the rule contain any ambiguity about the authority of the House to prevent an errant Member from voting during pendency of appeals.

In studying this question, the committee may find it useful to draw a distinction between serious crimes which relates directly to the Member's use of his or her office and other serious crimes.

My constituents are—correctly—greatly concerned about the prospect of a man convicted by a jury of the serious abuse of his office sitting in Congress and voting on laws that affect national and international policies.

I share their concern. And I urge the Committee on Standards of Official Conduct to act expeditiously on this matter.●

VOTE ON BUDGET CUTS FOR HEALTH RESOURCES PROGRAMS

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. CAVANAUGH. Mr. Speaker, tomorrow this body will be voting on H.R. 2439, the budget rescission bill, fiscal year 1979. The primary emphasis of this bill is to reduce fiscal year 1979 funding for health resources in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1979 (Public Law 95-480) and the 1979 continuing resolution (Public Law 95-482). In this regard President Carter sought a reduction of $167,893,000 in funds appropriated and the full Appropriations Committee rejected that reduction. However, the committee did approve and we will be voting on, rescissions of $61,796,000. These rescissions for health resources funding specifically affect medical and dental school capitation grants, emergency medical training funds, and nurse training programs.

It has been reported that these health resources funds are no longer necessary in that the program goals have been accomplished, that new funding sources are available, and that these programs are the first wave of budget cuts to reduce the budget deficit and balance the budget.

Mr. Speaker, the funds are necessary. The shortage of physicians, dentists, and nurses is acute especially in rural areas and inner cities. In my State of Nebraska the State health department's division of health systems planning has identified a current unmet need of 2,707 registered nurses. In addition, there are a great many rural communities in Nebraska without the services of even one physician thus requiring those persons to travel great distances to seek basic health services. Our emergency medical services are only beginning to be developed fully in rural areas to provide basic emergency treatment capabilities.

In addition, it seems incongruous to me to have given the students in those institutions the right to rely on fiscal year 1979 funding resolutions and then withdraw that funding. Admissions have been made to medical, dental, and nursing schools and teaching contracts have been signed in reliance upon those 1979 funding levels. With little or no time to adjust we are asking the health training institutions to seek other sources of funding or cancel enrollment acceptances, breach employment contracts, or reduce educational levels in fiscal year 1979 to satisfy budgetary objectives.

These health resources programs, unlike many of the other funding rescissions found in H.R. 2439 are vital, necessary, and extensively used. The first step in providing basic health care delivery to this country is the training of adequate numbers of health professionals to provide those services. The need is unmet and no new programs to meet those needs have been offered. Therefore, I am prepared to offer an amendment on the floor of the House of Representatives when the House considers H.R. 2439 to strike from the bill the rescission of $61.8 million for health resources programs and to restore full funding for those programs for fiscal year 1979.

The language of my amendment follows:

> On page 2: Delete lines 21 through 26.●

THE ADMINISTRATION'S EFFORTS TO DISCOURAGE INVESTMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. KEMP. Mr. Speaker, an extraordinary article appeared in this morning's Wall Street Journal. I say extraordinary because no other word describes the argument now being advanced by the administration, which was outlined by reporter Richard F. Janssen—that we need to discourage investment as a way to reduce inflation.

The thesis of unnamed administration officials quoted by Mr. Janssen is that investment must be discouraged because it leads to wealth, and wealth creates inflationary demands and expectations. Therefore, the administration is putting "unusual pressure on investment on several fronts."

Prevailing upon the Federal Reserve to maintain high nominal interest rates with a tight money policy would discourage borrowing for capital investment, according to the administration, and thereby "cool" our "overheated" economy. The article explains:

> It isn't out of any ideological hostility to Wall Street that stock market strength is deemed expendable at the moment, officials say. It is simply, explains one, that falling stock prices "reduce wealth" and leave people less to spend, "so you still work through the stock market" to get at the consumer.
>
> Which is central to the economy-cooling effort. Consumer outlays account for by far the largest chunk of the gross national product, and "consumers are spending like there's no tomorrow," as one Washington economist puts it. This not only keeps the economic atmosphere boomily conducive to rapid wage and price increases, but suggests a dangerous grassroots skepticism about whether the government will ever succeed in keeping things from getting constantly more expensive.

This theory of administration policymakers is, of course, sheer economic nonsense. The stock market does not respond to nominal interest rates. It responds to after-tax return on investment. In fact, the consumer spree of spending and indebtedness we witnessed in December and January is proof of the fact that real interest rates, after adjustment for inflation, have been very low.

If the stock market is so sensitive to nominal interest rates, why did the market dive for a week after President Carter announced an anti-inflation program last Oct. 24 which signaled no change in the administration's loose money policies—then skyrocket the day after our panicked monetary authorities raised interest rates a full point? The stock market begs for a tight money policy, because Government-caused inflation pushes investors, like everyone else, into higher tax brackets without real increases in income, and overstates profits by understating depreciation—reducing real after-tax return on investment in both cases.

On the theory that ignorance is bliss, it would be tempting to accept this serendipitous improvement in the administration's money policy without comment, and leave our policymakers undisturbed in their bliss. It would be tempting, that is, except that the administration's extraordinary logic is leading toward disaster in other policy areas. The Wall Street Journal article continues:

> Often, the government has countered a consumer boom head-on, directly draining away purchasing power by an increase in income taxes. But that avenue is politically off limits. It was only on Jan. 1 that income tax cuts took effect, the public mood is vehemently antitax, and what they're talking about on Capitol Hill isn't any quickie surcharge, it's the timing of the next round of tax relief.

While it is true that the administration has declined to avoid debating the merits of raising taxes in Congress, it is not true that taxes are therefore being reduced, or even remaining the same in real terms. Even after last years so-called tax cut, taxes are rising 13.4 percent this year, 10.5 percent in fiscal 1980, and 14.5 percent in fiscal 1981, without any law or debate. This is mostly because of the effects of inflation pushing people into higher tax brackets, which will raise personal income taxes $24 billion this year even after the "tax cut." The administration has flatly stated that it will oppose any attempts to prevent these automatic tax increases by indexing the tax brackets, let alone attempts to reduce tax rates to make up for some past "bracket creep."

Since investors are interested in after-tax return on investment, it is not the government's apparent intention to print less excess money which distresses the stock market. A less inflationary money policy increases the after-tax profitability of investment. It is the administrations' effort to raise taxes and otherwise increase economic disincentives which is discouraging investment.

Inflation is, by definition, a rise in prices caused by too much money and too few goods. Restraining the excessive growth of the money supply is a positive step compared with the first 2 years of this administration's monetary policy. But it will not make much difference to the rate of inflation if the Government actively discourages the production of goods at the same time. Given the same money policy, a drop in the supply of goods will raise the price of goods, not lower it.

Mr. Speaker, I regretfully conclude that the administration has stumbled onto a less destructive monetary policy for the wrong reasons, but is leading the country to disaster because, for the same wrong reasons, it has not a clue about formulating fiscal policy which can avoid recession and promote economic growth without inflation.

We on Capitol Hill are indeed considering "the timing of the next round of tax relief." It is clearer than ever that we need to cut tax rates now—we needed it yesterday—in the interest of improving productivity, controlling inflation, increasing economic growth, and protecting Americans from the hardships of another recession caused by the Government's fiscal and monetary mistakes.

The article follows:

[From the Wall Street Journal, Mar. 5, 1979]

REVIEW OF CURRENT TRENDS IN BUSINESS AND FINANCE

NEW YORK.—Some of President Carter's most poignant moments must come when deciding he needs to sacrifice something important for an end of even more pressing priority: A political pal to cut short a scandal, a friendly regime to avoid a superpower clash, and, it appears, capital investment to win some relief from inflation.

This aspect of the administration's economic strategy isn't a very explicit one. Some degree of it is, however, implicit in the proclaimed policy of seeking "moderation" in overall economic growth without allowing fiscal and monetary restraint to fall as heavily as usual on the traditionally most vulnerable sectors, such as homebuilding and the poor.

While that course can't be faulted on fairness grounds, it admittedly isn't ideal. When any nation's inflation problem is seen to spring from excessive government and consumer spending, the usual solution would be a tilt toward more saving, healthier financial markets, and greater investment in plant and equipment to produce more goods more efficiently.

But Washington sources say circumstances compel them instead to put unusual pressure on investment on several fronts.

One front is the stock market, which is historically susceptible to the primary anti-inflation tool these days, the Federal Reserve's high interest rates. In addition to making on-the-cuff stock purchases prohibitively expensive, this tool works by diverting funds from the turbulent and demoralized equity market into the surer thing of debt securities and their double-digit returns.

It isn't out of any ideological hostility to Wall Street that stock market strength is deemed expendable at the moment, officials say. It is simply, explains one, that falling stock prices "reduce wealth" and leave people less to spend, "so you still work through the stock market" to get at the consumer.

Which is central to the economy-cooling effort. Consumer outlays account for by far the largest chunk of the gross national product, and "consumers are spending like there's no tomorrow," as one Washington economist puts it. This not only keeps the economic atmosphere boomily conducive to rapid wage and price increases, but suggests a dangerous grassroots skepticism about whether the government will ever succeed in keeping things from getting constantly more expensive.

Often, the government has countered a consumer boom head-on, directly draining away purchasing power by an increase in income taxes. But that avenue is politically off limits. It was only on Jan. 1 that income tax cuts took effect, the public mood is vehemently antitax, and what they're talking about on Capitol Hill isn't any quickie surcharge, it's the timing of the next round of tax relief.

In light of laments from the New York Stock Exchange about the dwindling ranks of small investors, depressing share prices mightn't seem a viable device anymore for making the average American temper his spending. But administration aides express confidence that this tack can still succeed, and a veteran consumer pollster concurs—in spades.

"If you want to scare the devil out of the consumer and get a recession, lower the stock market—which is what they're doing," asserts Albert Sindlinger. To be sure, the Media, Pa., pollster doubts much direct impact, figuring most individuals today use only funds they know they can afford "to gamble with" for stock market purchases.

But the decline in individuals' direct shareholding, Mr. Sindlinger stresses, has been far more than offset by two other factors—the spread of indirect ownership through mutual funds, and the vastly increased attention directed to the stock market by the press, television and radio. Back in 1957, "a maximum of 17%" of consumers he polled by phone even knew that the Dow Jones average is a stock market index. Now, he reports, "at least 65% are telling me what the market did yesterday."

Whatever the psychological effect on the consumer proves to be, Washington is also counting on the combination of depressed share prices and high interest costs to discourage business from raising very much capital through either new stock or bond issues. The cost of capital has escalated enough already that it probably is a major reason business men are being so cautious about investing in inventory, officials figure.

The same "cold, hard calculations of profitability" ought to be giving businessmen pause about their plant and equipment investment plans, too, one strategist contends. Indeed, the administration's main hope for high interest rates to bring some relief from inflation may well lie in sacrificing—temporarily, to be sure—demand for capital goods and construction, including some decline in housing.

That comes across as a heavy-hearted hope. As the President's Council of Economic Advisers made clear in its recent annual report, there's nothing the nation needs more for its future strength—in productivity, employment, price stability, the dollar, the whole works—than more capital formation and "a strong rise in business investment."

Nothing, that is, except to persuade people, and fast, that "inflation will decline steadily over the next five years." If that happens, the council almost promises the investment prerequisites of falling interest rates and "strongly rising stock prices." Meanwhile, no matter how these ends were sought, a Carter man defends, "you would always have some sacrifice."—RICHARD F. JANSSEN.●

A FEW PREDICTIONS ABOUT THE 96th CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report from January 17, 1979, into the CONGRESSIONAL RECORD:

A FEW PREDICTIONS ABOUT THE 96TH CONGRESS

Here are a few observations and predictions for the first session of the 96th Congress, meeting this year.

TAXES

There is no discussion at the moment of another tax cut, but if the economy dips into a recession, as many economists predict, all bets are off and a tax cut becomes a probability. A plan for automatic lowering of tax rates to cushion inflation will be pushed, but it will not pass. President Carter's real wage insurance, a key aspect of his anti-inflation program, faces a rough road.

SPENDING

The Congress will cooperate with the President on most proposals to hold down the deficit. It will not exceed his less than $30 billion deficit and may even reduce it a little. We can expect modest across the board cuts on the appropriations bills. As things stand now, President Carter will send a budget to Congress on January 22 for the fiscal year 1980 like this: expenditures, $533 billion; revenues, $504 billion; deficit, $29 billion. These figures are not final, but any changes are likely to be small. In the event of a recession government spending might be increased to pump up the economy.

DEFENSE

The Congress will support the President's plans to boost military spending.

SALT

At the moment the President faces an uphill (some would say impossible) fight in the Senate on ratification of the SALT II treaty. My own view is that today the President is far short of the 67 votes he needs, but with a strong effort he may be able to obtain ratification of the treaty.

GOVERNMENT REORGANIZATION

Reorganization of the executive branch could be a major topic in the 96th Congress. A new Department of Education is likely. Proposals to create two new departments for natural resources and economic development will be considered carefully.

ENERGY

A big fight is brewing on the decontrol of oil prices. The dilemma is that ending the controls will raise prices and aggravate inflation, but it might also curb oil imports and force conservation. The most likely result is presidential manipulation of oil price controls with gradually increasing prices. As part of this approach, President Carter could ask Congress for new taxing authority (e.g. windfall profits or excess profits tax) to cushion consumers against the higher prices.

MINIMUM WAGE

The proposal to delay the scheduled increases in the minimum wage will fail.

HEALTH INSURANCE

Congress will continue to work on proposals for phased-in coverage, but a comprehensive plan will not pass this year. I anticipate the President will link in some way catastrophic health insurance with hospital cost containment legislation, and indicate that this is the first stage of a national health insurance plan.

WELFARE REFORM

Comprehensive welfare reform will not pass either. A scaled down version may be given serious consideration.

FOREIGN POLICY

Further fights over Panama Canal implementation legislation can be expected. Aid to the Middle East will be approved.

OVERSIGHT

With virtually no new programs in President Carter's budget, the Congress will turn to its oversight function and intensify its efforts to improve the operation of existing programs.

FOREIGN TRADE

This could be an active legislative area with pressures continuing to build for protection of domestic industries and to increase exports to cut the trade deficit. The multilateral trade agreement now being negotiated, which Congress must vote up or down 60 days after it has been introduced, will be approved, as will the bill to extend the government's right to waive penalties on subsidized exports.

TRANSPORTATION

Bills to deregulate the trucking and railroad industries will not go through easily, despite the success of airline deregulation and strong backing from the Carter Administration.

Among the proposals that failed in the 95th Congress and are too close to predict in the 96th Congress are a lobby reform bill, the Alaska Lands bill and public financing of congressional elections.

The expectation for this year is that the President and Congress will be more in concert. Dealings between the two branches should improve over the erratic relations of the past two years.●

NEED FOR A STRONG MILITARY RESERVE PROGRAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1979

● Mr. SKELTON. Mr. Speaker, the Armed Forces Reserves and National Guard are vital to our Nation's national security. The Selected Reserve components provide the sole available source of trained units to augment the Active Forces upon mobilization. The other part of the Ready Reserve, the Individual Ready Reserve, is necessary to bring undermanned units of the Active Force and Selected Reserve to full war strength, and to provide trained replacements in the event of casualties. In addition, Reserve and National Guard units serve as an important link between the military and local communities, helping to generate important citizen support for our Armed Forces.

Since coming to Congress, I have made it a practice to visit Reserve and National Guard units in my district and talk with the Members. I do not have to exaggerate to say that these guardsmen and reservists are concerned about the present and future health of their units. They are having great difficulty in recruiting new members and in retaining those who are already members.

I am sure that many are familiar with studies and statistics that indicate that this trend is nationwide. From fiscal year 1973 to fiscal year 1977 our Selected Reserve strength decreased 12 percent. By the end of fiscal year 1978, the actual strength of the Selected Reserve was 189,000 below the fiscal year 1973 authorized level. In addition, the Individual Ready Reserve's ability to provide pretrained personnel to meet mobilization manpower requirements is dangerously inadequate.

This shortfall in personnel is so serious that it threatens our ability to effectively mobilize in the defense of our Nation. I have seen estimates that there would be a shortage of 500,000 trained personnel in the first 6 months in the event of a mobilization, 350,000 in the critical Army combat arms specialties. To fill these shortages, we would be forced to reinstate the draft or activate the Standby Reserve. But both of these alternatives would be slow, perhaps too slow. Even with the most efficient standby draft system imaginable, it would take 4 months to deliver trained draftees to the Armed Forces. This is time we may not have.

Therefore, we must have a strong, effective Ready Reserve Force at full authorized strength. Many are familiar with the various proposed alternatives to achieve this goal, so I will not go into them at this time. However, I will stress the need for a definite commitment on the part of Congress and the administration for a strong Reserve and National Guard. I was talking recently with some Naval Reservists from my area, and they told me that one of their biggest difficulties in recruiting new reservists was the uncertainty over force levels. According to these dedicated, career reservists, people are not inclined to affiliate with a Reserve organization with an uncertain future. Those who are already in the Naval Reserve do not like the instability imposed by constant changes in force levels and mission. So, they are likely to leave at their first opportunity. We in Congress must remove this uncertainty and instability by establishing Reserve Force levels that meet our national security needs, and giving our Armed Forces the ability to meet those levels.

There is one area which I want to speak to specifically. I recently circulated copies of a letter from retired Maj. Gen. William H. Blakefield, president of Kemper Military School and College in Boonville, Mo., to the members of this committee. The letter contained a proposal to help alleviate the shortage of junior officers in our Reserves and National Guard by granting 2-year ROTC scholarship to military junior colleges, with the obligation to serve in the Reserves or National Guard for a specified period of time. Members of the committee who have contacted me have reacted favorably to this idea, and I have requested that appropriate legislation be researched and prepared. When a draft is ready, I plan to introduce such a measure. I might add that I have personal interest in this proposal since two of the Nation's six military junior colleges are located in Missouri's Fourth Congressional District, which I represent.

This proposal won't solve all of our shortage problems. But I believe it can make a contribution. I offer my support to the efforts to solve all the problems associated with our Reserve Forces, and strengthen this vital component of our national defense.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 6, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

8:30 a.m.

Judiciary

To resume hearings on S. 241, to authorize funds through fiscal year 1983 for the Federal Law Enforcement Assistance Administration.

2228 Dirksen Building

9:30 a.m.

Armed Services

To receive testimony, in closed session, on tactical aircraft, air defense, and tactical missile threat assessment and net assessment of U.S. and allied forces.

212 Russell Building

Appropriations

Agriculture and Related Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Agriculture.

1114 Dirksen Building

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.

235 Russell Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To continue hearings on the Federal responsibilities for radiation protection.

3302 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To resume oversight hearings on Federal programs to combat cancer.

5110 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings followed by consideration of the nomination of Dale E. Hathaway, of the District of Columbia, to be Under Secretary of Agriculture for International Affairs and Commodity Programs.

322 Russell Building

Appropriations

Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the defense establishment.

1223 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1970 for the Department of the Interior, to hear outside witnesses.

1224 Dirksen Building

Armed Services

Manpower and Personnel

To hold hearings on proposed military procurement authorizations for fiscal year 1980, receiving testimony on the land, air, and naval force structure plans.

224 Russell Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Energy and Natural Resources

To continue review of those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.

3110 Dirksen Building

Environment and Public Works

To consider those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.

4200 Dirksen Building

Finance

To continue consideration of those issues relating to the implementation of the Multilateral Trade Negotiations.

2221 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the implementation of the Natural Gas Policy Act (P.L. 95-621).

357 Russell Building

10:30 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.

S-146, Capitol

Select on Intelligence

To hold closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.

S-407, Capitol

2:30 p.m.

Foreign Relations

To hold hearings on the situation in Rhodesia.

4221 Dirksen Building

MARCH 8

9:15 a.m.

Judiciary

To hold hearings on the proposed Merger Act, to supplement and improve the enforcement of provisions of the antitrust laws.

2228 Dirksen Building

9:30 a.m.

Armed Services

To receive testimony, in closed session, on Army aviation combat aircraft.

212 Russell Building

Appropriations
Agriculture and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Agriculture.
S-126, Capitol

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the defense establishment.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Selective Service System National Consumer Cooperative Bank, and the National Credit Union Administration.
5302 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1318 Dirksen Building

Energy and Natural Resources
To continue review of those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
3110 Dirksen Building

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

Finance
To continue the consideration of those issues relating to the implementation of the Multilateral Trade Negotiations.
2221 Dirksen Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To receive testimony, in closed session, on the results of the President's recent trip to Mexico and to review the situation in Nicaragua.
S-116, Capitol

Joint Economic
To receive testimony on the economic outlook and the prospects for inflation and unemployment.
6226 Dirksen Building

2:00 p.m.

Appropriations
To hold hearings on proposed legislation to rescind certain budget authority in the message of the President of January 31, and to consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
S-128, Capitol

Appropriations
Legislative Branch Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Legislative Branch of the Government.
1114 Dirksen Building

Appropriations
State, Justice. Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

2:30 p.m.

Judiciary
Business meeting to consider those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15, followed by consideration of pending nominations, S. 300, to permit those injured by antitrust violations to recover civil damages measured by the extent of their injury, and S. 443, making certain administrative changes which arose from the redrawing of the Federal judicial districts in the State of Illinois.
2228 Dirksen Building

MARCH 9

9:00 a.m.

Judiciary
Antitrust, Monopoly and Business Rights Subcommittee
To mark up S. 390, proposed Antitrust Procedural Improvements Act.
5110 Dirksen Building

9:30 a.m.

Judiciary
To hold hearings on S. 300, proposed Antitrust Enforcement Act.
1114 Dirksen Building

Veterans' Affairs
To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act, to be followed by markup of S. 7, to revise and improve certain health care programs of the Veterans' Administration.
412 Russell Building

10:00 a.m.

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1960 for military construction programs.
1223 Dirksen Building

Finance
Revenue Sharing, Intergovernmental Revenue Impact, and Economic Problems Subcommittee
To hold hearings on S. 200, proposed Intergovernmental Antirecession and Supplementary Fiscal Assistance Amendments Act.
2221 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To resume oversight hearings on the programs of the Office of Federal Procurement Policy.
3302 Dirksen Building

Joint Economic
To hold hearings on the employment-unemployment and price data situation for February.
1202 Dirksen Building

11:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Council on Environmental Quality, and the National Commission on Air Quality.
1318 Dirksen Building

2:00 p.m.

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 12

9:00 a.m.

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 5, 6, 18, and 38, proposed amendments to the Constitution, to require a balanced Federal budget.
6226 Dirksen Building

9:30 a.m.

Human Resources
To hold joint hearings with the Committee on Veterans' Affairs on the nomination of Dr. Dennis R. Wyant, of Maryland, to be Deputy Assistant Secretary of Labor for Veterans' Employment.
4232 Dirksen Building

Veterans' Affairs
To hold joint hearings with the Committee on Human Resources on the nomination of Dr. Dennis R. Wyant, of Maryland, to be Deputy Assistant Secretary of Labor for Veterans' Employment.
4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.
235 Russell Building

Finance
Taxation and Debt Management Subcommittee
To hold hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

Finance
Revenue Sharing, Intergovernmental Revenue Impact, and Economic Problems Subcommittee
To resume hearings on S 200, proposed Intergovernmental Antirecession and Supplementary Fiscal Assistance Amendments Act.
1224 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Department of Commerce.

S-146, Capitol

Select on Intelligence

Budget Authorization Subcommittee

To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.

S-407, Capitol

MARCH 13

9:30 a.m.

Judiciary

To resume hearings on S. 241, proposed Justice System Improvement Act.

2228 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Agency for International Development.

1114 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To continue hearings on proposed legislation to extend through fiscal year 1984 the Export Administration Act.

5302 Dirksen Building

Commerce, Science, and Transportation

To hold a business meeting on pending calendar business.

235 Russell Building

Finance

Health Subcommittee

To told hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).

2221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To hold hearings on nuclear waste management.

6226 Dirksen Building

Governmental Affairs

Federal Spending Practices and Open Government Subcommittee

To hold hearings on S. 5, proposed Federal Acquisition Reform Act.

3302 Dirksen Building

2.00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.

S-146, Capitol

2:30 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

MARCH 14

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

Judiciary

To resume hearings on S. 300, proposed Antitrust Enforcement Act.

1114 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To estimate hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.

1318 Dirksen Building

Banking, Housing, and Urban Affairs

To consider those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.

5302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.

6202 Dirksen Building

Finance

Health Subcommittee

To resume hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).

2221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To continue hearings on nuclear waste management.

5110 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Department of Commerce.

S-146, Capitol

Select on Intelligence

Budget Authorization Subcommittee

To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.

S-407, Capitol Building

MARCH 15

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on S. 354, proposed supplemental authorizations for FY 1979 for NASA, and S. 357, proposed authorizations for FY 1980 for NASA.

235 Russell Building

Human Resources

Education, Arts, and the Humanities Subcommittee

To resume hearings to explore the areas of basic learning skills used in elementary and secondary schools.

6226 Dirksen Building

Human Resources

Health and Scientific Research Subcommittee

To continue hearings on roles of women in health and science.

4232 Dirksen Building

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for international programs, Department of State.

1114 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.

S-146, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.

6202 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Federal Services Subcommittee

To continue hearings on nuclear waste management.

Room to be announced

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary Subcommittee

To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.

S-146, Capitol

MARCH 16

9:30 a.m.

Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 230, proposed Nurse Training Amendments Act.

4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the Northeast corridor improvement project.
235 Russell Building

MARCH 19

9:30 a.m.
Judiciary
To resume hearings on S. 300, proposed Antitrust Enforcement Act.
1114 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To resume hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed FY 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 20

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To resume hearings on S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.
4332 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for International Financial Institutions, Department of the Treasury.
1114 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department of HEW.
S-128, Capitol

Energy and Natural Resources
Energy Regulation Subcommittee
To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To continue hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.
S-146, Capitol

MARCH 21

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1114 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board of International Broadcasting.
S-146, Capitol

Select on Intelligence
Budget Authorization Subcommittee
To resume closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol Building

MARCH 22

9:30 a.m.
Veterans' Affairs
To resume hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.
1224 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
S-126, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, proposed Reclamation Reform Act.
3110 Dirksen Building

Finance
Health Subcommittee
To mark up proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.
S-146, Capitol

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To continue hearings on S. 14, the Reclamation Reform Act.
3110 Dirksen Building

Select on Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1980 authorization requests for intelligence operations of the Federal Government.
S-407, Capitol

MARCH 23

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on a proposed joint government/industry program of advanced automotive technology development.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1980 for the Environmental Protection Agency, and the Consumer Information Center.
1318 Dirksen Building

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
1223 Dirksen Building

Finance
Health Subcommittee
To continue markup on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building

MARCH 26

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

Banking, Housing, and Urban Affairs
To resume hearings on S. 85, to strengthen the ability of the Federal Reserve Board to conduct monetary policy, promote greater competitive equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments system.
5302 Dirksen Building

MARCH 27

9:30 a.m.

Human Resources
To hold hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

Human Resources
Child and Human Development
To mark up S. 239, authorizing funds for programs administered by Domestic Volunteer Service Act (ACTION).
6226 Dirksen Building

10:00 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for military construction programs.
S-126, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 85, to strengthen the ability of the Federal Reserve Board to conduct monetary policy, promote greater competitive equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments system.
5302 Dirksen Building

Finance
To hold hearings on S. 350 and S. 351, to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

9:00 a.m.

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed legislation on biomedical research programs.
Room to be announced

9:30 a.m.

Commerce, Science, and Transportation
To hold oversight hearings on the trucking industry economic regulation by the Federal Government.
235 Russell Building

Human Resources
To continue hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings to explore the areas of basic learning skills used in elementary and secondary schools.
457 Russell Building

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 85, to strengthen the ability of the Federal Reserve Board to conduct monetary policy, promote greater competitive equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments system.
5302 Dirksen Building

Finance
To continue hearings on S. 350 and S. 351, to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

Human Resources
Health and Scientific Research Subcommittee
To continue oversight hearings on health programs administered by the National Institutes of Health.
4232 Dirksen Building

Veterans' Affairs
To hold hearings to receive legislative recommendations for FP 1980 from AMVETS, Paralyzed Veterans of America, Veterans of World War I, blinded veterans, and Purple Heart.
6226 Dirksen Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for ACTION—International Program.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.
1224 Dirksen Building

10:30 a.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

2:00 p.m.

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
S-146, Capitol

MARCH 30

9:30 a.m.

Commerce, Science, and Transportation Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration, the American Battle Monuments Commission, and the U.S. Army cemeterial expenses.
1318 Dirksen Building

APRIL 2

9:30 a.m.

Human Resources
To resume hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

APRIL 3

9:30 a.m.

Human Resources
To continue hearings on S. 420, to strengthen State workers' compensation programs.
4232 Dirksen Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for programs administered by the Department of State.
1114 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

APRIL 5

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for foreign assistance programs.
1114 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation, and the Office of Science and Technology policy.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
318 Russell Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on the implications of the proposed multilateral trade agreements for U.S. exports.
5302 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
318 Russell Building

APRIL 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

11:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational employment.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

Finance
To markup S. 350 and S. 351, to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Emergency Management Administration.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on S. Res. 59, proposed Small Savers Equity Resolution.
5302 Dirksen Building

Finance
To continue markup on S. 350 and S. 351, to encourage and facilitate the availability, through private insurance carriers, of basic health insurance at reasonable premium charges.
2221 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Treasury.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on S. Res. 59, proposed Small Savers Equity Resolution.
5302 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Human Resources
To hold oversight hearings on the conditions, trends, and new approaches to linking education, health, and work in the coming decade.
4232 Dirksen Building

Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts, and on proposed legislation extending certain veterans' health benefits programs through FY 1980.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear congressional witnesses.
1223 Dirksen Building

APRIL 26

9:30 a.m.
Human Resources
To continue oversight hearings on the conditions, trends, and new approaches to linking education, health, and work in the coming decade.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Office of Surface Mining Reclamation and Enforcement, Office of Water Research and Technology.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1318 Dirksen Building

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93-113).
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Park Service.
1223 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD–Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Smithsonian Institution.
1223 Dirsken Building

MAY 3

10:00 a.m.
Appropriations
HUD–Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for HUD and independent agencies.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Energy.

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 8

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Energy.
1223 Dirksen Building

MAY 9

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Energy.
1223 Dirksen Building

MAY 10

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Energy.
1223 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

MAY 17

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 1979*

The House met at 12 o'clock noon.

Rabbi Joseph Hirsch, Temple Shaarei Tikvah, Arcadia, Calif., offered the following prayer:

Heavenly Father: We ask You to bless these men delegated with the responsibility of governing this country, with Your gifts of wisdom, strength, and perseverance. Under providence, this country has grown from humble beginnings into the great and prosperous land that it is today. We thank You for the privilege of living in such a land, but we also know that privileges entail obligations.

May our leaders thus be inspired with a sense of mission. May they realize that it is in their power to make the prophetic vision a reality, to create a society where justice and kindness will always prevail. May this land then find its greatness in serving as the example of democracy and decency for the entire world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 88

Resolved, That the Senate has heard with profound sorrow and extreme regret the announcement of the death of the Honorable Dewey F. Bartlett, who served in the United States Senate from the State of Oklahoma from 1973 until 1979.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased, together with a transcript of remarks made in the Senate in praise of his distinguished service to the Nation.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message further announced that the Vice President, pursuant to section 1024 of title 15, United States Code, appointed Mr. SARBANES to fill the vacancy of the majority party membership on the Joint Economic Committee.

And, pursuant to Public Law 94–304, appointed Mr. MCGOVERN to the Commission on Security and Cooperation in Europe, in lieu of Mr. Clark, retired.

And, pursuant to Public Law 86–420, appointed Mr. BENTSEN as chairman of the Senate delegation to the Mexico-United States Interparliamentary Conference, to be held in Mexico in May 1979.

And that the President pro tempore, pursuant to Public Law 93–618, and upon the recommendation of the chairman of the Committee on Finance, appointed the following Senators as Official Advisers to the U.S. delegation to negotiations relating to trade agreements: Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. DOLE, and Mr. ROTH; and as alternate Official Advisers to the above negotiations: Mr. HARRY F. BYRD, JR., Mr. NELSON, Mr. GRAVEL, Mr. BENTSEN, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BOREN, Mr. BRADLEY, Mr. PACKWOOD, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, Mr. WALLOP, and Mr. DURENBERGER.

WELCOME TO DR. JOSEPH HIRSCH, RABBI, TEMPLE SHAAREI TIKVAH, ARCADIA, CALIF.

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, I am pleased to welcome Dr. Joseph Hirsch, rabbi at Temple Shaarei Tikvah in the city of Arcadia, Calif., who opened our session today with his meaningful prayer.

Rabbi Hirsch, a constituent of the congressional district which I represent, California's 26th, is visiting in Washington, D.C., with a Jewish leadership delegation to the Community Relations Committee of the Jewish Federation Council. In California, Rabbi Dr. Joseph Hirsch is a spiritual leader of Temple Shaarei Tikvah, of Arcadia, Calif., a Conservative congregation affiliated with the United Synagogue of America. Rabbi Hirsch has been with the temple since 1976, after having served as a chaplain with the Air Force in Okinawa.

Rabbi Hirsch received his B.A. with honor in history from Yeshiva College, in New York City; he received his masters and was ordained a conservative rabbi at the Jewish Theological Seminary of America; he was awarded his doctorate in modern Jewish history by Yeshiva College.

In his present position in Arcadia, as well as his prior pulpits, Rabbi Hirsch has been active in community and interfaith affairs. When he was rabbi of Congregation Agudas Achim in Malden, a suburb of Boston, he was vice president of the clergy association and member of Boston's New Century Club. As assistant rabbi in Cincinnati, he was a member of the Clergy Dialogue of the National Conference of Christians and Jews, and was active in MARCC—Metropolitan Area Regional Coordinating Council. In Arcadia and Los Angeles, Rabbi Hirsch is a member of Rotary, is active in local interfaith activities, as well as serving as a member of the Committee on Interreligious Activities of the Board of Rabbis of Southern California. Rabbi Hirsch has also been a guest speaker at many service clubs and churches.

Rabbi Dr. Joseph Hirsch is a member of the following organizations: The Rabbinical Assembly, Board of Rabbis of Southern California, the Community Relations Committee of the Jewish Federation Council of Eastern Los Angeles, the American Jewish Committee and the Masons.

It is a great pleasure to have Rabbi Hirsch and his mother and father, Mr. and Mrs. Max Hirsch of New York, with us today and I appreciate the fine prayer that he offered in the Chamber of the U.S. House of Representatives.

□ 1205

ANOTHER EXAMPLE OF SENIOR CITIZENS AND DISABLED PERSONS BEING HURT BY FOOD STAMP PROGRAM CUTS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I was asked today when I would run out of examples of senior citizens and disabled persons who are being hurt by the cuts in the food stamp program.

Unfortunately, Mr. Speaker, I could present these daily examples for the next 10 years if the Congress does not act.

The example I have today, Mr. Speaker, is that of an 81-year-old woman who has a total income of $286 a month. Her shelter costs, including rent, utilities, and telephone, are $259 a month. Presently, Mr. Speaker, she is receiving $57 a month in food stamps, and as of last week she was cut to $15 in food stamps.

Mr. Speaker, I hope that this body will give active consideration very soon to correcting the deleterious effects of this program, which hurts rather than helps senior citizens and disabled persons.

CENSUS BUREAU SHOULD SEND ITS LONG FORM TO 1 OUT OF 6 HOUSEHOLDS IN ALL COMMUNITIES

(Mr. HIGHTOWER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGHTOWER. Mr. Speaker, I have just learned that in an attempt to reduce the sampling error in census data for communities with a population of less than 5,000 people, the Census Bureau is planning to send their long census form consisting of 61 pages of instruction and highly detailed personal questions to every other household. The Bureau will send the same long form to every sixth household in communities of more than 5,000 people. I can only say that I am glad that I live in Vernon, Tex., in a community of over 12,000, and I will not have a 50-50 chance of having to spend a week answering questions. But residents of 52 small towns in my congressional district will have to suffer this burden.

I can see how enlarging the sample in these small communities could possibly decrease the sampling error and more clearly reflect the nature of the average income and other important demographic details which help to pigeonhole the town in this computer-oriented era. I will also concede that perhaps a more accurate sample might insure slightly more revenue-sharing funds or indicate a higher growth rate than if a smaller sample is used.

Unfortunately, these factors are almost insignificant when you look at the greatly enhanced potential for error. Faced with such a dizzying form I doubt if I would have the time or patience to devote to making it 100 percent accurate. The error potential will be increased to a startling degree. Followup procedures which involve telephone calls and perhaps even traveltime will be an enormous part of the census procedures in these towns and the additional cost will be staggering. I do not doubt that some will simply throw the booklet away and not even register their existence with the Bureau much less provide accurate information.

I recognize that the decennial census is important to business and government. It is wrong however to saddle those in smaller communities with the huge burden of filling out such a tediously detailed questionnaire. The Bureau should treat all of us fairly and send the long form to 1 out of 6 in all communities. Whether you live in mid-town Manhattan or Follett, Tex. we should all have the benefit of the odds being 1 in 6 against having to fill out the long form. If it is not too late, I hope even the long form can be shortened and simplified. Public funds will be saved and believe me, many of us will have a much more contented constituency.

□ 1210

ADMINISTRATION OF JIMMY CARTER CONDUCTED IN COMMENDABLE SPIRIT OF CANDOR AND GOOD FAITH

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, as criticism mounts, I am pleased to have the privilege today of paying tribute to a fellow southerner and Democrat, a man whose high principles and dedication have made him a most worthy occupant of the office he now holds—President Jimmy Carter.

In an era when public trust and confidence in elected officials seems to have reached a record low, it is reassuring to know that the man who holds the most important office in the land maintains both privately and publicly a character of the highest order.

We are all aware of the tendency for public officials to lose sight of the purpose for which they were elected and to allow personal and individual interests to supersede those of the people. Positions of power are rife with such opportunities to abuse the privilege of leadership. One who is able to rise above such impulses is truly a rare individual.

Mr. Carter has proven himself to be such an individual. Throughout the past 2 years, he has displayed a passion for justice and forthrightness, not only in his dealings with the Congress but with leaders across the Nation and around the world.

Regardless of political party, regardless of policy interpretation, regardless of priorities, or procedures, or ideology—one cannot dispute the fact that the administration of Jimmy Carter has been conducted in a commendable spirit of candor and good faith. It is this spirit which I wish to wholeheartedly commend today. Let us not underestimate its value.

THE CONFIDENTIAL INFORMATION FILES OF THE INTELLIGENCE AGENCIES

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, there are certain elements in this Nation and overseas that would be delighted to destroy our existing intelligence agencies. One of the key laws that has been passed in the Congress of the United States that is going in the direction of destroying the intelligence agencies has to do with the Freedom of Information Act. Anyone who has ever been involved in law enforcement or intelligence knows that an intelligence agency or a police department or a law enforcement agency is only as strong as its sources of information. When busybodies, curiosity-seekers, foreign agents, and nosey people have access to confidential information from the files of the intelligence agencies, it dries up those sources and makes them virtually ineffective.

Mr. Speaker, as I did last year, I have just introduced a bill that would modify the terms of the Freedom of Information Act. Rather than going into detail on the bill, I would suggest that the Members refer to page 16803 of the June 8 CONGRESSIONAL RECORD of last year that cites details. I invite cosponsors to this legislation in the public interest.

□ 1215

SELECTION OF MEMBERS AS OFFICIAL ADVISERS TO VARIOUS U.S. DELEGATIONS

The SPEAKER. Pursuant to the provisions of section 161(a), title I, Public Law 93-618, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President, as Official Advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 96th Congress:

Mr. VANIK of Ohio;
Mr. GIBBONS of Florida;
Mr. ROSTENKOWSKI of Illinois;
Mr. CONABLE of New York; and
Mr. VANDER JAGT of Michigan.

BUDGET RESCISSION BILL, FISCAL YEAR 1979

Mr. WHITTEN. Mr. Speaker, I call up the bill (H.R. 2439) to rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96–46), transmitted pursuant to the Impoundment Control Act of 1974, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The bill reads as follows:

H.R. 2439

A bill to rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96–46), transmitted pursuant to the Impoundment Control Act of 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority proposed in the message of the President of January 31, 1979 (H. Doc. 96–46), are made pursuant to the Impoundment Control Act of 1974, namely:

Chapter I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

Appropriations and contract authority provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1976, for interest grant payments pursuant to section 802(c)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 1440), are rescinded.

NEW COMMUNITY ASSISTANCE GRANTS

Any amounts not administratively committed from appropriations provided for grants, as authorized by section 412 of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3911) and sections 718 and 720 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4519, 42 U.S.C. 4521), are rescinded.

Chapter II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

Of the funds provided for "Health Resources" for fiscal year 1979 in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, and in Public Law 95–482, $61,796,000 are rescinded.

OFFICE OF EDUCATION

SPECIAL PROJECTS AND TRAINING

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $12,500,000 are rescinded.

Chapter III

FOREIGN CLAIMS SETTLEMENT COMMISSION

PAYMENT OF VIETNAM AND U.S.S. "PUEBLO" PRISONER OF WAR CLAIMS

Of the funds appropriated under this head in Public Law 93–50, $9,000,000 are rescinded.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, $8,925,000 are rescinded.

Chapter IV—DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

HELIUM FUND

Of the borrowing authority provided in the Department of the Interior and Related Agencies Appropriation Act, 1962, Public Law 87–122, $3,127,000 are rescinded.

Mr. WHITTEN. Mr. Speaker, I move to strike the last word.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2439, and that I may include in behalf of the committee certain extraneous and tabular matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, this is the first bill reported by the Appropriations Committee to be considered in the 96th Congress. This is a rescission bill under title X of the Congressional Budget and Impoundment Control Act of 1974 in response to the Presidential message of January 31.

In his message the President proposed rescissions in 10 separate accounts totaling $914 million. The committee is recommending 7 full or partial rescissions totaling $703 million as shown on page 2 of the committee report. I would say that the proposed rescissions have been considered by the subcommittees in the usual fashion. There are four subcommittees involved in this bill: HUD-Independent Agencies; Labor-HEW; State-Justice-Commerce; and Interior. The appropriations subcommittees considered the rescission proposals during the weeks of February 19 and February 26. The full committee met on March 1 and reported the bill by a voice vote.

SUMMARY OF COMMITTEE ACTION

As I have indicated, the committee is proposing rescission of $703 million of the $914 million recommended by the President. The committee feels that the remaining $211 million is necessary for the Government to continue priority business.

Mr. Speaker, this bill to rescind $703 million, has been approved by the chairman and the membership of the 13 subcommittees which constitute our Appropriations Committee of 54. A small start you may say, but it is our judgment it is a start in the right direction and I am advised it will not harm programs, and as to nurses training it will withhold $13 million for masters and Ph.D. training for the remainder of the fiscal year and will save $83 million for nurses training.

This is my first voyage as chairman of the Committee on Appropriations, and I wish to thank all who supported me for this very responsible position and to them and to Members who would have preferred some other, I assure you that I shall give to this position the very best I have.

To all I realize that there is not too much any one Member can do to change the course of human events, but each can do his part.

When I realized that I would likely become chairman of the Appropriations Committee, I brought together some facts, for I believe with any problem we must first find out the facts.

(1) The dollar has depreciated 50 percent since 1967. We have continued to buy more from abroad than we have sold. We have taken the gold from behind our currency and the silver out of our coinage. There's virtually nothing behind our money today except the promise to pay.

(2) Our public debt has reached nearly $800 billion and from present commitments is estimated to increase to $900 billion by 1980. Due to the higher cost of money, interest on the public debt will increase by $5.9 billion in 1980 to a total of nearly $60 billion.

(3) Only 57 percent of the Federal Budget (budget authority) is handled by the Appropriations Committee through the annual budget process, and 24 percent is virtually uncontrollable. Under present laws, Congress has effective control of only 38 percent of the budget authority proposed for 1980.

(4) About 58 percent of the funds in the budget are indexed by basic law to guarantee increases to meet inflation, regardless of appropriations ceilings. Adding funds to offset inflation merely brings on additional inflation. It is like trying to put out a fire with gasoline.

☐ 1220

From these facts I am convinced the best we can hope for is to balance off income against outgo. We cannot afford to turn back 20 years or 10 years without a crackup, for our economy is just as dependent on keeping the economy strong, the income up, as we are upon cutting out spending unnecessary at this time.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 3, line 9, strike out "$61,796,000" and insert in lieu thereof "$24,750,000".

Mr. STAGGERS. Mr. Speaker, this amendment simply restores those rescissions proposed for capitation grants to schools of medicine, osteopathy and dentistry; and for advanced training, traineeships, research and fellowships under the Nurse Training Act. The amendment continues to provide for rescissions in the area of health resources totaling nearly $25 million—an unprecedented act in itself.

Mr. Speaker, the many health professionals of this Nation contribute to our individual and collective well-being on a daily basis. Each of us is indebted in some way to the health community which serves us all. And, in like fashion, we have an obligation to our fellow citizens to assure that an adequate supply of well-trained, highly competent health professionals continues to be available to all those in need.

As chairman of the Committee on Interstate and Foreign Commerce, the committee with authorizing jurisdiction in the area of health manpower, I am the first to recognize that the questions of manpower needs, distribution, and supply are not questions which are simply answered. In fact, the nurse training amendments of 1978, legislation which was adopted overwhelmingly by the 95th Congress and subsequently pocket-vetoed by the President, directed the Secretary of the Department of Health, Education, and Welfare to arrange for a comprehensive study of the need for continued Federal financial support for nursing education and to make legislative recommendations to the Congress based on the findings of that study. At the time of our hearings on that legislation, the administration emphasized the need for continued and expanded advanced training opportunities for nurses.

Unfortunately, the administration has now called for significant reductions in health manpower appropriations without the data I believe is necessary to make the informed decisions which are needed. Even more incredulous is the fact that the proposed reductions are greatest in the areas of advanced training, the very areas which the administration has identified as being of greatest importance.

Mr. Speaker, with all due respect for my colleagues on the Appropriations Committee who share my concerns for a reduction in the budget deficit and for precise targeting of Federal funds on areas of greatest need, I must point out that the rescissions which have been proposed for acceptance today, are, at best, premature, and should not be accepted in their totality by this body. As you know, both nurse training and other health manpower issues are to be reexamined by our committee early in this Congress. Until that comprehensive review can be made by the Subcommittee on Health and the Environment, wholesale rescissions in the nature of those before us today simply should not be accepted.

Specifically, I urge my colleagues to reject any rescission in the capitation grant program to schools of medicine, osteopathy, and dentistry: and to restore to their current appropriation levels advanced training, traineeships, fellowships, and research programs authorized under the Nurse Training Act.

Health professions capitation grants provide crucial support to 189 schools of medicine, osteopathy, and dentistry. These important national educational resources have developed their budget plans for the coming academic year on the understandable assumption that such support will continue at least until the need for and benefits of such support are reviewed and reassessed by this Congress. I sincerely believe that it is incumbent on us to act responsibly and in an informed manner when dealing with such a critical question as the supply of this nation's physicians and dentists.

Rescissions in the areas of advanced nurse training programs and traineeships would severely hamper the already limited training of individuals at the master's and doctoral levels; even at existing levels of support there is a serious shortage of professional nurses with advanced degrees to serve as nursing service administrators, nursing supervisors, faculty in schools of nursing and in various clinical specialties.

Mr. Speaker, my amendment would restore proposed rescissions approved by the Appropriations Committee in the total amount of $37,046,000 in the areas of capitation grants to schools of medicine, osteopathy, and dentistry; and advanced training, traineeships, fellowships and research in nursing. I would note that even with the reinstatement of these appropriations, we would still be approving rescissions in the area of health resources totaling nearly $25 million—an unprecedented action in itself. I urge my colleagues to join me in support of this important amendment.

Mr. CAVANAUGH. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I would be glad to yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Speaker, I thank the distinguished chairman of the committee for yielding.

I would like to express my support for the gentleman's amendment. As the chairman of the committee knows, I intend to follow this amendment with an amendment to restore the entire $61 million which has been stricken. This is, I believe, Mr. Speaker, the first salvo in this year's budgetary priorities, and we are identifying for the country what the standards and priorities are going to be for this Congress and the country for the years ahead. The first attack has been leveled upon the quality of educational training for our health sciences.

Mr. Speaker, I wish to vigorously urge support for the amendment offered by the committee chairman, and hopefully the Members of the House will not only go this step but take the additional step of restoring all the funds.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for his remarks.

I wish to repeat again that the President said that his veto of the Nurse Training Amendments of 1978 would not take one bit of money away from Nurse training because of the continuing resolution. We have a bill in now, and we are going to hear all these issues this year.

Why should we approve these recission proposals before our committee has had the opportunity to review the questions and before a decision has been made? If any Member votes for these recissions and goes to the hospital, I do not know how he can look any nurse in the eye.

I would say this to the Members, that the nurses are very important in America. Any of us who have been in hospitals know it is not only the surgeon who operates but the nurses who take care of us that are important, and certainly we do not want to reduce the number of available nursing professionals.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the chairman of the subcommittee.

Mr. WAXMAN. Mr. Speaker, I thank the chairman of the full committee for yielding to me.

I want to join in the gentleman's amendment and urge my colleagues to accept this amendment to restore funds for nurse training and health programs that are proposed for rescission by the Committee on Appropriations.

I understand why the Committee on Appropriations acted. We are all faced with the necessity in this Congress to try to cut back on funds that are being spent by the Federal Government in order to deal with the outlays, but I am concerned that the health manpower rescissions proposed by the Committee on Appropriations may be premature and misdirected toward worthy programs.

The Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce, will hold hearings in a few weeks on the Nurse Training Act. Later on this year we will hold in depth hearings on the entire health manpower program. The rescissions proposed by the Committee on Appropriations would in effect cut programs overwhelmingly endorsed by the Congress last year without appropriate evaluation of the programs' progress.

For that reason I think it is premature to make these cuts. Our committee may well want to recommend some reductions in authorizations when we evaluate the programs, but I think it is a mistake to make these reductions at this time. I hope my colleagues will support the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

☐ 1225

Mr. STAGGERS. I thank the gentleman.

Mr. Speaker, I wish to compliment the Committee on Appropriations. I know they are doing their job as the administration has asked them to. I have never had any quarrel with them. They are all men of honesty and integrity, trying to do what is best for America. But I would say that there are other places that we can cut, instead of the health care of this Nation. We are hitting at the very foundation and the strength of the land when we do this. Let use restore these cuts. I am not asking for the whole thing, but for those that are essential for the health of the land.

Mr. Speaker, I hope all of my colleagues will vote against this rescission and for this amendment.

Mr. NATCHER. Mr. Speaker, I move to strike the last word. I rise in opposition to the amendment offered by my distinguished friend, the gentleman from West Virginia (Mr. STAGGERS).

Mr. Speaker, as we well know, President Carter has sent up rescissions for the Department of HEW totaling $227,258,000. This is out of a total of $58 billion appropriated for HEW for fiscal year 1979.

Mr. Speaker, when you speak of Labor and HEW programs it is right easy at times to question the President, from the standpoint of trying to hold the budget in line. This is the first test now, Mr. Speaker, as to whether or not we can move in that direction in the House.

Mr. Speaker, the Nursing Training Act—and my distinguished friend, the gentleman from West Virginia, knows this—was started in 1956. The rescission of funds for the Nursing Training Act as submitted by the President provided for rescission of $30 million in capitation grants. We did not go along with the President's request for a complete rescission of this item in this amount. Instead we recommended that a rescission take place of only $10 million and we would leave in the bill $20 million which we do not approve for rescission.

For advanced training, the amount requested for rescission was $10,300,000 out of a total of $12 million. Mr. Speaker, we do not approve that. We approve only $6 million to be rescinded.

Under special projects for the nursing program, the request was for $7,500,000 to be rescinded. We go along with that and we recommend that to the House.

For nurse training student loans, out of $22,500,000 appropriated, the administration requested that $9 million be rescinded. We do not recommend this rescission to the House.

Under scholarships, the total appropriation of $9 million was requested to be rescinded. We recommend that only $3,500,000 be rescinded.

Under traineeships, out of $13 million appropriated, the entire amount is requested to be rescinded. We recommend to the House only $6,500,000.

Under loan repayments, out of $1,500,000, the sum of $750,000 is requested to be rescinded. Mr. Speaker, we recommend this to the House.

And under fellowships, out of $1 million, the amount of $647,000 is requested to be rescinded. We recommend the rescission of $647,000.

Under research, out of $5 million, the sum of $3,899,000 is requested. We recommend that amount to the House.

Mr. Speaker, not a single member on this subcommittee is against the nursing training program. There was not a dollar in the 1979 appropriation bill for the Nursing Training Act, and my distinguished friend, the gentleman from West Virginia (Mr. STAGGERS), knows that. Not $1 was in the bill for 1979.

☐ 1230

The authorization bill was before the Health Subcommittee of the Committee on Interstate and Foreign Commerce and chaired by my friend from West Virginia (Mr. STAGGERS). The authorization bill was late and for that reason not a dollar was in the 1979 appropriation bill. On our subcommittee we said to the full committee and to the chairman at that time, Mr. Mahon of Texas, "the Subcommittee on Health has not produced a bill. The Nurse Training Act expires the last day of fiscal year 1979. So we cannot appropriate funds for the act."

Now, Mr. Speaker, just to show you how much we are interested in nurse training, we got the chairman of our committee to recommend to this House a continuing resolution to carry the Nurse Training Act at the 1978 level in order to give the gentleman from West Virginia, the chairman of the Subcommittee on Health, an opportunity to bring out a bill authorizing this program. This program is not authorized to this day, Mr. Speaker. A bill was produced by the authorizing committee after we adjourned the 95th Congress. The bill was vetoed during the month of October.

The SPEAKER. The time of the gentleman from Kentucky has expired.

(By unanimous consent Mr. NATCHER was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. Now, Mr. Speaker, in order to show that we are interested in this program, we carried it under the continuing resolution in 1979 at the 1978 level. So far, no authorizing bill has been produced by the Committee on Interstate and Foreign Commerce. The program is still not authorized.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. There is not any money authorized for this program, but we still carried it under the 1979 continuing resolution.

Let me say to the gentleman from West Virginia, and then I will yield, that as soon as you bring a bill out from the Interstate and Foreign Commerce Committee that authorizes this program, then you will permit the Appropriations Committee to consider any amount that you would like to have us consider. The gentleman from West Virginia also knows that in the budget for fiscal year 1980, that we are now working on, there is less than $15 million in that budget for all nurse training programs.

Now, I will yield to my friend.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding, because I would like to straighten out a lot of the statements just made. I know the gentleman did not make them intentionally. He knows that last year we authorized a bill in this House for nursing training, and only 12 Members of this House voted against it. That shows how overwhelming it was.

It went to the President, and the President vetoed it. Then, there was a continuing resolution by the gentleman's committee, and it said they would appropriate $120 million for this year, the year of 1979. The President said that is fine. He said, "It will all be carried in there and you can keep it in there." Now, he comes back and asks for a rescission.

A lot of people in the dental schools and medical schools have made their provisions and their arrangements. If this passes, they are going to have to go back and try to rearrange their whole schedule, and it is just impossible for them to do it. The first bill I introduced this year was the nurses training bill, because I thought it was necessary to have it done.

Mr. NATCHER. Mr. Speaker, let me reclaim some of my time. Will the gentleman from West Virginia state to the members of the committee now, Mr. Speaker, in all fairness to the committee, there is no authorization for nurse training? The gentleman would agree to that, would he not?

Mr. STAGGERS. I will——

Mr. NATCHER. The bill was vetoed. We carried this under a continuing resolution to help you and your committee.

Mr. STAGGERS. To help America, not us.

Mr. NATCHER. All right, to help America. You know we have never been against this Training Act.

Let me say to you, Mr. Speaker, we believe the President of the United States is correct in the rescissions he makes.

Mr. STAGGERS. Oh, no.

Mr. NATCHER. We had hearings on it. We developed the facts. For the Nurse Training Act over $80 million was requested for rescission but we only agree on $34,897,000. We do not go along on his entire rescission. But when you have no authorization, and there is less than $15 million in the budget for 1980, what can the Appropriations Committee do?

☐ 1235

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I certainly yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, the gentleman knows that there has been no time to authorize a bill, especially at this time when the Congress is considering one of its first bills.

We were depending upon the fact that there was a continuing resolution for the year 1979, which was put through last year. The nurses, the doctors, and the dentists of America were depending on everybody to keep their word. They were depending on the Government to keep its word, and then the administration comes along and says, "No, we do not want to keep the promise made last year to America. We want to cut part of that out."

They came to the Hill and asked us to do that. I do not care how righteous it might be or anything like that. They made a promise to American nurses, doctors, and dentists. Now they want to rescind that promise.

I say it should not be done. We will pass an authorization bill just as soon as we can.

Mr. NATCHER. Mr. Speaker, the gentleman from West Virginia (Mr. STAGGERS), my good friend, says to the committee that we are going to pass an authorization bill. If so, then that puts the Appropriations Committee in position so that we can consider it.

The gentleman knows that in the budget for fiscal year 1980 there is less than $15 million for the Nurse Training Act. In addition, the gentleman's amendment also covers capitation grants for medical, dental, and veterinary schools.

Mr. STAGGERS. Not veterinary schools.

Mr. NATCHER. Yes, the gentleman is right. It is also for schools of osteopathy.

Mr. Speaker, of the $120 million for capitation grants we recommend that only $20 million be rescinded.

The SPEAKER. The time of the gentleman from Kentucky (Mr. NATCHER) has again expired.

(By unanimous consent, Mr. NATCHER

was allowed to proceed for 5 additional minutes.)

Mr. NATCHER. Mr. Speaker, I say to the gentleman from West Virginia (Mr. STAGGERS) that he knows this. As far as capitation grants are concerned, this $120 million is not one-half of 1 percent of the amount which is in the HEW budget for the medical schools in this country. Mr. Speaker, we have for HEW, $1.3 billion for medical schools.

The President, Mr. Speaker, is right with respect to this $20 million. This capitation grant program was started to bring in students and increase the enrollment in our medical schools. Now we have too many doctors in certain sections of the country and not enough down where the gentleman lives and where I live. We have enough in some places and not enough in other places.

Our recommendation is to rescind only $20 million of the $120 million. We have in the regular bill $1.3 billion for our medical schools. Think about it.

Mr. STAGGERS. If the gentleman will yield further, Mr. Speaker, that $20 million is the most important $20 million of the whole thing because that is the money which goes to those who cannot afford to go to medical schools, those young men and women who have the brains and the ability, but do not have the money. That money does not go to the rich and those who have the money at all. The gentleman knows that.

We are trying to equalize a little bit in America through this money.

As soon as we have time, we will try to rectify this matter in order to bring a supply of doctors into the areas which need doctors. We are saying that if they are able to get money from the Government, they will be able to go there and supply doctors for those places, as many of them do.

Mr. NATCHER. Mr. Speaker, not $1 of this money goes to students. It goes to the schools.

Mr. STAGGERS. Of course, but it goes to help the students who go there.

Mr. NATCHER. It only goes to the schools.

Mr. Speaker, I do not think that the gentleman from West Virginia and our committee have too much of a disagreement.

Mr. STAGGERS. No, we do not.

Mr. NATCHER. On this committee we have been strong for the Nurse Training Act all down through the years. We have gone along on capitation grants; but why does not the gentleman's committee bring in a law; why does it not authorize this program by a set time so that we can appropriate the money as far as nurse training is concerned?

Mr. STAGGERS. We will, we will.

Mr. NATCHER. Does not the chairman think that it would be a much better practice as far as the President is concerned? The gentleman knows that when the authorizing bill is brought out, it is going to have to come to the House, then go to the Senate. Then the President is going to have available the same procedure to follow as he did when he vetoed the last bill. Why not work it out downtown and put us in a position where we can go along with the gentleman on this money?

☐ 1240

Mr. Speaker, there is one other matter that I would want to point out. the HEW appropriation bill has been vetoed seven times since the year 1969. Mr. Speaker, we do not want this bill vetoed this year. That is the all-time record—seven times since 1969.

This is the test as to whether or not $227 million has to be rescinded. The President asked for $227 million. We say, Mr. President, you are right only on $74 million.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I will yield to my friend, the gentleman from West Virginia, anytime.

Mr. STAGGERS. I thank the gentleman for yielding.

I would say that the gentleman from Kentucky is one of the most honorable gentlemen I know in the House, and I know that he is very sincere in his argument in every way. But I would just like to say this to the gentleman, that last year, as he knows, the President vetoed that bill, and he pocket vetoed it. If we had had a chance, we would have overridden him 10 to 1. The gentleman from Kentucky knows that we would have overridden his veto 10 to 1 at least. The fact is then that the committee came along and said, "All right, we will put in enough money for 1979." And the President said, "I will go along with that." America was led to believe that this was going to be the level for the year 1979. We cannot cut him off in the middle of it. It would not be an honorable thing for us to do.

I say we must keep our promise as a government and do what we said we were going to do for 1979 and keep this amount. I do not ask for the full amount but for the nurses. I do ask for those people certain things they do not demand.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent Mr. NATCHER was allowed to proceed for 2 additional minutes.)

Mr. NATCHER. Mr. Speaker, let me say to the chairman of the Committee on Interstate and Foreign Commerce, one of the great Members in the House and my firend, why do we not do it the right way? Why do we not authorize the program and bring a law in here and give these Members a chance to vote on it? Remember for that there is less than $15,000,000 in the 1980 budget for the entire Nurse Training Act.

We want to be in a position, Mr. Speaker, to go along and cooperate with the committee of the gentleman from West Virginia (Mr. STAGGERS).

Let me say this to the gentleman about overriding vetoes. Mr. Speaker, the gentleman knows a lot more about this than I do. I do not believe that any bill during the calendar year of 1979 that carries any money in it and is vetoed by the President of the United States will be overridden on this floor. All we have to do is travel in any one of the 50 States and talk to the people. They want a balanced budget. They want to reduce Federal spending.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Just as recently as Friday there was a forum in my district of some 250 people representing all aspects of my constituency. The gentleman is exactly right. They expect us to represent all of the people, and they know that we are going to have to make cuts and they are going to become painful and difficult all along the line.

It seems to me if we yield right here on a very touchy point, we are going to bring the President's program down in flames, and I do not think we should do that.

Mr. Speaker, I support the gentleman from Kentucky (Mr. NATCHER).

Mr. NATCHER. Mr. Speaker, I yield back the remainder of my time.

Mr. CARTER. I move to strike out the last word.

Mr. SPEAKER. The gentleman from Kentucky is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, as much as I dislike to disagree with some of my good friends on both the left and the right, as ranking minority member of the House and Environment Subcommittee I am deeply concerned about the rescissions in health programs contained in H.R. 2439. I submit that rescinding these funds would have a severe impact on programs throughout the country which train our nurses, doctors, osteopaths, and emergency medical personnel.

☐ 1245

Mr. Speaker, I share the President's concern about inflation and the committee's desire to moderate Federal spending.

However, I believe we must reduce expenditures responsibly, not in the precipitous manner proposed by this legislation.

For example, according to the American Nurses' Association, cutting almost $39 million from our nurse training programs would have the following adverse impact:

Advanced nurse training: If the recommended rescission of $6 million is allowed to stand, then 23 graduate nursing programs will lose funds for continuing projects. A cutback of this size would lead to abrupt termination of faculty for these programs and disruption of nursing education.

Traineeships: If the $6½ million rescission for traineeships goes through, then 2,000 nursing graduate students who already are enrolled will lose tuition support, and we will have no new nurse clinicians in our coronary care and intensive care units.

Special projects: If the $7.5 million rescission for special projects is approved then more than 60 ongoing projects will go unfunded.

Scholarships: If the $3.4 million rescission for scholarships is adopted, then 3,500 undergraduate nursing students stand to lose funds—and most of the scholarship recipients are students from low-income families.

In addition to these cuts, the proposed rescission in nursing capitation grants would affect nursing schools across the

Nation by reducing the level of institutional support by 33 percent.

Finally, if the rescissions are adopted, more than 30 nursing research projects would have to be terminated abruptly. Clearly, these cuts would have an adverse impact nationwide.

I am particularly concerned about the problems that such funding cuts would cause in my own State of Kentucky. Our nursing schools have been allocated some $259,000 for scholarships alone this fiscal year.

Approval of these rescissions would reduce that figure by about one-third. In all the nursing programs for which cuts are proposed, Kentucky stands to lose about a half a million dollars.

Since many students from Kentucky's nursing programs remain in the State to practice—the effect of these cutbacks would be to reduce the availability of nursing services in medically underserved areas. I submit that the effect would be similar throughout the country.

Mr. Speaker, in considering the budget rescission proposal today—I hope my colleagues will keep in mind the fact that just last year this body approved a 2-year extension of the nurse training authorities by an overwhelming vote of 393 to 12.

As you know, that bill did not cut nursing funds.

Instead, we kept the nursing authorizations at essentially the same level as in the previous year.

However, because there was uncertainty about whether we have an adequate supply of nurses, we required that a major study be done on our Nation's nursing needs. That study was to give us a definitive assessment of the need for continued Federal financial support for nursing education.

In other words, by passing last year's nursing amendments Congress acknowledged that there was not enough data to justify any cuts in nurse training funds.

However, as you know, the President vetoed that legislation. But in my view, the situation has not changed. We still do not have data sufficient to justify such drastic cuts in nurse training programs as are proposed today, and I urge you to reject the nurse training rescissions today.

Mr. Speaker, I also oppose the $20 million rescission in capitation grants to our medical, dental, and osteopathic schools.

Over the years capitation has been an important source of institutional support for which our health professions schools have fulfilled various obligations to meet national needs in the health field.

For example, medical schools have increased their first-year enrollment 100 percent since 1962. They have also expanded the number of primary care specialties and have established training programs in medically underserved areas.

□ 1250

They have also expanded the number of primary care specialities and have established training programs in medically underserved areas.

Frankly I do not believe it is fair or responsible for us to cut back on funding which already has been appropriated for this fiscal year.

Medical, dental, and osteopathic schools already have planned their budgets for the coming school year based on amounts that were appropriated.

The SPEAKER. The time of the gentleman from Kentucky (Mr. CARTER) has expired.

(By unanimous consent, Mr. CARTER was allowed to proceed for 3 additional minutes.)

Mr. CARTER. Mr. Speaker, these schools have already taken steps to be eligible for capitation this year. I have in mind the University of Kentucky, the University of Louisville, and other schools throughout our area with which I am familiar and which are in a precarious financial condition.

Mr. Speaker, these schools have expanded enrollment, set up special programs, purchased equipment and supplies, and hired faculty, all in good faith, expecting that our appropriation, which we voted for when we appropriated the funds, would go through, and now in spite of these expectations, this rescission is taking place and these programs will be cut out and our professors in medical schools and schools of dentistry and osteopathy will lose.

In light of the commitments that have been made by these institutions, I urge that Congress not retreat on the funding commitment we have made.

We will have ample opportunity to review these authorities in the near future, and I urge that we wait until then to consider altering our policies.

Finally, Mr. Speaker, I must oppose the $3 million rescission in emergency medical training.

I submit that training is the most important component of the EMS program and that to reduce it at this time would be premature and unwise.

Many, many counties in the district I represent and many other counties throughout Kentucky have serious difficulties in funding these emergency medical systems programs, and I want to tell the Members that I believe throughout our country we will find those same programs in financial distress. I think this $3 million is absolutely necessary. In fact, I feel that it should be increased. I urge that this Congress wait until a comprehensive review of the program has been completed before approving cuts.

Mr. Speaker, let me say that I understand well the desire to cut Federal spending, and I have voted that way quite often, as we all know. But in this case it produces too few results at a cost of only a few million dollars. I myself have pledged to accomplish this goal, and I will try to do so as we continue.

Mr. Speaker, I submit that such spending cuts must be evaluated carefully and made with complete information as to who will be hurt and as to how our action will affect ongoing programs.

I submit that to act precipitously to cut programs willy-nilly for the sole sake of supposed savings to the taxpayer is irresponsible.

I submit that these rescissions before us today are just the sort of unwise, precipitous spending cuts which serve little purpose other than needless disruption of educational programs which have brought direct benefits to the American people.

I urge my colleagues to consider the impact of these funding cuts on your constituents, on your State's health care training programs, and on our health care system as a whole.

We still have time to plan responsibly for the future through the regular authorizing process.

Let us also vote responsibly today and reject these health rescissions

Therefore, Mr. Speaker, in view of my concerns, I rise in strong support of the amendment offered by the distinguished chairman of the Commerce Committee, the gentleman from West Virginia (Mr. STAGGERS).

His amendment would restore proposed rescissions approved by the Appropriations Committee in the total amount of $37 million and $4,600 in the following areas:

Capitation grants for schools of medicine, osteopathy, and dentistry;

Advanced nurse training;

Nursing traineeships; and

Nursing fellowships, and nursing research.

I urge my colleagues to join me in support of this amendment.

□ 1255

Mr. DRINAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this amendment which would restore the $61.8 million in fiscal 1979 health resource funds, slated for rescission in this measure. This sum represents a reduction of $38.8 million for nurse training programs, $20 million for capitation grants to health professions schools and $3 million for emergency medical training.

I would like to address the issue of nurse training. Last November the President pocket-vetoed the Nurse Training Act which was overwhelmingly approved by this body in September of 1978. In his message of disapproval, the President stated his belief that there is no longer a need for the Federal Government to subsidize nurses training with special programs. He also noted that his action "would not cause an abrupt termination of funding of nurse training programs, since funds are available for fiscal year 1979."

Yet, just a few months later, the administration sought to rescind 67 percent of the funds Congress made available for nurse training programs in fiscal 1979. Although this measure does not approve the entire rescission, it would require a cutback of $38.8 million or 31 percent of the fiscal 1979 appropriation for nurse training programs.

The cutback is bound to have a detrimental effect on nursing education and our health care delivery system. In Massachusetts there are 10,000 students in nurse training. About one-third are enrolled in hospital diploma programs, another third in associate degree programs and the final third in college degree programs. Tuition at private nursing colleges and hospital diploma schools in Masachusetts ranges from $4,000 to $5,000 a year.

A survey conducted by the National Student Nurses Association revealed that 51 percent of the students responding came from families with incomes of $15,000 or less. Sixteen percent were the breadwinners for their families and 81 percent of the respondents expressed the need for some type of tuition assistance to complete their educations. In Massachusetts one nursing school dean estimates that 65 percent of the undergraduate nurses are completely dependent on Federal tuition assistance as are 95 percent of the nurses in graduate training.

If we approve the $3.5 rescission for scholarships, some 3,500 undergraduate nursing students from low income families will be without assistance. Some may be forced to forgo their educations. The rescission of $6.5 million for traineeships would cut tuition support to 2,000 already enrolled graduate students. The rescission of $6 million for advanced training would cut funds from 23 graduate programs. Since women still comprise the majority of nurses an additional effect of the rescission will be to further limit their career opportunities and advancement.

It is unrealistic to expect other student loan and grant programs to meet the needs in nurse training assistance. The result of that assumption will be a severe drop in enrollment at a time when continued support of nurse training is critical. Also a drop in support at this time could mean the closing of our smaller nursing schools.

Continued support of nurse training is critical at this time because we are in the process of a metamorphosis in nurse utilization. Use of specially trained nurses as major health care providers is a relatively new phenomenon which appears to be working very well especially in physician shortage areas. Nurse practitioners are becoming increasingly popular in the areas of family medicine, gerontology and pediatrics. This is proving not only cost effective but vital in making quality health care available to more of our citizens. As we move toward a program of national health insurance, we can only expect these roles to be further expanded. We must continue to fully support the specialized training needs which accompany the changes in our health care delivery system.

This rescission would also withdraw specific support for research projects. It is reasoned that the National Institutes of Health could fund such efforts. However, we are all aware of the keen competition for NIH research funds and I question how well nursing research would fare in competition with other interests. Nurses and nursing care are the major determinants of how rapidly and sufficiently a patient will recover from serious health care problems. This directly effects their length of stay in a hospital and thus has a bearing on hospital costs.

In my view it is not in our national interest to cut back on nurse training and related programs at this time. Besides the ongoing need for special support because of the changing roles of nurses in our health care programs, there is no evidence to substantiate the charge that we have met our personnel needs in this area.

The extremely low unemployment rate for nurses shows that there is no surplus at this time. Of the 50,507 nurses licensed in 1977, only 1.9 percent were looking for jobs in 1978. While on the other hand nursing shortages have been reported nationwide in urban as well as rural areas.

According to occupational projections made by the U.S. Department of Labor, the need for nurses will steadily rise over the next decade. It is expected to be one of the professions in greatest demand.

We as policymakers invest in health as well as the treatment of disease. Nurses play an important role in both undertakings. As the Nation moves toward a commitment to preventive health care, we will require more services from our nurses. Cutting back on nurse training at this time will reflect an insensitivity not only to the health care needs of the Nation but to our own policies of best providing that care.

☐ 1300

Mr. PURSELL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I think this discussion on the nurses training program is the tip of the iceberg. In our discussions in the HEW Subcommittee, it should be noted, and Congress should know, including authorization committee of which Mr. Waxman is chairman, the following facts should be noted:

No. 1, most of us were disappointed at the administration pocket vetoing the Nurses Training Act. No. 2, we were disappointed that the administration is now attempting to gut the continuing resolution which is the 1978–79 funding document as recommended by the Office of Management and Budget. No. 3, what concerns me to a greater degree in the long run is that the nurses profession in the United States is not getting any input into this decisionmaking process either at OMB or HEW. From discussions with HEW's professional staff, Dr. Henry Foley, the Health Administrator of Resources Administration, in our testimony, indicated that the nurses had not had any major input into these decisionmaking processes. This question was raised by members of our HEW Subcommittee.

What concerns me in the long run in our discussion today, germane to this decision, is the fact that the proposed new Nurses Training Act, is being developed by a task force in the administration without any input at this time from the nurses profession in the United States of America—I think that is an insult to the nurses. That is a great mistake, and perhaps the authorizing committee and our appropriations committee should address that major fact, that if we are going to have some changes in this program, the administration in fact has the cart before the horse. If we are going to have a good bill, a good proposed piece of legislation, we ought to be talking about, No. 1, looking at the legislation and going into a transition with good planning, good management, and good budgetary decisions.

The very fact that the administration elected to reverse the process, is very disturbing to some of us who would require some credibility of the governmental decision and policy setting responsibilities of HEW, OMB, and congressonal committees must have a rational plan from present nurses programs to any new programs that have been openly reviewed and studied.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I fully share each and every one of the points the gentleman from Michigan expresses to the Members of this House. I was very disturbed that the President vetoed the authorization bill last year, leaving us without an authorization for the Nurses Training Act program.

I would prefer, rather than have the rescissions being proposed today, to have us accept the amendment offered by the chairman of the Interstate and Foreign Commerce Committee, Mr. Staggers; to put the money back in so that we do not do any harm to the program that is ongoing now. We are quite busy with the authorization process. We are certainly going to take into consideration all the views expressed. I think we act too hastily if we go along with these rescissions now. Let us move in the orderly procedure the gentleman suggests, get an authorization bill considered and passed, and the appropriations passed thereafter.

Mr. PURSELL. Mr. Speaker, I suggest that is what Mr. Natcher suggested. That is what we should be doing, and I just hope the Authorization Committee is aware of the fact that the present discussion on the new administration bill, the figures reported are less than $14 million or $17 million. No. 2, my major point there is not any professional input from the nurses. I think we ought to look into that quickly and immediately to make sure the nurses authorization bill we get does not have this major flaw in it. I am only making that as a point of fact today. I ask the administration to correct this omission. Invite the nurses to participate.

Mr. WAXMAN. I thank the gentleman for his effective statement.

Mr. Speaker, I move to strike the last word.

Mr. Speaker, I want to reiterate my support of the prospect before us offered by the chairman, Mr. Staggers. I was so impressed by the remarks of the gentleman from Massachusetts which were made about the impact of these cuts, and particularly the remarks of our distinguished colleague from Kentucky, Tim

LEE CARTER, who was one of the architects of the whole health-manpower law on the books today. He has warned us about the impact of these rescissions on the training programs. I think it is a warning we ought to take to heart.

Dr. CARTER went through a number of the items that will be affected according to the American Nurses Association. Rescissions today would have the following effect:

First, 33 research projects would be abruptly terminated;

Second, 40 nurse researchers will lose support this year and 3 graduate programs will lose institutional research training awards;

Third, 23 graduate programs for advanced training will lose funds;

Fourth, 2,000 already enrolled graduate students will lose tuition support;

Fifth, 68 noncompeting special projects will be cut off. Special projects include support for recruitment of students from disadvantaged backgrounds; continuing education projects; retraining programs for older nurses who have not been working; inservice programs for aides in nursing homes; and funds for developing new curriculums for schools of nursing; and

Sixth, 3,500 nursing students on scholarships will lose funds. Most of these students are from low-income families.

I came from an urban area, but I think we ought to consider carefully the implications of hasty action today to rescind funds for training programs for health professionals as it would affect the rural areas. It is virtually impossible for some poor communities to attract and retain doctors to meet their health needs. Nurses and allied professions may be the only providers. Health problems that are considered routine in many areas of the country and rich urban communities can be fatal in towns without qualified nursing and other medical personnel.

☐ 1305

The result is higher infant mortality rates, shorter life expectancies, malnutrition, and anemia, all of which contribute to reinforcing the circle of poverty and low economic productivity.

I appreciate why the Committee on Appropriations has gone along with the rescissions proposed by the administration. I would think that even though they acted with sincerity and good faith, their actions are hasty. We ought to wait until the authorization committee goes forward with full hearings, as suggested even by the chairman of the Subcommittee on Appropriations.

Mr. CAVANAUGH. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Nebraska.

Mr. CAVANAUGH. Mr. Speaker, I appreciate the gentleman's yielding, and I thank the chairman for raising the point of rural health care.

I come from Nebraska. The national average of availability of physicians is 1.62 per thousand. In Nebraska it remains at 1.3, substantially below the national average.

I think it is very difficult for this Congress to say to the country that we have met the health manpower needs of this country and that we are providing adequate health care throughout the width and breadth of this country, when the facts are clearly contrary to that.

I think we should carefully consider what is in issue in this rescission motion.

Again, Mr. Speaker, I thank the gentleman for bringing the issue of rural health care to the attention of the Congress.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his remarks. His point is an excellent one.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Speaker, I want to thank the gentleman for his leadership, and I also thank the chairman of the full committee.

Obviously, there are a couple of key underlying questions here. One is, frankly, whether we are going to cut the heart out of social programs at the same time as we go ahead with questionable defense weapons systems such as the MX and Trident II.

Second, there is a question if we are going to have to cut a certain number of health dollars, where do the cuts come from and what is the procedure we follow?

Mr. Speaker, the cuts and rescissions proposed here will have an enormous impact across the country on programs which have been carefully considered. In particular, we are talking about traineeships and graduate programs and increasing student and faculty opportunities for minority students.

We simply cannot afford and should not be participants in any effort to devastate those programs.

Again, I thank the chairman for his leadership.

Mr. WAXMAN. I thank the gentleman for his views.

Mr. DODD. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Speaker, I want to take this opportunity to join with those of my colleagues who have stood up today in opposition to the proposed rescission of the 1979 funds for advanced nurse training and nurse training research.

As a supporter of the Nurse Training Act Amendments of 1978, I feel that the budget rescission under consideration is both irresponsible and premature. More important than my personal belief that the need for continued support in these areas still exists is the fact that the pros and cons of the matter have not been adequately aired. Before such an action as the one proposed today is undertaken, I feel that the Interstate and Foreign Commerce Committee's Subcommittee on Health and the Environment should have held hearings in this regard. It is critical to point out that the proposed rescissions would have a tremendous impact on the future of the Nurse Training Act amendments and that at no time was the input of the nursing community solicited.

Over and above the matter of the precipitous nature of this action, we must address the question of the responsibility of the Congress to honor its commitments. I recognize that we will have to consider reductions in these programs as in others; however, I question whether this is the appropriate time and means for implementing such measures.

As you know, the funds we are being asked to rescind were provided by a continuing resolution to continue funding of programs in this fiscal year at the 1978 level, which was passed on October 18, 1978, by an overwhelming vote of 396 to 12. I believe that this Congress has an obligation to those students and schools, which acting in good faith have undertaken programs and contracts on the basis of Congress actions and assurances. Likewise, they have undertaken these obligations on the assurances of the President in the message accompanying his veto of the Nurse Training Act authorizing legislation, as has been so aptly pointed out today by many of my colleagues.

I am convinced that to act today to restore the 1979 funds, we are not acting in conflict with the administration's goal and the American public's desire to reduce spending. Rather, we have a moral responsibility to uphold our previous commitments. I think that there is no alternative to the view that H.R. 2493 is in direct conflict with the standing commitment of the 95th Congress and the President's assurance that there would be no abrupt termination of programs, because of continued funding through the continuing resolution.

It is for this reason, in addition to the importance I personally place on the nursing programs and research involved, that I feel compelled to support Representative STAGGERS' amendment to restore $37 of the $39 million for nurse training programs and capitation grants for schools of medicine, osteopathy, and dentistry. Contracts have been signed; students are enrolled in programs; and obligations have been undertaken based on the commitments of Congress and assurances from the President. There are no immediate alternatives for the colleges, junior colleges, universities, and students in my State and around the country, if their programs are brought up short in midstream.

I would ask my colleagues to join me in supporting the restoration of funds, and, further, I would ask that you support those today who have requested that in any future considerations of this matter by the authorizing committee, they solicit and evaluate the comments and input of the nursing community. As you know, the health and care of the American public rests largely in their hands.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, in connection with the question of priorities, I point out to the gentleman from California (Mr. WAXMAN) that I will be offering an amendment which will reinstate the rescission of $37 million for bricks to build a building at the NIH facility. I think that if we do have to make a choice on priorities, the gentleman's approach is far preferable to building such a building with 650 more parking spots, which very few people think is important.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. WEISS. Mr. Speaker, I appreciate the gentleman's yielding.

I want to associate myself fully with the remarks of the gentleman from California (Mr. WAXMAN).

I think that one of the most unsupportable aspects of the proposed rescission, is that institutions and students would be cut off in mid-term and mid-year. It would be totally unconscionable and unjustifiable.

Again, Mr. Speaker, I thank the gentleman for yielding.

Mr. MICHEL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker and Members of the House, I support the rescissions which have been recommended to the House, and I rise in opposition to the amendment offered by the gentleman from West Virginia.

Mr. Speaker, our committee had a difficult choice to make in recommending these rescissions which we have brought before the House today. Bear in mind that this is not going to be the only difficult decision which this Congress is going to have to face on levels of expenditure. There may very well be some other rescissions coming down the line, and we simply cannot back off.

In my judgment, the integrity of the rescission process is at stake here, if we simply fold under pressure.

Mr. Speaker, it should be kept in mind that only one-third of the HEW rescissions recommended by the President are included in this bill. The other two-thirds were rejected by our committee.

☐ 1310

The gentleman from Massachusetts (Mr. DRINAN) made mention of the nurse practitioners who are going to go by the wayside. We did not touch the practitioners in the rescission. They were not bothered at all.

The gentleman from California (Mr. WAXMAN) made mention of how the rural areas are going to be hurting, because of what we are doing here. In last year's bill we had a 25-percent increase for the National Health Service scholarship program, which is designed to serve those rural areas.

Our problem today is one of maldistribution, and capitation grants as such do not solve the problem of maldistribution. Capitation grants represent only 3 percent of medical school non-Federal operating cost expenditures, and this rescission reduces capitation grants by only 17 percent. So the net effect on the medical school budgets is only one-half of 1 percent.

I was not here on the floor at the time, but I am advised my good Chairman, the gentleman from Kentucky (Mr. NATCHER) made mention of the fact that this $20 million here represents only 1½ percent of the $1.3 billion in Federal funds that are currently going to medical schools each year. Capitation grants, as I said, do not solve that problem of the maldistribution of health manpower in this country, and there is no shortage of students trying to get into medical school.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

We do not mention anything under rescission of nurses' capitation grants.

Mr. MICHEL. On the medical schools.

Mr. STAGGERS. But the gentleman said nurses there. I would like to say to the gentleman even where some doctors are in short supply we have a greater chance of getting some of them into areas where they are needed.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I would like to say to the gentleman that because of our long friendship he knows that I am going to exercise every reasonable or responsible vote that I can to reduce spending on the part of the U.S. Government. But I have a question of the gentleman. I wonder if he might help me and the rest of our colleagues. When we are voting to reduce spending for some of these programs like nurses training and various educational grants, and things like this for our own home folks back in our district, how in the world do we explain to these folks that the President, who is requesting these reductions, is the very same President who is requesting an increase of 18 percent in his foreign aid program this year? I find that a little incompatible, and I am looking for some good answers. I wonder if the gentleman might be able to suggest some answers to that question.

Mr. MICHEL. I think probably the other side of the aisle would have to answer as to the President's recommendations. I happen to be in opposition to a number of things he has proposed over the course of the last 2 years.

My own feeling is that that foreign aid bill can be the bill which will likely come in for significant cuts by this Congress when all is said and done. I do not know that we can equalize the argument by saying that we just cannot afford to cut anything domestically because we still have some significant sums being spent in foreign aid.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

How, then, given the focus of the gentleman, can the gentleman and the committee recommend reinstating $37 million for construction of a building and a parking garage on the NIH facilities when that money theoretically could be used in the transfer of research functions and those kinds of things?

Mr. MICHEL. It might surprise the gentleman to know that this Member did not support the committee's action. I offered the amendment in full committee to also include in the rescission bill that building, and I made the arguments that the gentleman may very well be prepared to use today for including that in the rescission, because they are very solid arguments to use.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. MICHEL was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. Our nursing programs have helped to substantially increase the supply of nurses over the past decade to the extent that we now have 395 for every 100,000 population in this country. That is compared to only 300 per 100,000 10 years ago. But again I say that that increase has not solved the problem of maldistribution.

One of the problems Dr. Foley cited before our committee was the problem of filling swing shifts. We have had that trouble with us for a long time, and the only answer to that lies in the wage levels paid.

☐ 1315

You are not going to do it by capitation grants or through a bigger supply. You have got to pay them to serve at ungodly hours or in less populated areas. That is the answer to it, not simply subsidizing the training of more numbers. When you get into advanced training, in how many other professions does the Federal Government subsidize advanced training for advanced degrees? Why should this be singled out as one profession that the Federal Government is obligated to do that?

Once you are going for a graduate degree, a fellowship, or advanced training, it seems to me you are going to get a bigger remuneration and reward. Why not have that burden on the individuals themselves, if that is their inclination?

You will find some of the professionals in the nursing field arguing for the advanced degrees and all this assistance for advanced training as being more important than simply helping young nurses get started in nursing schools.

We have been working, the administration and our subcommittee, toward having the aid follow the student, rather than subsidize the institution. Capitation grants do nothing more than subsidize the institution. The student does not get that particular assistance. I think we ought to realize that difference.

If I might make one or two more arguments here. According to the material from the nurses' own associations, the number of graduates from nursing programs is way up, compared to a decade ago. For instance, the number of students graduating from all nursing programs 10 years ago was 38,000. In 1977, it was 77,000, more than a 100-percent increase.

Breaking that figure down, graduations from baccalaureate programs in 1967 were a little over 6,000. In 1977, they were 23,000, nearly a fourfold increase. Graduates from associate degree programs increased from 4,600 10 years ago to 36,000 in 1977. That is an 800-percent increase. So we have not, in other words, shortchanged the nurses.

If I might make one final point, when that authorizing committee gets to talking about a new nurses training act, the committee's last bill that was vetoed carried an authorization of over $200 million. We have never appropriated much over $100 million in all the years I have been on the subcommittee; so what we authorize in that legislative committee is not necessarily a sacrosanct figure, nor has it been to the entire House, after they have taken the recommendations of the Committee on Appropriations.

I hope that you will be thinking very seriously about what the administration's views are, lest we get another veto and no nursing bill at all.

So I urge that we oppose the amendment and stick with the limited number of rescissions contained.

Mr. LEVITAS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I supported and voted for the Nurse Training Act last year and confess I was mildly surprised when the President decided to pocket veto that measure.

In terms of bringing down the cost of health care and in providing and making available wider accessibility to the health care system, we get an excellent return for our tax dollar in the nurse training area and the nursing care field. However, I said if the President has reasons why he vetoed the bill then we ought to listen and take the opportunity to reassess the programs to see if there is some way to redirect our emphasis in this area. I felt this was the least we could do if the President asked us to.

☐ 1320

Maybe he is correct that we can use other student support programs such as the BEOG's program rather than use special purpose scholarships, and maybe he is correct that we ought to get away from certain types of funding of special programs.

But what caught my attention at the time of veto was the memorandum of disapproval, which is the veto message dated November 11, 1978. In referring to this veto, the President said this, and I am quoting:

> Disapproval of this bill will not cause an abrupt termination of funding of the nurse training programs, since funds are available for fiscal year 1979 under the continuing resolution.

I interpret that to mean that he had made a commitment, that the continuing resolution would be the fund level at which this program would operate for the 1979 fiscal year. Consequently, I was more than mildly surprised to see the administration propose a rescission message on this program after the President in his veto message had said that there would be a continuation of funds under the continuing resolution for 1979.

So I think that if we want to save money—and we should, and there are many areas where we can cut the budget—we ought to take the President's statement in his veto message that this is not the place to do it. If we want to evaluate the entire nurse training program, let us do it. Let the authorizing committee evaluate it and then we can vote it up or down on their recommendation.

But insofar as the rescission is concerned, it seems to me it is unfair and unwise and inconsistent with what the President had in mind when he sent his veto message over. What we do for the future in fiscal year 1980 may be quite different from what we should do for the fiscal year in which the continuing resolution applies, namely 1979.

I disagree with my colleague, the gentleman from New Jersey. This is not a question of where we are going in our social programs or priorities or whether we need to increase defense spending or cut defense spending. It is not even a question of whether this is going to be the acid test of this Congress and as to whether we are going to hold the line on the budget. It is not that at all.

The President said in his veto message that there would be no abrupt cutoff of funds for the nurse training programs and the 1979 continuing resolution would provide that funding. Rescission of those 1979 funds is contrary to the President's expressed purpose in the veto message.

Mr. WHITTEN. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I do not think there is any Member here who is more interested in our nurse training programs than I am. I come from an area where nurses are in exceedingly short supply. Part of that is because lots of nurses who are active in the field for awhile quit because of their families and then perhaps come back to nursing later on.

I have checked to see what the facts are in this matter. If we are going to vote, let us vote with the full facts before us.

It has been repeated here that there is no authorization at the present time. Whether the President should have pocket-vetoed the authorization or not, it is provided for in the Constitution and he had his legal right to do it. I am one of those who felt it would have been better for the President to veto the bill and send it up and let us consider the facts, because the bill he vetoed did not, as far as nursing training is concerned, meet the needs where the shortage exists. It applied just as equally to an area where there is an adequate supply as it did to an area where there is a short supply.

But the point I want to make is that only $13 million of this $37-million amendment relates to nurse training. Do the Members know what that is for? It is to enable certain nurses to get a graduate degree or a Ph. D. degree. The $83 million which goes to help to get nurses is not proposed for rescission. I hope my friend, the gentleman from West Virginia (Mr. STAGGERS) will come up with a law which would give some attention to where the need is instead of a law which would just give money to schools in places where there is an adequate supply and distinguish between where a nurse would get a degree at Government expense and also a master's degree or Ph. D. degree at Government expense.

The subcommittee is the one we look to to carry this program on, and the question is whether we are going to cut $13 million. Let us slow down a little on these master's and Ph. D. degrees, because those are not our primary problems.

I just want the Members to know what the facts are. The facts are that there is $13 million in the bill which goes for graduate students to get master's degrees and Ph. D. degrees, and those are rescinded.

We all know why we have got to do some of this, although we do not like to do it this year. Since 1967 the American dollar has depreciated 50 percent in its value. They do not want dollars anywhere around the world; they want German marks or Japanese yen or money from some other country. We are going to have to do some of these hard things in order to help strengthen the dollar.

☐ 1325

Mr. Speaker, I hope the gentleman from West Virginia will give some attention to this legislation, to see that the money authorized goes where the need is and not to double the availability in places where they do not need it.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, the gentleman mentioned the fact that this goes to graduate students; it goes to places which teach our nurses. We need nurses who have advanced degrees. We need nurses who have advanced degrees to run our hospitals.

Mr. WHITTEN. We are both interested in nursing. But let us not forget there is $83 million available to help the nurses. I believe we should stay with the committee recommendation because this is a kind of test about our fiscal resolve. None of the reductions we are going to have to make through the years are going to be easy.

Mr. CONTE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I really had not intended to speak on this, but after hearing some of the remarks I think that we ought to clear the air on it.

I was unhappy about some of these rescissions. Debate was very heated, both in the Labor-HEW Subcommittee, on which I have had the honor to serve for many years, and in the full Committee on Appropriations. No member of either the Labor-HEW Subcommittee or the full Committee on Appropriations is happy at the prospect of recommending these rescissions, for all of the effeted budgets provide moneys for very popular health and education programs. But there is a sense of fiscal responsibility that impels us to urge the Members to accept the recommendations that we have made today.

The rescission that attracted the most attention is the proposed reduction of funds for health manpower programs. The Committee on Appropriations, I believe, suggested relatively sober cutbacks which reduce but do not fundamentally weaken the programs involved.

Mr. Speaker, nurses never had a greater friend than myself in the 21 years that I have been in the Congress. I have never voted against a nursing program. I always said—and my former chairman always said—"You do not turn your back on a nurse." And I never did turn my back on the nurses. My wife is a registered nurse. She has been a registered nurse for a good many years. That is how I met her. She is not only a registered nurse, she was an officer in the Navy during World War II. I think I know something about nurses, and it hurts me to stand up here and support my chairman, but I think he is right. It also upsets me, Mr. Speaker, when Members up here are going to be against the rescissions that we have made, and support the gentleman from West Virginia. and then come in here to cut $37 million for a badly needed facility for the National Institutes of Health for child health care. But unfortunately those women who are interested in prenatal research, and those unborn children, just did not have a big lobby to send a lot of people telegrams here in the House of Representatives. If Members want to put this money back in, fine. But do not cut it out of another worthy program.

□ 1330

Mr. Speaker, the other day I was one of three over here on this side of the aisle supporting you, Mr. Speaker, and supporting the President, to increase the debt limit many Members voted against it, and then they come up here and vote for every program that comes down the pike, and they go back home to their people and say, "Look at that rollcall. I am a conservative; I am for a balanced budget."

If I sound upset, I am upset, because I will tell you, Mr. Speaker, it grieves me and it hurts me to get up here, to have to go along with these rescissions.

We have worked hard; we have worked over this in the subcommittee, and I think the subcommittee came out with a good recommendation. Out of $176 million in health resources rescissions recommended by the President, we only went along with $61 million. As for the new chairman of that subcommittee, the gentleman from Kentucky, I want to give him all of the plaudits he deserves. He has been a good chairman. He has been very fair. Some of the Members on our side of the aisle had amendments to increase money here which they felt necessary. We went along with it. He went along with it. Some of us wanted some more money in other programs. He went along with it, and we came out with what was a compromise solution.

Everybody wants to balance the budget. Everybody wants to be for fiscal austerity and fiscal integrity. Today is your chance.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, with his usual brilliant and incisive rhetoric, the gentleman has gone to the heart of the matter. I think he is correct in calling this the first test of the intentions of the House toward economy in Government. The other day 222 Members of this House voted against a $40 billion national debt increase; 197 Members voted to balance the Federal budget by September on the same day.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

(At the request of Mr. Bauman and by unanimous consent, Mr. Conte was allowed to proceed for 1 additional minute.)

Mr. BAUMAN. Those two rollcalls seem to indicate a hopeful trend in this House. This is the first political bulletbiter that has come before us, and there will be many, many more such issues in this Congress. But, I do not think the nurses of the United States, the farmers, or the Defense Establishment, or any program is sacrosanct when we have 9-percent inflation and are facing a $40 billion Federal deficit for the 4th year in a row. If you cannot exercise the judgment the people want and vote in favor of a balanced budget as you promised in the recent elections, then the people ought to watch closely each Member's records and act accordingly in 1980.

Mr. CONTE. As the gentleman knows, I was one of three on this side of the aisle who voted to increase the debt ceiling. I took a lot of heat—I was thinking of buying an asbestos suit—but my logic was that I voted for these programs, and now I have got to foot the bill.

Mr. CORRADA. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise to oppose the provisions of H.R. 2439 which would reduce capitation grants and other health resources programs to schools of the health professions. I represent a district where there is a need and a shortage of trained personnel in the health field, and these programs have been operating very effectively.

The University of Puerto Rico as well as Catholic University would be severely affected by these unconscionable cuts. GAO has issued a report pointing to the proper use and effectiveness of capitation grants. Commitments for tuition for the coming academic year have already been made, and schools or the students would have to seek alternate funding. As long as there is a demonstrated need, and I have not been persuaded that we have overcome this, we should continue to support this segment of the higher education community, whose graduates have a direct and tangible impact on the lives of the rest of us. I urge you to reject these rescissions and to support the Staggers amendment.

Mr. GIAIMO. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is one of the first occasions that we have had in the House to indicate our intentions and the seriousness of our purpose to get control of the Federal budget and to reduce expenditures wherever possible. The way in which we reduce expenditures is not to vote against debt ceiling limitations. That does not reduce expenditures. It may appear to, but it does not; nor do votes against budget resolutions or any of that type of vote reduce expenditures.

□ 1335

The time to reduce expenditures is when the money bills are before us. What we have here today is a money bill.

After wisely and carefully looking at this rescission bill, the committee is recommending reductions, reasonable, but nevertheless real reductions.

It is not easy to vote against money for existing programs. Today it is the nurses who are unhappy, plus those who are the beneficiaries of capitation grants. Tomorrow it will be another segment of our society, and the day after it will be someone else. I dare say that before this year is over we shall have many, many special-interest groups unhappy with us.

However, if we are serious about our commitment to hold the line on spending, if we are truly trying to make reductions in the Federal budget and in Federal spending and in the Federal deficit, then we have to make unpleasant decisions, such as we have to make today, and vote, wherever possible, for reduction.

That means that we have to look at existing programs such as the ones proposed here today. It is not enough to say, "But you are hurting them; you are taking away something which they had last year."

What it is doing is compelling us to examine programs, to make the kind of judgments which the committee wisely did, and say that they can do without some of the money which they received in the past.

The committee has not cut out all of the money. There is a great amount of money in here for the nurses training program. The committee has cut out some of the money; and certainly it is going to hurt; certainly it is going to be unpleasant.

It does not please me to say "no" to my friends in the nursing profession, for whom I have the highest regard and appreciation. It does not please me to say "no" to many of my constituents, all of whom will have their special concern in this year's budget. However, if we are serious about holding the line on spending, we have to go along with these types of recommendations which the committee is making. They are not pleasant, nor easy, but I submit that they are necessary, because by these actions we are reevaluating these programs, looking at them with a finer tooth comb and, if you will, saying "We can do with a little less; we must tighten our belts."

The result will be that we will pick up some savings here and some savings in other programs, the cumulative effect of which will be to help hold the line on Government spending.

Therefore, Mr. Speaker, I urge the Members to go along with the committee. Let us begin to hold the line on spending, as we must, this year.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, how does the gentleman from Connecticut (Mr. GIAIMO) intend to apply that position when we get to the 3-percent real increase in the defense budget?

Mr. GIAIMO. We are going to scrutinize the defense budget, as we have done each and every year in the past and as we hope to do this year. We will scrutinize the defense budget as we will every other budget.

Mr. EARLY. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Speaker, this is a tough decision to make. I am on this subcommittee. During our markup I recommended that the major part of this suggested amendment be restored. This is a $37 million cut. Mr. Speaker, $20 million of that $37 million is in capitation.

There is no bigger booster than I on this whole capitation matter, but for reasons different from those of the gentleman from West Virginia and the gentleman from Kentucky.

Mr. Speaker, I support capitation because I believe it is the only vehicle through which the Congress has any impact on the 124 medical schools in this country.

Several years ago, when we had a problem with the lack of general practitioners, it was capitation which allowed us to dictate to medical schools that they should train more GP's. It was just 2 years ago that this Congress, upon the suggestion of the committee of the gentleman from West Virginia, acted to have the American medical schools accept qualified American youngsters who had to study abroad, because spaces were not available in U.S. medical schools. They were taken back into our system in their second, third, or fourth year.

□ 1340

It was capitation that insisted that the 124 medical schools do that. Almost all medical schools did not want to participate, but it was the threat of losing capitation funds which made them do it.

Today one of our problems in the health field is maldistribution of doctors. I suggest that it is capitation that is going to increase the supply of doctors and is going to enable us to address that problem. Two years down the road it is going to be a different problem in our health area. If we terminate capitation, then we will have no tool to address those problems. Let us look at capitation. This amendment suggests that the Subcommittee on Labor-HEW is wishy-washy on the medical schools. Last year it was the subcommittee that increased the funding level for capitation from less than $100 million to $120 million. This capitation item was the only item in conference in which the Senate recommended a lesser amount than the House. They put a ceiling on all other items.

Let us look at this rescission. The President suggests that we rescind $58 million in capitation for our medical schools. I offered my amendment to restore the entire amount. The amount of money is not the sole factor. Rather it is the signal we send that is important.

The President's fiscal 1980 budget contains no funds for capitation—absolutely none. I will ask the subcommittee to restore the full $120 million and am prepared to make my case for the inclusion of this money. However, during our deliberations today, I think it is important to note two things. This subcommittee has recognized what we all talk about, and that is the need for fiscal responsibility. But more than this, this subcommittee has recognized that it is both necessary and desirable to strike a balance between fiscal and social responsibility. And, I think it has attempted to do this. They have gone into sensitive areas to suggest reductions.

What effect will that have on the medical schools this year? The $58 million rescission proposed by the administration would have required almost all of the private medical schools to increase their tuition by $700 this September. However, with a $20 million rescission the medical schools will be able to absorb that amount of money. It will let this House indicate that there are no longer any sacred cows. A big constituency does not necessarily mean that the Congress is going to get in line and follow them down the road. They are going to have to prove their case, and I suggest to all Members in here, what is wrong with that?

There is no one in this hall who is more attentive and favorable to the nurses and the doctors of this country than the gentleman from Kentucky. In the first bill he reports as subcommittee chairman we get a suggested amendment to it, a small rescission, of $37 million. This House is about to vote on the amendment. And I suggest that the amount of money is not the issue. It is what the gentleman from Illinois and the gentleman from Connecticut have suggested. That is, are we going to go down the same road? Just because of a big constituency are we going to go against what the American public is telling us—to get a dollar's value for each tax dollar?

This rescission is something that apparently was not of great concern to the medical schools and the nursing fraternities because they did not participate until after the process. They said, "Oh, don't worry. We'll go to the Congress; we'll go to the Senate, and they'll buckle like they always have."

I am opposing this amendment and at the same time I support full capitation—full capitation—in our move to put the $120 million of the medical school money back in. I suggest that the nurses are going to have to remake their case.

A large part of this money goes to my State, Mr. Speaker. A large part of this money goes to Massachusetts. This is no political matter. I just say that if we mean what we have been talking about, we are not going to balance the budget. All I am suggesting is that we show some fiscal accountability, and I hope this amendment is rejected.

□ 1345

Mr. PREYER. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

Mr. Speaker, I regret that I must oppose the Appropriations Committee's recommendation for education of nurses, physicians, osteopathic physicians, and dentists. My regret is sincere—I am committed to cutting spending and I respect the committee for its toughness and courage in doing the unpopular thing.

My objection is not to making cuts in the health field, but to making such large cuts in the middle of a fiscal year. These are cuts which have come, in effect, out of the blue, out of funds which have been authorized, appropriated, and relied on by our institutions.

This budget, as proposed by the Appropriations Committee, is asking schools of medicine, osteopathy, dentistry, and nursing to revise their budgets for the current academic year. There is no way that lopping off $20 million from medical and dental schools and $38 million from nursing schools will not have a devastating effect on the education of students currently in these programs.

Budget consciousness is sound policy. But budget cutting should be orderly and rational. The fiscal year 1979 rescission acts more as an authorization cut than anything else. Furthermore, it was made without hearings.

I would suggest, as the wiser alternative, that the Health and Environmental Subcommittee review manpower legislation in this Congress, and report its findings to the Appropriations Committee. I am quite confident that responsible cuts can be made as a result of these hearings.

Through such hearings is the proper way to address the important changes taking place in health education. For example, just as there is clear evidence of a surplus of hospital beds, there now appears to be clear evidence that, in the next few years, there will be a surplus of physicians—perhaps more than a 25,000 surplus by 1985.

But to terminate or slash capitation grants abruptly because of this fact seems to me irresponsible. A brief history of Federal involvement in medical education will indicate why this is the case.

Federal funds for direct support for medical education began in 1963. The reason was to increase the number of doctors. There was a magic number, a "50,000 shortage" of doctors.

In 1971, manpower capitation grants appeared, and these were "conditioned funds." One of the conditions was increasing the number of students enrolled by the medical schools.

The magic "50,000 shortage" figure has now disappeared almost overnight. It never went down to 40,000 or 20,000. It just vanished. It caught us all off guard. The medical schools have become very dependent on these Federal funds. We helped make them dependent. They are now faced with inevitable reductions in Federal funds. But they have the right to expect these reductions will not be done in midstream and without warning.

I think some reduction in capitation is wise and should result in a desirable shift to more State support. But it is unwise and unfair to make these cuts at too rapid a rate.

To slash Federal capitation funds by 20 percent in 1979 and to eliminate them in 1980 is irresponsible. After all, the Federal Government encouraged, and even mandated, these increased enrollments. The increased numbers that were enrolled in 1978 will not graduate until 1982.

There is a moral obligation to continue some substantial degree of capitation for the period of time schools must carry the increased numbers of students mandated by Federal law.

These are the kinds of fundamental questions which the Health and Environment Subcommittee must address in its hearings. And what has been said about medical schools also applies to nursing education. We must carefully reassess our needs in nursing as well.

If we are to balance the budget, we all must share some of the responsibility for cuts, and health services must bear their fair share. When these cuts are to be made, they ought not to be done in the middle of a fiscal year, and without full concentration.

I am confident that the Health and Environment Subcommittee will make responsible cuts after hearings on these fundamental questions. But, for now, I intend to oppose these rescissions in the health budget. And I urge support for the Staggers amendment.

□ 1350

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. PREYER. I am glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to compliment the gentleman on his statement. I certainly concur with him in supporting the amendment.

I was going to ask for time on my own, but since the gentleman from North Carolina (Mr. PREYER) put it so eloquently, I just want to join with him and underline his statement and put exclamation points around it.

Mr. PREYER. Mr. Speaker, I thank the gentlewoman from Colorado (Mrs. SCHROEDER).

I just want to point out that these are the kinds of fundamental questions which ought to be considered by the subcommittee and in the full hearing, and that the same sort of fundamental questions apply to nursing education.

Mr. Speaker, let me just close by saying that finally, once again, the Subcommittee on Health will make responsible cuts after considering these basic and fundamental questions, and in the meantime I urge the support of the Staggers amendment. I remind the Members that we are talking about a continuing resolution, meaning that this is funding at the 1978 level, which already discounts for inflation, and that the Staggers amendment still cuts $25 million over and beyond that.

Mr. CAVANAUGH. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Speaker, I had not intended to speak again on this amendment until my good friend, the gentleman from Massachusetts (Mr. CONTE), sought to inject my name and character and courage into the comity of this debate.

I would say it is disappointing to me that the gentleman would seek to detract from the debate and distract the attention of the House from the substantive issues before us and question my motives or my courage in supporting this amendment. I do not feel that I deserve lectures on political courage from the gentleman from Massachusetts.

Each of us here has to make those judgments that we think are appropriate, and we are going to have many difficult judgments to make in the year ahead. In the last Congress I think that I made my share of difficult judgments.

My district contains the home of the Strategic Air Command. In the course of the last Congress I actively and continuously opposed the B-1 bomber, which is a matter of great interest to that constituency and one on which they strenuously objected to my disagreement with them. And I will in the future disagree with major portions of my constituency.

This is not the basis upon which I approach this issue, and I do not think the gentleman is correct in attempting to impugn my motives, since I have never impugned his.

The real issue here is not whether or not the Congress is going to balance the budget this year. We are not going to balance the budget this year. The real issue is not whether we will try to make a commitment to balance the budget. Clearly we should have an obligation to move in that direction. But the real issue is whether or not we are going to carry out the commitment we made to the American people in the past Congress in 1979.

The fact is that we did not pass the authorizing legislation, but we did pass a continuing resolution by a vote, I believe, of 396 to 12, and I believe the gentleman from Massachusetts was probably in the majority there. I believe that there has been a commitment which the gentleman made and which I made and one that this Congress made.

In addition, the administration followed us in that commitment at the same time, and I quote from the memorandum of disapproval:

> Disapproval of this bill will not cause an abrupt termination of funding of the nurse training programs, since funds are available for fiscal year 1979 under the continuing resolution.

That was a commitment. That was the word that was given. That is the word that these institutions have relied upon. They have a right to rely upon it. They have a right to rely on the gentleman from Massachusetts who voted last September and to expect he would not change his mind this March. They had a right to rely on my vote, and they had a right to rely on the President's commitment.

I think the other gentleman from Massachusetts (Mr. EARLY) eloquently outlines the nature, need, and substance of these programs. These programs are not grab bags. They are not "goodies" that have been bestowed on constituencies. These gentlemen have served on the Committee on Appropriations for many years, and I presume the integrity of these programs has been evaluated over and over again. Now Members who support the program are accused of being Members without integrity. It is supposed that those who have abandoned it are the repositories of legislative integrity.

That is simply not the fact. The fact is that this Congress made a commitment to the people for 1979, and we ought to live up to it. We ought to live up to our commitment the best we can. Maybe the best way to live up to it is by the amendment the gentleman from West Virginia (Mr. STAGGERS) offers us today, and I support the amendment. This is not a gratuity; it is an obligation and it is one I think we owe to the American people.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. CAVANAUGH. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, at the outset I am sorry if the gentleman feels I impugned his motives. I have nothing but the highest respect for him. But the record speaks for itself.

The gentleman did vote against increasing the debt ceiling, and at the same time, when we try to save a few dollars here, he opposes it.

Is the gentleman saying that every time this Congress votes for an appropriation of any kind, the administration cannot send up a rescission?

Mr. CAVANAUGH. No; that is not true at all.

Mr. Speaker, I support other portions of the rescission, but I think when we look at this particular item the Congress made a firm commitment to the health manpower professions to continue this funding for 1979. It was clearly debated and thoroughly debated in the last Congress. Our intentions were clear.

In addition, the President's veto message on the Nurse Practice Act continued his commitment to that funding.

□ 1355

I think we both share an obligation to stand by that commitment. That commitment does not extend into 1980. This Congress, I think, is free to evaluate, to put those professions on notice.

The SPEAKER. The time of the gentleman from Nebraska (Mr. CAVANAUGH) has expired.

(On request of Mr. CONTE and by unanimous consent, Mr. CAVANAUGH was allowed to proceed for 2 additional minutes.)

Mr. CAVANAUGH. We put these medical health professions on notice that the Congress is now under different pressures and obligations, that it is going to view these obligations differently than in the past.

But the honest thing to do, the decent thing to do, is to do that in the future and not cut them down in midstream when they have had a right to rely on our previous commitments and extensions and to develop their programs on the basis of those commitments.

Mr. CONTE. If the gentleman will yield, we have made very minimal cuts. We went along with only a small fraction of what the President requested in his rescissions. We were very thoughtful. We were not cutting out any commitment to the nursing profession or medical profession. The gentleman from Massachusetts (Mr. EARLY) tried to get the full amount back in, and he was voted down. I was with him.

You talk about the B-1 bomber. I voted against the B-1 bomber.

Mr. CAVANAUGH. I have never questioned the gentleman's courage or political motives in attempting to ingratiate himself with his constituency. I know the gentleman is a man of great political courage. I have seen it on this floor many times. I simply extend to the gentleman that he has an obligation not to question mine.

Mr. CONTE. Mr. Speaker, I am sorry that we are getting a lot of pressure here and I feel our subcommittee has done a fair and equitable job.

Incidentally, before the rescission, we had a meeting. It was an open meeting. There was nobody there except the administration. We did not hear a word from outsiders about rescissions or what the rescissions would do for these particular programs.

Mr. CAVANAUGH. Mr. Speaker, I am sorry to learn that the Committeee on Appropriations would act in ignorance as to the impact of its actions. It was stated earlier that these were minimal cuts.

Mr. CONTE. They do not act in ignorance.

The SPEAKER. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STAGGERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 139, not voting 31, as follows:

[Roll No. 21]

YEAS—262

Abdnor
Addabbo
Akaka
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Anthony
Applegate
Archer
Aspin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Bedell
Beilenson
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Bolling
Boner
Bonior
Bouquard
Bowen
Breaux
Brodhead
Broomfield
Brown, Calif.
Burton, Phillip
Byron
Campbell
Carr
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Cleveland
Coelho
Collins, Ill.
Conyers
Corman
Courter
D'Amours
Daniel, Dan
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Dellums
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Tenn.
Eckhardt
Edwards, Calif.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Fowler
Fuqua
Garcia
Gaydos
Gibbons
Gilman
Gingrich
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Holland
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Kildee
Kogovsek
LaFalce
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Leland
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, La.
Lowry
Lujan
Luken
Lundine
McClory
McCormack
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Mathis
Matsui
Mattox
Mavroules
Mica
Mikulski
Mikva
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Neal
Nedzi
Nichols
Nolan
Nowak
Oakar
Oberstar
Ottinger
Panetta
Patterson
Pease
Perkins
Peyser
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Richmond
Rinaldo
Roberts
Rodino
Roe
Rosenthal
Santini
Satterfield
Sawyer
Schroeder
Seiberling
Shannon
Shelby
Simon
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stark
Stewart
Stokes
Stratton
Studds
Stump
Tauke
Treen
Trible
Udall
Van Deerlin
Vanik
Vento
Walgren
Wampler
Waxman
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Wilson, Bob
Winn
Wirth
Wolff, N.Y.
Wolpe, Mich.
Wyatt
Wydler
Wylie
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NAYS—139

Albosta
Annunzio
Ashbrook
Atkinson
Badham
Bafalis
Bauman
Beard, Tenn.
Benjamin
Bennett
Boland
Brademas
Brooks
Brown, Ohio
Broyhill
Burgener
Burlison
Butler
Carney
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Cotter
Crane, Daniel
Daniel, R. W.
Danielson
Dannemeyer
de la Garza
Devine
Dicks
Dixon
Duncan, Oreg.
Early
Edwards, Ala.
Erlenborn
Fary
Fenwick
Findley
Foley
Forsythe
Fountain
Frost
Gephardt
Giaimo
Ginn
Glickman
Goodling
Grassley
Gudger
Hance
Hansen
Hightower
Hinson
Hollenbeck
Hopkins
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jones, Okla.
Kazen
Kelly
Kemp
Kindness
Kostmayer
Kramer
Lagomarsino
Lehman
Lewis
Long, Md.
Lungren
McCloskey
McDade
McDonald
McEwen
McHugh
McKay
Martin
Mazzoli
Michel
Miller, Ohio
Mollohan
Moorhead, Calif.
Murphy, N.Y.
Murtha
Natcher
Nelson
O'Brien
Obey
Patten
Paul
Pickle
Quayle
Regula
Reuss
Ritter
Robinson
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Schulze
Sebelius
Sensenbrenner
Sharp
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Stanton
Steed
Stenholm
Stockman
Symms
Synar
Taylor
Thomas
Thompson
Ullman
Vander Jagt
Volkmer
Walker
Weaver
Whitten
Wilson, Tex.
Wright
Yates
Young, Fla.

NOT VOTING—31

Alexander
Anderson, Ill.
Ashley
AuCoin
Bonker
Brinkley
Buchanan
Burton, John
Cheney
Coughlin
Crane, Philip
Edgar
Edwards, Okla.
English
Flood
Frenzel
Goldwater
Hagedorn
Hillis
Jones, N.C.
Lott
McKinney
Pashayan
Pepper
Rhodes
Scheuer
Swift
Traxler
Watkins
Williams, Ohio
Wilson, C. H.

☐ 1410

The Clerk announced the following pairs:

Mr. Traxler with Mr. Buchanan.
Mr. John L. Burton with Mr. Pashayan.
Mr. Flood with Mr. Swift.
Mr. Pepper with Mr. Hagedorn.
Mr. Charles H. Wilson of California with Mr. Hillis.
Mr. AuCoin with Mr. Lott.
Mr. Ashley with Mr. Coughlin.
Mr. Brinkley with Mr. Anderson of Illinois.
Mr. Jones of North Carolina with Mr. Goldwater.
Mr. Scheuer with Mr. McKinney.
Mr. Alexander with Mr. Williams of Ohio.
Mr. Bonker with Mr. Frenzel.
Mr. Edgar with Mr. Cheney.
Mr. Watkins with Philip M. Crane.
Mr. English with Mr. Edwards of Oklahoma.

Messrs. GONZALEZ, DICKINSON, and DORNAN changed their vote from "no" to "aye."

Mr. BROWN of Ohio changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1415

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: After line 3, page 3, insert the following:

"National Institutes of Health
Buildings and Facilities

"Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $37,000,000 are rescinded."

Mr. GLICKMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Kansas?

There was no objection.

☐ 1420

Mr. GLICKMAN. Mr. Speaker, we just voted on an amendment to increase appropriations. My amendment cuts appropriations by $37 million.

Now, the President has asked that we rescind $37 million for the construction of a new facility for the National Institute of Child Health and Human Development program, which is a very good program. The committee disagreed and voted to add the $37 million because they felt the facility was "needed to carry out the research necessary to the National Institute of Child Health and Human Development as well as to free up the existing laboratory space by other institutions."

According to the subcommittee staff, the subcommittee has always supported the NIH very well, and this project is for $37 million. This proposal has been on the drawing board since 1966, and the committee decided we should go ahead with construction.

The fact is that it has been in the planning stage since 1966 and has never been funded to this time, and that is an argument against moving ahead now when the pressure is even greater to put a limit on Federal spending.

The supporters of the new facility argue that they need to have the staff all in one building. The committee amendment does not directly affect programing at all. It is to coordinate people at different sites on NIH facilities. This is true of all Federal agencies. HEW is working on an overall plan for meeting space needs, as is NIH right now.

It does not make sense and it complicates matters to select out this one Institute for $37 million for special treatment.

Let me talk for a moment about space. The average space for this facility is 237 square feet for research employees. It varies from 200 square feet per employee to 296 square feet per employee. If the proposed building is constructed, the requirements for space for each employee would be 330 square feet.

I suppose the main point, Mr. Speaker, above all this kind of thing is a "bricks before people" argument. It may be nice to coordinate all these functions in one building. By the way, part of the $37 million is for a parking garage for 650 cars.

All I am asking the House today to recognize is whether this is a compelling Federal expenditure that we will die without. I think the obvious answer is, no, that there are many, many priority functions for research and development in Government, not a $37 million building.

I would ask the House to show the people that we do have some fiscal restraint and at the same time recognize that this does not curtail the program whatsoever. This only curtails the construction of a new building for $37 million. We do not have $37 million to throw around very often. I have seen this argued very hard for $100,000 or $500,000.

Here is some money we can save. The President is right. We do not need to spend the money.

Mr. Speaker, I would urge that the Members vote aye on my amendment to save this House and our constituents $37 million.

Mr. EARLY. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Speaker, I rise in opposition to this particular amendment to delete funds for the construction of new facilities for the National Institute of Child Health and Human Development which was proposed in 1966. If we had proceeded with construction then, we could have built this facility for $12 million.

When Dr. Fredrickson and Dr. Kretchmer testified—I cannot say too enthusiastically—and when this decision by OMB was made, they said the cost of the building would not go down. They also suggested in some of their earlier testimony, Mr. Speaker, that there was a necessity for the building. In testimony in the previous year, Dr. Kretchmer, when asked what was the significance of this building, replied: "Yes, this building would be the only one of its kind in the Western World. It would bring together research on the special health problems of women, mothers, children, and families, with studies of reproduction and developmental biology. It would be a symbol of our commitment to research in these fields."

This building would be built on the only available land there today, and this building would house programs on basic research related to such problems as birth defects, reproductive abnormalities, genetic disorders, child development, learning disabilities and nutrition.

This, Mr. Speaker, I suggest, is spending money to save money. We talk about the importance of preventative medicine. With this facility we can really address and impact upon the health problems of our women and children.

So, Mr. Speaker, I urgently suggest that this Congress reject the amendment.

Mr. CONTE. I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

☐ 1425

Mr. CONTE. Mr. Speaker, I must rise to oppose the amendment offered by my good friend and colleague, the gentleman from Kansas. While I can only praise my friend's sense of fiscal responsibility, I can only deplore his lack of vision in this matter.

I wish all of you could have been present when the administration's witnesses, led by Dr. Donald Fredrickson, the Director of NIH, lamely tried to convince the Labor-HEW Subcommittee that this rescission was justified. I produced memoranda signed by Dr. Fredrickson himself which I will include in the RECORD in which he stated what a high priority he assigned to building this new facility. Dr. Julius Richmond, the Assistant Secretary for Health, feels exactly the same way. I will also include his memorandum in the RECORD. At present, the NICHD research facilities are located in no less than nine separate buildings, many of which are antiquated and cannot even pass Federal safety codes.

Dr. Andre Helligers, a world famous researcher and physician, and Director of the Kennedy Center for the Study of Human Reproduction and Bioethics, testified last year before the Select Committee on Population. He said there that NICHD as it is now could not attract top people because of its poor facilities. He also said that he had twice turned down an offer to become the Director of NICHD. A top scientist turning down the Directorship of one of our National Institutes of Health is to me both shocking and disgraceful. We give them large sums of money precisely so that they can attract the best people and do the best possible research; here we are failing.

I have already briefly cited some of the benefits we can hope for from the research that would take place in this facility. Perhaps I should repeat a few of them, both for my distinguished colleague from Kansas, and for the benefit of all my fellow Members. This new building will house important research in fetal development and hopefully we will live to see the breakthroughs mothers today dream of that will give us a cure for many dread birth defects. What a joy it will be for mothers of future generations to carry their children to term without the fear that their infant might be crippled or handicapped by some presently incurable disease.

This new center will also provide an excellent place for research to develop a safe, effective contraceptive. Not only in this country, but throughout the world, there is a pressing need to find a means to check the burgeoning growth of our population.

By building this center, America will be giving a sign to the world that we are deeply committed to research to help mothers and children. We will be building one of the top facilities in the world.

In opposing this expenditure, my colleague does not in fact oppose research of this kind. He feels that this research can be carried on as it is now, in nine distant and inadequate buildings. If we are only committed to mediocre, subpar research efforts, he is correct; we can continue this way. I believe that the House of Representatives ought not commit itself to poor quality ventures, especially where the health of mothers and children is concerned. I urge all Members to vote for full funding for this building. Today we can show the world our commitment to the health of future generations. This commitment is not contrary to our common desire to balance the budget.

Let us not, in the name of fiscal responsibility, cut funding for so worthy a project. There are other, better ways to balance the budget. Together, I hope we can find them, so that America can return to an era of prosperity and of health.

The memoranda of Donald S. Fredrickson, M.D., and Julius B. Richmond, M.D., follow:

MEMORANDUM

From: Director, NIH.

Subject: Proposed Research Facility for the National Institute of Child Health and Human Development—Information.

This responds to your telephone request of today for information on the above subject. The National Institute of Child Health and Human Development (NICHD) is a component of the National Institutes of Health (NIH). The NICHD was established in 1963, and has the primary Federal responsibility to conduct research on maternal, child, and family health and in the reproductive sciences. The major objectives of research efforts at the Institute are:

To advance knowledge that will assure those who want children the birth of a healthy baby;

To develop through research the means to prevent life-long disability and death in children that result, for example, from congenital defects which now affect seven percent of all newborns; and

To provide to those who do not want children a choice of safe, effective, and acceptable methods for regulation of fertility.

The pace toward achieving these objectives, however, depends upon the Institute's realizing its plan for an integrated Intramural Research Program.

Construction of a research facility at NIH to accommodate this program has my strongest support, for the following reasons:

At the present time, the intramural scientists of this Institute are scattered in no fewer than nine different buildings on the NIH campus and in an offsite rental building. At best, this situation is logistically difficult; at worst, it diminishes the communicative environment so necessary for multidisciplinary scientists who share common objectives.

The NICHD Intramural Research Program space allocation is the lowest at the NIH (114 net square feet per staff member, as compared with an average of 210 net square feet for the other Institutes on campus). The space is overcrowded and poorly designed for its present occupancy.

$602,000 has been spent in the design and development of construction plans for Building 33. The original plans, drafted in 1966 and modified in 1973, still meet the NICHD program of requirements and need no expensive or time-consuming revision.

Building 33 as presently projected will contain approximately 85,400 net square feet of laboratory and support space. Anticipated cost of the construction as currently planned is approximately $37 million.

Construction of Building 33 would meet an additional important need. Seven older laboratory buildings at NIH have deteriorated seriously and cannot meet Federal safety standards. It has been determined that two buildings will ultimately have to be dismantled. Five buildings, however, can be renovated, provided that their scientist occupants can be displaced from one building at a time and each building restored in succession. The space necessary to initiate this process is now totally lacking but can be provided by Building 33 if a minimum of one additional floor is added to the present plans. Cost estimates are:

One additional floor: 23,500 net square feet—$5 million.

Two additional floors: 47,000 net square feet—$10 million.

A new building equivalent in size to the two-floor addition would cost in excess of $12 million, so potential savings would be at least $2 million. Further delay will escalate the cost.

In the entire Western world, there is not a single national research facility where scientists committed to improvement of the health of mothers, children, and families can pool their expertise under one roof. Creation of such a facility at the NIH would provide a physical, conceptual, and organizational focus for research efforts aimed at improving each infant's chances in life. A critical mass of scientists will be assembled in Building 33 to concentrate on problems of early development. The results of this research will contribute to prevention of those diseases and disability increasingly encountered in later life. It will consequently make an important contribution to the effectiveness of the emerging National Health Plan being developed by this Administration.

DONALD S. FREDRICKSON, M.D.

MEMORANDUM

From: Assistant Secretary for Health.

Subject: Proposed Research Facility for the National Institute of Child Health and Human Development—Information.

This is in response to your request for a briefing on the present status of the research building for the National Institute of Child Health and Human Development (NICHD).

The NICHD is a component Institute of the National Institutes of Health (NIH). Established in 1963, the NICHD has the primary Federal responsibility to conduct research on maternal and child health and in the reproductive sciences. Two major objectives of research at the Institute are: to advance knowledge that will assure those who want children the birth of a healthy baby, free from disease and disability; and to provide to those who do not want children a choice of safe, effective, and acceptable methods for regulation of fertility.

From its inception, the Institute has emphasized the importance of early human development and its relationship to adult health and well-being. The Institute's leadership has served to focus multidisciplinary efforts on the field of human development to the degree that significant contributions to fetal and preventive medicine have been possible. The pace of these accomplishments, however, depends upon the Institute's realizing its plan for an integrated Intramural Research Program. It is the youngest Institute among those having an intramural program located on the NIH campus.

At the present time, the intramural scientists of this Institute are housed in no less than nine different buildings scattered over the NIH campus and a rental building in Bethesda. At best, this situation is logistically difficult; at worst, it diminishes the communicative environment so necessary for multidisciplinary scientists who share common objectives. Moreover, the NICHD Intramural Program space allocation is the lowest at the NIH (114 square feet per staff member, as compared with an average of 210 square feet for the other Institutes on campus).

As early as 1965, it was determined that a building should be designed and constructed on the NIH Bethesda campus to house the NICHD intramural research activities. The attached architect's rendering of this building shows its general features (see Tab A). At that time, the northwestern area of the NIH campus was selected as the site for the building because it would place the facility within close proximity to the Clinical Center (Building 10). This fact is important because it eliminates the necessity for the construction of an independent pediatrics hospital, which is not economically defensible. An appropriate area in the D wing of the Clinical Center has been specially constructed for the treatment of pediatric patients under the supervision of the NICHD.

The proposed building for the NICHD, known as Building 33, has been given a high priority by the directorate of NIH. This project, however, has been superseded by the essential modernization of the Clinical Center and construction of its Ambulatory Care Research Facility, the Lister Hill National Center for Biomedical Communications of the National Library of Medicine, and the new construction of the National Institute of Environmental Health Sciences at Research Triangle Park, North Carolina. With these three construction programs now under way, the construction of Building 33 is of the highest priority.

To date, $602,000 has been spent in the design and development of construction plans for Building 33. The original plans, drafted in 1966 and modified in 1973, still meet the NICHD program of requirements and need no expensive or time consuming revision. The building as presently projected will contain approximately 85,400 net square feet of laboratory and support space. It will not contain clinical space, since that is more effectively provided in Building 10 where all the clinical services are immediately available. The anticipated cost of the construction exclusive of parking facilities as currently planned is approximately $32 million.

In considering and evaluating other space needs on the NIH campus, it is increasingly apparent that the more ancient laboratory buildings—namely, buildings 2, 3, 4, 5, 7, 8, and 9, all built between the years 1938 and 1946—have deteriorated significantly and presently need extensive modernization (see Tab B). Indeed, buildings 7 and 9 have been judged beyond the point of useful reconstruction and are earmarked for ultimate elimination. The remaining buildings listed above, however, can effectively be modernized, provided they can be vacated for significant periods of time. To achieve such a modernization, a program has been developed whereby in succession each building is freed of occupants, restored, and then occupied by staff presently situated in the building next scheduled for restoration. In order to initiate this process, it is necessary to find turnabout space which, at the moment, is totally lacking.

A Committee on Laboratory Space, which has studied the problem, has strongly recommended to the Director, NIH, that Building 33 be built immediately with two additional floors, thereby providing the needed turnabout space. This action would permit initiation of the plan to modernize buildings 2, 3, 4, 5, and 8, and at the end of the cycle to dismantle buildings 7 and 9. The NIH Division of Engineering Services indicates that this is entirely feasible and that the additional costs will be substantially lower than constructing another independent, free-standing new laboratory building, assuming that a construction site were available. It has been estimated that an additional two floors containing approximately 47,000 net square feet would cost $9 million, resulting in a total Building 33 cost of $41 million. A new building equivalent in size to the two-floor addition would cost in excess of $11 million, so that the potential savings would be at least $2 million.

The foregoing plan thus will provide not only for the modernization of several older NIH laboratory buildings but will, for the first time, permit NICHD scientists to cooperate fully and to exchange information, ideas, and advances. Additionally, it will place them in reasonably close proximity to the hospital beds that contain the patients who are the ultimate objective of study.

The benefits to be realized by the enhanced ability of NICHD to promote research on fetal medicine and human development through the new facility are manifold.

Among the dramatic advances of recent years in clinical medicine has been the development of means to approach the problem of diagnosis of disease in the fetus and thereby reduce fetal wastage. Techniques including those of aminocentesis and direct fetoscopy, and the recently developed capacity to secure fetal blood samples with minimal hazard to mother or fetus, provide the obstetrician and pediatrician with previously unavailable means of diagnosis and detection. Such advances in research have contributed to techniques and knowledge on the identification, management, and treatment of problems detected *in utero*. Not only have these advances permitted the physician to anticipate the birth of a distressed baby and thereby prepare for corrective treatment upon delivery, but they have also made possible the correction of certain deficiencies and problems prior to conception and during gestation.

For example, it is known that certain genetically caused disorders can be corrected in utero by management of the mother's diet. New knowledge on pregnancy management has decreased the threat of maternal and infant mortality and morbidity for diabetic women. A major advance occurred with the development of techniques that permit treatment, in utero, of the Rh baby. Physicians may now advise against smoking and drinking on the basis of research findings that illustrate the adverse effects on the fetus of these habits in the mother. Epidemiological research has contributed to defining populations at risk of delivering premature and low-birth weight infants. New findings in research on the Sudden Infant Death Syndrome (SIDS) indicate that the origin of SIDS may reside within some period of antenatal development.

The practice of fetal medicine and the physician's ability to treat a diseased fetus depend upon advances in research such as those described above. Further, it is critically important that there is continued opportunity for multidisciplinary research and cooperation.

The need for biological and behavioral research to advance fetal medicine is fully acknowledged by the NICHD. The complementary activities of NICHD-supported research on the health of mothers and children and in the reproductive sciences comprise an ideal milieu for a focus of study on fetal and human development and on antenatal origins of disease and disability. These are realistic objectives of the research programs of the NICHD that will be significantly facilitated and enhanced by construction of this intramural NIH research facility.

JULIUS B. RICHMOND, M.D.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, I wanted to make it clear that this funding does not go in any way for program activity or for personnel activity. It is only for construction of a building and a parking lot.

Mr. CONTE. That is right. If the gentleman wants to talk about parking lots, why does he not start right here in the Capitol and get rid of some of these parking lots? And I am going to give the gentleman a chance, when the legislative appropriations bill comes up, to knock out $30 million in construction for the House of Representatives. We have so many employees they should get workmen's compensation, so in case they trip over each other they will have some insurance to take care of them.

☐ 1430

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I thank the gentleman for yielding to me. I want to associate myself with his remarks. I strongly support his position. I think this building is desperately needed to improve research on maternal, child, and family health. I want to compliment the gentleman on his statement.

Mr. CONTE. I thank the gentleman.

Mr. EARLY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. EARLY. Mr. Speaker, I would like to ask the gentleman in the well, the purport of the amendment offered did not really deal with service or effective service. What was the testimony of the carriers? Did they suggest what effect it had on recruitment of researchers over there, that they could not recruit many researchers who would come in because of the poor facilities? Did they suggest what effect this building would have on that?

Mr. CONTE. The gentleman from Massachusetts is absolutely right. I just said on the floor that one of the best scientists in the field, Dr. Hollinger, refused to become Director twice when he was asked to go there because of the poor research facilities at NIH. It is disgraceful. This building has been planned; blueprints have been printed since 1965, and it is high time that we finish it.

Mr. EARLY. I thank the gentleman.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this is a subject matter that was thoroughly discussed by the committee, after testimony was given by experts in the medical field. I do not know that I can recreate the atmosphere created by the expert testimony before the committee at that particular time, but I can assure that those who testified for the administration did not have their plea for rescission at heart. They, in fact, were saying, "Yes, we are requesting this rescission," but on the other hand they were admitting that just a year before they had testified strongly in favor of making possible the construction of this facility because of its great need.

Now, we all know that there is a great need for this facility. We know it because, in answer to various questions, the experts did in fact admit that they were unable to get the top scientists of the country to come to work for them because of the lack of space in the facility that they now have. In a direct answer to my question, one of the witnesses told the committee that they had overcrowded conditions, that they could not attract the necessary scientific personnel to do the job properly, and that the facility that they were trying to rescind the funds for was definitely needed.

These witnesses, all experts in the field of medicine, were testifying on behalf of the administration, requesting a rescission that they themselves based on their professional opinion did not believe in.

The truth of the matter is that this facility is needed. Testimony before the committee confirms that in 1979 alone, over 3.2 million infants will be born with birth defects in the United States. Childhood disease and the developing problems which in most cases we know too little about, have lasting effects throughout adult life. Even worse is the shocking and appalling infant mortality rate we have in this country. Since 14 other countries in the world have lower infant death rates, I refuse to believe that we cannot give our resources to addressing this critical problem.

☐ 1435

May I repeat that there are 14 other countries in the world which have a lower infant mortality rate than the United States does; and we are supposed to be the most developed nation, have the best scientists, and the best overall medical know-how in the world.

When it comes to infant mortality, however, we are still lagging far behind. One of the reasons for it is that we do not have the proper facility and that the proper facility can now be built with $37 million which this amendment before us seeks to rescind.

Had we built this facility, when it was first brought up by the committee, the cost would have been anywhere between $12 million and $14 million. If we wait another year or two, the cost will continue to increase, and every year of delay will be a setback for the children of America, those now living and yet to be born. The need for the facility is not in contention. We do know that when it is built in the future, that it will cost more money. Therefore, let us build it now so that we cannot only meet the need but give us the opportunity to catch up with the 14 other countries which have a better record when it comes to infant mortality than we have in the United States.

Mr. Speaker, the time to do it is today by not agreeing to the amendment before us.

Mr. MICHEL. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Speaker, when our subcommittee was initially considering this rescission which totals $236 million, I was hoping that we would have included in the rescission this building for $37 million, for then we would have had in total a rescission of $111 million, or about half of what was proposed. That would have given a really good indication of where we were going in this whole area of spending in this coming year.

The gentleman from Connecticut some time ago, in the earlier debate, made mention of what kind of signals we ought to be giving. We saw as a result of that last vote, when one gets down to the individual line items, how much different it is to go to the well on one of those items than it is simply to vote for a balanced budget or to vote for an expenditure ceiling of some kind. It is these individual items, one on one, that make the difference. At some time we have to face up to that fact in this House; we have to make the difficult decisions.

Mr. Speaker, in my judgment, at a time of budget constraint, new facilities that are not urgently needed ought to be the first to go as far as funding is concerned.

Dr. Frederickson, the director of NIH, says that while the Child Health Institute can use a new facility—who cannot?—it can certainly go without it at this time; but, more importantly, that its research will not be hampered.

HEW is currently undertaking a complete review of NIH space needs. We ought to wait for completion of this review before unilaterally going ahead with a new facility for one institute.

The author of the amendment, the gentleman from Kansas (Mr. Glickman), made mention of the square footage of the average institute out there. As a matter of fact, construction of this building would give the Child Health Institute 330 square feet per employee, which is 50 percent more than the average for every other institute at NIH.

The argument is made that the Child Health Institute activities are located in several buildings, and therefore, they should be consolidated. The Child Health Institute is not unique in this respect because virtually every one of the NIH institutes has programs located in more than one building.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Yes, I am happy to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, is the gentleman saying that if we vote for this amendment, we are in no way jeopardizing the program?

Mr. MICHEL. That is correct.

Mr. ROUSSELOT. And we cannot be accused of doing great damage to the program because the space already exists for this purpose; is that correct?

Mr. MICHEL. Right. As a matter of fact, this facility would provide space for 241 people. They only have 170 on board currently.

Mr. ROUSSELOT. Will the gentleman repeat that? They have only 170 on board?

Mr. MICHEL. They have 170 on board in that institute currently.

☐ 1440

If they had the building, they would have room for 241. That is not to suggest that if additional people are really desirable in the future we could not still be housing them in some other facility. Again, it is not saying that in the future it would not be desirable to have them all under one roof in a beautiful, more sophisticated kind of laboratory environment. Every one of us, I guess, would like to have the ultimate, but we are in a period of budget restraint.

The other point is that when we look at the square rootage provided for here, there are 531,00 square feet, of which only 85,000 are net square feet insofar as research is concerned. In other words, 16 percent of the space is for research and the other space is for ancillary activities or parking, as the gentleman mentioned, for 600 cars or more. But the point we have got to make here is these designed plans were initiated in 1966 when we did not have a Metro. We are going to have a Metro stop out there now, so there is no need to have that parking facility. In my judgment, if we build the building in the future, it ought to be with a new design to accommodate research activities and people, and not cars.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Do we have a Metro system here on the Hill?

Mr. MICHEL. Oh, yes.

Mr. CONTE. Why in the world do we have all of these parking lots?

Mr. MICHEL. Because we had the parking places before we had the Metro.

Mr. CONTE. Metro had been planned for years. The gentleman from Illinois is very fair. When I asked Dr. Frederickson whether it was true that he was having difficulty attracting top scientists to the National Institute for Child Health Care because of poor research facilities, did he say "Yes"?

Mr. MICHEL. Yes, he did. The gentleman from Massachusetts makes a good point, but my view is that if there is all that motivation on the part of these scientists to do what ought to be done, it is not going to be the building that is going to make the difference about whether or not they are going to sign on. Maybe they have to have a deep seated feeling down here that under the most minimum facilities, they will serve. That tells me something, as opposed to one who says, You give me everything I would like, boys, and only then will I come and serve.

The SPEAKER pro tempore (Mr. Wright). The time of the gentleman has expired.

(At the request of Mr. Dicks, and by unanimous consent, Mr. Michel was allowed to proceed for 1 additional minute.)

Mr. DICKS. Is it not true that we will still go ahead after the facility study is done, when we really know what the space is, and look this thing over again, say, in a year or so when we have gotten through this period of inflation and high Government spending, and with everyone trying to balance the budget? Could we not wait until a year or two and still go ahead and do this when we have a new design?

Mr. MICHEL. This would not be the first time we have had to exercise that kind of restraint, and I would be the first one to say that they would probably give first priority to this facility when they get to building buildings again.

Mr. DICKS. I am very concerned. This design was done some 10 years ago.

Mr. MICHEL. Thirteen years ago.

Mr. DICKS. And a lot of people object to the serious problems with the design. We ought to go back and take a fresh look, and we can defer this for another year.

Mr. MICHEL. I agree with the gentleman.

Mr. EARLY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. EARLY. I thank the gentleman for yielding.

The design was 1966, but the plans were revised in 1973. In the testimony did they not tell us they could start construction in 3 months?

Mr. MICHEL. Yes.

The SPEAKER pro tempore. The time of the gentleman has expired.

(At the request of Mr. Conte, and by unanimous consent, Mr. Michel was allowed to proceed for 2 additional minutes.)

Mr. CONTE. Again I repeat, the gentleman has been most fair and forthright in his answers. But in answer to the gentleman from Washington, if we are against brick and mortar, the place to start would be right in the Congress. They are going to do a great deal of research on prenatal care, et cetera. Why do we not stop that mausoleum over in the Senate, the Senator Hart Building for $50 million? What are they ever going to research in that building.

Mr. MICHEL. Mr. Speaker, I yield back the remainder of my time.

☐ 1445

Mr. NATCHER. Mr. Speaker, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Speaker, I dislike finding myself in disagreement with my distinguished friend, the gentleman from Illinois, the ranking minority member of our subcommittee. The gentleman from Illinois is one of the ablest Members in this House. I say that quite frankly.

Mr. Speaker, at the beginning of 1966 we started planning this building. For a number of years it was the priority number one building at the National Institutes of Health. If this building is constructed, Mr. Speaker, we will continue our research in matters concerning the health of children, birth defects, reproductive abnormalities, genetic disorders, child development and nutrition.

Mr. Speaker, this building ought to be constructed. I hope this amendment is defeated.

Mr. MILLER of California. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in opposition to the amendment. I think it would be fair to say that the subcommittee chairman, in this case the gentleman from Kentucky, is the one who either has a lack of understanding about public buildings or what they might cost, and second, that he is not one who has a reputation for being "terribly loose with a buck." But also I rise because we are starting to see an argument that will be coming forth for the rest of this year until the mood of the country changes, until we address some fundamental problems we have with the operation of this Government.

Last year, we discussed budgets, by discussing only dollar figures, as if there was nobody behind those dollars. Now this year, in the height of the hysteria about spending we discuss facilities designated for research on maternal and child health and well-being. There are no children involved in this facility, we are told. We are being asked to con ourselves into believing that we are voting against a building. We are not voting against a building; we are voting against the future of a lot of children who are not yet born.

Let me tell you, that on the Committee on Education and Labor, we try to come up with solutions to the problems of defective births, of generic diseases. Let me state that it is very expensive to try to come back to pick up the pieces after we have ignored the preventive approach. It is very expensive, after a child has suffered a birth defect, after mental retardation has captured a child, to come back and talk about what we are now going to do for that child. Are we going to create a bionic child? Are we going to add on sophisticated limbs? Are we going to mainstream that child in school? How are we going to take care of these children, and how much will that cost us, for the rest of that person's life?

We know in the past we have made major discoveries about the relationship of fetuses to the mothers' use of alcohol. her nutrition, and her intake or use of drugs and chemicals. We have saved a great number of children from tragedies of life by establishing preventive health, nutrition and diagnostic programs. So we are not postponing a building. We are postponing the ability to attract leading scientists.

We are postponing developing the knowledge that may save those children. By refusing to make an investment in the future, assuring that we will have to spend money in the future. Now, we can stop deceiving ourselves and decide to invest in preventive care through the study that will be undertaken in this facility, or we can defer action and wait to pick up the pieces in the future, when the costs are far greater.

Do we know that in the International Year of the Child? As politicians, we are very fond of telling audiences that we consider our children are our most important resources. Do we tell them that 17 million of our children have never seen a dentist? Do we know that the third leading cause of death among 10- to 14-year-olds is suicide? Do we know that 1 million of those children are abused and neglected? Do we know that if their parents are abused that, the likelihood of those children, and their children, being abused and neglected dramatically increases?

We have all made speeches about cutting the welfare cycle, in a truly preventive and constructive sense, to cut that cord that ties generations of poor, malnourished, disabled, and abused people together?

We may have a chance when we bring a healthy child into the world.

We spend a great deal of money to try to give children an equal chance out of the starting gate. But when a child comes into the world engrossed in poverty, when it suffers from birth defects, when it suffers from mental retardation, that child does not have an equal chance no matter what subsequent action we take. So let us not sit back and con ourselves into believing that we are voting only against a building. Let us not sit back and con ourselves, because we would be ignoring the plight of children in this country.

□ 1450

We can talk about facilities instead of children, we can talk about budget cuts instead of children. But behind those budget sums, behind those facilities, are people who are dedicated to research and the taking care of children. They are not asking to work in lavish quarters, but they want good rsearch facilities. Somebody may say that they have the welfare of our children in their hearts but that they want to save some money. The next time we have an office space problem in the Rayburn Building, let us not run over there and suggest that we can do a better job if we have larger staffing quarters and if we have larger offices in which to meet our constituents who come to see us.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

(On request of Mr. GLICKMAN, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I share the gentleman's concern. I would just point out that again, as I said before, that it is clear from both the NIH people and from reading the record myself, that research programs are not going to be affected, but I would point out that there are several institutes in the NIH that are housed in several different buildings. This happens to be one of them.

Now, it would be nice, it would be helpful to have them all located in one facility. But the point is this: The gentleman mentioned the International Year of the Child, and we can also say that we have the "International Year of Fiscal Prudence."

The point is that there is some point at which we have to say what is compelling to spend money on. We should not cut the research being done for those people, but this is to build a parking lot and a building that will not supply adequate working space for the people. We might combine the House and the Senate in one facility and it might make it more efficient, I do not know.

I suppose all of us have to reach down in our guts and say what is the compelling expenditure. At this point, as I see it, it is not a $37 million building, especially in view of the remarks of the gentleman from Washington as to new needs analyses that are not compelling right now.

Mr. MILLER of California. Mr. Speaker, I just find that ironic, if the gentleman will allow me to continue, because I think it does affect the research. I think that is a con game that we go through and I think it does involve the Congress in a priority setting. I do not know, in the short tenure that I have spent here, anywhere that we have been terribly lavish on the future of children in this country.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 30 additional seconds.)

Mr. MILLER of California. Mr. Speaker, the testimony that the committee has received is that it has had an impact on throwing these researchers and scientists together here. Why would they come here if they had things better elsewhere?

The reason I raise the question of the International Year of the Child is that the conclusions the sponsors have reached are the same conclusions that have been reached every decade. The children of this country are in deep trouble.

So I am willing to risk a little expenditure on their behalf with this research building to those researchers the facilities they need, because it may mean that in one of these years the children are a little better off as a result.

Mr. McCLOSKEY. Mr. Speaker, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Speaker, I hesitate to oppose the efforts of my good friend, the gentleman from Kansas (Mr. GLICKMAN), to cut spending because I think we are going to be trying to balance the budget all year, and I think this is a reasonable argument that he makes.

But this particular building, as the gentleman from Kentucky pointed out, has been in the works for 10 years; as we studied NIH last year and we found that they spent nearly $3 billion each year in research, we found that only a paltry fraction of that sum was spent in research for contraceptive development. We found that the private drug companies, which used to put substantial funds into contraceptive research and development have found they could no longer do so because of the increasing time frame and investment costs.

But most of all, we found that of all the 11 institutes of the National Institutes of Health, the only one that did not have its own in-house laboratory facility, the only one which could not provide a focal point in the National Center of Government for Research, was in this particular area of research of child and maternal health research.

□ 1455

I would beg my colleagues that, in a year when we are, hopefully, going to balance the budget, that we not sidetrack this plan which has been under way for some 10 years, the final culmination of making the U.S. seat of government as the center for in-house governmental research in maternal and child health. If any of the other national institutes did not have their inhouse laboratory, I would not be making this argument. But if there is a basis at all for the National Institutes of Health that basis lies in having a focal point for research throughout the world. Without this building it cannot be. I would urge a vote against this amendment.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, one cannot argue with the point the gentleman from California makes and the point which his predecessor in the well, the gentleman from California (Mr. MILLER) made, on the laudable objectives of improving the health and welfare of our children.

The point is, we are at that juncture where we have to make a choice. Now, if, when we write up the regular bill, I am given a choice of $37 million for programs to do what the gentleman is talking about, as distinguished from a facility in which to do them, this Member is going to opt for the program all the time. And that may very well be the choice we will have to make, if these programs are all that good, for the future of our children.

Mr. McCLOSKEY. I just voted against funds for my own medical school at Stanford University, and for its nursing school. I do not make this argument because I do not accept what the gentleman says. What I can say is that, in contraceptive and biomedical research, we cannot effectively contract that out around the country unless there is an inhouse focal point at NIH as the basis for those operations in the country.

If we stand at all behind the concept of national medical research, then this institute, at least in this particular year, deserves the same dignity and the same credibility of the other institutes at NIH.

As we examined the question last year, it appeared that we are doing an inordinate amount of research into diseases of elderly men, cancer and heart disease and other diseases which affect elderly Members of Congress, yet we have to be embarrassed at the lack of research for the benefit of our young women.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

Mr. Speaker, I have tried to listen to these arguments carefully, and I think the point my colleague, the gentleman from Illinois, a member of the committee, is trying to bring to the attention of the House is that this building and the constructon of it, in no way affects all of the programs for which my colleague just made an appeal. None of the programs for which my colleague, the gentleman from California (Mr. MILLER) made such a strong appeal, would be affected. This amendment does not affect the worthy research portions of the bill. It is only the $37 million facility. Other facilities now exist to house the personnel. It does not cut off the program. And at some time and place we have to stop building all of these huge buildings in this town.

The gentleman does not disagree with that.

Mr. McCLOSKEY. No, I do not disagree with that. But I do respectfully disagree with the assumption the gentleman makes that the programs can proceed without the building in this particular case.

Mr. ROUSSELOT. That is what we have been assured by members of the committee and by the Director of NIH. The elimination of the $37 million will not affect the important research programs.

Mr. McCLOSKEY. We respectfully disagree.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. McCLOSKEY) has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask a further question in regard to the same items. We have the program ongoing now. It is just diversified into this structure. This proposal, as I understand it, is to have a central facility as a focal point, to upgrade it. Are we going to take the people, assuming the building is built, from other buildings in the area and put them in this one building? Is that correct?

Mr. McCLOSKEY. I cannot honestly answer that question.

Mr. VOLKMER. Then what is going to happen to the facilities in the other building? Are we going to add people in there? How much are we going to add to this one building?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, all of the equipment and the facilities we have, and the people, will move into this particular facility. Maybe the gentleman was not here when I was speaking, but the buildings are now nine antiquated buildings, including the rental downtown.

☐ 1500

Some of those buildings cannot even pass the Federal Safety Code, so that most likely most of those buildings will be ripped down. I might mention that the gentleman is very strong for the Hyde amendment——

Mr. VOLKMER. What has that got to do with this?

Mr. CONTE. This is an area in which we can really do a tremendous amount of work prior to the birth of a child in studying the fetus and preventing a lot of handicapped children from being born. We are doing a tremendous amount of work in the field.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. In further answer to this question, we actually received testimony that these good researchers are in great demand. We actually received testimony that good researchers have refused to operate under the conditions that they have out there now.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

(At the request of Mr. ROUSSELOT and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I will be glad to yield.

Mr. ROUSSELOT. According to the committee, this $37 million laboratory would include 192,000 gross square feet and 85,400 net square feet. The parking facility would include 254,000 gross square feet.

How much research do you do in a parking facility? I know that my colleague did not mean to imply that great advances in medical research will be accomplished in this proposed parking facility.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. McCLOSKEY. I will be glad to yield.

Mr. CONTE. To answer the gentleman from California, how much legislating is being done in all these parking lots that we have in the Rayburn Building, the Cannon Building, out behind the Congressional Hotel?

Mr. ROUSSELOT. No legislation that I know of is being written in our parking facilities.

Mr. CONTE. Then why have it?

Mr. ROUSSELOT. Maybe we should cut it back.

Mr. McCLOSKEY. Mr. Speaker, I am glad to be the focal point of this increasingly enlightening debate, but I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The question was taken; and the Speaker pro tempore being in doubt, the House divided, and there were—ayes 74; noes 59.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 114, not voting 28, as follows:

[Roll No. 22]

YEAS—290

Abdnor
Albosta
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Bethune
Blanchard
Boner
Bonker
Bouquard
Bowen
Breaux
Brodhead
Brooks
Broomfield
Brown, Ohio
Broyhill
Burgener
Burlison
Butler
Byron
Campbell
Carney
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.

Conable
Corcoran
Cotter
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dornan
Dougherty
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Emery
Erdahl
Ertel
Evans, Del.
Evans, Ind.
Fary
Fazio
Fenwick
Findley
Fish
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Grassley
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Hefner
Heftel
Hinson
Holland
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Colo.
Jones, Okla.
Jones, Tenn.
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McDonald
McEwen
McHugh
McKay
Madigan
Maguire
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Mikva
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Neal
Nelson
Nichols
Nowak
Oakar
Panetta
Pashayan
Paul
Pease
Pickle
Price
Pritchard
Quayle
Quillen
Railsback
Ratchford
Regula
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rousselot
Rudd
Russo
Santini
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Staggers
Stangeland
Steed
Stenholm
Stockman
Stratton
Stump
Symms
Synar
Tauke
Taylor
Thomas
Treen
Trible
Udall
Ullman
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Weaver
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolpe, Mich.
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—114

Addabbo
Akaka
Alexander
Anderson, Calif.
Aspin
Barnes
Beilenson
Bevill
Bingham
Boggs
Boland
Bonior
Brademas
Brown, Calif.
Burton, Phillip
Carr
Carter
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Davis, S.C.
Dellums
Diggs
Dixon
Dodd
Donnelly
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Erlenborn
Evans, Ga.
Fascell
Fisher
Foley
Ford, Mich.
Garcia
Gilman
Gonzalez
Gray
Green
Harkin
Harris
Harsha
Hawkins
Heckler
Hightower
Hollenbeck
Holtzman
Horton
Jeffords
Jenrette
Johnson, Calif.
Kastenmeier
LaFalce
Leland
Long, Md.
McCloskey
McCormack
McDade
Markey
Marks
Mathis
Miller, Calif.
Mitchell, Md.
Moakley
Moffett
Natcher
Nedzi
Nolan
O'Brien
Oberstar
Obey
Ottinger
Patten
Patterson
Perkins
Peyser
Preyer
Pursell
Rahall
Rangel
Reuss
Richmond
Roberts
Rodino
Rosenthal
Roybal
Runnels
Sabo
Scheuer
Shannon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Stanton
Stark
Stewart
Stokes
Studds
Thompson
Van Deerlin
Vanik
Waxman
Weiss
Whitten
Wolff, N.Y.

NOT VOTING—28

Anderson, Ill.
AuCoin
Beard, R.I.
Biaggi
Bolling
Brinkley
Buchanan
Burton, John
Coughlin
Crane, Philip
Dannemeyer
Edwards, Okla.
English
Ferraro
Flood
Goldwater
Hagedorn
Hillis
Jones, N.C.
Leach, La.
Lott
McKinney
Pepper
Rhodes
Swift
Traxler
Watkins
Wilson, C. H.

☐ 1515

The Clerk announced the following pairs:

Mr. Traxler with Mr. Anderson of Illinois.
Mr. Biaggi with Mr. McKinney.
Mr. John L. Burton with Mr. Buchanan.
Mr. Flood with Mr. Dannemeyer.
Mr. Pepper with Mr. Edwards of Oklahoma.
Mr. Charles H. Wilson of California with Mr. Coughlin.
Mr. AuCoin with Mr. Hagedorn.
Ms. Ferraro with Mr. Goldwater.
Mr. Jones of North Carolina with Mr. Lott.
Mr. Leach of Louisiana with Mr. Hillis.
Mr. Watkins with Mr. Philip M. Crane.
Mr. Beard of Rhode Island with Mr. Swift.
Mr. Brinkley with Mr. English.

Mrs. HECKLER and Mr. FOLEY changed their vote from "yea" to "nay."

Messrs. ULLMAN, LATTA, HALL of Ohio, ICHORD, LUKEN, PRICE, KAZEN, McEWEN, SPENCE, MARLENEE, FORSYTHE, and WRIGHT changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1520

Mr. PERKINS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the President recommended that all the funds in the Career Education Act be rescinded; the committee recommended that only $12.5 million be rescinded.

☐ 1525

The committee recommended the rescission of the $8½ million, insofar as postsecondary education is concerned, and $4 million taken from elementary and secondary education.

Leaving $20 million in the bill for elementary and secondary education was the committee's recommendation on the career education bill.

But, Mr. Speaker, I would like to ask the chairman of the committee a question.

As I understand the committee's action, $12.5 million of the $32.5 million appropriated for fiscal 1979 for the Career Education Incentive Act would be rescinded. And, as I understand the committee's report explaining this action, no funds would be available under the act relating to postsecondary educational demonstration projects as a result of this rescission. I understand that $8.5 million is presently earmarked from the $32.5 million appropriation for that purpose.

I believe that I understand all of that correctly, but where I am confused involves the remaining $4 million of the rescission. The committee's report says that no funds would be available for national demonstration projects in elementary and secondary education under this rescission.

I am concerned about that statement because the Office of Career Education is presently funding a number of exemplary elementary and secondary demonstration programs throughout the country. And, if we were to send all of the money to the States and permit no funding at all for exemplary projects from the national level, there would be a grave danger that these programs would have to be cut back.

Therefore, I would like to ask the chairman of the subcommittee whether he might interpret the committee's intention for us. Would outstanding elementary and secondary demonstration programs still be eligible for funding from the national level under this rescission?

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Kentucky.

Mr. NATCHER. I thank the gentleman for yielding.

Mr. Speaker, I would like to assure the gentleman from Kentucky that the committee's intention was to focus all of these funds in career education on elementary and secondary education. That was the intention of our committee. It was also our intention to send out to the States as much money as possible in order for them to implement the career education in local school districts.

I would further like to assure the gentleman from Kentucky, the chairman of the Education and Labor Committee, that I can envision the Office of Career Education funding several exemplary local education programs from the national level with some of the remaining $20 million appropriation.

The gentleman's contention is correct, Mr. Speaker, and that is the intention of the committee. I am glad that the gentleman from Kentucky has raised this point.

☐ 1530

Mr. PERKINS. Let me thank the gentleman, my colleague, for this clarification, Mr. Speaker.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 4, line 9, add the following:

Chapter V.—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RESEARCH AND PROGRAM MANAGEMENT

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1979, $2,400,000 are rescinded.

Mr. VOLKMER. Mr. Speaker, Members of the House, I know this amendment does not concern a great amount of money in comparison to the last two just previously voted upon. And, I know that many Members may wonder why this House should take the time to consider an amendment that would delete from funding $2.4 million when we are talking about almost a trillion dollar total budget for next year. But, I believe savings begin with the smallest amounts, and we have to review critically all appropriations and all spending.

This is what this amendment is all about: This $2.4 million is an amount appropriated to NASA to buy a jet airplane so that they can jet about the country to their research sites with their personnel to review the programs as they exist. They presently have prop planes that are quite adequate. However, the question is whether they are quite as fast.

I will admit that the prop planes that NASA has are not quite as fast as jets, but on the other hand I question whether—and the President in his message questions whether—it is actually necessary—and I use the word and put emphasis on the word "necessary"—for NASA to have a jet at this time to jet about the country.

The President finds it is not essential to carry out the objectives of the Nation's aeronautic and space programs. It is not consistent with the idea of trying to hold down unnecessary Federal spending. NASA has been able to use the prop in the past. NASA says now that they can save time by using a jet.

I noticed in the committee report that as to using commercial airlines the NASA centers and contractor locations are not in areas conveniently served by commercial airlines. That may be, but my question to the committee is this: We have a nice big jet, and I do not know that that nice big jet is going to land at some of the small airports, and they are still going to have to find ways of getting from the large airports to the smaller areas where the research locations are located.

I question, and the reason for this amendment is, I question whether, if we would ask our constituents, our taxpayers, with all the programs that we have coming, should we spend $2.4 million for a jet for NASA to take their management teams around, or would it be later on better to spend $2.4 million for people programs? I personally prefer that NASA continue to operate with the prop planes that they have, and that we try to find a better way at this time when we have fiscal constraint to use the $2.4 million.

I know in my own mind, as a taxpayer, how I feel. That is why I offered the amendment. I hope that the Members feel the same way. It is not going to put NASA out of business. It is not going to put the Shuttle project out of business. It may mean a little inconvenience to the management team for NASA, but it is not going to close down NASA or the Shuttle program.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. Yes, I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I congratulate the gentleman from Missouri (Mr. VOLKMER) on the amendment and suggest that NASA could surely use the scheduled airlines for most trips. If they had an occasion when they could not make a trip by scheduled airlines, they could lease a lot of planes for $2.5 million.

Mr. VOLKMER. Yes. They already have their own. They have a Gulfstream turboprop right now which they use.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this is an attractive amendment if one does not give it any thought.

The gentleman from Missouri (Mr. VOLKMER) seeks to rescind $2.4 million for a jet aircraft. The fact of the matter is that there was no money added to the 1979 act for any aircraft.

The action of the subcommittee which I chair was agreed to unanimously in respect to the 1979 budget. When we considered the rescission proposal, it was agreed to unanimously that we ought to reject the rescission. What we said in the 1979 budget was: "Find the $2.4 million somewhere else and take it out of the research and program management account." We said that we were not going to provide the $2.4 million in extra funds for the purchase of a jet aircraft.

Incidentally, what NASA is really doing here is trading in a Gulfstream I turbo-prop plane which is 18 years old for a used jet aircraft, really to make it more convenient, as the gentleman from Missouri has said, to get to its NASA centers where program management is so important in the very huge Space Shuttle program. That is a $15 billion program.

The report indicates, of course, that it is difficult to get commercial airline service in areas where critical NASA centers are located. These NASA centers have their own airstrips which can accomodate jet aircraft.

The fact of the matter is that we looked at this item very carefully. I think anyone who sat on this subcommittee and viewed the NASA program, particularly the Space Shuttle program, from the point of view of program management would say that this is a wise expenditure because it is absolutely necessary that the managers of the space transportation system be able to get to those NASA centers which are engaged in critical program work.

My judgment is that we would be saving a considerable amount of money by permitting NASA to operate a modern jet aircraft.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I am pleased to hear what the gentleman said, because I did not know that this matter had not been specifically budgeted for the airplane, but had been specifically budgeted to NASA for program management.

Mr. BOLAND. That is right.

Mr. VOLKMER. What the gentleman is telling me, though, is that undoubtedly NASA had it in their program management budget to the extent of at least $2.4 million. Therefore, do I need to look at their budget next year?

Mr. BOLAND. No, no. The gentleman is correct when he says that if the amendment is carried, what we really are doing is denying $2.4 million to program management. We would be reducing that item by $2.4 million.

□ 1540

Mr. VOLKMER. Which NASA says we do not need, because we put in an airplane.

Mr. BOLAND. No; that is not it really.

Mr. VOLKMER. The point is, we are letting NASA determine—not this House, not the Senate, but NASA—how they want to use their money. We give it to them for program management. Instead of using it for personnel, we budget it to them for personnel operations and they go out and buy an airplane for $400 million.

The SPEAKER pro tempore. The time of the gentleman has expired.

(By unanimous consent Mr. BOLAND was allowed to proceed for 2 additional minutes.)

Mr. BOLAND. Mr. Speaker, this account includes more than $900 million. It includes all administrative funds—it was the unanimous judgment of this subcommittee last year, and is the judgment of this subcommittee this year, that we ought to permit NASA to purchase a jet aircraft. It would save a great deal of time for the program managers. They are supervising a program that next to the Apollo program is the most costly program that NASA will ever be engaged in. So it was the wise judgment of this subcommittee that we ought not to rescind this item. Again I see, Mr. Speaker, obviously the Members of the House agree with me, and I yield back the remainder of my time.

Mr. FINDLEY. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment. I take this time in order to clarify, if I possibly can, the effect of the adoption of this amendment. If I could have the attention of the gentleman from Massachusetts and the gentleman from Missouri, am I correct that if the gentleman's amendment is adopted, the effect will be to stop NASA from making this aircraft trade?

Mr. VOLKMER. If the gentleman will yield, yes, that is correct.

Mr. FINDLEY. Will the gentleman from Massachusetts agree with me on that point? Will the gentleman from Massachusetts (Mr. BOLAND) agree that if this amendment is adopted, the effect will be to stop NASA from making the trade?

Mr. BOLAND. If the gentleman will yield, the gentleman is correct.

Mr. FINDLEY. I thank the gentleman.

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The question was taken; and the Speaker pro tempore being in doubt, the

House divided, and there were—ayes 54, noes 29.

So the amendment was agreed to.

● Mr. JENRETTE. Mr. Speaker, I must express my deep concern about H.R. 2439, the first fiscal year 1979 budget rescission.

Let me emphasize that I do not oppose all the rescissions proposed in this bill. Far from it. In fact, I am supporting well over $600 million of the approximately $700 million proposed for rescission in H.R. 2439.

I was surprised, however, to learn that in his rescission message the President had proposed to eliminate almost $168 million of health resources funds. I share Mr. Carter's desire to reduce the budget deficit and hold down inflation.

I can also well understand the pressure our Labor-HEW Subcommittee was under to approve all these proposed rescissions, for that very reason. And I want to commend our subcommittee and its chairman for cutting the rescission back to only a little over a third what was proposed by the administration.

All the same, I do not think any rescission in this area is warranted. I do not believe the way to balance the budget is by "rescinding" the health of our people.

There are three programs involved. The one of particular concern to me is nurse training and research.

The Members will recall that at the end of the last Congress the House passed the Nurse Training Act, authorizing more than $200 million per year for nurse training and research programs, by a vote of 393 to 12. In vetoing that bill, President Carter told us his action would not set back the nursing program, because the continuing resolution provided necessary funds for it. Now he has proposed to rescind the funds for this purpose contained in that resolution.

I reject the administration's basic premise in proposing this rescission. They seem to think that, since there may be enough nurses on a per capita basis, then we do not need to train any more. Well, there may be enough nurses in New York City or San Francisco, but there are not enough in my district and, I suspect, in lots of other rural districts around the country. So I see a good justification for nurse training just to help us deal with the maldistribution of nurses around the country.

I would make one other point in support of this program. It is that nursing training is not useful just to provide some arbitrary number of people to staff the hospitals and medical clinics of the country. This form of training can be useful on a far broader basis. As we look for alternative ways of providing medical care in order to hold down hospital use and medical costs, it may be that the need for nurses and paramedical personnel will be greater.

Nurses with advanced training could transform America's present health care system from one that limits itself to the treatment of sickness into one that stresses preventive health. The cutoff of funds for fiscal 1979 contemplated by the rescission threatens, however, the innovative graduate nursing and research programs that train nurse specialists to practice and teach in primary care, gerontological nursing, community health nursing, parent-child nursing, and other advanced specialties.

In rural areas like mine, people with these kinds of training will be able to reach out and provide medical services to poor, elderly or remotely located people in a more effective and economical manner. If we are ever to be able to afford national health insurance, a greater emphasis on specialties such as these may have to be the wave of the future.

Let me say also that we as a nation can afford the program funded in the continuing resolution. That program has not been growing. In fact, the $122 million originally provided for fiscal 1979 is actually less than the amount appropriated in fiscal 1978, which was $126 million. There is simply no reason to cut back further on this program.

Neither is there any reason to cut back on capitation grants to schools of medicine, osteopathy, and dentistry. The second rescission approved by the committee in the health resources area would take away $20 million of the $120 million we originally appropriated for that purpose. Yet the committee denied the proposed rescission of funds for capitation grants to schools of veterinary medicine, optometry, podiatry, and pharmacy. What is the difference?

Do we now have too many doctors, osteopaths, and dentists in the country? Again, that seems to be the HEW premise.

I do not buy it. The maldistribution of personnel as between urban and rural areas that we noted for nurses also exists for other categories of medical personnel.

Rural areas also have a particular need for emergency medical services, the third area affected by the rescission. Why should we cut out this small program entirely, as HEW proposes, or cut it in half as this bill would do. I think this small program of emergency medical training will bring us good rewards around the country in terms of lives saved, and I would like to see it continued.

I am very pleased the Members of the House of Representatives agree with me and thus have seen fit to vote to restore the funds. This is money well spent.●

● Mr. BARNES. Mr. Speaker, the House has taken an extremely unwise action by voting to rescind $37 million in funding for construction for the National Institute of Child Health and Human Development at the National Institutes of Health. The rhetoric of fiscal conservatism is extremely popular in this Chamber, and I can understand how many Members feel they can justify a vote against a new construction project, but all too often we forget that it is people who are vitally affected by our actions. A significant health mission of the National Institutes of Health has been set back by the vote of this body today, and research of potential benefit to millions of Americans could be delayed.

I supported the Subcommittee on Labor/HEW and related agencies in its opposition to the rescission of this significant project, and I am hopeful that action by the other body and in conference can restore funding with a minimum of delay.●

● Ms. MIKULSKI. Mr. Speaker, I rise to speak in opposition to the recission of $61.8 million for health care. I am committed to cutting the Federal budget for expenditures that are wasteful and unnecessary, but I am not convinced that the "cost-benefit ratio," as the budget analysis entitle it, justify this action.

I am a new member of the Health Subcommittee of the Interstate and Foreign Commerce Committee. I look forward to this exciting and challenging assignment, because of my strong commitment to the goal of providing good, primary health care to all Americans at a cost they can afford. I think that this rescission is contrary to this goal.

First, I would like to address the $38 million for nurse training. As we all remember, on September 1978, the House of Representatives voted 393 to 12 to continue the Nurse Training Act. At that time, I, along with 392 of my colleagues were convinced that there was an urgent need for additional funds to train nurses and also to broaden the variety of health services they could deliver.

I was shocked when President Carter pocket-vetoed the bill, stating that it was inflationary. I remember wondering if it was really more inflationary than the energy bill that he had just signed or the appropriations for the War College, but at least, I was reassured that the effect on the nurses would not be abrupt. At that time, President Carter said:

> Disapproval of this bill will not cause an abrupt termination of funding of the nurses training program, since funds are available for FY '79 under the continuing resolution.

Now just a few months later, President Carter wants to cut 67 percent of these funds. Fortunately the Appropriation Committee has restored some of the funds, but many nursing schools and nursing students are going to face disruption in their funding on April 1, 1979.

As we entered this period of fiscal austerity, I made a commitment to my constituents that I would look for ways to cut Federal spending. I told them I would look at a proposed budget cut and ask some questions "Is the cut fair—does it hurt one segment of our society more than another. Does it abolish an ineffective program or does it provide basic services to my constituents."

It is clear to me that to rescind this money does not meet my criteria of a wise way to cut Federal expenditures.

But the questions are even more basic than that. I am committed to the expanded role of a variety of health professionals. I think that one way to keep the costs of health care down is to allow nurses, nurse practitioners, nurse-midwives, and other allied health professionals, the opportunity to provide a broader area of service. Properly trained, there are many services that these professionals could deliver, instead of high-cost doctors. So I want to see more, not less, nurses in the next decade.

But even before we add new services, I am not convinced that we have too many nurses. The level of unemployment for newly trained nurses is 1.3 percent and for all nurses it is 3 percent. Way below the national average for most professions. In Baltimore, surveys indicate the hospitals are running 15 percent short of nurses.

Recently we had a natural disaster in Baltimore—it was 24 inches of snow. And I discovered that Baltimore ran okay when the politicians and the bureaucrats did not get to work. We were not even missed. But the nurses were missed immediately. And you know what, many of them found a way to get to work and if they could not get to their own hospital, they worked at one closer to their homes.

Since nurses are 97 percent female, the Carter administration may have decided that they were a vulnerable group in the same way the elderly were an easy target for social security cuts. But I think that the President is wrong. If he is really committed to preventive and primary health care as a way to hold down the cost of health care, nurses should not be the target of his budget cuts.

In conclusion, I would like to mention the $20 million for capitation grants. I have seen some reports that we have filled our goals in the health manpower program and now we have enough doctors, dentists, pharmacists, et cetera. My Health Committee has jurisdiction over this act. I would like to give the medical dental, pharmaceutical, and podiatry schools an opportunity to come and tell their story. If in fact, after their testimony, I decide that the program has achieved is goals, I will be willing to end the program, but I am opposed to doing it by a rescission amendment to the fiscal year 1979 budget.●

● Mr. WALGREN. Mr. Speaker, I am very concerned about the proposed cuts in nursing research funds. Research in nursing is relatively new and is just beginning to pay dividends in improved patient care.

Support for nursing research is especially critical at this time for the very reason that it is a developing field. The growing importance of nursing research was recently pointed out by the National Academy of Science's National Research Council. The Council's committee on needs for research personnel designates nursing research as a "distinct area of scientific inquiry."

Just as in other professional fields, nursing skills can be fully developed and utilized only if there is effective research to provide sound data on which to base nursing practice.

The National Research Council committee has specifically recommended continued Federal support for nursing research training. In fact, the committee report said that the obvious demand for instructors and researchers with graduate training "makes it likely that training funds could be productively used for the next several years on an expanding basis."

If these rescissions are approved, 40 nurse researchers will lose support this year and 3 graduate programs will lose research training award funds.

Nursing research addresses the human and behavioral questions that arise in the treatment of disease. It also is concerned with prevention of illness and the maintenance of health. One nurse researcher, for example, conducted a study that led to effective treatment of postsurgical infections that had been on the increase in a hospital. Another study dealt with methods to improve home care and self-care and prevent posthospitalization complications of persons with spinal cord injuries.

I personally think that a program of continued support for nursing research is a necessity and I ask my colleagues to restore these funds.●

● Mr. OTTINGER. Mr. Speaker, I rise in opposition to the proposed rescissions in the nurse training and research programs.

These requested budget rescissions would wipe out nursing's small research program. Thirty-three current projects would be abruptly terminated. Medical research deals primarily with diseases. Nursing research, on the other hand, is concerned more with the patient. It is aimed at better, more cost effective nursing care. Some studies seek to reduce postoperative complications, others to facilitate home-based care and self-care in chronic illness. Other projects are to improve the prospects for high risk groups such as premature infants and the elderly. Some nursing research deals with ways to reduce the disabilities, discomforts and costs of coronary and cerebral vascular problems.

Nurse researchers at the University of Minnesota have developed a program for children with terminal cancer that fulfills the dying child's wish to be at home and provides psychological benefits for the entire family.

Other research studies have focused on pain alleviation, care of burned patients, home care during dialysis.

Congress has recognized the importance of nursing research through appropriations and by incorporating specific reference to support of nursing research students in the National Research Service Awards program.

I would like to point out also that appropriations for nursing research for fiscal 1979 were included in the regular appropriations measure approved by Congress and signed by the President.

The entire appropriations for nursing research training and projects is only $6 million. Surely this amount is not going to break the national budget. I just cannot see any justification in wiping out, in the name of economy, a program that is bringing great benefits to patients and cost effective methods of care. It is a false economy. I urge that those cuts be restored.●

● Mr. WEISS. Mr. Chairman, I support the amendment to the first Budget Rescission of 1979—H.R. 2439—which prevents $37 million in proposed cuts in esential health education programs.

Offered by Mr. STAGGERS—the chairman of the committee responsible for authorizations for these programs—the amendment restores $17,046,000 for advanced nurse training programs and $20 million for the capitation grant program which provides financial support for medical, dental, and osteopathic schools.

The severe funding slash represented by H.R. 2439 is unconscionable in the middle of the fiscal year. Both the affected programs were originally slated for modest extensions. Both programs were funded at a reasonable level by the previous Congress.

The Nurse Training Act was passed by a vote last year in the House of 393–12, but it was pocket-vetoed by the President. The President then agreed, however, to support a continuing resolution which preserved this vital program.

Over 50 national health organizations and related groups have spoken out in opposition to the proposed rescission. Among these groups are the Association of New York Neighborhood Health Centers, the Mental Health Association, and Planned Parenthood Federation of America.

The chairman of the Health Subcommittee, Mr. WAXMAN, has noted that this budget rescission would result in the abrupt termination of 33 research projects and scholarships for 3,500 nursing students, most of whom are from low-income families.

I would like to point out to those of my colleagues who support the budget rescission as a step toward balancing the budget that this $37 million cut would in fact be an illusory savings. Decent health care for Americans, which these programs help insure, will save the Government and taxpayers money in the long run. We should not seek to economize at the expense of our constituents' health.

Health education institutions and program administrators have already planned for fiscal 1979 on the assumption that the funding level approved and promised them by both the President and Congress would in fact be delivered. They have rightly assumed that our commitments would be honored. We cannot now turn away from this pledge.●

□ 1545

The SPEAKER pro tempore. Are there further amendments?

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THE VFW'S VOICE OF DEMOCRACY CONTEST

(Mr. WHITLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITLEY. Mr. Speaker, each year United States and its ladies' auxiliary conduct a Voice of Democracy Contest. Students from secondary schools throughout the country participate by writing and delivering speeches. This year's topic is "Why I Care About America."

The winner from the State of North

Carolina is one of my constituents, Neal Ray Jones of Smithfield. Neal is 18 years old and has demonstrated outstanding ability and achievement during his high school career. I place his award-winning speech in the RECORD:

WHY I CARE ABOUT AMERICA

It is no easy task to lay bare the deep feelings that go with caring in a patriotic way. The temptation is to proclaim freedom as an easy going tolerance that says anything goes, "Our country, right or wrong," forgetting the rest of that quote by Carl Schurz, "When right, to be kept right; when wrong, to be put right." This thought brings into focus a basic truth about patriotism: The love of one's country is a moral virtue. If a man is bad, his patriotism cannot be good. Indeed, it becomes, as Samuel Johnson said, "the last refuge of a scoundrel." So, it is wise for us to know who it is that waves the flag, then we may well know why.

I care for America because of the rich heritage she has given me . . . woven out of a thousand strands of loving memory. Looking for the best, I find historic accounts that compel my grateful concern: The Thomas Jeffersons who loved their neighbors as themselves and their country even more; the Abraham Lincolns who reaffirmed the proposition of a people's government; the Franklin D. Roosevelts declaring the basic freedoms for all mankind: Freedom of speech and religion, freedom from want and fear and there are the unknown soldiers who gave full measure of devotion in the hours of conflict and crisis . . . at Valley Forge, at Gettysburg, at the Marne, and at Normandy; and there are common citizens of each generation exercising their democratic duty in the political process of the ballot box and tax returns. Nor should we forget the scientific genius of the Eli Whitneys, the Thomas Edisons, the Henry Fords, the Wright brothers, and that endless workline of nameless faces which gave America prestigious power in trade and commerce. It is because of what she was in affording me so great a heritage that I must care now for the America that is yet to be.

I care for America with high hopes for the future in ways that are personal and social. This concern will surely be nigh adventure on unchartered seas, countless Neil Armstrongs walking on unnamed planets, political Lincolns carrying the American dream of equality and fraternity to all the world. Moreover, this concern will produce social advocates that touch the lives of people where they hurt, bringing hope to the inner cities turned ghettos of despair, bringing hope to materialistic suburbia that is too much given to things. This concern will yield public servants fulfilling the idea of a "more perfect union" with integrity and good will. And this concern will provide spiritual counselors who push back the frontiers of mind and spirit and prevent the deadly winds of ignorance, poverty, and prejudice. These concerns will bring fulfillment and enrichment far beyond America's present horizon.

Now, a word of caution: Mere talk of heritage and hope is not sufficient in the expression of why I care about America. The thought waits upon the deed; the precept waits upon the example. Genuine caring and true patriotism are not restricted to service in high government office; they are also related to housewives and store clerks and schoolboys in their workaday opportunities. Genuine caring and true patriotism do not wait upon the trumpet call to mortal combat; they also have to do with the humdrum of everyday life and the challenge of the common place. Here, at last, is where the real test takes place; and here, finally, is where we begin to care for America.

INFLATION STEALS FROM EACH EXISTING DOLLAR IN PAYCHECKS AND SAVINGS ACCOUNTS AS A DELIBERATE GOVERNMENT POLICY TO FINANCE SPENDING

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PAUL. Mr. Speaker, in the Old Testament, the Prophet Isaiah denounced a society that had debased its money through inflation, and therefore was suffering increased crime, political corruption, and oppression of the poor.

These and other evils always follow fiat money.

"Fiat" is Latin for "Let it be so." Fiat money is a currency backed only by the "Let it be so" of politicians, instead of something with intrinsic value.

America has a fiat dollar, and nothing stops the Federal Government from printing more and more billions. This inflation steals from each existing dollar in paychecks and savings accounts as a deliberate Government policy to finance spending.

Economist Howard S. Katz discusses this in his brilliant book, the Paper Aristocracy. I would like to bring some of his remarks to my colleagues' attention:

> The effects of a currency depreciation are not taught in our schools. But they are a common occurrence throughout history. For example, the Civil War currency depreciation—the product of the legal tender laws of 1862 and the borrowing for the war—was described by Clarkson Nott Potter to the Supreme Court as follows:
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> "Who can deny that a whole community is being demoralized, as under such a system of paper money communities everywhere and at all times have been demoralized? Who can deny that men will do now what they would have shrunk from ten years ago, before this system existed? When the wicked prosper, other men make haste to do likewise. And now not from the cities only, but from every part, men seek the great marts to try their fortunes in the ventures of the hour, hoping to gather where they have not strewn. Gambling in stocks, with the dangerous combinations it invites, and the corruption which it encourages, has become general; so that it is deemed venial to artificially inflate or depress prices, to create fictitious values by forced scarcedness or undue depression by combined attacks. And whatever danger may come to the public debt of this great country, will come, not from the unwillingness of the people to pay; not from their want of ability to pay but will come, if it should come at all, from the recklessness of a people carrying out their schemes upon the waves of an inflated currency, and from the demoralization which such speculation produces. How can it be expected that this people will make the sacrifices necessary to enable their government to keep its pledged faith, when it has not only failed to keep its own faith with its creditors, but has filled its coffers from the sale of licenses to men to wrong each other by short payments, and has made haste to ratify, by the decision of its supreme tribunal, the constitutionality and righteousness of such a course?"
>
> This was 100 years ago, but how very like the present. Potter is talking about the likes of Jay Gould, Jim Fisk and Daniel Drew. But he could be talking about our own Allen Klein, Fred Mates or Bernard Cornfeld.
>
> And we find the following description of England during the currency depreciation of the Napoleonic Wars:
>
> "Nature seemed to make common cause with war and bad finance. The winter of 1812 was extraordinarily severe, and the accidents by flood and fire here numerous, *Crimes began to multiply* in that accord between physical distress and moral decay so often noticed. *Wages were down at starvation point*. Spinners had 7s. 6d. per week in a time of high prices for the necessaries of life. The recent introduction of machinery and the extension of the factory system would have caused an inevitable period of pressure on hand workers. Now these causes fell in with others to enhance the distress. The artisans, in striking analogy with our own farmers at the present time, sought their foe in the nearest and most palpable shape in which the bad circumstances of the time pressed upon them. They attacked the machines, burned the factories, and *united in riotous disturbances*. The *corn laws were in full force*, and prevented the relief which might have come from other countries in time of scarcity, while *manufacturers were entangled in a mesh of restrictions*, more ruinous even than Napoleon's Decrees or the Orders in Council."
>
> Here again we see crime, a decline in real wages, civil unrest, war and restrictions on freedom. Throughout history we find the fate of nations attached to the soundness of their currency. The fall of the Western Roman Empire was accompanied by a depreciation of its currency while the Eastern Empire survived. The Ottoman Empire lasted for 800 years with sound money and collapsed half a century after starting its debasement. England, after the Napoleonic Wars, established the pound as a gold currency and attained her period of greatness through the 19th century. But when the attempt to return to the gold standard failed after WW I, England quickly became a second rate country.
>
> The reason for this is that paper money is the principle of something for nothing, and a society founded on the principle of something for nothing can not survive. Money is used by everyone in our modern society, and when money is corrupted, a corruption enters the bloodstream of our social life. Those who prosper are no longer the Hortaio Alger types who prospered in the 19th century and built the country by their own success. They are fly-by-night promoters and gamblers who construct jerry-built conglomerates and know more about public relations than about operations. The beaver has been put out, and in his place is the leech—the man who prospers by taking from others.
>
> When the road to success in a society is by legalized robbery, then the men in that society fall to eating each other. "When the wicked prosper, other men make haste to do likewise." That is what we in America are doing now. The evil are eating up the good, and when they have finished with that, they will eat each other.

THE CHANGING OF RURAL AMERICA

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKELTON. Mr. Speaker, today, I want to talk about something that is important to all of us: Agriculture and rural America. Particularly, I want to discuss the change in American farming as we have known it in years past.

Our country is fortunate in having the world's most productive agricultural system. It supplies all of our domestic needs and still exports nearly one out of every three harvested acres. The food and agriculture sector is the largest employer in the United States. Exports of farm products are the major contributor to balancing growing trade deficits. In our State alone, Missouri, 1977 cash receipts from farm marketings totaled $2.78 billion. The value of farm exports was $766.4 million. In Missouri's Fourth Congressional District, 1977 crops totaled $280,607,000, of which $123,062,000, 45 percent, went into the export market.

However, this productive agriculture system has undergone significant changes in the last three decades. The basic trend has been one of increasing concentration of farms as well as supporting facilities. There has been a drastic reduction in the number of family farms, and in the number of people living on farms. Many of our rural communities have declined in vitality. If these trends continue, agriculture and life in rural America may cease to exist as we have known them. The consequences, both economic and social, would be serious.

In 1935, we had 6.8 million farms in the United States. By the 1974 Census of Agriculture, this number had dropped to 2.34 million farms, only 1.7 million of which are considered to be commercial farms with yearly sales of $2,500 or more. As the number of farms has decreased, the size of the average farm has increased from 197 acres in 1940 to 440 acres in 1974. The commercial farms average 534 acres. The United States has been losing an average of 2,000 farmers per week since the 1940's. In the past, most farms were owned by the families who operated them. Today, it is estimated that less than one-half of all farmland is owned by the operator. Over half of all farmers today receive income from off-farm sources, with the average farm family now getting nearly 60 percent of its total income from other sources.

Agricultural sales today are dominated by the largest farms. The top 2 percent account for 37 percent of farm sales. The largest 20 percent make 80 percent of all gross agricultural sales.

Although we are prone to think that bigness equals efficiency and productivity, this may not be the case with large, nonowner operated farms. Indeed, statistics show that relative operating costs are substantially lower for small and midsize farms. Many of the largest farms tend to be specialized, thus some of the flexibility needed to deal with adverse times is missing. They are more dependent on hired labor to do the necessary work. Moreover, they are more dependent on factors beyond their control, such as worldwide economic conditions, and costly imported oil.

As the number of farms has declined, there has been an equally dramatic drop in farm population. In 1960, over 15.6 million people lived on farms. By 1970, this figure had declined to under 10 million. In the 1970's, farm population has been dropping by an average of about 300,000 each year. It was down to 7.8 million in April of 1977.

Some percentage figures show how this has affected the political base of farmers. Thirty percent of the U.S. population lived on farms in 1920. By 1950, it was 15 percent. It fell to 5 percent by 1970, and to 3.6 percent by 1977.

As Congress and State legislatures have been reapportioned to reflect this population shift, farmers have witnessed a decline in their political power. Those legislators who have a constituency with a rural majority have become fewer and fewer. Those in urban and suburban areas with no rural constituents have increased in number.

There is no doubt that this shift has affected Government programs. For example, about 41 percent of the Nation's poor people (a total of 10.5 million people) live in rural areas. They generally are older, more disabled and less educated than their urban counterparts. Yet Government programs to assist the poor have been targeted at urban areas. The result is that only one-fifth of the rural poor receive all or part of their income from public assistance programs, compared with one-third of the urban poor.

Similarly, Government programs to assist cities often explicitly exclude towns below a certain population level, even though the problems in the small towns and rural areas are no less severe in human terms than those in large cities.

The enactment and maintenance of basic farm legislation has become more difficult. It is no accident that the food stamp program and other food and nutrition programs have been placed in farm legislation and are administered by the USDA. This is necessary to broaden the support for farm legislation and farm programs.

The decline in farm population has adversely affected rural areas economically as well as politically. As a rule, farmland owners who do not operate the farm on a day-to-day basis do not take as active a role in community affairs as a family-type farmer. Frequently, they do not even live in the farm community, taking the revenues from the farm operation outside the area.

Local businesses and institutions have felt the impact. Large farms often must go outside the local area to purchase sophisticated farm equipment. This contributes to the decline of local, homeowned small businesses, and lessens employment opportunities for nonfarm young people, forcing them to seek jobs in larger cities. The tax base of rural communities has eroded, resulting in a decrease in services and amenities. This encourages further outmigration.

In addition to politics and economics, I believe the decline in rural population has threatened what I like to call rural values. As a life-long resident of a community surrounded by farms, and a former prosecuting attorney in a basically rural county, I have always been impressed by rural young people. They are self-reliant, dedicated, respectful of the rights of others, and willing to work hard to achieve success in the world. This owes in no small part to the upbringing they receive on the family farm. These are values that are an important part of the social fabric of America. They are values our Nation cannot afford to lose.

The changing structure of American agriculture raises many questions which need to be addressed. We must decide, as a Nation, whether we want our food produced by family farmers. If that decision is yes, we must take steps to preserve this important institution. We in Government must review those policies which, however well intentioned, have contributed to the decline in the number of family farms, and make the necessary policy changes.

Since the decision will largely be made by the 97 percent of our population which is nonfarm, we must establish a dialog with our urban and suburban colleagues in Congress and with the residents of urban and suburban areas. We must convince them that they have a large stake in the preservation of the family farm. For our part, we must listen to their concerns and the concerns of their constituents.

We must vigorously oppose attempts to weaken the USDA, by reorganization or whatever means. A strong, effective Department of Agriculture, with a broad constituency, is vital to rural America. Further, we must oppose attempts to cut back disproportionately on programs that benefit family farms and rural America.

We must work to make sure that rural areas are permitted to participate fully in Government programs. We are not asking for bigger Government programs and more spending. To the contrary, I am proud of the fact that rural America has been the leader in the drive for fiscal responsibility in Government. What we do want, and deserve, is our fair share of programs for which we are helping to pay.

Work must be done on the House Agriculture Committee, and through ad hoc groups such as the Congressional Rural Caucus, to achieve these goals. We need the help of all who are interested in agriculture. We must work with and convince our city friends of the importance—both economically and socially—of America's family farms. If we are not successful, family farms will go the way of our American frontier wilderness—a bright but sad chapter in the history book of America.

Years ago, William Jennings Bryan said:

> Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms and the grass will grow in the streets of every city in the country.

Bryan may have been speaking with exaggeration, but we must not allow his words to be put to the test.

SOCIAL SECURITY FINANCING AMENDMENTS OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, today I am introducing the Social Security Financing Amendments of 1979. This bill is an updated version of H.R. 11304, which I cosponsored in the 95th Congress with the late Representative William Ketchum.

My colleague from Minnesota (Mr. FRENZEL) has introduced H.R. 1851, which is similar to my bill. However, my bill contains a number of technical changes and adjusted effective dates which distinguish it from H.R. 1851.

For the benefit of my colleagues, a section-by-section analysis of the Social Security Financing Amendments of 1979 follows:

SECTION-BY-SECTION ANALYSIS OF THE SOCIAL SECURITY FINANCING AMENDMENTS OF 1979

TITLE I. PROVISIONS TO IMPROVE THE FINANCING OF THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Section 101: Adjustments in tax rates

(a) Amends those provisions of the Internal Revenue Code which relate to the tax rates imposed on employees, employers, and self-employed persons under the Old-Age, Survivors, and Disability Insurance Program (Title II of the Social Security Act) as follows:

Employees and employers

[In percent]

	Current law	Social security financing amendments of 1979
1979–80	5.08	5.05
1981	5.35	5.60
1982	5.40	5.60
1983	5.40	5.60
1984	5.40	5.60
1985	5.70	5.60
1986–89	5.70	5.60
1990–2010	6.20	6.25
2011 and thereafter	6.20	7.25

Self-employed persons

[In percent]

	Current law	Social security financing amendments of 1979
1979–80	7.05	7.10
1981	8.00	7.10
1982–84	8.05	8.46
1985–89	8.55	8.46
1990–2010	9.30	9.35
2011 and thereafter	9.30	10.45

(b) Amends those provisions of the Internal Revenue Code which relate to the tax rates imposed on employees, employers, and self-employed persons under the Hospital Insurance program (Title XVIII of the Social Security Act) as follows:

Employees and employers

[In percent]

	Current law	Social security financing amendments of 1979
1979–80	1.05	1.00
1981–84	1.30	1.30
1985	1.35	1.30
1986 and thereafter	1.45	1.45

Self-employed persons

[In percent]

	Current law	Social security financing amendments of 1979
1979–80	1.05	1.00
1981–84	1.30	1.30
1985	1.35	1.30
1986 and thereafter	1.45	1.45

Section 102: Allocation to Disability Insurance Trust Fund

Amends those provisions of the Social Security Act which indicate the percentage of wages paid and self-employment income reported which are to be allocated and appropriated each year to the Disability Insurance Fund as follows:

	Current law	*Social security financing amendments of 1979*
1979–80	1.50% of wages, plus 1.04% of self-employment income.	1.55% of wages, plus 1.09% of self-employment income.
1981–84	1.65% of wages, plus 1.2375% of self-employment income.	1.71% of wages, plus 1.35% of self-employment income.
1985–89	1.90% of wages, plus 1.4250% of self-employment income.	1.71% of wages, plus 1.35% of self-employment income.
1990–2010	2.20% of wages, plus 1.650% of self-employment income.	2.20% of wages, plus 1.66% of self-employment income.
2011 and thereafter	2.20% of wages, plus 1.650% of self-employment income.	2.57% of wages, plus 1.925% of self-employment income.

Section 103: Repeal of special statutory increases in contribution and benefit base

Repeals the special statutory increases in the contribution and benefit base for 1980 ($25,900) and for 1981 ($29,700), and provides instead that the contribution and benefit base for those and subsequent years are to be determined by the automatic adjustment formula in the law.

Section 104: Borrowing among social security trust funds

Adds a new section to the Social Security Act by which the Board of Trustees of each of the 3 trust funds (the Old-Age and Survivors Insurance Trust Fund, the Disability Insurance Trust Fund, and the Hospital Insurance Trust Fund) is authorized to make formal requests for loans from either or both of the other two funds if such Board of Trustees determines that the balance in its fund is or will shortly become insufficient to make required payments. Such loans may be made at the discretion of the Board of Trustees of the fund to which such request is directed. Any loan made by one trust fund to another is repayable with interest within two years, although the term of any such loan may be extended at the discretion of the Board of Trustees of the fund from which it was made.

Section 105: Effective date

Provides that the amendments made by sections 101 and 102 shall apply with respect to remuneration paid or received on or after the date of enactment of this Act. The provisions of section 103 shall become effective upon enactment of this Act.

TITLE II: IMPROVEMENT OF LONG-RANGE FINANCING THROUGH A GRADUAL INCREASE IN RETIREMENT AGE

Section 201: Increase in minimum retirement age for unreduced benefits from 65 to 68

Provides for increasing the minimum retirement age at which unreduced benefits are payable from 65 to 68. This would be accomplished by amending section 202(q)(9) of the Social Security Act (which defines "retirement age" as "age 65" for the purpose of reducing benefits for individuals who retire prior to that age) and adopting the following definition of "retirement age" for individuals entitled to old-age, wife's, husband's, widow's, or widower's insurance benefits:

"The term 'retirement age' means—

The age of	*If the individual attains such age in*	*And if the individual does not attain such age in or before the calendar year shown below, but files an application in such year*
65	December 1999 or before	1999 or before.
65 years and 3 months	April to December 2000	2000.
65 years and 6 months	April to December 2001	2001.
65 years and 9 months	April to December 2002	2002.
66 years	April to December 2003	2003.
66 years and 3 months	April to December 2004	2004.
66 years and 6 months	April to December 2005	2005.
66 years and 9 months	April to December 2006	2006.
67 years	April to December 2007	2007.
67 years and 3 months	April to December 2008	2008
67 years and 6 months	April to December 2009	2009.
67 years and 9 months	April to December 2010	2010.
68 years	After March 31, 2011	2011 or after."

Section 202: Effective date

Provides that the amendment made by section 201 shall become effective upon enactment of this Act.

TITLE III: WORKING SPOUSE'S BENEFIT AND ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Part A—Working Spouse's Benefit

Section 301: Benefits for certain working spouses

Adds a new section to the Social Security Act, which provides a working spouse's benefit for any person who is entitled in any month to *both* an old-age or disability insurance benefit on account of his or her own work and to a benefit as a wife, husband, widow, widower, or mother. Such working spouse's benefit for any month is equal to 25 percent of whichever of the two benefits is smaller. However, such benefit may not be greater than the difference between (1) the larger of the two other benefits involved (after any reductions required by other sections of the Act) and (2) the maximum primary insurance amount which would be payable to such individual if he or she had had the maximum credible amount of wages and self-employment income in each year after 1950 and prior to the first year in which he or she was first entitled to both such benefits. Only one member of a married couple can be entitled to a working spouse's benefit for any month on the basis of the same wages and self-employment income. (Where both would otherwise be entitled to a working spouse's benefit on the basis of the same wages or self-employment income, the spouse whose entitlement to such a benefit would result in the greatest total amount of benefits for the couple would be the one to receive it.) The amendments made by this section would apply with respect to months after December 1979.

Part B—Equalization of Treatment of Men and Women Under the Program

Section 311: Divorced husbands

Revises those provisions of the Social Security Act which relate to husband's and widower's benefits by extending eligibility for such benefits to aged divorced husbands and aged or disabled surviving divorced husbands on the same basis that wife's and widow's benefits are now available to aged divorced wives and aged or disabled surviving divorced wives. (Benefits are currently being paid to aged divorced husbands as a result of a 1977 Federal district court decision in *Oliver* v. *Califano*.)

Section 312: Remarriage of surviving spouse before age 60

Revises those provisions of the Social Security Act which relate to widower's benefits by extending eligibility for such benefits to widowers who "are not married" at the time they apply for benefits. Currently, widower benefits are limited to those who "have not remarried". Such a change would enable males to receive widower's benefits on the same basis that females can now receive widow's benefits.

Section 313: Illegitimate children

Revises those provisions of the Social Security Act which relate to the entitlement of illegitimate offspring of the worker to children's benefits. Provides that the status of illegitimate children for purposes of entitlement to children's benefits will be determined with respect to the child's mother in the same way as it is now determined with respect to the child's father. In addition, this section would change the Social Security Act to conform with a 1974 Supreme Court decision (*Jimenez v. Weinberger*) which provided that certain illegitimate children could get benefits based on a worker's earnings if the relationship and/or living with or support requirements in the law are met at the time the child applies for benefits (instead of before the worker becomes disabled, as the Social Security Act now provides). Children of retired workers would be affected by this change as well.

Section 314: Transitional insured status

Revises those provisions of the Social Security Act which relate to benefits based on transitionally insured status, by extending eligibility for benefits to husbands and widowers (who attained age 72 before 1969) of transitionally-insured workers. Currently, benefits are only payable to wives and widows (who attained age 72 before 1969) of transitionally-insured workers.

Section 315: Equalization of benefits under section 228

Revises those provisions of the Social Security Act which relate to special payments to certain uninsured individuals, by providing that each member of an eligible couple will get an equal payment (rather than a larger amount for the man and half that amount for his wife, as present law now provides).

Section 316: Father's insurance benefits

Amends the Social Security Act to conform with a 1975 Supreme Court decision (*Weinberger* v. *Weisenfeld*), which provided that a widower who has in his care a minor or disabled child (that is, one who is entitled to child's benefits) of his retired, disabled, or deceased wife, or of his deceased former wife, is entitled to benefits on the same basis as benefits are now available to a widow in like circumstances. This section would also amend the Social Security Act in order to provide benefits to the following men who were not affected by the Supreme Court's holding: young husbands of retired or disabled workers, and surviving divorced husbands, who have an entitled minor or disabled child of the retired, disabled, or deceased worker in their care. Under current law, benefits are payable only to young wives, and surviving divorced wives, who have an entitled minor or disabled child of the worker in their care.

Section 317: Effect of marriage on childhood disability beneficiary

Provides that the benefits of a male childhood disability beneficiary who is married to a childhood disability or disabled worker beneficiary would cease if the latter's benefits are terminated because she recovers or engages in substantial gainful activity. (Present law provides for terminating the benefits of a female childhood disability beneficiary under similar circumstances.) The amendment made by this section would become effective with respect to termination of benefits of a female beneficiary occurring after December 1979.

Section 318: Effect of marriage on other dependents' or dependent survivors' benefits

Provides for terminating the husband's, widower's, or parent's insurance benefits of a man married to a childhood disability beneficiary, if the disabled spouse's benefits are terminated because she recovers or engages in substantial gainful activity. Under current law, a woman who receives wife's, widow's, or parent's benefits has her benefits terminated if her disabled spouse's benefits are terminated because he recovers or engages in substantial gainful activity. The amendment made by this section would be effective with respect to terminations of disability benefits occurring after December 1979.

Section 319: Treatment of self-employment income in community property states

Revises those provisions of the Social Security Act and the Internal Revenue Code which relate to the treatment for social security purposes of self-employment income from a trade or business of a married couple in a community property state, by providing that such self-employment income will be credited to the spouse who exercises the greater management and control over the trade or business. Where each spouse exercises the same amount of management and control over the trade or business, this section would provide that such income and deductions would be divided equally between the two spouses. Under current law, such self-employment income is credited to the husband unless the wife exercises substantially all of the management and control over the trade or business. The amendments made by this section would become effective with respect to taxable years beginning after December 1979.

Section 320: Credit for certain military service

Revises those provisions of the Social Security Act which relate to the crediting of certain military service, by giving to widows and children the same right which widowers now have to waive a civil service survivor's annuity and instead receive credit for military service prior to 1957 in determining (a) eligibility for survivor's benefits and/or (b) the amount of the benefit.

Section 321: Conforming amendments

Makes technical amendments in various provisions of the Social Security Act in order to conform to changes made by this Act.

Section 322: Effective date

Provides that the amendments made by this part of the Act (except as otherwise specifically provided) shall apply with respect to benefits payable for months after December 1979.

TITLE IV: COVERAGE OF EMPLOYEES UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Section 401: Coverage of Federal employees

Revises those provisions of the Social Security Act and the Internal Revenue Code which relate to the definition of "employment", by repealing those paragraphs which now exclude from such definition service performed in the employ of the United States or an instrumentality of the United States which is covered by a retirement system established by United States law, and of certain other instrumentalities of the United States. The amendments made by this section would become effective with respect to service performed after December 1980. This section would also provide that the Secretary of Health, Education, and Welfare, in consultation with the Civil Service Commission, make a detailed study of how best to coordinate the benefits of the old-age, survivors, disability insurance system and those of the civil service retirement system. This would be done with the objective of developing for Federal employees a combined program of retirement, disability, and related benefits which would assure that such employees are no worse off (comparing their benefits under the combined program with the benefits they would receive under the Federal staff retirement system then in effect) upon their coverage under the old-age, survivors, and disability insurance system pursuant to the amendments made by this section.

The Secretary of HEW is to submit to the Congress by January 1, 1980 a full and complete report on the results of such study, together with a specific and detailed plan for coordinating the benefits of the civil service retirement system and the benefits of the old-age, survivors, and disability insurance plan (along with appropriate comments or recommendations with respect to other staff retirement systems covering Federal employees). The plan so submitted is to include financing and benefit provisions and other features as may be necessary to assure that the employees involved will not be placed at a disadvantage by the coordination of the benefits of the systems as compared with their treatment under the Federal staff retirement systems in effect prior to such coordination.

In addition to and along with this study, the Secretary would be required to carry out a study of how best to coordinate the Medicare program and the program established by the Federal Employees Health Benefits Act, with the objective of developing for Federal employees a combined program of health insurance benefits to accompany the combined retirement and disability program discussed earlier. Such a combined health insurance program would include features necessary to assure that Federal employees are no worse under that program, in terms of benefits, than they were under the Federal Employees Health Benefits Act.

The study is to take into account the same aspects of the two health insurance programs and their coordination as those taken into account in the study dealing with the retirement and disability systems. The report due from the Secretary of HEW by January 1, 1980 on the combined retirement and disability systems is to include or be accompanied by a full and complete report on the combined health insurance programs.

Section 402: Crediting of certain Federal service performed prior to the effective date of coverage

Adds a new section to the Social Security Act, which provides that any individuals, who perform services in the employ of the United States (or any instrumentality thereof) *both* prior to *and* after the date on which the definition of "employment" is revised to include Federal service for purposes of social security coverage under section 401 of this Act, will have each calendar quarter in which such service was performed prior to that date treated as a quarter (if it is not otherwise a quarter of coverage.)

Section 403: Conforming amendments

Makes technical amendments in various provisions of the Social Security Act in order to conform to changes made by this Act.

TITLE V: LIBERALIZATION AND EVENTUAL REPEAL OF EARNINGS LIMITATION FOR INDIVIDUALS AGE 65 AND OVER

Section 501: Liberalization of earnings limitation

Raises the monthly earning limitation in 1981 for persons age 65 or over from $458.33⅓ to $625, and repeals the provision in current law which provides that the monthly earning limitation in 1982 for persons age 65 or over will be $500.

Section 502: Repeal of earnings limitation

Provides that the earnings limitation, beginning in 1982, would only apply to beneficiaries who are under retirement age (as defined in section 201 of this Act). Under current law, beneficiaries under age 72 (under age 70, beginning in 1982) are subject to the earnings limitation. This section would also repeal the delayed retirement credit provision of the Social Security Act for those persons who attain retirement age (as defined in section 201 of this Act) after December 31, 1981.●

CONGRESSIONAL VETO OF POSTAL CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, I am pleased to introduce a bill today that truly represents the interests of all of our constituents. This bill would return to Congress some control over the level of service the public receives from the U.S. Postal Service. It would give the Houses of Congress the right to veto substantial service changes proposed by the Postal Service if these changes are not in the public interest. This is truly the people's bill because it returns the right to a final decision to the elected representatives of the people.

As I am sure all of you are aware, there have been times in the past when the Postal Service seemed to be a private entity operating for and in its own interest rather than in the interest of its clients. It was not run as a public service. This has been reflected in higher rates and reductions in service. Since 1968, first class postal rates have increased 150 percent, from 6 cents per ounce to the current 15 cents. By way of comparison, the Consumer Price Index increased only 87.5 percent during the same period. At the same time, public services have been reduced, including the elimination of any new door-to-door delivery and the closing of many small post offices. I am not suggesting that the Postal Service currently plans to pursue a course of more service reductions and cost increases that has led, in the past, to a public outpouring of dissatisfaction, but I do believe that we should be prepared in the event that the Postal Service finds it desirable to follow such a path.

The legislation I am introducing would require the Postal Service to inform Congress of any proposed changes that would have substantially nationwide impact and would lead to a substantial change in service levels, such as elimination of Saturday mail delivery. If either House of Congress vetoed this plan, it would not go into effect. This would provide a mechanism for overseeing the activities of the Postal Service at the point where they most affect the public service levels.

A virtually identical bill was introduced in the last Congress by former Congressman Robert N. C. Nix of Pennsylvania, chairman of the Committee on Post Office and Civil Service during the 95th Congress. I was proud to cosponsor that bill along with all but one member of the Committee on Post Office and Civil Service at that time. On March 13, 1978, this legislation passed the House by a vote of 371 to 6, which is evidence of the unqualified support of and need for this legislation. Unfortunately, the Senate did not choose to act on the bill. I feel that it is in the best interests of the people to send this bill to the Senate one more time and I urge my colleagues to support it.●

HOSPITAL COST CONTAINMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 15 minutes.

● Mr. WAXMAN. Mr. Speaker, today I join my colleague, Congressman RANGEL of the Ways and Means Committee, in introducing the administration's hospital cost containment proposal.

I am joining in sponsoring this legislation, and I will make every effort to secure the passage of a hospital cost containment program in a workable, reasonable, effective form for a number of reasons.

First, President Carter has requested that Congressman RANGEL and I introduce the bill, and work to secure its passage. The President has emphasized to us, and to the American people, that this legislation is the keystone in his program to fight inflation. I support that effort. This is the one action he has requested from the Congress to provide him with the authority to enforce anti-inflation measures if voluntary efforts do not work. In the future, we may find that further direct controls are necessary. At the moment, this is the one that the President has asked for. I believe the Congress should give him the tools that are necessary.

Second, the leadership of the House has placed high priority on passing the cost containment bill. As the chairman of one of the two major subcommittees with jurisdiction over health issues in the House, and as a Democrat committed to my party's priorities, I intend to do all I can to see the legislation to enactment. I believe that ultimately the members of the Health and Environment Subcommittee, and of the full Committee on Interstate and Foreign Commerce, will take responsible action to control health care cost inflation. It is my intention to work with the members of the committee to secure this result.

Finally, I have introduced this bill because as a Government and as a society we cannot afford continuing increases in expenditures for medical care—particularly hospital care—at the rates we have been experiencing over the last decade. Reasonable persons may disagree on the exact amount of increases allowable in the hospital sector vis a vis other components in our economy. But there is no disagreement that:

Expenditures for hospital care have been rising considerably more rapidly than the economy as a whole for a lengthy period of time. Rates of increase in 1975, for example, reached 18 percent, even by conservative estimates. We have begun to change that trend, but the increases are still high.

The proportion of the gross national product spent on health care, already one of the highest in the world, has now reached 8.8 percent, and is continuing to increase with no end in sight. At some point, we must decide how much of our resources we want to spend on health care.

Government paid $76 billion for health care in fiscal year 1978—40 cents out of every dollar spent for health, half again as much as was paid by all private insurors. Expenditures for health by the Federal Government alone account for one out of every eight tax dollars. With calls for balanced budgets, and the compelling need for better coverage in health care programs, we have to find ways to control costs.

The way we pay for hospital care—most particularly in medicare and medicaid—has resulted in a hospital system with virtually no incentives to reduce costs and operate as efficiently as possible. We have to create incentives but we have to be sure that we have real change—not simply a shifting of the costs to other payers.

Over the past several years, we have begun to see a slowdown in the increases in hospital costs. I recognize that there have been legitimate efforts by hospitals to be more cost conscious. The consideration of hospital cost containment legislation in the last Congress focused the attention not only of the Congress, but also of the public and the medical profession itself, on the problem of costs. The resulting voluntary effort mounted by the hospitals has clearly had an initial effect. Further, we cannot overlook the very significant impact of some of the effective cost containment programs in the States. We would not be experiencing a rate of increase as low as the 13 percent in 1978 without those State cost containment programs in place. However, the drop in the rate of increase which coincided with the initial stages of the voluntary effort should not lull us into believing the problem as solved:

First. Very recent data indicate a disturbing increase in medical care inflation again;

Second. The overall rate of increase in hospital care is still significantly higher than the rest of the economy;

Third. Activities which will truly result in more cost-efficient medical care continue to elude us.

I have some concerns about the proposed cost containment legislation. I would prefer an approach that was more simple and easy to understand.

But the hospital industry is not a simple one, and the problem of excessive cost increases may not be ones that can be dealt with simply.

I would prefer an approach which dealt more leniently with hospitals who have worked to assure that the care they provide is appropriate—which treat cases on an outpatient basis where possible, which work to reduce lengths of stay, which enforce standards for high quality, cost effective practice, and which make special efforts to reach the underserved in the community. Hospitals that are truly efficient should be released from arbitrary constraints. However, turning this objective into legislation is difficult—partly because of shortcomings in our ability to measure and identify the truly efficient institutions.

I like an approach which deals with hospitals individually, which analyzes changes in admissions and which assures that cuts in hospital costs are not achieved at the expense of an adequate wage for hospital workers. In each of these areas, the bill proposed this year is improved over the proposal sent to the 95th Congress. Our deliberations last year had much to do with the improvements we see now. Some problems still remain. But I hope we can work constructively with labor, with the hospital industry, with physicians, with Governors, and with consumers to make the legislation we pass this year as fair and as effective as possible.

I am including in the RECORD the summary factsheet prepared by the administration explaining the rationale for and approach of the bill Congressman RANGEL and I have introduced today:

HOSPITAL COST CONTAINMENT LEGISLATION SUMMARY FACT SHEET

THE PROBLEM

MARCH 5, 1979.

Hospital cost containment legislation is a key component in President Carter's fight against inflation.

Over the past three years, total hospital expenditures have increased at a rate more than two times the rise in the Consumer Price Index—even faster than the rate of increase in such highly inflationary items as food and fuel.

No other legislative proposal before the 96th Congress can contribute so significantly

To curb inflation in the economy (if health care prices had increased at the same rate as other goods and services in 1975–77, the Consumer Price Index for that period would have been 5.8 percent rather than 6.1 percent);

To lighten the burden on Federal, State and local taxpayers (federal savings for Fiscal 1980–84 would be $22 billion, including $19 billion of social security trust fund savings; State and local savings for Fiscal 1980–84 would be as much as $6 billion);

To reduce the increasing cost to employers and workers of health insurance premiums (employers would save $14 billion for Fiscal 1980–84, and individuals $5 billion in lower health insurance premiums); and

To lower the direct cost of hospital care for the aged, poor, unemployed, and uninsured (individual out-of-pocket payments for hospital care would be $6 billion lower in Fiscal 1980–84).

Voluntary efforts to contain the sharp rise in hospital costs have not been adequate:

Hospital costs continued to rise in 1978 at about 13 percent annually according to estimates based on hospital industry data. Hospital room rates increased 12.4 percent, well in excess of increases in the prices of other goods and services (e.g., the Consumer Price Index for energy increased 8.0 percent in 1978 and food increased 11.8 percent, while the total CPI increased 9.0 percent).

Slight deceleration in the rate of increase in hospital costs in late 1977 and early 1978 has largely resulted from the prospect of a mandatory Federal program and from existing *mandatory* State cost containment programs, (e.g., New York State held increases in total hospital expenses to 6.2 percent in 1977). The deceleration has leveled off, and appears to be turning upwards.

Estimates of inefficient and unnecessary spending in the hospital industry indicate that there is ample room to realize significant savings without affecting the quality of health care. Strong legislative action is necessary because the hospital industry, which receives most payments on a cost plus basis, lacks fundamental market incentives to ensure efficiency and to eliminate waste.

THE LEGISLATIVE PROPOSAL

I. Basic approach

The proposed legislation has two parts:

National Voluntary Limit: The legislation would establish a national limit for the rate of increase in hospital costs in calendar 1979 which hospitals would be asked to meet voluntarily.

Standby Mandatory Controls: Should the hospital industry fail to achieve this nationwide voluntary limit in 1979, standby mandatory controls would be applied to individual hospitals beginning January 1, 1980.

II. National voluntary limit

The national voluntary limit for calendar 1979 would be a 9.7 percent rate of increase in total hospital expenses. This limit is set by adding three components:

An inflation allowance based on the increase in the cost of goods and services purchased by hospitals during 1979. This so-called "market basket" is estimated to be 7.9 percent in 1979. *But if the market basket rate of inflation during the year actually changes, corresponding changes would be made in this component of the national voluntary limit.* For example, if actual inflation caused the hospital market basket to rise from 7.9 percent to 8.2 percent during the course of the year, then the national voluntary limit would rise correspondingly from 9.7 to 10 percent.

An allowance for population growth would be 0.8 percent.

An allowance for net new services: the cost of additional services (e.g., new technology or more lab tests) minus savings from increased productivity and efficiency. This net new services allowance would be 1.0 percent.

In sum, the national voluntary limit will require the hospital industry markedly to improve productivity and efficiency to meet the allowance for net new services (ineffective management and unnecessary new services are the source of much hospital waste). But the limit will be adjusted upwards if inflation in the hospital market basket is actually higher than presently projected.

III. Exemptions from mandatory controls for individual hospitals

If the national voluntary limit is not met in 1979, certain types of hospitals that would otherwise be subject to mandatory controls would be exempted from those controls under the following conditions:

If the rate of increase in total hospital costs in any State during 1979 is within the national voluntary limit (adjusted for State population trends and its nonsupervisory wage experience), all hospitals in that State would be exempt from mandatory controls in 1980.

Even if total hospital costs in a State do not met the limit, individual hospitals would be exempt in 1980 if their individual rates of increase in total costs (adjusted for their own nonsupervisory wage experience) were at or below the voluntary limit in 1979.

Small, nonmetropolitan hospitals (under 4,000 admissions), new hospitals (less than 3 years old), and HMO hospitals (with 75 percent of patients enrolled in qualified HMOs) would be exempt from the mandatory program regardless of their rate of increase in 1979; and

Hospitals in States with mandatory cost containment programs of their own could be exempt if the State program either met performance standards (i.e., the Statewide rate of increase in 1979 was within 1 percent of the national voluntary limit) or met other requirements established by regulation.

Present estimates indicate that more than half of the nation's 6,000 community hospitals would be exempted from the mandatory program under the provisions outlined above.

IV. Mandatory program for individual hospitals

Individual hospitals which are not exempted and which, thus, come under the mandatory program would be given an allowable rate of increase in *total inpatient revenues per admission for 1980.* This mandatory limit includes a basic limit—comprised of an allowance for inflation and an allowance for efficiency or inefficiency—and adjustments for exceptional circumstances.

Basic limit

Each hospital would be granted an inflation allowance to cover its own market basket price increases (increases in the cost of goods and services purchased). This includes an allowance for the actual rate of increase in non-supervisory wage rates experienced by *that hospital.* This assures that low-wage workers will not bear the burden of hospital cost constraints.

Each hospital would be given an allowance based upon its efficiency or inefficiency. Efficiency would be measured by comparing the hospital's previous actual costs with those of other hospitals of similar size and location. Efficient hospitals would be given a bonus. Inefficient hospitals would be penalized.

Exceptions/adjustments

Hospitals with unusual circumstances, such as changes in admissions, would have their basic limit adjusted.

Sanctions

As in earlier cost containment proposals, once the mandatory limit on the allowable rate of increase on total inpatient revenues per admission is established, it would be enforced in two ways:

The refusal by Medicare, Medicaid and Blue Cross to pay costs in excess of the hospital's mandatory limit; and,

A 150 percent tax on excess revenues collected by the hospital from other payers, unless these excess revenues are set aside in a special account and used to reduce prices to private patients in future years.

Savings

Estimates of savings generated by the legislation are as follows:

[Dollars in millions]

	Federal savings	Total system savings
Fiscal year:		
1980	$1,410	$3,690
1981	2,560	6,520
1982	3,930	9,770
1983	5,820	14,130
1984	8,110	19,260
Total 1980–84	21,830	53,370

●

□ 1550

INTRODUCTION OF FOOD STAMP ACT AMENDMENTS OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Stack) is recognized for 10 minutes.

Mr. STACK. Mr. Speaker, today, March 6, 1979, I filed a bill to amend the Food Stamp Act of 1977, with respect to households which are composed entirely of persons who are age 62 or older, or who are recipients of benefits under title XVI of the Social Security Act—blind and disabled—by permitting, for the purpose of determining eligibility for food stamps, certain deductions as follows:

First. From the gross income of the household, my bill would continue the standard deduction of $65—as provided in the Food Stamp Act of 1977.

Second. In addition, my bill would permit the deduction of all out of pocket medical expenses in excess of the standard deduction of $65.

For example, if the household spent $165 in a given month for medical expenses, they would deduct first the standard deduction of $65, plus an additional $100.

Third. In addition, again for the purpose of computing eligibility for stamps, my bill would eliminate the restriction on excess shelter deductions, which was set at $75 per month in the 1977 Food Stamp Act, which, by virtue of indexing, at present is $80 per month. In lieu thereof, my bill would permit an excess shelter care deduction to the extent that the monthly amount expended for shelter care exceeds an amount equal to 50 percent of monthly household income after all applicable deductions have been allowed.

For example, in my district, a Mr. and Mrs. Pittman in the last month had shelter care costs which totaled $160—their out of pocket medical expenses totaled $166—the following is the method of computation which would be employed to to determine income eligibility for food stamps under the bill which I have filed.

METHOD OF COMPUTATION

The Stack bill changes the method of computing eligibility for food stamps for those households composed entirely of persons who are age 62 or older or who are recipients of benefits under title XVI of the Social Security Act (blind and disabled).

Step 1—Compute household income.

Step 2—Subtract the standard deduction of $65.

Step 3—Subtract medical and dental expenses (out of pocket) to the extent they exceed the standard deduction of $65.

Step 4—This resulting figure represents "income after all deductions".

Step 5—Compute 50 percent of this figure ("income after all deductions").

Step 6—Compute shelter costs (rent/mortgage, utilities, phone).

Step 7—To the extent the shelter costs (step 6) exceed 50 percent of "income after all deductions" (step 5), subtract this amount from "income after all deductions" (step 4).

This final figure represents income for the purpose of determining eligibility for food stamps.

EXAMPLE APPLYING METHOD OF COMPUTATION

The following is an actual computation for food stamp eligibility for Mr. and Mrs. Pittman of the district. Their shelter costs total $160 and their out-of-pocket medical expenses total $166.

Step 1: $225 social security plus $84 veterans benefits equals $309 monthly income.

Step 2: $309 monthly income minus $65 standard deduction equals $244.

Step 3: $244 minus $101 (medical expenses to extent they exceed $65) equals $143.

Step 4: $143 equals "income after deductions."

Step 5: 50 percent of $143 equals $71.50.

Step 6: $160 shelter costs.

Step 7: $160 shelter costs minus $71.50 (50 percent of income after deductions) equals $88.50 excess shelter costs; $143.00 "income after all deductions minus $88.50 excess shelter costs equals $54.50 income for purpose of determining eligibility.

Go to the food stamp table—$89.00 in food stamps.

The purpose of my bill is clear. The necessity for its adoption is equally evident. The bill applies only to the elderly poor, the sick and the disabled—to households composed entirely of individuals who are 62 years of age or older or who are blind or disabled. These individuals are in desperate need. They are ravaged by inflation—by the soaring costs of medical and dental care and of housing. How can we, Members of Congress, representatives of the richest people in the world, deny to those who are literally starving, the few dollars it would take to feed them? This is a situation which crys out to Heaven for justice—to feed those who hunger is a cardinal work of mercy. I ask you, my colleagues, to join with me as cosponsors of this bill so that we can promptly deal with this most urgent matter.

In my own State of Florida, some 140,000 households, with a total of approximately 40,000 people, are adversely affected by the impact, as of March 1, 1979, of the Food Stamp Act of 1977.

I am very pleased to know that my distinguished colleague, the Honorable Claude Pepper, the chairman of the Select Committee on Aging, has indicated that he will join me as a cosponsor of my bill. On the Senate side, the honorable Richard Stone will introduce a companion bill.

Maximum allowable monthly income standards, March 1, 1979

Household size:	
1	$277
2	365
3	454
4	542
5	630
6	719
7	807
8	895
Each additional member	+89

H.R. 2663

A bill to amend the Food Stamp Act of 1977 to eliminate certain restrictions on excess shelter expense deductions with respect to households which are composed entirely of persons who are age 62 or older or who are recipients of benefits under title XVI of the Social Security Act and to allow deductions for certain medical and dental expenses in the computation of incomes for such households

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) in the fourth sentence, by striking out "Households" and inserting in lieu thereof "Except as provided in the following sentence, households"; and

(2) by adding at the end thereof the following new sentences: "The proviso contained in clause (2) of the preceding sentence shall not apply with respect to households which are composed entirely of persons who are age 62 or older or who are recipients of benefits under title XVI of the Social Security Act. In addition, households described in the preceding sentence shall be entitled to a medical expense deduction to the extent that the monthly amount expended by any such household for medical or dental care exceeds the amount of the standard deduction in effect under this subsection".

A TRIBUTE TO THE LATE MRS. KATHRYN STONER O'CONNOR

The SPEAKER pro tempore (Mr. Montgomery). Under a previous order of the House, the gentleman from Texas (Mr. Wyatt) is recognized for 5 minutes.

Mr. WYATT. Mr. Speaker, I would like to thank you for this opportunity to address the floor in memory of a great lady who lived in Victoria County, Tex., until her death last month. Actually, the words I have to say about Mrs. Kathryn Stoner O'Connor seems terribly insignificant following the words of praise which were bestowed upon her by the likes of Pope Pius XII, Pope John XXIII, King Juan Carlos of Spain, the legislature and universities in the State of Texas. The deeds of this great lady deserves to be recorded one more time in our National Archives, so I will attempt to do her justice in this short time before you.

She was born Kathryn Stoner in 1883 on the Seven Bar Ranch in Victoria County, where she also attended private school as she grew up. Shortly after the turn of the century she married Thomas O'Connor of Refugio County, and homes were maintained in both Victoria and Refugio Counties ever since.

Kathryn Stoner O'Connor was a devout Catholic and a member of St. Dennis Catholic Church on the River Ranch She was also a keen student of, and an expert on, the history of Texas. Her work on behalf of the church, the cultural heritage of Texas, and the people of her State led to her first papal honor in 1939. Pope Pius XII bestowed the Pro Ecclesia et Pontifici upon her in that year. Later, in 1957, Pope Pius XII awarded her the honor of Lady Equestrian Order of the Holy Sepulchre of Jerusalem. She was subsequently raised to Lady Commander of the Order and Lady Commander of the Grand Cross of the Order by Pope John XXIII.

In these awards she was cited for her many years of devotion to the faith, education, health, and culture of the people of Texas; specifically her work with the Nazareth Academy for Girls, the St. Joseph's Education Foundation for Boys, the library built in honor of her brother, Father Victor Rose Stoner, at Annunciation College, and her work on behalf of the Lady of the Lake and Incarnate Word colleges in San Antonio.

Both of these colleges also honored Kathryn O'Connor. Lady of the Lake awarded her an honorary doctor of letters degree, and the Incarnate Word College awarded her its Aristotle-Aquinas Medal.

King Juan Carlos of Spain cited her generosity on behalf of the preservation of the Spanish cultural heritage in Texas when he bestowed the Spanish Order of Isabella la Catolica on her in 1975. The award cited her singlehanded efforts to restore the Presidio La Bahia in Goliad, Tex. Presidio La Bahia, one of the most important sites in Texas history, was in almost complete ruin and nearly forgotten before Kathryn O'Connor moved to bring the fort, and the history of the fort, back to the people of Texas.

Since the restoration of the Presidio, and through the generosity of Kathryn Stoner O'Connor, a Spanish Texas Microfilm Center for the study of Texas' Spanish heritage has been founded on the fort's grounds. The Spanish King's award honoring this benevolence was the first of its kind ever given to any citizen of the United States.

Her book, "Presidio La Bahia, 1721–1846," written in 1966, has been widely acclaimed and is now in its second printing. She also contributed numerous articles to the Southwest Historical Quarterly and is the author and editor of many, many works on the history of Texas.

Her devotion to Texas did not lie with only its churches and its history, though. The Kathryn Stoner O'Connor Foundation has been primarily devoted to the welfare of its people. The foundation awards grants for health and education throughout the State. Grantees from her foundation included a new wing on the Citizen's Memorial Hospital in Victoria, complete with the most advanced cobalt treatment equipment, to the agricultural experiment station of Texas A&M University's extension service at Beeville, Tex. Scientists at this station are studying ways to protect the indigenous prairie chicken from extinction.

Kathryn Stoner O'Connor is survived by an equally great family in Texas: her daughter, Mary O'Connor Braman of Victoria, and two sons, Dennis M. O'Connor of Refugio and Thomas O'Connor, Jr., of Victoria, and three grandchildren, Louise S. O'Connor of Austin, Kathrine O'Connor Counts of Victoria, and Daniel Hawes Braman, Jr., of Refugio County.

I have probably spoken longer already than Miss Kate would have wanted. For her funeral she requested that Rev. Edward Kircher of Woodsboro simply ask us to remember her in our prayers instead of offering a eulogy. That is the way she was—a simple, beautiful woman who liked simple, beautiful things.

Victoria and Refugio Counties, Tex., and very probably the world feel a sense of loss with the passing of Kathryn Stoner O'Connor. Her special spirit touched us all, and I simply wish to add my deepest sympathy to her family, and add my words of praise to those which have already been said for this grand lady.

Thank you, Mr. Speaker.

ANOTHER FORM OF BANK ROBBERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, when asked why he stole from banks, the famous robber Willie Sutton replied, "because that's where the money is." Today's bankers have been taught an ironic lesson from their former nemesis—rob the customers, because that is where the money is. That banks have learned this lesson well is evidenced by a recent editorial in the influential trade newspaper, American Banker. The editorial is entitled "Smart Competition," but what it really calls for is no competition. It suggests outright that competing banks "educate" any competitors who they believe are unwittingly underpricing their customer services. Low service charges can harm the banking community, the editor asserts, because, in order to compete, other banks will be forced to lower their charges, and this in turn endangers the health of each institution.

The recent advent of new services such as automatic transfers and NOW accounts prompted most banks to reassess their pricing strategies for the consumer services they offer. As a result, services formerly taken for granted, such as free checking with no strings attached, have all but disappeared. Once banks recognized that such offerings were not producing a sufficient profit, most moved quickly to rectify the situation, usually at the expense of middle- and low-income customers. But some financial institutions did not jump on the bandwagon, and it is the threat these banks pose to their competitors which prompted the editorial. By offering services at low prices, banks pose a dilemma for their competitors, who must either cut their own charges or risk losing customers. This is one of the few areas in banking which is not strictly regulated, and the editorial's message indicates that at least some bankers cannot face the free market competition they always cry out for.

The editorial recommends that banks confront their low-priced competitors if they believe that the underpricing is due to a failure to recognize the costs entailed in providing the services. Banks can avoid the secrecy of cost comparing in other industries, the editorial proudly claims, by hosting cost analysis seminars and similar forums in which everything would be "open and above board." The American Banker calls this education. I call it price fixing, because it encourages and even pressures banks to raise the costs of their services to consumers.

The editors of American Banker do not object if banks are underpricing services as loss leaders, or are charging low fees because of efficient operational techniques. But low prices do no more harm to the banking community as a whole if they are assessed out of ignorance than if they are charged for specific reasons. Furthermore, bankers should be insulted by the paper's insinuation that many of them do not know what they are doing, or why. Behind the guise of helping the financial community avoid harm, the editorial is calling not for competition, but for collusion, so that consumers will have nowhere to turn.

So long as a bank is not performing unsafe and unsound practices in the context of its overall financial condition, any act by its competitors to force it to charge higher prices is blatantly anticonsumer and borders on violating antitrust statutes. Whether it is done behind closed doors in smoke-filled rooms or at public meetings, the net effect is the same—the consumer loses because competition is stifled in the name of a supposedly greater good—the bottom line of the banks.●

AMENDING THE FEDERAL TORT CLAIMS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today Mr. DANIELSON and I are introducing a bill:

> To amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of United States employees, to provide a remedy against the United States with respect to constitutional torts, to establish procedures whereby a person injured by a constitutional tort may initiate and participate in a disciplinary in-

quiry with respect to such tort, and for other purposes.

A similar proposal, H.R. 9219, was introduced my me in the 95th Congress and was the subject of hearings by the Subcommittee on Administrative Law and Governmental Relations. In September of last year, that subcommittee reported H.R. 9219 with amendments, but the 95th Congress adjourned before action could be taken by the full committee.

The legislation that Mr. DANIELSON and I are introducing today would amend the Federal Tort Claims Act to make the United States the exclusive defendant in certain suits arising from the torts of Government employees. The Federal Tort Claims Act would also be amended to authorize the victims of certain torts arising under the Constitution to initiate an agency discipline proceeding against the offending employee. This legislation was developed with the assistance of the Department of Justice and is supported by the administration.

The Federal Tort Claims Act now makes the Government liable—

> for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

However, nothing in the existing Tort Claims Act prevents the plaintiff from also bringing suit against the individual employee or from bringing suit against the employee and not the United States.

Making the United States the exclusive defendant under the Tort Claims Act will have two consequences. First, Federal employees will be immunized from the threat of crippling lawsuits challenging their actions while in Government service. Second, it would no longer be necessary for the Government to retain private attorneys to defend employees who are defendants in lawsuits. With the employee no longer a party in interest, many valid plaintiff claims can be settled short of litigation by the Government.

Our bill also contains a number of provisions which will make it easier for a tort plaintiff with a meritorious claim to recover against the Government. The 93d Congress extended the Tort Claims Act to cover certain enumerated torts committed by Federal investigative or law enforcement officers. Section 3 of our proposal would remove questions of the act's coverage of law enforcement related torts by extending the provisions of the act to all torts arising under the Constitution. Proof of damage questions now faced by plaintiffs in law enforcement related tort cases will be eliminated by provision for minimum liquidated damages computed at the rate of $100 a day for each day of violation not to exceed $15,000 or $1,000 whichever is higher. Successful tort plaintiffs would be able to recover litigation costs and attorneys' fees against the Government.

This legislation specifically provides that the United States may not raise as a defense to a constitutional tort suit the absolute or qualified immunity of the employee (except that of Members of Congress, judges or prosecutors, or persons performing the functions of such persons) or the employee's reasonable good faith belief in the lawfulness of his conduct. If the United States is responsible for the commission of a constitutional tort, it should compensate the victim, regardless of whether the employee was acting in good faith or whether he was acting under a personal absolute or qualified immunity.

A person who has recovered on a tort claim against the Government would be able to initiate an administrative inquiry into the conduct alleged or found to have given rise to the claim, and a tort victim unsatisfied with the results of that inquiry could obtain administrative and then judicial review. A plaintiff who has begun a suit under the Tort Claims Act could initiate a discipline proceeding within a period beginning 60 days after and ending 120 days after filing of the suit, but he could not obtain administrative or judicial review until a court found, or the Government admitted, liability.

Former employees and former Presidential appointees who are sued as individuals would have to submit themselves to the discipline procedures for current employees in order to have the Government substituted as the exclusive defendant. The conduct of a current Presidential employee would be subject to review by the entity which would normally conduct administrative review of agency discipline proceedings. This body, which in most cases would be the Merit Systems Protection Board, would recommend any appropriate disciplinary action to the President.

Mr. Speaker, it is our view that this legislation is most urgently needed, both by Government employees who may be defendants in possible tort actions and by members of the public who may be plaintiffs in such actions. I understand that Mr. DANIELSON's subcommittee is planning to hold early hearings on this bill. The full committee will also give this bill its early attention. We are hopeful that this amendment to the Federal Tort Claims Act will be one of the early accomplishments of the 96th Congress.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 5 minutes.

● Mr. FOUNTAIN. Mr. Speaker, had I been present on Thursday, March 1, I would have voted "yea" on rollcall No. 19, to allow portions of the transcript of the trial of Representative DIGGS to be read during debate, and "yea" on rollcall No. 20, a motion to refer the Diggs expulsion resolution to the Committee on Standards of Official Conduct.●

EXPORT TASK FORCE ARTICLE NO. 4: AN EXPORT REFERENCE GUIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, I recently had the opportunity to meet Mr. William J. Barton, president of the Internal Business-Government Counsellors, Inc. During our discussion, Mr. Barton repeatedly stressed the fact that a $30 billion plus trade deficit has made the need for an effective U.S. national export policy imperative. The United States must make a vigorous effort to expand markets for our goods or large trade deficits will continue with the following consequences: A continued weakening of the dollar, added domestic inflation, and loss of U.S. jobs and production.

In order to assist Members of Congress and others in Government, labor, industry, and agriculture in understanding the export situation, the International Business-Government Counsellors, Inc., has compiled a special report entitled, "U.S. Export Policy: New Directions."

The report presents in a concise and analytical manner the complex questions surrounding the development of a national export policy. As chairman of the House export task force, I am pleased to submit a portion of this report for review by my colleagues:

[Excerpt]

U.S. Export Policy: New Direction

INTRODUCTION

The United States has never had a National Export Policy. And until very recently it has never really thought it needed one, despite a long history of government and private sector efforts to raise "export consciousness." For many years, the strength and diversity of the national economy have protected the U.S. from dependence on foreign markets, just as they have protected U.S. domestic industries from the realities of competition with foreign companies.

U.S. companies have seen themselves as part of a domestic market, by and large, not a world market. It's estimated that less than 10% of U.S. manufacturing firms have steady export business, and exports tally up to only about 6% of the U.S. gross national product, the lowest percentage of any major industrialized country. Many small and medium sized companies have never thought about exporting and don't really know how to go about it.

U.S. global multinationals, on the other hand, have in many cases become truly international, with strategic planning of production and marketing for the global economy and production sourcing abroad for sales in foreign markets. While multinationals are and will continue to be the key to U.S. export performance, many of these large companies give export expansion from the U.S. a fairly low priority.

This attitude can be traced to the high costs of producing for export from the U.S. market, in part. And also to the business community's uncertainty and distrust of U.S. government policy trends affecting their exports, which makes the U.S. a less attractive base of production for export than other countries.

Government policies have not put exports high on the national agenda, in large measure reflecting the domestic market mentality so long accepted in the U.S. This is despite the efforts of several administrations, notably President Lyndon Johnson's, to make export policy a high priority item. The issue has never really been given concentrated high level attention. The U.S. government not only has no top level Export or International Trade Department Head, but it has no central coordinating unit for international economic policy. Export functions are scattered among a number of agencies, incidental responsibilities of many but the prime job of none.

"Trade policy" has focused usually on import protection, overseas investment, not on vigorous efforts to expand markets for U.S. goods. Export and import policy are by habit and by government organization treated as separate issues, instead of closely linked pieces in the process of U.S. adjustment to the world market place.

Specific policy areas illustrate the domestic market thread. U.S. antitrust policy was shaped for a 19th century world, when America was relatively isolated and threatened by domestic monopolies. But in the 20th century world, even the biggest U.S. firms have to worry about competition from foreign corporations that work in close partnership with their governments. Policies and regulations adopted for social goals or to affect the operations of business in the domestic market have not been closely examined for their impact on exports. Tax policy has been keyed to domestic policy goals, generally not used as a tool of international economic competition. The lack of a National Export Policy is part and parcel of the U.S. reluctance to coordinate its domestic economic goals with the changing demands of the international marketplace.

The U.S. today is in the midst of a serious export crisis, as was put into stark relief by the $26.5 billion trade deficit in 1977. "Export policy" finally has become a top priority issue for national policymakers. In the spring of 1978, President Carter set up an interagency Task Force on Export Policy to come up with recommendations. Several Congressional committees, business orgs began looking more closely at how govt policies affect exports. But these efforts have produced only a few tentative steps to improve U.S. exports.

In 1979, development and implementation of a "National Export Policy" will be a major issue for the Administration and Congress.

This Special Report takes a concise look at factors affecting exports and possible recommendations for boosting them. It is divided into six sections: (1) U.S. Export Performance; (2) U.S. Government Policies Which Help Exports; (3) U.S. Government Policies Which Hurt Exports; (4) What Other Countries Do; (5) What Has Been Done; (6) New Directions For a National Export Policy.

This Special Report was prepared by Solveig B. Spielmann, Assistant Editor of the Washington International Business Report and Vice President of International Business-Government Counsellors, Inc. (IBGC), assisted by William J. Barton, President of IBGC; Janet Hunter, Editor of the Washington International Business Report; Eben Tisdale, Assistant Editor; and Anne Taylor and Nannette Montel, Editorial Assistants.

The editors want to thank the outside readers who reviewed the manuscript in draft and contributed valuable ideas and criticisms, particularly: Timothy O'Shea of Westinghouse, Robin Potter of the Commerce Department, Robert Russell of the Senate Banking Committee staff, and Thomas Trueblood of International Harvester.

V. WHAT HAS BEEN DONE

The trade deficits have made export policy a top priority issue in Washington for the first time in memory. The enormous negative turnaround in the U.S. trade position has shaken international confidence in the dollar. It has also shaken the confidence of U.S. government and business leaders, who are beginning to question the fundamental ability of the U.S. to compete in the international marketplace.

Yet, no dramatic new directions for U.S. export policy have been announced. Leaders in the Administration, Congress and business have taken some tentative steps but are still searching for suggestions and proposals on new policies to alter the export picture.

A. The Carter administration's export policy. Recognizing the serious nature of the trade problem, and pushed hard by Assistant Secretary of Commerce Frank Weil to develop a "National Export Policy," President Carter set up an interagency Task Force on Export Policy in April, 1978. The program the President announced in September of last year resulting from the Task Force work fell far short of being a "National Export Policy," and Administration spokesmen have refrained from describing it as such.

The White House announcement promised only a "series of measures" to place a higher priority on exports. It is seen as a first step in developing a National Export Policy, one which will be expanded and changed over time.

Followup activity within the Administration has already begun. A Regulatory Council has been appointed to analyze the costs and effects of regulations, and a special interagency study is underway on the effects of "disincentives to exports." Justice Dept did appoint a Business Advisory Panel for the Antitrust Commission and is preparing guidelines on the improper payments legislation.

An interagency task force is working on exports of hazardous substances, with a policy statement now due in February. One question mark is whether Commerce Dept can convince the Office of Management and Budget (OMB) to OK more export promo funds.

The Administration is also pursuing export expansion goals through the Multilateral Trade Negotiations in Geneva, with the objective of reducing foreign barriers to trade and opening markets for U.S. goods.

B. Congressional action. Congress has been quick to get in on the export policy debate, with a number of committees holding hearings, writing reports and considering legislation. Consideration of major export expansion legislation seems almost certain in 1979. Senators Adlai Stevenson (D-Ill) and John Danforth (R-Mo) are already at work on broad proposals. Some of the groups and committees involved in the issue are:

In the House of Representatives.—

First. House Ways and Means Committee.—Trade Subcommittee Chairman Charles Vanik may go ahead with export policy hearings early next year. Subcommittee had planned special hearings for industry reps in December, but session was postponed due to health of Ranking Minority Member William Steiger (R-Wis), who had spearheaded the effort. Look for Congressman James Jones to be particularly active on issue, concentrating on antitrust issues, adaptation of trading company concept to U.S. Committee will also be key in Congressional consideration of MTN agreements. Vanik is interested in tax changes to boost Research and Development.

Second. House Export Policy Task Force.—Even before the Carter Administration's export program was announced, an informal Task Force of key House members was organized by Assistant Democratic Whip Bill Alexander (D-Ark.). Alexander's group will provide a forum for discussion of export policy issues and monitor legislation affecting export policy. It will work closely with a private sector support group made up of representatives of leading exporting companies, which will present ideas for legislation early in the New Year. The Task Force has no legislative authority or jurisdiction.

Members of Task Force include key committee and subcommittee chairmen: Bill Alexander (D-Ark); Jonathan Bingham (D-NY); Barber Conable (R-NY); Tom Foley (D-Wash); Jim Jones (D-Okla); Steve Neal (D-NC); Henry Reuss (D-Wis); John Slack (D-W. Va); Al Ullman (D-Ore); Charles Vanik (D-Ohio); Clement Zablocki (D-Wis); Bill Frenzel (R-Minn); Dan Akaka (D-Hawaii).

Third. California Ad Hoc Committee on Exports.—An informal group of California Congressmen, focusing mainly on government policies affecting California exporters, especially in the aviation and high technology areas. Chaired by Jim Lloyd, other members are Democrats Glenn Anderson, Don Edwards, Harold Johnson, Lionel Van Deerlin, and Republicans Don Clausen, Robert Lagomarsino and Paul McCloskey.

Fourth. House International Relations Committee.—Chairman Clement Zablocki (D-Wis) could play a leading role in the export policy debate. His committee authorized a special study by the Library of Congress, comparing U.S. export promotion programs to those in eight other countries. And it has jurisdiction over Export Administration Act, setting export control policy. Jonathan Bingham's (D-NY) Subcommittee on International Trade and Economics is key.

Fifth. House Banking, Finance and Urban Affairs Committee.—Full committee Chairman Henry Reuss (D-Wis) is very concerned about export performance, dollar decline. Look for him to press Administration hard on broad range of issues affecting export performance. Committee has jurisdiction on Export-Import Bank legislation, but it will not be an issue in 1979.●

SUBCOMMITTEE ON CRIME TO CONTINUE HEARINGS ON THE REAUTHORIZATION OF LEAA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, the Subcommittee on Crime, which I chair, will continue its consideration of H.R. 2108 and H.R. 2061, legislation to reauthorize and reorganize the Law Enforcement Assistance Administration, on March 8 and 15, 1979. These hearings will begin each day at 9:30 a.m., in room 2237, Rayburn House Office Building.

The hearing on March 8 will focus on the resources and activities of LEAA with respect to white-collar crime; the March 15 hearing will examine provisions of the bills regarding statistics and research programs.

Individuals wishing to testify or submit a statement for the RECORD should address their requests to the Subcommittee on Crime, House Committee on the Judiciary, 207E Cannon House Office Building, Washington, D.C. 20515.●

INTRODUCTION OF LEGISLATION TO LESSEN GERRYMANDERING

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, we have in this country a practice popularly known as political gerrymandering which, for nearly 200 years, has hindered the concept of fair and effective representation within congressional districts.

I am sure that you are well aware of what the gerrymander has done—and is capable of doing—as an instrument of partisan political profiteering. This discriminatory districting which operates unfairly to inflate the political strength of one group and deflate that of another, disrupts entire cities, towns, and communities of interest for the sole purpose of creating and maintaining a political power base within a State.

Although it runs in direct opposition to the principles upon which our Republic was founded, gerrymandering remains within the boundaries of the law. It is sad to say that we, as a legislative body, have done absolutely nothing to bring this unfortunate practice to an end.

Some progress in this area, however, has been made. The "one-man, one-vote" Supreme Court decisions of the mid-1960's, in addition to the many judicial breakthroughs in the early 1970's have taken great strides toward the creation of fair and effective political representation on the congressional level.

At the present time, all State constitutions contain some type of provision regarding redistricting and apportionment. Most State constitutions require the legislature to reapportion on a basis of population following each Federal decennial census, while many of them also explicitly provide for district compactness and contiguity.

Although the courts have entered this political thicket, and many State constitutions now contain redistricting provisions, the standards are usually too vague and unenforceable to amount to any substantial change.

The gerrymander's scalpel has not been deterred from successfully dissecting congressional districts. As a result, State legislatures are given the green light to perform their handiwork with virtually no opposition.

Congress is the only legislative body in the United States which exercises no influence over its own districting and the time has certainly come for us to constructively influence the manner in which the States conduct this process. Fair and effective representation is not a privilege which is determined through the whims and fancies of State legislators—it is a constitutional right. Gerrymandering is an evil practice and Congress, having the power and responsibility, ought to eliminate it.

I am introducing today a bill, H.R. 2653, which is designed to lessen the opportunity for such gerrymandering to take place. The proposed law will take districting power away from the State legislatures and give it to bipartisan commissions in the various States, which will be required to hold open hearings, assimilate public input and publicize their final plan to allow for citizen input and challenge.

In cases where States prove incapable of coming up with a workable and constitutional scheme, the U.S. district courts shall order the commission to set up a new plan within 60 days. Only in this way can we eliminate the possibility of a partisan court decision in this apportionment process.

An additional safeguard against making districting a political football would be the provision limiting this redistricting process to one per census. These commissions would be required to follow guidelines in their work, such as maintaining the integrity of political subdivisions to the greatest extent possible, making districts compact, keeping within general numerical requirements, and taking into account the fair representation of minority groups.

The track record of some State legislatures in dealing with this matter is not good. Past performances prove that some are incapable of creating fair and constructive plans for redistricting and are willing to place personal gain ahead of democratic principles.

It is time to put away the toys of gerrymandering. It is time to stop playing the manipulative games of old politics in a smoke-filled room. We must now enter into an era where fair and effective representation is no longer a meaningless phrase, but a political reality.

H.R. 2653 is not the complete answer. We will not establish a redistricting utopia through the passage of this bill, but I feel that sound reform is desperately needed, and H.R. 2653 will go a long way toward eliminating this worthless and undemocratic practice.●

THE PUBLIC DEBT LIMITATION AND DEBT MANAGEMENT

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ULLMAN. Mr. Speaker, on March 6, 1979, the Committee on Ways and Means ordered favorably reported to the House H.R. 2534, a bill relating to the public debt limitation and debt management. Sections 1 and 2 of the bill would provide that the public debt limitation is to be $830 billion through September 30, 1979. Section 3 of the bill would increase by $8 billion, from $32 to $40 billion, the amount of long-term bonds which may be issued with interest rates above the 4¼-percent statutory ceiling. Section 4 of the bill would permit the Secretary of the Treasury to increase the interest rate on U.S. savings bonds from 6 to 7 percent with the approval of the President.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for the consideration of H.R. 2534 on the floor of the House. The Committee on Ways and Means specifically instructed me to request the Committee on Rules to grant a modified open rule which would only provide for:

First. Committee amendments, which would not be subject to amendment;

Second. Germane amendments with respect to the amount and duration of the temporary debt increase, such amendments not to be subject to amendment except for pro forma amendments for the purpose of debate;

Third. Waiving all necessary points of order;

Fourth. One hour of general debate, to be equally divided; and

Fifth. One motion to recommit.

In addition, we will ask that the rule be closed with respect to section 3 dealing with the long-term bond authority and section 4 dealing with the interest rate on savings bonds.

We intend to file the committee report on Thursday, March 8, 1979, and will request to be heard before the Committee on Rules as expeditiously as possible.

RAY TRAUB APPRECIATION DAY IN EVANSTON, ILL.

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, my home town of Evanston, Ill., is known nationally for its outstanding schools. In large measure, the quality of education in Evanston is because of the commitment to excellence by both citizens and educators. This week, some of those citizens will honor one of those educators, the principal of the Oakton school for the past 11 years, Ray Traub.

Public recognition of a job well done is always a worthy event, but it is especially so in the case of Ray Traub. He is that special educator and administrator who involves parents in programs and policies; who is creative enough to expand recreation and cultural arts opportunities in the face of shrinking budgets; who knows all the children at Oakton because of his constant presence in the lunchroom and on the playground—and because he thinks about them as individuals, not as the student body.

Mr. Speaker, I suspect that we take too much for granted when we fail to take time out and show our public appreciation to a person like Ray Taub. I am pleased that my neighbors in Evanston will take the time on Thursday of this week. John Dewey once said that education is not preparation for life; education is life itself. Those of us in Evanston know how much richer and fuller life is at the Oakton school because of the efforts of Ray Taub.●

WHAT AMERICA MEANS TO ME

(Mr. HALL of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HALL of Texas. Mr. Speaker, we all take a special personal pride in this great country of ours; however, when seen through the eyes of our young people, we tend to be even more proud of the way they see it. Recently, a contest was sponsored by the Pilot Club of Marshall, Tex., encouraging the third grade students in the Marshall Independent School District to write essays on "What America Means to Me."

Heidy McWhorter was the first place winner in this contest and has, at my request, sent me a copy of her essay, and I am pleased and proud to include it herewith. Although we sometimes worry about the future of our country, our younger generation, obviously, shares our pride in and love of America, as you will see from Heidy's essay which follows:

WHAT AMERICA MEANS TO ME

(By Heidy McWhorter of Marshall, Tex.)

America to me means beauty! I am so proud of the beauty in our people. Most are kind and are willing to help you. I am also proud of the beauty in our work because Americans try to do their best. There is also much beauty to enjoy in our land. God gave us a country with beautiful flowers, mountains, hills, and waters. America to me means freedom. Our country is free to worship God. An American can marry whoever he wishes. Americans may vote for their leaders without being scared of being killed. You have freedom to choose how you want to spend your time.

America to me will always mean hope. There is hope God will make everyday better for America. He is always looking over us and helping us to "make new friends and keep our old ones."●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for this week, on account of official business.

Mr. TRAXLER (at the request of Mr. WRIGHT), for today, on account of hospitalization.

Mr. BUCHANAN (at the request of Mr. MICHEL), on account of being a delegate to the Human Rights Commission meeting in Geneva.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN) to revise and extend their remarks and include extraneous material:)

Mr. GREEN for 10 minutes, today.

Mr. KEMP for 10 minutes, today.

Mr. CORCORAN for 5 minutes, today.

(The following Members (at the request of Mr. ANTHONY) to revise and extend their remarks and include extraneous material:)

Mr. RANGEL for 15 mniutes, today.

Mr. WAXMAN for 15 minutes, today.

Mr. STACK for 10 minutes, today.

Mr. WYATT for 5 minutes, today.

Mr. ANNUNZIO for 5 minutes, today.

Mr. GONZALEZ for 5 minutes, today.

Mr. RODINO for 5 minutes, today.

Mr. FOUNTAIN for 5 minutes, today.

Mr. DODD for 10 minutes, today.

Mr. ALEXANDER for 5 minutes, today.

Mr. CONYERS for 5 minutes, today.

Mr. DANIELSON for 30 minutes on March 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS, and to include extraneous material.

(The following Members (at the request of Mr. GREEN) and to include extraneous remarks:)

Mr. SAWYER.

Mr. GILMAN in two instances.

Mr. RINALDO.

Mr. SYMMS in two instances.

Mr. PAUL in 12 instances.

Mr. MICHEL in two instances.

Mr. COLEMAN.

Mr. RUDD.

Mr. SOLOMON in two instances.

Mr. ASHBROOK in three instances.

Mr. DERWINSKI in two instances.

Mr. MCCLORY in two instances.

Mr. FINDLEY.

Mr. ROUSSELOT.

Mr. MYERS of Indiana.

Mr. GRASSLEY.

Mr. LUJAN.

Mrs. HOLT.

Mrs. SNOWE.

Mr. LAGOMARSINO in two instances.

Mr. EVANS of Delaware.

(The following Members (at the request of Mr. ANTHONY) and to include extraneous remarks:)

Mr. RICHMOND.

Mr. CAVANAUGH.

Mr. DASCHLE in two instances.

Mr. ASPIN.

Mr. YOUNG of Missouri.

Mr. HAWKINS in two instances.

Mr. MATHIS.

Mr. WOLFF in three instances.

Mr. D'AMOURS in two instances.

Mr. STARK.

Mr. SHANNON.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. MCKAY.

Mr. WAXMAN.

Mr. BAILEY in two instances.

Mr. MINISH.

Mr. NELSON.

Mr. CORMAN.

Mr. NATCHER.

Mr. MOAKLEY in two instances.

Mr. REUSS.

Mr. GORE.

Mr. PEASE.

Mr. ALEXANDER.

Mr. ROBERTS.

Mr. BENNETT.

Mr. MOTTL.

Mr. FARY.

Mr. WEISS in two instances.

Mr. GUARINI.

Mr. BENJAMIN.

Mr. MCDONALD in three instances.

Mr. PANETTA.

Mr. ATKINSON.

Mr. UDALL.

Mr. LUKEN.

Mr. BRODHEAD.

ADJOURNMENT

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 7, 1979, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

834. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 409 of title 37, United States Code, to eliminate restrictions for transporting a house trailer or mobile dwelling by a member of the uniformed services, and for other purposes; to the Committee on Armed Services.

835. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the determination of the Acting Secretary of State that the international security assistance programs of the United States for fiscal year 1979 are in compliance with the human rights requirements of section 5028 of the Foreign Assistance Act of 1961, as amended, pursuant to section 502B(a)(2) of the act; to the Committee on Foreign Affairs.

836. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to consent to a request by the Government of the United Kingdom for permission to transfer U.S.-origin military equipment to the Government of Nigeria, pursuant to section 3(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

837. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Richard E. Benedick and his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

838. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Richard C. Clark and his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

839. A letter from the Executive Secretary, Administrative Conference of the United States, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

840. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting, a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

841. A letter from the Director, Community Services Administration, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

842. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

843. A letter from the Deputy Executive Director of the Federal Labor Relations Authority and the Executive Director of the Federal Service Impasses Panel, transmitting a report on the agencies' activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

844. A letter from the Director, Federal Mediation and Conciliation Service, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

845. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

846. A letter from the Chairman, National Endowment for the Humanities, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

847. A letter from the Director, Office of Administration, Nuclear Regulatory Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

848. A letter from the Secretary, Railroad Retirement Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

849. A letter from the Director, Selective Service System, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

850. A letter from the Director, U.S. Water Resources Council, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1978, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

851. A letter from the Assistant Attorney General for Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

852. A letter from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1978, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

853. A letter from the Chairman, Federal Election Commission, transmitting a correction in the citation pursuant to which proposed regulations governing the Presidential Primary Matching Account were submitted (Executive Communication No. 669, February 21, 1978; House Document No. 96–57), changing the citation from section 315(c) of the Federal Election Campaign Act of 1971, as amended, to section 9039(c) of the Internal Revenue Code of 1954, as amended; to the Committee on House Administration.

854. A letter from the president, United States Railway Association, transmitting the fifth annual report of the Association, covering fiscal year 1978, pursuant to section 202(e) and (f) of the Regional Rail Reorganization Act of 1973; to the Committee on Interstate and Foreign Commerce.

855. A letter from the District of Columbia representative, Ladies of the Grand Army of the Republic, Inc., transmitting a report on the audit of the organization as of August 31, 1978, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

856. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to extend the authorization of appropriations for law enforcement services at water resources development projects under the jurisdiction of the Secretary of the Army through fiscal year 1982; to the Committee on Public Works and Transportation.

857. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 54 of the Water Resources Development Act of 1974 to extend the time limit and increase the authorization of appropriations for the shoreline erosion control demonstration program; to the Committee on Public Works and Transportation.

858. A letter from the Under Secretary of Energy, transmitting a report on the application and system design study for cost-effective solar photovoltaic systems at Federal installations, pursuant to section 208(a)(1) of Public Law 95–238; to the Committee on Science and Technology.

859. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish voluntary limits on the annual increases in total hospital expenses, and to provide for mandatory limits on the annual increases in hospital inpatient revenues to the extent that the voluntary limits are not effective; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINSON (for himself and Mr. LUKEN):

H.R. 2618. A bill to establish in procurement by Federal agencies and in procurement using Federal funds a reasonable and fair preference for domestic products and materials, and to establish procedures to ensure that only freely and fairly traded foreign products and materials are procured by Federal agencies and are procured using Federal funds; to the Committee on Government Operations.

By Mr. BEARD of Rhode Island:

H.R. 2619. A bill to authorize the construction of a dike for flood control purposes in Warwick, R.I.; to the Committee on Public Works and Transportation.

By Mr. DINGELL:

H.R. 2620. A bill to amend the Energy Policy and Conservation Act to provide for adequate supplies of helium for future energy efficiency and conservation purposes, and to provide that helium-bearing natural gas may not be transported or sold in interstate commerce unless the helium is either extracted and stored or used for nonwasteful purposes; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, Rules, and Science and Technology.

By Mr. BEREUTER:

H.R. 2621. A bill to modify the flood control project for the town of Niobrara, Nebr.; to the Committee on Public Works and Transportation.

By Mr. PHILLIP BURTON:

H.R. 2622. A bill to provide benefits for sufferers from byssinosis; to the Committee on Education and Labor.

By Mr. CLAUSEN:

H.R. 2623. A bill designating the Luther Burbank Shasta Daisy as the national flower of the United States; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H.R. 2624. A bill to amend the Agriculture Act of 1949 to require that the proclamation made by the Secretary of Agriculture with respect to the national program acreage for feed grains to be made no later than October 1 of each year for crops harvested in the next succeeding calendar year; to the Committee on Agriculture.

By Mr. DEVINE:

H.R. 2625. A bill to amend the Freedom of Information Act to improve the handling of classified information and investigatory records, to revise the deadlines for agency action, and for other purposes; to the Committee on Government Operations.

By Mr. RANGEL (for himself and Mr. WAXMAN):

H.R. 2626. A bill to establish voluntary limits on the annual increases in total hospital expenses, and to provide for mandatory limits on the annual increases in hospital inpatient revenues to the extent that the voluntary limits are not effective; jointly, to the Committee on Interstate and Foreign Commerce and to the Committee on Ways and Means for a period ending not later than July 1, 1979.

By Mr. DONNELLY:

H.R. 2627. A bill to terminate the coverage of police officers of the Massachusetts Bay Transportation Authority under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 2628. A bil to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; to the Committee on Armed Services.

H.R. 2629. A bill to amend the Uniform Code of Military Justice to improve the military justice system, and for other purposes; to the Committee on Armed Services.

H.R. 2630. A bill to amend the Fair Credit Reporting Act of 1970; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2631. A bill to amend the National Flood Insurance Act of 1968 for the purpose of providing insurance against damage caused by the movement of frozen water into property located along shorelines; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2632. A bill to amend the Older Americans Act of 1965 to provide relief for older Americans who own or rent their homes; to the Committee on Education and Labor.

H.R. 2633. A bill to exempt companies which are engaged in investing in new business securities from the provisions of the Investment Company Act of 1940; to the Committee on Interstate and Foreign Commerce.

H.R. 2634. A bill to permit regulation of automated blood pressure machines to insure the accuracy and reliability of their performance; to the Committee on Interstate and Foreign Commerce.

H.R. 2635. A bill to repeal the act entitled "An act to express the intent of the Congress with reference to the regulation of the business of insurance"; to the Committe on the Judiciary.

H.R. 2636. A bill to amend the Federal Water Pollution Control Act to provide Federal funding for the costs of operation and maintenance of waste treatment works; to the Committee on Public Works and Transportation.

H.R. 2637. A bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption, to provide for the deferral of gain from the sale or exchange of certain stock, and for other purposes; to the Committee on Ways and Means.

H.R. 2638. A bill to amend section 226 of the Social Security Act to make inapplicable, in the case of individuals suffering from multiple sclerosis, the present requirement that an individual under age 65 must have been entitled to benefits based on disability for at least 24 consecutive months in order to qualify for medicare benefits; to the Committee on Ways and Means.

H.R. 2639. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of taxes assessed by special districts for debt retirement and for capital construction in connection with the construction of sewage treatment works in the same manner as the deduction allowed for real property taxes; to the Committee on Ways and Means.

H.R. 2640. A bill to establish a national corporation to finance, through loan guaranties and loans, high-risk efforts which seek to develop and demonstrate technologies to meet critical national needs and which are unable to secure adequate funds through existing sources, to strengthen and insure congressional participation in the continuing review of Government operations and activities, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Science and Technology, and Rules.

By Mr. EDWARDS of California:

H.R. 2641. A bill to amend section 106 of the Civil Rights Act of 1957 to raise the limitation on appropriations for the U.S. Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 2642. A bill to modify the project for navigation improvements in Mobile Harbor, Theodore Ship Channel, Ala., and for other purposes; to the Committee on Public Works and Transportation.

By Mr. EVANS of Delaware:

H.R. 2643. A bill to provide for the establishment of a veterans' cemetery in the State of Delaware; to the Committee on Veterans' Affairs.

H.R. 2644. A bill to amend the Revenue Act of 1978 to provide that, with respect to the amendments allowing the investment tax credit for single purpose agricultural or horticultural structures, credit or refund shall be allowed without regard to the statute of limitations for certain taxable years to which such amendments apply; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 2645. A bill to provide coverage under the Federal Old-Age, Survivors, and Disability Insurance System for all Members of Congress and other officers and employees in the legislative branch of the Government; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. Mikva, and Mr. Nelson):

H.R. 2646. A bill to provide that the public debt limit shall be established pursuant to the congressional budget procedures; jointly, to the Committees on Ways and Means, and Rules.

By Mr. GLICKMAN (for himself, Mr. Roe, Mr. Blanchard, Mr. Bedell, Mr. Emery, Mr. Murphy of Pennsylvania, Mr. Conyers, Mr. Traxler, Mr. Winn, Mr. Charles H. Wilson of California, Mr. LaFalce, Mr. Mitchell of Maryland, Mr. Richmond, Mr. Hughes, Mr. Jeffords, Mr. Nolan, Mr. Andrews of North Dakota, Mr. Young of Florida, Mr. Miller of California, Mr. Patterson, Mr. Whitehurst, Mr. Lloyd, Mr. Ertel, Mr. Burlison, Mr. Scheuer, Mr. Rangel, Mr. Albosta, Mr. Heftel, and Mr. Lagomarsino):

H.R. 2647. A bill to amend the Clean Air Act to promote the use of alcohol as a motor vehicle fuel and as an additive to motor vehicle fuels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2648. A bill to encourage the production of alcohol for use as a fuel or petroleum substitute by allowing the rapid amortization of facilities producing alcohol for those uses; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 2649. A bill to extend certain expired provisions related to the child support program under title IV–D of the Social Security Act and to child care under title XX of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN:

H.R. 2650. A bill to amend the Social Security Act and the Internal Revenue Code of 1954, to strengthen the financing of the social security system, to provide for a gradual increase in retirement age, to improve the treatment of women through the establishment of a working spouse's benefit and to eliminate gender-based discrimination, to provide coverage under the system for Federal employees, to increase and ultimately repeal the earnings limitation, and for other purposes; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 2651. A bill to extend for 4 years the existing suspension of duty on crude feathers and down; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 2652. A bill to amend title 10, United States Code, to provide that a member of a reserve component of the Armed Forces who is involuntarily released from active duty and receives readjustment pay and who later becomes eligible for retired pay may receive that part of his retired pay not attributable to the service for which the readjustment pay was paid while the readjustment payment is being recouped as required by law through deductions in such retired pay; to the Committee on Armed Services.

H.R. 2653. A bill to provide for an equitable procedure for establishing congressional districts; to the Committee on the Judiciary.

By Mr. LAGOMARSINO (for himself, Mr. Clausen, and Mr. Won Pat):

H.R. 2654. A bill providing for enlistment of certain citizens of the Northern Mariana Islands into the U.S. Armed Forces; to the Committee on Armed Services.

By Mr. LUKEN (for himself and Mr. Atkinson):

H.R. 2655. A bill to establish a reasonable and fair preference for domestic products and materials in Government procurement and in procurement with Federal funds, and to establish procedures to insure that if purchased only fairly traded foreign products and materials are procured by the Government or with Federal funds to the Committee on Government Operations.

By Mr. MARLENEE:

H.R. 2656. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. MOTTL (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Blanchard, Mr. Boland, Mr. Brodhead, Mr. Conte, Mr. Philip M. Crane, Mr. Dan Daniel, Mr. Evans of Georgia, Mr. Fary, Mrs. Fenwick, Mr. Flood, Mr. Ford of Michigan, Mr. Garcia, Mr. Gaydos, Mr. Gephardt, Mr. Gilman, Mr. Ginn, Mr. Hughes, Mr. Hyde, Mr. Kildee, Mr. Lagomarsino, Mr. Markey, Ms. Mikulski, Mr. Mikva, Mr. Mitchell of New York, Mr. Moakley, Mr. Moffett, Mr. Murphy of Illinois, Mr. Murphy of Pennsylvania, Mr. Nedzi, Mr. Nowak, Mr. Pepper, Mr. Rangel, Mr. Roe, Mr. Russo, Mr. Simon, Mr. Stratton, Mr. Thompson, Mr. Traxler, Mr. Vento, Mr. Whitehurst, Mr. Wolff, Mr. Yatron, and Mr. Zablocki):

H.R. 2657. A bill to provide for the issuance of a commemorative postage stamp in honor of Gen. Casimir Pulaski and Americans of Polish descent; to the Committee on Post Office and Civil Service.

By Mr. PAUL:

H.R. 2658. A bill to amend the Federal Reserve Act to terminate the authority of the Secretary of the Treasury to require the delivery of gold to the Treasurer of the United States, which shall be known as The Gold Ownership Act of 1979; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RODINO (for himself and Mr. Danielson):

H.R. 2659. A bill to amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of the U.S. employees, to provide a remedy against the United States with respect to constitutional torts, to establish procedures whereby a person injured by a constitutional tort may initiate and participate in a disciplinary inquiry with respect to such tort, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE (for himself, Mr. Lent, and Mr. McKinney):

H.R. 2660. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

By Mr. SATTERFIELD:

H.R. 2661. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations or to sand and gravel mining operations; to the Committee on Education and Labor.

By Mrs. SPELLMAN:

H.R. 2662. A bill to promote the domestic recruiting of teachers for teaching positions in overseas dependents schools of the Department of Defense, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STACK (for himself and Mr. Pepper):

H.R. 2663. A bill to amend the Food Stamp Act of 1977 to eliminate certain restrictions on excess shelter expense deductions with respect to households which are composed entirely of persons who are age 62 or older or who are recipients of benefits under title XVI of the Social Security Act and to allow deductions for certain medical and dental expenses in the computation of incomes for such households; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 2664. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. STANGELAND (for himself, Mr. Kindness, Mr. Sabo, Mr. Guyer, Mr. Kogovsek, Mr. Harkin, Mr. Hagedorn, Mr. Symms, Mr. Erdahl, and Mr. Cheney):

H.R. 2665. A bill to amend title 23 of the United States Code, relating to highways, to authorize a program to separate rail and highway crossings in certain energy impacted cases; to the Committee on Public Works and Transportation.

By Mr. THOMPSON:

H.R. 2666. A bill to authorize funds for the American Council of Learned Societies; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 2667. A bill to amend the Internal Revenue Code of 1954 to provide for an extension of the period during which an individual must purchase a new residence for nonrecognition of gain on the sale of an old residence in the case of members of the Armed Forces who are stationed overseas or who are required to reside in Government-owned quarters; to the Committee on Ways and Means.

By Mr. COTTER:

H.J. Res. 239. Joint resolution to authorize the President to issue a proclamation designating the week beginning on September 30 through October 6, 1979, "International Motion Picture Week"; to the Committee on Post Office and Civil Service.

By Mr. McCLORY:

H.J. Res. 240. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. PATTEN (for himself, Mr. Pickle, Mr. Vento, Mr. Addabbo, Mr. McClory, Mr. Florio, Mr. Mathis, Mr. Corrada, and Mr. Murphy of Pennsylvania):

H.J. Res. 241. Joint resolution authorizing the President to issue a proclamation encouraging Americans to turn off their electric lights on October 21, 1979, for a "Minute of Tribute" to Thomas A. Edison; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 242. Joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day"; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H. Con. Res. 65. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Declaration of Independence and the Constitution of the United States of America"; to the Committee on House Administration.

H. Con. Res. 66. Concurrent resolution authorizing the printing as a House document of a revised edition of "Our Flag"; to the Committee on House Administration.

By Mr. SATTERFIELD:

H. Con. Res. 67. Concurrent resolution expressing the sense of Congress that the new regulations of the Department of Labor with respect to the health and safety training of miners places an undue burden on small operators; to the Committee on Education and Labor.

By Mr. STUDDS (for himself, Mr. Bonker, Mr. Rosenthal, Mr. Barnes, Mr. Wolpe, Mr. Solarz, Mr. Bingham, Mrs. Fenwick, Mr. Pease, Mr. Beilenson, Mr. Jenrette, Mr. Edwards of California, Mr. Fazio, Mr. Mitchell of Maryland, Mr. Richmond, Mr. Drinan, Mr. Vento, Mr. Ottinger, Mr. Corrada, Mr. Conyers, Mr. AuCoin, Mr. Conte, Mr. Shannon, Mr. Simon, Mr. Carr, Mr. Weaver, Mr. Charles Wilson of Texas, Mr. Downey, Mr. Lederer, Mr. Rangel, Mr. Dellums, Mr. Roe, Mr. LaFalce, Mr. Lee, Mr. Scheuer, Mr. Dixon, Mr. Edgar, Mr. Dougherty, Mr. Harris, Mr. Blanchard, Mr. Garcia, and Ms. Mikulski):

H. Res. 146. Resolution expressing support for the approval of the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By Mr. RUDD: Memorial of the Senate of the State of Arizona, relative to Mexican petroleum reserves; to the Committee on Foreign Affairs.

54. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to the award of the Navy's Service Life Extension program to the Newport News Shipbuilding and Dry Dock Co., to the Committee on Armed Services.

55. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to the contributions of television stations in Virginia; to the Committee on Interstate and Foreign Commerce.

56. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to including the costs of hearing aids and hearing rehabilitation services under the medicare program; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 2668. A bill for the relief of Elias Salim Kardosh; to the Committee on the Judiciary.

By Mr. BONER of Tennessee:

H.R. 2669. A bill for the relief of Shoo Shien Wang; to the Committee on the Judiciary.

By Mr. de la GARZA:

H.R. 2670. A bill for the relief of Narciso G. Michelena; to the Committee on the Judiciary.

H.R. 2671. A bill for the relief of Helen R. Pestano; to the Committee on the Judiciary.

By Mr. STANGELAND:

H.R. 2672. A bill for the relief of Larry Gene Steffen; to the Committee on the Judiciary.

By Mr. YOUNG of Missouri:

H.R. 2673. A bill for the relief of Karl Josef and Karoline Steinbrecher; to the Committee on the Judiciary.

By Mr. MAZZOLI (by request):

H. Res. 147. Resolution to refer the bill (H.R. 2616) for the relief of McNamara Construction of Manitoba, Limited, of Willowdale, Ontario, Canada, to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. Staggers, Mr. Preyer, Mr. Scheuer, Mr. Ottinger, Mr. Maguire, Mr. Moffett, Mr. Gore, Ms. Mikulski, Mr. Mottl, and Mr. Leland.

H.R. 96: Mr. Hansen, Mr. Goldwater, Mr. Butler, Mr. Goodling, Mr. Myers of Indiana, Mr. Duncan of Tennessee, Mr. Brinkley, Mr. Badham, Mr. Lujan, Mr. Stangeland, Mr. Leath of Texas, Mr. Hinson, Mr. Roe, Mr. Edwards of Alabama, Mr. Bauman, Mr. Stump, Mr. Rinaldo, Mr. Bafalis, Mr. Livingston, Mr. Howard, Mr. Vander Jagt, Mr. Grisham, Mr. Charles Wilson of Texas, Mr. Mica, Mr. Young of Missouri, Mr. Hutto, Mr. Young of Florida, and Mr. Evans of Georgia.

H.R. 111: Mr. Bauman.

H.R. 160: Mr. Hall of Texas, Mr. Young of Alaska, Mr. Mathis, Mr. Goldwater, Mr. Skelton, Mr. Bafalis, Mr. Bevill, Mr. Watkins, Mr. McDonald, Mr. Ireland, Mr. Heftel, Mr. Lloyd, Mr. Roberts, Mr. Guyer, Mr. Kramer, Mr. Rudd, Mr. Holland, Mr. Montgomery, Mr. Badham, Mr. Bauman, Mr. Whitley, Mr. Marriott, Mr. Kelly, Mr. Dan Daniel, Mr. Flippo, Mr. Rousselot, Mr. Ginn, Mr. Harsha, Mr. Whitehurst, Mr. Bowen, Mr. Symms, Mr. Sebelius, Mr. de la Garza, Mr. Treen, Mr. Clausen, Mr. Runnels, Mrs. Smith of Nebraska, and Mr. Goodling.

H.R. 352: Mr. Stanton.

H.R. 596: Mr. Chappell, Mr. Dougherty, and Mr. McHugh.

H.R. 758: Mr. Coelho, Mr. Loeffler, and Mr. Hagedorn.

H.R. 809: Mr. Addabbo, Mr. Brodhead, Mr. Butler, Mr. Corrada, Mr. Devine, Mr. Fazio, Mr. Fuqua, Mr. Horton, Mr. Hughes, Mr. LaFalce, Mr. Lagomarsino, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Pepper, Mr. Wampler, Mr. Bob Wilson, Mr. Yatron, and Mr. Young of Florida.

H.R. 1006: Mr. D'Amours, Mr. Conyers, Mr. Wolff, Mr. Johnson of California, Mr. Dellums, Mr. Ginn, Mr. Downey, Mr. Studds, Mr. Long of Maryland, Mr. Danielson, Mr. Mitchell of Maryland, Mr. Horton, Mr. Santini, Mr. Hughes, Mr. Andrews of North Dakota, Mr. Lujan, Mr. Murphy of Pennsylvania, Mr. Hyde, Mr. Corrada, Mr. Panetta, Mr. Hall of Texas, Mr. Dickinson, Mr. Lagomarsino, Mr. AuCoin, Mr. Fazio, Mr. Bedell, Mr. Richmond, Mr. Mineta, Mr. Fascell, Mr. Bevill, Mr. Price, Ms. Holtzman, Mr. Pepper, Mr. Evans of Georgia, Mr. Rangel, and Mr. Edgar.

H.R. 1008: Mr. Gingrich, and Mr. Leach of Louisiana.

H.R. 1009: Mr. Cleveland, Mr. Gingrich, Mr. Symms, and Mr. Coughlin.

H.R. 1041: Mr. Lederer, Mr. Corrada, Mr. Brodhead, Mr. Moakley, Mr. Murphy of Pennsylvania, Mr. Bonior of Michigan, Mr. Roe, Mr. Wolpe, Mr. Wolff, Mr. Downey, Mr. Howard, Mr. Vento, Mr. Bevill, Mr. Yatron, Mr. Luken, Mr. Mathis, Mr. Price, Mr. Donnelly, Mr. Ford of Michigan, Mr. Frost, Mr. Dougherty, Mr. Akaka, and Mr. Zeferetti.

H.R. 1049: Mr. Scheuer, Mr. Broyhill, Mr. Bingham, Mr. Bonior of Michigan, Mr. Corrada, Mr. Davis of Michigan, Mr. Downey, Ms. Holtzman, Mr. Mitchell of Maryland, Mr. Nowak, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Weiss, and Mr. Wolpe.

H.R. 1141: Mr. Guyer, Mr. Emery, Mr. Coughlin, Mr. Broyhill, Mr. Badham, Mr. Gaydos, Mr. Flood, Mr. Zeferetti, Mr. Holland, Mr. Robinson, Mr. Cleveland, Mr. Edwards of Oklahoma, Mr. Roe, Mr. Jenrette, Mr. Coleman, Mr. Yatron, Mr. Fountain, Mr. Addabbo, Mr. Maguire, Mr. Wampler, Mr. Hinson, Mr. Patten, Mr. Nichols, Mr. Beard of Tennessee, and Mrs. Bouquard.

H.R. 1603: Mr. Runnels, Mr. Archer, Mr. Coelho, Mr. Coughlin, Mr. Thomas, Mr. Mollohan, Mr. Alexander, Mr. Forsythe, Mr. Beard of Tennessee, Mr. Burgener, Mr. Railsback, Mr. Leach of Louisiana, Mrs. Snowe, and Mr. Brown of Ohio.

H.R. 1612: Mr. Carney, Mr. Dannemeyer, Mr. Florio, Mr. Gilman, Mr. Lagomarsino, Mr. Lederer, Mr. Maguire, Mr. Moakley, Mr. Richmond, Mr. Roe, Mrs. Schroeder, and Mr. Snyder.

H.R. 1613: Mr. Carney, Mr. Dannemeyer, Mr. Fascell, Mr. Florio, Mr. Gilman, Mr. Lagomarsino, Mr. Lederer, Mr. Maguire, Mr. Moakley, Mr. Richmond, Mr. Roe, Mrs. Schroeder, and Mr. Snyder.

H.R. 1714: Mr. Conyers, Mr. Derrick, Mr. Downey, Mr. Ertel, Mr. Murphy of Pennsylvania, Mr. Rahall, Mr. Richmond, Mr. Thompson, Mr. Weiss, and Mr. Won Pat.

H.R. 1734: Mr. Lederer, Mr. Beard of Rhode Island, Mr. Corrada, Mr. Mitchell of Maryland, Mr. Clay, Mr. Forsythe, Mr. Matsui, Mr. Cotter, Mr. Fascell, Mr. Addabbo, Mr. Patten, Mr. Mitchell of New York, Mr. Florio, Mr. Dornan, Mr. Moakley, Mr. Lott, and Mr. Rangel.

H.R. 1739: Mr. Wolpe.

H.R. 1852: Mr. Duncan of Tennessee and Mr. Dornan.

H.R. 1921: Mr. McDonald, Mr. Symms, Mr. Kindness, Mr. Stockman, Mr. Stump, and Mr. Philip M. Crane.

H.R. 2073: Mr. Downey, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Solarz, and Mr. Erdahl.

H.R. 2152: Mr. Solarz, Mr. Fazio, Mr. Brown of California, Mr. Dannemeyer, Mr. Yatron, Mr. Nolan, Mr. Bedell, Mr. Wolpe, Mr. Bingham, Mr. Edgar, Mr. Sebelius, Mr. Panetta, Mr. Hughes, Mr. Carr, Mr. Young, of Alaska, Mr. Neal, Mr. Rangel, Mr. Scheuer, Mr. McHugh, Mr. Traxler, Mrs. Schroeder, Mr. Weaver, and Mrs. Spellman.

H.R. 2172: Mr. Albosta, Mr. Daschle, Mr. Livingston, Mr. McKay, Mr. Mica, Mr. Panetta, Mr. Kildee, and Mr. Fazio.

H.R. 2463. Mr. Pritchard, Mr. Dornan, Mr. Murphy of Pennsylvania, Mr. Mitchell of Maryland, Mr. Akaka, Mr. Hyde, Mr. Jenrette, Mr. Derwinski, Mr. Corrada, Mr. Richmond, Mr. McCloskey, Mr. Waxman, Mr. Whitehurst, Mr. Thompson, Mr. Roe, Mr. John L. Burton, Mr. Vento, Mr. McHugh, Mr. Dixon, Mr. Simon, Mr. Lagomarsino, Mr. Dellums, Mr. Conte, Mr. Fazio, Mr. Charles Wilson of Texas, Mr. Bonior of Michigan, Mr. Thomas, Mr. Ottinger, and Mr. AuCoin.

H.R. 2521: Mr. Vento, Mr. Heftel, Mr. Mineta, Mr. Downey, Mr. Moakley, Mr. Dixon, Mr. Corrada, Mr. Akaka, Mr. Mitchell of Maryland, and Mrs. Schroeder.

H.J. Res. 22: Mr. Daschle, Mr. Edgar, Mr. Evans of Delaware, Mr. Luken, Mr. Maguire, Mr. Moffett, Mr. Panetta, and Mr. Vento.

H.J. Res. 100: Mr. Won Pat, Mr. Murphy of Pennsylvania, Mr. Wolpe, Mr. Lederer, Mr. Lagomarsino, Mr. Jeffords, Mr. Frenzel, Mr. Price, Mr. Guyer, Mr. Ertel, Mr. Bailey, Mr. Rahall, Mr. Rangel, Mr. Dornan, Mr. Moakley, and Mr. Zeferetti.

PETITIONS, ETC.

Under clause 1, of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

71. By the SPEAKER: Petition of Frances R. Grant, S. Fanny Simon, and others, New

York, N.Y., relative to Nicaraguan democracy; to the Committee on Foreign Affairs.

72. Also, petition of the National Association of Regulatory Utility Commissioners, Washington, D.C., relative to continuation of emergency energy assistance to low income persons and families; jointly, to the Committees on Appropriations, and Education and Labor.

73. Also, petition of the National Association of Regulatory Utility Commissioners, Washington, D.C., relative to nuclear powerplant licensing reform; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

NEW JERSEY WINNER OF 1978–79 VOICE OF DEMOCRACY CONTEST

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MINISH. Mr. Speaker, it is with deep pride that I announce that the winning speech from my State of New Jersey in the 1978–79 Voice of Democracy scholarship program was entered by Miss Ellen Lorraine Jeffrey of Essex County. This year more than 250,000 secondary school students participated in this contest. which is sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. I certainly feel fortunate to have a young woman of Miss Jeffrey's caliber as one of my constituents. A high school senior who participates in numerous activities at Archbishop Walsh High School, Miss Jeffrey is the daughter of Mr. and Mrs. Robert Jeffrey of 187 Western Parkway, Irvington, N.J. She has been honored for her inspirational remarks based on the theme "Why I Care About America." It is with great pleasure that I insert her eloquent words into the RECORD:

WHY I CARE ABOUT AMERICA

(By Ellen Lorraine Jeffrey)

Why do I care about America? A simple enough question. If someone were pressed for an answer, he would probably say, "I care about America, (most obviously) because I live here, I reap the benefits of a wealthy nation, and I enjoy the freedoms and privileges provided for under a successful democracy." Of course, the reply would not come in those exact words; perhaps no words would be necessary. Ask a first grader why he cares about America, and his initial reaction, a wide, brilliant grin, expresses more eloquently than a speech the pride Americans feel for their country. And Americans have every reason to be proud of their land, their system of government, and of themselves. Despite her youth, America is a prospering world power, a growing empire born of tears and toil; hope and fear; the sweat and blood of her people—her highest ideal freedom.

We have much to be proud of, but if our admiration stops there, as a warm, somewhat vague affection for our country, then we might as well say good-bye right now to all those aspects of American life that we so rightfully boast of. The various freedoms secured in the Bill of Rights; numerous job and education opportunities; a democratic government; the right to live as one's conscience dictates; all these and everything else our forerunners strived for will be in vain. If our concern about America amounts to nothing more than an impersonal appreciation for the comfortable life we lead, then that satisfying existence will soon cease to be. If a man rowing a boat decides to set aside his oars, relax and just enjoy the ride, the boat will eventually either stop dead or be swept away by the current. If the man does not watch where he is going, he might even find himself unintentionally shooting the rapids.

So it is with the United States; too many people are merely "enjoying the ride." Though they profess to "care" about their country, in reality, their country is caring for them. Spouting patriotisms while neglecting one's duties as a responsible citizen is not living as a concerned, caring America. The United States was formed through the combined efforts of people of action. Though the Declaration of Independence, the Gettysburg Address, and the United States Constitution are remarkable works in themselves, they were written to inspire, to guide, to joyfully proclaim; they were the means to an end, not ends in themselves. Words were highly treasured by our forefathers, but only to spur people into action. Speaking never replaced doing.

The time has come for me to answer for myself the question "Why I Care About America." But I want my response to automatically lead me to ask, more importantly, how I care about America. I want to be sure that the pride I feel for my country goes deeper than just a surface emotion; that my pride breeds a concern that is real, motivated, and produces effective action. If I love my land, then I must support its ideals, cherish the freedom I possess, strive to maintain what is good and abolish the present injustices. Caring, if it is sincere, equals work. And work involves sacrifice. There is much work to be done. People are hungry. People are lonely. People are in need.

Caring about my country can and should begin now. Enlisting in political campaigns, participating in government sponsored programs, doing my very best in school, and staying informed on current issues are ways in which I and all young people can actively care about America.

Why do I care about America? Not because she is perfect, but because she is free, and I am free to help her grow. How do I case about America? Use my freedom responsibly.●

OUTSTANDING COMMUNITY LEADERSHIP OF NANCY CARTER AVERY

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. CORMAN. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues the dedicated community services of Ms. Nancy Carter Avery.

Ms. Avery has served a wide range of community interests in the San Fernando Valley and Los Angeles areas. She is past president of BUILD for Mental Rehabilitation, the Los Angeles County Postmasters Association, Parents Teachers Association, the NAACP, and Pacoima Coordinating Council.

She has also been a member of the following organizations: United Way, Pacoima Women's Club, Pacoima Chamber of Commerce, the NAACP, Fair Housing Council, San Fernando Boys' Club, and National Chairman of Equal Opportunity and Handicapped Committee of the Postmasters' Association.

Ms. Avery has been honored as "Woman of the Year" by the North Valley YWCA, and Zeta Phi Beta for her community services. Other awards include the NAACP Freedom Award Citation, Outstanding Service Mental Health Campaign of the Urban League, and the Vaughn Street PTA. The list is endless.

Ms. Avery brought national prominence to the San Fernando Valley in 1961, when she was appointed the first black postmaster. The Pacoima community is most fortunate to still have her services today.

Nancy Carter Avery is an individual who has made a tremendous impact on her community, and I extend to her our deep gratitude for her many contributions and selfless services.●

WHY I CARE ABOUT AMERICA

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. D'AMOURS. Mr. Speaker, each year more than a quarter of a million high school students across the Nation participate in the Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States. The contest was started 32 years ago to promote the study of democracy and American political traditions. The authors of the best essays from each State are invited to Washington each spring to visit the city and to compete for five national scholarships ranging up to $10,000.

I am pleased to be able to share with my colleagues the prize-winning essay for the State of New Hampshire, which was written by a resident of the First Congressional District, John D. Stackpole of Merrimack, N.H.

John is a junior at Merrimack High School where in addition to being an honor roll student and winning first prize in the 1978 Science Fair he has been active in interscholastic athletics and has been awarded the Pop Warner scholar-athlete prize.

John is contemplating a career in medicine or the sciences and is interested in photography, music, and sports. He lives with his parents, David A. Stackpole, a marketing manager for Digital Equipment in Merrimack, and Shirley M. Stackpole, a homemaker, and his three sisters Debra, Carol, and Beth.

John's excellent essay analyzes the importance of individuality and opportunity in our society and the contribution that our educational system makes in nurturing these values. It is a poignant reminder of the critical role these ideals play in our democracy:

WHY I CARE ABOUT AMERICA

I care for America—millions have shared this deep feeling. My country has always been viewed as the land of opportunity. Immigrants came in abundance to seek the opportunities that only this nation could offer. The ideals of personal freedom, opportunity for education, and the means by which our government insures these rights, are the primary reasons I care for America.

The foremost reason I care for my country is the guaranteed right, the constitutional right, to personal freedom. This freedom is unequalled in other countries of the world. We are the sole nation that allows freedom to this extent. We, as Americans, have the right to do and be who we wish. We are a union of individuals treated as persons possessing unique qualities. Individuality, imagination, and originality are nurtured and encouraged; we accept and acknowledge new ideas. New ideas are not shunted aside just because they don't agree with the established ways. They are weighed and evaluated. I believe these ideas allowed us to go to the moon, to wipe out disease, to unite our people.

But these achievements could not have been developed if it weren't for the view our country has on education. The opportunities for better education and self-improvement are abundant in our nation. There are numerous public and private schools that give a basic education. Colleges, vocational schools, and graduate schools are available for those who wish to further their education. Education is also offered to us through the media—through newspaper, television, and radio—this freedom of expression allows us to see society as it really is. It contributes to our daily education, it allows us to know our country. Education is not limited to the mind; other freedoms of expression, such as music, art, and dance, allow us to broaden our scope of knowledge. I believe that if we use this knowledge to improve our nation—we show that we care.

To insure these rights of Individuality and Opportunity our government was established in such a manner as to give the ultimate power to the people. The laws of our country were written and ratified by the people. The people enforce and interpret these laws through the executive and judicial branches. Our government also promotes education by providing schools, scholarships, and loans. I believe our country works because our government both promotes and protects these rights.

These ideas—personal freedom, educational opportunities, and the means by which our government guarantees the other two, are the basic reasons I care for my country. There are others, however, none exemplify as well the soul of America—Liberty, Individuality, and Justice.●

FEDERAL CAMPAIGN FINANCING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. LAGOMARSINO. Mr. Speaker, I would like to submit for the benefit of my colleagues, the following editorial on Federal campaign financing, which appeared in the Lompoc Record on March 2, 1979.

PROTECTION ACT

There is a very important bill being argued in Congress this session called H.R. 1, the public financing measure for election campaign subsidies. More than 150 House members have co-authored the bill by House Speaker Tip O'Neill.

The bill would limit campaign spending by each congressional incumbent and his challengers to $150,000 and it would "match" up to $60,000 each raises with $60,000 in tax dollars.

If each House incumbent has a single challenger and each incumbent receives his $60,000 in matching funds, it means $52.2 million in matching funds would have to be taken out of the Treasury for each House election. It is also estimated that it will cost an additional $6 million to administer the election subsidy program if approved.

It is our opinion that this bill is heavily weighted in favor of the incumbent congressman. It would be almost impossible in most districts to beat an incumbent with special privileges valued at a half-million dollars a year by a challenger only spending $150,000. In the last election 95 percent of House incumbents who ran won.

We do have concerns about the high cost of running for election, but we do not feel that H.R. 1 is the solution.

We cannot see how so many members of Congress can advocate such a costly new statute that would proliferate the federal bureaucracy when the public is clamoring for less spending and less government.

H.R. 1 could more appropriately be called the "incumbent's protection act."●

MONESSEN EDUCATOR CITED

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BAILEY. Mr. Speaker, on March 24, 1979, a well-deserved tribute will be paid to an outstanding educator and citizen, Dr. Joseph J. Pallone, to mark over 24 years of dedicated service as the Superintendent of Schools in Monessen, Pa.

Ever since Dr. Pallone earned his first education degree in 1935 from Indiana State University, he has been unrelenting in his efforts to improve the quality of American education.

From 1935 until 1956, Dr. Pallone used his tremendous educational talents in serving as a teacher and then principal in the Arnold public school system, Arnold, Pa.

It was from this position that Dr. Pallone began his 24-year tenure of public service as superintendent of schools in Monessen.

During all of these years, he continued to further his impressive educational training by earning his master of education degree from the University of Pittsburgh in 1938 and his doctor of education degree from Pennsylvania State University in 1956.

In addition to his daily involvement in the public school system, Dr. Pallone has participated in many educational and professional organizations and associations, ranging from the American Association of School Administrators to the Westmoreland County Superintendents' Association.

However, Dr. Pallone's accomplishments do not stop at the academic world. He has unselfishly devoted many hours of hard work in various community services and projects.

Most noteworthy was his service as president of the Monongahela Valley Hospital, Inc., project.

It is entirely proper that Dr. Pallone be recognized not only for his tireless efforts and achievements within our educational system but also for his dedicated service to his community.

On behalf of the good citizens of Pennsylvania's 21st Congressional District and the House of Representatives, it gives me a great deal of pleasure to salute Dr. Joseph J. Pallone, an educator who has contributed much to the improvement of the American education system.●

NO PERFECT ANSWER

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. SAWYER. Mr. Speaker, I would like to insert into the RECORD a copy of the editorial from the Grand Rapids Press that summarizes much of my feeling about the proposal for public financing of congressional campaigns.

The editorial follows:

KEEP ELECTIONS PUBLIC

Supporters of public financing for congressional political campaigns say they'll try again in the 96th Congress to pass the reform legislation, but there's nothing in the makeup of the newly convened body to suggest the concept will be adopted this time around.

Public financing for congressmen—similar to the system now in place for campaigns of the U.S. president and Michigan's governor—has never lacked widespread legislative praise, but enough votes could never be raised in the U.S. House and Senate.

The issue was filibustered to death in the Senate in 1977; it died in the House last year under an overwhelming majority of Republicans and southern Democrats. Some say vigorous White House backing, which faded fast after early enthusiasm, could have saved the legislation.

Many proponents of public financing for congressional campaigns are concerned with what they regard as a dangerous combination of soaring campaign costs and sharply rising political investments by special interest groups. They beleve that, ideally, public financing shouldn't be necessary, but the alternative of letting present trends continue is much worse.

Opponents say a public financing law would work to the advantage of incumbents and would lessen public involvement in the election process.

Recent figures from the Federal Election Commission suggest arguments advanced by public financing foes cannot be sustained. Further, as Fred Wertheimer, vice president of Common Cause likes to point out, if the proposal would indeed help incumbents, how come sitting members of Congress have been so reluctant to pass the bill? Exactly 95 percent of the House and Senate members who were running for re-election were winners last year—hardly a challenger's paradise.

In almost every instance the election commission's figures reveal overwhelming influence of special interest money—especially for incumbents—and the political impact of individual voters and the political organizations where they can participate without making a sizeable financial contribution.

In the two years preceding November 1978, special interest political action committees contributed $18.2 million to congressional incumbents and only $6.6 million to their opponents.

Individual donations, on the other hand, comprised less than half of the total money taken in by incumbents but more than two-thirds received by challengers. Little wonder that incumbents hate to see the demise of the special interest committees.

Another revealing category of campaign financing is the amount of money candidates spend on themselves. Congressional incumbents contributed or loaned $800,000 to their own campaigns. Personal contributions and loans that went into challenger coffers totaled $11.2 million, a circumstance that is making congressional candidacy more exclusive then ever.

Obviously it takes heavy money to get elected these days. Just as obviously, those who have it to begin with are more likely to be challengers, and those who are incumbents attract it like a huge magnet. With those conditions becoming more true with each election, it's time Congress, admittedly a body of incumbents, tried to prevent election contests from becoming races for the buck—and never mind its source. Public financing may not be the perfect answer, but right now it seems to be the only one.●

THE REVOLT HAS ONLY BEGUN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MICHEL. Mr. Speaker, most commentaries have stated that the main reason for the victory of Jane Byrne over Mayor Michael Bilandic in the recent Democratic mayoral primary in Chicago, was that Bilandic had failed to deal with Chicago's snow problems and had alienated many voters.

Perhaps this is true. But could it not be that the Byrne victory is a part of a growing, dynamic, unstoppable peaceful revolution of voters and taxpayers? This is the question asked by the Peoria Journal-Star in a recent editorial. I commend to you this incisive and persuasive argument.

At this time I wish to insert in the RECORD, "The Revolt Has Only Begun," Peoria Journal-Star, March 2, 1979:

THE REVOLT HAS ONLY BEGUN

Give Jane Byrne credit for challenging the machine.

Give her hard-boiled campaign manager—Don Rose—credit for fighting the machine with their own rough-house tactics and thus cutting down sharply on the fraud practices that have marked so many machine elections.

Give the Blizzard of '79 credit for exposing the financial scandals in a new light—as related to the failure of the city's snow-removal efforts and the breakdown of the public transit system. (Although in Washington, D.C. with far less snow even the new multi-billion dollar subway shut down for three days.)

But none of these events would bring out 50 percent of the voters in Chicago for a primary election to dump Bilandic in his own party.

Neither the blizzard nor Jane Byrne nor her hardboiled campaign manager "got out the vote."

Nor is it enough to simply say that Bilandic's ineptitude has been so great that what really happened was not a case of Jane Byrne beating Bilandic or of any one issue beating Bilandic but simply a case of Bilandic, himself, beating Bilandic.

The Chicago machine has survived worse things and tougher challenges than anything that happened in 1978–1979.

The earthquake that broke three generations of uninterrupted control in the city of Chicago goes a lot deeper than that.

It is a sign of the times.

It is part of The Revolution, not an isolated incident all by itself.

And politicians in Springfield—and Washington—would do well to read into it the reality that what is involved here is The Temper Of The Times.

It ranks with Proposition 13 as an expression of growing public dissatisfaction with the cost—and related performance—of government, generally.

If national politicians think they can ride majestically above the local revolt evidenced in elections across the land in 1978, in Proposition 13 in California, in the party reversal in the once "liberal" stronghold of Minnesota at gubernatorial and senatorial levels, alike, and now in the defeat of the famed, invincible Chicago Machine—they are whistling past the graveyard.

Proposition 13 could not be dismissed as a limited revolt against the local property tax. That was merely the form of expression available.

Jane Byrne's massive upset in Chicago can not be dismissed as a blizzard-born revolt against an inept mayor. That was merely the form of expression available.

What we have in this country is the climate for revolt, and it erupts among people who have felt frustrated and helpless—like guerrilla warfare—wherever the opportunity seems to pop up.

And The Revolution has only begun.

The Jane Byrnes had better understand that, too.—C. L. Dancey.●

ITC HEARINGS ON IMPORT RESTRAINTS ON FOREIGN-PRODUCED SPECIALTY STEEL

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. WALGREN. Mr. Speaker, today, the International Trade Commission began hearings to determine whether or not to grant an extension of the current limitations on the importation of foreign-produced specialty steel. At the request of the United Steelworkers of America and the Specialty Steel Industry of the United States, I testified in favor of such an extension. I would like to share my statement with my colleagues:

Mr. Chairman and Members of the Commission: My name is Doug Walgren and I am privileged to serve in the United States Congress as the representative for the 18th District of Pennsylvania. This district in Western Pennsylvania is both residential and industrial. A large number of my constituents earn their livelihood as industrial employees.

Two of the specialty steel producers currently covered by the import restrictions, Cyclops and Allegheny Ludlum, are located in the 18th Congressional District. As you can expect, I have tried to become familiar with the plight of specialty steel workers, the communities supporting the facilities, and the present import restraint program.

Prior to the institution of the restraints, the conditions in the steel industry, in general, and the specialty steel industry, in particular, were dreadful. By any measure, the industry and its workers were suffering a real hardship. Production had fallen dramatically and unemployment was staggering. About 40 percent of the workers in the specialty steel industry were laid off during this period.

Since the President's decision to take action against imports of specialty steel, life in specialty steel communities around the country has improved. In my district this is surely true. In Bridgeville, where the Cyclops plant is located, and Brackenridge, where the Allegheny Ludlum plant is located, there has been noticeable improvement. Employment levels have risen and production has been revived. Communities that were recently severely threatened by the injuries inflicted on their main industrial facilities are returning to life. The earnings of workers and of these plants which are so vital to the economies of their regions have produced revenues for state and local governments, and vitality is present where despair seemed all too important.

Throughout the Chartiers Valley and the Allegheny Valley, workers who were on layoff have returned to gainful employment. With the paychecks brought home by these workers, more food, clothing and other goods and services have been bought in neighboring shops and stores. Even the local and state treasuries have benefited, as the governments began collecting tax revenues rather than paying out welfare, unemployment compensation, and adjustment assistance. In short, in concrete human terms, the effects of the trade restraint program have been positively felt by people, businesses, and local governments in the 18th Congressional District.

So that my comments on the progress experienced since the institution of the restraints are not misunderstood, let me state clearly that the industry has just begun making a recovery. It is not fully recovered. For example, although profits in the industry have increased, they are still below those in most other manufacturing sectors. Any observer can see the signs of progress, but no one could expect an import restraint program of only three years duration to restore to full health so injured an industry as the specialty steel industry. The ITC itself recommended at least five years of restraints for recovery in 1976.

It is because full revitalization has not occurred that I am here to recommend to you the continuation of the import restraint program. A continuation of the program will bring us closer to full recovery. Failure to sustain the program will most surely result in a loss of the progress made in the last three years.

To illustrate what is at stake if the restraints are terminated let me share with you some information on the effect our present import restraint program has had on the 18th Congressional District. The progress made in the last three years is impressive.

At the Cyclops' plant in Bridgeville, the number of production workers increased from a 1976 average of 470 to that of 762 workers employed there in February 1979. As employment increased so did payroll. During 1976, the average monthly payroll was $850,000. By February 1979 that average increased to $2.1 million. The unemployment figures are even more revealing. During the first six months of 1976, there were an average of 500 people on layoff. In February 1979 only 22 employees were on layoff status, and they were in a "temporary layoff" status.

The imposition of import controls has had a similarly beneficial impact on Allegheny Ludlum's Brackenridge plant where recovery has been extremely important to the local community. Employment in two years has risen by 200 to a level of 2,952 workers. Monthly payroll is now up from $5.7 million in 1976 to $7.5 million in 1978.

From this illustration I think you can imagine just what will happen if import relief if discontinued. A rapid reversal of the recent progress is sure to result. Employment in the specialty steel industry decreases with the unrestrained flow of imported stainless steel.

Our experience has taught us that we have every reason to believe that the removal of the restraints will result in a rapid and quickly expanding influx of foreign specialty steel. This belief is supported by several facts. First, a look at the growth of specialty steel products not covered by the restraint program provides a clear warning. In 1976 the import level of specialty steel products not covered by the restraint program, such as stainless steel seamless and welded tube, round and flat wire and various tool steel, was approximately 35,000 tons. In 1977 that level increased to 75,000 tons. In 1978, a reliable estimate shows that the level of these unrestrained specialty stainless wire and tubing products will exceed 83,000 tons. Secondly, many foreign competitors including specialty steel facilities in developing nations have unwisely expanded their specialty steel production and appear poised and ready to flood our domestic market with their surplus production just as soon as our market is left unguarded. I might add that the developing country production capability is much greater than that which we faced in 1975.

Although one cannot quote with accuracy the numbers of employees that will become victims of unemployment if the restraint program is suspended, it is clear that production and employment in the industry will decline steadily if the restraint program does not continue.

We, as taxpayers and elected representatives, have another special reason to maintain employment in this industry. In 1975, 2,832 specialty steel workers received almost $14 million in trade adjustment assistance benefits. In 1976, the number of workers receiving such benefits mushroomed to more than 16,000, receiving a sum totalling almost $26 million. Beginning in 1977, however, the number of workers obtaining government assistance declined to 378 and in calendar year 1978 (through October) the number of workers receiving trade adjustment assistance declined to zero. A lifting of the restraints might well require millions from the Congress to keep American workers from suffering the consequences of unlimited specialty steel imports.

These statistics demonstrate that the imposition of import restraints brought about a sharp reversal of the depressed employment conditions that characterized the industry in 1975, when the Commission originally found import-related injury to exist. At the same time, however, despite the improvement in labor market conditions, the total number of production and related workers in this industry remained substantially lower in 1978 than in 1974. The recovery of the domestic industry remains incomplete.

I hasten to add that the Trade Act of 1974 anticipated that certain restraint programs may have to be extended beyond the initial period of relief in order for the injured industry to realize full recovery. With all due respect to the lawyers at the Justice Department, I cannot accept that it was the intent of Congress in providing import restraints to merely "give a domestic industry time to adjust to increased imports." (Justice Department Pre-Hearing Brief, p. 16).

The Congress mandates the ITC, in its discretion, to determine the appropriate relief or import restriction necessary to prevent articles from being imported into this country in such quantities as to cause serious injury. The intent of Congress was to create the means to curb that injury by curbing imports when necessary. It was not the intent of Congress merely to give domestic companies and their workers a bit of temporary relief to "get used to the injury."

Although the Congress did provide in a wholly separate Part of the Trade Act of 1974 for adjustment assistance to workers, it is misguided to suggest that Congress was more intent on adjusting to substantial injury than on providing relief from injury.

I do not believe that there is a single Member of Congress who wants to see American workers injured and made eligible for adjustment assistance. The goal is to curb the injury from foreign imports, not to make that injury a permanent part of our economic life.

Many Members of Congress have joined me in support of the extension of the present relief program. Just last week, 63 of my colleagues took the floor of the House of Representatives to be recorded in support of the extension of the restraint program. Insofar as their comments will undoubtedly be of interest to the Commission, I have attached to my testimony those speeches and floor remarks made by Members of Congress who support the continuation of the specialty steel import restraint program.

On behalf of the people in the 18th Congressional district of Pennsylvania and on behalf of those colleagues who share my views, I urge the Commission to extend the restraint program so we can see the complete restoration of health in this vital American industry.

Thank you.●

ASPIN FLIPS RECRUITING COIN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ASPIN. Mr. Speaker, even though the Armed Forces had their worst recruiting period last quarter—as widely reported in the press—they actually had more men in uniform than they wanted. So, contrary to a widely held opinion, the statistics actually show the All-Volunteer Force is working.

The Pentagon announced last month that in the October–November–December quarter all four services failed to meet their recruiting goals for the first time since the draft ended 6 years ago.

But recruiting is only one side of the coin. The number of men in uniform is determined by how many come in and by how many go out. And fewer men than anticipated left the services in October, November, and December. As a result, the services ended the year with 2,000 more men than they had wanted.

In fact, the armed services are paying more men than Congress budgeted for. Now they will have to lower their recruiting goals in the coming months so they do not bust the budget at the end of the fiscal year.

The Navy was the most extreme case of the four services. The Navy had a disastrous recruiting quarter. It made only 85 percent of its recruiting goal and fell 3,000 men short of the number of recruits wanted. But the bottom line shows that it ended the year with 3,000 men more than it wanted.

When we try to judge the all-volunteer system by looking only at recruiting statistics, we are not getting the whole picture. In fact, we are getting a very distorted picture.

	Enlisted recruiting			Active military strength		
	4th quarter objective	4th quarter actual	Over/under objective	Dec. 31 objective	Dec. 31 actual	Over/under objective
Army	24,700	23,000	−1,700	756,000	757,000	+1,000
Navy	21,700	18,400	−3,300	526,000	529,000	+3,000
Marines	9,600	8,200	−1,400	179,000	188,000	−1,000
Air Force	15,800	15,100	−700	568,000	567,000	−1,000
Total	71,900	64,800	−7,100	2,039,000	2,042,000	+2,000

Note: Totals may not add due to rounding.

I hear some people suggest that in order to try to make their recruiting quotas, the services are actually cutting back on their standards and accepting many "dummies" in uniform. That turns out to be a false perception too.

In terms of intelligence, only 4 percent of the recruits accepted in the last quarter fell into Mental Category IV, the lowest intelligence category accepted for service. That is a smaller proportion of Category IV's than have been accepted in any previous year whether under the draft or the all-volunteer system.

In the first 5 years of the draft, fiscal years 1974 through 1978, the intake of Category IV recruits ranged from 4.8 to 10.2 percent. In the previous 20 years under the draft, the intake of Category IV's ranged from 12.9 percent in the best year, 1961, to 29.6 percent in the worst year, 1964.●

VFW'S VOICE OF DEMOCRACY CONTEST—"WHY I CARE ABOUT AMERICA"

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ALEXANDER. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest. This year 250,000 secondary school students participated in the contest competing for the five national scholarships which are awarded as top prizes. The contest theme was "Why I Care About America." The winning contestant from each State is brought to Washington for the final judging as a guest of the VFW.

I am pleased to share with my colleagues the winning entry from Arkansas, that of Dennis Grant Smith, from Corning, Ark., in my congressional district:

WHY I CARE ABOUT AMERICA

(By Dennis Grant Smith)

It's easy to care about America because She first cared for me through the great principles on which She was founded.

Our forefathers, while drafting the Constitution, kept individual rights foremost in their plans. This is not the case in many countries where individual rights are secondary to state's rights.

I especially cherish my freedoms of speech, religion, and personal choices.

As an American, I can speak out, write, campaign, and eventually vote my convictions. I can run for public office or support those I feel are qualified regardless of race, sex, economic or social status.

I can worship God according to the dictates of His Divine Word. I feel certain that we Americans will always be wise enough to preserve this freedom.

I can meet my full potential, without fear of repression, through my own initiative and willingness to work.

I can do all of these because a group of individuals over 200 years ago cared for me and my personal pursuit of happiness.

Wrong opinions of America are sometimes formed because so much of the news, reported by the news media, is of wrong-doing such as murder, fraud, misuse of authority, corruption in high office, and embezzlement. Fortunately, the people who commit these acts are a very small number among the American public. The majority of Americans respect and obey Her laws and this is where America's strength lies.

There are vast numbers of good people who don't wave large banners stating their love for fellow man but who show love daily through caring for others. Simple things such as helping old ladies across streets and helping others who have personal catastrophes such as prolonged illnesses, death of loved ones, and financial ruin.

These are the unsung heroes who care for America by caring for Her people.

As an American, if I care, I will not infringe upon the rights of others.

If I care, I'll be loyal, honest and have a willingness to work for what is right. I won't let apathy and complacency creep into my life and my community.

If I care, I'll preserve her physical environment. I won't litter Her beautiful countryside or unnecessarily pollute Her water and air. I'll conserve to the best of my ability Her energy supplies and keep an open mind toward the development of new resources for energy.

If I care, I won't discount the valuable resources of Her youth; for, in our hands lie Her destiny and Her dignity.

I believe that care breeds caring. If I care, those who follow will inherit the same rights and freedoms I've enjoyed.

This is why I care for America.●

VA ADMINISTRATOR'S AWARD TO TEXAS JOURNALIST

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ROBERTS. Mr. Speaker, the Administrator of Veterans' Affairs has authority to present honorary awards to private citizens who have made extraordinary contributions on a national scale to veterans. He has presented this award to a truly deserving man—Harry Provence of Waco, Tex. Many people outside the Government serve veterans but few have the talent and opportunity to perform in such a manner that the impact is felt throughout the country. Harry Provence is one of these. As editor-in-chief of the Waco Tribune-Herald he routinely arranged for a regular publication of news concerning benefits for veterans. This in itself is a service rendered by a multitude of people but Harry Provence's special knowledge and unique concern for veterans inspired him to give these stories special emphasis. The local regional office has been praised by Harry Provence many times but only for the services rendered to veterans, showing his continuing recognition that the agency is a servant without purpose except to serve. His knowledge of veterans benefits and Veterans' Administration procedures is such that his statements on these subjects are recognized as authoritative.

He has excelled especially in the area of medical education. As chairman of the Coordinating Board of the Texas college and university system, he successfully arranged for the affiliation between Texas A. & M. University and the VA Medical Center in Temple, Tex. He also participated in another project in which his unique talents as newspaper man and educator were highlighted at the VA Regional Medical Education Center in St. Louis, Mo. He gave a performance described as bringing an entire two-day program into focus by explaining the role of the VA manager in public relations.

I heartily endorse the Administrator's Award presented to Harry Provence, editor-in-chief, Waco Tribune-Herald, whose extraordinary contributions in publishing news of veterans benefits, editorializing veterans affairs and in directing the State Coordination Board in affiliation between a State university and VA medical facilities have truly taught VA managers the value of media cooperation.●

NASHVILLE NEEDS A MUNICIPAL ZOOLOGICAL PARK

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BONER of Tennessee. Mr. Speaker, today, I have taken the liberty of writing the members of the Nashville City Council and the mayor urging them to set aside public land in the city for a municipal zoological park. The city of Nashville is one of the few remaining large American cities that does not boast a zoo of its own, free to the public and capable of attracting thousands of my fellow Tennesseans and fellow countrymen.

Never before in history has there been such a worldwide proliferation of zoos and aquariums or such vast rebuilding and expansion of existing zoological exhibit institutions. For example, in 1931, 55 public zoos, 14 public aquariums were listed in the United States and by 1968, 37 years later, the figures increased to 173 public zoos, 55 private animal parks, 24 public aquariums and 21 private aquariums. The 1967 attendance reported for public and private zoos, animal parks, and aquariums in the United States totaled over 104 million visitors. By comparison the total 1966 attendance for both professional baseball league in the United States totaled over 25,203,000 and was the greatest recorded for any season. Attendance in 1962 in art museums was 22 million, history museums 26 million and science museums 34 million. The situation despite the fact that the figures are almost 20 years old reflects well on the desire, need and willingness of Americans to support zoos.

I understand that zoos are among mankinds oldest institutions, dating back at least 4,500 years and probably more. Across the world they have worked together and displayed live wild animals for people to look at over the years and hundreds of millions have. Any institution with so long a history and so universally attended must reach something in people other than idle curiosity. Together with the American Association of Zoological Parks and Aquariums, a branch of the Nashville Recreation and Park Association, my staff and I have compiled a selected analysis of zoos in the United States. This table is attached at the conclusion of my remarks.

The purpose, Mr. Speaker, of my letter inserted at the conclusion of my remarks to the city council and mayor of Nashville, was to elicit local support for creation of a municipal zoological park in the city of Nashville currently containing over 545,000 people. It is my understanding that Opry-Land USA, located in Nashville, does contain a private zoo with 53 species, an annual attendance of 2 million, and an annual budget of $146,000. However, it is my wish that Nashville contain within its city boundaries the same caliber of zoos that are exhibited throughout the Nation and, indeed, in the State of Tennessee. The city of Memphis, with a population of 875,100 does contain a Memphis Zoological Garden and Aquarium, owned by the city of Memphis and managed by the Memphis Park Commission. The city of Knoxville, with a population of over 300,000, also has a Knoxville Zoological Park governed by the mayor and the city council with an assist by the Appalachian Zoological Society. The Memphis Zoo has over 330 species, an annual attendance of over 570,000 people, and an annual budget of over $1 million. Their source of funding is specifically from the city and the capital improvements in the area of $102,000. The Knoxville Zoo has over 258 species, with an annual budget of $825,000 and their source is also city, capital improvements in the neighborhood of $400,000. Nashville must be included in the listing of zoos in the United States.

What I propose is to support and encourage a Nashville Zoological Society to begin the efforts to acquire city land to set aside for the development of a zoological park. Funds to build and operate zoos can generally be classified in two major areas, first, capital outlay funds, either gifts, bank loans repaid from zoo income, from revenue bonds or operating funds, tax sources, parks or zoo commissions, public work departments, concessions, operations admissions and combinations depending on local circumstances and the nature of the governing authority. I would envision some sort of admission fee to alleviate the burden on the taxpayer and place it more directly on the user regardless of his residence. A minimum admission fee, however, must be maintained. Free admission policies could be instituted for organized educational groups, like schools or scouts, school-age children, and so forth to serve to further eliminate the disadvantages of an admission system and justify municipal subsidies.

I shall do all in my power, Mr. Speaker, to support the creation of such a zoological park in concert with my fellow Tennesseans. The need for a recreational facility of this kind in the city is great. The exhibits at such a zoo, both individually and collectively, could serve as living demonstrations of zoology and natural history. A zoo can play an increasingly more active role in scientific research in a community that contains both university and medical facilities. There is an increasing need to preserve forms of wildlife facing extinction and I would support the preservation of these species in our zoological parks that they may become a repository for the preservation of these animals for all to see. The cultural enrichment of the city and the popularity of zoos as a tourist attraction need not be reemphasized.

I therefore urge the people of the city of Nashville to support efforts to create a municipal zoological park and to begin the work that is necessary to establish such a park within the near future.

I include the following:

RESEARCH INFORMATION ON ZOOS

DATA ANALYSIS OF SELECTED ZOOS

Zoo	Population	Attendance	Operation	Acreage	Budget	Inventory	Adm.
Rochester, N.Y	298,000	[1] 400,000	Municipal	14	100,000	204	No.
Birmingham, Ala	325,000	[1] 444,467	Municipal	100	270,806	233	Yes.
Omaha, Nebr	352,000	[1] 231,509	Society	102	206,943	91	Yes.
Fort Worth, Tex	360,000	[2] 700,000	Municipal and society	22	270,000	813	Yes.
Portland, Oreg	365,000	[1] 740,860	Municipal and society	40	540,000	206	Yes.
Toledo, Ohio	365,000	[2] 850,000	Municipal and society	43	500,000	514	Yes.
Oklahoma City, Okla	375,000	[1] 464,770	Municipal	110	500,000	378	Yes.
Indianapolis, Ind	515,000	[1] 192,283	Society	8	201,000	140	Yes.

[1] Actual cost.
[2] Estimated.

Note: Actual zoo area used, not area of park in which zoo is located. Annual operating budget, exclusive of capital improvement outlay. Animal inventory by species (different kinds) on exhibit.

●

THE GOVERNMENT'S POWER TO SEIZE GOLD

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. PAUL. Mr. Speaker, today I am introducing a measure identical to a bill offered by Senator JESSE HELMS of North Carolina which would repeal the power of the Treasury Secretary to confiscate privately held gold.

When the freedom to own gold was restored in 1975, a little known provision of the Federal Reserve Act was overlooked—12 U.S.C. 248(n). This subsection outlines an authority which in effect would negate the freedom granted in 1975. The law states:

> Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary * * * in his discretion, may require any or all individuals * * * to pay and deliver to the Treasurer of the United States any or all gold coins, gold bullion, and gold certificates owned by such individuals.

In other words we have on the books, the power of the Government to abrogate the freedom of individuals to hold a specific commodity; in this case gold.

This law was adopted in one of the less respectable periods of the U.S. Congress, that following the 1932 congressional and Presidential election.

I am glad to report that the chairman of the Federal Reserve System, G. William Miller, has expressed the view that he has no objection to deleting this section of the Federal Reserve Act.

We have not yet heard from the Treasury Department, but I would be greatly interested in learning how the Treasury Department would rationalize keeping this power. The law requires that the Secretary of the Treasury determine that it would be necessary to protect the currency system. Yet the Secretary of the Treasury has said that gold is to be demonetized. In addition, the Government has eliminated all gold backing from the currency and has turned the U.S. dollar from something that is as good as gold, into something that depends on the whims and capricious confidence of international bankers.

It is not unfair to say that the profligacy of the 1960's finally resulted in the abandonment of the dollar-gold link. Then the world's bankers and finance ministers realized that the dollar was no longer as good as gold, and so they attempted to eliminate gold from the equation.

It is, tragically, not uncommon for the politicians of this country, and indeed most Western nations, to attack the symptoms of our illness and not the disease itself.

In this case, the illness is the lack of discipline by spending and monetary authorities resulting in the depreciation of currency. The seizure of gold is an illogical treatment.

The gold seizure power is obviously one that should be dropped as soon as possible.

I hope that early consideration can be given to this proopsal.

Mr. Speaker, Jesse F. Cornish recently published an article on this topic which outlines many of the arguments and the history of the gold seizure power. Mr. Cornish also gave deserved credit to the Institute on Money and Inflation which has provided analyses on the subject to Members of both the House and the Senate. Organizations like IMI are vital to improving the economic literacy of Congress.

Mr. Speaker, I submit the Jesse Cornish article to be printed in the RECORD at this time.

Gold Confiscation—They Did It Before . . . Will They Do It Again

Warning lights are flashing on the road to speculation and new pitfalls appear everyday. The prudent, in great throngs are seeking alternate routes. Millions of citizens remember the crash of '29 and other millions know it also as an economic tragedy that affected the lives of three generations.

Now a better informed American does not wish to stand at the brink of ruin before setting up a protection system. Millions who waxed strong in the heyday of conventional investments realize now that the days of wine and roses are gone. They gasp at the erosion rate of capital investment and move to gold like moths to a flame. Almost like the fear of death is the sobering truth that the longer they hang on to these dollar coupons, the less purchasing power they will provide.

During the remainder of 1933 the President and the Treasury issued additional regulations and clarification on gold surrender. One exemption was authorized which permitted the holding of gold, under special license, for use in industry, certain professions, and for rare and unusual coins of value to collectors.

The price of gold had been arbitrarily set at 20.67 a fine ounce for 96 years. The difference between the nominal value of the gold dollar and actual gold content by weight was due to the original seignorage granted the Treasury by law in 1837. Under this, the statutory troy ounce of bullion worth 20.67 was exchanged for $20.00 in coin. The difference was allowed to offset minting costs.

Citizens who surrendered their gold were paid $20.67 per ounce in Federal Reserve notes and silver coin.

At the time of the surrender order the government stockpile stood at about 200 million ounces, or 4 billion dollars at $20.67 for five ounce.

There are many estimates as to the actual amount of gold turned in by citizen "hoarders." It is safe to say that less than 20% of it ever reached the Federal Reserve. Most of it went into hiding, or found it's way out of the country for storage in foreign banks. Americans strongly resisted what they felt to be an illegal seizure of personal property, and this writer can find no records of citizens paying fines or going to jail for failure to comply with the order.

In June 1933 Congress passed a joint resolution abrogating gold clauses in all contracts past and future. This meant that all contractual obligations must be met in units of current currency value.

Just six months later, on January 15th, 1934, the Gold Reserve Act was passed authorizing all monetary gold to be owned by the government as a bullion base for its currency. All gold in the Federal Reserve was transferred to the Treasury in exchange for non-circulating gold certificates issued to Federal Reserve Banks.

This Gold Reserve Act kicked off a series of events that shocked conscientious monetary thinkers and changed the face of the early "New Deal" from wonder to suspicion.

The new law gave Roosevelt the power to devalue the dollar in an amount he deemed appropriate, but not to exceed 60%. He jumped on it immediately and devalued the dollar 59%—from $20.67 per fine ounce of gold to $35.00. At the same time he formally prohibited the minting of all gold coins and demonetized all those outstanding.

The devaluation netted the government a 3 billion dollar profit and raised the value of its gold holdings to 7 billion. From the moment of devaluation the United States began to accumulate gold on an ever increasing scale and by 1940 our gold reserve had increased to 18 billion.

Next came the confiscation of silver. On August 9th, 1934, a Presidential Proclamation ordered all silver bullion surrendered to the Treasury within 90 days and a 50% tax was levied on any profits from the sale of silver. The order netted 113 million ounces for which the holders were paid 50.1 cents per ounce. During the next 25 years the government went into the market for over 2 billion ounces for which it paid from 35 cents to 90 cents per ounce and maintained complete control of the silver market until 1963.

Government inefficiency in the market place was laid bare when it subsidized the mining industry by buying silver to force prices up during the thirties and then turned around and subsidized silver users in the fifties and sixties by selling from the stockpile to force prices down.

As we look back today, we clearly see that the monetary constitution emerging from the "New Deal" was a makeshift affair, consistent with no single conceptual framework. Full convertability to gold could have been restored in 1934, at the $35.00 price. Domestic ownership and trade in gold could have been reintroduced without the fears of "speculative profits" windfall gains and losses in gold-clause contracts, and multiple contractions in aggregate money stocks that produced the banking crisis.

It seems strange that these fears set the stage that broke traditions of free voluntary contract and free markets, placed into legal order a precedent setting potential for still other interventions with freedom of contract.

It was Roosevelt himself, who told us in times of crisis, "The only thing we have to fear is fear itself."

NOW

Gold and silver rank with other commodities today—soya beans, wheat, tin, copper, and pork bellies.

Gold has been branded a "Barbarous Relic" by our nation's top money managers and it has not been money for 44 years. Since January 1975, stockpile sales of IMF and Treasury gold have been aimed at discouraging "speculators" and "hoarders."

Our monetary system has taken up residence in the land of "Make Believe" and the dominant instrument of finance is externally-secured and non-secured bank credit. Most of it is fictitious and can be multiplied endlessly until financial "Judgment Day".

There are two ominous factors that need to be watched very closely. As judgment day for the dollar is only tomorrow; the world is listening to gold. The storm of anti-gold legislation and the continued stockpile sales have all back-lashed. No country or individual citizens has been fooled, nor have they lost an ounce of respect for the only monetary foundation that ever survived.

The OPEC nations are becoming nervous about accepting 50 billion no-confidence, no true-value credit receipts each year for their oil exports to the United States, and the Euroepan nations are working diligently toward their own currency unit, the E.C.U.

Gold and silver provide the safest haven for capital preservation. These two precious metals have weathered every currency washout, in history and offer the only truly liquid stability in today's shakey, equity-starved money systems.

The thought of bailing out of paper into hard money does pose a host of serious questions

1. How can I accomplish the conversion conveniently and quietly?

2. Do such transactions have to be reported?

3. Where do I store it when I take possession?

4. What if the government once again orders confiscation as it did 45 years ago?

We do know this

Today citizens can convert easily and quietly to hard money by dealing with a reputable, bonded dealer in precious metals. Gold and silver rank with any other commodity and reporting of such purchase is not required.

Bullion coins with low premium are recommended over bars and wafers because of divisibility and liquidity. Storage can be accomplished safely and conveniently in safes, vaults, safe-deposit boxes, and select hiding places. Containers are available for those who wish to place it underground.

Then, there is the question of what our fiscal leaders will do when finally they spend the dollar to total collapse. Will they again, in panic, invoke another seizure order and enforce it under penalty of law?

This question will cause tens of thousands to hesitate and slow their active quest for financial stability. Because it is negative it will foster decisions by default. Many will sit and do nothing in fear of this remote possibility lurking somewhere out there in the future. This thinking is no more productive than refraining from building a home in fear of future acquisition proceedings. Few would reason to stop living now just because death is always out there waiting.

History shows clearly that the surrender of gold was not the factor that caused financial ruin. The most unkind cut of all was the devaluation of the dollar which gave the windfall profits to the government instead of the previous holders of gold. In fact those who surrendered gold were paid the going rate. Those who were wiped out were already buried in their worthless paper. The stock market killed them, not the surrender of gold.

The only property this government has ever confiscated from citizens, (excluding taxes) without renumeration in kind, has been that which was illegal to own.

Gold is legal!

For the sake of reason and rationality let's address ourselves to the "then" and "now".

THEN

When Franklin Roosevelt was inaugurated on March 4th, 1933, economic conditions were so bad that a situation comparable to panic existed.

More than 12 million people were out of work and unemployment stood at 24.9% Bread and soup lines stretched endlessly through city streets to feed the thousands who had absolutely nothing.

4,000 banks failed that year. Three-fourths of them were Federal Reserve Banks. Nearly 32,000 businesses failed the year before and total national production had dropped nearly 50% since 1929. 90% of the values of the stock market were wiped out in the preceding 2½ years and the Dow stood at 41.22.

Mass withdrawals of bank deposits and "hoarding" of gold by individuals had reached a point that threatened complete destruction of the banking system.

If greatness can be defined as taking positive, decisive action to deter chaos and panic; then Roosevelt was great.

His first official act on March 6th was a staggering proclamation that reverberated a mixture of hope and fear. He ordered every bank in the nation closed and prohibited from paying out gold or dealing in foreign exchange.

Three days later he summoned a special session of Congress to confirm his actions and pass the Emergency Banking Act. The questionable authority of an old, 1917 "Trading With The Enemy" act was invoked to justify the action under the premise of a national emergency.

The new act empowered the President and the Treasury to maintain complete control over all transactions in gold, silver and foreign exchange. The bank holiday was extended for another week to allow time for inspection and in-house audits by Federal Reserve examiners.

Four days later a seemingly sound banking system was established and public confidence was, to some degree, restored. Prohibitions on dealing in gold and foreign exchange, however, remained in force.

Following the bank moratorium, there was an immediate, massive return of all types of currency, as well as gold and silver to the banking system. The monetary system was relieved of its pressures and the dollar began stabilizing in foreign markets once again. The public generally assumed there would be an early return to the gold standard, and economic conditions began to improve.

Then, on April 5th, 1933 another executive order was issued demanding complete surrender of gold, gold coins, gold bullion and gold certificates still in possession of individuals. The order directed that it be turned in to the nearest Federal Reserve Bank within 25 days. Failure to comply was punishable by a fine of $10,000 or ten years in prison or both.

This ended a 141 year era of circulating gold coins as a strong part of our money system.

Here is what we should watch

Mainly, we just keep watching the strength and weakness of the dollar. The temperature and general health of the economy will ride on this factor.

The oil producing nations yearn for a reserve asset which provides greater equity and stability than most of the world currencies. Should they decide to move to gold, or possibly to the proposed new European Currency Unit, the dollar would be in even more serious trouble.

In either instance, the United States would have to come up with gold

The question is where the government leaders will go to get it. Will they buy it abroad with pledges of agricultural surpluses or inflated dollars or will they come back to the citizens again?

Should they choose the latter it is reasonable to assume that the fair market price would be paid. If not, we will see one of the most massive black markets in history—because, this time, they don't know who has the gold. Reporting of buyer's names is not required on legal commodities and—gold is legal!

Someday out there, after the credit dreamworld collapses, there will be a new money system. It will once again be founded on a base of gold as it has been for 3,000 years.

Chances are, the new financial leaders will play the game straight until they, too, begin committing beyond the limits of tax revenues—until they discover the magic of the printing press and the miracle of credit.

But this will be the concern of our grandchildren. Right now, this generation has a decision to make

We either ride the paper to zero, or move into hard assets that will retain value in spite of the fact they could, one day, be called in at a currency value.

It seems highly unlikely that a repeat of 1933 would ever occur until gold will once again be established as a base for our money system, or silver called in for wartime use.

Twice during the Wilson Administration in England gold confiscation was attempted and abandoned for lack of compliance.

Since 1934, Americans have come to regard officialdom with lessening credibility and respect. If 20% of citizen-owned gold was turned in under that surrender order, it seems likely that response to such an order today would net far less. It would be certain to create a black market of tremendous proportion, and hundreds of politicians would suddenly join the ranks of the unemployed.

The struggle now to preserve our present status will require courage and foresight. This battle will not be won by those who quake at the sound of distant guns.

Get into hard money now. It's the best lot for survival!

For the right to own gold every American is indebted to men like James U. Blanchard III, Chairman of the National Committee for Monetary Reform.

Jim rallied the forces that set gold free in 1975 and now with reinforcements is bringing into effect an awakening of the people to the crying need for a sound money system based on gold.

Senator Jesse Helms of North Carolina is the Simon Bolivar of honest monetary policy. By his extraordinary victories in Gold Clause Freedom legislation and the Gold Medallion Act he has notified the enemies of gold that war is in progress.

Howard Segermark, Executive Director of the non-profit Institute on Money and Inflation has highly qualified this institution as the headquarters of research and intelligence. The constant production of fact data is a vital aid to gold legislation. Mr. Segermark has announced that Senator Helms will present to the 96th Congress, a bill to repeal Subsection 12VSC 248 (N) of the Federal Reserve Act which authorizes the Secretary of the Treasury to seize gold whenever, in his judgment alone, such action is necessary to protect the currency.

We believe that Senator Helm's bill will pass. Gold no longer protects the nation's currency and Senator Helms possesses the stature to make Congress see the truth. If the Congress reacts to truth, then the law which authorizes gold confiscation will be repealed and that fear can be put to rest. To introduce legislation taking away the citizen's new right to own gold would seem a very perilous indulgence for any politician with a hope for re-election.●

BUY AMERICAN ACT OF 1979

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. LUKEN. Mr. Speaker, I rise today to introduce the Buy American Act of 1979. This is the same bill which Senator Heinz introduced yesterday.

It is time that our fair trade laws applied to Government purchases if we are to revitalize American industry and save American jobs from falling prey to unfair foreign competition. We can do this by passing and enforcing an improved buy American law.

The American Government presently has no way of making sure that Federal money is not used to purchase unfairly traded goods. This bill gives the Federal Government the mechanisms it needs to insure that it does not purchase unfairly traded goods. It will serve as an important alternative and a supplement to the International Procurement Code of the Multilateral Trade Agreements.

This bill also will provide a method for allowing American firms to bring an action under the fair trade laws if it suspects that a foreign firm is violating the law. No contract can be awarded until this action is resolved. If it is found that the foreign bid is unfair, then the foreign firm cannot be awarded the proposed contract.

The American Government must provide fair support for our home industries in its procurement policies in the form of a reasonable preference if our businesses are going to be able to compete with foreign firms who trade unfairly and who are protected in their home countries by buy-national policies which tend to completely exclude competition from American firms.

I repeat that a strong enforced buy American policy is essential if we in the Congress are to maintain strong domestic industries. We cannot continue our policy of supporting the unfair trading practices of foreign nations with the use of tax dollars when our own industries are in serious trouble. I urge my colleagues to give their support to fair trade by endorsing the Buy American Act of 1979.●

WHY THE UNITED STATES IS LOSING POWER IN THE WORLD

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MICHEL. Mr. Speaker, growing concern over the general incompetency of the administration's foreign policy has, predictably enough, created a backlash of sympathy for the President. Recent articles in the Wall Street Journal and the New York Times defended President Carter and castigated his foreign policy critics.

Is the criticism of the President's foreign policy unwarranted, as some are now saying? Is the President really a victim of events beyond his control? Should we all be applauding his handling of foreign affairs since, as his supporters always tell us, we are not in a war?

I think not. I think our Nation is in serious trouble and there is direct, identifiable and clear cause-and-effect relationship between the President's incompetence in foreign affairs and our Nation's growing problems abroad.

Business Week magazine, March 12, 1979, had addressed this question editorially. I want to insert that editorial—"Why the United States is Losing Power in the World," into the Record at this time in the hope that its calm, persuasive tone will convince our colleagues that President Carter's foreign policy is indeed a failure.

The article follows:

WHY THE U.S. IS LOSING POWER IN THE WORLD

For almost exactly 100 years—from the end of the Civil War to the middle of 1965 when Lyndon Johnson sent American troops into the Vietnam war—the U.S. exerted rapidly increasing power in world affairs and commanded growing respect from allies and enemies alike. Since 1965, the trend has reversed. There has been an alarming decline in U.S. strength and a succession of disasters involving U.S. policies. The erosion of U.S. power and influence is proceeding so rapidly that many policymakers in other nations doubt the ability of the U.S. to define its own interests or to deliver on its commitments.

The difficulty President Carter has had in bringing President Sadat and Prime Minister Begin back to Camp David, the fall of the Shah's government, and the resulting shortage of oil, which some members of the Organization of Petroleum Exporting Countries quickly exploited by again raising prices, are only the latest in a string of setbacks for the U.S. All of them testify to the absolute necessity of a review and revision of foreign policy that will enable the Carter Administration to cope with the great forces at work in the world today.

Such a restructuring of U.S. attitudes must begin with recognition of two basic facts: First, the economic and political components of a nation's policy are inseparable from the stand it takes in foreign relations. Power and influence in the world have to be based on a solid foundation of a healthy economy and a political system that presents great issues to the country honestly and clearly instead of obscuring and confusing them. Second, the U.S. has tried to conduct foreign policy as if it were living in a make-believe world created by academics and do-gooders. The model that successive Administrations have used is a fiction; so it should not be surprising that it produced an unreal solution.

THE FOUNDATIONS OF POLICY

To translate these principles into specifics, the Carter Administration would have to:

Maintain defense spending at a level that will discourage any nuclear attack against this country and at the same time permit an effective response below the nuclear level where clearly defined U.S. national interests are threatened.

Develop economic policies that will restore stability to the dollar in international markets, check inflation, and encourage investment as well as consumption—instead of relying on rhetoric filled with empty promises to do these things.

Redesign the Administration's machinery for making foreign policy, eliminating contradictions, disputes, and incompetence, all of which are uncomfortably evident in the present apparatus.

Use all the tools of foreign policy, including a revitalized intelligence agency that can gather useful information, analyze it quickly, and conduct covert operations when they are called for.

The most vital interest of the U.S. clearly is preserving a decisive balance of strategic power to dissuade the Kremlin from taking actions anywhere in the world that could lead to nuclear war. A well-drawn treaty limiting strategic arms might contribute to effective deterrence of a nuclear attack at less cost than an all-out arms race. But the President has been so preoccupied with selling such a treaty to Congress that he sometimes seems to represent it as a substitute for keeping up with the Soviets in strategic weapons. This is totally misleading. A new treaty might reduce the investment in nuclear arms, but the U.S. simply cannot afford to stop developing new strategic weapons.

THE SOURCES OF ADVICE

A crucial element in the balance of power, of course, is the system of alliances that the U.S. has built with the nations of Europe and with Japan. And here is a point where the close connection between economic policy and foreign policy is easy to see. Relations between the U.S. and its allies have been badly strained by economic tensions arising out of the weakness of the dollar and the continuing trade deficits the U.S. has been running. The sad decline of U.S. influence in the past decade has been associated with the flight of investors and speculators alike from the dollar and the inability of U.S. goods to compete in world markets. The same policies of deficit financing and undisciplined government spending that have wrecked the domestic price structure have kicked back to weaken the alliances that the U.S. built in its time of strength.

Perhaps the most frightening aspect of the decline of U.S. power is the apparent failure of the Carter Administration to recognize what is happening. Part of the trouble is that the President has divided authority and responsibility between the State Dept. headed by Secretary Cyrus R. Vance and the National Security Council staff headed by Zbigniew Brzezinski. Since the two men are often at odds, it is sometimes hard to tell who is making foreign policy.

A more fundamental source of confusion is the mindless destruction of the Central Intelligence Agency by hostile congressmen. To say, as Senator Frank Church (D-Idaho) has said to Business Week, that the CIA should not undertake covert operations under any circumstances is to say that the Administration is to be shut off from taking actions that good sense dictates in critical areas. The CIA needs better oversight than it was getting, but it cannot report to eight congressional committees and remain a competent agency.

Above all, the President needs better advice. And he must pay more attention to what the financial markets are trying to tell him. They speak in terms of reality, not in theories, because they reflect the judgment of people who are betting money, not just offering opinions. The failure to listen to people who are really immersed in the world's problems is a lot of what is wrong with President Carter's foreign policy.●

THE THREAT OF INTERNATIONAL TERRORISM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. GILMAN. Mr. Speaker, international terrorism continues to be a deadly threat against civilized people everywhere. Actions by terrorists have continued unabated in recent years, striking innocent victims of every age and station.

Persons visiting airports or traveling by airplane are particularly vulnerable to international terrorists. They are likely to be of many nationalities, enabling terrorists to pressure all of their governments at once. Moreover, airports and airplanes are—tragically—still relatively accessible to terrorists. Moreover, since passengers are in a vulnerable situation simply because they are in the air, air piracy and sabotage have become favorite tools of terrorists.

For these reasons, the Subcommittee on Aviation of the House Committee on Public Works and Transportation, under the leadership of its distinguished chairman, the Honorable GLENN ANDERSON, and its ranking minority member, the gentleman from Kentucky, GENE SNYDER, has taken a lead in the formulation of possible legislative remedies to the problem of terrorism. Today, I had the privilege of submitting my views to the subcommittee, and insert at this point in the RECORD, the following:

STATEMENT OF THE HONORABLE BENJAMIN A. GILMAN

Mr. Chairman and distinguished members of the subcommittee: It is a privilege for me to appear before the Public Works and Transportation Subcommittee on Aviation to testify on the important bills now before you. You are to be commended for your efforts to focus attention on the problems of international terrorism and to seek legislative remedies to those problems.

It is a sad fact that living with terrorism has become a way of life for millions of people around the globe. A pattern of terrorism has been continuing to spread throughout the world. As cooperation between terrorists, terrorist organizations, and some sovereign nations increases, so do the bombings, kidnappings, assassinations, and hijackings.

Acts of terror have become a popular tool for all those seeking to impose their world community which seems to be unable or unwilling to defend itself. The most frightening aspect of the trend is its arbitrary nature, as innocent victims are often slaughtered without any reason. As indicated by a PLO terrorist leader in 1970:

"In today's world, no one is innocent, no one is neutral." In the last 10 years, Mr. Chairman, there have been well over 1,000 terrorist incidents worldwide. They have resulted in the deaths of more than 2,000 people, and the wounding of more than 5,000. Of course, the recent, senseless killing of U.S. Ambassador to Afghanistan Adolph Dubs weighs heavily on all of us.

In fact, Mr. Chairman, the tide of terror has continued unabated. Since this committee's hearings last year, the following are among the incidents that have taken place:

Croatian terrorists placed bombs in two locations in New York City, and seized the West German consulate in Chicago.

Eight bombs, thought to have been planted by terrorists, exploded in British army bases in Germany.

The Popular Front for the Liberation of Palestine attacked a passenger bus in London, resulting in innocent death.

The Israeli town of Maalot, scene of the infamous murder of dozens of schoolchildren by Palestinian terrorists, was once again attacked, resulting in new deaths.

Just Tuesday, yet another bomb exploded in the crowded Jerusalem market where 21 persons were wounded this January 18.

Unfortunately, given current laws and the current lack of international cooperation, more than three-fourths of all terrorists escape punishment for their actions, while they are almost certain to achieve their aims of intimidating populations and governments and gaining widespread publicity. The conviction rate for terrorists who are captured and the sentences imposed upon them have been unimpressive. While the FBI has a better than 90 percent capture rate for criminals involved in kidnapping for ransom, a terrorist involved in an international kidnapping has about an 80 percent chance of escaping capture or death. Sadly, the average sentence for those who are caught and brought to trial has been only eighteen months.

At a time when the threats of terrorism are at an all time high, our current domestic and international efforts fall far short of the task before them. Last year, FBI director William Webster testified before the Congress that the Bureau's presently strained resources are not adequate to cope with a major terrorist campaign.

While there are numerous laws on our books that call for sanctions against nations aiding terrorists, their enforcement has been spotty.

The people of this Nation through their Government must respond to the terrorist attack on the civilized world. We must mobilize forces in this and other nations which will be equal to the task of combatting both the bands of fanatics and the conditions from which they spring. We must seek to deny safe havens to terrorists by establishing sanctions against states which aid them, harbor them, or fail to prosecute or extradite them.

We must impress upon each other the collective threat posed by terrorism. As history has shown, terrorism begets further acts of terrorism and violence. Our response can only be to create a dedicated, aggressive, coordinated, multinational effort to apprehend and punish terrorists wherever and whenever they strike. We must meet this challenge, for, as the Washington Post pointed out in its March 17, 1978 editorial:

"The terrorists are pressing the question whether a government actually exists.—Or is it only the legal shell of a government, with nothing inside? Is it capable of acting, at last, to preserve itself and public order?"

During the past few years in different forums, I have sought to alert those still unmoved to action that terrorist acts feed on each other. A civilized society cannot for long fail to respond to these threats to its very existence.

I have had the privilege in the past and in the present Congress of sponsoring or supporting a number of pieces of legislation to deal with the problems of terrorism. One such resolution, H. Con. Res. 55, which is currently pending before this committee, deserves your attention. The resolution calls for an international study of the causes of terrorism, urges the President to both take action against nations aiding terrorists and to seek stronger international sanctions against such countries, and to strive for the conclusion of an effective international convention against terrorism. It is unfortunately true that the U.S. does not now invariably invoke sanctions against nations aiding terrorists. My bill urges the President to invoke these sanctions whenever they are deserved.

In the specific area of air piracy and hijacking which is currently under study by this subcommittee, H.R. 1834 now under consideration, will deal in a comprehensive way with the threat terrorism poses to Americans both at home and abroad. This bill and similar legislation now before you can add some real punch to our efforts in the struggle against terrorism, and I am happy to endorse it.

To complement these efforts, we must encourage the world community to fully support the existing international treaties dealing with air piracy and hijacking.

The Tokyo Convention of 1963, the Hague Convention of 1970 and the Montreal Convention of 1971 provide for the classification of air piracy as an international crime and the extradition or prosecution of hijackers. Unfortunately, these conventions have not had unanimous acceptance or adherence.

Recently, however, there have been some encouraging signs of an awakening in the world community to threats posed by terrorist hijackings. On November 3, 1977, the United Nations General Assembly, for the first time, adopted a resolution condemning air piracy and called upon all governments to take steps to tighten security and to agree to prosecute or extradite hijackers. In addition, at last year's Bonn Economic Summit Conference, the seven attending heads of state reached an important agreement on air piracy and terrorism that includes a call for the suspension of air flights to and from those countries that provide assistance to hijackers.

I urge the members of this subcommittee to seize this opportunity to support or strengthen these efforts by reporting out the legislation before it, thereby strengthening our nation's hand in combatting terrorism.

This subcommittee is playing an important role in providing the needed leadership to combat terrorism. The United States as a nation must take the lead to enlist all nations and peoples that are outraged by the brazen attacks, assassinations, threats, taking of hostages, and other vile forms in which international terrorism manifests itself. We have delayed much too long in combatting these infamous crimes.

H. Con. Res. 55

Concurrent resolution urging the President to take certain measures against countries supporting international terrorism and persons engaging in international terrorism and to seek stronger international sanctions against such countries and persons

Whereas abhorrent acts of international terrorism have resulted in the death and injury of many innocent persons and have caused serious disruption of the channels of international commerce and diplomatic discourse; and

Whereas international terrorism takes many shocking forms and continues to threaten the safety and well-being of citizens of all nations; and

Whereas previous efforts on the part of individual nations and of the international community as a whole to eradicate international terrorism have been unsuccessful: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should exercise his powers under section 620A of the Foreign Assistance Act of 1961 (relating to prohibitions against furnishing assistance to countries which grant sanctuary to international terrorists) (22 U.S.C. 2371), section 1114 of the Federal Aviation Act of 1958 (relating to suspension by the President of air services to countries which grant sanctuary to terrorist organizations which use hijacking of aircraft as an instrument of policy) (49 U.S.C. 1514), section 3(8) of the Export Administration Act of 1969 (relating to the imposition of export controls to nations that provide assistance to international terrorists), section 3(f)(1) of the Arms Export Control Act (relating to a cutoff of sales, credits, and guarantees for the purchase of military equipment to countries which provide assistance to international terrorists), and section 502(b)(7) of the Trade Act of 1974 (relating to the denial of duty-free treatment under the United States system of generalized trade preferences to any developing nation providing assistance to international terrorists) whenever an act of international terrorism occurs.

Sec. 2. It is further the sense of Congress that the President should instruct the Ambassador of the United States to the United Nations to seek the formation of a permanent international commission to conduct an ongoing study for the purpose of—

(1) providing a definition of international terrorism;

(2) determining the underlying causes of international terrorism; and

(3) proposing methods for preventing future incidents of international terrorism and dealing with such incidents when they do occur.

Sec. 3. It is further the sense of Congress that the President should renew efforts begun at the air security conferences held in Rome during 1972 under the auspices of the International Civil Aviation Organization to establish an international convention providing aviation sanctions against countries that refuse to punish or extradite persons responsible for unlawful acts against civil aviation.

Sec. 4. It is further the sense of Congress that the President should use all available means to seek strict compliance with the Convention for the Suppression of Unlawful Seizure of Aircraft by each country which is a party to such convention and to obtain ratification of such convention by countries which are not parties to such convention.

Sec. 5. It is further the sense of Congress that the President should seek an international convention to provide for the prevention and punishment of the taking as hostages of persons who are not already protected by the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.●

HYDROGEN FUEL TECHNOLOGY

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. McKAY. Mr. Speaker, I submit for the Record an account of work being done on hydrogen fuel by a Utah company.

Work in progress at Billings Energy Corp., in Provo, Utah, continues to produce new advancements in hydrogen fuel technology. Notably, the company's efforts in the field were featured recently in a 60 minute broadcast aired by the Public Broadcasting System in a Nova report entitled, "The Invisible Flame."

Technological refinements of the science have enabled Billings Energy to begin marketing hydrogen powered automobiles to the general public. One of the advancements making this endeavor possible is Billings' development of a compact, moderate cost electrolyzer which produces hydrogen for the vehicle in the convenience of the driver's garage.

Billings Energy plans to convert a series of 10 prototypes for sale to the public at a cost of $30,000. This cost, of course, includes the price of the subcompact car chosen by Billings for conversion, the engine conversion itself and the electrolyzer. Billings reports that the first hydrogen powered car in this series has already been sold. The company is hopeful that it can undertake a series of 100 conversions once the first 10 prototypes have been successfully marketed which it can offer for sale at a substantially lower cost than the current package.

Billings' work in hydrogen fuel technology is significant in many aspects. The pollution-free combustion properties of the fuel hold promise in alleviating the growing health hazards associated with air pollution, while the generation of hydrogen from plentiful supplies of coal could ultimately free the United States from dependence on foreign oil suppliers. Billings believes recent events in the Middle East only heighten the importance of developing alternative fuels such as hydrogen.

The introduction of a hydrogen powered car for private use culminates several years of research spent by Billings Energy in developing its technology. Among its conversion projects the company counts over a dozen vehicles including a U.S. Postal Service delivery jeep, two mass transit buses, a luxury car and even a city electric car. A hydrogen homestead built near the company's offices in Provo has demonstrated the feasibility of using hydrogen as fuel in residential applications. Here, the home's kitchen range, stove, water heater, gas log, outdoor barbecue and 20-horsepower garden tractor are equipped to utilize the pollution-free fuel.

Another aspect of Billings' work has also been devoted to research in hydrogen production methods. While it is the most abundant element in the universe, very little hydrogen is found in a free state in nature. For the most part it must be extracted from other sources, that is, from water through electrolysis or from coal by coal gasification.

Billings research in coal gasification as a source of hydrogen has led to a potential installation in the Midwest. A contract to fulfill initial design studies for a plant in Forest City, Iowa, is currently underway at Billings. The plant could initially supply fuel to the community's industrial complex and ultimately to the entire residential and business sector.

Billings' future plans call for extensive research, development and application of hydrogen energy concepts including remote wind power generation, storage and use for ground water irrigation systems; electrical utility load leveling; and pipeline transmission of hydrogen gasified from coal. Fleet conversions and medium-scale electrolysis plants are possible with present capabilities.

The work of Billings Energy Corp. and that of other hydrogen research organizations warrants high priority in this country's efforts to solve both the energy and pollution problems which plague industrial societies.●

PRESIDENT CARTER'S MIDDLE EAST TRIP

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. STARK. Mr. Speaker, I rise today to express my admiration for the courage President Carter has so clearly shown in his decision to travel to Egypt and Israel to seek resolution of the few issues that remain barriers to a peace treaty between our two friends and allies in the Middle East.

Prime Minister Begin and the Israeli Cabinet, in agreeing to the President's latest propoasls, have demonstrated the readiness to compromise that is so necessary to bring and keep peace. It it my strong hope that President Sadat, who has shown us time and again his abilities as a statesman, will now take up the opportunity to bring his people and those of Israel the prosperity that only countries at peace can truly enjoy.●

KEEP THEM WALKING

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MOAKLEY. Mr. Speaker, I would like to call to your attention a bill which I have recently reintroduced in the House. Similar to legislation I sponsored during the 95th Congress, this proposal is part of my continuing attempt to aid the elderly with their quest for good health, safety, and well-being. Since one of the leading causes of activity limitation among senior citizens is lower extremity impairment. I am therefore proposing to amend title XVIII of the Social Security Act to provide the elderly with additional and essential foot care services previously neglected under the supplementary medical insurance program.

My bill, when enacted, will authorize medicare payments for the professional treatment of corns, warts, and calluses, conditions which are in fact pathological growths, not merely irritants or inconveniences. Also, subluxations and the medical care of flatfoot conditions would be added to title XVIII's list of benefits. Left untreated, these foot complaints often evolve into acute conditions causing associated back and leg problems, altering walking patterns and creating gait imbalances. Warts, which are actually viruses, may spread if left unattended. It is ironic to note that the treatment of warts, indeed subluxations, is presently permitted under medicare when they are diagnosed on any part of the body except the foot.

Experts in the field conclude that 20 percent of all corns, calluses, and warts do develop secondary pathologies. Additionally, medicare's failure to provide proper podiatric treatment condones and even encourages the practice of patient self-care methods. Home remedies usually prove ineffective. Their usage poses a definite threat to the health and safety of the senior citizen. Misapplication of over-the-counter medication too often results in dangerous burning, and the use of an unsterilized scissor or knife can easily cause infection. An inexcusable number of poorly sighted senior citizens have inflicted upon themselves severe injury by mistakenly cutting the wrong tissue on their feet. The lower extremity is always at risk as circulation diminishes with the aging process. Self-care, in any form, encourages complications and limb morbidity.

The current medicare law provides for the podiatric treatment of underlying or secondary conditions which develop when a uncovered pathology becomes acute. The cost of treatment for an infection is $35 to $40 in an office, while hospitalization for the same infection averages around 4 days at a cost of over $100 per day. Treatment for injuries which result from self-care and neglect are an even more expensive proposition. Each rejected medicare claim costs $3.21 on the average to process, with an additional $2 charge if the practitioner must be contacted for clarification. Medicare accounting costs (answering inquiries, providing patient information and appealing claims) increase the overall cost of medical care for the patient. The cost of treating and correcting a mild condition as a preventive measure, such as a corn or callus, is less expensive than treating a resulting and more severe pathology.

It is imperative that the medicare program provide adequate an inclusive foot care for the elderly. It is unpardonable to subject senior citizens to needless suffering and chance of injury. Instead, we must aid them to walk steadily, without fear of falling, so that they can be guaranteed greater mobility and social productivity. The extension of foot care benefits under medicare will relieve senior citizens of the initial discomfort of corns, warts and calluses while simultaneously reducing the risks of infection and injury as well as limb morbidity. This legislation will thus help guarantee the good health, safety and well being of the senior citizens of our Nation.●

NEWBURGH'S MAN OF THE YEAR: THE HONORABLE HAMILTON FISH, SR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. GILMAN. Mr. Speaker, the Honorable Hamilton Fish, Sr., a distinguished former member of the House who now resides in my congressional district, was recently honored as Man of the Year by Historic Newburgh, Inc., of Newburgh, N.Y.

Upon the presentation of the award, Mr. Fish delivered remarks on the city of Newburgh and its role in the early history of our Nation, a history in which Mr. Fish's ancestors played a prominent part.

Mr. Speaker, in order to share Mr. Fish's thoughts with my colleagues, I ask that his remarks be reprinted at this point in the RECORD:

SPEECH OF HON. HAMILTON FISH AT THE HISTORIC NEWBURGH DINNER AT THE HOLIDAY INN ON THURSDAY, FEBRUARY 22, 1979

I am honored and grateful to my friends in Historic Newburgh for being chosen to receive their award as the Man of the Year. Although I admit that this award should have been given in preference to my wife who has lived in this community for 50 years, written 22 books, all of which have been published extensively and has contributed generously to the St. Luke's Hospital and to the Community Chest. She has few or any enemies in Orange County. I myself have no personal enmities towards any one in Orange

County but I am sure that there may be some who do not like me for my expressed views on the menace of communism.

I want, on this occasion, to make it clear that I have a very warm spot in my heart for Orange County and that I will always be grateful to the people of this county who when I last ran for Congress, supported me in both the primary election by majority vote in every single district in the county from Newburgh to Port Jervis.

This being our ancient date for the celebration of Washington's Birthday, I will merely quote the eloquent tribute of Abraham Lincoln: "Washington is the greatest name on earth. On that name no eulogy is expected. It cannot be. Let none attempt it. To add brightness to the sun or glory to the name of Washington is alike impossible. In solemn awe pronounce the name and in its naked deathless splendor, leave it shining on".

Feeling as I do that Newburgh is the cradle of the Republic, but was ignored and almost completely overlooked during the Bicentennial celebrations. Therefore I urge all of you, and all other patriotic citizens of Newburgh, New Windsor and vicinity, to unite in restoring Newburgh, next to Philadelphia where the Declaration of Independence was written, as the most important site of our Revolutionary War. When the Declaration of Independence, that immortal document by Thomas Jefferson, was written, it was merely a scrap of paper until, under the magnificent leadership of George Washington, supported by his determination, faith and the courage of his armed forces, turned the Declaration of Independence into a government reality, by the consent of the governed. Our republican form of government later changed by the Constitution, is the oldest continuous form of government in the world.

It was here at Newburgh that Washington refused the offer of a crown and established our republic. It was here that he wrote his letters of advice to the 13 Governors. It was here that he made his famous law and order speech that kept the Army united until peace was declared.

I may be somewhat influenced by the fact that my grandfather, Hamilton Fish, as Governor of the State of New York, used his authority to persuade the State to purchase the Washington headquarters at Newburgh. That was the first time that the State bought any historic site or building.

I am inclined to believe that my grandfather was influenced by not only his admiration for Washington, but also out of affection for his father, Major or Lt. Col. Nicholas Fish who was stationed at Newburgh, New Windsor and at West Point after the war, where he organized the New York recruits for the First American Regiment, for duty on the Ohio River against the British and Indian intruders. Nicholas Fish was the same age as Alexander Hamilton and Lafayette and was a very close friend of both of them. Believe it or not, he was commissioned a Major in the Continental Army by an act of Congress, signed by John Hancock in 1776 at the age of 18 and 3 months and still is the youngest commissioned Major in the Armed Forces of the United States.

I take this occasion to urge all of you, all patriotic citizens and organizations in Newburgh, New Windsor and vicinity, to form a united 200th anniversary committee to restore Newburgh as one of our greatest Revolutionary shrines and to prepare arrangements for a massive celebration of at least 75,000 people on April 19, 1983 in honor of our glorious victory in winning our independence and establishing peace with Great Britain.

The 100th anniversary of that historic occasion held here in Newburgh, long before the advent of automobiles and airplanes, brought over 75,000 people to that celebration. Now with better facilities in roads, accommodations, airports and automobiles and with hard work and good weather, we should double that number. The sooner we begin to organize and plan, the bigger the celebration and the greater the restoration of Newburgh to its proper place in the history of the Revolutionary War, and in the history of the United States.●

EQUITY FOR RETIRED WORKERS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. WAXMAN. Mr. Speaker, inflation exacts a cruel toll on the income of our retired citizens. This impact is particularly grave for retired Americans living on fixed pensions scaled to living costs of the past.

While the cost of living has risen astoundingly in the past decade, most retiree benefits—health insurance and cost-of-living supplements—have remined static. With few exceptions, cost-of-living adjustments have not been provided retirees despite the interest of organized labor in arguing for increases through the collective bargaining process.

Pension and hospitalization benefits have seriously lagged behind actual costs largely due to a 1971 Supreme Court ruling that such adjustment is a permissive, rather than mandatory subject of collective bargaining.

The Supreme Court ruling (*Allied Chemical and Alkali Workers of America* v. *Pittsburgh Plate Glass Company*, 404 U.S. 157) held that employee representatives and management were not obligated to collectively bargain over retirement benefits for already retired employees. The ruling means that increases in the benefits of retired workers may only be discussed in collective bargaining negotiations if both management and labor are in accord. These negotiations are strictly voluntary and may be terminated by either party at any time. Unions may not insist to impasse on issues concerned with benefits to already retired employees.

Following the Supreme Court decision, many businesses stopped bargaining with regard to retiree benefits. As a result, many pensioners have been forced to live on pensions and medical benefits that reflect the low-wage levels of the distant past.

Mr. Speaker, these retired men and women deserve better. In large measure, their efforts are responsible for the growth of today's labor movement, our modern pension system and the development of many of our largest industries. Despite the debt owed these early pioneers, the Pittsburgh Plate Glass decision prohibits today's union members from protecting the economic security of their retirees.

During the 94th and 95th Congress, hearings on the impact of the Pittsburgh Plate Glass decision were held in the House Education and Labor Subcommittee on Labor Management Relations under the capable leadership of our colleague Frank Thompson. The hearings thoroughly illustrated the need to reverse the Supreme Court's ruling and make retiree benefits a mandatory subject of collective bargaining.

Retired workers from across the country testified to the rapid erosion of their pension benefits due to inflation. They pointed out the inequity and serious financial plight of workers whose pensions have not been adjusted to reflect higher living costs. For workers who retired prior to 1970—some with as much as 17 years employment—it was not unusual to have a fixed monthly pension of $33. Thirty-three dollars does not go far in a 1979 economy.

Mr. Speaker, retired employees should not be made to bear the burden of changing economic conditions. We must be mindful of the human cost of allowing retired workers to exist on benefits which bear little relationship to actual living costs. As a Nation, we recognize the justice of cost-of-living adjustments within the social security system. With respect to private pension plans, we owe retired workers no less than the chance to have their needs discussed at the bargaining table.

To accomplish this, the Pittsburgh Plate Glass decision must be overturned.

On February 8, 1979, I introduced H.R. 2073 on behalf of 18 of our colleagues. The bill would amend the National Labor Relations Act to make retirees benefits a subject of mandatory bargaining.

The bill is simple and straightforward. It adds retirement benefits for retired employees to the standard items of obligatory collective bargaining. It would insure that unions and management have the power to raise the issue when they come to the bargaining table.

I should add that the bill does not mandate the result of that bargaining. It neither requires that unions negotiate on behalf of their retired members nor insures that such negotiations will be successful. It merely provides that the subject of raising retiree benefits to more adequately reflect living costs can be discussed at bargaining sessions. Whether there would be an improvement in benefits for retirees would depend largely on the objectives and tactics of the unions. The bill permits proponents of change the opportunity to be heard and many unions are ready to raise the issue in their negotiations.

Mr. Speaker, although this legislation will not by itself improve the financial plight of retired workers, I am encouraged by the strong showing of support it has received from the labor community. To date, the legislation has received the endorsement of such unions as the United Automobile Workers, the Communications Workers of America, and the International Union of Electrical Radio and Machine Workers.

I am convinced that only by making retiree benefits a subject of mandatory bargaining will they be considered and renegotiated to reflect living costs more fairly. We cannot improve the financial plight of retirees by leaving these benefits to chance or employer goodwill.

Mr. Speaker, from the standpoint of social policy, it is wise to afford retired workers collective bargaining protection. A worker's retirement from active employment and his separation from daily contact with fellow workers is the very time when he is most vulnerable economically and needs representation. Overturning the Supreme Court's decision in Pittsburgh Plate Glass makes good sense if unions are to have the power to preserve a decent and dignified standard of living for their retired members.

Adjusting pension benefits for already retired union members is a matter of need, a matter of justice and a matter of equity. H.R. 2073 will provide retirees the representation they have justly earned.

Mr. Speaker, I submit a copy of the bill to be printed in the RECORD at this point:

H.R. 2073

A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8(d) of the National Labor Relations Act is amended—

(1) by inserting after "other terms and conditions of employment" the following: ", including retirement benefits for retired employees", and

(2) by inserting after "all the terms and conditions" in paragraph (4) of the proviso the following: "(including terms and conditions relating to retirement benefits for retired employees)".●

ARIZONA SENATE URGES DEVELOPMENT OF UNITED STATES-MEXICAN ENERGY TRADE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. RUDD. Mr. Speaker, I am pleased to call to the attention of my colleagues a memorial from the Arizona State Senate which urges the development of mutually beneficial arrangements for the purchase of Mexican petroleum products by the United States.

It seems to me, Mr. Speaker, that the shortages caused by the Iranian revolution and subsequent instability should provide ample evidence, if any were needed, that the United States should develop a variety of dependable sources for our energy supplies, without becoming heavily reliant on any single source.

It has been with the utmost regret that I have observed our Nation's cold shoulder policy toward the Mexicans. I was impressed on a recent trip to Mexico with the genuine interest of the Mexican people and their leaders in developing their petroleum reserves and expanding trade with the United States. They are willing to trade with us, and we need the oil supplies which they wish to develop and sell. Only the intransigence and short-sightedness of the Department of Energy obstructs the establishment of mutually beneficial petroleum sales.

There have thus far been few signs that the administration's position has modified. The President returned from Mexico without making a commitment to approving Mexican gas sales. The more time lapses, the more serious are likely to be the shortages facing our citizens in the years ahead.

I commend to the President and my colleagues the course of action urged by the Arizona Senate, and request that their memorial be inserted in the RECORD at this point:

SENATE MEMORIAL 1002

Whereas, evidence indicates that Mexican petroleum reserves range from one hundred fifty billion to over two hundred billion barrels; and

Whereas, currently the United States is too dependent on receiving petroleum products from an unstable Middle East; and

Whereas, sale of Mexico's petroleum products to the United States will reduce this country's dependence on Middle Eastern petroleum products; and

Whereas, Mexican petroleum could be an important factor in holding down world energy prices; and

Whereas, the United States is the natural market for Mexico's petroleum products; and

Whereas, a significant percentage of American money spent for Mexican petroleum products, would, in turn, be used for purchases in this country; and

Whereas, development of Mexican petroleum reserves would serve to reduce poverty in Mexico and so reduce illegal immigration into this country.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the President consider the importance of Mexican petroleum reserves during his review of United States-Mexico relations.

2. That the President offer further assistance to Mexico for the development of Mexico's petroleum reserves.

3. That the President work to establish mutually beneficial arrangements for the purchase of Mexican petroleum products by the United States.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States and to each Member of the Arizona Congressional Delegation.

Passed the Senate—February 22, 1979 by the following vote: 29 Ayes, 1 Nays, 1 Not Voting.

Received by the Secretary of State—February 22, 1979.●

TRILATERAL AID ARRANGEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. HAMILTON. Mr. Speaker, several months ago I had some correspondence with the Agency for International Development regarding U.S. policy on trilateral foreign aid arrangements whereby some of the oil-producing states would provide financial resources and the United States would supply project designs and technical advice.

In an era when our own ability to provide considerable aid resources is diminished, I urge AID to try to develop further trilateral mechanisms.

My correspondence with AID follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 19, 1978.

Hon. JOHN J. GILLIGAN,
Administrator,
Agency for International Development,
Washington, D.C.

DEAR MR. ADMINISTRATOR: The concept and possibilities of trilateral aid have recently come to my attention. As far I can determine, the Agency for International Development has done little to develop a policy to deal with trilateral aid issues and to increase coordination and discussion between the Agency and new donor nation's foreign assistance efforts in developing countries.

I believe that the whole area of trilateral aid arrangements needs to be explored carefully and the options of possible development programs through trilateral arrangements delineated and evaluated. To investigate this developing assistance effort, including aid efforts by OPEC countries, will require the Agency to devote special new energies, but I believe that you have the resources and should proceed.

I appreciate your consideration of this letter and hope you agree that it behooves AID to try to develop a trilateral capability. I would like to have an AID position on this issue and an indication of present efforts in this area and what resources will be committed to it in the near future.

With best regards.

Sincerely yours,
LEE H. HAMILTON,
Chairman.

AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C. October 12, 1978.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of September 19 concerning trilateral aid. Since the emergence of the OPEC nations as major suppliers of development assistance, A.I.D. has been mindful of the possibilities of cooperation with them. The U.S. and OPEC donors do participate in World Bank-chaired aid coordination groups for a number of developing countries. Our joint membership in these groups, such as the one for Egypt, has enhanced our respective assistance efforts. We have sought where possible to encourage the oil producers to sustain and increase their assistance, which has been substantial. In 1977, OPEC concessional flows (disbursements) to developing countries totalled $5.6 billion compared to $4.2 billion for the United States.

In multilateral fora and on a bilateral basis, A.I.D. has consulted with Arab donors, including officials of national and regional Arab funds, on the possibilities for cooperation. We and other Western donors met with Arab assistance officials in June of this year at the Development Assistance Committee in Paris to explore areas of mutual concern. At that meeting it was agreed to hold further discussions on common problems. In addition, we are undertaking bilateral follow-up through a series of consultations in the Middle East next month between senior A.I.D. staff and Arab aid officials. These discussions will involve identification of specific areas of mutual interest, common problems in assisting a number of developing countries, and areas of potential cooperation.

Arab donors generally have shown a preference for cofinancing of development projects managed by multilateral development banks. However, we have sought in A.I.D. to identify U.S.-supported activities which could attract Arab donor funding. Two successful examples of U.S.–Arab cooperation are projects in Jordan and Yemen. The former entails a $420 million undertaking to which A.I.D. is contributing $38 million together with financing from the World Bank and various Arab donors. In Yemen, the Taiz Water project involves $10 million in U.S. financing and $43 million in Arab funds. Another type of cooperation concerns U.S. assistance to the Arab donor agencies. For example, the Islamic Development Bank requested from A.I.D. a reimbursable detail of loan officers. Of the candidates suggested, one was selected by the Bank and arrangements are now being completed for the detail.

We attach great importance to our relations with Arab and other donors and shall endeavor to encourage them to support development efforts consistent with U.S. priorities.

If I can provide you with further information, please let me know.

Sincerely yours,

JOHN J. GILLIGAN.●

UKRAINE INDEPENDENCE DAY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MOAKLEY. Mr. Speaker, recently, thc U.S. House of Representatives commemorated the 61st anniversary of Ukraine's independence.

We in Washington were not the only ones to speak out in observance of Ukraine's national day. I would like to share with my colleagues some of the independence messages from Massachusetts.

The enclosures follow:

A PROCLAMATION 1979

Whereas: January 22, 1979, marks the 61st anniversary of the proclamation of free Ukrainian National Republic as the sovereign State of the Ukrainian people; and

Whereas: The Ukrainian people have not accepted the status of Soviet Russian enslavement and are continuing to struggle to regain their national sovereignty and independence; and

Whereas: Ukrainian Americans in Massachusetts support the Ukrainian people in their struggle for full national self-determination; and

Whereas: Ukrainian Americans in Massachusetts appeal to our President and Congress to take affirmative action at international forums for the implementation of national and human rights in captive Ukraine and all captive nations in Eastern Europe.

Now, therefore, I, Edward J. King, Governor of the Commonwealth of Massachusetts, do hereby proclaim January 22, 1979, as Ukrainian Independence Day and urge all citizens of the Commonwealth to take appropriate cognizance of the event and to participate fittingly in its observance.

DECLARATION

Whereas: The Ukrainian people in Boston and the world over will mark the sixty-first anniversary of the independence of the Ukrainian National Republic on January 22, 1979, and

Whereas; This sixty-first anniversary of Ukrainian independence is a fitting opportunity to direct public attention to the continuous violations of Ukrainian rights by the government in Moscow; and

Whereas: This sixty-first anniversary of Ukrainian independence dramatizes the legitimate right of all people and nations to pursue freedom and national independence:

Now, therefore, I, Kevin H. White, Mayor of the City of Boston, do hereby proclaim Monday, January 22, 1979 Ukrainian Independence Day and direct that the Ukrainian National Flag be raised at City Hall Plaza on January 22, 1979, to commemorate this special occasion.

BOSTON CITY COUNCIL

Whereas, January 22, 1979 is observed as "Ukrainian Independence Day" in Boston, commemorating the 61st anniversary of Ukraine's independence; and

Whereas, the Ukrainian people continue to struggle to regain their full nation independence and sovereignty; and

Whereas, the Ukrainian Americans in Boston continue to support the right of the Ukrainian people for full national independence; and

Whereas, hundreds of Ukrainian patriots languish in Russian communist prisons as a result of their fight for the restoration of national and human rights in Ukraine;

Therefore, be it resolved that the Boston City Council appeals to our national leaders to continue to support the right of the Ukrainian people for national independence; and to exert all the efforts possible through the United Nations, the Belgrade Conference and other means to restore national and human rights in Ukraine and free Valentyn Moroz, Mykola Rudenko, Oleksiy Tykhy and hundreds of Ukrainian patriots from Soviet Russian jails; and to demand the restoration of Ukrainian Catholic, Ukrainian Autocephalous Orthodox and Ukrainian Protestant Churches in Ukraine.

[From the Jamaica Plain Citizen, Jan. 18, 1979]

UKRAINIAN INDEPENDENCE DAY TO BE OBSERVED WITH CITY HALL CEREMONIES

January 22, will be observed as "Ukrainian Independence Day" in Massachusetts and in Boston, in honor of the 61st anniversary of the proclamation of Ukrainian National Republic as the independent and sovereign State of the Ukrainian people. Governor Edward J. King and Mayor Kevin H. White have issued special proclamations. The Boston Council adopted a special resolution on January 9, 1979, which was introduced by Councilor Frederick C. Langone. Proclamations appeal to our President and Congress to take affirmative action at international forums for the implementation of national and human rights in Ukraine and all captive nations in Central and Eastern Europe.

On Monday, January 22, starting at 12:00 noon, a short ceremony will be held at Boston City Hall Plaza for the purpose of hoisting the Ukrainian national flag as a symbol of Ukrainian freedom and independence. The program will include prayers and greetings from government and civic leaders. The public is cordially invited to participate in the ceremony.

A special commemorative program will be held on Sunday, January 28, starting at 3:30 p.m., at the St. Andrew Ukrainian Orthodox Church Hall, 24 Orchard Hills Road, Jamaica Plain. The principal speaker will be Dr. Michael H. Voskobiynyk, professor of history at Central Connecticut State College in New Britain, Conn. There will be also a cultural program.

The Ukrainian National Republic was proclaimed on January 22, 1918, in Kiev, capital of Ukraine. It existed until 1921, when Ukraine fell a victim of the Communist Russian aggression. In 1923, without the ratification of the Ukrainian people, Ukraine became a constituent Republic of the Soviet Union, not Russia. In fact, Ukraine is a captive country today. The Ukrainian people do not exercise their national human and religious rights.

According to Orest Szczudluk, a vice president of the Ukrainian Congress Committee of America in Boston, which is sponsoring the observance of Ukraine's independence, emphasis this year will be placed upon informing the public about continuous violations of national, human and religious rights in Ukraine by the Soviet government. In noting the 30th anniversary of the U.N. Universal Declaration of Human Rights, President Carter stated that "human rights is the soul of our foreign policy" and "human rights count in the character of our relations with other countries."

"Ukrainians and all captive nations in Central and Eastern Europe are waiting for the implementation of national and human rights in their countries," stated Mr. Szuzudluk.

[From the West Roxbury (Mass.) Transcript, Jan. 17, 1979]

UKRAINIAN INDEPENDENCE DAY MONDAY

Monday is "Ukrainian Independence Day" the 61st anniversary of the proclamation of Ukrainian National Republic as the independent and sovereign state of the Ukrainian people.

Gov. Edward J. King and Mayor Kevin White have issued special proclamations. The Boston Council adopted a special resolution on Jan. 9 which was introduced by Councilor Frederick C. Langone. Proclamation appeals to the president and Congress to take affirmative action at international forums for the implementation of national and human rights in Ukraine and other nations in Central and Eastern Europe.

On Monday, starting at noon, a short ceremony will be held at Boston City Hall Plaza for the purpose of hoisting the Ukrainian national flag as a symbol of Ukrainian freedom and independence. The program will include prayers and greetings from government and civic leaders. The public is invited to participate in the ceremony.

A special commemorative program will be held on Sunday, Jan. 28, starting at 3:30 p.m. at the St. Andrew Ukrainian Orthodox Church Hall, 24 Orchard Hills Rd., Jamaica Plain. The principal speaker will be Dr. Michael H. Voskobiynyk, professor of history at Central Connecticut State College in New Britain. There will also be a cultural program.

According to Orest Szuzudluk, a vice-president of the Ukrainian Congress Committee of America in Boston, which is sponsoring the observance of Ukraine's independence, emphasis this year will be placed upon informing the public about "continuous violations of national, human and religious rights in Ukraine by the Soviet government."●

TRIBUTE TO JOSEPH SCIAME

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. WOLFF. Mr. Speaker, it is with great pleasure that I bring to the attention of this body the accomplishments of a very special man, the past venerable of Cellini Lodge No. 2206, Order Sons of Italy in America, New Hyde

Park, N.Y., and grand recording secretary of the State of New York, Joseph Sciame.

A simple listing of this extraordinary young man's accomplishments would, in and of itself, be impressive. He has shown himself to be capable of great success in any area of endeavor he pursues. In his educational and professional life he has proven to be a sincere and talented academic and, as is typical for a person with such generosity of spirit, he has chosen to devote himself to providing young adults with the tools by which they can further their education. Moreover, the role he has taken in community life has been exemplary. Brother Sciame is always willing to shoulder more tasks, no matter how much of his time such work will require, willing to offer all he can give of himself to his people and to the residents of the wider community. For these reasons, Brother Sciame will be honored by his lodge on March 11, 1979—an honor he richly deserves.

However, for those of us who have had the privilege of meeting and working with Joseph Sciame, we know that the sum total of his accomplishments is a great deal more than what one can read on a résumé. Instead, it is to the very spirit of this person to which we pay tribute—it is to his energy, warmth, and pride.

He is a person who brings new meaning to the words "youth," "commitment," and "determination." As a young leader he possesses the qualities of excellence that are needed to successfully meet the challenges that today's society presents for Italian-American—the challenges of continuing to bring to our great country the historic achievements in the arts, sciences, and humanities which the Italians have already contributed to the world. This is a man who is proud of his Italian heritage and strives to instill this same pride in others. This is a man who is concerned with how others live and who works to improve the fabric of life for all he meets. Most of all, Joe is a person who listens to neighbors and friends and who is capable of translating their dreams, and the dreams of the Italian-American community, into a reality. Joseph Sciame has given his friends, family, and people reason to be grateful. Most importantly, he stands as an assurance that the tradition of the Italian-American leadership we have come to expect will most certainly continue.

I am honored to call him my friend, and as a member of the Cellini Lodge—my brother.●

GOOD SENSE ON MONETARY POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. PAUL. Mr. Speaker, Mr. Henry Hazlitt, one of our great free market economists, gave a speech last November at the annual meeting of the Foundation for Economic Education, which he helped launch in 1946 with Mr. Leonard Read, president of the foundation. These two men have been two of the bright lights of freedom in the United States for many years.

Mr. Hazlitt's eloquent talk was published in the February issue of the Freeman, the foundation's monthly magazine.

Because Mr. Hazlitt's article contains so much good sense on monetary policy and the results of Government interventions into the economy, I would like to call it to my colleagues' attention by inserting it in the RECORD:

The Road Not Taken

(By Henry Hazlitt)

The Foundation for Economic Education, which publishes The Freeman, was set up in 1946. This seems to me as appropriate a time as any to review what has happened since its establishment in the realm of the government interventions and economic controls—the prohibitions and compulsions—that FEE was set up to combat.

In 1946, of course, these controls were already established over a wide-ranging area. A formidable network of what might be called "traditional" controls was already in existence in the early 1930s; but this was enormously extended and tightened by the advent of the New Deal. It was then established that the government could repudiate with impunity its most solemn pledges—the gold clause, for example; that it could abrogate contracts containing or assuming this clause; that it could allow labor unions to resort to violence and vandalism with relative immunity (as in the Norris-LaGuardia Act of 1932); that the government could act as a union-organizing agency, and force employers to "bargain collectively" with such unions—that is, to make at least some concessions to their demands—as in the Wagner Act of 1935. And so on.

But let us now come to 1946, the year FEE was founded. That was the year when the International Monetary Fund, which had been set up by the Bretton Woods Agreement of 1944, began to operate. The IMF had been set up ostensibly—believe it or not—to "stabilize" currencies. And this was to be done by phasing that absurd and tyrannical thing, the gold standard, out of the monetary system. Instead, the member countries pledged themselves to keep their currencies convertible at a fixed rate only into the dollar. If the dollar were kept convertible into gold, it was assumed, that would be sufficient to stabilize the whole world currency system and make the value of each national money unit dependable.

Of course none of the Fund's general rules were expected to be obeyed too strictly. That would have interfered with the freedom of each country's monetary authorities to manipulate their currency in the way that seemed to them most expedient at any given moment. Therefore, it was explicitly provided in the Fund's Articles of Agreement that any country could devalue its own currency at least 10 percent in any one step, and it was explicitly stipulated that "the Fund shall raise no objection." In addition, it was understood that the Fund was to come to the rescue of any country whose currency got into trouble, even through its own inflationary policies. The stronger currencies were to support the weaker ones, thus insuring that the stronger would also be weakened.

THE RESULTS OF BRETTON WOODS

We all know now what this finally led to. The American monetary authorities could not bring themselves to take seriously the grave responsibility they had assumed in agreeing to make the dollar the world's anchor currency. Keeping the dollar convertible into gold, even if only at the demand of foreign central banks, seemed to them a mere technical requirement, an unnecessary annoyance and burden imposed upon them by some still persisting superstitions about gold. As the U.S. increased its paper-money issue, conversion became increasingly inconvenient. It practically stopped de facto in 1968, and in August, 1971, it was stopped openly and officially. Since then practically every nation's currency has become an irredeemable paper currency. Every currency fluctuates every day in terms of every other. Money values, world trade, and capital flows become more and more disorderly and unpredictable.

And all this has happened because the world's so-called statesmen and national monetary managers, when they met at Bretton Woods in 1944, were thinking only of their own immediate problems, and had no understanding of what the consequences of their patched-up scheme would be in the long run.

The same kind of shortsightedness has been the common characteristic of nearly all the government interventions of the last thirty years. We may select our examples almost at random.

MINIMUM WAGE LAWS

Take minimum wage laws. A national minimum wage was first enacted in this country in 1938. At that time the average hourly wage in American manufacturing was about 63 cents. Congress set a legal minimum of 25 cents. In 1945, the year before FEE was set up, the average factory wage had risen to $1.02 an hour, and Congress raised the legal minimum to 40 cents.

It all seemed very reasonable, very compassionate, very necessary, to those who urged and those who voted for it. Could the country tolerate ruthless exploitation of unskilled workers with no bargaining power? Could it tolerate "starvation" wages? The obvious remedy seemed to be to prohibit such wages. Employers were forbidden to offer jobs at wages below the new legal minimum.

An ironic thing happened. As increased capital investment, increased productivity, and competition among employers (all with a little help from inflation) kept raising the average hourly dollar wage, and making each existing legal minimum wage level obsolete, Congress acted as if its prescribed minimums had brought this rise about. It kept amending the law every few years. It kept raising its minimum wage faster than the market was raising the average wage. It acted on the principle that whatever average wage the market produced, it would never be high enough. Congress had acted as if by constantly boosting the legal minimum it could hurry the market along. The minimum wage at $2.65 an hour in 1978 and $2.90 in 1979, is scheduled to keep going up to $3.35 an hour on January 1, 1981.

Is this helping the poor? Is it helping the unskilled worker? The results show that it is doing exactly the opposite. Minimum wage laws overlook the obvious. It should be obvious that the first thing that must happen when a law prescribes that no one shall be paid, say, less than $106 for a forty-hour week, is that no one who is not worth $106 a week to the employer will be employed at all.

And if statistics can show anything they show this. The minimum wage laws were passed to help especially the unskilled, the teenagers, and the blacks. We have no comparative figures on the unskilled as such, but we do have comparative figures on the teenagers and the blacks. There has always been a tendency for teenage unemployment to run at a somewhat higher rate than that of men and women twenty years old and over, but it took the minimum wage levels and their successive increases to make the contrast a startling one.

It is difficult to get comparative statistics going back beyond 1948. In that year the unemployment rate for both white and nonwhite teenagers stood at 10 percent. But as the minimum wage rate was jacked up year by year, not only did the overall teenage rate of unemployment keep rising, but it kept rising much more for black teenagers than for white. In 1954 unemployment for black teenagers stood at 14.9 percent against 13 percent for white. By 1968 the black teenager unemployment rate had risen to 26.6 percent against 11.6 percent for whites. In 1977 it rose to 37 percent for black teenagers against 15 percent for white. Between 1977 and 1978 unemployment for 16- to 17-year-old blacks rose from 38.7 percent to 50.4 percent.

So the minimum wage law and its successive hikes has simply driven into unemployment the very people it was most designed to help. The potential production of these people has been lost to the economy.

And what is the response to this consequence by the Congressmen who voted for the law and for the annual increases? They have simply ignored it. They would consider it political suicide, in fact, to oppose the minimum wage law.

UNEMPLOYMENT INSURANCE

A similar history can be traced for unemployment insurance. This was one of the great New Deal "reforms" adopted in 1935. The argument for it was appealing. Workers suffered terrific hardships when they were laid off. Even when they were working, they lived in dread of sudden unemployment. Certainly they should be assured of unemployment compensation when they were forced to look for new jobs.

The first State-Federal unemployment insurance programs, beginning about 1940, were surrounded with safeguards. Unemployment compensation was to be about one-half of the worker's previous earnings, but it was to run typically for only sixteen weeks, and there was to be at least a two-week waiting period for the worker, after losing his job, before he would be eligible for that compensation. But gradually, all these safeguards were weakened or removed. The typical waiting period was reduced from two weeks to one, and in some States to none at all. The period for paying the compensation was extended from sixteen weeks to twenty, then to twenty-six weeks, then to thirty-nine (in an emergency, of course), then in some States to sixty-five weeks. In 1969 President Nixon called upon the States to provide for maximum weekly benefits of two-thirds of the previous average weekly wages instead of one-half.

The result of prolonging and increasing unemployment compensation, naturally, has been to prolong and increase unemployment. It was found a year or so ago by a committee of the State Senate of New York that a number of New Yorkers repeatedly worked the minimum twenty weeks required and then collected sixty-five weeks of unemployment benefits. Though unemployment compensation may be only one-half of previous working salary, the unemployment compensation is tax-free, so the net loss from not working is sometimes quite tolerable. In a typical case in Pennsylvania, for example, a man whose previous weekly take-home pay was $140 can draw $96 a week in tax-free compensation. A study made by the U.S. Department of Labor itself found that "an increase in unemployment benefits leads to an increase in the duration of unemployment." This country can have as much unemployment as it wants to pay for.

RENT CONTROL

Still another example of our shortsighted legislation is rent control. This is usually imposed in the early stages of an inflation. As the inflation goes on, the discrepancy between the rent the landlord is allowed to charge, and the rent necessary to yield him a return comparable with that in other investments, becomes greater and greater. The landlord soon has neither the incentive to make repairs and improvements, nor the funds to make them.

When the rent control is first imposed, the government promises that new buildings will be exempt from it; but this assurance is soon repudiated by a new law. It becomes unprofitable to build new rental housing. New mortgage money for it becomes increasingly difficult to obtain. Landlords of old housing often can no longer supply even heat and other essential services. Some cannot even pay their taxes; their property has in effect been expropriated; they abandon it and disappear. Old rental housing is destroyed quicker than new housing is built.

Some favored tenants, already in possession, are momentary beneficiaries, but tenants or would-be tenants as a whole, in whose interest the legislation has been professedly passed, become the final victims. The irony is that the longer rent control is continued, and the more unrealistic the fixed rents become as compared with those that would yield an adequate return, the more certain the politicians are that any attempt to repeal the rent control would be "politically suicidal."

THE ENERGY CRISIS

The limits of space compel me to pass over any analysis of a score of other government interventions in recent years in the economic field, and to come immediately to the two or three that mainly characterize the economic situation today, not only in our own country, but throughout the world.

In 1974 the Organization of Petroleum Exporting Countries—the OPEC—quadrupled crude oil prices. It is instructive to notice that this was done by a combination of governments. They did what private industry is always accused of doing—forming a monopolistic conspiracy—but what the hundreds of private oil well owners and companies would never have been able to impose and enforce no matter how much most of them might have wanted to do so.

This OPEC action produced a profound economic shock throughout the world. And what was the response of our own government? Did it retain or insist on a free market to give the greatest possible incentive to petroleum production and exploration on the one hand and economy in consumption on the other? No. It did the exact opposite. It imposed an elaborate and incredibly complicated set of price controls on domestic crude oil and on natural gas, to encourage continued wasteful consumption and to reduce the incentives to output and exploration. It preferred to protect the short-term interest of American consumers at the cost of their real long-term interest, and at the cost of both the short-term and long-term interest of American producers.

RAMPANT INFLATION

Now let us turn to the government policies that most obviously affect us in all our daily activities—government finances and monetary inflation. Throughout our history as a nation, when we were on the gold standard, federal government surpluses were the rule. Deficits—except in the two world wars—were rare and comparatively small. But in 1931, we began to run chronic deficits—in the first few years by accident, and then by deliberate policy. In the last ten years or so, these deficits have been acceleratively larger. These deficits—again since the early 1930s—have been accompanied by mounting monetary inflation. The dollar's purchasing power has been reduced, for example, to about 22 cents compared with that of 1940.

To bring this inflation to an end, what policy must we follow in the immediate future? Obviously what needs to be done is to bring the budget back to balance at the earliest possible moment. Obviously what needs to be done is to halt the accelerative increase in money and credit, to stop printing more paper dollars. But the situation is now so bad that practically no politician dares to suggest this course.

About half of our Federal expenditure programs consist in the transfer of income from the wealthy or the middle-classes to the so-called needy. In other words, they force the productive to support the unproductive. In the official budget these programs are not gathered under a single head. But there is a table, on page 191 of the official budget for fiscal 1979, called "National Need: Providing Income Security," which estimates the total of such expenditures for fiscal 1979 at $160 billion. Who is there—among our office holders—who is going to suggest cutting these expenditures? And by how much?' And who is there who is going to suggest halting the reckless expansion of our money supply and risking a recession? The situation is so bad that no politician dares to suggest where to begin in correcting it. Once more, that is considered the path of political suicide.

THE DILEMMA

This is the ominous dilemma that confronts us. Some of my readers must have recognized that the title of this article is taken from the title of a poem—"The Road Not Taken"—by Robert Frost. The last stanza of that poem reads:

> I shall be telling this with a sigh
> Somewhere ages and ages hence:
> Two roads diverged in a wood, and I—
> I took the one less traveled by,
> And that has made all the difference.

Perhaps most of us have had a similar experience, either figuratively or literally. You may have driven on a throughway, for example, toward a destination to which you had never driven before, and may have been told, or may have figured out from a map, that you should get off, say, at Exit 23. And then suddenly and too late, you realize that you have driven past Exit 23. You can't turn back. You must look for the next exit, which may be miles ahead, and hope you will know what to do when you get there. You realize that you are going to be late, so you start almost unconsciously to speed up, but are aware that you are only going faster in the wrong direction.

We have reached such a dilemma in our political and economic life. We have taken the wrong road, and we have been on it so long that getting back on the right one seems almost hopeless. The longer we stay on the wrong political road, the more difficult it is to correct the error.

If—to take one example out of a hundred—rent control has been imposed for only a short time, so that the average of controlled rents is still about 90 percent of what free market rents would be, it is no great political problem to remove the controls. But if, as has sometimes happened, rent controls have been imposed so long in a severe inflation that the controlled rents averaged only 10 percent of free market rates, then any attempt to remove the controls might bring on riots. This has happened frequently in recent years in countries in which, for example, the government has been subsidizing food prices and can no longer afford it.

The wrong road has been the road of government economic intervention. The right road would have been to permit and encourage free markets. There are, it is true, a number of politicians today who praise the free market in speeches, but there are very few people, even among economists, who understand why the free market solves so many intractable problems and performs so many near miracles.

The market does this because it reflects and responds to everybody's demand and to everybody's supply, and it reflects to some extent everybody's expectations regarding the future. This means that it makes the maximum use of everybody's knowledge, and not merely the knowledge of a handful of officials. It reflects this knowledge by constant daily changes in prices of individual commodities and services. These price changes are daily directing production out of this commodity and into that, reducing surpluses and relieving shortages.

The market does not fulfill this function perfectly, because everyone's knowledge is limited and subject to error; and these errors do not necessarily cancel each other. But the market is constantly and quickly correcting these errors. It works incomparably better in maximizing and properly directing incentives than any other imaginable system. Only when this truth is sufficiently recognized by the public will the free market be restored.●

GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. NATCHER. Mr. Speaker, the week of March 11 through March 17, 1979, commemorates the 67th anniversary of the Girl Scouts of America, and it is with great pleasure that I take this opportunity to salute this outstanding and commendable organization.

When Girl Scouting came to America 67 years ago, certainly an unprecedented long-range plan for the American girl was inaugurated and all down through the years we have witnessed the splendid contributions brought about by the emphasis of the organization on family, civic and worldwide responsibility, and the encouragement of understanding and friendship among youth of all nations, as evidenced by the young girls and adult leaders who are truly committed to this program.

Scouting is many faceted—a movement with multipurpose. What an impressive picture the Girl Scouts organization manifest through worthwhile activities such as caring for individuals with special needs; assistance to those who are physically and mentally handicapped and providing a wide variety of services to the elderly who in turn use their skills to enrich the lives of the Girl Scouts.

Girl Scout community service projects are often undertaken without benefit of grants and the small projects carried out by the Scouts in their own local communities seldom make national headlines. But these projects that fill a specific need in one particular area are the very foundation of the Girl Scout tradition of service, and it is these services which are making a significant contribution to the future of our country.

Scouting's program is specifically designed to encourage the girls' self-development, their self-reliance and self-esteem. While the various projects of the Girl Scouts seem to be ever-changing, the beliefs and principles remain true to the original purpose of Girl Scouting: to inspire girls with the highest ideals of character, conduct, patriotism, and service so that they may become happy and resourceful citizens. Indeed, in my opinion, Girl Scouting clearly exemplifies that organized youth, through involvement with the handicapped, the aged, the ill and hospitalized, and the economically deprived, proves beyond a doubt the truth of one of the most important doctrines of the Girl Scouts; namely, that its what you do that counts, and that the truly worthwhile deeds are those that make life better for everyone.

Mr. Speaker, in my home State of Kentucky, the Girl Scouts of the Kentuckiana Council continue to be one of the fastest growing Girl Scout councils in the United States. This is very significant when you consider the fact that the Kentuckiana Council membership exceeds 20.000 and serves 1 out of every 10 girls.

In October 1978, Kentuckiana Girl Scouts sponsored its successful Festival of the Arts in Louisville, Ky., where over 29 local arts agencies provided special programs for Girl Scouts. The Kentuckiana Council's goals for this year focus on providing services to adult volunteers that make being a volunteer both rewarding and fun, together with emphasis on career exploration programs at all age levels.

During 1978, the Girl Scouts of the United States of America prepared for the organization's 41st national council meeting. Working with the theme, "Challenge and Choice," a highlight of the convention was the introduction of a new Girl Scout emblem—a dramatic redesign of the familiar Girl Scout trefoil, to feature a stylized silhouette of girls' faces in profile—to launch a new 3-year Girl Scout identity program. The new identity program will be a unified campaign to tell the nationwide coordinated story of just who the Girl Scouts are and what they really do, to the widest possible public—not to "change" the image of Girl Scouting, but to give high visibility to its true contemporary face in all its fresh and varied facets. A nationwide campaign was also launched at the convention, promoting and supporting the aims and ideals of the "International Year of the Child."

Mr. Speaker, certainly this is the time for us to turn our attention to the more than 3 million Girl Scouts who possess an important voice among America's youth and are striving to make each tomorrow a better day, because of their sincere concern for their fellow man and their country. I am particularly proud of the Girl Scouts of the Second District of Kentucky for their many contributions and I look forward with them and all of the Girl Scouts of the U.S.A. to another fine year.

On this, the 67th anniversary of the Girl Scouts, I offer my very best wishes for continued growth in every way, together with my sincere congratulations and pledge of continued support.●

DEPARTMENT OF EDUCATION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. PERKINS. Mr. Speaker, one of the most important pieces of legislation which the 96th Congress will be considering is a bill to create a Cabinet-level Department of Education.

I am proud to be one of the 72 original cosponsors of H.R. 2444, which was introduced by the distinguished chairman of the Committee on Government Operations, Mr. Brooks. The Senate version of the bill to establish the Department of Education, S. 210, was introduced by my good friend, Abe Ribicoff, chairman of the Senate Committee on Governmental Affairs.

Earlier this year, Senator Ribicoff spoke before the National School Boards Association's Presidents' Leadership Conference meeting in Washington. This conference brought together school board leaders from the national association and its 50-State organizations. In his remarks to school board members, Senator Ribicoff eloquently affirmed that creation of the new department will not erode, but will strengthen local and State control of education.

Because many of my colleagues have an interest in the new Department's effect on local control, I include these remarks in the Record at this time:

The Department of Education: Insuring State-Local Control

It is important to talk about the Department of Education today. You are the people who must make the American educational system work.

Decentralized control is the hallmark of our educational system. It is what sets us apart from other countries. It is also the strength of our system. And you—the local school boards—are the very symbol of that decentralized control.

When you think about it, it's an ingenious idea: You are panels of citizens elected to set educational policy suited to the needs of each community and its children. Local lay control is vital to the American educational system.

No one in this country who loves and respects education wants to change our education system. Public elementary and secondary education must remain a state and local responsibility.

We all realize that there is a federal role to help education. Federal spending for elementary and secondary education approaches $11 billion annually. The federal role should be one of support and assistance to you who have the principal responsibility.

You are at the forefront of the challenges facing our educational system: declining enrollments, taxpayer resistance to increasing costs, a surplus of teachers, declining test scores, a frightening increase in violence and vandalism in the schools, and calls for drastic changes in curriculum.

You turn to the federal government for help but you find a maze of more than 300 different programs in 40 different agencies. Your employees answer the same questions over and over again for different offices. They spend hours putting together application packages for grants and approvals. And they spend time trying to make sense out of contradictory requirements.

There is no one in charge. No one official can account to you, to the States, or to the American people as to where the federal dollar goes.

The federal government is not now equipped to help you with the educational challenges you face today—much less those of the future.

Education is buried in our largest domestic department. The Department of HEW has a budget of $185 billion, and some 350 programs. But education is only a small portion of this—less than 10 percent of the Department's budget is spent on education. Education is squeezed between two giants—health and welfare—that take 95 percent of the Secretary's time.

In addition, the federal role in health and welfare is significantly different from the federal role in education. We do have national programs and responsibilities in health and welfare. Over the years the federal government has come to account for more of the spending in health and welfare. We have placed at the federal level much of the burden of assuring access to health care, of containing medical costs, of assuring adequate income. This inevitably leads to a federal or national perspective, to a "we're in charge" kind of attitude.

Education is different. It is and must remain primarily a state and local function. Ninety-two percent of the funds spent on education in this country come from state, local, and private sources. States and localities spend nearly 40 percent of their budgets on education. Clearly, the relationship between levels of government in education is different than in health or welfare.

The structure of spending and control is not the only difference between education and health and welfare. Health and welfare present the Secretary of HEW with large and often dramatic crises. Education presents a different kind of challenge. All too often its problems are set aside for another day.

Organization is both symbol and reality. Symbolically the current scattering of education programs throughout the government says that we think education is always secondary to some other goal. In reality it means there is no one with any clout to guide coordination and consistency.

How then can the federal government fulfill its appropriate role in education?

As we look to the future we know that the demands on our education system will grow. The American belief in the role of education and in its contribution to this nation is strong. We know that education needs a full-time spokesman at the highest level of government. We need someone whose statements would command our attention; someone who could call national attention to educational needs and problems.

We need a strong, highly visible person with direct access to the White House. Your concerns should not have to compete with those of health and welfare when the Secretary decides on his priorities. Your concerns should not always be the ones which get left out when he talks to the President.

A Secretary of Education can fight for coordination where a lower official can only argue. A Secretary of Education can be held accountable for the Federal contribution to American education where now dozens of officials are only occasionally responsible.

A Secretary of Education could look ahead with you to coming needs and problems. A Secretary of Education can stop the erosion of local control where currently unreasonable and burdensome federal regulations threaten to destroy delicate intergovernmental relationships.

We in Congress who support the creation of a Department of Education believe that federal interference with state, local and private educational institutions can only increase if the current structure remains. An independent Department of Education can be more attuned to state and local concerns—and to the burdens placed on state and local agencies. Without the smothering influence of massive health and welfare programs the appropriate federal-state-local relationship can be maintained.

The creation of a Department of Education will provide a focal point for federal education activities. You will know where to turn to influence federal policy and federal regulations.

Today we have two "top" education officials—an Assistant Secretary and a Commissioner. Their authority is divided. Both are submerged in the Department of HEW. It is hard to get competent men or women to take or to stay in these jobs. The job of Commissioner of Education is so frustrating that it has changed hands 13 times in the last 12 years! And, in fact, having two top officials is often the same as having none.

Creation of a Department of Education will provide one top-level spokesman.

The Department of Education will provide a manageable and sound organization base for federal education programs. It will NOT be a national ministry of education. Neither Congress nor the American people would stand for that.

The way we structure the Department can protect the prerogatives of state and local governments in education.

In both the House and the Senate the Department of Education bills include provisions to preserve the decentralized control of education. The legislation makes explicit our commitment to state, local, and private control of education.

The bill specifically establishes an intergovernmental Advisory Council on Education within the Department. This Council will be largely made up of state and local officials and educators. It will review rules and regulations of the Department of Education to check their impact on state and local governments.

We are also recommending that the new Department contain a high-level Office of Citizen, Parent, and Student Concerns to assure public access to and participation in the workings of the Department.

Last year we accomplished a great deal. The Governmental Affairs Committee held days of hearings. The Senate passed a bill. Unfortunately, the legislation just missed reaching the House floor at the end-of-session jam.

This year we will build on the work of the last Congress. We in the Governmental Affairs Committee will start early. We expect to have a bill to the full Senate this spring.

I will be working closely with other members of the Governmental Affairs Committee to make sure that the intent of Congress is clear: that the Department of Education should reinforce not substitute for state, local, and private control of education.

We will continue to draw on outside experts for assistance. Our efforts to insure that the Department of Education supplements rather than supplants your work have been aided by the support and assistance of a large number of state and local organizations.

National PTA;

Education Commission of the States;

National Governors Association;

American Association of School Administrators;

Council of Chief State School Officers; and

National Association of State Boards of Education and, very importantly, your own Association.

I especially thank three members of the staff of the National School Boards Association—Gus Steinhilber, Marsh Wice, and Mike Resnick—for their help in the drafting of this legislation. We invite your continued help and advice.

The need for a separate Department of Education has been amply demonstrated. The Department can make the federal government your ally. With your continued help and support we can create a partnership to further a strong future for education in the United States. After all, organization is policy. To make education policy a creative reality—a Department of Education is a necessity.●

SAN GABRIEL COUNCIL BOY SCOUTS OF AMERICA CELEBRATE 60TH ANNIVERSARY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ROUSSELOT. Mr. Speaker, there is still a need for an organization for youth founded on patriotic principles, character development, citizenship training, and mental and physical fitness. Thursday, March 8, 1979, just such an organization will be celebrating its 60th anniversary, the San Gabriel Council, Boy Scouts of America.

Scouting has a purpose: helping boys to become men; training them for citizenship. The program has had the greatest impact of any program in strengthening and preserving our cherished way of life. Compare scouting in the 26th Congressional District to one of the alternatives—it costs $52 to apprehend and process a juvenile in the court system it cost $30 per day to keep a boy in juvenile hall but, it costs only about 8 cents per day to bring the scouting program to a boy in the San Gabriel Valley.

Let me trace for you the history of the Boy Scouts in the 26th District of California:

BOY SCOUT HISTORY, SAN GABRIEL VALLEY COUNCIL

A Charter for the Pasadena Council of the Boy Scouts of America was granted by the National Headquarters on April 1, 1919, with jurisdiction over Pasadena, Altadena and Lamanda Park.

The Council brought together nine existing Scout troops with a boy membership of 210. Prior to the organization of the Pasadena Council the troops operated in independent units dealing directly with the National Headquarters in New York City. The nearby Los Angeles Council (established in 1910) was a source for forms, badges and related material.

Tallman Trask, a field executive of the Los Angeles Council, was selected to become the first Scout Executive, effective with the granting of the Charter. Headquarters were established, with Mr. Trask and a secretary, in the office of the Pasadena City Light and Water Department on Fair Oaks Avenue.

By 1922 the original territorial jurisdiction had been expanded to include Alhambra, Monterey Park, San Gabriel, San Marino, Sierra Madre, South Pasadena and portions of the present Rosemead area. During 1922 there were further additions with the inclusion of Arcadia, Azusa, Baldwin Park, Bassett, Covina, Duarte, El Monte, Glendora, Monrovia and Puente. By assignment from the regional organization, Avalon, Catalina Island was added in 1925. South Pasadena withdrew in 1927 and ultimately became part of the Los Angeles Council.

Stuart D. French served as Council President through 1925. Joseph P. Howe was selected as the second Council President and served until 1940. These two men guided the Council for the first 25 years of its existence. Subsequent presidents have generally held office for one or two years. Edward Butterfield is now serving his second term as President of the San Gabriel Valley Council.

Tallman Trask served as Scout Executive until his retirement in 1952. Lee E. Harbottle, Scout Executive from Toledo, Ohio, was selected to become the second Executive and served until his retirement in 1968.

P. William Davis became the third Scout Executive from his assignment as Deputy Regional Executive of Region XII. His death on August 29, 1972 began again the search for council leadership.

Francis J. Orlaski, assumed his duties on November 23, 1972. His previous assignment was as a Deputy Scout Executive in the Golden Empire Council in Sacramento, California.

From 10 units with 210 boys in 1919 the Council has grown to 600 units with over 16,000 boys. Total adults involved in 1919 were 64, while today there are over 5,500 adults active in the Boy Scout program in the San Gabriel Valley. The council started with a staff of two and now numbers 30.

For twenty years the Council Scouting Center was located in eight different donated or rented quarters. Finally, in 1948, Council-owned premises were occupied at the corner of Union and Mentor Streets in Pasadena. Almost immediately plans were started to secure better located and more usable modern Scouting Center facilities. This culminated in the dedication of the present Center in 1956 at 540 North Rosemead Boulevard, Pasadena.

Camping is synonymous with Scouting. Camp Huntington in Eaton Canyon, on land owned by the Pacific Electric Railway, served as both a week-end campsite and training camp through the 1950's. The nature of the surrounding property changed over the years from a primitive area to a residential area and it was finally necessary to close the camp. Even prior to the opening of Camp Huntington, negotiations were begun with the Santa Catalina Island Company for the transfer of camping rights on Catalina. The SCI Company, owned by the William Wrigley interests, granted rights to Howlands Landing as a permanent camp facility. The camp remained at the Landing until 1923 when it was moved to Cherry Cove.

An entire new camp was erected and named Cherry Valley. The camp has been under the control of the San Gabriel Valley Council since 1923 with the exception of the war years when the Federal Government took over for the duration of the war.

The Council has had other camping facilities over the years at Camp Blue Ridge, Camp San Antonio, Holt Scout Ranch and Sky Valley.

The 160 acre Trask Scout Reservation in Saw Pit Canyon, Monrovia, was acquired on February 9, 1966. Its development, and location makes it an excellent facility for week-end and day camping.

This week we celebrate the 60th Anniversary of the San Gabriel Valley Council of the Boy Scouts of America. During the dinner on March 8 the Scouting leaders who have helped to make this organization a success will be honored for their work. At the dinner, the Silver Beaver award, the council's highest honor, will be presented to 12 San Gabriel Valley volunteer Scout leaders: Dorcas L. Aunger, Council Committee; John Bechtel, Assistant District Commissioner, High Chaparral District; Ansel O. Berglund, District Chairman, Rose Bowl District; Alan W. Fitzgerald, High Chaparral District; Douglas Fratt, Council Board of Directors; John Hull, Jr., Assistant Council Commissioner; Kenneth E. King, District Committee, Los Amigos District; John Koenig, Conquistadores District; Waldo Shannon, Rose Bowl District; George M. Turner, Council Board of Directors; Norman Waldschmidt, Scoutmaster Troop 140, Lucky Baldwin District; Teddy M. Waters, Council Board of Directors.

Dan Renner, chairman of the 60th Annual Recognition District, is to be congratulated for his efforts in seeing that those who excel are publicly honored for their efforts in the San Gabriel Valley Council.

Because I am extremely proud of the record of the San Gabriel Council, Boy Scouts of America, I asked my colleagues to join me today in honoring the many devoted volunteers and the members of the professional staff who have worked to make this 60th Anniversary possible.●

PEACEKEEPING IN THE MIDDLE EAST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a review prepared by the United States Sinai Support Mission (SSM) on the applicability of the Sinai Field Mission-type electronic and early warning peacekeeping operation in other border areas in the Middle East. The Subcommittee on Europe and the Middle East, in its report on the foreign assistance legislation for fiscal year 1979, recommended that such a review be prepared. This study was contained in the sixth report to Congress required pursuant to section 4 of Public Law 94–110 and submitted every 6 months.

This review concludes that, with necessary modifications and with the support of parties involved, the basic approach to early warning activities performed by the Sinai Field Mission (SSM) could be applied elsewhere in the Middle East. It is possible that, as the various states in the Middle East hopefully move toward a comprehensive settlement of the Middle East conflict, the concept embodied by the SSM can be viewed as useful and productive.

This review on the applicability of the Sinai experience to other areas in the Middle East follows:

APPLICABILITY OF THE SINAI EXPERIENCE TO OTHER FRONTS

Following the testimony in March 1978 of SSM Director C. William Kontos before the Subcommittee on Europe and the Middle East of the Committee on International Relations, House of Representatives, the Subcommittee recommended "that a review be made of the applicability, with whatever modifications may be necessary, of the Sinai Field Mission concept and operations in other border and buffer areas in the Middle East and that this review be included in the next SSM report to the Congress."

The Subcommittee's recommendation proved to be very timely. On May 24, 1978 Vice President Mondale, in an address before the Special Session on Disarmament of the United Nations General Assembly, offered U.S. assistance to other countries interested in applying the technology of the Sinai to other peacekeeping situations. In his "eyes and ears of peace" proposal, the Vice President noted that:

"Our experience in the Middle East has demonstrated that technical assistance with monitoring systems such as aerial photography and ground detection devices can help create the confidence necessary to make disengagement and stabilizing agreements work."

More recently, the accords reached at Camp David suggest that early warning stations may be useful to ensure compliance with the terms of future Middle East peace agreements.

The U.S. early warning system in the Sinai functions as an integral part of the early warning and disengagement arrangements spelled out in the 1975 Basic Agreement between Egypt and Israel. It is a tactical supplement to the strategic surveillance facilities allowed the two parties. As a neutral third party, it is also charged with verifying compliance with certain aspects of the Agreement. The complex of early warning arrangements in the Sinai, including aerial surveillance, are a part of the broad disengagement arrangements under an overall U.N. aegis.

The U.S. Sinai Field Mission consists of a network of unattended ground sensors deployed in a manner to detect any unauthorized movement into or within the early warning area. When an intruder triggers one or more of the sensors, an alarm is transmitted instantly to a watch station where observer personnel on duty seek to identify the intruder visually. The capacity of these observers to identify intruders is enhanced by equipping the watch stations with high power binoculars, night observation devices, and, in one instance, a remotely-controlled, day and night television camera.

If it is determined that an unauthorized intrusion has occurred, the two Parties and the U.N. are notified immediately. If the identity of the intruder cannot be determined quickly, or if some interdictory action appears indicated, the SFM calls upon UNEF for appropriate action.

Drawing upon experiences acquired during more than two and one-half years in the Sinai, SSM believes that the basic operational concepts employed there can be applied to any other border or buffer area in the Middle East provided the Parties directly concerned want and are willing to support them. An early warning/alert system can be designed to monitor a border or disengagement line, possible invasion routes, or even a predetermined sizable area, using a combination of unattended ground sensors, advanced observation devices and observer personnel. Such a surveillance system could detect any hostile movement of ground forces or clandestine infiltration by terrorist groups and provide sufficient alert to allow an interdiction force to react.

In considering the possible installation of such an early warning/alert system, it is important to note that, in addition to the limited kinds of sensors and observation devices currently used in the Sinai, there are many other surveillance devices which are based on the scientific principles of seismic, acoustic, infrared, magnetic, electric, pressure and electro-magnetic phenomena. The choice of equipment for deployment in any given situation would depend upon the particular geographic, climatic and demographic conditions. The specific selection from among the wide range of sensor and other surveillance equipment that has been developed in the U. S. should be determined after an on-site inspection by technical personnel experienced in the use of these devices.

Surveillance devices essentially sharpen and extend in range the eyes and ears of an observer. Therefore, the combination of equipment and human observers provides a more effective and efficient utilization of resources than do the individual components taken alone. By equipping observer stations with high quality surveillance devices such as image intensifying night observation devices, terrestrial telescopes, thermal imaging devices and ground surveillance radar, the effectiveness of observer personnel can be greatly enhanced. In addition, the remote imaging surveillance system developed for use in the Sinai shows great promise of extending substantially the range of an observer's ability to identify an intruder or other hostile event, even under adverse weather conditions.

It is not difficult to envisage how these general operational surveillance concepts could be applied to ceasefire and armistice lines in the region of the Arab-Israeli conflict. For example, along the Jordan River Valley, a demilitarized zone, monitored by a network of ground sensors, watch stations, remotely-controlled imaging equipment, and river or border crossing checkpoints could effectively detect and provide adequate alert of any attempted clandestine movement by terrorist bands or unauthorized individuals. Such a system, supplemented by strategic surveillance sites and long-range detection mechanisms, could also provide rapid warning of any hostile ground movement beyond any predetermined limits.

U.N. personnel assigned to the Disengagement Observer Force (UNDOF) on the Golan Heights are considering improving their surveillance capability by acquiring better day and night observation equipment, as well as by deploying unattended ground sensor fields at critical points between existing outposts. The overall effectiveness of UNDOF to monitor the disengagement arrangements would thus be strengthened considerably.

The Norwegian Defense Research Agency is conducting a field study to determine the possible use of sensor technology in southern Lebanon to augment the ability of the U.N. Interim Force in Lebanon (UNIFIL) to stabilize that troubled area. Improved observation and detection capabilities, through the introduction of modern technology, would greatly facilitate UNIFIL's tasks.

The application of concepts now utilized at the SFM could, under the right circumstances, make a valuable and cost effective contribution to easing tensions and improving the climate for political negotiation in the Middle East. Such arrangements are not, however, a substitute either for diplomacy or for peace treaties or other agreements. They are cost effective, particularly when it appears they may be required to remain in place for a number of years. The technology employed is not prohibitively expensive, and it can replace substantial numbers of international peacekeeping forces that would be required to perform the same tasks without modern technology. Thus, whenever the contending parties believe early warning and surveillance can contribute to peacekeeping efforts and they are prepared to support such an undertaking, the concept merits careful consideration. Much of the surveillance equipment in question employs fairly advanced technology. Thus, qualified personnel will be needed initially to survey and determine the exact mix of equipment required for a particular environment, to train operators and to maintain the equipment.●

COMMUNICATING WITH THE ICC

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. HEFNER. Mr. Speaker, on January 26, I received, as did other Members of the House, a letter and 5-page memorandum from the Chairman of the Interstate Commerce Commission, A. Daniel O'Neal. The point of the letter, simply stated, was to instruct me on the do's and don'ts of communicating with the ICC.

Chairman O'Neal carefully cited the applicable sections of both the Commission's Rules of Practice and the Administrative Procedure Act governing ex parte communications. In addition, he reminded us of similar communication restraints imposed by the courts. I will enter a copy of Chairman O'Neal's letter and memorandum at the conclusion of my remarks.

I appreciate a chairman, commissioner, administrator, or any member of any Government agency advising me as to what constitutes a proper or improper communication. Chairman O'Neal is, of course, absolutely correct that ex parte communications from Members of Congress on any formal rulemaking or adjudicatory proceeding before his commission are prohibited. But we know this. After all, we, the Congress, put this into the Administrative Procedure Act in 1976 for good reasons. The point of prohibiting ex parte communications is to insure that the formal decisions of our agencies which are required to be made on a public record with the opportunity for all parties to participate are not unfairly influenced by private, off-the-record communications from those with personal or pecuniary interests in the outcome. I have no quarrel with this law or with the ICC Rules of Procedure on this point.

But the tone and the timing of Chairman O'Neal's letter have disturbed me. When I first read the letter, I had to wonder what I had done wrong. I felt as if I were accused of something. I went back to my files for the past 2 years just to see if I had made any improper ex parte communications to the Commission. I am satisfied that I had not. I must interpret his letter as being one of warning, then—warning me not to communicate with the ICC lest I fall afoul of the law.

But I have, over the last 2 years, and even more so recently, been communicating with the ICC. A number of issues of concern to my constituents have been under discussion by the Commission of late—the Southern Motor Carriers Rate Conference case, the new protest standards in motor carrier application proceedings, the decision overturning a 40-year old ICC policy on private carriage, proposed new policies on motor carrier entry and acquisition proceedings, and more. I have received a great many letters and phone calls from officers and employees of motor carriers in my district concerning ICC policies.

Now, technically, I am not prohibited from inquiring on the status of a particular proceeding, nor am I prohibited from routinely referring communications from my constituents. But since nearly every action taken by the ICC—whether a specific rate-case or a general policy statement—is a formal on-the-record rulemaking or adjudicatory proceeding, and covered by the prohibition against ex parte communications, it appears that I must be very careful to keep my own thoughts to myself.

I cannot help but feel that Chairman O'Neal's warning, coming as it did at a time when the Commission is making major policy changes affecting the structure of the regulated motor carrier industry, was calculated to have a chilling effect on public debate of these questions. And if the channels of communication are so cluttered with procedural barriers for Members of Congress, just imagine the frustrations felt by our constituents who dare to walk into this thicket of bureaucratic briars.

I want to work with the Interstate Commerce Commission on the issue of regulatory reform. I want to represent the interests of my constituents who are affected by these policies. And I want to represent the public interest as I see it to be. But it looks as if I have been invited to mind my own business.

Mr. Speaker, I believe this situation points out the need for congressional oversight and review of our regulatory agencies.

We have a legitimate interest in the areas touched by Government regulations. After all, in most cases, it is our constitutional legislative authority that is delegated to these agencies to act with. We in Congress are thus ultimately responsible for the actions of these agencies. This is why we need to participate at some point in the administrative procedures by which our laws are interpreted and enforced. The Administrative Rulemaking Reform Act, H.R. 1776, introduced by Congressman LEVITAS, is one way we can excercise our authority in this area. This bill, amending the Administrative Procedure Act, would give us the right and a procedure with which to excercise this right to review in advance and, if necessary, disapprove any rule or regulation issued by a Federal agency. From economic regulation of surface transportation to rules affecting health, safety, or the environment, I believe that Congress should have the opportunity to review major policy proposals and to decide whether the proposed changes are in the public interest as a matter of congressional policy. As a cosponsor of H.R. 1776, I believe its enactment will help deal with the problem illustrated by Chairman O'NEAL's letter.

The letter and memorandum follow:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C. January 24, 1979.

Hon. W. G. (BILL) HEFNER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HEFNER: As Chairman of the Interstate Commerce Commission, I believe it is very useful to have the views of Members of Congress about the many transportation issues that fall within the Commission's responsibility. There is, however, a rather fine line between views on general issues and comments which address the merits of a case pending before the Commission. An off-the-record contact about a particular proceeding, even if made by a Senator or Representative, may fall into the category of an ex parte communication, which is prohibited by law.

The attached memorandum explains the different types of proceedings before the Commission, discusses the differences between appropriate and inappropriate contacts, and outlines the procedures we suggest Members of Congress follow to make certain their views are considered by the Commission in reaching a decision. If you have any questions, please do not hesitate to call me or the Congressional Relations Office.

Sincerely yours,

A. DANIEL O'NEAL,
Chairman.

MEMORANDUM TO MEMBERS OF CONGRESS

TYPES OF PROCEEDINGS BEFORE THE ICC

Generally, there are two types of proceedings before the ICC:

1. Rulemaking.—A rulemaking proceeding is one initiated for the purpose of issuing statements, rules or regulations of general applicability. Formal rulemaking involves a hearing, an initial decision, and findings of fact and conclusions of law. (A formal rulemaking is used only rarely.) An informal rulemaking ordinarily involves only notice and an opportunity to comment in writing on proposed rules. An example is the proceeding to issue rules covering estimating practices in the household goods moving industry. These proceedings are designed to implement or interpret law or to formulate general policy.

2. Adjudicatory.—An adjudicatory proceeding is an on-the-record adversary proceeding. Some involve oral hearings. Others are conducted under the Commission's "modified procedure" through the submission of affidavits. Most proceedings at the ICC are adjudicatory. An adjudicatory proceeding is conducted to decide applications for licenses (certificates to operate in interstate commerce), applications for construction or abandonment of rail lines, applications to purchase ICC operating certificates, service extension applications, and control or pooling agreement applications. Examples of complaints are that the rates being charged by a carrier are too high or are unreasonable.

EX PARTE COMMUNICATIONS

Ex parte communications are letters to or contacts with agency decision-makers in an adjudicatory proceeding or formal rulemaking without the knowledge of the other party or parties to the proceeding. Prohibitions against ex parte communications have been adopted by both the Commission and the Congress to protect the decision-making process from undue outside influence.

The Commission's prohibitions against ex parte communications appear in its Rules of Practice in Appendix C at 49 CFR 1100. The prohibition passed by Congress appears at section 557(d) of the Administrative Procedure Act (APA), 5 U.S.C., section 557(d). Both enactments provide a description of the nature of the contacts between agency personnel and outsiders which are proscribed.

In addition, the courts have imposed similar constraints in informal rulemakings.

To conform with the law in this area, letters or contacts addressing the actual merits of a proceeding will be treated differently from letters or contacts inquiring about the status of a proceeding.

Members of Congress, however, have a real interest in the impact of the Commission's actions upon their constituents and upon the general public. It is expressly provided in section 551(14) of the APA that requests for status reports are not ex parte communications. Section 557(d)(2) goes further. It specifies that the bar against ex parte communications does not constitute authority to withhold information from Congress. Members of Congress are not prohibited, therefore, from making routine inquiries or referrals of constituent correspondence.

A Member of Congress could participate as a party to a Commission proceeding by entering an appearance or by filing written comments in accordance with the Commission's Rules of Practice.

Letters or contacts addressing the merits of a proceeding are proscribed, however, from the time an on-the-record proceeding is noticed for oral hearing, or the taking of evidence by modified procedure, or at such time as the person responsible for the communication has knowledge that the proceeding will be so noticed.

Late filings by Members will be accepted only if other parties to the proceeding have adequate time (in the judgment of ICC staff) to reply to their comments. Ex parte communications will not be shown to the Chairman, to other members of the Commission, or to lower level decision-makers. Communications received after the record is closed will be answered by the Congressional Relations Office, which will contact the Member's office to determine if the Member intends to file with the Commission a formal petition to intervene, have the letter placed in the correspondence file (which is not considered by the decision-makers), or have the letter returned. These precautions are necessary to prevent court challenges on procedural grounds.

Finally, the Rules of Practice preclude practitioners before the Commission from enlisting political influence in adjudicatory proceedings in which they are involved. Members of Congress should be aware of this prohibition and are requested to advise the Commission if they are contacted by representatives of parties to a pending proceeding in violation of this rule.

PARTICIPATION BY MEMBERS OF CONGRESS IN COMMISSION PROCEEDINGS

1. *Rulemakings.*—The procedures in rulemakings vary in formality depending on the potential impact of the subject matter. Rulemakings are subject to few inherent limitations as to who may participate in them. Persons who are not actually affected may express their views. The exception is where technical subject-matter is involved such as general rate levels. Any person may file a petition requesting the institution of a rulemaking proceeding. A Member of Congress may participate in the proceeding by presenting his or her views in accordance with the procedure designated by the Commission in the notice given of the rulemaking proceeding.

2. *Adjudicatory proceedings.*—Unlike most rulemaking proceedings, participation in an adjudicatory proceeding is subject to compliance with strict rules of procedure and time limits. These rules appear in the Commission's Rules of Practice, which are published in the Code of Federal Regulations at 49 CFR 1100. Some special rules appear in other parts of Chapter X of Title 49 of the Code of Federal Regulations. It is important that Members of Congress comply with these rules in order to assure that their views are considered in an adjudicatory proceeding.

In any adjudicatory proceeding, documents must be served on all parties to the proceeding at the same time they are filed with the Commission and a notarized statement submitted to the Commission that all parties have been served. Private petitioners are expected to assume this responsibility themselves, but the Commission will serve all parties to a proceeding on behalf of Members of Congress who clearly indicate their intention of becoming a party of record. When the Commission is contacted, orally or in writing, by a Member of Congress about an ongoing proceeding, the Congressional Relations Office will contact the Member's office and ascertain the exact intention of the communication.

When a Member of Congress becomes a party to a Commission proceeding, that fact is a matter of public information. This point deserves to be underscored in case the Member has other constituents who may want him or her to participate in favor of the other side of the issue. Becoming a party of record means that the Member will receive copies of all the documents filed in the proceeding, and opposing counsel may want to challenge the Member's pleadings at oral hearing.

When a motor carrier application, for example, is filed with the Commission, it is published in the Federal Register. Generally, after Federal Register publication, there is a 30-day period for the filing of protests. Protestants must show that they have a personal interest in the outcome of the proceeding. Applications are then set for hearing by written verified statements or oral hearing. The number of protests and the complexity of the issues will determine the type of hearing. More complex cases with many protestants will be designated for oral hearing.

After the 30-day protest period, a person can become a party to the proceeding only by filing a petition to intervene (Rule 70 of the Commission's Rules of Practice). A petition under this rule should show the grounds for intervention and the position and interest of the petitioner. A petition to intervene should be filed prior to oral hearing or date the verified statements are due.

An adjudicatory proceeding is also conducted in certain proposed rate changes. When a carrier files a rate change the Commission may suspend the change and conduct an investigation. Rule 40 sets forth the procedure for filing a protest and requests for suspension of a proposed rate change. The protest must reach the ICC at least 12 days before the effective date of the rate.

An investigation into a rate suspension will be conducted either by oral hearing or modified procedure (written statements). A protestant is automatically a party to the investigation. A person who is not a party may make a special appearance at the hearing.

Rule 71 provides for participation by special appearance at a hearing without actual intervention. Under this rule, an appearance may be entered at hearing in an investigation (for example, an investigation into a proposed rate change), an abandonment, or a proceeding heard on consolidated record with a complaint proceeding. A special appearance can be entered if (a) there is no alternative relief sought; (b) there is full disclosure of the identity on whose behalf the appearance is sought; (c) the interest of the party is stated fairly; and (d) the contentions are reasonably pertinent and do not unduly broaden the issues.

Another type of adjudicatory proceeding is a complaint case. A common complaint is that the rates being charged by a carrier are too high, are unreasonable or that the applicable tariff is not being used. Again, the hearing may be by oral or modified procedure. To become a party, a petition to intervene must be filed before the end of the evidentiary period. These petitions are usually granted.●

A CONSTITUTIONAL CONVENTION TO CONSIDER A BALANCED BUDGET AMENDMENT: A REAL POSSIBILITY

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. COLEMAN. Mr. Speaker, I fear that because some Members refuse to seriously consider a balanced budget amendment they have also dismissed the actions of States to call a constitutional convention to write such an amendment. This is, I believe, a grave mistake.

Members are aware that the issue of a constitutionally mandated balanced budget amendment is a very complex one. It is made more so by the call for a constitutional convention to consider the matter. To help me and my colleagues better understand the constitutional convention question, I have asked Mr. David Huckabee of the Congressional Research Service to provide me with the most recent information available on this matter. Mr. Huckabee's analysis is most helpful and enlightening.

According to Mr. Huckabee, "at least 28 (29 if Nevada's vetoed resolution is included) States have passed resolutions applying to Congress for a constitutional convention to consider an amendment in this area." We may be, in fact, as few as 5 States away from the required 34 States required to call a constitutional convention.

Mr. Speaker, if we do not act in Congress on a constitutional amendment to balance the budget, it is probable that consideration will be taken from our hands. This could happen soon. Congress then, having abdicated its own responsibility in this matter, shall look on merely as an observer as others decide the destiny of the country.

CONSTITUTIONAL CONVENTION APPLICATIONS: ADDRESSING THE CONTROVERSY OF COUNTING STATE APPLICATIONS RELATING TO A DEFICIT SPENDING AMENDMENT

(By David C. Huckabee)

BACKGROUND AND SURVEY RESULTS

Article V of the United States Constitution requires that proposed amendments must be ratified either by the legislatures or special conventions of three-fourths of the States before they become part of the Constitution.

Two methods are provided by Article V for submitting proposed amendments to the States for their consideration. The first requires the approval of two-thirds of both Houses of Congress before submitting the proposal to the State legislatures or conventions. This is the method by which all the amendments now part of the Constitution originated. The second, which provides that "on the application of the legislatures of two-thirds of the several States [Congress] shall call a convention for proposing amendments," has never been successfully invoked.

The National Taxpayers Union, a Washington based lobby group, and California Governor Jerry Brown, are sponsoring a campaign which has sparked considerable interest in State legislatures in adopting memorials to Congress relating to a proposed amendment to limit the power of the Federal government to incur budget deficits. As of February 26, 1979, David Keating, a spokesman for the National Taxpayers Union, said that twenty-eight State legislatures had requested such a convention.

A recent study by the Council of State Governments shows that in 1976, State budget officers cited constitutional and statutory provisions indicating that forty States, the District of Columbia and Puerto Rico, had one or more constitutional restraints, and eight others had one or more statutory restraints limiting the power of their States to incur budget deficits. Set out in the table below are data summarizing these constitutional and statutory provisions.

TABLE 1.—*Limitations on State Deficits: Summary*[1][3]

	Number of States with deficit limitations which are		
	Prohibitive	Constraining only	Total
Constitutional[2]	34	6	40
Statutory only	6	2	8
None	--	--	--
Total	40	8	50

[1] Does not include Puerto Rico and the District of Columbia.

[2] Ten States cited both constitutional and statutory provisions.

[3] Limitations on State Deficits. The Council of State Governments. Lexington, Kentucky. 1976, p. 4. Updated September 15, 1978.

It is the usual practice for legislatures to address resolutions (memorials[2]) to the Speaker of the House, the Vice President (in his rôle as President of the Senate) or occasionally to the President Pro Tempore of the Senate, or the Clerk of the House and Secretary of the Senate. Some States send copies of the memorials to the chairmen of the House and Senate Judiciary Committees. In most cases, in addition to the officers or committee chairmen listed above, State legislatures also send copies of their memorials to the State's congressional delegation.

It is the practice of the House to print a short statement summarizing each memorial and petition in the Congressional Record listed under the headings "Memorials" and "Petitions."

Receipt of these communications is also noted in the official House Journal. The actual memorials are then forwarded to the committees having jurisdiction over the subject addressed by the communications. Memorials requesting a constitutional convention or constitutional amendments are referred to the Judiciary Committee.

In the Senate, the texts of petitions and memorials are printed in the Record under the heading "Petitions." The actual communications are referred to the committee of jurisdiction, again with constitutionally related memorials referred to the Judiciary Committee.

There are numerous impediments to accurately tracking memorials requesting a constitutional convention. Since some legislatures address the memorials to officers other than the Speaker and the Vice President (President of the Senate), a major problem results because the Congressional Record Index currently indexes the receipt of memorials under the headings "Speaker of the House" and "Vice President." If copies of the resolutions are not forwarded to these officers, receipt of the memorials is never officially noted in the Journals, or in the Record.

The requirement in the House and the procedure in the Senate that Committees forward their records to the National Archives at the end of each Congress also contributes to the problem of accurate record keeping. State legislative campaigns memorializing Congress for a convention relating to a specific subject often span many Congresses. Since individual memorials do not become significant in a constitutional sense until they are aggregated and approach the necessary two-thirds of the States, the early memorials of legislatures may be misplaced or buried among hundreds of other petitions and memorials in the committee's official records at the Archives.

Thus the only efficacious method of tracking these memorials over time is through the use of the Congressional Record Indexes. Experiences encountered in tracking the specific issue of State applications for a constitutional convention concerning a deficit spending amendment show that this method is not without its pitfalls.

Using the Congressional Record Indexes, copies of nineteen States' applications for a constitutional convention relating to a budget deficit amendment are found. Some States have submitted more than one memorial on the subject. The Senate Judiciary Committee has one memorial on file from a State that had not been noted in the Record. References to six State memorials merely requesting that Congress report such an amendment to the States for consideration were also found in this research.

In conducting this search it was also learned that the applications of two States which had been noted in the Record had been inadvertently sent to Congress, having passed only one House of the State legislature. These resolutions should not be counted even though notice of their receipt was printed in the Congressional Record.

One additional State legislature has passed a resolution, but it was vetoed by the governor. This resolution was not sent to the Congress.

On February 8, 1979, Senator Harry F. Byrd inserted into the Congressional Record (pp. 2108–2116) copies of twenty-two States' applications for a convention relating to this matter. Although many of these applications have already appeared in the Record, a number have not. On February 21, 1979, (pp. 2929–2931) Congressman Harold L. Volkmer inserted copies of eight States' applications which had previously not been noted in the House section of the Record.

These actions may not necessarily meet the Constitutional requirement that the States make "application" for a convention. In his remarks, Congressman Volkmer said

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[2] Petitions and Memorials—Article V refers to "applications" of State legislatures for a convention. The First Amendment, among other things, establishes the right of the people "to petition the government for a redress of grievances." Over the years, two terms describing communications to Congress have come into use. The term "memorial" encompasses all communications from State legislatures and generally refers to opposition from individual and organizations to particular legislation or governmental practices under the purview of Congress. "Petitions" express support from individuals or organizations for legislation not yet considered, or legislation pending. All requests of legislatures for a constitutional convention are classified as "memorials."

"It is not necessary that the resolutions be noted anywhere as there is no procedure to apply to the situation. The fact that resolution passed the State legislatures is enough."

Others have argued that in order to meet the constitutional requirement that the States must make application to Congress for a convention, merely passing a resolution is not enough. They believe that copies of the applications must be sent to Congress because it would be unreasonable to believe that the Congress must examine the session laws of the fifty States each year to identify the few applications for a convention pursuant to Article V.

Some may argue that Senator Byrd's and Congressman Volkmer's insertion of copies of the States' resolutions in the Record does not meet the requirement that the States make application for a convention, because the applications were not sent to Congress by the States. The resolutions placed in the Record by these Members were sent to the National Taxpayers Union and provided to Senator Byrd and Congressman Volkmer by that organization.

In a telephone survey of the Secretary of States of those States which had apparently passed resolutions which had not been received by the Congress which was conducted in May of 1978, it was learned that five States believed that copies of the resolution had been sent, and one State had not sent a copy to Congress. In no case was a State official able to say unequivocally that a resolution had been sent, only that if the resolution directed that a copy be sent, that one presumably would have been sent.

Since the completion of the survey, other States have passed resolutions which have not yet been received by Congress, and two of the States surveyed in 1978, have sent copies of their resolutions to the Congress.

Set out in Table 2 below are comparisons among the National Taxpayers Union and Senate Judiciary Committee lists, and the list of applications which have been noted in the House side of the Congressional Record requesting a convention.

Table 3 summarizes a telephone survey of State legislative reference agencies, legislative clerks, and Secretaries of State of the States which have passed such resolutions which were never officially noted by the Congress.

Table 4 lists those States which have memorialized Congress to request that a deficit spending amendment be submitted to the States for their consideration, but not asking that a constitutional convention be convened for that purpose.

Table 2.—*States Which Have Passed Resolutions Requesting a Constitutional Convention Relating to Deficit Spending*

National Taxpayers Union List

Alabama, Arizona, Arkansas[7], Colorado, Delaware, Florida, Georgia, Idaho[7], Iowa[7,3], Kansas, Louisiana, Maryland, Mississippi, Nebraska, New Mexico, Nevada[5], North Carolina[7], North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota[7], Tennessee, Texas, Utah[7], Virginia, and Wyoming.

Senate Judiciary Committee List

Alabama, Arizona, Arkansas[1], Colorado, Delaware, Florida[2], Georgia, Idaho[10], Iowa[2,9], Indiana[3], Kansas, Louisiana, Maryland, Mississippi[4], Nebraska, New Mexico[2], Nevada[2], North Carolina[7], North Dakota[2], Oklahoma, Oregon[2], Pennsylvania[2], South Carolina, South Dakota[10], Tennessee, Texas[6], Utah[2], Virginia, Wyoming.

Applications Appearing in the House Side of the Congressional Record

Alabama[8], Arizona, Arkansas[1], Colorado, Delaware, Florida, Georgia, Idaho, Iowa[2], [9], Indiana[3], Kansas, Louisiana, Maryland[8], Mississippi, Nebraska[2,4], New Mexico[10], Nevada[2], North Carolina[10], North Dakota[2], Oklahoma, Oregon[2], Pennsylvania[2], South Carolina, South Dakota[7], [10], Tennessee, Texas, Utah[2], Virginia, Wyoming.

[1] Arkansas' application was inadvertently sent to Congress because it had passed only one House of the Legislature. Thus, although notice of receipt has been printed in the Record, this application should not be counted for the purposes of calling a convention. A resolution calling for a convention passed in 1979, but it has not yet been received by Congress.

[2] These States have passed resolutions requesting a constitutional convention relating to deficit spending, but notice of receipt of these applications has not been printed in the Congressional Record.

[3] Indiana's 1976 application which was noted in the Record was inadvertently sent to Congress because it had only passed one House of the legislature, but a 1957 application is still pending. The National Taxpayers Union does not count Indiana.

[4] Nebraska's application was never noted in the Record, but the Senate Judiciary Committee has a copy of the application in the Committee's files.

[5] The National Taxpayers Union records Nevada as a State legislature which has requested a convention, although the governor vetoed the resolution. This application was never sent to Congress because of the veto.

[6] Texas's 1977 application was never noted in the Record. Notice of receipt of an application was noted by the House on Jan. 15, 1979, as well as a memorial reaffirming the legislature's earlier call for an amendment.

[7] Applications passed in 1979.

[8] Resolution noted in the Senate side of the Record, but not the House side.

[9] Iowa's application does not become effective until July 1, 1980, although it was passed in 1979.

[10] Resolution noted in the House side of the Record, but not the Senate side.

Table 3.—*Status of State Requests for a Constitutional Convention for an Amendment Relating to Deficit Spending*

Total

1. Constitutional Convention Applications Officially Noted in the *Congressional Record* or on File with the Senate Judiciary Committee_______ 22[1]

States:

Alabama[3], Arizona, Colorado, Delaware, Florida[4], Georgia, Indiana[2], Idaho[4], Kansas, Louisiana, Maryland[3], Mississippi, Nebraska[3], New Mexico[4], North Carolina[3], Oklahoma, South Carolina, South Dakota[4], Tennessee, Texas[4], Virginia, Wyoming.

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[1] Arkansas inadvertently sent to Congress an application which had only passed one House of the legislature. On January 17, 1979, the legislature passed such a resolution, but it has not yet been sent to Congress.

[2] Indiana's 1976 memorial which was noted in the *Record* was inadvertently sent for the same reason, but a 1957 memorial is still pending.

[3] The House does not have record of receipt of memorials from this State.

[4] The Senate does not have record of receipt of memorials from this State.

Table 3A.—*Summary of Telephone Survey of States Which Have Passed Constitutional Convention Applications Which Are Not Noted in the Congressional Record or on File With the Senate Judiciary Committee*

Applications passed by the States and presumably sent, 5 (according to a May 1978 telephone survey).

States:

New Mexico,[1] North Dakota, Oregon, Pennsylvania, Texas.[2]

Applications passed by States and presumably not sent, 1.

States: Florida.[3]

Applications passed by States in 1979 not yet received by Congress, 4.

Arkansas, Idaho, Iowa, South Dakota.

[1] An application from New Mexico was received on February 27, 1979, by the House.

[2] An application from Texas was received on January 15, 1979, as well as a memorial "reaffirming" the legislature's previous application.

[3] An application from the State of Florida was received by the House on February 22, 1979. A copy of the resolution has not been received by CRS to determine whether this is a new resolution or a copy of Florida's 1976 resolution which was not sent to Congress.

Table 4.—*States Requesting a Deficit Spending Amendment But Not Requesting a Constitutional Convention—5*[4]

States:

California, Illinois, Kentucky, Nevada,[5] New Hampshire.

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[4] Idaho and North Carolina previously passed resolutions asking for an amendment and not a convention. Applications for a convention were passed by these States in 1979.

[5] A resolution requesting a convention was passed by the Nevada legislature in 1977, but was vetoed by the Governor.

In summary, Table 2 shows that the Senate has records showing that seventeen States have memorialized Congress for a constitutional convention relating to deficit spending. The House records eighteen such applications. The National Taxpayers Union lists 28 States.

Thus, although at least twenty-eight (twenty-nine if Nevada's vetoed resolution is included) States have passed resolutions applying to Congress for a Constitutional convention to consider an amendment in this area, only a maximum of twenty-two applications have been officially noted by the Congress, if both Houses records are considered together.

David C. Huckabee.

February 28, 1979.●

TOLLESTON MIDDLE SCHOOL BAND

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BENJAMIN. Mr. Speaker, it is my privilege today to salute the outstanding accomplishments of the Tolleston Middle School Band of Gary, Ind., and its exceptional director, Willie Horne.

An evening of tribute is being held on Friday, March 9, in honor of this 280-member band—most often and appropriately referred to as the "award-winning Tolleston Band." However, the almost innumerable awards and achievements of this organization make even this illustrious title seem an understatement.

Besides an evening dedicated to a salute to this outstanding organization, the proceeds from the dinner Friday evening will help finance a trip to California's Disneyland on July 4 where the band will participate in a special Independence Day musical extravaganza.

Over the past 3 years, the Tolleston Middle School Band has been awarded first place in every competition in which it was entered—and these accomplishments do not broach the recognition achieved by the band as representatives and ambassadors of good will for their school and community.

The band's honors include first place awards in 1976, 1977, and 1978 in the annual marching band contest at Tennessee State University as well as top placement in local Independence Day parades in Whiting, Munster, and LaPorte.

In addition, the Tolleston marchers have represented their community in an exemplary manner in numerous noncompetitive events to include: The Bud Biliken parade in Chicago, the Gladiolas Festival parade in Momence, and the Senior Little League World Series in Gary. Their talents were also roundly received at the Black Expo parade in Indianapolis and the Urban League parade in Chicago.

While praises for the members of the Tolleston band cannot be too great, commendation is also appropriate for the hardworking parents of these students and, of course, their leader, Willie Horne.

A graduate of Roosevelt High School in Gary, Willie is a noted trumpeter in his own right. He manifested his talents with this instrument while earning his bachelor of arts degree at Lincoln University and later at the Vandercook School of Music in Chicago where he earned his master's in music education.

Willie also served as trumpeter with the Fifth Army Band—another musical outfit of distinction.

I invite my colleagues to join me today in a salute to the exemplary record of the Tolleston Middle School Band and its talented leader, Willie Horne. I also pay respectful tribute to the hard work and dedication of the Tolleston Band Parents Organization through whose efforts these students' musical abilities are allowed to flourish.

The band's record is only one facet of the exemplary achievements and high academic standards in one of the First District's finest educational facilities and where my brother, Samuel A. Benjamin, has the privilege to participate in the educational process of some of our finest young people.

Finally, I applaud the purpose of the tribute dinner on Friday night and look forward to watching as the Tolleston band brings a new round of prestige to the community by representing their school and the First District of Indiana in the festivities in California.●

UNMET NEED FOR CIVIL DEFENSE

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MITCHELL of New York. Mr. Speaker, one of the most pressing yet unmet needs facing the Nation is for a civil defense program which is responsive to existing threats and adequately prepares us for future challenges.

To respond to these threats and prepare for those challenges I reintroduced legislation on January 15 providing for a comprehensive, 7-year civil defense program. Its cost, $1.9 billion, represents but a fraction of our estimated total defense expenditures for the period covered—the increase in funding over our present program amounts to approximately one-tenth of 1 percent of our Department of Defense annual budget.

The program I am advancing is one that will give us, for the first time in this nuclear era, the protection we must be assured of as we face our ideological adversaries who lack our commitment for the pursuit of peace. Central to this proposal is the long-overdue attainment of adequacy for a range of programs which have as their principal objective the saving of lives.

Simply put, my goal is to guarantee the survival of a Nation, its people and a way of life sacred to us all.

We have no such guarantee today. It is time we did.

The 7-year plan would concentrate the use of the funds requested for:

Crisis evacuation;
Research and development;
Emergency operating centers;
Training and education; and
Management and coordination.

In each one of these critical areas our present civil defense program fails the test of adequacy.

My budget proposal, for the full 7-year plan and with a specific assignment of funds, is appended to these remarks.

This program was not developed by me; rather, it emerged over an extended period of time after protracted consultation with experts who have earned respect and a national reputation for their work in civil defense. It is a product of serious, well-intentioned people who share a concern about our present, have learned from lessons of the past, and are determined to prepare us to live in peace.

We are in trouble. The Soviets have an excellent civil defense system. We do not. Neither nation had an adequate program in the midsixties. But for more than a decade the Soviets have been spending over $1 billion a year on civil defense. We have averaged less than $100 million. They have a three-track program: Individual protection, community shelters and population evacuation. We have only one: community shelters; and it is in disarray in spite of the dedicated and dogged efforts of many professional and amateur civil defense leaders.

Why is this a problem? Because it destroys the strategic balance. The best hope for peace, we are told, is the maintenance of the strategic balance. There are varying estimates on the effect of an all-out nuclear war. If the Soviets have time to put their civil defense program into operation—3 or 4 days prior to the holocaust—the results would be far more destructive to the United States (over 100 million dead) than the Soviet Union (5 to 20 million killed).

Most experts agree we enjoy "rough equivalence" with the Soviets in weaponry. (From our perscpective it appears to get rougher each year.) But if Soviet weapons have a far greater destructive effect on us than our weapons do on them, it is as though they had far more weapons. This makes a mockery of the strategic balance. It does not exist.

Once the balance of terror is gone the Soviets have an awesome edge in any confrontation, whether it be at the bargaining table, an act of adventurism in Europe or Africa, or in an all-out nuclear war.

That is the bad news. The good news is it is not too late to do something about it. A relatively inexpensive remedy is to develop a civil defense system of our own. Some of our defense leaders suggest the way to compensate for Soviet superiority (they no longer claim it does not exist) is to "retarget" our weapons. "Retargeting" would supposedly rebalance the equation. It makes more sense to me to achieve the balance through civil defense—the potential saving of American lives rather than the potential destruction of Soviet citizens.

Part of the program's funds would be spent to complete our "5-year in-place shelter program" which we started 14 years ago and abandoned in the 1960's. Another substantial portion would go for a program to disperse our population in time of crisis. Most of the remainder of the appropriation would be spent on an educational program to do away with the many myths associated with a nuclear attack and to develop a positive attitude toward survival.

Dr. Conrad Chester of the Oak Ridge National Laboratory makes additional recommendations: First, we must have a recognition, at the highest levels of Government, that in the event of nuclear war survival of the United States is desirable and possible; second, the American people must be exposed to all facets of nuclear war and to its survival potential, and that this education process should take place in the schools; and third, Government funded, financed, or insured new construction should be modified to provide fallout and blast protection.

We must begin today to rebalance the strategic equation. How do you deter an attack unless you can convince an enemy that you will win the war that he is starting? I find it doubtful that anyone aware of the strategic imbalance believes we would fire any nuclear weapon if it meant the destruction of our society. Without a civil defense system, that is precisely what it means.

FISCAL YEAR 1980-86 CIVIL DEFENSE PROGRAM

[In millions of dollars]

	1980	1981	1982	1983	1984	1985	1986
Warning and detection	20.0	22.0	23.0	23.0	25.0	29.0	29.0
Warning and communications systems	10.0	10.0	10.0	10.0	10.0	12.0	12.0
Radiological defense	10.0	12.0	13.0	13.0	15.0	17.0	17.0
Emergency operations	16.2	22.0	40.0	40.0	48.0	66.0	74.0
Training and education	5.0	5.5	9.0	9.0	11.0	16.0	20.0
Emergency information	2.3	3.0	7.0	7.0	8.0	13.0	14.0
Systems development	2.5	2.3	2.8	2.3	2.3	2.3	2.3
Broadcast station protection program	3.2	4.5	8.2	8.0	9.0	14.0	17.0
Red Cross	.2	.2	1.0	.2	.2	1.2	1.2
Citizen training instructions	.5	.5	1.0	.5	.5	1.5	1.5
Shelter management training	.5	2.0	5.0	7.0	10.0	8.0	8.0
Test and exercises, EOS	2.0	4.0	6.0	6.0	7.0	10.0	10.0
Financial assistance	36.8	36.9	38.1	39.3	39.7	40.5	40.9
Management (P. & S.)	35.0	35.0	35.6	36.2	36.4	36.8	37.0
Maintenance and services	1.8	1.9	2.5	3.1	3.3	3.7	3.9
Management	24.1	24.1	25.9	27.7	28.3	29.5	30.1
Personnel services	17.9	17.9	18.5	19.1	19.3	19.7	19.9
Travel	1.0	1.0	1.6	2.2	2.4	2.8	3.0
Administrative and housekeeping	5.2	5.2	5.8	6.4	6.6	7.0	7.2
Shelters	23.9	44.0	71.0	96.0	95.0	148.0	118.0
Survey	6.0	12.0	17.0	15.0	10.0	10.0	10.0
NCP planning	16.0	26.0	41.0	56.0	56.0	56.0	56.0
In place protection	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)	(6.0)
Crisis evacuation	(10.0)	(20.0)	(35.0)	(50.0)	(50.0)	(50.0)	(50.0)
Shelter marketing	1.0	1.0	1.5	1.0	.5	.5	.5
Shelter stocking	.1	4.0	6.0	15.0	20.0	50.0	35.0
DIDS	.1	.2	.3	.4	.5	.5	.5
Expedient shelter planning	0	.1	.5	.9	.3	.3	.3
FRC improvement	.6	.6	.6	.6	.6	.6	.6
Vent kits	.1	.1	4.1	7.1	7.1	30.1	15.1
Emergency operating centers	3.0	15.0	28.0	39.0	40.0	60.0	62.0
EOCs	2.0	8.0	20.0	30.0	30.0	50.0	50.0
Supporting materials	1.0	7.0	8.0	9.0	10.0	10.0	12.0
Research and development	14.0	16.0	17.0	18.0	17.0	20.0	21.0
Total	138.0	180.0	243.0	283.0	293.0	393.0	375.0

L. C. "PAPPY" SAMMONS: "THE LOBSTER KING"

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

• Mr. JONES of Tennessee. Mr. Speaker, today it is my pleasure to insert an article from the Memphis Press Scimitar into the CONGRESSIONAL RECORD concerning a fine gentleman from Memphis, Tenn., Mr. L. C. "Pappy" Sammons, known as "The Lobster King"—and rightly so. My family and I have enjoyed wonderful meals at his establishment, The Lobster Shack, many times. "Pappy" will celebrate his 100th birthday on April 26 of this year and today I want to share with my colleagues by the following article this gentleman's colorful life.

The article follows:

PAPPY KEEPS ON COOKIN' AFTER NEARLY A CENTURY

(By Clark Porteous)

Lehman Clark "Pappy" Sammons, a one-time circus cook, learned to cook 88 years ago at the old John Gaston Hotel.

An international survey made 15 years ago showed Sammons to be the oldest active chef at that time. And "Pappy," as he is affectionately known, is still cooking.

Sammons, a slim, tall man, remains an impressive figure, looming even larger than his 6-foot frame with the aid of the tall chef caps he frequently wears. His brown hair has only recently begun to gray, and his health, until recently, has been excellent.

Sammons also known as "The Lobster King" and the "Mayor of Overton Square," lately has been plagued by phlebitis, and grudgingly says, "I'm beginning to fail."

But he doesn't act like it. He is mentally alert and has a remarkable memory—even for things that happened decades ago. His walk remains sprightly; and he still does most of the cooking for customers at his Lobster Shack.

Sammons was born in Dancyville, Tenn., near Brownsville, in 1879.

Both his grandfathers, John Clark Sammons and William Neely, were killed fighting for the Confederacy in the bloody battle of Shiloh.

His father, John Clark Sammons Jr., moved the family to Memphis in 1890, when "Pappy" was 11.

"We came to live with an uncle who drove a mule car," Sammons said. In those days, streetcars were pulled by mules.

"We lived in a little old house at 740 Union, where Chip Barwick Chevrolet is located now," he said. "We paid $6 a month house rent, and there were six of us."

Sammons said his grandmother got him a job at the elegant John Gaston Hotel, as a dishwasher. He was only 11 at the time, and total schooling amounted to 30 days, accumulated during two summers.

Sammons was apprenticed to John Gaston, and shortly began his long career drying dishes. "They cut a whiskey barrel in half, putting hot water and lye soap, which we made ourselves, in the water to wash dishes," he recalled. "The other half of the barrel was to rinse the dishes. I was the dish dryer."

Sammons worker his way up at the hotel. He calls John Gaston, for whom a city hospital, a park and a community center were named, "one of the greatest men I ever knew."

Despite his limited formal education Sammons speaks intelligently and says he got his education listening to others—such as Gaston—talk. Being in the restaurant business all his life, Sammons says he has met the best people and learned from them.

"All I know that's good about cooking, I learned at the Gaston," Sammons said. "Mr. Gaston brought fine chefs from France, Germany and Switzerland. There has never been a place like that. It served the greatest food Memphis ever had.

"We didn't know what a lobster was, but oysters were a big deal," Sammons said. "We served quail, bear meat steaks, wild turkey and deer. A specialty was Les Squabs, which were young pigeons served under glass—a forerunner of pheasant under glass.

"People no longer eat squabs," he said. "They could, but people just change."

Sammons worked his way up from dish dryer to bus boy, to waiting on tables and finally became a cook. Then, after 16 years at the John Gaston, he "graduated" and became a chef.

At 27, he left Gaston's and went to Floyd's, another fine, old-time restaurant. He worked for several other places and had his own hamburger stand at Calhoun and Front before the lure of adventure grabbed him.

Sammons sold his hamburger stand in 1910, and spent two seasons with Ringling Bros. Circus before it merged with Barnum & Bailey. That was the only time he has worked away from Memphis.

"I cooked for the circus employees," Sammons said. "I cooked on the train. I went all over the United States, but never saw a thing—just the train and the circus."

Sammons quit the circus and opened his restaurant across from Union Station in 1912. He used to feed the travelers, including show people who came to Memphis by train to play the Orpheum. Pappy says he recalls such stars as a young Milton Berle, Francis X. Bushman, Weber and Fields, Jack Benny and many others.

But Sammons remembered Sophie Tucker, the last of the "red hot mamas," in particular because of the lobsters. It was Miss Tucker who kept asking Sammons to serve lobsters, and he decided to try.

Sammons said when he first put lobsters on the menu of his restaurant, he only sold a few out of each order from New England. But Pappy kept pushing lobsters—selling them at $1.50 each, an expensive delicacy in the early 1920s—and now, hundreds of thousands of lobsters later, Pappy serves two lobsters for $15.

"I don't make 25 cents on them," he said, explaining that he has to pay $5.75 a pound plus freight from Boston. Sammons says you can make your prices too high and lose customers.

Lobsters are Pappy's trademark now. He said the boiled crustaceans draw customers, and he makes money on other items such as wines and mixed drinks.

Sammons left the Calhoun location and operated a restaurant in the Gilmore Apartments at Madison and McLean for a while, but was forced to leave when the owner's son complained of fumes from the restaurant going into the apartments.

"I didn't know what to do," Sammons said. "But I located two little houses on Madison. I went to see Carroll Seabrook (now 90), who was chief of police, to ask about opening a restaurant in the house. He told me I had better see Mr. Crump." That was E. H. Crump, the city's political boss.

Sammons said Crump gave him the go-ahead, and, in 1946, he opened a 400-seat restaurant in what was later to become Overton Square.

He took Jimmy Mounce in as a partner, and Jimmy later ran another restaurant, Pappy & Jimmy's at Poplar and Hollywood, as a partner. Mounce has since left the restaurant business.

Business boomed at Pappy's Lobster Shack, 2100 Madison, and the neighborhood had never seen anything like it. There were many residences in the area at the time, and some neighbors went to Crump, complaining of bootlegging and loud jukebox music. Pappy said, however, that he didn't have a jukebox, and there was no bootlegging.

"Mr. Crump told the protester that he had known me a long time, and that I had always run first-class places," Sammons said. "He told them that I could stay as long as I ran the place on a high plane. But Mr. Crump said if I did not, he would close me up. I never had any more trouble of that kind."

Pappy is also known as a collector—of almost anything. But fire struck the restaurant 16 years ago, and destroyed most of Sammons' collection of antiques and mementos.

Among his most prized possessions is a battered old Stetson hat, with Bing Crosby's name in it. In Memphis for a golf tournament, Crosby left the hat behind after visiting the restaurant with Red Grange, Dizzy Dean and Ben Hogan.

Jack Nicklaus, Mae West, Tommy and Jimmy Dorsey and many others have eaten with Pappy.

Sammons also has a saxophone which survived the fire. It was given to him by W. C. Handy, the man regarded as the father of the blues. The composer was known as a trumpet rather than a sax player.

Sammons is married to the former Mamie Langley, and he won't tell her age. He has a daughter, Mrs. Margaret Huntzicker, and two sons, Dr. Lehman Clark Sammons Jr., a Frayser physician; and George Sammons of the Sammons-Pennington Co., a wholesaler in pinball machines and jukeboxes.●

JAPAN LOVE AFFAIR WITH CHINA TRADE TURNS SOUR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. McDONALD. Mr. Speaker, last week in a sudden move Communist China suspended billions of dollars worth of contracts with Japan. Japan, up till now, has been the example used as to why the United States ought to rush headlong into greater trade with Communist China. However, when the country you are trading with suddenly has no money to pay, the "vast market" everyone talks about suddenly disappears. It is now apparent to all that Communist China has just so much money and a very limited amount of goods to export. Much of the limited foreign exchange it earns has to be used to buy food to feed its citizens. The only way in which the gap can be covered is for the American Government, read U.S. taxpayer, to lend them the money at very favorable rates with which to make purchases in this country. This I will oppose. For those who may wish to learn from Japan's experience, I commend the article from the Washington Star of March 4, 1979:

Japan Love Affair With China Trade Turns Sour

(By Frank Iwama)

Tokyo.—What begins as a highly promising marriage of convenience and profitability between Japanese business and Chinese modernization has suddenly fallen on bad times. Many Japanese businessmen have even begun to wonder aloud whether the marriage has a chance to survive.

In a surprise move last week, China informed Japanese plant equipment manufacturers that all contracts signed since mid-December last year have been frozen, pending agreement on settlement terms. The Chinese action buttresses doubts held by Japanese and Western businessmen about Peking's ability to pay the astronomical costs of its "four modernizations" program.

In identical, terse telegrams to eight major Japanese trading firms, Peking authorities simply stated that because the issue of payment method was not yet settled, the "contracts are not in effect."

Of the estimated total $7 billion worth of modern industrial equipment ordered from the West by the Chinese since last year for the modernization program, $3.7 billion worth was contracted for from Japan. Affected by the Chinese suspension action are: a $1.1 billion contract for blast furnaces, oxygen converters and related equipment for the Paoshan steel complex near Shanghai and $1 billion worth of mainly petrochemical plants.

Also included in the contracts are such items as an ethylene plant, an acrylic acid ester plant and a butadiene rubber plant.

While the Japanese have been worried about China's ability to pay for its suddenly increased purchases, the move suspending the contracts nevertheless came as a distinct shock. The major problem that remains still unsolved, despite the signing of contracts right and left, is the mode of settlement.

Negotiations on this have been under way for some time, but reached a stalemate on the issue of which currency-base to use. Peking insists on the dollar and Japan on the yen.

The Japanese want to use the yen because the cost of using eurodollars for credits to China is prohibitive. Currently, interest in eurodollar loans is about 11 percent.

The euphoria over the opening of what seemed to be a vast, virgin market for Japanese goods has now collapsed. Japanese businessmen are having second thoughts about the China boom where, until recently, they had been cutting margins to the bone to get the contracts.

Typical of them is Kazuo Iwata, president of Toshiba Company, a major electric manufacturer, who says: "Until the issue of settlements is cleared up, signing of contracts won't mean a thing. We will be just groping in the dark on the future of this market."

Under the circumstances, depending on how the Chinese resolve the issue, their credibility as reliable trading partners is in doubt here. Japanese government officials take the position that the situation may only be temporary, however.

Says a foreign office official: "Up to now, the Chinese have used the cash on delivery system in trade with Japan. Currently they are believed to have about $2 billion in reserves. Now suddenly, they discover themselves with commitments far beyond their ability to pay, so they are now taking time out to review the situation." The official saw no indication of any major shift in Chinese policy.

Private Japanese business and economists are not so sure. Pointing to several articles appearing recently in official Chinese journals, economic critic and economist Kunihiro Takano says: "There appears to be strong pressures now within Peking political circles to shift priorities from heavy industry more to agriculture for a more balanced economic construction."

Takano and other economists think that a moderation in the modernization program, with greater emphasis on agriculture, is in the offing.

Suspension of contracts is not the only shock to the Japanese. Two weeks ago, an official Chinese oil delegation, in Tokyo to discuss an agreement for exploration of Chinese offshore oil, suddenly packed up and went home. Puzzled oil circles here surmise that Vice Premier Teng Hsiao-ping may have been offered better terms by U.S. oil firms during his trip to the United States.

In pre-boom 1977, Japan-China trade amounted to $3.49 billion with Japan enjoying a surplus of $390 million. Japan sold steel, industrial machinery, synthetic textiles, chemicals and construction equipment. China exported crude oil, coal, cotton textiles, and foodstuffs.

Last year the two-way trade soared to $5 billion with Japan recording a surplus of $1 billion. The increase in Japanese exports was mainly in industrial plants and equipment and construction materials and equipment. On the Chinese side the increase was mainly in crude oil.

Yasuo Oki, public relations chief of Mitsubishi Corporation, Japan's largest trading house, says: "The Chinese just don't have anything else to sell to us. If they keep increasing their purchases of industrial plants, the Japanese surplus is just going to keep on growing. I think the Chinese now realize this".

Whatever the truth, dealing with China is not easy and last week's events leave the Japanese with no illusions.

A basic trade agreement signed last fall calls for the exchange of $20 billion in 8 years (1978–1985). Japanese business enthusiastically cheered when Teng Hsiao-ping announced last November that the trade agreement would be revised to raise the total amount, but without stating a specific figure.

The Japanese now don't see how this is possible.●

REPRESENTATIVE HYDE SPEAKS OUT ON UNITED STATES-CHINA POLICY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. SOLOMON. Mr. Speaker, recently our distinguished colleague, Representative Henry Hyde, returned from a tour of Asian nations, including Taiwan. With a vote pending in this House on the United States-Taiwan Relations Act, his observations of the mood in Taiwan and of our relations with both Chinas are particularly timely. I include his observations, recorded in a Chicago Tribune article entitled "How Carter Has 'Abnormalized' Our Relations With China," in the Record for the benefit of my colleagues.

The text follows:

How Carter Has "Abnormalized" Our Relations With China

(By Representative Henry J. Hyde)

"You sold us out too cheaply," exclaimed a member of Taiwan's National Assembly, as we sat across a long table in Taipei's opulent Grand Hotel a few days ago. "If the basis for your 'new realism' is the Shanghai Communique, then when you switched your embassy from Taipei to Peking, why didn't you transfer your governmental liaison from Peking to Taipei? At least give us as much as you gave the Communists in 1972," he said.

Our delegation of six congressmen was on the last leg of an Asian tour last week that included South Korea, Thailand, Malaysia [where we interviewed both land and boat refugees in their camps], and Burma [where we toured poppy fields near the opium refineries in the northern mountains and observed the Burmese army effectively use helicopters in its not always successful effort to diminish the flow of narcotics from this region].

We flew into Taipei as the first official American visitors since Dec. 27, when the State Department delegation, led by Deputy Secretary Warren Christopher, was greeted by smashed car windows and riotous egg pelting. That same State Department, understandably, had urged us not to visit Taiwan so soon, but as members of Congress, we felt that our reception would be less tumultuous than the one given representatives of the Carter administration. Events proved us correct.

A few salient facts: Taiwan's population is 17 million. Its economy is thriving; both per capita income and gross national product are growing markedly as Taiwan changes from an agricultural to an industrial economy. The United States has investments of about $4.5 billion in Taiwan and the value of our trade in 1977 was $7.4 billion. [Compare this with the $2 billion in trade we had with the U.S.S.R. the same year.]

"How will Red China pay you for all your increased trade?" my Taiwanese legislative friend asked. "She has only two assets—oil and slave labor—and the Red Chinese will need their own oil if they are serious about industrializing. That leaves one billion slave laborers." He smiled. "Do you want your AFL–CIO to compete with them?"

My own misgivings about the administration's pledges to sell defensive weaponry to Taiwan were deepened by learning, as we prepared to return to Washington and the opening of Congress, that the State Department announced a "one-year moratorium on new defensive arms contracts with Taiwan is being imposed *at the request of China* during Washington-Peking normalization negotiations." The lateness in announcing this disturbing concession makes one wonder what other delayed-action deals were reached with the Chinese Communists.

President Carter, that implacable foe of secret diplomacy, finally conceded on Jan. 17 that he had tried and failed to obtain a public commitment that China would not use force against Taiwan. This must be evaluated in the context of China's consistent policy of "liberating" Taiwan.

Looming in the background is the fact that Taiwan has all it needs—technology and materials—to become a major nuclear power. Soon six nuclear power plants will be operative. Though Taiwan is a signatory to the Nuclear Non-Proliferation Treaty, we can expect her to treat that document with the same respect we have treated our mutual defense treaty.

President Carter has exhibited adroitness in his invitation to Nixon for a White House dinner Jan. 29 honoring Vice Premier Teng Hsiao-Ping. It matters not whether a Republican administration would have abandoned Taiwan so unceremoniously because Nixon's presence, however unfairly, will put a bipartisan gloss on the whole affair.

When I heard Vice President Mondale in a recent television interview pronounce: "We have a more secure world because of this development," I couldn't help thinking that 30 years ago the dominant political analysts told us that Mao's Communists were mere agrarian reformers.

The faces I saw in the refugee camps of Asia were a vivid reminder that the struggle against Communist slavery must go forward. Normalization of our relations with China was inevitable. But on what terms? As the leader of the free world, the trumpet we sound these days is more than uncertain—it has the faint sound of tin!●

TRAFFICKING IN HANDGUNS DESERVES ATTENTION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. McCLORY. Mr. Speaker, the absence of some legislation to control the trafficking in handguns—particularly the so-called Saturday Night Special—reflects upon the good faith of this administration. It can be recalled that President Carter when a candidate for the Presidency announced a realistic and moderate program affecting the trafficking in and marketing of handguns. It is my recollection that the President's position was similar to that which I have maintained; namely, that it should be directed toward the criminal misuse of handguns and would not impinge on the rights of law-abiding citizens to acquire or possess handguns for their personal use or protection.

Mr. Speaker, an article appeared recently in the Washington Post authored by Nelson T. Shields III, which deals with this subject—and which presents a large number of statistics upon which some handgun legislation might well be based. I am pleased to attach for inclusion in the RECORD at this point Mr. Shield's article:

THE HANDGUN WAR

(By Nelson T. Shields III)

According to the Department of Defense, 56,962 Americans died in the Vietnam War. Our nation says "Thank God that's over." And, "Never again." But few Americans realize that during those same years of bloodshed in Vietnam more Americans were murdered here "at home" by handguns. And that is handguns—not hunting rifles. And, murders—not accidents.

Over the last decade America's handgun war has escalated, fueled by expanded handgun production and an insatiable demand for these deadly weapons. The resulting handgun body count also mounts, adding to the roll of handgun-dead Americans from all walks of life, from all races and ethnic backgrounds, from all ages—even children.

The year 1978 was no exception. Hundreds of thousands of Americans were killed, wounded or threatened with handguns. The domestic arsenal of concealable handguns topped the 50 million mark. It was the 10th anniversary of the handgun murder of Robert F. Kennedy. The mayor of San Francisco was slain by handgun. And, in 1978 President Carter's handgun-control bill—drawn from a campaign promise—was quietly buried at the White House.

And what about the American people? One would think that, with the rush to cut taxes and cut government spending, the support for national handgun control would diminish. Not so. Two national polls—the Harris Survey and the Cambridge Reports—indicated that popular support for intelligent handgun control was at an all-time high.

The findings of the Cambridge poll were particularly striking because they covered a variety of approaches to addressing the handgun problem. The poll showed that:

88 percent favor a waiting period before a handgun can be purchased to allow for a criminal-records check.

81 percent favor the strengthening of rules for becoming a commercial handgun dealer.

85 percent favor a crackdown in illegal handgun sales.

82 percent favor requiring prospective handgun purchasers to get a permit for a license to purchase a handgun; 71 percent of handgun owners favor the same.

84 percent favor requiring the registration of all handguns at time of purchase or transfer; 74 percent of all handgun owners favor the same.

79 percent favor requiring a license to carry a handgun outside of one's house or place of business; 62 percent of handgun owners favor the same.

70 percent favor the banning of the future manufacture and sale of small, cheap, low-quality handguns.

Despite popular support for handgun control, the killings go on, and corrective legislation gets buried as well.

The new year's headlines already capture our handgun madness:

"Woman Shot to Death—Boyfriend Surrenders"

"Supermarket Owner Is Killed in Robbery"

"Elgin Shooting Fatal for Six-Year-Old Girl"

These headlines especially affect me since my son was once one of them. Nick was the last victim—by handgun—in the San Francisco "Zebra" killings. Yet his headline is now forgotten as are the tens of thousands of other headlines about handgun murders and shootings.

We are living in a society of uncontrolled handguns, whose users can strike at any place and any time. Shoot-outs with the intensity of that of the fight at the O.K. Corral happen on buses, on street corners, in homes, at work, even at schools. Shoot-outs occur over traffic accidents, a parking place, a few dollars or a telephone bill. Handguns seem to have become the quickest way to settle an argument.

There are extremes in the debate on what to do. Some say that the ideal situation would be to ban all civilian possession of handguns by stopping their production and confiscating all those currently in existence. After my son's death, I was one of those. But, under our democratic system and with the competing interests in our nation, that is not politically realistic, practical or enforceable. The American people do not want and would not support such a law.

Then there are those gun zealots who not only want no new law, but seek to repeal even existing handgun-control laws as well. That is insanity.

There is a middle road that is fair to law-abiding handgun owners and the majority of us who are not handgun owners. It seeks to bring some 20th-century responsibility and accountability to a weapon with a frontier tradition. And most of it is drawn from common sense.

Doesn't it make sense that we stop the production of a handgun that has no use in sport, but is a favorite in crime—the so-called Saturday Night Special? Doesn't it make sense that a would-be purchaser of handguns be checked out to be sure he doesn't have a criminal record, a history of mental illness, or is under-age? Doesn't it make sense that those who deal in or own handguns be responsible for the proper care, use and disposition of those weapons?

Doesn't it make sense that the Department of Justice—the nation's law-enforcement agency—administer handgun laws and recommend to the Congress any additional controls? Doesn't it make sense that we limit the number of handguns a person can buy at one time? Doesn't it make sense that we have mechanisms to trace handguns used in crime and to identify the illegal sources of those weapons for the criminal?

None of these controls would deny anyone's perceived right to purchase or own a handgun. None of these controls would stop the hunter or sportsman from enjoying his recreation. These controls would not lead to a totalitarian state or a communist government.

But these controls would place some 20th-century responsibility on handgun ownership and handgun commerce, and would treat the handgun as the deadly weapon it is. Most important of all, they would reduce the number of handgun deaths and needless suffering.●

COUNT CASIMIR PULASKI

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. FARY. Mr. Speaker, distinguished colleagues, Pulaski Day is celebrated in October by Americans and Polish-Americans throughout the United States because Count Pulaski fought heroically for American Independence. However, it is appropriate to remember him on his birthday, March 4, because we are reminded of the fact that he began his fight for independence on his native land, Poland, before joining the Continental Army in this country.

Together with his father and brothers, Casimir Pulaski formed the Confederation of Bar, a rebellion against the partitioning of Poland by Russia, Prussia, and Austria, that came close to causing Russia's withdrawal from Polish territory but, unfortunately, did not succeed. Pulaski made a name for himself by occupying the monastery of Chestochowa for the confederation. The capture of the monastery was important strategically and also helped keep the morale of the Poles high because it housed the miraculous Black Madonna, a painting of the Virgin Mary, who is considered the patron and Queen of Poland.

When the confederation failed, Pulaski fled to France. There, a small colony of Polish political emigrants waited, hoping to return to a free Poland. Like other political activists and adventurers of the time, Pulaski was not content to simply wait in exile. Benjamin Franklin and Silas Deane, whom he met in Paris, helped the young count come to America. Upon arriving, George Washington recommended that he command the Continental cavalry. Subsequently. Congress made him a general and chief of the cavalry.

Pulaski's valiant leadership at Brandywine and Warren Tavern earned for him the title Father of the American Cavalry. In 1778, he formed the Pulaski legion, a mixed corps which he led using the tactics of guerrilla warfare. He and his men, among whom there were many similarly exiled and adventurous Poles, defended Charleston, S.C., against a threatened siege.

However, Pulaski was wounded during the battle and taken aboard the U.S. brig *Wasp* for treatment. The doctors were not able to extract the bullet that caused his death 2 days later, on October 11, 1779. His death prevented Pulaski from fulfilling the dream of generations of Polish political exiles: To return to Poland in the event of an uprising and to fight for the independence of their native land.●

A CLOSER LOOK AT THE ADMINISTRATION'S SELLOUT OF THE REPUBLIC OF CHINA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ASHBROOK. Mr. Speaker, press treatment of our recent betrayal of our friend and ally, the Republic of China on Taiwan, gives understandable emphasis to the administration's abrogation of the Mutual Defense Treaty of 1954. Little attention has been directed to the fact that the administration has placed a cloud over all the other treaties and agreements with our friends in free China. Diplomatic arrangements we have negotiated over the years with ROC covered such areas as customs, aviation, claims, atomic energy, extraterritoriality, finance, investment guarantees, narcotic drugs, trade and commerce, visas, taxation and others. To say there is only one China Government and that is in Peking, starts a chain of capricious actions that boggle the mind.

Recently, Owen Bradford Butler, a representative of the National Association of Manufacturers and a prominent Ohio businessman from Morrow, Ohio, returned from Taiwan with interesting and informative views regarding the administration's reversal of our China policy. His criticism of the proposed private sector institute, for instance, provides additional ammunition to shoot down this ill-advised proposal.

I insert at this point the report of Mr. Butler and a listing of the treaties and agreements which we recently scuttled with our wartime ally, the Republic of China.

The material follows:

OWEN BRADFORD BUTLER,
Morrow, Ohio, February 2, 1979.

This is to report on my visit to the Republic of China on Taiwan and to offer recommendations growing out of that visit.

Much has been said about the decision to cancel our defense treaty with Taiwan. Little has been said about the other treaties which have been in existence between the U.S. and the Republic of China, a list of which is attached. They cover such issues as Customs, Aviation, Claims, Atomic Energy, Extraterritoriality, Finance, Investment Guarantees, Narcotic Drugs, Trade and Commerce, Visas, and Taxation, to name a few. All of these treaties are now in limbo, because they are treaties between two governments, one of which no longer recognizes the existence of the other.

Substituting contracts between a nonprofit private sector "American Institute" and a corporation representing "The People of Taiwan" for these treaties will simply not work to protect American business interests in Taiwan where we have over a half-billion dollars invested and two-way trade in the range of 7 to 8 billion dollars. The members of the American Chamber of Commerce, who ought to be the most knowledgeable on this subject, are absolutely convinced that this is an unsatisfactory solution. They offer these reasons:

1. The system has worked for the Japanese because the U.S. has provided both military protection and diplomatic channels for resolving problems. Even so, it has been a cumbersome and inefficient relationship with many problems solved by unofficial government-to-government relations. Many members of the American Chamber of Commerce report that the Japanese do not believe the system will even work for Japan now that the U.S. is abandoning Taiwan.

2. The Japanese society is disposed to negotiate the solution to problems rather than litigate them. No one believes that the "private sector institute" will be workable in the litigious U.S. society. No one can write a law comprehensive enough to assure that these contracts will be valid, because there are no precedents. Business relations between the two countries will be clouded for decades while the courts try to settle the legitimacy of one question after another.

To understand this concern, it must be recognized that the proposed "Institute" provides that all relations be with the "People of Taiwan" and that the existence of a government of the people of Taiwan (other than the People's Republic of China) be ignored. This gives rise to legal conundrums, like the one regarding tariffs. The Republic of China has had tariff agreements with the U.S. based on "most favored nation" status. This status is supposed to be continued in the private contracts, but the People's Republic of China doesn't have "most favored nation" status. If Taiwan is a province of the People's Republic of China, can a private contract with the people of this province confer upon them the right to tariff privileges which are denied to their country?

Another important question: The People's Republic of China asserts itself to be the government of all China, including Taiwan. It clearly, therefore, can assert its right to levy taxes on the citizens of this province. If it does so and these citizens refuse to pay (which they obviously would, since they do not recognize Peking as their government), can the Peking government then come into the U.S. and attach the assets of these businesses in order to collect their "legitimate" delinquent taxes? With this kind of uncertainty existing, can any Taiwanese business afford to maintain any assets, including bank balances, in the U.S.? Is it possible for Taiwanese businesses which are so closely associated with our country to operate without any assets over here? There is a similar question of whether the People's Republic can levy taxes on American businesses operating on Taiwan, and come into American courts to sue the parent for delinquent taxes.

The Republic of China has to date refused to accept this "private sector solution" to the future of commercial relations with our country because of the reasons outlined above and because of their feeling that voluntarily signing such an agreement would be a form of admission by themselves that they are not a legitimate government, even of Taiwan. They believe this admission could encourage the Peking government to attempt control of imports and exports to and from Taiwan, and eventually to strangle them economically unless they agreed to "reunification." Given the recent example of the way in which the Vietnamese Communists "reunified" the South Vietnamese, and the way the Chinese Communist surrogates "liberated" Cambodia, the Taiwanese are not likely to take steps that will voluntarily lead them into such a union.

The government on Taiwan is determined not to sign new agreements with the U.S. unless they recognize some form of government-to-government relations, at the very least a type of government-to-government relation which previously existed between the U.S. and the People's Republic of China. The pressures being brought to bear on the government of Taiwan are severe, and it is possible that they will capitulate. Even if they do, the American business community on Taiwan is absolutely convinced that a continuation of government-to-government relations is required if we are to have a strong "network of treaties" of the type required for a healthy international business climate.

For these reasons, I oppose the "private sector" solution, and urge continued "government-to-government" liaison relationships with the Republic of China on Taiwan.

O. B. BUTLER.

TREATIES IN FORCE

CHINA

Agricultural commodities

Agricultural commodities agreement, with exchange of notes, Signed at Taipei April 27, 1962; entered into force April 27, 1962. 13 UST 461; TIAS 5010; 436 UNTS 25.

Amendments: May 25, 1962 (13 UST 1264; TIAS 5074; 459 UNTS 328).

June 9, 1962 (13 UST 1264; TIAS 5074; 459 UNTS 333).

Agricultural commodities agreement, with exchange of notes. Signed at Taipei August 31, 1962; entered into force August 31, 1962. 13 UST 1930; TIAS 5151; 460 UNTS 247.

Amendments: January 15, 1963 (14 UST 131; TIAS 5282; 473 UNTS 380).

June 3, 1964 (15 UST 667; TIAS 5588; 526 UNTS 330).

Agricultural commodities agreement, with exchange of notes. Signed at Taipei November 19, 1962; entered into force November 19, 1962. 13 UST 2528; TIAS 5219; 459 UNTS 263.

Amendments: January 24, 1963 (14 UST 139; TIAS 5285; 473 UNTS 372).

Agricultural commodities agreement, with exchange of notes. Signed at Taipei June 3, 1963; entered into force June 3, 1964. 15 UST 678; TIAS 5589; 526 UNTS 257.

Agricultural commodities agreement with exchange of notes. Signed at Taipei December 31, 1964; entered into force December 31, 1964. 15 UST 2272; TIAS 5717; 532 UNTS 29.

Amendment: February 11, 1966 (17 UST 64; TIAS 5959; 579 UNTS 294).

Agricultural commodities agreement with exchange of notes. Signed at Taipei December 31, 1964; entered into force December 31, 1964. 15 UST 2295; TIAS 5718; 532 UNTS 59.

Amendment: February 11, 1966 (17 UST 59; TIAS 5958; 579 UNTS 303).

Agricultural commodities agreement with related agreement and exchange of notes. Signed at Taipei December 12, 1967; entered into force December 12, 1967. 18 UST 3015; TIAS 6395; 701 UNTS 213.

Related amendments: January 14, 1971 (22 UST 299; TIAS 7062; 792 UNTS 43).

April 12, 1972 (23 UST 299; TIAS 7311).

Atomic energy

Agreement providing for a grant for the acquisition of nuclear research and training equipment and materials. Exchange of notes at Washington October 16 and December 2, 1959; entered into force December 2, 1959; 10 UST 2023; TIAS 4371; 361 UNTS 115.

Agreement for cooperation concerning civil uses of atomic energy. Signed at Washington April 4, 1972; entered into force June 22, 1972. 23 UST 945; TIAS 7364.

Extension and amendments: March 15, 1974 (26 UST 913; TIAS 7834).

Aviation

Air transport agreement and exchange of notes. Signed at Nanking December 20, 1946; entered into force December 20, 1946. 61 Stat. 2799; TIAS 1609; 6 Bevans 787; 22 UNTS 87.

Extension and amendment: October 22, 1969 (20 UST 2985; TIAS 6773; 726 UNTS 320).

Claims

Agreement relating to claims resulting from activities of United States military forces in China. Exchange of notes at Nanking October 13, 1947 and March 17, 1948; entered into force March 17, 1948. 62 Stat. 2116; TIAS 1776; 6 Bevans 823; 76 UNTS 157.

Consuls (See Extraterritoriality).

Copyright (See Appendix).

Customs

Arrangement relating to reciprocal free-entry privileges for consular officers or articles imported for their personal use during official residence. Exchange of notes at Washington September 29 and December 16, 1930; entered into force December 16, 1930. 6 Bevans 727.

Defense (See also Mutual Security).

Agreement relating to the presence of United States armed forces in China. Exchange of notes at Nanking August 29 and September 3, 1947; entered into force September 3, 1947. 61 Stat. 3755; TIAS 1715; 6 Bevans 800; 9 UNTS 91.

Agreement relating to the furnishing of certain military material to China for the defense of Taiwan. Exchange of notes at Taipei January 30 and February 9, 1951; entered into force February 9, 1951. 2 UST 1499; TIAS 2293; 132 UNTS 273.

Agreement relating to the assistance furnished by China to the United States Military Assistance Advisory Group under the agreement of January 30 and February 9, 1951. Exchange of notes at Taipei October 23 and November 1, 1952; entered into force November 1, 1952. 3 UST 5166; TIAS 2712; 184 UNTS 348.

Agreement providing for the disposition of equipment and materials furnished by the United States under the agreement of January 30 and February 9, 1951. Exchange of notes at Taipei April 3, 1956; entered into force April 3, 1956. 7 UST 893; TIAS 3571; 268 UNTS 315.

Amendment: June 3, 1954 (15 UST 1383; TIAS 5607; 530 UNTS 355).

Agreement to facilitate construction of defense facilities as provided in agreements of January 30 and February 9, 1951, and October 23 and November 1, 1952. Exchange of notes at Taipei November 21, 1956; entered into force April 3, 1956. 7 UST 3411; TIAS 3713; 265 UNTS 241.

Mutual defense treaty. Signed at Washington December 2, 1954; entered into force March 3, 1955; and exchange of notes at Washington December 10, 1954. 6 UST 433; TIAS 3178; 248 UNTS 213.

Agreement relating to the construction of a scatter wave radio facility on Taiwan. Exchange of notes at Taipei August 6, 1958; entered into force August 6, 1958. 13 UST 2436; TIAS 5175; 462 UNTS 3.

Understanding relating to a communications facility in the vicinity of Kaohsiung. Exchange of notes at Taipei April 15, 1960; entered into force April 15, 1960. 13 UST 2155; TIAS 5176; 462 UNTS 19.

Agreement relating to the construction of a scatter wave control facility in the vicinity of Yangmingshan. Exchange of notes at Taipei February 28, 1962; entered into force February 28, 1962. 13 UST 2158; TIAS 5177; 462 UNTS 25.

Agreement relating to the status of United States armed forces in China. Signed at Taipei August 31, 1965; entered into force April 12, 1966. 17 UST 373; TIAS 5986; 572 UNTS 3.

Agreement relating to the deposit by China of ten percent of the value of grant military assistance and excess defense articles furnished by the United States. Exchange of notes at Taipei April 18, 1972; entered into force April 18, 1972; effective February 7, 1972. 23 UST 635; TIAS 7325.

Agreement relating to the furnishing of federal catalog data and cataloging services to the Republic of China. Exchange of letters at Taipei October 7, 1975 and January 12, 1976; entered into force January 12, 1976. TIAS

Economic and technical cooperation

Agreement concerning the United States relief assistance to the Chinese people, and exchange of notes. Signed at Nanking October 27, 1947; entered into force October 27, 1947. 61 Stat. 3374; TIAS 1674; 6 Bevans 802; 12 UNTS 11.

Economic aid agreement, exchange of notes, and exchange of aid memoire. Signed at Nanking July 3, 1948 (aide memoire dated July 27 and 28, 1948); entered into force July 3, 1948. 62 Stat. 2945; TIAS 1837; 17 UNTS 119 and 45 UNTS 326; 6 Bevans 827.

Amendments: March 26 and 31, 1949 (63 Stat. 2425; TIAS 1923; 6 Bevans 851; 76 UNTS 245). January 21 and 31, 1950 (5 UST 2154; TIAS 3077; 235 UNTS 354). August 11, 1965 (16 UST 1650; TIAS 5888; 573 UNTS 291).

Agreement establishing a joint commission on rural reconstruction in China. Exchange of notes at Nanking August 5, 1948; entered into force August 5, 1948. 62 Stat. 3139; TIAS 1848; 6 Bevans 841; 82 UNTS 109.

Extension: June 27, 1949 (63 Stat. 2702; TIAS 1975; 6 Bevans 853; 82 UNTS 126).

Agreement concerning disposition of the New Taiwan dollars generated as a consequence of economic assistance furnished to China. Exchange of notes at Taipei April 9, 1965; entered into force July 1, 1965. 16 UST 583; TIAS 5782; 546 UNTS 81.

Extension and amendments:

February 2, 1968 (19 UST 4629; TIAS 6451; 697 UNTS 321).

June 30, 1970. (21 UST 1478; TIAS 6906; 753 UNTS 397).

June 30, 1975 (26 UST 2692; TIAS 8184).

Agreement on technological advancement in connection with water resources, land utilization and various fields of irrigated agriculture. Signed at Taipei May 12, 1972; entered into force May 12, 1972. 23 UST 1135; TIAS 7374.

Education

Agreement for financing certain educational and cultural exchange programs. Signed at Taipei April 23, 1964; entered into force April 23, 1964. 15 UST 408; TIAS 5572; 524 UNTS 141.

Extraterritoriality

Treaty for the relinquishment of extraterritorial rights in China and the regulation of related matters, and accompanying exchange of notes. Signed at Washington January 11, 1943; entered into force May 20, 1943. 57 State. 787; TS 984; 6 Bevans 739; 10 UNTS 261.

Finance

Agreement regarding the ownership and use of local currency repayments made by China to the Development Loan Fund. Exchange of notes at Taipei December 24, 1958; entered into force December 24, 1958. 10 UST 16; TIAS 4162; 340 UNTS 251.

Fisheries

Agreement concerning fisheries off the coasts of the United States, with annexes and agreed minutes. Signed at Washington September 15, 1976; entered into force February 28, 1977. TIAS 8529.

Health and sanitation

Agreement relating to the establishment and operation in Taipei of a United States Navy Medical Research Unit. Exchanges of notes at Taipei March 30, April 26, and October 14, 1955; entered into force October 14, 1955. 7 UST 173; TIAS 3493; 268 UNTS 165.

Extension and amendment: December 27, 1956 (7 UST 3453; TIAS 3720; 268 UNTS 177).

October 14, 1975.

Investment guaranties

Agreement relating to guaranties for projects in Taiwan proposed by nationals of the United States. Exchange of notes at Taipei June 25, 1952; entered into force June 25, 1952. 3 UST 4846; TIAS 2657; 136 UNTS 229.

Amendment: December 30, 1963 (14 UST 2222; TIAS 5509; 505 UNTS 308).

Language and area studies school

Agreement concerning the status of the American Embassy School of Chinese Language and Area Studies at Taichung and its personnel and of Chinese Embassy personnel studying in the Washington area. Exchange of notes at Taipei July 15 and August 22, 1969; entered into force August 22, 1969. 20 UST 2856; TIAS 6759; 723 UNTS 209.

Lend-lease

Preliminary agreement regarding principles applying to mutual aid in the prosecution of the war against aggression. Signed at Washington June 2, 1942; entered into force June 2, 1942. 56 Stat. 1494; EAS 251; 6 Bevans 735; 14 UNTS 343.

Agreement under section 3 (c) of the Lend-Lease Act. Signed at Washington June 28, 1946; entered into force June 28, 1946. 61 Stat. 3895; TIAS 1746; 6 Bevans 758; 34 UNTS 121.

Agreement on the disposition of lend-lease supplies in inventory or procurement in the United States. Signed at Washington June 14, 1946; operative September 2, 1945. 60 Stat. 1760; TIAS 1533; 6 Bevans 753; 4 UNTS 253.

Maritime matters

Agreement relating to the loan of small naval craft to China. Exchange of notes at Taipei May 14, 1954; entered into force May 14, 1954. 5 UST 892; TIAS 2979; 231 UNTS 165.

Extensions and amendments:

March 22 and 31, 1955 (6 UST 750; TIAS 3215; 251 UNTS 399).

June 18, 1955 (6 UST 2973; TIAS 3346; 265 UNTS 406).

May 16, 1957 (8 UST 787; TIAS 3837; 284 UNTS 380).

October 12, 1960 (11 UST 2233; TIAS 4597; 393 UNTS 320).

August 15, 1962 (13 UST 1924; TIAS 5150; 460 UNTS 237).

February 23, 1965 (16 UST 126; TIAS 5771; 542 UNTS 361).

December 16, 1970 and January 14, 1971 (22 UST 2; TIAS 7037; 776 UNTS 334).

Agreement for the loan of a destroyer to China. Exchange of notes at Taipei February 7, 1959; entered into force February 7, 1959. 10 UST 177; TIAS 4180; 340 UNTS 225.

Agreement for the loan of small craft to China. Exchange of notes at Taipei July 8, 1959; entered into force July 8, 1959. 10 UST 1306; TIAS 4274; 354 UNTS 47.

Agreement relating to the transfer of the USS Geronimo to the Navy of China. Exchange of notes at Taipei, December 12 and 16, 1968; entered into force December 16, 1968. 19 UST 7858; TIAS 6623; 714 UNTS 25.

Mutual security

Agreement relating to assurances required by the Mutual Security Act of 1951. Exchange of notes at Taipei December 29, 1951 and January 2, 1952; entered into force January 2, 1952. 3 UST 4543; TIAS 2604; 181 UNTS 161.

Narcotics drugs

Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchanges of notes at Nanking March 12, June 21, July 28, and August 30, 1947; entered into force August 30, 1947. 6 Bevans 797.

Pacific settlement of disputes

Treaty looking to the advancement of the cause of general peace. Signed at Washington September 15, 1914; entered into force October 22, 1915. Exchange of notes signed May 11 and 19, 1916. 39 Stat. 1642; TB 619 and 619–A; 6 Bevans 711.

Treaty of arbitration. Signed at Washington June 27, 1930; entered into force December 15, 1932. 47 Stat. 2213; TS 857; 6 Bevans 724; 140 LNTS 183.

Postal matters

Agreement for the exchange of international money orders. Signed at Taipei October 8 and at Washington November 14, 1957; operative October 1, 1957. 9 UST 223; TIAS 3995; 304 UNTS 241.

Parcel post convention. Signed at Peking May 29, 1916, and at Washington July 11, 1916; entered into force August 1, 1916. 39 Stat. 1665; Post Office Department print.

Agreement for exchange of insured parcel post and regulations of execution. Signed at Taipei July 30 and at Washington August 19, 1957; entered into force November 1, 1957. 8 UST 2031; TIAS 3941; 300 UNTS 61.

Relief supplies and packages

Agreement relating to duty-free entry of relief goods and relief packages and to the defrayment of transportation charges on such shipments. Exchange of notes at Nanking November 5 and 18, 1948; entered into force November 18, 1948. 3 UST 5462; TIAS 2749; 198 UNTS 287.

Amendments: October 20 and December 12, 1952 (3 UST 5462; TIAS 2749; 198 UNTS 294): July 12 and October 26, 1954 (5 UST 2930; TIAS 3151; 237 UNTS 337).

Scientific cooperation

Agreement relating to cooperation in science and technology. Exchange of notes at Taipei January 23, 1969; entered into force January 23, 1969. 20 UST 374; TIAS 6639; 714 UNTS 139.

Extension: January 21, 1975 (26 UST 107; TIAS 8013).

Surplus property

Agreement relating to the sale of United States excess property in Taiwan by the Armed Forces of the United States, and memorandum of understanding. Signed at Taipei July 22, 1969; entered into force July 22, 1959. 10 UST 1643; TIAS 4312; 357 UNTS 293.

Taxation

Agreement for the relief from double taxation on earnings from operation of ships and aircraft. Exchange of notes at Taipei February 8 and 26, 1972; entered into force February 26, 1972. 23 UST 129; TIAS 7282; 829 UNTS 287.

Trade and commerce

Treaty of friendship, commerce, and navigation with accompanying protocol. Signed at Nanking November 4, 1946; entered into force November 30, 1948. 63 Stat. 1299; TIAS 1871; 6 Bevans 761; 25 UNTS 69.

Agreement relating to trade in textiles with letter dated April 10, 1974. Exchange of letters at Washington April 11, 1974; entered into force April 11, 1974.[1] 25 UST 720; TIAS 7821.

Agreement relating to the export of nonrubber footwear from the Republic of China, with annexes, agreed minutes, and related notes. Exchange of notes at Washington June 14, 1977; entered into force June 14, 1977; effective June 28, 1977. TIAS.

Interim agreement relating to trade in cotton, wool and man-made fiber textiles and textile products, with annexes. Exchange of notes at Washington December 16, 1977; entered into force December 16, 1977. TIAS.

Visas

Agreement prescribing nonimmigrant visa fees and validity of nonimmigrant visas. Exchange of notes at Taipei December 20, 1955 and February 20, 1956; entered into force February 20, 1956; operative April 1, 1956. 7 UST 585; TIAS 3539; 275 UNTS 73.

Amendments: July 11, October 17 and December 7, 1956 (18 UST 3167; TIAS 6410; 697 UNTS 256).

May 8, June 9 and 15, 1970 (21 UST 2213; TIAS 6972; 776 UNTS 334).●

PUBLIC FINANCING OF CONGRESSIONAL CAMPAIGNS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. DERWINSKI. Mr. Speaker, a major bill that faces this Congress is H.R. 1, which is one of the measures that the Speaker is determined to bring to the floor for a vote.

However, at the grassroots level, this proposal has less than overwhelming support. As an example, I wish to insert an article by Walter H. Lysen, editor of the Southwest Messenger Press, serving Cook County, Ill., who in his analysis of H.R. 1, comes down firmly against it. The article appeared in the March 1 edition of that publication.

ALL POINTS SOUTHWEST

(By Walter H. Lysen)

Like most Americans, you probably consider yourself a reasonable person. So perhaps you would agree it only fair, now that Congress has received a handsome pay raise, more money for office allowances, postal patron mailings, staff salaries, recreation and travel expenses, that taxpayers finally be given a break. Silly you.

You see, certain congressmen—thankfully not all—are going after something much bigger. They are pushing for passage of H.R. 1, a bill which would mandate public financing of their own congressional campaigns. If that bill becomes law, it will be tantamount to offering Housemembers job insurance at taxpayers' expense—a kind of giant Incumbents Protection Bill.

Stripped of its niceties, public financing legitimizes coercion, for it permits the federal government to force an individual to contribute to a candidate whom he or she may not support. Clearly, that is unfair. But public financing also suffers from two other fundamental flaws. Both the explanations of why it is needed and how it would work are false. Consider why.

At first glance, the argument for public financing seems as pure as newly-fallen snow. We are warned that we must pass it immediately, or witness the total contamination of our electoral process by the flood of campaign contributions which are coming from sinister and selfish special interests groups.

Sorry, but the latest official figures of financial activities through November 27, 1978, from the Federal Election Commission prove precisely the opposite. During the 1978 Congressional campaigns, a total of $198.5 million was spent on all races. Of that total, more than $130 million, or about two-thirds, was donated by individual Americans, mostly in the form of small contributions of less than $100. That's a very healthy sign.

In contrast, all business and labor political action groups combined gave $32 million in contributions, or just 16 percent. A participation of 16 percent can hardly be called excessive or corrupting.

On paper, public financing at least seems plausible. Candidates who could certify they had raised $1,000 in private contributions could receive matching public funds of up to $60,000. In exchange for accepting taxpayers' money, each candidate would have to agree on a spending limit of $195,000. And no candidate could spend more than $25,000 of personal funds.

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[1] Exchange of letters dated April 11, 1974 terminated January 1, 1975. Letter dated April 10, 1974 remains in force.

But, in reality, this so-called reform could quickly degenerate into a political nightmare. How? Let us count just a few of the ways.

First, because of several perfectly legal loopholes, public financing would undoubtedly lead to more, not less spending on political campaigns. For example, any time one candidate in a district wants to spend more than $25,000 of personal funds, which is his or her Constitutional right, or raise more than $75,000 from any legal source, then the spending ceiling for all other candidates accepting public funds is removed. The taxpayers could be stuck with unbelievable costs.

Second, contrary to the will of the people, public financing will result in more bureaucracy. Fifteen presidential candidates who took advantage of the presidential public financing law in the 1976 campaign generated 12 million pages of information for the Federal Election commission. Can anyone even conceive what the legal and paperwork burden would be for approximately 870 House candidates and 200 Senate candidates?

Third, public financing would, in theory, make it easier for challengers to compete. But in reality, the law would permanently lock in the tremendous advantage already enjoyed by incumbents. In 1978, 95 percent of all House incumbents running were reelected.

That was no accident. Even before a campaign begins, an incumbent is busy increasing his name recognition through such tax-supported "nonpolitical" activities as mass mailings, press releases, press conferences and newsletters, all of which are worth about $1 million over the course of a two-year term. Starting out this far ahead, an incumbent has everything to gain by locking an unknown challenger into a spending limitation when the campaign begins.

I do not believe Americans are ready to relinquish control of their elections to a federal bureaucracy, the Federal Election Commission. If that is not true, then why have only 27 percent of all federal taxpayers agreed to support political campaigns for the presidency through the income tax checkoff system?

People intuitively understand that ultimate control of the political process must remain in their own hands at the local level. We can be thankful the wise words of Thomas Jefferson have not gone unheeded:

"That government is the strongest of which every man feels himself a part." ●

INVESTMENT TAX CREDIT FOR POULTRY HOUSES

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. EVANS of Delaware. Mr. Speaker, I am today introducing a technical amendment to section 314 of the Revenue Act of 1978 as it relates to certain agricultural or horticultural structures. This legislation will clarify what Congress thought was its clear intent in making available the investment tax credit for chicken houses and greenhouses during the last Congress.

In the Revenue Act of 1978, the Congress passed legislation sponsored by me and other Members of Congress extending the investment tax credit to chicken houses and greenhouses. That legislation clearly states that the credit would be available for all taxable years after August 15, 1971, the date when the investment tax credit was reenacted. However, because section 6511 of the Internal Revenue Code limits refunds for credits to 3 years after the tax return is filed, many taxpayers are finding that they are only eligible for the tax credit for expenditures made after 1976.

A notable exception to this situation, however, are those taxpayers who challenged the IRS in disallowing the investment credit for chicken houses in years prior to 1976. In these cases, the taxpayers' tax year is considered "open" and they are therefore eligible to apply for the credit. This has created an inequitable situation since taxpayers who abided by the IRS interpretation of the law and did not claim the credit cannot receive any pre-1976 benefits, but taxpayers who fought the IRS during those years, are in fact, entitled to the credit.

My legislation would simply give all taxpayers the right to claim the tax credit for any taxable years after August 15, 1971. My proposal corrects a conflict created by the Congress, straightens out the currently inequitable tax treatment for chicken houses and greenhouses, and makes it very clear to the IRS tax collectors that Congress meant what it said in 1978.●

CONGRATULATIONS TO DODD BYRON SLAWSON

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. YOUNG of Missouri. Mr. Speaker, I would like to take this opportunity to congratulate one of the most successful husbands and fathers in St. Louis, Mr. Dodd Byron Slawson, who will be celebrating his 80th birthday this March with family and friends at the Sands Hotel.

In these days of honorary degrees and special awards, we seldom take the time to pay tribute to those men and women who have succeeded in the most difficult tasks of being good parents and spouses. With his nine children, 25 grandchildren, and nine great-grandchildren, Dodd Slawson has all the qualifications for an honorary degree in parenthood. And he was an exceptional husband to his wife Ann, who died on January 4, 1977, after 59 years of marriage.

A retired member of Pipefitters Local 562, Dodd Slawson was born and lived his entire life in the St. Louis area. His children are: Richard H. Slawson; Irene A. Young, wife of U.S. Representative ROBERT A. YOUNG of St. Louis County; John A. Slawson, who served his country in the U.S. Marine Corps and was killed at Iwo Jima; Elizabeth Wilhelm; Norman G. Slawson; Delores Hickey, wife of Missouri State Representative Patrick Hickey, who is also president of Local 562; Marianne Priesmeyer; Doris Slawson; and Judith O'Connor, a member of the Missouri Legislature who has received many awards for service to the State and her community.

Mr. Speaker, I am sure that my colleagues in the House will join me in congratulating Dodd Slawson on the occasion of his 80th birthday.●

DEATH RATE FROM STROKE

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. GRASSLEY. Mr. Speaker, I would like to share with my colleagues a sentence excerpted from a letter, dated February 16, 1979, which I received.

> I believe that the major reason for the decline in stroke death rate (in the United States) has been the activities of the unpaid volunteers of the American Heart Association.

The person who made this statement is Dr. Adrian M. Ostfeld, M.D., who also submitted testimony for recent hearings in Washington.

Too often in our preoccupation with Government's duties and responsibilities for service to the people of this country, we in Congress forget or overlook the contributions made by volunteer/private organizations. Today's typical citizen derives most of his personal meaning and identity from his private involvements, family, friends, and a great deal of voluntary associations.

Recently the House Select Committee on Aging held well-publicized hearings on "Treatment of High Blood Pressure in America." As informative and helpful as this hearing was, nothing so meaningfully dramatic was derived as the following statement of service by the American Heart Association, made by one of this country's leading epidemiologists, Dr. Adrian M. Ostfeld, M.D., and Anna M. R. Lauder, professor of epidemiology and public health at Yale University. I am making his statement and findings a part of the high blood pressure hearing and share them with you today.

TESTIMONY OF ADRIAN M. OSTFELD, M.D.

Beginning in 1974, the death rate from stroke in the U.S. began to decline at the rate of about 4 percent per year. The major reason for the rapid recent decline in stroke death rates is most plausibly related to the activities of the American Heart Association (AHA). Between 1970 and 1978, the American Heart Association through its affiliates (state organizations) and local chapters provided extensive public education about prevention of stroke through treatment of high blood pressure. The mass media and brief nontechnical pamphlets were the methods of the public education campaign. During the same time 14,000,000 Americans had their blood pressures taken by unpaid volunteers of the Heart Association throughout the country. People whose blood pressures were taken were told what the pressure was, what that level of blood pressure meant and what to do about it. In the period from July 1, 1976 to June

30, 1977 alone, Heart Association volunteers nationwide screened 3,000,000 people for high blood pressure.

Of the 14,000,000 Americans who had their pressures taken by AHA, 4,000,000 were hypertensive. These persons were referred to sources of medical care for high blood pressure. If we assume that only one third of those persons referred for treatment eventually had their high blood pressure treated successfully, we may assume that some 70–80,000 persons who would otherwise have died of a stroke have remained alive because of lowered blood pressure.

The U.S. Vital Statistics show that, in the years 1974 through 1976, about 90,000 Americans who would otherwise have died from stroke, have avoided that fatal outcome.

It is reasonable to believe that the efforts of a voluntary health association, The American Heart Association, have been a major factor in preventing stroke death in the last 5 years.

The purpose of the inquiry was to find out why the death rate from stroke has been dropping in the United States since about 1950. Examination of data from U.S. Vital Statistics and other sources revealed the following.

From 1950 to about 1973, the death rate from stroke fell very slowly at the rate of about 1% per year. The reasons for this decline are not related to better treatment of stroke or its main cause high blood pressure but are caused by:

1. Better methods of diagnosis resulting in fewer incorrect diagnosis of death from stroke;

2. Technical reasons related to the methods of calculating death rates from stroke; and

3. The extensive South to North migration of Blacks during much of this period resulting in slightly lower blood pressures of many Blacks* and therefore reduced likelihood of a death from stroke.

Beginning in 1974 the death rate from stroke began to decline at the rate of about 4% per year. While the immediate cause of this marked improvement is good treatment of high blood pressure, the question arises as to why so many Americans suddenly began to have so much better control of their high blood pressure. Several alternative explanations for this phenomenon were studied.

The major reason for the rapid recent decline in stroke death rates is most plausibly related to the activities of the American Heart Association (AHA). Between 1970 and 1978, the American Heart Association through its affiliates (state organizations) and local chapters provided extensive public education about prevention of stroke through treatment of high blood pressure. The mass media and brief nontechnical pamphlets were the methods of the public education campaign. During the same time 14,000,000 Americans had their blood pressures taken by unpaid volunteers of the Heart Association throughout the country. People whose blood pressures were taken were told what the pressure was, what that level of blood pressure meant and what to do about it. In the period from July 1, 1976 to June 30, 1977 alone, Heart Association volunteers nationwide screened 3,000,000 people for high blood pressure.

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It is reasonable to believe that the efforts of a voluntary health association, The American Heart Association, have been a major factor in preventing stroke death in the last 5 years.●

DIANE ASHBY WINS VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. LUJAN. Mr. Speaker, Diane Elizabeth Ashby of Albuquerque, N. Mex., is this year's winner of the 1978–79 Veterans of Foreign Wars Voice of Democracy scholarship program. I wish to have the text of her winning speech printed at this time:

The one word that explains the America I grew up in, the America of History and the America I care for is "imperfection".

The imperfection: a country that lets me worship as I choose when a state religion would be much more sensible and perfect.

The imperfection: a country that lets a peanut farmer or a rail splitter become President when a rich influential statesman would be much wiser and perfect.

The imperfection: a country who's very soul begins "We the People" instead of "We the men, or we the white, or we the rich," which would make a much more consistent government and would be perfect. The examples go on and on.

I care for America because America is home, a home in which I have pride because she has given me reason to be proud. It is not the love of ownership, but the deeper pride of accomplishment.

I care for my country because she stands for peace for herself and the world, but can defend her principles in war.

It is a country that not only gives freedom to her own people, but advocates these freedoms for all people.

It is a country that has come from the Blacks being slaves to Blacks being Senators.

A country whose motto is "In God we trust".

And in God's trust she has taught me to love her. I have learned to love her for what she is and for her imperfections. I have learned to understand and to believe her doctrines and to make these my own. Hers and mine—the same, yet separate. Her doctrines allow me to believe as my soul dictates and allow my fellowman this same basic freedom. She is a wise parent that steers us in the right direction, then gives us our heads to reach for our own stars, stars whose heights it is our freedom to set.

To be America's child means you can stand tall and proud whether your star has made you a famous brain surgeon, a trial lawyer or a migrant worker. America is proud of all her children, just another one of her imperfections.

America set us free the minute we were born, and through our freedom she is free. She told us in our youth to look to the heart, not the skin—to learn this lesson, not the reverse one taught by our elders. In our adolescence she understands our need for protest; she knows that with time we will sow our wild oats. She also knows that even in our wildest protest there is a lesson that can be learned. In our middle age she sits patiently while we struggle thru the seven year itch, knowing we will discover home is best and we will return to her waiting open arms. And in our old age she will let us rest and reminisce. She will stand satisfied at the full life she gave us, while always bringing new Americans along her path.

America is the mother of a nation of united individuals, individual in our thoughts, beliefs, goals and ideals. Whether you live in New Mexico, Maine or Alaska we all come together in one important feeling—our love of the imperfect America, the imperfection that makes her home.

America has not only survived in her imperfection, she has flourished. She stands tall as a symbol and an inspiration for "huddled masses yearning to be free".

America in her imperfection is America the strong, America the free, America the beautiful, the America I care for.●

THE NEW YORK CITY SPIRIT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. WEISS. Mr. Speaker, last year Congress approved a program of Federal loan guarantees for New York City which represented a milestone on the city's road to full economic recovery and budget stability. The Federal Government continues to play a crucial role in helping New York remain solvent and maintain essential services.

I would like to point out to my colleagues that the people of New York City are simultaneously making sacrifices which will also further the city's recovery.

One excellent example of voluntary efforts by New Yorkers to improve their city's fiscal situation involves a recent prepayment of real estate taxes by the residents of seven housing cooperatives, one of which is located in my congressional district.

These buildings—which contain some 4,500 apartment units with more than 16,000 residents—paid a total of $900,000 in city real estate taxes 6 months prior to the legal deadline. By forwarding this considerable sum to the city at an early date, the residents enabled the municipal government to avoid some borrowing which, in turn, would have necessitated payment by the city of interest rates.

Under a city law, each of the cooperatives and their residents became eligible for an 8-percent discount in real estate taxes because of the prepayment. But as a substantial gift to their city, the residents very generously waived the discount, making their payment to the city in full.

In order to make the prepayment possible, the cooperators paid their July rents in January—not an easy action in these days of tight family budgets and high inflation rates.

The seven cooperatives involved in this most commendable demonstration of support for New York City are East River Houses, Hillman Houses, Amalgamated Houses, Seward Park, Morningside Heights Houses, Bronx Amalgamated and, in my district, International Ladies' Garment Workers Union (ILGWU) Cooperative Houses.

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*The reasons why Southern Blacks had slightly higher blood pressures than Northern Blacks during this period are not clear.

This is the fourth consecutive year that the ILGWU cooperative under the able presidency of David Smith has prepaid real estate taxes to the city, and each year the residents have agreed to forego the 8-percent discount. ILGWU's dedication to New York has now apparently inspired other cooperatives to make similar gifts to the city.

I think my colleagues will agree that this is a fine example of New Yorkers' love for their city and their determination to help it survive and prosper, even at the cost of considerable personal sacrifices.●

MARYLAND FINALIST, VOICE OF DEMOCRACY CONTEST

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mrs. HOLT. Mr. Speaker, tonight at the Veterans of Foreign Wars annual congressional dinner, we will be meeting the winning contestants from each State, who have participated in the annual Voice of Democracy contest, sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary.

I am pleased and proud that the finalist from Maryland is my young constituent, Miss Clelia Patrizio of Crofton, and I would like to insert her winning speech in the RECORD, because of her pride in being an American:

SPEECH BY CLELIA PATRIZIO

America—land of the free, home of the brave. What is the true meaning of those few simple words?

They seem to aptly describe the spirit upon which this country was founded. Even before Americans were considered to be Americans, those who lived in the New World were known for their courage, fortitude, and strength of character. A nation of Yanks, so different from their British cousins in so many ways. The new nation was—and still is—a nation unlike any other in the entire world.

America means progress, in any facet of life. No other nation has set so many precedents in the area of science and technology. From the light bulb to skylab, from the radio to interstellar communications—the entire world has been enriched because of Americans like Thomas Edison and Albert Einstein.

The pioneers of yesterday, such as Lewis and Clark, and the thousands of others who have remained nameless through the course of history, tracking through uncharted and dangerous country to seek out both a new home and a new life, resemble the pioneers of today—men and women who venture forth unafraid into the vast, empty void of space to explore new territories and develop new and more advanced technologies.

America is curious. We have never closed our minds to anything which might add to the betterment of our society. We have an unending interest in other nations of the world. We give help where it is needed, and we unashamedly ask for help when we need it.

America has welcomed with open arms anyone who had the desire to reap the benefits of a rich and fertile land—if one was willing to work hard, and to give as well as to receive, he had no trouble fitting into the fast-paced American society. Idealistically, every man's past is forgotten. He accepts the chance to start anew, and, if he proves himself, he can be proud to call himself an American.

Although the United States as a nation is fairly young, we too have a distinct and unique heritage. Where, among nations of the world, can one find some of the arts and music literature that have originated in our own American society? Folk music, square dancing, jazz—these are only a few of the items which constitute America's heritage. Where else in the world can one find such a large variety of traditions and customs and still find that the people are united under a common law and live as one common people? Where else in the world can we find a people with two backgrounds, that of the Old Country and that of the New—our America.

Our country, like other nations of the world, has had more than her share of problems and crises to overcome. Some have taken longer than others to solve. Some problems have not yet been solved. What is unique about our country is that each and every individual has that common goal to fight for—freedom, in the fullest sense of the word. And every small bit that the American donates of himself towards that goal is never denied; it is willingly accepted, and accepted with thanks.

I am proud to call myself an American. I am proud to know that I can legitimately take part in a society which has accomplished so much in so little time. I am, hopefully, a leader of tomorrow, but I am also a young American of today, and I carry that knowledge in my heart and soul. I am made constantly aware of my country's problems, and I do not ignore those problems, because they are as much a part of my America as are the advantages. I will start now looking for solutions to those problems, because I know that my help will not be rejected. Because of that, because I am an American, I walk with pride—and when my country calls, with God's help, I will answer.●

HOW BUSINESS INTERACTS WITH THE HEALTH CARE SYSTEM

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BROYHILL. Mr. Speaker, today, I am having included in the RECORD the first of a five-part series of summaries of the National Chamber of Commerce's Health/Action reports. Report No. 1 is entitled, "How Business Interacts with the Health Care System":

HOW BUSINESS INTERACTS WITH THE HEALTH CARE SYSTEM

There is no single cause for the current health cost problem, although some factors contribute more heavily than others. For this reason, there is no "quick fix." Rather a number of different but related recommendations are made in the action plans of the strategy reports. Each has a common theme of cooperation—between labor and management, between business and the health industry, and between public and private sector activities.

Generally, most health authorities agree that improvements in the health care system will include a combination of voluntary initiatives and complementary regulation to compensate for action not taken successfully by the private sector. Because of its leverage of purchasing power, business is in a unique position to be a catalyst for ensuring that the improvements are mostly private in nature.

Specifically, below are some key steps business can take to improve America's health care system:

Review your company's health situation. Determine how much you are spending on health care. Include items such as claims filed by dependents of employees, number and types of claims, paid sick leave, and occupational health services.

Assess your community's health care situation. Information can be obtained from your local health planning agency on the number of health providers (hospitals, doctors, nursing homes) in your area. They should also be able to tell you how utilization rates in your community compare to those in other communities. Problems should surface and help to determine priority areas.

Design cost-effective health benefits programs. Most employers provide employees and their dependents with adequate hospital coverage, but this is recognized as the most expensive form of health care. Many services can be provided in a doctor's office. Health insurance policies should cover more of the cost of such services. These policies should also pay for a second opinion on surgery to determine the need for such treatment. Appropriate cost-sharing—deductibles, co-insurance—can also discourage overutilization of health services. Self-insurance for health care may also be appropriate for your firm. For smaller businesses, a cooperative effort among similar-size firms may be desirable to obtain more favorable rates for health coverage from insurance companies.

Stimulate competition in the health care system. Consider offering health maintenance organizations as an option to conventional health insurance. (In many cases, this may be required by federal law.) Giving employees a choice among health care providers should stimulate the creation of further choices, thereby instilling more competition and lowering prices in the health care marketplace.

Help promote healthful lifestyles among employees and their dependents. This includes providing physical fitness programs, such as nutritional information and other programs which highlight the negative effects that too much eating, drinking, and smoking and too little exercise can have. Some of the effects of this action can be less absenteeism, increased productivity and morale, and eventually, lower insurance premiums—in addition to better health.

Improve health planning and regulation. Health planning can either help or hinder the development of a more competitive health care system. Accordingly, business involvement with local health planning groups, such as Health Systems Agencies and hospital boards and study groups, is necessary to ensure that decisions made by these organizations reflect sound management principles. Local success in these efforts can contribute to nationwide improvement and obviate the need for continued government intervention into our essentially private health care system.●

THE QUESTION OF EXPULSION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. NELSON. Mr. Speaker, I feel it necessary to state for the RECORD why I am voting in favor of sending the question of Congressman CHARLES DIGGS' expulsion from the House of Representatives to the Standards of Official Conduct Committee for formal review.

First, I believe it important, given the gravity of the situation, that the committee process be given an opportunity to work in the House instead of a summary judgment being made after only 1 hour of debate. Both the Democrats and Republicans on the Standards of Official Conduct Committee have started the usual preliminary investigation prior to formal committee hearings, and a vote today to expel Congressman DIGGS would preempt that process and would not permit the normal procedures of the committee system to operate.

Second, the House has been given assurances by the chairman, Congressman CHARLES BENNETT, of Jacksonville, that his committee, comprised of six Democrats, and six Republicans, will report out a resolution on this question shortly and bring it to the floor for discussion and decision by the full House.

Thus, I am persuaded that my vote on the question of Mr. DIGGS' expulsion would be more informed and intelligent at a time in the near future when the committee has conducted its thorough investigation and hearings.

Personally, I find it abhorrent that Mr. DIGGS, after being convicted of fraud by a jury of his peers, would continue to arrogantly insist that he be permitted to exercise the right of voting as a Member of Congress. Nevertheless, I also feel the House should work its will through the normal committee process, and not render a summary judgment. I, therefore, urge that Mr. BENNETT and the Standards of Official Conduct Committee act with all deliberate speed in bringing forth its recommendation to the full House.●

FLORIDA LEGISLATURE MEMORIAL FOR A BALANCED FEDERAL BUDGET

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BENNETT. Mr. Speaker, for several years, I have introduced legislation concerning a balanced Federal budget. My current bill (H.J. Res. 11) provides for a constitutional amendment to require that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year.

I have been encouraged by the growing call for such a constitutional amendment, as evidenced by the fact that 25 State legislatures have passed resolutions calling for the passage of such an amendment.

In 1976, the legislature in my home State of Florida passed a memorial asking Congress to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution to require a balanced Federal budget. I do not believe that this memorial has ever been bought to the attention of the House and, therefore, I respectfully request that the memorial be printed in the CONGRESSIONAL RECORD as follows:

A memorial to the Congress of the United States making application to the Congress to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions thereto

Whereas, it is estimated, as of August, 1975, that the federal debt at the end of the 1975 fiscal year will be $558.637 billion, and

Whereas, the fiscal year deficit for 1976 will be the largest in our history, between $70 and $80 billion, and

Whereas, the growing debt is a major contributor to inflation, lagging economic investment, excessive interest rates, and the resulting unemployment, and

Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and sound economy, and

Whereas, the National Conference of State Legislatures passed Resolution No. 11 at its Annual Business Meeting on October 10, 1975, urging the Congress to take prompt and affirmative action to limit federal spending, and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, now, therefore,

Be it Resolved by the Legislature of the State of Florida:

That the Legislature of the State of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Be it further resolved that a copy of this memorial be transmitted to the presiding officers of the Senate and the House of Representatives of Congress, the members of the Congressional delegation from the State of Florida and to the presiding officers of each house of the several state legislatures.●

JASON CARLTON DeMILLE WINS NEW YORK VOICE OF DEMOCRACY CONTEST

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. SOLOMON. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school students throughout the Nation participated in the contest, competing for five national scholarships. The contest theme this year was "Why I Care About America."

I am delighted to announce that this year's New York State winner of the Voice of Democracy contest is a resident of the 29th Congressional District, Jason Carleton DeMille of Burnt Hills. Jason is a senior at Burnt Hills-Ballston Lake High School, and will pursue a pre-law course at Brigham Young University after graduation.

I am including a text of Jason DeMille's winning speech in the RECORD at this point, and wish him well in the national competition now underway in Washington.

SPEECH OF JASON DEMILLE

"The world has set its face hopefully on our Democracy and, oh, my fellow citizens, each one of you carries on your shoulders the burden of doing well for the sake of your own country and of seeing that the nation does well for the sake of mankind." Theodore Roosevelt knew the destiny of America was to be the abode of liberty, and the only way to insure that destiny was through responsive and responsible citizens. God gave us patriots who, like Roosevelt, inspired courageous men to follow their leadership. Together they forged a nation conceived in liberty with freedom for all. That freedom is why I care about America!

Caring for America is more than supporting the Constitution, voting in elections, and paying taxes. Too often we equate Americanism with the number of cars, or televisions, or the growth in the Dow Jones Average. To care about America is to be fully committed to her cause. This commitment is the basis on which Americanism should be measured: That is, by the integrity of her citizens, their voluntary service and high personal principles, and by their loyalty. I can show I care about America by supporting and defending her high ideals, by educating myself sufficiently to know how to fulfill my responsibilities, and by keeping well informed so I can express a valid opinion. I must commit myself to my country's ideals so I will be ready and willing to defend her in times of national distress, whether the foe be inflation or an aggressive nation. I will be part of the solution—not the problem! The words "I can, I will, I did" are motivating forces in my life for apathy and indifference will not be a part of me as they have no place in an American.

As an American I am morally obligated to be an honest, forthright citizen: That means being honest with my fellow man, honest in payment of taxes, honest in obeying, honoring, and sustaining the law, and honest with myself. I owe it to my country to be chaste, virtuous, benevolent, and patient with those around me. Of paramount importance is the virtue of being kind and considerate to all men, and especially to my family, for strong families are the backbone of a strong nation. I can truly serve America by using my time wisely, not just in pursuit of gain or pleasure for myself, but to help others—for service to others is service to America. I can show I care about America by living my life so well that men will be better for having known me, for every man owes it to his country to leave it better than he found it. I will, therefore, commit myself to serving my God and my country because a commitment to serve is the highest expression of caring.

"Nothing is more certainly written in the book of fate than that this people shall be free." How much is my liberty worth? How much is any man's liberty worth? I care about America because everything that I do or will do is a result of liberty. Without liberty I could do nothing. Liberty is truly a pearl of great price. I care about America because I know with assurity that her government is the best on this earth and because of this, no other nation has ever enjoyed the growth and prosperity which has blessed America. This wealth is evidenced from the beneficience of our free institutions and free enterprise. The thing which has made America great is what her citizens have done with their freedom of choice. Thanks to my Creator and concerned forefathers, I am able to live my life in freedom.

Freedom is real and must continue! I will preserve our freedoms by carrying my share of the burden because the American ideal is worth fighting for. Americanism is not extinct—nor are the principles of liberty on which it is built. America still remains the world's home and hope of freedom. I love America for she is my own—my native land. God bless America and may God bless Americans! ●

ETHNIC DISCRIMINATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. RINALDO. Mr. Speaker, in the past, ethnic groups were often powerless to speak out when they were victimized by discrimination or when they sought to change the way they were treated in our society.

Over the last two or three decades, we have seen some remarkable changes in our society as these cultural groups have gained respect and political power. Yet, it would be naive to believe that ethnic discrimination has been abolished from public and private life in America. We know it is still there and is often practiced in more subtle forms through media exploitation, television stereotypes, and jokes aimed against various ethnic groups.

But thanks to the courage of publishers like Ace Alagna of the Italian-Tribune in New Jersey, Italian-Americans have found a voice and a conscience. They are no longer helpless to resist these unfair stereotypes and acts of discrimination.

Ace Alagna has eloquently and forthrightly spoken out against false and unfair impressions of Italian-Americans as conveyed in some films and on some television programs. He has helped to focus attention on a problem that has confronted ethnics in this country for too long. I am speaking about the vicious, contemptible and cruel methods often employed to degrade members of ethnic and minority groups.

Ace Alagna and his newspaper, the Italian-Tribune, have not been intimidated by the power of some television producers who fashion these false images of Italian-Americans.

It also is equally noteworthy that Ace Alagna has promoted Italian-American cultural pride through the pages of the Italian-Tribune. The affairs of Italian-American organizations; births, weddings, business promotions, graduations, and awards to Italian-Americans are covered by Ace Alagna's newspaper. It has served as a mirror of the real Italian-American community—law abiding, patriotic, energetic, creative and progressive.

Hundreds of charities, large and small, have been assisted by Ace Alagna. The humanitarianism of this publisher has been demonstrated on many occasions, including assistance to the families whose homes and villages were wiped out by the earthquakes in northern Italy.

Ace Alagna practices a special kind of journalism that is aimed at the higher instincts of his readers. His journalistic ethics are based on truth and compassion for people. He seeks to encourage whatever is good and just in society and in people, and rejects what is false, sordid, and corrupt.

We need his voice in New Jersey and in the Italian-American community to remind us that the real story of Italian-Americans is found in the positive achievements that millions of them have contributed to America and to their own communities.●

SEAN MacBRIDE—NOBEL PEACE PRIZE WINNER AND INTERNATIONAL STATESMAN TO ADDRESS AD HOC CONGRESSIONAL COMMITTEE FOR IRISH AFFAIRS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. BIAGGI. Mr. Speaker, as chairman of the 115 member Ad Hoc Congressional Committee for Irish Affairs I am pleased to announce that the Honorable Sean MacBride, 1974 Nobel Peace Prize winner, will address a special meeting of the ad hoc congressional committee on Thursday morning at 11:30 in room 2168.

It is especially valuable to us that we are able to have a man whose work on behalf of world peace spans several decades address us about the ad hoc committee's own efforts to advance peace in Ireland; namely, our sponsorship of the Congressional Irish Peace Forum beginning the week of May 14. Sean MacBride was an original founder of Amnesty International and his work as chairman of its International Executive Committee between 1961–74 earned him the Nobel Peace Prize. Mr. MacBride also won the 1977 Lenin Peace Prize and in 1978 was awarded the American Medal of Justice. He is also a former Cabinet Minister and member of the Parliament of Ireland. Finally he was one of the sponsors or signatories to the following international treaties: Convention for European Economic Cooperation, Statute of the Council of Europe, Geneva Convention for Protection of War Criminals, and the European Convention of Human Rights.

Sean MacBride is certainly one of Ireland's and the world's most important statesmen. The ad hoc committee is honored to have him address us. I wish to provide my colleagues with the benefit of reading a recent analysis which Mr. MacBride made about Ireland in 1978 as printed in the Hibernian Digest. It is gratifying to note his observation that sectarian-based violence is decreasing and also interesting to note his view that there is a "growing disenchantment" with the British presence in Northern Ireland:

ANALYSIS BY SEAN MACBRIDE

1978

(Thousands of dead, injured and imprisoned have marked the North's decade of strife. Sean MacBride, Nobel and Lenin Peace Prize winner, former IRA leader, international diplomat and Human Rights activist, assesses the hopes which survive more than 10 years of violence and political stalemate.)

An objective assessment of the extent to which progress has, or has not, been made in finding an acceptable solution to the problems in Northern Ireland is not easy. Violence has not abated. It has changed in nature; the parties to the conflict now seem to be limited to the IRA and the British forces, including the RUC. Sectarian killings as such have virtually ceased—this does represent some considerable progress. But violence and counter-violence continued unabated. An important, but hardly noticed development, took place recently when the SDLP took up the demand for the withdrawal of forces from Northern Ireland. However, much the SDLP and the IRA may resent each other's existence, the decision of the Annual Conference of the SDLP, calling for a withdrawal of British forces, has brought the SDLP much closer to the demands made by the IRA. This change in policy had no doubt been brought about by pressure from the nationalist population.

Currently, the Ulster Loyalist groups have become more interested in the twin objective of securing the withdrawal of British forces and government from Ireland, and in the possibility of setting up an independent 'Ulster State'. This view is not shared by the Unionist politicians who fear that this might ultimately lead to some form of federation between Dublin and Belfast, or the setting up of a loose federation of the four provinces of Ireland.

Certainly, the Ulster Unionist group is less monolithic than it was. One has the impression that constant contacts take place between the paramilitaries on both sides, and that there is a clearer understanding of their respective policies. These changes have taken place largely because of a growing realization that neither side can win, and that ultimately, Catholic and Protestant, Unionist and Republicans, will have to live amicably together.

The UDA has a committee to draw up plans for an independent Ulster, and a phased withdrawal of British forces. Glenn Barr, Andy Tyrie, Paddy Devlin and David Rowlands are actively involved in this planning.

At times one could imagine that Roy Mason is working in close collaboration with the Provos. With clockwork regularity, he informs the British public that, at last, they "have overcome the IRA and see the light at the end of the tunnel." Within usually a matter of days, IRA guerrilla activities develop with renewed vigour, as if to disprove Mason's wishful thinking. This, of course, is coincidental, but it does disclose the British Government's poor judgment and erroneous assessment.

There is no indication that the IRA has lost its capacity to create damages and destruction. Probably out of desperation, British forces seem to have become more trigger-happy than they were, and as a result have shot a number of innocent civilians. But the IRA, while going for "soft targets", seems at last to have realised that innocent civilians should not become casualties of irresponsible and indiscriminate bombings.

The present political situation in Britain also contributes considerably to the confusion. On the one hand, for so-called tactical reasons, the British Government has increased the representation from the six counties in the British Parliament. This is, surely, a clear indication that the British Government contemplates the prolonged continuance of direct British rule of the six counties. This is a step which will inevitably exacerbate the tension between the nationalists and the British forces. The pressure on the British Government to give additional representation to "Ulster" at Westminster must have been very considerable. Obviously, the giving of additional seats to conservative MP's, who would vote against the Labour Government in Britain, was disadvantageous electorally and politically to the British Labour Party. Indeed, many members of the British Labour Party opposed this measure on the twin grounds that it would prolong direct rule on the one hand, and that it would weaken the Labour Party representation at Westminster. These steps do not seem to indicate that the British Government has as yet understood that they too are fighting a battle which they cannot win.

The actions of the British Government in increasing the six counties' represenation in Westminster is a far more damaging assertation of Britain's intention to continue to assert her sovereignty in the six counties than anything that has happened so far. It is a provocative indication that Britain will continue to exercise her domination over the northeastern part of Ireland. In terms of real politics, it is far more indicative of British policy in regard to Ireland than the Ireland Act of 1949. Yet this very deliberate reinforcement of Britain's claim to rule the six counties has gone nearly unnoticed by our politicians and by our press.

To summarise, it would appear that there has been a reduction of sectarian tensions in the six counties, accompanied by a growing disenchantment with British presence and policies. On the other hand, for whatever reasons, Britian has gone a step further in the process of annexing the six counties into the United Kingdom. The main drawback from the point of view of Ireland, North and South, is that the "Irish Question" will once more become a political football in the British Political Party games.

In this situation, it is important that those who wish for a greater degree of emanacipation from British domination should define, more carefully than they have, the cause of dissension between the nationalists and unionists (or, if you wish to label them denominationally, between Catholics and Protestants) in our island. Fear, imagined or well-founded, that minority rights are not adequately protected has undoubtedly been one of the main divisive factors. Certainly, there has been some basis for these fears. Instead of constantly arguing that these fears are without foundation, could we not turn our attention to the provision of mechanisms that would ensure effective protection of the minorities, North and South?

We have available to us ready-made mechanisms that could effectively provide remedies in regard to any infringement of minority rights: the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950. This instrument forms part of our international constitutional law, which has been accepted by Dublin, Belfast and London. It has worked well, and rendered signal service in the struggle for the protection of human rights in Western Europe. Under it, any individual can lodge a complaint if his rights have been infringed, and have the matter investigated by the European Commission on Human Rights, and ultimately, by the European Court of Human Rights. It is the only piece of judicial mechanism whose jurisdiction extends to the whole of Ireland and to Britain as well. So far, its use in regard to Irish matters has been limited to the curbing of illegal detention, or ill-treatment of prisoners. There is no reason, however, why it should not be availed of in regard to infringement of minority rights, North and South. If it is considered that the rights covered by the Convention are not adequate to protect the rights of minorities in the North or in the South, an additional Protocol to the Convention could cover such further rights as might be deemed necessary. Such an additional Protocol, receiving the support of Dublin, Belfast and London, would secure ready acceptance by the Council of Europe. If the judicial mechanisms provided by the Convention are too rigid or cumbersome, an Ad Hoc Minorities Commission could be set up within the framework of the Convention and the Council of Europe. Such a Commission could be given the specific task of ensuring the effective protection of minority rights in any part of Ireland.

This would be a comparatively easy way of ensuring the full protection under international law of the rights of the Protestant minority in the Republic, and of the Catholic minority in the six counties. It would go a long way towards the elimination of some of the fears that bedevil the relationship between nationalists and Unionists in Ireland. It is often a simple ready-made solution which is the most effective one.●

ANOTHER ANTI-INFLATION CIRCUS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. McDONALD. Mr. Speaker, Prof. Hans Sennholz, chairman of the Department of Economics at Grove City College, Pa., is a master at simplifying the subject our press tries to make so complex—inflation. In a recent article he pointed out very succinctly how neither the President of the United States nor the Congress is empowered to repeal the basic laws of economics. For those who have forgotten the law of supply and demand, this article that appeared in the Freeman magazine for March 1979, will be particularly instructive. The item follows:

Another Anti-Inflation Circus

(By Hans F. Sennholz)

Every U.S. President from the time of Franklin D. Roosevelt has been an "inflation fighter." Some denounced inflation as "public enemy number one," others even declared war on inflation.

And yet, since the first declaration of war by FDR, the American dollar has lost 80 per cent of its purchasing power and is losing more every day. Inflation is winning all the battles.

For almost 50 years of the anti-inflation war the U.S. government has pointed at several culpable parties. American business, especially big business, has taken the brunt of the blame. One President even used four-letter words to describe the greed of businessmen who raise prices. Some have taken potshots at physicians, attorneys, and other professionals, or pointed at labor unions. All presidents like to flail at speculators who hedge against the U.S. dollar by buying gold and harder currencies. And all have damned foreign governments for ruining the dollar.

Recent proposals in the battle against inflation call for restrictions on the production and consumption of energy and programs to spur U.S. exports, limit imports, sell additional amounts of gold, and encourage West Germany and Japan to buy more from the United States.

If it were not for the ominous effects of inflation on our lives and our society, the anti-inflation war would be a proper subject for the circus. The clown pompously announces he will demonstrate his skill, but lo and behold, always accomplishes the very opposite. The President formally announces another anti-inflation program, but lo and behold, the inflation gets worse.

The clown's method of fun is deliberate. He labors to violate a simple natural law. For instance, he seeks to defy the law of gravity by valiantly supporting an object that wants to fall down. He generates laughter, because young children know the futility of his efforts.

For economists familiar with economic laws, the Presidential anti-inflation programs are equally hilarious because they aim to violate inexorable economic laws. Like the Danish King Canute who ordered the rising tide to come no further, the President of the United States is commanding economic laws to yield.

For example, all governmental efforts to restrict imports and promote exports tend to reduce the supply of available goods. Every freshman economist who is familiar with the law of supply and demand, knows that this policy must raise goods prices and thus depreciate the currency.

The administration proposes a Congressional energy package to reduce the importation of foreign oil and gas "in order to bolster the dollar." But such a reduction will cause energy prices to rise and the U.S. dollar to depreciate. The world seems to know this, as it continues to dump U.S. dollars on the world money markets. Every time the President speaks of energy and his programs, the dollar falls to a new low.

The U.S. government is selling gold to strengthen the dollar. It offers foreign bankers and governments the opportunity to exchange dollars for gold, which strengthens the international role of gold and weakens that of the dollar. The dollar price of gold may temporarily fall one dollar or two, but the world-wide distribution of gold tends to bolster its importance.

The President lashes out at individuals—especially at foreigners or those Americans who are not expected to vote for his reelection—for causing the inflation through greed. He becomes a judge, and draws applause from those always ready to think evil of their fellowmen. An economist watching this is reminded of the scriptural question, "Why beholdest thou the mote that is thy brother's eye but considerest not the beam that is in thy own eye?" He may also remember the circus scene in which a clown turns on the water sprinkler, thoroughly soaking another clown, and then, with great indignation, assails him for being so wet.

Economists frequently wonder about the mentality of politicians. Does the President really believe that God invested him or his administration with special powers? Does popular acclaim and high office mislead him to believe in such powers? Or is he aware of his limitations, but merely acting the role of an omnipotent leader because the people would like him to be omnipotent? Is the economic ignorance really his own or merely a reflection of the ignorance of the electorate? Does a legislator actually believe that he and his colleagues, in Congress assembled and by majority vote, can negate economic law? For that matter, did King Canute's entourage, which shouted the King's order in unison, really believe that the rising tide would come no further?

Ours is an age of inflation because most people believe in the desirability of more money and credit, which is the very essence of inflation. Motivated by this belief, they bestowed the monopolistic right to issue money on their government and urged it to be free and easy with the issue. Governments greatly enjoy the use of this power because it affords an important source of revenue. Weak administrations, especially, readily yield to the temptation and create massive quantities of money in order to finance their spending programs. Billion dollar expenditures may generate millions of votes.

Issuing new money inescapably produces undesirable effects. Prices rise as recipients of the new money buy more goods and services. Each unit of money depreciates as more units are emitted. People on fixed incomes and savers see their purchasing power reduced, so they complain about the inflation. The government that is busily emitting massive quantities of new money rushes to the rescue: "By order of the President, the Congress, the courts and the police, all prices stop!" The order is given to millions of individuals exchanging goods and services in countless voluntary transactions.

As long as the order agrees with the value judgments of the trading parties, they will continue to exchange as before. But if the order should differ from their judgments, they will react. The seller who is ordered to exchange at a stop price that is lower than his own value judgment, ceases to exchange. In his judgment he would suffer a loss which he can avoid through inaction. The physician whose fee is officially fixed below the rate that causes him to render his service, will reduce his efforts. Thus, shortages inevitably result wherever government fixes prices below those people would set in free exchanges.

At first, the U.S. government resorts to inflation in order to cover its deficits. When rising prices subsequently hurt millions of people and cause them to voice their frustrations, the very administration that indulges in the spending spree is quick to point its finger of blame at some innocent bystander. It may impose wage and price controls, which control people and cause their productive efforts to decline. Lower output in turn causes the value of goods and services to rise and that of money to fall.

The U.S. government alone is conducting the inflation and making it worse with "anti-inflation programs." An administration that really disapproved of inflation would just stop inflating the currency.●

COTTON, INC. EXECUTIVE SHOULD STEP ASIDE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. FINDLEY. Mr. Speaker, the following editorial from the February 1979 issue of the magazine, Progressive Farmer, points to a serious situation involving the cotton program. The editorial calls attention to allegations of conflicts of interest against J. Dukes Wooters, Jr., president of Cotton, Inc. I quite agree with Progressive Farmer that Cotton, Inc.'s top official should take a voluntary leave of absence until this matter is cleared up. The faith and trust of America's cotton producers deserves no less if the future of this and perhaps other similar checkoff programs are not to come under a cloud.

The text of the editorial follows:

COTTON CHECKOFF MUST BE ABOVE SUSPICION

For many years, the cotton industry has been exceptionally well served by strong, able leaders. Dedicated and self-sacrificing, they have put their shoulders to the wheel when cotton's road was rough and rocky. They have shaped a research and promotion thrust for cotton that has been universally admired and partially imitated by other commodity groups using grower checkoff programs.

Results have been impressive.

Research paved the way for a number of significant improvements in cotton products. Technical assistance to textile mills has paid off by reversing the trend towards more synthetic fiber and less cotton in consumer goods.

Aggressive advertising and promotion campaigns have boosted buyer awareness of cotton's good traits in its new, improved products. This is quite a change from just a few seasons back when one would have been hard pressed to purchase certain garments containing much, if any, cotton. There has also been strictly agricultural research of immense value to growers in their efforts to increase yields and lower costs.

But all this progress may well have been put in jeopardy by charges of illegal activities by the nongrower president of Cotton Incorporated. He is accused of serving as a consultant to an individual cotton production company for extra compensation to offset a sizable salary cut ordered by Congress. Moreover, according to news reports, Cotton Incorporated Board of Directors in a Dallas meeting on Nov. 6, 1978, retroactively approved the arrangement.

The matter is now being investigated by legal authorities. The charges, if substantiated, represent a serious conflict of interest and the exceptionally poor judgment by Cotton's Incorporated's president.

Since the research and promotion program started, the Cotton Board has supervised the spending of about $140 million. It has contracted with Cotton Incorporated to conduct the actual work of research and promotion. The funds used to finance the research and promotion program are obtained from a producer checkoff system. But each individual grower has the legal right to ask for and to receive a full or partial refund of his checkoff funds. So, in the end, growers control the purse strings. They collectively "fund or refund" the program. The checkoff system will collapse if growers lose confidence in the good judgment and integrity of the program's management.

We have no way of knowing how seriously growers are concerned by the allegations of conflict of interests and other charges against Cotton Incorporated's top official. Moreover, we are in no position to judge whether the allegations are true or false. But we are vitally concerned about the possible effects of the publicity given the situation. (Ordinarily we would say to withhold judgment until the investigation is concluded. However, such an investigation may not be concluded for several months.)

The situation carries so great a potential for injury to the cotton industry that the official in question should voluntarily take a leave of absence until the matter is settled. Meanwhile, the Cotton Board and Cotton Incorporated should seriously consider whether the widespread publicity given the incident has not already destroyed the future effectiveness of anyone involved in the alleged scandal.

Over the years, *Progressive Farmer* has supported the self-help concept of producer-funded research and promotion for cotton. We have urged the Cotton Board and the directors of Cotton Incorporated to exercise sound, stringent control over the entire system.

We reaffirm that position. The cotton checkoff program is so important that it must always be above suspicion. This program, and indeed all other such checkoff programs, will live or die on a basis of the producer's unquestioned trust. No individual or group of individuals should ever be allowed to blight this trust. The faith of producers should never be compromised.●

MAINE "VOICE OF DEMOCRACY" CONTEST WINNER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mrs. SNOWE. Mr. Speaker, every year the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school student participated in the contest competing for the five national scholarships which are awarded as top prizes.

The theme of this year's contest was "Why I Care About America," and I am pleased that one of my constituents, Julie Elizabeth Hopkins of East Millinocket, Maine was chosen as the State winner. Julia is a junior at Schenck High School. She is interested in drama and plans a career in journalism or special education.

Her essay is notable for its touch with reality. It acknowledges our flaws, but finds in them the very substance on which our country was founded. This honesty along with optimism for the future and faith in our founding principles expressed by our young people signals a bright future for America.

I am glad to have this opportunity to congratulate Julie and to bring her essay to the attention of my colleagues.

ESSAY OF JULIE ELIZABETH HOPKINS

Each year the Veterans of Foreign Wars comes up with a theme for the Voice of Democracy Contest that literally reeks of patriotism. And in accordance to the theme, we write our heart-rending essays that make our elders swell with pride and sing "God Bless America." The essays are filled with examples of our love, loyalty, and dedication to our country. We always come to the conclusion that although America has faults, her good points outweigh her bad ones. Thus, the patriotic theme has created a Frankenstein essay to persuade others of our undying love for our country.

Don't mistake me; I care about America as much as anyone else. But the lack of honesty, objectivity, and sincerity the theme tends to summon leaves little room for true reality. It is the realness of America and her people I care about, not here glorious battles, laws, and landmarks. They are things to be proud of but the life of the people is what I care about. It's a live beauty to be talked about and praised. But what is the real element behind America's beauty? It stems from more than pride.

Many of us think of America as a land of majestic mountains, forests, rushing rivers, blue oceans, and golden bridges. Yet, we have failed to notice the dirt and stink of New York slums or the poverty an arm's length away. No, many of us go around blind to the pain and ugliness of America. But when we miss this, we're also missing a very important fact; the very pain and despair we turn away from is, in its essence the very substance which founded this country. It's a respect for the individual's right to live, his right to try to make a good life for himself and his family. The American does not give up. He never has in the past as an outcast of European societies and he never will because of the common problems of life which tie him securely to his fellow Americans. To me, this is American beauty. It isn't the trees or mountains or oceans. It's the bond between us, the bond which unites us as one. Indeed, this bond I name America.

This bond is real. It's a reality we all experience. That's why I care. Without this bond, America is the same as any other country, a land which grows in wealth and power but declines in unity and individual hope and progress. America's strength is sustained by her faith in the laws which created her. For faith in what we believe to be right, to be the truth, can be the greatest power of all.

I again say it is the life of the people I care about, the essence of a great people. Our America is a people of wealth, of poverty, of hope, of despair. Yet, she has an ever-lasting bond of unity and equality which separates her from the rest of the world. And despite the chronically patriotic themes we write about, the true power of America is forever present in our words, actions, and lives. We are the beauty of

America, and we are real. That's why I care about America.●

INFLATION AND AGRICULTURE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. MYERS of Indiana. Mr. Speaker, it appears that the farmers are leaving Washington and returning home. Although the tactics used during their month-long protest were not appreciated by most of us, we cannot deny that our Nation's farmers have a legitimate complaint.

If there is one sector of our economy in which inflation has the greatest impact, it is agriculture. Since farmers are both producers and consumers, they are affected by every action taken by Congress or the executive regarding inflation.

One solution which is often discussed is Federal controls on wages and prices. History, however, shows that this is not a viable solution. These Government controls only inhibit the ability of our free market system to cure inflation on its own.

To underscore this point, I call to the attention of my colleagues a perceptive article written by Richard L. Kohls, dean of Agriculture at Purdue University. Dean Kohls articulately discusses inflation, wage and price controls, and agriculture.

I insert the article "Inflation is the Issue," from the Purdue Agriculture Reports, volume 7, number 4, at this point in the RECORD and commend it to my colleagues:

Inflation! Inflation! It is finally reaching the consciousness of the Washington establishment that farmers, businessmen, steelworkers, teachers, consumers—almost everyone views this economic cancer as a major urgent problem.

Increasingly, price and wage controls are discussed as a solution to the problem. Unfortunately, such a solution has never cured inflation, but it has a good record of weakening those necessary ingredients that can reduce inflation—vigorous market competition, increased efficiency and productivity and sane government policies to prevent the creation of extra money. Surely no group has a greater stake in the outcome of this national dilemma than farmers and the food industry.

Governments, both at state and national levels, are historically slow to view the problem of inflation as being serious, even though it may be the common citizens' prime concern. The flow of monies into state and federal treasuries is wonderfully indexed to rising prices and "cheaper" money. The income tax and sales tax are the mainsprings of government income. Both of these have a marvelous way of benefiting from inflationary pressure.

Now that the upward march of the price level is top news, the release of various price indexes is scanned closely to spot who is the latest culprit in fueling the inflationary engine. "Beef prices rose sharply this month—it obviously is the culprit." "Auto prices shot ahead this month—they are the cause." Each price increase is sorted out for special treatment. In this continuous search for a scapegoat, little attention is paid to those prices which may decline, as their impact is overwhelmed by the general upward trend.

More often now, the possibility of price and wage controls is discussed. A recent public opinion poll indicated that a slight majority favored the instigation of price controls as a way to control inflation. However, public officials, including the President, proclaim that they are not in favor of such action.

There is a famous quotation in essence that says "Methinks he protests too much," implying a great degree of talking one way but actually planning to act in another. While officials deny loudly that they will impose rigid controls, we are told that some wage and price guidelines will be announced. It is also a good bet that detailed planning for some form of price control is busily underway in the bureaucratic bowels of various government agencies.

Agriculture offers a wonderful case study in viewing the behavior of the pricing system. Short run increases and decreases in the prices of individual items are necessary if the proper production and consumption decisions are to be made. The recent cattle price situation was a good case in point. A preceding period of heavy supplies brought beef prices down below profit levels for producers. In response, cattle herds were cut back and consumers started to bid higher for the reduced supplies. If profits return to the beef industry, supplies again will be increased and consumers will not have to pay as much to receive their share. Changing individual prices have jobs of direction and allocation to perform in a market economy. We must have price fluctuations among different products and items if the machinery of efficiency and changing market tastes is to be kept functional.

Inflation is not the result of fluctuations in prices of commodities. Rather, it is a general dumping of monies into the system, so that fluctuations take place at continually higher levels. The inflationary problem is not solved by seeking out scapegoats of individual products, profit mongers, wicked middlemen, etc. The real culprits of increasing money supplies, structural rigidities, and world economic practices are not easy or painless problems to solve.

The instigation of price controls or freezes however, deals with the results of the disease, not the causes. The historic record of our past attempts at government price controls is dismal. Ask any farmer or consumer who experienced the price control periods of the past. Have them recount their stories of subsidies. Under-the-counter deals, ration coupons, waiting lines for scarce items, and gluts of unwanted products. Unfortunately, rigid price controls stifle effective competition and efficiency development and take the pressure off government to get its own spending under control. Price controls do have one positive result—they greatly increase the number of government employees needed to write additional rules and directives and police the market system!

Farmers and the food industry whose effectiveness depends upon a fluid and dynamic system of prices and markets must be out in front, insisting that we really deal with inflation as such—not merely with price changes. They must insist that their governments face the issue squarely and not pass the buck.●

COUNCIL FOR INTERNATIONAL URBAN LIAISON: INTERGOVERNMENTAL RELATIONS IN WEST GERMANY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. REUSS. Mr. Speaker, the Council for International Urban Liaison, founded in 1976, performs a valuable service in promoting the transfer of innovative approaches to the amelioration of common urban problems. Recently, in one of the Council's widely circulated newsletters, Urban Innovation Abroad, Manfred Rommel, Lord Mayor of Stuttgart and president of the German League of Cities, described the unusual role accorded German local government organizations in the federal legislative process. I commend Lord Mayor Rommel's article to my colleagues:

INTERGOVERNMENTAL RELATIONS IN GERMANY

(By Manfred Rommel)

When Mayor Rommel made a reference to the role of German local government organizations in federal decision-making during a recent talk before the urban legislative roundtable in Washington our ears perked up. We thought our readers would benefit from an insight into the way German local government makes its influence felt in the decision-making of the Federal Republic. It seems that the three principal local government associations in Germany have a far more direct impact on the process of Federal policymaking than is the case in this country. Mayor Rommel, who presides over the DST and the working group of three key associations, graciously agreed to acquaint UIA readers with his perspective on the intergovernmental relations in the Federal Republic. While the process of local government policy participation at the federal level has not gone far enough in his view, the associations have the legal right to participate in the drafting of federal legislation affecting local concerns, which is certainly more than they enjoy in most countries. Our guest author, son of the legendary general, is a prominent figure of the opposition CDU in his own right and has been on the German national scene since his 1974 victory over the SPC incumbent in the Stuttgart mayoralty race. You will note that he speaks his mind.

Local government and local government associations in Germany are still short of the position to which they are entitled as guardians of democratic institutions despite the frequent lip service that is paid them by the leading exponents of national government. They do not share in national revenues in a manner that does justice to the part they play in economic policy and in job creation and their legal rights and functions are constantly being threatened and circumscribed by legislation and red tape.

Under these conditions it behooves our three principal local government associations, representing respectively the cities, townships, and counties, to work in a dual direction: to perform services needed by the membership and to make the voice of local government heard by state and federal agencies as well as the general public. While the membership functions do not pose any political or constitutional problems that require mention in the present context, our advocacy rule within the legislative limits of state and federal decision-making requires considerable attention.

Against the background of the continued erosion of local self-government, the three principal local government associations have joined forces in the "Big Three" national federation of local government associations under the chairmanship of the DSST * * * in order to give our concerns greater emphasis by concerted action. As a result of these efforts we have achieved the guaranteed right to participate in the formulation of legislative and administrative decisions at the federal level. This statutory consulting function is embodied in the "Joint Rules of Procedure of the Federal Ministries" and in the "Procedural Rules of the German Bundestag," the federal parliament. Briefly stated these rules require that all draft legislation affecting the interests of local authori- the drafting of federal legislation affecting earliest possible moment with the principal local government associations at the federal level. This allows us to have an input, pursuant to the local self-government clause enshrined in Article 28 of our Constitution, already at the preparatory stage of legislative initiatives. In exercising this function we do not consider ourselves as lobbyists or para-legal auxiliaries, but as full-fledged participants in the shaping of the political will taking into consideration the special needs and conditions of our communities. We search for solutions that are prudent, realistic and in accord with the interests of local jurisdictions and their inhabitants.

Beyond this, our principal local government associations share in the policymaking of numerous federal bodies or are required to be consulted in federal decision-making over a wide range of communal concerns. This function, regulated by law or procedure, is exercised, for example, with the federal government's Financial Planning Council, the Economic Initiatives Council, the Council for Countercyclical Initiatives, the Federal Advisory Council on Land Use, the Urban Development Council, The Coordinating Committee for Highway Planning, the Advisory Committee on Research and Technology, the Joint Commission for Educational Planning, the Federal Youth Board, the German Sports Conference, etc. Participation by our key local government associations in these councils and committees insures an application of the principles of countervailing influence to make the effect of local government views—of those touched in their daily lives by the decisions of the higher levels of government—felt in the process of policy formulation.

The recognition has gradually sunk in that our local government associations are not merely advocates of the parochial interests of their member organizations, but that we constitute an indispensable link between central and local decision makers. Our federal government is even slowly coming around to the view that local government cooperation is helpful in meeting the growing need for counter-cyclical action as in the case of public investments in turn our local government associations offer the federal government levers for quick, uncomplicated and politically neutral participation of those affected by its urban and regional policy decisions.

From the foregoing it seems safe to infer that the status of the principal local government associations is guaranteed and protected within the arena of intergovernmental relations. But this is the case only on first sight. A flood of laws and regulations requiring local level enforcement and implementation continues to restrict and even to jeopardize the role of local selfgovernment as the "third pillar of the state." The number of tasks imposed centrally on local government keeps growing while the scope for decision-making from below is constantly being narrowed. It is not sufficient to compensate this disequilibrium by allowing greater room for consultation. The current trend toward greater central decision-making strikes against the kind of feedback from below that does not threaten the functional independence of local jurisdictions. The functional reform desired by local government is long in coming.

The task of self-government in the modern state goes beyond defending one's turf against incursions by the state and of laboring in residual areas not yet claimed by higher jurisdictions. The reciprocal responsibility of all levels of political actions calls for substituting a functionally-appropriate interdependence for isolated and autonomous actions by the three tiers of government. Local self-government reaches its highest form and function in meeting citizen interests in the realization of social goals legislated by the community at large. A local government reform, therefore, should result in an increase rather than in reduction of the tasks assigned local jurisdictions.

To realize this objective our local government associations view themselves not only as advocates for their members but as their tools that serve to weave the densely-stitched web of intergovernmental relations into a proper pattern. In our relations with central government we need to maintain independence, objectively and reserve, we must not shirk confrontation where necessary. The goal will be gained if we avoid complacency and engage in the critical self-analysis that helps advance our cause.●

ADVERSE FUNDING DECISION WILL AFFECT SUPPLY OF ENGINEERS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. DASCHLE. Mr. Speaker, I would like to address my colleagues' attention to what I feel was not only a grave injustice but also a serious mistake that will adversely affect the supply of engineers to our Nation's mining and mineral industries. The following statement was presented before the House Subcommittee on Interior Appropriations by Richard A. Schleusener, Ph.D., president of the South Dakota School of Mines and Technology, Rapid City, S. Dak., on February 26, 1979, regarding the schools exclusion from funding as a mineral resource and research institute:

STATEMENT BY RICHARD A. SCHLEUSENER

SPECIFIC APPROPRIATION REQUEST

The appropriations for the Mineral Resources Research Institute of the Office of Surface Mining of the Department of the Interior be increased by $270,000 to provide funding for the South Dakota School of Mines and Technology as the 23rd institute.

STATEMENT

We are here to give testimony on a matter that is a serious problem for us, and one which we believe is detrimental to the best interests of the United States. Our problem concerns the implementation of the Surface Mining Control and Reclamation Act of 1977.

We thank the Committee for the support which you have given to provide funding for all states qualified under the Act. Last year, funding was provided for an initial 20 Mineral Resources Research Institutes (MRRI). Thirty-seven were determined to be qualified under the Act. As one of the states not funded, we are here to request that your committee provide $270,000 to fund our institute as the 23rd Mineral Resources Research Institute.

My statement will cover four parts:

1. Procedures used in implementation of the Act.

2. The role of our institution in solving our nation's mining and mineral problems.

3. The potentially disastrous consequences and unjust results of the present implementation of the Act.

4. My recommendation and request.

PROCEDURES USED

The procedures used in implementing the Act involved an initial selection of 37 state institutes as "qualified", but because of "funding limitations", only 20 were funded through an unannounced and obscure selection process. Only two weeks later the list was expanded by adding two more institutes without reference to funding limitations. These procedures were both confusing and unjust.

ROLE OF THE SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY IN SOLVING OUR NATION'S MINING AND MINERAL PROBLEMS

Let me describe how the South Dakota School of Mines and Technology has served in solving our nation's mining and mineral problems. We have been in existence since 1885, some two years before South Dakota became a state. We historically have provided education and training needed to support the mining and mineral industry of the Black Hills, the adjacent area, and indeed the world. We are at the center of the vast development of the Northern Great Plains coal fields. The Department of Interior has reported that these fields contain over 60 percent of the surface minable coal in the United States. We are the mining and mineral engineering institution located most closely to this vital new production area. In addition, there are significant new developments of uranium mining in western South Dakota.

We have been a major producer of graduates trained for positions in the mining and mineral industry. For example, the most recently published information (1977) shows that our institution was second only to the Colorado School of Mines in the number of mining and metallurgical seniors enrolled in the United States.[1][2] Our students enjoy starting salaries upon graduation that are above the nation's average and our students are employed in all 50 states and 44 foreign countries. Our graduates are vitally involved with the growing coal and mineral industries of our region. For example, our graduates fill 35 of 104 positions of leadership in the companies developing resources in the Gillette, Wyoming area.[3]

We have had in the past, and we continue to receive, commitments of substantial resources from the state of South Dakota for our mineral industries program. This support has continued, during good times and bad, for nearly a century.

In addition, our research program is expanding. Recently our department of mining engineering, at the request of the South Dakota Department of Health, has assumed a leadership role of developing training programs to meet the requirements of the Federal Mine Safety and Health Act of 1977.

With this background, I believe you can understand that when we found out that we were not designated as a funded institute we were shocked and deeply disturbed. Now, five months later, we are still disturbed by the injustice of the selection process. We are unable to understand that funding to expand an already existing program was denied to our school which is:

1. The school located closest to the largest new mining production area in the nation, and

2. Recognized as a leader in mineral related education and research,

3. Second in the nation in the number of students completing studies in mining and metallurgical engineering, and

4. Committed to continue a program of developing mineral resources.

CONSEQUENCES AND UNJUST RESULTS OF THE PRESENT IMPLEMENTATION OF THE ACT

Recent events point to the strongly adverse effects that denial of funding will have on our institution. The actions taken have potentially disastrous effects on our students, our faculty, our reputation, and our research program.

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[1] *Mining Engineering*, Published by the Society of Mining Engineers of AIME, p. 39, January 1977.

[2] *Journal of Metals*, Published by Met. Soc. of AIME, p. 27, April 1977.

[3] Private communication dated February 14, 1979 to Dr. Richard J. Gowen from P. E. Schild of Wyodak Resources Development Corp., Gillette, Wyoming.

EFFECTS ON OUR STUDENTS

The denial of funding means that we will have a probable decrease in our ability to continue to attract the brightest students to our program.

EFFECTS ON OUR FACULTY

Schools that have received funding under the Act have already begun to approach our faculty to leave our campus and go to their programs. One faculty member has received an offer for 24 percent increase in salary. Such an offer, combined with the attraction of guaranteed support for students and research, represents a problem that will be increasingly difficult to solve unless we are funded so we can provide the same opportunities.

EFFECTS ON OUR REPUTATION

As a minimum, we are left to try to explain why the Department of Interior in a supposedly "merit selection", found that our program was not suitable for funding, particularly, when only two weeks after the initial announcement of 20 institutes, funding was extended to cover the 21st and 22nd institutes.

EFFECTS ON OUR RESEARCH PROGRAM

The Department of Interior has interpreted the wording of the Act to restrict qualified but non-funded institutes, such as ours, from competing for special research funds provided under the Act. Our verbal appeals to have this decision modified to allow all eligible institutions to compete for the research funds provided have been denied. A major portion of our research effort in mining and minerals engineering is directly applicable to the areas to be funded under the Act. Yet, under current rules, we are being denied even the opportunity to compete for such funding.

Even worse, these adverse effects are to extend even further. We understand there will be a reduction of the research funds to be made available for future research *outside* of the framework of the Mineral Resources Research Institutes.

Thus even in the area of research, as an unfunded institute we apparently are to be denied the opportunity to bring our proven expertise to help solve our nation's problems in mining and minerals engineering. The injustice of the situation is sufficient to warrant your corrective action; but, in addition to the injustice, it clearly is in the best interest of the nation to provide for competition for such research funding by any qualified institution.

In summary, the South Dakota School of Mines and Technology has been treated in a grossly unjust manner. The results of this injustice have a real potential of causing us to lose excellence we have striven to create even before the Act was conceived, of causing us to lose our students and faculty, and to be prohibited from doing research with the Office of Surface Mining. It is difficult to believe that the Congress intended for these adverse effects to occur.

Finally, the State of South Dakota has provided significant support for education and training in mineral engineering during the time period that adverse economic effects led a number of other institutions to discontinue their programs. With this background it is indeed ironic that our institution is being deprived the opportunity to participate in the current program as a funded mineral resources research institute.

RECOMMENDATION AND REQUEST

I request that the appropriation for the Mineral Resources Research Institutes of the Office of Surface Mining of the Department of Interior be increased by $270,000 to provide funding for the South Dakota School of Mines and Technology as the 23rd institute. In fairness to the institutes who are already funded and presently developing programs, I ask for additional funds rather than simply reallocating the available funds as was done in the recent addition of Alabama and Michigan as funded institutes.

I thank the members of the South Dakota Congressional Delegation for their assistance in matters related to this testimony, and I thank the members of the committee for this opportunity to testify.●

DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. McCLORY. Mr. Speaker, today, I am introducing a joint resolution proposing an amendment to the Constitution of the United States to provide for direct popular election of the President and Vice President, a reform which I consider urgently required and long overdue. It is designed to replace political chance with popular choice.

Senate Joint Resolution 1, the Senate version of the direct election amendment, was not referred to committee but is being held at the desk in the other body and could be called up for debate and vote in the very near future. So the time is ripe for our Judiciary Committee, on which I serve as ranking member, to consider this proposal seriously and in depth for the first time since the first session of the 91st Congress. It was 10 years ago that my colleagues and I on the Judiciary Committee participated in an extensive series of hearings which examined over 50 joint resolutions reforming our present method of electing the President and Vice President. With only six Members in opposition, the committee reported a direct election amendment to the House and it was passed by the House in September 1969 by a vote of 339 to 70. Action in the other body was blocked, unfortunately, when efforts to impose cloture failed.

Adoption of the direct election reform will eliminate a number of problems inherent in the present system, not least that of the "faithless" electors, members of the electoral college who do not cast their votes in accordance with the results of the popular vote in his State. Only a small minority of States require by law that electors vote for candidates of their party. Most legal authorities are of the opinion that even these laws are not enforceable, since the constitutional requirement that electors vote by secret ballot at least implies that they are free agents.

In 1960, in 1968, and once again in 1976, an elector cast his ballot against instructions. Carrying this independence to an extreme, it is not inconceivable that, in a future election, a bloc of third-party electors could ignore pledges made before the election and negotiate with major party candidates, thereby becoming an extra-constitutional balance of power.

This situation very nearly arose in 1968. A shift from Richard Nixon to Senator Humphrey of only 42,000 popular votes in three States would have denied Nixon his electoral college majority and given Governor Wallace, with his 46 electoral votes, the balance of power. In an interview published before the election, the Governor made it clear that if that should occur, then he or his electors would get together with another candidate or his electors and make a deal for the support of the Wallace bloc in the electoral college.

If, for lack of a 270-vote majority for any candidate in the electoral college, the Presidential election is thrown into the House of Representatives, another unwelcome possibility presents itself. Since each State gets one vote, determined by a poll of its Representatives, in an extreme instance the votes of 59 Members of the House from 26 States with a population of 38,400,000 could outvote the other 376 Members from 24 States with a combined population of 179,659,000. One may imagine the strains which any result even approaching this would impose on our national unity and political order.

The winner has actually received less than 50 percent of the popular vote in 14 Presidential elections. On 11 occasions, the candidate receiving a plurality of the popular vote also obtained an electoral college majority. More striking, however, are the other three elections, which gave us "minority" Presidents—a Presidential victor who nevertheless received a lesser number of popular votes than his closest opponent.

In 1824, the House of Representatives elected John Quincy Adams as President, although Andrew Jackson has received more electoral votes and enjoyed a popular plurality of approximately 37,000 votes. In 1876, Samuel J. Tilden received 260,000 more popular votes than Rutherford B. Hayes but, after a congressional electoral commission decided the results in several contested States, it was Hayes who emerged the victor by one electoral vote. The third example of the election of a "minority President" occurred in 1888, when the incumbent, Grover Cleveland, recorded a 100,000-vote plurality over his closest opponent, Benjamin Harrison, but the latter became President by a margin of 65 votes in the electoral college.

In our time, the electoral college system has had some very close calls. In 1948, a shift of less than 38,000 votes in three States would have given Governor Dewey an electoral vote majority despite President Truman's popular vote majority of over 2 million votes. In 1976, a shift of only 9,245 popular votes in Ohio and Hawaii would have given President Ford an electoral college majority to defeat Carter, although the Georgia Governor enjoyed a nationwide popular vote plurality of 1.7 million.

The joint resolution which I introduce today will insure that the electoral outcome reflects the results of the popular vote. It would eliminate the problems of the faithless electors, election by a minority in the House, and the winner who receives fewer popular votes than his closest opponent. A positive advantage of the elimination of the electoral college barricade, which discourages voter participation in one-party States, will almost certainly be a pronounced increase in the number of persons going to the polls.

This joint resolution provides a 35

percent plurality of the popular vote will be sufficient to elect the President and Vice President. If no ticket receives 35 percent it provides for a runoff election between the two sets of front runners. Although the House endorsed a 40 percent figure in passing the direct election joint resolution in the 91st Congress, I supported the lower figure for reasons which, I believe, remain valid today. A requirement for an absolute majority for an election will draw in third parties as "spoilers" forcing a runoff. But a lower ceiling will, in the opinion of experts who have considered the matter, discourage splinter parties and therefore strengthen the two-party system. If it seeks to win, the third party obviously must secure 35 percent of the vote. If it is to place in the runoff, a third party must keep both major parties from reaching 35 percent while simultaneously defeating one of the major parties, an extremely difficult undertaking. Experts who have studied this issue suggest that adopting the 35 percent figure in lieu of 40 percent would reduce the possibility of a runoff election from one in a hundred to one in a thousand.

Mr. Speaker, the need for electoral college reform and the adoption of direct election procedures is clear for all to see. Our democratic form of government requires it. The stability of our institutions in an uneasy world compels it. We must act, and act now. ●

INADEQUACY OF FUEL ASSISTANCE PROGRAM

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. SHANNON. Mr. Speaker, every winter low-income families suffer because they are unable to pay their home heating bills. In times of escalating fuel, food and medical costs, it is understandable that low-income households are struggling to survive. To prevent this unnecessary hardship, Congress authorized a Fuel Crisis Intervention Program in 1976 which was designed to assist low-income households with excessive fuel costs in the winter. Each year this program has provided $200 million for winter-related disaster assistance.

The President has proposed a permanent fuel assistance program. I applaud the President's initiative to establish a permanent fuel assistance program, but not at the inadequate funding levels he has proposed. The President's proposed permanent program provides for one-fifth of the funds that were available under the program authorized by Congress.

I urge my colleagues to support a permanent program that will prevent the sort of tragic event that follows from ever happening again:

THE SCREAMS OF JOSE ROMAN

The screams of Jose Roman—"my wife and my babies, my wife and my babies"—ought to reverberate from his fire-gutted Dorchester apartment to Beacon Hill and then to Washington. It will be too late for Roman and his wife. They have lost four of their five children. But if heard in the corridors of power, Jose Roman's cry will not have been totally in vain.

The fire that killed the four children, ranging in age from 41 days to six years, was caused by the explosion of a space heater. The heater, according to a neighbor in the triple-decker house was being employed because the Romans could no longer afford to pay for oil heat.

They could not pay for the oil heat because, in part, it is government policy to allow the price to rise. The policy is intended for reasons of national security to force the conservation of energy. But the nation is composed of its people, and this policy, by its very structure, weighs most heavily on the poorest of those people. That structure must be radically changed to meet the needs of the poor. The alterations won't be cheap, they won't necessarily be efficient. All they will be is humane.

While the state government dawdles around with legislation to restore the state's emergency welfare assistance, and while the federal government ties its comparable programs up in bureaucratic knots, the poor have been scrimping, the poor have been shivering, the poor have been dying.

The federal case is a classic. By all accounts, at least $2 billion and maybe $4 billion are needed annually to assure the poor those basics of modern life, heat and light. Well, the feds have come up with only $200 million and the budget watchers have made even that difficult to get.

Only those with documented "emergencies" are eligible. In some cases, that requires shut-off notices. Well, in Massachusetts the utilities have been pressured and/or required not to issue such notices in the dead of winter—and with good reason. And the fuel oil dealers mostly little fellows who need their money now, don't issue shut-off notices. They just get back in their trucks and drive on.

In Washington they apparently don't understand how it works, in New England we do.

The provision of subsistence levels of electricity for the poor can be met at the state level through some sort of "life line" rate system enacted by the Department of Public Utilities. But subsidies for fuel oil are clearly going to require a national solution.

The fuel oil subsidy can be given any name anyone wants to attach to it, but ultimately it is going to have to be akin to food stamps—something like "fuel stamps". It's said that in Washington they don't like the sound of that because it sounds opened-ended and expensive. True. But is surely sounds less horrifying than Jose Roman's screams in the Dorchester night.●

SALT OFFERS SOVIET RESTRAINT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. LAGOMARSINO. Mr. Speaker, I question the advisability of the Carter administration's treatment of SALT II as an absolute end in itself without seeing the treaty within a global context. Therefore, I would like to share with my colleagues the following editorial which appeared in the Oxnard Press-Courier on February 21, 1979.

SALT OFFERS SOVIET RESTRAINT

On no single foreign policy issue is the Carter administration more profoundly mistaken than in its stubborn refusal to utilize negotiations for the Strategic Arms Limitation Talks to restrain the Soviet Union's global ambitions. Clearly, if Soviet designs on Europe, Africa, the Persian Gulf and elsewhere are realized, no conceivable arms agreement could restore the balance of power that alone guarantees the peace.

No one, including those Republican senators who formally proposed that the SALT negotiations be made conditional on Soviet good behavior, is suggesting that the arms talks be held hostage to every ripple in East-West relations. That kind of linkage would wreck the SALT process overnight.

But in a broader, strategic sense, it is both irresponsible and unrealistic to isolate the SALT negotiations from the larger geopolitical context in which they occur. It is foolish and dangerous for the Carter administration to insist otherwise.

When Washington eschews linkage, it grants the Soviets an apparent immunity from the consequences of their aggressive moves around the world. Every time President Carter and Secretary of State Cyrus Vance proclaim the SALT process as an end in itself and one exempt from every other strategic and political consideration, they encourage the Soviets to press the advantages Moscow has already achieved in Africa, around the periphery of the Persian Gulf, in Southeast Asia, and along NATO's front from the Arctic Circle to the Dardanelles.

The destabilizing effects of these Soviet gains are not, however, lost on the Senate which must ratify or reject the SALT II treaty. The steady erosion of Senate support for SALT in recent years represents linkage in its starkest form.

The administration's rejection of linkage is rooted in an increasingly untenable view of SALT as the guarantor of the U.S.-Soviet balance of power. Had the negotiations produced different results, that might have been so. But the known terms of the all-but-completed SALT II treaty suggest that it will neither establish nor maintain a military balance.

There are ample grounds for believing that, in many respects SALT II more nearly suits Soviet purposes than those of the United States. The prospective treaty and its "temporary" three-year protocol would permit the Soviets to widen their lead in strategic forces while inhibiting the development of those American weapons that could narrow the gap during the critical period of the early to mid-1980s.

The Carter administration itself acknowledges that, with or without SALT II, American security and the defense of allies in Western Europe and Japan will require steady increases in defense spending.

SALT may not be strictly speaking, a favor the U.S. grants the Russians, but even more certain it is no indulgence of the United States by the Kremlin.

At this late date, Washington has little to lose and much to gain by informing the Soviets that the SALT process cannot survive a sustained Soviet challenge to the precarious East-West equilibrium that now exists.●

THE UNEMPLOYED ARE DESPERATE TO WORK

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. HAWKINS. Mr. Speaker, the massive snowstorm which struck Washington, D.C., caused a great deal of discomfort, but it also taught us that those who face severe long-term unemployment are willing and eager to work. As the following article from the Washington Post of February 22 indicates, hundreds of unemployed persons responded to a call for help by the Washington Metro Transit System by appearing at 6:30 in the morning to help clear snow from subway tracks, for a dreary job paying $5 an hour. The individual stories of absolute desperation and desire for a job which are shown in this article are literally repeated millions of times, across this country. This lesson should be taken to heart by those who shape Federal economic policy, and particularly by those who would tell us that our economy is at a "full" employment level.

The article follows:

CHAOS BROKE OUT, JOB SEEKER FOUND

(By Juan Williams)

Two days ago, Metro recruited day laborers to dig out the subway system. Many more persons showed up than Metro was able to hire, and angry incidents of vandalism resulted. This is an account of what happened by some of those who sought work.

Sam Zachary got the word from Robert Jones who saw it flash across the bottom of his television screen Monday night. Metro was paying $5 an hour for workers to shovel snow from train tracks.

"Five bucks," Jones recalls, thinking to himself, "Five bucks an hour. I can relate to that. Even GS-3s don't make $5 by the hour."

By 5:30 a.m. Tuesday, Jones and Zachary were outside Metro headquarters at 600 Fifth St. NW, after walking from Southeast Washington to sign up for work. Jones, 21, who is unemployed and does "whatever I can, whenever I can" to make money, and Zachary, an unemployed piano player, found about 200 persons already knocking on the glass doors of the Metro building.

By 6:30 a.m., about 600 persons were waiting for jobs. When the first bus arrived to pick up workers, the crowd stampeded the bus, battling for a ride to a job.

"The police had them standing back," said Quenton Jones, an unemployed 18-year-old in the crowd. "They had pulled out some loudspeakers and told everyone to get in line. But as soon as that first bus came, chaos broke out. It was wild, man. Everybody, girls and old men, running, swinging and pushing to get on that bus."

"People talk about black people being lazy and looking for welfare," said Richard Calhoun, an unemployed father of six who said he has been trying to find work as a laborer. "That's the first thing they holler. You should have seen all them people down there, most of them young black men. They would have killed you to get on that bus, you hear what I'm saying? Those people were out there before the sun came up, looking to bend their back and work. . . ."

Seven buses arrived at Metro headquarters to take workers to Metro maintenance headquarters in Silver Spring. Some buses had to drive away with their doors open because people were hanging from the door, refusing to let go and lose a chance to work.

There were similar scenes at six other stops where workers were being collected. At the Eastern Market Metro stop at Seventh Street and Pennsylvania Avenue SE, a crowd estimated at 500 began pounding on closed doors of parked buses. The crowd then began jeering bus drivers who were surrounded by job seekers and threatened to overturn a full bus. A bus window was broken.

The buses escaped by accelerating their engines and driving slowly through the crowd. The angry crowds milled for a short time and then some people began looting a nearby liquor store.

At the Metro station at Minnesota Avenue and Grant Road NE, about 250 persons ripped down a fence when full buses drove away.

When buses arrived at the Metro maintenance headquarters on Georgia Avenue in Silver Spring, there was more fighting as about 1,000 persons, who had arrived by bus and foot, tried to sign up for 500 jobs.

"Things got disorderly when we told them we got to chop this off, we've got enough people," said Ralph Smith, Metros' general maintenance director. "We said we'd take a few more, and that started some people griping. They said they'd been on the road since early that morning for several hours and they were ticked off that they didn't get anything after all that effort."

Small fistfights broke out among persons trying to get to the front of the line. Some of the disappointed workers fought with Metrto employees. A second-floor wall was kicked in. An adding machine and two typewriters were stolen, and one man was arrested for larceny.

"When they told them they didn't have any more jobs," said Robert Jones, who got a job, "they got rowdy. They figured they had been wronged, so they were going to do what they wanted. They started fighting, stealing anything they could—typewriters, shovels, you name it. They were going crazy. Some of them were running through the building yelling."

"You know I can understand it," he said. "Nobody came up there to go home without the bucks. They didn't want to have been up early, gone out in that snow and been fighting to get on the bus and then still get nothing."

"They didn't even have a way to get home. The buses weren't taking them back. See, they were right there. It wasn't like an application where they say they'll call you. Those folks could see that job, they could smell it. They wanted it bad," he said.

Jones and Zachary received shovels and jobs and were asked to return to work for Metro yesterday. They shoveled for 12 hours Tuesday and yesterday were among 150 workers asked back.

The looting and vandalism involving the frustrated job seekers at Metro buildings followed a survey last November by Louis Harris and Associates that indicated that joblessness among blacks is reaching a crisis point.

"What emerges is a clear-cut finding that jobs surely must be viewed as one area where blacks feel most frustrated, most left out in the cold and where black desperation bids fair to erupt into front-line trouble in the near-term future," the Harris study said.●

RALPH VOELKER ARIZONA'S VOICE OF DEMOCRACY WINNER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. UDALL. Mr. Speaker, this year, as in years past, the Veterans of Foreign Wars has conducted the "Voice of Democracy" contest among the Nation's high school students.

Over 250,000 students wrote on the theme "Why I Care About America," and I am proud to say that the winning speech in Arizona came from a resident of the 2d Congressional District, Ralph M. Voelker, of Tucson, who attends Santa Rita High School, reminds all of us what it means to live in America, what it means to care for America. It is a fine speech by an obviously outstanding young man, and I am pleased to be able to share it with my colleagues.

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—ARIZONA WINNER—RALPH MARVIN VOELKER

In 1968 I was only 7 years old. But it was at this time that I started thinking about why I care for America.

What was so important about my seventh year realization? It came from a great disappointment.

In 1968 I was old enough to understand the Olympics. But not quite enough to understand why the American athletes didn't win all of the gold medals. As far as I was concerned, they should.

But then my father sat down and explained to me how hard these medals were to win and how proud I should be that the Americans should win such a large percentage. And I was proud.

I really have to thank my father for that talk, because that pride has stuck with me and that pride has sent me on a journey. One I know will never be completed. One I started when I was only seven years old. My goals; to see every corner I possibly can of this country which those American athletes and everyone in this country so proudly represent. A country that 200 years ago was laughed at because of the freedoms given the people. Laughed at because these freedoms would never work.

But they have worked, and worked in such a way that now lets us laugh at those who thought freedom would never work. But we haven't laughed, for the United States really hasn't had time. Why? Because the United States has been trying to better the rest of the world with our technical knowledge and more importantly our freedom.

This word freedom keeps popping up, and before I go any further I think I should explain to you what freedom means to me. Freedom is being able to stand up for what you feel is right without having to worry that you've stepped on someone's toes.

But none of these things mentioned explain why I as an individual care about America. To answer this question I have to return back to the journey I have begun. I've been to places so beautiful that I'm left spellbound, staring off into the distance.

I have seen the mighty bald eagle, soaring high above, showing the world why it was chosen as a symbol of the United States. And once again a pride builds within me and I feel a strength of America within me. A strength that I know shall never leave me. A strength which urges me to go farther and see more of this, the greatest country the earth shall ever know. Greater than the Roman Empire, more tantalizing than the Greeks of Athens. Stronger than any other empire the earth has ever known.

Because the strength of America grows in the face of danger and my pride grows with every moment of this strength and my journey will continue, even when this speech is just a memory within the midst of my mind, and this strength will never end. For America will never end. And that is just one reason out of the countless millions of why I care for America. And I do care for America.●

BUY AMERICAN ACT OF 1979

HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. ATKINSON. Mr. Speaker, today I am introducing legislation that will update and reform the Buy American Act. This legislation, the Buy American Act of 1979, will bring present law more closely in line with the realities of Government procurement today and more closely in line with the realities of international trade relationships, competition, and negotiations.

The changes I propose in the Buy American Act—changes that were introduced in the Senate by the distinguished Senator from Pennsylvania, Mr. HEINZ—will assure continued fair treatment for American businesses competing for Government contracts against foreign competitors. And it will extend that protection to more products and to State and local procurement with Federal funds. At the same time, the Buy American Act of 1979 will eliminate the direct numerical preference given American products that has cause our trading partners so much consternation, while replacing that preference with a new formula reflecting the true cost to the treasury of foreign purchases.

Briefly, Mr. Speaker, the Buy American Act of 1979 would accomplish the following: First, it would extend protection to State and local procurement when those Government entities make purchases involving more than 50 percent Federal funding; second, it would extend protection to subcontracts which form 10 percent or more of a product's cost; third, it would require the computation of lost tax revenues, higher unemployment compensation, and other "hidden" costs of buying foreign goods, and require the Administrator for Federal Procurement Policy to weigh these hidden costs when making procurement decisions; fourth, the Buy American Act of 1979 brings to Government procurement protection against dumping, export subsidies, and other forms of unfair trade practices; fifth, the act strengthens present Buy American statutes by requiring that an item be 75 percent by value domestically produced before it can be called a domestic article; finally, this new legislation extends Buy American coverage to Amtrak, Conrail and similar procurement entities not now covered.

Mr. Speaker, Buy American legislation is good for domestic industry and jobs. Buy American legislation, properly drafted and implemented, is consistent with fair trade. Buy American legislation, based on true cost to the Government instead of percentage preferences, should contribute to a spirit of cooperation among trading partners.

With the expected prompt conclusion of multilateral trade negotiations and an increased general awareness of the importance of trade matters, all of us must fully understand the importance of Government procurement decisions when those decisions involve choices between domestic and foreign products. I urge my colleagues to study the Buy American Act of 1979 and then to support this improved and updated version of a policy that has served our country and citizens well.●

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1979

● Mr. WOLFF. Mr. Speaker, tomorrow the House is scheduled to vote on House Resolution 13, to reestablish the Select Committee on Narcotics Abuse and Control for the 96th Congress. In our efforts to cut costs and keep a lid on inflation and Government expenditures, it would indeed be tragic to let this select committee die before it has been able to fulfill its mandate. There are also those in this body who would kill it blindly in their efforts to do away with all select committees.

The problem of drug abuse is eating away at the very fibers of our society. It is a problem on which the Congress cannot turn its back.

I would now like to insert in the RECORD two letters, one from President Carter and the other from DEA Administrator Peter Bensinger which strongly indicate the administration's support for the continuance of the Select Committee on Narcotics Abuse and Control. Finally, I would also like to insert the text of the President's Special Message on Drug Abuse of September 22, 1978.

LETTER FROM PRESIDENT CARTER TO CHAIRMAN WOLFF

THE WHITE HOUSE,
Washington, October 28, 1978.

Hon. LESTER L. WOLFF,
Chairman, Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, Washington, D.C.

TO CHAIRMAN LESTER WOLFF: With the close of the 95th Congress, I would like to express my personal thanks to you and the other members of the Select Committee on Narcotics Abuse and Control for the valuable contributions you have made to our efforts to deal with the drug problem in the United States.

As you know, we have had some significant successes over the past 2 years:

The heroin purity rate is at its lowest level 4.9 percent, down from 6.6 percent in 1976.

Heroin overdose deaths are down 27 percent from 1977 and 73 percent from 1976. In 1977, 1,000 fewer people died from heroin overdoses than in 1976.

Our cooperation with the Mexicen Government has brought about a 20-percent decline in the amount of Mexican heroin available in the United States.

Statistics indicate a steady decline in barbiturate and other sedative/hypnotic overdose deaths.

International cooperation has permitted us to work with other governments in seizing huge quantities of marihuana on the high seas.

With our encouragement, the United Nations Fund for Drug Abuse Control has been able to convince other governments to make substantial contributions, thereby reducing our total support to under 50 percent. I know you and other members met with Dr. Bror Rexed, Executive Director of the Fund, when he was in Washington recently. Upon his departure, I issued the attached statement supporting the Fund's efforts. I hope we will be able to work together to ensure an appropriate level of United States' participation in the future.

The work and encouragement of the Select Committee, under your dynamic leadership, was instrumental in helping record these successes. However, we are both well aware that the problem of drug abuse will not disappear and that energetic measures must be continued. I can assure you of this Administration's strong commitment to working with you and your colleagues in our joint effort to reduce drug abuse in our country.

Again, thank you for your assistance.

Sincerely,

JIMMY CARTER.

LETTER FROM DEA ADMINISTRATOR BENSINGER TO CHAIRMAN WOLFF

October 24, 1978.

Hon. LESTER L. WOLFF,
Chairman, Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN WOLFF: Now that the 95th Congress has concluded its work I wish to express my personal thanks to you for your sincere efforts in our behalf. In terms of legislation affecting drug law enforcement, this past session has probably been the single most productive. Much of the legislation achieved had been actively sought during the past three sessions of the Congress.

With the enactment of the Psychotropic Substances Act of 1978 much needed legislation to control the growing problem of PCP and critical legislation needed to seize the monetary profits of drug traffickers was achieved. This will be of great assistance to our efforts in drug law enforcement work.

Although these are but a few of the legislative initiatives enacted, I cannot help feel that your efforts played a major role in getting these most important matters through the House. In addition, I want to thank you for your personal guidance and assistance to me as Administrator of DEA.

I speak for all Drug Enforcement Administration employees in thanking you for all your sincere assistance. I look forward to working as closely with you in the 96th Congress as we have in the past.

Sincerely,

PETER B. BENSINGER,
Administrator.

STATEMENT BY PRESIDENT CARTER

THE WHITE HOUSE,
Washington, September 22, 1978.

For over 70 years, the United States of America has supported international measures to control drug abuse. Today, it is more important than ever to continue this support.

This Administration recognizes that drug problems cannot be solved unilaterally, but require concerted action by the world community. Drug abuse is exacting an ever greater toll on the citizens of developed and developing countries. It affects our economies, our societies and—most of all—our culture.

The United Nations Fund for Drug Abuse Control has played a central role in this international effort. Despite limited funds it has been remarkably effective in finding cooperative ways for nations to work together on this international problem. Today I am pleased to announce that the United States will contribute $3 million to the Fund in 1978. With the contribution, I want to extend my best wishes to Dr. Bror Rexed, the new Executive Director of the Fund.

The United States remains deeply committed to the cause of international drug control. We will continue to support the efforts of the Fund, the United Nations and other governments.

JIMMY CARTER.